

***Draft Open Spaces
Bylaw
2021 Consultation***

Submissions booklet

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Ashburton Youth Council

1. Do we support the Open Spaces Bylaw so presented?

Ashburton Youth Council (AYC) supports the proposed bylaw to ensure that open spaces are well maintained for the best interest of the community. The changes ensure that the spaces will be respected and as a result, be enjoyed by the community. The AYC believes that everyone should feel comfortable in these areas and the first clause of the bylaw ensures that there will be no inappropriate structures that cause discomfort to anyone. We also agree with the second clause which states vehicles have to follow the 20km/h rules even without a speed limit signposted. However, we still strongly believed that signage of speed limit should be erected nearby for others who don't know the rules. The third clause, where bicycles and scooters are allowed on specific open spaces locations, also increases inclusiveness as people with conditions can enjoy open spaces which is a positive thing for our community.

Key change two also ensures that each person within the open spaces can have their privacy as drones and other unmanned aircraft can only be flown during the day, therefore, visible to the public. This also prevents any hazardous impact that might occur due to drones and unmanned aircraft.

2. Further suggestions on the Open Spaces bylaw

Damage and Interference

Proposed a regulated community notice board to keep in our open spaces where the council and community could post things on. Secondly, maybe a community art wall where people are given an opportunity to express their individuality. This can be painted over and over again so it has endless use therefore can minimise vandalism.

Assemblies/ Public meetings

AYC thinks that it would be great if there was a place in our open spaces where there was a nice outdoor stage for meetings and performances. Places such as a pavilion where people can use it throughout the year. We acknowledge that we do currently have a stage in the domain, but we think a renovation would help the space be more widely used.

Public Access

Curfew to unattended young children. There are many times late at night where some members of the youth council see children under the age of 10 still roaming around. Proposing a curfew will keep the kids in our community safer.

Additional considerations

Considering how we have a lot of unused open spaces in our community, we maybe could repurpose them. A community orchard or a garden containing our native flora would be an example. We acknowledge that there may be some complications with this idea, but if executed well we think it would be great use of space and can even help our community be more connected in an eco-friendly way.

Do you wish to speak in support of your submission? No

Do you support the draft Open Spaces Bylaw as presented?:

Let us know why:

Regarding noise from aircrafts in particular the skydiving kiwi aircraft I have complained constantly regarding the noise form this plane while it is in flight it was a regular noise hazard to us for some years from early 2018 I have continued to complain into 2020. I talked regularly to the council regarding this noise and have written a number of times down of the noise it could be every 20-30 minutes sometimes early morning to late in the evening every day of the week and weekends. We would get the occasional respite from the droning noise of the plane even if the plane was some distance from us. I believe the council owns the airport and leases the land to the aeroclub as the land owner they need to take responsibility for its tenants if the complaints are numerous I believe the tenants should be given notice and removed from the airport. I also contacted the skydiving kiwi regarding the noise as well. they laughed at me and said it wasn't their plane I also contacted the CAA an absolute waste of breath. We do not live near the airport I estimate about 16km away I have relations that fly from the airport and enjoy the facilities and have no problem with the aeroclub continuing with the good work they are doing in our community I have no problems with their planes or local planes flying about our property and enjoy watching the planes. I am pleased that the skydiving kiwi has gone form the airport and has taken their noisy planes with them. I am sure there were other complaints from other people about this plane I think our council need to enact a bylaw for particularly noisy planes and with complaints from the public the owner of the airport should be able to remove the tenant from their premises. As I was sick to death of the noise from this plane. Thank you for your time and please don't hesitate to contact me.

Do you have any further comments?:

I understand that all submissions are public documents and will be made available on Council's website with the names of submitters included:

Yes

Supporting Documents:

No file uploaded

Personal Details

Full Name:

Geoff Corbett

Submitter: Mark Gleason

This is my submission. I do not wish to appear in person unless it is wanted or required. I continue to have several concerns.

(1) Cl 8.1.9 ADC proposal says that fences replaced or constructed must have ADC approval. This looks okay but I could not find a clear indication of where these "open spaces" are. Sec 5.1 is not much help, especially the catch all ejusdem generis element tacked on the end. Would not a map of the district where "open spaces" were clearly indicated be useful? It would be much easier to enforce if the areas were known to all. I can see that to the tourist, migrant workers, freedom campers and even the security personnel who will doubtless be at the sharp end of this there will be confusion.

(2) Already there is confusion in the courts about "public places", "roads", obscene language, the Queen's Chain, racial abuse, disorderly behaviour and many other, what some would consider, Summary Offences (SOA 1981). Why not leave these complex areas of law to the police who have the resources and experience to deal with them? As a ratepayer I would resent having to pay Bill of Rights damages for the acts of ADC employees or contractors. The obvious danger is that an area of infringement, take obscene language, will be used selectively against groups the ADC or manipulated or genuine opinion do not approve of, as happened with feminists who used the word "bull shit" in a public place. If the ADC end up banning certain marches, placards and not others there could be hefty legal bills. In passing has your regulation alignment group looked at some of the current bylaws (1981)? They could be cited to indicate how out of touch the ADC is with the modern world. If you want some examples I can select a few from that document.

(3) With regard to consultation ... The High Court, the Court of Appeals and the Supreme Court have consistently ruled on what consultation should look like. I feel that it is your job to be aware of these decisions. Has your group genuinely consulted with Ngai Tahu, and other groups likely to be effected? The let's not and say we did approach could be problematic as a case works its way up the judicial system where clear legal precedents are likely/will to be followed.

(4) Your group will doubtless be aware of the transcendent nature of S6 of the NZBORA. Our lawmakers regard individual liberty as opposed to state power as very important, note the Long Title (now called the purpose) of that statute. From a constitutional point of view what I and some legal commentators see going on here is an attempt to farm out to councils and quasi-governing bodies/organisations, "quangos", law enforcement. Some see this as an attack on democracy. It is the police's and other government agencies job to keep law and order. There are those in Wellington who are on a "great quango hunt". I would hate my rates to be used in a turf war between the ADC and a central government body, the HRC for example.

(5) Your comment about Fencing Act 1978 realignment and consistency with with ADC regulations or was t the other way around.....

Statute always overrules bylaws so there really is no problem with the archaic/anacronistic sections of the 1981 by law provisions, mentioned above, as they will be difficult if not impossible to enforce. However, attempts to realign can cause difficulties, controversy, costs and delay. Where there is a statute that needs changeing why don't the councils get together and recommend the change? Is this district that atypical? A cynic might suggest this provision will require inspections and fees and is dollar driven.

Do you wish to speak in support of your submission? No

Do you support the draft Open Spaces Bylaw as presented? No

Let us know why:

I am concerned at the lack of control of Freedom Campers. I want to see a complete ban on Freedom Camping. They should ALL use camping grounds and the Council needs to stop supporting them. Camping grounds are trying to make an honest living and therefore the appropriate authorities should direct and insist that Freedom Campers support the camping grounds. Freedom Campers just take over all the local beauty spots. A good example is Freedom Campers have been seen overnight in Park Street right next to the Ashburton Domain. I object to Councils providing extra facilities for Freedom Campers who don't contribute in any way to the Community and expect everything for nothing.

Do you have any further comments?:

I understand that all submissions are public documents and will be made available on Council's website with the names of submitters included:

Yes

Supporting Documents:

No file uploaded

Personal Details

Full Name:

Bev. Skates

Your views on the proposed Open Spaces Bylaw is important to us, and we encourage you to make a submission. Written submissions can be made to the Council up **until 5pm on 11 July 2021**.

Have your
Say!


**We want to hear
from YOU!**


Tell us what you think of
our proposed changes at
ashburtondc.govt.nz/haveyoursay

The easiest way to provide your feedback is to complete the form online at ashburtondc.govt.nz

Alternatively, you can provide feedback by filling in the attached submission form and getting it back to us using one of the following methods:

 **FREEPOST TO**
Ashburton District Council
Freepost 230444
PO Box 94
Ashburton 7740

 **ONLINE AT**
ashburtondc.govt.nz/haveyoursay

 **IN PERSON**
Dropping it off at:
Ashburton District
Council reception –
5 Baring Square West

 **EMAIL TO**
submissions@adc.govt.nz

**Please note all submissions are public documents and will be made available on Council's website.*

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

Your details

First name: Ian & Maxine Last name: Watson

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 the Council Chamber on Thursday 29 July 2021. Please note that hearings are live-streamed to our online channels.

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

Signature: Ian & Maxine Watson

Date: 9 July 2021

Our Draft Open Spaces Bylaw is available from ashburtondc.govt.nz/haveyoursay

You can submit on any or all of the questions below. You don't have to complete every question.

1. Do you support the Open Spaces Bylaw as presented?

Yes No

2. Let us know why: Because it is unclear if any of the new bylaws will have adverse affects on the present values we have for getting through open spaces to enjoy the many outdoor pursuits we do in the district. We are concerned about any ownership of water in the district that the council lays claim to own. This needs to be identified.

3. Do you have any further comments? Has the council the right to deny or restrict access to this water.

Does the ADC comply with Ecan's consent requirements to allow it to own or use natural water. We are also concerned about any further restrictions on freedom camping in the district.

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FreePost Authority 230444

Free 



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