



Commercial Fitness Training Activities on Public Open Space (2007)

Commercial Fitness Training Activities on Public Open Space

Our policy

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.

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 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.

How this policy relates to our Management Plan

The policy is prepared in accordance with the objectives of the Parks & Public Space Principal Activity. The objectives include:

- *To provide open space and recreational facilities which meet the needs of the community.*
- *To promote appropriate use of open space and recreational facilities for the well-being of the community*

Definitions

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 or any combination of the above.

Commercial Use – use for the purposes of providing a fitness training activity for fee or payment.

Offensive Noise – as defined by the *Protection of the Environment Operations Act 1997*, 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.

Want to know more?

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

- Recreational Bookings Coordinator – 9391 7077
- Parks and Recreation Coordinator – 9391 7142

Gary James, General Manager

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 LGA Act, commercial fitness training activity providers require approval to use Council managed public open space.

Application Procedure:

Trainers must apply to Council for permission to use Council managed open space for their fitness training activities.

A “*Personal and Group Fitness Training Park Use*” form 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.

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.
- Any Plan of Management, Conservation Management Plan or other planning and management document that applies to a site.

Permits

Permits will be issued in accordance with Section 68 of the *Local Government Act 1993* and Council’s Park Hire Approval Process. Permits will include conditions (see Attachment).

Breaches of conditions will be investigated by Manager of Public Open Space 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 two years, but may be withdrawn if conditions are not complied with.

Permits will not give rights to exclusive use of a park or reserve.

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

Finish times:

Fitness activities will generally be permitted up to 8.00pm.

Start times:

In some parks, such as Rushcutters Bay Park and Lyne Park, **early morning (from 6:00am)** noise generating fitness activities such as boxing, use of kick pads and voice commands **will be permitted**. Other activities such as jogging, running, Pilates and yoga can be carried out at any time.

In other parks and reserves, where usable open space is located adjacent to adjoining residences (generally less than 40m), or where there is an amphitheatre effect which causes noise to travel, such as at Trumper Oval and Lower Cooper Park, noise generating fitness activities **will only be permitted after 8:00am**. Other activities such as jogging, running, Pilates and yoga can be carried out at any time.

See Attached Schedule:

Excluded areas:

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

- Playgrounds
- Public Exercise Stations
- 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.

Schedule of Fees

A fee of \$200 shall apply to applications for permits for commercial fitness training activities in public open space:

The fee will be reviewed after the second year of operation in accordance with Council's Fees and Charges.

Budget & Identification of expenditure

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

Attachments

Application Form

Permit Conditions

Schedule of Parks and Fitness Training Activity restrictions

Permit Conditions

Advising:

Council does not and will not accept any responsibility or liability for any property placed on or left on land or for any loss by theft or otherwise

Conditions:

The holder of a permit or nominated representative:

- Must only operate in the locations and times specified in the licence agreement/approval.
- Must not exceed 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 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.

Schedule of Parks and Fitness Training Activity restrictions

Category	A	B	C
Park name	Noise generating fitness activities permitted from 6:00am to 9:00pm	Noise generating fitness activities permitted from 8:00am to 8:00pm	Non noise generating fitness activities permitted 6:00am to 9:00pm
Christison Park	✓		✓
Lyne Park	✓		✓
Woollahra Oval 1	✓		✓
Rushcutters Bay Park	✓		✓
Steyne Park	✓		✓
Yarranabee Park	✓		✓
Lough Playing Fields		✓	✓
Redleaf Swimming Area and Handball Court		✓	✓
Trumper Oval		✓	✓
Lower Cooper Park		✓	✓
Woollahra Ovals 2 & 3		✓	✓
Robertson Park		✓	✓