

Maker Statement of Reasons: Public Places Bylaw Review 2026

This document fulfils the requirements of section 21 of the Regulatory Standards Act 2025 to briefly explain Western Bay of Plenty District Council's ('Council') reasons for any inconsistency with the principles of responsible regulation identified in the Council's Consistency Accountability Statement, and proposed actions (if any) to remedy that inconsistency.

**Maker of
legislation**

Western Bay of Plenty District Council

Date finalised

27 August 2026

Statement of Reasons

Principle of responsible regulation

The Consistency Accountability Statement has identified the following inconsistencies with the principles of responsible regulation:

- (i) 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.
- (ii) 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-
 - (i) there is a good justification for the taking or severe impairment; and
 - (ii) fair compensation for the taking or severe impairment is provided to the owner; and
 - (iii) 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
- (iii) 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.

Relevant sections of legislation where inconsistencies identified

The inconsistencies identified relate to the following clauses in the bylaw:

Section 9(a)(v) and Section 9(h)

- (i) 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.
- (ii) 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.
- (iii) 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.
- (iv) 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
- (v) 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.
- (vi) Clause 9.1 – the direction of an Authorised Officer may be required for the marking of a building with relevant numbering

Section 9(c)

- (vii) Clause 6.10 - The bylaw provides for the removal of advertising devices from public places, where it breaches the standards or requirements of the bylaw. Such removal would occur on the second breach of the bylaw, and would result in the storing of the advertising device and possible disposal
- (viii) The bylaw also enables Council to authorise an officer to remove or alter a work or thing constructed in breach of the bylaw (clause 15.1), recovering the costs of any removal or alteration.

Reason for inconsistency and proposed action to remedy

Section 9(a)(v) and Section 9(h)

The discretion afforded to an Authorised Officer enable efficient and effective means to resolve issues and respond to compliants raised in a meaningful way. To date the discretion granted had enabled Authorised Officers to engage with those affected by issues and, providing both education and guidance to members of the community. On this basis no changes are proposed to the bylaw.

Section 9(c)

The removal of items or things which create a hazard or nuisance on public land would occur after engagement and attempts to resolve the matter in other ways. If repeated infringements occur, compromising the safety or enjoyment of public spaces the removal of such items is seen to be an appropriate response.

Notice prior to any action would be provided to the owner of the item or thing, with information regarding the costs to that owner and that no compensation would be payable by Council.

No changes are proposed to the bylaw.



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Mayor James Denyer

On behalf of Western Bay of Plenty District Council