

Date: Tuesday 2 July 2024
Time: 10.00am
Meeting Room: Room 1, Level 26
Venue: 135 Albert Street, Auckland

Komiti mō te Waeture me te Haumarū ā-Hapori / Regulatory and Community Safety Committee OPEN ATTACHMENTS

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Note: The attachments contained within this document are for consideration and should not be construed as Council policy unless and until adopted. Should Councillors require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.



Auckland Council 2014 Bylaw and Code of Practice
about council cemeteries and crematoria

2024 Review Findings report

July 2024, Version 1.0

aucklandcouncil.govt.nz



Item 8

Attachment A

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Attachment A

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2024 review findings for the Cemeteries and Crematoria Bylaw and Code 2014

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Summary of Key Findings

The key findings of the Bylaw and Code Review for Council Cemeteries and Crematoria are:

- the Bylaw and Code could be improved as they are unclear and outdated
- a bylaw is needed because national legislation is unclear and uncertain
- the Bylaw and Code help minimise risk of high impact problems at council cemeteries and crematoria.

Key findings

The Bylaw and Code could be improved as they are unclear and outdated

- Improvements should be considered, for example:
 - to clarify when an approval from council is required and how council makes the decision
 - to ensure the rules reflect current practice (for example adornments are allowed on plots for up to 28 (not 14) days following interment)
 - to improve administration and enforcement (for example to clarify delegations for bylaw administration and to clarify authority for staff to use legislative bylaw powers).
- The Bylaw and Code do not conflict with any other New Zealand statutes. They minimise the risk of high-impact problems, proportionally address problems and do not have any implications nor are inconsistent with the New Zealand Bill of Rights Act 1990.

A bylaw is needed because national legislation is unclear and uncertain

- The Burial and Cremation Act 1964 (BCA) intended council to use bylaws to manage its cemeteries and crematoria. Other specific cemetery management powers in the BCA can be unclear, leave gaps, and have uncertain application for matters currently addressed in practice.

Bylaw and Code respond to the risk of high impact problems at council cemeteries and crematoria

- The Bylaw and Code help to minimise the risk of public safety risks, cemetery misuse, obstruction, distress to families, and damage, for example:
 - flammable items in a cremator can result in cremator damage of up to \$150,000
 - uncontrolled adornments on plots obstruct maintenance and other burials
 - headstones of poor durability or installation can cause families distress and risk injury.
- The Bylaw's main function is to enable the making of a separate code. The Code:
 - requires approval for certain activities at council cemeteries and crematoria (interment, cremation, ash scattering, memorial (headstone and plaque) installation and removal, vault and mausoleum installation, and vegetation planting)
 - sets rules for the exclusive right of burial, adornments, and disinterment.

The recommended next step is to complete a statutory bylaw review, options report and proposal

- This will consider statutory options to confirm, amend, replace, or revoke the Bylaw or Code.

Attachment A

**Komiti mō te Waeture me te Haumarū ā-Hāpori / Regulatory and Community Safety Committee
Forward Work Programme 2024**

This committee deals with regulatory hearings, appointing independent commissioners and regulatory policy and bylaws. The full terms of reference can be found here: [Auckland Council Governing Body Terms of Reference](#)

Area of work and Lead Department	Pūnga / Reason for work	Committee role (whakatau / decision and/or tika / direction)	Expected timeframes Highlight the month(s) this is expected to come to committee in 2024											
			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Bylaws														
Cemeteries and Crematoria Bylaw Control Community and Social Policy	To review the rules to manage activities at council cemeteries and crematoria relating to burial, cremation, disinterment, built structures and record-keeping under the Cemeteries and Crematoria Bylaw 2014.	Decision on form of updated bylaw control and whether formal public consultation is required. Progress to date: Recommendations from Regulatory Committee, Proposal to amend the Cemeteries and Crematoria Bylaw 2014 – 24 September 2020 at the Governing Body Link to decision Cemeteries and Crematoria Bylaw 2014: Bylaw Panel report – 22 October 2021 at the Governing Body Link to decision Proposal to Initiation of bylaw projects in 2022 - 8 March 2022 at the Regulatory Committee Link to decision												
Health and Hygiene Bylaw Control Community and Social Policy	To review minimum standards to protect public health associated with commercial services that pierce, risk breaking or risk burning the skin or tissue, therapeutic massage, colon hydrotherapy, swimming pools, water play parks and splash pads under the Health and Hygiene Bylaw 2013.	Decision on form of updated bylaw control and whether formal public consultation is required. Progress to date: Initiation of bylaw projects in 2022 - 8 March 2022 at the Regulatory Committee Link to decision												
Vape Retail Bylaw	Notice of Motion to introduce a bylaw restricting the visibility of vape products in specialist vape retailers from external view	Decision on form of updated bylaw control and whether formal public consultation is required. Progress to date: Notice of Motion – 13 February 2024 Link to decision												

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Area of work and Lead Department	Pūnga / Reason for work	Committee role (whakatau / decision and/or tika / direction)	Expected timeframes Highlight the month(s) this is expected to come to committee in 2024											
			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Traffic Bylaw Review Community and Social Policy	To review the bylaw that regulates the use of vehicles on council-controlled land that is not part of the Auckland transport system, like parks and beaches. NB: This Bylaw was made solely under the Land Transport Act 1998 and does not expire. This is a joint project led by Auckland Transport to create a single traffic bylaw for Auckland.	Decision on whether a bylaw is still needed to confirm, amend, replace or revoke the bylaw. If required, recommend a proposal and appoint a Bylaw Panel. Progress to date: Initiation of Bylaw Reviews in 2020 – 18 February 2020 at the Regulatory Committee Link to decision Process and timeline clarified with Auckland Transport. Combined draft findings, options and proposal report scheduled for Mid-2024 for endorsement to seek local board views. Report on recommended proposal scheduled for 3rd Quarter 2024.												
Public Safety and Nuisance By-Law Enforcement Licensing and Regulatory Compliance	To advise the committee of a proposed review of the enforcement of the Public Safety and Nuisance Bylaw 2013 (PSN Bylaw) in the central city and whether that approach could be enhanced to address ongoing concerns with city centre safety and nuisance.	Address ongoing concerns with city centre safety and nuisance. Progress to date: Proposed review of the Public Safety and Nuisance Bylaw enforcement Link to decision												
Reporting														
Animal Management Licensing and Regulatory Compliance	Report on Animal Management activities for the year ending June 2024 as required by Section 10A of the Dog Control Act 1996.	Note that the Animal Management Annual Report is required under Section 10A of the Dog Control Act 1996 and staff will provide the 2023/24 report to the Secretary of Local Government. Progress to date: 2023/2024 report still to be prepared by Animal Management for presentation and approval during September/October 2024.												
Resource Consent Appeals Resource Consents	To provide an update on all resource consent appeals	Information purposes. Bi-monthly report.												

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			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Boarding House Inspections Licensing and Regulatory Compliance	Update on the Auckland proactive boarding house inspections programme.	Information purposes. Progress to date: Boarding House Inspection Programme Update – 20 April 2021 at the Regulatory Committee Link to decision Boarding House Inspection Programme Update – 4 June 2024 at the Regulatory and Community Safety Committee Link to decision													
Policies															
Gambling Venue Policies Review 2020	Review required under the Gambling Act 2003	To approve the review findings Progress to date: Gambling Venue Policies Review 2020 – 13 October 2020 at the Regulatory Committee Link to decision Start of gambling and dog policy/bylaw reviews – 5 September 2023 Link to decision Gambling Venue Policies Review 2023 – 5 March 2024 Link to decision			×										
Regulatory and Safety Committee Policy		To produce and obtain approval for an amended Regulatory and Safety Committee Policy Progress to date: Adoption of a Regulatory and Safety Committee Policy – 4 April 2023 at the Regulatory Committee Link to decision													
Dog Policy and Bylaw Review Community and Social Policy	To review the Policy and Bylaw on dogs that regulates the keeping and control of dogs in Auckland.	Decision on whether policy fit for purpose and whether a bylaw is still needed to confirm, amend, replace or revoke the bylaw. If required, recommend a proposal and appoint a Panel. Progress to date: Start of gambling and dog policy/bylaw reviews – 5 September 2023 Link to decision													

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Attachment A

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Area of work and Lead Department	Pūnga / Reason for work	Committee role (whakatau / decision and/or tika / direction)	Expected timeframes											
			Highlight the month(s) this is expected to come to committee in 2024											
			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Dangerous Dams Policy Building regulations	The Building (Dam Safety) Regulations 2022 are Aotearoa New Zealand's first consistent regulatory dam safety framework which provides a nationally consistent approach to ensuring that dams are, and continue to be, safe, protect people, property, infrastructure, and the environment. The Building (Dam Safety) Regulations 2022 come into effect on 13 May 2024.	Under the Building Act 2004, all regional councils are required to 'adopt and implement a policy on dangerous dams, flood-prone dams, and earthquake prone dams.' Auckland Council developed its proposed Dam Safety policy, which is due to come into effect on 13 May 2024. The Regulatory and Community Safety committee is expected to adopt the proposed Dangerous Dams policy in April 2024, in time for it come into effect on 13 May 2024. Progress to date: Update on submissions received during the consultation period on the Dam Safety policy. Link to decision Decision to adopt dangerous dams policy. Link to decision				X								
Funding														
Local Crime Fund	Through the Ministry of Social Development, the Government allocated \$2 million from the Proceeds of Crime Fund to invest in community safety initiatives in Auckland.	To approve the distribution model and ratio for the Local Crime Fund of \$2 million. Progress to date: Local Crime Fund – 30 May 2023 at the Regulatory Committee Link to decision Update on accountability for Local Crime Fund grants provided to Business Improvement Districts as of 31 December 2023 Link to decision												
Hearings														
Objection hearings under section 181 of the Local Government Act	The committee hears and determines objections to proposed stormwater works on private properties pursuant to section 181 of the Local Government Act 2002.	Hear and determine the objections according to clause 1(e) of Schedule 12 of the Local Government Act 2022. Hearings will be undertaken by the committee as the need arises.	As required											

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			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec		
Objections under section 22 of the Dog Control Act 1996	The committee hears and determines objections to the probationary classification of dog owners pursuant to section 22(1) of the Dog Control Act 1996.	Hear and determine the objections according to sections 22(3) and 22(4) of the Dog Control Act 1996. Hearings will be undertaken by the committee as the need arises.														As required
Objections under section 26 of the Dog Control Act 1996	The committee hears and determines objections to the disqualification of persons to own dogs pursuant to section 26(1) of the Dog Control Act 1996.	Hear and determine the objections according to sections 26(3) and 26(4) of the Dog Control Act 1996. Hearings will be undertaken by the committee as the need arises.														As required
Objections under section 31 of the Dog Control Act 1996	The committee hears and determines objections to the dangerous classification of dogs pursuant to section 31(3) of the Dog Control Act 1996.	Hear and determine the objections according to section 31(4) of the Dog Control Act 1996. Hearings will be undertaken by the committee as the need arises.														As required
Objections under section 33B of the Dog Control Act 1996	The committee hears and determines objections to the menacing classification of dogs by deed pursuant to section 33B(1) of the Dog Control Act 1996.	Hear and determine the objections according to section 33B(2) of the Dog Control Act 1996. Hearings will be undertaken by the committee as the need arises.														As required
Objections under section 33D of the Dog Control Act 1996	The committee hears and determines objections to the menacing classification of dogs by breed pursuant to section 33D(1) of the Dog Control Act 1996.	Hear and determine the objections according to section 33D(3) of the Dog Control Act 1996. Hearings will be undertaken by the committee as the need arises.														As required
Objections under section 55 of the Dog Control Act 1996	The committee hears and determines objections to the issue of nuisance abatement notices for barking dogs pursuant to section 55(2) of the Dog Control Act 1996.	Hear and determine the objections according to section 55(3) of the Dog Control Act 1996. Hearings will be undertaken by the committee as the need arises.														As required

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Attachment A

Completed

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Area of work and Lead Department	Pūnga / Reason for work	Committee role (whakatau / decision and/or tika / direction)	Whakatau / Decision
Air Quality Bylaw for Indoor Domestic Fires Community and Social Policy	This Bylaw sets standards for indoor domestic fires and what may be burnt in them. New Bylaw must be made by 25 May 2024 to avoid a regulatory gap.	Decision on key components of a new bylaw (April) to recommend a proposal and appoint a Bylaw Panel (June) Progress to date: It was recommended that the bylaw be allowed to expire as it added no regulatory value. RSCCC/2023/12	whakaae / approve allowing the Auckland Council Air Quality Bylaw for Indoor Domestic Fires 2017 to expire on 25 May 2024. Link to decision
Signage at off-license premises Community and Social Policy	To investigate regulatory options to restrict the size, number, content and marketing of alcohol on signage and the use of neutral colours on buildings associated with off-license premises and visible from a council controlled public place.	Decision on preferred regulatory option in relation to signs at off-license premises and determination of next steps. Progress to date: <u>Decision to initiate project made on 13 October 2020 REG/2020/66</u> Completed on 27 June 2023. Link to decision	a) whakaae / agree to the key findings in the 'Report on further investigation of regulatory options to reduce alcohol advertising outside off-licence premises' in Attachment A of this agenda report. b) ohia / endorse the Auckland District Licensing Committee Practice Note on off-licence advertising as the most appropriate option to reduce alcohol advertising outside off-licence premises as detailed in Option three of this agenda report. c) request the Auckland District Licensing Committee consider adding to their Practice note on off-licence advertising the following: i) require that all alcohol signage comply with the Advertising Standard Authority code ii) clarify that the stricter rule will apply where there is any conflict between the signage Bylaw and the 25% façade limit d) tuhi ā-taipitopito / note that including discretionary conditions about alcohol advertising outside off-licence premises can be considered during the first statutory review of the Auckland Local Alcohol Policy, if and when it becomes operative.
Waste Management and Minimisation Bylaw Control Community and Social Policy	To review the kerbside collection rules for waste management and minimisation.	Decision on form of updated bylaw control and whether formal public consultation is required. Progress to date: New Wase Management and Minimisation Bylaw Control – 5 December 2023 Link to decision	

Last edited 1/02/24

