

ITEM 8

POLICY REVIEW: WOLLONGONG MEMORIAL GARDENS, CREMATORIUM AND CEMETERIES COUNCIL POLICY

The Wollongong Memorial Gardens, Crematorium and Cemeteries Policy is due for review in May 2017. This report provides recommendations for modifications to the current policy and its subsequent adoption.

RECOMMENDATION

The Wollongong Memorial Gardens, Crematorium and Cemeteries Policy be adopted.

REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation
 Authorised by: Kerry Hunt, Director Corporate and Community Services - Creative, Engaged and Innovative City (Acting)

ATTACHMENTS

- 1 Draft Wollongong Memorial Gardens, Crematorium and Cemeteries Policy

BACKGROUND

Council’s Wollongong Memorial Gardens, Crematorium and Cemeteries Council Policy is due for review in May 2017. The policy details the burial and cremation processes and ensures they are completed in line with the Cemeteries and Crematoria Act 2013, Cemeteries and Crematoria Regulation 2014 and the Crown Lands (General Reserves) By-Law 2006. The document guides the public on the application process, the delivery of burials and cremations and the construction of associated structures.

Amendments made provide clearer direction and ensure all wording is in line with the above Act, regulation and by-laws. A holding over provision has also been added that previously had not been identified. Further amendments recommended by EMC have also been made. The intent of the overall document however remains the same.

PROPOSAL

The Wollongong Memorial Gardens, Crematorium and Cemeteries Policy is provided to Council for consideration and adoption.

CONSULTATION AND COMMUNICATION

Property and Recreation Officers
 Governance and Information - Legal Counsel

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal “We are a healthy community in a liveable city”. It specifically delivers on the following:

| Community Strategic Plan | Delivery Program 2012-2017 | Annual Plan 2016-17 |
|---|--|---|
| Strategy | 5 Year Action | Annual Deliverables |
| 5.1.5 The long term needs of the community, including our people and our places are effectively planned for | 5.1.5.2 Carry out commercial business management of Council’s operational land | Manage Council’s commercial businesses to maximize return |

CONCLUSION

The approval of the Wollongong Memorial Gardens, Crematorium and Cemeteries Policy will allow staff to ensure all operations are in line with the Cemeteries and Crematoria Act 2013 and provide clear guidance to the public on the burial and cremation process.



ADOPTED BY COUNCIL: [TO BE COMPLETED BY CORP SUPPORT]

BACKGROUND

Wollongong Memorial Gardens, Crematorium and Cemeteries are accessed and utilised by many members of our community. This policy document has been developed in order to ensure that all members of the community can access these services in a fair and equitable manner. It also ensures that all standards and obligatory laws are met in relation to burials and cremations.

OBJECTIVE

The main objectives of this policy are to –

- 1 Control the administration, management and maintenance of Council's cemeteries (and crematorium).
- 2 Provide guidance for carrying out the objective functions of cemeteries and crematoria.

POLICY STATEMENT

This Policy is aligned with the *Cemeteries and Crematoria Act 2013*, *Cemeteries and Crematoria Regulation 2014* and the *Crown Lands (General Reserves) By-Law 2006* to ensure cemeteries administered by Council work within a recognised legal framework.

It takes into account statute and common law, regulation and National Standards that affect the management and operation of cemeteries and crematoria. It also sets reasonable and practical standards of conduct for those entering Council's cemeteries, crematoria and memorial gardens.

**WOLLONGONG MEMORIAL GARDENS
CREMATORIUM AND CEMETERIES**

**COUNCIL
POLICY**

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COUNCIL POLICY

1 STATEMENT OF PROCEDURES

1.1 Citation

This Policy may be cited as 'the Policy' or 'the Council's Cemeteries Policy'.

1.2 Commencement

This Policy is to commence once adopted by Council.

1.3 Application

1.3.1 This Policy applies to all cemeteries, crematoria and memorial gardens controlled, managed, administered, operated and maintained by Council.

1.4 Definitions

1.4.1 **Applicant** means the person making an application:

1.4.1.1 to be granted an Interment Right (previously, 'burial licence');

1.4.1.2 to obtain a work permit or other Council consent;

1.4.1.3 to have the body of a deceased person buried or cremated;

1.4.1.4 to have the remains of a cremated body interred in a cemetery;

1.4.1.5 to have a deceased person commemorated in a cemetery; or

1.4.1.6 for any other bereavement service provided by the Council and that is subject to an application process.

1.4.2 An **Application** is required to obtain or arrange:

1.4.2.1 a Certificate of Interment Right (previously, 'burial licence')

1.4.2.2 Interment (whether Burial or Cremation Services)

1.4.2.3 Chapel Bookings

1.4.2.4 Plaque Inscriptions

1.4.2.5 Monument and Related Permits to Carry Out Work in the Cemeteries

1.4.2.6 Disinterment of cremated remains from a cemetery

Note: A bereavement or pre-need service that requires a formal recording process must be made on a form approved by Council, unless otherwise specified by a statutory authority

1.4.3 **Approved Form** means an application form which has been approved by Council, either as an appended document to this Policy or an appended document to a Safe Work Method Statement or Standard Operating Procedure, developed and adopted under Council's Work Health and Safety Policy. The only exception will be where a statutory authority has approved a form for a particular purpose. Approved Forms may be submitted electronically provided they are a facsimile of the equivalent approved form.

1.4.4 **Appropriate Fee(s)** means the fee(s) set by Council for a particular service or product.

1.4.5 **AS-4204** means the Australian Standards' Standard 'AS 4204-1994 Headstones and Cemetery Monuments'.

1.4.6 **Ash Processor** means the device used to process cremated remains to a fine ash.

1.4.7 **Burial Licence/Right** - superseded by 'Interment Right'.

1.4.8 **Burra Charter** means 'The Burra Charter (The Australia International Council on Monuments and Sites (ICOMOS) Charter for Places of Cultural Significance)'.

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- 1.4.9 **Casket** is a general term to describe coffins and containers used to hold human remains.
- 1.4.10 **Catafalque** means the place in the chapel where the casket is placed prior to committal to the crematory.
- 1.4.11 **Cemetery or Cemeteries** means an area containing one or more burial places and that is administered or controlled by Council.
- 1.4.12 **Council** means Wollongong City Council.
- 1.4.13 **Cremation** means the process for the reduction of the human remains by fire or heat, alkaline hydrolysis or by other means prescribed by the regulations.
- 1.4.14 **Cremator** means the cremation furnace or cremation incinerator.
- 1.4.15 **Crematorium** means the whole of the facility where cremation services are conducted, including the Chapel, crematory, vestry, and surrounding area.
- 1.4.16 **Crematory** means that part of the crematorium where the cremator is located and the cremation of human remains is carried out.
- 1.4.17 **Direct Service** means the delivery of human remains directly to the crematory for cremation, without a committal or funeral service at the crematorium.
- 1.4.18 **Final Disposition of Ashes** means the legal disposal, interment, memorialising, collection, scattering etc of cremated remains.
- 1.4.19 **Funeral Director** means an individual or business carrying out funeral services.
- 1.4.20 **Funeral Directors Policy** means 'Funerary and Monument/Masonry Services Policy'.
- 1.4.21 **General Plot** means a public area within the grounds of the Crematorium or Cemetery set aside for the legal disposition of cremated remains.
- 1.4.22 **Hearse** means a vehicle set aside for the transport of caskets containing human remains.
- 1.4.23 **Holder** means the person recorded in the cemetery operator's Register in relation to that cemetery as the holder of an Interment Right.
- 1.4.24 **Interment** means the act of burying, interring or immuring the remains of a deceased person, whether cremated or not.
- 1.4.25 **Interment Right** - see 2.1.3
- 1.4.26 **Interment Site** means a grave site, vault site, crypt site, memorial site or other place for the disposition or commemoration of the remains of the dead, whether cremated or not.
- 1.4.27 **Joint Holders** means two or more persons named as joint holders of an Interment Right.
- 1.4.28 **Monument** means any structure, memorial, plaque, headstone, masonry, metal work, casting or item placed over, in or around an Interment Site.
- 1.4.29 **Monument Mason** means a tradesman, mason or person possessing the skills to carry out monument masonry work.
- 1.4.30 **Monument Masons Procedure** means 'Funerary and Monument/Masonry Services Procedure'.
- 1.4.31 **Pre-need** means a service or Interment Right purchased or being purchased in advance of actual need, that is, the entitlement of the Interment Right has not been exercised.
- 1.4.32 **Procedure Manual** means Council's 'Lawn Cemetery and Crematorium Work Procedure Instruction Manual'.
- 1.4.33 **Register** means Council's formal data repository containing all the required details relating to burials, cremations, memorial sites, immurements, and the Holders of Interment Rights.

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- 1.4.34 **Reservation** means an Interment Right the provisions of which have not been exercised, see 1.4.31.
- 1.4.35 **Structures in Cemeteries**, see 1.4.28.
- 1.4.36 **The Policy** means this Policy.

2. PROVISIONS

2.1 Management of Cemeteries

- 2.1.1 Council's cemeteries, crematoria and memorial gardens will be managed in accordance with the following:
 - 2.1.1.1 *Cemeteries and Crematoria Act 2013 and Cemeteries and Crematoria Regulation 2014;*
 - 2.1.1.2 *Public Health Act 2010 and Public Health Regulation 2012;*
 - 2.1.1.3 *Crown Lands (General Reserves) By-Law 2006;*
 - 2.1.1.4 any other relevant legislation; and
 - 2.1.1.5 the policies and procedures adopted by Council (including this Policy).
- 2.1.2 *Planning Conduct and Maintenance of Cemeteries*

Council will make such provisions as it considers necessary for the following:

 - 2.1.2.1 the setting aside of sections for different types and classes of Interment;
 - 2.1.2.2 the establishment of standards of construction and design of monuments and structures;
 - 2.1.2.3 the size, multiple use and location of Interment Sites;
 - 2.1.2.4 interments and entombments in vaults;
 - 2.1.2.5 the carrying out of work by Funeral Directors in the Cemeteries;
 - 2.1.2.6 the erection or installation of structures and the making of inscriptions;
 - 2.1.2.7 the carrying out of work by monument masons in the Cemeteries;
 - 2.1.2.8 the qualifications required by, and the security deposits to be lodged by, monument masons;
 - 2.1.2.9 the removal, replacement and maintenance of structures;
 - 2.1.2.10 the improvement and maintenance of Cemeteries;
 - 2.1.2.11 the making of arrangements for the care of Interment Sites on an annual or other basis;
 - 2.1.2.12 the supply of goods and services incidental to the conduct of Interments and other matters relating to cemeteries; and
 - 2.1.2.13 the conduct of religious or other ceremonies of burial, cremation, disposition or commemoration.
- 2.1.3 *Interment Rights*

The granting of an Interment Right in a Cemetery administered or managed by the Council shall be in accordance with the statutory provisions referred to in clause 2.1.1 of this Policy:

 - 2.1.3.1 Council may grant an Interment Right in respect of an Interment Site in a Cemetery.
 - 2.1.3.2 An Application for an Interment Right must be on an Approved Form and must be accompanied by the Appropriate Fee.
 - 2.1.3.3 An Interment Right may be granted to one or two or more persons as Joint Holders.

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- 2.1.3.4 Council will not grant an Interment Right to a person if the granting of the Interment Right will result in the person holding (including jointly holding) Interment Rights for more than two (2) Interment Sites in a Cemetery administered or managed by Council.
- 2.1.3.5 An Interment Right entitles the Holder(s) to whom it is granted the exclusive right to:
- (a) authorise the interment of human remains (whether cremated or not) in; and/or
 - (b) establish or alter a Monument at the Interment Site in respect of which it is granted.
- 2.1.3.6 Areas or rows to be allocated for Interments and/or Reservations will be approved by the Operations Manager Crematorium and Cemeteries in consultation with the Coordinator Crematorium and Cemeteries and based on operational needs and the availability of at-need Interment Sites.
- 2.1.3.7 If the availability of Interment Sites for Pre-need only Reservations changes, or ceases, for a period of time, a reduced number of Interment Sites for Reservations attached to at-need Interments may also be reduced. This will be approved by the Divisional Manager and based on operational needs and the availability of at-need Interment Sites. For example, the limiting of Reservations attached to an at-need Interment to one (1) plus five (5), or one (1) plus one (1).
- 2.1.3.8 If it is determined from time to time to suspend the availability of Interment Sites for Pre-need or Reservations, the later release of availability of sites will be advertised by appropriate signs located at prominent positions at the Cemetery.
- 2.1.3.9 At-need Interments can include the Reservation of a maximum of one adjoining Interment Site for a spouse, or, if no spouse, an immediate family member.
- 2.1.3.10 2.1.3.10 For Reservations attached to at-need Interments, evidence of a family relationship with the deceased must be provided to Council. In the absence of such evidence, Council staff may request records from the relevant Funeral Director.
- 2.1.3.11 Reservation sites can be placed on hold for 30 days from the date of the funeral in the case of at-need Reservation requests. In the case of Pre-need Reservation requests, sites can be placed on hold for 30 days from the date of request. Variations to the length of the on-hold period may be amended by approval of the Operations Manager. If the Appropriate Fees for the Interment Right for the reserved Interment Sites are not paid by the expiry of the on-hold period (or varied on-hold period), the Interment Sites will no longer be reserved and will be available for use by other Applicants.
- 2.1.4 *Transfer of Interment Right to Another Person*
- 2.1.4.1 Council may, on Application, transfer an Interment Right from one (1) person or two (2) or more persons as Joint Holders, to one (1) person or two (2) or more other persons as Joint Holders.
- 2.1.4.2 An Application under clause 2.1.4.1 may be made only by the Holder of the relevant Interment Right or, if the Interment Right is held by Joint Holders, by all the Joint Holders.
- 2.1.4.3 An Application for the transfer of an Interment Right must be in the Approved Form and accompanied by the Appropriate Fee.
- 2.1.5 *Transfer of Interment Right to Council*
- 2.1.5.1 The Holder or Joint Holders of an Interment Right granted by Council may transfer the Interment Right to Council.
- 2.1.5.2 Council will only accept the transfer of an Interment Right if:
- (a) the Interment Site described in the Certificate of Interment Right has not been used for the interment of human or other remains, including the remains from a cremation; and

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- (b) the Interment Site is free of structural improvements, such as headstone, marker, plantings, etc.
- 2.1.5.3 Council may refuse to accept the transfer of an Interment Right from the Holder.
- 2.1.5.4 If Council accepts the transfer of an Interment Right it will compensate the Holder by refunding half of the current Fee for a similar Interment Right in a Cemetery administered or managed by Council, less any unpaid Fees that are due to Council in respect of the Interment Right being transferred.
- 2.1.6 *Grant of Interment Right May be Refused*
- 2.1.6.1 The Council may refuse to grant or transfer an Interment Right if, in Council's opinion, the grant or transfer would tend to create a monopoly or encourage dealing in Interment Rights.
- 2.1.7 *Interment Right to Pass to Surviving Holder*
- 2.1.7.1 On the death of a Joint Holder of an Interment Right, the remaining Joint Holder is, or Joint Holders are, entitled to the Interment Right.
- 2.1.8 *Interment Rights May be Bequeathed*
- 2.1.8.1 The holder of an Interment Right may bequeath it as if it were the Holder's personal estate.
- 2.1.8.2 A person to whom an Interment Right devolves as a result of a bequest does not become the Holder of that Interment Right until the Register is amended to indicate that fact.
- 2.1.8.3 Upon Application made by a person to whom an Interment Right has devolved as a result of a bequest, Council will amend the Register so as to indicate that the person has become the Holder of the relevant Interment Right.
- 2.1.8.4 An Application under this clause must be on an Approved Form and accompanied by the Appropriate Fee.
- 2.1.9 *Rules of Intestacy to Apply to Interment Rights Not Bequeathed*
- 2.1.9.1 If the Holder of an Interment Right dies and has not bequeathed the Interment Right, the Interment Right is to be dealt with as if it were personal property forming part of the estate of an intestate.
- 2.1.9.2 A person to whom an Interment Right devolves as a result of intestacy does not become the Holder of that Interment Right until the Register is amended to indicate that fact.
- 2.1.9.3 Upon Application made by a person to whom an Interment Right has devolved as a result of intestacy, Council must amend the Register so as to indicate that the person has become the Holder of the relevant Interment Right.
- 2.1.9.4 An Application under this clause must be on an Approved Form and accompanied by the Appropriate Fee.
- 2.1.10 *Council May Determine the Holder of an Interment Right*
- This clause applies if there is a dispute or other doubt about who holds the Interment Right for a particular Interment Site.
- 2.1.10.1 A person who believes he or she is the Holder of the Interment Right may apply to Council for a decision that the person holds the Interment Right.
- 2.1.10.2 As soon as practicable after receiving the Application, Council must make a decision about whether the person does or does not hold the Interment Right for the particular Interment Site.
- 2.1.10.3 However, Council may make a decision that the person holds the Interment Right for the Interment Site only if:
- (a) at least twenty-eight (28) days before making the decision, Council:

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- i displays a notice about its intention to make the decision in a prominent position at the Cemetery; and
- ii publishes a notice about its intention to make the decision in at least one newspaper circulating throughout the State; and
- iii takes any other steps it considers reasonable in the circumstances to determine who holds the Interment Right for the particular Interment Site; or

(b) in the reasonable opinion of Council it is not possible to follow the procedure in paragraph (a) because it is necessary to make an urgent decision due to the imminent interment of a person who was related by blood or marriage to, or who was in a domestic relationship with:

- i the Applicant; or
- ii a person buried in the Interment Site.

2.1.10.4f Council decides that the person holds the Interment Right for the particular Interment Site, Council is taken to have revoked any other Interment Right for the particular Interment Site.

2.1.11 *Revocation of Interment Right*

2.1.11.1 Council may revoke an Interment Right it, or any previous authority of Council, has granted if the Interment Right is not exercised within fifty (50) years after it is granted.

2.1.11.2 Before revoking an Interment Right, Council must cause notice of its intention to do so to be sent, by registered post, to the person (if any) shown in the Register as the Holder of the Interment Right.

2.1.11.3 If no response to the notice is received within twenty-eight (28) days after the date on which it is sent, a second notice of Council's intention is to be given by means of an advertisement, identifying the Interment Site and the name of the Holder:

- (a) displayed in a prominent position at the Cemetery; and
- (b) published in at least one national and one local newspaper.

2.1.11.4 If no response to the second notice is received within six (6) months after the date on which it is advertised, final notice of Council's intention is to be sent, by registered post, to the person (if any) shown in the Register as the Holder of the Interment Right allowing the Holder twenty-eight (28) days from the date of the notice within which to enter into negotiations of the kind referred to in clause 2.1.11.6 below.

2.1.11.5 If Council has insufficient information to properly address the notice referred to in subclause 2.1.11.2 or 2.1.11.4, Council is not required to send that notice but may in that case begin the notification process by means of the notice referred to in subclause 2.1.11.3 and may take any other notification action it considers appropriate.

2.1.11.6 At any time before the expiry of the period for responding to the final notice referred to in subclause 2.1.11.4 (or, in the circumstances referred to in subclause 2.1.11.5, within twenty-eight (28) days after the last date on which an advertisement referred to in subclause 2.1.11.3(b) is published), the holder of the Interment Right concerned may enter into negotiations with Council for:

- (a) the sale of the Interment Right to Council; or
- (b) the retention of the Interment Right.

2.1.11.7 Any notice required to be displayed or published under this clause may relate to more than one Interment Site.

2.1.12 *Compensation*

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- 2.1.12.1 If Council revokes the Interment Right for an Interment Site, whether granted before or after the commencement of this Policy, the former Holder of that Interment Right is entitled to be:
- (a) granted an Interment Right (i) for an alternative Interment Site in the same Cemetery (and, if available, in the same general location) as the original Interment Site; and
 - (ii) for an equivalent period to that for which the original Interment Right was granted; or
 - (b) paid by Council, by way of compensation, an amount equal to half of the Fee payable (as provided by Council's current scale of fees) for the granting of an Interment Right for an alternative Interment Site in the same Cemetery (and, if available, in the same general location) as the original Interment Site, less any Fees due to Council in respect of the Interment Right being revoked.
- 2.1.12.2 If there is no alternative Interment Site available, or if there is no applicable scale of fees, the amount of compensation referred to in subclause 2.1.12.1(b) is to be half of the fee payable for the granting of an Interment Right under the most recent applicable scale of fees, varied in proportion to any variation in the Consumer Price Index (All Groups Index) for Sydney that has occurred between the date on which that scale was established and the date of revocation of the Interment Right .
- 2.1.12.3 Council must ensure that any report on its accounts contains an estimate of its contingent liability with respect to any Interment Right it has revoked.
- 2.1.12.4 Council may elect whether the former Holder of the revoked Interment Right is to be granted an alternative Interment Right or paid compensation.
- 2.1.12.5 Despite clause 2.1.4, if the former Holder of the revoked Interment Right is granted an Interment Right for an alternative Interment Site, that Interment Right may not be transferred by the former Holder within five (5) years after the date on which it was granted.
- 2.1.12.6 An Application for an entitlement under this clause:
- (a) must be on an Approved Form; and
 - (b) must be accompanied by the Appropriate Fee; and
 - (c) must be lodged with Council within six (6) years after the date on which the relevant Interment Right was revoked.
- 2.1.12.7 In this clause, 'former Holder' of a revoked Interment Right means the person who held that Interment Right immediately before it was revoked.
- 2.1.13 *Burials in Interment Sites in Respect of Which Interment Rights Have Been Granted*
- 2.1.13.1 The remains of a deceased person may not be buried in an Interment Site in respect of which an Interment Right has been granted unless:
- (a) the person was the Holder of the Interment Right immediately before he or she died or the Holder of the Interment Right gives written consent to the person's remains being buried in the Interment Site; and
 - (b) where another person is already buried in the Interment Site, the Interment Site has been dug to a depth to accommodate the remains of another deceased person.
- 2.1.13.2 Once a burial has occurred in an Interment Site, the Interment Right devolves to the estate of the deceased whose remains were buried in the Interment Site, except when there are Joint Holders: see clause 2.1.7 above.
- 2.1.13.3 The Applicant for the burial shall be regarded as the person representing the estate of the deceased person whose remains are buried in the Interment Site.
- 2.1.13.4 When there are two or more burials in an Interment Site, the Interment Right will devolve to the estate of the last deceased person to be buried in the Interment Site.

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- 2.1.13.5 On the death of the spouse or a child of the holder of an Interment Right, the remains of the spouse or child may be buried in the Interment Site to which the Interment Right relates without the written consent of the Holder of that Interment Right if Council is satisfied:
- that the Holder is not available to give consent to the burial; and
 - that consent to the burial would be given if the Holder were available; and
 - where another person is already buried in the Interment Site, the Interment Site has been dug to a depth to accommodate the remains of another deceased person.
- 2.1.13.6 The only compensation that Council is liable to pay to the Holder of an Interment Right in the event that it permits the Holder's spouse or child to be buried in the Interment Site without the consent of the Holder is an amount equivalent to the Fee currently charged by Council for the grant of an Interment Right in respect of a comparable Interment Site.
- 2.1.14 *Register of Interment Rights, Burials and Cremations*
- 2.1.14.1 Council shall maintain registers to record all Interment Rights granted by Council. The minimum information required shall be:
- the full name of the Holder;
 - the birth date of the Holder;
 - the gender of Holder;
 - the marital status of the Holder;
 - the full residential address of the Holder; and
 - the full name, and residential address of the Applicant, if the Applicant is not the Holder.
- 2.1.14.2 Details about the Holder of an Interment Right issued on a Pre-need basis (reservation) shall not be made public.
- 2.1.14.3 A public Register of burials, as required by the *Public Health Regulation*, must be kept in respect of each burial.
- 2.1.14.4 A public register of Cremations, as required by the *Public Health Regulation*, must be kept in respect of each cremation.
- 2.1.14.5 Each Register, which may be kept in written, printed or electronic form, must contain sufficient information to allow for simple cross-referencing of entries by:
- Surname;
 - Date of Interment (whether burial or cremation); and
 - Interment Site.
- 2.1.14.6 Each burial or cremation must be recorded in its respective Register immediately after the service.
- 2.1.14.7 Registers may be amended to remove or correct inaccuracies.
- 2.1.14.8 Council must, on Application made by any person, make available to the person a copy of any entry made in the burial or cremation register.
- Applications made under this provision shall be made on an Approved Form.
 - Each Application Form shall be limited to a single Register entry search.
 - A Fee, as approved by Council, may be charged for each Application.
- 2.1.14.9 The registers will be used in any proceedings requiring evidence of the identity of the Holder of an Interment Right.
- 2.1.15 *Certificates of Interment Right*

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- 2.1.15.1 Council will issue to the Holder a Certificate, clearly showing:
- (a) the Holder's name and address or the Joint Holders' names and addresses;
 - ;
 - (b) the Fee paid;
 - (c) the date of issue;
 - (d) a description of the location of the Interment Site; and
 - (e) the key terms and conditions under which the Certificate is issued, including whether the Interment Right is perpetual or renewable.

In the case of Joint Holders, each Holder may receive a copy of the Certificate.

- 2.1.15.2 Application for a copy of a Certificate must be made on an Approved Form.
- 2.1.15.3 Any fees relating to the purchase and re-issue of a Certificate must be paid at the time of Application.

2.1.16 *Applications for Interments*

- 2.1.16.1 Applications for Interments must be made on the Approved Forms.
- 2.1.16.2 An application for Interment (whether cremation or burial) must be made in respect of an existing Interment Right.
- 2.1.16.3 The Applicant for an Interment must be:
- (a) the executor of the estate for the deceased person; or
 - (b) the next-of-kin to the deceased person; or
 - (c) any other person having an interest in the estate of the deceased person; or
 - (d) in the case of an indigent interment, an authorised representative of the statutory authority ordering the interment.
- 2.1.16.4 The timing of a service and the interment location for indigent persons will be at the discretion of the Operations Manager.

2.1.17 *Burial Orders*

- 2.1.17.1 There shall be no burial order issued unless there is an application made.
- 2.1.17.2 Burials cannot take place unless a burial order has been issued by Council.
- 2.1.17.3 The issue and processing of a burial order shall be in accordance with Council's Work Health and Safety Policy.
- 2.1.17.4 All burials shall comply with the *Public Health Regulation* and Council's Work Health and Safety Policy.

2.1.18 *Indigent Burials*

- 2.1.18.1 All burials for indigent persons are at the direction of an Institution. The Institution is the Applicant for the Interment. The timing of the service and the location of the Interment Site will be dependent on operational requirements and approved by the Operations Manager.
- 2.1.18.2 All burials for indigent persons will be in Interment Sites dug to double or triple depth.
- 2.1.18.3 Burials for indigent persons will be conducted at the Wollongong Lawn Cemetery (Lawn Section) and the Interment Site will be marked with a standard cast bronze plaque inscribed with details identifying the deceased.

2.1.19 *Exhumation*

- 2.1.19.1 Exhumations are NOT to take place unless:
- a Prior written consent has been obtained from the Director-General of the NSW Health, if required; and
 - b an Order for Exhumation has been issued by Council.

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- 2.1.19.2 This clause does not apply if an exhumation has been ordered by a Court or the New South Wales Coroner.
- 2.1.19.3 All costs incurred in carrying out an exhumation shall be paid by the Applicant or instructing authority.
- 2.1.19.4 All exhumations will comply with the requirements of the *Public Health Act*, *Public Health Regulation* and NSW Health's Policy Directive PD2013-046 'Exhumation of Human Remains', as well as Council procedures and risk assessments.

2.2 Requirements for Interment Sites

- 2.2.1 An Interment Site for the burial of the body of a deceased person shall be excavated in compliance with *Public Health Regulation*.
- 2.2.2 The number of interments permitted in an Interment Site shall be in strict accordance with the *Public Health Regulation*.
- 2.2.3 *Above Ground Entombment*
 - 2.2.3.1 All entombments shall be in accordance with:
 - a Council's Work Health and Safety Policy; and
 - b *Public Health Regulation*.
- 2.2.4 *Ash Memorial Sites*
 - 2.2.4.1 Ash placements at Interment Sites range from one (1) individual site to family sites with up to twelve (12) placements.
 - 2.2.4.2 Each set of ashes of a deceased person placed in a memorial site will have a plaque of commemoration. The only instance where this may differ is for multiple births who have died together. In this instance one plaque will be used.
 - 2.2.4.3 The acceptance of Reservations at Cemetery and memorial gardens sites for ash placement memorial sites will be determined by Crematorium and Cemeteries Management.
 - 2.2.4.4 The scattering of ashes will be accepted at all sites determined by Crematorium and Cemeteries Management.

2.3 Funeral Directors and Monument Masons

- 2.3.1 Any person or business providing or carrying out monument masonry services in a Cemetery, including the construction, erection, repair, cleaning and restoration of structures over burial places, must comply with the requirements of Council's policies and procedures.
- 2.3.2 Any person working in a Cemetery must comply with the requirements of Council's Work Health and Safety Policy.
- 2.3.3 A person may not carry out any work in a Cemetery, including the erection of structures over Interment Sites in a Cemetery, unless the person is:
 - 2.3.3.1 a Council employee instructed to do so by Council;
 - 2.3.3.2 a contractor acting under instructions of Council; or
 - 2.3.3.3 a Funeral Director or Monument Mason acting in accordance with the requirements of Council's procedures and WH&S requirements.
- 2.3.4 A person shall not, in a Cemetery:
 - 2.3.4.1 construct, install, alter, restore, renovate or improve any monument, memorial, foundation, vault, table, headstone, gravestone, kerbing, railing or other structure, unless it is of:
 - (a) a material and design approved in writing by Council;
 - (b) carried out to the standard of workmanship required by Council; and
 - (c) constructed or maintained in accordance with AS-4204; or

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- 2.3.4.2 make any inscription or carry out any adornment, unless it is approved by Council and made or carried out to the standard required by Council.

2.4 Removal of Structures

2.4.1 A person may not:

- 2.4.1.1 remove a monument, memorial, foundation, vault, table, headstone, gravestone, kerbing, rail or other structure from a cemetery without Council's written permission;
- 2.4.1.2 erase, correct, or require the erasure or correction of, wording of any inscription that has been constructed, installed, made or carried out:
- (a) without Council's written consent; or
 - (b) otherwise than in accordance with an approval given by Council.

2.4.2 Council may:

- 2.4.2.1 remove, demolish, alter or require the removal, demolition or alteration of any structure or any adornment, or
- 2.4.2.2 where any work that has been approved is not completed within a reasonable time, remove or demolish such partially finished work as it deems necessary to preserve the fabric of the Cemetery and/or public safety.

2.5 Removal and Replacement of Structures for the Purpose of Burial

2.5.1 Where notice is given to open a burial place, vault or crypt for a lawful purpose and is in accordance with this policy, it shall be the Applicant's responsibility to:

- 2.5.1.1 arrange for the removal of any part of the structure to enable the safe opening of the burial place; and
- 2.5.1.2 to make good the repair of the structure (or any part thereof) affected under this provision within fourteen (14) days of the interment or service date.

2.6 Maintenance of Structures

- 2.6.1 Council shall not be responsible for the upkeep, maintenance, repair etc of any monument or structure.
- 2.6.2 Council's responsibility for any structure in a Cemetery is limited to its preservation as defined in the Burra Charter, that is, maintaining the fabric of the structure in its existing state and retarding deterioration.
- 2.6.3 The cleaning, repair or restoration of a structure in a Cemetery is the responsibility of the Holder of the Interment Right.
- 2.6.4 Council may act to remove any structure in a Cemetery that has become dilapidated, unsightly, is crumbling, or deemed to be unsafe in a risk assessment carried out by Council.
- 2.6.5 Council may remove any shrubs, trees or other vegetation that have been planted in a Cemetery without Council's written consent.
- 2.6.6 Council may remove any trees, shrubs or other vegetation from any Cemetery where, in its opinion, it is in the interest of the Cemetery to do so.

2.7 Unsafe Monuments

2.7.1 When hazards, including unsafe structures, are identified Council will act to eliminate them.

2.7.2 *Identification and Reporting*

- 2.7.2.1 Identification of unsafe structures shall be by Risk Assessment and/or hazard reporting as per Council's WH&S and Hazard reporting procedures. Actions carried out under this clause will be thoroughly documented and supported with photographs. All actions will be recorded against the respective cemetery register entry.

2.7.3 *Unsafe Monument – Notice of Action*

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2.7.3.1 The notice given to the holder of the Interment Right for an Interment Site affected by an unsafe monument or structure shall be notified in accordance with the following schedule..

| Initial Risk Rating | Notification Process |
|---------------------|---|
| EXTREME | No notification – immediate action to be taken to make the structure safe. |
| HIGH | Immediately install safety barricade to secure the area. The Holder shall be notified to take action within SEVEN (7) days to remedy the structure. If the Holder cannot be contacted, a sign giving SEVEN (7) days' notice that the Holder should act to make the structure safe shall be displayed at the Interment Site. If, after the period of notice, no action has been taken by the Holder of the Interment Right, Council will take steps to make the monument safe. |
| MEDIUM | Immediately install safety barricade to secure the area. The Holder shall be notified to take action within FOURTEEN (14) days to remedy the structure. If the Holder cannot be contacted, a sign giving FOURTEEN (14) days' notice that the holder should act to make the structure safe shall be displayed at the Interment Site. If, after the period of notice, no action has been taken by the Holder of the Interment Right, Council will take steps to make the monument safe. |
| LOW | Immediately install safety barricade to secure the area. The Holder shall be notified to take action within TWENTY-EIGHT (28) days to remedy the structure. If the Holder cannot be contacted, a sign giving TWENTY-EIGHT (28) days' notice that the Holder should act to make the structure safe shall be displayed at the Interment Site. If, after the period of notice, no action has been taken by the Holder of the Interment Right, Council will take steps to make the monument safe. |

2.7.4 *Subsidence*

Where subsidence is evident, Council will fill and optionally compact the ground in the normal manner.

2.7.5 *Repairs*

Council will not repair monuments. Council's actions will be limited to making unsafe structures safe to ensure public and employee safety.

2.8 Lawn Sections

2.8.1 Council will ensure that:

- 2.8.1.1 it maintains, preserves, and repairs lawn cemetery burial places in perpetuity;
- 2.8.1.2 Interment Sites are not enclosed with any railing or kerbing;
- 2.8.1.3 only cut flowers are left at Interment Sites in lawn beam sections;
- 2.8.1.4 cut flowers are placed in vases of a type approved by Council;
- 2.8.1.5 no headstone, statue or other structure is erected or constructed over an Interment Site in a lawn section; and
- 2.8.1.6 no tree, shrub or other plant is placed or planted on any Interment Site in a lawn section other than by Council at its absolute discretion.

2.8.2 Artificial flowers are permitted in headstone and monument sections provided they are securely fixed into a vase approved by Council and only placed on the beams or directly within the headstone or monument in these sections. No glass or porcelain type flowers are permitted.

2.8.3 Grounds maintenance staff will, without notice, remove and dispose of artificial flowers that:

- 2.8.3.1 in their opinion, are not securely fixed in the vase;
- 2.8.3.2 are left loose or strewn about by wind, animals etc; or
- 2.8.3.3 have faded, deteriorated or become untidy in appearance.

2.8.4 Council shall place over each Interment Site in the Lawn Section, as soon as practicable after a burial or interment has taken place, and upon receipt of written instructions from the Holder, a memorial plaque, supplied by Council, of a standard size and type as determined by Council.

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- 2.8.5 The Holder must arrange for a cast bronze plaque to be placed at the Interment Site within twelve (12) months of the burial date. If after twelve (12) months the cast bronze plaque has not been finalised, Council will act to do so, with any costs so incurred by Council being a debt due and payable by the Holder to Council.
- 2.8.6 Where Council acts to place the plaque (under clause 2.8.5), the plaque shall contain the full name of the deceased, their date of birth (if available), their date of death and their age as recorded in the cemetery's Register.
- 2.8.7 The applicant for the interment or their delegate may apply to privately supply and fix a memorial plaque in the Lawn Cemetery Sections provided that:
- 2.8.7.1 a formal application has been lodged with Council;
 - 2.8.7.2 all fees as scheduled by Council for the lodgement of the application have been paid;
 - 2.8.7.3 the design and type of plaque is consistent with the requirements determined by Council;
 - 2.8.7.4 no images, wording or the like are to be used that Council would consider offensive; and
 - 2.8.7.5 Council has given its written approval.
- 2.8.8 Council will not be liable for the repair, maintenance, upkeep or preservation of any plaque or item placed on an Interment Site in a lawn cemetery under the provisions of this section of the Policy.
- 2.8.9 When a plaque is placed under clause 2.8.4, the Applicant or Holder must pay any costs incurred if they issue subsequent instructions to alter or replace the plaque.

2.9 Monument and Headstone Sections

- 2.9.1 Council will ensure that:
- 2.9.1.1 it maintains, preserves, and repairs monument and headstone burial places;
 - 2.9.1.2 Interment Sites are not enclosed with any railing or kerbing;
 - 2.9.1.3 only cut flowers are to be left at burial places in Monument or Headstone Sections (see clause 3.9.2 regarding artificial flowers);
 - 2.9.1.4 cut flowers are placed in vases of a type approved by Council;
 - 2.9.1.5 no tree, shrub or other plant is placed or planted on any Interment Site in a Monument or Headstone Section other than by Council at its absolute discretion.
- 2.9.2 Council will ensure that each Interment Site within a Monument or Headstone Section shall be marked with a permanent headstone and sub-socket, within twelve (12) months of the date of burial.
- 2.9.3 If instructions for the headstone have not been finalised after nine (9) months a final letter will be sent to the Holder of the Interment Right stating that Council will act to place a plaque or headstone with a basic inscription on the Interment Site unless the Estate acts by the end of the twelve (12) month period.
- 2.9.4 If after twelve (12) months the Holder of the Interment Right has not issued instructions for the monument or headstone, Council will act to do so.
- 2.9.5 Where Council acts to place a plaque or headstone, the plaque or headstone shall contain the full name of the deceased, their date of birth (if available), their date of death and their age as recorded in the cemetery's burial register.
- 2.9.6 The Holder of the Interment Right or their delegate may apply to privately supply and fix a headstone or monument in the headstone and monument sections provided that:
- 2.9.6.1 a formal Application has been lodged with Council;
 - 2.9.6.2 all fees as scheduled by Council for the lodgement of the Application have been paid;

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- 2.9.6.3 the design and type of headstone or monument is consistent with the requirements determined by Council;
- 2.9.6.4 no images, wording or the like are to be used that Council would consider offensive; and
- 2.9.6.5 Council has given its written approval.
- 2.9.7 Council will not be liable for the repair, maintenance, upkeep or preservation of the headstone or monument placed on a burial place in a monument and headstone sections.
- 2.9.8 All monument work must comply with Australian Standard AS-4204 as the minimum standard for work.

2.10 Macedonian and Full Monument Sections

- 2.10.1 All monuments must be constructed in accordance with Australian Standard AS-4202 and all material must be of a permanent nature. Timber or mortar and bricks are not considered permanent.
- 2.10.2 All monuments must have six (6) to eight (8) piers driven to rock in order to support the monument and be inspected by Council Cemetery staff before foundations are poured.
- 2.10.3 The maximum height of a monument above ground level must not exceed 1700mm including a cross on top of the monument. Monuments are to be a maximum of 1200mm wide.
- 2.10.4 The concrete footing for the monument slab shall be no more than 50mm above ground level.
- 2.10.5 The monument slab shall not be more than 350mm above the top of the concrete footing.
- 2.10.6 The candle and food storage enclosure is to be incorporated into the head stone. There will be no metal or timber cabinets for the storage of candles or food allowed unless it is incorporated in the headstone or monument.
- 2.10.7 All foundations must tightly adjoin any existing foundations on adjoining monuments (each grave site being 2400mm x 1500mm)
- 2.10.8 All monuments must also provide a 900mm wide by 100mm thick concrete footpath in front of the monument including any family reservation.
- 2.10.9 All kerbings for monuments must be at least 100mm thick.
- 2.10.10 For monuments erected on double depth Interment Sites (graves), a clear space of 2000mm x 770mm will be allowed for the placement of a casket in the plot when required.
- 2.10.11 All reserved Interment Sites at Wollongong Lawn Cemetery are to have a concrete slab at least 30mm thick (no steel reinforcement allowed) placed over the reserved site (2400mm x 1500mm). This will be completed within 6 months of the Reservation being made.
- 2.10.13 No monument may be erected within the Wollongong Lawn Cemetery until:
 - 2.10.13.1 the Interment Site is pegged to indicate the site and the dimensions of the grave; and
 - 2.10.13.2 payment in full of the Appropriate Fees and written approval has been received from Wollongong Council.
- 2.10.14 Council may direct the removal or alteration of any monument, tomb, tablet, gravestone or other erection or the erasure of any inscription which has been erected, placed or inscribed in the Wollongong Lawn Cemetery that contravene the *Public Health Act*.
- 2.10.15 All sites must have an identification marker erected within 12 months of interment.

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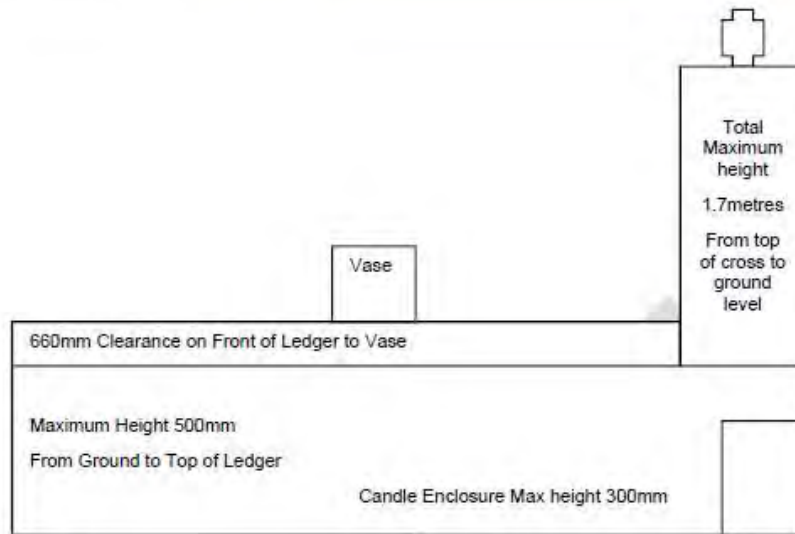


Figure 1 -

2.11 Headstones

- 2.11.1 Arrangements may be made by the family or associates of the deceased to erect an individual type headstone, provided such headstone meets the specifications of height, type and size as determined by Council.
 - 2.11.1.1 All headstones to be properly mounted on the horizontal concrete beam as provided.
 - 2.11.1.2 Any headstone is not to exceed total finished height of 900mm above ground level. Any cross or figurine must not exceed 300mm above the finished height of the headstone.
 - 2.11.1.3 Material for headstone to be a lasting quality and of a permanent nature, ie granite, marble or sandstone etc.
 - 2.11.1.4 Shape of headstone may be variable, ie curved top, square, apex etc.
 - 2.11.1.5 Any monumental work to be carried out by an approved stonemason.
 - 2.11.1.6 Flower vases, candleholders etc to be incorporated in sub-socket or headstone itself.
 - 2.11.1.7 Interment Sites shall not be enclosed with any railings or kerbings or any kind.
 - 2.11.1.8 No tree, shrub or plant of any kind shall be placed or planted on any Interment Sites.
 - 2.11.1.9 Two adults may be interred in each grave. The inclusion of a third interment into a grave will be considered in special circumstances and must be approved by the Operations Manager.
 - 2.11.1.10 No containers of any kind shall be placed on any Interment Site and all sites are to be kept clean and tidy at all times.
 - 2.11.1.11 All monuments are to be constructed by monumental stonemasons and meet Australian Standard AS-4202.
 - 2.11.1.12 Sites which have not been commemorated by a headstone within twelve (12) months of a first interment will not be re-opened for a subsequent interment unless a headstone is placed or payment made to Council to arrange for its placement.

2.12 Crypts & Vaults

- 2.12.1 Council will establish crypt walls and vaults and manage them in accordance with its statutory requirements.

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- 2.12.2 Council will not permit the establishment of private above-ground tombs within Council's cemeteries without the prior approval of the Operations Manager.
- 2.12.3 All crypts and vaults constructed and managed by Council remain the property of Council.
- 2.12.4 Council accepts all responsibility for the proper care and maintenance of crypts/vaults defined in clause 2.12.1 above.
- 2.12.5 Council may grant an Interment Right in relation to a vault in accordance with the *Public Health Act*.
- 2.12.6 The Holder of an Interment Right in relation to a vault may, subject to Council approval, place or fix memorabilia, vases, religious objects, statues, decorations and/or any other item befitting a monument to the front of the particular vault to which the Interment Right relates.
- 2.12.7 Council will not accept responsibility or liability for any item as described in clause 2.12.6 above, fixed or placed, with or without Council's permission, at a vault or crypt.
- 2.12.8 To receive the body of a deceased person in a crypt:
- 2.12.8.1 The person must hold an Interment Right in relation to a vault within the crypt.
- 2.12.8.2 The body must be prepared and encased as per the *Public Health Act* at the expense of the Holder of the relevant Interment Right.
- 2.12.8.3 The reception and entombment shall comply with the *Public Health Act*.
- 2.12.8.4 All fees for the 'reception of a body in a Cemetery' as set by Council shall apply.
- 2.12.8.5 The repair and maintenance of the casket or coffin within a vault, and the human remains therein, shall be the responsibility of the Holder of the relevant Interment Right and/or his/her heirs and successors.
- 2.12.8.6 The Holder of the Interment Right will be held liable for any damage to the crypt resulting from failure to comply with clause 2.12.8.5.
- 2.12.9 The commemorative plaque will be supplied by Council.
- 2.12.10 The cost of inscription and artwork for the commemorative plaque shall be borne by the Holder of the Interment Right.
- 2.12.11 The cost of all additional ornaments and decorations shall be borne by the Holder of the Interment Right.
- 2.12.12 Upon granting the Interment Right, Council will issue the Holder of the Interment Right with a Certificate. The Certificate will contain a copy of the Policy.
- 2.12.13 Council will not buy back an Interment Right that relates to a crypt.
- 2.12.14 Once the remains of a deceased person, properly embalmed and cofined as stated in the *Public Health Regulation*, has been placed in the crypt, the Interment Right created by the vault placement becomes irrevocable.

2.13 Islamic Burials

- 2.13.1 Islamic burials will be in accordance with the exemption granted by NSW Health and complying with the *Public Health Regulation* relating to disposal of bodies, and compliance with the following conditions:
- 2.13.1.1 The Cemetery Authority, following discussion with Islamic representation, has agreed to carry out Muslim burial, in particular the handling of bodies on cemetery grounds.
- 2.13.1.2 The body of the deceased wrapped in a shroud (at least four layers of cotton/linen sheeting) shall be brought to the graveside in a coffin.
- 2.13.1.3 The coffin is either:
- (a) to be dismantled and placed within the grave prior to commencement of backfilling, or
- (b) if approved for the purpose, to be returned to the undertaker for steam cleaning and sanitation.

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The name plate is to be removed from the coffin and placed near the body in the grave.

- 2.13.1.4 The body of the deceased person who is known or is reasonably believed to be infected with either a List 'A' or List 'B' disease shall be buried in accordance with the *Public Health Regulation*.
- 2.13.1.5 Council officers reserve the right to prohibit mourners from entering the grave to place the deceased person's body as required, if in the opinion of those officers such action would be likely to result in injury to the mourners. In making this determination Council officers will take into account the soil conditions, weather conditions and the presence of water from rain or groundwater on the stability and safety of the gravesite.
- 2.13.1.6 The grave depth to be 1500mm and width not less than 600mm for graves with slatted timber placed over the body. The grave depth to be 1500mm and width not less than 660mm for graves with timber frame placed over the body.
- 2.13.1.7 The grave is to be oriented such as to permit the body of the deceased to be placed in the grave on its right shoulder and facing towards Mecca (that is, northwest).
- 2.13.1.8 Spoil from the grave is to be left at the gravesite covered in green matting.
- 2.13.1.9 A ladder is to be provided by Council for use by mourners to enter and exit the grave.
- 2.13.1.10 Shovels are to be provided by Council for use by mourners to fill the grave.
- 2.13.1.11 The Coordinator Crematorium and Cemeteries will arrange for plant, equipment and staff to prepare the grave prior to the funeral entering the cemetery. Funeral Directors are to supply timber framework for the gravesite prior to the burial.
- 2.13.1.12
- 2.13.1.13 Council's cemetery technicians will undertake a risk assessment to determine if safe access of mourners to a grave site can be undertaken.
- 2.13.1.14 Council officers will vacate the gravesite while the burial takes place however will maintain overall supervision of the site at all times
- 2.13.1.15 Mourners are permitted to place either timber slats or a timber frame over the deceased body which has been placed in the grave facing Mecca.
- 2.13.1.16 The nameplate of the deceased is to be removed from the coffin by the mourners and placed in the grave. Cemetery technicians will ensure the name plate is interred with the grave.
- 2.13.1.17 The coffin is to be broken up by the mourners and placed within the grave prior to backfilling.

2.14 Berkeley Pioneer Cemetery

Berkeley Pioneer Cemetery has very limited capacity for burials and therefore Council will limit burial numbers at this site.

- 2.14.1 Council will identify a limited number of burial sites at Berkeley Pioneer Cemetery.
- 2.14.2 Headstones will be permitted to be erected on these sites provided these do not conflict with the historical nature of the cemetery.
- 2.14.3 All headstones to be constructed in accordance with Australian Standards AS-4204.
- 2.14.4 The land fronting Investigator Drive will not be used for burials and will remain as parkland.
- 2.14.5 When the identified sites are fully reserved or utilised, whichever occurs first, the Cemetery will be closed.
- 2.14.6 Reservations or at-need burials will be accepted from:
 - 2.14.6.1 Direct descendants of pioneers already interred in the Cemetery on production of evidence of descent.

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- 2.14.6.2 Members of the Berkeley Pioneer Restoration Group of a minimum of five (5) years standing.
- 2.14.7 A component of the income received by Council for Reservations and burials at the Berkeley Pioneer Cemetery to be allocated to the Berkeley Pioneer Cemetery Restoration Group for the purpose of carrying out restoration work at the Cemetery.
- 2.14.8 On receipt of payment for burial and/or Reservation, as specified in the current Fees and Charges, Council will donate the Fees paid for Interment Rights to Berkeley Pioneer Cemetery Restoration Group for restoration work.
- 2.14.9 All burials are to be excavated to single depth only.
- 2.14.10 When it is determined by the Operations Manager that no further burials can be accommodated in the Cemetery, the Cemetery will be closed.
- 2.14.11 Should the Restoration Group cease to function, then all income received from burials and/or Reservations at the Cemetery will be retained by Council.
- 2.15 Bulli Cemetery**
There are no new Interment Rights available for burials or Reservations at Bulli Cemetery.
- 2.16 Wollongong Cemetery**
There are no new Interment Rights available for burials or Reservations at Wollongong Cemetery.
- 2.17 Scarborough Cemetery**
Scarborough Cemetery has Interment Rights available for at-need Interments only, with all burials to be double depth interments. There are no Interment Rights available for Reservations at this site.
- 2.18 Cremation**
- 2.18.1 Cremation shall be in strict accordance with the *Public Health Regulation* and the procedures approved by Council.
- 2.18.2 All cremations shall be carried out under the supervision of a Council officer employed for that purpose.
- 2.18.3 The disposition of cremated remains shall be in accordance with the *Public Health Regulation*.
- 2.18.4 The scattering of cremated remains is permitted only in those areas of the cemeteries designated for the purpose.
- 2.18.5 The holding over of any bodies will only be done in accordance with the *Public Health Regulation*.
- 2.18.6 The interment or immurement of cremated remains in a Council cemetery shall be subject to the same process that applies to burials.
- 2.18.7 *Inspection of the Crematorium*
Public inspection of the Crematorium and Crematory is permitted:
- 2.18.6.1 by appointment, made with the Wollongong Memorial Gardens Operations Manager; and
- 2.18.6.2 under the direct guidance and control of the Wollongong Memorial Gardens Operations Manager or other suitably qualified Council employee.
- 2.18.8 *Conditions of Acceptance of a Cremation Service*
Notwithstanding the *Public Health Regulation*, a cremation service will only be accepted when:
- 2.18.7.1 the human remains to be cremated have been contained in a casket or coffin suitable for cremation;
- 2.18.7.2 all statutory requirements, particularly in relation to the *Public Health Regulation*, the *Coroners Act 2009* and the *Local Government Act 1993* have been met; and
- 2.18.7.3 such fees as required by Council to carry out the cremation service have been paid.

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Note: Council may, at its discretion, delay a service arriving later than the agreed scheduled time of service.

2.18.9 *Companion Animals in the Chapel*

Dogs, cats and other companion animals are not permitted in the Chapel at any time.

2.18.10 *Clearing of Chapel Area*

The Chapel concierge, or if no concierge, the funeral director or authorised representative, shall ensure that the chapel area is cleared of mourners, flowers, etc, prior to the scheduled time of the next service or within the hour of the current service, whichever is sooner.

2.18.11 *Removal of Items from Casket or Body*

Council accepts no responsibility for items (flowers, covers, jewellery, ornaments, etc) left on or in the casket once it has been accepted into the Crematory. Council will remove and dispose of visible hazardous, combustible, volatile, or other visible items as is deemed necessary to ensure the safe progress of work.

2.18.12 *Viewing of Cremation*

Immediate family members may, by appointment and payment of appropriate fee, observe from the viewing area set aside for the purpose, the committal of the casket into the Cremator. Visitors under these provisions must leave the area when requested to do so by a Council Officer or an employee directly involved with the operation and maintenance of the Crematorium.

2.18.13 *Access to the Crematory*

Only Council employees acting under instructions to do so may enter the Crematory. Non-employees not directly involved in the operation and maintenance of the Cremator may only enter the Crematory when accompanied by a suitably qualified Council employee or if they have been inducted into site and have registered in the site visitor/contractor register.

2.18.14 *Opening of Caskets in the Crematory*

Caskets or coffins shall not be opened when held in the Crematorium.

2.18.15 *Obtaining Instructions for Disposition*

If no instructions for final disposition have been issued by the Applicant for the Cremation, Council must make every reasonable effort to contact the Applicant, in writing, after:

2.18.14.1 fourteen (14) days;

2.18.14.2 ninety (90) days; and

2.18.14.3 nine (9) months (by person-to-person certified mail);
of the cremation date.

2.18.16 *No Instructions for Disposition*

In accordance with the *Public Health Regulation*, if no instructions for disposition have been received after nine (9) months of the cremation date, Council will direct the remains to be:

2.18.15.1 disposed in a burial ground or in land adjoining the Crematory reserved for the burial of cremated remains, or

2.18.15.2 otherwise retain or dispose of the cremated remains.

2.18.17 *Indigent Persons*

(a) The timing of the service is dependent on operational requirements and approved by the Operations Manager.(b) All Cremations for indigent persons are at the direction of an Institution. The Institution is the Applicant for the cremated remains. Only the representative of the Institution can give written permission/authorisation for the family of the deceased to collect the cremated remains.

(c) After the paperwork has been accepted as correct, a time of cremation will be fixed and communicated to the Funeral Director who will inform the Institution representative. The Institution representative, the Funeral Director, the Operations

WOLLONGONG MEMORIAL GARDENS CREMATORIUM AND CEMETERIES

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Manager or the Leading Hand of the Crematorium will witness the charging of the coffin at the agreed time.

- (d) After processing of the cremated remains; the ashes will either be made available for collection by the authorised representative or will be scattered into the Memorial Scatter Garden within Wollongong Memorial Gardens.
- (e) The Institution will nominate in writing the person who will be allowed to collect the ashes.
- (f) The collection is to take place within nine (9) months of the date of the Cremation. If the ashes are not collected within the stated nine (9) months term, the ashes will be scattered into the Memorial Scatter Garden.

3 IMPLEMENTATION

Property and Recreation will administer the Policy.

4 REVIEW

This Policy will be reviewed every three (3) years or earlier should circumstances arise to warrant revision.

5 APPLICATION OF ECOLOGICAL SUSTAINABLE DEVELOPMENT (ESD) PRINCIPLES

The Policy assists in achieving practical allocation of diminishing resources, primarily Interment Rights and Interment Sites, within the cemeteries and memorial gardens.

It also encourages all new structures (monuments, etc) to be built in accordance with the best practices and standards, thereby making them as sustainable as possible.

**WOLLONGONG MEMORIAL GARDENS
CREMATORIUM AND CEMETERIES**

**COUNCIL
POLICY**

SUMMARY SHEET

| | |
|----------------------------|---|
| Responsible Division | Property and Recreation |
| Date adopted by Council | [To be inserted by Corporate Governance] |
| Date of previous adoptions | 26 May 2014 |
| Date of next review | May 2020 |
| Responsible Manager | Operations Manager – Crematorium & Cemeteries |
| Authorised by | Manager Property and Recreation |

DRAFT