

Redland Shire Council Local Law Policy No. 3 (CEMETERIES)

PART 1 – PRELIMINARY

This Local Law Policy is to be read with Local Law No. 3 (Cemeteries).

Made by Council resolution on 12/05/99.

Citation

1. This local law policy may be cited as the Redland Shire Council Local Law Policy No. 3 (Cemeteries).

Objects

2. The objects of this local law policy are to provide detailed information called upon by Local Law No. 3 (Cemeteries) to –
 - 1) empower the local government to establish public cemeteries; and
 - 2) provide for the proper management and control of public cemeteries in the local government's area (whether established by the local government or by someone else); and
 - 3) regulate the disposal of human remains in the local government's area (either inside or outside a public cemetery); and
 - 4) ensure that proper records are kept about the disposal of human remains within and outside public cemeteries.

PART 2 – LOCAL GOVERNMENT CEMETERIES

Application for permit – disposal of human remains (Local Law No. 3, s12)

3. For the purposes of section 12 of the local law a permit may be granted if the application for permit is accompanied by –
 - 1) a properly completed application form,
 - 2) a permit fee (if any) as determined by Council by resolution.

Application for permit – erection or installation of memorial (Local Law No. 3, s17)

4. For the purposes of section 17 of the local law an application for a permit must be accompanied by –

- 1) precise details of the materials to be incorporated in, and the methods of proposed construction of the memorial.
- 2) a properly completed application form,
- 3) the permit fee (if any) as determined by Council by resolution.

Grant of permit (Local Law No. 3 s18)

5. For the purposes of section 18 of the local law, the criteria which a proposal for the erection or installation of a memorial must comply are -
 - 1) railings, fences or barriers must not exceed 1.5 metres in height.
 - 2) in relation to memorial tablets, plaques and other structures within a cemetery (other than a lawn cemetery), such items -
 - (a) must not exceed 1.5 metres in height; and
 - (b) must not exceed the dimensions of the grave site.
 - 3) must be in accordance with relevant Australian Standards.

General power to regulate conduct (Local Law No. 3, s28(I))

6. For the purposes of section 28(I) of the local law, a person must not
 - 1) sell or buy an article or thing within a cemetery without written permission of an authorised person;
 - 2) distribute a hand-bill, card, circular or advertisement within a cemetery without written permission of an authorised person;
 - 3) take part in a meeting other than of religious or commemorative character within a cemetery without written permission of an authorised person;
 - 4) discharge a firearm except at a military funeral;
 - 5) destroy or damage any building wall or fence or other property within the cemetery;
 - 6) play at any game or sport, camp or commit a breach of the peace or nuisance or otherwise offend against community standards of decency or decorum; or
 - 7) interfere with a grave or vault or columbarium installation, or any kerbing, headstone, vase, wreath or like matter or thing attached to or placed on any grave except with the written permission of an authorised person.

PART 3 – OTHER CEMETERIES

Part 3 of the Local Law

7. Part 3 of the local law deals with other cemeteries (other than local government cemeteries) but involves no policy requirement. This part and section are included on this local law policy to maintain the relationship of the numbering sequence so that the part number in this local law policy is the same as the part number in the local law.

PART 4 – CEMETERIES GENERALLY

Standards for disposal of human remains in cemeteries (Local Law No. 3, s42)

8. For the purpose of section 42 of the local law, prescribed standards for the disposal of human remains in cemeteries are –
 - 1) the position of grave sites must be in accordance with a cemetery map (approved by an authorised person) which adequately identifies the location of grave sites and shows the minimum separation distances between grave sites (which minimum separation distances shall be determined from time to time by the local government).
 - 2) an authorised person must be permitted to inspect a burial site at any time either before or after a burial.
 - 3) for a standard interment, there must be a minimum of 900 mm earth fill to ground level.
 - 4) a vault must be hermetically sealed.
 - 5) catacombs are prohibited in a cemetery except with the written permission of an authorised person.
 - 6) notice of the proposed burial, cremation or disposal must be given to the Council at least 48 hours prior to the event.

PART 5 – DISPOSAL OF HUMAN REMAINS OUTSIDE CEMETERIES

Application for permit (Local Law No. 3, s45)

9. For the purposes of section 45 of the local law, an application for a permit must be accompanied by –
 - 1) a properly completed application form,
 - 2) a permit fee (if any) as determined by Council by resolution.