

Ture ā-Rohe mō ngā Urupā 2025 | Cemeteries Bylaw 2025

Tauākī Tūtohu | Statement of Proposal



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Kupu Whakataki | Introduction

Matamata-Piako District Council (Council) are proposing a Cemeteries Bylaw (Bylaw); (previously Public Amenities Bylaw) which is made in accordance with the Local Government Act 2002 (LGA) and the Burial and Cremation Act 1964. The current Public Amenities Bylaw is largely made up of clauses for cemeteries but also includes some clauses for other public amenities. The clauses not related to cemeteries have been included in the Community Safety Bylaw where required as these two bylaws previously addressed similar issues.

The purpose of the draft Cemeteries Bylaw is to:

- a) enable the Council to facilitate the safe, orderly and efficient management of cemeteries under the ownership or control of the Council; and
- b) minimise the potential for offensive behaviour in cemeteries under the ownership or control of the Council.

The Bylaw addresses aspects including, but not limited to: burials, installation and maintenance of monuments, safety and work practices, vehicles, animals, behaviour and nuisance. It also sets out the offences and penalties that may apply to this Bylaw.

Ngā Take mō te Tūtohutanga | Reasons for the proposal

Council has identified several issues that would benefit from having a bylaw. These include the need to:

- protect the public from nuisance;
- protect, promote, and maintain public health and safety;
- minimise the potential for offensive behaviour.

Addressing these issues through a bylaw provides a clear framework to manage activities in our cemeteries effectively, ensuring that these spaces remain safe and respectful for everyone.

The draft Cemeteries Bylaw sets out the rules we have in place for cemeteries under the ownership or control of Council as provided for in the LGA and the Burial and Cremation Act 1964.

Ngā Urupā i Matamata-Piako | Cemeteries in Matamata-Piako

In Matamata-Piako, there are six cemeteries throughout the district. These are:

- Matamata Cemetery - Peria Road, Matamata;
- Piako Lawn Cemetery - Seales Road, Morrinsville;
- Te Aroha Cemetery - Stanley Road South, Te Aroha;
- Maukoro Cemetery - Old Hill Road, RD 3, Morrinsville (limited number of plots available);
- Old Morrinsville Cemetery - Thames Street, Morrinsville (this cemetery is closed except for already purchased plots);
- Waharoa Cemetery - Dunlop Road, Waharoa (this cemetery is closed).

Te mānuka e kawea ake ana | What we're proposing

Ngā panonitanga e tūtohuhia ana | What we're proposing to change

Option 1: Adopt the draft Bylaw as proposed to the community

- The draft Cemeteries Bylaw has been structured to relate to cemeteries only with reference to other public amenities moving to the draft Community Safety Bylaw. A standalone Cemeteries Bylaw ensures clearer, more focussed regulations, making it easier for the public to find, understand, and comply with cemetery-specific rules.
- Applicable definitions have been added/amended from the Council's Introductory Bylaw 2020 to ensure this Bylaw can 'stand alone'.
- Explanatory notes have been added to assist in understanding and to provide context to the reader. They do not form part of the draft Bylaw and can be updated at any time without formality.
- Clarity has been added to ensure breakable receptacles (for flowers etc.) shall not be allowed and noting the responsibilities of the holder of an exclusive right of burial in maintaining any memorials, etc. This provides for more efficient maintenance of the cemetery and ensure the amenity is maintained.
- Safety of persons and property has been strengthened; including vehicle safety to ensure that cemeteries are safe sites at all times, particularly during a funeral or burial.

Ētahi atu kōwhiringa me whakaaro ake | Other options we could consider

Option 2: Status Quo – Keep the current Public Amenities Bylaw as is without any amendments

Advantages +	Disadvantages -
The current Public Amenities Bylaw is already in place and some may be familiar with the current provisions.	The current Public Amenities Bylaw covers a number of public amenities together and there is duplication with the current Public Safety Bylaw.

Option 3: Adopt the draft Cemeteries Bylaw with further amendments.

Note that further community consultation may be required if the changes are significant.

Advantages +	Disadvantages -
The draft Cemeteries Bylaw can be updated as proposed with further amendments following formal consultation.	No disadvantages identified.

Option 4: Revoke the current Public Amenities Bylaw and do not adopt the draft Cemeteries Bylaw

Advantages +	Disadvantages -
Eliminates the need for statutory reviews which may result in cost and efficiency savings.	There would no legally enforceable Council rules around cemeteries which may lead to increased health and safety risks.
	Behaviour and activities that impact public safety within cemeteries may increase.
	The community may view revocation as a reduction in service quality or commitment to maintaining safe and welcoming cemeteries
	Council may face more challenges managing behaviour and/or maintaining standards in our cemeteries without enforceable rules.
	Loss of enforcement tool - bylaws often act as a deterrent and without them, Council will not be able to respond as effectively to community concerns/complaints.
	Revoking the Public Amenities Bylaw without adopting the draft Cemeteries Bylaw may leave the Council out of step with other councils that maintain similar bylaws with regards to the operation and maintenance of cemeteries.

Ngā Whakaarotanga ā-Ture | Legal Considerations

The LGA empowers Council to make bylaws on a diverse range of subjects. Some other Acts also empower Council to make bylaws on specific topics.

Bylaws are broadly made to cover one or more of the following purposes:

- to protect the public from nuisance;
- to protect, promote, and maintain public health and safety;
- to minimise the potential for offensive behaviour in public places.

The LGA prescribes a procedure for making and reviewing bylaws. Under section 155 of the LGA, the Council must determine whether a bylaw:

- is the most appropriate way of addressing the perceived problem;
- is the most appropriate form of the bylaw; and
- gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Is a bylaw the most appropriate way of addressing the perceived problem?

A bylaw is an appropriate way for Council to regulate cemeteries as it states the rules the public should follow to contribute to safe and healthy communities and spaces for the community to pay their respects.

Including rules for cemeteries within a Bylaw has several benefits:

- provides clarity as to what is expected of the public and Council;
- provides guidance to help avoid ad hoc decisions;
- is applicable to all users of cemeteries;
- the rules are legally binding;
- the enforcement provisions help ensure compliance.

The draft Cemeteries Bylaw seeks to balance the rights and freedoms of individual behaviours with the benefits to the community of some rules and regulations to improve the amenity and safety of cemeteries.

A bylaw addressing cemetery maintenance, behaviour and amenity is the most appropriate way of addressing the perceived problems, as it provides an effective tool for Council to regulate standards for the health and wellbeing of the community.

Is the draft Bylaw the most appropriate form of bylaw?

The draft Cemeteries bylaw is the most appropriate form of bylaw because it:

- deals with the identified problems (problems identified through research and early engagement);
- is clear and easy to understand – this has been achieved through the use of explanatory notes;
- meets the Council's obligations under the LGA, Burial and Cremation Act 1964 and other relevant legislation and standards;
- helps Council to achieve its Community Outcomes;
- is consistent and does not replicate other Council documents including bylaws, policies, strategies and plans and the District Plan;
- allows for exceptions and special circumstances;
- is enforceable under legislation and able to be administered efficiently and effectively, supported by Council's Enforcement Policy;
- is within the legal power of the Council to make bylaws under section 145 of the LGA and complies with all relevant legislation and regulations.

Is the draft Bylaw consistent with the New Zealand Bill of Rights Act 1990?

The draft Cemeteries Bylaw is within reasonable limits on the rights and freedoms set out in the New Zealand Bill of Rights Act (NZBoRA). Therefore, it has been determined that the draft Bylaw does not give rise to any implications under the NZBoRA.

The draft Bylaw imposes certain restrictions on behaviours, such as causing a nuisance or annoyance or interfering or interrupting a funeral service or ceremony and it is considered that these are essential rules to ensure the safe and respectful use of cemeteries.

The rules and measures proposed are proportionate and necessary to maintain public order, protect Council assets, and ensure that cemeteries are safe and well maintained for the community.

Ētahi atu mōhiohio | More information

For more information about this proposal, and to see what else we are seeking feedback on go to mpdc.nz/letstalk

He kōrero whakahoki | Feedback

Whether you agree, disagree or you have suggestions we want to hear from you!

Please be aware that feedback made to Council is public information. Your feedback will be used and reproduced for purposes such as reports to Elected Members, which are made available to the public.

You can drop your feedback form into any of our Council offices or libraries.

Me pēhea te tuku urupare | How to give your feedback

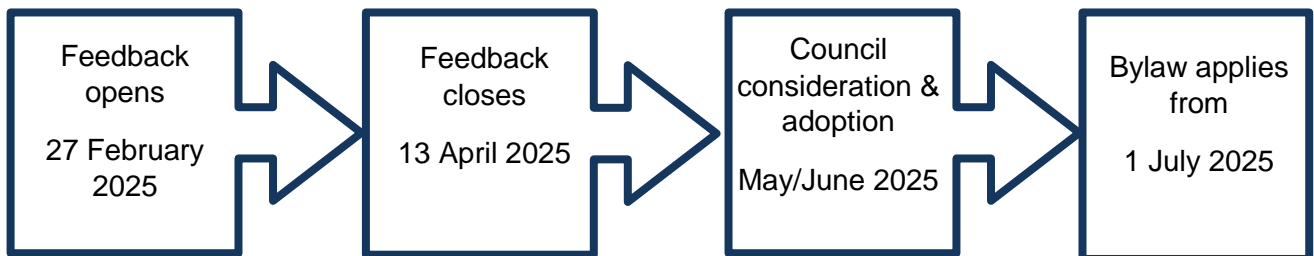
🖨️ Online: To fill out the online form click [here](#).

📬 Mail to: Matamata-Piako District Council, PO Box 266, Te Aroha 3342

✉️ Email: info@mpdc.govt.nz

👤 In-person: You can drop your feedback form into any of our Council offices or libraries.

Key dates



Puka whakahoki kōrero | Feedback form – Draft Cemeteries Bylaw

Please provide your feedback by 13 April 2025

Name/Organisation: _____

For individuals please simply write name/names, for organisations please write the full organisation name

Email: _____ **Phone:** _____

Address: _____

Town: Matamata Morrinsville Te Aroha Other: _____

Age: Under 18 18–24 25–34 35–44 45–64 65–74 75+

Would you like to speak to the Mayor and Councillors about your feedback?

Feedback can be provided in person or via video on Wednesday 7 May 2025 (and Thursday 8 May if required).

Yes No

Privacy statement: Please be aware that feedback made to Council is public information. Your feedback will be used and reproduced for purposes such as reports to Elected Members, which are made available to the public.

Draft Cemeteries Bylaw:

1) Which of these options do you support?

Proposed option: Adopt the draft Cemeteries Bylaw

- The Bylaw would be amended as proposed to reflect current issues and early community engagement.

Option 2: Status Quo

- Keep the current Bylaw Public Amenities Bylaw as is without any amendments.

Option 3: Adopt the draft Cemeteries Bylaw with amendments

- The Bylaw can be updated as proposed with further amendments as suggested by the community.
Note that further community consultation may be required if the changes are significant.

Option 4: Revoke the current Public Amenities Bylaw

- Revoke the current Public Amenities Bylaw and do not adopt the draft Cemeteries Bylaw as proposed.

Option 5: Other

Additional Comments to support the option chosen above:

Is there anything else you would like us to consider in regard to the management of Council owned and operated cemeteries?

Please provide any further comments below

Please provide your feedback by 13 April 2025