



northern
beaches
council

Mona Vale and Manly Cemetery Regulations

September 2017



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GENERAL INFORMATION

What is an Interment Right

Commonly used statements, such as “*I have bought a grave*” or “*we own a grave at*” or “*we own a memorial or niche*”, are not a correct description of what someone owns at the cemetery. What purchasers do buy is an Interment Right.

As the Holder of the Interment Right, that person has a right to have themselves or another person they nominate, interred in a designated location within the cemetery i.e. the burial or cremated remains interment site nominated on the Interment Right.

The Holder of the Interment Right is also able to authorise the placement of an approved memorial at the interment site.

Given the dwindling supply of burial sites in metropolitan areas, the Interment Right may be a valuable item. The Right can be transferred or bequeathed to another person. When the Holder of the Interment Right dies, then the Right becomes part of his or her estate, to be administered by his or her Executor. The Interment Right is treated the same as other real property in the estate. If there is no Executor, then the transfer of the Right will be governed by the Succession Act 2006 and laws relating to intestacy.

Any transfer of a Right is not considered legally complete until the required documentation to substantiate the transfer of ownership is provided to Council and the cemetery Register has been updated to indicate the change in ownership of the Right. This Council also has a programme in place to “buy back” unused Rights at a set price, and can also revoke a Right if it has not been exercised within 50 years.

It is now a legislated requirement that the Holder of the Right will be issued with a certificate to confirm their holding at the time of purchase. However certificates were not always issued in the past. Cemetery Operators must maintain a Register of reservations and interments. In the absence of any other documentary evidence, the Register is considered to be the ultimate source of information about interments and reservations in the cemetery.

Payments

Payments can be made at the Mona Vale Cemetery office either by bank cheque or a cheque from a funeral directing or monumental mason’s business, made out to Northern Beaches Council. Cash and personal cheques **will not** be accepted at the cemetery.

Once the cemetery invoice has been issued, payments can be made online by credit card or BPay. or by cash or credit card or EFTPOS at one of Council’s Customer Service Centres.

Council Customer Service Centres

Phone 1300 434 434

Office	Address	Opening Hours
Avalon Beach	59A Old Barrenjoey Road Avalon Beach NSW 2107	Mon-Fri: 8.30am to 5pm
Dee Why	725 Pittwater Road Dee Why NSW 2099	Mon-Fri: 8.30am to 5pm
Manly	1 Belgrave Street Manly NSW 2095	Mon-Fri: 8.30am to 5pm
Mona Vale	Village Park, 1 Park Street Mona Vale NSW 2103	Mon-Fri: 8.30am to 5pm

Cemetery contacts

Phone (02) 9970 1341

Mail: Team Leader – Cemeteries, Northern Beaches Council, PO Box 82, Manly NSW 1695

Email: cemeteries@northernbeaches.nsw.gov.au

Web: [www.northernbeaches.nsw.gov.au/ services/cemeteries](http://www.northernbeaches.nsw.gov.au/services/cemeteries)

CEMETERY OPERATING REGULATIONS

Objectives

These Regulations aim to guide the Northern Beaches Council, management and staff in the approach taken to the day-to-day operation and management of the Manly Cemetery and Mona Vale Cemetery. It is also a reference point for members of the public seeking guidance in relation to the overarching framework within which the Council and its staff make decisions about cemetery matters.

Scope

The Regulations apply to Councillors, staff, volunteers, contractors, consultants and members of the public.

Definitions

Term	Meaning
Appropriate fee	a cemetery fee determined by Council and listed in the Cemetery Fees and Charges.
Ashes/Ash Remains	see cremated remains
Australian Standards	the applicable two standards are <ul style="list-style-type: none">• AS-4204(1994) [Headstones and Monuments] and• AS-4425(1996) [Aboveground structures] – Mausolea / Vaults / Crypts or their then current equivalents.
Back filling	replacing soil within a grave, on top of the casket or coffin or other receptacle, to return the surface of the grave to at least the surrounding natural surface level.
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 of bodily remains, in ground i.e. in a grave, or in an above ground structure e.g. a crypt, vault or mausoleum.
Burial Grantee	see Next of Kin
Burial Licence Certificate	See Interment Right Certificate.
Burial site	See Interment site
Cemetery	the grounds of the Mona Vale and Manly cemeteries.

Cemetery Register	the Council's formal repository of data containing, as far as is possible, all the required details of a human remains interment sites, memorials, issued interment or burial rights, Holders of Interment Rights, exhumations and transfers of Rights.
Cemetery Supervisor	the Northern Beaches Council officer responsible for the administration and control of the cemeteries
Coroner	an officer appointed under the Coroners Act (Part 1A & 2)
Council	the Northern Beaches Council
Cremated remains	human bodily remains that have been reduced by cremation.
Crown Land	land owned by government. In NSW the nominal owner is the Minister for Lands. In this context the lands are allocated to Trusts and local Councils and dedicated as cemeteries.
Exercising an Interment Right	Placing human remains within an interment site.
Exhumation	the removal of a dead person's bodily remains (not being cremated remains) from a grave or vault but does not include their removal from one vault for immediate transfer to another vault in the same cemetery or their temporary removal for the purposes of reburial in the same grave or vault or the re-interment of those remains in accordance with section 55 (4) of the 2013 Act.
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 or other approved memorial, at the head end of the grave, either upon a base or the beam installed by the Council.
Heritage Act	Heritage Act 1977 No 136 [NSW]
Holder	the person recorded, in the register, kept by the Council, as the person with authority to enable the use of an interment location
Human remains	<p>bodily remains including:</p> <ul style="list-style-type: none"> • The remains of a foetus or pre-term baby or still-born child; and • Bodily remains after they have been cremated.

Interment	placement of bodily or cremated remains in a designated position within a cemetery.
Interment Right	<p>an interment right issued in accordance with the Act that:</p> <ul style="list-style-type: none"> • conveys the right to inter in a particular site, but not the ownership of the land within or upon which it is situated • may be issued with either a perpetual or renewable term • identifies the person to whom the Interment Right is issued; and • identifies the site at which remains may be interred pursuant to the Interment Right; and • identifies the number of potential interments within the site; and • specifies the period for which the interment right is granted; and • sets out the rights to renewal of the interment right; and • specifies whether the interment right may be cancelled or transferred and sets out the conditions (if any) governing its cancellation or transfer.
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.
Intestacy	is the condition of the estate of a person who dies without having made a valid will or other binding declaration.
Lawn section	a section within a cemetery where it is acceptable to install a plaque or other approved memorial only at the head end of the interment site (grave), either flush with the surface or upon an approved base or the beam installed by Council.
Memorial	<p>includes:</p> <ul style="list-style-type: none"> • an approved gravestone, cenotaph, tombstone or other monument; or • a plaque; or • any other approved structure or physical object or landscape or planting used to memorialise a deceased person, regardless of whether human remains have been interred.
Mona Vale Cemetery	Mona Vale General Cemetery.
Monument	any structure, plaque, headstone, masonry, metal work, casting or other approved item placed on, over, in or around an interment site.

Monumental mason	a professional tradesperson focused on the creation, installation and repairs of headstones (also known as gravestones and tombstones) and other memorials, in accordance with Australian Standards.
Monumental section	a section within a cemetery within which an approved monument may be installed covering up to, but not exceeding, the designated surface area of the interment site.
Next of Kin	<p>for the purposes of authorising an interment or enabling the transfer of an Interment Right, based upon the Succession Act 2006, in the following order of importance, means:</p> <p>(1) a spouse of the Interment Right Holder, or</p> <p>(2) a defacto spouse, who, in relation to a person, is a person of the opposite sex to the first mentioned person, lives with the first mentioned person as the husband or wife of that person on a bona fide domestic basis although not legally married to that person, or</p> <p>(3) a child or an adult child (including an adopted child, a step child, foster child or an ex nuptial child), parent (including a foster parent, step parent and legal guardian), parents of spouse, grandparent, grandchild or sibling (including half, foster and step sibling) of the Interment Right Holder or their spouse or de facto spouse</p> <p>(4) a same sex partner who lives with the Interment Right Holder as their de facto partner on a bona fide domestic basis; or</p> <p>(5) a relative of the Interment Right Holder who is a member of the same household, where for the purpose of this paragraph:</p> <p>(i) 'relative' means a person related by blood, marriage or affinity;</p> <p>(ii) 'affinity' means a relationship that one spouse because of marriage has to blood relatives of the other, and</p> <p>(iii) 'household' means a family group living in the same domestic dwelling'</p>
Niche	<p>a space for interment of cremated remains. It may be</p> <ul style="list-style-type: none"> • freestanding e.g. a wall niche • incorporated into a building or landscape structure • within the ground e.g. in a garden bed
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 50 years to avoid being revoked).

Plot Grantee	see Interment Rights Holder.
Pre-purchase	purchasing an Interment Right before it is needed i.e. before the death has occurred.
Register	see Cemetery Register
Renewable Interment	involves the purchase of a right to inter human remains, and for those remains to be left undisturbed for an initial period of time, with the option of renewing those rights for additional subsequent periods i.e. they are not issued in perpetuity.
Renewable Interment Rights - Maximum initial term	25 years for human remains and 99 years for cremated remains. While the initial term can be 'renewed', or extended, the total term cannot exceed 99 years for both human remains and cremated remains.
Reservation	see Pre-purchase
Reserve Trust	refers to the former Pittwater Council as Trust Manager for the Mona Vale General Cemetery Reserve Trust
Revoke	cancelling an Interment Right when it has not been exercised within 50 years from date of purchase.
Shallow burial	a burial specially approved, by NSW Health Department, to allow the interment to occur at a reduced depth, with between 400-900 millimetres clearance from the natural level of surrounding land.
Term	the operative period of the Interment Right. Under the Act it may be perpetual i.e. forever or for a renewable period (including the Initial Term and any Extended Terms of that Interment Right). Currently the Council does not issue Renewable Interment Rights.
The Act	the Cemeteries and Crematoria Act (NSW) 2013.
Council	Northern Beaches Council
The Regulation	the Public Health Regulation (NSW) 2012
Transfer of Interment Rights	changing the Holder of the Interment Right by following the required process, as stipulated in the Act.
Tributes	floral or other mementoes left at an interment site.

Commencement of regulations

These regulations commence from the 1st July 2018.

Applications of regulations

These regulations apply to the Manly Cemetery and the Mona Vale Cemetery.

Review of regulations

Council reserves the right to review and/or amend these Regulations and the related terms and conditions for interment of bodily and cremated remains within the cemeteries at any time, without notice, but at least every five years.

Legislative framework

These Council Regulations are made under the overarching umbrella of relevant legislation, such as the

- Cemeteries and Crematoria Act 2013 No 105
- Heritage Act 1977 No 136
- Public Health Act 2010
- Public Health Regulation 2012
- Succession Act 2006
- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011

Council Regulations

1 General Operating Regulations

1.1. Compliance with Operating Principles

1.1.1. A person, including Interment Right Holders, must comply with applicable legislation and public regulations as well as these Council Regulations where they wish to:

- 1.1.1.1. inter human remains in the cemetery;
- 1.1.1.2. re-open an interment site containing bodily remains;
- 1.1.1.3. remove human remains from the cemetery; or
- 1.1.1.4. install or remove a memorial at an interment site.

1.2. Opening Hours and Access

1.2.1. The Mona Vale Cemetery is open all year round. The Caretaker is usually on site Monday to Thursday between 7am-4pm and on Fridays between 7am and 3.30pm.

1.2.2. The Manly Cemetery is open all year round. No staff are based at the cemetery.

1.3. Council enquiries and office hours

1.3.1. Telephone enquiries and appointment requests should be made to Cemetery Customer Relations on (02) 9970 1341 or to Northern Beaches Council customer service on 1300 434 434.

1.3.2. To ensure that the appropriate Council officer is available to answer the enquiry and/or finalise the reservation (pre-purchase) of an Interment Right, an appointment should be made prior to attendance at either cemetery.

1.4. General conduct in the cemetery

1.4.1. A person must not cause any nuisance or disturb or interrupt any service, procession or cortege or interrupt any other gathering, meeting or assembly or breach the peace.

1.4.2. A person must at all times conduct themselves in a manner that respects the rights and safety of others.

1.4.3. A person must seek the approval of Council before they:

- 1.4.3.1. inter or exhume any human remains (whether cremated or not);
- 1.4.3.2. erect a temporary shelter or canopy;
- 1.4.3.3. organise or take part in a meeting;
- 1.4.3.4. restore, alter or update inscriptions on existing memorials;
- 1.4.3.5. install any memorial or monument or plaque.

1.4.4. A person may not

- 1.4.4.1. damage, deface, interfere with, or alter any grave, monument or burial site;
- 1.4.4.2. sell or buy anything;

- 1.4.4.3. engage in trade or commerce or carry on a business or distribute or display any advertisement;
- 1.4.4.4. discharge a firearm (except with approval at a military funeral);
- 1.4.4.5. distribute any circular, advertisement, paper or other printed, drawn, written or photographic matter;
- 1.4.4.6. cut, break, deface or write or fix a bill on any fixture or landscaping in the cemetery;
- 1.4.4.7. take, injure or interfere with trees, shrubs, flowers, vases, ornaments, labels, fish, birds, animals, buildings or other property;
- 1.4.4.8. plant any tree, shrub or other herbage in any place unless written permission has been obtained from Council;
- 1.4.4.9. cause or permit an animal that is not under the person's control to enter or remain in the cemetery;
- 1.4.4.10. camp or reside on any land in the cemetery;
- 1.4.4.11. light a fire;
- 1.4.4.12. possess or drink an alcoholic or intoxicating beverage or ingest any illegal substance;
- 1.4.4.13. urinate or defecate except in facilities specifically provided for that purpose;
- 1.4.4.14. bring into or leave in the cemetery any rubbish, refuse, scrap metal (including any car or car part), rock, soil, sand, stone or other such substance.

1.5. Fees

- 1.5.1. The cemetery fees and charges for the services provided, are determined and approved by the Council by the 1st July every year. The current fees and charges are displayed on the Council's website at www.northernbeaches.nsw.gov.au/services/cemeteries
- 1.5.2. The published fee for an Interment Right:
 - 1.5.2.1. includes the allocation of the Right to use a particular location for interment but not ownership of the location.
 - 1.5.2.2. excludes other related items e.g. initial and subsequent interment fees (digging), maintenance fees, monuments and related permits etc.
- 1.5.3. Any applicable fees for the cemetery goods and services provided or organised by Council must be paid for before they are provided or used.
- 1.5.4. New burial interment locations are similar in size, regardless of whether they are in single or double rows. Areas with single rows may require relatively more land to be allocated to pathways or other forms of access. Consequently, Council reserves the right to apply higher fees to single row interment locations.

1.6. Landscaping

- 1.6.1. No person, except a person authorised by the Council, may landscape or change the landscaping of any portion of the cemetery.
- 1.6.2. A person must not plant any tree, shrub or other herbage or plant unless written permission has been obtained from Council. A list of recommended plants can be found in the Appendix to these Regulations.
- 1.6.3. The Interment Right Holder must ensure that no tree, shrub or other herbage or plant encroaches onto an adjoining burial site or aisle way.
- 1.6.4. Council may remove any structure, adornment, trees, shrubs or other vegetation from the Cemetery where, in its opinion, it has not been maintained, is encroaching onto an adjoining burial site, is encroaching into the aisle or road or it is in the interest of the Cemetery to do so.
- 1.6.5. Any unauthorised landscaping may be removed by the Council without notice.
- 1.6.6. Council is not responsible for any damage or loss caused by unauthorised activity in the grounds
- 1.6.7. If the surface of any interment site in the cemetery sinks below the level of the natural surface of the ground, Council may cause the site to be filled up to that level.
- 1.6.8. Council may plant and maintain lawn on interment sites.

1.7. Placing of objects/floral tributes

- 1.7.1. The following objects are not to be placed on or near an interment site, monument or niche in the cemetery:
 - 1.7.1.1. ceramic or glass objects that are fragile or breakable,
 - 1.7.1.2. metal objects, or any other objects, that are likely to cause a risk to health or safety for visitors or contractors or cemetery staff
 - 1.7.1.3. any item that extends beyond the boundaries of the interment site, monument or niche, including pot plants, flower holders, live plants and any other unauthorised items.
- 1.7.2. Glass or other items considered a safety hazard will be removed, if necessary without notice
- 1.7.3. Tributes may be placed only in unbreakable containers or as Council may determine.
- 1.7.4. Council may remove and dispose of any tribute when it is deemed unsightly or offensive or breakable or a risk to public safety or that of staff or contractors.

1.8. Traffic Regulations

- 1.8.1. A person must, while in charge of a motor vehicle within the cemetery, comply with any lawful directions of Council as to the driving and parking of the vehicle.
- 1.8.2. A person must not drive a motor vehicle within the cemetery
 - 1.8.2.1. except on a road provided for that purpose
 - 1.8.2.2. drive a vehicle at a speed or more than 20 kms per hour
 - 1.8.2.3. in a dangerous or careless manner or without reasonable consideration for others.
- 1.8.3. Unless the road or area is clearly marked to the contrary, a person may park a motor vehicle within the cemetery with reasonable consideration for others and in accordance with general road rules.
- 1.8.4. A person must not park a motor vehicle on any burial site or in a manner that is likely to impede traffic or detract from the sanctity of the cemetery.
- 1.8.5. A person must not teach, learn or practise driving a motor vehicle within a cemetery.

1.9. Public Right of Way

The cemetery is not a public right of way.

1.10. Control of Animals

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

1.11. Removal of trespassers

Council may remove any person trespassing or causing annoyance, interference or nuisance or otherwise committing a breach of these Regulations.

1.12. External Contractors

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

2 Interments

2.1. Interment sections

- 2.1.1. Council reserves the right to
 - 2.1.1.1. create or reallocate or designate bodily and cremated remains interment sections at its absolute discretion.
 - 2.1.1.2. determine whether bodily interment sites are created in single rows or double rows (head to head).
- 2.1.2. When the Interment Right is being pre-purchased, or the interment is being booked to enable the funeral to be conducted, the Applicant or the funeral director may indicate the section within the cemetery in which they prefer the interment to occur.

2.2. Council to Grant Interment Rights

- 2.2.1. Council may grant an Interment Right in relation to one or more sites in the cemetery where the applicant completes the appropriate form (**Application to Purchase an Interment Right**) and pays the fee.
- 2.2.2. The interment location will be allocated at Council's discretion.
- 2.2.3. Once an Application is approved, Council will issue an Interment Right to the Holder.
- 2.2.4. An Interment Right may be granted to one person or to two or more persons as joint Holders.
- 2.2.5. The term of an Interment Right commences from the date of issue.
- 2.2.6. Interment Rights may be pre-purchased for use within the next 50 years.
- 2.2.7. Council may, at its complete discretion, limit the number of Interment Rights granted to a person, regardless of whether they are purchased preneed or at need.
- 2.2.8. Council cannot, without the Minister's approval, grant an Interment Right to a person if the granting of the Right will result in the person holding (including jointly holding) more than two burial sites in the cemetery.
- 2.2.9. Under the relevant legislation, Council may grant and issue the **Interment Right Certificate**, (previously referred to as Burial Licence Certificate). That Right entitles the person or persons to whom it is granted the right of interment in a specified interment site:
 - 2.2.9.1. in perpetuity (a perpetual Interment Right), or
 - 2.2.9.2. for a limited term/time (a renewable Interment Right).
- 2.2.10. Currently Council does not issue Renewable Interment Rights. Should it choose to do so in the future, the related regulations would not be retrospective i.e. will not apply to previously issued Interment Rights.

2.3. Interment Rights issued in two or more names

- 2.3.1. Where an Interment Right is registered in the names of two or more persons
 - 2.3.1.1. the original Interment Right will only be provided to the person first named as the Holder in the Cemetery Register of Interment Rights.
 - 2.3.1.2. a copy of that Right will be available to other joint Holders.
- 2.3.2. All Interment Right Holders have the responsibility to keep Council informed of their current contact details. Failure to do so will result in Council, after reasonable notice, accepting instructions from the other Interment Right Holder without their input.
- 2.3.3. Notice will be deemed given if the Interment Right Holder is sent a letter, facsimile or email to the person's last known contact details. Failure by the Interment Right Holder to respond within 90 days will constitute abandonment of his or her right to give instructions and Council may act in accordance with the instructions of the other Interment Right Holders who are contactable.

2.4. Revoking Interment Rights

- 2.4.1 Council may revoke a perpetual Interment Right if it is not exercised, by interring human remains, within 50 years of the Right being initially granted (as determined by Council).
- 2.4.2 Before revoking any Interment Rights under this clause, Council must cause notice of its intention to do so to be sent, by registered post, to the person (if any) shown in the register of burial sites as the Holder of that right.
- 2.4.3 If no response to the notice is received within 28 days after the date on which it is sent, a second notice of the Council's intention is to be given by means of an advertisement, identifying the burial site and name of the Holder:
 - 2.4.3.1 displayed in a prominent position at the cemetery, and
 - 2.4.3.2 published in at least one national and one local newspaper.
- 2.4.4 If no response to the second notice is received within 6 months after the date on which it is advertised, final notice of the Council's intention is to be sent, by registered post, to the person (if any) shown in the register as the Holder of that right allowing the Holder 28 days from the date of the notice within which to enter into negotiations of the kind referred to in clause 2.3.6.
- 2.4.5 If Council has insufficient information to properly address the notice referred to in clause 2.3.2 or 2.3.4, the Council is not required to send that notice but may in that case begin the notification process by means of the notice referred to in sub clause 2.3.3 and may take other notification action it considers appropriate.

2.4.6 At any time before the expiry of the period for responding to the final notice referred to in clause 2.3.4 (or in the circumstances referred to in clause 2.3.5, within 28 days after the last date on which an advertisement referred to in clause 2.3.3.2 is published), the Holder of the Interment Rights concerned may enter into negotiations with Council for:

2.4.6.1 the sale of that Interment Rights back to Council, or

2.4.6.2 the retention of the Interment Rights.

2.4.7 Any notice required to be displayed or published under this clause may relate to more than one interment site.

2.5 Compensation

If Council revokes an Interment Right, granted before the commencement of this Regulation, the former Holder of the Interment Right is entitled

2.5.1 either to be granted an Interment Right for:

2.5.1.1 an alternative interment site in the same cemetery (and, if available, in the same general location) as the original site,

2.5.1.2 an equivalent period to that which the Interment Right was originally granted, or

2.5.2 or to be paid by Council, by way of compensation, an amount equal to half of the fee payable (as provided by Council's then current fees and charges) for the granting of an Interment Right for:

2.5.2.1 an alternative burial site in the same cemetery (and, if available, in the same general location) as the original interment site, and

2.5.2.2 an equivalent period to that which the Interment Right was originally granted.

2.5.2.3 The fee referred to in clause 2.4.2 is subject to variation or disallowance by the Minister.

2.5.3 If there is no alternative interment site available, or if there is no applicable scale of fees, the amount of compensation referred to in sub clause 2.4.2 is to be half of the fee payable for the granting of an Interment Right under the most recent applicable scale of fees, varied in proportion to any variation in the Consumer Price Index (All Groups Index) for Sydney that has occurred between the date on which that scale was established and the date the Interment Right was revoked.

2.5.4 Council may elect whether the former Holder of the revoked Interment Right is to be granted an alternative burial site or be paid compensation.

2.5.5 If the former Holder of the Interment Right is granted an Interment Right for an alternative burial site, that Right may not be transferred by the former Holder within five years after the date on which it was granted.

2.5.6 An application for compensation under this clause must be

2.5.6.1 in the form approved by Council, and

2.5.6.2 accompanied by the appropriate fee, and

2.5.6.3 lodged with Council within 6 years after the date on which the relevant Interment Right was revoked.

2.6 Surrender of Interment Right

- 2.6.1 Only the Interment Right Holder, has the right to surrender the Interment Right to Council in accordance with the Act and Regulations. On surrender the rights granted under the Interment Right is discharged.
- 2.6.2 An existing memorial, previously installed by the Holder, may be reclaimed by the Interment Right Holder upon surrender of the Interment Right, or if unclaimed will be disposed of by Council in accordance with the Act and the Regulations.

2.7 Transfer of Interment Rights to third parties

- 2.7.1 The Holder of an Interment Right can transfer or sell that Right to third parties.
- 2.7.2 The Council may, on receipt of an appropriate application (**Application to Transfer an Interment Right**), transfer an Interment Right from one person or two or more persons as joint Holders to one person or two or more other persons as joint Holders.
- 2.7.3 Such an application
 - 2.7.3.1 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.
 - 2.7.3.2 should be accompanied by the return of the original Interment Right or its historic equivalent or substantiating documentation.
- 2.7.4 If the original Holder has deceased:
 - 2.7.4.1 The application may only be made by the Executor of the estate of the deceased Holder or their Authorised Legal Representative.
 - 2.7.4.2 The application must state the name & address of the person/s to whom the Interment Rights is to be transferred and must include the appropriate fee plus a copy of the relevant legal documents supporting the application, such as a will or letters of administration.
 - 2.7.4.3 If the estate has not been settled, the Executor or Authorised Legal Representative shall be known as the "Holder for the time being". The register will be updated once the details of the correct Holder are confirmed.
- 2.7.5 If the **Application to Transfer** is accepted
 - 2.7.5.1 the original Interment Right Certificate will be invalid.
 - 2.7.5.2 Council will issue a new Certificate, reflecting the transfer.
- 2.7.6 Council may refuse to grant or transfer an Interment Right if, in its opinion, the grant or transfer would tend to create a monopoly or encourage dealing in Interment Rights.
- 2.7.7 Where Council approves a transfer, the name of the transferee must be entered into the Cemetery Register as the owner of the Interment Right.
- 2.7.8 The transfer will not take effect until it is recorded by Council in its Cemetery Register. 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.

2.8 Transfer of Interment Rights to Council

- 2.8.1 An Interment Right which has not been exercised can be surrendered back to Council by the Holder of that Right.
- 2.8.2 Council may enter into arrangements with the Interment Right Holder for the sale of the Right back to the Council.
- 2.8.3 The Council may, at its discretion, pay up to 50% of the then scheduled fee for an available equivalent site, within that cemetery.
- 2.8.4 The amount that the Council will pay to buy back an Interment Right will be influenced by the location of the site, its prospect for resale, the then current scheduled fees for equivalent sites or some other transparent basis, explained in the Annual Fees and Charges.

2.9 Council may determine Holder of Interment Right

This clause applies if there is a dispute or other reasonable doubt about who holds the Interment Rights for a particular interment site within a cemetery.

- 2.9.1 The person who believes they are the Holder of the Interment Right may apply to Council for a decision in relation to its ownership.
- 2.9.2 As soon as practicable after receiving the application Council must decide whether the person holds the Interment Right.
- 2.9.3 At least 28 days before making the decision, Council should
 - 2.9.3.1 display a notice about its intention to make the decision in a prominent position at the cemetery, and
 - 2.9.3.2 publish a public notice in a daily newspaper about its intention to make the decision and
 - 2.9.3.3 take any other steps it considers reasonable, at Council's absolute discretion, in the circumstances to determine who holds the Interment Rights for the burial place, or
- 2.9.4 Council may reasonably allocate the Right, without following the procedure in the preceding clause, if there is an imminent interment of a person who was related by blood or marriage to, or who was in a domestic relationship with:
 - 2.9.4.1 the Holder of the Interment Right
 - 2.9.4.2 a person already interred within the site.
- 2.9.5 Once Council makes the decision the Register will be updated, and the entitlements of previous Interment Right Holders revoked.

2.10 Claimants to Interment Rights

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

2.11 Interment Rights may be bequeathed

- 2.11.1 The Holder of an Interment Right may bequeath the Right as if it were part of the Holder's personal estate.
- 2.11.2 A person to whom the Interment Right devolves as a result of a bequest does not become the Holder of the Right until the Register is amended to indicate that fact.
- 2.11.3 On application made by a person to whom the Interment Right has devolved as a result of a bequest, Council must amend the Register so as to indicate that the person has become the new Holder of the Right.
- 2.11.4 An application under this clause must be in the form approved by Council and accompanied by the required documentation and the appropriate fee.
- 2.11.5 If the Holder of an Interment Right dies and has not bequeathed the Interment Right, that Right may be dealt with by Council as if it were property forming part of the Holders estate.
- 2.11.6 If the Holder of an Interment Right dies without a will (intestate) the provisions of The Succession Act 2006 (NSW) set out the order in which eligible relatives may inherit the estate.
- 2.11.7 A person claiming ownership of an Interment Right must, if necessary, prove their ownership to the Council.

3 Cemetery Register

- 3.1. Council will keep a Register in accordance with the Act and Regulations. As far as is possible, that Register will
 - 3.1.1. identify each Holder of an Interment Right, and
 - 3.1.2. include contact details for that Holder, and
 - 3.1.3. include contact details for any next-of-kin or other persons nominated by the Holder as secondary contacts with respect to the Holder, and
 - 3.1.4. include the name, age and last address of the person whose remains have been interred, the place and date of the person's death and the date of the interment, and
 - 3.1.5. provide details of any transfer of any Interment Rights
- 3.2. If the Interment Rights Holder is the deceased being interred, the person who signed the **Application for Interment** should be recorded as the Next of Kin. Within the Register, the Holder will be amended to be the estate of the late deceased and will remain so until the Interment Right has been transferred.

4 Cemetery Plans

- 4.1. In accordance with the Act, as far as is possible, the Council will maintain cemetery plans that show
 - 4.1.1. each site set aside for the interment of human remains; and
 - 4.1.2. the number allocated to, or a description of, each site.
 - 4.1.3. each site at which human remains (bodily or cremated) are interred; and
- 4.2. Such plans may be made available upon request.
- 4.3. A broader plan of the cemetery is also available for download from the Cemeteries page on Council website.

5 Interment hours

- 6.1. Interment of bodily and cremated remains may occur
 - 6.1.1. between 9:30am and 3pm on normal working days, Monday to Friday.
 - 6.1.2. by arrangement with Council, at its discretion, after 3pm or on Saturdays.
- 6.2. Interments may not occur on Sundays or public holidays.

7 Authorisation of interments

- 7.1. Human remains may only be interred within cemetery grounds with the written permission of Council
- 7.2. An Interment Right Holder may only use the ground or space allotted for the purposes set out in that permission i.e. designated upon the Interment Right Certificate.
- 7.3. No interment will take place in the cemetery unless:
 - 7.3.1. A written application for the interment using an **Application for Interment** or in a form that Council may determine having regard to the Act and Regulations, is lodged at the offices of the Council; and
 - 7.3.2. Council receives at least 48 hours' notice of a request for the interment; and has less than two pre-existing bookings (in aggregate) on the requested day and
 - 7.3.3. An **Interment Right Certificate** or its equivalent or acceptable proof of the past purchase of the Interment Right is produced to Council upon request and
 - 7.3.4. A confirmation number for the funeral service booking has been issued by Council, to the funeral director and
 - 7.3.5. A Council officer has confirmed the designated location, reviewed the submitted forms and confirmed receipt of necessary payments.
- 7.4. Where the evidence referred to in clause 7.3.3 cannot be provided, Council reserves the right, at its absolute discretion, to refuse permission for interment or to require the purchase of an Interment Right.

- 7.5. An interment of bodily or cremated remains can occur if
 - 7.5.1. the details of the then current Interment Rights Holder in the Cemetery Register match those of the deceased or the applicant for the deceased interment and
 - 7.5.2. the site can accommodate that interment and
 - 7.5.3. the appropriate **Application for Interment** form is completed.
- 7.6. On the death of a spouse or a child of the Holder of the Interment Right, the remains of the spouse or child may be interred in the site to which the Right relates without the written consent of the Holder of the Interment Right if Council is satisfied:
 - 7.6.1. that the Holder is not available to give consent to the interment and
 - 7.6.2. that consent to the interment would be given if the Holder were available.
- 7.7. The only compensation that Council may be liable to pay to the Holder of an Interment Right in the event that it permits the Holder's spouse or child to be interred without the Holders' consent is an amount equivalent to the fee currently charged by Council for an Interment Right in an equivalent position.

8 Interment of cremated remains

- 8.1. Arrangements for interring cremated remains should be made directly with Council.
- 8.2. All positions or memorial sites established for cremated remains interment shall be created/supplied by the Council.
- 8.3. If the cremated remains are to be interred within
 - 8.3.1. a garden bed, niche or other dedicated cremated remains interment location the interment may be carried out by Council officers or by an external contractor approved by Council.
 - 8.3.2. an existing grave, requiring the organisation of the removal, in part or fully, of a monument or other memorial then Council will make arrangements for a suitably qualified person e.g. a monumental mason, to do so. A fee will apply to this service.
- 8.4. The cremated remains shall be delivered in a plastic type container no larger than 26cm long x 12cm wide x 15cm deep or as otherwise approved by Council.
- 8.5. Special memorial positions may be created by Council to satisfy individual requirements and will be charged a different fee.
- 8.6. The Interment Rights Holder must complete an **Application for Interment of Cremated Remains**, to enable the placement of cremated remains to occur.

9 Interment of bodily remains

- 9.1. Council does not organise funeral services or conduct interments of bodily remains.
- 9.2. The funeral director engaged to conduct the funeral is responsible for the burial and funeral arrangements.
- 9.3. The funeral director selected by family or representatives of the deceased estate
 - 9.3.1. contacts Council to make necessary arrangements for the interment i.e. books the time and seeks approval of the location.
 - 9.3.2. arranges for the digging and backfilling of the grave by cemetery staff.
 - 9.3.3. makes direct payment to the Council of the necessary fees associated with the conduct of the interment, unless the fees have already been prepaid or alternative arrangements have been made with the Council by the family of the deceased.
- 9.4. Before a funeral director conducts an interment, the signed **Application for Interment of Bodily Remains** form must be presented to and accepted by Council.
- 9.5. Once the funeral is booked, Council arranges grave digging and if necessary the removal of or parts of, existing memorials which may impede the interment.
- 9.6. If for whatever reason a family does not utilise the services of a funeral director to assist with necessary arrangements, then they must complete all necessary contractor registrations, procedures and applications required by Council, the applicable legislation and regulations, before the Council allows the interment to proceed.
- 9.7. The following practises are not permitted
 - 9.7.1. hand filling of burial sites
 - 9.7.2. lowering of coffins by people other than trained Funeral Director's staff or people certified as trained by the supervising funeral director
 - 9.7.3. carrying of coffins by people other than trained Funeral Director's staff or people certified as trained by the supervising funeral director
 - 9.7.4. entering an open burial site at any time.
- 9.8. At the time of booking the interment, requests can be made for
 - 9.8.1. a bucket of sand and a small shovel to be made available at the interment site, to enable a ceremonial fill-in to be enacted
 - 9.8.2. a canopy to be provided
 - 9.8.3. up to 10 seats to be made available
 - 9.8.4. a lowering device to be placed at the interment site.
- 9.9. If removal of all or parts of an existing monument or other memorial upon an interment site, is necessary to enable the interment to proceed, then Council will make arrangement for a suitably qualified person to do so and charge accordingly.

- 9.10. Once the interment has occurred, as soon as is practically possible, cemetery staff will back fill the grave site. Machinery is usually used to facilitate the back filling.
- 9.11. The size of a burial site at the cemetery shall be 1.065m wide x 2.44m long unless Council decides to create designated sites of an alternative size.
- 9.12. Council may determine the maximum depth of a grave in which bodily remains may be interred in the Cemetery.
- 9.13. Wherever reasonably possible burial sites
 - 9.13.1. for the first interment of a coffin or casket or other receptacle shall be excavated to a depth of 1.8 metres
 - 9.13.2. will accommodate two coffins or caskets and up to six cremated remains containers.
- 9.14. The maximum permissible size of a coffin or casket shall be 0.72m wide by 2.1m long (outside dimensions). Coffins/Caskets larger than this will not be accepted for burial unless prior written consent has been received from Council.
- 9.15. Where a child is to be interred (child being defined as from 1 year to 7 years old), a burial site may be able to accommodate up to three coffins/caskets.
- 9.16. Coffins/Caskets should be interred at least at the minimum depth required by the Act and Regulations, being 900 millimetres below the natural surface level.
- 9.17. Where a person seeks to bury the body of a deceased person in a shallow grave i.e. less than 900 millimetres below the natural surface level:
 - 9.17.1. On behalf of that person, Council will seek the approval of the Director – General or delegate in accordance with Clause 64 Public Health Regulation 2012.
 - 9.17.2. Once approved, the interment may proceed provided
 - 9.17.2.1. the distance from the top of the lid of the prescribed grave liner to the natural ground surface shall not be less than 400 millimetres
 - 9.17.2.2. Council is able to comply with Shallow Burial Permit conditions, which may include covering top of the coffin lid with concrete or another specified material.

10 Exhumation

- 10.1. Exhumations are not to take place
 - 10.1.1 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 2012.
- 10.2. unless prior written consent has been received from the Director General of the Department of Health (NSW) or alternatively if an appropriate Court has ordered an exhumation.
- 10.3. without Council issuing an order for exhumation.
- 10.4. Any exhumation shall be performed under the direction of NSW Department of Health staff.

10.5. Council staff

10.5.1 may be involved in removing earth to the depth of the top of the interred coffin or casket or exposure of other interred matter, whichever comes first.

10.5.2 will not be involved in the removal or handling of the remains or residual coffins, caskets or other remnants from interments.

11 Memorial supply

The Council reserves the right to arrange the supply and installation of memorials for bodily and cremated remains interment sites, at its absolute discretion.

12 Memorials require Council approval

12.1 Council may refuse any design or part of a proposed design for a Memorial as it may determine.

12.2 A person shall not, in a cemetery, construct or install or modify any monument, memorial, foundation, headstone, gravestone, kerbing, railing or other structure, unless it is of a material and design approved by, and carried out to a standard of workmanship approved by the Cemetery Supervisor.

12.3 The details of the proposed works, including sketches, drawings and such other particulars as may be required by the Cemetery Supervisor. must be contained within the Application to Erect or Alter a Monument or Headstone.

12.4 Before any work is carried out

12.4.1 the Application must be approved and

12.4.2 a permit for the work must be issued by Council.

12.5 Unless otherwise approved by 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 Council.

12.6 An English translation of proposed foreign language inscriptions must be provided upon request.

12.7 Council may permit ornamental fixtures and fittings provided they are of non-ferrous durable material. Council accepts no responsibility for any ornamental fixtures or fittings.

12.8 All Memorials constructed and or installed by a monumental mason or other qualified person, must be in accordance with the applicable Australian Standards:

12.8.1 AS-4204(1994) [Headstones and Monuments]

12.8.2 AS-4425(1996) [Aboveground structures] – Mausolea/Vaults/Crypts

or their then current equivalents.

12.9 The construction and erection of the foundations and/or monuments shall be carried out under the direction and supervision of the Cemetery Supervisor or nominated delegate.

12.10 Where any work that has been approved to be carried out in the cemetery has not been completed within a reasonable time, Council may remove or demolish such part of the works as has been constructed, installed, made or carried out.

13 Specifications for headstones and monuments

- 13.1 Council reserves the right to determine the allowable specifications and to have variations, between sections of and also within sections of the cemeteries.
- 13.2 The size of the burial site (grave) is 2.44m long by 1.065m wide. The monumental work must not exceed these dimensions.
- 13.3 The maximum height of a headstone or monument shall be 1.5 metres.
- 13.4 The kerbing shall not be built at a height that limits or prevents the use of machinery to excavate the burial site.
- 13.5 Concrete steps or gutters installed at the front of a monument
 - 13.5.1 do not form part of the interment site
 - 13.5.2 may be installed, extending up to 150mm from the foot of the site, entirely at the Interment Right Holders risk.
 - 13.5.3 may be damaged as a result of normal cemetery operations. Council accepts no responsibility and shall not be liable
 - 13.5.4 are not to be used for placement of flowers, vases or pot plants. Such items may be removed by Council and disposed of, without notice.
- 13.6 Unless specified otherwise in these regulations, where an interment site is in a designated monumental section the
 - 13.6.1 monument may not encroach onto adjoining graves or pathways
 - 13.6.2 standing height of the headstone on the monument may not be higher than 1.5 metres above the natural surface of the land.
- 13.7 Where a grave is in a designated headstone lawn section the maximum dimensions of a
 - 13.7.1 single headstone is: height 800mm x width 1150mm x length 300mm from the head of the grave site.
 - 13.7.2 double headstone (across two adjoining graves) is: height 800mm, width 2000mm and 300mm from the head of the grave site.

14 Monumental masons and contractors

- 14.1 Council may issue approval to undertake work as a monumental mason to any person it considers to be suitably qualified and who meets the requirements in this Regulation.
- 14.2 All Memorials for a burial interment site must be constructed, repaired, altered and installed by a monumental mason or contractor who
 - 14.2.1 is authorised by Council to undertake such work
 - 14.2.2 has made the necessary Applications and obtained relevant work permits
 - 14.2.3 acts with the authority of the Interment Right Holder.
- 14.3 Contractors, including monumental masons, seeking approval to work within the cemeteries must provide proof that they have
 - 14.3.1 current public liability insurance, with at least \$10 million
 - 14.3.2 current workers compensation insurance cover or proof that it is not required
 - 14.3.3 complied with Workplace Health and Safety requirements, including

producing upon request their risk analysis for the related task and their Safe Work Method Statement

14.3.4 satisfactorily completed an initial site induction with Council staff and lodged the **Contractor Site Induction Checklist**.

14.3.5 to be authorised to continue performing tasks within Council cemeteries all monumental masons and other principal contractors must complete necessary applications to Council annually to remain registered as a contractor.

14.4 Monumental masons and their staff and contractors must

14.4.1 repair all damage attributed to them, within the Cemetery, to the satisfaction of Council.

14.4.2 remove all spoil created during completion of works, from the site. It is not to be dumped within any part of the cemetery.

14.4.3 seek Council's permission before storing any goods or materials overnight.

14.5 The Council may suspend or cancel approval of any person or company by giving notice in writing.

14.6 This clause shall not apply to employees of Council whilst engaged in their employment, under the instructions of Council.

15 Duty to maintain memorials

15.1 An Interment Right Holder may arrange for the installation of an approved memorial on the interment site, within Council regulations.

15.2 The Holder of the Interment Right (and their legal heirs), not Council, is responsible for ensuring appropriate maintenance of the memorial and repair of any monument, structure or landscaping of that site.

15.3 Any restoration work on a memorial must be done by an experienced, suitably qualified tradesperson, in accordance with the relevant Australian Standards.

15.4 Council takes all care but no responsibility for damage to monumental work in the course of normal cemetery operations.

16 Removal of memorials and other items

16.1 Council may remove, erase or alter any unapproved monument or headstone or other memorial or inscription.

16.2 Council may recover as a debt the expense of any such removal or alteration, from the person who erected the memorial.

16.3 Council may remove, demolish or alter, or require the removal, demolition or alteration of any structure, adornment or plant where, in their opinion, they have not been appropriately maintained or are encroaching onto adjoining interment sites or are encroaching into aisle ways or it is in the interest of the Cemetery or safety to do so, without notice.

16.4 Subject to the Act and Regulations, if an Interment Right expires or is revoked, Council may remove any memorial to a deceased person erected on or at the site under which the Interment Right was issued and dispose of it as it sees fit.

16.5 In accordance with the Act and these Regulations an Interment Right Holder may reclaim/remove a memorial at any time before disposal.

16.5.1 The removal of a memorial must be undertaken by a recognised Monumental Mason with the relevant approval and at the expense of the Interment Right Holder.

16.5.2 Council must consent in writing to the removal of a memorial before any work is done.

16.6 Where an Interment Right Holder fails to remove a memorial within two years of an Interment Right lapsing and the procedure outlined in the Act and Regulations has been followed, the memorial becomes the property of the Council.

17 Memorial register

17.1 Council, as far as is possible, will keep a Register of each Memorial created/erected in the Cemetery that contains the following information:

17.1.1 The date the permit was issued and to whom

17.1.2 The size of the Memorial;

17.1.3 The type of Memorial;

17.1.4 The name or names inscribed on the Memorial; and

17.1.5 The location of the Memorial in the Cemetery.

18 Temporary interment site markers

18.1 Temporary interment site markers, including wooden crosses, may only be left in position at an interment site for a maximum period of twelve months, following which they must be removed.

18.2 If the markers have not been removed, Council may remove and dispose of them without notice.

19 Use and development of a cemetery

Any statement or reference concerning specifications, requirements, restrictions, controls, dimensions or heights as they relate to monuments (either generally or to one or more monuments), rights of interment, graves and grave sites, plaques, memorials, tombstones, vaults, cemetery infrastructure (including but not limited to roads, gardens and cemetery facilities) or future plans for the development and/or use of any part of the cemetery, made to an Applicant or contained in these Regulations or in any other document (including but not limited to promotional brochures) is indicative only and all such specifications, requirements, restrictions, controls, dimensions or heights may be varied by the Cemetery, in its absolute discretion, at any time.

20 Other roles and responsibilities

At its discretion, Council may make such other provisions as it considers necessary, for instance, in relation to:

20.1 The improvement and maintenance of the cemetery

20.2 The conduct of religious or other ceremonies of burial, disposition or commemoration.

20.3 The supply of goods and services incidental to the conduct of interments and other matters relating to the cemetery.

20.4 The making of arrangements for the care of interment sites on an annual (or longer term) basis.

- 20.5 The disposition and memorialisation of cremated human remains.
- 20.6 Landscaping and setbacks from stormwater and drainage canals and similar watercourses and structures.
- 20.7 The destruction in the cemetery of any noxious weed or feral or pest animal.
- 20.8 Any other matter relating to the management of the cemetery so long as the provision made is consistent with any direction given by the Minister for Lands or applicable legislation or regulations.

21 Privacy

Council will abide by freedom of information and privacy legislation and also will make the Cemetery Register available, as required by the Cemeteries and Crematoria Act.

Appendix One... Recommended plants for interment sites

Natives – Common Name	Botanical Name
Blue Flax Lily	<i>Dianella caerulea</i>
Common Correa	<i>Correa reflexa</i>
Crowea	<i>Crowea saligna</i>
Cut-leaf Daisy	<i>Brachycome multifida</i>
Flannel Flower	<i>Actinotus helianthi</i>
Knobby Club Rush	<i>Isolepsis nodosa</i>
Love Creeper	<i>Glycine clandestine</i>
Native Violet	<i>Viola hederacea</i>
Pig Face	<i>Carpobrotus glaucescens</i>
Pink Spider Flower	<i>Grevillea sericea</i>
Purple Fan Fare	<i>Scaevola aemulea</i>

Selection of Exotics - Common Name	Botanical Name
Autumn Crocus	<i>Zephyranthes candida</i>
Begonias	<i>Dipladenia species</i>
Convovulus	<i>Convovulus mauritanicus</i>
Cuphea	<i>Cuphea mexicana</i>
Day Lillies	<i>Hemorocallis species</i>
Dwarf Agapanthus	<i>Agapanthus orientalis (Dwarf)</i>
Dwarf Gardenia	<i>Gardenia 'Radicans'</i>
Dwarf Nandina	<i>Nandina domestica 'Nana'</i>
Geraniums	<i>Pelargonium species</i>
Heliotrope	<i>Heliotropium arborescens</i>
Liriope	<i>Liriope muscari</i>
Mondo Grass	<i>Ophiopogon japonicus</i>
Petunias	<i>Gazania species</i>
Roses	
Seaside Daisy	<i>Erigeron karvinskianus</i>
Silver Bush	<i>Convovulus cneorum</i>
Succulents eg: Goldilocks, Copperstone	<i>Sedum kalanchoe, echeveria species</i>
Variegated Star Jasmine	<i>Trachelospermum jasminoides</i>

Appendix Two... Regulation to provide for Renewable Interment Rights

Currently Council does not issue Renewable Interment Rights. Should it choose to do so, in the future, the following Regulations are indicative of those that might apply to those renewable positions. They would not be applied retrospectively to pre-existing Interment Rights.

22 Renewable Interment Rights.

- 22.1 Under the Act, Council may grant and issue the Schedule B Interment Right, (previously referred to as Burial Licence Certificate) and entitling the person or persons to whom it is granted the exclusive right of interment in a specified interment site:
 - 22.1.1 in perpetuity (a perpetual Interment Right), or
 - 22.1.2 for a limited term/time (a renewable Interment Right).
- 22.2 Renewable interment involves the purchase of a right to inter human remains, and for those remains to be left undisturbed for an initial period of time, with the option of renewing those rights for additional subsequent periods.
- 22.3 The maximum initial term for renewable interment rights is 25 years for human remains and 99 years for cremated remains. While the initial term can be 'renewed', or extended, the total term cannot exceed 99 years for both human remains and cremated remains.
- 22.4 Renewable interment right provisions are not applied retrospectively to previously issued Interment Rights.

23 Council to renew Interment Rights

- 23.1 Council must renew or extend an Interment Right for an additional period or periods in accordance with the Act and Regulations where:
 - 23.1.1 An appropriate application is received to do so; and
 - 23.1.2 Council's scheduled fee is paid.
- 23.2 Council must, at least 12 months before the Interment Right is due to expire, take reasonable steps to give the Interment Right Holder written notice which informs the Interment Right Holder:
 - 23.2.1 of the Interment Right Holder's entitlement to renew or extend the Interment Right and the cost of renewing or extending the Interment Right;
 - 23.2.2 that if the Interment Right is not renewed or extended and there is a Memorial to the deceased, the memorial may be reclaimed from Council;
 - 23.2.3 that if the Interment Right is not renewed the Council is entitled to re-use the interment site.
- 23.3 If no application is received within the time frame set out in the Act and Regulations to renew or extend the Interment Right, then the Interment Right will expire according to its terms.
- 23.4 Where an Interment Right has lapsed but is subsequently renewed in accordance with the Act, Regulations and this Regulations, the Interment Right will be deemed to have been extended under the same Interment Right with any previous Terms of that Interment Right, as if the Interment Right has not lapsed.

24 Expired Interment Rights

24.1.1 Prior to any re-use of an interment site Council will:

24.1.1.1 give notice of its intention to re-use the interment site by public advertisement

24.1.1.2 take reasonable steps to give written notice of its intention to re-use the interment site to the personal representative of the deceased or one or more relatives of the deceased.

24.1.2 If the Interment Right is not renewed or the personal representative or a relative of the deceased has informed the Council that there is no objection on the part of relatives to the re-use of the interment site then, in accordance with the Act, Regulations and this Regulations, the Interment Right is deemed to have expired and the Council is entitled to re-use the site in accordance with the Act, Regulations and this Regulations.

24.1.3 Council will not make a site available for re-use until at least two (2) years have passed since the lapsing of an Interment Right pursuant to the Act, Regulations and these Regulations.

24.1.4 Where an interment site is available for re-use Council may grant a new Interment Right for the site to any person upon such terms and conditions as Council may determine consistent with the Act and the Regulations and this Regulations. Council may do whatever is necessary to prepare the site for the new Interment Right Holder.

24.2 Disposition of Cremated Remains

24.2.1 If an Interment Right Holder advises Council that an extension or renewal of an Interment Right for a site designated for cremated remains only will not be sought, the Interment Right Holder may instruct the Council on a preferred method of final disposition of the cremated remains by:

24.2.1.1 interment in an unmarked location; or

24.2.1.2 collection for private dispersal.

24.2.2 Where no instructions are given by the Interment Right Holder upon termination of an Interment Right for a site containing cremated remains as to the final disposal of the cremated remains, then such remains will be dealt with in accordance with the Act, Regulations and Council's Regulations and procedures.

Appendix Three... List of Forms related to these Regulations

Application for Interment of Bodily Remains

Application for Interment of Cremated Remains

Application to erect or alter a Monument or Headstone

Application to Purchase an Interment Right

Application to remove Cremated Remains

Application to Transfer an Interment Right

Contractor Site Induction Checklist

Interment Right Certificate