

# POLICY



**Date adopted:** 30/05/2017  
**File no:** 911481-1  
**Minute number:** 148/2017

**Policy title:** **FAMILY CEMETERIES**

**Directorate:** STRATEGY & SUSTAINABILITY

**Branch:** HEALTH, ENVIRONMENT & WASTE

**Policy objective:** To set out the criteria for family cemeteries on private properties, and preservation of existing private graves.

**Policy scope:**

This policy applies to family cemeteries and the management of these cemeteries on private land. It describes the procedure for dealing with private graves in subdivisional developments.

**Definitions:**

Not applicable.

**Policy statement:**

1. Introduction

A significant number of deceased persons have been buried in family or other graves on private property. Many of these graves may be designated by means of headstones or other monuments, while other graves could be unmarked.

It is an offence for any person to wilfully or knowingly disturb human remains, whether or not they lie in a designated cemetery or have been buried on private land. While some headstones and other monuments may have been erected on family graves over the years, some are likely to have been inadvertently destroyed or allowed to disintegrate so that no evidence of these now remain.

2. The following procedure is to be undertaken for this policy:

- (a) The Health, Environment & Waste branch, are authorised to establish and maintain a register of grave locations on private property as these become known. This register will include the following information:
- (i) the property description and location
  - (ii) the property owner
  - (iii) the number of burials actually carried out
  - (iv) the presence of cremated remains
  - (v) the names, dates of death and dates of burial or cremation if known.

- (b) Details, as they become known, will be placed on relevant Council property information systems and show on the property history.  
The Health, Environment & Waste branch will notify Parks (Parks Business Support Coordinator) whenever this register is updated.
- (c) The Health, Environment & Waste branch is authorised to obtain plans of the location of existing graves, and to liaise with property owners for access to the actual grave sites.
- (d) The Director of Strategy & Sustainability is authorised to act on behalf of Council in times of emergency and to consider every application for permission to bury a deceased person in a family grave on private property. Every application and the relevant officer's decisions will be presented to Council for the endorsement of the action taken.
- (e) Only family cemeteries on private land which have actually been used for the burial of the deceased will be permitted to be used. Nothing contained in this clause will prevent a church cemetery or private commercial cemetery from being established provided the necessary approvals have been obtained from the relevant authorities.

3. Subdivisional developments

Any application for development on land containing a private grave is to be referred to the relevant state department and the Health, Environment & Waste branch to consider the environmental impacts.

**Related policies/legislation/other documents:**

| <b>DOC ID</b>                         | <b>DOCUMENT TYPE</b> | <b>DOCUMENT NAME</b>               |
|---------------------------------------|----------------------|------------------------------------|
| Refer to DM "Local Laws" quick search | Local Law            | Local Law No. 14 (Cemeteries) 2011 |