DISTRICT COUNCIL OF Streaky Bay
29 Alfred Terrace, Streaky Bay SA 5680
T: (08) 8626 1001 **E:** dcstreaky@streakybay.sa.gov.au

CEMETERY OPERATING POLICY

Policy No: **DCSB-PM-16.03**	Approved on: **15 April 2025**	Administered by: **General Manager of Business**
Last Reviewed: **12 July 2022**	Review Date **July 2027**	Record No: **448945**

Classification:

Property Management

Strategic Plan link:
A Healthy Natural Environment and an Attractive Built Environment

References and related Policies, Procedures and Forms:
Local Government Act 1999
Aboriginal Heritage Act 1988
Births, Deaths and Marriages registration Act 1996
Burial and Cremation Act 2013
Burial and Cremation Regulations 2014
Coroners Act 2003
Health Care Act 2008
DCSB 16 Form 05 Transfer of an Interment Right
DCSB 16 Form 06 Interment Right Certificate
DCSB 16 Form 07 Application for Interment Right
DSCB 16 Form 09 Application for interment Authorisation
DCSB 16 Form 13 Cemetery booking Request
Council's Interment Right, Interment and memorial Registers
Schedule of Fees and Charges

Contents

1. Introduction....3
2. Objectives....3
3. Scope....3
4. Definitions....3
5. Policy Statement....4
6. Records....8
7. Further Information and Policy Availability....8
8. Document History....8

1. Introduction

The purpose of this policy is to provide clear guidelines surrounding the management and requirements of Council's cemeteries.

2. Objectives

The District Council of Streaky Bay acknowledges its responsibility as the Cemetery Authority for the cemeteries within its District and the requirements of the *Burial and Cremation Act 2013 and the Burial and Cemeteries Regulations 2014.* Council will endeavour to ensure its administrative practices comply with current legislation and within the best interests of the community.

3. Scope

This Policy applies to all cemeteries under the authority of the District Council of Streaky Bay.

4. Definitions

Authorised Officer:

a) a police officer; or
b) a person appointed by the Minister or a Council as an Authorised Officer under the *Burial and Cremation Act 2013* Act;

Cemetery: a place set apart for the disposal and memorialisation of human remains, does not include:
a) a place at which cremated remains are scattered but it not otherwise used for the disposal of human remains; or
b) an Aboriginal site as defined in the *Aboriginal Heritage Act 1988*; or
c) a natural burial ground; or
d) a place which consists of a single interment site where only:
   i. the remains of 1 deceased person; or
   ii. the remains of 2 or more members of the same family, are or are intended to be, interred;

Cemetery Authority: the person or body for the time being responsible for the administration of a cemetery;

Certificate as to Cause of Death: a certificate as to the cause of the death of a person given under the *Births, Deaths and Marriages Registrations Act 1996 and the Coroners Act 2003*, as the case may be;

Council: The District Council of Streaky Bay

Designated Minister: the Minister for the time being responsible for the administration of the *Health Care Act 2008*;

Disposal of human remains means;

a) cremation of bodily remains; or
b) burial of bodily remains (including burial at sea); or
c) placement of bodily or cremated remains in a mausoleum, vault, columbarium or other structure;

Exhumation of human remains includes the removal of bodily remains from a mausoleum, underground, vault or other structure;

Funeral director: a person who carries on the business of arranging for the disposal of human remains;

Human Remains: bodily remains and includes:
a) the remains of a still-born child; and
b) bodily remains after they have been cremated;

Interment of human remains means:

a) the placement of human remains in a mausoleum, vault, columbarium or other structure designed for the placement of such remains; or
b) the burial in the earth of human remains (directly in the earth or in a container);

Interment Right: means an interment right issued under the *Burial and Cremation Act 2013* by the relevant authority for a cemetery or natural burial ground;

Interment Site:

a) a mausoleum, vault, columbarium or other structure in which human remains are interred; or
b) a site in which human remains are buried;

Mausoleum: means an above-ground structure erected and designed as a resting place for remains without burial of the remains in the earth, but does not include a structure designed as a resting place exclusively for cremated remains;

Memorial:

a) a gravestone, plaque, cenotaph or other monument; or
b) any other structure or permanent physical object used to memorialise a deceased person;

Natural Burial of human remains means burial in the ground:

a) without preparation of the remains using chemical preservatives; and
b) by containment of the remains only in a shroud or biodegradable coffin;

Registrar:

a) the Registrar of Births, Deaths and Marriages; or
b) a Deputy Registrar of Births, Deaths and Marriages, under the *Births, Deaths and Marriages Registration Act 1996;*

Underground Vault Chamber: a walk in structure:

a) that is designed for the interment of human remains; and
b) that is designed to hold 1 or more vaults for the interment of non-cremated human remains; and
c) in which each vault (excluding any memorial attached to the vault) is wholly below the surface of the ground,

but does not include a structure that is designed for the interment exclusively of cremated remains

5. Policy Statement

5.1 Interment Rights

Council shall maintain an Interment Right Register in accordance with the *Burial and Cremation Act 2013* and the *Burial and Cremations Regulations 2014.*

Interment Right applications will be considered differently for non-council rate payers or residents to that for residents of the Council.

A rate payer / resident is defined as a person:

- who has, at any time, resided in the Council District for a minimum period of one (1) year; or
- who has purchased an interment right whilst a resident of the Council District; or
- is as registered property owner within the Council District.

Applicants who do not meet these criteria will not be allowed to lease more than four (4) sites.

Plots for in ground burials shall be lease for a period of ninety-nine (99) years. Niches in Columbarium's (ashes) shall be leased for a period of fifty (50) years.

Maintenance associated with an interment right site is the responsibility of the interment right holder from the date the interment right is signed. Responsibility for the site, monument and plaques will remain the responsibility of the interment right holder until the expiration or termination of the interment right.

Following a two (2) year period after the expiration of an interment right, Council may write to the interment right holder or relatives of the family members (if the interment right holder cannot be contacted) asking them to extend the interment right period or remove the memorial / headstone.

5.2 Plot Types and Locations

Interment Rights are available for:

- In Ground Burials – includes natural burials; and
- Wall Columbarium's.

A list of Cemetery Locations can be found at (Appendix 1).

5.3 Fees

Fees associated with Cemeteries shall be set annually in conjunction with Council's budget and are available in Council's Schedule of Fees and Charges on Council's website www.streakybay.sa.gov.au

5.4 Interments

Council shall maintain an Interment Register in accordance with the *Burial and Cremation Act 2013* and the *Burial and Cremations Regulations 2014.*

Council must received a completed interment authorisation form and cemetery booking form before an interment can occur within a cemetery. Interments required outside of Monday to Friday, will be subject to contractor availability.

5.4.1 Interment of Bodily remains

Will only occur under the direction of a funeral director in accordance with the relevant Acts and regulations.

Council shall engage a suitable qualified contractor to prepare graves.

In the interests of every ones safety and legislative compliance members of the public, including relatives of the deceased are not permitted to dig / prepare graves.

Prepared graves shall be covered by suitable materials to prevent persons deliberately or accidentally entering graves.

Where indicated to Council by the Interment right Holder a Temporary Grave marker will be supplied by Council.

5.4.2 Interment of Cremated remains

Cremated remains may only be placed in a grave site or columbarium by a Council Contractor or funeral director.

5.5 Removal & Reinstatement of Ledgers & Monuments

Removal and reinstatement of headstones and marble, granite or other types of ledgers are to be done by an approved Council Contractor.

All grave ornaments (e.g. flowers, urns, vases etc) are to be removed a minimum of forty eight (48) hours prior to the commencement time of the funeral to permit digging of the grave.

5.7 Prohibition on the Use of Glass Receptacles

In the interest of public health and safety glass receptacles are not permitted to be used in Council cemeteries. The use of plastic receptacles for flowers is encouraged. A weather resistant note will be left at any site where a glass receptacle is removed informing visitors to the site of why it has been removed and the requirement to use plastic alternatives together with details on where and when they can recover the original item (where it has some economic or possible sentimental value) from the Council.

5.8 Transportation of human remains

A person must not transport non cremated human remains within a Council cemetery unless the remains are contained in a coffin or other approved rigid container. Where the remains are being transported on a rigid base they must be contained in a shroud or other securing wrapping where no offensive odours, gases or liquids can escape.

5.9 Cemetery grounds

- no person / organisation / company will conduct any filming of any nature within a Council cemetery where that filming is not part of a service unless Council permission is sought.

- Business use of the cemetery grounds must be in compliance with Section 200 of the *Local Government Act, 1999* and any associated Policy

- no person, except a person authorised by Council may landscape or change the landscaping of any portion of a Council cemetery;

- all plants and trees in Council cemeteries remain the property of Council;

- Council may alter any landscaping within a cemetery as it sees fit;

- speed limits within Council cemeteries shall be indicated by appropriate signage posted at the entrance to each site;

- no person shall drive or park any form of vehicle within a cemetery in a dangerous or careless manner or without reasonable consideration to others;

- any person while in charge of a motor vehicle within a cemetery must comply with any lawful directions of the Council as to driving or parking vehicles on the site;

- all vehicles must remain on and only use designated roadways;

- a person must not remove, damage, deface or interfere with;

    - any building, memorial, fixture or structure in a cemetery;
    - any part of the grounds of a cemetery, including a tree, shrub, plant, flowers or lawn, or a stake or label on or near any such thing;
    - a person, within the cemetery grounds, is not permitted to:
        - sell or buy anything unless authorised by Council;
        - carry on any business or advertise the same unless authorised by Council;
        - organise or take part in a meeting without being authorised by Council;
        - disturb a funeral service, cause a nuisance or breach of the peace;
        - discharged a firearm (except military service); or
        - consume excessive alcohol.

Council may:

- remove from an interment site in the cemetery any unattached ornament, empty flower container, broken masonry, decayed or broken wreath or dead flowers; and
- prune, cut down or remove any plant on an interment site in the cemetery that is, in the opinion of Council, unsightly, overgrown or poses a risk to health and safety.

Where Council has a reason to suspect that a person has committed, is committing or is about to commit an offence in the cemetery Council shall request that person to leave the cemetery.

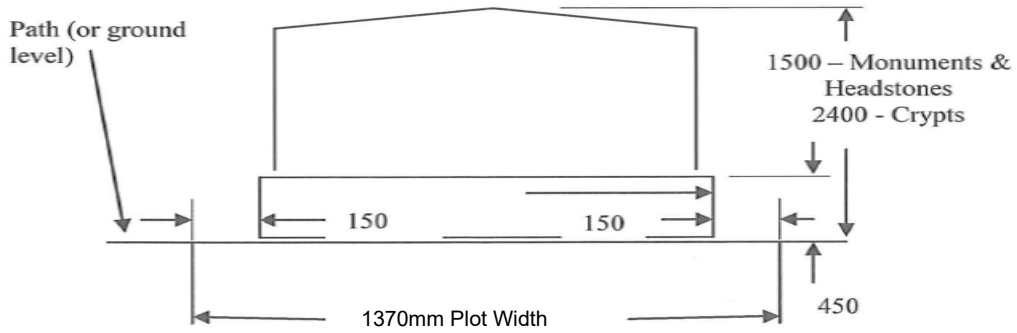
All visitors, contractors or other persons in a Council cemetery are subject to the direction of Council employees. Children under the age of twelve (12) years must be accompanied by an adult and always remain under the control of an adult.

5.10 Control of Animals

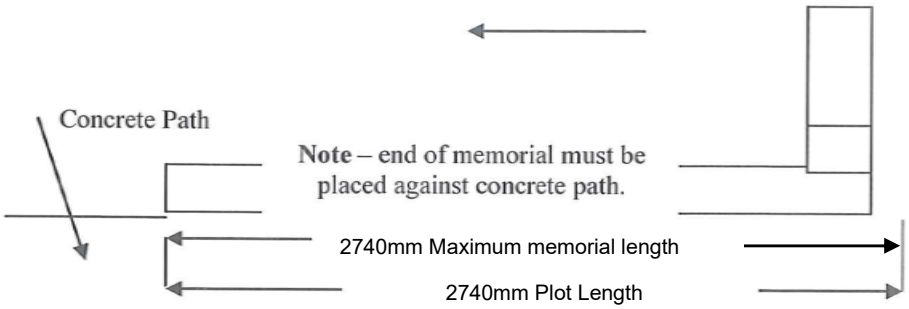
All dogs within a cemetery must be kept on a leash of no more than two (2) metres in length and held by a person capable of controlling the dog and preventing it from becoming a nuisance or danger to others. It is the dog owners responsibility to collect dog faeces and dispose of them off site.

5.11 Memorials / Headstones

Monuments, memorial masonry and headstones for in ground burial plots must not exceed the dimensions detailed below.



Standard Dimensions of Memorial Masonry
(All dimensions in mm. Not to scale)



All memorials must be approved by the Cemetery Authority.

North Western, Northern and Southern Section

All monuments in the north western, northern and southern section are to be facing the East.

Eastern Section – new section

In the Eastern Section, headstones must be positioned against the cement plinth. Cutting of the cement plinth is not permitted. Headstones will face either east or west, depending on the row, and must conform to the specified dimensions for back-to-back gravesites.

5.12 Opening of Interment Sites – Double Depth gravesites.

Where the re-interment or opening of an interment site is for the purpose of the provision of an additional burial this will be conducted in accordance with relevant legislation;

The ability to undertake a double depth grave, will be subject to site conditions

5.13 Lift and Deepen

Lift and deepens will only be used where Council exercise their right to issue new interment rights over expired rights.

5.14 Exhumation

Where an exhumation is being conducted this must be authorised with written approval of the Attorney-General. Council will pass all costs incurred on to the parties involved.

5.13 Cemetery security

All Council cemeteries will remain open to pedestrian access. Where vehicle access is available this access will remain secure and may only be opened following a Cemetery Booking request being submitted to Council.

6. Records

All documents relating to this Policy will be registered in Council's Record Management System and remain confidential where identified.

7. Further Information and Policy Availability

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 internet site: www.streakybay.sa.gov.au.

District Council of Streaky Bay
29 Alfred Tce
Streaky Bay SA 5680

Copies will be provided to interested parties upon request. Email dcstreaky@streakybay.sa.gov.au

8. Document History

Version No:	Description of Change:	Date Endorsed
1.1	Full Review	January 2015
1.2	Full Review	19 May 2016
1.3	• References, Related Policies and Forms were updated to current versions. • Weekend interments clause included – subject to Contractor availability. • Responsibility for lifting and replacing monument was assigned to the Funeral Director, the Council Contractor has been doing this. • Business Clause was included – subject to Section 200 of the *Local Government Act, 1999* • Monument Sizing was amended to reflect our grave sizes - 1370 mm x 2740 mm	July 2022

	• A double depth clause was amended to reflect work practices relating to safety. • Appendix 1 & 2 – were referenced in the Policy – but previously not included.	
1.4	• Additional clause in monuments relating to the Eastern Section, to include back to back headstones, and compliance around the building of headstones. • Responsibility of maintenance of monuments and plaques	15 April 2025 139/25

APPENDIX 1 – CEMETERY LOCATIONS –CARE AND CONTROL BY COUNCIL

Cemetery	Valuation	Location	Legal Description
Conglima	7834856018	Cemetery Road, Mt Cooper	Lot 200, CT5998/709,
Calca	7834954005	Bairds Bay Road, Wrenfordsley	Section 145, CT617/108
Capeitha	7834119001	Cotton Road, Capeitha	Section 105, CR5755/900
Carawa	7834212001	Miltaburra Road, Carawa	Sect 48, CT 5776/860
Chandada	7834060001	Government Road, Chandada	Section 89, CR5267/141
Poochera	7834315000	Francey Road, Poochera	Section 74, 75, CT5763/310
Streaky Bay	7830750005	Yanerbie Road, Streaky Bay	Lot 202, CT5424/274
Streaky Bay	7830751008	Yanerbie Road, Streaky Bay	Sec 386, CT5843/26
Wirrulla	7834851006	Eyre Highway, Wirrulla	Sec 94, CR5755/898

APPENDIX 2 – CEMETERY LOCATIONS – CARE AND CONTROL BY OTHERS

Cemetery	Valuation	Legal Description	Responsibility
Cungena	7834116001	Sec 102, CR 5763/296	Minister for Sustainability, Environment & Conservation
Cungena	7834117004	Sec 103, CR5763/297	Minister for Sustainability, Environment & Conservation
Piednippie	7834339002	Sec 42, CT5660/94	Catholic Church