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ACKNOWLEDGEMENT

Council acknowledges that within its local government area boundaries are the traditional lands of the Wonnarua people, the Awabakal people and the Darkinjung people. We acknowledge these Aboriginal peoples as the traditional custodians of the land on which our offices and operations are located, and pay our respects to Elders past and present. We also acknowledge all other Aboriginal and Torres Strait Islander people who now live within the Cessnock Local Government Area.

COUNCIL VALUES

Integrity, Respect, Teamwork, Accountability, and Excellence.

DISCLAIMER

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1 OBJECTIVES

1.1 The objectives of this policy is to:

- 1.1.1 Meet legislative requirements in regards to the management and operation of Council's cemeteries.
- 1.1.2 Provide a dignified and responsive cemetery and memorialisation service to the community.
- 1.1.3 Provide places for quiet and safe remembrance of the deceased.
- 1.1.4 Provide sites within cemeteries for the lawful placement of the deceased.
- 1.1.5 Consider the diverse religious, ethnic and cultural backgrounds of those being interred within cemeteries when making decisions relating to cemeteries including planning for the future use of cemeteries.
- 1.1.6 Provide equitable access to burial sites to all members of the community.
- 1.1.7 Provide conditions in cemeteries which have regard to minimising any risk to health or safety of persons working in or entering cemeteries.
- 1.1.8 Consider conservation and heritage issues when making decisions relating to cemeteries including planning for the future use of cemeteries.

2 POLICY SCOPE

2.1 This policy applies to:

- 2.1.1 Council Officials and approved contractors,
- 2.1.2 Funeral industry operators,
- 2.1.3 members of the community, and
- 2.1.4 all cemetery sites for which Council is the cemetery operator.

3 POLICY STATEMENT

- 3.1 Under the *Cemeteries and Crematoria Act 2013* (NSW) (the Act) and *Cemeteries and Crematoria Regulation 2014* (the Regulation), Council as a 'Cemetery Authority' is required to establish policies and procedures in regard to the control of the management and operation of Council's cemeteries.
- 3.2 This policy outlines the overall principles that underpin how Council manages its cemeteries in order to comply with legislative requirements and to provide a dignified and responsive cemetery and memorialisation service to the community.
- 3.3 Council has produced a set of guidelines and permits to compliment this policy, including:
 - 3.3.1 Council's [Cemetery Masterplan](#) contains guiding principles that inform the development and operation of all of the cemeteries under its care, control and management.
 - 3.3.2 Council's [Works within Council Cemeteries Guideline](#) states the requirements for working within Council's cemeteries.
 - 3.3.3 Permits for specified works, exhumation or monumental work.

4 FEES

- 4.1 Fees and charges apply to Cemetery services. These fees are reviewed annually and can be found in Council's adopted [Fees and Charges](#).

5 SIGNIFICANCE OF BURIAL SITES AND MONUMENTS

- 5.1 Burial sites and monuments are of cultural and historical significance to the community of Cessnock and may confer rights to individuals.

- 5.2 In its activities relating to cemeteries, Council will aim to observe the significance of burial sites and monuments (along with any rights associated with such burial sites and monuments) within those cemeteries in which they are located.
- 5.3 Where a grave site is over 50 years old, it is subject to the *Heritage Act 1977* (NSW). Council must assess the significance of the proposed works and the significance of the grave and may refer the matter to the NSW Heritage Office for consideration prior to any works occurring.
- 5.4 Council has a number of its cemeteries listed under Council's Local Environmental Plan, and are recognised as being of local significance.

6 INTERMENT SITES / RIGHTS

- 6.1 Council may issue a Perpetual Interment Right upon application. Entitlement for use of the plot remains in perpetuity.
- 6.2 Council may, at its sole discretion, approve for the holder of a Perpetual Interment Right to bequeath their Perpetual Interment Right as if it were the holder's personal estate. Application to Council seeking amendment to the Perpetual Interment Right must be made.
- 6.3 Council may revoke a Perpetual Interment Right if the right conferred is not exercised within 50 years after it is granted.
- 6.4 Interments will only be permitted in Council cemeteries with written approval issued by Council.
- 6.5 Council will not offer renewable interment rights at any of its cemeteries.

7 MONUMENTS

- 7.1 Council will not issue a monument permit in respect of a burial site except for the erection of a monument of a size and type approved by Council. Council's [Works within Council Cemeteries Guideline](#) outlines the permitted monument size and shape.
- 7.2 A monument permit will only be granted in respect of an interment site with the consent of the Perpetual Interment Right holder.
- 7.3 The Perpetual Interment Right holder is responsible for maintaining and repairing monuments. All monuments and monumental work must comply with AS 4204-2019 Headstones and Cemetery Monuments.
- 7.4 If Council is required to undertake any work relating to a monument so as to ensure public or employee safety it may recover these costs from the Perpetual Interment Right holder.

8 EXHUMATION

- 8.1 Exhumations may only occur in accordance with section 66 of the Act.
- 8.2 Exhumations can also occur where Council receives appropriate directions from the relevant government agencies.

9 INTERMENT OF ANIMAL REMAINS

- 9.1 Pursuant to section 69A and 106 of the Act, Council will permit the interment of cremated animal remains into an existing interment site or pre-purchased interment site upon application from an authorised interment right holder.
- 9.2 Cremated animal remains must be interred within approved ash interment container not exceeding 250mm x 150mm x 115mm.
- 9.3 Ash interment limits as per Council's Perpetual Interment Right Contract.
- 9.4 Interment rights may only be purchased and granted to persons.

RESPONSIBILITIES

Customer Service

- 9.5 Provide assistance with the lodgement of cemetery related enquiries and processing where necessary.

Cemetery Officer

- 9.6 Process and manage all cemetery administrative requests and enquiries.

Vegetation and Civic Spaces Coordinator

- 9.7 Supervision of all operational tasks within Council's cemeteries.
- 9.8 Ensure compliance with relevant current Australian cemetery standards and regulations.
- 9.9 Assist Cemetery Officer with cemetery enquiries.

Open Spaces and Community Facilities Manager

- 9.10 Manage Council's overall compliance with this policy and applicable legislation, regulations and standards.

Reporting

- 9.11 Council shall maintain a register of all interments, exhumations and perpetual interment rights in respect of each cemetery in order to comply with legislation and to provide information for historical research references for the public.

Records management

- 9.12 Staff must maintain all records relevant to administering this policy in accordance with Council's Records Management Policy.
- 9.13 Council is required to maintain certain records under the Act and Regulation, *Public Health Act 2010* (NSW), *Public Health Regulation 2012* (NSW), *State Records Act 1998* (NSW), and the *Local Government Act 1993* (NSW).

10 POLICY DEFINITIONS AND ABBREVIATIONS

Act	means the <i>Cemeteries and Crematoria Act 2013</i> (NSW).
Council	means Cessnock City Council.
Council Official	includes Councillors, members of staff (permanent, casual or temporary), Council advisors, administrators, Council committee members, volunteers and delegates of Council.
Exhumation	means the removal of a dead person's 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).
Perpetual Interment Right	Previously known as a right of burial, right of interment and burial licence. This is a legal document, which gives the licensee the exclusive right to use the specified piece of land for burials and to place a monument over the grave.
Regulation	means the <i>Cemeteries and Crematoria Regulation 2014</i> (NSW).

11 POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
TBA	Determine applications to conduct works in Council Cemeteries.	Vegetation and Civic Spaces Coordinator
TBA	Determine applications for perpetual interment rights and order of interment.	Cemetery Officer

12 POLICY ADMINISTRATION

Directorate	Works and Infrastructure		
Responsible Officer	Vegetation and Civic Spaces Coordinator		
Associated Procedure	Council Cemeteries Guideline (DOC2013/019554)		
Policy Review Date	4/12/2028 [Actual date - three years from date of adoption unless legislated otherwise]		
Document Reference Number	Word version: DOC2025/165898 Final web version: DOC2025/252660		

This policy supports Council's compliance with the following legislation:

- *Anti-Discrimination Act 1977*
- *Births, Deaths and Marriages Registration Act 1995*
- *Cemeteries and Crematoria Act 2013 (NSW)*
- *Cemeteries and Crematoria Regulation 2014 (NSW)*
- *Conservation of Cemeteries Act 1974*
- *Coroners Act 1980*
- *Crown Lands Management Act 2016*
- *Heritage Act 1977*
- *Human Tissues Act 1983*
- *Local Government Act 1993*
- *Occupational Health and Safety Act 2000*
- *Occupational Health and Safety Regulation 2001*
- *Privacy and Personal Information Protection Act 1998*
- *Public Health (Disposal of Bodies) Regulation 2002*
- *Public Health Act 2010*
- *Public Health Regulation 2012*
- *State Records Act 1998*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2011*

- *Workers Compensation Act 1987*
- *Workplace Injury Management & Workers Compensation Act 1998*

This policy contributes to the achievement of the following desired outcome or objectives as per Council's Delivery Program:

- Objective 1.2.6a: Review and Update the Cemetery Strategic Plan

Related Documents (include reference document numbers)

- Records Management Policy (DOC2019/038769)
- Complaints Handling Policy (DOC2018/048382)
- Privacy Management Plan (DOC2014/005148)
- Guidelines for Works within Council Cemeteries (DOC2013/019554)
- Cemetery Strategy (DOC2013/044147)
- Cemeteries Masterplan Report (DOC2018/040017)

13 POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	5 March 2003 / DC&RS 26/2003 – 781	New policy adopted
2	21 April 2010 (PM22/2010)	Periodic review
3	18 September 2013 (PM91/2013 - 581)	Periodic review
4	16 March 2022 (WI7-2022)	Periodic review
5	4 December 2025 – following public exhibition (WI11-2025)	Periodic review – new clauses regarding interment of animal remains following legislative changes