

# Policy

## Cemeteries and Private Burial

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# Cemeteries and Private Burial

## Definitions

Internment site: An allotment of land allocated for the burial of a deceased person or for the burial of cremated remains of a person or for the memorialization of a deceased person.

Reserves site: The rights to an internment site can be bought in advance of need and reserved for internment at a future time.

Memorialisation: Refers to the placement of a headstone, plaque or similar to commemorate the life of a deceased person.

Trust fund: A financial depository that holds funds in Trust for specific uses.

## Policy Objective

### Part 1 “Cemeteries under the Control of Council”

To provide for the effective, efficient and appropriate operation of the public cemeteries that Council manages on the community’s behalf.

## Legislative Requirements

The operations of the cemeteries are regulated in accordance with applicable sections of the current Public Health Act and associated Public Health Regulation and the requirements of the Local Government Act as applicable in NSW.

The operation of cemeteries is regulated through the provision of the Public Health Act of 1991 and the associated Public Health Regulation 1991 - Part 5 Disposal of Bodies.

## Hours of Operation

Burials shall be carried out between the hours of 9.30am and 3.00pm, Monday to Friday. Arrangements must be made so that the funeral party arrives at the cemetery no earlier than 9.30am and leaves no later than 3.00pm. No burials are to take place on public holidays. Burials on Saturday mornings may take place between 10.00am and 11.30am. An additional fee applies to all burials taking place on a Saturday.

Burials may take place outside the prescribed hours by special arrangement; an additional fee will apply which will cover all Councils costs and will be determined on application.

## Cemetery Locations

This policy covers the following cemetery sites.

Council Created Lawn Cemeteries:

1. Tweed Valley Cemetery - 813 to 871 Eviron Road, Eviron, NSW

2. Tweed Heads Lawn Cemetery - Kirkwood Road, Tweed Heads South, NSW

3. Murwillumbah Lawn Cemetery - Tree street, Murwillumbah, NSW

General and Historical Cemeteries (Transferred to Council )

4. Tyalgum General Cemetery - Swifts Road, Tyalgum,NSW

5. Tweed Heads General Cemetery - Kirkwood Road, Tweed Heads South, NSW

6. Tweed Heads Central Cemetery - Florence Street, Tweed Heads, NSW

7. Murwillumbah General Cemetery - Byangum Road, Murwillumbah, NSW

8. Murwillumbah Catholic Cemetery - Kyogle Road, Bray Park, NSW

9. Chinderah Cemetery, Chinderah Road - Chinderah, NSW (South Sea Islander Cemetery and a General Cemetery)

10. Tumbulgum Cemetery - Dulguigan Road - North Tumbulgum, NSW

11. Original Murwillumbah Cemetery - Banner Street, Murwillumbah, NSW

### **Managing Information**

Document management shall be in accordance with the applicable legislation controlling Cemetery and Cremator operations and otherwise in compliance with Council requirements.

### **Cemetery Services**

Cemetery Services shall be provided in a manner that supports the sustainable operational objectives of this policy and may change with circumstances.

Cemetery services shall incorporate where possible a range of services to meet community needs across all cultures and beliefs.

Services shall include:-

- Burial interments
- Ash interment
- Memorialisation
- Chapel
- Cremator
- Other cemetery related services

### **Levels of Service**

Active cemeteries shall be maintained with a high degree of aesthetic appeal with appropriate maintenance levels.

Inactive cemeteries shall be maintained to minimise safety risks.

Cemeteries with designated children burial areas shall be retained in perpetuity as children burial areas and managed with a heightened level of empathy including with regard to the allowance of ornaments.

## **Financial Mechanisms**

The cemetery shall utilise a financial management system that meets the requirements of the Local Government Act and the directives of the Council's Executive team for its day to day operations.

To ensure that the cemeteries can achieve and maintain sustainable status long after the last interment on site, three Trust Funds have been established and shall be maintained.

### 1. Maintenance in Perpetuity (MIP)

This fund isolates a portion of the total interment charge into a Trust Fund referred to as Maintenance in Perpetuity. The fund is invested and earns a return which compounds and increases in value with the intent of matching or exceeding inflation rises. The fund shall be drawn upon at the end of a cemetery's active life to fund ongoing maintenance, in perpetuity and in accordance with Levels of Service that are sustainable. The fund can also provide a capital resource for the purchase of land for a subsequent cemetery site on a loan basis.

### 2. Burial Trust

The Burial Trust isolates a portion of the total interment charge that applies to the actual burial work costs for interment and memorial sites bought in advance and reserved. These Trust funds are invested and earn a return which compounds and increases in value with the intent of matching or exceeding inflation rises. The fund is drawn on at the time of interment at the then current burial charge rates to cover the cost of the work being undertaken.

### 3. Cremator Trust

The cremator Trust isolates a portion of the cremation charge. Trust funds are invested and earn a return which compounds and increases in value with the intent of matching or exceeding inflation rises. The fund is drawn on at the time of major maintenance works such as refractory relines and major component replacements.

## **Related Legislation**

All site works shall be in compliance with current NSW Work Health and Safety Act and associated Regulations.

## **Compliance**

Operations shall comply with applicable legislation as described under "Applicable Legislation" and "Related Legislation" above.

## **Forms**

Forms applicable under this policy shall be identified in operational procedures and shall be modified, deleted or merged as operational circumstances determine.

## Review Period

This policy shall be reviewed within 12 months of the election of a new Council or more frequently in the event of any legislative changes or changes in circumstances.

## Useful Links

### Tweed Shire Council website

## Access to Cemeteries

### Tweed Valley Cemetery

~~Access to the intended parking area of the cemetery is available from 7:00am to dusk.~~

~~Pedestrian access is however available at all times.~~

### All other Cemeteries

~~Access is available at all times.~~

## Activities Requiring Prior Council Approval

~~A person shall not, without prior Council approval, in any cemetery:-  
Sell or buy anything~~

- ~~• Distribute handbills, circulars, advertisements and the like~~
- ~~• Take part in any meeting other than a religious or commemorative character~~
- ~~• Discharge any firearms, eg at a military funeral~~
- ~~• Place monumental work, plaques, railing or any other structure~~
- ~~• Plant any tree, shrub or plant of any kind.~~

## Prohibited Activities

~~Taking of animals with the exception of guide dogs~~

### Dumping of rubbish

~~Unauthorised vehicle access outside designated parking areas (see 'Vehicle Control')~~

~~Interference in any way with a grave or allotment without the permission of Council.~~

### Vehicle Control

~~Vehicles, unless otherwise authorised, are restricted to formed roads and carparking area. Authorised vehicles include Funeral Directors' vehicles, Council and other Statutory Authority vehicles. Those vehicles with a disabled parking permit attached or a funeral director's vehicle, are permitted to drive off formal roads and carparks to~~

~~facilitate access for persons with disabilities or the transport of the deceased, at the direction of Council staff.~~

#### ~~Flowers, Flower Holders, Ornaments~~

~~Artificial flowers are NOT permitted to be placed within lawn cemeteries.~~

~~Flower holders are provided in lawn cemeteries; no more than three holders are permitted on any grave. Private vases are permitted to be used in lawn cemeteries—these are to be made from plastic or metal and have a single spike on the base.~~

~~The maximum allowable size of a private vase is 220mm x 90mm.~~

~~Glass or pottery flower holders are not permitted.~~

~~The placing of non-approved memorials, name plates, tokens, tributes, plants or containers on any grave in any lawn cemetery is prohibited and such will be removed.~~

~~Within lawn cemeteries, flowers are removed when spent by Council Staff/Contractors during normal maintenance operations.~~

### **~~Cemetery Register~~**

~~A register of burial allotments shall be kept and maintained by Council recording allotments and those interred or those who have reserved an allotment.~~

~~The register will record the following information for all burials:~~

- ~~• The name, age and last address of the person whose body or remains have been buried~~
- ~~• The date of the burial~~
- ~~• The date of the person's death~~
- ~~• The section and allotment in which the burial took place~~
- ~~• The name of the person who holds the Right of Burial in respect of the allotment~~
- ~~• The name of the undertaker~~
- ~~• The fees paid to Council for the burial~~

~~The information contained in the burial register shall be made available to any person. A copy of any entry is available on request for which an administration charge may apply.~~

### **~~Cemetery Plan~~**

~~Council shall maintain a plan of the layout of all lawn cemeteries showing the sections and allotments within each cemetery.~~

## **Religious Sections**

~~Some cemeteries have areas that are set apart for the use of various religions but such setting apart does not entitle the authorities or members of any religious group to control in any manner the making of interments in any division so set apart, or to exclude any body from being buried therein.~~

## **Availability of Burial Allotments and Allotments for Reservations**

### ~~Tweed Valley Cemetery - Eviron Road, Eviron NSW~~

~~Allotments are available for burials and reservations. This cemetery is a lawn cemetery only - monumental work is not permitted.~~

### ~~Tyalgum General Cemetery - Swifts Road, Tyalgum NSW~~

~~Interments are available for burials and reservations.~~

### ~~Tweed Heads Central - Florence Street, Tweed Heads NSW~~

~~This cemetery is closed. Only those with an existing Right of Burial or proof of reservation are able to be interred in this cemetery.~~

### ~~Chinderah Cemetery - Chinderah Road, Chinderah NSW~~

~~This cemetery is closed. No further burials are permitted in this cemetery.~~

### ~~Murwillumbah Catholic Cemetery - Kyogle Road, Bray Park NSW~~

~~This cemetery is closed. Only those with an existing Right of Burial or proof of reservation are to be interred in this cemetery.~~

### ~~Murwillumbah Lawn Cemetery - Tree Street, Murwillumbah NSW~~

~~This cemetery is closed. Only those with an existing Right of Burial are to be interred in this cemetery.~~

### ~~Murwillumbah General Cemetery - Byangum Road, Murwillumbah NSW~~

~~This cemetery is closed. Only those with an existing Right of Burial or proof of reservation are to be interred in this cemetery.~~

### ~~Tweed Heads Lawn Cemetery - Sunshine Avenue, Tweed Heads South NSW~~

~~This cemetery is closed. Only those with an existing Right of Burial or proof of reservation are to be interred in this cemetery.~~

### ~~Tweed Heads General Cemetery - Sunshine Avenue, Tweed Heads NSW~~

~~Limited number of allotments are available for burials and reservations.~~

### ~~Tumbulgum Cemetery - Dulguigan Road, North Tumbulgum NSW~~

~~This cemetery is closed. Burials are not permitted.~~

### ~~Original Murwillumbah Cemetery - Banner Street, Murwillumbah NSW~~

~~This cemetery has been converted to a memorial park and burials are not permitted.~~



## **Burial Permits**

~~Permission to conduct a burial at any cemetery is issued to a funeral director in the form of a "Burial Permit". A Burial Permit must be obtained for each burial. The Burial Permit specifies the cemetery, time, date, burial site, undertaker and deceased for the particular burial.~~

~~A permit for burial "Burial Permit" must be obtained from Council prior to any interment taking place. Permit applications are to be in the prescribed form available from Council. As part of an application for burial permit, a copy of a death certificate, coroner's order, or other order authorising the disposal of the body is to be presented to Council. Additionally the information sheet from Council on the Cemeteries and Burial Policy must be read and signed by the applicant who is responsible for informing family members of the Policy.~~

## **Reservations**

~~Applications for reservation of burial allotments should be made on the prescribed form. Council will issue a Right of Burial as proof of purchase for each burial allotment. As part of this application the information sheet on the Cemeteries and Burial Policy must be read and signed by the applicant and attached to the Application for Reservation. The applicant is responsible for informing family members of the Policy.~~

## **Monopolising**

~~Council may refuse to issue a Right of Burial for more than one allotment if it is satisfied that an attempt is being made to create a monopoly or deal in such Rights of Burial in the way of a business.~~

## **Rights of Burial**

~~A Right of Burial is a document issued to a person or persons in respect of a specific burial allotment. A Right of Burial is issued on a "pre-needs" basis or is issued to the person/s nominated as the applicant by the Undertaker as part of a burial arrangement. The Right of Burial confers upon the holder the right to be interred in the particular allotment or the right to give consent to another person to be interred in the allotment. These rights only apply in respect to an allotment where an interment has taken place, if a second interment is permitted.~~

~~A Right of Burial may be transferred or transmitted with the approval of Council. The appropriate section on the Right of Burial should be completed and the Right of Burial then forwarded to Council for this transfer to be recorded by Council. The endorsed Right of Burial will be forwarded to the new holder.~~

~~Burials shall not be permitted in any allotment for which a Right of Burial has been issued, unless the consent in writing of the holder of the Right of Burial is first obtained or the deceased person is the holder of the Right of Burial. Where the holder of the Right of Burial is deceased and a re-opening and burial is required, the written consent of the rightful successor of the owner must be produced.~~

## **Refund of Fees**

~~If the purchaser of a Right of Burial wishes to relinquish the Right of Burial to Council, Council will refund the amount paid at the time of purchase less Council's administration fee. The original Right of Burial must be returned to Council along with a written request for a refund, signed by the holder(s) of the Right of Burial. This refund policy also applies to ashes interment sites that have been reserved with Council where the site is unused. No refund will be made for the relinquishment of ashes interment sites which have been utilised.~~

## **Re-Opening of Graves**

~~Burial allotments within general cemeteries are for single burials only; re-opening of these graves is not permitted.~~

~~Burial allotments within lawn cemeteries may be dug to a single depth or a greater depth to allow for a re-opening at a later date. Permission for the re-opening of a grave within a lawn cemetery will be dependent on the original arrangements that were made and the consent of the holder of the Right of Burial being obtained.~~

## **Depth of Burial**

~~The upper surface of the coffin is to be at least 900 millimetres below the natural ground surface level.~~

~~Burial depth in general cemeteries is minimum 1.5 metres (single burial only). Burial depth in Lawn Cemeteries is 2.1 metres to allow for two burials or 1.5 metres for a single burial site. Greater depth may be provided subject to price on application.~~

~~Within Tweed Valley Cemetery up to three burials may be permitted in each burial allotment.~~

## **Monumental Work Within General Cemeteries**

~~An application shall be made for any monumental work within any general cemetery.~~

~~Council may direct the removal/relocation of any monument, gravestone or other marker that has been incorrectly positioned within the cemetery.~~

~~Removal of slabs/headstones or any other monument placed on a grave site to allow the grave to be dug is the responsibility of the family of the deceased at their cost. (dimensions of a burial allotment are 1.2m x 2.4m).~~

## **Fees and Charges**

~~At the end of each financial year Council will review the fees and charges for the cemeteries under Council's control. Council may fix different fees and charges in respect of different cemeteries within the Tweed Shire.~~

~~The schedule of fees and charges in respect of any cemetery will be available at any Council office.~~

## **Bookings for Burials**

In most instances 48 hours notice must be given for all burials within lawn cemeteries. If a burial is required in a general cemetery greater notice may be required to allow for the hand digging of graves in difficult sites.

Bookings made over the weekend cannot be made for the morning of the following working day; the afternoon of the following working day is the earliest booking available.

## **Memorial Plaques**

### Murwillumbah and Tweed Heads Lawn Cemeteries

Council supplied plaques are 380mm x 230mm in size and attached to a 510mm x 340mm concrete base. Plaques are placed flush with the ground in the cemetery.

Special order plaques may be cast bronze or granite. These plaques are to be the same size as the Council supplied plaques (380mm x 230mm) or the larger size permitted; 560mm x 305mm. The 560mm x 305mm size plaque is to be bedded in/attached to a concrete base 610mm x 380mm in size. Some variation in the size of granite plaques is permitted provided the size of the concrete base is 610mm x 380mm. Special order plaques are placed flush with the ground in the cemetery. (dimensions of a burial allotment are 1.2m x 2.4m). Plaques for ashes interments are of a standard size in cast bronze 152mm x 114mm and are placed on a terrazzo or granite stone in the flower gardens.

### Tweed Valley Cemetery

Council supplied plaques for the main burial areas are 380 x 230mm in size and attached to a 510 x 340mm angled concrete base. In the children's section plaques are 229mm x 184mm in size and attached to a 310mm x 345mm angled concrete base. Plaques are placed in the garden beds. Plaques for the ashes interment gardens are of cast bronze in two standard sizes; 152mm x 114mm for Memorial Walk and Memorial Creek Walk and 180mm x 150mm for Pond View Gardens.

Non-standard plaques are permitted, they may be the same size as the Council supplied plaques or the larger size permitted; 560mm x 305mm.

Council will arrange for the supply and placement of standard plaques or cast plaques 380 x 230mm in size. If plaques are supplied privately, they must conform to the sizes as specified and be delivered to Council's cemetery for placement by Council staff.

Where grave sites are not adjacent to a garden bed, plaques will be placed flush with the ground.

Council must be notified in writing by the company supplying the plaque that they will be supplying a plaque for a particular grave and give details of the person who ordered the plaque. After notification, Council will refund the standard plaque fee less Council's administration fee to the applicant, the applicant being the person who was nominated as such by the funeral director when the burial arrangements were made. (dimensions of a burial allotment are 1.2m x 2.4m).

## **Removal of Ashes**

~~All applications to have cremated remains removed from any cemetery for any reason, must be made in writing and be signed by all applicants or their rightful successor, who made the original arrangement for the interment. Council will charge an administration fee for cremated remains being removed. Without the consent of all applicants no action will be taken by Council.~~

## **Exhumations**

~~Exhumations shall be carried out in accordance with "Guidelines for Approval and Approval Procedures for Exhumations" produced by the Public Health Unit (NSW).—~~

~~The holder of the Right of Burial may relinquish the Right of Burial to Council after the exhumation has taken place. Council may refund a portion of the original fee paid for the site after a written request is received from the holder of the Right of Burial that the site is relinquished and the original Right of Burial returned to council.~~

## **Policy Objective**

### **Part II "Burials on Private Property"**

To provide and control interment on private property

## **Definitions**

Not applicable

## **Policy Background**

This Policy is being developed for the community to outline Council's Policy on Burials on Private Property.

## **Policy**

Council may approve burials on private property subject to the following provisions:-

- a) The payment of a fee in accordance with Council's Fees and Charges
- b) The private land having a minimum area of 5 hectares
- c) The inspection of the grave site prior to burial by a Council Environmental Health Officer.

Further the following should be considered by any applicant to ensure permanent access to a private burial site:

- a) The granting and registration of a right-of-way on the property from the nearest public road to the grave site. The right-of-way shall provide future visitor access to the grave site and shall be of sufficient area to allow any future servicing requirements.

- b) The submission of a location plan of the gravesite prepared by a registered surveyor 7.
- c) An 88B instrument may be implemented to provide the long term location of the grave site.

## Related Legislation

Public Health Act of 1991 and the associated Public Health Regulation 1991 - Part 5 Disposal of Bodies.

## Compliance

Not applicable

## Forms

Cemetery operational forms shall be available through cemetery operations that will allow recording of a burial on private land to facilitate possible future needs for family/ancestral searches.

~~Not applicable~~

## Review Period

This policy will be reviewed within 12 months of the election of each new Council or more frequently in the event of any legislative changes or change in circumstances.

## Useful Links

[Tweed Shire Council website](#)

**Version Control:**

<b>Version History</b>		
<b>Version #</b>	<b>Summary of changes made</b>	<b>Date changes made</b>
1.1	Incorporated into new policy template	20/06/2013
<u>2.0</u>	<u>Reviewed and amended to remove large sections of operational detail not required in a policy</u>	<u>12 October 2017</u>