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Code Title: SIGNS AS REMOTE SUPERVISION - Code

Reason for Code: This code provides a systematic method for determining signage requirements at beaches, swimming pools, tidal pools, reserves, parks and public walkways.

Introduction: Signs are intended to perform the function of imparting information to the public that would otherwise require the presence of a staff member. Appropriate signage should allow a person to make an informed decision about entering/using a particular facility under Council control or responsibility. Signs are the most economical and simplest method that Council can employ for Supervision at a remote location.

The law says that if it is "reasonably foreseeable" that a person might suffer some sort of loss or harm because of something someone else does, then that person is owed a duty of care. The Courts have generally considered that the failure to provide appropriate information by way of a sign deprives the plaintiff of the opportunity to consider their actions/ reactions to the physical circumstances surrounding them.

Legally, the benefit of a sign is that it brings the foreseeable risk to the attention of the person at that location. It is intended to add to the knowledge of the person who views the sign. If the person then elects to enter the area and suffers injury as a result of the risk about which the warning symbol relates, then arguably Council has satisfied its duty of care and no liability should attach to it. However, the sign must be appropriate to the situation and placed in an appropriate position to satisfy Council's duty of care.

This Code of Practice generally follows the Council's Public Liability insurer's Best Practice Manual for the risk management of Council owned, operated or controlled land; with modifications to address the logistical, resourcing and financial constraints of Council, and the history of incidents at each location.

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LEGAL POSITION

The legal position regarding Warning symbols relating to risks associated with recreational activities is outlined in the Civil Liability Act 2002, division 5, Clause 5M.

"Cl 5M – No duty of care for recreational activity where risk warning

- (1) A person (the defendant) does not owe a duty of care to another person who engages in a recreational activity (plaintiff) to take care in respect of a risk of the activity if the risk was the subject of a risk warning to the plaintiff.
- (2) If the person who suffers harm is an incapable person, the defendant may rely on a risk warning only if:
 - (a) The incapable person was under the control of or accompanied by another person (who is not an incapable person and not the defendant) and the risk was the subject of a risk warning to that other person, or
 - (b) The risk was the subject of a risk warning to a parent of the incapable person (whether or not the incapable person was under the control of or accompanied by the parent)."

The Act also defines what constitutes "recreational activities" as:

- (a) Any sport (whether or not the sport is an organised activity) and
- (b) Any pursuit or activity engaged in for enjoyment, relaxation or leisure, and
- (c) Any pursuit or activity engaged in at a place (such as a beach, park or other public open space) where people ordinarily engage in sport or in any pursuit or activity for enjoyment, relaxation or leisure.

"The following principles apply in determining whether a public or other authority has a duty of care or has breached a duty of care in proceedings for civil liability to which this part applies:

- (a) The functions required to be exercised by the authority are limited by the financial and other resources that are reasonably available to the authority for the purpose of exercising those functions.
- (b) The general allocation of those resources by the authority is not open to challenge.
- (c) The functions required to be exercised by the authority are to be determined by reference to the broad range of its activities (and not merely by reference to the matter to which the proceedings relate).
- (d) The authority may rely on evidence of its compliance with the general procedures and applicable standards for the exercise of its functions as evidence of the proper exercise of its functions in the matter to which the proceedings relate".

Nevertheless, Council must take all practical and affordable steps to manage its risks that exist within the Shire. Erecting a sign to warn people of the risks within the area aims to control behaviour and reduce the likelihood of an incident occurring that results in injury or damage to personal property.

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DEFINITIONS

	-
Ocean Beach	A naturally occurring stretch of sand (open to the ocean) longer than 20 metres and remains dry at high tide and may or may not have lifeguards on duty. Listed on the ABSAMP database of beaches.
Swimming Pool	A constructed swimming facility, open to the public during specific hours, with lifeguards on duty.
Tidal Pool	A natural or constructed public swimming area that is reliant on tidal flow for varying water depths. It is open to the public at all times, and does not have a lifeguard on duty. This definition excludes large rock pools.
River Beach	A naturally occurring stretch of sand, longer than 20 metres that is located within 500 metres of a river entrance and remains dry at high tide with no lifeguards on duty.
Reserves & Parks	Can range from an undeveloped area of land that may adjoin a beach foreshore, rivers, public walkways, or parks, through to developed land that includes playgrounds, barbeques, walkways, public toilets & sports fields in Council care custody & control.
Skate Park	Concrete structure where people come to ride skate boards, scooters, bikes & roller blade.
BMX Facility	A bicycle motocross course that provides artificially developed earth structures to be used by bicycle riders.
Developed Access	Entrance to a facility where Council Infrastructure invites the public.

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PROCEDURE STATEMENT

- 1. A regular inspection program of Council's remote supervision signage shall be conducted by Council's staff.
- 2. Generally, an inspection will be initiated through one of the following mechanisms:

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- a. Scheduled inspection initiated by Council
- b. Service requests from facility users, the general public or Councillors & Council Employees
- 3. Areas of Public Liability exposures at swimming pools, beaches, reserves, parks and public areas under Council's control, noted as inadequately sign posted shall be assessed with the view to using signs as remote supervision.
- 4. Signs in existence currently not meeting the current Best Practice Guidelines and/or Australian Standards shall be replaced as funds permit, in priority order based on public usage of the respective areas and the rating formula detailed in the procedures.
- Council's Directors shall seek an annual budget allocation from Council to be used for the renewal & inspection of old signs and the installation of new signs where identified by the procedures.
- 6. Beach signs will not warn of the presence of sharks as the risk is a known hazard when swimming at a beach. Further, the likelihood of a shark attack on a Council beach is rare.
- 7. River beaches that are located more than 500 metres from the entrance to a river will be signed as a reserve not a beach.
- 8. Pools with a classification 1 & 2 under "Practice Note No 15 Water Safety Revised Sept 2010" will be signed as part of the reserve not as a pool.

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PROCEDURE

Figure 1: Flowchart - Assess Risk; Determine, Prioritise & Maintain Signs



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Step 1: Identify Facilities

Council will establish a detailed inventory of all Council owned or operated facilities using the following details:

- Name of the facility
- Name of Nearest Cross Road, House Number or significant structure
- Location of the facility
- Level of development and Natural Features
- Category of the facility
- Facility Visitation Rating Code
- Number of signs installed
- Individual ID of each sign (Asset ID Number)
- Content or image of sign
- Location of each sign (i.e. GIS location)

Step 2: Risk Evaluation - Level of Development

Council will determine the level of development and/or natural features within or about the facility. Development includes the infrastructure provided for the use by the public. Council will establish a list describing the range of the facilities and this range will be divided into 5 categories. 5 being the most amount of development and 1 being the least. **Table 1** is a typical classification of development within any Reserve provided by Council.

Table 1 – Typical Development and Natural Hazards Rating for Reserves

Rating	Development	Natural Hazards
1	Virgin bush, cleared land no infrastructure	No discernible Hazardous features
2	Cleared land, static infrastructure e.g. grass area with tables & chairs, toilet block, outlook, formed pathway(s)	Sloping ground, no permanent natural water
3	Cleared land with mobile infrastructure e.g. grassed area with play equipment, cycleway market, leash free dog areas, skate ramp	Contains permanent natural waterway that runs during wet weather, drops/ledge less than 1 metre, uneven ground
4	Council maintained infrastructure with no artificial lightning e.g. football field, recreational ground, caravan parks	Creeks, ponds, drop/ledges between 1 metre & 3 metres, loose rocks or slippery surfaces
5	Extensively developed infrastructure with artificial lighting e.g. sporting complex, playing courts, boat ramp, jetty, fish cleaning table, Skate Park & BMX Facility	Contains or adjacent to ocean, rivers, dams, ledge/cliffs greater than 3 metres, falling rocks

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In the case of Beaches, the level of development is replaced with the model jointly developed by Surf Life Saving Australia and the Sydney University – NSW Coastal Studies Unit (Australian Beach Safety and Management Programme by Dr. Andrew Short) **Table 1A**. This programme is the guide to the nature, characteristics, surf and safety of NSW beaches.

Rating	ABSAMP Beach Rating
1	Beach Rating 1 and 2
2	Beach Rating 3 and 4
3	Beach Rating 5 and 6
4	Beach Rating 7 and 8
5	Beach Rating 9 and 10

Table 1A – Typical ABSAMP Rating for Beaches

For Council Pools, **Table 1B** is a typical classification of the level of Development for Council Pool facilities. This is sourced from the Division of Local Government's Practice Note 15.

Rating	Development Rating
1	Other: e.g. natural still waterways that is an area known for swimming and associated activities (rivers, creeks. lakes etc.)
2	Other: e.g. Any still water environment that has been specifically constructed designed or intended to be used for swimming, diving, paddling or wading (Rock Pools, Dams, Tidal Pools, Swimming Enclosures etc.)
3	Swimming Pool: (local Community Swimming Pool). Swimming Pool that is managed by the Council and/or a designated community group that has one small swimming pool (less than 25 metres in length) with very low patronage levels and no more than one aquatic activity occurring at any one time. Pool configuration would always be the standard rectangular shape.
4	Swimming Pool: (Aquatic Centre). Facility that has one or two bodies of water with medium to low patronage levels and no more than one aquatic activity occurring at any one time. E.g. One main swimming pool and a diving or toddler pool. Pool configuration is generally a standard rectangular shape.
5	Swimming Pool: (Multi-Purpose Aquatic and Recreation Facility). This facility generally has more than one body of water and would typically have a high patronage turnover with multiple activities occurring at the same time. E.g. School usage, lap swimming, learns to swim, scuba diving etc. Pool configuration and number of pools within the facility should also be taken into consideration for the purpose of surveillance

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Step 3: Risk Evaluation - Population Use

Council will determine the usage of the facility by defining the average population that uses the facility at any given point in time during an organized or impromptu function, **Table 2.**

Rating	Population Use
1	Less than 10 people at a time
2	10 to 50 people at a time
3	50 to 100 people at a time
4	100 to 500 people at a time
5	Greater than 500 people at a time

Table 2 – Typical Population Use Rating for a Facility

Step 4: Risk Evaluation - Frequency of Use

Council will determine the frequency of use of the facility by the average number of times the facility is used on a regular basis. Some facilities may be used so infrequently that it is considered to be zero. At the other end of the scale, facilities may be used constantly by large numbers.

Table 3 – Frequency-of-Use Rating for a Facility

Rating	Frequency of Use
1	An annual activity / event is held at the facility, rarely used facility less than once per month
2	An activity / event takes place in the facility on a monthly basis
3	An activity / event takes place in the facility on a weekly basis
4	An activity / event takes place in the facility on a daily basis in daylight
5	The facility is in continuous use for the majority of the day or night

Step 5: Risk Evaluation - Facility Visitation Rate (FVR)

Council will calculate the Facility Visitation Rate (FVR) based on the data collected during the evaluation process. The data collected includes the amount of the development of the

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facility from Table 1 (or 1A, 1B), the population use of the facility from Table 2 and the frequency of the use of the facility from Table 3.

The three values are inserted into the equation below and the resulting value is the Facility Visitation Rate:



The value of the FVR is an indication of the risk that Council is exposed to related to the activities that occur in each facility. This value will allow Council to decide on the most appropriate sign which in turn will act as the most suitable form of remote supervision. It also provides Council with a simple way of prioritising the facilities for requiring remote supervision of signage.

Step 6: Risk Assessment - Rating of Identified Hazards

Council will conduct a risk assessment of the hazards that may be present in and around the facility. There may be instances where there are many hazards present, too many to list. If Council was to attempt to warn against all of them the message could get lost in the amount of information being provided. Using a systematic process will allow Council to warn against the higher rated hazards. The risk assessment will be conducted as per the Councils Risk Matrix and filed against the FVR Assessment Sheet (See Appendix A).

Step 7: Select the most appropriate Sign and its Location

Council has a Duty of Care to warn the users of its facilities of the hazards which might arise with respect to each facility. Council needs to balance this Duty of Care against the physical and financial resources it has available to fund the installation of signage. If a facility has an FVR less than 10 Council will not sign unless there are extraordinary circumstances.

Where the facility has Events the FVR calculation will be rated for normal & event usage. The highest FVR will be used for the signage of hazards. There may also be additional measures that need to be taken, according to the resultant Risk Assessment score, as detailed in **Table 6a**:

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Table 6a - Determining the Most Appropriate Sign for Council Reserves, Parks & Facilities

FVR	Reserve /Skate Parks/ BMX Facility Sign Description	Location
2-6	No Sign is required.	Nil
7-10	At Council's discretion, and according to funding and resourcing issues, a decision will be made as to whether a sign should be used. If a sign is used, then the sign should contain a warning symbol for the highest-rated hazard identified within the facility.	At Council's discretion, a sign may appear at entrances to the facility provided by Council.
11-15	 Signs should contain: The name of the facility Nearest cross road A general warning message Prohibition Pictograms for all Council's Regulations that apply to the facility Warning symbols for all potential hazards identified within the facility that have a risk rating of 'high'. If no 'highs' then the top two hazards should appear. Any information symbols relevant to the facility. 	A sign should appear at all entrances to the facility provided by Council.
16-20	 Signs should contain: The name of the facility. Nearest cross road. A general warning message. Prohibition Pictograms for all Council's Regulations that apply to the facility. Warning symbols for all potential hazards identified within the facility that have a risk rating of 'high'. If no 'highs' then the top three hazards should appear. Any information symbols relevant to the facility. 	A sign should appear at all entrances to the facility provided by Council.
21-26	 Signs should contain: The name of the facility. Nearest cross road. A general warning message. Prohibition pictograms for all Council's Regulations that apply to the facility. Warning symbols for all potential hazards identified within the facility that have a risk rating of 'high'. If no 'highs' then the top four hazards should appear. Any information symbols relevant to the facility. 	A sign should appear at all entrances to the facility provided by Council.
27-30	The level of risk is such that a sign warning people of the hazards would not be the most appropriate risk reduction technique. Full time supervision of Council facilities may be supplied by an organising group, Police, security firm or the 355 Committee.	Physical barriers preventing access should be installed unless there is full-time supervision.

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Table 6b - Determining the Most Appropriate Sign for Council Pools

FVR	Pools Sign Description	Location
	Council should always consider Full Time Supervision whilst the pool is occupied as well as the display of warning and prohibition symbols.	A sign should appear at all entrances provided by Council to the pool.
2-20	 Signs should contain: The name of the pool A general warning message Prohibition Pictograms for all Council's Regulations that apply to the pool. Warning Symbols for all hazards identified within the pool. Any information symbols relevant to the pool 	Warning symbols should also be placed in close proximity to the water bodies and other relevant signs placed in other highly visible areas within the facility, as reinforcement for hazards or rules.
	Council should always consider Full Time Supervision whilst the pool is occupied as well as the display of warning and prohibition symbols.	A sign should appear at all entrances provided by Council to the pool.
21-30	 The level of risk is such that a sign warning people of the hazards would not be the most appropriate risk reduction technique. Whichever level of supervision Council elects, the supervisory body must be experienced and trained for the activity. Physical barriers preventing access should be provided and installed unless there is full-time supervision. 	Warning symbols should also be placed in close proximity to the water bodies and other relevant signs placed in other highly visible areas within the facility as reinforcement for hazards or rules.

Table 7 – Determining the Most Appropriate Sign for a Council Beach

FVR	Beaches General Sign Description	Location
2-6	No sign is required	Nil
7-10	 Signs should contain: The name of the beach Nearest Cross Road General safety warning message Prohibition Pictograms for all Council's Ordinances that apply to the beach. Warning Symbols for all potential hazards identified within the beach that have a risk rating of 'high'. If no 'highs' then symbols for the top hazard should appear. Any information symbols relevant to the beach 	A sign should appear at all entrances to the beach provided by Council.

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11-15	 Signs should contain: The name of the beach Nearest Cross Road General safety warning message Prohibition Pictograms for all Council's Ordinances that apply to the beach. Warning Symbols for all potential hazards identified within the beach that have a risk rating of 'high'. If no 'highs' then symbols for the top two hazards should appear. Any information symbols relevant to the beach. 	A sign should appear at all entrances to the beach provided by Council
16-20	 Signs should contain: The name of the beach Nearest Cross Road General safety warning message Prohibition Pictograms for all Council's Ordinances that apply to the beach. Warning Symbols for all potential hazards identified within the beach that have a risk rating of 'high'. If no 'highs' then symbols for the top three hazards should appear. Any information symbols relevant to the beach. 	A sign should appear at all entrances to the beach provided by Council. Consideration should be given to placing signs in other areas of high use.
21-26	 Signs should contain: The name of the beach Nearest Cross Road General safety warning message Prohibition Pictograms for all Council's Ordinances that apply to the beach. Warning Symbols for all potential hazards identified within the beach that have a risk rating of 'high'. If no 'highs' then symbols for the top four hazards should appear. Any information symbols relevant to the beach. 	A sign should appear at all entrances to the beach provided by Council. Consideration should be given to placing signs in other areas of high use.
27-30	 The level of risk is such that a sign warning people of the hazards would not be the most appropriate risk reduction technique. Council should consider full time supervision whilst the beach is occupied. Whatever level of supervision Council elects, the supervisory body must be experienced for the activity. 'Beach unpatrolled' sign will replace any physical barriers needed to prevent access. 	In addition to supervision, consideration should be given to placing signs at the entrance and in other highly visible areas within the beach area.

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Elements of a Sign

Component 1: Council Facility Identification Data

All facilities within Council must be identified. A unique identifier for the sign should include an asset number for that particular sign structure. The identifier on the sign will identify the components of the sign should it be damaged/vandalised or stolen and requires replacing.

Component 2: General Safety Message

Council will include general safety messages on all signage. The message asks patrons to take reasonable care for their own safety.

Warning: Use of this facility may be hazardous. Please take reasonable care for your safety.

Component 3: Prohibition Symbols

All Council's Regulations will appear as Prohibition signs. These symbols are depicted by a red circle on a white background with a red slash across the front of the sign.



Component 4: General Warning Symbols

General warning symbols reflect the activity/hazard that Council is warning the facility user against. These symbols are depicted by a yellow diamond with a black border.



Component 5:

Other Information

Any other comments or instruction that Council wishes to appear on a sign should appear either as information of a safety message or symbol. This information is depicted by a white symbol or word on a blue background. Safety information such as exits, first aid etc. should appear on the sign as white symbols or words on a green back ground.





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Step 8: Prioritisation of Signs

Beaches:

To enable us to change our beach signs to best practice, Council will replace all the signs on a beach at one time, starting with the beaches prioritised by the highest FVR, and as budget permits. Current Priority and FVR scores for all of Council's Beaches are as follows:

Priority	Name of the Beach	FVR
1	South Broulee (Bengello)	21
2	Moruya Head North Beach (Bengello)	17
3	Narooma Beach	17
4	Durras Beach	16
5	Dalmeny Beach	14
6	Malua Bay	14
7	South Durras	14
8	Wimbie Beach	14
9	Tuross Head & Tuross Entrance	13
10	North Broulee Beach	13
11	Corrigan's Beach	11
12	Surf Beach	11
13	Handkerchief Beach	11
14	Barling's Beach	11
15	Congo Beach	10
16	Potato Point Beach	10
17	Colia South Beach (Plantation Point)	10
18	Coila Bar Beach	10
19	Yabbara Beach	10
20	Jemison's Beach	10
21	Bar Beach	10
22	Moruya Head South Beach (Moruya Heads)	10
23	Kianga South Beach	10
24	Bar Beach (South)	9
25	McKenzie's Beach	9

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26	Mystery Bay	9
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27	Long Beach	8
28	Surf Beach	8
29	Guerilla Bay	8
30	Denham's Beach	8
31	Lilli Pilli Beach	8
32	Maloney's Beach	8
33	Tomakin Cove	8
34	Tomakin Beach	8
35	Casey's Beach	8
36	Rosedale Beach	8
37	Duesbury Beach	7
38	Kianga Beach	7
39	One Tree Beach & Tarandore Point	7
40	Carter's Beach	7
41	Tomago River Beach (Mossy Point)	No FVR

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Pools:

As all three pools have the same FVR rating, the Narooma Pool will be given priority as the pool operates all year round. The Batemans Bay & Moruya Pools to be given the same priority and there signs will be replaced as required and budget permits.

Parks & Reserves:

Council will install signs in parks & reserves starting with the highest FVR and working down to the lowest FVR. These signs will be installed as budget permits.

Skate Parks:

To enable us to change our Skate Park signs to best practice, Council will replace all the signs at Council's three skate park facilities starting with the skate park with the highest FVR and as budget permits.

BMX Facility:

Council will install signage as per best practice as budget permits.

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Step 9: Update Asset Management System

The asset management system will be up-dated with the condition and appropriateness of each sign according to the following schedule:

Sign Category	Time of Update
Beach Signs	Pre- swimming season, following risk site audit
Pool Signs	Pre- pool season, following risk site audit
Reserves/Parks Signs	Once per year, following risk site audit
Skate Parks & BMX Facility Signs	Once per year, following risk site audit

Step 10: Maintenance

From the annual site risk audit, each sign's condition will be entered into the asset management system, and any defects listed in the maintenance management system. Work schedules will be generated based on the highest defect rating (not all defects recorded will be treated) and as budget permits. This will be implemented once new signage is installed.

Grade	Condition	Description
0	Non–Existent	Sign no longer required
1	Excellent	Sound sign, constructed to current best practice standards, well maintained, with no defects or deterioration.
2	Good	As per grade 1, however not constructed to current best practice standards, OR showing minor wear, tear and deterioration (e.g. slight impact damage), with no loss of protective coatings, staining or damage of lettering. Deterioration has no significant impact on the sign's appearance and user safety.
3	Average	Sign functionally sound, however appearance affected by minor defects such as impact damage, loss of protective coating, mild corrosion of steel and/ or deterioration of lettering. Some deterioration beginning to affect the sign's appearance and user safety. Add to maintenance program & replace as budget permits.
4	Poor	Sign functionally sound however with problems due to significant defects e.g. loss of protective coatings, corrosion of steel and fastenings, impact damage, deterioration of lettering. Likely to cause a marked deterioration in the signs. Replacement to be budgeted in following year.
5	Very Poor or Missing	Sign is either missing, or has serious problems and has failed or is about to fail in the near future, causing unacceptable appearance and user safety. Replace within 3 months.

Signs – Condition Rating

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Step 11: Monitoring & Review

- As conditions change at any facility, a new Risk Evaluation will be conducted and a new FVR will be calculated, and a decision made on signage prioritisation and requirements.
- On annual review of the signage, a check will be undertaken to ensure that all required installation and maintenance works have been completed as scheduled.

REFERENCES

This Code of Practice has used the following reference material:

- Statewide Best Practice Manual Signs as Remote Supervision (Version 7, Oct 2011)
- Surf Life Saving Association Beach Management and Safety Program (ABSAMP)
- Civil Liability Act 2002
- Practice Note No. 15 Water Safety (Revised Sept 2010)

Please also refer to the Gathering Information for Risk Management Policy

www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Gathering-Information-for-Risk-Management-Policy.pdf

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Appendix A

Identification Checklist and Facility Visitation Rating Guide

Name of Facility	
No of Facility	
Date Assessed	
Assessor Name	

Calcula	tion of Facility Visitation Rate (FVR)	Rating Score
А	Development or Improvement	
В	Population Using the Reserve	
С	Frequency of Use	
	(A x B) + C = FVR	

List of Council Ordinances to be Depicted on the sign					
А	E				
В	F				
С	G	ì			
D	Н	1			

List of Council Hazards (Prioritised)						
А		Е				
В		F				
С		G				
D		Н				

General Warning Hazards to be Depicted on the Sign			
А			
В			
С			
D			

Responsible Officer	Director, Infrastructure Services		Approved By	General Manager	
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