

Community Cemeteries & Burial Policy

Strategic Reference	Objective 2; .A strong sense of civic pride and well-maintained townships. Strategy 2.7; Maintain and develop assets, infrastructure & buildings in accordance with Infrastructure & Asset Management Plans, Roadside Vegetation Management Plans and Capital Works programs.
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Applicable Legislation	Burial and Cremation Act 2013 Burial and Cremation Regulations 2014 Development Act 1993 Local Government Act 1999 Schedule 2 - Subsidiaries
Related Policies	N/A
Related Documents:	N/A

1. Purpose

This policy outlines Coorong District Council's objectives in respect of Council owned and operated cemeteries. It has regard to the Burial and Cremation Act of 2013 under which Council cemetery providers must meet revised requirements for the operation and regulation of cemeteries within the Council area. Council recognises that these community cemeteries are the resting place of many of the district's pioneer and respected citizens and will efficiently and effectively manage them in a caring and equitable manner to meet the needs of its community.

2. Definitions

Interment is the action of properly disposing of human remains in an approved cemetery plot or site.

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Interment Right (previously Interment Right) means a right to an allocated area for interment of human remains within a cemetery.

Interment Right Holder (previously Interment Right Holder) is a person who has made application for and been allocated an interment site within a Council cemetery.

3. Principles

The policy applies to cemetery facilities located in the townships/settlements of:

- Meningie
- Taillem Bend
- Tintinara
- East Wellington
- Peake
- Sherlock (no longer accepting new Interment Rights)
- Coonalpyn
- Narrung (not accepting interments)
- Bedford (not accepting interments)

The management of burials and granting of Interment Rights for interment or custodial retention of remains is vested in the Council and its administration.

Existing reservations issued by Council prior to the development of this policy will be honoured by Council and renewal of Interment Rights will have regard to the basis on which the original burial sites have been allocated.

The cemeteries will not be segregated into areas based on religion or ethnicity. However Council will have regard to the customs and specific needs of those who apply for an interment.

In considering applications and/or renewal of Interment Rights Council will have regard to:

- the Cemetery's local historical significance as a burial place for many of the pioneers of the area
- the need for each cemetery site to be managed and maintained at a standard consistent with its significance and as an important family memorial place
- remaining burial sites available for use, recognising relatives of people already interred in the cemetery, people with a long association to the area, those who have made contributions to the well being and social fabric of the community

4. Interment Rights

Interment rights may be granted by Council for one or more sites within a cemetery on completion of an application and payment of the appropriate fee. The Interment Right gives the Holder the exclusive right to bury or inter human remains in the allotted site. The Holder of the Interment Right may only use the site for interment of human remains consistent with this Policy.

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4.1 Council at its discretion can issue future Interment Rights for the following:

Grave sites (for new interments) for a single or double depth system of burial with a standard size plot (refer to individual cemetery plans). The site can be used to accommodate family members and the term of the Interment Right is 99 years with renewal rights for a second Interment Right period on the application of a relative.

Memorial or columbarium walls for interment of ashes is available at several cemeteries and the interment Interment Right is for a period of 50 years with a second Interment Right period available on the application of a relative.

Vaults: Council may on application approve the construction of water tight vaults (not a Mausoleum) of either single or double capacity depth. Approval will be subject to soil and ground water conditions, design and specifications. Construction will be in accordance with the specifications provided and subject to supervision of Council's building supervisor, or a contractor approved by Council. Maximum number of burials per vault will not exceed one per interment right but may include provision for an ossuary for storage of human remains or ashes.

No interment right or Interment Right is required for scattering of cremated remains in a cemetery. However prior approval of the Council is required.

4.2 Transfer of Interment Right

A person/family holding a Interment Right for an unused burial site or memorial wall may seek approval of Council to transfer the Interment Right to another person/family.

4.3 Lost Interment Rights

Council may issue a replacement (copy) Interment Right upon receipt of a Statutory Declaration by the Interment Right Holder which sets out the circumstances in which the formal Interment Right was lost.

5. Interments

All applications by an Interment Right holder to inter bodily remains in a Council cemetery must have a copy of appropriate documentation in accordance with Section 12 of the Act.

6. Expiration of Interment rights

At the end of the Interment Right period Council may, on application of the Interment Right Holder, a family member or community body, renew or extend an Interment right on payment of an appropriate fee.

If required to due to a shortage of space at a cemetery, Council will take reasonable steps, in writing, to advise a Interment Right Holder of the impending expiration of the Interment Right twelve months prior to its expiration. If the Interment Right Holder does not renew the Interment Right by the expiration date:

- for a burial site: the interment site is deemed to have expired and Council has the right to reuse the site in accordance with legislative requirements
- for a cremation site: the Interment Right holder may:

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- a. instruct the Council to move the interment remains to an unmarked location in the cemetery, or
- b. collect the remains for private disposal

7. Operating protocols

All interments in cemeteries are to be approved by Council on the application form appended to this Policy.

Council will maintain a register that identifies the remains of interments and records the site in which the remains are interred in accordance with Section 53 of the Act.

A Interment Right holder or family (including those who have existing Interment Rights) is required to comply with the legislation applicable to Interment and Burial and the approval given by Council prior to:

- Interment of human remains in a cemetery
- Reopening an interment site containing bodily remains
- Removing or relocating human remains

The process of excavating or modification of a site must be undertaken by a Council employee or a contractor approved by the Council. Confirmation of a burial site must be verified by Council's Administration prior to any excavation or other work on the site.

8. Cemetery plaques/headstones

The guidelines for plaque/headstone sizes and locations are provided within the individual cemetery plans however approval for variations can be made to Council for consideration.

Headstones or memorials at variance to the guidelines above must meet standards determined by Council and be approved by Council prior to being installed. Appropriate drawings and engineering specifications attached to the application should be in character with adjacent memorials and of a material that meets the term of the Interment Right; i.e. 99 years. Work is to be undertaken by an "approved memorial mason" in South Australia.

8.1. Installation of plaques

Council staff or a contractor approved by Council shall install plaques in the cemetery.

8.2. Ornaments

Breakable ornaments or tributes placed on a plinth adjacent to a site shall not exceed 30cm in height and shall be kept to a minimum. Ornaments, vases, aged flowers and wreaths may be removed from sites at Council's discretion. Solar powered lights or spikes on individual sites are prohibited.

8.3. Maintenance of Plaques, monuments and structures

The ownership of plaques, monuments and other approved structures remains with the Interment Right Holder and Council is not responsible for its upkeep, repair or maintenance.

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Council may act to remove any structure that it deems to be unsightly, inappropriate in poor condition or dilapidated.

9. Service fees and charges

Council will annually determine a “Schedule of fees and Charges” for services provided at cemeteries as part of its budget process.

10. Neglected cemeteries and natural burial grounds

If Council is of the opinion that a cemetery or natural burial ground within its area is in a neglected condition or fails to comply with the requirements of the Act the Council may, by notice in writing, require the governing body to remedy the conditions of neglect or non-compliance under subsection 1 of the Act. If those remedial works are not undertaken in accordance with the Act the Council may undertake the work and recover the costs from the governing body.

11. Interment of remains outside approved cemeteries

In accordance with s8(2) of the Act application can be made for the interment of bodily remains outside a cemetery subject to the approval of the landowner and the Council. Whilst Council does not encourage alternative interment it will consider applications made to it for a specific case where the applicant can demonstrate that:

- The proposed interment meets the requirements of the Act and associated Regulations.
- The land to be used is outside Council township boundaries including any rural living holdings
- The site is clearly delineated on a plan of the property which includes GPS coordinates
- There is appropriate separation of the burial site to all buildings and water supply on the property, at least 100 meters from adjoining buildings
- Upon sale of the land, future access to the site is the responsibility of the applicant
- The land owner accepts that the care and maintenance of the site is at their cost
- Site assessment to be undertaken by a Council representative to determine suitability prior to approval.

Council reserves the right and will inspect the subject site prior to the granting of approval and advises the owner of the land that a record of the interment will be entered on the assessment record for future reference should the property be disposed of or be subject to a development application.

12. Authorised Officers

Council will appoint authorised officers to ensure administration and enforcement of Section 59 of the Act.

13. Further information

This policy will be formally reviewed once within the term of the Council. Minor variations can be approved by Council at any time following consideration of a recommendation and report from the Chief Executive Officer.

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This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's website: www.coorong.sa.gov.au.

Coorong Civic Centre

95-101 Railway Terrace
Tailem Bend
Phone: 1300 785 277
Fax: 8572 4399

Meningie Information Hub

49 Princes Highway
Meningie
Phone: 1300 785 277

Tintinara Customer Service Centre

37 Becker Terrace
Tintinara
Phone: 1300 785 277

Copies will be provided to interested parties upon request. Email council@coorong.sa.gov.au.

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.