


POLICY NAME	BURIAL ON PRIVATE RURAL LAND POLICY	
Date Adopted	26 February 2025	
Resolution Number	12/25	
Policy Custodian	Director of Corporate Services	
Policy Development Officer	Manager Planning and Regulation	
Review Date	February 2028 – 3 Years	
Relevant Legislation	Local Government Act (NSW) 1993 Local Government (General) Regulation (NSW) 2021 Environmental Planning & Assessment Act, 1979 Tenterfield Local Environmental Plan 2013 Public Health Regulation 2022	
Related Documents	Tenterfield Development Control Plan 2014	

POLICY OBJECTIVES

The objective of this policy is to establish guidelines to ensure the establishment of a private rural cemetery meets relevant regulatory requirements.

This policy will enable rural land owners to establish a private rural cemetery subject to the Policy Statement provisions below.

POLICY SCOPE

This policy applies to the establishment of private rural cemeteries within the Tenterfield Local Government Area on land zoned RU1 Primary Production under the provisions of *Tenterfield Local Environmental Plan 2013*.

The policy applies to all proposals to establish a private rural cemetery.

POLICY STATEMENT

- Establishment of a 'cemetery' is a land use which is permitted with development consent under the provisions of *Tenterfield Local Environmental Plan 2013* – a Development Application must be lodged with Council for assessment and determination to allow for a private rural cemetery prior to establishment.
- The minimum area of rural land required for a Private Rural Cemetery (PRC) is 5 hectares;

- Recommended size for PRC is 15 metres X 15 metres (225m²);
- Geotechnical report may be required – or site is to be located on elevated land, not low lying or within 100 metres from a watercourse;
- Burials for family only of the landowner at the time;
- Identification of the number of burials which can take place in the area proposed;
- Council will consult with owners of adjoining sites of the proposed PRC in accordance with *Tenterfield Development Control Plan 2014*.
- Direct access should be maintained by means of a registered right of carriageway and have reasonable and safe pedestrian and vehicle access;
- The boundary of the PRC to have an appropriate stock proof fence;
- PRC must be at least 40 metres from the property boundary;
- Council to ensure advice of the PRC is provided within any Planning Certificates relating to the parcel of land;
- All burial locations to be described and drawn by a registered surveyor together with GPS details of the location and shall be forwarded to Council;
- Council to maintain a register of all private rural burials;
- All graves necessitate permanent markers (minimum size 200 X 200mm) plaque placed on concrete plinth or rock;
- An application to have a grave location on private property approved by Council in accordance with the *Public Health Regulation 2022* as amended shall be lodged with Council showing all of the abovementioned details and together with the appropriate application fee;
- Council will not approve the burial in or on any land if there is risk of contamination of a drinking water supply or a domestic water supply;
- No private burial area shall take place until the excavated grave has been inspected and approved by an authorised Council Officer;

- Grave must have minimal depth of 900mm from top of casket;
- A registered undertaker must present an application for Right of Burial together with a death certificate to Council prior to a *Permit for Burial* being issued and subsequent burial taking place;
- The existence of the PRC is to be designated on the land title as a permanent record, a copy of the amended title or planning instrument (88b) is to be provided to Council for its records;
- Installation of ashes do not require any approval from Council, however details of the deceased shall be forwarded to Council in order to maintain accurate records of all burials within the Shire.
- The application for a PRC, any burials in the PRC and the cemetery itself must satisfy relevant provisions of the *Public Health Act 2010* & Regulations, and any relevant NSW Health Policy and Council Policy.

Variations from the Proposed Policy:

- The General Manager be authorised to vary this policy where deemed appropriate in light of the circumstances of the case to do so. Where a variation is sought the applicant must provide a comprehensive submission to accompany the application. A variation to the minimum land size is not permitted under the provisions of the Public Health Regulation 2022.
- Council may notify affected neighbour/s of an application for a variation.
- If the variation is to reduce the setback distance, the applicant must detail what measures are to be undertaken to mitigate any impacts on affected neighbours. These measures are to be determined following proper consultation of the proposal with all affected neighbours.

Application Fees:

The application fee will be charged as per Council's adopted Fees & Charges at the time of payment.

Savings Provisions

If a Development Application has been determined by way of approval prior to the commencement of this Policy, the provisions of this policy do not apply in retrospect.

POLICY DEFINITIONS

cemetery	<i>means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services. (Tenterfield LEP 2013)</i>
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VERSION CONTROL & CHANGE HISTORY

Previous Versions	Date of Adoption by Council	Resolution #	Author/Editor	Summary of Changes
V1.0	23/09/09	1231/09	Environmental Services	Version 1
V2.0	22/08/12	311/12	Environmental Services	Review/Amended
V3.0	27/03/13	74/13	Environmental Services	Review/Amended
V4.0	23/06/16	52/16	Environmental Services	Review/Amended
V5.0	23/08/17	168/17	Planning & Development Services	Review/Amended
V6.0	23/09/20	196/20	Planning & Development Services	Review/Amended
V7.0	21/12/22	248/22	Planning & Development Services	RE adoption of Policy
V8.0	26/02/25	12/25	Planning & Regulation	Review/Amended Policy