

*Looking After
our Community*

DOCUMENT ON EXHIBITION

Policy Review - Cemeteries

**Exhibition Period: 28 Days
21 June – 19 July 2024**

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ADOPTED

COUNCIL MEETING MIN NO 134/19

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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. Council only accepts a request for a burial from a registered Funeral Director and requests for placement of ashes can be accepted from a funeral director or authorised family representative
2. 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 eg religious requirements.
3. 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. After hours can be negotiated dependant on staff availability with the approval of Manager of Recreation Services
4. 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
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 Councils cemeteries are not permitted.
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 2.4mAll 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.
10. Burial fees are set and reviewed by Council annually.
11. Council will not undertake the ongoing maintenance of plaques and memorials. This is the responsibility of the family.

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 transfer of a Lease of a plot into a new name is not permitted unless the leasee provides the request in writing in the form of a statutory declaration with evidence of ownership-
5. Where an allotment has not been used, the Lease may be transferred from one allotment to another the request in writing in the form of a statutory declaration with evidence of ownership
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.
7. Reservations are not permitted in areas that are not prepared yet.

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, ceramic and 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.

Lawn Cemetery and Memorial 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
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
8. Ashes interment is permitted once approved by Council. Prior to this approval and Ashes Interment request Form is to be completed and submitted to Council and fees paid
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, Central Infants Garden 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. Memorial tree plots hold a maximum of 2 ashes. Niche walls hold a maximum of 1 ashes per space. Maximum of 4 ashes per vacant plot or 2 ashes and 2 coffins into vacant.
3. 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). Council also reserves the right to remove dangerous structures.

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 or monuments for second interments. Funeral Directors are responsible for the removal of stones and monument at their cost and must be done prior to interment.

Exhumations

1. Exhumations (burials/coffins) must be applied to and approved by the NSW Health Secretary or ordered by the Coroner in line with Section 94 of the Regulation and can only take place if an Authorised Officer or Ministry of Health Staff member is present.
2. 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.
3. When 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.
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.