

FAQ

Legacy Plot Reservation Program



Frequently Asked Questions

Why is Council reviewing older cemetery reservations?

Noosa Shire Council manages the cemeteries at Tewantin, Cooroy and Pomona. As cemetery land is a limited community resource, Council is reviewing unused plot reservations that are more than 25 years old.

The review helps Council maintain accurate records, identify lawful interment rights holders, and ensure cemetery space is managed responsibly for current and future generations.

Which reservations are being reviewed?

The review applies to plot reservations that:

- were reserved more than 25 years ago; and
- remain vacant and unused.

The review applies to both burial plots and ashes interment sites. Plots where an interment has already occurred are not affected.

What is an interment right?

An interment right is the right to use a specific burial plot or ashes interment site within a cemetery.

Who is an interment right holder and what are their rights?

The interment right holder holds the right to the burial site and has the authority to determine who may be interred in that site, subject to applicable laws, policies and cemetery requirements.

Do I own the cemetery plot?

No. Council owns or manages the cemetery land. An interment right gives a person the right to use a specific site for interment but does not provide ownership of the land itself.

How will Council contact interment rights holders?

Council will use all reasonable efforts to contact interment rights holders or their lawful decision makers.

This includes:

- a) Direct Contact
 - Written correspondence to the last known contact details held by Council;
 - Use of available information to locate updated contact information.
- b) Public Notification (where contact cannot be established)
 - Publication of a public notice in a newspaper circulating within the local government area; and
 - Publication on Council's website

How much time do I have to respond?

Council will provide a minimum notice period of 90 days.

This gives interment rights holders and lawful decision-makers sufficient opportunity to respond and confirm whether they wish to retain the reservation.

Two stages of notice will apply:

1. Direct Notice (where a contact is known):

- a. Issued to the interment rights holder or lawful decision maker; and
- b. Outlines Council's review and available options.

2. Public Notice (where contact cannot be confirmed):

- a. Issued where Council is unable to locate or verify an interment rights holder
- b. Provides an opportunity for any lawful claimant to come forward.

What happens if I want to retain my reserved plot?

If you wish to retain your reserved plot, you should contact Council within the notice period and provide any information requested to confirm your identity and entitlement.

Council will review the information provided and update its records accordingly.

What happens if I no longer require the plot?

If you no longer require the reservation, you may choose to relinquish the interment right to Council so another member of the community can access this plot.

Council staff can explain the process and advise what documentation may be required.

What happens if the original interment rights holder has passed away?

A lawful decision-maker may act on behalf of the original holder.

This may include:

- an executor or administrator of the estate;
- a legally appointed representative;
- or another person able to demonstrate lawful authority to act in relation to the interment right.

What happens if no one responds to Council's notice?

If no response is received within the 90-day notice period, Council may proceed with the administrative return of the interment right.

This allows the unused plot to be made available for future community use.

Can Council return a reservation to Council ownership?

Under the Legacy Plot Reservation Management Policy, Council may administratively return an interment right where:

- the interment rights holder voluntarily relinquishes the right;
- no lawful claimant can be located after reasonable efforts; or
- no response is received during the 90-day notice period.

What if I discover a family reservation of a plot after it has been returned to Council?

Council may consider late claims after an interment right has been administratively returned.

The claimant will need to provide sufficient evidence to establish their identity and entitlement. Council will assess each claim on its merits.

Can the reservation be reinstated?

If the plot remains unused and has not been reallocated, resold or utilised, Council may:

- reinstate the interment right; or
- offer an alternative comparable plot.

If the plot has already been reallocated, Council cannot reinstate the original interment right but may consider other options where appropriate.

Am I entitled to a refund?

Council may consider a refund where:

- the original interment rights holder, or their lawful decision-maker, is living;
- a request is made; and
- sufficient evidence of payment and identity is provided.

Refund requests will be assessed in accordance with the policy and available records.

Who do I contact for more information?

Please contact Council's Cemetery Services team on 07 5329 6443 or legacyplot@noosa.qld.gov.au

We will be happy to discuss your individual circumstances and explain the options available.

Council understands that cemetery matters can be sensitive and is committed to assisting families and interment rights holders through the review process.

