Cemeteries & Crematoria NSW

Department of Planning, Housing and Infrastructure

www.cemeteries.nsw.gov.au

Guide to Licence Conditions B.1–B.6 : Cemetery Maintenance (operational)

March 2024

Acknowledgement of Country

Cemeteries & Crematoria NSW acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally, and economically.

Contents

Introduction

The Interment Industry Scheme

The Interment Industry Scheme was established under the Cemeteries and Crematoria Regulation 2022 (NSW). The scheme was developed in response to recommendations from two 2020 reviews:

- a statutory review of the *Cemeteries and Crematoria Act 2013* (NSW)
- the Independent Pricing and Regulatory Tribunal (IPART) review of interment costs and pricing in NSW.

The statutory review found significant variations in cemetery maintenance standards across NSW due to a lack of specified maintenance standards. The IPART review 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, these maintenance licence 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.

The Voluntary Code of Practice is available on our website and contains examples of best practice cemetery maintenance.

Under the scheme's licensing framework, NSW cemetery and crematoria operators must hold a licence to perform interment services, including burials, cremations, ash interments and caretaker services.

There are 4 licence categories, each with different conditions that operators must meet. For more information on the application of licence categories see our Cemetery Operator Licence Categorisation Policy.

The Conditions will be reviewed by CCNSW periodically.

This guide

The aim of this guide is to help operators understand how to meet licence conditions B.1 to B.6 which relate to cemetery maintenance. Operators should read this guide alongside the <u>licence conditions</u>.

The guide has 4 sections:

1. Introducing the conditions – describes what the conditions cover, the model contracts and the role of operators and funeral directors.

2. Understanding the conditions – explains what operators need to do to meet conditions B.1–B.6. Visual examples for certain conditions are referenced here and included at **Appendix A-Visual Examples.**

3. Showing compliance – describes how operators can show they comply with the conditions, and how we may monitor compliance.

4. Resources – information on training, available resources, and the Self-Assessment Checklist

Note on terms

In this guide, 'we' and 'our' refers to CCNSW. 'You' and 'your' refers to operators. The terms 'consumer' and 'customer' have the same meaning.

Introducing the conditions

Licensing conditions for cemetery maintenance

There are 6 licensing conditions relating to cemetery maintenance. These are known as conditions B:

- B.1 – Operator must ensure Site maintenance is carried out and public access to the cemetery is maintained.
- B.2 – Operator must prepare a document which outlines the maintenance needs of the Site.
- B.3 – Operator must keep records in relation to the activities carried out under the maintenance document.
- B.4 – Operator must provide the Cemeteries Agency with a completed self-assessment checklist for Site maintenance.
- B.5 – Operator must comply with Site maintenance standards.
- B.6 – Operator must comply with additional Site maintenance standards (Category 1 only)

Note that these Cemetery Maintenance conditions are not intended to and cannot override or diminish any obligations of an operator under an Act, order, regulation, proclamation or ordinance. In particular there are existing obligations under WHS law and may be obligations under the Heritage Act where a Site or part of a Site has a heritage listing.

The table below shows which conditions B apply to each licence category.

Licence condition		Category 1	Category 2	Category 3	Category 4 (Caretaker)
B. 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
	B.6	Yes	No	No	No

Operational maintenance in context

There are three areas of "maintenance" that are regularly attributable to the cemetery and crematoria sector. These are shown in the diagram below. The focus of this guide is "Operational Maintenance" (sometimes referred to as premises maintenance). There is a fact sheet on maintenance and repair of memorials (memorial maintenance, also known as interment site maintenance) on our website with other resources relating to interment rights (as amended from time to time). More information on the operational maintenance requirements in relation to memorials (such as monument safety testing) is included below. CCNSW is intending to provide further information on perpetual maintenance in the future.
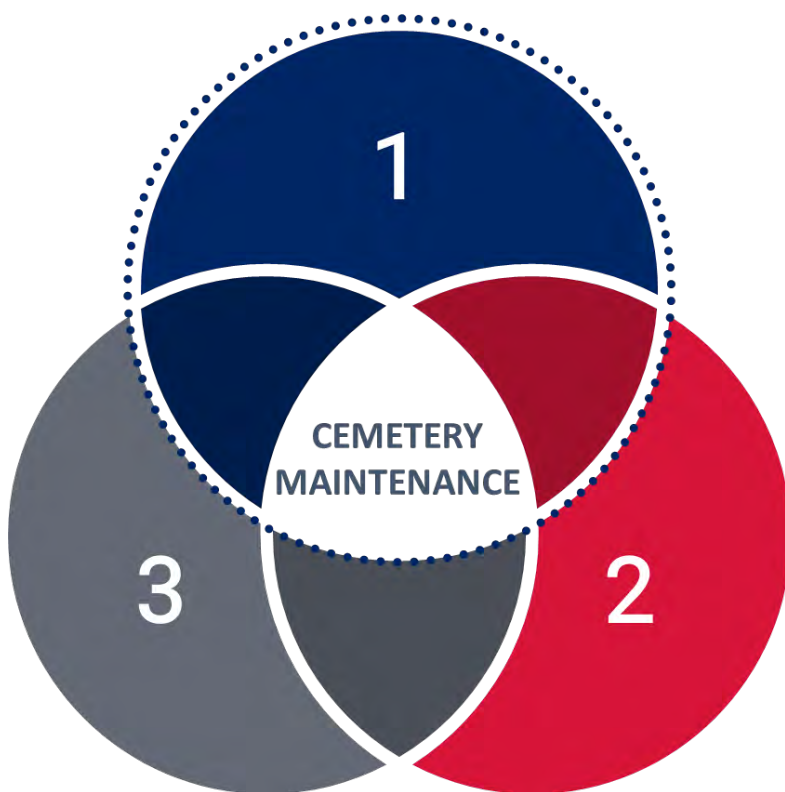
1. Operational Maintenance

Relating to the grounds and/or landscape maintenance that is the responsibility of cemeteries and crematoria operators

2. Memorial Maintenance

Relating to cemetery memorials, the care of which is generally the responsibility of the interment right holder

3. Perpetual Maintenance

Relating to ensuring maintenance is able to extend into perpetuity even where income is not available from interments

The concept of minimum standards for maintenance

These licence conditions (in particular B5 and B6) introduce Site maintenance standards: these are minimum standards and are expressed in general rather than specific terms.

Customers when they make complaints to us in relation to maintenance are generally looking for us to be more prescriptive in our responses and our directions to you as operators - e.g. the grass must be mowed fortnightly – but it is not feasible for us to prescribe this for every cemetery. This is why we have taken this minimum standards approach.

Cemeteries should have their own standards for maintenance which are set as part of their maintenance schedule or equivalent document (B2 requirement).

If there are complaints about maintenance the first step we would take would be to look at whether these standards are clarified for your cemetery in your maintenance schedule, and whether you have been meeting your own standards.

If these commitments were met, we would then consider whether those commitments were appropriate to ensure an adequate maintenance standard. In considering this we would look at the circumstances of the cemetery, maintenance standards for comparable cemeteries or other open spaces, and other factors.

We recognize that not every cemetery needs to look the same, but they all need to offer a respectful standard of maintenance.

Understanding the conditions

B. 1 – Site maintenance and access

B.1 Operator must ensure Site maintenance is carried out and public access to the cemetery is maintained

What condition B.1 means

Condition B.1 is about ensuring operators undertake basic levels of maintenance to enable ongoing, safe public access to the cemetery whilst respecting those interred in the cemetery.

Condition B.1 applies to all (Category 1, 2, 3 and 4) operators.

If you are a Category 1 or 2 operator, you should read condition B.1 in conjunction with conditions B.2 to B.5 (and B.6 for Category 1 operators).

If your cemetery is of local or State heritage significance, you may have additional heritage requirements to comply with as imposed by the *Heritage Act 1977*.

How you can comply with condition B.1

Ensuring access for active and inactive cemeteries

B.1 requires public access to each Site during daylight hours. If for any reason you need to restrict access, you may wish to conduct a risk assessment prior to limiting access which identifies the risks, determines and implements measures to address those risks (e.g. a temporary exclusion zone) and provides onsite information and details of the duration of limited access.

Only limit access by appointment where you advertise how an appointment can be made (both at the site and on your website if you have one) and where appointments can be facilitated within a reasonable time

Monitoring and addressing fallen trees, branches and other safety hazards

We expect removal of fallen trees and other safety hazards will be addressed in normal day to day operations as soon as practicable. However, if you wanted to do more to demonstrate compliance you could develop a procedure which includes:

- o Consideration of the risk to the public – the greater the risk, the more urgent the clearing works should be (including limiting access to the cemetery, or part of it, if required)
- o Consideration of the size / scale of the tree or branches – including the people or services responsible for the clearing works (for example, larger trees may require professional services, but smaller branches may be removed by volunteers).

B.2 – Operational maintenance document

B.2 Operators must prepare a document which outlines the operational maintenance needs of the Site.

What condition B.2 means

This condition requires operators to develop and implement a maintenance document that addresses a number of matters. This enables operators to turn their mind to the basic maintenance needs of their sites and how they differ from site to site, and to set appropriate standards based on the site or the distinctive areas of the site.

Condition B.2 applies to Category 1 and 2 operators.

How you can comply with condition B.2

Decide on a form of maintenance document or schedule

- This can be in a format that suits you and does not need to be a standalone document.
- You can use and adapt your existing management plans, maintenance schedules or similar documents that contain the information required by the condition, and update those documents as needed.

Document each site/part of site as active or inactive

- Set out the status of the site, or parts of the site, including cemetery name (including any other names by which the cemetery is known) and whether it is "active" or "inactive" based on the current or intended use of the site
- To assist in identifying different parts of the site you should provide site mapping of each cemetery highlighting areas of note, e.g.:

- o current status of different parts of the site based on cemetery lifecycle (see further detail below)

- o known areas of environmental significance

- o areas prone to natural disasters such as landslips, flood or bushfire

- o waterways or streams

- o heritage listed areas (e.g. where specific areas are listed)

- o religious portions

- o maintenance and storage areas

If you believe that the CCNSW register (or your Cemetery Operator Licence if you have one) is incorrectly recording your facilities as active or inactive, please contact CCNSW immediately. For the purposes of licencing, an inactive cemetery is defined as one that is closed to future interments other than a small number of pre-purchased interments or interments of a specific person or class of persons which must be specified in the licence application.

Define maintenance levels of different parts of the cemeteries

- Identify the status of different parts of the cemetery for maintenance purposes (e.g. this could be based on the concept of the cemetery lifecycle, which starts from 'unused' land, to being 'active' and 'transitional' areas during their use for interment, before entering into the 'perpetual' or 'inactive' phase

- Consider factors such as:

  - o current active interment areas (regular at need) or high visitation areas (high use for interment, site entries, pedestrian pathways, amenities buildings, car parks, memorialisation walls / garden areas)

  - o transitional use areas (occasional use for interment, e.g. reservations, second burials)

  - o perpetual use areas (areas where there are generally no interments taking place, though there may be occasional use)

  - o unused cleared areas (cleared, but not yet developed for interment activities)

  - o unused natural areas (containing native vegetation or similar areas)

  - o administrative / maintenance areas (containing sheds, landscaping materials or administrative buildings / structures)

- Where part of a cemetery is unused (either because it is a new section that is not yet operational, or an older section that is now completely inactive), it can be maintained at standards as set out in B.1 if this is clearly justified and outlined in this maintenance document.

- Think about the following items that may impact maintenance activities and scheduling:

  o locality factors, for example, in isolated locations where the regularity of maintenance visits may be limited – whole of cemetery maintenance may be undertaken at each visit rather than maintenance of different areas being undertaken at different intervals.

  o environmental factors, such as maintenance of areas to protect endangered species, maintenance for bushfire purposes (e.g. where asset protection zones are in place), or restoration of natural areas such as creek lines or fauna corridors. Site specific requirements will apply.

  o irregular access to water, materials or equipment to undertake maintenance activities. Site specific requirements will apply.

List your assets and their inspection cycle

- Identify the assets within each of your cemeteries, do so by class and set out an inspection cycle – an example of this is suggested below (noting that these timeframes are indicative, not mandatory).

Class	Assets	Inspection cycle (for example)
Building assets	Chapels, amenities, storage or maintenance facilities	Annual condition inspection, or 6 months, or as required for safety (e.g. fire) or regulatory requirements
Movement assets	Roads, car parks, pathways and access facilities	Biennial (every two years) condition inspection, or 6 months, or as required for safety or defects
Services assets	Water, sewer, electrical and telecommunications	Annual condition inspection

Class	Assets	Inspection cycle (for example)
Other fixed assets	Drainage, fencing, signage, bins and street furniture (e.g. seats and shelters)	Annual condition inspection
Landscape assets	Gardens, irrigation and related fixtures	Annual condition inspection
Monuments and memorials	Monuments, owned by individual interment right holders but required to have regular safety inspections	Inspection once every 5 years (or more often where a potential risk is identified)
Burial and interment assets	Owned by the Operator, such as lawn cemetery beams and niche walls	Biennial (every two years) condition inspection

Category 1 Operators should utilise this information within the context of a dedicated Asset Management Plan as required under Condition B.6.

Outline your Monuments/Memorials inspection cycle

These monument safety requirements mirror Operator's existing obligations under the Work Health and Safety Act 2011 NSW to eliminate risks to health and safety, so far as is reasonably practicable, for staff and visitors.

Your inspection cycle must provide that monuments/memorials be inspected at least once every five years

These inspections should be based on a consistent and informed process, for example one that:

- uses an appropriate and documented risk-based process to inform any resulting actions

- is undertaken by appropriately trained staff or contractors

- is supported by appropriate infrastructure such as warning signs, notices, and temporary supports

- considers cultural and heritage requirements

- is proportionate action to the level of risk

- begins with a visual inspection. Where the visual inspection indicates a physical safety test is required, this should be conducted. A monument that has been identified as

potentially unsafe in a visual inspection can be cordoned off to mitigate the safety risk, for example with high visibility tape and/or witches hats, until further testing can be completed, and interment right holders are notified.

▪ makes reasonable attempts to obtain interment right holder's consent to take action unless immediate works are required to protect public safety under applicable work health and safety laws. See our fact sheet on maintenance of memorials here for more information about the role of the interment right holder.

▪ includes raising public awareness before actioning any wholesale safety inspection processes (for example, laying down headstones which should only ever be done as a last resort)

CCNSW plans to work with the Cemeteries and Crematoria Association of NSW (CCANSW) and the Monumental Masons Association of NSW Inc. (MMANSW) to provide operators with more information on monument safety inspections, and the types of actions that can be taken where safety concerns are identified.

Prepare a maintenance schedule

You are required to develop a maintenance schedule for planned and unplanned maintenance commitments. This must be updated (and CCNSW notified):

• annually – for Category 1 operators

• biennially (every 2 years) – for Category 2 operators

To assist you in developing a maintenance schedule, you should consider the following steps:

• Determine maintenance activities based on cemetery area type, for example as suggested below:

Cemetery area type	Maintenance activities
Current active interment areas or high visitation areas	Regular mowing, trimming and other basic maintenance activities, including removal of rubbish
Transitional use areas	Moderate regularity of maintenance activities
Perpetual use areas	Low level of maintenance activities whilst meeting minimum standards for access and safety
Unused cleared areas (not yet utilised)	Maintained to appropriate community standards depending on use (e.g. as general public open space)

Cemetery area type	Maintenance activities
Unused natural areas	Variable maintenance to ensure vegetation quality is retained or improved (e.g. weeds management)
Administrative / maintenance areas	Variable maintenance to ensure they are safe, tidy and do not create a potential hazard. *Note: Administrative buildings with public access would be considered as high visitation areas.*

- Develop a schedule based on basic maintenance standards for each area type.

- Map planned maintenance activities into a calendar to assist with managing different contractors, consider the effect of different seasons and weather patterns and facilitate staffing arrangements of accommodating contractors

- Leave sufficient gaps in the maintenance schedule of activities and associated calendar to accommodate unplanned maintenance needs as and when required

B.3 – Maintenance record keeping

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

What condition B.3 means

This condition requires operators to record and keep information about their maintenance activities to support the operational maintenance document required by condition B.2. It includes keeping records of maintenance activities, including a summary of the activity, when it was undertaken and any associated costs.

 Condition B.3 applies to Category 1 and 2 operators.

How you can comply with condition B.3

Keep records of maintenance activities and outcomes

- Document maintenance activities undertaken in relation to the maintenance document or schedule, including automatically generated records (such as works orders), a simple logbook of activities, or other entries recorded in existing or new systems.

- Include in your records:

  o a summary of the activity or inspection - such as a brief description of the reason for the works, (e.g. scheduled maintenance, inspection only, unscheduled maintenance) and the outcome of the activity or inspection (works completed, inspection resulted in specific contractor needing to be engaged, incomplete inspection needing return to site)

  o date of the works (including if over multiple days)

  o costs allocated to the activity or inspection - this may include internal staff time costs, costs of material used or contractor costs where specialist or external assistance has been utilised.

- Consider maintaining your records through a centralised system or database

- Retain all records (however stored) and provide to CCNSW on request.

B.4 – Self-assessment checklist

> B.4 Operators must provide CCNSW with a completed self-assessment checklist for Site maintenance

What condition B.4 means

This condition requires operators to complete a self-assessment checklist for site maintenance, where such a self-assessment checklist has been prescribed and provided by the Cemeteries Agency.

Condition B.4 applies to Category 1 and 2 operators.

There is an initial self-assessment checklist in this Guide at **Attachment B. This is not a regulatory checklist which must be completed and returned to CCNSW at regular intervals.** This is an initial checklist intended to support operators to assess themselves against the requirements of Conditions B.

The checklist lists all required maintenance conditions and includes space for comments. Relevant comments could for example be noting that you are compliant, and how/why, or noting that you are not yet compliant but have a plan to become compliant by doing certain things over a certain timeframe.

Once the conditions have commenced, this checklist will be adopted and published as the mandatory checklist required by B.4.

At that point, operators will be notified and the **Appendix B** checklist will be updated, along with instructions for its completion.

Until a checklist is formally published, the requirement to provide CCNSW with a completed checklist does not apply. Once checklists are required to be provided to CCNSW, these will be used to assess compliance with the maintenance conditions (as a desktop audit exercise to determine how to prioritise site visits).

There is also an additional self-assessment checklist currently on our website (here under Publications) which relates to self-assessment against the Voluntary Code of Practice and is not a regulatory assessment tool. However, if you do wish to assess your current maintenance standards it could be a useful tool to identify any areas requiring attention.

How you can comply with condition B.4

Complete the checklist (once a mandatory checklist is available)

You must complete the self-assessment checklist and provide it to us either annually (if you hold a Category 1 licence) or every two years (if you hold a Category 2 licence).

Once the self-assessment checklists are required, operators should retain records of these submitted checklists, including identifying any resulting actions to ensure compliance.

Frequency of completing self-assessment checklist

- for operators with a Category 1 licence – annually, to be provided to CCNSW no later than the anniversary of the date on which the licence was granted

- for operators with a Category 2 licence – biennially, to be provided to CCNSW no later than the second anniversary of the date on which the licence was granted.

B.5 – Site maintenance standards

B.5 Operators must comply with site maintenance standards

What condition B.5 means

This condition requires operators to take all reasonable steps to comply with site maintenance standards and sets out what those site maintenance standards are.

Condition B.5 applies to Category 1 and 2 operators.

How you can comply with condition B.5

B.5.1 Site entry and access

- install clear, legible signage at each entry point to the site to set out the cemetery name, contact details of the operator and the site opening hours. This should be prominent and easily identify the entry points

- The requirement is for well defined boundaries and/or fencing. You should have fencing in place where any of the following applies:

    o there is a high risk of vandalism or safety concern, including where access is restricted

    o there is a high risk of monument damage from animals (e.g. livestock, feral animals etc)

    o it is the most appropriate and practical way to define a boundary

    o there are other aesthetic or heritage reasons for fencing to define the cemetery.

- Where fencing may not be required, you should have identifiable boundaries, such as roads, hedges, or bollards

- You could conduct a risk assessment if you consider that fencing is likely to impact on heritage character or visual amenity and make this available to CCNSW upon request

- Design site entry points for shared zones between pedestrians and vehicles and appropriately sign and landscape those entry points.

- Some examples of fencing and boundaries, and of shared access zones, are contained in **Appendix A- Visual Examples.**

B.5.2 Cemetery grounds

Memento policy

- You must prepare, publish and make available to the public (e.g. on your website or onsite) a policy which outlines mementos and offerings that can be left by visitors.

- Include in the policy what mementos and offerings are allowed, or specifically prohibited, with consideration of religious and cultural needs. The policy should generally include details and requirements associated with:

  - containers, vases or jars for the holding of flowers or similar

  - plants, trees or potted plants

  - flags, clothing, soft toys and material-based decorations

  - letters, coins, books, photographs and photo frames

  - gravesite markers such as rocks, pebbles, pavers, fencing, timber or brick edging and other markers that outline the interment plot

  - ornaments such as flowers, candles and solar powered lights

  - grave filling through use of bark chips, stones or gravel

- Specify any materials or items for a memorial or monument that may constitute a public safety hazard, are not permitted and may be removed by the operator without notice

- If relevant to your service offering, you may determine that a set number of items of commemoration are allowed to be placed on, or affixed to, monuments, lawn beams or memorialisation areas. Where you permit this, the policy should outline:

  - the permitted number and maximum size of such items

  - where they may be placed (e.g. within the space of the interment right holder area and not overhanging neighbouring sites)

  - what materials may be permitted (e.g. not of glass or other fragile material), and

  - under what circumstance these may be removed (e.g. when worn out, limiting maintenance activities, present an environmental impact, or of an offensive nature).

Access, trees and branches

- Building on B.1, B.5.2 requires that you maintain safe access for visitors and work personnel and that access paths should not become overgrown or concealed by vegetation.

- To ensure this, you must identify fallen trees or branches through regular inspections and remove as soon as practicable.

- Leave fallen trees and branches in situ where they are located outside the used cemetery space (e.g. within a natural area that forms part of the cemetery land).

Herbicides

- You must avoid using dyed herbicides that are reasonably likely to stain memorials. Manual removal of weeds in close proximity to a memorial is preferred, particularly where it is made of a marble or light stone that is easily stained.

- You should outline in your maintenance document the herbicides and/or other chemicals that may be used within your cemetery and the circumstances of their proposed use.

Signage

- You must erect and maintain signage to clearly display any applicable speed limits where public vehicle access is permitted within the cemetery

- You may wish to conduct a risk assessment to determine whether on-site speed limit signage is required.

Religious and cultural obligations

- Where reasonable, or where specified in a particular contract, you must ensure that applicable religious or cultural requirements for site maintenance are adhered to.

- Work any religious or cultural requirements into your B.2 maintenance document.

B.5.3 Memorials

Safety standards

- You must comply with the applicable provisions of AS 4204:2019 *Headstones and cemetery monuments* and AS 4425:2020 *Above-ground burial structures* (for new and restored memorials)

- You should keep records demonstrating:
  - applications/permits for monument installation contracts with agents and customers regarding purchase, construction and installation of monuments
  - monument policies and procedures
  - criteria for being on an approved supplier list (masons, monuments)
  - the facilitating and recording of permissions, such as works only being permitted in writing using a suitable form (e.g. "Monumental works request" form or similar)
  - all monumental works are being installed by a licenced monumental mason.

We are aware that there can be a lack of availability of qualified stonemasons, particularly in regional areas, that are able to meet these standards. CCNSW will work with MMANSW to provide further information on criteria that operators should consider when consider monument

construction and safety (such as appropriate qualifications or demonstrated work examples), and consider options to support compliance particularly in regional areas.

Safety inspections

- assess memorials at least once every 5 years and determine the need for safety maintenance

- identify risks and proportionate actions taken to rectify those risks

- implement an inspection cycle as provided for in B.2

We are aware that there is no training or Australian Standard available specific to monument inspection, training is only available for monument construction and repair. CCNSW will work with CCANSW and MMANSW to consider options for monument inspection training, or other ways to identify and share best practice guidelines for industry to understand the required processes. These materials will be guidelines only, rather than detailed instructions relating to all typs of memorials and monuments.

B.5.4 Heritage Values

- You can check the heritage status of your site by searching the State Heritage Inventory which captures the State Heritage Register under the *Heritage Act 1977* (NSW)

    o Note that the State Heritage Inventory also includes heritage listings at a local level, such as those captured under a Local Environmental Plan or a Development Control Plan. These heritage listings are important to take into account when considering how a Site is operated (for example in relation to the maintenance schedule) but are not relevant to this condition which relates to State Heritage Register listings only.

- You can determine whether you need a Conservation Management Plan for those sites, memorials or structures

    o Further information about Conservation Management Plans can be found on the Heritage NSW website.

    o Where a Conservation Management Plan is required, it should be updated at reasonable intervals based on a risk assessment to ensure that heritage values are maintained.

- You may also consider adoption of nationally accepted guidelines (e.g. Burra Charter) as applicable

- Make the heritage value of your site publicly available (e.g. on your website if you have one, and/or through appropriate signage).

Minimum Standards of Maintenance and Repair for items listed on the State Heritage Register apply under the *Heritage Act 1977* (NSW) (section 118) and Heritage Regulation 2012 (Part 3). For listed items, these may need to be reflected in your maintenance schedule/document as per B.2.

B.5.5 Public information

- use signs (in accordance with standard B.5.1) to inform the public about the cemetery (including site maps and maintenance works)

- design your signs so they can be regularly reviewed and updated as needed to ensure accuracy.

- Some examples of cemetery signage are included in **Appendix A – Visual Examples.**

B.6 – Additional site maintenance standards

B.6 Operators must comply with additional site maintenance standards

What condition B.6 means

This condition requires operators to take all reasonable steps to comply with additional site maintenance standards and sets out what those stie maintenance standards are. The areas for the standards (and those in B.6) are those laid out in the Voluntary Code of Practice for Cemetery Maintenance (with the exception of) Perpetual Care.

Condition B.6 applies to Category 1 operators only.

How to comply with condition B.6

B.6.1 Environmental management

You are required to obtain a Safe and Useful Life Expectancy (SULE) report or equivalent safety assessment for trees on your Site. These inspections should be based on a consistent and informed process. You should take a risk-based approach and ensure that assessments are ::

- o conducted initially no more than 2 years from the date the licence is granted
- o prepared by an arborist or other qualified professional (see below)
- o identify individual trees, including any heritage trees
- o repeated as recommended by the arborist, but not less than once every 5 years.

To do this you must engage an arborist or otherwise qualified professional who holds a nationally recognised qualification, for example the following:

- o AQF5 Diploma Arboriculture,
- o QTRA (Qualified Tree Risk Assessment) /TRAQ (Tree Risk Assessment Qualification
- o VALID (Tree Risk-Benefit Management & Assessment)

An 'otherwise qualified professional' could also be a person with significant relevant workplace experience in certain circumstances, if you are confident this aligns with your WHS responsibilities.

Reassessments must be done as recommended by the arborist/professional, and at least every 5 years. This will enable ongoing monitoring and identification of subsequent works or other remedial

actions (including tree removal where deemed necessary and subject to any required approval processes).

Your tree safety assessments should take a risk based approach consistent with your WHS responsibilities:

- You should determine which areas are utilised and require tree safety assessments, in line with your WHS responsibilities.

- In areas which are assessed, trees shall be individually identified (including the identification of heritage listed trees), with inclusion of any recommended tree works to facilitate safe public use of the cemetery.

- In areas of native vegetation that are not utilised for interments or frequented by the public, an assessment is generally not required. In native vegetation areas that are used for natural burial, assessment would be required in line with WHS responsibilities.

Minimise visual disruption caused by landscape supply storage and soil stockpiles by avoiding commonly used and high visitation areas.

Tree trimming or tree removal may be subject to other NSW legislation including the *Biodiversity Conservation Act 2016* (NSW), Tree Preservation Orders (TPOs) and Local Environment Plans (LEPs). You should seek your own independent legal advice related to this if needed.

B.6.2 Built assets and infrastructure

You must prepare an asset management plan which:

1. lists all assets and infrastructure

2. ensures assets remain in a safe and useful condition (including replacement where necessary)

3. provides for multi-use asset utilisation (where appropriate).

Asset management plans should:

- Detail the assets identified in licence condition B.2, including date of installation, current age, date of last inspection, condition, expected life, date of anticipated replacement (if applicable) and anticipated replacement cost (if applicable)

- Determine the condition of an asset conducting a condition rating based on a consistent rating system, such as:

  o Condition rating 1 - Very good - No defects identified. No evidence of deterioration of discolouration. All components operable, well maintained and clean. Well secured.

- Condition rating 2 - Good - Generally good Condition but shows signs of wear and tear. Some minor defects.

- Condition rating 3 - Moderate - Shows signs of surface deterioration, missing components or minor material breakdown.

- Condition rating 4 - Poor - Shows signs of major surface or structural deterioration. Below quality. Severe defects, which require urgent response to rectify.

- Condition rating 5 - Very poor - Complete renovation/overhaul/replacement needed.

Operators that already have asset management plans in place (e.g. local council operators) should seek to integrate this licence requirement within existing systems. Noting that a detailed asset management plan may take time to develop, operators who are developing an asset management plan within a reasonable timeframe will be considered initially compliant with this requirement when it commences on 1 July 2024.

B.6.3 Maintenance skills and resources

- Review the qualification, experience and skill requirements needed of your employees and includes such details in any employment practices through expectation setting and position statements

- Offer or require training such as:

  - cemetery safety training for field staff and those involved in gravedigging, graveside services and enclosed spaces such as crypts and mausoleum

  - horticultural and heritage values training for key maintenance staff

  - religious and cultural beliefs and practices training for front counter and interment co-ordination staff

  - interacting with the bereaved training for front counter and field maintenance staff

- Record any internal training provided to staff including the facilitating staff members' experience, the date and time of the training and the staff members that attended

- Encourage your staff's attendance at specific training and/or industry events to ensure a broad understanding of the industry

Showing compliance

Compliance strategies

In this section, we share some tips about how you can show compliance with conditions B.1 to B.6.

Keep compliance records up to date

You should clearly document what steps you have taken and are taking to ensure ongoing compliance with this Condition and the standards. Such evidence should be readily accessible and available to be shared with CCNSW if requested.

Offer training to staff

Keep records of operational and staff meetings where training on using the maintenance document or specific maintenance standards has been offered and provided and the outcomes of such training. This will help embed compliance with the maintenance requirements in your organisation and make conducting maintenance are more intentional and deliberate task for staff.

Ensure third party contractors comply

When engaging third parties to undertake maintenance assessments, ensure they are provided the appropriate assessment criteria and standards in their scope of works and communicate your expectations clearly. Third parties engaged by operators should understand that the work they are undertaking for the operator needs to comply with these maintenance conditions.

Our compliance approach

CCNSW monitors operators' compliance with conditions B1 to B6. For more information on our compliance approach see our Regulatory Framework.

We believe in working with you to help you understand your compliance obligations and improve industry practices. If we identify non-compliance, we may take regulatory action to enforce compliance where appropriate.

When preparing to engage with us to show compliance with conditions B, you should be able to access your records and make them available to CCNSW upon request.

When we consider which activities are reasonable for operators to undertake, we will take into account:

- the operator's circumstances, size and nature
- the needs and characteristics of the communities it services.

Resources

Glossary of maintenance terms

Key terms used in this document are defined here for easy reference.

Term	Definition
Active cemetery	a cemetery where interment rights are being sold and/or a significant number of interments are or will be undertaken.
Cemetery lifecycle	The different stages or phases of a cemetery, or a part of a cemetery. Starts from 'unused' land, to being 'active' then becoming 'transitional' areas during their use for interment, before entering into the 'perpetual' or 'inactive' phase.
Inactive cemetery	A cemetery where interment rights are no longer being sold. Interments may occur, but would typically be infrequent, and either a) where previously sold interment rights are being utilised or b) where it is an interment of a nominated person or class of persons, specified in the operator's licence application - in line with Licence Conditions G.
Maintenance schedule	A plan that identifies the maintenance tasks and frequency of the task for a site, as part of an Operational maintenance document as required by Condition B.2.
Operational maintenance document	A document which outlines the maintenance requirements for a Site, as required by Condition B.2. It may be a standalone document, or form part of a broader, existing maintenance plan for example at a council level.

Term	Definition
Risk assessment	A risk assessment involves considering what could happen if someone is exposed to a hazard and the likelihood of it happening. A risk assessment can help you to determine: • how severe a risk is • whether any existing control measures are effective • what action you should take to control the risk, and • how urgently the action needs to be taken.

Cemetery maintenance training and resources

There are a range of available training courses available to operators in relation to maintenance of cemeteries and specifically to memorials and monuments. These include:

• Certificate III in Stonemasonry (Monumental stonemasonry)

• CPCCST3013 - Carry out cemetery monument fixing

• Graduate Certificate of Cemetery Practice - Deakin University

• Cemetery Safety Course - Cemeteries & Crematoria Association of NSW.

Operators can also refer to CCNSW's resources, including:

• CCNSW Voluntary Code of Practice for Cemetery Maintenance

• Guidelines for Cemetery Conservation – National Trust

• CCNSW Maintenance of memorials factsheet

CCNSW plans to engage with the Cemeteries & Crematoria Association NSW and the Monumental Masons Association NSW Inc. to consider options for monument inspection training and will update this guide and operators as more resources become available.

Appendices

Appendix A- Visual Examples

Appendix B – Initial Self Assessment Checklist (non mandatory)

Appendix A – Visual examples

This appendix sets out visual examples for operators to draw from when complying with Licence Condition B (Cemetery Maintenance).

Condition B.5.1 Site entry and access

Fencing/well defined boundaries

Old Dubbo Cemetery – Dubbo Regional Council

Gates along frontage closed outside daylight hours

High fence to deter access along extensive frontage

Permeable for high visibility into the cemetery

Bellbrook Cemetery – Kempsey Shire Council

Simple fencing maintained to ensure livestock are excluded from cemetery grounds

Memorials susceptible to damage from livestock

Bundanoon General Cemetery – Wingecarribee Shire Council

Simple post and rail rural style fencing

Sandstone pillars and seating reflecting prominent memorial materials

Hardwood posts reflecting natural surrounds

Jilliby Cemetery – Central Coast Council

Natural setting defines the cemetery character

Monuments are easily accessible along the street frontage

Basic bollards define the site, but don't dominate

Wamberal Cemetery – Central Coast Council

Main cemetery area behind

Cemetery Signage alongside main entry

Gates can be closed, but pedestrian access remains

Vehicle and pedestrian shared zones

St Marys General Cemetery – Penrith City Council

Clear shared zone signage and speed limit

Condition B5.5 Site entry and access

Making information publicly available

Penrith General Cemetery – Penrith City Council

Maintenance activity signage at site entry

Appendix B - Initial Self-Assessment Checklist

This initial self-assessment checklist is to assist operators in assessing their compliance against Licence Condition B. This checklist is not prescribed by Cemeteries and Crematoria NSW (CCNSW) for the purpose of Licence Condition B.4.

Introduction

This initial self-assessment checklist is to assist operators to understand and move towards compliance with the maintenance licence conditions (Licence B). This will later be replaced with a mandatory self-assessment checklist, prescribed by CCNSW for the purpose of Licence Condition B.4. Operators will then be required to complete the self-assessment checklist and return it to CCNSW yearly (for Category 1 operators) and every second year (for Category 2 operators).

The self-assessment checklist sets out action items for operators to complete to assist them in complying with Licence Condition B. By completing this self-assessment checklist, operators should be well-placed to identify any gaps in their maintenance approach and remedy these to ensure compliance with Licence Condition B.

Using this self-assessment checklist

The checklist is structured to follow the order of Licence Condition B and is split into 3 columns:

- Column 1 contains a single checkbox and is to be completed once all items in Columns 2 and 3 are completed. It is the final check for each item.

- Column 2 contains multiple checkboxes for completion and addresses the requirements of Licence Condition B. Operators are required to work through each of these and tick as completed.

- Column 3 allows operators to self-assess their progress against each item : with four options of Well Established, Maturing, Emerging or Absent. This will allow

operators to focus any further activities on those areas that may currently be Emerging or Absent.

- Column 4 is for operators to include comments on how they have achieved compliance, or how they are working towards compliance.

The first row in the below contains an example of how to complete the checklist, including a sample comment.

Category 2 operators are not required to complete the last row pertaining to Licence Condition B.6.

Completed	Tasks for completion	Self-assessment	Comments
**B.1 (All operators) - Operator must ensure Site maintenance is carried out and public access to the cemetery is maintained.**		
☒	☒ Is your site accessible during daylight hours, or have you identified other arrangements by appointment?	*Select the most appropriate option:* • *Well Established* • *Maturing* • *Emerging* • *Absent*	*Example: Signage at entry of cemetery and administration building sets out opening hours and after-hours contacts, including website details to make appointments.*
	☒ Do you have a procedure about how you will respond to fallen trees, branches and other safety hazards?		*Example: Safety Hazard Procedure prepared and published on website which includes a risk assessment process and timeframes for removing hazards such as trees or branches.*
	☒ Are you conducting basic grounds maintenance to ensure the site remains accessible?		*Example: Mowing conducted once a month in summer, once every 2 months in winter, to ensure site is accessible.*

Completed	Tasks for completion	Self-assessment	Comments
B.2 (Category 1 and 2 Operators) - Operators must prepare a document which outlines the operational maintenance needs of the Site			
☐	☐ Do you have a document setting out your cemetery's maintenance requirement (does not need to be a standalone document)?		
	☐ Does your document include the status of each of your sites as either active or inactive?		
	☐ Have you provided site mapping?		
	☐ Have you considered the cemetery lifecycle to determine your maintenance needs?		
	☐ Do you have an asset list identified by class?		
	☐ Do you have an inspection cycle for each of your listed assets and your memorials/monuments?		

Completed	Tasks for completion	Self-assessment	Comments
	☐ Have you prepared a maintenance schedule, including frequency of maintenance activities?		
	☐ Do you acknowledge that if you are a Category 1 operator, you need to update the maintenance schedule annually and notify CCNSW, and if you are a Category 2 operator, this is needed every 2 years?		
B.3 (Category 1 and 2 operators) - Operators must keep records of their operational maintenance activities			
	☐ Do you have a document/record recording the maintenance activities undertaken in line with your B.2 maintenance document?		
☐	☐ Does your document include space or prompts to describe the activity, reason for maintenance, date and costs?		
	☐ Are you retaining these records so they can be provided to CCNSW on request?		

Completed	Tasks for completion	Self-assessment	Comments
B.4 (Category 1 and 2 operators) - Operators must provide CCNSW with a completed self-assessment checklist			
☐	☐ Have you completed each item on this self-assessment checklist, including comments on how each task has been completed (or will be completed)?		
	☐ Do you acknowledge that if you are a Category 1 operator, you need to provide an updated checklist annually, and if you are a Category 2 operator, this is needed every 2 years (both timeframes commencing from the date on which you were granted your licence).		*Note this section is greyed out as will not apply until a formal Self Assessment Checklist is published by CCNSW.*
B.5 (Category 1 and 2 operators) - Operators must comply with site maintenance standards			
	Site entry and access		
☐	☐ Are your site entry points identifiable?		
	☐ Have you installed signage with your site name, operator contact details and opening hours?		

Completed	Tasks for completion	Self-assessment	Comments
☐	Have you conducted a risk assessment to determine whether fencing is needed and whether any fencing will impact heritage character of your cemetery?		
☐	Are the boundaries of your site well defined (either by fences, roads, hedges or bollards)?		
Cemetery grounds			
☐	Have you prepared a memento policy setting out the types of mementos visitors can leave (eg. flowers, plants, soft toys)?		
☐	Does your memento policy outline which what types of materials are not permitted?		
☐	Do you have a process for ensuring access paths do not become overgrown?		

Completed	Tasks for completion	Self-assessment	Comments
☐	Do you have a process for identifying fallen trees or branches (eg. regular inspections)?		
☐	Does your maintenance document outline which herbicides and/or chemicals are and are not permitted?		
☐	Do you have speed limit signs (if applicable)?		
☐	Have you conducted a risk assessment about whether speed limit signs are required?		
☐	Have you identified any religious or cultural requirements for site maintenance (eg. requiring running water near a Muslim portion)?		
☐	If identified, have you included those requirements in your maintenance document?		

Completed	Tasks for completion	Self-assessment	Comments
Memorials			
☐	Do you have a process for ensuring your memorials comply with Australian Standards?		
☐	Have you prepared a safety inspection process for assessing memorials every 5 years? Are these assessments being conducted?		
Heritage values			
☐	Have you checked if your site is on the State Heritage Register?		
☐	Have you developed a conservation management plan (if needed)?		
Public information			

Completed	Tasks for completion	Self-assessment	Comments
	☐ Does your signage provide information to the public (eg. site mapping or maintenance works)?		
	☐ Is your signage visible, while not creating any physical obstruction or hazard?		
	☐ Do you provide basic information to enable people to locate individual plots?		
B.6 [For Category 1 operators only] - Operators must comply with additional site maintenance standards			
	Environmental management		
☐	☐ Have you obtained a Safe and Useful Life Expectancy (SULE) report, or equivalent?		
	☐ Are your landscape supply storage and soil stockpiles positioned to minimise visual disruption?		
	Built assets and infrastructure		
	☐ Do you have an asset management plan?		

Completed	Tasks for completion	Self-assessment	Comments
☐	Have you determined the condition of your assets?		
	Maintenance skills and resources		
☐	Have you reviewed the qualifications (whether formal, or on the job skills and training) that you require and expect of your staff?		
☐	Have your staff attended appropriate vocational training including cemetery safety training, safe operation of crematoria and safety inspection of memorials? (noting that this could include training from experienced staff members)		
☐	Do you have a process for recording internal training?		