

5. Ngā Ture mō te Whakamahinga Tūmatanui

Rules for public use

5.1 Rules overview

This part of the plan outlines rules applicable to public use activities within the cemeteries. Public use activities have been increasing with the growing popularity of the cemeteries for recreation and have the potential to impact other cemetery visitors and the environment. These activities are managed by identifying the types allowable and those that are prohibited. These rules should be read in conjunction with the Wellington Consolidated Bylaw 2008, particularly Section 15 'Conduct in Cemeteries'.

This section does not cover:

- Activities that relate to operating cemeteries for burial and cremation. Such activities are regulated under legislation, such as the Burial and Cremation Act and Health Act. The regulations are not repeated here but, for the sake of clarity, the types of customer services where a permit and/or booking is required to meet regulatory requirements and/or run the cemetery to high standards are listed.
- Activities that relate to land use, such as utilities or use of the land for private benefit other than purchase of plots for interments, including commercial gain. The Wellington City Council, as landowner, will make decisions on applications of this type with reference to the vision, key values and policies of this plan, including taking into account the cemetery operation and the community expectations of respect for these places, the Consolidated Bylaw and the Council's powers under the Local Government Act.

5.2 Objective

1. To manage public use activities of the cemeteries in a manner that recognises the cemeteries' vision and protects the key values (see Part 2).

5.3 Policies

5.3.1 Managed activities

1. The following activities require a permit or booking issued or confirmed by the Council:
 - a) Cremations
 - b) Interments, including burials of human remains, and cremated ashes
 - c) Scattering ashes and burial of placenta
 - d) Disinterments
 - e) Installation and removal of memorial headstones and plaques
 - f) Conducting funerals, memorial services or suitable gatherings such as a wedding in the cemetery chapels
 - g) Commemorative planting and installation of commemorative seats
 - h) Cleaning, maintenance and repair of gravesite structures, including headstones and plaques
 - i) Other activities related to cemetery operations where permits or bookings may be required for good management. For example, bookings are required for unveiling of memorials, even though cemetery staff are not usually involved, so that the unveilings do not clash with another service in the vicinity such as a burial.
2. Activities not listed under 5.3.1 (1) above that are not allowed under 5.3.2 and not prohibited under 5.3.3, require prior permission from the cemetery manager.

Explanation

All customer services in policy (1) are managed through permits or bookings for the following reasons:

- to meet legislative requirements, for example, to ensure that a death has been registered before a burial or cremation, and to keep records up to date
- to ensure the smooth management of customer services, such as ensuring there are no double-ups of chapel use
- to ensure proper management of the cemetery, for example to ensure memorials will be installed in the correct space.

Information about the requirements and application process for these activities is available in the cemeteries section of the Council's website or through the cemeteries office. In future, online procedures will be streamlined when the new Cemeteries Management System is complete (see 3.2.2.5).

Policy (2) covers other activities that are neither allowed under 5.3.2 nor prohibited under 5.3.3. They include commercial activities such as filming or public events such as choral performances, which may be appropriate to the cemetery environment but have potential impacts on the cemetery environment and use.

5.3.2 Allowed activities

1. The following activities by individuals or groups are generally permitted for non-commercial use in the cemeteries but may be subject to restrictions in order to provide for the health, safety and wellbeing of visitors and protect open space values.
 - a) Visiting burial and ash plots
 - b) Placing temporary tributes and decorations on
 - the headstone and associated concrete beam of a gravesite in any lawn cemetery area (see Appendix I, Glossary)
 - non-lawn gravesites at Karori and Tawa cemeteries
 provided they do not:
 - i. encroach on or obstruct access to any other plot or communal area
 - ii. use electricity, whether from cemetery power supply system, battery or solar sources
 - iii. disturb the tranquillity of the cemetery environs.
 - c) Informal gatherings
 - d) Quiet, sedentary, typically individual activities such as sitting, reading, meditation, painting or amateur, such as non-commercial photography

or filming¹⁸ that do not potentially offend or obstruct other cemetery users

- e) Walking
- f) Historic and genealogical research
- g) Dog walking (on leash, refer also to the Council's Dog Policy)
- h) Running
- i) Mobility scooters
- j) Motorised vehicle access on the formed roadways and carparks at a maximum speed of 10 km/h
- k) Cycling, e-biking and mountain biking at a maximum speed of 10 km/h on the formed roadways where motorised vehicle traffic is allowed
- l) Cycling and mountain biking on any tracks clearly signposted for cycling or mountain biking use
- m) Nature study and wildlife spotting, for recreation, education and research
- n) Orienteering and geocaching on foot
- o) Picnicking, provided no cooking is involved and food is not consumed within denominational areas where signage prohibits food consumption
- p) Horse riding on the formed roadway at Mākara Cemetery, provided horses are at a walking pace and riders remove all horse manure
- q) Volunteering, subject to prior approval (see below).

Explanation

Allowed activities are largely informal and unstructured. They include activities traditionally associated with visiting cemeteries for remembrance, but not formal gatherings such as funerals that are managed activities, and with casual recreational use of parks and reserves that are considered compatible with primary cemetery activities. The reasons for limitations on placing tributes and decorations are explained under policy 3.2.2.3 Remembrance. Allowed activities generally have a low impact on

¹⁸ Non-commercial filming that is anything other than a home video-type activity is a managed activity. The need to obtain land owner (i.e. Council) approval for commercial photography and filming will be assessed on a case-by-case basis, primarily considering the impact of the activity.

cemetery values and other users, are compatible with the contemplative atmosphere of the cemeteries, and need few restrictions. The public do not need to book these activities or seek approval for them, though if in doubt, contact the cemeteries office.

Commercial (business¹⁹) activity is not an 'allowed' activity. Commercial use refers to use by an individual, group or organisation that is carried out for profit or as a means of livelihood or gain. This includes, but is not limited to, funeral, monument, recreation, tourism and filming businesses.

Under the Open Space Access Plan 2016 (OSAP) tracks in the Council's open space network are shared use wherever appropriate and tracks are open for biking unless otherwise stated. The tracks in the cemeteries are not specifically mentioned. The cemeteries differ in their primary use from the rest of the open space network and shared biking/pedestrian use by default is not considered appropriate. Therefore, cycling, mountain biking and horse riding will only be allowed on routes or areas identified through this plan and these rules will take precedence over the OSAP. Cycling and mountain biking within gravesite and ash interment areas is considered disrespectful, with the potential for conflict with visitors on foot, especially on narrower paths, and for heritage features to be damaged. Horse riding has been traditionally allowed at Mākara Cemetery and feedback indicates that visitors appreciate it as a part of the countryside setting, provided the riders are respectful.

The cemeteries are closed to cycling and mountain biking apart from:

- i. The formed roadways and parking areas at Mākara and Karori cemeteries
- ii. Potential shared-use tracks on the slopes above Mākara Cemetery (see section 4.3.1 and 4.3.5)
- iii. A potential shared-use track from the end of Standen Street to the bottom of the shared connector track in the Outer Green Belt, known as Cemetery to Skyline.

The cemeteries are closed to horse riding apart from the formed roadway at Mākara Cemetery.

Dog walking is also governed by a separate and specific council policy (Bylaw and Dog Policy).

Note: Volunteering activities also need to be managed and approved but this is done through agreements between the Council and volunteer(s), often recorded in Memoranda of Understanding (see 3.5.2.3 Community partnership).

Restrictions on allowed activities

1. In order to protect the cemeteries, the health, safety and wellbeing of other users and to facilitate management operations, restrictions may be placed on allowed activities. The following is a guide of potential issues that may result in restrictions:
 - a) Group size for informal activities
 - b) Compatibility with primary cemetery activities, such as funerals, interments and installation of memorials
 - c) Time of the day and duration of activity (assessed on impact)
 - d) Location (ensuring there is no user conflict between cemetery users)
 - e) Day of the week or time of year (restriction in regard to activities during public holidays and considering weekday and weekend activity)
 - f) The weather (restriction of activities and use of certain areas or facilities)
 - g) Environmental conditions (any impact on the land and surrounding environment)
 - h) Compatibility with maintenance or management of the cemeteries at certain times.
2. Tributes and decorations that encroach on other interment plots or on communal space will be removed to maintain standards of mutual respect and tidiness in the cemetery environment (see Section 3.2.2.3 also).

The Council's cemeteries staff and rangers will manage these types of restrictions under the bylaws. These restrictions are usually temporary and in response to situations already happening.

¹⁹ Business activity" means an undertaking carried on for pecuniary gain or reward.

5.3.3 Prohibited activities

Activities specifically prohibited

1. Activities are prohibited that are not directly related to:
 - i. Cemetery, cremation and memorial activities
 - ii. The protection, research and interpretation of the cemeteries' heritage and landscapes, or
 - iii. Public enjoyment of the cemeteries.
2. The following activities are specifically prohibited, unless carried out for the purposes of approved management activities or as otherwise noted below:
 - i. Scattering ashes or burying placenta (unless approved, see 5.3.1)
 - ii. Open fires other than for cultural reasons and in accordance with the Wellington Consolidated Bylaw
 - iii. Fireworks and/or amplified sound (not associated with an approved event)
 - iv. Off-road use of motorised vehicles, including trail bikes and scooters
 - v. Aircraft and helicopter landing except as required for emergency purposes
 - vi. Drones other than with prior permission for an event or for data gathering/management purposes by council staff
 - vii. Parachuting, parapenting, hang gliding, kite carts/boards, model airplanes, drone racing
 - viii. Using cycles, mountain bikes, scooters or skateboards on gravesites and other structures
 - ix. Construction of unauthorised tracks, including any related earthworks and/or clearance of vegetation

- x. Construction of private residential dwellings, structures or landscaping
- xi. Private or community gardens or orchards
- xii. Use of a chainsaw
- xiii. Firewood collection
- xiv. All mining activities
- xv. Markets and fairs
- xvi. Camping
- xvii. Firearms and weapons use
- xviii. Hunting
- xix. Golf
- xx. Keeping of pets and livestock unless approved under a lease or license agreement
- xxi. Fishing or killing and/or removal of freshwater species except where council has allowed it under written permit for scientific purposes.

These rules for use and development are not intended to preclude the Council's day-to-day management. For example, use of a chainsaw is prohibited but council staff or its contractors will be permitted to use them as required for tree management.

Explanation

Prohibited activities are considered inappropriate because of the permanent adverse effects on the environment, incompatibility with the values, characteristics and/or management focus at the cemeteries or with other approved activities.

The Council will prohibit activities that would have a permanent adverse effect on cemeteries values or would significantly detract from the benefit and safety that other users derive from the cemeteries.

Prohibited activities include all those activities prohibited by Wellington City Council bylaws or prohibited by the Burial and Cremation Act or Reserves Act, if applicable²⁰. Enforcement of all activities will be through the Wellington City Council Consolidated Bylaw 2008 and the Burial and Cremation Act.

²⁰ Some parts of Karori Cemetery are classified as local purpose reserve under the Reserves Act.