



BYRON SHIRE COUNCIL

POLICY NO. 7.5

CEMETERIES

**INFORMATION ABOUT THIS DOCUMENT
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Date Adopted by Council	18 July 1995	Resolution No.	
Policy Responsibility	Asset Management Services		
Review Timeframe	As required		
Last Review Date:	10 July 2008	Next Scheduled Review Date	

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
658782	28 July 1998	
630218	10 July 2008	Extraordinary Meeting, Resolution No. 08-414.
793386		No submissions received following advertising. Adopted by Resolution No. 08-414.

Further Document Information and Relationships

Related Legislation	Public Health (Disposal of Bodies) Regulation 2002 NSW Public Health Act 1991
Related Policies	
Related Procedures/ Protocols, Statements, documents	Arrangements for issue and recording of burials in council's cemeteries #761098

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POLICY TITLE	CEMETERIES
FILE REFERENCE	BLD300000

1. Objectives

1.1 To provide equitable and consistent administration and control of all Council cemeteries.

2. Policy Statement

2.1 To ensure the efficient and economical operation of Council's cemeteries to provide a caring and equitable setting for the remembrance of the deceased.

3. General Conditions

3.1 The dual depth system of burial will apply to all new lawn and garden areas of the Bangalow, Byron Bay, Clunes and Mullumbimby cemeteries.

3.2 The allotment for one grave in any cemetery shall measure not less than 0.7m by 2.4 m.

3.3 All burials shall be carried out after sunrise and before sunset.

3.4 The burial of a coffin must be so that its upper surface is not less than 900 millimetres below the natural surface level of the soil where it is buried in accordance with the Public Health (Disposal of Bodies) Regulation 2002 – Reg 20.

3.5 When a grave is opened for second burial, the excavation shall be made so as to leave a layer of undisturbed earth not less than 300mm in depth above the lid of any coffin already in the grave in accordance with NSW Health Public Health Act 1991.

3.6 In extreme wet weather conditions burials may not be able to occur due to OH&S regulations regarding the difficulty of digging sodden earth and the safety of workers.

3.7 No interment shall take place before either an Application for Burial or Application for Interment – Columbarium Wall is lodged with Council. Both applications require a copy of the Death Certificate if available at the time, medical certificate or other documentation issued by the Medical Practitioner or Coroner.

4. Reservation of Burial Plots

4.1 No reservations for plots will be accepted in the new lawn and garden sections of Clunes, Bangalow, Byron Bay and Mullumbimby cemeteries.

4.2 All existing reservations will remain in the old denominational sections of the cemeteries, however no dual depth burials will be permitted in these sections. Reservations will only be accepted in the following old denominational sections of the Mullumbimby Cemetery:

- Salvation Army
- Seventh Day Adventist
- Baptist
- Independent

- 4.3 A maximum of two plots are permitted to be reserved in the sections listed in Clause 4.2 above. Such reservations may be transferred or transmitted with the approval of the General Manager.
- 4.4 A single plot may be allocated in the lawn sections of all cemeteries for the purpose of the burial of ashes, allowing the interment of eight sets of ashes only. The use of this plot must be immediate for interment of the first set of ashes, and may not be reserved for use in the future.

Any burial of ashes must be within the gravesite and not outside the gravesite perimeter.

5. Rights of Burial

- 5.1 In the past Council issued Rights of Burial (reservations) for plots and columbarium niches within Council's Cemeteries. This practice ceased in 1995 although Council continues to honour Rights of Burial issued up until the time they were discontinued.
- 5.2 Burials shall not be allowed in any allotment in respect of which a Right of Burial has been issued, unless the consent in writing of the then holder of the Right and the Right itself are produced (on request) to the Council or the General Manager.

6. Headstones

- 6.1 All Headstones must conform with the following standard dimensions:

Width (at bottom	600mm
Height	400mm maximum (some point of headstone must comply)
Base depth	150mm minimum to 250mm maximum
	Steel dowelled – 100mm minimum
Top depth	75mm minimum to 150mm maximum
Base plate thickness	30mm minimum (must cover the allocated space on the headstone path)

- 6.2 For burials in the children's sections, the following dimensions will apply:

Width (at bottom	405mm
Height	305mm maximum (some point of headstone must comply)
Base depth	150mm minimum to 250mm maximum
	Steel dowelled – 100mm minimum
Top depth	50mm minimum to 100mm maximum
Base plate thickness	30mm minimum (must cover the allocated space on the headstone path)

- 6.3 Before a headstone is placed application must be made to Council on the approved form. Applicants must provide evidence of relationship to the deceased or to the applicant on the original Application for Burial form.
- 6.4 A monument, tomb, tablet, gravestone, vault, kerbing, railing or other structure shall not be erected or placed in a cemetery unless it is of a design and workmanship approved by Council.
- 6.5 Council may direct the removal or alteration of any monument, tomb, tablet, gravestone, vault, railing or other erection, or the erasure of any inscription which has been erected or placed or inscribed in a cemetery in contravention of the provisions of this policy.

- 6.6 No headstones will be permitted on graves where Council is unable to positively confirm the identity of the deceased within the plot.

7. Columbarium Walls

- 7.1 Dimensions for plaques on the columbarium walls are to be 145mm x 120mm for the older walls and 165mm x 225 for the newer walls.
- 7.2 Only Council issued plaques are to be used on the columbarium walls.
- 7.3 A memorial plaque may be attached to the columbarium wall without ashes being interred into the niche.
- 7.4 No reservations are permitted in the Columbarium Wall except to reserve one niche only next to a recently interred set of ashes.
- 7.5 Only Council issued niche vases are to be used on the columbarium walls.
- 7.6 Applicants wishing to have any military service insignia included on the columbarium plaque are required to contact the Office of Australian War Graves (or other relevant bodies) seeking written approval for use of the insignia, which in turn is forwarded to Council.
- 7.7 The removal of ashes from the columbarium wall into another position in the same, or another, columbarium wall within Council's cemeteries is prohibited.

8. Health Regulations

- 8.1 All burials which occur in Council's cemeteries must be in accordance and comply with the Public Health Act and regulations made thereunder.
- 8.2 Exhumation of remains. The Public Health Act 1991 and the Public Health (Disposal of Bodies) Regulation 2002, Part 4, clauses 25 to 28, provides specific regulation for the removal of human remains from interment.

Clause 25: Exhumation of remains without approval prohibited

- (1) *A person must not exhume the remains of a body unless the exhumation of those remains has been:*
- (a) *ordered by a coroner, or*
 - (b) *approved by the Director-General*
- (2) *Despite subclause (1), a funeral director may, without a coroner's order or Director-General's approval, transfer a coffin from a vault in a cemetery to a mortuary for the purpose of the coffin being immediately repaired and returned to the vault.*
- (3) *A funeral director must return the coffin to the cemetery within 24 hours of its transfer pursuant to subclause (2).*

9. Register of Details

- 9.1 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.
- 9.2 The following information shall be entered in the register immediately after each burial:
- a) the name, age, gender and late address of the deceased
 - b) the date of burial
 - c) the date of death
 - d) the number of the section and allotment in which the burial was made

- e) the name of the undertaker concerned, and
- f) details of burial fees paid.

9.3 Where the person interred was a stillborn child, particulars of that fact shall also be entered in the Register.

10. Fees and Charges

10.1. The Council may by resolution annually fix a schedule of fees and charges for its cemeteries.

11. Notification Requirements

11.1 Where the Council proposes that burials in any cemetery or land within the area be prohibited, the Council shall give notice to the public by advertising such proposal in a newspaper circulating in the area and shall, where such cemetery or land is not under the control of the Council, give notice also of such proposal to the controlling authority.

Each such notice shall state that any person interested may, within thirty days from the date of publication, make written representations to the Council.

12. Miscellaneous

12.1 The use of glass bottles or breakable vases for the purpose of flower arrangements is prohibited.

12.2. A person shall not, within any cemetery:

- a) sell or buy any article or thing (this does not apply to the sale of flowers by or the purchase of flowers from persons authorised by the Council to sell flowers)
- b) distribute any hand-bill, card, circular, or advertisement
- c) take part in any meeting other than of a religious or commemorative character
- d) disturb any funeral service at any grave or vault, whether by working in the neighbourhood of it or otherwise
- e) discharge any firearms except at a military funeral
- f) wantonly damage or disturb any flowers or other tokens placed upon any grave
- g) walk an unleashed dog
- h) ride a bicycle on gravesites
- i) operate vehicles other than in areas set aside for their operation or parking, or those vehicles engaged in maintenance activities.

12.3. A person other than the person who has paid the fees and charges in respect of any grave or allotment, or other than the person who is the holder of the Right of Burial in any allotment in any cemetery shall not interfere in any way with that grave or allotment without the written authority of the Council or the General Manager or of the person who has paid fees as aforesaid or is the holder of the Right of Burial as aforesaid.