



# NAMBUCCA VALLEY COUNCIL

## RESERVES AND PARKS CONDITIONS OF USE OF SPORTSGROUNDS POLICY NO: ES 04

### *Our Vision*

Nambucca Valley ~ Living at its best

### *Our Mission Statement*

‘The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people.’

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## 1.0 Policy objective

This policy is designed to provide guidance for the management of Council's sportsgrounds network through a Section 355 Committee of Management and achieve the following objectives

- 1.1 Define the responsibilities of groups using the sportsgrounds.
- 1.2 Define the conditions under which the sportsgrounds are used.
- 1.3 Operate under the terms of reference and authority for a Section 355 Committee of Management

## 2.0 Related legislation

Local Government Act 1993

Smoke-free Environment Act and Regulations 2016 (NSW)

Children and Young People Act 2014 and Child Protection (Working with Children) Act 2012.

## 3.0 Definitions

**Section 355 Committee of Management** - Under section 355 and 377 of the Local Government Act 1993, Council is able to delegate some of its functions to a Committee of Council. Council uses this delegation and appoints community people to manage facilities or functions through a section 355 committee.

## 4.0 Policy Content

Council is intent on providing equitable use of its sports fields and facilities for all users as well as ensuring that they are well maintained within the limits of the Committee of Management and Council's budget and available for use by the sporting community on a regular basis.

### 4.1 Background

Promote the equitable use of all Council sports fields for casual and organised use by all sectors within the local community.

Optimise the utilisation of Council's sporting fields by sporting groups from the Nambucca Valley LGA.

Promote health, wellbeing and enhanced community life by allowing shared access to sporting fields

### 4.2 Principles

Through the Section 355 Committee of Management provide equitable access and safe playing conditions for all users while sustainably managing available Sports Grounds

### 4.3 Scope and Conditions of Use for Sportsgrounds

Council adopts, as policy, the following conditions for the use of sportsgrounds.

#### 4.3.1 *Committees of Management*

Council shall only correspond directly with the Committee of Management for the sportsground and facilities. Individual sporting entities must deal through the committee of Management and not Council for all ground matters.

The Committee shall operate under the terms of Section 355 Committees – **“Guide to operations and delegation of authority”**(Our Ref: 29154/2018)

#### 4.3.2 *Repairs and Minor Maintenance*

##### 4.3.2.1 Responsibility of the Committee.

Each Committee has the responsibility for ensuring that the facility under its control is maintained in a state of reasonable repair and does not present hazards to its users. This entails regular maintenance (eg. cleaning, replacement of consumables – paper towelling), and periodic maintenance (eg repairing, replacement of worn or broken items, maintenance and security of fencing, clearing of roof gutters on buildings).

Committees will be responsible for the cleaning and pump out of the following; grease traps, septic tanks and the like.

Provision and stocking of first aid kits are the responsibility of the individual sporting groups using the sportsgrounds.

Electrical items requiring cord testing are the responsibility of the individual sporting groups using the sportsgrounds as they are outside of Councils control. The committee should ensure all items provided have been inspected and tagged.

Repair work not able to be repaired by the Committee’s own finances must be referred to Council and will only be delivered depending on the availability of funds and the urgency of the works. Works considered necessary or desirable but beyond the means or over the delegation of the Committee should be referred to Council in writing so that early consideration might be given to their inclusion in a Capital Works Program or the annual Budget.

Committees shall provide Council with their Capital Works Program List. The proposed list of Capital Works should be prioritised by the Committee and will be subject to available funding from Council.

##### 4.3.2.2 Responsibility of the Council

Council will provide fire extinguishers and shall organise an annual testing in accordance with the scheduled inspection program. The committee is responsible for fire extinguishers at the complex in the event they are stolen and must report the theft to the Police and Council.

Council will schedule statutory testing and inspection of the following if applicable: Height Safety System, items relating to the Fire Safety Schedule, Backflow Prevention, Septic Tanks, Grease Traps, Water Tempering Valve.

#### 4.3.3 *Water Charges*

The Committee shall be responsible for all water charges subject to any subsidy as agreed to by Council.

#### 4.3.4 *Maintenance to the grounds by Council*

Subject to funding and budgetary constraints, Council shall provide the following maintenance to the grounds:

- mowing of the surfaces, top dressing and aeration as required
- mulch to gardens and underneath trees
- broad leaf weed spraying
- soil health maintenance – treatment of Army grubs
- approved capital work improvements

#### 4.3.5 *Waste Removal*

Council rationalised the number of street and park litter bins within the Valley following the investigations into illegal dumping from the householder and commercial operators.

The Civic Services staff roster allocates an attendant to undertake the collection of street and park litter located throughout the Valley as required. This includes sporting fields/complexes. The small mobile garbage bins (MGB) are provided for general public use only.

The sporting groups/committees are responsible for managing any waste materials generated from an event(s) that is held at the fields/complexes. Provisions need to be in place for additional bins and collection of all waste materials during and after the event(s).

The sporting groups/committees are eligible to apply for event waste management assistance under Councils “Annual Donations Program”. Council annually calls for applications from eligible organisations for financial assistance to provide waste collection services during and after events. Sporting organisations must complete an application form by either:

- a) Downloading the Application form Section 356 Donation Program to your computer, then fill out electronically and send as an attachment to [council@nambucca.nsw.gov.au](mailto:council@nambucca.nsw.gov.au) OR print the Adobe PDF form and fill out by hand, then scan and send via the email address above, or post to Council at PO Box 177, Macksville NSW 2447, OR drop off at the Council Offices at 44 Princess Street, Macksville.
- b) Copies of the application can be picked up at Council Offices, 44 Princess Street, Macksville, or can be posted out upon request. Please contact Council’s Grants Officer, on 02 6568 0221 or 0448 331 476, should you require more information.

#### *4.3.6 Allocation of Grounds*

The allocation of sportsgrounds for standard competitions and training (including pre-season) is undertaken by the Committee of Management for each sportsground.

Special events such as large sporting carnivals will require a separate application (Activities on Councils land) to Council because of additional issues such as parking, waste disposal, security and crowd control. Organisers should check with Council if unsure that this clause applies.

#### *4.3.7 Conditions of Hire*

It is essential that hirers sign a Hire Agreement with the Committee of Management which shows that they abide by the Conditions of Hire set out by the Committee and in accordance with Council policies. The committee member must ensure each hirer understands their obligations when hiring the facility, going over the conditions with the hirer if required.

#### *4.3.8 Responsibility of Sports Association*

The association allocated the field hire is responsible to ensure that all teams involved in the competition are advised of these conditions of use and required to comply with such conditions.

#### *4.3.9 Definition of Seasons*

The definition of summer and winter seasons is as follows:

- *Summer* - From but excluding the fourth weekend in September to and excluding the second weekend in April.
- *Winter* - From and including the fourth weekend in April to and including the fourth weekend in September.

#### *4.3.10 Sub-letting*

Sub-letting of whole or part of a ground by the allocated sport is not permitted. Vacancies must be referred back to the Committee of Management for re-allocation.

#### *4.3.11 Fees & Charges*

Only Council has the power under the Local Government Act to set fees and charges. The Committees are to review their fees annually and make recommendations to the Council. The recommended fees for the following year commencing 1 July and ending 30 June must be forwarded to Council by 1 April of each year so that they can be included in Council's Fees and Charges and advertised for the statutory 28 days before being adopted by Council.

Fees are ~~set~~ recommended by the individual committees of management, having regard for the range of facilities used, number of players, maintenance of buildings and grounds and frequency of use for games and training. Field lighting, power and water costs should also be reflected in the fees. Lower fees should be considered for junior sports.

A casual fee should be determined by the individual committee of management, having regard to the use of the fields on a commercial basis such as a boot camp, with the commercial operator providing evidence to the Committee of their public liability insurance before commencing any activity.

A reduction or return of fees will **NOT** occur because of reduced use or cancellation arising from wet weather.

The ground fees are retained by the committee of management and are to be used for minor improvements, payment of electricity, replacement of training lights, etc.

#### *4.3.12 Bonds*

As a safeguard against possible damage, the Committee has the option of determining a bond fee for the facility or equipment, or to cover the need for additional cleaning, where appropriate.

Hirers should be advised that this will be refunded if conditions of hire are adhered to. Abnormal costs associated with the hire of the facility will be deducted from the bond including GST. This may include extra removal of garbage, extra cleaning etc.

#### *4.3.13 Advertising*

Advertising on grounds whether on fencing, self-supporting or portable, must be approved by Council. Income will be shared 50% with the committee of management and 50% for the sport association involved.

#### *4.3.14 Equipment and Goals*

Each sport is responsible for the provision of goal posts and other equipment necessary for the sport to be played on the allotted ground. All of which must comply with Australian Standards and /or codes relevant to the item.

Each sport is responsible for repair and replacement of their own gear from damage as well as from wear and tear.

The storage of goals outside of the season is a responsibility of the individual sport. The goals should be removed and stored away from the field as the first preference, so as not to restrict mowing or to create a hazard for other users. Goals left on public areas must be stacked in a safe area and must be secured so that they cannot fall or topple over even when used by unauthorised persons. Deaths have occurred within Australia from unstable goals in the off season.

#### *4.3.15 Keys*

The Committee will be responsible for keys for locks on site and responsible for the issues and the cost for extra keys or locks that are required due to damage or fair wear and tear. The Committee must use the Council approved locking system with a hierarchy locking system and provide Council with the master key.

The Committee of management will issue any keys to the approved sporting body as required.

The committee will also provide Council with keys to all locks on site, including gates, buildings and storage areas. Such keys must be clearly labelled and identified

#### *4.3.16 Marking of Fields*

The sport is responsible for the marking of fields. The only acceptable method is to use water-based paint **unless otherwise approved by Council**. It is **not** permissible to use lime, herbicides, oil or chipping of the grass.

#### *4.3.17 Cleaning of Grounds*

The user is responsible for the cleaning of the field and surrounds by collecting litter and rubbish left by participants and spectators. The responsibility extends to adjacent streets and carparks if attributable to the event even if caused by non-paying spectators.

Amenities, change rooms and kiosks are to be cleaned and left ready for use by the next hirer.

#### *4.3.18 Damage to Grounds*

The user is responsible for restoring damage to fields including damage from use in wet weather.

The user is responsible for the repair of damage to fences, gates, buildings, seats, scoreboards, playgrounds and landscaping that occurs when a ground is hired.

The hirer shall not interfere with any fencing, building, partition, furniture or fitting nor damage locks, taps or deface walls.

#### *4.3.19 Closure of Grounds*

The committee of management will determine if the ground is to be closed when there is the potential for damage from conditions such as wet weather; noting that the user will be responsible for the cost of restoration.

The Council through the Assistant General Manager Engineering Services reserves the right to override a field allocation if deemed to be inappropriate or has the potential to unduly damage the sportsground. No compensation for costs or lost income will be considered.

#### *4.3.20 Motor Vehicles*

Motor vehicles are not to be driven or taken onto any Council sportsground. Vehicles must be restricted to allocated parking areas.

#### *4.3.21 Insurance*

Council's Risk Management requires sporting clubs, schools and other organised user groups to provide Public Liability Insurance.



- *Public Liability* - The Committee of Management is to obtain and supply Council with a copy of the documental evidence of appropriate Public Liability Insurance indemnifying Council against all claims arising from the booking and subsequent use of its facilities to the value of \$20 million.
- *Indemnity* - The user is responsible for and will indemnify Council against liability for all loss, damage or injury to persons or property caused by the user or its employees, servants, invitees or agents and the amount of all claims, damages, costs and expenses which may be paid, suffered or incurred by the Council in respect of any such loss, damage or injury must be made good at the user's expense.
- *Contents, Equipment and Other Property* - The Council does not insure or provide any form of indemnity for any equipment, structure, items or personal property stored, placed or left in any building, structure or on the grounds of the area used.

#### 4.3.22 Risk Management

- *Playing Fields and Surrounds* - The allocated user is to undertake prior to any use (training, games or other), a risk assessment of the field and surrounds to determine if it is safe to use. Issues include but are not limited to identifying and removing sharp objects such as glass, bottle tops, stones stakes, steel posts and trip hazards.
- *Equipment and Structures* - The user is also required to check that any structures (including goals, seating, rollers, score boards, etc) are stable and safe for use before the start of training and games.
- *Off Season Responsibilities* - The user is required to check in the off season that stored goals and other structures are stable and secure and do not represent a hazard to other users or the general public.

#### 4.3.23 Council Rights

Council staff are entitled free and unobstructed access to any sportsground in the undertaking of their duties.

Council reserves the right to cancel any sports allocation without notice in case of contravention of regulations and policies relating to use of the sportsgrounds.

Council has the right to occupy or reallocate a sportsground for a special use. The occupier will be given one week's notice in writing of the intended use.

#### 4.3.24 Modifications

Modification to grounds or buildings are **NOT** permitted without the written approval of Council.

#### 4.3.25 *Recovery of Costs*

Council will seek the recovery of costs where the hirer defaults on these conditions. This includes cost for cleaning amenities, cleaning the grounds and where deemed necessary the adjacent streets, the storage of goals and repairs to buildings, fixtures and facilities.

#### 4.3.26 *Smoking in Public Places*

Smoking is prohibited in enclosed public places under the Smoke-free Environment Act 2016 and Smoke-free Environment Regulations 2016 (NSW). This includes, but is not limited to club rooms, canteens and change room areas.

Smoking is also prohibited under this legislation in outdoor public places at sporting and recreational facilities, including spectator areas during organised sporting activities.

Additionally, Council's Smoke Free Public Areas policy prohibits smoking

- Within fifteen (15) metres of Council building entrances, playing fields, sporting fields, sport centres and at outdoor sporting facilities where active sport is being played.

#### 4.3.27 *Child Protections*

At all times the hirer will conform to the requirements laid down by their peak sports body and comply with all relevant child protection legislation including the Commission for Children and Young People Act 1998 and (Prohibited Employment) Act 1998.

- Refer to the Guidelines Sport Sports and Recreation Organisations; [www.nsw.gov.au/children/wwcc.asp](http://www.nsw.gov.au/children/wwcc.asp) and [http://www.dsr](http://www.dsr.nsw.gov.au) 2officials during Agreement.

#### 4.3.28 *Failure to Comply*

Failure to comply with these conditions will result in the withdrawal of the field allocation temporarily or permanently.

## 5.0 **Related Procedures or Documents**

Nambucca Valley Council Fees and Charges  
S355 Committee Guide to Operations and Delegations of Authority  
Volunteer Handbook  
Volunteer Safety Handbook  
Annual Donations Program

## 6.0 History

<b>Department:</b>	Engineering Services	<b>Last Reviewed</b>	<b>Resolution Number</b>
<b>Policy Category</b>	Council	12 Dec 2005	
<b>Endorsed By:</b>	General Manager	20 Oct 2010	
<b>Approval Authority</b>	Council	30 May 2019	263/19
<b>Policy Owner</b>	AGMES		
<b>Contact Officer</b>	AGMES		
<b>Document No.</b>	25348/2007		
<b>First Adopted</b>	1 August 2002		
<b>Resolution No:</b>	?		
<b>Review Date:</b>	Feb 2019		