

FAMILY BURIAL PLOTS ON PROPERTIES POLICY

SCOPE

All burials of deceased person/s within Banana Shire outside a cemetery.

LEGISLATION

Local Government Act 2009

Banana Shire Council Local Law No. 1 (Administration) 2011

Banana Shire Council Subordinate Local Law No. 1 (Administration) 2011

OBJECTIVE

To provide direction in the decision-making process associated with burials on a property outside of a cemetery.

DEFINITIONS

Council

Banana Shire Council

POLICY

Burials on private property will only be permitted where the following criteria have been met:

1. The applicant must be able to satisfy the requirements of Banana Shire Council Local Law No. 1 (Administration) 2011 Schedule 20 by way of the following:
 - a. Evidence for why the burial in a recognised burial place is not appropriate;
 - b. Evidence that the person proposed to be buried on the lease or licence had expressed a wish to be buried on the land;
 - c. Evidence that person had a significant historical association to the land, for example:
 - i. the person had a direct and continuous association to the land for at least three generations;
and
 - ii. the person had resided on the land for at least 30 years as a lessee/licensee or employee;
or
 - iii. that person had a particularly significant traditional or cultural association to the land and the land is a demonstrated traditional burial place;

- d. The implementation of the proposal:
 - i. will not create a risk to health or other nuisance; and
 - ii. will not cause reasonable offence to others;
2. The property must be freehold;
3. The property must be no smaller than 40 hectares in size;
4. The applicant must be the landholder or have the permission of the landholder; and
5. The applicant must agree to have a note placed on Council's rating database that a family grave is located on the property.

Once approved, the applicant is required to:

1. Within 12 months of a burial, fence off the grave area if not already fenced;
2. Within 12 months of a burial, install a permanent grave marker on the grave; and
3. Provide Council with the GPS coordinates of each new grave, which will be placed on Council's GIS database.

PROCEDURE

Procedures as approved and issued by the Chief Executive Officer, and subject to further revision, amendment and issue under the authority of the Chief Executive Officer.

CERTIFICATION


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CHIEF EXECUTIVE OFFICER
BANANA SHIRE COUNCIL

26/7/23
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DATE