

Consistency Accountability Statement: Animals (Excluding Dogs) Bylaw Review 2026

Agency responsible Western Bay of Plenty District Council

Date finalised 27 August 2026

Statement of Review

I confirm that **Western Bay of Plenty District Council** has assessed the above legislation for consistency with the principles of responsible regulation as set out in section 9, and modified by section 19, of the Regulatory Standards Act 2025.

This assessment identified the following inconsistencies with the principles of responsible regulation:

Relevant principle of responsible regulation	Relevant sections in legislation
Section 9(a)(v) – the importance of maintaining consistency with the following aspect of the rule of law: - (v) issues of legal right and liability should be resolved by the application of law, rather than the exercise of administrative discretion.	Clause 1.4 – Issue of notices by Authorised Officer to re-site or remove hives, if in the opinion of the Authorised Officer such site has become, or is likely to become a nuisance or injurious to health. Clause 3.2 – An Authorised Officer may refuse consent, revoke or cancel a consent, or apply conditions if it decides a poultry house or poultry run is likely to be offensive or dangerous to health. Clause 3.4 – Every poultry house within a residential area is to be kept clean and dry and in good repair to the satisfaction of the Authorised Officer.

Summary of inconsistency

An Authorised Officer has discretion in aspects of the bylaw, (i.e. determining whether a poultry house or run is offensive) without a specific set of criteria to assist in decision making. The Authorised Officer has a level of discretion in decision making.

While the bylaw does not limit the ability of an individual to raise an appeal (clause 11), a judicial review or other appropriate process, the bylaw does not specifically state that an appeal to the courts is available.

Relevant principle of responsible regulation	Relevant sections in legislation
Section 9(h) – legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review.	Discretionary powers of Administrative Officers noted above.

Summary of inconsistency

The discretion afforded to an Authorised Officer may be perceived, or have the effect of, affecting rights, liberties or obligations, and is not specifically defined in the bylaw (however, it must be within the scope of the bylaw).

There is, however, a pathway for review to the Council is expressly provided in the bylaw.



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Matthew Potton
Chief Executive Officer
Western Bay of Plenty District Council