



POLICY REGISTER

Burials on Private Land Policy

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OBJECTIVES: To allow burials on private land.

To protect public health.

POLICY STATEMENT

Balranald Shire Council is the approval authority under the *Public Health Regulation 2022* for applications for burial on private land in the Balranald Local Government area. This policy is intended to provide guidance to applicants of Council's requirements in fulfilling this role.

1. Preamble

The operation of cemeteries and internment of deceased persons on private land must be approved by Council in accordance with the conditions outlined below and the provision of the *Public Health Regulation 2022*, Part 8, Disposal of Bodies.

No interment can take place on private land unless approval for establishment of a cemetery and a permit for burial has been issued by Council.

This policy will apply to all applications to bury bodies on private land not being a public or private cemetery.

2. Establishment of a Cemetery on Private Land

Whilst Council would prefer a person to be buried in a public cemetery, Council does recognise that it will, on occasions, be requested to allow a family member to be buried on private land for various personal reasons.

Application for the establishment of a cemetery on private land may be made to Council from the owner/s of the land.

Any proposal for a private burial/cemetery will require the submission of a Development Application.

The Development Application is to be accompanied by a site plan showing the location of the proposed burial site in relation to existing buildings, permanent existing observable landmarks, all boundaries of the site, watercourses, dams and drainage depressions, together with payment of the appropriate fee.

The burial site must be used for private purposes relating only to the burial of family members. A separate Development Application is required to be submitted to Council for any subsequent burial on a separate site.

A plan with accurate details to an approved scale showing the layout of the cemetery including each grave site and proposed dimensions of same, are to be provided to Council.

The land on which the cemetery is to be located must have a minimum area of five (5) hectares.

The proposed cemetery must be sited a minimum of 100 meters from the boundary of the land and any habitable buildings (other than the applicant's dwelling) on the land.

The boundaries of the cemetery must be permanently marked with posts, fencing or other approved method.

The cemetery must not be within 100 metres of any natural watercourse, in an area where it may impact on a drinking water catchment or groundwater supply or within an area excluded by the provisions of any other authority.

The existence of a cemetery is to be designated on the land title as a permanent record. A copy of the amended title or planning instrument is to be provided to Council for its records.

It is the responsibility of the applicant to ensure future maintenance and rights of access to the cemetery site in the event of a change of ownership of the land.

The Application Fee will apply for establishment of a cemetery on private land. This fee includes registration, approval and site inspection and is payable by the applicant.

The burial site is to be located above the 1 in 100 year flood level.

A register of burials must be kept and immediately after a burial has been carried out, enter into such register. The following details must be provided to Council.

- Name, age and last address of the person whose body or remains have been buried.
- Date of the person's death;
- Date of the burial;
- Identification of the allotment where the burial has been made;
- Name of the undertaker who transported the body to the cemetery;

- Name of the person, if any, who conducted any ceremony at the burial.

A geotechnical report of the area proposed to be used as a burial site may be required by Council to establish the depth of soil to enable burial at an appropriate depth, if the water table of the area and the potential to pollute ground waters or surface waters.

A plan or map, prepared by a Registered Land Surveyor, showing the location of the cemetery/burial plot in relation to the boundaries of the property, and the position of the allotments within that cemetery must be prepared and kept with the register at all times.

A Restriction to Use of the land pursuant to Section 88B of the *Conveyancing Act 1919*, or a Solicitors Dealing and containing the following or similar wording, is to be submitted to Council within three (3) months of the use of the burial site:

“Within the area shown so burdened on the attached plan, a grave site is located and no construction or excavation is permitted without prior written consent of the Council.”

A Restriction to Use of the land pursuant to Section 88B of the *Conveyancing Act 1919*, or a Solicitors Dealing, containing the following or similar wording, and submitted to Council within three (3) months of the use of the burial site.

“The owner must not restrict the reasonable access to the grave site by the most suitable route. Further, the owner must not interfere or damage the grave site, provided that any person visiting the grave site must not interfere with the operations of the property and must leave all farming infrastructure as it is found.”

3. Conditions Relating to Burials on Private Land

The operation of the cemetery and handling and internment of deceased persons on private land must be carried out in accordance with the provision of the Public Health Regulation 2022.

No internment must take place unless a “Burial Permit” is issued by Council. A copy of the Death Certificate or coroner’s advice is to be certified as sighted by a registered undertaker or to accompany the application for a Burial Permit.

Graves are to be identified by permanent markers giving full name and date of birth and death.

Should seepage or subsurface water be encountered during excavation of the burial site, the coffin is to be lined with lead or a similar, approved lining material.

No interment must take place until Council's authorised officer has inspected the excavated grave.

Once placed within the grave, the upper surface of the coffin must be placed at least 900mm below the natural level of the soil where it is buried.

A register of burials must be kept and immediately after a burial has been carried out, enter into such register. The following details must be provided to Council:

- Name, age and last address of the person whose body or remains have been buried;
- Date of the person's death;
- Date of the burial;
- Identification of the allotment where the burial has been made;
- Name of the undertaker who transported the body to the cemetery;
- Name of the person, if any, who conducted any ceremony at the burial.

An Application Fee will apply for each burial permit issued for private land. This fee includes registration, approval and inspection of the excavated grave.