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PALMERSTON
NORTH
CITY

Palmerston North Signs and Use of Public Places Bylaw

Consistency Accountability Statement (CAS) and Summary of Underpinning Analysis (SUA)

October 2026

This Consistency Accountability Statement (CAS) and Summary of Underpinning Analysis (SUA) has been prepared to fulfil the requirements of the Regulatory Standards Act 2025.

NOTE: This Statement remains in draft until the Bylaw it relates to is adopted by the Council, and the Chief Executive (or their delegate) approves the Statement.

The approved CAS and SUA will be provided to the Ministry of Regulation, and made available on the Council website for any interested persons to view.

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Statement of Review

I confirm that the Palmerston North City Council has assessed the Palmerston North Signs and Use of Public Places Bylaw, and the process for reviewing and developing it, for consistency with the principles of responsible regulation, as set out in section 9 *Principles of responsible regulation,* in the Regulatory Standards Act 2025.

The assessment has identified no inconsistencies with the principles of responsible regulation.

Waid Crockett
CHIEF EXECUTIVE
Palmerston North City Council

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Summary of Underpinning Analysis

This summary of underpining analysis describes the assessment of consistency of the Signs and Use of Public Places Bylaw against the requirements of the Regulatory Standards Act 2025 set out in Part 2, Subpart 1, section 9 a-m *Principles of responsible regulation.*

s.9 Rule of Law

a) the importance of maintaining consistency with the following aspects of the rule of law:
- (i) the law should be clear and accessible:
- (ii) the law should not adversely affect rights and liberties, or impose obligations, retrospectively:
- (iii) every person is equal before the law:
- (iv) there should be an independent, impartial judiciary:
- (v) issues of legal right and liability should be resolved by the application of law, rather than the exercise of administrative discretion

Inconsistency identified? No

Summary of Analysis

9(a) The Bylaw applies to the activities in public places that are described in the Bylaw, within the scope of the purpose of the Bylaw (as stated in clause 2.2). It is consistent with the relevant aspects of the Rule of law.

(i) The Bylaw is written in clear and accessible language, where appropriate. The rules are clearly set out so that people can understand what activities are permitted or not permitted in public places. The Bylaw is available online and in hard copy at Council service centres and, can be provided on request.

(ii) The Bylaw does not retrospectively impose obligations or adversely affect rights and liberties. It's rules and requirements apply prospectively to relevant activities in public places from the date the Bylaw commences.

(iii) The Bylaw applies fairly and consistently to all persons undertaking activities, or using public places to which the Bylaw applies.

(iv) This principle is not directly applicable to the development or administration of the Bylaw. Matters relating to the interpretation and enforcement of the Bylaw remain subject to the independent and impartial judicial system.

(v) The Bylaw establishes clear processes and conditions for the described activities in public places. Where Council officers are required to make decisions under the Bylaw, those decisions are made in accordance with the powers, criteria and processes established by the Bylaw, under the specified and relevant legislation. Administrative discretion is therefore exercised within the limits of

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the law as specified in the relevant legislation (law), rather than being used to determine legal rights or liabilities independently of the enabling legislation.

s.9 Liberties

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 Analysis

9(b) The Bylaw regulates the use of public places to support its ongoing safe, accessible, orderly and appropriate use by anyone in the community. It does not impose significant restrictions on individual liberty, personal security, freedom of choice or freedom of action. To the extent the Bylaw does place restrictions, specific requirements or certain conditions on activities or objects in public places, these are directed at, and limited to, managing activities that may cause obstruction, nuisance, damage, safety risks or interference with the use and enjoyment of public places. The provisions are intended to be proportionate to the purpose of the Bylaw in response to the identified perceived problem which is: *that the shared use of Council-controlled public places in Palmerston North can create health, safety, nuisance, and accessibiilty issues*, and that there is a need to balance individual use of public places with the rights and interests of the wider community.

The Bylaw therefore does 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 necessary to provide for, or protect, any such liberty, freedom, or right of another person.

For example, controls on activities or objects that obstruct public spaces like footpaths, cause damage, create safety risks or unreasonably interfere with other people's use of footpaths are intended to ensure that they can to be used safely and fairly by everyone. Any restrictions are targeted at identified effects or risks and are intended to be no more than necessary to achieve the purpose of the Bylaw. Where the Bylaw does regulate use of public places, it is written and applied in a way that balances the rights of individuals with the rights of the public.

Further, the Council also has regard to the New Zealand Bill of Rights 1990 (NZBORA) when it makes its Bylaw under s.155 of the Local Government Act 2002. No inconsistencies with the NZBORA have been identified.

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s.9 Taking of Property

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:

Inconsistency identified? No

Summary of Analysis 9(c) The Bylaw does not authorise the taking or severe impairment of property without the owner's consent. It does enable Authorised Officers to give notice to persons undertaking unapproved or unpermitted activities in public places, and to regulate or to take action to abate those activites. Any exercise of powers are within the scope of the Bylaw and the enabling legislation it is made under.

Accordingly, the requirements relating to justification and compensation for the taking or severe impairment of property do not generally arise from the Bylaw, as its provisions are intended to regulate the use of public places, rather than authorising the taking or severe impairment of property.

S.9 Taxes, fees, and levies

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

(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:

(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—

(i) 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

(ii) the costs of efficiently achieving the objective or providing the function:

Inconsistency identified? No

Summary of Analysis 9(e) The Bylaw does not authorise the imposition of a tax or levy, though there may be a fee attached to the issuing of a permit or approval under the Bylaw. There may also be a fee attached to the monitoring and compliance of permits or approvals issued under the Bylaw. Council reviews and agrees its fees and charges through the Long-Term Plan development and adoption process. Fees are set out in Council's Fees and Charges.

Otherwise the penalties, fines, and infringements related to failures to comply with the Bylaw or breaches of the Bylaw are described in such amounts as are detailed in the relevant enabling legislation.

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s.9 Role of Courts

(g) legislation should preserve the courts' constitutional role of ascertaining the meaning of legislation:
(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?	Not applicable
Summary of Analysis	Not applicable

s.9 Good law-making

(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:
(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:
(k) the importance of the responsible agency identifying and developing effective arrangements for implementing the legislation:
(l) legislation should be expected to produce benefits that exceed the costs of the legislation to the public or persons:
(m) legislation should be the most effective, efficient, and proportionate response to the issue concerned that is available.

Inconsistency identified?	No
Summary of Analysis	*9(i) Consultation* Early engagement with Council's iwi partners, stakeholders, interested parties, directly and materially affected persons, and other community representatives has been proportional to the scale, timing, and nature of the Bylaw. A formal feedback period will afford interested parties, partners, and stakeholders an opportunity to provide feedback. *9(j) Evaluation* The review has considered the perceived problem/problems the Bylaw is intended to address, other legislative, regulatory and non-regulatory tools and functions available to the Council, the resources available to the Council or its partners to enforce the provisions of the Bylaw, and whether Bylaw is the most appropriate way to address the perceived problem. Consideration has also been given to the likely benefits and adverse effects of the proposed Bylaw provisions for particularly affected persons and groups.[1] *9(k) Implementation* The Bylaw has been reviewed with consideration of how its provisions will be implemented and administered in practice.

[1] A comprehensive analysis under s.155 of the Local Government Act 2002 has been completed, and can be found in the officer report titled *Statutory review of the Signs and Use of Public Places Bylaw 2015 (s155 LGA determination report) and initiation of the review of the Policy for the Use of Public Space 2019*, presented to the Strategy & Finance Committee on 14 August 2024.

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The provisions are intended to be clear, consistent and capable of effective regulation and enforcement.

9(l) Benefits and costs
The review of the Bylaw has considered the expected benefits of it against the costs and impacts of regulation and compliance for Council, businesses, community groups and other users of public places. The likely benefits of the Bylaw justify the potential costs of regulation.

9(m) Effective, efficient and proportionate response
The Bylaw is intended to be an effective, efficient and proportionate response to the issues identified. The Bylaw is scoped so as to avoid unnecessary restrictions, considering the reasonable alternative methods and generally less restrictive or non-regulatory means available to the Council, such as a policy or other enabling guideline.

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