

traditional burial to be put to an efficient and environmentally friendly use. For these reasons the Council will actively pursue partnerships with natural burial specialists for the development of a natural burial site at Makara Cemetery.

New options or technologies such as this will be investigated for their suitability at Wellington cemeteries. All new services will be consistent with the Burial and Cremations Act and Bylaws.

Partnerships

The investigation of new facilities, such as natural burial, may provide opportunities to lower the risks to Council by partnerships or other arrangement with external organisations interested in providing these services.

Telarc ISO 9001; 2000 Certification

In September 2001 Wellington City Council Cemeteries and Crematorium became the first cemetery in the country to achieve ISO 9001:2000. This accreditation recognises that all administration and operational procedures are formalised, well thought through and are carried out in a high quality, consistent manner. These procedures and processes greatly reduce the possibility of error and provide excellent record and data keeping. The audits that take place are carried out under the ISO 9001:2000 requirements and are carried by an independent Telarc Auditor.

6. REGULATORY FRAMEWORK

Access to, and use of, the cemeteries is generally controlled by the Parks and Gardens Business Unit. The following legislation regulate control and guide the development and management of Makara and Karori Cemeteries:

- **Burials and Cremations Act (1964)**

Under the Burial and Cremation Act (1964) local authorities are required to provide and maintain cemeteries. Section 4(1) states:

Local authorities to provide cemeteries – (1) “It shall be the duty of every local authority, where sufficient provision is not otherwise made for the burial of the bodies of persons dying while within its district, to establish and maintain a suitable cemetery.” Burial and Cremations Act 1964.

The Act covers the establishment, maintenance and regulation of cemeteries, finance, trustees, burial grounds, cremation, closing of cemeteries, general provisions, offences and regulations, savings and repeals. The Act does not apply to Maori burial grounds.

- **Cemetery and Cremation Bylaw**

The Bylaw will provide the regularity context for enforcing appropriate behaviour of the public in cemeteries. Bylaws generally try to make activities and places safer for residents, workers and visitors. They are rules that have been decided over the years by Wellington City Council under the authority of the Local Government Act 1974.

The Wellington Bylaw for Cemeteries and Cremation 1991 is currently due for review. Many of the parts of the Bylaw are no longer relevant or are inconsistent with current cemetery management methods. The handbook (described below) has been

developed partly due to the Bylaws being out of date, however it cannot over-rule the Bylaws. Review of the Bylaw will likely lead to the development of a generic Open Space Bylaw. This will apply generally to the cemeteries, while specific controls will be set out in the handbook.

- **Handbook**

In 2000 a handbook was developed by the Parks and Gardens Business Unit. The handbook covers the products, services and their delivery at the Karori and Makara Cemetery. Although the handbook is relevant and designed specifically for the Wellington cemeteries, some of its information is inconsistent with the current Bylaws. These inconsistencies should be addressed during the Bylaw review.

- **Historic Places Act 1993**

The Karori Crematorium and Chapel are registered on the Historic Places Register. This means that the Historic Places Act 1993 (HPA) applies and any action associated with these buildings must be within the provisions of this Act.

The HPA also contains a consent process for any person wishing to do work that may affect an archaeological site. The HPA defines an archaeological site as:

Any place in New Zealand that –

(a) either –

(i) Was associated with human activity that occurred before 1900; or

(ii) Is the site of the wreck of any vessel where that wreck occurred before 1900; and

(b) is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand (section 2, Historic Places Act 1993).

As the Karori Cemetery contains burials that predate 1900 it is an archaeological site as defined by the HPA, and is therefore subject to the provisions of that Act. Advice should be sought from the Trust about the legal requirements for any work that involves ground disturbance (except that associated with the normal use of the cemetery and regular maintenance).

- **The Resource Management Act 1991**

The Resource Management Act 1991 requires local authorities to manage the natural and physical resources within their jurisdiction sustainably. Although the Resource Management Act does not apply directly to cemeteries, there are some sections which relate to cemeteries indirectly, such as:

- Sections 5, 6, 7 and 8 – City, District and Regional Councils are required to sustainably manage natural and physical resources.
- Section 15 - Restrictions on the discharge of contaminants into the environment.
- Section 32 - Duties to consider the alternatives and to assess benefits and costs. (Note also the requirements of Local Government Act No.3 in this respect.)
- Section 73 - Requests for District Plan changes (refer also to First Schedule of the Act).
- Section 86 - Power to acquire land (part iv resource consents).
- Sections 166 to 186 – Designations.
- All cemeteries in operation at the time the Act was enacted have existing use rights under Section 10 of the Act. Any further acquisition of land for cemetery purposes will not be covered by this section.

Under the District Plan, both Cemeteries are zoned Open Space B. The Chapel, Mortuary Chapel and Lychgate, (all located at Karori Cemetery) are listed as heritage buildings in the District Plan.

- **Building Act 1991**

The *Building Act 1991* administered by territorial authorities controls the construction and alteration of buildings. It is unlawful to carry out any new building work (as distinct from maintenance and repair) without a building consent however it is presumed that graves do not come within the definition of buildings.

- **Reserves Act 1977**

A Management Plan is not statutorily required for Makara Cemetery, but is required for Karori Cemetery because some of the land within the cemetery boundaries is Local Purpose Reserve. Because of the specific management requirements of both the cemeteries, a plan under the specifications of the Reserves Act 1977 is the most suitable management tool. There is also potential for Karori Cemetery to be classified under the Reserves Act 1977 when it closes in the future. Refer to Appendix Three for the reserve status of the land at both cemeteries.

7. MANAGEMENT POLICIES

7.1 INFORMATION INTEGRITY

Under section 50 of Burial and Cremation Act the local authority must register all burials/cremations that occur within the cemetery. The register must distinguish the area of the cemetery the burial took place, with a description of the grave, and be indexed to facilitate searches. The register is open for inspection for a small fee.

Access to data and genealogical information is currently available at Karori Cemetery. This information will be updated and continue to be developed as a resource for the public and for historical records. It is important that this information is held securely due to the historical and heritage aspects contained within this data.

Part of respecting those who have been interred or cremated at the cemeteries, is ensuring the integrity of cemetery records and information. It is therefore important that the recording, transferring and releasing of information is done in a manner that guarantees (as far as possible) that it is free from errors. Strict procedures will be maintained to ensure the integrity of data capture associated with interments and cremations.

P1. Complete, up to date and accurate records of the cemeteries will be kept.

Implementation

- *A register of burials will be kept in accordance with the Burials and Cremations Act 1964 Section 50.*
- *This data will be held securely to ensure integrity, accuracy and historical values are maintained.*
- *The development of a web-based system to allow the public access to records will continue. Links to websites which contain relevant information (such as the Ministry of Culture and Heritage Website) will also be included on the system.*