

HISTORICAL CEMETERY SITE NARRANDERA

PLAN OF MANAGEMENT



**Narrandera Shire Council
2025**

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LIST OF ACRONYMS

ALC	Aboriginal Land Council
ALR	Aboriginal Land Rights Act
CCTV	Closed-circuit television
CLM	Crown Land Manager
CLMA	Crown Lands Management Act
CSP	Community Strategic Plan
CWA	Country Women’s Association
DPHI	Department of Planning, Housing and Infrastructure
EPA Act	Environment Planning and Assessment Act 1979
km	kilometre
LG Regulations	Local Government (General) Regulations
NTA	Native Title Act 1993
NLEP	Narrandera Local Environment Plan 2013
PoM	Plan of Management
SEPP	State Environmental Planning Policy

1.0 EXECUTIVE SUMMARY

Narrandera Shire Council adopted its previous Plan of Management for 'Narrandera Shire Council Crown Land Reserves' in 2013. The earlier Plan of Management included the area described as the "*closed cemetery adjacent to Lake Talbot Pool Entrance*". This "closed cemetery" has now been registered with Cemeteries and Crematoria NSW (CCNSW) as **Narrandera Pioneer Cemetery**. This Plan of Management will refer to Narrandera Pioneer Cemetery as the 'Historical Cemetery Site'.

This document is a review of the former Plan of Management and takes into account changes in Crown land legislation following introduction of the *Crown Land Management Act 2016* and the application of categories to Crown reserves.

This Plan of Management (PoM) has been prepared by Riverina Agriconsultants on behalf of Narrandera Shire Council and provides direction as to the use and management of the Council managed Crown reserve classified as 'community land' for an area for the 'preservation of graves'.

This PoM specifically addresses the management of this parcel of Crown land and examines the current character, current use and future needs of the land and its relationship to the surrounding land and community within the town of Narrandera, particularly its historical context within the Shire.

The PoM is required in accordance with Section 3.23 of the *Crown Land Management Act (CLMA) 2016* and Section 36 of the *Local Government Act 1993*.

The Council managed Crown reserve being Reserve 43815 is categorised in this PoM, as:

- Area of Cultural Significance.

This categorisation of the land is consistent with the reserve's purpose of preservation of graves and the land continues to be used for this purpose.

A locality map of the historical cemetery site located adjacent to the entrance of the Lake Talbot Water Park is shown in Figure 1. The subject parcel of land in the centre of Figure 1 is marked as a solid filled square.

Figure 1: Historical Cemetery Site



2.0 INTRODUCTION

Narrandera Shire is a local government area in the Riverina region of south-western New South Wales covering an area of 4,116km². The present Narrandera Shire was formed on 1 January 1960 by an amalgamation of the previous Narrandera Municipality and Yanko Shire.

Narrandera is located in the centre of the Riverina region of NSW. It is 554km south-west of Sydney and 437km north of Melbourne on the Sturt Highway between Wagga Wagga to the east and Darlington Point to the west; and on the Newell Highway between Ardlethan to the north-east and Jerilderie to the south-west, being the junction of the Sturt and Newell Highways. The town of Narrandera has developed on the banks of the Murrumbidgee River with an estimated population of 5,931 (2018). The Shire also includes the towns of Barellan, Binya, Grong Grong and Kamarah.

The name 'Narrandera' originates from the Wiradjuri word 'Narrungdera' which means 'place of lizard or goanna'.

Narrandera has many conservation values due to its historic buildings and tree-lined streets, together with its adjacent connectivity to the Murrumbidgee River's floodplain and nearby Narrandera Range and Bogolong Hills.

Narrandera has a rich history for the Wiradjuri Nation's people who still make up ten percent of the town's population despite approaching destruction after European settlement and disease. The township of Narrandera was developed in the early 1860s following its survey in 1850 by surveyor James Larmer and contains a number of heritage-listed sites including its railway station and railway bridge also the residence 'Derrendi'.

Figure 2: Narrandera Local Government Area



2.1 Corporate Objectives

Narrandera Shire has a positive future, located at the junction of two major highways and surrounded by a beautiful natural environment. The Shire also marks the transition of extensive broadacre agriculture of the western slopes and plains to the east, into the highly productive Murrumbidgee Irrigation Area (MIA) to the west.

The *Community Strategic Plan 'Community Strategic Plan 2040'* adopted on 21 June, 2022 (refer to Figure 3) is a core document that guides the operations and goals of Council. The *Community Strategic Plan* (CSP) provides a road map of what is important to the community and where it wants to be in the future.

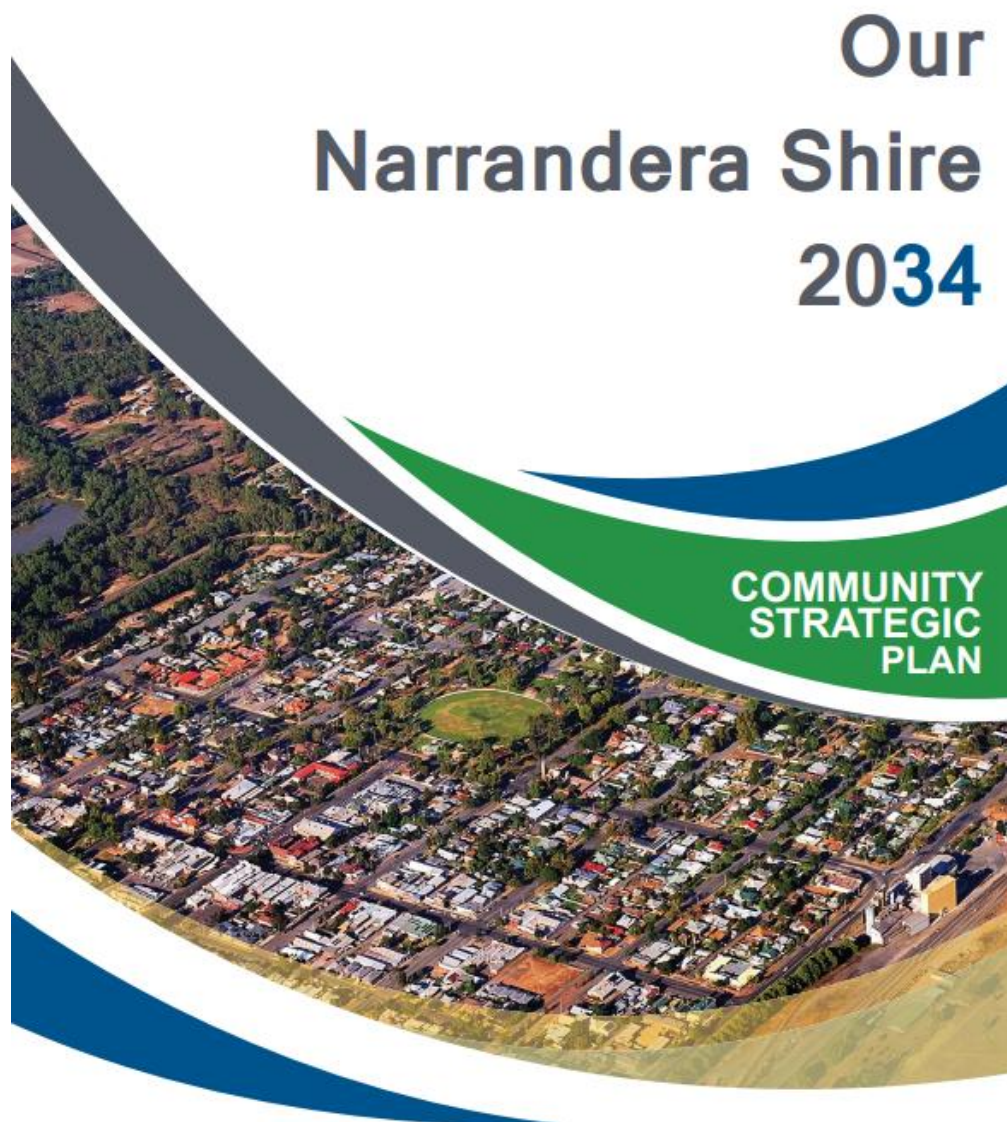
Narrandera Shire's community vision is:

"The vision of our Community Strategic Plan is 'to preserve and enhance the lifestyle of our communities by encouraging, promoting and facilitating the sustainable development of the Shire'. We do this by 'Achieving Together'."

The CSP describes Council's core values as being:

- **Ethical** – transparent and equitable in all our actions;
- **Caring** – helpful, supportive and thoughtful towards each other and our community;
- **Loyalty** – pride in our work and our organisation;
- **Accountability** – responsible for our actions;
- **Integrity** – trustworthy, honest and consistent;
- **Respect** – for each other and the role we play; and
- **Safety** – to work safely to protect ourselves and the public."

Figure 3: Narrandera Shire Council's CSP 'Community Strategic Plan 2040'



The Narrandera community expressed its primary strategies 'Five Key Themes' as:

1. Our Community;
2. Our Environment;
3. Our Economy;
4. Our Infrastructure; and
5. Our Civic Leadership.

Those strategies most pertinent to the implementation of this PoM, as extracted from the adopted *Delivery Program 2022 – 2026*, are:

Our Community

- To live in an inclusive, healthy and tolerant community with a positive attitude towards others
 - Acknowledge and celebrate our local Wiradjuri culture;
 - Continue to work with the Aboriginal community fostering mutual respect and understanding through consultation seeking valuable feedback on important projects and initiatives.
- Enhance our public spaces to enrich our community
 - Implement a renewal and maintenance strategy to support a diverse range of building facilities for the community.

Our Economy

- Create strong conditions for investment and job creation through quality infrastructure and proactive business support
 - Promotion of Narrandera Shire using our heritage buildings, culture, location, waterways, ecotourism also business and sporting facilities.

Our Infrastructure

- To improve, maintain and value-add to our essential public and recreational infrastructure
 - Source funding to improve vehicle parking at the Lake Talbot Water Park.

Our Civic Leadership

- Have a Council that provides leadership through actions and effective communication
 - Support ethical, transparent and accountable corporate governance;
 - Monitor the availability of Federal and State funding grants payable to Council.

2.2 Purpose of the Plan of Management

The *Local Government Act 1993* requires a Plan of Management (PoM) to be prepared for all public land that is classified as ‘community land’ under that Act noting that the initial PoM was adopted by Council in 2013 under the *Crown Lands Act 1989*.

The *Crown Land Management Act 2016* (the CLMA 2016) authorises local councils (Council Crown Land Managers appointed to manage dedicated or reserved Crown land) to manage that land as if it were public land under the

Local Government Act 1993. Therefore, all Crown land reserves managed by Council are also required to have a PoM under the *Local Government Act, 1993*.

The purpose of this PoM is to:

- Review, update and strengthen the initial approved PoM for the specific Crown Land Reserve within Narrandera Shire Council;
- Meet and contribute to Council's broader strategic goals and vision as set out in the *Community Strategic Plan 2040*;
- Ensure compliance with the *Local Government Act 1993* and the *Crown Land Management Act 2016*;
- Provide a strategic framework for Council to guide its management of this historical cemetery site; and
- Ensure consistent management that reflects the values and expectations of the community and acknowledges the community contribution of earlier pioneers to the township and the broader area of Narrandera Shire.

Council's objective for Narrandera Shire Council's Historical Cemetery Site as revised in this PoM, is:

"Council recognises that the cemeteries under its management are an expression of the local community and show how the community has both prospered and evolved – the graves and monuments also provide valuable insight into the demographics and cultures of the area across a long period of time. The older sections of our cemeteries contain monuments that often commemorate significant milestones during the life of the deceased and similarly they often explain the story of how the individual passed. Our cemeteries provide a valuable link to our past and Council recognises that they must be preserved and enhanced for the generations that will follow."

The cemetery located adjacent to the Lake Talbot Water Park was the first cemetery in Narrandera and is referred to as being part of the 'Old Narrandera Run', a large pastoral station, from 1848. There are only a small number of recorded interments at the cemetery with the earliest interment being 23 November 1872 – although small the memorials show that death at a young age was very common.

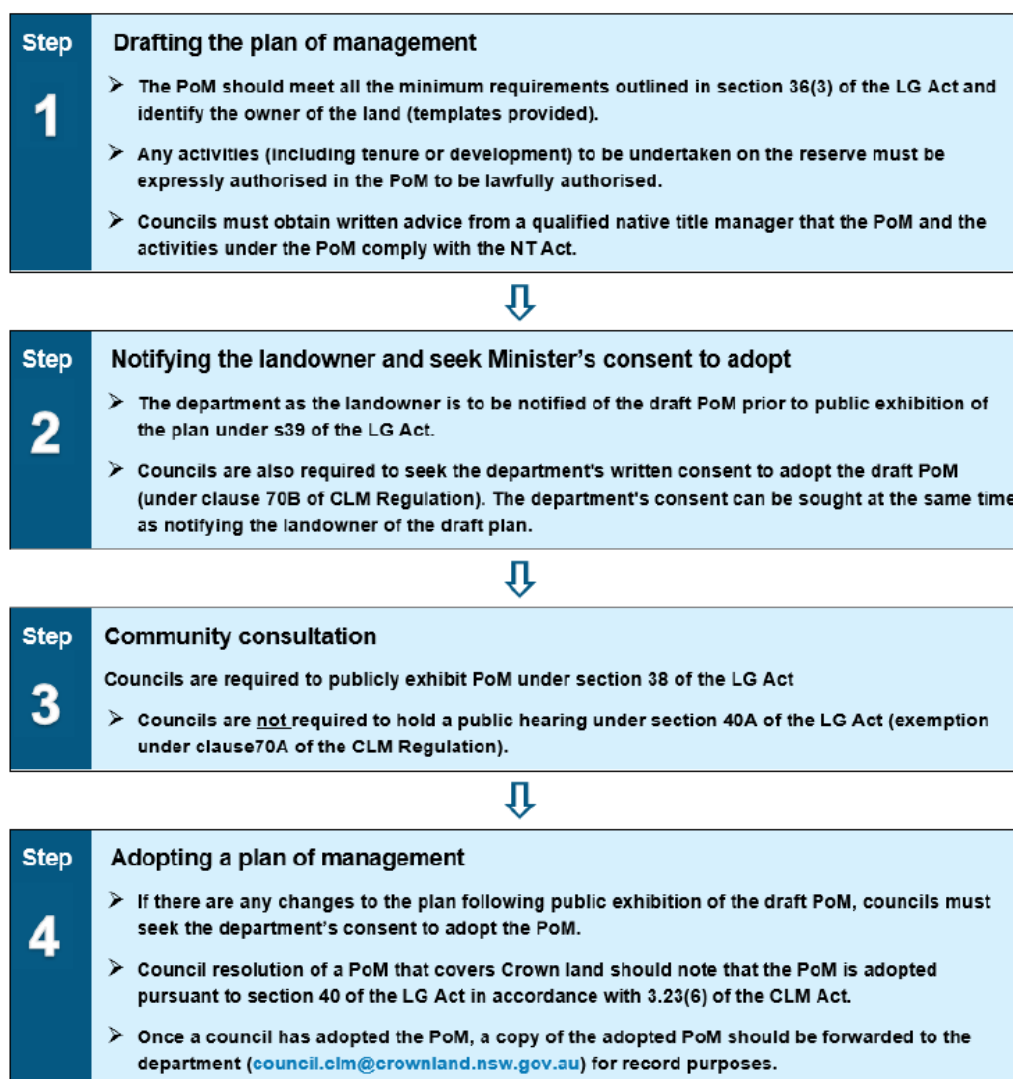
2.3 Process of Preparing this Plan of Management

The process for preparing a PoM for Council managed Crown reserves is shown in Figure 4 (below). This document is a review of the previous (2013) PoM adopted by Council in 2013.

The previous PoM outlined management directions for the next 5 to 10 years under prevailing legislation at the time, i.e. *Crown Lands Act 1989*. It is timely that a review be undertaken given the commencement in 2018 of subsequent legislation in relation to management of Crown land, being the *Crown Land Management Act 2016*.

Figure 4: Flowchart for Consultation and Approval of a Plan of Management

What are the steps in the process for drafting and adopting Plans of Management?



Source: Crown Land Management Amendment (Plan of Management) Regulation 2021 Questions & Answers DOC21/094455

2.4 Change and Review of this Plan of Management

The use and management of the parcel of land listed in Table 1 is regulated by this PoM.

This PoM will require regular review in order to align with community values and changing community needs, and to reflect changes in Council priorities.

Council has determined that a strategic review of this PoM will occur within 10 years of its adoption. However, the performance of this PoM will be reviewed on a bi-annual basis to ensure that the reserve is being managed in accordance with the PoM, is well maintained and provides a safe environment for public enjoyment. Review of this PoM will also occur should Council make significant changes to its Community Strategic Plan.

The community will have an opportunity to participate in reviews of this PoM.

2.5 Community Consultation

Consultation with the community is an important part of the preparation of this PoM. Consultation gives Council a better understanding of the range of local issues affecting use and development of the land to which this PoM applies and gives all sectors of the community the chance to have input into the direction of policy development being undertaken by Council.

In preparation of this draft PoM, consultation was undertaken with Council's Governance and Engagement Manager, Open Space and Recreation Manager and the Executive Engineer.

All stakeholders are given the opportunity to express their opinions and provide relevant information in relation to the planned management of the land. As the land is Crown land, Department of Planning, Housing and Infrastructure (DPHI) can assess the PoM as landowner and provide Minister's consent to adopt the PoM.

Council submits the draft PoM to DPHI under section 39 of the *Local Government Act 1993*. This process occurs prior to public exhibition and community consultation of the PoM as shown by Figure 4 (above) 'Flowchart for Consultation and Approval of a Plan of Management'.

If after public consultation there is no change to the categorisation and no additional purpose is required to be added to the reserve, no additional ministerial consent is required. Council can then proceed to adopt the PoM.

If Council proposes a change in the categorisation of the land following public consultation, the Plan must be referred again to the Minister administering the *CLMA 2016* for consent to adopt the PoM.

Community consultation is also offered as a result of the development application process in line with Council's Community Engagement Policy and the Community Participation Plan (2019) (in response to Section 2.23 of the *Environment Planning and Assessment Act 1979*).

3.0 LEGISLATIVE FRAMEWORK

This section describes the legislative and policy framework applying to the land covered under this PoM.

3.1 Local Government Act 1993

Community land must be managed according to the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021 (LG Regulations)*.

The *Local Government Act 1993* requires all Council owned land to be classified as either Operational or Community land. Community land is defined as land that must be kept for the use of the general community and must not be sold. Under the *Local Government Act 1993* Community land is required to be managed in accordance with a PoM and any other laws regulating the use of the land. A PoM developed for Community Land Management must include and/or address:

- All community land must be categorised;
- The PoM must contain core objectives for management of the land;
- The PoM must include a description of the condition of the land, and of any buildings or other improvements on the land;
- The PoM must specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used;
- The PoM must specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise;
- The PoM must describe the scale and intensity of any such permitted use or development;
- The PoM must include performance targets;
- The PoM must contain a means for assessing achievement of objectives and performance targets;
- Council must exhibit the draft PoM for 28 days and give at least 42 days for the making of submissions;
- Any amendments to a draft PoM must be publicly exhibited in the same way, until the Council can adopt the draft PoM without further amendment; and
- A Council may only grant a lease, licence or other estate over community land if it is expressly authorised in a PoM.

3.2 Crown Land Management Act 2016

Crown reserves are Crown land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

Crown land is governed by the *CLMA 2016*, which provides a framework for the state government, local councils and members of the community to work together to provide care, control and management of Crown reserves.

Division 3.4 of the *CLMA 2016* specifically relates to Crown land managed by Councils and states:

“3.20 Application of Division

- (1) This Division applies in relation to any local council that is a Crown land manager of dedicated or reserved Crown land (a **council manager**).”

and

“3.21 Management in accordance with *Local Government Act 1993*

- (1) A council manager is authorised to classify and manage its dedicated or reserved Crown land as if it were public land within the meaning of the *Local Government Act 1993*, subject to this Division.

Note—

The term **public land** (as defined by the *Local Government Act 1993*) excludes land to which this Act applies even if it is vested in or under the control of a local council. The Act also requires local councils to classify their public lands as either community land or operational land and manage the land accordingly.

- (2) Accordingly, a council manager is also authorised to manage its dedicated or reserved Crown land as if it were community land or operational land, but only as permitted or required by this Division.

Note—

For example, requirements relating to reporting and plans of management will generally be as provided by the *Local Government Act 1993* rather than this Act.

3.22 Functions of council managers

- (1) Except as provided by subsection (2) or (3), a council manager of dedicated or reserved Crown land—
- (a) must manage the land as if it were community land under the *Local Government Act 1993*, and
 - (b) has for that purpose all the functions that a local council has under that Act in relation to community land (including in relation to the leasing and licensing of community land).
- (2) A council manager of dedicated or reserved Crown land that is a public reserve (as defined in the *Local Government Act 1993*)—
- (a) must manage the land as a public reserve under that Act, and
 - (b) has for that purpose all the functions that a local council has under that Act in relation to a public reserve.

Note—

Section 2.22 enables the Minister to assume responsibility from a local council for the care, control and management of dedicated or reserved Crown land that is a public reserve.”

and

“3.23 Management of land as community land

- (1) **Application** This section applies to a council manager that is required by this Division to manage dedicated or reserved Crown land as if it were community land under the *Local Government Act 1993*.”

and

“(7) The following provisions apply during the period of 3 years after the commencement of this section (the **initial period**)—

- (a) a council manager must ensure that the first plan of management applicable to the land is adopted as soon as practicable within the initial period,
- (b) the first plan of management may be prepared and adopted under Division 2 of Part 2 of Chapter 6 of the *Local Government Act 1993* by—
 - (i) amending an existing plan of management so that it applies to the land, or
 - (ii) adopting a new plan of management for, or that includes, the land.”

Division 3.6 of the *CLMA 2016* specifically relates to plans of management and other plans and states:

“3.33 Preparation of draft plan of management

- (1) The Minister may direct an applicable Crown land manager to prepare a draft plan of management for dedicated or reserved Crown land under the manager’s management.”

and

“3.39 Approvals of activities under Local Government Act 1993 must comply with plans of management

A local council cannot grant an approval for an activity under Part 1 of Chapter 7 of the *Local Government Act 1993* that authorises or requires a person to do (or not to do) anything on or in relation to dedicated or reserved Crown land that would result in a contravention of a plan of management for the land.

3.40 Publication of plans of management

- (1) A copy of a plan of management in force for dedicated or reserved Crown land must be published on the Department’s website or in any other way directed by the Secretary. A failure to do so does not, however, affect the validity of the plan.
- (2) An applicable Crown land manager of the dedicated or reserved Crown land may also publish a copy on the manager’s own website (if any).”

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the *CLMA 2016* and set out below. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses. Section 1.4 of the *CLMA 2016* states:

“1.4 Principles of Crown land management

For the purposes of this Act, the **principles of Crown land management** are—

- (a) that environmental protection principles be observed in relation to the management and administration of Crown land, and
- (b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible, and
- (c) that public use and enjoyment of appropriate Crown land be encouraged, and
- (d) that, where appropriate, multiple use of Crown land be encouraged, and

- (e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and
- (f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.”

Crown land management compliance

In addition to management and use of Crown reserves that are aligned with the purpose of the reserve, there are other influences over Council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or Councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

3.3 Cemeteries and Crematoria Act 2013

The *Cemeteries and Crematoria Act 2013* (C&C Act) identifies that sufficient land is acquired and allocated to ensure that future generations have equitable access to interment services; that all individuals are not disadvantaged in any way, so as to ensure that they receive a dignified interment and their remains are treated respectfully; and that interment practices and beliefs of all religious and cultural groups are respected.

The C&C Act also provides that the operators of cemeteries and crematoria are compliant to a consistent and coherent regime of governance; demonstrate a satisfactory level of accountability, transparency and integrity; and promote cost structures for burials and cremations that are transparent across all sectors of the interment industry.

Environmental sustainability of the interment industry accords to the provision of both natural and private burials. Where a cemetery or crematorium is located on Crown land its management is in accordance with principles of Section 1.4 of the *CLMA 2016* (as set out in the principles of Crown land management described in Section 3.2 above).

In accordance with the C&C Act, Council holds a current ‘Cemetery Operator Licence’. The term of the current Licence is from 29 January 2024 expiring on 29 January 2029 (refer to Annexure 3).

3.4 Zoning and Planning Controls

The *Environmental Planning and Assessment Act 1979* (EPA Act) establishes the statutory framework for environmental and land use planning in NSW.

The *Narrandera Local Environmental Plan (NLEP) 2013* is the current local planning instrument.

Under the current *NLEP 2013*, the site of the historical cemetery site is zoned as RU5 – Village.

The zoning is more specifically described in *NLEP 2013* as:

“Zone RU5 – Village

1 Objectives of the zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.

2 Permitted without consent

Environmental protection works; Home based child care; Home occupations; Roads.

3 Permitted with Consent

Centre-based child care facilities; Community facilities; Dwelling houses; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Tank-based aquaculture; Any other development not specified in item 2 or 4.

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Cellar door premises; Correctional centres; Electricity generating works; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Heavy industrial storage establishments; Industries; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Rural industries; Rural workers dwellings; Waste disposal facilities.”

The Land Zoning Map is shown in Annexure 2.

3.4.1 State Environmental Planning Policy (Transport & Infrastructure) 2021

This Policy – *SEPP (Transport & Infrastructure) 2021* – commenced on 1 March 2021 and provides that certain types of works do not require development consent by a public authority, other agencies or authorised person.

Division 12 of the *SEPP (Transport & Infrastructure) 2021* defines parks and public reserves which this Policy covers, i.e., Crown land within the meaning of the *CLMA 2016* including a public reserve but not including a reserve that is dedicated or reserved for a public cemetery.

Section 2.73 (2)(c) of the Policy provides that in respect of land reserved within the meaning of the *CLMA 2016*, development for any purpose can be carried out without consent by or on behalf of the Secretary, a Crown land manager of the land, the Ministerial Corporation or the Minister administering the *CLMA 2016*, if the development is for the purposes of implementing a PoM adopted for the land under the *CLMA 2016* in relation to such land or in accordance with the *Local Government Act 1993* in relation to Crown land managed by a Council. The types of development that may comply with the provisions of Section 2.73 (2)(c) of *SEPP (Transport & Infrastructure) 2021* are set out in Table 7.

Section 2.73 (3) of the Policy provides for a range of construction or maintenance works that are applicable under this Policy which may be carried out by or on behalf of a public authority in connection with a public reserve.

3.4.2 Other Relevant Legislation and Policies

In addition to the requirements of the *CLMA 2016* and the *Local Government Act 1993*, there are a number of other pieces of legislation and Government Policies that are relevant to the ongoing management of the respective Crown reserves including:

- *Aboriginal Land Rights Act 1983 (ALRA 1983);*
- *Biodiversity Conservation Act 2016;*
- *Environmental Planning and Assessment Act 1979 (EP&A Act 1979);*
- *Heritage Act 1977;*
- *Native Title Act 1993 (NTA 1993 (C'th));*
- *Pesticides Act 1999;*
- *State Environmental Planning Policies (SEPPs).*

3.4.3 Council Plans and Policies

The following Council plans and policies are relevant to the on-going management of the Narrandera Shire Historical Cemetery Site PoM:

- *Narrandera Shire Council Community Strategic Plan (Community Strategic Plan 2040) and the adopted Delivery Program 2022 – 2026;*
- Strategic Asset Management Plan;
- Cemeteries Policy;
- Community Engagement Strategy;
- Disability Inclusion Action Plan 2022 – 2026;
- Weeds Policy;
- Project Management Policy;
- Recycled Water Policy;
- Risk Management Policy;
- Section 355 Committees 2020 Policy;
- Sport and Recreation Policy;
- Television and Film Production Shoots Policy;
- Tourism Policy;
- Trees Management Policy;
- Volunteering Policy; and
- Websites Policy.

4.0 LAND DESCRIPTION

4.1 Crown Land Included in Plan of Management

This PoM covers the historical cemetery site located adjacent to the carpark of the Lake Talbot Water Park as described in Table 1 below, with this area being of historical interest as it contains interments of early pioneers to Narrandera.

The land is owned by the State of New South Wales (as Crown Land) and is managed by Narrandera Shire Council as Crown Land Manager under the *Crown Land Management Act, 2016*.

Table 1: Crown Reserve Contained in this Plan of Management

Category	Reserve No.	Name	Purpose	Date of Gazette	Lot/DP	Area
Area of Cultural Significance	43815	Former Cemetery adjoining to Lake Talbot Pool Entrance	Preservation of Graves	14 April 1909	46/751719	178m ²

4.2 Lands Categorised for Area of Cultural Significance

This is a single parcel of land that comprises the category of 'Area of Cultural Significance' referred to as the former cemetery adjoining Lake Talbot Pool Entrance, comprising Lot 46 DP751719.

For all intent and purpose, Lot 46 DP751719 has direct access to Lake Drive, which is a Crown Road. However, the adjacent steep embankment from Lake Drive to this Lot doesn't provide 'practical access'.

Legal and practical access is currently being arranged by Council and funding has been allocated in the upcoming budget. Council will seek transfer of the roadway (known as Lake Drive), consisting of the carpark for Lake Talbot Water Park adjacent to the Historic Cemetery, from DPHI.

It is noted from previous correspondence between Council, DPHI and Murrumbidgee Irrigation (MI), that part of the Crown Road is to be acquired separately by MI to provide a buffer adjacent to the canal banks for access to undertake various canal works.

The cemetery is secured by new fencing that is void of any gate entry that would allow Council staff to maintain the headstones and surrounding landscape which comprises both trees, native grasses and an extensive area of khaki weed (*Alternanthera pungens*).

At present there is only direct access to the fenced cemetery via a small gate adjacent to the Lake Talbot Water Park car park, so visitors must walk across the former Forestry Commission Nursery or up a steep embankment directly from Lake Drive. Direct access to Lot 46 DP751719 is necessary primarily for Council staff to undertake active management of the site and, secondly, to promote the site's historical and cultural significance for tourists.

There is currently no interpretive signage to provide historical context to the existing headstones and highlight the contribution that these individuals made to Narrandera township or district.

The headstones contained within the site are deteriorating with inscriptions now barely visible. An extract taken from 'Monumental Inscriptions and Burial Records – Narrandera District', 1988 and held by the Griffith Genealogical & Historical Society, indicates the following:

“ “Old Narrandera Run”	
WATSON	George, d 23 Nov 1872, 24 yrs. STTMO. Second Son of Benjamin & Jane Watson
CUMM (?)/ CUMMINGS (?)	Harry K. (?), d 5 Nov 1876, 3 yrs. 7 mths. Third Son of Kenan & Augusta Cummm (?). Verse.
HYLAND	John Peter, d 27 April 1876, 37 yrs, STTMO. Son of the late Thomas Hyland of Goulburn.
TROLLOPE	William, d 4 March 1876, 49 yrs. STTMO.
BLYTH	Samuel, d 14 Sept 1877, 62 yrs. STTMO.
BLYTH	Howard, d 6 Aug 1879, 24 yrs. IMO. Who died At Narrandera. Thye Will be done.”

Figure 5: Historic Cemetery (Reserve 43815)



Figure 6: Historic Cemetery (Reserve 43815)



5.0 BASIS OF MANAGEMENT

Narrandera Shire Council intends to manage its community land to meet:

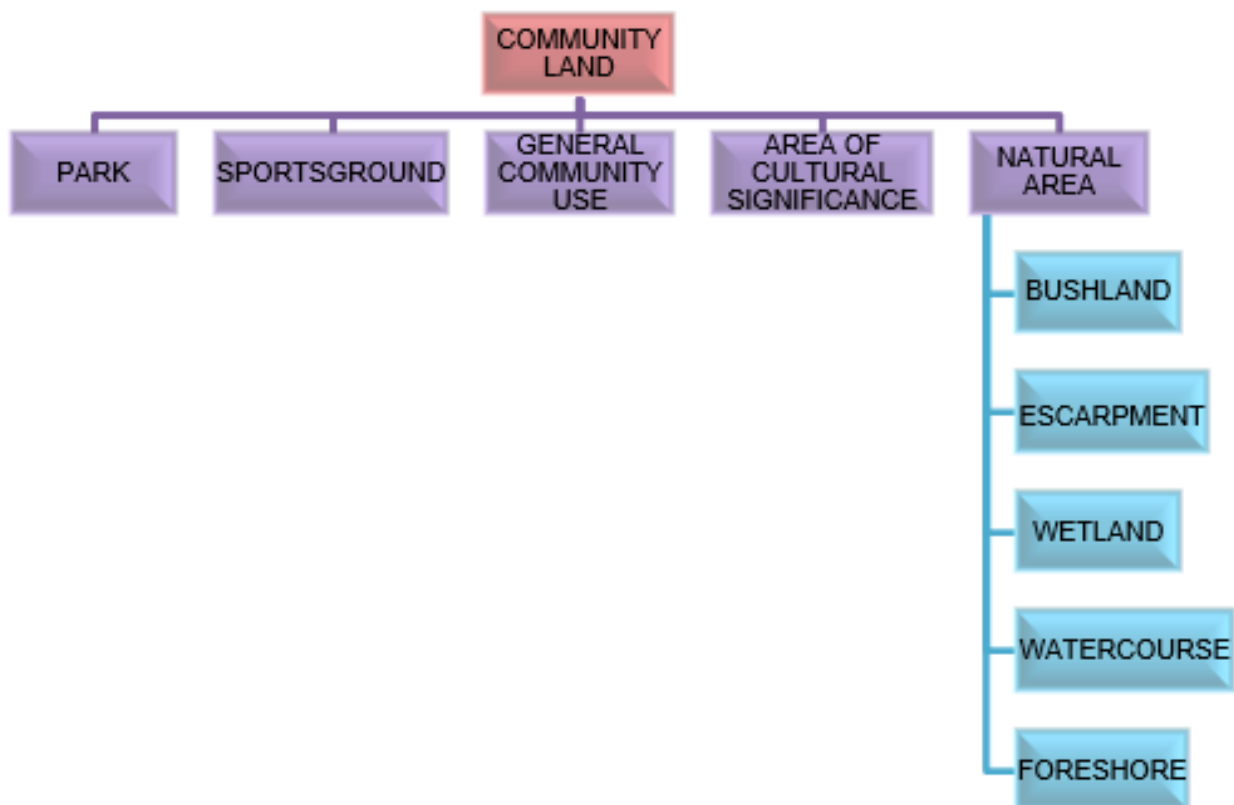
- Assigned categorisation of community land;
- The *Local Government Act 1993* guidelines and core objectives for community land;
- Restrictions on management of Crown land community land;
- Council's strategic objectives and priorities; and
- Development and use of the land outlined in Section 6 of the *Local Government Act 1993*.

5.1 Categorisation of the Land

With the introduction of the *CLMA 2016*, Council is to manage any dedicated or reserved Crown land under their control as community land under Section 3.21 of the Act.

All 'Community Land' is required to be categorised as one or more of the following categories. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

The *Local Government Act 1993* defines five categories of community land:



The *CLMA 2016* also provides a new regime for the management of Crown land and accordingly, Council is now responsible for compliance with Native Title legislation for the Crown land it manages. Council must obtain Native Title Manager advice as to the validity of any act or activity that it wishes to undertake on Crown reserves (or Crown land) prior to dealing with the land, i.e. authorised through Part 2 Division 3 of the *Native Title Act (NTA) 1993 (C'th)*.

The *Aboriginal Land Rights (ALR) Act 1983* and the *NTA 1993 (C'th)* recognises the intent of the original reserve purpose of the land so that a complying activity can be considered lawful or validated. On Crown land, Native Title rights and interests must be considered unless:

- Native Title has been extinguished; or
- Native Title has been surrendered; or
- Determined by a court to no longer exist.

Examples of acts which may affect Native Title on Crown land reserves managed by Council include:

- The construction of new buildings and other facilities such as toilet blocks, walking tracks, tennis courts, grandstands and barbeques;
- The construction of extensions to existing buildings;
- The construction of new roads or tracks;
- Installation of infrastructure such as powerlines, sewerage pipes, etc;
- The issue of a lease or licence; and
- The undertaking of earthworks.

Council resolved to apply 'Area of Cultural Significance' to Reserve 43815 at its Ordinary Meeting of 16 October 2018 (Resolution 18/232 – Item 20.4)

Council applied for the classification of the former cemetery, adjacent to the Lake Talbot Water Park entrance (Reserve 43815), as '**Area of Cultural Significance**'. This category was approved by the Minister administering the *CLMA 2016* in relation to the reserve. There is no proposed change of category in respect of this reserve.

5.2 Guidelines and Core Objectives for Management of Community Land

The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community land (see Section 5.1 Categorisation of the Land). Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The guidelines for categorisation of community land are set out in the *Local Government Act 1993* with the core objectives and guidelines for the category outlined in Section 36 of the Act (as shown in Table 2 below).

- Cultural significance is outlined in Section 36D.

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers and visitors to the Narrandera Shire Council area.

Table 2: Guidelines and Core Objectives of Community Land

Category	Guidelines	Core Objectives
Cultural Significance – Section 36D	Land comprising area of cultural significance	“(1) This section applies to community land that is the subject of a resolution by the council that declares that, because of the presence on the land of any item that the council considers to be of Aboriginal, historical or cultural significance, the land is an area of cultural significance for the purposes of this part. (2) A plan of management adopted in respect of an area of land, all or part of which is land to which this section applies, is to apply to that land only, and not to other areas. (3) A plan of management to be adopted for an area of community land, all or part of which consists of land to which this section applies- (a) must state that the land, or the relevant part, is an area of cultural significance, and (b) must, in complying with Section 36(3)(a), categorise the land, or the relevant part, as an area of cultural significance, and (c) must, in complying with Section 36(3)(b), (c) and (d), identify objectives, performance targets and other matters that: (i) are designed to protect the area, and (ii) take account of the existence of features of the site identified by the council’s resolution, and (iii) incorporate the core objectives prescribed under Section 36 in respect of community land categorised as an area of cultural significance, and (d) must: (i) when public notice is given of it under Section 38, be sent (or a copy must be sent) by the council to the Chief Executive of the Office of Environment and Heritage, and (ii) incorporate any matter specified by the Chief Executive of the Office of Environment and Heritage in relation to the land, or the relevant part. (4) If, after the adoption of the plan of management applying to just one area of community land, all or part of that area becomes the subject of a resolution of the kind described in subsection (1)- (a) the plan of management is taken to be amended, as from the date the declaration took effect, to categorise the land or the relevant part as an area of cultural significance, and (b) the council must amend the plan of management (and in doing so, the provisions of subsection (3)(a), (c) and (d) apply to the amendment of the plan of management in the same way as they apply to the adoption of a plan of management), and (c) until the plan of management has been amended as required by paragraph (b)- (i) the use of the land must not be varied, except to the extent necessary to protect any item identified in the council’s resolution or in order to give effect to the core objectives prescribed under section 36 in respect of community land categorised as an area of cultural significance, or to terminate the use, and (ii) no lease, licence or other estate may be granted in respect of the land. (5) If, after the adoption of a plan of management, applying to several areas of community land, all or part of one or those areas becomes the subject of a resolution of the kind described in subsection (1)- (a) the plan of management ceases, as from the date the declaration took effect, to apply to that area, and (b) a plan of management must be prepared and adopted by the council for that area, and (c) the plan of management so prepared and adopted must comply with subsection (3).”

5.3 Restrictions on Management of Crown Land

Council is the Crown land manager of the Crown reserve described in this PoM in accordance with the legislation and conditions imposed by the minister administering the *Crown Land Management Act 2016*. The use of the land described in this PoM must:

- Be consistent with the purpose for which the land was dedicated or reserved;
- Consider native title rights and interests and be consistent with the provisions of the Commonwealth *Native Title Act 1993*;
- Consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists;
- Consider and not be in conflict with any interests and rights granted under the *Crown Land Management Act 2016*; and
- Consider any interests held on title.

5.4 Aboriginal Significance

A search of the Office of Environment and Heritage AHIMS Web Services (Aboriginal Information Management System) on 16 April 2021 confirms that:

- No Aboriginal site has been recorded on or near the land within Lot 46 DP751719; and
- No Aboriginal places have been declared on or near the lands within Lot 46 DP751719.

A check of Department of Planning, Industry & Environment (DPHI) – Crown Lands Schedule of Incomplete Aboriginal Land Claims (ALC's) – has identified no claims have been lodged in respect of Lot 46 DP751719.

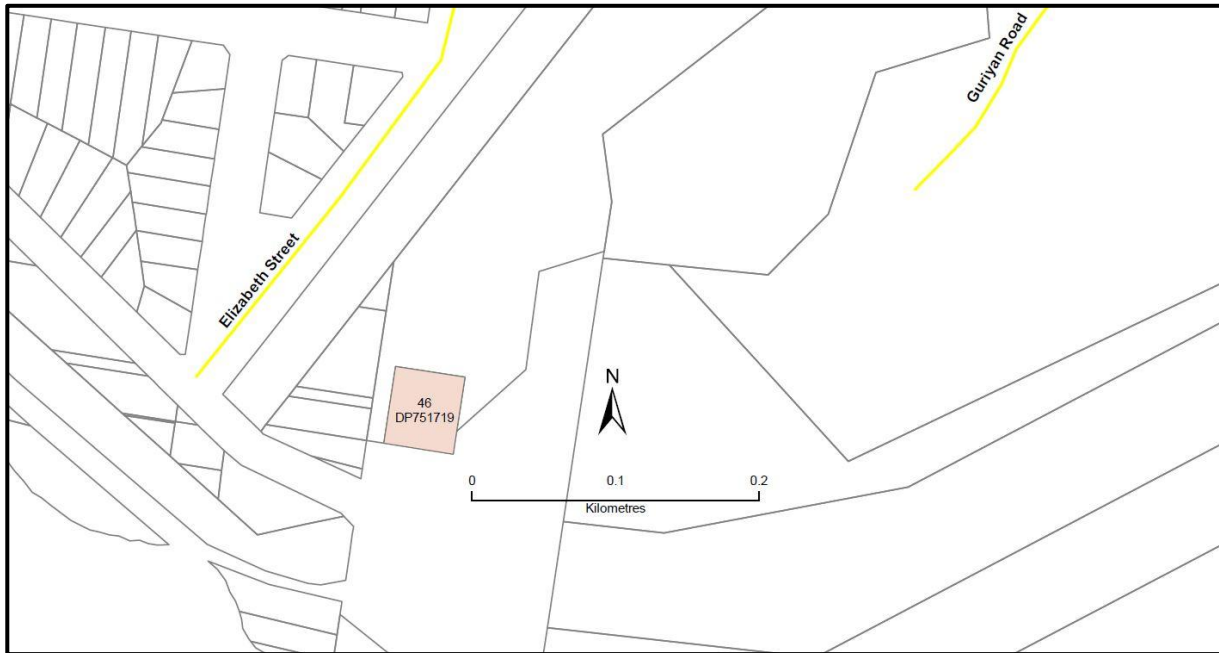
5.5 Heritage Significance

NLEP (2013) identifies the "Cemetery (Forestry Commission)", Lake Drive comprising Lot 4 DP444708 as being locally Heritage listed as shown on Heritage Map – Her_002AB and identified as 1035 on Schedule 5 Environmental Heritage as indicated below:

"Narrandera Cemetery (Forestry Commission) Lake Drive Lot 4, DP444708 Local 1035"

The Historical Parish Map for Narrandera (9th Edition dated 11 May 1977) identifies "Portion 46 of 1,770m² as being Dedicated as R.43815 for Preservation of Graves Notd. 14 April 1909" and subsequent review of Narrandera Council's LEP should rectify this anomaly within the Schedule of Environmental Heritage. The current site is depicted in Figure 7.

Figure 7: Correct Location Locally Listed Heritage Site – Cemetery (Forestry Commission)



6.0 LAND USES

Council in its Community Strategic Plan (CSP – refer to Section 2.1) includes the themes of ‘Our Community’, ‘Our Economy’, Our Infrastructure; and ‘Our Civic Leadership’.

These themes together with the Delivery Program 2022 – 2026, collectively provide Council with pathways to engage with the community in relation to future use and any appropriate improvements in accordance with the Reserve’s purpose, that facilitates preservation, visitation and appreciation of this historic site.

To achieve this, Council maintains valued working relationships and partnering both within the local community and through support from other government and non-government agencies. Council is able to better assess its existing infrastructure, seek funding opportunities and promote the site with tourism networks to provide education on the historical context of this site within the development of Narrandera.

6.1 Permissible Uses and Developments

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of its residents, workers and visitors to the Narrandera Shire Council area. The use and further development of community land should be compatible with both the intended function of the land in accordance with the relevant zoning, and in consideration of the wider community context.

Narrandera Shire Council encourages a wide range of uses of community land, however the historical cemetery site is an unique example of the history of the town and development should accord to provide tourism through such history.

The general types of use which may occur on community land categorised as an Area of Cultural Significance, and the type of development generally associated with such use is set out in Table 3. Subject to the community needs and expectations, the infrastructure on this community land may change over time, provided it fits within the reserve purpose and categorisation of the land.

Without negating Council’s capacity to manage the Crown reserve and its assets, the opportunity may also arise for alternate management practices (as may be appropriate at the time).

Table 3 provides a general guide as to future anticipated uses and associated development. Terminologies are therefore not intended to be used exclusively but to be generalised to provide a degree of flexibility of interpretation for the PoM within parameters as described in the category above.

Proposed developments, however, need to take into account the Future Act provisions of the *NTA 1993 (C’th)* and any current interests associated with undetermined ALC’s lodged under the *ALR Act 1983 (NSW)* in the future. In this regard, written advice of Council’s appointed Native Title Manager is to be obtained prior to any development or formalised occupation of land being approved by Council.

Subsequently, a variety of uses intended on the lands are set out in Table 3 (below).

Table 3: Purpose/Use and Associated Development

Purpose/Use for Area of Cultural Significance	Development to Facilitate Uses as an Area of Cultural Significance
▪ Environmental protection works, i.e. weed management and mitigation against further damage to historical headstones. ▪ Access to support the above. ▪ Provides a place of education of history pioneering community members.	▪ Development for the purposes improving safe access, amenity and the visual character of the historical cemetery. ▪ Installation of interpretive signage. ▪ Installation of gate entry. ▪ Installation of footpath/bollards etc as appropriate. ▪ Install cemetery Sign. ▪ Install cemetery Monument (Pioneers).

7.0 PLAN IMPLEMENTATION

The following action plan, in Table 4 (below), sets out the requirements under Section 36(3) of the *Local Government Act 1993* with respect to:

- The category of the land;
- The objectives and performance targets of the PoM;
- The proposed means by which to achieve the objectives and performance targets; and
- The proposed manner in which the objectives and performance targets are assessed for performance and whether they require the prior approval of Council in relation to the carrying out of any specified activity on the land.

Responsibility: Narrandera Shire Council (NSC)

Table 4: Objectives and Performance Targets – Area of Cultural Significance

Performance Target	Actions	Priority	Performance Indicator
Legislative			
To ensure that relevant legislation is complied with in relation to preparation of the PoM.	1. The PoM is prepared in accordance with Native Title Manager advice, the <i>Local Government Act 1993</i> , the <i>CLMA 2016</i> , <i>NTA 1993 (C'th)</i> and the <i>ALRA 1983</i> .	High	▪ The PoM is reviewed by Council's Native Title Manager and approved by Department of Planning, Housing & Infrastructure – Crown Lands. ▪ Council exhibits and adopts the PoM subject to community comments being addressed.
Management			
To maintain the historical and cultural integrity of the historic cemetery.	1. Have management of Lake Drive transferred to Council. 2. Provide a formal point of access (footpath and gate) to the cemetery to provide for maintenance of the area by Council staff and for visitors/tourists. 3. Install signage restricting daily visitor access to hours between 8am and 6pm. 4. Install interpretive signage in relation to historical context of persons buried at the cemetery.	On-going	▪ Make application to DPHI for the transfer of Lake Drive. ▪ Visitation and access to the site improved. ▪ Assets (current and future) are managed in accordance with prescribed Council standards and community expectations. ▪ Community consultation in regard to meeting future community needs. ▪ Maintenance service levels to meet requirements in accordance with adopted budgets.
Infrastructure			
Provide and maintain appropriate access to enable visitation to the historic cemetery.	1. Plan and renewal of infrastructure in accordance with community needs, asset management guidelines and budgetary constraints.	On-going	▪ Council staff have access to the site to carry out maintenance to headstones and vegetation and remove weeds.

Performance Target	Actions	Priority	Performance Indicator
	- Maintain external fencing - Investigate options for repair to historic headstones for improvement of legibility of inscription(s). - Gate entry access within the confines of the cemetery for visitors/tourists restricted to between 8am and 6pm daily. - Installation of interpretive signage and public access hours adjacent to the fence and a locational map of respective headstones.		Feedback from community, and visitors is positive and any negative feedback is acted upon as necessary.
Environment			
To reduce the impact of weeds.	- Preserve and protect existing native vegetation. - Use native species for landscaping as necessary. - Remove environmental weeds. - Removal of vegetation that may impact on the integrity of headstones and interments.	On-going	- Undertake regular weed inspections and implement a weed removal program. - Improve landscaping of the site. - Staff are appropriately trained in safe handling and use of appropriate chemicals on the land. - Feedback from community, user-groups and visitors is positive and any negative feedback is acted upon as necessary.

8.0 REFERENCES

Booth Associates (2013), *Narrandera Shire Council, Plan of Management Crown Land Reserves*

Cunningham, GM, Mulham, WE, Milthorpe, PL & Leigh, JH (1992), *Plants of Western New South Wales*, Inkata Press Australia

Department of Planning, Industry & Environment – Crown Land, Crown Land Manager Reserves Portal at <https://www.arcgis.com/apps/webappviewer/index.html?id=99ed087615f24ab8aacc619ef3507155> viewed on 26 April 2021

Department of Planning, Industry & Environment, 2021. *Developing plans of management for community land Crown Reserves*, DOC21/125802

Department of Planning, Industry & Environment 2021, *Crown Land Management Amendment (Plan of Management) Regulation 2021 Questions & Answers DOC21/094455*

Department of Planning, Industry & Environment – Crown Land, *Schedule of Aboriginal Land Claims – Narrandera Shire LGA*

Narrandera Local Environment Plan 2013 at <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2013-0357/maps> sourced on 14 April 2021

Narrandera Shire Council Asset Management Plan at <https://www.narrandera.nsw.gov.au/news-and-publications/council-plans/asset-management-plans> sourced on 16 April 2021

Narrandera Shire Council Policies, *Community Strategic Plan 'Community Strategic Plan 2040'* at https://cdn.narrandera.nsw.gov.au/cdn/ff/GTq2TRznIQscXYEy5tu7E2WqP-VaEjAQpCljGITSxM0/1652414625/public/2022-05/2022-05-11_draft_community_strategic_plan.pdf sourced on 2 June 2022

Narrandera Shire Council Policies, *Draft Delivery Program 2022 – 2026* at https://cdn.narrandera.nsw.gov.au/cdn/ff/c55o4y0EF5as1-UySv6durhgg4rlmvlqOaqGW6LYVyo/1652416429/public/2022-05/2022-04-27_draft_delivery_program_2022-2026.pdf sourced on 2 June 2022

NSW Department of Planning, Industry & Environment 2021, *Crown Land Management Amendment (Plan of Management) Regulation 2021 Questions & Answers DOC21/094455*

NSW Land Registry (Historical Lands Records Viewer) at <https://hlrv.nswlrs.com.au/> sourced on 1 April 2021

NSW Local Government Act 1993 at <https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1993-030> sourced on 21 April 2021

Trove Newspapers & Gazettes at <https://trove.nla.gov.au/newspaper/?type=gazette#> sourced on 14 April 2021

Annexure 1

Schedule of Lands

SCHEDULE OF LANDS - LAKE TALBOT AND ENVIRONS, NARRANDERA

Category	Reserve No.	Reserve Name	Lot/DP	Area	Purpose	Gazette date	Zoning	Improvements	Comments
Area of Cultural Significance	43815	Former Cemetery adjoining to Lake Talbot Pool Entrance	46/751719	178 m2	Preservation of Graves	14/09/1909	RUS - Village	Permanent fencing, historical headstones	

Annexure 2

Land Zoning Map

NARRANDERA SHIRE COUNCIL

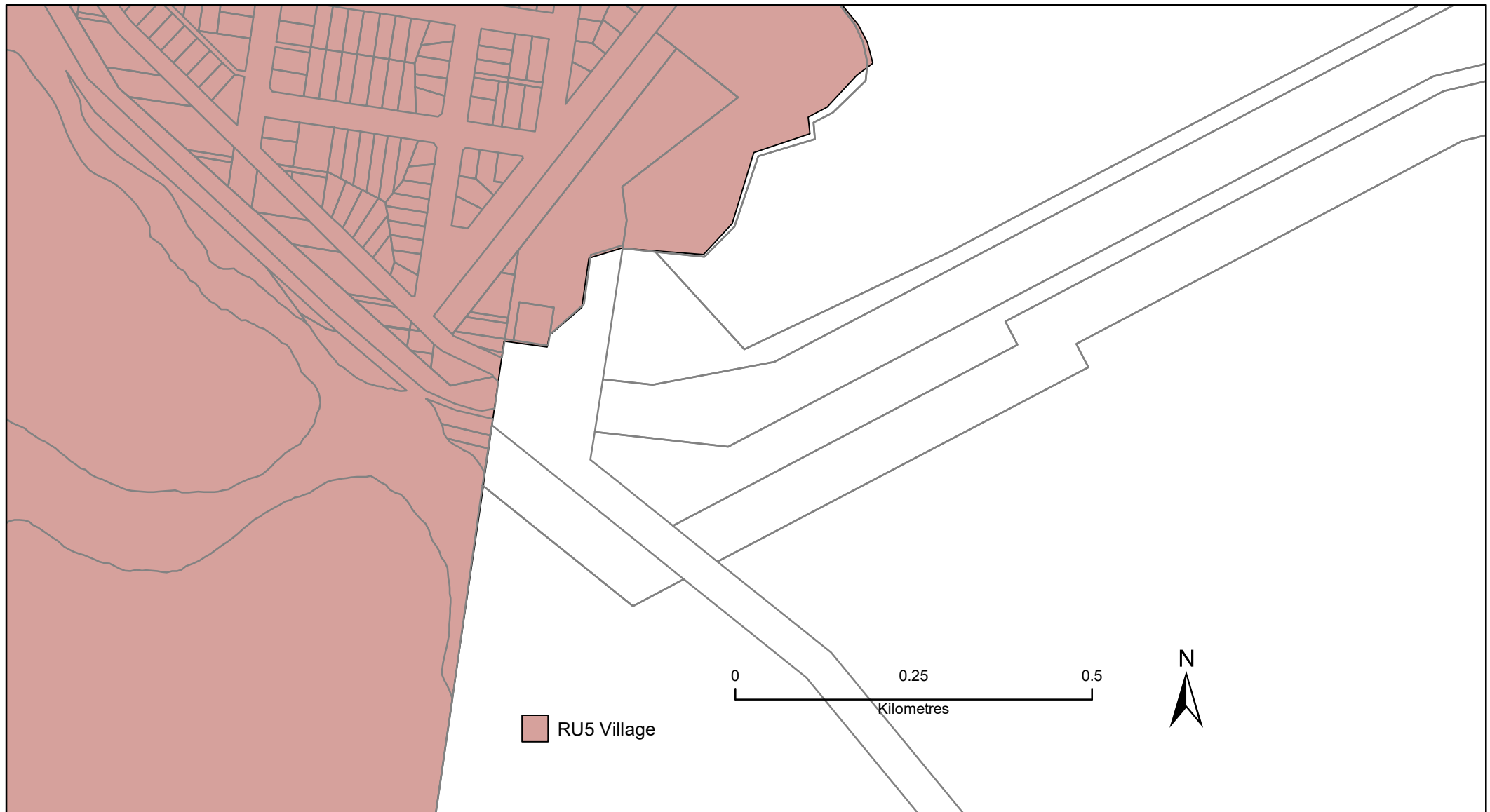
HISTORICAL CEMETERY ZONING

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Date: 17/06/2021

Project: Narrandera Shire Council - PoM

Created By: GIS Administrator - J Kajewski



Annexure 3

Cemetery Operator Licence

Cemetery Operator Licence

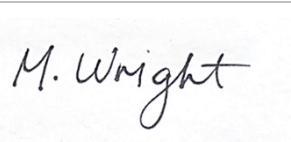
This licence is issued by the Cemeteries Agency, being Cemeteries & Crematoria NSW ('CCNSW') under Part 2A of the Cemeteries and Crematoria Regulation 2022 (NSW). As per section 4 of the *Cemeteries and Crematoria Act 2013* (NSW) a reference to a *cemetery* includes reference to a crematorium. It is structured as follows:

- 1. Licence Details
- 2. Special Licence Conditions (where applicable)
- 3. General Licence Conditions

Licence Details

Operator name ('Operator')	Narrandera Shire Council
ABN	96547765569
Operator address	141 East Street Narrandera NSW 2700
Licence number	L20104
Licence issue date	29 January 2024
Licence expiry date	29 January 2029
Licence category	Category 2

Executed by the Cemeteries Agency by delegation administering the *Cemeteries and Crematoria Act 2013* (NSW):

Signature	
Date	29 January 2024
Signatory Name	Marion Wright
Signatory Position	Acting Director, Regulatory Reform and Policy

This licence authorises the Operator to operate the following facilities (cemeteries and/or crematoria):

Facility Name	CCNSW Register Number	Type	Active/Inactive*	Address	Lot/DP
Barellan Cemetery	384	Cemetery	Active	Barellan Cemetery Road Barellan NSW 2665	Lot 7001 DP 94878
Narrandera Pioneer Cemetery	386	Cemetery	Inactive	1 Lake Drive Narrandera NSW 2700	Lot 46 DP 751719
Colinroobie Cemetery	387	Cemetery	Inactive	Bunganbil Road Colinroobie NSW 2700	Lot 7002 DP 94882 Lot 7300 DP 1158264
Grong Grong Cemetery	385	Cemetery	Active	Jerrybung Street Grong Grong NSW 2652	Lot 7300 DP 1136149 Lot 7002 DP 1023625
Narrandera Cemetery	383	Cemetery	Active	Douglas Street Narrandera NSW 2700	Lot 1 & 2 DP 179974 Lot 7008 DP 1025002 Lot 7030 DP 1025003 Lot 1 DP 668097 Lot 7032 DP 1023995 Lot 7033 DP 1023995 Lot 7009 DP 1024999 Lot 7007 DP 1024998

Facility Name	CCNSW Register Number	Type	Active/Inactive*	Address	Lot/DP
					Lot 7005 DP 1025000 Lot 305, 306 & 307 DP 751719 Lot 1 DP 1158505 Lot 1 DP 1183735

*A cemetery is considered 'Inactive' where it is at capacity or where no further interments are intended to be carried out. All other cemeteries are considered 'Active' cemeteries.

Special Conditions

The Operator must abide by the Special Licence Conditions set out below in relation to each of their Inactive facilities (as set out in the Licence Details) on and from the respective commencement dates.

B. Cemetery Maintenance - commencing from 1 July 2024

B.1 Operator must ensure Site maintenance is carried out and public access to the cemetery is maintained

The Operator must ensure that Site maintenance is carried out and public access to the Site is maintained, including the following:

- Public access to the Site is available during daylight hours
- Public access may be limited to the Site or part of the Site if the Operator has reasonable grounds to believe it is unsafe to allow access.
- Fallen trees or branches and other safety hazards are removed from the Site as soon as practicable after the Operator becomes aware, with consideration of risk to public and monumentation, and
- The Site remains accessible through the carrying out of basic grounds maintenance.

The Operator must continue to ensure that Site maintenance and public access are maintained whether or not the Operator is providing, or offers, future interments at the Site.

This condition applies to all cemeteries. Heritage requirements may also apply to certain Sites, or parts of Sites, and may invoke additional maintenance requirements under the *Heritage Act 1977*.

Public access to the Site may be limited to access by appointment, but only if:

- a) the Operator advertises at the Site the way in which an appointment may be made, and
- b) appointments are made available within a reasonable time after a request is made.

G. Prohibition of interment services – from issue of licence

G.1 The operator cannot perform interments

The operator cannot offer, or perform, an interment.

However, the operator may perform an interment in respect of an individual if:

1. the interment is the fulfilment of an interment right (including a right, licence or other entitlement in the nature of an interment right granted before the commencement of section 45 of the Act) that was granted before the operator became the holder of an operator (Caretaker) licence, or
2. the interment is of a nominated person or class of persons (for which no interment right has been granted), the particulars of which were provided by the Operator to the Cemeteries Agency in its application for its operator (Caretaker) licence and approved by the Cemeteries Agency.

The operator must notify the Cemeteries Agency, in writing, within 5 business days of performing an interment.

A request for the Cemeteries Agency to approve the grant of rights of interment under G.1.2 may be refused by the Cemeteries Agency in its absolute discretion.

General Conditions

The Operator must abide by the General Licence Conditions set out below on in relation to each of their Active facilities (as set out in the Licence Details) on and from the respective commencement dates.

A. Consumer Contracts – commencing 1 July 2024

A.1 Operator must comply with pre-contract requirements and ensure Consumer Contracts are transparent and clear

The Operator must ensure that Consumer Contracts are transparent, clear and expressed in reasonably plain language likely to be understood by the average Customer.

Words or phrases used in a Consumer Contract that have a particular meaning when used in connection with the interment industry should be defined in the contract.

Before offering, negotiating, or entering into a Consumer Contract, the Operator must provide the Customer with information about the Basic Adult Burial; Basic Ash Interment; and/or Basic Cremation (as relevant) offered by the Operator, including the price breakdown for that interment service.

The Operator must not enter a Consumer Contract unless the Customer has been provided reasonable time and privacy (in the circumstances) to consider a quote, written statement or contract.

A Customer must be provided with a signed copy of their Consumer Contract as soon as reasonably practicable after both parties have signed the contract.

If an Operator provides interment services at more than one Site, a Consumer Contract entered by the Operator must specify the Site at which the interment services are proposed to be provided under the Consumer Contract.

If requested by the Cemeteries Agency, the Operator must provide a copy of their Consumer Contract to the Cemeteries Agency.

A.2 Operator must not enter a Consumer Contract unless the Consumer Contract includes key details relating to the interment right

The Operator must not enter a Consumer Contract or offer a Customer a contract in connection with interment services, unless the Consumer Contract includes the following details (*key details*).

1. Agreement statement

A Consumer Contract must include an agreement statement that includes:

- a. A summary of the agreement between the Customer and Operator, including any special conditions,
- b. A declaration by the Operator that the terms and conditions have been explained to the Customer and they have been given time and privacy to consider the Consumer Contract before signing it,
- c. A declaration by the Customer that the terms and conditions have been explained to them and they have been given time and privacy to consider the Consumer Contract before signing it,
- d. A declaration by the Customer that the information provided by the Customer and included in the contract is true and correct, and
- e. Where applicable, a declaration by an Authorised Agent that it has complied with the obligation of the Operator in this condition.

2. Tenure, type and grant of right

The Consumer Contract must provide the following details regarding the interment right:

- a. Whether the interment right is perpetual or renewable,
- b. Conditions that affect the tenure (if any),
- c. The following information about grant of the interment right:
 - i. the statutory rights of the holder of an interment right,
 - ii. how an Operator determines the future holders of an interment right,
 - iii. the application of rules of intestacy,
 - iv. the identity of persons authorised to exercise the interment right,
 - v. whether the provision of a memorial is included in the interment right contract, and
 - vi. any memorialisation requirements or standards that apply to a memorial erected in connection with the interment.

This condition A.2.2 does not apply to Cremation Only Consumer Contracts.

3. Fees and charges

The Consumer Contract must provide all relevant details regarding fees and charges that are being applied.

4. Payment terms

The Consumer Contract must include the following details regarding the making of payments:

- a. the method of payment,
- b. date which payment is due, and
- c. any interest that may be payable.

If the Cemeteries Agency publishes or otherwise makes available a standard form of Consumer Contract for the use of Operators to comply with this condition, an Operator who uses that form is presumed to have complied with the requirements of this condition.

A.3 Operator must address certain matters in all Consumer Contracts

In addition to the requirements of Condition A.2, the Operator must not offer, or enter, a Consumer Contract in connection with interment services unless it includes or makes provision each of the matters referred to in this Condition.

1. Breakdown of fees and charges

These fees and charges must be broken down in accordance with the approved format for Licence Condition C.1 (the Price Breakdown Template for the relevant service). Where additional goods or

services are included in the contract (beyond those provided in the Price Breakdown Template), they should be clearly itemised.

2. Responsibility for and costs associated with maintenance

A Consumer Contract must make provision for maintenance, including:

- a. maintenance of the individual interment site and any memorial located on that individual site,
- b. identifying the person responsible for costs associated with maintenance of the site,
- c. acknowledgement that maintenance responsibilities for cemeteries extend beyond the cessation of interment services at the Site,
- d. acknowledgement that maintenance of a grave; or memorial or monument will be undertaken consistent with religious or cultural requirements
- e. where a memorial is or will be erected other than by the Operator, specifying who is responsible for the care and maintenance of the memorial unless:
 - i. there is another contractual obligation in place for maintenance of the memorial,
 - ii. it is a Commonwealth War grave,
 - iii. it is a heritage site of local or state significance,
 - iv. the maintenance relates to a work health or safety risk,
- f. specify materials or items for a memorial or monument that may constitute a public safety hazard are not permitted and may be removed by the Operator without notice

This condition A.3.2 does not apply to Cremation Only Consumer Contracts.

3. Commencement and expiry

The Consumer Contract must make provision for the commencement and expiry of the obligations under the Consumer Contract, including the following:

- a. date for commencement of the Consumer Contract,
- b. the expiration or termination terms (including, if applicable, any circumstance where an interment right under the Consumer Contract ceases to be available to the Customer), and
- c. relevant notice periods (if any) to the exercise of rights under the Consumer Contract.

4. Information disclosure

The Consumer Contract must contain a provision that sets out the requirement to collect information in accordance with the *Cemeteries and Crematoria Act 2013*.

5. Privacy statement

The Consumer Contract must contain a statement setting out the privacy rights of the Customer and the Operator's obligations with respect to the Customer's privacy under applicable privacy legislation.

6. Complaints and dispute resolution

The Consumer Contract must make provision for complaints and dispute resolution, including the following:

- a. how to find and access the complaints resolution process,
- b. information about Customer rights for any alleged failure of guarantee for goods and services under the Australian Consumer Law.

B. Cemetery Maintenance - commencing from 1 July 2024

B.1 Operator must ensure Site maintenance is carried out and public access to the cemetery is maintained

The Operator must ensure that Site maintenance is carried out and public access to the Site is maintained, including the following:

- Public access to the Site is available during daylight hours
- Public access may be limited to the Site or part of the Site if the Operator has reasonable grounds to believe it is unsafe to allow access.
- Fallen trees or branches and other safety hazards are removed from the Site as soon as practicable after the Operator becomes aware, with consideration of risk to public and monumentation, and
- The Site remains accessible through the carrying out of basic grounds maintenance.

The Operator must continue to ensure that Site maintenance and public access are maintained whether or not the Operator is providing, or offers, future interments at the Site.

This condition applies to all cemeteries. Heritage requirements may also apply to certain Sites, or parts of Sites, and may invoke additional maintenance requirements under the *Heritage Act 1977*.

Public access to the Site may be limited to access by appointment, but only if:

- a) the Operator advertises at the Site the way in which an appointment may be made, and
- b) appointments are made available within a reasonable time after a request is made.

B.2 Operator must prepare a document which outlines the maintenance needs of the Site

The Operator must prepare a document which outlines the maintenance requirements for each Site at which the Operator provides interment services. The document must address the following:

1. The current status of the Site, as either operating or Inactive,
2. Factors that may impact the appropriate maintenance of different parts of the Site including the current status (as either operating or Inactive),
3. A list of the assets at the Site which require ongoing maintenance
4. An inspection cycle for assets at the Site, indicating how often assets will be inspected
5. If there are memorials on the Site, outlines a monument safety inspection cycle that provides for an inspection of memorials at least once in every 5-year period
6. A maintenance schedule identifying planned maintenance commitments and anticipated responses for unplanned maintenance required to be undertaken (such as repair or restoration of memorials)

If the Operator has a Category 1 licence, the maintenance schedule must be updated annually.

If the Operator has a Category 2 licence, the maintenance schedule must be updated every second year.

The Operator is to notify the Cemeteries Agency as soon as practicable after the document required by this Condition has been prepared/updated.

If requested by the Cemeteries Agency, the Operator must provide a copy of the document to the Cemeteries Agency.

B.3 Operator must keep records in relation to the activities carried out under the maintenance document

The Operator must maintain a record of all activities and inspections carried out in accordance with the maintenance document prepared under Condition B.2.

The record must include the following in relation to each activity or inspection:

1. summary of the activity or inspection,
2. the date on which the activity or inspection occurred,
3. the costs incurred in carrying out the activity or inspection.

If requested to do so, the Operator must provide a copy of these records to the Cemeteries Agency.

B.4 Operator must provide the Cemeteries Agency with a completed self-assessment checklist for Site maintenance

If the Cemeteries Agency publishes a self-assessment checklist for Site maintenance in the NSW Gazette, the Operator must complete the self-assessment checklist in accordance with this Condition.

If the Operator has a Category 1 licence, the self-assessment checklist must be completed each year. A copy of the completed check list must be provided to the Cemeteries Agency no later than the anniversary of the date on which the licence was granted.

If the Operator has a Category 2 licence, the self-assessment checklist must be completed every second year. A copy of the completed self-assessment checklist must be provided to the Cemeteries Agency provided no later than every second anniversary of the date on which the licence was first granted.

B.5 Operator must comply with Site maintenance standards

In addition to the requirements under Condition B.1, the Operator must take all reasonable steps to comply with the Site maintenance standards at each Site at which the Operator provides interment services. The standards imposed by this condition apply without limiting any other condition applicable to the licence. The Site maintenance standards are:

1. Site Entry and Access

- a. Clear, legible signage at each entry point to the Site to set out the cemetery name, contact details of the Operator and the Site opening hours.
- b. Well defined boundaries and/or fencing around the Site.
- c. Entry points to be designed and maintained to avoid conflict between pedestrians and vehicles.
- d. Spaces shared by vehicles and foot traffic to be suitably identified.
- e. Maintenance and landscaping be carried out in high visitation areas.

2. Cemetery Grounds

- a. Prepare, publish and make available to the public a policy which outlines mementos and offerings that can be left by visitors.
- b. Safe access for visitors and work personnel must be maintained and not become overgrown or concealed by vegetation.

- c. Use of dyed herbicides that are reasonably likely to stain memorials are to be avoided.
- d. Signage must be erected and maintained to clearly display any applicable speed limits.
- e. Where reasonable, ensure that applicable religious or cultural requirements for Site maintenance are adhered to.

3. Memorials

- a. New or restored Memorials must comply with the applicable provisions of AS 4204:2019 *Headstones and cemetery monuments* and AS 4425:2020 *Above-ground burial structures*
- b. Memorials must be regularly assessed (at least once in every 5 year period) to determine the need for safety maintenance, and proportionate action taken to rectify any risks identified.

4. Heritage Values

- a. For Sites, memorials or structures which are listed on the State Heritage Register, establish, and update as required, a conservation management plan for those Sites, memorials or structures or adopt nationally accepted guidelines (e.g. Burra Charter) as applicable.
- b. Ensure that information in relation to the heritage value of the Site, if any, is made publicly available.

5. Public Information

- a. Ensure signage on the Site is clearly visible, and does not create a physical obstruction or hazard.
- b. Display signage to identify and warn the public of maintenance works being undertaken both in advance and during works.
- c. Provide on-site information to the public (e.g. Site map and opening hours)
- d. Provide basic information to enable people to locate individual plots at the Site.

C. Pricing Transparency – commencing 1 July 2024

C.1 Operator must make a price breakdown of the Basic Adult Burial, Basic Ash Interment and/or Basic Cremation publicly available

The Operator must publish a price breakdown of the Basic Adult Burial, Basic Ash Interment; or Basic Cremation provided by the Operator.

The information must be provided in the approved format for the relevant service (referred to as the Price Breakdown Template) and made available at each place of business of the Operator or in another manner approved in writing by the Cemeteries Agency. The approved format can be found on the Cemeteries Agency's website.

Operators must provide a price breakdown for each type of interment service offered:

- If burial is offered, publish a price for a Basic Adult Burial
- If ash interment is offered, publish a price for a Basic Ash Interment
- If cremation is offered, publish a price for a Basic Cremation.

For the avoidance of doubt, Cremation Only Operators must only publish a price breakdown for the Basic Cremation.

If the Operator charges different amounts at different Sites at which the Operator operates, the Operator must publish the price for each Site at which the Operator provides its services (unless otherwise approved, in writing, by the Cemeteries Agency).

If the Operator maintains a website, the information must also be published on the website.

If requested, the Operator must provide a copy of the price breakdown to the Cemeteries Agency.

C.2 Operator must publish prices for all of their available interment services on their website or at their place of business if they do not maintain a website

C.3 Operator must not enter a Consumer Contract unless the Customer has been provided details of a Basic Adult Burial, Basic Ash Interment or Basic Cremation

The Operator must not enter a Consumer Contract with a Customer unless the Operator has provided the Customer details of the Basic Adult Burial, Basic Ash Interment or Basic Cremation. If the Operator provides both burials and ash interments, the Operator must provide the details of both the Basic Adult Burial and Basic Ash Interment provided by the Operator.

Operators providing Burial and/or Ash Interment are not required to provide a Cremation Only option. However, if Cremation Only is a service offered by an Operator, they must also provide details of that service provided by the Operator.

For the avoidance of doubt, Cremation Only Operators must only provide details for Basic Cremation.

The details are to be provided in the same format as the details published by the Operator under condition C.1.

D. Customer Service – commencing 1 October 2023

D.1 Operator must take all reasonable steps to ensure compliance with the Customer Service Principles

The Operator must take all reasonable steps to comply with the Customer Service Principles. The Customer Service Principles are:

1. Personal choices of Customers must be respected
2. When requested by a Customer, the operator must provide full and accurate information about the products and services that the operator is able to provide
3. The business of the operator is to be carried out with competency and integrity
4. The conduct of the operator must not bring the interment industry into disrepute.

Note: Discrimination against Customers, visitors, invitees or the public is not permitted on any grounds referred to in the *Anti-Discrimination Act 1977*, or any applicable Commonwealth discrimination legislation

The Operator must have systems and processes in place to ensure compliance with the Customer Service Principles referred to in this Condition D.1. Operators must promote the importance of Customer Service to their organisation, including by making any customer service related charters or policies (incorporating these Customer Service Principles) available to all Customers and prospective Customers.

If requested, evidence of the Operator's systems and processes that are in place to support the Customer Service Principles must be provided to the Cemeteries Agency.

D.3 Operator must have suitable practices to ensure proper disclosure of information

The operator must have suitable practices to ensure that there is a proper disclosure of information to Customers. The operator must establish practices to ensure staff employed or engaged by the operator comply with the following:

1. Where necessary, reasonable efforts are made to assist Customers who do not speak English or have specific communication needs.

2. A Customer is not to be referred to an Ancillary Provider without disclosing any financial, personal or other relationship or arrangement that exists between the operator and the Ancillary Provider.
3. Reasonable efforts should be made to ensure that Customers fully understand the inclusions and exclusions in any service, plan or package that they are purchasing by providing information in a standardised format.
4. Reviews are undertaken at regular intervals to identify and correct inappropriate or out-of-date information.
5. Customers are made aware of their consumer rights under applicable laws of NSW or the Commonwealth.
6. The privacy and confidentiality of Customers and the deceased are to be maintained under applicable legislation of NSW or the Commonwealth relating to privacy and the protection of personal information.

D.4 Operator must establish a process of resolving disputes between the operator and consumers of their interment services

The operator must establish a process of resolving disputes that may arise between the operator and consumers of their interment services. As part of this process, the operator must:

1. Ensure disputes and any resulting complaints are dealt with in a respectful and compassionate way,
2. Provide written acknowledgement of receipt of a complaint to the complainant within 7 days (where practicable) after receiving the complaint,
3. Give a written response to the complaint to the complainant within 30 days (where practicable) of the date on which the operator received the complaint, and
4. Publish information (in the Operator's place of business and on the Operator's website if they maintain a website) about the following:
 - a. the way in which a complaint may be made to the Operator
 - b. the time frames in which responses to complaints will be given
 - c. the actions the Operator may take in investigating a complaint
 - d. the way a final determination will be made and notified to the complainant

- e. alternative ways a person may have a complaint heard if the person is not satisfied with the Operator's handling of the complaint or response to the complaint, including the ability to make complaints directly to the Cemeteries Agency
- f. the role of the Cemeteries Agency (the Cemeteries Agency will provide the relevant content required to satisfy this condition).

If requested, evidence of the Operator's systems and processes that are in place to support the dispute resolution process must be provided to the Cemeteries Agency.

D.5 Operator must establish and maintain a register of complaints received

The Operator must establish and maintain a register of all complaints that they receive. The register must include the following information in relation to each complaint:

1. the identification number allocated to the complaint
2. the date the complaint was received
3. the matters raised by the complainant
4. any interactions with the complainant in connection with the complaint
5. the date the operator gave the complainant a written response to the complaint
6. whether the complaint was resolved
7. details of the outcome of the complaint, and
8. any other relevant information.

The information and records relating to the complaints listed in the register must be kept for a period of at least 7 years from the date that the complaint was made.

If requested, a copy of the complaints register must be provided to the Cemeteries Agency.

Note: These Customer Service conditions are not intended to, and cannot, override or diminish any rights of any individuals under an Act, order, regulation, proclamation or ordinance.

E. Religious, Cultural and Spiritual Principles – commencing 1 February 2024

E.1 Operator must take all reasonable steps to ensure compliance with the Religious and Cultural Principles.

The operator must take all reasonable steps to ensure compliance with the following Religious and Cultural Principles:

1. Operators must inform themselves of the religious and cultural demographics of the region in which they operate, and about the religious and cultural requirements of the communities that they service.
2. Operators must inform themselves of, and record, any religious or cultural requirements in relation to each burial or cremation.
3. Operators must satisfy requests to meet religious or cultural requirements in relation to burial and cremation, where the request is reasonably practicable and aligns with all relevant laws, and work health and safety obligations. For the avoidance of doubt, this principle does not require the dedication of land or the erection of structures.
4. For services provided to satisfy a request to meet religious or cultural requirements under Principle 3 (above), the Operator must set out the basis for any charge incurred to meet these requirements (and this must be reflected in the fees and charges itemised in the contract as per A.2.3 and A.3.1).
5. Operators must engage with the religious and cultural communities they service, or those seeking to be serviced by the Operator, and undertake good faith negotiations to accommodate identified community needs and resolve any grievances.

If requested, the Operator must provide the Cemeteries Agency with documents or information outlining steps taken by the Operator to comply with Religious and Cultural Principles.

Note: The Religious and Cultural Principles are not intended to, and cannot, override or diminish any rights of any individuals under an Act, order, regulation, proclamation or ordinance.

E.2 Operator must take all reasonable steps to ensure compliance with the Aboriginal Cultural and Spiritual Principles.

The operator must take all reasonable steps to ensure compliance with the following Aboriginal Cultural and Spiritual Principles:

1. Operators must inform themselves of the Aboriginal communities, including Traditional Owners, in the region in which they operate and of Aboriginal cultural and spiritual practices and requirements for burial and cremation.
2. Operators must inform themselves of, and record (unless expressly asked not to make a record), any Aboriginal cultural and spiritual requirements in relation to each burial or cremation.
3. Operators must satisfy requests to meet Aboriginal cultural or spiritual requirements in relation to burial and cremation, where the request is reasonably practicable and aligns with all relevant laws, and work health and safety obligations. For the avoidance of doubt, this principle does not require the dedication of land or the erection of structures.
4. For services provided to satisfy a request to meet Aboriginal cultural and spiritual requirements under Principle 3 (above), the Operator must set out the basis for any charge incurred to meet these requirements (and this must be reflected in the fees and charges itemised in the contract as per A.2.3 and A.3.1).
5. An Operator commonly providing Aboriginal burials or cremations for Aboriginal communities must, in respect of each community:
 - a. engage with relevant Aboriginal community about their cultural and spiritual requirements relating to interment, and
 - b. undertake good faith negotiations to accommodate identified community needs and resolve any grievances.

If requested, the Operator must provide the Cemeteries Agency with documents or information outlining steps taken by the Operator to comply with Aboriginal Cultural and Spiritual Principles.

Note: The Aboriginal Cultural and Spiritual Principles are not intended to, and cannot, override or diminish any rights of any individuals under an Act, order, regulation, proclamation or ordinance.

F. Reporting Obligations – commencing from issue of licence

F.1 Operator must provide updated information to the Cemeteries Agency in certain circumstances

The operator must notify the Cemeteries Agency, in writing, of any changes affecting the information provided to the Agency by the licence holder.

The operator must inform the Cemeteries Agency, in writing, of changes in relation to:

1. the Sites at which the operator is providing, or intends to provide, interment services,
2. contact details of the operator,
3. changes relevant to the licence held by the operator, including substantial changes affecting information provided to the Cemeteries Agency in connection with the grant or renewal of the licence. For example, a change to the directors or majority shareholder of an Operator that is a corporation.

Notice must be given not more than 30 days after the date of the change and, if the change relates to Sites at which the operator intended to provide interment services, before providing interments at a new Site.