1.0 Purpose

1.1 These policies have been adopted to assist the regulation, control and protection of public reserves and buildings owned by, or under the control of, Council.

2.0 Objective

2.1 The objective of these Policies is to provide direction and guidance to Council staff in relation to practical implementation of the discretionary powers contained in Council’s Public Reserves By-Law (No. 5 of 2003).

3.0 Scope

3.1 These Policies apply to all public reserves and buildings owned, or under the control of, Council.

4.0 Policies

4.1 In these policies each reference to a “Clause” in these Policies refers to a Clause contained in Council’s Public Reserves By-Law (No. 5 of 2003). Each reference to a “By-Law” refers to Council’s Public Reserves By-Law (No. 5 of 2003).

Clause 3 – “Closure of Public Reserve”

- The General Manager may close all or part of a public reserve for one or more of the following reasons:
  - all or part of a reserve has been the subject of a hiring arrangement in respect of which closure is reasonably necessary.
  - for public safety reasons.
  - for maintenance and repairs.
- Closure of all or part of a public reserve for hiring purposes must originally be initiated by a written application to Council requesting such a closure and outlining the reasons for the request.
- The Executive Manager Engineering Services will arrange for re-usable ‘temporary closure’-type signage to be installed at all normal public access points to the reserve or part of any reserve that has been closed and for this signage to be maintained for the duration of such closure.

Clause 4 – “Hire of Public Reserve”

- All public reserves may be used on a casual basis at any time subject to compliance with the provisions of the By-Law or any relevant legislation.
- In accordance with Clause 6 of the By-Law written permission from the Manager is required for the conduct of a function, party or reception in a public reserve at which more than 20 people are likely to be present.
• Closure of all or part of a public reserve for hiring purposes must originally be initiated by a written application to Council requesting such a closure.
• A booking/permit will ensure reservation of an area in a public reserve but it will not preclude public use of the reserve at that time unless the area in question has been closed by the Manager.
• Permits for the hire of all or part of a public reserve will be subject to any conditions specified in writing by the Manager. They may vary according to the nature and size of the event or activity that is the reason for the hire of the reserve and can include, but are not limited to, the following:
  • Written evidence of Public Liability insurance coverage for a minimum amount of $10,000,000 or such an amount that Civic Mutual Plus, or any other insurer that may provide Council’s public liability insurance, recommends as a minimum level of public liability insurance required for casual users of Council reserves.
  • Completion of the Council Indemnity Form following approval of application.
  • The area hired is to be left in a clean and tidy condition and all rubbish removed or left in wheelie bins provided specifically for the event. No rubbish is to be left in or around permanent litter bins.
  • Any amplified sound must comply with Clause 18 of the By-Law.
  • All motor vehicle usage that is related to the hiring of all or part of a reserve is to comply with Clauses 38, 39, 40, 41, and 42 of the By-Law.
  • Activities must not interfere with any underground irrigation systems and any structure erected must comply with Clause 8 of the By-Law.
  • No vegetation may be moved, removed, tampered with or damaged in contravention of Clause 33 of the By-Law.
  • No disturbance, inconvenience or nuisance is to be caused to the public by contravention of any of the provisions of the By-Law.
  • The erection and removal of marquees, tents and other structures is subject to separate application and the provisions of Clause 18 of the By-Law. The Manager may direct the hirer to site the structure at a specified location.
  • The collection of money in a public reserve is prohibited unless it forms part of the conditions of approval and complies with Clause 20 of the By-Law.
  • The hirer is to be responsible for the repair or reinstatement of any damage to a reserve resulting from, or attributable to, the event or activity that is the reason for the hire.
  • The erection and use of amusement devices is subject to compliance with all relevant provisions of the By-Law and any applicable legislative requirements.
  • The lighting of ceremonial fires or conduct of fireworks displays is subject to compliance with all relevant provisions of the By-Law and any applicable legislative requirements.
  • The selling of food, refreshments or other goods is subject to Clause 11 of the By-Law and any other applicable Council or legislative requirements.
  • The possession of alcohol is prohibited other than by specific exemption by the Manager and subject to any requirements of the Licensing Board of Tasmania.
• Payment of a Hire Charge which has been approved by Council. All charges are to be approved and reviewed annually by Council.

**Clause 5 – “Peaceable use of Public Reserves”**

• An authorised officer, after receiving a complaint, is to either issue an infringement notice or refer the matter to Tasmania Police for investigation and possible action under the provisions of the *Police Offences Act 1935*.

**Clause 6 – “Functions”**

• In relation to any application received by Council to conduct or hold a function, the General Manager is granted the discretion to issue written permission, or refusal, to hold a function depending upon the potential ‘nuisance’ that may be generated by that particular function.

**Clause 7 – “Creation of an entrance to a Public Reserve”**

• This Clause is to be the subject of a future Council policy to be titled “Private Entrances to Public Reserves”.

**Clause 8 – “Erection of a structure”**

• Structures are only to be located as directed by Council staff in order to protect existing infrastructure such as underground irrigation, and the overall amenity of the reserve, and it is a requirement that the reserve be left in a neat and tidy condition after the removal of a structure.

**Clause 9 – “Erection of a Sign”**

• Signs are only to be located as directed by Council staff in order to protect existing infrastructure such as underground irrigation, and the overall amenity of the reserve, and it is a requirement that the reserve be left in a neat and tidy condition after the removal of the sign.

**Clause 10 – “Outside Dining”**

• If an authorised officer receives a complaint from a member of the public in relation to an alleged breach of this Clause, and is satisfied that an offence has occurred, the authorised officer shall issue an infringement notice in respect of that offence.
Clause 11 – “Sale of Item”

- If an authorised officer receives a complaint from a member of the public in relation to an alleged breach of this Clause, and is satisfied that an offence has occurred, the authorised officer shall issue an infringement notice in respect of that offence.

Clause 12 – Distribution of Advertisement

- If an authorised officer receives a complaint from a member of the public in relation to an alleged breach of this Clause, and is satisfied that an offence has occurred, the authorised officer shall issue an infringement notice in respect of that offence.

Clause 13 – “Preaching, Concerts and Similar Activities”

- If an authorised officer receives a complaint from a member of the public in relation to an alleged breach of this Clause, and is satisfied that an offence has occurred, the authorised officer shall issue an infringement notice in respect of that offence.

Clause 14 – “Organised Sport”

- All applications for use of a public reserve for organised sport are to be in writing and provide sufficient detail of the proposed activities, including a match roster where appropriate, to enable Council to make an informed decision as to whether or not approval to undertake the organised sport activities will be granted.

- In the event that approval is granted the applicant is to provide Council with written evidence of Public Liability insurance coverage for a minimum amount of $10,000,000 or such other amount that Civic Mutual Plus, or any other insurer that may provide Council's public liability insurance, recommends as a minimum level of public liability insurance required for casual users of Council reserves.

- Seasonal users of reserves are required to provide written applications to Council at least four weeks in advance of the commencement of any proposed activities and casual users are required to provide Council with a written application at least one week in advance of the proposed activities.

- From 1 October 2003 no organised sport is to be conducted on a public reserve unless written approval has been granted by Council and all conditions of approval imposed by Council have been complied with.

- Council is to inform hirers, in letters of approval, that a staff member with responsibility for the management of Council’s public reserves has the authority to cancel activities that, in their opinion, are likely to cause damage to the reserves playing surface.
Clause 15 – “Organised Activities”

- All the requirements of the Clause 14 policy will apply to organised activities in public reserves where applicable.
- Casual users of public reserves are required to make written application to Council at least one week in advance of the proposed use.

Clause 16 – “Use of Children’s Playground”

- When an authorised officer receives a complaint from a member of the public in relation to an alleged breach of this Clause, and is satisfied that an offence has occurred, the authorised officer shall issue an infringement notice in respect of that offence.
- Action may be initiated by an authorised officer, in the absence of a complaint, if, in their opinion, the actions of any person would be likely to result in damage to playground equipment or affect the safety of users of a playground. If the authorised officer is satisfied that an offence has occurred, the authorised officer shall issue an infringement notice in respect of that offence.

Clause 17 – “Playing Golf”

- Following receipt by Council of a complaint from a member of the public in relation to an alleged breach of this Clause, or the report of an alleged breach of this Clause by an authorised officer, the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the Police Offences Act 1935.

Clause 18 – “Use of radios and loud speakers”

- Following receipt by Council of a complaint from a member of the public in relation to an alleged breach of this Clause, or the report of an alleged breach of this Clause by an authorised officer, the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the Police Offences Act 1935.

Clause 19 – “Use of Change Room and Public Toilet”

- Following receipt by Council of a complaint from a member of the public in relation to an alleged breach of this Clause, or the report of an alleged breach of this Clause by an authorised officer, the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the Police Offences Act 1935.
Clause 20 – “Collection of Money”

- Permission to collect money is to be included, where appropriate, as one of the conditions of hire imposed by Clause 4.
- Permission to collect money is to be only granted to non-profit organisations.

Clause 21 – “Camping”

- Where an authorised officer receives a complaint from a member of the public in relation to an alleged breach of this Clause, and is satisfied that an offence has occurred, the authorised officer shall issue an infringement notice in respect of that offence.
- Where an alleged breach of this Clause relates to the parking of a self contained motor home, camper van or like vehicle in a parking area under the control of Council that contains a sign indicating a maximum parking period, the provisions of Council’s Parking By-Law No.4 of 2000 are to apply in lieu of those in By-Law No. 5 of 2003.

The relevant clauses follow:

Parking Longer than Maximum Period

8. (1) A person must not allow a vehicle to remain parked in a parking area for a longer period than is allowed by the conditions of entry to that parking area, which conditions are indicated by signs displayed in the parking area.

Penalty: a fine not exceeding 3 penalty units.

(2) An authorised officer may issue an infringement notice for this offence.

(3) A person may avoid a prosecution by paying a fine to the Council of the amount specified in Part 8 of this by-law.

Request to Leave an Area

21. (1) A police officer or authorised officer may ask a person who they reasonably believe is offending against this by-law to leave a parking area.

(2) A person who does not obey the directions of a police officer or an authorised officer is guilty of an offence.

Penalty: a fine not exceeding 5 penalty units.

(3) A police officer or authorised officer may remove any person from the parking area who they believe is offending under this clause.
Where an authorised officer is satisfied that an offence has occurred, the officer is to either issue an infringement notice pursuant to Clause 8 or to ask the person in control of the vehicle in question to leave the parking area pursuant to Clause 21 and, if necessary, to request the assistance of a police officer to remove that person from the parking area.

**Clause 22 – “Climbing of Trees and other Objects”**

- When an authorised officer receives a complaint from a member of the public in relation to an alleged breach of this Clause, and is satisfied that an offence has occurred, the authorised officer shall issue an infringement notice in respect of that offence.

**Clause 23 – “Dogs and Other Animals”**

- The provisions of the Dog Control Act 2000, as applicable, are to apply and take precedence over this Clause.

**Clause 24 – “Use of Skates and Cycles”**

- Following receipt by Council of a complaint from a member of the public in relation to an alleged breach of this Clause, or the report of an alleged breach of this Clause by an authorised officer, the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the Police Offences Act 1935.

**Clause 25 – “Projectiles”**

- Following receipt by Council of a complaint from a member of the public in relation to an alleged breach of this Clause, or the report of an alleged breach of this Clause by an authorised officer, the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the Police Offences Act 1935.

**Clause 26 – “Deposit of Refuse”**

- When an authorised officer receives a complaint from a member of the public in relation to an alleged breach of this Clause, and is satisfied that an offence has occurred, the authorised officer shall issue an infringement notice in respect of that offence.

**Clause 27 – “Breaking of Glass”**

- Following receipt by Council of a complaint from a member of the public in relation to an alleged breach of this Clause, or the report of an alleged breach of this Clause by an authorised officer, the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the Police Offences Act 1935.
Clause 28 – “Disorderly Conduct”

- Following receipt by Council of a complaint from a member of the public in relation to an alleged breach of this Clause, or the report of an alleged breach of this Clause by an authorised officer, the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the Police Offences Act 1935.

 Clause 29 – “Abuse of an Authorised Officer”

- Where abuse of an Authorised Officer occurs the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the Police Offences Act 1935.

Clause 30 – “Liquor”

- Following receipt by Council of a complaint from a member of the public in relation to an alleged breach of this Clause, or the report of an alleged breach of this Clause by an authorised officer, the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the Police Offences Act 1935.

Clause 31 – “Damage to Council Property”

- Following receipt by Council of a complaint from a member of the public in relation to an alleged breach of this Clause, or the report of an alleged breach of this Clause by an authorised officer, the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the Police Offences Act 1935.

Clause 32 – “Damage to Relics and Artefacts”

- Following receipt by Council of a complaint from a member of the public in relation to an alleged breach of this Clause, or the report of an alleged breach of this Clause by an authorised officer, the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the Police Offences Act 1935.

Clause 33 – “Interference with Items”

- Following receipt by Council of a complaint from a member of the public in relation to an alleged breach of this Clause, or the report of an alleged breach of this Clause by an authorised officer, the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the Police Offences Act 1935.
Clause 34 – “Protection of Wildlife”

- Following receipt by Council of a complaint from a member of the public in relation to an alleged breach of this Clause, or the report of an alleged breach of this Clause by an authorised officer, the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the Police Offences Act 1935.

Clause 35 – “Fire”

- Following receipt by Council of a complaint from a member of the public in relation to an alleged breach of this Clause, or the report of an alleged breach of this Clause by an authorised officer, the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the Police Offences Act 1935.

Clause 36 – “Graffiti”

- Following receipt by Council of a complaint from a member of the public in relation to an alleged breach of this Clause, or the report of an alleged breach of this Clause by an authorised officer, the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the Police Offences Act 1935.

Clause 37 – “Wood”

- Following receipt by Council of a complaint from a member of the public in relation to an alleged breach of this Clause, or the report of an alleged breach of this Clause by an authorised officer, the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the Police Offences Act 1935.

Clause 38 – “Parking of a Motor vehicle”

- Unless specific approval has been granted by an authorised officer, vehicles are not to be taken into reserves other than on constructed roadways and parking areas.
- Action, under this Clause, may be initiated by an authorised officer who is satisfied that a breach of this Clause has occurred.
- Following receipt by Council of a complaint from a member of the public in relation to an alleged breach of this Clause, or the report of an alleged breach of this Clause by an authorised officer, the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the Police Offences Act 1935.
Clause 39 – “Driving of a Motor vehicle”

- Unless specific approval has been granted by an authorised officer, vehicles are not to be taken into reserves other than on constructed roadways and parking areas.
- Action, under this Clause, may be initiated by an authorised officer who is satisfied that a breach of this Clause has occurred.
- Following receipt by Council of a complaint from a member of the public in relation to an alleged breach of this Clause, or the report of an alleged breach of this Clause by an authorised officer, the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the Police Offences Act 1935.

Clause 40 – “Parking When Reserve is Closed”

- The Manager may close all or part of a public reserve to vehicular traffic in accordance with this Clause.
- Action, under this Clause, may be initiated by an authorised officer who is satisfied that a breach of this Clause has occurred.
- Following receipt by Council of a complaint from a member of the public in relation to an alleged breach of this Clause, or the report of an alleged breach of this Clause by an authorised officer, the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the Police Offences Act 1935.

Clause 41 – “Entry and Exit of Parking Area”

- This Clause will apply unless a person is granted specific approval under Clause 38 or 39 of this By-Law.
- Action, under this Clause, may be initiated by an authorised officer who is satisfied that a breach of this Clause has occurred.
- Following receipt by Council of a complaint from a member of the public in relation to an alleged breach of this Clause, or the report of an alleged breach of this Clause by an authorised officer, the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the Police Offences Act 1935 or the Traffic (Road Rules) Regulations 1999.

Clause 42 – “Reserved Space”

- Action, under this Clause, may be initiated by an authorised officer who is satisfied that a breach of this Clause has occurred.
- Following receipt by Council of a complaint from a member of the public in relation to an alleged breach of this Clause, or the report of an alleged breach of this Clause by an authorised officer, the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the Police Offences Act 1935 or the Traffic (Road Rules) Regulations 1999.
Clause 43 – “Washing, Dismantling and Repair of Motor vehicle”

- The Manager is only to grant permission for dismantling or repair of a vehicle if it is necessary to enable the vehicle to be removed from the reserve.
- The Manager is not to grant permission for a vehicle to be painted or washed in a reserve under any circumstances.
- Any permission granted by the Manager is to be in writing.
- Action, under this Clause, may be initiated by an authorised officer who is satisfied that a breach of this Clause has occurred.
- Following receipt by Council of a complaint from a member of the public in relation to an alleged breach of this Clause, or the report of an alleged breach of this Clause by an authorised officer, the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the Police Offences Act 1935.

Clause 44 – “Regulation of Activities”

- When an authorised officer is satisfied that a breach of this Clause has occurred the authorised officer shall issue an infringement notice in respect of that offence.

Clause 45 – “Removal from Area”

- When an authorised officer is satisfied that a breach of this Clause has occurred the authorised officer shall issue an infringement notice in respect of that offence.

Clause 46 – “Supply of Name and Address”

- When an authorised officer is satisfied that a breach of this Clause has occurred the authorised officer shall issue an infringement notice in respect of that offence.

Clause 47 – “Infringement Notice”

- The provisions of this Clause are largely procedural. An Infringement Notice may be withdrawn by the Manager at any time after it is issued but not after it has been referred to the Director Monetary Penalties Enforcement Service, unless the Director has approved its withdrawal.

Clause 48 – “Reimbursement for Work Done”

- Any requirement for staff action to be taken pursuant to this Clause be the subject of formal delegation by Council to the General Manager or specific direction from Council.
5.0 Legislation

Local Government Act 1993
Police Offences Act 1935
Dog Control Act 2000
Traffic (Road Rules) Regulations 1999

6.0 Responsibility

6.1 The General Manager is responsible for the overall management of these Policies.

7.0 Minute Reference

Minute No. 12.2

8.0 Council Meeting Date

15 November 2010