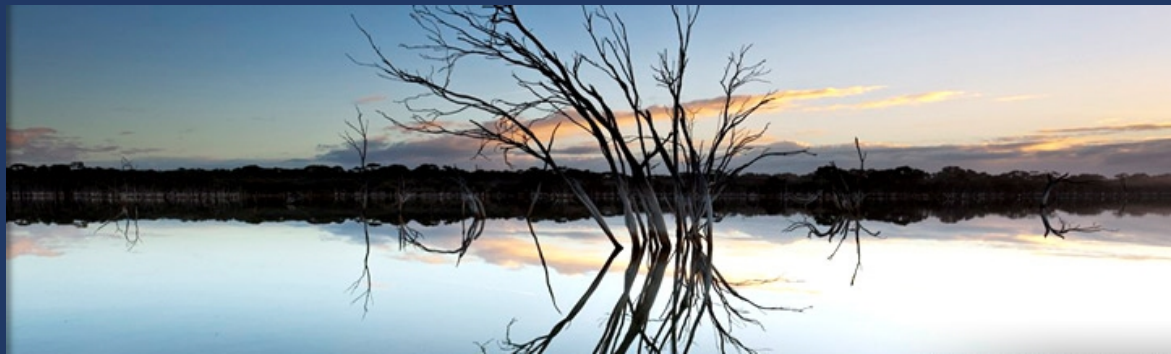




Policy – Cemeteries & Memorials



“Working with our Rural & Coastal Communities”

	PRM-POL-07 – CEMETERIES & MEMORIALS	Version No:	1.1
		Issued:	April 2023
		Next Review:	March 2026

Responsible Department:	Corporate Services
Policy Adopted:	19/04/2023
Minutes Reference:	18.1 – OCM/23/025
Applicable Legislation:	Burial and Cremation Regulations 2014 Burial and Cremation Act 2013 Burial and Cremation Act 2023 No. 5 Births, Death and Marriages Registration Regulations 2011 Planning, Development and Infrastructure Act 2016 Heritage Places Act 1993 Work Health and Safety Act 2012 Work Health and Safety Regulations 2012 Local Government Act 1999
Related Policies/Procedures:	Application for Interment Right Application for Transfer of Interment Right Renewal of Interment Right Interment Right Approval Application for Memorial Burial Application Placement of Cremated Remains Application Application to Inter Bodily Remains of Privat Land
Review Schedule:	Following Council election or legislative change

1. Purpose

This policy outlines the Lower Eyre Council approach to the management and regulation of Council owned and operated cemeteries and natural burial grounds. It has regard to the [Burial and Cremation Act 2013](#) (the Act) and the [Burial & Cremation Regulations 2014](#) which set out the requirements under which Council Cemetery Authorities must carry out the operation and regulation of cemeteries, natural burial grounds and crematoria across the Council area.

Council recognises that these community cemeteries are the resting place of many of the district's pioneers and respected citizens and will efficiently and effectively manage them in a caring and equitable manner to meet the needs of its community.

Existing interment rights issued by Council prior to the implementation of this policy will be honoured by Council and renewal of interment rights will have regard to the original sites which have been allocated.

The cemeteries may be segregated into areas based on religion or ethnicity in accordance with section 23 of [the Act](#). Council will have regard to the customs and specific needs of all those who apply for an interment right.

2. Definitions

Words and phrases used in this policy have the same meaning as they do in the [Burial and Cremation Act 2013](#) and/or [the Burial & Cremation Regulations 2014](#).

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3. Scope

The policy applies to cemeteries, owned and operated by Council in the following areas:

Cemeteries in use:

- Cummins
- Coffin Bay
- Mount Hope
- Lake Wangary
- Coultā

Historical Cemeteries not in use:

- Poonindie
- Edillilie
- Coultā (Sections 252 & 253)
- Yeelanna
- Lake Hamilton

4. Issue of Interment Rights

Each cemetery and natural burial ground is overseen by the administration of Council under the direction of the Chief Executive Officer.

The management of burials and granting of interment rights in Council facilities is vested in the Council and delegated to its administration. The Cummins office of Council coordinates the administration of cemeteries within the Council district and is open weekdays from 9.00am to 5.00pm (excluding public holidays).

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 use the site only for interment of human remains consistent with this Policy and [the Act](#).

Council *will not* grant interment rights in perpetuity. The term of the interment right together with any extended term(s) will not exceed ninety-nine (99) years starting from the initial date of issue.

Interment rights may be issued for the following:

4.1 Grave sites

The site can be used to accommodate the bodily remains of family members and the initial term of the interment right is ten (10) years with renewal rights for additional periods on application by an interment right holder or authorised person. (See section 30 of [the Act](#).)

4.2 Ashes Interment Garden

The initial term of an interment right for cremated remains, in an ashes interment garden is for a period of ten (10) years with renewal rights for additional periods on application of an interment right holder or authorised person. (See section 30 of [the Act](#).)

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5. Renewal or Transfer of Interment Rights

5.1 Renewal

At the end of the interment right period Council may, on application of the interment right holder or an authorised person, renew or extend an interment right on payment of an appropriate fee. (See section 32 of [the Act](#).)

Council will take reasonable steps to give written notice at least twelve (12) months before an interment right is due to expire. If the interment right is not renewed within a 12 month period of notice, should the owner of the interment right not be located the right will be deemed to have expired and Council may grant a new interment right for the site.

5.2 Transfer of Interment Right

A person/family or authorised person holding an interment right for an unused burial site or ashes interment garden may notify Council of intent to transfer (section 33 of [the Act](#).) the interment right to another person. Council will not unreasonably withhold its approval.

The request must be made on the appropriate application form.

5.3 Surrender of Interment Right

A person/family or authorised person holding an interment right for an unused burial site or memorial wall/niche may notify Council of intent to surrender (section 34 of [the Act](#).) the interment right to Council. However, administrative costs for the formal surrender and recording in Council's register will be at the cost of the holder of the interment right.

5.4 Lost documentation

Council may issue a replacement (copy) of an interment right 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.

6. Burials

6.1 Length of Burial

Burial approvals shall be granted for a period of ninety-nine (99) years. At the end of the burial period, Council may, on application from an authorised person renew or extend a burial approval on payment of appropriate fee.

Council will take reasonable steps to give written notice at least twelve (12) months before a burial right is due to expire. If the burial right is not renewed within a 12 month period of notice, then the burial right is deemed to have lapsed and Council is entitled to grant a new burial right for the site.

6.2 Burial Hours

Standard burial hours are between 9.00am and 3.00pm Monday to Friday (excluding public holidays). By arrangement Saturdays, Sundays and Public Holidays (except Good Friday, Anzac Day and Christmas Day) may be available at an additional cost.

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6. Burial's

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6.3 Burial Requirements

No interment will take place in the cemetery unless a burial approval has been issued by Council.

A burial approval may be issued subject to the following:

- An application for burial is made at the office of the Council;
- Council receives at least three business days notice of the request for interment; and
- All fees are paid to Council.

6.4 Depths of Coffins

Coffins must be interred in accordance with the following guidelines:

- A minimum 1 metre below the surface of the ground as required by the Regulations;
- The maximum depth for each cemetery is:
 - Cummins: 2.15 metres
 - Mount Hope: 2.15 metres
 - Coultas: 1.82 metres (single depth only)
 - Lake Wangary: 2.15 metres
 - Coffin Bay: 2.15 metres
- All graves will be covered as soon as practicable on the same day as the interment.

7. Interment of Cremated Remains

7.1 Length of Interment

Burial approvals shall be granted for a period of ninety-nine (99) years. At the end of the burial period, Council may, on application from an authorised person renew or extend a burial approval on payment of appropriate fee.

Council will take reasonable steps to give written notice at least twelve (12) months before a burial right is due to expire. If the burial right is not renewed within a 12 month period of notice, then the burial right is deemed to have lapsed and Council is entitled to grant a new burial right for the site.

7.2 Burial Hours

Standard burial hours are between 9.00am and 3.00pm Monday to Friday (excluding public holidays). By arrangement Saturdays, Sundays and Public Holidays (except Good Friday, Anzac Day and Christmas Day) may be available at an additional cost.

7.3 Burial Requirements

No interment of Cremated Remains will take place in the cemetery unless a burial approval has been issued by Council.

A burial approval may be issued subject to the following:

- An application for burial is made at the office of the Council;
- Council receives at least three business days notice of the request for an interment ; and
- All fees are paid to Council.

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7. Interment of Cremated Remains

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7.4 Depth of Urn

Urns must be interred at least:

- 20cms below the surface of the ground or the minimum depth as required by the Regulations.
- Double depth interment of urns will not be permitted.

8. Reuse of Burial sites

In the event that a Burial Right is not renewed, Council will take reasonable steps, to give written notice at least twelve (12) months prior to an authorised person, of the impending expiration. If an authorised person does not renew the Burial Right by the expiration date the following will apply:

- Burial site
 - the interment site is deemed to have expired and Council has the right to reuse the site in accordance with the legislation
- Ashes interment site:
 - the holder of the interment right may:
 - a) instruct the Council to move the interment remains to an unmarked location in the cemetery, or
 - b) collect the remains for private disposal
 - If the ashes are not removed Council may, after undertaking all reasonable enquiries to find the interment right holder or nearest akin, reuse the site in accordance with the legislation.

9. Disposal of Human Remains

9.1 Outside of a Cemetery

Whilst applications may be received, the Council does not encourage the burial of human remains on privately held rural land, and takes no responsibility for the protection of such burial sites.

Council will keep a record of burials on private land where GPS coordinates are notified to Council.

All applications will be assessed on a case by case basis by Council.

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9. Disposal of Human Remains

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9.2 Documentation

All applications for a right to inter bodily remains in a Council cemetery or private burial ground must be accompanied by appropriate documentation in accordance with section 12 of [the Act](#) and Regulation 9. Council cannot allow disposal of human remains without seeing (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 or natural burial grounds are to be approved by Council. Interments are to be undertaken by the funeral company specified on the Burial Authorisation. Preparation of the interment site is to be undertaken by Council or a contractor authorised by the Council.

9.3 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 or natural burial ground.

Copies of the registers and plans of each site are available for inspection by members of the public at the Cummins office of Council during business hours.

9.4 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
- 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 Administration prior to any excavation or other work on the site.

The re-opening of an interment site must be undertaken in accordance with the relevant regulations.

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10. Memorials

10.1 Headstones

Council must approve the design, workmanship and proposed inscription of all monuments before any work is carried out. Council may refuse any design for a monument as it may determine.

The application must include exact measurements, inscription, illustrations and a scale image of the proposed Memorial and its surrounds. Council does not permit illustrations on the back of a memorial.

Council does permit surnames on the back of a memorial however, script on the back of a headstone shall not exceed 40mm in height.

10.2 Plaques

Plaques for the ashes garden are to be arranged and purchased through the Council. Headstones or plaques will not exceed the dimensions below unless specifically approved by the Council's Cemetery Curator:

- Memorial for Standard (single) site: L:2740mm X W:1350mm X H:1200mm (from Ground level)
- Memorial for double site: L:2740mm X W:2700mm X H:1200mm (from ground level)
- Plot Size for Standard (single) 2740mm (Length) X 1350mm (Width)
- Plot Size for Side by Side 2740mm (Length) X 2700mm (Width)
- Plaque: Width 127mm x Height 152mm per site (Cummins, Wangary, Mount Hope & Coult)
- Plaque: Width: 203mm x Height: 178mm (Coffin Bay)

If a larger plaque or headstone size is required, application may be made to Council for approval. Council may issue approval, subject to specific conditions.

10.2 Installation of headstones or plaques

Only Council staff, a contractor approved by Council or an approved Monumental Mason on the Monumental Masons Association of South Australia Inc., list shall install a headstone or plaque.

10.3 Monumental Masons

All monuments must be constructed, altered and installed by a Monumental Mason who is either registered with the Monumental Masons Association of South Australia Inc., or, a registered approved contractor of Council to undertake such work.

A Monumental Mason must provide Council with proof of a current State-wide Cemetery Operating Licence prior to commencement of any work.

10.4 Ornaments

Flowers and wreaths may be placed on sites however must be secured to prevent them blowing away from the site.

Ornaments, vases, breakables or personal items are not permitted on any site.

Aged flowers and wreaths may be removed from sites, if Council forms the opinion that the items have deteriorated to the extent that they are unsightly.

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10. Memorials

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10.5 Alcohol Containers

Alcohol beverages and/or containers (full or empty) are not permitted to be placed on sites within the cemetery grounds.

10.6 Lighting

Solar powered lights or spikes on individual sites are prohibited.

10.7 Ownership and maintenance of memorials

The ownership of plaques, monuments and other approved structures remains with the Interment right holder. The Council is not responsible for the upkeep, repair or maintenance of any memorial.

In accordance with section 41 of [the Act](#), the Council may issue a notice on the owner of a memorial requiring repairs, removal or reinstatement of the memorial. Only licensed Monumental Masons may remove monuments from the Cemetery following the formal application by the owner and subsequent approval by the Council.

Council may act to remove any structure that it deems to be unsightly, in poor condition or dilapidated or repair it consistent with section 41 of [the Act](#) at the owner's cost.

10.8 Power to dispose of unclaimed memorials

If two (2) years or more have elapsed since an interment site in a cemetery or natural burial ground has expired, Council may, after giving notice in accordance with section 42 of [the Act](#), remove and dispose of the memorial. Council may recover as a debt the expense of removal or alteration of a monument from the person who erected the monument.

11. Service fees and charges

Council's cemetery fees and charges will be included in the Council's Schedule of Fees and Charges which will be reviewed, on an annual basis and available on Council's website or for viewing at the offices of Council.

12. Neglected cemeteries and natural burial grounds

If Council is of the opinion that a cemetery 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. 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 or Interment right holder. (See section 46 of [the Act](#).)

The Authority to which the notice is issued can apply to the District Court for a review of the decision.

13. Authorised Officers

Council may appoint authorised officers to ensure administration and enforcement of section 59 of [the Act](#).

The Chief Executive Officer may vary, add or rescind any of his or her delegation powers and responsibilities to an employee of Council as the Chief Executive Officer may determine.

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14. Further information

This policy and the Register of Cemeteries and Natural Burial Grounds will be available for inspection at the Council offices listed below during ordinary business hours.

Cummins Office
32 Railway Terrace
Cummins SA 5631
Telephone: 86760400

The policy is available to be downloaded, free of charge, from Council's website:
www.lowereyrepeninsula.sa.gov.au

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

DOCUMENT HISTORY		
Version:	Issue Date:	Description of Change:
1.0	February 2020	Adopted by Council
1.1	19/04/2023	Reviewed. Addition to allow Approved Contractors to work within cemeteries.