

CEMETERY AND MEMORIAL MANAGEMENT POLICY

POLICY OBJECTIVE

The objective of this Policy is to outline the overall principles that underpin how Wentworth Shire Council (Council) manages cemeteries and other memorials in order to comply with legislative requirements and to provide a dignified and responsive cemetery and memorial service to the community.

1. POLICY STATEMENT

The intent of this policy is to ensure that Council provides cemetery services that are safe, consistent and socially acceptable standards and practices for the benefit of Council workers, funeral industry representatives, clients and members of the general public. It will also ensure the conduct expectations for those working in or entering the cemeteries is in accordance with reasonable and practical standards.

2. POLICY COVERAGE

This policy applies to Council employees, community members, contractors and the funeral industry.

3. STRATEGIC PLAN LINK

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future.

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery.

4. DEFINITIONS AND ABBREVIATIONS

Term/Word	Definition
Applicant	The person making an application <ul style="list-style-type: none">a. To obtain or transfer an interment right; To have the body of a deceased buried or exhumed; orb. To have the remains of a cremated body interred in a cemetery.
Appropriate fee	A fee set by Council
Ashes	The cremated remains of a deceased person.
Burial	The act of burying, interring or immuring the remains of a deceased person.
Cemetery or cemeteries	An area containing one or more burial places. For the purposes of this Policy, one that is administered and controlled by Wentworth Shire Council.
Coffin	A long, narrow box, typically of wood, in which a dead body is buried or cremated.
Columbarium/Columbaria	A room or building with niches for funeral urns to be stored.

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Council	Wentworth Shire Council
Exhumation	The removal of human remains from a burial site.
Funeral Director	An individual or business licensed to carry out funeral services.
Grave	A hole dug in the ground to receive a coffin or dead body.
Interment	The placement of human remains in a mausoleum, vault, columbarium or other structure designed for the placement of such remains or the burial in the earth of human remains (directly in the earth or within a container.)
Interment Right	Previously known as a right of burial, right of interment or burial license. This gives the holder the exclusive right to use a specified piece of land for interment and to place a monument over the grave.
Memorial	A statue or structure established to remind people of a person or event.
Monument	Any structure, plaque, headstone, footstone, masonry, metalwork, casting or item placed over, in or around a burial place.
Niche	Interment site within a columbarium, wall or other site for cremated remains.
Plinth	A heavy base supporting a statue, vase or placard.
Plot	A small, numbered piece of land used for the purpose of burial within a section of a cemetery.
Public Health Registration	The Public Health Regulation 2012 (NSW) under the <i>Public Health Act 2010 (NSW)</i>
Register	Council's formal data repository containing all the required details relating to burials, cremations, memorial sites or interment rights.
The Act	<i>Local Government Act 1993</i>

5. POLICY CONTENT

The following is the policy of this Council:

Interment Right

Council will allow a person to purchase an interment right (right) for themselves or for other people within Council's cemeteries. Purchasing a right gives the person nominated on the application exclusive rights to a designated columbarium niche or interment site. Subject to the following terms and conditions, a right:

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1. Is a contract between the cemetery operator, Council and a right holder which permits the holder to place human remains in the earth, a columbarium niche.
2. Applies to the burial of remains (including cremated remains) in either the earth, or placement in a columbarium.
3. Will only be granted on application and payment of the current fee.
4. May be granted to one or two persons as joint holders.
5. Is an interest in land but the holder does not become the owner of the land; it is a right to inter remains in a designed location within the cemetery.
6. Is granted by Council in perpetuity and allows the right holder to inter the deceased and for their remains to be left undisturbed forever, subject to exhumation.

Limits to the number and location of interment rights

Whilst Council makes provision for purchasing rights, there are limitations which are as follows:

1. No person can hold more than two interment rights in the one cemetery in NSW, unless approved by Cemeteries and Crematoria NSW.
2. Council will only allow the purchase of a right within the past or active sections of the cemetery.
3. Applications for a right within future or closed sections will not be accepted.
4. Council will only allow a person to purchase right(s) from the next available vacant and unreserved sites.
5. A person can only nominate themselves on a maximum of two licenses (including rights that are jointly held) in accordance with NSW legislation.
6. If the purchase of a right(s) is at the same time as a burial, the burial will take place in the last of the reserved interment sites, unless requested otherwise.
7. Only the right holder has authority to decide who can be buried within site.
8. Opposing interment sites can only be purchased by the applicant of the other opposing interment site, as long as the following criteria is met:
 - i. The two opposing interment sites are purchased by the same applicant, and
 - ii. The next interment site within the row of current interment sites is not available, and
 - iii. The opposing interment site is available.

Burial License

Upon acceptance of an application and payment of the applicable fee, Council will:

1. Record the right and its holder within Council's Cemetery Register.
2. Issue a Burial License which is evidence that a person, or any person they nominate, has exclusive right to be interred at the designated site.

Transfer of interment rights (Lawn cemeteries only)

The following section details the conditions of a transferal of a right:

1. Council will not accept and/or refund right transfers to any third party.
2. A right can be transferred back to Council for the original fee paid. A copy of the original burial receipt or Burial License should accompany the transfer application. This right will be available for resale by Council at the current rate.
3. Transfer of a joint right back to Council must be approved by both joint holders (if living).
4. On the death of a joint holder of a Burial License, the remaining holder is entitled to the right.

Revocation of perpetual interment rights

Council may revoke the right if it has not been exercised within fifty years after it has been granted. The process of revocation will be done in accordance with the *Cemeteries and Crematorium Act 2013 (NSW)*.

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Cemetery Register

Council is required to keep a cemetery register which is available for public inspection upon request. Details about the holder of a right issued on a pre-need basis (reservation) shall not be made public.

The register will record the following information:

1. Rights granted in respect of interment sites.
2. Memorials erected for each interment site.
3. Each interment carried out within the cemetery.
4. The identity of each holder of a right.
5. The contact details of a nominated secondary contact or next of kin.
6. The name, age and last address of persons whose remains have been interred or cremated, the date of death and date of interment or cremation.

Burials or interments

The following details Council's Policy for burials and interments:

1. Prior to any interment, confirmation of the interment site and a copy of the Burial License must be provided to Council prior to an interment date being arranged.
2. New burials will only be placed in the next unused interment site unless the person has an existing right.
3. Adults cannot be buried or interred in the children's section of the cemetery.
4. Children can have double interment sites.
5. Second interments are not permitted in single depth interment site.
6. There is to be a minimum 4 hours gap interval between interments within the same cemetery.
7. All burial depths and covers shall be in accordance with the Public Health Regulation 2012. There shall be a minimum of 900mm soil cover, and where this is not possible, no additional burials can take place.

Ash Interment

1. Council will permit ash interment in both single and double interment sites.
2. Initially the ashes will be placed underneath the plinth until space requirements move them into the interment site.
3. No minimum cover is required for ash interments under a plinth.
4. When ash interments progress into the interment site, a space of 300mm x 300mm x 300mm is allowed for each ash placement. A minimum cover of 100mm below the surface is required over the ash placement which must be located within the plan of the interment site.

Mausoleums and Crypts

All mausoleums and crypts require a Development Application to be approved prior to installation. All works must comply with AS4425-1996 Above Ground Burial Structures and Council requirement.

Plinths and Plaques at Council Lawn Cemeteries

The following details Council's requirements for Plinths and Plaques:

1. Council will only allow standard concrete interment site plinths supplied and erected by Council to be placed in the lawn cemetery. The final position of the plinth is determined by Council.
2. Monuments, crosses or any type of memorial cannot be erected in the lawn cemetery.
3. All plaques are subject to Council specifications and must be ordered through Council.

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4. Council will only accept plaques cast in bronze to be placed on plinths. All other non-prescribed plaques will be removed and disposed of. Council accepts no financial responsibility for the deterioration and/or theft of plaques.
5. Only the holder of the Burial License, their Executor or next of kin (where there is no will) can authorise the ordering of a plaque from Council for an interment site.
6. The holder of the Burial License, their Executor or next of kin can, at their own cost, can apply to have a plaque with multiple names (e.g. due to multiple ash interments).

MAINTENANCE OF CEMETERY GROUNDS

General Maintenance

Council is responsible for the maintenance of areas surrounding graves, columbarium/niche walls and ashes garden beds. This includes, but is not limited to, mowing, brush-cutting and other landscape works. Council employees will take care to minimise any damage to masonry, monuments or grave structures.

Council's first priority remains the safety of the public and employees of Council, every attempt will be made to liaise with families before any action is taken however action may be required to rectify situations without prior consultation. Council reserves the right to remove any tributes that have been placed at an interment/ashes site, niche or plot that cause safety or amenity concerns to visitors, Council staff or Council equipment, interfere with any maintenance work or burials, or encroach upon other graves and plots.

CEMETERY CONDITIONS OF USE

Items permitted at a Council Lawn Cemetery interment site

The only items Council will permit at an interment site are:

- a) Natural, plastic and silk flowers arrangements, provided they are:
 - i. Placed in the two vases provided by Council, and
 - ii. Placed in the two holes provided in the interment site's concrete plinth.

These items shall remain within the 600mm width of the interment site. The vases may be assisted to fit vertically in the vase holes of the plinth.

Spent flowers are removed by Council staff during normal maintenance operations.

Items NOT permitted at a Council Lawn Cemetery interment site

The following items are NOT permitted at an interment site or elsewhere in the law cemetery:

- a) Any type of receptacle that has not been provided by Council.
- b) Any adhesive product and rubber bands.
- c) Any ornament, landscaping material, monument, plans or illumination including around the perimeter of the interment sites.

Additional actions NOT permitted at Council Lawn Cemeteries

The following details actions that are not permitted at Council's Lawn Cemeteries:

- a) Painting of plinths or plaques (the applicant will be asked to compensate for the cost of removing paint).
- b) Turf must not be painted, damaged, dug up, relocated or removed from the cemetery.
- c) The moving of mobile chapels/shelters.

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Persons found to be acting contrary to the above will be asked to leave the cemetery.

Additional actions NOT permitted at any Council Cemeteries

The following details actions that are not permitted at any of Council's Cemeteries:

- a) Dumping rubbish within the cemetery.
- b) The burial of animals within the cemetery.
- c) Picking and gathering of flowers and plants within the cemetery.
- d) Relocating flowers from one interment site to another.
- e) Planting of flora within the cemetery.
- f) The landscaping of interment sites.
- g) Bringing any animals into the cemetery (with the exception of registered guide, companion or assistance dogs).
- h) Driving vehicles off formed roads and carparks (disabled parking close to interment sites or the columbarium is available and must be arranged by prior agreement with cemetery staff).
- i) Distributing items such as circulars or handbills.
- j) Driving vehicles above the 25km/h speed limit.
- k) Hanging or leaving items in shrubs and trees or on cemetery seats.
- l) Camping or residing on any Wentworth Shire cemetery lands.
- m) Playing loud music.
- n) Possess or consume an alcoholic or intoxicating beverage or substance.

Persons found to be acting contrary to the above will be asked to leave the cemetery.

Activities permitted upon approval at all Cemeteries

Council's approval will be required to carry out the following activities within the cemetery:

- a) Selling or buying anything (e.g. flowers at the gate).
- b) Taking part in a meeting other than that of a religious or commemorative character (e.g. Halloween or night tours).
- c) Discharging any firearms (e.g. at a military funeral).

Exhumations

Exhumations will only take place:

- 1) In accordance with the requirements under the *Public Health Act 2010*, and
- 2) With the approval of the NSW Department of Health and payment of the current fee, or
- 3) By court order.

Disputes

In the event of a dispute regarding an Interment Right, a person may apply to Council for a determination. The decision will be made in accordance with the Cemeteries and Crematorium Act 2013 (NSW).

Council will have the final decision to accept an application for a new or replacement plaque.

6. RELATED DOCUMENTS & LEGISLATION

Legislation

- *Local Government Act 1993* (NSW)
- *Local Government (General) Regulation 2021*
- *Government Information (Public Access) Act 2009* (NSW)
- *Privacy & Personal Information Protection Act 1998* (NSW)

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- *The Cemeteries and Crematoria Act 2013*
- *Public Health Act 2010 (NSW)*
- *Public Health Regulation 2012*
- *Work Health and Safety Act 2011 (NSW)*
- *Heritage Act 1977*
- *Crown Land Management Act 2016*
- *Crown Land Management Regulation 2018*

Council Policies

- GOV007 – Privacy Management Policy
- GOV008 – Public Access to Information Held by Council Policy
- GOV022 – Legislative Compliance Policy

Council Document

- Legislative Compliance Framework
- Governance Framework
- Privacy Management Plan
- Records & Information Management Policy (Operational)

7. ATTACHMENTS

Nil.

8. DOCUMENT APPROVAL

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on 29 June 2022. All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.

Signed:



General Manager Wentworth Shire Council

30 June 2022

Date