



Public Cemetery Procedures

INTRODUCTION

1.1 Commencement of Procedures

These Procedures commenced when formally adopted by Council, 21 August, 2008.

1.2 Application of Procedures

Warrumbungle Shire Council has developed a Public Cemetery Policy and Procedures to ensure the burial requirements and needs of the general community are met. This Procedures document covers all listed public cemeteries in the Shire. The regulations in regard to burial requirements are outlined in this document. General information in regard to reservation of graves, interment of created remains, memorials and exhumations is also provided. The pricing structure is also covered.

All grave and memorial lots are part of cemetery property and the property always remains with the cemetery.

1.3 Cemetery Record Keeping

A register of burial is kept by Council as required by the Regulations of the Public Health Act is kept of all burial places. A register of all pre-need burial rights (reservations) is also kept by Council. Each burial must be recorded in its respective register immediately after the service. The Council must, on application by any person, make available to that person, a copy of any entry made in the burial or columbarium registers.

This document is the first edition of the Public Cemetery Procedures to be adopted by the Warrumbungle Shire Council. Whilst every effort has been made to provide a comprehensive coverage of issues, cemeteries and maintenance requirements, the very nature of cemetery management and memorialisation indicate it is very likely that there will need to be future revisions and updates.

Anyone wishing to provide input to future revisions of the Policy or Procedures should provide suggestions to:

General Manager
Warrumbungle Shire Council
PO Box 191
Coonabarabran NSW 2357

1.4 Relevant Legislation & Guidelines

This Procedures document has been drafted with due consideration to the following:

- Local Government Act NSW, 1993
- Public Health Act NSW, 1991
- Public Health Regulation (Disposal of Bodies) 2002
- Occupational Health & Safety Act NSW, 2000
- Human Tissues Act NSW, 1983
- Coroners Act NSW, 1980
- Births, Deaths & Marriages Act NSW 1995

Should any guidelines within this Procedures document differ from any relevant Act or legislation in force at the time, the Act or legislation takes precedence.

For further information on funerals and cremation or burial please contact:

- Department of Fair Trading, NSW.
- Or search the Yellow Pages under 'funeral directors'.

1.5 Warrumbungle Shire Public Cemeteries List

Baradine Cemetery Road, Baradine	General and columbarium wall
Binnaway Leader's Road, Binnaway	General cemetery and columbarium wall
Bomera Old Black Stump Way, Bomera	General cemetery
Bugaldie Guinema Bugaldie Road	General (CLOSED)
Cobborah Tucklan Street, Cobborah	General cemetery
Coolah Walker Street, Coolah	General cemetery, memorial garden
Coonabarabran Old River Road, Coonabarabran	General cemetery (NO NEW RESERVATIONS)
Dunedoo Avonside Road, Dunedoo	General cemetery
Leadville Ivan Doherty Drive, Leadville	General cemetery
Mendooran Frederick Street, Mendooran	General cemetery, memorial garden
Native Grove Dandry Road, Coonabarabran	General lawn cemetery, memorial garden, and columbarium wall
Turee Vale Turee Vale Road, Coolah	General cemetery (NO NEW RESERVATIONS)
Uarbry Cross Street, Uarbry	General cemetery

OBJECTIVES

2. The following Procedures apply to all public cemeteries within the Warrumbungle Shire.

- Council staff will ensure that the aesthetic appeal of the facilities is enhanced through the standardisation of monuments and memorials.
- Council staff will ensure that ensure that each grave is suitably sited and identified.
- Council staff will ensure a high quality facility through regular scheduled maintenance and adherence to guidelines for the use of the facilities and the services provided by Council.
- All activities which take place within any cemetery grounds shall comply with relevant WorkCover and Occupational Health & Safety requirements.

PUBLIC CEMETERIES

3.1 Opening Hours

All cemeteries in the Shire are open to the public for their convenience 7 days a week. The gates to the cemeteries are not locked, but may be closed to keep out native or feral animals.

All interments must take place within 9.30am and 2.30pm Monday to Saturday.

Cemeteries are available for interments on Sundays but all additional costs are to be met by the undertaker at the time of seeking approval.

3.2 Landscaping and Plantings

Private individuals are not permitted to undertake plantings within the cemetery grounds without prior Council approval.

All plantings within the cemetery require written Council approval, and must take place only in accordance with the design layout and with the authority of the Director of Environmental Services and if necessary, consultation with the Technical Services Department of Council.

3.3 Floral Tributes

Containers, vases and the like, are restricted to three articles per grave. No use is to be made of glass jars or containers that can be broken and create public safety issues or detract from the general appearance of the park.

Aged flowers and wreaths and tributes greater than three in number, are to be removed regularly from the grave. Should Council be required to remove these items and they are considered of value, they will be available at the nearest Council office front counter. Alternatively they will be disposed of after a period of time. This is at Council's discretion.

Note: In the case of recent burials, or a period of three months immediately following an interment the above restrictions will not be enforced.

3.4 Maintenance

All maintenance of the Warrumbungle Shire Cemeteries is to be undertaken by Council staff, or official contractors, or inducted volunteers.

Additional maintenance is usually scheduled prior to important days of visitation such as Father's Day, Mother's Day, Easter and Christmas time and any other important community events such as ANZAC Day and Armistice Day.

Council shall maintain the lawn areas, roadways and paths adjacent and within monumental sections to an appropriate standard and in accordance with Council's budget allocation for this purpose.

Council staff, at Council's expense, will reset plaques or memorials that are disturbed as part of cemetery activities and/or maintenance, fix any damage caused by Council staff during these normal operations.

3.5 Application for Burial Permits

Applications MUST be received a minimum of 24 hours (constituted in working days) prior to the scheduled funeral date.

Applications should be accompanied by a copy of the death certificate or coroners order and applicable fees.

Burials with less than the 24 hours notice will only be considered in exceptional circumstances.

3.6 Multiple Interments in the Same Grave

The re-opening of graves is only permitted within the requirements of the Public Health Act. A maximum of two interments are allowed per plot and only after all separation and cover requirements can be achieved.

3.7 Opening of Graves

To be conducted by authorised personnel only.

3.8 Specification for Graves

All standard graves are to be 800mm by 2400mm. If a non-standard size is to be required, this is to be specified on application, subject to approval. Depth is to be in accordance with current NSW Public Health Guidelines.

3.9 Closure of Graves

A sheet of 200mm plastic covering the full length of the coffin is to be placed approximately 300mm above the coffin as an aid to re-opening for double burial sites.

Graves are to be closed within one hour of the conclusion of the funeral service, or as soon as all attendees have vacated.

3.10 Marking of Graves

Graves will be marked with a plaque stating the name, age and date of death of the deceased.

3.11 Marking of Niches in the Columbarium Wall

When ashes are interred into the columbarium wall, the niche is to be completely sealed by a plaque of approved size and material.

Inscription shall include the name, age and date of death of the individual whose ashes are interred.

Only ashes are to be interred in the niche.

3.12 Erection of Memorials/Headstones

3.12a Generally

The Council accepts no responsibility for the normal and ongoing maintenance or repair of memorials.

Permission must be sought from Council prior to the erection of any monuments/headstones or plaques. An application form is to be completed and forwarded to Council with any applicable fees. The headstone or memorial is to be contained within the boundaries of the lot.

No additional fixtures or fittings are permissible.

3.12b Memorial Garden Plaques

Memorial Garden Plaques are not to exceed 50cm X 100cm in size and 20cm in height. The plaques must be in line with the existing layout of the Garden and a lot must be purchased from Warrumbungle Shire Council.

3.12c Graves and Headstones

As per the cemetery generally.

3.13 Coffins

All bodies for interment must be fully encased in a coffin.

3.14 Conduct of Interments

Interments of whole bodies must be conducted by an approved undertaker instructed by the next of kin or executor of the estate of the deceased. The transportation, storage of bodies, and burials are to be in accordance with the relevant acts and regulations in force at the time.

Where private contractors are hired, any damage to other plots and headstones within the cemetery as a result of their works, are the responsibility of the contractor and must be repaired immediately.

3.15 Reservations and Purchases of Burial Lots and Niches

Plots are to be purchased and paid for in full at the fee prescribed in Council's Management Plan at the time the purchase is made. Council is under no obligation to buy back unwanted pre-purchased lots, however Council's adopted fees and charges may make provision for this to occur.

Niches may be purchased at the fee prescribed by Council's Management Plan at the time of purchase. The purchase of a niche is limited to only those available at the time. Council is under no obligation to buy back unwanted pre-purchased niches, however Council's adopted fees and charges may make provision for this to occur.

Reservation applications must be made in writing to Council stating the reason for the reservation. Council is authorised to approve or deny applications based upon insufficient reasons or lack of prepared burial land or any other relevant Council policy.

Council resolved the following at a meeting held 21 May, 2009:

That Council adopts the following policy in all dealings relating to the reservation of grave sites in lawn cemeteries within Warrumbungle Shire effective immediately:

(a) The right of burial reservation fee must be paid at the time of acquisition of the reservation, and

(b) Burial rights (reservations) at all lawn cemeteries will only occur when a funeral is to take place, at this time a second adjacent site may be booked, i.e., a maximum of two (2) sites can be reserved with one to be used immediately. In the case of the burial of a child (under 18) two (2) sites immediately adjacent to the deceased child may be reserved, and

(c) Double depth grave sites be encouraged by Council through appropriate concessional rates for the second interment within a grave site in Council's fees and charges structure.

3.16 Exhumations

3.16a Coronial Order

The coroner or their agent has the right to order exhumation at any time and with minimal notice. However, they must advise Council that they propose to exhume the remains.

The relevant fee will apply.

3.16b Elective Exhumation

All other exhumations will be considered elective and will be considered only when permitted and conducted in accordance with relevant State and Federal legislation operating at the time.

All applications for elective exhumation must be in writing to the Council and accompanied by all necessary documentation as required by the legislation operating at the time. The relevant fees will also apply.

Applications must be lodged a minimum of one month prior to the proposed date of exhumation. Where elective exhumation has been completed, the Right of Burial of the deceased or their heirs and successors is deemed to have been forfeited. All elective exhumations must include full restoration of the site including any monumental works erected.

For approval for reinterment in a new burial plot to be considered, the application must comprise of:

- Written confirmation from a recognised undertaker that they are prepared to carry out the exhumation; and
- Written consent for the proposed exhumation from the deceased's next of kin, executor or other personal legal representative; and
- Details of the new burial site where interment is to take place.
- Where the reinterment plot is located outside the same local government area, written approval of the Director General of the Department of Health NSW is required.

3.17 Fees

See current Council adopted fees and charges in the Management Plan. A list of these will be available at the front desk in the Coolah and Coonabarabran Offices and on Council's website. These are reviewed annually or as required.

3.18 Return of Lots – Refund

Council may agree to buy back a purchased lot or columbarium reservation. This right of burial would then be surrendered. In this case see the current publication of Council's adopted standard fees and charges for the refund that would apply and accompany the application form with evidence of the reservation. The current administration fee will be deducted from the purchase price of the lot.

3.19 Heritage Significance

Refer to Council's Local Environmental Plan in addition to the following publications:

- Community Based Heritage Study of the former Coonabarabran Shire (2006)
- Thematic History of the former Coonabarabran Shire (2006)
- Community Based Heritage Study of the former Coonabarabran Shire (2002)
- Thematic History of the former Coonabarabran Shire (2002)

DEFINITIONS

Beam	The slab of concrete covering the gravesite.
Body	Means human body and any part thereof.
Cemetery	When used as a generic term can apply to cemeteries both public and private, lone graves, family plots and larger collections under Council's regulation.
Council	Warrumbungle Shire Council.
Deed Holder	Holds the 'right of interment' to use a particular grave for the interment of deceased remains and display a memorial tribute.
Exhumation	The removal of the remains of a dead person from a grave site.
Fee	The current fixed fees or charges adopted by Council in the Management Plan.
Grave Site	A grave site, burial place, vault site, memorial site or other place for the deposit or commemoration of the remains of the dead, whether cremated or not.
Monument	Any structure, plaque, headstone, masonry, metal work, casting or item placed over, in, or around a burial right.
Niche	Smaller spaces for the interment of cremated remains. These can be free standing, incorporated into a building, into a columbarium wall or in the ground.
Private Cemetery	Area of land that is used by private enterprise or church groups or individuals, zoned for use as a cemetery.
Register	The Council's formal repository of data concerning all the required details of a burial, cremation, memorial site or right of burial.
Reservation	A pre-need burial right.
Right of Burial	An exclusive right to the owner/ holder to inter human remains in a burial space. There is no entitlement to any 'real estate' or property as such.
Top Stone	A slab of stone/concrete laid flat over a grave.