



Have your
Say!



Learn more and share
your thoughts at

ItsOurPlace.nz

OPEN SPACES BYLAW

Consultation Document

We're reviewing the rules that help us look after parks and reserves in our district. We want to make sure these rules are clear, up to date, and easy for everyone to understand. This booklet explains what's changing and why.

We are accepting feedback until Tuesday 7 April



Ashburton
DISTRICT COUNCIL

ABOUT OUR OPEN SPACES

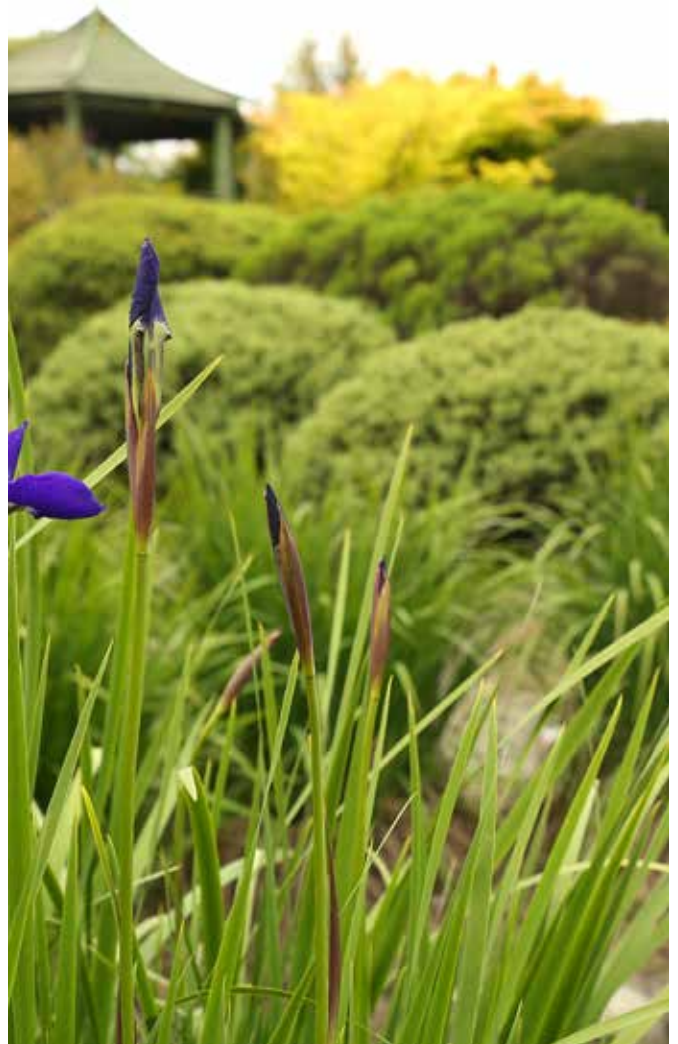
The Ashburton District has 122 parks and reserves listed in its Reserve Management Plan. These places are important because they give us room to play, relax, explore nature, and enjoy time with friends and whānau.

We have different kinds of open spaces, such as:

- ✓ **Recreation reserves** – most of our parks, like the Ashburton Domain and smaller local domains.
- ✓ **Local purpose reserves** – places set aside for things like cemeteries, halls, and walkways.
- ✓ **Scenic reserves** – such as Wakanui Beach.
- ✓ **Scientific reserves** – like the Harris Scientific Reserve.

Parks and reserves help make our district a great place to live by giving us:

- ✓ places for sport, recreation and nature
- ✓ nice-looking neighbourhoods
- ✓ places to meet others
- ✓ areas that protect our history and culture
- ✓ habitats for plants and animals
- ✓ reasons for people to visit here



The current Open Spaces Bylaw was reviewed in 2021. It's time to update it again.

ItsOurPlace.nz

WHY DO WE HAVE A BYLAW?

The Bylaw explains how we keep our open spaces safe and enjoyable for everyone.

It covers things like:

- ✓ Not damaging plants, buildings, or equipment
- ✓ Bringing animals (except dogs which are managed under the Dog Control Bylaw)
- ✓ Using vehicles, including bicycles, e-bikes, scooters, e-scooters and mobility scooters
- ✓ Putting up tents, stalls, or other structures
- ✓ Treating other people with respect
- ✓ Large group gatherings
- ✓ Holding sports and other organised events
- ✓ Flying drones or other aircraft
- ✓ Times when areas might be closed and when fees may apply
- ✓ Lighting fires and displaying fireworks
- ✓ What happens if someone breaks the rules
- ✓ When you need permission to do something



Have your
Say!

The easiest way to share your feedback is at ***ItsOurPlace.nz***

WHAT ARE THE PROBLEMS AND ISSUES?

We found some parts of the current bylaw were unclear or need to be updated.

Other issues were not addressed:

- ✓ Our practices for holding organised events on open spaces were not in the Bylaw
- ✓ Rules about aircraft (like kites, balloons, and drones) need to be updated
- ✓ There were no rules about lighting open fires and fireworks
- ✓ Our practices around how we give permission for different activities were unclear or unstated

More information on how we propose to fix these issues is on the next few pages.



Have your
Say!

The easiest way to share your feedback is at [ItsOurPlace.nz](https://itsourplace.nz)

WHAT CHANGES ARE PROPOSED?

We want to update the Bylaw to fill some gaps and reflect how people use and manage our open spaces today.

There are five key changes that we're making, and a larger number of smaller changes. The key changes are:



Organised Events

Putting our rules for managing organised events into the Bylaw



Fireworks displays

Including new rules on fireworks displays on open spaces



Aircraft (especially drones)

Updating our rules for aircraft including drones on or over open spaces



Permissions for activities & events

Putting our rules for granting permissions for activities and events into the bylaw



Lighting of open fires

Including new rules on lighting of open fires

ISSUE 1

Organised Events



We propose to add clearer rules and a new definition on holding organised or sporting events on parks and reserves.

They explain:

- ✓ what an 'organised event' is
- ✓ when you need permission
- ✓ when fees may apply
- ✓ when Council may decline permission or set conditions
- ✓ when approvals aren't needed
- ✓ how temporary event signs can be used

Pros and cons

Why this helps

- It matches what we already do
- It makes the rules easier to understand
- It puts event-related rules for open spaces in one place

What could be tricky?

- Having rules written down may reduce flexibility sometimes
- We want the definition to avoid capturing normal, everyday use of open spaces

What choices are there?

- 1 **Make the changes we propose.** This is our preferred option.
- 2 **Make further changes to improve what is proposed based on public submissions.** Council will consider all improvements on their merits. New matters or major changes from what is being consulted on may lead to further consultation.
- 3 **Make no changes to the existing bylaw.** This loses both the benefits of option 1 and its possible downside.

Have your
Say!

The easiest way to share your feedback is at [ItsOurPlace.nz](https://itsourplace.nz)

ISSUE 2

Aircraft

(including remotely piloted aircraft (drones), balloons, kites and rockets)



We propose to update our Bylaw rules to explain when and how aircraft (especially drones) can be used on or over open spaces. In New Zealand, this activity is regulated by the Civil Aviation Authority (CAA). Use of drones is growing, and CAA is trialling changes to their rules.

Our focus is around CAA Rule Part 101 which covers:

- ✓ unmanned aircraft, including moored balloons, free balloons, remotely piloted aircraft (drones), control line model aircraft and free flight model aircraft
- ✓ kites
- ✓ gyrogliders
- ✓ rockets
- ✓ parasails

Read more about [CAA Rule Part 101](#)

Learn more about [unmanned aircraft](#) advice

The bylaw changes follow CAA Rules and focus on how these are applied locally when operators wish to fly on or over open spaces. The changes to the rules:

- ✓ mean all use of drones on or over open space requires Council approval
- ✓ create formal exemptions for emergency services and critical care aircraft.
- ✓ provide more structure around permissions linked to clause 20
- ✓ lessen the detail in the Bylaw and reduce the likelihood of conflict with the outcome of changes being trialled by the Civil Aviation Authority.

We think that some of the detail proposed to be removed from the Bylaw can be retained in guidelines for officers.

Pros and cons

Why this helps

- This updates our Bylaw rules to fit emerging practice from Civil Aviation.
- It provides transparency about the rules and how they are applied.

What could be tricky?

- Codifying the rules may reduce flexibility of authorised officers when granting permissions or imposing conditions on activities and events.

What choices are there?

- 1 Make the changes we propose.** This is our preferred option. For the most part it shortens and simplifies the Bylaw clause. It gives officers more flexibility and reduces the potential for conflict with the outcomes of CAA trials.
- 2 Keep the list of prohibitions.** Require permission but restore the list of prohibitions. This gives officers less freedom to manage and creates the potential for conflict with changing CAA rules. It also gives officers more guidance and is more transparent to the community.
- 3 Make further changes to improve what is proposed based on public submissions.** Council will consider all improvements on their merits. New matters or major changes from what is being consulted on may require further consultation.
- 4 Make no changes to the existing bylaw.** This loses both the benefits of Option 1 and its possible downside.

ISSUE 3

Lighting of Fires



We propose to bring in a new rule to ban lighting of open fires in open spaces. We propose exemptions for safe devices like gas-fired barbecues, cooking in mobile shops, and fires approved by Council and/or FENZ.

This is in line with the Reserves Management Plan Council adopted in 2024. The current Bylaw is silent on the issue.

Pros and cons

Why this helps

- It protects our open spaces, the wildlife in those areas, and the public from the risk of a fire getting out of control
- It is consistent with our Reserves Management Plan 2024 and the Reserves Act 1977.
- It strikes a balance between fire prevention and allowing risk to be managed for safe operations.

What could be tricky?

- We want to make the right judgements about the levels of 'risk and red tape'

What choices are there?

1. **Make the changes we propose.** This is our preferred option.
2. **Make further changes to improve what is proposed based on public submissions.** Council will consider all improvements on their merits. New matters or major changes from what is being consulted on may lead to further consultation.

Have your
Say!

ISSUE 4

Fireworks displays



We are proposing a new rule allowing fireworks displays in open spaces, subject to FENZ and Council approval. This is consistent with our current practice and with the Reserves Management Plan Council adopted in 2024. The current Bylaw is silent on the issue.

It allows organisations to hold public displays of fireworks as a community event under appropriate controls.

The changes include:

- Prior written approval is required for an organised event including a fireworks display.
- Prior permission must be obtained from Fire & Emergency NZ and other Government agencies as needed.
- Applicant must provide proof of public liability insurance.
- Applications will be assessed against the criteria in the Reserves Management Plan.
- When deciding on any application, Council may approve or decline or approve with conditions.
- No person may light any retail fireworks in any open space.
- Lessen the detail in the Bylaw and reduce the likelihood of conflict with the outcome of changes being trialled by the Civil Aviation Authority.

We think that some of the detail proposed to be removed from the Bylaw can be retained in guidelines for officers.

Pros and cons

Why this helps

- It is consistent with existing law and practice, existing community events, and the Reserves Management Plan 2024.
- It helps us to manage the risk of fire from fireworks displays on our open spaces.

What could be tricky?

- Public sentiment on the sale and use of fireworks in NZ has been shifting towards stronger regulation or an outright ban on retail fireworks. Concerns driving public opinion include animal welfare, spikes in emergency services callouts, increasing ACC injury claims, and community frustration with noise and unsafe use.
- At the same time, some New Zealanders still value fireworks for cultural celebrations and family traditions and fireworks importation has increased in recent years.
- The regulatory framework is set by central Government, and Council's authority and influence is restricted to what it will allow on land it owns or controls.

What choices are there?

1. **Make the changes we propose.** This is our preferred option.
2. **Ban fireworks displays on open spaces.** This may enjoy community support but is also likely to show mixed community opinion.
3. **Make further changes to improve what is proposed based on public submissions.** Council will consider all improvements on their merits. New matters or major changes from what is being consulted on may lead to further consultation.

ISSUE 5

Permissions for activities and events



We are bringing in new clauses about how Council will, or won't, grant permissions under the Bylaw. There are eleven clauses in the bylaw where an authorised officer may grant permission for an applicant to undertake an activity or event. The new clause provides more structure and process around the granting of those permissions and makes the process more transparent.

The clause is new, but the process set out is broadly consistent with how we currently operate. We do not expect more approvals to be required or more to be declined.

The clause includes:

- Prior written approval is required for any activity or event where a permission is required under the Bylaw.
- Permission may apply to a single activity or event or a series of activities and events.
- Permission must set out what, when, and where of the application.
- Permissions may be granted subject to conditions. A range of condition topics are listed.
- Council may decline an application for valid reasons.
- Permissions may be reviewed and revoked.

Pros and cons

Why this helps

- This reflects and codifies existing practice for activities and organised events on open spaces.
- It provides transparency about the rules and how they are applied.
- It integrates the permission process with the Reserves Management Plan, other Bylaws, and event approval processes.

What could be tricky?

- Codifying the rules may reduce flexibility of authorised officers when granting permissions or imposing conditions on activities and events.

What choices are there?

1. **Make the changes we propose.** This is our preferred option.
2. **Make further changes to improve what is proposed based on public submissions.** Council will consider all improvements on their merits. New matters or major changes from what is being consulted on may lead to further consultation.
3. **Make no changes to the existing bylaw.** This loses both the benefits of Option 1 and its possible downside.

Have your
Say!

The easiest way to share your feedback is at [ItsOurPlace.nz](https://itsourplace.nz)

OTHER CHANGES

Council is also considering other changes that are smaller or more administrative in character. Your feedback on these is also welcomed.



Clause	Change detail
Title Headings	<ul style="list-style-type: none"> Dates for adoption, commencement and next review will change.
Related Documents	<ul style="list-style-type: none"> Clause updated to explain related documents that work alongside the Bylaw to manage open spaces. Fencing Act and Wildlife Act added as Acts relevant to the bylaw. Three bylaws and four policies also added as relevant documents.
Contents	<ul style="list-style-type: none"> Updated to reflect new clauses and page numbers.

Clause	Change detail
Application	<ul style="list-style-type: none"> • Old clause 5.2 moved to Related documents clause. • New clauses 5.3 & 5.4 explain that trading in open spaces and keeping of bees in open spaces are dealt with under other bylaws.
Definitions	<ul style="list-style-type: none"> • Clauses 6.2, 6.3, 6.4 and 6.5 are new clauses to assist readers of the Bylaw. • Aircraft definition is amended to avoid using the word aircraft in its own definition • Animal definition is amended to avoid using the word animal in its own definition • Bicycle definition added to include e-bikes. • District definition amended to match the Explanatory Bylaw and for the ease of the reader. • Electronic Communication definition added to assist definition of Written (also added). • Fireworks definition added to guide the interpretation of clause 18. • Hazardous Substances definition added to guide the interpretation of Fireworks • Mobility Device definition added to guide the interpretation of clause 10 • Offence definition added to match the Explanatory Bylaw and for the ease of the reader. Definition will also assist the interpretation of clauses 14 and 19. • Open Fire definition added to support interpretation of clause 18 • Open Space definition amended by the substitution of the phrase "Water Body" for "associated bodies of water" and the removal of the terms "buildings" and "swimming pools" from the list of structures that an Open Space does not commonly include. • Organised Event definition added to guide the interpretation of clauses 14.5, 14.6, 14.7 and 14.8 of the Bylaw. • Organised sport definition added to support interpretation of clause 14 • Parking definition removed from the Bylaw as it is not used in the Bylaw. • Poultry definition added to match the Explanatory Bylaw and for the ease of the reader. • Reserve definition added for the ease of the reader and to match more closely the Explanatory Bylaw definition. • Retail Fireworks definition added to assist interpretation of Fireworks. • Scooter definition amended to include e-scooters. • Ship definition added to support interpretation of clause 8 • Sign definition added to assist the interpretation of clauses 8, 10 and 14. • Stock definition added to match the Explanatory Bylaw and for the ease of the reader. • Water body definition added to support interpretation of clause 8 • Written definition added to reflect the Explanatory Bylaw, incorporate Electronic communication and for the ease of the reader.

Clause	Change detail
Damage and interference	<ul style="list-style-type: none"> • Clause 8.1.1 amended to include buildings and give more emphasis to graffiti • Former subclause 8.1.1 (vi) removed and replaced with new clause 8.1.11 • New clause 8.1.8 added enabling Council to prohibit Ships from water bodies in open spaces. (The term Ship is used because it is already defined in NZ law in a way that fits its purpose in this Bylaw). • New clause 8.3 added highlighting Council's obligations under the Wildlife Act whenever it grants a permission under clause 8.1.10 of the Bylaw.
Vehicles	<ul style="list-style-type: none"> • Mobility Devices added to list of vehicles allowed in open spaces, except where their use is signposted as being prohibited. • Changes made to definitions allow e-bikes and e-scooters in open spaces, so long as they meet the legal requirements for those devices.
Erection of tents and booths	<ul style="list-style-type: none"> • Clause 11.2 amended to improve grammar and consistency. • Clause 11.2 amended to improve consistency.
Misbehaviour	<ul style="list-style-type: none"> • Clause 12.1 amended by adding the words "obstruct, disturb, interfere, or" before the word "act" in the first sentence. • Clause 12.1 amended by adding the words "foul, abusive or" before the word "obscene" in the second sentence. • New clause 12.3 added to require Council prior written permission to distribute handbills at any open space. • These changes are proposed to be clearer about unacceptable behaviour under the Bylaw.
Breaches of Bylaw	<ul style="list-style-type: none"> • New clauses 19.4, 19.5 and 19.8 added to reflect the full range of enforcement actions available under the Local Government Act 2002, and specifically sections 163 and 164.
General	<ul style="list-style-type: none"> • The term 'Advisory note" has replaced "Explanatory note" throughout the Bylaw as this is consistent with the terminology in the Explanatory Bylaw. • Terms included in clause 6. Definitions are capitalised throughout the Bylaw.

More information about the matters on this page can be found at itsourplace.nz

ABOUT BYLAWS

Powers to make bylaws come with legal checks and balances so that Councils make rules that are lawful, needed, and protect people's rights and freedoms.

Has Council looked at other ways to fix the problems?

Yes. When a bylaw is reviewed, the Council must think about four possible choices:

- 1 Change the current Bylaw
- 2 Revoke the Bylaw and make a brand new one
- 3 Revoke the Bylaw and not replace it
- 4 Keep the Bylaw exactly the same

After looking at all these, Council decided that Option 1 was the best way to address the issues.

Creating a whole new bylaw (Option 2) was not needed and would be less efficient.

Revoking the Bylaw (Option 3) and keeping the Bylaw exactly the same would not address the problems.

Section 155 tests

Council must also consider three legal tests in Section 155 of the Local Government Act 2002 when reviewing bylaws. Council considered these tests and decided that the proposed amendment to the Bylaw is:

- ✓ the best available way to fix the problems; and
- ✓ the best available form of bylaw; and
- ✓ creates no implications under the New Zealand Bill of Rights Act (NZBORA)



WHAT HAPPENS NEXT?

**Wednesday
4 March**

Consultation opens

Council will accept feedback from the community on the proposals.

**Tuesday
7 April**

Submissions close

This is the last date for the community to lodge their feedback.

**Tuesday 28/
Wednesday 29
April**

Public hearing and deliberations

Those who gave feedback can speak to their feedback in person. Council will then consider all feedback received and decide on any further changes.

**Wednesday
20 May**

Council adopts documents

Council will adopt the final version of the documents.

Have your
Say!

What's the best option for our community? Let us know!

Submissions close Tuesday 7 April

Fill out the attached short survey and return it via:



FREEPOST

Ashburton District Council
Freepost 230444
PO Box 94
Ashburton 7740



IN PERSON

Dropping it off at:
Ashburton District Council
2 Baring Square East



**The easiest way to
provide your feedback
is online at**

You can also provide feedback:



ONLINE

[ItsOurPlace.nz](https://itsourplace.nz)



EMAIL

submissions@adc.govt.nz

ItsOurPlace.nz

Draft Brothel Location Bylaw Review



The easiest way to
provide your feedback
is online at

ItsOurPlace.nz

**Submissions close
Tuesday 7 April**

You can return your submission by:



FREEPOST

Ashburton District Council
Freepost 230444
PO Box 94
Ashburton 7740



IN PERSON

Dropping it off at:
Ashburton District Council
2 Baring Square East



ONLINE

ItsOurPlace.nz



EMAIL

submissions@adc.govt.nz

YOUR DETAILS

Name:

Organisation (if applicable):

Address (optional):

Phone:

Email:

Do you wish to speak in support of your submission at the hearing?

(if no boxes are ticked, it will be considered that you do not wish to be heard)

☐

Yes: The hearing is expected to be held in Hine Paaka (*Council Chamber*) on 28 or 29 April 2026. Please note that hearings will be live-streamed to our online channels.

If yes, do you wish to present: ☐ In Person ☐ Virtually

☐

No: I do not wish to speak in support of my submission and ask that the following written submission be fully considered.

Please note that submissions are public documents and will be made available on Council's website, including names of submitters (but not contact details). Find out more at ashburtondc.govt.nz/privacy

Submissions presented in the form of a petition or accompanied by multiple signatures will be processed as a single submission.

Your feedback

Have your
Say!

Open Spaces Bylaw Review

Consultation Document

Support for the Bylaw

Do you support the Open Spaces bylaw as a whole?

- ☐ I support the Bylaw ☐ I partially support the Bylaw ☐ I do not support the Bylaw

Please explain why you have chosen that option

Issues being considered for the Bylaw

There are five issues we are addressing through changes to the Bylaw. Please give us your thoughts on these proposed changes.

ISSUE 1 - ORGANISED EVENTS

What is your preferred option for organised events

- ☐ Make the changes proposed (Council's preferred Option) ☐ Make other changes to improve the Bylaw
☐ Keep the Bylaw as is – no clause on organised events

Why have you chosen that option? Please give details of other changes you propose.



Have more to say? Feel free to attach additional pages to your submission.

ISSUE 2 - AIRCRAFT (INCLUDING DRONES)

What is your preferred option for this issue?

- ☐ Make the changes proposed (Council's preferred Option)
- ☐ Keep the list of prohibitions
- ☐ Make other changes to improve the Bylaw
- ☐ Keep the Bylaw as is – no changes to the Aircraft clause

Why have you chosen that option? Please give details of other changes you propose.

ISSUE 3 - LIGHTING OF FIRES

What is your preferred option for this issue?

- ☐ Make the changes proposed (Council's preferred Option)
- ☐ Make other changes to improve the Bylaw

Why have you chosen that option? Please give details of other changes you propose.

ISSUE 4 - FIREWORKS DISPLAYS

What is your preferred option for this issue?

- ☐ Make the changes proposed (Council's preferred Option)
- ☐ Ban fireworks displays on open spaces
- ☐ Make other changes to improve the Bylaw

Why have you chosen that option? Please give details of other changes you propose.

ISSUE 5 – PERMISSIONS FOR ACTIVITIES AND EVENTS

What is your preferred option for this issue?

- ☐ Make the changes proposed (Council's preferred Option)
- ☐ Make other changes to improve the Bylaw
- ☐ Keep the Bylaw as is – no clause on Permissions

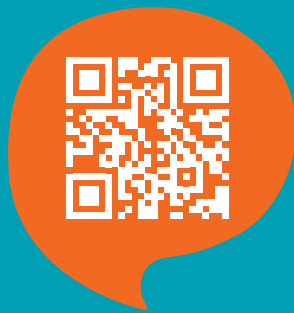
Why have you chosen that option? Please give details of other changes you propose.

Other changes

Council has proposed other changes on pages 11-13 of the consultation document. What are your thoughts on those changes?

Other comments

Are there any other comments you would like to make?



Learn more and share
your thoughts at

ItsOurPlace.nz



Ashburton
DISTRICT COUNCIL