

Summary of Underpinning Analysis: Animals (Excluding Dogs) Bylaw Review 2026

Agency responsible	Western Bay of Plenty District Council
Date finalised	27 August 2026

Rule of Law: 9(a)(i)

The law should be clear and accessible

Inconsistency identified? No

Summary of agency analysis

The bylaw uses plain language, and all relevant considerations are contained in the bylaw. Other than confirming the fees payable from time to time through the Councils Fees and Charges Schedule, there are no supplementary documents or cross referencing of other legislation required to understand or apply the bylaw.

The bylaw is available on the Council website and hard copies can be obtained from Council libraries and service centres.

Rule of Law: 9(a)(ii)

The law should not adversely affect rights and liberties, or impose obligations, retrospectively

Inconsistency identified? No

Summary of agency analysis

The guidance indicates that this would only be relevant to proposed legislation, however it is also assumed that changes to existing legislation would also require consideration.

There are currently no proposed changes to the Bylaw which would alter the status of any actions of a member of the public as compliant. If changes are proposed relating to responsible cat ownership, unless specified expressly in the bylaw that we were taking an education only approach, a transitional period would be required to maintain consistency with the principles of responsible regulation requirements.

Rule of Law: 9(a)(iii)

Every person is equal before the law

Inconsistency identified? No

Summary of agency analysis

All persons (whether individuals or institutions and whether public or private) are bound by the bylaw. There are no exemptions and the Crown are equally bound by the bylaw

If changes are proposed for responsible cat management, which includes an exemption for breeders, we will need to reclassify this as inconsistent.

Rule of Law: 9(a)(iv)

There should be an independent impartial judiciary

Inconsistency identified?

No

Summary of agency analysis

The bylaw does not influence, fetter or limit the ability of the judiciary to consider any application which might be made in relation to the actions of Council.

Rule of Law: 9(a)(v)

Issues of legal right and liability should be resolved by the application of law, rather than the exercise of administrative discretion

Inconsistency identified?

Yes

Summary of agency analysis

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.

Liberties: 9(b)

Legislation should not unduly diminish a person's liberty, personal security, freedom of choice or action, or rights to own, use, and dispose of property, except as is necessary to provide for, or protect, any such liberty, freedom, or right of another person

Inconsistency identified?

No

Summary of agency analysis

The limitations on the ownership and keeping of animals may be seen as diminishing the rights of the owner of the animals, however such limitations are for the benefit of neighbours and others to whom a nuisance might be created.

The avoidance of nuisance is identified throughout the bylaw as a benefit to limiting rights or liberties of animal owners.

Taking of property: 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
- 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

Inconsistency identified?

No

Summary of agency analysis

The bylaw does not expressly provide for the taking of property (animals).

The bylaw allows conditions to be imposed through a Consent that may impair an owners ability to keep animals on their property, however such conditions should be justified by considering other parties who might be affected, i.e. neighbours or using of adjoining land or waterways.

Taxes, fees and levies: 9(d)

The importance of maintaining consistency with section 22(a) of the Constitution Act 1986 (Parliamentary control of taxation)

Inconsistency identified?

Not Applicable

Summary of agency analysis

No taxes are raised through the bylaw.

Taxes, fees and levies: 9(e)

Legislation should impose, or authorise the imposition of, a fee for goods or services only if the amount of the fee bears a proper relation to the cost of providing the good or service to which it relates

Inconsistency identified?

No

Summary of agency analysis

The fees charged reflect the reasonable costs of administering the issue and monitoring of relevant licences and consents. The fees are reviewed annually and set in accordance with Council's Revenue and Financing Policy.

The fees charged do not exceed the cost of administering the activity

Taxes, fees and levies: 9(f)

Legislation should impose, or authorise the imposition of, a levy to fund an objective or a function only if the amount of the levy is reasonable in

relation to both—

- the benefits that the class of payers is likely to derive, or the risks attributable to the class, in connection with the objective or function; and
- the costs of efficiently achieving the objective or providing the function

Inconsistency identified?

Not Applicable

Summary of agency analysis

No levies are charged through this bylaw.

Role of courts: 9(g)

Legislation should preserve the courts' constitutional role of ascertaining the meaning of legislation

Inconsistency identified?

No

Summary of agency analysis

While the bylaw gives discretionary abilities to an Authorised Officer, it expressly provides an appeal process to the Council, and does not prevent an applicant from appealing to the court (although not expressly stated).

Role of courts: 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

Inconsistency identified?

Yes

Summary of agency analysis

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

There is however a pathway for appeal to the Council expressly provided for in the Bylaw.

Good law-making: 9(i)

The importance of consulting, to the extent that is reasonably practicable, the persons or representatives of the persons that the responsible agency considers will be directly and materially affected by the legislation

Inconsistency identified?

Not Applicable

Summary of agency analysis

This principle is not required for existing secondary legislation pursuant to section 19(a) of the RSA.

However, while not required for existing legislation, there has been compliance with s82 of the LGA. The process, when complete, will also be compliant with the LGA consultation requirements.

Good law-making: 9(j)

The importance of carefully evaluating -

- (i) the issue concerned; and**
- (ii) the effectiveness of any relevant existing legislation and common law; and**
- (iii) whether the public interest requires that the issue be addressed; and**
- (iv) any options (including non-legislative options) that are reasonably available for addressing the issue; and**
- (v) who is likely to benefit, and who is likely to suffer a detriment, from the legislation:**

Inconsistency identified?

No

Summary of agency analysis

The issues concerned remain relevant to the community and/or the Council, and the bylaw aligns with and complements current legislation in meeting the needs of the community.

The bylaw delivers clear public benefit and assists in responding to complaints and issues arising from animal care and ownership and addressing nuisance. Our s.155 assessment confirms and aligns with the bylaw being the most appropriate way of addressing the issues.

The bylaw reflects the diverse nature of our community, particularly the impacts of rural and urban animal ownership.

Good law-making: 9(k)

The importance of the responsible agency identifying and developing effective arrangements for implementing the legislation

Inconsistency identified?

Not Applicable

Summary of agency analysis

This principle does not require review for existing secondary legislation pursuant to section 19(a) of the Regulatory Standards Act 2025.

Good law-making: 9(l)

Legislation should be expected to produce benefits that exceed the costs of the legislation to the public or persons

Inconsistency identified?

No

Summary of agency analysis

The bylaw assists staff in addressing nuisance complaints and issues, and prioritises public health and safety through education, and relationship building with the community and aligned organisations. A responsive and educational approach to enforcement of the bylaws ensures those who require support, receive it.

The cost associated with this activity aligns with the Revenue and Financing Policy within the Long Term Plan.

Good law-making: 9(m)

Legislation should be the most effective, efficient, and proportionate response to the issue concerned that is available.

Inconsistency identified?

No

Summary of agency analysis

The bylaw is an effective and efficient tool in regulating the keeping of animals (excluding dogs) and to prevent uncontrolled nuisances in relation to those animals.

It provides clear, visible and accessible guidelines to the community, and the Council function in administering the bylaw assists the community in education, support and enforcement.