

AGENDA/KAUPAPA



P O Box 747, Gisborne, Ph 06 867 2049 Fax 06 867 8076
Email service@gdc.govt.nz Web www.gdc.govt.nz

MEMBERSHIP: Her Worship the Mayor Rehette Stoltz, Deputy Mayor Josh Wharehinga, Colin Alder, Andy Cranston, Larry Foster, Debbie Gregory, Ani Pahuru-Huriwai, Rawinia Parata, Aubrey Ria, Tony Robinson, Rob Telfer, Teddy Thompson, Rhonda Tibble and Nick Tupara

COUNCIL/TE KAUNIHERA

DATE: Thursday 30 January 2025

TIME: 9:00AM

AT: Te Ruma Kaunihera (Council Meeting Room), Awarua, Fitzherbert Street, Gisborne

AGENDA – OPEN SECTION

1. Apologies.....	4
2. Declarations of Interest.....	4
3. Confirmation of non-confidential Minutes	5
3.1. Confirmation of non-confidential Minutes 12 December 2024.....	5
3.2. Action Register	13
3.3. Governance Work Plan.....	14
4. Leave of Absence	16
5. Acknowledgements and Tributes.....	16
6. Public Input and Petitions	16
6.1. Andrew Ellmers - Maraetaha 2 Lands	16
7. Extraordinary Business.....	16
8. Notices of Motion	16
9. Adjourned Business.....	16
10. Reports of the Chief Executive and Staff for DECISION	17
10.1. 25-7 Statement of Proposal: Easter Sunday Shop Trading Policy	17
10.2. 25-1 Cemeteries and Crematoria Bylaw Approval to Consult	34
10.3. 25-3 Adoption of Dangerous, Earthquake-Prone and Flood-Prone Dams Policy.....	117

10.4. 25-4 Annual Report Dog Control Policy and Practices 1 July 2023 - 30 June 2024	132
10.5. 25-9 Tairāwhiti Resource Management Plan Review - Regional Policy Statement Change to Support the Urban Growth Plan Change.....	144
10.6. 25-6 Update of Financial Delegation to Chief Executive	155
11. Public Excluded Business.....	163

Council

Chairperson:	Mayor Rehette Stoltz
Deputy Chairperson:	Deputy Mayor Josh Wharehinga
Membership:	Mayor and all Councillors
Quorum:	Half of the members when the number is even and a majority when the number is uneven
Meeting Frequency:	Six weekly (or as required)

Terms of Reference:

The Council's terms of reference include the following powers which have not been delegated to committees, subcommittees, officers or any other subordinate decision-making body, and any other powers that are not legally able to be delegated:

1. The power to make a rate.
2. The power to make a bylaw.
3. The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
4. The power to adopt a Long Term Plan, Annual Plan, or Annual Report.
5. The power to appoint a Chief Executive.
6. The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan or developed for the purpose of the Local Governance Statement.
7. The power to adopt a remuneration and employment policy.
8. Committee Terms of Reference and Delegations for the 2019–2022 Triennium.
9. The power to approve or amend the Council's Standing Orders.
10. The power to approve or amend the Code of Conduct for elected members.
11. The power to appoint and discharge members of Committees.
12. The power to establish a joint committee with another local authority or other public body.
13. The power to make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the recommendation.

14. The power to make any resolutions that must be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer.
15. Consider any matters referred to it from any of the Committees.
16. Authorise all expenditure not delegated to staff or other Committees.

Council's terms of reference also includes oversight of the organisation's compliance with health and safety obligations under the Health and Safety at Work Act 2015.

Note: For 1-7 see clause 32(1) Schedule 7 Local Government Act 2002 and for 8-13 see clauses 15, 27, 30 Schedule 7 of Local Government Act 2002

3.1. Confirmation of non-confidential Minutes 12 December 2024

MINUTES

Draft & Unconfirmed



P O Box 747, Gisborne, Ph 867 2049 Fax 867 8076
Email service@gdc.govt.nz Web www.gdc.govt.nz

MEMBERSHIP: Her Worship the Mayor Rehette Stoltz, Deputy Mayor Josh Wharehinga, Colin Alder, Andy Cranston, Larry Foster, Debbie Gregory, Ani Pahuru-Huriwai, Rawinia Parata, Aubrey Ria, Tony Robinson, Rob Telfer, Teddy Thompson, Rhonda Tibble and Nick Tupara

MINUTES of the GISBORNE DISTRICT COUNCIL/TE KAUNIHERA

Held in Te Ruma Kaunihera (Council Meeting Room), Awarua, Fitzherbert Street, Gisborne on Thursday 12 December 2024 at 9:00AM.

PRESENT:

Her Worship the Mayor Rehette Stoltz, Colin Alder, Andy Cranston, Larry Foster, Debbie Gregory, Ani Pahuru-Huriwai, Rawinia Parata, Aubrey Ria, Tony Robinson, Rob Telfer, Daniel Thompson, Rhonda Tibble, Nick Tupara, Josh Wharehinga.

IN ATTENDANCE:

Chief Executive Nedine Thatcher Swann, Director Lifelines Tim Barry, Director Internal Partnerships & Protection James Baty, Acting Director Liveable Communities Kerry Hudson, Chief Financial Officer Pauline Foreman, Democracy & Support Services Manager Julian Rangihuna-Tuumuli and Committee Secretary Sally Ryan.

Secretarial Note: Cr Tibble and Chief Advisor Maori Gene Takurua attended the meeting via audio visual link.

The meeting commenced with a karakia.

1. Apologies

MOVED by Cr Gregory, seconded by Cr Ria

That the apologies from Cr Tibble and Cr Parata for lateness be sustained. **CARRIED**

2. Declarations of Interest

There were no interests declared.

3. Confirmation of non-confidential Minutes

3.1 Confirmation of non-confidential Minutes Extraordinary Council 6 November 2024

MOVED by Cr Wharehinga, seconded by Cr Foster

That the Minutes of 6 November 2024 be accepted.

CARRIED

3.2. Confirmation of non-confidential Minutes 21 November 2024

MOVED by Cr Wharehinga, seconded by Cr Foster

That the Minutes of 21 November 2024 be accepted.

CARRIED

3.3 Action Register

Noted.

3.4 Governance Work Plan

Noted.

4. Leave of Absence

There were no leaves of absence.

5. Acknowledgements and Tribute

There were no acknowledgements or tributes.

6. Public Input and Petitions

There were no public input or petitions.

7. Extraordinary Business

There was no extraordinary business.

8. Notices of Motion

There were no notices of motion.

9. Adjourned Business

There was no adjourned business.

10. Reports of the Chief Executive and Staff for DECISION

10.1 24-352 Submission on Principles of the Treaty of Waitangi Bill

Chief Advisor Maori Gene Takurua and Chief Executive Nedine Thatcher Swann spoke to the report.

Questions included:

- There will be future ramifications from this Bill undermining all the work that has been done to build treaty partnerships and working relationships with iwi.
- The Bill protects those who have settled. For those who have not yet settled there is a degree of uncertainty with how their rights over particular areas are going to be recognised and this complicates the decision-making process and strategic direction.

- There was no engagement or consultation with Māori who should have been part of the discussion. All parties to the Treaty should have been consulted regarding any proposed changes.
- Point 8 of the Principal's Act provides for iwi who have already settled giving legal rights over natural resources, any iwi who are yet to settle claims under the Treaty of Waitangi would not have those right. It would be difficult for Council to fairly support those who have yet to settle should the Bill come into effect.

MOVED by Cr Wharehinga, seconded by Cr Ria

That the Council/Te Kaunihera:

1. Delegates authority to the Chief Executive to make amendments to the draft submission (Attachment 1) in line with the resolution/s of Council on this matter, and any minor amendments for grammar/spelling etc.
2. Delegates authority to the Chief Executive and Mayor to submit the submission to the Justice Committee.

Vote by Division

For

Mayor Stoltz
 Cr Pahuru-Huriwai
 Cr Cranston
 Cr Gregory
 Cr Foster
 Cr Ria
 Cr Robinson
 Cr Thompson
 Cr Tupara
 Cr Wharehinga
 Cr Parata

Against

Cr Telfer

CARRIED

Cr Alder abstained from voting.

10.2 24-299 Implementing Te Mana o Te Wai Recommendations

Charlotte Knight spoke to the report.

Questions of clarification included:

- The policy approach with rahui has not been deep dived yet, currently there is open discussion with iwi and hapu on how to support them to participate in the process which varies across the different iwi and hapu. With the Freshwater Plan, discussion on catchments has been with Advisory Groups and includes a wide range of people.

- The 2021 Tairāwhiti Resource Management Plan program budget factored in the provision to build capacity and capability.
- Several technical and advice reports form the policy process. Communication with the wider community is based on this information as well as what has been observed when seeking direction. Not all reports include full community engagement.

MOVED by Cr Robinson, seconded by Cr Wharehinga

That the Council/Te Kaunihera:

1. Agrees that Council staff continue undertaking work to give effect to Te Mana o te Wai ki Tairāwhiti.

CARRIED

10.3 24-317 Waingake-Pamoa Joint Steering Group Strategic Direction

Reginal Biodiversity Transformation Manager Amy England, Maraetaha Incorporated Chairperson Bella Hawkins and Maraetaha Incorporated Trustee Beth Tupara-Katene spoke to the report:

Secretarial note: Cr Tibble arrived online at 10:27 am

Points included:

- The commissioning of this report was a joint investment. Jane Luiten was chosen to deliver this report due to her strong research background.
- Part of the strategic direction is to work on building ongoing financial support for this project into the Long-Term Plan.
- The report was completed in May and sent to Maraetaha for review before coming back to Council.
- Maraetaha are working with Council to find the best outcome in securing the town water supply that comes from their land. This document sets out to put in place clear roles and responsibilities as partners to enhance the operational activities around water.

MOVED by Cr Gregory, seconded by Cr Pahuru-Huriwai

That the Council/Te Kaunihera:

1. Approves the Waingake-Pamoa Joint Steering Group Strategic Direction.
2. Accepts and endorses the 'Local Government Acquisitions of Maraetaha 2 Lands' research report as a shared understanding of the history of the Maraetaha 2 whenua.

CARRIED

Secretarial Note: The meeting adjourned at 11am for morning tea and reconvened at 11:15am.

10.4 24-348 Local Water Done Well

Contractor Water Kevan Scott and Associate Director of Morrison Low Stuart Cross spoke to the report.

Points included:

- The revenue collected from water must be sufficient to cover any water debt.
- Nationwide a lot of Councils have underfunded water infrastructure.
- The 3-Year Plan is for the capital expenditure forecast for the next 3 years in wastewater, work has been done with the Asset Management team and the Three Waters team to gather information to come up with the capital program.
- There are charts in the report which look at the financial and investment sustainability ratios, this is showing that the current investment and renewals plan are looking good.
- Failure modelling of the network has been done to ensure the investment in the renewals program lines up to address failures that may occur. The current plan for investment is in the right place to address those weaknesses.
- There is a difference in cost between the two options. The long-term outcomes and debt would need to be reviewed.
- The real cost of water is difficult to ascertain. Approximately 2/3 of the revenue for water services for wastewater and stormwater would come from residential properties.
- The curve in figure 17 is the status quo of the coming renewals within the next 10 years. Beyond the 3 Year Plan it shows the renewals that have been signalled with the Asset Management team. The new regulations in place create additional requirements that did not exist when the last 10 Year Plan was created.
- The current revenue being collected across all water services covers 86% of total expenditure leaving a gap of approximately \$2 million in funding. This does not include subsidies or base charges which can fluctuate.
- The chart in figure 17 is worked out on renewals investment divided by depreciation. Financial sustainability means funding the depreciation not the renewals cost. Renewals in 2028 are forecasted to be more than double the depreciation. This is what is reflected in the spike in the chart.
- An ambitious capital works program or a significant increase in operational costs has not been factored in. It is predominantly around funding the depreciation.
- The assets have not been revalued for 2-3 years prior to this work. The modelling includes correction of the valuation which uplifts the depreciation charge reflecting the increased cost.
- The regions water system is not under the same pressure from growth as other regions.
- A good understanding of the network allows for the understanding of how failures happen giving an advantage to prevent future issues.
- Stormwater is an optional component of Local Water Done Well. The decision needs to be expressed in the consultation document.

MOVED by Cr Parata, seconded by Cr Telfer

That the Council/Te Kaunihera:

1. Agrees that Council consult on two options, being:
 - a. the status quo of in-house delivery of water services, with changes to meet new legislative requirements; or
 - b. a new single-council Water Services Council Controlled Organisation.
2. Adopts, in principle, as its preferred option for consultation, the modified status quo of in-house delivery via a stand-alone business unit.

CARRIED

10.5 24-324 Policy Framework for Decisions on Storm-Affected Land Acquired by Council

Principal Adviser Integrated Strategy Tessa Buchanan spoke to the report.

Points included:

- All category 3 properties were assessed as having intolerable risk to life from future severe weather events.
- Funding will be needed to maintain the properties once they have been obtained which would be at Council's cost.
- All land being acquired will be appropriately managed in line with the risk profile after houses are removed or demolished.
- It was noted that sale to a neighbor came before transfer to mana whenua in the draft process, this should be changed in the final policy framework to transfer to mana whenua followed by sale to a neighbor.
- The policy takes into account the need to reduce the cost to ratepayers where possible when it comes to the level 3 properties acquired.
- Each property and their individual risk would need to be assessed on a case-by-case basis with the intended use of that land going forward.
- There are still a few properties yet to decide if they will settle or not. The money for the buyout of category 3 properties cannot be repurposed and cannot be put towards the maintenance of the purchased properties.
- Technical changes as a result of iwi feedback tabled in the meeting were noted.

MOVED by Cr Gregory, seconded by Cr Wharehinga

That the Council/Te Kaunihera:

1. Approves the proposed Policy Framework for Decisions on Storm-Affected Land.

CARRIED

10.6 24-342 Temporary Alcohol Bans December 2024 and January 2025

MOVED by Cr Stoltz, seconded by Cr Foster

That the Council/Te Kaunihera:

1. Exercises its power under clause 7.1 of the Gisborne District Alcohol Bylaw to prohibit the consumption, bringing into, or possession of alcohol:
 - a) From 8am on 27 December 2024 to 8am on 1 January 2025, in the areas shown on the map at Attachment 2 (being area in the vicinity of R&V, around and including Gray's Bush Scenic Reserve and Carpark, Gray's Bush Lookout, Waimata Valley Road, Back Ormond Road from Hansen Road to Matawai Road [SH2], Waihirere Domain Road, Snowsill Road, Glenelg Road, Kawatiri Road and all the roads joining Matawai Road to Back Ormond Road and Lytton West Reserve).
 - b) From 8am on 27 December 2024 to 8am on 1 January 2025, in the areas shown on the map in Attachment 3 being the area bounded by Awapuni Road, Pacific Street, Centennial Marine Drive, Beacon Street, Salisbury Road and Midway Beach.
 - c) From 8am on 27 December 2024 to 8am on 1 January 2025, in the areas shown on the map in Attachment 4 (being the area of Marina Park bounded by the two rivers, Ormond Road, Fitzherbert Street and Peel Street, and the whole of Kelvin Park bounded by the river, Peel Street, Stout Street and the Museum).
 - d) From 8am on 17 January 2025 to 8am on 19 January 2025 in the areas shown on the map in Attachment 3 being the area bounded by Awapuni Road, Pacific Street, Centennial Marine Drive, Beacon Street, Salisbury Road and Midway Beach.

CARRIED

10.7 24-343 2024 - Public Financial Report on Income and Expenses Related to the Operation of the District Licensing Committee

- The Local Alcohol Policy is currently under review. Until any changes are implemented the existing operating system must be followed.

MOVED by Cr Foster, seconded by Cr Wharehinga

That the Council/Te Kaunihera:

1. Adopts the Gisborne District Licensing Committee's Annual Report for the 2023/24 year.

CARRIED

11. Public Excluded Business

Secretarial Note: These Minutes include a public excluded section. They have been separated for receipt in Section 11 Public Excluded Business of Council.

12. READMITTANCE OF THE PUBLIC

MOVED by Mayor Stoltz, seconded by Cr Wharehinga

That the Council/Te Kaunihera

1. Re-admits the public.

CARRIED

13. Close of Meeting

There being no further business, the meeting concluded at 12:43pm.

Rehette Stoltz

MAYOR

3.2. Action Register

Meeting Date	Item No.	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
27-06-2024	11.1	24-102 2024-2027 Three Year Plan Adopting Report	In progress	Cr Foster requested that a report be brought back to council around Business Area Patrols and the targeted rate on area patrol for business owners, additionally requesting that a satisfaction survey be conducted on retailers around this service.	Gary McKenzie	03/12/2024 James Baty Survey scoping is complete, with plans to conduct it over the summer period.	20-03-2025

3.3. Governance Work Plan

2025 COUNCIL						Meeting Dates							
HUB	Activity	Name of agenda item	Purpose	Report type	Owner	30-Jan	20-Mar	26-Jun	14-Aug	2-Oct	30-Oct	12-Nov	11-Dec
Sustainable Futures	Strategic Planning	25-9 Tairāwhiti Resource Management Plan Review - Regional Policy Statement Change to Support the Urban Growth Plan Change	Approval to prepare and notify a stand-alone change to the operative RPS, to add urban growth management components in June 2025	Decision (D)	Shane McGhie								
Sustainable Futures	Strategic Planning	25-3 Adoption of Dangerous, Earthquake-Prone and Flood-Prone Dams Policy	To seek adoption of the policy	Decision (D)	Tessa Buchanan								
Sustainable Futures	Strategic Planning	25 1 Cemeteries and Crematoria Bylaw - Approval to Consult	To seek adoption of statement of proposal and approval to consult.	Decision (D)	Charlotte Knight								
Sustainable Futures	Strategic Planning	25 XX TBC	Endorsement of Urban Plan Change	Decision (D)	Drew Williams								
Sustainable Futures	Strategic Planning	25 -8 Workshop Report for Alcohol Control Bylaw	To report back findings from workshop	Workshop	Makarand Rodge								
Sustainable	Strategic	25 -11 Workshop Report for	To report back	Workshop	Makarand								

2025 COUNCIL

Meeting Dates

HUB	Activity	Name of agenda item	Purpose	Report type	Owner	30-Jan	20-Mar	26-Jun	14-Aug	2-Oct	30-Oct	12-Nov	11-Dec
Futures	Planning	Mobile Trades Bylaw	findings from workshop		Rodge								
Sustainable Futures	Strategic Planning	24-355 Progress Update in Forestry-Related Matters	The purpose of this report is to provide background for a workshop with Council prior to Council's site visit on 14 February 2025		Janic Slupski, Ariel Yann le Chew								
Sustainable Futures	Strategic Planning	Forestry Workshop	Update on Resource Consents, CME, Woody Debris, Catchments, TRMP, Transition.	Workshop	Janic Slupski, Ariel Yann le Chew								
Sustainable Futures	Strategic Planning	25-7 Statement of Proposal: Easter Sunday Shop Trading Policy		Decision (D)	Tessa Buchanan								
Finance & Affordability	Financial Services	Fees and Charges adoption	Adopt the Fees and Charges for the 2025/2026 Financial Year	Decision (D)	Ally Campbell								
Finance & Affordability	Risk & Performance	Chief Executive Activity Report	Provide elected members with an update on Council activities for the	Information (I)	Joy Benioni								

2025 COUNCIL

Meeting Dates

HUB	Activity	Name of agenda item	Purpose	Report type	Owner	30-Jan	20-Mar	26-Jun	14-Aug	2-Oct	30-Oct	12-Nov	11-Dec
			covered period.										
Finance & Affordability	Financial Services	Rates Setting Report	Provide the proposed rates for Council approval	Decision (D)	Fiona Scragg								
Finance & Affordability	Risk & Performance	Annual Plan Adoption	Provide the Annual Plan for Adoption	Decision (D)	Ally Campbell								
Finance & Affordability	Financial Services	GHL Update		Public Excluded (D)	Ally Campbell								
Finance & Affordability	Risk & Performance	Annual Report Adoption	Provide the Annual Report for Adoption	Decision (D)	Tim Muir								
Finance & Affordability	Risk & Performance	Our Waters Done Well Consultation Document		Decision (D)	TBC								
Finance & Affordability	Risk & Performance	Our Waters Done Well Management Plan Adoption		Decision (D)	TBC								

10. Reports of the Chief Executive and Staff for DECISION



25-7

Title: 25-7 Statement of Proposal: Easter Sunday Shop Trading Policy
Section: Strategic Planning
Prepared by: Karma McCallum – Senior Policy Advisor
Meeting Date: 30 January 2025

Legal: Yes

Financial: No

Significance: **Medium**

Report to COUNCIL/TE KAUNIHERA for decision

PURPOSE - TE TAKE

This report seeks adoption of the Statement of Proposal for consultation on the Tairāwhiti Easter Sunday Shop Trading Policy 2025.

SUMMARY - HE WHAKARĀPOPOTOTANGA

Since 2018, shops in Te Tairāwhiti have been able to open on Easter Sunday under the Easter Sunday Shop Trading Policy (the 2018 policy).

The 2018 policy, made in accordance with the Shop Trading Hours Act 1990 (the Act), will lapse on 1 March 2025. If a new policy is not adopted, no shops in Te Tairāwhiti region except those exempted under the Act will be able to legally open on Easter Sunday 2025 (20 April).

Review of this policy was put on hold due to a Member's Bill being introduced to Parliament, which, if passed into law, would have removed the need for local easter trading policies. In December 2024, the Bill did not pass the first reading stage. With the possibility of this Bill becoming law now gone, if Council wish to allow shops the option to trade on Easter Sunday, a new Policy must be adopted.

The attached Statement of Proposal proposes adoption of the Tairāwhiti Easter Sunday Shop Trading Policy 2025 (the 2025 policy). The proposed 2025 policy is unchanged from the 2018 policy.

If the Statement of Proposal is adopted, consultation will be open from 4 February to 5 March 2025.

The decisions or matters in this report are considered to be of **Medium** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Council/Te Kaunihera:

1. Adopts the Statement of Proposal including the draft Tairāwhiti Easter Sunday Shop Trading Policy 2025 (Attachment 1) for consultation using the Special Consultative Procedure.
2. Delegates the Hearings Panel to:
 1. Receive submissions from the public in relation to the draft Policy.
 2. Select members for the 'Chat to a Councillor' sessions, noting these sessions will also be for the Cemeteries Bylaw review.
 3. Conduct 'Chat to a Councillor' sessions and hear any oral submissions from the public in relation to the draft policy.
 4. Deliberate on any matters arising from the analysis of the submissions received.
 5. Propose changes on the draft and recommend adoption of the draft policy to Council.

Authorised by:

Joanna Noble - Director Sustainable Futures

Keywords: policy, Easter Sunday Shop Trading, Shop Trading Hours Act

BACKGROUND - HE WHAKAMĀRAMA

Territorial authorities can decide whether to allow retailers in their area the choice to open on Easter Sunday

1. [Section 3](#) of the Shop Trading Hours Act 1990 (the Act) provides that all shops must remain closed all day on Easter Sunday. [Section 4](#) of the Act exempts some types of shops from this, including dairies, pharmacies, service stations, cafes / bars / restaurants / takeaways, shops providing services (and not selling goods), souvenir shops and exhibitions. [Section 4A](#) allows garden centres to open and [section 4B](#) allows shops to open in districts where a local Easter Sunday trading policy has been adopted. [Section 5](#) of the Act makes opening a shop in contravention of these provisions an offence with a maximum fine of \$1000.
2. Under Part 2 of the Act, which came into effect in 2016, territorial authorities may adopt local policies to allow shop trading across their entire district or in limited areas on Easter Sunday ([section 5A](#)). Local policies cannot control or override shop trading provisions in other legislation, such as supply of alcohol provisions¹, define specific opening hours, or determine what types of shops may open. Shop employees can refuse to work on Easter Sunday without providing a reason to their employer ([section 5H](#)).
3. Currently over 40 councils have local Easter Sunday shop trading policies in place.

Council currently has a policy allowing retailers this choice

4. [Section 5B](#) of the Act requires councils to use the Special Consultative Procedure set out in the Local Government Act 2002 to adopt, amend, or revoke a local Easter Sunday shop trading policy.
5. In 2016, following the changes to the Act, Council agreed to a local Easter Sunday shop trading policy being developed for the Gisborne district by Easter 2018 (report 16-456).
6. On 1 March 2018, the [Gisborne District Easter Sunday Shop Trading Policy](#) (the 2018 policy) was adopted following consultation (report 18-097). 49 submissions were received. Reasons given for support included greater freedom of choice for business owners and the public, more income for business owners, and benefits for travelling locals and visitors. Reasons given for opposition included reserving the time for family and friends, unfairness to workers, and undermining Christian observance. No submitters requested a hearing.
7. In adopting the 2018 policy, Council recognised that economic development for Te Tairāwhiti includes increasing employment, income, and investment in the district. Facilitating the option of greater retail trade on Easter Sunday was considered in line with these objectives by permitting a wider variety of businesses to operate on Easter Sunday should they choose to. The 2018 policy also acknowledges that Easter Sunday continues to be a day of significance across New Zealand and that some people will (and have the right to) choose not to work on this day.

However, the current policy will lapse before Easter 2025

8. Under [section 5B](#) of the Act a local Easter Sunday shop trading policy must be reviewed within 5 years of being adopted. If not reviewed within that timeframe, the policy will be revoked two years after the review deadline.

¹ Under the Sale and Supply of Alcohol Act 2012, off-licences may not sell alcohol on Easter Sunday ([section 48](#)) and on-licences may only sell alcohol to customers on the premises to dine ([section 47](#)).

9. The 2018 policy was due to be reviewed by 1 March 2023. It has not been reviewed so will be automatically revoked on 1 March 2025.
10. The Repeal of Good Friday and Easter Sunday as Restricted Trading Days (Shop Trading and Sale of Alcohol) Amendment Bill, introduced to Parliament as a Member's Bill, did not pass the first reading stage in December 2024. If this Bill did progress to law, the need for local Easter Sunday trading policies would have been removed. Review of this policy was put on hold while we awaited the outcome of this Bill. With the possibility of this Bill becoming law now gone, if Council wish to allow shops the option to trade on Easter Sunday, a new Policy must be adopted.

DISCUSSION and OPTIONS - WHAKAWHITINGA KŌRERO me ngā KŌWHIRINGA

It is proposed to consult on adopting a new policy that matches the current policy

11. If a new policy is not adopted prior to Easter Sunday 2025 (20 April), no shops in Te Tairāwhiti will be able to open on that day that wish to other than those covered by statutory exemptions.
12. The attached Statement of Proposal proposes adoption of a 2025 policy that is unchanged from the 2018 policy. The economic development goals underpinning adoption of the policy in 2018 are still relevant today. Retailers and shoppers are used to the arrangements and statute has not changed. We are not aware of any major opposition to the arrangements, particularly as the policy enables shops to choose to open, it doesn't require them to open.
13. Data is not readily available on the impacts of the 2018 policy, such as how many retailers have been opening on Easter Sunday or any complaints received about them doing so. If the Statement of Proposal is adopted, staff will search for any further data that is less readily available and this will be included in the deliberation / adoption report.
14. There are three options open to Council:
 - a. Option 1 - Adopt the SOP and undertake consultation (recommended)
 - b. Option 2 - Direct full review of the policy with a view to making a decision before Easter 2026
 - c. Option 3 - Do nothing.

Table 1: Summary of options

	Option 1 – Adopt Statement of Proposal and Consult (Recommended)	Option 2 – Full Policy Review	Option 3 – Do Nothing
Possibility of opening on Easter Sunday 2025	Yes	No	No
Possibility of opening on Easter Sunday 2026 and thereafter	Yes	Yes	No
Community input	Consultation	Engagement and consultation	None
Reputation risk	Low	High	Very high

15. Option 1 is recommended because it will leave open the possibility for the approach taken for the last seven years to be maintained. Adopting the Statement of Proposal will allow feedback to be received and data to be gathered to inform a decision in time for Easter 2025.
16. Retailers may not be aware the policy is due to lapse and will be assuming they can open on Easter Sunday 2025 and planning on that basis. Previous feedback included that some people who live in isolated areas rely on being able to shop in town on Sundays. Any option taken will therefore carry some reputation risk due to the last-minute nature of the consultation. Option 1 will mitigate this risk to some extent by at least leaving the possibility of opening on Easter Sunday 2025 live whilst a policy is finalised. A communication plan has been developed to respond on this matter.
17. As evidenced by the number of submissions received on the 2018 policy, Easter Sunday trading is an issue that some people have strong opinions on, whether they support or oppose it. Option 2 would allow more time for research and engagement on whether the community wishes to have a policy and what it should contain. This option would not rule out opening on Easter Sunday in future years (which Option 3 would) but would not allow for opening on Easter Sunday 2025 (which Option 1 would). There is no provision in the Act to carry over the current policy any further than it already has been, even if it is under active review. However, given the time taken and level of engagement in development and adoption of the current policy, the Special Consultative Procedure requirements are an appropriate level of engagement for re-adopting the same policy. There is also very limited scope for the provisions of the policy to be adjusted from the current policy given the restrictions of the Act.
18. Option 3 would mean the 2018 policy lapses on 1 March 2025 without any community engagement or consultation. This is effectively a decision to revoke the policy, so would contravene section 5B of the Act which requires the Special Consultative Procedure to be used when deciding to revoke a local Easter Sunday shop trading policy. It will remain open to Council to decide not to have a policy in response to submissions and further research by staff.
19. A risk of both Option 2 and 3 is that shop owners, even if communicated with by Council, may be unaware of the change or disregard it. Shops then opening on Easter Sunday would be subject to enforcement action by Central Government.

If approved, consultation will be held in February to enable a decision to be made before Easter

20. The Special Consultative Procedure requires Council to prepare and adopt a statement of proposal and undertake minimum one calendar month of consultation.
21. If the attached Statement of Proposal is adopted, consultation is planned to open on 4 February 2025 and close on 5 March 2025. This will allow consideration of whether to adopt a new policy at Council on 27 March 2025. This is the last Council meeting scheduled prior to Easter Sunday (20 April).

ASSESSMENT of SIGNIFICANCE - AROTAKENGA o NGĀ HIRANGA

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation.

Overall Process: Low Significance

This Report: Low Significance

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

Overall Process: Low Significance

This Report: Low Significance

Inconsistency with Council's current strategy and policy

Overall Process: Low Significance

This Report: Low Significance

The effects on all or a large part of the Gisborne district

Overall Process: Medium Significance

This Report: Medium Significance

The effects on individuals or specific communities

Overall Process: Medium Significance

This Report: Medium Significance

The level or history of public interest in the matter or issue

Overall Process: Medium Significance

This Report: Medium Significance

22. This report is part of a process to arrive at a decision that may be of **Medium** level in accordance with the Council's Significance and Engagement Policy

23. The policy applies to the entire Te Tairāwhiti district. 49 submissions were received on the 2018 policy, which were evenly split between support and opposition.

TREATY COMPASS ANALYSIS

Kāwanatanga

24. No pre-engagement has been undertaken with iwi. Iwi will be advised prior to consultation opening and offered meetings to discuss the proposal should they wish to.

Rangatiratanga

25. As the content of the policy is largely determined by the Act, Council is constrained in its ability to tailor the provisions of the policy. There is the ability for the policy to apply only to parts of the district that may be considered if this was requested by iwi.

Oritetanga

26. The proposed policy would apply across all of Te Tairāwhiti and to all types of shops.

Whakapono

27. The proposed policy recognises the significance of Easter Sunday in that it provides the choice of opening on this day but does not require any shop to open if they do not wish to. The Act provides for shop employees to choose not to work on Easter Sunday if their employer does choose to open.

TANGATA WHENUA/MĀORI ENGAGEMENT - TŪTAKITANGA TANGATA WHENUA

28. No pre-engagement has been undertaken with iwi. Iwi will be advised prior to consultation opening and offered meetings to discuss the proposal should they wish to.

COMMUNITY ENGAGEMENT - TŪTAKITANGA HAPORI

29. No community engagement has been undertaken. The primary means of community engagement will be through consultation under the Special Consultative Procedure, which requires public notification and availability of information. This will be done via social media and notice in the Gisborne Herald.
30. We will be holding 'chat with a Councillor' sessions for the community to supply their thoughts, concerns and feedback in person. The sessions will be in person, over the phone or via an audiovisual link. This will provide the community the opportunity to talk one-on-one to a Councillor.

CLIMATE CHANGE – Impacts / Implications - NGĀ REREKĒTANGA ĀHUARANGI – ngā whakaaweawe / ngā ritenga

31. There are no climate change impacts associated with the proposal.

CONSIDERATIONS - HEI WHAKAARO

Financial/Budget

32. There are no financial / budget considerations associated with the proposal.

Legal

33. The 2025 policy is proposed to be the same as the 2018 policy, which meets the requirements set out in the Act. If the proposed 2025 policy is not adopted following consultation, the standard provisions of the Act will apply and non-exempt shops will no longer be able to open on Easter Sunday. Council is not responsible for enforcement of the Act. As noted, a decision to do nothing (Option 3) would not meet the requirements of the Act.

POLICY and PLANNING IMPLICATIONS - KAUPAPA HERE me ngā RITENGA WHAKAMAHERE

34. There are no policy or planning implications.

RISKS - NGĀ TŪRARU

35. Risks specific to the options are set out in the options analysis above.

NEXT STEPS - NGĀ MAHI E WHAI AKE

Date	Action/Milestone	Comments
4 February to 5 March 2025	Consultation period	Further research on the impact of the proposal will be undertaken during the consultation period, informed by feedback from the community
February	Chat with a Councillor	In place of holding a hearing.
27 March 2025	Deliberation and adoption report	
20 April 2025	Easter Sunday	

ATTACHMENTS - NGĀ TĀPIRITANGA

1. Attachment 1 - Statement of Proposal Tairawhiti Easter Sunday Shop Trading Policy [25-7.1 - 9 pages]

1. Statement of Proposal:

Adoption of proposed Tairāwhiti Easter Sunday Shop Trading Policy 2025

The Gisborne District Easter Sunday Shop Trading Policy was adopted by Council in March 2018 in accordance with the provisions of the Shop Trading Hours Act 1990 (the Act). This policy allows shops in Te Tairāwhiti the choice to open on Easter Sunday if they wish to do so.

The current policy will lapse on 1 March 2025. To maintain the choice that has been available for the past seven years, the current policy is proposed to be re-adopted as the Tairāwhiti Easter Sunday Shop Trading Policy 2025.

This document is the Statement of Proposal for the purposes of Section 83(1)(a) of the Local Government Act 2002 (LGA). This document contains:

- a summary of relevant information
- a description of the proposed changes
- the relevant legislative requirements
- information on how to have your say
- a draft of the proposed policy.

Summary

Under the [Shop Trading Hours Act 1990](#) (the Act), most shops have to remain closed on Easter Sunday. The Act only allows shops selling certain types of goods (for example dairies, service stations and garden centres) to remain open. However, the Act was amended in 2016 to enable councils to decide whether retailers in their districts can open on Easter Sunday by adopting local Easter Sunday shop trading policies.

Council recognises the importance of the retail sector to Te Tairāwhiti, particularly during peak holiday periods such as Easter. It is important that not only our local community has a choice as to whether to shop on Easter Sunday, but that retailers in our urban and rural areas can benefit from trade from visitors and passing traffic. This is why Council adopted the current policy in 2018.

Without this policy, the provisions of the Act restricting trading on Easter Sunday would apply. Many businesses in our district would still be permitted to open through the exemptions provided in the Act. However, Council recognises the potential economic benefit to the district in allowing all shops in the district to open if they choose.

This consultation is an opportunity for the community to have their say. We would like to hear from you on whether:

- You would like all shops in the district, which are currently allowed to open on Easter Sunday, to continue to be able to open if they choose, or
- Do you prefer the limited trading options provided for in the Act?

FAQs

What can the policy regulate?

The Act allows Council to introduce a local policy to allow for shop trading in their entire district or in limited areas on Easter Sunday.

A local Easter Sunday trading policy cannot:

- Permit shops to open only for some purposes, or
- Permit only some types of shops to open, or
- Specify times at which shops may or may not open, or
- Include any other conditions as to the circumstances in which shops in the area may open, or
- Override shop trading provisions in other legislation, such as alcohol licensing provisions.

Do employees have to work?

In line with section 5H of the Act, all shop employees are able to refuse to work on Easter Sunday without any repercussions for their employment relationship.

There are requirements associated with this right to refuse to work on Easter Sunday for both employers and employees. See the www.employment.govt.nz website for information about this.

Why is a district wide policy proposed?

A district wide policy would provide a consistent approach for businesses and consumers to provide certainty as to where they can shop.

Who enforces the policy?

Council will not be responsible for the enforcement of this policy. Enforcement will be undertaken by the central government department responsible for the administration of the Act.

Will the policy be reviewed?

Council must review the policy no later than five (5) years after its adoption.

Proposal

The following table describes what Council is proposing, the reasoning for the proposal, the options considered, and our preferred option.

Proposal	Adopt a new policy unchanged from the current policy
<i>Reasoning</i>	This will maintain the current ability for shop owners to choose to open on Easter Sunday if they wish to do so. If a new policy is not adopted, most retailers will not be able to open on Easter Sunday in 2025 and subsequent years. The economic development goals underpinning adoption of the policy in 2018 are still relevant today. Retailers and shoppers are used to the arrangements and statute has not changed. We are not aware of any major opposition to the arrangements.
<i>Options Considered</i>	Option One – Status quo. Retain current policy wording in a new policy. Option Two – Undertake a full review of the policy and its wording before Easter 2026. Option Three – Do nothing. The current policy will lapse on 1 March 2025.
<i>Preferred Option</i>	Option One – Retain current policy wording in a new policy.

Legislative Framework

Under section 5A of the Act a territorial authority may adopt a local policy to allow shop trading across their entire district or in limited areas on Easter Sunday. The policy must not:

- Permit shops to open only for some purposes, or
- Permit only some types of shops to open, or
- Specify times at which shops may or may not open, or
- Include any other conditions as to the circumstances in which shops in the area may open, or
- Override shop trading provisions in other legislation, such as alcohol licensing provisions.

Section 5B of the Act stipulates that councils follow the special consultative procedure set out in section 83 of the Local Government Act 2002 when adopting, amending, or revoking the local policy. Once adopted, the policy must be reviewed within five years and, if not reviewed within that time, will be automatically revoked after a further two years.

Have your say

Tell us in person

We are holding 'chat with a Councillor' sessions for you to supply your thoughts, any concerns and feedback in person. These sessions will be 15 minutes long and held during **February 2025**. The sessions will be in person, over the phone or via an audiovisual link depending on your preference. You will get to talk one-on-one to a Councillor and the discussion will be supported by a Council staff member who will take notes on your feedback.

If you'd like to chat with a Councillor, please let us know by **5pm on 14 February 2025** using one of the methods below:

On the phone: Phone **0800 653 800** and one of our friendly team will take your registration

Email: Email us at policyreview@gdc.govt.nz and put '**Easter Trading Policy - Chat with a Councillor**' in the subject line.

Please note that you don't have to provide a written submission to tell us about your thoughts in person, although you are welcome to do both. The notes from your session will be included as a submission in the process.

Tell us in writing

Be sure to get your written comments to us by **5pm on 5 March 2025**. You can make your submission online at <https://participate.gdc.govt.nz/> or you can supply your comments in writing by email to policyreview@gdc.govt.nz. Post to PO Box 747, Gisborne 4010, or hand in in person at Awarua, 15 Fitzherbert Street, Gisborne.

Key dates

Feedback period: 4 February to 5 March 2025

Chat with a Councillor: February 2025

Decision of Council: 27 March 2025

Please note that all submissions are considered public under the Local Government Official Information and Meetings Act, and your name and feedback will be available to the public via our reports and website. All other personal details you provide will remain private.

What will happen with your feedback?

All feedback received will be summarised and reported back Council who will deliberate on the information provided and then make a decision on the proposal.

2. Proposed Tairāwhiti Easter Sunday Shop Trading Policy 2025

Tairāwhiti Easter Sunday Shop Trading Policy 2025

Made by Gisborne District Council

Resolution of Council dated

Effective date

Review before

Contents

<u>1. INTRODUCTION</u>	<u>3</u>
<u>2. OBJECTIVE OF THIS POLICY</u>	<u>3</u>
<u>3. OUR POLICY</u>	<u>3</u>

1. Introduction

This Tairāwhiti Easter Sunday Shop Trading Policy 2025 (Policy) sets out the Council's decision¹ to develop a draft Policy, on allowing shop trading in the Gisborne District on Easter Sunday. It is made in accordance with Part 2 of the Shop Trading Hours Act 1990 (the Act).

A Policy provides councils with the ability to allow shops to open on Easter Sunday in their entire District or any parts of their District.

A policy cannot:

- Control the types of shops that may open, or their opening hours.
- Limit the Council's ability to undertake its duties, powers or functions under any other Act.
- Apply to the sale and supply of alcohol which is regulated under the Sale and Supply of Alcohol Act 2012.
- Address shop employee rights, which are governed by the requirements of the Act.²

2. Objective of this Policy

The purpose of this Policy is to create a consistent approach to shop trading on Easter Sunday in the Gisborne District by permitting all shop owners / operators to open their shops on Easter Sunday if they choose to.

3. Our Policy

3.1. Tairāwhiti Easter Sunday Shop Trading Policy 2025

3.1.1 Any shop is permitted to open on Easter Sunday throughout the whole of the Gisborne District.

3.1.2 Attached as **Schedule One** is an indicative map of the Gisborne District which shows the settlements that make up the District.

3.2. Enforcement

Council is not responsible for enforcement of this Policy. Enforcement is undertaken by the central government department that is responsible for the administration of the Act³.

3.3. Employee and Employer Choice

3.3.1 Gisborne District Council acknowledges the significance of Easter Sunday to New Zealanders. Nothing in this Policy requires shops to open or employees to work. The Policy does not override shop trading provisions in other legislation such as the sale of alcohol, and we cannot include restrictions on opening hours and cannot require shops to open on Easter Sunday.

3.3.2 The Shop Trading Hours Act (1990) includes provisions that protect an employee's right to refuse work on Easter Sundays. In accordance with this Act an employee may refuse to work Easter Sunday without providing any reason; and without receiving any repercussions for exercising this right.

¹ 29 September 2016, in response to the Easter Sunday Shop Trading Law Change scoping paper (16-456) Council resolved that a [Easter Sunday Shop Trading] policy be developed to allow for public consultation.

² Refer to Part 2, subpart 2, 5G – 5L of the Act. For the avoidance of doubt, shop employees have the right to refuse to work on Easter Sunday.

³ At the time of writing the Ministry responsible is the Ministry of Business, Innovation and Employment.

3.4. Glossary

Unless the context requires otherwise, the definitions of words or terms used in this Policy that are also used in the Shop Trading Hours Act 1990 are those defined in that Act.

Shop means a building, place, or part of a building or place, where **goods** are kept, sold, or offered for sale, by retail; and includes an auction mart, and a barrow, stall, or other subdivision of a market; but does not include:

- a) a private home where the owner or occupier's effects are being sold (by auction or otherwise); or
- b) a building or place where the only business carried on is that of selling by auction agricultural products, pastoral products, and livestock, or any of them; or
- c) a building or place where the only business carried on is that of selling goods to people who are dealers and buy the goods to sell them again.

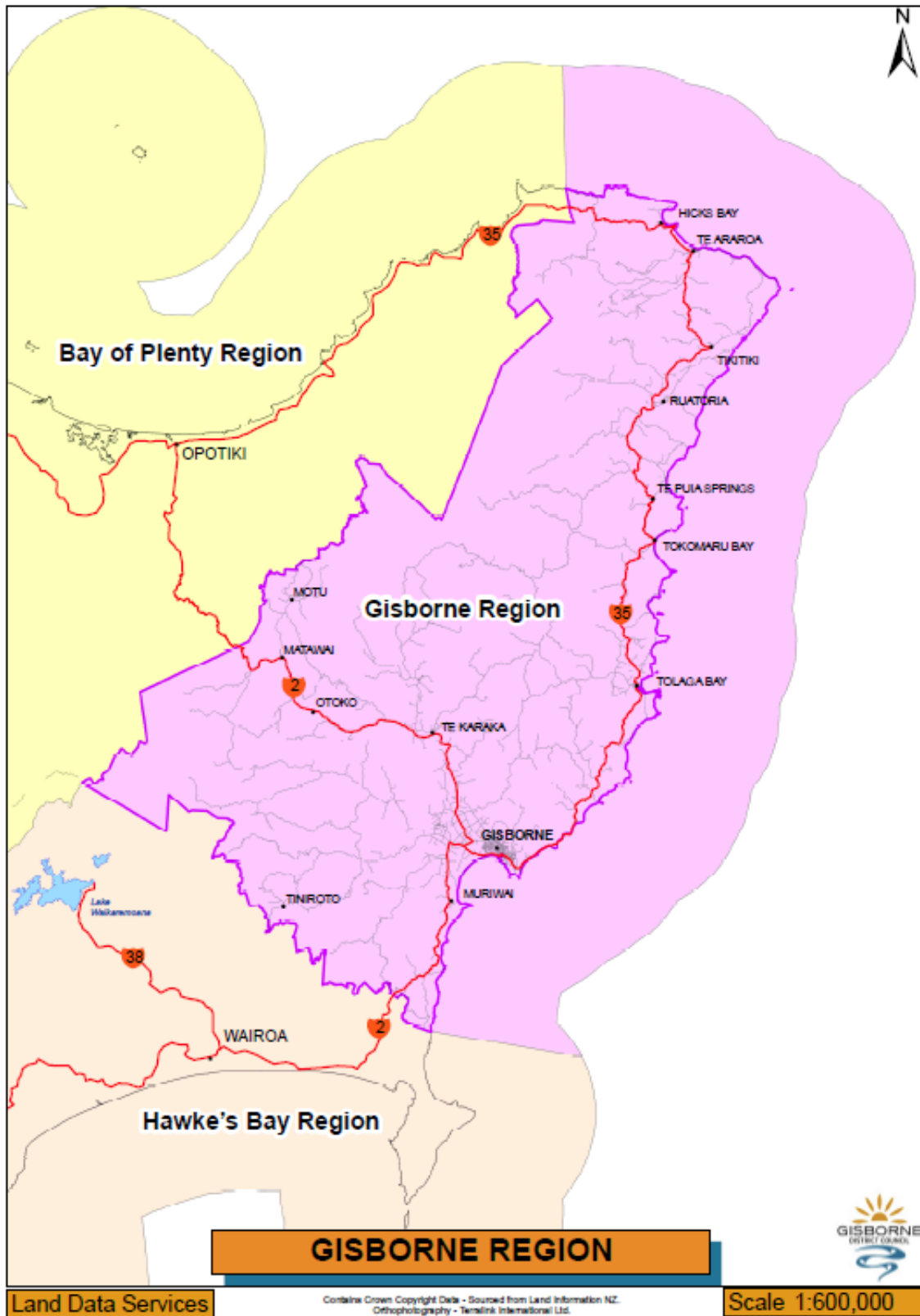
Goods includes all personal chattels other than alcohol (within the meaning of the Sale and Supply of Alcohol Act (2012), money, and things in action.⁴

3.5. Document Management

In accordance with Section 5C (2) of the Shop Trading Hours Amendment Act (2016) this Policy must be reviewed within five years of its adoption. The special consultative procedure must be used to review, revoke, replace or continue this policy without amendment.

⁴ Examples of 'things in action' include debts of all kinds, the benefits of contracts, policies of insurance or assurance, company shares, beneficial interests under wills, and many other property interests.

Schedule One- Map of the Gisborne Region



Title: 25-1 Cemeteries and Crematoria Bylaw Approval to Consult
Section: Strategic Planning
Prepared by: Karma McCallum – Senior Policy Advisor
Meeting Date: 30 January 2024

Legal: Yes

Financial: Yes

Significance: **Low**

Report to COUNCIL/TE KAUNIHERA for decision

PURPOSE - TE TAKE

The purpose of this report is to seek adoption of the Statement of Proposal for the Amended Cemeteries and Crematoria Bylaw 2015 (including the proposed amended Cemeteries and Crematoria Bylaw) for public consultation.

SUMMARY - HE WHAKARĀPOPOTOTANGA

Gisborne District Council has a statutory role under the Burial and Cremation Act 1964 (BCA) to provide and maintain cemeteries in the district. The Gisborne District Cemeteries and Crematoria Bylaw 2015 is currently in force to maintain regulatory control of cemeteries and crematoria in the district, protect cemeteries from damage and misuse, allow for charging associated with burials and to keep records for cemeteries.

The Local Government Act 2002 (LGA) requires Council to undertake a review of its bylaws 10 years after the last review; and complete that review within a two-year timeframe from that review date.

In March 2024, Council staff identified several focus areas for a review and presented the findings at a Council meeting. At this meeting Council approved the review of the current bylaw and determined that a bylaw is still the most appropriate and proportionate way of managing cemeteries (**Report 24-41**).

This report seeks Council's adoption of the Statement of Proposal in **Attachment 1**, including the proposed bylaw, for public consultation using the special consultative procedure.

The proposed changes are:

1. Make the document easier to read.
2. Redefine the way the bylaw refers to public holidays to align with the Holidays Act 2003.
3. Allow for suspension of burials when the ground conditions are not suitable during and after emergency weather events.
4. Provide more specific rules for the aesthetic requirements of monuments.

5. Provide for the creation of a Cemeteries Guide to provide useful information to help with interpretation of the bylaw.
6. Provide explicit rules governing physical works in cemeteries.
7. Remove the requirement for the payment of an out of district fee for babies under one year old and stillborn babies.
8. Remove opening hours of cemeteries from the bylaw.
9. Change the rules for managing animals in cemeteries to provide for animals but with prior permission from Council for grazing and providing clarity that Cemetery staff can request an animal is to be removed.
10. Specifying that cultural supervision of the digging of graves is allowed upon request and under supervision.

Revoking the existing Cemeteries and Crematoria Policy is also proposed to avoid confusion from any inconsistency and repetition with the bylaw.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Council/Te Kaunihera:

1. **Determines that the proposed Cemeteries and Crematoria Bylaw included in Attachment 1 to this report:**
 - a. **Is the most appropriate form of the bylaw; and**
 - b. **Does not give rise to any implications under the New Zealand Bill of Rights Act 1990.**
2. **Adopts the Statement of Proposal including the proposed amended Cemeteries and Crematoria Bylaw 2015 for consultation in Attachment 1 of this report using the special consultative procedure.**
3. **Resolves to revoke the Cemeteries and Crematoria Policy 2015.**
4. **Delegates the Hearings Panel to:**
 1. **Receive submissions from the public in relation to the draft Bylaw.**
 2. **Select members for the 'Chat to a Councillor' sessions, noting these sessions will also be for the Easter Shop Trading Policy review.**
 3. **Conduct 'Chat to a Councillor' sessions and hear any oral submissions from the public in relation to the draft bylaw.**
 4. **Deliberate on any matters arising from the analysis of the submissions received.**
 5. **Propose changes to the draft Bylaw and recommend adoption of the final draft bylaw to Council.**

Authorised by:

Joanna Noble - Director Sustainable Futures

Keywords: bylaw, cemeteries and crematoria, burial and cremations act

BACKGROUND - HE WHAKAMĀRAMA

Statutory requirements

1. Council's statutory obligations under the [Burial and Cremation Act 1964](#) (BCA) are to provide and maintain cemeteries in the district. The BCA gives Council the power to:
 - make bylaws to regulate activities at Council owned or operated cemeteries and crematoria ([s16](#), [40](#) and [59](#)).
 - Approve or refuse applications for and prohibit monuments as it thinks fit ([s9](#)).
 - Grant exclusive rights of burial ([s10](#)).
2. Under the BCA all bylaws made by a local authority shall be made in the same manner in all respects as if they were bylaws made pursuant to the [Local Government Act 2002](#).
3. [Section 155](#) of the LGA provides that Council must consider certain criteria when making the Cemeteries Bylaw. This includes whether the proposed bylaw is:
 - the most appropriate way of addressing a perceived problem;
 - the most appropriate form of bylaw, and
 - not inconsistent with the [New Zealand Bill of Rights Act 1990](#).
4. Council has a Cemeteries and Crematories Bylaw 2015, which under [section 159](#) of the LGA needs to be reviewed no later than 10 years after it was last reviewed. If it was not being reviewed, the current bylaw would expire on 26 June 2025.
5. [Section 160](#) of the LGA requires a local authority reviewing a bylaw to complete an analysis against the above criteria. Council considered the research and analysis undertaken by staff and resolved at the Council meeting on 20 March 2024 that a bylaw is still the most appropriate way of addressing the perceived problem.
6. If the local authority considers that a bylaw should be amended, revoked or replaced, it must act under [section 156](#) of the LGA. On 20 March 2024 ([Report 24-41](#)), Council determined that the bylaw should be amended.
7. Section 156 of the LGA requires Council to follow the special consultative procedure outlined in [section 83](#).
8. Under [section 17](#) of the BCA a copy of all proposed bylaws made under the BCA must be sent to the Minister of Health no less than 21 days before the bylaw is confirmed.

Review of the bylaw

9. The bylaw has the purpose of setting standards and controls for the operation of the public cemeteries maintained by Council and the crematorium owned by Council and leased to Tairāwhiti Cremation Services.

10. Since a review of the bylaw is a statutory requirement, while undertaking the review staff researched legal obligations, operational issues, and interpretation problems with the current bylaw and reported these to Council on 20 March 2024. These matters included the following:
 - Inconsistencies between the Council Cemeteries and Crematoria Policy and the bylaw.
 - The need to provide for suspension of burials due to adverse weather events.
 - The need to provide guidance on offensive and oversize monuments.
 - Alcohol and unruly behaviour in cemeteries.
 - Animals in cemeteries.
 - Removing the requirement for out of district burial fees for stillborn children.
11. The review and development of a new bylaw has considered those matters, and several others which are discussed further below.
12. On the adoption of the amended bylaw, the Cemeteries and Crematoria Bylaw 2015 will be amended but is not revoked.
13. The [Cemeteries and Crematoria Policy](#) was adopted in 2015. The policy has not been reviewed since it was adopted.

DISCUSSION and OPTIONS - WHAKAWHITINGA KŌRERO me ngā KŌWHIRINGA

14. Staff are proposing that the current bylaw be amended, and the proposed changes are consulted on using the special consultative procedure set out in the LGA. The Statement of Proposal and the proposed bylaw are included in **Attachment 1** to this report.
15. The Statement of Proposal outlines ten proposed changes to the current approach to managing cemeteries in Tairāwhiti:
 1. **Make the document easier to read.** These proposed changes will make the requirements under the bylaw clearer and easier to understand, cut down on repetition and simplify the overall layout. Some of these changes ensure the bylaw will remain consistent with other regulations such as the BCA and remove redundant provisions which are managed through other mechanisms.
 2. **Change the way the bylaw refers to public holidays.** These proposed changes mean that burials will not occur on any public holiday as defined in the Holidays Act 2003. This aligns with other services that Council provides and makes the bylaw easier to administer.
 3. **Allow for suspension of burials when the ground conditions are not suitable during and after emergency weather events.**
 4. **Provide more specific rules for aesthetic requirements of monuments.** To ensure cemeteries are reflective of all community members and to make it easier for grieving families to plan memorials, we propose to include more specific guidance to inform design criteria.
 5. **Provide for the creation of a Cemeteries Guide.** To provide additional guidance and useful information to help with interpretation of the bylaw (if it is required).

6. **Provide explicit rules governing physical works in cemeteries.** We propose to consolidate this information in the bylaw as it currently sits within the Cemeteries and Crematoria Policy. This ensures all the key information for management of cemeteries is in one place.
 7. **Remove the requirement for the payment of an out of district fee for babies under one year old and stillborn babies.** To be consistent with Council's current approach to burial fees, due to the sensitive nature of the loss.
 8. **Remove opening hours of cemeteries.** Instead of being recorded in the bylaw, opening hours will be listed on Council's website and other accessible forms of communication. This will enable the hours to be changed more easily in response to the needs of the community.
 9. **Changes to rules managing animals in cemeteries.** Currently the bylaw prohibits animals in cemeteries at night and requires animals to be under control at other times. We are proposing to both simplify and strengthen this by clarifying that grazing in cemeteries is prohibited unless there is prior Council permission, dogs in cemeteries are subject to requirements under Council's Dog Control Bylaw and Cemetery staff can request any animal is to be removed.
 10. Specifying that **cultural supervision of the digging of graves** is allowed upon request and under supervision.
16. The rationale and cost benefit considerations for each of these proposals is set out below.
17. **Attachment 2** provides a 'tracked change' version of the proposed amended bylaw. The tracked changes cover proposals 2-10 as outlined above. This document has been provided for this report to provide a direct comparison with the current bylaw. It is not intended for this comparison to be included in the Statement of Proposal. Proposal 1 does not lend itself to being tracked given the complexity of the document that would create.

Proposal 1 – Amend wording and structure to make the document easier to read

18. The proposal includes a range of readability edits. As noted above, the readability edits *have not* been included in the tracked change version provided in **Attachment 2**. The readability changes do not change any intent of the bylaw. They are focused on simplifying the language, remove repetition or outdated provisions, clarify intended meanings, and update legislative references.

Table 1: Cost-benefit analysis of Proposal 1

Options	Cost/risks	Benefits
<p>Option 1 – Retain the existing text and make no changes to the bylaw to help with readability.</p>	<p>The current bylaw is hard to read – its outdated language is difficult to understand and is overly complicated. This creates the risk of misinterpretation and frustration from the public.</p> <p>If behaviour or monuments within a cemetery create an issue with offense or safety to staff or the public, the ambiguities within the bylaw may make enforcement or prosecution more difficult. Council could incur additional costs in such circumstances.</p> <p>Reputational risk of having an out of date, complex bylaw.</p>	<p>The current bylaw has been in existence for nearly 10 years and those who use it are familiar with its content.</p>
<p>Option 2 – Modernise, simplify and create a more readable document with plain language and readability at the forefront. <i>(Preferred option)</i>.</p>	<p>Changes to any bylaw or public policy are often difficult to communicate and for those acquainted with the status quo, can be difficult to adjust to. The readability edits are not easy to summarise given their scale and nature, and any tracked change version of the bylaw to reflect all edits is very difficult to read and follow.</p>	<p>The amended bylaw will be easier to use and will benefit Council as it will reduce the need for explanations and avoid misunderstandings.</p>

Proposal 2 – Change the way the bylaw refers to public holidays

19. The proposal includes updating the bylaw to reflect the Holidays Act 2003. More public holidays will be included and as a result, the cemeteries will be open for burials on fewer days.

Table 2: Cost-benefit analysis of Proposal 2

Options	Cost/risks	Benefits
<p>Option 1 – Only close for burials on the public holidays listed in the current bylaw: Christmas Day, New Years Day, Easter Monday and ANZAC Day.</p>	<p>Council would have to continue to allow for burials on days where many other operations of Council are not open. Finding staff and resourcing this comes at a cost to Council.</p>	<p>Council is providing a comprehensive service for grieving whanau, allowing for burials on wide range of days.</p>
<p>Option 2 – Close for burials on all public holidays as defined by the Holidays Act 2003. This means no burials will occur on Boxing Day, 2 January, Anniversary Day, Good Friday, Matariki, Kings Birthday and Labour Day. <i>(Preferred option)</i> .</p>	<p>The risk of doing this is minimal, although some members of the public that wish to hold a burial on a public holiday may be disappointed.</p>	<p>The benefits are reduced costs to Council and moving the bylaw to be more in line with other Council services.</p>

Proposal 3 – Allow for suspension of burials when ground conditions are not suitable

20. The proposal amends the bylaw to include provisions to suspend burials when ground conditions are not suitable during or after an extreme weather event. This clause is proposed due to the significant health and safety risk for staff and public if burials are allowed during severe weather events. Toxic embalming chemicals could leach into the water table causing significant health risk to the community.

21. The Civil Defence Emergency Management Act 2002 (the CDEM Act) provides powers to direct the cessation of an activity that “may cause or substantially contribute to the consequences of, an emergency”. These powers sit with the Controller (section 91) and the Recovery Manager (section 94N) provisions. However, to streamline the process and to provide clarity to those members of the public who are focused on a burial, and not on reading the CDEM Act, the inclusion of the powers to suspend burials is proposed for the bylaw.

22. Suspending burials at such times will help reduce the risk of toxic embalming/human bodily fluid reaching waterways. Such an impact could cause offense to mana whenua and have an impact on human health.

Table 3: Cost-benefit analysis of Proposal 3

Options	Cost/risks	Benefits
<p>Option 1 – Retain the status quo. In this option Council does have the ability under the CDEM Act to suspend burials at cemeteries due to severe weather events, however enacting such powers can take time, and this power is not immediately clear/accessible to the wider community.</p>	<p>Climate change and the increased intensity of weather events has highlighted that our cemeteries, particularly Taruheru, are vulnerable to high water tables which creates problems with burials. There are risks to public health from toxic chemicals used in preparing bodies for burial. There are also practical challenges digging graves and placing caskets when the water table is high.</p> <p>There is no certainty or clear provision to not undertake a burial in such conditions.</p>	<p>There does not appear to be any benefit to Council of retaining the current approach.</p> <p>For the public, the benefit is they can continue with a burial in a timeframe of their choosing, regardless of ground conditions unless there is an emergency declared.</p>
<p>Option 2 – Adopt a new clause in the bylaw to include clarification regarding suspension of burials during and directly following severe weather events. <i>(Preferred option)</i>.</p>	<p>There may be some risks with communicating suspensions of burials and risks around the appropriate time a suspension should last for. This would require some monitoring and testing of ground water levels which may create some uncertainty to the public and may involve some staff costs.</p> <p>Council will be at risk of infringing the BCA if burials are suspended at all cemeteries in the district and no alternative is offered. If Council suspends burials at a particular cemetery another option will need to be available.</p>	<p>The ability to suspend burials is already within Council's CDEM powers. Including it in the bylaw provides clarity for the public.</p> <p>This provision would minimise risk of toxic chemicals making their way into the water table, this reduces public health risks. Any risks to Council staff when undertaking work on a site that may have suffered damage due to severe weather is heavily reduced.</p>

Proposal 4 – Provide rules for aesthetic requirements on monuments

23. The proposal includes:
- a. Setting a maximum size for images.
 - b. Making it clear there is a 'front' to the monuments.
 - c. Providing guidance as to what will be considered offensive by Council. 'Offensive' is proposed to be described as profanity, hate speech or symbolism that denigrates against individuals or groups, inappropriate or explicit images, or images associated with violence.
24. Provisions are included in the proposal to require monument designs to be approved by Council prior to construction and installation and a checklist of design considerations to guide the public as to the requirements.

Table 4: Cost-benefit analysis of Proposal 4

Options	Cost/risks	Benefits
<p>Option 1 – Retain the status quo. The approach of the current bylaw is to focus on the structural design and installations in accordance with the New Zealand Standard for Headstones and Cemetery Monuments. The bylaw does not manage the size, style or nature of the content on a monument.</p>	<p>There is a risk that monuments are very large and dominating or contain elements that are offensive to the wider public. This could mean the role of cemeteries for the wider community is diminished.</p> <p>Council has little control over the removal of monuments that are offending the wider public and legal risks and costs may be higher.</p> <p>While the existing bylaw did include a requirement for monuments to be approved, the relevant clause was not located in a logical place and did not make it clear approval was required prior.</p>	<p>Council plays a passive role, and there is no requirement for Council staff to make a judgement on what constitutes an appropriate monument.</p>
<p>Option 2 – Include a clause in the bylaw that clearly outlines appropriate design and size requirements for monuments to adhere to. The proposal also includes the requirement for prior approval of design by the Council. <i>(Preferred option).</i></p>	<p>Some members of the community may feel they do not have the freedom to express themselves or represent the lives of others in a monument they want. They may be unaware that prior approval is already required due to the lack of clarity (see Option 1 above).</p>	<p>Council plays an active role in ensuring cemeteries are welcoming to all.</p> <p>The approval process accompanying the proposed aesthetic requirements will ensure certainty for those wishing to design and install a monument.</p> <p>The proposed bylaw includes the equivalent of a checklist for any proposed monument with clear information on what monument design elements will not be approved by Council.</p> <p>Moving this requirement to the section of the bylaw about monuments will ensure clarity. There will also be reduced costs of needing to remove monuments or get involved in breaches of the bylaw.</p>

Proposal 5 – Providing for the creation of a Cemeteries Guide

25. The proposal includes provisions to allow Council to develop a Cemeteries Guide. This guide would reflect the requirements and expectations of the bylaw (not altering anything in the bylaw) but instead would provide information in a more practical way. It could include information on opening hours, types of burials and cemeteries, use diagrams and images to explain design requirements for headstones and monuments and personalising a grave, express expectations on behaviour, give easy access to contacts, forms, and fees and charges.
26. Because this guide would sit outside the bylaw it could be more easily altered to clarify any parts of the bylaw which are generating interpretation issues or problems. The time-consuming and costly process of amending the bylaw itself could be avoided by providing a guide of useful information.
27. People often need information about burials and cemeteries at a time of grief and high stress. While many people will not need to interact with the bylaw at all, as the details are often dealt with by a funeral director, this is not the case for all members of the public. Council needs to make the information as accessible as possible.
28. The guide could be online or in the form of a booklet made available to the public. It would be flexible and added to or amended as matters arise.

Table 5: Cost-benefit analysis of Proposal 5

Options	Cost/risks	Benefits
Option 1 – Do not have a guide or a policy and just let the bylaw stand on its own.	A bylaw is not easy to change quickly, and it is more of formal document to meet legal requirements. It is not the appropriate place to have a range of guidance notes, diagrams, or interpretation help. A cost is involved for Council of reviewing the bylaw if something in the bylaw is being commonly misinterpreted or is not working.	Council meets its legal obligations. No further cost to Council of preparing additional information.
Option 2 – Status quo. Use the existing Cemeteries and Crematoria Policy to help expand on matters of interest to the public.	This option has created issues in the past with different information and sometimes conflicting information between the policy and the bylaw, creating confusion in implementation. Conflicting information also means any enforcement of provisions is undermined, putting Council at risk of challenge and cost if work is undertaken.	No staff time is required to develop a new guide.
Option 3 – Revoke the policy and develop a guide which would provide information on day-to-day operational matters for the public to easily access. (<i>Preferred option</i>).	There is a cost of preparing such a guide and there is a risk, like the policy before it, that it allows for different approaches causing confusion and undermining administering the bylaw itself.	There is the opportunity to create an accessible and readable document, which assists people when they can be at their most vulnerable, suffering stress and grief. The guide can be updated as required changes arise. This is not an option that is available when inconsistencies arise with the bylaw.

Proposal 6 – Move physical works information from the policy into the bylaw

- 29. At present, there are some inconsistencies between the policy and the bylaw. It is proposed to move part of the policy into the bylaw.
- 30. These provisions require people undertaking work on monuments to keep their tools and materials tidy and safe and to cease work for adjoining services. Such provisions are important to ensure public health and safety, and general amenity of the cemeteries.

Table 6: Cost-benefit analysis of Proposal 6

Options	Cost/risks	Benefits
Option 1 – Retain the status quo. Retain the wording relating to physical works in the standalone policy.	This creates a risk that the bylaw does not contain these requirements and has no powers to enforce or uphold the requirements.	There are no identified benefits of this option.
Option 2 – Incorporate this part of the policy into the bylaw. <i>(Preferred option)</i> .	There are no identified costs/risks of this option.	Administration of these provisions will be easier, as they will be all contained in the bylaw itself, so are easier to locate and easier to enforce if required.

Proposal 7 – Remove the requirement for payment of an out of district fee for stillborn babies and babies under 1 year old

- 31. The current bylaw charges an out of district fee for the burial of a stillborn child. This requirement is outdated. It is proposed that the bylaw be amended to delete this requirement to provide a more sympathetic approach, should such a situation arise. The revised provision also avoids inadvertently capturing babies under 1 year old on the basis they have not resided in the district for a year.
- 32. It is considered necessary to retain the more general provision to charge an out of district fee, as ratepayers should not be expected to cover costs of those who do not live in the district. Unfortunately, there is a cost to Council of ongoing maintenance of cemeteries and fees do need to be charged.

Table 7: Cost-benefit analysis of Proposal 7

Options	Cost/risks	Benefits
Option 1 – Retain the status quo and charge out of district fees for stillborn babies and children under 1 year old.	There are no costs to the Council but there is a reputational risk of applying an outdated and unsympathetic approach to grieving whanau.	Council recovers a higher level of fees to recover costs of operating and maintaining cemeteries
Option 2 – Delete this requirement so out of district stillborn children and children under 1 will not be required to pay an out of district fee. <i>(Preferred option)</i> .	Burials, maintenance and other operational costs of cemeteries do come at a financial cost to Council and accordingly therefore ratepayers. Out of district fees reflect that rates are not contributed from those who do not reside in the district.	Council is removing an outdated provision from the bylaw.

Proposal 8 – Remove opening hours of cemeteries from the bylaw

- 33. The current bylaw lists the working hours of cemeteries as being 8am to 5pm Monday to Friday, not including weekends and the four public holidays discussed in Proposal 3.
- 34. This commits Council to those hours for the lifespan of the bylaw, being 10 years. Neither the BCA nor the LGA require opening hours to be listed in the bylaw. Situations can change, for example staff and resources may not be available; demand patterns may change over time as perhaps weekend funerals and burials become necessary; extreme adverse weather may cause suspension of burials (as discussed in Proposal 4).
- 35. It is prudent to amend the bylaw to remove the working hours. These hours can then be more easily changed to suit community and Council needs. The hours will be displayed on the Council website, at the cemeteries, and within any Cemetery Guide that is proposed under Proposal 6.

Table 8: Cost-benefit analysis of Proposal 8

Options	Cost/risks	Benefits
<p>Option 1 – Status quo. Retain the current opening hours of cemeteries in the bylaw.</p>	<p>There is a risk that the hours in the bylaw are no longer suitable so Council will have to review the bylaw to change the hours. This will incur a cost to Council, of either resourcing the hours already listed or initiating a review of the bylaw to change them.</p>	<p>These hours are known, understood and consistent.</p>
<p>Option 2 – Remove the opening hours from the bylaw. <i>(Preferred option)</i>.</p>	<p>There are no identified costs of this option, providing the website and signage make the working hours and times that cemeteries are available for burials clear.</p>	<p>A more flexible response to changing the opening hours could reduce costs for Council if, for example, public demand shows an overwhelming demand for weekend burials, or resources no longer allow for the current opening hours. An expensive bylaw review (including consultation) will not be required.</p>

Proposal 9 – Amend the control of animals provisions

- 36. The current bylaw allows for animals in cemeteries during daylight hours, providing they are under control. Animals are prohibited at night.
- 37. This approach does not provide cemetery staff with much scope to address issues with grazing, other animals perceived to be causing a nuisance or dogs which might be walked around or through cemeteries or are creating a nuisance.
- 38. The Tairāwhiti Dog Control Bylaw and Policy contains the necessary tools to manage dogs, including enforcement powers. The Cemeteries and Crematoria Bylaw should not replicate those functions.

39. It is proposed to amend the bylaw to allow for animals (not just dogs) into cemeteries if they are under control and on the condition that if a Council cemetery staff member requests removal that this is done so. This provides for loved pets to attend a burial.
40. The draft bylaw also requires prior Council permission for grazing in cemetery grounds, otherwise it is prohibited. This allows for animal grazing in a part of a cemetery which is not yet been opened for burials.

Table 9: Cost-benefit analysis of Proposal 9

Options	Cost/risks	Benefits
<p>Option 1 – Status quo. This would retain the provisions which allows for dogs which are under control during daylight hours within Council cemeteries.</p>	<p>This permissive approach makes it difficult for Council staff to address issues of nuisance from dogs. This could cause damage to graves or unwanted behaviour, or the nuisance of dog faeces, in a special place.</p> <p>Overlap with the Dog Control Bylaw may make any action or enforcement under that bylaw more difficult (time consuming and expensive).</p>	<p>No need for any additional communication or signage and no need to update the schedule of prohibited areas for dogs under the Dog Control Bylaw and Policy.</p>
<p>Option 2 – Delete these provisions from the bylaw and rely on the Tairāwhiti Dog Control Bylaw and Policy.</p>	<p>New signage to communicate the change will be a cost to Council.</p> <p>If Council wants to include specific provisions regarding cemeteries within the Dog Control Bylaw, there will be cost and timing implications to review that bylaw. However, if the preference is to include cemeteries in the schedule of prohibited areas, then that process is much more cost effective.</p>	<p>This approach ensures consistency across Council and provides clear enforcement powers. The current provisions of the Dog Control Bylaw are similar to those of the current Cemeteries and Crematoria Bylaw so the status quo would largely remain.</p>
<p>Option 3 – Amend the bylaw to provide for animals but with prior permission from Council for grazing and providing clarity that Cemetery staff can request an animal is to be removed. <i>(Preferred option)</i>.</p>	<p>New signage to communicate the change will be a cost to Council.</p>	<p>This has the benefit of allowing cemetery staff discretion to allow for some grazing in certain circumstances and the ability to request an animal be removed if it is causing a nuisance or preventing operations from being undertaken.</p>

Proposal 10 – Provide for the cultural supervision of the digging of graves

41. The preparation of a grave is an important part of Māori culture and rituals, so several amendments are proposed.
42. In the current bylaw, the digging of graves is limited to cemetery officers (sextons). Backfilling is also limited to a 'sexton or person duly authorised by the sexton'.
43. This proposal amends the bylaw to allow for cultural supervision on request to Council for the overseeing of the digging process and to make wording amendments to clarify that backfilling of a grave is permitted, upon request to Council and under supervision. Cultural supervision for other cultures in our communities would also be enabled under this provision, not just tikanga Māori.
44. The need for supervision upon request is to ensure health and safety is forefront in the operation of machinery and to ensure technical specifications of grave digging can be met.
45. It is important to note, that the bylaw only applies to Council cemeteries and crematoria and does not apply to the urupā in the district.
46. Tangata whenua engagement was undertaken in the form of several letters and information sheets. At the time of this engagement, the matter of cultural supervision was not highlighted as a potential issue for the review although a request for any suggestions on how the bylaw could be changed was requested. No responses were received.

Table 10: Cost-benefit analysis of Proposal 10

Options	Cost/risks	Benefits
Option 1 – Status quo. The current bylaw does not make any provision for anyone other than Council officers or those authorised by Council to dig graves. Backfilling is provided for, but this is not obvious.	Māori and other cultures who wish to participate in the preparation of graves are disadvantaged by this approach.	Health and safety and technical specifications of grave digging are tightly controlled.
Option 2 – Introduce the possibility of cultural supervision of digging of graves and backfill. This is provided for 'by request' and 'under supervision' to ensure Councils health and safety obligations are met. <i>(Preferred option).</i>	Having untrained and potentially multiple people on site during the operation of heavy machinery and having people near deep holes in the ground carry an inherent risk. Controls and protocols may need to be put in place to manage how much digging, and the age and number of participants.	Māori and other cultures will be involved in the process, but cemetery officers ensure the necessary practical and legislative requirements are met. This option also enables Council to fulfil its responsibilities under the Health and Safety at Work Act 2015 (HSWA).

Options	Cost/risks	Benefits
<p>Option 3 – Allow for cultural preparation of graves, including digging and backfill.</p>	<p>Council would be at risk of not meeting the requirements of the BCA and HSWA. Delegating responsibilities to others may make it difficult for staff to manage the necessary process and protocols of the cemeteries. This is particularly so, given the 'one-off' or occasional instances that the person preparing the grave might undertake the task.</p> <p>Staff could not be expected to provide the necessary training of legislative, HSWA and practical requirements.</p>	<p>Māori and other cultures could fully participate in the burial process to fulfil their cultural values and needs.</p>

Revocation of the existing policy

47. Staff recommend that the Cemeteries and Crematoria Policy be revoked. This relates to Proposal 5 and Proposal 6, but as the policy was adopted separately to the bylaw a specific resolution by Council is required to revoke it. For efficiency, this resolution is sought in this report rather than a separate report.
48. Revoking the policy will help avoid any future confusion over the role of the policy and remove any inconsistency and repetition between the bylaw and the policy. It will consolidate management of cemeteries into one document. This revocation can take immediate effect without having any material impact on the way cemeteries are managed.
49. Although public awareness of the policy is low, its formal revocation would help avoid any confusion or issue if there are still copies in the community.

ASSESSMENT of SIGNIFICANCE - AROTAKENGA o NGĀ HIRANGA

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation

Overall Process: Low Significance

This Report: Low Significance

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

Overall Process: Low Significance

This Report: Low Significance

Inconsistency with Council's current strategy and policy

Overall Process: Low Significance

This Report: Low Significance

The effects on all or a large part of the Gisborne district

Overall Process: Medium Significance

This Report: Medium Significance

The effects on individuals or specific communities

Overall Process: Low Significance

This Report: Low Significance

The level or history of public interest in the matter or issue

Overall Process: Medium Significance

This Report: Medium Significance

50. The decisions or matters in this report are considered to be of Low significance in accordance with Council's Significance and Engagement Policy.

TREATY COMPASS ANALYSIS

51. Council respects and acknowledges the roles and functions of tangata whenua by ensuring the bylaw excludes urupā and processes and practices for burials in urupā are not subject to the provisions.
52. Under the BCA and the LGA, the creation and administration of the bylaw falls on local authorities. For Council operated cemeteries, Council has included provisions which will impact upon tangata whenua and have accordingly sought to undertake pre-engagement to ensure our work on the bylaw was accessible to tangata whenua and any opportunities for kāwanatanga have been considered. The formal special consultative procedure provides further opportunities for feedback on the proposed approach.

Rangatiratanga

53. Council acknowledges that in the consideration of Council operated cemeteries opportunities for rangatiratanga are limited. The exclusion of urupā from the bylaw will allow rangatiratanga and autonomy to continue for those sacred sites.

Oritetanga

54. Council sought to remove barriers for tangata whenua to participate in shaping the provisions of the bylaw by inviting tangata whenua to participate in early engagement for the review. This was undertaken before the wider public were consulted.

Whakapono

55. Council has sought to understand and have regard to customs and practices of our Te Tiriti partners. Cemetery staff are aware of the differing world views and have suggested the inclusion of provisions which allow for some participation in the preparation of burial sites. The preferred proposal balances this participation with some of Council's other obligations including health and safety of the public.
56. These proposed amendments provide for participation in the digging of graves and backfilling to accommodate Māori customs.

TANGATA WHENUA/MĀORI ENGAGEMENT - TŪTAKITANGA TANGATA WHENUA

57. The importance of early engagement and the need to consider customary and differing world views was forefront during this review. Mana whenua input was sought during a pre-engagement window and development of the draft bylaw. Letters were sent to iwi on 8 April and 6 May 2024 advising of the review, providing background information, and offering the opportunity to participate in the review. Public consultation under the special consultative procedure will provide an opportunity for tangata whenua across the district to provide their perspectives on the proposals.

COMMUNITY ENGAGEMENT - TŪTAKITANGA HAPORI

58. Council staff and Council were very mindful of the importance and sensitivity of burial and cemetery management to the whole community in developing the proposals. In addition to seeking feedback from mana whenua, staff sought initial feedback from stakeholders who are directly involved in managing funerals and burials. However, there has been no wider pre-engagement on the bylaw review.

59. We propose to hold 'chat with a Councillor' sessions for the community to supply their thoughts, concerns and feedback in person rather than a formal hearing. The sessions will be in person, over the phone or via an audiovisual link. This will provide the community the opportunity to talk one-on-one to a Councillor.

CLIMATE CHANGE – Impacts / Implications - NGĀ REREKĒTANGA ĀHUARANGI – ngā whakaaweawe / ngā ritenga

60. There are no climate change impacts or implications arising from the matters discussed in this report. However, the inclusion of proposed provisions which allow for the suspension of burials should ground conditions be unsuitable for burial is an adaption to respond to climate change. The incidence of a high-water table level after extreme rainfall events is expected to increase given climate change.

CONSIDERATIONS - HEI WHAKAARO

Financial/Budget

61. Amending the bylaw may have some financial implications for operational matters including updating forms and the website as part of the implementation of the bylaw.

62. The process of making a new bylaw is being undertaken by staff with support from consultants as required. This has been accounted for through the Strategic Planning budget and spend is being monitored by a Contract Manager. There will be one-off costs to Council due to the need for community consultation.

Legal

63. This bylaw is made under the Local Government Act 2002 and the Burial and Cremation Act 1964.

64. The bylaw review and amendment must follow the legal process discussed above. Staff have sought legal involvement on several proposed amendments to date. Due to the nature of bylaw drafting, the proposed bylaw has also been reviewed by legal.
65. Under [section 160](#) of the LGA, the making, amending or revoking of a bylaw must follow the special consultative procedure. [Section 82](#) of the LGA requires territorial authorities to prepare and adopt a Statement of Proposal and ensure it is publicly available. [Section 155](#) of the LGA requires local authorities, when making/amending or revoking a bylaw to determine:
- Whether a bylaw is the most appropriate way of dealing with the perceived problem or issue:
A bylaw that regulates activities that take place at Council cemeteries and crematoria remains the most appropriate way to manage activities that may cause public safety hazards, damage to property, and unnecessary distress to mourners or relatives.
 - Whether a bylaw is the most appropriate form:
Council considers the proposed bylaw to be the most appropriate form of bylaw.
 - Whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990:
Council considers that the proposed bylaw is neither inconsistent with nor raises any implications with the New Zealand Bill of Rights Act as the proposed changes are reasonable, not overly restrictive, or impractical.
66. The proposal does not include anything specific relating to gang insignia. This matter is addressed by the Gangs Act 2024, which includes as an offense, the display of gang insignia. The matter is not for the bylaw to complicate or duplicate, and any enforcement of that Act falls to the Police, not Council staff/cemetery officers.

POLICY and PLANNING IMPLICATIONS - KAUPAPA HERE me ngā RITENGA WHAKAMAHERE

67. At the 20 March 2024 meeting Council discussed a review of the Cemeteries and Crematoria Policy. Whilst researching the current bylaw and issues that have arisen since the last review staff identified inconsistencies between the current bylaw and the policy.
68. The inconsistencies with the policy and the bylaw were causing difficulties for implementation and compliance. Staff believe that a bylaw remains the most appropriate way to manage cemeteries and crematoria, and that a policy is no longer needed.
69. The proposed changes above and outlined in the Statement of Proposal include moving information regarding physical works from the policy into the bylaw.
70. A recommendation to revoke the policy is included in this report.

RISKS - NGĀ TŪRARU

71. **Reputation:** Council reputation could be impacted if regulatory processes are not followed to an adequate standard and the public is not appropriately consulted on the proposals. To mitigate this Council have planned for all the legislative requirements and have prepared a Statement of Proposal to be adopted for consultation.

72. **Legislative requirements:** If the bylaw is not reviewed and adopted within the 10-year timeframe required under the LGA and / or is not amended in accordance with the legislative requirements, Council will have no regulatory control over burials and cremations beyond the provisions available under the BCA.
73. Under the BCA Council hosts several obligations that could be impacted by Proposal 3 (to provide for the suspension of burials). [Section 4](#) and [section 6](#) of the BCA require local authorities to provide a suitable burial site/cemetery that is open to the public for burial. [Section 46E](#) requires bodies to be disposed of within a reasonable period.
74. Council proposes to allow for a suspension of burials when ground conditions are unsuitable particularly during and after an emergency weather event. This clause is proposed due to the significant health and safety risk for staff and public if burials are allowed during severe weather events. There is a risk that toxic embalming chemicals could leach into the water table causing significant health and cultural risks for Council. However, the suspension of burials could cause legal risk to Council if alternative burial sites are not provided to allow bodies to be disposed of within a reasonable time. Council staff had the proposed clause reviewed by legal and was advised that Council would fulfil the obligations under the Act as long as there is at least one suitable burial site/cemetery in the district.
75. The CDEM Act provides power to prevent any activity that may cause or substantially contribute to the consequences of an emergency. As discussed above it is assessed that both Acts provide justification for the suspension of burials.
76. **Aesthetic requirements:** There is not considered to be a risk of not including any provisions that specifically relate to the display of gang patches or insignia. The issue is controlled by different legislation and is enforceable by the police. However, prohibition of offensive monuments has been reported on in the media previously so Proposal 4 may still attract further media attention and public debate.

NEXT STEPS - NGĀ MAHI E WHAI AKE

Date	Action/Milestone	Comments
4 February – 5 March 2025	Public consultation on draft amended bylaw	Seeking public feedback in line with the Special Consultative Procedure
February 2025	Chat with a Councillor	In place of holding a formal hearing.
April /May 2025	Bylaw Hearings Panel: Deliberations Report	Date TBC with panel Chair and members
June 2025	Council: Adoption Report	

ATTACHMENTS - NGĀ TĀPIRITANGA

- Attachment 1 - Statement of Proposal Amendments to the Gisborne District Council Cemeteries and Crematoria Bylaw 2015 [25-1.1 - 43 pages]
- Attachment 2 - Track change Version of Proposed Amended Cemeteries and Crematoria Bylaw 2015 [25-1.2 - 21 pages]

1. Statement of Proposal

1.1 Our cemeteries

Cemeteries hold a profound place in society and reflect our communities over time. They are historical records, cultural touchstones, and spaces for contemplation and remembrance. As we navigate the responsibilities of maintaining these special places that we are the guardians of, it is essential to recognise the role they have in representing the diverse tapestry of our communities and to approach them with the respect and care they deserve.

A person's headstone celebrates their life, identity and what their loved ones believe should be permanently memorialised. We have diverse communities, and our cemeteries mirror our past and current communities and who our tīpuna (ancestors) were and what they valued.

For the 11 public cemeteries Council operates, there needs to be a consistent and respected approach to how we enable an environment where whānau and friends can lay their loved ones to rest in a way that reflects their loved one's identity, life and how they wish to be remembered. Through our bylaw we set out the kawa (rituals/protocols) for our cemeteries to enable a respectful, supportive, and peaceful places for our communities' tīpuna.

Our operations staff are the guardians of our kawa. The Cemeteries and Crematoria Bylaw provides them with the tools to ensure our cemeteries are respectful, supportive, and peaceful places for our communities' tīpuna. It is crucial that our public cemeteries are managed in a way that honours the diversity of those interred, ensuring that all cultural, religious, and personal practices are respected. This includes maintaining the grounds, preserving historical markers, and accommodating the varying needs of different communities. Inclusivity is at the heart of our cemetery operations.

Visiting a cemetery is an act of remembrance and respect, not only for the deceased but for the community that surrounds them. Visitors should be aware that they are in a space that holds deep emotional significance for others and behave in a respectful manner.

Respectful behaviour includes keeping noise levels to a minimum, refraining from touching or disturbing others loved ones' headstones and memorials, and avoiding littering or causing damage to the grounds. Visitors should also be mindful of cultural and religious practices that may be observed within the cemetery and show respect by providing people space to carry these out or adhering to these practices as appropriate.

Cemeteries are vital links between the past and present, offering a space where history, culture, and community converge. By operating these spaces with respect and inclusivity and by visiting them with mindfulness and care, we can ensure that our cemeteries continue to serve as meaningful representations of our collective heritage. These sacred places remind us of the lives that have come before us and challenge us to think deeply about our place within the ongoing story of our communities.

For more information about our cemeteries: <https://www.gdc.govt.nz/services/cemeteries>

1.2 Introduction to the bylaw

Council's Cemeteries and Crematoria Bylaw 2015 is in place to maintain regulatory control of cemeteries and crematoria in the district, protect cemeteries from damage and misuse, allow for charging associated with burials and to keep records for cemeteries. This bylaw does not apply to urupā or private cemeteries.

A recent review has highlighted that while the bylaw is generally working well, there are some changes that Council wishes to make.

Before finalising the proposed changes, Council wants to hear your views. This Statement of Proposal provides you with the background and reasons for the proposed changes as well as the statutory issues Council must consider when reviewing a bylaw. A copy of the proposed bylaw is also included.

If you want to compare it to the current bylaw, this is available online at <https://www.gdc.govt.nz/council/plans-policies-and-bylaws/bylaws> or call us on 0800 653 800 if you would like to be sent a copy.

1.3 What Council proposes to change

While most of the rules within the Cemeteries and Crematoria Bylaw 2015 remain consistent in the proposed amended bylaw, there are some proposed changes:

- 1. Make the document easier to read.** We are proposing some changes to make the requirements set under the bylaw clearer and easier to understand, cut down on repetition and simplify the overall layout. Some of these changes ensure the bylaw will remain consistent with other regulation such as the Burial and Cremations Act 1964 (the Act) and remove redundant provisions which are managed through other mechanisms.
- 2. Change the way the bylaw refers to public holidays.** The proposed changes mean that burials will not occur on any public holiday as defined in the Holidays Act 2003. This aligns with other services that Council provides and makes the bylaw easier to administer. This aligns with other services that Council provides and makes the bylaw easier to administer.
- 3. Allow for suspension of burials** when the ground conditions are not suitable during and after emergency weather events.
- 4. Provide more specific rules for aesthetic requirements of monuments.** To ensure cemeteries are reflective of all their community members and to make it easier for grieving families to plan memorials, we propose to include more specific guidance to inform design criteria.
- 5. Provide for the creation of a Cemeteries Guide** to provide additional guidance and useful information to help interpret requirements of the bylaw if it is required.
- 6. Provide explicit rules governing physical works in cemeteries.** We propose to consolidate this information into the bylaw as it currently sits within a policy which is out of date. This ensures all key information for management of cemeteries is in place.
- 7. Remove the requirement for the payment of an out of district fee** for babies under one year old and stillborn babies to be consistent with Council's current approach to burial fees, due to the sensitive nature of the loss.

Proposed Amendments to Gisborne District Council Cemeteries and Crematoria Bylaw 2015

- 8. Remove opening hours of cemeteries.** Instead of being within the bylaw, opening hours will be listed on Council's website and other accessible forms of communication which will enable the hours to be more flexible and to respond to the needs of the community.
- 9. Change the rules managing animals in cemeteries.** Currently the bylaw prohibits animals in cemeteries at night and requires animals to be under control at other times. We are proposing to strengthen this by clarifying that grazing in cemeteries is prohibited unless there is prior Council permission, dogs in cemeteries are subject to requirements under Council's Dog Control Bylaw and Cemetery staff can request an animal is to be removed.
- 10. Specify that cultural supervision of the digging of graves is allowed** upon request and under supervision.

The options for these proposed changes to the current bylaw are discussed in detail in the tables that follow and are reflected in the proposed bylaw.

Proposed Amendments to Gisborne District Council Cemeteries and Crematoria Bylaw 2015

Proposal 1	Make the document easier to read
<i>Reasoning</i>	<p>We are proposing some changes to make the requirements set under the bylaw clearer and easier to understand, cut down on repetition and simplify the layout. Some of these changes ensure the bylaw will remain consistent with other regulation such as the Burial and Cremations Act 1964 (the Act) and to remove redundant provisions which are managed through other mechanisms, such as other legalisation or bylaws. Some wording and structure of clauses in the bylaw is outdated and difficult to understand. This proposal seeks to amend the bylaw to make it easier to read and ensure it is a useful tool for the grieving families to utilise when experiencing loss of a loved one.</p>
<i>Options considered</i>	<p>Option 1 – Retain the existing text and make no changes to the bylaw to help with readability. This option would mean the current format and wording will continue to be in place.</p> <p>Option 2 – <i>(Preferred)</i> Modernise, simplify, and create a more readable document. Council has changed the layout and template of bylaws since this bylaw was last made, and more emphasis is now put on making bylaws easier to read. Our proposal brings the existing bylaw into the new template and makes some other minor changes, which do not change the intent of the bylaw. These can be grouped into the following categories:</p> <ul style="list-style-type: none"> • Editing sentence structure. Many of the sentences were more complicated than necessary. • Using language which is more understandable, removing jargon and overly legalistic terms. • Simplifying the structure of the document and reducing repetition. • Ensuring the various sections of the document work when read together as a whole. This includes moving the existing section on "Application for Approval" for monuments, from under the section regarding the cemetery types to the section on installation of a monument. • Deleting unnecessary parts of the document, including some repetition and some instances where the wording had become obsolete given legislative or procedural changes. This includes the removal of the requirement for an Authority to Bury, which is no longer in place. • Adding new definitions to the Interpretation section to help guide understanding. • Amending wording in the purpose of the bylaw to create clarity and ensure clauses in the bylaw relate back to the overarching purpose. <p>Several sections of the bylaw had significant changes to the structure of the provisions and the wording. Most notably, the sections on Exclusive Right of Burial, Types of Cemetery, and Offences and Breaches. Although being modified, unless stated elsewhere, these changes are about making the bylaw easier to read, rather than any shift in approach or new or different requirements.</p>
<i>Preferred option</i>	Option 2 – Modernise, simplify, and create a bylaw that is easier to read.

Proposed Amendments to Gisborne District Council Cemeteries and Crematoria Bylaw 2015

Proposal 2	Change the way the bylaw refers to public holidays
<i>Reasoning</i>	We are proposing to expand the application of public holidays to cemetery closing hours to provide for all public holidays as defined in the Holidays Act 2003. The current list does not align with many other Council operations and could create logistical and staffing issues to ensure the safe and efficient operation of the cemeteries.
<i>Options considered</i>	<p>Option 1 – Retain the existing public holidays of Christmas Day, New Years Day, Easter Monday, and ANZAC Day.</p> <p>Option 2 – (Preferred) Update the public holidays to reflect the Holidays Act 2003. This will provide a more comprehensive set of public holidays which will mean the cemeteries are open less days for burials than under the current bylaw.</p>
<i>Preferred option</i>	Option 2 – Update the public holidays.

Proposal 3	Provide for suspension of burials
<i>Reasoning</i>	Recent weather events have highlighted there is a clear risk to public health and safety if burials are allowed when the ground conditions are unsuitable. Burials undertaken in saturated ground conditions can result in toxic chemicals making their way into the water table and waterways and could also impact on the safety of Council staff, or those attending funerals.
<i>Options considered</i>	<p>Option 1 – Retain the status quo. In this option Council will not have the ability to suspend burials at a cemetery due to severe weather events.</p> <p>Option 2 – (Preferred) Adopt a new clause in the bylaw to allow for suspension of burials if ground conditions are unsuitable (such as after severe weather events). This option would enable Council's Controller and Council's Recovery Manager, under the Civil Defence Emergency Act to suspend burials when ground conditions are unsuitable.</p>
<i>Preferred option</i>	Option 2 – Adopt a new clause in the bylaw to include allowing a suspension of burials if ground conditions are not suitable.

Proposed Amendments to Gisborne District Council Cemeteries and Crematoria Bylaw 2015

Proposal 4	Provide more specific rules for aesthetic requirements of monuments
<i>Reasoning</i>	To ensure cemeteries are reflective of all their community members and to make it easier for grieving families to plan memorials, we propose to include more specific guidance on aesthetic requirements for monuments in the bylaw to inform design criteria.
<i>Options considered</i>	<p>Option 1 – Retain the status quo. In this option, the approach of the current bylaw is to focus on the structural design and directs installations to be in accordance with the New Zealand Standard for Headstones and Cemetery Monuments. Council does not express control or management of what size, style or nature of the content on a monument. This could have legal implications should a headstone with a design not considered appropriate (e.g. overly large or with content parts of the community could find offensive) be installed.</p> <p>Option 2 – (<i>Preferred</i>) Include a clause in the bylaw that clearly outlines appropriate design and size requirements for monuments. The proposal includes setting a maximum size; making it clear there is a 'front' to the monuments and providing guidance as to what will be considered offensive by Council, which is described as profanity, hate speech or symbolism that denigrates against individuals or groups, inappropriate or explicit images, or images associated with violence.</p> <p>Option 2 will also be enhanced by one of the changes made for readability which is moving the clause regarding an application for approval for a monument directly after the guidance on aesthetics. This information is currently located in the section on cemetery types and is difficult to find.</p>
<i>Preferred option</i>	Option 2 – Include a clause in the bylaw that clearly outlines appropriate aesthetic design and size requirements for monuments.

Proposed Amendments to Gisborne District Council Cemeteries and Crematoria Bylaw 2015

Proposal 5	Provide guidance to aid the use the of the bylaw
<i>Reasoning</i>	<p>Given the formal nature and content of a bylaw, in many ways it is not necessarily 'an easy read' for members of the public. This is particularly so considering that most people will only be interacting with the bylaw when they are experiencing the loss of a whanau member or friend.</p> <p>While the proposed readability amendments will improve the public's experience of the bylaw, a provision is proposed which allows for Council to make, amend, or revoke a Cemeteries Guide. The guide could summarise and simplify some of the main points of the bylaw, particularly around the types of cemeteries, the expectations around monuments and behaviour and access to all the necessary forms, contacts and opening hours. The guide would be easier to amend and change than the bylaw itself.</p>
<i>Options considered</i>	<p>Option 1 – Do not provide a guide or a policy and let the bylaw stand on its own. People will often need information about burials and cemeteries at a time of grief and high stress. This information should be accessible and readable, but in places its 'legalistic' nature of a bylaw, makes this difficult to achieve. But by relying solely on the bylaw Council will meet its legal functions.</p> <p>Option 2 – Status quo. Use Council's existing Cemeteries Policy to help expand on matters of interest to the public. This option has created issues in the past sometimes conflicting information between the policy and the bylaw. While the policy could be amended to reflect the bylaw, a policy is not necessarily a document that members of the public would instantly think to seek out. A policy would also need to pass through Council adoption processes, which does have the function of making it a formal Council document, but it also means it is not flexible or easy to change or add to, should issues arise with the implementation of the bylaw.</p> <p>Option 3 – <i>(Preferred)</i> Revoke the policy and develop a guide or guidebook which would be supplementary to the bylaw and would provide information on day-to-day operational matters for the public to access. This could include information on opening hours, types of burials and cemeteries, the option of using diagrams and images to explain requirements for headstones and monuments, express expectations on behaviour and personalising a grave, and access to contacts and forms, fees and charges. This guide could be online or in the form of a booklet made available to the public. This would be flexible and added to or amended as matters arise. It would not make or change rules but would provide additional guidance on matters contained in the bylaw.</p>
<i>Preferred option</i>	<p>Option 3 – This option retains all the formal and legal requirements to be contained in the bylaw but allows Council to use a more accessible and flexible approach to share useful, day to day, information with the public.</p>

Proposed Amendments to Gisborne District Council Cemeteries and Crematoria Bylaw 2015

Proposal 6	Provide explicit rules governing physical works in cemeteries
<i>Reasoning</i>	We propose to consolidate this information into the bylaw as it currently sits within a policy which is out of date. This ensures all key information for management of cemeteries is in place.
<i>Options considered</i>	<p>Option 1 – Retain the status quo. This would retain the wording relating to physical works in the standalone policy. As mentioned above, the bylaw review process highlighted some inconsistencies between the contents of the policy and of the bylaw. This policy is not well known or used and retaining the useful provisions regarding physical works, within the policy is not efficient and creates the risk of them being lost.</p> <p>Option 2 – <i>(Preferred)</i> Incorporate this part of the policy into the bylaw. Cemetery Officers have found the content of the clauses relating to other physical works with plots, useful to ensure there is a level of control of works within the cemeteries and health and safety is maintained by ensuring works and tools, materials are approved and safe.</p>
<i>Preferred option</i>	Option 2 – This option consolidates the physical works rules into the bylaw, given them the necessary legal status and makes them more accessible to the public.

Proposal 7	Remove the requirement for the payment of an out of district fee for babies under 1 year old and stillborn babies
<i>Reasoning</i>	The current bylaw requires the payment of an out of District fee for burials including burials of still born children and those under twelve months old. Being 'out of district' is someone is who is not residing in Gisborne District for at least twelve months prior to the date of death. Council believes this fee to be unfairly strict on grieving parents and is controlling a matter, that very rarely occurs.
<i>Options considered</i>	<p>Option 1 – Retain the status quo and charge out of district fees for stillborn babies and babies under 1 year old. While there is no recent instance of this clause being used, if this situation does arise, requiring the out of district fee to be paid, could be perceived as insensitive to grieving parents and whanau. The provision is outdated.</p> <p>Option 2 – <i>(Preferred)</i> Delete this requirement from the bylaw. Stillborn children or those under 12 months old, will not be required to pay an out of district fee.</p>
<i>Preferred option</i>	Option 2 – This option provides an empathetic approach to the loss of an out of district, stillborn child and does not inadvertently require out of district fees for a baby under 12 months old, given they haven't lived in the district for 12 months.

Proposed Amendments to Gisborne District Council Cemeteries and Crematoria Bylaw 2015

Proposal 8	Remove opening hours of cemeteries from the bylaw
<i>Reasoning</i>	Instead of being within the bylaw, opening hours will be listed on Council's website and other accessible forms of communication which will enable the hours to be more flexible and to respond to the needs of the community.
<i>Options considered</i>	<p>Option 1 – Status quo. Retain the current opening hours of Cemeteries in the bylaw. This option makes it difficult for Council to alter these hours, should they need to be altered to meet community needs or Council operational needs. To amend the hours would require a review of the bylaw. Additionally, the bylaw is not an obvious place for opening hours to be located either.</p> <p>Option 2 – (<i>Preferred</i>) Remove the opening hours from the bylaw. Opening hours should instead be in a more accessible location, primarily the Council website or a Cemeteries Guide should this be developed. This will allow more flexibility if the hours need to change (to respond to community needs or Council resources) and is also a more logical place for people to look for the information.</p>
<i>Preferred option</i>	Option 2 – Remove the inflexible opening hours from the bylaw. Opening hours will instead be listed on Council's website and other accessible forms of communication which will enable the hours to be more flexible and to respond to the needs of the community.

Proposal 9	Change rules on the control of animals in cemeteries
<i>Reasoning</i>	Currently the bylaw prohibits animals in cemeteries at night and requires animals to be under control at other times. We are proposing to strengthen this by clarifying that grazing in cemeteries is prohibited unless there is prior Council permission, dogs in cemeteries are subject to requirements under Council's Dog Control Bylaw and Cemetery staff can request an animal is to be removed.
<i>Options considered</i>	<p>Option 1 – Status quo. This would retain the provisions which allows for dogs which are under control during daylight hours within Council cemeteries.</p> <p>Option 2 – Delete these provisions from the bylaw and rely on the Tairāwhiti Dog Control Bylaw and Policy.</p> <p>Option 3 – (<i>Preferred</i>) Amend the bylaw to provide for animals but prior permission from Council is required for grazing and providing clarity that Cemetery staff can request an animal is to be removed. This option provides for grazing with prior permission in certain circumstances and the ability to request any animal be removed by staff. This will allow for discretion to be applied for the likes of animal grazing in unopened parts of the cemetery.</p>
<i>Preferred option</i>	Option 3 – This option strengthens the ability to control grazing within cemeteries, allowing instances where owners of animals can bring their animals into cemeteries, rules around dogs are in line with the Council's Dog Control Bylaw, and cemetery staff can require an animal to be removed.

Proposed Amendments to Gisborne District Council Cemeteries and Crematoria Bylaw 2015

Proposal 10	Specify that the cultural supervision of the preparation of graves is provided for, upon request
<i>Reasoning</i>	Participating in the preparation of graves is an important part of Māori cultural beliefs and values. The current bylaw does not allow for anyone other than Council staff or those authorised by Council to participate in grave digging or backfill. It is not clear who would be authorised. Council wishes the bylaw to more clearly allow for cultural supervision of grave digging and backfill to better provide for cultural values and the needs of the mana whenua. The bylaw only applies to Council cemeteries and crematoria and does not apply to urupā.
<i>Options considered</i>	<p>Option 1 – Status quo. The current bylaw does not make any provision for anyone other than Council officers or those authorised by Council to dig graves.</p> <p>Option 2 – <i>(Preferred)</i> Provide for cultural supervision of grave digging. This option, along with associated wording edits, would also better highlight the opportunity to be involved in backfilling. To ensure health and safety is maintained and Council functions under the Act, these provisions also include the need for this cultural supervision to be upon request, and under supervision.</p> <p>Option 3 – Allow for cultural preparation of graves, including digging and backfill. This would not meet Council's obligations under the Act and could pose a health and safety risk for those involved, other users of the cemetery and staff.</p>
<i>Preferred option</i>	Option 2 – This option provides a balance between the desire to allow for Māori culture and values to be respected and provided for during the burial process, and Council's legislative obligations, particularly in relation to health and safety.

To see more details on the proposed changes, see the adoption report to Council on 30 January 2024.

1.4 Legislative framework

The Cemeteries and Crematoria Bylaw is part of a wider legislative framework. The bylaw provides additional rules about cemeteries and crematoria but does not intend to duplicate or be inconsistent with this framework. The key elements of this framework include:

Burial and Cremation Act 1964

The Act gives Council the power to make bylaws to maintain and preserve cemeteries. Under the Act Council is empowered to:

- Make bylaws to regulate activities at Council owned or operated cemeteries and crematoria (s16, 40 and 59)
- Approve or refuse applications for and prohibit monuments as it thinks fit (s9)
- Grant exclusive rights of burial (s10)

Under the Act all bylaws made by a local authority shall be made in the same manner in all respects as if they were bylaws made pursuant to the Local Government Act 2002 (LGA).

Proposed Amendments to Gisborne District Council Cemeteries and Crematoria Bylaw 2015**Determinations under Section 155 of the LGA**

Section 155 of the LGA provides that Council must consider certain criteria when making the Cemeteries and Crematoria Bylaw. This includes whether the proposed bylaw is:

- the most appropriate way of addressing a perceived problem;
- the most appropriate form of bylaw; and
- not inconsistent with the New Zealand Bill of Rights Act 1990.

As part of the review process Council is required to complete an analysis against the above criteria. Council considered the research and analysis undertaken by staff and determined at the Council meeting on 20 March 2024 that a bylaw is still the most appropriate way of addressing the perceived problem.

Council revisited the Section 155 criteria before they adopted this proposed Bylaw for public consultation at the Council meeting on 30 January 2025. Council confirmed that the proposed amended bylaw is the most appropriate form of bylaw; and that it does not give rise to any implications under the New Zealand Bills of Rights Act 1990.

Special consultative procedure under Section 83 of the LGA

Section 83 of the LGA outlines that when using the special consultative procedure, a local authority must:

- a) Prepare and adopt –
 - I) A statement of proposal; and
 - II) If the local authority considers on reasonable grounds that it is necessary to enable public understanding of the proposal, a summary of the information contained in the statement of proposal; and
- b) Ensure that the following is publicly available:
 - I) The statement of Proposal; and II) A description of how the local authority will provide persons interests in the proposal with an opportunity to present their views to the local authority in accordance with section 82(1)(d); and
 - II) A statement of the period within which views on the proposal may be provided to the local authority (the period being not less than 1 month from the date the statement is issued); and
- c) Make the summary of information contained in the statement of proposal prepared in accordance with paragraph (a)(II) (or the statement of proposal, if a summary is not prepared) as widely available as is reasonably practicable as a basis for consultation; and
- d) Provide an opportunity for persons to present their views to the local authority in a manner that enables spoken (or New Zealand sign language) interaction between the person and the local authority, as any representatives to whom an appropriate delegation has been made in accordance with Schedule 7; and

Proposed Amendments to Gisborne District Council Cemeteries and Crematoria Bylaw 2015

- e) Ensure that any person who wishes to present his or her views to the local authority or its representatives as described in paragraph (d) –
 - I) Is given a reasonable opportunity to do so; and
 - II) Is informed about who and when he or she may take up that opportunity.
- f) For the purpose of, but without limiting, subsection (1)(d), a local authority may allow any person to present his or her views to the local authority by way of audio link or audiovisual link.
- g) This section does not prevent a local authority from requesting or considering, before making a decision, comment or advice from an officer of the local authority or any other person in respect of the proposal or any views on the proposal, or both.

This bylaw should be read in conjunction with other related legislation, including the Gangs Act 2024 and the Tairāwhiti Dog Control Bylaw (2023).

How to submit on the Cemeteries and Crematoria Bylaw Proposal

Tell us in person

Instead of holding a hearing, we are holding 'chat with a Councillor' sessions for you to supply your thoughts, any concerns and feedback in person. These sessions will be 15 minutes long and held during February. The sessions will be in person, over the phone or via an audiovisual link depending on your preference. You will get to talk one-on-one to a Councillor and the discussion will be supported by a Council staff member who will take notes on your feedback.

If you'd like to chat with a Councillor, please let us know by **5pm on 14 February 2025** using one of the methods below:

On the phone: Phone **0800 653 800** and one of our friendly team will take your registration or can even fill this form out for you over the phone.

Email: Email us at policyreview@gdc.govt.nz and put '**Cemeteries Bylaw - Chat with a Councillor**' in the subject line.

Please note that you don't have to provide a written submission to tell us about your thoughts in person, although you are welcome to do both. The notes from your session will be included as a submission in the process.

Tell us in writing

Be sure to get your written comments to us by **5pm on 5 March 2025**. You can supply your comments on the attached submission form and follow the instructions on the form on how to get it to us, or make your submission online at <https://participate.gdc.govt.nz/>.

Key dates

Feedback period:	4 February to 5 March 2025
Chat with a Councillor:	February 2025
Deliberations:	April/May 2025
Decision of Council:	June 2025

Your views on the proposal are important to us and help us ensure that the Cemeteries and Crematoria Bylaw best suits our communities' needs.

Please note that all submissions are considered public under the Local Government Official Information and Meetings Act, and your name and feedback will be available to the public via our reports and website. All other personal details you provide will remain private.

What will happen with your feedback?

All feedback received will be summarised and reported back to the Panel of Elected Members who will deliberate on the information provided and then make a recommendation to Council on the proposal.

2. Proposed Amended Cemeteries and Crematoria Bylaw



TURE Ā-ROHE URUPĀ ME NGĀ WHARE TAHU TŪPĀPAKU O TE TAIRĀWHITI 2015

(Tairāwhiti Cemeteries and Crematoria Bylaw 2015)

Made by Gisborne District Council

Resolution of Council dated June 2015

Amended: XX MONTH 2025

Contents

1.	TITLE	18
2.	COMMENCEMENT AND AUTHORITY	18
3.	APPLICATION	18
4.	INTERPRETATION	18
5.	PURPOSE	20
6.	CEMETERIES GUIDE	20
PART 1: EXCLUSIVE RIGHT OF BURIAL		21
7.	BURIALS, SALE OF PLOT AND THE EXCLUSIVE RIGHT OF BURIAL	21
8.	TRANSFER OF EXCLUSIVE RIGHT OF BURIAL	22
9.	LAPSE OF EXCLUSIVE RIGHT OF BURIAL	22
10.	FEES	22
PART 2: BURIAL WARRANTS		23
11.	REQUIREMENT	23
12.	APPLICATION AND ISSUE OF BURIAL WARRANT	23
13.	SUSPENSION OF BURIALS	23
14.	DELIVERY IN ADVANCE	23
PART 3: SERVICES AND BURIALS		24
15.	HOURS OF SERVICES AND BURIALS	24
16.	NOTICE OF SERVICES	25
17.	RESPONSIBILITY FOR ARRANGEMENTS	25
18.	BURIAL OF PERSONS IN FINANCIAL NEED	25
19.	DIGGING OF GRAVES	25
20.	OTHER PHYSICAL WORKS ASSOCIATED WITH PLOTS	26
21.	BURIAL OF ASHES	26
22.	SIZE OF CASKETS	26
23.	REOPENING OF GRAVES	26
24.	DISINTERMENT	26
PART 4: INSTALLATION, MAINTENANCE AND REMOVAL OF MONUMENTS		27
25.	APPLICATION FOR APPROVAL	27
26.	AESTHETIC REQUIREMENTS OF COUNCIL	27
27.	CONSTRUCTION AND INSTALLATION	28
28.	WORK PRACTISES	28
29.	MAINTENANCE OF MONUMENTS	28
30.	SAFETY	29
31.	REMOVAL OF MONUMENTS	29
32.	AUTHORISATION	29
PART 5: TYPES OF CEMETERIES		30
33.	TYPES OF CEMETERIES	30

34.	RETURNED SERVICES AREAS	31
35.	CLOSED CEMETERIES	31
PART 6: MEMORABILIA		31
36.	MEMORABILIA PLACED AT TIME OF INTERMENT	32
37.	PERMITTED MEMORABILIA	32
38.	REMOVAL AND DISPOSAL OF MEMORABILIA	32
PART 7: CREMATORIA		33
39.	RESTRICTION OF ACCESS	33
40.	LIMITED ACCESS PERMITTED	33
PART 8: VEGETATION		34
41.	VEGETATION	34
PART 9: VEHICLES		35
42.	HOURS OF ENTRY	35
43.	TRAFFIC TO KEEP ROADS	35
44.	RIGHT OF WAY FOR FUNERALS	35
45.	DRIVERS TO OBEY INSTRUCTIONS	35
46.	TRAFFIC SIGNS	35
47.	EXEMPTION	35
PART 10: SOLICITING TRADE		36
48.	TRADE	36
49.	DISPLAY OF MANUFACTURER'S NAME	36
50.	PHOTOGRAPHY	36
PART 11: ANIMALS		37
51.	ANIMALS	37
PART 12: CONDUCT		38
52.	DAMAGE	38
53.	INTERFERENCE WITH SERVICES	38
54.	OFFENSIVE BEHAVIOUR	38
55.	OFFENSIVE ARTICLES	38
PART 13: ADMINISTRATIVE MATTERS		39
56.	RECORDS	39
57.	OFFENCES AND BREACHES	39
58.	REMOVAL OF WORKS	39
59.	OFFICERS TO CONTINUE IN OFFICE	40
60.	DISPENSING POWER	40

1. Title

1.1. This Bylaw is the Gisborne District Council Cemeteries and Crematoria Bylaw 2015.

2. Commencement and Authority

2.1. This Bylaw came into force on 26 June 2015.

2.2. This Bylaw is made under the Local Government Act 2002, the Burial and Cremation Act 1964, and the regulations and rules under those Acts.

Related information:

This Bylaw was amended on [day/month 2025] following a review of the bylaw on [20 March 2024](#) and those amendments came into force on [1 July 2025].

The Bylaw is next due for review by 20 March 2034.

3. Application

3.1. This Bylaw applies to any Council controlled cemetery within the Gisborne District.

3.2. For the avoidance of doubt, this Bylaw does not apply to any urupā or any other cemetery, crematorium or burial ground that is not controlled by Council.

Related information:

Council is the owner of a building at Taruheru Cemetery which is leased to a commercial entity. This building houses a cremator which is owned and operated by a commercial entity.

Burials outside of cemeteries owned or controlled by Council are subject to Sections 46, 47 and 48 of the Act and subsequent amendments.

4. Interpretation

4.1. Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.

4.2. The Legislation Act 2019 applies to the interpretation of this bylaw.

4.3. Related information is for information purposes only, does not form part of this bylaw, and may be inserted or changed by the Council at any time without amending the bylaw.

4.4. In this bylaw, unless the context otherwise requires:

Act means the Burial and Cremation Act 1964.

Adult means any person over the age of 12 years.

Assignee means the person or persons to whom an exclusive right of burial is transferred to on the death of the holder of the exclusive right of burial.

Berm means a load bearing structure fabricated from concrete of prescribed dimensions, set flush with the ground and supplied by Council, for the purpose of mounting monuments.

Body has the same meaning as in section 2 of the Burial and Cremation Act 1964.

Burial means to bury, or place the ashes of, a body.

Burial Warrant means a certificate issued by Council, after approval of an application by the funeral director or other person responsible for the management or control of a burial, which gives authority for the person named on the warrant to be buried by Council.

Cemetery has the same meaning as in Section 2 of the Burial and Cremation Act 1964.

Cemetery Officers means any person appointed by 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.

Closed Cemetery or Area means a cemetery which has been closed by a closing order as stated in Part 6 of the Burial and Cremation Act 1964 and subsequent amendments.

Controller has the same meaning as in the Civil Defence Emergency Management Act 2002.

Council means the Gisborne District Council.

Exclusive Right of Burial has the same meaning as in Section 10 of the Burial and Cremation Act 1964.

Funeral Director means a person, who in the course of their business, carries out burials and related matters.

Holder of the Exclusive Right of Burial means a person who has purchased a cemetery plot, or if that person is deceased, their assignee or, authorised agent.

Maintenance in Perpetuity means that Council will maintain all cemeteries to an appropriate standard as set by Council, for the period that the cemetery is under the control and management of Council. Where a cemetery is disused or closed, maintenance will encompass the preservation of access and maintenance of safety, as per Section 43 of the Burial and Cremation Act 1964.

Memorabilia means wreaths, vases, artificial or natural cut flowers or foliage, plants, figurines, toys and ornaments and other objects placed on a grave in memory of a deceased person but that are not permanently attached to that grave.

Monument has the same meaning as in Section 2 of the Burial and Cremation Act 1964 and includes any tombstone, headstone, memorial, kerbing, or other erection.

Monumental Area means a part of a cemetery in which full grave cover by monuments is permitted, subject to prior approval of such structures by Council.

Plot means a gravesite as shown on a cemetery plan held available for public inspection at a cemetery and/or offices of Council.

Prescribed Fee means the fees determined by Council in accordance with section 150 of the Local Government Act 2002.

Public Holiday means those Public Holidays outlined in section 44 of the Holidays Act 2003.

Recovery Manager means has the same meaning as in the Civil Defence Emergency Management Act 2002.

Relatives means a person's spouse or defacto partner, first and second degree blood relationships (parent, sibling, child, uncle, aunt, nephew, niece, grandparent, grandchild or half-sibling).

Returned Services Area means an area of a cemetery set aside for the burial of bodies or ashes of eligible servicemen or service women as defined by Section 15(2) of the Burial and Cremation Act.

Tablet has the same meaning as in Section 2 of the Burial and Cremation Act 1964 of including a plaque.

Working Hours means the hours from 8am to 5pm from Monday to Friday, excluding Public Holidays outlined in section 44 of the Holidays Act 2003.

5. Purpose

5.1. The purpose of this Bylaw is to enable Council to set and control standards for the safe and efficient operation of Council's cemeteries and crematoria.

6. Cemeteries Guide

6.1. Council may make, amend or revoke a Cemeteries Guide to:

- a) provide rules for the use of cemeteries and crematoria controlled by Council; and/or
- b) provide additional information to aid in the interpretation of this Bylaw.

6.2. Before making, amending or revoking a Cemeteries Guide in 6(1), Council must, be satisfied that the contents of the guidebook is consistent with this Bylaw and meets the purpose of this Bylaw.

Part 1: Exclusive Right of Burial

7. Burials, Sale of Plot and the Exclusive Right of Burial

- 7.1. Burials may be made in any plot in any cemetery vested in Council or under its control that is not closed, subject to this Bylaw.
- 7.2. A person must obtain an Exclusive Right of Burial and comply with any conditions imposed by Council before a burial can take place.
- 7.3. The purchase of the Exclusive Right of Burial excludes the digging and closing of a grave or the opening and closing of the ground for burial.
- 7.4. Council will grant an Exclusive Right of Burial once the Council has received the prescribed fees or financial arrangements acceptable to Council have been made.
- 7.5. The Holder of the Exclusive Rights to Burial or their assignee can apply to Council for a duplicate Certificate of Title to Plot for any lost Certificate of Title to Plot.
- 7.6. Council will issue a duplicate Certificate of Title to Plot for any lost Certificate of Title to Plot to the purchaser or their assignee upon request and payment of the prescribed fee.
- 7.7. No person except the owner of the exclusive right of burial, may be buried within a plot without the express prior consent of the holder of the right.

Related information:

The Council will make available to the public the size and location of the plots that are available for sale at any given time and manage the allocation of the sold plots.

The Council will make available to the public any terms and conditions of burial plots for sale and whether any Exclusive Right of Burial is to be granted for a limited period.

8. Transfer of Exclusive Right of Burial

- 8.1. The holder of the Exclusive Right of Burial in a plot in which no burial has taken place may sell or transfer that right to any other person with the consent of Council, subject to the payment of the prescribed fee to Council.
- 8.2. When the holder of the Exclusive Right of Burial no longer intends to use the plot, the plot may be transferred back to Council subject to the payment of the prescribed fee to Council. Plots that have been sold back to the Council, may be resold by Council.

9. Lapse of Exclusive Right of Burial

- 9.1. When an application is made to buy the Exclusive Right to Burial in any plot and the payment of the prescribed fee is not made in full within the period determined by Council, it may extend the period of payment or determine that the application has lapsed.
- 9.2. If the application has lapsed, the Exclusive Right to Burial will revert back to Council with no entitlement for refund of the purchase price.

10. Fees

- 10.1. Council may, pursuant to section 150 of the Local Government Act 2002, prescribe fees for all the services for the operation and maintenance of cemeteries controlled by Council.
- 10.2. Except as provided for in clause 15(2) of this Bylaw, burials will only take place when the Exclusive Right of Burial has been completed. This requires payment of all the prescribed fees or suitable financial arrangements that are acceptable to Council.
- 10.3. An out of District fee shall be payable where the burial is of a deceased person not permanently residing within the boundaries of the Gisborne District for at least twelve months prior to date of death.
- 10.4. Notwithstanding clause 10(3) of this Bylaw, the out of District fee does not apply to children under the age of 12 months and stillborn children.
- 10.5. Notwithstanding clause 10(3) of this Bylaw, Council may apply its discretion to the requirement for the appropriateness of out of District fees.

Related information:

There are many operational considerations that affect the applicability of out of district fees, including length of a person residing in the District and practical situations, such as temporary absences of short duration from the district. These will not detract from the permanency of residence and the Cemetery Manger will apply discretion to determine the appropriateness of out of district fees.

Part 2: Burial Warrants

11. Requirement

- 11.1. No burial can take place in any cemetery without a burial warrant for that purpose, obtained by the funeral director or other person having the management or control of the burial from Council and presented to Cemetery Officers as authority for burial.

12. Application and Issue of Burial Warrant

- 12.1. A person requiring a burial warrant must apply to Council on the approved form of application for a burial warrant as issued by Council.
- 12.2. A burial warrant may only be issued:
- a) when the ground conditions are suitable for burial; and
 - b) upon Council receipt of written certification as defined under Section 26 of the Births and Deaths Registration Act 1951; and
 - c) when financial arrangements acceptable to Council have been made, for the exclusive right of burial.

13. Suspension of Burials

- 13.1. Where adverse weather causes ground conditions to be unsuitable, burials may be suspended to protect public health, maintain public safety, and ensure the wellbeing of Council staff and the public, the Controller or Recovery Manager may direct the temporary suspension of burials under the Civil Defence Emergency Management Act 2002 to prevent any activity that may cause, or substantially contribute to the consequences of, an emergency.
- 13.2. In such cases, no burial warrants will be issued until Council is satisfied ground conditions are suitable.

14. Delivery in Advance

- 14.1. The application for a burial warrant must be delivered to Cemetery Officers at least eight working hours before the burial by the funeral director or other person responsible for the management or control of the burial.

Part 3: Services and Burials

15. Hours of Services and Burials

- 15.1. Burials at cemeteries administered by the Gisborne District Council shall take place during those burial hours as specified on Council's website and in any related Cemeteries Guide made under clause 6(1) of this Bylaw.
- 15.2. Except to comply with the duties of Council under Section 86 of the Health Act 1956 relating to the burial of people who have died of an infectious and/or notifiable disease, burials will not take place on Public Holidays.
- 15.3. Funeral director or other person responsible for the management or control of the burial will consult with Cemetery Officers on burial time. Council Officers will determine the time of burial.
- 15.4. Burials may take place at other times by special arrangement with Council and on payment of any additional fees.

Related information:

Information on burials and opening hours of the Cemeteries can be found at www.gdc.govt.nz/services/cemeteries

16. Notice of Services

- 16.1. Eight working hours' notice of any burial or service must be provided to Cemetery Officers.
- 16.2. If such notice is not given, the burial or service may be delayed for a reasonable period of time as Cemetery Officers decide to enable Cemetery Officers to complete the necessary arrangements.
- 16.3. Any extra expenses incurred will be the responsibility of the funeral director or other person responsible for the management or control of the burial.

17. Responsibility for Arrangements

- 17.1. The funeral director or other person responsible for the management or control of the burial must ensure that the remains are in a suitable receptacle when presented for burial and ensure that all equipment associated with the burial is provided at the time of burial.
- 17.2. Any additional expenses incurred by Council will be the responsibility of the funeral director or other person responsible for the management or control of the burial.

18. Burial of Persons in Financial Need

- 18.1. In the instance, where a burial warrant cannot be issued due to the non-payment of the prescribed fees and the requirements of Part 2 have not been met, an application can be made to Council for the burial of a deceased person in financial need.
- 18.2. A person applying to Council for the burial of a person in financial need, must provide a declaration signed by a Justice of the Peace, certifying that:
 - a) Such deceased person has not left sufficient means to pay all the prescribed fees; and
 - b) All the prescribed fees are not covered by an Accident Compensation or Government entitlement or subsidy; and
 - c) The deceased person's relatives are unable or unwilling to pay.
- 18.3. Additional proof to confirm the declaration may be required by Council.

19. Digging of Graves

- 19.1. For health and safety reasons, only Cemetery Officers or assistants of Cemetery Officers or any other person authorised by Council can dig any grave in or open the ground for burial in any part of a cemetery. On request, Council can accommodate cultural supervision for those who wish to oversee the digging process.
- 19.2. No person other than Cemetery Officers or assistants of Cemetery Officers or person duly authorised by Cemetery Officers will fill in any grave. Backfill is permitted on request and only under supervision of Cemetery Officers.
- 19.3. Extra depth burials can only occur if the water table permits and ground conditions are suitable.

20. Other physical works associated with plots

- 20.1. Any authorised person undertaking physical works associated with any plot must obtain prior approval from Council for the physical works.
- 20.2. All applicable fees must be paid or arrangements for the fees that are to be paid are to be made with the Council.
- 20.3. The authorised person must adequately protect the surrounding plots, monuments and cemetery infrastructure and may not deposit any tools or materials on any adjacent plot, without prior approval from the holder of the exclusive right of burial to that plot, or an assignee.
- 20.4. All tools or materials used for the physical works must be removed as soon as practicable upon the completion of the physical works.
- 20.5. If any authorised person undertaking physical works fails to comply with any conditions of the approval given by the Council, the Council may revoke the approval for the physical works and remove any monument, or part thereof, that fails to meet the conditions.
- 20.6. The Council may remove any unauthorised physical works.

21. Burial of Ashes

- 21.1. With the prior approval of Council any person may scatter the ashes of a deceased person in a cemetery.
- 21.2. With the prior approval of Council and on payment of the prescribed fees any person may bury a container holding the ashes of a deceased person in any plot, subject to the exclusive right of burial.

22. Size of Caskets

- 22.1. If a casket for a child (under 12 years old) is too large for a children's burial plot, it will be buried in an adult burial plot subject to the payment of the prescribed fees.

23. Reopening of Graves

- 23.1. No person can re-open a grave for a further burial without the consent of the holder of the exclusive right of burial.

24. Disinterment

- 24.1. Where a request for a disinterment and/or reinterment is received and approved by Council, any person undertaking the disinterment must do so pursuant to section 51 and 55 of the Act and subject to the payment of the prescribed fees.
- 24.2. Any person undertaking an approved disinterment and/or reinterment must do so, in the presence of Cemetery Officers, a funeral director and staff and an inspector of the Ministry of Health. Any other person may only attend with prior approval of Council.
- 24.3. It will be the responsibility of Council to open the grave only to the extent of exposing the lid of the casket. Removal of the casket from the grave will be the responsibility of the funeral director present.
- 24.4. No person may use any plot from which a disinterment has taken place for any subsequent burial and no refund of the cost of the original burial, or any part of that cost will be made.

Part 4: Installation, Maintenance and Removal of Monuments

25. Application for Approval

- 25.1. Any person wishing to install a monument in any part of a cemetery must apply on the prescribed form for Council approval to carry out such work.
- 25.2. The applicant must submit details of the monument design (subject to all relevant clauses in Parts 4 and any relevant conditions of Part 5 of this Bylaw), including materials and dimensions, and details of all inscriptions and their positions on the monument and pay the prescribed fee.
- 25.3. Applications not meeting Council requirements outlined in this Bylaw, any applicable legislation and the current New Zealand Standard: Headstones and Cemetery Monuments, may be refused.

26. Aesthetic Requirements of Council

- 26.1. Any person designing a monument, must design it to comply with all applicable legislation and meet the following Aesthetic Requirements:
 - a) Inscriptions, imagery or designs must be on the front-side of monuments only.
 - b) The maximum size for imagery or designs is 240mm x 240mm.
 - c) The design must not include profanity, hate speech or symbolism that denigrates or discriminates against individuals or groups, inappropriate or explicit images, or images associated with violence.
- 26.2. Any person who designs a headstone, which includes wording or imagery described by clause 26(1)(c) of this Bylaw, will have their application declined by Council.

Related information:

There are also other requirements governing the design of monuments, including the New Zealand Standard: Headstones and Cemetery Monuments NZS 4242:2018. Council may also provide further guidance on how the NZ Standard applies. These standards include minimum structural design standards for any installation and renovation of monuments.

27. Construction and Installation

- 27.1. Any person constructing or installing a monument, must install it to meet the following requirements:
- a) Only one tablet or monument will be allowed on any one grave, including extra depth burial graves, and it must be placed on the grave in a position approved by Council. A tablet may be attached to an existing monument. Monuments may only be erected within the plot boundary;
 - b) All monuments must be constructed of permanent materials. Council may by resolution, publicly notified determine a list of permanent materials that may be used in the construction of monuments; and
 - c) All monuments must be constructed in accordance with sound engineering principles and will meet the aesthetic requirements of Council as described in Part 4 of this Bylaw and subject to any relevant conditions in Part 5 of this Bylaw.
- 27.2. The owner of the monument will pay for the delivery and installation of monuments and will be carried out at times agreed with Cemetery Officers.
- 27.3. Any person, constructing or installing a monument must immediately remove from the cemetery any rubble and earth not required in the filling in of the grave or in connection with the levelling will immediately be removed. By agreement with Cemetery Officer, there may be instances where the rubble and earth not required, can be disposed of in an approved place within the Cemetery.

28. Work Practises

- 28.1. All persons undertaking approved physical works, will remove all tools or materials used as soon as practicable upon the completion of the physical works.
- 28.2. Any person mixing cement or mortar within a cemetery must do so on a proper mixing board approved by Council. Residue must be removed from the cemetery.
- 28.3. Any person installing or attending a monument or carrying out any other work in a cemetery must withdraw for the duration of an adjoining funeral service. Such person must also remove tools, planks and other materials which may obstruct access to an adjoining service for the duration of said service.

29. Maintenance of Monuments

- 29.1. The holder of the exclusive right of burial must keep all monuments in proper order and repair.
- 29.2. Should a monument fall into a state of decay or disrepair, or be deemed by Council to be unsafe, it may at any time be dealt with by Council pursuant to the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967. A photographic record of the monument will be taken prior to removal and retained in cemetery records.

30. Safety

30.1. Council may carry out regular audits of all monuments to ensure the health and safety of any persons or property within the cemetery boundaries.

31. Removal of Monuments

31.1. No person will be allowed to remove from a grave or plot any monument without obtaining the prior written permission of Cemetery Officers.

32. Authorisation

32.1. No person, other than Cemetery Officers, or a person authorised by Council, or under the supervision of a Council employee shall carry out maintenance and any other work in a cemetery.

Part 5: Types of Cemeteries

33. Types of Cemeteries

33.1. Council will maintain certain types of cemeteries to provide for different types of burials subject to the physical constraints of the land and other factors as relevant to the maintenance and operation of the cemetery.

Related information:

The different types of cemeteries within the district are:

- Lawn area cemeteries
- Ash berm areas
- Ash Garden Berm Areas
- Monumental Cemeteries

Further information about the location and the features of these cemeteries can be found at www.gdc.govt.nz/services/cemeteries/cemeteries_and_cremations

33.2. Certain types of burials subject to criteria are permitted within these different types of cemeteries. These are:

33.3. **Lawn area cemeteries** can accommodate ashes or full body burial, with the following conditions:

- a) Headstone bases no higher than 150mm above the berm and will be a maximum depth front to back of 400mm.
- b) The base will maintain clear space of 100mm at the front of the berm.
- c) No monument including the base will be wider than 1 150mm for a single plot or 2 300mm for a double width plot.
- d) No monument, inclusive of its base will stand higher than 1 metre above the berm.
- e) Headstone bases will allow for inserts for flower containers where this is required.
- f) No grave shall be enclosed with any railing or kerbing or similar and no monument except a tablet shall be placed on any grave.
- g) No person shall place on any plot any memorabilia except flowers and foliage which shall be placed in the flower containers inserted in the headstone.

- 33.4. **Ash berm areas** can accommodate ashes burial only, with the following conditions:
- A maximum of two sets of ashes per plot.
 - The concrete based work for all monuments will not stand higher than 100mm above the berm and will be of a depth (front to back) not exceeding 250mm, length 600mm.
 - No monument including the base will stand higher than 700mm above the berm.
 - Headstone bases will allow for inserts for flower containers where this is required.
- 33.5. **Ash Garden Berm Areas** can accommodate ashes burial only, with the following conditions:
- A maximum of two sets of ashes per plot.
 - No monument or structure other than a tablet may be placed on the berm. The tablet will be set in a position and manner approved by Council.
 - No tablet will exceed a depth of 230mm or be wider than 370mm for a single plot or 750mm for a double plot.
- 33.6. **Monumental Cemeteries** can accommodate ashes or full body burial, with the following conditions:
- The holder of an exclusive right to burial may enclose the plot or plots allotted to him or her with kerbing. Where the allocated plots are contiguous, they may be enclosed as a single unit.
 - The kerbing of the plots in a monumental area will be constructed of permanent materials approved by Council and must not exceed a maximum height of 300mm above the ground level.
 - Monuments may be erected within the plot boundary.

34. Returned Services Areas

- 34.1. Areas of cemeteries may be laid out as Returned Services Areas.
- 34.2. Those eligible for burial there are as defined as having Operational Service as defined by Section 15(2) of the Act, or having a spouse or partner has Operational Service under the Act.
- 34.3. Notwithstanding clause 34(2), the body or ashes of the spouse or partner of a returned service person may at the request of the surviving returned services partner be interred in an extra depth plot in a Returned Services Area.
- 34.4. Commemoration shall be as described by the Office of Veteran's Affairs.
- 34.5. Council may waive the prescribed fee payable for the exclusive right of burial in the Returned Services Areas. Other prescribed fees shall be payable.

35. Closed Cemeteries

- 35.1. Closure and Maintenance in Perpetuity. Council may apply to officially close cemeteries under Part 6 of the Act.
- 35.2. Council shall maintain such cemeteries in perpetuity, subject to conditions as set under Part IV of the Act.

Part 6: Memorabilia

36. Memorabilia Placed at Time of Interment

- 36.1. Memorabilia may be placed on graves at the time of burial.
- 36.2. Five days from the date of burial, Council may remove memorabilia placed on the grave to level the surface to allow grass to be sown.

37. Permitted Memorabilia

- 37.1. A person may only place memorabilia in a container, or containers set in recesses in the monument, or the base of the monument within the berm plot boundary to ensure maintenance of the cemetery can be carried out.
- 37.2. No person shall place memorabilia around the wider plot.

Related information:

Memorabilia is managed to allow for maintenance of the cemetery, so after a grave has been levelled and sown it can be necessary for Council to remove the memorabilia to allow the lawn to establish and be mowed. There are also other requirements governing the design of monuments, including the New Zealand Standard: Headstones and Cemetery Monuments NZS 4242:2018. Council may also provide further guidance on how the NZ Standard applies. These standards include minimum structural design standards for any installation and renovation of monuments.

38. Removal and Disposal of Memorabilia

- 38.1. Any person may remove and dispose of artificial or natural cut flowers or foliage, plants or broken or damaged receptacles that have become unsightly.
- 38.2. Cemetery Officers may permanently remove and dispose of memorabilia that impedes or constrains Council's ability to maintain the cemetery or causes littering, or memorabilia that has become unsightly or has been broken or damaged.
- 38.3. A person must not remove memorabilia from a grave without the approval of the holder of the exclusive right of burial of the plot or from cemetery officers.

Part 7: Crematoria

39. Restriction of Access

39.1. Subject to clause 40 of this Bylaw, no person shall access any crematorium and any cremation process.

40. Limited access permitted

40.1. No person, other than a person directly concerned with the deceased, and with approval from the manager of the crematorium may attend the placing of the coffin in the incineration hall in accordance with a religious ceremony.

Related information:

The Cremations Regulations 1973 are applicable to all crematoria within the District.

Part 8: Vegetation

41. Vegetation

- 41.1. No person may plant any vegetation on any grave or within the cemetery boundaries without the prior consent of Council.
- 41.2. Vegetation planted in any portion of the cemetery may at any time be trimmed, removed or cut down at the discretion of Council.
- 41.3. A person must not disturb, damage, take or pick any cutting or flower from any tree, shrub, plant or other vegetation in any cemetery without the consent of Council.
- 41.4. A person must not plant, cut down or destroy any tree or shrub in any cemetery without the consent of Council.

Part 9: Vehicles

42. Hours of Entry

42.1. Unless authorised by Council, a person must not take a vehicle into any cemetery during the hours of darkness or if the cemetery is closed for visitors.

43. Traffic to Keep Roads

43.1. Within cemeteries, any person driving a vehicle must only drive on formed roads which are open to vehicular traffic and park only in designated parking areas.

44. Right of Way for Funerals

44.1. Within cemeteries, all persons driving a vehicle (other than a hearse) must yield unconditional right of way to any funeral procession.

45. Drivers to Obey Instructions

45.1. Any person driving a vehicle in a cemetery must stop or move that vehicle as directed by Cemetery Officers or other authorised officer.

46. Traffic Signs

46.1. Any person driving a vehicle in a cemetery must obey all signs or notices concerning traffic movement and parking displayed in that cemetery.

46.2. Any person driving a vehicle must not drive at a greater speed than indicated on any road within the cemetery, and in any other direction other than indicated by traffic notices.

46.3. In the absence of speed limit signs, any person must not drive a vehicle at a speed greater than 10 kilometres an hour in any cemetery.

47. Exemption

47.1. These provisions will not apply to any person driving an emergency vehicle (as defined in the Land Transport (Road User) Rule 2004) used at the time to save or protect life or health or prevent injury or serious damage to property.

Part 10: Soliciting Trade

48. Trade

48.1. With the exception of the transactions of Council employees, undertaken in the course of management of the cemetery, no person may solicit trade or advertise goods or services within any cemetery.

49. Display of manufacturer's name

49.1. Notwithstanding clause 48 of this Bylaw and with the consent of the holder of the exclusive right to burial in a plot a manufacturer of a monument, other than a tablet, may display his or her name in a space no larger than 50mm by 100mm on the monument.

49.2. Any person or manufacturer displaying their name will meet the Aesthetic requirements of Council outlined in clauses 26 and 49(1) of this Bylaw and will display their name unobtrusively.

50. Photography

50.1. A person must not take any photograph or make video recordings for commercial or editorial purposes, or for the purposes of publication, at a funeral without prior approval of the funeral director or other person responsible for the management or control of the burial.

50.2. A person must not take any photograph or make video recordings for commercial or editorial purposes, or for the purposes of publication, of a grave without prior approval from the holder of the exclusive right to burial.

Part 11: Animals

51. Animals

- 51.1. Subject to the provisions of other Council bylaws, animals are permitted in cemeteries under the control of their owner except for the purposes of grazing. If an animal is requested to be removed from a cemetery by Cemetery staff, the owner must comply immediately.
- 51.2. Grazing is prohibited in cemeteries without the prior permission of Council.

Part 12: Conduct

52. Damage

52.1. A person must not damage, paint, write or carve on any building or monument within a cemetery or crematorium or damage property within any cemetery.

53. Interference with Services

53.1. A person must not unlawfully or improperly interfere with, interrupt or delay the carrying out of any funeral service or ceremony within any cemetery or crematorium.

54. Offensive Behaviour

54.1. Any person must not behave in a way that creates a nuisance, is offensive or that is likely to create a nuisance or is likely to be offensive.

55. Offensive Articles

55.1. No person will bring into or exhibit in any cemetery or crematorium any article that is a nuisance or is likely to be a nuisance or is offensive or likely to be offensive to any other person.

Part 13: Administrative Matters

56. Records

56.1. Council will keep plans of the cemeteries it controls, records of all rights of burial granted, and a record of all burials in the cemeteries. Plans and records will be open for inspection by the public at the offices of Council during normal office hours.

57. Offences and Breaches

57.1. Every person who commits a breach of this Bylaw commits an offence and is liable to pay:

- a) the maximum fine set out in the Local Government Act 2002; and
- b) any other penalty specified in the Act for the breach of the Bylaw.

57.2. Any person commits a breach of this Bylaw who:

- a) omits or neglects to do, or knowingly permits or suffers to remain undone, anything required by this Bylaw; or
- b) refuses or neglects to comply with any notice duly given under the Bylaw; or
- c) obstructs or hinders any authorised officer of Council in the performance of any duty conferred upon them by this Bylaw; or
- d) fails to comply with any notice or direction given under this Bylaw.

57.3. The notice issued under clause 57out and Bylaw, must state the time within which the remedial action is to be carried out, and may be extended at Council's discretion.

57.4. Council may, in accordance with Section 162 of the Local Government Act 2002 apply for an injunction restraining a person from committing a breach of this Bylaw.

57.5. Any person undertaking or responsible for the continued existence of any work or object in a state contrary to this Bylaw will be deemed a continuing offence within the meaning of this section.

58. Removal of Works

58.1. Council may pull down, remove or alter or cause to be pulled down, removed or altered any vegetation, work, material or thing erected or being in contravention of this Bylaw or section 163 of the Local Government Act 2002.

58.2. Council may recover all costs in connection with such pulling down, removal or alteration from any person responsible for the erection or from any person permitting the continued existence of any such vegetation work material or object.

58.3. The exercise of this authority does not relieve any such person from responsibility for any penalty for erecting or permitting the continued existence of any such vegetation work, material or object.

59. Officers to Continue in Office

- 59.1. All officers appointed by Council under or for the purpose of the previous Gisborne District Council Cemeteries and Crematoria Bylaw version 2015 and holding office at the time of the coming into operation of this Bylaw, shall be deemed to have been appointed under this Bylaw.

60. Dispensing Power

- 60.1. Where, in the opinion of Council full compliance with any of the provisions of this Bylaw would needlessly or injuriously affect any person, Council may, on the special application of that person, dispense with the full compliance with the provisions of this Bylaw. In this instance, Council may impose conditions or terms that must be complied with.
- 60.2. Council may, however, extend, withdraw or amend the dispensation granted in terms of clause 60(1), after consideration of any representation by affected persons and if in its opinion it is justified.
- 60.3. Except if expressly granted otherwise, the dispensation by Council in terms of clause 60(1) is only applicable to the person it is granted.



3. Submission form – Cemeteries and Crematoria Bylaw

Thank you for taking this opportunity to comment, we welcome your feedback.

Please enter your details below

First name(s): _____ Last name: _____

Postal address: _____

Mobile: _____ Other phone: _____

Email: _____

I am writing this submission (box):

as an individual

on behalf of an organisation

Organisation name: _____

Points to remember when making a submission

- Please print clearly. Your submission should be easy to read as this will be scanned and part of the Deliberations agenda.
- We will acknowledge every submission received. Please ensure that you provide appropriate contact details for this. Emails are our preferred form of communication.
- Your name and feedback will be available to the public in our reports and on our website. All other personal details will remain private.
- Your submission will not be returned to you once it is lodged with Council. Please keep a copy for your reference.

Please tell us what you think about the proposed amendments to the Cemeteries and Crematoria Bylaw.

You can email this form to: policyreview@gdc.govt.nz

Post this form to: PO Box 747, Gisborne 4010

Or hand this form in at: Awarua, 15 Fitzherbert Street, Gisborne

Proposal	Do you support the proposal?	Your comments
<p><i>Proposal 1</i></p> <p>Make the document easier to read</p>		



Proposal	Do you support the proposal?	Your comments
<p><i>Proposal 2</i></p> <p>Redefine the way the bylaw refers to public holidays</p>		
<p><i>Proposal 3</i></p> <p>Provide for suspension of burials</p>		
<p><i>Proposal 4</i></p> <p>Provide more specific rules for aesthetic requirements of monuments</p>		
<p><i>Proposal 5</i></p> <p>Provide guidance to aid the use the of the bylaw</p>		
<p><i>Proposal 6</i></p> <p>Provide explicit rules governing physical works in cemeteries</p>		
<p><i>Proposal 7</i></p> <p>Remove the requirement for the payment of an out of district fee for babies under 1 year old and stillborn babies</p>		
<p><i>Proposal 8</i></p> <p>Remove opening hours of cemeteries from the bylaw</p>		



Proposal	Do you support the proposal?	Your comments
<p><i>Proposal 9</i></p> <p>Change rules on the control of animals in cemeteries</p>		
<p><i>Proposal 10</i></p> <p>Specify that the cultural supervision of the preparation of graves is provided for, upon request</p>		

Do you want to provide any additional comments?

Feel free to add additional pages if required.

TURE Ā-ROHE URUPĀ ME NGĀ WHARE TAHU TŪPĀPAKU O TE TAIRĀWHITI 2015

(Draft Tairāwhiti Cemeteries and Crematoria Bylaw 2015)

Made by Gisborne District Council

Resolution of Council dated June 2015

Amended: XX MONTH 2025

Contents

1.	TITLE	1
2.	COMMENCEMENT AND AUTHORITY	1
3.	APPLICATION.....	1
4.	INTERPRETATION.....	1
5.	PURPOSE.....	3
6.	CEMETERIES GUIDE	3
PART 1: EXCLUSIVE RIGHT OF BURIAL.....		3
7.	BURIALS, SALE OF PLOT AND THE EXCLUSIVE RIGHT OF BURIAL	3
8.	TRANSFER OF EXCLUSIVE RIGHT OF BURIAL	4
9.	LAPSE OF EXCLUSIVE RIGHT OF BURIAL.....	4
10.	FEES.....	5
PART 2: BURIAL WARRANTS		5
11.	REQUIREMENT	5
12.	APPLICATION AND ISSUE OF BURIAL WARRANT	6
13.	SUSPENSION OF BURIALS	6
14.	DELIVERY IN ADVANCE	6
PART 3: SERVICES AND BURIALS		6
15.	HOURS OF SERVICES AND BURIALS.....	6
16.	NOTICE OF SERVICES.....	7
17.	RESPONSIBILITY FOR ARRANGEMENTS	7
18.	BURIAL OF PERSONS IN FINANCIAL NEED	7
19.	DIGGING OF GRAVES	8
20.	OTHER PHYSICAL WORKS ASSOCIATED WITH PLOTS.....	8
21.	BURIAL OF ASHES.....	8
22.	SIZE OF CASKETS	9
23.	REOPENING OF GRAVES.....	9
24.	DISINTERMENT	9
PART 4: INSTALLATION, MAINTENANCE AND REMOVAL OF MONUMENTS		9
25.	APPLICATION FOR APPROVAL	9
26.	AESTHETIC REQUIREMENTS OF COUNCIL.....	10
27.	CONSTRUCTION AND INSTALLATION	10
28.	WORK PRACTISES	11
29.	MAINTENANCE OF MONUMENTS	11
30.	SAFETY	11
31.	REMOVAL OF MONUMENTS.....	11
32.	AUTHORISATION	11
PART 5: TYPES OF CEMETERIES		11
33.	TYPES OF CEMETERIES.....	11
34.	RETURNED SERVICES AREAS	13
35.	CLOSED CEMETERIES	13

PART 6: MEMORABILIA	13
36. MEMORABILIA PLACED AT TIME OF INTERMENT	13
37. PERMITTED MEMORABILIA	14
38. REMOVAL AND DISPOSAL OF MEMORABILIA.....	14
PART 7: CREMATORIA	14
39. RESTRICTION OF ACCESS.....	14
40. LIMITED ACCESS PERMITTED	14
PART 8: VEGETATION	15
41. VEGETATION	15
PART 9: VEHICLES	15
42. HOURS OF ENTRY.....	15
43. TRAFFIC TO KEEP ROADS	15
44. RIGHT OF WAY FOR FUNERALS	15
45. DRIVERS TO OBEY INSTRUCTIONS	15
46. TRAFFIC SIGNS.....	15
47. EXEMPTION	16
PART 10: SOLICITING TRADE	16
48. TRADE	16
49. DISPLAY OF MANUFACTURER'S NAME.....	16
50. PHOTOGRAPHY.....	16
PART 11: ANIMALS	16
51. ANIMALS.....	16
PART 12: CONDUCT	17
52. DAMAGE	17
53. INTERFERENCE WITH SERVICES.....	17
54. OFFENSIVE BEHAVIOUR.....	17
55. OFFENSIVE ARTICLES	17
PART 13: ADMINISTRATIVE MATTERS.....	17
56. RECORDS.....	17
57. OFFENCES AND BREACHES	17
58. REMOVAL OF WORKS	18
59. OFFICERS TO CONTINUE IN OFFICE	18
60. DISPENSING POWER	18

1. Title

This Bylaw is the Gisborne District Council Cemeteries and Crematoria Bylaw 2015.

2. Commencement and Authority

- (1) This Bylaw came into force on 26 June 2015.
- (2) This Bylaw is made under the Local Government Act 2002, the Burial and Cremation Act 1964, and the regulations and rules under those Acts.

Related information:

This Bylaw was amended on [day/month 2025] following a review of the bylaw on [20 March 2024](#) and those amendments came into force on [1 July 2025].

The Bylaw is next due for review by [20 March 2034](#).

3. Application

- (1) This Bylaw applies to any Council controlled cemetery within the Gisborne District.
- (2) For the avoidance of doubt, this Bylaw does not apply to any urupā or any other cemetery, crematorium or burial ground that is not controlled by Council.

Related information:

Council is the owner of a building at Taruheru Cemetery which is leased to a commercial entity. This building houses a cremator which is owned and operated by a commercial entity.

Burials outside of cemeteries owned or controlled by Council are subject to Sections 46, 47 and 48 of the Act and subsequent amendments.

4. Interpretation

- (1) In this bylaw, unless the context otherwise requires —

Act means the Burial and Cremation Act 1964.

Adult means any person over the age of 12 years.

Assignee means the person or persons to whom an exclusive right of burial is transferred to on the death of the holder of the exclusive right of burial.

Berm means a load bearing structure fabricated from concrete of prescribed dimensions, set flush with the ground and supplied by Council, for the purpose of mounting monuments.

Body has the same meaning as in section 2 of the Burial and Cremation Act 1964.

Burial means to bury, or place the ashes of, a body.

Burial Warrant means a certificate issued by Council, after approval of an application by the funeral director or other person responsible for the management or control of a burial, which gives authority for the person named on the warrant to be buried by Council.

Cemetery has the same meaning as in Section 2 of the Burial and Cremation Act 1964.

Cemetery Officers means any person appointed by 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.

Closed Cemetery or Area means a cemetery which has been closed by a closing order as stated in Part 6 of the Burial and Cremation Act 1964 and subsequent amendments.

Controller has the same meaning as in the [Civil Defence Emergency Management Act 2002](#).

Council means the Gisborne District Council.

Exclusive Right of Burial has the same meaning as in Section 10 of the Burial and Cremation Act 1964.

Funeral Director means a person, who in the course of their business, carries out burials and related matters.

Holder of the Exclusive Right of Burial means a person who has purchased a cemetery plot, or if that person is deceased, their assignee or, authorised agent.

Maintenance in Perpetuity means that Council will maintain all cemeteries to an appropriate standard as set by Council, for the period that the cemetery is under the control and management of Council. Where a cemetery is disused or closed, maintenance will encompass the preservation of access and maintenance of safety, as per Section 43 of the Burial and Cremation Act 1964.

Memorabilia means wreaths, vases, artificial or natural cut flowers or foliage, plants, figurines, toys and ornaments and other objects placed on a grave in memory of a deceased person but that are not permanently attached to that grave.

Monument has the same meaning as in Section 2 of the Burial and Cremation Act 1964 and includes any tombstone, headstone, memorial, kerbing, or other erection.

Monumental Area means a part of a cemetery in which full grave cover by monuments is permitted, subject to prior approval of such structures by Council.

Plot means a gravesite as shown on a cemetery plan held available for public inspection at a cemetery and/or offices of Council.

Prescribed Fee means the fees determined by Council in accordance with section 150 of the Local Government Act 2002.

Public Holiday means those Public Holidays outlined in section 44 of the [Holidays Act 2003](#).

Recovery Manager means has the same meaning as in the Civil Defence Emergency Management Act 2002.

Relatives means a person's spouse or defacto partner, first and second degree blood relationships (parent, sibling, child, uncle, aunt, nephew, niece, grandparent, grandchild or half-sibling).

Returned Services Area means an area of a cemetery set aside for the burial of bodies or ashes of eligible servicemen or service women as defined by Section 15(2) of the Burial and Cremation Act.

Tablet has the same meaning as in Section 2 of the Burial and Cremation Act 1964 of including a plaque.

Working Hours means the hours from 8am to 5pm from Monday to Friday, ~~inclusive, but excludes Saturday, Sunday, New Year's Day, ANZAC Day, Good Friday and Christmas Day, excluding Public Holidays outlined in section 44 of the Holidays Act 2003.~~

- (2) Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.
- (3) The Legislation Act 2019 applies to the interpretation of this bylaw.
- (4) Related information is for information purposes only, does not form part of this bylaw, and may be inserted or changed by the Council at any time without amending the bylaw.

5. Purpose

The purpose of this Bylaw is to enable Council to set and control standards for the safe and efficient operation of Council's cemeteries and crematoria.

6. Cemeteries Guide

- (1) Council may make, amend or revoke a Cemeteries Guide to:
 - (a) provide rules for the use of cemeteries and crematoria controlled by Council, and/or
 - (b) provide additional information to aid in the interpretation of this Bylaw.
- (2) The Council must, before making, amending or revoking a Cemeteries Guide in 6(1), be satisfied that the contents of the guidebook is consistent with this Bylaw and meets the purpose of this Bylaw.

Part 1: Exclusive Right of Burial

7. Burials, Sale of Plot and the Exclusive Right of Burial

- (1) Burials may be made in any plot in any cemetery vested in Council or under its control that is not closed, subject to this Bylaw.

- (2) A person must obtain an Exclusive Right of Burial and comply with any conditions imposed by Council before a burial can take place.
- (3) The purchase of the Exclusive Right of Burial excludes the digging and closing of a grave or the opening and closing of the ground for burial.
- (4) Council will grant an Exclusive Right of Burial once the Council has received the prescribed fees or financial arrangements acceptable to Council have been made.
- (5) The Holder of the Exclusive Rights to Burial or their assignee can apply to Council for a duplicate Certificate of Title to Plot for any lost Certificate of Title to Plot.
- (6) Council will issue a duplicate Certificate of Title to Plot for any lost Certificate of Title to Plot to the purchaser or their assignee upon request and payment of the prescribed fee.
- (7) No person except the owner of the exclusive right of burial, may be buried within a plot without the express prior consent of the holder of the right.

Related information:

The Council will make available to the public the size and location of the plots that are available for sale at any given time and manage the allocation of the sold plots.

The Council will make available to the public any terms and conditions of burial plots for sale and whether any Exclusive Right of Burial is to be granted for a limited period.

8. Transfer of Exclusive Right of Burial

- (1) The holder of the Exclusive Right of Burial in a plot in which no burial has taken place may sell or transfer that right to any other person with the consent of Council, subject to the payment of the prescribed fee to Council.
- (2) When the holder of the Exclusive Right of Burial no longer intends to use the plot, the plot may be transferred back to Council subject to the payment of the prescribed fee to Council. Plots that have been sold back to the Council, may be resold by Council.

9. Lapse of Exclusive Right of Burial

- (1) When an application is made to buy the Exclusive Right to Burial in any plot and the payment of the prescribed fee is not made in full within the period determined by Council, it may extend the period of payment or determine that the application has lapsed.
- (2) If the application has lapsed, the Exclusive Right to Burial will revert back to Council with no entitlement for refund of the purchase price.

10. Fees

- (1) Council may, pursuant to section 150 of the Local Government Act 2002, prescribe fees for all the services for the operation and maintenance of cemeteries controlled by Council.
- (2) Except as provided for in clause 15(2) of this Bylaw, burials will only take place when the Exclusive Right of Burial has been completed. This requires payment of all the prescribed fees or suitable financial arrangements that are acceptable to Council.

~~6.5.3 — Out of District Fees~~

~~6.5.3.1 — An out of District fee shall be payable under the following circumstances:~~

- (3) An out of District fee shall be payable where the burial is of a deceased person not permanently residing within the boundaries of the Gisborne District for at least twelve months prior to date of death. ~~Or~~

~~(b) Where the deceased person is a child less than twelve months or age, including stillborn children, unless one of whose parents was a resident of ratepayer of the District for at least twelve months prior to the death.~~

- (4) Notwithstanding clause 10(3) of this Bylaw, the out of District fee does not apply to children under the age of 12 months and stillborn children.

~~6.5.3.2 — Temporary absences of short duration from the district will not detract from the permanency of residence.~~

~~6.5.3.3 The Council will determine if payment of the Out of District fees are required.~~

- (5) Notwithstanding clause 10(3) of this Bylaw, Council may apply its discretion to the requirement for the appropriateness of out of District fees.

Related information:

There are many operational considerations that affect the applicability of out of district fees, including length of a person residing in the District and practical situations, such as temporary absences of short duration from the district. These will not detract from the permanency of residence and the Cemetery Manger will apply discretion to determine the appropriateness of out of district fees.

Part 2: Burial Warrants

11. Requirement

No burial can take place in any cemetery without a burial warrant for that purpose, obtained by the funeral director or other person having the management or control of the burial from Council and presented to Cemetery Officers as authority for burial.

12. Application and Issue of Burial Warrant

- (1) A person requiring a burial warrant must apply to Council on the approved form of application for a burial warrant as issued by Council.
- (2) A burial warrant may only be issued:
 - (a) when the ground conditions are suitable for burial; and
 - (b) upon Council receipt of written certification as defined under Section 26 of the Births and Deaths Registration Act 1951; and
 - (c) when financial arrangements acceptable to Council have been made, for the exclusive right of burial.

13. Suspension of Burials

- (1) Where adverse weather causes ground conditions to be unsuitable, burials may be suspended to protect public health, maintain public safety, and ensure the wellbeing of Council staff and the public, the Controller or Recovery Manager may direct the temporary suspension of burials under the Civil Defence Emergency Management Act 2002 to prevent any activity that may cause, or substantially contribute to the consequences of, an emergency.
- (2) In such cases, no burial warrants will be issued until Council is satisfied ground conditions are suitable.

14. Delivery in Advance

The application for a burial warrant must be delivered to Cemetery Officers at least eight working hours before the burial by the funeral director or other person responsible for the management or control of the burial.

Part 3: Services and Burials

15. Hours of Services and Burials

~~8.1.1 — Burial at cemeteries administered by the Gisborne District Council may be held on such days and at such times as the Council shall determine.~~

- (1) Burials at cemeteries administered by the Gisborne District Council shall take place during those burial hours as specified on Council's website and in any related Cemeteries Guide made under clause 6(1) of this Bylaw.

Related information:

Information on burials and opening hours of the Cemeteries can be found at www.gdc.govt.nz/services/cemeteries

- (2) Except to comply with the duties of Council under Section 86 of the Health Act 1956 relating to the burial of people who have died of an infectious and/or notifiable disease, burials ~~may take place; will not take place on Public Holidays.~~

Operating hours

~~Mondy to Saturday – 10am – 3:30pm~~

~~Sunday and Statutory Holidays – 11am – 2pm~~

~~No burial shall take place on, New Year's Day, ANZAC Day, Good Friday or Christmas Day.~~

- (3) Funeral director or other person responsible for the management or control of the burial will consult with Cemetery Officers on burial time. Council Officers will determine the time of burial.
- (4) Burials may take place at other times by special arrangement with Council and on payment of any additional fees.

16. Notice of Services

- (1) Eight working hours notice of any burial or service must be provided to Cemetery Officers.
- (2) If such notice is not given, the burial or service may be delayed for a reasonable period of time as Cemetery Officers decide to enable Cemetery Officers to complete the necessary arrangements.
- (3) Any extra expenses incurred will be the responsibility of the funeral director or other person responsible for the management or control of the burial.

17. Responsibility for Arrangements

- (1) The funeral director or other person responsible for the management or control of the burial must ensure that the remains are in a suitable receptacle when presented for burial and ensure that all equipment associated with the burial is provided at the time of burial.
- (2) Any additional expenses incurred by Council will be the responsibility of the funeral director or other person responsible for the management or control of the burial.

18. Burial of Persons in Financial Need

- (1) In the instance, where a burial warrant cannot be issued due to the non-payment of the prescribed fees and the requirements of Part 2 have not been met, an application can be made to Council for the burial of a deceased person in financial need.
- (2) A person applying to Council for the burial of a person in financial need, must provide a declaration signed by a Justice of the Peace, certifying that:

- (a) Such deceased person has not left sufficient means to pay all the prescribed fees; and
 - (b) All the prescribed fees are not covered by an Accident Compensation or Government entitlement or subsidy; and
 - (c) The deceased person's relatives are unable or unwilling to pay.
- (3) Additional proof to confirm the declaration may be required by Council.

19. Digging of Graves

- (1) For health and safety reasons, only Cemetery Officers or assistants of Cemetery Officers or any other person authorised by Council can dig any grave in or open the ground for burial in any part of a cemetery. On request, Council can accommodate cultural supervision for those who wish to oversee the digging process.
- (2) No person other than Cemetery Officers or assistants of Cemetery Officers or person duly authorised by Cemetery Officers will fill in any grave. Backfill is permitted on request and only under supervision of Cemetery Officers.
- (3) Extra depth burials can only occur if the water table permits and ground conditions are suitable.

20. Other physical works associated with plots

- (1) Any authorised person undertaking physical works associated with any plot must obtain prior approval from Council for the physical works.
- (2) All applicable fees must be paid or arrangements for the fees that are to be paid are to be made with the Council.
- (3) The authorised person must adequately protect the surrounding plots, monuments and cemetery infrastructure and may not deposit any tools or materials on any adjacent plot, without prior approval from the holder of the exclusive right of burial to that plot, or an assignee.
- (4) All tools or materials used for the physical works must be removed as soon as practicable upon the completion of the physical works.
- (5) If any authorised person undertaking physical works fails to comply with any conditions of the approval given by the Council, the Council may revoke the approval for the physical works and remove any monument, or part thereof, that fails to meet the conditions.
- (6) The Council may remove any unauthorised physical works.

21. Burial of Ashes

- (1) With the prior approval of Council any person may scatter the ashes of a deceased person in a cemetery.

- (2) With the prior approval of Council and on payment of the prescribed fees any person may bury a container holding the ashes of a deceased person in any plot, subject to the exclusive right of burial.

22. Size of Caskets

If a casket for a child (under 12 years old) is too large for a children's burial plot, it will be buried in an adult burial plot subject to the payment of the prescribed fees.

23. Reopening of Graves

No person can re-open a grave for a further burial without the consent of the holder of the exclusive right of burial.

24. Disinterment

- (1) Where a request for a disinterment and/or reinterment is received and approved by Council, any person undertaking the disinterment must do so pursuant to section 51 and 55 of the Act and subject to the payment of the prescribed fees.
- (2) Any person undertaking an approved disinterment and/or reinterment must do so, in the presence of Cemetery Officers, a funeral director and staff and an inspector of the Ministry of Health. Any other person may only attend with prior approval of Council.
- (3) It will be the responsibility of Council to open the grave only to the extent of exposing the lid of the casket. Removal of the casket from the grave will be the responsibility of the funeral director present.
- (4) No person may use any plot from which a disinterment has taken place for any subsequent burial and no refund of the cost of the original burial or any part of that cost will be made.

Part 4: Installation, Maintenance and Removal of Monuments

25. Application for Approval

- (1) Any person wishing to install a monument in any part of a cemetery must apply on the prescribed form for Council approval to carry out such work.
- (2) The applicant must submit details of the monument design (subject to all relevant clauses in Parts 4 any relevant conditions of Part 5 of this Bylaw), including materials and dimensions, and details of all inscriptions and their positions on the monument and pay the prescribed fee.
- (3) Applications not meeting Council requirements outlined in this Bylaw, any applicable legislation and the current New Zealand Standard: Headstones and Cemetery Monuments, may be refused.

26. Aesthetic Requirements of Council

- (1) Any person designing a monument, must design it to comply with all applicable legislation and meet the following Aesthetic Requirements:
 - (a) Inscriptions, imagery or designs must be on the front-side of monuments only.
 - (b) The maximum size for imagery or designs is 240mm x 240mm.
 - (c) must not include profanity, hate speech or symbolism that denigrates or discriminates against individuals or groups, inappropriate or explicit images, or images associated with violence.
- (2) Any person who designs a headstone, which includes wording or imagery described by clause 26(1)(c) of this Bylaw, will have their application declined by Council.

Related information:

There are also other requirements governing the design of monuments, including the New Zealand Standard: Headstones and Cemetery Monuments NZS 4242:2018. Council may also provide further guidance on how the NZ Standard applies. These standards include minimum structural design standards for any installation and renovation of monuments.

27. Construction and Installation

- (1) Any person constructing or installing a monument, must install it to meet the following requirements:
- (2) Only one tablet or monument will be allowed on any one grave, including extra depth burial graves, and it must be placed on the grave in a position approved by Council. A tablet may be attached to an existing monument. Monuments may only be erected within the plot boundary.
- (3) All monuments must be constructed of permanent materials. Council may by resolution, publicly notified determine a list of permanent materials that may be used in the construction of monuments.
- (4) All monuments must be constructed in accordance with sound engineering principles and will meet the aesthetic requirements of Council as described in Part 4 of this Bylaw and subject to any relevant conditions in Part 5 of this Bylaw.
- (5) The owner of the monument, will pay for the delivery and installation of monuments and will be carried out at times agreed with Cemetery Officers.
- (6) Any person, constructing or installing a monument must immediately remove from the cemetery any rubble and earth not required in the filling in of the grave or in connection with the levelling will immediately be removed. By agreement with Cemetery Officer, there may be instances where the rubble and earth not required, can be disposed of in an approved place within the Cemetery.

28. Work Practises

- (1) All persons undertaking approved physical works, will remove all tools or materials used as soon as practicable upon the completion of the physical works.
- (2) Any person mixing cement or mortar within a cemetery must do so on a proper mixing board approved by Council. Residue must be removed from the cemetery.
- (3) Any person installing or attending a monument or carrying out any other work in a cemetery must withdraw for the duration of an adjoining funeral service. Such person must also remove tools, planks and other materials which may obstruct access to an adjoining service for the duration of said service.

29. Maintenance of Monuments

- (1) The holder of the exclusive right of burial must keep all monuments in proper order and repair by.
- (2) Should a monument fall into a state of decay or disrepair, or be deemed by Council to be unsafe, it may at any time be dealt with by Council pursuant to the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967. A photographic record of the monument will be taken prior to removal and retained in cemetery records.

30. Safety

Council may carry out regular audits of all monuments to ensure the health and safety of any persons or property within the cemetery boundaries.

31. Removal of Monuments

No person will be allowed to remove from a grave or plot any monument without obtaining the prior written permission of Cemetery Officers.

32. Authorisation

No person, other than Cemetery Officers, or a person authorised by Council, or under the supervision of a Council employee shall carry out maintenance and any other work in a cemetery.

Part 5: Types of Cemeteries

33. Types of Cemeteries

- (1) Council will maintain certain types of cemeteries to provide for different types of burials subject to the physical constraints of the land and other factors as relevant to the maintenance and operation of the cemetery.

Related information:

The different types of cemeteries within the district are:

- Lawn area cemeteries
- Ash berm areas
- Ash Garden Berm Areas
- Monumental Cemeteries

Further information about the location and the features of these cemeteries can be found at www.gdc.govt.nz/services/cemeteries/cemeteries_and_cremations

- (2) Certain types of burials subject to criteria are permitted within these different types of cemeteries. These are:
- (3) **Lawn area cemeteries** can accommodate ashes or full body burial, with the following conditions:
 - (a) Headstone bases no higher than 150mm above the berm and will be a maximum depth front to back of 400mm;
 - (b) The base will maintain clear space of 100mm at the front of the berm;
 - (c) No monument including the base will be wider than 1 150mm for a single plot or 2 300mm for a double width plot.
 - (d) No monument, inclusive of its base will stand higher than 1 metre above the berm;
 - (e) Headstone bases will allow for inserts for flower containers where this is required;
 - (f) No grave shall be enclosed with any railing or kerbing or similar and no monument except a tablet shall be placed on any grave;
 - (g) No person shall place on any plot any memorabilia except flowers and foliage which shall be placed in the flower containers inserted in the headstone.
- (4) Ash berm areas can accommodate ashes burial only, with the following conditions:
 - (a) A maximum of two sets of ashes per plot.
 - (b) The concrete based work for all monuments will not stand higher than 100mm above the berm and will be of a depth (front to back) not exceeding 250mm, length 600mm;
 - (c) No monument including the base will stand higher than 700mm above the berm;
 - (d) Headstone bases will allow for inserts for flower containers where this is required.
- (5) **Ash Garden Berm Areas** can accommodate ashes burial only, with the following conditions:
 - (a) A maximum of two sets of ashes per plot.

- (b) No monument or structure other than a tablet may be placed on the berm. The tablet will be set in a position and manner approved by Council;
 - (c) No tablet will exceed a depth of 230mm or be wider than 370mm for a single plot or 750mm for a double plot.
- (6) **Monumental Cemeteries** can accommodate ashes or full body burial, with the following conditions:
- (a) The holder of an exclusive right to burial may enclose the plot or plots allotted to him or her with kerbing. Where the allocated plots are contiguous they may be enclosed as a single unit;
 - (b) The kerbing of the plots in a monumental area will be constructed of permanent materials approved by Council and must not exceed a maximum height of 300mm above the ground level;
 - (c) Monuments may be erected within the plot boundary.

34. Returned Services Areas

- (1) Areas of cemeteries may be laid out as Returned Services Areas.
- (2) Those eligible for burial there are as defined as having Operational Service as defined by Section 15(2) of the Act, or having a spouse or partner has Operational Service under the Act.
- (3) Notwithstanding clause 34(2), the body or ashes of the spouse or partner of a returned service person may at the request of the surviving returned services partner be interred in an extra depth plot in a Returned Services Area.
- (4) Commemoration shall be as described by the Office of Veteran's Affairs.
- (5) Council may waive the prescribed fee payable for the exclusive right of burial in the Returned Services Areas. Other prescribed fees shall be payable.

35. Closed Cemeteries

- (1) Closure and Maintenance in Perpetuity. Council may apply to officially close cemeteries under Part 6 of the Act.
- (2) Council shall maintain such cemeteries in perpetuity, subject to conditions as set under Part IV of the Act.

Part 6: Memorabilia

36. Memorabilia Placed at Time of Interment

- (1) Memorabilia may be placed on graves at the time of burial.
- (2) Five days from the date of burial, Council may remove memorabilia placed on the grave to level the surface to allow grass to be sown.

37. Permitted Memorabilia

- (1) A person may only place memorabilia in a container or containers set in recesses in the monument, or the base of the monument within the berm plot boundary to ensure maintenance of the cemetery can be carried out.
- (2) No person shall place memorabilia around the wider plot.

Related information:

Memorabilia is managed to allow for maintenance of the cemetery, so after a grave has been levelled and sown it can be necessary for Council to remove the memorabilia to allow the lawn to establish and be mowed. There are also other requirements governing the design of monuments, including the New Zealand Standard: Headstones and Cemetery Monuments NZS 4242:2018. Council may also provide further guidance on how the NZ Standard applies. These standards include minimum structural design standards for any installation and renovation of monuments.

38. Removal and Disposal of Memorabilia

- (1) Any person, may remove and dispose of artificial or natural cut flowers or foliage, plants or broken or damaged receptacles that have become unsightly.
- (2) Cemetery Officers may permanently remove and dispose of memorabilia that impedes or constrains Council's ability to maintain the cemetery or causes littering, or memorabilia that has become unsightly or has been broken or damaged.
- (3) A person must not remove memorabilia from a grave without the approval of the holder of the exclusive right of burial of the plot or from cemetery officers.

Part 7: Crematoria

39. Restriction of Access

Subject to clause 40 of this Bylaw, no person shall access any crematorium and any cremation process.

40. Limited access permitted

No person, other than a person directly concerned with the deceased, and with approval from the manager of the crematorium may attend the placing of the coffin in the incineration hall in accordance with a religious ceremony.

Related information:

The Cremations Regulations 1973 are applicable to all crematoria within the District.

Part 8: Vegetation

41. Vegetation

- (1) No person may plant any vegetation on any grave or within the cemetery boundaries without the prior consent of Council.
- (2) Vegetation planted in any portion of the cemetery may at any time be trimmed, removed or cut down at the discretion of Council.
- (3) A person must not disturb, damage, take or pick any cutting or flower from any tree, shrub, plant or other vegetation in any cemetery without the consent of Council.
- (4) A person must not plant, cut down or destroy any tree or shrub in any cemetery without the consent of Council.

Part 9: Vehicles

42. Hours of Entry

Unless authorised by Council, a person must not take a vehicle into any cemetery during the hours of darkness or if the cemetery is closed for visitors.

43. Traffic to Keep Roads

Within cemeteries, any person driving a vehicle must only drive on formed roads which are open to vehicular traffic and park only in designated parking areas.

44. Right of Way for Funerals

Within cemeteries, all persons driving a vehicle (other than a hearse) must yield unconditional right of way to any funeral procession.

45. Drivers to Obey Instructions

Any person driving a vehicle in a cemetery must stop or move that vehicle as directed by Cemetery Officers or other authorised officer.

46. Traffic Signs

- (1) Any person driving a vehicle in a cemetery must obey all signs or notices concerning traffic movement and parking displayed in that cemetery.
- (2) Any person driving a vehicle must not drive at a greater speed than indicated on any road within the cemetery, and in any other direction other than indicated by traffic notices.
- (3) In the absence of speed limit signs, any person must not drive a vehicle at a speed greater than 10 kilometres an hour in any cemetery.

47. Exemption

These provisions will not apply to any person driving an emergency vehicle (as defined in the Land Transport (Road User) Rule 2004) used at the time to save or protect life or health, or prevent injury or serious damage to property.

Part 10: Soliciting Trade

48. Trade

With the exception of the transactions of Council employees, undertaken in the course of management of the cemetery, no person may solicit trade or advertise goods or services within any cemetery.

49. Display of manufacturer's name

- (1) Notwithstanding clause 48 of this Bylaw and with the consent of the holder of the exclusive right to burial in a plot a manufacturer of a monument, other than a tablet, may display his or her name in a space no larger than 50mm by 100mm on the monument.
- (2) Any person or manufacturer displaying their name will meet the Aesthetic requirements of Council outlined in clauses 26 and 49(1) of this Bylaw, and will display their name unobtrusively.

50. Photography

- (1) A person must not take any photograph or make video recordings for commercial or editorial purposes, or for the purposes of publication, at a funeral without prior approval of the funeral director or other person responsible for the management or control of the burial.
- (2) A person must not take any photograph or make video recordings for commercial or editorial purposes, or for the purposes of publication, of a grave without prior approval from the holder of the exclusive right to burial.

Part 11: Animals

51. Animals

Subject to the provisions of other Council bylaws, animals are permitted in cemeteries under the control of their owner except for the purposes of grazing. If an animal is requested to be removed from a cemetery by Cemetery staff the owner must comply immediately.

Grazing is prohibited in cemeteries without the prior permission of Council.

no person shall take into or allow to remain in any cemetery, any animal, other than during the hours of daylight

~~16.2 Any animal in a cemetery must be under the control of the owner at all times.~~

Part 12: Conduct

52. Damage

A person must not damage, paint, write or carve on any building or monument within a cemetery or crematorium or damage property within any cemetery.

53. Interference with Services

A person must not unlawfully or improperly interfere with, interrupt or delay the carrying out of any funeral service or ceremony within any cemetery or crematorium.

54. Offensive Behaviour

Any person must not behave in a way that creates a nuisance, is offensive or that is likely to create a nuisance or is likely to be offensive.

55. Offensive Articles

No person will bring into or exhibit in any cemetery or crematorium any article that is a nuisance or is likely to be a nuisance or is offensive or likely to be offensive to any other person.

Part 13: Administrative Matters

56. Records

Council will keep plans of the cemeteries it controls, records of all rights of burial granted, and a record of all burials in the cemeteries. Plans and records will be open for inspection by the public at the offices of Council during normal office hours.

57. Offences and Breaches

- (1) Every person who commits a breach of this Bylaw commits an offence and is liable to pay:
 - (a) the maximum fine set out in the Local Government Act 2002; and
- (2) any other penalty specified in the Act for the breach of the Bylaw.
- (3) Any person commits a breach of this Bylaw who:
 - (a) omits or neglects to do, or knowingly permits or suffers to remain undone, anything required by this Bylaw; or
 - (b) refuses or neglects to comply with any notice duly given under the Bylaw; or
 - (c) obstructs or hinders any authorised officer of Council in the performance of any duty conferred upon them by this Bylaw; or

- (d) fails to comply with any notice or direction given under this Bylaw.
- (4) The notice issued under clause 57 of this Bylaw, must state the time within which the remedial action is to be carried out, and may be extended at Council's discretion.
 - (5) Council may, in accordance with Section 162 of the Local Government Act 2002 apply for an injunction restraining a person from committing a breach of this Bylaw.
 - (6) Any person undertaking or responsible for the continued existence of any work or object in a state contrary to this Bylaw will be deemed a continuing offence within the meaning of this section.

58. Removal of Works

- (1) Council may pull down, remove or alter or cause to be pulled down, removed or altered any vegetation, work, material or thing erected or being in contravention of this Bylaw or section 163 of the Local Government Act 2002.
- (2) Council may recover all costs in connection with such pulling down, removal or alteration from any person responsible for the erection or from any person permitting the continued existence of any such vegetation work material or object.
- (3) The exercise of this authority does not relieve any such person from responsibility for any penalty for erecting or permitting the continued existence of any such vegetation work, material or object.

59. Officers to Continue in Office

All officers appointed by Council under or for the purpose of the previous Gisborne District Council Cemeteries and Crematoria Bylaw version 2015 and holding office at the time of the coming into operation of this Bylaw, shall be deemed to have been appointed under this Bylaw.

60. Dispensing Power

- (1) Where, in the opinion of Council full compliance with any of the provisions of this Bylaw would needlessly or injuriously affect any person, Council may, on the special application of that person, dispense with the full compliance with the provisions of this Bylaw. In this instance, Council may impose conditions or terms that must be complied with.
- (2) Council may, however, extend, withdraw or amend the dispensation granted in terms of clause 60(1), after consideration of any representation by affected persons and if in its opinion it is justified.
- (3) Except if expressly granted otherwise, the dispensation by Council in terms of clause 60(1) is only applicable to the person it is granted.

Title: 25-3 Adoption of Dangerous, Earthquake-Prone and Flood-Prone Dams Policy

Section: Strategic Planning

Prepared by: Tessa Buchanan - Principal Advisor Integrated Strategy

Meeting Date: Thursday 30 January 2025

Legal: No

Financial: No

Significance: **Low**

Report to COUNCIL/TE KAUNIHERA for decision

PURPOSE - TE TAKE

The purpose of this report is to present the Dangerous, Earthquake-Prone and Flood-Prone Dams Policy for adoption.

SUMMARY - HE WHAKARĀPOPOTOTANGA

The Building Act 2004 requires Council to have a policy on dangerous, earthquake-prone and flood-prone dams. Council currently has a Dangerous Dams Policy, which was adopted in 2007.

Council adopted a statement of proposal for the Dangerous, Earthquake-Prone and Flood-Prone Dams Policy on 17 October 2024 ([report 24-252](#)). Changes to the Dangerous Dams Policy were proposed to bring it into line with current statutory and regulatory requirements, including changing the policy name, and improving readability.

Consultation was open from 30 October to 2 December 2024. No submissions were received. Potential changes are under discussion with Te Aitanga a Māhaki. The policy is therefore presented for adoption (**Attachment 1**) subject to any changes agreed with Te Aitanga a Māhaki tabled at Council.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Council/Te Kaunihera:

- 1. Adopts the Dangerous, Earthquake-Prone and Flood-Prone Dams Policy as presented in Attachment 1, plus any changes tabled at Council.**
- 2. Revokes the Dangerous Dams Policy.**

Authorised by:

Joanna Noble - Director Sustainable Futures

Keywords: dams, dangerous dams, earthquake-prone dams, flood-prone dams

BACKGROUND - HE WHAKAMĀRAMA

1. Under Section 161 of the Building Act, a regional authority must adopt a policy on dangerous, earthquake-prone and flood-prone dams, which must state the regional authority's approach to performing its functions under the Building Act, its priorities in doing so, and how the policy will apply to heritage dams.
2. Section 162 of the Act requires the policy to be adopted in accordance with the special consultative procedure set out in the Local Government Act 2002 and be reviewed every 5 years after it is adopted. The special consultative procedure requirements include preparation and adoption of a statement of proposal and a public consultation period of at least one calendar year.
3. Council adopted a statement of proposal for the Dangerous, Earthquake-Prone and Flood-Prone Policy on 17 October 2024 ([report 24-252](#)). Changes to the Dangerous Dams Policy adopted in 2007 were proposed to bring it up to date with current statutory and regulatory requirements and improve its readability. Several key provisions relating to dam safety had been updated since its adoption, including the enactment of the Building Act (Dam Safety) Regulations 2022 which came into effect in May 2024.

DISCUSSION and OPTIONS - WHAKAWHITINGA KŌRERO me ngā KŌWHIRINGA

4. The statement of proposal was published on Council's participate page on 30 October 2024 and a public notice advising of the consultation was placed in the Gisborne Herald on 31 October 2024. Submissions were open from 30 October to 2 December 2024.
5. All dam owners listed on Council's register of dams were contacted via email, or letter where no email address was on file. Owners were advised of the consultation being open and encouraged to check their dam safety responsibilities under the Act.
6. All iwi were emailed to advise them of the consultation being open. The proposed policy was discussed briefly at a hui with Te Aitanga a Māhaki on 29 October 2024. No issues were raised, and it was noted that Wi Pere Trust is a dam owner so they would also receive the consultation information directly.
7. No submissions were received by the closing date. Therefore, no hearing is required.
8. However, staff met with Te Aitanga a Māhaki on 21 January 2025 to discuss the proposed policy. They requested that the policy include visibility on the risk levels of dams in the region. Following that meeting we have provided proposed changes to them for consideration. If any changes are agreed these will be tabled at Council.
9. It is recommended that the Dangerous, Earthquake-Prone and Flood-Prone Dams Policy be adopted, as presented in **Attachment 1** plus any tabled changes.
10. It is also recommended that the Dangerous Dams Policy be revoked as it is no longer required, and to avoid any confusion with the Dangerous, Earthquake-Prone and Flood-Prone Dams Policy.

- Alternative options could be for Council to either decide not to adopt the Dangerous, Earthquake-Prone and Flood-Prone Dams Policy, or to direct it to be amended before adopting it. However, the first would mean non-compliance by Council with the requirements of the Building Act, and the second is not required as no issues requiring amendments were raised during consultation. These options have therefore not been considered further.

ASSESSMENT of SIGNIFICANCE - AROTAKENGA o NGĀ HIRANGA

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation

Overall Process: Low Significance

This Report: Low Significance

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

Overall Process: Low Significance

This Report: Low Significance

Inconsistency with Council's current strategy and policy

Overall Process: Low Significance

This Report: Low Significance

The effects on all or a large part of the Gisborne district

Overall Process: Low Significance

This Report: Low Significance

The effects on individuals or specific communities

Overall Process: Low Significance

This Report: Low Significance

The level or history of public interest in the matter or issue

Overall Process: Low Significance

This Report: Low Significance

- The decisions or matters in this report are considered to be of Low significance in accordance with Council's Significance and Engagement Policy.

TREATY COMPASS ANALYSIS

Kāwanatanga

- There are no specific co-governance or Treaty settlement obligations that relate directly to dam safety. This policy is operational and has not been required to be used to date. There is limited scope for it to be tailored given the actions available to Council are dictated by the Act.

Rangatiratanga

- All iwi were informed of the policy review and the consultation. No feedback was received. As noted, Wi Pere Trust is a dam owner and was advised of the consultation. They are aware of and complying with their responsibilities under the Building Act.

Oritētanga

- This policy applies to all dams in the region, including those on whenua Māori or other land owned by Māori. No historical issues relating to dam safety have been identified.

Whakapono

16. The policy sets out how the council will work with dam owners to find solutions if problems arise that fall within the scope of the policy. With Māori landowners this can include discussion and consideration of any mātauranga or tikanga they may have regarding their dams.

TANGATA WHENUA/MĀORI ENGAGEMENT - TŪTAKITANGA TANGATA WHENUA

17. All iwi in the region were informed of the policy review and offered the opportunity to participate. None chose to do so. Iwi were also informed when consultation was open. No feedback was received during the consultation period. As noted above, staff met with Te Aitanga a Māhaki on 21 January 2025 to discuss the policy which may result in some amendments.

COMMUNITY ENGAGEMENT - TŪTAKITANGA HAPORI

18. As noted, consultation was undertaken in line with the special consultative procedure. Consultation was open from 30 October to 2 December 2024. A public notice was placed in the Gisborne Herald and all dam owners were informed by email or letter. No submissions were received.

CLIMATE CHANGE – Impacts / Implications - NGĀ REREKĒTANGA ĀHUARANGI – ngā whakaaweawe / ngā ritenga

19. Adoption of the Dangerous, Earthquake-Prone and Flood-Prone Dams Policy has no climate change impacts or implications.

CONSIDERATIONS - HEI WHAKAARO

Financial/Budget

20. Adoption of the Dangerous, Earthquake-Prone and Flood-Prone Dams Policy has no financial implications.

Legal

21. Adoption of the Dangerous, Earthquake-Prone and Flood-Prone Dams Policy will meet Council's obligations under section 161 of the Building Act.

POLICY and PLANNING IMPLICATIONS - KAUPAPA HERE me ngā RITENGA WHAKAMAHERE

22. Adoption of the Dangerous, Earthquake-Prone and Flood-Prone Dams Policy has no policy or planning implications.

RISKS - NGĀ TŪRARU

23. Adoption of the Dangerous, Earthquake-Prone and Flood-Prone Dams Policy carries little to no strategic risks for Council. However, a decision not to adopt the Dangerous, Earthquake-Prone and Flood-Prone Dams Policy would result in non-compliance with the Building Act.

NEXT STEPS - NGĀ MAHI E WHAI AKE

Date	Action/Milestone	Comments
February 2025	Inform MBIE the policy has been adopted	
February 2025	Publish the policy on Council's website	
30 January 2030	Deadline for review of the policy to be completed	

ATTACHMENTS - NGĀ TĀPIRITANGA

1. Attachment 1 - Dangerous Earthquake Prone and Flood Prone Dams Policy for Adoption [25-3.1 - 10 pages]



Kaupapa Here Pāpuni Mōrearea Pororūwhenua Porowaipuke

Dangerous, Earthquake-prone and Flood-prone Dams Policy

DATED: 30/01/2025





Contents – Rārangi Take

1. Purpose – Te Whāinga	3
2. Interpretation – Te Whakamārama	3
3. Scope of application – Te Whānuitanga a ngā mahi	3
4. Review – Te Arotakenga	4
5. Policy principles – Ngā mātāpono kaupapa here	4
6. Working with dam owners – Te mahi ki te taha o ngā kaiwhiwhi pāpuni	4
7. Identifying dangerous, earthquake-prone and flood-prone dams – Te tautohe pāpuni mōrearea pororūwhenua porowaipuke	4
8. Assessment criteria – Ngā paearu aromatawai	5
9. Taking action on dangerous, earthquake-prone and flood-prone dams -- Te tukanga mahi ki ngā pāpuni mōrearea pororūwhenua porowaipuke	5
10. Recording of dangerous, earthquake-prone and flood-prone dams – Te whakarārangi i ngā pāpuni mōrearea pororūwhenua porowaipuke	7
11. Identification of dam owners – Te whakamōhio i ngā kaiwhiwhi pāpuni	8
12. Economic impact of this policy – Whakapānga ohaoha o tēnei kaupapa here	8
13. Heritage dams – Ngā pāpuni tuku iho	8
14. Priorities for performing functions under subpart 7 of the Act – Ngā mahi matua hāngai ki wāhanga 7 o te ture	9



1. Purpose – Te Whāinga

- 1.1 This document sets out the policy on dangerous, earthquake-prone and flood-prone dams proposed to be adopted by Gisborne District Council (GDC) in accordance with [section 161](#) and [section 162](#) of the Building Act 2004.
- 1.2 The policy states the approach GDC will take in performing its functions in relation to dangerous, earthquake-prone and flood-prone dams in Te Tairāwhiti, its priorities in doing so, and how the policy will apply to heritage dams.

2. Interpretation – Te Whakamārama

The Act means the [Building Act 2004](#).

The Regulations means the [Building \(Dam Safety\) Regulations 2022](#).

Dam has the same meaning as provided in [section 7](#) of the Act.

Dangerous dam has the same meaning as provided in [section 153](#) of the Act.

Earthquake-prone dam and **flood-prone dam** have the same meaning as provided in [section 153A](#) of the Act.

Heritage dam has the same meaning as provided in [section 7](#) of the Act.

3. Scope of application – Te Whānuitanga a ngā mahi

- 3.1 This policy applies to dams everywhere in Te Tairāwhiti region, irrespective of the age and intended life of the dam. This policy must be read alongside the Regulations which define terms used in the Act in relation to dangerous, earthquake-prone and flood-prone dams.
- 3.2 The dam safety provisions in Subpart 7 of Part 2 of the Act, including this policy, apply to classifiable and referable dams. Classifiable dams are defined in [regulation 5](#) of the Regulations as dams that are 4 metres or more in height and that hold 20,000m³ or more volume of water or other fluid. Referable dams are not defined in the Regulations. Only section 133B (height measurement of dams) and sections 157-159 (measures by a regional authority to avoid immediate danger) apply to all other dams.
- 3.3 Under [section 153AA](#) of the Act, if a dangerous dam is located in area that has been affected by an emergency (see Subpart 6B of the Act) this policy and other provisions of the Act continue to apply but only in relation to actions or notices issued under section 154, work carried out under section 156 or a warrant issued under section 157.
- 3.4 This policy does not repeat the dam classification¹ or dam safety assurance programme² requirements under the Act and the Regulations and does not cover consents for dams under the Act and the Resource Management Act 1991, or civil defence emergency response management.

¹ See [sections 134 to 139](#) of the Act and [Regulations 5 to 9](#).

² See [sections 140 to 148B](#) of the Act and [Regulations 10-18](#).



4. Review – Te Arotakenga

Council will undertake a review of this policy at least once every five years. It does not cease to have effect because it is due for or under review.

5. Policy principles – Ngā mātāpono kaupapa here

5.1 Under the Act, dam owners have the primary responsibility for identifying, monitoring, reviewing and reporting on dangerous, earthquake-prone and flood-prone dams, and for reducing or removing the risk of harm to people, property and the environment in a timely and effective manner. Dam owners should ensure they are aware of and in compliance with their obligations under the Act and the Regulations.³

5.2 Ensuring public safety will be GDC's first priority when taking action under this policy. GDC will work with dam owners to reduce the risk of dam failure over time in a way that is acceptable in social and economic terms to its ratepayers.

6. Working with dam owners – Te mahi ki te taha o ngā kaiwhiwhi pāpuni

6.1 Before exercising its powers under sections 154 to 159 of the Act, GDC will seek to discuss options for action with owners, with a view to obtaining from the owner a mutually acceptable formal proposal for reducing or removing the danger.

6.2 In the event that discussions do not yield a mutually acceptable proposal, GDC will serve a formal notice as outlined under clause 9 of this policy.

6.3 Upon notice being served, GDC will adopt an approach that encourages a dam owner to pursue voluntary compliance with any notice that has been served. However, GDC will pursue legal outcomes if required as it has statutory obligations to take all practical measures to ensure public safety and wellbeing.

7. Identifying dangerous, earthquake-prone and flood-prone dams – Te tautohe pāpuni mōrearea pororūwhenua porowaipuke

7.1 [Section 153B](#) of the Act requires dam owners to immediately notify the Council if they have reasonable grounds for believing their dam is dangerous. The Act also requires a recognised engineer engaged by the owner to notify GDC and the dam owner if they believe that the dam is dangerous ([section 135A](#)). The notice must be provided in writing and be given within five working days after the engineer forms their belief.

7.2 In response to receiving a complaint, notification by a dam owner or engineer of a potentially dangerous dam, or dam classification / dam safety assurance documentation that signals that a dam may be dangerous, earthquake-prone or flood-prone, GDC will inspect and investigate the dam and determine whether it is a dangerous, earthquake-prone or flood-prone dam.

³ See <https://www.building.govt.nz/managing-buildings/dam-safety> and <https://www.building.govt.nz/assets/Uploads/managing-buildings/building-safety/guide-to-complying-with-the-dam-safety-regulations.pdf>.



- 7.3 Inspections and investigations will take place promptly on the receipt of a complaint or relevant dam documentation. Inspections and investigations will be carried out by GDC staff assisted, as considered appropriate, by technical specialists to establish the nature of the danger or the state of the dam.
- 7.4 Should an owner dispute the decision by GDC that a dam is dangerous, earthquake-prone or flood-prone or any other actions taken by GDC in exercising its powers under the Act, an application for a determination pursuant to [section 177](#) of the Act may be made to the Chief Executive of the Ministry of Business, Innovation and Employment. The determination of the Chief Executive is binding on GDC and the dam owner.

8. Assessment criteria – Ngā paearu aromatawai

- 8.1 GDC will assess potentially dangerous, earthquake-prone and flood-prone dams against the definitions and criteria set out in the Act and the Regulations.
- 8.2 Dangerous, earthquake-prone and flood-prone dams are defined in [section 153](#) and [section 153A](#) of the Act. [Regulation 19](#) of the Regulations defines moderate earthquake, moderate flood, earthquake threshold even and flood threshold event.
- 8.3 GDC officers and technical specialists will use the New Zealand Dam Safety Guidelines 2023 (or the latest version) for guidance in determining if a dam is dangerous.⁴

9. Taking action on dangerous, earthquake-prone and flood-prone dams – Te tukanga mahi ki ngā pāpuni mōrearea pororūwhenua porowaipuke

- 9.1 [Sections 154 to 159](#) of the Act set out the powers GDC may exercise in relation to dangerous dams. In addition, under [section 146\(2\)\(b\)](#) of the Act GDC may at any time require the dam owner to review a dam safety assurance programme if the dam is an earthquake-prone or flood-prone dam.
- 9.2 On being satisfied that a dam is dangerous, GDC will:
 1. provide to the owner all information or reports obtained as a result of inspections or investigations;
 2. advise and liaise with the owner and other agencies to discuss action to be taken;
 3. if necessary, give notice to those likely to be immediately affected in the event of a dam failure; and
 4. liaise with Tairāwhiti Emergency Management Office (TEMO) and other agencies directly if necessary.

⁴ [Dam Safety Guidelines \(2023\) – New Zealand Society on Large Dams \(nzsold.org.nz\)](#)



- 9.3 GDC may also attach a notice to the dam or nearby that warns people not to approach the structure and / or erect a hoarding or a fence to prevent people approaching the structure.
- 9.4 If no action is taken by the dam owner to address the danger, the Council may exercise any of its statutory powers in sections 154 to 159 of the Act.
- 9.5 Where GDC is satisfied that a dam is dangerous and the owner has not taken steps to reduce or remove the danger then a notice may be issued pursuant to [section 154\(1\)\(c\)](#) and [section 155](#) of the Act. Notices served on dam owners will:
1. specify the work that needs to be carried out;
 2. the time in which it is to be completed; and
 3. whether the owner of the dam is required to obtain building consent and/or a resource consent in order to carry out the specified work.
- 9.6 When setting a timeframe for action, GDC will consider the nature of the issue, the classification of the dam and the priorities established in this policy. The time frame will not be less than 10 days after the notice is given under section 154(1)(c) is given. GDC will offer extensions to the set time frames upon receipt of a request from the dam owner where the request is consistent with the Council's statutory obligations.
- 9.7 When building or resource consents are necessary for remedial action required in a notice served by GDC or in a formal proposal supplied by a dam owner, GDC will expedite the required consents where practicable.
- 9.8 GDC will ensure that copies of notices are sent to the owner of the dam, any occupier and any party with an interest in the land on which the dam sits. If appropriate, GDC will notify potentially affected communities downstream of the dam. Copies of notices will also be sent to interested parties such as TEMO and Heritage New Zealand Pouhere Taonga (Heritage NZ) when appropriate.
- 9.9 Acceptable actions by the owner may include, but are not limited to, one or more of the following:
1. operational changes such as reducing the volume of impounded fluid or completely emptying the reservoir;
 2. reconfiguring an existing spillway or creating a new or supplementary spillway so as to limit the maximum impounded volume and/or to safely route flood flows;
 3. increased surveillance and monitoring;
 4. development of emergency preparedness and response plans;
 5. review of the dam safety assurance programme;
 6. require the owner to engage a dam specialist to investigate and make recommendations with any report provided to GDC;
 7. implementing measures to enable controlled, rapid emptying of the impounded fluid;
 8. measures downstream of the dam to mitigate the impact of dam failure;
 9. physical works including reconstruction or partial demolition of the dam;
 10. decommissioning and/or removal of the dam.



- 9.10 A dam-break analysis may be required. If requested by GDC this will be provided by the owner at the owner's expense within the time frame defined by GDC in the request.
- 9.11 At the end of the timeframe set in a notice issued under section 154(1)(c) in which the remedial work is to be completed, GDC will inspect the dam and review reports supplied.
- 9.12 Pursuant to [section 156](#) of the Act, GDC will carry out, itself or via contractors, if the work required any work required under a notice issued under section 154(1)(c) is not completed within the timeframe given in the notice (including any extension granted).
- 9.13 Where it is considered measures are necessary to avoid immediate danger [section 157](#) of the Act gives power to regional authorities to take swift action to remove immediate danger without first serving notice on owners. The owner of the dam will be liable for the costs of this action. Without limiting this section, GDC will undertake reasonable effort to contact the dam owner(s) prior to taking action.
- 9.14 All costs which GDC incurs in undertaking work under sections 156 and 157 will be recovered from the owner of the dam. Due process will be followed to recover costs incurred by GDC in meeting its statutory obligations from owners of dams deemed to be dangerous. Where owners are liable for costs, the Council will inform the owners that the amount recoverable by GDC will become a charge on the land on which the building is situated.

10. Recording of dangerous, earthquake-prone and flood-prone dams – Te whakarārangi i ngā pāpuni mōrearea pororūwhenua porowaiPUKE

- 10.1 In accordance with [section 151](#) of the Act, GDC will keep a register of all dams and specifically tag dangerous, earthquake-prone and flood-prone dams, noting the status of requirements for improvement or the results of improvement, as applicable. GDC will advise TEMO of any dams tagged in the register as dangerous, earthquake-prone or flood-prone.
- 10.2 In addition, the following information will be placed on file for each dangerous dam and kept on file indefinitely:
1. The address and legal description of the dam and the land which supports it;
 2. Whether the dam has a heritage listing;
 3. A statement that the dam is considered to be dangerous; and
 4. The date by which strengthening or demolition is required (if known).
- 10.3 Information concerning the dangerous, earthquake-prone or flood-prone status of a dam will be contained in the property file and GIS system. If a notice is issued under section 154(1)(c) of the Act in respect of any dangerous dam, then a record of that will also be available on the relevant property file and dam register.
- 10.4 If a dam is repaired so that it is no longer considered dangerous, earthquake-prone or flood-prone the tag identifying it as such a dam will be removed from the register.
- 10.5 In granting access to information concerning dangerous, earthquake-prone and flood-prone dams, GDC will conform to the requirements of the Local Government Official Information Act 1987 and the Local Government Act 2002.



11. Identification of dam owners – Te whakamōhio i ngā kaiwhiwhi pāpuni

- 11.1 Most dams will be the direct responsibility of the owner of the land on which they are located. There may be circumstances where a landowner will claim that they 'inherited' the dam and were not responsible for either its construction or its maintenance. However, it is unlikely that a landowner could claim that they purchased the land in circumstances where they could not reasonably have known there was a dam on the property.
- 11.2 Therefore, unless there is clearly a party other than the landowner who is responsible for any particular dam, GDC will consider the landowner to be the person responsible for that dam.
- 11.3 There may be a small number of cases where a dam was built on a property without the approval of the landowner – this would probably only occur under the provisions of older mining legislation. GDC will consider requests from such landowners for special treatment in these cases.
- 11.4 There may also be cases where a dam is located on public land, often for example the bed of a river. The Act is binding on the Crown, so dams located on public land will be the responsibility of the Crown, unless there is a clear responsible owner (for example the holder of a hydro easement on public land).

12. Economic impact of this policy – Whakapānga ohaoha o tēnei kaupapa here

- 12.1 Without overriding the paramount aim of protecting public safety, when deciding what actions must be taken in respect of a dangerous dams GDC will take into account economic impacts that may arise from those actions.
- 12.2 GDC will incur costs associated with this policy where an investigation to determine whether a dam is dangerous takes place. It is considered that dangerous dam investigations will ultimately benefit the whole community.
- 12.3 GDC's costs are limited to keeping of the register and initial investigations into dam safety issues. Detailed investigations, engineering design, and remedial work, is the responsibility of the dam owner.

13. Heritage dams – Ngā pāpuni tuku iho

- 13.1 GDC will record any heritage listing of a dam it is made aware of in its dams register and supply this information to any applicant who may apply for a relevant LIM.
- 13.2 Heritage dams will be assessed in the same way as other potentially dangerous dams and discussions held with owners and Heritage NZ to identify a mutually acceptable way forward. The GDC accepts that a lesser level of strengthening may be appropriate where strengthening elements would destroy or mask the heritage characteristics of the dam. Any proposed alternative approaches would still need to demonstrate mitigation of the identified risks, but special efforts will be made to meet heritage objectives.



14. Priorities for performing functions under Subpart 7 of the Act – Ngā mahi matua hāngai ki wāhanga 7 o te ture

14.1 When performing its functions in relation to dangerous, earthquake-prone and flood-prone dams, GDC will prioritise as follows:

1. First priority – to ensure public safety at all times
2. Second priority – economic welfare
3. Third priority – heritage values.



Te Kaunihera o Te Tairāwhiti
GISBORNE
DISTRICT COUNCIL

-  PO Box 747
Gisborne 4040 NZ
-  15 Fitzherbert Street Gisborne
Waiapu Road, Te Puia Springs
-  06 867 2049
0800 653 800
-  service@gdc.govt.nz
-  www.gdc.govt.nz
-  @Gisborne DC
-  GDC Fix app





Title: 25-4 Annual Report Dog Control Policy and Practices 1 July 2023 - 30 June 2024

Section: Compliance Monitoring & Enforcement

Prepared by: Gary McKenzie – Compliance Monitoring and Enforcement Manager

Meeting Date: Thursday 30 January 2024

Legal: No

Financial: Yes

Significance: **Low**

Report to COUNCIL/TE KAUNIHERA for decision

PURPOSE - TE TAKE

The purpose of this report is to adopt the Annual Report on Dog Control Policy and Practices 2023/24.

SUMMARY - HE WHAKARĀPOPOTOTANGA

The Gisborne District Council (Council) is required to manage and enforce provisions pursuant to the Dog Control Act 1996 (the Act) and subsequent amendments in 2003, 2004, 2006 and 2010.

Section 10A of the Act requires Council to report annually to the Secretary of the Local Government on its Dog Control Policy and operations. This section requires Council to report on statistical aspects of its Dog Control Policy responsibilities.

This report fulfils this statutory requirement for the dog registration year 1 July 2023 to 30 June 2024.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Council/Te Kaunihera:

- 1. Adopts the Annual Report on Dog Control Policy and Practices 2023/24.**
- 2. Instructs the Chief Executive to give necessary notifications following adoption of the report.**

Authorised by:

James Baty - Director Internal Partnerships & Protection

Keywords: Annual Report, Dog Control Policy, Council

BACKGROUND - HE WHAKAMĀRAMA

1. Section 10A of the Dog Control Act 1996 requires territorial authorities to publicly report each financial year on:
 - The administration of their Dog Control Policy and Practices (section 10A(1): and
 - A variety of dog control related statistics (section 10A(2)).
2. While not explicitly stated in the Dog Control Act, one of the primary purposes for preparing the report is to allow communities to see how Council is managing its dog control responsibilities.

DISCUSSION and OPTIONS - WHAKAWHITINGA KŌRERO me ngā KŌWHIRINGA

3. Council is required to adopt the Annual Report on Dog Control Policy and Practices 2023/24 contained in **Attachment 1**.
4. There is no other option for Council other than adopting this report.

ASSESSMENT of SIGNIFICANCE - AROTAKENGA o NGĀ HIRANGA

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation

Overall Process: Low Significance

This Report: Low Significance

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

Overall Process: Low Significance

This Report: Low Significance

Inconsistency with Council's current strategy and policy

Overall Process: Low Significance

This Report: Low Significance

The effects on all or a large part of the Gisborne district

Overall Process: Low Significance

This Report: Low Significance

The effects on individuals or specific communities

Overall Process: Low Significance

This Report: Low Significance

The level or history of public interest in the matter or issue

Overall Process: Low Significance

This Report: Low Significance

4. The decisions or matters in this report are considered to be of **Low** significance in accordance with Council's Significance and Engagement Policy.

TREATY COMPASS ANALYSIS

Kāwanatanga

5. Council's dog control measures are governed to ensure harm reduction through enforcement and education, balancing safety with community use of off-leash areas. Governance processes such as policy development and adoptions prioritise equity by respecting cultural practices like hunting, improving rural accessibility, and offering flexible payments to reduce financial barriers.

Rangatiratanga

6. Animal control policies respect customary practices by ensuring public safety and environmental stewardship. This includes recognising the cultural significance of dogs in Māori communities, particularly for practices such as hunting. Collaborative engagement ensures that policies maintain alignment with legal and governance responsibilities under kāwanatanga to protect public safety and promote kaitiakitanga principles.

Oritetanga

7. Animal control policies ensure equity, minimising financial impacts on low-income households, including Māori, through flexible payment options. They also respect cultural practices, such as using dogs for hunting or ceremonies, ensuring policies are equitable and culturally responsive.

Whakapono

8. Council's animal control policies prioritise humane treatment and ethical responsibility, supported by officer training. Transparent communication and engagement ensures policies are accessible and culturally appropriate.

TANGATA WHENUA/MĀORI ENGAGEMENT - TŪTAKITANGA TANGATA WHENUA

9. Māori and tangata whenua were actively engaged during the consultation process for the policy.

COMMUNITY ENGAGEMENT - TŪTAKITANGA HAPORI

10. There is no requirement for community engagement on the Dog Control Annual Report.
11. The community have the opportunity to read the report when made publicly available on Council's website after 30 January 2025.

CLIMATE CHANGE – Impacts / Implications - NGĀ REREKĒTANGA ĀHUARANGI – ngā whakaaweawe / ngā ritenga

12. There are no climate change impacts/implications arising from this report.

CONSIDERATIONS - HEI WHAKAARO

Financial/Budget

13. Relevant financial information is detailed in the attached Annual Report.

Legal

14. A requirement to publicly report each financial year under section 10A of the Dog Control Act 1996.

POLICY and PLANNING IMPLICATIONS - KAUPAPA HERE me ngā RITENGA WHAKAMAHERE

15. There are no policy and planning implications associated with this report.

RISKS - NGĀ TŪRARU

16. There are no major risks associated with this report.

NEXT STEPS - NGĀ MAHI E WHAI AKE

Date	Action/Milestone	Comments
30 January 2025	On adoption of the report, the report is to be published on the Gisborne District Council's website as directed by the Dog Control Act 1996.	

ATTACHMENTS - NGĀ TĀPIRITANGA

1. Attachment 1 - Annual Report Dog Control Policy and Practices 2023-24 [25-4.1 - 8 pages]



Annual Report
Dog Control Policy and Practices
1 July 2023 – 30 June 2024

BACKGROUND

1. Section 10A of the Dog Control Act 1996 requires territorial authorities to publicly report each financial year on:
 - the administration of their dog control policy and practices [Section 10A(1)]; and
 - a variety of dog control related statistics [Section 10A(2)].
2. While not explicitly stated in the Dog Control Act, one of the primary purposes for preparing this report is to allow communities to see how Council is managing its dog control responsibilities.

Current Situation – Dog Control in City/District

3. Council is responsible for the enforcement of regulations relating to the keeping, welfare and control of dogs within the Gisborne District. Council is required under the Dog Control Act to make provision for the registration and control of dogs.
4. Impounding of dogs is an activity required by the provisions of the Dog Control Act and associated Gisborne District Council Dog Control Bylaw 2023 and Dog Control Policy 2023.
5. The Council has a responsibility to respond to complaints relating to dogs. Council's long-term focus for dog control activities is to ensure a safe living environment is maintained through the monitoring and enforcement of legislation, regulations and bylaws.
6. Council adopted its Dog Control Policy in 2023. The policy provides a practical framework for the care and control of dogs throughout the district while minimising any danger, distress and nuisance to the community.
7. The policy outlines expected standards and behaviours from dog owners and provides information about how Council will administer dog control. Specific dog control functions include:
 - dog registration
 - impounding of dogs
 - 24-hour ranging service
 - targeted education
 - enforcement of the Act and Council Dog Control Bylaw
 - issuing of infringements and prosecutions.
8. Council has four full-time and one part-time Gisborne-based Animal Control Officers. The Council's Te Puia Springs office has two full-time and one part-time coast-based Animal Control Officers. The Animal Control Officers are responsible for a land area of 8,360 square kilometres.
9. Both urban and rural properties are regularly visited to check for unregistered dogs and dog/owner changes for compliance.
10. All properties within Gisborne city with more than two dogs require a multiple dog licence. The licence is issued on meeting the Dog Control Policy's criteria. Extra care is taken to ensure dogs' welfare needs are met and there are no noise problems for neighbours.

11. During this reporting period Animal Control Officers visited and checked 64 properties for special owner applications. Applications to become a special owner must be completed prior to 1 May annually, allowing time to adjust fees for invoicing. These owners are entitled to a special discounted annual registration fee (2023/24: \$73). The regular 2023/24 registration fee was \$105.
12. Animal Control Officers no longer accept applications of selected owners to become New Zealand licensed dog owners as of 1 July 2019. This is stated in our fees and charges and is due to the lack of resources now available domestically to inform both staff and applicants of criteria. Existing licensed owners continue to be entitled to a discounted dog registration (2023/24 fee \$62).
13. In the 2021/22 registration period a discount for desexed dogs was introduced and decided at approximately 10% of the invoiced fee. Owners are required to produce proof of the neuter, and the discount is applicable across the fee matrix; excluding Dangerous Dog as neutering is a legal requirement.

2023/24 DOG REGISTRATION FEES			
Class	Fee	Desex	Description
Ordinary dog	\$105	\$95	Family pet dog, including those in rural areas not required for rural livelihood
Working dog	\$58	\$53	Rural livelihood, income from dogs - breed Huntaway or Heading
Selected Owner SOP	\$73	\$66	Must <u>meet the criteria</u>
Superannuitants	\$69	\$63	Over 65 years
Selected Owner Superannuitant	\$59	\$54	Over 65 years, <u>must meet the criteria of SOP</u>
Licensed Owner	\$62	\$56	NZ Licence, must have been <u>SOP owner for 1 year</u>
EC Pig Hunters	-	-	This fee has been removed from our matrix please see Note 14.
Probationary Owner	\$151	\$136	Court fined - rural and urban
Guide and Hearing	\$0	\$0	Guide and police dogs
Dangerous dog*	\$153	\$153	Dog with a history and is classified dangerous * rural and urban

14. There are 6,114 dog owners within the district who own 10,994 registered dogs, in the following categories. Transient dog owners fluctuate regularly.

DOG COUNT BY CATEGORY 2020/21	
For all dogs with a current status of CURRENT OWNED	
Dog Use Category	Number of Dogs
Dangerous dog	17
Guide and Hearing	2
Licensed Owner	150
Ordinary	4632
Pensioner	1006
Pig Hunters Club	-
Probationary Owner	-
Special Owner	784
Special Owner/Pensioner	134
Working (includes Police)	3744
Total	10,570

15. With the introduction of the National Dog Database (NDD), all dog registrations and information are automatically transferred to the database on a nightly basis.
16. The NDD holds information on all registered dogs including registration detail, microchip number (if applicable), breed and year of birth. The name, address and date of birth details of owners are also recorded.
17. This database is maintained by the Department of Internal Affairs (DIA).

Council's Relationship with Key Stakeholders in the Community

18. Gisborne District Council have a strong working relationship with the Police.
19. The Animal Control section has a good relationship with schools in the district. Officers visited five schools presenting a "Dog Education" programme.
20. Animal Control staff help SPCA with reported welfare incidents at their request.
21. Veterinarians have a close working relationship with Animal Control concerning microchipping records, neutering of menacing and dangerous dogs plus up-to-date information regarding dog health problems.
22. Animal Control has formed an alliance with Gisborne Mutts and Moggies. This is a voluntary organisation which rehomes dogs.
23. With the introduction of the Fred Lewis Desexing programme, we have solidified an already strong relationship with Fred Lewis and as a contact have been able to help hundreds of owners and their dogs in our community.

Dog Control Enforcement Practices and Statistics

24. There were 947 dogs impounded during the year. Details are: 12 Still impounded.

Dogs that were	Numbers of dogs
Claimed	386
Destroyed in the field	
Returned to owners	100
Rehomed	82
Picked up by SPCA	5
Euthanised	365
Total	938

25. Officers make every effort to find homes for unwanted, impounded dogs that are suitable for rehoming. Initiatives involving Facebook and Council website advertising for dogs suitable for adoption has seen the number of rehomed dogs increase.

26. Any dogs that are wholly or predominantly of the five restricted menacing breeds or type as specified in the Dog Control Act, Schedule 4, are classified as menacing under type or breed. Compliance must be met by muzzling in public, neutering and control.

27. The restricted breeds and type are:

- American Pit Bull Terriers/Pit Bull Terrier Types
- Dogo Argentino
- Brazilian Fila
- Japanese Tosa
- Perro de Presa Canario

28. Microchipping of these and dangerous dogs is enforced. Microchipping of all dogs first registered from 1 July 2006 (except working farm dogs) is carried out. There were 305 dogs microchipped for the 2023/24 year.

Education

29. An Animal Control Officer is available on request for speaking engagements and presentations. Educational presentations have been made to postal staff, electricity meter readers, contractors, schools, district, and flight nurses who attend patients' properties, new staff and reminders to existing staff. As well as Gisborne District Council staff.

30. Animal Control Officers are available to educate and provide support to all owners in our region.

31. A copy of the Dog Control Policy and Dog Control Bylaw are available to every dog owner through the Council website and include information regarding dog exercise areas. These publications are also available on request in hard copy.

Dogs Prohibited, Leash Only and Dog Exercise Areas

32. Council has made provision for areas where dogs are prohibited, permitted on leashes or allowed freedom for exercise purposes. Public education of these areas will be increased this year. These areas are regularly patrolled.

33. The Council provides four designated off-leash exercise areas and six beach exercise areas across the city. The criteria used to determine these areas includes:
- The area is not used extensively for sporting or other purposes
 - The area is of significant size and has appropriate access
 - There are sufficient sight lines
 - The area is well buffered from adjacent areas
 - There is no potential risk to other groups.

Dog Control Enforcement Practices

34. The Council generally enforces its dog control policy and bylaws by educating the owners of dogs through individual property visits, school visits, public information, responding to complaints and by routine inspections and patrols of selected locations identified as problem areas. 3113 complaints relating to dogs were received during the year. The following table relates to the specific categories reported on for the DIA, however, it does not include other general dog complaints that come under unreported categories:

Category	2022/23	2023/24
Dog attack People	47	39
Dog attack Animals	73	78
Rushing at People	80	102
Rushing at Animals	5	2
Roaming	657	616
Barking	320	417
Welfare	25	34
General Dog Complaints	1092	1825

35. 751 infringement notices (down from 807 last year) were issued for the following:

Infringement	2022/23	2023/24
Failure or refusal to supply information or wilfully providing false particulars	3	1
Failed to comply with Bylaw	0	2
Failed to comply with effects of disqualification	0	0
Failed to implant microchip transponder in dog	11	10
Failed to keep dog controlled or confined	45	28
Failure to comply with class as menacing dog	4	5
Failure to Register a Dog	687	875
Failure to Keep Dog Under Control	1	0
Wilful Obstruction of Officer or Ranger	0	0
Falsely notifying of death of dog	0	0
Failure to comply with class as dangerous dog	0	0
Failure to comply with barking dog abatement notice	0	0
Failure to advise change of owner / address	0	0
Failure to carry leash / advise of muzzle and leashing requirements	0	0
Total	751	921

Trends and Analysis

Menacing Dogs

36. The number of dogs classified as 'Menacing' was 202. The number of dogs classified as 'Dangerous' was 17.
37. Officers continue to impose menacing classifications as a mitigation measure to prevent harm to people, other animals, and wildlife. We have increased monitoring of classified dangerous and menacing dogs ensuring compliance with all conditions relating to the classification.

Dog Related Complaints (antisocial behaviour)

38. Attacks on people and stock/domestic pets (117) has dropped to last year's figure of 120.
39. Complaints received regarding dogs rushing at people (102) was slightly up on last year's total of 80.
40. All reported complaints of dog aggression were investigated during the year.
41. Roaming dog numbers (616) are down from 657 recorded in 2023.

Infringement Notices

42. Continued focus by Council on registration, education and compliance continues to see infringements issued for a wide range of offences. Ongoing emphasis on unregistered dogs has seen an increase in compliance and a significant decrease of infringements for unregistered dogs from last year. All unregistered dog owners are issued infringements should they fail to register their dog.
43. Council's current approach acknowledges that the first step to responsible dog ownership is dog registration.

Prosecutions

44. There have been no Council prosecutions of dog owners for a serious dog attack on a person in this period. To note though, Council supports the Police and other agencies when asked for help involving prosecutions.
45. The effective use of enforcement options such as infringements has resulted in no prosecutions during this review period.

Other Information

46. Officers continue to issue permits for two or more dogs at the same address when required.
47. Dogs roaming after-hours are controlled by dog trapping and attendance by our on-call officers.
48. Officers monitor public areas and beaches, especially during summer months, for owners who do not clean up after their dog defecates and to educate visitors to our town on our bylaw. Increased patrolling in central business areas for dogs breaching the dog prohibited areas also continues to be a focus.

Financial

Fees and Charges

49. Dog registration fees are set by Council resolution.
50. Dog registration fees, fines and impound fees contributed towards the cost of dog control in the Gisborne district. This includes the costs of running the Council pound, Council's use of the NDD, and costs of prosecutions when required, ensuring a safer community, investigating dog threatening, attack incidents, and removing roaming dogs from public areas.
51. The funding policy for the 2023/24 year and beyond includes a 20% proportion from targeted rates to recognise public benefit of the activity.
52. The Council operates a responsible dog owner scheme which provides a discounted rate for dog owners who meet the relevant criteria.

Summary of Information Required by Section 10A	
Description	Number
Number of registered dogs	10570
Number of probationary owners	0
Number of disqualified owners	0
Number of dogs classified as dangerous under Section 31	17
◆ S.31 (1)(a) dangerous by owner conviction	13
◆ S.31 (1)(b) dangerous by sworn evidence	4
◆ S.31 (1)(c) dangerous by owner admittance in writing	0
Number of dogs classified as menacing under Section 33A	187
◆ S.33A (1)(b)(i) observed or reported behaviour	47
◆ S.33A (1)(b)(ii) observed characteristic - associated with breed	41
Number of dogs classified as menacing under Section 33C S33C (1), s33E (1(a) wholly or predominantly belongs to one or more breeds or types restricted (listed by Schedule 4 breed)	101
Number of infringement notices issued – for failing to register a dog	875
Failure to control	36
Obstruction	0
Non-compliance with classification	4
Non-compliance with disqualification	0
Non-compliance with dangerous dog conditions	0
Others	0
Total number of infringements issued	911
Dog attack	117
Rushing/Threatening	104
Roaming	616
Barking	417
Welfare	34
General Dog Complaints	1825
Total number of complaints received	3113
Number of prosecutions	0

Title: 25-9 Tairāwhiti Resource Management Plan Review - Regional Policy Statement Change to Support the Urban Growth Plan Change

Section: Strategic Planning

Prepared by: Shane McGhie - Principal Policy Planner

Meeting Date: Thursday 30 January 2025

Legal: Yes

Financial: No

Significance: **Low**

Report to COUNCIL/TE KAUNIHERA for decision

PURPOSE - TE TAKE

This report asks Council to decide on the preferred option to ensure that the urban plan change to the Tairāwhiti Resource Management Plan proposed to be publicly notified in June 2025 is supported by sufficient Regional Policy Statement content.

SUMMARY - HE WHAKARĀPOPOTOTANGA

The Operative RPS provisions of the Tairāwhiti Resource Management Plan (TRMP) do not give effect to the National Policy Statement for Urban Growth and Development and do not provide a strong foundation for a growth focussed urban plan change.

A recent amendment to the RMA², prohibits councils from notifying freshwater planning instruments before either the date the new National Policy Statement for Freshwater Management (NPS-FM) is published or 31 December 2025, whichever date is sooner. On 27 November 2024 Sustainable Tairāwhiti (ST) resolved that the RPS plan change notification date be moved from June 2025 to February 2026, to align with the timeframe for notifying freshwater planning instruments (**Report 24-319**).

This means that the urban plan change will not be supported by new RPS level provisions that it must 'give effect' to.

This report provides the options available to ensure that the urban plan change proposed to be publicly notified in June 2025 has sufficient Regional Policy Statement (RPS) content to support the implementation of the FDS 2024 and give effect to the National Policy Statement for Urban Development.

² Resource Management (Freshwater and Other Matters) Amendment Act 2024.
<https://legislation.govt.nz/act/public/2024/0043/latest/LMS962884.html>

The options available to address the issue are:

- Option 1: To prepare and notify an urban plan change that includes targeted changes to the Operative RPS provisions of the TRMP to address the gap in RPS level urban growth provisions.
- Option 2: The urban plan change to the district plan provisions of the TRMP is notified in June 2025, with no supporting changes to the Operative RPS provisions.
- Option 3: Delay the urban plan change to coincide with public notification of the full RPS plan change in February 2026.

The preferred option is Option 1. This option is preferred because it would see the longstanding issue regarding enablement of housing in the Gisborne urban area addressed, mitigate the risk of notifying the urban plan change in the absence of specific higher level RPS guidance, noting that we can rely to some extent, on the NPS-UD, but not require a partial RPS or full RPS plan change to be notified.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Council/Te Kaunihera:

- 1. Directs an urban plan change to the Tairāwhiti Resource Management plan be prepared for public notification in 2025 that includes targeted changes to the operative Regional Policy Statement (RPS) provisions to address the gap in RPS level urban growth provisions.**

Authorised by:

Joanna Noble - Director Sustainable Futures

Keywords: TRMP, Urban development, FDS, RMA, Plan Change, regional policy statement, RPS, National Policy Statement for Urban Development, NPS-UD

BACKGROUND - HE WHAKAMĀRAMA

1. Up until 25 October 2024, the intent was to notify new Regional Policy Statement (RPS) provisions (including provisions giving effect to the National Policy Statement for Freshwater Management "NPS-FM"), the Motu Catchment Plan (to give effect to the NPS-FM) and some district plan provisions to implement the Future Development Strategy ('the Urban Plan change'), in June 2025 (**Report 24-319**). The parts of the RPS giving effect to the NPS-FM and the Motu Catchment Plan are considered 'freshwater planning instruments' under s80A RMA.
2. A recent amendment to the RMA³, prohibits councils from notifying freshwater planning instruments before either the date the new National Policy Statement for Freshwater Management (NPS-FM) is published or 31 December 2025, whichever date is sooner. On 27 November 2024 Sustainable Tairāwhiti (ST) resolved that the RPS plan change planned notification date be moved from June 2025 to February 2026, to align with the timeframe for notifying freshwater planning instruments (**Report 24-319**).
3. This decision means that the urban plan change will not be supported by new RPS level provisions when it is publicly notified in June 2025. This is relevant because a district plan must 'give effect' to the relevant RPS. The operative RPS provisions of the TRMP do not give effect to the NPS-UD and do not provide a strong foundation for a growth focussed urban plan change. Therefore, the proposed urban plan change may lack a strong statutory foundation and be more prone to challenge through the submission process.

DISCUSSION and OPTIONS - WHAKAWHITINGA KŌRERO me ngā KŌWHIRINGA

We are seeking direction on what option is preferred to provide a strong statutory foundation for the urban plan change

4. Officers have discussed the level of RPS support the urban plan change needs with Council's lawyers, and they have advised verbally, that the two questions to ask are:
 - What is missing from the operative RPS provisions that is needed to support the urban plan change?
 - Are there any Operative RPS provisions that would be completely contrary to the Urban Plan change?
5. A review of the operative RPS provisions suggests there is limited support for a growth focussed urban plan change; however, there are no operative RPS provisions that appear to be completely contrary to the urban plan change.

³ Resource Management (Freshwater and Other Matters) Amendment Act 2024.
<https://legislation.govt.nz/act/public/2024/0043/latest/LMS962884.html>

There are three options available to address the issue

6. Recognising that there is limited support for a growth focussed urban plan change, but there are no operative RPS provisions that appear to be completely contrary to the urban plan change, the options available are:

Option 1: To prepare and notify an urban plan change that includes targeted changes to the operative RPS provisions of the TRMP to address the gap in supportive urban growth provisions.

Option 2: The urban plan change to the district plan provisions of the TRMP is notified in June 2025, with no supporting changes to the Operative RPS provisions.

Option 3: Delay the urban plan change to coincide with public notification of the full RPS plan change in February 2026.

7. The preferred option is option 1. This option is preferred because it would avoid delaying the notification of the urban plan change and mitigate the risk of challenge if the urban plan change is notified without RPS policy support. Option 1 is the best option to see the longstanding issue regarding enablement of housing in the Gisborne urban area addressed.

8. A full options assessment is in the table below. The most critical factors for each option are:

Option 1 (preferred) – Include targeted changes to the Operative RPS provisions of the TRMP to address the gap in high level urban growth management policy, would likely result in some conflict between the new and existing RPS provisions. These conflicts would be addressed when the full review of the RPS is notified in early 2026 and would be managed through use of cross referencing and the addition of methods. This option would ensure that the longstanding issue regarding enablement of housing in the Gisborne urban area is addressed and mitigate the risk of notifying the urban plan change in the absence of specific higher level RPS guidance.

Option 2 – Notify the urban plan change without any change to the Operative RPS provisions, would risk not having sufficient RPS content to justify the changes proposed. This risk is mitigated to some degree by the fact that there are some references to urban form and pattern of urban growth in the Operative RPS that would provide some basis for the proposed changes, and no apparent direct conflicts, and the NPS-UD, the Spatial Plan, and the FDS provide clear high-level guidance.

Option 3 – Delay all Plan changes to be notified together in February 2026, would give more time to engage more effectively, and include additional content into phase 1 plan changes of the TRMP review.

Option	Pros	Cons	Risks
<p>Option 1: The urban plan change includes targeted changes to the operative RPS provisions to support the changes to the district plan provisions. (Preferred Option)</p>	<ul style="list-style-type: none"> • The long-understood issues regarding enablement of housing in the Gisborne urban area would be addressed in a timely way. • A specific change to the Operative RPS provisions, to give effect to National Direction would provide RPS provisions that are up to date with the community's needs and provides clear guidance for the remainder of the Urban plan change. • A targeted change to the Operative RPS provisions would focus on providing for growth primarily within the existing Gisborne urban area, to maintain a compact urban form, that is integrated with the provision of infrastructure. 	<ul style="list-style-type: none"> • Requires some additional work and analysis as new RPS provisions would need to be drafted as part of the urban plan change. However, this could draw on work already progressed under the draft Urban Growth and Development chapter (part of the full RPS review). 	<ul style="list-style-type: none"> • A targeted change to the RPS provisions of the TRMP could cause minor conflict with other existing RPS provisions and may not be seen as integrated management. <p>These conflicts are able to be managed by the use of cross referencing and the addition of methods. The urban plan change is likely to be in the appeal stages when the full RPS plan change is notified.</p>
<p>Option 2: Only changes to the district plan provisions of the TRMP are included in the urban plan change scheduled to be approved for notification in June 2025.</p>	<ul style="list-style-type: none"> • The long-understood issues regarding enablement of housing in the Gisborne urban area would be addressed in a timely way. • There are several provisions in the operative RPS provisions in the TRMP that would provide some guidance/support for the urban plan change. • There are no operative RPS provisions that appear to be completely contrary the overall focus of the urban plan change. 	<ul style="list-style-type: none"> • The urban plan change must rely on the operative RPS provisions relating to urban form and growth, and on National Direction and other statutory and non-statutory documents that exist, particularly the National Policy Statement for Urban Development, and Council's non statutory Future Development Strategy. 	<ul style="list-style-type: none"> • There is insufficient RPS content to justify the changes proposed to the district plan provisions and inconsistency within the TRMP. • The major risk is the additional costs of defending appeal/s to the Intensification provisions proposed in the urban plan change, on the basis that there is no specific RPS provisions that direct or even guide the changes proposed. Ultimately, this increases the risk of losing an appeal.

Option	Pros	Cons	Risks
Option 3: Delay the urban plan change until February 2026	<ul style="list-style-type: none"> • Gives more time to engage more comprehensively. • The Housing and Business Capacity Assessment is due for review in 2025. Any change in growth projections, or yield calculations, could be reflected in the delayed plan change. • The delay would allow time to include additional district plan content into the plan change that would be notified in 2026. This could include implementing the outcomes of the urban Master plans, that would not be available with the present timing, Industrial zones, Recreational zones, Rural zones, port zones, cultural heritage, and potentially other parts that are presently planned for phase 2. 	<ul style="list-style-type: none"> • The long-understood issues regarding enablement of housing in the Gisborne urban area would be further delayed. • The plan change in 2026 will be substantial and complex, which may make it more challenging for the community to participate meaningfully in engagement and the submission process. 	<ul style="list-style-type: none"> • The community lose interest in engaging on a project that is taking so long. • Reputational risk – fail to deliver on long-standing commitment to the community.

ASSESSMENT of SIGNIFICANCE - AROTAKENGA o NGĀ HIRANGA

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation

Overall Process: Low Significance

This Report: Low Significance

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

Overall Process: Low Significance

This Report: Low Significance

Inconsistency with Council's current strategy and policy

Overall Process: Low Significance

This Report: Low Significance

The effects on all or a large part of the Gisborne district

Overall Process: Low Significance

This Report: Low Significance

The effects on individuals or specific communities

Overall Process: Low Significance

This Report: Low Significance

The level or history of public interest in the matter or issue

Overall Process: Low Significance

This Report: Low Significance

9. The decisions or matters in this report are considered to be of **Low** significance in accordance with Council's Significance and Engagement Policy.

TREATY COMPASS ANALYSIS

Kāwanatanga

10. In addition to the possibility of iwi involvement at the governance table, the intention of the entire TRMP review is to seek the views of iwi and hapū when making decisions on the TRMP. If iwi authorities and Māori have limited time and capacity, the intention is to identify the key chapters that they may wish to consider. Discussion on the preferred framework will need to be had with tangata whenua.
11. Some discussions have started on how iwi want to be involved in the overall RPS process. Recently, Council staff have met with representatives of Te Aitanga a Māhaki, Ngai Tāmanuhiri and Nga Ariki Kaiputahi about their preferred ways of engaging on the RPS. Hui and engagement with other iwi are being progressed. Updates will be provided as discussions progress.
12. Engagement scheduled for late January/early February 2025 will include an early, or at minimum, a partial draft of the proposed urban plan change. If the option of a targeted change to the Operative RPS provisions of the TRMP to address the gap in urban growth management is agreed, this engagement would include that draft content.

Rangatiratanga

13. Past feedback from iwi, hapū and other Māori groups from other council processes have been collated and considered for the full RPS review and urban plan change. The documents that the previous submission and comments feed into have also been considered in the drafting of the RPS and urban plan change. Two of the most recent engagements are the Future Development Strategy and the Three-Year Plan.
14. To date the key advice received on co-drafting the direction in the full RPS review has been through the iwi technicians. Iwi technicians had asked for drafts to be written for them to respond to, and some have provided comments on early drafts of the 'front sections' of the draft. Discussions had indicated that the environment is to be at the centre of decisions on the management of resources.

15. The agreed framework for the TRMP is Ki Uta Ki Tai, which can acknowledge the environment as a priority through everything being interconnected. This is yet to be tested with the iwi authorities themselves. The intention is to discuss further with iwi authorities once an engagement approach has been confirmed with iwi and hapū.
16. A targeted change to the Operative RPS provisions of the TRMP to address the gap in urban growth management, would be based on the material that has been prepared for the full RPS review.

Oritetanga

17. The bare minimum required under the RMA is to consult with iwi authorities when preparing the draft plan provisions. Council has already determined that this is not sufficient to meet the needs of our treaty partners. One of the preferred approaches was to co-draft or revise the draft RPS provisions together with tangata whenua. To facilitate this approach budget is available to support iwi and hapū to engage and contribute meaningfully to the drafting process. The extent that they wish to be involved is up to iwi and hapū. To date, capacity has remained a challenge, and the appetite to engage appears to be predominately in the more place-based work such as catchment plans or urban master plans.
18. This approach will be followed if a targeted change to the Operative RPS provisions of the TRMP to address the gap in urban growth management, to the extent possible, given the very tight timeframe.

Whakapono

19. The intention is to seek the views of mana whenua on how the environment will be managed through the TRMP as part of the review and drafting of the RPS chapters, to the extent iwi and hapū wish to contribute and be involved in drafting prior to seeking public feedback.
20. The RPS provisions must recognise and provide for tangata whenua values, the relationship of Māori with natural resources and wāhi tapu and other taonga, and customs and practices. These are best developed with tangata whenua in the room to guide how this can be provided for appropriately.
21. There is also an opportunity to work with tangata whenua to incorporate mātauranga Māori in the assessment of Māori cultural values and attributes of the natural environment. This could extend to developing a framework to assess the effects on cultural values and attributes, and how these can be monitored.

TANGATA WHENUA/MĀORI ENGAGEMENT - TŪTAKITANGA TANGATA WHENUA

22. For this report no iwi engagement has been undertaken to date. Letters were sent out at end of 2024 providing an update on urban planning and an invite to progress engagement in a manner that works for iwi. Discussions on some working drafts for the full RPS review occurred with the iwi technicians. Engagement with iwi authorities is required throughout the TRMP review process.

23. The engagement scheduled for late January/early February 2025 will include an early, or at minimum, a partial draft of the proposed urban plan change. If the option of a targeted change to the Operative RPS provisions of the TRMP to address the gap in urban growth management is agreed, this engagement would include that draft content.
24. In relation to the full RPS review, the RPS Team are working with the Māori Partnership Team on ways to help facilitate engagement in a meaningful way.
25. This decision would not result in the end of engagement through the full RPS review; the intention is that there will be continued and ongoing iwi participation in the drafting process.
26. The approach allows for co-drafting and is aligned to our obligations under Te Tiriti.
27. Any issues encountered with the targeted change to the Operative RPS provisions of the TRMP, as part of the urban plan change, to address the gap in urban growth management, would be able to be resolved, when the full RPS review is notified in February 2026.

COMMUNITY ENGAGEMENT - TŪTAKITANGA HAPORI

28. The work to develop the urban plan change builds on the extensive community engagement that took place over a two-year period during the development of the FDS, outlined in report 24-26, which included:
 - early nominations of growth areas
 - selecting preference of growth scenarios
 - Visits to schools and Marae also various “Have your say” events where the public were engaged.
29. Any targeted change to the operative RPS provisions of the TRMP to address the gap in urban growth management would be to achieve the ultimate objectives of that work and would therefore be consistent with it.
30. The engagement scheduled for late January/early February 2025 would provide the opportunity to test any targeted change to the Operative RPS provisions of the TRMP to address the gap in urban growth management.

CLIMATE CHANGE – Impacts / Implications - NGĀ REREKĒTANGA ĀHUARANGI – ngā whakaaweawe / ngā ritenga

31. The NPS UD requires that planning for urban environments supports reductions in Greenhouse Gas (GHG) emissions. To ensure future development is located in areas at lower risk to the impacts of climate change as well as supporting reductions in GHG emissions, the FDS has evaluated the growth areas against climate change criteria. The FDS growth areas have also considered the known urban impacts of Cyclone Gabrielle in 2023.

32. The urban plan change has focused on intensification of the existing urban area, rather than continuing to expand the city's footprint to enable housing growth. Making the best use of our existing footprint with minimal expansion will support GHG emission reductions.
33. Any targeted change to the Operative RPS provisions of the TRMP to address the gap in urban growth management would introduce this concept at the RPS level, providing high level support for the district plan provisions of the TRMP to ensure that this occurs.

CONSIDERATIONS - HEI WHAKAARO

Financial/Budget

34. There are no direct financial implications of this report. The costs of this review are part of the approved TRMP review budget.

Legal

35. There are no specific legal implications for this report. The urban plan change itself will be subject to legal review in 2025 prior to notification to make sure it meets the various legal requirements, primarily the Resource Management Act and national direction under this Act.
36. As stated previously, including targeted changes to the operative RPS provisions of the TRMP to address the gap in urban growth management, in the urban plan change, would provide a stronger statutory foundation for the urban plan change, and mean it is less susceptible to challenge through the submission process.

POLICY and PLANNING IMPLICATIONS - KAUPAPA HERE me ngā RITENGA WHAKAMAHERE

37. Council has previously prepared a range of targeted strategies to provide a context-driven approach to resolve housing supply shortages, improve connectivity and enhance environmental resilience. Documents such as the Tairāwhiti Spatial Plan 2050, Urban Development Strategy, CBD Spatial Framework 2019, and the Future Development Strategy (FDS) will inform the revised TRMP.
38. Any additional content would be aligned with these documents and national direction.

RISKS - NGĀ TŪRARU

39. **Timeframes:** As with the proposed urban plan change, the timing to include targeted changes to the Operative RPS provisions of the TRMP to address the gap in urban growth management, in the urban plan change remains very constrained. There are several statutory steps that are required under the RMA to enable the plan change to be completed and notified in line with the desired date. To mitigate this Council has procured consultancy support to help prepare the plan content and assist with some GIS aspects.

40. **Public perception:** RMA plan making can be complex and difficult to understand and communicate clearly and concisely. Including a targeted change to the Operative RPS provisions of the TRMP, in the urban plan change, will add to this complexity, however, the team will work with communication and engagement staff and specialists to mitigate this risk.
41. **Changes to legislation and national direction:** There are potential risks around uncertainty with the replacement of the Resource Management Act and new and amended national direction, policy direction is being monitored by the Council.

NEXT STEPS - NGĀ MAHI E WHAI AKE

Date	Action/Milestone	Comments
Mid Feb 2025 (date TBC)	Workshop on draft urban plan change content.	To provide further information on the final draft for discussion.
13 March 2025	Present drafts of the urban plan change. Including proposed changes to the Operative RPS, to the TRMP Committee for approval to send the draft to Treaty Partners for comment.	The draft urban plan change will be final draft to then progress through the next steps needed in advance of notifying in June 2025.
13 March 2025 (only if Mid-Feb Workshop does not occur)	TRMP Committee Workshop on draft urban plan change content.	The draft urban plan change will be final draft for the TRMP Committee to discuss and workshop, to then progress through the next steps needed in advance of notifying in June 2025.
20 March 2025	Present drafts of the urban plan change to Council, for approval to send the draft to Treaty Partners for comment.	Given the timing of the TRMP Committee meeting, this report will include the draft version presented and workshopped with the TRMP Committee on 13 March. The intention would be to include a table identifying the changes made to that draft, responding to the direction provided by the TRMP Committee.
April 2025	Early draft to Treaty Partners. Potential refinements to plan change and s32 report.	Following detailed legal review.
June 2025	Plan change notification decision by Council	Formal RMA notification process begins.
Late 2025 onwards	Hearings and Appeals.	Depending on submissions and feedback likely to run into 2026.

Title: 25-6 Update of Financial Delegation to Chief Executive
Section: Internal Partnerships & Protection
Prepared by: Jacinta Bowe – Legal Manager
Meeting Date: 30 January 2025

Legal: No

Financial: No

Significance: **Low**

Report to COUNCIL/TE KAUNIHERA for decision

PURPOSE - TE TAKE

The purpose of this report is to confirm the Chief Executive is authorised to commit the Council to expenditure associated with arrangements and agreements relating to land.

SUMMARY - HE WHAKARĀPOPOTOTANGA

The existing instrument of financial delegation to the Chief Executive appears to limit the Chief Executive's ability to enter into operational transactions relating to land that would otherwise fall within the scope of the Chief Executive's authority.

An update to the existing delegation is proposed to ensure that the Chief Executive can enter into transactions relating to land that would otherwise fall within the scope of the Chief Executive's authorised expenditure and statutory delegation. This will improve efficiency in the Council's operations.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Council/Te Kaunihera:

- 1. Agrees to make the delegations and revocations specified in the Instrument of Delegation in Attachment 1 to this report.**
- 2. Agrees the Mayor can sign the Instruments of Delegation in Attachment 1 to this report to confirm the delegations have been made.**

Authorised by:

James Baty - Director Internal Partnerships & Protection

Keywords: Council, Instrument of delegation, revocation, financial, authorised expenditure, statutory delegation

BACKGROUND - HE WHAKAMĀRAMA

1. Council delegates authority to the Chief Executive and staff to enable administrative efficiency and ensure timeliness in the conduct of Council's daily business activities.
2. A financial delegation is intended to address limits on the amount of expenditure from an operational perspective. The existing Instrument of Financial Delegation to the Chief Executive notes "compliance with the limits of this financial authority is not intended as a legal condition or limitation in the scope of any statutory powers delegated."
3. The Council's existing statutory delegations provides the Chief Executive with legal authority to enter into transactions relating to land.
4. The existing Instrument of Financial Delegation relates only to "all arrangements and contracts for the supply of goods, services, plant and labour". There is no express record that the Council expects the Chief Executive to be able to commit the Council to expenditure in relation to land.

DISCUSSION and OPTIONS - WHAKAWHITINGA KŌRERO me ngā KŌWHIRINGA

5. The proposed Instrument of Financial Delegation is more general in its wording compared to the existing delegation. A tracked change version of the proposed Instrument of Financial delegation is included as Attachment 2 for comparative reference.
6. By agreeing to the proposed Instrument, Council will be clarifying the expectations of the Council's Chief Executive and ensuring efficiency in the Council's transactions relating to land. Such transactions include leases, licences, easements, and purchases.

ASSESSMENT of SIGNIFICANCE - AROTAKENGA o NGĀ HIRANGA

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation

This Report: **Low** Significance

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

This Report: **Low** Significance

Inconsistency with Council's current strategy and policy

This Report: **Low** Significance

The effects on all or a large part of the Gisborne district

This Report: **Low** Significance

The effects on individuals or specific communities

This Report: **Low** Significance

The level or history of public interest in the matter or issue

This Report: **Low** Significance

7. The decisions or matters in this report are considered to be of **Low** significance in accordance with Council's Significance and Engagement Policy.
8. Delegations are an internal operational matter.

TREATY COMPASS ANALYSIS

9. The delegations proposed in this report will ensure that the Council is able to be responsive in its dealings with tangata whenua in relation to land. This report acknowledges each article of the Treaty—Kāwanatanga, Rangatiratanga, Oritetanga, and Whakapono—and supports a case-by-case analysis of how these principles apply to the delegations conferred on the Chief Executive. This approach ensures that the Council remains committed to upholding the Treaty principles in its operations and decision-making processes.

TANGATA WHENUA/MĀORI ENGAGEMENT - TŪTAKITANGA TANGATA WHENUA

10. As this is an operational matter, no engagement with tangata whenua is required.

COMMUNITY ENGAGEMENT - TŪTAKITANGA HAPORI

11. No community engagement is required.

CLIMATE CHANGE – Impacts / Implications - NGĀ REREKĒTANGA ĀHUARANGI – ngā whakaaweawe / ngā ritenga

12. There are no impact or implications relating to climate change.

CONSIDERATIONS - HEI WHAKAARO

Financial/Budget

13. There are no financial or budget implications.

Legal

14. Council has the power to delegate authority under clause 32 of Schedule 7 of the Local Government Act 2002.
15. The Council's existing general delegation to the Chief Executive includes the ability to enter into transactions relating to land, where such transactions are not contrary to the Long Term Plan (or Three Year Plan). This is because the Council has delegated to the Chief Executive "all responsibilities, functions and powers to act on any matter, excluding those matters in respect of which delegation is prohibited by legislation." ([Instrument of Delegation](#) dated 10 August 2023). The only relevant legislative prohibition on delegation in relation to land transactions is a prohibition on the power to purchase or dispose of assets "other than in accordance with the long-term plan."
16. The Chief Executive does not need an express financial delegation to enter into legally enforceable agreements relating to land on behalf of the Council.

POLICY and PLANNING IMPLICATIONS - KAUPAPA HERE me ngā RITENGA WHAKAMAHERE

17. The proposed Instrument of Delegation would better align the Council's Instrument of Financial Delegation with its General Delegation to the Chief Executive.

RISKS - NGĀ TŪRARU

18. There are no major risks associated with the decisions or matters.
19. If the Council decides not to agree to the proposed delegation, it may result in efficiencies and delays in the Council's business, as operational matters will need Council approval.

ATTACHMENTS - NGĀ TĀPIRITANGA

1. Attachment 1 - January 2025 Report Instrument of Financial Delegation [**25-6.1** - 2 pages]
2. Attachment 2 - Council Report Jan 2025 Instrument of Financial Delegation with Tracked Changes [**25-6.2** - 2 pages]

Instrument of Financial Delegation

Delegation to Chief Executive

By resolution at a meeting on 30 January 2025 the Gisborne District Council:

1. Authorised its Chief Executive to commit the Council to all arrangements and contracts (including the execution, variation and termination of all related documents), aside from those required by legislation to be signed by elected representatives, to enable the—
 - 1.1 implementation of decisions made by the Council, its committees and any further subordinate decision making bodies:
 - 1.2 receipt and implementation of funding received from any other source (including Crown funding):
 - 1.3 management of capital expenditure and operations and maintenance expenditure, up to the limits approved in the relevant Annual Plan or Long Term Plan:
 - 1.4 management of expenditure not included in the Annual Plan or Long Term Plan or authorised in accordance with paragraph 1.1 or 1.2 above—
 - 1.4.1 in relation to necessary infrastructure in **urgent circumstances** (see paragraph 4), without limitation on the amount of expenditure:
 - 1.4.2 in any circumstances, for any purpose, up to a maximum of \$150,000 (GST exclusive) per item.
2. Authorised its Chief Executive to exercise any financial delegations held by other Council officers, including those set out in any relevant council policies.
3. Revoked all previous financial delegations to its Chief Executive.
4. **Urgent circumstances** in paragraph 1.4.1 above includes—
 - (a) circumstances following the declaration of a state of emergency under the Civil Defence Emergency Management Act 2002; and
 - (b) any other circumstances where it is not reasonably practicable to obtain prior authorisation for the expenditure under paragraphs 1.1 to 1.3.

General Terms and Limitations

- **Maximum daily limit:** Expenditure is limited to \$30,000,000 on any one day.
- **Compliance with laws, policies and procedures:** Expenditure must be undertaken in accordance with relevant Council policies and procedures and all applicable laws.
- **Council to be informed:** For expenditure undertaken under paragraph 1.4.1 of this Instrument (urgent circumstances), Council expects the Chief Executive to inform Council of the expenditure as soon as reasonably practicable.

- **Acting:** During periods in which the Chief Executive is absent, the authority in this Instrument extends to any officer who the Council has appointed as an Acting Chief Executive, or to whom the Chief Executive has temporarily delegated all statutory functions and powers.
- **Relationship with statutory delegations:** Compliance with the limits of this financial authority is not intended as a legal condition or limitation in the scope of any statutory powers delegated.

Council resolution confirmed by:

Rehette Stoltz, **Mayor**

Date:

Instrument of Financial Delegation

Delegation to Chief Executive

By resolution at a meeting on ~~30 January 2023~~2025 the Gisborne District Council:

1. Authorised its Chief Executive to commit the Council to all arrangements and contracts ~~for the supply of goods, services, plant and labour,~~ (including ~~the~~ execution, variation and termination of all any such documents), ~~agreements and contracts~~ aside from those required by legislation to be signed by elected representatives, to enable the—
 - 1.1 implementation of decisions made by the Council, its committees and any further subordinate decision making bodies:
 - 1.2 receipt and implementation of funding received from any other source (including Crown funding):
 - 1.3 management of capital expenditure and operations and maintenance expenditure, up to the limits approved in the relevant Annual Plan or Long Term Plan:
 - 1.4 management of expenditure not included in the Annual Plan or Long Term Plan or authorised in accordance with paragraph 1.1 or 1.2 above—
 - 1.4.1 in relation to necessary infrastructure in **urgent circumstances** (see paragraph 4), without limitation on the amount of expenditure:
 - 1.4.2 in any circumstances, for any purpose, up to a maximum of \$150,000 (GST exclusive) per item.
2. Authorised its Chief Executive to exercise any financial delegations held by other Council officers, including those set out in any relevant council policies.
3. Revoked all previous financial delegations to its Chief Executive.
4. **Urgent circumstances** in paragraph 1.4.1 above includes—
 - (a) circumstances following the declaration of a state of emergency under the Civil Defence Emergency Management Act 2002; and
 - (b) any other circumstances where it is not reasonably practicable to obtain prior authorisation for the expenditure under paragraphs 1.1 to 1.3.

General Terms and Limitations

- **Maximum daily limit:** Expenditure is limited to \$30,000,000 on any one day.
- **Compliance with laws, policies and procedures:** Expenditure must be undertaken in accordance with relevant Council policies and procedures and all applicable laws.
- **Council to be informed:** For expenditure undertaken under paragraph 1.4.1 of this Instrument (urgent circumstances), Council expects the Chief Executive to inform Council of the expenditure as soon as reasonably practicable.
- **Acting:** During periods in which the Chief Executive is absent, the authority in this Instrument extends to any officer who the Council has appointed as an Acting Chief

Executive, or to whom the Chief Executive has temporarily delegated all statutory functions and powers.

- **Relationship with statutory delegations:** Compliance with the limits of this financial authority is not intended as a legal condition or limitation in the scope of any statutory powers delegated.

Council resolution confirmed by:

Rehette Stoltz, **Mayor**

Date:

11. Public Excluded Business

RESOLUTION TO EXCLUDE THE PUBLIC

Section 48, LOCAL GOVERNMENT OFFICIAL INFORMATION and MEETINGS ACT 1987

That:

1. The public be excluded from the following part of the proceedings of this meeting, namely:

Confirmation of Confidential Minutes

Item 4.1 Confirmation of Confidential Minutes 12 December 2024

Public Excluded Business

Item 11.1 25-12 Gisborne Holdings Limited Update.

2. This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information & Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole of the relevant part of the proceedings of the meeting in public are as follows:

	7(2)(a)	Protect the privacy of natural persons, including that of deceased natural persons.
Item 4.1	7(2)(i)	Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).
Item 11.1	7(2)(h)	Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities.