



# **Cemetery Management Guidelines**

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## **1. Introduction**

The Cemetery Management Guidelines apply to all cemeteries, crematoriums and memorial gardens administered, operated and maintained by Cabonne Council.

The Guidelines detail Cabonne Council's expectations of persons operating at Council cemeteries such as cemetery administration and maintenance personnel, Crematoriums, Funeral Directors, Grave Diggers and other contractors.

The Guidelines do not affect the operation of any Regulations under the Public Health Act 2010 relating to cemeteries and crematoriums, or any other Statute or Regulation legally applicable within the Commonwealth of Australia.

## **2. Council Aim**

Council aims to provide adequate and appropriate places for interment and quiet remembrance.

## **3. Administration of Cemeteries**

### **3.1 Cancellation of a right of burial**

Council staff may cancel a right of burial if the right of burial is not exercised within 60 years of issue.

### **3.2 Register of burial places**

A register of burials, as required by the Public Health Regulation 2012, must be kept in respect of all burial places.

Each entry in the register must include the following information for each burial place:

- 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.

### **3.3 Certificates of exclusive right of burial**

Council will issue to the owner of an exclusive right of burial a certificate, clearly showing:

- a) The owners name and address
- b) The amount paid
- c) The date of issue
- d) A description of the physical location of the grave
- e) The terms and conditions under which the certificate is issued.

The application for a certificate is made on a form provided by Council staff. Any fees relating to the purchase and issue of the certificate must be paid at the time of application.

### **3.4 Fees**

- a) Fees for services are specified in Council's Fees and Charges
- b) All fees are to be paid in advance, unless an approved credit arrangement is in place.
- c) Council staff will not issue any certification until the appropriate fee if required in advance has been received.

## **4. Requirements of a Funeral Business**

### **4.1 Automatic Right of Access to Cemeteries**

All Funeral Businesses must meet all Council's licensing requirements (Sections 4.2 & 4.3) before access to the cemeteries is granted.

### **4.2 Licensing Requirements**

Businesses wishing to conduct operations in cemeteries operated by Council must provide:

- a) Evidence of:
  - i) (a) At least one director employed by the funeral business possesses appropriate qualifications to work in the funeral industry (eg, Australian Qualifications Framework certificate) OR;  
(b) a letter from a recognised Funeral Director's Association (not more than 3 months old at the time of submission) that the funeral business is employing persons it believes are adequately experienced to provide funeral services,
  - ii) Current workers compensation,
  - iii) A current public liability insurance to a value not less than \$20,000,000.
  - iv) Documented, safe working procedures that meets the requirements of Work Health & Safety (WHS) legislation,
  - v) The self completed Schedule 4 Audit Tool & Part 2 found in the NSW Health – Guidelines for the Funeral Industry for the premise from which they will operate their business,
- b) Acknowledge on a business letterhead that the business will adhere to Council's Cemetery Management Guidelines governing cemetery operations.
- c) Make available on request the businesses mortuary register of the business.

### **4.3 Failure to meet requirements**

Whenever one or more licensing requirements are not met, the funeral business is automatically denied entry from Council's cemeteries until such time as the requirements are met.

#### **4.4 Training**

A funeral business must ensure that appropriate WHS training and induction is provided and recorded, to employees prior to the employee commencing duties in Council cemeteries.

#### **4.5 Reasonable Notice**

- a) Funeral businesses are to provide reasonable notice that a funeral is required.
- b) Wherever possible at least 48 hours is to be provided to Council staff, where less notice is provided Council staff may advise that the request proposal cannot be accommodated.
- c) For burials on the first day of a new working week notice must be received by midday on the last normal working day.

#### **4.6 Payment of fees**

If an account customer is late in paying fees, their authority to conduct funerals in Council's cemeteries will be revoked.

#### **4.7 Conduct of service**

- a) Approval to conduct funeral services does not provide exclusive use of a cemetery.
- b) Any litter created during the course of a funeral service is to be collected and deposited in an appropriate location by the funeral business.

### **5. Funeral Services**

Burials shall be in accordance with the Public Health Regulation 2012.

### **6. Religious Tolerance**

- a) Council staff will endeavour to facilitate religious needs of the deceased and their families. Such requirements must be submitted in writing with sufficient time to accommodate their request.
- b) Council staff will not permit a religious activity to proceed where it is contrary to legislated requirements for burials.
- c) Council will charge additional fees to cover the costs of special requests as estimated by Council staff, or incurred during the course of the funeral service.

### **7. Grave Digging**

- a) Persons undertaking grave digging must be appropriately qualified to undertake grave digging.
- b) Open (prepared) graves must be dug no earlier than 4 hours prior to service and be backfilled within 2 hours after the service, unless otherwise approved by Council.
- c) No graves are to be left without being backfilled overnight with coffins in them by law.

## 8. Burials

### 8.1 General

- a) The number of interments permitted in a grave shall not exceed 2 burials and 4 ashes placements, unless otherwise approved by Council.
- b) Where a coffin containing the deceased remains is interred in a grave, the upper surface of the coffin shall be at a depth where its upper surface is not less than 900 millimetres below the natural surface level of the soil.

### 8.2 Shallow Burials

- a) A person wishing to bury the body of a deceased person in a shallow grave must seek the approval of the Director-General or delegate. An application form for shallow burial must be completed.
- b) An impervious grave liner must be constructed when the depth of burial is reduced from the required 900 millimetres below the natural surface level. This may consist of compressed cement sheeting liners, encasing the coffin in concrete or encasing the coffin in a mix of road-base and cement.
- c) The body of a deceased person must be contained in a coffin or casket.
- d) The distance from the top of the lid of the grave liner to the natural ground surface shall not be less than 400 millimetres.
- e) Council must record satisfactory compliance and shall notify the public health unit within 14 days of the interment.

### 8.3 Levelling of Gravesites

Gravesites will be levelled by Council's cemetery maintenance officer after a period of approximately 12 months after burial. Any further subsidence within gravesites will be monitored and levelled where necessary by the cemetery maintenance officer.

### 8.4 Above Ground Entombment

Council does not facilitate above ground entombments.

### 8.5 Burials Conducted by Private Citizens in Council Cemeteries

- a) Burial of bodies in Council cemeteries must be undertaken by a funeral business (*it is an offence for a person to be prepared or placed in a coffin at home it must be undertaken in a mortuary*).
- b) Boxed ashes may be interred by private citizens into existing gravesites with approval from Council and to Council's requirements. Details to be provided of deceased – See section 11.

### 8.6 Burials Conducted on Private Land

For burials on private land the following requirements need to be met:

- a) The total landholding must be equal to or exceed five hectares and the location must be approved for use for that purpose by Council.
- b) Bodies must be buried at a minimum depth of 900 millimetres.
- c) Bodies must be placed in a coffin prior to burial.
- d) A geotechnical investigation may be considered if there is any likelihood of the contamination of ground waters and/or surface waters.

## **9. Subsequent Interments**

- a) As in Section 8.1, the number of interments permitted in a grave shall not exceed 2 burials and 4 ashes placements, unless otherwise approved by Council.
- b) The owner of a monument is responsible for the cost of repairing any damage to a monument that occurs during the process of moving a monument to facilitate an interment.
- c) Whilst all care is taken to preserve monuments there is an inherent risk of damage to a monument when being moved. A request for Council staff or funeral director to prepare a site for a second interment carries with it an automatic indemnity from the owner for any damage caused to the monument during its removal, storage, and replacement.

## **10. Custom Coffins**

- a) A coffin must remain 900mm below the height of the soil when buried (*minimum depth of burial*). For exceptions please see Section 8.2.
- b) The funeral director is responsible for ensuring that a custom coffin complies with the minimum standards for coffins and that it is suitable and safe for use.
- c) A person who proposes to bury the body of a deceased person without a coffin or casket (ie green burials) must seek approval from the Chief Health Officer or delegate of the Public Health Unit of the Local Health District. The use of a shroud or body bag for burial does not negate NSW health requirements governing minimum requirements for transport of the deceased.

## **11. Ashes Interment into existing gravesites.**

- a) Ashes may be interred into an existing gravesite at no extra cost to the family.
- b) Council must be notified prior to any placement of ashes within a gravesite.
- c) Details of the deceased are to be provided to Council for inclusion in Council's cemetery records.
- d) The family is responsible for interment of the ashes.
- e) Ashes shall be placed at a depth of no less than 60cm (2 foot), and hard packed to minimise disturbance from pests.
- f) Internment of ashes is encouraged to be located within the gravesite at the foot of the site to minimise impact on headstones/monuments.
- g) The placement of ashes is restricted to 4 placements per plot, unless otherwise approved by Council.





## 14. Memorial Garden – Cumnock Cemetery

The memorial garden at Cumnock is for the placement of ashes or memorial plaques only. Ashes are to be placed in memorial garden in a receptacle. No ashes are to be placed directly into the soil.

Plaques shall:

- a) be a maximum 180W x 120H for a single memorial plaque, or maximum 300W x 120H for a double memorial plaque.
- b) be bronze in colour, have 4 corners, and be straight-edged with dark brown or gold plated raised writing.
- c) be fixed to the concrete edging; no plaques should be placed in the garden bed.
- d) be fixed by Council (fees applicable) or a Council approved contractor.

*NOTE: Council officers must mark the location for placement of the plaque prior to placement by contractor.*

Requests for any variations to these requirements are to be made in writing to Council.

## 15. Memorial plaques/structures

Memorial plaques or structures (e.g. bench seats) are commonly used to recognise deceased persons buried in cemetery grounds, or local persons that may have been killed in war times and not otherwise recognised at the cemetery.

### 15.1 Memorial Plaques

Memorial plaques are to be fixed to the side of the columbarium wall within a cemetery where available (unless otherwise approved by Council). Plaques shall:

- a) be a maximum 180W x 120H for a single memorial plaque, or maximum 300W x 120H for a double memorial plaque.
- b) be bronze in colour, have 4 corners, and be straight-edged with dark brown or gold plated raised writing.
- c) be fixed by Council (fees applicable) or a Council approved contractor.

A request to place a memorial plaque (and/or any variations to these requirements) should be made in writing to Council.

### 15.2 Memorial Structures

Memorials may take the form of a landscape or urban design feature such as trees, landscaping or seating.

Any proposed memorial should not interfere with the existing or proposed Council plans for the cemetery or with routine maintenance activities ie mowing. Maintenance of memorial structures are the responsibility of the family descendants of the deceased.

A request for placement a memorial structure should be made in writing to Council, outlining details of the proposed memorial and location. Council reserves the right to refuse an application for memorial structures.

## **16. Monuments, Headstones & Inscriptions**

### **16.1 General**

- a) All monuments, memorials, foundations, vaults, tables, headstones, gravestones, kerbings, railings or other structure, must be constructed in accordance with Australian Standards Association AS4204-1994 "Headstones and Cemetery Monuments" and AS4425-1996 "Above Ground Burial Structures".
- b) Inscriptions and monuments that could be interpreted as offensive in a public venue are not permitted. In the event of a dispute over an inscription the Council is the sole interpreter of offensive inscriptions and monuments.
- c) All monuments, memorials, foundations, vaults, tables, headstones, gravestones, kerbings, railings or other structure, must be completed by a Council approved contractor.

### **16.2 Non-standard monuments (other than Beam Cemeteries)**

Authorised Council staff may approve a non-standard monument which is not located within a Beam Cemetery, and must report the granting of such an approval to the Council. An application for the approval of a non-standard monument shall:

- a) be made to Council in writing;
- b) be accompanied by any prescribed fee;
- c) be accompanied by sketches, drawings and other particulars of the design that may be required by the Council staff; and,
- d) where the application relates to an inscription, be accompanied by a copy of the proposed inscription.

### **16.3 Replacement / Restoration of Headstones/ Monuments**

- a) An application is to be made in writing to Council including details of works to be undertaken.
- b) Works on headstones/monuments in Councils cemeteries are only to be undertaken by Council approved contractors.
- c) All residual construction material must be removed from the cemetery.

### **16.4 Removal of Structures/ Unsafe Monuments**

Where a monument is deemed by Council staff to be unsafe action will be taken to render the monument safe. 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.

Council staff may, (at any time);

- a) Remove, demolish, alter or require the removal, demolition or alteration of any structure or any adornment which is unsafe, and/or;
- b) Erase, correct, or require the erasure or correction of wording of any inscription that has been constructed, installed, made or carried out.

## **17. Australian War Graves**

Special consideration will be given to requests for monuments (erection and maintenance) received directly from the Office Australian War Graves.

Council will waive the fees for all applications for official war service plaques within Council cemeteries.

## **18. Exhumation**

The Public Health Regulation 2012 is the guiding piece of legislation for exhumations.

### **18.1 Minimum conditions**

- a) An Order for Exhumation is not to be issued unless:
  - i) An exhumation has been ordered by a Court or Public Health Unit of NSW Health, or;
  - ii) Written consent has been obtained from the Director-General of the Department Of Health (NSW), and;
  - iii) Any fee(s) due have been paid in full to Council.
- b) Any additional costs (that Council either anticipates or incurs during the exhumation) must be paid for by the applicant.
- c) A person must not proceed with an exhumation unless an officer of the Department of Health or an Environmental Health Officer (whether an officer of the Department of Health or otherwise) is present at the exhumation.

### **18.2 Cessation of Exhumation**

- a) A person must not proceed with an exhumation if an officer of the Department of Health or an Environmental Health Officer orders the exhumation to stop.
- b) In the event the exhumation must cease the cost of the exhumation will not be reimbursed in part or full.

### **18.3 Special Exhumation Conditions**

- a) The NSW Health policy specifies that relatives of the deceased are prohibited from attending exhumations.
- b) A Funeral Director must be in attendance to receive remains, and recovered remains must be placed in a new coffin or container prior to reburial, or transport.

## **19. Maintenance of Structures and Grounds**

- a) Council currently maintains 11 cemeteries in the Cabonne shire and appreciates any feedback by the community to enable continual improvements within our cemetery maintenance programs.
- b) Cemeteries are maintained on a rotational basis by a cemetery maintenance officer.
- c) Council staff 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.
- d) Only Council staff may plant and maintain vegetation in a cemetery, unless prior approval has been granted.
- e) Maintenance of headstones, monuments and memorials is the responsibility of the family descendants of the deceased.

## **20. Opportunity for public participation in cemetery care**

Council encourages work with community groups and volunteers to assist with overall cemetery maintenance and to help improve the aesthetic nature of Cabonne's cemeteries.

### **20.1 Details to be specified in a request**

Proposals must outline:

- a) The area requiring care;
- b) What works the proponent proposes to undertake and how (ie experience, tools etc);
- c) Whether the proponent will require assistance from Council to implement or maintain their proposal.

### **20.2 Proposals which will be automatically declined**

- a) Proposals to hang ornaments from trees or structures;
- b) The laying of pipes or conduit;
- c) Any action which will impact on Council's cemetery management activities;
- d) Any action which will impact upon the public.

### **20.3 Lapse of Requests**

Following the cessation of an approved public participation activity, Council will return the area affected to a state consistent with the management regime being applied to the cemetery as a whole.

## 21. Prohibited – All Cemeteries

A person (other than an authorised employee or contractor of Council) must not do any of the following within a cemetery without written exemption from Council:

- a) erect an unapproved monument / structure or tribute
- b) damage, deface, interfere with or alter burial places or monuments
- c) bury, inter or exhume any human remains, whether cremated or not, without permission
- d) enter or remain in a cemetery between sunset and sunrise
- e) bring onto the cemetery any diseased animal or any noxious weed
- f) cause or permit an animal that is under the person's control to enter or remain in a cemetery without proper supervision
- g) take part in any gathering, meeting or assembly, except for religious, research, historical, cemetery maintenance, educational, burial or memorial purposes;
- h) drive a vehicle at a speed of more than 8 kilometres per hour
- i) drive a vehicle through a cemetery for the purpose of travelling between places outside of the cemetery
- j) park a vehicle on any known burial place, verge or plantation, or in a manner that is likely to impede traffic
- k) teach, learn, or practice driving a vehicle
- l) camp or reside on the land
- m) possess or consume an alcoholic or intoxicating beverage or substance (except alcohol directly associated with the religious component of a funeral service)
- n) urinate or defecate
- o) bring or leave any rubbish, refuse, scrap metal (including remains of vehicles), rock, soil, sand or any other such substances
- p) remove any dead timber, logs, trees, flora, whether standing or fallen
- q) hang an ornament from a tree or building
- r) kill, capture or in any way interfere with any animal, bird, fish or other fauna, whether native or introduced plant any tree, shrub, herbage or other plant without prior consent
- s) obstruct any authorised person or employee of, or contractor, of Council or any Funeral Business to, in the performance of the authorised person's duty or the employee's or contractor's, or Funeral Business' work in the cemetery
- t) walk over, mark, scratch or otherwise mutilate, deface, injure, interfere with, remove or destroy any Aboriginal rock carving, its surrounds or any other Aboriginal relic
- u) Plant or place any trees, shrubs, or other plant/s in Council's cemeteries.

Offenders will be prosecuted under relevant State or Federal Law.