

# CEMETERIES BYLAW - STATEMENT OF PROPOSAL

## 1. Introduction

The Thames-Coromandel District Council is reviewing its Cemeteries Bylaw and is seeking your views on a reviewed, draft bylaw. The current bylaw was made operative in 2007 and is now overdue for review.

The draft cemeteries bylaw provides greater clarity regarding a number of matters on which the previous bylaw was silent, and it also makes clear in what cemeteries we provide what services.

What the Council is proposing will involve adopting a new Cemeteries Bylaw 2015 and revoking the current Cemeteries Bylaw 2007.

This Statement of Proposal has been prepared in accordance with the Local Government Act 2002, and includes:

- the reasons for the proposal
- the proposed draft Cemeteries Bylaw 2015.

## 2. Changes between the current and proposed bylaws

Below is a full copy of the Council's proposed draft Cemeteries Bylaw 2015. The main changes proposed and reasons for those changes are as follows:

Issue	Proposal
The current bylaw does not prescribe depth of graves and there is currently a lack of clarity amongst those working in Council's cemeteries regarding standard depth of graves.	The proposed bylaw includes a standard depth for all burials of 1.9m. The exception to this is for natural burials which are treated differently, but maintain a minimum soil cover of 1m.
Greater clarity is required regarding standard size of caskets and standard ashes caskets. The bylaw is currently silent on ashes caskets.	Standard casket sizes and ashes casket sizes are included in the proposed bylaw. These are based on industry standards.
The current bylaw permit burials between 8:00am and 4:00pm on Monday to Saturday.	For health and safety reasons, a reduction in burial hours, particularly in winter is proposed so that staff are not back-filling graves in low light and/or darkness. For the same reason, the bylaw includes departure times from the cemetery following a burial.  The hours proposed are: <b>Summer Period - 1 October to 31 March, from 8:00 am – 3:30 pm.</b> The latest funeral cortege arrival time for casket burials at the cemetery is 3:30pm. The cemetery must be cleared by the funeral cortege no later than 5:00pm.

Issue	Proposal
	<p>And</p> <p><b>Winter Period - 1 April to 30 September - 9:00 am – 2:00 pm.</b> The latest funeral cortege arrival time for casket burials at the cemetery is 2:00pm. The cemetery must be cleared by the funeral cortege no later than 3:30pm.</p>
<p>There is currently confusion about what Council provides for 'eco or natural burials' and feedback is that the wording in the current bylaw is confusing.</p>	<p>The Council does not have any specific areas within its cemeteries designated as Natural Burial areas. What the Council can provide is a more 'natural' burial within its existing cemetery areas.</p> <p>This means the burial or interment of a body at a lesser depth that is free from any chemical treatment or preparation.</p> <p>This has been clarified in the proposed bylaw.</p>
<p>The current bylaw prevents pre-purchase of plots at the Mercury Bay (Ferry Landing) cemetery, however, there is adequate room for pre-purchase of ashes plots.</p>	<p>An adjustment to the bylaw which now means pre-purchase of <b>ashes</b> plots in the Mercury Bay (Ferry Landing) cemetery would be permitted.</p> <p>The proposed bylaw intentionally does not list a restriction on pre-purchase as the pre-purchase is by law at the discretion of the Council. Staff will still uphold the restriction on pre-purchase of casket plots at Mercury Bay (Ferry Landing) and may from time to time need to limit or cease pre-purchase of plots in other cemeteries for operational reasons.</p>
<p>The current bylaw does not expressly prevent the pre-purchase of more than one plot at a time and this matter has been subject to interpretation by staff. Pre-purchase of multiple plots can create demand and planning issues for the Council.</p>	<p>This has been clarified in the proposed bylaw so that pre-purchase of only one plot at a time can occur. Requests for multiple plot purchase are possible at the discretion of the Council (to be approved by the Cemeteries Activity Manager).</p>
<p>There is a greater requirement being placed on staff for evidence of perpetuity entitlement for plots.</p>	<p>Additional guidelines have been included in the bylaw as to what Council will accept as evidence.</p>
<p>The current prescription around monuments, memorials and types of cemeteries is dated and doesn't reflect current cemetery practice or needs.</p>	<p>This has been updated to current practice.</p>
<p>There is no guidance in the current bylaw as to whether the Council permits the burial of animals in its cemeteries.</p>	<p>The bylaw has been updated to clearly state that unless interred in the casket at the time of burial, animal burials cannot be accommodated.</p>
<p>The current bylaw does not permit any animals</p>	<p>This has been appropriately adjusted in</p>

Issue	Proposal
in the cemetery unless prior consent has been obtained from Council. This clause is not consistent with the Council's current approach to disability and needs to be updated to reflect that visibility dogs are permitted.	the bylaw.

### 3. How to provide your feedback

The submission period for the Cemeteries Bylaw 2015 is from 9 February 2015 to 4pm on 9 March 2015.

There are many different ways for you to tell us what you think about this bylaw.

- Electronically using our online consultation portal at [www.tcdc.govt.nz](http://www.tcdc.govt.nz),
- email [customer.services@tcdc.govt.nz](mailto:customer.services@tcdc.govt.nz),
- post to Thames-Coromandel District Council, Private Bag, Thames,
- fax to (07) 868 0234, or
- drop off your submission at one of the Council offices in Thames, Coromandel, Whitianga or Whangamata.

#### Hearings

Please tell us if you would like to attend a hearing to speak to Council in support of your submission, and include a telephone number and email address to ensure we can contact you to arrange an approximate time for your presentation. Hearings will be held in Thames on 15 April 2015.

#### What happens next?

After the hearings, the Council will consider all the submissions received and make decisions on any amendments to the bylaw as a result. Council is scheduled to adopt the final bylaw in May 2015. As a submitter you will be notified of Council's decision in writing and the decisions and final bylaw will be made available on the Council's website.

#### For more information

If you require more information before sending in your comments on the bylaw please phone the Council on 07 868 0200 or email [customer.services@tcdc.govt.nz](mailto:customer.services@tcdc.govt.nz).