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## Contents

<b>Policy Statement/Objectives</b> .....	1
<b>Scope</b> .....	1
<b>References</b> .....	2
<b>Consultations</b> .....	2
<b>Definitions</b> .....	2
<b>Variation and review</b> .....	5
<b>POLICY</b> .....	5
1. <b>General Operating Policies</b> .....	5
2. <b>Interment Rights</b> .....	9
3. <b>Interments</b> .....	11
4. <b>Memorials, headstones, monuments and plaques</b> .....	14
5. <b>Privacy</b> .....	16
<b>Related forms/Documents</b> .....	17
<b>Attachments</b> .....	17
<b>Authorisation</b> .....	17

## Policy Statement/Objectives

The purpose of this Policy is to maximise the lifespan of Kiama Municipal Council’s existing cemeteries while providing clarity to Council’s customers on the options and appropriate costs of interment.

The Operating Policy is designed to guide the Council, management and employees in the approach taken to the day-to-day operation and management of Kiama Municipal Council cemeteries. It is also a reference point for members of the public, seeking guidance in relation to the overarching framework within which the Kiama Municipal Council makes decisions about cemetery matters.

## Scope

This Policy applies to Councillors, employees, volunteers, funeral directors, monumental masons and other contractors, consultants and members of the public.

## References

This Policy should be read in conjunction with the following:

- Cemeteries and Crematoria Act 2013
- Public Health Act 2010
- Public Health Regulation 2014
- Anti-Discrimination Act 1977
- Succession Act 2006
- Australian Standards AS-4204-1994 [Headstones and Monuments]
- Interment Industry Scheme

## Consultations

- Nil

## Definitions

Term	Definition
Applicant	The person completing one of the Cemetery Application Forms
Approved memorial	A memorial which conforms to the then current Council requirements, for which an application has been approved
At Need	An industry expression meaning that an interment booking is in relation to a death that has already occurred (as distinct from pre-need). An ash or burial site for immediate use.
Australian Standards	The applicable standard is AS-4204(1994) [Headstones and Monuments]
Bodily remains	The whole or any part of a human body (whatever its physical state may be) but does not include the whole or any part of a human body that has been cremated.
Burial	The interment in the earth of human remains (directly in the earth, enshrouded or within a coffin or casket or in a container)
Burial Licence	See Interment Right
Cemetery	The grounds of the cemeteries managed by the Kiama Municipal Council
Columbarium	A holding place/structure for cremated remains of the deceased
Council	Kiama Municipal Council
Council cemeteries	Gerringong, Jamberoo and Kiama cemeteries, managed by the Kiama Municipal Council
Cremated remains	Bodily remains that have been reduced by cremation

Exercising an Interment Right	The interment of human remains within an interment site
Exhumation	The removal of a dead person's bodily remains (not being cremated remains) from a grave
Funeral Director	A person (other than the operator of a mortuary transport service) who, in the conduct of the person's business, engages, for the purpose of burial, cremation or transport, in the collection, transport, storage, preparation or embalming of bodies or engages in the conduct of exhumations.
Headstone lawn section	A section within a cemetery where it is acceptable to install a headstone, only at the head end of the grave upon a base on the beam installed by an approved Monumental Mason.
Gerringong Cemetery	A cemetery managed by Kiama Municipal Council, located in Belinda Street, Gerringong.
Human remains	Bodily remains including: <ul style="list-style-type: none"> <li>a) the remains of a still-born child; and</li> <li>b) bodily remains after they have been cremated.</li> </ul>
Interment	Of human remains includes: <ul style="list-style-type: none"> <li>a) The placement of human remains in a columbarium or other structure designed for the placement of such remains;</li> <li>b) The burial in the earth of human remains (directly in the earth, enshrouded or within a coffin or casket or in a container); or</li> <li>c) but does not include the scattering of cremated remains.</li> </ul>
Interment Right	An interment right issued in accordance with the <i>Cemeteries and Crematoria Act 2013</i> that: <ul style="list-style-type: none"> <li>a) Conveys the right to inter in a particular site but not the ownership of the land within or upon which it is situated;</li> <li>b) May be issued in perpetuity at Council's absolute discretion;</li> <li>c) Identifies the person to whom the Interment Right is issued;</li> <li>d) Identifies the site at which remains may be interred pursuant to the Interment Right; and</li> <li>e) Specifies whether the interment right may be cancelled or transferred and sets out the conditions (if any) governing its cancellation or transfer.</li> </ul> <p>May be purchased 'at need' i.e. to enable the conduct of an imminent funeral or 'pre-need' i.e. to enable an interment to occur within the next fifty (50) years.</p> <p>Previously referred to as a Burial License or a Right of Burial.</p>
Interment Right Holder	The person recorded in the cemetery register as the holder of the Interment Right
Interment site	A place in a cemetery for the interment of human remains, regardless of whether those remains are bodily or cremated.
Jamberoo Cemetery	A cemetery managed by Kiama Municipal Council, located beside Drualla Road, Jamberoo.

Kendall Cemetery	A closed cemetery managed by Kiama Municipal Council, located in South Kiama Drive, Kiama Heights.
Lawn section	A section within a cemetery where it is acceptable to install a plaque only at the head end of the grave, either flush with the surface or upon an approved base or the beam installed by Kiama Municipal Council.
Kiama Cemetery	A cemetery managed by Kiama Municipal Council, located beside the Princes Highway at Bombo.
Memorial	Includes: <ul style="list-style-type: none"> <li>a) an approved gravestone, cenotaph, tombstone or other monument;</li> <li>b) a plaque; or</li> <li>c) any other approved structure or physical object used to memorialise a deceased person.</li> </ul>
Memorial gardens	An area of the cemetery that is established for the memorialisation of cremated remains.
Monumental mason	A professional tradesperson focused on the creation, installation and repairs of headstones (also known as gravestones and tombstones) and other memorials.
Monumental section	A section within a cemetery where it is acceptable to install a monument which may cover up to, but not exceeding, the designated surface area of the grave.
Niche	A single compartment within the columbarium that holds cremated remains.
Perpetual term	The Interment Right is issued for a particular location in perpetuity i.e. without any limitation on its term (apart from needing to be exercised within fifty (50) years).
Pre-need	An industry expression meaning that the sale or allocation of an Interment Right, is in relation to an imminent or potential future death and subsequent interment i.e. the Interment Right is being acquired in anticipation of a future situation (not at need).
Reservation	See Interment Right
Right of Burial	See Interment Right
Right of Interment	See Interment Right
The Act	The <i>Cemeteries and Crematoria Act 2013</i>
The Council	Kiama Municipal Council
The Regulation	The <i>Public Health Regulation 2014</i>
Tributes	Floral or other mementoes left at an interment site

## Variation and review

Council reserves the right to review and/or amend this Policy and the related terms and conditions for bodily and cremated remains interment locations within Council Cemeteries at any time, without notice to interment right holders as may be required by changes to applicable law, regulation or emergent circumstances.

### Review History

Date reviewed	Date adopted/ endorsed	Brief detail of amendments
Not applicable	21 November 2023	New Policy

## POLICY

### 1. General Operating Policies

#### 1.1. Compliance with operating principles

1.1.1 A person, including Interment Right Holders, must comply with the *Cemeteries and Crematoria Act 2013*, and the *Public Health Regulation 2014* and these operating policies where they wish to:

- a) inter human remains in the cemetery;
- b) re-open an interment site containing bodily remains;
- c) remove human remains from the cemetery; and/or
- d) install or remove a memorial at an interment site.

#### 1.2. Opening hours and access

1.2.1. Generally, access is available to members of the public seven (7) days a week, 365 days a year from 7:30am to 6:00pm except during daylight savings time when access is extended from 7:30am to 7:30pm or at other times approved by the Council.

1.2.2. The specific times available for conducting interments will be determined by Council.

1.2.3. Access through other gates is only available to approved contractors.

1.2.4. No person, except a person authorised by the Council, may be in the cemetery at any other time.

1.2.5. Access to cemeteries, or parts of cemeteries, for visitation and/or internments may be restricted for operational and safety situations e.g. in the event of a natural disaster resulting in inundation or unsafe grave preparation conditions that could endanger staff or visitors. Council will endeavor to maintain access; however, restrictions to access may be imposed when required to maintain public and operational safety at Council's discretion.

#### 1.3. Enquiries and office hours of Council

1.3.1. As there is no office located at the cemetery, all enquiries should be directed to the Administration Centre, Kiama Municipal Council, 11 Manning Street, Kiama.

1.3.2. To ensure that the appropriate Council Officer is available to answer the enquiry or commence processing an application, an appointment should be made prior to attendance at the Administration Centre.

- 1.3.3. Please phone (02) 4232 0444 to make an appointment to meet with a Council officer at the Administration Centre.

#### 1.4. Customer Service Principles

- 1.4.1. Council must take all reasonable steps to comply with the Customer Service Principles, where possible. The Customer Service Principles are:

- a) Personal choices of customers must be respected.
- b) Discrimination against customers, visitors, invitees or the public is not permitted on any grounds, referred to in the *Anti-Discrimination Act 1977*.
- c) When requested by a customer, Council must provide full and accurate information about the products and services that the operator is able to provide.
- d) The business of the Council is to be carried out with competency and integrity.
- e) The conduct of the Council must not bring the interment industry into disrepute.

#### 1.5. Dispute resolution

- 1.5.1. If you have a complaint, you may submit your complaint in writing to the Council mailbox, which is [council@kiama.nsw.gov.au](mailto:council@kiama.nsw.gov.au). You can also contact Council and make your complaint over the phone, on (02) 4232 0444. If you are not satisfied with how your complaint has been handled, you can refer your complaint to Cemeteries and Crematoria NSW (CCNSW).

#### 1.6. Religious, cultural and spiritual principles

- 1.6.1. If you have any religious or cultural requirements in relation to a burial or ash placement, please advise Council. Council will satisfy the request if it is practicable and safe to do so. For example, if a religious requirement involves a Sunday burial, this should be practicable if Council has employees available on a Sunday. This principle excludes the dedication of land or the erection of structures.

#### 1.7. Aboriginal cultural and spiritual principles

- 1.7.1. Council acknowledges the Traditional Custodians of Dharawal Country, the Wodi Wodi people and recognises their continued connection to the land, paying respect to elders past, present and emerging and the contribution that they make to our community.
- 1.7.2. If you have a request for any Aboriginal cultural and spiritual requirements in relation to a burial or ash placement, please advise Council. Council will satisfy the request if it is practicable and safe to do so. For example, Council is happy to work with families if a smoking ceremony is requested. This principle excludes the dedication of land or the erection of structures.

#### 1.8. Organising interment of bodily remains

- 1.8.1. The Council:
- a) does not organise funerals; and
  - b) does organise the digging of graves.
- 1.8.2. The funeral director selected by family or the deceased estate representatives:
- a) contacts Council to arrange for the interment i.e. books the time and seeks approval of the location; and
  - b) makes payment to the Council of the necessary fees associated with the interment.

## 1.9. Organising interment of cremated remains

1.9.1. If the cremated remains are to be interred within:

- a) a garden bed, niche or other dedicated cremated remains interment location, that placement may be carried out by council officers or by an external contractor approved by Council.
- b) an existing grave, the cremated remains placement must be organised through the Council.

## 1.10. Fees

1.10.1. Council will publish fees and charges for granting Interment Rights and all other services and may change the scale of fees as it may determine.

1.10.2. The published fee for an Interment Right:

- a) includes the allocation of the Interment Right to use a particular piece of land for interment (but not its ownership);
- b) excludes the fees associated with interring human remains e.g. grave digging and any other related items e.g. maintenance fees, monuments and related permits;
- c) new burial interment locations are similar in size, regardless of whether they are in single or double rows;
- d) areas with single rows may require relatively more land to be allocated to pathways or other forms of access. Council reserves the right to apply higher fees to single row interment locations; and
- e) even within similar rows or areas, fees may vary depending on particular attributes e.g. facing east or west, proximity to shelter etc.

1.10.3. An out of area surcharge as per Council's Fees and Charges may be applied if the person whose bodily or cremated remains are to be interred was not a resident/ratepayer within the Kiama Municipality.

1.10.4. Fees and Charges will be reviewed on an annual basis. An up-to-date copy of the Fees and Charges will be made available to any person upon request. It is also available for download from the Council website.

## 1.11. Plan of the Cemetery

1.11.1. The Council will maintain a plan of the Cemetery in the office of the Council that shows:

- a) each site at which human remains (bodily or cremated) are interred;
- b) each site set aside for the interment of human remains; and
- c) the number allocated to, or a description of, each site.

1.11.2. A plan of the cemetery is available on request. Please call (02) 4232 0444.

## 1.12. Landscaping

1.12.1. No person, except a person authorised by the Council, may landscape or change the landscaping of any portion of the cemetery (including but not limited to, planting or removal of shrubs, trees or other forms of vegetation/flora) or altering the surface of the lawn section.

1.12.2. Any unauthorised landscaping such as pebbles, rocks or other features that cover the lawn surface may be removed by the Council without notice.

1.12.3. The Council is not responsible for any damage or loss caused by unauthorised activity in the grounds.

1.12.4. All plants and trees in the cemetery remain the property of the Council.

- 1.12.5. If the surface of any interment site in the cemetery sinks below the level of the natural surface of the ground, the Council may cause the site to be filled up to that level.
- 1.12.6. The Council may plant and maintain lawn on interment sites.
- 1.12.7. The Council may alter or transfer any landscaping, burial plots, memorial or memorial garden bed as it may determine, at its absolute discretion.

### 1.13. Traffic regulations

- 1.13.1. A person must, while in charge of a motor vehicle within the cemetery, comply with any lawful directions of the Council as to the driving and parking of the vehicle.
- 1.13.2. A person must not drive a motor vehicle within the cemetery in a dangerous or careless manner or without reasonable consideration for others.
- 1.13.3. A person may park a motor vehicle within the cemetery with reasonable consideration for others and in accordance with general road rules unless the road is clearly marked to the contrary.

### 1.14. Public Right of Way

- 1.14.1. A cemetery is not a public right of way.

### 1.15. Control of animals

- 1.15.1. All dogs in the cemetery must be kept under control and on a leash.
- 1.15.2. All dog faeces must be removed by the person in control of the dog.
- 1.15.3. A person may not ride, drive or exercise other animals in the cemetery without the written approval of the Council.

### 1.16. General conduct in the Cemetery

- 1.16.1. A person must not cause any nuisance or breach the peace or disturb or interrupt any service, procession or cortege.
- 1.16.2. A person must at all times conduct themselves in a manner that respects the rights and safety of others.
- 1.16.3. A person must seek the approval of the Council before they:
  - a) erect a temporary shelter or canopy;
  - b) organise or take part in a meeting;
  - c) restore, alter or update inscriptions on existing memorials; and/or
  - d) install any memorial, monument or plaque.
- 1.16.4. A person may not:
  - a) sell or buy anything;
  - b) carry on a business or advertise the same;
  - c) distribute or display any advertisement;
  - d) disturb a funeral service;
  - e) discharge a firearm (except at a military funeral);
  - f) cut, break, deface or write or fix a bill (notice or poster) on any fixture or landscaping in the cemetery;
  - g) take, injure or interfere with trees, shrubs, flowers, vases, labels, fish, birds, animals or other property; and/or
  - h) plant any tree or shrub or other flora on any land or grave within the cemetery.



## 1.17. External contractors

- 1.17.1. An external party may not undertake work of any type in a cemetery unless that person and those engaged by that person:
- a) hold a valid work permit for that specific activity; and
  - b) are registered with the Council as a contractor.

## 1.18. Tributes

- 1.18.1. Tributes may be placed only in unbreakable containers or as the Council may determine, at its absolute discretion.
- 1.18.2. No items are allowed to be placed on the top of a lawn grave this includes toys, statues or memorabilia of any kind. Photos are only permitted within the headstone.
- 1.18.3. Approved headstones may be placed upon a lawn beam.
- 1.18.4. Cut or artificial flowers are permitted to be placed on the lawn beam in appropriate vases or containers built into the approved memorial.
- 1.18.5. Items which are unacceptable include:
- a) glass jars or plastic containers or buckets;
  - b) items of personal significance, ornaments, flags, etc. which were not specified within and approved, as part of the Memorial Permit Application;
  - c) trees, shrubs, flowers or other flora planted without written authorisation from Council;
  - d) items considered as a safety hazard; and/or
  - e) any other items as may be determined by Council from time to time.
- 1.18.6. The Council may remove and, without notice, dispose of
- a) unacceptable items; or
  - b) any tribute when it is deemed unsightly or offensive or deteriorating.

## 2. Interment Rights

### 2.1. Allowable Interment Items

- 2.1.1. Items and human remains may only be interred at any interment site with the written permission of Council.
- 2.1.2. An Interment Right Holder may only use the ground or space allotted for the purposes set out in that permission.

### 2.2. Council to grant Interment Rights

- 2.2.1. The Council may grant an Interment Right in relation to one or more interment sites in the cemetery where the applicant completes the appropriate form (Application to Purchase an Interment Right) and pays the fee.
- 2.2.2. A maximum of four (4) double depth Interment Rights to graves on a beam can be purchased on behalf of a family at Jamberoo Cemetery.
- 2.2.3. Due to space limitations at Kiama Cemetery a family can only apply for two (2) single depth Interment Rights.
- 2.2.4. Due to space limitations at Gerringong Cemetery the following restriction applies: a Right of Interment for a double depth plot can only be purchased at need when a funeral is being arranged. No adjoining plots may be reserved for future family members.

- 2.2.5. The interment location will be allocated at the Council's discretion, usually being the next available position in the appropriate section. A particular location cannot be chosen by the Applicant.
- 2.2.6. Council may grant and issue an Interment Right in perpetuity, formerly called a Burial License, entitling the person or persons to whom it is granted the exclusive right of interment in a specified interment site.
- 2.2.7. Before an interment can occur within an interment site, the
  - a) the signed Application for Interment Right or a previously issued Interment Right and
  - b) the signed Application for Burial must be presented to Council.
- 2.2.8. An Interment Right may be granted to one person or to two or more persons as joint holders.
- 2.2.9. The Council may, at its complete discretion, limit the number of Interment Rights granted to a person.

### 2.3. Revocation of Interment Rights

- 2.3.1. The Council may revoke a perpetual interment right if the perpetual Interment Right is not exercised within fifty (50) years after it is granted.

### 2.4. Surrender of Interment Right

- 2.4.1. An Interment Right which has not been exercised i.e. where no interment of bodily remains has occurred, can be surrendered back to council by the Holder of that Right. The Council may refund up to 50% of the then current fee i.e. not the historic price, for a similar interment site, minus an administration fee.

### 2.5. Transfer of Interment Rights

- 2.5.1. The holder of an Interment Right cannot on-sell that Right to third parties.
- 2.5.2. The Council may, on receipt of an appropriate Application to Transfer an Interment Right Form transfer the rights from the existing Interment Right Holder(s) to a new Interment Right Holder(s).
- 2.5.3. Such an application may be made only by the holder of the Interment Right concerned or, if the Interment Right is held by joint holders, by all the joint holders.
- 2.5.4. If the Transfer Application is accepted council will issue an Interment Right, updated to reflect the transfer.
- 2.5.5. The Council may refuse to grant or transfer an Interment Right if, in the Council's opinion, the grant or transfer would tend to create a monopoly or encourage dealing in Interment Rights.
- 2.5.6. Where the Council approves a transfer, the name of the transferee must be entered into the register of Interment Rights as the owner of the Interment Right.
- 2.5.7. The transfer will not take effect until it is recorded by the Council in its Register of Interment Rights. A transferor remains the holder of the Interment Right until the transfer is registered and the name of the transferee is entered in the Register of Interment Rights.

### 2.6. Interment Rights issued in two (2) or more names

- 2.6.1. All Interment Right Holders have the responsibility to keep the Council informed of their current contact details. Failure to do so will result in the Council, after reasonable notice, accepting instructions from the other Interment Right Holder without their input.
- 2.6.2. Notice will be deemed given if the Interment Right Holder is sent a letter or email to the person's last known contact details. Failure by the Interment Right Holder to respond within ninety (90) days will constitute abandonment of his or her right to give instructions

and the Council may act in accordance with the instructions of the other Interment Right Holders who are contactable.

- 2.6.3. With the effective date being the adoption of this Policy, all new Interment Rights will be issued to one person only i.e. the document itself is only issued once (even though it may contain multiple names).

## 2.7. Claimants to Interment Rights

- 2.7.1. Where there is one or more joint Interment Right Holders, and one of the Interment Right Holders dies, the Council will recognise the surviving Interment Right Holder or Interment Right Holders as the only person or persons having title to an Interment Right.

## 2.8. Instructions from Interment Right Holders

- 2.8.1. The holder of an Interment Right may bequeath the right as if it were the holder's personal estate.
- 2.8.2. If the holder of an Interment Right dies and has not bequeathed the Interment Right, that Right will be dealt with by Council as if it were personal property forming part of the estate of an intestate.
- 2.8.3. 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.
- 2.8.4. If the holder of an Interment Right dies without a will (intestate) the provisions of the *Succession Act 2006* set out the order in which eligible relatives will inherit the estate.
- 2.8.5. A person claiming ownership of an Interment Right must, if necessary, prove their ownership to the Council.
- 2.8.6. The Interment Right Holder may seek to cancel the Right by completing the "Transfer of Interment" section on the bottom half of the Interment Right. In effect this transfers the Right back to Council.

## 2.9. Register of Interment Rights

- 2.9.1. The Council will keep a Register of Interment Rights in accordance with the Act and Regulations.
- 2.9.2. As far as far as is possible, that Register will:
- a) identify each holder of an Interment Right;
  - b) include contact details for that holder;
  - c) include contact details for any next-of-kin or other persons nominated by the holder as secondary contacts with respect to the holder;
  - d) include the name, age and last address of the person whose remains have been interred, the date of the person's death and the date of the interment; and
  - e) provide details of any transfer of any interment rights.

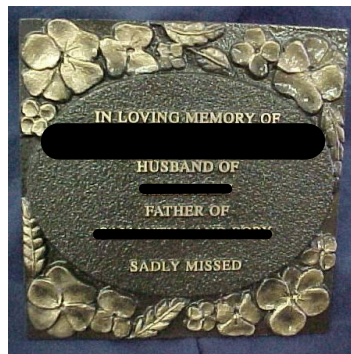
## 3. Interments

### 3.1. Interment of Bodily Remains

- 3.1.1. The funeral director engaged to conduct the funeral is responsible for the burial and funeral arrangements.
- 3.1.2. Council arranges grave digging.

### 3.2. Interment of Cremated Remains

- 3.2.1. Families seeking to inter cremated remains within a grave should make arrangements through the Council. Permission must be given in writing by the Interment Right Holder of that plot.
- 3.2.2. Where cremated remains are to be interred within a specific cremated remains interment location e.g. memorial garden bed, columbarium niche etc. arrangements should be made directly with the Council or a funeral director.
- 3.2.3. Memorial Garden Bed positions are available at Kiama Cemetery.
- a) These positions will accommodate full sets of cremated remains. Individual positions may provide space for placement of either up to two or four sets of cremated remains and are priced accordingly.
  - b) The memorial plaque is set upon a plinth (base flush with the bed). Two flower vases are provided within the plinth.
  - c) Plaques (see Figure One example) are to meet Council's specification. The bronze plaques:
    - i. are to be 185 x 185mm, with a maximum of sixteen (16) lines of writing.
    - ii. utilising the available Rose, Gum or Pansy designs.
    - iii. may include an optional cameo and flat relief emblem.



**Figure One:** Example of a Memorial Garden position plaque

- 3.2.4. Council will inter the cremated remains in the selected Memorial Garden position and fix the plaque to the plinth. This will be done by Council on receipt of the plaque and the cremated remains urn from the Funeral Director.
- 3.2.5. Kiama and Gerringong Cemetery Granite Memorial Garden Wall niches can usually accommodate full sets of cremated remains, within cylindrical urns provided by the funeral director or crematorium.
- 3.2.6. Plaques are to meet Council's specification (see Figure Two example).



**Figure Two:** Example of a Kiama Cemetery Memorial Garden Wall plaque

- 3.2.7. Interment of the cremated remains and placement of the plaque may only proceed with Council approval.

- 3.2.8. Older style, Columbarium Wall Niche positions are also available at Gerringong, Jamberoo and Kiama cemeteries.
- 3.2.9. These walls were designed to accommodate the older style of cremated remains containers which contained up to two (2) litres of remains. Modern cremation processes may enable retention of up to four (4) litres of cremated remains.
- 3.2.10. As these historic niches may not have the capacity to take a full set of cremated remains, Applicants for these positions should consider whether they wish to apply for adjoining positions or retain the residual or have it scattered within the cemetery.

### 3.3. Interment hours

- 3.3.1. Interment of bodily and cremated remains may occur:
  - a) between 9:30am and 3:00pm on normal working days, Monday to Friday; or
  - b) by arrangement with Council, at its discretion, on Saturdays, Sundays and Public Holidays except for Good Friday and Christmas Day.

### 3.4. Authorisation of Interments

- 3.4.1. No interment will take place in the cemetery unless:
  - a) An Application for Burial is lodged at the offices of the Council.
  - b) An Interment Right is produced to the Council upon request; or acceptable proof of the past purchase of the Interment Right.
  - c) The Council receives reasonable notice of a request for the interment.
  - d) All relevant fees have already been paid to the Council.
  - e) All documentation required by the Act, Regulations and the Council has been supplied before the interment occurs.
  - f) A council officer has confirmed the designated location, reviewed the submitted forms and confirmed receipt of necessary payments.

### 3.5. Interment depths

- 3.5.1. Because of soil conditions, graves at Kiama Cemetery will only be dug to single depth i.e. to allow interment of one set of bodily remains.
- 3.5.2. At Jamberoo and Gerringong cemeteries it may be possible to dig the grave to extra depth
  - a) to potentially allow two sets of bodily remains to be interred.
  - b) If this is requested at the time of booking the interment.
- 3.5.3. Excavation (digging) fees may differentiate between the necessary depths.
- 3.5.4. Cremated remains may also be interred within a grave.
- 3.5.5. Coffins/Caskets must be interred at least:
  - a) the minimum depth required by the Act and Regulations, being 900 millimetres below the natural surface level; or
  - b) a minimum depth greater than the Act and Regulations require, as the Council may determine.
- 3.5.6. The Council may determine the maximum depth of a grave in which a body may be interred in the Cemetery.
- 3.5.7. The interment site must be covered/backfilled as soon as practicable on the same day as the interment.

### 3.6. Exhumation

- 3.6.1. Exhumation means the removal of a dead person's remains (not being cremated remains) from a grave or vault.
- 3.6.2. Exhumations are to be conducted by appropriately qualified contractors employed by the applicant and approved by Council upon payment of Council's administration fees.
- 3.6.3. All costs of the exhumation are to be borne by the applicant.
- 3.6.4. Exhumations are not to take place except in accordance with the requirements of the regulations made under the *Public Health Act 2010*, and Division 4 of Part 8 of the *Public Health Regulation 2014*.

### 3.7. Interment sections for full burial

- 3.7.1. The Council reserves the right to:
  - a) create or reallocate or designate bodily and cremated remains interment sections, within the cemeteries, at its absolute discretion.
  - b) determine whether bodily interment sites are created in single rows or double rows (head to head).
- 3.7.2. New bodily interment sites are established 1.2m wide x 2.4m long in double or single rows within the lawn section.
- 3.7.3. Within existing monumental sections of the cemeteries, areas are designated by their historic religious association as being Catholic, Church of England, Presbyterian and Uniting.
- 3.7.4. The lawn and headstone lawn interment areas are not designated with a religious association i.e. they are non-denominational.

## 4. Memorials, headstones, monuments and plaques

### 4.1. Provision

- 4.1.1. All sites within the old monumental sections are either occupied or reserved and no new monumental sections will be established.
- 4.1.2. The Council reserves the right to arrange the supply and installation of headstones/monuments/plaques for bodily and cremated remains interment sites currently reserved in the monumental section, at its absolute discretion.
- 4.1.3. Where items are supplied by external suppliers their design must be approved by council prior to placement.

### 4.2. Memorial design

- 4.2.1. The Council must approve the materials, design, workmanship and proposed inscription of all Memorials before any work is carried out.
- 4.2.2. The Council may refuse any design or part of a proposed design for a Memorial as it may determine.
- 4.2.3. The details of the proposed works must be contained within a Memorial Permit Application.
- 4.2.4. Before any work is carried out:
  - a) the Memorial Permit Application must be approved;
  - b) the scheduled permit fee must be paid; and
  - c) a permit for the work must be issued by Council.

- 4.2.5. Unless otherwise approved by the Council, the name affixed on the Memorial must accord with the name shown on valid proof of the deceased's identity produced to the satisfaction of the Council.
- 4.2.6. The Council may permit ornamental fixtures and fittings provided they are of non-ferrous durable material. The Council accepts no responsibility for any ornamental fixtures or fittings.
- 4.2.7. All Memorials constructed and or installed by a monumental mason or funeral director, must be in accordance with the applicable Australian Standards AS-4204 (1994) [Headstones and Monuments].

#### 4.3. Specifications for headstones and monuments

- 4.3.1. Council reserves the right to determine the allowable specifications and to have variations, between sections of and also within sections of the cemetery.
- 4.3.2. The standard size of a grave is 1.2m wide x by 2.4m long.
- 4.3.3. Unless specified otherwise, where a grave is in a designated monumental section the:
  - a) monument may not encroach onto adjoining graves or pathways; and
  - b) standing height of the headstone on the monument may not be higher than 850mm above the natural surface of the land or the foundation/beam provided by Council.
- 4.3.4. Where a grave is in a designated headstone lawn section the maximum dimensions of a:
  - a) single headstone is: height from surface level is 850mm x width 1150mm x length 300mm (from the designated rear of the grave site).
  - b) double headstone (across two adjoining graves) are: height above ground level 850mm, width 2,000mm and length 300mm (from the designated rear of the grave site).
- 4.3.5. In the older or monumental sections of the cemeteries the design of new monuments and headstones and restorative works, should be in keeping with the design and character of its surrounds.

#### 4.4. Monumental masons and contractors

- 4.4.1. Memorials for a burial interment site must be constructed, altered and installed by a monumental mason or suitably qualified person, who:
  - a) is authorised by the Council to undertake such work;
  - b) has made the necessary Applications and obtained relevant work permits;
  - c) acts with the authority of the Interment Right Holder; and
  - d) complete a site induction, including lodging a Contractor Site Induction Checklist with Council.
- 4.4.2. Contractors, including monumental masons, must provide proof annually that they have:
  - a) current public liability insurance:
  - b) current workers' compensation insurance cover: and
  - c) complied with Workplace Health and Safety requirements.
- 4.4.3. Monumental masons and their staff and contractors must:
  - a) repair all damage attributed to them, within the Cemetery, to the satisfaction of the Council;
  - b) remove all spoil created during completion of works, from the site. It is not to be dumped within any part of the cemetery; and
  - c) seek Council's permission before storing any goods or materials overnight.

#### 4.5. Duty to maintain memorials

- 4.5.1. The Interment Right, once issued, entitles the Holder to utilise that interment location for approved purposes. It does not convey ownership of the land.
- 4.5.2. Once approved, the Holder may arrange for the installation of a memorial on that Interment Site, within Council guidelines.
- 4.5.3. The Holder of the Interment Right, not the Council, is responsible for ensuring appropriate maintenance of the memorial.
- 4.5.4. Any restoration work on a memorial or structural improvements to the grave site in the Monumental Section must be done by an experienced Monumental Mason or suitably qualified tradesperson, in accordance with the relevant Australian Standards. Only minor maintenance, such as painting, cleaning etc, (not structural work) can be carried out by others.
- 4.5.5. All work undertaken within the cemeteries must be approved by Council.

#### 4.6. Removal of memorials

- 4.6.1. The Council may remove or alter any memorial or erase any inscription that breaches Council's operating policies.
- 4.6.2. The Council may recover as a debt the expense of removal or alteration of a memorial from the person who erected the memorial.
- 4.6.3. The Council may remove a memorial that is unsightly or may become dangerous and dispose of the memorial as it may determine.

#### 4.7. Memorial Register

- 4.7.1. The Council, as far as is possible, will keep a Register of each Memorial created/erected in the Cemetery Register that contains the following information:
  - a) the date the permit was issued and to whom;
  - b) the size of the Memorial;
  - c) the type of Memorial; and
  - d) the location of the Memorial in the Cemetery.

#### 4.8. Temporary burial Interment site markers

- 4.8.1. Temporary Burial Interment Site markers, including wooden crosses, may only be used for a maximum period of twelve months following which they must be removed.
- 4.8.2. Temporary Burial Interment Site markers, including wooden crosses, removed by the Council after twelve (12) months have elapsed will be destroyed.

### 5. Privacy

- 5.1 The Council will abide by the freedom of information legislation and the spirit of privacy legislation in addition to the requirements of the Act and Regulations to protect the details of all living persons.



## Related forms/Documents

- Nil

## Attachments

Nil	
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## Authorisation

Name: Council Resolution No: 23/337OC

Date: 21 November 2023