

Licence conditions – cemetery maintenance

The Scheme introduces mandatory minimum standards for cemetery maintenance (licence conditions B.1–B.5) to ensure accessibility, safety and visitor amenity of cemeteries.

The recent [statutory review of the Cemeteries and Crematoria Act 2013](#) found significant variations in cemetery maintenance standards across NSW due to a lack of specified maintenance standards. The [Independent Pricing and Regulatory Tribunal Review of the costs and pricing of interment in NSW](#) also recommended implementing minimum maintenance standards. It found that standards would increase consumer choice and assist with developing the future requirements for perpetual maintenance.

As recommended in those reports, the conditions have drawn from CCNSW’s existing Voluntary Code of Practice for Cemetery Maintenance and were amended following consultation with industry and consumer and community representatives.

Who is required to comply?

Operators will be subject to licence conditions in one of four categories. See our [fact sheet on licensing and categorisation](#) for more information. Cemetery maintenance conditions will apply to all Category 1 and 2 operators, with Category 3 and 4 only required to comply with B.1.

	Licence condition	Category 1	Category 2	Category 3	Category 4 (caretaker)
Cemetery maintenance	B.1	Yes	Yes	Yes	Yes
	B.2	Yes	Yes	No	No
	B.3	Yes	Yes	No	No
	B.4	Yes	Yes	No	No
	B.5	Yes	Yes	No	No

Licence conditions summary

Please note this is a summary of the proposed Scheme and licence conditions. For more details read the [Licence Conditions for Operators of Cemeteries and Crematoria](#).

B.1 Operators must ensure site maintenance and public access.

This includes ensuring:

- public access during daylight hours
- removal of fallen trees or branches
- basic landscaping to allow the cemetery to remain accessible.

The operator must ensure site maintenance and public access regardless of whether the cemetery is active or inactive. This condition recognises that accessibility and safety are the core minimum standards that apply to a cemetery throughout the cemetery life cycle and is the only maintenance licence condition that will apply to operators with Category 3 and 4 licence conditions.

Public access to the cemetery may be limited to access by appointment, if operators advertise this and appointments are available within a reasonable time.

B.2 Operators must prepare a document which outlines the operational maintenance needs of their site(s)

This document, for operators with Category 1 and 2 conditions, must include:

- the current status of the site(s), or areas of the site(s), including whether they are operating or inactive
- a list of assets which require ongoing maintenance
- how often the assets will be inspected
- a maintenance schedule which includes response times for unplanned maintenance (such as repairs).

This document is where an operator can clearly outline how they propose to maintain their cemeteries, allowing for flexibility in how different areas are maintained depending on their active/inactive status or other significant land use factors (e.g. use as a natural burial site). If an operator has a combination of active and inactive cemeteries, this enables those cemeteries to be maintained at different standards as appropriate.

The document must be updated annually and the operator must tell CCNSW when it has been updated.

B.3 Operators must keep records of their operational maintenance activities

To support the operational maintenance document in B.2, operators with Category 1 and 2 conditions must keep records of their maintenance activities, including a summary of the activity, when it was undertaken, and any associated costs. Operators must provide a copy of these records to CCNSW if requested.

B.4 Operators must provide CCNSW with a completed self-assessment checklist

Operators who have Category 1 licence conditions must complete and provide a copy of the self-assessment checklist to CCNSW annually.

Operators with Category 2 licence conditions must complete and provide a copy of the self-assessment checklist to CCNSW bi-annually (every 2 years).

While it will not be mandatory for operators with Category 3 or 4 licence conditions to complete the checklist, it is recommended as best practice particularly for Category 3. There is no requirement to submit the checklist to CCNSW for Category 3 or 4.

B.5 Operators must comply with site maintenance standards

The site maintenance standards are mapped against 9 key themes and relate to:

- site entry and access
- cemetery grounds
- monumentation
- environmental management
- built assets and infrastructure (buildings, roads and pathways)
- staff maintenance skills and resources
- heritage values
- maintenance planning
- public information.

How will CCNSW support operators?

The existing [self-assessment checklist](#) and [Voluntary Code of Practice for Cemetery Maintenance](#) provide guidance for use in the Scheme. Operators can refer to these now to understand their overall maintenance obligations.

CCNSW will provide further explanatory material on the minimum standards for operational cemetery maintenance, and instructions for completing the self-assessment checklist.

Relevant FAQs

What will be the expected difference in maintenance standards between an operator with Category 1 and Category 2 licence conditions?

While minimum maintenance standards between Category 1 and Category 2 will be similar, reporting requirements and frequency of reporting will be more flexible for operators with Category 2 licence conditions, who will have longer duration between reporting timelines. This recognises

that there is a large difference between a larger Category 1 operator with potentially over 100 interments a year, and a smaller Category 2 operator who may conduct 51 interments a year.

It may also be appropriate for some maintenance standards to look slightly different for Category 2 operators than for Category 1, and we will work with operators during the consultation and implementation phases to consider this approach.

We have several cemeteries, only a few of which are now active and the rest of which are heritage and/or full. Similarly, we have cemeteries with some sections that are active and some sections that are inactive. Do we need to meet the maintenance standards for all the cemeteries and all the sections within each cemetery?

The level of maintenance required will depend on the level of activity, the visitation rates in each cemetery or section, and any existing contractual arrangements in place. There may be religious and/or cultural requirements for particular sections that will need to be considered as well.

Generally maintenance requirements for inactive cemeteries or cemeteries with inactive sections visitors will be substantially less than for active operational cemeteries.

Operators will be able to self-identify the status of their cemeteries, or parts of their cemeteries, through their operational maintenance documents (condition B.2). They will then be able to indicate how they will appropriately manage each cemetery/section so identified. Inactive cemeteries or sections of cemeteries will only need to meet the basic B.1 requirement to remain accessible and safe.

This will be outlined in explanatory material to be provided by CCNSW.

Do our maintenance standards only apply to the public areas, or the private/back of house areas too?

The minimum maintenance standards are intended to cover those areas of a cemetery that are publicly accessible. We recognise that back of house areas which are not publicly accessible, such as maintenance depots, will need to be maintained to meet any other regulatory requirements, such as those for WHS and the Annual Fire Safety Statement (AFSS), but these areas are not included in these conditions. This should be reflected in the cemetery operator's maintenance documents as required by condition B.2 of the licence.