



USE OF AND ACCESS OVER COUNCIL PARKS AND SPORTSFIELDS

1. PURPOSE

To provide appropriate guidelines for use of or access over Council managed parks and sportsfields by schools, community groups and organisations, residents and corporate groups.

2. OBJECTIVES

The Whitehorse City Council has the role of custodian of the open space network on behalf of the community. It is Council's role to:

- ensure appropriate passive and/or active recreational use within the parks and sportsfields of the City of Whitehorse.
- control activities including vehicle access to a park or sports field.
- control the nature of equipment and/or animals brought onto the park or sportsfield.

3. SCOPE

Inclusion

This policy applies to all Council managed parks and sportsfields within the City of Whitehorse where a person or persons wish to:

- Organise an activity with 100 or more attendees;
- Erect any form of infrastructure (eg. Marquee, temporary lighting, sun shelters etc),
- Organise an active recreation / sporting activity (eg. Cross country event, Walk Against Want etc),
- Organise an activity such as a circus, carnival, fair (eg. Family day) festivity or public community run event etc.
- Organise an activity for commercial or promotional purposes;
- Gain vehicle access to temporarily set up equipment or to bring animals other than domestic dogs;
- Gain vehicle access across a park or sports field in order to gain entry to private property;
- Any type of use including but not limited to promotional or commercial use by schools, community groups or corporate groups, or;
- Any other request that is deemed necessary by the Manager of Arts and Recreation Development and/or the Manager ParksWide.

Exclusion

This policy does not apply to:

- Community groups who are allocated the use of a sports field (including turf wickets) under a Seasonal or Casual Booking (Policies pertaining to such groups are contained in the "Whitehorse Sporting Facilities Guide – Seasonal and Casual Users").
- Council land governed by a Lease.
- Personal Trainers organising fitness classes who are governed by Council's guidelines for the Use of Public Open Space by Personal Trainers.
- Filming or still photography which is governed by the City of Whitehorse Guidelines for Filming in the City of Whitehorse (Film Victoria, Australia)
- Consumption of alcohol, which is governed by the Community Local Law No 1 (2006).
- Wedding ceremonies unless the "Inclusion" section of this policy applies to the ceremony activity.
- Signage and advertising at Council's parks and sportsfields which is subject to the Signs on Council Properties (excluding Roads) corporate policy.

4. DEFINITIONS

Active Recreation: primarily activities of a sporting nature.

Casual Bookings: for nominated dates or limited periods of time for specific events or recreation/sporting activities.

Commercial or Promotional Activities: any activities undertaken by a corporate / business group (not including personal trainers) with the intention to make money or profit from the activity directly or indirectly.

Community Groups: non-profit community based groups.

Corporate Activities: any activity or event undertaken by a corporate / business group for social purposes (eg. Christmas lunch, social club picnic etc).

Corporate/Business Groups: companies and organisations that operate for profit.

Council Land: any land owned by the City of Whitehorse or managed by Council on behalf of another authority.

Damage: includes accidental or willful damage of structures, fixtures, plants and surfaces excluding normal wear and tear as determined by the Manager Arts and Recreation Development and/or the Manager ParksWide.

Occasional / Infrequent Access: access required only now and then or on rare occasions, up to four times per year.

Parks: any other area of open space land which is not a sports field.

Passive Recreation: primarily activities that are not active recreation.

Private or Social: primarily family gatherings of a purely social nature (eg birthday parties, Christmas parties).

Seasonal Booking: a booking for a winter or summer sporting activity (five months).

Security Deposit: a security deposit and/or key deposit may be held in case of damage to Council's asset.

Site Conditions: the conditions of the site as determined by the Manager Arts and Recreation Development and/or the Manager ParksWide.

Sportsfields: an area of open space land provided specifically for the purpose of conducting formal sport or encouraging informal recreation activity.

Temporary Food Premise: an arrangement of equipment/appliances at which food is prepared and/or sold and is intended to be dismantled or moved intact. It includes but not limited to mobile food units, demountable stalls, tents or in another building or structure used for the purpose of providing or selling any article of food.

Turf Wicket: grassed cricket pitch on raised table.

Usage Fee: a fee may apply for the use of the park or sports field.

5. GENERAL CONDITIONS

Council has absolute right and discretion to impose 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 parks and sportsfields.

The following conditions are not exhaustive but are a guide of the likely conditions to use or access Council's parks and sportsfields. Additional conditions may be imposed on each individual request.

The following conditions apply to all requests for usage of and access to Council parks and sportsfields as defined in the "inclusion" section of this policy:

- a) Council approval is required to gain access to Council's Parks and Sportsfields. Council has the sole discretion to permit or deny access to Council land.
- b) All applications must be in writing.
- c) The use of Council's parks and sportsfields is subject to the provisions of Local Laws and State Laws and any other related policy.
- d) Applications to use or access Council's parks or sportsfields must be made a minimum of 10 working days prior to the day of access. Requests may take longer to assess depending on the activity or nature of access required.
- e) All applications for Council approval to use or gain access to parks and sportsfields are subject to the following:
 - i. the applicant must follow the designated application procedure as advised by Council. The request must be made either on an application form or in writing. Additional information for example a site map, may be requested by Council.
 - ii. the Manager Arts and Recreation Development and/or the Manager ParksWide has 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).
 - iii. the applicant is responsible, at their cost, for reinstating the park or sports field to the satisfaction of Council for all damage and rubbish generated on site and as a result of the activity.
 - iv. if the park or sports field is not reinstated to Council satisfaction then Council may undertake necessary works and recoup the costs through the security bond or directly from the applicant accordingly.
 - v. the individual or group requiring use or access to the park or sports field is required to take out Public Liability Insurance in a form approved by Council's Insurance Coordinator in the name of the applicant/user insuring for a minimum of \$10,000,000 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.
 - vi. approval is subject to site conditions as determined by the Manager Arts and Recreation Development and/or the Manager ParksWide. Site conditions may include but are not limited to the weather and environment.
 - vii. if approval is denied or terminated at any time by the Manager Arts and Recreation Development and/or the Manager ParksWide alternative arrangements are the responsibility of the individual or group.
 - viii. no stakes or pegs are to be used or excavations made without the prior approval of the Manager Arts and Recreation Development and/or the Manager ParksWide.
 - ix. no signage is to be displayed without prior approval.
- f) Exclusive use is not permitted; non-participants of the activity are not to be denied access to public open space at any time.
- g) The applicant/s may be required to prepare and forward a Risk Management Plan to Council for the intended use.
- h) The applicant/s must immediately report any hazards, issues or damage to Council.

- i) The applicant is responsible for satisfying all legislation and regulations (eg. Occupational Health and Safety, EPA noise control guidelines, working from heights policy, Disability Discrimination Act etc).
- j) To gain access to the sports pavilion, the applicant must gain written approval from the tenant occupant.
- k) Requests to access public toilets must be made five working days prior to the event.
- l) The Manager Arts and Recreation Development and/or the Manager ParksWide reserves the right to restrict or terminate approval at any time particularly if the applicant has failed to comply with reasonable direction of Council Officers or have breached Council's conditions.
- m) In deciding whether to grant permission for usage of or access over a Council park or sports field, Council will take into consideration the affect that this usage or access may have on other park/sports field users.
- n) Where a Parkland Advisory Committee exists for a particular park or sports field, the Manager Arts and Recreation Development and/or the Manager ParksWide will determine the level of involvement and notification the applicant is required to give to Committee.
- o) The applicant must pay any usage fee or security deposit prior to accessing or using the park or sports field.
- p) Noise levels including the use of PA systems will be governed by the Environment Protection (Residential Noise) Regulations (1997).
- q) A Temporary Food Permit must be obtained prior to setting up any Temporary Food Premise in the municipality. An application must be submitted to Council's Environmental Health Department at least 14 days prior to the activity.

6. OTHER CONDITIONS

In addition to the clauses outlined under the "General Conditions" the following clauses will apply specifically to any person or persons who wish to use a Council park or sportsfield to:

- i. Set up any type of equipment;
 - ii. Gain vehicle access;
 - iii. Organise a recreation activity (eg. cross country, Walk against Want etc);
 - iv. Bring animals other than domestic pets, or
 - v. Gain access to an adjoining property.
- a) The applicant must clearly demonstrate that there is no other suitable alternatives to access the private property.
 - b) Council staff inspect the site and are satisfied that such access can be achieved without significant damage to the park or sports field.
 - c) That other park or sports field users will not be unduly affected by such vehicle access.
 - d) No vehicles, trailers or other materials are to be stored on Council managed land.

7. HELICOPTER CONDITIONS

In addition to the clauses outlined under the "General Conditions" the following clauses will apply specifically to helicopter and hot air balloon landings:

- a) Helicopter landings are only permitted in parks and sportsfields without prior Council approval for the provision of Emergency Services and/or purposes. It is recognised that there would not be sufficient time to request, process and allocate approval in an emergency situation.

- b) Helicopter landings (eg. media, rides as part of a festival or event etc) other than emergency services or purposes must receive Council approval. Permission for these landings is required and must be applied for in writing to Council.
- c) All helicopter landings are subject to approval from Air Services Australia.

8. FEES AND CHARGES

Fees and charges may apply and will be determined by the Manager Arts and Recreation Development and/or the Manager ParksWide dependent on the nature of each individual request.

9. RELATED POLICIES & LEGISLATION

Signs on Council Properties (excluding Roads)

Placement of Signs, Goods and Furniture on Roads, Footpaths and Reservations

Whitehorse Sporting Facilities Guide – Seasonal and Casual Users

Community Local Law No. 1 (2006)

City of Whitehorse Guidelines for Filming in the City of Whitehorse (Film Victoria, Australia)

Whitehorse Open Space Strategy

Environment Protection (Residential Noise) Regulations (1997)

Use of Public Open Space by Personal Trainers Guidelines

Draft Events Policy and Manual