

# Policy

## Cemeteries and Private Burial Version 2.0

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# Cemeteries and Private Burial

## Definitions

**Internment site:** An allotment of land allocated for the burial of a deceased person or for the burial of cremated remains of a person or for the memorialization of a deceased person.

**Reserves site:** The rights to an internment site can be bought in advance of need and reserved for internment at a future time.

**Memorialisation:** Refers to the placement of a headstone, plaque or similar to commemorate the life of a deceased person.

**Trust fund:** A financial depository that holds funds in Trust for specific uses.

## Policy Objective

### Part 1 “Cemeteries under the Control of Council”

To provide for the effective, efficient and appropriate operation of the public cemeteries that Council manages on the community’s behalf.

## Legislative Requirements

The operations of the cemeteries are regulated in accordance with applicable sections of the current Public Health Act and associated Public Health Regulation and the requirements of the Local Government Act as applicable in NSW.

## Cemetery Locations

This policy covers the following cemetery sites.

*Council Created Lawn Cemeteries:*

1. Tweed Valley Cemetery - 813 to 871 Eviron Road, Eviron, NSW
2. Tweed Heads Lawn Cemetery - Kirkwood Road, Tweed Heads South, NSW
3. Murwillumbah Lawn Cemetery - Tree street, Murwillumbah, NSW

*General and Historical Cemeteries (Transferred to Council )*

4. Tyalgum General Cemetery - Swifts Road, Tyalgum, NSW
5. Tweed Heads General Cemetery - Kirkwood Road, Tweed Heads South, NSW
6. Tweed Heads Central Cemetery - Florence Street, Tweed Heads, NSW
7. Murwillumbah General Cemetery - Byangum Road, Murwillumbah, NSW
8. Murwillumbah Catholic Cemetery - Kyogle Road, Bray Park, NSW
9. Chinderah Cemetery, Chinderah Road - Chinderah, NSW (South Sea Islander Cemetery and a General Cemetery)
10. Tumbulgum Cemetery - Dulguigan Road - North Tumbulgum, NSW

## 11. Original Murwillumbah Cemetery - Banner Street, Murwillumbah, NSW

### **Managing Information**

Document management shall be in accordance with the applicable legislation controlling Cemetery and Cremator operations and otherwise in compliance with Council requirements.

### **Cemetery Services**

Cemetery Services shall be provided in a manner that supports the sustainable operational objectives of this policy and may change with circumstances.

Cemetery services shall incorporate where possible a range of services to meet community needs across all cultures and beliefs.

Services shall include:-

- Burial interments
- Ash interment
- Memorialisation
- Chapel
- Cremator
- Other cemetery related services

### **Levels of Service**

Active cemeteries shall be maintained with a high degree of aesthetic appeal with appropriate maintenance levels.

Inactive cemeteries shall be maintained to minimise safety risks.

Cemeteries with designated children burial areas shall be retained in perpetuity as children burial areas and managed with a heightened level of empathy including with regard to the allowance of ornaments.

### **Financial Mechanisms**

The cemetery shall utilise a financial management system that meets the requirements of the Local Government Act and the directives of the Council's Executive team for its day to day operations.

To ensure that the cemeteries can achieve and maintain sustainable status long after the last interment on site, three Trust Funds have been established and shall be maintained.

#### 1. Maintenance in Perpetuity (MIP)

This fund isolates a portion of the total interment charge into a Trust Fund referred to as Maintenance in Perpetuity. The fund is invested and earns a return which compounds and increases in value with the intent of matching or exceeding Inflation rises. The fund shall be drawn upon at the end of a cemetery's active life to fund ongoing maintenance, in perpetuity and in accordance with Levels of

Service that are sustainable. The fund can also provide a capital resource for the purchase of land for a subsequent cemetery site on a loan basis.

## 2. Burial Trust

The Burial Trust isolates a portion of the total interment charge that applies to the actual burial work costs for interment and memorial sites bought in advance and reserved. These Trust funds are invested and earn a return which compounds and increases in value with the intent of matching or exceeding inflation rises. The fund is drawn on at the time of interment at the then current burial charge rates to cover the cost of the work being undertaken.

## 3. Cremator Trust

The cremator Trust isolates a portion of the cremation charge. Trust funds are invested and earn a return which compounds and increases in value with the intent of matching or exceeding inflation rises. The fund is drawn on at the time of major maintenance works such as refractory relines and major component replacements.

## Related Legislation

All site works shall be in compliance with current NSW Work Health and Safety Act and associated Regulations.

## Compliance

Operations shall comply with applicable legislation as described under "Applicable Legislation" and "Related Legislation" above.

## Forms

Forms applicable under this policy shall be identified in operational procedures and shall be modified, deleted or merged as operational circumstances determine.

## Review Period

This policy shall be reviewed within 12 months of the election of a new Council or more frequently in the event of any legislative changes or changes in circumstances.

## Useful Links

[Tweed Shire Council website](#)

## Policy Objective

### Part II “Burials on Private Property”

To provide and control interment on private property

## **Definitions**

Not applicable

## **Policy Background**

This Policy is being developed for the community to outline Council's Policy on Burials on Private Property.

## **Policy**

Council may approve burials on private property subject to the following provisions:-

- a) The payment of a fee in accordance with Council's Fees and Charges
- b) The private land having a minimum area of 5 hectares
- c) The inspection of the grave site prior to burial by a Council Environmental Health Officer.

Further the following should be considered by any applicant to ensure permanent access to a private burial site:

- a) The granting and registration of a right-of-way on the property from the nearest public road to the grave site. The right-of-way shall provide future visitor access to the grave site and shall be of sufficient area to allow any future servicing requirements.
- b) The submission of a location plan of the gravesite prepared by a registered surveyor 7.
- c) An 88B instrument may be implemented to provide the long term location of the grave site.

## **Related Legislation**

Public Health Act of 1991 and the associated Public Health Regulation 1991 - Part 5 Disposal of Bodies.

## **Compliance**

Not applicable

## **Forms**

Cemetery operational forms shall be available through cemetery operations that will allow recording of a burial on private land to facilitate possible future needs for family/ancestral searches.

## **Review Period**

This policy will be reviewed within 12 months of the election of each new Council or more frequently in the event of any legislative changes or change in circumstances.

## **Useful Links**

[Tweed Shire Council website](#)

## Version Control:

<b>Version History</b>		
<b>Version #</b>	<b>Summary of changes made</b>	<b>Date changes made</b>
1.1	Incorporated into new policy template	20/06/2013
2.0	Reviewed and amended to remove large sections of operational detail not required in a policy	12 October 2017
2.0	Adopted by Council - Minute Number 44	15 February 2018