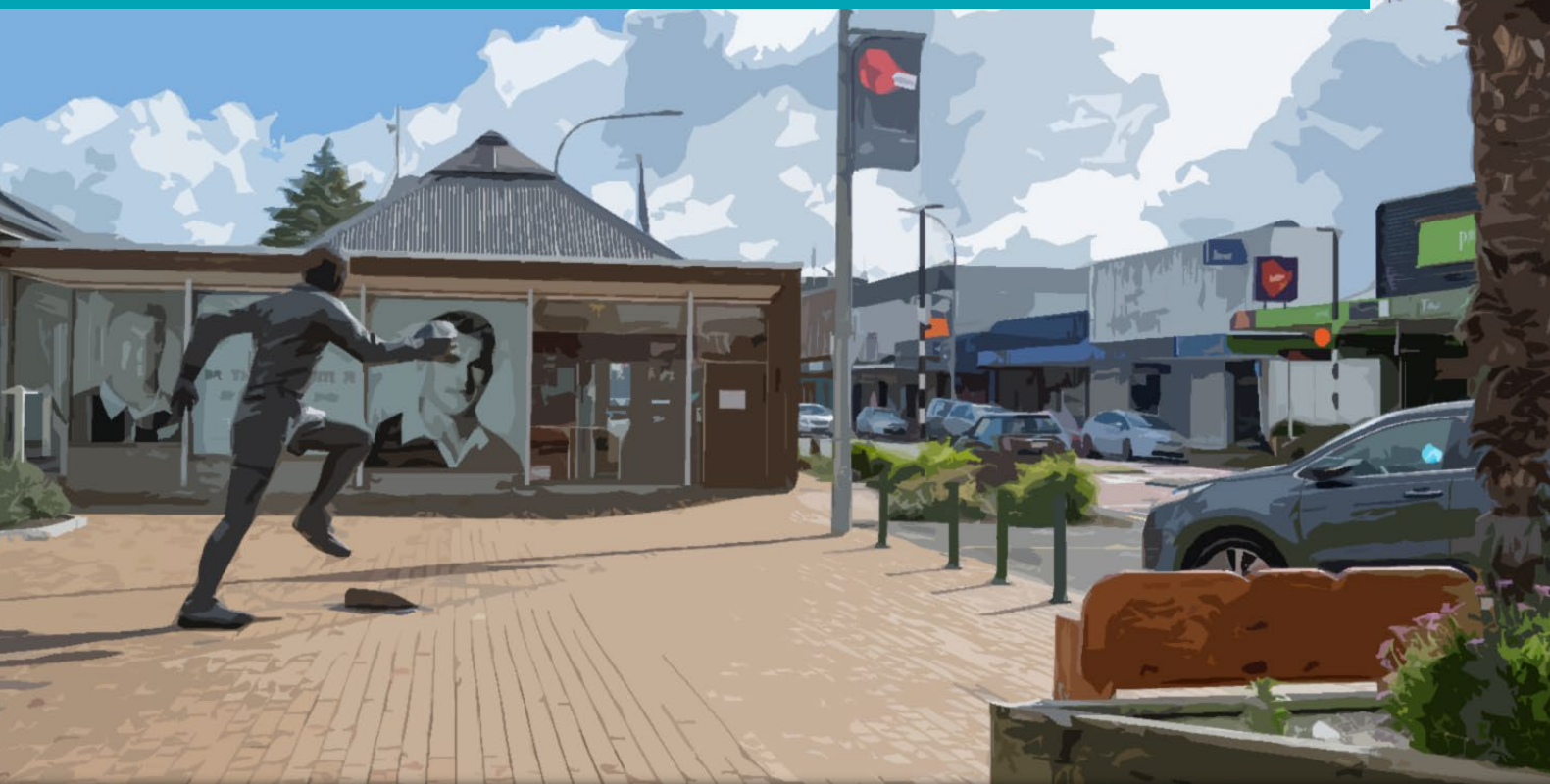


Waitomo District Council

STATEMENT OF PROPOSAL



Proposal to revoke Public Amenities Bylaw 2015 and review the Public Places Bylaw 2023



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PURPOSE

Waitomo District Council (WDC) is proposing to revoke the current Public Amenities Bylaw 2015 and replace this with a separate Cemeteries Bylaw (see separate proposal) and move relevant sections to the Public Places Bylaw 2023.

The proposal would update how we define public places, facilities and amenities so that the Public Places Bylaw can regulate activities and conduct in all Council-controlled public places, facilities and amenities.

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

BACKGROUND

Council first adopted the Public Amenities Bylaw on 10 February 2010. Following a review in 2014, an updated Bylaw was adopted on 10 February 2015. To retain these provisions, Council must adopt an updated or replacement bylaw by 10 February 2027.

Council first adopted the Public Places Bylaw on 24 March 2009. It was amended in 2011 and subsequently reviewed in 2014 and 2023. The current Public Places Bylaw was adopted on 28 November 2023 and may be reviewed at any time by Council resolution.

Council has completed its review of the Public Amenities Bylaw. The review identified significant overlap between the Public Amenities Bylaw and the Public Places Bylaw, as well as matters already regulated through other legislation, Council bylaws, the Waitomo District Plan and the Waitomo District Comprehensive Reserve Management Plan.

The review found that the approach used in the Public Amenities Bylaw included public places, such as beaches, and public facilities, such as libraries and pools, and that the relevant provisions would fit better within an updated Public Places Bylaw. Amenities could also be included if redefined, as they often sit within a public place. Cemetery-specific provisions would be better addressed separately through the proposed Cemetery Bylaw (see separate proposal).

The draft Public Places Bylaw 2026 has been prepared under the Local Government Act 2002. Its purpose is to protect the public from nuisance; protect, promote and maintain public health and safety; and minimise the potential for offensive behaviour in public places.

REASON FOR PROPOSAL

Council is proposing to update the Public Places Bylaw to provide clearer and more consistent regulation of Council-controlled public places, facilities and amenities under one bylaw.

Bringing the relevant public amenity provisions into the Public Places Bylaw will reduce unnecessary duplication and make the requirements easier to understand and administer. Matters that are more appropriately addressed through legislation, another Council bylaw, a management plan, the District Plan or an operational policy have not been duplicated.

WHAT COUNCIL IS PROPOSING

Council is proposing to adopt the changes as outlined in the draft Waitomo District Council Public Places Bylaw 2026.

The proposed Bylaw retains the general controls contained in the current Public Places Bylaw and brings across relevant provisions from the Public Amenities Bylaw. This will mean it applies across all Council-controlled public places, facilities and amenities, including roads, footpaths, parks, reserves, beaches, public swimming pools, libraries, cemeteries and other public facilities.

The general provisions of the Public Places Bylaw will continue to apply to cemeteries as public places. Cemetery-specific activities and requirements are addressed in the proposed standalone Cemetery Bylaw

The principal changes proposed are:

- clarifying the purpose, scope and statutory basis of the Bylaw;
- updating the definitions of “Public Place” and “Public Amenity” to distinguish between public areas and the structures, features and equipment located within them;
- extending relevant general conduct, obstruction, signage and damage provisions to public amenities;
- adding updated provisions for the use of public swimming pools;
- adding specific provisions applying to beaches;
- recognising libraries and other Council-controlled facilities as public places for the purposes of general conduct requirements;
- clarifying the relationship between the Bylaw and other legislation, Council bylaws, the District Plan and reserve management plans;
- retaining cemetery-specific requirements in a separate proposed Cemetery Bylaw; and
- modernising wording, definitions and references to improve clarity and consistency.

Note: In the draft Public Places Bylaw 2026, text shown in blue identifies provisions carried over from the Public Amenities Bylaw 2015.



LEGISLATIVE FRAMEWORK

The draft Public Places Bylaw 2026 is prepared under the Local Government Act 2002.

The Local Government Act 2002 enables Council to make bylaws for the purposes of:

- protecting the public from nuisance;
- protecting, promoting and maintaining public health and safety; and
- minimising the potential for offensive behaviour in public places.

Before making a bylaw, Council must determine that a bylaw is the most appropriate way of addressing the identified problems. Council must also consider whether the proposed bylaw is the most appropriate form of bylaw and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA). Our assessment of this draft bylaw is there are no implications under the NZBORA. The details of this Council determination can be found here:

www.waitomo.govt.nz/media/tv2nnm1t/council-agenda-2026-08-25-file-1.pdf

The proposed Bylaw operates alongside other applicable legislation and regulatory instruments, including the Reserves Act 1977, the Resource Management Act 1991, the Land Transport Act 1998, other Council bylaws, the Waitomo District Plan and reserve management plans. It does not override requirements imposed under those instruments.

Cemetery-specific matters are addressed separately under the proposed Cemetery Bylaw 2026 and its applicable legislative framework.

HAVE YOUR SAY

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

KEY DATES

1 October 2026	Consultation/Submissions opens
31 October 2026	Consultation/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. Council adopts the final Bylaw.

Submission Form



Draft PUBLIC PLACES BYLAW 2026

Submissions 31 October 2026

Sub No.

For office use only

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.

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

Yes

☐

No

☐

YOUR FEEDBACK on the Draft Public Places Bylaw 2026

Do you agree with moving Public Amenities to Public Places Bylaw and the updated definitions?

Yes

☐

No

☐

Is there any other feedback you'd like to add?

Waitomo District Council

Public Places Bylaw ~~2023~~ 2026

First Adopted:	24 March 2009
Review History:	February 2011 (Amendment), March 2014, March 2023, <u>November 2026</u>
Date of Next Review:	<u>March 2033</u> <u>November 2036</u>
Responsibility:	GM Environment and Strategy
Adopted by:	Council on <u>28 November 2023</u> <u>[date]</u>

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INTRODUCTION | KUPU ARATAKI

This Bylaw controls a diverse range of activities that occur within our district's public places to ensure that acceptable standards of convenience, safety, visual amenity, and civic values are maintained in public places for the well-being and enjoyment of citizens, businesses and visitors within the district now and in the future. This Bylaw addresses a wide range of issues that could have an adverse effect on public places, [public amenities](#) and their users.

The initial resolution to create this Bylaw, by combining existing bylaws pertaining to public places, was passed by the Waitomo District Council at an ordinary meeting of the Council held on 29 October 2008. The Bylaw was adopted by Council following the special consultative procedure, by a resolution at a meeting of the Council on 24 March 2009. This Bylaw came into force on 1 April 2009.

Council resolved on 3 February 2011 to make an amendment to Schedule 2 (previously Schedule B) of the Bylaw to expand the alcohol ban area, in order to assist Police in controlling alcohol consumption in public places. A full review was conducted in March 2014 and the amended Bylaw adopted in June 2014.

A review was undertaken in March 2023 and amendments were made to remove provisions that were covered by other Bylaws, statutes, and the Waitomo District Plan. [A review in 2026 of the Public Amenities Bylaw found significant overlap with the Public Places Bylaw, and other sections covered by other statutes or separate Bylaws. The relevant public amenities were able to be incorporated to this Bylaw thereby creating the Public Places Bylaw 2026.](#)

Other documents that should be referred to as relevant to this Bylaw include:

- Local Government Act 2002
- Health Act 1956
- Land Transport Act 1998
- [Reserves Act 1977](#)
- Operative Waitomo District Plan
- Amusement Devices Regulations 1978
- Waitomo District Council Dog Control Bylaw and Policy
- Waitomo District Council Public Health and Safety Bylaw
- Waitomo District Comprehensive Reserve Management Plan
- Waitomo District Council Local Alcohol Policy

1. TITLE | TAITARA

This Bylaw is the Waitomo District Council Public Places Bylaw ~~2023~~2026.

2. COMMENCEMENT | TĪMATA

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

Guidance note:

This Bylaw comes into force on ~~18 December 2023~~ [date] by order of Council.

This Bylaw remains in force until ~~18 December 2035~~ [date], unless reviewed or repealed earlier.

3. PURPOSE AND SCOPE | TE ARONGA ME TE KORAHĪ

~~3.1. The purpose of this Bylaw is to ensure that acceptable standards of convenience, safety, visual amenity, and civic values are maintained in public places for the well-being and enjoyment of citizens, businesses and visitors within the district now and in the future.~~

~~3.2. To achieve the purpose in clause 3.1, this Bylaw regulates:~~

- ~~a) use of public places;~~
- ~~b) mobile trading and events;~~
- ~~— signage in public places;~~
- ~~c) Alcohol control in public places; and~~
- ~~c) animals (excluding dogs) in public places.~~

~~3.4. This Bylaw is made under the general authority given to it by the Local Government Act 2002, as well as other legislation which outlines some of the powers and requirements of the Council in regards to public places. These include:~~

- ~~— Health Act 1956~~
- ~~— Land Transport Act 1998~~
- ~~Amusement Device Regulations 1978, pursuant to section 21A of the Machinery Act 1950~~

3.1. This Bylaw is made under the Local Government Act 2002 and regulates activities and conduct in Council-controlled public places, facilities, and amenities where necessary to:

- (a) protect the public from nuisance;
- (b) protect, promote and maintain public health and safety; and
- (c) minimise the potential for offensive behaviour in public places.

3.2. This Bylaw applies to public places, facilities and amenities owned or controlled by Council, including libraries, reserves, public swimming pools, beaches, cemeteries, public buildings and other public facilities specified in this Bylaw.

3.3. 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.

3.3.3.4. 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.

3.4.3.5. 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.

4. DEFINITIONS | NGĀ WHAKAMĀRAMATANGA

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

Alcohol has the meaning given to it by the Sale and Supply of Alcohol Act 2012.

Animal means stock, poultry and any other vertebrate creature of any age or sex that is kept in a state of captivity or is dependent upon human beings for its care and sustenance but excludes dogs.

Approved means approved by Council.

Authorised Officer means any person appointed or authorised by Council to act on its behalf and with its authority.

Beach means any land adjacent to any seacoast or lakeside capable of being used for recreational purposes which for the time being is vested in or under the control of the council and is contiguous to the foreshore and used in connection therewith and where a river crosses a beach includes the area one kilometre upstream from the mouth of the river, and, where the control of the foreshore is vested in the council, includes the foreshore.

Carriageway means the part of a road, sealed or unsealed and including any shoulder areas, where a normal wheeled vehicle can traverse.

Council shall mean the elected members that form the governing body of the District Council.

~~means Waitomo District Council.~~

Cycle	means a Vehicle having at least one wheel and that is designed primarily to be propelled by the muscular energy of the rider and includes a power-assisted cycle. Children's cycles having wheels less than 355 mm diameter are excluded. BMX cycles are included no matter the diameter of the wheels.
District	means the area within the jurisdiction and under the control of the Waitomo District Council.
District Plan	means the Operative Waitomo District Plan.
Event	means an organised, temporary activity that takes place on one or more days for the purpose of attracting revenue, support, awareness, and/or for entertainment, community connection or competition. Examples include a parade, wedding, protest, festival, concert, <u>gala, fair</u> , and a multi-venue sports event of a significant scale, such as a fun run, marathon, duathlon or triathlon.
Hawker	means any person who sells goods or services or displays or offers goods or services for sale in a Public Place, or who carries or talks about goods from door to door.
Licensed Premises	means premises licensed for the sale or consumption of alcohol under the Sale and Supply of Alcohol Act 2012.
Local Authority	means the Council, person, or group of persons authorised by any Act to make bylaws, and which has made this Bylaw, and includes the body corporate on behalf of which any such Council, person, or group acts.
Psychoactive Substance	means a substance whether synthetic or naturally occurring which may alter consciousness, mood or emotions, or which might intoxicate or induce pleasurable sensations. It includes what is commonly known as glue sniffing, but does not include: a) Medically prescribed substances ingested by the person for whom they were prescribed. b) Substances purchased from a pharmacy without a medical prescription; c) Nicotine; and d) Alcohol as defined in the Sale and Supply of Alcohol Act 2012.
Mobile shop	means a vehicle, whether self-propelled or not, from which goods and/ or services, wares or merchandise are offered or exposed for sale in a public place.

Mobile trader	means any person who, in a public place: a) solicits for orders; b) offers, distributes, or sells any goods or services by foot or from any vehicle or stall or any part thereof.
Mobility device	means a vehicle that is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment and is powered by a motor that has a maximum power output not exceeding 1500 W; or a vehicle declared to be a mobility device under section 168A(1) of the Land Transport Act 1998.
Nuisance	Has the meaning given by section 29 of the Health Act 1956 and its amendments and applies to a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a Public Place.
Owner	of any property, land, building, or premises, means any person for the time being entitled to receive the rent of such property, land, building, or premises, or who would be so entitled if the same were let to a tenant at a rent, and where any such person is absent from New Zealand, shall include their attorney or agent.
<u>Pool manager operator</u>	includes any attendant or contractor for the time being employed by Council to control or manage or to assist in the control and management of any swimming pool.
Portico	includes every awning, porch, verandah, lean-to, shade, or covering upon, across, or over any public footway or part of a road, street, private street, or accessway for the purpose of shade or shelter, together with any supports thereof, other than the building against which it shall be attached.
Premises	means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all lands, buildings, and places adjoining each other and occupied together shall be deemed to be the same premises.
<u>Public Amenity</u>	<u>means any desirable or useful structure, feature or equipment such as but not limited to signs, monuments, statues, seating, picnic tables, play equipment which is owned, managed, maintained or controlled by WDC.</u>
Public Notice	has the meaning given to it by the Local Government Act 2002.
Public Place	means an area that is open to or used by the public, with or without payment of a charge, and which is owned, managed, maintained or controlled by the Council <u>WDC</u> , and includes every road, street, public car park, footpath, court, land, cemetery, reserve, park,

beach, access way, ~~Council~~ WDC operated or controlled facility, thoroughfare and walkway of a public nature.

Reserve

has the same meaning as in the Reserves Act 1977

Road

has the meaning given to it by Part 1 section 2 of the Land Transport Act 1998.

Sign

means any device, character, graphic or electronic display, whether temporary or permanent, which:

(a) is for the purposes of:

(i) identification of or provision of information about any activity, property or structure or an aspect of public safety;

(ii) providing directions; or

(iii) promoting goods, services or events; and

(b) is projected onto, or fixed or attached to, any structure or natural object; and

(c) includes the frame, supporting device and any ancillary equipment whose function is to support the message or notice.

Skating device

means a wheeled device controlled or propelled by gravity or by the energy of the rider, including skateboards, roller skates, scooters, rollerblades, in-line skates, and wheeled recreation devices that have motors with a maximum output of 300W. It does not include cycles, wheelchairs, baby or invalid carriages.

Specified Public Place

means any public place that is within the area described in Schedule 3 to this Bylaw.

Stall

Stall includes a tent, tables, chairs, framework or structure of any description which is established in any public place where the purpose is to sell any goods or display any goods for sale or offer any services.

Stock

includes any cow, bull, ox, heifer, steer, sheep (includes any ram, ewe, wether, lamb) goat or kid, horse, donkey, mule, calf, boar, sow, pig, llama, alpaca or deer of any kind, but excludes any animal that is under harnessed control.

Urban Area

Any of the towns situated within the District and includes any community consisting of ten or more dwellings with or without any ancillary commercial building.

Vehicle

has the same meaning as in the Land Transport Act 1998

Veranda

includes any awning, porch, portico, shade, or covering upon, across, or over any public footway or part of a road, private road, or accessway for the purpose of shade or shelter, together with any supports, other than the support provided by the building.

Waitomo District Council (WDC)

shall mean the organisation established to administer Council affairs, conduct operations, and bring effect to Council policy and strategies.

Wheeled recreational device

means a vehicle that is a wheeled conveyance (other than a cycle that has a wheel diameter exceeding 355 mm) and that is propelled by human power or gravity; and includes a conveyance to which are attached 1 or more auxiliary propulsion motors that have a combined maximum power output not exceeding 300W.

- 4.2 Any guidance or explanatory notes do not form part of this Bylaw, and may be made, amended and revoked without formality.
- 4.3 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.

5. Use of Public Places and Amenities

5.1. Public Nuisance

- 5.2. Any person in or using a public place or amenity must not, without the prior written permission of ~~Council~~WDC:
- a) Drive any vehicle except on a formed road or car park, or drive in a manner that is dangerous or inconsiderate to pedestrians or other vehicles or not in accordance with signage in the public place;
 - b) Cause or allow any material or thing to be deposited onto a public place or road;
 - c) Leave any work, hole or excavation in a public place in a manner that could be a danger to anyone entering or using that public place;
 - d) Solicit any subscription, collection or donation, preach or undertake any busking;
 - e) Distribute any printed or written material advertising any product, service or entertainment;
 - f) Fly from or land any aeroplane including model aeroplanes, a hot air balloon or hang glider, parachutes or similar except in an emergency;
 - g) Play any game or use any object including skateboards, roller blades, bicycles or motorised or human propelled scooters, recklessly or in a manner which may intimidate, be dangerous or injurious or cause a nuisance to any person in the public place, or damage the public place or amenity; or
 - h) Erect or place any structure on, over or under the public place except in compliance with this Bylaw.
 - i) interfere with, interrupt or delay the carrying out of any activity, service or ceremony;
 - j) obstruct, hinder or interfere with any person acting in the execution of his duty in relation to any public place or amenity;
 - k) bring into or exhibit any article that is a nuisance or is offensive to any other person;

- l) behave in a manner that creates a nuisance or is offensive or is likely to create a nuisance or offensive to any other person;

- 5.3. Where any fence, wall, retaining wall or land adjacent to a public place or amenity is in a condition or state of disrepair which in the opinion of an Authorised Officer could cause damage or cause injury to any passing person, the authorised officer may give notice requiring the owner or occupier to repair or remove the fence, wall or retaining wall, or make the land safe.
- 5.4. No person shall permit vegetation to encroach onto or over any public place or amenity that may obstruct or interfere with the free movement of persons using that public place or amenity, or restrict visibility for road users.
- 5.5. Notwithstanding any other clause of this Bylaw and subject to any restriction imposed by Council in relation to the lighting of fires, no person shall in any public place or amenity light any fire except at fireplaces specially provided or in an appliance designed for outdoor cooking.

Guidance note:

A breach of this Bylaw may result in a person being asked, or given notice by an authorised officer, to leave the public place. Refusal to leave, or repeated breaches, may lead to the issuing of a trespass notice under the the Trespass Act 1980 in relation to the public place or facility where the breach occurred.

5.6. Obstructing Public Places or Amenities

- 5.7. Any person in or using a public place or amenity must not:
- a) Obstruct the entrances to or exits from any public place or amenity;
 - b) Place or leave any material or thing, including signage, on a public place or amenity that could obstruct the public right of passage, without the permission of an authorised officer and then only in accordance with such conditions as may be imposed;
 - c) Permit or allow vegetation to encroach onto or over any public place or amenity that obstructs or interferes with the free movement of persons using that public place or amenity;
 - d) Allow any gate or door on property abutting a public place or amenity, to swing over or across the public place or amenity; or-
 - e) Carry out any work on any motor vehicle in a public place, except in the case of any accident or emergency when repairs are necessary to allow the vehicle to be removed.

Guidance note:

WDC may use a range of enforcement powers to remove any obstructions. If the owner does not remove the obstruction when asked by an authorised officer, ~~the Council~~WDC may remove it and recover the costs of removing the obstruction from the owner under sections 164 and 168 of the Local Government Act 2002.

5.8. Placing of articles on Public Places or Amenities

5.9. Any person in or using a public place or amenity shall not place or leave or cause or permit to be placed or left any material or thing, including signage, amusement devices or items for sale or hire, unless:

- a) Such action has first been approved by ~~WDC Council~~ and then only in accordance with such conditions as may be imposed;
- b) Such action is taken for the purpose of regular refuse or other collections authorised by the ~~Council~~WDC or is otherwise authorised by law; or
- c) Such action is permitted pursuant to any other part of this Bylaw.

5.10. Any person in or using a public place or amenity must not:

- a) Erect or maintain any awning over any public place or amenity without permission from ~~WDC Council~~;
- b) Hang any awning, blind or screen from any portico in any public place or amenity without permission from ~~WDC Council~~;
- c) Put any portico, projecting window, balcony, wall, lamp, door step, cellar door, lamp post, signboard, window shutter, gate post, or other obstruction or projection of any kind whatsoever in, on, over or under a public place or amenity, ~~or~~ in such a position as to interfere with or obstruct in any way the free passage of pedestrians or traffic upon any public place, except where otherwise permitted by this Bylaw; or
- d) Stand on any shop veranda erected over a public place or amenity except for the purpose of inspection, maintenance, or egress in the case of an emergency.

5.11. Any projection or obstruction as described in clause 5.8 that was placed before the commencement of this Bylaw and which is contrary to any bylaw in force, may be subject to removal or alteration by notice from ~~an authorised officer~~Council.

5.12. ~~WDC Council~~ may revoke permission at any time by giving notice to the owner or occupier of a building to remove, or to alter a projection or obstruction, and such owner or occupier shall, within the time stated in such notice, remove, or alter such projection or obstruction.

6. Requirements for Signs in Public Places

6.1. Subject to clauses 6.4 and 6.5, no person may, without ~~Council~~WDC approval, erect, install, or display a sign in a public place, or on a public amenity.

- 6.2. No person may erect, install, or display a sign in a public place, or on a public amenity for the purpose of advertising or promoting any political party, political opinion or candidate in any election.

6.3. Exceptions to Requirements for Signs

- 6.4. Clause 6.1 does not apply to the erection, installation or display of a sign in a public place or on a public amenity:

- a) by ~~Council~~WDC;
- b) that is authorised pursuant to any enactment;
- c) that is authorised pursuant to a resource consent granted under the Resource Management Act 1991 or subsequent legislation that replaces the Resource Management Act 1991;
- d) that is authorised pursuant to the provisions of the Waitomo District Plan;
- e) by an emergency service in the course of official duty;
- f) for the purpose of advertising or giving directions to an event, or to advertise market days, open homes, garage or at-home sales, where the sign is displayed for no more than 8 weeks in any 12 month period.

- 6.5. Clauses 6.1 and 6.2 do not apply to the erection, installation or display of a sign on a vehicle, whether moving or stationary, where:

- a) the vehicle is not being primarily used for the purpose of exhibiting the sign;
and
- b) the sign does not protrude from the vehicle.

6.6. Removal of Offending Signs

- 6.7. If any sign, fails to comply with the provisions of this bylaw, ~~Council~~WDC may issue a notice to the owner and/ or occupier of the land, specifying:
- a) The action to be taken by the owner and/or occupier of the land to remedy the situation including to alter, repair or remove the sign in question; and
 - b) When the action required by the notice must be complied with.

7. Alcohol Control

7.1. Acts Prohibited in Specified Public Places within the Waitomo District

- 7.2. Subject to clauses, 7.4, 7.6 and 7.8 the following acts are prohibited at all times:

- a) The consumption of alcohol in or at any Specified Public Place.
- b) The bringing of alcohol into any Specified Public Place.
- c) The possession of alcohol in or at any Specified Public Place.
- d) In conjunction with any of the above prohibited acts, the presence or use of a vehicle in a public place, or other devices for the purposes of carrying alcohol.

Specified Public Places are listed in Schedule 2.

Guidance note:

Police Powers of arrest, search and seizure in relation to alcohol bans are outlined in sections 169 and 170 of the Local Government Act 2002.

7.3. Exceptions to Prohibition for Residents and their Visitors

7.4. Clause 7.2 does not apply to alcohol in an unopened container for the purpose of the transport of that alcohol from outside a Specified Public Place to premises that adjoin a Specified Public Place:

- a) For delivery to, a resident of those premises or by their visitors; or
- b) From those premises to a place outside the Specified Public Place by a resident of those premises or their visitors, provided the alcohol is promptly removed from the Specified Public Place.

7.5. Exceptions to Prohibition for Licensed Premises

7.6. Clause 7.2 does not apply:

- a) In the case of alcohol in an unopened container, to the transport of that alcohol from premises adjoining a Specified Public Place during any period when under the Sale and Supply of Alcohol Act 2012 it is lawful to sell alcohol on those premises provided the alcohol is promptly removed from the Specified Public Place.
- b) In the case of in an unopened container, to the transport of that alcohol from outside a Specified Public Place for delivery to premises that adjoin the Specified Public Place provided the premises are licensed for the sale of alcohol under the Sale and Supply of Alcohol Act 2012.
- c) To the possession and or consumption of alcohol at any premises within the Specified Public Place in compliance with a licence for the sale and or consumption of alcohol under the Sale and Supply of Alcohol Act 2012 including any footpath area that is defined under the appropriate alcohol licence.

7.7. Exceptions for Special Licences

7.8. Clause 7.2 does not apply to any part of the Specified Public Place in respect of which a Special Licence under the Sale and Supply of Alcohol Act 2012 has been granted for any occasion or event described in the licences.

8. Damage to Public Places or Amenities

- 8.1. No person may, without ~~Council~~ WDC approval, damage, interfere with, destroy or remove any property, ~~or infrastructure~~ or public amenity under the control of Council in a public place, including any sign, man-made feature, building, footpath, kerb, road, facility, natural feature, grass plot, flower bed, tree, shrub or plant or any inscription or label.

Guidance Note:

Under section 175 of the Local Government Act 2002, a person who wilfully or negligently destroys, damages, stops, obstructs or otherwise interferes with any works or property owned by a local authority is liable for the amount of the destruction or damage, the cost incurred by the local authority in removing the stoppage or obstruction, or any loss or expense incurred by the local authority by the stoppage or obstruction or interference.

9. Use of Public Swimming Pools

9.1 Management Control and Use

- 9.2 If in the opinion of either ~~Council~~ an authorised officer or the pool operator an emergency or other situation warrants the immediate closing for public use of any swimming pool or any part thereof, ~~Council~~ an authorised officer or the pool operator ~~as the case may be~~ may forthwith close such the swimming pool for use by the public until, in the opinion of ~~Council~~ an authorised officer or the pool operator, such emergency or other situation ceases to exist.
- 9.3 The pool operator may refuse admission to any person to any part of any swimming pool which in the opinion of the pool operator is likely to become overcrowded.
- 9.4 No person shall ~~capture use or seek to use cameras and or mobile phones with camera (pixel)~~ capture any images or recording on any device in the changing rooms.
- 9.5 ~~Council~~ The pool operator or an authorised officer ~~may in its discretion allow a person, for such fees and under terms, and conditions, and time limits and during such periods as Council may decide, grant rights or permission to use any swimming pool or part thereof of a swimming pool for the purpose of coaching or teaching swimming with or without monetary reward a fee or charge. and~~ The pool operator or an authorised officer may refuse to grant or renew such rights or permission or cancel any such permission.
- 9.6 Children under the age of 8 years are required to be actively supervised by a person 16 years or older.

9.7 No person shall:-

- (a) Dive from any part of any swimming pool other than from the immediate surround to any area of water set aside for swimming; or
- (b) Take into any part of the swimming pool any glass bottles or other containers made of glass. The pool operator shall have power to impound-confiscate any such articles brought into the swimming pool.

9.8 Every person shall leave the swimming pool immediately upon the request of the pool operator or authorised officer over the public address system or by the sounding of a warning device.

9.9 Any person finding any article which may have been left in any bathroom or changing room or in any other part of the swimming pool shall immediately after finding such article inform or deliver the same article to the pool operator or other person acting on his or her behalf an authorised officer. Any property not claimed within 3 months of the date of being handed in may be disposed of in such an appropriate manner as Council deemed by an authorised officer thinks fit.

10. Beaches

10.1 Except as provided for in 7.1.3 10.2 below Council may prohibit or restrict the leading, riding, driving or swimming of a horse or cattle or other animal on or from any part of a beach which is likely to be used or is ordinarily used or is being used for the purpose of bathing-swimming or other recreation.

10.2 Any person whose land is adjacent to such adjoins a beach and who uses the beach as an to access to such that land has the right to use the beach for this purpose do so, but £ The right shall be confined to that portion between such that land and the nearest access point.

10.3 All vehicles and horses are prohibited on dunes. However, any person wishing to access the beach from an adjoining property or road may use a vehicle or horse on a dune only in a manner that does not cause nor is likely to cause damage to any part of that dune, and that utilises the most direct route possible.

10.4 No person shall clean any fish or leave any dead fish or fish offal on the beach, or deposit any dead fish or fish offal in the sea in the vicinity of the beach.

10.5 No person shall use, displace, or otherwise interfere with any appliance or warning device provided by Council WDC or by any life saving club unless granted permission by an authorised officer authorised by Council to do so for practice purposes.

10.6 Surf Life Saving Clubs

10.7 Council may at its discretion authorise any life saving club (whether subsidised or not) to:

- (a) provide and use life saving equipment to the approved standards of the New Zealand Surf Life Saving Association;
- (b) use any such life saving equipment provided by Council; and
- (c) erect and, as may from time to time be necessary, remove from any place warning or danger notices.

10.8 No person shall obstruct or hinder or interfere with the carrying out of any life saving operations or drills or with any person engaged in those activities.

11. Control of Cycles, Skating Devices, Mobility Devices and Wheeled Recreational Devices

11.1 A person must not use or ride a cycle, mobility device, skating device, or wheeled recreational device in any Public Place in a manner that is—, in the opinion of an authorised officer~~Council~~:

- a) Intimidating; or
- b) Dangerous; or
- c) A Nuisance; or
- d) Likely to cause a health and safety issue; or
- e) Likely to cause damage to property or amenities.

Guidance note:

Part 11 of the Land Transport (Road User) Rule 2004 sets out the requirements for pedestrians, riders of Mobility Devices, and wheeled recreational devices (including Skating Devices). Compliance with the Road Rules is enforced by the New Zealand Police.

11.2 A breach of any provision in this clause may result in the offending skateboard or bicycle being seized and impounded in accordance with section 164 or 165 of the Local Government Act 2002. For the avoidance of doubt, and in accordance with any applicable requirements and having regard to the preceding clause, bicycles are permitted to be ridden on any designated cycle way.

11.3 Property seized or impounded under clause 911.2 shall be returned to the owner in accordance with section 167 of the Local Government Act 2002 upon the owner:

- a) Supplying their full name and address; or
- b) Satisfying an Council or any officer authorised officer in that regard that he or she is the owner or otherwise entitled to the custody and control of the skateboard; and
- c) Making payment to Council~~WDC~~ of the prescribed fee; and

d) The skateboard or recreational device having been impounded for a minimum of five working days following the day of impounding.

11.4 Should the owner of seized and impounded property not to collect the property within the period of 6 months from when the property was so seized then ~~WDC~~Council shall in accordance with section 168 of the Local Government Act 2002 dispose of the seized and impounded property.

11.5 ~~Council~~WDC shall keep a register and enter therein the details of all property impounded and of every person recovering property from ~~Council~~WDC under this Bylaw.

12. Restrictions on use of barbed wire and electric fences

12.1. No person shall erect any barbed wire or electric fencing within 1 metre of any boundary line which borders a public place without the permission of ~~Council~~WDC where the ~~high~~height of the barbed wire is less than 2 metres and electric fencing less than 3 metres above ground level.

12.2. Permission under clause ~~10~~12.1 is not required where barbed wire is placed not less than 2 metres and electrified fencing not less than 3 metres above ground level.

12.3. Sub-clause ~~10~~12.1 shall not apply within any area which has a predominantly rural character under the Waitomo District Plan except when the fence abuts or adjoins a footpath. Council may from time to time by resolution specify conditions that will apply to temporary electric fences.

13. Requirements for Hawkers, Mobile Shops, Mobile Traders and Events in Public Places

13.1. No person shall place or leave or cause or permit to be placed or leave any material or object, including vehicles, scaffolding and hoardings, signage, amusement devices or items for sale or hire including food, or hold an event on any public place unless:

- a) Such action has first been approved by an authorised officer, and then only in accordance with any other conditions that are imposed.
- b) Such action is taken for the purpose of regular refuse or other collections authorised by ~~WDC~~Council or is otherwise authorised by law.
- c) Such action is permitted pursuant to any other bylaw.

13.2. Hawkers, Mobile Shops, Mobile Traders and Stalls

13.3. Licence Required

13.4. No person, including Hawkers, Mobile Shops, Mobile Trader and Stalls shall in any public place engage in the sale of goods or services of any description whatsoever, without first having obtained a licence from ~~Council~~WDC.

- 13.5. No person shall cause nuisance or create harm or expose the public to risk while undertaking their activity.
- 13.6. No Hawkers, Mobile Shops, Mobile Trader and Stalls may trade in any place or area except those identified in Schedule 3, or in a location approved by Council.

13.7. Application

- 13.8. Every person including Hawkers, Mobile Shops, Mobile Trader and Stalls who wishes to sell goods in a public place shall make written application to WDC Council by completing an Application for Registration on the prescribed form. The information, to be supplied by the applicant, shall include the following:

- a) name and address of the applicant;
- b) name and address of the person(s) selling the goods or services;
- c) the location/site;
- d) the telephone number of the applicant;
- e) the type of goods or services for sale;
- f) the period of time sought for selling;
- g) duration of use;
- h) the type and number of vehicles and the registration numbers, if applicable;
and
evidence of good character.

13.9. Considerations for licences

- 13.10. Council-WDC may consider the following before issuing a licence:

- a) Any trade licences previously granted to the applicant for the same activity.
- b) The nature and extent of the activity proposed, such as hours of operation, generation of pedestrian and road traffic, and impact on surrounding area(s)
- c) If the site is within the approved locations in Schedule 3.
- d) whether the application is supported by any affected parties (including nearby business owners)
- e) any previous breaches of this Bylaw.
- f) whether the applicant has breached any other relevant local or national regulations (if known or able to be known by Council – especially for travelling businesses).
- g) whether the activity will or may pose or promote any public health or safety risks.
- h) whether the activity will or may cause any negative environmental impact.
- i) any other such matter that Council-WDC deems relevant to the application.

13.11. Licence conditions

13.12. ~~The Council~~WDC may, either upon the issue of any licence to any Hawkers, Mobile Shops, Mobile Trader and Stalls or at any time by notice in writing served on any licensed Hawkers, Mobile Shops, Mobile Trader and Stalls:

- a) Prescribe any condition or conditions in compliance with which such Hawkers, Mobile Shops, Mobile Trader and Stalls must carry on their trade or business; or
- b) Require such Hawkers, Mobile Shops, Mobile Trader and Stalls to discontinue the use of any vehicle so employed by them.

13.13. It shall be a condition of the licence where a vehicle is to be used for the sale of food for human consumption that no vehicle other than that specified in that licence shall be used for the purpose without the approval of the Environmental Health Officer of ~~the Council~~WDC.

13.14. ~~WDC~~Council may impose conditions including but not limited to the number of sites the licence covers and the maximum licence period.

13.15. Cleanliness of Vehicle

13.16. Every licensed Hawker, Mobile Shop and Mobile Trader or any person operating on behalf of such Hawker, Mobile Shop and Mobile Trader who takes or carries about any article of food for sale shall keep and maintain every vehicle, box, basket, pack or other container used or connected therewithin a thoroughly clean and sanitary condition to the satisfaction of the ~~Council's~~WDC's Environmental Health Officer.

13.17. Exemptions

13.18. The exemptions to clauses ~~13.1.1-13.1.16~~ are as follows:

- a) Selling by commercial fishermen of limited quantity of fish in the vicinity of a fishing vessel as specified in section 191 of the Fisheries Act 1996;
- b) Service delivery vehicles including milk vendors;
- c) Any market, stall or stand which has a current approval under any other bylaw, legislation, resource consent, venue hire, or specific resolution of Council;
- d) Any market, stall or stand which has been initiated by Council for the benefit of the community;
- e) Any motor vehicle advertising any business or service;
- f) Buskers and street entertainers provided that no sale of any items is involved and provided that permission is first obtained from the owners or occupiers of any business premises outside which they intend to perform.

13.19. State Highways

13.20. In the case of a state highway, with the prior consent of the ~~Waka Kotahi~~ (New Zealand Transport Agency Waka Kotahi), ~~Council~~WDC may prohibit hawker, mobile shop, mobile trader and stalls (including vehicles used as stalls), to occupy stands:

- a) In specified roads or state highways or parts of specified roads or state highways; or

- b) Where the presence of the stall or stand is likely to cause an obstruction or a danger to traffic, in any public place adjoining specified roads or state highways or parts of specified roads or state highways.

14. Specific Provisions

14.1. Animals and stock in public places

- 14.2. No person shall take or allow any animal under their control onto any public place if the Council has by resolution or public notice prohibited entry of that type of animal to that public place.
- 14.3. Any person having control of stock in any public place shall ensure that the stock is kept under proper control, with consideration for other persons using the public place.
- 14.4. No person shall drive any stock on any road during the periods between half an hour after sunset and half an hour before sunrise unless sufficient warning is provided and maintained by such person by the use of lights or other effective device or means to ensure that other persons using such road shall have adequate notice of the presence of such animals on the road.
- 14.5. No person shall:
 - a) Permit stock to be moved across or along any public place unless an alternative route is not reasonably available;
 - b) Permit any stock to be on a reserve, beach or other area designated as an area prohibited to stock without the prior consent of an authorised officer;
 - c) Graze stock in any public place without the prior consent of an authorised officer.
 - d) Graze stock on road reserves in a predominantly rural area, unless the animal is contained in adequate temporary fences.
- 14.6. Any person having control of stock in any public place shall ensure that the stock are moved in such a manner and by such points of access to an exit from the road as to ensure that damage is not caused to the public place or amenities.
- 14.7. Any person having control of stock being moved on any public place in an urban area shall ensure that excrement; urine or other matter deposited upon the public place from such work is removed, and disposed of in an appropriate manner.
- 14.8. Any person being the owner of or having control of any horse in a public place in an urban area shall immediately remove any manure deposited by that horse from the public place.
- 14.9. Subject to the requirements Clause 142.1-142.8 every owner or person having the care, custody, or control of any animal shall keep and prevent the same from wandering or being at large without proper guidance on any public place.

Guidance note:

Nothing in this Bylaw applies to dogs (see the definition of "Animal" in clause 4.1 of this Bylaw). The rules concerning dogs are in the Waitomo District Dog Control Bylaw. Information on Council's animal and dog control activities including a copy of the Dog Control Bylaw can be viewed on Council's website here:

<https://www.waitomo.govt.nz/our-services/animal-control/>

15. Administration of Bylaw

15.1. Offences and Penalties

15.2. A person who breaches this Bylaw commits an offence and is liable on conviction to a penalty under the Local Government Act 2002.

15.3. A person must not do anything or cause any condition to exist, for which a licence, permit, certificate, or approval from WDC Council or an authorised officer is required under this Bylaw without first obtaining that licence, permit, certificate, or approval. Failure to do so is a breach of this Bylaw. This clause does not limit clause 15.2.

15.4. The continued existence of any work, building, land, premises or thing in a state or form that contravenes this Bylaw is deemed to be a continuing offence under this Bylaw.

Guidance note:

A person who is convicted of an offence against this Bylaw is liable to a fine not exceeding \$20,000 under section 242 of the Local Government Act 2002 (as consolidated on 13 April 2023).

Council's enforcement powers under the Local Government Act 2002 include court injunction (section 162), seizure and disposal of property (sections 164, 165 and 168), liability for costs to remedy damage (section 176), power to request name and address (section 178) and power to execute works and recover costs (sections 186 and 187).

Some breaches of this Bylaw may be infringement offences. They will be identified as infringement offences by Regulations made under section 259(a) of the Local Government Act 2002. If a person commits an infringement offence they may be charged in court or served with an infringement notice.

16. Fees and Charges

14.1 The fees for any licences, permits, certificates, authority, approval, consent given, inspection made or service given by WDC Council and any other matter described in this Bylaw shall be as set out in Council's Fees and Charges Schedule from time to time.

14.2 Fees are payable before the issue of any licence ~~or~~, permit, or certificate granted under this Bylaw.

Common Seal of Waitomo District Council:

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

Mayor

Chief Executive

SCHEDULE 1 | WAHANGA 1

Skateboards

- 1.1 Areas where riding of skateboards is prohibited on footpaths and other public places are as follows:
- Rora Street, Te Kuiti (between Alexandra Street and Lawrence Street)
 - King Street East and Sheridan Street, Te Kuiti (between Rora Street and Taupiri Street)
 - Moa Street, Piopio (from Kea Street North to Tui Street).

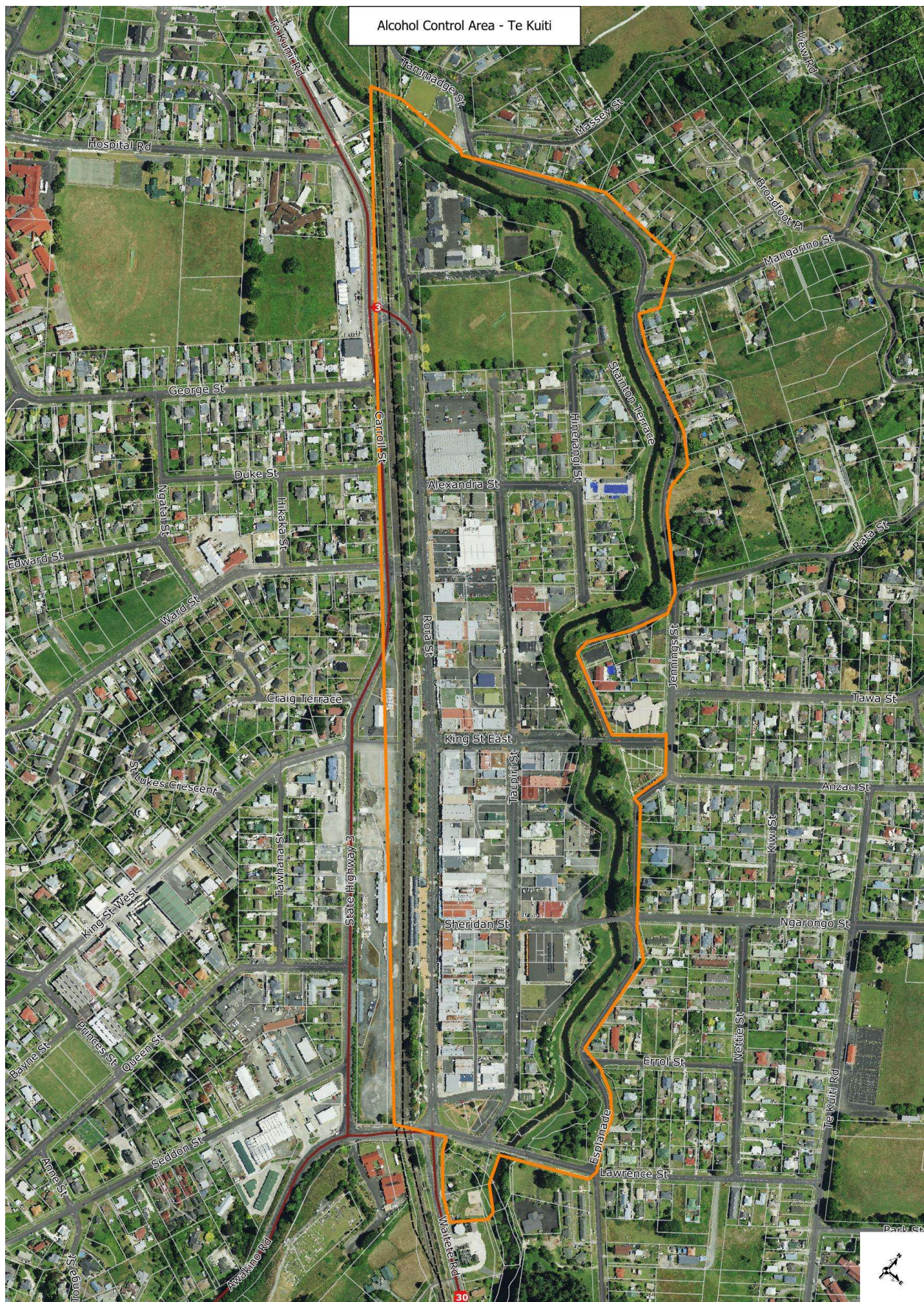
SCHEDULE 2 | WAHANGA 2

Alcohol Control

- 1.2 Specified Places where the Alcohol Control section of this Bylaw applies:
- Redwood Park, Te Kuiti
 - Rora Street, Te Kuiti
 - Lawrence Street, Te Kuiti – between Rora Street and the Esplanade
 - Sheridan Street, Te Kuiti - between Rora Street and the Esplanade
 - King Street East, Te Kuiti- between Rora Street and Jennings Street
 - Alexandra Street, Te Kuiti
 - Taupiri Street, Te Kuiti - between Lawrence Street and Alexandra Street
 - Both banks of the Mangaokewa River, Te Kuiti between Redwood Park and the Te Kuiti Bowling Club
 - RSA Memorial Park, Te Kuiti
 - Aquatic Centre, 13A Hinerangi Street, Te Kuiti
 - Waitomo District Library, 28 Taupiri Street, Te Kuiti

Specified Public Places include, but are not limited to, Streets, Service Lanes, Lanes, Footpaths, Carparks and Reserves in Te Kuiti. The alcohol ban area only applies to public spaces, commercial and privately owned areas within the zone are not part of the ban.

This schedule may be amended from time to time by public notice made by the Waitomo District Council. Such notices shall be made in the public notice section of newspapers as Waitomo District Council sees fit and be made no less than fourteen (14) days before the change is to apply.



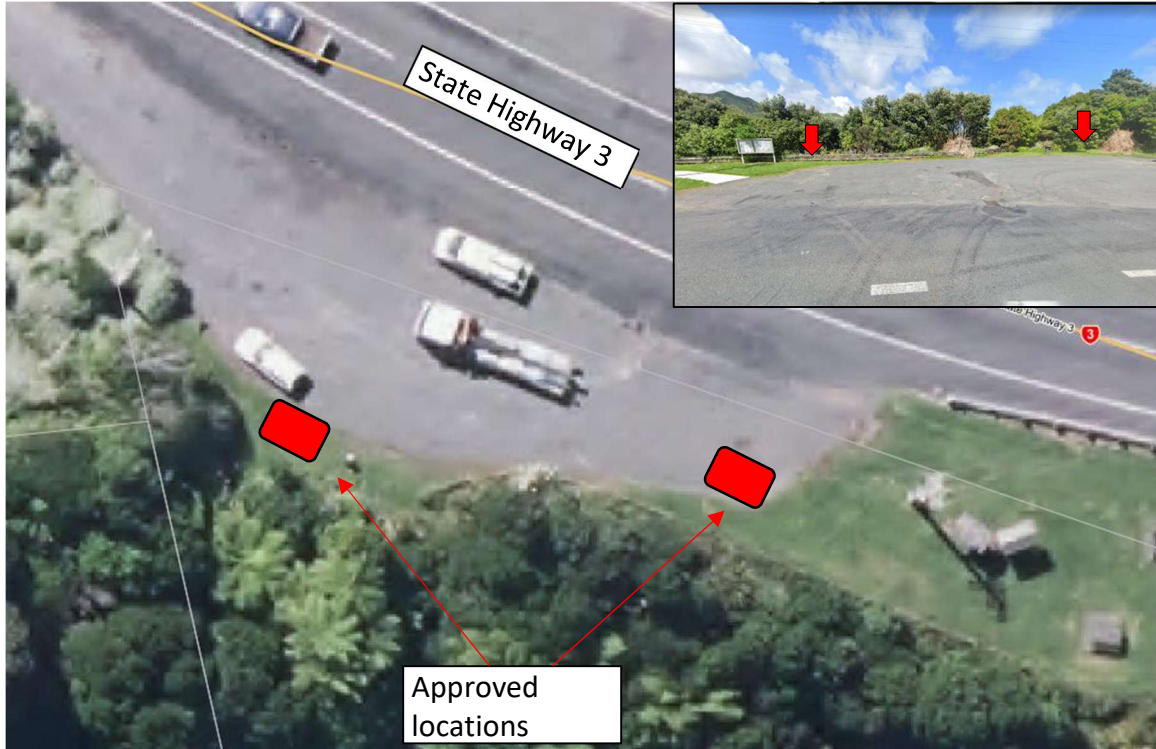
Alcohol Control Area - Te Kuiti

SCHEDULE 3 | WAHANGA 3

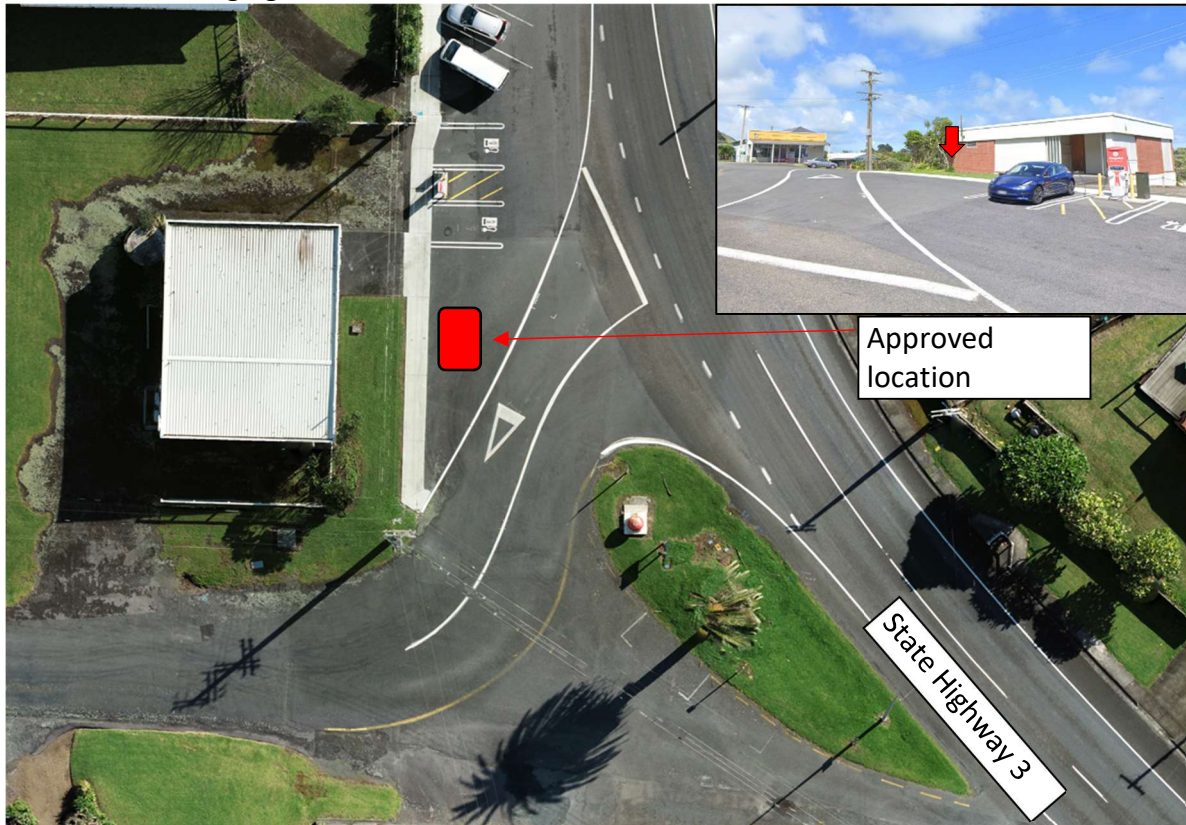
Mobile Shop Locations

Mokau

Opposite Whitebait Inn on SH3: Council owned area



Near the EV charging station on SH3: Road reserve



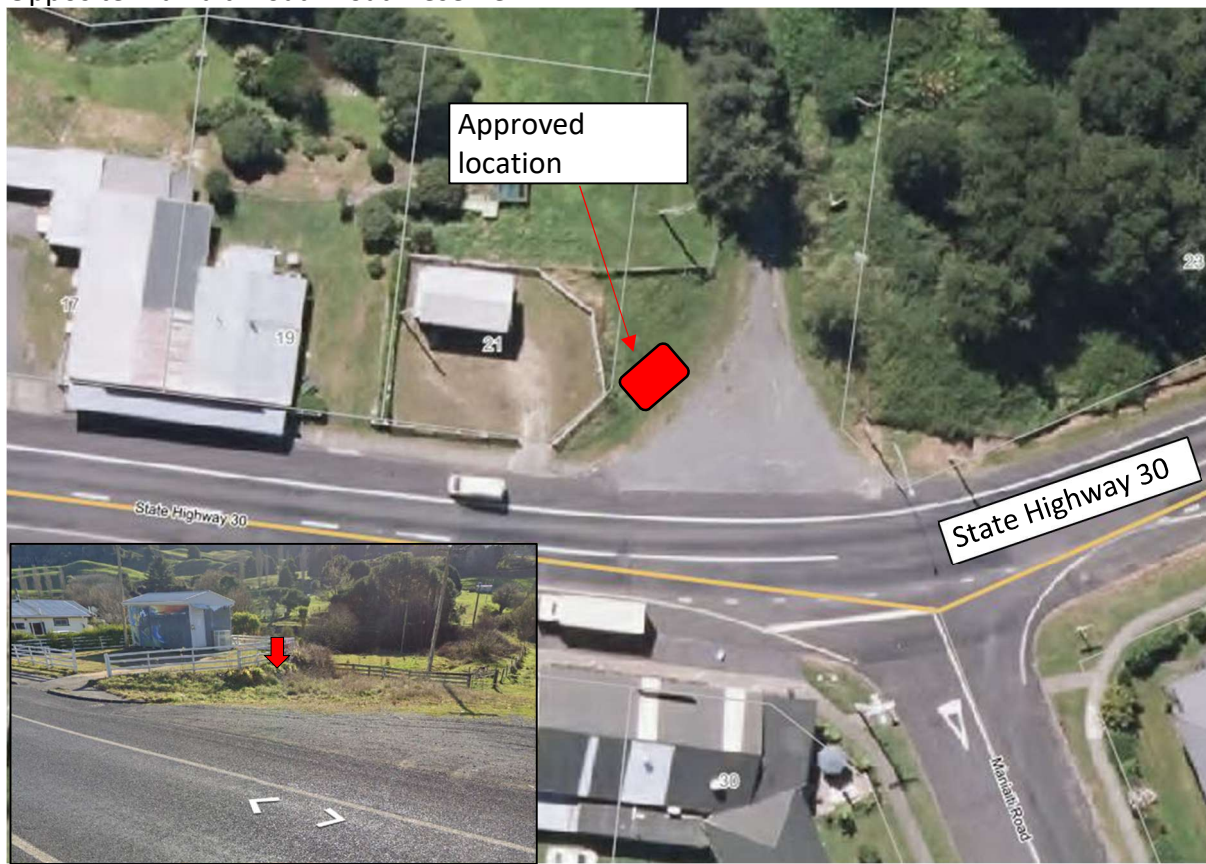
Piopia

Near the Public toilet: Road reserve



Maniaiti/Benneydale

Opposite Maniaiti Road: Road Reserve



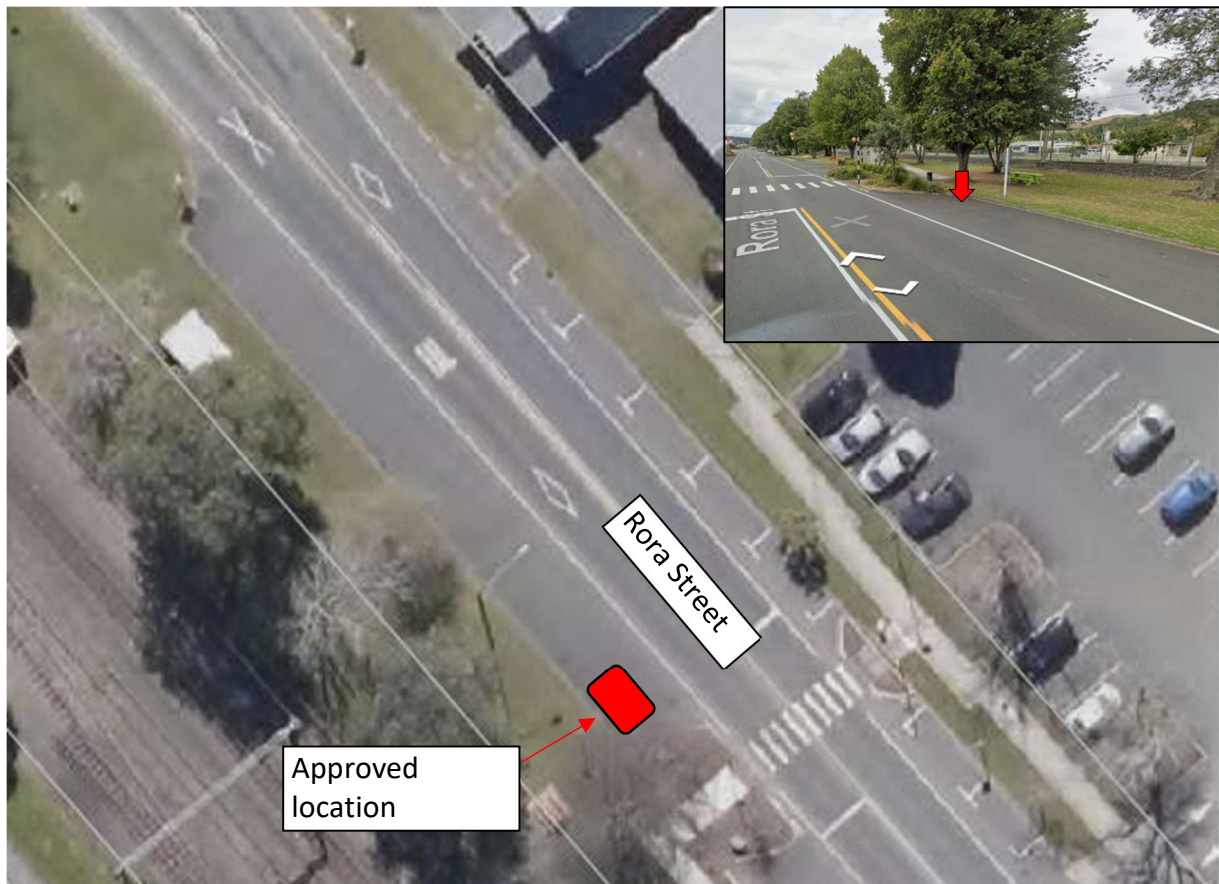
Waitomo Caves

Opposite i-site Waitomo Village Road (Waitomo Caves parking space 2): Road reserve



Te Kuiti

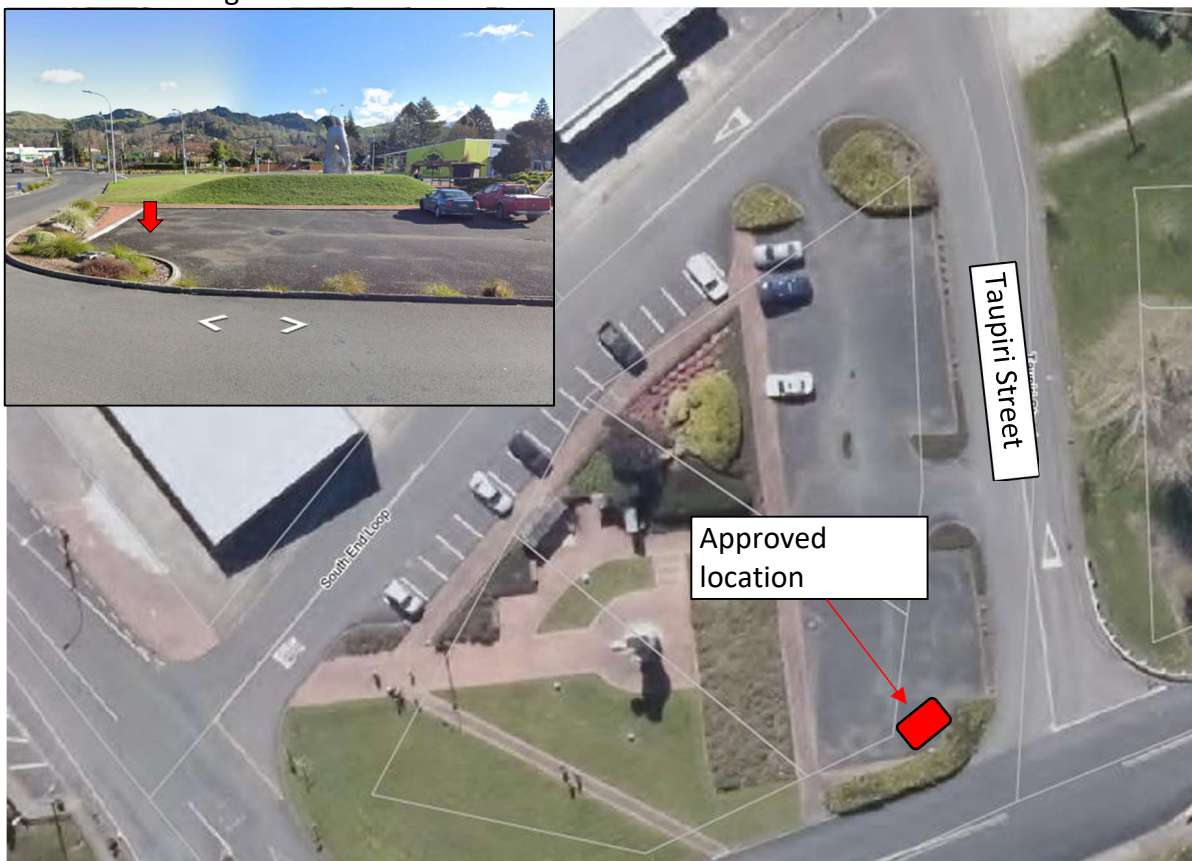
North of the northern public toilet (opp. Warehouse): Road reserve



Near Citizens Advice Bureau: Road reserve.



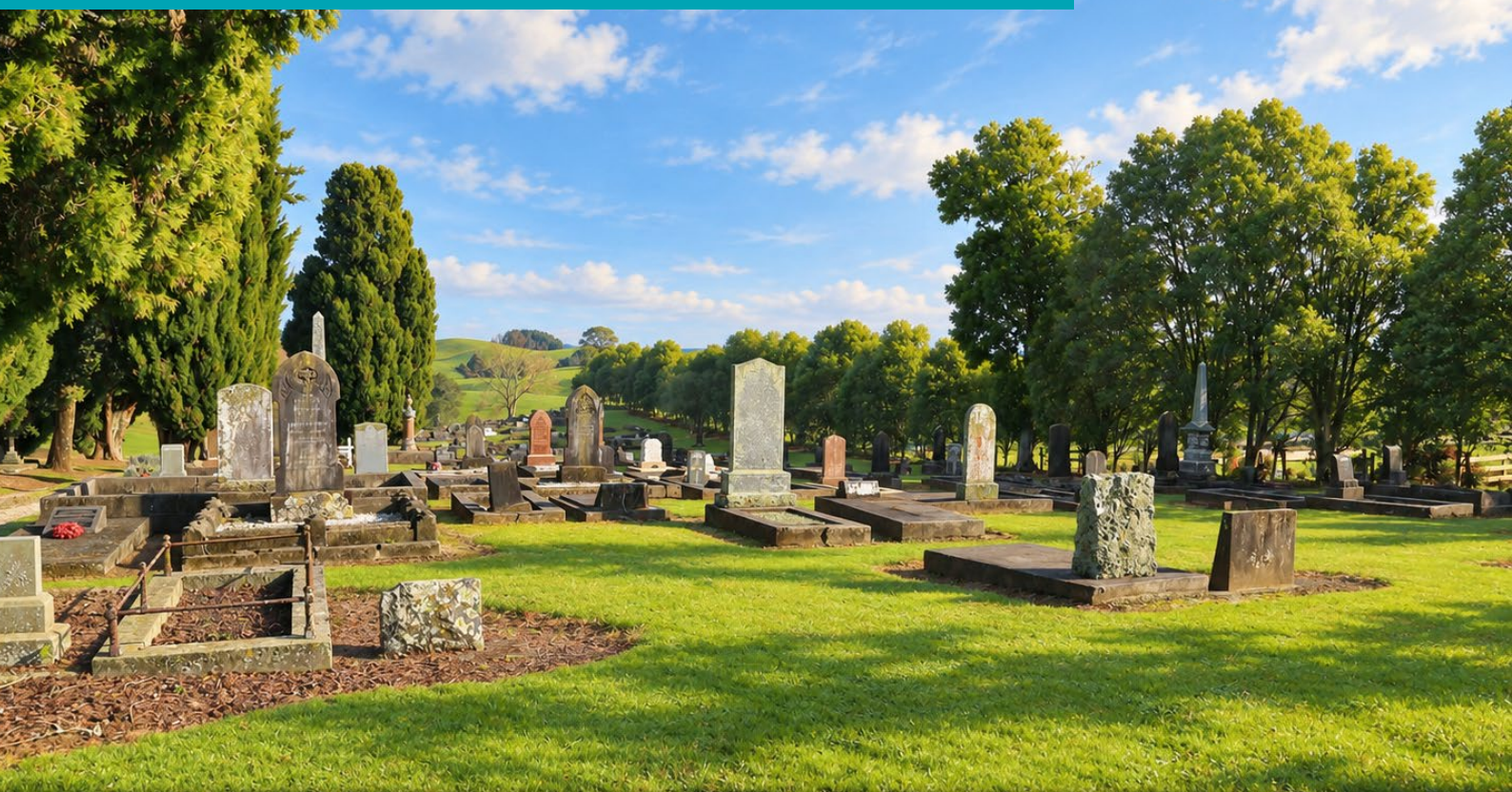
Near the shearing statue: Road reserve



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.

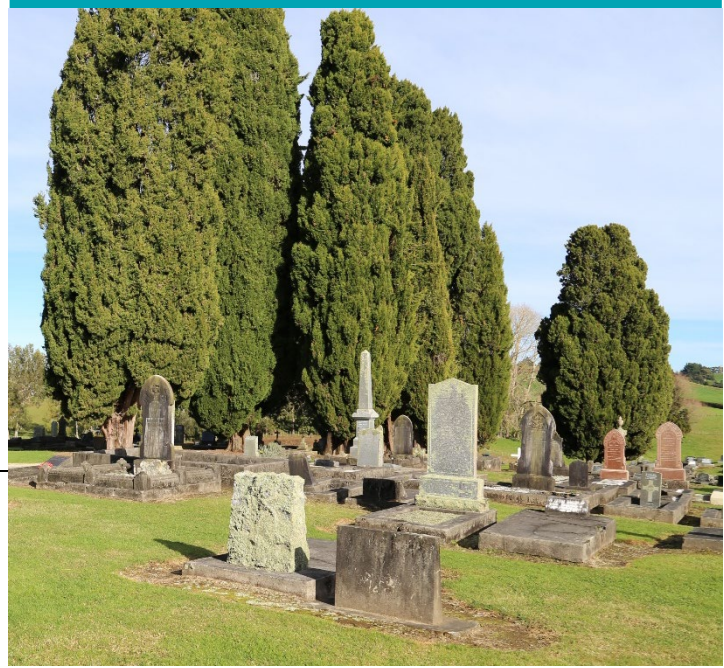
The proposed Bylaw operates alongside other relevant legislation, Council bylaws, reserve management plans and the Waitomo District Plan. It does not limit or override obligations or restrictions imposed under those instruments.

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.

Submissions Close 31 October 2026

For office use only

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.

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

Yes ☐ No ☐

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?

DRAFT

Waitomo District Council

Cemeteries Bylaw 2026

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 brought 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 KORAHĪ

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	<u>shall mean the elected members that form the governing body of the District Council.</u> means the Waitomo District Council.
<u>Disinterment</u>	<u>means the removal of a deceased human body or the removal of cremated human remains.</u>
<u>Exclusive Right of Burial</u>	<u>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.</u>
<u>Inter, Interred, or Interment</u>	<u>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.</u>
Monument	means the same as in Section 2(1) of the Burial and Cremation Act 1964. <u>includes any tombstone, headstone, memorial, Tablet, plaque, kerbing, or other erection memorialising a deceased Person.</u>
<u>Partner</u>	<u>means a civil union partner or a de facto partner</u>
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 <u>an authorised officer</u> 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.
<u>Veteran</u>	<u>has the same meaning as in the Veterans Support Act 2014</u>
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)	<u>shall mean the organisation established to administer Council affairs, conduct operations, and bring effect to Council policy and strategies.</u>

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.

BYLAW

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~~burial shall be made in any ~~C~~cemetery without a ~~b~~Burial ~~W~~warrant for that purpose, obtained from Council by the person having the management or control of the ~~B~~burial and presented to the ~~s~~Sexton as authority for ~~B~~burial.
- 1.6. No ~~Burial~~ ~~such warrant~~ ~~warrant~~ shall be issued until the fee for ~~I~~interment has been paid. ~~provided h~~However, in the case of an ~~I~~interment 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~~burial 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, nNotification of an intended burial can be made to WDC ~~to Council,~~ ~~outside working hours,~~ through the Council's afterhours service. No Burial shall take place until the Wwarrant 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 Eexclusive ~~r~~Right of ~~B~~burial 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 buried 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 Bburial 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 ServicemenVeteran

~~6.2.5.5. Only those personsVeterans 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 servicewomanVeteran 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 GgravesRSA section of the Cemetery 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 ~~±~~ 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 **T**tablet 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, ~~Tablet or memorial plaque~~ shall consist of a permanent material as may be approved from time to time by WDC.
- (ii) Such ~~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~~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~~
No 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 Council, 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 ~~Cemetery~~. ~~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. ~~Council~~ WDC may construct sheds or other buildings for the storage of tools, or materials used by any ~~P~~erson for the construction, maintenance or repair of ~~P~~lot 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 ~~P~~erson 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



Public Amenities Bylaw 2010

Created:	February 2010
Review Date:	September 2014
Adopted:	10 February 2015
Amended:	1 January 2019 (due to implementation of Freedom Camping Bylaw 2018)
Next Review Date:	February 2025

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1.0 INTRODUCTION

1.1 Scope

- 1.1.1 The Local Government Act 2002 confers general bylaw making powers on Council. This bylaw controls a diverse range of activities in public amenities to ensure that acceptable standards of convenience, safety and civic values are maintained for the wellbeing and enjoyment of citizens, visitors and businesses within the district. In particular this bylaw addresses conduct in public amenities such as libraries, reserves, aerodrome, public parking areas, public toilets swimming pool, beaches, other public buildings and cemeteries which may have an adverse effect on other users of these facilities.
- 1.1.2 Section 145, 146 of the Local Government Act 2002 and other relevant Act e.g. Reserves Act 1977, Health Act 1956, outline some of the powers and requirements of the Council in regard to public places and reserves. Areas of control so prescribed by this legislation are not necessarily repeated within this bylaw, and therefore the relevant sections of the Local Government Act, 2002 and other legislation should be read in conjunction with it.

1.2 Fees and Charges

- 1.2.1 The fees for any certificate, authority, approval, consent given, inspection made or service given by Council and any other matter described in this Bylaw shall be as set out in Council's Fees and Charges Manual from time to time.

1.3 Offences

- 1.3.1 No person shall do anything or cause any condition to exist for which a licence or approval from Council is required under this Bylaw without first obtaining that licence or approval and the failure to do so shall constitute a breach of this Bylaw.
- 1.3.2 No application for a licence or authority from Council and no payment of or receipt for any fee paid in connection with such application, licence or authority, shall confer any right, authority or immunity on the person making such application or payment.
- 1.3.3 Everyone commits an offence against this Bylaw who:
- 1.3.4 Does, or causes to be done, or permits or suffers to be done, or is concerned in doing, anything whatsoever contrary to or otherwise than as provided by this Bylaw; or
- 1.3.5 Omits, or neglects to do, or permits, or suffers to remain undone, anything which according to the true intent and meaning of this Bylaw, ought to be done at the time and in the manner therein provided; or
- 1.3.6 Does not refrain from doing anything which under this Bylaw he or she is required to refrain from doing; or
- 1.3.7 Permits or suffers any condition of things to exist contrary to any provision contained in this Bylaw; or
- 1.3.8 Refuses or neglects to comply with any notice duly given under this Bylaw; or
- 1.3.9 Obstructs or hinders any officer of the Council in the performance of any duty to be discharged by such officer under or in the exercise of any power, conferred by this Bylaw: or
- 1.3.10 Fails to comply with any notice or direction given in this Bylaw.

1.4 Penalties

- 1.4.1 Every person convicted of an offence against this Bylaw shall be liable to the penalties as set out in Section 242 (4) of the Local Government Act 2002 and further if the offence is one to which Section 243 of the Local Government Act 2002 applies (and is therefore an infringement offence) shall be liable to infringement fees as prescribed by Regulations made under Section 259 (b) of the Local Government Act 2002, or where any person is alleged to have committed an offence against this Bylaw; be proceeded against pursuant to any other enactment so empowering Council.

- 1.4.2 The continued existence of any work, building, land, premises or thing in such a state or form as to be in contravention of any provision of this Bylaw, shall be deemed to be a continuing offence under this Bylaw.

2.0 INTERPRETATION

- 2.1** In this bylaw, unless the context otherwise requires:

APPROVED means approved by Council or by an officer of Council authorised in that behalf.

AUTHORISED OFFICER means any person appointed by Council to act on its behalf and with its authority.

BEACH means any land adjacent to any sea coast or lakeside capable of being used for recreational purposes which for the time being is vested in or under the control of the council and is contiguous to the foreshore and used in connection therewith and where a river crosses a beach includes the area one kilometre upstream from the mouth of the river, and, where the control of the foreshore is vested in the council, includes the foreshore.

BOOK includes any magazine, newspaper, periodical, or manuscript or other article of a similar nature, or any part thereof respectively.

BORROWER means any person to whom the local authority has by registration or otherwise granted any licence or privilege to borrow.

BORROWER'S CARD means any card issued by the librarian as a means of identification of any borrower from the library.

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 means the Waitomo District Council.

CUSTODIAN means any person for the time being appointed by Council to control or manage or to assist in the control and management of any land, building, or premises belonging to or under the jurisdiction of Council.

DISTRICT means the Waitomo District.

DOCUMENT means any map, picture, or piece of music including a gramophone record or sound recording tape, broadsheet, card, cutting, photographic or negative film, or photocopy whether the property of Council or for the time being under the control of Council.

ENVIRONMENTAL HEALTH OFFICER means the Environmental Health Officer appointed by Council under the authority of the Health Act 1956 or any other Act.

INSPECTOR means any officer appointed by the local authority for the time being to carry out or exercise the duties of an inspector under this bylaw.

LIBRARIAN includes any person for the time being appointed to control or manage (or to assist in the control and management of) the library;

LIBRARY means any library established and carried on for the time being by the Council for use by the public or any section of the public, and includes every portion of any building used for such purposes.

LICENSED means holding a licence under this bylaw or under any statute.

MAP includes a chart or plan or other article of a similar nature;

MEDICAL OFFICER OF HEALTH means the Medical Officer of Health appointed under the provisions of the Health Act 1956 for the health district, which includes the district under the jurisdiction of the local authority.

MONUMENT means the same as in Section 2(1) of the Burial and Cremation Act 1964.

OCCUPIER means the inhabitant occupier of any property and in any case where any building, house, tenement, or premises is or are unoccupied shall be deemed to include the owner as hereinafter defined of such building, house, tenement, or premises.

OFFENCE includes any act or omission in relation to this bylaw or any part thereof for which any person can be punished either on indictment or by summary process.

OWNER of any property, or as applied to any land, building, or premises, means any person for the time being entitled to receive the rack rent of such property, land, buildings, or premises, or who would be so entitled if the same were let to a tenant at a rack rent; and where any such person is absent from New Zealand, shall include his attorney or agent, or any other person acting for him on his behalf.

PARKING means the standing of a vehicle in any place for a period in excess of 5 minutes and the verb park shall have a corresponding meaning.

PERSONS include a corporation sole and also a body of persons, whether corporate or unincorporated.

PICTURE includes an engraving, etching, print or photograph or other article of a similar nature, and includes any rental picture available for hire.

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.

POOL MANAGER includes any attendant or contractor for the time being employed by Council to control or manage or to assist in the control and management of any swimming pool.

PREMISES means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same or enclosed space separately occupied and all lands, buildings and places adjoining each other and occupied together shall be deemed to be the same premises.

PUBLIC AMENITY includes any beach, cemetery, public library, swimming pool, aquatic centre, park, reserve, recreational, cultural or community centre, museum, or hall under the ownership or control of Council.

PUBLIC SWIMMING POOL (hereinafter called SWIMMING POOL) means any swimming pool under the control for the time being of the local authority for use by the public or any section thereof and includes every portion of any premises used in connection with such purposes.

REFERENCE COLLECTION means any item identified by Council for use only within the library.

RESERVE includes any open space, plantation, park, garden, or ground set apart for public recreation or enjoyment which is now or hereafter may be under the management or control of the local authority.

ROAD has the same meaning as in the Land Transport Act 1998, which includes every berm, bridge, culvert, drain, ford, gate, building or other thing belonging thereto or lying upon the line or within the limits of the road reserve, and shall where the context requires include a street but does not include State Highways controlled by the NZ Transport Agency except where a specific authority has been delegated to Council.

SEXTON means any person 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.

SPECIAL COLLECTION means any item or group of items identified by Council, or held by Council, to have specific characteristic(s) that warrant the use of those items being restricted to ensure the items are appropriately protected or maintained.

STREET, PRIVATE STREET, FOOTWAY AND PRIVATE WAY shall have the respective meanings assigned to them in the Local Government Act 1974 and shall where the context requires be included within the definition of a road.

SURFBOARD means any object of wood, metal, fibre-glass, plastic or any other material of any kind whatsoever used for the purpose of surfing or surf-riding.

SURFBOARD AREA means an area as defined and reserved under clause 1908.2 hereof.

TABLET includes a plaque.

VEHICLE has the same meaning as in the Land Transport Act 1998 which is a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and Includes a hovercraft, a skateboard, in-line skates, and roller skates.

WORKING HOURS means the hours specified by the Council during any working day when its offices shall be open to the public.

WRITING, WRITTEN or any term of like import means and includes words printed, painted, engraved, lithographed, or otherwise traced or copied, and where anything is required to be written it may be partly in writing and partly in printing.

3.0 GENERAL CONDUCT AND RESTRICTIONS IN PUBLIC AMENITIES

3.1 Vehicles

3.1.1 No person shall in any public amenity:

- (a) Drive or park any vehicle carelessly, negligently or dangerously or without due consideration for persons using the public amenity;
- (c) Fail to comply with any direction for the regulation of vehicles given by an authorised officer, a member of the police or a traffic sign;
- (d) Fail, after the vehicle has been involved in an accident within any public amenity to give his name and address and the name and address of the owner of the vehicle to any person having reasonable grounds for requiring them;
- (e) Fail forthwith to report to an authorised officer any accident in which the vehicle has been involved within any public amenity;

3.1.2 Except with the prior permission of the Council, no person shall bring any vehicle into the public amenity unless such access is gained via an approved vehicle access point and vehicles are only driven on roadways provided for this purpose.

3.1.3 Vehicles may only be driven in public amenities on access ways which are open to vehicular traffic and park only in designated parking areas.

3.1.4 No vehicle shall be driven in any other direction than indicated by traffic signs or at a greater speed than indicated on any road within the public amenity and where no speed limit is displayed a speed limit of 20 km/h shall apply pursuant to the speed limit part of Council's Land Transport Bylaw.

3.1.5 Clause 3.1.4 will not apply to a vehicle used at the time to save or protect life or health, or prevent injury or serious damage to property.

3.2 Vegetation

3.2.1 No tree or shrub shall be planted in any part of any public amenity without the prior consent of the Council.

3.2.2 No person shall disturb, damage, take or pick any cutting or flower from any tree, shrub, plant or remove other vegetation in any public amenity without the consent of the Council.

3.3 Restricted Conduct in Public Amenities

3.3.1 No person shall in a public amenity:

- (a) interfere with, interrupt or delay the carrying out of any activity, service or ceremony;
- (b) obstruct, hinder or interfere with any person acting in the execution of his duty in relation to any public amenity;
- (c) bring into or exhibit any article that is a nuisance or is offensive to any other person;
- (d) behave in a manner that creates a nuisance or is offensive or is likely to create a nuisance or offensive to any other person;
- (e) consume, inject or inhale any proscribed substances or offer or sell such substances to any person;
- (f) be intoxicated and fail forthwith to leave any public amenity when directed to do so by an authorised officer or Police officer;
- (g) use profane or obscene language or gestures within the hearing or sight of any person in that public amenity;
- (h) climb, or attempt to climb any wall, fence, barrier, railing or post;
- (i) wilfully give a false fire or ambulance alarm.

3.3.2 Except with the prior permission of the Council, no person shall in a public amenity:

- (a) light a fire, except at fireplaces specially provided or in an appliance designed for outdoor cooking, and in accordance with any restriction imposed by Council on the lighting of fires;
- (b) open a drain or sewer on, or disturb or remove the surface of, any public amenity;
- (c) remove any sand, soil or other naturally occurring material found in a public place.

3.3.3 No person shall in a public amenity, throw or leave litter or any material or thing or substance which is likely to be hazardous or injurious to any person, or likely to be offensive or create a nuisance. Litter may be deposited in public litter receptacles where these are provided.

3.4 Animals in/on Public Amenities

3.4.1 The control of animals in/on public amenities is subject to the relevant provisions in the Public Places Bylaw and the Dog Control Bylaw except that animals may be taken into or onto a public amenity with the prior consent of Council.

3.5 Expulsion of Offenders

3.5.1 The Council may require any person who contravenes any of the provisions of this Bylaw or any rules made by the Council relating to the use of a public amenity under this Bylaw, or has otherwise acted in an unlawful manner in a public amenity or any person who is not bona fide using the public amenity for the purpose for which it is intended, to leave that public amenity, and any refusal on the part of the person to do so will constitute an offence against this Bylaw.

3.6 Exclusion from Public Amenity

3.6.1 Where in the opinion of the Council, any person has contravened any of the provisions of this Bylaw or any rules made by the Council relating to the use of a public amenity under this Bylaw, or has otherwise acted in an unlawful manner in a public amenity, the Council may exclude that person from the public amenity, until notice is given for the person to return.

4.0 LIBRARY

4.1 Management Control and Use

4.1.1 Council may from time to time make rules:

- (a) For the control, management and use of the library;
- (b) Determining the days and hours during which a library shall be open; and
- (c) For subscriptions, fees and charges payable by persons entering, remaining in or using the library or any service offered in the library.

4.1.2 Council or an authorised officer may from time to time determine:

- (a) The maximum number of items of the collection which may be lent to any person at any one time;
- (b) The length of time any item may be lent to any person;
- (c) The conditions for use of any item of a reference or special collection, or any other library service;
- (d) The information required for membership and any applicable terms or conditions of membership;
- (e) That a library or part thereof may be closed to the public for the exclusive use of the library by any person or group;
- (f) That a library or part thereof may be closed where circumstances would adversely affect library operations or public safety; and
- (g) For maintaining good order and conduct whilst persons are in a library or part thereof.

4.2 Conditions of Membership

4.2.1 Any person issued a library card is responsible for all items borrowed using that card, and any damage to, or loss of items borrowed using that card.

4.2.2 Without limiting clause 4.2.1 where a person under the age of 18 years is issued a library card a parent or guardian must guarantee responsibility for that card, and in doing so that parent or guardian accepts responsibility for all items borrowed using that card, and any damage to, or loss of items borrowed using that card.

4.2.3 Every application for membership must contain the information that the Council requires to issue the library card.

4.2.4 Any person issued a library card shall notify Council of any change of their address.

4.2.5 Any person issued a library card shall notify Council of the loss of any library card.

4.2.6 Any person issued a library card shall not allow any other person to use the library card except where that person:

- (a) Is the parent or guardian responsible for that library card; or
- (b) Has been authorised to use the library card by application to Council.

4.3 Borrowing

4.3.1 Any member may borrow any item, except reference books and special collection items, from any library provided that they:

- (a) Pay any applicable fee or service charge;

- (b) Present their library card or other form of identification acceptable to Council;
 - (c) The item is issued to them through the Council or library issuing system;
 - (d) Have approval to remove that item from the library;
 - (e) Return the item to the library by the specified return time and date.
- 4.3.2 Council may restrict any member from borrowing any item from the library if that person:
- (a) Has any outstanding fines or other outstanding amounts owed to Council in excess of the prescribed level;
 - (b) Has already borrowed more than the prescribed number of items;
 - (c) Seeks to borrow an item that is part of a reference collection or special collection for which use is restricted.
- 4.4 Damage or Loss of Collection Items**
- 4.4.1 If any item borrowed for the Library is lost or returned in a state that prevents the item from being returned to the collection, the borrower shall pay to Council the cost of replacing such item, or pay for any damage as the Council may determine.
- 4.5 Special Collections**
- 4.5.1 Without limiting clauses 4.1, 4.2, or 4.3 any person may use any item that is part of a special collection provided they comply with any conditions of use specified by Council.
- 4.6 Entry and Access**
- 4.6.1 Any person may enter, remain in or use any public part of any library during the hours that the library is open to the public.
- 4.7 Use of the Library**
- 4.7.1 The use by any person of any library service or facility must be for legal purposes, and must not result in breach of copyright, breach of privacy rights, unauthorised alteration or deletion of data or website contents, unauthorised access to information or the access or transmission of illegal images or text.

5.0 PARKS AND RESERVES

5.1 Restricted Conduct in Parks and Reserves

- 5.1.1 No person shall post or interfere with any placard, sign, or notice board in on or about any reserve without the prior permission of an authorised officer of the Council, or without such permission distribute any handbill or notice in a reserve or at any of the entrances.
- 5.1.2 No person shall bathe or wade in any water in any reserve except in any bath, swimming pool or paddling pool provided for that purpose or any recognised swimming spot in a river in the reserve.
- 5.1.3 No person shall put up or erect any stall, booth, swing, amusement device, or structure of any kind within any reserve except by permission of an authorised officer of the Council and then only in compliance with every condition under which such permission may be granted.
- 5.1.4 No person shall sell or offer for sale any article of food or merchandise or liquor, intoxicating or otherwise, or any kind of drink, or carry on any trade, pursuit, or calling within any reserve, without permission of an authorised officer of the Council, and then only in compliance with every condition under which such permission may be granted. Any custodian may take into his or her possession and retain, without liability, any intoxicating liquor, while the person carrying the same is in any reserve or facility.
- 5.1.5 No person shall by any means whatsoever destroy, shoot, snare, injure, interfere with or take any animal, whether wild or farmed, fish, bird, bird's nest or bird's egg, or attempt so to do, in or from any reserve without the prior permission of an authorised officer of the Council.

Provided that in the case of any animal or bird protected by the Wildlife Act 1953 no such permission shall be granted unless and until the provisions of that Act have been complied with.

- 5.1.6 No person shall, within the limits of any reserve and except with the prior permission of an authorised officer of the Council, organise, hold, or conduct, or attempt to hold or conduct a fair or fete.
- 5.1.7 The authorised officer of the Council in charge of reserves, and in his or her absence the custodian, may prevent any game being played therein which in his or her opinion is liable to damage the said reserve or anything therein, or which in his or her opinion is otherwise undesirable or unseemly.
- 5.1.8 No person shall play any game in any reserve except upon such portions thereof as shall be set apart for that purpose or as the custodian or authorised officer shall direct.
- 5.1.9 No person shall play at or engage in or practice activities or sports on any playing ground or part thereof on any reserve after being requested by the custodian or authorised officer to leave such playing ground or reserve or any part thereof, or when any notice is erected at the main entrance to such playing ground or reserve or alone or with any other words.
- 5.1.10 No person shall play or practise golf except on a reserve which the Council has set aside for that purpose.
- 5.1.11 No person shall within the limits of any reserve and without the prior permission of an authorised officer of the Council:-
 - (a) Take, use, or carry any firearm, axe or similar weapon or other instrument of a dangerous character, or any airgun or bow and arrow, trap or net or let off any fireworks; or
 - (b) Throw stones or other projectiles or missiles either by hand or by means of a catapult or other appliance.
- 5.1.12 Any custodian may take into his or her possession and retain any of the articles referred to in 5.1.11 (a) above without being liable for any claim arising therefrom while the person carrying the same is in any reserve.
- 5.1.13 No person shall from or in the airspace above any reserve except the Waitomo Aerodrome fly any model aeroplane in a manner hazardous to the public and when directed to cease doing so by a duly authorised officer of the Council.
- 5.1.14 No person shall make use of any part of any reserve except the Waitomo Aerodrome for the purpose of the landing thereon or flying there from of an aeroplane or of any kind of flying machine, hot air balloon, or glider except in case of emergency or in accordance with the prior permission of an authorised officer of the Council.
- 5.1.15 No person shall permit or cause wastage of water or permit any water tap to flow for a longer period than may be reasonably required for the filling of utensils for drinking, cooking, or washing purposes; nor shall any person in any manner pollute or otherwise render unfit for use for human consumption or otherwise any water supply in any reserve.

6.0 USE OF PUBLIC SWIMMING POOLS

6.1 Management Control and Use

- 6.1.1 If in the opinion of either Council or the pool operator an emergency or other situation warrants the immediate closing for public use of any swimming pool or any part thereof, Council or the pool operator as the case may be may forthwith close such swimming pool for use by the public until, in the opinion of Council or the pool operator, such emergency or other situation ceases to exist.
- 6.1.2 The pool operator may refuse admission to any person to any part of any swimming pool which in the opinion of the pool operator is likely to become overcrowded.

- 6.1.3 No person shall use or seek to use cameras and or mobile phones with camera (pixtel) in the changing rooms.
- 6.1.4 Council may in its discretion, for such fees and under terms and conditions and during such periods as Council may decide, grant rights or permission to use any swimming pool or part thereof for the purpose of coaching or teaching swimming with or without monetary reward and may refuse to grant or renew such rights or permission or cancel any such permission.
- 6.1.5 Children under the age of 8 years are required to be supervised by a person 16 years or older.
- 6.1.6 No person shall:-
- (a) Dive from any part of any swimming pool other than from the immediate surround to any area of water set aside for swimming. or
 - (b) Take into any part of the swimming pool any glass bottles or other containers made of glass. The pool operator shall have power to impound any such articles brought into the swimming pool.
- 6.1.7 Every person shall leave the swimming pool immediately upon the request of the pool operator over the public address system or by the sounding of a warning device.
- 6.1.8 Any person finding any article which may have been left in any bathroom or changing room or in any other part of the swimming pool shall immediately after finding such article deliver the same to the pool operator or other person acting on his or her behalf. Any property not claimed within 3 months of the date of being handed in may be disposed of in such manner as Council thinks fit.

7.0 BEACHES

7.1 Access to Beaches

- 7.1.1 Every person operating any vehicle, or leading, riding or driving any horse on any part of any beach must show due consideration for other users of the beach at all times.
- 7.1.2 Except as provided for in 7.1.3 below Council may prohibit or restrict the leading, riding, driving or swimming of a horse or cattle or other animal on or from any part of a beach which is likely to be used or is ordinarily used or is being used for the purpose of bathing or other recreation.
- 7.1.3 Any person whose land is adjacent to such beach and who uses the beach as an access to such land has the right to use the beach for this purpose, but the right shall be confined to that portion between such land and the nearest access point.
- 7.1.4 All vehicles and horses are prohibited on dunes. However, any person wishing to access the beach from an adjoining property or road may use a vehicle or horse on a dune only in a manner that does not cause nor is likely to cause damage to any part of that dune, and that utilises the most direct route possible.
- 7.1.5 Every person being the owner or having the care, custody or control of any cattle or sheep shall keep and prevent the same from wandering or being at large without proper guidance on any beach.

7.2 Protection of Property

- 7.2.1 Subject in all things to the provisions of the Resource Management Act 1991, except with the permission of the Chief Executive, no person shall –
- (a) Remove from any beach any stone, shingle, shell, sand, boulders, silt, mud, or other material;
 - (b) Use any portion of a beach for the wintering of boats; or
 - (c) Interfere with or remove any portion of any structure erected for the control of sand.

- 7.2.2 No person shall damage, disfigure or write in or upon any dressing shed, toilet or other property.

7.3 Restricted Conduct on Beaches

- 7.3.1 No person shall clean any fish or leave any dead fish or fish offal on the beach, or deposit any dead fish or fish offal in the sea in the vicinity of the beach.
- 7.3.2 No person shall use, displace, or otherwise interfere with any appliance or warning device provided by Council or by any life saving club unless authorised by Council to do so for practice purposes.

7.4 Surf Life Saving Clubs

- 7.4.1 Council may at its discretion authorise any life saving club (whether subsidised or not) to:
- (a) provide and use life saving equipment to the approved standards of the New Zealand Surf Life Saving Association;
 - (b) use any such life saving equipment provided by Council ; and
 - (c) erect and, as may from time to time be necessary, remove from any place warning or danger notices.
- 7.4.2 No person shall obstruct or hinder or interfere with the carrying out of any life saving operations or drills or with any person engaged in those activities.

7.5 Dogs on Beaches

- 7.5.1 No person shall take any dog or allow any dog in his/her custody to be on any beach except as permitted by the current Waitomo District Council Dog Control Policy and Bylaw.

7.6 Speed Limits on Beaches

- 7.6.1 Any maximum permitted speeds for vehicles using beaches or portions thereof shall be set under the current version of the Speed Limits Bylaw, whether freestanding or part of a consolidated Bylaw.

8.0 PUBLIC CEMETERIES

A GENERAL

8.1 Burial Plots: Exclusive Right of Burial

- 8.1.1 Burial plots sold by Council shall be sold upon the terms and conditions as decided by Council and the exclusive right of burial may be granted for such limited period as Council determines.
- 8.1.2 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.
- 8.1.3 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.

8.2 Burial Plots: No Exclusive Right of Burial

- 8.2.1 Where the exclusive right of burial has not been purchased, and where the human remains to be buried 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.
- 8.2.2 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.

- 8.2.3 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-ament.

8.3 Provisions for all Interments

- 8.3.1 Burials may be made in any cemetery for the time being vested in Council or under its control and not officially closed.
- 8.3.2 No burial shall be made in any cemetery without a burial warrant for that purpose obtained from Council by the person having the management or control of the burial and presented to the sexton as authority for burial.
- 8.3.3 No such warrant shall be issued until the fee for interment has been paid provided however, in the case of an interment 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 decides.
- 8.3.4 "Out of district fees" shall be payable as per the Policy set by Council from time to time.
- 8.3.5 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.
- 8.3.6 Notification of the intended burial shall, whenever possible, be given to Council at least 9 working hours prior to the time fixed for the funeral. Where an intended burial is to take place on a weekend or public holiday, whenever possible, 12 working hours notice shall be given to Council. Notification of an intended burial can be made to Council, outside working hours, through the Council's afterhours service. No Burial shall take place until the warrant has been delivered to Council.

8.4 Hours for Interments

- 8.4.1 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

- 8.4.2 Council must agree to and confirm the time for all burials with the funeral director.

8.5 Sexton or Assistant Only to Dig Grave

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

8.6 Burial of Ashes

- 8.6.1 Upon application being made in that behalf and on payment of the prescribed fees the urn containing the ashes of any deceased person may be buried at a minimum depth of 400 mm in either the special portion of the cemetery set aside for that purpose or in any plot subject to an exclusive right of burial subject to the limitation that no more than four urns may be buried in any one plot.

8.7 Interment Charges: Poor Persons

- 8.7.1 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.

8.8 Deceased Servicemen

- 8.9.1 Only those persons 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 section of the Te Kuiti Cemetery. This provision is subject to the condition that a spouse or partner of a serviceman or servicewoman may only be buried after the interment of the serviceman or servicewoman.
- 8.9.2 Notwithstanding anything to the contrary contained in this part of this bylaw, the fee payable to Council for the disinterment of any deceased serviceman and the re-interment thereof in the war graves section of the cemetery by the War Graves Branch of the Department of Internal Affairs may be agreed upon between the parties from time to time.

8.9 Disinterment

- 8.9.1 Where an application for a disinterment 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.

8.10 Soliciting of Orders

- 8.10.1 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.
- 8.10.2 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.

8.11 Vehicles

- 8.11.1 No person shall take any vehicle of any kind into any cemetery except between the hours of sunrise and sunset, or at such time as Council approves.
- 8.11.2 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.
- 8.11.3 All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.

8.12 Animals

- 8.12.1 No person may bring or allow any dog, horse or other animal to enter the confines of any cemetery except that Council may permit sheep to be grazed for the purposes of maintaining the cemetery.

B ENHANCEMENT OF PLOTS

8.13 Vaults

- 8.13.1 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.

8.14 Fencing, Tombstones etc

- 8.14.1 Purchasers or owners of the exclusive right of burial in any cemetery other than a memorial park or plaque lawn cemetery may surround the plots of ground allotted with kerbing in permanent materials. The highest part of such kerbing shall be not more than 300mm above the highest point in the terrain. Tombstones, headstones or other monuments may be erected thereon provided always that no such kerbing, tombstone, or other monument shall be erected unless a plan or description or both as required shall have been submitted to Council and duly approved and a permit issued therefore on payment of the relevant fee.
- 8.14.2 All foundations for kerbs, tombstones, headstones, monuments shall be laid to the satisfaction of Council.

8.14.3 Every person who encloses any plot of ground shall do all levelling required at his own cost and in accordance with the requirements of Council.

8.14.4 Every such person shall without delay remove all rubble and earth not required in the filling in of any grave, or in connection with levelling thereof from the cemetery to a place approved by Council.

8.15 Deposit of Materials

8.15.1 No person erecting or repairing any headstone, monument, fence or 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.

8.15.2 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.

8.15.3 Council may construct sheds or other buildings for the storage of tools, or materials used by any person for the construction, maintenance or repair of plot enhancement works, and may fix charges for the use thereof and for the supply of turf or water or any other services.

8.15.4 If Council provides any such shed or building, it may require any such mason or other person to remove all tools or materials either from the cemetery or into such shed or building.

8.15.5 If Council so 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 satisfaction of Council.

8.16 Keeping in Order

8.16.1 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.

8.16.2 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.

8.17 Removal of Fences, Headstones, Plants etc

8.17.1 No monumental mason or other person shall remove any headstone, monument, kerb or tablet from any cemetery or grave any without permission of Council.

8.17.2 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 may cause any neglected or broken material of this nature to be removed.

8.18 Memorial Part (Berm or Garden Cemeteries): Erection of Memorials

8.18.1 Council may construct or cause to be constructed a continuous concrete platform or berm at ground level or below ground level as required, 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.

8.18.2 Concrete based work for all memorials shall not stand higher than 450mm or as Council permits, 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.

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

- 8.18.4 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.
- 8.18.5 No erected memorial shall, at the head of any plot, be higher than 450mm or such height as Council permits. 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.
- 8.18.6 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.
- 8.18.7 In constructing bases and in erecting memorials, the adjoining roads, paths or allotment shall not be damaged.
- 8.18.8 All memorials shall be kept in good repair by the purchase of the allotment or their assignee. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, all memorials 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 and in the event of there being no one available to effect repairs or permit removal, a photographic record of the plot shall be taken before removal and filed with the cemetery records.

8.19 Brick or Walled-in Graves

- 8.19.1 No bricked or walled-in graves will be constructed in a berm or garden cemetery.
- 8.19.2 Statuary may be permitted within a memorial park cemetery subject to any conditions and requirements of Council.

8.20 Vases or Containers

- 8.20.1 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.

8.21 Plaque Lawn Cemeteries: Structures, Plaques, Tablets and Flowers on Plots

- 8.21.1 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 thereof shall project above the level of the ground immediately adjoining; or
 - (c) Install or place any memorial plaque, memorial tablet or other thing on any plot without the prior permission in writing of the Council, and subject to compliance with the following conditions:
 - (i) Any such memorial, tablet or memorial plaque shall consist of a permanent material as may be approved from time to time by Council.
 - (ii) Such 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.
- 8.21.2 No person shall plant anything on any plot, but during a period of 30 days following interment, or such other period as Council may approve, but any wreath or other floral tribute may be placed on a plot and shall be removed at the expiration of such period.
- 8.21.3 After expiry of 30 days or such extended period approved by Council no person shall place any floral tribute except flowers and foliage on a plot in a special receptacle of an approved type.

- 8.21.4 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.
- 8.21.5 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.

Common Seal of Waitomo District Council:

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

Mayor

Chief Executive