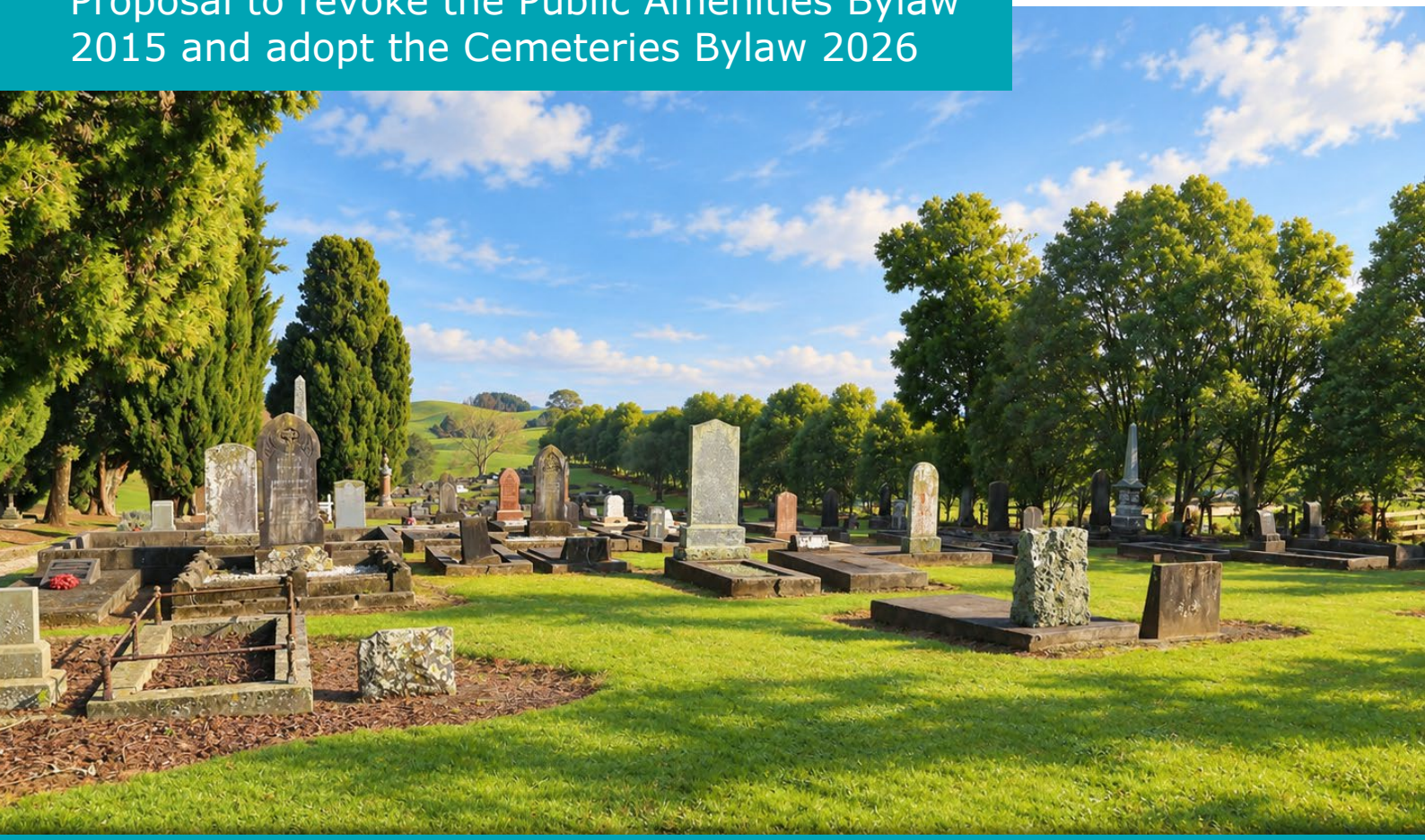
Waitomo District Council

# STATEMENT OF PROPOSAL

## Proposal to revoke the Public Amenities Bylaw 2015 and adopt the Cemeteries Bylaw 2026



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## PURPOSE

Waitomo District Council's (Council) vision for our District is "Te hanga tahi o tātou Takiwa – Shaping our District together". Council's bylaws support this vision and contribute to the safety and wellbeing of our communities.

The purpose of the proposed Cemeteries Bylaw 2026 is to provide for the safe, orderly and efficient management of cemeteries owned or controlled by Council.

The proposed Bylaw sets out the requirements relating to burials and interments, burial plots, memorials and other structures, activities within cemeteries, and the ongoing maintenance of cemeteries.

*This Statement of Proposal has been prepared to fulfil the requirements of sections 83 and 87 of the Local Government Act 2002.*

## BACKGROUND

The Public Amenities Bylaw 2015 was reviewed by Council in 2026.

As part of the review, Council identified that most of the provisions in the Public Amenities Bylaw are more appropriately addressed through the Public Places Bylaw 2023 or the Library Management Policy. This leaves only those provisions relating to the management of Council cemeteries. Council is therefore proposing to revoke the Public Amenities Bylaw 2015 and replace its cemetery-related provisions with a standalone Cemeteries Bylaw 2026.

The proposed Bylaw has been prepared under the Local Government Act 2002, the Burial and Cremation Act 1964 and the Reserves Act 1977. It will apply to all cemeteries vested in or controlled by Council.

## REASON FOR PROPOSAL

A standalone Cemeteries Bylaw will provide a clearer and more accessible regulatory framework for the management of Council cemeteries.

The cemetery provisions carried forward from the Public Amenities Bylaw 2015 have also been reviewed and updated to reflect current practices, improve clarity and use more appropriate language.

# WHAT COUNCIL IS PROPOSING

Council is seeking community feedback on the proposed withdrawal of the Public Amenities Bylaw 2015 and the proposed new Cemeteries Bylaw 2026.

Council is proposing to:

- revoke the Waitomo District Council Public Amenities Bylaw 2015; and
- adopt the Waitomo District Council Cemeteries Bylaw 2026.

The proposed Bylaw retains the cemetery management provisions of the Public Amenities Bylaw 2015 while updating their structure, language and content.

If adopted, the Cemeteries Bylaw 2026 will come into force on the date specified in Council's adoption resolution.

### The principal changes proposed are:

- **Requirement to purchase an Exclusive Right of Burial:** The proposed Bylaw makes it clear that, except for a publicly funded interment involving a person without means, a burial cannot take place until an Exclusive Right of Burial has been purchased. An Exclusive Right of Burial provides the right to inter human remains in a specified burial plot but does not confer ownership of the land.
- **Clearer burial application process:** The proposed Bylaw clarifies the requirements for applying for an interment, purchasing a burial plot and obtaining a Burial Warrant before a burial can proceed.
- **Updated provisions for people without means:** The existing reference to the burial of a "poor person" has been replaced with the more modern and respectful term "person without means". The proposed Bylaw also updates the process for establishing eligibility for a publicly funded interment. This includes confirmation that the deceased did not leave sufficient means to meet the prescribed fee, that the burial is not covered by an Accident Compensation or government entitlement or subsidy, and that relatives and friends are unable or unwilling to meet the cost.
- **Removal of the 'out of district fee':** Burials for non-residents are uncommon, and the standard interment fee already covers the direct costs involved. Removing the additional out-of-district fee is expected to have little overall impact and would bring our approach more in line with neighbouring councils.
- **Approval required for cemetery work:** The proposed Bylaw clarifies that only a person approved or authorised by Council may install or repair a memorial or concrete base, or undertake other construction or repair work within a cemetery. This is intended to help ensure that work is carried out safely and to an appropriate standard.
- **Improved layout and language:** The Bylaw has been reorganised and its language updated to improve readability, consistency and clarity. Outdated terminology has been replaced where appropriate, while retaining terminology required by legislation.

## LEGISLATIVE FRAMEWORK

The proposed Cemeteries Bylaw 2026 is prepared under the Local Government Act 2002, the Burial and Cremation Act 1964 and the Reserves Act 1977.

Under section 160 of the Local Government Act 2002, Council must review its bylaws and make the determinations required by section 155. These include determining whether a bylaw is the most appropriate way of addressing the identified issues, whether the proposed bylaw is in the most appropriate form, and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA).

Our assessment of this proposed bylaw is that there are no implications under the NZBORA. Details of this Council determination can be found on our Council website here: **www.waitomo.govt.nz/media/tv2nnm1t/council-agenda-2026-08-25-file-1.pdf**

As Council is proposing to revoke and replace (in part) the Public Amenities Bylaw 2015, the applicable consultation requirements are set out in section 156 of the Local Government Act 2002. The consultation process being followed presents the proposal for community submission including the opportunity to speak to Council at a public Hearing.

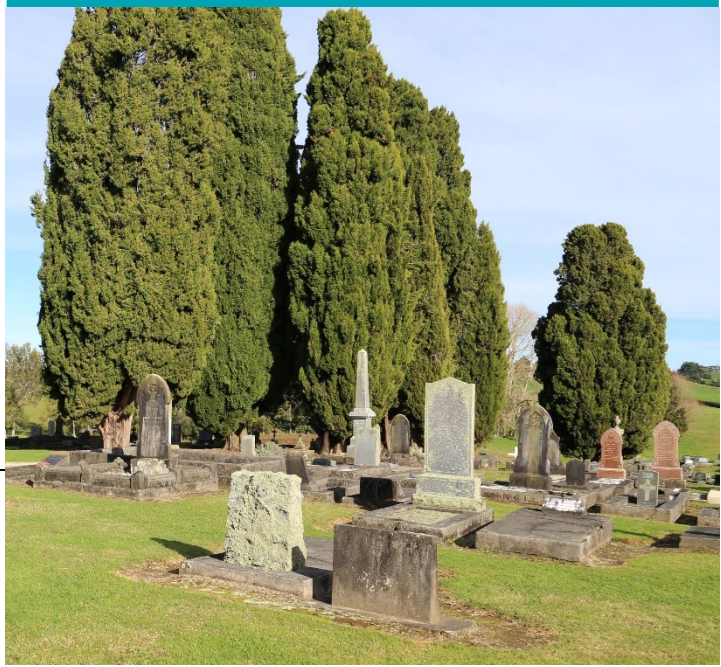
The proposed Bylaw operates alongside other relevant legislation, Council bylaws, reserve management plans and the Waitomo District Plan. It does not limit or override obligations or restrictions imposed under those instruments.

## HAVE YOUR SAY

Please read this Statement of Proposal and the proposed Cemeteries Bylaw 2026 and let us know what you think.

## KEY DATES

| | |
|---|---|
| 1 October 2026 | Submissions open |
| 31 October 2026 | Submissions close |
| 17 November 2026 | Hearings (should people wish to speak to their submissions) |
| 24 November 2026 | Deliberations & Adoption – Council discusses feedback from the community and changes are agreed to if appropriate. |
| 24 November 2026 | Council adopts the final Bylaw. |



# Submission Form

**Proposal to revoke the Public Amenities Bylaw 2015 and adopt the Cemeteries Bylaw 2026**

Sub No. ☐

*For office use only*

**Submissions Close 31 October 2026**

You can share your views by:

- Completing this submission form and returning it to us by:
  - Visiting our Customer Service & Visitor Hub on Rora Street, Te Kuiti
  - emailing it to: haveyoursay@waitomo.govt.nz (scan and pdf or take a photo)
  - Posting to: FREEPOST 112498, Waitomo District Council, PO Box 404, Te Kuiti 3941
- Visit our website: www.waitomo.govt.nz/council/haveyoursay/ and fill in an online submission form

| | |
|---|---|
| **Full Name** | |
| **Organisation** *(if responding on behalf of)* | |
| **Phone** (home/mobile) | |
| **Address** | |
| **Postcode** | |
| **Email** | |

*The Local Government Act 2002 requires submissions to be made available to the public. Your name and/or organisation will be published with your submission and made available in a report to elected members and to the public. Other personal information supplied (such as address / email address) will be removed from the public copy.*

---

**I wish to speak to Council about my submission.** **Yes** ☐ **No** ☐

*(Hearings are scheduled for **17 November 2026**. We will contact you to arrange a time.)*

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## YOUR FEEDBACK on the Proposal to revoke the Public Amenities Bylaw 2015 and adopt the Cemeteries Bylaw 2026

Do you agree with this proposal to revoke the Public Amenities Bylaw 2015 and adopt the Cemeteries Bylaw 2026 and the updated definitions? **Yes** ☐ **No** ☐

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

| |
|---|
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| |

**DRAFT**

# Waitomo District Council

# Cemeteries Bylaw 2026

Waitomo
District Council

| | |
|---|---|
| **Adopted by:** | Council [date] |
| **Doc No:** | … (includes version number) |
| **Date of Next Review:** | 2031 |
| **Responsibility:** | GM – Community Services |
| **First Adopted:** | [date] |
| **Review History:** | This should include dates of the reviews - from first to the most recent. |

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## INTRODUCTION | KUPU ARATAKI

## TITLE | TAITARA

This Bylaw is the Waitomo District Council Cemeteries Bylaw 2026.

## COMMENCEMENT | TĪMATA

This Bylaw will come into effect once adopted by Council with the commencement date being part of the Council resolution.

Cemeteries were previously managed under the WDC General Bylaws 1993 as a separate chapter, a significant redrafting of bylaws in 2009 bought together public facilities, nuisances, cemeteries, and beaches as the Public Amenities Bylaw 2015. The Bylaw was next reviewed by Council in 2026. At that time it was determined that the majority of that Bylaw would be better contained within the Public Places Bylaw 2023 or the Library Management Policy, this left only the portion which related to the management of Council Cemeteries. The Public Amenities Bylaw was therefore revoked and the Cemeteries Bylaw 2026 created.

**Guidance note:**
This Bylaw comes into force on DATE by order of Council.
This Bylaw remains in force until DATE 2031, unless reviewed or repealed earlier.

## PURPOSE AND SCOPE | TE ARONGA ME TE KORAHI

This Bylaw is made under the Local Government Act 2002, the Burial and Cremation Act 1964, and the Reserves Act 1977.

The purpose of this Bylaw is to enable the Council to facilitate the safe, orderly and efficient management of Cemeteries under the ownership and control of the Council. The Bylaw outlines the processes which must be followed for burials, including plot purchases, erection of memorials and ongoing cemetery maintenance.

This Bylaw applies to all Cemeteries vested in Council.

Nothing in this Bylaw limits or affects any requirement, power or restriction under the Local Government Act 2002, the Reserves Act 1977, the Resource Management Act 1991, the Land Transport Act 1998, or any other enactment.

Where an activity or matter is regulated under another enactment, Council bylaw, a reserve management plan, or the District Plan, that legislation, plan or other regulatory instrument continues to apply and this Bylaw does not override it.

Areas of control so prescribed by the empowering legislation are not necessarily repeated within this Bylaw and therefore the relevant sections of these Acts should be read in conjunction with the Bylaw.

## DEFINITIONS | NGĀ WHAKAMĀRAMATANGA

In this Bylaw, unless the context otherwise requires, the following words have the meanings as specified:

| | |
|---|---|
| **Approved** | means approved by Council. ~~or by an officer of Council authorised in that behalf.~~ |
| **Authorised Officer** | means any person appointed or authorised by Council to act on its behalf and with its authority. |
| **Bylaw** | means a bylaw of the local authority for the time being in force, made under the provisions of any Act or authority enabling the local authority to make bylaws. |
| **Cemetery** | means any cemetery vested in or under the control of the Council from time to time. |
| **Council** | shall mean the elected members that form the governing body of the District Council. ~~means the Waitomo District Council.~~ |
| **Disinterment** | means the removal of a deceased human body or the removal of cremated human remains. |
| **Exclusive Right of Burial** | means purchase of a Burial Plot for the right to the owner to Inter human remains in a Burial space but does not constitute ownership of the land. |
| **Inter, Interred, or Interment** | means the Burial of a deceased human body in a Grave Plot or the Burial of cremated human remains in a cremation or Grave Plot. |
| **Monument** | means ~~the same as in Section 2(1) of the Burial and Cremation Act 1964.~~includes any tombstone, headstone, memorial, Tablet, plaque, kerbing, or other erection memorialising a deceased Person. |
| **Partner** | means a civil union partner or a de facto partner |
| **Person/Persons** | include a corporation sole and also a body of persons, whether corporate or unincorporated. |
| **Plaque Lawn Cemetery** | means a cemetery in which the surface is laid down as a grass lawn, no headstones project above the ground and which is declared to be such by Council. |
| **Sexton** | means ~~any person~~an authorised officer appointed by the Council to manage the day-to-day activities of any cemetery under its jurisdiction. Such activities include arranging for the provision of plots for burials. |
| **Tablet** | includes a plaque. |
| **Veteran** | has the same meaning as in the Veterans Support Act 2014 |
| **Working Hours** | means the hours specified by the Council during any working day when its offices shall be open to the public. |
| **Waitomo District Council (WDC)** | shall mean the organisation established to administer Council affairs, conduct operations, and bring effect to Council policy and strategies. |

Any guidance or explanatory notes do not form part of this Bylaw, and may be made, amended and revoked without formality.

Unless otherwise defined by clause 4, a word or expression used in this Bylaw has the same meaning as it has from time to time in the relevant legislation as covered by the Legislation Act 2019.

## 1. Application for Burials

1.1. Burials may be made in any Cemetery vested in Council, or under its control, and not officially closed.

1.2. Before a Burial may take place, an Application for Interment Form must be lodged with WDC using a specified form. An Exclusive Right of Burial must also be purchased prior to any burial occurring (section 2).

1.3. WDC is then able to issue a Burial Warrant which constitutes sufficient authority for the Burial to proceed. Following the Burial, the Sexton shall sign the certificate at the foot of the Warrant.

1.4. ~~Burials may be made in any cemetery for the time being vested in Council or under its control and not officially closed.~~

1.5. No B~~b~~urial shall be made in any C~~c~~emetery without a ~~b~~Burial W~~w~~arrant for that purpose, obtained from Council by the person having the management or control of the B~~b~~urial and presented to the ~~s~~Sexton as authority for B~~b~~urial.

1.6. No Burial ~~such warrant~~ warrant shall be issued until the fee for I~~i~~nterment has been paid. ~~provided h~~However, in the case of an I~~i~~nterment under the management or control of a funeral director, Council may waive the requirement for prior payment and charge the cost against the funeral director concerned on the basis of a monthly account, or such period as ~~Council~~ WDC decides.

1.7. ~~"Out of district fees" shall be payable as per the Policy set by Council from time to time.~~

1.8. ~~The burial warrant, when issued by Council, shall be sufficient authority for such burial, and after such burial the sexton shall sign the certificate at the foot of such warrant.~~

1.9. ~~Notification of the intended burial~~An Application for Interment Form shall, whenever possible, be ~~given to Council~~submitted at least 9 working hours prior to the time fixed for the funeral. Where an intended B~~b~~urial is to take place on a weekend or public holiday, whenever possible, WDC shall be given 12 working hours' notice ~~shall be given to Council~~. Outside of working hours, n~~N~~otification of an intended burial can be made to WDC~~o Council, outside working hours,~~ through the Council's afterhours service. No Burial shall take place until the W~~w~~arrant has been ~~delivered to Council~~issued.

## 2. Burial Plots: Exclusive Right of Burial

2.1. Burial Plots sold by Council ~~shall be sold upon~~are subject to the terms and conditions ~~as decided~~set ~~by~~by Council. ~~and t~~The E~~e~~xclusive ~~r~~Right of B~~b~~urial may be granted for a limited period as determined by Council. ~~such limited period as Council determines.~~

2.2. When reserving a Plot in advance, the Exclusive Right of Burial shall be granted to the purchaser of the Plot once WDC's requirements have been met and payment of the prescribed fees has been received.

~~2.1.~~2.3. Providing no Burials have taken place in the plot, an Exclusive Right of Burial may, with the consent of WDC, be transferred to any other person. A relevant administration fee will be charged. ~~Any purchaser or owner of the exclusive right of burial in any plot in which no burial have yet taken place, may, with the consent of Council, transfer his or her interest in such ground to any other person upon payment to Council of the relevant administration fee.~~

~~2.2.~~2.4. ~~No burial shall take place in any plot in respect of which the exclusive right of burial is held by another person unless such person has consented to such burial in writing.~~ No Burial

may take place in a plot without the written consent of the person who holds the Exclusive Right of Burial.

Guidance note:
Burial plots can be purchased either in advance or at the time of Burial. Pre-purchasing a Plot provides an Exclusive Right of Burial in a specific location.

## 3. Burial Plots: No Exclusive Right of Burial

3.1. Except where the Burial is for a person without means (clause 10) no Burial shall take place until an Exclusive Right of Burial has been purchased. ~~Where the exclusive right of burial has not been purchased, and where the human remains to be buriedBPWM are not that of a poor person as mentioned in clause 8.7 below, such burial shall take place only upon production to Council of a certificate by a relative of the deceased in the form prescribed by Council.~~

~~3.2. Such burial shall take place in such plot as Council shall determine and no fence or headstone shall be erected thereon unless the exclusive right of burial is purchased at a later date as provided for in clause 8.2.3 below.~~

~~3.3. Any friend or relative of a person so buried may, at any time within 2 years from the date of such burial or such extended time as Council sees fit, purchase the exclusive right of burial in such plot and exercise all the rights and privileges there anent.~~

## 4. Burial of Ashes

4.1. Upon application and payment of the prescribed fees, the receptacle or urn containing the Ashes of any deceased Person may be buried in the appropriate portion of the Cemetery set aside for that purpose, or in any Plot subject to an Exclusive Right of Burial having been first had and or purchased.

4.2. The minimum depth of cover for any receptacle or urn containing the Ashes of any deceased Person shall not be less than 400 millimetres. No more than four urns may be buried in any one Plot.

## 5. Provisions for all Interments

### Hours for Interments

5.1. Internments shall be held only on the days and times as set out below and not at another time, unless agreed upon by WDC: ~~No interment shall be held on any day except between the hours as set out below:~~

| 1 October – 31 March | | 1 April – 30 September | |
|---|---|---|---|
| **Day of week** | **Burial times** | **Day of week** | **Burial times** |
| Monday - Friday | 10.00am – 3.30pm | Monday - Friday | 10.00am – 2.30pm |
| Saturday | 10.00am – 2.00pm | Saturday | 10.00am – 2.00pm |

5.2. WDC must agree to and confirm the time for all burials with the funeral director.

### Sexton or Assistant Only to Dig Grave

5.3. No person other than ~~an authorised officer~~the Sexton or their ~~his~~ assistants, or any other person for the time being duly authorised by ~~Council~~ WDC, shall dig any grave ~~in,~~ or open the ground for B~~b~~urial in any part of any cemetery or fill in such grave after the ~~interment~~ burial has occurred. The minimum depth of cover over any coffin shall be 1m.

## ~~6. Interment Charges: Poor Persons~~

~~6.1. Where application is made to Council for the interment at reduced charges of any deceased poor person, the applicant shall, on making such application, furnish to the Council a certificate duly signed certifying that such deceased person has not left sufficient means to pay the ordinary charge of interment fixed by Council, and that his relatives and friends are unable to pay the same. Such certificate shall be in the form specified by Council.~~

### Publicly Funded Interments

5.4. Where an application is made to the Council for the Interment of a deceased Person whose Burial is unable to be privately funded due to a lack of means, the applicant shall provide an order signed by a Justice of the Peace, certifying that:

a) such deceased Person has not left sufficient means to pay the prescribed fee; and
b) the cost of Burial is not covered by an Accident Compensation or Government entitlement or subsidy; and
c) the deceased Person's relatives and friends are unable or unwilling to pay the same.

Explanatory notes:
The term "poor person" is used in section 49 of the Burial and Cremation Act 1964. In this Bylaw, we've used more modern and respectful wording to describe the same situation.

### Deceased ~~Servicemen~~Veteran

~~6.2.~~5.5. Only ~~those persons~~Veterans or their spouse or Partner ~~who have had war service or service which has been defined by the Minister of Veteran's Affairs as war service or that person's spouse or partner~~ may be buried in ~~a Servicemen's~~ the Returned and Services Association(RSA) section of the Te Kūiti Cemetery. This provision is subject to the condition that a spouse or Ppartner of a ~~serviceman or servicewoman~~Veteran may only be buried after the interment of the ~~serviceman or servicewoman.~~ Veteran.

~~6.3.~~5.6. Notwithstanding anything to the contrary contained in this ~~part of this~~ Bbylaw, the fee payable to ~~Council~~ WDC for the disinterment of any deceased ~~serviceman~~ veteran and the re-interment ~~thereof~~ in the ~~Wwar Ggraves~~RSA section of the Ccemetery by the Manatū Taonga Ministry for Culture and Heritage ~~War Graves Branch of the Department of Internal Affairs~~ may be agreed upon between the parties from time to time.

## 6. Enhancement of Plots

### Vaults

6.1. No vaults will be constructed in any Cemetery within the District without WDC's consent. Plans and specifications for the construction of any vault must be submitted to WDC for consideration. If approved, construction of the vault shall be to standards acceptable to WDC

~~6.4. No vaults will be constructed in any cemetery within the District without Council consent and plans and specifications for the construction thereof must be submitted to Council for consideration. If approved, construction of the vault shall be to standards acceptable to Council.~~

### Platforms and Berms

~~6.5.~~6.2. WDC may construct or cause to be constructed a continuous concrete platform or berm at ground level or below ground level as required. This shall be of a width suitable to maintain stability, ranging from 650mm (if underground set on solid sub-soil) to 1m (if flush with surface) on which base or platform foundation work for all Memorials will be placed. The cost of the platform shall be included in the purchase price of the Plot.

6.6.6.3. Unless permitted by WDC, concrete based work for all Memorials shall not stand higher than 450mm ~~u~~ above the highest point of the concrete berm or ground level, whichever is the higher, and shall be of a depth (front to back) of 650mm and shall, where required, allow insets for flower containers.

6.7.6.4. On surface berms (or platforms), a clear space of 150mm shall be maintained, both front and back of the Memorial foundation base.

**Monuments**

6.8. ~~No Monument shall be erected in any Cemetery unless the Exclusive Right of Burial has been granted and all the prescribed fees relating to the Burial have been paid in full.~~

6.9.6.5. No Monument shall be erected in any Cemetery unless prior Approval from WDC. Any Monument shall comply with the requirements of the Council.

6.10.6.6. The installation or repairs of any Monument or concrete base shall be carried out by an Approved ~~monumental mason~~Person and to the satisfaction of WDC. In constructing bases and in erecting memorials, the adjoining roads, paths or allotment shall not be damaged.

6.7. No erected Memorial shall, at the head of the plot, be wider than 1m in the case of a single plot, or 2m in the case of a double width (family) Plot.

6.11.6.8. Unless permitted by WDC, no erected memorial shall, at the head of any plot, be higher than 450mm.

6.12.6.9. All Monuments shall be installed to the New Zealand Standard for Headstones and Cemetery Monuments NZS 4242:2018 and kept in good order or repair by the purchaser of the Plot or their Agent.

6.13.6.10. No erected memorial shall be of any other material than granite, or similar material approved by Council. Concrete shall be finished in white cement only with no colours added.

6.14.6.11. In constructing bases and in erecting memorials, the adjoining roads, paths or allotment shall not be damaged.

6.15.6.12. No bricked or walled-in graves will be constructed in a berm or garden cemetery.

6.16.6.13. Statuary may be permitted within a memorial park cemetery subject to any conditions and requirements of Council.~~Unless permitted by WDC, no erected memorial shall, at the head of any plot, be higher than 450mm. Such Memorial shall comply with sound engineering principles and shall be aesthetically acceptable to the controlling authority. The plans of such memorial shall be submitted to, and approved by the local authority before the erection of any such memorial be permitted.~~

## 7. Plaque Lawn Cemeteries: Structures, Plaques, Tablets and Flowers on Plots

7.1. In any plaque lawn cemetery no person shall:

(a) Erect any kerb, railing, fence, building, or other structure on or around any single plot or part thereof.

(b) Construct or place any ~~tombstone, headstone~~, monument or structure upon any plot in such manner that any part will project above the level of the ground immediately adjoining; or

(c) Install or place any ~~memorial plaque,~~ memorial Ttablet or other thing on any plot without the prior permission in writing from WDC, and subject to compliance with the following conditions:

(i) Any such memorial~~,~~ Ttablet ~~or memorial plaque~~ shall consist of ~~a~~ permanent material as may be approved from time to time by WDC.

(ii) Such ~~t~~Tablet ~~or plaque~~ shall be of an approved size and set in any approved position in an approved manner.

(iii) All lettering and names of persons buried in each plot shall be placed on the one tablet or plaque.

7.2. No person shall plant anything on any plot, but during a period of 30 days following interment, or other period approved by WDC, any wreath or other floral tribute may be placed on a plot and shall be removed at the expiration of such period.

7.3. After expiry of 30 days or such extended period approved by ~~Council~~WDC no person shall place any floral tribute except flowers and foliage on a plot in a special receptacle of an approved type.

7.4. The special receptacle referred to above shall be installed adjoining any tablet or plaque on the side nearest the head of the plot and every part of such receptacle shall be 50mm or more below the level of the adjoining ground surface.

7.5. The sexton may remove damaged receptacles or receptacles of a type not approved by Council, and may also remove dead flowers and dead foliage at any time.

## 8. Disinterment

8.1. Where WDC receives an application for a D~~d~~isinterment ~~is received by Council~~, the disinterment shall be conducted pursuant to sections 51 and 55 of the Burial and Cremation Act 1964 and subject to the payment of the relevant fees.

## 9. Soliciting of Orders

9.1. No one may advertise, promote, or ask for business in a cemetery. This includes offering or selling services, products, or materials that are intended to be used in the cemetery.

9.2. No one may accept an order or agreement for such services or products while in the cemetery, unless the plot owner or their representative has specifically asked them to do so.

~~9.1. No person shall advertise or solicit any order or custom from any other person, in any cemetery, for any work whatsoever to be done or in connection with any cemetery, or for the sale, preparation, or supply of any article, material, or thing to be set up, affixed, placed or used in any cemetery.~~

~~9.2. Except at the specific request of a purchaser of plot or their representatives or assigns no person shall, in any cemetery, accept or take any such order or custom as aforesaid.~~

## 10. Vehicles

10.1. Vehicles may be driven into a Cemetery during the day, but between sunset and sunrise n~~N~~o person shall take any vehicle of any kind into any cemetery, unless approved by WDC. ~~except between the hours of sunrise and sunset, or at such time as Council approves~~.

10.2. Unless authorised by WDC, vehicles shall only be driven within a Cemetery on roads open for vehicular traffic. ~~No person in control of any vehicle shall drive on any part of any cemetery except the roads open for vehicular traffic unless authorised by Council.~~

10.3. All vehicles (other than hearses) shall ~~yield~~ give unconditional right of way to any funeral procession.

## 11. Animals

11.1. No person may bring or allow any dog other than registered service dogs, horse or other animal to enter the confines of any Ccemetery. ~~except that Council~~However, WDC may permit sheep to be grazed for the purposes of maintaining the cemetery.

## 12. ~~Deposit of Materials~~Safe Work Practice

12.1. No repair or construction work should be carried out in any Cemetery except by an authorised Person.

12.2. No person erecting or repairing any ~~headstone, monument, fence~~Monument or carrying out any other work in, on, or around any grave, or constructing or repairing any vault, in any cemetery may place or deposit tools and materials for a longer time than is reasonably necessary for the purpose of completing such work.

12.3. No person shall make use of any footpath or roadway in the cemetery for the purpose of mixing cement or mortar otherwise than upon a proper mixing board or other suitable covering to protect the facilities from spillage or leakage of any material used.

12.4. ~~ouncil~~ WDC may construct sheds or other buildings for the storage of tools, or materials used by any Pperson for the construction, maintenance or repair of Pplot enhancement works, and may fix charges for the use ~~thereof~~ of and for the supply of turf or water or any other services.

12.5. If ~~Council~~ a ~~provides any such~~ shed or building has been provided, ~~it~~ WDC may require any ~~such~~ mason or other Pperson to remove all tools or materials ~~either~~ from the cemetery ~~or~~ into ~~such~~ the shed or building.

12.6. If ~~Council so~~WDC requires, a deposit shall be lodged with every application for a permit to carry out any work and shall be refunded when the work has been completed to ~~the~~ WDC's satisfaction ~~of Council~~.

## ~~13. Keeping Cemeteries in Order~~

~~13.1. All kerbs, enclosures, tombstones, headstones and other monuments shall be kept in proper order or repair by the purchasers of lots or their representatives or assignees.~~

~~13.2. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, all monuments, tablets and fences or erections of any kind which shall fall into a state of decay or disrepair may at any time be removed from the cemetery by order of Council subject to section 9 of the Burial and Cremation Act 1964. In the event of there being no one available to effect repairs or permit removal, a photographic record of the plot shall be taken and filed with the cemetery records before removal.~~

## ~~14.~~13. Cemetery Maintenance

~~14.1.~~13.1. All memorials shall be kept in good repair by the purchase of the allotment or their assignee.

~~14.2.~~13.2. Any Person or group other than the purchaser of the Plot or their Agent who wishes to carry out maintenance on any Monument in any Cemetery, must obtain prior Approval from WDC and the purchaser of the Plot, or their Agent.

~~14.3.~~ WDC may carry out regular audits of Monuments to ensure their safety.

## ~~15.~~14. Removal of Fences, Headstones, Plants etc

~~15.1.~~14.1. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, WDC may remove any installation of any kind that has fallen into a state of disrepair. A photographic record shall be taken prior to removal and retained in WDC's records.

~~15.2.~~14.2. No monumental mason or other person shall remove any ~~headstone, m~~Monument~~, kerb or tablet~~ from any cemetery or grave any without permission of ~~Council~~WDC.

~~15.3.~~14.3. No person shall, without authority, remove or take any vase, wreath, plant, flower or any other thing from any cemetery, or grave, except that ~~Council~~ WDC may cause any neglected or broken or unsafe material of this nature to be removed.

## ~~16.~~15. Vases or Containers

~~16.1.~~15.1. All vases and containers for flowers shall be housed in insets set into the base on which the memorial is placed in such manner as shall be approved by Council.

~~16.2.~~15.2. The sexton may remove damaged receptacles or receptacles of a type not approved by Council, and may also remove dead flowers and dead foliage at any time.

The Common Seal of the Waitomo District Council
was hereto affixed in the presence of:

_____

Mayor

_____

Chief Executive