

Minutes for a hearing of the Policy & Regulatory Committee (to hear and consider submissions and make recommendations on the Proposed Cemeteries Bylaw 2023) held in the Council Chambers, 15 Galileo Street, Ngaruawahia on **MONDAY, 1 MAY 2023** commencing at 2:00pm.

Present:

Cr C Beavis (Deputy Chairperson)
Cr M Keir
Cr Matatahi-Poutapu - *departed at 3.03pm*
Cr Ngataki
Cr V Reeve
Cr M Raumati
Cr P Thomson
Cr T Turner
Cr D Whyte

Attending:

Ms J Bell-Wymer (Corporate Planner)
Ms M May (Acting General Manager – Service Deliver)
Mr J Ebenhoh (Planning & Policy Manager)
Ms N Hubbard (Corporate Planning Team Leader)
Ms S Baker (Community Venues & Events Team Leader)
Mr T McIntyre (Policy Advisor)
Ms D McDonald (Cemetery Officer)
Ms G Shaw (Democracy Advisor)

The Policy and Regulatory Committee opened the meeting with a Karakia.

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs Whyte/P Thomson)

THAT:

- a. **apologies from Cr Eyre, Cr Gibb, Cr L Thomson, and Cr Patterson for non-attendance be accepted.**
- b. **an apology from Her Worship the Mayor, Mrs JA Church for lateness be accepted.**

CARRIED

P&RHE2305/05

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Crs Ngataki/Keir)

THAT:

- a. the agenda for a meeting of the Policy and Regulatory Committee hearing and deliberations of the Cemeteries Bylaw held on Monday, 1 May 2023 be confirmed; and
- b. all reports be received; and
- c. all items therein be considered in open meeting with the exception of those items detailed at agenda item 5 which shall be considered with the public excluded.

CARRIED

P&RHE2305/06

DISCLOSURES OF INTEREST

There were no disclosures of interest.

REPORTS

Hearing Report on the Cemeteries Bylaw
Agenda Item 4.1

The report was received under [P&R2305/02] and the following discussion was held:

- The Corporate Planning Team spoke to the Hearing Report, noting that public consultation occurred from 15 March to 16 April 2023.
- Council received 232 submissions on the proposed bylaw, with five (5) submitters initially wishing to speak in-person at the hearing.

Resolved: (Crs Ngataki/Whyte)

THAT the Policy and Regulatory Committee, pursuant to section 83 of the Local Government Act 2002, considers all submissions and, where requested, hears submissions on the proposed Cemeteries bylaw.

CARRIED

P&RHE2305/07

Deliberations Report on the Cemeteries Bylaw

Agenda Item 4.2

- The Corporate Planning Team spoke to the Deliberations Report on the Cemeteries Bylaw, noting three (3) proposed changes to the Cemeteries Bylaw. The proposed changes were:
 - inclusion of natural burial clauses;
 - allowing dogs on-lead to enter cemeteries; and
 - removal of a clause that prevents family/whanau from backfilling graves.
- It was noted that no submissions were received around clauses one (I) to eleven (II), therefore staff recommended that these clauses be adopted without modification.
- The discussion then revolved around proposed changes to natural burials, dogs allowed in cemeteries and ensuring cultural alignment with the proposed changes. The majority supported the changes, however, some raised issues of cultural insensitivity and lack of equitable representation.

Clause 8

- The Chair pointed out that a submitter (Ms Karen Britton submitter ID: 6117, who had originally been scheduled to speak at the hearing) had, in her written submission, commented on clause eight (8) that sets the minimum requirement for casket size (e.g., that the casket minimum depth requirement must not be less than 800mm). Her comments suggested agreement with this clause, on the basis that Council ensured that minimum depth of 800mm was used for interment, rather than deeper dug graves.
- Staff noted that every grave is to a minimum of 800mm, including all natural burials. Noted that even with natural burials, a solid platform to lower the body was still required.
- The discussion proceeded to cover traditional Maori practices, the complexity of implementation and the need to align with cultural values while staying within the consultation parameters.
- Noted that some traditional Maori burials indicate that the body is wrapped (e.g. a shroud or covering), not boxed.
- It was also noted that the bylaw would only apply to Waikato District Council owned and operated cemeteries, therefore, Taupiri Maunga would not fall under its jurisdiction, and would still be dictated by the governing body of that particular site.
- Following discussion, staff and the Policy and Regulatory Committee agreed to remove the words 'for any casket' from clause 8.3.

ACTION: Staff to update clause 8.3, by removing the words 'for any casket' and replacing them with 'for any burial'.

Clause 12

- The proposed bylaw included allowing for natural burials areas in cemeteries. Natural Burials are the interment of a body in the soil undertaken in a manner that does not slow down the decomposition process and allows the body to decompose naturally (without embalming). This is intended to provide an environmentally friendly burial option in the Waikato District.
- The Committee also discussed the issue of being able to bury two people on a single plot, but not being able to do so in a natural burial. It questioned if this information is conveyed to families. It was also suggested that preventing one from burying on top of one another may not align with cultural practices.
- Staff confirmed that without the use of caskets in natural burials, it is complicated to re-dig for the purposes of burying a second body on top of the original body, and stated it was nearly impossible to do so in the case of natural burials.
- Councillors raised concerns about being overly prescriptive and noted a need for flexibility. Staff suggested that Council would need to be careful to not stray into areas that were not consulted on and suggested the Committee needed to be clear around the parameters of the consultation.
- Staff noted that Council is legally bound by what it had consulted on but suggested that Council could consider introducing a natural burial policy at a future point, which could then act as a mechanism to propel further discussion/action regarding the cultural alignment of natural burials.
- It was raised that the implementation of an environmentally friendly natural burial site with biodegradable markers (tree, shrubbery), means specific grave sites are not easily identifiable. Consequently, being buried on top of someone (in a natural burial site) who died 20 years ago would likely be very difficult without a headstone.
- Staff noted concerns if Council were to consider double burials in natural burial sites, taking into account the potential conflict it would pose with the intended process of natural burials, which was focused on minimal environmental impact. While this may conflict with cultural desires, allowing multiple burials on the same plot (in a natural burial setting), could potentially compromise the intent around the natural burial processes.
- Noted that the consultation questions did not seem to be informed from a cultural lens. Staff confirmed that this bylaw was workshopped with the previous Council, accounting for differences in how the consultation was informed versus how the current Council would have approached it.
- Concern was raised regarding Iwi consultation, noting that Council's Iwi consultation process was not ideal. Suggested that it has come to light that single plot burials go against Maaori tradition and, consequently, Council had a moral obligation to the address the issue.

- Committee decided to come back to this point at a later date. Options discussed were development of a policy, or next review of the bylaw.
- Several points were discussed in relation to natural burials. Cr Whyte expressed his support for permanent grave markers in natural burial settings and suggested that having some form of marker denoting the location of a grave is important in natural burial sites. Additionally, the issue of non-native trees versus native was raised, with the general consensus being that either native or non-native vegetation should be acceptable, and shorter trees are better suited to the available space.

ACTION: Staff to remove 'native' from clause 12d.

- There was also some discussion around the assumption that natural burials did not fit well with more formal burial styles (and would only be made available in certain locations). Concerns were raised around potential stress for community members. It was noted that while natural burials may not be suitable for all cemeteries, they should still be considered as an option where appropriate.

Clause 17

- Another important issue that was discussed was the presence of dogs in cemeteries. While many submitters were in favour of allowing dogs on leads in the spaces, concerns were raised around control and the potential for uncollected animal waste. It was noted that existing dog control bylaws would likely be used to regulate dog behaviour in cemetery areas.
- There were also suggestions put forward around the provision of after-hours council contact numbers, as well as increased provision of benches throughout the cemeteries. While there were some concerns raised about the potential cost implications of such changes (e.g., additional bins in cemetery areas), overall, there was strong support for the proposed changes, with many submitters expressing their appreciation for the council's efforts to engage with the community on these issues.
- Councillors noted the inclusion of social media feedback in the bylaw review and commended staff for their efforts to include feedback received via relevant social media channels.
- Staff would investigate options available around installing additional bins in cemeteries to encourage and facilitate positive dog ownership behaviours around the cleaning up of animal waste in cemeteries.

ACTION: Staff to investigate options for additional bins in cemeteries to facilitate the collection and removal of dog waste.

- Committee reflected on missing voices in these discussions and stressed the importance of equitable representation in bylaw review processes.

Resolved (Crs Raumati/Whyte)

THAT the Policy and Regulatory Committee:

- a. considers all submissions on the notified *Proposed Cemeteries Bylaw 2023* pursuant to section 83 and 150 of the Local Government Act 2002; and
- b. provides direction to staff on any further changes to make to the Cemeteries Bylaw 2023; and
- c. recommends to Council to revoke the Cemeteries Bylaw 2016 and adopt the Cemeteries Bylaw 2023 (Option I).

CARRIED

P&RHE2305/08

There being no further business, the hearing was adjourned at 3.22pm.

Minutes approved and confirmed this day of 2023.

C Beavis
DEPUTY CHAIRPERSON