



Te Ture ā-Rohe mo ngā Wāhi Tapu me ngā Whare Tahu Tupāpaku 2014 Cemeteries and Crematoria Bylaw 2014

(as at 26 June 2025)

made by the Governing Body of Auckland Council

in resolution GB/2014/67

on 31 July 2014

Bylaw made under sections [145](#) and [146](#) of the Local Government Act 2002 and sections [16](#) and [40](#) of the Burial and Cremation Act 1964.

Summary

This summary is not part of the Bylaw but explains the general effects.

Auckland Council manages over 50 [cemeteries](#). This includes three main cemeteries with crematoria at Manukau Memorial Gardens, North Shore Memorial Park and Waikumete Cemetery. Services and activities provide for burial (including in plots, vaults and mausolea), cremation, memorialisation of the deceased (for example, headstones and adornments), ash scattering, and disinterment.

The use of council cemeteries and crematoria can result in public safety risks, cemetery misuse, obstruction, and damage to property, heritage and the environment.

This Bylaw helps to minimise the problems by –

- stating how adornments may be used (clauses 6 and 7)
- restricting who may dig a grave (clause 8)
- requiring a person to comply with any cemeteries and crematoria control (clause 9)
- requiring prior approval from council to inter, cremate, disinter, scatter ashes and for memorialisation, vaults, mausolea, and vegetation (clause 10)
- requiring the plot owner to maintain the monument, vault or mausoleum (clause 11)
- requiring a person who prepares a casket or shroud for burial or cremation to meet certain requirements (clause 12)
- requiring a person who does monument work to meet certain requirements (clause 13)
- requiring a person conducting physical works to withdraw in certain circumstances (clause 14)
- setting out that council may make a control in clause 15.

Other parts of this Bylaw assist with its administration by –

- stating the Bylaw's purpose and where it applies (Part 1)
- stating the Bylaw's name, when it comes into force and defining terms (Contents)
- providing transparency about how council processes approvals (Part 3, Subpart 2)
- referencing council's powers to enforce this Bylaw (Part 4)
- ensuring existing resolutions, approvals and other decisions continue to apply where relevant (Part 5).

The Bylaw is part of a wider framework of rules about cemeteries and crematoria. The Bylaw does not seek to duplicate or be inconsistent with this framework. This includes the:

- [Burial and Cremation Act 1964](#) which sets a framework for management of burial, cremation, monuments, vaults, disinterment and cemeteries and crematoria.
- [Cremation Regulations 1973](#) which regulate the cremation process.
- [Burial and Cremation \(Removal of Monuments and Tablets\) Regulations 1967](#) which provide for the removal of dilapidated or neglected monuments.
- [Health \(Burial\) Regulations 1946](#) which regulate handling of deceased persons.
- [Legislation Act 2019](#) which determines how to interpret and apply this Bylaw.
- [Local Government Act 2002](#) and [Burial and Cremation Act 1964](#) which provide for certain enforcement powers, offences and penalties.

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1 Title

- (1) This Bylaw is Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe mo ngā Wāhi Tapu me ngā Whare Tahu Tupāpaku 2014 / the Auckland Council Cemeteries and Crematoria Bylaw 2014.

2 Commencement

- (1) This Bylaw comes into force on 1 November 2014.
- (2) Amendments to this Bylaw by resolution GB/2021/10 come into force on 01 March 2021.
- (2) Amendments to this Bylaw by resolution GB/2025/87 come into force on 01 August 2025.

Related information about amendments

- Council in **February 2021** decided to amend the Bylaw to clarify wording, structure and related information notes to make the Bylaw easier to read. You can view the changes in Attachment B to Item 10 of the Auckland Council Governing Body meeting agenda dated 25 February 2021.
- Council in **June 2025** decided to streamline regulations by moving key provisions of the Code of Practice 2014 to the Bylaw, restructuring the Bylaw content, and revoking the Code, to make regulations easier to understand and provide more operational flexibility for day-to-day matters. Changes are mostly cosmetic with minor change in effect of rules to better reflect existing operational practice. You can view the changes in Attachment A and B to Item 10 of the Auckland Council Governing Body meeting agenda dated 26 June 2025.

3 Application

- (1) This Bylaw applies to cemeteries and crematoria under the control or management of Auckland Council in Auckland.

Part 1

Preliminary Provisions

4 Purpose

- (1) The purpose of this Bylaw is to minimise public safety risks, cemetery misuse, obstruction, and damage to property, heritage and the environment from the use of council cemeteries and crematoria by the public.

5 Interpretation

- (1) In this Bylaw, unless the context otherwise requires, –

Adornment means any item, object, ornament, trinket, decoration, flower or wreath placed at a plot, to commemorate a person or thing.

Approval means an agreement, permit, licence or other form of permission granted under this Bylaw and includes all conditions to which the approval is subject.

Auckland has the meaning given by [section 4\(1\)](#) of the Local Government (Auckland Council) Act 2009.

Related information

The Local Government (Auckland Council) Act 2009 enabled the Local Government Commission to determine Auckland's boundaries in a map titled [LGC-Ak-R1](#). The boundaries were formally adopted by [Order in Council](#) on 15 March 2010, and came into effect on 1 November 2010.



Burial or interment means to place a body, ashes or remains in a **plot**.

Concrete berm means a section of concrete at the head of a plot in a lawn cemetery area that marks plot row and number, where a monument may be placed.

Council means the Governing Body of the Auckland Council or any person delegated or authorised to act on its behalf.

Related information about who can make decisions

Council has delegated –

- the making, amending and revoking of a code of practice to the Regulatory Committee as at 1 November 2014 (GB/2014/67)
- responsibility for ensuring compliance with this Bylaw to Auckland Cemeteries, and to both Auckland Cemeteries and the Waikumete Urupā Komiti in relation to Waikumete Cemetery as at 1 November 2014 (GB/2014/67)
- authority to prescribe fees for matters relating to council owned or operated cemeteries to Auckland Cemeteries as at 1 November 2014 (GB/2014/67).
- under the Te Tahua Taungahuru Te Mahere Taungahuru 2018 – 2028, The 10-year Budget Long-term Plan 2018 – 2028, Volume 2, 3.5(b) and (c), decision-making on –
 - open cemeteries in Auckland (excluding Aotea Great Barrier Island) to the Governing Body
 - operational cemeteries on Aotea Great Barrier Island to the Aotea Great Barrier Local Board
 - cemeteries that are no longer in regular active use and are functioning as local parks to local boards.

Decorated area means an area designated by council where permanent adornments are allowed on plots.

Disinterment means the uncovering and / or removal of any body, ashes or remains from a plot.

Exclusive Right of Burial or Exclusive Right of Interment means –

- (a) the ownership of a designated plot, granted by council in the form of a certificate or agreement; and
- (b) excludes transfer of title or land ownership.

Lawn cemetery area means plots on a grass lawn where no headstones project above the ground.

Mausoleum means an above-ground burial structure for the deposit of a body, remains or ashes in a specially sealed casket / coffin.

Modify in relation to a monument, vault or mausoleum means refurbish, re-inscript, remodel, or repair, and excludes cleaning that does not affect structural integrity.

Monument or memorial means a headstone, tombstone, plaque, panel, tablet, kerbing, enclosure, or other grave structure or feature.

Natural burial area means a designated area for burials that have a low environmental impact, including the body not being treated with chemicals or oils that prevent or slow down the decay of the body.

Plot means a specified area set aside for the burial of a body, ashes or remains.

Vault means an underground burial chamber.

Vegetation means any seed, plant, shrub or tree or the produce of any seed, hedge, plant, shrub or tree, whether dead or alive.

- (2) Unless the context requires another meaning, a term or expression defined in the [Burial and Cremation Act 1964](#), [Local Government Act 2002](#) or any relevant successive or secondary legislation and used in this Bylaw but not stated in (1) has the meaning given by that legislation.

Related information about terms and expressions in legislation

The Burial and Cremation Act 1964 (as reprinted on 23 December 2023) defines the terms [cemeteries and crematoria](#).

- (3) Related information and links to webpages do not form part of this Bylaw and may be inserted, changed or removed without any formality.
- (4) To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws and rules of law.

Part 2

Services and activities at council cemeteries and crematoria

Subpart 1 – Responsibilities of everyone

6 Adornments in lawn cemetery areas allowed subject to conditions

- (1) Any person may place **adornments** in a **lawn cemetery area** –
- (a) on a **plot** for no more than 28 days following an interment in that plot, unless –
 - (i) in a **decorated area** specified by council by resolution; or
 - (ii) **council** has given prior written approval;
 - (b) on a **concrete berm** associated with the plot at any time;
- (2) A person who places an **adornment** in (1) must ensure that the **adornment** does not –
- (a) inhibit maintenance or operational activities (for example, obstruct access or risk injury for lawn mowing, other interments, levelling of graves or sowing grass seeds);

- (b) interfere with an accessible path of travel for cemetery users;
 - (c) include breakable materials (for example, vases, jars or containers made of glass or ceramics);
 - (d) include materials that may cause litter or damage to the environment;
 - (e) include railing or fencing.
- (3) For the avoidance of doubt, the number of **adornments** are only limited by the space available on the **plot** or the **concrete berm**.
- (4) Council must, before specifying a decorated area in (1), consider the implications on future burials in adjacent plots, Māori tikanga and on the efficiency of cemetery maintenance.

Related information about adornments in lawn cemetery areas

- Click on the following links for more information about adornments in [general](#) and relating to [maintenance](#).
- 'Decorated areas' allow for permanent adornments on plots, were determined by legacy councils, and not currently a favoured approach due to implications for adjacent burials, Māori tikanga, and cemetery maintenance. However, the council committee responsible for cemetery services or bylaws can in exceptional circumstances provide for new decorated areas. The public [GeoMaps](#) mapping service shows areas at Manukau Memorial Gardens and Waikumete cemeteries.
- Council encourages sustainable use of adornments (for example, use of natural instead of plastic flowers), but has not prohibited any materials on the basis that they may cause litter or harm the environment.
- Council may ask the burial rights holder, or take action, to relocate or remove any adornments that do not comply with the rules.

7 Adornments in natural burial areas allowed subject to conditions

- (1) A person may place one untreated wooden marker on a **plot** in a **natural burial area** –
- (a) centrally at the head of the **plot**; and
 - (b) at the time, or within the first week, of the burial in the **plot**.
- (2) For the avoidance of doubt, no other adornments are permitted on a **plot** in (1).

Related information about temporary adornments in natural burial areas

- Temporary adornments support the purpose of natural burial areas to enable burials with low environmental impact.
- Plots in natural burial areas are marked more permanently by a native tree or shrub chosen and planted by council, at its discretion according to sequential planting plans.
- Click on the following link for more information about [natural burial](#) areas.

8 Only council may dig a grave

- (1) No person may dig a grave, other than **council**.

9 A person must comply with any cemeteries and crematoria control

- (1) A person must comply with any control for council controlled or managed cemeteries or crematoria made in accordance with clause 10.
- (2) However, clause 4(1) does not apply to any person acting in compliance with a lawful direction of council.

Related information about controls

- There are currently no controls made under this Bylaw.
- Council in June 2025 decided to revoke the previous control, titled the Auckland Council Cemeteries and Crematoria Code of Practice 2014, to streamline the regulatory framework. You can view the decision in Item 10 of the Auckland Council Governing Body meeting agenda dated 26 June 2025.

Subpart 2 – Responsibilities of plot owners or the bereaved

10 Approval required to inter, cremate, disinter, scatter ashes and for monuments, vaults, mausolea or vegetation

- (1) A person wishing to undertake a service or activity in this Table must –
 - (a) obtain an **approval** from **council** prior to the commencement of the service or activity; and
 - (b) comply at all times with the **approval**, including any conditions.

Before burial and cremation
(i) Construct, modify or remove a vault or mausoleum ;
Burial and cremation
(ii) Burial (for example, for a body or ashes);
(iii) Cremation;
After burial and cremation
(iv) Install, modify or remove a monument (for example a headstone at a plot or a plaque at a memorial wall);
(v) Ash scattering;
(vi) Disinterment (for example, for a body or ashes);
(vii) Plant, cut, maintain or remove vegetation (for example, a tree);

Related information about approvals

- Click on the following links for more information about how to apply for an approval, matters considered, and approval conditions.
- For example, about [burial](#), [cremation](#), [disinterment](#), [monuments](#) such as memorial headstones and plaques, [ash scattering](#), and [burial options](#) available.
- Generally, the owner of the plot (exclusive right of burial) (the burial rights holder) must apply for the approval. Alternatively this could involve the executor, next of kin, or a funeral director (for example, if the plot owner is deceased).
- As a separate matter to approvals under this Bylaw, the Burial and Cremation Act 1964 ([§10](#)) enables council to sell the [exclusive right of burial](#) in perpetuity or for a limited period. The right lapses if 60 years pass after the sale without a burial taking place there.

11 Plot owner must maintain any monument, vault or mausoleum

- (1) The owner of a **plot** must keep any associated **monument, vault or mausoleum** –
 - (a) in good order and repair;
 - (b) safe and secure; and
 - (c) in a condition that does not inhibit regular maintenance.
- (2) However, sub-clause (1) does not apply to the structure of public mausolea.

Related information about maintenance

Click on the following link for more information about [maintenance](#) of plots.
The structures of public mausolea are maintained by council.

Subpart 3 – Responsibilities of people who prepare for burial, cremation, or monument work

12 A person who prepares a casket or shroud for burial or cremation must meet certain requirements

- (1) This clause applies to a person who prepares a casket or shroud for burial or cremation (for example, a funeral director on behalf of a family).
- (2) A person must ensure –
 - (a) a casket or shroud (including any base board or shroud bearer) 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;
 - (b) 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;
 - (c) for burial in a **natural burial area**, a body is not chemically treated or embalmed, a casket is made of chemically untreated and unprocessed material, a shroud is made of natural material, and the burial contains no non-biodegradable accessories including clothing;
 - (d) they comply with any other requirements set out in any control made or **approval** granted by the **council**.

Related information about preparing a casket or shroud for burial or cremation

- The [council website](#) contains more information about materials and items that may cause damage to cremators or a safety risk, and natural casket and shroud materials for natural burial.
- Exclusive right of burial agreements are available for viewing on the council website.

13 A person who does monument work must meet certain requirements

- (1) A person who installs, modifies or removes a **monument** must comply with the current New Zealand Standard for headstones and cemetery monuments.

Related information about the New Zealand Standard

- The current New Zealand Standard for headstones and cemetery monuments is [NZS 4242:2018 Headstones and cemetery monuments](#).
- NZS 4242:2018 specifies minimum standard design criteria, performance and renovation requirements.
- Council grants approval for monuments based on compliance with operational monument specifications and that the installer meets council health and safety requirements.
- Installers that meet council health and safety requirements are listed on the [council website](#).

14 A person conducting physical works must withdraw in some circumstances

- (1) A person conducting any physical works in a cemetery must withdraw from the work if it is likely to cause an interference to any person in their use or enjoyment of the cemetery, or at the direction of the **council** (for example, for the duration of a nearby funeral service).

Part 3

Controls and Approvals

Subpart 1 – Controls

15 Council may make cemeteries and crematoria controls

- (1) **Council** may make a control and set fees to regulate activities on **council** controlled or managed cemeteries and crematoria.
- (2) Any control made under clause 10(1) may prescribe rules and set fees for one or more of the following purposes –
- (a) interment;
 - (b) disinterment;
 - (c) built structures;
 - (d) ground maintenance;
 - (e) records; and
 - (f) any other matters council considers relevant and reasonably necessary to achieve the purpose of the Bylaw.

Related information about the making of controls

- There are currently no controls. All necessary rules are in the Bylaw itself, or in operational guidance for approvals under the bylaw approval framework (for example, in agreements).
- Council instead sets fees in the [Annual Budget](#).

- Council has delegated the authority to decide “regulatory... controls associated with bylaws” to the Regulatory and Safety Committee as of 17 November 2022 in the Governing Body Terms of Reference (GB/2022/112).
- To make a decision, council must comply with the decision-making requirements under [Subpart 1 of Part 6](#) of the Local Government Act 2002.

Subpart 2 – Approvals

16 This subpart applies to people who must obtain an approval

- (1) This subpart applies to a person who must obtain an **approval** for any matter specified in this Bylaw.

17 Applications for an approval must include required information and fees

- (1) A person to whom this subpart applies must make an application that complies with the requirements of the **council**, including –
- (a) the form and manner of the application;
 - (b) the information in the application or any further information; and
 - (c) being accompanied by any fee.
- (2) Without limiting (1), the **council** may require an application to include information on one or more of the following matters in this table.

All applications for approvals may be required in the following form and manner
(a) in an application form, document, or other manner required or prescribed by council;
(b) completed by a specific person or authority;
(c) provided to council by a specified day or within a specified timeframe;
All applications for approvals may require the following information
(d) details of the applicant, holder of the burial right, people involved in, attending, or conducting the activity, the deceased, or the person to whom fees are to be charged (for example, details of the person requesting the activity, performing funeral services, or responsible for liaising with council);
(e) description, details, plans, or maps of the location, nature, scale, date, time, and duration of the activity;
(f) who is involved in, attending, or conducting the activity;
(g) information or documentation required under the Burial and Cremation Act 1964 or Cremation Regulations 1973 or any subsequent legislation or secondary legislation (for example, medical certificate of cause of death, coroner’s authorisation, prescribed cremation forms, or disinterment licence);
(h) proof of ownership of or legal entitlement to the Exclusive Right of Burial for the plot to which the activity relates, or declaration of authority to act in place of the burial rights holder (for example, plot purchase receipt, burial rights certificate, statutory declaration);
(i) proof of permission for the activity to occur from the owner of the Exclusive Right of Burial for that plot or another authorised person;

(j) plot details including area / section, block / wall, row or number;
(k) specifications of any furniture, structures, equipment, vehicles, signs, displays and other items used or associated with the activity;
(l) the applicant's experience and track record;
(m) public liability insurance; and
(n) details of other approvals required / obtained (for example, resource consent under the Auckland Unitary Plan if required for a monument in a scheduled heritage area).
(o) payment of the required fee;
Applications for burial approvals may in addition require the following information
(p) urn, casket or shroud dimensions, shape, material, characteristics or placement;
(q) graveside details including previous burials and deceased in the plot; burial depth; expected number of attendees, funeral director or sexton attendance, use of mat / tapa cloth, sand bags, lowering device, sticks and straps, and notification of whether any person wishes to fill the grave; and any special instructions;
(r) who is responsible for bringing (or scattering) any ashes;
Applications for cremation approvals may in addition require the following information
(s) details of the death and whether relatives and the executor have been informed of the proposed cremation;
(t) details of the ordinary medical practitioner of the deceased and any who attended the deceased during their final illness;
(u) details of whether the body of the deceased contains a cardiac pacemaker or other biomechanical device;
(v) notification of whether any person wishes to observe the casket being charged into the cremator;
(w) casket or shroud dimensions, shape, material, characteristics or placement;
Applications for vault, mausoleum, or monument approvals may in addition require the following information
(x) details including dimensions, materials or sketch of the structure and inscription;
(y) work proposed including whether for a new vault, mausoleum, or monument, or refurbishment, re-inscription, remodel, clean and reback, or removal;
(z) installation and unveiling details including proposed date;
Applications for disinterment approvals may in addition require the following information
(aa) details including date, arrival time, and previous burials and deceased in the plot;
(bb) expected number of attendees, funeral director or other attendance;
(cc) notification of any requested practices prior to or following the disinterment, for example prayers;
(dd) who is responsible for the deceased once removed.

18 Applications are considered against relevant matters

- (1) The **council** when considering an application for an approval –
- (a) will have regard to any matter it considers relevant and reasonably necessary to determine the application in relation to the purpose of this Bylaw; and
 - (b) may inspect objects, materials or locations related to the application for the purposes for which the **approval** is given.
- (2) Without limiting subclause (1), the **council** may consider an application for an **approval** against one or more of the following matters in this table.

All applications for approvals may consider the following matters
(a) any of the information provided in the application, or the form and manner of the application;
(b) location, nature, scale, date, time and duration of the activity;
(c) specifications of any furniture, structures, equipment, vehicles, signs, displays and other items used or associated with the activity;
(d) actual or potential impact of the activity on the public, cemetery or crematorium, and surrounding environment, for example: <ul style="list-style-type: none">(i) impacts on capacity of the cemetery or crematorium to provide or facilitate the activity or any future activities;(ii) impacts as a result of noise, glare, light spill, anti-social behaviour;(iii) impacts on appearance and amenity;(iv) impacts to native fauna, flora, heritage features and scheduled heritage areas under the Auckland Unitary Plan;(v) impacts on maintenance or operational activities;(vi) obstruction or hazards to cemetery user, pedestrian or vehicular visibility, access or flow;(vii) cumulative impacts of this approval in addition to other existing approvals;
(e) how any actual or potential impacts may be mitigated, for example through traffic management, safety and risk management, adverse weather, emergency;
(f) whether the location is already approved for another activity;
(g) suitability of the applicant to hold an approval taking into account any known past operational issues and the applicant's qualifications, experience and track record;
(h) whether the applicant is a member of a representative or registered organisation;
(i) whether the activity complies with relevant requirements in any Act, regulation or Bylaw to enable the activity to occur for example, obtaining and complying with a disinterment licence or compliance with burial and cremation legislation;
(j) whether the activity is consistent with relevant Auckland Council policies and plans .
(k) whether any fees are fully paid.

19 Applications may be granted or declined

- (1) The **council** may grant or decline an application for an **approval** having regard to the matters in clause 13.

20 Conditions may be imposed if an application is granted

- (1) **Council** may impose any conditions on an **approval** it considers appropriate to achieve the purpose of this Bylaw.
- (2) Without limiting subclause (1), **council** may impose conditions about any one or more matters in this table.

All approvals may include conditions about the following matters
(a) location, nature, scale, date, time and duration of the activity;
(b) who is involved in, attending, or conducting the activity, and their behaviour;
(c) specifications on the use of any furniture, structures, equipment, vehicles, signs, displays and other items used or associated with the activity;
(d) limits on the number of items used or associated with the activity;
(e) times of operation (days and hours), including any 'set up' and 'pack down' times;
(f) mitigating actual and potential impacts on the public, cemetery, crematorium and surrounding environment (for example, flora and fauna, heritage features or scheduled areas, nearby cemetery chapels) from the activity (for example in relation to public safety and misuse of cemeteries);
(g) compliance with approved impact mitigation plans (for example, a traffic management plan);
(h) compliance with requirements in any other relevant Act, regulation or Bylaw ;
(i) compliance with relevant Auckland Council policies and plans ;
(j) reporting and / or monitoring before, during and / or after the activity;
(k) holding and maintaining appropriate public liability insurance;
(l) payment of one or more bonds, fees and / or charges;
Burial approvals may in addition include conditions about the following matters
(m) type, nature and maximum number of burials (for example, body and / or ash, body preparation such as embalming, minimum depth of cover, maximum depth of burial);
(n) urn, casket or shroud dimensions, shape, material, characteristics or placement;
(o) whether people may fill a grave; and the number of people who may fill the grave;
Cremation approvals may in addition include conditions about the following matters
(p) casket or shroud dimensions, shape, material, characteristics or placement;
(q) materials or items able to be or not permitted to be cremated;
(r) whether people may (and the number and identity of people who may) observe the casket or shroud being charged into the cremator;
(s) whether the actual cremation process may be observed;
(t) whether the casket or shroud may be opened after admission to the crematorium;
(u) location, date, and time period within which ashes must be collected;
Vault, mausoleum, or monument approvals may in addition include conditions about the following matters
(v) vault, mausoleum or monument specifications, dimensions, shape, material, characteristics, placement, or manner of construction, installation, refurbishment, modification, or removal.

Part 4

Enforcement powers, offences and penalties

Related information about enforcement powers, offences and penalties

Provision for enforcement powers, offenses and penalties contained in legislation are not duplicated in this Bylaw. This includes the following provisions.

- Council powers under the [Burial and Cremation Act 1964](#) (BCA) (as reprinted on 24 October 2019) and [Local Government Act 2002](#) (LGA) (as reprinted on 26 March 2020) include court injunction ([section 162](#)), removal of works ([section 163](#)), seizure and disposal of property (sections [164](#), [165](#), [168](#)), powers of entry (sections [171](#), [172](#), [173](#)), cost recovery for damage (sections [175](#), [176](#)) and power to request name and address (section [178](#)).
- A person convicted of an offence against a bylaw is liable to a fine not exceeding \$20,000 under the LGA ([section 242](#)) (as reprinted on 26 March 2020).
- The LGA provides for statutory defenses to any offense under this Bylaw ([section 240](#)).

Council can also use other methods as a service provider to encourage compliance, for example providing advice, information or warnings, or trespassing a person.

21 Removal of materials or things

- (1) **Council** may under [section 163](#) of the Local Government Act 2002, remove or alter any material or thing in breach of this Bylaw and may recover any costs of removal or alteration from the person who committed the breach.

Part 5

Savings and transitional provisions

22 Existing resolutions, approvals and other decisions continue to apply

- (1) This clause applies to things resolved, made or approved under –
- (a) this Bylaw prior to amendments in clauses 20(2) or (3) coming into force;
 - (b) the Auckland Council Arataki Tikanga mo ngā Wāhi Tapu me ngā Whare Tahu Tupāpaku | Cemeteries and Crematoria Code of Practice 2014 prior to amendments in clauses 20(2) or (3) coming into force;
 - (c) Rodney District Council General Bylaw: 1998 Chapter 2 Cemeteries;
 - (d) North Shore City Council [Part 10] Cemeteries and Crematorium Bylaw 2000;
 - (e) Auckland City Council Bylaw No. 7 Cemeteries 2008;
 - (f) Waitakere City Council Public Places Bylaw 2010 Part 4 [12] Cemeteries and Crematoria;
 - (g) Waitakere City Council Urupa (Māori Burial Site) Bylaw 2010;
 - (h) Manukau City Council Chapter 4 Cemeteries and Crematoria of the Manukau City Consolidated Bylaw 2008;
 - (i) Papakura District Council Cemeteries Bylaw 2008;

- (j) Franklin District Council Cemeteries Bylaw 2008.
- (2) Every resolution or other decision made continues to apply until replaced or revoked by **council**.
- (3) Every **approval** granted that applied prior to amendments in clauses 20(2) or (3) coming into force continues to apply until the expiration date specified in that **approval** or until replaced or revoked by **council**.

23 Existing compliance action to be completed under this Bylaw

- (1) Any compliance or enforcement action by **council** under this Bylaw (including under the Cemeteries and Crematoria Code of Practice 2014) that was not completed prior to amendments in clauses 20(2) or (3) coming into force will continue to be completed under this Bylaw as if the amendments were not made.

Related information, Bylaw history

Date	Description
1 Nov 2010	Made legacy bylaws about cemeteries and crematoria ¹ (Section 63 Local Government, with effect from 1 November 2010 (Auckland Transitional Provisions Act 2010).
19 Mar 2024	Review of legacy bylaws about cemeteries and crematoria completed (RBC/2014/15)
31 July 2014	Made the Auckland Council Cemeteries and Crematoria Bylaw 2014 and revoked legacy bylaws, with effect from 1 November 2014 (GB/2014/67).
11 Apr 2019	Review of Cemeteries and Crematoria Bylaw 2014 completed (REG/2019/20)
25 Feb 2021	Amended the Cemeteries and Crematoria Bylaw 2014, with effect from 1 March 2021 (GB/2021/10)
3 Dec 2024	Review of Cemeteries and Crematoria Bylaw 2014 and Cemeteries and Crematoria Code of Practice 2014 completed (RSCCC/2024/82)
26 Jun 2025	Amended the Cemeteries and Crematoria Bylaw 2014 and revoked Code, with effect from 01 August 2025 (GB/2025/87)

¹ Legacy bylaws made: Auckland City Council No. 7 Cemeteries Bylaw 2008, Franklin District Council Cemeteries Bylaw 2008, Chapter 4 (Cemeteries and Crematoria) of the Manukau City Consolidated Bylaw 2008, Part 10 (Cemeteries and Crematorium) of the North Shore City Council Bylaw 2000, Papakura District Council Cemeteries Bylaw 2008, Chapter 2 (Cemeteries) of the Rodney District Council General Bylaw 1998, Part 4 (Cemeteries and Crematoria) of the Waitakere City Council Public Places Bylaw 2010 and Waitakere City Council Urupa (Māori Burial Site) Bylaw 2010.

Related information, next bylaw review

This Bylaw must be reviewed by 03 December 2034. If not reviewed by this date, the Bylaw will expire on 03 December 2036.

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