



## MINUTES of

### ORDINARY MEETING OF COUNCIL

Held at 12:30pm 27 October 2020

#### Present at Meeting:

##### Councillors:

Cr M Pearce (Mayor)  
Cr I Strutt (Deputy Mayor)  
Cr R Bell  
Cr R Crouch  
Cr M Dusting  
Cr N Ledger  
Cr T O'Connor  
Cr T Toomey  
Cr L Sampson

##### Staff:

Ms K Jessep, *General Manager*  
Mr T Seymour, *Director Development & Infrastructure*  
Mr S Paul, *Chief Financial Officer*  
Ms C Valencius, *Executive Manager Corporate Services*  
Mr M Clarkson, *Manager Planning & Development*  
Ms Bethany White, *Coordinator Communication & Engagement*  
Ms Nathalie Heaton, *Coordinator Governance & Risk*  
Ms W Westbrook, *Minute Clerk*

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CONFIRMED

**1. Opening & Welcome**

*The Chair declared the meeting opened at 12:31pm*

**2. Prayer**

*The Chair recited the Uralla Shire Council Prayer*

**3. Acknowledgement to Country**

*The Chair recognised and acknowledged Country*

**4. Webcast Information**

*This meeting is being audio recorded with the recording made available on Council's website after the meeting.*

**5. Apologies and Application for Leave of Absence by Councillors**

*The Chair advised there were no apologies received.*

**Moved: Cr Dusting / Seconded: Cr Sampson**

**That Council accept leave of absence from Cr Michael Pearce.**

**01.10/20**

**CARRIED**

**6. Disclosures & Declaration of Interests**

*The Chair received the following declarations of pecuniary and non-pecuniary Conflict of Interest Declarations in relation to the 27 October 2020 Meeting.*

<b>Councillor</b>	<b>Item or Report Number</b>	<b>Pecuniary or NON-Pecuniary Interest</b>	<b>Nature of Interest</b>
Cr Ledger	15.7	Non-pecuniary	Non-significant
Cr Toomey	15.4	Non-pecuniary	Neighbouring property
Cr Toomey	15.5	Pecuniary	Insignificant

## 7. Confirmation of Minutes

*Minutes to be confirmed at the 27 October 2020 Meeting:*

- *Minutes of Ordinary Meeting held 22 September 2020 (to be confirmed).*
- *Minutes of Extraordinary Meeting held 27 September 2020 (to be confirmed).*

### AMENDMENTS

*The Chair referred Councillors to the Minutes of the Ordinary Meeting held 22 September 2020 and called for any amendments.*

*Amendments requested by Councillors O'Connor and Strutt made reference to the following administrative corrections required to the minutes of the Ordinary Meeting held 22 September 2020:*

- *04.09/20 capitalise 'manager'.*
- *10.09/20 delete 'gran', insert 'grant'.*
- *35.09/20 delete 'not', insert 'note'.*

**MOTION: Moved: Cr Strutt/ Seconded: Cr Crouch**

**That Council adopt the Minutes with amendments to Ordinary Meeting Minutes 22 September 2020 as noted as a true and correct record.**

**02.10/20 CARRIED UNANIMOUSLY**

**MOTION: Moved: O'Connor / Seconded: Cr Toomey**

**That Council adopt the Extraordinary Meeting Minutes 29 September 2020 as presented as a true and correct record.**

**03.10/20 CARRIED UNANIMOUSLY**

## 8. Tabling of Petitions

*No petitions were received.*

## 9. Urgent, Supplementary & Late Items of Business

*The Chair referred Councillors to the "Confidential Late Item" of business recommended for addition to the published Meeting Agenda.*

### 9.1 Late Items/Reports to Council

#### 9.1.1. Bundarra Sewerage Scheme – Tender process Review and Award of Tender

The report is presented to the CLOSED section of the 27 October 2020 Ordinary Council meeting under section 10A (2)(d)(i) of the Local Government Act (NSW) 1993

**Reason** for closing the agenda item: competitive procurement process.

**PROCEDURAL MOTION: Moved: Cr Crouch/ Seconded: Cr Sampson**

**That Late Item of Business Item 9.1.1 Bundarra Sewerage Scheme – Tender process Review and Award of Tender be considered as agenda item 17.**

**04.10/20 CARRIED UNANIMOUSLY**

## 9.2 Urgent Items

*No Urgent Items were presented at this meeting.*

## 9.3 Supplementary Items

*No Supplementary Items were presented at this meeting.*

## 10. Reports from Delegates

*Councillors provided a verbal/written account of activities /meetings they have attended for the month.*

Councillor Name:	Mark Dusting	
Council Meeting Date:	Committee/Meeting/Event	
22 September 2020	Council Meeting	Chambers
29 September 2020	Council Meeting	Chambers
6 October 2020	New England Weeds Authority	By Phone
13 October 2020	Budget Review and Finance Committee	Chambers
13 October 2020	Councillors Workshop Home Based Regulation Policy	Chambers
14 October 2020	GM Performance Review Meeting	Chambers
20 October 2020	New England County Council Meeting	Walcha
27 October 2020	Council Meeting	Chambers

Councillor Name:	Robert Crouch	
Council Meeting Date:	Committee/Meeting/Event	
22 September 2020	Council Meeting	Chambers
29 September 2020	Council Meeting	Chambers
6 October 2020	Councillors Workshop: Let's Talk about Water presentation by Z-Net Plus NEOEN presentation on the pumped hydro solar project Home Based Regulation Policy	Chambers
13 October 2020	Audit Risk and Improvement Committee	Uralla
13 October 2020	Budget review and finance committee	Uralla
13 October 2020	Councillors Workshop Home Based Regulation Policy	Uralla
14 October 2020	GM performance review meeting	Uralla
27 October 2020	Council Meeting	Uralla

<b>Councillor Name:</b>	<b>Natasha Ledger</b>	
<b>Council Meeting Date:</b>	<b>Committee/Meeting/Event</b>	
<b>14 September 2020</b>	<b>Australia Day Committee Meeting</b>	<b>Chambers</b>
<b>22 September 2020</b>	<b>Council Meeting</b>	<b>Chambers</b>
<b>29 September 2020</b>	<b>Council Meeting</b>	<b>Chambers</b>
<b>October 2020</b>	<b>Bundarra 355 continuous liaison</b>	<b>Emails</b>
<b>6 October 2020</b>	<b>Councillors Workshop: Let's Talk about Water presentation by Z-Net Plus NEOEN presentation on the pumped hydro solar project Home Based Regulation Policy</b>	<b>Chambers</b>
<b>13 October 2020</b>	<b>Budget Review and Finance Committee</b>	<b>Chambers</b>
<b>13 October 2020</b>	<b>Councillors Workshop Home Based Regulation Policy</b>	<b>Chambers</b>
<b>27 October 2020</b>	<b>Council Meeting</b>	<b>Chambers</b>
<b>Councillor Name:</b>	<b>Levi Sampson</b>	
<b>Council Meeting Date:</b>	<b>Committee/Meeting/Event</b>	
<b>22 September 2020</b>	<b>Council Meeting</b>	<b>Chambers</b>
<b>29 September 2020</b>	<b>Council Meeting</b>	<b>Chambers</b>
<b>6 October 2020</b>	<b>Councillors Workshop: Let's Talk about Water presentation by Z-Net Plus NEOEN presentation on the pumped hydro solar project Home Based Regulation Policy</b>	<b>Chambers</b>
<b>13 October 2020</b>	<b>Budget Review and Finance Committee</b>	<b>Chambers</b>
<b>13 October 2020</b>	<b>Councillors Workshop Home Based Regulation Policy</b>	<b>Chambers</b>
<b>27 October 2020</b>	<b>Council Meeting</b>	<b>Chambers</b>
<b>Councillor Name:</b>	<b>Tara Toomey</b>	
<b>Council Meeting Date:</b>	<b>Committee/Meeting/Event</b>	
<b>22 September 2020</b>	<b>Council Meeting</b>	<b>Chambers</b>
<b>29 September 2020</b>	<b>Council Meeting</b>	<b>Chambers</b>
<b>6 October 2020</b>	<b>Councillors Workshop: Let's Talk about Water presentation by Z-Net Plus NEOEN presentation on the pumped hydro solar project</b>	<b>Chambers</b>
<b>13 October 2020</b>	<b>Budget Review and Finance Committee</b>	<b>Chambers</b>
<b>13 October 2020</b>	<b>Audit Risk and Improvement Committee</b>	<b>Chambers</b>
<b>24 October 2020</b>	<b>Bowling Club 75<sup>th</sup> Anniversary Dinner</b>	<b>Bowling Club</b>
<b>27 October 2020</b>	<b>Council Meeting</b>	<b>Uralla</b>
<b>1 July 2019 to 30 October 2020</b>	<b>Councillor's expenses claim</b>	<b>\$Nil</b>

<b>Councillor Name:</b>		<b>Robert Bell</b>
<b>Council Meeting Date:</b>		<b>Committee/Meeting/Event</b>
<b>22 September 2020</b>	<b>Council Meeting</b>	<b>Chambers</b>
<b>29 September 2020</b>	<b>Council Meeting</b>	<b>Chambers</b>
<b>6 October 2020</b>	<b>Councillors Workshop:</b> Let's Talk about Water presentation by Z-Net Plus NEOEN presentation on the pumped hydro solar project Home Based Regulation Policy	<b>Chambers</b>
<b>13 October 2020</b>	<b>Budget Review &amp; Finance Meeting</b>	<b>Chambers</b>
<b>13 October 2020</b>	<b>Councillors Workshop</b> Home Based Regulation Policy	<b>Chambers</b>
<b>27 October 2020</b>	<b>Council Meeting</b>	<b>Chambers</b>
<b>Councillor Name:</b>		<b>Tom O'Connor</b>
<b>Council Meeting Date:</b>		<b>Committee/Meeting/Event</b>
<b>29 September 2020</b>	<b>Extra-Ordinary Meeting of Council</b>	<b>Chambers</b>
<b>6 October 2020</b>	<b>Councillors Workshop:</b> Let's Talk about Water presentation by Z-Net Plus NEOEN presentation on the pumped hydro solar project Home Based Regulation Policy	<b>Chambers</b>
<b>6 October 2020</b>	<b>McCrossins Mill Museum Tour</b>	<b>McCrossins Mill</b>
<b>13 October 2020</b>	<b>Audit Risk and Improvement Committee</b>	<b>Chambers</b>
<b>13 October 2020</b>	<b>Budget Review and Finance Committee</b>	<b>Chambers</b>
<b>13 October 2020</b>	<b>Councillors Workshop</b> Home Based Regulation Policy	<b>Chambers</b>
<b>26 October 2020</b>	<b>Helen Phillips' Funeral Service</b>	<b>Piddington's Funeral Home Armidale</b>
<b>26 October 2020</b>	<b>Helen Phillips' Graveside Service</b>	<b>Uralla Lawn Cemetery</b>
<b>27 October 2019</b>	<b>Council meeting</b>	<b>Chambers</b>
<b>1 July 2019 to 30 October 2020</b>	<b>Councillor's expenses claim</b>	<b>\$Nil</b>



<b>Councillor Name:</b>		<b>Isabel Strutt</b>
<b>Council Meeting Date:</b>		<b>Committee/Meeting/Event</b>
<b>22 September 2020</b>	<b>Council Meeting</b>	<b>Chambers</b>
<b>29 September 2020</b>	<b>Council Meeting</b>	<b>Chambers</b>
<b>6 October 2020</b>	<b>Councillors Workshop:</b> Let's Talk about Water presentation by Z-Net Plus NEOEN presentation on the pumped hydro solar project Home Based Regulation Policy	<b>Chambers</b>
<b>8 October 2020</b>	<b>Launch of Z-NET Water Sustainability Project</b>	<b>Kentucky Dam Storage</b>
<b>13 October 2020</b>	<b>Audit Risk &amp; Improvement Committee Meeting – Observer</b>	<b>Chambers</b>
<b>13 October 2020</b>	<b>Budget Review &amp; Finance Committee Meeting</b>	<b>Chambers</b>
<b>13 October 2020</b>	<b>Councillors Workshop</b> Home Based Regulation Policy	<b>Chambers</b>
<b>14 October 2020</b>	<b>General Manager Performance Review Committee meeting</b>	<b>Chambers</b>
<b>23 October 2020</b>	<b>Uralla Branch of CWA Annual General Meeting</b>	<b>Memorial Hall Uralla</b>
<b>26 October 2020</b>	<b>Helen Phillips' Funeral</b>	<b>Armidale</b>
<b>27 October 2020</b>	<b>Council Meeting</b>	<b>Chambers</b>

*Delegate report – Cr Strutt: Additional Funding to Library – 10 mins per day with Book Pack for babies and information for the mum's with importance of reading. Newborn babies, enough for 2 years to date.*

<b>Councillor Name:</b>		<b>Mayor Michael Pearce</b>
<b>Council Meeting Date:</b>		<b>Committee/Meeting/Event</b>
<b>22 September 2020</b>	<b>Council Meeting</b>	<b>Chambers</b>
<b>24 September 2020</b>	<b>Mayor's Office - Admin</b>	<b>Uralla</b>
<b>28 September 2020</b>	<b>Board meeting, New England Joint Organisation ( NEJO )</b>	<b>Inverell</b>
<b>29 September 2020</b>	<b>Mayor's Office – Admin.</b> Extra-Ordinary Council meeting.	<b>Uralla</b>
<b>29 September 2020</b>	<b>Council Extraordinary Meeting</b>	<b>Chambers</b>
<b>30 September 2020</b>	<b>Mayor's Office – Admin.</b> 2AD Radio interview	<b>Uralla</b>
<b>1 October 2020</b>	<b>Mayor's Office - Admin</b>	<b>Uralla</b>
<b>5 October 2020</b>	<b>Mayor's Office - Admin</b>	<b>Uralla</b>
<b>6 October 2020</b>	<b>Mayor's Office - Admin</b>	<b>Uralla</b>
<b>6 October 2020</b>	<b>Councillor Strategic Workshop:</b> Let's Talk about Water presentation by Z-Net Plus NEOEN presentation on the pumped hydro solar project Home Based Regulation Policy	<b>Chambers</b>
<b>7 October 2020</b>	<b>Mayor's Office - Admin</b>	<b>Uralla</b>
<b>8 October 2020</b>	<b>Mayor's Office – Admin.</b> ZNET Plus announcement, Let's Talk About Water Project.	<b>Uralla</b>

12 October 2020	Mayor's Office - Admin	Uralla
13 October 2020	Mayor's Office – Admin.	Uralla
13 October 2020	Audit, Risk and Improvement Committee ( Observer )	Chambers
13 October 2020	Budget, Review and Finance Committee meeting.	Chambers
13 October 2020	Councillor Strategic workshop Home Based Regulation Policy	Chambers
14 October 2020	Mayor's Office – Admin. 2AD Radio interview.	Uralla
14 October 2020	General Manager's Assessment Panel meeting.	Chambers
15 October 2020	Mayor's Office – Admin.	Uralla
19 October 2020	Mayor's Office – Admin.	Uralla
20 October 2020	Mayor's Office - Admin	Uralla
21 October 2020	Mayor's Office - Admin	Uralla
22 October 2020	Mayor's Office - Admin	Uralla
26 October 2020	Mayor's Office - Admin	Uralla
27 October 2020	Mayor's Office – Admin.	Uralla
27 October 2020	October Council meeting.	Chambers

## 11. Items Passed in Bulk

*The Chair sought input from the Chamber on items that were to be passed in bulk.*

**PROCEDURAL MOTION: Moved: Cr Ledger/ Seconded: Cr Sampson**

**That Council endorse that the following items be passed in bulk:**

***Item 14.1 Minutes Budget Review & Finance Committee Meeting August 11 2020***

***Item 15.1 Cash at Bank and Investments***

***Item 15.6 Disclosure of Interest by Councillors and Designated Persons 2020***

***Item 15.7 Community Grants Program 2020-21 Individuals***

05.10/20

**CARRIED UNANIMOUSLY**

14.1 | August 11 Budget Review & Finance Committee Minutes

**MOTION: Moved: Cr Ledger/ Seconded: Cr Sampson**

**That the Minutes from the Budget Review & Finance Committee 11 August 2020 be endorsed.**

06.10/20

**CARRIED UNANIMOUSLY**

15.1 Cash at Bank and Investments

**MOTION: Moved: Cr Ledger/ Seconded: Cr Sampson**

**That:**

- 1) Council note the cash position as at 31 August 2020 consisting of cash and overnight funds of \$2,045,396, term deposits of \$12,656,761 totalling \$14,702,157 of readily convertible funds.
- 2) Council note the loan position as at 31 August, 2020 totalling \$2,145,192.

07.10/20

**CARRIED UNANIMOUSLY**

15.6. Disclosure of Interest by Councillors and Designated Persons 2020

**MOTION: Moved: Cr Ledger/ Seconded: Cr Sampson**

**That Council:**

- a) Note the Register of Disclosures by Councillors and designated persons for the period July 2019 – June 2020, as tabled; and
- b) Publish returns of interest made by Councillors and designated persons to the Uralla Shire Council website after redacting any information that applies the public interest test factors listed in the Table in section 14 of the Government Information (Public Access) Act 2009.

08.10/20

**CARRIED UNANIMOUSLY**

15.7. Community Grants Program 2020-21 - Individuals

**MOTION: Moved: Cr Ledger/ Seconded: Cr Sampson**

**That Council adopt the Community Grant Panel Committee recommendation to award funding allocations under the 2020-21 Community Grants Program – Individuals category to:**

- 1) Ms Pamela Meehan for the amount of \$300; and
- 2) Mr Trevor Watkins for the amount of \$300.

09.10/20

**CARRIED UNANIMOUSLY**

**12. Mayoral Minute**

*The Chair advised there was no Mayoral Minute.*

**13. Public Forum/Presentations**

**Speaker: Kevin Hartley – DA-44-2018 Item 15.3**

*The Chair introduced the Speaker, Kevin Hartley.*

*The Speaker made a presentation to Council in relation to Item 15.3 DA-44-2018 Natural Burial Ground.*

*The Chair invited questions from Councillors.*

*The Chair thanked the Speaker for his presentation to Council.*

**Speaker: Elizabeth O'Hara - DA-44-2018 Item 15.3**

*The Chair introduced the Speaker, Elizabeth O'Hara.*

*The Speaker made a presentation to Council in relation to Item 15.3 DA-44-2018 Natural Burial Ground.  
The Chair invited questions from Councillors.*

*The Chair thanked the Speaker for her presentation to Council.*

**Speaker: Dr Robert Patterson - DA-44-2018 Item 15.3**

*The Chair introduced the Speaker, Dr David Patterson.*

*The Speaker made a presentation to Council in relation to Item 15.3 DA-44-2018 Natural Burial Ground.*

*The Chair invited questions from Councillors.*

*The Chair thanked the Speaker for his presentation to Council.*

**Speaker: Prudence Dempsey - DA-44-2018 Item 15.3**

*The Chair introduced the Speaker, Prudence Dempsey.*

*The Speaker made a presentation to Council in relation to Item 15.3 DA-44-2018 Natural Burial Ground.*

*The Chair invited questions from Councillors.*

*The Chair thanked the Speaker for her presentation to Council.*

**Speaker: Bruce McMullen – Code of Meeting Practice Item 15.9**

*The Chair introduced the Speaker, Bruce McMullen.*

*The Speaker made a presentation to Council in relation to Item 15.9 Code of Meeting Practice.*

*The Chair invited questions from Councillors.*

*The Chair thanked the Speaker for his presentation to Council.*

*Chair called for a short break 1:37 pm.*

**MOTION: Moved: Mayor Pearce/ Seconded: Cr Dusting**

**That the meeting be suspended for a short break to be resumed at the direction of the Mayor.**

**10.10/20**

**CARRIED**

*Council resumed the meeting at 1:47 pm.*

## **14. Reports of Committees**

14.2 | October 13 Audit Review & Improvement Committee Minutes and Recommendations

**PROCEDURAL MOTION: Moved: Cr Dusting/ Seconded: Cr Bell**

**That Council move to Committee of the Whole.**

**11.10/20**

**CARRIED**

*Councillors held a detailed discussion in committee regarding the report.*

**PROCEDURAL MOTION: Moved: Cr Toomey / Seconded: Cr Dusting**

**That Standing Orders be resumed.**

**12.10/20**

**CARRIED**

*The Chair outlined details of the discussion held in committee.*

**MOTION: Moved: Cr Strutt/ Seconded: Cr O'Connor**

**That Council note the unconfirmed Minutes from the Audit Risk and Improvement Committee meeting held on 13 October 2020 and endorse the following recommendations:**

- (1) That the Audit, Risk and Improvement Committee advise Council that ARIC have reviewed the Enterprise Risk Management Policy 2020 and, subject to the following changes:
- a. Policy document history refer to the renaming of the policy; and
  - b. Risk Management policy to add "enterprise" to the title, recommend to Council that the policy be adopted.

- (2) That the Audit, Risk and Improvement Committee note that Council have endorsed the General Manager Performance Review Committee Charter and recommend that Council consider deleting: "*the external facilitator as an active participant on the performance review committee*" and the entire bullet point providing the option for an independent observer,

and further, that council endorse amendment of the charter as follows:

**Responsibility & Functions - *implementation of both internal and external audit recommendations approved by Council***

13.10/20

**CARRIED**

*Cr Ledger requested her vote against the motion to be recorded.*

## 15. Reports to Council

- 15.2. Works Progress Report as at 30 September 2020

**PROCEDURAL MOTION: Moved: Cr Toomey / Seconded: Cr O'Connor**

**That Council move to Committee of the Whole.**

14.10/20

**CARRIED UNANIMOUSLY**

*Councillors held a detailed discussion in committee regarding the report.*

**PROCEDURAL MOTION: Moved: Cr Dusting/ Seconded: Cr Crouch**

**That Standing Orders be resumed and the item 15.2 be heard in seriatim.**

15.10/20

**CARRIED UNANIMOUSLY**

*The Chair outlined details of the discussion held in committee.*

**MOTION: Moved: Cr Strutt / Seconded: Cr Ledger**

**That the report be received and noted for the works completed or progressed during September 2020, works programmed for October 2020.**

16.10/20

**CARRIED**

**MOTION: Moved: Cr Toomey/ Seconded: Cr Bell**

**That Council request the General Manager to:**

- contact the Retreat Road Action Group to understand their concerns as part of an ongoing dialogue
- contact the residents of Harriet Gully Road to understand how to progress their concerns
- report back to Council on both discussions and the way forward.

17.10/20

**CARRIED**

15.3. DIVISION DECISION

DA-44-2018 Natural Burial Ground – 192 Dumaresq Road Saumarez Ponds

**PROCEDURAL MOTION Moved: Cr O'Connor/ Seconded: Cr Ledger**  
**That Council move to Committee of the Whole.**

18.10/20

**CARRIED UNANIMOUSLY**

*Councillors held a detailed discussion in committee regarding the report.*

*Cr Ledger left the Chambers at 3.05 pm.*

*Cr Ledger returned to the meeting at 3.06 pm.*

**PROCEDURAL MOTION Moved: Cr O'Connor/ Seconded: Cr Crouch**  
**That Standing Orders be resumed.**

19.10/20

**CARRIED UNANIMOUSLY**

*The Chair outlined details of the discussion held in committee.*

**MOTION Moved: Cr O'Connor/ Seconded: Cr Crouch**

That Council approve the Development Application 44/2018 for a natural burial ground, amenities and car park at 192 Dumaresq Road, Saumarez Ponds (Lot 97 DP 755811) subject to the following conditions of consent:

**PRESCRIBED CONDITIONS (under Environmental Planning and Assessment Regulation 2000)**

**Compliance with National Construction Code & insurance requirements under the Home Building Act 1989**

Please Note: A reference to the National Construction Code is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

1. The work must be carried out in accordance with the requirements of the *National Construction Code*.

**Erection of Signs**

Please Note: This does not apply in relation to:

- (a) building work, subdivision work or demolition work that is carried out inside an existing building, which does not affect the external walls of the building development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.
- (c) a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date

2. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the site is prohibited.
3. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

#### GENERAL CONDITIONS

4. The development shall be implemented in accordance with:
  - (a) All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,
  - (b) The details set out on the plans approved and stamped by authorised officers of Council, except as amended by the conditions of this development consent.

*Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.*
5. The owner of the property is to ensure that any structure is installed:
  - (a) to meet the setback requirements of the approved plans,
  - (b) to be located within the confines of the lot, and;
  - (c) so that it does not interfere with any easements or covenants upon the land.

*Reason: To avoid any structures being erected in a location where it would be inappropriate.*
6. A Construction Certificate must be obtained from a Certifying Authority before work commences.

*Reason: To ensure compliance with Cl.146 of the Environmental Planning and Assessment Regulation 2000*
7. Prior to the issue of a final certificate of completion, the applicant shall obtain approval from Council under the Local Government Act 1993 to operate the Department of Health NSW approved composting toilet.

Note: Operational approval from Council would be granted for two years and then require renewal. This would involve Council inspection of the composting toilet system prior to the expiration of its approval period.

*Reason: Composting toilets require careful management and compliance with strict operating and maintenance procedures and approval requirements. They need approval from Council to install and to operate. The toilet must be a model which is accredited by the NSW Department of Health.*
8. The cemetery is to be maintained in a satisfactory manner in perpetuity. Prior to an occupation certificate, the applicant will submit to Council a Long-Term Maintenance Program and Fund Documentation. The Long-Term Maintenance Program will be in accordance with the general requirements of the Cemeteries and Crematoria Act 2013 (NSW) and the practical operation of a

natural burial ground and to ensure long term maintenance of the cemetery grounds a Fund is to be created from interment fees.

*Reason: To ensure appropriate management arrangements are in place for management in perpetuity in accordance with the Cemeteries and Crematoria Act 2013 and Cemeteries and Crematoria Regulations 2014.*

9. Prior to the issue of an occupation certificate, the applicant must cause to be registered a positive covenant in favour of the Uralla Shire Council as the prescribed authority requiring the registered proprietor of the land from time to time to maintain the Land as a natural burial ground in accordance with the aforementioned Long-Term Maintenance Program.

*Reason: To ensure continuation of maintenance through change of property ownership.*

10. Prior to the issue of an occupation certificate, the applicant must cause to be registered on the title of Lot 97 DP 755811 a restriction which prevents the use of the Land identified as a natural burial ground for any other purpose without the written consent of the Uralla Shire Council.

*Reason: The covenant (condition 9) and the restriction on the title legally requires the time to time owners of the Land, even if the Charitable Trust ceases, to maintain the land as a natural burial ground.*

11. The maximum number of interments is 1100 (one thousand one hundred).

*Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.*

12. Usage:

- a) The cemetery is to operate as a non-denominational cemetery.

- b) Consent is not granted nor implied to the use of the facility as a pet cemetery.

- c) Consent is not granted nor implied to the erection of a crematorium on the site.

- d) No approval is granted for the use of 'mortuary' as defined under the Uralla Local Environmental Plan 2012.

*Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.*

13. Seepage from adjoining graves or rainwater is not to be pumped out from opened grave sites and discharged into surface or groundwater sources, whether directly or indirectly. Such water is to be tanker'd off site for disposal at an authorised disposal facility.

*Reason: To protect public health.*

14. In accordance with the rationale of natural burials, interment sites are to be at a density of no greater than 6 to 9 m<sup>2</sup> and no embalming fluids are to be present in any burials.

*Reason: To comply natural burial principals that minimises soil contamination.*



15. Burials at the site are to be no less than 900 mm. The site is to be maintained free of feral animals and animals whose burrowing or digging behaviours may interfere with burial plots.

*Reason: To protect the integrity of the site, comply with Public Health Regulations and protect internments from unwarranted disturbances.*

16. Roof water is to be disposed in a manner that does not cause a nuisance for neighbouring properties, by one of the following methods:

(a) By piping onto a hardened surface and directed away from the building.

(b) By piping 3.0 metres clear of any building to a rubble pit or vegetated absorption areas.

(c) By piping to a rainwater tank and then via the overflow:

- onto a hardened surface and directed away from the building, or
- 3.0 metres clear of any building to a rubble pit or vegetated absorption areas.

*Reason: To alleviate any potential stormwater problems with respect to the buildings on the allotment or adjoining allotments.*

17. All works are to be executed in a good and workmanlike manner and all materials are to be installed as per manufacturers' instructions and any applicable Australian Standards.

*Reason: To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by occupants.*

18. The hours of the operation of the development are to be as follows:

a) General cemetery hours of operation are restricted to Monday to Sunday from 8.00am to 6.00pm;

b) Funeral ceremonies and burial services conducted on the site are to occur within the following period: commencing 9.30am and concluding by 4.30pm.

*Reason: To protect and preserve the amenity of the locality.*

19. A minimum of 20 off street car parking spaces must be maintained for the development. The parking area is to be a properly constructed all weather gravel car park.

*Reason: To ensure that car park spaces are maintained at the level proposed in the application, and at a level appropriate for the nature and scale of the development.*

20. Parking facilities, including one (1) disabled car parks, are to comply with Part D3.5 of Building Code of Australia and Australian Standard 2890.6 – Off Street Parking for People with Disabilities.

*Reason: To enable use of the car space by people with disabilities and to ensure compliance with the requirements of the Building Code of Australia.*

21. There is to be no interference, during construction or operation, with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or other pollution discharges.

*Reason: To prevent pollution from detrimentally affecting the public or environment.*

#### CONDITIONS TO BE COMPLETED PRIOR TO CONSTRUCTION COMMENCING

22. The owner/s of the property are to give Council written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCS is not Council) at least two days before the proposed date of commencement.

*Reason: To ensure compliance with the Environmental Planning and Assessment Regulation 2000.*

#### CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

23. The owner of the property is to ensure that any building is constructed:
- (a) to meet the setback requirements of the approved plans,
  - (b) to be located within the confines of the lot, and;
  - (c) so that it does not interfere with any easements or covenants upon the land,

*Reason: To avoid any buildings being erected in a location where it would be inappropriate.*

24. The applicant shall ensure that noise pollution is minimised during the course of construction. The use of power tools and/or similar noise producing activities shall be limited to the following hours: -

Monday to Saturday                      7.00 AM to 5.00 PM

Sunday & public Holidays    No construction activity is to take place.

*Reason: To ensure that public amenity is not unduly affected by noise.*

25. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Subject Site at all times and shall be readily available for perusal by any officer of Council or the PCA.

*Reason: To ensure compliance with approved plans.*

26. Run-off and erosion controls must be implemented before construction, and maintained to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:

- (a) divert uncontaminated run-off around cleared or disturbed areas,
- (b) erect a silt fence to prevent debris escaping into drainage systems or waterways,
- (c) prevent tracking of sediment by vehicles onto roads,
- (d) stock pile topsoil, excavated material, construction and landscaping supplies and debris within the site.

*Reason: To prevent pollution from detrimentally affecting the public or environment*

#### ADVISORY NOTES - GENERAL

27. The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

28. It is possible that a covenant may affect the land which is the subject of this consent. The grant of this consent does not necessarily override that covenant. You should seek legal advice regarding the effect of any covenants which affect the land.
29. Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
30. Any alteration to the drawings and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s4.55 of the Act or a fresh development application. No works other than those approved under this consent shall be carried out without the prior approval of Council.
31. Telecommunications Act 1997 (Commonwealth): Telstra (and its authorized contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443

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Notes of explanations:

Conditions 1, 2, 3, 4, 5, 6, 16, 17, now 22, 23 and 24, are the same as were applied to DA20/2020 conditions 1, 4, 5, 8, 9, 11, 13, 21, and are standard conditions as are the advisory notes 27 to 31 above.

Conditions 8 to 10 replacing the suggested conditions 8 to 10 on page 75 of the Business Paper. The new terminology is highlighted and encapsulates the agreed conditions contained in HWL Ebsworth letter to Council of 25 June 2020 paragraphs 4.15 to 4.17 on pages 7 and 8 of the aforementioned letter.

Condition 15 replacing a more general aspirational condition regarding the protection of internment sites with specific conditions to comply with Public Health Regulations and achieve aspirations.

Condition 16 added the option of vegetated absorption areas to dispersal into the usual option of a rubble pit in keeping with the green credentials of the natural burial ethos.

Conditions 19, limiting number of funerals per day to two, and 21 from page77 of the Business Paper, requiring a sealed off-street carpark, have been removed (as Council's own internal roads and parking areas are not sealed (although the new cemetery in Uralla has extended sealed road width for parking).

Conditions from 20 renumbered less 1 and from 22 less 2.

New Condition 21 includes additional identified items from the Uralla Shire Council Local Environmental Plan Dictionary.

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*Following debate a DIVISION was called with the result recorded as follows:*

FOR - Cr R Crouch, Cr L Sampson, Cr T Toomey, Cr T O'Connor

AGAINST - Cr M Dusing, Cr N Ledger, Cr I Strutt, Cr M Pearce, Cr R Bell

MOTION - LOST

**MOTION Moved: Cr Dusing / Seconded: Cr Strutt**

***That Council refuse the Development Application 44/2018 for a natural burial ground, amenities and car park at 192 Dumaresq Road, Saumarez Ponds (Lot 97 DP 755811) as:***

- 1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 and Part 2.3 of Uralla Local Environmental Plan 2012, the proposed development fails to demonstrate its compliance with the objectives of the R5 Large Lot Residential zone in so far as minimising conflict between permissible land uses within the zone.***
- 2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, and Part 2 of State Environmental Planning Policy (Rural Lands) 2008, the proposed development fails to demonstrate the social or economic need for the facility and consequently the development does not balance the social, economic and environmental interests of the community.***
- 3. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate it satisfies Clause 66(2) of the Public Health Regulation 2012 which prohibits a person from burying a body in or on any land if to do so would make likely the contamination of drinking water supply or a domestic water supply.***
- 4. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate it overcomes the risk of contaminating both groundwater and the nearby Saumarez Creek as a consequence of the nature and location of the burial ground being on land subject to overland and sub-surface flooding.***
- 5. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate that the site is suitable for the development.***
- 6. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate it would not present a risk to public health or that it would not result in an unreasonable burden on the maintenance of the facility by Uralla Shire Council or another public authority and consequently, the approval of the development would not be in the public interest.***

**Following debate a DIVISION was called with the result recorded as follows:**

**FOR:** Cr M Pearce, Cr R Bell, Cr M Dusting, Cr N Ledger, Cr I Strutt,

**AGAINST:** Cr R Crouch, Cr L Sampson, Cr T O'Connor, Cr T Toomey

**ABSENT:** Nil

20.10/20

**CARRIED**

*Short break called by Chair at 3:20 pm.*

**MOTION:** Moved: Mayor Pearce/ Seconded: Cr Dusting

**That the meeting be suspended for a short break to be resumed at the direction of the Mayor.**

21.10/20

**CARRIED**

*Meeting resumed at 3:27 pm.*

*Cr Toomey left declaring an Interest in report 15.4 at 3:28 pm*

15.4. DIVISION DECISION

Planning Proposal Additional Permitted Use Transport Depot

**PROCEDURAL MOTION:** Moved: Cr O'Connor/ Seconded: Cr Ledger

**That Council move to Committee of the Whole.**

22.10/20

**CARRIED**

*Councillors held a detailed discussion in committee regarding the report.*

**PROCEDURAL MOTION:** Moved: Cr Bell/ Seconded: Cr O'Connor

**That Standing Orders be resumed.**

23.10/20

**CARRIED**

*The Chair outlined details of the discussion held in committee.*

**MOTION:** Moved: Cr Bell / Seconded: Cr Strutt

**That Council:-**

**Refuse the Planning Proposal- Amendment to Schedule of the Uralla LEP 2012 prepared by Branson Pty Ltd for Macpherson's Walcha Pty Ltd - Reason: It is inappropriate in a R5 large Lot Residential area. There is adequate industrial zoned land available that could accommodate development for this purpose.**

**Following debate a DIVISION was called with the result recorded as follows:**

**FOR:** Cr M Pearce, Cr R Bell, Cr R Crouch, Cr M Dusting, Cr N Ledger,  
Cr T O'Connor, Cr L Sampson, Cr I Strutt,

**AGAINST:** Nil

**ABSENT:** Cr T Toomey

24.10/20

**CARRIED UNANIMOUSLY**

*Cr Toomey remained absent having declared an Interest in report 15.5*

15.5. Report on Notice of Motion 29.08/20

**PROCEDURAL MOTION: Moved: Cr O'Connor/ Seconded: Cr Dusting**

**That Council move to Committee of the Whole.**

**25.10/20**

**CARRIED**

*Councillors held a detailed discussion in committee regarding the report.*

**PROCEDURAL MOTION: Moved: Cr O'Connor/ Seconded: Cr Strutt**

**That Standing Orders be resumed.**

**26.10/20**

**CARRIED**

*The Chair outlined details of the discussion held in committee.*

**MOTION: Moved: Cr O'Connor/ Seconded: Cr Dusting**

**That Council not pursue further development of a home-based enterprises regulation policy.**

**27.10/20**

**CARRIED**

*Cr Toomey absent from the room at time of voting.*

*Cr Toomey returned to meeting at 4:12 pm.*

#### 15.8. Enterprise Risk Management Policy

**PROCEDURAL MOTION: Moved: Cr Crouch/ Seconded: Cr Dusting**

**That Council move to Committee of the Whole.**

**28.10/20**

**CARRIED**

*Councillors held a detailed discussion in committee regarding the report.*

**PROCEDURAL MOTION: Moved: Cr O'Connor/ Seconded: Cr Strutt**

**That Standing Orders be resumed.**

**29.10/20**

**CARRIED**

*The Chair outlined details of the discussion held in committee.*

**MOTION: Moved: Cr Ledger/ Seconded: Nil**

That Council place the renamed Risk Management Policy version 5.0 on public exhibition for 28 days and, if no significant submissions are received, that the Policy be adopted.

LAPSED

**MOTION: Moved: Cr Crouch/ Seconded: Cr Dusting**

That Council place the renamed Enterprise Risk Management Policy version 5.0 on public exhibition for 28 days and, if no significant submissions are received, that the Policy be adopted as amended.

30.10/20

**CARRIED**

15.9. Code of Meeting Practice

**PROCEDURAL MOTION: Moved: Cr Toomey/ Seconded: Cr O'Connor**

That Council move to Committee of the Whole.

31.10/20

**CARRIED UNANIMOUSLY**

*Councillors held a detailed discussion in committee regarding the report.*

**PROCEDURAL MOTION: Moved: Cr Toomey/ Seconded: Cr Ledger**

That Standing Orders be resumed.

32.10/20

**CARRIED UNANIMOUSLY**

*The Chair outlined details of the discussion held in committee.*

**MOTION: Moved: Cr Crouch/ Seconded: Cr Toomey**

1. That Clause 4.3 and 4.10 of the Code of Meeting Practice be amended to reflect at least one business days' notice instead of four; and
2. That the Code of Meeting Practice be placed on public exhibition for a period of 28 days and if no significant submissions are received, that the Code of Meeting Practice as amended be adopted.

33.10/20

**CARRIED UNANIMOUSLY**

15.10. Resolution Action Status

**PROCEDURAL MOTION: Moved: Cr O'Connor/ Seconded: Cr Bell**

That Council move to Committee of the Whole.

34.10/20

**CARRIED**

*Councillors held a detailed discussion in committee regarding the report.*

**PROCEDURAL MOTION: Moved: Cr Crouch/ Seconded: Cr Strutt**

That Standing Orders be resumed.

35.10/20

**CARRIED**

*The Chair outlined details of the discussion held in committee.*

**MOTION: Moved: Cr Ledger/ Seconded: Cr O'Connor**

That Council receive and note the Resolution Action Status as at 27 October 2020 as amended with X08.06/20 to be reviewed and re-entered.

36.10/20

**CARRIED UNANIMOUSLY**

## 16. MOTIONS ON NOTICE/QUESTIONS WITH NOTICE

*The Chair advised there were no Motions on Notice.*

## 17. CONFIDENTIAL MATTERS

**PROCEDURAL MOTION Moved: Cr Crouch / Seconded Cr Strutt**

That Council move into closed session pursuant to Section 10A (1) and (2)(d)(i) of the Local Government Act (NSW) 1993:

(1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:

- (a) the discussion of any of the matters listed in subclause (2), or
- (b) the receipt or discussion of any of the information so listed.

(2) The matters and information are the following:

(d) commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it.

and close the meeting to members of the public and press for the following reason: competitive procurement process.

**37.10/20 CARRIED UNANIMOUSLY**

9.1 Late Reports to Council to Closed session

17.1 Bundarra Sewerage Scheme – Tender process Review and Award of Tender

**MOTION: Moved: Cr Bell / Seconded: Cr Crouch**

**That Council**

- Note the contents of the report provided by Local Government Procurement and Charles Kendall Australia;
- Lift the report for the Bundarra Sewerage Scheme - Award of Tender from the table; and
- Subject to the finalisation of the funding deed for the Safe and Secure Water Program grant funding, award the Bundarra Sewerage Scheme construction contract to Ledonne Construction Pty Ltd for the tender amount of \$7,767,506 (inc. GST).

**38.10/20 CARRIED UNANIMOUSLY**

**PROCEDURAL MOTION: MOVED: Cr Crouch / Seconded: Cr Dusting**

That Council move out of closed session to open session.

**39.10/20 CARRIED UNANIMOUSLY**

**MOTION: Moved: Cr Dusting / Cr Ledger**

That resolutions of closed session of Council become the resolutions of open Session of Council.

**40.10/20 CARRIED UNANIMOUSLY**

## 18. COMMUNICATION OF COUNCIL DECISIONS

## 19. CONCLUSION OF MEETING

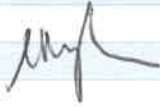
*Meeting concluded at: 4:57pm.*



**Council Minutes Confirmed by:**

**Resolution Number:** 01.11/20

**Date:** 30/11/20

**Mayor Signature:** M. PEARCE x 

CONFIRMED

