

ADOPTED		VERSION NO	1.2
COUNCIL MEETING MIN NO	134/19	REVIEW DATE	MAY 2023
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## Objective

1. To provide a lawn cemetery with enhanced aesthetic appeal afforded by quality landscaping, standardised memorial plaques and restricted floral adornments for the benefit of all.
2. To set standards and guidelines for the use of and services provided by Council operated cemeteries.
3. To provide choice in the options for ashes interment.

Mid-Western Regional Council has developed this policy document to suit the burial requirements and needs of the general community. It covers all cemeteries in the region; towns of Mudgee, Rylstone and Gulgong, villages of Hargraves, Windeyer, Ulan, Wollar, Ilford, Lue and the localities of Tannabutta, Cudgegong and Crudine. The regulations in regard to burial requirements are outlined in this document, in both the monumental and lawn cemeteries. All denominations are covered. General information in regard to reservation of graves, interment of cremated remains, memorials and exhumations is also provided. The pricing structure is also referred to.

## Legislative requirements

Cemeteries and Crematoria Act 2013.

## Policy

### General

1. Two (2) working days' notice must be given at all times to allow sufficient time for grave digging to be completed. Burials with less than 48 hours' notice will only be considered in exceptional circumstances.
2. All cemetery burials and interment activities shall be finalised between 8.30am – 4.00pm inclusive otherwise additional fees will apply as per Council's fees and charges.
3. In the event that there is a request for more than three (3) funerals to be conducted within the Mid-Western Region on one particular day agreement must be sought from the Parks and Gardens Department to ensure resources are available. There must be a minimum of one (1) hour from the conclusion of the graveside service between funerals at the same cemetery on the same day
4. No weekday burial shall be allowed to take place at any other time unless in cases of great urgency (such as those involving a health risk, an extraordinarily long weekend or circumstances surrounding the death that have a state or national implication) Written authority of the General Manager (or delegate) is required and subject to such conditions, including charges as deemed necessary, refer to Council's fees and charges
5. Burials on Weekends and Public Holidays or outside normal operating hours are only permitted subject to staff availability by arrangement and additional fees will apply as per the current Council's fees and charges.

6. The erection of new vaults and other forms of above ground interments in Council cemeteries are to be in accordance with NSW Health regulations, and be approved by Council. Plans are to be submitted prior to construction.
7. Only Parks and Gardens staff (or those contracted to Council) shall be allowed to prepare graves in any Council cemetery.
8. Grave Allotment Sizes - Sizes shall be as follows:
  - a. Single grave 2.14m x 1.2m
  - b. Double grave 2.14m x 2.4m
  - c. Family grave 2.14m x 3.7m

All graves are to be dug to double depth to allow for future potential burials that may be required. A maximum of 2 ashes interments to be interred at an existing grave. And a maximum of 4 ashes interments for vacant plots.

9. All graves within a cemetery for persons eight (8) years of age and upwards shall be dug at least 1.8m, and for children under eight (8) years not less than 1.4m. No coffin shall be buried so that the lid is less than 0.9m below the surface. Council will consider requests for additional depth where more than two interments are proposed.
10. The Council may grant a Lease for a cemetery allotment for the interment of a stillborn baby around the Mudgee Central Garden Bed. The cost of this lease will be set in Council's Fees and Charges. The interment will be at the minimum depth permitted and no other burials will be permitted in the allotment.
11. Burial fees are set and reviewed by Council annually.
12. Single plots are to be paid for prior to any burial, unless the applicant has an existing account arrangement with Council.
13. Council will not undertake the ongoing maintenance of plaques and memorials. This is the responsibility of the family.
14. All activities undertaken within the cemetery grounds shall be undertaken by Council staff only and comply with relevant Work Cover and Work Health and Safety requirements.
15. Council staff will provide a Cemetery General Information Guide for any member of the public and Funeral Directors.

## Reservations

1. At the time of burials, relatives of the deceased are to be given the opportunity to "reserve" graves.
2. All reserved plots are to be paid for, as per current Council's fees and charges, at the time the reservation is being made. Only then shall a permit be issued.
3. The General Manager (or delegate) shall be authorised to approve or reject applications for reserved vacant plots. Insufficient reasons or lack of prepared burial land shall be suitable avenues to refuse an application.

4. The re-assignment of a Lease is not permitted unless the leasee provides written confirmation of the assignment. In the event that the leasee is not able to do so a statutory declaration from the executor of the will needs to be provided.
5. Where an allotment has not been used, the Lease may be transferred from one allotment to another.
6. Council has the discretion to buy back unused sites for the amount of the original purchase price where required. If documentation does not indicate the purchase price, then the refund shall be \$50.00. Proof of ownership of the lease will be required prior to release of the site.

## Monumental Sections

1. No plaques, vase or other ornaments will be erected or established outside the allotment size area
2. Headstones will comply with specifications as outlined in Memorials Section of this policy.
3. Council shall maintain the lawn areas, trees and vegetation, roadways and paths adjacent and within the monumental sections. Planting of trees or shrubs and cutting back of the vegetation is not permitted by the public.
4. Grave ornaments will be limited to two (2) per grave site with a maximum height of 30cm. All ornaments shall be within the designated allotment area and should not encroach onto adjacent gravesites, or be permanently fixed.
5. Artificial flowers and ceramic/glass ornaments will be allowed, but will be removed by Council staff if in their opinion they have deteriorated to such an extent as to detract from the appearance of the cemetery.
6. Council may relax the general restrictions of floral adornments for a period of 3 months following interment. The General Manager (or delegate) may grant permission for a limited period for persons to place artificial flowers on a grave if extenuating circumstances exist.
7. To recognise persons who have a claim over a cemetery plot utilised prior to 1973 allowing those persons to maintain a monument on the plot, despite ownership of the plot being uncertain. Any person that has been maintaining a monument that was erected on a grave site prior to 1973, shall be allowed to carry out repairs or upgrading without the need to purchase the grave site. This applies to all cemeteries.

## Lawn Cemetery and Avenue Trees

1. The Lawn Cemetery has no religious denomination sections.
2. Council shall maintain the lawn and garden areas.
3. All shrubs, plants etc in the garden are planted and cared for by Council. The public are not permitted to interfere with prune, cutback or remove any plants, flowers, shrubs or trees in the Lawn Cemetery or gardens. If a plant is planted in the gardens, Council staff will remove it, pot it up and leave it for the family to collect over a 2 week period. Council staff will remove the plant if it is still there after the set period.
4. Grave ornaments will be limited to two (2) per grave site and shall not exceed 30cm in height and shall not be permanently fixed. Ornaments shall not be a main focal point and under no circumstances shall plants be removed, pruned back or shaped to provide room.

5. No monuments or displays are to be erected in the Lawn Cemetery. Council installs plaques on the kerbing. Plaques must be ordered direct with Council or via assistance from the Funeral Director.
6. Any flowers, artificial flowers, wreaths left in the Lawn Cemetery by persons are left with no responsibility on Council to maintain them. Council will remove any of the above when they begin to fade or look untidy.
7. Flowers are to be left in the plastic vase provided by Council. No ornaments, vases etc are to be fixed or placed onto the concrete kerbing or left in the garden beds with exception to point 15.
8. Ashes interment is permitted once approved by Council around specified avenue trees in addition to standard plot. Prior to this approval and Ashes Interment request Form is to be completed and submitted to Council.
9. Council may relax the general restrictions on floral adornments for a period of 3 months following interment. The General Manager (or delegate) may grant permission for a limited period for persons to place artificial flowers on a grave if extenuating circumstances exist.
10. Temporary markers are ordered automatically with each funeral with new plots or first burial in a reserved plot. Please advise council if one is not required upon booking the funeral.
11. At the Lawn Cemeteries, a series of adjacent plots can be reserved for the burial of a family including adults and children.
12. At the Lawn Cemetery, the children's section is for children older than 12 months and less than 16 years.
13. At the Lawn Cemetery, permission may be gained for burial of children stillborn and children up to 12 months of age around the Central Garden Bed. (See attached Mudgee Lawn Cemetery Plan). This area is for the exclusive burial of children 12 months old and under. Ornaments will be permitted in this area but have to remain to a maximum height of 30cm and width of 60cm and need to remain within the designated area. They should not encroach onto adjacent gravesites and not be fixed or placed on the concrete kerbing. Any ornaments fixed or placed incorrectly or become faded and deteriorated will be removed by Council staff.

## Plaques

All plaques must be ordered through Councils Administration Office and are restricted on shape and size. Single plaque size is 165mm x 230mm and double plaques 450mm x 165mm.

1. Council staff will affix plaques every 2nd Friday, weather dependent. Any requests outside of this schedule requires the approval from the Parks and Gardens Department
2. Council staff, at Council's expense, shall reset plaques that are moved by Council during normal operations or become detached from the concrete

## Interment of Cremated Remains

1. No person shall inter cremated ashes in Council's cemeteries unless approval has first been obtained for such purpose. Prior to this approval, an Ashes Interment Request Form is to be completed and submitted to Council. Associated fees to be paid

2. The granting of a Lease for the interment of ashes shall not give or confer on the lessee, or any other person, any right for more than two interments in any one allotment in the Tree Memorial Beds.
3. Maximum of 2 ashes interred per existing cemetery plots. Maximum of 4 per vacant plot. Maximum of 1 ashes per space in the ashes wall.
4. Vases are limited to 2 per space on the memorial wall

## Memorials

1. No person shall erect, or cause to be erected a memorial headstone or any other structure on any allotment in Council's cemeteries unless an Application for Monumental Permit has been submitted to Council and has been issued.
2. The fee for memorial work is as stated in the Council's Fees and Charges and a permit will be issued to the stonemason carrying out the work. The stonemason will provide Council with a copy of their Public Liability policy for a minimum amount of \$20 million. Where a stonemason is not being utilised, the consent of Council will be required prior to erection of the memorial headstone. Stonemasons shall provide Council with a minimum of 2 weeks notice
3. Each memorial shall be set up on a footing and shall be erected or set up in such a place or position as the Council may direct. No memorial work is to be undertaken until a Council employee has pegged the site after the permit has been issued.
4. Memorials erected on cemetery allotments shall incorporate headstones which shall not exceed a height of 0.84 meters and a depth of 0.3 meters and each headstone shall have a maximum width of 1.2 meters (2.4m for double) and be of a type and material approved by Council.
5. Ownership and maintenance of a memorial headstone shall rest with the holder of the Lease (name to be advised) or the holder's personal representatives (eg next of kin/executors) and shall be deemed to have taken place only when all monies owed have been discharged.
6. The holder or the holder's personal representative shall be responsible for the maintenance, repair or removal of damaged or deteriorated memorial work.
7. If, on being notified of the need for a memorial to be maintained, repaired or removed, the holder fails to effect such work within 30 days the Council shall do so in default and recover the cost from the holder. Council also reserves the right to remove dangerous structures.
8. Council will not remove top stones erected as part of a memorial for the interment of additional bodies or ashes. Removal arrangements must be made through nominated stonemasons, as approved by the Funeral Director carrying out the burial. Removal cost of top stones is to be the responsibility of the Funeral Director.

## Exhumations

1. Approval for the exhumation will be given by the General Manager (or delegate) and will be in accordance to NSW Health regulations.
2. Requirements for Re-interment – For approval for re-interment in a new burial plot to be considered, the following must be lodged with the application:

- a. Written confirmation from a recognised Undertaker that they are prepared to carry out the exhumation; and
  - b. Written consent for the proposed exhumation from the deceased next of kin, executor or other personal legal representative; and
  - c. A certified copy of the Death Certificate; and
  - d. Details of the new burial site where re-internment is to take place.
  - e. The approval in writing of the Director General of the Department of Health (NSW) where the re-internment plot is located other than within the same local government area. Further, that the following condition be incorporated in any approval – “That the remains of the said....be placed in a sealed plastic bag, encased in a hermetically sealed coffin.”
  - f. This clause does not apply if an exhumation has been ordered by a Court.
3. Requirements for Cremation – for approval for exhumation for cremation purposes to be considered, the following must be lodged with the application:
- a. Written confirmation from a recognised Undertaker that they are prepared to carry out the exhumation; and
  - b. Written consent for the proposed exhumation from the deceased’s next of kin, executor or other personal legal representative; and
  - c. A certified copy of the Death Certificate; and
  - d. The approval in writing of the Director General of the Department of Health (NSW) where the re-internment plot is located other than within the same local government area.
  - e. This clause does not apply if an exhumation has been ordered by a Court.
4. Any removal of already interred ashes must have the approval of Council and be accompanied with written consent from the next of kin, executor or other personal legal representative.
5. Once an exhumation and/or the removal of ashes has occurred, that plot is not able to be reused and no refund for that site is applicable.

## Definitions

Applicant	The person making an application for a burial or memorial right; for a work permit or other Council consent; for burial or cremation.
Beam	The slab of concrete covering the gravesite. Typically 80cm for a single gravesite and 102cm for a double site.
Cemetery/Cemeteries	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.
Council	Mid-Western Regional Council.
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.
Gravesite/Burial place	A gravesite, vault site, memorial site or other place for the Disposition or commemoration of the remains of the de, whether cremated or not.
Hermetically Sealed Coffin	The burial case, coffin, casket or box used must be of metal, or of other material with metal lining, and must be so constructed that when closed and fastened the same shall be airtight.
Holder/Grantee/Owner	The original owner/purchaser of the right of burial. Where there are two (2) or more owners, these should be registered as "joint tenants". The recognised owner of the right of burial is that person(s), or corporation(s) currently entered in the cemetery's burial register. In the case of monuments, the grantee refers to a surviving member of that person's family.
Lease	The conferral of reservation for a right of burial. Once burial has taken place, the lease is extinguished and right of burial is initiated.
Licensee	A grantee.
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.
Plastic Bag	Industrial strength plastic to be utilised.
Pre-need Burial Right	The burial right granted prior to need.

Recognised Undertaker	A person or persons whose business is the management of Funerals.
Register	The Council's formal repository of data containing all the required details of a burial, cremation, memorial site or right of burial. (Note limited records are available prior to 1973)
Reservation	A pre-need burial right.
Right of Burial	An exclusive right to the owner/holder to inter human remains in a burial space. There is no entitlement to any "real estate" or property as such.
Top stone	A slab of stone/concrete laid flat over a grave.