

AGENDA for a hearing by the Policy & Regulatory Committee (to hear and consider submissions and make recommendations on the Proposed Waikato District Council Cemeteries Bylaw 2015) to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **MONDAY 20 JUNE 2016** commencing at **9.00am.**

Information and recommendations are included in the reports to assist the Board in the decision making process and may not constitute Council's decision or policy until considered by the Board.

1. APOLOGIES AND LEAVE OF ABSENCE

2. CONFIRMATION OF STATUS OF AGENDA ITEMS

3. DISCLOSURES OF INTEREST

4. REPORT

4.1 Submissions on the proposed Waikato District Council Cemeteries Bylaw 2015 2

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Open Meeting

To	Cemeteries Bylaw Hearing
From	TN Harty General Manager Service Delivery
Date	14 June 2016
Prepared by	G Bailey Open Spaces Operations Team Leader
Chief Executive Approved	Y
DWS Document Set #	1531831
Report Title	Submissions on the proposed Waikato District Council Cemeteries Bylaw 2015

I. EXECUTIVE SUMMARY

On 13 April 2016 Council resolved to consider and approve the proposed Waikato District Council Cemeteries Bylaw 2016 for public notification and consultation. This process would be undertaken in accordance with section 83 of the Local Government Act 2002 (special consultative procedure) provisions.

The proposed bylaw was notified for public consultation on 20 April 2016 with submissions closing on 20 May 2016. In total, nine submissions were received. Five submitters have indicated they wish to speak to their submission.

The purpose of this meeting is to consider submissions and make a decision on the proposed Waikato District Council Cemeteries Bylaw 2016.

2. RECOMMENDATION

THAT the report of the **General Manager Service Delivery** be received;

AND THAT pursuant to sections 83 and 150 of the **Local Government Act 2002**, the Committee considers submissions received on the notified **Proposed Waikato District Council Cemeteries Bylaw 2016**;

AND FURTHER THAT subject to any amendments, recommend the **Waikato District Council Cemeteries Bylaw 2016** for adoption at the Council meeting on 11 July 2016.

3. BACKGROUND

Council currently has two Cemetery Bylaws:

- Franklin District Council Cemeteries Bylaw 2008
- Waikato District Council Cemeteries and Crematoria Bylaw 2008.

It is intended to combine these bylaws to create one district-wide bylaw that can be applied consistently throughout the District.

The proposed Cemeteries Bylaw 2016 sets specific regulations that assist in achieving the objectives of the Cemetery Strategy 2015, and allows Council officers to enforce these provisions.

The Bylaw review will help to:

- Effectively deal with Cemetery activities under a single Bylaw.
- Address issues that have arisen over the life of the existing Bylaws, including some inconsistencies between the bylaws.
- Align the bylaw with those of other local authorities and the changing interment needs of our communities.

3.1 CONTENT OF THE BYLAW

Section 16 of the Burial and Cremations Act 1964 allows Council to adopt a Cemeteries bylaw in accordance with the Local Government Act 2002. A Bylaw may include any or all of the following:

- Maintaining, preserving, and embellishing the cemetery or closed cemetery.
- Directing the positions of all graves and vaults in the cemetery, the depths of the graves, and the construction of coffins to be admitted into vaults, and the covering of vaults so as to prevent the escape of any noxious exhalation in the cemetery.
- Protecting buildings, monuments, lawns, shrubberies, plantations, and enclosures in the cemetery or closed cemetery from destruction or damage.
- Prohibiting the burial in any grave of more than one body or prescribing conditions subject to which more than one body may be buried in any grave.
- Controlling or restricting the times at which or between which burials may be carried out.
- Regulating the burial in the cemetery of the ashes of the dead.
- Regulating and restricting the disinterment and removal of bodies.
- Fixing a scale of fees payable in respect of any grave or vault dug or made, and any monument or tablet erected or placed, in the cemetery, and in respect of any agreements to maintain graves.
- Prescribing fines for the breach of any such bylaw.

Key changes in the proposed Bylaw are as follows:

- Moving from two separate Bylaws to one single district wide Bylaw.
- Only Monumental Masons to undertake monument works in all Cemeteries.
- Confirming the number of plots that can be pre purchased.

3.2 PRE-ENGAGEMENT CARRIED OUT

Targeted engagement was undertaken with the Community Boards and Committees in late 2015, seeking their feedback and ideas to include in a new Bylaw.

Targeted engagement by direct mail out was undertaken with local Funeral Directors, Monumental Masons and the Muslim Association, as key stakeholders. Feedback received covered the following issues:

- Size envelope for memorials – included in proposed bylaw.
- Only approved and qualified Monumental contractors allowed to install memorials - included in proposed bylaw.
- Improvement suggestions to the applications forms for monumental permits – not included in proposed bylaw as applications forms sit outside this process.

This feedback has informed the drafting of the proposed Cemeteries Bylaw.

3.3 PROPOSED BYLAW

On 20 April 2016 the proposed bylaw was publically notified in accordance with section 83 of the Local Government Act 2002, with submissions closing on 20 May 2016.

A summary document was produced and distributed to all Funeral Directors, Monumental Masons, Community Boards/Committees and was available on Council's website. Public notices were placed in the Waikato Times, North Waikato News, Franklin County News and Raglan Chronicle.

The submissions on the proposed Cemeteries Bylaw 2016 cover a number of issues (refer to Appendix I for the summary).

The summary provides a list of all submitters and the issues raised by submitters with an accompanying staff comment (where appropriate).

Council must consider each submission, and make a determination on each of the issues raised.

All submissions to the proposed Cemeteries Bylaw 2016 have been acknowledged and each submitter will receive a written response following Council's adoption of the Cemeteries Bylaw 2016.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

Key changes that were included in the proposed Bylaw following submissions are marked as "tracked changes" in Appendix 2.

4.2 OVERVIEW OF SUBMISSIONS RECEIVED

Submitters commented on a variety of issues included in the proposed Bylaw. While each submission point is addressed in Appendix I, the main points of concern include:

- Hours of operation – this has been updated in the bylaw.

- Number of burials per plot – this has been clarified in the bylaw.
- Monumental Masons undertaking works qualifications - this has been clarified in the bylaw.
- Speed limit within the cemetery has been clarified in the bylaw.

5. CONSIDERATION

5.1 FINANCIAL

Implementation of the proposed Bylaw will not require any extra funding over that which is currently provided in operational budgets.

5.2 LEGAL

Section 155 of the LGA requires a local authority to undertake an assessment before commencing the process of making a bylaw. The review process to date has identified what the perceived problem is and assessed that the use of a bylaw is an appropriate mechanism to assist in Cemetery management in the Waikato District.

Section 155A (2) of the Local Government Act 2002 compels the Council to consider whether a proposed bylaw is the most appropriate form of bylaw. The proposed bylaw has been shaped to focus on readily identifiable problems and customised to suit the particular circumstances of the Waikato District. It is therefore concluded that the proposed bylaw is the most appropriate form of regulation.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

Staff recommend that fees and charges associated with Cemeteries within the district be solely managed through Council's Schedule of Fees and Charges. The bylaw has been developed from recommendations set out in the Cemetery Strategy 2015.

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

The Cemeteries Bylaw triggers Council's Significance and Engagement Policy as the Special Consultative Procedure was required and undertaken.

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
During the pre-consultation phase feedback was sought from stakeholders on issues that could be included in the bylaw. During the consultation phase a combination of letters, public notices, website, social media, media releases and market days were used to involve the community in the consultation process.					

External stakeholders that have been engaged with:

Planned	In Progress	Complete	
		x	Internal
		x	Community Boards/Community Committees
		x	Households
		x	Business
			Other Please Specify

6. CONCLUSION

The proposed Cemeteries Bylaw 2016 has been notified for public consultation. A total of eight submissions were received and are summarised in this report. Council will decide the final bylaw following consideration of all submissions.

7. ATTACHMENTS

The following documents are included as appendices to this report:

Appendix 1 - A summary report incorporating staff comments on submissions to the Proposed Waikato District Council Cemeteries Bylaw 2016.

Appendix 2 - Revised Waikato District Council Cemeteries Bylaw 2016 (Incorporating suggested changes as a result of submissions)

Appendix 3 – List of submitters who have indicated they wish to speak to their submission.

(Appendix I)



Proposed Cemeteries Bylaw 2016

Staff Comments Report on Submissions

Readers Guide

The proposed Cemeteries Bylaw 2016 was notified on Wednesday 20th April 2016 with submissions closing on Friday 20th May 2016

Each submitter has been allocated a unique submitter number.

The electronic pdf copy of this document is hyperlinked for ease of locating the relevant submitter and/or issue/matter.

This report has three key sections. Each of these sections is outlined in detail below:

Submitter Index

This section outlines the list of submitters in submitter number order. It outlines which issues they submitted against.

Staff report on submissions

This report provides staff comments on all issues/matters received by the submitters in relation to the proposed Cemeteries Bylaw 2016. This report is sorted by topic/matter raised and then by submitter number.

Staff report on submissions received

Submitter No	Submitter Name	Organisation/On Behalf Of
1	Aksel Jepsen	
Category: Do you support the bylaw?		
Yes		
Category: Additional comments		
Submission	Staff Recommendation	
<p>In general I support the proposed Bylaw but would like to see 8.1 amended so that not only Sextons can dig and fill in graves; obviously there needs to be a standard adhered to and perhaps Sextons must either supervise and/or be only ones to dig - but the process of filling in the grave can be an important part of the grieving process for relatives and friends. My own experience of a recent funeral in the Hokianga (Far North) is that for the men, it gave them 'one last favour to do for a mate' and was a very special moment.</p> <p>I also suggest permitting multiple burials in same plot for families to be permitted, especially for full size plot used for cremated remains; frees up space in cemeteries and feels right from family perspective.</p>	<p>Health and Safety regulations require the graves be dug by the Sextons. Family are able to backfill graves under the supervision of the Sexton. It is not appropriate to list this in the bylaw but is an understanding Council staff will permit this upon request if its appropriate. At some sites and at various times of the year it may be unsafe to allow backfilling. A grave allows for 2 caskets and 6 ashes interments.</p>	

Submitter No	Submitter Name	Organisation/On Behalf Of
2	Sue Edmonds	
Category: Additional comments		
Submission		Staff Recommendation
<p>At the time the new bylaw was first mooted it was obvious that there were concerns about the potential requirements or practises of different ethnic groupings over funerals and burials.</p> <p>We note that the bylaw as now written is extremely explicit about what is allowed and what is not, in terms not only of burials, but monuments and pre-purchase of exclusive plots.</p> <p>We therefore consider that the bylaw, as proposed, should adequately cover all these matters quite clearly.</p> <p>We were amazed at just how many cemeteries there are in Waikato District. No wonder explicit rules are needed.</p>		<p>Comments noted</p>

Submitter No	Submitter Name	Organisation/On Behalf Of
3	Bryce Mounsey	Haven Funeral Services Ltd
Category: Do you support the bylaw?		
Yes		
Category: Additional comments		
Submission	Staff Recommendation	
<p>6.0 Exclusive right of Burial. 6.1 Plots should be held for a period of up to seventy years, catering for people up to an age of 90+.7.0 Notification of Burial. 7.1 Hours of interments should be Mon - Fri 10am to 4pm and Sat to 3.30pm to cater better for afternoon service times which are followed by a burial.8.0 Plots and Graves. 8.2 Council requires notification of person wanting to fill in grave when 19.3 says 'no person other than the Council or Sexton shall fill in the grave'. Requires clarification of these points.9.0 Ashes. 9.1 The maximum number to three urns per plot to allow for husband/wife and the option of one child.11.0 Memorials and Adornments. 11.6 No above ground memorials, including railing, fencing or STRUCTURES must be placed ON ANY AREA OF A GRAVE OTHER THAN A BERM in grounds designated as a lawn cemetery. (Items in capitals added for clarification). 11.4 What is the scope of work to be conducted by a MMMA - does this allow for family to clean a headstone?11.14A Contradicts with 11.6 allowing for fencing, railing, structures on lawn cemeteries as Waikato DC only has lawn cemeteries.14.0 Poor Persons. 14.1 Does not mention or allow for Work and Income or any other Government assistance in paying for the burial and/or plot.15.0 Vehicles in Cemeteries. 15.2(B) During winter months, time should be extended to 6.00pm to allow for people visiting after work hours. 15.3 Speed limit to NOT EXCEED 20 km/hr in cemeteries16.0 Dogs and Horses. 16.1 Does not make allowance for guide/medical/police dogs being permitted in cemeteries.18.0 Advertising. 18.2 Taking photographs or movies in cemetery - this should be removed as it is now considered 'the norm' to photograph or record services at cemeteries for later viewing, especially for those who are unable to attend the service.19.0 Safety. 19.2 Who is responsible for putting up warning signs and protective barriers at burials. 19.3 Refer to 8.2 comments.</p>	<p>Burial and Cremations act stipulates plots be held for a period of 60 years. Staff support suggestion to change times to 4pm Mon-Fri and to 3.30pm Sat. 19.3 States ' No person, other than the Council or Sexton, or their duly authorised representatives, shall fill in any grave. Authorisation can be given provided notification is received by council. 9.1 Family have the option of purchasing ashes plots side by side to place further family ashes in the same area. 11.6 change wording for clarification as suggested. 11.4 Families are responsible for headstone maintenance including cleaning.11.14a No contradiction with 11.6 as all structures must still be confined to berm area.14.1 Work and Income payment amounts to approx \$2000 and would not be sufficient to cover burial cost.Wording clarified 15.2(B) Staff support extension to 6.00pm. in winter months. 15.3 Add NOT EXCEED. 16.1 Waikato District Council Dog Control Bylaw 2015 covers this suggestion.18.2 Restriction remains to enable restriction of UNCONSENTED photography or movies. 19.2 Sexton/ contractors would place warning signs and barriers to ensure safety.19.3 'or their duly authorised representatives' (this would allow for family to backfill if authorised by council).</p>	

Submitter No	Submitter Name	Organisation/On Behalf Of
4	M Wilcock	Tamahere Community Committee

Category: Do you support the bylaw?

Yes

Category: Additional comments

Submission

• Support double depth policy but add this can also accommodate 2 caskets of ashes. • Family plots have to be in the next available lot not anywhere on the site. • Do families have to re confirm the need to use the plots? This may free unused sites up for others. • 1964 Act needs to be revised to 25 years, council to lobby government. Issues • What are the cultural issues around burials & cremation plots? Eg Muslim burials. Does this impact upon future planning for the demographics of each area within the WDC? • Length of ownership of a plot could be limited. [eg. Europe 25 years] • Change in public requests eg, eco burials are now becoming more 'usual' practice. Is there a need for policy surrounding this practice? Suggestions • Develop crematorium parks with rose gardens, wall plaques, garden seats, trees & unmown areas where ashes strewn [example, Breakspear Crematorium, Ruislip, UK]. This type of crematorium is a great use of space, now & into the future without any further demands on local land. Also provides an atmosphere of peace & tranquillity for families. • Future consideration should be to limit land taken for cemeteries. • Consultation with Iwi over the amount of land available on their Urupa and if they will have the same issues with dwindling land – this may have an impact on Council cemetery's being used more. 6.0 Exclusive rights of burial Burial plots may be held for 60 years but Council will not repurchase any presold plots. How are they sold or change hands and thus avoid poor usage of cemetery land? • Council has a lot of pre-purchased plots that aren't being used. The committee suggested that in the interests of future planning that council contact the families to see if they plan on using their plot/s, and if not, then purchasing them back. This could be done for example every 5 years. 6.2 "no more than two plots" but "any relative of such person may purchase two adjacent plots at time of burial only" • Two initial plots rights to be 60 years but other adjacent ones to be 25 years; a timeframe for all plots that many parts of the world are working towards. 8.0 Plots & Graves 8.1 Only the sexton can dig a grave • Families should however be allowed to fill-in the grave. 8.4 "Two deceased per plot" • Two caskets per plot if double depth plus four ashes; this the norm in HCC Newstead Cemetery. • This would improve on land usage. 8.5 A grave may be reopened for subsequent burial where consent is given... • Does this cover council adequately in times of dispute? 9.0 Ashes 9.1 "max 8 urns in any one burial plot or a max of two in an ashes plot" See 8.4 add details of burial & ashes in one plot How do council

Staff Recommendation

Burial plots can accommodate up to 6 sets of ashes. Families must reserve plots next to relatives at time of burial if required. Council provides for Muslim burials. Other cultural requirements will be considered according to demand. Scattering of ashes is not permitted as that defeats the purpose of having a cemetery and charging a fee to cover funding. Ashes are toxic to the ground if too many are scattered in small areas.. Unrequired prepurchased plots may be sold privately and written proof of change of ownership provided to council. Family are allowed to backfill as an authorised representative. Two caskets per plot plus 6 ashes. Alternatively 8 ashes in a burial plot with no casket interments. 8.5 If consent is received by council by owner or representative of plot then a grave is reopened for second interment. If there are ashes buried in a burial plot other than under the berm - casket burials may not occur in the plot. Markers are placed on graves by council following burials.

cover a change of mind by a family from ashes to burial? 9.2 "ashes may not be scattered" Why Not? Solve land issues by developing crematorium parks or parts of existing cemeteries with rose gardens, wall plaques, garden seats, trees & unmown areas where ashes are strewn [example, Breakspear Crematorium, Ruislip, UK]. This type of crematorium is a great use of space, now & into the future without any further demands on local land. Also provides an atmosphere of peace & tranquillity for families. 11.0 Memorials & Adornments 11.5 Subject to the provisions of the Burial & Cremation Regulations 1967...., the Council may remove any installation of any kind that falls into a state of decay or disrepair." • Council should be required to leave a simple marker denoting who the person is?

Submitter No	Submitter Name	Organisation/On Behalf Of
5	Ross Hodder	Friends of Wainui Bush Reserve
Category: Do you support the bylaw?		
Yes		
Category: Additional comments		
Submission	Staff Recommendation	
<p>The Wainui Bush Reserve, Raglan, contains some 100 memorialised sites, often the site of placed or dispersed human ashes and generally marked by the planting of a tree or trees, with an associated plaque. It also contains unexcavated archeological sites. The reserve's memorial and recreational uses have been assisted by the Friends of Wainui Bush Reserve voluntary Group which undertakes work to maintain and develop its amenities, forest cover and memorial functions over the last 20+ years. The memorial features on this land, which is now a Reserve under the control of the Council, could be regarded as constituting a 'cemetery', under the descriptive terms of the proposed bylaw, even when it is not specifically dedicated as a cemetery. To manage the Wainui Bush Reserve as a dedicated cemetery would be unwarranted and a burden to the Council and cut across the primary recreational asset as a recreational feature. It would be useful that the definitions used in the proposed bylaw proscribe the potential incorporation the Wainui Bush Reserve under the definition as a cemetery.</p> <p>Needs elaboration/ clarification</p>	<p>Declaring this section of Wainui reserve a Cemetery is not supported by staff. The existing memorialisation is historic and in future will be covered by Councils Plaques Memorials and Monuments policy. Declaring this area a Cemetery means anyone can apply to be interred. Raglan Cemetery has adequate burial space for the next 50 plus years.</p>	

Submitter No	Submitter Name	Organisation/On Behalf Of
6	John Bridgman	Gordonton District Committee
Category: Do you support the bylaw?		
Yes		
Category: Additional comments		
Submission	Staff Recommendation	
<p>Concern re 6.2 limiting purchase of plots and timing. This does restrict families wishing to establish/maintain a family block of plots. Some families wish to be buried along side their family/relations. 8.1 digging of graves. Some cultures like to dig their own graves, Maori still do, given the opportunity. Authorization should be able to be given to dig or assist in the preparation of their graves under the supervision of the Sexton/agent. Supervision would cover the safety requirements including safety equipment. 19.3 back filling of grave. Again permission should be able to be given under the supervision of the Sexton/agent. Traffic management. That Council arrange for road traffic signage indicating that a funeral is in progress. This could be in the form of temporary reduced speed or just caution signs. The Sexton/agent could be responsible for such after suitable training as a TC or STMS for Temporary Traffic Management Sites.; Concern re 6.2 limiting purchase of plots and timing. This does restrict families wishing to establish/maintain a family block of plots. Some families wish to be buried alongside their family/relations. 8.1 digging of graves. Some cultures like to dig their own graves, Maori still do, given the opportunity. Authorization should be able to be given to dig or assist in the preparation of their graves under the supervision of the Sexton/agent. Supervision would cover the safety requirements including safety equipment. 19.3 back filling of grave. Again, permission should be able to be given under supervision of the Sexton/agent. Traffic management. That Council arrange for road traffic signage indicating that a funeral is in progress. This could be in the form of temporary reduced speed or just caution signs. The Sexton/agent could be responsible for such after suitable training as a TC or STMS for Temporary Traffic Management Sites.</p>	<p>6.2 Provision for purchase of two additional plots at time of a family burial enables a total of 6 burials in a block. The number of plots sold at time of burial has been consulted on via community boards and adopted as part of Councils Cemetery Strategy. This will avoid the potential for land being reserved and not used. Health & Safety restricts digging of plots. Families can backfill under supervision of Sexton.</p>	

Submitter No	Submitter Name	Organisation/On Behalf Of
7	Craig Robinson	Waikato Stonecraft - New Zealand Master Monumental Masons Association
Category: Do you support the bylaw?		
Yes		
Category: Additional comments		
Submission		Staff Recommendation
<p>9.0 ash interments - consider - 3 ash interments per plot. A child may be interred and parents wish to be interred in same plot at a later date 1.4 - scope ? - as it reads at present, this would prevent family members doing their own refurbishment work 1.8 - consider ' council WILL remove and unauthorized memorials. Monumental masons have to submit permit forms and be registered to install. Family members installing their own memorials should not be tolerated. Same rule for all. 1.6 - consider - placed on berm only, nothing to be placed on grass area in front of berm 1.14 - no headstone may exceed 1200mm. No other permanent or temporary structures should be placed on berms 6.1 - consider - exception of guide and police dogs 8.1 - advertising - most monumental masons have signage on vehicles, clothing and place memorial stickers on completed work. Consider - ' while within a cemetery actively persue or solicit custom for any work in connection with a cemetery</p>		<p>2 ash interments per ashes plot is permitted. Up to 6 ashes can be interred in a standard burial plot. Adjacent plots may be purchased at time of burial. 1.6 Staff don't support this as covered under sec 11.</p>

Submitter No	Submitter Name	Organisation/On Behalf Of
8	Artline Memorials Artline Memorials	
Category: Do you support the bylaw?		
Yes		
Category: Additional comments		
Submission	Staff Recommendation	
<p>We support the New Bylaw, but have a few comments to make on various clauses. Clause 11.1a) proof of an exclusive right of burial for the respective plot. Comment: Is "right of Burial" the correct term or should this be plot ownership? What proof does the Council require? If it is some paperwork handed out at purchase, this could be long gone by the time the second burial occurs. When the memorial is due to be installed the person with right of burial/plot ownership would have been established at the time of the burial. We presume that the Council will be keeping a database for these records. Will these be easily accessible by Monumental Masons? If the person that has ordered the memorial is not the correct person, will the Council be able to supply us with the name and contact details of the correct person? If not the Council will need to contact the person for permission. Clause 11.2 c) be set in a way approved by Council. Comment: Surely this is where it should be stated about set backs from front and back of berm or if this is to be as per an appended drawing, should not this be noted here. ie as per appendix C or similar. Otherwise what is the "way approved by Council"? Clause 11.4 Only a Monumental Mason who complies with the Council's Health and Safety requirements and preferably a member of the NZ Master Monumental Masons Association may undertake work associated with any monument. Comments: this would be better to read - preferably a fully NZQA qualified Monumental Mason. Proof of this qualification can be supplied. Not all members of the NZ Monumental Masons Association are qualified Masons. They can buy businesses that are registered, but they are not qualified. More than 50% of qualified Monumental Masons choose not to be members of this group. Clause 11.7 Removal of any memorial must be approved by the Council using the relevant prescribed forms and accompanied by proof of exclusive right of burial for that plot. Comment: Similar to clause 11.1 a) What proof does the Council require? See comments under clause 11.1a) This clause does not allow for bad debt on the part of the family. Our terms and conditions state that we own a monument until it is paid for in full. Therefore deliberate and continued non payment can result in the memorial being removed from the cemetery. Clause 11.15 Any headstone or other monument, which in the opinion of the Council is offensive, may be removed at the direction of the Council. Comment: With the current permit system masons are asked to submit the layout for approval. Therefore this should never happen as any</p>	<p>11.1a . a family member signs as having right of burial this is a given. Council has database but the information is not public. 11.2c No set backs are determined by Council as this could limit inscriptions and design freedoms. 11.4 Staff support changing to wording suggested. 11.1a protects Council from bogus headstone installation and does allow removal for bad debts. 11.15 This statement reinforces that offensive wording etc will not be acceptable. 11.16 . Any work on monuments ie second inscription needs a permit. Design of monument must accompany application to avoid unsafe practice. Providing a photo of memorial to put up on council website is not considered an invasion of privacy under the privacy act. Nearly all Councils have such images on their websites.</p>	

offensive material will be stopped at the application stage. Should a headstone go in that is not as per the permit, ie. Offensive material has been added, then this can be removed, as it does not comply with the permitted monument. So maybe the clause should be reworded to say that any monument may be removed if it does not comply with the approved permit, whether for reasons or size or content. Clause 11.16 No Monumental Mason or other person must remove any kerb, headstone, monument or tablet from the cemetery without permission from the Council. Comments: This seems to have the same intent as clause 11.7. Does this mean that when a second burial has occurred and the inscription for the second person is being arranged, the Council wants a permit application and request for the right to remove the memorial? Previously as long as the actual size and shape of the memorial did not change, but just the inscription was being added to, we were spared the need to submit a permit. Again this clause does not allow for bad debt on the part of the family. Our terms and conditions state that we own a monument until it is paid for in full. Therefore non payment can result in the memorial being removed from the cemetery. Permit System Comment: The current permit system is unnecessarily involved. It needs to be simplified. Your bylaw states that only qualified Monumental Masons are permitted to install a memorial in your cemeteries and these need to be installed in accordance with NZS 4242: 1995. Therefore there should be no need for the Mason to send in the actual design showing dowelling etc with every permit. There needs to be a level of trust that an approved and qualified person will do the work in a professional way. If a company over time proves to be negligent, then that is between the Council and that company. Also asking for a photo of the finished memorial, so that the Council can put this up on the Council website is not a well considered request. Some cultures find this offensive and an invasion of their privacy. Is the Council going to seek the permission of every family before they upload these images? Also putting pictures of commercially sensitive designs up on a public website can lead to and has lead to plagiarism by overseas manufacturers.

Submitter No	Submitter Name	Organisation/On Behalf Of
9	Hukanui Marae (J Bridgman) Hukanui Marae(J Bridgman)	
Category: Do you support the bylaw?		
No		
Category: Additional comments		
Submission	Staff Recommendation	
<p>Concern re 6.2 limiting purchase of plots and timing.This does restrict families wishing to establish/maintain a family block of plots. Some families wish to be buried along side their family/relations.8.1 digging of graves. Some cultures like to dig their own graves, Maori still do, given the opportunity. Authorization should be able to be given to dig or assist in the preparation of their graves under the supervision of the Sexton/agent. Supervision would cover the safety requirements including safety equipment. 19.3 back filling of grave. Again permission should be able to be given under the supervision of the Sexton/agent.Traffic management. That Council arrange for road traffic signage indicating that a funeral is in progress. This could be in the form of temporary reduced speed or just caution signs. The Sexton/agent could be responsible for such after suitable training as a TC or STMS for Temporary Traffic Management Sites.; Concern re 6.2 limiting purchase of plots and timing.This does restrict families wishing to establish/maintain a family block of plots. Some families wish to be buried alongside their family/relations.8.1 digging of graves. Some cultures like to dig their own graves, Maori still do, given the opportunity. Authorization should be able to be given to dig or assist in the preparation of their graves under the supervision of the Sexton/agent. Supervision would cover the safety requirements including safety equipment.19.3 back filling of grave. Again, permission should be able to be given under supervision of the Sexton/agent.Traffic management. That Council arrange for road traffic signage indicating that a funeral is in progress. This could be in the form of temporary reduced speed or just caution signs. The Sexton/agent could be responsible for such after suitable training as a TC or STMS for Temporary Traffic Management Sites.</p>	<p>6.2 Provision for purchase of two additional plots at time of a family burial enables a total of 6 burials in a block. The number of plots sold at time of burial has been consulted on via community boards and adopted as part fo Councils Cemetery Strategy. This will avoid the potential for land being reserved and not used. Health & Safety restricts digging of plots. Families can backfill under supervision of Sexton.</p>	

(Appendix 2)



Proposed Cemeteries Bylaw 2016

Original Submissions 1 to 9

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1	Aksel Jepsen	1
2	Sue Edmonds	3
3	Bryce Mounsey Haven Funeral Services Ltd	4
4	M Wilcock Tamahere Community Committee	7
5	Ross Hodder Friends of Wainui Bush Reserve	11
6	John Bridgman Gordonton District Committee	13
7	Craig Robinson Waikato Stonecraft - New Zealand Master Monumental Masons Association	15
8	Artline Memorials Artline Memorials	17
9	Hukanui Marae(J Bridgman)	21

Introduction

The proposed **Waikato District Council Cemeteries Bylaw 2016** enables the Council to regulate activities and set standards for the operation of Cemeteries under the control of the Council.

Summary of proposed changes

Key proposed changes in the **proposed Bylaw** are outlined below.

- Moving from two separate bylaws to one single district wide bylaw
- Only Monumental Masons to undertake monument works in all Cemeteries
- Clarifying the number of plots that can be pre-purchased

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Submitter Details

First Name: **Aksel**
 Last Name: **Jepsen**
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 Suburb: **RD 3**
 City: **Hamilton**
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 eMail: **aksel@nda.co.nz**

Resident or Ratepayer:

Ratepayer Resident Non-resident ratepayer Other

Which Community Board Area is your property in?

Awaroa ki Tuakau District Eureka Hukanui-Waerenga
 Huntly Newcastle Ngaruawahia Onewhero-Te Akau
 Outside of district Raglan Tamahere Unknown
 Whangamarino

Wishes to be heard:

Yes
 I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Preferred hearing location:

Proposed Cemeteries Bylaw 2016 - Monday, 20 June 2016 Council Chamber, Waikato District Council, 15 Galileo Street, Ngaruawahia

Proposed Cemeteries Bylaw 2016 from Jepsen, Aksel

Healing Needs

2

Correspondence to:

- Submitter
 Agent
 Both

Submission**Preferred method of contact?**

This information will be used for statistical purposes only, to help us understand who is engaging with council

- Email
 Post

Age (Optional)

This information will be used for statistical purposes only, to help us understand who is engaging with council.

- 16-24
 25-35
 36-50
 51-65
 66+

Ethnicity (Optional)

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Comments

Do you support the proposed Cemeteries Bylaw?

- Yes
 No

Please tell us why:

In general I support the proposed Bylaw but would like to see 8.1 amended so that not only Sextons can dig and fill in graves; obviously there needs to be a standard adhered to and perhaps Sextons must either supervise and/or be only ones to dig -but the process of filling in the grave can be an important part of the grieving process for relatives and friends. My own experience of a recent funeral in the Hokianga (Far North) is that for the men, it gave them 'one last favour to do for a mate' and was a very special moment.

Additional comments

Comments

I also suggest permitting multiple burials in same plot for families to be permitted, especially for full size plot used for cremated remains; frees up space in cemeteries and feels right from family perspective.

Attached Documents

File
No records to display.

**PROPOSED CEMETERIES BYLAW – SUBMISSION
From Eureka Community Planning Committee**

Our Committee has read the proposed Bylaw and would make the following comments:

At the time the new bylaw was first mooted it was obvious that there were concerns about the potential requirements or practises of different ethnic groupings over funerals and burials.

We note that the bylaw as now written is extremely explicit about what is allowed and what is not, in terms not only of burials, but monuments and pre-purchase of exclusive plots.

We therefore consider that the bylaw, as proposed, should adequately cover all these matters quite clearly.

We were amazed at just how many cemeteries there are in Waikato District. No wonder explicit rules are needed.

Sue Edmonds
Secretary/Chair
Eureka Community Planning Committee

4 May 2016

Introduction

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- Clarifying the number of plots that can be pre-purchased

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Submitter Details

First Name: **Bryce**
 Last Name: **Mounsey**
 Organisation: **Haven Funeral Services Ltd**
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 Suburb:
 City: **Huntly**
 Country:
 PostCode: **3740**
 Daytime Phone: **07 8287629**
 Mobile: **0274792695**
 eMail: **bryce@havenfunerals.co.nz**

Resident or Ratepayer:

Ratepayer Resident Non-resident ratepayer Other

Which Community Board Area is your property in?

Awaroa ki Tuakau District Eureka Hukanui-Waerenga
 Huntly Newcastle Ngaruawahia Onewhero-Te Akau
 Outside of district Raglan Tamahere Unknown
 Whangamarino

Wishes to be heard:

Yes
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Hearing Needs:

Correspondence to:

- Submitter
- Agent
- Both

Submission

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- 16-24
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- 51-65
- 66+

Ethnicity (Optional)

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Comments

Do you support the proposed Cemeteries Bylaw?

- Yes
- No

Please tell us why:

6.0 Exclusive right of Burial. 6.1 Plots should be held for a period of up to seventy years, catering for people up to an age of 90+. 7.0 Notification of Burial. 7.1 Hours of interments should be Mon - Fri 10am to 4pm and Sat to 3.30pm to cater better for afternoon service times which are followed by a burial. 8.0 Plots and Graves. 8.2 Council requires notification of person wanting to fill in grave when 19.3 says 'no person other than the Council or Sexton shall fill in the grave'. Requires clarification of these points. 9.0 Ashes. 9.1 The maximum number to three urns per plot to allow for husband/wife and the option of one child. 11.0 Memorials and Adornments. 11.6 No above ground memorials, including railing, fencing or STRUCTURES must be placed ON ANY AREA OF A GRAVE OTHER THAN A BERM in grounds designated as a lawn cemetery. (Items in capitals added for clarification). 11.4 What is the scope of work to be conducted by a MMMA - does this allow for family to clean a headstone? 11.14A Contradicts with 11.6 allowing for fencing, railing, structures on lawn cemeteries as Waikato DC only has lawn cemeteries. 14.0 Poor Persons. 14.1 Does not mention or allow for Work and Income or any other Government assistance in paying for the burial and/or plot. 15.0 Vehicles in Cemeteries. 15.2(B) During winter months, time should be extended to 6.00pm to allow for people visiting after work hours. 15.3 Speed limit to NOT EXCEED 20 km/hr in cemeteries 16.0 Dogs and Horses. 16.1 Does not make allowance for guide/medical/police dogs being permitted in cemeteries. 18.0 Advertising. 18.2 Taking photographs or movies in cemetery - this should be removed as it is now considered 'the norm' to photograph or record services at cemeteries

Proposed Cemeteries Bylaw 2016 from Mounsey, Bryce organisation: Haven Funeral Services Ltd

for later viewing, especially for those who are unable to attend the service. 19.0 Safety. 19.2 Who is responsible for putting up warning signs and protective barriers at burials. 19.3 Refer to 8.2 comments.

Additional comments

Comments

Attached Documents

File
No records to display.

**WAIKATO DISTRICT COUNCIL***Cemeteries Bylaw 2016**Due 20 May*

Name:

Organisation: Tamahere Community Committee

Postal Address: c/o M. Wilcock, Secretary
117 Windmill Road, RD3, Hamilton 3283Email: rogmag@xtra.co.nz

Telephone (Day): [07] 8567633 (Mobile): 021 024 88010

Speak at hearing: Yes

Tamahere Community Committee
Comments included for reference as the committee believes they were not factored into the original Cemetery Policy Feb 2015:-

- Support double depth policy but add this can also accommodate 2 caskets of ashes.
- Family plots have to be in the next available lot not anywhere on the site.
- Do families have to re confirm the need to use the plots? This may free unused sites up for others.
- 1964 Act needs to be revised to 25 years, council to lobby government.

Issues

- What are the cultural issues around burials & cremation plots? Eg Muslim burials. Does this impact upon future planning for the demographics of each area within the WDC?
- Length of ownership of a plot could be limited. [eg. Europe 25 years]
- Change in public requests eg, eco burials are now becoming more 'usual' practice. Is there a need for policy surrounding this practice?

Suggestions

- Develop crematorium parks with rose gardens, wall plaques, garden seats, trees & unmown areas where ashes strewn [example, Breakspear Crematorium, Ruislip, UK].
This type of crematorium is a great use of space, now & into the future without any further demands on local land. Also provides an atmosphere of peace & tranquillity for families.
- Future consideration should be to limit land taken for cemeteries.
- Consultation with Iwi over the amount of land available on their Urupa and if they will have the same issues with dwindling land – this may have an impact on Council cemetery's being used more.

Tamahere Community Committee

Submission on Cemeteries Bylaw 2016:-

6.0 Exclusive rights of burial

Burial plots may be held for 60 years but Council will not repurchase any presold plots.

How are they sold or change hands and thus avoid poor usage of cemetery land?

- Council has a lot of pre-purchased plots that aren't being used. The committee suggested that in the interests of future planning that council contact the families to see if they plan on using their plot/s, and if not, then purchasing them back. This could be done for example every 5 years.

6.2 "no more than two plots" but "any relative of such person may purchase two adjacent plots at time of burial only"

- Two initial plots rights to be 60 years but other adjacent ones to be 25 years; a timeframe for all plots that many parts of the world are working towards.

8.0 Plots & Graves

8.1 Only the sexton can dig a grave

- Families should however be allowed to fill-in the grave.

8.4 "Two deceased per plot"

- Two caskets per plot if double depth plus four ashes; this the norm in HCC Newstead Cemetery.
- This would improve on land usage.

8.5 A grave may be reopened for subsequent burial where consent is given...

- Does this cover council adequately in times of dispute?

9.0 Ashes

9.1 "max 8 urns in any one burial plot or a max of two in an ashes plot"

See 8.4 add details of burial & ashes in one plot

How do council cover a change of mind by a family from ashes to burial?

9.2 "ashes may not be scattered"

Why Not?

Solve land issues by developing crematorium parks or parts of existing cemeteries with rose gardens, wall plaques, garden seats, trees & unmown areas where ashes are strewn [example, Breakspear Crematorium, Ruislip, UK].

This type of crematorium is a great use of space, now & into the future without any further demands on local land. Also provides an atmosphere of peace & tranquillity for families.

11.0 Memorials & Adornments

11.5 Subject to the provisions of the Burial & Cremation Regulations 1967...., the Council may remove any installation of any kind that falls into a state of decay or disrepair.”

- Council should be required to leave a simple marker denoting who the person is?

Maggie Wilcock
Secretary

Introduction

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Submitter Details

First Name: **Ross**
 Last Name: **Hodder**
 Organisation: **Friends of Wainui Bush Reserve**
 On behalf of: **Secretary, Friends of Wainui Bush Reserve Group, Raglan.**
 Street:
 Suburb:
 City:
 Country:
 PostCode: **3265**
 Daytime Phone: **07 825 7173**
 eMail: **hodder.rs@xtra.co.nz**

Resident or Ratepayer:

Ratepayer Resident Non-resident ratepayer Other

Which Community Board Area is your property in?

Awaroa ki Tuakau District Eureka Hukanui-Waerenga
 Huntly Newcastle Ngaruawahia Onewhero-Te Akau
 Outside of district Raglan Tamahere Unknown
 Whangamarino

Wishes to be heard:

Yes
 I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Preferred hearing location:

Proposed Cemeteries Bylaw 2016 - Monday, 20 June 2016 Council Chamber, Waikato

Hearing Needs:

Correspondence to:

- Submitter
- Agent
- Both

Submission

Preferred method of contact?

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- Email
- Post

Age (Optional)

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- 16-24
- 25-35
- 36-50
- 51-65
- 66+

Ethnicity (Optional)

This information will be used for statistical purposes only, to help us understand who is engaging with council.

Comments
Pakeha

Do you support the proposed Cemeteries Bylaw?

- Yes
- No

Please tell us why:
Needs elaboration/ clarification

Additional comments

Comments

The Wainui Bush Reserve, Raglan, contains some 100 memorialised sites, often the site of placed or dispersed human ashes and generally marked by the planting of a tree or trees, with an associated plaque. It also contains unexcavated archeological sites. The reserve's memorial and recreational uses have been assisted by the Friends of Wainui Bush Reserve voluntary Group which undertakes work to maintain and develop its amenities, forest cover and memorial functions over the last 20+ years. The memorial features on this land, which is now a Reserve under the control of the Council, could be regarded as constituting a 'cemetery', under the descriptive terms of the proposed bylaw, even when it is not specifically dedicated as a cemetery. To manage the Wainui Bush Reserve as a dedicated cemetery would be unwarranted and a burden to the Council and cut across the primary recreational asset as a recreational feature. It would be useful that the definitions used in the proposed bylaw proscribe the potential incorporation the Wainui Bush Reserve under the definition as a cemetery.

Attached Documents

13

File
No records to display.

Submission #6

Introduction

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Submitter Details

First Name: **John**
 Last Name: **Bridgman**
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 Street: **111 Piako Rd.**
 Suburb: **Gordonton**
 City: **Hamilton**
 Country: **New Zealand**
 PostCode: **3821**
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 Mobile: **0274 522 875**
 eMail: **johnbridgman@xtra.co.nz**

Resident or Ratepayer:

Ratepayer Resident Non-resident ratepayer Other

Which Community Board Area is your property in?

Awaroa ki Tuakau District Eureka Hukanui-Waerenga
 Huntly Newcastle Ngaruawahia Onewhero-Te Akau
 Outside of district Raglan Tamahere Unknown
 Whangamarino

Wishes to be heard:

Yes
 I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Preferred hearing location:

Proposed Cemeteries Bylaw 2016 - Monday, 20 June 2016 Council Chamber, Waikato

Proposed Cemeteries Bylaw 2016 from Bridgman, John organisation: Gordonton District Committee

District Council, 15 Galileo Street, Ngaruawahia | 5

Hearing Needs:

Correspondence to

- Submitter
 Agent
 Both

Submission**Preferred method of contact?**

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- Email
 Post

Age (Optional)

This information will be used for statistical purposes only, to help us understand who is engaging with council.

- 16-24
 25-35
 36-50
 51-65
 66+

Ethnicity (Optional)

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Comments

Do you support the proposed Cemeteries Bylaw?

- Yes
 No

Please tell us why:

Additional comments

Comments

Concern re 6.2 limiting purchase of plots and timing. This does restrict families wishing to establish/maintain a family block of plots. Some families wish to be buried along side their family/relations. 8.1 digging of graves. Some cultures like to dig their own graves, Maori still do, given the opportunity. Authorization should be able to be given to dig or assist in the preparation of their graves under the supervision of the Sexton/agent. Supervision would cover the safety requirements including safety equipment. 19.3 back filling of grave. Again permission should be able to be given under the supervision of the Sexton/agent. Traffic management. That Council arrange for road traffic signage indicating that a funeral is in progress. This could be in the form of temporary reduced speed or just caution signs. The Sexton/agent could be responsible for such after suitable training as a TC or STMS for Temporary Traffic Management Sites.

Attached Documents

File
No records to display.

Introduction

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Submitter Details

First Name: **Craig**
 Last Name: **Robinson**
 Organisation: **Waikato Stonecraft - New Zealand Master Monumental Masons Association**
 Street:
 Suburb:
 City:
 Country:
 PostCode: **3450**
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 Mobile: **0274 927 279**
 eMail: **craig@headstone.co.nz**

Resident or Ratepayer:

Ratepayer Resident Non-resident ratepayer Other

Which Community Board Area is your property in?

Awaroa ki Tuakau District Eureka Hukanui-Waerenga
 Huntly Newcastle Ngaruawahia Onewhero-Te Akau
 Outside of district Raglan Tamahere Unknown
 Whangamarino

Wishes to be heard:

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Submission

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- 25-35
- 36-50
- 51-65
- 66+

Ethnicity (Optional)

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Comments

Do you support the proposed Cemeteries Bylaw?

- Yes
- No

Please tell us why:

9.0 ash interments - consider - 3 ash interments per plot. A child may be interred and parents wish to be interred in same plot at a later date 11.4 - scope ? - as it reads at present, this would prevent family members doing their own refurbishment work 11.8 - consider ' council WILL remove and unauthorized memorials. Monumental masons have to submit permit forms and be registered to install. Family members installing their own memorials should not be tolerated. Same rule for all. 11.6 - consider - placed on berm only, nothing to be placed on grass area in front of berm 11.14 - no headstone may exceed 1200mm. No other permanent or temporary structures should be placed on berms 16.1 - consider - exception of guide and police dogs 18.1 - advertising - most monumental masons have signage on vehicles, clothing and place memorial stickers on completed work. Consider - ' while within a cemetery actively pursue or solicit custom for any work in connection with a cemetery

Additional comments

Comments

Attached Documents

File

Proposed Cemeteries Bylaw 2016 from Robinson, Craig organisation: Waikato Stonecraft - New Zealand Master Monumental Masons

No records to display.

18

Submission #8

19
Artline
 MEMORIALS
Hamilton's Headstone Shop Ltd

13th May 2016



RECEIVED

16 MAY 2016

Waikato District Council

Gordon Bailey
 Waikato District Council
 Private Bag 544
 Ngaruawahia 3742

Dear Sir

Proposed Cemetery Bylaw 2016: PR - 829

Thank you for your letter dated 14 April 2016.

Attached is our submission for the Cemetery Bylaw review.
 We would appreciate the opportunity to be present at the hearings to hear what is discussed.

We would appreciate at least one week's warning before the meeting, so that we have time to arrange our schedule to be able to attend.

Yours sincerely

Lucy Hancock
 Office Manager

Waikato District Council - Proposed Cemetery Bylaw

We support the New Bylaw, but have a few comments to make on various clauses.

Clause 11.1a) proof of an exclusive right of burial for the respective plot

Comment: Is "right of Burial" the correct term or should this be plot ownership? What proof does the Council require? If it is some paperwork handed out at purchase, this could be long gone by the time the second burial occurs.

When the memorial is due to be installed the person with right of burial/ plot ownership would have been established at the time of the burial.

We presume that the Council will be keeping a database for these records. Will these be easily accessible by Monumental Masons? If the person that has ordered the memorial is not the correct person, will the Council be able to supply us with the name and contact details of the correct person? If not the Council will need to contact the person for permission.

Clause 11.2 c) be set in a way approved by Council

Comment: Surely this is where it should be stated about set backs from front and back of berm or if this is to be as per an appended drawing, should not this be noted here. ie as per appendix C or similar. Otherwise what is the "way approved by Council"?

Clause 11.4 Only a Monumental Mason who complies with the Council's Health and Safety requirements and preferably a member of the NZ Master Monumental Masons Association may undertake work associated with any monument.

Comments: this would be better to read - preferably a fully NZQA qualified Monumental Mason. Proof of this qualification can be supplied.

Not all members of the NZ Monumental Masons Association are qualified Masons. They can buy businesses that are registered, but they are not qualified.

More than 50% of qualified Monumental Masons choose not to be members of this group.

Clause 11.7 Removal of any memorial must be approved by the Council using the relevant prescribed forms and accompanied by proof of exclusive right of burial for that plot

Comment: Similar to clause 11.1 a) What proof does the Council require? See comments under clause 11.1a)

This clause does not allow for bad debt on the part of the family. Our terms and conditions state that we own a monument until it is paid for in full. Therefore deliberate and continued non payment can result in the memorial being removed from the cemetery.

Clause 11.15 Any headstone or other monument, which in the opinion of the Council is offensive, may be removed at the direction of the Council

Comment: With the current permit system masons are asked to submit the layout for approval. Therefore this should never happen as any offensive material will be stopped at the application stage.

Should a headstone go in that is not as per the permit, ie. Offensive material has been added, then this can be removed,,as it does not comply with the permitted monument.

So maybe the clause should be reworded to say that any monument may be removed if it does not comply with the approved permit, whether for reasons or size or content.

Clause 11.16 No Monumental Mason or other person must remove any kerb, headstone, monument or tablet from the cemetery without permission from the Council

Comments: This seems to have the same intent as clause 11.7

Does this mean that when a second burial has occurred and the inscription for the second person is being arranged, the Council wants a permit application and request for the right to remove the memorial?

Previously as long as the actual size and shape of the memorial did not change, but just the inscription was being added to, we were spared the need to submit a permit.

Again this clause does not allow for bad debt on the part of the family. Our terms and conditions state that we own a monument until it is paid for in full. Therefore non payment can result in the memorial being removed from the cemetery.

Permit System

Comment: The current permit system is unnecessarily involved.

It needs to be simplified.

Your bylaw states that only qualified Monumental Masons are permitted to install a memorial in your cemeteries and these need to be installed in accordance with NZS 4242: 1995.

Therefore there should be no need for the Mason to send in the actual design showing dowelling etc with every permit. There needs to be a level of trust that an approved and qualified person will do the work in a professional way.

If a company over time proves to be negligent, then that is between the Council and that company.

Also asking for a photo of the finished memorial, so that the Council can put this up on the Council website is not a well considered request.

Some cultures find this offensive and an invasion of their privacy. Is the Council going to seek the permission of every family before they upload these images?

Also putting pictures of commercially sensitive designs up on a public website can lead to and has lead to plagiarism by overseas manufacturers.

Submission #9

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Submitter Details

First Name: **John**
 Last Name: **Bridgman**
 Organisation: **Hukanui Marae**
 Street: **111 Piako Rd.**
 Suburb: **Gordonton**
 City: **Hamilton**
 Country: **New Zealand**
 PostCode: **3821**
 Daytime Phone: **0274 522 875**
 Mobile: **0274 522 875**
 eMail: **johnbridgman@xtra.co.nz**

Resident or Ratepayer:

Ratepayer Resident Non-resident ratepayer Other

Which Community Board Area is your property in?

Awaroa ki Tuakau District Eureka Hukanui-Waerenga
 Huntly Newcastle Ngaruawahia Onewhero-Te Akau
 Outside of district Raglan Tamahere Unknown
 Whangamarino

Wishes to be heard:

Yes
 I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Preferred hearing location:

Proposed Cemeteries Bylaw 2016 - Monday, 20 June 2016 Council Chamber, Waikato

Proposed Cemeteries Bylaw 2016 from Bridgman, John organisation: Hukanui Marae

District Council, 15 Galileo Street, Ngaruawahia 24

Hearing Needs:

Correspondence to:

- Submitter
 Agent
 Both

Submission**Preferred method of contact?**

This information will be used for statistical purposes only, to help us understand who is engaging with council.

- Email
 Post

Age (Optional)

This information will be used for statistical purposes only, to help us understand who is engaging with council.

- 16-24
 25-35
 36-50
 51-65
 66+

Ethnicity (Optional)

This information will be used for statistical purposes only, to help us understand who is engaging with council.

Comments

Do you support the proposed Cemeteries Bylaw?

- Yes
 No

Please tell us why:

Additional comments

Comments

Concern re 6.2 limiting purchase of plots and timing. This does restrict families wishing to establish/maintain a family block of plots. Some families wish to be buried along side their family/relations. 8.1 digging of graves. Some cultures like to dig their own graves, Maori still do, given the opportunity. Authorization should be able to be given to dig or assist in the preparation of their graves under the supervision of the Sexton/agent. Supervision would cover the safety requirements including safety equipment. 19.3 back filling of grave. Again permission should be able to be given under the supervision of the Sexton/agent. Traffic management. That Council arrange for road traffic signage indicating that a funeral is in progress. This could be in the form of temporary reduced speed or just caution signs. The Sexton/agent could be responsible for such after suitable training as a TC or STMS for Temporary Traffic Management Sites.

Attached Documents

File

Proposed Cemeteries Bylaw 2016

Waikato District Council

Cemeteries Bylaw 2016

This Bylaw of the Waikato District Council is made pursuant to the Local Government Act 2002 and the Burial and Cremation Act 1964 and their respective amendments and all other relevant powers, hereby makes the following bylaw.

Introduction

1.0 Short title, commencement and application

- 1.1 The bylaw shall be known as the "Waikato District Council Cemeteries Bylaw 2016".
- 1.2 The bylaw shall apply to the Waikato District.
- 1.3 The Bylaw shall come into operation on **date**.

2.0 Revocation

Any previous Cemetery Bylaws (and subsequent amendments hereto) made by the Waikato District Council and Franklin District Council or any Local Authority previously existing in the Waikato District or Franklin District are hereby repealed.

3.0 Purpose

- 3.1 The purpose of this Bylaw is to enable the Council to regulate activities and set standards for the operation of cemeteries under the control of the Council.
- 3.2 This Bylaw is made pursuant to the provisions of section 145 and 148(b)(v) of the Local Government Act 2002 and sections 16 and 40 of the Burial and Cremation Act 1964.

4.0 Definitions

For the purposes of this Bylaw, the following definitions shall apply, unless inconsistent with the context:

- Beam** means a concrete strip that marks plot row and number and in which a headstone or plaque is placed.
- Burial** means interment of a body, remains or ashes
- Cemetery** means any cemetery vested in or under the control of Council and dedicated as a cemetery.
- Council** means the governing body of the Waikato District Council or any person delegated to act on its behalf.

Disinterment	means the removal of a body (or remains of a body) buried in any cemetery.
Exclusive right of burial	means a right that may be purchased from Council which grants the purchaser, and his or her assignee, the exclusive right of burial in a designated burial plot for a specified number of years; and <ol style="list-style-type: none"> 1. does not create an ownership interest over the designated plot; and 2. lapses in accordance with section 10 of the Burial and Cremation Act 1964.
Grave	means the area where the body of a deceased person is, or their ashes, are buried.
Headstone	means a memorial that projects above the ground.
Interment	means the burial of a body or ashes in a plot.
Lawn cemetery	means a grass lawn cemetery where no headstones project above the ground.
Non-operational cemetery	means a cemetery that has been closed by a closing order, but may accept future ash interments.
NZS 4242: 1995	means the New Zealand Standard for Headstones and Cemetery Monuments.
Operational cemetery	means a cemetery that is accepting of new interments.
Plot	means a specified area set aside for the burial of a casket/coffin or ashes.

5.0 Burials

5.1 Before a burial may take place, all relevant prescribed forms must be submitted to the Council for approval.

5.2 Relevant prescribed forms must be accompanied by:

- a) medical certificate or coroner's authorisation where required;
- b) written permission from the owner of the exclusive right of burial for that plot; and
- c) payment of the fee, set by Council, for burial.

5.3 Burials must take place:

- a) in a specific plot where the exclusive right of burial has been purchased; or
- b) in a plot chosen by Council if no exclusive right of burial has been purchased.

6.0 Exclusive right of burial

- 6.1 Exclusive right of burial may be sold by Council and may be held for sixty (60) years. Council will not purchase any presold plots.
- 6.2 In cemeteries where plot pre-purchase is available a person is entitled to purchase the exclusive right of burial for no more than two plots. Any relative of a person so buried may, at the time of burial, purchase two adjacent plots at the time of burial only.
- 6.3 Where doubt of ownership of a plot exists, Council may satisfy itself, so far as practicable, that the burial is authorised.
- 6.4 Council will not sell the exclusive right of burial in respect of any plot in those portions of a cemetery reserved exclusively for the burial of the bodies of persons who have served in Her Majesty's Forces.

7.0 Notification of burial

- 7.1 Interments may take place between the hours of 10.00am and 4.00pm on Mondays to Fridays inclusive, and between 10.30am and 3.30pm on Saturdays. On Sundays and Council and public holidays, cemeteries are closed for all interments.
- 7.2 Burials may take place outside these times by prior arrangement with Council.
- 7.3 Notification of an intended burial must be given to Council not less than eight (8) working hours prior to the time of burial. If this notice is not given, an extra charge may be imposed by Council.

8.0 Plots and graves

- 8.1 Only Council is authorised to dig a grave.
- 8.2 Council requires prior notification if a person, or persons, wish to fill any grave.
- 8.3 The minimum depth of cover for any casket/coffin must be no less than 800mm.
- 8.4 A maximum of two (2) caskets may be buried in any one burial plot.
- 8.5 A grave may be reopened for subsequent burial(s) where consent is given by Council and:
 - a) by the owner of the exclusive right of burial, or their assignee; and
 - b) the relevant prescribed form is provided.

9.0 Ashes

- 9.1 Ash burials may take place in the appropriate portion of the cemetery set aside for that purpose or in any plot subject to exclusive right of burial where:
 - a) an exclusive right of burial has been purchased; and

b) the owner of the exclusive right of burial has given consent.

9.2 The maximum number of urns containing ashes that may be buried in any one burial plot is eight (8), excluding caskets.

9.3 Ashes may not be scattered in any cemetery.

10.0 Disinterment

10.1 The disinterment of a body, or remains of a body, must be conducted in accordance with section 51 and 55 of the Burial and Cremation Act 1964.

10.2 If a grave is rendered empty due to disinterment, and where there is no valid exclusive right of burial, that plot will revert back to Council and Council will not be liable to make any refund of the cost of that burial plot.

11.0 Memorials and adornments

11.1 Any memorial must be approved by Council, prior to installation, using the relevant prescribed form and accompanied by:

- a) proof of exclusive right of burial for that plot; and
- b) payment of the fee set by Council, for memorials.

11.2 Memorials must:

- a) cover no more than two (2) plots; provided they are jointly owned
- b) limit inscriptions to the front for double beam areas; and
- c) be set in a way deemed approved by Council.

11.3 Memorials and the associated plot must be kept in good repair by the holder of the exclusive right of burial, or their assignee.

11.4 Only a Monumental Mason who complies with Council's Health and Safety approval requirements, and preferably a fully NZQA qualified Monumental Mason may undertake work associated with any monument.

11.5 Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, the Council may remove any installation of any kind that falls into a state of decay or disrepair. A photographic record of the memorial will be taken prior to removal and be retained in cemetery records.

11.6 No above-ground memorials, including railing or fencing, are permitted in grounds determined as lawn cemeteries.

- 11.7 Removal of any memorial must be approved by Council using the relevant prescribed forms and accompanied by proof of exclusive right of burial for that plot.
- 11.8 Council may remove any unauthorised memorials from the Cemetery.
- 11.9 Adornments, including all wreaths and floral tributes may be placed on a plot for up to 28 days following an interment. After this time, all adornments will be relocated to the concrete beam. Any adornments added after this time must be confined to approved receptacles, or the concrete beam.
- 11.10 Adornments may not inhibit the proper maintenance of the cemetery or other graves.
- 11.11 Breakable jars, vases or receptacles are not permitted to be used as flower containers.
- 11.12 Council may remove unapproved receptacles, ornaments or memorabilia from graves at any time to facilitate the maintenance of those graves.
- 11.13 In areas set aside for use as a lawn cemetery, a plaque must be placed centrally on the beam opposite the associated plot.
- 11.14 All foundations for kerbs, tombstones, headstones, monuments, vaults and any other above-ground structure, will be constructed to the satisfaction of Council and in compliance with the New Zealand Headstones and Cemetery Monuments NZS 4242:1995 or its subsequent amendments, and subject to the following restrictions:
- a) No memorial stone, fence or enclosure will exceed 1200mm in height. Refer to the Memorial Specification Document on Council's website.
 - b) In any areas that may be designated as Services Cemetery – all monuments and headstones must be constructed in accordance with the requirements of Veterans' Affairs New Zealand.
- 11.15 Any headstone or other monument, which in the opinion of Council is offensive, may be removed at the direction of Council.
- 11.16 No Monumental Mason or other person will, without the permission of Council, remove from any cemetery any kerb, headstone, monument or tablet.
- 11.17 Any authorised person erecting or repairing any headstone or monument shall remove all excess materials and detritus, tools and equipment from the cemetery on completion of work.

12.0 Ground maintenance

- 12.1 The holder of the exclusive right of burial or their successors must ensure:
- a) where permitted, memorials associated with that plot are safe and secure;
 - b) where permitted, kerbs, enclosures, tombstones, headstones, other monuments and their base structures, are kept in good order; and

- c) memorials do not inhibit regular maintenance of the Cemetery.
- 12.2 No person may plant any tree, shrub, plant or other vegetation without prior permission from the Council.
- 12.3 Council may cut or remove any vegetation planted in the cemetery at its discretion.
- 12.4 Any person installing or attending any work in a cemetery must withdraw for the duration of a nearby funeral service, or at the direction of Council.
- 12.5 All Monumental Masons or other person erecting or repairing any headstone or monument shall remove from the cemetery all materials and tools on completion of the work.
- 12.6 No person may make use of any footpath or roadway in the Cemetery for the purpose of mixing cement or mortar otherwise than on a proper mixing board or in a manner approved by Council.
- 12.7 A person who encloses any plot shall do all levelling required at his or her own cost and in accordance with the requirements of Council.
- 12.8 Removal from the cemetery of all rubbish and earth not required in the filling in of the grave, or in connection with such levelling and maintenance, and reinstatement of the area shall occur without delay following the burial to the satisfaction of Council.

13.0 Records

- 13.1 Council will keep up to date plans showing areas available for burial and burial plots available for purchase, if applicable. These plans will be available for public inspection at the relevant cemetery office during office hours or via Councils website.
- 13.2 In accordance with the provisions of section 50 of the Burial and Cremation Act 1964 Council will maintain records of each burial.

14.0 Indigent (poor) persons

- 14.1 Indigent persons may be interred in any cemetery and plot under the control of Council and in accordance with section 49 of the Burial and Cremation Act 1964.
- 14.2 Where application is made to the Council for the interment or cremation of any deceased poor person, the applicant shall, on making such application, provide to the Council a duly signed certificate certifying that such deceased person has not left sufficient means to pay the ordinary charge of interment or cremation fixed by this part of the bylaw, that the cost of burial is not covered by any Accident Compensation entitlement and that his/her relatives and friends are unable to pay the same.

15.0 Vehicles in cemeteries

Vehicles are only permitted to use designated roadways and car parks whilst in the cemetery. Vehicles may only access cemeteries from:

- a) 7.00 am to 8.30pm during the months October through to the end of March
- b) 8.00am to 6.00pm during the months April through to the end of September

The speed limit in all cemeteries must not exceed 20km/hr unless posted otherwise.

16.0 Dogs and horses

16.1 No horses are permitted in any Waikato District Council cemetery.

16.2 Dogs will only be permitted in Waikato District Council cemeteries in accordance with the Waikato District Council Dog Control Bylaw 2015.

17.0 Misconduct

17.1 No person shall, in or near any part of a cemetery, prevent, interrupt or delay the decent and solemn burial or cremation of any deceased person.

17.2 No person shall, in or near any part of a cemetery, cause a nuisance or annoyance to people lawfully within a cemetery, or approaching a cemetery for a lawful purpose.

17.3 Any person engaged in installing or tending a memorial or monument in a cemetery shall withdraw for the duration of an adjoining interment

18.0 Soliciting of orders

18.1 No person shall, within any cemetery advertise or solicit any order or custom from any other person for any work in connection with a cemetery or for the sale preparation, or supply of any article, material, or thing to be set up, affixed, placed or used in a cemetery.

18.2 No person shall without the consent of the Funeral Director, or a special permit in writing for the occasion from the Council, take any photographs or moving images at a funeral.

19.0 Safety

19.1 All persons, whether Council employees or staff of Funeral Directors, shall take all necessary steps to maintain any cemetery as a safe site at all times but particularly during any funeral or interment.

19.2 All such necessary warning signs, protective barriers and protections shall be put in place prior to any funeral or interment commencing.

19.3 No person, other than the Cemetery Officer or Sexton, or persons duly authorised by either person, shall fill in any grave.

20.0 Fees and charges

- 20.1 Council may by resolution publicly notified prescribe fees and charges for burials and disinterment's, cremations, the purchase of plots for exclusive right of burial, headstone erections and other services and may by resolution publicly notified, revoke or alter these fees and charges.
- 20.2 A copy of fees and charges will be available from the Council's website, office or any customer service centre.
- 20.3 Plot purchase fees cover the plot and exclusive right of burial, the provision of Council services to the cemetery and the maintenance of cemetery grounds, excluding any memorial or plaque.
- 20.4 No burial warrant will be issued until all fees have been paid or satisfactory arrangements have been made for the payment of fees.
- 20.5 All headstones, plaques and memorials require a permit prior to being erected and no memorial permit will be issued until all fees have been paid or satisfactory arrangements have been made for the payment of fees.
- 20.6 Fees do not include payment for any work required to be done beyond the digging of an ordinary grave and, after the burial, filling in the grave.
- 20.7 Out of District fees may be payable in the case of a burial or cremation 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 six (6) months. The Cemetery Officer appointed by Council shall determine in each case whether an out of district fee is applicable.

21.0 Offences

Every person commits an offence against this bylaw who does or omits or causes to be done or omitted any act contrary to the provisions of this bylaw. Any person who, in the opinion of an authorised officer, commits a breach of any of the provisions of this bylaw shall, if requested by the officer, supply his/her full name and address.

22.0 Penalties

Any person who commits an offence against this bylaw is liable to a fine not exceeding \$20,000.00

23.0 General

- 23.1 Any notice, order or other document that is required by this bylaw to be served or given or sent to any person shall be deemed to have been duly served, given or sent if delivered to such person or left at his or her residence or workplace or posted to such person at his or her last

known address.

23.2 Any resolution of the Council may be amended, rescinded or reinstated by a further resolution of the Council.

This bylaw was made pursuant to a resolution passed by the Waikato District Council on **Add Date**.

THE COMMON SEAL of WAIKATO DISTRICT COUNCIL was hereto affixed in the presence of:

Mayor

Chief Executive

Appendix 3: Hearing Schedule for proposed Cemeteries Bylaw

Submitter Name	Organisation/On Behalf Of	Submitter No	Sub Page No. /TIME
Ross Hodder	Secretary, Friends of Wainui Bush Reserve Group, Raglan	5	15 (9.10am to 9.20am) 1
	Artline Memorials	8	18 (9.30am to 9.40am) 3
John Bridgman	Gordonton District Committee	6	16 (9.20am to 9.30am) 2
Bryce Mounsey	Haven Funeral Services Ltd	3	12 (9.40am to 9.50am) 4
Maggie Wilcock	Tamahere Community Committee	4	13 (9.50am to 10.00am) 5