

1. Purpose

The purpose of this policy is to outline the management of cemeteries within the Warrumbungle Shire Local Government area.

2. Objectives of the Policy

The objective of this policy is to ensure that the cemeteries under Council's care are maintained and managed professionally and with consideration for the sensitive nature of their purpose.

3. Policy Scope

This Policy applies to all cemeteries memorial gardens and columbarium's administered, operated and maintained by Council in the present and future.

This policy applies to the following cemeteries within the Warrumbungle Shire Council local government area:

- Baradine Cemetery
- Binnaway Cemetery
- Bomera Cemetery*
- Bugaldie Cemetery
- Cobborah Cemetery
- Coolah Cemetery
- Coonabarabran Old Cemetery**
- Denison Town Cemetery*
- Dunedoo Cemetery
- Leadville Cemetery
- Leadville Trust Cemetery #
- Mendooran Cemetery
- Native Grove Cemetery Coonabarabran
- Rocky Glen #
- Turee Vale Cemetery*
- Uarbry Cemetery

* *Historic Cemetery closed to burials*

** *Closed to new burial bookings*

Unmarked Cemeteries

This Policy does not affect the operation of any Regulations under the Public Health Regulations 2012, Part 8, Disposal of Bodies, relating to cemeteries and crematoriums.

4. Background

This policy will take over from the previous policies regarding Cemetery Management and Burial Policy (policy was endorsed by Council 19 February 2015, resolution 254/1415)

5. Definitions

Applicant - the person making an application

- for a burial or memorial right
- for a work permit or other Council consent
- for burial or cremation

Appropriate fee - a fee fixed by Council

Cemetery or cemeteries - means an area containing one or more burial places

Burial place - a grave site, vault site, crypt site, memorial site or other place for the disposition or commemoration of the remains of the dead, whether cremated or not.

Burial right - exclusive right of entitlement to a burial place granted by Council to a person or persons.

Council - the Warrumbungle Shire Council

Grantee - the person to whom a right is granted

Monument - any structure, plaque, headstone, masonry, metal work, casting or item placed over, in or around a burial right.

Monument mason - is a tradesman mason or person possessing the skills to carry out monument masonry work.

Pre-need burial right - means a burial right granted prior to need.

Reservations - a pre-need burial right.

Register - the Council's formal repository of data containing all the required details of a burial, cremation, memorial site, inurnment right or burial right.

The Policy - this Policy

6. Policy Statement

6.1. Management of Cemeteries

6.1.1. Planning, conduct and maintenance of cemeteries.

Council will make such provisions as it considers necessary for the following:

- (a) the setting aside of sections for different types and classes of burials;
- (b) the establishment of standards of construction and design of for monuments and structures;
- (c) the size, multiple use and location of burial places;
- (d) interments;
- (e) the erection or installation of structures and the making of inscriptions;
- (f) the carrying out of work by monument masons;
- (g) the qualifications required by, and the security deposits to be lodged by, monument mason;
- (h) the removal, replacement and maintenance of structures;
- (i) the improvement and maintenance of cemeteries;
- (j) the making of arrangements for the care of burial places on an annual or other basis;
- (k) the supply of goods and services incidental to the conduct of burials and other matters relating to cemeteries;
- (l) the conduct of religious or other ceremonies of burial, cremation, disposition or commemoration.

6.2 Refusal to grant exclusive rights of memorials

The Council may refuse to grant an exclusive right of burial to any person if, in the opinion of Council, the grant would create a monopoly or encourage dealings in such rights as a business.

6.3 Register of burial places and cremation

- 6.3.1 A register of burial, as required by the regulations of the Public Health Regulations 2010 and defined in the Cemeteries and Crematoria Act 2013, must be kept in respect of all burial.
- 6.3.2 A register of cremation, as required by the regulations of the Public Health Regulations 2010 and defined in the Cemeteries and Crematoria Act 2013, must be kept in respect of all cremations.
- 6.3.3 A register of pre-need burial rights.
- 6.3.4 Each register, which may be kept in written, printed or electronic form, must contain sufficient information to allow for simple cross-referencing of entries by:
- (a) the name, age and last address of the person whose body or remains have been buried,
 - (b) the date of the person's death,
 - (c) the date of the burial,
 - (d) the section and allotment where the burial has been made,
 - (e) the name of the person (if any) who continues to hold any right of burial in that allotment,
 - (f) the name of the funeral director who transported the body to the cemetery,
 - (g) the fees paid to the cemetery authority for the burial.
- 6.3.5 Each register entry must contain the name and address of the owner of the burial right.
- 6.3.6 Each burial or cremation must be recorded in its respective register immediately after the service.
- 6.3.7 Registers may be amended to remove or correct inaccuracies.
- 6.3.8 The Council must, on application made by any person, make available to the person a copy of any entry made in the burial or cremation registers.
- Such applications shall be made on an approved form
 - Each form shall be limited to a single register entry
 - A fee, as approved by the Council from time to time, may be charged for each application.
- 6.3.9 The registers will be used in any proceedings requiring evidence of the identity of the holder of an exclusive right that has been granted in respect of any burial or memorial site.

6.4 Certificates of exclusive right of burial

- 6.4.1 The Council will issue to the owner of an exclusive right of burial certificate, clearly showing:
- the owners name and address
 - the amount paid
 - the date of issue
 - A description of the physical location of the grave
 - the terms and conditions under which the certificate is issued.
- 6.4.2 The application for a certificate must be made on a form approved by Council.
- 6.4.3 Any fees relating to the purchase and issue of the certificate must be paid at the time of application.

6.5 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 Operational Plan and Delivery Program 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 Operational Plan and Delivery Program 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 (Resolution 407):

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

- The right of burial reservation fee must be paid at the time of acquisition of the reservation, and*
- 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*
- Double depth grave sites are to be encouraged by Council through appropriate concessional rates for the second interment within a grave site in Council's fees and charges structure.*

6.6 Hours of Burial, Cremation and Exhumation

- 6.5.1 Burials, cremations and exhumations shall take place only during the hours approved by Council.

6.7 Order for burials

- 6.7.1 Burials are not to take place unless a Burial Order has been issued by Council.
- 6.7.2 The issue of a burial order shall be in accordance with Legislation.
- 6.7.3 Burial shall be in accordance with the Regulations of the Public Health Regulations 2012 Part 8 Disposal.

6.8 Exhumation

- 6.8.1 Exhumations are not to take place unless
- prior written consent has been obtained from the Director-General of the Department of Health (NSW); and
 - an Order for exhumation has been issued by Council
- 6.8.2 This clause does not apply if an exhumation has been ordered by a Court.

6.9 Miscellaneous

- 6.9.1 A person must **not** do any of the following (within a cemetery)
- (a) damage, deface, interfere with or alter burial places
 - (b) damage, deface, interfere with or alter monuments
 - (c) bury, intern or exhume any human remains, whether cremated or not
 - (d) enter or remain in a cemetery between sunset and sunrise
 - (e) cause or permit an animal that is under the person's control to enter or remain in a cemetery without proper supervision
 - (f) take part in any gathering, meeting or assembly, except for the purpose of religious, research, historical, educational or other ceremony of burial or commemoration; or
 - (g) Engage in trade or commerce or distribute any circulars, advertisements, paper drawn or photographic material.
 - (h) drive a vehicle at a speed of more than 5 kilometres per hour
 - (i) drive a vehicle or a vehicle and trailer having an unladen weight of more than 3 tonnes
 - (j) drive a vehicle through a cemetery for the purpose of travelling between places outside of the cemetery
 - (k) park a vehicle on any known burial place, verge or plantation, or in a manner that is likely to impede traffic
 - (l) teach, learn or practice driving a vehicle
 - (m) camp or reside on any land
 - (n) Possess or consume an alcoholic or intoxicating beverage or substance except from that directly associated with a funeral service.
 - (o) urinate or defecate

- (p) bring into or leave any rubbish, refuse, scrap metal (including remains of vehicles), rock, soil, sand or any other such substances
 - (q) remove any dead timber, logs, trees, flora, whether standing or fallen
 - (r) kill, capture or in any way interfere with any animal, bird, fish or other fauna, whether native or introduced
 - (s) Plant any tree, shrub, herbage or other plant without prior consent.
Penalty: Offenders may be prosecuted under Common Law, Statute Law, The Heritage Act 1977, The Health Act (NSW) 2010, The Criminal Code Act 1995.
 - (t) Bury any domestic pets or animals within the parameter of the cemetery
- 6.9.2 Subsection (1.e) does not prevent a person from leading or walking a dog on a leash
- 6.9.3 Council's written consent is required to legally carry out any act that might otherwise give rise to an offence under this clause.

6.10 Requirements for graves

- 6.10.1 The dimensions of a grave shall be a minimum of
- 1000mm X 2400mm for adult graves
 - 900mm X 1500mm for children's graves;
- 6.10.2 The number of internments permitted in a grave shall be in strict accordance with the Regulations of the Public Health Regulations (NSW) 2010 and the Cemeteries and Crematoria Act and Regulations.
- 6.10.3 For the purpose of part 6.10, clause 2:
- prior written consent has been obtained from the Director-General of the Department of Health (NSW) to vary the number of interments.
 - Where a coffin containing the deceased remains is interred in a grave, the upper surface of the coffin shall be at a depth not less than that required by the Regulations of the Public Health Regulations 2012 Part 8 Disposal of bodies which is 900mm.
- 6.10.4 This section does not affect the interment of cremated remains.

6.11 Above ground entombment

All entombments above ground shall be considered on an individual basis upon a written application to Council.

6.12 Monuments and inscriptions

- 6.12.1 A person shall not, in a cemetery:
- construct or install any monument, memorial, foundation, vault, table, headstone, gravestone, kerbing, railing or other structure, unless it is of:
 - a material and design approved in writing by the Council; and
 - carried out to the standard of workmanship required by the Council
 - constructed in accordance with Australian Standards Association AS4425- "Monuments & Headstones" (1996)

- 6.12.2 Make any inscription or carry out any adornment, unless it is approved by the Council and made or carried out to the standard required by the Council.

6.13 Application for the approval

Application for the approval of the Council in accordance with Part 6.12, clause 1 shall:

- 6.13.1 Be made to the Council in writing
- 6.13.2 Be accompanied by sketches, drawings and other particulars of the design that may be required by the Council; and
- 6.13.3 Where the application relates to an inscription, be accompanied by a copy of the proposed inscription

6.14 Trades and contractors

No trade inscription shall be allowed on any masonry work unless approved, in writing, by the Council.

6.15 Monument masons

- 6.15.1 A person shall not carry out any work as a monument mason within a cemetery unless with the written consent of the Council.
- 6.15.2 The Council may issue approval to undertake work as a monument masons to any person it considers to be suitably qualified to undertake such work.
- Any person may apply to work as a monument mason in a cemetery; provide the application is in writing.
- 6.15.3 The Council may suspend or cancel approval of any person by giving notice in writing.
- 6.15.4 This clause shall not apply to employees of Council while engaged in their employment under the instructions of Council

6.16 Removal of structures

- 6.16.1 The Council may;
- remove, demolish, alter or require the removal, demolition or alteration of any structure or any adornment or
 - erase, correct, or require the erasure or correction of wording of any inscription that has been constructed, installed, made or carried out
 - without the written consent of the Council; or
 - otherwise than in accordance with an approval given by Council.
- 6.16.2 Where any work that has been approved is not completed within a reasonable time, the Council may remove or demolish such partially finished work as it deems necessary to preserve the fabric of the cemetery and public safety.

6.17 Removal and replacement of structures on request

- 6.17.1 Where notice to open a grave or vault for a lawful purpose is given in accordance with Legislation, the Council may arrange after
- the lodgement of proof of ownership
 - the payment of the scheduled fees and related costs.
- 6.17.2 the removal of any part of the structure to enable the safe opening of the grave or vault
- require the grantee or applicant to make good the repair of the structure affected within 14 days of the interment or service date.

6.18 Maintenance of structures

- 6.18.1 The ownership of monuments or other structures is deemed to be with the person or persons (or their heirs & successors) that caused the monument or structure to be constructed:
- The Council shall not be responsible for the upkeep, maintenance, repair etc. of any monument or structure.
 - The owner is responsible for the upkeep, maintenance and repair of the monument.
 - The Council may act to remove any structure which has become dilapidated or unsightly
 - The Council may remove any trees, shrubs or other vegetation from any cemetery where, in its opinion, it is in the interest of the cemetery to do so.

6.19 Unsafe monuments

Any monument identified as posing a safety risk is accorded a category ranking:

CATEGORY	Criteria
1	Monuments over 750mm in height that <ul style="list-style-type: none"> • are likely to collapse or fall over at any time • Have significant sections or parts separating from the main monument, irrespective of cause (subsidence, deterioration etc.)
2	Monument 750mm or less in height <ul style="list-style-type: none"> • are likely to collapse or fall over at any time • Have significant sections or parts separating from the main monument, irrespective of cause (subsidence, deterioration etc.)
3	Monuments that are affected by subsidence and are leaning by more than 10 degrees, but are otherwise deemed to be in sound condition.

- 6.19.1 Identification and reporting - any identification of unsafe monuments and consequent actions under this clause will be thoroughly documented and supported with photographs. All actions will be recorded against the respective cemetery register entry.
- 6.19.2 Subsidence - where subsidence is evident, Council will fill and compact the ground in the normal manner.
- 6.19.3 Repair of monument
1. Council will not repair monuments. Council will only act to ensure public and employee safety.
 2. Category 1 monuments:

- (a) The area surrounding the monument is to immediately be secured with barriers and danger signs.
- (b) The Council will make reasonable efforts to contact the grantee of the burial right and instruct the grantee to take immediate steps to repair the monument.
- (c) A public notice, clearly identifying the grave
 - indicating Council's intent to make the monument safe unless the grantee acts within seven (7) days
 - reserving Council's right to recover the costs relating to the handling of the monument from the grantee is to be placed in the local press.
- (d) If contact has not been made with the grantee within seven days of the public notice, the Council will take steps to make the monument safe.

Note: Making the monument safe will (usually) consist of laying the headstone face down on the ground of the grave. This method, which preserves the inscription, is recommended by the National Trust.

6.19.4 Category 2

Same as Category 1, except that the notice and action period will be extended from seven (7) to fourteen (14) days.

6.19.5 Category 3

The Council will make reasonable efforts to contact the grantee to the site and instruct the grantee to take steps to repair the monument.

A single public notice, clearly identifying the grave and indicating to the grantee that he or she should take steps to repair the monument will be placed in the local press.

Council will continue to monitor the site until such time as the monument is identified as Category 1 or Category 2.

6.20 Lawn Cemetery Sections

6.20.1 The Council will ensure that it

- maintains, preserves, and repairs lawn cemetery graves
- graves are not enclosed with any railing or kerbing
- cut and plastic flowers provided by families are left at burial places in Lawn Cemeteries
- cut and plastic flowers provided by families are placed in vases of a type approved by Council,
- approved vases are plastic flower vases or urns and metal vases only. Glass jars and other vases will be removed at Council's absolute discretion.
- due to the effects of UV rays, discoloured and worn plastic flowers will be removed from memorials at Council's absolute discretion.
- no headstone, statue or other structure is erected or constructed over a grave in a lawn section
- no tree, shrub or other plant is placed or planted on any grave in a lawn section other than by Council at its absolute discretion.

- 6.20.2 The Council shall place over each grave in the Lawn Section, as soon as practicable after a burial or interment has taken place in that grave, and upon receipt of written instructions from the grantee, a memorial plaque, of a standard size and type as determined by the Council.
- 6.20.3 The grantee may apply to privately supply and fix a memorial plaque in Lawn Cemetery Sections provided that:
- an application in accordance with part 6.12 of this policy has been lodged with Council
 - all fees as scheduled by Council for the lodgement of the application have been paid
 - the design and type of plaque is consistent with the requirements determined by Council
 - Council has given its written approval.
- 6.20.4 Council will not be liable for the repair, maintenance, upkeep or preservation of any plaque or item placed on a grave in a lawn cemetery under the provisions of part 6.18, clause 1 of this Policy.
- 6.20.5 That the provision of vertical burials in the lawn cemeteries be considered in accordance with cemetery practices.

7. Responsibilities

The Manager Property and Risk will hold responsibility over this policy

8. Associated Documents

Operational Plan and Delivery Program
 Cemeteries and Crematoria Act 2013
 Public Health Act NSW, 2010
 Public Health Regulations 2012 (Part 8 Disposal of bodies)
 Human Tissues Act NSW, 1983
 Coroners Act NSW, 2009
 Birth, Deaths and Marriages Act NSW, 1995
 The Heritage Act 1977
 Work Health and Safety Act, 2011

Policy Name	Version	Resolution	Date
Cemetery Management and Burial Policy	1	118/1314	19 September 2013
Cemetery Management and Burial Policy	2	254/1415	19 February 2015
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