

# Right of Burial Transfer Application 2018/19



SECTION 1 - Cemetery and Plot Details		
Cemetery:	Portion:	
Division:	Section:	Plot:
SECTION 2 - Grantee Details		
Full Name:		Title:
Address:		
Suburb:	Postcode:	
Email:	Phone:	
SECTION 3 - Recipient Details		
Recipient full name:		Title:
Address:		
Suburb:	Postcode:	
Email:	Phone:	
Relationship to Grantee:		
SECTION 4 - Grantee Signature <i>(Not Applicable where the Grantee is deceased)</i>		
I, the undersigned, being the person registered as the Holder of the Right of Burial (Grantee), hereby transfer the Right of Burial to: _____ of: all my right, title and interest in and under the Right of Burial.		
Signature <i>(Grantee)</i> :		Date:
Signature <i>(Witness)</i> :		Date:
SECTION 5 - Recipient Signature		
I, the undersigned:		
<input type="checkbox"/> Am the person to be registered as the new Holder of the Right of Burial (known as the Grantee) <input type="checkbox"/> I have read the Cemetery Policy included with this application form and understand that <b>kerbs, fences, stone vases (memorial or not), or the planting of any plants along the grave space are not permitted.</b> <input type="checkbox"/> I have read, understood and agree to abide by the Cemetery Policy and state all the information supplied is true and correct.		
Signature <i>(Recipient)</i> :		Date:

Application Type <i>(please tick all that apply)</i>	Please Tick	Office Use Only
Transfer Right of Burial - Wallsend Cemetery (\$95.00)	<input type="checkbox"/>	601032-8008-43600 (T29)
Transfer Right of Burial - Stockton Cemetery (\$95.00)	<input type="checkbox"/>	601031-8008-43600 (T29)

# CEMETERY POLICY

## General Conditions

- i. Burials will only be allowed if the relevant legislation including but not limited to the Public Health Regulation 2012 - Part 8, Work Health and Safety Act 2011, The City of Newcastle (Council) Work Health and Safety Management System, Heritage Act 1977 and the procedures of Council can be satisfied. It is the obligation of the Grantee or their agent (eg. Funeral Director) of this application to ensure compliance.
- ii. Council requires all agents undertaking work within Council cemeteries to hold a valid Permit to Work in the Council Cemeteries prior to commencement of work.
- iii. The depth of each grave upon first interment is dug to a depth to accommodate two burials. However, occasionally due to rock or stability problems not evident prior to commencement of digging the grave, ground conditions may not allow for burial in the allocated plot. In these circumstances an alternative plot will be allocated.
- iv. Ash remains can be interred within the allocated plot; a maximum of four ash remains per plot.
- v. Payment of Councils fees must be made or arranged prior to burial service.
- vi. Rights of Burial may be transferred upon request to Council and payment of the appropriate charge fixed by Council.

## Grounds of Authority

*The Applicant may propose to use an existing Right of Burial if;*

- i. Should the deceased be the Grantee, then the Right of Burial becomes part of his or her estate, to be administered by his or her Executor. If there is no Executor, then the Next of Kin who is the 'major beneficiary' may authorise the opening of the grave for interment of the deceased. Council may require statutory declaration as proof of relationship; or
- ii. The Right of Burial has been issued in the name of the Applicant; or
- iii. The Grantee has given written authority and the applicant has provided Council with a copy of that written authority that the Applicant may issue instructions to bury the deceased in the burial plot subject to the Right of Burial.

## Monuments, Headstones and Plaques (Monument and Lawn Sections)

- i. **Kerbs, fences, stone vases (memorial or not), or the planting of any plants along the grave space are not permitted. Council will reserve the right to remove any such items in order properly to undertake their responsibilities for the care and maintenance of the cemeteries.**
- ii. For permission to construct any monument, memorial, foundation, table, headstone, gravestone, kerbing railing or any other structure, a qualified tradesperson must complete and return the Application for Monumental Work and payment of the appropriate charge fixed by Council. Works must be undertaken in accordance with Australian Standard Headstones and Cemetery Monuments AS 4204–1994 and Work Health and Safety Act 2011 as a minimum. Works are not to commence prior to written Council approval.
- iii. Specifically for Lawn sections, headstone dimensions must not exceed 1150mm width, 300mm depth and 850mm height.
- iv. All graves and monuments 50 years and older are subject to the Heritage Act 1977. It is the responsibility of the Applicant / Grantee to ensure that the proposed works is consistent with the requirements of this Act.
- v. Monument ownership and all the responsibilities therein, reside with the Grantee and his or her heirs and successors to the grave.
- vi. Council will not be liable for future care, maintenance, preservation, conservation or restoration of any construction erected or placed over the gravesite.

## **Glossary of Terms**

**Right of Burial:** an exclusive right granted by Council (or its predecessors) for use of a burial site, niche wall space or garden suite space. There is no entitlement to any real estate. The holder of the Right of Burial has the sole authority to determine who can be interred in the burial plot, niche wall or garden suite and to allow memorials including headstones, inscriptions etc. to be placed on the grave, niche wall or garden suite.

**Applicant:** any person making application for a Right of Burial issued by The City of Newcastle (Council) pursuant to Council Cemetery Policy.

**Grantee:** person/s granted a Right of Burial issued by Council pursuant to Council Cemetery Policy – where there are two grantees; they shall be 'joint tenants'.

## **Cemeteries**

<b>Cemetery</b>	<b>Location</b>	<b>Type of Cemetery</b>
<b>Minmi</b>	Minmi Road, Minmi	Monumental
<b>Stockton</b>	Fullerton Street, Stockton	Monumental, Lawn
<b>Wallsend</b>	Sandgate Road, Birmingham Gardens	Monumental, Lawn, Niche Wall and Garden Suite

### **Protecting your privacy**

The City of Newcastle is committed to protecting your privacy. We take reasonable steps to comply with relevant legislation and Council policy.

**Purpose:** Information required for Facilities and Recreation, Cemetery Records, Statutory requirement under the Public Health Regulation 2012- Part 8 and Cemeteries and Crematoria Act 2013.

**Intended Recipients:** The information will form part of a public record that must be available for inspection under the Public Health Regulation 2012 - Part 8.

**Supply:** Voluntary.

**Consequence of Non Provision:** Application not be processed.

**Storage and security:** The City of Newcastle Electronic Document Management System; records to be kept indefinitely.

**Access:** The City of Newcastle, phone 02 4974 2000, fax 02 4974 2222, email [mail@ncc.nsw.gov.au](mailto:mail@ncc.nsw.gov.au).