



## Cemetery Management Policy

Application	All Staff
Responsible Officer	Building and Regulatory Services Manager
File No	CM:POL:CWP
Authorised by	Council
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### Purpose

The purpose of this policy is to regulate cemetery processes in order to ensure consistency across the shire and applies to all cemeteries which are controlled, managed and maintained by Carrathool Shire Council.

### Definitions

Council: Carrathool Shire Council

### Reference

This policy complements other legislation and where it is silent on matters referred to in the following legislation such matters must be followed in accordance with the legislation.

- Anti-Discrimination Act 1977
- Birth Deaths and Marriages Registration Act 1995
- Cemeteries and Crematoria Act 2013
- Cemeteries and Crematoria Regulation 2014
- Coroners Act 2009
- Crown Lands Act 1989
- Crown Lands (General Reserves) By-law 2006
- Environmental Planning & Assessment Act 1979
- Environmental Planning & Assessment Regulation 2000
- Government Information (Public Access) Act 2009
- Health Records Information Privacy Act 2002
- Heritage Act 1977
- Local Government Act 1993
- Privacy & Personal Information Protection Act 1998
- Public Health Act 2010
- Public Health Regulation 2012
- State Records Act 1998
- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011
- Workers Compensation Act 1987
- Workplace Injury Management & Workers Compensation Act 1998.

### Policy statements

#### Cemeteries

##### Public Cemeteries - Controlled, Managed or Maintained by Council

- Hillston Cemetery
- Goolgowi Cemetery
- Rankins Springs Cemetery
- Carrathool Cemetery

Please note: Council does not allow reservations.

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### Cemeteries - Controlled by an external organisation

- Merriwagga Cemetery - Controlled by the Merriwagga Cemetery Trustees
- Gunbar Cemetery - Controlled by the Gunbar Cemetery Trustees

### **Burial Permits**

Council's Application for Burial Permit must be completed and submitted eight (8) days prior to any burial taking place.

### **Interment**

Two working days notice must be given to allow sufficient time for grave digging to be completed. Burials with less than 48 hours notice will be considered in exceptional circumstances. Burials shall take place within the following hours:

- Weekdays – Between the hours of 8.30am and 4pm.
- Weekends and Public Holidays – Between the hours of 9am and 3pm. (Additional fees are payable).
- Outside normal working hours – Will only be permitted by arrangement. (Additional fees are payable).
- Christmas and New Year Period – Council's office is closed during the Christmas / New Year period, however burials can still be conducted by contacting Council's Building and Regulatory Services Manager.

Interment 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 burial are to be in accordance with the relevant acts and regulations in force at that time.

Digging of graves shall only be undertaken by Council staff (or those contracted by Council).

All bodies for interment must be encased in a coffin or casket with the lid securely sealed. Graves are to be closed within one hour of the conclusion of the funeral service, or as soon as the attendees have vacated.

The erection of vaults and other forms of above ground interments are not permitted in cemeteries in the Carrathool Shire local government area.

Interment fees include a standard nickel plaque and bronze container. Fees are reviewed annually by Council and can be found on Council's website.

### **Allotment sizes**

Lawn Cemetery allotment sizes are 2.4m x 1.2m and are of sufficient depth to allow for two burials.

### **Plaques**

Flush bronze plaques affixed to the concrete pathway are obligatory on all graves. All plaques are to be of a basic uniform design and size (381mm x 279mm); where provision is being made for two interments in the one grave, the plaque is to remain the same basic uniform size.

### **Interment of Ashes and Memorial Plaques**

Council's application for interment of ashes must be completed and a fee which includes a standard niche plaque, must be paid prior to ashes being interred in the Crematorium Wall. Fees are reviewed annually by Council and can be found on Council's website.

- Contact Council prior to interment of ashes.
- Arrangements can be made to have the ashes interred and the plaques fitted on weekends or after hours for an additional fee.
- The ashes interment size for Crematorium wall is 178mm x 102mm.
- Interment of ashes in graves must be carried out by Council staff.



Council staff will take all reasonable care not to cause any damage however if a plaque is inadvertently damaged during this process Council will not be held responsible for any repairs.

Before an Australian service emblem can be placed on a memorial plaque, permission must be obtained from the Office of Australian War Graves prior to ordering the plaque.

Note: Memorial plaques may be placed on the Crematorium Walls without ashes being interred.

### **Tributes – Ornaments, Floral and Other**

Council's first priority remains public safety and Council must ensure that respect is shown at all times to all mourners. Therefore, Council advise that items placed at gravesites are limited to floral arrangements.

Council reserves the right to remove any tributes on a gravesite, niche or plot that cause safety concerns to visitors, Council staff and Council equipment, interferes with any maintenance work or burials, or encroaches upon other graves and plots.

### **Register of Burials**

Prior to Council taking on the cemetery management, the previous management and records were administered by various church and community trustees, and consequently some records are incomplete, missing or incorrect.

Council ensures the current recording of burials complies with the provisions of the *Cemeteries & Crematoria Act 2013* and its *Regulations*. Additional information may be recorded for family history purposes.

The information contained in the burial register is available for viewing at the Goolgowi Council Chambers, Hillston District Officer or Hillston Library. A copy of any entry is available on request for which an administration fee may apply.

### **Exhumation**

An exhumation can only take place where it has been ordered by a Coroner or approved by the Secretary of Health.

Approval for exhumation by the Secretary of Health is pursuant to:

- Public Health Regulation, 2012; and
- Approval from Council as per the Cemeteries and Crematoria Act 2013, Section 66

An exhumation of cremated remains does not require NSW Health approval and can be conducted with Council approval only. All applications to have cremated remains removed from any cemetery for any reason, must be made in writing and be signed by family members of the deceased or the Executors of the Estate. Removal of ashes must be carried out by Council staff. An administration fee will be payable for this service. Additional fees may also be payable if the entrance of the niche is damaged during the removal of the memorial plaque.

### **Burials on Private Property**

Periodically Council receives enquiries regarding burials on private land. Council has a role in the approval process for such burials which is summarised in this policy. Detailed requirements are contained in NSW Health Guidance on Burying a Body on Private Land – Public Health Regulation 2012.

Clause 66 (1) (c) of the Public Health Regulation 2012 provides that "A person must not place a body in any grave or vault unless that grave or vault is located on private land where the area of landholding is 5 hectares or more and the location has been approved for that purpose by the local authority. Clause 66(2) states "A person must not bury a body in or on any land if



to do so would make likely the contamination of a drinking water supply or a domestic water supply.”

An application to Council to bury a body on private land will need to consider the following:

- Landholding restrictions
- Geotechnical reports for likelihood of ground/surface water contamination
- Burial depth and materials
- Adjoining property concurrence
- Access
- Fencing
- Building envelope restrictions
- Planning Implications for future use and conveyance of property (planning certificates)

Council will endeavour to process applications as expeditiously as possible. It is noted that the extent of information and assessment required would not normally allow an approval to be achieved within days of the death of a person.

### Revision Table

Minute /Date	Amendment Reason or Reference
1056/20.08.2019	Combine and reword Policies: Policy 60 Cemeteries (Lawn) – Hillston and Goolgowi Policy 61 Cemeteries – Merriwagga and Gunbar

### Associated Documents

Nil

### Review

This policy may be amended from time to time and will be reviewed within four years of its adoption (or latest amendment) with reference to any relevant legislation and best practice guides.