

FILE NO: PSC2005-3664

TITLE: PROVISION AND MANAGEMENT OF CEMETERIES

POLICY OWNER: COMMUNITY SERVICES SECTION MANAGER

PURPOSE:

- 1) To ensure the management and maintenance of cemeteries are undertaken in a lawful and respectful manner.
- 2) To ensure the sufficient provision of cemetery facility to meet the needs of the community.

CONTEXT/BACKGROUND:

Council manages cemeteries at Anna Bay, Karuah, Nelson Bay, Seaham and Raymond Terrace. These cemeteries offer interments in plots, memorial gardens and niche walls. Council also maintains the grounds of historic cemeteries at Hinton, Raymond Terrace and Birubi Point.

Cemetery management requires a focus on compassion with the customer, accuracy in the management of records and safety in the issuing of permits to undertake work. This Policy sets the parameters by which cemeteries will be managed in Port Stephens Council and ensures that the corporate knowledge that underpins the management of cemeteries is held in one place.

SCOPE:

This Policy applies to all cemeteries that are on land that is owned or managed by Port Stephens Council.

This Policy does not relate to cemeteries or columbarium walls or gardens on land that is not owned or managed by Port Stephens Council.

DEFINITIONS:

Cemetery	A place for burials, not being a church yard.
Columbarium	A structure with tiers of niches for reception of cinerary urns.
Exhumation	To dig out, unearth.
Interment	Burial in the earth or placement of cinerary urns in a



	columbarium or memorial garden.
Interment right	An exclusive right granted for use of an interment site. There is no entitlement to any real estate. The holder of an interment right has the sole authority to determine who can be buried or placed in the interment site and to permit headstones, inscriptions and memorials on the site.
Interment site	A place of burial in the earth or placement in a columbarium or memorial garden.

POLICY STATEMENT:

1. Provision of cemeteries

1.1 Council will plan for the provision of cemeteries including burial plots, memorial gardens and niche walls through the Strategic Asset Management Plan process.

2. Management of cemeteries

2.1 Council does not permit any person to undertake an activity within a cemetery unless:

2.1.1 the activity is an approved activity such as:

2.1.1.1 the quiet and respectful commemoration of the dead or undertaking of historical research and;

2.1.1.2 the use of roadways and pathways to gain access to interment sites or amenities;

2.1.2 the person holds an interment right, exhumation permit, works permit or monument permit issued by Council to undertake that activity;

2.2 Council may delegate some aspects of the maintenance of cemeteries to a 355c committee of Council;

2.3 Council shall maintain cemeteries to agreed service levels detailed in the maintenance service contract specifications;

2.4 Council shall create and maintain general terms and conditions relating to interment rights and monumental permits.

3. Keeping of records

3.1 Council shall maintain a register of all interments, exhumations and interment rights in respect of each cemetery.

4. Interment sites and Interment rights

4.1 Human remains of a deceased person may only be interred at interment sites with the written permission of Council who shall issue an interment right;

4.2 Interment rights may not be sold or transferred except with the express written consent of Council;

4.3 The owner of an interment right may relinquish an interment right to Council;

4.4 A person may not hold more than two interment rights.

5. Monuments

- 5.1 Council approval is required for the installation of a monument;
- 5.2 A monument must be in keeping with the scale and character of the interment area;
- 5.3 A monument permit shall only be granted in respect of an interment site with the consent of the holder of the interment right;
- 5.4 The holder of a monument permit is responsible for the maintenance and repair of the monument;
- 5.5 If Council is required to undertake any work relating to monuments, to ensure public or employee safety, Council may recover the costs associated with such works from the holder.

6. Exhumation

- 6.1 An exhumation may only take place when an order by a Coroner or a Court permitting such exhumation is issued; or
- 6.2 a person has obtained prior to commencing exhumation:
 - 6.2.1 approval for exhumation by NSW Department of Health in accordance with the provisions of the *Public Health Act*; and
 - 6.2.2 approval from Council.

POLICY RESPONSIBILITIES:

Overall implementation of this Policy lies with the Community Services Section Manager. Key policy areas are delegated to the following sections and teams:

- 1) Provision of cemeteries – Civil Assets Section.
- 2) Management of cemeteries – Community Services Section/Contracts and Services team.
- 3) Keeping of Records – Facilities and Services Group Manager's Office/Business Systems and Administration team.
- 4) Interment sites and Interment rights – Facilities and Services Group Manager's Office/Business Systems and Administration team.
- 5) Monuments – Facilities and Services Group Manager's Office/Business Systems and Administration team.
- 6) Exhumation – Facilities and Services Group Manager's Office/Business Systems and Administration team.

RELATED DOCUMENTS:

- 1) Setting of Fees and Charges Management Directive (PSC)
- 2) Code of Conduct (PSC)
- 3) Procedure - Requirements for works within Council cemeteries by external agents (PSC)
- 4) Application Form – Permit to carry out monumental work in Port Stephens Cemeteries (PSC)
- 5) Application Form - Cemetery Burial Application (PSC)

- 6) Application Form - Columbarium Wall/Garden Application (PSC)
- 7) Application Form – Annual Permit to undertake work in Port Stephens Council Cemeteries (PSC)
- 8) Application Form – Confirmation of Cemetery Information (PSC)
- 9) Application Form – Request to Transfer Right of Interment (PSC)
- 10) Form – Template for Memorial Niche Plaques (PSC)
- 11) Form – Template for Terrazzo Oval Plaques (PSC)
- 12) Form – Template for Raymond Terrace Granite Columbarium Wall (PSC)
- 13) Port Stephens Cemeteries information brochure (PSC)
- 14) Port Stephens Columbarium Walls and Gardens brochure (PSC)
- 15) *Anti-Discrimination Act 1977 (NSW)*
- 16) *Births Deaths and Marriages Registration Act 1995 (NSW)*
- 17) *Cemeteries and Crematoria Act 2013 (NSW)*
- 18) *Coroners Act 2009 (NSW)*
- 19) *Crown Lands Act 1989 (NSW)*
- 20) *Fair Trading Act 1987 (NSW)*
- 21) *Government Information (Public Access) Act 2009 (NSW)*
- 22) *Heritage Act 1977 (NSW)*
- 23) *Human Tissues Act 1983 (NSW)*
- 24) *Public Health Act 2010 (NSW)*
- 25) *State Records Act 1998 (NSW)*
- 26) *Work Health and Safety Act 2011 (NSW)*

CONTROLLED DOCUMENT INFORMATION:

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Audience	Funeral Directors, Grave diggers, Monumental Masons, West Ward Cemeteries 355c Committee, Tomaree Cemeteries 355c Committee, Historical Societies, general community.		
Process owner	Contracts and Services Coordinator		
Author	Community Services Section Manager		

Review timeframe	4 Years	Next review date	14 July 2019
Adoption date	14/07/2015		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
0.1	27/05/2015	S. Bernasconi	Draft version for review by Executive Leadership Team	n/a
0.2	07/07/2015	S. Bernasconi	Draft version for Public Exhibition.	n/a
0.3	14/07/2015	S. Bernasconi	The Public Exhibition period ended 20 August 2015 and no submissions were received. This policy is now adopted and replaces the Port Stephens Cemeteries Policy (dated 290102 – Min No. 016)	194