Cemeteries & Burial Policy

Strategic Reference	**Leadership** *Priority Area 3 – Streamlined Processes* Action 5.3.2 – Undertake a review of Council-controlled administrative processes to enhance efficiency, streamline event permit pathways and strengthen coordination of collaborative initiatives.
File reference	AR17/16883
Responsibility	Roads & Infrastructure Department
Revision Number	6
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Next review date	November 2031
Applicable Legislation	Burial and Cremation Act 2013 Burial and Cremation Regulations 2014
Related Policies	Burials on Private Land Policy
Related Documents	N/A

1. Purpose

This Policy outlines Council's objectives in respect of Council owned and operated cemeteries and in regard to the *Burial and Cremation Act 2013* (the Act) and the *Burial & Cremation Regulations 2014* (the Regulations). Council recognises that many of these community cemeteries also have historical significance as the resting place of many of the area's pioneers and respected citizens. Council will efficiently and effectively manage these cemeteries in a respectful manner to meet the needs of the community.

This Policy applies to the following cemetery facilities owned or operated by Council:

Open
Coonalpyn
Meningie
Peake
Sherlock
Tailem Bend
Tintinara
Wellington East

Closed
Bedford
Narrung

2. Definitions

"Columbarium" – means a room, building or structure with niches for funeral urns to be stored.

"Interment" – means the burial of a corpse in a grave.

"Mausoleum" – means a stately or impressive building housing a tomb or group of tombs.

"Natural burial" – means the interment of a corpse in soil that does not inhibit decomposition but allows the body to be naturally recycled.

"Vault" – means a large room or chamber used for storage.

3. Policy

3.1 Principles

All existing interment reservations issued by Council will be honoured and renewal of interment rights will have regard to the basis on which the original burial sites have been allocated.

All fees and charges will be in accordance with the published Coorong District Council Fees & Charges Schedule.

Cemeteries will not be segregated into areas based on religion or ethnicity in accordance with Section 22 of the Act, but Council will have regard to the customs and specific needs of all those who apply for an interment permit.

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; and
- the availability of remaining interment sites, recognising relatives of people already interred in the cemetery, people with a long association to the area, and those who have made contributions to the well-being and social fabric of the community.

3.2 Issue of 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 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 use the site only for interment of human remains consistent with this Policy and the Burial and Cremation Act 2013 (the Act). Council will not grant interment rights in perpetuity. Interment rights may be issued for the following:

- ***Grave Sites (for new interments) for a dual depth system of burial.***
  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 period on the application of an interment right holder or authorised person (see Section 30 of the Act).

- ***Natural Burials***
  While no dedicated natural burial site is available in the Coorong Council area, natural burials can be undertaken in all Coorong Council cemeteries. The use of a headstone is at the discretion of the individual.

- ***Mausoleum***
  Council may approve an application for construction of an above ground structure subject to Council specifications.

- ***Columbarium***
  The term of an interment right for ashes in a columbarium is 50 years, with a second period available upon application of an interment right holder or authorised person (see Section 30 of the Act).

- ***Vaults***
  Council may, on application, approve the construction of a watertight vault (distinct from a mausoleum) of either single or dual 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 (see Section 30 of the Act).

- ***Scattering of Ashes***
  Council approval is not required for scattering of cremated remains on private or public land, however, Council requests that sensitivity and consideration be shown to the community, residents and visitors in the immediate area when undertaking this process.

  Ashes contained within an urn may be positioned as per the Columbarium section, and upon application of interment right (see Section 36 of the Act).

3.3 Renewal or Transfer of Interment Rights

- ***Renewal***
  At the end of the interment right period Council may, upon application of the interment right holder or an authorised person, renew or extend an interment right upon payment of the fee (See Section 32 of the Act).

- ***Transfer or Surrender of Interment Rights***
  A person/family holding an interment right for an unused burial site or memorial wall, may seek approval of Council to surrender (Section 34 of the Act) or transfer (Section 33 of the Act) the right to another person/family. Council will not unreasonably withhold its approval, however, fees for the surrender, formal transfer and recording in Council's register will be at the cost of the holder of the interment right in accordance with Schedule 1 of the Regulations.

- ***Lost Documentation***
  Council may issue a copy/replacement of an interment right certificate upon receipt of a Statutory Declaration by the interment right holder or an authorised person which sets out the circumstances in which the formal documentation was lost.

3.4 Reuse of Interment Sites

In the event of a right of interment not being renewed, Council will take reasonable steps in writing to advise a holder of the right of the impending expiration of the right at least 12 months prior to its expiration. If the holder of the right 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 the legislation.

- **for an ashes interment site:** the holder of the interment right may:
  - instruct the Council to move the interment remains to an unmarked location in the cemetery; or

  - collect the remains for private disposal.

3.5 Disposal of Human Remains

- ***On Private Land***
  Council permits the burial of human remains on private land in accordance with its Burials on Private Land Policy.

- ***Documentation***
  Applications for a right to inter human remains in a Council cemetery must be accompanied by appropriate documentation in accordance with Section 12 of the Act and Regulation 9 of the Regulations. Council cannot allow disposal of human remains without sighting and recording the details of:

  - a certificate of identification for the body, and
  - a partial certificate of cause of death, or
  - a disposal authorisation, or
  - an authorisation to dispose of human remains granted by the Minister or the Registrar under Section 12 of the Act.

  All interments in Council owned/operated cemeteries are to be approved by Council using the appropriate application form. Interments are to be undertaken by the funeral company specified on the Burial Authority. Preparation of the interment site is to be undertaken by Council or a contractor authorised by the Council.

- ***Notice of Interment***
  Funeral Directors are to provide a minimum of five (5) working days' notice that an interment is required for all cemeteries. The Director Roads & Infrastructure (or their representative) or the Chief Executive Officer will assess on a case-by-case basis the outcome for a request where:

  - Less notice is provided; or
  - Exceptional circumstances arise

- ***Register/Records & Plans***
  Under Section 53 of the Act, the Council, as the relevant authority, must maintain and make available to the public, documentation for each cemetery. Copies of the registers and plans of the cemetery are available for inspection by members of the public during normal Council office hours.

- ***Access to an Interment Site***
  A holder of an interment right (including those who have existing Interment Rights) is required to comply with the Act and the approval given by Council, prior to:

  - interment of human remains in a cemetery reopening an interment site containing bodily remains; and

- removing or relocating human remains.

The process of excavating and/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 Roads & Infrastructure department prior to any excavation or other work on the site.

3.6 Memorials within Cemeteries

- ***Headstones or Plaques***
  All headstones, monuments, structures and plaques require Council approval prior to erection within a cemetery. The maximum headstone height permitted will be no greater than one (1) metre high. Applications for headstones exceeding this height will be assessed on a case by case basis and the decision will be at the discretion of the Operations Manager. Unapproved, unsightly or dangerous headstones, monuments, structures and plaques may be removed by the Council. Memorials erected on lawn cemetery allotments shall consist of a headstone only, and not exceed a height of 0.84 metres and a depth of 0.3 metres. Headstones may have a maximum width of 1.2 metres.

  The columbarium at the Tintinara Cemetery (only) is dedicated to marble memorials. Utilisation of this area requires the Interment Right Holder to submit engravement details to the Operations Manager. Once approved, engravements must be made onto the marble memorial provided by Council. Access to this dedicated area is upon payment of a fee in accordance with Council's Fees & Charges Schedule.

- ***Plaques (Columbarium only)***
  To ensure consistency in appearance across plaques, Interment Right Holders must submit a draft to Council's Roads & Infrastructure department for approval, incorporating the following design elements:

  - Size
  - Font
  - Border
  - Material
  - Inscription

- ***Removal of Slabs and/or Monuments***
  Council will not remove slabs (eg. granite/marble) and/or monuments erected as part of a memorial for the interment of additional bodies or cremated remains. Removal arrangements must be made through a nominated stonemason, as approved by the funeral director carrying out the burial. Removal costs of top stones will be the responsibility of the Funeral Director.

- ***Ornaments***
  Flowers, wreaths, ornaments, trinkets and/or tributes may be placed on sites and must not be offensive or discriminatory in nature, nor obstruct neighbouring plot site(s). Council has the right to remove any unattached ornament, trinket or tribute, broken masonry, decayed or broken wreath or dead flowers, cut down or remove any plant on any site within the cemetery grounds that is, in the opinion of Council's Operations Manager, unsightly, offensive or overgrown.

  Where a removed item may, in the opinion of the Council, be of some value to the Interment Right Holder, it will be recorded within the cemetery register and placed in storage for a period of six (6) months from the date of removal. Council will (so

far as the Interment Right Holder can be located by reasonable endeavours) notify the Interment Right Holder of the items removed from the cemetery. If contact is unable to be made between Council and the Interment Right Holder, after the period of six (6) months from the date of removal, items will be disposed of at Council's discretion.

- ***Alcohol Containers***
  Alcohol beverages and/or containers (full or empty) are permitted to be placed on sites within the cemetery grounds, providing they are not unsightly or obstructing neighbouring plot site(s).

- ***Plantings***
  No plantings on memorials or within the cemetery shall take place, without the prior consent of Council.

- ***Lighting***
  Solar powered lights or spikes on individual sites are prohibited.

- ***Ownership & Maintenance of Memorials***
  The ownership of plaques, monuments and other approved structures remains with the interment right holder. In accordance with Section 41 of the Act, a delegate of the Council may issue a notice on the owner of a memorial requiring repairs, removal or reinstatement of the memorial. While Council is not responsible for the upkeep, repair or maintenance of memorials, Council may upgrade, renew or maintain historical or locally significant memorials. Council may remove any structure deemed to be unsightly and in poor condition, consistent with Section 41 of the Act, at the owner's cost.

- ***Power to Dispose of Unclaimed Memorials***
  Council may, after giving notice in accordance with Section 42 of the Act, remove and dispose of unclaimed memorials.

3.7 Community Memorial Sites

- ***Memorial Seats***

Coorong District Council does not generally support Memorial Seats unless the individual has made a significant contribution to the local area. Applications for the installation of a memorial seat may be submitted to the Council in writing, detailing:

- the name of the person(s) to be commemorated
- the proposed inscription / text to be used on the plaque
- the preferred location of the seat area
- a summary of the reasons for commemorating the individual (e.g. outlining their service to the community, achievements) and the contribution they have made within the Coorong District Council area.

The request will be subject to approval by Council at the next available Council meeting. Successful applicants will be responsible for all costs incurred and must liaise with Council regarding seat design and specifications. The seat must be designed in an aesthetically pleasing context and not appear unkempt.

The plaque will be sourced through Council's plaque supplier and be made of bronze. Council reserves the right to approve or amend the proposed inscription to be used and the location of the plaque, in consultation with the applicant.

Personal items are not to be placed at or fixed to the memorial seat.

All reasonable endeavours will be made to maintain and care for the seats by Council, however if the seats or plaques are vandalised or damaged, Council will not take responsibility for the damage. Council may repair or remove the seat if deemed unsafe or irreparable, but any cost associated in the repair or replacement will be the responsibility of the applicant.

Any memorial plaque and/or memorial seat deemed by the Council to be at the end of its useful life will be removed.

Any new memorial plaque placed on a memorial seat after 30 June 2021 will only be permitted for a period of ten (10) years. After this time Council has the right to remove the plaque and/or seat. Council will notify the applicant (so far as they can be located by reasonable endeavours) of the plaque to be removed from the memorial seat and stored by the Council. If contact is unable to be made, after the period of six (6) months from the date of removal, the items will be disposed of at Council's discretion.

Council reserves the right to remove the seat and/or plaque, if the seating is situated in an area to be redeveloped or the site changes significantly in character and the seat/plaque is not deemed suitable for the site.

No new memorial or plaque will be considered which commemorates a person, event or occasion that is already memorialised within the area, unless there are exceptional circumstances.

- ***Temporary Roadside Memorials***

Studies have found that roadside memorials can:

- cause distractions to road users
- cause distress to members of the public
- result in visitors stopping at memorials and potentially creating a traffic hazard, especially on points of the road network which have subsequently been identified as an area of increased risk.
- affect the quality of life of nearby residents and adjoining property owners.

While the Coorong District Council does not endorse the installation of roadside memorials, it understands that these types of memorials are often erected on impulse. It is Council's responsibility to provide a safe and efficient road network for all road users, therefore, any temporary roadside memorial found may have a "notice for removal" placed at the site to inform the responsible person that it will be removed within 60 days from the date of the notice. If it has not been removed within the allocated 60 days, Council may remove the memorial and store for a further period of 30 days. If unclaimed, the items will be disposed of in accordance with the Unclaimed Goods Act (SA) 1987. Roadside memorials placed in a location where there is risk to road safety will be immediately removed by Council (eg. located on, near, attached to, interfere with or obscure):

- traffic islands, medians or roundabouts
- roadside infrastructure or traffic control devices
- design deflection zone of barrier
- traffic signals

- intersections (including T intersections)
- curves
- urban or rural freeways (including freeway ramps)
- edge of road seals
- road signs
- the edge of shared paths.

Council offers a range of alternative memorial options within Council's cemeteries and other locations, with or without the need to inter human remains.

3.8 Documentation

To assist in demonstrating that above processes are fair, transparent, accountable, cost effective and meet community needs, all decisions made, procurement undertaken and other related correspondence in relation to the management of Council cemeteries and memorials will be documented and recorded into Council's Electronic Document Records Management System.

4. Policy Responsibility

The Director Roads & Infrastructure is responsible for ensuring the proper operation of this Policy.

5. Availability/Accessibility

This Policy is available for inspection at Council's offices during normal business hours & Council's website and will be emailed to interested parties on request (please lodge request in writing via email to council@coorong.sa.gov.au).

6. Document History

This Policy shall be reviewed at least every five (5) years or more frequently if legislation or Council requires.

Version	Adopted	Minute No	Description of change(s)
1	17 November 2015	252/12	New policy
2	21 November 2017	230/17	Cyclical review
3	29 June 2021	131/21	Policy title changed Significant review to structure of document plus incorporation of clauses regarding interment rights and community memorial sites.
4	19 April 2022	082/22	Sherlock cemetery listed as an 'open' facility (formerly listed as a closed facility at version 3) following internal investigation.
5	27 January 2026	008/26	Approval process for plaques (Columbarium only) inserted at clause 3.7

6	17 November 2026	351/26	Amendment of clause 3.5 to reflect the disposal of human remains on private land is in accordance with the newly adopted Burials on Private Land Policy.