

Submission of Feedback Regarding the Proposed Personal Training Policy and Permit System

The City of Yarra draft personal training policy seeks to address issues of equity of access, impact on parks and park assets, noise and public liability concerns. The City of Yarra also seeks to build relationships with groups using the parks on a regular basis similar to those between council and local sporting clubs. However, the proposed permit system is highly restrictive and unreasonable, poses a threat to small business, and provides no evidence that it will address the concerns as identified. It contradicts a number of Victorian government policies in the areas of cutting the cost of doing business in Victoria, reducing regulation of business, encouraging a range of physical activity and promoting community involvement and connectedness.

All aforementioned issues could be addressed by a permit system which nominated areas of parks that could be used, specifying permitted activities and times, and restricting the use of music; without limiting business operations within the park and imposing fees that are prohibitive to business and the public's engagement in group fitness.

This submission of feedback outlines:

- How the permit system contradicts its own objectives
- The disadvantages of the proposed system
- Negative impacts on Healthy Balance Fitness program in Fitzroy
- Suggestions for a more equitable system for all

How the proposed permit system contravenes its own objectives

“The aim of the Personal Training Policy will be to establish a framework to ensure parks and gardens are available for everyone”¹

“...so that parks can be enjoyed by the whole community”²

Fitness groups of 3-6 participants will be prohibited in 9 parks and fitness groups of 7 or more participants will be prohibited from 18 out of 22 City of Yarra Parks. This is far from ensuring the parks and gardens are available for residents who choose to exercise in groups.

Over the past 3 years Healthy Balance Fitness has assisted 247 City of Yarra residents to become physically fitter. Our program appeals to men and women generally aged between 25 and 55 years, who do not attend gyms, or play team sports. Our clients prefer to exercise in a group for motivation, education, safety and enhanced commitment to long-term exercise. Prohibiting Category C group sizes from Edinburgh Gardens

¹ City of Yarra [Draft Personal Training Policy and Permit System](#) Fact Sheet

² City of Yarra [Draft Personal Training Policy and Permit System](#) Fact Sheet

would prevent our clients (and clients of other Category C fitness groups) from continuing their chosen fitness program in their local park, greatly compromising the physical activity options within the municipality.

Local sporting clubs receive preferential use of sporting grounds, clubrooms, grandstands and storerooms in our open spaces and Government invests a great deal in maintaining playing grounds and swimming pools for organised sporting clubs, however these clubs do not suit everyone. Our female clientele and over 35 year old male clientele feel excluded from local sporting clubs who select and retain members on the basis of athletic performance and skill. Group fitness programs welcome all levels of experience and fitness and participants are encouraged to work at their own pace. Our inclusive fitness community fosters confidence and graduated improvement for all, ensuring a long-term commitment to physical activity. Removing Category C groups from 18 City of Yarra parks will marginalise female residents, residents over 35 years old, obese residents and inexperienced or unfit residents who prefer outdoor group fitness but do not feel welcome or able to join a sporting club.

Key Points

- Prohibiting and restricting group training from parks interferes with people's chosen use of the park
- Restricting people's chosen use of the park compromises the physical activity options within the municipality
- Restricting group fitness has the potential to marginalise members of the community who choose group fitness as a safe, graduated, and inclusive fitness option

“Identify areas within the City of Yarra’s open space network that are suitable and sustainable for personal training activities”³

Although I’m not personally familiar with all of the 18 parks that will be made unavailable to Category C groups, I am very familiar with Edinburgh Gardens. Edinburgh Gardens is a very large park (24 hectares) with grassy areas away from public walkways and facilities and away from residential properties, making it very suitable for group fitness activities. In the Public Meeting Minutes from September 16, 2008, City of Yarra Council found “There are no direct environmental implications other than wear and tear on the parkland”⁴.

Healthy Balance Fitness (and other fitness providers) bring our own small portable equipment and do not use power, club rooms, store rooms, maintained cricket pitches or water intensive sports ovals. Our impact on the park is much less than that of organised sporting clubs.

We believe that the policy does not adequately identify all suitable and sustainable areas for fitness. It also does not adequately address the stated concerns about the impact on parks.

Key Points

- The City of Yarra Council found that “There are no direct environmental implications other than wear and tear on the parkland”
- The impact from group fitness activities is minimal and less than that of organised sporting clubs
- The Policy lacks identification of suitable areas for fitness
- The Policy lacks information about the environmental impact from group fitness

³ City of Yarra [Draft Personal Training Policy and Permit System](#) Fact Sheet

⁴ City of Yarra [Public Meeting Minutes](#), 16 September 2008

“Promote and facilitate physical activity within the municipality”.⁵

Restricting Category C groups to only one session per week is in direct conflict with The Physical Activity Guidelines issued by the Australian Government in April 2008, which state that moderate intensity physical activity should be done on most, preferably all, days.⁶ For a majority of our clients, participating in our program three times per week is the only exercise they do. Limiting these individuals to enjoying their chosen group training only once a week will have detrimental effects to their health and fitness.

Key Points

- The Policy is in conflict with The Physical Activity Guidelines issued by the Australian Government in April 2008
- The Policy limits people’s access to group fitness and therefore limits their access to their chosen form of physical exercise

“...allowing personal trainers to operate within a fair and affordable framework.”⁷

“Enable Council to work in partnership with personal trainers going forward.”⁸

The proposed permit system is far from affordable and fair and will not provide an opportunity for fitness businesses to move forward, but will cease outdoor fitness for Category C groups in 18 City of Yarra parks.

In the 4 parks that will allow Category C groups, only two fitness operators will be permitted to use each park for one session per week for the price of \$1,000 for 6 months. This equates to 26 sessions in the six month period, charged at \$38.50 per session.

To make our classes very affordable for local residents and accessible to a wider range of people, we enrol 20 participants per class only charging \$12.50 per class, for 3 sessions per week. One session collects \$250 in participant fees (revenue only – not profit). Even if we were permitted to operate 3 times per week from the park, the cut to class size in addition to the permit cost would result in a price increase of \$6.70 per class for each of our City of Yarra participants (in order for Healthy Balance Fitness to collect the same \$250 per session in revenue).

Per session calculation (\$250 Revenue + \$38.50 permit cost) ÷ 15 participants = \$19.20 per participant per session

No longer would our program be accessible to such a wide range of local residents, as it would cost \$19.20 per session or \$57.70 per week as opposed to \$37.50 per week. With residents feeling the effects of the recent economic crisis, a price increase would very likely mean a compromise to their fitness program. Healthy Balance Fitness is a micro business and therefore could not forgo passing on the rise in costs.

The Small Business Regulatory Impact Assessment Manual by VCEC states “The Victorian Government is committed to reducing the regulatory burden, creating a competitive business environment and achieving better social outcomes for Victorians. All new legislative proposals that have significant impacts on business must be thoroughly assessed to ensure the benefits to the community outweigh the costs and the best option is being considered. In addition, a special assessment of the impact of the proposed legislation on small business is required...”⁹

⁵ City of Yarra [Draft Personal Training Policy and Permit System](#) Fact Sheet

⁶ Australian Government, Dept Health & Ageing [Physical Activity Guidelines](#)

⁷ City of Yarra [Draft Personal Training Policy and Permit System](#) Fact Sheet

⁸ City of Yarra [Draft Personal Training Policy and Permit System](#) Fact Sheet

⁹ [Small Business Regulatory Impact Assessment Manual](#), March 2007

Key Points

- The Policy is not fair and affordable as it will stop outdoor fitness for Category C groups in 18 City of Yarra parks, which restricts the core business of group fitness operations
- Prices for clients will have to increase to cover the costs of the permits, which may result in a loss of clients and be detrimental to business
- During this time of financial uncertainty, price increases will be significant to clients and may result in them ceasing to engage in group fitness thereby affecting their health and wellbeing
- The Policy increases the regulatory burden for fitness professionals thereby contradicting the Small Business Regulatory Impact Assessment Manual by VCEC

“Allow Council to monitor and regulate activities within its parks and adjust usage to prevent over usage.”¹⁰

Fitness groups most commonly use the parks before 7.30am, which is not a peak time for general public use. There is no evidential documentation to support the threat of over usage before 7:30am and we strongly recommend a study of use to be conducted before such threat can be asserted. Edinburgh Gardens is of such a size that more than one fitness group could operate at the same time without even being in view of one another. In my three years experience in Edinburgh Gardens we are lucky to see more than 10 members of the general public before 7:30am.

Key Points

- Fitness groups predominantly operate outside peak usage times, therefore, there is scarce potential for over-usage
- There are no statistics to demonstrate usage before 7am and “over usage” has not been quantified

“Address the concerns voiced from many local residents in relation to inappropriate use of local parks and gardens.”¹¹

Removing Category C groups entirely from 18 City of Yarra parks is an overly reactive response to such complaints. Regulating the areas that can be used within these parks, outlining the appropriate behaviour and restricting groups from training near public structures will address the complaints raised. No doubt feedback will demonstrate a greater number of public complaints regarding the removal of fitness groups from parks, than the number of complaints regarding the behaviour of such fitness groups.

Key Points

- The number of concerns voiced, relative to the number of users who benefit from group training has not been quantified
- There are ways to respond to complaints, outside restrictive permits, which are outlined below

Community Consultation and Action Plan

The City of Yarra has a commitment to improving and exploring new ways of undertaking community consultation. Prior to the Draft Personal Training Policy and Permit System, Healthy Balance Fitness was not consulted, nor to our knowledge were any of our fitness colleagues in the area. Publishing a proposed system prior to consultation with businesses and community could be argued to have unfairly influenced the debate. Specifically, it defines the debate, and restricts discussion outside the framework of the draft policy.

¹⁰ City of Yarra [Draft Personal Training Policy and Permit System](#) Fact Sheet

¹¹ City of Yarra [Draft Personal Training Policy and Permit System](#) Fact Sheet

The best way to assess the fairness and affordability of a new framework for fitness providers, is to conduct a Business Impact Assessment and execute extensive consultation with the fitness providers themselves prior to drafting a policy.

Key Points

- Community consultation should occur prior to a draft Policy being written to ensure consultation is effective and has integrity
- Community consultation prior to drafting a policy is necessary to ensure the policy reflects the actual experiences and financial situation of those who will be affected by the policy

Disadvantages of the Proposed Personal Training Policy and Permit System

6 month permits do not allow small businesses adequate time to plan ahead, advertise, budget and determine cash flow.

The future of our business is tenuous if we do not know if we'll be issued a permit in the following 6 months. The Victorian Government's *Time to Thrive* initiative addresses the need to support established small businesses with "succession planning and contingency planning", "reduced complexity of regulation and licensing compliance across Local, State and Federal Government".¹² This initiative also asserts that "The Victorian Government will reduce the time businesses need to spend complying with regulation".¹³

Key Points

- 6 month permits limit planning, marketing and the financial viability of businesses
- 6 month permits contradict the Victorian Government's *Time to Thrive* initiative

There is no indication whether there will be a competitive tender process for allocating permits

The allocation of such restrictive permits may result in a monopoly for group fitness trainers, thereby threatening the viability of small businesses and competition. The method for allocating permits has not been defined.

Key Points

- The allocation of permits may threaten the viability of small businesses
- The method for allocating permits has not been defined

The policy implies that outdoor group fitness training is somehow not a valid use of a park

Key Point

- For many local residents and rate payers, their chosen method of enjoying their local park is being unnecessarily restricted.

¹² Victorian Government [Time to Thrive](#) August 2008

¹³ Victorian Government [Time to Thrive](#) August 2008

By prohibiting Fitness Groups of 3-6 participants in 9 parks and Fitness groups of 7 or more participants from 18 out of 22 City of Yarra Parks the policy is compromising community development

Exercising as a part of a group in a nearby park is an effective way for local residents to get to know each other and form friendships with neighbours, especially for those residents who do not have any involvement in local schools or clubs. The City of Yarra's Municipal Public Health Plan (MPHP) states its goal is to "Undertake to build social connectedness for at risk groups in Yarra, including... women"¹⁴ and one of its objectives "to facilitate increased involvement and participation of women in community life"¹⁵. The Healthy Balance Fitness program at Fitzroy currently encompasses 16 female local residents, and our programs regularly have a 70% female participation. Our clients become very friendly with one another, swapping email addresses, phone numbers and even organise exercise and social events outside of our program. Ceasing larger group fitness in most parks would greatly compromise community and connectedness in open spaces, which does not occur when using the park as an individual.

Key Point

- Ceasing larger group fitness in most parks would greatly compromise community and connectedness

By severely restricting or prohibiting Fitness Groups from City of Yarra Parks the policy contravenes the MPHP Action Plan's goal "to maximise opportunities for healthy living practices in Yarra".¹⁶

Key Point

- Many fitness programs that are currently offered will cease.

City of Yarra residents should be permitted to choose to participate in group fitness in their parks as opposed to being limited to gymnasiums indoors, with higher fees, joining fees, contracts and a requirement to commit to long term memberships.

Healthy Balance Fitness provides an outdoor option that is affordable and requires no joining fee, contract or commitment beyond 6 weeks making our program accessible to a wider range of the Yarra community. Council needs to be encouraging the expansion of fitness options rather than limiting them.

Key Points

- Group fitness is affordable, which benefits residents and this may be threatened by the Policy
- Group fitness encourages the health and wellbeing of many City of Yarra residents and this should be fostered

¹⁴ City of Yarra [Municipal Public Health Plan Action Plan](#) 2007-08

¹⁵ City of Yarra [Municipal Public Health Plan Action Plan](#) 2007-08

¹⁶ City of Yarra [Municipal Public Health Plan Action Plan](#) 2007-08

Suggestions for a more equitable system for all users of Open Space in City of Yarra

Healthy Balance Fitness fully supports the introduction of a permit system to ensure:

- Commercial operators hold public liability insurance to address public liability concerns
- Professional and respectful behaviour towards all park users
- Appropriate use of the parks, staying clear of monuments, trees, toilet facilities, BBQ areas, play equipment, sporting grounds and not unfairly impacting on any individual park users
- Consideration for the environment –cleaning the area after use, no distribution of any advertising material, no erecting signs or attaching equipment to the ground or trees
- No amplified music or amplified audio equipment

Suggestions

- Healthy Balance Fitness strongly suggests a 6 month trial system similar to the current City of Port Phillip system. City of Port Phillip currently issues a FREE six month permit to any fitness groups with public liability insurance conducting fitness training for 15 or fewer participants. There is no restriction on how many times the fitness provider may operate classes per week, and no restriction on when or where the classes are conducted (Foreshore is not permitted). This allows the City of Port Phillip to monitor for six months:
 - Where fitness providers are operating from
 - How many fitness providers are in each space
 - The size of the fitness groupswithout restricting the local residents' freedom to use their open space as they choose and without unfairly impacting on small businesses prior to gathering essential evidence.
- Healthy Balance Fitness also strongly urges that a Business Impact Assessment be conducted, in addition to extensive consultation with all the local fitness providers to establish a more affordable permit for all Categories.
- Public consultation with local residents living in close proximity to the park *and* park users.
- A study of the park usage (by individuals *and* Commercial fitness groups) at various times needs to be documented to prove the threat of overcrowding. Our experience leads us to seriously doubt such claims.
- A detailed documented explanation of how the capacity and number of permits/sessions for each Category was determined for each of the 22 parks.
- Healthy Balance Fitness strongly suggests that more permits be issued for each park, three sessions per week be permitted per provider, and that Category C groups be allowed in more parks including Edinburgh Gardens.

Healthy Balance Fitness strongly asserts that the policy proposal is overly restrictive and proposed fees extremely excessive. The proposed policy will abolish many popular group fitness programs and result in the end of many small fitness businesses in the City of Yarra. As such, the proposed policy is in direct conflict with government objectives to increase physical activity, promote social and community connectedness and support small business in Victoria.

We welcome feedback and further discussion about the Policy as we believe in an equitable and reasonable approach to group fitness in the City of Yarra parks.

Yours sincerely,

Jodie Arnot
Director
Healthy Balance Fitness