

Private Burial Policy – DRAFT

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Directorate:	Development and Environment
Responsible Branch:	Environment and Compliance

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1 OUTCOMES

- 1.1 Provide a framework for private burial approval to prevent environmental and planning issues for change of ownership and future use of land.
- 1.2 Establish a right of carriage way to allow family access to the burial plot.
- 1.3 Provide contamination controls to manage any risks with sensitive environmental receivers and future onsite development.

2 POLICY

- 2.1 Queanbeyan Palerang Regional Council covers a large rural area with some rural residents wanting to be buried on their private property. Some residents simply wish to remain with their property whilst others have existing family plots that they wish to be buried next to.
- 2.2 This policy aims to provide a framework for residents wanting to undertake small scale burials on rural private property in the Queanbeyan Palerang Regional Council local government area.
- 2.3 This policy does not relate to the burial of pets or other animals.

3 SCOPE OF THE POLICY

- 3.1 This policy will detail the private burial approval process under section 92 the *Public Health Regulation 2022*.
- 3.2 This policy only applies to private burials totalling no more than 4 bodies. If at any time more than 4 bodies are buried at a property, then this policy no longer applies and the applicant would need to submit a Development Application for a private Cemetery.

4 DEFINITIONS

- 4.1 Approval – A private burial approval under section 92 (1) of the Public Health Regulation 2022
- 4.2 Coffin – A sealed container that prevents the leakage of body exudate or other substances until buried within the ground.
- 4.3 Council – Queanbeyan Palerang Regional Council
- 4.4 Body – deceased human intended to be buried.
- 4.5 Burial plot – The individual plot of ground where a single body is to be buried. Multiple plots can be within a burial site.
- 4.6 Private Property – the privately owned land consisting of one or multiple lots.
- 4.7 Private Burial site — Place established for the burial of up to 4 bodies

5 LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

- 5.1 Public Health Act 2010
- 5.2 Public Health Regulation 2022
- 5.3 Environmental Planning and Assessment Act 1979

6 CONTENT

6.1 Application Submission

- 6.1.1 A “Private Burial” application must be made in writing by the owners of the private property where the body/s are intended to be buried. The application must be submitted to Councils Environmental Health team for assessment.

- 6.1.2 Any application must be submitted with the supporting documentation as detailed in section 6.2 of this policy.
- 6.1.3 An application fee as listed in Councils fees and charges must be paid prior to the approval being issued to the applicant.
- 6.1.4 Failure to pay the fee within 30 days of invoicing will result in the application being refused. A new application will need to be submitted should the applicant wish to receive a private burial approval in the future.

6.2 Minimum site requirements

- 6.2.1 The property must be at least 5ha in size.
- 6.2.2 The burial site cannot be in a flood prone area.
- 6.2.3 The burial site must be located at least 100m from any adjoining private property boundary. This distance does not apply to boundaries of adjoining roads.
- 6.2.4 The burial site must be located at least 40m from any dwelling within the applicant's private property.
- 6.2.5 The burial site must be located at least 100m from a named waterway or its tributaries.
- 6.2.6 Burial plots cannot be located along any natural overflow drainage depressions.
- 6.2.7 The burial site must be able to accommodate the proposed burial plots of a depth that ensures that the upper surface of the coffin is at least 900mm below natural surface level.
- 6.2.8 Within 90 days of the application a right of way must be registered on the land and joining the burial site to a public road. A right of carriage way can be created by speaking with the NSW Land Registry Services.

6.3 Application required documents

- 6.3.1 The following documentation must be submitted with the application:
 - a) Proof of ownership of land (if different from Councils database).
 - b) Signed statement from all property owners supporting the creation of the private burial site.
 - c) Proof of consultation with the adjoining properties regarding the proposal to establish a burial site. Any objections received by adjoining properties will be considered by Council before determining the private burial application.
 - d) Site plans identifying the exact location of the burial site and the individual burial plots. Each plot must have a person allocated to it (can be amended in the future). If the site plan is not produced by a surveyor then a suitable surveyor site plan must be provided to Council within 90 days of the application.
 - e) Details of the fencing/markings that is to be installed around the boundary of the burial site and burial plots to mark their physical location. The proposed fencing or marking must be made of a durable material and not able to be easily buried or obscured.
 - f) A geotechnical report may be required if Council believes that the burial site has the potential to contaminate drinking water supply, domestic water supply, or other surface water sources. This report would be required to assess the likely impact on effluent disposal systems, bores, and local waterways within close proximity to the burial site.

6.4 Alternative burial methods

- 6.4.1 Any changes to standard burial methods may be approved within the scope of the QPRC private burial policy so long as approval from NSW Health department has been obtained.
- 6.4.2 A detailed explanation as to what alternative burial method is proposed and proof of NSW Health approval must be provided with the private burial application.

6.5 Burial requirements

- 6.5.1 Prior to any burials occurring, as part of the approval, the applicant must engage a funeral director to ensure transport, handling, and burial of the body is undertaken correctly.
- 6.5.2 Within 90 days of the burial site being created or burials occurring the applicant must organise for Council to conduct a site inspection assessing the following:
 - a) The burial site and plot locations are in line with the approval.
 - b) Suitable fencing/markings has been installed around the burial site and burial plots.

6.6 Failure to comply with conditions of the approval

- 6.6.1 Failure to comply with the conditions of the private burial approval may be investigated by Council and enforcement action taken if the conditions are not met.
- 6.6.2 Enforcement action would include:
 - a) The cancellation of the approval, preventing any further burials occurring onsite. And/or
 - b) Court action for plots that have an existing body and are not complying with the conditions of the approval if the matter cannot be resolved between both parties.

6.7 Exemptions

- 6.7.1 If the property has an existing development approval for a cemetery or private burial onsite, then this policy no longer applies.
- 6.7.2 The burial or placement of ashes on private rural land does not require Council's approval therefore this policy does not apply.
- 6.7.3 The placement of bodies within a vault would require development approval and therefore does not apply to this policy.
- 6.7.4 This policy does not address the exhumation of human remains from an existing burial plot as this requires approval from the NSW Health department.

7 REVIEW

- 7.1 This policy will be reviewed every four years or earlier as necessary if:
 - a) legislation requires it, or
 - b) Council's functions, structure or activities change