



**PROPOSED QUEENSTOWN LAKES DISTRICT
CEMETERIES BYLAW 2016**

SUMMARY OF STATEMENT OF PROPOSAL

INTRODUCTION

- 1 The Queenstown Lakes District Council (**Council**) owns or operates 11 open cemeteries (together referred to as **Council cemeteries**) within the Queenstown Lakes District (**District**):
 - a. Queenstown Cemetery
 - b. Cardrona Cemetery
 - c. Lower Shotover Cemetery
 - d. Makarora Cemetery
 - e. Kingston Cemetery
 - f. Frankton Cemetery
 - g. Glenorchy Cemetery
 - h. Skippers Cemetery
 - i. Arrowtown Cemetery
 - j. Wanaka Cemetery
 - k. Hawea Cemetery
- 2 The Council currently regulates the operation of Council cemeteries within the District through the Council's Cemeteries Bylaw 2010 (**the current bylaw**). The current bylaw does not apply to cemeteries that are not Council owned or operated.
- 3 Section 146(b)(v) of the Local Government Act 2002 (**LGA**) enables the Council to make a bylaw for the purposes of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with cemeteries. The Council also has power under section 16 of the Burial and Cremation Act 1964 (**the Act**) to make a bylaw in respect of a cemetery under Council control for a variety of purposes, including specifications for graves and vaults; protection of buildings, monuments, lawns, shrubberies from damage; controlling or restricting the times for burials to be carried out; regulating the burial of ashes; and prescribing fees.
- 4 The Council has undertaken a review of the current bylaw to determine whether a replacement bylaw is required, and what regulatory / operational matters would be regulated. The review has involved Council staff attending operational meetings and discussions regarding the current bylaw, considering operational feedback from contractors, and researching how other local authorities operationally manage and share information regarding cemeteries in their districts.

PROPOSAL

- 5 The Council has determined that the current bylaw should be revoked, and replaced with the proposed Queenstown Lakes District Council Cemeteries Bylaw 2016 (**the proposed bylaw**). Key objectives of the proposal include: to simplify and modernise the existing regulation of Council cemeteries, to improve public understanding of

services offered at Council cemeteries and the rules applicable to accessing those services, and to provide relevant information to the public in an accessible format.

- 6 Key components of the proposed bylaw include:
 - a. The power for the Council to adopt a Cemeteries Handbook detailing key information, including operational requirements and technical standards for Council cemeteries.
 - b. Prohibit certain potentially harmful activities within Council cemeteries (eg. preventing persons from carrying out unauthorised interments, interrupting funeral processions, or causing nuisances).
 - c. Require permission from Council to be sought to authorise particular activities in Council cemeteries, such as promotional activities or commercial photography of funeral processions.
 - d. Clarifying the role and appointment of sextons and cemetery administrators, who are involved in operating Council cemeteries.
 - e. Require permission from Council to be sought to authorise monumental masonry work at Council cemeteries.

- 7 During the review, Council officers have prepared a draft Cemeteries Handbook, which could be adopted by the Council if the proposed bylaw goes into effect. The Council is also seeking public feedback on a draft proposed Cemeteries Handbook as part of this consultation.

TIMETABLE FOR CONSULTATION

- 8 The following dates represent the key times in the consultation programme:
 - a. Council resolves to undertake public consultation regarding the proposed bylaw– 15 December 2016.
 - b. Advertisement in Otago Daily Times, Southland Times, Mirror and Wanaka Sun – between 21 and 24 December 2016.
 - c. Submissions close on at 5pm on 3 February 2017.
 - d. Submissions heard by a subcommittee of Councillors and a copy of the bylaw sent to the Minister of Health in accordance with s17(1) of the Act (between 13-17 February 2017).
 - e. Council considers outcome of consultation process. Adoption of Queenstown Lakes District Cemeteries Bylaw 2016 – 9 March 2017.
 - f. Public notice of final decision (if Council resolves to adopt the bylaw) – 15 March 2017

- 9 The Bylaw comes into effect subject to the above.

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

- 10 Copies of this Statement of Proposal and the proposed Bylaw may be inspected, and a copy obtained, at no cost, from:
 - a. either of the Council offices at 10 Gorge Road, Queenstown or the Wanaka Service Centre, 47 Ardmore Street, Wanaka;
 - b. any Council library within the Queenstown Lakes District; or

- c. the Council website – www.qldc.govt.nz

RIGHT TO MAKE A SUBMISSION AND BE HEARD

- 11 Any person or organisation has a right to be heard in regard to this proposal and the Council encourages everyone with an interest to do so.
- 12 The Council would prefer that all parties intending to make a submission:
- go to the Queenstown Lakes District Council Website: www.qldc.govt.nz or
 - post their submission to: Regulatory Department, Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348.
- 13 Submissions must be received by **Friday 3 February 2017**. The Council will then convene a hearing, which it intends to hold between **Monday 13 February and Friday 17 February 2017** at which any party who wishes to do so can present their submission in person. The Council will give equal consideration to written and oral submissions.
- 14 The Council will permit parties to make oral submissions (without prior written material) or to make a late submission, only where it considers that special circumstances apply.
- 15 Every submission made to the Council will be acknowledged in accordance with the LGA 2002, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.
- 16 Section 82 of the LGA 2002 sets out the obligations of the Council in regard to consultation and the Council will take all steps necessary to meet the spirit and intent of the law.

MAKING AN EFFECTIVE SUBMISSION

- 17 Written submissions can take any form (e.g. Email, letter). An effective submission references the clause(s) of the draft Bylaw you wish to submit on, states why the clause is supported or not supported and states what change to the clause is sought.
- 18 Submissions on matters outside the scope of the Bylaw cannot be considered by the Hearings Panel.

Mike Theelen
CHIEF EXECUTIVE

APPENDIX 1 - Proposed Queenstown Lakes District Council Cemeteries Bylaw 2016

APPENDIX 2 - Proposed Cemeteries Handbook

APPENDIX 3 - Current Queenstown Lakes District Council Cemeteries Bylaw 2010