

# CASTLE HILL & SACKVILLE CEMETERIES

## CEMETERY OPERATING GUIDELINES

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## Objectives

The Operating Guidelines aim to guide the Council, management and staff in the approach taken to the day-to-day operation and management of Castle Hill and Sackville cemeteries. It is also a reference point for members of the public, seeking guidance in relation to the overarching framework within which The Hills Shire Council makes decisions about cemetery matters.

## Scope

The Guidelines applies to Councillors, staff, volunteers, contractors, consultants and members of the public.

## Definitions

Term	Meaning
Applicant	means the person or persons making an application to: <ul style="list-style-type: none"><li>• purchase an Interment Right</li><li>• obtain permission to inter human remains or to exhume them or have them interred at a shallow depth</li><li>• transfer or cancel or surrender an Interment Right</li><li>• permission to construct or alter a memorial or to excavate a grave</li><li>• to conduct other works within a cemetery</li></ul>
Australian Standards	the applicable two standards are <ul style="list-style-type: none"><li>• AS-4204(1994) [Headstones and Monuments] and</li><li>• AS-4425(1996) [Aboveground structures] – Mausolea / Vaults / Crypts</li></ul>
Bodily Remains	the whole or any part of a human body (whatever its physical state may be) but does not include the whole or any part of a human body that has been cremated.
Burial	the interment of bodily remains, below ground level or in an above ground structure.
Burial Licence Certificate	the certificate now referred to as an Interment Right.
Burial plot	a grave
Cemetery	the grounds of the Castle Hill and Sackville cemeteries.
Columbarium Wall	an above ground structure built to hold cremated remains.
Cremated Remains	bodily remains that have been reduced by cremation.
Crypt	a chamber in an above ground structure built to contain bodily remains.

Crypt wall	a series of adjoining crypts.
Exhumation	the removal of a dead person's bodily remains (not being cremated remains) from a grave or vault but does not include their removal from one vault for immediate transfer to another vault in the same cemetery or their temporary removal for the purposes of reburial in the same grave or vault or the re-interment of those remains in accordance with section 55 (4) of the 2013 Act.
Funeral Director	a person (other than the operator of a mortuary transport service) who, in the conduct of the 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.
Grave	a cemetery position used for interring human remains.
Holder	See Interment Right Holder.
Human Remains	bodily remains including: <ul style="list-style-type: none"> <li>• The remains of a still-born child; and</li> <li>• Bodily remains after they have been cremated.</li> </ul>
Immediate Family Members'	for the purposes of enabling the transfer of an Interment Right, means: <ol style="list-style-type: none"> <li>(1) a spouse of the Interment Right holder, or</li> <li>(2) a defacto spouse, who, in relation to a person, is a person of the opposite sex to the first mentioned person, lives with the first mentioned person as the husband or wife of that person on a bona fide domestic basis although not legally married to that person, or</li> <li>(3) a child or an adult child (including an adopted child, a step child, foster child or an ex nuptial child), parent (including a foster parent, step parent and legal guardian), parents of spouse, grandparent, grandchild or sibling (including half, foster and step sibling) of the Interment Right Holder or their spouse or de facto spouse</li> <li>(4) a same sex partner who lives with the Interment Right Holder as their de facto partner on a bona fide domestic basis; or</li> <li>(5) a relative of the Interment Right Holder who is a member of the same household, where for the purpose of this paragraph: <ol style="list-style-type: none"> <li>(i) 'relative' means a person related by blood, marriage or affinity;</li> <li>(ii) 'affinity' means a relationship that one spouse because of marriage has to blood relatives of the other, and</li> <li>(iii) 'household' means a family group living in the same domestic dwelling'</li> </ol> </li> </ol>

Interment	<p>of human remains includes:</p> <ul style="list-style-type: none"> <li>• The placement of human remains in an above ground, columbarium, crypt, mausoleum, vault or other structure designed for the interment of such remains; or</li> <li>• The burial in the earth of human remains (directly in the earth, enshrouded or within a coffin or casket or in a container); within a grave.</li> <li>• but does not include the scattering of cremated remains.</li> </ul>
Interment Right	<p>Within the Hills Shire, previously this has been referred to as</p> <ul style="list-style-type: none"> <li>• a Burial Licence or</li> <li>• an Exclusive Right of Burial or</li> <li>• a Right of Burial.</li> </ul> <p>An interment right issued in accordance with the Act that:</p> <ul style="list-style-type: none"> <li>• Conveys the right to inter in a particular site, but not the ownership of the land within or upon which it is situated</li> <li>• May be issued with either a perpetual or renewable term</li> <li>• Identifies the person to whom the Interment Right is issued; and</li> <li>• Identifies the site at which remains may be interred pursuant to the Interment Right; and</li> <li>• Specifies the period for which the interment right is granted; and</li> <li>• Sets out the rights to renewal of the interment right; and</li> <li>• Specifies whether the interment right may be cancelled or transferred and sets out the conditions (if any) governing its cancellation or transfer.</li> </ul>
Interment Right Holder	the person recorded in the cemetery register as the holder of the interment right.
Interment Site	a place in a cemetery for the interment of human remains
Lawn Section	a section within a cemetery where it is acceptable to install a plaque or other approved memorial only at the head end of the grave, either flush with the surface or upon an approved base or the beam installed by council.
Mausoleum	An above ground burial structure containing a number of crypts.
Memorial	<p>includes:</p> <ul style="list-style-type: none"> <li>• An approved gravestone, cenotaph, tombstone or other monument; or</li> <li>• A plaque; or</li> <li>• Any other approved structure or physical object used to memorialise a deceased person.</li> </ul>

Memorial Gardens	an area of the cemetery that is established for the memorialisation of cremated remains.
Monumental Mason	a professional tradesperson focused on the creation, installation and repairs of headstones (also known as gravestones and tombstones) and other memorials.
Monumental Section	a section within a cemetery where it is acceptable to install a monument which may cover up to, but not exceeding, the designated surface area of the grave.
Perpetual Term	the Interment Right is issued for a particular location in perpetuity i.e. without any limitation on its term (apart from needing to be exercised within 50 years).
Reservation	pre-purchased Interment Right for a bodily or cremated remains interment location.
Shallow Burial	a burial specially approved to allow the interment to occur with only 400-900 millimetres clearance from the natural level of surrounding land.
Shire	The Hills Shire.
Term	the operative period of the Interment Right.
The Act	the Burial and Cremation Act 2013.
The Council	Hills Shire Council.
The Health Act	Public Health Act 2010.
The Health Regulation	Public Health Regulation 2012.
The Regulations	Cemeteries and Crematoria Amendment Regulation 2018, commencing 25 June.
Tomb	An in or above ground burial structure, designed to contain human remains.
Tributes	floral or other mementoes left at an interment site.
Vault	An above ground structure, which may be built to contain one or multiple bodily remains. It may be for private use or made available for community use by the Council.

# Operating Guidelines

## 1 General Guidelines

### 1.1. Compliance with Operating Principles

1.1.1. A person, including Interment Right Holders, must comply with the Cemeteries and Crematoria Act 2013, related Regulations and the Public Health Regulation 2012 and these operating guidelines when they wish to:

1.1.1.1. inter human remains in the cemetery;

1.1.1.2. re-open an interment site containing bodily remains;

1.1.1.3. remove human remains from the cemetery; or

1.1.1.4. install or remove a memorial at an interment site.

### 1.2. Review of this Guidelines

1.2.1. Council reserves the right to review and/or amend these Guidelines and the related terms and conditions for bodily and cremated remains interment locations within Castle Hill and Sackville cemeteries at any time, without notice.

### 1.3. Opening Hours and Access (may be different for different sites)

1.3.1. Access through the main and pedestrian Cemetery gates is available to members of the public 7 days a week, 365 days a year from 7:30 am to 6:00 pm except during daylight savings time when access is extended from 7:30 am to 8.00 pm or at other times approved by the Council.

1.3.2. The specific times available for conducting interments will be determined by Council. Council reserves the right to limit the number of interments in a single day.

1.3.3. Council reserves the right to require the pre-digging of a burial site

1.3.4. No person, except a person authorised by the Council, may be in the cemetery at any other time.

1.3.5. The opening and closing of cemetery gates at the start and end of each day is undertaken by either Council or an external contractor appointed by Council.

### 1.4. Enquiries and Office Hours of Council

1.4.1. As there is no office located at the cemetery, all enquiries should be directed to The Hills Shire Council on (02) 8848 6724 or by visiting Council's Administration Centre at 3 Columbia Court, Norwest 2153. The Administration Centre's opening hours are 8.30am to 4.30pm, Monday to Friday, and an appointment is recommended to ensure that Officers are available to attend to your enquiry.

1.4.2. Alternatively, a Council Officer will arrange to meet individuals and families on site, at a mutually convenient time, to assist in selecting resting places for immediate and/or future needs.

1.4.3. To ensure that the appropriate council officer is available to answer the enquiry and/or finalise the reservation (pre-purchase) of an Interment Right, an appointment **should be made prior** to attendance at the Council's Administration Centre.

## **1.5. Organising interment of bodily remains**

- 1.5.1. The council does not organize funerals, digging of graves or actually conduct interments of bodily remains.
- 1.5.2. The funeral director selected by family or the deceased estate representatives
  - 1.5.2.1. organizes the digging and backfilling of the grave and if necessary the removal of those parts of an existing monument on the grave which may inhibit the conduct of the interment
  - 1.5.2.2. contacts Council to make arrangements for the interment i.e. books the time and seeks approval of the location.
  - 1.5.2.3. makes direct payment to the Council of the necessary fees associated with the conduct of the interment prior to the interment.

## **1.6. Organising interment of cremated remains**

- 1.6.1. If the cremated remains are to be interred within
  - 1.6.1.1. a garden bed, niche or other dedicated cremated remains interment location that placement may be carried out by council officers or by an external contractor approved by council
  - 1.6.1.2. an existing grave, requiring the organisation of the removal, in part or fully, of a monument or memorial, at the council's discretion the cremated remains placement may be required to be organised through a funeral director or monumental mason.

## **1.7. Fees**

- 1.7.1. The Council will publish a scale of fees for granting Interment Rights and all other services and may change the scale of fees as it may determine in the adopted fees and charges.
- 1.7.2. The published fee for an interment position
  - 1.7.2.1. includes the allocation of the Interment Right i.e. the licence, to use a particular piece of land or cremated remains interment location for interment (but not its ownership)
  - 1.7.2.2. excludes other related items e.g. maintenance fees, initial grave digging costs, monuments and related permits and subsequent second interment burial permits.
- 1.7.3. New burial interment locations are similar in size, regardless of whether they are in single or double rows. Areas with single rows may require relatively more land to be allocated to pathways or other forms of access. Consequently Council reserves the right to apply higher fees to single row interment locations.
- 1.7.4. An out of area surcharge will be applied if the person purchasing the Interment Right is not a current Shire ratepayer or a permanent resident with The Hills Shire local government area.

1.7.5. The scale of fees will be reviewed on an annual basis. An up-to-date copy of the scale of fees will be made available to any person upon request. It is also available for download from the Council website

### **1.8. Fees to be paid prior to interment**

- 1.8.1. If the interment is to be within a location for which an Interment Right has already been issued i.e. pre-purchased, either the related Interment Right Certificate (previously referred to as a Certificate of Exclusive Right of Burial or Right of Burial) or proof of past purchase acceptable to the Council e.g. a receipt, should be provided to the
- 1.8.1.1. funeral director, so that it may be presented to Council or
  - 1.8.1.2. directly to Council or
- 1.8.2. Where such evidence cannot be provided, Council reserves the right, at its absolute discretion, to refuse permission for interment or will require the purchase of an Interment Right.
- 1.8.3. Prior to the interment payment can be made by
- 1.8.3.1. by credit card on line
  - 1.8.3.2. by cash or EFTPOS at the council offices
  - 1.8.3.3. directly to the funeral director booking the interment.
- 1.8.4. Payments will not be accepted at the cemetery.

### **1.9. Plan of the Cemetery**

- 1.9.1. The Council will maintain a plan of the Cemetery in the office of the Council that, as far as is possible, shows:
- 1.9.1.1. each site at which human remains (bodily or cremated) are interred; and
  - 1.9.1.2. each site set aside for the interment of human remains; and
  - 1.9.1.3. the number allocated to, or a description of, each site.
- 1.9.2. An overview plan of the Castle Hill and Sackville cemeteries will usually be available for download from the Council website.

### **1.10. Landscaping**

- 1.10.1. No person, except a person authorised by the Council, may landscape or change the landscaping of any portion of the cemetery.
- 1.10.1.1. Unauthorised kerbing, edging, brick work, timber, tiles, glass, stones, pebbles, garden arches or ferrous material cannot be placed on or around the perimeter of any grave.
  - 1.10.1.2. Unauthorised ornaments are not to be placed anywhere within the cemetery.
- 1.10.2. Any unauthorised landscaping may be removed by the Council without notice.
- 1.10.2.1. No glass, pottery, ceramic container/vases and solar lights with spikes are to be placed on graves or within the Cemetery.
  - 1.10.2.2. Council will remove any broken or unauthorised vases/containers.

1.10.2.3. Wire/fencing placed around a grave will be removed immediately.

1.10.2.4. The planting of flowers or plants or shrubs or trees upon graves or elsewhere within the cemetery may only be done by Council.

1.10.3. Unauthorised, removed items will be disposed of by Council.

1.10.4. The Council is not responsible for any damage or loss caused by unauthorised activity in the grounds.

1.10.5. All plants and trees in the cemetery remain the property of the Council.

1.10.6. If the surface of any interment site in the cemetery sinks below the level of the natural surface of the ground, the Council may cause the site to be filled up to that level.

1.10.7. The Council may plant and maintain lawn on interment sites.

1.10.8. The Council may alter or transfer any landscaping, burial plots, memorial or memorial garden bed as it may determine, at its absolute discretion, in accordance with the Act and Regulations.

### **1.11. Traffic Regulations**

1.11.1. A person must, while in charge of a motor vehicle within the cemetery, comply with any lawful directions of the Council as to the driving and parking of the vehicle.

1.11.2. A person must not drive a motor vehicle within the cemetery in a dangerous or careless manner or without reasonable consideration for others.

1.11.3. A person may park a motor vehicle within the cemetery with reasonable consideration for others and in accordance with general road rules unless the road is clearly marked to the contrary.

### **1.12. Public Right of Way**

1.12.1. The cemetery is not a public right of way.

### **1.13. Control of Animals**

1.13.1. All dogs in the cemetery must be kept under control and on a leash. All dog faeces must be removed by the person in control of the dog.

1.13.2. A person may not ride, drive or exercise other animals in the cemetery without the written approval of the Council.

### **1.14. General Conduct in the Cemetery**

1.14.1. A person must not cause any nuisance or breach the peace or disturb or interrupt any service, procession or cortege

1.14.2. A person must at all times conduct themselves in a manner that respects the rights and safety of others.

1.14.3. A person must seek the approval of the Council before they:

1.14.3.1. inter any human remains (whether cremated or not).

1.14.3.2. erect a temporary shelter or canopy;

1.14.3.3. organise or take part in a meeting;

1.14.3.4. restore, alter or update inscriptions on existing memorials;

1.14.4. install any memorial or monument or plaque.

1.14.5. A person may not

1.14.5.1. sell or buy anything;

1.14.5.2. carry on a business or advertise the same;

1.14.5.3. distribute or display any advertisement;

1.14.5.4. disturb a funeral service;

1.14.5.5. discharge a firearm (except at a military funeral);

1.14.5.6. cut, break, deface or write or fix a bill on any fixture or landscaping in the cemetery; or

1.14.5.7. take, injure or interfere with trees, shrubs, flowers, vases, labels, fish, birds, animals or other property.

1.14.5.8. plant any tree or shrub on any land within the cemetery

### **1.15. External Contractors**

1.15.1. An external party may not undertake work of any type in a cemetery unless that person and those engaged by that person

1.15.1.1. hold a valid work permit for that specific activity

1.15.1.2. are currently registered with the council as a contractor

### **1.16. Tributes**

1.16.1. Tributes may be placed only in unbreakable containers or as the Council may determine.

1.16.2. Glass or other items considered as a safety hazard are not permitted at the cemetery and will be removed without notice

1.16.3. The Council may remove and dispose of any tribute when it is deemed unsightly, offensive, and breakable or that is a risk to public safety.

1.16.4. No vases or other containers are permitted to be placed on

1.16.4.1. the ground or the floor of the Community vault and the St Guiseppe Chapel.

1.16.4.2. the ground beside or on pathways next to a vault.

1.16.5. Vases are permitted upon the ledge of a vault.

1.16.6. All artificial flowers are to be securely fixed into a vase approved by Council and may only be placed upon

1.16.6.1. the Council concrete beam or

1.16.6.2. directly into the approved position as part of memorial or headstone or monument or upon the ledge of a vault.

1.16.7. Council will remove without notice any artificial flowers that, in their opinion

1.16.7.1. are not securely fixed in the vase or

1.16.7.2. are left loose or are strewn around by the wind or animals or

- 1.16.7.3. have faded or deteriorated or otherwise have become untidy in appearance.

## 2 Interments

### 2.1. Allowable interment items

- 2.1.1. Items and human remains may only be interred at any interment site with the written permission of Council

### 2.2. Council to Grant Interment Rights

- 2.2.1. The Council may grant an Interment Right in relation to one or more sites in the cemetery where the applicant completes the **Application to Purchase a Right of Interment** and pays the designated fee.
- 2.2.2. Once the Application to Purchase a Right of Interment has been accepted by Council and the interment location allocated, an **Interment Right Certificate will be issued.**
- 2.2.3. That Right entitles the person or persons to whom it is granted the exclusive right of interment in a specified interment site in perpetuity, provided an interment occurs within 50 years of the granting of the Right i.e. it being issued.
- 2.2.4. Before an interment of human remains can occur, an appropriately signed **Application to Inter Human Remains** must be presented to Council.
- 2.2.5. An Interment Right may be granted to one person or to 2 or more persons as joint holders.
- 2.2.6. An individual or company trust etc may not hold more than two Interment Rights.

### 2.3. Revocation of interment rights

- 2.3.1. The Council may revoke an interment right if it is not exercised within 50 years of it being granted.

### 2.4. Surrender of Interment Right

- 2.4.1. An Interment Right which has not been exercised i.e. where no interment has occurred, can be surrendered back to Council by the holder of that Right.
- 2.4.2. An **Application to Surrender an Interment Right** should be submitted to Council
- 2.4.3. After the Application has been accepted, the Council may make a payment in relation to the surrender
- 2.4.4. Any authorised memorial placed upon that site, may be reclaimed by the Interment Right Holder or if unclaimed, it may be disposed of by the Council in accordance with the Act and the Regulations.

### 2.5. Transfer of Interment Rights

- 2.5.1. The holder of an Interment Right cannot on sell that right to third parties.
- 2.5.2. The Council may, on receipt of an appropriate **Application to Transfer an Interment Right** from one person or 2 or more persons as joint holders to one person or 2 or more other persons as joint holders, who are immediate family members of the existing Interment Right Holder.

- 2.5.3. Such an application may be made only by the holder of the Interment Right concerned or, if the Interment Right is held by joint holders, by all the joint holders.
- 2.5.4. If the Transfer Application is accepted Council will issue another Interment Right Certificate, updated to reflect the transfer.
- 2.5.5. The Council may refuse to grant or transfer an Interment Right if, in the Council's opinion, the grant or transfer would tend to create a monopoly or encourage dealing in Interment Rights.
- 2.5.6. Where the Council approves a transfer, the name of the transferee must be entered into the Cemetery Register as the owner of the Interment Right.
- 2.5.7. The transfer will not take effect until it is recorded by the Council in its Cemetery Register. A transferor remains the holder of the Interment Right until the transfer is registered and the name of the transferee is entered in the Cemetery Register.

## **2.6. Interment Rights issued in two (2) or more names**

- 2.6.1. Where an Interment Right is registered in the names of two (2) or more persons, it will be provided to the person first named in the Cemetery Register.
- 2.6.2. All Interment Right Holders have the responsibility to keep the Council informed of their current contact details. Failure to do so will result in the Council, after reasonable notice, accepting instructions from the other Interment Right Holder without their input.
- 2.6.3. Notice will be deemed given if the Interment Right Holder is sent a letter or email to the person's last known contact details. Failure by the Interment Right Holder to respond within 90 days will constitute abandonment of his or her right to give instructions and the Council may act in accordance with the instructions of the other Interment Right Holders who are contactable.
- 2.6.4. With the effective date being the adoption of this Operating Guidelines, all new Interment Right Certificates will be issued to one person only. i.e. the document itself is only issued once (even though it may contain multiple names).

## **2.7. Claimants to Interment Rights**

- 2.7.1. Where there is one or more joint Interment Right Holders, and one of the Interment Right Holders dies, the Council will recognise the surviving Interment Right Holder or Interment Right Holders as the only person or persons having title to an Interment Right.

## **2.8. Instructions from Interment Right Holders**

- 2.8.1. The holder of an Interment Right may bequeath the right as if it were the holder's personal estate.
- 2.8.2. If the holder of an Interment Right dies and has not bequeathed the Interment Right, that Right will be dealt with by Council as if it were personal property forming part of the estate of an intestate.
- 2.8.3. On the death of a joint holder of an interment right, the remaining joint holder is, or joint holders are, entitled to the Interment Right.
- 2.8.4. If the holder of an Interment Right dies without a will (intestate) the

provisions of The Succession Act 2006 (NSW) set out the order in which eligible relatives will inherit the estate.

2.8.5. A person claiming ownership of an Interment Right must, if necessary, prove their ownership to the Council.

2.8.6. The Interment Right Holder may seek to cancel the Right by making an Application to Surrender an Interment Right.

### **3 Register of Interment Rights**

3.1. The Council will keep a listing of Interment Rights, within its Cemetery register, in accordance with the Act and Regulations. As far as is possible, that Register will

3.1.1. identify each holder of an Interment Right, and

3.1.2. include contact details for that holder, and

3.1.3. include contact details for any next-of-kin or other persons nominated by the holder as secondary contacts with respect to the holder, and

3.1.4. include the name, age and last address of the person whose remains have been interred, the date of the person's death and the date of the interment, and

3.1.5. provide details of any transfer of any interment rights.

### **4 Interment of Bodily Remains (Burials)**

4.1.1. The funeral director engaged to conduct the funeral is responsible for the burial and funeral arrangements, including the engagement of a suitably qualified grave digging contractor and booking the interment.

4.1.2. Council does not arrange grave digging.

4.1.3. If for whatever reason a family does not utilise the services of a funeral director to assist with necessary arrangements, then they must complete all necessary contractor registrations, procedures and applications required by the council, the applicable legislation and regulations, before they council allows the interment to proceed.

### **5 Interment of Cremated Remains**

5.1. Families seeking to inter cremated remains within a grave may seek to make arrangements through the Council or a funeral director or a monumental mason.

5.2. Where cremated remains are to be interred within a specific cremated remains interment location e.g. garden bed, niche etc. arrangements should be made directly with the council.

### **6 Interment hours**

6.1. Interment of human remains may occur

6.1.1. between 9:30 am and 3.30pm on normal working days, Monday to Friday

6.1.2. by arrangement with Council, at its discretion, on Saturdays, Sundays and Public Holidays except for Good Friday and Christmas Day.

## **7 Authorisation of Interments**

- 7.1. No interment will take place in the cemetery unless:
  - 7.1.1. a written Application to Inter Human Remains is lodged and accepted by Council and
  - 7.1.2. an Interment Right Certificate is produced to the Council upon request; or acceptable proof of the past purchase of an Interment Right and
  - 7.1.3. the Council receives reasonable notice of a request for the interment; and
  - 7.1.4. all relevant fees have already been paid to the Council; and
  - 7.1.5. all documentation required by the Act, Regulations and the Council has been supplied before the interment occurs; and
  - 7.1.6. a council officer has confirmed the designated location, reviewed the submitted forms and confirmed receipt of necessary payments.

## **8 Interment Depths of Coffins/Caskets**

- 8.1. Coffins/Caskets must be interred at least:
  - 8.1.1. At the minimum depth required by the Act and Regulations, being at least 900 millimetres below the natural surface level; or
  - 8.1.2. A minimum depth greater than the Act and Regulations require, as the Council may determine.
- 8.2. The Council may determine the maximum depth of a grave in which a body may be interred in the Cemetery.
- 8.3. Where a person seeks to bury the body of a deceased person in a shallow grave i.e. less than 900 millimetres below the natural surface level, they must first seek the approval of the Director – General or delegate in accordance with Clause 64 Public Health Regulation 2012.
- 8.4. Once that approval is received and lodged with Council, along with an Application for Interment of Human Remains, the interment may proceed provided the distance from the top of the lid of the prescribed grave liner to the natural ground surface shall not be less than 400 millimetres.
- 8.5. The interment site must be covered/backfilled as soon as practicable on the same day as the interment.

## **9 Opening of interment sites, exhumation and re-interment**

- 9.1. Exhumation means the removal of a dead person's remains (not being cremated remains) from a grave or vault, but does not include their removal from one vault for immediate transfer to another vault in the same cemetery or their temporary removal for the purposes of reburial in the same grave or vault or the re-interment of those remains in accordance with section 55 (4) of the Cemeteries and Crematoria Act 2013 No 105 [NSW].
- 9.2. Exhumations are not to take place
  - 9.2.1. except in accordance with the requirements of the regulations made under the Public Health Act 2010, and Division 4 of Part 8 of the Public Health Regulation 2012. And

- 9.2.2. unless an Application for Exhumation has been received and approved by the Council.

## **10 Interment sections**

- 10.1. The Council reserves the right to
  - 10.1.1. create or reallocate or designate bodily and cremated remains interment sections at its absolute discretion.
  - 10.1.2. determine whether bodily interment sites are created in single rows or double rows (head to head).
- 10.2. New bodily interment sites are usually established 1.07m wide x 2.44m long in double or single rows.
- 10.3. When the Interment Right is being pre-purchased or the interment is being booked to enable the funeral to be conducted, the Applicant or the funeral director may indicate the section within the cemetery in which they prefer the interment to occur.

## **11 Muslim Interments**

- 11.1. No burial may take place in any area reserved for Muslim burials within the cemetery unless the interment is conducted in accordance with the exemption granted by NSW Public Health and complying with the Public Health Regulation 2012 relating to disposal of bodies.
- 11.2. The body of the deceased is to be wrapped in a shroud (at least three layers of cotton/linen sheeting) and brought to the graveside in a coffin.
- 11.3. The name plate is to be removed from the coffin and placed on top of the body in the grave.
- 11.4. The coffin approved for this purpose is to be removed from the cemetery by the funeral director.
- 11.5. The Council officer in attendance
  - 11.5.1. will assess the soil conditions, weather conditions and the presence of water from rain or groundwater on the stability and safety of the gravesite
  - 11.5.2. has the right to prohibit mourners from entering the grave to place the deceased person's body, if in the opinion of the officer such action would create unacceptable risks of injury to those mourners
  - 11.5.3. will remain at the cemetery during the interment.
- 11.6. Wherever possible the grave should be dug to sufficient depth to enable two interments to occur, still leaving at least 900mm clearance to the natural surface of the surrounding area.
- 11.7. If 900mm clearance is not possible an interment may not occur without making an Application for Shallow Burial.
- 11.8. No person is permitted to access the grave, unless the contracted gravedigger
  - 11.8.1. is registered with and has been inducted by the Council
  - 11.8.2. has followed Work Health and Safety requirements, including but not limited to shoring graves, observing the requirements of the Public Health Act and Confined Spaces Acts requirements.
  - 11.8.3. ensures that it is safe for members of the deceased's family or other

persons to enter the grave to facilitate the placement of the bodily remains.

- 11.9. The contracted grave digger must install either grave shoring or a timber surround or a concrete surround within the grave, to prevent its collapse during the conduct of the interment.

## **12 Memorials, Headstones, Monuments and Plaques**

- 12.1. Council will determine the location and designation of all interment positions
- 12.2. All positions or memorial sites established for cremated remains interment shall be created/supplied by the Council.
- 12.3. The Council reserves the right to arrange the supply and installation of headstones/monuments/plaques for bodily and cremated remains interment sites, at its absolute discretion.
- 12.4. Where items are supplied by external suppliers their design must be approved by council prior to placement.

## **13 Design of Memorial Requires Council approval**

- 13.1.** The details of the proposed works must be contained within an **Application to Erect or Place or Alter a Monument or other Memorial.**
- 13.2. Before any work is carried out
- 13.2.1. the Application must be approved and
  - 13.2.2. the scheduled permit fee must be paid and
  - 13.2.3. a permit for the work must be issued by Council.
- 13.3. The Council must approve the materials, design, workmanship and proposed inscription of all Memorials before any work is carried out.
- 13.4. Unless otherwise approved by the Council, the name on the Memorial must
- 13.4.1. accord with the name shown on valid proof of the deceased's identity produced to the satisfaction of the Council
  - 13.4.2. be in English, along with the date of birth and date of death.
- 13.5. Where a language other than English is to be used within the inscription, a translation of those words into English must accompany the Application.
- 13.6. The Council may refuse any design or part of a proposed design for a Memorial as it may determine.
- 13.7. The Council may permit ornamental fixtures and fittings provided they are of non-ferrous durable material. The Council accepts no responsibility for any ornamental fixtures or fittings.
- 13.8. All Memorials constructed and or installed by a monumental mason or funeral director, must be in accordance with the applicable Australian Standards:
- 13.8.1. AS-4204(1994) [Headstones and Monuments]
  - 13.8.2. AS-4425(1996) [Aboveground structures] – Mausolea/Vaults/Crypts.

## **14 Specifications for Headstones and Monuments**

- 14.1. Council reserves the right to determine the allowable specifications and to have variations, between sections of and also within sections of the cemetery.

- 14.2. Unless specified otherwise in these guidelines, where a grave is in a designated monumental section the
  - 14.2.1. monument may not encroach onto adjoining graves or pathways
  - 14.2.2. standing height of the headstone on the monument may not be higher than 1,500mm above the natural surface of the land.

## **15 Monumental masons and contractors**

- 15.1. All Memorials for a burial interment site must be constructed, altered and installed by a monumental mason who
  - 15.1.1. is authorised by the Council to undertake such work
  - 15.1.2. has made the necessary Applications and obtained relevant work permits
  - 15.1.3. acts with the authority of the Interment Right Holder.
- 15.2. To be authorised and able to perform tasks within council cemeteries all monumental masons and other principle contractors must
  - 15.2.1. complete necessary applications to Council annually to registered as a contractor
  - 15.2.2. satisfactorily complete site inductions, including lodging Schedule G – Contractor Site Induction Checklist
- 15.3. Contractors, including monumental masons, must provide proof annually that they have
  - 15.3.1. current public liability insurance
  - 15.3.2. current workers compensation insurance cover
  - 15.3.3. complied with Workplace Health and Safety requirements
- 15.4. Monumental masons and their staff and contractors
  - 15.4.1. must repair all damage attributed to them, within the Cemetery, to the satisfaction of the Council.
  - 15.4.2. may place clean fill that was removed to enable installation of the memorial, if a suitable site is designated by the Council and permission given to use it
  - 15.4.3. remove all other spoil created during completion of works, from the site. It is not to be dumped within any part of the cemetery.
  - 15.4.4. seek Council's permission before storing any goods or materials overnight.

## **16 Duty to Maintain Memorials**

- 16.1. The Interment Right, once issued, entitles the Holder to utilize that interment location for approved purposes. It does not convey ownership of the land.
- 16.2. Once approved, the Holder may arrange for the installation of a memorial on that interment location, within Council guidelines.
- 16.3. The Holder of the Interment Right, not the Council, is responsible for ensuring appropriate maintenance of the memorial.

16.4. Any restoration work on a memorial must be done by an experienced, suitably qualified tradesperson, in accordance with the relevant Australian Standards.

## **17 Removal of Memorials**

17.1. Subject to the Act and Regulations, if an Interment Right expires, the Council may remove any memorial to a deceased person erected on or at the site under which the Interment Right was issued and dispose of it as it sees fit.

17.2. In accordance with the Act, Regulations and these Guidelines an Interment Right Holder may reclaim/remove a memorial at any time before disposal.

17.2.1. The removal of a memorial installed by a recognised Monumental Mason must be undertaken by a recognised Monumental Mason with the relevant approval and at the expense of the Interment Right Holder.

17.2.2. The Council must consent in writing to the removal of a memorial before any work is done.

17.3. The Council may remove or alter any memorial or erase any inscription that breaches Council's operating policies.

17.4. The Council may recover as a debt the expense of removal or alteration of a memorial from the person who erected the memorial.

17.5. The Council may remove a memorial that is unsightly or may become dangerous and dispose of the memorial as it may determine.

## **18 Memorial Register**

18.1. The Council, as far as is possible, will keep a Register of each Memorial created/erected in the Cemetery that contains the following information:

18.1.1. The date the permit was issued and to whom

18.1.2. The size of the Memorial;

18.1.3. The type of Memorial;

18.1.4. The name or names inscribed on the Memorial; and

18.1.5. The location of the Memorial in the Cemetery.

## **19 Temporary Burial Interment Site Markers**

19.1. Temporary burial interment site markers, including wooden crosses, may only be used for a maximum period of twelve months following which they must be removed.

19.2. Markers, including wooden crosses, removed by the Council after twelve months have elapsed will be destroyed.

## **20 Privacy**

20.1. The Council will abide by the freedom of information legislation and the spirit of privacy legislation in addition to the requirements of the Act and Regulations to protect the details of all living persons.

## **21 Roles and Responsibilities**

21.1. These guidelines are reviewed and updated every 5 years

## **List of Applications related to these Guidelines**

Application to Purchase a Right of Interment

Application to Inter Human Remains

Application to Surrender an Interment Right

Application to Transfer an Interment Right

Application for Exhumation

Application to Erect or Place or Alter a Monument or other Memorial.