Bylaw

OPEN SPACES

TITLE: Ashburton District Council Open Spaces Bylaw 2016

TEAM: Open Spaces

RESPONSIBILITY: Open Spaces Manager

DATE ADOPTED: TBD

COMMENCEMENT: TBD

NEXT REVIEW DUE: 25 February 2031 or 2036

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1. Title

The title of this Bylaw is the Ashburton District Council Open Spaces Bylaw 2016.

2. Purpose

The purpose of this Bylaw is to protect Council's Open Spaces from damage or misuse and to allow for their effective management for the benefit and enjoyment of all users.

3. Related documents

This Bylaw is one of several documents related to the management of Open Spaces. Other related documents are listed here and may be referred to in Advisory notes in this Bylaw.

Acts and Regulations

- 2023 Civil Aviation Rules
- Civil Aviation Act 2023.
- Fencing Act 1978
- Hazardous Substances (Fireworks) Regulations 2001
- Local Government Act 2002
- Reserves Act 1977
- Resource Management Act 1991.
- Wildlife Act 1953.
- ~~Civil Aviation Authority Rules.~~

Ashburton District Council Bylaws, plans, policies and strategies

- Advertising Signage in Public Places Bylaw 2017

- Cemeteries Bylaw 2017
- Council -Owned or Managed Rural Reserves Policy
- Dog Control Bylaw 2016
- Explanatory Bylaw 2016
- Keeping of Animals, Bees and Poultry Bylaw 2016
- Open Spaces Strategy 2016
- Public Places Bylaw 2017
- Reserve Management Plan 2024
- Smokefree Outdoor Areas Policy
- Trading in Public Places Bylaw 2022
- Use of Sports Fields Policy
- Water Races Bylaw 2025

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5. Application

5.1. This Bylaw applies to parks, reserves, public gardens and any other Open Space under the control of the Ashburton District Council.

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5.2. This Bylaw does not specifically cover the following matters, which are dealt with under separate bylaws:

a. regulation of dogs in Open Spaces.

b. trading in Open Spaces.

c. keeping of bees in Open Spaces.

d. water races on Open Spaces.

6. Definitions

6.1. In this Bylaw, unless the context requires otherwise:

Aircraft means any man-made device capable of flight, including, but not limited to aeroplanes, helicopters, gliders, hang-gliders, kites, hot air balloons, and unmanned devices such as drones. It does not include balloons that are controlled from the ground via strings.

Animal means Stock, Poultry and any other mammal, bird, reptile, amphibian, fish (including shellfish) or related organism, insect, crustacean, or organism of every kind that is kept in a state of captivity or is dependent upon human beings for its care or sustenance. Animals is the plural form. For the avoidance of doubt, matters relating to dogs and keeping of bees are addressed under separate bylaws.

Authorised Officer means any person appointed by the Council to act on its behalf and with its authority.

Bicycle includes:

a. a vehicle that has at least 2 wheels and is designed primarily to be propelled by the muscular energy of the rider pedalling~~.~~; and

b. an electric bicycle (e-bike) that has one or more motors to help the rider provided the combined maximum power output does not exceed 300W.

Bylaw means the Ashburton District Council Open Spaces Bylaw 2016.

Council means Ashburton District Council.

District means ~~the district of the~~ Ashburton District.

Electronic Communication means a communication by electronic means.

Firework has the meaning given under section 2 of the Hazardous Substances and New Organisms Act 1996 and generally means an object containing small quantities of hazardous substances with explosive properties enclosed in a case of paper or similar material.

Golf includes traditional Golf, disc or frisbee Golf, and Golf-related practice.

Hazardous Substance has the meaning given in Section 2 of the Hazardous Substances and New

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Organisms Act 1996 and generally means any substance with 1 or more of the following intrinsic properties:

a. explosiveness:
b. flammability:
c. a capacity to oxidise:
d. corrosiveness:
e. toxicity (including chronic toxicity):
f. ecotoxicity, with or without bioaccumulation;

Mobility Device has the meaning given in section 2 of the Land Transport Act 1998.

Nuisance means to obstruct, annoy or interfere, be it intentionally or unintentionally.

Offence includes any act or omission in relation to any bylaw or any part thereof for which any person can be punished either on indictment or by summary process.

Open Fire means any fire that is not fully enclosed within a permanent or portable appliance designed to contain combustion and prevent the unrestricted escape of flame, sparks, embers, or burning material, and includes (without limitation):

a. fires lit directly on the ground;
b. fires lit in drums, braziers, fire pits, chimineas, or similar devices that are not fully enclosed;
c. bonfires, incinerator fires, and rubbish fires;
d. solid fuel fires used for cooking, warmth, or disposal of material where flame or embers are exposed to open air;

For the avoidance of doubt, an Open Fire does not include: fires contained within an enclosed, purpose-built appliance that is designed to safely contain the fire and is operated in accordance with the manufacturer's instructions, including:

a. enclosed solid-fuel barbecues;
b. portable or fixed gas barbecues;
c. electric barbecues or other electric cooking appliances;
d. enclosed fireplaces, pizza ovens, or similar cooking or heating appliances; or
e. enclosed cooking appliances in a mobile shop.

Open Space means an area of land owned or managed by Ashburton District Council, including any associated Water Body, for the use of the public for the purpose of the amenity, recreation or enjoyment of people in the District. This commonly includes (but is not limited to): parks, rReserves and public gardens; but excludes ~~buildings, swimming pools, and~~ stockwater races. ~~This~~ It also includes any land which is vested in or under the control of the Council, whether or not that land has been vested as a Reserve under the Reserves Act 1977.

Organised Event means a planned and coordinated activity held at a specific time and location on an Open Space, involving a structured program or purpose, and managed by an individual, group, or organisation. It typically requires prior arrangements such as scheduling, promotion, or registration and may involve compliance with permits, safety, or insurance requirements. Typical examples include sporting competitions (e.g., marathons, football matches), festivals, fairs, and markets, concerts or live performances, commercial filming or photography, and community

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gatherings with a formal program (e.g., charity fundraisers).

For the avoidance of doubt, it excludes informal social gatherings (e.g., friends meeting at a park), spontaneous activities without prior planning or structure, individual recreational activities (e.g., jogging, picnicking), and casual use of public spaces without organised programming. It also excludes organised sport or activities authorised under a lease or license from Council.

Organised Sport means a planned and coordinated sporting activity held at an Open Space, involving a controlled time of play, and managed by an individual, group, or organisation. It typically requires prior arrangements such as scheduling, promotion, or registration and may involve compliance with permits, safety, or insurance requirements.

For the avoidance of doubt, it excludes informal sporting gatherings (e.g., friends meeting at a park), spontaneous activities without prior planning or structure, individual recreational activities (e.g., jogging, picnicking), and casual use of public spaces without organised programming. It also excludes organised sport or activities authorised under a lease or license from Council.

~~**Parking** means the standing of a Vehicle in any place for a period exceeding five (5) minutes and "park" Shall have a corresponding meaning.~~

Poultry means any live domesticated bird including but not limited to, domestic fowls, ducks, geese, turkeys, guinea-fowl, pheasants and pigeons.

Remotely Piloted Aircraft means an Aircraft without a human pilot on board that is piloted from a remote station. These Aircraft can be controlled by computers or by a pilot on the ground or in another Vehicle, by remote. They are referred to by several other names, most commonly as a 'drone' or unmanned Aircraft.

Reserve has the meaning given in section 2(1) of the Reserves Act 1977 and generally means any land set apart as a Reserve under any Act.

Retail Fireworks has the meaning given to "retail fireworks package" in section 3 of the Hazardous Substances (Fireworks) Regulations 2001 and generally means Fireworks available for retail sale to consumers.

Scooters includes foot-powered Scooters and any electric Scooters (e-scooters) under 300W and with wheels under 355mm.

Ship means any watercraft capable of operating on water, regardless of size, construction, propulsion, or use. It includes commercial vessels and recreational craft. It also includes, but is not limited to ferries, yachts, launches, dinghies, barges, kayaks, pontoons, paddleboards and hovercraft (when operating as waterborne hovercraft).

Sign includes every information ~~s~~Sign, advertising device or advertising matter of whatever kind whether consisting of a specially constructed device or structure, painted, fixed to or upon any premises, wall, fence, rock, stone, structure, stationary ~~v~~Vehicle, or erection of any kind whatsoever if such Sign, advertising device or matter is visible from any public place, but does not include Signs

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that are required for the direction of the public by a roading authority such as New Zealand Transport Agency Waka Kotahi or the Ashburton District Council.

Stock means:

(a) any live horse, cattle, sheep, swine, alpaca, llama, bison, donkey, hinny, mule, or water buffalo that is not in a wild state:

(b) any deer, goat, tahr, rabbit, possum, or other Animal that is kept within a fence or enclosure for domestic or farming purposes

Vehicle has the same meaning as in section 2 of the Land Transport Act 1998 and generally means a man-made device for land transport, including, but not limited to, cars, trucks, heavy machinery, motorbikes, Scooters and bicycles and any other machine with wheels, tracks, rollers or skids; but does not include prams, strollers, wheelchairs or other ~~m~~Mobility Devises~~Scooters~~.

Water Body means any man-made or naturally occurring body of water, including a river, creek, stream, drain or lake, excluding stock water races.

Written means and includes words printed, painted, engraved, lithographed, or otherwise traced or copied, and includes Electronic Communication.

6.2. Words or expressions that are defined in this Bylaw, the Ashburton District Council Explanatory Bylaw 2016 (or its replacement) or the Local Government Act 2002 have the defined meaning in the whole of this Bylaw unless the context otherwise requires. Where there is a conflict between the defined terms, the definition in this Bylaw shall take precedence.

6.3. Headings and advisory notes are for ease of reference only and do not form any part of the context or affect this Bylaw's interpretation.

6.4. This Bylaw should be read in conjunction with the Explanatory Bylaw and those Bylaws listed in the Related Documents.

6.5. The use of the word "shall" in any clause denotes~~w~~ mandatory requirements for compliance with this Bylaw, or other Ashburton District Council bylaws.

7. Entrances and exits

7.1. No person s~~S~~hall willfully obstruct any of the approaches, entrances, exits, thoroughfares, or walkways of any Open Space.

8. Damage and interference

8.1. Without the prior w~~W~~ritten permission of Council or an Authorised Officer granted under this clause and in accordance with Clause 20, no person, either personally or through any agent under their control or through omission, may:

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8.1.1. remove, destroy, damage, deface (including by writing, drawing, scratching, painting or spraying), or obstruct, disturb, or otherwise interfere with any thing, or any part of any thing, in or enclosing any Open Space, including any:

a. building, structure or fitting;
b. Sign, notice, label, inscription, billboard, or placard;
c. path, track, step, gravel, sand, soil, or border;
d. tree, shrub, or plant of any kind, including taking any part of any tree, shrub, or plant of any kind;
e. area prepared for any sport or game;

~~(vi) flora, fish, bird, fauna, or any naturally occurring living thing.~~

8.1.2. plant any tree, shrub, or plant of any kind, or sow or scatter the seed of any tree, shrub, or plant of any kind, in any Open Space;

8.1.3. deposit offensive or dangerous matter, or cause pollution within any Open Space;

8.1.4. leave any litter within the limits of any Open Space other than in receptacles provided therefor.

8.1.5. pollute or render any Open Space unfit for purpose or future use, including any stream, dam, pond or fountain in any Open Space;

8.1.6. permit or cause wastage of water or permit any water tap to flow for a longer period than may be reasonably required for the filling of utensils for drinking, cooking, or washing purposes;

8.1.7. bathe, wade or swim in any water in any Open Space where bathing, wading or swimming is prohibited by the Council and a Sign or Signs to that effect are displayed;

8.1.8. operate any Ship in or on any water in any Open Space where operation of any Ship is prohibited by the Council and a Sign or Signs to that effect are displayed.

8.1.9. erect, construct, or place in any Open Space any walking track, cycling track or other cycling facility, dam, tree-house, Sign, notice, label, inscription, billboard, or placard without the prior w~~W~~ritten permission of the Council or an Authorised Officer;

8.1.10. erect, construct or place any fence or structure in any Open Space, except as provided for in 11.1. The erection or modification of any fence on the boundary of an Open Space must be approved by Council or an Authorised Officer and comply with the Fencing Act 1978.

8.1.11. Take, ~~or~~ destroy, ~~or~~ injure, ~~or~~ disturb, ~~or~~ interfere with or cause distress to any Animal or bird or the nest or egg of any bird, or attempt to do so.

8.2. Any person to whom the Council grants permission under clause 8.1 must comply with any condition imposed by the Council.

8.3. Council shall not grant permission under clause 8.1.11 in relation to any Animal or bird or the nest or egg of any bird protected by the Wildlife Act 1953 unless and until the provisions of that Act have been complied with to Council's satisfaction.

9. Animals

9.1. No person shall bring any Animal, or allow any Animal to wander or graze or cause damage, within the limits of any Open Space unless:

9.1.1. a Council Bylaw has allowed the Animal in the area, such as through the Dog Control Bylaw and the related Dog Control Policy; or

9.1.2. Council has authorised the presence of Animals through a Reserve Management

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Plan, licence or other similar document; or

9.1.3. permission has been granted by an Authorised Officer under this clause and in accordance with clause 20; or

9.1.4. the Open Space has been booked for an event allowing the presence of Animals.

9.2. In the case of any Animal or bird protected by the Wildlife Act 1953, no such permission shall be granted under clause 9.1.3 to bring such Animal or bird into any Open Space, unless the provisions of that Act have been complied with.

9.3. An Authorised Officer may seize and confine any loose Animal found within any Open Space.

10. Vehicles

10.1. No person shall operate, ride or drive, park or utilise any Vehicle other than Bicycles or Scooters or Mobility ~~Scooters~~Devices on or in any Open Space except:

10.1.1. in areas clearly signposted and notified as being available for such use

10.1.2. where permission has been granted by an Authorised Officer under this clause and in accordance with clause 20.

10.2. Persons may ride bicycles or Scooters or Mobility ~~Scooters~~ Devises within any Open Space, except in areas signposted as being prohibited for such use.

10.3. No person shall ride or drive any Vehicle in any Open Space at a speed in excess of the speed indicated on the appropriate Sign displayed in the area where the Vehicle is being driven or ridden. Where no speed limit has been signposted, no person will drive or ride in any Open Space at a speed greater than 20km per hour. These speed restrictions may be imposed and varied by the Council from time to time.

10.4. No person may operate, use, park or leave any Vehicle in any Open Space without due care and attention or without reasonable consideration for other persons using the Open Space.

11. Erection of tents and booths

11.1 No person shall camp, place, put up or erect any stall, tent or structure of any kind within an Open Space except:

11.1.1 where permission has been granted by an Authorised Officer under this clause and in accordance with clause 20, and then only in accordance with conditions attaching to permission granted; or

11.1.2 in areas where camping is expressly permitted by Council; or

11.1.3 where the temporary structure is intended to assist in protection from weather and sun and will only be in place between 2 hours after sunrise and 2 hours before sunset, and

~~11.1.3~~11.1.4 . The grouping of these structures ~~is permitted so far as they do~~does not create a Nuisance, restrict access or impact on the enjoyment of that Open Space by other users.

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11.2 An Authorised Officer has the right to request any stall, tent or structure of any kind be removed from any Open Space at any time.

Advisory note

Areas in Ashburton District where Council allows camping are listed on our website. ~~These include:~~

~~Rangitata River Mouth~~
~~Ashburton Holiday Park~~
~~Rakaia Gorge~~
~~Hakatere~~
~~Lake Clearwater~~
~~Kowhai Flat~~
~~Rakaia Huts Reserve~~
~~Taylor Stream~~
~~Bowyers Stream~~
~~Hinds River (North of Mayfield)~~

For more information please visit *https://www.ashburtondc.govt.nz/community-facilities/council-campgrounds*

12 Misbehaviour

12.1 Within the limits of any Open Space, no person shall obstruct, disturb, interfere or act in any way that will cause Nuisance to any other person. Such actions can include but are not limited to: the use of foul, abusive or obscene language, being under the influence of drugs or alcohol, playing loud music, disrupting others' use of the Open Space, or misbehaving in any way.

12.2 All Council-owned playgrounds and specified council-owned ~~sportsfields~~sports fields are smokefree and vapefree. These locations are listed in Council's Smokefree Outdoor Areas Policy.

12.3 No person shall without the prior permission of ~~Council~~ an Authorised Officer ~~of~~ under this clause and in accordance with clause 20, distribute any handbill or notice in any Open Space or at any entrance to an Open Space.

Advisory note:

Clause 12.1 should be read in conjunction with the Summary Offences Act 1981, the Crimes Act 1961, the Trespass Act 1980 and any statute that generally regulates behaviour that may occur in parks and Reserves.

13 Assemblies

13.1 Assemblies, public meetings, gatherings or other attempts to collect an audience or crowd must be peaceful and not cause any disturbance to any other user of that Open Space; or impact on any closure of that Open Space, or any authorised activity taking place within that Open Space.

14 Sporting and other Organised Events

Sports, games and other recreational activities

14.1 The Council or an Authorised Officer may stop or prevent any sport, game, or other recreational activity being undertaken or played on any part of an Open Space where it is liable to cause damage to the Open Space or anything therein.

14.2 No person shall play any Organised Sport in any Open Space (or part thereof) that is not set apart for that purpose without the permission of an Authorised Officer under this clause and in accordance with clause 20.

14.3 No person shall play at or engage in or practice sport, game, or other recreational activity on any playing ground or part thereof on any Open Space after being requested by an Authorised Officer to leave, or when any notice is erected at the main entrance to any Open Space advising that grounds are closed to play.

14.4 No person shall play or practice Golf in any Open Space except within such part of an Open Space which the Council has by resolution set aside for that purpose and signposted accordingly.

Organised Events

14.5 No person may, without the Written permission of an Authorised Officer and having paid any applicable fees, hold or organise any Organised Event in any Open Space.

14.6 Permission for an Organised Event may be considered and either granted, granted with conditions or declined in accordance with clauses 14.5 and 20 of this Bylaw.

14.7 Council will not require an event approval for:

14.7.1 An event held on land that is subject to a lease or licence from Council and carried out by a community organisation in accordance with their lease or license (for example a club day, practice or game); or

14.7.2 Hawkers, mobile shops or stalls which are regulated under the Ashburton District Council Trading in Public Places Bylaw 2022; or

14.7.3 non-exclusive use of a public place for informal recreation (for example, a picnic in a park by an extended family).

14.8 Free-standing temporary Signs associated with sporting and other Organised Events, on Open Spaces may be displayed subject to permission granted from an Authorised Officer. Approved advertising will only be displayed:

14.8.1 in proximity to the area where the activity is taking place,

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14.8.2 for the duration of the activity; and

14.8.3 if it is of a nature that is unlikely to cause offence.

15 Aircraft

15.1 All use of Aircraft within any Open Space, must comply with the 2023 Civil Aviation Authority Rules

15.2 All persons or organisations seeking to use Remotely Piloted Aircraft within any Open Space shall:

15.2.1 obtain the prior written permission of an Authorised Officer in accordance with clause 20 of this Bylaw; and

15.2.2 obtain the written permission of the Airport Operator where required under CAA Rules due to proximity of the proposed flightpath to an Aerodrome or Heliport; and

15.2.3 comply with all conditions relating to the permission granted under clause 15.1.1 and 15.1.2.

~~15.1 No person may take off, fly, or land Aircraft, Remotely Piloted Aircraft, or any kind of flying machine or glider within any Open Space except in case of emergency or in accordance with the prior permission of the Council or an authorised officer.~~

~~15.2 All use of Remotely Piloted Aircraft within any Open Space, must comply with the 2023 Civil Aviation Authority Rules Part 101.~~

Exemptions

15.3 The following persons or organisations are exempt from the requirements in clauses ~~15.~~ 15.2 of this Bylaw:

15.3.1 NZ Police, their contractors and any volunteer groups associated with active police matters, including but not limited to, Land Search and Rescue New Zealand.

15.3.2 Fire and Emergency New Zealand, their contractors and volunteer brigades

15.3.3 Aircraft services providing critical care transport.

Commented [ML1]: Should these be added to regulations at the front

Commented [RM2R1]: Done.

Commented [ML3]: 15.1.2 permission is being deleted. Should this just be 20?

Commented [RM4R3]: Done.

Commented [ML5]: Should these be added to regulations at the front

Commented [RM6R5]: Done.

Commented [JW7]: Should this be 15.2?

Commented [RM8R7]: Yes

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~~***Advisory note***~~

~~Council keeps a drone register to record permissions granted to operate drones over Council land, including permissions under clause 15.1.3 to operate over Open Spaces.~~

~~Civil Aviation Authority (CAA) is responsible for air safety including the safe use of drones. CAA Rules Part 101 state that a drone or unmanned Aircraft must:~~

- ~~not exceed 25kg~~
- ~~only be flown during the day (except for shielded operations)~~
- ~~fly below 120m above ground level~~
- ~~give way to all crewed Aircraft and land if another Aircraft approaches~~
- ~~be visible (by eye) at all times by the person controlling the Aircraft~~
- ~~stay at least 4kms away from the boundary of all aerodromes (including helipads at hospitals), unless permission has been granted and conditions are met.~~
- ~~not fly over people or property without consent~~
- ~~not fly in controlled airspace or special use airspace without permission or clearance.~~

~~People feeling endangered by the operation of drones should contact NZ Police on 105 or 111. Concerns about the operation of drones need to be submitted directly to the CAA.~~

~~*For more information please visit www.aviation.govt.nz/drones/rules-and-regulations-for-drones-in-new-zealand*~~

16 Public access to Open Spaces

16.1 Open Spaces will be open to the public at all times except:

16.1.1 during such hours as the Council or an Authorised Officer may from time to time determine; or

16.1.2 as otherwise set out in section 17 of this Bylaw.

16.2 No member of the public will limit any other member of the public's lawful access to any Open Space or part thereof without the prior Written permission of the Council or an Authorised Officer under this clause and in accordance with clause 20.

~~16.3 The following persons or organisations are exempt from the requirements in clause 16.1 and 16.2 of this Bylaw:~~

~~16.3.1 NZ Police, their contractors and any volunteer groups associated with active police matters, including but not limited to, Land Search and Rescue New Zealand.~~

~~16.3.2 Fire and Emergency New Zealand, their contractors and volunteer brigades~~

~~16.3.3 Aircraft services providing critical care transport.~~

Commented [ML9]: Should exemptions apply to this like under clause 15? E.g. for police etc.

Commented [RM10R9]: I've added it in subject to jacqui's legal review. I would have thought that the police powers to search and to investigate crime would overrule our Bylaw, quite apart from the fact that if they didn't, no Council would hinder the police in the course of their work in any sane world.

Commented [JW11R9]: I think we can leave it out. I would view the 'public' as distinct from the police.

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17 Closures and fees

17.1 The Council may close all or any portion of any Open Space, for any period of time it sees fit, for the purpose of limiting public access for a specific purpose or event.

17.2 Any such closure by the Council will be notified to the public.

17.3 The Council may by resolution, for any Open Space, set or vary the conditions of its use or set any reasonable fee it wishes, either temporarily or permanently. Payment of those fees s~~S~~hall be a condition for access to or use of that Open Space.

17.4 Any such variation of conditions or setting of fees by the Council will be notified to the public.

17.5 No person other than an Authorised Officer going about their duties shall enter or remain in any Open Space while it is closed to the public without paying the prescribed fee (where applicable) or without the prior permission of Council or an Authorised Officer under this clause and in accordance with clause 20.

17.6 Any person who enters an Open Space prior to its closure, and who stays in that place, must either pay the prescribed fee (where applicable) or leave that Open Space for the duration of the closure.

18 Open Fires and Fireworks

Lighting of Open Fires

18.1 No person may light an Open Fire in any Open Space without first obtaining the prior written permission of an Authorised Officer under this clause and in accordance with clause 20.~~:~~

Fireworks

18.2 No person may hold an Organised Event comprising or including a Fireworks display in any Open Space except with the prior Written permission of an Authorised Officer under Clause 20.

18.3 Any person or organisation wishing to present a Fireworks display s~~S~~hall make w~~W~~ritten application to the Council at least one calendar month before the event via ~~the~~ Council's on-line Event Application portal.

18.4 The person or organisation making an application must obtain ~~the~~ all prior permissions required by Government agencies including but not limited to Fire and Emergency New Zealand and Worksafe.

18.5 The person or organisation must provide Council with proof of public liability insurance.

18.6 The Council will assess the application against the criteria listed in the general objectives and policies in section 3.3.8 of the Ashburton District Reserves Management Plan 2024.

18.7 Council may decline any application for the display of Fireworks.

18.8 Council may approve any application subject to whatever conditions it finds appropriate, including but not limited to compliance with any bylaw, or the conditions and criteria in the Ashburton District Reserves Management Plan 2024.

18.9 No person may light any Retail Fireworks in any Open Space.

Commented [ML12]: Is this despite approvals from govt agencies?

Commented [RM13R12]: Yes, although unlikely. For example, if an applicant didn't pay or left the reserve in a bad state.

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Advisory note:

Fire and Emergency New Zealand (FENZ) is responsible for the management of prohibitions and restrictions for fire control and may prohibit or restrict any activity (including lighting Fireworks) in an area, and access to an area that FENZ considers may cause a fire to start or to spread. See this link to FENZ website to check it is safe to light a fire.

Clause 18 should be read in conjunction with the Summary Offences Act 1981, the Crimes Act 1961, the Trespass Act 1980, the Fire and Emergency New Zealand Act 2017, and any statute that generally regulates behaviour that may occur in Open Spaces and in relation to fire safety.

19 Breaches of Bylaw

19.1 Every person who breaches this Bylaw, must on request of an Authorised Officer immediately stop the activity and leave the Open Space. Any person failing to comply with such a request commits a further Offence against this Bylaw and may be subject to further proceedings under this Bylaw, including infringement notices.

19.2 Any person who is suspected by an Authorised Officer of a breach of the provisions of this part of the Bylaw shall immediately supply their full name and residential address upon request by an Authorised Officer.

19.3 Any person who breaches this Bylaw may be prohibited from re-entering or returning to the Open Space for such period as the Authorised Officer ~~s~~Shall determine.

19.4 Council may remove or alter any structure, work or thing that is, or has been, constructed in breach of this Bylaw and recover the costs of removal or alteration from the person who committed the breach.

19.5 Council may, in accordance with Sections-164 of the Local Ggovernment Act 2002, seize and impound property on any Open Space that is materially involved in ~~the commission of an Offence, including~~ a breach of this Bylaw.

19.6 Breaches of this Bylaw may also result in an application being made to the District Court for an injunction to restrain ~~such~~ from the activity that they have been involved in.

19.7 Any person who breaches this Bylaw may be prosecuted for any such breach and is liable upon summary conviction to a fine, as provided for under the Local Government Act 2002 (which specifies a fine not exceeding $20,000), and may also be liable to penalties under other legislation.

19.8 Any person who willfully or negligently destroys, damages, stops, obstructs, defaces or otherwise interferes with any works or property owned or used by Council within Open Space is liable for:

19.8.1 the amount of the destruction or damage; or

19.8.2 the cost incurred by Council in removing the stoppage or obstruction; or

19.8.3 any loss or expenses incurred by the Council by the stoppage or obstruction or interference.

Commented [ML14]: This is quite generic. Should it be focused on 'within Open Spaces'?

Commented [RM15R14]: Covered by definition of Open Spaces

Commented [JW16R14]: I have added Mark's suggestion to make it clear

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20 Permissions under this Bylaw

20.1. No person may, without the ~~w~~written permission of an Authorised Officer and having paid any applicable fees, hold or organise any activity or Organised Event in any Open Space, where that activity requires ~~a permission~~permission under this Bylaw.

~~20.1.~~20.2. Where an activity or Organised Event is proposed to be held on an Open Space under the management of a Reserve Board, the Authorised Officer shall first consult with the Reserves Board.

~~20.2.~~20.3. Permission for an activity or Organised Event may relate to a series of activities or events, as the case may be.

~~20.3.~~20.4. Permission for an activity or Organised Event must set out –

~~20.3.1.~~20.4.1. The activity, event, or activities or events which is, or are, permitted; and

~~20.3.2.~~20.4.2. The duration of the permission; and

~~20.3.3.~~20.4.3. The Open Space(s) to which the permission relates

20.5 Any permission given under this Bylaw may be subject to such terms and conditions as the Council or Authorised Officer giving the permission thinks fit and may include, but shall not be limited to:

20.5.1. Power to charge an entry fee,

20.5.2. Whether use of the Open Space is exclusive

20.5.3. Taking and use of a bond for costs incurred by Council arising from the use of an open space under permission of Council.

20.5.4. Workplace and public health and safety,

20.5.5. Waste management, and

20.5.6. Insurance

20.5.7. Any matter related to compliance with any other Act, regulation or Bylaw

20.5.8. Any matter identified in the Bylaw authorising permission to be granted.

20.5.9. Any matter identified in the Ashburton District Reserve Management Plan 2024.

20.6 Council may decline to grant permission where it considers there are valid reasons for doing so, including but not limited to:

20.5.1. breach of conditions ~~at previous events~~on previous occasions where similar permission has been granted.

20.5.2. failure to pay fees

20.5.3. conduct in breach of this Bylaw, or breach of any Act or regulation

20.7 Any permission given under any bylaw may be reviewed and revoked at any time.

20.8 For the avoidance of doubt, the provisions of this clause ~~s~~Shall apply alongside the provisions of any other clause of the Bylaw relating to the granting of any permission by

Commented [ML17]: Maybe this should be slightly reorganised to focus on permissions for activity and Organised events and other permissions?

Commented [RM18R17]: I didn't have that concept in my head at the time, other than to distinguish between activities and events. I've thought about the issue further, in the light of your question and one of the questions that came up at the workshop.

For consultation document I will want an example of a permission that doesn't relate to the event -and I'm looking at pest management as a good example.

In that case, the framework is equally relevant to both the event and the activity - but the examples of terms and conditions in 20.5.1 and following are a bit "event-heavy"

Commented [ML19]: Does this apply to activity or organised events or generally?

Commented [RM20R19]: I think it can apply to both, while acknowledging that some of the terms and conditions apply more to events than activities.

If the activity was pest control on an open space, we would still apply conditions in terms of workplace health and safety and compliance with acts and regulations, but unlikely to expect an entry fee or recycling bins.

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Council or an Authorised Officer, including but not limited to clauses 8, 9.3, 10.1.2, 11.1.1, 12.3, 14.5, 14.6, 15.1, 16.2, 17.5, & 18.4.

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~~Appendix~~

~~***Map 1.** Ashburton Domain no fly zone for Remotely Piloted Aircraft (outlined in red)*~~

