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CEMETERIES

Strategic Outcome:	Good government
Policy type	Statutory
Date of Adoption:	19 April 2023 Minute Number: 084/23
Date for Review:	17 March 2027
Responsible Officer:	Deputy Chief Executive Officer
Document Control:	Replaces Monumental and Lawn Cemeteries Policy as amended on 19.11.2003
Delivery Program Link:	2.1.1 Council operations, partnerships and coordination of resources contribute toward the implementation of Berrigan Shire 2032

1. POLICY STATEMENT

Cemeteries are an important community asset and provide essential infrastructure and services to the community.

However, our cemeteries are not only functional places for disposal of the deceased, they also serve the emotional, religious and cultural needs of our communities and provide a tangible link to the history of our Shire.

Berrigan Shire Council operates four cemeteries and is responsible for their operation and maintenance:

- Barooga Cemetery,
- Berrigan Cemetery,
- Finley Cemetery, and
- Tocumwal Cemetery

2. PURPOSE

The purpose of this policy is to provide a management standard for the sustainable administration, operations and maintenance of Berrigan Shire Council's cemeteries by:



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- Providing clear guidelines for safe, consistent, and socially acceptable standards for those entering, working, or visiting Council-managed cemeteries;
- Ensuring that Council manages its cemeteries in line with the legislative requirements and best practice standards for cemetery operations; and
- Providing a dignified and responsive cemetery and memorial service to the community

3. SCOPE

This policy applies to:

- all cemeteries administered by Berrigan Shire Council;
- Councill Officers, community members, volunteers, and contractors

4. OBJECTIVE

This policy is developed to assist the Council with the Delivery Program Objective:

2.1.1 Council operations, partnerships and coordination of resources contribute toward the implementation of Berrigan Shire 2032.

5. DEFINITIONS

First Interment:	is the burial of the first person under the provisions of an existing interment right;
Second Interment:	The re-opening of an existing grave for a second interment (burial)
Monument:	means any structure, headstone, ledger, masonry, metal work, casting or other item memorialising a person where that item is placed in a Council cemetery;
Cemetery Register:	the register required to be kept by a cemetery operator in accordance with the <i>Cemeteries and Crematoria Act 2013 (NSW)</i> ;
Cemetery operator:	means Berrigan Shire Council;
Interment:	the placement of human remains in the earth, a columbarium, or some other structure. Interment applies equally to cremated and un-cremated remains;
Exclusive Right:	a contract between Council and an interment right holder permitting the right holder to place cremated or un-cremated remains in a particular plot in a cemetery or cremates in a columbarium or some other structure;



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Exhumation:	the removal of human remains that have previously been interred into a burial plot;
Funeral Directors	profession in the management of funerals;
Lawn Cemetery:	the lawn areas of the cemetery permitting interment;
Monumental Cemetery:	the “older” areas of the cemetery that permit the use of monuments and are areas that allow for denominational interments;
Denominational	areas that were once controlled by a particular religious institute
Plaque:	a bronze plate that is fixed to a plinth, wall or other surface in commemoration of a person;

6. POLICY IMPLEMENTATION

6.1 Cemetery Operations

6.1.1 Cemetery Rules

The following is a list of general rules that apply to both members of the public and people undertaking work in the cemetery.

A person may not:

- damage, deface or interfere with burial plots and monuments;
- bury, inter or exhume any human remains, whether cremated or not without written consent from Council;
- carry out any works, including erection or repair of monuments without written consent from Council. Alterations, restoration or maintenance must be approved by Council staff;
- place glass in the cemetery, including glass ornaments or vases;
- Drive a vehicle speed or more than 10km per hour;
- park a vehicle on any known burial plot, verge or plantation, or in a manner which is likely to impede traffic;
- plant any tree, shrub, herbage or other plant without prior consent;
- bring an animal into any cemetery ground (with the exception of registered guide companion or assistance dogs)

Funeral Directors, Monumental Masons, contractors and volunteers are expected to abide by these rules where applicable.



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6.1.2 Allocation of plots

Burial plots are allocated once Council receives an Application for Burial / Interment of Ashes.

For new interments into Council's lawn cemeteries, the next available plot will be allocated.

Council offers the services of Exclusive Right of Burial purchases (reservations) in its Monumental and Memorial Ashes areas only. An application for Exclusive Right of Burial must be completed and applicable fee paid at the time of purchase.

In the case of a burial request where no Exclusive Right of Burial has been purchased, family may request a preferred burial location, Council will endeavour to assist, however, may need to allocate location at its discretion.

A maximum of three coffin interments may occur in the same burial site within the lawn cemeteries with the approval of Council. The decision of triple depth must be made at the time of the first interment.

A maximum of two coffin interments may occur in the same burial site within the monumental area, with the approval of Council. The decision of double depth must be made at the time of the first interment.

The maximum number of burials (including cremated remains) is at the discretion of Council.

In some of the monumental areas of some cemeteries the choice of plot may need to be changed at the time of digging due to unforeseen circumstances, such as unmarked graves or underground obstacles.

Where a plot needs to be moved from the reserved location, the family will be notified, and a suitable site chosen for the burial.

6.2 **Burials**

6.2.1 Applications

All burials at Berrigan Shire cemeteries must be arranged through a Funeral Director.

Before the burial, the Funeral Director must complete the appropriate application form and ensure this form is signed by both the applicant and the Funeral Director before lodgment. The form must be lodged at least three (3) working days before the proposed burial date.

Berrigan Shire Council cemeteries are always open to the public, subject to temporary closures required for maintenance or public safety.



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6.2.2 Burial times

Burials will be carried out between 10:00am and 3:00pm, Monday to Friday. Burials outside those hours are by special arrangement only.

Special arrangements can be made for burials that are requested on public holidays or over the Christmas/New Year holiday period, however, Council reserves the right to deny special requests. Additional fees will apply to cover Council's costs where any special arrangement occurs.

Where appropriate, Council will give special consideration for burials where religious requirements dictate.

6.2.3 Interments

All interments must be approved by Council's Cemetery services staff.

All burial arrangements of bodily remains must be made through a Funeral Director who will in turn liaise with Council.

For people wishing to reserve plots for future burials, an Exclusive Right of Burial can be arranged directly with Council.

6.2.4 Funeral Directors

Funeral Directors are to liaise with Council on relevant matters pertaining to funeral arrangements at Council Cemeteries.

Funeral Directors must specify when a coffin/casket will be oversized to ensure Council contractors are aware for digging purposes. Additional fees may apply for oversized burials.

Funeral Directors are to refer to Council for confirmation of any Council fees relating to the burial.

The allocation of plot location is undertaken by Council and not the Funeral Director.

6.3 **Interment of Ashes**

Interment of cremated remains can be arranged directly with Council.

Ashes may not be a first interment in any monumental or lawn section and may only be interred in a lawn or monumental grave, following a traditional burial.

If desired, ashes may be removed from a niche and interred later with a burial in a monumental or lawn grave.



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6.4 Exclusive Right of Burial (Reservation)

A Certificate of Exclusive Right of Burial is essentially the reserving of a plot for future use.

Exclusive Right of Burials are only available in the Monumental and Memorial Ashes areas and are not permitted in the Lawn Cemeteries.

A Certificate of Exclusive Right of Burial (Reservation):

- Is a contract between the Council, and a right holder which permits the holder to place human remains in a burial plot or niche;
- Applies to the burial of remains (including cremated remains) in either a burial plot, or niche;
- Will only be granted on receipt of an Application for Certificate of Exclusive Right of Burial (Reservation) and payment of the appropriate fee;
- Will only be granted to one or two persons as joint holders;
- Is granted by Council in perpetuity and allows the right holder to inter the deceased and for their remains to be left undisturbed forever, subject to exhumation;
- Shall be refused if the applicant is a holder of another exclusive right of burial for another interment site;

Holders of an Exclusive Right of Burial must still submit an application for burial/interment and pay the relevant fees at the time of each burial and interment.

An Exclusive Right of Burial Holder may transfer the rights of their holding to another person only following application in writing to Council.

Once the transfer has been accepted by Council a new Certificate of Exclusive Right of Burial will be issued to the new holder.

If a person wishes to transfer the Exclusive Right of Burial to Council a full refund of receipted monies will be paid to the applicant.

6.5 Cemetery Maintenance

All maintenance in and around Council's cemeteries (excluding maintenance of graves and monuments) must be undertaken by authorised persons. This may include:

- Council staff,
- authorised Council volunteers,
- authorised contractors.



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Council will maintain its cemeteries to an appropriate standard within the maintenance budget set by Council.

Council will adhere to the best-practice principles detailed in the [Cemeteries & Crematoria NSW Voluntary Code of Practice for Cemetery Maintenance](#)

6.5.1 Removal of items

Council reserves the right to remove:

- Any trees, shrubs, plants, flowers, etc. from a cemetery or from any grave therein as soon as, in the judgement of the Cemetery maintenance workers and/or volunteers, they become unsightly, dangerous, diseased, or when they do not conform to the standard maintained or desired within the cemetery;
- All wreaths and floral tributes from any grave after a period of seven days following interment;
- Any bottles, tins, cans or other article placed on a grave as a container for floral tributes, which may be detrimental to the appearance of the cemetery, including any vase or other container which has become broken or damaged.

The Council shall not be held liable, nor will it accept any responsibility for damage done for any reason or cause whatsoever or for the theft of any article placed upon a grave.

6.5.2 Contractors

All contractors, grave diggers and maintenance workers must have Council approval prior to undertaking works within a Council managed cemetery.

Contractors must provide evidence of the following to Council prior to engagement:

- Public Liability Insurance – minimum \$20 million
- Workers Compensation Insurance
- Work Health and Safety operating procedures

6.5.3 Volunteers

Council recognises, supports, and values the important role of volunteers in the community.

Volunteer groups working within the cemeteries must be authorised by the Council and approved as volunteers.

Volunteer groups must adhere to Council's Work Health and Safety Policy and any safe work method statements set by the Council.



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6.6 Exhumations

Exhumations will not take place without prior written consent from the Director General, NSW Department of Health and Council approval.

An exhumation may take place if it has been ordered by a court.

The applicant is responsible for all costs incurred in carrying out an exhumation.

6.7 Plaques

All plaques must be ordered through Council using the standardised Cemetery Plaque Order Form.

All details of the proposed plaque must be fully detailed on this form including any photos, emblems etc.

The authorised family/executor is responsible for arranging and ordering the plaque through the Council.

A design proof will be prepared by Cemetery Services staff and agreed upon with the family/executor prior to the ordering of any plaque.

Once a plaque arrives, only an authorised person may install the plaque. Authorised persons include:

- Council staff,
- Council contractor, or
- a person specifically authorised by Council – e.g., a monumental mason approved by Council

Additional costs over and above the standard plaque designs must be borne by the family/executor.

6.8 Monuments

6.8.1 Approval

All works carried out within any Council Cemetery must be approved by Council – this includes but is not limited to the establishment of a Memorial, Headstone or Plaque.

An authorised applicant or family member must submit the appropriate form, specifying details of size, construction, supports and materials and nominate a monumental mason or other suitably qualified person to undertake the works

6.8.2 Erection of a Memorial

Works must not be carried out or interfere with any services which may be being carried out in the cemetery.



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All monument works must comply with AS4204 – Headstones & Cemetery Monuments.

Any damage to the monument being worked on or any other monument in the cemetery related to the works being carried out must be repaired and restored by the mason.

No monumental work is permitted in the Council's lawn cemeteries.

6.8.3 Specifications

Where a full monument is requested there are specific opening dimensions which must be strictly observed.

- Width – minimum clearance between the inside face footing and piers shall be 790mm
- Length – minimum clearance shall be 2160mm

Should a request be made to reopen a grave which does not meet the above specifications and a monument is damaged – the costs of repairs are to be borne by the applicant.

The maximum external measurements of a full monument must not exceed the maximum width of the specified plot – 1200mm wide and 2400mm in length.

Burial Plots may have monuments that adjoin the burial plot beside it.

6.8.4 Maintenance of Structures

Council shall not be responsible for the upkeep, maintenance or repair of any monument or structure over a burial place.

It is the responsibility of the family or next of kin of the deceased to maintain the monument or memorialization and occupied grave site within a Council cemetery.

Council may act to remove any structure which has deteriorated to the point of being dangerous and in danger of falling.

Council may remove shrubs, trees or other vegetation that has been planted without written consent to be used as a memorial.

If a structure is identified as being unsafe Council undertake a Risk Assessment and all reasonable attempts will be made to notify the Right Holder of the site. If the Holder cannot be contacted following reasonable action the structure will be removed.

6.8.5 Monuments for Historic Graves

Where a grave is over 50 years old, it is subject to the Heritage Act 1977. Council will not issue a permit to erect a memorial or the like in respect of a burial site, which is over 50 years unless the



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proposed works conform to the requirements of the National Trust of Australia [Guidelines for Cemetery Conservation](#)

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Cemeteries and Crematoria Act 2013*
- *Cemeteries and Crematoria Regulation 2014*
- *Cemeteries & Crematoria (Amendment) Regulations 2018*
- *Public Health Act 2010 and its Regulation of 2012*
- *Heritage Act 1977*

7.2 Council policies and guidelines

- Work Health and Safety Policy

8. RECORDS MANAGEMENT

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>



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Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

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11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	21.11.1995	New Policy document	General Manager
1.1	19.11.2003	Minor review (detail)	General Manager
2.0	15.03.2023	Major revision (detail)	Deputy Chief Executive Officer
2.1	19.04.2023	Policy Adopted	Deputy Chief Executive Officer

APPENDICES

Nil