

Ngā Ture ā-Rohe Tōpu o Wairarapa

Wairarapa Consolidated Bylaw

Wāhanga Whitu: Ngā Urupā me
ngā Wāhi Tahu Tūpāpaku

Part Seven: Cemeteries and Crematoria

Timatanga | Commencement

The Wairarapa Consolidated Bylaw came into force throughout the Masterton, Carterton and South Wairarapa Districts on 1 November 2025.

Whakaae | Adoption

Date	Summary of Amendments	Adopted By
14 August 2013	Consolidated Bylaw 2012: Parts One to Eighteen	Masterton District Council
31 July 2013	Consolidated Bylaw 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	South Wairarapa District Council
26 June 2019	Wairarapa Consolidated Bylaw 2019: Part Seven – Cemeteries and Crematoria	Masterton District Council Carterton District Council South Wairarapa District Council
8 October 2025	Wairarapa Consolidated Bylaw: Part Seven – Cemeteries and Crematoria	Masterton District Council Carterton District Council South Wairarapa District Council

Arotakenga | Review

The Wairarapa Consolidated Bylaw is next due for review by November 2030. If not reviewed by this date, the Bylaw will revoke in November 2032 in accordance with section 160A of the Local Government Act 2002.

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Tuhinga Pāhekoheko | Referenced Documents

Reference is made in this document to the following legislation:

- Burial and Cremation Act 1964
- Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967
- Cremation Regulations 1973
- Health (Burial) Regulations 1946
- Local Government Act 2002

Reference is made in this document to the following document:

- NZS 4242: 2018 Headstones and Cemetery Monuments

Kupu Takamua | Foreword

Part Seven is made under sections 16 and 40 of the Burial and Cremation Act 1964 and sections 145 and 146 of the Local Government Act 2002.

If any provision of this Part is inconsistent with Part One – Introductory, then the provisions of this Part prevail.

1. Aronga me te Pūtake | Scope and Purpose

- 1.1. Part Seven enables the Council to regulate activities and set standards for the efficient operation and management of Cemeteries and Crematoria under the Council's ownership or administration.
- 1.2. Nothing in Part Seven derogates from any provision of, or the necessity for, compliance with the:
 - a) Burial and Cremation Act 1964;
 - b) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967;
 - c) Cremation Regulations 1973; and
 - d) Health (Burial) Regulations 1946.

2. Kuputaka | Definitions

Refer to the Wairarapa Consolidated Bylaw: Part One - Introductory for any definitions not included in this Part.

- 2.1. The following definitions are applicable to Part Seven:

ACC: means Accident Compensation Corporation.

Adorn: means placing an item for the purpose of decoration such as flowers, vases or a wreath and "adornment" has the corresponding meaning.

Application for Cremation: means an application for Cremation in Form A of Schedule 1 of the Cremation Regulations 1973.

Burial Booking Form: means the application form required to be completed and submitted to the Council for the Interment of a body in the Cemetery. May also be known as an Application for the Right of Interment form.

Ashes: means the cremated remains of a deceased human.

Beam: means the concrete area of a Plot where a headstone or plaque is placed.

Burial: means the action or practice of placing a deceased human's body or Ashes in the ground.

Burial Warrant: means a written approval from the Council issued to an Authorised Agent as authority for Interment as a result of completing the Burial Booking Form.

Closed Cemetery: has the meaning given to it under section 2 of the Burial and Cremation Act 1964.

Combustible Material: means material capable of catching fire and burning.

Cremation: has the meaning given to it under section 2 of the Burial and Cremation Act 1964.

Cremation Fee: means the fee set by the Council for the Cremation.

Crematoria: means any Crematorium maintained by the Council.

Crematorium: has the meaning given to it under section 2 of the Burial and Cremation Act 1964.

Disinterment: means the removal of any body, or the remains of any body, or Ashes Interred in any Cemetery.

Exclusive Right of Burial: means a right that may be purchased by a Person from the Council, in perpetuity or for a limited time (at the Council's discretion), granting to that Person (or their successor) an exclusive right of:

- Burial in any part of a Cemetery; and
- constructing any vault or place of Burial with the Exclusive Right of Burial in that vault or place of Burial.

The Exclusive right of Burial does not create an ownership interest over that designated part of the Cemetery.

Full Grave Cover: means a solid, permanent cover placed over a grave that is intended to completely enclose or cover the burial site.

Interment / Re-interment: means the broader act of placing a deceased body or cremated remains in a permanent resting place, which can include Burial or a Natural Burial and re-interment means the relocation of remains from one Burial site to another

Justice: means a Justice of the Peace for New Zealand appointed under section 3(1) of the Justice of the Peace Act 1957.

Manager: means any person appointed by the Council to control and manage, or to assist in the control and management of, any Cemetery or Crematorium and to carry out Burials and Cremations as provided in this Part of the Bylaw.

Memorial: means a structure or item placed to memorialise the deceased, and includes any tombstone, headstone, plaque or other remembrance item permanently installed within a Cemetery.

Monument: includes any tombstone, headstone, kerbing or other erection.

Natural Burial: means a Burial that has a low environmental impact, including the body not being treated with chemical or oils that prevent or slow down the decay of the body.

Objectionable: has the meaning given to it under section 3 of the Films, Videos, and Publications Classification Act 1993.

Permission to Cremate Form: means the permission to Cremate Form in Form F of Schedule 1 of the Cremation Regulations 1973.

Plot: means and includes a specified area within the Cemetery set aside for the Burial and includes Ashes or Memorial Plot.

Sexton: means any person appointed by the Council to manage the day-to-day activities of any Cemetery and Crematorium under its jurisdiction, including arranging for the provision of Plots for Burials.

Urn: means a container or receptacle of Ashes.

WINZ Funeral Grant: means a Work and Income New Zealand funeral grant.

3. Te Hoko Rua me te Mana Nehunga | Sale of Plots and Exclusive Right of Burial

- 3.1. Burial Plots sold by the Council are sold upon the terms and conditions as decided by the Council.
- 3.2. In accordance with section 10(4) of the Burial and Cremations Act 1964, the Exclusive Right of Burial shall lapse if a Burial has not taken place in that part of the Cemetery relating to the Exclusive Right of Burial within the period of 60 years from the date of issue of that Exclusive Right of Burial. Council is not liable for reimbursement or compensation from the lapsing of the Exclusive Right of Burial.
- 3.3. The Council will not sell an Exclusive Right of Burial for any Plot in areas of a Cemetery reserved exclusively for Natural Burials.

4. Ngā Nehunga | Burials

- 4.1. A Burial Warrant must be obtained before a Burial takes place. A Burial Warrant may be obtained by completing a Burial Booking Form and paying of the appropriate fee. The person managing or controlling the Burial must present the Burial Warrant to the Sexton as authority for Burial.
- 4.2. Burials are to take place in Plots as determined by the Manager and no Memorial, Full Grave Cover or surround is to be installed on the Plot unless the Exclusive Right of Burial has been purchased.

- 4.3. Only the Sexton, assistants of the Sexton, or Authorised Agents, are to dig or fill a grave in, or open the ground for Burial in, any part of the Cemetery. Caskets must have a minimum cover depth of no less than one metre.
- 4.4. Burial of any person other than the owner of the Exclusive Right of Burial will only take place with the express prior consent of the holder of the Exclusive Right or their power of attorney.
- 4.5. Upon application to the Council and payment of the appropriate fees, an Urn containing Ashes may be Buried in an area of the Cemetery set aside for that purpose or in any Plot subject to an Exclusive Right of Burial.

5. Ngā Nehunga māori | Natural Burials

- 5.1. The Council may set aside areas within a Cemetery for Natural Burials through a publicly notified resolution.
- 5.2. A Natural Burial must:
- a) be single depth, with a minimum depth cover of one metre;
 - b) use only caskets or coffins made of biodegradable materials;
 - c) use shrouds made of natural materials;
 - d) use no chemical or embalming treatment of the body;
 - e) contain only biodegradable accessories, including clothing; and
 - f) use only temporary, untreated wooden above-ground markers, placed at the time or within the first week of Burial, centrally located at the head of the Plot.
- 5.3. No Memorials or Adornments may be placed on or near a Natural Burial Plot. A native tree or shrub, chosen and planted by the Council at its discretion, is used to permanently mark the site of a Natural Burial Plot. The cost of the plant is built into the cost of the Natural Burial Plot.
- 5.4. The Council may, at its discretion, use below-ground markers that are of a material it considers appropriate, to ensure the location of the deceased can be identified.

6. Te Whakatū, te Whakahaere hoki i ngā Kōhatu Whakamaumaharatanga | Installation and Maintenance of Monuments, Memorials and Structures

- 6.1. If a Person wishes to install a Memorial in a Cemetery, they must first complete a Memorial Application form. The Memorial Application Form must include written permission from the Owner (or the person holding the Owner's power of attorney) of the Exclusive Right of Burial for that Plot.

- 6.2. The installation of Memorials, grave surrounds, and concrete beams and bases, or overtop construction or repairs, must be carried out to the satisfaction of the Council.
- 6.3. All above ground Monuments, grave structures, and enclosures must be installed to New Zealand Standard (NZS) 4242.
- 6.4. Any Person who purchases a Plot with a Memorial is responsible for paying the fees prescribed by the Council.
- 6.5. The Owner of a Plot (or their successor) must ensure:
 - a) any Memorials associated with the Plot are safe and secure;
 - b) any Memorials do not inhibit regular maintenance of the Cemetery;
and
 - c) any Monuments, enclosures and their base structures are kept in good order and repair to the satisfaction of the Council.
- 6.6. Plans and specifications for the construction of above ground vaults in Cemeteries must be submitted to the Council for approval prior to any work commencing. Construction of the vault must be to standards acceptable to the Council.
- 6.7. Only approved Memorials are to be installed within the precincts of any memorial park cemetery. A Memorial must not exceed a height of 1.2 metres except with the written permission of the Manager.
- 6.8. A Monument in any plaque lawn cemetery must not be constructed to allow any part to project above the ground immediately adjoining it.
- 6.9. Plaques in any plaque lawn cemetery must consist of permanent material, be of an approved size and set in an approved position with all inscriptions relating to the persons buried in each Plot to be on the one plaque.
- 6.10. Monuments must not be removed from any Cemetery or grave without written permission of the Manager.
- 6.11. The Council may carry out regular audits of Monuments to ensure their safety. Where any Monument is, in the opinion of the Council, a danger to persons visiting or working in the Cemetery, the Council shall make the Monument safe or shall take it down or remove it.
- 6.12. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967 or successor regulations, if a Monument is dilapidated or neglected and isn't repaired or replaced to the satisfaction of the Council within three months (or longer time if the Council agrees), the Council has the right to remove it. The timeframe starts from when a notice is given, or from the last notice or public announcement about it.

7. Ngā Whakarākei | Adornments

- 7.1. Adornments may be placed on a plot for up to one month following an Interment. After this period, Adornments must be placed in approved receptacles and be within the confines of the Beam (not on the grass in front of, or behind the Plot).
- 7.2. All vases and containers for flowers in memorial park cemeteries must be placed in accordance with any specifications set by Council.
- 7.3. Glass, pottery, or other breakable items or items that may pose a danger must not be used or placed on the Memorial, plaque, Beam or the grassed area of the Plot.
- 7.4. The Owners of a Plot (or their successor) must ensure any Adornments associated with the Plot are safe and secure and do not inhibit regular maintenance of the Cemetery or other graves.
- 7.5. Council may remove the Adornments described in clause 7.3 or any other Adornment that is neglected, broken or may otherwise pose a danger or inhibits regular maintenance of the Cemetery. Council will place these Adornments in a designated place for collection by the Owner. Council will retain the Adornment for a reasonable period of time, after which the Adornment may be disposed of without compensation to the Owner of the Adornment.
- 7.6. Adornments must not be removed or taken from any grave in any Cemetery without approval of the Sexton, except as provided for in clause 7.4.

8. Te Tiaki Urupā | Maintenance of Cemeteries

- 8.1. The Owner of the Exclusive Right of Burial (or their successor) and the Owner of a Plot (or their successor) must ensure the Plot is maintained.
- 8.2. The Council may from time to time preserve, maintain and keep a Cemetery including its walls, rails, fences, gates, entrances and all Monuments, enclosures, buildings, erections, walks, avenues, roads, lawns and shrubberies in it safe, clean, and orderly condition.
- 8.3. No Person may plant any tree or shrub or plant in any part of any Cemetery without prior written approval of the Manager. No tree, shrub, or plant will be planted on any Plot unless in a Natural Burial Plot.
- 8.4. Council may trim, maintain, or remove any tree, shrub, plant (or any other vegetation) planted in the Cemetery, at its discretion.
- 8.5. The Council may make all necessary and proper drains in and about any Cemetery and may from time to time cause any such drain to connect with any existing drain for the purposes of draining it and keeping it dry.

- 8.6. Services cemeteries will be maintained by Council in accordance with the Standard of Care set by Veterans' Affairs New Zealand.

9. Tahu Tūpāpaku | Cremation

- 9.1. An Application for Cremation and a Permission to Cremate Form together with all other necessary documentation as set out in the Cremation Regulations 1973 and as may be specified by the Council, must be provided to the Sexton prior to Cremation. The Cremation Fee must be paid (or arrangements for payment made) prior to the Cremation.
- 9.2. An approved Urn containing the Ashes may be kept in the Crematorium free of charge for 14 days following the Cremation. After this period, fees set by the Council will apply.
- 9.3. The Council will not hold Ashes beyond three months' from the date of Cremation. After this period, the Council may dispose of the Ashes in accordance with regulations made under the Burial and Cremation Act 1964.
- 9.4. The casket containing any deceased person intended for Cremation must be made of an approved Combustible Material.
- 9.5. No casket will be opened after admission to the Crematorium without the consent of the Sexton.

10. Ngā Hāora Mahi | Hours of Operation

- 10.1. Funerals may be held on days and at times as determined by the Council.
- 10.2. The Council determines the hours of operation of its Crematorium.

11. Ngā Waka | Vehicles

- 11.1. Every Person driving or in charge of any Vehicle in any Cemetery must stop or move such Vehicle as directed by the Sexton or assistants of the Sexton.
- 11.2. Vehicles must not be driven at speed more than 20km/h or as indicated on any road within the Cemetery, nor in any direction other than the direction indicated by traffic notices.
- 11.3. All Vehicles (other than hearses) must yield unconditional right of way to any funeral procession.

12. Ngā Whanonga | Conduct

- 12.1. Any Person undertaking work or otherwise present in a Cemetery must withdraw for the duration of a nearby Interment or service or at the direction of a person authorised by Council.
- 12.2. A Person must not in any part of a Cemetery or Crematorium:

- a) prevent, interrupt, delay or disturb any Internment, funeral or Burial service or proceedings;
- b) behave in a manner that creates a Nuisance or is offensive or is likely to create a Nuisance or offense to any other Person lawfully within or approaching a Cemetery;
- c) solicit trade, advertise Goods, or accept orders for Goods (this excludes transactions of Council staff undertaken in the course of management of the Cemetery and Crematorium);
- d) place or allow to be placed on any Monument or other structure, any epitaph, inscription, writing or lettering or any words, marks or characters or any pictures which might be considered Objectionable.

13. Te Nehu te Tahu Tūpāpaku rānei Kāore ana Pūtea | Burial or Cremation of Persons Without Financial Means

- 13.1. Applications to Council for the Interment or Cremation of a deceased person without financial means, must include an order signed by a Justice certifying that:
 - a) the deceased person has not left sufficient means to pay the charge (fixed by the Council) to be Buried or Cremated in the Crematorium;
 - b) the cost of Burial is not covered by any ACC Entitlement or WINZ Funeral Grant or other entitlement; and
 - c) the deceased person's relatives and friends are unable to pay the costs.

14. Ngā Tūpāpaku Tauā | Deceased Servicemen

- 14.1. Where a request is received by the War Graves Branch of the Department of Internal Affairs for the disinterment of any deceased servicemen, and the re-interment in the war graves section of the cemetery, the fees payable to Council will be agreed upon between the parties at the time.

15. Te Hahu Tūpāpaku | Disinterment

- 15.1. Where a request is received for a disinterment and/or a re-interment, it must be conducted in accordance with sections 51 and 55 of the Burial and Cremation Act 1964 and is subject to the payment of such fees as the Council decides.

16. Te Mana Whakatau Utu | Power to Set Fees

- 16.1. The Council may set fees for the purchase of Plots and all other services provided for the repair, operation, and maintenance of Cemeteries and Crematoria through a publicly notified resolution.
- 16.2. "Out of district" fees may be payable in the case of a Burial of a deceased person not residing in or not a ratepayer of the district for a predetermined

time as fixed by Council. The Manager determines whether an “out of district” fee is applicable.

17. Ngā Hara me ngā Hāmene | Offences and Penalties

- 17.1. Any Person who breaches Part Seven commits an offence and may be liable on conviction to a penalty under section 242 of the LGA. Refer to Wairarapa Consolidated Bylaw Part One1 - Introductory (Section 15.2) for details of what broadly constitutes a breach.

Explanatory Note:

As at the date the Bylaw comes into force, a Person who is convicted of an offence against Part Seven is liable on conviction to a fine not exceeding \$20,000 in accordance with section 242 of the Local Government Act 2002.