

**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).

**PART B – AMENDING CLAUSES**

**8. Amending Clauses**

In clause 7 of the Primary Local Law:

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.

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"

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.

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

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.

29. Prohibit aggressive or intimidating behaviour by persons undertaking commercial fitness activities in recreational reserves.”

Insert the following into Schedule 3 to the Primary Local Law:

Clause	Description of offence	Infringement notice	Court penalty
19B1.1	Commercial fitness activities in exclusion zone – trainer	2	20
19B1.2	Commercial fitness activities in exclusion zone – participant	1	20
19B2.2	Commercial fitness training without or contrary to a permit.	2	20
19B2.3	Fail to produce permit whilst commercial fitness training.	1	20
19B3.1	Commercial fitness training using amplified music or audio when commercial fitness training	1	20
19B3.2	Conducting or participating in commercial fitness activities and engaging in aggressive or intimidating behaviour, or causing a nuisance	2	20

**THIS LOCAL LAW WAS MADE BY RESOLUTION OF YARRA CITY COUNCIL AT A COUNCIL MEETING HELD ON ## insert date ## 2008**, and the sealing of the document was authorised.

**THE COMMON SEAL** of the  
**YARRA CITY COUNCIL** was  
 hereunto affixed this            day of  
 ....., 2008,  
 in the presence of :

..... COUNCILLOR

..... CHIEF EXECUTIVE OFFICER