



## LIVERPOOL PLAINS SHIRE COUNCIL BURIALS ON PRIVATE LAND POLICY

Version	Date	Resolution No.	Details
1	26 July 2006	10413	New Policy
2	28 Feb 2018	2775	Review

### POLICY OBJECTIVE

The objective of this policy is to:

- ▶ To provide advice on the burial of bodies on private land
- ▶ To ensure that the disposal of bodies on private land meets the requirements of the Public Health Regulation 2002.

### RELEVANT LEGISLATION

Public Health Regulation 2002.

### EFFECTIVE DATE AND POLICY REVIEW

The policy shall be reviewed every four years or earlier if required by legislation, Council resolution or recommendation of the General Manager. If the policy is not reviewed within this timeframe, it remains active until such time as it is reviewed or revoked by Council.

This policy comes into effect on 6 March 2018.

Signed by General Manager:

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R S (Ron) van Katywk

Date Approved: 28 February 2018

## POLICY

### 1 LOCAL APPROVAL AUTHORITY

Liverpool Plains Shire Council is the local approval authority.

Clause 66(1)(c) of the *Public Health Regulation 2002* provides that “a person must not place a body in a grave or vault unless that grave or vault is located on private land where the area of the landholding is 5 hectares or more and the location has been approved for that purpose by the local authority.”

### 2 APPLICATION

Any application for approval to place a body in a grave on private land to Council must be in the form of a Development Application lodged under the Environmental Planning and Assessment Act 1979.

Applicants should have regard to the Public Health Regulation 2002.

### 3 ASSESSMENT OF APPLICATION

Council, in determining any application will have regard to:-

- i) **Landholding:** *The total landholding must be equal to or exceed five hectares*
- ii) **Geotechnical Report:** *A geotechnical investigation may be required for consideration if there is any likelihood of contamination of ground waters and/or surface waters. It will also determine the suitability of the location in regard to the depth of soil, and the water table.*
- iii) **Access:** *Public access to the area should be maintained by direct access, or alternatively, by a right of way/easement. Future access needs to be considered especially should the property be sold, and/or if the remains are to be exhumed at a later date or other interments made.*
- iv) **Fencing:** *The area should be suitably fenced to delineate the boundaries of the location and secure the location.*
- v) **Building Restriction:** *A restriction on the immediate use of the area adjacent to the private burial ground should be considered, if warranted, to prevent building or disturbances of the grave sites.*
- vi) **Records:** *The burial location site should be described and drawn by a registered land surveyor together with details of the location of the deceased buried in respective sites and a copy should be forwarded to the local authority for placement on the property file.*

- vii) **Register:** *Council should maintain a register of private burial locations.*
- viii) **Grave Markings:** *Each grave shall be permanently marked with details of the deceased and the boundaries of the grave excavation should also be permanently marked.*
- ix) **Burial Chamber:** *The provision of an above ground burial chamber will not be encouraged unless additional security precautions are taken.*
- x) **Concurrence:** *The concurrence of adjoining property owners may be necessary in some instances.*

#### 4 APPROVAL

**The applicant should not have an expectation that approval will be achieved within days of the death of a person, who is intended to be interred at the location.**

Council may take up to 40 days to process an application subject to submission of all relevant information.

Applicants should also recognise that survey and registration of plans with the Land Titles Office can take significant time.