

LATE REPORT NO. 1 ORDINARY MEETING 11 SEPTEMBER 2019

LATE REPORT - BIGHT CEMETERY, WINGHAM - UPDATE

Report Author Paul De Szell - Director Liveable Communities
File No. / ECM Index Cemeteries General
Date of Meeting 11 September 2019
Authorising Director Paul De Szell - Director Liveable Communities

SUMMARY OF REPORT

This report provides both Council and the community with an information update in relation to the actions that have occurred and are proposed to occur at the Bight Cemetery, Wingham.

SUMMARY OF RECOMMENDATION

1. That the information provided in this report be noted; and
2. That Council endorse the actions identified in Annexure A to this report.

FINANCIAL/RESOURCE IMPLICATIONS

Preliminary estimates of the rectification work required to be undertaken at the Bight Cemetery are in the order of \$60,000.

Council's insurers have advised that all rectification works at the Bight Cemetery will be covered under Council's Insurance Policy.

Council will however be required to pay the excess on the policy which is \$12,500. The cost of the excess is proposed to be funded out of revoted unspent funds (2018/19) in the Cemetery Operations Budget meaning that there will be no decrease in the planned level of service in cemetery operations over 2019/20 as the current budget will not be affected.

LEGAL IMPLICATIONS

Nil

BACKGROUND

On 22 and 23 July Council staff incorrectly laid down a number of headstones at The Bight Cemetery. The matter was first brought to Council's attention by Councillor Epov and then by members of the MidCoast Council Heritage Reference Group. Following these representations all work in relation to the laying down of headstones at The Bight and other cemeteries was indefinitely suspended on 26 July.

It was initially thought that 59 of the more than 230 headstones at The Bight Cemetery were affected. The number of affected headstones has however risen to a total of 69 at the time of writing this report.

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In the ensuing weeks a community group “The Blight of the Bight” was formed representing not only the families of those buried at the Bight Cemetery but also the broader community. The group called a public meeting on Sunday 11 August to discuss the events that had taken place on 22 and 23 July. The Mayor, Councillors Bell and Epov, the General Manager, Director of Liveable Communities, Manager of Community Spaces, Recreation and Trades and other staff members attended the meeting.

The General Manager and Director of Liveable Communities both apologised for the hurt, distress, anger and general upset caused by Council’s actions at The Bight Cemetery during the meeting.

At the meeting the community specifically discussed 16 desired outcomes that were presented by the “Blight of the Bight” group. These outcomes were unanimously supported and the community requested their consideration and adoption by Council.

Both the General Manager and Director of Liveable Communities agreed to consider each of the outcomes identified by the community.

Immediately following the public meeting, a meeting was organised with a representative of the “Blight of the Bight” group for the following Monday morning in order to discuss the 16 desired outcomes requested by the community.

DISCUSSION

In the four weeks following the public meeting Council has undertaken a number of actions in relation to The Bight Cemetery. Much of this work has been preparatory in order to commence the restoration process.

An outline of the actions undertaken to date is provided below:

- On the Monday immediately following the public meeting (Sunday 11 August) the Director of Liveable Communities met with a representative of the “Blight of the Bight” Group to explore and better understand the 16 desired outcomes identified at the public meeting.
- As a result of these discussions with the group a specific webpage with a map of the cemetery was prepared to help inform the community and impacted families. The website also provides a portal for families to register their details with Council, so that they can be contacted before any repair work is undertaken. A link to this page is provided below:

<https://www.midcoast.nsw.gov.au/Council/Works-and-Projects/Council-Projects/The-Bight-Cemetery-Wingham-repair-program>

- An external independent investigation has been commissioned by the General Manager to establish how the events of 22 and 23 July occurred.
- Council staff have liaised with our insurers who have confirmed that all rectification works at The Bight Cemetery will be covered under Councils Insurance Policy.
- A public apology was made through the media, on Council’s website and through Council’s Facebook page.

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- Letters of Apology have been sent from the Office of the Mayor to impacted families that have been identified.
- Staff have liaised with (ongoing) the Operations Manager of Cemeteries and Crematoria NSW. Cemeteries & Crematoria NSW (CCNSW) is a statutory agency supporting and regulating the interment industry, assessing interment needs and developing planning strategies for cemetery space.
- Staff have liaised with (ongoing) the Cemeteries Advisor from the National Trust of Australia (NSW). The National Trust of Australia (NSW) is a community-based, non-government organisation, committed to promoting and conserving Australia's indigenous, natural and historic heritage through its advocacy work and its custodianship of heritage places and objects.
- Staff have liaised with (ongoing) the Office of Environment and Heritage in relation to the presence of the Critically Endangered Yellow Donkey-Orchid. By way of background the Bight Cemetery contains an area of native and introduced vegetation and habitat for the Yellow Donkey-Orchid (*Diuris flavescens*) which only flowers for a few weeks a year in September-October.



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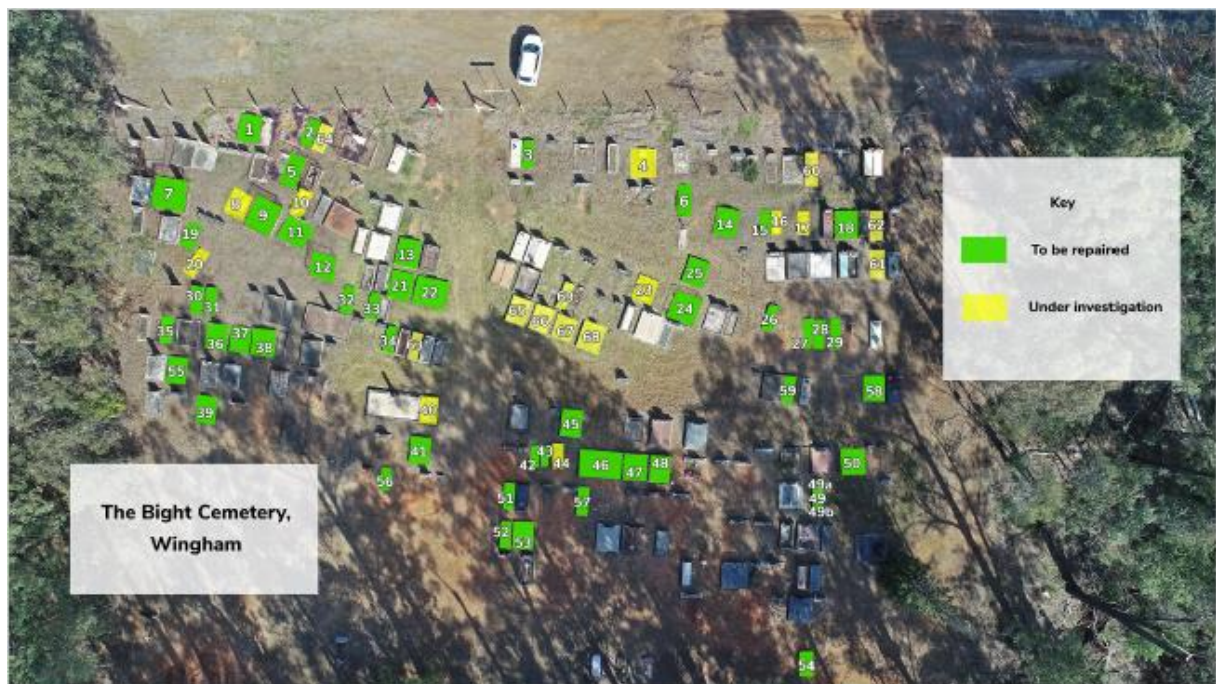
As such staff have submitted an application for a Section 91 licence under the *Biodiversity Conservation Act 2016* to the Department of Planning Industry and Environment.

- Staff have also contacted a number of local stone masons to determine what restorative work needs to be undertaken and the associated costs.
- Over this period staff have also continued to work with the “Blight of the Bight” group collaboratively to reach positive solutions.

Importantly, the first step in the restorative process is to contact the impacted families. Council has however had difficulty in contacting the family members of affected graves and it is an issue that we will need to work through before restoration can be both commenced and completed.

As stated above, a specific webpage with a map of the cemetery was prepared to help inform the community and impacted families. The website also provides a portal for families to register their details with Council, so that they can be contacted before any repair work is undertaken.

A copy of the map from the webpage is provided below:



At the time of writing this report 69 graves have been mapped and Council has received **95** registrations from family members covering a total of **52** headstones. In this regard it is important to note that Council has received numerous multiple registrations for a number of graves, with one grave receiving five registrations. At this time Council still does not have family contacts for 17 graves as follows: 4, 5, 6, 12, 19, 30, 31, 32, 33, 36, 39, 41, 42, 55, 56, 59, and 62. Council staff will continue to promote the website and work with the “Blight of the Bight” group to identify families of the remaining 17 graves.

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As indicated in the background to this report the community both identified and requested that the 16 desired outcomes endorsed at the public meeting on 11 August be enacted. A copy of these outcomes is reproduced in “*Table 1 – The Communities Desired Outcomes and Council Actions*” which is provided in **Annexure A** to this report.

Council’s response to each outcome is also provided in this table. As can be seen in this Annexure – complete agreement has been reached in relation to 12 of the 16 items and general agreement has been provided in relation to the remaining four outcomes. This table provides a good starting point for regular updates to both Council and community.

CONSULTATION

The first step in the consultation process is to identify all affected families as discussed above. It is then intended to bring back to Council a strategy to consult with these families. This will occur at the same time as a draft Action Plan for the restoration of headstones at the Bight Cemetery is provided to Council.

Further consultation will also need to be undertaken when a draft action plan for a Memorials Risk Assessment Program is formally developed. This will be completed as a separate body of work and will be brought back to Council for endorsement.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

This report addresses the following strategies and focus areas from the Community Strategic Plan and Delivery Plan:

- Our community strategic plan, *MidCoast 2030: Shared Vision, Shared Responsibility*, values of ‘unique, diverse and culturally rich communities’ and ‘a connected community’ and strategies:
 - *2.2 Support the preservation and uniqueness of our history and cultural heritage in towns, villages and significant places*
 - *6.1 Working together to promote and enhance community safety*
- Our delivery program three year focus areas of:
 - *2.2.3 Ensure our heritage is valued and conserved*
 - *6.1.7 Provide safe public areas*

RECOMMENDATION

1. That the information provided in this report be noted; and
 2. That Council endorse the actions identified in Annexure A to this report.
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ANNEXURE A:

Table 1 – The Communities Desired Outcomes and Council Actions

Communities Desired Outcomes	Council Actions
<p>1. That Council provide a heartfelt apology for the hurt and distress caused to families and the community by the damage at the Bight Cemetery</p>	<p>Agreed – It was accepted that apologies had already been provided by the General Manager and Director of Liveable Communities. It was also agreed that personalised letters of apology would be sent to each affected family as they became known to Council. This process has commenced with letters sent from the Office of the Mayor.</p> <p>At its meeting of 28 August the Council also resolved to: <i>“formally apologise to the Community and particularly to the families of those impacted by events at The Bight Cemetery, and that we as councillors are sincerely sorry for this outcome, and that we support all necessary measures commenced and to be undertaken to rectify the situation and to ensure that it doesn't happen again”.</i></p> <p>It was Agreed that the community expect the Council to restore and rectify all damaged headstones at the Bight cemetery.</p> <p>It is Agreed that Council will restore and rectify all damaged headstones at the Bight cemetery, where the damage has been either caused by Council or storm activity in November and December 2018.</p>
<p>2. Council undertake the restitution of ALL damaged headstones in the Bight Cemetery regardless of their past reasoning or justifications, as a sign of goodwill and true apology to the community</p>	<p>Agreed – A commitment was given to develop an education program once a Memorials Risk Assessment Program is formally developed, reviewed, publicly exhibited and adopted by Council. This education program would occur prior to the commencement of any formally adopted Memorials Risk Assessment Program.</p> <p>Agreed – A commitment was given at the public meeting that separate action plans would be prepared for: 1. Restoration of headstones at the Bight Cemetery; and 2. A Memorials Risk Assessment Program</p> <p>It is expected that a via draft action plan for the Restoration of headstones at the Bight Cemetery will be presented as part of the next update report to Council.</p>
<p>3. That council commit to a community education program to fully explain the Memorials Risk Assessment Program, the nature of its impacts and rollout program</p>	<p>Agreed – A commitment was given to develop an education program once a Memorials Risk Assessment Program is formally developed, reviewed, publicly exhibited and adopted by Council. This education program would occur prior to the commencement of any formally adopted Memorials Risk Assessment Program.</p> <p>Agreed – A commitment was given at the public meeting that separate action plans would be prepared for: 1. Restoration of headstones at the Bight Cemetery; and 2. A Memorials Risk Assessment Program</p> <p>It is expected that a via draft action plan for the Restoration of headstones at the Bight Cemetery will be presented as part of the next update report to Council.</p>
<p>4. Council to commit to the development of a timed Action Plan to restore the headstones at the Bight Cemetery and a separate timed Action Plan in relation to the Memorials Risk Assessment Program.</p>	<p>Agreed – A commitment was given to develop an education program once a Memorials Risk Assessment Program is formally developed, reviewed, publicly exhibited and adopted by Council. This education program would occur prior to the commencement of any formally adopted Memorials Risk Assessment Program.</p> <p>Agreed – A commitment was given at the public meeting that separate action plans would be prepared for: 1. Restoration of headstones at the Bight Cemetery; and 2. A Memorials Risk Assessment Program</p> <p>It is expected that a via draft action plan for the Restoration of headstones at the Bight Cemetery will be presented as part of the next update report to Council.</p>

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<p>5. That a full meeting of Council determine their reporting requirements until all matters in relation to this issue are resolved</p>	<p>Agreed – As a result of this report the Council is able to determine reporting requirements as it sees fit.</p>
<p>6. That Council commits to regular reporting progress on the Action Plan on the council website, posts to the Council Facebook page, together with media releases the first of which is to occur not more than 3 months from the date of this meeting.</p>	<p>Agreed – Council has worked and communicated closely with the “Blight of the Bight” group and has reported on progress since the public meeting on the Council’s website, via posts to the Council Facebook page and media releases.</p> <p>This update report has been provided within 3 months of the public meeting and further reporting and draft action plans will be provided within this timeframe.</p>
<p>7. The Monuments Risk Assessment and Management Program remain suspended until</p> <ul style="list-style-type: none"> • the Council review is completed, • a comprehensive Cemeteries Policy and set of processes and procedures is developed in consultation with community representatives, the Heritage Advisor, Heritage Reference group, National Trust and other stakeholders and subject matter experts • The Cemeteries Policy, processes and procedures are tested under expert and community supervision • The complete policy and potential impacts is presented at community meetings across the MidCoast allowing Council to explain why this is necessary and how it will be rolled out and for people have an opportunity to comment and ask questions about the policy • Council workers are trained and/or experts brought in 	<p>Agreed - All work in relation to the laying down of headstones in the Bight and other Cemeteries was indefinitely suspended on the 26th of July and will not recommence until each point is addressed and satisfactorily completed</p>
<p>8. That the assessment program address ALL risks in a cemetery</p>	<p>Agreed – Any new Memorials Risk Assessment Program formally developed, reviewed, publicly exhibited and adopted by Council must address all risks in a cemetery.</p>

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<p>9. The Assessment program treat Assessment and Action/Management as separate events. In short:</p> <ul style="list-style-type: none"> • Notification of family • Assessment/Testing (including documentation) • Consultation • Agreed Actions (what agreed actions, by when, by whom) • Supervised Action. 	<p>Agreed - Any new Memorials Risk Assessment Program formally developed, reviewed, publicly exhibited and adopted by Council will separately address Assessment and Action/Management as separate events.</p>
<p>10. That consideration be given to other options to secure headstones at imminent risk of falling such as:</p> <ul style="list-style-type: none"> • to tag at risk headstones, • to support the headstone or exclude people from the immediate area, until family can be contacted and repairs carried out. (Council would retain the right to lay the headstone down if the family cannot be found or repairs not be carried out within an agreed time (timeframe to be agreed). <p>Such an approach, with appropriate consultation with community and Heritage experts, could be considered if the "Assessment only" part of the Program needs to proceed in parallel with the work in (7) above</p>	<p>Any new Memorials Risk Assessment Program formally developed, reviewed, publicly exhibited and adopted by Council will need to look at a range of options to secure headstones at imminent risk of falling.</p>
<p>11. That full documentation, including photos, be created for each monument assessed and these be made available through the Council website</p>	<p>Agreed – This information is currently provided on Council's website in relation to the work undertaken at the Bight Cemetery. A formal process for documenting headstones will need to be incorporated into any new Memorials Risk Assessment Program formally developed, reviewed, publicly exhibited and adopted by Council.</p>
<p>12. That any work carried out by Council as a result of an adverse risk assessment be done in accordance with National Trust Guidelines with expert supervision</p>	<p>Agreed – A commitment was given that any work carried out by Council as a result of an adverse risk assessment would be done in accordance with National Trust Guidelines with expert supervision for monuments over 50 years in age.</p>

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<p>13. <i>That the assessment framework and criteria be made available so families may make their own proactive, amateur, assessments of family headstone and take corrective action if they feel warranted without prejudice to the Council program</i></p>	<p>Any new <i>Memorials Risk Assessment Program</i> formally developed, reviewed, publicly exhibited and adopted by Council will identify a clear assessment framework and criteria for decision making. These will be freely available online for all interested parties.</p>
<p>14. <i>That there be wider promotion and longer notification periods be used because many families are outside the area and consideration be given to large notices being posted on cemetery gates</i></p>	<p>Any new <i>Memorials Risk Assessment Program</i> formally developed, reviewed, publicly exhibited and adopted by Council will identify appropriate notification periods for families that are located outside the area.</p>
<p>15. <i>That the Council modify their system used to manage Council Cemeteries to include a "Register of Family Interests in Graves in the Municipality".</i></p>	<p>This concept was generally agreed however the timing is uncertain as the intent is to utilise the Property and Rating Phase (Phase 2) of MC1 Implementation to develop a new system for cemetery management.</p>
<p>16. <i>That a Beautification program be developed for the Bight cemetery</i></p>	<p>Agreed – It was generally agreed that Beautification program should be developed for the Bight cemetery. It was accepted however that this was the third priority following the development of separate action plans for: 1. Restoration of headstones at the Bight Cemetery; and 2. A Memorials Risk Assessment Program</p>