

MINUTES



FERNTREE GULLY CEMETERY TRUST SPECIAL COMMITTEE

Held on Wednesday, 14 August 2013
Meeting Room 3, Civic Centre,
511 Burwood Highway, Wantirna South
Commenced 7:02pm

1. PRESENT

Cr Karin Orpen
Cr Peter Lockwood
Heather Kleesh
Tricia Kirk
Kevin Knox

2. INVITEES

Carrie Bruce
Karen Beaton
Dave Munn

3. APOLOGIES

Cr Tony Holland, Rhys Thomas

4. DECLARATIONS OF CONFLICT OF INTEREST

Nil.

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Minutes of Meeting held 20 February 2013 (see attached)

MOVED: T KIRK
SECONDED: H KLEESH

That the Minutes of the Ferntree Gully Cemetery Trust Special Committee meeting held on 20 February 2013 be accepted.

CARRIED

6. BUSINESS ARISING FROM PREVIOUS MEETING

6.1 Update on Annual Works Plan 2013

For the 2013 year the following schedule of works were endorsed by the Ferntree Gully Cemetery Trust Special Committee at the 20 February 2013 meeting:

ITEM	STATUS	DUE DATE
Rectification of drainage works and resurfacing of the driveway	Complete	February 2013
Legislative Review of Delegations to the Ferntree Gully Cemetery Trust Special Committee and Council staff.	Draft prepared for consideration by Council	July 2013
Commence a review of the current administrative and maintenance operations of the Cemetery to establish a reliable and representative cost of the Cemetery's operations to Council.	Review yet to commence	August 2013
Ashes Interment Area – Foothills Section	Expressions of Interest called. Evaluation of submissions currently being finalised.	September 2013
Review of fee structure in advance of 2014 fee application to the Department of Health	Review yet to commence	December 2013
Ongoing activities including burial and ashes interments and bookings, liaison with clients regarding memorial options, quarterly reporting, customer service, search of records, Annual Report and liaison with the Department of Health, support to the Cemetery Trust Special Committee and training.	Ongoing	Ongoing

The Ferntree Gully Cemetery Trust Special Committee noted the schedule of works status report.

6.2 New Ashes Niche Walls

Staff provided a verbal update on the status of the new ashes niches walls in the Foothills section of the cemetery.

It was requested that the committee provide guidance and give consideration to an appropriate name for this new section.

MOVED: T KIRK
SECONDED: K KNOX

That:

1. In evaluating the tenders staff note that the Ferntree Gully Cemetery Trust Special Committee has a preference for the Australian sourced and dressed Balmoral Green granite as opposed to granite sourced and worked from overseas.
2. When final costings (including landscaping, etc.) are determined and fee modeling is undertaken, that consideration be given to establishing Right of Interment fees as either prime position (top rows) or standard position (lower rows).
3. The Ferntree Gully Cemetery Trust Special Committee will offer suggestions for the naming of the general wall area with further discussion at the next Trust meeting.

7. ITEMS FOR DISCUSSION

7.1 Annual Report to Council for Year Ended 30 June 2013 (Appendix A) including Audit Report, Abstract of Accounts and Financial Statements

MOVED: H KLEESH
SECONDED: CR P LOCKWOOD

That the Annual Report to Council for the Year Ended 30 June 2013 together with the Audited Financial Statement, Abstract of Accounts for the Department of Health and the Financial Statements for the period ended 30 June 2013 as contained in Appendix A be accepted and presented to Council for approval, signature and return to the Department of Health.

CARRIED

7.2 Instruments of Delegation for the Ferntree Gully Cemetery (Appendix B)

Sections 86 and 98 of the Local Government Act 1989 empower Council to delegate any of its powers, duties or functions with some strategic exemptions such as setting rates, borrowing funds and adopting a budget. It is generally accepted that delegations are a valuable method of effectively dealing with a range of day to day routine administrative and operational matters to more significant strategic and longer term issues.

The Local Government Act requires a Council to review within a period of 12 months after a general election, all delegations which are in force and have been made by the Council in accordance with the Act. Delegations are required to be reviewed by 27 October 2013. This review presents for consideration two revised draft instruments of delegation. The first to the Ferntree Gully Cemetery Trust Special Committee appointed on 28 September 2004 by Council to manage the strategic direction of the Cemetery. The second instrument delegates powers, duties and functions under the Cemeteries and Crematoria Act and Regulations to staff and the Special Committee to manage the day to day routine administrative tasks associated with operating the Cemetery.

The draft delegations are provided for feedback and endorsement prior to being presented to Council for adoption.

MOVED: T KIRK
SECONDED: K KNOX

That the Instruments of Delegation for the Ferntree Gully Cemetery be endorsed and presented to Council for adoption.

CARRIED

7.3 Potential Removal of Trees

There are currently a small number of graves at the cemetery that have substantial trees growing through them. Staff have received a request to have the tree removed from one of the graves and a second grave has been identified by the Sexton as requiring a tree to be removed (Appendix C). Both graves, are in the monumental section of the cemetery, and have been damaged by the trunk and roots of the trees. The monuments have been damaged beyond repair and there is potential for the surrounding monuments to be damaged. There would also be significant difficulties interring remains into the surrounding positions due to tree roots and the state of disrepair of the respective monuments.

In order to remove the trees, the monuments must also be removed. As the monument is the responsibility of the holder of the right of interment, removal cannot be undertaken without their permission. Staff may be able to identify the holder of the right of interment for one of the positions, however, the second position has no details for the holder of the right of interment and the last interment into the position was in 1949.

Following discussions with the Department of Health, if Council is unable to determine the holder of the right of interment and cannot seek permission to undertake the removal of the tree, the Trust must take all reasonable steps to find the holder of the right of interment. It has been suggested by the Department that this could take the form of a public advertisement in a local newspaper seeking details of the holder of the right of interment. In the event that this is unsuccessful, the Trust will need to contact the Secretary to the Department of Health advising of the process undertaken and the ensuing failure to locate the holder of the right of interment and put our position forward for the removal of the tree. In this circumstance the Trust would also be responsible for making good the memorial after the tree has been removed. Whilst grant funding could not be sought to repair the memorial, funding may be available for the removal of the trees.

Advice has been sought from Council's arborist as to whether a permit is required to remove these trees. The two trees are a *Pinus radiata* (Radiata pine) and an *Acacia elata* (Cedar Wattle) and both trees are exempt from the requirements of a permit under the SLO2. These two trees can be removed without a planning permit.

Direction is sought regarding the removal of these trees.

MOVED: K KNOX
SECONDED: CR P LOCKWOOD

That staff commence the procedures necessary (as per Department of Health requirements) to remove the two trees and rehabilitate the affected gravesites.

CARRIED

8. GENERAL BUSINESS

Payment for the new ashes niche positions via instalments was discussed and it was agreed that this method of payment would no longer be available to clients.

MEETING CLOSED: 8.41pm

Next Meeting: February 2014

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Chairperson