

POLICY NAME: CEMETERY MANAGEMENT POLICY

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OBJECTIVE

- To provide the community with a dignified and responsive cemetery and memorialisation service.
- To ensure that the Shire's cemeteries are managed in accordance with statute and common law, regulation: and
- To ensure the conduct of those working in the Shire's cemeteries is in accordance with appropriate Work Health Safety (WHS) standards.

BACKGROUND

Given the complexity of statutory requirements and increasing community expectations to improve service, maintain cemeteries, keep accurate records, and ensure that appropriate WHS practices apply to all parties carrying out cemetery work; it became evident that a policy was required to provide guidance on:

- what services and service levels Council will provide with respect to cemeteries;
- requirements with respect to decorations and adornments in the lawn, memorial gardens, niche walls and general sections of the cemeteries; and
- ~~OHS~~ WHS requirements for all parties required to carry out work in the cemeteries.

DEFINITIONS

Applicant	the person making an application for a: <ul style="list-style-type: none"> • burial or memorial right • work permit or other Council consent • burial or immurement of ashes.
Application forms	forms for <ul style="list-style-type: none"> • Burial Licence • Burials • Plaque inscriptions • Immurement and interment of ashes • Monument and related permits to carry out work in the cemeteries • Reservations.
Beam	a strip of concrete laid at the head of a grave on which a monument or plaque is placed.
Fee	a fee fixed by Council and published in Council's Annual Fees and Charges.
Cemetery or Cemeteries	an area containing one or more burial places and administered or controlled by Council.

Coffin/Casket	a general term for coffins and caskets used to hold human remains.
Council	Ballina Shire Council.
Crypt	a constructed below ground burial chamber which contains a coffin.
Disposal of Ashes	the disposal, interment, memorialising, collection, scattering etc of cremated remains.
Funeral Director	an individual or business operating funeral services.
General Section	of a Cemetery refers to an area where graves are located and these graves may have covers over the whole area of the grave and or an individual selection of a headstone or monument.
Grantee	person to whom an Exclusive Burial Licence is granted.
Headstone	masonry structure placed at the head of a grave on a beam.
Inurnment	process of placing cremated remains in an urn.
Immurement	the act of placing an urn in a niche wall and closing it up.
Interment	the practice of placing a body or ashes in a burial right or grave site.
Lawn Cemetery	burial area in which a concrete beam is provided for the location of standard plaques and the remainder of the cemetery is mown grass.
Memorial Garden	garden area, path or the like in which ashes may be placed and a standard plaque located. A plaque may be located in such areas without the placement of ashes.
Monument	any structure, headstone masonry, metal work, casting or item placed over, in or around a burial right or grave site.
Monumental Mason	tradesperson mason or person possessing the skills to carry out monumental masonry work.
Niche	immurement site or place in a wall where a container containing the ashes of a deceased person may be placed.
Niche Wall	wall containing a number of immurement sites or places in which containers of ashes may be placed.

Plaque	bronze sign that is attached to a beam, headstone or niche wall.
Pre-need	burial right granted prior to need which reserves a plot or niche for use in the future.
Public Health Regulation	Public Health Regulation (Disposal of Bodies) 2002
Register	Council's formal data repository containing details of a burial, memorial site, immurement right, interment right, or burial right.
Reservation	pre-need burial right.
Burial Licence	is a written undertaking by Ballina Shire Council to grant a licence to occupy a specific grave, burial site or niche without interference once the remains of the deceased person have been placed in it. The Burial Licence also entitles the holder to request the erection of plaques/headstones and additional interments at the specified cemetery allotment.
The Policy	Cemetery Management Policy.
Vault	is an above ground structure in which bodies may be placed rather than buried into the ground.

SCOPE OF POLICY

This policy applies to:

- Council employees
- Councillors
- Community members
- Contractors
- Funeral Industry

RELATED DOCUMENTATION

Related documents, policies and legislation:

- Public Health Act 1919
- Local Government Act 1993
- Crown Lands Act 1989
- Crown Land (General Reserves) By-law 2006
- OH&S Act & Regulations
- Public Health (Disposal of Bodies) Regulation 2002
- Guidelines for the Funeral Industry - NSW Health
- Guidelines for Approval and Approval Procedures for Exhumations - Public Health Unit (NSW)
- AS-4204 Australian Standards Association's Standard "AS 402-1994 Headstones and Cemetery Monuments"
- Guidelines for Safe Working Practices in Cemeteries & Crematoria in NSW

- AS-3600.2001 Concrete Structures
- Council Schedule of Fees & Charges
- Ballina Shire Council Cemeteries Register
- Alstonville Cemetery – Master Plan and Management Plan
- Monuments & Memorials on Public Land

POLICY

1. INTRODUCTION

The cemeteries are managed by Ballina Shire Council with all bookings for burials, placement of ashes, reservations for graves or niches to be made direct to Council. The ordering and placement of plaques is also managed by Council.

Ballina Shire has five operating cemeteries and one closed cemetery that has been converted into a park. The cemeteries are:

- East Ballina Cemetery
- Alstonville Cemetery
- Wardell Cemetery
- Tintenbar Cemetery
- Rous Cemetery
- Pioneer Cemetery (closed)

Pioneer Memorial Park on Hill Street, East Ballina is the location of Ballina's original (European) cemetery known as the Pioneer Cemetery. The Pioneer Cemetery was declared a Rest Park in 1957 with the construction of the commemorative wall coinciding with this declaration. The commemorative wall contains historic headstones from the original Pioneer Cemetery.

All the shire cemeteries have recognised heritage values and are therefore historically important to the Ballina Shire. Each cemetery's heritage values stem from its own particular social and community history. These values are taken into consideration with the ongoing management of cemeteries.

Council acknowledges that the cemeteries are special places that require sensitive and sympathetic management. Council staff will at all times be mindful of this and work towards a sympathetic and consultative management of the cemeteries. There are circumstances where this may not be possible and so the following notice is provided.

Council, in its role as cemetery manager, reserves the right to determine what is appropriate, hazardous and acceptable. Every attempt will be made to liaise with families prior to any action being taken, however Council staff may take action to rectify situations without prior consultation with families if required.

2. HOURS OF OPERATION & FUNERAL BOOKING TIMES

The hours of operation in which burials will be undertaken for the shire cemeteries are 9.00am to 3.00pm (Monday to Friday). Burials which require a booking time after 2.00pm will incur an additional cost to cover overtime hours that staff are required to work to service these burials.

Council will set burial times to prevent conflicting times between ceremonies and to ensure adequate time is provided for graves to be prepared and filled during normal working hours. In most instances 48 hours notice must be given for all burials.

The time allocated for a graveside funeral is one hour. The time allocated for a burial is 30 minutes.

An additional fee will be charged should funerals take longer than the allotted time, and which result in Council staff working outside normal working hours. This fee will be based on the additional cost incurred by Council for the payment of staff.

After hours burials will be considered and will depend on staff availability and conditions. Council will make every attempt to accommodate requests for burial times. Weekend or public holiday burials are generally not provided. However, in exceptional circumstances and if staff are available, a booking may be accepted. There may be times when requests cannot be accommodated due to staff availability. Additional fees will apply, to cover additional costs such as the payment of overtime wages for staff.

3. APPOINTMENTS

Appointments are necessary for plaque orders, and the completion and payment of Application Permits and Statutory Declarations.

4. ADDITIONAL SERVICES AVAILABLE

Plaques and ashes will be placed in niches, graves or in memorial gardens and the family/applicant will be notified when placement is completed.

Should a family wish to be present at the following times:

- when ashes are placed in a grave;
- when ashes and plaque are placed in a niche wall;
- when ashes and plaque are placed in a memorial garden; and / or
- when plaques are attached to graves in the Lawn Cemetery,

Council will make every attempt to accommodate this service. However staff availability, weather, burials and other unforeseen circumstances may mean there are times such requests cannot be accommodated.

A fee will be charged for this service in accordance with Council's Fees and Charges.

5. PLANNING AND LAYOUT OF CEMETERIES

Council will determine the layout of cemeteries and prepare master plans for each cemetery.

6. CEMETERY REGISTER

A register of burial allotments detailing each section and allotment with its appropriate plot identification shall be kept and maintained up to date by the Council in accordance with the regulations under the *Public Health Act 1991*.

The register may be kept in electronic or hardcopy format. The location of each burial place must be identified on a plan or map that shows the sections, rows and grave numbers or other locations of remains. The register will include a current record of all burial rights.

7. BOOKINGS FOR BURIALS

A burial must not take place in a cemetery unless Council has issued an order for the burial.

Advice of the coffin/casket size must be provided in writing to Council at the time of a burial booking and detailed on the Application for Burial Permit.

8. ALLOCATION OF BURIAL LOTS & NICHES

If the applicant wishes to select an allotment for a burial on-site an appointment time must be arranged with cemetery staff.

9. RESERVATION OF BURIAL LOTS & NICHES

An appointment time is to be arranged with cemetery staff to meet with the family/applicant to choose an allotment. Reservation fees are non-refundable and must be paid within 2 weeks of a booking, otherwise the reservation will lapse. Only one reservation may be made per person. Council does not contact families at the request of individuals to facilitate the release of reservations or provide the addresses of burial licence holders to the public.

The location of the reserved plot will be as per Council's requirements. Requests to be located adjacent to family members will be accommodated where possible.

10. RELIGIOUS/DENOMINATIONAL SECTIONS WITHIN CEMETERIES

Existing religious/denominational areas within cemeteries are available for general use and there are no restrictions or special requirements for the use of plots within these areas.

All new burial areas in shire cemeteries will be non-denominational and available for use by all. The cemeteries will not offer specific or restricted areas for religious groups.

The Bunjum Section of the Wardell Cemetery is the only exception to this regulation. The Bunjum section of the Wardell cemetery is managed collaboratively with Aboriginal community members and is dedicated to the burial of people of Aboriginal descent and their families. The management of the Bunjum section of the Wardell cemetery is in response to historic circumstances and Aboriginal cultural protocols.

11. LAWN CEMETERY SECTIONS

a) Flowers

Flowers may be placed in vases provided by Council or placed on the beam near the plaque. The placement of flowers must not extend onto the lawn area or adjoining graves.

Fresh flowers, wreaths and artificial flowers will be removed from grave sites by Council staff if in their opinion they have deteriorated to such an extent as to detract from the appearance of the cemetery.

Planting of trees, shrubs or flowers in Council cemeteries by the public is not permitted.

b) Vases

Glass or ceramic containers are not to be used as vases. Council provides plastic vases or alternatively non breakable containers may be used.

c) Trinkets/Ornaments

Trinkets/Ornaments must be placed on the beam and should not cause offence or nuisance to other cemetery users. These items must be secured and non breakable so that they do not cause a hazard to Council staff and other patrons.

Should items be deemed excessive, inappropriate or hazardous, these items will be removed. If possible Council will contact the family/applicant prior to removal; however there may be circumstances items need to be removed immediately.

d) Potted Plants

Potted plants are permitted and may be placed on the beam. Ceramic pots should not be used only unbreakable containers. Pots must not encroach on the lawn or adjacent graves. The pots must be secured to prevent them from blowing over and they must be an appropriate size for the space available.

Planting of trees and shrubs in Council cemeteries by the public is not permitted.

12. GENERAL CEMETERY SECTIONS

a) Flowers

Flowers may be placed in vases on the beam and headstone or, if in place, on top of a grave cover. The placement of flowers must not encroach on the lawn, adjacent graves or walkways.

Fresh flowers, wreaths and artificial flowers will be removed from grave sites by Council staff if in their opinion they have deteriorated to such an extent as to detract from the appearance of the cemetery.

Planting of trees and shrubs in Council cemeteries by the public is not permitted.

b) Vases

Glass or ceramic containers are not to be used as vases. Council provides plastic vases or alternatively non breakable containers may be used.

c) Trinkets/ornaments

Trinkets/Ornaments must be placed on the beam and should not cause offence or nuisance to other cemetery users. These items must be secured and non breakable so that they do not cause a hazard to Council staff and other patrons.

Should items be deemed excessive, inappropriate or hazardous, these items will be removed. If possible Council will contact the family/applicant prior to removal; however there may be circumstances items need to be removed immediately.

d) Plants

Plants are permitted in pots or planted into the grave area if the grave has been contained by an edging. Such plants may be placed on the beam, headstone or in the grave. The plants or pots must not encroach on the lawn, adjacent graves or walkways. Pots must be secured to prevent them from blowing over and they must be an appropriate size for the space available.

Planting of trees and shrubs in Council cemeteries by the public is not permitted.

13. NICHE WALLS**a) Flowers**

Flowers may be placed in bronze vases provided by Council. Larger bunches of fresh flowers may be placed at a niche wall and not contained in a vase. Council staff will remove flowers when they have deteriorated.

b) Vases

Only bronze side lug vases ordered and installed by Council may be used on niche walls. Vases are required to be placed on the right hand side only (allowing one vase per niche)

c) Trinkets/ornaments

Trinkets/ornaments are not permitted on or adjacent to niche walls.

d) Ashes

One (1) ashes urn only is to be immured. The mixing of ashes is permitted prior to the initial immurement of the ashes and the placement of the plaque. An additional fee is charged for the mixing of ashes.

The removal of the plaque and urn from the niche wall to add second ashes into the urn and the re-immurement of ashes back into the wall is not permitted.

Arrangements for the placement of ashes may only be made by the Burial Licence holder/Executor or family member in possession of the ashes. Applications for the removal of ashes will require a statutory declaration unless made by the Burial Licence holder.

14. MEMORIAL GARDENS

a) Flowers

Fresh flowers may be placed at a memorial plaque and Council staff will remove the flowers when they have deteriorated.

b) Vases

Vases may not be placed in Memorial Gardens.

c) Trinkets/Ornaments

Trinkets/Ornaments are not permitted in Memorial Gardens.

d) Plants

Additional plants may not be planted in the Memorial Gardens by the public.

15. ASHES - PLACEMENT IN GRAVES

Multiple ashes are permitted to be placed in existing or new graves. When purchasing a new grave for the placement of ashes only, full fees must be paid prior to the ashes or headstone/monument being placed.

A maximum of six (6) ashes may be interred in a new grave, and a maximum of four (4) ashes interred in an existing grave. These numbers will enable the placement of corresponding small plaques on the beam. The plaques for lawn graves must comply with standard sizes and designs set by Council and must be ordered and placed by Council.

It is a requirement that details of the interment are memorialised on a plaque, headstone or monument.

Plaques are only to be located on the desk of the beam at Alstonville Cemetery.

16. ASHES - PLACEMENT IN MEMORIAL GARDENS

A maximum of one (1) ashes urn is permitted to be placed in the Memorial Garden directly behind the plaque. Mixed ashes are allowed in the one (1) urn for placement; however urns will not be removed to provide further mixed ashes.

17. REMOVAL OF ASHES

Applications to have cremated remains removed from any cemetery for any reason, must be made in writing. The application must be signed by all applicants or their rightful successor, or a Statutory Declaration may be submitted stating that all near relations of the deceased have been advised of the request for removal.

The Holder of the Burial Licence may relinquish the Burial Licence to Council in writing after the removal of the ashes.

18. PLACEMENT OF HEADSTONES AND MONUMENTS IN GENERAL SECTIONS

Application for consent to carry out monumental works, which includes the placement of monuments and repairs to monuments, must be made in writing to Council.

An application fee must accompany the application and the application must be received two weeks prior to the date of proposed works.

To ensure that the monument is correctly located Council will mark the site where works are to be undertaken.

The installation of headstones and monuments can only be undertaken by persons a licenced and qualified mason who hold the appropriate level of public liability insurance and have satisfactory Work Health and Safety procedures in place.

Guidelines for the construction and placement of monuments and headstones are as follows:

- Less than one metre in height unless certified by a structural engineer;
- Located wholly within the assigned burial plot.

19. PLAQUES/MONUMENTS - MAINTENANCE AND REPAIR

Plaques and monuments in the general sections of the Shire cemeteries are the responsibility of the holder of the burial licence. Should these items be damaged, vandalised, or fall into disrepair it is the responsibility of the burial licence holder to make repairs. Council approval is required prior to the commencement of works.

If plaques or monuments are dangerous Council may conduct works to make the area safe. This work may involve the placement of a headstone on the ground to prevent it from falling and will not ordinarily include repairs or reinstatement of the headstone.

The placement of headstones or monuments may only be made by licenced and qualified masons with an approved monument application. Monuments are not permitted where there is no deceased record.

Council does not carry any liability for damage caused by vandals.

20. PLAQUES - LAWN, NICHE AND MEMORIAL GARDEN

All memorial plaques affixed to niche walls, memorial gardens and lawn graves must comply with standard sizes and designs set by Council. Additional charges apply for ceramic photos, additional motifs and extra lines on plaques. Council is responsible for the ordering and placement of plaques and photos.

Plaques and vases placed on niche walls, memorial gardens or lawn graves that do not comply with Council standards may be removed by Council without notice.

The cost of placing plaques that are placed on niches, memorial gardens and lawn cemetery graves are included in the fees for the interment or immurement of the deceased. It is important that the plaques are placed in a timely manner, generally within 12 months. If a plaque application has not been received within 12 months,

Council will write to the Burial Licence holder. If no response is received Council will place a plaque with the name of the deceased and the date of death. This will complete Council's obligation in acquitting the plaque fee.

22. BURIALS ON PRIVATE PROPERTY

Periodically Council receives enquiries regarding burials on private land.

Council has a role in the approval process for such burials which is summarised in this policy. Detailed requirements are contained in *NSW Health Guidelines Burials on Private Land – Approval by Local Authority* and the *Public Health (Disposal of Bodies) Regulation 2002*.

Clause 22(1)(c) of the Public Health (Disposal of Bodies) Regulation 2002 provides that:

“ a person must not place a body in any grave or vault unless that grave or vault is located on private land where the area of landholding is five hectares or more and the location has been approved for that purpose by the local authority” .

Ballina Shire Council will assess such applications based on the process and requirements of the *NSW Health Guidelines Burials on Private Land – Approval by Local Authority* and the *Public Health (Disposal of Bodies) Regulation 2002*.

Council will endeavour to process applications as expeditiously as possible. It is noted that the extent of information and assessment required would not normally allow an approval to be achieved within days of the death of a person.

23. FUNERAL CEREMONIES ON BEACHES, PARKS AND PUBLIC RESERVES

Applications for funeral ceremonies on beaches, in parks and public reserves will be considered and where such requests can be accommodated, without inconveniencing or causing distress to the wider community, consent will be provided.

Such applications/requests will be considered on an individual basis and conditions may apply to approvals.

A fee will not be charged for the use of public land for a funeral or memorial ceremony. General maintenance of public areas is carried out in accordance with Council's maintenance schedule and cannot be changed to accommodate special requests such as funeral services.

24. EXHUMATIONS

Exhumations may not take place unless:

- Prior written approval has been obtained from the Area Director of the Department of Health and in accordance with the regulations under the *Public Health Act 1991*;

- Exhumations shall be carried out in accordance with "Guidelines for Approval and Approval Procedures for Exhumations" produced by the Public Health Unit (NSW);
- All necessary applications and approvals are to be provided by the Funeral Home;
- An Order for exhumation has been issued by Council.

This section does not apply if an exhumation order has been issued by a Coroner or a Court.

25. CONTRACTORS WORKING AT CEMETERIES

Any work undertaken in Shire cemeteries must have prior consent and / or lodgement of the required application.

26. EXCLUSIVE BURIAL LICENCE

An Exclusive Burial Licence is issued whenever a burial or internment or immurement of ashes occurs or a reservation for a grave, niche or memorial garden right is made.

The Burial Licence entitles the holder to request the erection of monuments, placement of plaques and additional interments at the specified allotment.

The arrangement of the erection of monuments, placement of plaques or additional burials, can only be done by the person who holds the Burial Licence.

The Burial Licence is issued to the person identified as the holder of the Burial Licence on the Burial Application - which is completed when arranging the funeral at the Funeral Home.

a) Who should hold the Exclusive Burial Licence?

Consideration should be given to who will be named the holder of the Burial Licence. The holder of the Burial Licence will be granted the right to place a memorial, headstone or plaque and the wording to be placed on the grave. The holder also has the right to determine how a second burial will be managed and must provide consent for any exhumations.

Typically it is recommended that the executor of an estate be nominated as the holder of the Burial Licence.

When making reservation arrangements joint names may be applied to a Burial Licence, this will ensure that the right passes to the person that the holder wishes to manage their affairs.

b) Transfer of Burial Licence

Council may on application transfer an exclusive burial licence from one or more persons to one or more other persons.

The written application must be made by the holder(s) of the burial licence and be signed by the holder(s) of the burial licence. A fee will be charged for this transfer in accordance with Council's Fees and Charges.

c) Right to refuse to grant or transfer a Burial Licence

Council may refuse to grant or transfer an exclusive burial licence if, in its opinion, the grant or transfer would tend to create a monopoly or encourage dealing in such rights as a business.

d) Exclusive Burial Licence to pass to surviving joint holder

On the death of a joint holder of an exclusive burial licence, the remaining joint holder(s) will be entitled to the exclusive burial licence.

e) Exclusive Burial Licence may be bequeathed

The holder of a burial licence may bequeath the Burial Licence. The person(s) to whom a burial licence devolves does not become the holder of the right until the register has been amended. An application, with the appropriate documentation, must be received by Council notifying of the change.

If the holder of a burial licence dies and has not bequeathed the right, the right is to be dealt with as if it were personal property forming part of the estate of the intestate.

f) Revocation of Exclusive Rights of Burial

The rights of Council and the holder of a burial licence where Council wishes to revoke a burial licence are covered in *Crown Lands (General Reserves) By-Law 2006* Clause 33.

THE 'BURIAL LICENCE' IS A LEGAL DOCUMENT AND SHOULD BE KEPT IN A SAFE PLACE.

27. VAULTS & CRYPTS

The construction of vaults and crypts in Ballina Shire Council cemeteries is not permitted.

29. OTHER ACTIVITIES REQUIRING PRIOR APPROVAL

- Buying or selling of goods.
- Distributing handbills, circulars, advertisements and the like.
- Take part in any meeting other than a religious or commemorative nature related to a burial or placement of ashes.
- The placement of ashes in existing grave (see prohibited actions).
- Filming.
- Carrying out any work within a cemetery.

30. PROHIBITED ACTIONS

The unauthorised placement of ashes in existing graves

The placement of ashes in existing graves must be approved by Council. Council must maintain a register of all burials and interment of ashes in shire cemeteries, the placement of ashes in such a manner means that the ashes are not recorded in the cemetery register.

The placement of ashes in a grave must only be carried out with the consent of the holder of the Burial Licence and Council.

31. ANZAC MEMORIAL SECTIONS

The Commemorations Section of the Office of Australian War Graves (OAWG) provides bronze plaques and terrazzo crosses for eligible war veterans. The Department of Veteran Affairs advises OAWG of the veteran's entitlement.

a) Plaques

Plaques provided by the OAWG must be placed at the same time that the ashes are being placed. The OAWG do not permit the placement of a plaque without the placement of the ashes.

Council permits a reservation of niche on the ANZAC walls for deceased's spouse/partner.

The ashes of deceased must be placed behind the plaque on the ANZAC wall when the plaque has been provided by the OAWG.

b) Terrazzo crosses

Terrazzo crosses must only be placed in the Anzac Section of the East Ballina Cemetery. These crosses are provided by the OAWG to eligible war veterans. A bronze plaque is placed in front of the terrazzo cross for the spouse (if not a war veteran) and when required the plaque cost is then borne by the family.

In instances when the OAWG has not advised the veteran's eligibility to the next-of-kin, interment or immurement in the Anzac Section is still permitted. Costs and associated placement of plaques or terrazzo crosses is the responsibility of the family.

REVIEW

The Cemetery Management Policy is to be reviewed every four years or as required.