

CAMDEN GENERAL CEMETERY

Rules and Conditions for Burials 2023



camden
council

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APPLICATION AND GOVERNING LAW

Application

These Rules and Conditions do not affect the operation of current regulations under the Public Health Act 2012 (NSW), Crown Lands Act 1989 (NSW) or any ordinances under the Local Government Act 1993 (NSW) relating to cemeteries, and Cemeteries and Crematoria Act 2013.

In addition relevant Australian Standards (Headstone and cemetery monuments, above ground burial structures, and safe work in confined space) guide the operations within Camden General Cemetery.

Governing Law

These Rules and Conditions are governed by the laws of New South Wales and any applicable Commonwealth laws and in accordance with Camden Council adopted policies, procedures and Council's adopted fees and charges.

DEFINITIONS

In these Rules and Conditions, unless the contrary intention appears:

Burial Licence;	means an exclusive right to bury the remains of one or more persons in a Burial Place as defined in the Crown Lands (General Reserves) By-Law 2006. A Burial Licence may be pre-purchased for an interment in a grave, a niche in a columbarium wall, at a memorial tree, or within the memorial garden site (as part of future site works).
Burial Licence Certificate;	means the certificate Council issues to an applicant for a Burial Licence after recording the grant of the Burial Licence in the Register.
Burial Place;	means a grave or plot or niche in the columbarium wall for the interment of a deceased person, or dedication in a memorial site.
By-Law;	means the Crown Lands (General Reserves) By-law 2006 and includes any regulations, ordinance or by-laws amending, consolidating or replacing them.
Cemetery;	means Camden General Cemetery located at 203 Cawdor Road, Camden.
Cemetery Operator;	means Camden Council.
Council;	means Camden Council and includes any of its authorised officers.
Holder;	in relation to a Burial Licence, means the person recorded in the Register as the holder of the Burial Licence.
Monument;	means any structure, plaque, headstone, masonry, metal work, casting or item placed over in or around a burial or memorial site.
Register;	means the register of burial places and licences in respect of the Cemetery required to be kept by Council in accordance with Clause 37 of the Crown Lands (General Reserves) By-law 2006 and Clause 68 of the Public Health Regulation 2012 and any subsequent laws or regulations general provisions.

1. Council May Make Provisions for Planning, Conduct and Maintenance

Council may amend these rules and conditions to make such provision as it considers necessary for the following:

- a. The setting aside of sections for differing burials or memorials;
- b. The establishment of standards of construction and design for monuments, plaques and structures;
- c. The size, multiple use and location of burial places;
- d. The erection or installation of structures and the making of inscriptions;
- e. The carrying out of work by monumental masons;
- f. The qualifications and/or submissions required by monumental masons, gravediggers and monumental masons who provide services within Camden General Cemetery;
- g. The removal, replacement and maintenance of structures;
- h. The placing of vases, statuettes, jars, bottles or other items of embellishment on or near graves, monuments, memorial trees, niche walls, gardens, etc;
- i. The improvement and maintenance of the cemetery;
- j. The making of arrangements for the care of burial places on an annual (or longer term) or other basis;
- k. The supply of goods and services incidental to the conduct of burials and other matters relating to the cemetery;
- l. The conduct of religious or other ceremonies of burial or commemoration;
- m. The interment and memorialisation of cremated human remains and bodily remains;
- n. Landscaping and setbacks from stormwater and drainage canals and similar watercourses and structures; and
- o. 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.

2. Council May Remove Objects

- 2.1 Objects which are fragile, likely to cause a risk to health or safety must not be placed on or near a Burial Place.
- 2.2 Council may remove objects placed on or near Burial Places including flower holders, pictures, adornments, plants, which have become dilapidated, unsightly, dangerous or detract from the operation, use, function or amenity of the Cemetery.

3. Conduct Prohibited in Cemetery

- 3.1 The planting of any tree, shrub, vine, flower or other plant within the Cemetery, and will be removed by Council.
- 3.2 Camping, or remaining in the Cemetery when reasonably requested to leave by Council, or an authorised representative of Council is prohibited.
- 3.3 Any rubbish or refuse generated from a visit to the cemetery must be disposed of using the bins provided, or removed from the cemetery and appropriately disposed of.
- 3.4 The installation of any unauthorised permanent or temporary structures, ornaments, flags, etc. is prohibited.

BURIAL LICENCES

4. Grant of Burial Licence

- 4.1 Council may, on application, grant a Burial Licence for a Burial Place in the Cemetery to up to two persons as joint holders.
- 4.2 An application for a Burial Licence must be made:
- In the case of a pre-purchase/reservation of a Burial Licence, niche in columbarium wall, memorial tree site or memorial garden site, using Council's Interment Right (Reservation) Form;
 - In the case of an immediate/at-need burial, using Council's Application for Burial Form;
 - Be accompanied by the applicable fee; and
 - Be accompanied by supporting documents, if required.
- 4.3 Council cannot grant a Burial Licence without the Minister's approval if the granting of the licence will result in the person holding (including jointly holding) Burial Licences for more than two Burial Places in the Cemetery.
- 4.4 Council requires a minimum of three working days to process and assess application for a Burial Licence.
- 4.5 Council will issue to the approved purchaser of a Burial Licence a 'Burial Licence Certificate', which certifies that the purchaser is the registered Holder of the Licence for the Burial Place concerned.

5. Transfers

- 5.1 On application, Council may transfer a Burial Licence from one person, or two or more persons as joint holders, to one person or two nominated persons as joint holders.
- 5.2 Transfers do not have legal effect until Council amends the Register to record that transfer.
- 5.3 Council may enter into arrangements with the Holder of a Burial Licence that has not been exercised for the transfer of the licence to Council. The amount Council will pay for the transfer of the Burial Licence will be applied as outlined in Council's fees and charges policy.

6. Procedure for Transfer

- 6.1 An application for transfer must be made using Council's 'Application for Transfer of Burial Licence' form and be accompanied by the applicable fee, as outlined in Council's adopted fees and charges and must be accompanied by any supporting documents.
- 6.2 A Burial Licence may only be transferred by:
- The Burial Licence Holder;
- If the Burial Licence Holder is deceased, the Executor or Administrator of their estate.
 - If the Burial Licence is held by joint holders then all joint holders must complete the form.
 - If the intended Burial Licence Holder does not currently hold more than two Interment Rights in Camden General Cemetery.
- 6.3 Evidence to support the proposed transferor's entitlement to transfer the licence must be provided to Council's reasonable satisfaction, which may include the original Burial Licence Certificate, probate or letters of administration or a statutory declaration to this effect.

7. Bequeaths and Survivorship

- 7.1 If a joint Holder of a Burial Licence passes, the remaining joint holder is entitled to the burial licence.
- 7.2 If the Burial Licence is held by a single person who passes, and who has bequeathed the Burial Licence as if it were the holder's personal estate, the person to whom the burial licence devolves as result of a bequest will become the Holder of the licence when Council amends the Register to record that fact.
- 7.3 If the Burial Licence is held by a single person who passes, and who has not bequeathed the Burial Licence, the person entitled to the licence under intestacy laws will become the Holder of the licence when Council amends the Register to record that fact.

8. Burials in Burial Places in Respect of Which Burial Licences Have Been Granted

- 8.1 Burials will not be allowed in any Burial Place in respect of which a Burial Licence has been granted, unless the deceased person:
- a. was the Holder of the licence immediately before passing;
 - b. had the consent in writing of the Holder of the Burial Licence for the deceased person to be buried in the burial place;
 - c. is the spouse or child of the Holder of the Burial Licence and the Holder is not available to give consent to the burial and that consent would be given if the Holder were available.
- 8.2 Council will require evidence to be satisfied as to the circumstances above, such as the Holder's consent in writing to the burial and for the original Burial Licence Certificate to be produced.
- 8.3 Where a decedent is already interred in a grave (first interment), the grave must be excavated to a depth to accommodate the remains of another deceased person. Not all burial sites allow for a second interment.
- 8.4 Maximum number of cremated remain interments permitted in a burial site:
- a. Where there are two bodily interments (or capacity allows for) a maximum of four ash interments are permitted in a grave site.
- 8.5 The only compensation that Council is liable to pay to the Holder of the Burial Licence in the event that it permits the deceased to be buried in the Burial Place without the consent of the Holder is an amount equivalent to the fee currently charged by Council for the grant of a Burial Licence in respect to a comparable Burial Place.

9. Revocation and Refusal

- 9.1 Council may refuse to grant or transfer a Burial Licence if the intended Interment Right Holder, is the nominated Interment Right Holder on two existing Interment Rights.
- 9.2 Council may revoke a Burial Licence if the burial rights are not exercised within 50 years after it is granted.
- 9.3 Council must pay compensation to the Holder of the Burial Licence immediately before it was revoked in accordance with Clause 35 of the Crown Lands (General Reserves) By-law 2006.

10. Dispute Resolution

Council may resolve disputes about who holds a Burial Licence for a particular Burial Place in the Cemetery in accordance with the procedure set out clause 33A in the Crown Lands (General Reserves) By-law 2006.

11. Register

- 11.1 Council must keep a current register of Burial Places in the Cemetery in accordance with the regulations under the Public Health Act 1991.
- 11.2 The Register must identify the location of each Burial Place on a plan or map that shows the sections, rows and grave numbers or other location of remains.
- 11.3 Council may amend the Register to remove any inaccuracies contained in it and to record any changes to Burial Licences as a result of a transfer, revocation or death of the Holder of a Burial Licence.
- 11.4 A person may apply for a copy of any entry made in the Register in relation to a Burial Place.

RESERVATIONS, BURIAL SITES AND NICHES

12. Booking a Burial

- 12.1 A person may apply for a burial in the Cemetery by completing Council's 'Interment Right (Application for Burial)' form and paying the applicable fee.
- 12.2 Council will permit the conduct of a burial only after it receives the relevant fee.
- 12.3 Bookings must be made a minimum of three working days prior to the preferred service time.
- 12.4 Contractors operating in the Cemetery are required to submit the following documents for review prior to any works being undertaken:
 - a) PLI to the value of \$20 million (certificate of currency);
 - b) Evidence of Worker's compensation insurance (certificate of currency);
 - c) Safe Work Method Statement (SWMS) or similar for the tasks you will be undertaking onsite;
 - d) Risk assessment (or similar) for the tasks you will be undertaking onsite.

13. Burial Sites

- 13.1 The size of a standard burial site at the Cemetery will be 2.44m x 0.915m.
- 13.2 The maximum width of caskets permitted in a standard burial site is 600mm (including handles).
- 13.3 Non-standard burial sites refers to any burial site that does not meet the definition of a standard burial site.
- 13.4 In all sections except the Islamic Section, Council may approve the burial of two persons (where the site allows) in one plot subject to prescribed depth and Department of Health requirements.

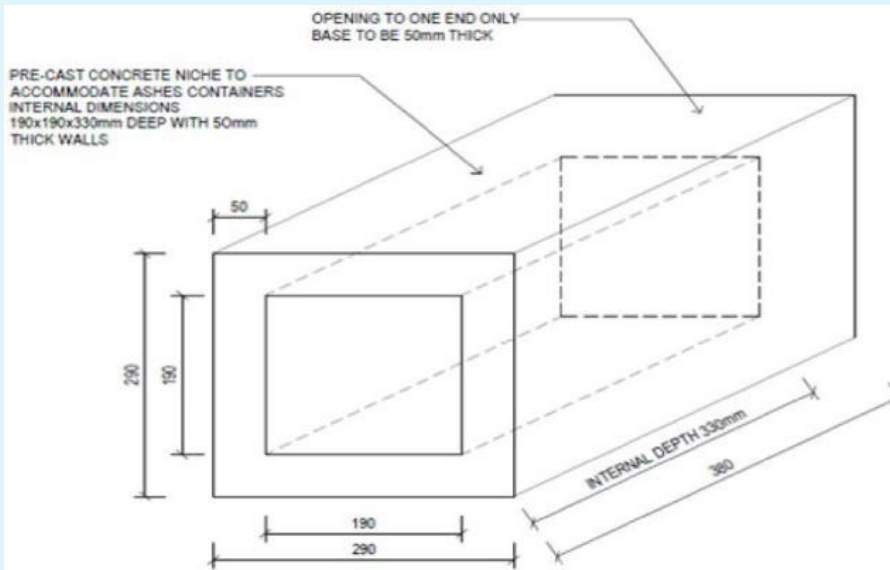
14. Burials in the Islamic Lawn Section

The following rules and conditions apply to burials in the Islamic Lawn Section:

- 15.1 Burial sites may only be identified with bronze plaques. Headstones and other monuments are not permitted.
- 15.2 Each plaque will be 350mm long x 450mm wide.
- 15.3 A plaque must not extend beyond the boundary of the burial site or protrude onto a walkway.

- 15.4 The Burial Licence Holder is responsible for engaging a suitably qualified contractor for the installation of the plaque.
- 15.5 Responsibility for the maintenance of the plaque lies with the Interment Right Holder.
- 15.6 Council may grant approval for burial of a body without the use of a coffin subject to compliance with the following directions from the Director-General of Health's Policy Directive, 'Burials – Exemptions from Public Health (Disposal of Bodies) Regulation 2012 for Community and Religious Reasons' published 6 December 2013:
- a. The Cemetery Authority has agreed to carry out the burial in particular the handling of bodies on Cemetery grounds.
 - b. Wrapping of the body of a deceased must be in a minimum of four layers of cotton/ linen sheeting which is able to prevent the leakage of any body exudates or substances.
 - c. The body to be contained in a coffin until the body is placed into the nominated burial site.
 - d. The coffin is to be dismantled and placed within the burial site prior to commencement of backfilling. If a re-usable coffin is used, at the completion of the burial the re-usable coffin is to be suitably cleaned and prepared for the next use.
 - e. The name plate is to be removed from the coffin and placed near the body in the grave.
 - f. The body of a deceased person who is known or is reasonably believed to be infected with either a list "A" or list "B" disease shall be buried in a body bag in accordance with Division 3 of the Public Health (Disposal of Bodies) Regulation 2012.
 - g. The body has been prepared in a mortuary registered by NSW Health Department. Evidence to support this may be required.
- 16. Interments in the Columbarium Wall**
- 16.1 The interment of ashes and affixing of a plaque on the wall must be arranged by the Holder of the Burial Licence for the niche through a suitably qualified contractor.
- 16.2 The internal dimensions of a niche in the walls are 190 x 190 x 330mm deep, with a sandstone covering tile with sawn finish having dimensions of 300 x 300 x 25mm thickness.

Figure 1: Niche Dimensions



16.3 The approved plaque is brass with brown background and bronze inscription of 200x 200 x 6mm thickness in size fixed to the sandstone tile with four 45mm x 16mm diameter threaded rod and nut and concealed epoxy. Threaded rod to be welded to back of plaque.

16.4 Plaque applications must be accompanied by a proof of the proposed plaque, wording and any proposed images. Council reserves the right to refuse an application where any component of the works could be seen to cause offence.

Figure 2: Approved plaque

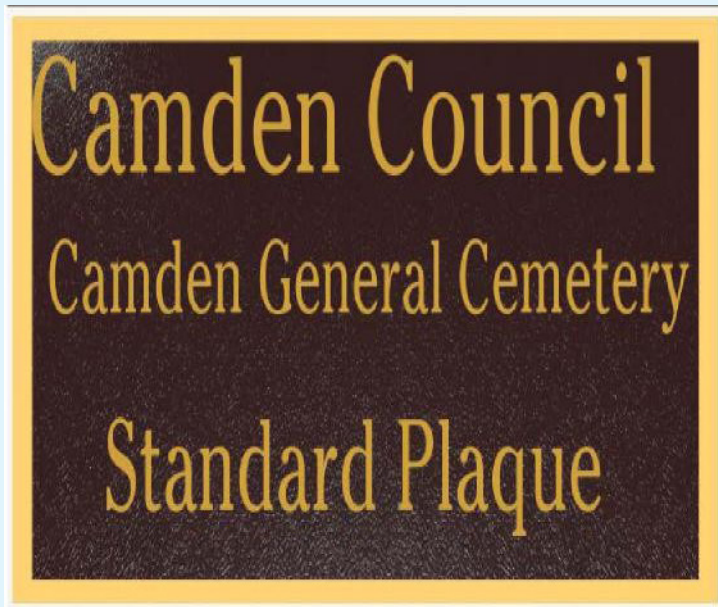


Figure 3: Approved wall vase.



- 16.5 A cast bronze conical vase, with a drain hole on the bottom, is permitted to the right hand side of the plaque fixed to the tile or plaque with a wall lug.
- 16.6 The Holder of the Burial Licence of the Columbarium Wall niche is responsible for maintenance and repair of the niche and plaque.
- 16.7 A person must not install or place any adornment (other than the approved plaque and vase) on the wall. Council may remove any adornments and/or decorative items placed on or around the wall.
- 17. **Memorial Tree Interments**
Memorial trees have been erected adjacent to the Columbarium walls with a maximum of four memorials per tree.

Figure 4: Location of Tree Memorials

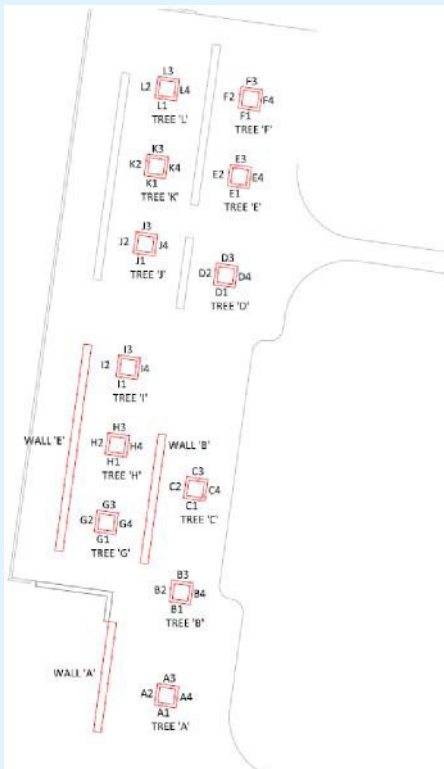


Figure 5: Tree interment Position

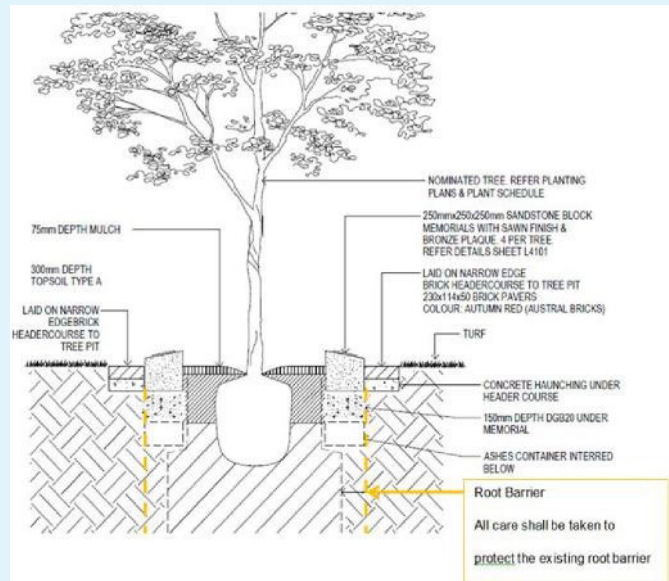
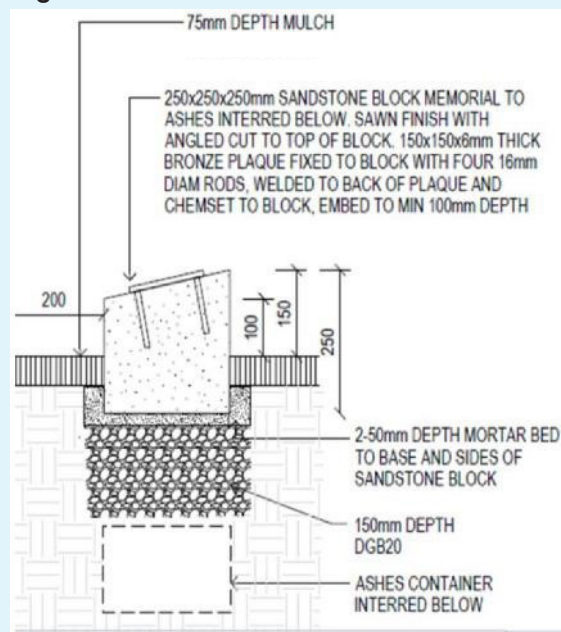
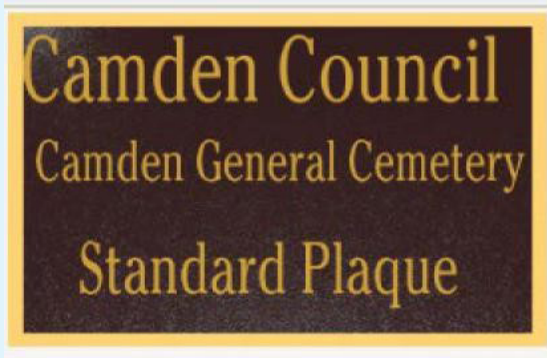


Figure 6: Tree Interment Details



- 17.1 The interment of ashes and affixing of a plaque on the sandstone block must be arranged by the Holder of the Burial Licence for the niche through an approved monumental mason.
- 17.2 The sandstone block must be white sandstone 250mm x 250mm x 250mm sawn finish.
- 17.3 A memorial plaque on the sandstone block must be of bronze with brown background 150mm x 150mm x 6mm thickness and bronze writing.

Figure 7: Approved tree interment plaque



- 17.4 The block must be against the paver to prevent damage to tree.
- 17.5 Plaque applications must be accompanied by a proof of the proposed plaque, wording and any proposed images. Council reserves the right to refuse an application where any component of the works could be seen to cause offence.

MONUMENTAL WORK

18. Council Approval Required

- 18.1 A person must not construct or install a monument, kerbing, railing, statue or other structure in the Cemetery without the prior approval of Council.
- 18.2 Application for monumental works must be made by the Burial Licence Holder and person proposing to carry out the monumental work in Council's 'Application Form for Monumental Work' and be accompanied by plans, specifications and proposed inscription/embellishments/images or brochure of the proposed plaque detailing the proposed work.

19. Standard to Council's Satisfaction

- 19.1 Council may refuse an application if it is of the opinion that the material, design or standard of the work is incompatible with existing Monuments in the Cemetery or if any part of the proposed memorial may cause offence.
- 19.2 The construction and erection of Monuments must adhere with the current Australian Standard AS 4204 – Headstones and Cemetery Monuments.
- 19.3 Kerbing must not be built at a height exceeding 300mm measured from the lowest point.
- 19.4 Headstones must not be built at a height exceeding 900mm.
- 19.5 The maximum height of a monument must not exceed 1200mm measured from natural ground (excluding Islamic lawn section).

- 19.6 The Holder of the Burial Licence must ensure that the work is completed within a reasonable time and to the satisfaction of Council.
- 19.7 All debris generated by the works must be removed from the Cemetery by the monumental masons.

20. Holder Indemnifies Council

The Holder of the Burial Licence or their heirs and successors will indemnify Council against any action proceeding claim, demand, damage, cost, loss and expense which may be made on or instituted against or suffered by Camden Council in any manner whatsoever by reason of Council providing consent relating to the monumental work.

21. Monumental Masons

- 21.1 All monumental works must be carried out by a monumental mason who, in the opinion of Council, is suitably qualified.
- 21.2 Prior to the commencement of any works, the monumental mason must supply Council with certificates of currency for:
- (i) Public liability insurance with a minimum cover of \$20 million;
 - (ii) Workers compensation prior to commencement of work; and
 - (iii) Risk assessment, Safe Work Method Statement or similar for the tasks undertaken within Camden General Cemetery

22. Council may remove monuments where non-compliance with approval or rules.

- 22.1 If monuments or other structures are erected without Council approval or do not comply with these Rules and Conditions, Council may dismantle, demolish, remove or alter the Monument erected on the burial site.


23. Council Not Responsible for Maintenance and Repair

- 23.1 The Burial Licence Holder, as the owner of the monument, is responsible for the maintenance and repair of the monument constructed or erected on the burial place concerned.
- 23.2 Council will not be responsible for the maintenance and repair of any monuments constructed or erected in the Cemetery.
- 23.3 Council may remove, demolish or alter monuments constructed or erected on a Burial Place that in Council's opinion has become dilapidated, unsightly, is in unsafe structural condition or is otherwise dangerous to visitors or staff of the Cemetery.
- 23.4 Council may do any other acts to the monument it considers necessary to maintain or improve the amenity or visual appeal of the Cemetery.



camden
council

 70 Central Ave,
Oran Park NSW 2570

 mail@camden.nsw.gov.au

 PO Box 183, Camden 2570

 camden.nsw.gov.au

 13 CAMDEN (13 226336)

 www.facebook.com/camdencouncil

 ABN: 31 117 341 764