

Cemeteries Monument and Memento Policy

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Version: 1.0

Policy objectives

This policy outlines the core objectives that guide the planning, installation, and management of monuments and memorials within Maitland City Council cemeteries, ensuring alignment with community expectations, regulatory compliance, and heritage values. It aims to:

- Ensure memorials support cultural, historical, environmental, and aesthetic values
- Maintain compliance with legislation and applicable Australian Standards
- Support respectful, safe, and accessible cemetery environments
- Provide clear and consistent processes for approving monumental works
- Prevent unauthorised, unsafe, or non-compliant memorial installations.

Policy scope

This policy aims to help families, memorial masons, and contractors understand what memorial activities are permitted, who the rules apply to, when and where they apply, and what Council does not allow within its cemeteries.

This policy applies to:

- All memorials within Maitland City Council cemeteries
- Monumental masons, contractors, and cemetery users

Policy statement

Maitland City Council recognises the emotional, cultural, and historical importance of memorials within our cemeteries. As the legal operator and manager of these cemetery spaces, Council must uphold the legislative, regulatory, and safety requirements established under NSW law, including the *Cemeteries and Crematoria Act 2013*, associated regulations, and relevant Australian Standards.

This policy outlines Council's responsibilities and provides clear, consistent guidance for the installation, maintenance, and removal of monuments and mementos. It supports families and monumental masons in:

- Complying with approval processes
- Balancing personal expression with safety risk mitigation
- Preserving heritage values
- Ensuring accessible, well-maintained cemetery environments.

Through this policy framework, Maitland City Council aims to protect the dignity of interment sites, meet its legal obligations as a cemetery operator, and provide safe, inclusive, and sustainable spaces where the community can honour and remember their loved ones.

For broader operational and regulatory requirements in cemetery management supporting the implementation of this policy, refer to the [Maitland City Council Cemetery Policy](#).

Guiding Principles

Maitland City Council is responsible for the ongoing management of its cemetery spaces in accordance with relevant legislation, including the *Cemeteries and Crematoria Act 2013* (NSW) and applicable Australian Standards.

Council is committed to managing cemeteries with care and respect, guided by relevant legislation and a strong sense of community responsibility. All monumental works should reflect:

- Respect and dignity for all individuals, families, and cultural traditions
- Safety for workers, visitors, and contractors
- Compliance with technical standards, particularly AS 4204:2019 – Headstones and Cemetery Monuments, and AS 3600 – Concrete Structures, which outline the required materials, methods, and structural integrity of all cemetery work
- Environmental care and historical preservation
- Long-term functionality and harmony with the surrounding cemetery environment
- Council may permit culturally specific or religious practices related to memorialisation, provided they are safe, do not impact neighbouring plots, and meet approval criteria through established application processes.

Monument specifications

Construction of all monuments must follow AS 4204:2019 – Headstones and Cemetery Monuments and AS 3600 – Concrete Structures, and meet the following requirements:

- Maximum height: 900mm unless otherwise approved by Council
- Monuments must be confined within allocated grave dimensions (1.2m x 2.4m)
- Design approvals must accompany detailed drawings, compliance certifications and proofs of any photo tiles or wording of inscriptions approved by the interment right holder
- Memorial inscriptions will only be approved for individuals interred at the site, to preserve the integrity and purpose of headstones within Council-managed cemeteries
- Foundations must be strong and stable. The depth and width of the piers will depend on the type of soil at the site, which must be checked before installation. These checks follow the requirements of AS 1726:2017
- Materials such as glass, ceramics, and other non-traditional items may only be approved where their safety, durability, and structural performance can be demonstrated to Council's satisfaction.
- No kerbing, fencing, or planting is allowed within the interment site or around any lawn sections
- Adornments such as toys, flowers, and plastic trinkets are permitted at any time, provided they:
 - Do not interfere with mowing, access, or general maintenance
 - Are placed within the grave boundary or memorial base

- Do not exceed 150mm in height
- Are not breakable, flammable, sharp, or otherwise unsafe.

Where the requirements of AS4204:2019 Headstones and cemetery monuments conflict with Council plot dimensions, cemetery conditions, or this policy, Council-specific requirements will prevail.

Council may require engineering certification for monuments where:

- (a) the height exceeds 900 mm or an approved variation
- (b) the estimated weight exceeds 500 kg
- (c) non-traditional materials are proposed
- (d) non-standard footing or fixing systems are used; or
- (e) site conditions include fill, unstable, or unknown soils.

Council may require applicants to provide soil classification information and supporting design details to demonstrate that the proposed footing and pier design is appropriate for site conditions.

Monuments must be designed and installed to resist toppling, wind loading, and long-term deterioration, in accordance with applicable standards and Council requirements.

Ashes and burials

Cremated remains are an increasingly common and important form of interment within Maitland City Council cemeteries. Council treats ashes interred with or without a monument with the same level of care and oversight as full burials. This section outlines the standards that apply to ashes interments and any associated monumental works.

- Subject to approval, ashes may be interred with or without a monument
- Monumental work over cremated remains must meet the same standards as full burials.

Ownership

Council acknowledges the personal significance of memorials, while also recognising the need for clear responsibility in their care. The following outlines the respective obligations of interment right holders and Council related to the maintenance, safety, and management of installed monuments:

- Memorials remain the responsibility of the interment right holder or their legal successors
- Council maintains the overall cemetery environment and is not liable for the maintenance or repair of monuments
- Council may intervene in cases of safety risk, damage, or abandonment.

Memorial maintenance and removal of unsafe or abandoned structures

To ensure the safety and dignity of all cemetery users, this section outlines how Council manages deteriorating, unsafe, or unauthorised memorials.

- Interment right holders are responsible for keeping memorials in a safe, stable, and presentable condition
- If a memorial is deemed damaged, unstable, or unsafe, Council will issue a written notice to the interment right holder requesting repairs be carried out, typically within 30 days

- Council may remove memorials that present an immediate safety risk, are significantly deteriorated, have been abandoned, or were installed without approval
- Wherever possible, Council will attempt to contact the interment right holder or next of kin before removing a memorial
- A licenced monumental mason must complete all rectification, installation, restoration, and further inscription works. Please refer to our website for a list of these
- All actions taken will be consistent with relevant legislation, including the *Cemeteries and Crematoria Act 2013 (NSW)* and Council's regulatory responsibilities as a cemetery operator.

Strategic and regulatory alignment

Broader regulatory frameworks and Council's planning responsibilities also guide this policy. The following principles reflect Council's commitment to legal compliance and strategic alignment in the ongoing management of cemetery spaces:

- Alignment with Cemeteries & Crematoria NSW (CCNSW) guidelines for interment rights and perpetual maintenance
- Compliance with Council's strategic planning and heritage conservation obligations.

Approval process and assessment criteria

All monument applications are assessed by Council on a case-by-case basis, taking into account site conditions, structural safety, compliance with relevant standards, and the specific characteristics of the proposed design.

Council reserves the right to request additional technical information, including engineering certification, where necessary to ensure structural safety and compliance.

Council's determination on monument applications is final, subject to any applicable rights of review under relevant legislation.

This process ensures the cultural, historical, and spatial context of each site are respected and memorials meet safety, design, and compliance standards.

The following outlines the application procedure and the criteria used to assess proposals.

Application procedure

All individuals or contractors proposing to install, modify, or remove a memorial must apply to Council for approval. Council assesses all works for safety, compliance, and alignment before they commence.

- Applications must be submitted at least 14 days before the proposed work
- Applications must include drawings, dimensions, materials, and structural compliance details
- Council will issue a decision within 10 business days
- Council recommends waiting at least 6–12 months after interment before installing a new monument, to allow for natural ground settlement and help prevent structural movement.

Assessment criteria

All applications for monumental works will be assessed against specific criteria to ensure that memorials are appropriate, respectful, and compliant with Council policies and community expectations. In certain circumstances, Council may require additional consultation or heritage review before granting final approval. The following assessment and consultation requirements apply:

- Personal tributes must not contain offensive, discriminatory, or political content
- Council may decline designs that do not align with policy standards, safety considerations, or the respectful use of shared cemetery space
- Works on heritage-listed sites require review by the Council's Heritage Officer, which may result in delays until a decision is reached
- At its discretion, the Council may consult with neighbouring plot holders regarding intrusive or adjacent works
- Applicants whose proposals are refused may lodge a written appeal within 30 days of the decision.

Compliance and enforcement

Council may require staged inspections, including pre-installation verification of excavation and footing works, and post-installation verification of completed monuments, to ensure compliance with approved designs and safety requirements.

Site risk assessment and environmental conditions

Before commencing any monumental or inscription work, Council requires all contractors to assess the worksite for potential safety and environmental risks. Risks include, but are not limited to:

- Ground instability or uneven terrain
- Exposure to recent or forecast weather events, such as heavy rainfall or flooding
- Proximity to open graves, sunken areas, or deteriorated adjoining structures
- Trip or fall hazards for both workers and members of the public
- Hazards presented by heritage grave and monumental sites.

Contractors **must implement appropriate control measures** in accordance with their Safe Work Method Statement (SWMS) and Council's WHS requirements. Council reserves the right to delay or suspend approved work if environmental or ground conditions present a safety risk.

Site inspection and handover

The following site inspection procedures apply to ensure all completed cemetery works follow approved plans, safety obligations, and Council standards:

- Pre-commencement inspection: Contractors must submit a site condition report (including photos) to Council before beginning work. This report documents the existing condition of nearby graves, landscaping, and infrastructure
- Post-completion inspection: Upon completion, contractors must submit a final report confirming:
 - The work has been completed to the approved specifications
 - The site has been cleared of all materials, equipment, and debris
 - No damage has occurred to adjacent graves, infrastructure, or landscaping
 - The area has been left in a safe, level, and presentable condition.

Council may conduct inspections at any stage of the works and reserves the right to delay final acceptance if the site is found to be non-compliant, unsafe, or incomplete. Contractors are responsible for all rectification work required to meet policy standards, and Council may recover costs where necessary.

Failure to comply with these inspection requirements may result in the suspension of future work approvals or removal from the Council's register of approved cemetery contractors.

Requirements for memorials

Tributes and adornments

This section replaces any previous general statements in Council policy documents regarding gravesite tributes, to ensure a balanced and compassionate approach:

- The safe positioning of temporary tributes such as flowers, photographs, flags, and small personal items on graves is allowed within the memorial beam or monument base but must not encroach onto lawn areas
- Oversized items such as large ornaments or decorations that extend beyond the memorial footprint are not permitted
- Council prohibits the use of breakable, sharp, flammable, or hazardous materials, including but not limited to glass jars, wind chimes, candles, metal stakes, or untreated timber
- The Council reserves the right, with prior notification to the plot holder, to remove tributes that:
 - Pose a safety risk
 - Obstruct maintenance access
 - Have significantly deteriorated.

Council encourages families to refresh or remove tributes in line with these standards and will approach removals with sensitivity.

Records and burial rights

Council keeps a register of all burials, ash placements, and interment rights in line with NSW laws. This ensures that accurate records are kept for families now and into the future.

- *Interment rights*

An interment right is the legal authority to use a burial or ashes site. It is granted to the applicant(s) and may be transferred to another person if requested and approved by Council. More information is available in Council's fact sheet covering Cemeteries Transfer.

- *Burials*

An interment right must be in place before any burial can take place. Council can guide families through this process.

- *Memorials and monuments*

From 1 September 2025, a new option called a Monument Works Approval is available. This allows a family member, descendant, or other applicant to apply to carry out monument work, even if the original interment right holder cannot be located. The applicant will need to follow "reasonable notification" steps to ensure any possible interment right holders are given the chance to be involved.

Council is here to help families and applicants understand and navigate these processes.

Exhumation and reopening of Graves

- A grave can only be reopened or a body exhumed when legal approval has been given under NSW law.
- An application for exhumation may be made by the executor of the deceased's estate, the nearest surviving relative, or another person considered suitable in the circumstances.
- In some cases, the NSW Department of Health (through the Secretary) or the Coroner may also make an order or approve an exhumation. This is set out in sections 94–97 of the Public Health Regulation 2022 (NSW).
- Professional standards: All exhumations must be carried out by licensed professionals in line with the Public Health Act 2010 and the Public Health Regulation 2022 (NSW).
- If a headstone or monument needs to be removed and reinstated when a grave is reopened, the interment right holder is responsible for organising and paying for this work. This responsibility applies under the current law, which came into effect on 1 September 2022.

Prohibited conduct

To maintain dignity, safety, and order within Council cemeteries, the following activities are not permitted:

- Camping, loitering, or overnight stays
- Alcohol consumption, unauthorised fires, or fireworks
- Pets (except assistance animals)
- Littering, graffiti, or damage to graves or infrastructure
- Commercial activity without Council approval.

Council will take appropriate action in response to serious or repeated breaches, which may include suspension of work or further enforcement measures under applicable legislation.

Authority to work on cemetery sites

Maitland City Council regulates all works undertaken within its cemeteries to ensure safety, quality, and compliance with policy and legislation. Only contractors who are authorised and registered with Council are permitted to carry out any form of work within a cemetery's grounds.

To be eligible to perform cemetery works within Maitland City Council cemeteries, contractors must first register with Council and obtain formal authorisation.

Registered contractors must:

- Hold a valid Australian Business Number (ABN)
- Hold and maintain Public Liability Insurance with a minimum coverage of \$20 million per occurrence
- Provide evidence of workers' compensation or personal income protection
- Be licensed or certified for the type of work to be performed (e.g., Certificate III in Stonemasonry for all monumental work and installation)
- Agree to comply with all Council policies, WHS requirements, and induction protocols
- Be listed on Council's register of approved cemetery contractors to receive work approval.

Council may suspend or revoke a contractor's registration for non-compliance, safety breaches, or failure to meet ongoing documentation and conduct standards.

Mandatory minimum requirements – Full memorial work

To ensure the safe, professional, and structurally sound installation of memorials within Council cemeteries, all contractors undertaking full monumental work must meet the following minimum qualifications, licensing, and insurance requirements. These standards support compliance with Work Health and Safety (WHS) legislation, industry regulations, and Australian Standards.

- Certificate III in Stonemasonry (CPC32320 – 2022)
- SafeWork NSW General Construction Induction (White Card)
- Public Liability Insurance – minimum \$20 million per occurrence
- Workers' compensation or personal income protection
- Builders Licence (only required for maintenance of existing vaults or crypts; new crypts are not permitted under Council policy)
- WHS Management Plan and SWMS
- Comprehensive motor vehicle insurance.

Mandatory minimum requirements – Inscription only

For minor works such as inscriptions or engraving on existing memorials, contractors are still required to meet core safety and competency standards. These minimum requirements ensure that all cemetery works are carried out responsibly, with appropriate insurance and WHS provisions in place.

- Certificate III in Stonemasonry (CPC32320 or CPC32313/CPC32311/CPC32308/BCF30600)
- White Card
- Public liability insurance – \$10 million
- Workers compensation
- Comprehensive vehicle insurance
- WHS compliance documentation.

Induction and oversight

To maintain safety, compliance, and respect across all cemetery sites, Maitland City Council requires all approved contractors to complete a mandatory induction process. Induction ensures contractors understand site-specific risks, responsibilities, and behavioural expectations before commencing any work. Council reserves the right to monitor works and enforce compliance through site inspections and approval conditions.

- Contractors must complete Council's general and site-specific induction
- Contractors must obtain formal consent before commencing work
- Council may conduct inspections or revoke approval for non-compliance
- All damage to adjacent graves must be repaired at the contractor's cost.

Worksite Conduct

Contractors working within Maitland City Council cemeteries must uphold high standards of conduct to protect the dignity of burial sites, ensure public and worker safety, and minimise disruption to other visitors. The following site behaviour requirements apply to all approved works and Council will

enforce them as part of its oversight responsibilities:

- No waste is left beneath or around grave structures
- Vehicles must not drive over grave plots or landscaped verges
- Contractors must not stand on existing monuments or gravesites adjoining the site
- Safety markers and barricades must clearly define the site
- The contractor must keep noise and disruptions to a minimum
- The contractor must remove all materials and equipment after completing the work.

Liability and indemnity

Maitland City Council (and its employees and contractors) bears no liability for any action, claim or demand arising out of or in connection with its decisions or acts or omissions in relation to any memorial or memorial works if those decisions, acts or omissions are done in good faith and in accordance with the *Cemeteries and Crematoria Act 2013*, the *Local Government Act 1993* or any other legal requirements.

All approved memorial works are undertaken at the risk of the responsible party who, in carrying out such works, indemnifies Maitland City Council (and its employees and contractors) from and against all losses it suffers or incurs arising out of or in connection with those approved memorial works (with the “responsible party” being the person who has obtained approval from Council to carry out those memorial works; and with “losses” to include any cost, expense, fee, loss, damage, liability or other amount and, to the fullest extent permitted by law, fine or penalty).

Penalties

Penalty amounts are determined by legislation and may change over time.

- Under the Public Health Act 2010 and Public Health Regulation 2022 (NSW), exhumations may only occur with proper legal authority and must be performed by licensed professionals. Breaches of these requirements may attract significant penalties, including fines or imprisonment.
- Under the Summary Offences Act 1988 (NSW), it is an offence to cause a nuisance, damage, or commit offensive or indecent acts in or around an interment site or memorial. These offences carry penalties set by law.

Policy definitions

To support the clear understanding of this policy, the following terms are defined.

Interment right	Previously known as a right of burial, right of interment and burial licence. This is a legal document that gives the licensee the exclusive right to use the specified piece of land or section of wall for interments and to place a monument over the site.
Interment right holder	The person who holds the exclusive legal right to use an interment site, and is responsible for any interments, monuments, memorials, maintenance or associated decisions related to the site.
Memorial	A physical structure (e.g., plaque, headstone, monument) commemorating a person interred.

Monumental work	Construction, installation, repair, or inscription of cemetery structures.
Monument	A permanent structure installed to mark a grave, such as a headstone, tomb, or crypt.
Memento	A small personal or commemorative item placed temporarily at an interment site (including wall or grave).
Deaccessioning	The formal removal of a monument or memorial from an interment site.
Authorised contractor	A contractor who has been formally registered and approved by Council to carry out cemetery works.
Decommissioning/Removal	The formal process of removing a memorial that is unsafe, unauthorised, or abandoned.
AS 4204:2019	The Australian Standard outlining requirements for cemetery headstones and monuments, including size, stability, and materials.
SWMS	A Safe Work Method Statement – a document outlining how specific construction tasks will be carried out safely.
WHS	Work Health and Safety – refers to laws and procedures designed to protect the health and safety of workers and the public.
Site condition report	A report (usually with photos) submitted before and after work to show the state of a site and confirm that no damage occurred.
Cremated remains	Ashes left after a person is cremated, which may be placed in a grave or memorial site.
Heritage-listed site	A cemetery or plot that has been formally recognised for its historical or cultural significance and may require special approvals for changes.

Policy administration

Business group:	CUSTOMER AND DIGITAL SERVICES
Responsible officer:	MANAGER ENTERPRISE ARCHITECTURE
Council reference:	
Policy review date:	Three (3) year from date of adoption
File number:	26/1

Relevant legislation	<p>Cemeteries and Crematoria Act 2013 (NSW)</p> <p>Cemeteries and Crematoria Regulation 2014 (NSW)</p> <p>Public Health Act 2010 (NSW) – Section 13</p> <p>Public Health Regulation 2022 (NSW) – Sections 94 to 97</p> <p>Heritage Act 1977 (NSW)</p> <p>Environmental Planning and Assessment Act 1979 (NSW)</p> <p>Work Health and Safety Act 2011 (NSW) & Regulation 2017</p> <p>State Records Act 1998 (NSW)</p> <p>Privacy and Personal Information Protection Act 1998 (NSW)</p> <p>Government Information (Public Access) Act 2009 (NSW)</p> <p>Crown Land Management Act 2016 (NSW)</p> <p>Summary Offences Act 1988 (NSW)</p>
Related documents	<p>Cemeteries Policy</p> <p>Privacy Policy</p> <p>Risk Management Policy</p> <p>Records Management Policy</p> <p>Right to Information Policy</p>

Policy History

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0	TBC	Initial version