



Commercial Fitness Training Activities on Public Open Space Policy

Adoption Date:	28 April 2014 by Council Resolution
Review Date:	10 August 2019
Version:	2
Division/Department:	Technical Services/ Open Space & Trees
Responsible Officer:	Manager – Open Space & Trees
HPE CM Record Number:	18/119389

1 Policy Statement

We encourage physical activities in our open spaces to promote health and well-being, and manage them so as to safeguard the enjoyment of our public open spaces by all members of the community. To this end, we require professional fitness trainers to apply for permits which will enable us to manage the level and nature of these activities.

2 Application

Background

Council supports the use of public open space for both passive and active recreation. Participation in physical exercise and activities is widely known to improve health, fitness, well-being and quality of life. As well as areas of open space that are suitable for a wide range of active and passive recreational pursuits, there are a number of exercise stations located in parks within Woollahra that facilitate participation in fitness activities.

Public open space is to be retained primarily for use by the general public, however, it is recognised there is demand for commercial (professional) fitness trainers and their clients, and that the impacts of these service providers need to be managed to ensure equitable use of open space.

The purpose of this policy is to provide for the effective management of commercial use of open space for personal and group fitness training activities, to minimize disturbances on the general public's use of open space and adjoining residents' amenity.

Objectives

The objectives of the policy include:

- 1 Retain parks and foreshores for primarily public use;
- 2 Manage impacts of commercial fitness training activities on Council managed public open space, Council assets, local residents and the general community;
- 3 Minimise public liability concerns; and
- 4 Ensure equitable access to open space for all park users.

3 How This Policy Relates to Our Management Plan

This Policy relates to Themes, Goals and Strategies outlined in Council's Community Strategic Plan Woollahra 2025 and Priorities outlined in Council's Delivery Program and Operational Plan, specifically:

Theme: Quality places and spaces

Goal 5: Liveable places

Strategy 5.1: Enhance local community, cultural and recreation facilities to become more attractive, integrated, and accessible.

Priority 5.1.1: Plan for community, cultural and recreational facilities to ensure they reflect community needs and aspirations.

Priority 5.1.3: Implement a prioritised program of improvements to community and recreation facilities.

Strategy 5.3: Provide attractive, accessible, connected and safe parks, sportsgrounds, foreshore areas and other public spaces.

Priority 5.3.2: Implement a prioritised program of improvements to public open spaces.

Strategy 5.5: Enhance the physical environment of our local suburbs, neighbourhoods and town centres.

Priority 5.5.3: Maintain and improve accessibility to public places for all user groups.

4 Definitions

Term	Meaning
Fitness Training Activities	Include aerobic activities, resistance training (with or without equipment), punch pad training (boxing and kick boxing), relaxation or lifestyle classes such as yoga or tai chi, circuit type classes, water based recreational activities, children's fitness training or any combination.
Water Based Recreation Activities	Include but are not limited to; scuba diving, stand up paddle boarding and kayaking.
Children's Fitness Training	Includes children's sports based training with restricted to under six (6) years of age and a group size of less than 10.
Commercial Use	Use for the purposes of providing a fitness training activity for fee or payment.
Offensive Noise	as defined by the <i>Protection of the Environment Operations Act 1997</i> , means noise: a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances: i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is being emitted. b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

5 Implementation & Procedures

This policy applies to:

- Commercial personal and group fitness training activities;
- Council managed public open space within the Woollahra Local Government Area including beaches, parks and reserves.

Under S68 of the *Local Government Act 1993*, commercial fitness training activity providers require approval to use Council managed public open space.

Under S108 of the *Crown Lands Act 1989*, commercial fitness activity providers require approval to use Crown Land.

Application Procedure:

- Trainers must apply to Council for permission to use Council managed open space for their fitness training activities.
- A [Commercial, Personal and Group Fitness Training Form](#) available on Council's website must be completed.
- Applicants must hold Public Liability Insurance for the duration of the licence agreement.
- Names of other trainers must be provided if the permit is to be required for other than the applicant.

Water based recreational activities require further approvals including but not limited to an Aquatic Licence issued by Roads and Maritime Services (RMS) and adhere to relevant industry standards.

Assessment

Applications will be assessed in accordance with the following:

- Proposed timeframes and number of participants
- Type of activities to be undertaken and possible impact on the park, other users and neighbouring residents considering factors such as:
 - Usage demand and intensity of use of the location and times requested
 - Number of existing seasonal bookings and fitness trainer permits issued for location
 - Other activities (passive and active) undertaken in location and potential for increasing congestion and conflict between users
- Proof of Public Liability Insurance for the duration of the proposed permit period and where applicable other required licences.
- Any Plan of Management, Conservation Management Plan or other planning and management document that applies to a site.

Note: Council reserves the right not to approve new permits for a given period if complaints and issues arise at a particular park.

Permits

Permits will be issued in accordance with Section 68 of the *Local Government Act 1993*, Section 108 of the *Crown Lands Act 1989* and Council's Park Hire Approval Process. Permits will include Conditions of Hire (Annexure).

Breaches of conditions will be investigated by the Manager of Open Space and Trees or delegate. Breaches may result in the termination of a permit.

Signage located in Council managed public open space indicates that it is prohibited to undertake organised or commercial use of open space without Council approval. Should a commercial fitness training activity provider be using public open space without a permit, rangers will be able to undertake enforcement action in accordance with Section 632 of the *Local Government Act 1993*, for acting contrary to notices erected by councils.

Permits will be valid for one year, but may be withdrawn if conditions are not complied with.

Permits will not give rights to exclusive use of a park, reserve and foreshore.

Permits will identify the permit holder and (where requested) nominated representatives, the permitted activities, session times and durations, locations, and maximum number of participants.

Permits must be able to be produced on site on request by a Council officer.

Restrictions

Start times:

Fitness activities will generally be permitted from 6am. Noise generating fitness activities such as boxing, use of kick pads and voice commands **are required to be located 40m away from residential properties.**

In some small park & reserves (adjacent to neighbouring properties or where there is an amphitheatre effect) noise generating fitness activities **will only be permitted after 8:00am.**

Note: Council reserves the right to determine what parks are deemed large enough for these types of activities.

Finish times:

Fitness activities will be permitted up to 8.00pm.

Excluded areas:

Some areas are **excluded** from use for personal training and group fitness activities:

- Playgrounds
- Public Exercise Stations
- Cafés
- Turf Wicket area of Trumper Oval
- Memorials
- McKell Park
- Blackburn Gardens
- Redleaf grounds including boardwalk, stairs and paths, but excluding Swimming Area and Handball Court
- Chiswick Gardens
- Environmentally sensitive areas such as bushland and foreshore areas

Other areas may be deemed inappropriate from time to time by Council decision, based on demonstrated adverse impacts.

6 Schedule of Fees

A yearly fee of \$220 shall apply to applications for permits for commercial fitness training activities in public open space.

The fee will be reviewed in accordance with Council’s Fees and Charges.

7 Budget & Identification of Expenditure

The fee is imposed to cover the cost of Council resources required to process the application and administer the policy.

Documentation/References

	HPECM Reference
Commercial Use, Personal and Group Fitness Training Form	18/119421
Conditions of Hire	18/119488

This Policy will be reviewed every year or as required in the event of legislative changes. This Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this Policy.

Any amendment to this Policy must be by way of a Council Resolution.

For further information on this policy contact our Open Space and Trees Department. Advice is available from:

- Recreational Bookings Coordinator – 9391 7077
- Team Leader Open Space and Recreation Planning – 9391 7142

Policy Amendments

Date	Responsible Officer	Description
10 Aug 2018	Paul Fraser	Updated annual fee to \$220 as per 2018-2019 Fees and Charges Schedule.

Annexure



COMMERCIAL PERSONAL AND GROUP FITNESS TRAINING

CONDITIONS OF HIRE

The following uses of Council's Open Space will be considered:

Fitness Training Activities

Include aerobic activities, resistance training (with or without equipment), punch pad training (boxing and kick boxing), relaxation or lifestyle classes such as yoga or tai chi, circuit type classes, water based recreational activities, children's fitness training or any combination of the above.

Water Based Recreation Activities

Include but are not limited to; scuba diving, stand up paddle boarding and kayaking. Specific conditions will include:

- Class sizes are to be a maximum of 16 students, with a maximum student to instructor ratio of 8:1 (scuba).
- Class sizes are to be a maximum of 10 students, with a minimum student to instructor ratio of 8:1 (kayak & Stand Up Paddle).
- Pre-Dive swim tests and Rescue-Dive exercises are prohibited
- Classes, commercial groups and other associated activities are prohibited from being conducted in enclosed swimming areas such as, but not limited to, Watsons Bay Baths, Camp Cove swimming enclosure, Parsley Bay and Redleaf Pool.
- Council must sight a copy of the Aquatic Licence issued by Roads and Maritime Services (Kayak & Stand Up Paddle).
- Adherence to Academy Surfing Instructors accredited Stand Up Paddle School operating standards is required.
- All recreational scuba diving classes and activities must be in accordance with the Australian Standard, and accredited training agency standards (i.e. PADI, SSI, NAUI)
- All operators are required to adhere to relevant industry standards.
- A Risk Management Plan and Emergency Response Plan must be in place for each activity or class.
- It is a requirement that the instructor or person supervising holds the following qualifications: RLSSA Bronze Medallion award, or the equivalent industry qualifications from a registered training organisation, updated annually; and NSW Work Cover Authority approved Senior First Aid, or the equivalent in competencies, updated every three years.

Children's Fitness Training

Includes children's sports based training restricted to under six (6) years of age and a group size of less than 10. Specific conditions will include:

- Children's sports based fitness training are restricted to **children under six (6) years of age** (i.e. Non-school or preschool aged children) and a **group size of less than 10**.
- The use of any of Council's playing fields for any other purpose, outside of the above criteria, (such as sports camps or a group size greater than 10 etc.) requires the appropriate sports field hire permit (and relevant fees).

GENERAL CONDITIONS OF HIRE, APPLICABLE TO ALL ACTIVITIES

- Fitness activities will be permitted from 6.00am in certain parks (see table for list of parks). Noise generating fitness activities such as boxing, use of kick pads and voice commands are required to be located 40m away from residential properties.
- In some small park & reserves (adjacent to neighbouring properties or where there is an amphitheatre effect) noise generating fitness activities will only be permitted after 8:00am.
- Group fitness activities will be permitted up to 8.00pm.
- Must only operate in the locations specified in the licence agreement/approval.
- Group sizes must not exceed 20 people or the maximum numbers specified on the permit.
- Must not display any advertising signage, including A-frame signs or banners.
- Must respect the use of public spaces by other members of the community and not adversely impact upon them through offensive behaviour.
- Must not misuse any park furniture, trees or other infrastructure for the purpose of performing exercises or attaching fitness equipment or in any other inappropriate manner (that is, for any purpose other than for what it is designed)
- Must indemnify Woollahra Council and be solely liable for any claim, suits or judgements against Council and the applicant for personal injuries and property damages arising out of or occurring during the activities of the applicant or otherwise.
- Must comply with reasonable directions of Council Rangers and Officers in relation to any actual or potential conflicting activities or to display evidence of the licence agreement/ approval.

- Must not undertake commercial activities other than those specified in the permit, in particular, must not sell clothing, equipment or refreshments or any other goods, services or products.
- Must not use sporting fields sign-posted as closed due to wet weather or ground maintenance.
- The hiring of sports grounds to sporting clubs, schools and hirers has priority over Commercial Fitness Training Activities.
- The issuing of a permit to conduct Fitness Training Activities at sports ground locations, does not allow exclusive use of the venue.
- No sound amplification of any kind is to be used including loud hailers or megaphones. Noise from training activities must not create unreasonably disturbance to other users and adjacent residents.
- Bookings of more than 2 continuous hours will not be permitted.
- Fitness training activities will only be permitted from 6:00am to 8:00pm, and other time restrictions may apply dependent on proposed locations or activities.
- Noisy activities will be directed to areas of public open space that do not immediately adjoin residential properties (40m zone).
- No waste is to be left in the Park at the conclusion of the Park Hire. All rubbish must be removed and the area left in a clean and tidy condition.
- Operator or client vehicles must not be parked on Council's parks or reserves or upon grass verges or footpaths.
- Do not block private or public driveways. All parking of equipment trucks must comply with the signage existing in the street.
- No trees, shrubs or other vegetation must be removed, lopped or damaged.

Table 1: Parks permitted for Fitness Training from 6.00am

(Including noise generating fitness activities such as punch pad training, boxing, use of kick pads and voice commands)

Park Name	Noise generating fitness activities permitted from 6:00am (to be conducted 40m from residential properties)
Bellevue Park	✓
Christison Park	✓
Lighthouse Reserve	✓
Lough Playing Fields	✓
Lyne Park	✓
Robertson Park	✓
Rushcutters Bay Park	✓
Signal Hill Reserve	✓
Steyne Park	✓
Woollahra Ovals (1,2,3)	✓
Yarranabbe Park	✓

Note: All other parks can be utilised after 8.00am for noise generating activities

Prohibited Sites

Some areas are **excluded** from use for personal training and group fitness activities:

- Playgrounds
- Public Exercise Stations
- Café's
- Turf Wicket area of Trumper Oval
- Memorials
- McKell Park
- Blackburn Gardens
- Redleaf grounds including boardwalk, stairs and paths, but excluding Swimming Area and Handball Court
- Chiswick Gardens
- Environmentally sensitive areas such as bushland and foreshore areas
- Other areas may be deemed inappropriate from time to time by Council decision, based on demonstrated adverse impacts.

Wet Weather

- Woollahra Council has a recorded message advertising whether sports grounds are open or closed. In the event of wet weather, user groups should call Woollahra Council Wet Weather Line - **9391 7916**.
- Use of a park/ reserve, which is closed, may affect your ability for further approvals and use of Council's parks and reserves.
- Must not use parks/ sporting fields that are closed due to maintenance.
- You must abide by Council's Wet Weather Policy.