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Waitomo District Council

Cemeteries Bylaw 2026

Waitomo
District Council

Adopted by:	Council [date]
Doc No:	… (includes version number)
Date of Next Review:	2031
Responsibility:	General Manager Community Services
First Adopted:	[date]
Review History:	

CONTENTS

1. TITLE | TAITARA 1
2. COMMENCEMENT | TĪMATA 1
3. PURPOSE AND SCOPE | TE ARONGA ME TE KORAHI 1
4. DEFINITIONS | NGĀ WHAKAMĀRAMATANGA 2
5. APPLICATION FOR INTERMENTS 3
6. EXCLUSIVE RIGHT OF BURIAL 3
7. BURIAL OF ASHES 4
8. HOURS FOR INTERMENTS 4
9. DIGGING AND BACKFILLING PLOTS 4
10. OPERATIONAL SERVICE SECTION 4
11. MONUMENTS AND MEMORIALS 5
12. PLAQUE LAWN AREAS 6
13. FLORAL TRIBUTES 6
14. DISINTERMENT 6
15. SOLICITING AND COMMERCIAL ACTIVITIES 6
16. VEHICLES 6
17. ANIMALS 7
18. SAFE WORK PRACTICE 7
19. CEMETERY MAINTENANCE 7

1. TITLE | TAITARA

This Bylaw is the Waitomo District Council Cemeteries Bylaw 2026.

2. COMMENCEMENT | TĪMATA

2.1. This Bylaw will come into effect once adopted by Council with the commencement date being part of the Council resolution.

2.2. Cemeteries were previously managed under the WDC General Bylaws 1993 as a separate chapter, a significant redrafting of bylaws in 2009 bought together public facilities, nuisances, cemeteries, and beaches as the Public Amenities Bylaw 2015.

2.3. The Bylaw was next reviewed by Council in 2026. At that time it was determined that the majority of that Bylaw would be better contained within the Public Places Bylaw 2023 or the Library Management Policy, this left only the portion which related to the management of Council Cemeteries.

2.4. The Public Amenities Bylaw was therefore revoked and the Cemeteries Bylaw 2026 created.

Guidance note:
This Bylaw comes into force on DATE by order of Council.
This Bylaw remains in force until DATE 2031, unless reviewed or repealed earlier.

3. PURPOSE AND SCOPE | TE ARONGA ME TE KORAHI

3.1. This Bylaw is made under the Local Government Act 2002, the Burial and Cremation Act 1964, Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, and the Reserves Act 1977.

3.2. The purpose of this Bylaw is to enable the Council to facilitate the safe, orderly and efficient management of Cemeteries under the ownership and control of the Council. The Bylaw outlines the processes which must be followed for Interments, including plot purchases, erection of Monuments and ongoing cemetery maintenance.

3.3. This Bylaw applies to all Cemeteries vested in Council.

3.4. Nothing in this Bylaw limits or affects any requirement, power or restriction under the Local Government Act 2002, the Reserves Act 1977, the Resource Management Act 1991, the Land Transport Act 1998, or any other enactment.

3.5. Where an activity or matter is regulated under another enactment, Council bylaw, a reserve management plan, or the District Plan, that legislation, plan or other regulatory instrument continues to apply and this Bylaw does not override it.

Guidance note:
Areas of control so prescribed by the empowering legislation are not necessarily repeated within this Bylaw and therefore the relevant sections of these Acts should be read in conjunction with the Bylaw.

4. DEFINITIONS | NGĀ WHAKAMĀRAMATANGA

4.1. In this Bylaw, unless the context otherwise requires, the following words have the meanings as specified:

Approved	means approved by Council or by an officer of Council authorised in that behalf.
Authorised Officer	means any person appointed or authorised by Council to act on its behalf and with its authority.
Bylaw	means a bylaw of the local authority for the time being in force, made under the provisions of any Act or authority enabling the local authority to make bylaws.
Cemetery	means any cemetery vested in or under the control of the Council from time to time.
Council	shall mean the elected members that form the governing body of the District Council.
Disinterment	means the removal of a deceased human body or the removal of cremated human remains.
Exclusive Right of Burial	means right to the owner to Inter human remains in a Plot but does not constitute ownership of the land.
Inter, Interred, or Interment	means the Burial of a deceased human body in a Grave Plot or the Burial of cremated human remains in a cremation or Grave Plot.
Monument	includes any tombstone, headstone, memorial, Tablet, plaque, kerbing, or other memorial to a deceased Person.
Operational Service	operational service has the meaning given to it in section 15 of the Burial and Cremation Act 1964.
Partner	means a civil union partner or a de facto partner
Person/Persons	include a corporation sole and also a body of persons, whether corporate or unincorporated.
Plaque Lawn Cemetery	means a cemetery in which the surface is laid down as a grass lawn, no headstones project above the ground and which is declared to be such by Council.
Plot	means a numbered lot in a Cemetery where an Interment can occur, and includes a burial plot, an ashes plot, and a niche or compartment in an Ashes wall,
Sexton	means an authorised officer appointed by the Council to manage the day-to-day activities of any cemetery under its jurisdiction. Such activities include arranging for the provision of plots for burials.
Tablet	includes a plaque.
~~**Veteran**~~	~~has the same meaning as in the Veterans Support Act 2014~~
Waitomo District Council (WDC)	shall mean the organisation established to administer Council affairs, conduct operations, and bring effect to Council policy and strategies.

4.2. Any guidance or explanatory notes do not form part of this Bylaw, and may be made, amended and revoked without formality.

4.3. Unless otherwise defined by clause 4, a word or expression used in this Bylaw has the same meaning as it has from time to time in the relevant legislation as covered by the Legislation Act 2019.

5. Application for Interments

5.1. Interments may be made in any Cemetery vested in Council, or under its control, and not officially closed.

5.2. Before an Interment may take place, an Application for Interment Form must be lodged with WDC using the specified form and shall, wherever practicable, be submitted at least one working day before the proposed Interment. An Exclusive Right of Burial must also be purchased prior to any Interment occurring (section 6). Upon receipt of a completed application and satisfaction of requirements, WDC may issue a Burial Warrant (Warrant) which constitutes sufficient authority for the Interment to proceed. No Interment shall take place in any Cemetery unless a Warrant has first been issued.

5.3. Following the Interment, the Sexton shall sign the certificate at the foot of the Warrant.

5.4. No Warrant shall be issued until the fee for Interment has been paid. However, where the Interment is managed by a funeral director, WDC may waive the requirement for prior payment and charge the fee to the funeral director by monthly account, or such period as WDC decides.

6. Exclusive Right of Burial

6.1. Except where the Interment is for a person without sufficient means (see explanatory note above) no Interment shall take place unless an Exclusive Right of Burial has been purchased.

Explanatory notes:
Applications relating to the interment of a deceased person who is a poor person or otherwise without sufficient means shall be dealt with in accordance with the Burial and Cremation Act 1964.

6.2. Burial Plots sold by Council are subject to the terms and conditions determined by Council. The purchaser of a Plot shall be granted an Exclusive Right of Burial for a period of 60 years in accordance with the Burial and Cremation Act 1964 (the Act).

6.3. Where a Plot is reserved in advance, the Exclusive Right of Burial shall be granted to the purchaser once WDC's requirements have been met and payment of the prescribed fees has been received.

6.4. Provided that no Burial has taken place in the Plot, an Exclusive Right of Burial may, with the consent of WDC, be transferred to any other person. A relevant administration fee may be charged.

6.5. Except where otherwise authorised under the Act, no Burial may take place in a Plot without the written consent of the holder of the Exclusive Right of Burial.

Guidance note:
Burial plots can be purchased either in advance or at the time of Burial. Pre-purchasing a Plot provides an Exclusive Right of Burial in a specific location. As per the Act, a Right of Burial lapses if it hasn't been used within sixty years.

7. Burial of Ashes

7.1. Subject to payment of the prescribed fees, the receptacle or urn containing the ashes of any deceased Person may be Interred in the area of the Cemetery set aside for that purpose, or in any Plot for which an Exclusive Right of Burial has been granted.

7.2. The number of urns that may be interred in a Plot shall be determined by WDC having regard to the size and capacity of the Plot. Under no circumstances shall more than four urns be interred in any Plot.

8. Hours for Interments

8.1. Internments shall be held only on the days and times as set out below and not at another time, unless agreed upon by WDC:

1 October – 31 March		**1 April – 30 September**	
Day of week	**Burial times**	**Day of week**	**Burial times**
Monday - Friday	10.00am – 3.30pm	Monday - Friday	10.00am – 2.30pm
Saturday	10.00am – 2.00pm	Saturday	10.00am – 2.00pm

8.2. WDC must agree to and confirm the time for all Interments with the funeral director.

Explanatory note:
While ordinarily burials should occur during the times specified above, Council is committed to respecting the cultural and religious practices of different communities. Where it is reasonably practicable, WDC will make provision for burials to occur within culturally or religiously significant timeframes.

9. Digging and Backfilling Plots

9.1. No person, other than the Sexton, the Sexton's assistants, or any other person authorised by WDC, shall dig any grave, including an ashes Plot, or open the ground for Burial in any part of any cemetery.

9.2. Family members may assist with the backfilling of a grave containing a coffin after the Interment has taken place, provided they do so under the supervision of the Sexton or the Sexton's assistants.

9.3. Family members may backfill an ashes Plot following the Interment of ashes.

9.4. The minimum depth of cover over a coffin shall be 1.3 metres.

9.5. The minimum depth of cover over any ashes urn shall be 0.4 metres

10. Operational Service Section

10.1. Only persons who have undertaken Operational Service, or their spouse or Partner, may be buried in the Operational Service Section of the Te Kūiti Cemetery. This provision is subject to the condition that a spouse or Partner may only be buried after the Interment of the person who undertook Operational Service.

11. Monuments and Memorials

11.1. Vaults

11.2. Plans and specifications for any proposed vault shall be submitted to WDC for approval prior to construction. Any approved vault shall be constructed to a standard acceptable to WDC.

11.3. Platforms and Berms

11.4. WDC may construct or cause to be constructed a continuous concrete platform or berm at or below ground level.

11.5. The cost of any platform or berm shall be included in the purchase price of the Plot.

11.6. Monument Foundations and Dimensions

11.7. Unless otherwise approved by WDC, the concrete foundation and base of a Monument shall not exceed 650 millimetres in width measured front to back.

11.8. A clear space of 150mm shall be maintained at both front and back of any Monument foundation installed on a surface berm or platform.

11.9. Monuments

11.10. No Monument shall be erected in any Cemetery unless the Exclusive Right of Burial has been granted and all the prescribed fees relating to the Burial have been paid in full.

11.11. No Monument shall be erected in any Cemetery without prior Approval from WDC and shall comply with any requirements imposed by WDC.

11.12. The installation or repairs of any Monument or concrete foundation shall be carried out by an Approved Person and to the satisfaction of WDC.

11.13. Unless prior approval has been given by WDC, no Monument erected at the head of the Plot shall:

a) exceed 1 metre in width in the case of a single plot;

b) exceed 2 metres in width in the case of a double-width (family) Plot; or

c) exceed 1150mm in height.

11.14. A Monument must be made of granite, concrete, limestone, Permanite, bronze, chrome or similar suitable material approved by WDC prior to the installation of the Monument.

11.15. Concrete shall be finished in white cement only with no colours added.

11.16. Prohibited Structures

11.17. No bricked or walled-in graves will be constructed in a berm or memorial garden cemetery.

11.18. Statuary

11.19. Statuary or statues may be permitted within a memorial park cemetery subject to any conditions and requirements of WDC.

11.20. Protecting Cemetery Property

11.21. In carrying out any work associated with the installation, repair, or removal of a Monument the adjoining roads, paths or allotment shall not be damaged.

12. Plaque Lawn Areas

12.1. In a plaque lawn cemetery, no person shall erect any kerb, railing, fence, building, or other structure on or around a Plot.

12.2. Any approved plaque or tablet must be installed flush with the adjoining ground level.

12.3. No memorial plaque or tablet shall be installed without the prior approval of WDC, and shall:

a) be made of a permanent material approved by WDC;
b) be of a size approved by WDC; and
c) be installed in a position and manner approved by WDC.

13. Floral tributes

13.1. Without the prior approval of WDC, no person shall plant any tree, shrub, flower, or other vegetation on any Plot,

13.2. Floral tributes may be placed directly on a Plot for up to 30 days following an Interment, or for such longer period as may be approved by WDC. After that time, any flowers or tributes must be placed on the Monument foundation, plaque base, or other memorial area provided for that purpose. Breakable jars, vases or other receptacles shall not be used as flower containers.

13.3. No person shall, without authority, remove or take any vase, wreath, plant, flower or other item from any Cemetery, or Plot.

13.4. The sexton may remove at any time:

a) damaged or unsafe receptacles or other items; and

b) deteriorated floral tributes, dead flowers and dead foliage

14. Disinterment

14.1. Where WDC receives an application for a Disinterment, the Disinterment shall be conducted pursuant to sections 51 and 55 of the Act and subject to the payment of the relevant fees.

15. Soliciting and Commercial Activities

15.1. No one may advertise, promote, or solicit business in a cemetery. This includes offering or selling services, products, or materials that are intended to be used in the cemetery.

15.2. No one may accept an order or agreement for such services or products while in the Cemetery, unless the Plot owner or their representative has specifically asked them to do so.

16. Vehicles

16.1. Vehicles may be driven into a Cemetery during the day, but between sunset and sunrise no person shall take any vehicle of any kind into any Cemetery, unless approved by WDC..

17. Animals

17.1. No person may bring or allow any dog (other than registered service dogs), horse, or other animal to enter the confines of any Cemetery. However, WDC may permit sheep to be grazed for the purposes of maintaining the Cemetery.

18. Safe Work Practice

18.1. No person erecting or repairing any Monument or vault or carrying out any other work in, on, or around any Plot, shall leave tools and materials within the Cemetery for a longer time than is reasonably necessary for the purpose of completing such work.

18.2. No person shall use any footpath or roadway within a Cemetery for the purpose of mixing cement or mortar unless a suitable mixing board or other protective covering is used to prevent damage.

18.3. WDC may provide sheds or other buildings for the storage of tools and materials used for the construction, maintenance or repair of Monuments of vaults, and may fix charges for their use, and for the supply of turf, water or, any other service.

18.4. Where WDC provides a shed or building, it may require any person undertaking work in the Cemetery to store their tools or materials in that facility or remove them from the Cemetery.

19. Cemetery Maintenance

19.1. All Monuments shall be kept in good repair by the holder of the Exclusive Right of Burial or their assignee.

19.2. Where a Monument has not been adequately maintained and has become dilapidated, unsafe, or poses a risk to persons or property, WDC will first make all efforts to find the rightful owner and inform them of the situation in accordance with the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967 (the Regulations). WDC may then take other such action as is authorised under the Burial and Cremation Act 1964 and the Regulations.

19.3. Before any Monument is altered or removed, WDC shall make and retain a photographic record as part of the cemetery records.

19.4. Where the Council considers that a Monument or other installation presents an immediate risk to public safety, WDC may take such temporary measures as are reasonably necessary to make the area safe.

19.5. No monumental mason or other person shall remove any Monument from any cemetery or grave without permission of WDC.

The Common Seal of the Waitomo District Council
was hereto affixed in the presence of:

_____

Mayor

_____

Chief Executive