

RALEIGH PARK COMMUNITY ASSOCIATION

DP No. 270003

ANIMALS & PASSIVE RECREATION POLICY

POLICY & RULES MADE IN ACCORDANCE WITH BY-LAW 39 AND BY-LAW 68 OF RALEIGH PARK COMMUNITY MANAGEMENT STATEMENT (“CMS”)

I. INTRODUCTION

Animals

By-Law 39 of the CMS prohibits the keeping of animals in the estate.

Passive Recreation

The open space areas (“the Grounds”) in the Raleigh Park estate are private property maintained by the Raleigh Park Community Association (“the RPCA”). However, under By-law 68 of the CMS, members of the public are entitled to use the Grounds for the purpose of passive recreation.

Randwick Council has acknowledged that the Grounds are controlled by RPCA and not the Council.

Roads in Raleigh Park

The roads within Raleigh Park are public roads and are owned and maintained by Randwick Council. As such, members of the public are entitled to use the roads.

II. ANIMALS - POLICY & PROCEDURES

Assistance Animals

Assistance Animals are permitted within any part of the estate whilst they are performing assistance functions. If it is obvious that a person needs an Assistance Animal (e.g. is blind) no question should be asked regarding the status of the animal. However, if this is not the case then the Caretaker or Security Guard has the right to request evidence that an animal is an Assistance Animal. If such evidence is not forthcoming, the Caretaker or Security Guard should request that the animal be taken off the premises. Obviously, a degree of discretion is to be exercised by the Caretaker or Security Guard.

Animals that are not Assistance Animals

Since the roads within Raleigh Park are public roads, a member of the public has the right to walk a dog (or other animal) along the roads. The Caretaker and Security Guards should point out to anyone seeking to do so that the Grounds are private property and animals are not permitted. This should be enough to make the person leave the premises with the animal. However, if the dog-walker

insists that (s)he has the right to walk a dog on public roads then the next approach to be taken by the Caretaker or Security Guards is to say that whilst the roads are public roads, the Grounds are private property and not under the control of Randwick Council and that animals must not be taken onto any part of the Grounds, which includes nature strips. The Caretaker and Security Guards have the right to enforce this policy within the limits of the law i.e. a request, but no physical force; referral to Council Rangers or Police if appropriate, noting that Council Rangers may not respond if they take the view that the Grounds are outside of their jurisdiction.

III. PASSIVE RECREATION – POLICY & PROCEDURES

Governing Principles

The governing principles behind the RPCA policy regarding use of the Grounds by both residents and members of the public are as follows:

- The Grounds are for the use of residents and members of the public for passive recreation.
- All of the Grounds should be available for such use to the maximum extent possible.
- Use of the Grounds must not cause damage to the Grounds including the lawns, gardens, shrubs, trees, children’s playground area, fixtures and fittings, or any other RPCA property.

Raleigh Park Pre-school/Early Childhood Centre

The following procedures do NOT apply to the use of the Grounds by children attending the Raleigh Park pre-school/early childhood centre. They will be permitted to use the Grounds as they have in the past, which includes organized activity, whistles and loud voice commands.

Passive Recreation

It is difficult to define “passive recreation” precisely but relatively easy to provide examples: picnics, walking, sitting and reading, sunbaking, use of the children’s playground are clearly “passive recreation” whereas an organised team game of soccer or rugby is not.

Arguably, any kind of physical activity could fall outside “passive recreation”. On a very narrow definition, someone using the Grounds for Tai Chi or with a personal trainer, or two children kicking or passing a football, or even someone jogging, might not be engaging in “passive recreation”. However, such a narrow view is not the interpretation to be adopted in this policy if only for the reason that enforcing a very restrictive definition would be quite impractical.

Lines of authority

The Caretaker and Security Guards are to apply the Guidelines set out below.

The Security Guards are to take instructions from the Caretaker when the Caretaker is on site in relation to the regulation of activity in the Grounds.

When the Caretaker is not on site the Security Guards shall apply the Guidelines in determining if an activity is acceptable or not. When the Caretaker is not on site and the Security Guards require further guidance in relation to the application of these Guidelines, they shall seek instructions from the following persons in the order listed:

1. The Chair of the RPCA Executive Committee and if not available, then
2. The Chair of the RPCA Gardens and Grounds Sub- Committee and if not available, then
3. Any other member of the RPCA Executive Committee.

Guidelines for Caretaker and Security Guards

All Games

Games which require a large amount of space OR which result in excessive noise OR which interfere with other's use of the Grounds are not passive recreation and should be stopped.

Ball Games

Except when supervising or participating in ball games being played by children, teenagers and adults are NOT permitted to play ball games in the Grounds. For the purposes of this Policy a "child" is a child who has not reached high school. Obviously, a judgement will need to be made about the age of a child but if there is any doubt the child should be simply asked if he or she is in high school. A child might take offence at being asked how old the child is but offence ought not to be taken if the question relates to the child's educational status.

Permitted ball games must also comply with the other Guidelines set out below.

Kicking balls against Raleigh Park walls and fixtures or using them as wickets or backstops

Kicking balls against Raleigh Park walls and fixtures or using them as wickets or backstops is not permitted and should be stopped.

Activity causing damage to gardens, plants or trees

Any activity causing damage to gardens, plants or trees is not permitted and should be stopped

Excessive Noise

Whistles and the like are not to be used. Radios, amplified music and musical instruments should not be so loud as to interfere with others' right to quiet enjoyment of the Grounds.

Jumping castles and other play equipment

Jumping castles are not permitted. Other play equipment which might reasonably be considered to damage the lawns shall not be permitted.

Drones and motorised model aeroplanes & helicopters

Drones and motorised model aeroplanes and helicopters are not regarded as passive recreation and should be stopped.

Cleaning up and no rubbish to be left

Anyone using the Grounds must leave the Grounds in a clean and tidy state and take away all rubbish.

Caretaker's and Security Guard's Discretion

The Caretaker and Security Guards shall use their reasonable discretion in applying the Guidelines.

A handwritten signature in blue ink, appearing to read 'B C Hung', with a horizontal line underneath.

B C Hung
Chair
For and on behalf of Executive Committee
Raleigh Park Community Association DP No. 270003

19th March, 2018