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| Policy title | Parks, Playgrounds and Reserves Risk Management |
| Responsible manager(s) | Director, Infrastructure Services |
| Contact officer(s) | Divisional Manager, Works |
| Directorate | Infrastructure Services |
| Approval date | 22 November 2022 |
| Outcome area | 2 Our community that welcomes, celebrates, and supports everyone. |
| Strategy | 2.2 Encourage community spirit and enable healthy lifestyles |
| Delivery Program | 2.2.3 Plan for, and deliver safe and accessible recreation opportunities, guided by the Recreation and Open Space Strategy and asset management plan |
| Operational Plan | 2.2.3.1 Provide, maintain and renew recreation facilities |

Purpose

This Policy provides for the management of Eurobodalla Shire Council's parks and reserves facilities, including playgrounds and skateparks. Council has a duty of care to take reasonable measures within budget limitations to manage the risks arising from defects on Council's parks and reserves facilities. Pathways within reserves are covered by the *Pathways Risk Management Policy*. Signs as remote supervision are covered by the *Signs as Remote Supervision Policy*.

Section 42 of the *Civil Liability Act 2002* makes allowance for Council's ability to carry out its duty of care as being limited by the financial and other resources which are reasonably available to exercise its functions. To rely on this defence, Council is required to show evidence of its compliance with the general procedures and applicable standards for the exercise of its functions, such as risk management of its parks and reserves facilities.

Policy aims

- Promote an integrated framework for dealing with the appropriate management of Council's parks, reserves facilities and skateparks and take reasonable steps to ensure that Council delivers its required duty of care.
- Ensure consistency and fairness in the manner in which the Council manages the risks arising from defects on Council's parks and reserves facilities.
- Ensure compliance with legislative requirements under the *Local Government Act 1993* and the *Civil Liability Act 2002*.
- Promote awareness of the requirements of the *Civil Liability Act 2002*, with respect to acceptance by the community and the Court, of the shared duty of care for parks and reserves users to take reasonable care for their own safety when using these facilities. Council promotes awareness as set out in the *Signs as Remote Supervision Policy* and Code of Practice.
- Make Council's policies and requirements for Parks and Reserves Facilities Risk Management readily accessible and understandable to the public.

Policy details

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| 1 | <p>Application</p> <p>This Policy applies to all parks and reserves facilities, including playgrounds and skateparks, under the care and control of Eurobodalla Shire Council.</p> |
| 2 | <p>Legislation</p> <p>Eurobodalla Shire Council will comply with the <i>Local Government Act 1993</i> and the <i>Civil Liability Act 2002</i>.</p> |
| 3 | <p>Duty of Care</p> <p>It is accepted that the removal of all risk is not practically achievable. The systems implemented by Council will be based on prioritising works within the limited budgets available to Council.</p> <p>The implementation of a systematic approach to managing the risk arising from defects on Council controlled parks and reserve facilities provides for better management of reserve assets, reduces the risk to the community, minimises the cost of public liability insurance premiums Council pays to protect the community's interest, and assists in providing a legal defence where claims are made against Council.</p> |
| 4 | <p>Financial and Other Resources</p> <p>Council will establish an annual budget for the maintenance and renewal of its parks and reserves facilities, taking account of the changing extent and type of assets provided.</p> |

Implementation

| Requirements | | Responsibility |
|--------------|---|------------------|
| 1 | <p>Code of Practice</p> <p>This Policy will be implemented by following Council's Parks, Playgrounds and Reserves Risk Management Code of Practice.</p> | Council officers |
| 2 | <p>Risk Identification and Management</p> <p>In relation to Council's formed parks and reserves facilities, including playgrounds, Council will develop appropriate systems to:</p> <ul style="list-style-type: none"> a) record all built parks and reserves facilities under Council's control; b) identify hazards through formal inspection of its parks and reserves facilities; c) rate the identified hazard(s); d) prioritise the work based on the hazard rating and the efficiency of undertaking works; e) keep appropriate records of actions taken; f) manage customer inquiries relating to parks and reserves facilities; g) undertake condition assessment of assets; | Council officers |

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| | h) replace parks and reserves facilities at the end of their useful life in accord with the available budget. | |
| 3 | Staff Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received relevant training to do so. | Council officers |
| 4 | Concerns Public concerns communicated to Council in relation to this Policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns. | Council officers |
| 5 | Consultation Staff and Council's Regional Risk Manager have been consulted in the development of this Policy. Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies, current legislation, and public comment. | As applicable |

Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council's related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages risk management of parks and reserves facilities.

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council updates or revokes it sooner.

Reviews of the effectiveness of this Policy could include the following:

| Performance indicator | Data source(s) |
|------------------------------------|-----------------|
| Customer Concerns | Council records |
| Customer Feedback Survey Responses | Surveys |
| Internal or external audit | Audit |

Governance

This Policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies and guidelines.

Related legislation and policies

| Name | Link |
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| Eurobodalla Shire Council's <i>Risk Management Policy</i> | www.esc.nsw.gov.au/inside-council/council/council-policies |
| Eurobodalla Shire Council's <i>Signs as Remote Supervision Policy</i> | www.esc.nsw.gov.au/inside-council/council/council-policies |

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| Eurobodalla Shire Council's <i>Parks, Playgrounds and Reserves Risk Management Code of Practice</i> | Staff Internal use only |
| Eurobodalla Shire Council's <i>Signs as Remote Supervision Code of Practice</i> | www.esc.nsw.gov.au/inside-council/council/council-policies |
| <i>Local Government Act 1993</i> | www.legislation.nsw.gov.au/#/view/act/1993/30 |
| <i>Civil Liability Act 2002</i> | www.legislation.nsw.gov.au/#/view/act/2002/22 |

Related external references

| Name | Link |
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| Office of Local Government | www.olg.nsw.gov.au |

Change history

| Version | Approval date | Approved by | Min No | File No | Change |
|---------|------------------|-------------|--------|----------------------|--|
| 1 | 22 Oct 2011 | Council | 09/291 | E09.3418 E06.0375 | Policy reviewed and adopted G09/99. |
| 2 | 27 Aug 2013 | Council | 13/246 | E13.7095 E06.0375 | Updated Template, review date, references and links. Report O13/131. |
| 3 | 28 Feb 2017 | Council | 17/31 | E16.0297 E06.0375 | Reviewed and updated at start of new Council term. GMR17/006 |
| 4 | 22 November 2022 | Council | 22/313 | S004-T00060 | Reviewed and updated at start of new Council term. |

Internal use

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| Responsible officer | Director, Infrastructure Services | | Approved by | Council | |
| Minute | 22/313 | Report | GMR22/111 | Effective date | 22 November 2022 |
| File | S004-T00060 | Review date | Sep 2020 | Pages | 4 |