

**STATEMENT OF  
PROPOSAL —  
WAIROA  
CEMETERY BYLAW**



**WAIROA**  
DISTRICT COUNCIL

## PROPOSED WAIROA DISTRICT COUNCIL CEMETERIES BYLAW

The purpose of the Wairoa District Council Cemeteries Bylaw, is to maintain cemeteries for the district, authorise new burials, allow access to records for cemeteries, protect cemeteries from damage and misuse, and to allow for charging associated with burials.

Under the Local Government Act 2002, bylaws must be reviewed at least every 10 years. This statement of proposal is prepared in line with section 83, 83AA and 87 of the Local Government Act 2002 (LGA 2002). This document contains:

- A summary of information
- Background information
- Legislative requirements
- A description of the proposed bylaws
- A draft of each of the proposed bylaws

## SUMMARY OF INFORMATION

The Wairoa District Council is reviewing and consulting on its Cemeteries Bylaw.

The existing Cemeteries Bylaw was adopted in June 2011. A significant re-write of the bylaw has been completed, with comparisons being made with other Council bylaws in our region. The bylaw now has improved readability, particularly around re-framing of some sections and more user-friendly language.

Some cemeteries are now closed, and these have been listed. Council is still required to maintain these cemeteries, although no further burials will occur.

**Have your say:** Before making any final decisions, Council encourages you to have input. You can make a submission:

- Online: [www.wairoadc.govt.nz](http://www.wairoadc.govt.nz) search Cemeteries Bylaw, or visit [www.consultations.nz/wdc/](http://www.consultations.nz/wdc/)
- By post: Cemeteries Bylaw c/o Wairoa District Council Governance Team, 97 Queen Street WAIROA.
- By emailing: [feedback@wairoadc.govt.nz](mailto:feedback@wairoadc.govt.nz)
- Or deliver your submission in person to the Wairoa District Office, Coronation Square, WAIROA.

### Timeline:

Consultation period begins: Tuesday 22<sup>nd</sup> March 2022

Closing date for submissions: Friday 22<sup>nd</sup> April 2022

Public hearing and deliberations: Tuesday 3<sup>rd</sup> and Wednesday 4<sup>th</sup> May 2022

## **SUMMARY OF WHAT IS PROPOSED**

The full proposed bylaw is attached. A summary of the proposed changes is as below.

Requirements around the exclusive right of burial in a plot have been clarified. The conditions for full pre-payment for a plot have been explained and a Payment Plan is provided for, requiring Council's agreement. The lapsing of the exclusive right of burial after 60 years has been added, as taken from the Burial and Cremation Act.

The burial of a deceased person from outside the district is not a new clause, but no fee has ever been set for this. If this clause is retained, then a fee should be implemented. Wairoa has lower cemetery fees than many other districts, so presents a cheaper burial option for non-residents. Therefore, screening criteria have been added to ensure the deceased person has some association with the Wairoa district.

The Burial Approval process has been clarified, and the Burial Application form updated.

The difference and fee structure around the pre-purchase of a plot, and the physical digging of a grave for a burial has been explained more clearly. An additional fee is charged for the approval of a memorial headstone or plaque.

Some areas of the cemetery provide for full casket plots, which can accommodate both caskets and ashes, and allow for headstones. Other areas allow ashes-only plots with a plaque as a memorial. The current sizing and criteria have been explained in more detail.

Currently, Council operates the cemetery in the Wairoa township, with all other cemeteries in the district now either closed or under private operation.

A clause has been added to allow prohibition of headstones that could be considered offensive. This clause provides a guideline for staff to use when considering the approval of an application for a headstone or plaque, or if a memorial is installed without Council approval. This is a new clause intended to address complaints made about three existing headstones which feature gang insignia. The presence of a building in the cemetery grounds defines the cemetery as a government premises and enables the Prohibition of Gang Insignia in Government Premises Act 2013 to be used to prevent further headstones featuring gang insignia to be allowed. Any headstones constructed without prior Council approval could be required to be removed.

A clause has been placed in the bylaw to raise the idea of a Natural Burial Cemetery and the response from consultation may determine if this provision is desired or warranted. This bylaw is an opportunity to raise these ideas and gauge public interest as Natural Burial Cemeteries are being established in other districts, as an eco-option for burial.

## **LEGISLATIVE FRAMEWORK**

The following describes our legislative requirements under this proposal.

### *Local Government Act 2002*

Under the Local Government Act 2002, if a plan or policy or similar document is proposed to be adopted, it must follow a special consultative process as per sections 83, 83AA and 87 of the Local Government Act 2002. The Council must be able to show that this policy is the most appropriate and proportionate way of dealing with the perceived problem, and that the bylaw is not inconsistent with the New Zealand Bill of Rights 1990.