



NARROMINE SHIRE COUNCIL

CEMETERY POLICY

(Adopted By Council 19 February 2013, Resolution
No 2013/21)

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CEMETERY POLICY
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INTRODUCTION

Narromine Shire Council has developed this policy document to suit the burial requirements and needs of the general community. It covers all cemeteries in the Narromine Local Government area. The regulations in regard to burial requirements are outlined in this document, in both the monumental and lawn sections. All denominations are covered. General information in regard to reservation of graves, interment of cremated remains, memorials and exhumations is also provided.

OBJECTIVES

To provide for the effective, efficient and appropriate operation of the public cemeteries that Narromine Shire Council manages on the community's behalf.

As time permits, investigate and locate burial records not currently held at Council. Continue with the ongoing collating of all burial records. Locate and record all reservations and unmarked graves within the cemeteries on a centralised database. The provision of crosses on unmarked graves, where identified, will be included in the ongoing maintenance of cemeteries.

All activities which take place within any cemetery grounds shall comply with relevant Workcover and Occupational & Safety requirements.

Council staff will at all times conduct themselves in a respectful and responsible manner when dealing with the public.

RELEVANT LEGISLATION & GUIDELINES

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

- *Local Government Act, 1993*
 - *Public Health Act, 1991*
 - *Public Health (disposal of Bodies) Regulation 2002*
 - *Crown Lands (General Reserves) By-law 2006*
 - *Cemeteries Legislation Amendment (Unused Burial Rights) Act 2001*
 - *NSW Work, Health & Safety Act, 2011*
 - *Property (Relationship) Act 1984.*
 - *Anatomy Act 1977*
 - *Coroners Act 1980*
 - *Burial and Cremation (Cemetery) Regulations 2005*
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PUBLIC CEMETERIES LOCATED IN THE NARROMINE SHIRE LOCAL GOVERNMENT AREA:

- **Narromine General Cemetery** (Dedicated 29th April, 1884)
Allotments are available for burials and reservations.
Monumental Section (Standard Religions)
Non denominational Section
Lawn Section
Remembrance Walls
 Limited sites available for burials in the children's section of the cemetery
- **Trangie General Cemetery** (Dedicated 11th June 1886)
Allotments are available for burials and reservations.
Monumental Section (Standard Religions)
Non denominational Lawn Section
Remembrance Wall
- **Tomingley Pioneer Cemetery** (Dedicated 2nd December 1887)
Reopened for burials 2009
Non denominational Section
Remembrance Wall
Pioneer Section (Standard Religions) Closed for burials.

Note: Council cemeteries have areas that are set apart for the use of various religions but such setting apart does not entitle the authorities or members of any religious group to control in any manner the making of interments in any division so set apart, or to exclude any body from being buried therein.

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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).

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.

Crosses will be provided for all burials unless:

- The Funeral Director, next of kin or the executor of the deceased persons estate have requested that no cross be provided.
- The grave has an existing headstone or monument (only applicable in re-openings).

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

To facilitate the digging of a new grave or reopening of an existing grave in the monumental section of Councils cemeteries, it may be necessary to remove an existing monument to gain access to the site. Council staff will notify the family (of the owner/s of the monument to be moved) if their contact details are known. The removal of existing monuments also includes in the surrounding area that limits access to the gravesite by Council staff and machinery.

All bodies for interment must be encased in a coffin 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 Narromine Shire local government area.

The Council accepts no responsibility for the maintenance or repair of monuments irrespective of the cause of the need for maintenance or repair.

Burial fees are reviewed annually by Council and are adopted in Council's Management Plan.

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BURIAL PERMITS

Council's Application for Burial Permit (see attached) must be completed prior to any burial taking place. An information and conditions sheet is attached to the Burial Permit Application form advising applicants of Council's conditions under which an application is approved.

REGISTER OF BURIALS

Council will ensure the recording of burials complies with the provisions of *Clause 24 Public Health (Disposal of Bodies) Regulation 2002*. Additional information may be recorded for family history purposes.

The information contained in the burial register shall be made available to any person. A copy of any entry is available on request for which an administration fee may apply.

RE-OPENINGS OF GRAVES (MULTIPLE INTERMENTS)

Council will allow the reopening of graves at all cemeteries subject to the following conditions:

- Comply with the provisions of the *Public Health (Disposal of Bodies) Regulation 2002*.
 - Monumental Sections Only - When the removal of monument slabs and headstones are required, Council staff will take all reasonable care not to cause any damage, however if a monument slab or headstone is inadvertently damaged during this process Council will not be held responsible for any repairs.
 - Lawn Sections – Burial allotments within the lawn cemeteries are dug to a double depth to allow for a re-opening at a later date. The funeral director may, at the time of organising a funeral, request that the grave be dug to a single depth at the family's request.
 - When a grave is opened for a second burial, the excavation shall be made so as to leave a layer of undisturbed earth not less than 300mm in depth above the lid of any coffin already in the grave. The upper surface of the coffin is to be at least 900mm below the natural ground surface level.
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ALLOTMENT SIZES

Burial allotment sizes are as follows:

- Lawn section 1 .2m x 2.4m
- Monumental Section 900mm x 2.4m
- New Monumental Section 1 .2m x 2.4m (*Construction to start 2013*)

Burial depth for single interments is a minimum of 1 .5 metres and for double interments is 2.1 metres.

SHALLOW BURIALS

Circumstances leading to a shallow burial may include:

- A reduction in overall depth of burial due to a geographical feature of the land.
- A second burial
- Land has been filled and a reduction in burial is needed to allow burial in the fill: the fill material needs to be suitable for the operation of a cemetery in that a grave could be prepared without it collapsing. The soil and its use as fill should not permit decomposition leachate to percolate to the surface of slopes or batters; or enter any streams or intermittent water courses.

Design structure and materials used for a shallow burial need to avoid subsidence when the coffin deteriorates, prevent feral animals entering the grave, or prevent the escape of decomposition odours.

The body of the deceased person must be contained in a coffin or casket. The distance from the top of the lid of a grave liner to the natural ground surface is reduced from the mandatory 900mm to not less than 400mm, and should be as deep as possible.

Applications for a shallow burial must be made to the Area Health Service Public Health Unit on the appropriate application form. The applicant should provide information requested in the application form and plan and methodology of the interment.

INFANT BURIALS

Council allows the burial of infants to take place under the concrete beam in the lawn section of Council cemeteries allowing the main gravesite to be used by the family of the deceased. Request for burials will be assessed as required.

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RIGHT OF BURIAL (RESERVATIONS and FULL PURCHASE)

Reservations/Purchase of burial sites can be made at any time by completing a "Right of Burial" Application Form (see attached). All fees must be paid for at the time the reservation is made. Full purchase of burial allotments can also be made.

Cemetery fees are reviewed annually by Council and are adopted in Council's Management Plan.

If it is found that a "Right of Burial" site has inadvertently been used due to Council's error the original holder of the right will be offered a replacement site, as close to the original site as possible, at no additional cost. The original Right of Burial must be returned to Council and a new Right of Burial will be issued.

Transferring or Relinquishing Right of Burial - The Right of Burial may be transferred to another person or back to Council. Council will record any transfer upon satisfactory completion of a Transfer /Relinquish Right of Burial application form (see attached). Council will only refund the initial fee paid for the plot/niche to the customer. Notification of transfer must be signed by transferors and transferees. Where the holder of the Right of Burial is deceased the written consent of the rightful successor of the owner must be produced. No administration fee is charged.

Refunds - Council may agree to buy back a purchased allotment or niche reservation. The Right of Burial would then be surrendered. All requests to buy back must be submitted in writing along with proof of purchase. Council will refund the amount paid at the time of purchase. An administration fee may apply.

HEADSTONES AND MONUMENTS

All monumental work in Council Cemeteries is to be carried out by licensed monumental masons who have the relevant qualifications and carry Public Liability Insurance cover of \$20,000,000.00.

Narromine

Application fees are payable prior to the commencement of any monumental works in the lawn and non-denominational sections. Application to Erect Headstone forms (see attached) can be obtained from Council's office. Current fees have been adopted in Council's Management Plan. Illegal headstones and headstones that do not comply with Council specifications will be removed by Council staff if they remain in situ after a notification to rectify has been issued to the owner of the headstone. A thirty (30) day period of grace will be given to allow for the removal of the illegal headstone or the lodgement of a headstone application form. This also applies to other illegal structures, including plaques laid directly onto the concrete beam. Bronze and brass plaques attached to cemetery crosses are allowable.

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HEADSTONES AND MONUMENTS (Cont'd)

- Lawn Section – Headstones designed to Council's specifications (see attached for specifications single & double headstones).
- Non-denominational New Section – Memorial plaque on plinth (610mm x 350mm) on concrete beam.
- Monumental Section - No regulations are in place regarding design however, the base of monuments must be no larger 1m x 2.4m and must not encroach upon neighboring gravesites.
- Remembrance Walls – Bronze memorial plaques (180mm x 110mm) can be purchased through Council.

Council may request the removal of monuments that exceed the above specifications or monuments that encroach on neighboring gravesites.

Trangie

Application fees are payable prior to the commencement of any monumental works in the lawn section. Application to Erect Headstone forms (see attached) may be obtained from Council's office. Illegal headstones and headstones that do not comply with Council specifications will be removed by Council staff if they remain in situ after a notification to rectify has been issued to the owner of the headstone. A thirty (30) day period of grace will be given to allow for the removal of the illegal headstone or the lodgement of a headstone application form. This also applies to other illegal structures, including plaques laid directly onto the concrete beam. Bronze and brass plaques attached to cemetery crosses are allowable. Current fees have been adopted in Council's Management Plan.

- Lawn Section – Headstone and plinth on concrete beam (800mm x 300mm) as described in attached drawing.
- Monumental Section - No regulations are in place regarding design however, the base of monuments must be no larger 1m x 2.4m and must not encroach upon neighboring gravesites.
- Remembrance Wall – Bronze memorial plaques (180mm x 110mm) can be purchased through Council.

Council may request the removal of monuments that exceed the above specifications or monuments that encroach on neighboring gravesites.

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HEADSTONES AND MONUMENTS (Cont'd)

Tomingley

No application fees for monumental works are applicable for the Tomingley Cemetery.

- Monumental Section - No regulations are in place regarding design however, the base of monuments must be no larger 1m x 2.4m and must not encroach upon neighboring gravesites.
- Remembrance Wall – Bronze memorial plaques (180mm x 110mm) can be purchased through Council.

INTERMENT OF ASHES AND MEMORIAL PLAQUES

Purchase of niches in the Remembrance Walls must be made prior to ashes being interred. Reservations can be made at any time by contacting Council's office.

Memorial plaques (180mm x 110mm) can be ordered by contacting Council's office. Ashes will be interred once the plaque has been received and Council is in possession of the ashes. Arrangements can be made to have the ashes interred and the plaques fitted on weekends or after hours for an additional fee. Memorial services can be arranged to coincide with the interment of the ashes. Interment of ashes in Remembrance Walls must be carried out by Council staff.

In some cases Council staff may need to transfer the ashes into a suitable container that will fit into the niche. This may result in some ashes not being able to be interred. Any remaining ashes not collected by family members within six (6) months of interment will be scattered in the memorial garden.

Existing arrangements with the local funeral directors for the disposal of unwanted ashes will remain in place. Interment of ashes in headstones, niches or graves must be carried out by Council staff.

Council staff will take all reasonable care not to cause any damage however if a monument slab or headstone 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.

Council's fee structure for purchasing niches, plaques, interring of ashes and fitting of plaques are outlined in Council's Management Plan.

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

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REMOVAL OF ASHES

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.

FLORAL TRIBUTES

Flowers, wreaths and artificial flowers will be removed from gravesites by Council staff if in their opinion they have deteriorated to such an extent as to detract from the appearance of the cemetery.

No trees, shrubs or flowers are to be planted by the public in Council cemeteries.

BURIALS ON PRIVATE PROPERTY

Council may approve burials on private property subject to the following provisions:

- The area of the landholding is 5 hectares or more.
- A person must not bury a body in or on any land if to do so would make it likely that the contamination of a drinking supply or a domestic water supply may occur.
- The burial site has been inspected and approved by Council.
- Application for a Burial Permit has been provided to Council by the Funeral Director.

UNUSED BURIAL SITES

Council may, subject to the provisions of the *Cemeteries Legislation Amendment (Unused Burial Rights) Act 2001*, revoke exclusive rights of burial.

VEHICLES

Vehicle access, unless otherwise authorised, is restricted to formed roads in cemeteries. Authorised vehicles include Funeral Directors' vehicles, Council and other Statutory Authority vehicles. Those vehicles with a disabled parking permit attached or a funeral director's vehicle, are permitted to drive off formed roads to facilitate access for persons with disabilities or transport of the deceased, at the direction of Council staff.

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MAINTENANCE

All maintenance at Council cemeteries will be undertaken by Council staff, or official contractors, with the exception of the annual cleanup day held by members of the local community.

In addition to the routine maintenance of the cemetery grounds additional maintenance is generally scheduled prior to important days of visitation such as Mother's Day, Father's Day, Easter and Christmas.

CHRISTMAS – NEW YEAR PERIOD

Council's office is closed during the Christmas – New Year period, however burials can still be conducted by contacting Council's Cemetery Officer.

EXHUMATIONS

Exhumations without approval are prohibited. The Coroner has the right to order an exhumation at any time or the Director-General may approve an exhumation, both with minimal notice. Exhumations must be carried out in accordance with the "Guidelines for Approval and Approval Procedures for Exhumations" produced by NSW Health.

Where an elective exhumation (approved by the Director-General) has been completed, the Right of Burial of the deceased and their heirs and successors is deemed to have been forfeited. All elective exhumations must include full restoration of the site including the removal of any monumental works erected.

WAR CEMETERY

The Narromine War Cemetery is not governed by Narromine Shire Council. This cemetery is owned by the Commonwealth War Graves Commission and maintained by the Narromine Returned Services League Sub Branch.

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ATTACHMENTS

1. Application for Burial Permit and Information & Conditions
2. Exclusive Right of Burial Application Form
3. Application to Erect Headstone - Narromine Lawn Cemetery
4. Application to Erect Headstone – Trangie Lawn Cemetery
5. Application to Transfer or Relinquish Right of Burial
6. Plinth & Headstone Configuration – Trangie Lawn Cemetery & New Narromine Non-denominational Section

Note: All forms will be available on Council's website www.narromine.nsw.gov.au

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DEFINITIONS

Applicant	means the person making an application for a burial or memorial right; for a work permit or other Council consent; for burial or cremation.
Beam	means the concrete slab where headstone or memorial plaque is placed.
Body/Bodies	means a body or bodies of a dead person (includes still-born children).
Burial Place	means a grave site, vault site, crypt site or other place for the disposition of the remains of the dead.
Cemetery / Cemeteries	means Public cemeteries managed and or controlled by Council. When used as a generic term it can apply to lone graves, family plots and larger collections, such as those under Council's control.
Coffin/Casket	means the box used to place bodies in for burials or cremations.
Coroner	means a person who exercises or performs the functions of a coroner in accordance with the <i>Coroners Act 1980</i>
Council	Narromine Shire Council.
Death Certificate	means a certificate given by a medical practitioner as to the cause of death
Exhumation	The removal of the remains of a dead person or still-born child from a grave site.
Fee	A fee fixed by Council in its annual Management Plan's Fees and Charges.
Grave Site	means a gravesite, vault site, memorial site or other place for the disposition or commemoration of the remains of the dead, whether cremated or not.
Holder / Grantee / Owner	in relation to an exclusive right of burial means the person recorded, in the register kept by Council in respect of a burial place.
Interment	means the process of burying a body in gravesite or placement of ashes in niche wall.
Monument	means any structure, plaque, headstone, masonry, metal work, casting or item placed over, in or around a burial right.
Monumental Mason	means a tradesman mason or person possessing the skills to carry out monumental masonry work.

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DEFINITIONS (Cont'd)

Niche	Site in Remembrance Wall used to place ashes.
Non-denominational	means not affiliated with any particular religion.
Register	means the Council's formal repository of data obtaining all the required details of a burial, cremation, memorial site or right of burial.
Reservation	A pre-need burial right.
Right of Burial	means an exclusive right of burial granted by Council in respect of a burial place.
Top stone	A slab of stone / concrete laid flat over a grave.
Undertaker/Funeral Director	means a person who, in the conduct of a person's business, engages, for the purpose of burial, cremation or transport, in the collection, transport, storage, preparation or embalming of bodies or engages in the conduct of exhumations.