

Open Meeting

To	Waikato District Council
From	Clive Morgan General Manager Community Growth
Date	23 September 2019
Prepared by	Melissa Russo Corporate Planning Team Leader
Chief Executive Approved	Y
Reference #	GOV1301 / 2358318
Report Title	Adoption of Cemeteries Bylaw

I. EXECUTIVE SUMMARY

This report seeks adoption of the proposed amendment to Clause 6.2 of the Cemeteries Bylaw (Bylaw), allowing the pre-purchasing of plots to occur at any time, following the public consultation that occurred under Section 82 of the Local Government Act 2002 (Act).

Submissions on the proposed Bylaw were open between 21 August and 22 September 2019. During that time 20 submissions were received, 19 of which supported the proposed changes. Although the consultation was open to the community at large by way of a submission form on our website, funeral directors and monumental masons were specifically targeted. The main reason identified by submitters for supporting the proposed amendment was to provide greater certainty for family members to be buried together.

The submitter that did not support the changes wanted provisions for a crematorium in the Tuakau cemetery. Provisions within the Bylaw are not needed to build a crematorium in a cemetery.

2. RECOMMENDATION

THAT the report from the General Manager Community Growth be received;

AND THAT Council approve the following amendment to clause 6.2 of the Cemeteries Bylaw:

Any person is entitled to purchase an exclusive right of burial for no more than two plots. ~~Any relative of a person who has bought such right may purchase two adjacent plots at the time of burial only.~~

3. BACKGROUND

The Bylaw includes Clause 6.2 which restricts the pre-purchasing of plots to be able to occur at the time of burial of a relative only. A review of the Bylaw took place in 2016 and, as a result, informal feedback was received from the public regarding this clause.

A workshop with Council was held in late 2018 whereby the issue was discussed and an amendment to Clause 6.2 was suggested, allowing the pre-purchasing of plots at any time up to a maximum of two plots. The proposed amendment to clause 6.2 are shown in the paragraph below.

6.2 Any person is entitled to purchase an exclusive right of burial for no more than two plots. ~~Any relative of a person who has bought such right may purchase two adjacent plots at the time of burial only.~~

Council approved consultation on the proposed amendments to Clause 6.2 of the Bylaw to occur under section 82 of the Act at their meeting in August.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

The adoption of the proposed amendment to Clause 6.2 of the Bylaw, as consulted on under Section 82 of the Act, are being sought from Council.

During the consultation period that occurred between 21 August and 22 September 2019, 20 submissions were received, 19 of which were in support of the proposed amendment. The main reason identified by submitters for supporting the proposed amendment was to provide greater certainty for family members to be buried together. The summary of submissions is attached to this report.

4.2 OPTIONS

1. Adopt the proposed amendment to Clause 6.2 of the Bylaw. This is in line with the discussions at the Council workshop and all 20 submissions received.

This option is recommended.

2. Not adopt the proposed amendment to Clause 6.2 of the Bylaw. This would not be in line with the discussions at the Council workshop and would go against all 20 submissions received.

This option is not recommended.

5. CONSIDERATION

5.1 FINANCIAL

There are no financial implications of adopting the proposed amendment.

5.2 LEGAL

If it wishes to allow people to pre-purchase of plots at any time, Council must adopt the proposed amendment to the Bylaw.

There are no other legal considerations.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

The proposed amendment aligns with our Cemetery Strategy 2015-2045 in managing the demand on space within our cemeteries.

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

Highest levels of engagement	Inform <input checked="" type="checkbox"/>	Consult <input checked="" type="checkbox"/>	Involve <input type="checkbox"/>	Collaborate <input type="checkbox"/>	Empower <input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	Funder director and monumental masons were contacted via email or letter to notify them of the proposed amendments and encouraging them to make a submission. All submitters will be notified of the Council's decision.				

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
	Y		Internal
			Community Boards/Community Committees
			Waikato-Tainui/Local iwi (provide evidence / description of engagement and response)
			Households
		Y	Business
Y		Y	Submitters

6. CONCLUSION

The report seeks Council's approval to amend Clause 6.2 of the Bylaw following a period of public consultation that occurred between 21 August and 22 September 2019. During that time 20 submissions to the Bylaw were received, with all but one supporting the proposed change and the other not opposing it.

7. ATTACHMENT

Summary of Submissions

Summary of Submissions

First Name	Surname	Support the proposed amendments	Comments
Megan	Graham' Vanlieshout	Yes	<p>I am writing this letter in the hope that this bylaw could be changed. I have grown up in Tuakau all my life and am one of the Graham's from Graham's Franklin Funeral Services. My great grandparents, grand parents, many family members and friends and also my husbands mother (our children's Oma) are all buried in the Tuakau Cemetery. We visit this cemetery very regularly to see all the people that mean so much to myself and my family. Our children have been coming with us to this cemetery all of their lives and it is a very special for all of us.</p> <p>My parents have a plot at this cemetery also and it would mean so much to my husband and I if we too, could purchase a plot there.</p> <p>It is somewhere we hope our Graham Family generations can visit for many many years ahead. We have no affinity to the new proposed cemetery at Ridge Road, that would mean nothing to our kids to have us buried there, as Tuakau Cemetery is where we have spent such a lot of family time together over the years.</p> <p>I am only 48 years old but visit 5 of my close friends that grew up with me in Tuakau there too. It's a very special place for me.</p> <p>I am also a funeral celebrant and spent a lot of my work time up there too.</p> <p>Please consider the amendment change....some people value a boat, a beach house or a flash house. My husband and I value purchasing a plot for the future of our children being able to visit all the generations of our family together. That would mean the world to us, over a lot of other things.</p> <p>Thank you for your consideration</p>
Bruce	Camern	No	<p>I support the overall cemeteries by law. What is missing is any reference to the accomodation of a crematorium on a WDC cemetery site. This applying more specifically to the new cemetery for Tuakau. I am not sure if this is the correct by law to address this issue but there needs to be allowance for a crematorium to be built on the cemetery land be it council owned (preferably not) or a joint venture or built by a private business and pays a lease or some such arrangement.</p>
Dianne and Peter	Glenie	Yes	<p>Trying to plan ahead. Family live around this area so makes sense to get a plot in this area. The bigger cemeteries are so much dearer making it harder for the future generations to be able to have family plots. Think making plots smaller makes sense.</p>
Details	withheld	Yes	<p>I believe at the time of a bereavement the family has enough to deal with. Allowing family to pre-purchase a plot is one least task that they need to deal with. Please keep my details private. Thanks</p>
Jessica	Steiner	Yes	<p>Absolutely. It no longer is a tapu subject to discuss, the whanau talk about it all the time, and feel should the funds be available, we should be able to pre-purchase plots anytime to ensure whanau is kept together! The chnage of the bylaw will allow whanau to move forward with future planning.</p>
Debra	Bell	Yes	<p>The ability to pre-purchase pots at any time is supported as this allows family members to choose plots together within a cemetery.</p>

Summary of Submissions

Vikki	Barton	Yes	9.1 Ashes can be buried and put on top of a deceased body? Can I have clarification.
Gary	Poata	Yes	My Family are buried there and had prebooked plots well prior to their passing. Change that ridiculous bylaw to suit us that want to preplan to rest beside our families and easier preplanning for the community
Marlana	Maru	Yes	A person should be able to pre purchase a cemetery plot at any time, not just before burial. This provides some assurance of burials within kinship groupings which therefore provides peace of mind. Securing a plot as part of planning and preparing for end of life is important to many individuals and families.
Susanne	Markham	Yes	I would like to purchase a plot next to a loved one but
Taelah	Keighley	Yes	I want it changed so I can reserve a plot
Lex	Denby	Yes	The will allow loved ones to be interred together, not scattered around the cemetery as is the current situation.
Jahna	Deacon	Yes	I support the change as it allows families to be buried together.
Barbara	Tumai	Yes	I believe the general public should be able to pre-purchase a plot in our local cemeteries. The right to pre-purchase 2 only plots should remain the same so as to be fair to all persons. I also believe the council must benefit to some degree financially with this amendment. Most people do not pre-pay until they are in their latter years. So the annual increase in costs for the plots will remain the same in the long term, some finance will readily available for maintenance etc.
Faith	Denby	Yes	Now the elderly mother who wants to be buried next to her sons in the Jackson Street cemetery can buy the plot next to them and she can now be reassured in this life that in the next life, she is where she wants to be Now the elderly couple who have been married a life time can choose where they want to be buried, whether its together or side by side, they now have a choice. Peace of mind in this life time and the next. This act must change!
Natalie	Davis	Yes	I have deceased family members who i want to be buried beside or close too but because of the law now this will not be possible as the plots around them have been filled. I would love to be able to purchase my plot now by them. Would like to be able to buy upto 4 rather than 2.
Jenny	Kelly	Yes	
Jude	Silich	Yes	
Helen	Moulden	Yes	I am 2nd generation Huntly born and bred and I hope that, when the time comes, I will be buried in the town I was born in and lived in. The way things are going there will not be any plots left for Huntly people.
Cristine	Taoho	Yes	I believe we should be allowed to purchase a plot at any time.