

1. POLICY OBJECTIVES

- 1.1 The purpose of this policy is to provide for the effective management of commercial use of Council's Parks, Public Reserves and Sportsgrounds, for personal and group fitness training activities, and to minimise the disturbance of the general public's use of Council's parks and reserves.

2. BACKGROUND

- 2.1 This Policy has been created to minimise the disturbance of the general public's use of Council's parks and reserves.
- 2.2 To ensure the overall community's equity of access to Council's parks, public reserves, public open spaces, and sporting grounds.
- 2.3 To address public risk concerns associated with Commercial Fitness Groups and Personal Trainers using Council's Parks, Public Reserves and Sportsgrounds.

3. APPLICABILITY

- 3.1 Applications must be made by individual fitness trainers and the written booking confirmation will be issued in their name. Bookings will not be made available to companies or organisations for allocation to numerous employees. Each trainer requires a separate approval under a company.
- 3.2 The following criteria must be met to be eligible for a booking to be accepted for the provision of organised or commercial fitness training activities in Wollondilly Shire Council's public parks and reserves. Evidence of the following must be provided at the time of application:
 - 3.2.1 Evidence in completing accredited courses specific to the type of activity being instructed. The course must be endorsed by Fitness Australia and/or VETAB providers such as TAFE and Universities;
 - 3.2.2 Current Senior First Aid Certificate;
 - 3.2.3 Current Public Liability Insurance which lists Wollondilly Shire Council as an interested party with a minimum of \$10,000,000 coverage; and
 - 3.2.4 Current professional Indemnity Insurance.

4. GUIDELINES

- 4.1 **Area**
 - 4.1.1 This policy applies to any parks, public open spaces, cycle ways, footpaths and shared pathways within parks and open spaces within the Wollondilly Local Government Area.

4.2 Permissible Fitness Activities included under this Policy (subject to Council Approval).

4.2.1 Commercial fitness sessions are limited to the normal activities of a registered personal trainer, yoga teacher or the like which would include but is not limited to:

4.2.1.1 Gym sessions (with or without weights, fit balls, skipping ropes etc);

4.2.1.2 Boxing and pad training;

4.2.1.3 Organised aerobic activity;

4.2.1.4 Yoga, Tai Chi and Pilates classes and like activities;

4.2.1.5 Circuit training;

4.2.1.6 Walking and running; and

4.2.1.7 Other appropriate cardio-vascular and muscular skeletal programs that are of benefit to a person's fitness including warming up and cooling down exercises.

4.3 **Prohibited Activities**

4.3.1 The following activities within public open space are prohibited under this policy:

4.3.1.1 Aggressive or intimidating activities including combat training;

4.3.1.2 Outdoor recreational activities conducted with amplified music or voice including megaphones or whistles;

4.3.1.3 Organised ball sports and competitions are restricted to designated ovals, sportsgrounds or courts, which are subject to the payment of applicable published fees and charges;

4.3.1.4 The soliciting of funds directly from park visitors or the public;

4.3.1.5 The offering for sale of merchandise or the distribution of printed materials;

4.3.1.6 The erection of advertising signs and banners without Council's written consent;

4.3.1.7 The erection of signs, stakes, ropes, cones or tape which barricade or give the impression that areas have been designated for exclusive use; and

4.3.1.8 The inappropriate use of seating, picnic tables, rotundas, and other part infrastructure, except as permitted in the written booking confirmation.

4.4 Exclusion Zones

4.4.1 Organised or commercial group fitness and personal training activities are not permitted within or on the following areas;

4.4.2 Cemeteries;

4.4.3 Areas of cultural or natural significance;

4.4.4 Within a 20 metre radius of any memorials, picnic sheds, playgrounds, public change rooms, churches or roadways;

4.4.5 Within a 20 metre radius of any residential dwelling;

4.4.6 Commercial areas of the Shire;

4.4.7 Any car park, roadway, laneway or areas that are generally used by motor vehicles; and

4.4.8 Environmentally sensitive zones or where degradation of the environment will or may occur as a result if the activities.

4.5 Use of designated sportsgrounds and courts is permitted, however a specific booking for each location is required together with a copy of current Public Liability Insurance. Fees, charges, terms and conditions relevant to the sportsgrounds and courts apply.

4.6 Use of areas such as swimming pools and courts is permitted in accordance with the relevant facilities hire fees and charges, and conditions of hire as considered appropriate by the centre management (this relates only to Leisure Centres).

4.7 Allocation of Permits

4.7.1 A booking will be valid for up to **one year** (with dates clearly specified in application) and will authorise each hirer to use Community and/or Crown Land for fitness activities in accordance with this policy on a **non-exclusive basis**. A new application **must** be lodged at the beginning of each year.

4.7.2 If the hirer wishes to cancel their booking, they will need to give a minimum of two weeks notice of intention to cancel in writing to Council – periodic invoicing will not be cancelled until written advice is received by Council from the hirer.

- 4.8 Applications for bookings and the number of bookings to be issued will be determined by Council officers taking into account the following factors:
- 4.8.1 Usage demand, intensity of use of the area and times requested.
 - 4.8.2 Number of approved trainers already in the area.
 - 4.8.3 Type of activities to be undertaken.
 - 4.8.4 The potential impact on other users and neighbouring residents during the times requested.
 - 4.8.5 Whether the activities will contribute to increasing congestion or user conflict in the area.
- 4.9 Penalties under Section 626 of the Local Government Act 1993 apply for non-compliance with the previous provisions of this policy and/or breach of booking and/or Conditions of Hire.
- 4.10 In considering the above, Council Officers may decide to:
- 4.10.1 Approve an application under Section 68 – Part D Community Land - of the Local Government Act 1993.
 - 4.10.2 Confirm a booking with restrictions on the number of people and types of activities, group size and the time and location on the activities.
 - 4.10.3 Not approve the application.
- 4.11 **Individuals**
- 4.11.1 One trainer only may be authorised by Council to operate at any one time under the approval issued. However, the authorised trainer can nominate a replacement person in case of illness or leave. The trainer must notify the Council within 24 hours of the scheduled session, quote the booking reference number and specify the replacement trainer. This replacement trainer must also be insured with relevant Public Liability Insurance, with a copy submitted to Council prior to the session.
 - 4.11.2 Each approval issued will include confirmation of the type of activities to be undertaken, when and where these activities can take place, the number and size of groups, the number of sessions and the session times.

4.12 Companies

While approvals will not be issued in company names, a company can apply on behalf of a number of employed trainers:

- 4.12.1 Each trainer requires separate approval for their rostered session times under a company. The company must provide a list of the qualified trainers who will operate under the company name.
- 4.12.2 All trainers must be insured under the company's insurance policy and be eligible to operate under the approval in accordance with this policy (refer to point 6. Eligibility).
- 4.12.3 Each approval issued will include confirmation of the type of activities to be undertaken, when and where these activities can take place, the number and size of the groups, the number of sessions and session times.

4.13 Identification Requirements

- 4.13.1 Each commercial fitness trainer who is given approval will be issued with a written booking confirmation letter that will contain information on the conditions of hire such as group size, fee category etc. This must be available at all times and be shown to Council Officers when requested.

4.14 Permit Fees

- 4.14.1 A fee is applicable in accordance with Council's adopted Fees and Charges as listed in Council's Management Plan for that financial year and in accordance with requirements contained in this policy. A Seasonal, Casual or License fee (whichever is applicable) will apply for the hire of Sportsgrounds, Parks and Reserves.

4.15 Conditions

- 4.15.1 Hirers must read and sign a User Agreement in regards to Risk Assessment, prior to commencing commercial fitness activities, inspect the immediate area to ensure no hazards are evident, and take appropriate measures to remove those hazards or alternately move the training site. Hirers must also immediately report to Council the hazard or any other hazardous matters observed during the training that may require Council's attention.
- 4.15.2 Under this policy and the Conditions of hire outlines in their written confirmation of booking, commercial fitness training activity operators:
 - 4.15.2.1 Must always conduct themselves in accordance with the Fitness Australia Code of Conduct in a proper and orderly manner and be considerate to other reserve users and surrounding residents.
 - 4.15.2.2 Must not create any noise from training activities that unreasonably disturbs other users and surrounding residents.

- 4.15.2.3 Must ensure that all noise associated with their activities does not include offensive noise as defined by the Protection of the Environment Operations Act 1997.
- 4.16 Hirers must ensure that any training group for which they are responsible, runs in single file when running in narrow areas (i.e. along footpaths, stairways and cycle ways), and always give way to pedestrians/cyclists using those areas. Hirers must also ensure that any activities conducted outside of their licensed area does not interfere with any Council approved or booked activity, or the passive recreational use of an area, or impact on the enjoyment of such passive use.
- 4.17 Hirers must leave the training area in the same condition it was at the commencement of the training session.
- 4.18 Each individual must only provide the activities for which they are suitably qualified, and manage the activities to minimize wear and tear on grassed areas (this includes rotating within the designated area and/or alternating activities).
- 4.19 Hirers must take out and maintain in their name, for the full duration of the term of the License Agreement, Public Liability Insurance for a minimum of \$10 million and produce documentary evidence of this, submitting, at the time of application to hire and at the time of renewal of said policy.
- 4.20 Council will accept no responsibility or liability for any interruption to business caused by the need for Council or any other authorized body to carry out any special event or any type of maintenance works on the approved public open space, inclement weather or any other interruption to business caused.
- 4.21 **Termination**
The council reserves the right to terminate its agreement with a hirer without notice if in its sole opinion it has determined that the trainer has failed to comply with the reasonable direction of its staff or has breached the Conditions of Hire or the terms of This Policy on the Use of Council's Reserves by Commercial Fitness Groups and Personal Trainers. A trainer whose Approval has been terminated can appeal in writing to the Coordinator, Wollondilly Shire Council at PO Box 21, Picton NSW 2571.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Manager Infrastructure Planning

6. RELATED POLICIES/PROTOCOLS

- 6.1 Nil

7. RELATED PROCEDURES

- 7.1 Nil

8. RELATED LEGISLATION

- 8.1 Local Government Act 1993
- 8.2 Protection of the Environment Operations Act 1997

9. ATTACHMENTS

- 9.1 Nil

10. RESOURCES

- 10.1 Nil

11. IMPLEMENTATION STATEMENT

- 11.1 To ensure this policy is implemented effectively, Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at Councillors, staff and council representatives and will involve:
 - 11.1.1 A review every three years/or in accordance with the changing needs of the community and with particular regard given to budgetary constraints.
 - 11.1.2 Any staff responsible for booking and/or managing Council facilities must be made aware of this policy.

12. POLICY HISTORY

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| 12.1 Date First Adopted | 19 April 2010 |
| 12.2 Most Recent Adoption | 29 November 2016 |
| 12.3 Next Review Date | 29 November 2019 |
| 12.4 Responsible Officer | Manager Infrastructure Planning |