
R40. Reserves – Exclusive Use for Private Functions

Title: Reserves – Exclusive Use for Private Functions Policy

Policy No: R40

Keywords: Reserves, Events, Functions

Responsible Officer: Divisional Manager – Civic and Urban Services

1. PURPOSE AND AUTHORITY

The purpose and overall objective of this policy is to set out Manly Council's considered and adopted policy position with respect to the use of Council reserves for private functions.

2. POLICY STATEMENT

Council's considered and adopted policy position with respect to the use of Council reserves for private functions is as follows:

- (i) No function be permitted if it interferes unduly with public use of the reserve.
- (ii) Only functions coming under Council sponsorship be permitted on weekends, holidays and between the months of December and February inclusive.
- (iii) For any functions a charge be made. A reduction or waiving of the fee to be considered in especially meritorious occasions. (Refer to Fees and Charges Schedule).
- (iv) Any other conditions such as siting of the function, bonds against damages or abnormal cleaning, insurance etc., being to the requirements of the appropriate Council Officer.

*(W & CS 25.8.87)
(Confirmed 20.10.97)*

3. PRINCIPLES

The underlying philosophical principle behind this policy is that any alienation or use of public land, in particular, Council parks and reserves, needs to be proportionate and reasonable, and must not compete or devalue the opportunities otherwise available for the local community and the wider public to use and enjoy those parks and reserves. In addition, Council needs to take appropriate measures and safeguards to ensure that, if there is any damage to any property as a result of private use of that property, Council is appropriately and fully reimbursed or recompensed.

4. SCOPE

This policy applies to all Council officials (including Councillors and Council staff and consultants engaged by Council) who are involved, directly or indirectly, in decision-making (including preparatory and recommendatory decision-making) with respect to the subject-matter of this policy.

Insofar as land is concerned, this policy applies to all beaches, parks and reserves, and all associated facilities and premises, in the Manly local government area.

5. DEFINITIONS

See the Dictionary at the end of the Local Government Act 1993 for definitions of various terms and expressions used in this policy.

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

Council and/or the General Manager may, during a civil emergency only, set aside any policy terms to ensure public safety.

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

Breaches of this policy are considered to be breaches of Manly Council's Code of Conduct and therefore invoke the relevant sanctions outlined in that Code. Persons in breach of any legislation may be subject to relevant criminal action.

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy will be subject to a review every two (2) years.

For the purposes of carrying out and giving effect to this policy, the General Manager may from time to time prepare, adopt or vary, and otherwise issue to Council staff, guidelines and directions relating to any aspect of this policy.

Any recognised change to relevant legislation; or directives or guidelines issued by agencies including the NSW Ombudsman and the Division of Local Government; or to Manly Council's related guidelines and procedures will activate an immediate review of this policy to ensure it remains current and aligned to best practice policies.

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993
Local Government (General) Regulation 2005

11. RELEVANT COUNCIL POLICIES

R50 Reserves – Outdoor Furniture – Dedication.

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review		General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance