

Department of State Growth

4 Salamanca Place, Hobart TAS 7000
GPO Box 536, Hobart TAS 7001 Australia
Ph 1800 030 688 Fax (03) 6233 5800
Email info@stategrowth.tas.gov.au Web www.stategrowth.tas.gov.au



Ms Jenny Gale
Secretary
Department of Premier and Cabinet

Attn: Ms Danielle Hofman

Draft Burial and Cremation Amendment Bill 2018

I refer to your email of 1 October 2018 inviting the Department of State Growth to provide feedback on the draft Burial and Cremation Amendment Bill 2018.

We wish to make the following comments:

PART 2A – New Cemeteries

27B. Application to establish a new cemetery

Subsection (3) states that before determining an application under subsection (1), the regulator may consider a range of matters that currently do not specifically allow for consideration of the Land Use Zones that apply to the land. Currently there are very few zones in which a cemetery can be established (under the State Planning Provisions: Rural, Light Industrial, Open Space, Community Purpose Zones). They are otherwise prohibited. To ensure applicants are aware of the use status, the applicant might wish to seek planning advice as to the status of a development and whether a planning scheme amendment is required prior to seeking approval from the regulator of cemeteries.

This may well be an allowance for this under (3)(c) where the regulator may consider any other matters relevant to determining the application. However, we would seek for the Act to be explicit on such an important matter.

29. Closure of Cemeteries

With respect to subsection (6) – When approving the closure of a cemetery, it would be important for future land use planning purposes for the closed cemetery to be spatially represented on a public mapping service such as LISTmap. Potentially decades into the future, a development may proceed on the land which could result in the unexpected exhumation of bones, which in turn would trigger the need for stop works and notification of the Police and subsequent investigation.

Thank you for providing the department with the opportunity to comment. Please contact Selena Dixon, Manager Planning Policy, by email at Selena.Dixon@stategrowth.tas.gov.au or telephone on 6166 3481 if you need any clarification of the above.

A handwritten signature in blue ink, appearing to read "Kim Evans".

Kim Evans
Secretary

12 October 2018