

**NUMBER:** STRAT0046

**ACT:** Local Law No 1 (Administration) 2011  
Local Government Act 2009  
Public Records Act 2002  
Land Act 1994

**POLICY TITLE:** CEMETERY AND COLUMBARIUM MANAGEMENT

**1. PURPOSE AND SCOPE**

- 1.1 The purpose of this policy is to provide guidelines for cemetery and columbarium operations for Charters Towers Regional Council.
- 1.2 This policy applies to all cemeteries, columbarium's and memorial gardens administered, operated and maintained by Charters Towers Regional Council:
- Charters Towers Lawn and Monumental Cemetery
  - Pentland Monumental Cemetery
  - Ravenswood Monumental Cemetery
  - Mingela Monumental Cemetery
  - Greenvale Monumental Cemetery

The following cemeteries are closed for all burials and reservations as they have reached capacity:

- Pioneer Cemetery (Charters Towers)
- Kirk River Cemetery
- Sellheim Cemetery
- Macrossan Cemetery
- Cape River Cemetery

**2. COMMENCEMENT OF POLICY**

- 2.1 This Policy will commence from 15 February 2023. It replaces all other policies relating to Cemetery Policy.

**3. APPLICATION OF POLICY**

- 3.1 This policy is to set guidelines defining relevant criteria for the management and administration of Council owned cemeteries.

**4. DEFINITIONS**

4.1

procedures	Procedures for undertaking Administration, Burials and Maintenance
applicant	The person making an application for a cemetery service provided by Council that is subject to an application process
appropriate fee	A fee according to Council's Schedule of Fees and Charges
application form or application	All forms which are required to undertake a service within Council Controlled Cemeteries
cemetery or cemeteries	An area containing one or more burial places
columbarium	A structure having recesses in the walls to receive cremated remains
burial	The act of burying the remains of a deceased person

burial site/plot	A place for the disposition or memorialisation of the remains of a deceased person, whether cremated or not
burial rights	Exclusive rights to a burial site granted by Council to a person (there is no entitlement to any 'real estate' or property as such)
burial rights holder	The person who has been issued with the burial rights, whose name and details appear upon the approved form at the time of application from the Funeral Director to conduct a service
Council	Charters Towers Regional Council
Funeral Director	An individual, or business carrying out a funeral service
cremated remains	The human remains that have undergone the cremation process and the body has been reduced to small pieces of ash and bone
reservation	To pre-purchase a burial right for a burial site/plot
register	Council's formal repository of data containing all the required details of Council's Cemetery services
the policy	This Policy
monument	Any structure, plaque, headstone, masonry, metal work, casting or item placed over, in or around a burial plot/site
monument mason	A trade qualified mason or person possessing the skills to carry out monument masonry work
niche	The hollow space in a Columbarium Wall to place cremated remains
scattering	To respectfully disperse the cremated remains of a deceased person

## **5. MANAGEMENT OF CEMETERIES**

### **5.1 *Operating Hours***

- 5.1.1 Council will facilitate interments and services within the hours of 8.00am and 3.00pm Monday to Friday, interments and services outside of these times, or on weekends or public holidays, incur additional fees as set out in Council's Fees and Charges. Cemetery opening hours, everyday 8.00am to 8.00pm.
- 5.1.2 Council provides cemetery services on application being made and accepted during all normal workdays and weekends except for public holidays.
- 5.1.3 Applications received will be reviewed and acceptance of the application will be notified in writing. Verbal approval will be provided where written approval is not practical. Reason(s) for non-acceptance will be notified in writing to the applicant as soon as practical.

### **5.2 *Work Undertaken Within Cemeteries***

Council does not permit any person to undertake any activity within a Council Controlled Cemetery unless the activity has been approved by Council.

### **5.3 *Register of Burial Places and Cremation***

- 5.3.1 A register of burials will be kept by Council in respect of all burial places under Council's control and plots in all sections will be numbered accordingly.
- 5.3.2 A register of reservation plots/sites (which will include the number of the plot, name and address, and the date when the plot was reserved, and date of expiry) will be kept by Council in respect of each reservation.
- 5.3.3 Each register, which may be kept in written, printed or electronic form, will include the name of deceased, date of death, date of interment, age, deceased's next of kin name and address,

name of Funeral Director and location of interment site of every person whose remains are interred in cemeteries under Council's control.

- 5.3.4 The register may not include interments in historical and monumental cemeteries due to loss of records from previous operating entities.
- 5.3.5 Each register entry will contain the name and address of the owner of the burial right with the exception of the historical records where this information may not have been obtained.

### **5.4 Exhumation**

- 5.4.1 To exhume human remains from a burial site, an exhumation application form must be submitted for approval to Council together with the relevant evidentiary documentation as required by *Subordinate Local Law 1 (Administration) 2021*.
- 5.4.2 Council does not carry out exhumations.
- 5.4.3 All arrangements for exhumations are to be made with a registered Funeral Director.

### **5.5 Burial Rights**

- 5.5.1 Burial rights may not be sold.
- 5.5.2 A burial right on a vacant or reserved plot may be surrendered to Council.
- 5.5.3 There will be no refund given for relinquishing a reserved plot.

### **5.6 Burial Rights Holder**

- 5.6.1 A 'Burial Rights Holder' is the person who has been issued with the burial rights, whose name and details appear upon the approved form at the time of application from the Funeral Director to conduct a service.
- 5.6.2 There can only be one Burial Rights Holder per plot.
- 5.6.3 The purchaser of the plot is the person who signs the initial cemetery application form.
- 5.6.4 The Burial Rights Holder has the right to be buried in that grave and right to authorise the burial of others in that grave (up to the permitted number as determined by Council under Clause 5.9.3 this Policy).
- 5.6.5 Permission for all interments and modifications, must be provided in writing by the Burial Rights Holder except where permission is being sought by the next of kin for the interment of or undertaking of modifications for the Burial Rights Holder.
- 5.6.6 On the death of the Burial Rights Holder, where the Burial Rights Holder is not interred in the plot for which the Burial Rights Holder holds the rights, the Burial Rights for that plot will revert to Council.
- 5.6.7 Council, in its absolute discretion, will transfer the burial rights to a spouse, child, partner, relative or direct descendant of the Burial Rights Holder (as nominated on the application form) provided Council has no reason to believe that the Burial Rights Holder would have objected to such transfer.

5.6.8 The Burial Rights Holder must comply with all rules and regulations which apply to the operation of Council's Cemeteries.

**Note:** Council acts in good faith when it relies on advice provided by the Burial Rights Holder and does not accept any responsibility for allowing a service that might be subject of a later dispute between family members.

### **5.7 Reservations of Plots**

5.7.1 Reservations of plots are to be made in accordance with current application process and are limited to specific cemeteries.

5.7.2 Reservation of plots in all Lawn Sections of the Cemetery expire twelve months (12) from date of application of reservation. The plot will be surrendered to Council on expiration. Council may consider extensions based on exceptional circumstances.

5.7.3 Reservation of plots in the Monumental Sections of the Cemetery do not expire.

5.7.4 The number of plots shall be limited to two, and additional plots will be assessed case by case upon application to Council.

### **5.8 Interments – Burial Plots**

5.8.1 Written notification must be received by Council at least two (2) working days prior to requested burial date.

5.8.2 No burial will, under any circumstances, be permitted in a Council Controlled Cemetery until an application has been received and approved by Council in writing.

5.8.3 No more than two (2) coffin interments and four (4) ashes interments shall be buried in the same burial plot/site. Secondary coffin interments can only take place after a twelve (12) month settling period. Exceptions will be considered. Within the monumental section, Council may limit to one (1) coffin interment due to ground or other conditions.

5.8.4 Burials in the same burial plot/site shall be assessed on case by case based on Land Regulation 2020.

5.8.5 Coffins shall be interred at the following depth (as a minimum):

- a) Single depth – 1.5 metres
- b) Double depth – 2.45 metres

5.8.6 Every burial plot/site within a Council Controlled Cemetery will be dug by Employees or Contractors of Council, excluding burial plot exhumations.

5.8.7 All burial plots/sites are allocated by Council Staff.

5.8.8 Specific Cultural/Religious requirements are to be advised in writing at time of application. Council will endeavour to grant the requirements of each request based upon Council's Work Health and Safety Policy and availability of suitably skilled staff and equipment.

5.8.9 Animal burials are prohibited in Council Cemeteries.

### **5.9 Ashes – Placement in Graves**

- 5.9.1 Multiple ashes are permitted to be placed in existing or new graves.
- 5.9.2 A maximum of four (4) ashes interred in an existing grave (two (2) at the head of the burial plot and two (2) at the foot of the burial plot).

#### **5.10 Ashes – Placement in Columbarium Wall (Lynd Highway Cemetery)**

- 5.10.1 The container holding the ashes must be constructed of suitable weather resistant material and capable of being inserted in a rectangular niche:
  - a) Single niche – 130mm x 90mm
  - b) Double niche – 130mm x 170mm
- 5.10.2 A bronze memorial plaque of a size is to be fitted to seal the niche at the expense of the Burial Rights Holder:
  - a) Single niche – Size 152mm width x 127mm length
  - b) Double niche – Size 155mm width x 255mm length
- 5.10.3 Council will only carry out the interment of ashes in the Columbarium Wall after the applicable fee has been received and the memorial plaque provided.
- 5.10.4 The placing of vases, bottles or containers, for the holding of flowers, other than the memorial vases provided by the Council is not permitted.

#### **5.11 Removal of Ashes**

- 5.11.1 Applications to have cremated remains removed from any cemetery for any reason, must be made in writing to Council. The application must be signed by all applicants or their rightful successor, or a Statutory Declaration may be submitted stating that all near relations of the deceased have been advised of the request for removal.
- 5.11.2 The Burial Rights Holder may relinquish the burial niche to Council in writing after the removal of the ashes.

#### **5.12 Scattering of Ashes**

- 5.12.1 Scattering of ashes is not permitted on open grassed areas, including lawn sections, within Council Cemeteries.

#### **5.13 Plaques, Monuments, Inscriptions, Vases, Adornments and Mementos**

- 5.13.1 Memorial plaques are the responsibility of the Burial Rights Holder and may be organised through a Funeral Director or a private supplier.
- 5.13.2 A person shall not, in any Council Controlled Cemetery, construct or install any structure without approval.
- 5.13.3 Council will not be liable for the repair, maintenance, upkeep or preservation of any plaque or item placed on a grave. The responsibility for the costs of repairs and maintenance to plaques, monumental and historical graves and headstones, lie with the Burial Rights Holder.
- 5.13.4 Funeral Director and Monumentalists are to ensure the person ordering the plaque/monument is the Burial Rights Holder or has obtained written permission from the Burial Rights Holder.

- 5.13.5 Council must be notified by way of lodgement of an application with Council two (2) working days prior to any maintenance repair work being sought to be carried out.
- 5.13.6 It is the responsibility of the Right of Burial Holder or a person authorised by Right of Burial Holder to:
- Arrange for the order, supply and installation of any plaques, vases and memorial photos through a Funeral Director or a private supplier;
  - Obtain all necessary approvals for the use of Military emblems and provide a copy of such authority to Council.
- 5.13.7 All Lawn Cemetery plaques are to be:
- Rectangular, manufactured from Bronze or Granite with single background colour
  - Bronze plaques will measure 380mm width x 280mm length with a minimum thickness of 10mm with a flat back
  - Granite plaques will measure 380mm width x 280mm with a minimum thickness of 12mm with a flat back
  - A maximum of two (2) standard sized plaques are permitted per burial plot
- 5.13.8 Council is responsible for the installation of approved plaques and vases. No other plaques, vases or memorials are permitted.
- 5.13.9 Removal of plaques and vases for refurbishment is the responsibility of the Right of Burial Holder. Council does not accept responsibility for any damage incurred during the removal of plaques or vases.
- 5.13.10 Reinstallation of refurbished plaques and vases is to be undertaken by Council.
- 5.13.11 All photographs are to be contained within or be mounted on the deceased person's plaque. All such memorial photographs shall be installed by Council.
- 5.13.12 No other memorial photographs are permitted.
- 5.13.13 Flowers (real or artificial) are to be placed in standard flower receptacle provided for each burial plot. Glass flowers are strictly prohibited.
- 5.13.14 Council Cemetery staff may, without notice, remove and dispose of any object, tribute of any kind from the cemetery when they do not conform to the provisions within this Policy.
- 5.13.15 Council does not accept responsibility should a plaque, vase, memento, decoration or any memorial photograph on the plaque, be damaged by an act of vandalism or the operation of irrigation systems or maintenance activities.
- 5.13.16 No adornments are allowed.

### **5.14 Planting of Trees and Shrubs**

- 5.14.1 No shrubs, bushes, trees or live growing plants may be planted at any place or time within the cemeteries by any individual other than regular cemetery maintenance staff.

## **POLICY REVIEW**

The policy is to be reviewed whenever legislation changes, OR every two years if no changes have been required to be enacted, at the direction of the Chief Executive Officer.

### Variations

*The Council reserves the right to vary, replace or terminate this policy from time to time.*

### Associated Documents

- Application for Burial in Local Government Cemetery (F0252)
  - Application for Reservation of a Niche or Site in a Local Government Cemetery (F0251)
  - Application for Permit to Erect, Install, Maintain or Repair a Memorial/Monument in a Local Government Cemetery (F0250)
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### DOCUMENT REVIEW:

The document is to be reviewed upon changes to relevant legislation, or every two years if no changes have been required to be enacted.

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Document Contact: Manager Operations

Document Authorised: Chief Executive Officer

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