

CEMETERIES POLICY

Policy statement

Council will provide cemetery services that are safe, consistent and socially acceptable standards and practices for the benefit of Council workers, funeral industry representatives, clients and members of the general public. It will also ensure the conduct expectations for those working in or entering the cemeteries is in accordance with reasonable and practical standards.

Scope

This policy applies to Council employees, community members, contractors and the funeral industry.

Roles and responsibilities

Council is responsible for:

- administration and management of plot and niche purchases;
- transfer of interment rights;
- approvals for monumental works;
- issuing licences/permits to work in cemeteries;
- maintenance of cemetery grounds; and
- interment of ashes into columbarium walls and ashes gardens.

Position/team	Role
Booking officers	Record-keeping, cemetery bookings/enquiries
Cemetery operational staff	Cemetery maintenance, grave burial preparation, ashes placements
Open Space and Recreation Team	Set policy direction, capital works planning, asset management planning
Strategic planners	Set strategic direction through masterplans and plans of management

Funeral Directors responsibilities may include:

- liaising with Council to arrange and conduct a funeral service in a cemetery.
- all matters relating to the handling of the human remains for a burial in a cemetery under the care and control of Blue Mountains City Council including but not limited to transporting the body of the deceased to the cemetery and the act of interring the deceased.

Definitions

Term	Definition
the Act	<i>Local Government Act 1993(NSW)</i>
appropriate fee	A fee set by Council
applicant	The person making an application <ul style="list-style-type: none"> a. to obtain or transfer an interment right; to have the body of a deceased buried or exhumed; or b. to have the remains of a cremated body interred in a cemetery.
ashes	The cremated remains of a deceased person.
ashes garden	A place where ashes can be buried in one of Council's designated cemetery garden beds
burial	The act of burying, interring or immuring the remains of a deceased person.
Burra Charter	<i>The Australia ICOMOS Charter for Places of Cultural Significance</i>
cemetery or cemeteries	An area containing one or more burial places. For the purposes of this policy, one that is administered and controlled by Blue Mountains City Council.
coffin	a long, narrow box, typically of wood, in which a dead body is buried or cremated.
Columbarium/columbaria	A room or building with niches for funeral urns to be stored.
Council	Refers to Blue Mountains City Council
denominational	Relating to or according to the principles of a particular religious denomination.
double-depth plot	A plot with a grave that is twice as deep as a normal grave so it can accommodate two interments.
exhumation	The removal of human remains from a burial site.
funeral director	An individual or business licensed to carry out funeral services.
grave	A hole dug in the ground to receive a coffin or dead body.

holder	The person recorded in Council's register as the holder of an interment right.
interment	The placement of human remains in a mausoleum, vault, columbarium or other structure designed for the placement of such remains or the burial in the earth of human remains (directly in the earth or within a container).
interment right	Previously known as a right of burial, right of interment or burial licence. This gives the holder the exclusive right to use a specified piece of land for interment and to place a monument over the grave.
interment site	The nominated place set aside for the placement of human remains (including ashes) within a cemetery.
memorial	A statue or structure established to remind people of a person or event.
monument	Any structure, plaque, headstone, footstone, masonry, metalwork, casting or item placed over, in or around a burial place.
monumental mason	A tradesman or person possessing the skills to carry out monument masonry work and offering them as a service.
niche	Interment site within a columbarium, wall or other site for cremated remains.
perpetuity	Lasting indefinitely with no fixed end date.
plinth	A heavy base supporting a statue, vase or placard.
plot	A small, numbered piece of land used for the purpose of burial within a section of a cemetery.
Public Health Regulation	The Public Health Regulation 2012 (NSW) under the <i>Public Health Act 2010</i> (NSW)
register	Council's formal data repository containing all the required details relating to burials, cremations, memorial sites or interment rights.
reservation	A pre-purchased interment site, ashes niche or ashes garden site.

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1 POLICY OBJECTIVE

This policy will set clear management standards and guidelines for the sustainable operation and maintenance of Blue Mountains City Council controlled cemeteries.

2 SERVICE FEES AND CHARGES

The Council will annually determine a Schedule of Fees and Charges for core services, including plot and memorial reservations, interments and out of area charges on a cost recovery basis designed to match long-term capital, operational and in perpetual maintenance liabilities and renewal financial needs.

3 INTERMENT RIGHTS

3.1 Term of Interment Right

Council may grant an interment right entitling the person or persons to whom it is granted the exclusive right of interment in a specified interment site.

An interment right entitles the person/s to whom it is granted an exclusive entitlement to bury the remains of a deceased person in the interment site.

An interment right may be granted to one person or two or more persons as joint holders.

New interment rights are limited to a maximum of two interment rights per person.

Pre-purchase of a burial plot at a Blue Mountains cemetery is available only to families of a deceased person at the time of burial. The family of a deceased person can purchase (reserve) an adjoining plot, if available.

Once an interment has occurred, the interment right becomes perpetual.

Council will record all interments and maintain registers as required.

Council will issue to the holder an interment right certificate in relation to the interment site concerned.

The purchase of an interment right may be made without a funeral plan.

3.2 Grant of Interment Right May Be Refused

Council may refuse to grant or transfer an interment right to any person.

3.3 Transfer of Interment Right

Council will accept the transfer of an interment right only if:

- the interment site, as described in the interment right, has not been used for interment; and
- the interment site is free of structural additions such as headstones, markers or plantings.

Council reserves the right to refuse the transfer of an interment right from the holder.

3.4 Interment Right to Pass to Surviving Holder

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.

3.5 Unpaid Reserved Sites

Council reserves the right to rescind allocation if an interment site is not paid for within 6 months from the date of reservation. If the interment site is next to a family grave, the family will be contacted about whether or not they still want the site. If Council is unable to make contact to the relevant people, Council will move forward in rescinding the interment site. Interment site prices apply at the time that payment is made.

3.6 Renewing Unused Interment Right Reservations

If an interment has not occurred within 25 years, the interment right can be renewed for a further 25 years within 12 months prior of the expiration date. 25-year renewal applications can be found on Council's website. This will include an administration fee as set by Council's Schedule of Fees and Charges. If not renewed, Council will follow the procedures set out in Part 4 section 52 of the *Cemeteries and Crematoria Act 2013* to revoke the interment right.

It is the responsibility of the interment right holder to make sure Council has their contact details and that these remain up-to-date.

4 BURIAL SITES

4.1 New Burials

The dimensions of a burial plot are a maximum of:

- 1200mm x 2400mm- standard plot size
- 900mm x 1500mm- small plot size

A maximum of two coffins or up to ten sets of ashes may be interred in a single burial plot. However, for two coffins to be interred, a single plot must be dug to double depth, this can be requested at time of first interment. Due to varying soil conditions in Blue Mountains cemeteries, double depth is not guaranteed and cannot be determined until the time of digging.

Double depth grave plots are encouraged, where possible, with maintenance charge only to be applied once per plot as per Council's Schedule of Fees and Charges for the relevant year.

4.2 Placement of New Burials

Due to limited space in Blue Mountains cemeteries, all future interment sites are allocated as needed only.

New burials must be placed adjacent to existing burials unless an interment right is held elsewhere in the cemetery or a new row is warranted or at the discretion of cemetery staff.

Applications for new burials must be made at least five working days before the funeral to allow sufficient time for grave preparation to be organised and completed. In circumstances where a burial is required on shorter notice, Council will make every effort to enable this to occur.

4.3 Second Interments

Council must inspect a burial plot before reopening a grave or before allowing a second interment in a double-depth plot. Removal of any monumental work, improvements, or other items impeding the opening of the grave will be the responsibility of the interment right holder or Funeral Director. These items must be removed by a monumental or stonemason at least five working days before the graveside service or interment to allow the interment site to be prepared.

5 EXHUMATION

Exhumations are conditional on the following:

- written consent being received from the Secretary of the Department of Health (NSW) and Council issuing an order for exhumation; or
- a court ordering the exhumation.

Any exhumation shall be performed under the direction and with the attendance of NSW Department of Health staff. Council staff may be involved in uncovering the earth to expose the coffin name plate; however, they will not be involved in the removal or handling of the remains without the approval of Council management.

A fee is payable for exhumations. This will vary depending on the soil conditions, monumental work, topography, other features of the particular burial site and of the sites surrounding it.

6 COLUMBARIA, NICHE WALLS AND ASHES GARDENS

Sites in columbarium walls or ashes gardens may be pre-purchased for the placement of ashes at a later date.

An interment right for an ashes plot can be purchased at any time and in any quantity.

Interment of ashes will be permitted only after Council has received an application for an ashes placement along with full payment of the relevant fee as per Council's Schedule of Fees and Charges.

Descendants of the deceased, other members of the public or other contractors (such as funeral directors) are not permitted to inter ashes or place plaques. Interment of ashes and placement of plaques must be completed by Council officers only.

7 SCATTERING OF ASHES

Ashes may be scattered on public land without an interment right subject to certain guidelines. Guidelines can be found on Council's website at www.bmcc.nsw.gov.au/community/cemeteries/planning-memorial.

No permanent or temporary memorial items shall be placed where ashes are scattered. Any such items will be removed by Council.

8 MAINTENANCE OF CEMETERY GROUNDS

8.1 General Maintenance

Council is responsible for the maintenance of areas surrounding graves, columbarium/niche walls and ashes garden beds. This includes, but is not limited to, mowing, brush-cutting and other landscape works. Council employees will take care to minimise any damage to masonry, monuments or grave structures.

Council's first priority remains the safety of the public and employees of Council, every attempt will be made to liaise with families before any action is taken however action may be required to rectify situations without prior consultation. Council reserves the right to remove any tributes that have been placed at a interment/ashes site, niche or plot that cause safety or amenity concerns to visitors, Council staff or Council equipment, interfere with any maintenance work or burials, or encroach upon other graves and plots.

8.2 Monumental Work

An application form to erect a headstone, monument, plaque or kerb is to be completed and submitted to Council, for approval to do works in the cemetery. The appropriate fee payable for monument/headstone payments must be provided with the application form. Applications for Monumental Works can be found on Council's website.

A Monumental Works Permit will be issued by Council on approval of application to erect a headstone, monument, plaque or kerb. Issue of the permit is at the discretion of Council.

Work must not commence until confirmation/approval by letter (Monumental Works Permit) from Council is received by the applicant.

Due to varying soil conditions in Blue Mountains cemeteries, Council may delay the installation of monumental work to allow the ground to settle at the interment site.

Only appropriately insured and approved organisations/individuals can undertake monumental work in Blue Mountains cemeteries. These may include funeral directors, monumental masons and other contractors.

Council installs temporary plinths to mark graves until monuments can be installed. It is the responsibility of the deceased's relatives or friends to remove the plinths once monuments have been installed. Any plinths left outside the grave boundary may be removed by Council staff.

All headstone and monumental work, footing and piers must comply with AS 4204:2019 Headstones and Cemetery Monuments. Headstone and monument height restrictions may apply. The site and surrounds must be left in a clean and acceptable condition on completion. Failure to comply may result in a request from Council to remove unauthorised, untidy or noncompliant works.

If monumental works are designed to enable a second interment, the minimum width of 790mm and 2160mm length must be provided between the face of kerbs for all graves.

If monumental work is not placed within the legal boundary of the interment site or in accordance with this policy, Council is empowered to have it adjusted and to recover the costs from the owner of the monumental masonry.

Council accepts no responsibility for the condition or theft of memorials after placement.

Council will not be responsible for any damage to monumental work in respect of any activity including, but not limited to, the reopening of graves for additional burials or ashes placement.

8.3 Monument Maintenance

The care, maintenance and repair of monumental work is the responsibility of the interment right holder, family or estate of the deceased. If Council is required to undertake any work relating to a monument so as to ensure public or employee safety, it may recover these costs from the interment right holder.

Council may remove, demolish or alter or require the removal, demolition or alteration of any structure, tribute, monument or any adornment within a cemetery as it deems necessary to keep the public and Council staff safe.

Council may undertake maintenance and restoration works on Schedule 1 significant graves where resources permit and as required. Schedule 1 significant graves list can be found on Council's website.

9 CONDUCT AT CEMETERIES

The following is not permitted within cemeteries under the care and control of Blue Mountains Council:

- Burying, interring or exhuming any human remains, whether cremated or not, without Council permission.
- Damaging, defacing, interfering with or altering burial places.
- Damaging, defacing, interfering with or altering monuments.
- Placing any monument, adornments, large tribute or ornaments, candleholders, kerbs, fences without prior Council approval.
- Using glass or ceramic containers or glass or ceramic vases. A person may place fresh flowers in non-breakable vases or unbreakable containers. Acceptable materials may include plastic, terracotta, timber, stone, concrete or brick. Council staff may remove excessive or wilted flower arrangements. They may also remove artificial flower arrangements if faded, weathered or otherwise degraded.
- Bringing or leaving any rubbish, refuse, scrap metal, rock, soil, sand or any other substance.
- Planting any tree, shrub, herbage or any other plant without prior Council approval. Council has the right to remove or maintain any plantings if the plant is a noxious or invasive species, in poor health, overgrown, encroaching over and onto the grave aisles, or encroaching into ashes garden plots or damaging Council assets.
- Camping or residing on any Blue Mountains cemetery land.
- Possess or consume an alcoholic or intoxicating beverage or substance.
- Driving a vehicle at a speed or more than 10 kilometres per hour.
- Playing loud music.
- Having any large gatherings in the cemetery other than a burial service. Visitors wanting to have a large gathering in the cemetery must obtain approval from Council.

- Installing furniture. Any furniture other than Council-approved and -installed furniture may be removed by Council staff. For further information regarding furniture and memorials, see separate Public Memorial Policy, which can be found on Council's website.

Related documents

This document should be read in conjunction with:

Legislation

- *Local Government Act 1993 (NSW)*
- *Local Government (General) Regulation 2005 (NSW)*
- *Cemeteries and Crematoria Act 2013 (NSW)*
- *Cemeteries and Crematoria Regulation 2014 (NSW)*
- *Crown Land Management Act 2016 (NSW)*
- *Work Health and Safety Act 2011 (Commonwealth)*
- *Work Health and Safety Regulation 2017 (NSW)*
- *Public Health Act 2010 (NSW)*
- *Public Health Regulation 2012 Part 8 Disposal of Bodies (NSW)*
- *Environmental Planning and Assessment Act 1979 (NSW)*
- *AS 4204:2019 Headstone and Cemetery Monuments*
- *The Heritage Act 1977 (NSW)*

Other documentation

- Blue Mountains Cemeteries Conservation Management Plan (4 Volumes), Hubert Architects, 2003
- Scattering of Ashes Guidelines
- Public Memorials Policy
- Blue Mountains City Councils Schedule Fees & Charges

Council policy - Version control information

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