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Waitomo District Council

Cemeteries Bylaw 2026

Waitomo
District Council

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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This Bylaw remains in force until DATE 2031, unless reviewed or repealed earlier.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. ~~means the Waitomo 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	~~means~~ includes any tombstone, headstone, memorial, Tablet, plaque, kerbing, or other memorial to a deceased Person.~~the same as in Section 2(1) of the Burial and Cremation Act 1964.~~
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 ~~any person~~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).

5.2. 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.~~No Interment shall take place in any Cemetery unless a Burial Warrant has first been obta from the Council by the person responsible for the burial. The Burial Warrant must be presented to the Sexton as authority for the Interment.~~

5.4. No ~~such warrant~~ Warrant shall be issued until the fee for I~~i~~nterment has been paid~~. provided h~~However, ~~in the case of an~~where the I~~i~~nterment ~~under the~~is managed ~~ment or control of~~by a funeral director, ~~Council~~ WDC may waive the requirement for prior payment and charge ~~the cost against the~~the fee to the funeral director ~~concerned on the basis of a~~by monthly account, or such period as ~~Council~~ WDC decides. ~~"Out of district fees" shall be payable as per the Policy set by Council from time to The burial warrant, when issued by Council, shall be sufficient authority for such burial, and after such burial the sexton shall sign the certificate at the foot of such warrant.~~

~~5.5.~~ ~~Notification of the intended burial shall, whenever possible, be given to Council at least 9 working hours prior to the time fixed for the funeral. Where an intended burial is to take place on a weekend or public holiday, whenever possible, 12 working hours notice shall be given to Council. Notification of an intended burial can be made to Council, outside working hours, through the Council's afterhours service. No Burial shall take place until the warrant has been delivered to Council.~~

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. 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.

6.2. Burial Plots sold by Council ~~shall be sold upon~~are subject to the terms and conditions ~~as decided by~~determined by Council~~. and the exclusive right of burial may be granted for such limited period as Council determines.~~ 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.

~~6.1.~~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. ~~Any purchaser or owner of the exclusive right of burial in any plot in which no burial have yet taken place, may, with the consent of Council, transfer his or her interest in such ground to any other person upon payment to Council of the relevant administration fee.~~

6.5. ~~No burial shall take place in any plot in respect of which the exclusive right of burial is held by another person unless such person has consented to such burial in writing.~~ 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.

~~6.2.~~

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.

~~**Burial Plots: No Exclusive Right of Burial**~~

~~Where the exclusive right of burial has not been purchased, and where the human remains to be buriedBPWM are not that of a poor person as mentioned in clause 8.7 below, such burial shall take place only upon production to Council of a certificate by a relative of the deceased in the form prescribed by Council.~~

~~6.3. Such burial shall take place in such plot as Council shall determine and no fence or headstone shall be erected thereon unless the exclusive right of burial is purchased at a later date as provided for in clause 8.2.3 below.~~

~~6.4. Any friend or relative of a person so buried may, at any time within 2 years from the date of such burial or such extended time as Council sees fit, purchase the exclusive right of burial in such plot and exercise all the rights and privileges there-anent.~~

7. Burial of Ashes

7.1. ~~Upon application and~~Subject to payment of the prescribed fees, the receptacle or urn containing the ~~A~~ashes of any deceased Person may be ~~buried in the appropriate portion of~~Interred in the area of the Cemetery set aside for that purpose, or in any Plot ~~subject to an~~for which an Exclusive Right of Burial ~~having been first had and or purchased~~has been granted.

7.2. ~~The minimum depth of cover for any receptacle or urn containing the Ashes of any deceased Person shall not be less than 400 millimetres.~~ 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.~~No more than four urns may be buried in any one 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: ~~No interment shall be held on any day except between the hours as set out below:~~

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 ~~burials~~ 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. ~~Sexton or Assistant Only to Dig~~ Grave Digging and Backfilling Plots

9.1. No person, other than ~~an authorised officer~~the Sexton, ~~or~~ the Sexton's ~~his~~ assistants, or any other person ~~for the time being duly~~ authorised by ~~Council~~ WDC, shall dig any grave, including an ashes Plot, ~~in,~~ or open the ground for B~~b~~urial 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. ~~or fill in such grave after the interment has occurred.~~

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

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

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

~~**Interment Charges: Poor Persons**~~

~~Where application is made to Council for the interment at reduced charges of any deceased poor person, the applicant shall, on making such application, furnish to the Council a certificate duly signed certifying that such deceased person has not left sufficient means to pay the ordinary charge of interment fixed by Council, and that his relatives and friends are unable to pay the same. Such certificate shall be in the form specified by Council.~~

10. ~~Deceased~~ Operational Service Section ~~Servicemen~~

~~10.1. Only those persons who have had war service or service which has been defined by the Minister of Veteran's Affairs as war service or that person's spouse or partner may be buried in a Servicemen's the Returned and Services Association(RSA)section of the Te Kūiti Cemetery. This provision is subject to the condition that a spouse or partner of a serviceman or servicewoman may only be buried after the interment of the serviceman or servicewoman.~~

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.

~~10.2. Notwithstanding anything to the contrary contained in this part of this bylaw, the fee payable to Council for the disinterment of any deceased serviceman veteran and the re-interment thereof in the war gravesRSA section of the cemetery by the War Graves Branch~~

~~of the Department of Internal Affairs may be agreed upon between the parties from time to time.~~

11. Monuments and Memorials

11.1. Vaults

~~11.1.~~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. ~~No vaults will be constructed in any cemetery within the District without Council consent and plans and specifications for the construction thereof must be submitted to Council for consideration. If approved, construction of the vault shall be to standards acceptable to Council.~~

~~11.2.~~

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.

~~12. WDC may construct or cause to be constructed a continuous concrete platform or berm at ground level or below ground level as required. This shall be of a width suitable to maintain stability, ranging from 650mm (if underground set on solid sub-soil) to 1m (if flush with surface) on which base or platform foundation work for all Memorials will be placed. The cost of the platform shall be included in the purchase price of the Plot.~~

11.6. Monument Foundations and Dimensions

11.7. Unless ~~permitted~~ otherwise approved by WDC, the concrete foundation and base~~based work for all~~of a ~~Memorials~~ Monument shall not exceed 650 millimetres in width measured front to back.

~~12.1.~~11.8. ~~On surface berms (or platforms), a~~A clear space of 150mm shall be maintained~~,~~ at both front and back of ~~the~~ any ~~Memorial~~ Monument foundation ~~base.~~installed on a surface berm or platform.

~~12.2.~~11.9. Monuments

~~12.3.~~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.

~~12.4.~~11.11. No Monument shall be erected in any Cemetery without ~~unless~~ prior Approval from WDC~~. Any Monument shall~~and shall comply with any~~the~~ requirements ~~of the Council~~ imposed by WDC.

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

~~12.5. In constructing bases and in erecting memorials, the adjoining roads, paths or allotment shall not be damaged.~~

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

a) ~~wider than 1m~~ exceed 1 metre in width in the case of a single plot;~~, or~~

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

c) Unless permitted by WDC, no erected memorial shall, at the head of any plot, be highe exceed 450mm 1150mm in height.

12.6.

12.7. 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.

12.8. No erected memorial shall be of any other material than granite, or similar material approved by Council. Concrete shall be finished in white cement only with no colours added.

11.15. In constructing bases and in erecting memorials, the adjoining roads, paths or allotment shall not be damaged.

12.9. 11.16. Prohibited Structures

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

12.10. 11.18. Statuary

11.19. Statuary or statues may be permitted within a memorial park cemetery subject to any conditions and requirements of CouncilWDC. Unless permitted by WDC, no erected memorial shall, at the head of any plot, be higher than 450mm. Such Memorial shall comply with sound engineering principles and shall be aesthetically acceptable to the controlling authority. The plans of such memorial shall be submitted to, and approved by the local authority before the erection of any such memorial be permitted.

11.20. Protecting Cemetery Property

12.11. 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.

13. 12. Plaque Lawn – Areas Cemeteries: Structures, Plaques, Tablets and Flowers on Plots

10.3. 12.1. In any a plaque lawn cemetery, no person shall: erect any kerb, railing, fence, building, or other structure on or around a Plot.

10.4. (a) Erect any kerb, railing, fence, building, or other structure on or around any single plot or part thereof.

(b) Construct or place any tombstone, headstone, monument or structure upon any plot in such manner that any part will project above the level of the ground immediately adjoining; or

(c) Install or place any memorial plaque, memorial tablet or other thing on any plot without the prior permission in writing from WDC, and subject to compliance with the following conditi 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) Any such memorial, tablet or memorial plaque shall consist be made of a permanent material as may be approved from time to time by WDC;
b) Such tablet or plaque shall be of an approved a size approved by WDC; and
c) and set in any approved be installed in a position in and manner approved by WDC manner.

~~11. All lettering and names of persons buried in each plot shall be placed on the one tablet or plaque.~~

~~14.~~13. Floral tributes

~~14.1.~~13.1. Without the prior approval of WDC, no~~No~~ person shall plant any tree, shrub, flower, or other vegetation ~~thing~~ on any ~~plot~~Plot,

~~14.2.~~ Floral tributes may be placed directly on a Plot for up to ~~but during a period of~~ 30 days following an Iinterment, or for such longer~~other~~ period ~~as~~ as may be approved by WDC. ~~, any wreath or other floral tribute may be placed on a plot and shall be removed at the expiration of such period.~~ After that time, any flowers or tributes must be placed on the Monument foundation, plaque base, or other memorial area provided for that purpose. ~~After expiry of 30 days or such extended period approved by Council no person shall place any floral tribute except flowers and foliage on a plot in a special receptacle of an approved type.~~

~~15. The special receptacle referred to above shall be installed adjoining any tablet or plaque on the side nearest the head of the plot and every part of such receptacle shall be 50mm or more below the level of the adjoining ground surface.~~

13.2. 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) ~~or receptacles of a type not approved by Council, and may also remove~~ deteriorated floral tributes, dead flowers and dead foliage ~~at any time.~~

14. Disinterment

14.1. Where WDC receives an application for a Ddisinterment ~~is received by Council~~, the ~~disinterment~~ Disinterment shall be conducted pursuant to sections 51 and 55 of the ~~Burial and Cremation Act~~ Act ~~1964~~ 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.

~~15.1. No person shall advertise or solicit any order or custom from any other person, in any cemetery, for any work whatsoever to be done or in connection with any cemetery, or for the sale, preparation, or supply of any article, material, or thing to be set up, affixed, placed or used in any cemetery.~~

~~16.~~

~~16.1. Except at the specific request of a purchaser of plot or their representatives or assigns no person shall, in any cemetery, accept or take any such order or custom as aforesaid.~~

~~17.~~16. Vehicles

~~17.1.~~16.1. Vehicles may be driven into a Cemetery during the day, but between sunset and sunrise n~~N~~o person shall take any vehicle of any kind into any C~~c~~emetery, unless approved by WDC. ~~except between the hours of sunrise and sunset, or at such time as Council approves~~.

~~13.1. No person in control of any vehicle shall drive on any part of any cemetery except the roads open for vehicular traffic unless authorised by Council.~~

~~18. All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.~~

~~19.~~17. Animals

~~19.1.~~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 C~~c~~emetery. ~~except that Council~~However, WDC may permit sheep to be grazed for the purposes of maintaining the C~~c~~emetery.

~~20.~~18. ~~Deposit of Materials~~Safe Work Practice

~~20.1.~~18.1. No person erecting or repairing any ~~headstone, monument, fence~~Monument or vault or carrying out any other work in, on, or around any Plot~~grave, or constructing or repairing any vault, in any cemetery may~~shall ~~place or deposit~~leave tools and materials within the Cemetery for a longer time than is reasonably necessary for the purpose of completing such work.

~~20.2.~~18.2. No person shall ~~make~~ use ~~of~~ any footpath or roadway ~~in the~~within a C~~c~~emetery for the purpose of mixing cement or mortar ~~otherwise than upon a proper~~unless a suitable mixing board or other ~~suitable~~ protective covering ~~to protect the facilities from~~is used to prevent ~~spillage or leakage of any material used~~damage.

~~20.3.~~18.3. ~~ouncil~~ WDC may ~~construct~~ provide sheds or other buildings for the storage of tools and~~, or~~ materials used ~~by any person~~ for the construction, maintenance or repair of Monuments of vaults~~plot enhancement works~~, and may fix charges for their use~~, thereof~~ and for the supply of turf~~, or~~ water or, any other service~~s~~.

~~20.4.~~18.4. ~~If Council~~Where WDC provides ~~any such~~a shed or building, it may require any ~~such mason or other~~ person undertaking work in the Cemetery to store their ~~remove all~~ tools or materials in that facility or remove them ~~either~~ from the ~~cemetery~~ Cemetery.~~or into such shed or building.~~

~~20.5. If Council so requires, a deposit shall be lodged with every application for a permit to carry out any work and shall be refunded when the work has been completed to the satisfaction of Council.~~

~~21. Keeping Cemeteries in Order~~

~~21.1. All kerbs, enclosures, tombstones, headstones and other monuments shall be kept in proper order or repair by the purchasers of lots or their representatives or assignees.~~

~~21.2. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, all monuments, tablets and fences or erections of any kind which shall fall into a state of decay or disrepair may at any time be removed from the cemetery by order of Council subject to section 9 of the Burial and Cremation Act 1964. In the event of there being no one available to effect repairs or permit removal, a photographic record of the plot shall be taken and filed with the cemetery records before removal.~~

~~22.~~19. Cemetery Maintenance

~~22.1.~~19.1. All ~~memorials~~ Monuments shall be kept in good repair by the ~~purchase of the allotment~~holder of the Exclusive Right of Burial or their assignee.

~~22.2.~~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.

~~22.3.~~19.3. Before any Monument is altered or removed, WDC shall make and retain a photographic record as part of the cemetery records.

~~22.4.~~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.

~~22.5.~~19.5. No monumental mason or other person shall remove any ~~headstone, m~~Monument~~, kerb or tablet~~ from any cemetery or grave ~~any~~ without permission of ~~Council~~WDC.

~~a. No person shall, without authority, remove or take any vase, wreath, plant, flower or any other thing from any cemetery, or grave, except that Council may cause any neglected or broken material of this nature to be removed.~~

~~18. Vases or Containers~~

~~a. All vases and containers for flowers shall be housed in insets set into the base on which the memorial is placed in such manner as shall be approved by Council.~~

~~b. The sexton may remove damaged receptacles or receptacles of a type not approved by Council, and may also remove dead flowers and dead foliage at any time.~~

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

_____

Mayor

_____

Chief Executive