



LEETON SHIRE COUNCIL

Preserving the Past, Enhancing the Future

LEETON SHIRE COUNCIL POLICY

CEMETERY

Definitions

Applicant: means the person making an application

- for a burial or memorial right
- for a work permit or other Council consent
- for burial or interment.

Appropriate fee: means a fee determined by Council and listed in the Annual Fees and Charges.

Burial place: means a grave site, vault site, capella site, memorial site or other place for the disposition or commemoration of the remains of the dead, whether cremated or not.

Burial right: means exclusive right of entitlement to a burial place granted by Council normally granted on the basis referred to in the next paragraph in this clause (f) and always on a non-commercial basis to a person or persons or to an otherwise relevantly entitled person's attorney-under-power or duly appointed guardian or his or her presumptive Executor – in any such case identifiable by evidence satisfactory to Council.

Cemetery or cemeteries: means an area containing one or more burial places. When used as a generic term it can apply to lone graves, family plots and larger collections, such as those under Council's control.

Council: means the Leeton Shire Council.

Grantee: means the person to whom a right is granted.

Monument: means any structure, plaque, headstone, masonry, metal work, casting or item placed over, in or around a burial right.

Monumental mason: a tradesman mason or person possessing the skills to carry out monumental masonry work.

Pre-need burial right: means a burial right granted prior to need to a person in contemplation of his or her own death or of the death of his or her parent(s) including step-parent, grandparent(s), spouse, childless or widowed sibling or other person dependent upon the grantee or from whom the grantee holds enduring Power of Attorney or guardianship or who has been appointed as guardian by the Guardianship Tribunal.

Reservation: means any undeveloped or presumptive right arising from the payment by a person of a holding fee for a pre need burial right prior to his or her own need or the need. Not until payment in full of actual interment/inurnment fee at the time of need or accepted by council at a time when there is reasonable contemplation of such a need arising in the near future shall a "burial right" be issued.

Register: means the Council's formal repository of data containing all the required details of a reservation, burial, memorial site, interment right or burial right.

The Policy: means this Policy.

LEETON SHIRE COUNCIL CEMETERY POLICY

Objective:

To define Council's role and responsibility and to provide standards and procedures for the cemeteries under Council's control.

1 PRELIMINARY

1.1 Citation

This Policy may be cited as "The Policy" or "The Leeton Shire Council Cemeteries Policy".

1.2 Commencement

This Policy was adopted at the ordinary Council Meeting held on Tuesday, 27 May 2008 and is due to commence on 3 June 2008.

1.3 Application

- a) This Policy applies to Leeton and Whitton Cemeteries administered, operated and maintained by Leeton Shire Council.
- b) This Policy does not affect the operation of any Regulations under the Public Health Act 2010 relating to cemeteries and crematoriums.

1.4 Policy Objectives

The key objectives of this Policy are:

- To manage the operation and administration of the cemeteries efficiently.
- To plan future burial sites for the various denominations in the cemeteries.
- To continue to maintain the cemeteries efficiently.
- To inform Council staff and the community of the way the Cemetery will be managed.
- To ensure that the Local Government Act 1993 is complied with within relation to Plans of Management.
- To identify the major issues applying to the Cemetery.
- Provide adequate space for interment for future needs.
- Provide for infrastructure improvements throughout the cemeteries with the construction of pathways, parking areas and other features where necessary.
- Enhance the amenity of the cemeteries through design features including landscaping, shelters, seating, and signage where necessary.
- Provide for the various religious needs of the deceased and their families in a respectful manner and setting.
- Ensure that all stages of the management process of funerals is to a high standard from reservations to interments.
- Preserve the heritage values of the individual cemeteries.

1.5 Purpose of the Cemeteries

The purpose of the cemeteries is to provide a place of interment for deceased persons and ashes that is accessible, aesthetic and respectful and caters for a range of religious needs and cultural requirements.

Sections within the cemetery have been made available for different types and classes on interments. At the Leeton Cemetery this includes:

- the Lawn Cemetery Sections 1 and 2,
- the Vault Section,
- the Capella Section,
- the Stillborn Section,
- the Rosegarden and
- the Monumental Section

At the Whitton Cemetery, there is only the main monumental cemetery.

At Leeton Cemetery the Monumental Section is closed unless a plot has been previously reserved. In the Monumental Section there are the following separate sections for denominational groups:

- Church of England Sections 1-5,
- Presbyterian Sections 1-2,
- Methodist Section 1,
- Baptist Section 1,
- Unsectarian Section 1,
- Salvation Army Section 1,
- Lutheran Section 1,
- Uniting Church Section 2
- Roman Catholic Sections 1-4.

At Whitton, the sections are located left and right of the main gravel access road and are as follows:

- Roman Catholic Sections 1-2
- Church of England Section 1-2 (Section 1 closed)
- Methodist Section 1-2 (Section 2 closed)
- Presbyterian Section 1-2 (Section 2 closed)

2. MANAGEMENT OF CEMETERIES

2.1 Planning, conduct and maintenance of cemeteries

Council will manage the Cemeteries in accordance with Leeton Shire Councils - Cemetery Management Plan. Council will make such provisions as it considers necessary for the following:

- Setting aside of sections for different types and classes of burials;
- Establishment of standards of construction and design for monuments and structures;
- Size, multiple use and location of burial places;
- Interments and entombments in vaults;
- Erection or installation of structures and the making of inscriptions;
- Carrying out of work by monumental masons;
- Qualifications required by, and the security deposits to be lodged by, monumental mason;
- Removal, replacement and maintenance of structures;
- Improvement and maintenance of cemeteries;
- Making of arrangements for the care of burial places on an annual or other basis;
- Supply of goods and services incidental to the conduct of burials and other matters relating to cemeteries;
- Conduct of religious or other ceremonies of burial, disposition or commemoration;
- Preservation, conservation and promotion of cemetery sites as places of community significance in terms of their architectural, heritage, social and genealogical content.

3. BURIALS.

3.1 Register of burial places and interments

Council shall maintain a register of burial places as required by the Regulations of the Public Health Act 2010 in respect of all buried places and other memorials in the Cemetery.

Each entry in the register must include the following information for each burial place:

1. Name, age, and last address of the person whose body or remains were buried.
2. The date of burial
3. The section and allotment of the burial
4. The name of any person who continues to hold any right of burial in that allotment
5. The name of the funeral director who transported the body to the cemetery
6. The fees paid to Council for the burial.
7. Depth of grave e.g. single or double.

The registers can be used as verification that an exclusive right has been granted in respect of any burial or memorial site.

3.2 Public Access to the Burial Register

Public access to view the Burial Register is permitted during Council's ordinary business hours. No charge is levied to view records when viewed at the Council Chambers. Council will charge for photocopies of the register in accordance with Council's Management Plan (Fees and Charges) for copying services.

3.3 Certificates of exclusive right of burial

The Council will issue to the owner of an exclusive written right of burial a ~~certificate~~, clearly showing:

- The owners name and address
- The amount paid
- The date of issue
- A description of the physical location of the grave

The Executor

Council does NOT regard the Executor as the grantee unless the executor is the person named as the holder of the Burial Right Certificate. If the Executor proposes a burial in another's entitlement, then the actual grantee's consent is required.

When two or more people are named in the burial right certificate as grantees their entitlement is considered as joint. The consent of the survivor of them is required when application is made to conduct any other burial or to carry out work upon the plot

Who owns the burial right after the Grantee's Death

It is deemed that the burial right certificate is, during the grantee's life, part of their property. After the grantees death, it is part of the deceased's estate (the grantee's estate) and can be treated accordingly.

If the grantee, after death, is buried in the described entitlement Council will, in the absence of any other advice, consider the applicant as the grantee for purposes of subsequent interments or work to be carried out at the grave.

3.4 Hours of Burial, Interment & Exhumation

Burials, interments and exhumations shall take place only during the hours approved by Council. Monday to Friday 9.30am to 4.30pm and Saturday 9.30am to 11.00am.

3.5. Order for Burials

- a) Burials are NOT to take place unless an Notification of Interment has been received and approved by Council and a permit for burial is issued.
- b) Burial shall be in accordance with the Regulations of the Public Health Act (NSW) 2010, and the Public Health Regulation 2012.

3.6 Transfer

Council will facilitate the transfer of a right of burial as a result of a bequest following receipt of written evidence from the holder of the Right of Burial authorising the transfer and payment of the appropriate fee.

3.7 Cancellation

Council may proceed with cancellation of a right of burial if the right of burial is not exercised within a 60 year period. This decision must be a resolution of Council.

3.8 Reservations

Reservations may be made where there is a desire to reserve a burial plot. To arrange a reservation, a person must contact the Council and for a fee a plot will be issued to them. This fee is to be listed in Councils Schedule of Fees & Charges in Councils Management Plan.

On receipt of the application and payment a Right of Burial is issued and the plot is reserved. Only when the plot has been paid in full a Right of Burial will be issued.

3.9 Emergency Burials

Where requested by a representative of NSW Public Health or the NSW Coroner an emergency burial will be facilitated by Council. In this instance the appropriate fee does not need to be paid in advance. An emergency burial includes mass burials (e.g. following a catastrophe). In this instance, guidance on how to conduct such a burial will be obtained from the NSW Department of Health.

3.10 Exhumation

An Order for Exhumation is not to be issued unless:

- An exhumation has been ordered by a coroner or approved by the Director-General of the Department of Health (NSW)
- And; any fee(s) due have been paid in full to Council:
 - Any additional special costs have been paid in full by the applicant
 - A person must not proceed with an exhumation unless an officer of the Department of Health or an environmental health officer (whether an officer of the Department of Health or otherwise) is present at the exhumation.

A person must not proceed with an exhumation if an officer of the Department of Health or an environmental health officer orders the exhumation to stop.

A funeral director must be in attendance to receive remains, and recovered remains must be placed in a new coffin or container prior to reburial, or transport.

3.11 Fees

Fees for services are specified in Council's Management Plan (Fees and Charges).

3.12 Funeral Service

Burial of bodies in Council cemeteries must be undertaken by an approved Funeral Business. It is an offence for a person to be prepared or placed in a coffin at any place other than an approved mortuary. Boxed ashes may be interred by private citizens during Council's ordinary business hours, if this can be accommodated, otherwise ashes will be interred by staff.

Approval to conduct a funeral service does not provide exclusive use of the cemetery.

Any litter created during the course of a funeral service is to be collected and deposited in an appropriate location by the funeral business.

Open graves must be covered with an appropriate structure to prevent persons from falling in if graves are left unattended.

3.13 Religious and Cultural Tolerance

Council will endeavour to facilitate and respect the religious and cultural needs of the deceased and their families. Religious and other cultural activity will not be permitted where it is contrary to legislated requirements for burials.

Additional fees may be charged to cover the costs of any special requests.

4. GENERAL CONDITIONS OF ENTRY.

A person must not undertake any inappropriate action within the Cemetery Grounds.

5. REQUIREMENTS FOR GRAVES

The dimensions of a grave shall be a minimum of:

- 1.2 metres x 2.4 metres for adult graves
- 0.9 metres x 1.5 metres for children's graves
- 1.8 metres x 3.6 metres for in ground vaults.

Where a coffin containing the deceased remains is interred in a grave, the upper surface of the coffin shall be at depth not less than 900mm as required by the Regulations of the Public Health Act (NSW) 2010.

Council will allow ashes remains to be placed into a general cemetery plot, recognising that this is the wish of some families, provided that:

- a) Where ashes remains are placed into a general cemetery plot the first (original inurnment) shall be at the normal rate for the purchase of a general cemetery plot.
- b) Up to 3 additional ashes remains can be placed or memorialised with the payment for each being at a lesser rate as specified in Council's Annual Fees and Charges document.
- c) The limits for placement in general cemetery plots shall be:
 - 1 burial and 2 ashes memorials, or:
 - No burial and 4 ashes memorials

6. ABOVE GROUND ENTOMBMENT

That for the reservation of plots within the Vault and Capella areas the same policy apply as for the Lawn Cemetery with the addition that the maximum of four (4) sites to erect a Capella can be acquired.

Capella sites are to be arranged back to back with an access between.

All capellas will require Development Application approval from Council prior to any work commencing.

7. REMOVAL OR RECTIFICATION OF MONUMENTS AND STRUCTURES

Should any monument, grave or structure require repair, replacement or removal, Council will attempt to contact any next of kin, to advise Council's intention and require the works to be completed within a suitable timeframe. Failure to do so will result in Council completing the works at the cost of the next of kin.

8. MAINTENANCE OF STRUCTURES / MONUMENT AND STRUCTURE OWNERSHIP.

The ownership of monuments, graves or other structures is deemed to be with the person or persons (or their heirs & successors) that caused the monument or structure to be constructed,

- a) The Council shall not be responsible for the upkeep, maintenance, repair etc, of any monument or structure, inclusive of memorial plaques fitted to any columbarium niches, lawn cemetery plots, memorial garden sites or monument lawn cemetery plots.
- b) The owner is responsible for the upkeep, maintenance and repair of the monument.
- c) The Council may act to remove any structure which has become dilapidated, dangerous or unsightly, in consultation with the appropriate bodies.

9. REMOVAL OF TREES

The Council may remove any trees, shrubs or vegetation from any cemetery where, it is in the best interest of the cemetery to do so (Refer to Council's Tree Management Policy).

10. MONUMENTAL SECTIONS

The monumental sections of the Leeton Cemetery are closed for burials unless a plot has been previously reserved along with substantial proof.

11. CONSERVATION AND HERITAGE ISSUES AND SIGNIFICANT GRAVES

The Council recognises that burial grounds and cemeteries are places of significance to the community by virtue of their architectural, social or genealogical significance, and will provide reasonable assistance to community groups and interested parties who seek to promote or research cemetery issues.

With the assistance of the Leeton Family and Local History Society and the Leeton Italian Heritage Group graves in the Leeton and Whitton Cemeteries with significance have been identified and listed Appendix B of this Cemetery Policy.

The graves which are considered to have significant heritage value in the cemeteries have been listed in the following categories:

- War Graves
- Pioneer Graves
- Graves of Significant People
- Graves with Significant Monuments (art, architecture or religious significance).

12. POLICY REVIEW

Council reserves the right to amend or review this policy in accordance with the provisions of the Local Government Act 1993. This policy shall be reviewed at an interval no greater than five years.

Appendix A – High Significance Graves

Significant War Veterans Graves

DARE James Nankivell
DARE Samuel Carlisle
DOOLEY John Sylvester
DRUITT A Robert Mayo
EURELL Patrick
MORAN Martin
PIKE Charles Rutley
ROUTLEY John Joseph
STEWART John Alexander
THOMSON William Martin
RUNGA Raymond Charles MM
CHARLEY William T

Graves of Pioneers

KHAN Ali Blanaket
SHEHADH Abdullah
MIKURDA Stanislaus
MAGOWLAS John
WICKHAM James Loftus Carr
PEACOCK Frederick S
McINTYRE Francis H
BRADY John
ERREY Thomas Peter
McEACHERAN William Wallace
POLKINGHORNE Earnest Josiah
KENNEDY Robert Fittes

Graves of Significant People

EATON Andrew
FANSTONE Herbert H
FULLERTON Robert George
GLOVER Charles Randolph
GOVERNA Batista
GOVERNA Anna
BOWMAKER Alfred Ernest MBE
GORDAN James William
GRANT Lois
GRANT Donald
PALMER J. Siddie
ROWLANDS John
PULBROOK Noel J.
MALCOLM Alan D. MBE
DUNN Thomas H

Policy History:

Date of Adoption/Amendment	Resolution Number
2 February 2005	05/51
27 May 2008	08/175
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