

COUNCIL POLICY



Policy Name	Cemeteries
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Abstract	This policy acts as framework for the management and operations of Council-owned and operated cemeteries.
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Dates	Policy or amendment approved	15 Nov 2023
	Policy or amendment takes effect	15 Dec 2023
	Policy is due for review (up to 4 years)	15 Nov 2027
Endorsed by	Executive Leadership Team	
Approved by	Gunnedah Shire Council at its Ordinary Meeting held on 15 Nov 2023 Resolution number: 11.11/23	
Policy Custodian	Manager Public Facilities	
Relevant to	Internal staff; Councillors; Funeral Directors; General Community; Contractors	
Superseded Policies	Public Facilities – Cemeteries Policy approved by Gunnedah Shire Council, at its Ordinary Meeting of Council held 16 Feb 2011 Resolution number: 169.9	
Related documents	Application for Burial Permit Application for Cemetery Reservation Transfer Application for Cemetery Reservation Application to Undertake Monumental Works or Interment of Ashes Cemeteries and Crematoria NSW Operator Licence Community Strategic Plan 2017-2027 Cemetery Procedures	
Related legislation	Cemeteries and Crematoria Act 2013 Cemeteries and Crematoria Regulation 2022 Local Government Act 1993 Crown Lands Management Act 2016 Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2000 Public Health Regulation 2022 Public Health Act 2010	

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1. Purpose

This policy provides guidelines for the operation of Gunnedah Shire Council's owned and operated cemeteries.

2. Scope

2.1 Application of policy

This policy applies to all Council staff involved in the daily operations of Council's cemeteries, as well as Councillors; Funeral Directors; Contractors and the General Public.

2.2 Cemeteries managed by Council

This policy applies to the following cemeteries that are managed by Gunnedah Shire Council:

Cemetery Name	Street Address	Operational
Hunter Street Cemetery	19-49 Hunter Street, Gunnedah	Closed except for existing reservations
Memorial Park Cemetery	111 Wandobah Road, Gunnedah	Yes
Curlewis Cemetery	Old Cemetery Land, Curlewis	Yes
Breeza Cemetery	Cemetery Road, Breeza	Yes
Tambar Springs Cemetery	O Rourke Street, Tambar Springs	Yes
Carroll Cemetery	Stephens Street, Carroll	Yes
Carroll Graves	Namoi Street, Carroll	Preservation of existing graves only

3. Definitions

Burial Beam	A concrete slab running the length of a cemetery row, where headstones/monuments are fixed.
Council	Gunnedah Shire Council.
Exhumation	The removal of the remains of a deceased person from a grave site.
Interment	The burial of human remains or ashes in a grave.
Monument	Any structure, plaque, headstone, masonry, metal work, casting or item placed over, in or around a burial right.
Monumental Mason	A tradesman mason or person possessing the skills to carry out monumental masonry work.
Register	The Council's formal repository of data containing all the required details of burials, cremations or right of burials.
Reservation	A burial right for future use.
Right of Burial	An exclusive right to the owner/holder to inter human remains in a burial space.
Undertaker	Funeral Director.

4. Policy Statement

Council is responsible for maintenance, interments, record keeping, historical burial enquiries, liaison with funeral directors, contract management, asset improvement and maintenance of health standards and other legislative requirements relating to its cemeteries. This Policy outlines the principles and procedures that Council will apply to the care, control and management of its cemeteries.

4.1 Burials

A right of burial is an exclusive right granted by Council for use of a burial or ash interment site. There is no entitlement to ownership of the 'land' - the ownership of the land, columbarium wall or garden, remains with Council.

The holder of the right of burial has the sole authority to determine who can be interred (buried) in the grave or cremation site/plot and to allow headstones, inscriptions, memorials to be placed on the site, following Council approval.

4.1.1 Reservations

Reservations must be made through Council. All reserved plots are to be paid for, as per Council's fees and charges, at the time the reservation is being made. Council will not hold plots without payment.

In some historical sections of cemeteries the choice of plot may need to be changed at the time of digging due to unforeseen circumstances, such as unmarked graves or other obstacles.

4.1.2 Buy Back of Entitlement

Council will not buy back an unused burial site.

4.1.3 Transfer of Entitlement

An entitlement for use of a burial site may be sold to other persons provided Council's Application for Cemetery Reservation Transfer documentation is completed and signed in the presence of a Justice of the Peace. The documentation must then be returned to Council to allow records to be amended accordingly.

4.1.4 Multiple Burials

Multiple burials, with a maximum of two per plot, may be permitted. However, the depth of a plot may be restricted by the natural ground conditions and the depth of any previous interment. Council is guided by the Public Health Regulation 2022 which outlines minimum soil depth requirements.

The location of adjacent burial sites with existing monumental work can also determine whether a second interment can occur in an existing plot.

4.1.5 Interment of Ashes

Cremated remains may be interred in a burial site at the discretion of Council. No person shall inter cremated ashes in Council's cemeteries unless approval has been obtained via the submission of the Application of Interment of Ashes documentation, with associated fees to

be paid. A maximum of two ashes interments to be interred at an existing grave and a maximum of four ashes interments for vacant plots. A maximum of one ashes per space in a columbarium wall.

4.2 Exhumations

Exhumations are not to take place except in accordance with the requirements of the regulations made under the Public Health Act 2010.

If an exhumation is ordered from NSW Health or the Court, all costs incurred in carrying out the exhumation will be paid by the applicant.

4.3 Funeral Directors

Families making funeral arrangements for interments liaise directly with a Funeral Director, -who will then liaise with Council.

The Funeral Director must complete and lodge an application for burial permit prior to the funeral/burial, which must include the following information:

- Name of the deceased
- Address of the deceased
- Gender and age of the deceased
- Denomination of the deceased
- Service details (Church, Graveside or Chapel)
- Cemetery Location
- Grave depth and casket size
- Details of previous reservations held
- Whether a reservation is required
- Issuing officer of death certificate
- Date and time of funeral
- Next of kin details
- Signature of Undertaker

Funeral Directors are also responsible for the opening or removal of monuments for an interment to take place.

4.4 Fees

Council reserves the right to impose a fee/charge for activities in relation to its cemeteries.

All applicable fees and charges are included in Council's Annual Fees and Charges as part of the Operational Plan and are published on Council's website.

4.5 Monumental Works

All monumental work carried out in Gunnedah Shire Council managed cemeteries must be approved by Gunnedah Shire Council and must be completed by a recognised monumental mason.

All headstones and monuments must be built in accordance with the relevant Australian Standards.

An Application to Undertake Monumental Works must be completed and returned to Council for a assessment, with the applicable fee paid, before any monument can be installed.

In Memorial Park, the only monumental works permitted are:

- a) Only after payment to Council of the prescribed fee and the issue of the necessary permit.
- b) To a maximum size of:
 - i) 600mm long
 - ii) 380mm wide
 - iii) 150mm high
- c) Shaped in accordance with Council's plans and specifications of:
 - i) Concrete (25mpa) with a bronze plaque inscription
 - ii) Stone with a bronze plaque inscription attached or inscription engraved in the stone.
- d) Only by recognised Monumental Masons.

In the event that a headstone is placed in Memorial Park without authorisation and that does not meet the above specifications, it will be removed.

Monumental Works at all other cemetery locations are still subject to Gunnedah Shire Council approval based on size, inscription and materials used. The maximum measurements of a full monument at Hunter Street Cemetery, or one of the village cemeteries, must not exceed the maximum width of the specified plot being 1200mm, and 2100mm in length.

Council will not undertake maintenance of plaques, monuments or memorials. Ownership shall rest with the holder of the burial right, or the holder's next of kin/executors.

Council reserves the right to reject applications for monumental works that do not meet the relevant criteria, do not fit the location to be installed or based on any inscriptions or pictures that may be deemed offensive.

4.6 Tributes

All tributes, including floral, ornamental or otherwise, must be placed on the monument/headstone only or immediately beside it on the beam (if applicable).

Council is not responsible for the care of any tributes.

The following rules apply:

- a) Containers (vases) required to hold floral tributes are restricted to two articles for each grave with these containers being placed in the spaces provided on the monument.
- b) Solar lights are to be limited to those that can be placed on the monument/headstone only.
- c) Aged flowers and wreaths are to be regularly removed from the grave.
- d) Glass jars and containers are not to be used.
- e) Wreaths and tributes are not to be placed on graves where standard plaques are not installed (other than for a short period immediately following interment).
- f) No fixtures or fittings are to be attached to the plaques or associated bases.
- g) No tree, shrub or other plant is to be placed or planted in any of the cemeteries, other than by Council.

Council reserves the right (without notice) to remove any tributes (or other items) that have deteriorated; are made of glass; deemed unsafe; deemed untidy; deemed offensive; placed on the grass or soil; or any items that are hazardous or impeding maintenance activities.

4.7 Register

As per the Cemeteries and Crematoria Act 2013, Council must keep a register of interment rights, memorials, cremations and interments granted in relation to its sites and abide by all other stipulations published in Section 63 of the Act.

4.8 Disputes

Any disputes will be handled in accordance with Council's Complaints Policy and the Interment Industry Scheme requirements.

5. Accountability, roles and responsibility

5.1 Council's responsibilities

Council will meet all conditions imposed in the Interment Industry Scheme licensing for Cemetery and Crematoria Operators.

Council is responsible for:

- Digging of the burial site, including hiring contractors if required
Note: All graves will be dug to double depth (in Memorial Park portion B and C) to allow for future potential burials that may be required. No more than two burials can be undertaken in one day.
- Provision of a mobile shelter over the grave site (Memorial Park Only and dependent on weather conditions)
- Back filling of the grave
- The supply of temporary name plates until monumental works are undertaken (Memorial Park only).
- Maintenance of cemetery grounds in accordance with the guidelines of the Interment Industry Scheme licence and within Council's budget allocation for the maintenance of cemeteries.
- Burial history enquiries.
- Processing and administration of applications for burial permit; application for cemetery reservation transfer; application for cemetery reservation; application to undertake monumental works or interment of ashes.
- Maintaining a register of interment rights, memorials, cremations and interments.
- Setting strategic direction of each site.

5.2 Policy Custodian

The Manager Public Facilities is the officer accountable for managing policy compliance, ensuring all relevant parties are aware of the policy and for initiating the policy review process.

5.3 Responsible Officers

The following officers are responsible for implementing the policy:

- Manager Public Facilities
- Co-ordinator Recreation Facilities
- Executive Assistant – Director Infrastructure Services
- Infrastructure Services – Business Support

6. Acknowledgements

- Headstones and Cemetery Monuments Policy – Snowy Monaro Regional Council
- Cemetery Operations Policy – Snowy Monaro Regional Council

7. Version Control and change history

Date	Version	Approved by & Resolution No.	Amendment
February 2011	1	Ordinary Council Meeting 16/02/2011	12/09/2023
December 2023	2	Council Resolution No. 11.11/23, 15 November 2023	Placed on Public Exhibition 16 Nov 2023 to 14 Dec 2023