

Tillegra Dam

Planning and Environmental Assessment

Quart Pot/Munni Cemetery Relocation Plan

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1 Introduction

1.1 Context of the Project

Hunter Water Corporation ('Hunter Water') is proposing to construct a 450 gigalitre water supply storage dam on the Williams River for the purposes of providing greater drought security for the Hunter region. This would result in the inundation of approximately 2,100 hectares of land upstream of the dam wall at Tillegra including the existing Quart Pot/Munni Cemetery.

Hunter Water has prepared a preliminary environmental assessment (PEA) of the potential impacts associated with construction and operation of the dam. These identified potential impacts are currently being examined in further detail and will be documented in an environmental assessment report (EA Report) to be submitted to the Department of Planning around mid-2008. Arrangements for the relocation of the cemetery are an important component of the EA Report and this plan would form a Working Paper to the EA Report.

The purpose of this proposed cemetery relocation plan is to detail the existing site, the options available to manage the site in response to the proposed Tillegra Dam Project, and how these options would be implemented on the request of affected families.

1.2 Overview and appreciation of issues

Hunter Water acknowledges the sensitivity of the Project's impact on the cemetery and on families with loved ones interred at the cemetery. All issues and practicable options will be worked through with affected families. To date, the principal means of this has been by way of establishment of a subcommittee to the Tillegra Dam Community Reference Group (TDCRG) in mid-2007. The TDCRG cemetery subcommittee meets on a regular basis to monitor progress and consider matters associated with the impact of the Project on the cemetery.

The land for the cemetery was gazetted in 1915 but did not come into use until 1923. Under the NSW heritage legislation, grave sites over 50 years old are considered as 'relics'. Therefore, as part of the cemetery relocation arrangements, it will be necessary to consider relevant provisions of the *Heritage Act 1977*. This notwithstanding, Hunter Water acknowledges first and foremost that the management of the cemetery is a contemporary community issue and that as far as practicable, this would take priority over other issues.

In June 2007, Hunter Water released a brochure which provided background on the Tillegra Dam project, outlined a range of issues relating to the cemetery and identified potential options for individual families to consider. These options included:

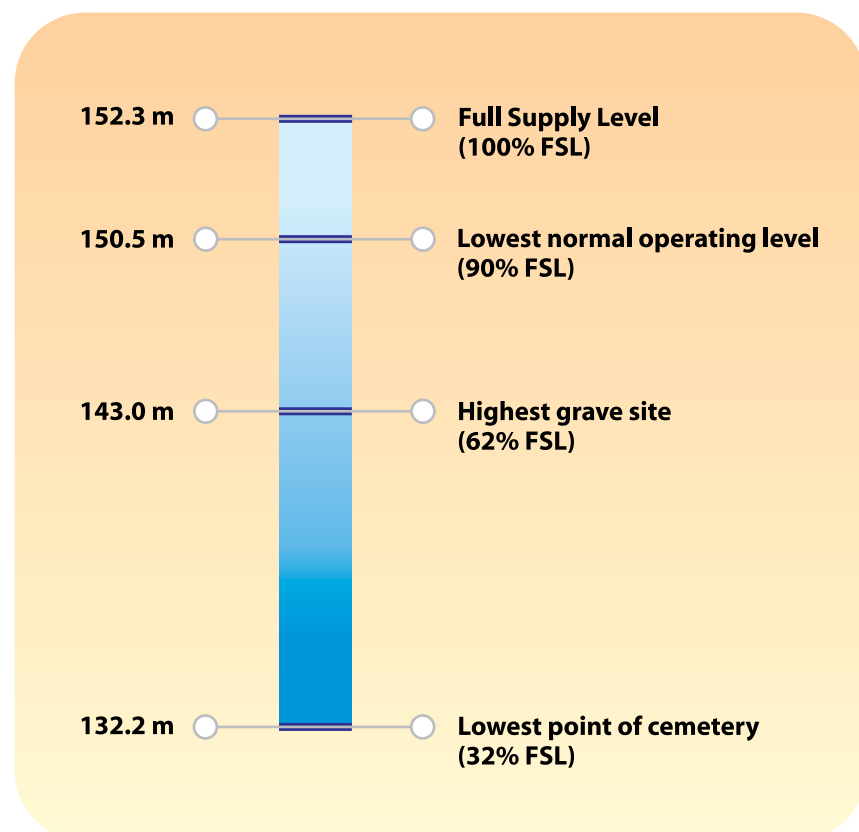
1. leaving the gravesite as is
2. relocating either the entire gravesite or the headstone only to an alternative existing cemetery
3. creating a new working cemetery and relocating either the entire gravesite or the headstone only.

It was also stated that if it was the general wish of affected families that a new working cemetery be established in the area, Hunter Water would fund the establishment of that cemetery. In addition to the above options, Hunter Water will create a memorial overlooking the existing cemetery site.

In January 2008, Hunter Water obtained surveyed levels of the cemetery which allowed it to be related accurately to water levels in the proposed dam storage. These are illustrated in Figure 1 and related to two key water levels in the dam storage, the Full Supply Level (FSL) and at 90 per cent of FSL.

While specific details relating to operation of the storage have yet to be finalised (and would in any case be subject to approval of the Project), Hunter Water anticipates that for the majority of the time, the dam would be kept between 90 per cent full and FSL. As shown in Figure 1, this means that the area currently occupied by the cemetery would be under water most of the time (ie for many years and possibly even decades at a time). This has direct bearing on the suitability of some options.

Figure 1 Key storage levels relative to cemetery



There are advantages and disadvantages associated with each option proposed for the management of the site, however, these cannot be collectively analysed and one ascribed as being either the right or wrong thing to do. Ultimately, each affected family with a relative or loved one in the cemetery must have an informed discussion and select the option which they feel is right for them.

In short, the major issue that families must decide is whether they would prefer that the burial site not to be disturbed or whether ongoing access and maintenance of the grave is preferred in part or full. A full list of advantages and disadvantages is tabulated in Attachment D.

The cultural heritage investigations undertaken for the Project have confirmed the existence of several other burials outside of the cemetery which would be affected by the Project. Additionally, Hunter Water is aware of a number of other grave sites which would not be inundated but to which existing access would be affected. This plan is therefore of general relevance to these burials with respect to their possible relocation. Affected family (or families) may therefore also choose to have these graves relocated as part of this process.

1.3 Description of existing cemetery

The existing cemetery is located immediately off Salisbury Road, between Munni and Underbank. It occupies an area of approximately 0.85 hectares with the site sloping from a high point generally at the south western corner down to a low point generally at the north eastern corner. The cemetery is bounded by a post and wire fence. Access to the cemetery is via a gate located on the Salisbury Road boundary.

The cemetery has variously been referred to as Munni, Brownmore, Underbank and Quart Pot Cemetery. For the purposes of this document, it will be referred to as Quart Pot/Munni Cemetery which is understood to reflect the general area that the cemetery currently services.

There are approximately 80 known burials in 55 graves in the cemetery. The oldest burial dates from 1923 while the most recent occurred in January 2008. There are about 10 reservations for future burials.

While the area is generally cleared of vegetation, there are a number of mature eucalypts within the cemetery. The majority of these are located in the north eastern corner and along the northern boundary. None of these plantings are known to have heritage value to the local community or relatives of those interred in the cemetery.

When the cemetery was established, it was subdivided into five areas, four of these corresponding to various Christian denominations. The western half of the cemetery was divided into three roughly equal areas; north to south these comprised Congregational, Methodist and Presbyterian. The eastern half of the cemetery was divided into two unequal sections (approximately 60 per cent and 40 per cent running north to south). The lower southern section was designated Anglican while the remaining area was unallocated.

The plan for the cemetery included a 50 link¹ wide access around the perimeter of the cemetery and directly through the middle running in a north-south direction. This area was also available for landscaping.

A schematic plan of the cemetery together with a tabulation of the identifiable graves is provided as Attachment B. A list of private burials at Summerhill is also provided. This list may be updated as further information becomes available from the next round of heritage investigations (which would include in-depth research to ensure that all graves are identified).

The cemetery known as the 'General Cemetery of Munni' was reserved from sale or lease and notified in the Government Gazette on 18 August 1915 pursuant to Sections 28 and 29 of the *Crown Lands Consolidation Act 1913*. This Act was subsequently repealed and replaced by the *Crown Lands Act 1989*. The legal effect of reservation of the land as a cemetery continued under this later Act. In any

¹ Approximately 10 metres

proposed dealings with the site, both Hunter Water and Dungog Shire Council are currently bound by the provisions of the *Crown Lands Act 1989* as the relevant controlling Act for the cemetery.

The land occupied by the cemetery has not been converted to Torrens title and therefore does not have a Lot and Deposited Plan Number registered on a Folio at the Land Titles Office. The cemetery reserve remains on the original Crown Plan. This means that although Dungog Shire Council has 'care, control and management' of the land, it does not hold the land in fee simple. The cemetery therefore remains Crown land.

1.4 Timing for relocation of cemetery

Subject to Hunter Water obtaining all necessary environmental planning approvals for the proposed Tillegra Dam, the earliest that establishment of a new cemetery would be likely to occur is late 2009. Construction of the dam is likely to begin in 2010. It is anticipated that the dam would begin delivering water by 2013, however the FSL is not likely to be reached until several years after this time.

This means that the consecration of a new site in late 2009 would allow the existing cemetery to be closed and new burials to commence from this time. The relocation of existing grave sites according to the instructions of individual families would not however need to occur until at least 2010, if not later.

It is stressed that Hunter Water is committed to providing reasonable and sufficient time for next of kin to consider their options such that they do not feel pressured to make an immediate decision. It is expected that specific discussions with individual families to determine their wishes would occur during 2009, subject to construction of the dam being approved.

1.5 Structure of Relocation Plan

The following table summarises the structure of this plan and provides brief comment on the content and purpose of the individual chapters.

CHAPTER	PURPOSE/DESCRIPTION
1. Introduction	Background and context for the cemetery relocation plan.
2. Statutory Matters and Considerations	This chapter outlines relevant legislation and Hunter Water's proposed approach to the handling of statutory and legal matters.
3. Communication and Consultation	Description of the proposed consultation process with all affected parties including next of kin, relevant statutory and public authorities, and other interested parties.
4. Heritage Management	Discussion of how heritage matters relating to the existing cemetery (principally graves over 50 years old) would be taken into consideration.
5. Proposed Grave Exhumation Management Plan	Description of the procedure for the removal of surface monuments and burials.
6. Proposed Reinterment Management Plan	Description of the procedure for the reburial of remains and reinstatement of graves and grave markers. This chapter also provides a short account of the process for identifying the location of the new cemetery.
7. Other Matters	This chapter covers a number of miscellaneous issues including the decommissioning of the existing cemetery and the stabilisation of the site to minimise the effects of inundation.

1.6 Terminology

While every effort has been made to prepare this document using 'plain English' and to keep technical jargon to a minimum, it has still been necessary to use certain specialist terms. These are defined where first used. Additionally, all specialist terms have been consolidated into a single list for ease of reference. This is located in Attachment A.

1.7 Acknowledgements

This relocation plan has been prepared by Connell Wagner on behalf of Hunter Water. This was assisted by the contribution of the TDCRG cemetery subcommittee whose membership comprised:

- Anne McDonald, Convener, Inundation area representative
- Maureen Kingston, Dungog Historical Society
- Des Hopson, Above dam area representative
- Owen Nicholson, Above dam area representative
- Terry Kavanagh, Dungog Shire Council
- Glen Robinson, Hunter Water
- Helen Vorlicek, Hunter Water
- Sue Nicholas, Hunter Water.

The contribution of Patti Middlebrook (guest of TDCRG cemetery subcommittee) is acknowledged.

The contribution of Peter Douglas of Archaeological and Heritage Management Solutions Pty Ltd is also acknowledged.



2 Statutory Matters and Considerations

2.1 Relevant legislation

The legal matters related to the relocation of the cemetery are complex. There are several Acts and Regulations that must be considered including;

- *Public Health Act 1991*
- *Public Health (Disposal of Bodies) Regulation 2002*
- *Crown Lands Act 1989*
- *Conversion of Cemeteries Act 1974*
- *Heritage Act 1977.*

There is a limited body of case law to draw upon when setting out a course of action to properly conduct a cemetery relocation. This makes planning for such an eventuality difficult, particularly in ensuring that a reasonable degree of consideration is given to the rights and obligations of all parties.

In addition to statutory matters, the process requires an appropriate consideration of not only the views of the surviving spouse, but a need to consider the rights and responsibilities of the children, parents, other surviving relatives, the executor of the estate and other parties.

2.2 Proposed approach

Recent instances regarding the relocation of cemeteries in NSW have proceeded based on special legislation specifically tailored to the circumstances. While each situation has its own specific circumstances, Hunter Water intends to adopt this approach and will request the Government to create a specific Act to manage the relocation of the Quart Pot/Munni Cemetery as well as any other associated issues.

Subject to Government approval, it is proposed that the legislation and any subordinate statutory documents will address the following issues:

- the options available to families
- establishing who has the legal right to authorise arrangements for a grave site and where equal rights may be held, the process for building consensus between the interested parties
- establishment of a new cemetery
- decommissioning of the existing cemetery

- the provision of information relating to the history of the cemetery to the NSW State Library (the Mitchell Library)
- establishment of a memorial.

There are precedents for such enabling legislation in NSW. Examples include the following:

- *St. Anne's Church of England (Ryde) Cemetery Act 1940*
- *St George's Church of England, Hurstville, Cemetery Act 1961*
- *Christ Church Cathedral Newcastle, Cemetery Act 1966*
- *St. Thomas' Church of England, North Sydney, Cemetery 1967*
- *St. Peter's Church of England, Cooks River, Cemetery Act 1968.*

It is proposed that the legislation will, as a default, authorise the relocation of the headstone and grave surrounds as well as any other associated material above the surface of the ground. Family members may collectively choose an alternative option including exhumation and complete relocation of the burial proper, or leaving the grave undisturbed by providing the necessary instructions to Hunter Water. In this instance, it will be presumed that the family is fully aware of the implications of leaving the grave site, headstone and surrounds in situ as outlined in Attachment D.

For families that do not wish to continue with the default relocation of the headstone and grave surrounds, it is proposed that the legislation will adopt similar principles in the *Public Health Act 1991* and Regulations in defining who is able to make the appropriate representations for the grave sites management.

For example, Part 4 of the Regulation (clauses 25-28) provides for the exhumation of remains. Clause 26(1) provides that an application for approval to exhume the remains of the deceased may be made to the Director-General of the Department of Health by:

- an executor of the estate of the deceased
- the nearest surviving relative of the deceased, being:
 - the spouse of the deceased
 - the de facto partner with whom a relationship existed with the deceased immediately before death
 - the parent of the deceased
 - a child above the age of 16 years of the deceased
 - any relative residing with the deceased at the time that person passed away
- if there is no such executor or relative available to make the application – a person who, in the opinion of the Director-General, is a proper person in all the circumstances to make the application.

Considering the above matters, Hunter Water proposes to take the following approach with respect to identifying who would have the legal right to apply to make alternate arrangements for a gravesite:

- the spouse (including a de facto partner) and the children of the deceased would have the first and equal right to make an application for the gravesite to remain untouched in its original location or for it to be completely relocated
- only in the absence of any persons in the above class of persons would the grandchildren have priority
- only in the absence of any persons in the above class of persons would the parent(s) have priority
- in the absence of any of the above persons, then the wishes of the next closest surviving relative would be considered.

For recent burials, it is anticipated that identification of a 'nearest surviving relative' would generally be a straightforward matter. Hunter Water would engage a professional genealogist to assist in identification of a 'nearest surviving relative' for older burials.

Hunter Water acknowledges the sensitivity surrounding this issue of the exhumation of the deceased's remains. The process by which Hunter Water would consult with next of kin is set out in the following chapter.



3 Communication and Consultation

The relocation of the cemetery (including the transfer of remains to an existing cemetery if requested by the family) will involve three broad groups of stakeholders:

- the next of kin of persons buried in the cemetery
- regulatory authorities such as the Department of Health, Dungog Shire Council, etc
- other parties such as the NSW Heritage Office, Local Aboriginal Land Councils, etc.

The purpose of this chapter is to outline the means by which each group would be consulted and the general matters which would form the basis of the consultation. Where practicable, this would build upon existing processes.

3.1 Next of kin

Hunter Water acknowledges the sensitivity of the relocation of burials and is committed to providing support to affected families. This will include facilitating access to counselling services. As far as practicable, Hunter Water would endeavour to accommodate families' wishes with respect to the relocation of burials or alternatively ensuring the gravesite remained undisturbed.

Hunter Water would establish a register of contact persons for each burial in the cemetery. This would draw upon Dungog Shire Council's burials register and other relevant sources of information. A professional genealogist would be engaged to assist in identification of contact persons for older burials.

Consultation with next of kin would occur in relation to:

- reburial of remains in the new cemetery or an existing cemetery
- the recovery of the headstone and the grave surrounds
- ceremonies relating to the start of the exhumation process and to reinterment.

This is not an exhaustive or prioritised list. Other issues may arise requiring consultation with next of kin. Hunter Water undertakes to consult with affected families as required.

As far as practicable, Hunter Water would respect the privacy of all persons involved, however, it should be noted that there may be statutory requirements to disclose certain information to regulatory authorities.

3.2 Relevant regulatory agencies, public authorities and other parties

3.2.1 NSW Department of Health

The Department would be consulted in relation to:

- preparation of the exhumation management plan and related issues
- arranging for a Departmental representative or delegate to be on site during the exhumation and curation activities
- other matters as they arise.

3.2.2 Dungog Shire Council

The existing cemetery is currently under the care, control and management of Dungog Shire Council. It is expected it would have the same responsibilities for the new cemetery.

Council would be consulted in relation to at least the following matters:

- design of the new cemetery including consideration of ongoing management and maintenance requirements
- establishment of the new cemetery (prior to the commencement of exhumation of burials at the existing cemetery)
- relevant matters relating to the reinterment of remains within the new cemetery or other existing cemeteries under Council's control (including the transfer of headstones)
- transitional arrangements related to the period between commencement of use of the new cemetery and decommissioning of the existing cemetery
- administrative matters such as the transfer of burial reservations to the new cemetery or other existing cemeteries under Council's control.

Council is represented on the TDCRG cemetery subcommittee. It is anticipated that the majority of consultation would occur through the subcommittee. Hunter Water will also consult formally with Council outside of this process as required.

3.2.3 NSW Heritage Office

Inundating the cemetery may give rise to issues under the *Heritage Act 1977*. It is understood from the Heritage Office (part of the Department of Planning) that previous interpretation and decisions of the Heritage Council indicate that any feature or physical object from any New South Wales cemetery which is 50 years or more old is a 'relic' under that Act. Such objects may include headstones, grave enclosures or other elements, as well as buried remains.

The Heritage Office would be consulted as appropriate on heritage-related matters falling under the Act.

3.2.4 National Trust of Australia

The National Trust of Australia is involved in the identification and conservation of cemeteries and historic graves throughout New South Wales. A Cemeteries Conservation Committee was established under the Trust and covers various fields including cemetery management. The Committee meets regularly to consider specific issues and to assess the cultural significance of burial grounds. For some

years it has conducted regular inspections of cemeteries as part of a State-wide survey under a grant from the NSW Heritage Office.

At this point in time it is not anticipated that there would be a need to consult with the National Trust and specifically the Cemeteries Committee.

3.2.5 Local Aboriginal Land Councils

Heritage investigations undertaken for the Tillegra Dam project to date have not identified any unmarked Aboriginal grave sites within the inundation area. However, during construction, should any Aboriginal remains be discovered, following formal police and DECC notification, a specialist would be sought to provide advice on the matter and representatives from the Local Aboriginal Land Council would be consulted.

3.2.6 Dungog Historical Society

Consultation with the Dungog Historical Society would occur, if required, during documentation of heritage matters (see following chapter) for the cemetery. This would most likely be undertaken by the specialist archaeologist carrying out the heritage investigations.

3.2.7 Office of Australian War Graves

One burial within the cemetery is of a returned serviceman (AE Duggan). The grave is maintained by the Office of Australian War Graves (OAWG). The Office would be contacted to see whether there are any specific requirements related to this grave.

There are several other ex-servicemen interred at the cemetery including JS Haggarty (enlisted in 1916) and CG Thompson (enlisted in 1942). Currently, these graves are not thought to be maintained by the Office of the Australian War Graves (OAWG), however, these will also be discussed with the Office.

3.3 Next phase of consultation

The principal activities for the next phase of consultation is communication with affected families which, as indicated in Section 1.4, would likely commence in 2009. This would be managed by Hunter Water. As also indicated in Section 1.4, Hunter Water is committed to providing reasonable and sufficient time for next of kin to consider their options such that they do not feel pressured to make an immediate decision.

Hunter Water would also continue to manage consultation with relevant regulatory authorities. Some of this may occur prior to the Minister for Planning's decision on whether the Project should proceed. This is simply to allow adequate lead time for any necessary decision-making should the Project be approved.



4 Heritage Management

As the cemetery dates from the 1920s, under the *NSW Heritage Act 1997*, the grave sites over 50 years old are 'relics'. As such, there are certain requirements which would need to be met prior to the relocation of these graves, such as completion of a statement of heritage significance and appropriate historical records being made. Further details are contained in Sections 4.1, 4.2 and 4.3.

It is not anticipated that the work at the cemetery (or other burials) would require any physical anthropological investigation of remains for two reasons:

- the buried 'population' is not considered likely to represent a biologically discrete group which, if it was the subject of anthropological work, would yield significant data relevant to current research
- it is considered unlikely that the contemporary community and relatives of those interred at the Quart Pot/Munni cemetery would consent to anthropological examination of the burials beyond basic biological identification of age and sex².

It is emphasised that archaeological techniques would be used simply to provide as complete documentation of the cemetery as possible and to assist in accurate recovery of all remains within graves in addition to the reinterment of remains together with the correct reestablishment of headstones.

4.1 Archaeology

In broad terms, heritage items, archaeological sites or potential archaeological sites identified within the inundation area may require further archaeological investigation. If this is the case, the following information would be required by the Heritage Office for their consideration:

- an archaeological impact assessment report prepared in accordance with Heritage Office guidelines
- if appropriate, an archaeological relocation and excavation methodology that would form the basis of a specific exhumation management plan for the existing cemetery.

4.2 Preparation of statement of heritage significance

The cemetery, including its setting within the landscape together with the grave monuments, is an item that has certain heritage values that would be impacted by the Project. Prior to undertaking development of the dam, the Heritage Office would require assessment of the impact of the proposal

² This task is necessary as part of the validation process to verify that the remains within each grave agree with documentary records.

on the cemetery's built and landscape heritage values. This is typically undertaken by compiling a Statement of Heritage Impact (SOHI) which is a report that would draw on the results of field survey, consultation and historical research undertaken to date and which would be prepared in accordance with guidelines published by the Heritage Office.

4.3 Archival recording

Archival records are made of heritage items as a way of contributing to our understanding and appreciation of our culture. They record for the future the environment, aesthetics, technical skills and customs associated with the creation and use of heritage items before they are lost, either by progressive changes or the ravages of time.

An archival record would be a minimum requirement of the Heritage Office for heritage items directly impacted on by the Project. Guidelines for archival recording of locally significant heritage items were first published by the Heritage Office in 1998. These have since been supplemented by photographic archival recording guidelines published in 2006.

The typical contents of an archival record include:

- title page with subject, author, client, date, copyright, etc
- a statement of why the record was made
- an outline history of the item and associated sites, structures and people
- a statement of heritage significance of the item(s) in accordance with the Burra Charter and the State Heritage Inventory
- an inventory of archival documents related to the heritage item showing its relationship to surrounding geographical features, structures, roads, etc
- base plans (drafted or hand-drawn) including location and site plans
- a photographic record, cross referenced and with informative captions.

Under the *Conversion of Cemeteries Act 1974*, there is a requirement to provide information relating to the history of the cemetery in question to the NSW State Library. As noted in Section 2.2, it is anticipated that this matter would be addressed under the enabling legislation for the cemetery relocation.



5 Proposed Grave and Exhumation Management Plan

This chapter describes how the headstones, grave surrounds and burials proper would be removed from the existing cemetery and prepared for reinterment in the new cemetery or another existing cemetery if requested family or next of kin.

Archaeological techniques would be used to ensure complete recovery of the burial proper (the part of the grave between the lowest point of excavation and the top of the coffin, ie the area occupied by the coffin).

Particular care would be taken in documenting all exhumation and curation activities to ensure that individual remains are re-interred with the correct headstone/grave marker.

The grave and exhumation management plan would accommodate multiple interments in a single grave plot if these exist at the current site.

It should be noted that there would not be any public access to the cemetery during exhumation of any burials.

5.1 Preparatory activities

5.1.1 Mapping of cemetery and grave sites

A thorough investigation of the existing cemetery would be conducted to identify and record the specific locations of all burials, both marked and unmarked. This work would be undertaken by a team of specialist archaeologists. The team would include at least one member with experience in the management of burials who would be available to advise on relevant matters at all stages of the work.

The first step would be to map all visible features. This task would form part of the scope of work for the archival recording mentioned in the previous chapter. This mapping would result in the identification of all marked graves in addition to an assessment of any unmarked graves (ie those burials where the grave marker was missing or the writing on it was not legible).

This information would then be cross checked with historical and other records (such as Council's burials register).

Depending on the results of the mapping, it may also be necessary to employ remote sensing techniques to identify potential unmarked grave sites whose locations are not detectable by the

naked eye. Depending on the suitability of local topography and soil conditions, these techniques may include ground penetrating radar (GPR), resistivity and/or flux gate gradiometry. These technologies have some potential to identify areas where the ground has been disturbed in the past, eg where a burial has been made.

Additionally, overhead infra-red (IR) photography (obtained via a boom camera or low level flyover) may also be used. This can show up subtle differences in vegetation which in turn can reflect differences in the underlying soil such as disturbed (eg burials) and undisturbed areas.

The information generated from this work would produce the 'archaeological map' of the cemetery which would be a key input in preparation of an exhumation management plan for the site.

5.1.2 Preparation of grave and exhumation management plan

Following completion of all site recording activities, the grave and exhumation management plan would be prepared. This would be undertaken by a consultant archaeologist with experience in management of burials. The plan would address in detail all tasks that would be completed during the exhumation program including provision for 'chain of custody' for the burials and their monuments in the period between exhumation and reinterment.

The plan would make an appropriate distinction between those graves which are to remain in situ, those which are to only have headstones and monuments relocated, and those graves which are to be completely relocated.

The plan would also make an appropriate distinction between burials under and over 50 years old (ie those for which certain heritage considerations need to be addressed).

5.1.3 Establishment of temporary building

A temporary facility would be established at the cemetery to accommodate the work. This would likely comprise a transportable building which would house the necessary facilities for the short term curation of remains. In addition, a site office and other facilities will be made available for workers at the site.

Appropriate security arrangements would be provided to protect the work site, the recovered monuments and the exhumed remains.

The buildings would be removed once all curation work had been completed. It is anticipated that this would occur as part of the decommissioning of the cemetery (refer Section 7.1).

5.1.4 Preparation of occupational health and safety plan

Prior to commencement of work, an occupational health and safety (OH&S) plan (or its equivalent) would be prepared to address all likely and potential health risks associated with the exhumation and curation of the human remains. This would form a component of the exhumation management plan in accordance with the *Public Health (Disposal of Bodies) Regulation 2002*.

Preparation of the OH&S plan would include consultation as required by law with relevant regulatory authorities such as the Department of Health.

All persons working on site would be required to be familiar with the plan and to implement all necessary work practices to meet specified OH&S performance requirements. The plan would also cover visitors to the site who would be required to observe relevant OH&S practices while on site.

5.1.5 Working with the Department of Health

Any new item of legislation will work within the requirements of the Department of Health and reflect the existing requirements in the *Public Health Act 1991* and relevant Regulations. Work at the cemetery would not commence until the Department of Health had provided concurrence to the exhumation, occupational health and safety and reinterment plan.

5.2 Removal of headstones and grave surrounds

As part of the relocation process for designated graves, each individual structural element associated with a grave would be assigned a context number as part of the chain of custody protocol that would be followed. If the additional step of exhumation was requested, this process would be progressively extended to all components of the grave, and the burial proper.

This would make certain that the work produces an accurate record of the linkage between surface structures and burials throughout the process of removal of the monuments, exhumation of burial remains, their curation while 'out of the ground' and reinterment in the new cemetery (or in another existing cemetery).

Due to varying construction techniques and the age of materials, it may not be possible to successfully remove all grave surrounds without damage occurring. Any such potential impacts would be addressed as part of a monuments management strategy that would form part of the grave and exhumation management plan.

5.3 Exhumation

Prior to the commencement of any physical work at the site, a brief ceremony (blessing) would be held for the community, the site workers and the relatives of those interred in the cemetery to mark the start of the exhumation process.

All graves would be exhumed by professional cemetery workers in accordance with the exhumation management plan. Once the cemetery workers have excavated to the level of the coffin, either a funeral director, a consulting archaeologist or other qualified person will remove the remains, placing them in a new coffin or casket. Prior to commencement of work, all personnel would be made familiar with the plan and its contents. Attention would be drawn to any aspects of the work requiring particular care.

The process of exhumation would generally comprise the following steps:

- erection of temporary screens around the gravesite
- temporary closure of Salisbury Road (if the construction of the new Salisbury Road and Quart Pot Creek area access have been completed, and alternate access to properties can be maintained)
- soil would be removed by mechanical excavation and/or shovel down to the level of the burial proper
- the burial proper would then be removed in its entirety. This would include removal of the coffin remains (eg burial plates and fittings) and the coffin contents using manual tools to facilitate the application of lifting boards under the coffin. All soil deposits will be comprehensively examined to achieve 100 per cent recovery of all remains of the burials within each grave.
- the contents of the burial proper would then be taken to the on-site building for appropriate curation. By necessity, this includes the burial remains being prepared for a basic identification of the deceased's sex and age by the project anthropologist and other steps required for proper record keeping.

Appropriate records of all steps in the process, from the movement of headstones to the excavation of the burial proper will be maintained. This may include photographs where appropriate and necessary to ensure proper record keeping.

Hunter Water will consider, on a merits basis, alternate instructions from the family on the movement of the burial proper, including the curation and record keeping processes adopted if this is considered necessary to accommodate specific religious or cultural beliefs.

The *Public Health (Disposal of Bodies) Regulation 2002* requires an officer of the NSW Department of Health or an environmental health officer (whether an officer of the Department of Health or otherwise) to be present at an exhumation³. Their role is to ensure that appropriate processes and procedures are taken. It is proposed that any legislation drafted for Quart Pot/Munni Cemetery will address and include these requirements. Further, NSW Health Policy will also be adopted. Note that this will restrict public access to the cemetery or gravesite during exhumations, and this will also prohibit relatives from attending the exhumation.

5.4 Curation of burials and commemorative monuments

Curation, in the context of this management plan, refers to the care, preservation and temporary storage of grave remains and headstones pending their relocation to either the new cemetery or an existing cemetery⁴.

Professional conservation and preservation works would be undertaken on headstones and grave monuments at this stage and the remains would be stored appropriately pending finalisation of the reinterment component of the plan.

5.4.1 Burials

At the conclusion of the exhumation process, the coffin remains and skeletal remains would be provided with appropriate identification and stored in reinterment caskets in preparation for reburial at the new cemetery (or other existing cemetery). Typically a casket would be less than one metre in length and made from wood.

Remains from recent burials (approximately after 1980) may need to be reinterred in a coffin however this would be determined on a case by case basis during curation.

Fittings and grave goods would be made available to the family or would be reinterred with the remains.

In the event that transfer directly from the existing cemetery to the new cemetery was not possible, the remains would be temporarily stored in a secured facility pending reinterment. For example a possible option for storage is the Newcastle morgue.

5.4.2 Commemorative monuments

As indicated, in Section 5.1.6, removal of headstones and grave surrounds would be undertaken in the context of a monuments management strategy. This would address a range of matters including:

- recording of the location of the headstone and grave surrounds (where present) for each grave site
- photographic recording of each headstone and grave surrounds

³ Clause 28

⁴ This differs from the more common definition which refers to the permanent storage of remains which may be the case for burials of significant archaeological interest. This is not the case for this Project.

- the means of removal of headstones (and grave surrounds where possible)
- installation of temporary markers for grave sites in the existing cemetery
- conservation requirements such as the removal of moss and lichen growing on headstones
- temporary storage pending relocation to the new (or an existing) cemetery
- transportation of headstones to the new cemetery (including any temporary storage requirements if necessary)
- re-establishment of the headstones at the new cemetery in preparation for the reburials.

Other matters would be included as appropriate.

As noted previously, due to varying construction techniques and materials used, particularly in the case of older grave sites, there is a possibility that the grave surrounds may not be able to be removed without damage occurring. While all care would be taken, Hunter Water could not guarantee that the grave surrounds would be able to be reinstated with the headstone. Hunter Water will undertake to repair or if necessary supply replacement surrounds if visible damage occurs during any relocation.

5.5 Other burials

Marked and unmarked burials are known to occur elsewhere in the Tillegra/Munni region. The procedures noted in this relocation plan can be applied to those situations.

Should any Aboriginal burials be identified prior to and during construction of the Project and which would be affected by the Project, Hunter Water would consult with relevant groups and stakeholders to manage the appropriate exhumation and reinterment of any such burials.



6 Proposed Reinterment Strategy

The purpose of this chapter is to provide details on how the remains removed from the existing cemetery would be reinterred in the new cemetery. Details are also provided on the process associated with selecting the site of the new cemetery or another existing cemetery, what the new cemetery could look like in terms of its layout, and what other activities would need to take place prior to the reburial of the remains.

6.1 Selection of site for proposed new cemetery

Identification of a site for the new cemetery has been progressed via the TDCRG cemetery subcommittee. After consideration of a number of possible sites, the options were narrowed down to the following:

- Site A – off upper Chichester Road
- Site B – off the proposed new low road on the eastern side of the proposed dam
- Site C – near Myall Creek Road, below the proposed dam.

Views were sought from the families on a preferred general locality for the new cemetery and this resulted in a relatively equal preference being expressed for Sites A and B. Hunter Water's preference is for Site A.

The following criteria were used to select the preferred location:

- family feedback
- distance from the existing cemetery
- accessibility, including access by elderly and/or disable persons
- slope, mainly in relation to erosion risk and foot access
- suitable distance from water bodies to minimise risks to water quality
- nature of soil, mainly in relation to ease of excavation, erosion risk, drainage, depth to groundwater (this would also consider the minimum depth requirement noted below)
- amenity and views to surrounding area
- risk of vandalism
- the need for any clearance of vegetation
- land ownership.

Under the *Public Health (Disposal of Bodies) Regulation 2002*, a coffin must be placed in a grave such that its upper surface is not less than 900 mm below the natural surface of the soil where it is buried⁵. This requirement means that Site A would need to be built up and landscaped with imported fill.

Additional details of the site will be included in the draft Integrated Land Use Plan being prepared for the EA Report. Additional community feedback on the preferred site would be sought at that time.

6.2 General layout of new cemetery

The new cemetery would be smaller in area than the existing cemetery due to site constraints. It would, however, still be adequate to cater for the relocation of the burials in the existing cemetery and for reasonable future expansion. There is little existing vegetation at the new site and this would be retained as far as practicable. Additional plantings would be undertaken within the cemetery, principally along the western and southern boundaries. In addition to aesthetics, this would also assist in managing water quality in the storage.

As far as practicable, the locations of individual burials relative to each other would mirror the existing cemetery, particularly in relation to grouping of religious denominations.

Burial customs within the community are continually changing and a strong preference for cremation became established in the late 20th century⁶. To reflect this, the new cemetery would include a columbarium. This would take the form of a wall with niches to accommodate cremated remains. The columbarium would likely be located in the northeast corner of the cemetery as this area is the least suitable for burials due to the ground slope and the relatively short distance to water in the storage.

A heritage interpretation board would be provided to explain how the new cemetery came into being. This would be located near the entrance to the cemetery. The information to be included on the board would be prepared with input from the TDCRG cemetery subcommittee and would include consultation with relevant parties such as the Dungog Historical Society.

The cemetery would include a thoroughfare along the eastern boundary to facilitate internal access. Car parking would be provided for in a small area at the southern end of the cemetery.

A generalised layout arrangement of the new cemetery is provided as Attachment C. **It is stressed that this is a concept only for the purposes of commencing discussion.** Specific details relating to design, landscaping, maintenance and related matters would be developed in close consultation with Dungog Shire Council given its role in managing the new cemetery.

The name of the new cemetery would be determined in consultation with the local community.

6.3 Establishment of the new cemetery

Prior to any reburials, a ceremony would be held to consecrate the new cemetery. All families and other persons with a connection to the cemetery would be invited to attend.

As part of the landscaping of the new cemetery, families would be invited to plant a tree commemorating their loved ones.

⁵ Clause 20

⁶ National Trust of Australia (NSW)

Establishment of the new cemetery would include erection of headstones/burial markers from the existing cemetery. New burial markers would be provided for any unmarked burials in the existing cemetery or where the original grave marker had deteriorated beyond salvage.

The new cemetery will be established in advance of exhumations.

6.4 Reinterment of remains

Prior to the reinterment of any remains, a final cross check would be conducted to ensure that the guidelines for curation stipulated in the grave site and exhumation plans had been correctly implemented. Reinterment would then generally comprise the following:

- excavation of the new grave site adjacent to the relevant headstone or burial marker
- placement of the reburial casket in the grave (this may include the replacement of any items removed from the original grave)
- infilling of the grave, replacement of headstone and landscaping.

As with the removal of remains from the existing cemetery, this would be undertaken by professional cemetery workers. A plan/register of burials will be maintained and provided to Council at the completion of the work.

It is appreciated that some families may prefer a private ceremony for the reinterment of the remains of their loved one. For other burials, a single ceremony would be held following placement of all caskets in their respective graves. Clarification on this matter would form part of the future consultation.



7 Other Matters

7.1 Decommissioning of existing cemetery

Following exhumation of the burials, the excavated graves would be backfilled. Turf would be laid to minimise the visual impact of the excavations. Any other activities necessary to tidy the area up would also be undertaken at this time. This would include the removal of the temporary building used for the exhumation and curation work. The principal objective of the work would be to leave the area looking similar to adjoining properties, ie typical of the rural environment.

If burials are moved on the request of families, a ceremony would be held to deconsecrate the cemetery. All families and other persons with a connection to the cemetery would be invited to attend. If burials remain in the cemetery, a service deconsecrating the site would not be appropriate, therefore a service or blessing for those remaining will be held instead.

The site would also need to be made secure against the risk of erosion. Specific details as to what this might comprise would be determined as part of the overall process of managing erosion risk around the new shoreline of the storage. A watercraft exclusion zone will be established. Other details would most likely be provided in the Integrated Landuse Plan.

7.2 Transfer of burial reservations from existing cemetery

As noted in Section 1.3, there are approximately 10 reservations for burials in the existing cemetery. The following options would be available to the holders of these:

- transfer to the new cemetery
- transfer to an existing cemetery (eg Bandon Grove)
- cancellation.

For the last option, an application would need to be made to Dungog Shire Council for a refund of the deposit.

7.3 Management of the new cemetery

As has been noted previously, responsibility for care, control and management of the new cemetery would sit with Dungog Shire Council.

It should be noted that due to the shallow soils at the new site, double burials (within the same grave) would no longer be possible.

7.4 Establishment of memorial

The existing cemetery is a notable feature within the local community and Hunter Water acknowledges that the site itself will still be of importance to the community. In view of this, a memorial would be established adjacent to the site to commemorate the existence and value of the cemetery to the local community.

The form of the memorial would be determined in consultation with next of kin. This would be facilitated via the TDCRG cemetery subcommittee.



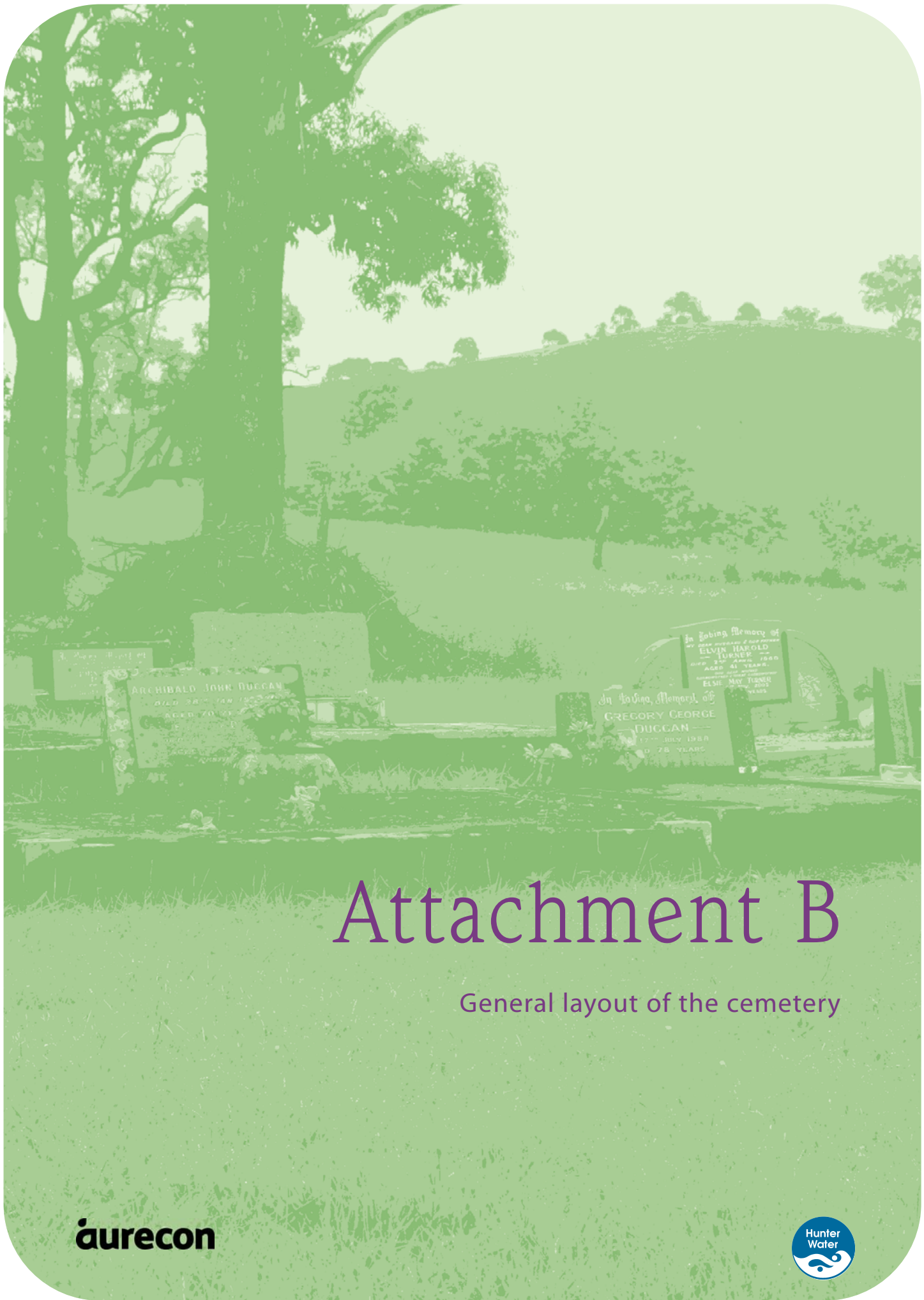
Attachment A

Glossary

Glossary

The following table is a consolidated list of technical terms and definitions used in the Cemetery Relocation Plan.

TERM	DEFINITION/COMMENT
Burial proper	The part of the grave between the lowest point of excavation and the top of the coffin
Columbarium	A place for the respectful and usually public storage of cinerary urns, (ie urns holding a deceased's cremated remains)
Curation	In the context of this management plan, this refers to the care, preservation and temporary storage of grave remains and headstones pending their relocation to either the new cemetery or an existing cemetery
Exhumation	The removal of a deceased person's remains (not being ashes) from a grave
FSL	Full supply level – the maximum water level of the lake formed behind the dam wall
Grave surround	Concrete, tiled or marble structure placed above ground to delineate grave site.
	Headstone may be placed at the edge of, or incorporated into the surrounds.
m AHD	Metres above Australian Height Datum (approximates to metres above mean sea level)
OH&S	Occupational health and safety
Storage	Refers to the body of water impounded behind the dam wall ('reservoir' is an equivalent term)



Attachment B

General layout of the cemetery

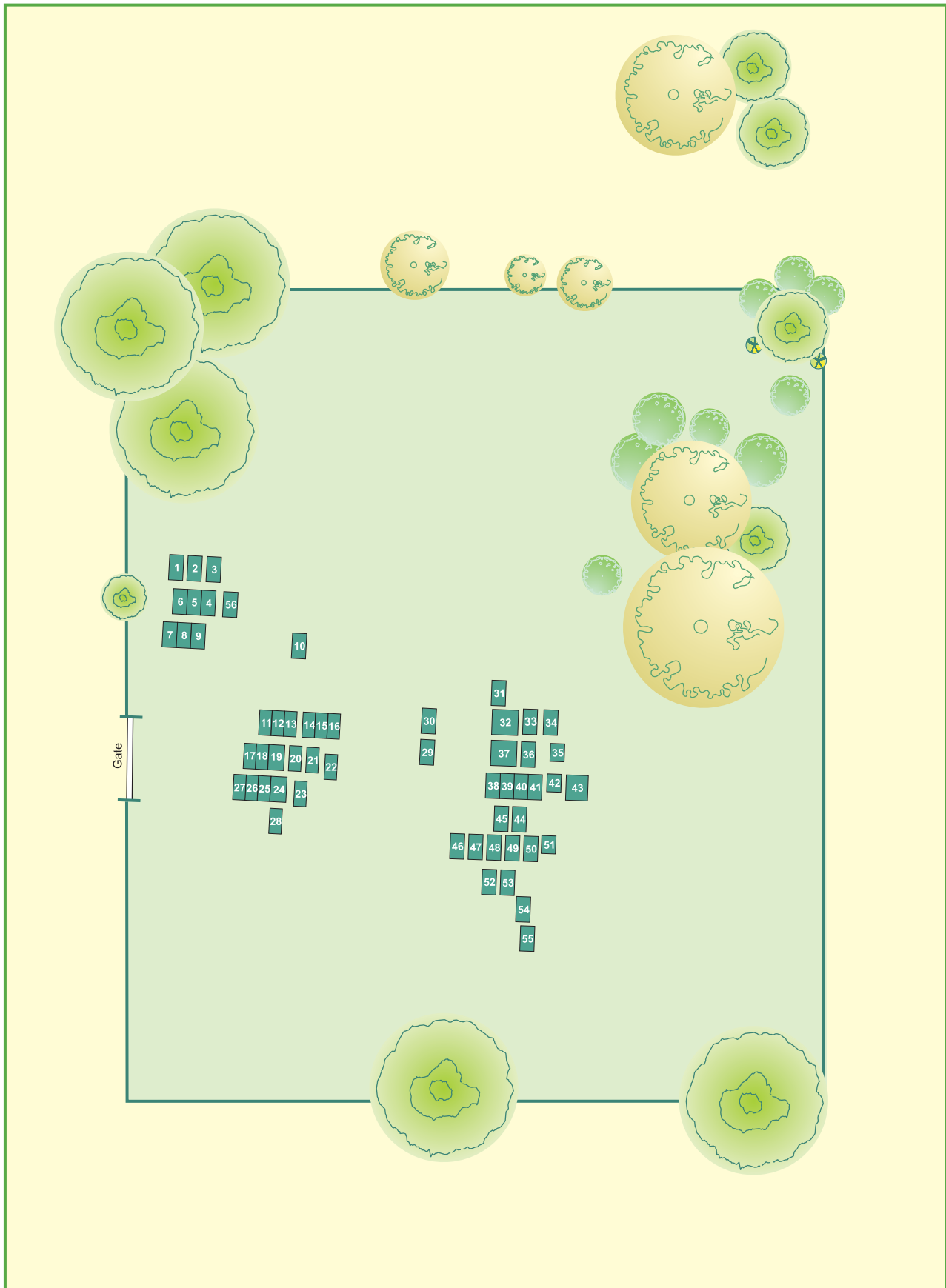


FIGURE 1 LAYOUT OF THE EXISTING CEMETERY

The grave reference numbers (first column) in the following table correspond to the numbers provided on the plan on the previous page. It should be noted that the numbering system used is purely arbitrary. The lot numbers are those used in Dungog Shire Council's burial register.

In preparing this list, several anomalies were identified between the register and information collected for the Project which could not be satisfactorily resolved. These are indicated where relevant and would be clarified as part of the curation process.

Details of other burials in the locality are also provided following this table.

GRAVE REFERENCE NUMBER	NAME	YEAR DEATH	AGE	LOT NUMBER
1	John Anzac Turner	23/09/1964	48 yrs	35
2	Monnie Eileen Parrey (Turner)	6/10/1989	72 yrs	53
	William James Parrey	16/07/1994	82 yrs	54
3	William Phillip Smith	24/11/1996	78 yrs	67
4	Elvin Harold Turner	2/04/1960	41 yrs	33
	Elsie May Turner (Smith)	6/11/2005	84 yrs	33
5	Elvin John Turner	17/08/1958	77 yrs	34
	Louisa Turner (Page)	23/11/1965	78 yrs	34
6	Ada Mary Duggan	29/04/1951	73 yrs	36
7	Archibald John Duggan	28/01/1951	70 yrs	37
	Elsie Maude Duggan (Bignell)	10/02/1961	77 yrs	37
8	Gregory George Duggan	17/07/1988	78 yrs	52
9	Alfred Edgar Duggan (Bill)	15/10/1998	78 yrs	59
10	Henry James Bland Haggarty (Harry)	28/03/1946	60 yrs	21
11	Angus John McDonald	19/03/1948	74 yrs	26
12	Elizabeth McDonald (Jarrett)	31/01/1936	61 yrs	25
13	John Hutchinson	3/06/1933	90 yrs	24
14	Allan H. E. Simmons	3/07/1954	86 yrs	22
	Esther Simmons (Shelton)	24/11/1935	60 yrs	22
15	Victor Simmons	11/09/1984	86 yrs	44
16	Norman Simmons	19/02/1995	91 yrs	57
	Edna Eileen Ruby Simmons (Saxby)	22/10/1996	84 yrs	58
17	Lindsay John Dawson Moore	17/02/1988	86 yrs	51
18	John Moore	31/08/1945	72 yrs	28
19	James Arthur Moore	24/04/1939	68 yrs	27
	Alice Mary Moore (Wade)	13/06/1965	75 yrs	27
20	Kenneth William Moore	4/03/1968	59 yrs	23
	Gladys Ethel Moore (ashes) (Marsh)	10/07/1982	75 yrs	23
	June Page (Moore)	8/06/1983	52 yrs	23
21	Ralph Joseph Moore	3/10/1994	80 yrs	55
	Mavis Ada Moore (Coleman)	12/11/2002	85 yrs	56
22	David Duncan Darr	13/12/1960	1 day	19
23	Alexandra Grace Fisher	20/05/1996	Stillborn	29a
24	Jean Isabel Fisher (McDonald)	1/02/1945	37 yrs	29
	Raymond Ellis Fisher	15/04/1969	66 yrs	30
	Bruce Ewin Fisher	1/09/1943	8 wks	31

PROPOSED QUART POT/MUNNI CEMETERY RELOCATION PLAN

GRAVE REFERENCE NUMBER	NAME	YEAR DEATH	AGE	LOT NUMBER
25	Harold James Hopson	20/11/1997	89 yrs	70
	Doreen Winifred Hopson (McDonald)	16/10/2002	87 yrs	70
26	Neil Alexander McDonald	6/01/1951	68 yrs	32
	Lily McDonald (Shelton)	27/03/1965	78 yrs	32
27	John Alan McDonald	30/08/1995	77 yrs	65
	Vera Virginia McDonald	9/01/2008		
28	Ian Alexander Fisher	18/09/2004	67 yrs	71
29	James Belcher	1956	96 yrs	40
	Martha Belcher (Shelton)	1951	87 yrs	40
30	Edith Maude Shelton (Garrett)	28/06/1942	53 yrs	18
	Frederick Shelton	9/11/1975	93 yrs	18
31	Colin Nash	7/06/1928	Stillborn	38 ⁸
32	Thomas Nash	27/06/1923	67 yrs	6
	Caroline Nash (Walz)	24/11/1938	82 yrs	6
33	Gregory Paul Burton	10/11/1979	Stillborn	71 ⁹
34	Clida Maude Davis	14/01/1974	69 yrs	43
35	John William Rumbel	2/1969	61 yrs	1
36	Joseph Vincent Rumbel	10/10/1964	59 yrs	4
37	William Vaughan McDonald	6/04/1928	46 yrs	7
	Miriam Olive McDonald (Nash)	4/03/1965	71 yrs	7
38	Samuel H. Rumbel	4/12/1930	54 yrs	8
39	Louisa E. Rumbel (Simmonds)	24/12/1928	42 yrs	9
40	William Rumbel	13/04/1937	59 yrs	5
	Matilda MA Rumbel (Simmonds)	29/09/1960 (1?)	74 yrs	5
41	Thomas Andrew Rumbel	1/02/1954	49 yrs	3
	Vera Maud Rumbel (Coleman)	22/12/1982	74 yrs	
42	Alan Rumbel	27/07/1944	3 days	2
43	Hazel Constance Thompson (Rumbel)	1/01/1977	42 yrs	47
	Colin Jeffery Thompson	25/10/1994	70 yrs	47
44	Essie Caroline Darr	7/01/1965	58 yrs	10
45	Freda May Simmons	9/12/1930	11 yrs	11
46	Bradley David Darr	19/02/1973	Baby	45
	Ross Darr	10/06/1994	58 yrs	45
47	David Darr	26/06/1963	59 yrs	17
	Olive Eileen Darr (Turner)	24/06/1964	67 yrs	17
48	Florence Alice Haggarty	13/09/1975	76 yrs	46
49	Emily Scott Haggarty (Bland)	11/02/1940	75 yrs	13
	William Henry Haggarty	19/11/1940	84 yrs	13
50	Linda Haggarty (Darr)	19/09/1956	59 yrs	12
	Arthur Herbert Haggarty	9/12/1974	83 yrs	12

⁸ JA & DR Jones Quart Pot or Munni General Cemetery has this grave located as per Figure 1. Council's map has this grave located next to Lot 43 (grave ref no. 34). Alan Nash believes this burial may be near the southern boundary of the cemetery.

⁹ Lot 71 is located differently between the Council plan and that provided in Jones. The Jones plan has Lot 71 adjacent to the road in the Congregational area (ie as grave ref no. 33 on the plan in this attachment). Jones has Gregory Paul Burton assigned to this location. Council's plan has Lot 71 in the location for grave ref no. 28 (Ian Alexander Fisher).

GRAVE REFERENCE NUMBER	NAME	YEAR DEATH	AGE	LOT NUMBER
51	Justice William Frederick Haggarty	6/03/1998	78 yrs	68
52	Virginia Elizabeth Walker (Haggarty)	26/05/1985	89 yrs	48
	Raymond William Walker	19/10/1989	82 yrs	49
53	Elva Joyce Haggarty (Walker)	15/04/1941	36 yrs	14
	James Stephen Haggarty	29/10/1978	84 yrs	14
54	Donald Gordon Hopson	11/02/1945	16 yrs	15
55	Neil Donald Fisher	8/05/1957	1 day	16
56	David Matthew Turner	23/01/1986	–	50
57	Turner baby	1946	Stillborn	41
58	Wade baby	1936	–	42

Summer Hill burial paddock (Fisher's property across from Munni House)

NAME	DATE OF BIRTH	DATE OF DEATH
Mary Ann Henwood (nee Cowling), wife of William Henwood	1816	18/1/1863
Jane Ann Henwood (Mary Ann's daughter)		1872
John Fisher, 10th child of Jessie and William Fisher	2/8/1863	7/8/1863
Infant baby (presumed 8th child of William Foorde and Elizabeth Simmons)	15/1/1891	15/1/1891
John Keppie, child of Johanna (Campbell) and James Keppie	1867	9/11/1870
Jessie Winifred Simmons, 3rd child of William Foorde and Elizabeth Simmons	1872	19/5/1873
James A Simmons	1853	1871
Richard F Simmons, 4th child of William Foorde and Elizabeth Simmons	1874	1877
James Simmonds	1813	1865

Others

- On Doug Shelton's property – believed to be a relative to Doug Moore buried
- On Underbank House – burial near original homestead in inundated area ("story told by late Greg Duggan")
- On Underbank House near crossing – infant buried
- Across from Quart Pot / Munni Cemetery – Deards interred
- Burial of Foster baby Capararo
- Darr family grave site (John Frederick Darr, Annie Darr, Samuel T Darr).

The above burials have been investigated as part of the contemporary heritage investigations, particularly in relation to identifying the actual locations of the burials. In some cases, it has not been possible to conclusively identify a location.



Attachment C

Generalised layout of proposed new cemetery

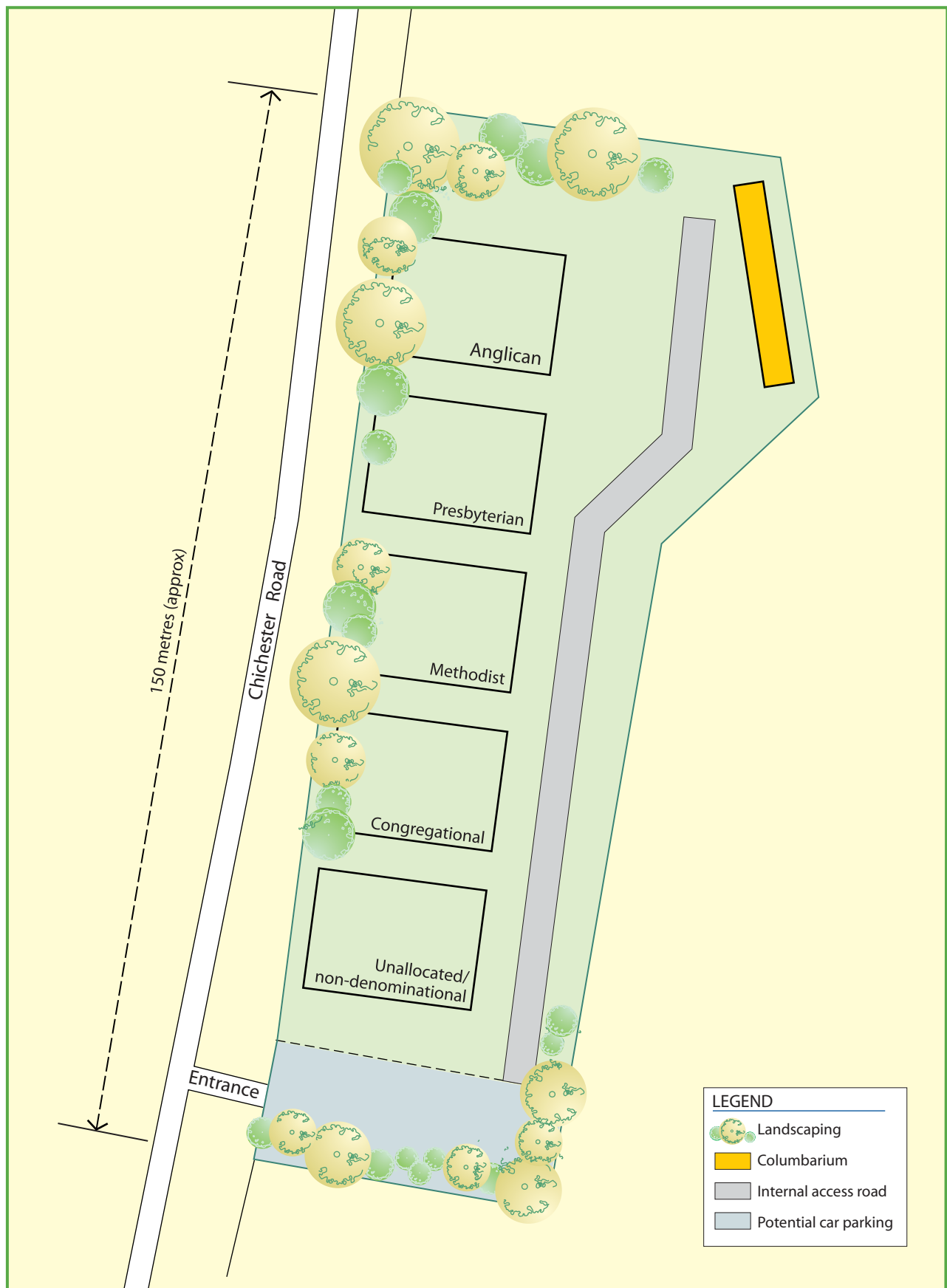


FIGURE 1 GENERALISED LAYOUT OF PROPOSED NEW CEMETERY



Attachment D

Potential advantages and disadvantages of
cemetery management options

Potential advantages and disadvantages of cemetery management options

The following table outlines advantages and disadvantages associated with each option.

OPTION	ADVANTAGE	DISADVANTAGE
1. Leave grave and headstone in place	No disturbance of grave site (including burial)	<p>Cemetery would be underwater most of the time and therefore no access to grave site would be possible</p> <p>Potential for erosion at site during periods of rising/falling water levels</p> <p>No maintenance would take place on site. Headstone and surrounds may be damaged by accelerated weathering, erosion of the site and immersion under water</p> <p>May be upsetting for the family to see the site exposed after many years absence under water</p> <p>Site may attract unwanted attention when exposed by lower water levels (eg insensitive sightseers, vandals, etc)</p> <p>Headstones and above ground features if left in situ, may detrimentally affect erosion stabilisation works that could be undertaken at the site</p>
2. Relocate headstone and above surface features to new cemetery but leave burial undisturbed	No disturbance of burial Headstone and surrounds would be preserved albeit in a new location	<p>As for Option 1 plus:</p> <p>Separation of headstone and burial site may not be attractive to some families</p> <p>Potential for damage to grave surrounds during relocation (particularly for older graves)</p>
3. Relocate headstone and associated grave to new cemetery	Ongoing access New cemetery would be maintained by Dungog Shire Council Allows for future interment of other family members within/adjacent to family plot	Knowledge of disturbance of burial site may be upsetting for some families