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Guidelines on how to establish and run a cemetery

A cemetery is a place designated for burials, which may also include a crematorium and memorial gardens. If you have suitable land and interest in operating a cemetery the below information may be useful.

The Site

When looking at potential sites for a cemetery, there are a number of considerations relating to the physical location and characteristics of the land that should be taken into account. The major considerations include, but are not limited to:

- Location:
 - zoning of the land permits use as a cemetery;
 - site not next to residential areas or highly visible from neighbouring areas;
 - site is accessible to cemetery visitors;
 - site is not in close proximity to a drinking water supply or a domestic water supply; and
 - site is not affected by significant noise from, , adjoining main roads, airports, industrial sites or similar.
- Physical characteristics:
 - site does not have a high bushfire or flood risk;
 - site is not too steep;
 - site has sufficient soil depth to allow the top of a coffin to be not less than 900mm below the natural surface (not shallow rock or groundwater);
 - site does not contain heritage sites, threatened species or heavy vegetation; and
 - site does not contain existing structures that cannot be used or are costly to remove.

Failure to meet these requirements will not always prevent a site from being used as a cemetery, however, it may make it more difficult to establish a cemetery or mean that less of the site is able to be used for burials.

Larger sites with lower purchase prices allow for a more financially viable cemetery in the long-term.

Approval Process

Once you have identified a potential site, approval must be sought in order to develop the site as a cemetery.

Establishment of a cemetery must comply with zoning requirements for the land and, where required, be approved by the local council or other relevant environmental planning consent authority through, for example, a development application. If the person or organisation proposing to build the cemetery is not the owner of the land, then they will need consent from the landowner to lodge the development application. Cemeteries & Crematoria NSW (CCNSW) is not required to consent as part of this development approval process. Your local council will be able to advise on this process.

New or expanding cemeteries with at least 5,000 new interment sites can be assessed as State significant development (SSD) under the *State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)*. This means that larger cemetery development proposals are recognised in the same way as other key social infrastructure projects, such as hospitals and schools, through the SSD assessment pathway.

More information can be found here: <https://pp.planningportal.nsw.gov.au/Cemeteries-SSD>

Requirements to run a cemetery

There are no legislative requirements relating to the qualifications of a cemetery operator; however, cemetery operators must satisfy legal requirements under the *Cemeteries and Crematoria Act 2013*. All cemeteries must be registered on the NSW Cemeteries and Crematoria Register. See the CCNSW website for more information - www.industry.nsw.gov.au/ccnsw.

All burials must comply with the *Public Health Regulation 2012*. Contact your local public health unit for further details - www.health.nsw.gov.au/Infectious/Pages/phus.aspx

Once a cemetery is established, certain obligations will be imposed on the cemetery operator under the *Cemeteries and Crematoria Act 2013*, including but not limited to:

- granting interment rights in the cemetery;
- issuing interment right certificates;
- maintaining a register of interment rights, memorials, cremations and interments;
- maintaining and keeping records; and
- performance reporting to CCNSW.

The *Cemeteries and Crematoria Act 2013* can be found here:

<https://legislation.nsw.gov.au/view/html/inforce/current/act-2013-105>

- The introduction of the interment industry scheme will require all cemetery and crematoria operators to hold a licence, and comply with licence conditions, including:
 - providing standard contract terms and conditions for interments;
 - ensuring cemeteries are safely and respectfully maintained;
 - making pricing more transparent and comparing products easier;
 - industry-wide customer service standards; and

- abiding by religious, cultural and spiritual principles to ensure respectful interment for people of all religions and cultures.

More information on the scheme can be found here:

www.industry.nsw.gov.au/cemeteries-crematoria/interment-industry-scheme

A range of resources on the interment rights system for cemetery and crematoria operators can be found on CCNSW's website: www.industry.nsw.gov.au/cemeteries-crematoria/amendment-regulation-2017/industry-information.