

# **DRAFT PAPAURA DISTRICT COUNCIL CEMETERY MANAGEMENT POLICY**

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## **1 Introduction**

This policy outlines objectives and policies for the sustainable management of Papakura District Council's two cemeteries as well as the types of cemetery services provided by Council.

The policy includes provisions specific to the reservation and administration of burial plots, the provision of urupa, eco (natural) burials, cemetery standards and the collection, storage and management of information.

In considering the reservation of burial plots, Council has been mindful of the need to provide burial plots in a sustainable manner; ensuring a balance between adequate provision and recognising that land is a valuable commodity which must be utilised with care.

Three key new initiatives in this policy are:

- 1) Establishment of a renewable exclusive right of burial licence,
- 2) Provision of an urupa, and
- 3) Provision for 'eco' or natural burial plots.

### **Exclusive right of burial licence**

In purchasing an exclusive right of burial licence the holder must ensure that it is renewed every 10 years if the plot has not been utilised. This renewal provision has been included to address previous issues with plots being reserved and never used – meaning Council is unable to ascertain whether the person has been buried elsewhere or has gifted the plot to their family. This issue also results in unsustainable land use.

### **Urupa**

A Maori burial section (urupa) is to be reserved for Maori who are not longer connected to or do not wish to be buried in their home Marae. Plots are to be oriented in an east-west position and the lay-out will allow traditional protocols and practices to be observed.

### **Eco Burials**

Eco or natural burials are becoming more popular with people concerned about the environment. An eco burial is essentially the burial of an un-embalmed body in biodegradable caskets or shrouds. Decomposition is quick and natural. Memorials often take the form of a planted tree over the plot with a small marker or plaque.

## **2 Rules governing operation of cemeteries**

The principal legislation regarding operation of cemeteries is the Burial and Cremation Act 1964. This legislation guides burial practices, cemetery operation, and obligations and responsibilities with regard to Council owned cemeteries.

Council controls conduct and activities within cemeteries through the operative Cemeteries Bylaw 2008.

Maintenance of cemeteries is governed and managed through a maintenance contract. This policy should be read alongside the above documents.

## **3 Policy objectives**

The cemetery policy is underpinned by the following objectives:

- To ensure a consistent approach to the management of cemeteries across the District and the collection and storage of cemetery information in a responsible manner.
- To ensure cemeteries allow remembrance of the deceased in the best possible surroundings.
- To effectively manage the growth of cemeteries and ensure adequate provision of burial plots into the future.

To achieve these objectives Council will ensure that the cemeteries:

- Are well managed in all respects from administration, operations and maintenance to data collection and storage.
- Are administered in an equitable and consistent manner so that costs to ratepayers are identifiable and user pays costs are readily available and justifiable.
- Have accurate, up to date and publicly available records through GIS mapping and publicly available, searchable interment records.

## **4 Papakura cemeteries**

Papakura District Council currently operates two lawn cemeteries. Council does not operate monumental cemeteries. This policy is designed to ensure that the lawn cemeteries continue to operate in a manner that does not compromise the management and maintenance of the facility.

Papakura's lawn cemeteries are the *Papakura Cemetery* located between Great South Road, Settlement Road and Chapel Street, and the *Papakura South Cemetery* located on Gatland Road, Drury.

### **4.1 Papakura Cemetery**

The Papakura Cemetery contains

- Denominational burial areas
- Ash remembrance walls
- Burial plots
- RSA plots
- Children's section

The cemetery is effectively closed, however there are still a few plots available in the children's section at the time of writing in April 2010. The functions still occurring in the Papakura Cemetery are the re-opening of an existing occupied plot to allow a second or third interment in the same plot, or the addition of ashes to an existing ash wall niche. Council expects the Papakura Cemetery to reach full capacity and

become completely closed in the near future – meaning there will be no more interments.

## **4.2 Papakura South Cemetery**

Papakura South (Gatland Rd) Cemetery is open and plans are being made to develop and expand the cemetery to cater for an expected demand for various types of interment. Maori burials will be catered for by provision of an urupa area. New ash walls, RSA beams and a service commemoration wall and an eco burial area are planned.

Papakura South Cemetery offers:

- Burial in next available plot within the general section of the cemetery
- Returned Services Area burials and ash commemoration walls
- Lawn ashes plots
- Garden ashes area

Future developments at Papakura South Cemetery will cater for:

- An urupa section for Maori burial
- Memorial ash wall niches
- Eco burials – natural un-embalmed burials

## **5 Policies**

### **5.1 Cemetery records**

Council will collect and store accurate and up to date cemetery records:

- a) Every burial will be recorded to the requirements of the Births, Deaths and Marriages Act 1995,
- b) Every plot will be GIS recorded and mapped in an easily retrievable manner, and Council will plan for the accurate GPS recording of every plot when the capacity to do so becomes available.
- c) Every burial or committal will be recorded from the date of issue of the warrant to inter and the record will be kept in both hard and electronic form.
- d) A register of pre purchased exclusive right of burial licence holders for all plots (including the future urupa, eco burial and service personnel sections), will be maintained in hard and electronic format and updated annually, and all licence

holders will be given the opportunity to renew current licences prior to their expiry.

- e) Any exclusive right of burial licence for a plot which is no longer required by any holder (or his or her heirs, executors or assignees) may be surrendered to the Council and the pre paid fee refunded minus any administration fees as per policy 5.2 (l) below.

## **5.2 Reservation of plots**

Council will allow for limited reservation of plots. The following provisions apply in relation to the reservation of plots within Papakura South (Gatland Road) Cemetery.

- a) Papakura District Council will offer reservation of burial plots by way of the purchase of an exclusive right to burial licence. Special provision will be made in the general section of the cemetery for children (including stillborn babies) who have not reached the age of 5 years old at the time of their death.
- b) Application forms for exclusive right of burial licences will be available from Council offices and funeral directors and undertakers operating within Papakura.
- c) An exclusive right of burial licence will lapse after 10 years if no burial has taken place. The lapsed licence may be renewed every 10 years until burial takes place.
- d) Council reserves the right to cancel an exclusive right of burial licence if burial does not take place within 60 years of the original reservation date.
- e) A maximum of three deceased persons including a child may be buried within one plot in the general section.
- f) When reserving or 'purchasing' a burial plot by way of an exclusive right of burial licence for an *immediate* burial, one additional adjacent contiguous plot i.e. the next in the row, may be purchased (if one is available) for future use by the same family.
- g) A person may reserve a maximum of two plots in advance for future use. The plots must be beside each other i.e. contiguous, and be the next available plots in a row of an open beam.
- h) Council will not permit block booking or reservations except as provided for in policy 5.2(e) and 5.2(f) above.
- i) Reservation of burial plots is restricted to people who have been residents of Papakura for at least three months, except for situations expressed in policy 5.3(f) below.

- j) No burial shall take place in any plot where an exclusive right of burial licence is held by another person unless such a person has given written consent to such burial or the funeral director has satisfied him or herself that such a burial in such a plot is authorised by that person or Council.
- k) Where a licence holder does not wish to continue with the licence but does not wish to surrender it, the holder can transfer the licence into the name of a member of the holder's immediate family only. Council must be notified of the transfer. A transfer form is available from Council and an administration fee may apply.
- l) Where a reserved but unused plot is no longer required, and the licence is surrendered, Council will refund the amount paid for the plot minus the administration fee. The plot will then be made available for reservation by another person. Full disclosure will be made by Council to the new licence holder i.e. that the plot was previously reserved but unused.
- m) Where any plot has been used but the family or other authorised person disinters the deceased persons remains pursuant to Burial and Cremation Act 1964, and wishes to surrender the plot, Council will refund the amount paid for the plot, minus any administration fees. Any perpetual maintenance fee paid for the plot will be refunded on a pro rata basis up to 10 years from the date of interment.  
No refund of the perpetual maintenance fee will be refunded for any plot which has been occupied for more than 10 years.
- n) Previously used plots will be made available for re-reservation. Full disclosure of the plot's previous use will be made to any new applicant i.e. that the plot had been previously used, so that an applicant can make an informed decision before reserving that plot.

### **5.3 Administration of reservation of plots**

Council will administer the reservation and location of plots:

- a) Records will be held in a Council database with information available in GIS format so that all developed plots in both cemeteries, and all reserved plots in Papakura South (Gatland Rd) Cemetery are easily identified on an aerial plan of the cemetery and can be easily searched and retrieved by the public.
- b) Two copies of an exclusive right of burial licence must be completed for each reserved plot.
- c) A brochure explaining the terms and conditions of the exclusive right of burial licence will be provided which highlights the importance of ensuring that licence holders advise Council of any change of address for service.

- d) Three months prior to the expiration of the exclusive right of burial licence, Council will write to the last known address of the licence holder and:
  - 1) advise of the imminent expiration of their exclusive right of burial licence.
  - 2) request confirmation by the licence holder of renewal of the licence, and payment of the relevant renewal fee, OR cancellation of the licence.
- e) Confirmation of a licence holders desire to retain the exclusive right of burial must be received in writing by Council no later than three months following the licence expiry. Following this three month period if no confirmation of renewal is received, Council reserves the right to revoke and cancel the exclusive right of burial licence, and for the plot to be reserved by another person.
- f) Out of District fees will apply where a deceased person is buried who did not reside within the District for at least three months prior to their death. Council may waive such a fee on a case by case basis, with consideration given to circumstances such as where the deceased is a member of the RSA, or had strong family links within Papakura, and the actual length of time they lived in the district.

#### **5.4 Urupa**

Council will provide for a future urupa.

While it has been customary for Maori to be taken back to their home marae for a tangi and burial some Maori may be disconnected or may wish to be buried in the proposed urupa section of Papakura South Cemetery. Manawhenua have indicated a desire for special provision to be made to meet the needs of Maori.

Council will reserve land in the Papakura South (Gatland Road) Cemetery for development as an urupa which will be designed to meet customary practice including the entrance, the orientation of plots, and any prohibitions and restrictions. The details regarding the urupa are being developed in consultation with Manawhenua. Once agreement has been reached, this section will be amended to include the specific policy and implementation information.

#### **5.5 Eco burials**

Council will provide land for future eco burials.

Eco burials provide an alternative to cremation and traditional embalmed, deep burials. Land will be available for eco burials at Papakura South Cemetery.

To achieve this Council will:

- a) Set aside land in plot sizes of 2.5m x 2.5m and minimum 1m deep, to allow eco burials in accordance with the code of practice of the Association of Natural Burial Grounds.

- b) Allow one eco burial plot and one other contiguous plot to be reserved by way of an exclusive right of burial licence as per policy 5.2 (e) and 5.2 (f)
- c) Permit one burial per plot only.
- d) Allow the decoration of plots by planting of appropriate native trees for the site and the location of a marker plaque (or wall) to create an eco forest. No other hard or permanent decoration shall be permitted. Any event remembrance materials must be removed within two weeks of the event date or it will be removed and stored by Council subject to policy 5.7 (e).
- e) Reservation of burial plots is restricted to people who have been residents of Papakura for at least three months, except for situations expressed in policy 5.3 (f) above.
- f) No burial shall take place in any plot where an exclusive right of burial licence is held by another person unless such a person has given written consent to such burial or the funeral director has satisfied him or herself that such a burial in such a plot is authorised by that person or Council.

## **5.6 Service personnel**

Council is committed to the remembrance of its service personnel and will provide land for their burial. To help achieve this Council will:

- a) Set aside areas of lawn berm and beams, and ashes remembrance walls specifically for the burial of deceased service personnel pursuant to the provisions of the Burial and Cremation Act 1964.
- b) Liaise with service organisations to ensure as much as is practicable an alignment of Veterans Affairs policy with Council's management of the services section of the cemetery.
- c) Accurately maintain information about each burial and make those records secure in Council's database but freely available.
- d) Plot reservation in the service section of Papakura cemeteries is without fee for service personnel pursuant to s 15 B (a) of the Burial and Cremation Act 1964. This means that while an exclusive right of burial licence will be issued for no fee, it must still be renewed every 10 years.

## **5.7 Cemetery standards**

Council will maintain high cemetery standards. Council's aim is that both cemeteries are maintained as high quality lawn cemetery reserves. Their appearance will be neat, tidy and devoid of large monumental features. To achieve this Council will:

- a) Manage cemeteries in line with requirements of the 2008 Cemetery Bylaw and the Burial and Cremation Act 1964.

- b) Allow the decoration of headstones and berms by way of flowers and wreaths.
- c) Ensure that plots ('graves') are not decorated in a manner that may detract from the general appearance of the cemetery by looking untidy, cluttered or unkempt or in a way that may be considered offensive by others.
- d) Ensure that all families of the deceased are made aware that burial plots may not be permanently decorated. Any burial or interment tribute to the deceased must be removed within three months of the date of burial.
- e) Write to the deceased's family requesting removal of tributes after a two month period has elapsed. Following this letter, four weeks will be allowed for the tributes to be removed, after which Council will remove and store tribute materials. The family will be notified of this and if the materials are not recovered by the family after two months of storage they will be disposed of by Council.
- f) Require any event remembrance decoration of any burial plot to be removed within two weeks of the event or Council will remove the decoration materials and dispose of them without notice to the family.
- g) Maintain a mowing and weeding programme and topsoil replenishment programme to ensure that all plots are mowable.
- h) Not permit the scattering of ashes within the cemetery or the disposal of body parts, or burial of placenta, or still born babies without Council consent to inter.

## **6 DEFINITIONS**

**Burial** – the location of a body in a grave, or ashes in a niche (remembrance wall) or ashes in a garden plot.

**Cemetery** – land owned by Council for the purposes of burial of dead people or their ashes, and includes 'closed' cemeteries as defined in the Burial and Cremation Act 1964.

**Eco burial** – an eco burial is a natural burial where the un-embalmed body is laid in a biodegradable casket or shroud at a depth where natural and rapid decomposition can occur – usually 1 – 1.2m deep. The burial site is filled with rich soil and compost and is marked by native trees to form a forest, and /or a small plaque. Eco burials are designed to minimise any contamination of the soil by chemicals, toxins or pollutants.

**Event remembrance** – anniversary of death, or birth, religious holiday such as Easter or Christmas.

**Event remembrance decoration materials** – any decorative or commemorative materials such as, but not limited to spinning plastic flowers, solar powered lights, Christmas trees, fences, ribbons, garlands, wreaths, toys, objects of significance.

**Exclusive right of burial licence** – a pre purchased, reserved burial plot for the owner to inter human remains. There is no real estate ownership, but an exclusive right for the owner to utilise the burial plot either immediately or within the term of the licence.

**Immediate Family** – wife, husband, partner or spouse, child, sister or brother, mother or father

**Licence** – an exclusive right of burial licence.

**Licence holder** – a person in whose name a maximum of two plots have been purchased for themselves and /or another member of their immediate family.

**Out of District** – refers to any person who has not lived in Papakura for more than three months prior to their death.

**Plot** – a burial or interment space for either a deceased person or their ashes, and includes all types of cemetery burial plots, garden ash plots, lawn ash plots and (niche) ash wall plots.

**Service personnel** – any person (and their husband, wife, civil union partner, or de facto partner) who has been on operational service in the New Zealand Defence Force pursuant to s15 (a) of the Burial and Cremation Act 1964.

## **Operational Appendix**

### **A Fees and Charges**

Council charges for all cemetery services, for example exclusive right to burial licence fees, perpetual maintenance, interment fees etc.

Where there is no fee, the word 'FREE' will appear on Council's schedule of charges for example there is no fee for service personnel plot reservation.

#### **How fees are set**

Fees and charges are set every year as part of the Long Term Council Community Plan process.

#### **List of fees and charges**

A list of fees and charges, and information brochures are available from Council Customer Services free of charge, and is available on Council's web site [www.papakura.govt.nz](http://www.papakura.govt.nz)

## **Purchase of exclusive right to burial licences**

Exclusive right to burial licences will be charged at the same rate as 'purchase' of plots for immediate use. The fee includes the 'purchase' of the plot, a one-off perpetual maintenance fee and an administration fee. Interment fees are payable at time of burial.

## **Renewal of exclusive right to burial licence**

The exclusive right to burial licence renewal fee will comprise a single administration fee to update records and will not include any further perpetual maintenance fees.

## **B Forms and Permits**

A body may only be buried after the issue of a *warrant to inter*.

All forms and permits for burial, headstones, exclusive right to burial licence plots etc are available from Council. A list of forms and permits is printed below.

Warrant to inter – Burial permit.

Headstone permit and requirements – size, materials, rules

Ash and interment options – ash wall, ash garden and ash plot options.

RSA information and fees – for the service personnel section of the cemetery

Exclusive right to burial licence – pre purchase and reservation of plot

## **C Maps and plans**

Papakura Cemetery – maps and plans of the Papakura Cemetery

Papakura South Cemetery – maps and plans of the Papakura South 'Gatland Road' Cemetery

## **D Bylaw summary**

The operative Cemeteries Bylaw 2008 includes a range of controls and standards for Papakura cemeteries. The main points are summarised below. For full details refer to the bylaw.

- 1 Behaviour and conduct within a cemetery
- 2 vehicle use and restrictions
- 3 sale of plots
- 4 setting of fees
- 5 headstones and memorials – rules and restrictions
- 6 advertising and soliciting for work – restrictions
- 7 burial or cremation of poor persons
- 8 plots reserved for service personnel
- 9 disinterment provisions
- 10 powers of Council to make rules and set standards.
- 11 offences and penalties.