
10.5 Commercial Fitness Activity Local Law Report

Executive Summary

Purpose

This report commends Council's endorsement to place on public exhibition a proposed Commercial Fitness Activity Local Law and Personal Fitness Policy. This policy will assist in managing commercial fitness activities in Council's parks and gardens.

Issues

A proposed local law has been drafted (Attachment 3) for the purpose of amending various clauses of the Yarra City Council Roads and Council Land Local Law No 2 of 2002 (as amended 12 October 2004 and 19 June 2007) to manage the commercial activities of personal trainers utilising Yarra's parks and gardens for their commercial gains.

Council has received complaints from residents regarding the use by commercial fitness trainers detrimentally impacting the amenity of others in the parks due to:

- (a) noise from training activities (boots camp sessions);
- (b) inappropriate use of park playground equipment and benches;
- (c) allegations of aggressive behaviour to other parks users; and
- (d) personal training activities dominating or taking over small parks making it difficult for other park users.

Legal Implications

Currently Council has no local law and or policy to regulate personal training activities in Yarra's parks.

Under Section 111 *Local Government Act* 1989 (the Act) Council has the authority to make and implement a local law. Such a local law would be valid and not inconsistent with any other legislation.

Conclusion

The introduction of the proposed Commercial Fitness Local Law and Personal Training Policy and permit system would allow Council to regulate commercial training activities within its parks.

RECOMMENDATION

That Council endorse the proposed Commercial Fitness Activity Local Law and Personal Training Policy and place them on public exhibition for comment with a view of enacting a Local Law restricting commercial fitness activities in Council Parks.

RECOMMENDATION

1. That Council endorse in principle the proposed Commercial Fitness Activity Local Law and Personal Training Policy for the purpose of public exhibition for comment for a period of one month.
2. That Council receive a report following the exhibition period on comments received and options for Council consideration.

PLANNING, ENVIRONMENT AND INFRASTRUCTURE COMMITTEE RECOMMENDATION

Moved: Councillor Morton

Seconded: Councillor Jolly

That this item be deferred.

CARRIED

Further Information

3. At the Committee meeting some questions were asked by Councillors regarding the suggested fee structure and in particular the level of fees proposed. Responses to these questions are outlined below.
4. Following a review of the proposed fee structure by Council's Open Space Branch the fee structure for the preferred option 2 is now suggested as follows:
 - (a) the permit fee for Category A (1 – 2 people) for a 6 month permit to be reduced from \$400 to \$200 which equates to \$1.00 per participant per session;
 - (b) the permit fee for Category B (3 – 6 people) to remain at \$600 for a 6 month permit which equates to \$1.00 per participant per session;
 - (c) the permit fee for Category C - Boot Camps (7 – 15 people) to remain at \$1,000 for a 6 month permit which equates to \$1.38 per participant per session;
 - (d) the introduction of a maximum number of 15 participants to Category C - Boot Camps to minimise the impact on other park users;
 - (e) the introduction of a maximum number of Category C – Boot Camps of 2 per week per permit/per reserve to ensure minimal impact on the park and neighbours over the course of the week; and
 - (f) the 10 week duration for Category C - Boot Camps to be removed making the permit valid for 6 months.
4. Refinement of Option 2 is now suggested to be:
 - (b) Option 2 (6 month permit)
Permit Length – 6 months (Category A, B and C)

- Category A (1 - 2 people) - \$200 per permit / 4 sessions per week
- Category B (3 - 6 people) - \$600 per permit / 4 sessions per week
- Category C - Boot Camp (7 - 15 people) - \$1,000 per permit / 2 sessions per week

5. Option 2 is considered to have the following advantages:

- (a) as with all options the permit is issued to the Commercial Trainer;
- (b) this permit duration is for six months, which is in line with seasonal sports grounds allocations;
- (c) the six month duration will allow for permits to be issued subject to grounds condition;
- (d) this option will minimise administrative costs;
- (e) the permit costs are appropriately scaled to encourage small scale personal training activities and charge commercial rates for boot camps;
- (f) regulates personal training activities across Yarra’s parks and gardens subject to condition; and
- (g) implementation of the permit system will allow Council to regularly carry out spot checks and ensure that commercial fitness activities are conducted only in the specified areas.

6. This option has the following disadvantages:

- (a) restricts physical activity within Yarra’s parks and gardens and in particular, local parks; and
- (a) additional administrative costs to Council.

7. At the Committee meeting it was asked why the ‘Allen Bain Reserve’ was not included in the park evaluation. Council’s Open Space Branch has reviewed the suitability of the reserve and found it suitable for commercial fitness activity and it has been included in the revised evaluation table:

Park	Park Category	Category A up to 2 people	Category B up to 6 people	Category C Boot Camp up to 15 people
Alphington Park	Neighbourhood	√	√	
Atherton Gardens	Neighbourhood	√	√	
Barkly Gardens	Neighbourhood	√		
Burnley Park	City Wide	√	√	
Allen Bain Reserve	Richmond	√	√	
Citizens	Neighbourhood	√	√	

Park				
Darling Gardens	City Wide	√	√	
Dights Falls	Regional	√		
Edinburgh Gardens	City Wide	√	√	
Fairfield Park	Regional	√	√	√
Gahan's Reserve	Neighbourhood	√		
George Knott Reserve	Regional	√	√	
Halls Reserve	Regional	√		
Hardy Gallagher	Neighbourhood	√		
KB Reserve	City Wide	√	√	
Loys Paddock	Regional	√		
Mayors Park	City Wide	√		
Mc Conchie Reserve	Local	√		
O'Connell Reserve	Local	√		
Quarries Park	Regional	√	√	√
Rushall Recreation Reserve		√	√	√
Smith Reserve	Local	√		
Vic Park	City Wide			√

REVISED OFFICER RECOMMENDATION

8. That Council note the report and the additional information provided by officers in relation to Commercial Fitness Training Activities in Council Parks.
9. That Council endorse in principle the proposed Commercial Fitness Activity Local Law and Personal Training Policy (with the suggested amendments as outlined in the report at clauses 36 – 40) for the purpose of public exhibition for comment for a period of one month.
10. That Council receive a report following the exhibition period on comments received and options for Council consideration.

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Jolly

Seconded: Councillor D'Agostino

That standing orders be suspended.

CARRIED

Submissions

The following people addressed the Council on this matter:

Ms Fiona Lane; and

Ms Rosemary Mason.

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor Fristacky

Seconded: Councillor Jolly

That standing orders be resumed.

CARRIED

COUNCIL RESOLUTION

Moved: Councillor Sekhon

Seconded: Councillor Farrar

1. That:

- (a) Council note the report and the additional information provided by officers in relation to Commercial Fitness Training Activities in Council Parks;
- (b) Council endorse in principle the proposed Commercial Fitness Activity Local Law and Personal Training Policy (with the suggested amendments as outlined in the report at clauses 36 – 40) for the purpose of public exhibition for comment for a period of one month;
- (c) Council receive a report following the exhibition period on comments received and options for Council consideration; and
- (d) the term "boot camp" be removed from the report and the definition in the Personal Training Permit Application, and that Coulson Reserve be included in the Evaluation Table.

CARRIED

A division was called.

FOR: Councillors Sekhon, Farrar, Barbour, D'Agostino, Maltzahn and Morton

AGAINST: Councillors Fristacky and Jolly

CONTACT OFFICER: Mark Dornau
TITLE: Manager Environmental Services
TEL: 9205 5720

CONTACT OFFICER: Steven McMurray
TITLE: Manager Building and Regulatory Services
TEL: 9205 5004

Attachment 1 – Draft of Personal Training Policy

Attachment 2 – Permit Application Form

Attachment 3 – Proposed Commercial Fitness Activity Local Law



Personal Training PoLiCY

ATTACHMENT 1

Purpose

To outline the procedures that all personal training groups and businesses must follow in order to obtain a permit for permission of use for various locations in parks and gardens within the City of Yarra.

Personal Training is a form of physical activity that is growing in popularity. This activity can involve one client or large groups at the one time. The activity also involves using a range of fitness equipment.

Whilst all parks and gardens are an available resource to the local community, it is important that such activities as those encompassed throughout a personal training session do not impose on other locals using the park or deteriorate the quality or condition of the park by over using particular areas.

The increase in personal training activities throughout the municipality has raised a number of issues that are addressed throughout this policy, they include;

- Equity of access issues.
Potential conflict with displaced users, management of demand, domination and monopolisation of areas and exploitation of public land by commercial operators have posed large problems.
- Impact on the asset and inappropriate use of monuments.
Trainers, especially large groups are causing wear and tear to recreational facilities that are used by all in the local community.
- Noise to nearby residents
- Public Liability concerns.

Although all qualified personal trainers are required to have public liability insurance, this insurance may not cover some activities that may be conducted by some businesses.

This policy establishes a framework to ensure that personal training activities are conducted in a manner that minimises their impact on the municipality's parks and gardens and amenity of nearby residents. This will be achieved by outlining the conditions of use for personal training in City of Yarra's parks this will include the type of equipment that is permitted and those areas that have been determined as the most suitable sites for this type of activity.

Scope

This policy applies to all individuals and groups that intend on conducting personal training sessions on any of City of Yarra's parks or gardens.

Any individual or business that intends on running personal training and/or instruction activities on public land and is receiving a commercial benefit must apply to gain a permit for personal training.

This does not include the following groups:

- Local Sporting Clubs

Responsible officer	Document No.	Approval date	Page
Insert the title of the Manager / officer responsible for this policy.	Governance will insert this number when registering the document	Insert the date this policy was approved or reviewed.	1 of 2

Template revised 18 January 2007

- Local Schools

Types of activities permitted within this policy:

- Running drills
- 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.

Types of activities not permitted as part of this policy:

- Activities that involve amplified music or voice equipment.

Conditions of use of parks for personal training activities

- All activities are to take place on the nominated spaces throughout all Council parks and gardens.
- Maximum numbers of participants are not to exceed 10 persons per group per training session.
- Permits are subject to payment and approval prior to use.
- A valid copy of Certificate of Currency must be provided to Council. This Public Liability Insurance must have a cover of \$10,000,000.
- Training is not to take place before 6am daily and not after 8pm.
- There is not to be any pegs, markers etc that are put into the ground.
- No sounds such as music, loud speakers or mega phones to be used throughout a training session. The noise from a personal training session should not be heard from outside of the parks proximity.
- No heavy structures such as amplifiers, lights, signage, moveable park furniture (eg: chairs or benches) are to be used.
- The minimal amount of distance that must be kept throughout personal training activities from other structures in a park is 4 metres, these structures may include but are not limited to;
 - a) Paths – Walking or bicycle tracks.
 - b) Playgrounds and related equipment.
 - c) Pavilions and Public Toilets
 - d) Monuments.

Responsible officer	Document No.	Approval date	Page
Insert the title of the Manager / officer responsible for this policy.	Governance will insert this number when registering the document	Insert the date this policy was approved or reviewed.	2 of 2



Personal Training Permit Application

Definitions

"Personal Training or Boot Camp activities" shall be used to describe organised activities conducted by a commercial business at a Council venue (i.e. Council sports ground, park or open space).

"Booking" shall refer to the process to acquire the right to hire from the City of Yarra a designated area of open space.

"Council" refers to the City of Yarra.

"Open Space" shall be used to describe a designated City of Yarra park, garden, rotunda or reserve.

"Sports Ground" shall be used to describe a City of Yarra Council owned sporting ground/field.

Booking and Event Permit Process

The City of Yarra has a designated number of community parks and open spaces for hire for personal training activities. This application process should be used by commercial businesses, groups or individuals seeking to:

- a) Book a City of Yarra open space or park for the purpose of conducting personal training or boot camp activities to one or more persons.
- b) Conduct a commercial/business activity within a Council park or open space.

The booking and event permit process aims to ensure personal training activities do not compromise the condition of Council's assets and to allow Council to regulate the amount of usage at each venue.

This permit process also allows Council to make a judgement on the types of activities that are appropriate for each venue and do not conflict with other activities including the enjoyment of residents and visitors and to ensure the appropriate scheduling of park maintenance.

An application is required to conduct personal training activities and boot camp activities for one-off or regular commercial or community activities in an open space, including exercise classes, personal training activities and regular group gatherings (over 30 people). Applicants may be required to pay a hire fee and other charges.

Advance Notice

Applications should be received by the City of Yarra at least 14 days prior to the date of commencement of any training activities or programs. It is recommended applications be made as far in advance as possible.

Terms and Conditions

Applicants must agree to the standard Terms and Conditions for the Hire of Community Parks or Open Space (attached). Additional Terms and Conditions may be necessary depending upon the activity taking place.

Permits, Licences, Permissions

A range of permits, licences and permissions from the City of Yarra and other authorities may be required for an event. It is the responsibility of the event organiser to ensure the event obtains all necessary permissions.

ATTACHMENT 2

Fees and Charges

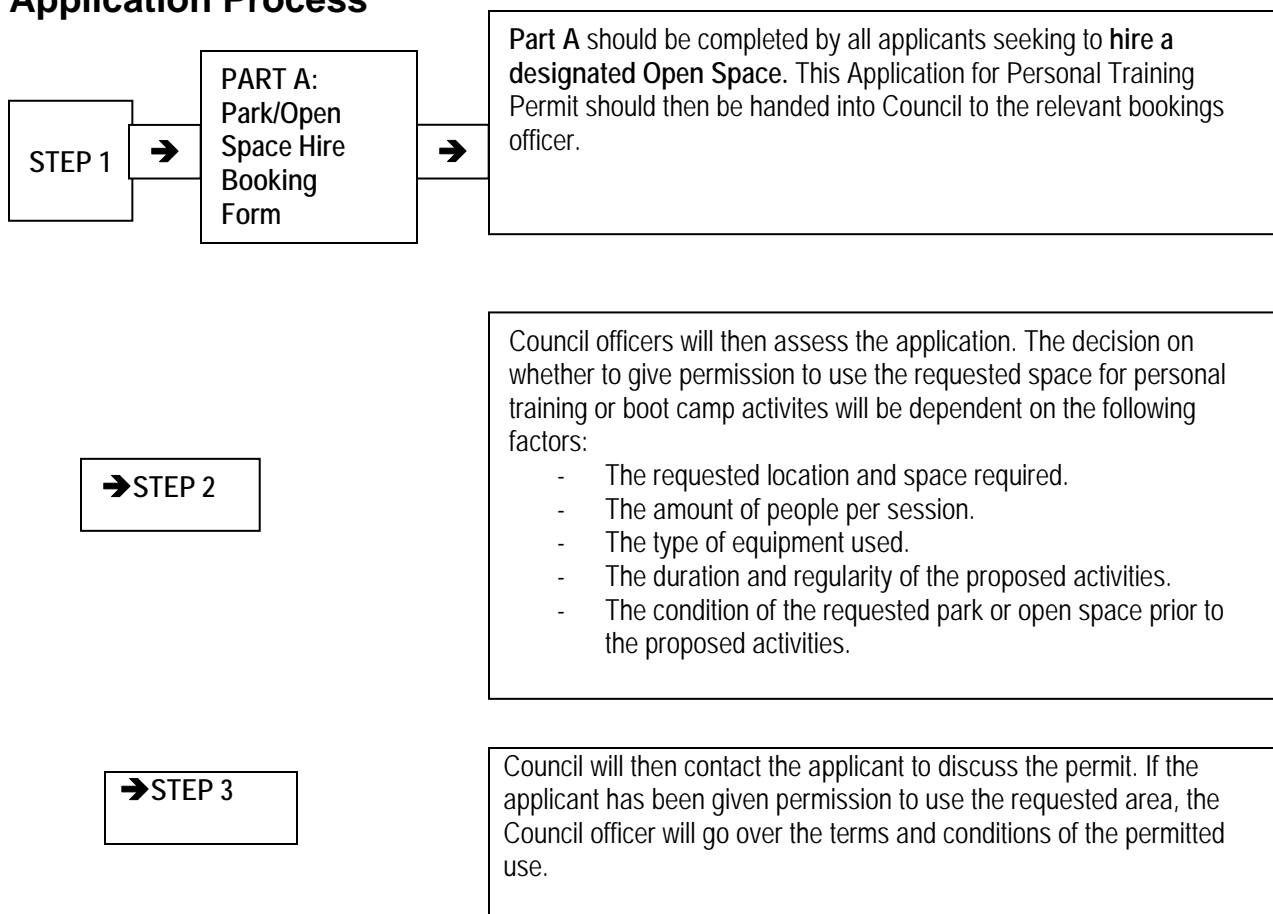
A range of fees and charges apply for the hire of Council venues and the conduct of personal training and boot camp activities.

Applicants will be advised of the total fees when the application has been assessed. Approval is only valid when full payment has been made.

Approval Process

The City of Yarra will provide details confirming a booking for a Council park or open space and issue a personal training permit, upon receipt of all required information. To allow time for the relevant permits, permissions, licences and plans to be put into place, an interim permission may be provided prior to the final personal training permit being issued.

Application Process



ATTACHMENT 2



PART A – PARK OR OPEN SPACE FOR PERSONAL TRAINING HIRE BOOKING FORM

1. APPLICANT DETAILS

Contact name:	
Organisation:	Position:
Postal Address:	
Postcode:	
Phone No: (BH)	Phone No: (AH)
Facsimile:	Mobile:
Email address:	
Website:	
ABN	

2. PARK / OPEN SPACE REQUEST

Please tick the park or garden requested.

<input type="checkbox"/> Atherton Gardens, North Fitzroy	<input type="checkbox"/> Alphington Park, Alphington	<input type="checkbox"/> Barkly Gardens, Burnley
<input type="checkbox"/> Burnley Park, Burnley	<input type="checkbox"/> Citizens Park, Richmond	<input type="checkbox"/> Darling Gardens Park, Clifton Hill
<input type="checkbox"/> Dights Falls, Clifton Hill	<input type="checkbox"/> Edinburgh Gardens Park, North Fitzroy	<input type="checkbox"/> Fairfield Park, Fairfield
<input type="checkbox"/> Kevin Bartlet Reserve	<input type="checkbox"/> Gahns Reserve, Abbotsford	<input type="checkbox"/> Quarries Park, Clifton Hill
<input type="checkbox"/> George Knott Athletics Track, Clifton Hill	<input type="checkbox"/> Halls Reserve, Clifton Hill	<input type="checkbox"/> Hardy Gallagher, North Carlton
<input type="checkbox"/> Loys Paddock, Richmond	<input type="checkbox"/> Mayors Park, Clifton Hill	<input type="checkbox"/> McConchie Reserve, Richmond
<input type="checkbox"/> O'Connell Reserve, Richmond	<input type="checkbox"/> Rushall Recreation Reserve, North Fitzroy	<input type="checkbox"/> Smith Reserve, Fitzroy

ATTACHMENT 2

Victoria Park, Abbotsford

3. TRAINING DETAILS

Business Name:					
Proposed Training Date/Day (s):		Start Time:		End Time:	
Date beginning: Date ending:					
Training Description: include: <ul style="list-style-type: none"> - Number or participants. - Type of equipment used. - Duration of training. - content, purpose, key audience, activities etc) 					
Estimated size/space required:					

4. INSURANCE

Does the applicant organisation have their own current Public Liability Insurance (min Aust \$10 million)?

Yes No

If No, this permit will not be approved.

A certificate of currency for your insurance (valid for date of the activity and in the joint names of Council and the applicant) must be provided to the City of Yarra. **Please attach.**

Please complete the Conditions of Use section of this permit prior to lodging application.

ATTACHMENT 2

CONDITIONS OF USE AGREEMENT

The standard *Terms and Conditions for the Hire of a Park or Open Space in City of Yarra* are provided with this document. Conditions are subject to change and additional conditions can be added by the City of Yarra depending on the applicant requirements.

- I acknowledge I have read and agree to the standard conditions attached to this document.
Yes No

- The information provided is true and correct and I accept all responsibilities relating to the Personal Training Permit and Policy document.
Yes No

I acknowledge that I have read and understood all of the requirements as set out in the Personal Training Policy and that by attaining a Personal training permit does not allow exclusive use of any park or open space..

Yes No

- I agree to pay all fees, charges and bonds to the City of Yarra for the permit and use of a park or open space for personal training activities.

Yes No

Signed: _____

Date: _____

Print Name: _____

Please forward permit application to:

Sports Development Officer
City of Yarra
PO Box 168 Richmond Vic 3121
Facsimile: 03 8417 6666
Email: ryanc@yarracity.vic.gov.au

Applicants will be advised if they are required to submit additional information and apply for additional permits or permissions. Unless further information is required, the following process should occur:-

- Booking request will be converted to a tentative booking and the booking and payment forms will be forwarded to the applicant for signing and payment.
- Confirmation of a Personal training permit will be finalised after full payment of fees and charges.

ATTACHMENT 2

YARRA CITY COUNCIL

TERMS AND CONDITIONS OF THE Hire of Community Venue/Hall or Open Space

VENUE/HALL HIRE:

1. **TENTATIVE:** Booking/s will be held for 14 days only.
2. **CONFIRMED:** A Booking will only become confirmed after full payment of the hire fee, bond & insurance fee (where applicable), and must be made 14 days prior to booked date.

PERMITS:

3. **Council Permits and Permissions** – All necessary permits, licences and permissions must be obtained from Council and other relevant authorities prior to conducting any personal training activities..

INSURANCE:4.**Public Liability Insurance**

The permit holder must take out a Public Liability Policy for a Minimum of \$10 million in the joint names of Council and the User. A certificate of currency must be provided to Council prior to the commencement of any Hire..

DAMAGE:

For the hired assets of council, the hirer will take steps to ensure their patrons will not cause damage or defacement. Failure to adhere to the above may result in loss of bond and additional charges.

IDEMNITY:

The Hirer agrees to indemnify and keep indemnified and to hold harmless the Council, its servants and agents and each of them from and against all actions, costs, claims, charges, expenses and damages whatsoever which may be bought or made or claimed against it by any of them arising out of or in any way related to the granting of this licence and/or the use of the Premises.

Council is not responsible for any theft, loss, damage or injury suffered by the hirer or any guest or invitee of the hirer, or any person coming on the premises during the period of hire, and the hirer indemnifies the Council in respect of all claims for loss, damage or injury caused by any person or property during the period of hire, or as a result of the use by the hirer of the premises or park.

NOISE RESTRICTIONS:

Any noise generated by this function must comply with the relevant Environment Protection Act Guidelines N-1: Public Address Systems. As a general rule, noise from training activities should not exceed the perimeter of the area of park or open space in which the activity is taking place.

LIABILITY:

The hirer must – (a) adhere to the requirements as set out in the Personal training policy in relation to amount of usage, noise, equipment used and times and days, (b) respect other park users and (c) be responsible for any damage caused by the conducted personal training activities.

COUNCIL ACCESS / LIMIT OF HIRE:

Authorised Council Officers are entitled access to all buildings or park regardless of bookings. Council also reserves the right to hire any portion of the building or park, other than the areas stated on the application form. The Council reserves the right to cancel any booking if the space intended for use is required in respect of an election or referendum for the Federal or State Governments. If it is necessary to cancel any booking, the Council will attempt to find an alternative venue or date.

SETTING UP/PACK UP (Applicable to Halls & Parks):

The hirer has the responsibility for setting up and clearing away all equipment to its original location, unless arrangements have been made to engage Council staff to carry out this work at a cost. Please do not put spikes or pegs into any parkland or use equipment in such a way that is likely to damage grounds surfaces, trees or garden beds.

EMERGENCY EXITS:

All emergency exit, passageways, paths and roadways should be left clear at all times.

EMERGENCY CONTACT:

After hours emergency contact can be made by telephoning our after hours number – 9205 5555.

BREACHES:

Council reserves the right to expel person(s) or terminate a training session due to any breach or condition of hire and/or misconduct by patrons.

PRIVACY:

The personal information requested on this permit application form is for the hire of Council Facilities. The personal information will be used solely by Council for this primary purpose or directly related purposes. The Council may disclose this information to relevant internal branches for the purpose of payment and refund of payment for hiring of Council facilities. You may access this information by contacting Councils Sports Development Officer.

ATTACHMENT 2

ADDITIONAL CONDITIONS & INFORMATION FOR

PARKS and OPEN SPACES

The hirer shall leave all rooms, open spaces and kitchens in a tidy condition and shall immediately remove all rubbish, refuse and waste water into the receptacles provided.

The use of confetti, streamers or similar articles of decoration or amusement are prohibited.

1. No vehicles are to be driven within parks & gardens, unless permission provided by council officer.
2. No temporary fencing or roping off an area is permitted, unless permission is provided by a council officer.
1. No pegs or spikes are to be put in ground (weights eg water containers, sand bags & stone blocks, acceptable).
2. Trees are not to be used for securing any items or signage.
3. Site inspections e.g. for erecting structures and planning events, are subject to an additional charge (conditions apply).
4. Council's park BBQ's are for public use and cannot be hired for exclusive use.
5. Any directions given by council officers must be adhered to.
6. All waste products generated by any training activities must be removed during or at the conclusion of the event.
7. Any damage to Council property, gardens, park surfaces, trees or shrubs will be repaired at the hirers
8. Any incidents or accidents must be reported to council officers immediately.

YARRA CITY COUNCIL
ROADS AND COUNCIL LAND (AMENDMENT) LOCAL LAW NO ## OF 2008
AMENDING LOCAL LAW

PART A - INTRODUCTORY

1. Title

This Local Law is called the Yarra City Council Roads and Council Land (Amendment) Local Law 2008 (Local Law No. # 2008).

2. Objectives of Local Law

This Local Law is made for the purposes of amending various clauses of the Yarra City Council Roads and Council Land Local Law No. 2 of 2002 (as amended 12 October 2004 and 19 June 2007).

3. Power for making and commencement of this Local Law.

This Local Law is made under section 111 of the Act.

4. Commencement

This Local Law comes into operation at the beginning of the day on which it is made.

5. Sunset Provision

This Local Law ceases to operate when the Yarra City Council Roads and Council Land Local Law No. 2 of 2002 (as amended 12 October 2004 and 19 June 2007) ceases to operate.

6. Application

This Local Law operates throughout the municipal district of Yarra City Council.

7. Definitions

In this Local Law, unless inconsistent with the context:

"**Act**" means the *Local Government Act 1989*.

"**Primary Local Law**" means Yarra City Council's Roads and Council Land Local Law No 2 of 2002 (as amended 12 October 2004 and 19 June 2007).

[5443510: 5744277v1]

PART B – AMENDING CLAUSES**8. Amending Clauses**

8.1 In clause 7 of the Primary Local Law:

8.1.1 immediately after the definition of "the Council" insert:

"Commercial fitness activities" means any individual or group fitness activities involving a commercial fitness trainer where the commercial fitness trainer derives a payment or reward, either directly or indirectly, in connection with such fitness activities, and includes (but is not limited to) –

- gym sessions (with or without weights, fitballs, skipping ropes or other personal fitness equipment)
- boxing and pad training
- organised aerobic activity
- yoga, tai chi and pilates classes and like activities
- circuit training
- jogging
- soccer
- a combination of any of the above.

"Commercial fitness trainer" means a person that receives payment for conducting commercial fitness activities.

8.1.2 immediately after the definition of "emergency service" insert:

"Exclusion zone" means any of the following areas within a recreational reserve –

- 10 metres from memorials
- 10 metres from any playground or play equipment
- 10 metres from any public change room, toilet or kiosk area
- 15 metres from any residential property
- any sports field or facility without a specific booking
- stairways and pathways
- picnic sheds and benches"

8.2 Immediately after clause 19.3 of the Primary Local Law insert:

"19B. Commercial fitness activities**19B.1 Commercial fitness activities in exclusion zones prohibited**

19B.1.1 A commercial fitness trainer must not conduct commercial fitness activities in an exclusion zone.

[5443510: 5744277v1]

Penalty: twenty (20) penalty units

19B.1.2 A person must not participate in commercial fitness activities in an exclusion zone.

Penalty: twenty (20) penalty units

19B.1.3 It is a defence to the offences prescribed in this clause if the commercial fitness trainer or person participating in the commercial fitness activities was, at the time of the offence, transiting a stairway or pathway.

19B.1 Application for permit for commercial fitness activities

19B.2.1 A commercial fitness trainer may apply to Council for a permit to undertake commercial fitness activities in recreational reserves, other than in exclusion zones.

19B.2.2 A commercial fitness trainer must not conduct commercial fitness activities in a recreational reserve without a permit, or contrary to the conditions of a permit.

Penalty: twenty (20) penalty units

19B.2.3 A commercial fitness trainer must produce a permit on the request of an authorised officer when conducting commercial fitness activities in a recreational reserve.

Penalty: twenty (20) penalty units

19B.2.4 Local sporting clubs and schools are exempt from the requirement to obtain a permit under this clause.

19B.3 Anti-social behaviour and nuisance

19B.3.1 A commercial fitness trainer must not use amplified music or audio equipment when conducting commercial fitness activities in a recreational reserve.

Penalty: twenty (20) penalty units

19B.3.2 A commercial fitness trainer conducting commercial fitness activities, and persons participating in commercial fitness activities in a recreational reserve must not engage in aggressive or intimidating behaviour, or cause a nuisance.

Penalty: twenty (20) penalty units

8.3 Immediately after clause 26 in Schedule 1 of the Primary Local Law insert:

"27. Ensure equity of access to recreational reserves and resolve conflict between those who wish to undertake commercial fitness activities and other users of recreational reserves.

28. Ensure commercial fitness activities do not adversely impact on assets, including preventing wear and tear on recreational facilities.

[5443510: 5744277v1]