

BURIALS ON PRIVATE LAND

Objective

To ensure that private burials are carried out in accordance with relevant statutory requirements and are maintained to the relevant standards.

Scope

The policy applies to all land within the Gilgandra Shire.

Policy

PART 1- EXEMPTIONS

There are no exemptions from the need to obtain Council approval.

PART 2 – APPROVAL CRITERIA

1. **Landholding:** The total landholding must be equal to or exceed five hectares. This is a requirement of the Regulation and cannot be reduced.
2. **Geotechnical Report:** A geotechnical investigation may be considered if there is any likelihood of contamination of ground waters and/or surface waters.
3. **Access:** Public access to the area should be maintained by direct access, or alternatively, by a right of way/easement for future access if the remains are to be exhumed or other interments made.
4. **Fencing:** The area should be suitably fenced to delineate the boundaries of the location and secure the location.
5. **Planning:** Council should ensure that the approval is noted on any Environmental Planning and Assessment Act 1979 Section 10.7 planning certificate.
6. **Building Restriction:** A restriction on the immediate use of the area adjacent to the private burial ground is required to prevent building or disturbances of the grave sites.
7. **Records:** The burial location and grave site should be described and drawn by a registered land surveyor.
8. **Register:** Council will maintain a register of private burial locations marked “not to be destroyed”.
9. **Grave Markings:** Each grave is to be permanently marked with details of the deceased and the boundaries of the grave excavation should also be permanently marked.

10. Burial: The body must be contained in a coffin and buried so that the upper surface of the coffin is at a minimum of 900mm below ground level. Above ground burial chambers are generally not permitted unless additional security precautions are to be provided.
11. Concurrence: Council has discretion to determine if the application is to be notified to adjoining property owners.
12. Application Lodgement: A development application is required to be lodged with council detailing compliance with the above details. Fees are determined annually by Council.
13. Discovery of Archaeological Remains: If any bones or archaeological remnants are found when preparing the gravesite, there is a legal requirement to notify the Police and State Heritage agencies (both Aboriginal and non-Aboriginal institutions).

PART 3 – OTHER MATTERS RELATING TO APPROVALS

The necessary surveys, information and approvals will take a number of weeks to prepare. Applicants should not have an expectation that approval can be obtained within days of the death of a person.

A burial location may contain more than one grave site and approval for each successive interment is then not required.

The applicant should also note other legal requirements pertaining to burials e.g. Obtaining a death certificate.

Relevant Legislation

Public Health Act 2010 (NSW)
 Public Health Regulation 2022 (NSW)
 Environmental Planning and Assessment Act 1979 (NSW)

Associated Documents

Nil

Responsible Officer:	Director Growth and Liveability		
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