

Cemetery Management Policy

1 Purpose

Coffs Harbour City Council manages seven cemeteries:

- Bucca Cemetery – monumental
- Coramba Cemetery – monumental
- Coffs Harbour Historical Cemetery – monumental
- Coffs Harbour Lawn Cemetery (Karangi) (Developing)
- Woolgoolga Monumental and Lawn Cemetery
- Corindi Historical Cemetery

The purpose of this document is to detail Council's policy on:

- Interment rights
- Managing the Cemetery Register
- Burials and interment
- Plinths and plaques
- Cemetery management and conditions of use

2 Policy

2.1 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 right to a designated columbarium niche or interment site. Subject to the following terms and conditions, a right:

1. Is a contract between the cemetery operator, Coffs Harbour City Council (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 designated 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.
7. May be purchased on a pre-need basis (reservation) or in conjunction with a funeral.
8. Shall be refused for more than one interment site if Council believes the applicant is attempting to:
 - i. Create a "monopoly of control" over interment sites, or
 - ii. To deal with such reservations in a way of business activity, or
 - iii. Sell (or the right has been sold) the right for profit.

The right holder is required to make an application to Council each time they plan to use the site for interment.

2.1.1 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 licences (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.

2.1.2 Burial Licence

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 Licence which is evidence that a person, or any person they nominate, has exclusive right to be interred at the designated site.

2.1.3 Transfer of interment rights (Lawn Cemeteries only)

The following section details the conditions of 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 receipt or Burial Licence 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 Licence, the remaining holder is entitled to the right.

2.1.4 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).

2.2 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.

2.3 Burials or interments

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

1. Prior to any interment, confirmation of the interment site and a copy of the Burial Licence 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 (Karangi only).
5. Second interments are not permitted in single depth interment site.
6. There must be an interval of at least two hours between each interment.
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. Although, ash interment may still be permitted if it is in accordance with Section 2.3.1 Ash Interment.
8. Double interment sites are standard at Coffs Harbour Lawn Cemetery (Karangi). Woolgoolga Lawn Cemetery can only be single depth due to unfavourable ground conditions. Double burials are only available at other cemeteries where they meet the conditions of this Section.

2.3.1 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

2.4 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.
4. A single cast bronze plaque (380mm x 280mm) is included for first interment, manufactured and attached to the concrete plinth. This plaque may be recast at the applicant's cost to commemorate other people interred in the interment site.
5. 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.
6. Only the holder of the Burial Licence, their Executor or next of kin (where there is no will) can authorise the ordering of a plaque from Council for an interment site.
7. The holder of the Burial Licence, 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).
8. An application for a plaque may be refused where, in the opinion of Council, offence or distress may be caused by the inscription.

2.5 Cemetery conditions of use

2.5.1 Items permitted at a Council Lawn Cemetery interment site

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

- a) Natural 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.

2.5.2 Items NOT permitted at a Council Lawn Cemetery interment site

The following Items are NOT permitted at an interment site or elsewhere in the lawn 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, plants or illumination including around the perimeter of the interment sites.

Council will remove any prohibited items immediately and store them at a collection point for a period of 4 weeks for the owners to collect. If these items are reused within the cemetery the items will be confiscated and destroyed.

2.5.3 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.

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

2.5.4 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.

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

2.5.5 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).

2.6 Exhumations

Exhumations will only take place:

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

2.7 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.

3 Definitions

Applicant: The person who applies for an interment right; the applicant may nominate another person/s to be the holder of the Burial Licence.

Burial Licence: a certificate issued to the person nominated on the application form for a portion of land (interment site) or a columbarium niche within the cemetery. The holder of the Burial Licence has a right in respect of a nominated interment site.

Cemetery Register: the register required to be kept by a cemetery operator in accordance with the *Cemeteries and Crematoria Act 2013* (NSW).

Cemetery operator: means Coffs Harbour City Council.

Exhumation: means the removal of a deceased person's remains (not being cremated remains) from an interment site or vault, but does not include their removal from one vault for immediate transfer to another vault in the same cemetery or their temporary removal for the purposes of reburial in the same interment site or vault or the re-interment of those remains in accordance with section 55 (4) of the *Cemeteries and Crematoria Act 2013* (NSW).

Interment site: the nominated place set aside for the placement of human remains (including ashes) within the cemetery.

Interment: the placement of human remains in the earth, a columbarium or some other structure. Interment applies equally to cremated and un-cremated remains.

Interment right (right): a contract between Council and an interment right holder permitting the right holder to place cremated or un-cremated remains in a particular plot in a cemetery or cremated remains in a columbarium or some other structure.

Interment right holder: means the person recorded in the cemetery register as being issued with the Burial Licence.

Perpetual interment right: a perpetual interment right allows the right holder to inter human remains in the nominated interment site and for those remains to be left undisturbed forever.

Child: To be classified as a child the deceased shall be aged 10 years or less at the time of interment.

4 Key Responsibilities

Position	Directorate	Responsibility
Mayor	Council	To lead councillors in their understanding of, and compliance with this policy and guidelines.
General Manager	Executive	To lead staff (either directly or through delegated authority) in their understanding of, and compliance with this policy and guidelines.
Directors	All Directorates	To communicate, implement and comply with this policy and related guidelines.
Council Leaders	All Directorates	To implement this policy and related procedures.
All Council officials	Council	To comply with this policy and related procedures.

5 References

- The Cemeteries and Crematoria Act 2013
- Public Health Act 2010 and its Regulations of 2012
- Work Health and Safety Act 2011
- Heritage Act 1977
- Crown Lands Act 1989
- Local Government Act 1993
- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998
- CHCC Cemeteries Operational Management Strategy 2017

6 Details of Approval and revision

- **Approval date: 13/06/2019**
- **Responsible Section: Roads and Open Space**
- **Superseded policies/procedures:**
- **Next review date: 12/08/2021**

Table of amendments

Amendment	Authoriser	Approval ref	Date