

Subordinate Local Law No. 13.1

(Cemeteries) 2008

Consolidated version

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Subordinate Local Law No. 13.1 (Cemeteries) 2008
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Council of the City of Gold Coast Subordinate Local Law No. 13.1 (Cemeteries) 2008

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Council of the City of Gold Coast Subordinate Local Law No. 13.1 (Cemeteries) 2008

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 13.1 (Cemeteries) 2008*.

2 Authorising local law

This subordinate local law is made pursuant to *Local Law No. 13 (Cemeteries) 2008*.

3 Objects

The object of this subordinate local law is to assist in the implementation of *Local Law No. 13 (Cemeteries) 2008* by—

- (a) ensuring that the disturbance of human remains occurs only in appropriate circumstances; and
- (b) ensuring that a regulated activity in a council cemetery does not cause—
 - (i) environmental harm or environmental nuisance; or
 - (ii) a nuisance or a loss of amenity; or
 - (iii) harm to human health or safety; and
- (c) specifying the hours of operation for the carrying out of a burial.

4 Definitions – the dictionary

The dictionary in the Schedule (Dictionary) of this subordinate local law defines particular words used in this subordinate local law.

Part 2 Permits

5 Application for a permit

- (1) For the purposes of section 24(1)(c)(iv) of *Local Law No. 13 (Cemeteries) 2008*, an application for a permit for a regulated activity, being interference with human remains must be accompanied by—
 - (a) evidence of the identity of the deceased person; and
 - (b) evidence of the wishes of the deceased person; and

- (c) the written consent of all interested parties; and
- (d) details of the current location of the human remains; and
- (e) if relevant, details of the location the human remains are to be relocated to.

6 Prescribed criteria

For the purposes of the Schedule (Dictionary) of *Local Law No. 13 (Cemeteries) 2008*, a regulated activity being interference with human remains must comply with the following prescribed criteria—

- (a) in the case of the removal of the human remains, the regulated activity complies with the wishes of members of the deceased person's family; or
- (b) if the remains are being removed as a result of the conclusion of the burial right for the grave, the remains are to be reinterred either at a greater depth within the grave to allow further burials, or reinterred in another place within the council cemetery.

7 Conditions of a permit for a regulated activity

- (1) For the purposes of section 27(3) of *Local Law No. 13 (Cemeteries) 2008*, the local government may impose all or any of the following conditions on a permit for a regulated activity¹—
 - (a) The operation of the regulated activity must not detrimentally affect the amenity of neighbouring premises.
 - (b) The operation of the regulated activity including all premises, buildings, structures, vehicles, facilities or equipment must be maintained at all times—
 - (i) in a good working order; and
 - (ii) in a good state of repair; and
 - (iii) in a clean and sanitary condition.
 - (c) The operation of the regulated activity must not constitute a nuisance under *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.
 - (d) A contaminant must not be released to the environment as part of the operation of the regulated activity if the release may cause environmental harm unless such release is specifically authorised by the *Environmental Protection Act 1994*.

¹ This section prescribes, for the purposes of section 27(3) of *Local Law No. 13 (Cemeteries) 2008*, the conditions that will ordinarily be imposed on a permit. However, the local government may, pursuant to section 24(1) of *Local Law No. 13 (Cemeteries) 2008*, grant a permit on any conditions the local government considers appropriate.

- (e) All objects (including vehicles and machinery) which are dismantled as part of the operation of the regulated activity must be dismantled undercover on a paved impervious surface which is unaffected by stormwater runoff.
- (f) Any spillage of a waste, a contaminant or another material must—
 - (i) be cleaned up immediately; and
 - (ii) not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any stormwater system or waters.
- (g) Lighting used to illuminate any areas of the operation of the regulated activity must be angled or shaded in such a manner that the light does not cause a nuisance.
- (h) The operation of the regulated activity must not attract fly breeding or vermin infestation.
- (i) The operation of the regulated activity must be kept free of pests and conditions offering harbourage for pests.
- (j) All hazardous materials must be stored and used in a safe manner as part of the operation of the regulated activity.
- (k) Adequate storage must be provided for all hazardous materials stored or used as part of the operation of the regulated activity.
- (l) Waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the regulated activity must be provided in the manner and locations specified by the local government.
- (m) Waste containers that are provided as part of the operation of the regulated activity must at all times be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition.
- (n) Waste containers that are provided as part of the operation of the regulated activity must be designed and constructed to prevent access to pests and to be easily and effectively cleaned and disinfected.
- (o) All waste (including waste water) generated as part of the operation of the regulated activity must be disposed of in a safe and sanitary manner and in accordance with the *Environmental Protection Act 1994* and the *Water Supply (Safety and Reliability) Act 2008*.
- (p) All waste generated as part of the operation of the regulated activity must be disposed of in a manner which maintains the operation of the regulated activity and its surrounds in a clean, tidy, sanitary and hygienic condition.

- (q) All waste water generated during or from the operation of the regulated activity must be discharged safely to the sewerage system or an on-site sewerage facility.
- (r) Human wastes from the operation of the regulated activity must be disposed of at a dedicated sanitary facility, a sanitary convenience as authorised by the local government, the sewerage system or an on-site sewerage facility.
- (s) Trade waste from the operation of the regulated activity must be disposed of in accordance with a permit under the *Water Supply (Safety and Reliability) Act 2008*.
- (t) Waste generated as part of the operation of the regulated activity must be kept so as not to attract pests.
- (u) Waste from the operation of the regulated activity must not be disposed of into the stormwater system, waters or a watercourse.
- (v) The permit issued by the local government, the local government issuing the permit and the description of the regulated activity must be prominently and permanently displayed in letters and numbers not less than 100mm in height at locations specified by the local government to enable it to be viewed by members of the public, e.g. *GCCC – Regulated Activity [insert permit number]*.
- (w) The trading name and telephone number of the holder of the permit must be prominently and permanently displayed in letters and numbers not less than 75mm in height at locations specified by the local government to enable it to be viewed by members of the public.
- (x) Emergency contact numbers must be displayed in the manner and locations as specified by the local government or otherwise so that it can be viewed by members of the public.
- (y) The holder of the permit must not carry out building works in relation to the regulated activity without the prior written approval of an authorised person.
- (z) The operation of the regulated activity must comply with the *Environmental Protection Act 1994*, *Environmental Protection (Water) Policy 2009*, *Environmental Protection (Noise) Policy 2008*, *Environmental Protection (Air) Policy 2008* and the *Environmental Protection (Waste Management) Regulation 2000*.
- (aa) The operation of the regulated activity must be adequately managed to ensure compliance with *Local Law No. 13 (Cemeteries) 2008*, the relevant subordinate local law and the permit conditions.
- (ab) The operation of the regulated activity must not breach a provision of a local law or a subordinate local law.

- (2) For the purposes of section 27(3) (Conditions of a permit) of *Local Law No. 13 (Cemeteries) 2008*, the local government may impose all or any of the following conditions on a permit for a regulated activity being the carrying out of a burial—
- (a) The operation of the regulated activity must not, unless approved by an authorised person, be carried out outside the hours of—
 - (i) 8.00am to 5.00pm from Monday to Saturday; and
 - (ii) 2.00pm to 5.00pm on a Sunday or a public holiday.
 - (b) If the operation of the regulated activity is conducted after 3.00pm on any day, an additional fee as specified by the local government from time to time must be paid to the local government.

Part 3 Prescribed standards

8 Prescribed standards for a grave

- (1) For the purposes of section 10 (Requirements for a grave) of *Local Law No. 13 (Cemeteries) 2008*, this section specifies the prescribed standards for a grave.
- (2) A grave in a council cemetery must be sunk to a minimum depth of—
- (a) 1.8 metres, if 1 or 2 adult bodies are to be buried in the grave; and
 - (b) 2.1 metres, if 3 adult bodies are to be buried in the grave; and
 - (c) 1.2 metres, if a single child body is to be buried in the grave; and
 - (d) 1.5 metres, if the burial is to be conducted according to the Jewish religion; and
 - (e) 1.4 metres, if the burial is to be conducted according to the Muslim religion; and
 - (f) 1.2 metres if the burial is to be conducted in a natural burial ceremony; and
 - (g) 1.2 metres if the burial is for a baby.
- (3) A grave for 1 adult body must have a minimum length of 2.4 metres and a minimum width of 1.2 metres.
- (4) The lid of a coffin must be a minimum of 0.9 metres below the ground surface.
- (5) A grave must have a width and length that is at least 5 centimetres greater than the width and length of the coffin or casket to be placed in the grave, including any attachments to the coffin or casket.

9 Prescribed standards for a vault

- (1) For the purposes of section 11 (Requirements for a vault) of *Local Law No. 13 (Cemeteries) 2008*, this section specifies the prescribed standards for a body interred in a vault and the prescribed standards for construction of a vault.
- (2) Where there is less than 900 millimetres of soil cover over the top of the coffin, the body interred in a vault must be enclosed in a galvanised lined coffin or casket or another method approved by the local government.
- (3) The coffin or casket, referred to in subsection (2), must be placed on a copper tray which has sides that are a minimum of 70mm high and has soldered corners or another method approved by the local government.
- (4) A valid certificate of embalming must be produced to the local government where there is less than 900 millimetres of soil cover over the top of the coffin.
- (5) A metal plate, stamped with the name of the deceased, must be placed on the vault.
- (6) The construction of the vault must comply with the requirements of Australian Standard AS 4425-1996 Above-ground burial structures.

10 Prescribed standards for a memorial in a lawn cemetery

- (1) For the purposes of section 19(1) of *Local Law No. 13 (Cemeteries) 2008*, this section specifies the prescribed standards for a memorial in a lawn cemetery.
- (2) A memorial for a lawn cemetery must—
 - (a) have a square upper and lower surface dimension of 530 millimetres by 530 millimetres; and
 - (b) be constructed of—
 - (i) moulded concrete with a thickness of 40 millimetres and fitted with cast bronze, non-ferrous metal or a stone plaque which is not raised more than 6 millimetres above the surface of the concrete; or
 - (ii) granite which has a minimum thickness of 50 millimetres; or
 - (iii) any other material which has a proven durability and which is approved by an authorised person; and
- (3) For a memorial which has a vase hole, the vase hole must—
 - (a) have a diameter of 13 millimetres; and
 - (b) be located 90 to 110 millimetres from the top of the memorial; and
 - (c) be situated on the vertical centre line of the memorial.

- (4) Memorials in a lawn cemetery may have portraits, emblems or other approved items attached but such attachments must not extend more than 6mm above the surface of the memorial.

11 Prescribed standards for a memorial in a lawn beam cemetery

- (1) For the purposes of section 19(1) of *Local Law No. 13 (Cemeteries) 2008*, this section specifies the prescribed standards for a memorial in a lawn beam cemetery.
- (2) A memorial for a lawn beam cemetery may be either—
- (a) a plaque with a maximum height of 280mm placed directly upon the beam; or
 - (b) a plaque with a maximum width of 480mm and a maximum height of 330mm, placed on the face of a memorial desk.

12 Prescribed standards for a memorial in a lawn beam monumental cemetery

- (1) For the purposes of section 19(1) of *Local Law No. 13 (Cemeteries) 2008*, this section specifies the prescribed standards for a memorial in a lawn beam monumental cemetery.
- (2) A memorial for a lawn beam monumental cemetery may be—
- (a) a plaque with a maximum height of 280mm placed directly upon the beam; or
 - (b) a plaque with a maximum width of 480mm and a maximum height of 330mm, placed on the face of a memorial desk; or
 - (c) be a headstone with a maximum width of 600 millimetres, a maximum depth of 300 millimetres and a maximum height of 600 millimetres.
- (3) Where a memorial is supplied by the local government, the applicant must pay the costs of inscription and installation.

13 Prescribed standards for an inscription plate in a columbarium or garden of remembrance

- (1) For the purposes of section 19(1) of *Local Law No. 13 (Cemeteries) 2008*, this section specifies the prescribed standards for an inscription plate to be installed on a niche in a columbarium or a garden or remembrance.
- (2) An inscription plate on a niche in a columbarium must comply with any requirements specified by the local government at the time of the grant of the request to install an inscription plate.

14 Prescribed standards for a grave monument

- (1) For the purposes of section 19(1) of *Local Law No. 13 (Cemeteries) 2008*, this section specifies the prescribed standards for a monument or other structure to be placed on a grave.
- (2) A grave monument or other structure must comply with—
 - (a) AS 4425-1996 – Above Ground Burial Structures; and
 - (b) AS 4204 – 1994 – Headstones and Cemetery Monuments; and
 - (c) the Building Code of Australia.

15 Prescribed standards for a mausoleum

- (1) For the purposes of section 11(2) of *Local Law No. 13 (Cemeteries) 2008*, this section specifies the prescribed standards for a mausoleum.
- (2) A mausoleum must comply with—
 - (a) AS 4425-1996 – Above Ground Burial Structures; and
 - (b) the Building Code of Australia.

Schedule Dictionary

contaminant has the meaning given in the *Environmental Protection Act 1994*.

groundwater means water occurring in a geological structure or formation under the surface of the ground.

hazardous material means a substance which—

- (a) because of its chemical, biochemical, microbiological or radiological properties, temperature or state of compression could in sufficient concentration cause—
 - (i) harm to human health and safety or personal injury; or
 - (ii) property damage; or
 - (iii) environmental harm or environmental nuisance; and
- (b) includes—
 - (i) a hazardous substance; and
 - (ii) a dangerous good; and
 - (iii) a scheduled poison.

hazardous substance has the meaning given in the *Workplace Health and Safety Regulation 2008*.

pest includes vermin and insects.

stormwater system means—

- (a) a roadside gutter; or
- (b) a stormwater drain; or
- (c) surface water; or
- (d) any other land or structure that is used to convey stormwater.

surface water means water other than ground water.

vermin means rats, mice, guinea pigs and other rodents capable of carrying or transmitting a notifiable disease, but does not include a protected animal within the meaning of the *Nature Conservation Act 1992*.

waste has the meaning in *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.

waste container means a weatherproof container for the storage of waste that –

- (a) is vermin proof; and
- (b) can be readily cleaned; and
- (c) is constructed of durable material; and
- (d) is non-reactive with the intended contents; and
- (e) is leakproof; and
- (f) minimises the loss of material into the environment.

waste water means a liquid waste.

watercourse has the meaning given in *Water Act 2000*.

waters has the meaning given in *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.