# Guidelines for establishing and operating a new crematorium

## 1. Introduction

These guidelines are to assist crematorium authorities who want to:

* Construct a new crematorium (or adapt an existing structure to be used as a crematorium), and
* Begin using/operating their new crematoria.

The guidelines also support health protection officers to review applications for completeness so that a decision on the application can be made by the Director of Public Health.

## 2. Relevant legislation

The Resource Management Act 1991 is the primary statute to manage land use, air quality and waste management. Crematorium Authorities will likely be required, under this legislation, to obtain a resource consent (or variation to existing consent) from their Regional Council for a discharge to air. Any district plan and/or resource consent conditions (and processes) relating to siting, discharges, consultation with neighbours, etc will need to be followed. A building consent is also likely to be required from the local city or district council.

The Burial and Cremation Act 1964 and Cremation Regulations 1973 also impose requirements to construct and operate crematoria. In most cases, two separate approvals are needed under these laws. The first approval is to get permission to *construct* the crematorium. Once constructed, a second approval is needed before the crematorium can then be *used/operated*.

Section 38(2) of the Burial and Cremation Act 1964 states that:

*“Where any person (whether a local authority or not) proposes to construct any crematorium, or to reconstruct or adapt any existing premises with the intention that they be used as a crematorium, that person shall, before the work is commenced, submit to the Minister …. the plans (including a site plan) and specifications thereof, and its equipment, for the Minister’s approval.”*

Additionally, regulation 3(1) of the Cremation Regulations 1973 states that

*No person shall begin to use any crematorium for the purpose of cremation without the approval in writing of the Minister. This subclause applies notwithstanding that the site, plans, and specifications of the crematorium have been approved by the Minister pursuant to**[section 38(2)](https://www.legislation.govt.nz/regulation/public/1973/0154/latest/link.aspx?id=DLM355499" \l "DLM355499) of the Act.*

In practice, the Minister’s powers of decision-making under these provisions have been delegated to the Director of Public Health, in the Ministry of Health.

For clarity, an initial approval to construct a crematorium is not required if a crematorium authority is simply replacing an old cremator/furnace with another in their existing crematorium facility. However, in such cases they will still need the approval to start *using/operating* the new cremator.

## 3. Making an application

Applicants wishing to construct a new crematorium should engage with their Regional Council for resource management requirements, and with their local council for any Building Act consenting or other requirements.

For approval under the Burial and Cremation Act 1964, applicants should consult with a health protection officer as early as practicable to ensure they understand the information that needs to be provided. This should be done before starting work on a new crematorium or adapting an existing structure to be used as a crematorium.

Applications should be in writing and addressed to the health protection officer in the local office of National Public Health Service (a division of Health New Zealand I Te Whatu Ora).

Contact details for local offices the National Public Health Service are available here: [**https://www.tewhatuora.govt.nz/corporate-information/our-health-system/health-sector-organisations/public-health-contacts**](https://www.tewhatuora.govt.nz/corporate-information/our-health-system/health-sector-organisations/public-health-contacts)

## 4. Application to construct a new crematorium (or adapt an existing building to be a crematorium)

## 4.1 Information required

Applications should include the following information.

* Proposed crematorium details, and names and addresses of the persons who will own and operate the crematorium, along with evidence of their suitability
* Required resource consent and discharge permit approvals required by the Resource Management Act 1991 (or evidence that resource consent is not required)
* Copies of plans and specifications for the premises, including a site plan (and any consents required by the Building Act 2004)
* Details and specifications of the cremator equipment.

**Appendix 1** contains a checklist to assist applicants to prepare their application and also provides guidance to the health protection officer who will review the application to ensure it is complete.

## 4.2 Health protection officer’s report

On receipt of the application, the health protection officer will review the documentation and clarify with the applicant anything that has been omitted or is incomplete and produce a report. The officer’s report will:

* Include the crematorium authority’s application to construct a new crematorium (or adapt an existing building to be a crematorium) in their report
* Assess the application against the information requirements in **Appendix 1**
* Make a recommendation on whether (or not) approval should be granted to ‘construct or adapt’ a crematorium under section 38(2) of the Burial and Cremation Act 1964.

## 4.3 Decision by the Director of Public Health

The health protection officer will send the completed application and their report to the national office of the National Public Health Service for review. It is then provided to the Director of Public Health for a decision. The decision will be communicated to the applicant.

## 5. Information required for an application to use/operate a crematorium

Once a new crematorium has been constructed (or a replacement cremator/furnace has been installed in an existing crematorium facility) a final approval is needed by the Director of Public Health to begin using the crematorium (or using the replacement cremator/furnace in an existing crematorium).

## 5.1 Information required

Applications should include the following information.

* Names and details of those who will be appointed as registrar and attendants
* Names of medical referees (note: a separate application for approval to appoint medical referees is required – see [insert link – here is the page, <https://www.tewhatuora.govt.nz/health-services-and-programmes/burial-and-cremation-act-1964/completing-death-documents/cremation-forms> but can we link directly to the new download document [9] *Appointing medical referees*???
* Details of any bylaws that will be proposed in terms of section 40 of the Burial and Cremation Act 1964 (bylaws are not mandatory but local authorities and in some cases crematorium authorities have the ability to make bylaws regarding the crematoria under their control).

**Appendix 2** contains a checklist to assist applicants to prepare their application. It also provides guidance to the health protection officer who will review the application to ensure it is complete.

## 5.2 Health protection officer’s report

On receipt of the application, the health protection officer will review the documentation and clarify with the applicant anything that has been omitted or is incomplete, and produce a report. The officer will:

* Include crematorium authority’s application to use the crematoria (or replacement cremator) in their report
* Attend a test firing and report on the procedures used and the results of the test firing
* Assess the application against the information requirements in **Appendix 2**
* Make a recommendation on whether (or not) approval to use/operate the crematoria should be granted (under regulation 3 of the of the Cremation Regulations 1973).

## 5.3 Decision by the Director of Public Health

The health protection officer will send the completed application and their report to the national office of the National Public Health Service. It is then provided to the Director of Public Health for a decision. The decision will be communicated to the applicant.

## 6. Further information

The Burial and Cremation Act 1964 and Cremation Regulations 1973 can be accessed at:

<https://www.legislation.govt.nz/>

Information about applying for approval of appointment of medical referees is available at: <https://www.tewhatuora.govt.nz/health-services-and-programmes/burial-and-cremation-act-1964/completing-death-documents/cremation-forms>

Further information about cremations, the required cremation forms, the appointment and role of medical referees in cremations is available at: <https://www.tewhatuora.govt.nz/health-services-and-programmes/burial-and-cremation-act-1964/completing-death-documents/cremation-forms>

## Appendix 1.

## Checklist for applications to *construct* a new crematorium (or adapt another building for use as a crematorium)

This checklist has been designed for:

* Applicants to help ensure they provide the appropriate information in their application, and for
* Health protection officers to review applications to ensure they are complete and can be provided to the Director of Public Health for a decision.

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| **Proposed crematorium details and details of owners / operators** | **Information included in application** |
| Written statement by crematorium authority confirming details of the company, trust or council with names and addresses of relevant persons. |  |
| Documentation from crematorium authority providing evidence of their business. |  |
| Documentation from crematorium authority providing the legal description of the site and purpose of the site. |  |
| References to support the suitability of applicant to own/operate a crematorium (not required for a local authority applicant). |  |
| **Resource Management Act 1991 requirements (resource consent and discharge permit)** | **Information included in application** |
| Confirm resource consents for the construction of the new crematorium have been obtained (and any conditions) |  |
| If air discharge consents are not required, provide statement from Council confirming this. |  |
| Confirm conditions in the land use resource consent. **OR**  Confirm documentation from territorial authority that the District Plan does not require consent. |  |

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| **Copies of plans and specifications and any consents required by the Building Act** | **Information included in application** |
| Confirm building consent approval stating the purpose of the building and copies of relevant site/floor plans |  |
| Cremator specifications, installation instructions and plans |  |
| Confirm that crematorium complies with all relevant territorial authority bylaws or note that this is not applicable. |  |

## Appendix 2.

## Checklist for applications seeking approval to *use/operate* a crematorium

This checklist is to support an application to begin using a recently constructed crematorium (or begin using a replaced cremator/furnace in an existing crematorium facility).

It has been designed for:

* Applicants to help ensure they provide the appropriate information with their application, and for
* Health protection officers to review applications to ensure they are complete and can be provided to the Director of Public Health for a decision.

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| **Details of persons who will be appointed as registrar and attendants** | **Information included in application** |
| Confirmation by the crematorium authority of the names and addresses of persons who will be appointed as registrar and attendants |  |
| **Details of any bylaws that will be proposed in terms of section 40 of the Act.** | **Information included in application** |
| The crematorium authority (if it is NOT a local authority) provides copies of any bylaws it proposes to make under section 40(2) of the Burials & Cremation Act 1964 or confirms it has not made any bylaws. |  |
| **Details of test firing procedures to be used and a report on any test undertaken includes:** | **Information included in application** |
| Date, location and weather |  |
| Persons present at the test firing (including the health protection officer who witnessed the test firing) |  |
| Statement on how the cremator works in terms of monitoring combustion time & air discharge |  |
| Statement on the start and finish time, on whether the crematorium was preheated, and at what temperature |  |
| Statement on the type and size of animal cremated, whether it was placed into a casket, and how it was loaded into the chamber |  |
| Statement on the cremation process, and note whether any odour or smoke were visible |  |