

Cemeteries, Crematoria, Plaques and Memorials Policy



For Consultation - As at 22-02-2023

1 Strategic Context and Background

Cemeteries are important spaces for the community. They're places people go to find peace and quiet, to mourn and remember friends and family members, how we respect and commemorate the past and important events that shape our community.

The Cemeteries, Crematoria, Plaques and Memorials Policy (the Policy) creates the framework through which Council manages our cemeteries and ensures that human remains are interred in an appropriate manner and that land and physical structures in cemeteries are protected. It is an important tool in protecting the environmental health of the district, as well as making sure the community has a peaceful space they can hold funerals and respectfully mourn.

Under the Burial and Cremation Act 1964, a local authority has the authority to create bylaws in order to:

- maintain, preserve and/or embellish a cemetery,

- direct positions and depths of graves,
- protect buildings, monuments, lawns, shrubberies, plantations and enclosures in a cemetery,
- create rules around burial of more than one body in a grave,
- control burial times,
- regulate burial of ashes,
- regulate disinterment and removal of bodies,
- fix fees payable for burial,
- prescribe fines for breaches,
- protect health and public decency,
- regulate behaviour of those using cemeteries,
- regulate admission of animals, or
- regulate the management of cemeteries.

The Health Act 1956 allows local authorities to make bylaws for the protection of public health.

2 Purpose of the Policy

2.1 The purpose of this Policy is to outline the approach Council will take to the management of public cemeteries, including the activities within them, to meet the burial, cremation and remembrance needs of the community.

2.2 The Policy objectives are to:

- Respect and honour our past in an appropriate manner;
- Be inclusive of diverse cultural and/or religious beliefs and needs;
- Provide a safe, comfortable and accessible environment for all visitors;
- Provide an opportunity for more environmentally sustainable approaches.

3 Application and Scope

3.1 This policy applies to the Whanganui District.

4 How the Policy will be Implemented

4.1 Council will implement this Policy through:

- the Bylaw;
- enforcement of the Bylaw and Act; and
- non-regulatory methods including education and fee and charges.

5 Exclusive Right of Burial

5.1 An exclusive right of burial grants the holder and their assignee, the exclusive right of burial in a designated burial plot for a specified number of years; and

- does not create an ownership interest over the designated plot; and
- lapses in accordance with s10 of the Burial and Cremation Act 1964.

5.2 Council, may determine the terms and conditions of the sale (or transfer) of the exclusive right of burial, including price and size of a Plot.

5.3 Evidence of a purchase of the exclusive right of burial shall be recorded on a certificate of purchase, which shall include the type and location of the burial plot.

5.4 Council may obtain, from the holder, the transfer of the exclusive right of burial at the cost of purchase minus an administrative fee or at such other cost as determined by resolution of Council.

5.5 Except with the approval of Council, no person may hold or have rights to obtain an exclusive right of burial to more than two (2) plots in a cemetery.

6 Maintenance of Plots

6.1 The Council will maintain any plot in any cemetery for such period as the Council may determine to be the useful life of the cemetery for cemetery purposes.

6.2 Council will from time to time set a prescribed fee for the maintenance of such plot for the period as determined by the Council.

6.3 For the avoidance of doubt, maintenance of a plot does not include the maintenance of any Monument or memorial.

7 Monuments and Memorabilia

7.1 Monuments mark the resting place of the deceased. They are an important means by which family and friends commemorate the life of a loved one.

7.2 In order to enhance and protect the amenity and safety of Council cemeteries, Monuments or Memorabilia must be consistent with Guidelines – Cemetery Monuments and Memorabilia.

7.3 It is the responsibility of the holder of a plot or their representatives to keep the Monument and/or Memorabilia in proper order and repair.

7.4 Council will work with community groups interested in maintaining the historic and cultural values of the cemetery.

Where a holder of a plot is unable or unwilling to maintain a Monument, and all reasonable steps have been taken to contact the holder of a plot, Council may give approval to an approved community group to undertake sympathetic repairs and maintenance to preserve the Monument.

7.5 Council may from time to time laydown, remove or otherwise make safe a dangerous, broken, tattered, neglected or obstructive Monument or Memorabilia.

8 Cemetery Register

8.1 Council will operate and maintain register for containing the following plots:

- a. Exclusive rights of burial or ash internment; and
- b. Any interment, including names and dates of the interment of any persons.

9 Hours of Operation

9.1 Aramoho Cemetery - Burials

- a. **Standard Hours** - Weekdays - 8.00am to 4.00pm (with no burial service starting after 3.00pm)
- b. **Non-Standard Hours** - Saturday and Public Holidays - 8.00am to 1.00pm (with no burial service starting after 11.30am)
- c. Public Holidays exclude Christmas Day and Good Friday

9.2 Cemetery (Other) - Burials

- a. **Standard Hours** - Weekdays - 8.00am to 4.00pm (with no burial service starting after 3.00pm)
- b. **Non-Standard Hours** - Saturday and Public Holidays - 8.00am to 1.00pm (with no burial service starting after 11.30am)
- c. Public Holidays exclude Christmas Day and Good Friday

9.3 Aramoho Crematorium

- a. **Standard Hours** - Weekdays - 8.00am to 5.00pm
- b. **Non-Standard Hours** - Saturday and Public Holidays - 8.00am to 1.00pm
- c. Public Holidays exclude Christmas Day and Good Friday

9.4 Burial services may be undertaken outside of standard hours of operation subject to:

- a. Approval of Council; and
- b. Payment of any additional fees for the recovery of costs for operating outside of standard hours of operation.

10 Natural Burials

10.1 Natural burial provides choice for those wanting a lower environment impact option than traditional burials.

10.2 To facilitate the rapid decomposition of human remains in a safe manner while protecting the environment, Guidelines - Guidelines – Natural Burials.

11 Koiwi Burials

11.1 In keeping with the Te Whakaraupitanga o Te Tangata Relationship document between the Whanganui District Council and Te Runanga o Tupoho, the Council will work in partnership that supports respectful engagement by all parties on the burial of Koiwi bones.

11.2 Koiwi Burials will be permitted in the area set aside in the Council owned cemetery at Aramoho and shall be referred to as the Koiwi Burial Area – Papaiti Lawn Extension.

11.3 All Koiwi Burials must be consistent with the Guidelines - Cultural Management Guidelines for the Burial of Koiwi.

12 Returned Services

12.1 Council has set aside the Returned Services Area for persons who have been on Operational Services.

12.2 In acknowledgement of services provided, a person who has been on Operational Service may be Interred with the Returned Services Area without the need to pay the fee for the Plot.

12.3 Council will work with the New Zealand Returned Services' Association in the management of the Returned Services Area and the cleaning and maintenance of RSA Graves.

13 Disinterment

13. All requests for disinterment will be processed in accordance with the Act provided that request is received in writing with the prescribed fee.

14 Cremation Services

14.1 Since the 1940's cremation has been and remains an important part of the broader burial and cremation services within the district meeting both public preference and cultural needs.

14.2 In order to protect the crematorium and associated infrastructure Council will require a body intended to be cremated to meet suitable standards for compliance with Cremation Regulations and relevant conditions of consent for the operation of the crematoria.

14.3 The Council will act in accordance with the instructions on the Authority to Dispose of Ashes Form (Register of Cremations Form) authorised by the applicant for the disposal of ashes provided that ashes shall be held in the crematorium for only fifteen (15) working days after the cremation and then returned to the Funeral Director handling the cremation.

14.4 Council will seek to provide opportunities culturally appropriate dispersal or Internment of ashes.

Note: As part of the action plan associated with the implementation of this policy Council intends to investigate options for providing for the dispersal of ashes within Aramoho Cemetery within running water.

15 Use of Cemeteries

15.1 In recognition of the importance of cemeteries as a place of remembrance for families, friends and the wider community, Council will seek to encourage positive uses of the space while discouraging inappropriate activities by:

- a. providing infrastructure appropriate for the nature and intensity of use of the cemetery, including seating and access to water;
- b. supporting passive recreation;
- c. use of CPTED design principles;
- d. use of bylaws and access controls, including:
 - i. setting of appropriate speed limits;
 - ii. prohibiting unauthorised access or vehicles during the hours of darkness; and
 - iii. prohibiting freedom camping.

16 Fees and Charges

16.1 Fees and chargers for cemetery and crematoria services are charged on a cost recovery basis unless otherwise stated and will be set from time to time in accordance with the Local Government Act.

16.2 Payment of a prescribed fee may, subject to approval of Council be paid by instalments.

17 Interpretation

In this policy and associated guidelines, unless the context otherwise requires, -

Act means Burial and Cremation Act 1964.

Approval means a licence, permit or other form of written approval granted under the Bylaw, and includes all conditions to which the approval is subject.

Associated Guidelines means:

- a. Guidelines - Cemetery Monuments
- b. Guidelines – Natural Burials
- c. Guidelines - Cultural Management Guidelines for the Burial of Koiwi
- d. Guidelines - Plaques and Memorials

Beam means a concrete strip that marks plot row and number and in which a headstone or plaque is placed.

Body means a dead human body and includes the body of a stillborn child.

Bylaw means the Cemeteries, Crematoria, Plaques and Memorials Bylaw 2022.

Council means the Whanganui District Council or any Authorised Officer.

Cremation Plot means a plot laid out in any cemetery for the purposes of interment of ashes.

Cremation Regulations means Cremation Regulations 1973 or amending or substituting regulations.

Hours of Darkness means the hours between hour after sunset and half an hour before sunrise the next day.

Interment means the burial of a dead human body in a burial plot or the burial of cremated human remains in a cremation plot.

Koiwi Burials means the interment of human remains (particularly bones).

Memorial/Memorabilia means any item/s left at a gravesite as a tribute to the deceased and includes photos, floral arrangements/tributes, books or other such personal items.

Monument means any structure, plaque, tombstone, headstone, memorial, marker, kerbing or other erection placed over in or around the grave site.

Natural Burials Area means a cemetery, or part of a cemetery, specifically set aside for natural burials.

NZS 4242 means the New Zealand Standard for Headstones and Cemetery Monuments (NZS 4242:2018) or successor standard.

Operational Service has the meaning given by s15(3) of the Burial and Cremation Act 1964.

Person includes a corporation sole, a body corporate, and an unincorporated body.

Plot means a lot in a cemetery, laid out and shown on a plan of the cemetery prepared by Council, to be used as a grave.

Public Place means a place that, at any material time, is under the control of Council and is open to or being used by the public, whether free or on payment of a charge, and includes any Road whether or not it is under the control of Council.

Public holiday has the meaning given by s44 of Holidays Act 2003.

Road has the meaning given by s2 of Land Transport Act 1998

“includes—

- a. *a street; and*
- b. *a motorway; and*
- c. *a beach; and*
- d. *a place to which the public have access, whether as of right or not; and*
- e. *all bridges, culverts, ferries, and fords forming part of a road or street or*
- f. *motorway, or a place referred to in paragraph (d); and*
- g. *all sites at which vehicles may be weighed for the purposes of this Act or any other enactment”*

RSA Grave means a plot where a person who has been on Operational Service has been interred.

Sexton means any person appointed by the Council to manage the day-to-day activities of any cemetery and crematorium under its jurisdiction.

Standard Plot means a plot laid out in any cemetery that is not a Cremation Plot, located with Natural Burials or Koiwi Burial areas.

Vehicle has the meaning given by s 2(1) of the Land Transport Act 1998

“vehicle—

- a. *means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and*
- b. *includes a hovercraft, a skateboard, in-line skates, and roller skates; but*
- c. *does not include—*
 - i. *a perambulator or pushchair:*
 - ii. *a shopping or sporting trundler not propelled by mechanical power:*
 - iii. *a wheelbarrow or hand-trolley:*
 - iv. *[Repealed]*
 - v. *a pedestrian-controlled lawnmower:*
 - vi. *a pedestrian-controlled agricultural machine not propelled by mechanical power:*
 - vii. *an article of furniture:*
 - viii. *a wheelchair not propelled by mechanical power:*
 - ix. *any other contrivance specified by the rules not to be a vehicle for the purposes of this definition:*
 - x. *any rail vehicle “*

Working hour means any hour between 8am and 5pm on any working day.

Note: Appendix 1 is provided for information and does not form part of the policy.

Appendix 1 - Whanganui District Council Owned Cemeteries

Cemetery Name	Street Address	First Burial	Open or Closed
Aramoho Cemetery	Somme Parade	1915	Open
Brunswick Cemetery	Brunswick Road	1865	Open
Matarawa Presbyterian Cemetery	No. 2 Line Road	1863	Open
Maxwell Cemetery	State Highway 3	1916	Open
Whanganui General Cemetery (also known as Heads Road Cemetery)	Heads Road	1846	Closed
Whanganui Catholic Cemetery	Heads Road	1859	Closed
Whanganui Jewish Cemetery	Heads Road	1870	Closed