

# SOUTH WAIRARAPA DISTRICT COUNCIL

13 DECEMBER 2017

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## AGENDA ITEM B2

### COMMUNITY GROUPS USE OF AND ACCESS TO COUNCIL PARKS, RESERVES AND OPEN SPACES POLICY

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#### **Purpose of Report**

To seek adoption of the amended Community Groups Use of and Access to Council Parks, Reserves and Open Spaces, Policy by Council as recommended by the Hearings Committee.

#### **Recommendations**

Officers recommend that the Council:

1. *Receive the Community Groups Use of and Access to Council Parks, Reserves and Open Spaces Policy Report.*
2. *Endorse the recommendation from the Hearings Committee and adopt the Community Groups Use of and Access to Council Parks, Reserves and Open Spaces Policy.*
3. *Approve 2020 as the next review date of the Policy.*

#### **1. Executive Summary**

Council is being asked to endorse the recommendation from the Hearings Committee and adopt the amended Community Groups Use of and Access to Council Parks, Reserves and Open Spaces Policy. The amended policy has been through extensive consultation and the Hearings Committee had good representation from across the district with both ward councillors and community board chairs in attendance.

#### **2. Background**

At its meeting of November 2016, Featherston Community Board asked to be consulted on the development of guidelines for the use of the new Featherston Town Square. This triggered the development of a wider set of terms and conditions for events in the most frequently-used Council parks and reserves. These were reviewed by Featherston Community Board at its January 2017 meeting and subsequently referred to the Greytown and Martinborough Community Boards for their review. The draft terms and conditions were then appended to policy 502: Community Groups Use of

and Access to Council Parks and Reserves and submitted to the Council meeting of 20 September 2017 where Council resolved (DC2017/132) to send the policy to public consultation.

### **3. Discussion**

#### **3.1 Consultation**

Public consultation ran from 21 September to 20 October 2017 on both the existing policy and the proposed new section 6 terms and conditions. Thirteen submissions were received and two submitters presented their submissions to the Hearings Committee on the 8 November 2017. A summary of all submissions is included in Appendix 1.

#### **3.2 Policy Amendment**

Prior to the hearing Council officers reviewed the submissions and made further amendments to the Policy for consideration by the Committee. After considering the submissions the Committee requested further changes to Policy including the removal of section 6 terms and conditions. Minutes from the hearing are included in Appendix 2.

It is intended that the Terms and Conditions will become an operational document for Council officers when considering applications for use of Council's parks, reserves and open spaces.

The event application process is expected to become easier for applicants as other outcomes from the hearing are implemented.

#### **3.3 Options**

##### ***3.3.1. Adoption of Amended Policy***

The Hearings Committee have made a recommendation to Council to adopt the amended Community Groups Use of and Access to Council Parks, Reserves and Open Spaces Policy as per Appendix 3. Council officers support this recommendation.

##### ***3.3.2. Status Quo***

Council does not have to accept the recommendation of the Hearings Committee, and Council officers will continue to use the 'Community Groups Use of and Access to Council Parks and Reserves Policy' as already adopted. Extensive consultation has been undertaken on this policy however, and this is not Council officers preferred option.

#### **3.4 Financial Considerations**

There are no financial considerations.

### **4. Conclusion**

Extensive consultation has been undertaken on Council's 'Community Groups Use of and Access to Council Parks and Reserves Policy' and the proposed inclusion of section 6 terms and conditions. It is recommended that Council endorse the recommendation from the Hearings Committee.

## **5. Appendices**

Appendix 1 – Summary of Submissions

Appendix 2 – Hearing Committee Minutes

Appendix 3 – Community Groups Use of and Access to Council Parks,  
Reserves and Open Spaces Policy

Contact Officer: Suzanne Clark, Committee Secretary

Reviewed By: Paul Crimp, Chief Executive

# **Appendix 1 – Summary of Submissions**

## Community Groups Use of and Access to Council Parks and Reserves Policy Submissions

Submission Number	Submitter	Section	Comment	Officer Comment
1	Emily Greenberg	General	<p>Does not support the Community Groups Use of and Access to Council Parks and Reserve Policy, including the newly drafted Terms and Conditions for Events, but supports the need for a policy.</p> <p>The existing Policy (adopted in 2006) and the new Terms and Conditions specific to events is unclear and inconsistent and not developed in consultation with user groups. This lack of clarity does not provide certainty to applicants or Council officers and is therefore not fit for purpose</p>	Noted. The purpose of a <u>policy</u> is not to set out procedures, but to provide the policy framework within which procedures are developed and used. The development and implementation of procedures is generally regarded as an operational matter.
2	Martine Bijker, Featherston First Friday's	General	<p>Does not support the Community Groups Use of and Access to Council Parks and Reserve Policy, including the newly drafted Terms and Conditions for Events but does support development of a new policy.</p> <p>The Policy does not clarify or streamline the process of getting permission to hold an event.</p> <p>Notes Councils Annual Plan section Economic, Cultural and Community Development recognises constrained resources and the need for Council to work collaboratively with organisations and community groups.</p>	Noted. The purpose of a <u>policy</u> is not to set out procedures, but to provide the policy framework within which procedures are developed and used. The development and implementation of procedures is generally regarded as an operational matter.
2	Martine Bijker, Featherston First Friday's	General	<p>States the policy and T&amp;C's are unclear, inconsistent and not fit for purpose. They do not make it easier for event organisers and is punitive rather than positive.</p> <p>Council's event approval process is difficult.</p>	Noted. The actual event process, including the Event Application Form, is reviewed and amended as and when required, in response to feedback from users. These are operational matters and outside the scope of this consultation.
3	Heidi Holbrook, Kokomai	General	<p>Does not support the Community Groups Use of and Access to Council Parks and Reserve Policy, including the newly drafted Terms and Conditions for Events but does support development of a new policy.</p> <p>The policy was developed without consultation with key stakeholders and is unclear, inconsistent and will cause frustration and friction between Council and event organisers and the possible loss of these events.</p>	Noted.

## Community Groups Use of and Access to Council Parks and Reserves Policy Submissions

Submission Number	Submitter	Section	Comment	Officer Comment
			A policy should be rejected in favour of developing a clear policy in consultation with event organisers and the community.	
4	Ross Vickery, Featherston Booktown Trust	General	Does not completely support the Policy including the new T&C's but supports the need for a policy that is developed in consultation with key stakeholders who organise events. Regulation should be no bar to creative initiative.	Noted.
5	Amy Sutich	General	Does not support the draft policy or T&C's as they are unclear, inconsistent and not fit for purpose, but does support the need for a policy that is developed in consultation with key stakeholders who organise events.	Noted.
6	Rebekah Mehrtens, Featherston First Friday's	General	Does not support the Community Groups Use of and Access to Council Parks and Reserve Policy, including the newly drafted Terms and Conditions for Events but does support development of a new policy. The policy was developed without consultation with key stakeholders and is unclear, inconsistent and not fit for purpose. A policy should be rejected in favour of developing a policy in consultation with key stakeholders.	Noted.
7	Liz Mellish CRAST	General	Partially supports the Policy and a review however the Policy is written in such a way that it seems to stop activities rather than to encourage public, private and communities to use and hold events on Council land. The policy is design to punish rather than encourage stronger use	Noted.
7	Liz Mellish CRAST	General	The role of the Community Boards in this policy is not stated does this only become an operational decision? Clarity on their role would be useful.	All three Community Boards have considered the policy, recommended changes, approved the policy and referred it to Council for public consultation. Implementation of the policy is an operational matter which does not require the involvement of the Community Boards.

## Community Groups Use of and Access to Council Parks and Reserves Policy Submissions

Submission Number	Submitter	Section	Comment	Officer Comment
1	Emily Greenberg	Definitions (New)	Policy requires a defn section for words such as event, vehicles, fires, fireworks, tents, marquees, amusement devices, publicised.	“Event” has now been defined within the policy according to the Oxford dictionary; and the statutory definition of “amusement devices” has been added. The remaining words are as commonly understood and in no need of further definition – this would potentially add a greater degree of rigidity to the policy rather than giving it the flexibility it now has.
2	Martine Bijker, Featherston First Friday’s	Definitions (New)	Requests a definitions section to include ‘event’ as different from ‘on-going’ or ‘recreational event’ under section 3.1 Also need defns for vehicle (does this include a trailer?), fire, fireworks, size of a tent/marquee that needs to be permitted and amusement device.	“On-going” was intended for regular sports by clubs, and the wording has been changed to reflect this. Definition of “event” (as per Oxford dictionary) added as 3.2.1. We have not found any other council providing further definitions in their terms and conditions for park use, and believe that to set any further definitions would make the policy rigid rather than giving it the flexibility it now has.
3	Heidi Holbrook, Kokomai	Definitions (new)	Requires a definitions section to include: event, on-going and recreational events, publicised What qualifies as an event? A rugby game, a political demonstration, a birthday party or picnic?	“On-going” was intended for regular sports by clubs, and the wording has been changed to reflect this. Definition of “event” (as per Oxford dictionary) added as 3.2.1. We have not found any other council

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				<p>providing further definitions in their terms and conditions for park use, and believe that to set any further definitions would make the policy rigid rather than giving it the flexibility it now has.</p>
5	Amy Sutich	Definitions (new)	<p>Requests a definition section for event differentiating on-going and recreational, publicised (does this include large impromptu groups or Facebook posts?), vehicles (is a mobility scooter a vehicle?)</p>	<p>“On-going” was intended for regular sports by clubs, and the wording has been changed to reflect this.</p> <p>Definition of “event” (as per Oxford dictionary) added as 3.2.1. We have not found any other council providing further definitions in their terms and conditions for park use, and believe that to set any further definitions would make the policy rigid rather than giving it the flexibility it now has.</p>
7	Liz Mellish CRAS	Definitions (new)	<p>Seek clarity around other language such as the vehicle restrictions. Does this include all motorised vehicles such as mobility scooters and electric bicycles.</p>	<p>The Oxford dictionary defines “vehicle” as “a thing used for transporting people or goods, especially on land, such as a car, lorry, or cart”. The intention of the vehicle restriction is to prevent damage to turf and landscaping elements by the movement of cars, trucks, trailers etc. The free passage of pedestrians, cyclists and mobility scooters across parks and</p>

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				reserves is anticipated and accepted.
1	Emily Greenberg	Section 2, Definition of purpose	Section 2: Defn of 'purpose' is unclear. Suggests wording of section 1.3 of T&C is used instead.	Amended for clarity.
1	Emily Greenberg	Section 3 Ongoing Use	Only refers to sports clubs and community groups for recreational purposes, but ongoing use could also be a commercial entity, queries how the policy would provide guidance	"On-going" was intended for regular sports use by clubs, and the wording has been changed to reflect this. A commercial entity would require a Licence to Occupy, and the wording under 4.3 has been adjusted to reflect this.
1	Emily Greenberg	Section 3.1.2	Refers to Appendix 1 which doesn't exist	Appendix 1 – Application Form was added to the policy at its 2015 review, and is attached to the current version of the policy on SWDC's website. The form was inadvertently omitted from the copy of the policy which went to public consultation. Forms are procedural elements and are likely to be altered frequently in response to operational needs and user feedback. It is preferable for forms to remain outside of policy, however they are on the council website and can be linked to the policy. It is proposed that appendix 1 and references to it are removed from the policy.

## Community Groups Use of and Access to Council Parks and Reserves Policy Submissions

Submission Number	Submitter	Section	Comment	Officer Comment
1	Emily Greenberg	Section 3.1.3	Queries how verbal approval gives certainty to applicant	Deleted – appears to be an accidental left-over from a previous policy revision
1	Emily Greenberg	Section 3.1.4 and Section 3.2 (2)	Queries where fee schedule for ongoing users is, notes also not included in Annual Plan and queries why ongoing use fees aren't set during annual plan consultation	Fee schedules are not part of policies, but are included in the Annual/Long Term Plans. Council currently does not make any charge (apart from Licences to Occupy) for use of parks and reserves. The reference to fees in the policy allows for charging for commercial use; future AP/LTP fee schedules will include a parks, reserves and open spaces section.
1	Emily Greenberg	Section 3: Event Use	Refers to organisation or individual which is inconsistent with ongoing use	Clarified by the use of the phrase "community groups, sports clubs, commercial entities and/or individuals" as appropriate throughout the policy.
1	Emily Greenberg	Section 3.2.1	Event application form not attached to policy, suggests it should be.	Event application form could be attached as a further appendix, however the form is a procedural element and is altered frequently in response to operational needs and user feedback. It is preferable for forms to remain outside of policy, however they are on the council website and can be linked to the policy.
1	Emily Greenberg	Section 3.2 (2)	What permit does this section refer to?	There is no reference to a permit in section 3.2 (now 4.2).

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7	Liz Mellish CRAST	Section 3.2.3	Concerned that under Event use under 3.2.3. could be worded to say that Fees will apply in exceptional cases with the approval of the CEO or Acting senior official so that applicants have time to seek and gain approvals. Leaving the decision to one person imposes many difficulties. Rather than suggesting one day events may not incur a fee stating that fees will be charged in exceptional cases gives much better opportunity for community groups to use the facilities.	A section outlining the policy of fees and charges has been added.
1	Emily Greenberg	Section 3: Licence to occupy	Refers only to community groups and societies, inconsistent with other sections.	Edited for consistency
1	Emily Greenberg	Section 3.3.3	Should state minimum requirements in policy.	A Licence to Occupy is an operational matter dealt with on a case by case basis as part of council's overall property management. Minimum requirements will be specific either to the property or to the licensee and have no place in a policy.
1	Emily Greenberg	Section 3: Disputes Section 3.4.1	Believes no recourse is unacceptable especially given lack of clarity in policy.	Noted, but no change recommended.
1	Emily Greenberg	Section 3.4.2	Queries what statement has to do with disputes	Council's decision-making, including in the case of disputes, is guided by council's role in ensuring the best interests of the district and its ratepayers over the long term.
1	Emily Greenberg	T&C General	Notes inconsistent numbering, T&C should start with '4'.	Noted and amended

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Submission Number	Submitter	Section	Comment	Officer Comment
3	Heidi Holbrook, Kokomai	T&C General	Notes inconsistent numbering, T&C should start with '4'.	Noted and amended
6	Rebekah Mehrtens, Featherston First Friday's	T&C General	Notes inconsistent numbering, T&C should start with '4'.	Noted and amended
1	Emily Greenberg	T&C General	Unclear why the T&C is needed for events, the section is redundant, inconsistent, section 6 lists only some parks and reserves and other bylaws and policies referred to but allowances aren't made for exceptions.	Terms and conditions apply to the use of any council-owned property. The T&Cs for hire of council buildings are published information although do not form part of the associated policy.
1	Emily Greenberg	T&C General	Why is Lake Domain the only rural reserve in the table?	The table was developed to provide guidance around the urban parks, with the Lake Domain and the Peace Garden included as the two rural reserves most frequently used for events. Council has over 60 parks and reserves – applications for use of those not included in the table will be dealt with on a case-by-case basis, guided by the policy, the Reserves Act 1977 and any reserve management plans in force.
1	Emily Greenberg	T&C General	Why is Fstn Town Square included as Council hasn't gazetted as a park or reserve	Council has several open spaces which are called parks or reserves which are not gazetted reserves. A change is proposed whereby the title of the policy and references

## Community Groups Use of and Access to Council Parks and Reserves Policy Submissions

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				within it will be to “council parks, reserves and open spaces” to accommodate those parks and open spaces which are not reserves. The question of whether or not Featherston Town Square should be gazetted as a reserve is outside the scope of this discussion.
1	Emily Greenberg	T&C General	Attach the layout plan for vehicles to the policy and make it publicly available.	This refers to the specific conditions for Featherston Town Square. The layout plan is provided to event organisers on inquiry, and will be added to the resources available on the SWDC website.
1	Emily Greenberg	Section 1.3(T&C)	Suggests this section is used for the policy purpose. Suggests that the policy is rejected and the purpose of the policy be based on SWDC facilitating and then written based on consultation with stakeholders.	It is assumed that the usual consultation processes were followed when the policy was developed in 2006, and amended in 2015. Council officers work closely with organisers of major events such as Toast Martinborough and the Martinborough Fairs, and have incorporated their feedback into both policy and procedure where appropriate.
2	Martine Bijker,	Section 1.3(T&C)	All activities carry risk and cause wear and tear. There is no provision for ‘fair and reasonable’	Agreed and amended accordingly

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	Featherston First Friday's		Suggests: The Council reserves the right to deny approval, or require a bond, for activities which give reasonable cause to believe they may put facilities and structures at risk of damage or destruction, beyond normal wear and tear.	
3	Heidi Holbrook, Kokomai	Section 1.3 (T&C)	Suggests this section is used for the policy purpose. Suggests that the policy is rewritten and the purpose be for SWDC to 'facilitate' and the entire policy should be rewritten to reflect this facilitation and what outcomes it seeks to achieve.	Policy purpose clarified as noted above
5	Amy Sutich	Section 1.3 (T&C)	Wording should be transferred to purpose at section 2.1, however prefers the policy is rewritten so that the purpose is that SWDC facilitate use and outline outcomes it seeks to achieve.	Policy purposed clarified as noted above
6	Rebekah Mehrtens, Featherston First Friday's	Section 1.3 (T&C)	Wording should be transferred to purpose at section 2.1, however prefers the policy is rewritten so that the purpose is that SWDC facilitate use and outline outcomes it seeks to achieve.	Policy purpose clarified as noted above
1	Emily Greenberg	Section 2.1(T&C)	If policy is not rejected change 'a' to 'Publicised gatherings of private or organised 50 or more people...'	Clarified by reference to 4.2.1 definition of "event"
2	Martine Bijker, Featherston First Friday's	Section 2.1 (T&C)	Requests definition for 'publicised' and change to 'Publicised gatherings of private or organised 50 or more people'	Clarified by reference to 4.2.1 definition of "event"
3	Heidi Holbrook, Kokomai	Section 2.1 (T&C)	Requests change to 'Publicised gatherings of private or organised 50 or more people..'	Clarified by reference to 4.2.1 definition of "event"
4	Ross Vickery, Featherston Booktown Trust	Section 2.1 (T&C)	The 20-person criterion is too restrictive.	Clarified by reference to 4.2.1 definition of "event"
5	Amy Sutich	Section 2.1(T&C)	Suggest it is changed to 'publicised gatherings of private or organised 50 or more people', provided a clear defn of publicised is provided.	Clarified by reference to 4.2.1 definition of "event"

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6	Rebekah Mehrstens, Featherston First Friday's	Section 2.1 (T&C)	Requests definition for 'publicised' and change to 'Publicised gatherings of private or organised 50 or more people'	Clarified by reference to 4.2.1 definition of "event"
1	Emily Greenberg	Section 2.4(T&C)	Policy implies there is an 'event permit'. How do the written conditions relate to 2.4 and putting in two places 3.2.3 and 2.4 is confusing.	There is no event permit. Specific conditions for use of a park, reserve or open space for an event are provided in writing, generally by email, as part of the events application process. Other conditions may apply if the event application triggers additional formal consent requirements such a liquor or food licences and resource and building consents. These conditions are provided as part of the specific licence or consent process.
2	Martine Bijker, Featherston First Friday's	Section 2.4 (T&C)	Is there an event approval permit? Section 3.2.3 implies there is and refers to conditions. Sections are inconsistent.	There is no event permit. Specific conditions for use of a park, reserve or open space for an event are provided in writing, generally by email, as part of the events application process. Other conditions may apply if the event application triggers additional formal consent requirements such a liquor or food licences and resource and building consents. These conditions are provided as

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				part of the specific licence or consent process.
3	Heidi Holbrook, Kokomai	Section 2.4(T&C)	Is there an event permit? Section 3.2.3 implies that there is a specific event permit and refers to conditions. How do these conditions relate to 2.4 and why is the info in 2 separate places.	There is no event permit. Specific conditions for use of a park, reserve or open space for an event are provided in writing, generally by email, as part of the events application process. Other conditions may apply if the event application triggers additional formal consent requirements such a liquor or food licences and resource and building consents. These conditions are provided as part of the specific licence or consent process.
5	Amy Sutich	Section 2.4(T&C)	Is there an event approval permit, section 3.2.3 implies there is a permit and refers to conditions. How do these conditions relate to 2.4 and why is the information in 2 separate places?	There is no event permit. Specific conditions for use of a park, reserve or open space for an event are provided in writing, generally by email, as part of the events application process. Other conditions may apply if the event application triggers additional formal consent requirements such a liquor or food licences and resource and building consents. These conditions are provided as part of the specific licence or consent process.

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6	Rebekah Mehrstens	Section 2.4 (T&C)	Is there an event approval permit, section 3.2.3 implies there is a permit and refers to conditions. How do these conditions relate to 2.4 and why is the information in 2 separate places?	There is no event permit. Specific conditions for use of a park, reserve or open space for an event are provided in writing, generally by email, as part of the events application process. Other conditions may apply if the event application triggers additional formal consent requirements such a liquor or food licences and resource and building consents. These conditions are provided as part of the specific licence or consent process.
2	Martine Bijker, Featherston First Friday's	Section 3.2(T&C)	Queries how Council would give notice of cancellation and how much notice would be required.	As much notice as possible would be provided. However, Council may cancel an Event Approval at any time both before or during an event if officers find the event conditions, particularly those pertaining to liquor, are not being met or adhered to.
7	Liz Mellish CRAST	Section 3.3.8(T&C)	Clarity sought regarding rental as opposed to Licence to Occupy. Cost associated with these two forms of charges could vary and make this a revenue seeking policy instead of assistance for activities to occur at the Parks and Reserves	A Licence to Occupy is an operational matter dealt with on a case by case basis as part of council's overall property management. Note the new fees and charges section clarifies this.
1	Emily Greenberg	Section 4.2 (T&C)	Bonds info is redundant with section 3.2.4 of main policy.	Both references to bond information amended to refer to the main clause on bonds.

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3	Heidi Holbrook, Kokomai	Section 4.2 (T&C)	Information on bonds is redundant with section 3.2.4 of main policy	Both references to bond information amended to refer to the main clause on bonds.
5	Amy Sutich	Section 4.2(T&C)	Information on bonds is redundant with section 3.2.4 of main policy.	Both references to bond information amended to refer to the main clause on bonds.
6	Rebekah Mehrrens, Featherston First Friday's	Section 4.2 (T&C)	Bonds info is redundant with section 3.2.4 of main policy.	Both references to bond information amended to refer to the main clause on bonds.
7	Liz Mellish CRAS	Section 5.3	The words "written", directions rather than verbal directions from Council Officers gives the Community Group much more certainty this makes it confusing for users.	In some cases, verbal instructions are given during an event if a breach of conditions is found eg by council environmental health officers in case of breach of food licence etc
1	Emily Greenberg	Section 5.4 (T&C)	Should this section refer to artificial turf? Change to 'permanently' alter or 'returned to original condition'	The only artificial turf on a council park, reserve or open space is at Card Reserve, Featherston. This turf is under the complete control of the Card Reserve Artificial Surface Trust rather than the Council, and nothing in this policy applies to it.
2	Martine Bijker, Featherston First Friday's	Section 5.4 (T&C)	Requests it is altered to 'permanently altered in any way, except as permitted'.	Changed to "permanently altered"
3	Heidi Holbrook, Kokomai	Section 5.4(T&C)	Does this refer to artificial turf? Should this be 'permanently' altered in any way or 'returned to original condition'?	The only artificial turf on a council park, reserve or open space is at Card Reserve, Featherston. This

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				turf is under the complete control of the Card Reserve Artificial Surface Trust rather than the Council, and nothing in this policy applies to it. Changed to “permanently altered”
5	Amy Sutich	Section 5.4(T&C)	Does this refer to artificial turf? Should this be ‘permanently’ altered in any way or ‘returned to original condition’?	The only artificial turf on a council park, reserve or open space is at Card Reserve, Featherston. This turf is under the complete control of the Card Reserve Artificial Surface Trust rather than the Council, and nothing in this policy applies to it. Changed to “permanently altered”
6	Rebekah Mehrrens, Featherston First Friday’s	Section 5.4 (T&C)	Does this refer to artificial turf? Should this be ‘permanently’ altered in any way or ‘returned to original condition’?	The only artificial turf on a council park, reserve or open space is at Card Reserve, Featherston. This turf is under the complete control of the Card Reserve Artificial Surface Trust rather than the Council, and nothing in this policy applies to it. Changed to “permanently altered”
2	Martine Bijker, Featherston First Friday’s	Section 5.8 (T&C)	Queries whether it is appropriate to make promotion of smokefree policies a requirement for event permission?	The SWDC Smoke-free Environment Policy was adopted in 2007 under the Smoke-Free Environments Act 1990. This makes all council-controlled facilities smoke-free. Reserve management plans also require

## Community Groups Use of and Access to Council Parks and Reserves Policy Submissions

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				reserves to be smoke-free. It is not unreasonable to expect event organisers to make event attendees aware of this.
3	Heidi Holbrook, Kokomai	Section 5.8(T&C)	Queries when all council Parks and Reserves were made Smokefree	The SWDC Smoke-free Environment Policy was adopted in 2007 under the Smoke-Free Environments Act 1990. This makes all council-controlled facilities smoke-free. Reserve management plans also require reserves to be smoke-free. It is not unreasonable to expect event organisers to make event attendees aware of this.
1	Emily Greenberg	Section 6 (T&C)	Several conditions are prohibitive, predictive and inconsistent with other bylaws and regulations	The table is provided for general guidance. It has now been amended to include reference to any specific bylaws, policies or statutes that pertain, however it should be noted that some elements are operational decisions left to the professional judgement of officers and intended for the good management of the park, reserve or open space (eg vehicles, fires, fireworks).
2	Martine Bijker, Featherston First Friday's	Section 6 (T&C)	Fstn Town Square is not gazetted as a park or reserve so shouldn't be included	Council has several open spaces which are called parks or reserves which are not gazetted reserves. A change is proposed whereby the

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Submission Number	Submitter	Section	Comment	Officer Comment
				title of the policy and references within it will be to “council parks, reserves and open spaces” to accommodate those parks which are not reserves. The question of whether or not Featherston Town Square should be gazetted as a reserve is outside the scope of this discussion.
2	Martine Bijker, Featherston First Friday’s	Section 6 (T&C)	It is incorrect for the table to imply a blanket liquor ban, this is controlled by a bylaw where exceptions can be made.	The table is provided for general guidance. It has now been amended to include reference to any specific bylaws, policies or statutes that pertain, however it should be noted that some elements are operational decisions left to the professional judgement of officers and intended for the good management of the park, reserve or open space (eg vehicles, fires, fireworks).
3	Heidi Holbrook, Kokomai	Section 6 (T&C)	The table is prohibitive, predictive and inconsistent with other bylaws and regulations. i.e. permission able to be sought to have liquor within Clifford Square area, what about dog agility event at a venue that prohibits dogs off leash?	The table is provided for general guidance. It has now been amended to include reference to any specific bylaws, policies or statutes that pertain, however it should be noted that some elements are operational decisions left to the professional judgement of officers and intended for the good management of the park,

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Submission Number	Submitter	Section	Comment	Officer Comment
				<p>reserve or open space (eg vehicles, fires, fireworks).</p> <p>The “Dogs” section of the table is consistent with the SWDC Control of Dogs Bylaw 2013 and the SWDC Control of Dogs Policy 2013.</p> <p>Provision for dog agility events is made in S.9.4 (iii) of the bylaw.</p>
5	Amy Sutich	Section 6 (T&C)	The table is prohibitive, predictive and inconsistent with other bylaws and regulations. i.e. permission able to be sought to have liquor within Clifford Square area, what about dog agility event at a venue that prohibits dogs off leash?	<p>The table is provided for general guidance. It has now been amended to include reference to any specific bylaws, policies or statutes that pertain, however it should be noted that some elements are operational decisions left to the professional judgement of officers and intended for the good management of the park, reserve or open space (eg vehicles, fires, fireworks).</p> <p>The “Dogs” section of the table is consistent with the SWDC Control of Dogs Bylaw 2013 and the SWDC Control of Dogs Policy 2013.</p> <p>Provision for dog agility events is made in S.9.4 (iii) of the bylaw.</p>
6	Rebekah Mehrtens, Featherston First Friday’s	Section 6 (T&C)	The table is prohibitive, predictive and inconsistent with other bylaws and regulations. i.e. permission able to be sought to have liquor within Clifford Square area, what about dog agility event at a venue that prohibits dogs off leash?	<p>The table is provided for general guidance. It has now been amended to include reference to any specific bylaws, policies or statutes that pertain, however it</p>

## Community Groups Use of and Access to Council Parks and Reserves Policy Submissions

Submission Number	Submitter	Section	Comment	Officer Comment
				<p>should be noted that some elements are operational decisions left to the professional judgement of officers and intended for the good management of the park, reserve or open space (eg vehicles, fires, fireworks).</p> <p>The “Dogs” section of the table is consistent with the SWDC Control of Dogs Bylaw 2013 and the SWDC Control of Dogs Policy 2013. Provision for dog agility events is made in S.9.4 (iii) of the bylaw.</p>
8	Peter Jackson	General - Dogs	<p>Partially supports the policy.</p> <p>Dogs should be permitted off leash at Lake Domain. The policy stating that dogs must be on leash is a very blunt way of addressing poorly controlled dogs. A blanket ban approach shouldn’t be taken, unless there is nesting of birds, but requests flexibility at other times.</p>	<p>The “Dogs” section of the table is consistent with the SWDC Control of Dogs Bylaw 2013 and the SWDC Control of Dogs Policy 2013. The only off-leash areas currently approved by council are the dog parks in each town.</p>
9	Barbara Jackson	General - Dogs	<p>Partially supports the policy.</p> <p>Objects to the proposed policy of dogs being ‘on leash only’ at Lake Domain. This limits places that dog owners can run well behaved dogs off leash. Understands that there is wildlife that could be disturbed during nesting but suggests a time of year when leashing is enforced such as Henley Lake in Masterton.</p>	<p>The “Dogs” section of the table is consistent with the SWDC Control of Dogs Bylaw 2013 and the SWDC Control of Dogs Policy 2013. The only off-leash areas currently approved by council are the dog parks in each town.</p>
10	Annmarie Thompson	General - Dogs	<p>Supports the policy.</p> <p>Objects to Lake Domain Reserve, Otairua Reserve and Barr-Brown Reserve being on leash only to dogs. Dogs that are under control should be able to be off leash.</p>	<p>The “Dogs” section of the table is consistent with the SWDC Control of Dogs Bylaw 2013 and the SWDC Control of Dogs Policy 2013. The</p>

## Community Groups Use of and Access to Council Parks and Reserves Policy Submissions

Submission Number	Submitter	Section	Comment	Officer Comment
				only off-leash areas currently approved by council are the dog parks in each town.
11	Jan Duckett	General - Dogs	Supports the policy. Objects to making Lake Domain Reserve accessible only to dogs on leash. Understands that leash should be required during nesting season, but well trained dogs should be allowed off leash as there are very few areas where they can mix with other dogs and exercise freely.	The "Dogs" section of the table is consistent with the SWDC Control of Dogs Bylaw 2013 and the SWDC Control of Dogs Policy 2013. The only off-leash areas currently approved by council are the dog parks in each town.
12	Richard Burgess	General - Dogs	Partially supports the policy. Lake Reserve is one of the few areas where a dog can be exercised and used for duck hunting. Does not support the 'on leash only' policy for this area.	The "Dogs" section of the table is consistent with the SWDC Control of Dogs Bylaw 2013 and the SWDC Control of Dogs Policy 2013. The only off-leash areas currently approved by council are the dog parks in each town.
13	Heather Martin	General - Dogs	Concerned that owners of well trained dogs will be prohibited from using areas where they can run free (in particular Lake Domain).	The "Dogs" section of the table is consistent with the SWDC Control of Dogs Bylaw 2013 and the SWDC Control of Dogs Policy 2013. The only off-leash areas currently approved by council are the dog parks in each town.

# **Appendix 2 – Hearing Committee Minutes**



# **SOUTH WAIRARAPA DISTRICT COUNCIL HEARING COMMITTEE MINUTES**

**for**

## **Community Groups Use of and Access to Council Parks and Reserves Policy**

**8 November 2017**

- Present:** Mayor Viv Napier (Chair), Councillors Pam Colenso, Margaret Craig, Dayle Harwood, and Brenda West (FCB Chair), Leigh Hay (GCB Chair, from 9:17am).
- In Attendance:** Helen McNaught (Amenities Manager) and Suzanne Clark (Committee Secretary).
- Conduct of Business:** The meeting was held in the South Wairarapa District Council Chambers at 19 Kitchener Street, Martinborough and was conducted in public between 9:00am and 12:05pm.

### **1. Apologies**

*THE HEARINGS COMMITTEE RESOLVED (HC2017/07)* to receive apologies from Lisa Cornelissen and lateness apologies from Leigh Hay.

*(Moved West/Seconded Cr Colenso)*

Carried

### **2. Conflicts of Interest**

Cr Harwood declared a conflict of interest with the submission from Card Reserve Artificial Surface Trust.

Cr Colenso declared a conflict of interest with matters relating to Considine Park as she was a member of the Considine Park Committee.

### **3. Submissions hearings**

The Committee heard submissions from Emily Greenberg and Martine Bijker (Featherston First Friday's). Heather Martin had submitted attendance apologies.

#### **Emily Greenberg**

Ms Greenberg had reviewed the proposed changes to the Policy and was reasonably happy with the changes thus far. Ms Greenberg requested that Section 6 was removed as the terms and conditions were inconsistent with existing bylaws and management plans and not useful to applicants. Ms Greenberg suggested that restrictions were included in individual management plans. Ms Greenberg thought the Policy should have been developed in consultation with event organisers, that as written it was prohibitive and stifled creativity. The existence of an events approval permit was queried.

#### **DISCLAIMER**

*Until confirmed as a true and correct record, at a subsequent meeting, the minutes of this meeting should not be relied on as to their correctness*

### **Martine Bijker, Featherston First Fridays**

Ms Bijker recognised the need for a policy, but felt the proposed Policy was restrictive, constrained creativity and was written using harsh language in a punitive rather than supportive ‘how do we’ manner. Ms Bijker thought the Policy should have been developed in consultation with event organisers and that the revised policy still did not cater for non-sporting groups that ran multiple events. Ms Bijker tabled an events policy from New Plymouth District Council which was easy to follow.

### **3. Deliberations**

Members discussed the rigidity of the alcohol legislation, the dog control bylaw including the definition of ‘under control’, the need for the Policy to be consistent with Council’s Smoke-free Environment Policy, management plans, all bylaws, and that the Featherston Town Square was defined as an ‘open space’ with no plans to gazette to obtain ‘reserve’ status.

Council’s Amenities Manager recommended that the terms and conditions were removed from the Policy and used as internal guidelines that could be responsive to learnings. Ms McNaught explained that some ongoing events change every time they are held, and officers need to understand what is being planned.

Members agreed to amend identified clauses so they were less confrontational but still able to achieve a desired outcome.

Dogs off-leash at Lake Domain was the preferred solution, the Committee noted that the Animal Control Bylaw stated that dogs must be ‘under control’ at the Domain which was different from ‘on-leash’.

#### *THE HEARINGS COMMITTEE RESOLVED (HC2017/08):*

1. To receive the information.  
*(Moved West/Seconded Hay)* Carried
2. To accept the draft Community Groups Use of and Access to Council Parks and Reserves Policy with amendments as discussed.
3. That section 6 is removed from the Community Groups Use of and Access to Council Parks and Reserves Policy and that it becomes a separate document that forms part of operational guidelines.  
*(Moved Cr Craig/Seconded West)* Carried
4. To recommend to Council that the Community Groups use of and Access to Council Parks and Reserves Policy is adopted.  
*(Moved Hay/Seconded Cr Harwood)* Carried
5. Action 656: Consider an itemised events fees table for community, sporting, not for profit and commercial entities in the Long Term Plan; J Mitchell
6. Action 657: Undertake a consistency check with Planning and Environment to ensure the Policy is consistent with Council’s bylaws, management plans and policies; H McNaught
7. Action 658: Incorporate a definitions section in the Policy utilising definitions in New Plymouth District Council’s events Policy; H McNaught
8. Action 659: Forward the amended Parks and Reserves Policy to all submitters; Committee Secretary
9. Action 660: Add timeline guidelines to the event application form; H McNaught

#### **DISCLAIMER**

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10. Action 661: Prepare an events guideline and streamline the event form so both are complementary; H McNaught
11. Action 662: Upload site maps for Council's parks and reserves to Council's website so event organisers are able to download the appropriate map for their application; H McNaught
12. Action 663: Create a standard event acceptance form or email permit that can be provided to applicants; H McNaught

**Confirmed as a true and correct record**

..... **(Mayor)**

..... **(Date)**

**DISCLAIMER**

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# **Appendix 3 – Community Groups Use of and Access to Council Parks, Reserves and Open Spaces Policy**

# PROPERTY

## Community Groups Use of, and Access to, Council Parks, Reserves and Open Spaces, Policy

### 1. RATIONALE:

- 1.1 Community groups, sports clubs, commercial entities and individuals may from time to time seek access to Council-owned and managed open spaces, reserves and parks. This may be on an on-going, usually seasonal, basis (e.g. sporting fixtures), or an event basis (e.g. one-off sporting events, fairs, festivals, weddings). In some circumstances organisations may have, or may seek to have, buildings or other structures located on parks, reserves or open spaces.
- 1.2 This policy sets out a basis and terms for such access and use that meets the needs, obligations and responsibilities of both the users and the Council.

### 2. PURPOSE:

- 2.1 To set out in general terms the policy framework underlying operational procedures for community, sporting, commercial and event usage of Council-owned parks, reserves and open spaces.

### 3. FEES AND CHARGES

- 3.1 Use of council parks, reserves and open spaces for sporting and event use is generally free to community groups, sports clubs and other non-commercial entities. The council may recover costs for the provision of services such as additional rubbish collection, line-marking etc. Any need for such cost-recovery will be advised at the time of booking.
- 3.2 Any fees or charges will form part of the Schedule of Fees and Charges published annually in the Annual or Long Term Plan.
- 3.3 A refundable damage bond may be charged for events, but not for sporting use.
- 3.4 A Licence to Occupy for a council park, reserve or open space incurs an annual rental charge which is agreed between the licensee and the council.

### 4. REQUIREMENTS FOR SPORTING USE, EVENTS AND LICENCES TO OCCUPY

#### 4. Sporting Use

- 4.1.1 Community groups, sports clubs, commercial entities or individuals seeking to use Council parks, reserves and open spaces for regular sporting purposes, such as a season must make an application to the Council each year, two calendar months before the official start of the season.
- 4.1.2 The application is to be made on the prescribed form and must provide a minimum of the following information:
  - name of club, organisation, ~~or~~ group or individual;

- two contact names with addresses, email addresses and telephone numbers;
- dates or period the use is to cover;
- proposed times of use;
- number of persons involved and/or teams;
- purpose or activity planned;
- any special requirements of the activity for the area concerned e.g. line marking, supply of rubbish bins.

4.1.3 The Council will assess the application and set out in writing any conditions to be imposed and any fee or charge that is payable upon approval being given.

4.1.4 Fees or charges generally will not be waived other than in an exceptional case which will require the specific approval of the Chief Executive Officer.

4.1.5 A damage bond may be required.

4.1.6 If a park, reserve or open space has a reserve management plan, the conditions of that plan must be complied with by users at all times.

4.1.7 One-off sporting events outside of regular scheduled play will be treated as events under 4.2 below.

## **4.2 Event Use**

4.2.1 An event is defined as an organised celebration, activity, display, meeting or gathering, demonstration, parade, procession or competition that occurs within a defined time period.

4.2.2 Community groups, sports clubs, commercial entities or individuals seeking to hold an event on a Council park, reserve or open space must make a written application to Council in advance of the event using the Event Application Form.

4.2.3 The Council will assess the application and set out in writing any conditions to be imposed and any fee that is payable upon approval being given.

4.2.3 Fees generally will not be waived other than in an exceptional case which will require the specific approval of the Chief Executive Officer, though minor use, such as for a day, may not incur a fee.

4.2.4 A damage bond may be required .

4.2.5 If a park, reserve or open space has a reserve management plan, the conditions of the plan must be complied with by users at all times.

## **4.3 Licence to Occupy**

4.3.1 In certain situations community groups, sports clubs, commercial entities or individuals may seek to have long-term and/or exclusive use of part of a park, reserve or open space. This may be where they have, or wish to have, a club house, community hall or like building or facility which is owned by them on the property, or where the right of exclusive use for certain periods is desired.

4.3.2 Occupancy of such land is at the sole discretion of the Council and is required to be supported by a Licence to Occupy. Such a licence may be exclusive or non-exclusive, at the discretion of the Council. The costs of the preparation of the licence, and any variations or renewals will be borne by the licensee if it is a

commercial or for-profit entity, and by the Council if it is a local community organisation.

~~4.3.3 While a Licence to Occupy is negotiated between the parties, the Council will have certain minimum requirements that are not negotiable.~~

4.3.3 The Council will charge a rental, usually a relatively nominal amount payable annually, that recognises this use of part of a public amenity.

4.3.4 Such ~~fees or charges~~ rentals will not be waived, remitted or specifically subsidised from any other Council financial sources or budgets.

4.3.5 Community groups, sports clubs, commercial entities or individuals entering into such Licences to Occupy will be required to comply with all Council regulations and bylaws and with all relevant government legislation in particular, the Local Government Act 2002 and 1974, Health and Safety at Work Act 2015 and Reserves Act 1977.

4.3.6 Community groups, sports clubs, commercial entities or individuals having a Licence to Occupy for a Council park, reserve or open space are still required to make either :

4.3.6.1 an annual application for seasonal sporting use, or

4.3.6.2 an event application for event use; and

to pay the relevant fees or charges as set out in the Council's Schedule of Fees and Charges, in addition to the annual Licence to Occupy fee.

## **5. DISPUTES**

5.1 Council officers will make their best efforts to accommodate users, however in the event of a dispute between the Council and a user group or organisation that is not covered by a provision contained in a legal agreement, the decision of the Council shall be final with no recourse to appeal.

~~2 The use of, and access to, Council reserves/parks is a privilege and the interests of the District's ratepayers is a determining factor in all of the Council's decision making processes.~~

## **6. TERMS AND CONDITIONS**

6.1 The Council provides details of the terms and conditions applicable for the use of Council

Parks, reserves and open spaces. These are available from the Council offices, Service Centres and the Council website.

6.2 The Terms and Conditions set out the details of a user's obligations and responsibilities. These are reviewed from time to time and may be amended, altered or rescinded at any time.

6.3 Terms and Conditions are issued by the Chief Executive Officer.