

Future Access to the Site

Future access to the grave site is assured once a covenant has been created and registered by the LTO on the Certificate of Title (See Step 5)

Record of the Site

Council will ensure a record of the burial site is kept and is shown on any certificate issued by it under Section 337 of the *Local Government Act 1993*.

Time to Prepare

You are encouraged to allow time for council to process your application.

It may not be possible to grant approval within days of a death, given the short time between death and burial.

In understanding the sensitive nature of the situation, approval may be sought before death and granted potentially many years before any burial.

If approval is granted in advance, you must notify council of the date of the proposed burial so the completed site can be inspected within six months of the event.

Some councils may ask you to make a supplementary application at the time of death.

More information

Contact your local council.



**PUBLIC
HEALTH
SERVICES**

Private Burial

A Guide to the
Approval Process



Department of Health
and Human Services



Private Burial

The *Burial and Cremation Act 2002* provides for the burial of someone on private land.

This information will help if you want approval to bury someone and guide you through the approvals process under the Act.

Step 1

You need to complete an application form from the council in the area where the burial will take place. It needs the following information:

- name and address of the applicant
- approved person helping with the burial (ie funeral director)
- name of the person whose remains are to be buried and an explanation of their connection to the burial site
- a plan to scale indicating the specific location of the proposed burial site and details of any existing graves on the land
- written permission of the property owner.

You may also need planning permission from the council.

Coffins must be made in line with section 25 of the *Burial and Cremations (Handling of Human Remains) Regulations*.

Step 2

An application fee may apply when you lodge the application for private burial with the council.

You will also be advised if a planning permit is needed.

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Step 3

A council environmental health officer (EHO) will inspect the site to see if it is suitable.

In preparation for this, you must dig a test hole near the proposed burial site for the EHO to view. The test hole should be dug to about 1.8 metres deep.

The EHO may ask for an independent soil test.

Step 4

Council must then refer the application to the Director of Public Health for approval.

If approval is granted, you will receive written permission to proceed in line with any conditions set by the Department of Health and Human Services (DHHS) or council.

Step 5

Council may recommend you and/or the property owner record the burial site and access area on the land title.

If so, you will need to complete an application form (called a 'blank instrument form') available from the Land Titles Office (LTO).

You then send the application, original Certificate of Title, plan of burial area and a covenant between the property owners and the council to the LTO with the fee.

You will need to engage an independent legal service to prepare the covenant.

Once received, the covenant is recorded on the Certificate of Title and returned when finalised.

Site Selection

Keep the following in mind when you select a burial site:

- overall lot size – urban allotments are not considered suitable
- slope of the land
- minimum setback distance of 10 metres from other properties and 20 metres from any bores or waterways
- water table depth and soil type
- ongoing accessibility of the site
- effect on general amenity.

Finalisation of burial

The burial process is considered finalised when the following conditions are met:

- the funeral director advises council the burial has been completed in line with the Act
- the grave has been permanently marked with a headstone or plaque within 90 days of burial (DHHS or council may ask the grave to be capped with a concrete plinth)
- the completed site is inspected by an EHO within six months of burial
- the burial site is recorded on the land title (if applicable)
- any other conditions on council and/or DHHS approval are met.