

# Procedure



## CEMETERY MANGEMENT

December 2019

## Document Control

This page will be re-issued every time amendments are made to controlled documents. Amended documents will have their revision status and issue date updated accordingly.

Version	Clause(s)	Changes	Author	Issue Date
0		Initial draft	Corrin Bischoff	
1		Adopted by Council 8/11/2017		8/11/2017
2		Amendment in 4.4 and 4.5 to clarify intent "Burial Right Holder or if the Burial Right Holder is deceased, the family and descendants of the interned person/s."	Corrin Bischoff	10/01/2018
3		Amendments in 3.1 "Fees" clarification of payment plans. 3.3 "Transfer of Burial Right" Council will consider on a case by case Amendment in 4.4 "Plaques internment in columbarium wall" to reflect that Council does not provide plaques	Brendan Sippel	17/10/2019
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## 1. Introduction

Lockyer Valley Regional Council is the cemetery operator for seven cemeteries in the Lockyer Valley region, and as such is responsible for the administration and maintenance of these cemeteries.

The cemeteries under Council's authority include:

- Laidley
- Forest Hill
- Gatton
- Caffey
- Murphy's Creek
- Ingoldsby
- Ropely

For the purposes of this document, the Lockyer Valley Regional Council is the cemetery authority appointed to manage local government cemeteries in the Lockyer Valley region. Council must manage its cemeteries according to provisions outlined in this Procedure.

This Procedure provides information for the proper management and control of public cemeteries in the Lockyer Valley Regional Council area.

Council may, subject to the *Planning Act 2016*, establish a cemetery on land under its control.

A cemetery may include:

- a crematorium
- a columbarium
- a garden of remembrance; and
- other structures and improvements that Council considers appropriate.

## 2. Definitions

Applicant	Any person making an application for funeral or monumental permission or for a licence to work in cemeteries.
Burial Register	The record of all burial and niche interments in Council cemeteries.
Burial or Interment Right	Is a legal document which gives the licensee the exclusive right to use the specified piece of land for burials and to place a monument over the grave.
Cemetery Operator	The person or body that directs the operations of a cemetery. For the purposes of this policy the cemetery operator is Lockyer Valley Regional Council.
Exhumation	The removal of a dead person's remains from a grave or niche. This does not include their removal for the purpose of reburial in the same grave.
Gravesite	A place of burial also referred to as a plot.
Interment	The placement of a coffin or ashes into a grave or niche for the purpose of burial.
Interment site	The allocated space where an interment has or will occur. Also referred to as a plot.

Licence	An authorisation from Council that grants permission.
Licensee	The owner of a licence.
Monument	Any structure, plaque, headstone, masonry, metal work or casting placed over, in or around the interment site.
Monument Permit	The approval given by Council to place a monument over, in or around an interment site.
Niche	A recessed space in the columbarium wall or garden suitable for a container of ashes.
Qualified Undertaker or Funeral Director	A person who carries on the business of disposing human remains
Perpetuity	Lasting indefinitely with no fixed end date.
Plot	A small, numbered piece of land used for the purpose of burial within a section of a cemetery
Reservation	The act of securing in advance a plot for the purpose of burial.
Service Provider	A business that supplies funeral services

### 3. Management

Council is responsible for the administration and management of plot and niche purchases, transfer of interment rights, approvals for monumental works, issuing of licences to work in cemeteries, maintenance of cemetery grounds, and the interment of ashes into the columbarium walls.

#### 3.1 Fees

For each application made to Council for cemetery services an administrative fee is applied. These fees are reviewed annually and can be found in Councils fees and charges schedule.

Council does not provide pre-payment plans for any funeral activities.

#### 3.2 Application for Plot or Niche

Council offers two burial options within its cemeteries:

- interment into a gravesite/plot or
- interment into a niche in the columbarium wall.
- Interment into niche in garden

At the completion of the application process the applicant will be issued with a burial or interment right.

Columbarium Niches are available at Laidley Cemetery, Forest Hill Cemetery and the Gatton Cemetery. A niche in columbarium wall can hold one (1) container of ashes. Container dimensions for ashes are to be 220mm x 110mm x 80mm to fit within a niche.

There are 3 niche sizes available – single, double, or family (Gatton only).

Niche sizes may vary slightly but approx. size is:

- single: 85mm x 120mm x 230mm – will fit 1 standard ashes container

- double: 170mm x 120mm x 230mm – will fit 2 standard ashes containers
- family: 170mm x 230mm x 230mm – will fit 4 standard ashes containers

The Laidley Ashes Garden at the Laidley Cemetery is also available to for ashes interment. The Laidley Ashes gardens cater for single or double interments. Niche size include:

- 350mm x 185mm

With either one or two containers fitting in to the niche dependant on the section of garden. All plaques are required to be within the size of 350mm x 185mm and are required to be installed by a monumental mason.

All gravesites within Lockyer Valley Regional Council cemeteries must be dug by employees or contractors of Council. In either case a representative of Council must be present.

The upper surface of a coffin, once interred, must be no less than one (1) metre from the natural surface of the soil. An existing coffin must not be disturbed for the purpose of deepening the grave.

Council will apply a limit to the maximum number of bodies interred per grave. All requests for subsequent grave interments will be assessed for viability to eliminate the possibility of disturbing remains. Every attempt will be made by Council to dig new graves to double depth, however on occasion due to geological conditions only single depth may be attainable. In some situations, another grave location will be required. Council will liaise with the funeral director and/or the family if this occasion arises. The burial right holder may limit a plot to being single depth; however, this must be indicated by the applicant at the time of purchase.

### 3.3 Burial of Interment Right

The person who purchases a gravesite/plot or ashes niche, whether for immediate or future use, is known as the burial or interment right holder. A burial right does not grant the holder ownership over that piece of land, rather, it gives exclusive entitlement to the holder to inter the remains of a deceased person in the reserved plot/niche. A burial right will be granted in perpetuity.

Burials and interments will only be permitted in Council cemeteries with written approval issued by Council. Council reserves the right to refuse to grant a burial right and will only issue a burial right for plots that have been surveyed by Council.

Funeral directors and monumental masons must first contact Council to determine the allocation of a plot or confirmation of an existing reservation or re-opening of a burial plot.

Council holds the exclusive right to close a section of any cemetery and to refuse to issue a burial or interment right for a closed section. Although a cemetery may appear to have vacant land available for burials, there may be reserved plots or unknown/unmarked gravesites preventing further use.

### 3.4 Transfer of a Burial Right

Burial rights may not be transmitted by death, transfer or sold to another person. A burial right for an allotment may be surrendered to Council by the burial right holder. Upon surrender, Council will pay the burial right holder

80% of the purchase price upon the presentation of proof of purchase. If no proof of purchase is able to be provided by the burial right holder, Council will provide a refund of \$200.

On the purchase of burial rights the burial right holder can indicate the person for whom each plot is reserved on the Application for Reservation of Interment Site Form.

On the death of the burial right holder the power to authorise burials in a plot reverts to Council unless transfer is authorised by the *Succession Act 1981*. Council will permit in its absolute discretion, a spouse, child, partner, relative, direct descendant or a friend of the burial right holder to be buried in the plot provided that Council has no reason to believe that the burial right holder would have objected. A completed Burial Consent Declaration Form needs to be provided to enable this to occur.

A Burial Consent Declaration is a document witnessed by a Justice of the Peace in which the applicant states that all living family and descendants are agreeable to the person being interred in the plot.

Council will consider the transfer of burial rights for pre-existing burial right applicants purchased on a case by case basis. All request for transfers of burial rights for pre-existing burial right applicants are required to be submitted in writing.

### 3.5 Exhumation

A Cemetery Service Exhumation Request Form must be completed for exhumation of human remains or disinterment of ashes and will only be accepted when accompanied by the burial rights holder's written consent or other duly authorised representative.

Exhumations of non-cremated human remains are to be carried out in conjunction with a Funeral Director. The disinterment of ashes may be conducted by Council. Ownership rights of the site will revert back to Council unless other interments exist.

### 3.6 Conduct of funerals

All funerals in a local government cemetery must be conducted by a qualified undertaker.

## 4. Operations

### 4.1 Conduct of funerals

Work must not be undertaken of any kind in a Council cemetery unless a valid licence/permit to undertake works is issued for that specific activity. Works are considered to be any gravesite activity; this includes but is not limited to grave digging, interment and exhumation of remains, and the construction, repair or removal of a monument.

*Note: The placement of floral and other tributes on a gravesite is not considered "work" and therefore a licence is not required for this activity. All tributes must remain within the perimeter of the gravesite.*

Anyone who wishes to conduct funeral or monument activities at a Council cemetery must formally apply and receive approval from Council before commencing any work.

#### 4.2 Hours of Operation

The hours appointed for the performance of interments in a cemetery are to commence no earlier than 9.00am and complete no later than 3.00pm Monday to Friday (excluding public holidays). Outside these hours, interments may be performed by special arrangement. Relevant fees apply.

The size and position of graves, columbarium walls and vaults in cemeteries must be determined, surveyed and approved by an authorised officer.

Council may set apart a portion of a cemetery for the interment of members of any particular religious denomination.

#### 4.3 Flowers and Vases

Graves in lawn area (as distinct from traditional monumental graves) are intended to have minimal flowers and memorabilia. No more than three receptacles for flowers are permitted on lawn graves or ashes memorials.

Glass or metal containers, solar lights, pot plants, pebbles, plastic windmills and fencing are not permitted on lawn graves or ashes memorials. Any type of planting in lawn graves areas and monumental burial areas is prohibited.

Columbarium vases may be purchased privately and can be installed by Council. Council is to be notified that installation is required when lodging the required application form.

The Laidley Ashes garden has an area provided where flowers or small trinkets can be placed.

#### 4.4 Plaques – Interment in Columbarium

Council will provide a list of standard plaques sizes that are allowed to be installed on columbarium walls and in ashes gardens throughout council cemeteries. The purchasing and organising of the plaques is the responsibility of the burial right holder.

Council will take all reasonable care during the course of maintenance activities in our cemeteries. Council accepts no responsibility for any deterioration in plaques due to the natural elements or the passage of time. The plaque will always remain the responsibility of the Burial Right Holder or if the Burial Right Holder is deceased, the family and descendants of the interned person/s.



## 4.5 Plaques and Monuments for Graves

Council is not responsible for the arrangement of a plaque or monument and recommends a suitably qualified stonemason is engaged to carry out works. A person who carries out the construction of a memorial in a Council cemetery must have prior approval. The following Australian Standards apply:

- AS4425-1996; 'Above-ground burial structures'
- AS4204-1994; 'Headstones and cemetery monuments'

Council will take all reasonable care during the course of maintenance activities in its cemeteries. Council accepts no responsibility for any deterioration in plaques or granite products due to the natural elements or the passage of time.

Council accepts no responsibility for the maintenance of any monument that has been constructed on a grave. The monument will always remain the responsibility of the Burial Right Holder or if the Burial Right Holder is deceased, the family and descendants of the interned person/s. Council reserves the right to remove any monument after due notice to family or descendants (where possible), if the condition of the monument renders it dangerous to cemetery staff or visitors.

## 4.6 Maintenance

Appropriate maintenance of Council's cemeteries is required so that the essential elements which give the burial grounds their character are preserved in a way that retains their significance. Maintenance of cemetery grounds excludes the care and repair of monumental work, weeding and general maintenance of individual plots.

Council has the right to remove any tribute when it becomes a maintenance and/or safety hazard.

Council will level a grave site as required to repair collapse. Council may temporarily or permanently close a cemetery to further interments.

Council will take reasonable care to protect the property and property rights of owners within the cemetery from loss or damage, but disclaims all responsibility for loss or damage caused by its employees or agents and/or equipment of the Council or from other causes beyond its control (i.e. vandalism).

Council reserves the right of a temporary easement at any time on or across any space/plot/grave, for equipment and material access necessary for interment on adjoining lots or other operational purposes.

A person who carries out maintenance of a memorial must have prior approval from Council before any works are carried out. The maintenance of memorials is the responsibility of the family of the deceased or another person who has proper interest in the memorial. If a memorial needs to be removed or reinstated to allow for a subsequent interment it is at cost to the applicant.

Council may remove a memorial if it has become unsafe or has fallen into a state of disrepair and will replace it with an appropriate marker. In this case, members of the deceased's family known to the Council will be provided reasonable notice and advised of the associated costs.

## 5. Conduct

A person in a local government cemetery must comply with a reasonable direction given by the local government.

## 6. Records to be kept

Records will be kept at Council's offices and managed in accordance with standard records practices. In accordance with the *Information Privacy Act 2012*, records will be made available for inspection by members of the public. Council maintains a register of burials and interments. A burial or interment must be recorded immediately after Council is notified and may be amended to remove or correct inaccuracies.

## 7. Containment of human remains

Appropriate materials are to be used to securely contain human remains for disposal.

A person must not dispose of human remains in any section of a Council cemetery unless approval has been granted by Council. Disturbance of human remains buried in a Council cemetery must be undertaken by a qualified undertaker.

A person must not dispose of human remains (excluding ashes) outside a Council cemetery in the Lockyer Valley region without approval.

Council's Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) outlines the requirements for the undertaking of the following regulated activities regarding human remains:

- a) Disturbance of human remains buried outside a cemetery
- b) Burial or disposal of human remains (excluding cremated remains) outside a cemetery
- c) Disturbance of human remains in a local government cemetery.

## 8. Related Document

Cemetery Management Policy

Local Law No. 1 (Administration)

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads)

Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains)