



**Brighton  
Council**

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## **ATTACHMENTS**

### **PARKS & RECREATION COMMITTEE**

5 NOVEMBER 2024





1<sup>st</sup> October 2024

**ATTACHMENT**  
**AGENDA ITEM 5.1**

## Memorandum of Understanding

Between

Brighton Agricultural Show Society Inc ('Brighton Show')  
Brighton Road, Brighton  
[brightonshowsecretary@gmail.com](mailto:brightonshowsecretary@gmail.com)

And

Brighton Council ('Council')  
1 Tivoli Road, Old Beach  
[Admin@brighton.tas.gov.au](mailto:Admin@brighton.tas.gov.au)

### Purpose:

The purpose of the Memorandum of Understanding (MoU) is to define the responsibilities of both Brighton Agricultural Show Society Inc and the Brighton Council.

As well as deliver a Brighton Show to the Community in a safe and well organised manner with minimal disruption to Councils property.

### The Role:

It will give clarity of expectations, responsibility, and commitments of both parties.

It will ensure there is a clear understanding of what each party will contribute to in the partnership.

It will help allocate resources effectively.

It will formalise the Brighton Council and Brighton Agricultural Show partnership.

It will encourage communication leading to more successful outcomes.

It will assist when there is a change of staff at Council and also if there is a change to the Brighton Agricultural Show board/committee.

The MoU includes the following commitments:

- The parties agree to develop a close and effective working relationship based on mutual respect and trust.
- Brighton Show will have exclusive use of Pontville Park for 8 Days (Monday to Monday) in November each year for the Brighton Show. They can access Pontville park to set up and pack up beyond the 8 days as long it does not affect any other users & bookings.
- Any tenants of Pontville Park can negotiate use of their facilities directly with the Brighton Show society. (Anyone with a White card should still be able to enter Pavilion within the 8 days). Anyone onsite must report to the show office.

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- Brighton Show Society are required to sign a hire agreement with Council for the 8 days of use.
- Appropriate applications will be lodged 3 months prior to the event to Councils Facilities Management Officer.
- No heavy vehicles will be allowed to park on the ovals for the event, with the possible exception of Gunn Oval however this will be possible with prior approval each year from Council's Works Manager, depending upon the condition of the grounds.
- It will be the responsibility of the Brighton Show to pay for any damage to the grounds and facilities during the 8 days of use.
- The Fighting and Fitness tenant is required to pack up and re-assemble the boxing arena and other equipment in the Bob Scott shed, before and after the event unless they host an event at the show, in that case they just have to clear the 1<sup>st</sup> bay for the poultry.
- The Show Society are required to clean up all areas of the grounds and facilities at their cost after the use of the property. If Brighton Council are required to clean up after the event the cost will be charged to the Brighton Show.
- If the Show Society require to move anything that doesn't belong to the Show they will need to give written notice 3 months in advance to the relevant parties, the Shows society must not touch or move any items themselves that are not their property.
- A traffic management plan for all 8 days is required including the day of the event and for the last day/pack up.
- A draft site plan is to be distributed to the nominated Council representative for review and consultation with other relevant Council staff.
- The ovals must be vacated by Monday after the Show event for irrigation to commence.
- Brighton Show society must ensure that bins are available from the Monday before the show event for the use of stall holders and ride operators.
- Brighton Council will be responsible to ensure the increase of wheelie Bins to the venue for the event on the Friday prior to the Show event.
- Any signage for traffic and closure of the ground is the responsibility of the Show Society along with the cost on the day of the Brighton Show.
- Royal Hobart Show hire/use of the facilities/venue is at Councils discretion permitted by Council as long as it does not interfere with the Brighton Show and doesn't affect the usage of the grounds, also taking into consideration any similar exhibits. Ultimately the decision remains with the Councils Works Manager.
- The tenant of the Brighton Regional Sports Pavilion Bar/restaurant has first preference to running the bar for the event they are to negotiate with the Brighton Show an operation fee.

- The Brighton Agricultural Show society must have a wet weather event back up plan as Council must ensure the least amount of damage to the grounds for ongoing usage by other hirers.
- The Brighton Show WHS induction program to be communicated to all volunteers and signed off.
- Brighton Show Society will be responsible for insurance and any claims for the event and advise Council of the incident in writing.
- Council will organise the WorkSafe Tas inspection with Council staff the day or two before the event.
- Brighton Council will be responsible for cleaning of the public toilet facility prior to the event as well as ensuring handwash, toilet rolls etc are stocked up. The cleaning is the responsibility of the Brighton Show for the day of the event.
- Brighton Council will give an in-kind donation to be recorded in the Annual Report for the use of the halls and grounds for the 8 days of the show as well as provide two staff to remove rubbish on the day of the event.
- Brighton Council will be responsible for organising the Electricity meters to be read before and after the 8 days, and electricity will be invoiced for that period to the Brighton Show.
- Brighton Council will organise a meeting to be held 3 months prior to the Brighton Show event with Council staff, Brighton Show committee and other ground users as well as meeting held in December after the event.
- Brighton Agricultural Show Society will be required to nominate a Show representative for the event and Council will nominate an individual person to be the one that all Show questions are directed through, and they will coordinate information with other Council staff for a response to the Show Society's nominated person. In addition, any emails sent to the Show Society should go to both the President and the Secretary.
- Brighton Council will give an in-kind donation of High Pressure cleaning of Bob Scott and the new Show/dog shed after the show.
- Brighton Council will inspect the grounds and buildings Monday morning prior to the Show.
- Any Show enquiries should be dealt with directly with Brighton Agricultural Show Society. Council will only deal directly with the nominated Brighton Show representative.
- Any amendments to this MoU must be in writing and agreed upon by both Parties.
- The MoU is to be reviewed every 2 years by both Council and the Brighton Show Society Committee and updated to reflect any agreed changes.

*The above has been agreed upon by both parties.*

\_\_\_\_\_  
Signed Brighton Council General Manager

Date: / / 2024

\_\_\_\_\_  
Print Name

  
\_\_\_\_\_  
Signed Brighton Show President

G. Jackson  
\_\_\_\_\_  
Print Name

Date: 22/10/2024

M. Braslin  
\_\_\_\_\_  
Witness Signature

Megan Braslin  
\_\_\_\_\_  
Witness Name



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# Liability Mutual Insurance

## Targeted Risk Appraisal

### Errant Cricket Ball Risk Assessment

Council:	Brighton Council
Date of visit:	June 4 <sup>th</sup> , 2024
Date of Report:	September 5 <sup>th</sup> , 2024
Report by:	Daniel Brooks, Team Leader Mutual Risk Services Liability Mutual Insurance

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## 1. EXECUTIVE SUMMARY

### BACKGROUND

The MAV Insurance Liability Mutual Insurance ('LMI') scheme provides its public sector members with access to a range of proactive and interactive risk management services, delivered by a dedicated risk management team.

One such service is the **Targeted Risk Appraisal ('TRA')**, which takes an in-depth look at the risk management systems and processes in an area, service or facility that has resulted in significant claims, or has a potential risk/loss exposure to the scheme. The appraisal can be site-based, a desktop review or a combination of both.

Brighton Council has chosen a site inspection of the Cloak Oval, in Lennox Park, Old Beach as the topic for their Targeted Risk Appraisal, specifically to address the issue of errant cricket balls impacting users of the nearby playground located nearby.

Cloak Oval is located within the residential area of Old Beach, Tasmania, with a local (50km/h) road on the South boundary, and homes located adjacent to the Western and Northern property Boundaries.

Open Age Community Level Cricket has been played at the ground for many years, and Council has installed high netting barriers to effectively prevent errant balls impacting road users and residential properties located further south.

Council has recognised that the playground located within the reserve to the eastern side of the oval presents a risk of errant balls causing injuries to users.

While Council and the club are likely able to accept some number of property damage incidents (i.e. broken windows of cars parked within the reserve car park), it is of particular importance for both parties to prevent any potential for people, particularly young children being hit and sustaining injuries, as such injuries could well be quite severe and the resulting claims could easily exceed a million dollars.

Council does reportedly have a documented User/Tenancy Agreement in place with the respective club, a condition of which is reportedly that the club will be responsible for damage related to errant balls, and it is reported that to date the club has met this condition. However, the club (or more specifically the club's insurers) are much less likely to accept the more significant costs associated with a personal injury. This quite rightly is a concern for Council as they are the owner/occupier of the property meaning they would be at risk in such a scenario.

### OBJECTIVES AND SCOPE

This appraisal is neither scored nor connected to the audit process but is an additional service delivered to Council scheme members.

This appraisal entails assessing the physical dimensions of the ground and distances to key potential targets. By utilising a series of ball flight trajectories, it is then possible to provide an indication of the



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likelihood of balls landing in areas outside the boundary and importantly, impacting users of nearby infrastructure such as roads, playgrounds, car parks, etc.

This information is then presented in a series of *Likelihood Overlays* over satellite / aerial imagery, which then enables the identification of areas that are ineffectively protected by existing netting/barriers. Furthermore, depending on the potential target, it is possible to prioritise the installation of barriers to protect certain *Higher Consequence* targets – typically these are targets where there is a higher potential for personal injury (e.g. Roads with higher speeds, child-care centres, private backyards, etc.).

## METHODOLOGY

On June 4<sup>th</sup>, 2024, a site assessment of the sports ground was conducted by Daniel Brooks, Senior Risk Consultant. The report that follows is based on findings from the site assessment, physical dimensions of the site and distances measured from the cricket pitch to specific points of interest within the broader reserve.

As previously noted, community club level cricket is currently played on this ground and as such the ball flight trajectories utilised to generate the *Likelihood Overlays* have been based on a combination of the following:

- Minimum ground dimensions for Open Age Community Club level cricket of 50 metres,
- Minimum and recommended ground dimensions for Open Age Regional level cricket of 65 metres and 75 metres respectively,
- Recommended ground dimensions for Domestic level cricket and under-age national levels of 82 metres (ICC Test Match Playing Conditions, Law 19.1 and Sports Dimensions Guide For Playing Areas, Sport & Recreation Facilities – Department of Sport & Recreation, Government of Western Australia).
- Symmetrical, parabolic flight trajectories projected in AutoCAD software calculated using formulae sourced from various research papers and scientific journals.

The specific details of flight trajectory projections are the protected intellectual property of JLT, however a basic two-dimensional representation is provided in the image below.

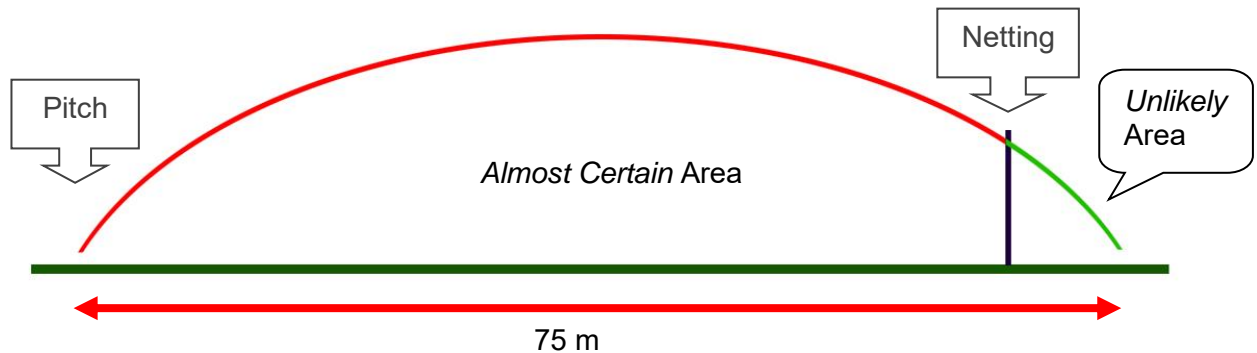


Fig. 1.1 Two-dimensional representation of *Almost Certain* Flight trajectory and effect of netting (Not to scale).

NOTE: These flight trajectories do not take into consideration the effect of wind, which can of course have a significant effect on ball flight and length.

Additionally, the overlays are projected onto an image sourced from Google Earth Pro, and as such there is likely some slight inaccuracy in terms of exactly where such virtual overlays would fall in reality.

Despite these, as well as some other minor known inaccuracies (e.g. effectiveness of vegetation/trees in stopping balls), given the assessment is simply a process to arrive at *reasonable probabilities* from which to determine risk ratings, such inaccuracies are not seen as significantly detrimental to the objective.

## RECOMMENDATIONS

The likelihood of cricket balls landing outside the property boundaries has been assessed as Possible using Council’s own Risk Management Policy. This can then be combined with the consequence scale to assess the overall risk associated with such errant balls.

As previously detailed in the background, there are two possible consequences associated with errant balls, the first being the relatively minor consequence of property being damaged (i.e. a broken window, damaged roof tiles or damage to vehicles), the second being the much rarer but more significant consequence should a person be hit. Council’s consequence scale is shown below.

CONSEQUENCE TYPES						
LEVEL	FINANCIAL IMPACT	HEALTH & SAFETY	NATURAL ENVIRONMENT	SOCIAL/CULTURAL HERITAGE	COMMUNITY/GOVERNMENT REPUTATION	LEGAL IMPACT
INSIGNIFICANT	No financial loss (\$ zero)	No medical treatment required	Minor effects on biological of the physical environment	Minor medium-term social impacts on local population. Mostly repairable	Minor, adverse local public or medical attention or complaints	Minor legal issues, non-compliances, breaches and/or regulation
MINOR	Medium financial loss (up to \$1m)	Objective but reversible disability requiring hospitalisation	Moderate, short-term effects but not affecting ecosystem functions	On-going social issues. Permanent damage to items of cultural significance	Attention from media and/or heightened concern by local community. Criticism by State Government	
MODERATE	High financial loss (\$1m to \$3m)	Moderate irreversible disability or impairment (<30%) to one or more persons	Serious medium-term environmental effects	On-going serious social issues. Significant damage to structures/items of cultural significance	Significant adverse national media coverage/Federal Government attention	Serious breach or regulation with investigation or report to authority with prosecution and/or moderate fine possible
MAJOR	Major financial loss (\$3m to \$10m)	Single fatality and/or severe irreversible disability (>30%) to one or more persons	Very serious long-term environmental impairment of ecosystem functions		Extreme public outcry with international media coverage	Major breach of regulation with major litigation
CATASTROPHIC	Extreme financial loss & business closure (> \$10m)	Multiple fatalities or significant irreversible effects to >50 persons				Significant prosecution and fines. Very serious litigation including class actions

Fig. 1.2 Council’s Risk Management Policy Consequence scale

Using this consequence table along with Council’s Risk Matrix, the assessment of the overall risk of errant balls from the ground is as follows:

Risk Description	Likelihood	Consequence	Risk Rating
Risk of Errant balls entering the playground and causing injuries to users.	Possible	Major	High
Risk of Errant balls entering the neighbouring residential property and causing injuries to residents/visitors.	Possible	Major	High
Risk of Errant balls leaving the overall property and causing injuries to persons.	Unlikely	Major	Moderate

Risk of Errant balls damaging property inside the reserve.	Likely	Minor	Moderate
Risk of Errant balls damaging property outside the reserve.	Possible	Minor	Moderate

With these risk ratings in mind, the following are specific areas where personal injuries (to people who are not inside the property) can reasonably be expected:

- The playground, and
- The neighbouring residential property adjacent to the northern-western corner of the reserve property boundary.

It is recommended that, if Council wish to allow tenant clubs/users to continue to play cricket at the current level (Open Age Community Club), consideration be given to the following mitigation measures:

- Installation of netting barriers adjacent to the playground as indicated in Items 2.2 and 3.3, and
- Installation of netting barriers adjacent to the neighbouring residential property as indicated in Items 2.2 and 3.3.

This will result in the reduction of errant balls causing personal injuries in these two key locations from Possible to, at least Unlikely (depending on the height of the barrier netting installed).

Additionally, it is recommended that Council ensure all barriers are subject to regular, documented inspection and repair when necessary. Such inspections should be integrated into Council’s existing proactive inspection program for sports reserves.


Further reduction in Likelihood of errant balls in other areas of the reserve (e.g. the car park and club rooms) will require either the installation of extremely extensive, long barriers, or a reduction in the level of cricket played at the ground.

The recommendations detailed in this report are advisory only, they are not compulsory. It is the responsibility of Brighton Council to determine what actions are to be taken.

**Further Information Contact:**

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 Liability Mutual Insurance  
 Phone: 03 86649302  
 Email: [Daniel.Brooks@jlta.com.au](mailto:Daniel.Brooks@jlta.com.au)

## 2. TARGETED RISK APPRAISAL – SITE INSPECTION

Item #	Question	Comments / Recommendations
2.1		<p>Existing netting barriers installed along the southern boundary, preventing balls entering Jetty Road and/or the residential properties located further south.</p>

2.2



Views of the playground in relation to the ground – top as viewed from the northern carpark area, bottom from the centre pitch.

Recommendations:

If Council are to continue to allow use of the ground for Open Age Community Club Level cricket, installation of a netting/fencing type barrier is recommended to be installed as indicated by the red lines adjacent in the bottom image (as a minimum).

A barrier height of 3 metres will effectively reduce the likelihood of balls landing in this area from *Possible* to *Unlikely*, and a height of 5 metres will effectively reduce the likelihood of balls landing in this area from *Possible* to *Rare* (effectively eliminating the risk).

Given the consequences of a ball entering these areas being at least *Moderate*, but potentially *Major* injuries, prevention of this will result in a notable reduction of risk.

2.3




View of the neighbouring residential property located to the north west of the reserve.

Note that the likelihood of balls landing within this property may be *partially* reduced already due to the presence of the cricket nets, 2-metre-high timber fencing and high hedging vegetation, however this should still be assessed as falling within the *Possible* overlay (refer Likelihood overlays below).

Recommendation:

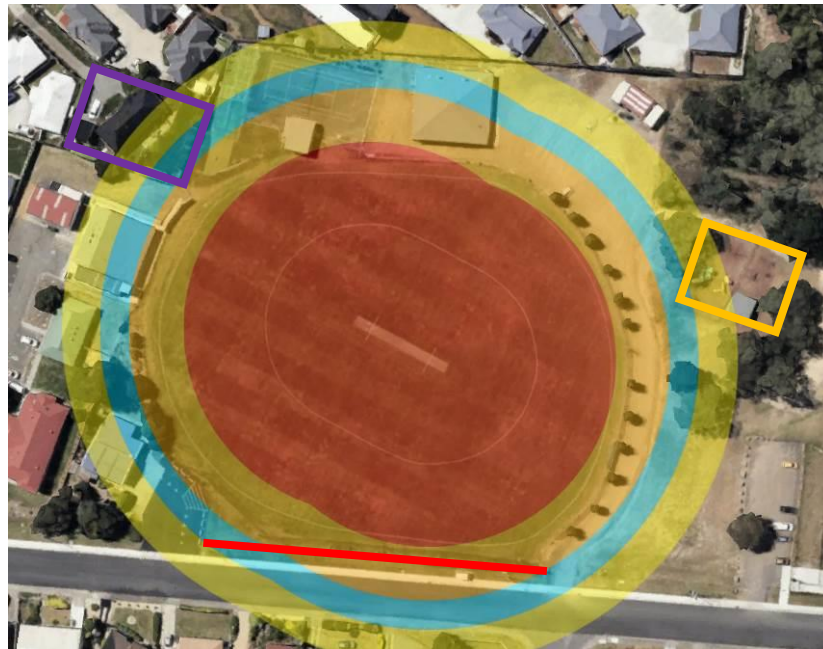
Consideration should be given to installing a barrier of similar height to that recommended above (2.2) to prevent errant balls entering this residential property.

### 3. TARGETED RISK APPRAISAL – LIKELIHOOD OVERLAYS

Item #	Question	Comments / Recommendations
3.1		<p>General overview of the property and surrounds, with ground dimensions and locations of existing netting barriers highlighted red.</p> <p>Note:</p> <ul style="list-style-type: none"> <li>• Red line indicating the location of barrier netting (Height approx.. 6-7 metres) installed to prevent balls entering Jetty Road and/or the residential properties located further south.</li> <li>• Orange box indicating the location of the playground.</li> </ul> <p>While there are some trees around this playground, these are unlikely to provide effective protection against errant balls. Additionally, persons (particularly children) using this area are unlikely to have sufficient awareness of the action on the ground and respective risk of errant balls.</p> <ul style="list-style-type: none"> <li>• Car parking area and persons spectating from the clubroom building to the north are located quite close, however those using these areas should be reasonably aware of the action on the ground and respective risk of errant balls.</li> </ul>



3.2



This image shows the calculated Likelihood Overlays (i.e. the likelihood a ball will land in that area), with the colours representing the following likelihood ratings corresponding with Council’s own Risk Management Policy Likelihood scale:

<b>Almost Certain</b>	<p>50 metres – Minimum ground dimension for Open Age Community Club level cricket.</p> <p><u>Council’s Descriptor:</u> Is expected to occur in most circumstances</p>
<b>Likely</b>	<p>65 metres – Minimum ground dimension for Open Age Regional level cricket.</p> <p><u>Council’s Descriptor:</u> Will probably occur in most circumstances</p>
<b>Possible</b>	<p>75 metres – Recommended ground dimension for Open Age regional level cricket.</p> <p><u>Council’s Descriptor:</u> Might occur at some time</p>
<b>Unlikely</b>	<p>82 metres – Recommended ground dimension for Domestic level cricket and under-age nation levels.</p> <p><u>Council’s Descriptor:</u> Could occur at some time</p>

While this image may be somewhat confusing with all overlays visible, the following factors are immediately noticeable:

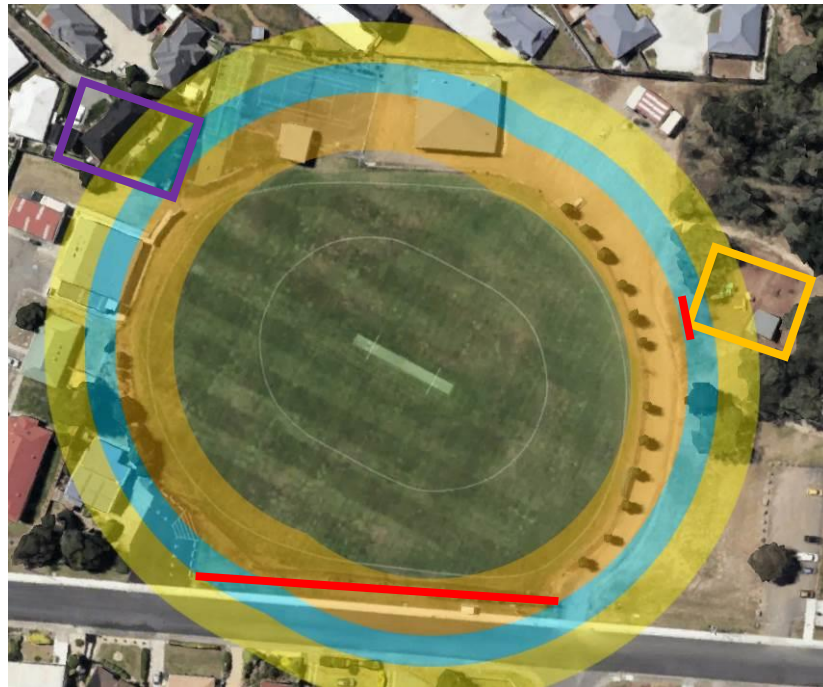
- The entirety of the *Almost Certain* overlay is effectively contained within the ground boundaries.

This effectively means that the ground is at least *very* close to being in line with the *minimum* ground dimensions for Open Age Community Club level cricket.

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		<ul style="list-style-type: none"><li>• The existing netting barriers on the southern boundary are likely to be reasonably effective at reducing the likelihood of errant balls landing on the road and/or hitting respective properties from <i>Likely / Possible</i>, down to <i>Unlikely</i>.</li><li>• The playground is mostly within the <i>Unlikely</i> overlay, with a very small portion within the <i>Possible</i> overlay.</li><li>• There is a single neighbouring residential property located to the north-west corner of the reserve that is within the <i>Possible</i> overlay.</li></ul>
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3.3



*Likely, Possible and Unlikely* overlays isolated

To simplify the assessment of errant balls, this image shows only the *Likely, Possible and Unlikely* overlays.

With the entirety of the *Almost Certain* overlay effectively contained within the ground's dimensions, this zone can be ignored for the purposes of this site.

Ideally – for a venue where Open Age Community Club level cricket is played – the entirety of the *Likely* overlay should be contained with within the property and free of any facilities/infrastructure not directly associated with the sport being played.

Wherever practicable, this should also apply to the *Possible* overlay, particularly any facilities that cater to vulnerable users (e.g. children, elderly, etc).

At this property:

- With the exception of the southern property boundary which is effectively protected with barriers, the entire area of the *Likely* overlay is contained with within the property and is free of any facilities/infrastructure not directly associated with the sport being played.
- Two key potential targets fall within the *Possible* overlay:
  1. The playground – indicated by the orange box, and
  2. The single residential property – indicated by the purple box.

Recommendation:

If Council are to continue to allow use of the ground at the

		<p>current level of cricket, installation of a netting/fencing type barrier is recommended to be installed as indicated by the red line adjacent to the playground (as a minimum).</p> <p>A barrier height of 3 metres will effectively reduce the likelihood of balls landing in this area from <i>Possible</i> to <i>Unlikely</i>. A barrier height of 5 metres will effectively reduce the likelihood from <i>Possible</i> to <i>Rare</i>.</p> <p>Given the consequences of a ball entering these areas being assessed as <i>Major</i>, prevention of this will result in a notable reduction of risk.</p> <p>Consideration should also be given to installing a similar barrier to prevent errant balls entering the residential property indicated by the purple box.</p> <p>Further reduction in Likelihood of errant balls in other areas of the reserve (e.g. the car park and club rooms) will require either the installation of <i>extremely</i> extensive, long barriers, or a reduction in the level of cricket played at the ground.</p>
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## APPENDIX 2 REFERENCES:

- ISO AS/NZS 31000:2009: Risk Management Principles and guidelines, Standards Australia.
- HB 436:2004, Risk Management Guidelines, Companion to AS/NZS 4360, Standards Australia
- HB 246:2010, Guidelines for managing risk in sport and recreation organizations, Standards Australia
- HB 49.2:1993, Sporting Facilities Manual – Sporting Surfaces
- MAV Insurance Best Practice Manual: Risks in Sporting Reserves, MAV Liability Mutual Insurance.
- Sports Dimensions Guide For Playing Areas, Sport & Recreation Facilities – Department of Sport & Recreation, Government of Western Australia.
- Ground conditions and injury risk – Implications for sports ground assessment practice in Victoria, Summary Report – University of Ballarat.
- S. J. Haake, 1996 – The Engineering of Sport
- C. J. Baker, 2009 – A calculation of cricket ball trajectories
- Rod Cross, Physics Department, University of Sydney – Sports ball aerodynamics