



Order Paper for a meeting

HEARING OF SUBMISSIONS:

Draft Cemeteries Bylaw 2023

to be held on

Friday 6 October 2023

commencing at 10.00am

in the

Council Chambers, 10 Gorge Road,

Queenstown

9.12 Items of business not on the agenda which cannot be delayed | Ngā take kāore i runga i te rārangi take e kore e taea te whakaroa

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with the item and the Chairperson provides the following information during the public part of the meeting:

(a) the reason the item is not on the agenda; and

(b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

s. 46A (7), LGOIMA

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of minor matters not on the agenda | Te kōreorero i ngā take iti kāore i runga i te rārangi take

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

REFERENCE:

Queenstown Lakes District Council Standing Orders adopted on 17 November 2022.

QUEENSTOWN LAKES DISTRICT COUNCIL

HEARING OF SUBMISSIONS ON:

DRAFT CEMETERIES BYLAW 2023

PANEL MEMBERS

Councillor L Guy

Councillor M White

Councillor E Whitehead

Chair of hearing panel to be determined at beginning of hearing.

**HEARING OF SUBMISSIONS:
Draft Cemeteries Bylaw 2023**



Agenda for a hearing of submissions on the proposed Draft Cemeteries Bylaw 2023 to be held in the Council Chambers, 10 Gorge Road, Queenstown on Friday 6 October 2023 beginning at 10.00am.

Item	Page Number	Report Title
		Election of Chairperson
		Apologies
		Declarations of Conflict of Interest
		Confirmation of Agenda
	5	Schedule of submitters appearing at hearing
1	6	Officer report: Submissions on the Draft Cemeteries Bylaw 2023
	16	Attachment A: Draft Cemeteries Bylaw 2023 (track changes)
	30	Attachment B: Statement of Proposal
	34	Attachment C: Full Submissions Pack
	44	Attachment D: Cemeteries Bylaw 2017

Submitters speaking

10.05am	Neville Harris	
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Hearing Panel

6 October 2023

Report for Agenda Item | Rīpoata moto e Rāraki take [Governance to Complete]

Department: Strategy & Policy

Title | Taitara: Submissions on the draft Cemeteries Bylaw 2023 / Kā Ture Urupā

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to present the written submissions received by the Queenstown Lakes District Council on the draft Cemeteries Bylaw 2023 / Kā Ture Urupā (the draft bylaw, **Attachment A**), to provide those members of the public the opportunity to be heard, and to outline options to the Hearing Panel.

Executive Summary | Whakarāpopototaka Matua

On 10 August 2023, Council endorsed a statement of proposal (**Attachment B**), which included the draft bylaw for public consultation. Submissions were received between 11 August and 11 September 2023.

Council received nine submissions on the draft bylaw, and these are included with this report in **Attachment C**. One submitter requested to be heard on this matter and will speak at this meeting.

The hearings panel is currently being asked to receive written and oral submissions and recommend to Council a final form of the draft Cemeteries Bylaw 2023 / Kā Ture Urupā. At the Council meeting on 16 November 2023, officers are proposing to present the final draft bylaw to Council for it to consider and adopt.

Recommendation | Kā Tūtohuka

That the hearings panel for the draft Cemeteries Bylaw 2023 / Kā Ture Urupā:

1. **Note** the contents of this report;
2. **Receives** all written submissions to the draft Cemeteries Bylaw 2023 / Kā Ture Urupā and hears the submitters who wish to be heard; and
3. **Recommend to Council** a final form of the Cemeteries Bylaw 2023 / Kā Ture Urupā to be adopted, following consideration of public feedback from the submissions.

Prepared by:



Name: Erin Auchterlonie
Title: Policy Advisor
28 September 2023

Reviewed and Authorised by:



Name: Pennie Pearce
Title: Acting GM – Strategy and Policy
28 September 2023

Context | Horopaki

The bylaw review process

1. The Cemeteries Bylaw 2017 has been in place since March 2017 and is due for review. The bylaw will expire if not reviewed prior to March 2024. Once reviewed, it will have a five-year review requirement.
2. The bylaw review has now reached the stage in the process for hearings. The current progress of the bylaw is set out in the diagram below.



3. The review process and key milestones for this bylaw review are summarised below.

Date	Milestone
March 2023	Preliminary engagement – targeted emails to stakeholder groups, inviting them to provide feedback via email, or speak with Council officers.
27 June 2023	Community & Services Committee recommended that Council endorse the draft bylaw for consultation.
10 August 2023	Council resolved to review the draft Cemeteries Bylaw 2023 / Kā Ture Urupā in accordance with the special consultative procedure and appointed a hearings panel to receive submissions.
11 August – 11 September 2023	Formal consultation period
6 October 2023	Hearings and consideration of options by the hearings panel

16 November 2023	Council to deliberate and consider adoption of the bylaw
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Local Government Act 2002

4. Section 145 of the Local Government Act 2002 (LGA) sets out the general bylaw-making power for territorial authorities. It permits councils to make bylaws for one or more of the following purposes:
 - a) protecting the public from nuisance;
 - b) protecting, promoting, and maintaining public health and safety; and/or
 - c) minimising the potential for offensive behaviour in public places.
5. Council is responsible for ensuring that the bylaw exists for one (or more) of these three purposes. In implementing a bylaw, Council also needs to ensure the requirements of section 155 LGA are met, which include:
 - a) that the bylaw is the most appropriate way of addressing the perceived problem; and
 - b) that the proposed bylaw is the most appropriate form of bylaw; and
 - c) that the proposed bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA).
6. Council previously made the determinations required under section 155 of the LGA before commencing the process of reviewing this bylaw.

The current Cemeteries Bylaw 2017

7. The key purpose of the 2017 cemeteries bylaw is to set standards to maintain and preserve Council's cemeteries and meet local authority requirements for the operation of cemeteries in accordance with the Burial and Cremation Act 1964. The requirements include regulating activities that occur at cemeteries.
8. The 2017 cemeteries bylaw has broader purposes that include protecting cemetery land, structures and infrastructure from damage, misuse, or loss and prescribing fees payable to Council in relation to cemeteries.
9. The bylaw does not apply to any cemetery that is not owned or operated by Council.

Role of the Cemeteries Handbook

10. The 2017 cemeteries bylaw provides for Council to adopt a Cemeteries Handbook that sets out rules and conditions for activities relating to cemeteries.

11. Council's existing Cemeteries Handbook is an important operational document that sits under the bylaw and provides operational guidance on issues such as cultural or faith-based practices, fees and charges, how to apply for interment, purchasing burial rights, monument specifications, health and safety, and behaviour in cemeteries. As a broader, higher-level instrument, the bylaw provides Council with the powers to regulate activities in cemeteries and enforce against non-compliance.
12. The bylaw allows Council to amend the handbook via Council resolution.
13. Officers are in the early stages of reviewing the handbook, and input received on the draft bylaw will feed into the handbook review. Setting out requirements and rules in relation to topics such as natural burials and different cultural practices will be considered as part of the review of the handbook.

Analysis and Advice | Tatāritaka me kā Tohutohu

Proposed changes to the Cemeteries Bylaw 2017 that were consulted on

14. The changes proposed in the draft Cemeteries Bylaw 2023 / Kā Ture Urupā (the draft bylaw) are minor and include amendments to definitions, improvements to the readability and flow of the bylaw document coupled with an alignment to industry best practices. All amendments are identified in the draft bylaw at **Attachment A** by way of tracked changed text.
15. The proposed changes include:
 - using the terms 'inter' or 'interment' instead of 'burial', as 'inter' is the more commonly used industry practice. For the purpose of the draft bylaw, a 'burial' is a type of interment, so interment is a broader, more inclusive term. The definitions of 'memorial' and 'monument' have also been clarified
 - clarification on the restrictions and regulation of promotional activities within cemeteries
 - additional wording around the regulation of vehicle use within cemeteries
 - further detail around the appointment and function of the Cemeteries Administrator, the sale of plots, the interment of persons without means, and the installation and maintenance of monuments and grave structures.

Submissions received

16. Council received nine submissions on the draft bylaw. Copies of the submissions are included as **Attachment C**.
17. Of the nine submissions, five submissions were made through Let's Talk, three were via email, and one was made in person verbally to the Cemeteries and Heritage Officer. One person has indicated that they wish to be heard in support of their submission.

18. All submitters supported the draft bylaw, and there was feedback supporting particular changes that are discussed by topic below.

Vehicle use in cemeteries

19. Two submissions related to the use of vehicles in cemeteries. These submissions supported the inclusion of vehicle restrictions within the draft bylaw that are in accordance with Council's Traffic and Parking Bylaw 2018.
20. One submitter requested that Council consider that these restrictions be applied specifically to properties that are adjacent to the cemeteries in the district so that they are not able to use the cemetery land for permanent parking of cars, trailers, boats, etc.
21. Officers do not recommend any changes to the draft bylaw, because the existing vehicle use provisions within the draft bylaw will address this issue and allow for enforcement as required.

Installation and preservation of memorials

22. The draft bylaw contains the addition of a section on the installation and maintenance of monuments, grave structures, tributary items, plantings, etc. that was specifically supported by an industry stakeholder.

Sale of Plots

23. The draft bylaw contains provisions relating to the sale of plots and how "out of district" fees apply. One submitter disagreed that individuals from outside the district should be able to purchase a plot in district cemeteries and viewed that plots should be kept for district residents only. They also are of the view that members of the public (within the district) should be able to purchase plots in advance for peace of mind and be able to pay the cost at its current price.
24. Officers do not recommend any further changes to the draft bylaw, because officers view that restricting the right of burial location is not consistent with either industry practice or individual rights to the burial location of a person's selection, regardless of whether they are currently a resident of the district.

Interment of persons without means

25. An addition to the Cemeteries Bylaw 2023 / Kā Ture Urupā is the provision for the interment of persons without means. This section allows for people to apply to Council to allow for the interment of persons without means. This provision was supported by a submitter.

Feedback on the Cemeteries Handbook

26. Several submissions reference the Cemeteries Handbook (the handbook). One submitter raised the concern that the public would not have the same oversight and opportunity to comment on the review of the handbook and any proposed changes. Feedback relevant to the handbook will inform changes that may be made to the handbook. It is likely that the handbook will go out for

public consultation due to the significant impact that the proposed changes are likely to have on the community.

27. The Ministry for Culture and Heritage submitted that the handbook specifies that the Ministry has the ability to work within cemeteries for the purpose of managing the heritage assets in their jurisdiction such as Commonwealth War Graves. Another submitter suggested that Council include provision for an arboretum as a type of natural burial within the handbook. An arboretum is a botanical garden devoted to trees. The submission went on to recommend a specific area in which an arboretum could be located that is part of the districts’ reforestation efforts. These comments will be considered by Council officers as part of the review of the handbook, separate from the review of the bylaw.

Options and Analysis

28. This hearings panel is being asked to receive written and oral submissions and recommend to Council a final form of the draft Cemeteries Bylaw 2023.
29. At the Council meeting on 16 November 2023, officers are proposing to present the final draft bylaw to Council for it to consider and adopt. When reporting to Council, the officer’s report will need to incorporate a report from this hearing panel. The officer report to Council will address the requirements set out in section 77 of the LGA that local authorities must satisfy through its bylaw decision-making process and will identify and assess the reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.
30. This report below identifies and assesses the following reasonably practicable options for assessing this matter as required by section 77 of the LGA.
31. Note that Council is currently able to make changes to the draft bylaw as an outcome of formal consultation in response to feedback received, as long as the changes are within the scope of what is contemplated in the statement of proposal. Material changes to the draft bylaw proposed after consultation that are not contemplated in the statement of proposal may require Council to consult again.
32. **Option 1:** That the hearings panel receive all submissions and recommend that Council endorse the draft Cemeteries Bylaw 2023 / Kā Ture Urupā with no changes to the draft bylaw that went out for consultation.

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> • Provides clarification and updates the current bylaw. • Council retains the ability to regulate activities in cemeteries and ensures that legislative requirements in 	<ul style="list-style-type: none"> • The draft bylaw may not align with some community views contained in the submissions outlined above. However, some of these views may be considered as part of the review of the Cemeteries Handbook that is underway.

relation to cemeteries and the LGA are met.	
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33. **Option 2:** That the hearings panel receive all submissions and recommend that Council endorse the draft Cemeteries Bylaw 2023 / Kā Ture Urupā with changes as an outcome of the consultation process.

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> Likely responds to information received in submissions. Council retains the ability to regulate activities in cemeteries and ensures that legislative requirements in relation to cemeteries are met. 	<ul style="list-style-type: none"> The draft bylaw may not align with all community views received through submissions as outlined above. However, some of these views will likely be considered as part of the review of the Cemeteries Handbook that is underway. To avoid challenge, Council must ensure that any changes to the draft bylaw were contemplated in the statement of proposal that went out for consultation. This means that any changes to the draft bylaw should be within the scope of the statement of proposal.

34. **Option 3:** That the hearings panel receive all submissions and recommend that Council not endorse the draft Cemeteries Bylaw 2023 / Kā Ture Urupā.

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> There would be reduced time and cost associated with implementation of the bylaw. 	<ul style="list-style-type: none"> The bylaw would lapse. Council would lose the ability to regulate activities in cemeteries and legislative requirements in relation to cemeteries may not be met.

35. This report recommends **Option 1**, namely for Council to adopt the draft bylaw that went out for consultation. **Option 1** enables Council to:

- a) continue to regulate activities in cemeteries;
- b) ensure that legislative requirements in relation to cemeteries (and the LGA) are met;
- c) comply with (the special consultative procedure requirements in) the LGA; and
- d) fulfil the purpose of the bylaw to set standards to maintain and preserve Council's cemeteries; and
- e) meet local authority requirements for the operation of cemeteries in accordance with the Burial and Cremation Act 1964.

Next steps

36. The Hearings Panel is being asked to receive written and oral submissions and recommend to Council a final form of the draft Cemeteries Bylaw 2023.

37. It is intended that Council will consider and adopt the final draft bylaw at its meeting on 16 November 2023. If adopted by Council, the bylaw will come into effect from December 2023.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

38. This matter is of low significance, as determined by reference to the [Council's Significance and Engagement Policy](#) because;

- the matters have minimal to moderate impact on the community
- the proposal will not change the level of services provided by Council, or Council's capacity
- there is a low level of financial consequence as a result of adopting the recommended option.

39. The persons who are affected by or interested in this matter are residents/ratepayers of the Queenstown Lakes District community, people who use and visit cemeteries located within the District and industry stakeholders.

40. Officers have sought feedback from the community and industry stakeholders. Council will give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter, as required by the LGA (s.78(1)).

41. The statement of proposal and draft bylaw were publicly notified by advertisement on QLDC's website and in local newspapers, including the Otago Daily Times, the Mountain Scene, and the Wānaka Sun, as well as on Council's Facebook page, and through a local radio interview with the Cemeteries and Heritage Officer. The number of submissions received is relatively low, which

could indicate that the current bylaw is working effectively, and that the community is amenable to the current bylaw as well as the proposed changes in the draft bylaw.

42. The draft bylaw, the statement of proposal and other supporting documents were made available on Council's website, at the Council offices at 10 Gorge Road, Queenstown, and 47 Ardmore Street, Wānaka.

Māori Consultation | Iwi Rūnaka

43. Council contacted Te Ao Marama and Aukaha to invite any feedback through the formal consultation stage of the review of this bylaw.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

44. This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK10026 Ineffective enforcement within the [QLDC Risk Register](#). This risk has been assessed as having a low residual risk rating.

45. The approval of the recommended option will support Council by allowing it to retain the risk at its current level. This shall be achieved by review of this bylaw to ensure that it responds appropriately to the issues regarding cemeteries in the District.

Financial Implications | Kā Riteka ā-Pūtea

46. Costs associated with this work, such as staff time and advertising, are proposed to be met within current budgets. There are no proposed changes in the draft bylaw to current operational practice.

Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

47. The following Council policies, strategies and bylaws were considered:

- the Queenstown Lakes District Council (QLDC) Cemeteries Handbook 2019
- the QLDC Traffic and Parking Bylaw 2018
- the outcomes and principles of Vision Beyond 2050
- the QLDC Annual Plan
- the QLDC Ten Year Plan 2021-31.

48. The recommended option is consistent with the principles set out in the named instruments.

49. This matter is included in the Long Term Plan/Annual Plan.

Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

50. Council is bound by the LGA when making or reviewing bylaws. The base determination, notification, and consultation procedures set out under sections 155, 156 and 157 of the LGA apply. The draft bylaw and statement of proposal has been legally reviewed.
51. Council has made the determinations required under s.155 of the LGA before commencing the process of reviewing the current bylaw.
52. Consultation on the draft bylaw is following the requirements of the special consultative procedure outlined in sections 83 and 86 of the LGA.

Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

53. The recommended option:

- section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. The issues that the draft bylaw addresses relate to ensuring that activities in cemeteries respect and protect the rights and interests of deceased and their whānau and friends. As such, the recommendation in this report is appropriate and within the ambit of section 10 of the LGA;
- can be implemented through current funding under the Long Term Plan and Annual Plan;
- is consistent with the Council's plans and policies; and
- would not significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council or transfer the ownership or control of a strategic asset to or from the Council.

Attachments | Kā Tāpirihaka

A	Draft Cemeteries Bylaw 2023 / Kā Ture Urupā
B	Statement of proposal
C	Full Submissions Pack
D	Current Cemeteries Bylaw 2017



Kā Ture Urupā 2023

Cemeteries Bylaw ~~2017~~2023

Queenstown Lakes District Council

Date of Making:

[date]

Commencement:

[date]

This bylaw is adopted pursuant to the Burial and Cremation Act 1964, ~~and the~~ Local Government Act 2002, ~~and the~~ Bylaws Act 1910, by resolution of the Queenstown Lakes District Council on [date].

Contents

PART 1 - Preliminary

1. Title and Commencement	1
2. Scope	1
3. Purpose	1
4. Bylaw to bind the Crown.....	1
5. Delegation.....	2
6. Interpretation	2

PART 2 - Standards of Conduct within Cemeteries

7. Activities and Conduct in Cemeteries	4
8. Cemeteries Handbook	4
9. Prohibited Activities.....	6
10. Promotional Activities.....	6
11. Vehicles	7

PART 3 - Cemetery Administration and Maintenance

12. Appointment of Cemeteries Administrator	8
13. Appointment of Sextons.....	8
14. Sale of Plots.....	9
15. Interment of Indigent P persons <u>without means</u>	9
16. Installation and Maintenance of Monuments, Grave Structures, Tributary Items, Plantings, etc.	9

PART 4 - General Provisions

17. Enforcement.....	12
18. Offences and Penalties	12
19. Revocations	12
20. Savings	12

PART 1 – Preliminary

1. Title and Commencement

- 1.1 This bylaw shall be the "Queenstown Lakes District Cemeteries Bylaw ~~2017~~2023".
- 1.2 The bylaw shall come into effect on [DATE] by Council resolution.

2. Commencement Scope

- 2.1 This bylaw applies to all cemetery reserves of the Queenstown Lakes District and does not apply to any cemetery that is not owned or operated by the Queenstown Lakes District Council.

3. Purpose

- 3.1 The purpose of this bylaw is to:
- (a) set standards to maintain and preserve cemeteries;
 - (b) direct the positions and depths of all graves within a cemetery;
 - ~~(c) protect buildings, monuments, lawns, shrubberies, plantations, and enclosures in a cemetery from destruction or damage;~~
 - ~~(d)~~(c) prescribe conditions subject to which more than one deceased person, including the ashes of more than one deceased person, may be interred in any grave;
 - ~~(e)~~(d) control or restrict the times at which or between which burials ~~interments~~ may be carried out;
 - ~~(f)~~(e) regulate burial ~~interment~~ in a cemetery of the ashes of the dead;
 - ~~(g)~~(f) subject to section 51 of the Act, regulate and restrict the disinterment and removal of bodies;
 - ~~(h)~~(g) regulate the use of, and any activities undertaken at cemeteries, in order to protect land, buildings, structures, ~~and~~ infrastructure, monuments, lawns, shrubberies, plantations, and enclosures associated with cemeteries from damage, destruction, misuse, or loss; and
 - ~~(i)~~(h) prescribe fees payable in respect of goods or services provided by Council in relation to cemeteries.

4. Scope Bylaw to bind the Crown

- 4.1 ~~This Bylaw does not apply to any cemetery that is not owned or operated by the Queenstown Lakes District Council. Except as provided in section 153 of the Local Government Act 2002, the Crown is bound by the provisions of this bylaw.~~

5. Delegation

- 5.1 ~~Any of the powers and functions of the Council as detailed and set out in this bylaw, may be delegated by it, to its Chief Executive Officer and sub-delegated by the Chief Executive Officer to any such other Officer of Council.~~

5.6. Interpretation

- ~~5.6.1 For the purposes of this bylaw, the following definitions shall apply: In this bylaw, unless the context otherwise requires,-~~

Act means the Burial and Cremation Act 1964 or any superseding legislation.

Bylaw means the Queenstown Lakes District Cemeteries Bylaw 2023.

Cemetery or cemeteries means any land owned or operated by the Council as a cemetery ~~but excludes any closed cemetery.~~

Cemeteries Administrator means the person appointed under clause ~~12~~.

Cemeteries Handbook means the document governing the operational standards for cemeteries adopted by the Council under clause ~~7~~8.

Closed cemetery means a cemetery that has been closed in accordance with the Act.

Council means the Queenstown Lakes District Council.

Disinter or disinterment means the removal of a human body or ash remains from the earth or any vault.

Inter or interment means the placement of a human body or ash remains in a grave or any vault.

Memorial ~~means a feature installed in a cemetery for the purpose of memorialisation of a deceased individual or individuals, but where the memorialised persons' remains are not placed or interred within a cemetery reserve.~~

Monument includes a headstone, plaque, panel, or other ~~memorial to~~inscription for a deceased person interred within a cemetery reserve.

Monumental masonry work includes the establishment, repair, or modification of a monument and/or other grave features (e.g., concrete caps, grave fencing, footing and anchoring, etc.).

Offence means an offence under section 239 of the Local Government Act 2002 and/or part 8 of the Burial and Cremation Act 1964.

Permit means a written approval issued by the Council to do something under this bylaw and includes all conditions to which the permit is subject.

Sexton means any person appointed by the Council to manage the day-to-day activities, identified under clause 13, of any cemetery under its jurisdiction~~under clause 10~~.

6.2 Any explanatory notes and attachments are for information purposes, do not form part of this Bylaw, and may be made, amended and revoked without any formality.

6.3 The Interpretation Act 1999 applies to this bylaw.

PART 2 – Standards of Conduct and Maintenance within Cemeteries

~~6.7.~~ Activities and Conduct in Cemeteries

~~6.7.1~~ The following activities may take place in cemeteries provided the activity is carried out in accordance with the Act, this bylaw, and the Cemeteries Handbook:

- (a) interment and disinterment;
- (b) the installation and maintenance of monuments, ~~headstones,~~ plaques, memorials, and other grave features; and
- (c) maintenance and construction of park cemetery reserve features by Council approved contractors.

~~6.7.2~~ Every person present in a cemetery must conduct themselves in accordance with the Act, this bylaw, and any standards for behaviour set out in the Cemeteries Handbook.

~~7.8.~~ Cemeteries Handbook

~~7.8.1~~ Council may from time to time adopt by resolution, and may also amend by resolution, a Cemeteries Handbook that sets out rules and conditions relating to activities and behaviour in cemeteries or otherwise relating to cemeteries, which may include, but is not limited to, the following:

- (a) the location and availability of burial and ashes plots, and the purchase of exclusive rights on ~~burial~~ plots;
- (b) the manner of ~~burial interment~~, including the depth, preparation and testing of graves, size of caskets or urns;
- (c) requirements for notification and application to the Council to carry out interments, disinterments, re-interments, grave maintenance, monumental masonry work, purchase ~~burial-plot~~ rights, and in relation to any other good or service provided in a cemetery;
- (d) hours of access to cemeteries, when funerals-interments can be held, and when maintenance and other work is allowed in cemeteries;

- (e) the ~~burial interment~~ of ~~poor people without means persons~~, stillborn children, and operational service personnel and their partners;
- (f) responsibility for the health & safety of persons visiting and working in cemeteries;
- (g) requirements for disinterments;
- (h) requirements concerning monuments, fences, signs, trees and shrubs, and other ~~things features and items~~ that may be installed or kept on graves in cemeteries, including what things are not allowed;
- (i) the type of maintenance, including the installation of required infrastructure, and other work that can be carried out in cemeteries, and who is responsible for carrying out maintenance or other work;
- (j) standards of behaviour for persons in cemeteries, including whether animals or vehicles may be brought into cemeteries and under what conditions;
- (k) special conditions related to particular cemeteries or types of cemeteries;
- (l) prescribing fees associated with interments, disinterment, re-interments, grave maintenance, monumental masonry work, ~~burial rights~~ to inter, and in relation to any other goods or services provided in a cemetery; and
- (m) stating the forms that must be used by any person to apply to Council in relation to services provided at cemeteries.

~~7.2~~8.2 If a person carries out an activity or works in a cemetery that does not comply with any clause in the Cemeteries Handbook, ~~Council or the~~ cemeteries administrator may do any of the following:

- (a) direct the person to comply with the relevant clause in the Cemeteries Handbook;
- (b) direct Council employees, the Sexton, or a contractor to carry out work in the cemetery to achieve compliance with the Cemeteries Handbook; and
- (c) recover from the person who breached the Cemeteries

Handbook the costs of any work undertaken to rectify the breach as a debt due to Council.

8.9. Prohibited Activities

~~8.19.1~~ No person, other than a Sexton or person(s) authorised by a Sexton, shall in or near any part of a cemetery:

- (a) engage in interment or disinterment; and
- (b) operate any ~~burial~~interment machinery or equipment.

~~8.29.2~~ No person shall in or near any part of a cemetery:

- (a) prevent, interrupt, or delay the decent and solemn ~~burial~~interment of any deceased person, or human remains;
- (b) cause a nuisance or annoyance to people lawfully within a cemetery, or approaching a cemetery for a lawful purpose; and
- (c) cause any damage to land, buildings or chattels located in a cemetery, including but not limited to lawns, shrubberies, plantations, enclosures, monuments, and graves.

~~8.39.3~~ No person shall engage in installing or tending a monument or memorial in a cemetery while an interment is happening at an adjoining plot. Any person installing or attending a monument or memorial in a cemetery shall withdraw for the duration of an adjoining interment service.

10. Promotional Activities

~~8.10.1~~ No person shall within any cemetery promote, advertise, or tout any goods or services for sale or supply, without obtaining permission in writing from Council under clause ~~9.3~~10.5.

10.2 No person shall, in any cemetery, advertise or solicit any order from any other person for any work whatsoever to be done in or in connection with any cemetery, or for the sale, preparation or supply of any article, material or item to be set up, affixed, or used in any cemetery.

10.3 Except at the specific request of the purchaser of a plot or their representatives or assigns, no person shall, in any cemetery, accept or take any such solicited orders as indicated in clause 10.2.

~~8.210.4~~ No person, including a person affiliated or contracted with a media organisation, shall attend any ~~funeral~~ interment held in a cemetery for the purpose of filming, taking photographs, or recording unless either:

- (a) it is solely for a private purpose; or
- (b) permission in writing for the occasion is obtained from the Council under clause ~~9.310.5~~.

~~8.310.5~~ The Council may grant permission to conduct the activities prohibited in clauses ~~9.110.1~~ and ~~9.210.4~~, after consulting with the ~~family requesting, and/or the~~ Funeral Director managing the interment in question.

~~9.11.~~ **Vehicles**

~~11.1~~ Every person driving or in charge of any vehicle in any cemetery shall stop or move such vehicle as directed by Council or Council-appointed representatives (e.g., cemeteries administrator, sextons, enforcement officer, maintenance contractors, etc.).

~~11.2~~ No vehicle shall be driven at a greater speed than indicated on any road within the cemetery, and in any other direction other than indicated by traffic notices, where present.

~~11.3~~ All vehicles (other than hearses) shall yield unconditional right of way to any vehicle procession entering and exiting the cemetery for the purposes of an interment or memorial service.

~~9.11.4~~ All persons operating any class of vehicle within a cemetery must conduct themselves in accordance with the Queenstown Lakes District Council Traffic and Parking Bylaw 2018 or any successor bylaw, inclusive of the specifications in clause 21 – Parking off a roadway, and subject to clause 24 – Offences and penalties as indicated under aforementioned bylaw.

PART 3 - Cemetery Administration and Maintenance

~~10.12.~~ 12. Appointment of Cemeteries Administrator

~~10.12.1~~ Council may appoint any person to be a ~~cemeteries-Cemeteries administrator-Administrator to control or manage or to assist in the control and management of any cemetery under the jurisdiction of the Council~~, and may revoke that appointment at any time.

~~10.212.2~~ The functions of a ~~cemeteries-Cemeteries administrator-Administrator~~ shall include but are not limited to the following:

- (a) maintaining cemetery records;
- (b) making requests to the Sexton regarding a new ~~burial-interment~~ of a deceased person or preparation for a new ~~burial-interment~~;
- (c) issuing monument permits; and
- ~~(a)~~(d) ensuring compliance with all relevant legislation.

~~11.13.~~ 13. Appointment of Sextons

~~11.13.1~~ Council may appoint a person or persons in the role of Sexton for any cemetery or cemeteries within the District.

~~11.213.2~~ Any person appointed by Council as a Sexton prior to the commencement of this bylaw through an agreement between the Sexton and Council, shall be deemed to be validly appointed in accordance with clause ~~1013.1~~ of this bylaw.

~~11.313.3~~ The appointment of a Sexton shall continue until the expiry of the agreement between the Sexton and the Council, unless revoked at the discretion of Council.

13.4 The functions of a Sexton shall include but are not limited to the following:

- (a) the ~~burial-interment~~ of human remains (~~easkets burial and ashes~~) and interment;
- (b) disinterment ~~and exhumation~~ of human remains in accordance with section 51 of the Act;
- (c) preparing, excavating, and filling in graves; and
- (d) supplying and safely operating burial-interment

equipment and machinery.

~~13.5~~ The Sexton must not undertake an interment at a cemetery unless requested by Council ~~or a cemeteries administrator~~.

~~13.6~~ The Sexton must act in accordance with all relevant New Zealand standards, the Cemeteries Handbook, Council policies and bylaws, and any other professional and legal requirements applicable to their role.

~~12,14.~~ **Sale of Plots**

~~14.1~~ All plots sold by Council shall be sold upon the terms and conditions as decided by Council and the exclusive right to inter may be granted for such limited period as Council decides.

~~14.2~~ Interments shall take place in such plots as Council shall determine.

~~14.3~~ “Out of District” fees may be payable in the case of an interment of a deceased person not residing in or not a ratepayer of the district for a predetermined time. The time frame for such a requirement shall be determined by Council. For the purposes of this bylaw, a person in a hospital or institution in the district shall be deemed as resident in the district if they have been a resident of the hospital or institution longer than 3 months. The Cemeteries Administrator appointed by the Council shall determine in each case whether an “out of district” fee is applicable.

~~15.~~ **Interment of Indigent Ppersons without means**

~~15.1~~ Where application is made to the Council for the interment of any deceased ~~indigent person without means~~, the applicant shall, on making such application, provide to the Council a duly signed certificate verifying that such deceased person has not left sufficient means to pay the ordinary charge of interment fixed by this Part of the bylaw, that the cost of interment is not covered by any Accident Compensation entitlement, and that ~~his/her/their~~ relatives and friends are unable to pay the same.

~~13,16.~~ **Permission to carry out monumental masonry work Installation and Maintenance of Monuments, Grave Structures, Tributary Items, Plantings, etc.**

~~16.1~~ No monument, full grave cover, or surround shall be erected on a plot unless the exclusive rights to the plot have been purchased.

~~16.2~~ All above ground grave structures, enclosures, monuments, and other grave features shall be installed to NZS 4242, unless otherwise decided upon by

Council, and kept in good order or repair by the purchaser of the plots or their representatives.

16.3 All vases, containers for flowers, and other non-permanent commemorative or tributary items in cemeteries shall be placed in such a manner as approved by the Council.

16.4 No person shall, without the authority of the Council, remove or take from any grave in any cemetery, any vase, wreath, plant, flower or other object, except that the Council may cause to be removed any neglected or broken material of this nature

16.5 The Council may carry out regular audits of monuments, grave structures and other temporarily placed items to ensure their safety to cemetery visitors, sextons, and cemetery maintenance contractors.

~~13-1~~16.6 No person may carry out any monumental masonry work at a cemetery unless in accordance with permission issued by the Council under clause ~~12-2~~16.8.

16.7 No person shall, without written permission of the Council, remove from any cemetery or grave any monument or plaque.

~~13-2~~16.8 The Council may grant permission to allow a person to carry out monumental masonry work at a cemetery, including removal, subject to the following conditions:

- (a) the monumental masonry work is authorised by the owner of the plot or next of kin; and
- (b) the monumental masonry work satisfies all applicable requirements in the Cemeteries Handbook.

~~13-3~~16.9 The Council may require any person who has undertaken monumental masonry work other than in accordance with clause ~~12-3~~16.8 to remove or carry out repairs on the monumental masonry work to meet requirements of the Cemeteries Handbook.

~~13-4~~16.10 If a person fails without reasonable excuse to comply with a direction from the Council under clause ~~12-3~~16.9 within 30 days, the Council may remove the monumental masonry work or carry out the repairs, and any costs incurred by the Council shall be a debt payable by that person to the Council.

~~13-5~~16.11 Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967 or successor regulations, the Council may remove any installations of any kind that shall fall into a state of

decay or disrepair. A photographic record of the memorial shall be taken prior to removal and retained in cemetery records.

~~14.~~ **Delegations**

~~14.1~~ Any of the powers and functions of the Council as detailed and set out in this bylaw, may be delegated by it, to its Chief Executive Officer and sub-delegated by the Chief Executive Officer to any such other Officer of Council.

PART 4 -- ~~Enforcement~~ General Provisions

~~17.~~ 17. Enforcement

~~17.1~~ 17.1 The Council may use its powers under the Local Government Act 2002 and Burial and Cremation Act 1964 to enforce this bylaw.

~~17.2~~ 17.2 Nothing in this bylaw shall derogate from any provision of, or the necessity for, compliance with the:

(a) ~~Burial and Cremation Act 1964;~~

(b) ~~Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967;~~

(c) ~~Health (Burial) Regulations 1946; and~~

(d) ~~Health Act 1956.~~

~~15,18.~~ 15,18. Offences and Penalties

~~18.1~~ 18.1 A person who contravenes clause ~~6.2, 8.1, 8.2, 8.3, 9.1, 9.2, 10.5, 10.6, 12.1, or 12.3~~ of this bylaw commits a breach of this bylaw and is liable to the penalty under the Local Government Act 2002 and/or the Burial and Cremation Act 1964. ~~Every person who contravenes this bylaw commits an offence.~~

~~15,18.2~~ 15,18.2 Every person who commits an offence against this bylaw is liable to the penalty imposed under the Local Government Act 2002 and/or Burial and Cremation Act 1964.

~~16,19.~~ 16,19. Revocations

~~16,19.1~~ 16,19.1 The Queenstown Lakes District ~~Council~~ Cemeteries Bylaw ~~2010~~2017 is revoked.

~~17,20.~~ 17,20. Savings

~~17,20.1~~ 17,20.1 Any exclusive ~~plot rights of burial~~, permit, certificate, licence, warrant, or other form of approval made under the Queenstown Lakes District ~~Council~~ Cemeteries Bylaw ~~2010~~2017 continues in force as if the former bylaw had not been revoked and expires on the date specified (if any).

~~17,20.2~~ 17,20.2 Any application for an ~~interment~~, permit, certificate, licence, warrant, or other form of approval made under the Queenstown Lakes District ~~Council~~ Cemeteries Bylaw ~~2010~~2017 that was filed before the day on which this bylaw commences must be dealt with by the Council as if it had been made under this bylaw.

Statement of Proposal

Draft Cemeteries Bylaw 2023

1 INTRODUCTION

The purpose of the Cemeteries Bylaw 2017 is to set standards to maintain and preserve cemeteries within Queenstown Lakes District Council's jurisdiction (the Council). This includes regulating any activities that occur at cemeteries and prescribing fees payable in respect of goods or services provided by the Council in relation to cemeteries.

The Cemeteries Bylaw 2017 is due for review. The Council is proposing to amend the current bylaw and it anticipates changes would take effect from December 2023 or January 2024. The Council would like to know what you think.

This statement of proposal is prepared under sections 83 and 86 of the Local Government Act 2002 (LGA) and contains:

- a copy of the draft Cemeteries Bylaw 2023/ Kā Ture Urupā showing the proposed amendments to be made (the 'draft bylaw')
- information about the proposed amendments, including Council's determinations under section 155 of the LGA;
- the reasons for the proposed amendments;
- how you can have your say; and
- timetable for consultation.

2 PROPOSED CHANGES

The changes proposed in the draft bylaw are minor, and include amendments to bylaw definitions, improvements to the readability and flow of the draft bylaw document, and alignment with industry best practice.

The proposed changes include:

- using the terms "inter" or "interment" instead of "burial," as "inter" is the more commonly used industry practice. For the purpose of the draft bylaw, a "burial" is a type of interment, so interment is a broader, more inclusive term. The definitions of 'memorial' and 'monument' have also been clarified.
- clarification on the restrictions and regulation of promotional activities within cemeteries
- additional wording around the regulation of vehicle use within cemeteries
- further detail around the appointment and function of the Cemeteries Administrator, the sale of plots, the interment of persons without means and the installation and maintenance of monuments and grave structures.

All proposed amendments are identified in the draft bylaw by way of tracked changed text (~~strike-through~~ and underlined). Council proposes the changes in the draft bylaw will come into effect in December 2023 or January 2024.

The draft Cemeteries Bylaw 2023 and the Cemeteries Handbook 2019

The draft bylaw is designed to regulate activities within the Council owned and operated cemeteries and includes enforcement provisions for non-compliance.

The Cemeteries Handbook is an operational document that sits under the bylaw and details subjects such as cultural or faith-based practices, fees and charges, how to apply for interment, purchasing burial rights, monument specifications, health and safety, and behaviour in cemeteries.

The handbook is not part of the consultation process as it is outside the scope of the bylaw review process, and it is still in the early stages of review by officers. However, the current handbook will be available as information to support the formal consultation process, and this presents the community with the opportunity to query or request details for inclusion within the handbook; for example, natural burials and different cultural practices, will be not provided within the special consultative process of the bylaw review but will be considered as part of the review of the handbook.

3 THE REASON FOR THE PROPOSAL

The key reasons for this proposal are to:

- address activities within cemeteries
- seek community views on the review of a cemeteries bylaw
- seek community views on the draft bylaw
- to encourage people to give feedback on the draft bylaw
- to let people know how they can give feedback.

The 2023 Council report contains more detailed information on these points: <https://www.qldc.govt.nz/your-council/council-documents/agendas-minutes/full-council>

4 HOW YOU CAN HAVE YOUR SAY

Anyone can make a submission online at <https://letstalk.qldc.govt.nz>. Submissions will be accepted from 8am on 11 August 2023 and must be received by 5pm on 11 September 2023.

All submissions should state:

- the submitter's name
- the submitter's contact details
- whether or not the submitter would like to speak to Council about this matter.

Copies of this statement of proposal and draft bylaw may be obtained at no cost from either of the Council offices at 10 Gorge Road, Queenstown, 47 Ardmore Street, Wānaka, any Council library within the Queenstown Lakes District or the Council website at <https://letstalk.qldc.govt.nz>. If you need help submitting, please contact Council at 03 441 0499, or call in to one of Council's offices. All written submissions made to Council will be acknowledged and made available to the public.

Council intends to hold a hearing on 6 October 2023. This is when anyone who has made a written submission and who has said they would like to speak to Council, can do so. This meeting will be open to the public. If you indicate you would like to be heard, Council staff will get in touch with you to arrange a time for you to speak at the hearing either in person or via audio-visual link. If at the hearing you have any requirements, please let us know.

5 TIMETABLE FOR CONSULTATION

The dates below outline the timetable for the consultation process. Any changes to these dates will be publicly advised on Council's Facebook page and website.

Date	Activity
10 August 2023	Council adopted the proposal for consultation
11 August 2023	Consultation period begins (8am)
11 September 2023	Consultation period ends (5pm)
6 October 2023	Oral submissions heard by Council hearing panel
16 November 2023	Deliberations and adoption by Council

6 INFORMATION ABOUT THE PROPOSAL

Background

The Council has the power under the Local Government Act 2002 to make bylaws to control activities and behaviour in cemeteries.

The current bylaw was created in 2017 and is due for review prior to March 2024.

Preliminary engagement was undertaken during March 2023 to gather information on what stakeholders thought of the current bylaw.

Information about the draft bylaw

Queenstown Lakes District Council has had a cemeteries bylaw in place since 2010. The purpose of the bylaw sets standards on the maintenance and preservation of Council's cemeteries, and meets the requirements set out for local authorities that operate cemeteries under the Burial and Cremation Act 1964.

The current bylaw came into effect in 2017 and is now due for review.

As with the formal review, or making, of any bylaw, it is open to Council to consider other amendments that could be included in the bylaw.

Council may consider community views as part of the consultation process, and it would like feedback on the following:

- whether it needs to make changes to the issues that are proposed in the draft bylaw

- are there any additional issues to be regulated by the bylaw
- whether the bylaw should be adopted.

Before adopting the final bylaw, with any additional amendments, Council will consider whether there has been adequate consultation.

Before adopting the final bylaw, with any additional amendments, Council will consider whether there has been adequate consultation and, under section 155 of the LGA, must determine that a bylaw is the most appropriate way of addressing the perceived problems, that the proposed bylaw is in the most appropriate form, and that it does not give rise to any implications under the New Zealand Bill of Rights Act 1990. Council has also made these determinations in relation to the draft bylaw.

7 DETERMINATIONS UNDER SECTION 155 OF THE LGA

Council is empowered to make the bylaw in accordance with section 145 of the Local Government Act 2002, which also requires Council to make the following determinations.

The draft bylaw is the most appropriate way of addressing the perceived problem – Council has had a cemeteries bylaw in place since 2010. It is an effective tool used to regulate activities in cemeteries in the district. Council has resolved that a bylaw is the most appropriate way to address issues relating to cemeteries in the district.

The draft bylaw is the most appropriate form of bylaw – Council resolved that the draft bylaw is the most appropriate form of bylaw. It places clear controls and restrictions on activities within cemeteries and regulation around vehicle use within cemeteries, to prevent damage or inappropriate activities within cemeteries as or when issues arise.

The draft bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990 – The draft bylaw is designed to regulate, restrict, and enforce activities in cemeteries including vehicle use. As its purpose is to protect and promote public safety in cemeteries, it does not unreasonably interfere with any of the rights in the New Zealand Bill of Rights Act 1990. The Council has resolved that the provisions of the draft bylaw do not unreasonably interfere with any of the rights granted by the New Zealand Bill of Rights Act 1990.

8 WHAT HAPPENS NEXT?

After it has received written and oral submissions, Council will make decisions on the draft bylaw on 16 November 2023. Council may make other changes to the draft bylaw in response to feedback, but anything that is a significant departure from the options set out in this proposal may require further consultation.

Council will consider the following options about how to proceed:

- **Option 1** – adopt the draft bylaw
- **Option 2** – adopt an amended bylaw
- **Option 3** – do not adopt the draft bylaw (the current bylaw will expire in March 2024).

Attachment C: Full Submission Pack

Draft Cemeteries Bylaw 2023 / Kā Ture Urupā
submission pack

October 2023

Name	Organisation (if any)	Speaking to submission	Page #
Craig Morton	Dunedin Monumental Masons	No	2
Neville Harris		Yes	3
Owen Hale		No	4
Margaret Thomlinson	Upper Clutha Historical Records Society	No	5
Elaine Mary Kirkland		No	6
Marion Borrell	Queenstown Historical Society	No	7
Becky Masters-Ramsey	Ministry for Culture and Heritage	No	8
Sally Chesney		No	9
Anonymous		No	10



Respondent No: 2

Login: Anonymous

Responded At: Aug 14, 2023 11:04:59 am

Last Seen: Aug 14, 2023 11:04:59 am

- Q1. **Full name** Craig Morton
-
- Q2. **Organisation name** Dunedin Monumental Masons
-
- Q3. **Email address** [REDACTED]
-
- Q4. **Postal address** [REDACTED]
-
- Q5. **Contact phone number** [REDACTED]
-
- Q6. **You have the right to be heard in person before the Council in support of your submission. Do you wish to speak at a hearing?** No
-
- Q7. **Please confirm your phone number so our Governance team can arrange a speaking time** not answered
-
- Q8. **I understand that all submissions will be treated as public information.** I understand
-
- Q9. **Please indicate your position on the draft Cemeteries Bylaw 2023** Support
-
- Q10. **Please describe the reasons for your position**
- The proposed bylaw is clear and wording reads much better than the previous document. Also I am in favour of regulations that enforce installation and preservation of memorials
-
- Q11. **Do you have any additional comments you'd like to share?**
- not answered
-



Respondent No: 3
Login: Anonymous

Responded At: Aug 17, 2023 09:13:31 am
Last Seen: Aug 17, 2023 09:13:31 am

Q1. Full name	Neville Harris
Q2. Organisation name	Private Family
Q3. Email address	[REDACTED]
Q4. Postal address	[REDACTED]
Q5. Contact phone number	[REDACTED]
Q6. You have the right to be heard in person before the Council in support of your submission. Do you wish to speak at a hearing?	Yes
Q7. Please confirm your phone number so our Governance team can arrange a speaking time	[REDACTED]
Q8. I understand that all submissions will be treated as public information.	I understand
Q9. Please indicate your position on the draft Cemeteries Bylaw 2023	Support
Q10. Please describe the reasons for your position	I support a bylaw but it should be part of the hand book and any subsequent Management Plan.
Q11. Do you have any additional comments you'd like to share?	By laws are essential but must be policed which is not happening at present, with vehicles allowed free access to all parts of the cemetery grounds, with the potential for damage to grave sites. Designated parking areas for parking to be included in the By laws. Houses on the boundary should not use the cemetery grounds for permanent parking. (at present trailers, cars, and boats are from time to time parked on the grounds) A clearer guide line should be made between the by laws and the present hand book which is available. It is a concern to me that the present hand book will be upgraded by staff and little input will be provided by Wanaka people.



Respondent No: 4

Login: Anonymous

Responded At: Sep 02, 2023 07:48:45 am

Last Seen: Sep 02, 2023 07:48:45 am

Q1. Full name	Owen Hale
Q2. Organisation name	not answered
Q3. Email address	[REDACTED]
Q4. Postal address	[REDACTED]
Q5. Contact phone number	[REDACTED]
Q6. You have the right to be heard in person before the Council in support of your submission. Do you wish to speak at a hearing?	No
Q7. Please confirm your phone number so our Governance team can arrange a speaking time	not answered
Q8. I understand that all submissions will be treated as public information.	I understand
Q9. Please indicate your position on the draft Cemeteries Bylaw 2023	Support
Q10. Please describe the reasons for your position	not answered
Q11. Do you have any additional comments you'd like to share?	not answered



Respondent No: 5
Login: Anonymous

Responded At: Sep 10, 2023 13:02:56 pm
Last Seen: Sep 10, 2023 13:02:56 pm

Q1. Full name	Margaret Thomlinson
Q2. Organisation name	Upper Clutha Historical Records Society
Q3. Email address	[REDACTED]
Q4. Postal address	not answered
Q5. Contact phone number	not answered
Q6. You have the right to be heard in person before the Council in support of your submission. Do you wish to speak at a hearing?	No
Q7. Please confirm your phone number so our Governance team can arrange a speaking time	not answered
Q8. I understand that all submissions will be treated as public information.	I understand
Q9. Please indicate your position on the draft Cemeteries Bylaw 2023	Support
Q10. Please describe the reasons for your position	<ul style="list-style-type: none">The Upper Clutha Historical Records Society supports additional wording around the regulation of vehicle use within cemeteries
Q11. Do you have any additional comments you'd like to share?	In a letter to [REDACTED] QLDC dated 11 Jan, 2023 [REDACTED] UCHRS wrote "It is important to Wanaka residents that the history of their district is preserved as much as possible and that due respect is shown to the persons who are buried in the cemetery The Society fully supports any proposal to restrict vehicle access to the cemetery so as to prevent damage to existing memorials and public traffic over unknown graves."



Respondent No: 6

Login: Anonymous

Responded At: Sep 11, 2023 12:57:01 pm

Last Seen: Sep 11, 2023 12:57:01 pm

Q1. Full name	Elaine Mary Kirkland
Q2. Organisation name	not answered
Q3. Email address	[REDACTED]
Q4. Postal address	[REDACTED]
Q5. Contact phone number	[REDACTED]
Q6. You have the right to be heard in person before the Council in support of your submission. Do you wish to speak at a hearing?	No
Q7. Please confirm your phone number so our Governance team can arrange a speaking time	not answered
Q8. I understand that all submissions will be treated as public information.	I understand
Q9. Please indicate your position on the draft Cemeteries Bylaw 2023	Support
Q10. Please describe the reasons for your position	I have read the draft Bylaw. Everything is straightforward and appears to cover all necessary changes.
Q11. Do you have any additional comments you'd like to share?	No.



Respondent No: 1

Login: Admin

Responded At: Sep 28, 2023 07:32:01 am

Last Seen: Sep 27, 2023 23:03:45 pm

Q1. Full name	Marion Borrell
Q2. Organisation name	Historical Society
Q3. Email address	[REDACTED]
Q4. Postal address	not answered
Q5. Contact phone number	not answered
Q6. You have the right to be heard in person before the Council in support of your submission. Do you wish to speak at a hearing?	No
Q7. Please confirm your phone number so our Governance team can arrange a speaking time	not answered
Q8. I understand that all submissions will be treated as public information.	I understand
Q9. Please indicate your position on the draft Cemeteries Bylaw 2023	Support
Q10. Please describe the reasons for your position	I have read the draft by-law with interest, thank-you. Noted a typo in 14.1.
Q11. Do you have any additional comments you'd like to share?	not answered



Respondent No: 7

Login: Admin

Responded At: Sep 28, 2023 07:34:48 am

Last Seen: Sep 27, 2023 23:03:45 pm

Q1. Full name	Becky Masters-Ramsay
Q2. Organisation name	Ministry of Culture and Heritage
Q3. Email address	[REDACTED]
Q4. Postal address	not answered
Q5. Contact phone number	not answered
Q6. You have the right to be heard in person before the Council in support of your submission. Do you wish to speak at a hearing?	No
Q7. Please confirm your phone number so our Governance team can arrange a speaking time	not answered
Q8. I understand that all submissions will be treated as public information.	I understand
Q9. Please indicate your position on the draft Cemeteries Bylaw 2023	Support
Q10. Please describe the reasons for your position	not answered
Q11. Do you have any additional comments you'd like to share?	<p>My feedback would be: Can 'monumental masonry work' s be defined in the bylaw, Can 'monumental masonry work' be more defined in the handbook – does it included cleaning with chemicals, harsh abrasives etc. I wonder if the handbook should include access to Ministry for Culture of Heritage for the purposed of managing heritage assets in their care.</p>



Respondent No: 8

Login: Admin

Responded At: Sep 28, 2023 07:36:48 am

Last Seen: Sep 27, 2023 23:03:45 pm

Q1. Full name	Sally McChesney
Q2. Organisation name	not answered
Q3. Email address	[REDACTED]
Q4. Postal address	not answered
Q5. Contact phone number	not answered
Q6. You have the right to be heard in person before the Council in support of your submission. Do you wish to speak at a hearing?	No
Q7. Please confirm your phone number so our Governance team can arrange a speaking time	not answered
Q8. I understand that all submissions will be treated as public information.	I understand
Q9. Please indicate your position on the draft Cemeteries Bylaw 2023	Support
Q10. Please describe the reasons for your position	not answered

Q11. Do you have any additional comments you'd like to share?

I have been reading Scuttlebutt about the proposed Cemeteries Bylaw 2023 and thought it timely to perhaps make a suggestion / question. My parents in the UK are interred in a private, consecrated Arboretum in North Dorset for which the family purchased plots, and the rules are such that a tree (of specified varieties) may be planted for each plot and the plot marked only by a uniform engraved wooden plaque for consistency throughout. It is set a beautiful landscape with 3 existing ancient oak trees and views of the surrounding countryside and is managed and maintained by a Trust. Accessed by a small lane off the main road and also on the local cycle trail which was a disused railway (much like the Central Otago Cycletrail) There is a small carpark on site but no other infrastrucure except for the developing woodland and some seats / benches. It has occurred to me that the slopes along Tucker Beach Road on the cycle trail above the Tucker Beach Wildlife Reserve would make a great site for a Burial / Internment Arboretum - beautiful views over the Shotover River and up to Coronet Peak and the Crown Range. Perhaps it is DOC land rather than QLDC land but seeing how there is current discussion on Cemeteries in the region, perhaps it is worth throwing this thought into the ring. I hope I have a few years to go yet but would personally love to end up there, in a place with good public access that my family would always want to return to, and help with re-forestation of the area in the process.



Respondent No: 9

Login: Admin

Responded At: Sep 28, 2023 07:42:38 am

Last Seen: Sep 27, 2023 23:03:45 pm

-
- Q1. **Full name** [REDACTED]
-
- Q2. **Organisation name** not answered
-
- Q3. **Email address** [REDACTED]
-
- Q4. **Postal address** [REDACTED]
-
- Q5. **Contact phone number** [REDACTED]
-
- Q6. **You have the right to be heard in person before the Council in support of your submission. Do you wish to speak at a hearing?** No
-
- Q7. **Please confirm your phone number so our Governance team can arrange a speaking time** not answered
-
- Q8. **I understand that all submissions will be treated as public information.** I understand
-
- Q9. **Please indicate your position on the draft Cemeteries Bylaw 2023** Support
-
- Q10. **Please describe the reasons for your position**
not answered
-
- Q11. **Do you have any additional comments you'd like to share?**
- 1) I feel that out of district individuals should not be able to purchase plots in QLDC cemeteries as these spaces are needed for people who live in the district; 2) "Someone who is really hard up should be allowed to be buried [meaning not be charged any fees] and not prevented from being buried just cause they can't afford to pay." This conversation was in regards to the high cost of living and that having to pay for interment is a financial burden that many people can't afford; 3) It is not fair that residents can't purchase a plot in advance so they have peace of mind, and this also means that if you can't prepurchase plots and the price goes up in the meantime then you're forcing people to pay even more and that's not fair.
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Attachment D: Cemeteries Bylaw 2017**Cemeteries Bylaw 2017**

Queenstown Lakes District Council

Date of making: 9 March 2017

Commencement: 24 March 2017

This bylaw is adopted pursuant to the Burial and Cremation Act 1964 and Local Government Act 2002, by resolution of the Queenstown Lakes District Council on 9 March 2017.

Contents

	Page		Page
Part 1 - Preliminary	2	Part 4 - Enforcement	7
1 Title	2	14 Offence	7
2 Commencement	2	15 Revocation	7
3 Purpose	2	16 Savings	8
4 Scope	2		
5 Interpretation	2		
Part 2 – Standards of conduct and maintenance within cemeteries	3		
6 Activities and conduct in cemeteries	3		
7 Cemeteries Handbook	4		
8 Prohibited Activities	5		
9 Promotional Activities	5		
Part 3 – Cemetery administration	6		
10 Appointment of sextons	6		
11 Cemeteries administrator	6		
12 Permission to carry out monumental masonry work	7		
13 Delegations	7		

Part 1 – Preliminary

1 Title

- 1.1 This Bylaw shall be the “Queenstown Lakes District Cemeteries Bylaw 2017”.

2 Commencement

- 2.1 The Bylaw shall come into effect on a date to be specified by Council resolution.

3 Purpose

- 3.1 The purpose of this Bylaw is to:
- (a) set standards to maintain and preserve cemeteries.
 - (b) direct the positions and depths of all graves within a cemetery.
 - (c) protect buildings, monuments, lawns, shrubberies, plantations, and enclosures in a cemetery from destruction or damage.
 - (d) prescribe conditions subject to which more than 1 deceased person, including the ashes of more than 1 deceased person, may be interred in any grave.
 - (e) control or restrict the times at which or between which burials may be carried out.
 - (f) Regulate burial in a cemetery of the ashes of the dead.
 - (g) subject to section 51 of the Act, regulate and restrict the disinterment and removal of bodies.
 - (h) regulate the use of, and any activities undertaken at cemeteries, in order to protect land, structures and infrastructure associated with cemeteries from damage, misuse, or loss.
 - (i) prescribe fees payable in respect of goods or services provided by Council in relation to cemeteries.

4 Scope

- 4.1 This bylaw does not apply to any cemetery that is not owned or operated by the Council.

5 Interpretation

- 5.1 For the purposes of this Bylaw, the following definitions shall apply,-

Act means the Burial and Cremation Act 1964 or any superseding legislation.

Bylaw means the Queenstown Lakes District Council Cemeteries Bylaw 2017.

Cemetery or **cemeteries** means any land owned or operated by the Council as a cemetery but excludes any closed cemetery.

Cemeteries administrator means the person appointed under clause 11.

Cemeteries Handbook means the document governing the operational standards for cemeteries adopted by the Council under clause 7.

Closed cemetery means a cemetery that has been closed in accordance with the Act.

Council means the Queenstown Lakes District Council.

Disinter or **disinterment** means the removal of a human body or ash remains from the earth or any vault.

Inter or **interment** means the placement of a human body or ash remains in a grave or any vault.

Monument includes a headstone, plaque, panel, or other memorial to a deceased person.

Monumental masonry work includes the establishment, repair, or modification of a monument.

Sexton means any person appointed under clause 10.

Part 2 – Standards of conduct and maintenance within cemeteries

6 Activities and conduct in cemeteries

6.1 The following activities may take place in cemeteries provided the activity is carried out in accordance with the Act, this bylaw, and the Cemeteries Handbook:

- (a) interment and disinterment;
- (b) the installation and maintenance of memorials, monuments, headstones & plaques; and
- (c) maintenance and construction of park features by Council approved contractors.

- 6.2 Every person present in a cemetery must conduct themselves in accordance with the Act, this bylaw, and any standards for behaviour set out in the Cemeteries Handbook.

7 Cemeteries Handbook

- 7.1 The Council may from time to time adopt by resolution, and may also amend by resolution, a Cemeteries Handbook that sets out rules and conditions relating to activities and behaviour in cemeteries or otherwise relating to cemeteries, which may include, but is not limited to, the following:
- (a) the location and availability of burial and ashes plots, and the purchase of exclusive rights on burial plots;
 - (b) the manner of burial, including the depth, preparation and testing of graves, size of caskets;
 - (c) requirements for notification and application to the Council to carry out interments, disinterments, re-interments, grave maintenance, monumental masonry work, purchase burial rights, and in relation to any other good or service provided in a cemetery;
 - (d) hours of access to cemeteries, when funerals can be held, and when maintenance and other work is allowed in cemeteries;
 - (e) the burial of poor persons, still born children and operational service personnel and their partners;
 - (f) responsibility for the health & safety of persons visiting and working in cemeteries;
 - (g) requirements for disinterments;
 - (h) requirements concerning monuments, fences, signs, trees and shrubs, and other things that may be installed or kept on graves in, cemeteries, including what things are not allowed;
 - (i) the type of maintenance and other work that can be carried out in cemeteries, and who is responsible for carrying out maintenance or other work;
 - (j) standards of behaviour for persons in cemeteries, including whether animals or vehicles may be brought into cemeteries and under what conditions;
 - (k) special conditions related to particular cemeteries or types of cemeteries;
 - (l) prescribing fees associated with interments, disinterments, re-interments, grave maintenance, monumental masonry work, burial rights, and in relation to any other good or service provided in a cemetery; and

- (m) stating the forms that must be used by any person to apply to the Council in relation to services provided at cemeteries.

7.2 If a person carries out an activity, or works in a cemetery that does not comply with any clause in the Cemeteries Handbook, the Council or the Cemeteries Administrator may do any of the following:

- (a) direct the person to comply with the relevant clause in the Cemeteries Handbook.
- (b) direct Council employees, the Sexton, or a contractor to carry out work in the cemetery to achieve compliance with the Cemeteries Handbook.
- (c) recover from the person who breached the Cemeteries Handbook the costs of any work undertaken to rectify the breach as a debt due to the Council.

8 Prohibited Activities

8.1 No person, other than a Sexton or person(s) authorised by a Sexton, shall in or near any part of a cemetery:

- (a) engage in interment or disinterment.
- (b) operate any burial machinery or equipment

8.2 No person shall in or near any part of a cemetery:

- (a) prevent, interrupt or delay the decent and solemn burial of any deceased person, or human remains.
- (b) cause a nuisance or annoyance to people lawfully within a cemetery, or approaching a cemetery for a lawful purpose.
- (c) cause any damage to land, buildings or chattels located in a cemetery, including but not limited to lawns, shrubberies, plantations, enclosures, monuments, and graves.

8.3 No person shall engage in installing or tending a memorial or monument in a cemetery while an interment is happening at an adjoining plot.

9 Promotional activities

9.1 No person shall within any cemetery promote, advertise or tout any goods or services for sale or supply, without obtaining permission in writing from the Council under clause 9.3.

9.2 No person, including a person affiliated or contracted with a media organisation, shall attend any funeral held in a cemetery for the purpose of filming, taking photographs, or recording unless either:

- (a) it is solely for a private purpose; or
 - (b) permission in writing for the occasion is obtained from the Council under clause 9.3.
- 9.3 The Council may grant permission to conduct the activities prohibited in clause 9.1 and 9.2, after consulting with the Funeral Director managing the interment in question.

Part 3 – Cemetery administration

10 Appointment of Sextons

- 10.1 The Council may appoint a person in the role of Sexton for any cemetery or cemeteries within the District.
- 10.2 Any person appointed by the Council as a Sexton prior to the commencement of this bylaw through an agreement between the Sexton and the Council, shall be deemed to be validly appointed in accordance with clause 10.1 of this bylaw.
- 10.3 The appointment of a Sexton shall continue until the expiry of the agreement between the Sexton and the Council, unless revoked at the discretion of the Council.
- 10.4 The functions of a Sexton shall include the following:
- (a) the burial of human remains (caskets and ashes) and interment.
 - (b) disinterment and exhumation of human remains in accordance with section 51 of the Act.
 - (c) preparing, excavating and filling in graves.
 - (d) supplying and safely operating burial equipment and machinery.
- 10.5 The Sexton must not undertake an interment at a cemetery unless requested by the Council or a cemeteries administrator.
- 10.6 The Sexton must act in accordance with all relevant New Zealand standards, the Cemeteries Handbook, Council policies and bylaws, and any other professional and legal requirements applicable to their role.

11 Cemeteries Administrator

- 11.1 The Council may appoint any person to be a cemeteries administrator, and may revoke that appointment at any time.

11.2 The functions of a cemeteries administrator shall include maintaining cemetery records, making requests to the Sexton regarding a new burial of a deceased person or preparation for a new burial.

12 Permission to carry out monumental masonry work

12.1 No person may carry out any monumental masonry work at a cemetery unless in accordance with permission issued by the Council under clause 12.2.

12.2 The Council may grant permission to allow a person to carry out monumental masonry work at a cemetery subject to the following conditions:

- (a) the monumental masonry work is authorised by the owner of the plot or next of kin; and
- (b) the monumental masonry work satisfies all applicable requirements in the Cemeteries Handbook.

12.3 The Council may require any person who has undertaken monumental masonry work other than in accordance with clause 12.2 to remove or carry out repairs on the monumental masonry work to meet requirements of the Cemeteries Handbook.

12.4 If a person fails without reasonable excuse to comply with a direction from the Council under clause 12.3 within 30 days, the Council may remove the monumental masonry work or carry out the repairs, and any costs incurred by the Council shall be a debt payable by that person to the Council.

13 Delegations

13.1 Any of the powers and functions of the Council set out in this bylaw may be delegated by it to its Chief Executive Officer and sub-delegated by the Chief Executive Officer to any other person deemed to be suitably qualified in the opinion of the Chief Executive Officer.

Part 4 – Enforcement

14 Offence

14.1 A person who contravenes clause 6.2, 8.1, 8.2, 8.3, 9.1, 9.2, 10.5, 10.6, 12.1, or 12.3 of this bylaw commits a breach of this bylaw and is liable to the penalty under the Local Government Act 2002 and/or the Burial and Cremation Act 1964.

15 Revocations

15.1 The Queenstown Lakes District Council Cemeteries Bylaw 2010 is revoked.

16 Savings

- 16.1 Any exclusive right of burial, permit, certificate, licence, warrant, or other form of approval made under the Queenstown Lakes District Council Cemeteries Bylaw 2010 continues in force as if the former bylaw had not been revoked, and expires on the date specified (if any).
- 16.2 Any application for a permit, certificate, licence, warrant, or other form of approval made under the Queenstown Lakes District Council Cemeteries Bylaw 2010 that was filed before the day on which this bylaw commences must be dealt with by the Council as if it had been made under this bylaw.

Explanatory Note:

The Queenstown Lakes District Council Cemeteries Bylaw 2017 was adopted pursuant to the Burial and Cremation Act 1964, and Local Government Act 2002, by resolution of the Queenstown Lakes District Council on 9 March 2017.

Mayor:

Chief Executive Officer:

