

FEDERATION COUNCIL - CEMETERY POLICY

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1. Purpose

The purpose of the cemeteries is to provide a place of interment for deceased persons and cremated remains (ashes) that is accessible, aesthetic, respectful and caters for a range of religious needs and cultural requirements.

Sections within the various cemeteries have been made available for different types and classes of interments.

The objective is to define Council's role and responsibility and to provide standards and procedures for the cemeteries under Council's control.

The key objectives of this Policy are:

- To manage the operation and administration of the cemeteries efficiently.
- To plan future burial sites for the various denominations in the cemeteries.
- To continue to maintain the cemeteries efficiently.
- To inform Council staff and the community of the way the Cemeteries will be managed.
- To ensure that the Local Government Act 1993 is complied with in relation to Plans of Management.
- To identify the major issues applying to the Cemeteries.
- Provide adequate space for interment for future needs.
- Provide for infrastructure improvements throughout the cemeteries with the construction of pathways, parking areas and other features where necessary.
- Enhance the amenity of the cemeteries through design features including landscaping, shelters, seating, and signage where necessary.
- Provide for the various religious needs of the deceased and their families in a respectful manner and setting.
- Ensure that all stages of the management process of funerals is to a high standard from reservations to interments.
- Preserve the heritage values of the individual cemeteries.

2. Background

Federation Council maintains nine (9) Cemeteries within the Federation Council Local Government Area. These are located at:

- Corowa - Lawn, Monumental, Rose Gardens, Tree Gardens and Columbarium Walls
- Howlong - Lawn, Monumental, Rose Gardens, Tree Gardens and Columbarium Walls
- Mulwala - Lawn, Monumental, Rose Gardens and Columbarium Walls
- Boree Creek - Monumental
- Corowa Pioneer - Monumental (closed for future burials – ashes interments permitted)
- Daysdale - Monumental (closed for future burials & ashes interments)
- Hopfield - Monumental
- Oaklands - Monumental
- Urana - Monumental

(a) This Policy applies to all cemeteries administered, operated and maintained by Federation Council.

(b) This Policy does not affect the operation of any Regulations under the Public Health Act 2010 relating to cemeteries and crematoriums.

3. General Information

1. The Cemetery Operator reserves the right to review and/or amend these Terms and Conditions, its holdings, interment sites and property within its cemeteries at any time, without notice.
2. Glass or other items that the Cemetery Operator deems to be a safety hazard are not permitted and if necessary, may be removed without notice to any person.
3. No person shall disturb any funeral service taking place at any grave, whether by working in the area, visiting the cemetery, or otherwise.
4. No plantings on grave site/memorials shall take place.
5. Dogs on leash are permitted at any Council cemetery.
6. No person shall take or damage any of the plants, flowers, or shrubs within the cemetery.
7. All rubbish & dead flowers are to be disposed of in rubbish bins where provided.

4. Management of Cemeteries

4.1 Burials – register of burial places and interments

Council shall maintain a register of burial places as required by the Cemeteries and Crematoria Act 2013 in respect of all buried places and other memorials in the Cemetery.

Each entry in the register must include the following information for each burial place:

1. Name, age, and last address of the person whose body or remains were buried
2. The date of birth, death & burial
3. The section and allotment of the burial
4. The name of any person who continues to hold any perpetual interment right in that allotment
5. The name of the funeral director who transported the body to the cemetery
6. The fees paid to Council for the burial

The register can be used as verification that an exclusive right has been granted in respect of any burial or memorial site. For any requests for burial information, please contact Council's Cemetery Administrator via email: cemeteries@federationcouncil.nsw.gov.au

4.2 Reservations – Perpetual Interment Right

Reservation Fees – Historical – up to 30 June 2023

In the past, reservation fees were charged as a whole service. This included the plot, gravedigging (lawn), interment and perpetual maintenance and an additional administration cost. A Perpetual Interment Right certificate was then issued. No further cost was to be charged at time of interment, no matter how much time had passed.

Reservations made on or after 1 July 2023

Reservations may be made where there is a desire to reserve a burial plot only. To arrange a reservation, a person must contact Council, complete the appropriate application form and pay the required fee.

No individual allocated plots will be issued for reservations in any Federation Council Lawn Cemetery. In this case an unallocated/next available plot will be issued. Individual plot reservations are available for monumental graves, individual roses, columbarium walls and tree gardens (Howlong & Corowa). These fees are listed under Fees & Charges in Council's Revenue Policy.

On receipt of the application and payment, a Perpetual Interment Right is issued. Only when the plot has been paid in full will a Burial Right will be issued. The fee charged at the time of burial covers the interment, gravedigging (lawn) and perpetual maintenance of the Interment. This cost may vary to reflect the amounts required to suitably cover the maintaining and upkeep of the cemeteries.

1. An Interment Right is a contract with the Cemetery Operator that allows interments to take place in a particular location in a cemetery. There is no entitlement to any real estate.
2. No more than two (2) Interment Rights in a cemetery can be held for any individual person.
3. Interment Rights issued to multiple applicants are held jointly. On the death of a joint holder of an Interment Right, it passes on to the remaining joint Interment Right holder/s.
4. A certificate will be issued to the holder/s as proof of ownership and must be presented when booking an interment service.
5. A Perpetual Interment Right must be used by the right holder within 50 years of purchase. If it is not used in this period, a cemetery operator can revoke the Interment Right.
6. The Holder/s of the Interment Right has the sole authority to determine who can be interred in the site and to allow Council approved memorials to be placed.
7. A replacement certificate may be issued if the original certificate is lost, stolen or destroyed, on application and payment of the Cemetery Operator's associated fee.
8. The Interment Right application fee does not include interment, maintenance, grave digging or administrative charges.
9. Interment Rights can be transferred, after consultation with the Cemetery Operator. Transfer of the Interment Right is only operative when a Transfer of Interment Right Application is submitted with payment of the associated fee, and processed by the Cemetery Operator.
10. Unused Interment Rights can be transferred pursuant to the will or intestacy of a deceased Interment Right holder. In this instance, the transfer of the Interment Right is only operative when a Transfer of Interment Right Application is submitted with payment of the associated fee, and processed by the Cemetery Operator.
11. The Cemetery Operator may accept and process any application concerning an Interment Right from any person/s declaring they are authorised to do so (upon provision of written or documentary evidence and payment of the associated fee).
12. The Cemetery Operator may repurchase unused Interment Rights from the holder/s in accordance with the Cemetery Operator's then current policy. Council may proceed with cancellation of a Perpetual Interment Right if the Interment Right is not exercised within a 50-year period. Cancellation of a Perpetual Interment Right requires proof of purchase for a refund to be considered.
13. Monument ownership and all the responsibilities therein, reside with the Interment Right holder/s and his/her Executor/heirs and successors to the grave where the monument is erected.

Payment Plans

A payment plan for a reservation is available by contacting Council. This plan must be complete at a maximum of 12 Months from date of first instalment. A Perpetual Interment Right is not issued until the payment plan is completed. If the plan has not been completed at time of death the balance will immediately be payable to Council.

4.3 Certificates of Perpetual Interment Right

Council will issue to the owner of an exclusive written Perpetual Interment Right, a certificate clearly showing:

- The owners name and address
- The amount paid
- The date of issue
- A description of the physical location (monumental, individual rose, columbarium wall or tree garden), and plot or next available in all Lawn Cemeteries.

The Executor

Council does NOT regard the Executor as the grantee unless the executor is the person named as the holder of the Interment Right Certificate. If the Executor proposes a burial in another person's entitlement, then the actual Interment Right Holders consent is required.

When two or more people are named in the Interment right certificate as grantees their entitlement is considered as joint. The consent of the survivor of them is required when application is made to conduct any other burial or to carry out work upon the plot.

Who owns the Perpetual Interment right after the Grantee's Death?

It is deemed that the burial right certificate is, during the Interment Right Holders life, part of their property. After the Interment Right Holders death, it is part of the deceased's estate (the Interment Right Holders estate) and can be treated accordingly.

If the Interment Right Holder, after death, is buried in the described entitlement Council will, in the absence of any other advice, consider the applicant as the grantee for the purposes of subsequent interments or work to be carried out at the grave.

4.4 Hours of Burial, Interment & Exhumation

Burials, interments and exhumations shall take place only during the hours approved by Council. Special arrangements can be made for burials that are requested after hours, on weekends or 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 special arrangement occurs.

Council will where appropriate, undertake special considerations for burials where religious requirements dictate.

4.5 Order of Interment/ Interment of Ashes

- (a) Burials are NOT to take place unless an Order of Interment/ Interment of Ashes has been received and approved by Council.
- (b) Burial shall be in accordance with the Regulations of the Public Health Act (NSW) 2010, the Public Health Regulation 2012 & the Cemeteries & Crematoria Act 2013.

4.6 Transfer

Council will facilitate the transfer of a Perpetual Interment Right as a result of a bequest following receipt of written evidence from the holder of the Interment Right authorising the transfer and payment of the appropriate fee. A new Perpetual Interment Right will then be issued.

4.7 Cancellation

Council may proceed with cancellation of a Perpetual Interment Right if the Interment Right is not exercised within a 50-year period. Cancellation of a Perpetual Interment Right requires proof of purchase for a refund to be considered.

4.8 Emergency Burials

Where requested by a representative of NSW Public Health or the NSW Coroner an emergency burial will be facilitated by Council. In this instance the appropriate fee does not need to be paid in advance. An emergency burial includes mass burials (e.g., following a catastrophe). In this instance, guidance on how to conduct such a burial will be obtained from the NSW Department of Health.

4.9 Exhumation

Exhumations are not to take place unless prior written consent has been obtained from the Director General of the NSW Department of Health, the Order for Exhumation has been issued by Federation Council and the exhumation is completed in accordance with the NSW Department of Health Guidelines. This clause does not apply if an exhumation has been ordered by a Court.

An Order for Exhumation is not to be issued unless:

1. An exhumation has been ordered by a Coroner or approved by the Director-General of the Department of Health (NSW); and
2. Any fee(s) due have been paid in full to Council:
 - Any additional special costs have been paid in full by the applicant
 - A person must not proceed with an exhumation unless an officer of the Department of Health or an Environmental Health Officer (whether an officer of the Department of Health or otherwise) is present at the exhumation.

A person must not proceed with an exhumation if an Officer of the Department of Health or an Environmental Health Officer orders the exhumation to stop.

A Funeral Director must be in attendance to receive remains, and recovered remains must be placed in a new coffin or container prior to reburial, or transport.

4.10 Fees

Fees for services are specified in Council's Revenue Policy (Fees and Charges).

Pricing Harmonisation – Former Urana and Corowa Shire Council

The merging of the two councils requires that Council equalise costs of all Council Services. The Cemetery costs in the former Urana Shire Council now need to be harmonised. A 10% increase in Cemetery fees will commence in the 2024/2025 financial year and will continue until the required fees are equalised.

4.11 Funeral Services

Burial of bodies in Council cemeteries must be undertaken by an approved Funeral Director. It is an offence for a person to be prepared or placed in a coffin at any place other than an approved mortuary. Ashes will be interred during Council's ordinary business hours.

Approval to conduct a funeral service does not provide exclusive use of the cemetery.

Any litter created during the course of a funeral service is to be collected and deposited in bins provided throughout council cemeteries by the funeral director.

Open graves must be covered with an appropriate structure for safety

A copy of a Certificate under Part 3 of the Registration of Births, Deaths and Marriages Act 1973 or Coroner's Order for Burial or a Cause of Death Certificate MUST be provided to Council along with a completed Application for Perpetual Order of Interment.

4.12 Religious and Cultural Tolerance

Council will endeavour to facilitate and respect the religious and cultural needs of the deceased and their families. Religious and other cultural activity will not be permitted where it is contrary to legislated requirements for burials.

Additional fees may be charged to cover the costs of any special requests.

4.13 Veterans Affairs Memorials

The Department of Veterans Affairs is liable for all costs associated with the memorialisation in all Cemeteries and the Crematorium within the Federation Council area for deceased ex-service personnel, organised and arranged directly by that Department with the family of the deceased.

Council will allow placement of memorial plaques supplied by the Commonwealth War Graves Commission within the Lawn Cemetery and Crematorium Garden provided the plaque size conforms with the standard size of plaques used in the relevant section of the Cemetery or Crematorium Garden.

4.14 Planting of Shrubs

The planting of shrubs, bushes, flowers, etc. in the Lawn Cemetery/Crematorium gardens by the public is not permitted and any such plants will be removed.

4.15 Removal of Cremated Remains within the Columbarium Wall and Rose Gardens

Removal of cremated remains must be applied for in writing by the grantee. An administration fee for the removal of cremated remains will apply. Cremated remains will not be removed until applicable fees are paid in full. If the grantee does not wish to retain the Niche or Gardens position for future interment the position is relinquished back to Council with no refund given.

4.16 General Control

Council shall have the control of all cemeteries, including the conduct of funerals, traffic, maintenance and visitors.

Council has the authority to remove any trees, shrubs, plants, flowers, etc. from a cemetery or from any grave therein as soon as, in the judgement of Council, they become unsightly, dangerous, diseased, or when they do not conform to the standard maintained or desired within the cemetery.

Council reserves the right to remove: -

- (i) All wreaths and floral tributes from any grave after a period of seven days following interment.
- (ii) 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.

Council authorisation must be obtained before any monumental work is carried out.

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.

4.17 Removal of flowers and wreaths

Flowers and plastic wreaths will be removed from new graves after an appropriate period, to allow filling and levelling, as normal subsidence of soil takes place.

It is suggested that following the initial burial, only fresh flowers be left at memorials and monuments. These may be removed generally on a weekly basis to enable mowing of grass and tidying up, except where interments have recently taken place, in which case the flowers will be removed when withered.

Flowers in the lawn cemetery to be arranged only in the vases provided in the beam.

4.18 Cemetery clean up

General clean-up for Council's cemeteries will be done twice a year. Council will notify residents of Federation Council via social media and on Council's website when the clean ups will occur. Families of deceased are requested to remove any decorations they wish to save.

Fresh cut flowers in an approved vase are always permitted provided they are in good condition. All other decorations will be removed during the clean-up. The clean-up of all cemeteries takes some time, and depending on weather and the number of burials, may take a week to complete. During the clean-ups, cemetery staff remove and discard all items from graves.

5. Requirements for Graves

The dimensions of a grave shall be a minimum of:

- 1.2 metres x 2.4 metres for adult graves
- 0.9 metres x 1.5 metres for children's graves
- 1.8 metres x 3.6 metres for in ground vaults.

Where a coffin containing the deceased remains is interred in a grave, the upper surface of the coffin shall be at depth not less than 900mm as required by the Regulations of the Public Health Act (NSW) 2010. All burials or interment of ashes within Federation Council Cemeteries are to be marked within **12 months** of the date of interment.

Graves are usually dug to a depth to accommodate two coffins, however, occasionally, due to rock or stability problems not evident prior to commencement of digging the grave, ground conditions may not allow for burial in an allocated plot. In these circumstances an alternate plot will be allocated.

5.1 Interment of Ashes

Council will allow ashes remains to be placed into a general cemetery plot, recognising that this is the wish of some families, provided that:

The limits for placement in general cemetery plots that have not exceeded;

- 2 Burials and 2 ashes memorials

5.2 Individual Rose

Where ashes remains are placed into a general cemetery plot the first (original interment) shall be at the normal rate for the purchase of a rose plot.

- Up to 3 additional ashes remains can be placed or memorialised with the payment for each being at a lesser rate as specified in Council's Annual Fees and Charges document.

5.3 Rose Garden

Is a general garden area where ashes are interred into a general cemetery plot.

5.4 Columbarium Niche

A Columbarium (Niche) Wall is a structure which hold a persons cremated remains in an approved canister

- Cremated remains must be enclosed and sealed in the approved canister and are place in the niche which is then sealed; a commemorative plaque is secured to the niche.
- Each Niche allows for interment of **one** approved canister.
- Niche walls are located in Corowa, Howlong, Mulwala, Urana & Oaklands.

5.5 Commemoration Wall

The Pioneer Cemetery Unmarked Graves Commemoration Wall (no ashes).

5.6 Ornamental Tree (Corowa & Howlong)

A tree garden has been established in the Corowa and Howlong Cemeteries. These trees will be surrounded with granite desks and engraved plates (similar to the lawn graves) for ashes interments. A beam around the lake in Corowa will also be established in the coming months for future expansion. A tree garden will also be established in Mulwala in the future.

6. Cemetery Maintenance

All maintenance in and around Council's cemeteries (excluding maintenance of graves and monuments) must be undertaken by Council staff, registered Council volunteers or authorised contractors. Council will maintain the lawn areas, roses, trees, shrubs, roadways and paths to an appropriate standard and in accordance with Council's budget allocation for the maintenance of cemeteries.

6.1 Removal or Rectification of monuments and structures

Should any monument, grave or structure require repair, replacement or removal, Council will attempt to contact any next of kin, to advise Council's intention and require the works to be completed within a suitable timeframe. Failure to do so will result in Council completing the works at the cost of the next of kin and an invoice will be issued.

6.2 Maintenance of structures/monuments and structure ownership

The ownership of monuments, graves or other structures is deemed to be with the person or persons (or their heirs & successors) that caused the monument or structure to be constructed.

- (a) Council shall not be responsible for the upkeep, maintenance, repair etc, of any monument or structure, inclusive of memorial plaques fitted to any columbarium niches, lawn cemetery plots, memorial garden sites or monument lawn cemetery plots.
- (b) The owner is responsible for the upkeep, maintenance and repair of the monument or plaque.
- (c) Council may act to remove any structure which has become dilapidated, dangerous or unsightly, in consultation with the appropriate bodies.

6.3 Removal of trees

Council may remove any trees, shrubs or vegetation from any cemetery where, it is in the best interest of the cemetery to do so.

7. Monumental Sections

The monumental section of the Corowa Pioneer Cemetery is closed for burials unless a plot has been previously reserved and the applicant is able to provide proof of reservation (eg Perpetual Interment Right or Right of Interment). Ashes interment are still permitted.

Daysdale Cemetery is closed for all burials and ashes interments. This cemetery cannot be accessed by the public at present time.

Balldale Kentucky and Lowesdale Monumental Cemeteries are also closed for burials and are no longer maintained. These cemeteries cannot be accessed by the public at present time.

8. Definitions

Term	Definition
The Act	Local Government Act 1993(NSW)
Appropriate fee	a fee determined by Council and listed in the Annual Fees and Charges.
Applicant	The person making an application: <ul style="list-style-type: none"> (a) to obtain or transfer an interment right; or (b) to have the body of a deceased buried or exhumed; or (c) to have the remains of a cremated body interred in a cemetery.
Ashes	The cremated remains of a deceased person.
Rose/Tree garden/ Columbarium Wall	A place where ashes can be buried in one of Council's designated cemetery garden beds, tree base or walls.
Burial place	means a grave site, vault site, memorial site or other place for the disposition or commemoration of the remains of the dead, whether cremated or not.
Burial right	means exclusive right of entitlement to a burial place granted by Council. Always on a non-commercial basis to a person or persons or to an otherwise relevantly entitled person's attorney-under-power or duly appointed guardian or his or her presumptive Executor – in any such case identifiable by evidence satisfactory to Council.
Cemetery or cemeteries	means an area containing one or more burial places. 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	means Federation Council.
Grantee	means the person to whom a right is granted.
Monument	means 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.
Niche	a space for interment of ashes in a free-standing wall
Perpetual Interment Right	means a burial right granted prior to need to a person in contemplation of his or her own death or of the death of his or her parent(s) including step-parent, grandparent(s), spouse, childless or widowed sibling or other person dependent upon the grantee or from whom the grantee holds enduring Power of Attorney or guardianship or who has been appointed as guardian by the Guardianship Tribunal.

Reservation	means any undeveloped or presumptive right arising from the payment by a person of a holding fee for Perpetual Interment Right (Reservation) prior to his or her own need. A perpetual interment right is not issued until payment is made in full.
Register	means Council's formal repository of data containing all the required details of a reservation, burial, memorial site, interment right or burial right.
The Policy	means this Policy.

9. References & Associated Documents

- Anti-Discrimination Act 1977
- Births Deaths & Marriages Registration Act 1995
- Cemeteries and Crematoria Act 2013
- Crown Lands Management Regulation 2018
- Crown Lands (General Reserves) Amendment (sustainable Burials) By-Laws 2011
- Crown Land Management Act 2016
- Coroners Act 1980
- Environmental Planning & Assessment Act 1979
- Environmental Planning & Assessment Regulation 2000
- Government Information (Public Access) Act 2009
- Health Records Information Privacy Act 2002
- Heritage Act 1977
- Local Government Act 1993
- Privacy and Personal Information Protection Act 1998
- Public Health Act 2010
- Public Health Regulation 2012
- State Records Act 1998
- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011
- Workers Comp Act 1987
- Workplace Injury Management & Workers Compensation Act 1998
- Revenue Policy (Fees and Charges)

10. Policy History

Council reserves the right to amend or review this policy in accordance with the provisions of the Local Government Act 1993. This policy shall be reviewed every 3 years.

Version	Date	Changes / Amendments
1.0	November 2023	Creation of policy
1.1		Amendment General Information - Dogs in Cemeteries

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