

# Private Cemeteries

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<b>Directorate:</b>	City Development
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## 1. Purpose

The Objective of this Policy is to detail Council's requirements with respect to private cemeteries.

## 2. Application

This policy applies to all land where a cemetery is permissible with consent in the relevant Local Environmental Plan in the Shoalhaven Local Government Area (LGA).

Local Environmental Plans that cover the Shoalhaven LGA include:

- Shoalhaven Local Environmental Plan 2014; and
- Shoalhaven Local Environmental Plan (Jerberra Estate) 2014.

There are some areas deferred from Shoalhaven Local Environmental Plan 2014, please refer to the relevant in force LEP immediately before the commencement of Shoalhaven Local Environmental Plan 2014.

Council will not consent to private cemeteries on private land where that land is identified for potential urban use under an adopted structure plan or strategy.

## 3. Provisions

### **Who can be buried on private land?**

Burials on private land are limited to the immediate relatives of those owners of the land as at the date of the first interment. In this regard "immediate relatives" means parents (including foster and stepparents), legal guardian, sister (including half, foster and stepsister), brother (including half, foster and stepbrother), spouse (including de-facto partner and same sex partner), child (including step and foster child) and parents of spouse.

### **Public Health Regulations**

Private burials must demonstrate full compliance with the following:

- (a) A person must not place a body in any grave or vault unless that grave or vault is located:
  - (i) In a public cemetery, or in a private cemetery or other place approved for that purpose by Council; or
  - (ii) On private land where the area of the land holding is five (5) hectares or more and the location has been approved for that purpose by Council;
- (b) A person must not bury a body in or on any land if to do so would make likely the contamination of drinking water supply or a domestic water supply. A geotechnical investigation may be required to determine the risk of contamination of the development to groundwater or surface water.
- (c) In accordance with the Public Health Regulation 2012:
  - (i) Bodies must be buried at a minimum depth of 900mm; and
  - (ii) Bodies must be placed in a coffin prior to burial.

### **Site requirements**

A site proposed for a private cemetery must:

- (a) have an area of not less than 100 square metres.
- (b) have an access corridor not less than 4 metres wide: and
- (c) be located not less than 100 metres from any property boundary as illustrated in the plan below.

### **Restrictions on land title**

The cemetery site must be endorsed as a restriction-as-to-user on the title of the land such that only private burials and ancillary activities under this policy shall be carried out. The site and access corridor must also be endorsed on the title of the land as a right-of-way benefiting the public at large.

In the event the restriction-as-to-user and right-of-way referred to above do not already exist then the applicant must provide Council with a written undertaking to complete these requirements within six (6) months of the date of development consent. Accompanying the written undertaking shall be an explanation of how the right-of-way can be maintained in perpetuity, at nil cost to Council.

### **Access construction**

The right-of-way must be constructed to a minimum all-weather standard suitable for two-wheel drive vehicles, to the satisfaction of Council.

### **Fencing**

The cemetery site must be fenced to prevent the possible intrusion of livestock.

### **Graves**

Grave sizes shall be as directed by Council's Bereavement Services Manager. In this respect the preparation of each grave shall be conducted and directed by an undertaker and shall be certified as satisfying Council's Bereavement Services Manager prior to interment of the body.

### **Burial Records**

Accurate records of the details of the burial shall be maintained by Council's Bereavement Services Manager. The fee for recording such records on a register will be determined annually by Council in its Management Plan.

### **Permanent Markers**

A permanent marker shall be placed at the site within twelve (12) months of the burial. The minimum details shall be as directed by Council's Bereavement Services Manager.

### **Development Application**

A development application under the provisions of the Environmental Planning and Assessment Act, 1979 (EPAA) must be submitted to, and approved by Council for the purpose of creating the private cemetery and access road.

### **Interment of remains**

Once the private cemetery and access road have been legally created, further development consent is not required for the interment of remains.

## 4. Implementation

This policy will be implemented by City Development in the assessment of Development Applications.

City Services (Bereavement Services Manager) is responsible for the keeping of burial records.

## 5. Review

To be reviewed within the first twelve (12) months of each newly elected Council, or earlier, if circumstances require.

## 6. Application of ESD Principles

Social Integrity – The policy will ensure that future generations will maintain a legal right to visit grave sites.

Ecological Integrity – Water quality issues will be assessed as part of the DA process.

