

Casual Use of Active Reserves

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| Policy Number: | 2012/31 | Directorate: | Community Services |
| Approval by: | Council | Responsible Officer: | Manager – Youth, Leisure & Cultural Services |
| Approval Date: | 26 August 2019 | Version Number: | 3 |
| Review Date: | 26 August 2022 | | |

1. Purpose

The purpose of this policy is to provide guidelines for the use of or access over Council's active reserve or sports fields by casual users including schools, community groups, residents and corporate groups.

2. Context

The policy should be read in conjunction with the seasonal tenancy agreement, and should provide groups with the conditions of use and also the procedure for booking via Councils Reserves Manager Program.

A guiding principle for Council is to effectively manage the use of active reserves/sports fields whilst programming adequate maintenance to provide high quality sporting facilities across the municipality.

3. Scope

The policy applies to all Council-owned and managed active reserves/sports fields within the City of Knox as shown at Attachment 1.

Council may, at its sole discretion, restrict or withdraw access to any sports field for any of the following reasons:

- The sports field is unplayable due to inclement weather;
- The sports field is unsafe for match play or training;
- The sports field is required for surface repairs, oversowing programs, maintenance and/or redevelopment works;
- The sports field is required for a community event;
- The sports field is not being properly maintained or used by the user group; or
- The sports field is unavailable due to Council's response to water restrictions and/or weather conditions.

Restrictions on sports field usage will be considered individual, not en masse, except where weather conditions are likely to affect sports fields equally.

Inclusions

This policy applies to all Council-owned and managed active reserves and sports fields and includes:

- Organised activities;

- An active recreation/sporting activity or event;
- The assembly of any form of infrastructure on or at an active reserve;
- An activity such as a fair, festival, public event;
- An activity for commercial or promotional purposes;
- Requests for vehicle access;
- Filming or still photography; and
- Wedding ceremonies.

Exclusions

This policy does not apply to:

- Community groups who are allocated the use of a sports field (including turf wickets) under a seasonal or annual allocation;
- Council land governed by a Lease or Licence;
- Informal or unstructured recreational use of active reserves or sports fields by individual community members;
- Consumption of alcohol, which is governed by the General Provisions Local Laws 2010; and
- Signage and advertising at Council's parks and sports fields which is subject to the Community Signage on Council Open Space Policy.

4. References

The following documents, themes, legislation, policies and procedures or their successor documents, relate to the policy:

4.1 Community & Council Plan 2017-2021

- Goal 6: We are healthy, happy and well
 - 6.1 Mitigate lifestyle risks such as smoking, risky alcohol consumption and drug use, obesity, lack of physical activity and poor nutrition.
 - 6.2 Support the community to enable positive physical and mental health.
- Goal 7: We are inclusive, feel a sense of belonging and value our identity
 - 7.2 Celebrate our diverse community.
 - 7.3 Strengthen community connections.
- Goal 8: We have confidence in decision making
 - 8.2 Enable the community to participate in a wide range of engagement activities.

4.2 Relevant Legislation

- Local Government Act 1989

4.3 Charter of Human Rights

- This policy has been assessed against and complies with the Charter of Human Rights

4.4 Related Council Policies

- Sporting Reserve and Facility Development Guidelines
- Sporting Clubs Financial Contributions Towards Reserves Development
- Smoke Free Workplace Policy

4.5 Related Council Procedures

- Guidelines for use of Public Open Space by Personal Trainers
- Guidelines for Managing Events at Council Facilities
- Helicopter Landings on Council owned and controlled Property Procedure.

4.6 Related Council Plans

- The Knox Integrated City Strategy 2017-2021
- Knox Leisure Plan 2018-2024
- Community Health and Wellbeing Strategy 2017-2021

- Community Safety Plan 2017-2021
- Open Space Plan 2012-2022

5. Definitions

Detail any definitions within the policy.

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| Council | means Knox City Council, whether constituted before or after the commencement of this Policy. |
| Individual(s) | means a resident(s) of the Knox Municipality. |
| Community Group(s) | means a legal entity who provide services, support or activities to the Knox community. |
| Active Reserves | means primarily Reserves where activities of a sporting nature take place – refer Attachment 1 |
| Bond | means a security deposit or bond which may be held in case of damages to Council land |
| Casual Booking | means the use outside of seasonal use or use by a group, which has been granted access for a ‘one-off’, ‘irregular’ or pre-season use of Sporting Reserve Facilities |
| Corporate/Business Groups | means companies and organisations that operate for profit |
| Council Land | means land either owned by the City of Knox or managed by Council on behalf of another authority |
| Damage | means accidental or willful damage of structures, fixtures, plants and surfaces excluding normal wear and tear |
| Insurance | means Public Liability insurance |
| Knox school(s) | means a primary and/or secondary school within the Knox municipality |
| Organised Activity | means a sport or activity that is organised by an individual, club or group |
| Other school(s) | means a school outside of the Knox municipality |
| Seasonal Booking | means the licence granted to any organisation to use Sporting Reserve Facilities over the duration of either a Summer or Winter Sports Season as per the dates, time and use listed in the Seasonal Tenancy Agreement |

6. Council Policy

Council has an absolute right and discretion to improve any condition to protect its assets and consider the safety of the broader community when granting approval or permitting use and access over Council’s active reserves and sports fields.

The following conditions are not exhaustive but are a guide to the likely conditions for use or access to Council’s active reserves and sports fields. Additional conditions may be imposed on each individual request.

The following conditions *apply to all requests for usage of and access to Council active reserves and sports fields as defined in the “Inclusion” section of this policy:*

1. Council approval is required to gain access to Council's active reserve or sports fields. Council has the sole discretion to permit or deny access to Council land.
2. The hours an active reserve or sports field will be available are between 9.00am – 4.00pm. Request for any reserve before or after the said times will be considered on a case by case basis.
3. A maximum of one booking per active reserve or sports field per week. Formal bookings may be restricted at seasonal changeover periods.
4. All applications Completed online via Councils' IMS Reserves Manager Program (<https://www.imscomply.com.au/knoxrm/>) unless specifically requested in a different format.
5. The use of Council's active reserve and sports fields is subject to the provisions of Local Laws and any other related policy.
6. Applications to use or access Council's active reserve or sports fields must be made a minimum of 14 working days prior to the day of access. Requests may take longer to assess depending on the activity or nature of access required.
7. All applications for Council approval to use or gain access to active reserves and sports fields are subject to the following:
 - a. The applicant must follow the designated application procedure as advised by Council. The request must be made on the application form. Additional information, for example a site map, may be requested by Council.
 - b. The Co-ordinator Leisure Services and/or the Co-ordinator Active Open Space have the discretion to levy a security deposit to remove rubbish or reinstate Council land to Council's satisfaction. The value of the security deposit will be determined on each individual request and will consider the likelihood of damage as well as the likely cost to reinstate the park or sports field to Council satisfaction (minimum deposit \$300).
 - c. The applicant is responsible, at their cost, for all damage and rubbish generated on site and as a result of the activity.
 - d. If the active reserve or sports field is damaged then Council will undertake necessary works and recoup the costs through the security bond or directly from the applicant accordingly.
 - e. The individual or group requiring use or access to the active reserve or sports field is required to have Public Liability Insurance in a form approved by Council's Insurance Officer in the name of the applicant/user insuring for a minimum of \$20,000,000 against all actions, costs, claims, charges, expenses and damage whatsoever which may be brought or made or claimed against the applicant/user arising out of the use of the area. Proof of this insurance must be provided before use or access is granted.
 - f. Approval is subject to site conditions as determined by the Co-ordinator Leisure Services and/or the Co-ordinator Active Open Space. Site conditions may include but are not limited to the weather conditions and/or safety reasons.
 - g. If approval is denied or terminated at any time by the Co-ordinator Leisure Services and/or the Co-ordinator Active Open Space alternative arrangements are the responsibility of the individual or group.
 - h. No tents or marquees, temporary structures with stakes or pegs are to be used or excavations made without the prior approval of Council.
 - i. No cones are to be used to restrict access within active reserve or sports fields.
 - j. Amusement activities and vehicle access are not permitted unless approved by Council.
 - k. No signage is to be displayed without prior approval from Council.

8. Exclusive use is not permitted; non-participants of the activity are not to be denied access to public open space at any time.
9. The applicant/s must prepare and forward a Risk Assessment/ Management Plan to Council for the intended use.
10. The applicant/s must immediately report any hazards, issues or damage to Council through the checklist provided and not use the active reserve or sports field if unsafe.
11. The applicant is responsible for satisfying all legislation and regulations (eg Occupational Health and Safety, EPA noise control guidelines including the use of PA systems, working from heights policy, Disability Discrimination Act, etc).
12. Individuals/groups will be required to liaise directly with tenant sport club/s with respect to the use and access to pavilions and associated equipment that are used by those tenant club/s, and may be required to enter into separate arrangements for their use.
13. Requests to access public toilets (if available) must be made through Council's Customer Service Centre on the day of the event. The letter of approval must be provided by the user.
14. The Co-ordinator Leisure Services and/or the Co-ordinator Active Open Space reserves the right to restrict or terminate approval at any time particularly if the applicant has failed to comply with the direction of Council Officers or has breached Council's conditions.
15. In deciding whether to grant permission for usage of or access over a Council active reserve or sports field, Council will take into consideration the affect that this usage or access may have on other active reserve/sports field users and/or Council's planned maintenance activities.
16. The applicant must pay any usage fee or security deposit prior to accessing or using the active reserve or sports field.
17. A relevant temporary food permit must be obtained prior to setting up any temporary food premises in the municipality. An application must be submitted to Council's Environmental Health Department at least 14 days prior to the activity.

Fees

Fees and charges for the use of active reserves/sports fields and associated facilities will be in accordance with council's Fees and Charges Schedule as determined through Council's annual budget process.

7. Administrative Updates

From time to time, circumstances may change leading to the need for minor administrative changes to this policy. Where an update does not materially alter this policy, such a change may be made administratively. Examples of minor administrative changes include changes to names of Council departments or positions, change to names of Federal or State Government departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this policy, it must be considered by Council.

Attachment 1 - List of Active Reserves/Sports Fields (as at August 2015)

| Active Reserve / Sports Field | Address | Suburb | Sports | Ovals/Grounds |
|-------------------------------------|---------------------------------|----------------------|--|---|
| Batterham Park Reserve | Cnr Albert Rd & Miller Rd | The Basin | Cricket, Football | 2 Ovals |
| Benedikt Park Reserve | Rosehill St | Scoresby | Football, Cricket | 1 Oval |
| Carrington Park Reserve | O'Conner Rd | Knoxfield | Football, Cricket | 1 Oval |
| Chandler Park Reserve | Chandler Rd | Boronia | Football, Cricket, Netball | 1 Oval, 4 Netball courts |
| Colchester Reserve | Colchester Rd | Boronia | Rugby, Cricket | 2 Rugby fields or 1 Oval |
| Dobson Park | Cnr Dorset Rd & Francis Cres | Ferntree Gully | Cricket, Football | 2 Ovals |
| R.D. Egan Lee Reserve | Wallace Rd | Wantirna South | Soccer | 3 Soccer fields |
| Eildon Park Reserve | Eildon Pde | Rowville | Cricket, Football | 2 Ovals |
| Scoresby Recreation Reserve (Exner) | Cnr Stud Rd & Ferntree Gully Rd | Scoresby | Cricket, Football | 1 Oval |
| Fairpark Reserve | Scoresby Rd | Boronia | Cricket, Football, Netball | 2 Ovals, 2 Netball courts |
| Wally Tew Recreation Reserve | Brenock Park Drv | Ferntree Gully | Cricket, Football | 2 Ovals |
| Gilbert Park Reserve | Gilbert Park Drv | Ferntree Gully | Baseball, Softball | 8 Baseball/Softball fields |
| Gilmour Park Reserve | New Rd | Upper Ferntree Gully | Cricket | 1 Oval |
| Guy Turner Reserve | Amber St | Bayswater | Soccer, Cricket | 2 Soccer fields or 1 Oval |
| HV Jones Reserve | Kingston St | Ferntree Gully | Cricket, Soccer, Netball | 2 Soccer fields or 1 Oval, 2 Netball courts |
| Karoo Reserve | Karoo Rd | Rowville | Cricket | 1 Oval |
| Kings Park | Willow Rd | Upper Ferntree Gully | Athletics Cricket, Football, Baseball, Softball | 3 Ovals, 6 Baseball/Softball fields |
| Knox Gardens Reserve | Argyle Way | Wantirna South | Cricket, Football | 2 Ovals |
| Knox Park | Ferntree Gully Rd | Knoxfield | Fire track, Cricket, Soccer | 3 Soccer fields, or 2 Ovals |
| Lakesfield Reserve | Lakesfield Rd | Lysterfield | Cricket, Football | 1 Oval |
| Lewis Park Reserve | Lewis Rd | Wantirna | Cricket, Football | 3 Ovals |

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| Liberty Avenue Reserve | Liberty Ave | Rowville | Cricket, Football | 1 Oval |
| Llewellyn Reserve | Cathies Lane | Wantirna South | Cricket | 2 Ovals |
| Marie Wallace Bayswater Park and Bayswater Park Oval | Bayswater Rd | Bayswater | Cricket, Football | 2 Ovals |
| Miller Park Reserve | Mountain Hwy | Boronia | Cricket, Football | 1 Oval |
| Milpera Reserve | Milpera Cres | Wantirna | Cricket, Soccer | 2 Soccer fields, 1 Oval |
| Park Ridge Reserve | Dandelion Drv | Rowville | Cricket, Soccer | 2 Soccer fields, 1 Oval |
| Pickett Reserve | Commercial Rd | Ferntree Gully | Cricket, Football | 1 Oval |
| Rowville Recreation Reserve (Seebeck) | Stud Rd | Rowville | Cricket, Football | 2 Ovals |
| Sasses Avenue Reserve | Terama Cres | Wantirna | Cricket, Soccer, Rugby | 1 Oval |
| Schultz Reserve | Kingloch Pde | Wantirna | Cricket, -Football | 1 Oval |
| Stud Park Reserve | Simone Ave | Rowville | Cricket, Football | 1 Oval |
| Talaskia Reserve | Talaskia Rd | Upper Ferntree Gully | Cricket, Football | 1 Oval |
| Templeton Reserve | Templeton St | Wantirna | Cricket, Football | 1 Oval |
| Tormore Reserve | Tormore Rd | Boronia | Cricket, Football | 1 Oval |
| Walker Reserve | Tyner Rd | Wantirna South | Cricket, Football, Netball | 1 Oval |
| Wantirna Recreation Reserve | Mountain Hwy | Wantirna | Cricket, Football | 1 Oval |
| Windermere Reserve | Windermere Drv | Ferntree Gully | Cricket, Football | 1 Oval |