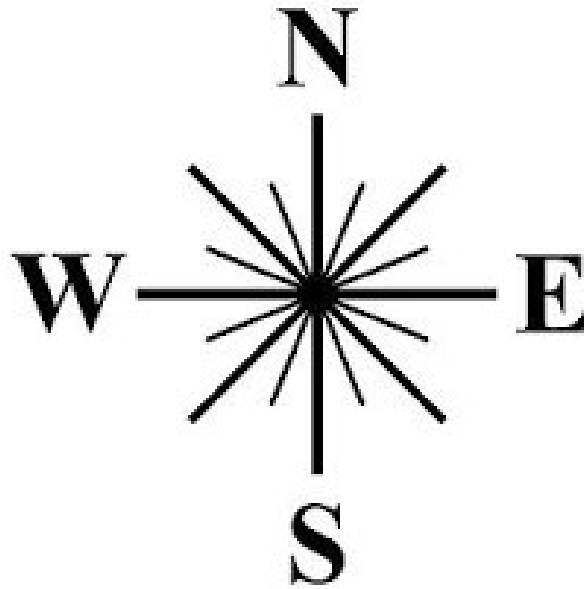
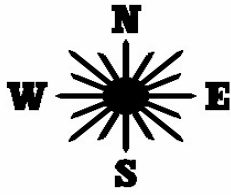


CENTRAL DARLING



SHIRE COUNCIL

CEMETERY PROCEDURE



Title of Policy	Central Darling Shire Council Cemeteries Procedure		
This applies to	Public		
Author	Tammie McMaster	Date approved:	24-11-21
Position of Author	Cemeteries Administrative Officer	Council minute	16-11-21
Legislation, Australian Standards, Code of Practice	<i>Local Government Act NSW, 1993 Public Health Act NSW, 1991 Public Health Regulations (Disposal of Bodies) 2002. Occupational Health Act NSW, 2000 Human Tissues Act NSW, 1983 Coroner's Act NSW, 1980 Births, Deaths & Marriages Act NSW 1995.</i>		

1. PURPOSE

This document is the first edition of the Public Cemeteries Procedure to be adopted by the Central Darling Shire Council. Whilst every effort has been made to provide a comprehensive coverage of issues, cemeteries and maintenance requirements, the very nature of cemeteries management and memorialisation indicate it is very likely that there will need to be future revisions and updates.

2 CEMETERY RECORD KEEPING

A register of burial is kept by Council in Opus Xenta Records Management as required by the Regulations of the Public Health Act is kept of all burial places. A register of all pre-need burial

rights (reservations) is also kept by Council. Each burial must be recorded in its respective register immediately after the service. The Council must, on application by any person, make available to that person, a copy of any entry made in the burial or columbarium registers.

2.1 Central Darling Shire Council Public Cemeteries List:

- Wilcannia General and Wall Memorial, Menindee Road
- White Cliffs General, Murphy's Road
- Menindee General, Cemetery Road
- Ivanhoe General, Memorial Garden, Behring Street Road
- Tilpa Historical Cemetery
- Mossgiel Cemetery, Cobb Highway

3. COMMENCEMENT OF THE PROCEDURE

This Procedure replaces all Public Cemetery Procedures of the Central Darling Shire Council which deals with the burial requirements and the needs of the general community.

4. APPLICATION OF THE PROCEDURE

4.1 Central Darling Shire Council has developed a Public Cemetery Procedure to ensure the burial requirements and needs of the general community are met. This Procedure document covers all listed public cemeteries in the Shire. The regulations regarding burial requirements are outlined in this document.

General information regarding reservation of graves, interment of cremated remains, memorials and exhumations is also provided. The pricing structure is also covered.

5. OBJECTIVES

5.1 Council staff will ensure that the aesthetic appeal of the facilities is enhanced through the standardisation of monuments and memorials. The pricing structure is proclaimed in Councils Annual Schedule of Fees and Charges.

Council staff will ensure that ensure that each grave is suitably sited and identified.

Council staff will ensure that high-quality facility through regular scheduled maintenance and adherence to guidelines for the use of the facilities and the services provided by Council.

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

6. PUBLIC CEMETERIES

6.1 Opening Hours

All cemeteries in the Shire are open to the public for their convenience 7 days a week. The gates to the cemeteries are not locked but may be closed to keep out native or feral animals.

All interments must take place within 9.30am and 4.00pm Monday to Friday unless prior appointment.

6.2 Cemetery Grounds

Private individuals are not permitted to undertake plantings within the cemetery grounds without prior Council approval.

All plantings within the cemetery require written Council approval and must take place only in accordance with the design layout and with the authority of the Director of Works.

6.3 Floral Tributes

Containers, vases, and the like for floral tributes, are restricted to three articles per grave. No use is to be made of glass jars or containers that can be broken and create public safety issues or detract from the general appearance of the park.

Aged flowers, wreaths and tributes are to be removed regularly from the grave. Should Council be required to remove these items, and they are considered of value, they will be available at the nearest Council office front counter. Alternatively, they will be disposed after a period of 3 months. This is at Council's discretion.

Note: In the case of recent burials, or a period of three months immediately following an interment the above restrictions will not be enforced.

6.4 Maintenance

All maintenance of the Central Darling Shire Council cemeteries is to be undertaken by Council staff, or official contractors, or inducted volunteers.

Additional maintenance is usually scheduled prior to important days of visitation such as Father's Day, Mother's Day, Easter and Christmas time and any other important community events such as ANZAC Day and Armistice Day.

Council shall maintain the lawn areas, roadways, and paths adjacent and within monument sections to an appropriate standard and in accordance with Council's budget allocation for this purpose.

Council staff, at Council's expense, will reset plaques or memorials that are disturbed as part of cemetery activities and/or maintenance, fix any damage caused by council staff during these normal operations.

6.5 Application for interment

Applications MUST be received a minimum of 7 working days prior to the scheduled funeral date.

Applications should be accompanied by a copy of the death certificate or coroners order and payment of applicable fees.

6.6 Multiple Interments in the Same Grave

The re-opening of graves is only permitted within the requirements of the Public Health Act. A maximum of two interments are allowed per plot and only after all separation and cover requirements can be achieved.

6.7 Opening of Graves.

To be conducted by authorised and trained personnel only.

6.8 Specification for Graves

All standard graves are to be 0.9 wide x 2.4m long x 1.8m deep.

All double width 1.8m wide x 2.4m long x 1.8m deep.

All double depth 0.9m wide x 2.4m long x 2.2m deep.

If a non-standard size is to be required, this is to be specified on application, subject to approval. Depth is to be in accordance with current NSW Public Health Guidelines.

6.9 Closure of Graves

Graves are to be closed within one hour of the conclusion of the funeral service, or as soon as all attendees have vacated.

6.10 Marking of Graves.

Graves will be marked with a plaque stating the name, age, and date of death of the deceased by the family. The grave is recorded into the Opus Xenta.

6.11 Marking of Niches in the Columbarium Wall Memorial

When ashes are interred into the columbarium Wall the niche is to be completely sealed by a plaque of approved size and material.

Inscription shall include the name, age, and date of death of the individual whose ashes are interred.

Only ashes are to be interred in the niche.

6.12 Erection of Memorials/Headstones

The Council accepts no responsibility for the normal and ongoing maintenance or repair of memorials.

Permission must be sought from Council prior to the erection of any monuments/headstones or plaques. An application form is to be completed and forwarded to Council with payment of any applicable fees. The headstone or memorial is to be contained within the boundaries of the lot.

No additional fixtures or fittings are permissible.

6.13 Memorial Plaques

The Memorial plaques must be in line with the existing layout of the plot purchased from Central Darling Shire Council.

6.14 Coffins

All bodies for interment must be fully encased in a coffin in compliance with AS ISO/IEC 17025:2018

6.15 Conduct of Interments

Interments of whole bodies 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 burials are to be in accordance with the relevant acts and regulations in force at the time.

Where private contractors are hired, any damage to other plots and headstones within the cemetery as a result of their works, are the responsibility of the contractor and must be repaired immediately.

6.16 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 at the time the purchase is made. Council is under no obligation to buy back unwanted pre-purchased plots; 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 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.

6.17 Exhumations - Coronial Order

The coroner or their agent has the right to order exhumation at any time and with minimal notice. However, they must advise Council that they propose to exhume the remains.

The relevant fee will apply.

Elective Exhumation

All other exhumations will be considered elective and will be considered only when permitted and conducted in accordance with relevant State and Federal legislation operating at the time.

All applications for elective exhumation must be in writing to the Council and accompanied by all necessary documentation as required by the legislation operating at the time. The relevant fees will also apply.

Applications must be lodged a minimum of one month prior to the proposed date of exhumation. Where elective exhumation has been completed, the Right of Burial of the deceased or their heirs and successors is deemed to have been forfeited. All elective exhumations must include full restoration of the site including any monumental works erected. For approval for reinterment in a new burial plot to be considered, the application must comprise of:

- Written confirmation from a recognised undertaker that they are prepared to carry out the exhumation.
- Written consent for the proposed exhumation from the deceased's next of kin, executor, or another personal legal representative.
- Details of the new burial site where interment is to take place.
- Where the reinterment plot is located outside the same local government area, written approval of the Director General of the Department of Health NSW is required.

6.18 Fees

Proclaimed in Councils Annual Schedule of Councils Fees and charges. A list of these will be available at the front desk in the Wilcannia council Office or Council website. These are reviewed annually or as required.

6.19 Return of Lots

Families may relinquish plots to other family members by writing a notification to Council.

6.20 Heritage Significance

Refer to Council's Local Environmental Plan.

7. BURYING A BODY ON PRIVATE LAND – PUBLIC HEALTH REGULATION 2012

Under the Public Health Act 2010 a Council Officer with knowledge of the policy, procedure and practice will assess the site being considered by the owners for offsite graves.

Council's Environmental Health Officer requires an application for planning approval by owners of the land under Section 4.5, Environmental Planning and Assessment Act 1979.

The concurrence of adjoining property owners may be necessary in some instances.

Consideration as to whether public access to the area should be maintained, by direct access or alternatively, by a right of way/easement, to consider future access needs, such as if the property is sold or if the remains are to be exhumed or other interments made.

The area should be suitably fenced to delineate the boundaries of the location and secure the location.

A restriction on the immediate use of the area adjacent to the private burial ground should be considered, if warranted to prevent building or disturbances to the grave sites.

Records of the burial site will be described and drawn by a registered land surveyor together with details of the location of the deceased buried in respective sites and a copy provided to Council for placement on the property register.

Council will maintain a register of private burial locations.

Each grave will be permanently marked with details of the deceased and the boundaries of the grave excavation will also be permanently marked.

Above ground burial chambers are not encouraged by council unless additional security precautions are taken.

8. DEFINITIONS

Adult	A person aged 18 years and over
Applicant	The person making an application for an Interment Rights of Burial, Work Permit, enquiry, burial, relocation or exhumation.
Burial/Interment	The placement of the remains of a deceased person in a grave, plot, or niche.
Burial Site/Grave Site	Shall mean a gravesite, vault site, memorial site or other place for the disposition or commemoration of the remains of the dead, whether cremated or not.
Child	A person aged 0 up to 13 years of age
Council	Central Darling Shire Council
Interment Rights of Burial	a certificate that provides a person with the authorisation of who can be interred or exhumed from a burial site. The Interment Rights does not give the holder any equity or property holding in the cemetery.
Interment Rights Holder	the owner / purchaser of the Interment Rights of Burial and recorded as such in Council's register. In some circumstances, the Interment Rights Holder refers to a surviving member of the original holder's family, their executor or administrator, Power of Attorney, their heir, or successor. Ownership may be formally transferred or bequeathed by a Will. There is no entitlement to any 'real estate' or property as such.
Exhumation	the removal of the remains of a deceased person from a grave site

Fee	a fee fixed by Council in its annual Schedule of Fees and Charges. Fees are updated each year and typically come into effect as of the 1st of July each year.
Funeral Director/Undertaker	person(s) whose business is the management of funerals and conducts a funeral and burial
Grave	an occupied burial site
Monument	any structure, plaque, headstone, masonry, sloper, metal work, casting or item placed over, in or around a burial right
Monument Mason	a tradesman mason or person possessing the skills to carry out monument masonry work.
Plot	An unoccupied burial site
Pre-Selection	the selection of a spare plot at a specific location
Register	the Council's formal repository of data containing all the required details of burial, cremation, memorial site or right of burial. (Note: limited records may only be available).
Slab	the slab of concrete or other stone covering the gravesite
Sloper	Sloping monument
Spare Plot	An unoccupied burial site that has been selected, purchased and marked as a spare plot for a future burial.
Top Stone	A slab of stone/concrete laid flat over a grave.