

Statement of Proposal

Draft Cemeteries Bylaw 2023

1 INTRODUCTION

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

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

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

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

2 PROPOSED CHANGES

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

The proposed changes include:

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

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

The draft Cemeteries Bylaw 2023 and the Cemeteries Handbook 2019

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

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

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

3 THE REASON FOR THE PROPOSAL

The key reasons for this proposal are to:

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

The 2023 Council report contains more detailed information on these points: *****Link here*****

4 HOW YOU CAN HAVE YOUR SAY

Anyone can make a submission online at <https://letstalk.qldc.govt.nz>. Submissions will be accepted from 8am on 11 August 2023 and must be received by 5pm on 12 September 2023.

All submissions should state:

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

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

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

5 TIMETABLE FOR CONSULTATION

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

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

6 INFORMATION ABOUT THE PROPOSAL

Background

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

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

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

Information about the draft bylaw

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

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

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

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

- whether it needs to make changes to the issues that are proposed in the draft bylaw
- are there any additional issues to be regulated by the bylaw
- whether the bylaw should be adopted.

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

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

7 DETERMINATIONS UNDER SECTION 155 OF THE LGA

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

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

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

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

8 WHAT HAPPENS NEXT?

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

Council will consider the following options about how to proceed:

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