

DATE

PARTIES

Alexandrina Council ABN 20 785 405 351 of PO Box 21 Goolwa SA 5214 (**Council**)

and

The Australian Natural Burial Authority Inc. ABN 60 870 218 119 as trustee for The Natural Burial Ground Trust of Australia ABN 51 551 827 253 of 77 Beulah Road Norwood SA 5067 (**Lessee**)

BACKGROUND

- A. Council is the registered proprietor of the Land and administers a portion of the Land as a public cemetery, known as the 'Old Goolwa Cemetery.'
- B. The Lessee is a charity registered under the *Australian Charities and Not-for-profits Commission Act 2012 (Commonwealth)* and is engaged in the business of developing and administering natural burial grounds in Australia.
- C. The Lessee has requested a ground lease of the Leased Area, which forms part of the Land.
- D. Council agrees to grant a ground lease of the Leased Area on the terms set out in this lease.

AGREED TERMS

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this lease:

Act means the *Retail and Commercial Leases Act 1995 (SA)*.

Agreed Consideration means the Rent, Outgoings and all other consideration (whether in money or otherwise) to be paid or provided by the Lessee for any supply or use of the Leased Area and any goods, services or other things provided by Council under this lease (other than tax payable under clause 17).

Approvals means all approvals required under any Legislation or by any Statutory Authorities (other than by the Burial Ground Authority).

Burial Ground Authority means the Lessee as the "relevant authority" within the meaning in the *Burial and Cremation Act 2013* during the term of this lease, regardless of whether the Leased Area remains a cemetery or has become a natural burial ground.

Business Day means a day which is not a Saturday, Sunday or public holiday in Adelaide.

Schedule 1

Item 1

Leased Area

The portion of the Land being the area delineated in red on the plan attached at Annexure A

Item 2

Land

The whole of the land comprised in Certificate of Title Volume 5840 Folio 625

Item 3

Initial Term

Forty-two (42) years commencing on 1 August 2025 (**Commencement Date**) and expiring at midnight on 31 July 2067.

Item 4

Renewal(s)

Nil. Any further tenancy of the land would be considered in accordance with current Local Government Act legislation at such time.

Item 5

Rent

Nil, subject to review under clause 4.

Item 6

Rent Review Dates

Nil, subject to review under clause 4 and an associated Deed of Variation at such time to include rent review dates.

Item 7

Permitted Use

Natural burial ground including natural revegetation

Item 8

Public risk insurance

\$20,000,000.00

Item 9

Contact details

Council

Postal: PO Box 21 Goolwa SA 5214

Email: Property.Officers@alexandrina.sa.gov.au

Telephone: 8555 7000

Lessee

Postal:

Email:

Contact: Executive Member -Treasurer and Secretary

Schedule 2 - Special conditions

1. DEVELOPMENT AND MAINTENANCE OF LEASED AREA

- 1.1 The Lessee must carry out all works on the Leased Area to make it suitable for the Permitted Use and is responsible for administration of the place constituted by the Leased Area in alignment with the intent of the Concept Plan provided at Annexure C and within the scope of the Burial and Cremation Act.
- 1.2 The Lessee must engage the Nature Foundation Limited (ACN 638 003 577) to play an active role in the preservation, transplanting, re-vegetation and re-generation of native flora and ecosystems in the Leased Area during the Term, of which an overview of this commitment is provided in Annexure D.
- 1.3 If the Nature Foundation is deregistered or ceases its operations, the Lessee must engage an alternative organisation or entity, which carries out the same or similar functions as the Nature Foundation, to carry out the functions specified under clause 1.2.
- 1.4 The Lessee and the Lessee's contractors (including the Nature Foundation) are permitted reasonable access to the Old Goolwa Cemetery for the sole purpose of gathering seeds or seedlings from existing flora and must exercise due care so as to avoid or minimise disruption to existing flora and gravesites within the Old Goolwa Cemetery.

2. LESSEE'S FURTHER OBLIGATIONS

- 2.1 The Lessee must inform the Council in writing within 14 days of any change in the trusteeship of the Lessee.
- 2.2 The Lessee is to furnish the Council with the following information during the Term:
 - 2.2.1 a report every twelve (12) months (or on written request from Council) containing:
 - 2.2.1.1 An itemised listing of what other activities have occurred in the Leased Area in accordance with the Permitted Use.
 - 2.2.1.2 A summary of financial contributions and activities provided to other community land or community projects within the area of the Council.

EXECUTED as an agreement

Council

**The common seal of Alexandrina
Council** was affixed in the presence of:

.....
Signature of Mayor

.....
Signature of Chief Executive Officer

.....
Name of Mayor (print)

.....
Name of Chief Executive Officer (print)

Lessee

Executed for and on behalf of **The
Australian Natural Burial Authority Inc.
ABN 60 870 218 119** as trustee for **The
Natural Burial Ground Trust of Australia**
by two committee members:

Signature of committee member

Signature of committee member

Full name of committee member (print)

Full name of committee member (print)

Date

Annexure A Plan of Leased Area

Draft 1

LEASE PLAN



Portion of Certificate of Title Volume 5840 Folio 625

Section 371 Kessell Road Goolwa South Australia 5214

Lease area bounded in red.

Annexure B – Maintenance Schedule

Draft 1

SECOND SCHEDULE

Maintenance and Management Responsibilities

This schedule outlines the particular responsibilities of Council and the lessee where applicable.

It is recognised that this lease is a ground lease, with no existing improvements on the land (lease area). All improvements to the land are deemed severed from the agreement and remain the responsibility of the Lessee.

Item	LESSEE	COUNCIL
Improvements (eg: buildings, structures, sheds)	Full responsibility	Nil responsibility
Burial Interments	Full responsibility	Nil responsibility
Gravesite Preparation (digging and backfilling, removal of excess spoil as required)	Full responsibility	Nil responsibility
General maintenance and operations	Full responsibility	Nil responsibility
Onsite storage	Full responsibility	Nil responsibility
Customer enquiries	Full responsibility	Nil responsibility
Payments / creditors / financial matters	Full responsibility	Nil responsibility
Record keeping	Full responsibility	Nil responsibility
Cemetery entrance gate/s	Full responsibility	Nil responsibility

Entrance features	Full responsibility	Nil responsibility
Signage	Full responsibility	Nil responsibility
Fencing (boundary of lease area and any internal fencing within lease area)	Full responsibility (excluding fence surrounding the existing 'Old Goolwa Cemetery' which is a Council responsibility.	Nil responsibility
On-site carparking provisions	Full responsibility	Nil responsibility
Carpark surfaces	Full responsibility	Nil responsibility
Carpark Line marking	Full responsibility	Nil responsibility
Waste management and removal	Full responsibility	Nil responsibility
Garden areas	Full responsibility	Nil responsibility
Tree branches, tree removal, planting	Full responsibility, subject to prior Council consent for any removal of existing vegetation within lease area and consent under the <i>Native Vegetation Act 1991</i> where applicable.	Nil responsibility
Loose and fixed furniture	Full responsibility	Nil responsibility

Retaining walls (as applicable)	Full responsibility	Nil responsibility
Electrical services, switchboards, equipment, distribution boards, testing and tagging, power lighting circuits and meters.	Full responsibility	Nil responsibility
Telecommunications-phone/wifi etc	Full responsibility	Nil responsibility
Security	Full responsibility	Nil responsibility
Lighting	Full responsibility	Nil responsibility
Pipes	Full responsibility	Nil responsibility
Toilet & wastewater facilities	Full responsibility	Nil responsibility
Water	Full responsibility including services connections and supply	Nil responsibility
Electricity	Full responsibility including services connections and supply	Nil responsibility

Gas	Full responsibility including services connections and supply	Nil responsibility
Fire Prevention (land management fire mitigation)	Full responsibility	Nil responsibility
Fire Hose reels and hydrants/extinguishers	Full responsibility	Nil responsibility
Emergency exits and Evacuation Diagrams (as applicable)	Full responsibility	Nil responsibility
Painting	Full responsibility	Nil responsibility
General cleaning	Full responsibility	Nil responsibility
Graffiti removal	Full responsibility	Nil responsibility
Pest removal	Full responsibility on request by Council	Nil responsibility

General Council enquiries email property.officers@alexandrina.sa.gov.au

Annexure C – Concept Plan

Draft 1

ACKNOWLEDGEMENT

The project acknowledges the Ngarrindjeri people as the traditional custodians of the lands and waters of Goolwa. We respect their rights, interests and obligations to speak and care for their traditional lands and waters in accordance with their laws, customs, beliefs and traditions. This Project also acknowledges and pays respect to Australian Indigenous Peoples who were separated from Clan and Country and also reside in the surrounding communities. May these journeys of healing be acknowledged, respected, supported and become mutual objectives for all Australians.

ENDEMIC PLANTING

1. Staged Planting:

- Initial stage 1 endemic planting to natural burial ground development areas
- 2nd stage planting and natural burial ground development areas

2. Indicative Planting List:

List sourced from Bush Forever Planting Old Goolwa Cemetery

- Mysiphyllum asparagoides
Olea europaea
Oxalis purpurea
Pinus sp
Rosmarinus officianalis
Lycium ferocissimum
Acacia paradoxa
Acacia pycnantha
Acacia spinescens
Acaena novae-zelandiae or echinata Acrotriche sp.
Arthropodium strictum
Astroloma conostephioides
Astroloma humifusum
Billardiera cymosa
Callistemon rugulosus
Callitris preissii
Cassysia melanthae
Correa reflexa
Dampiera rosmarinifolia
Danthonia sp.
Dianella revoluta
Dodonaea bauri
Dodonaea viscosa
Drosera whittakeri
Duiris maculata
Enchyleana tomentosa
Eucalyptus conglabata
Eucalyptus leptophylla
Eucalyptus odorata
Eucalyptus socialis
Eutaxia microphylla
Gahnia laterale
Gonocarpus mezeianus
Goodenia ovata
Grevillea illicifolia
Hakea rugosa
Halganina cynea
Hardenbergia violacea
Helichrysum leucopsidium
Hibbertia riparia
Laisiopetalum bauerii
Lepidosperma concavum
Lomandra effusa
Lomandra multiflora
Melaleuca accuminata
Melaleuca lanceolata
Melaleuca uncinata
Muehlebeckia gunnii
Myoporum insulare
Olearia pannosa
Opercularia turpis
Pultenaea largiflorens
Rhagodia candolleana
Rhagodia crassifolia
Schoenus brevifolius
Spyridium eriocephalum
Stipa elegantissima
Tetragonia implexicoma
Vittadinia cuneata
Xanthorrhoea semiplana

Drawn: Greg Grabasch
Brave and Curious
106 / 33 Second Street BOWDEN 5007 SA
www.braveandcurious.com.au

DESIGN INTENT

1. Location and Setting:

- The natural burial ground is set against the backdrop of the Old Goolwa Cemetery and Bush Forever Site.
- Clearings for burial areas extend from the corner of this regenerated area.
- The surroundings are characterised by strong dense stands of local endemic vegetation, creating a natural and serene setting.

2. Bushland Regeneration:

- Staged bushland regeneration planting is employed to develop the clearings.
- The bushland stands serve to separate each clearing while also framing views beyond, providing a picturesque and personal human-scaled setting.

3. Pathways:

- A network of compacted gravel paths links the bushland clearings.
- These paths provide low-maintenance access for funeral vehicles and pedestrians of all abilities.
- Low-key wayfinding elements are incorporated to guide visitors to the burial areas.

4. Parking:

- Parking is provided alongside the bush forever site.

5. Shed Compound:

- The shed compound area has potential future uses including, but however not limited to parking, funeral staging, nursery, Nature Foundation depot, and toilets.

6. Stone Wall Feature and Signage:

- A low-key Natural Burial Grounds Trust of Australia stone wall feature is planned for the cemetery entrance(s).
- Directional road signage is placed across from each entrance and at the corner and entrances of Houlden and Kessell Roads to guide visitors.

Overall, the design prioritises the integration of natural elements, sustainability, accessibility, and ease of navigation for visitors while respecting the historical and environmental context of the site.



INITIAL CARPARK AREA



STAGE 1 BURIAL AREA



GRAVEL PATH EXAMPLE

Reimagining the Old Goolwa Road Cemetery
as a Restoration Natural Burial Ground
- Draft Concept Design for Illustrative Purposes Only
REV 2 - 14 FEB 2025

Annexure D – Nature Foundation Commitment

Draft 1

Steps to realisation

The parties agree terms and enter into a Management Agreement



NF & NBGTA develop Restoration and Management Plan for the site and finalise burial ground design



NF commences restoration with local and NF volunteers



NBGTA manages establishment and opening of the burial ground



Ongoing site management by NF, volunteers and local environmental partners



Ongoing provision of burial services by NBGTA as Burial Ground Authority

