



POLICY MANUAL

Policy title:	CEMETERIES & BURIALS ON PRIVATE RURAL LAND POLICY
Policy number:	3.1.5
Objective:	To regulate the establishment operation of cemeteries and burials on private rural land containing a maximum of 10 burial allotments.
Link to community vision/service:	Natural Environment, Quality of Life
Program Area:	Environmental Health
Policy created: 11/6/91	Council reviewed: 5/09/95 & 11/11/2008
Last reviewed by staff: 11/11/2008	TRIM Ref: ED10/15895 & ED16/26922

That Council consider applications for the establishment of cemeteries on private rural lands and burials within the cemeteries in accordance with the following requirements.

PREAMBLE

This policy provides a framework for Council to consider applications for the establishment of cemeteries and burials on private rural land containing a maximum of 10 burial allotments. All applications received will be considered on merit. The burial or placement of ashes on private rural land does not require Council approval.

This policy applies to applications for new cemeteries that are received following authorisation of the Policy. Existing cemeteries will continue to operate in accordance with their respective approvals.

The requirements of Part B – BURIALS and PART C - VARIATION FROM THE POLICY will also apply to existing cemeteries following authorisation of the Policy.

Applications submitted prior to the authorisation of this Policy may be determined under the former Policy.

PART A – CEMETERIES

1. Application in writing must be from the owner/s of the land and must include the following information:-
 - a) Proof of ownership of the land.
 - b) Written approval of the Owners Corporation, Community Association or other similar owner governing body where the land is within a strata title, community title or multiple occupancy development. The approval must refer to the resolution/determination of the relevant governing body granting its approval to the application, and must include approval of the proposed cemetery location, number of proposed allotments and the like.

The relevant governing body must properly consult with their community, and in particular with the owners/occupiers of dwellings and dwelling sites immediately adjoining, and other sites within the neighbourhood of, the proposed cemetery.

- c) Accurate details, to an approved scale, showing the precise location of the cemetery as related to permanent existing observable landmarks. Council reserves the right to require that the location of the cemetery be set out and be verified by a registered surveyor, and that the cemetery be formally incorporated into the title of the land.
 - d) Accurate details, to an approved scale, showing the layout and the proposed dimensions of the cemetery and allotments and including the designation of each allotment. The layout of the cemetery must also take into account the need for future maintenance of the cemetery and any memorials and any other appurtenances.
2. A maximum of ten (10) burial allotments shall be provided in the cemetery. Any proposal for a cemetery exceeding ten (10) allotments will require the submission of a Development Application.
 3. The land (and the total land area of all lands within a multiple occupancy, community title or strata title development) on which the cemetery is to be located must
 - have a minimum area of five (5) hectares; and
 - not make likely the contamination of a drinking water supply or a domestic water supply; and
 - have reasonable and safe pedestrian and vehicular access to the cemetery; and
 - be provided with appropriate visual buffering from neighbouring dwelling sites, and
 - otherwise be suitable for the purposes of a cemetery.

Council may require the submission of a report/s from a suitably qualified person/s which provides relevant information showing compliance with these requirements.

4. All grave sites within the proposed cemetery must be sited:
 - For multiple occupancy (rural landsharing community) developments, a minimum of 100 metres from any neighbouring dwelling or approved dwelling site, and a minimum of 100 metres from the boundary of any adjoining land that is not part of the multiple occupancy.
 - For community title or strata title developments, a minimum of 100 metres from the boundaries of individual lots within the developments, and a minimum of 100 metres from the boundary of any adjoining land that is not part of the community title or strata title development.
 - In all other circumstances a minimum of 100 metres from the boundary of any adjoining land.

A diagram is included at the end of the Policy to further assist with the interpretation of the distances.

Note: Any request for variation to the distances contained in this clause will be considered on merit and in accordance with the provisions of Part C of this Policy.

5. The boundaries of the cemetery must be permanently marked with posts, fencing or other approved method, and this must be properly documented in the application.
6. The application for a cemetery on private rural land, any burials in the cemetery, and the operation of the cemetery, must satisfy the relevant provisions of the Public Health Act and Regulations, any relevant NSW Health Policy, and this Policy.
7. The application fee for establishment of a private cemetery on rural land, shall be as set by Council in its annual fees and charges.

PART B – BURIALS

1. No burial shall take place unless the cemetery is approved by Council and an "Application for Burial on Private Rural Land " has been approved by Council. A certified copy of the death certificate, issued by a medical practitioner or the coroner, is to accompany the application together

with the application fee. The application must also include siting and dimension details for the grave.

NOTE: The burial or placement of ashes on private rural land does not require Council approval.

2. No burial can take place in the cemetery until the excavated grave has been inspected and been approved by Council's authorised person.
3. Grave sites must be permanently marked.
4. The application fee for an "Application for Burial on Private Rural Land " and including the grave inspection fee, shall be set by Council in its annual fees and charges. Application fees are not refundable.

PART C – VARIATION FROM THE POLICY

1. That the General Manager be authorised to vary this policy where deemed appropriate in light of the circumstances of the case to do so. Where a variation is sought the applicant must provide a comprehensive submission to accompany the application.

Council may notify any affected neighbour/s of an application for a variation.

If the variation is to reduce the 100 metre setback distance detailed in Part A4, the applicant must detail what measures are to be undertaken to mitigate any impacts on affected neighbours. These measures are to be determined following proper consultation of the proposal with all affected neighbour/s. A written concurrence to the variation by the affected neighbour/s i.e. those neighbours within the 100 meter setback is required to accompany the application. For Community Title, Strata Title and Multiple Occupancy developments, written concurrence from the affected neighbours within the 100 meters setback; or alternatively, approval of the Community Association in respect to a Community Title development, Owners Corporation in respect to Strata Title development, or relevant governing body in respect to Multiple Occupancy development; or an Order or other determination by the NSW Consumer, Trader and Tenancy Tribunal, or other jurisdiction acceptable to Council; is required to accompany the application.