Proposed updates to the council cemetery and crematorium bylaw

Feedback must be received by midnight **Sunday 23 February 2025**

We control or manage over 50 cemeteries in Auckland, including Manukau Memorial Gardens, North Shore Memorial Park and Waikumete Cemetery.

We have rules to keep our cemeteries and crematoria safe and minimise misuse, obstruction, and damage. They're currently set out in a bylaw, a code of practice made under the bylaw, and operational guidance.

Proposal to amend the bylaw and revoke (remove) the code

We've reviewed the rules in the bylaw and code and have found they're working well, and in general don't need to change. Some rules in the code however are outdated and duplicated by guidance.

We propose **structural** changes to amend the bylaw and to remove (revoke) the code, including:

- to use a bylaw to set cemetery rules in a way that allows cemetery staff to manage the daily operation of council cemeteries and crematoria, and to revoke the code of practice. For example, to move key rules that are currently covered in the code to the bylaw. Everything else will be covered in operational guidance
- to clarify rules about when council approval is required and about adornments, maintenance, monuments, and preparing a casket for burial and cremation, to better reflect current operational practice
- to update the bylaw structure, definitions, and wording for clarity.

Reasons for the changes include to simplify the regulatory framework, reflect current operational practice, be easier to understand and comply with, and align with best practice drafting standards.

There is no change to the day-to-day use of council cemetery services for families, funeral directors, and headstone installers. Rules that are currently in the code will continue to apply (with any updates to reflect current practice), for example about complying with council approval for burial or cremation.

The scope of the review does not include, for example, private cemeteries and urupā, space allocation or capacity, technical matters such as existing agreements and guidelines, or activities outside of council cemeteries and crematoria (for example ash scattering elsewhere).

We encourage you to read the Statement of Proposal and accompanying information before answering any of the following questions.

You can give your feedback in one of these ways:

- **Online** at akhaveyoursay.nz
- Scan and **Email** a copy of your completed form to: cemeterybylaw@aucklandcouncil.govt.nz
- **Post** your completed form to:
  Cemetery Bylaw
  Auckland Council
  Private Bag 92300, Victoria Street West
  Auckland, 1142

Your details

Your feedback will be included in public documents. All other personal details will not be made available to the public.

First name: Last name:

Email or postal address:

Your local board or suburb:

Are you providing:

- ☐ Your **personal** feedback
- ☐ Feedback as the official representative of an **organisation**

  Organisation name:

These questions are optional but will help us understand which groups of the community are engaging with us.

What gender are you?

☐ Male ☐ Female ☐ Another gender:

What age group are you?

☐ Under 15 ☐ 15-17 ☐ 18-24 ☐ 25-34 ☐ 35-44

☐ 45-54 ☐ 55-64 ☐ 65-74 ☐ 75+

Which ethnic group(s) do you feel you belong to? (Please select as many as apply)

☐ Pākehā/NZ European ☐ Māori ☐ Cook Islands Māori

☐ Samoan ☐ Tongan ☐ Indian

☐ Chinese ☐ Southeast Asian ☐ Korean

☐ Other (please specify):

Would you like to subscribe to any of the following? (tick all that apply)

- ☐ People's Panel – to take part in council surveys
- ☐ OurAuckland – your weekly guide to what's happening in Auckland
- ☐ Auckland Conversations - free public events offering ideas, inspiration and action for world-class cities

You can also visit AK Have Your Say at akhaveyoursay.nz to find out about, or register to receive regular updates on, consultation activities happening across Auckland

Important privacy information

The personal information that you provide in this form will be held and protected by Auckland Council in accordance with our privacy policy (available at **aucklandcouncil.govt.nz/privacy** and at our libraries and service centres) and with the Privacy Act 2020. The privacy policy explains how we can use and share your personal information in relation to any interaction you have with the council, and how you can access and correct that information. You should familiarise yourself with this policy before submitting this form.

Your feedback (all questions are optional)

1. Clarify when council approval is required (clause 5 and Subpart 2)

We want to clarify when council approval is required and how council makes approval decisions.

We propose that the bylaw should:

- clarify that approval is required for burial, cremation, monuments, vaults, mausolea, ash scattering, disinterment, and vegetation at council cemeteries and crematoria. For example, to install, modify, or remove a headstone.
- include an 'approval framework' that clarifies that:
    - applications must be made in a way required by council (for example, in form and manner)
    - council considers applications against relevant matters
    - applications can be granted or declined
    - council can set conditions for approvals granted.

This proposal does not change the public's day-to-day experience at council cemeteries.

What is your opinion of this proposal?

- ☐ Agree
- ☐ Disagree
- ☐ Other
- ☐ I don't know

Tell us why

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2. Amend the bylaw and remove the code

Some rules in the code are duplicated by operational guidance.

We want to simplify the regulatory framework by removing an unneeded layer of regulation.

We propose structural changes to amend the bylaw and to remove (revoke) the code, to:

- move key rules that are currently covered in the code to the bylaw.
- cover other rules in the code in operational guidance, like existing agreements and the council website. These rules are still made under the bylaw approval framework. For example, detailed rules about complying with council approval, such as items that cannot be cremated.

This proposal does not change the public's day-to-day experience at council cemeteries.

What is your opinion of this proposal?

- ☐ Agree
- ☐ Disagree
- ☐ Other
- ☐ I don't know

Tell us why

3. Clarify rules to better reflect current operational practice

Some rules in the code are outdated.

We want to make the rules easier to understand and comply with.

We propose to clarify the rules to better reflect current operational practice. These rules will be in the bylaw, not a code.

3A. Clarify rules about adornments (clauses 1 and 2)

We want to clarify rules about placing adornments at graves (for example, flowers).

We propose to clarify that adornments:

- may be placed on a plot for up to 28 days following a burial in that plot, or on a concrete berm at the plot at any time. Exceptions apply if council has given prior approval, and for decorated areas established by the former legacy Auckland councils (areas that allow permanent adornments on plots. This is no longer council's approach).
- must not inhibit maintenance or operational activities (for example, access for lawn mowing or other burials)
- must not interfere with an accessible path of travel for cemetery users
- must not include breakable materials (for example, glass or ceramic vases)
- must not include materials that may cause litter or damage to the environment
- must not include railing or fencing
- are only limited in number by the space available on the plot or the concrete berm.

There are no clarifications to rules for natural burial areas, which remain the same.

This proposal does not change the public's day-to-day experience at council cemeteries.

What is your opinion of this proposal?

- [ ] Agree
- [ ] Disagree
- [ ] Other
- [ ] I don't know

Tell us why

3B. Clarify rules about maintenance (clause 6)

We want to clarify the responsibility of the plot owner to maintain any monument, vault, or mausoleum associated with the plot. For example:

- to keep them in good order and repair, safe and secure, and in a condition that does not inhibit regular maintenance
- that council maintains the structures of public mausolea which are owned by council.

This proposal does not change the public's day-to-day experience at council cemeteries.

What is your opinion of this proposal?

- [ ] Agree
- [ ] Disagree
- [ ] Other
- [ ] I don't know

Tell us why

3C. Clarify rules about preparing a casket or shroud for burial and cremation (clause 7)

We want to clarify the responsibilities of a person who prepares a casket or shroud for burial or cremation (for example, a funeral director on behalf of a family). These include to ensure:

- a casket or shroud for cremation does not contain materials or items that may cause damage to property (for example, to the cremator) or cause or are likely to cause a safety risk to any person

- a casket for interment in a mausoleum is hermetically sealed and a body prepared as required in any relevant council exclusive right of burial agreement
- compliance with any other requirements set out in any control made or approval granted by the council.

There are no clarifications to rules for natural burial areas, which remain the same.

This proposal does not change the public's day-to-day experience at council cemeteries.

What is your opinion of this proposal?

- ☐ Agree
- ☐ Disagree
- ☐ Other
- ☐ I don't know

Tell us why

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3D. Clarify rules about monument work and physical works (clauses 8 and 9)

We want to clarify the responsibilities of a person who installs, modifies, or removes a monument, or does physical works. These include to:

- comply with the current New Zealand Standard (NZS) for headstones and cemetery monuments
- withdraw from physical works if the work is likely to cause an interference to any person in their use or enjoyment of the cemetery, or at the direction of council.

We have moved references to council health and safety requirements for monumental installers to a related information note (this is addressed through the monument approval process).

This proposal does not change the public's day-to-day experience at council cemeteries.

What is your opinion of this proposal?

- ☐ Agree
- ☐ Disagree
- ☐ Other
- ☐ I don't know

Tell us why

4. Update the bylaw structure, definitions and wording for clarity

We want to make the rules easier to understand and comply with, align with best practice bylaw drafting standards, and clarify the rules to reflect current operational practice.

We propose to:

- update related information notes and link to further information on the council website
- move administrative clauses to the end of the bylaw, about the bylaw title, commencement, application, purpose, and interpretation (Part 5)
- remove repetition, duplication of legislation, and internal operational matters, for example about the exclusive right of burial; enforcement powers to remove and repair monuments and remove adornments; record-keeping; and cutting and removing vegetation
- make minor wording clarifications, including to update the bylaw purpose to reflect the objectives identified in the bylaw review (clause 22); update the bylaw application to align with wording in legislation about council controlled or managed cemeteries (clause 21); and update references to making and complying with a control not a code (clauses 4 and 10)
- move references to Wāhi Tapu Māori Komiti to the related information note under the definition of council, to reflect that Komiti are a delegated authority (clause 23)
- clarify definitions, and remove definitions of terms that are not in the bylaw or are in legislation (clause 23)
- enable decisions under the bylaw and code prior to amendments to continue (Part 4).

This proposal does not change the public's day-to-day experience at council cemeteries.

What is your opinion of this proposal?

- ☐ Agree
- ☐ Disagree
- ☐ Other
- ☐ I don't know

Tell us why

5. Do you have any other feedback on the proposal to amend the bylaw and revoke (remove) the code about council cemeteries and crematoria?

Need more room? You can attach extra pages.