

SUSTAINABLE BURIALS
in the Sydney Greater Metropolitan Area
Discussion Paper



Prepared by the NSW Government
2007

FOREWORD

New South Wales has a long and proud history of providing public burial places for its people. Since the early days of the colony, significant areas of land have been set aside for public cemeteries. Today as in the past, these cemeteries continue to provide burial and cremation services for the general community. Privately operated cemeteries complement the role of public cemeteries.

As the population of New South Wales has grown, so has the demand for the State's finite land resources. As a result, land available for new burial sites is limited, particularly in the metropolitan areas of Sydney, Wollongong, Newcastle and the Central Coast.

While enough burial space exists to meet the short and medium term burial needs of most sections of the community, without action the general community within the Sydney Greater Metropolitan Area (GMA) will be faced with fewer burial choices in future years.

These problems are not unique to New South Wales. Other communities within Australia and abroad have also been confronted with shortages of land for burial, and have developed appropriate strategies to manage the limited burial land available.

The purpose of this discussion paper is to explore issues and promote discussion within the community on the available options. Some of the options involve a shift from current, more 'traditional' burial practices and may not suit all sections of the community.

The discussion paper seeks comments and suggestions on the options available to the Government to address the problems associated with management of burial space in the GMA.

The Government recognises that various religions and cultures have specific burial requirements and traditions, and remains strongly committed to ensuring that these are respected and accommodated. The Government is opposed to the introduction of alternative burial practices in a way which impinges upon the basic beliefs of any religion or culture. All options are put forward with this fundamental principle in mind.

In addition, the protection and conservation of our heritage is an important consideration in exploring strategies to better manage cemeteries and crematoria.

I look forward to the community's participation in the discussion on these initiatives, and would welcome your comments as to the best way that we can ensure more sustainable cemeteries in the future.

Yours sincerely

TONY KELLY, MLC
Minister for Lands

CONTENTS

FOREWORD	1
1. INTRODUCTION	3
2. CEMETERIES AND CREMATORIA IN THE GMA.....	4
3. DIMINISHING BURIAL SPACE IN THE GMA.....	4
4. THE GOVERNMENT'S ROLE IN THE PROVISION OF BURIAL SERVICES.....	5
5. OPTIONS TO ADDRESS THE SHORTAGE OF BURIAL SPACE	6
5.1 Unused burial rights.....	6
5.2 Family graves	8
5.3 Renewable tenure	9
5.4 Extinction of tenure for old graves	11
5.5 Cemetery renewal	12
5.6 Reopening of closed or abandoned cemeteries	14
5.7 Community mausolea.....	14
5.8 Encouraging the adoption of alternative interment practices.....	15
5.9 The sale of burial space	17
5.10 Land use planning	19
5.11 Provision of additional public land for burial	20
6. THE MAINTENANCE OF CEMETERIES.....	21
7. HAVE YOUR SAY	21
Appendix 1: Recommendations of the Funeral Industry Inquiry.....	26

1. INTRODUCTION

The establishment of public cemeteries on both Crown and local government land within the Sydney Greater Metropolitan Area (GMA) in the 19th and early 20th centuries has ensured that most sections of the community have had access to affordable, conveniently located land for burial. The GMA includes the Sydney, Newcastle/Lower Hunter, Central Coast and Wollongong regions.

Public cemeteries are generally managed by community trusts or local councils. In addition, the private sector is playing an increasing role in providing land for burial.

As the GMA has expanded, priority has been placed on utilising available land for other purposes such as housing, industrial infrastructure, open space for recreation and essential public facilities such as schools and hospitals. In addition, rising land values have increased the cost of acquiring large sites for cemeteries.

The lack of new conveniently located land for burial in the GMA is exacerbated by the fact that the available land is not being used in the most sustainable manner. Burial practices which extend the life of cemeteries and which are used in other states of Australia and overseas are not generally practiced in New South Wales.

If no action is taken, metropolitan public cemeteries will eventually run out of burial space. The available options, although new to New South Wales, need to be considered and discussed now, before there is a crisis in burial land availability, as some of the options would take considerable time to have effect. Provision for long term maintenance of cemeteries is also required.

Slowing the reduction in available burial space and promoting the more sustainable use of cemeteries will require a mix of policy measures and practices.

The purpose of this paper is to explore the options available and seek community comments and suggestions.

The Government has consulted with the funeral industry and members have indicated a high level of support for the options outlined in this discussion paper. Indeed, a number of managers of Crown cemeteries in Sydney are actively pressing the Government to make changes so that they can continue to operate the cemeteries they are responsible for in the long term.

The options outlined here take account of the recommendations of the inquiry of the Social Issues Committee of the NSW Legislative Council into the funeral industry (Funeral Industry Inquiry), as reported in December 2005. The relevant recommendations of the inquiry are set out in Appendix 1 of this discussion paper and the full report of the Inquiry may be found at <http://www.parliament.nsw.gov.au/prod/parliament/committee.nsf/0/2F5226F286BEEB5CCA2570D2000646B6>.

Prior to implementing the recommendations of the Funeral Industry Inquiry with respect to burial practices, the Government committed to undertaking this public consultation.

Your comments by 30 <insert date 2 months from the date of Cabinet decision> are vital to the Government making informed decisions regarding changes that may be required to the way cemeteries are currently managed. A template which may be used for responses together with details on how responses should be lodged can be found at the back of this discussion paper.

The Government is mindful that treatment of deceased persons is a sensitive matter. It is because of this the Government is seeking feedback from the community on all options outlined in the discussion paper, to assist it in establishing a formal Government policy for the future.

It is anticipated that a report on the feedback from the community on this important issue will be provided to the Government in late 2007 < *or a time approximately 3 months from the closing date for submissions* >. Should the Government then decide that one or more of the options presented in this paper should be adopted, legislation may need to be amended.

2. CEMETERIES AND CREMATORIA IN THE SYDNEY GREATER METROPOLITAN AREA (GMA)

Cemeteries and crematoria are spread throughout the GMA.

Public cemeteries and crematoria are either Crown cemeteries managed by Crown reserve trusts; or local government cemeteries either on Crown land or land owned by local government councils.

There are nine Crown cemeteries within the GMA, four of which contain public crematoria (Botany, Woronora, Macquarie Park Cemeteries and the Catholic cemetery at Rookwood) and around 100 local government cemeteries.

There are approximately 300,000 public burial spaces available in the GMA. **Private cemeteries and crematoria** are primarily located on freehold land (the privately operated Rookwood Crematorium is on Crown Land).

There are eight private cemeteries in the GMA providing approximately 380,000 unused burial spaces; and ten private crematoria.

Church and family cemeteries are associated with places of worship or family owned private land. Church cemeteries are normally the responsibility of the relevant diocese, parish councils or equivalent authorities. The number of burial sites of this type remaining is not known but is not believed to be significant.

3. DIMINISHING BURIAL SPACE IN THE GMA

Approximately one quarter of Australia's population live in the GMA, and it has been estimated that over 245,000 gravesites will be required by 2020. This figure is based on ABS (Australian Bureau of Statistics) projected population and death rates in the GMA and assumes that the proportion of cremations to the number of deaths (approximately two thirds) will remain constant over the period.

It has been estimated (based on a survey in 2002) some 680,000 gravesites were available in the GMA. This means that more than a third of the currently available gravesites are likely to be used by about 2020 and all of the currently available gravesites may be used by 2050, if not before.

The survey also revealed that:

- Available burial space varies widely within the GMA –
 - some of the operational cemeteries or sections within them are nearing exhaustion
 - many have burial space for less than 20 years and

- others contain sufficient burial space to meet burial demands for several generations.
- A large number of cemeteries within the GMA are closed for burials.

Land available for new cemeteries within the GMA is scarce. The growing population within the GMA means that there are strong and competing demands for land for new housing, commercial and industrial infrastructure, major public facilities, open space areas, transport networks and primary production.

In addition, past experience suggests that communities prefer to have some separation of cemeteries from residential areas.

Establishing sufficiently large and accessible new sites for cemeteries has become increasingly difficult.

4. THE GOVERNMENT'S ROLE IN THE PROVISION OF BURIAL SERVICES

Government has had a long-standing involvement in various aspects of burial, as follows:

4.1 The provision and maintenance of public land for burial and cremation

Burial space has been provided by the Government in metropolitan cemeteries for over 200 years, although no significant new cemetery in the GMA has been established since 1937.

4.2 Planning for land uses

State and local government undertake land use planning and designate broad land use zones. Competing interests for land can make cemeteries and crematoria development less competitive than other uses within close proximity to urban areas.

4.3 The administration of statutes governing cemeteries, including health standards

Government legislation administering cemeteries and crematoria includes the *Crown Lands Act 1989*, the *Local Government Act 1993*, the *Necropolis Act 1901*, the *Occupational Health and Safety Act 2000*, the *Public Health Act 1991*, the *Environmental Planning and Assessment Act 1979* and the regulations associated with these Acts.

4.4 The provision of affordable interment, including the interment of deceased, destitute persons

Government has played a role in the provision of affordable interment by providing land for burial purposes; through management by volunteer trusts; and the provision of funds for interment of deceased destitute persons.

4.5. Recent Government action to extend the life of some Crown cemeteries in the GMA

The *Cemeteries Legislation Amendment (Unused Burial Rights) Act, 2001* authorises certain Crown cemetery trusts in the GMA to revoke exclusive rights of burial for gravesites that have never been used and were allocated over 60 years ago, and provides for compensation to a previous owner if burial rights are revoked.

5. OPTIONS TO ADDRESS THE SHORTAGE OF BURIAL SPACE

There are limited options for future burial space in the GMA ie.

1. use existing cemeteries more sustainably, and/or
2. open new cemeteries at high cost and at increasing distances from the city nodes.

Given that travelling long distances to burial sites is not ideal and suitable land for cemeteries is in short supply, it is clear that, while some people may find it difficult to accept changes to traditional burial practices, the options available to use existing cemeteries more sustainably need to be given serious consideration. These options include:

- i. take up of unused burial rights
- ii. more intensive use of family graves
- iii. renewable tenure for graves
- iv. extinction of tenure for old graves
- v. cemetery renewal
- vi. reopening of closed or abandoned cemeteries
- vii. increased use of mausoleums
- viii. adoption of alternative interment practices such as cremation and green burial
- ix. changes to the sale of burial space.

More sustainable burial practices would take some time to be effective. Provision of adequate future burial space may therefore also require

- x. consideration of cemeteries in land use planning;
- xi. identification of public land that could be used for additional cemeteries and crematoria.

In New South Wales, numerous cemeteries have been closed and re-used for other purposes e.g. the Cleveland Street/Devonshire Street Cemetery (now Central Railway Station) and the George Street Cemetery near the present site of the Sydney Town Hall. The new use for the sites required some remains to be removed and reburied in other cemeteries such as Botany. Cemeteries (or parts of cemeteries) have been converted to parks at a number of locations including Camperdown, Gosford, Liverpool, Campbelltown, Parramatta, Wollongong, and Gladesville.

The *Conversion of Cemeteries Act 1974* allows local councils to recover cemetery lands for public parks following public consultation, with the approval of the Minister, and in line with any conditions made.

5.1 Unused burial rights

Burial rights are generally sold as an exclusive right to the particular grave. The holder of the burial right may be one person or two or more people as joint holders.

Many burial sites remain unused as the holders may have been cremated or buried elsewhere. In other situations, the burial rights have devolved to someone else but the current holder is unaware that they hold the burial right.

Greater opportunities may exist for the use of unused burial rights by other members of the family or, if no family members can be found, the rights could be reused.

Better landscaping of old sections of a cemetery may be required to make these sections more attractive to use.

i. Increased use of burial rights

Where it is known that an existing burial right will not be used because the holder is buried elsewhere or cremated, other members of the family may wish to use the burial right.

The owner of a burial right may bequeath the right as part of their personal estate. Where the owner of the burial right has not bequeathed the burial right the right passes in the same way as intestate personal property.

It is likely that many family members are unaware that they have a right to a burial space because it was not specifically mentioned in a will.

Option 1:

Provide the general public with more information on the ownership of burial rights, particularly when the right is acquired as part of an estate or will.

Option 2:

Where the owner of the right of burial cannot be determined, cemetery managers to be given the discretion to determine which person is entitled to exercise the burial right.

ii. Revocation of unused burial rights

Unused burial rights sold more than 60 years ago can be revoked in certain Crown cemeteries in Sydney and Newcastle (as discussed in section 4.5). This will allow the life of these cemeteries to be extended by perhaps 5-10 years.

There are similarly unused sites in privately run and local government managed cemeteries in the GMA, as well as at all types of cemeteries outside the GMA that will never be used unless revocation action is undertaken.

The right to revoke unused burial rights, according to specific criteria, could be extended to all cemetery managers. The conditions for revoking the burial rights could reflect the existing legislation e.g. the right was granted more than a specified number of years ago (the current period specified for certain Crown cemeteries is 60 years, although this period could be less, say 30 or 40 years); and there is a requirement to attempt to contact the last known holder.

The Funeral Industry Inquiry supports the revocation of unused burial rights (see Appendix 1).

Option 3:

The right to revoke unused burial rights, according to specific criteria, to be extended to all cemetery managers.

5.2 Family graves

i Graves dug for more than one person

The use of burial sites by only one person seems an inappropriate use of this increasingly scarce resource.

Many cemeteries already dig graves to accommodate two or more burials. Most graves at the Catholic Cemetery at Rookwood, for example, are initially dug to accommodate three interments. The Jewish religion, which doesn't allow renewable tenure (see 5.3) is overcoming the shortage of burial land in Israel by having multiple burials in the one gravesite.

The initial excavation of all new graves to the maximum depth easily allowed by the environmental conditions would be a relatively easy method of increasing the supply of burial spaces.

'Occupants' of the burial site could be limited to family or friends of the burial right owner.

Even though current purchasers of burial rights may not be aware of other family members wanting to use the grave site, perhaps future generations of the family may wish to use the site.

Option 4:

All new graves to be initially excavated to enable at least two burials to occur.

ii Reuse of family graves

While many gravesites in New South Wales already contain two or more members of the same family, it could be made much easier for families to continue to use the burial plot. This could be achieved using the 'lift and deepen' method where the remains of previous burials are re-boxed and remain within the gravesite.

Lift and deepen method

In South Australia and Western Australia additional space is provided in family graves using the 'lift and deepen' method, ie. when required, the old grave is excavated to its greatest depth, and all remains are boxed and reburied at a lower depth. This allows additional burials to take place in the upper levels of the grave.

Handling of remains within a grave during the lift and deepen process is only allowed after a minimum time has passed since the last burial, e.g. 25 years or more, to ensure sufficient decomposition of remains within the grave.

Lift and deepen is a common cemetery practice in many countries of the world.

There is effectively no limit to the number of burials which can take place in any one grave provided the coffin's upper surface is no less than 900 millimetres below the level of the soil surface. Currently, once a burial site is 'full', it is very difficult for more family members to be buried with their deceased forebears in the same gravesite.

Family graves have several potential advantages such as

- allowing members of a family to be buried together (including the burial of cremated remains)
- providing a family resting place across the generations
- decreasing the demand for new gravesites, and
- supporting enhanced maintenance of gravesites by families.

Reuse of family graves, once they are full, in New South Wales currently occurs in a limited way only, since the family must first apply to the Department of Health to exhume the remains. The additional paper work, the time taken to gain approval, the high cost involved and lack of knowledge about the option currently means that reuse of family graves through the lift and deepen method is rare in New South Wales.

If more intensive use of family graves is supported by the community, regulations and processes associated with exhumation relating to family graves could be simplified and fees reduced.

A simple approach may be to allow cemetery managers to authorise further burials of family members in a grave using the lift and deepen method after a suitable period of time such as 25 years or more has elapsed (or less time if mutually agreed by cemetery manager and family). In other words, the current rules relating to exhumation would not apply where the remains of previous burials are to remain within the gravesite (suitably re-boxed) and where the permission of the family has been given.

The criteria for assessing eligibility of family members to secure a burial right for the site would need to be established.

More extensive reuse of family graves is consistent with the recommendations of the Funeral Industry Inquiry (see Appendix 1).

Option 5:

Family graves to be introduced whereby, 25 years after a grave is 'full' (or less time if mutually agreed by cemetery manager and family), cemetery managers are able to authorise further burials of family members in the grave using the lift and deepen method.

5.3 Renewable tenure

Renewable tenure involves the purchase of gravesites for an initial set period (e.g. 25 or 50 years). At the end of the tenure period, the holder (usually a family member) would be contacted and have the option to renew the tenure again. If the tenure was not renewed, the 'right of burial' would revert to the cemetery authority for reuse at some time in the future.

Those people in the community who never want their remains disturbed could be confident that this would be the case, perhaps by allocating funds to be held in trust for this purpose.

Renewable tenure also allows cemeteries to continue operating in the longer term. As with family graves, the lift and deepen method could be used for renewable tenure. (A description of the lift and deepen method is found in the box on page 8.)

Centennial Park Cemetery in South Australia

predicts that the number of expiring licences in the cemetery becoming available for third party re-use between now and 2020 is likely to exceed the need for first-use burial sites. As a result, despite Centennial Park being an active cemetery expecting between 1,100 and 1,500 burials each year until 2020, it is estimated that at that time it will be utilising only 70 per cent of its potential burial capacity. Renewable tenure is providing the public with accessible burial space close to the city and enough funds to maintain its grounds indefinitely.

The level of support for renewable tenure from those working in the industry is high since it has become evident that sustainable use of our existing cemeteries will be difficult to achieve without it.

In South Australia limited tenure for graves and memorial sites has been in place for more than 60 years. The maximum term for a gravesite is 99 years but is generally 50 years for the main metropolitan cemeteries because of a shortage of existing space and high ongoing maintenance costs. A shorter term is being considered. Graves are reused using the 'lift and deepen' method where the remains of previous burials are re-boxed and buried deeper in the gravesite.

Western Australia has limited initial burial rights to 25 years since 1986.

In addition, renewable tenure is common in Europe, with tenure periods usually being 50 years or less. For example, renewable tenure is practiced in Denmark, France, Germany, Greece, Italy and Sweden.

In countries such as Bangladesh where there is very little space left for burial, at some of the common burial areas in Dhaka city the graves have to be reused in 2-3 years and sometimes in as little time as one year.

Some European experiences

France

French laws regulate reuse of graves after a set time period (5 years to 30 years and 50 years). The lease can be renewed at the family's request but failing renewal the plot is resumed and the remains buried anonymously in a common grave. Leases in perpetuity may be resumed after 75 years upon certification that the grave is dilapidated, and after other formalities. The bones remaining are placed in special compartments in the ossuary where they are identified by name plates.

Greece

Greek Orthodox tradition practices exhumation of remains in order to reuse the graves. It is customary to exhume the dead after one, three or seven years, with

the remains either re-interred or cremated.

Italy

The 19th century monumental cemeteries are northern Italy's legacy to the world but there is also a tradition of urban wall cemeteries. Single interment graves have a term of 10 to 30 years and then the remains are exhumed and, if not claimed by the next of kin, placed in a common graveyard. Monumental or vault sections have annual leases to ensure continued tenure. The ossario, a tradition dating back to the first centuries has prevailed - wall upon wall of individual niches to bury bodies or ashes.

Basic principles and conditions that could apply to the renewable tenure of graves in NSW

1. Any interested party should have the right to extend the tenure period of any grave.
2. War graves and graves of historical/cultural significance would be exempt from renewable tenure.
3. Upon expiry of a tenure period for a gravesite, a two-year period of grace should be applied before any steps are taken to prepare the gravesite for reuse.
4. Upon expiry of a tenure period for a gravesite, the cemetery authority would be required to make all reasonable attempts to contact the holder of the certificate of tenure to determine whether the holder wished to renew the tenure of the grave.
5. A portion of cemeteries would be available for memorials contained on graves for which the tenure period is not renewed. Where this is not possible, the cemetery authority would be required to ensure that the historical records contained on all headstones and memorials continue to be available into the future eg through photographs.

Current legislation covering major Crown cemeteries allows a reserve trust to grant an exclusive right of burial for a grave site to one or more persons. This is currently the accepted practice at all Crown cemeteries as well as most other cemeteries in the GMA. Legislative change would be required for renewable tenure to be adopted in New South Wales.

Option 6:

Renewable tenure to be adopted as normal practice in public cemeteries.

5.4 Extinction of tenure for old graves

Another option, is that the tenure of existing graves of a certain age (say 100 years old or more) could be extinguished in certain circumstances, such as when the grave is unmarked, or where the cemetery manager is unable to identify descendents with an interest in the grave and a heritage assessment has been conducted.

Heritage and conservation

Many cemeteries provide a rich social history that needs to be preserved for future generations.

Wherever changes are proposed to the use or layout of a cemetery, it is important to first make an assessment of the heritage values of the cemetery and develop strategies for maintaining or documenting them. Heritage items may include:

- gravestones
- war graves
- memorials
- craftsmanship and materials
- rare and threatened species of plants or animals
- the contribution to the development of Australia by the people buried
- landscape planting
- the setting of the cemetery.

Option 7:

Tenure to be extinguished on very old and unmarked graves at the discretion of the cemetery manager.

5.5 Cemetery renewal

Cemetery renewal is the redevelopment of existing cemetery burial areas to accommodate new gravesites and memorial locations. New graves are located alongside and between old graves and within areas previously used as walkways and roads. There is significant remodelling of the surface, resulting in landscaped memorial gardens incorporating new and retained headstones.

Thus cemetery renewal allows the reuse of cemeteries without the use of the 'lift and deepen' method ie. without disturbing (as far as possible) the existing remains.

Official monuments and war graves are generally not affected by renewal programs and all existing headstones would be assessed across a range of criteria such as stonemasonry craft and historical significance to determine when and how they should be retained.

Options for the introduction of cemetery renewal in New South Wales include:

- a. in circumstances where the disturbance of existing gravesites is precluded by religious beliefs but where the tenure of the graves had been extinguished or there is no apparent interest by relatives and friends in attending and maintaining the gravesites
- b. at the discretion of the cemetery manager.

Cemetery renewal in Western Australia

Karrakatta is Western Australia's premier cemetery dating from 1899. Karrakatta faced a lack of burial space and closure so since the 1970s has adopted cemetery renewal. Key activities include:

- ***Deciding on areas for cemetery renewal***

Renewal is only undertaken in areas of the cemetery where the grants of burial rights have expired. Many of the headstones in such areas are in a state of disrepair and are rarely (if at all) visited.

All grants of burial right at Karrakatta are now issued for 25 years with the option to renew for a further 25 years. The renewal of tenure by family members is encouraged so that graves can be reused by families over many generations. Official monuments are not affected by renewal programs.

- ***Historical research and analysis***

All existing headstones are assessed across a range of criteria such as stonemasonry craft, historical significance of the persons buried and the cause of death.

- ***Community consultation***

Given the sensitive nature of cemetery renewal, Karrakatta undertakes a 12 month consultation period which includes high profile site signage; letters and information sent to families who have registered their contact details; press advertising; placement of information on graves during periods of high visitation eg Mothers Day and Christmas Day; information sessions for those affected during the consultation period; and assessment of submissions received.

- ***Implementation of cemetery renewal***

Prior to removal, every headstone is digitally photographed and the subsequent image and inscription are permanently stored.

All official war grave monuments are maintained in their original grave position. Headstones removed from the site are retained for a further 12 months and if not claimed by a family member are recycled.

A publicly accessible special memorial book is maintained for each section renewed detailing the names of the deceased, their ages and date of birth.

New graves have minimal impact on and encroachment on existing graves.

Option 8:

Cemetery managers to be encouraged to undertake cemetery renewal programs, generally where the tenure of the graves has been extinguished or where there is no apparent interest by relatives and friends in attending and maintaining the gravesites.

5.6 Reopening of closed or abandoned cemeteries

Many old cemeteries have been closed. If some of these areas were reopened for burials, additional burial space would be available to local communities. The reopening of these cemeteries would, however, require the use of cemetery renewal practices; the extinction of tenure for the graves or renewable tenure.

The advantages of reopening closed cemeteries include an ongoing income stream for maintenance of the old cemetery and the ability for future generations to be buried with family members.

The reopening of old cemeteries would also allow cremated remains of relatives to be buried in existing graves.

The conservation of heritage items is a principle that would underpin any change to burial practices made.

Option 9:

If family graves (as well as other options such as extinction of tenure on old graves) are introduced, closed cemeteries could be reopened for burial.

5.7 Community mausolea

A community mausoleum is simply a large building designed to provide above-ground entombment for a number of people. Sharing the costs of the mausoleum with other individuals makes it more affordable than a private mausoleum. Family vaults and crypts do not generally increase the capacity of a cemetery unless they are more than about four tiers high.

Increased use could be made of community mausolea and renewable tenure for mausolea could be introduced.

Mausolea could be built on land unsuitable for burials in existing cemeteries because of the high water table. Mausolea use less space than cemeteries and reduce the possibility of ground-water pollution

Mausolea may be more sustainable if the niches are periodically reused, otherwise the space problem is simply relocated above ground. Therefore it may be appropriate to apply renewable tenure to mausolea to make them more affordable in the longer term and ensure their maintenance and repair.

Mausoleum costs are higher since they include the costs of embalming and a sealed coffin. If current embalming requirements are used, the length of time required between the reuse of niches in a mausoleum would be longer than for graves because the embalming slows the process of decomposition. It should be noted that embalming does not prevent the remains of the deceased from deteriorating.

An option that could be considered is that embalming would not be required if the remains are to be entombed in a crypt or mausoleum that has been designed and built to accommodate this. Renewable tenure could then apply as for burials in the ground.

Victoria does not require embalming for above ground entombment.

Option 10:

If introduced, renewable tenure would apply to mausolea in public cemeteries.

Option 11:

Embalming or partial embalming of bodies for all burials to only be performed if specifically requested by the family or required for health and safety reasons.

5.8 Encouraging the adoption of alternative interment practices

i. Cremation

In Australia, cremation is a widely chosen option for either personal, cultural or religious reasons. Many religions allow cremations. Some religious groups, however, do not accept cremation.

Since cremation is not an option for some groups there will always be a demand for burial space. Greater use of cremation will, however, extend the life of existing cemeteries.

Cremation could be encouraged through

- the wider provision of information
- the provision of niche walls and other memorials for cremated remains
- Burial of cremated remains in family plots, and
- lower pricing in relation to burial (based on the actual costs of cremation).

The Funeral Industry Inquiry recommended that cremations be encouraged (see Appendix 1).

Option 12:

The use of cremation to be encouraged.

Ecological funerals

A new system of allowing the body of the deceased to quickly decompose in an environmentally-friendly way is being developed in Europe in response to new European Union pollution laws.

The method involves the following three steps:

1. The body of the deceased is reduced to a fine powder by submerging it in liquid nitrogen (this makes the remains so brittle that it shatters as the result of a slight vibration). The remains are then dried, reducing them to around 30% of the original body weight. Later decomposition is then aerobic.
2. Metals are removed and recycled.
3. The powder is deposited shallowly in a biodegradable casket.

The volume of remains left by this procedure is about three times that left by a cremation, but the claimed advantages include the avoidance of the release of pollutants into the atmosphere, such as mercury vapour from dental fillings, and the rapid degradation of the remains after the procedure (6-12 months).

ii. Green Burial

Green burial (also known as natural or woodland burial) is increasingly being practised in England and parts of Europe and uses land in a less formal and obtrusive manner than conventional burial practice. Green burial involves the use of natural open space, limits the use of chemicals and encourages bio-degradable burial materials instead of concrete and metals.

Green burial is already practised in a limited way in NSW with participants organising the burial on private land. This is permitted if the guidelines are met and it is approved by the local council (see www.health.nsw.gov.au/public-health/ehb/general/funeral/funeral.html).

Biodegradable caskets, such as those made from recycled cardboard, that comply with Australia health and safety standards are available for purchase.

Graves within green burial sites are usually marked by a newly planted tree or small boulders. Small plaques may be located near to the grave marker to commemorate the deceased.

The first eco-cemetery was created at Carlisle Cemetery in the UK in 1993 and was called woodland burial. More than 200 natural burial sites have now been created in the UK.

Prior to a site being assessed as suitable for green burial, a range of environmental and other community and heritage issues would need to be considered, e.g. the potential impact on threatened species and endangered communities.

Experience in England shows that advocates of green burials prefer natural bush settings. It may be however that if parts of degraded areas such as disused quarries and closed waste depots are initially landscaped and screened, they may be more attractive for green burial and the funds received from green burial could help fund the further rehabilitation of these degraded sites.

Green burial does not by itself reduce the space required for burial but its introduction could be used as part of a strategy to:

- use areas within existing cemeteries where environmental issues including threatened species, preclude more formal burial practices
- utilise areas not currently available for burials using traditional methods, thereby reducing the pressure on existing burial sites and
- provide an option for people wanting to have a more 'natural' burial.

As a way of providing more opportunities for future burial space, green or woodland burial could be trialled in New South Wales.

The Funeral Industry Inquiry recommended that alternative interment practices be encouraged (see Appendix 1).

Bushland Burials, Tasmania

Kingston Cemetery in Tasmania is the first in Australia to offer bushland burials. The introduction of the bushland burial site was in response to increasing public interest for a natural, ecologically sustainable burial choice. In keeping with the eco-friendly focus, coffins and ash boxes used are made of biodegradable material. The planting of a native shrub instead of conventional headstones and walking tracks rather than roads are all features designed to ensure the peace and tranquillity of the area.

Option 13:

The Government to give in principle support to proposals to establish a cemetery (or section of a cemetery) for 'green burial'.

5.9 The sale of burial space

A number of the current practices with respect to the sale of burial space encourage the burial land to be used in an unsustainable way. Some of the options that could be considered to change this situation are as follows:

(i) The price of graves

The Government has, in the past, made land available for burial and since 2006 cemeteries on Crown land must take into account, when setting fees and charges, the costs of developing the land to be used for burial or cremation, future maintenance, the number of intended interments or cremations, and the infrastructure costs. In many cases until recently, particularly in monumental gravesites as distinct from lawn cemeteries, the current pricing of gravesites has not adequately covered the cost of long term care and cremations may subsidise the cost of cemetery maintenance.

The cost of the burial site is only a part of the cost of a funeral. If a standard minimum grave price were to be introduced, detailed analysis of the various factors affecting price in different locations and circumstances would need to be undertaken. It is also important that burial land is priced to maximise the use of the land. In this way the cost of larger graves and pathways is also factored into the price. A practical approach may be to require that a number of cost factors such as size of grave, associated size of land in area not used for grave, the cost of the land, long term maintenance costs of the site (which vary according to the type of grave eg lawn or monumental) are taken into account (and published) in setting the price. The main advantages of this approach are that:

- a. more sustainable burial practices would be encouraged
- b. it is likely that the cost of cremation would be reduced (in relative terms) if the price of burial sites accurately reflects the long term cost
- c. it is in line with the 'user pays' philosophy.

Option 14:

Fully cost reflective prices for burial land are to be set for Crown cemeteries in the Sydney Greater Metropolitan area.

(i) Sale of burial rights as lease

The current sale of burial rights gives the impression that the owner of the burial right 'owns' the plot of land. Perhaps it should be made clearer to purchasers that they are 'leasing' the plot. An option to be considered is that the sale of all burial rights should include information that the right to be buried is being purchased but not the land.

Option 15:

Future burial rights are not to be sold so as to give a perception that burial is on a perpetual basis.

(ii) Discouraging pre-purchase of additional burial sites

Currently it is possible to purchase numerous burial sites for extended family burial in the one area of a cemetery. These large areas are usually not fully utilised and will remain unused unless the surplus burial rights are revoked (in situations where the purchaser of the burial rights is deceased and there are no other family members wishing to use the plot).

Should measures to reuse family graves be introduced, the requirement for large burial areas should be diminished. An option to be considered is that a person's right to purchase burial space is limited to one site. In that way a married couple with two children could purchase four sites. Such a practice would discourage the trading in burial sites for profit.

In order to minimise trading in burial sites, another option for consideration is that the sale of burial sites could be restricted to cemetery managers. Those people or their

beneficiaries no longer requiring a burial site that has previously been purchased could sell it back to the cemetery managers for the amount paid or swap it for another site.

Option 16:

Purchases of public burial space on Crown land to be limited to one per person.

(iii) Better record keeping

A related option is to encourage better and up-to-date record keeping by cemeteries of the details of persons who have pre-purchased graves.

An option to be considered is the introduction of a requirement whereby it is the responsibility of purchasers or beneficiaries of burial rights to keep their contact details up-to-date. Such a requirement would be clearly explained at the time of purchase. The procedure could be similar to that for updating other details such as change of address for bank accounts and could be undertaken on-line. In this way, the current owner of burial plots would always be known and could always be contacted.

Should a cemetery manager not be able to contact the purchaser over a five year period, the purchase could be rendered invalid. In cases where the original purchaser wanted to use the burial space after it had been on-sold, arrangements could be made to offer the person an equivalent burial site or the best similar site available.

Option 17:

People who pre-purchase burial space are required to update their details. The inability of the cemetery manager to contact the purchaser over a five year period will render the site allocation (but not the purchase) invalid.

5.10 Land use planning

Traditionally, it appears that burial has generally taken place in relatively close proximity to the place where the person lived, although when many of the now more central cemeteries in the GMA were established they were generally considered to be outside of the town/city limits and sometimes a significant bus or train ride away.

Our society is changing and travel of more than one hour to work, social functions and specialised shopping is now common. Increasingly, the people attending funerals live in diverse locations around the Sydney GMA and further afield including overseas.

Land suitable for urban development in the GMA is in relatively short supply and because of the economic, environmental and social costs of urban expansion, the sustainable use of existing and new urban land and infrastructure is required. Within the more central city areas of the Sydney GMA there would be very few sites available or suitable for a 'traditional' cemetery.

Greater provision of land for cemeteries could be achieved through a focus on provision for future cemetery needs in all strategic urban planning, including for major new land release strategies, and through advice that councils should consider the need to plan for cemeteries and crematoria when preparing local environmental plans.

The Government has agreed with Recommendation 8 of the Funeral Industry Inquiry that space for new cemeteries and crematoria is included in future planning strategies, such as the Sydney Metropolitan Strategy.

For this approach to be effective, the funeral industry would need to identify the criteria for selection of a site such as the minimum area required, desirable and unacceptable physical characteristics, topography, soil type/characteristics, extent of vegetation coverage, need for buffering (e.g. noise), visual screening, compatibility with other land uses, accessibility and proximity.

Land use controls could allow cemeteries and crematoria as permissible uses in certain zones or areas. This may not, however, result in the land being used for cemetery purposes. Subject to the public consultation processes of the planning legislation, a site acquired for a cemetery or a crematorium could be specifically zoned for that purpose.

The land use planning process could also be used to secure land for future development of public cemeteries and crematoria through reservation in the same way provision is made in the planning of new urban areas for schools and other community infrastructure. This would require government commitment, however, to purchase the land when requested by the landowner, and this may be at the expense of other key government services such as health and education.

5.11 Provision of additional land for burial

The reallocation of existing State-owned land for burial purposes needs to be considered. Given the high value of land in Sydney, and the scarcity of unallocated land, the opportunity costs of using public land for burial purposes need to be considered. Any public land used for burial could no longer be used, for example, for health, educational, recreational, commercial or affordable housing purposes.

The option of purchasing additional land for burial purposes by the government is hampered by the high cost of land, the lack of large areas in the GMA of appropriate undeveloped land and the competing uses of land. Should the Government provide additional land for burial, the cost of using the land for burial rather than other public purposes must be reflected in the price of the burial sites.

Most cemeteries in Sydney do not currently specifically cater for cultural or religious differences. Three Crown cemeteries (Rookwood Necropolis, Liverpool and Field of Mars) provide for these differences.

In recent years private cemetery operators have assumed an expanding role in providing additional land for burial. Private cemeteries have been developed in Sydney at locations such as Rouse Hill (Castlebrook Memorial Park), Minchinbury (Pinegrove Memorial Park) and Leppington (Forest Lawn Memorial Park). There may be scope for private cemeteries to cater for religious or cultural differences.

It may be preferable for private industry to develop additional land for burial than using the Government's resources for this purpose. Moreover, should the Government continue to provide land for burial purposes, it may negatively impact on the potential for private cemetery operators to develop more land for burial.

Religious or other groups with specific needs with respect to burial have the option of acquiring land for this purpose.

Some of the impediments to the use of existing or potential land sites for burial include:

- proximity to a residential area
- the degraded nature of the site or location eg closed waste depot, industrial area
- proximity to water catchment
- poor drainage and soil condition
- impact on native vegetation (the Native Vegetation Act)
- impact on threatened species (the Threatened Species Act).

It should be noted that if degraded sites such as waste depots were landscaped and beautified prior to the sale of any burial sites, they may make excellent locations for cemeteries since leachate collection and appropriate drainage are likely to be already installed.

Option 18:

Despite the scarcity of land in Sydney for this purpose and the likely increased burial costs, the Government and/or the private sector may consider providing more land for burial.

6. THE MAINTENANCE OF CEMETERIES

It is important to ensure that cemeteries are maintained both while they are operational and after they are full when there is no longer an income stream from new burials.

There is currently no requirement relating to long term maintenance of cemeteries, although cemetery managers are likely to be making some provision for this. Where the price charged for burials does not cover long term maintenance, cemeteries may fall into disrepair, health and safety issues may arise if structures become unstable and Government funds may ultimately be needed to ensure adequate maintenance.

Public and private cemetery administrators could be required to set funds aside for the future maintenance of cemeteries. This is consistent with recommendations made in the Funeral Industry Inquiry (see Appendix 1).

Option 19:

Public and private cemetery administrators to be required to set funds aside for the future maintenance of their cemeteries and/or develop a business plan which indicates how the cemetery can be sustainably maintained in the long term.

7. HAVE YOUR SAY

It is clear that within the GMA there is an emerging shortage of available land to cater for the community's need for burials.

This discussion paper has introduced the main options available to address this issue, with some options likely to be more appealing than others. All options should therefore be carefully considered.

The Government is aware that the issues involved in this area are sensitive and complex, and that there are many different viewpoints to consider in developing solutions to the problem.

This discussion paper is NOT recommending options but rather is seeking comments and suggestions on how the problems with respect to the provision of burial space can be solved.

For this reason, you are encouraged to make a submission on any matter related to the more sustainable use of cemeteries.

The information contained in the document has been provided in good faith to be as accurate as possible. The identification of any incorrect information or additional information would be appreciated.

It is preferable, although not essential, that responses are made on the form (over) since use of the form will greatly assist in the collation of responses.

Responses should be sent by mail, fax or e-mail.

Mail	Fax	email
Cemeteries IDC GPO Box 15 Sydney 2001	Cemeteries IDC (02) 8236 7030	burials@lands.nsw.gov.au

Your submission is requested by <insert date>. If you require any further information, please phone (02) 8236 7110.

RESPONSE TO SUSTAINABLE BURIALS IN THE SYDNEY GREATER METROPOLITAN AREA

Name (to be kept confidential and used only to assist in the compilation of survey results):

Group associated with (if any):

Contact telephone number if clarification required:

Option	Yes	No	Undecided	Not Relevant to Me
1. Provide the general public with more information on the ownership of burial rights, particularly when the right is acquired as part of an estate or will.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Where the owner of the right of burial cannot be determined, cemetery managers will be given the discretion to determine which person is entitled to exercise the burial right.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. The right to revoke unused burial rights, according to specific criteria, will be extended to all cemetery managers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. All new graves will be initially excavated to enable two burials to occur.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Family graves will be introduced whereby, 25 years after a grave if 'full' (or less time if mutually agreed by cemetery manager and family), cemetery managers are able to authorise further burials of family members in the grave using the lift and deepen method.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Renewable tenure will be adopted as normal practice in public cemeteries.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Tenure will be extinguished on very old and unmarked graves.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Cemetery managers will be encouraged to undertake cemetery renewal programs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Closed cemeteries could be reopened for burial.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. If introduced, renewable tenure would apply to mausolea in public cemeteries.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Embalming or partial embalming of bodies will only be performed if specifically requested by the family or required for health reasons.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. The use of cremation will be encouraged.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. The Government will give in principle support to	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

proposals to establish a cemetery (or section of a cemetery) for 'green burial'.				
14. Fully cost reflective prices for burial land will be set for Crown cemeteries in the Sydney Greater Metropolitan area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Future burial rights will not be sold so as to give a perception that burial is on a perpetual basis.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Purchases of public burial space on Crown land will be limited to one per person.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. People who pre-purchase burial space will be required to update their details. The inability of the cemetery manager to contact the purchaser over a five year period will render the site allocation (but not the purchase) invalid.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Despite the scarcity of land in Sydney for this purpose and the likely increased burial costs, the Government and/or the private sector may consider providing more land for burial.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Public and private cemetery administrators will be required to set funds aside for the future maintenance of their cemeteries and/or develop a business plan which indicates how the cemetery can be sustainably maintained in the long term.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Thank you for providing your views on burial.

Provision of the following information is entirely voluntary and will remain confidential but will assist in understanding whether the views of the whole community have been canvassed:

1.	What is your religion?	
	Buddhism	
	Christianity	
	Hinduism	
	Islam	
	Judaism	
	Other Religion (please specify)	
No Religion		
2.	What is your age group?	
	0-14	
	15-24	
	25-34	
	35-44	
	45-54	
	55-64	
	65-74	
75 and over		
3.	What postcode do you live in?	
4.	When you die would like to be?	
	Buried	
	Cremated	
	Not sure	
Don't care		
5.	What factors did you consider in making your decision?	
	Religious/cultural beliefs	
	Personal beliefs	
	Family tradition	
	Cost	
	Environmental sustainability	
	Placement of my remains	
	Other (specify)	
Not sure		

Appendix 1

RECOMMENDATIONS OF FUNERAL INDUSTRY INQUIRY

The summary of the relevant recommendations of the Legislative Council Standing Committee on Social Issues inquiry into the funeral industry is provided below.

Recommendation 5

That legislation be amended or new legislation be introduced to allow intensive reuse of family graves, and reuse of family graves be promoted as an option among the funeral industry and the public.

Recommendation 6

That the existing legislation be amended to allow for renewable tenure, and that community education be undertaken to ensure there is a clear understanding that a gravesite is not held in perpetuity and that if permanent occupancy is required, tenure must be renewed at specified intervals.

Recommendation 7

That the current legislation for the revocation of unused burial rights in Crown cemeteries, as set out in the *Crown Lands (General Reserves) By-law 2001*, be extended to other cemeteries in NSW and the legislation be amended to allow the advertising of unused burial rights to be done on a group basis as opposed to an individual basis. The community should be made more aware of unused burial rights by cemetery administrators ensuring older areas are well maintained and considering offering those graves at a cheaper cost.

Recommendation 8

That space for new cemeteries and crematoria be included in future planning strategies, such as the Sydney Metropolitan Strategy.

Recommendation 9

That cremations be encouraged as a way for the community to reduce the cost of a funeral and reduce the land needed for burials.

Recommendation 10

That the funeral industry promote alternative interment practices to the community as a way of alleviating pressures on burial space in the greater metropolitan area of NSW.

Recommendation 11

That legislation be developed and implemented to ensure cemeteries put aside sufficient funds to provide income to cover the costs of perpetual care of cemeteries.