

THE BAROSSA COUNCIL CEMETERY MANAGEMENT POLICY



1 Purpose

- 1.1 To outline The Barossa Council's objectives with respect to Council owned and operated cemeteries, in accordance with the Burial and Cremation Act 2013 (the "Act") and Burial and Cremation Regulations 2014 (the "Regulations").
- 1.2 Council recognises that these community cemeteries are the resting place of many of the districts past pioneers and respected citizens and is committed to the efficient and effective management of these cemeteries in a caring and equitable manner in line with community expectations.

2 Scope

- 2.1 This policy applies to operational cemeteries under the care and control of Council;
 - Nuriootpa – 20 Vine Street, Nuriootpa SA 5355
 - Angaston* - 302 Angaston Road, Angaston SA 5355
 - Williamstown* - 21 Church Street, Williamstown SA 5351
 - Lyndoch* - 26-28 King Street, Lyndoch SA 5351
 - Mount Pleasant* - 30 Herriot Road, Mount Pleasant SA 5235
 - Mount Crawford* - 393 Mount Road Mount Crawford SA 5351
 - Eden Valley – 119 Rushlea Road, Eden Valley SA 5235

*Denotes a cemetery listed on the South Australian Heritage Register - meaning the care, maintenance and development of the cemetery is subject to the requirements of the *Heritage Places Act 1993*.

3 Policy Statement

- 3.1 The management of interments and the granting of Interment Rights in Council's cemeteries is vested in the Council and delegated to its administration.
- 3.2 Council will maintain a plan of each cemetery that shows:
 - Each site at which human remains are interred;
 - Each site set aside for the interment of human remains; and
 - The number allocated to, or a description of, each site.
- 3.3 Existing Interment Rights (previously called lease) issued by Council prior to the development of this policy will be honoured by Council.
- 3.4 The cemeteries will not be segregated into areas based on religion or ethnicity. Council will have regard to the customs and specific needs of all those who apply for an Interment Right.
- 3.5 Cemetery Service Fees and Charges are set annually for all services provided at cemeteries as part of Council's budget process and published in Council's current Fees and Charges Register, available on Council's website.

3.6 Hours of Operation

- 3.6.1 All Council cemeteries are open to the public 24 hours a day, 7 days a week.
- 3.6.2 The hours for interment are Monday to Friday between 9.00 am and 4.00 pm.

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- 3.6.3 An interment outside of these hours may be available on application and by special arrangement only and will incur additional fees as per Council's current Fees and Charges Register, available on Council's website.
- 3.6.4 Weekend and Public holiday interments may be available on application and by special arrangement only and will incur additional fees as per Council's current Fees and Charges Register, available on Council's website.
- 3.6.5 There will be no interments on Christmas Day or Good Friday.

3.7 Visiting a Cemetery

- 3.7.1 A person must not remove, damage, deface or interfere with;
- Any building, memorial, other fixture or structure in a cemetery; or
 - Any part of the cemetery grounds including a tree, shrub, plant/flower or lawn.
- 3.7.2 A person whilst within the cemetery grounds is not permitted to;
- Disturb a funeral service, cause a nuisance or breach the peace; or
 - Discharge a firearm (except where approved at an armed services funeral); or
 - Consume alcohol, other than as part of a funeral service as authorised by Council; or
 - Deposit refuse, except in receptacles provided for the purpose.
- 3.7.3 No dogs shall be within cemetery grounds other than those held upon a leash.

3.8 Maintenance

- 3.8.1 Council will maintain the area of the cemetery, including grassed areas, pathways, roadways, drains, plants, fencing and structures and may remove or reposition any item that impedes the maintenance of the cemetery.
- 3.8.2 Any work undertaken by Council volunteers within a cemetery must be done in accordance with Council's *Volunteer Management Policy* (19/70725*).
- 3.8.3 For the safety and security of the general public, workers and the environment, no landscaping or maintenance of cemetery grounds, niche walls or memorial sites is permitted to be carried out by members of the public.
- 3.8.4 Over time, floral tributes and memorabilia will wither, weather and deteriorate affecting their presentation. Interment Right Holders are encouraged to remove these items before they become unsightly.
- 3.8.5 Council may prune, cut down or remove any plant, unattached ornament/memorabilia, empty flower container, broken masonry, decayed or broken wreath or dead floral tribute that is, in the opinion of Council, unsightly.
- 3.8.6 In the event that the surface of any interment site in the cemetery sinks below the level of the natural surface of the ground, Council may cause the site to be filled up to that level.

3.9 Issue of Interment Rights (previously called Lease)

- 3.9.1 An Interment Right gives the Interment Right Holder the exclusive right to bury or inter human remains in the allotted site. The Interment Right Holder must use the site only for the interment of human remains, consistent with this Policy, the Act and Regulations.

- 3.9.2 Interment sites will be allocated by Council. Council will assess requests to allocate a specific site giving consideration to operational requirements and will not unreasonably withhold approval.
- 3.9.3 The term of an Interment Right commences at the date of issue, not the date of the first interment. Council will not grant Interment Rights in perpetuity, the exception being within the Veterans' Section of the Nuriootpa Cemetery.
- 3.9.4 Council reserves the right
- To refuse any application for an Interment Right or renewal;
 - To limit the number of Interment Rights issued to any person or entity;
 - To not permit a site to be used for burial or the placement of cremated remains; and
 - To permit the capacity of a burial site to be changed.
- 3.9.5 Council has the right to re-use an Interment site in accordance with the Act.
- 3.9.6 Interment Rights may be issued for the following:

In all adult sized grave sites there may be a maximum of three (3) burials and a maximum of 10 (ten) cremated remains interred.

In all children sized grave sites there may be a maximum of one (1) child aged under 10 years burial and a maximum of 2 (two) cremated remains interred, being the parents of the deceased child. Upon application, consideration will be given regarding the placement of ashes of any siblings of the deceased child.

(i) Grave sites for a multiple depth system of burial.

The term of the Interment Right is for a period of **50** years with renewal rights for a further period on the application of an Interment Right Holder or authorised person and payment of the current fee.

A burial site can be used for an adult, child or infant burial or placement of ashes up to the permitted maximum.

(ii) Children's Section Grave sites for a single depth system of burial.

The term of Interment Right is for a period of **60** years with renewal rights for a further period on the application of an Interment Right Holder or authorised person and payment of the current fee.

A Children's Section burial site can be used for the burial of a single infant or single child under the age of 10 years and the placement of ashes of the parents of the child.

Currently only Angaston and Nuriootpa cemeteries have a designated Children's Section.

(iii) Veterans' Section

The designated Veterans' Section in the Nuriootpa Cemetery has provision for the burial of, and placement of cremated remains, of deceased Barossa veterans who meet the definition of veteran as stipulated by the Australian Veteran's Recognition (Putting Veterans and their Families First) Act 2019 and their life partner. Proof of eligibility will be required.

Council administration will issue an Interment Right in perpetuity for a site in the designated Veterans' Section but will not charge an Interment Right fee.

(iv) Memory Gardens, Memorial Rose Garden or Niche Walls

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The term of Interment Right is for a period of **50** years with renewal rights for a further period on the application of an Interment Right Holder or authorised person and payment of the current fee.

(v) Scattering of ashes

Requests for scattering of ashes of deceased persons (or animals) in a Cemetery or on Community Land will not be approved.

Refer to Council's *Memorials on Council Land Policy* (19/31010*)

(vi) Burial on Private Rural Land

In accordance with the Act, Council will receive application and may grant permission for a burial on private land outside "metropolitan Adelaide" and outside the boundary of a township.

(vii) Natural Burials

While there is no dedicated natural burial site in any of the Council cemeteries, natural burials can be carried out in all Barossa Council cemeteries. The installation of a headstone or memorial is at the discretion of the Interment Right Holder.

3.10 Renewal or Transfer of Interment Rights (previously called Lease)

3.10.1 Renewal of Interment Right

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 the current fee.

3.10.2 Surrender of an Interment Right

The Holder of an unexercised Interment Right may surrender the Interment Right to Council as per the Act.

3.10.3 Transfer of Interment Rights

An Interment Right Holder for an interment site (occupied or vacant) may make application to seek approval of Council to transfer the interment right to another person.

The transfer of a current Interment Right held in an Estate, must be actioned to a living person prior to any burial or placement of ashes being approved.

Council will not unreasonably withhold its approval to transfer an Interment Right. However, an administrative fee may be charged as per the current Fees and Charges Register, available on Council's website.

3.11 Interment of Human Remains

3.11.1 All burials in Council cemeteries are to be requested by the Funeral Director, approved by Council administration, and recorded in the Council's Customer Request Management System.

3.11.2 Funeral Directors are to provide a minimum of two (2) working days' notice that an interment is required. Where less notice is provided, Council staff may advise that the proposed interment cannot be accommodated.

3.11.3 Requests for the interment of cremated remains will be accepted from Funeral Directors or Interment Right Holders, approved by Council administration, and recorded in the Council's Customer Request Management System.

3.11.4 Funeral Directors or Interment Right Holders are to provide a minimum of five (5) working days' notice that a placement of ashes is required. Should a memorial

plaque be required it is recommended to make application three (3) months in advance of the proposed interment date.

- 3.11.5 Burials must be carried out by the Funeral Director as specified in the Customer Request.
- 3.11.6 Placement of cremated remains within an existing grave site only, may be carried out by the Funeral Director, Interment Right Holder or Council employee as specified in the Customer Request. All other placement of ashes will be carried out by a Council employee.
- 3.11.7 Funeral Directors are responsible for providing the equipment and staff to undertake the burial of bodily remains. It is expected that the persons involved will be trained and competent to a level where they can undertake all necessary arrangements and foreseeable occurrences associated with the regulation of a burial service. Funeral Directors must hold the appropriate level of public liability insurance and provide proof of currency if requested by Council.
- 3.11.8 All requests to bury bodily remains in a Council cemetery must be accompanied by appropriate documentation in accordance with the Act and Regulations.
- 3.11.9 Council cannot allow the burial of bodily 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 the Act.

3.12 Cemetery Records

- 3.12.1 Under the Act, Council, as the "relevant authority" must maintain and make available to the public documentation for each cemetery.
- 3.12.2 Council maintains a register of interments in the cemeteries to the best available knowledge and records.
- 3.12.3 Cemetery records are available for inspection by the public on request at the Principal Council office during Council office hours, and at all times online via the Council website - www.barossa.sa.gov.au

3.13 Access to an Interment Site

- 3.13.1 The opening and closing of a burial site must be undertaken by a Council employee or a Contractor employed by the Council.
- 3.13.2 The allocation of a burial site must be confirmed with the Funeral Director or Monumental Mason by Council's administration, prior to any excavation or other work on the site being approved.
- 3.13.3 Council will not remove or replace top stones/ledgers/granite slabs erected as part of a memorial to accommodate additional interments or memorial works. The Funeral Director or Monumental Mason is to make arrangements, and the associated cost will be the responsibility of the Funeral Director or Monumental Mason.
- 3.13.4 Interment will not be permitted if the term of an Interment Right has expired.

Council will not unreasonably withhold its approval to renew an expired Interment Right, however, depending on location, a site inspection may be

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required to determine safe machinery access. Should it be determined by Council that safe access is not available an alternative site will be allocated by Council in consultation with the Interment Right Holder.

Fees will be as per the current Fees and Charges; however, an additional administrative fee may be charged as per the current Fees and Charges Register, available on Council's website.

- 3.13.5 Council reserves the right to erect or install a temporary access at any time on or across any interment site, for equipment and material as necessary for interment on adjoining sites or for other operational purposes.

3.14 Memorial (Headstone – Monument – Bronze plaque)

- 3.14.1 No new or additional memorial works shall be commenced on any interment site unless the Interment Right for the site is current, in the name of a living person and a Memorial Application has been submitted to and approved by Council administration.

- 3.14.2 Council will accept applications for memorial works on an expired historical site without the financial renewal of the Interment Right provided the Interment Right is in the name of a living person. Should the site be requested for an interment at a future date the payment of the current fee will apply.

- 3.14.3 New memorials should reflect the existing character of the area in which they will be located and be in a similar form and dimension to those adjacent or close by.

- 3.14.4 Applications to use a service badge on a private memorial within the general or Veteran's Section are to be accompanied by approval to use insignia from Department of Veteran's Affairs through the Office of Australian War Graves.

- 3.14.5 Only a Council employee or a licensed and qualified Contractor approved by Council shall install a memorial headstone, full monument or plaque.

All Contractors must hold the appropriate level of public liability insurance and provide proof of currency if requested by Council.

- 3.14.6 Full Monumental works must be kept within the confines of the allocated interment site.

- 3.14.7 Concrete surrounds must retain an internal measurement to allow for additional burials if required.

- 3.14.8 Headstones must be placed entirely on the beam within the confines of the allocated interment site.

- 3.14.9 Council will not be held responsible for damage to memorials through acts of vandalism, ageing or deterioration. Repair of damaged memorials is the responsibility of the Interment Right Holder.

- 3.14.10 Temporary grave markers, including wooden crosses, are permitted. If Council forms the opinion that a marker has deteriorated to the extent that they are unreadable Council has the right to remove them.

- 3.14.11 The installation of all memorial plaques for any Niche Wall, Memory Garden or Memorial Rose shall be arranged between the Interment Right Holder and Council administration. The plaque will be ordered by Council administration and the cost charged to the Interment Right Holder.

- 3.14.12 The ownership of memorials, headstones, 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.

3.14.13 In accordance with the Act, the Council may issue a notice to the Interment Right Holder of a memorial requiring repairs, removal or reinstatement of the memorial.

3.14.14 Council may act to remove any memorial or other structure that it deems, at its discretion, to be unsightly, in poor condition, dangerous or dilapidated or repair it consistent with the Act at the Interment Right Holder's cost.

3.14.15 Council may, after giving notice in accordance with the Act, remove and dispose of a memorial.

3.15 Ornaments (attached and unattached)

3.15.1 Full monument Section

Monumental works, attached ornaments, vases, flowers and wreaths must be kept within the confines of the interment site and must not be fixed to surrounding trees, plants or shrubs. Items that encroach on neighbouring sites may cause considerable distress. If Council forms the opinion that the items are offensive or have deteriorated to the extent that they are unsightly Council has the right to remove them.

3.15.2 Lawn, Beam or Headstone Only Section

Ornaments, vases, flowers and wreaths must be attached to the headstone or its base and must not extend out on to the surrounding lawn section or be fixed to surrounding trees, plants or shrubs. Items that encroach upon the lawn hinder efficient maintenance and those that encroach on to neighbouring sites may cause considerable distress. If Council forms the opinion that the items are offensive or have deteriorated to the extent that they are unsightly Council has the right to remove them.

3.15.3 Niche Walls, Memory Gardens, Memorial Roses

Items other than an attached purpose-built vase, on, or adjacent to a niche or on a plinth are not permitted.

All vases shall be ordered on request by the Interment Right Holder by Council administration and the cost charged to the Interment Right Holder.

3.15.4 Lighting

Solar powered lights or solar spikes on interment sites are not permitted, however, solar powered lights included in a permanent monument may be approved by Council.

All naked flames, such as candles and incense, are prohibited due to the risk of fire.

3.16 Authorised Officers

Council may appoint Authorised Officers to ensure administration and enforcement of Section 59 of the Act

4 Supporting Processes and Documents

- 4.1 User Guide – Cemetery – Processing a request for burial - Ref: CD/20/33*
- 4.2 Management Plan Guidelines for South Australian Cemeteries 2005 McDougall & Vines
- 4.3 The Barossa Council Register of Interment Rights
- 4.4 The Barossa Council Fees and Charges Register
- 4.5 Australian Standard AS4204:2019 – Headstones and Cemetery Monuments

5 Related Policies

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- 5.1 Memorials on Community Land – Ref 19/31010*
- 5.2 Volunteer Management Policy – Ref 19/70725*

6 Legislation and References

- 6.1 Burial and Cremation Act 2013
- 6.2 Burial and Cremation Regulations 2014
- 6.3 The Barossa Council - By Laws

7 Review

- 7.1 This Policy will be reviewed by the Council in consultation with the relevant stakeholders, within four (4) years or more frequently if legislation or Council's need changes.

8 Further Information

- 8.1 This Policy is available on Council's website at www.barossa.sa.gov.au. It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.
- 8.2 Complaints regarding this Policy or its application can be made to the Customer Service team on 8563 8444 or barossa@barossa.sa.gov.au at first instance, who will refer you to the most appropriate officer according to Council's *Customer Service Policy*.

9 Definitions

- 9.1 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 and Cremation Regulations 2014.

Act	<i>The Burial and Cremation Act 2013</i>
Attached ornament	Permanently fastened, joined or connected to the memorial
Bodily Remains	Means the whole or any part of a human body (whatever its physical state may be) but does not include the whole or any part of a human body that has been cremated.
Business Day	A day when Council is normally open for business – Monday to Friday, excluding Public Holidays and when Council's Principal Office may be declared closed (e.g. over the Christmas holiday period).
Employee	All full-time, part-time and casual employees of The Barossa Council including trainees, apprentices, and on-hire employees.
Electronic Document and Records Management System ("EDRMS")	An automated system used to manage the creation, use, management, storage and disposal of physical and electronic Documents and Records, for the purposes of supporting the creation, revision and management of digital Documents; improving Council's work-flow, and providing evidence of business activities.
Human Remains	Means bodily remains and includes – (a) The remains of a still-born child, and (b) Bodily remains after they have been cremated
Interment Right Holder	A person who is authorised by Council to hold the exclusive right to bury or inter human remains in an allotted site. The Interment Right Holder must use the site only for the interment of human remains, consistent with this Policy, the Act and Regulations.
Regulations	<i>The Burial and Cremation Regulations 2014</i>

Supervisor	Any direct line supervisor, including Chief Executive Officer, Director, Team Manager, Line Manager, Coordinator, Supervisor or Leading Worker who are responsible for Worker(s) reporting to them.
Unattached ornament	Not permanently fastened, joined or connected to the memorial
Worker	A person is a worker if the person carries out work in any capacity for Council, including work as: (a) an employee; or (b) a contractor or subcontractor; or (c) an employee of a contractor or subcontractor; or (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or (e) an outworker; or (f) an apprentice or trainee; or (g) a student gaining work experience; or (h) a volunteer; or (i) a person of a prescribed class.

10 Document Control

Corporate/Community Plan Link:	CS5- Cemeteries The efficient and effective management and maintenance of Council cemeteries in a caring and equitable manner in line with community expectations Creating a safe and connected community where people have access to sustainable services and service levels, the infrastructure they need, and feel a sense of belonging.		
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Version No.	Date	Description of Change	
1.0	15/06/2021	New Policy	
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