

WARRUMBUNGLE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL HELD
AT THE COUNCIL CHAMBERS, COONABARABRAN ON THURSDAY, 15 JUNE 2017
COMMENCING AT 8.30AM** **PAGE 1**

PRESENT: Cr Peter Shinton (Chairman), Cr Brady, Cr Capel, Cr Clancy, Cr Doolan, Cr Hill, Cr Iannuzzi, Cr Lewis and Cr Todd, General Manager (Steve Loane), Director Corporate & Community Services (Michael Jones) and Director Development Services (Leeanne Ryan).

In attendance: Manager Administration and Executive Assistant to the General Manager – Glennis Mangan (minutes) and Administration Officer – Erin Player (minutes)

APOLOGIES: Director Technical Services, Kevin Tighe.

Cr Lewis advised he would leave the meeting at 11.30 am.

299/1617 RESOLVED that the apologies of the Director Technical Services and Cr Lewis be accepted.

Capel/Doolan
The motion was put and carried by majority

The Mayor called for Declarations of Pecuniary Interest and Non Pecuniary Interest
No declarations were made.

REPORTS

Item 1 Mayoral Minute – Mayors Activities from 10 May 2017 to 7 June 2017

Received.

Item 2 Minutes of Ordinary Council Meeting – 18 May 2017

300/1617 RESOLVED that the resolutions contained in the Minutes of the Ordinary Council meeting held on 18 May 2017 be endorsed.

Doolan/Capel
The motion was put and carried by majority

8.32 am

Cr Brady joined the meeting.

8.33 am

Cr Iannuzzi joined the meeting.

Item 3 Minutes of Traffic Advisory Committee Meeting held on 25 May 2017

301/1617 RESOLVED:

1. That Council accepts the Minutes of the Traffic Advisory Committee meeting held at Coonabarabran on 25 May 2017.
2. That warning signs be upgraded on approach to the intersection of Napier Lane and Purlewaugh Road to include 75 km/hour speed advisory on the eastbound approach, 85 km/hour speed advisory on the westbound approach, and the installation of Road Warning Sign W2/10 'Intersection on Curve' on both approaches.
3. The installation of timed 'No Stopping' signs and line marking to delineate the bus stopping area in Brambil Street, Mendooran in front of Mendooran Central School, as per sketch presented to Traffic Committee.

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4. That 'Cyclist Ahead' warning signs be installed at the end points on Ropers Road, Binnaway and Mollyan Road, Binnaway.
5. That further investigation is required to determine whether Council has a role in the approval process for the Keegan Downes Memorial Sundowner Handicap Cycling Race **FURTHER** that Council communicate with the event organisers electronically owing to the time constraint of the event being scheduled for Saturday, 17 June 2017.
6. That a broken centre line be installed on Dandry Road to delineate lanes at the approach to the intersection of Dandry Road and the Newell Highway.

Capel/Hill

The motion was put and carried by majority

Item 4 Minutes Bushfire Appeal Advisory Panel – 15 May 2017

Received.

Item 5 Minutes of Plant Advisory Committee Meeting held on 9 June 2017

302/1617 RESOLVED:

1. That Council accepts the Minutes of the Plant Advisory Committee meeting held at Coonabarabran on 15 June 2017.
2. That Council purchase one (1) Motor Grader from Westrac Pty Ltd that complies with the tender specifications at a price of \$356,400.00 (ex GST) **FURTHER** that Council trade in Plant Item No 106 to Westrac Pty Ltd for \$125,000.00 (ex GST) resulting in a changeover price of \$231,400.00 being \$11,400.00 over budget.
3. That Council purchase one (1) Isuzu CXY455 Gravel Truck from Tracserv Pty Ltd Dubbo that complies with the tender specifications at a price of \$178,325.00 (ex GST) fitted with optional Reversing Cameras **FURTHER** that Council trade in Plant Item No 153 to Tracserv Pty Ltd for \$86,364.00 (ex GST).
4. That Council purchase one (1) Bomag BW216PD-5 Pad Foot Roller from Tutt Bryant Equipment for a price of \$169,000.00 (ex GST) which includes the additional warranty options of 48 months/4000 hours.
5. That Council investigate and purchase a bogey axle dolly to be used with Council's truck fleet.

Capel/Doolan

The motion was put and carried by majority

Item 6 Request for Leave of Absence – Councillor Denis Todd

303/1617 RESOLVED that Council accepts the notification from Councillor Todd and grants a Leave of Absence from the Ordinary July 2017 Council meeting.

Clancy/Capel

The motion was put and carried by majority

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Item 7 Adoption of 2017 Agency Information Guide

304/1617 RESOLVED that Council endorses and adopts the 2017 Agency Information Guide **FURTHER**, that a copy of the endorsed 2017 Agency Information Guide be forwarded to the Office of Information Commissioner.

Brady/Capel

The motion was put and carried by majority

Item 8 Determination of the Local Government Remuneration Tribunal 2017

305/1617 RESOLVED that Warrumbungle Shire Council adopts the maximum annual fee of \$11,570 for Councillors and \$25,250 for the Mayor/Chairperson Additional Fee for the 2017/18 financial year effective from 1 July 2017, being in accordance with the determination of the Local Government Remuneration Tribunal under Sections 239 and 241 of the Local Government Act 1993.

Hill/Lewis

The motion was put and carried by majority

Item 9 Council Resolutions Report June 2017

Received.

Item 10 Monthly Report from Human Resources – June 2017

Received.

Item 11 Revised Community Strategic Plan (CSP)

306/1617 RESOLVED that Council receives and adopts the Warrumbungle Shire Community Strategic Plan 2017- 2032.

Doolan/Capel

The motion was put and carried by majority

307/1617 A motion was moved by Councillor Clancy and seconded by Councillor

Todd that it be recorded in the Community Strategic Plan that no participation or input was received from Dunedoo.

The motion was put and carried by majority

Item 12 Draft Disability Inclusion Access Plan (DIAP)

308/1617 RESOLVED that Council endorse the Disability Inclusion Action Plan and that the DIAP be placed on public exhibition for a period of 28 days for community comment.

Doolan/Capel

The motion was put and carried by majority

Item 13 Long Term Financial Plan 2017/18 – 2026/27

309/1617 RESOLVED that Council endorse the 2017/18 Long Term Financial Plan.

Lewis/Hill

The motion was put and carried by majority

Item 14 Operational Plan and Delivery Program 2017/18 to 2020/21

310/1617 A motion was moved by Councillor Lewis and seconded by Councillor

Todd that Council resolves to adopt the Warrumbungle Shire Council Operational Plan and Delivery Program 2017/18 to 2020/21 **FURTHERMORE**:

1. Categorisation of land parcels - In accordance with s514 of the Local Government Act 1993, Council has declared the category of each parcel of rateable land within its area within one or other of the following categories:

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- Residential
 - Farmland
 - Business
 - Mining
2. Ordinary Rates & Annual Charges - In accordance with s535 of the Local Government Act 1993 that Council make and levy the ordinary rates and annual charges for the 2017/2018 financial year as outlined in the "Statement of Revenue Policy 2017/18" as per the OPDP 2017/18-2020/21 (per Appendix 2).
 3. Waste Charges - In accordance with s496 of the Local Government Act, 1993 that Council make and levy the following annual charges for the provision of domestic and non domestic waste management services, and recycling charge for each parcel of rateable land for which the service is available for the year 2017/18 (per Appendix 3).
 4. Interest chargeable on overdue Rates, Fees & Charges - In accordance with s566 (3) of the Local Government Act 1993, the Council adopt the maximum allowable interest rate of 7.5% as determined by the Minister to apply to all overdue Rates and Charges for the financial year 2017/18.
 5. Other Fees & Charges - Adopt the schedule of Other Fees and Charges contained within the Operational Plan and Delivery Program for the financial year 2017-2018.
 6. Storm Water Levy - In accordance with s.496A of the Local Government Act 1993, and Sections 125A and 125AA of the Local Government (General) Regulation 2005 that Council make and levy the following annual charges for stormwater management for the 2017/18 financial year for each parcel of rateable land for which the service is available:

Stormwater Levy Residential – be set at twenty five dollars (\$25) to be charged against each eligible residential assessment;

Stormwater Levy Business – be set at twenty five dollars (\$25) plus an additional twenty five dollars (\$25) for each 350m² or part of 350m² by which the area of the parcel of land exceeds 350m² for eligible business assessments.

FURTHERMORE, that Section 5 of the OPDP Recommendation be amended to reflect the waste management charge on all rateable properties referred to in Appendix 3 – Waste Fees and Charges, remain at \$100 for the 2017/2018 Financial Year.

Appendix 1: Changes to Section 1.3. Council's Guiding Principles

A. Previous version:

1.3. Council's Charter

Section 8 of the Local Government Act 1993 contains a set of principles that are a guide to Council in carrying out its functions. A copy of this Charter is provided below:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to exercise community leadership
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism
- to promote and to provide and plan for the needs of children
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
- to have regard to the long term and cumulative effects of its decisions
- to bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible
- to engage in long-term strategic planning on behalf of the local community
- to exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants
- to keep the local community and the State government (and through it, the wider community) informed about its activities
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected
- to be a responsible employer.

B. New version:

1.3. Council's Guiding Principles

Section 8 of the Local Government Act 1993 contains a set of guiding principles these principles are abridged below:

8A Guiding principles for councils

- (1) Exercise of functions generally
- (2) Decision-making
- (3) Community participation.

8B Principles of sound financial management

The following principles of sound financial management apply to councils:

- (a) Council spending should be responsible and sustainable,
- (b) Councils should invest in responsible and sustainable infrastructure,
- (c) Councils should have effective financial and asset management,
- (d) Councils should have regard to achieving intergenerational equity.

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8C Integrated planning and reporting principles that apply to councils

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils. Councils should:

- (a) identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) identify strategic goals to meet those needs and aspirations.
- (c) develop activities, and prioritise actions, to work towards the strategic goals.
- (d) ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) regularly review and evaluate progress towards achieving strategic goals.
- (f) maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) collaborate with others to maximise achievement of strategic goals.
- (h) manage risks to the local community or area or to the council effectively and proactively.
- (i) make appropriate evidence-based adaptations to meet changing needs and circumstances.

Appendix 2: Ordinary Rates & Annual Charges

In accordance with Section 494 of the Act the following Ordinary Rates will be levied by Council for the 2017/18 financial year:

Description	No Prop	Ad Valorem	Base Rate	Sum of Valuation	Sum of Value	Base Rate %
Residential						
Baradine Residential	331	\$0.024858	\$182	\$3,414,040	\$145,108	42%
Binnaway Residential	247	\$0.012700	\$133	\$2,828,360	\$68,771	48%
Coolah Residential	391	\$0.013800	\$232	\$10,981,180	\$242,248	37%
Coonabarabran Residential	1,174	\$0.009573	\$268	\$44,209,870	\$737,844	43%
Dunedoo Residential	380	\$0.007188	\$282	\$15,478,400	\$218,413	49%
Mendooran Residential	167	\$0.019307	\$199	\$2,332,510	\$78,267	42%
Cobbora Residential	13	\$0.004940	\$126	\$408,290	\$3,655	45%
Coolabah Est. Residential	58	\$0.004502	\$145	\$2,122,800	\$17,967	47%
Rural Residential	875	\$0.007731	\$236	\$56,513,460	\$643,428	32%
Village 1 Residential	120	\$0.022940	\$121	\$816,150	\$33,242	44%
Village 2 Residential	94	\$0.014645	\$101	\$750,090	\$20,479	46%
Total: Residential	3,850			\$139,855,150	\$2,209,422	
Farmland						
Farmland	1,746	\$0.004007	\$564	\$1,001,502,520	\$4,997,394	20%
Total: Farmland	1,746			\$1,001,502,520	\$4,997,394	
Business						
Baradine Business	33	\$0.034920	\$268	\$348,470	\$21,013	42%
Binnaway Business	21	\$0.023257	\$208	\$263,200	\$10,489	42%

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Coolah Business	50	\$0.027018	\$370	\$1,042,490	\$46,666	40%
Coonabarabran Business	160	\$0.031155	\$443	\$10,551,350	\$399,607	18%
Dunedoo Business	48	\$0.011620	\$336	\$1,599,640	\$34,716	46%
Mendooran Business	14	\$0.017580	\$203	\$268,610	\$7,564	38%
General Business	39	\$0.025034	\$298	\$1,655,760	\$53,072	22%
Village 1 Business	5	\$0.063000	\$154	\$45,610	\$3,643	21%
Village 2 Business	2	\$0.072300	\$119	\$10,200	\$975	24%
Total: Business	372			\$15,785,330	\$577,746	
Mining						
Mining	-	\$0.230000	\$-	\$-	\$-	0%
Total: Mining	-			\$-	\$-	
Grand Total	5,968			\$1,157,143,000	\$7,784,563	

Water Access Charges for the 2017/18 Financial Year

The suggested charges for the 2017/18 financial year are detailed in the table below:

Area	No	Access 2016/17	Consumption 2016/17	Access 2017/18	Consumption 2017/18
Mendooran	272	\$816	1.95	\$816	\$2.05
Other	3,073	\$375	1.95	\$399	\$2.05
Total:	3,345				

Area	No of Assessments / consumption	Rate 2017/18	Total Revenue
Access - Mendooran	272	\$816	\$221,952
Access - Other	3,073	\$399	\$1,226,127
Total Access:	3,345		\$1,448,079
Consumption	787,700	\$2.05	\$1,614,785
Total:			\$3,062,864

Sewerage Charges for the 2017/18 Financial Year

The charges for the 2017/18 financial year are detailed in the table below:

Type	No of charges	2016-17 Access	2017-18 Access	Revenue 2017/18
Residential - Connected	2,005	498	505	1,013,467
Residential – Non-Connected	116	319	324	37,560
Total Residential (Access only):	2,121			1,051,027
Non-Residential (Minimum)	-	486	493	-
Sewerage Access – 20mm	289	312	317	91,521
Sewerage Access – 25mm	9	487	494	4,449
Sewerage Access – 32mm	7	798	810	5,670

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Sewerage Access – 40mm	29	1,246	1,265	36,685
Sewerage Access – 50mm	24	1,947	1,976	47,424
Sewerage Access – 80mm	3	4,984	5,059	15,177
Sewerage Access – 100mm	5	7,788	7,905	39,525
Not Connected (Minimum)	72	312	317	22,801
Total Non-Residential Access:	438			263,251
Non-residential Consumption		\$ 0.85	\$ 0.86	127,890
Total:	2,559		-	1,442,168

Appendix 3: Waste Fees & Charges

The charges levied by Council for domestic waste services are made under the provisions of Section 504 of the Local Government Act (1993). The Act specifies that the Council cannot apply the income from ordinary rates towards the cost of providing domestic waste management services. The charges for domestic waste removal have been calculated so as to provide sufficient income to cover the reasonable cost expectations of providing the service.

Description of Waste Service	2016/17 Service Charge	2017/18 Service Charge	No.	Total
Base Charge				
Waste Management Charge on all rateable properties	\$100	\$100	6,091	\$609,100
Additional Usage Charge – Domestic				
Domestic Waste Charge Used (incl. rural run)	\$325	\$325	3,009	\$977,925
Domestic Waste Charge Un-used (incl. rural run)	-	-	-	
Additional Usage Charge – Non Domestic				
Non-Domestic Waste Service	\$325	\$325	742	\$241,150
Recycling Charge	\$210	\$210	340	\$71,400
Total:			10,182	\$1,899,575

Liquid Trade Waste Charges

Details of Councils Liquid Trade Waste Fees and Charges can be found in the following table.

Liquid Trade Waste Classifications and Categories	2017/18 Charges
Application for Approval to Discharge Trade Waste to Sewer	
- Concurrence Classification A	154.00
- Concurrence Classification B	154.00
- Concurrence Classification C	277.00
- Concurrence Classification S	277.00
Annual Trade Waste Fee	

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Liquid Trade Waste Classifications and Categories	2017/18 Charges
Category 1 Discharger - per year	92.00
Category 2 2S Discharger - per year	92.00
Category 3 Discharger - per year	210.00
Re-Inspection Fee	
- per re-inspection	87.00
Trade Waste Usage Charge	
Category 1 Discharger with appropriate pre-treatment	Nil
Category 1 Discharger without appropriate pre-treatment - per kilolitre	2.00
Category 2 Discharger with appropriate pre-treatment - per kilolitre	2.00
Category 2 Discharger without appropriate pre-treatment - per kilolitre	15.00
Category 2S - see Tankered Trade Waste Charges below	
Category 3 - see Excess Mass Charges per kilogram below	
Food Waste Disposal Charge	
Based on \$23/bed in 2007/08, indexed. For existing dischargers only.	
- Food Waste Disposal Charge - per bed	26.00
Excess Mass Charges per kilogram	
Charges apply for large/industrial dischargers (Charging Category 3) for all wastes that exceed concentration of pollutants in domestic sewage. Formula applies with pollutant rates of charges per kilogram (kg).	
- Aluminium	0.75
- Ammonia (as N)	2.22
- Arsenic	74.00
- Barium	37.00
- Biochemical Oxygen Demand (BOD)	0.75
- Boron	0.75
- Bromine	14.86
- Cadmium	343.00
- Chlorinated Hydrocarbons	37.50
- Chlorinated Phenolics	1,486.00
- Chlorine	1.50
- Chromium	25.10
- Cobalt	15.20
- Copper	15.20
- Cyanide	73.80
- Fluoride	3.74
- Flormaldehyde	1.52

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Liquid Trade Waste Classifications and Categories	2017/18 Charges
- Oil & Grease (Total O&G)	1.35
- Herbicides/defoliants	736.00
- Iron	1.50
- Lead	35.90
- Lithium	7.50
- Manganese	7.50
- Mercaptans	74.30
- Mercury	2,455.00
- Methylene Blue Active Substances (MBAS)	0.75
- Molybdenum	0.75
- Nickel	24.60
- Nitrogen* (Total Kjeldahl Nitrogen* - Ammonia) as N	0.20
- Organoarsenic Compounds	736.00
- Pesticides general (excludes organochlorines and organophosphates)	736.00
- Petroleum Hydrocarbons (non-flammable)	2.50
- Phenolic Compounds (non-Chlorinated)	7.50
- Phosphorus (Total P)	1.50
- Polynuclear Aromatic Hydrocarbons	15.00
- Selenium	51.80
- Silver	1.40
- Sulphate (SO ₄)	0.16
- Sulphide	1.50
- Sulphite	1.66
- Suspended Solids (SS)	0.97
- Thiosulphate	0.30
- Tin	7.40
- Total Dissolved Solids	0.06
- Uranium	7.40
- Zinc	15.00
Non Compliance Charges	
Non-compliance pH charge	
- Value of coefficient K in equation 3 of Trade Waste Policy	0.38
Non Compliance Excess Mass Charges - per kilogram (kg)	
Applied where a discharge quality fails to comply with approved concentration limits of substances specified in approval conditions. Formula applies with pollutant rates of charges per kg.	
Tankered Waste Charges (Charging Category 2S) – per kilolitre (kL)	
- Chemical Toilet	18.50
Septic Tank and Pan Waste Disposal Charge	
- Effluent	3.10
- Septage	27.00

The motion was put and carried by majority

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9.05 am

Cr Clancy left the meeting.

9.06 am

Cr Clancy re-joined the meeting.

Item 15 Bank Reconciliation for the month ending 31 May 2017

311/1617 RESOLVED that Council accepts the Bank Reconciliation Report for the month ending 31 May 2017.

Todd/Brady

The motion was put and carried by majority

Item 16 Rates Report for Month Ending 31 May 2017

Received.

Item 17 Investments and Term Deposits for Month ending 31 May 2017

312/1617 RESOLVED that Council accepts the Investments Report for the month ending 31 May 2017.

Hill/Capel

The motion was put and carried by majority

Item 18 Naming of Laneways; Coonabarabran, Binnaway & Coolah

A motion was moved by Councillor Brady and seconded by Councillor Capel that the following road names are adopted by Council subject to comments that may be received through the notification and advertising process:

- Laneways either side of Brains Ford in Coonabarabran.
 - **Sidney Brain Lane**
 - **Brian Brain Lane**
- Laneway off Bullinda Street and between David Street and Renshaw Street in Binnaway
 - **Meyers Lane**
- Laneway off Central Lane and between Goddard Street and Martin Street in Coolah.
 - **Wotton Lane**

313/1617 An amendment was moved by Councillor Clancy and seconded by Councillor Iannuzzi that the following road names are adopted by Council:

Laneways either side of Brains Ford in Coonabarabran.

- Southern side – **Brains Lane**
- Northern side – **Woos Lane**

Laneway off Bullinda Street and between David Street and Renshaw Street in Binnaway

- **Meyers Lane**

Laneway off Central Lane and between Goddard Street and Martin Street in Coolah.

- **Wotton Lane**

The amendment was put and carried by majority

The amendment became the substantive motion and was put and carried

Item 19 2016/17 Technical Services Works Program – Road Operations, Urban Services & Water Services

Received.

314/1617 A motion was moved by Councillor Lewis and seconded by Councillor Capel that the Goddard Street, Coolah upgrade be retained as a two-way street in consideration of the emergency services access to the hospital and allowing for cars to park either side without restricting traffic movement.

The motion was put and carried by majority

Item 20 Compulsory Acquisition of Crown Road adjoining Lot 102 DP 1201959

315/1617 RESOLVED that Council continues the acquisition as resolved previously via Resolution 333/1516 of 16 June 2016.

Capel/Iannuzzi


The motion was put and carried by majority

Item 21 2017-2018 to 2018-19 NSW Heritage Grants Program – Local Government Heritage Advisors and Local Heritage Places

Received.

Item 22 Cemetery Management and Burial Policy Review

316/1617 RESOLVED that Council adopts the modified Cemetery Management and Burial Policy and it be included in Council's Strategic Policy Register.

	Cemetery Management and Burial Policy
	Strategic

1. Purpose

The purpose of this policy is to outline the management of cemeteries within the Warrumbungle Shire Local Government area.

2. Objectives of the Policy

The objective of this policy is to ensure that the cemeteries under Council's care are maintained and managed professionally and with consideration for the sensitive nature of their purpose.

3. Policy Scope

This Policy applies to all cemeteries memorial gardens and columbarium's administered, operated and maintained by Council in the present and future.

This policy applies to the following cemeteries within the Warrumbungle Shire Council local government area:

- Baradine Cemetery
- Binnaway Cemetery
- Bomera Cemetery*
- Bugaldie Cemetery
- Cobborah Cemetery

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Coolah Cemetery
Coonabarabran Old Cemetery**
Denison Town Cemetery*
Dunedoo Cemetery
Leadville Cemetery
Leadville Trust Cemetery #
Mendooran Cemetery
Native Grove Cemetery Coonabarabran
Rocky Glen #
Turee Vale Cemetery*
Uarbry Cemetery
* *Historic Cemetery closed to burials*
** *Closed to new burial bookings*
Unmarked Cemeteries

This Policy does not affect the operation of any Regulations under the Public Health Regulations 2012, Part 8, Disposal of Bodies, relating to cemeteries and crematoriums.

4. Background

This policy will take over from the previous policies regarding Cemetery Management and Burial Policy (policy was endorsed by Council 19 February 2015, resolution 254/1415)

5. Definitions

Applicant - the person making an application

- for a burial or memorial right
- for a work permit or other Council consent
- for burial or cremation

Appropriate fee - a fee fixed by Council

Cemetery or cemeteries - means an area containing one or more burial places

Burial place - a grave site, vault site, crypt site, memorial site or other place for the disposition or commemoration of the remains of the dead, whether cremated or not.

Burial right - exclusive right of entitlement to a burial place granted by Council to a person or persons.

Council - the Warrumbungle Shire Council

Grantee - the person to whom a right is granted

Monument - any structure, plaque, headstone, masonry, metal work, casting or item placed over, in or around a burial right.

Monument mason - is a tradesman mason or person possessing the skills to carry out monument masonry work.

Pre-need burial right - means a burial right granted prior to need.

Reservations - a pre-need burial right.

Register - the Council's formal repository of data containing all the required details of a burial, cremation, memorial site, inurnment right or burial right.

The Policy - this Policy

6. Policy Statement

6.1. Management of Cemeteries

6.1.1. Planning, conduct and maintenance of cemeteries.

Council will make such provisions as it considers necessary for the following:

- (a) the setting aside of sections for different types and classes of burials;
- (b) the establishment of standards of construction and design of for monuments and structures;
- (c) the size, multiple use and location of burial places;
- (d) interments;
- (e) the erection or installation of structures and the making of inscriptions;
- (f) the carrying out of work by monument masons;
- (g) the qualifications required by, and the security deposits to be lodged by, monument mason;
- (h) the removal, replacement and maintenance of structures;
- (i) the improvement and maintenance of cemeteries;
- (j) the making of arrangements for the care of burial places on an annual or other basis;
- (k) the supply of goods and services incidental to the conduct of burials and other matters relating to cemeteries;
- (l) the conduct of religious or other ceremonies of burial, cremation, disposition or commemoration.

6.2 Refusal to grant exclusive rights of memorials

The Council may refuse to grant an exclusive right of burial to any person if, in the opinion of Council, the grant would create a monopoly or encourage dealings in such rights as a business.

6.3 Register of burial places and cremation

- 6.3.1 A register of burial, as required by the regulations of the Public Health Regulations 2010 and defined in the Cemeteries and Crematoria Act 2013, must be kept in respect of all burial.
- 6.3.2 A register of cremation, as required by the regulations of the Public Health Regulations 2010 and defined in the Cemeteries and Crematoria Act 2013, must be kept in respect of all cremations.
- 6.3.3 A register of pre-need burial rights.
- 6.3.4 Each register, which may be kept in written, printed or electronic form, must contain sufficient information to allow for simple cross-referencing of entries by:
 - (a) the name, age and last address of the person whose body or remains have been buried,
 - (b) the date of the person's death,
 - (c) the date of the burial,
 - (d) the section and allotment where the burial has been made,
 - (e) the name of the person (if any) who continues to hold any right of burial in that allotment,
 - (f) the name of the funeral director who transported the body to the cemetery,
 - (g) the fees paid to the cemetery authority for the burial.

- 6.3.5 Each register entry must contain the name and address of the owner of the burial right.
- 6.3.6 Each burial or cremation must be recorded in its respective register immediately after the service.
- 6.3.7 Registers may be amended to remove or correct inaccuracies.
- 6.3.8 The Council must, on application made by any person, make available to the person a copy of any entry made in the burial or cremation registers.
 - Such applications shall be made on an approved form
 - Each form shall be limited to a single register entry
 - A fee, as approved by the Council from time to time, may be charged for each application.
 - i. The registers will be used in any proceedings requiring evidence of the identity of the holder of an exclusive right that has been granted in respect of any burial or memorial site.

6.4 Certificates of exclusive right of burial

- 6.4.1 The Council will issue to the owner of an exclusive right of burial certificate, clearly showing:
 - the owners name and address
 - the amount paid
 - the date of issue
 - A description of the physical location of the grave
 - the terms and conditions under which the certificate is issued.
- 6.4.2 The application for a certificate must be made on a form approved by Council.
- 6.4.3 Any fees relating to the purchase and issue of the certificate must be paid at the time of application.

6.5 Reservations and Purchases of Burial Lots and Niches

Plots are to be purchased and paid for in full at the fee prescribed in Council's Operational Plan and Delivery Program at the time the purchase is made. Council is under no obligation to buy back unwanted pre-purchased lots, however Council's adopted fees and charges may make provision for this to occur.

Niches may be purchased at the fee prescribed by Council's Operational Plan and Delivery Program at the time of purchase. The purchase of a niche is limited to only those available at the time. Council is under no obligation to buy back unwanted pre-purchased niches, however Council's adopted fees and charges may make provision for this to occur.

Reservation applications must be made in writing to Council stating the reason for the reservation. Council is authorised to approve or deny applications based upon insufficient reasons or lack of prepared burial land or any other relevant Council policy.

Council resolved the following at a meeting held 21 May, 2009 (Resolution 407):

That Council adopts the following policy in all dealings relating to the reservation of grave sites in lawn cemeteries within Warrumbungle Shire effective immediately:

- (a) The right of burial reservation fee must be paid at the time of acquisition of the reservation, and*
- (b) Burial rights (reservations) at all lawn cemeteries will only occur when a funeral is to take place, at this time a second adjacent site may be booked, i.e., a maximum of two (2) sites can be reserved with one to be used immediately. In the case of the burial of a child (under 18) two (2) sites immediately adjacent to the deceased child may be reserved, and*
- (c) Double depth grave sites are to be encouraged by Council through appropriate concessional rates for the second internment within a grave site in Council's fees and charges structure.*

6.6 Hours of Burial, Cremation and Exhumation

- 6.5.1 Burials, cremations and exhumations shall take place only during the hours approved by Council.

6.7 Order for burials

- 6.7.1 Burials are not to take place unless a Burial Order has been issued by Council.
- 6.7.2 The issue of a burial order shall be in accordance with Legislation.
- 6.7.3 Burial shall be in accordance with the Regulations of the Public Health Regulations 2012 Part 8 Disposal.

6.8 Exhumation

- 6.8.1 Exhumations are not to take place unless
- prior written consent has been obtained from the Director-General of the Department of Health (NSW); and
 - an Order for exhumation has been issued by Council
- 6.8.2 This clause does not apply if an exhumation has been ordered by a Court.

6.9 Miscellaneous

- 6.9.1 A person must **not** do any of the following (within a cemetery)
- (a) damage, deface, interfere with or alter burial places
 - (b) damage, deface, interfere with or alter monuments
 - (c) bury, intern or exhume any human remains, whether cremated or not
 - (d) enter or remain in a cemetery between sunset and sunrise
 - (e) cause or permit an animal that is under the person's control to enter or remain in a cemetery without proper supervision
 - (f) take part in any gathering, meeting or assembly, except for the purpose of religious, research, historical, educational or other ceremony of burial or commemoration; or
 - (g) Engage in trade or commerce or distribute any circulars, advertisements, paper drawn or photographic material.
 - (h) drive a vehicle at a speed of more than 5 kilometres per hour

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- (i) drive a vehicle or a vehicle and trailer having an unladen weight of more than 3 tonnes
 - (j) drive a vehicle through a cemetery for the purpose of travelling between places outside of the cemetery
 - (k) park a vehicle on any known burial place, verge or plantation, or in a manner that is likely to impede traffic
 - (l) teach, learn or practice driving a vehicle
 - (m) camp or reside on any land
 - (n) Possess or consume an alcoholic or intoxicating beverage or substance except from that directly associated with a funeral service.
 - (o) urinate or defecate
 - (p) bring into or leave any rubbish, refuse, scrap metal (including remains of vehicles), rock, soil, sand or any other such substances
 - (q) remove any dead timber, logs, trees, flora, whether standing or fallen
 - (r) kill, capture or in any way interfere with any animal, bird, fish or other fauna, whether native or introduced
 - (s) Plant any tree, shrub, herbage or other plant without prior consent.
Penalty: Offenders may be prosecuted under Common Law, Statute Law, The Heritage Act 1977, The Health Act (NSW) 2010, The Criminal Code Act 1995.
 - (t) Bury any domestic pets or animals within the parameter of the cemetery

6.9.2 Subsection (1.e) does not prevent a person from leading or walking a dog on a leash

6.9.3 Council's written consent is required to legally carry out any act that might otherwise give rise to an offence under this clause.

6.10 Requirements for graves

6.10.1 The dimensions of a grave shall be a minimum of

- 1000mm X 2400mm for adult graves
- 900mm X 1500mm for children's graves;

6.10.2 The number of interments permitted in a grave shall be in strict accordance with the Regulations of the Public Health Regulations (NSW) 2010 and the Cemeteries and Crematoria Act and Regulations.

6.10.3 For the purpose of part 6.10, clause 2:

- prior written consent has been obtained from the Director-General of the Department of Health (NSW) to vary the number of interments.
- Where a coffin containing the deceased remains is interred in a grave, the upper surface of the coffin shall be at a depth not less than that required by the Regulations of the Public Health Regulations 2012 Part 8 Disposal of bodies which is 900mm.

6.10.4 This section does not affect the interment of cremated remains.

6.11 Above ground entombment

All entombments above ground shall be considered on an individual basis upon a written application to Council.

6.12 Monuments and inscriptions

- 6.12.1 A person shall not, in a cemetery:
- construct or install any monument, memorial, foundation, vault, table, headstone, gravestone, kerbing, railing or other structure, unless it is of:
 - a material and design approved in writing by the Council; and
 - carried out to the standard of workmanship required by the Council
 - constructed in accordance with Australian Standards Association AS4425- "Monuments & Headstones" (1996)
- 6.12.2 Make any inscription or carry out any adornment, unless it is approved by the Council and made or carried out to the standard required by the Council.

6.13 Application for the approval

Application for the approval of the Council in accordance with Part 6.12, clause 1 shall:

- 6.13.1 Be made to the Council in writing
- 6.13.2 Be accompanied by sketches, drawings and other particulars of the design that may be required by the Council; and
- 6.13.3 Where the application relates to an inscription, be accompanied by a copy of the proposed inscription

6.14 Trades and contractors

No trade inscription shall be allowed on any masonry work unless approved, in writing, by the Council.

6.15 Monument masons

- 6.15.1 A person shall not carry out any work as a monument mason within a cemetery unless with the written consent of the Council.
- 6.15.2 The Council may issue approval to undertake work as a monument masons to any person it considers to be suitably qualified to undertake such work.
- Any person may apply to work as a monument mason in a cemetery; provide the application is in writing.
- 6.15.3 The Council may suspend or cancel approval of any person by giving notice in writing.
- 6.15.4 This clause shall not apply to employees of Council while engaged in their employment under the instructions of Council

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6.16 Removal of structures

- 6.16.1 The Council may;
- remove, demolish, alter or require the removal, demolition or alteration of any structure or any adornment or
 - erase, correct, or require the erasure or correction of wording of any inscription that has been constructed, installed, made or carried out
 - without the written consent of the Council; or
 - otherwise than in accordance with an approval given by Council.
- 6.16.2 Where any work that has been approved is not completed within a reasonable time, the Council may remove or demolish such partially finished work as it deems necessary to preserve the fabric of the cemetery and public safety.

6.17 Removal and replacement of structures on request

- 6.17.1 Where notice to open a grave or vault for a lawful purpose is given in accordance with Legislation, the Council may arrange after
- the lodgement of proof of ownership
 - the payment of the scheduled fees and related costs.
- 6.17.2 the removal of any part of the structure to enable the safe opening of the grave or vault
- require the grantee or applicant to make good the repair of the structure affected within 14 days of the interment or service date.

6.18 Maintenance of structures

- 6.18.1 The ownership of monuments or other structures is deemed to be with the person or persons (or their heirs & successors) that caused the monument or structure to be constructed:
- The Council shall not be responsible for the upkeep, maintenance, repair etc. of any monument or structure.
 - The owner is responsible for the upkeep, maintenance and repair of the monument.
 - The Council may act to remove any structure which has become dilapidated or unsightly
 - The Council may remove any trees, shrubs or other vegetation from any cemetery where, in its opinion, it is in the interest of the cemetery to do so.

6.19 Unsafe monuments

Any monument identified as posing a safety risk is accorded a category ranking:

CATEGORY	Criteria
1	Monuments over 750mm in height that <ul style="list-style-type: none">• are likely to collapse or fall over at any time• Have significant sections or parts separating from the main monument, irrespective of cause (subsidence, deterioration etc.)
2	Monument 750mm or less in height <ul style="list-style-type: none">• are likely to collapse or fall over at any time• Have significant sections or parts separating from the main monument, irrespective of cause (subsidence, deterioration etc.)
3	Monuments that are affected by subsidence and are leaning by more than 10 degrees, but are otherwise deemed to be in sound condition.

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- 6.19.1 Identification and reporting - any identification of unsafe monuments and consequent actions under this clause will be thoroughly documented and supported with photographs. All actions will be recorded against the respective cemetery register entry.
- 6.19.2 Subsidence - where subsidence is evident, Council will fill and compact the ground in the normal manner.
- 6.19.3 Repair of monument
1. Council will not repair monuments. Council will only act to ensure public and employee safety.
 2. Category 1 monuments:
 - (a) The area surrounding the monument is to immediately be secured with barriers and danger signs.
 - (b) The Council will make reasonable efforts to contact the grantee of the burial right and instruct the grantee to take immediate steps to repair the monument.
 - (c) A public notice, clearly identifying the grave
 - indicating Council's intent to make the monument safe unless the grantee acts within seven (7) days
 - reserving Council's right to recover the costs relating to the handling of the monument from the grantee is to be placed in the local press.
 - (d) If contact has not been made with the grantee within seven days of the public notice, the Council will take steps to make the monument safe.
Note: Making the monument safe will (usually) consist of laying the headstone face down on the ground of the grave. This method, which preserves the inscription, is recommended by the National Trust.
- 6.19.4 Category 2
Same as Category 1, except that the notice and action period will be extended from seven (7) to fourteen (14) days.
- 6.19.5 Category 3
The Council will make reasonable efforts to contact the grantee to the site and instruct the grantee to take steps to repair the monument.

A single public notice, clearly identifying the grave and indicating to the grantee that he or she should take steps to repair the monument will be placed in the local press.

Council will continue to monitor the site until such time as the monument is identified as Category 1 or Category 2.

6.20 Lawn Cemetery Sections

- 6.20.1 The Council will ensure that it
- maintains, preserves, and repairs lawn cemetery graves
 - graves are not enclosed with any railing or kerbing
 - cut and plastic flowers provided by families are left at burial places in Lawn Cemeteries
-

-
- cut and plastic flowers provided by families are placed in vases of a type approved by Council,
 - approved vases are plastic flower vases or urns and metal vases only. Glass jars and other vases will be removed at Council's absolute discretion.
 - due to the effects of UV rays, discoloured and worn plastic flowers will be removed from memorials at Council's absolute discretion.
 - no headstone, statue or other structure is erected or constructed over a grave in a lawn section
 - no tree, shrub or other plant is placed or planted on any grave in a lawn section other than by Council at its absolute discretion.
- 6.20.2 The Council shall place over each grave in the Lawn Section, as soon as practicable after a burial or interment has taken place in that grave, and upon receipt of written instructions from the grantee, a memorial plaque, of a standard size and type as determined by the Council.
- 6.20.3 The grantee may apply to privately supply and fix a memorial plaque in Lawn Cemetery Sections provided that:
- an application in accordance with part 6.12 of this policy has been lodged with Council
 - all fees as scheduled by Council for the lodgement of the application have been paid
 - the design and type of plaque is consistent with the requirements determined by Council
 - Council has given its written approval.
- 6.20.4 Council will not be liable for the repair, maintenance, upkeep or preservation of any plaque or item placed on a grave in a lawn cemetery under the provisions of part 6.18, clause 1 of this Policy.
- 6.20.5 That the provision of vertical burials in the lawn cemeteries be considered in accordance with cemetery practices.

7. Responsibilities

The Manager Property and Risk will hold responsibility over this policy.

8. Associated Documents

Operational Plan and Delivery Program
Cemeteries and Crematoria Act 2013
Public Health Act NSW, 2010
Public Health Regulations 2012 (Part 8 Disposal of bodies)
Human Tissues Act NSW, 1983
Coroners Act NSW, 2009
Birth, Deaths and Marriages Act NSW, 1995
The Heritage Act 1977
Work Health and Safety Act, 2011

9. Version Control

Review Date: When there are relevant legislation changes

Staff Member Responsible for Review: Manager Property and Risk.

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Policy Name	Version	Resolution	Date
Cemetery Management and Burial Policy	1	118/1314	19 September 2013
Cemetery Management and Burial Policy	2	254/1415	19 February 2015
Cemetery Management and Burial Policy	3		15 June 2017

Clancy/Iannuzzi
The motion was put and carried by majority

Item 23 Outdoor Smoke-Free Areas Policy Review

317/1617 RESOLVED that Council adopts the modified Outdoor Smoke-Free Areas Policy and it be included in Council's Strategic Policy Register.

	Outdoor Smoke-Free Areas Policy
	Strategic

1. Objectives of the Policy

The objectives of Warrumbungle Shire Council banning smoking in various Council areas are to:

- Improve the health of community members;
- Improve public amenity and maintenance of Council property;
- Raise community awareness of the issues associated with smoking;
- Provide community leadership in taking measures to protect the health and social wellbeing of the community;
- Minimise cigarette butt pollution on Council owned waterways, parks and other open space areas.

2. Principles

This policy recognises that Council has:

- An obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the Community;
- A commitment to improve the natural environment and the amenity of the local area by reducing the amount of cigarette butt litter found in outdoor spaces;
- An understanding that the damaging effects of passive smoking while well documented in regard to indoor areas, is also beginning to emerge in regard to outdoor areas;
- An acknowledgement that the indirect effects of people smoking in an outdoor area can result in children playing with and swallowing discarded cigarette butts, cigarette derived particles accumulating on clothing and skin, and smoking causing sensory irritations such as eye watering, coughing, difficulty in breathing or asthma.

3. Policy Scope

This policy applies to:

- Within 10 (ten) metres of all children's playgrounds, youth centre facilities and children's services/childcare centres;
- Within 10 (ten) metres of an organised event, such as a food fair, where food is sold or supplied for consumption at the event;

-
- An area set aside for or being used by spectators to watch an organised sporting event at a sports ground or other recreational area, but only when an organised sporting event is being held there;
 - The platform of a passenger railway;
 - At all swimming pool complexes;
 - A bus stop (to include any area where persons queue or gather when waiting at a bus stop);
 - A taxi rank (to include any area where persons queue or gather when waiting at a taxi rank);
 - A commercial outdoor dining area;
 - Within 4 (four) metres of a pedestrian access point to a public building.

Signage

The smoke-free areas identified in Section 3 of this Policy will be signposted wherever practicable in prominent places. The signage must include the smoking prohibited symbol (or an equivalent symbol) with a diameter of at least 90 millimetres, the words "NO SMOKING" in letters of at least 20 millimetres in height, a reference to the name of the Act and the words "Penalties may apply". Signs must be displayed in such numbers, and in positions of such prominence that they are likely to be seen by a person at a public entrance to, or within, the area. Signage compliant with the Smoke-free Environment Regulation 2016 is available from NSW Health:
health.nsw.gov.au/tobacco/Pages/smoke-free-resources.aspx or
popresources@doh.health.nsw.gov.au

4. Responsibilities

This policy can be enforced by an "authorised person".

5. Definitions

Authorised Person: For the purpose of this policy NSW Health Authorised Inspectors are deemed to be "authorised persons" and may serve a penalty notice upon any person reasonably suspected of failing to comply with the terms of any notices.

6. Enforcement of Ban

Enforcement of this Policy will be supported by persuasion and self-policing rather than punitive enforcement.

7. Relevant Legislation

Local Government (General) Regulation 2005
Smoke-Free Environment Act 2000
Smoke-Free Environment Regulation 2016
Liquor Act 2007

8. Associated Documents

Staff 4.13 – Smoke Free Workplace
Policy Strategic 1.15 – Public Pools
Policy Strategic – Enforcement
Policy

1. Version Control

This policy is subject to regular review at a maximum interval of two years.

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Policy Name	Version	Resolution	Date
Outdoor Smoke-Free Areas Policy	1	31	11 March 2010
Outdoor Smoke-Free Areas Policy	2	41	20 May 2010
Outdoor Smoke-Free Areas Policy	3	131/1314	19 September 2013
Outdoor Smoke-Free Areas Policy	4		15 June 2017

Capel/Clancy
The motion was put and carried by majority

Item 24 Development Applications

318/1617 RESOLVED that Council notes the Applications and Certificates approved, during May 2017, under Delegated Authority.

Todd/Hill
The motion was put and carried by majority

Item 25 Questions for the Next Meeting

Received.

9.35 am

319/1617 RESOLVED that standing orders be suspended to break for morning tea.

Capel/Hill
The motion was put and carried by majority

10.00 am

320/1617 RESOLVED that standing orders be resumed.

Capel/Hill
The motion was put and carried by majority

Cr Iannuzzi has not returned from morning tea.

10.01 am

Presentation by General Manager, Mr Don Ramsland and the Chairperson of Castlereagh Macquarie County Council (CMCC), Mr Doug Batten, regarding the provisions of the new Biosecurity Act 2015 and how this is impacting the County following its introduction on the 1 July 2017.

10.13 am

Cr Clancy left the meeting.

10.14 am

Cr Clancy re-joined the meeting.

10.16 am

Cr Iannuzzi re-joined the meeting.

10.27 am

321/1617 RESOLVED that:

- (a) Council go into closed committee to consider business relating to commercial information.

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- (b) pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2)(c) as outlined above.
- (c) correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.

Capel/Brady
The motion was put and carried by majority

11.26 am

322/1617 RESOLVED that Council move out of closed Committee.

Brady/Capel
The motion was put and carried by majority

10.29 am

Presentation by Martin Bass from Local Government NSW regarding conflict of interest, pecuniary interest and non-pecuniary interest.

The following resolutions of Council while the meeting was closed to the public were reported to the meeting by the General Manager.

10.49 am

Cr Brady left the meeting.

10.50 am

Cr Brady re-joined the meeting.

A motion without notice to discuss a personnel matter (*pursuant to section 10A(2)(a) of the Local Government Act*) was put by Councillor Clancy.

The motion considered in closed session relating to personnel matters was lost.

Item 1C Waste

Received.

Item 2C Minutes of Extraordinary Council Meeting – 9 June 2017

323/1617 RESOLVED that the resolutions contained in the Minutes of the Extraordinary Council meeting held on 9 June 2017 be endorsed.

Capel/Hill
The motion was put and carried by majority

Item 3C Minutes of TRRRC 355 Advisory Committee Meeting – 3 May 2017

324/1617 A motion was moved by Councillor Doolan seconded by Councillor Clancy that the minutes of TRRRC 355 Advisory Committee Meeting – 3 May 2017 be left on the table and be brought back to the July Council meeting with a copy of the tenders to be provided to Councillors.

The motion was put and carried by majority

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325/1617 A motion was moved by Cr Clancy and seconded by Cr Doolan that the Mayor and General Manager make further representation to the Roads and Maritime Services (RMS) that there will be minimal traffic movements and if in the opinion of the RMS a turning lane is still necessary, that RMS will facilitate the funding.
The motion was put and carried by majority

There being no further business the meeting closed at 11.27 am.

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CHAIRMAN