

Policy name	Cemeteries Management
Responsible manager(s)	Director Infrastructure Services
Contact officer(s)	Divisional Manager Works
Directorate	Infrastructure Services
Approval date	26 April 2022
Outcome area	2. Our community that welcomes, celebrates, and supports everyone.
Strategy	2.2 Encourage community spirit and enable healthy lifestyles
Delivery Program	2.2.2 Provide and manage quality community facilities to meet the needs of the current and future communities
Operational Plan	2.2.2.4 Provide, maintain and upgrade Council cemeteries

Purpose

This Policy provides the framework for the sustainable management, maintenance and future planning of cemeteries under Council’s control.

Council is the Crown Reserve Trust Manager of eight operational cemeteries located at:

- Runnyford Road, Nelligen
- Princes Highway, Batemans Bay
- Princes Highway, Mogo,
- Dwyers Creek Road, Moruya
- Laidley Street, Bodalla
- Glasshouse Rocks Road, Narooma
- Nerrigundah Mountain Road, Nerrigundah and
- Haxstead Road, Central Tilba.

Council also maintains three non-operational cemeteries located at:

- MacLean Place, Moruya
- Corner Dwyers Creek Road and Bergalia Street, Moruya
- Point Parade, Congo.

This Policy and associated Code of Practice align with industry standards and current practices of other local government areas in New South Wales and will assist Council in meeting the needs of the community.

Council will provide efficient and sustainable management, planning and maintenance of cemeteries within its control by ensuring:

- relevant parties are treated with empathy, respect, dignity and cultural sensitivity, in a consistent and fair manner.
- provision of clear guidelines to the community, Councillors, Council staff; funeral directors and monumental masons.
- compliance with relevant legislative requirements.
- burials, inurnments and monumental works are conducted in a safe and sustainable manner.
- monuments are constructed to Australian Standards where applicable, will not hinder future maintenance operations, and will not pose a risk to the public.

- monuments are constructed in keeping with other monuments in the cemetery (this is of particular importance in cemeteries of cultural and heritage significance, as listed in the Eurobodalla Local Environmental Plan 2012).

Policy statement

1	<p>Application</p> <p>This Policy ensures the appropriate administration, management and maintenance of burials, inurnments, reservations and monument installations in the cemeteries under Council's control.</p>
2	<p>Legislation</p> <p>Eurobodalla Shire Council's cemetery management will operate in accordance with Cemeteries and Crematoria Act NSW 2013, the Public Health Regulation 2012 and other relevant legislation</p>

Implementation

This Policy will be implemented by following Council's *Cemeteries Management Code of Practice*, which specifies the procedures and matters to be considered, as listed below:

Requirements	Responsibility
<p>1 General Planning</p> <p>Council will provide sufficient and suitable land and facilities to meet current and future demands for interment.</p>	Council officers
<p>2 Community Diversity</p> <p>Council will respect and support religious and cultural practices by working with the community to consider options.</p>	Council officers, the community
<p>3 Grounds Maintenance</p> <p>Council will ensure that cemeteries on land under Council's care and control are managed sustainably, as contained in Council's <i>Cemeteries Management Code of Practice</i>.</p>	Council officers
<p>4 Burial Licences</p> <p>Council's process for Reservation and Exercise of Burial Licence is contained in the <i>Cemeteries Management Code of Practice</i>. The types of Burial Licences are:</p> <ul style="list-style-type: none"> • Reservation <p>A Burial Licence (Reservation) is an agreement between Council and the applicant to formalise a paid reservation for an individual grave site or niche prior to need.</p> <ul style="list-style-type: none"> • Exercise of Burial Licence (Order for Burial) <p>An Exercise of Burial Licence is confirmation between Council and stakeholders that the burial or inurnment is authorised to take place.</p>	<p>Council officers, community</p> <p>Council officers, funeral directors, stakeholders</p>
<p>5 Cemetery Licence and Permit fees</p> <p>Licence and permit fees are applied according to Council's current Fees and Charges. These are reviewed annually and are on public</p>	Council officers

Requirements		Responsibility
	exhibition prior to adoption. They include full cost recovery, and to allow for perpetual maintenance of cemeteries.	
6	<p>Monumental Works Any monumental works carried out in cemeteries under Council control require a permit. The permit system ensures monumental works are constructed to Australian Standards where applicable, will not hinder future maintenance operations, and will not pose a risk to the public. Permit conditions for monumental works are contained in Council's <i>Cemeteries Management Code of Practice</i>. Monuments are not maintained by Council. If they pose a risk, and the family is unable to be contacted, Council may make provision to ensure public safety and minimise potential damage to surrounding monuments. Batemans Bay Lawn Cemetery section has plaques only.</p>	Council officers, monumental masons, the community
Requirements		Responsibility
7	<p>Public Access to Council Records Council maintains a register of all burials. Burial records are available at no charge to the public during normal business hours. Full details regarding public access are contained in Council's <i>Cemeteries Management Code of Practice</i>.</p>	Council officers
8	<p>Burial Hours Burials, inurnments and exhumations shall take place during the hours contained in Council's Fees and Charges and Council's <i>Cemeteries Management Code of Practice</i>.</p>	Council officers, funeral directors
9	<p>Burials Burials shall be in accordance with the <i>Public Health Act 2010 (NSW)</i>.</p>	Council officers, funeral directors
10	<p>Permitted Activities The Code of Practice describes activities authorised to be carried out in Council managed cemeteries.</p>	
11	<p>Excluded Activities The Code of Practice describes activities excluded in Council managed cemeteries.</p>	
12	<p>Exhumation Exhumations will only take place after written approval is obtained from the Director-General.</p>	Council officers, Director-General, funeral directors
13	<p>Adornments and Embellishments Guidelines for the placement of vases, statuettes, flowers and other embellishments on or near</p>	Council officers

Requirements		Responsibility
	burial places are contained in Council’s <i>Cemeteries Management Code of Practice</i> . No breakable items such as glass or ceramics are to be used.	
14	Staff Authorised and trained Council staff will ensure that policies and procedures within their responsibility are implemented.	Council officers
15	Concerns Regarding Cemeteries Management Public concerns communicated to Council in relation to this Policy will be recorded on Council’s records system and handled in accordance with Council’s Customer Service or Complaints Policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers
16	Consultation Public submissions regarding this Policy are considered during the policy exhibition period. Any other consultation deemed necessary may occur with key stakeholders and the community as required.	Council officers, key stakeholders, the community
17	Permit to Operate in Council Cemeteries Funeral directors and monumental masons are required to have a permit to operate in Council’s cemeteries. Permit conditions are contained in Council’s <i>Cemeteries Management Code of Practice</i> .	Council officers, funeral directors, monumental masons

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner. **Note:** *Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2024.*

This Policy may also be reviewed and updated as legislation requires; or when Council’s functions, structure or activities change; or when technological advances or new systems change the way that Council manages its cemeteries.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Concerns or complaints from the public	Council records
Customer Feedback Survey Responses	Surveys
Internal or external audit	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
<i>Cemeteries Management Code of Practice</i>	Council policies Eurobodalla Council website (nsw.gov.au)
<i>Cemeteries and Crematoria NSW Interment rights</i>	Cemeteries & Crematoria NSW Interment Rights
<i>Public Health Act 2010 (NSW)</i>	Public Health Act 2010
<i>Public Health Regulation 2012</i>	Public Health Regulation 2012
<i>Crown Lands Act 1989</i>	Crown Lands Act 1989
<i>Crown Lands (General Reserves) By-law 2006</i>	Crown Lands (General Reserves) By-Law 2006
<i>Work Health and Safety Act and Regulation 2011</i>	Work Health and Safety Act and Regulation 2011
<i>Work Health and Safety Regulation 2017</i>	Work Health and Safety Regulation 2017 - NSW Legislation
<i>Eurobodalla Local Environmental Plan 2012</i>	Eurobodalla Local Environmental Plan 2012
<i>Eurobodalla Heritage Strategy 2017-2021</i>	Eurobodalla Heritage Strategy 2017-2021
<i>Cemeteries and Crematoria Act NSW 2013</i>	Cemeteries and Crematoria Act 2013
<i>Civil Liability Act 2002</i>	Civil Liability Act 2002
<i>Eurobodalla Shire Council Risk Management Policy</i>	https://www.esc.nsw.gov.au/_data/assets/pdf_file/0003/138612/Risk-Management-Policy.pdf

Related external references

Name	Link
<i>Office of Local Government</i>	http://www.olg.nsw.gov.au/
<i>Office of Environment & Heritage</i>	http://www.environment.nsw.gov.au/nswcultureheritage/
<i>The Burra Charter 2013</i>	The Burra Charter 2013
<i>NSW Health "Disposal of the Deceased" Guidelines</i>	Health NSW "Disposal of the Deceased" - Guidelines

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	19 Oct 2011	Council	11/259	E09.3418	Policy Reviewed (Report O11/213)
2	27 Aug 2013	Council	13/246	E13.7095	Updated format, review date, references, links. (Report O13/131)
3	25 Jul 207	Council	17/237	E16.0297 E06.0375	Reviewed & updated at new Council term. Report GMR17/024
4	26 Apr 2022	Council	22/91	E16.0297 E06.0375	Reviewed & updated at new Council term. Report GMR22/046.

Internal use

Responsible officer		Director, Infrastructure Services		Approved by	Council
Minute #	22/91	Report #	GMR22/046	Effective date	26 April 2022
File	E16.0297 E06.0375	Review date	Feb 2022	Pages	6