

Policy

SPORTS FIELD AND DOMAINS USAGE

TEAM:	Open Spaces/Property
RESPONSIBILITY:	Open Spaces Manager and Property Manager
ADOPTED:	17 May 2018 (effective 1 July 2018)
REVIEW:	Every two years or as required.
CONSULTATION:	Special Consultative Procedure required as per s.83 of the Local Government Act 2002.
RELATED DOCUMENTS:	Ashburton District Plan Ashburton District Council Long Term Plan Ashburton District Council Open Spaces Bylaw Ashburton District Council Open Spaces Strategy 2016 Ashburton District Council Reserve Management Plans Ashburton District Council Significance and Engagement Policy Ashburton District Council Smokefree Outdoor Areas Policy Building Act 2004 Conservation Act 1987 Fencing Act 1978 Health and Safety at Work Act 2015 Litter Act 1979 Local Government Act 2002 Reserves Act 1977 Resource Management Act 1991.

Policy Objective

The objectives of this policy are to:

- ensure a consistent approach is undertaken with regard to the management, development and maintenance of Council owned or managed sports fields and domains in Ashburton District;
- strengthen participation and engagement in community and recreational activities; and
- ensure leases and licences are managed fairly, processes are transparent, and Council officers have the flexibility to respond to community needs.

Contents

Policy Objective.....	1
Contents	2
Definitions	3
Policy Statement.....	4
1. Introduction	4
2. Guiding principles	4
3. Leases	5
4. Licence to Occupy	5
5. Procedure for issuing Leases, Significant Leases and Licences to Occupy	6
6. Assessment Criteria.....	7
7. Casual usage.....	7
8. School usage.....	7
9. Community/not-for-profit usage.....	8
10. Public notification	8
11. Fees and charges.....	9
12. Requirements of users of sports fields	9
13. Health and safety requirements	10
14. Misuse of sports fields	10
15. Construction of buildings on Council-owned land	10
16. Maintenance Standards	11
17. Smokefree.....	11
18. Alternative uses of the Ashburton Domain and other Domains on Reserve Land	11

Definitions

Authorised Officer means a Council Employee, Ranger or any other person appointed to exercise the authority of Council in terms of controlling or supervising any Open Space.

Commercial user means a user who operates with the purpose of gaining a commercial advantage, such as making receiving payment for a good or service.

Community groups means not-for-profit community based organisations.

Council means Ashburton District Council.

Council Officer means any person appointed or authorised in writing by the Chief Executive or by Council to act on its behalf and with its authority.

Ground Lease means a lease granted where Council owns the land, and any buildings or structures on the land are owned by the community or recreation group.

Leased Area means the area designated as approved on the Lease Agreement.

Licensed Area means the area designated as approved on the Licence to Occupy.

Open Space means an area of land or water owned or managed by Ashburton District Council that offers unrestricted access to 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, reserves and public gardens; but excludes buildings, roads, footpaths, swimming pools, public conveniences and water races. This 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.

Premises Lease means a lease granted where Council owns the land and buildings or structures for the sole occupancy for the group. This type of lease will be issued where use of both land and buildings or structures is requested.

Premises Licence means a licence where Council owns the land and buildings or structures for shared occupancy.

Reserves are land held specifically under the Reserves Act 1977. Land can receive reserve status through vesting in Council (Reserves Act 1977), through subdivision (Resource Management Act 1991) or local authority declaration (Reserves Act 1977). Reserve status may have occurred prior to 1977 through early legislation (Reserves Act 1908, 1928 or 1953).

Fee Simple Land is land which Council owns or manages which is not covered by the Reserves Act 1977 but Council administers as if the land is reserve. Any reference to land as reserve in this policy will equally apply to the fee simple land if it is used as a recreation purposes.

Reserves Act 1977 as referred to in this policy includes all amendments and revisions.

Seasonal allocation means an allocation for booking of a seasons for recreational purposes due to the seasonal requirements of the activity. This is usually done at a club level for a period of time over winter or summer.

Significant Lease means a lease which has significant implications due to the impact on the land or on the community.

Sports Field means any sports field located in Ashburton District that is owned or managed by Council and constructed and maintained for sport(s).

Application

This policy applies to all community and recreation groups which occupy or utilise Council owned or managed sports fields, including land and buildings, and other parts of Domain(s). The provisions of this policy will be applied to existing leases and licences where they allow or where aspects of the existing leases and licences are silent or ambiguous.

This policy does not apply to:

- Community centres and halls
- EA Networks Centre – bookings can be made directly through EA Networks Centre in person, by phoning (03) 308 4020, or emailing eanfeedback@adc.govt.nz.
- Early childhood centres
- Recreation centres
- Small rural reserves which are covered under the Small Rural Reserves Policy
- The use of unmanned aircraft (drones) operated on Council land which are covered under the Open Spaces Bylaw.

Policy Statement

1. Introduction

- 1.1 Council owns or manages a number of sports fields and Domain(s) (some of which include buildings) which are leased and/or licensed to a range of community groups and not-for-profit organisations.
- 1.2 Council provides rights of use to sports fields, Domain(s) and associated buildings in a way that optimises the use of the asset and the benefit to the greater community.
- 1.3 Council seeks the recovery of a proportion of costs associated with the maintenance of sports fields, Domain(s) and associated buildings. This recovery shall be based solely on the cost of the provision of the fields themselves and shall not include auxiliary infrastructure e.g. toilets, carparks and drainage systems, unless they are directly related to the activity.

2. Guiding principles

- 2.1 Council will aim to support groups whose activities contribute to the priorities and Community Outcomes, as set out in Council's Long Term Plan.
- 2.2 Council will adhere to principles of fairness and equity. All groups utilising sports fields, Domain(s) and associated buildings will be subject to the conditions in this policy. This ensures consistency in how rental fees and charges are applied in the district.

- 2.3 Council will take a flexible and reasonable approach when responding to changing community and recreational activities and levels of demand.
- 2.4 Council, as the administrator and trustee of reserve land, has the responsibility to ensure land is managed in accordance with the Reserves Act 1977. If an activity is not anticipated in a management plan or sits outside of Council's delegations under the Reserves Act, final consent from the Department of Conservation will be required.
- 2.5 Fees (detailed in Part 11 and Schedule 2) will be applicable for the use of sports fields, Domain(s) and associated buildings in the district. Fees for ongoing or casual usage will be charged based on the size of the field. Fees will also be applicable for the use of any Council-owned buildings located on sports field.
- 2.6 Where the lessee/licensee is undertaking preparation of the grounds at their expense then this shall be taken into account when the fee for the use of the grounds is set/charged.
- 2.7 The use of a reserve will require either a Lease or a Licence to Occupy. An Authorised Officer will determine the appropriateness of either a Lease or a Licence to Occupy, depending on the situation and type of activity.
- 2.8 All applications will be assessed against the criteria provided in this policy (see part 6).

3. Leases

- 3.1 Leases provide exclusive rights to the lessee. This means groups have exclusive use of the facilities/assets for the period specified in the lease.
- 3.2 Leases can be transferred to other groups approved by Council. Council must be informed of any transfers and grant consent prior to the transfer taking place. The new group must meet the requirements set out in this policy. The assessment of the new group against the criteria in this policy is the responsibility of the Commercial Manager of Council.
- 3.3 New leases/licences will be granted for an initial period of one year (i.e. one season) or such other time as necessary if the use requires significant expenditure of capital by the lessee. After this time, leases can be renewed at the discretion of the Commercial Manager in relation to the Assessment Criteria detailed in part 6.
- 3.4 On occasion, it may be more suitable to grant a Licence to Occupy. For example, a Licence to Occupy may be appropriate due to the nature of the activities proposed, or where the land classification does not allow exclusive use. This process is described in part 4 below.
- 3.5 **Types of leases**
Groups can apply for either a ground or premises leases. A ground lease is applicable where Council owns the land and the group owns the building or structures on the land. A premises lease is applicable where Council owns the land and building(s).

4. Licence to Occupy

- 4.1 In some situations a Licence to Occupy is more appropriate than issuing a Lease. These circumstances will be determined by the Commercial Manager.

- 4.2 Unlike Leases, a Licence to Occupy does not give the Licensee exclusive rights to the Licenced Area. A Licence to Occupy is not transferable, under any circumstances.
- 4.3 The Licensee shall at all times respect the public rights of access associated with the Licenced Area. Members of the public must be able to access the Licenced Area at times when the Licensee has no organised events, practices or training in progress.
- 4.4 The Licensee is only allowed to use the Licenced Area for the activities specified by the applicant on the Licence to Occupy form.

5. Procedure for issuing Leases, Significant Leases and Licences to Occupy

- 5.1 The following procedure will be utilised by Council when assessing requests:

For both Leases and Licences to Occupy:

- Officers will discuss the process and this policy with the group or individual and determine whether granting a Lease or a Licence to Occupy is appropriate.
- The group or individual will be asked to make a formal application on the appropriate form.
- Officers will assess the application using the assessment criteria outlined in part 6.

- 5.2 **Significant Leases** are leases determined by officers to be of *significance* to Ashburton District, as per Council's Significance and Engagement Policy. The following procedure also applies for Significant Leases:

- If the application meets the assessment criteria, officers will, if appropriate, consult with iwi and the relevant Reserve Board if the lease is applied for reserve land.
- Officers will prepare a report to the Finance and Business Support Committee of Council to seek approval to grant a Significant Lease, subject to public notification and obtaining approvals required by any relevant legislation. Public notification will be required for reserve land and land managed as reserve. Refer to Part 10 for further information on the public notification process.
- Any objections received as a result of public notification will be provided to the Finance and Business Support Committee of Council to consider, if necessary.
- If no objections are sustained and all approvals required are obtained, a lease will be prepared and executed.
- If the use requires a resource consent then the process for the resource consent and Reserves Act 1977 public notification will run concurrently in accordance with the Resource Management Act 1991 and the Reserves Act 1977.

6. Assessment Criteria

6.1 The Assessment Criteria applicable to both Leases and Licences to Occupy includes:

- 6.1.1 The purpose and activities of the group must be consistent with Council's strategic direction to promote healthy lifestyles as detailed in the Long Term Plan.
- 6.1.2 The land and/or buildings must be utilised to the fullest extent practicable.
- 6.1.3 To ensure buildings are utilised to their maximum potential, preference will be given when there are multiple users of buildings. In all instances, multiple use of buildings will be encouraged.
- 6.1.4 The activity must not adversely affect open space values or other legitimate activities.
- 6.1.5 There must be demonstrated support and need within the community for the activity or usage.

6.2 The Assessment Criteria applicable to Leases only includes:

- 6.2.1 The group must be, at the time of application, be an incorporated society or trust. Any change in status must immediately be reported to Council.
- 6.2.2 The group must be sustainable in terms of membership and/or users of the service for the term of the lease.
- 6.2.3 The group must be in a financial position to fulfil its lease obligations for the term of the lease, including but not exclusive to rent, insurance, building and grounds maintenance.

7. Casual usage

- 7.1 Casual usage for exclusive use of sports fields and Domain(s) includes use for a range of occasions, such as: concerts, circuses, school activities, and sports tournaments. The conditions pertaining to schools and community/not-for-profit groups are detailed below.
- 7.2 Casual/one-off booking for the exclusive use of sports fields and the Ashburton Domain can be made by application to the Open Spaces Team of Council. Fees are detailed in Schedule 2. Note – bookings of all other Domains in the district must be made through the relevant Reserve Board.

8. School usage

Free during school (and after school) hours) for local schools

- 8.1 Schools located in Ashburton District are able to use sports fields at no charge during school hours (8.30am – 3.30pm) and after school hours (3.30-6.30pm) for the purposes of sports practices as long as their use does not adversely affect the general amenity of the surrounding environment (as per the Ashburton District Plan).

- 8.2 School groups wanting exclusive use of sports fields outside of the hours specified in 8.1 will be subject to Fees as per Schedule 2 of this policy when the number of expected attendees is greater than 500. Small one-off events (i.e. less than 500) do not incur a fee.
- 8.3 School groups will be liable for any damage to sports fields or associated buildings that occurs as a result of usage. Any damage to sports fields must be reported as soon as practicable after the damage has occurred. The user will be charged a fee to rectify the damage.
- 8.4 All other out-of-district schools will be subject to the fees in this Policy.

9. Community/not-for-profit usage (including weddings)

Weddings

- 9.1 Usage of the Ashburton Domain for weddings must be by application to the Open Spaces Team of Council. No charge will occur where the wedding has less than 100 attendees.
- 9.2 Exclusive usage of either the Rose Garden or Rhododendron Garden will be given; however visitors to the Domain may still access the area. Exclusive usage only guarantees no other wedding party will be using that area.

Other usage

Free for small events

- 9.3 Small one-off events with less than 200 expected attendees will not be charged a fee where the following conditions are met:
- 9.3.1 have exclusively charitable purposes that fall within one of the four purposes set out in section 5(1) of the Charities Act 2005;
 - 9.3.2 provide a public benefit; and
 - 9.3.3 not be carried on for the private benefit of any individual.
- 9.4 Groups wanting exclusive use of sports fields for 201 or more expected attendees will be subject to Fees as per Schedule 2 of this policy. Council may exempt groups who do not meet all of the conditions in 9.3 above. Applications for exemptions will be presented to the Service Delivery Committee of Council.

10. Public notification

- 10.1 The Reserves Act contains exceptions to the public notification requirements. The exception applies if the proposed lease conforms with the approved management plan for the reserve, or if the proposed lease is subject to a resource consent that was notified under the Resource Management Act 1991.
- 10.2 All proposed leases of reserve and non-reserve land will be publicly notified in accordance with the process set out in sections 119 and 120 of the Reserves Act 1977.

- 10.3 Land that is managed as a reserve but is not classified as such will also be publicly notified. Although the public notification process will not be undertaken in accordance with the Reserves Act, Council will follow the process outlined in the Reserves Act.

11. Fees and charges

- 11.1 The fees and charges for the use of sports fields and Domain(s) are detailed in the Ashburton District Council Fees and Charges schedule, and included in Schedule 2 of this policy.

- 11.2 The following user classifications are used to determine the level of fees:

11.2.1 Casual user

Applicable for one-off usage of fields and charged per field, per use. Fees are determined based on the size of the field, as specified in Schedule 2. Applications must be made to the Open Spaces Team of Council.

11.2.2 Ongoing user

Applicable for ongoing use of sports fields, such as that required for seasonal or club usage. The fees are calculated on a per month basis. Applications must be made to the Property Team of Council.

- 11.3 Fees are determined based on the size of the field. If users wish to occupy only a portion of a field, that area will be calculated and considered when determining the level of fees applicable.

- 11.4 Fees will also take into account the seasonal nature of the activity.

- 11.5 Applications for the usage of buildings must be made to the Property Team of Council.

11.6 Fee for groups who maintain or upkeep grounds, or require additional maintenance

Council will consider discounting fees for any maintenance or upkeep provided by the user group. Council also will charge additional fees where maintenance is more demanding. The user group must detail maintenance at the time of application. The level of discount or additional fee applied will be determined on a case-by-case basis.

11.7 Fees set by Reserve Boards

Reserve Boards can set their own fees, however fees must be guided by the fees applicable under Schedule 2 of this policy. Justification must be provided to Council if fees are not set at a minimum rate as per Schedule 2. Reserve Boards must consult with Council on the setting of any variation of fees. Council will consider these fees on a case-by-case basis.

12. Requirements of users of sports fields

- 12.1 Users of sports fields are expected to meet the requirements of use of open space as per Council's Open Spaces Bylaw. In general, this means no person shall cause nuisance to another person. Such actions include, but are not limited to, the use of obscene language, being intoxicated or under the influence of drugs, playing loud music, disrupting others use of the Open Space, or misbehaving in any way.

- 12.2 Dogs are permitted at sports fields but must be kept on a leash at all times, except where the area is a Designated Exercise Area under Council's Dog Control Bylaw. It is the responsibility of the owner to remove any fouling caused by dogs on sports fields. For more information, see the Council's Dog Control Bylaw and Policy.
- 12.3 Users are required to cancel any events if the Open Spaces team determine use will cause damage to the ground conditions as a result of weather events. The Open Spaces team have discretion to determine these circumstances.

13. Health and safety requirements

- 13.1 Sports fields must be used in a safe and reliable manner. Licence or Lease holders must comply with the Health and Safety at Work Act 2015.
- 13.2 Lease holders and Licence to Occupy holders shall, at their own cost, prepare a health and safety plan and shall ensure that the plan is fully implemented. Council officers can request to see this plan at any time.
- 13.3 Lease holders and Licence to Occupy holders should take all practicable steps to eliminate any dangers and to protect the safety of all persons present on the Licence or Lease Area.

14. Misuse of sports fields

- 14.1 Misuse of sports fields will result in revocation of use by that individual or group. These instances will be determined by the Authorised Officer as per Council's Open Spaces Bylaw. Any damage to sports fields must be reported as soon as practicable after the event. The user will be charged a fee to rectify the damage.

15. Construction of buildings on Council-owned land

- 15.1 Council recognises that groups in the community benefit from the construction of buildings on Council-owned land, such as that used for club rooms and storage of sports equipment.
- 15.2 Any group wanting a building constructed on Council land must discuss the matter with Council.
- 15.3 Council will assess the need for a building against the following:
- needs assessment,
 - long term viability and sustainability, and
 - sensitivity to amenity value.
- 15.4 If there is a clear measurable benefit to the community, based on the criteria provided in this policy, Council will consider the construction of the building. Council will then retain ownership of the building, and issue either a Lease or Licence to Occupy for groups wanting to use the building.
- 15.5 In some situations prior to the adoption of this policy, buildings have already been constructed by the user groups on Council-owned land. Council will consider the best course of action on a case by case basis, given the unique characteristics of each situation. Council

will continue undertaking a review of existing buildings on Council land to determine liability and ongoing maintenance.

16. Maintenance Standards

- 16.1 All maintenance for sports fields or Domains is covered in individual agreements or contract either with the relevant Reserve Board or an Authorised Officer of Council.
- 16.2 The Authorised Officer has discretion to determine a suitable level of maintenance to be applied to a sports field. This will involve balancing the expectations of users and the available resources. Higher levels of services may incur a higher fee.

17. Smokefree

- 17.1 In 2016, Council endorsed Smokefree Aotearoa 2025. It is therefore the intention of Council to promote smokefree environments in the district.
- 17.2 Council's Smokefree Outdoor Areas Policy contains a list of Council-owned or managed sports fields and courts which are smokefree.

18. Alternative uses of the Ashburton Domain and other Domains on Reserve Land

- 18.1 Alternative uses of the open spaces in the Ashburton Domain and other Domains on reserve land are permitted for non-sporting events or leisure. Applications must be made to the Opens Space Team and the relevant Reserve Board. Reserve Boards maintain discretion to approve or deny applications for alternative usage of their respective Domains on reserve land.
- 18.2 Applicants are responsible for applying for any permits or licenses which are be required, such as a Mobile Shops, Stalls and Hawkers Permit, or a Special Licence. Additional fees apply depending on the type of licence or permit required. Applicants should contact the Environmental Services team at Council for advice.
- 18.3 Circuses and Fairs can be held at the Ashburton Domain sports fields and are subject to the same conditions under this policy. In all circumstances a bond will be required. The amount of which will be determined by the Open Spaces Team. Fees are specified in Schedule 2.
- 18.4 Picnics and small events can be held in the BBQ area of the Domain. A bond may be required and will be determined by the Open Spaces Team. Fees are specified in Schedule 2.

Schedule 1 – Council-owned or managed sports fields and Domain(s)

- Argyle Park
- Ashburton Domain
- Chertsey Reserve
- Devon Park
- Digby Park
- George Glassey Park
- Hinds Domain
- Methven Domain
- Mt Somers Domain
- Rakaia Domain
- Robilliard Park
- Tinwald Domain
- Tinwald Golf Club

Schedule 2 – Minimum fees applicable for usage of sports fields

Field size(m ²)	Example of use	Casual usage (per day)	Commercial usage (per day)	Ongoing usage (per season)
Up to 200m	BBQ area	\$30.00	n/a	n/a
201m – 5,000m	Small corporate event	\$50.00	\$300	\$100.00
5,001m – 10,000m	Cricket block Circuses and fairs	\$100.00		\$200.00
10,001m – 50,000m	Soccer and rugby	\$155.00		\$310.00