



Parks & Reserves – Commercial Use for Personal Training

PURPOSE

The purpose of this policy is to:

- Establish guidelines for the use of parks and reserves by professional personal trainers on a commercial basis
- Ensure the process for the granting permission issuing of licences is transparent to preserve the community's confidence in Council as an impartial body
- Ensure equity of access to public parks and reserves.
- Reduce the impact of commercial fitness activities on asset condition and maintenance.
- Minimize public liability concerns.
- Regulate the use of Community Land for commercial interests.

SCOPE

This policy applies to all trainers wishing to conduct personal training on parks and reserves on a commercial basis.

POLICY STATEMENT

POLICY GUIDELINES

Eligibility

The following criteria must be met to be eligible for a licence to provide organized or commercial fitness training activities in Council's public reserves.

Evidence of the following must be provided at the time of application.

Essential

- Current Senior First Aid Certificate.
- Current public liability insurance that indemnifies Council to a minimum of \$20 million.

Desirable

- A registered professional trainer with Fitness NSW.



Permissible fitness activities under the policy (subject to Council approval)

may include:

- Gym sessions (with or without weights, fitballs, skipping ropes etc).
- Boxing and pad training.
- Organised aerobic activity.
- Yoga, Tai Chi and Pilates classes and like activities.
- Circuit training.
- A combination of any of the above.

Excluded Activities:

- Aggressive and intimidating activities will not be permitted.
- Amplified music or amplified audio (voice) equipment is not permitted.

Activity Duration

To ensure that any area is not over utilized, only 2 sessions of 1.5 hours are permissible on any given day. These sessions must be booked a minimum of three months in advance where possible.

Activity times are limited to between the hours of 5.30am to 6.00pm during the winter months and 5.30am to 8.30pm during the summer months.

Application for additional sessions during school holidays will be assessed on individual merit.

Exclusion Zones

No commercial fitness training will be permitted in high activity areas and/or areas of cultural, environmental or natural significance. Specific areas where these activities are prohibited include but are not limited to the following:

- Picnic sheds and benches.
- Exclusive use of public outdoor fitness equipment in parks and reserves.
- 25 metres from memorials.
- 25 metres from any playground or play equipment.
- 50 metres from any neighboring residential property.



- Any designated sports field or facility without a specific booking.
- Static training on stairways and pathways.
- Council may nominate other areas during the life of this policy as it sees fit.

Groups Excluded from this Policy

This Policy does not apply to the following groups:

- Local sporting clubs.
- Local schools.
- Corporate groups.

Any significant, organised activities these groups may wish to conduct on a public reserve, however, would be subject to an approval process under the general park usage procedures.

Size of Groups

Council officers will determine the number of persons permitted per group and the number of groups that are issued a licence. However, a licence **will not** be issued for groups that have more than 30 participants.

Allocation of Licences

A licence will be valid for 3 months (or a school term) and will authorise each trainer to use Community and/or Crown Land for fitness activities in accordance with this Policy on a **non-exclusive basis**.

Applications for licences and the number of licences to be issued will be determined by Council officers taking into account the following factors:

- Usage demand, intensity of use of the area and times requested.
- Number of approved trainers already using the area.
- Other activities (passive and active) being undertaken in the area.
- Type of activities to be undertaken and the potential impact on other users and neighbouring residents during the times requested.
- Whether the activities will contribute to increasing congestion or user conflict in the area requested.

In considering the above, Council officers may decide to:



1. Approve an application and issue a licence.
2. Issue a limited licence with restrictions on the number and types of activities, group size and the time and location of activities.
3. Not approve the application.

A trainer can nominate a replacement person in case of illness or leave. To do so, the trainer must notify Council in writing prior to the scheduled session, quote the licence number and specify the replacement trainer. The company/trainer must reflect this arrangement in the public liability insurance so that the replacement trainer is suitably covered.

Licences may be issued to an individual trainer or a company. Applications for licences must be submitted in writing accompanied by a "plan of operations" including:

- Times, days, locations of intended use, specific programs or activities, and the trainer(s) assigned to these activities.
- The licence is only applicable to one trainer employed by a company operating at any one time.
- The trainer operating under the licence is appropriately insured.

Each licence 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, number of sessions and session times.

Identification Requirements

Each commercial fitness trainer allocated a licence must have the licence available at all times to be shown to Council officers when requested.

Licence Fees

Fees for commercial personal training and other lesions will be set out in the fees and charges section in Council's Management Plan.

General Conditions

Licence holders:

1. Must only provide the activities for which they are suitably qualified and that have been approved by Council.
2. Must only operate in the areas and at the times specified by Council in the licence.



3. Must manage the activities to minimise wear and tear on grassed areas (this includes rotating within the designated area and/or alternating activities.
4. Must comply with reasonable directions of Council's Rangers and other authorised Council officers in relation to any unacceptable practices, or to display evidence of the licence in a prescribed manner.
5. Shall, prior to commencing static/grid training, inspect the immediate area to ensure no hazards are evident and take appropriate action to remove those hazards, or alternatively move the training site and, without undue delay, report to Council the hazard or any other hazardous matters observed during the training that may require Council's attention.
6. Shall not assign their rights under this licence or attempt in any other manner to transfer their rights under the licence to any other person, it being clearly understood that the licence is issued to a particular individual and is not transferable unless approved by Council in accordance with this Policy.
7. Shall indemnify Council against all damages, sums of money, costs, charges, expenses, actions, claims and demands which may be sustained or suffered or recovered or made against Council by any person for any loss of life or injury or damage any person may sustain due to the negligent act of a trainer whilst conducting a training sessions.
8. When conducting training on public reserves shall always conduct themselves in a proper and orderly manner and be considerate to other reserve users and adjacent residents.
9. Shall conduct their activities so as not to dominate, monopolize and/or obstruct any stairways or pathway.
10. Must not create any noise from training activities that unreasonably disturbs other users and adjacent residents.
11. Shall not suspend boxing or kickboxing bags from trees and/or structures in the public reserves.
12. Shall ensure that any exercise equipment used does not create any hazards or obstruction.
13. Must ensure that any training group (s) for which they are responsible, runs in single file when running in narrow areas.
14. Shall ensure that their clients do not step on or walk on or in any other way inappropriately use picnic tables and park furniture and shall leave the training area in the same condition it was at the commencement of training.
15. Shall take out and maintain in their name, for the duration of the term of the licence, public liability insurance for a minimum of \$20 million and produce documentary evidence of this at the time of application.



16. Shall agree that, notwithstanding any implication or rule of law to the contrary, Council shall not be liable for any damage or loss that any trainer and their clients may suffer by the act, default or neglect of any other person or by reason of Council failing to do something on or to the public space used.
17. Is only authorized to provide the training sessions specified in their licence and must not sell clothing or equipment or refreshments or any other good, service or product.
18. Must not display any advertising signage including banners or "A" frame signs on Council's public reserves.
19. Must not interfere with any Council approved or booked activity including but not limited to a wedding, birthday party, corporate BBQ, sport or sporting activity that is being carried out on any oval or reserve or part thereof and the trainer acknowledges that such a booking has priority over the trainer's use.
20. Shall be responsible for satisfying all occupational health and safety legislation and regulations.
21. Shall be liable for any fees or levies required by the Department of Industrial Relations or Work Cover or any other public authority or statutory body.
22. Council does not, and will not, accept liability for any debts incurred by any trainer and Council shall not be in any way responsible for any property of a trainer or any other person that may be left on the land or for any loss of any such property by theft or otherwise.

Termination

Council reserves the right to terminate its agreement with a trainer 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 terms of the licence or the terms of Council's Policy on the Commercial Uses of Parks for Personal Training and Other lessons.

A trainer whose licence has been terminated can appeal in writing to the General Manager.

RELATED RESOURCES

NIL

POLICY OWNER

The policy authority is the General Manager.

HUNTER'S HILL COUNCIL POLICY REGISTER



AUTHORISATION AND REVIEW

Next Review Date

The policy is due for review in 2018 or with any change to relevant legislation or Council Policy.

All employees and contractors are required to comply with any such changes to this policy.

Version Control Table

| Date | Version | Res. No. | Key Changes | Author |
|------------|---------|------------------|--------------------|---------|
| 14/11/2011 | 1.0 | 385/11 CM4315 | Adoption of policy | B Smith |
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