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## **NOTICE OF MEETING**

**Notice is hereby given of the Meeting of the  
Infrastructure and Services Committee  
to be held in the Council Chamber,  
First Floor, Civic Administration Building,  
101 Esk Street, Invercargill on  
Monday 18 September 2017 at 4.00 pm**

His Worship the Mayor Mr T R Shadbolt JP  
Cr L S Thomas (Chair)  
Cr I R Pottinger (Deputy Chair)  
Cr A J Arnold  
Cr K F Arnold  
Cr A H Crackett  
Cr I L Esler

EIRWEN HARRIS MITCHELL  
MANAGER, SECRETARIAL SERVICES

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6. <b>PUBLIC EXCLUDED SESSION</b>	
Moved, seconded that the public be excluded from the following parts of the proceedings of this meeting; namely	
(a) <i>Report of the Director of Works and Services</i>	

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1)(d) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under Section 48(1) for the passing of this resolution</b>
(a) Contract 742 – Mersey Street Foulsewer Renewal	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 7(2)(i)
Contract 770 – Clifton Wastewater Treatment Plant Tanker Waste Reception Equipment	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 7(2)(i)
Contract 785 – Clifton Waste Water Treatment Plant Civil and Mechanical Enabling Works	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 7(2)(i)
Contract 819 – Supply of Liquefied Chlorine Gas	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 7(2)(i)

Contract 816 – Lime and Nichol Street Water Main Renewal 2016/2017	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 7(2)(i)
Southland Road Safety Influencing Group	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 7(2)(i)

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**TO: INFRASTRUCTURE AND SERVICES COMMITTEE**  
**FROM: DIRECTOR OF FINANCE AND CORPORATE SERVICES**  
**MEETING DATE: MONDAY 18 SEPTEMBER 2017**

<b>INFRASTRUCTURE BYLAW REVIEWS</b>
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**Report Prepared by:** Anna Goble, Policy Analyst

**SUMMARY**

Council is required to review their Bylaws as provided for under the Local Government Act 2002. This report recommends that the Bylaws are reviewed and the attached Bylaws ( <b>Appendix One, Appendix Two and Appendix Three</b> ) are adopted by Council for consultation.
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**RECOMMENDATIONS**

That this report be received;

**AND THAT**

Council determine that in accordance with Section 155 of the Local Government Act, a review of the Invercargill City Council Bylaw 2008/6 – Water Supply is the most appropriate method of addressing the perceived problem through enforcing Council’s rules with respect to the sale and supply of reticulated water, and enables Council to impose penalties for non-compliance within the Invercargill City District;

**AND THAT**

Council determine that in accordance with Section 155 of the Local Government Act, a review of the Invercargill City Council Bylaw 2008/3 – Cemeteries and Crematorium is the most appropriate way of addressing the issue of controlling cemeteries within the Invercargill City District;

**AND THAT**

Council determine that in accordance with Section 155 of the Local Government Act, a review of the Invercargill City Council Bylaw 2012/1 – Urupa (Maori Burial Site) Te Hau Mutunga is the most appropriate form of providing for the operation of the Urupa and providing certainty to local Maori, enabling cultural practices to be carried out within the Invercargill City District;

**AND THAT**

Council undertake consultation on these Bylaws.

## IMPLICATIONS

1.	<i>Has this been provided for in the Long Term Plan/Annual Plan?</i> Yes.
2.	<i>Is a budget amendment required?</i> No.
3.	<i>Is this matter significant in terms of Council's Policy on Significance?</i> No.
4.	<i>Implications in terms of other Council Strategic Documents or Council Policy?</i> Will create new versions of the existing Bylaws, with updated review dates.
5.	<i>Have the views of affected or interested persons been obtained and is any further public consultation required?</i> No – consultation will be undertaken following Council's resolution to review the Bylaws.
6.	<i>Has the Child, Youth and Family Friendly Policy been considered?</i> Yes.

## FINANCIAL IMPLICATIONS

No financial implications arise from this report.

## WATER SUPPLY BYLAW

The Local Government Act requires that all Bylaws are reviewed regularly to both ensure compliance with legislative changes as well as ensure that if there are issues experienced by the public in relation to the Bylaw they are able to have their say on this.

Council staff recommend that minimal changes would be required to the existing Bylaw.

At **Appendix One** is the Bylaw that is recommended Council adopt for consultation.

## REVIEW OF WATER SUPPLY BYLAW

To begin a review of the Bylaw, Council must make the determinations required by Section 155 of the Local Government Act 2002. This section requires Council to consider whether a Bylaw is the most appropriate method of addressing the perceived problem, as well as the implications of any Bylaw under the New Zealand Bill of Rights Act 1990.

### What is the perceived problem to be addressed?

Council needs to be able to regulate the terms and conditions for the sale and supply of water through its reticulation network. It also needs to be able to impose restrictions on the supply of water and address breaches where these occur.

**Is a Bylaw the most appropriate method of addressing the perceived problem?**

The use of a Bylaw has been the traditional method of enforcing Council's rules with respect to the sale and supply of reticulated water. Research indicates that most local authorities have a Water Bylaw and there is commonality in content, which is further assisted by a model New Zealand Standard for Water Supply. A Bylaw also enables a Council to impose penalties for non-compliance with the Bylaw.

**What are the implications under the New Zealand Bill of Rights Act 1990?**

Council needs to be satisfied that the proposed Bylaw will not be inconsistent with this Act, that is, it imposes reasonable limits that can be reasonably justified in a free and democratic society. Case law suggests that permanent prohibition of certain activities that the community may wish to undertake may impose unreasonable limits, for example permanent prohibition on the watering of gardens rather than restricting watering only in periods of drought. Being able to regulate allows Council to make provision for the continual supply of water within the reticulated parts of the district even during periods of high demand. People also have an expectation that local authorities will control water use within their district to ensure that there is sufficient supply for fire fighting and household consumption.

**CEMETERIES AND CREMATORIUM BYLAW**

The Local Government Act requires that all Bylaws are reviewed regularly to both ensure compliance with legislative changes as well as ensure that if there are issues experienced by the public in relation to the Bylaw they are able to have their say on this.

Council staff recommend that minimal changes would be required to the existing Bylaw.

At **Appendix Two** is the Bylaw that is recommended Council adopt for consultation.

**REVIEW OF CEMETERIES AND CREMATORIUM BYLAW**

To begin a review of the Bylaw, Council must make the determinations required by Section 155 of the Local Government Act 2002. This section requires Council to consider whether a Bylaw is the most appropriate method of addressing the perceived problem, as well as the implications of any Bylaw under the New Zealand Bill of Rights Act 1990.

**What is the perceived problem to be addressed?**

Council needs to be able to regulate the operation of its cemeteries and crematorium. The Burial and Cremation Act 1964 expressly provides for a local authority to make Bylaws to control cemeteries. Section 16 of that Act states that:

*A local authority may in respect of any cemetery, or, so far as is applicable, any closed cemetery under its control, make bylaws for all or any of the following purposes:*

- (a) Maintaining, preserving, and embellishing the cemetery or closed cemetery:*
- (b) Directing the positions of all graves and vaults in the cemetery, the depths of the graves, and the construction of coffins to be admitted into vaults, and the covering of vaults so as to prevent the escape of any noxious exhalation in the cemetery:*
- (c) Protecting buildings, monuments, lawns, shrubberies, plantations, and enclosures in the cemetery or closed cemetery from destruction or damage:*

- (d) *Prohibiting the burial in any grave of more than one body or prescribing conditions subject to which more than one body may be buried in any grave:*
- (e) *Controlling or restricting the times at which or between which burials may be carried out:*
- (f) *Regulating the burial in the cemetery of the ashes of the dead:*
- (g) *Subject to section 51 of this Act, regulating and restricting the disinterment and removal of bodies:*
- (h) *Fixing a scale of fees payable in respect of any grave or vault dug or made, and any monument or tablet erected or placed, in the cemetery, and in respect of any agreements to maintain graves:*
- (i) *Prescribing fines for the breach of any such bylaw not exceeding [\$100] in any case, and, where the breach is a continuing one, not exceeding [\$10] for every day or part of a day during which the breach has continued:*
- (j) *Any of the matters referred to in section 9 or in paragraphs (a), (b), (c), or (e) of section 59 of this Act.*

**Is a Bylaw the most appropriate method of addressing the perceived problem?**

The Burial and Cremation Act 1964 anticipates Councils adopting Bylaws to control activities within cemeteries. The direction provided in the Act indicates that a Bylaw is indeed the most appropriate form of regulation open to territorial authorities for the control of cemeteries.

**What are the implications under the New Zealand Bill of Rights Act 1990?**

Council needs to be satisfied that the proposed Cemeteries and Crematorium Bylaw will not be inconsistent with this Act, that is, it imposes reasonable limits that can be reasonably justified in a free and democratic society. Case law suggests that permanent prohibition of certain activities that the community may wish to undertake may impose unreasonable limits, for example not being able to erect headstones. Being able to regulate allows Council to make provision for families to erect headstones and memorials within specified limits. People also have an expectation that local authorities will control cemeteries within the district so that long term maintenance is minimised.

**URUPA (MAORI BURIAL SITE) TE HAU MUTUNGA BYLAW**

The Local Government Act requires that all Bylaws are reviewed regularly to both ensure compliance with legislative changes as well as ensure that if there are issues experienced by the public in relation to the Bylaw they are able to have their say on this.

Council staff recommend that minimal changes would be required to the existing Bylaw.

At **Appendix Three** is the Bylaw that is recommended Council adopt for consultation.

**REVIEW OF URUPA (MAORI BURIAL SITE) TE HAU MUTUNGA BYLAW**

To begin a review of the Bylaw, Council must make the determinations required by Section 155 of the Local Government Act 2002. This section requires Council to consider whether a Bylaw is the most appropriate method of addressing the perceived problem, as well as the implications of any Bylaw under the New Zealand Bill of Rights Act 1990.

### **What is the perceived problem to be addressed?**

The primary purpose of the Bylaw is to enable Council to manage, regulate, protect, maintain and preserve the Urupa Te Hau Mutunga Cemetery at 118 Mason Road, Invercargill. Council needs to be able to regulate the operation of its cemeteries and crematorium. The Burial and Cremation Act 1964 expressly provides for a local authority to make Bylaws to control cemeteries. *Refer to Section 16 of that Act (as cited above in Cemeteries Bylaw).*

### **Is a Bylaw the most appropriate method of addressing the perceived problem?**

The Burial and Cremation Act 1964 anticipates Councils adopting Bylaws to control activities within cemeteries. The direction provided in the Act indicates that a Bylaw is the most appropriate form of regulation open to territorial authorities for the control of cemeteries.

A bylaw will promote the social and cultural wellbeing of the community by providing for the operation of the Urupa prior to the land transfer being completed. For many years local Maori deceased have been buried at Eastern Cemetery. Provision of the Urupa will provide certainty to local Maori, enabling cultural practices to be carried out where they have not always been compatible with the conventional management norms applied to municipally managed cemeteries.

### **What are the implications under the New Zealand Bill of Rights Act 1990?**

Council is satisfied that the proposed Cemeteries and Crematorium Bylaw will not be inconsistent with this Act, that is, it imposes reasonable limits that can be reasonably justified in a free and democratic society. Case law suggests that permanent prohibition of certain activities that the community may wish to undertake may impose unreasonable limits, for example not being able to erect headstones. Being able to regulate allows Council to make provision for whanau to erect headstones and memorials within specified limits. People also have an expectation that local authorities will control cemeteries within the district so that long term maintenance is minimised.

### **WHERE TO FROM HERE?**

Should Council determine that these Bylaws are the most appropriate method to address the issues, Statements of Proposal incorporating Amendments to these Bylaws have been developed for Council's consideration (**Appendix 4**). A local authority must use the Special Consultative Procedure per Section 83 of the Local Government Act 2002 in making a Bylaw(s), where it considers there is a likely to be significant impact on the public due to the proposed changes to the Bylaw(s). The suggested consultation timetable is as follows:

- 26 September 2017 Council approve reviews for public consultation
- 27 September 2017 Public consultation adverts in newspaper/online
- 27 October 2017 Submissions close
- 7 November 2017 Hearings
- 21 November 2017 Extraordinary Council for adoption of reviewed Bylaws (unless there are no hearings, at which time this could be done at an earlier meeting).

**CONCLUSION**

A review of the aforementioned bylaws are the most appropriate means to ensure Council is compliant in their obligations under the Local Government Act 2002. This also provides the community with the opportunity to have their say on how they believe the Bylaws have been working.

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# **Invercargill City Council**

## **Bylaw 2008/6 – Water Supply**

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1. TITLE

A Bylaw of the Invercargill City Council by way of Special Order pursuant to the provisions of the Local Government Act 2002 and all other Acts, powers and authorities enabling it in that behalf to make a Bylaw to be known as the Invercargill City Council Bylaw 2008/6 – Water Supply.

2. COMMENCEMENT

This Bylaw shall come into force on 1 July 2008.

3. APPLICATION OF BYLAW

This Bylaw shall apply to the Invercargill City Council.

4. SCOPE

This Bylaw is made under the authority of the Local Government Act 2002 for the supply of water to its customers by the Water Supply Authority (WSA). The supply and sale of water by the WSA is subject to:

(a) Statutory Acts and Regulations

- (i) Building Act 2004.
- (ii) Fire Service Act 1975.
- (iii) Health (Drinking Water) Amendment Act 2007.
- (iv) Local Government Act 2002.
- (v) Local Government (Rating) Act 2002.
- (vi) Resource Management Act 1991.

(b) Relevant Codes and Standards

- (i) Drinking Water Standards for New Zealand 2005. (Revised 2008)
- (ii) BS EN 14154-3:2005 Water meters. Test methods and equipment.
- (iii) SNZ PAS 4509:2008 New Zealand Fire Service fire fighting water supplies code of practice.
- (iv) Water New Zealand Good Practice Guide: Water metering of Customers on Reticulated Supplies
- (v) Water New Zealand Boundary Backflow Prevention for Drinking Water Supplies 2012
- (vi) Invercargill City Council Code of Practice for Land Development

5. INTERPRETATION

When interpreting this Bylaw use the definitions set out in Section 6 unless the context requires otherwise. If you see a reference to a repealed enactment read that as a reference to its replacement.

For the purpose of this Bylaw, the word “shall” refers to practices that are mandatory for compliance with this Bylaw, while the word “should” refers to practices that are advised or recommended.

## 6. DEFINITIONS

For the purpose of this Bylaw, unless inconsistent with the context, the following definitions apply:

**Approved** means approved in writing by the WSA, either by resolution of the Council or by any Authorised Officer of the WSA.

**Backflow** means the unplanned reversal of flow of water or mixtures of water and contaminants into the water supply system.

**Connection Box or “Meter Box”** means the service valve, meter (when fitted) and associated fittings installed and maintained by Council on the service pipe.

**Council** means the Invercargill Council or any officer authorised to exercise the authority of the Council.

**Customer** means a person who uses, or has obtained the right to use or direct the manner of use of, water supplied by the WSA.

**Detector check valve** means a check (non-return) valve which has a positive closing pressure and a metered bypass to measure flows typically associated with leakage or unauthorised use on a dedicated fire supply.

**Extraordinary supply** means a category of on demand supply including all purposes for which water is supplied other than ordinary supply and which may be subject to specific conditions and limitations.

**Fees and charges** means the list of items, terms, and prices for services associated with the supply of water as adopted by the Council in accordance with the LGA 2002 and the Local Government (Rating) Act 2002.

**Level of service** means the measurable performance standards on which the WSA undertakes to supply water to its customers.

**On demand supply** means a supply which is available on demand directly from the point of supply subject to the agreed level of service.

**Ordinary supply** means a category of on demand supply used solely for domestic purposes.

**Person** means a natural person, corporation sole or a body of persons whether corporate or otherwise.

**Point of supply** means the point where the responsibility for ownership and maintenance of the service pipe passes from Council to customer. Where the connection box is on public land, the point of supply is where the service pipe crosses the property boundary. When the connection box is on private land:

- For connections off the Branhholme and Bluff supply mains, the point of supply is at the meter, or if none is fitted, the service valve.
- For connections off the urban distribution system, the point of supply is where the service pipe crosses the street property boundary.

**Potable** means as defined in section 69G of the Health Act 1956 [*and amended by the Health (Drinking Water) Amendment Act 2007*].

**Premises** means to include the following:

- (a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; or
- (b) A building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or
- (c) Land held in public ownership (e.g. reserve) for a particular purpose.

**Public notice** means as defined in the Local Government Act 2002.

**Restricted flow supply** means a type of water supply connection where a small flow is supplied through a flow control device, and storage is provided by the customer to cater for the customer's demand fluctuations.

**Restrictor** means a flow control device fitted to the service pipe to limit the flow rate of water to a customer's premises.

**Roading authority** means a territorial authority or Transit New Zealand.

**Service pipe** means the section of water pipe between a water main and the point of supply.

**Service valve (Toby)** means the valve at the customer end of the service pipe.

**Storage tank** means any tank having a free water surface.

**Supply pipe** means the section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises.

**Water supply authority (WSA)** means the operational unit of the Council responsible for the supply of water.

**Water supply system** means all those components of the network between the point of abstraction from the natural environment and the point of supply. This includes but is not limited to: wells, infiltration galleries, intake structures, open raw water storage ponds/lakes, falling mains, treatment plants, treated water reservoirs, trunk mains, service mains, rider mains, pump stations and pumps, valves, hydrants, scour lines, service pipes, boundary assemblies, meters, backflow prevention devices and tobies.

**Water unit** means the basis of measurement for a restricted flow supply and equal to a volume of 365 m<sup>3</sup> delivered at the rate of 1 m<sup>3</sup> per day.

## 7. PROTECTION OF WATER SUPPLY

### 7.1 Water supply system

#### 7.1.1 Access to system

No person other than the WSA and its authorised agents shall have access to any part of the water supply system, except to connect to the point of supply, subject to 8.1, and to operate the service valve.

7.1.2 *No person to connect to, or interfere with a water supply system*

Except as set out in 7.1.1, 7.1.3 and 7.1.4, no person shall make any connection to, or otherwise interfere with, any part of the water supply system.

7.1.3 *Fire hydrants*

Only the attending Fire Service/s shall gain access to, and draw water from fire hydrants for the purpose of fighting fires, training, and testing.

7.1.4 *Other uses*

The right to gain access to, and draw water from the water supply for uses other than firefighting (for example, flow testing or pipe flushing) shall be restricted to:

- (a) The WSA or its agents;
- (b) Permit holders, being those persons who after having submitted an application to the WSA are subsequently approved to draw water from fire hydrants or tanker filling points. Such permits shall be valid only so long as the permit holder complies with the conditions endorsed on the permit. Without prejudice to other remedies available, the WSA may remove and hold any equipment used by an offender to gain access to, or draw water from a fire hydrant, and assess and recover the value of water drawn without authorisation and any other associated costs.

7.1.5 *Working around buried services*

The WSA shall keep accurate permanent records ('as-builts') of the location of its buried services. This information shall be available for inspection at no cost to users. Charges may be levied to cover the costs of providing copies of this information.

Any damage which occurs to a WSA service shall be reported to the WSA immediately. The person causing the damage shall reimburse the WSA with all costs associated with repairing the damaged service, and any other costs the WSA incurs as a result of the incident.

**8. CONDITIONS OF SUPPLY**

**8.1 Application for Supply**

8.1.1 *Initial application*

Every application for a supply of water shall be made in writing on the standard WSA form accompanied by the prescribed charges. The applicant shall provide all the details required by the WSA.

On receipt of an application the WSA shall, after consideration of the matters in 8.4 and 8.5, either:

- (a) Approve the application and inform the applicant of the type of supply, the level of service, the size of the connection and any particular conditions applicable; or

- (b) Refuse the application and notify the applicant of the decision giving the reasons for refusal.

For the agreed level of service to the applicant, the WSA should determine the sizes of all pipes, fittings and any other equipment, up to the point of supply. The WSA shall supply and install the service pipe up to the point of supply at the applicant's cost or may allow the supply and installation of the service pipe to be carried out by approved contractors.

The applicant shall have the authority to act on behalf of the owner of the premises for which the supply is sought, and shall produce written evidence of this if required.

An approved application for supply which has not been actioned within six months of the date of application will lapse unless a time extension has been approved. Any refund of fees and charges shall be at the discretion of the WSA.

#### 8.1.2 *Change of use*

Where a customer seeks a change in the level of service or end use of water supplied to premises, and/or the supply changes from an ordinary to an extraordinary type (see 8.4) or vice versa, a new application for supply shall be submitted by the customer.

#### 8.1.3 *Prescribed charges*

Charges applicable at the time of connection may include:

- (a) Payment to the WSA for the cost of the physical works required to provide the connection;
- (b) A development contribution charge determined in accordance with the Local Government Act 2002;
- (c) A financial contribution charge determined in accordance with the Resource Management Act 1991.

### 8.2 **Point of supply**

#### 8.2.1 *Responsibility for maintenance*

The WSA shall own and maintain the service pipe and fittings up to the point of supply. The customer shall own and maintain the supply pipe beyond the point of supply.

#### 8.2.2 *Single ownership*

For individual customers the point of supply, unless otherwise specified, shall be where the service pipe enters the premises at its street frontage or defined right of way to street frontage. Other positions shall require specific approval.

For each individual customer there shall be only one point of supply, unless otherwise approved.

#### 8.2.3 *Multiple ownership*

For the different forms of multiple ownership of premises and/or land as described below:

- (a) For Company Share/Block Scheme (Body Corporate) – as for single ownership;
- (b) For Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, Unit Title (Body Corporate) and any other form of multiple ownership – as for single ownership. They shall be treated collectively as one customer with one point of supply, unless otherwise proved.

### 8.3 Access

#### 8.3.1 *Rights of access*

Where a meter is on private property the customer shall allow the WSA access between 7.30 am and 6.00 pm on any day.

Outside these hours (such as for night time leak detection) the WSA shall give notice to the customer.

Where access is not made available for any of the above times and a return visit is required by the WSA, a rate may be charged as for 'Meter reading by appointment'.

Under emergency conditions the customer shall allow the WSA free access to, and about the meter at any hour.

#### 8.3.2 *Maintenance of access*

The customer shall maintain the area in and around the point of supply meter keeping it free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access.

### 8.4 Types of supply

#### 8.4.1 *General*

Connections to WSA water supply system shall be granted according to "Connecting to Water Supply Statement of City Policy" adopted 17 September 1990.

Supplies shall be classified as either 'on demand' or 'restricted flow' and the use of water from the supply shall be either 'ordinary' or 'extraordinary'.

#### 8.4.2 *On demand supply*

Every premises shall be entitled to an ordinary supply of water subject to the following conditions:

- (a) The exclusion of its use for garden watering under any restrictions made by the WSA under 8.7.3;
- (b) Payment of the appropriate charges in respect of that property;
- (c) Any other charges or costs associated with subdivisional development; and
- (d) Any other relevant conditions in section 8 of this Bylaw.

The WSA shall be under no obligation to provide an extraordinary supply of water (see also the provisions of 8.7 and 8.9.2).

#### 8.4.3 *Restricted flow supply*

Restricted flow supply shall be available to premises within a designated area only, or under special conditions set by the WSA.

The water supply shall be restricted so as to deliver the agreed number of water units at a steady flow rate.

The WSA shall charge for the restricted flow supply by either:

- (a) The volume passing through a meter; or
- (b) The agreed number of water units.

#### 8.4.4 *Ordinary use*

Ordinary use is for domestic purposes (which may include use in a fire sprinkler system to NZS 4517) and shall include:

- (a) Washing down a car, boat, or similar;
- (b) Garden watering by hand;
- (c) Garden watering by a portable sprinkler (subject to the provisions of 8.7.3);

#### 8.4.5 *Extraordinary use*

Extraordinary use includes:

- (a) Domestic – spa or swimming pool, fixed garden irrigation systems,
- (b) Commercial and business;
- (c) Industrial;
- (d) Agricultural;
- (e) Horticultural;
- (f) Viticultural;
- (g) Lifestyle blocks (peri-urban or small rural residential);
- (h) Fire protection systems other than sprinkler systems installed to comply with NZS 4517;
- (i) Out of district (supply to, or within another local authority);
- (j) Temporary supply.

### 8.5 **Metering**

Currently the Invercargill City Council does not universally meter all water supplies and so:

An ordinary use of water shall not normally be metered (subject to the WSA reserving the right to fit a meter and charge where it considers water use is excessive, or for a meter to be fitted at the customer's request), and the cost of such use shall be as prescribed in the Local Government (Rating) Act 2002, sections 9, 15 to 19, and sections 101 to 103.

An extraordinary use shall normally be metered and charged for in accordance with 8.15. Where the extraordinary use is for fire protection only, this supply shall not normally be metered.

If Invercargill City Council does adopt a policy to universally meter all supplies then:

Both ordinary and extraordinary use of water shall normally be metered and levied as rates, as prescribed in the Local Government (Rating) Act 2002, sections 9, 15 to 19, and sections 101 to 103.

**8.6 Level of service**

The WSA shall provide water in accordance with the level of service contained in the Long Term Council Community Plan. For those periods where the level of service allows noncompliance with the specified value(s), the WSA should make every reasonable attempt to achieve the specified value(s).

**8.7 Continuity of supply**

*8.7.1 Supply*

Due to practical and physical limitations the WSA cannot guarantee an uninterrupted or constant supply of water in all circumstances, or the continuous maintenance of any particular pressure, but shall do its best to meet the continuity of supply levels of 8.6, subject to the exemptions contained in 8.7.3 and 8.7.4.

Where works of a permanent or temporary nature are planned which will affect an existing supply, the WSA shall consult with, or inform or give notice to all known customers likely to be substantially affected.

*8.7.2 Uninterrupted service*

If a customer has a particular requirement for an uninterrupted level of service (flow, pressure, or quality), it shall be the responsibility of that customer to provide any storage, back-up facilities, or equipment necessary to provide that level of service.

*8.7.3 Demand management*

The customer shall comply with any restrictions (including garden watering) which may be approved by the WSA to manage high seasonal or other demands. Such restrictions shall be advised by public notice.

Even when such restrictions apply the WSA shall take all practicable steps to ensure that an adequate supply for domestic purposes is provided to each point of supply.

*8.7.4 Emergency restrictions*

During an emergency the WSA may restrict or prohibit the use of water for any specified purpose, for any specified period, and for any or all of its customers. Such restrictions shall be advised by public notice. The WSA may enact penalties over and above those contained in these conditions to enforce these restrictions. The decision to make and lift restrictions, and to enact additional penalties, shall be made by the Council, or where immediate action is required, by the manager of the WSA subject to subsequent Council ratification.

8.7.5 *Maintenance and repair*

Wherever practical the WSA shall make every reasonable attempt to notify the customer of a scheduled maintenance shutdown of the supply before the work commences. Where immediate action is required and notification is not practical, the WSA may shut down the supply without notice.

8.8 **Liability**

The WSA shall endeavour to meet the level of service requirements of 8.6, but shall not be liable for any loss, damage or inconvenience which the customer (or any person using the supply) may sustain as a result of deficiencies in, or interruptions to, the water supply. The WSA may, under certain circumstances and at its sole discretion, make payments for damage caused to equipment, appliances, processes, and materials as a direct result of a variation in the water supply, provided that any such equipment or appliances have been designed to cater for reasonable variations in the flow, pressure, and quality of the water supply.

8.9 **Fire protection connection**

8.9.1 *Connection application*

Any proposed connection for fire protection shall be the subject of a specific application (on the standard WSA form) made to the WSA for approval. Any such connection shall be subject to the conditions specified by the WSA.

8.9.2 *Design*

It shall be the customer's responsibility to ascertain in discussion with the WSA and monitor whether the supply available is adequate for the intended purpose.

8.9.3 *Fire protection connection metering*

Where the supply of water to any premises is metered the WSA may allow the supply of water for the purposes of firefighting to be made in a manner which bypasses the meter, provided that:

- (a) The drawing of water is possible only in connection with the sounding of an automatic fire alarm or the automatic notification of the fire brigade; or
- (b) A WSA approved detector check valve has been fitted on the meter bypass.

Any unmetered connection provided to supply water to a fire protection system shall not be used for any purpose other than firefighting and testing the fire protection system unless the fire protection system is installed in accordance with NZS 4517.

Where a fire connection has been installed or located so that it is likely or possible that water may be drawn from it by any person for purposes other than firefighting, the WSA may require the supply to be metered.

#### 8.9.4 *Fire hose reels*

Where the supply of water to any premises is metered, fire hose reels shall be connected only to the metered supply, not to the fire protection system. The water supply to fire hose reels shall comply with the requirements of NZS 4503.

#### 8.9.5 *Charges*

Water used for the purpose of extinguishing fires shall be supplied free of charge. Where the fire protection connection is metered and water has been used for firefighting purposes, the WSA shall estimate the quantity of water so used, and credit to the customer's account an amount based on such an estimate.

#### 8.9.6 *Ongoing testing and monitoring*

Customers intending to test fire protection systems in a manner that requires a draw-off of water, shall obtain the approval of the WSA beforehand. Water used for routine flushing and flow testing does not constitute waste but the quantity of water used may be assessed and charged for by the WSA.

### 8.10 **Backflow prevention**

#### 8.10.1 *Customer responsibility*

It is the customer's responsibility (under the Health Act 1956, and the Building Act 2004) to take all necessary measures on the customer's side of the point of supply to prevent water which has been drawn from the WSA's water supply from returning to that supply.

These include:

- (a) Backflow prevention either by providing an adequate air gap, or by the use of an appropriate backflow prevention device;
- (b) The prohibition of any cross-connection between the WSA water supply and
  - (i) Any other water supply (potable or non-potable)
  - (ii) Any other water source
  - (iii) Any storage tank
  - (iv) Any other pipe, fixture or equipment containing chemicals, liquids, gases, or other non-potable substances.

#### 8.10.2 *Unmanaged risk*

Notwithstanding 8.10.1 the WSA may fit a backflow prevention device on the WSA side of the point of supply where the customer cannot demonstrate that the risk of backflow is adequately managed.

### 8.11 **WSA equipment and inspection**

#### 8.11.1 *Care of water supply system*

The customer shall take due care not to damage any part of the water supply system, including but not limited to pipework, valves, meters, restrictors, chambers, and backflow prevention devices.

### 8.11.2 *Inspection*

Subject to the provisions of the Local Government Act 2002, the customer shall allow the WSA with or without equipment, access to any area of the premises for the purposes of determining compliance with these conditions.

## 8.12 **Meters and flow restrictors**

### 8.12.1 *Installation*

Meters for on demand supplies, and restrictors for restricted flow supplies, shall be supplied, installed and maintained by the WSA, and shall remain the property of the WSA. Where on demand supplies are not universally metered, the WSA where it considers water use is unusually high, reserves the right to fit a meter at the customer's cost, and charge accordingly.

### 8.12.2 *Location*

Meters and restrictors shall be located in a position where they are readily accessible for reading and maintenance, and if practicable immediately on the WSA side of the point of supply.

### 8.12.3 *Accuracy*

Meters shall be tested as and when required by the WSA or as prescribed in OIML R49. The maximum permissible error for the upper flow rate zone ( $Q_2 < Q < Q_4$ ) is  $\pm 2\%$ , for temperatures from  $0.3^\circ\text{C}$  to  $30^\circ\text{C}$  and the maximum permissible error for the lower flow rate zone ( $Q_1 < Q < Q_2$ ) is  $\pm 5\%$ . This accuracy shall be applied to all water meters with  $Q_3 < 100 \text{ m}^3/\text{h}$  and may be applied to water meters with values of  $Q_3 > 100 \text{ m}^3/\text{h}$ . The flow restrictors shall be accurate to within  $\pm 10\%$  of their rated capacity.

NOTE – Where Q is the flow rate:

Q1 is the minimum flow rate;

Q2 is the transitional flow rate;

Q3 is the permanent flow rate; and

Q4 is the overload flow rate as defined in OIML R49-1.

Any customer who disputes the accuracy of a meter or restrictor may apply to the WSA for it to be tested provided that it is not within three months of the last test. If the test shows non-compliance with the accuracy above, the customer shall not be charged for the test. If the test shows compliance, the customer shall pay a fee in accordance with the WSA current fees and charges.

Meters shall be tested as prescribed in OIML R 49-2 and the test report shall be made available as prescribed in OIML R 49-3.

The variation in the error curve shall not exceed 3% for flow rates in the lower zone and 1.5% for flow rates in the upper zone. For the purpose of determining these requirements the mean values of the errors (of indication) at each flow rate, shall apply.

The curves shall not exceed a maximum error of  $\pm 6\%$  for flow rates in the lower zones and  $\pm 2.5\%$  for flow rates in the upper zones.

Restrictors shall be tested by measuring the quantity that flows through the restrictor in a period of not less than one hour at the expected minimum operating pressure. A copy of independent certification of the test result shall be made available to the customer on request.

#### 8.12.4 *Adjustment*

If any meter, after being tested, is found to register a greater or lesser consumption than the quantity of water actually passed through such a meter, the WSA shall make an adjustment in accordance with the results shown by such tests, backdated for a period at the discretion of the WSA but not exceeding 12 months, and the customer shall pay a greater or lesser amount according to the adjustment.

Where a meter is under-reading by more than 20% or has stopped, the WSA reserves the right to charge for the amount of water assessed as having been used over the past billing period, taking into account any seasonal variations in demand.

Where a meter is over-reading, the WSA shall make appropriate adjustments to the customer's invoice(s), based on a period of similar use and backdated to when it is agreed the over-reading is likely to have occurred.

#### 8.12.5 *Estimating consumption*

Should any meter be out of repair or cease to register, or be removed, the WSA shall estimate the consumption for the period since the previous reading of such meter, (based on the average of the previous four billing periods charged to the customer) and the customer shall pay according to such an estimate. Provided that when by reason of a large variation of consumption due to seasonal or other causes, the average of the previous four billing periods would be an unreasonable estimate of the consumption, the WSA may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the customer shall pay according to such an estimate.

The customer shall be liable for the cost of water which passes through the meter regardless of whether this is used or is the result of leakage.

Where the seal or dial of a meter is broken, the WSA may declare the reading void and estimate consumption as described above.

#### 8.12.6 *Incorrect accounts*

Where a situation occurs, other than as provided for in 8.12.5, where the recorded consumption does not accurately represent the actual consumption on a property, the account shall be adjusted using the best information available to the WSA. Such situations include, but are not limited to, misreading of the meter, errors in data processing, meters assigned to the wrong account, and unauthorised supplies.

Where an adjustment is required, in favour of the WSA or the customer, this shall not be backdated more than 12 months from the date the error was detected.

**8.13 Plumbing system**

Quick-closing valves, pumps, or any other equipment which may cause pressure surges or fluctuations to be transmitted within the water supply system, or compromise the ability of the WSA to maintain its stated levels of service shall not be used on any piping beyond the point of supply. In special circumstances such equipment may be approved by the WSA.

**8.14 Prevention of waste**

The customer shall not intentionally allow water to run to waste from any pipe, tap, or other fitting, nor allow the condition of the plumbing within the property to deteriorate to the point where leakage or wastage occurs.

The WSA provides water for consumptive use not as an energy source. The customer shall not use water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved. The customer shall not use water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically approved.

**8.15 Payment**

The customer shall be liable to pay for the supply of water and related services in accordance with the WSA fees and charges prevailing at the time.

The WSA may recover all unpaid water charges as prescribed in the Local Government (Rating) Act 2002, sections 57 to 82.

**8.16 Transfer of rights and responsibilities**

The customer shall not transfer to any other party the rights and responsibilities set out in this Bylaw.

A supply pipe shall serve only one customer, and shall not extend by hose or any other pipe beyond that customer's property.

In particular and not in limitation of the above any water which the customer draws from the WSA supply shall not be provided to any other party without approval of the WSA.

**8.17 Change of ownership**

In the event of a premises changing ownership the WSA shall record the new owner as being the customer at that premises. Where a premises is metered the outgoing customer shall give the WSA five working days notice to arrange a final meter reading.

**8.18 Disconnection at the customer's request**

The customer shall give 20 working days notice in writing to the WSA of the requirement for disconnection of the supply. Disconnection shall be at the customer's cost.

## 9. BREACHES AND OFFENCES

### 9.1 Breaches of conditions of supply

The following are deemed breaches of the conditions to supply water:

- (a) An incorrect application for supply which fundamentally affects the conditions of supply (section 8);
- (b) Failure by the customer to meet and comply with the conditions of supply;
- (c) Failure to meet any obligation placed on the customer under all current Acts and Regulations specified in section 4(a);
- (d) Frustration of the WSA's ability to adequately and effectively carry out its obligations;
- (e) An act or omission including but not limited to any of the following:
  - (i) Failure to pay the appropriate charges by the due date
  - (ii) Failure to repair a leak, or in any way wilfully allowing water to run to waste, or to be misused
  - (iii) The fitting of quick-closing valves, pumps, or any other equipment which may cause pressure surges or fluctuations to be transmitted within the water supply system, or compromise the ability of the WSA to maintain its stated levels of service
  - (iv) Failure to prevent backflow (see 8.10)
  - (v) Failure to comply with water use restrictions or prohibitions introduced by the WSA for any specified purpose
  - (vi) Using water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved by the WSA
  - (vii) Using water for a single pass cooling or heating system, or to dilute trade waste prior to disposal, unless specifically approved
  - (viii) Extending by hose or any other pipe a private water supply beyond that customer's property
  - (ix) Providing water drawn from the WSA supply to any other party without approval of the WSA.

In the event of a breach, the WSA shall serve notice on the customer advising the nature of the breach and the steps to be taken to remedy it. If, after one week, the customer persists in the breach, the WSA reserves the right to reduce the flow rate of water to the customer without notice. In such an event the full service of the supply shall be re-established only after payment of the appropriate fee and remedy of the breach to the satisfaction of the WSA.

In addition, if the breach is such that the WSA is required to disconnect the supply for health or safety considerations, such disconnection should be carried out forthwith.

### 9.2 Interference with equipment

Any tampering or interfering with WSA equipment, either directly or indirectly, shall constitute a breach. Without prejudice to its other rights and remedies, the WSA shall be entitled to estimate (in accordance with 8.12.5) and charge for the additional water consumption not recorded or allowed to pass where a meter or restrictor has been tampered with, and recover any costs incurred.

9.3 **Offences and Penalties**

Every person who breaches the Bylaw commits an offence and is liable on summary conviction to a fine, pursuant to Section 242(4) of the Local Government Act 2002.

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## APPENDIX 1

### Referenced Documents

Reference is made in this document to the following:

#### New Zealand Standards

NZS 4503:2005	Hand operated fire-fighting equipment
NZS 4515:2003	Fire sprinkler systems for residential occupancies
NZS 4517:2002	Fire sprinkler systems for houses
NZS 4541:2003	Automatic fire sprinkler systems
NZS 9201: ----	Model general bylaws
Part 1	Introductory (in preparation)

#### International Publications

OIML R 49-1:2006	Water meters for the metering of cold potable water and hot water
Part 1	Metrological and technical requirements. Paris: Bureau International de Métrologie Légale
OIML R 49-2:2006	Water meters for the metering of cold potable water and hot water
Part 2	Test methods. Paris: Bureau International de Métrologie Légale
OIML R 49-3:2006	Water meters for the metering of cold potable water and hot water
Part 3	Test report format. Paris: Bureau International de Métrologie Légale

#### Other Publications

Ministry of Health. Drinking Water Standards for New Zealand, 2005. (Revised 2008)

#### Related Document

AS/NZS 4020:2005 Testing of products for use in contact with drinking water

# **Invercargill City Council**

## **Bylaw 2008/3 – Cemeteries and Crematorium**

(Incorporating Amendment that came  
into force on 14 August 2010)

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1. **Short Title**

The Short Title of this Bylaw shall be the Invercargill City Council Bylaw 2008/3 - Cemeteries and Crematorium.

2. **Commencement**

This Bylaw shall come into force on 1 July 2008.

3. **Repeals**

This Bylaw repeals the Invercargill City Council Cemeteries and Crematorium Bylaw 2003.

This Bylaw covers all cemeteries and crematoria under the control of the Invercargill City Council – Southland Crematorium, Eastern Cemetery, Greenpoint Cemetery, Bluff [closed cemetery], St John's [closed cemetery].

4. **Interpretation**

(a) In this Bylaw, unless the context otherwise requires:

(i) **"Act"** means the Local Government Act 2002.

(ii) **"Authorised Officer"** means any person appointed or authorised by the Local Authority to carry out or exercise the duties of an Authorised Officer under this Bylaw.

(iii) **"Cemetery Attendant"** means any person appointed by the Local Authority to control or manage or assist in the control and management of the Invercargill Cemeteries and Crematorium and to carry out burials as provided in this Bylaw.

(iv) **"Local Authority"** means the Invercargill City Council or a Committee of the Invercargill City Council or Officer authorises to exercise the authority of the Invercargill City Council.

(v) **"Vehicle"** has the same meaning as in Section 2 of the Land Transport Act 1998.

5. **Burials and Sale of Plots**

(a) Burials may be made in any cemetery for the time being vested in the local authority or under its control and not closed in a manner provided by law in that behalf subject to the conditions prescribed in this part of this Bylaw.

(b) Burial plots shall be sold upon such terms and conditions as may be decided by the local authority, including the setting of fees and charges.

6. **Provisions for All Interments**

(a) No burial whatever shall be made in any cemetery without a burial warrant for that purpose obtained from an authorised officer.

- (b) In all cases of intended burials, the funeral director or person having the management or control of the same shall make application **in the form approved by the Local Authority from time to time** to an authorised officer for a warrant of such burial, and shall produce to an authorised officer such evidence of death as may be required; an authorised officer, for or on behalf of the local authority, is hereby authorised to grant such warrant **in the form approved by the Local Authority from time to time**.
- (c) No such warrant shall be issued until there shall have been paid the fee for interment specified in Council's Annual Plan. Provided, however, that in the case of an interment under the management or control of a funeral director, the authorised officer of the local authority may, at his discretion, waive the foregoing requirement as to prior payment and charge the cost of the same against the funeral director concerned on the basis of a monthly account, or such period as the authorised officer of the local authority decides.
- (d) Notification of the intended burial shall be given to the cemetery attendant at least eight working hours prior to the time fixed for the funeral, and no such burial shall take place until the delivery to the cemetery attendant of the said warrant has been made.

**7. Warrant to be Authority to Cemetery Attendant**

- (a) The burial warrant when received by the cemetery attendant or assistant or any other person for the time being duly authorised by the local authority, shall be sufficient authority to the cemetery attendant or assistant for such burial, and after such burial the cemetery attendant or assistant shall sign the certificate at the foot of such warrant.

**8. Hours for Funerals**

- (a) No funeral shall be held on any day except between the hours of 8.00 am and 5.00 pm, Monday to Friday, and 8.00 am to 1.00 pm on Saturday, or such other hours as the local authority by direction may determine.

**9. Cemetery Attendant or Assistant Only to Dig Grave**

- (a) No person other than the cemetery attendant or assistant or any other person for the time being duly authorised by the local authority, shall dig any grave in, or open the ground for burial in, any part of any cemetery. The minimum depth of cover for any coffin shall be not less than **800mm**.

**10. Burial of Ashes**

- (a) Upon application being made in that behalf and the prescribed fees paid to the local authority the urn containing the ashes of any deceased person may be buried in the special portion of the cemetery set aside for that purpose or in any plot subject to an exclusive right of burial.
- (b) No person other than the cemetery attendant or assistant or any other person for the time being duly authorised by the local authority, shall bury, or scatter or otherwise dispose of any ashes in any part of the cemetery grounds.

11. **Fees**

- (a) All fees under this Bylaw are specified in Council's Annual Plan.

12. **Purchase of the Exclusive Right of Burial**

- (a) That pre-purchase of right of burial be permitted with the plot allocated for the burial being made at the time of death – eg being the next available plot in the current burial area. The fees for the pre-purchase be kept in a special interest-bearing account to be withdrawn upon the burial of the client. The numbers of plots to be sold at any one time shall be left at the discretion of the local authority.
- (b) An agreement in the form **approved by the Local Authority from time to time** shall be entered into between the local authority and the purchaser, and the purchaser shall pay to the authorised officer the purchase money for such right of burial.
- (c) No burial shall take place in any plot in respect of which the right of burial shall be held by any person unless such person shall have consented to such burial in the form set out in in the form approved by the Local Authority from time to time or the funeral director has satisfied himself that such burial is authorised.

13. **Purchaser or Owner of Private Ground May Transfer**

- (a) Any purchaser or owner of the right of burial in any plot in which no burial shall have taken place may, with the consent of the local authority, transfer his or her interest in such ground to any other person upon payment to an authorised officer of such fee as the local authority by resolution decides.
- (b) Where such exclusive right of interment has been purchased the local authority may, in lieu of consenting to any such transfer, require the holder of such right to surrender the same to the local authority upon payment to such holder of the price paid by him for such right, or a sum bearing the same proportion to such price, as the area proposed to be transferred bears to the original area over which such right was purchased, and any such holder shall comply with any such requirements.

14. **Fencing, Tombstones, etc**

- (a) Owners of the exclusive right of burial plots in any cemetery other than a memorial park may surround the plots of ground allotted with kerbing in permanent materials. The highest part of such kerbing shall be not more than 300mm above the highest point of the terrain. Tombstones, headstones, or other monuments may be erected thereon.

Provided, always, that no such kerbing, tombstone, or other monument shall be erected, unless a plan or description or both as required shall have been submitted to an authorised officer and duly approved by him; and a permit issued therefore on payment of the fee prescribed in Council's Annual Plan.

- (b) All foundations for kerbs, tombstones, headstones, monuments, and vaults shall be laid to the satisfaction of the local authority and in compliance with sound engineering principles.

**15. Keeping in Order**

- (a) All kerbs, enclosures, tombstones, headstones, and other monuments shall be kept in proper order or repair by the purchasers of lots or their representatives or assigns.

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

**16. Shrubs and Trees**

- (a) Shrubs planted in any portion of any cemetery may at any time be trimmed, removed, or cut down by the local authority.
- (b) No tree, shrub or other plant shall be planted in any cemetery by any person without the consent of the local authority being first obtained.

**17. What Fees Cover**

- (a) Council's fees do not include payment for any work required to be done beyond the actual digging of an ordinary grave and, after burial, filling in the same.

**18. Levelling**

- (a) Every person who encloses any plot of ground shall do all levelling required at his own cost and in accordance with the requirements of the local authority.
- (b) Every such person shall, without delay, remove from the cemetery all rubbish and earth not required in the filling in of the grave, or in connection with such levelling to a place approved by the cemetery attendant.

**19. Vaults**

- (a) Any person purchasing the exclusive right of burial in any plot of ground may, by permission of the local authority, excavate the same up to the boundaries of such plot for the purpose of constructing a vault.
- (b) Before any work is commenced towards the construction of any vault, the plans and specifications of the work connected therewith and an engineer's certificate shall be submitted to the Parks Manager for approval, and no work shall be commenced until such approval has been obtained in writing.

- (c) All vaults shall be lined throughout with masonry, with concrete or with stone set in Portland cement, mortar, or other approved material. The entrance to the vault shall be of such material as shall be approved by the Parks Manager. In all cases entrances shall be securely fastened, and all work in connection with the vault shall be done to the satisfaction of the Parks Manager.
- (d) A duplicate key of each vault shall be deposited and left with the cemetery attendant.
- (e) Coffins for vaults shall be lined with lead or other approved material, firmly and securely sealed; but coffins not lined as aforesaid may be laid in vaults and completely encased in cement concrete or other approved material so as to prevent the escape of offensive odours.
- (f) All labour, materials and tools required for constructing or excavating vaults shall be provided by the person constructing the vault.
- (g) All vaults shall be kept in proper order and repair by the owners thereof, or their representatives or assigns. If at any time any vault shall become out of proper order or repair, the local authority may give such owner or his executors, administrators, or assigns, or such person or persons as are the last-known owner or owners of the right of burial in the vault, three months' notice to repair the same by posting such notice to, or leaving such notice at, his or their last-known place of abode in New Zealand. If such owner or his executors, administrators, or assigns shall fail to do or cause to be done the required repairs within such three months, the local authority may prohibit any further interment in such vault until such repairs shall have been made, or at its option may effect such repairs and recover the cost thereof from such owner, his executors, administrators, or assigns, and any such owner or other person so making default shall be liable to prosecution for an offence against this part of this Bylaw.
- (h) All earth and rubbish thrown out when excavating for vaults shall be removed without delay by the person who applies for permission to construct such vault to a place approved by the cemetery attendant.

**20. Deposit of Materials**

- (a) No monumental mason or other person erecting or repairing any headstone, monument, fence, or other work in, on, or around any grave, or constructing or repairing any vault, in any cemetery shall make use of any footpath or other part of such cemetery for placing or depositing thereon any tools, planks, casks, or material in connection with the work of such erection, construction, or repair for a longer time than is reasonably necessary for the purpose of completing such work; any such mason or other person who, after service upon him of a notice in writing signed by an authorised officer, requesting the removal thereof within a time specified in such notice, shall neglect or refuse to remove any such tools, planks, casks, or material from such cemetery, shall be liable to prosecution for any offence against this part of this Bylaw.
- (b) No person shall make use of any footpath or roadway in the cemetery for the purpose of mixing cement or mortar otherwise than upon a proper mixing board or in other approved manner.

- (c) The local authority may construct sheds or other buildings for the storage of tools, planks, casks, or other material belonging to such masons or other persons, and may make such charges for the use of the same and for the supply of turf, soil or of water or for such other services whatsoever as the local authority may from time to time fix by resolution.
- (d) If the local authority so requires, a deposit of \$500.00 shall be lodged with every application for a permit to carry out any work. Such deposit shall be refunded when the work has been completed to the satisfaction of the cemetery attendant.
- (e) If the local authority shall provide any such shed or building the local authority may require any such mason or other person to remove either from the cemetery or into such shed or building all tools, planks, casks, or other material, and any such mason or other person failing to comply with any such direction shall be liable to prosecution for an offence against this part of this Bylaw.

**21. Vehicles**

- (a) No person shall take any vehicle of any kind into any cemetery except between the hours of sunrise and sunset, or at such time as the local authority in any particular case by resolution decides.
- (b) No person shall permit any vehicle of any kind under his control to remain in any cemetery after sunset on any day without the permission of the local authority.
- (c) No person in control of any vehicle unless authorised by the local authority shall drive or conduct the same or permit the same to be on any part of any cemetery except the roads open for vehicular traffic.
- (d) No person shall drive or conduct any vehicle of any kind in any cemetery at a greater speed than 15 kph, or than indicated on any road within any cemetery.
- (e) All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.
- (f) Every person driving or conducting any vehicle in any cemetery shall stop or move such vehicle as directed by the cemetery attendant or assistant.
- (g) No person shall drive or conduct any vehicle in any cemetery except in the direction indicated by traffic notices.

**22. Removal of Fences, Headstones, Plants etc**

- (a) No monumental mason or other person shall, without permission of the local authority, remove from any cemetery or from any grave, any kerb, headstone, monument, or tablet.
- (b) No person shall, without authority, remove or take from any cemetery, or from any grave in any cemetery, any vase, wreath, plant, flower, or any other thing, except that the local authority may cause to be removed any neglected or broken material of this nature.

23. **Misconduct**

- (a) Cemeteries and crematoria are areas set aside for respectful contemplation. Visitors to any cemetery or crematorium shall behave in a way that is respectful of other visitors' needs and cultural practices.
- (b) No person shall, in any part of any cemetery or crematorium, by any violent or improper behaviour, prevent, interrupt, or delay a funeral service.
- (c) No person shall, in any part of any cemetery or crematorium, behave in a manner which may adversely impact on other visitors' respectful contemplation. Such behaviour may include but is not limited to consumption of alcohol and/or food; littering; violent, aggressive, disrespectful or offensive behaviour; verbal abuse and/or excessive noise (human or mechanical).

24. **Soliciting of Orders**

- (a) No person shall, in any cemetery, advertise or solicit any order or custom from any other person for any work whatsoever to be done in or in connection with any cemetery, or for the sale, preparation, or supply of any article, material, or thing to be set up, affixed, placed, or used in any cemetery.
- (b) Except at the specific request of a purchaser of plots or their representatives or assigns, no persons shall, in any cemetery, accept or take any such order or custom as aforesaid.
- (c) No commercial photographer shall, without the consent of the funeral director, or special permit in writing for the occasion from an authorised officer, attend any funeral for the purpose of taking photographs, including video footage.

25. **Interment Charges – Poor Persons**

- (a) Where application is made to the local authority for the interment at reduced charges of any deceased poor person, the applicant shall, on making such application, furnish to the local authority a duly signed certificate certifying that such deceased person has not left sufficient means to pay the ordinary charge of interment fixed by this part of this Bylaw, and that his relatives and friends are unable to pay the same. **Such certificate shall be in the form as approved by the Local Authority from time to time.** No headstone shall be allowed to be erected unless the authority's cost for purchase of plot and burial is paid for.

26. **Disinterment**

- (a) Where an application for a disinterment is received by a local authority, the disinterment shall be conducted pursuant to Sections 51 and 55 of the Burial and Cremation Act 1964 and subject to the payment of such fees specified in Council's Annual Plan.

27. **Memorial Park (Berm or Garden) Cemeteries presently operating at Eastern and Greenpoint Open Cemeteries**

- (a) *Interments*

Interments may be made in ground in the cemetery set apart by the local authority for the purpose of a memorial park (berm or garden cemetery) and shown on a plan prepared by the local authority, but no fences or monuments other than headstones shall be erected, or trees, shrubs or flowers planted except as approved by the local authority, and no kerbing shall be erected anywhere within the precincts of such memorial park cemetery.

(b) *Erection of Memorials*

- (i) Upon application being made in that behalf and the prescribed fees paid to the local authority, a memorial may cause to be erected in the following manner.
- (ii) The local authority shall construct or cause to be constructed a continuous concrete platform or berm at ground level or below as required, of a width suitable to maintain stability, ranging from 650mm if underground set on solid subsoil, to 1370mm if flush with surface on which base or platform foundation work for all memorials will be placed. The cost of the platform shall be included in the purchase price of the plot.
- (iii) Concrete or granite based work for all memorials shall not stand higher than 150mm above the highest point of the concrete berm or ground level, whichever is the higher, and shall be of a depth (front to back) of 544mm and shall, where required, allow insets for flower containers. If concrete, the base for the headstone shall be finished in grey cement.
- (iv) On surface berms (or platforms) a space of 75mm clear of such memorial foundation base shall be maintained, both front and back.
- (v) No erected memorial shall, at the head of the plot, be wider than 1m in the case of a single plot or 2m in the case of a double width (family) plot.
- (vi) No erected memorial shall, at the head of any plot, be higher than 1.5m. Such memorial shall comply with sound engineering principles. All structural materials used in the memorial shall exhibit high atmospheric corrosion-resistant properties and have a minimum predicted service life of fifty years. Any stone selected shall be sound, durable and of proven suitability.
- (vii) Memorials are permitted to be constructed from natural stone. Clear or frosted glass memorials, subject to design, will be approved by the Parks Manager. The memorial is permitted to be coloured. No memorial will be permitted if it is deemed offensive. The plans of any memorial shall be submitted to, and approved by, the local authority before the erection of any such memorial is permitted in accordance with **the form as approved by the Local Authority from time to time.**
- (viii) If a memorial is deemed inappropriate by the Parks Manager, an applicant may apply, in writing, for the application to be reconsidered by Council.
- (ix) In constructing bases and in erecting memorials, the adjoining roads, paths or allotments shall not be injured.

- (x) All memorials shall be kept in good repair by the purchaser of the allotment or their assignee. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, all memorials of any kind which shall fall into a state of decay or disrepair may at any time be removed from the cemetery by order of the local authority, and in the event of there being no one available to effect repairs or permit removal, a photographic record of the plot shall be taken before removal and filed with cemetery records.
  - (xi) Statues are permitted and subject to the same requirements as a headstone.
  - (xii) **No memorials shall be permitted in the area designated for natural burials.**
- (c) *Shrubs, Trees and Flowers*
- (i) No shrubs, trees or flowers shall be planted and maintained in the cemetery except such as shall be planted as and where directed by the local authority or its duly authorised officer.
  - (ii) In the burial area for children (up to and including ten years of age), block 40 at Eastern Cemetery, or any other block set aside solely for the burial of children, the next-of-kin may be permitted to carry out plantings of miniature shrubs or flower plants to a width of a maximum of 300mm from the front of the concrete beam.
- (d) *Vaults, and Brick or Walled-In Graves*
- (i) No vaults or brick or walled-in graves above ground shall be constructed in a memorial park cemetery.
- (e) *Vases or Containers*
- (i) All vases or containers for flowers shall be housed in insets set into the base on which the memorial is placed in such manner as shall be approved by the local authority.
  - (ii) No person shall plant anything on any plot, except for as allowed under Clause 26 (c) (ii) of this Bylaw. During a period of two weeks or such other period as the local authority decides following interment, any wreath or other floral tribute may be placed on a plot, but shall be removed at the expiration of such period.
  - (iii) After such period of two weeks has expired, no person shall place on a plot any floral tribute except flowers and foliage, which shall be placed in a special receptacle of an approved type. Any such floral tribute may be removed by the cemetery attendant at any time after the fifth day from the latest interment in that plot.
  - (iv) The special receptacle hereinbefore referred to shall be installed adjoining any tablet or plaque on the side nearest the head of the plot.
  - (v) Every part of such receptacle shall be 50mm or more below the level of the adjoining ground surface.

- (vi) The cemetery attendant shall at any time remove damaged receptacles or receptacles of a type not approved by the local authority, and the cemetery attendant may also remove at any time dead flowers and/or dead foliage.

**28. Cremation and the Crematorium**

(a) *Compliance with Conditions Prior to Cremation*

- (i) No cremation shall take place in any crematorium maintained by the local authority unless the provisions of the Crematorium Regulations 1973 and of every regulation made in substitution therefor or in amendment thereof shall have been complied with.
- (ii) No cremation shall take place in such crematorium unless there shall first have been paid to an authorised officer the fees chargeable in respect of such cremation in accordance with the scale of fees as specified in Council's Annual Plan, and due notice given to the cemetery attendant, or by such other arrangement for the payment of fees as the authorised officer decides.

(b) *Urns for Ashes*

- (i) An approved urn containing the ashes of a deceased person may be left for 14 days from the date of the cremation free of charge. At the expiry of this period a monthly fee per specified in Council's Annual Plan shall be paid; but the local authority will not hold ashes on these terms beyond three months from the day of such cremation, and at the expiration of such three months may dispose of the ashes in accordance with the aforesaid regulations.

(c) *Casket Construction*

- (i) The casket containing any deceased person intended for cremation shall be made of an approved combustible material and the specification as to overall size shall be such as will be accepted by the incinerating process.
- (ii) Two persons properly concerned with the cremation of the deceased may see the casket placed in the receiving room after the service in the chapel.
- (iii) No inspection of the actual process of incineration shall be permitted.
- (iv) Without the consent of the cemetery attendant, no casket shall be opened after admission to the crematorium.

(d) *Miscellaneous Provisions*

- (i) No cremation shall be held on any day except between the hours of 8.00 am and 5.00 pm, Monday to Friday, and 8.00 am to 1.00 pm on Saturday, or such other hours as the local authority by direction may determine.

- (ii) Every application for cremation, together with all necessary certificates, shall be deposited with an authorised officer prior to cremation.
- (e) *Against Damage and Interference*
  - (i) No person shall –
    - In any way damage or injure the crematorium or any part thereof;
    - Paint, write, or carve on or in any way whatever disfigure the crematorium or any part thereof; or
    - Unlawfully or improperly interfere with, or interrupt the carrying out of, any cremation or of any service or ceremony in connection therewith.
- (f) *Burial of Ashes*
  - (i) Upon application being made in that behalf and the prescribed fees paid to the local authority, the urn containing the ashes of any deceased person may be buried, scattered or otherwise disposed of, in the special portion of the crematorium grounds set aside for that purpose.
- (g) *Cemetery Attendant or Assistant only to Bury Ashes*
  - (i) No person other than the cemetery attendant or assistant or any other person for the time being duly authorised by the local authority, shall bury, or scatter or otherwise dispose of any ashes in any part of the crematorium grounds.
- (h) *Fees*
  - (i) A search fee shall be payable for every inspection of the cemetery plan and records held at the office of the local authority, and where a signed extract is required the fee therefore shall be as prescribed in Council's Annual Plan.
- (i) *Plaques and Tablets on Plots*
  - (i) In the Crematorium grounds no person shall install or place any memorial plaque, memorial tablet, or other thing on any plot or place of burial without the prior permission in writing of an authorised officer and payment of the prescribed fee, and subject to compliance with the following conditions –
    - Any such memorial tablet or memorial plaque shall consist of permanent material as may be approved from time to time by the local authority.

**29. Offences and Penalties**

- (a) Every person who breaches this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000, pursuant to Section 242(4) of the Local Government Act 2002.

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## **Invercargill City Council**

### **Bylaw 2012/1 – Urupa (Maori Burial Site) Te Hau Mutunga**

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1. **Short Title**

The Short Title of this Bylaw shall be the Invercargill City Council Bylaw 2012/1 - Urupa (Maori Burial Site) Te Hau Mutunga.

2. **Commencement**

This Bylaw shall come into force on 1 July 2012.

3. **Scope of This Bylaw**

This Bylaw regulates the Urupa Te Hau Mutunga Cemetery at 118 Mason Road, Invercargill. For the regulation of other cemeteries and the crematorium in the Invercargill District, please refer to the Invercargill City Council Bylaw 2008/3 - Cemeteries and Crematorium.

This Bylaw does not prevent or restrict the Local Authority from exercising any further powers, functions or duties in relation to the Urupa in accordance with the law.

This Bylaw is made under Part 8 of the Local Government Act 2002 to manage, regulate, protect, maintain and preserve the Urupa (Maori Burial Site) Te Hau Mutunga at Mason Road, Invercargill.

4. **Interpretation**

(a) In this Bylaw, unless the context otherwise requires:

- (i) "**Act**" means the Local Government Act 2002.
- (ii) "**Authorised Officer**" means any person appointed or authorised by the Local Authority to carry out or exercise the duties of an Authorised Officer under this Bylaw.
- (iii) "**Cemetery Attendant**" means any person appointed by the Local Authority to control or manage or assist in the control and management of the Invercargill Urupa and to carry out burials as provided in this Bylaw.
- (iv) "**Local Authority**" means the Invercargill City Council or a Committee of the Invercargill City Council or Officer authorises to exercise the authority of the Invercargill City Council.
- (v) "**Vehicle**" has the same meaning as in Section 2 of the Land Transport Act 1998.
- (vi) "**Urupa**" means that portion of cemetery land identified from time to time by resolution of the Local Authority as the Invercargill Urupa, which shall also be known as a Maori Burial Site.

- (b) For the avoidance of doubt, this Bylaw only applies to those parts of land set aside for the purposes of a Urupa (Maori Burial Site) situated at 118 Mason Road, Invercargill.

**5. Burials and Sale of Plots**

- (a) Burials may be made in the Urupa subject to the conditions prescribed in this part of this Bylaw.
- (b) Burial plots shall be sold upon such terms and conditions as may be decided by the Local Authority, including the setting of fees and charges.

**6. Plan of Urupa and Register of Sales**

- (a) The Local Authority shall keep a plan of the Urupa and a register to record the burials and the number of each plot in which the exclusive right of burial has been purchased.
- (b) The register will contain the name of the purchaser of an exclusive right of burial and the date of purchase. The plan and register for the Urupa shall be available for public inspection at the Eastern Cemetery office during office hours.

**7. Provisions for All Interments**

- (a) No burial whatever shall be made in the Urupa without a burial warrant for that purpose obtained from an Authorised Officer.
- (b) In all cases of intended burials, the funeral director or person having the management or control of the same shall make application **in the form approved by the Local Authority from time to time** to an authorised officer for a warrant of such burial, and shall produce to an authorised officer such evidence of death as may be required; an authorised officer, for or on behalf of the local authority, is hereby authorised to grant such warrant **in the form approved by the Local Authority from time to time**.
- (c) No such warrant shall be issued until there shall have been paid the fee for interment specified in the Invercargill City Council's Annual Plan. Provided, however, that in the case of an interment under the management or control of a funeral director, the Authorised Officer of the Local Authority may, at his discretion, waive the foregoing requirement as to prior payment and charge the cost of the same against the funeral director concerned on the basis of a monthly account, or such period as the Authorised Officer of the Local Authority decides.
- (d) Notification of the intended burial shall be given to the Cemetery Attendant at least eight working hours prior to the time fixed for the funeral, and no such burial shall take place until the delivery to the Cemetery Attendant of the said warrant has been made.

**8. Warrant to be Authority to Cemetery Attendant**

The burial warrant when received by the Cemetery Attendant or assistant or any other person for the time being duly authorised by the Local Authority, shall be

sufficient authority to the Cemetery Attendant or assistant for such burial, and after such burial the Cemetery Attendant or assistant shall sign the certificate at the foot of such warrant.

9. **Hours for Funerals**

No funeral shall be held on any day except between the hours of 8.00 am and 5.00 pm, Monday to Friday, and 8.00 am to 1.00 pm on Saturday, or such other hours as the Local Authority by direction may determine.

10. **Cemetery Attendant or Assistant Only to Dig Grave**

No person other than the Cemetery Attendant or assistant or any other person for the time being duly authorised by the Local Authority, shall dig any grave in, or open the ground for burial in, any part of the Urupa. The minimum depth of cover for any coffin shall be not less than **800mm**.

11. **Burial of Ashes**

- (a) Upon application being made in that behalf and the prescribed fees paid to the Local Authority the urn containing the ashes of any deceased person may be buried in the special portion of the Urupa set aside for that purpose or in any plot subject to an exclusive right of burial.
- (b) No person other than the Cemetery Attendant or assistant or any other person for the time being duly authorised by the Local Authority, shall bury, or scatter or otherwise dispose of any ashes in any part of the Urupa grounds.

12. **Fees**

All fees under this Bylaw are specified in the Invercargill City Council's Annual Plan.

13. **Purchase of the Exclusive Right of Burial**

- (a) That pre-purchase of right of burial be permitted with the plot allocated for the burial being made at the time of death - eg being the next available plot in the current burial area. The fees for the pre-purchase be kept in a special interest-bearing account to be withdrawn upon the burial of the client. The numbers of plots to be sold at any one time shall be left at the discretion of the Local Authority.
- (b) An agreement **in the form approved by the Local Authority from time to time** shall be entered into between the local authority and the purchaser, and the purchaser shall pay to the authorised officer the purchase money for such right of burial.
- (c) No burial shall take place in any plot in respect of which the right of burial shall be held by any person unless such person shall have consented to such burial in the form set out in the form approved **by the Local Authority from time to time** or the funeral director has satisfied himself that such burial is authorised.

**14. Purchaser or Owner of Private Ground May Transfer**

- (a) Any purchaser or owner of the right of burial in any plot in which no burial shall have taken place may, with the consent of the Local Authority, transfer his or her interest in such ground to any other person upon payment to an Authorised Officer of such fee as the Local Authority by resolution decides.
- (b) Where such exclusive right of interment has been purchased the Local Authority may, in lieu of consenting to any such transfer, require the holder of such right to surrender the same to the Local Authority upon payment to such holder of the price paid by him for such right, or a sum bearing the same proportion to such price, as the area proposed to be transferred bears to the original area over which such right was purchased, and any such holder shall comply with any such requirements.

**15. Keeping in Order**

All tombstones, headstones and other monuments shall be kept in proper order or repair by the purchasers of lots or their representatives or assigns.

**16. Shrubs and Trees**

- (a) Shrubs planted in any portion of the Urupa may at any time be trimmed, removed, or cut down by the Local Authority.
- (b) No tree, shrub or other plant shall be planted in the Urupa by any person without the consent of the Local Authority being first obtained.

**17. What Fees Cover**

Invercargill City Council's fees do not include payment for any work required to be done beyond the actual digging of an ordinary grave and, after burial, filling in the same.

**18. Deposit of Materials**

- (a) No monumental mason or other person erecting or repairing any headstone, monument, or other work in, on, or around any grave in the Urupa shall make use of any footpath or other part of such cemetery for placing or depositing thereon any tools, planks, casks, or material in connection with the work of such erection, construction, or repair for a longer time than is reasonably necessary for the purpose of completing such work; any such mason or other person who, after service upon him of a notice in writing signed by an Authorised Officer, requesting the removal thereof within a time specified in such notice, shall neglect or refuse to remove any such tools, planks, casks, or material from such cemetery, shall be liable to prosecution for any offence against this part of this Bylaw.
- (b) No person shall make use of any footpath or roadway in the Urupa for the purpose of mixing cement or mortar otherwise than upon a proper mixing board or in other approved manner.

**19. Vehicles**

- (a) No person shall take any vehicle of any kind into the Uruqa except between the hours of sunrise and sunset, or at such time as the Local Authority in any particular case by resolution decides.
- (b) No person shall permit any vehicle of any kind under his control to remain in the Uruqa after sunset on any day without the permission of the Local Authority.
- (c) No person in control of any vehicle unless authorised by the Local Authority shall drive or conduct the same or permit the same to be on any part of the Uruqa except the roads open for vehicular traffic.
- (d) No person shall drive or conduct any vehicle of any kind in the Uruqa at a greater speed than 15 kph, or than indicated on any road within the Uruqa.
- (e) All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.
- (f) Every person driving or conducting any vehicle in the Uruqa shall stop or move such vehicle as directed by the Cemetery Attendant or assistant.
- (g) No person shall drive or conduct any vehicle in the Uruqa except in the direction indicated by traffic notices.

**20. Removal of Fences, Headstones, Plants, etc**

- (a) No monumental mason or other person shall, without permission of the Local Authority, remove from the Uruqa or from any grave, any kerb, headstone, monument, or tablet.
- (b) No person shall, without authority, remove or take from the Uruqa, or from any grave in the Uruqa, any vase, wreath, plant, flower, or any other thing, except that the Local Authority may cause to be removed any neglected or broken material of this nature.

**21. Misconduct**

- (a) Cemeteries are areas set aside for respectful contemplation. Visitors to the Uruqa shall behave in a way that is respectful of other visitors' needs and cultural practices.
- (b) No person shall, in any part of the Uruqa, by any violent or improper behaviour, prevent, interrupt, or delay a funeral service.
- (c) No person shall, in any part of the Uruqa, behave in a manner which may adversely impact on other visitors' respectful contemplation. Such behaviour may include but is not limited to consumption of alcohol and/or food; littering; violent, aggressive, disrespectful or offensive behaviour; verbal abuse and/or excessive noise (human or mechanical).

22. **Soliciting of Orders**

- (a) No person shall, in the Urupa, advertise or solicit any order or custom from any other person for any work whatsoever to be done in or in connection with the Urupa, or for the sale, preparation, or supply of any article, material, or thing to be set up, affixed, placed, or used in the Urupa.
- (b) Except at the specific request of a purchaser of plots or their representatives or assigns, no persons shall, in the Urupa, accept or take any such order or custom as aforesaid.
- (c) No commercial photographer shall, without the consent of the funeral director, or special permit in writing for the occasion from an Authorised Officer, attend any funeral for the purpose of taking photographs, including video footage.

23. **Interment Charges – Poor Persons**

Where application is made to the Local Authority for the interment at reduced charges of any deceased poor person, the applicant shall, on making such application, furnish to the Local Authority a duly signed certificate certifying that such deceased person has not left sufficient means to pay the ordinary charge of interment fixed by this part of this Bylaw, and that his relatives and friends are unable to pay the same. Such certificate shall be **in the form as approved by the Local Authority from time to time**. No headstone shall be allowed to be erected unless the authority's cost for purchase of plot and burial is paid for.

24. **Disinterment**

Where an application for a disinterment is received by a Local Authority, the disinterment shall be conducted pursuant to Sections 51 and 55 of the Burial and Cremation Act 1964 and subject to the payment of such fees specified in the Invercargill City Council's Annual Plan.

25. **Memorial Park (Berm or Garden)**

(a) *Interments*

Interments may be made in ground in the Urupa set apart by the Local Authority for the purpose of a memorial park (berm or garden cemetery) and shown on a plan prepared by the Local Authority, but no fences or monuments other than headstones shall be erected, or trees, shrubs or flowers planted except as approved by the Local Authority, and no kerbing shall be erected anywhere within the precincts of such memorial park cemetery.

(b) *Erection of Memorials*

- (i) Upon application being made in that behalf and the prescribed fees paid to the Local Authority, a memorial may cause to be erected in the following manner.
- (ii) The Local Authority shall construct or cause to be constructed a continuous concrete platform or berm at ground level or below as required, of a width suitable to maintain stability, ranging from 650mm

- if underground set on solid subsoil, to 1,370mm if flush with surface on which base or platform foundation work for all memorials will be placed. The cost of the platform shall be included in the purchase price of the plot.
- (iii) Concrete or granite based work for all memorials shall not stand higher than 150mm above the highest point of the concrete berm or ground level, whichever is the higher, and shall be of a depth (front to back) of 544mm and shall, where required, allow insets for flower containers. If concrete, the base for the headstone shall be finished in grey cement.
  - (iv) On surface berms (or platforms) a space of 75mm clear of such memorial foundation base shall be maintained, both front and back.
  - (v) No erected memorial shall, at the head of the plot, be wider than 1m in the case of a single plot or 2m in the case of a double width (family) plot.
  - (vi) No erected memorial shall, at the head of any plot, be higher than 1.5m. Such memorial shall comply with sound engineering principles. All structural materials used in the memorial shall exhibit high atmospheric corrosion-resistant properties and have a minimum predicted service life of fifty years. Any stone selected shall be sound, durable and of proven suitability.
  - (vii) Memorials are permitted to be constructed from natural stone. Clear or frosted glass memorials, subject to design, will be approved by the Parks Manager on behalf of the Local Authority. The memorial is permitted to be coloured. No memorial will be permitted if it is deemed offensive. The plans of any memorial shall be submitted to, and approved by, the Local Authority before the erection of any such memorial is permitted in accordance **with the form approved by the Local Authority from time to time.**
  - (viii) If a memorial is deemed inappropriate by the Parks Manager, an applicant may apply, in writing, for the application to be reconsidered by the Invercargill City Council.
  - (ix) In constructing bases and in erecting memorials, the adjoining roads, paths or allotments shall not be injured.
  - (x) All memorials shall be kept in good repair by the purchaser of the allotment or their assignee. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, all memorials of any kind which shall fall into a state of decay or disrepair may at any time be removed from the Urupa by order of the Local Authority, and in the event of there being no one available to effect repairs or permit removal, a photographic record of the plot shall be taken before removal and filed with cemetery records.
  - (xi) Statues are permitted and subject to the same requirements as a headstone.

- (c) *Shrubs, Trees and Flowers*
  - (i) No shrubs, trees or flowers shall be planted and maintained in the Urupa except such as shall be planted as and where directed by the Local Authority or its duly Authorised Officer.
  - (ii) In the area set aside solely for the burial of children (up to and including ten years of age), the next-of-kin may be permitted to carry out plantings of miniature shrubs or flower plants to a width of a maximum of 300mm from the front of the concrete beam.
- (d) *Vaults, and Brick or Walled-In Graves*
  - (i) No vaults or brick or walled-in graves above ground shall be constructed in a memorial park cemetery.
- (e) *Vases or Containers*
  - (i) All vases or containers for flowers shall be housed in insets set into the base on which the memorial is placed in such manner as shall be approved by the Local Authority.
  - (ii) No person shall plant anything on any plot, except for as allowed under Clause 25(c)(ii) of this Bylaw. During a period of two weeks or such other period as the Local Authority decides following interment, any wreath or other floral tribute may be placed on a plot, but shall be removed at the expiration of such period.
  - (iii) After such period of two weeks has expired, no person shall place on a plot any floral tribute except flowers and foliage, which shall be placed in a special receptacle of an approved type. Any such floral tribute may be removed by the Urupa Attendant at any time after the fifth day from the latest interment in that plot.
  - (iv) The special receptacle hereinbefore referred to shall be installed adjoining any tablet or plaque on the side nearest the head of the plot.
  - (v) Every part of such receptacle shall be 50mm or more below the level of the adjoining ground surface.
  - (vi) The Cemetery Attendant shall at any time remove damaged receptacles or receptacles of a type not approved by the Local Authority, and the Cemetery Attendant may also remove at any time dead flowers and/or dead foliage.

**26. Offences and Penalties**

Every person who breaches this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000, pursuant to Section 242(4) of the Local Government Act 2002.

## **Invercargill City Council**

### **Bylaw 2008/6 – Water Supply**

#### **STATEMENT OF PROPOSAL – SUMMARY**

The Invercargill City Council is reviewing an existing Bylaw to enable it to continue to regulate the terms and conditions for the sale and supply of water through its reticulation network, it also needs to be able to impose restrictions on the supply of water and address breaches where these occur.

Pursuant to the Local Government Act 2002 a full Statement of Proposal has been prepared. It is available for inspection at the Helpdesk of the Invercargill City Council, 101 Esk Street, Invercargill, at the Bluff Service Centre, and at the Invercargill Public Library.

The Statement of Proposal may also be found on the Invercargill City Council website [www.icc.govt.nz](http://www.icc.govt.nz).

Submissions are invited on this Proposal. Submissions must:

1. Be in letter form, clearly showing the submitter's name, address and contact phone number.
2. Be addressed to the undersigned and clearly labelled SUBMISSION – Bylaw 2008/6 – Water Supply.
3. Indicate whether the submitter wishes to be heard by the Council in support of his/her submission. (Note – the substance of the submission should be in writing. Verbal presentations should be restricted to around five minutes.)
4. Be received by 5.00 pm on Friday, 27<sup>th</sup> October 2017.

C A MCINTOSH  
DIRECTOR WORKS AND SERVICES  
INVERCARGILL CITY COUNCIL  
101 ESK STREET  
PRIVATE BAG 90104  
INVERCARGILL

27 September 2017

## **Review of Invercargill City Council Bylaw 2008/6 – Water Supply**

### **STATEMENT OF PROPOSAL**

#### **1. Introduction**

This is Council's Statement of Proposal as provided for by Section 83 of the Local Government Act 2002.

#### **2. Review of Invercargill City Council Bylaw 2008/6 – Water Supply**

Council proposes minimal changes to this Bylaw, its purpose is to address the issue of controlling the sale and supply of water within the Invercargill District.

##### **What is the Perceived Problem to be Addressed?**

Council needs to be able to regulate the terms and conditions for the sale and supply of water through its reticulation network. It also needs to be able to impose restrictions on the supply of water and address breaches where these occur.

##### **Is a Bylaw the Most Appropriate Method of Addressing the Perceived Problem?**

The use of a Bylaw has been the traditional method of enforcing Council's rules with respect to the sale and supply of reticulated water. Research indicates that most local authorities have a Water Bylaw and there is commonality in content, which is further assisted by a model New Zealand Standard for Water Supply. A Bylaw also enables a Council to impose penalties for non-compliance with the Bylaw.

##### **What are the Implications under the New Zealand Bill of Rights Act 1990?**

Council needs to be satisfied that the proposed Bylaw will not be inconsistent with this Act, that is, it imposes reasonable limits that can be reasonably justified in a free and democratic society. Case law suggests that permanent prohibition of certain activities that the community may wish to undertake may impose unreasonable limits, for example permanent prohibition on the watering of gardens rather than restricting watering only in periods of drought. Being able to regulate allows Council to make provision for the continual supply of water within the reticulated parts of the district even during periods of high demand. People also have an expectation that local authorities will control water use within their district to ensure that there is sufficient supply for fire fighting and household consumption.

#### **3. Place for Inspection and Obtaining Copies**

The Statement of Proposal may be inspected at the Helpdesk of the Invercargill City Council, 101 Esk Street, Invercargill, at the Bluff Service Centre, and at the Invercargill Public Library.

The Statement of Proposal may also be found on the Invercargill City Council website [www.icc.govt.nz](http://www.icc.govt.nz).

4. **Submission Period**

Submissions are invited on the Statement of Proposal. Submissions must be received by Council no later than **5.00 pm on Friday, 27 October 2017**.

Submissions should clearly show the submitter's name, address and contact phone number. (Submission forms may be obtained from all Council offices and libraries and on the Council's website [www.icc.govt.nz](http://www.icc.govt.nz).)

Submissions can be:

Posted to: Invercargill City Council  
**Submission – Bylaw 2008/6 – Water Supply**  
Private Bag 90104  
Invercargill 9840

Delivered to: Helpdesk, Invercargill City Council, 101 Esk Street, Invercargill

Online at: [www.icc.govt.nz](http://www.icc.govt.nz)

Faxed to: 03 2111 433

E-mailed to: [policy@icc.govt.nz](mailto:policy@icc.govt.nz)

## **Invercargill City Council**

### **Bylaw 2008/3 – Cemeteries and Crematorium**

#### **STATEMENT OF PROPOSAL – SUMMARY**

The Invercargill City Council is reviewing an existing Bylaw that addresses the issue of controlling cemeteries within the Invercargill district.

Pursuant to the Local Government Act 2002 a full Statement of Proposal has been prepared. It is available for inspection at the Helpdesk of the Invercargill City Council, 101 Esk Street, Invercargill, at the Bluff Service Centre, and at the Invercargill Public Library.

The Statement of Proposal may also be found on the Invercargill City Council website [www.icc.govt.nz](http://www.icc.govt.nz).

Submissions are invited on this Proposal. Submissions must:

5. Be in letter form, clearly showing the submitter's name, address and contact phone number.
6. Be addressed to the undersigned and clearly labelled SUBMISSION – Bylaw 2008/3 – Cemeteries and Crematorium
7. Indicate whether the submitter wishes to be heard by the Council in support of his/her submission. (Note – the substance of the submission should be in writing. Verbal presentations should be restricted to around five minutes.)
8. Be received by 5.00 pm on Friday, 27<sup>th</sup> October 2017.

C A MCINTOSH  
DIRECTOR WORKS AND SERVICES  
INVERCARGILL CITY COUNCIL  
101 ESK STREET  
PRIVATE BAG 90104  
INVERCARGILL

27 September 2017

## **Review of Invercargill City Council Bylaw 2008/3 – Cemeteries and Crematorium**

### **STATEMENT OF PROPOSAL**

#### **1. Introduction**

This is Council's Statement of Proposal as provided for by Section 83 of the Local Government Act 2002.

#### **2. Review of Invercargill City Council Bylaw 2008/3 – Cemeteries and Crematorium**

Council proposes no changes to this Bylaw, it seeks to continue operating as it has in a way that addresses the issue of controlling cemeteries within the Invercargill district.

#### **What is the Perceived Problem to be Addressed?**

Council needs to be able to regulate the operation of its cemeteries and crematorium. The Burial and Cremation Act 1964 expressly provides for a local authority to make Bylaws to control cemeteries. Section 16 of that Act states that:

*A local authority may in respect of any cemetery, or, so far as is applicable, any closed cemetery under its control, make bylaws for all or any of the following purposes:*

- (a) Maintaining, preserving, and embellishing the cemetery or closed cemetery:*
- (b) Directing the positions of all graves and vaults in the cemetery, the depths of the graves, and the construction of coffins to be admitted into vaults, and the covering of vaults so as to prevent the escape of any noxious exhalation in the cemetery:*
- (c) Protecting buildings, monuments, lawns, shrubberies, plantations, and enclosures in the cemetery or closed cemetery from destruction or damage:*
- (d) Prohibiting the burial in any grave of more than one body or prescribing conditions subject to which more than one body may be buried in any grave:*
- (e) Controlling or restricting the times at which or between which burials may be carried out:*
- (f) Regulating the burial in the cemetery of the ashes of the dead:*
- (g) Subject to section [51](#) of this Act, regulating and restricting the disinterment and removal of bodies:*

- (h) *Fixing a scale of fees payable in respect of any grave or vault dug or made, and any monument or tablet erected or placed, in the cemetery, and in respect of any agreements to maintain graves:*
- (i) *Prescribing fines for the breach of any such bylaw not exceeding [\$100] in any case, and, where the breach is a continuing one, not exceeding [\$10] for every day or part of a day during which the breach has continued:*
- (j) *Any of the matters referred to in section 9 or in paragraphs (a), (b), (c), or (e) of section 59 of this Act.*

### **Is a Bylaw the Most Appropriate Method of Addressing the Perceived Problem?**

The Burial and Cremation Act 1964 anticipates Councils adopting Bylaws to control activities within cemeteries. The direction provided in the Act indicates that a Bylaw is indeed the most appropriate form of regulation open to territorial authorities for the control of cemeteries.

### **What are the Implications under the New Zealand Bill of Rights Act 1990?**

Council needs to be satisfied that the proposed Cemeteries and Crematorium Bylaw will not be inconsistent with this Act, that is, it imposes reasonable limits that can be reasonably justified in a free and democratic society. Case law suggests that permanent prohibition of certain activities that the community may wish to undertake may impose unreasonable limits, for example not being able to erect headstones. Being able to regulate allows Council to make provision for families to erect headstones and memorials within specified limits. People also have an expectation that local authorities will control cemeteries within the district so that long term maintenance is minimised.

#### **3. Place for Inspection and Obtaining Copies**

The Statement of Proposal may be inspected at the Helpdesk of the Invercargill City Council, 101 Esk Street, Invercargill, at the Bluff Service Centre, and at the Invercargill Public Library.

The Statement of Proposal may also be found on the Invercargill City Council website [www.icc.govt.nz](http://www.icc.govt.nz).

#### **4. Submission Period**

Submissions are invited on the Statement of Proposal. Submissions must be received by Council no later than **5.00 pm on Friday, 27 October 2017**.

Submissions should clearly show the submitter's name, address and contact phone number. (Submission forms may be obtained from all Council offices and libraries and on the Council's website [www.icc.govt.nz](http://www.icc.govt.nz).)

Submissions can be:

Posted to: Invercargill City Council  
**Submission – Bylaw 2008/3 – Cemeteries and  
Crematorium**  
Private Bag 90104  
Invercargill 9840

Delivered to: Helpdesk, Invercargill City Council, 101 Esk Street, Invercargill

Online at: [www.icc.govt.nz](http://www.icc.govt.nz)

Faxed to: 03 2111 433

E-mailed to: [policy@icc.govt.nz](mailto:policy@icc.govt.nz)

## **Invercargill City Council**

### **Bylaw 2012/1 – Urupa (Maori Burial Site) Te Hau Mutunga**

#### **STATEMENT OF PROPOSAL – SUMMARY**

The Invercargill City Council is reviewing an existing Bylaw that addresses the issues associated with regulating the operation of an Urupa (Maori Burial Site) at 118 Mason Road. The Burial and Cremation Act 1964 (Section 16) expressly provides for a local authority to make Bylaws to control cemeteries.

Pursuant to the Local Government Act 2002 a full Statement of Proposal has been prepared. It is available for inspection at the Helpdesk of the Invercargill City Council, 101 Esk Street, Invercargill, at the Bluff Service Centre, and at the Invercargill Public Library.

The Statement of Proposal may also be found on the Invercargill City Council website [www.icc.govt.nz](http://www.icc.govt.nz).

Submissions are invited on this Proposal. Submissions must:

9. Be in letter form, clearly showing the submitter's name, address and contact phone number.
10. Be addressed to the undersigned and clearly labelled SUBMISSION – Bylaw 2012/1 – Urupa (Maori Burial Site) Te Hau Mutunga.
11. Indicate whether the submitter wishes to be heard by the Council in support of his/her submission. (Note – the substance of the submission should be in writing. Verbal presentations should be restricted to around five minutes.)
12. Be received by 5.00 pm on Friday, 27<sup>th</sup> October 2017.

C A MCINTOSH  
DIRECTOR WORKS AND SERVICES  
INVERCARGILL CITY COUNCIL  
101 ESK STREET  
PRIVATE BAG 90104  
INVERCARGILL

27 September 2017

## **Review of Invercargill City Council Bylaw 2012/1 – Urupa (Maori Burial Site) Te Hau Mutunga**

### **STATEMENT OF PROPOSAL**

#### **1. Introduction**

This is Council's Statement of Proposal as provided for by Section 83 of the Local Government Act 2002.

#### **2. Review of Invercargill City Council Bylaw 2012/1 – Urupa (Maori Burial Site) Te Hau Mutunga**

Council proposes minimal changes to the existing bylaw and seeks to continue operating under this to preserve the Urupa Te Hau Mutunga.

#### **What is the Perceived Problem to be Addressed?**

The primary purpose of the Bylaw is to enable Council to manage, regulate, protect, maintain and preserve the Urupa Te Hau Mutunga Cemetery at 118 Mason Road, Invercargill. Council needs to be able to regulate the operation of its cemeteries and crematorium. The Burial and Cremation Act 1964 expressly provides for a local authority to make Bylaws to control cemeteries. Section 16 of that Act states that:

*A local authority may in respect of any cemetery, or, so far as is applicable, any closed cemetery under its control, make bylaws for all or any of the following purposes:*

- (a) Maintaining, preserving, and embellishing the cemetery or closed cemetery:*
- (b) Directing the positions of all graves and vaults in the cemetery, the depths of the graves, and the construction of coffins to be admitted into vaults, and the covering of vaults so as to prevent the escape of any noxious exhalation in the cemetery:*
- (c) Protecting buildings, monuments, lawns, shrubberies, plantations, and enclosures in the cemetery or closed cemetery from destruction or damage:*
- (d) Prohibiting the burial in any grave of more than one body or prescribing conditions subject to which more than one body may be buried in any grave:*
- (e) Controlling or restricting the times at which or between which burials may be carried out:*
- (f) Regulating the burial in the cemetery of the ashes of the dead:*
- (g) Subject to section [51](#) of this Act, regulating and restricting the disinterment and removal of bodies:*

- (h) *Fixing a scale of fees payable in respect of any grave or vault dug or made, and any monument or tablet erected or placed, in the cemetery, and in respect of any agreements to maintain graves:*
- (i) *Prescribing fines for the breach of any such bylaw not exceeding [\$100] in any case, and, where the breach is a continuing one, not exceeding [\$10] for every day or part of a day during which the breach has continued:*
- (j) *Any of the matters referred to in section [9](#) or in paragraphs [\(a\)](#), [\(b\)](#), [\(c\)](#), or [\(e\)](#) of section 59 of this Act.*

**Is a Bylaw the Most Appropriate Method of Addressing the Perceived Problem?**

The Burial and Cremation Act 1964 anticipates Councils adopting Bylaws to control activities within cemeteries. The direction provided in the Act indicates that a Bylaw is the most appropriate form of regulation open to territorial authorities for the control of cemeteries.

A bylaw will promote the social and cultural well being of the community by providing for the operation of the Urupa prior to the land transfer being completed. For many years local Maori deceased have been buried at Eastern Cemetery. Provision of the Urupa will provide certainty to local Maori, enabling cultural practices to be carried out where they have not always been compatible with the conventional management norms applied to municipally managed cemeteries.

**What are the Implications under the New Zealand Bill of Rights Act 1990?**

Council is satisfied that the proposed Cemeteries and Crematorium Bylaw will not be inconsistent with this Act, that is, it imposes reasonable limits that can be reasonably justified in a free and democratic society. Case law suggests that permanent prohibition of certain activities that the community may wish to undertake may impose unreasonable limits, for example not being able to erect headstones. Being able to regulate allows Council to make provision for whanau to erect headstones and memorials within specified limits. People also have an expectation that local authorities will control cemeteries within the district so that long term maintenance is minimised.

**3. Place for Inspection and Obtaining Copies**

The Statement of Proposal may be inspected at the Helpdesk of the Invercargill City Council, 101 Esk Street, Invercargill, at the Bluff Service Centre, and at the Invercargill Public Library.

The Statement of Proposal may also be found on the Invercargill City Council website [www.icc.govt.nz](http://www.icc.govt.nz).

**4. Submission Period**

Submissions are invited on the Statement of Proposal. Submissions must be received by Council no later than **5.00 pm on Friday, 27 October 2017**.

Submissions should clearly show the submitter's name, address and contact phone number. (Submission forms may be obtained from all Council offices and libraries and on the Council's website [www.icc.govt.nz](http://www.icc.govt.nz).)

Submissions can be:

Posted to: Invercargill City Council  
**Submission – Bylaw 2012/1 – Urupa (Maori Burial Site) Te Hau Mutunga**  
Private Bag 90104  
Invercargill 9840

Delivered to: Helpdesk, Invercargill City Council, 101 Esk Street, Invercargill

Online at: [www.icc.govt.nz](http://www.icc.govt.nz)

Faxed to: 03 2111 433

E-mailed to: [policy@icc.govt.nz](mailto:policy@icc.govt.nz)

**TO: INFRASTRUCTURE AND SERVICES COMMITTEE**  
**FROM: THE DIRECTOR OF WORKS AND SERVICES**  
**MEETING DATE: MONDAY 18 SEPTEMBER 2017**

<b>ROAD RESERVE LOT 5 DP 5082 – 21 TAIIPA ROAD</b>
--

**Report Prepared by:** Russell Pearson – Roading Manager

**SUMMARY**

<p>Lot 5 DP 5082 (21 Taiepa Road) has been held as road reserve for many years but as there is no identifiable reason to retain this lot it is being recommended that it is disposed of.</p> <p>This disposal process requires Council resolution to commence the process to revoke the reservation.</p>
--

**RECOMMENDATIONS**

**That Council resolves to request the Minister of Conservation to revoke the reservation over Lot 5 DP 5082, pursuant to the provisions set out in section 24 of the Reserves Act 1977 and declare that once revoked, the Invercargill City Council may dispose of the said land in the most practical manner, at its own discretion.**

**IMPLICATIONS**

1.	<i>Has this been provided for in the Long Term Plan/Annual Plan?</i> No
2.	<i>Is a budget amendment required?</i> No
3.	<i>Is this matter significant in terms of Council's Policy on Significance?</i> No
4.	<i>Implications in terms of other Council Strategic Documents or Council Policy?</i> No
5.	<i>Have the views of affected or interested persons been obtained and is any further public consultation required?</i> Yes. Public Notice will be made and any member of the public can object to the revoking proposed.
6.	<i>Has the Child, Youth and Family Friendly Policy been considered?</i> Yes but the proposal has no impact on the policy

**FINANCIAL IMPLICATIONS**

It is anticipated that this transaction will not incur any cost nor create any revenue.

**BACKGROUND**

Council has received an approach from the adjoining owner (19 Taiepa Road) regarding Lot 5 DP 5082 and should favourable terms be agreed, they wish to acquire the land for amalgamation with their current property.

Lot 5 was vested as Road Reserve on deposit of DP 5082. At the time this Plan was implemented the Otatara locality was within the Southland County. Ownership of this parcel became vested in the Invercargill City by section 49 of the Local Government Reorganisation Order 1989, published in the Gazette 1989, pages 2430 to 2444.

The land is currently fenced in and occupied in conjunction with the property known as 19 Taiepa Road, Otatara. The lot is utilised for access to the adjacent property. Attached in **Appendix 1** is a diagram of the area.

Council has received an approach from the adjoining owner to acquire the land for amalgamation with their current property. There being no identifiable reason for Council to retain this land for another public purpose, it is considered that the best future utilisation of the land would be disposal. It is also noted that trees planted within this strip of land pose a potential hazard to the adjoining property at 19 Taiepa Road.

Because Lot 5 is held as Road Reserve subject to the Reserves Act 1977, revocation of the reserve designation is required to facilitate disposal of the land.

It is recommended that Council resolve to request the Minister of Conservation to revoke the reservation over Lot 5 DP 5082, pursuant to the provisions of section 24 of the Reserves Act 1977, and authorise Council to dispose of the land in the most practical manner.

Public Notices will also be placed to allow objections to be received concerning the proposed process.

**CONCLUSION**

This lot has been held as road reserve for many years but as there is no identifiable reason to retain this lot it is being recommended that it is disposed of.

This disposal process requires Council resolution to commence the process to revoke the reservation.

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Diagram of Road Reserve at 21 Taiapa Road, Otatara

**TO: INFRASTRUCTURE AND SERVICES COMMITTEE**  
**FROM: THE DIRECTOR OF WORKS AND SERVICES**  
**MEETING DATE: MONDAY 18 SEPTEMBER 2017**

<b>RIDE SOUTHLAND</b>
-----------------------

**Report Prepared by:** Robin Pagan, Parks Manager  
 Russell Pearson, Roding Manager

**SUMMARY**

<p>The Cycling Governance Group has now met on two occasions and is progressing establishing process to review and adopt the draft strategy.</p> <p>This report updates the Committee on its progress.</p> <p>The key outcome of the group is to ensure that cycling becomes a much more coordinated activity across the community.</p>
---

**RECOMMENDATIONS**

**It is recommended that this report is received.**

**IMPLICATIONS**

1.	<i>Has this been provided for in the Long Term Plan/Annual Plan?</i> No
2.	<i>Is a budget amendment required?</i> No
3.	<i>Is this matter significant in terms of Council's Policy on Significance?</i> No
4.	<i>Implications in terms of other Council Strategic Documents or Council Policy?</i> No
5.	<i>Have the views of affected or interested persons been obtained and is any further public consultation required?</i> No
6.	<i>Has the Child, Youth and Family Friendly Policy been considered?</i> Yes but the report has no impact on the policy

**FINANCIAL IMPLICATIONS**

This report is informative only.

## **BACKGROUND**

The four Councils of Southland have formed the governance group to lead cycling for the Southland area and elected representatives appointed by each Council.

This report is to update the committee on progress.

The Governance Group has met on two occasions and has sought, received and agreed on community nominations for the positions to support the governance structure. The New Zealand Transport Agency (NZTA) and Department of Conservation have also been invited to join the Group as it was believed that both have an important role to play in establishing and promoting cycling.

Councillor Crackett has been agreed as the Chair of the Governance Group with Venture Southland providing some administrative support to the group.

One of the key and important projects for Invercargill is to see the Invercargill to Bluff cycleway continue to develop and be complete to improve the safety of both the cyclists and walkers who use this section of road as part of the Te Araroa walkway. NZTA at the last meeting gave an overview of their direction in this area and it is anticipated that Environment Southland (ES) will be available to also give the Committee an update on their planned activity in the public forum of the meeting. Council has budgeted to provide a grant to support ES in these works.

The Southland Cycling Strategy remains in draft until the Governance Group sets the timeline for its reviews and the process for each Council considering it and hopefully adopting it.

Both Parks and Roding are looking at reviewing their infrastructure as this is one of the key objectives of the strategy such that shovel ready projects can be developed for future funding rounds.

The safety issues not in activity plans highlight that for the roading area that cyclists are over represented for our population in crashes in Invercargill and have a high risk nationally. It is important that measures are developed to address this.

The Group has adopted the name 'Ride Southland'.

## **CONCLUSION**

The Cycling Governance Group has now met on two occasions and is progressing by establishing a process to review and adopt the draft strategy.

The key outcome of the group is to ensure that cycling becomes a much more coordinated activity across the community.

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