

Consistency Accountability Statement: Public Places Bylaw 2026 Review

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)– 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 2.1 in relation to the condition or state of repair of a wall, fence of land adjacent to a public place with the ability to give notice to the owner to make the land safe. Clause 2.3 giving the Authorised Officer the ability to request that an owner or occupier cut back any tree deemed to be (by the Authorised Officer) overhanging a street light in a public place. Clause 6.1 (ii) the opinion of the Authorised Officer in relation to signage and the likelihood of it causing

undue obstruction to pedestrians, constituting a danger to people or property, or likely to be offensive or cause a detraction from amenity.

Clause 6.3, 6.5 – the content required for an application and the condition of a advertising device must be satisfactory to an Authorised Officer

Clause 7.2, 7.4 – whether work carried out on a vehicle crossed is satisfactory to an Authorised Officer and the requirement of a temporary crossing.

Clause 9.1 – the direction of an Authorised Officer may be required for the marking of a building with relevant numbering

Summary of inconsistency

An Authorised Officer has discretion in a number of areas of the bylaw 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 14), a judicial review or other appropriate process, the bylaw does not specifically prohibit the ability of an applicant to appeal to the courts is available.

Relevant principle of responsible regulation

Section 9(c) - Legislation should not take or severely impair, or authorise the taking or severe impairment of, property without the consent of the owner unless-

- there is a good justification for the taking or severe impairment; and

Relevant sections in legislation

Clause 6.10 – the bylaw provides for the removal of advertising devices from public places where the bylaw is breached, and 2 offences are notified to the owner of the device. The advertising device may be stored or disposed of in accordance with this clause.

- fair compensation for the taking or severe impairment is provided to the owner; and
- the compensation is provided, to the extent practicable, by or on behalf of the persons who obtain the benefit of the taking or severe impairment

Clause 15.1 – the bylaw enables an officer authorised by the Council to remove or alter a work or a thing constructed in breach of the bylaw.

Summary of inconsistency

The removal of items or things on public property which affect either the safe passage or use by the community is enabled by the bylaw, without compensation payable by the owner of such item or thing.

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	Clause 2.1 in relation to the condition or state of repair of a wall, fence of land adjacent to a public place with the ability to give notice to the owner to make the land safe. Clause 2.3 giving the Authorised Officer the ability to request that an owner or occupier cut back any tree deemed to be (by the Authorised Officer) overhanging a street light in a public place. Clause 6.1 (ii) the opinion of the Authorised Officer in relation to signage and the likelihood of it causing undue obstruction to pedestrians, constituting a danger to people or property, or likely to be offensive or cause a detraction from amenity. Clause 6.3, 6.5 – the content required for an application and the condition of a advertising device must be satisfactory to an Authorised Officer

Clause 7.2, 7.4 – whether work carried out on a vehicle crossed is satisfactory to an Authorised Officer and the requirement of a temporary crossing.

Clause 9.1 – the direction of an Authorised Officer may be required for the marking of a building with relevant numbering

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 appeal to the Council is expressly provided in the bylaw.



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Matthew Potton
Chief Executive Officer
Western Bay of Plenty District Council