

2023

Coast Road Churchyard Code of Practice



Wainuiomata Pioneer Church
Preservation Society

18 June 2023

Contents

1.0	Introduction	2
2.0	Interpretation	3
3.0	Interment of Ashes in Ashes Plots	3
4.0	Interment of Ashes in Pre-existing Graves	4
5.0	Exclusive Right of Burial	4
6.0	Scattering of Ashes Prohibited	5
7.0	Memorials: Adornments	5
8.0	Ground Maintenance	6
9.0	Records	6



1.0 Introduction

In January 2010 the Coast Road Churchyard was closed for body interments by the Ministry of Health under the Burial and Cremation Act 1964. However, where the exclusive right of burial has already been purchased, the interment of ashes is allowed in some circumstances.

On 11 July 2010, The Wainuiomata Pioneer Church Preservation Society, hereinafter referred to as the Society, a registered Charitable Organisation, took over the ownership of the Coast Road Church and Churchyard from the Hutt City Uniting Congregation. This Code of Practice was approved at the Annual General Meeting on 18 June 2023 and is to be administered by each consecutive serving Committee of the Society, hereinafter referred to as the Committee.

In keeping with historic values, the Coast Road Churchyard is for the interment of the remains of early settlers of Wainuiomata, and their direct descendants. Prior to the Society taking over the Churchyard, the Hutt City Uniting Congregation sold an Exclusive Right of Burial to some of their church members. This in no way sets a precedent for any further purchases of ashes plots.

This Code of Practice seeks to protect, promote and maintain public health and safety in the Coast Road Churchyard. The Committee has discretion in applying this Code of Practice, working to facilitate many of the needs and wishes of descendants of previous burials/interments, while managing and protecting these special historical places from damage or misuse, to ensure the community can come together for contemplation and reflection, and to memorialise their loved ones.



2.0 Interpretation

Ashes Plot means a specified area set aside for the burial of ashes.

Beam means a concrete strip that marks a plot, row, and number and in which a headstone or plaque is placed.

Burial means the interment of ashes.

Exclusive Right of Burial means a right that has been purchased from the Hutt City Uniting Congregation prior to 2010, or subsequently by the Wainuiomata Pioneer Church Preservation Society, which grants the purchaser, and his or her assignee, the exclusive right of burial in a designated burial plot for a specified number of years; and (a) does not create an ownership interest over the designated plot; and (b) lapses in accordance with section 10 of the **Burial and Cremation Act 1964** as below:

Section 10, Burial and Cremation Act 1964 - Exclusive right of burial, etc

(1) A local authority may sell either in perpetuity or for a limited period the exclusive right of burial in any part of a cemetery, and also the right of constructing any vault or place of burial with the exclusive right of burial therein.

(2) Before any body is permitted to be buried in any vault, brick grave, or place of burial, the exclusive right of burial wherein has been sold, the local authority may require satisfactory evidence that the person for the time being appearing to it to be entitled as owner to such exclusive right has consented or would not object to the burial taking place therein.

(3) Any sale of an exclusive right under this section may at any time be rescinded by agreement between the local authority and the person for the time being appearing to it to be entitled as owner to such exclusive right and the local authority may pay to such person such price as may be agreed in consideration of such rescission for which the receipt of such person shall be sufficient discharge.

(4) Notwithstanding the provisions of subsections (1) to (3), any exclusive right of burial referred to in subsection (1), whether sold before or after the commencement of this Act, shall lapse if, at any time after the sale, 60 years pass without a burial taking place in that part of the cemetery or in that vault, brick grave, or place of burial which is the subject of such exclusive right.

Grave means the area where the body of a deceased person is.

Headstone means a memorial that projects above the ground.

Interment means the burial of a body or ashes in a plot.

NZS 4242: 1995 means the New Zealand Standard for headstones and cemetery monuments.

3.0 Interment of Ashes in Ashes Plots

- 3.1. To have a direct descendant interred in an existing ashes plot:
There must be only one (1) pre-existing ash interment (i.e., adding another will make a total of two), but the size of an ash plot means there can only be one headstone or plaque.
- 3.2. There will be no more than two ash interments per ash plot.
- 3.3. Before an ashes burial may take place, all relevant prescribed forms must be submitted to the committee for approval.

- 3.4. Relevant prescribed forms must be accompanied by: a) written permission from the owner of the Exclusive Right of Burial for that plot; and b) payment of the fee, set by the committee, for burial.
- 3.5. Where doubt of ownership of a plot exists, the committee may satisfy itself, so far as practicable, that the burial is authorised.
- 3.6. Burial of ashes may be held in the Churchyard on such days and times as the committee determines and: a) interments will not commence before 10am; and b) no later than 4.00pm in the winter, and 6pm in the summer.
- 3.7. Ashes burials may take place outside these times by prior arrangement with the committee.
- 3.8. Only Funeral Directors or Undertakers are authorised to dig, and fill in, an ashes plot.

4.0 Interment of Ashes in Pre-existing Graves

- 4.1. A grave may be reopened for subsequent interment of ashes where consent is given by the committee and: a) by the owner of the Exclusive Right of Burial, or their assignee; and b) the relevant prescribed form is provided, and c) the relevant fees are paid. The number of ashes interments in such graves is limited to six (6) and the requested ash interment must be a direct descendant (or a spouse of a direct interment). If there is insufficient room in a direct ancestor's plot (either ash or grave), it will be the responsibility of the relatives of a prospective ash interment to provide written permission to use another relative's plot (ie grandparents)
- 4.2. No grave predating 1900 is to be disturbed for the interment of ashes without the consent of Heritage New Zealand. Such graves are designated as archaeological sites.
- 4.3. Any grave that has been concreted over may not be disturbed for the interment of ashes.

5. Exclusive Right of Burial

An Exclusive Right of Burial may have been either pre-purchased prior to the Society taking possession of the Churchyard in 2010 or bought at the time of an ashes interment. Where a person has pre-purchased a plot, they gain the Exclusive Right of Burial for that plot. This means that the purchaser owns the right to be buried in that plot; this does not mean they own the piece of land on which the plot sits. The Exclusive Right of Burial is held by the purchaser for a maximum of 60 years. After this time, if no burial has taken place in that plot, the Exclusive Right of Burial will revert back to the Society with no entitlement for a refund of the purchase price, as per government legislation – **Burial and Cremation Act 1964, Section 10, Exclusive Right of Burial** (quoted on page 3 of this document). The committee may resell the plot to that purchaser in the first instance if no burial has taken place and if the purchaser wishes to retain that plot. If the Exclusive Right of Burial is for a burial that is taking place at the time the right is purchased, the Exclusive Right of Burial will be held by the holder of that right (who may or may not be the one buried) forever, that is, the plot will not be resold at any time in the future for additional burials. If payment for the plot has not been made, the person who applies for the burial is liable for payment. No memorials, plaques, or headstones can be erected until all fees have been paid, and the Exclusive Right of Burial has been provided. Burial fees will apply to all interment of ashes, either in an ashes plot or in an existing grave. Where a

plot has been purchased by a person who is now deceased, New Zealand estate and inheritance laws will be applied to determine who has the rights to the plot

6. Scattering of Ashes Prohibited

The scattering of Ashes anywhere in the Churchyard is **strictly prohibited**, as chemicals used during cremation can be poisonous to plants and the discovery of human ashes can be upsetting for those maintaining the gardens.

7.0 Memorials and Adornments

- 7.1. Any memorial must be approved by the committee prior to installation, using the relevant prescribed form and accompanied by: a) proof of Exclusive Right of Burial for that plot; and b) payment of the fee, set by the committee, for adding memorials.
- 7.2. All above-ground memorials must be installed to NZS 4242: 1995.
- 7.3. Memorials must: a) limit inscriptions to the front for beam areas; and b) be set in a way approved by the committee.
- 7.4. Memorials and the associated plot must be kept in good repair by the holder of the Exclusive Right of Burial, or their assignee.
- 7.5. Only a registered monumental stone mason may undertake work associated with a monument.
- 7.6. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, the committee may remove any installation of any kind that falls into a state of decay or disrepair. A photographic record of the memorial will be taken prior to removal and retained in cemetery records.
- 7.7. Removal of any memorial, either for repair or replacement, must be pre-approved by the committee using the relevant prescribed forms and accompanied by proof of Exclusive Right of Burial for that plot, and any such work must be undertaken by a registered monumental stonemason.
- 7.8. The committee may remove any unauthorised memorials from the cemetery.
- 7.9. Adornments, including all wreaths and floral tributes may be placed on a plot for up to 14 days following an interment. After this time, all adornments will be relocated to the concrete beam. Any adornments added after this time must be confined to approved receptacles or the concrete beam.
- 7.10. Adornments may not inhibit the proper maintenance of the cemetery or other graves.
- 7.11. Breakable jars, vases, or receptacles are not permitted to be used as flower containers.
- 7.12. The committee may remove unapproved receptacles, ornaments, or memorabilia from graves at any time to facilitate the maintenance of those graves.
- 7.13. Replacing any memorials will need the written approval of the committee as any changes may destroy the heritage value of the churchyard.

7.14. No responsibility can be accepted for the effects of weathering, vandalism, and intentional wilful damage to any monument, plaque, or headstone.

7.15 To retain the historical aesthetic of the churchyard, new standing headstones (replacements for existing ones, or first headstones on old plots) may not be any taller than those already in the churchyard, and not stand out from the style of headstones already there. They should be compatible in style and size, with all the other standing headstones.

Explanatory Notes:

“New Zealand Standard 4242: 1995 Headstones and cemetery monuments” provides cemetery authorities and monumental masons minimum standards for structural design criteria, performance, and installation of monuments. The intent of these objectives is so that cemetery monuments have a minimum service life of 50 years. Relevant prescribed forms are typically completed by the Monumental Mason on behalf of the family and provided to the committee for approval. Anyone wishing to replace pre-1900 memorials will need to discuss their plans with Heritage New Zealand.

8.0 Ground Maintenance

- 8.1. The holder of the Exclusive Right of Burial or their successors must ensure: a) where permitted, memorials associated with that plot are safe and secure; b) where permitted, kerbs, enclosures, tombstones, headstones, other monuments and their base structures, are kept in good order; and c) memorials do not inhibit regular maintenance of the cemetery.
- 8.2. No person may plant any tree, shrub, plant, or other vegetation without prior permission from the committee.
- 8.3. The committee may cut or remove any vegetation planted in the cemetery at its discretion.
- 9.4. Any person installing or attending any work in the Churchyard must withdraw for the duration of a nearby funeral service, or at the direction of the committee.

9.0 Records

- 9.1. The Society will keep up-to-date plans showing the location of burial plots in the Churchyard
- 9.2. These plans will be available for public inspection at Church, upon request, and by appointment.
- 9.3. In accordance with the provisions of section 50 of the Burial and Cremation Act 1964 the Society will maintain records of each burial showing:
 - a) the name, age, sex, occupation, and last place of residence of the deceased;
 - b) the Exclusive Rights of the Burial holder;
 - c) next of kin contact details;
 - d) funeral facilitator details;
 - e) date of burial or interment;
 - f) date of death;

g) cause of death;

h) date of birth; and

i) location of the ashes of each person buried or interred or disposed of in the cemetery.

Note: Records of any burials predating the Wainuiomata Pioneer Church Preservation Society taking possession of the Church and Churchyard in 2010 contained sparse information on burials. Research since that time has provided much information, but not enough to fully complete all burial records.