



MANAGEMENT OF PUBLIC RESERVES POLICY

1. SCOPE

1.1 This policy applies to all public reserves and buildings owned or managed by Council.

2. PURPOSE

2.1 Council is committed to ensuring the safe, equitable and transparent management of public reserves and buildings.

2.2 This policy provides direction on the regulation, control and protection of public reserves and buildings owned or managed by Council.

2.3 This policy provides guidance relating to the application of Council’s Highway, Public Reserves, Parking Areas and Stormwater By-Law (no. 1 of 2016).

3. POLICY STATEMENT

3.1 A person must not create an entrance to a reserve from an adjoining property without prior written approval from the Council. An approval for entrances, if given, may include terms and conditions.

3.2 A reserve or part of reserve may be closed for one or more of the following reasons:
a) it is the subject of a hiring arrangement where closure is considered reasonably necessary. In this instance, the request to close a part or whole of reserve must be initiated in writing and detailing the reasons for the request;
b) for public safety reasons; and
c) for maintenance and repairs.

3.3 A reserve or part of reserve may be utilised by the community for an organised activity. In these circumstances, a written application to hire the reserve/facility must be submitted for assessment and approval prior to the activity being held. An approval for hire, if given, may include terms and conditions of use. For the purposes of this clause, an organised activity includes:
a) organised sport;
b) function or private event (such as a wedding or birthday);
c) commercial activity; and
d) other organised activity (such as an event openly available to the community).

3.4 Council’s maintenance service level (i.e. frequency of mowing) will not be altered to suit a request for hire.

3.5 Camping on Council controlled or managed land shall only be permitted at a:
a) permanently marked campsite as indicated by signage which includes the terms and conditions of use; or
b) at a temporary location as indicated by Council-approved signage. Temporary campsites shall only be permitted when:

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- i. there are no alternative accommodation options available or it is for asset/stock protection;
- ii. there is a demonstrated community benefit/need;
- iii. the camping does not cause nuisance to other facility users or neighbouring properties;
- iv. camping at the proposed location does not adversely impact the surrounding environment;
- v. the application has been made in writing and includes all associated documentation as well as the payment of any/all fees and charges; and
- vi. written approval has been received from Council and all terms and conditions are complied with.

3.6 The application of the By-Law for the management of public reserves shall be in accordance with Council's Management of Public Reserves Guidelines.

Legislative Requirements

- *Local Government Act 1993*
- *Dog Control Act 2000*
- By-Law No 1 of 2016 Highway, Public Reserves, Parking Areas and Stormwater

Related Procedures/Guidelines:

- Management of Public Reserves Guidelines
- Event Based Camping Flowchart and Pre-Assessment Form

MANAGEMENT OF PUBLIC RESERVES GUIDELINES

PURPOSE

These guidelines assist the regulation, control and protection of public reserves and buildings owned or managed by Council. They provide direction and guidance to Council staff in relation to practical implementation of the discretionary powers contained in Council's Highway, Public Reserves, Parking and Stormwater By-Law (No.1 of 2016).

These guidelines only provide direction for *Part 3 – Public Reserves* of Council's Highway, Public Reserves, Parking and Stormwater By-Law (No.1 of 2016) and refer to the following clauses. (Please refer to *Part 1 – Preliminary* of the by-law for definitions and interpretation.)

1. **CLAUSE 18 – “Closure of Public Reserve”**

- a) The General Manager may close all or part of a public reserve for one or more of the following reasons:
 - i. All or part of a reserve has been the subject of a hiring arrangement in respect of which closure is reasonably necessary.
 - ii. For public safety reasons.
 - iii. For maintenance and repairs.
- b) 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.
- c) The Project Works Manager will arrange for ‘temporary closure’ 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.

2. **CLAUSE 19 – “Hire of Public Reserve”**

- a) 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.
- b) In accordance with Clause 22 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 50 people are likely to be present.
- c) 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 minimum four weeks prior to the activity being held.
- d) 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.
- e) 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:

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- i. Written evidence of Public Liability insurance coverage for a minimum amount that Council's public liability insurance provider recommends as a minimum level of public liability insurance required for casual users of Council reserves.
- ii. The area hired is to be left in a clean and tidy condition and all rubbish is to be removed or left in wheelie bins provided specifically for the event. No rubbish is to be left in or around permanent litter bins.
- iii. Activities must not interfere with any underground irrigation systems.
- iv. No vegetation may be moved, removed, tampered with or damaged.
- v. No disturbance, inconvenience or nuisance is to be caused to the public by contravention of any of the provisions of the By-Law or other legislation.
- vi. The erection and removal of marquees, tents and other structures is subject to approval. The hirer may be directed to erect the structure at a specified location.
- vii. 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.
- viii. The erection and use of amusement devices are subject to compliance with all relevant provisions of the By-Law and any applicable legislative requirements.
- ix. The lighting of fires or conduct of fireworks displays is subject to compliance with all relevant provisions of the By-Law and any applicable legislative requirements.
- x. the selling of food, refreshments or other goods is subject to compliance with all relevant provisions of the By-Law and any other applicable Council or legislative requirements.
- xi. 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.
- xii. where applicable, payment of relevant fees and charges. All charges are to be approved and reviewed annually by Council.

3. CLAUSE 20 – “Mooring a vessel to a wharf or marina”

- a) 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*.

4. CLAUSE 21 – “Peaceable use of Public Reserves”

- a) 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*.

5. CLAUSE 22 – “Functions”

- a) 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.

6. CLAUSE 23 – “Creation of an entrance to a Public Reserve”

- a) A private entrance into public reserve must not be made without prior written approval from the General Manager.

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- b) All costs associated with the construction, provision, removal or maintenance of private entrances shall be borne by the owner or occupier of the adjoining private property.
- c) All requests for private entrances to public reserves are to be made in writing and should include:
 - i. A statement about the intended use of the entrance.
 - ii. A map or drawing detailing the location of the intended entrance and associated infrastructure.
 - iii. How the works are proposed to be undertaken.
- d) When reviewing a request under this section, consideration will be given to:
 - i. The possible environmental impacts for the entrance.
 - ii. The impact to the intended users of the reserve.
 - iii. Any strategic plans, master plans or other planned works intended for the reserve.
- e) The approval or disapproval of the request will be provided to the applicant in writing. Any consent for the creation of an entrance may be made with or without conditions and these conditions must be adhered to by the applicant.
- f) If an authorised officer receives a complaint in relation to the alleged breach of this Clause, and is satisfied that an offence has occurred, the authorised officer shall:
 - i. Issue a written notice to direct an owner or occupier to close or rectify an entrance. The notice must specify a method for doing so and provide a period of at least 14 days in which the owner or occupier is to undertake the requested works.
 - ii. If the owner or occupier has not complied with a notice, the Council may determine to undertake any work necessary to close an entrance and recover (from the owner or occupier) the reasonable cost of any work it performs in relation to the closure of an entrance.
 - iii. Determine whether an infringement notice is to be issued when an entrance has been created without prior written consent being received from the General Manager.

7. CLAUSE 24 – “Permit for Outside Dining”

- a) 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 or revoke the permit issued to the offending party.

8. CLAUSE 25 – “Sale of Item”

- a) 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.
- b) Should the offence continue to occur, the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the *Police Offences Act 1935*.

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9. CLAUSE 26 – “Organised Sport”

- a) 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.
- b) 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 that Council’s public liability insurance provider recommends.
- c) Seasonal and casual users of reserves are required to provide written applications to Council at least four weeks in advance of the commencement of any proposed activities.
- d) 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, infrastructure or amenity.

10. CLAUSE 27 – “Commercial Activity”

- a) 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.

11. CLAUSE 28 – “Damage to Children’s Playground”

- a) 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.
- b) 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.

12. CLAUSE 29 – “Camping”

- a) Camping on council controlled or managed land shall only be permitted when council-approved signage has been erected at the reserve. This signage may be installed permanently at designated camping sites or temporarily in the case of event-based camping. Campers will be required to adhere to any additional conditions which may be noted on the signage and may vary from site to site.
- b) It is acknowledged that some events (including natural disasters/emergency situations) may temporarily increase the demand for accommodation in the municipality, however it is important that the use of established accommodation (such as local caravan parks) is encouraged as a priority. Requests for camping on council controlled or managed land shall be assessed on a case-by-case basis and shall only be permitted when:

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- i. it is for an event with demonstrated community benefit/s and need;
 - ii. There is a demonstrated need for camping, and it complies with at least one of the following:
 - 1. It is for the purposes of asset/stock protection for an event, and in these circumstances restrictions on numbers of campers may be placed on the applicant.
 - 2. All alternative options have been explored and exhausted (such as the use of local privately operated facilities that support overnight accommodation) and those seeking Council facilitated camping have travelled from outside the municipal area.
 - iii. The proposed camping location is:
 - 1. Fit-for-purpose and considered appropriate for camping or if additional amenities are required at the proposed location, the need is covered under Section 12 (b)(iv)(4) of these Guidelines.
 - 2. Not likely to cause nuisance for neighbouring properties.
 - 3. Not likely to disturb any pre-existing booking for the facility.
 - iv. The applicant has applied to the Council, in writing, by completing the following:
 - 1. An appropriate booking form and all associated documentation.
 - 2. Details about the proposed camping location and the number of possible campers.
 - 3. A statement about why camping is required for the event and what steps have been taken to explore alternative options.
 - 4. A suitable statement that details how the organiser will resolve and take responsibility for amenities and waste management requirements.
- c) Written endorsement has been received by the General Manager and any/all associated fees and charges have been paid prior to the event commencing.
- d) All conditions placed on the applicant by the General Manager are complied with. NB: The General Manager, at his discretion, may install conditions on the use of a reserve for the purposes of event-based camping pursuant to the Management of Public Reserves Guidelines Section 3 – Clause 19 Hire of Public Reserve.
- e) 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.
- f) 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 Part 4 – Parking Areas of the By-Law (No. 1 of 2016) shall apply.

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

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13. CLAUSE 30 – “Projectiles”

- a) 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, an infringement notice is to be issued or the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the *Police Offences Act 1935*.

14. CLAUSE 31 – “Disorderly, Threatening and Offensive Conduct”

- a) 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, an infringement notice is to be issued or the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the *Police Offences Act 1935*.

15. CLAUSE 32 – “Damage to Council Property”

- a) 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, an infringement notice is to be issued or the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the *Police Offences Act 1935*.

16. CLAUSE 33 – “Protection of Wildlife”

- a) 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, an infringement notice is to be issued or the matter is to be referred to Tasmania Police for investigation and possible action under the provisions of the *Police Offences Act 1935*.

MANAGEMENT OF PUBLIC RESERVES EVENT BASED CAMPING FLOWCHART

PRE-ASSESSMENT BY COUNCIL STAFF

Some community events temporarily increase the demand for accommodation in the municipality and while it is important that those seeking accommodation are encouraged to use established accommodation such as caravan parks or motels some seek permission to camp on Council owned or managed land.

As part of an assessment of whether event-based camping *may* be permitted on Council owned or managed land Council staff should employ the following flowchart and assessment criteria.

FLOWCHART – *To provide an early indication of the possible outcome. It is to be used in conjunction with the assessment criteria.*

For the purpose of the Management of Public Reserves Guidelines, definition of “self-contained” camping is:

Everything you need to camp is contained within the camper/vehicle, and everything remains contained within the camper/vehicle for the duration of the stay.

Fresh water, grey water, a toilet and a rubbish bin with a lid are present within the camper/vehicle. There is adequate water supply, grey water tanks to catch used water, as well as a toilet for human waste, and a bin to take all waste away from the site.

For the purpose of the Management of Public Reserves Guidelines, specifically the Event Based Camping Flow Chart, the definition of a “reasonable distance to travel for the purpose of accommodation for an event” is:

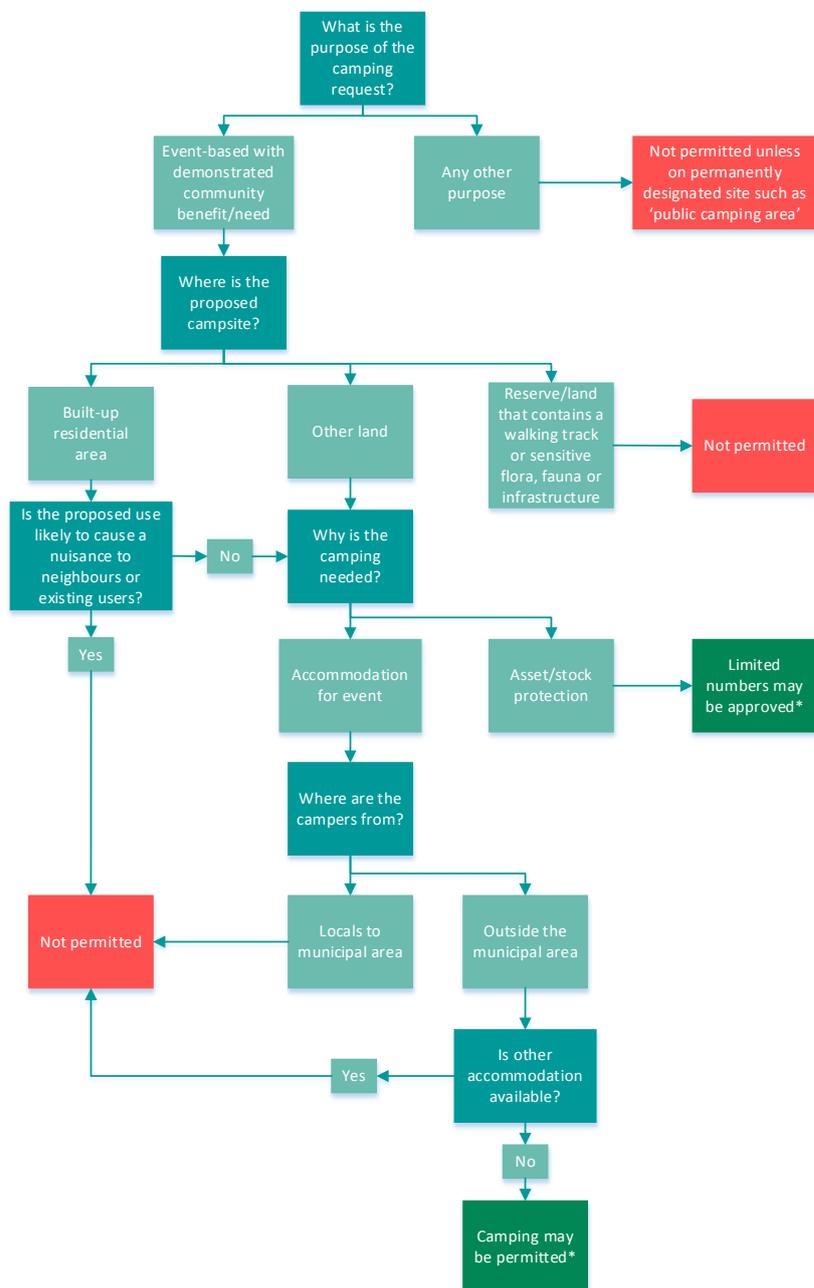
40 km (approx. 35 minutes travel in a vehicle)

In the Management of Public Reserves Guidelines, with reference to Event Based Camping, all private accommodation options need to be investigated and exhausted prior to requesting permission to camp. Applicants may be asked to provide proof of this.

Care needs to be taken to consider the impact of tent/marquee pegs on underground infrastructure, and where necessary applicants may be asked to provide Dial Before You Dig reports.

Permission to camp for asset protection will be limited to no more than four campers.

Permission to camp for asset protection and event-based camping and the total number of campers permitted remains at the discretion of the GM.



MANAGEMENT OF PUBLIC RESERVES EVENT BASED CAMPING FLOWCHART

DATE OF ASSESSMENT:	
ASSESSED BY:	
APPLICANTS NAME:	
PROPOSED EVENT:	
PROPOSED DATE/S:	

ASSESSMENT CRITERIA			
CRITERIA	YES	NO	NOTES
Is the requested camping for an event with demonstrated community benefit?			Camping for purposes other than for an event with demonstrated community benefit should not be permitted.
Is the proposed location a designated and 'signed' camping site?			Council's By-Law requires designated camping sites to be permanently signed as such. <i>NB: Temporary signs could be employed at locations approved for event-based camping.</i>
Is the proposed location appropriate for camping?			Camping should only be approved in appropriate locations and not be permitted if there is potential for damage to assets or flora and fauna, for the compaction of soils or for camping to be a nuisance to neighbours or other users. <i>E.g. Frederick Street Reserve might be suitable - Gutteridge Gardens is not.</i>
Will other regular users and the general public still be able to access the location?			Camping may not be permitted if regular users and the general public need to be excluded from the location.
Is the proposed location available for the requested booking?			The requested location must be available.
Have those wanting to camp travelled from outside the region and found there is no alternative overnight accommodation?			Those that have travelled from outside the region have greater needs but should be encouraged to use privately-operated overnight accommodation.
Is there a need to camp for the purposes of asset or stock protection?			Asset or stock protection represents a need for 'some' to camp.

If most of assessed criteria result in '**NO**' the applicant should be advised that approval will not be offered and the criteria that resulted in '**NO**' should be offered as the reason(s) for the decision.

Use of the flowchart and assessment criteria does not constitute approval for camping nor commit Council to any approval but if most assessed criteria result in a '**YES**' the applicant should be asked to complete the following to achieve full approval:

1. Complete a Council Facility Booking Form and provide details such as:
 - (a) The proposed camping location and the number of possible campers.
 - (b) Why camping is required for the event and what measures have been taken to explore other camping options within the community.

MANAGEMENT OF PUBLIC RESERVES EVENT BASED CAMPING FLOWCHART

- (c) A general risk management plan supported by a specific COVID19 Safety Plan if required.
- (d) A certificate of currency for a minimum of \$20 million dollars in public liability insurance.
- (e) Permits to sell and consume alcohol or the General Manager's permission to consume alcohol while in the reserve.
- (f) How waste and amenities requirements will be addressed by the applicant.

2. Pay all associated fees and charges.

Camping should only be permitted when the applicant meets most of the assessment criteria, has completed a Council Facility Booking Form, agreed to all associated fees and charges and received written approval on behalf of the General Manager.