



# Policy

## Burials on Private Property

2021

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## Information about this document

Date Adopted by Council	29 March 1994
Resolution No	
Document Owner	Director Sustainable Environment and Economy
Document Development Officer	Manager Public and Environmental Services
Review Timeframe	4 years
Last Review Date	03 February 2021
Next Scheduled Review Date	03 February 2025

## Document History

Doc No.	Date Amended	Details/Comments eg Resolution No.
	29 March 1994	Adopted
DM633985	24 September 1996	Reviewed
E2020/95377	03 February 2021	Minor amendments endorsed by ET: latest template for better accessibility; improved and rearranged wording; addition of 2.1(b) to stipulate requirements under the Regulation (Part 8, Div 3); inclusion of "Further Document Information and Relationships" below

## Further Document Information and Relationships

Related Legislation	Public Health Act 2010 Public Health Regulation 2012 Part 8 Disposing of bodies, Division 3 Handling of Bodies
Related Policies	Nil
Related Standards, Procedures, Statements, documents	Land Registry Services NSW - Easements and restrictions for burial grounds <a href="https://rg-guidelines.nswlrs.com.au/deposited_plans/easements_restrictions/easements_restrictions_burialgrounds">https://rg-guidelines.nswlrs.com.au/deposited_plans/easements_restrictions/easements_restrictions_burialgrounds</a> NSW Health publication: Guidance on Burying a Body on Private Land <a href="https://www1.health.nsw.gov.au/pds/ActivePDSDocuments/GL2013_016.pdf">https://www1.health.nsw.gov.au/pds/ActivePDSDocuments/GL2013_016.pdf</a>



Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.



## 1. Objectives

- 1.1. To provide and control interment on private land.

## 2. Policy Statement

- 2.1. Council may approve applications to bury a body on private land subject to the following provisions:

- a) The private land has an area of 5 hectares or more;
- b) The burial of a body is:
  - (i) Contained within a coffin and the lid of the coffin is securely sealed;
  - (ii) The upper surface of the coffin is not less than 900 millimetres below the natural surface level of the soil where it is buried;
  - (iii) Located where it is not likely to contaminate a drinking water supply or a domestic water supply;
- c) Consent has been provided by the land holder to bury a body on private land;
- d) The payment of a fee in accordance with Council's fees and charges.
- (e) The inspection of the grave prior to burial by a Council Environmental Health Officer.

- 2.2. Rights of Access or Rights of Way and grave site identification

To ensure the grave site location is identified and permanent access is maintained, the burial of a body on private land will require:

- a) The granting and registration of a right-of-way on the property from the nearest public road to the grave site. The right-of-way shall provide future visitor access to the grave site and shall be of sufficient area to allow any future servicing requirements;
- b) The submission of a location plan of the grave site prepared by a registered surveyor and attached to the survey plan of the right-of-way;
- c) The registration of a section 88E instrument on the title deed, suitably identifying the existence and location of the grave.