

**POLICY TITLE                      BURIAL ON PRIVATE LAND**

VERSION II:                              Adopted 19 August 2003

Last reviewed:                        16 December 2008

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**OBJECTIVE**

To allow burials on private land.

**POLICY STATEMENT**

This policy is to apply in the Dungog Shire Council area for burials conducted on private land not being within an area previously approved as a private cemetery.

The operation of the cemetery and interment of deceased persons on private land must be approved by Dungog Shire Council in accordance with the conditions outlined below and the provision of the Public Health Act Regulations 1991, Part 5, Disposal of Bodies.

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

**ESTABLISHMENT OF A CEMETERY ON PRIVATE LAND**

1. Establishment of a cemetery on private land may be made by submission to Council of an application in writing from the owner/s of the land and including the following information:
  - (i) Proof of ownership of land.
  - (ii) Written approval of either the owner or Body Corporate, Neighbourhood Association or other governing body. Such approval where applicable must refer to the resolution of the governing body granting its approval to the application and must include approval of the proposed cemetery location, number of proposed allotments and details of proposed use.
  - (iii) 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 verified by a registered surveyor and a geotechnical assessment of the site to be provided.
  - (iv) Accurate details to an approved scale showing the layout of the cemetery including each grave site and proposed dimensions of same.

2. A maximum of six (6) burial allotments shall be provided in the cemetery. Any proposal for a cemetery exceeding six (6) allotments will require the submission of a Development Application.
3. The land on which the cemetery is to be located must have a minimum area of five (5) hectares.
4. 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.
5. The boundaries of the cemetery must be permanently marked with posts, fencing or other approved method.
6. The cemetery shall 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. Eg Hunter Water Corporation.
7. 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.
8. 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.
9. The general application fee will apply for establishment of a cemetery on private land. This fee is currently set at \$100 and includes registration, approval and site inspection and is payable by the applicant.

#### PERMIT FOR BURIAL IN A PRIVATE CEMETERY

1. The operation of the cemetery and internment of deceased persons on private land must be carried out in accordance with the provision of the Public Health Act Regulation 1991, Part 5, Disposal of Bodies.
2. No internment shall take place unless a "Burial Permit" is issued by Council. A copy of the Death Certificate or coroners advice is to be certified as sighted by a registered undertaker or to accompany the application for a Burial Permit.
3. No interments in a cemetery on private land can take place until Council's authorised person has inspected the excavated grave.
4. Graves are to be identified by permanent markers giving full name and date of birth and death
5. The general application fee will apply for each burial permit issued for private land. This fee is \$100 and includes registration, approval and inspection of the excavated grave.

(One application fee may be charged where application to establish a cemetery on private land and application for a Burial Permit are received for the one property at the same time).

<b>Date Policy Adopted</b>	<b>Minute No</b>	<b>Authority</b>
22 May 2001		
19 August 2003	31593	Council resolution
30 January 2009	34315	Council resolution