



Use of Public Open Space by Commercial Fitness Groups and Personal Trainers Policy

Sutherland Shire Council

Document review and approval

This document has been approved by

	Name	Minute No	Date approved
1	Finance & Management Committee FIN177-10	783	31 May, 2010
2	Finance & Management Committee FIN020-11	783	23 August, 2010
3			

Revision history

Version	Author	Date	Revision
1	Manager – Sport & Recreation	24 May, 2010	Original Version
2	Manager – Sport & Recreation	16 August, 2010	<i>Changes to approval process and circumstances for the termination of approvals</i>
3	<i>Manager Active Communities</i>	1 May, 2012	<i>Reviewed by Manager under Annual review process, policy is current however minor adjustments may be necessary in the near future.</i>
4	<i>Manager Active Communities</i>	9 October, 2012	<i>Minor administrative adjustments to allow for fee changes and clarification of use of off leash dog areas</i>
5	<i>Acting Sport and Recreation Coordinator</i>	31 December, 2013	<i>Reviewed under annual review process, references to \$\$ value of fees and charges removed, replaced by a line referring readers to the schedule of fees and charges to see current charges.</i>
6	<i>Sport and Recreation Coordinator</i>	13 January, 2015	<i>Reviewed under annual review process, no amendments necessary</i>
7	<i>Acting Sport and Recreation Coordinator (ES)</i>	9 June, 2015	<i>Minor administrative adjustments to change Sport & Recreation Unit to Sports Services Unit, add Kareela Synthetic Oval to Excluded Zones and to amend 2.10.6 to include the words "...do not use picnic tables and/or park furniture to conduct training or...".</i>

1. Introduction

Group and personal fitness training is one of the strongest growth segments in the fitness industry. Increasing numbers of commercial fitness groups and personal trainers using public open space within the Sutherland Shire local government area has raised a number of issues including equal access to public open space by all members of the community, the impact on the high level of use of Council assets and public liability concerns.

A policy for the use of public open space by commercial fitness group trainers and personal trainers is required to resolve and manage the various issues that have evolved due to the growth in the industry within the Sutherland Shire local government area.

The management of the use of community land within the Sutherland Shire local government area is regulated by the *Local Government Act_1993* and *Crown Lands Act 1989*, and is subject to Council's plans of management.

1.1 Purpose

The purpose of this policy is to provide for the effective management of the use of public open space by commercial fitness training groups and personal trainers. The policy aims to ensure that commercial fitness training activities are delivered in a way that minimises the impact on surrounding residents, protects public infrastructure and addresses public risk concerns. The policy also supports Council's strategic directions of "safe, active and healthy lifestyles".

In implementing this policy, Council aims to:

- a) Ensure equity of access to public parks, reserves and other spaces
- b) Manage and reduce the impact of commercial fitness activities on the condition of Council assets and the community.

1.2 Area to which the policy applies

The policy for the Use of Public Open Space by Commercial Fitness Group Trainers and Personal Trainers applies to Council managed public open space within the Sutherland Shire local government area, including all parks, sports fields, sporting facilities, beaches, footpaths and open spaces/reserves. The scope of this policy refers to all personal and group fitness training sessions conducted on these lands

1.3 Approval Process

1.3.1 Each commercial fitness trainer and personal trainer covered by this policy requires an approval pursuant to section 68 of the *Local Government Act 1993*. Each individual commercial fitness trainer will require an approval from Council, for example, one business employing six trainers will require six approvals, one in the name of each trainer.

1.3.2 Each approved commercial fitness trainer and personal trainer allocated an approval will be issued with a colour-coded arm band and an ID card. The arm band must be displayed at all times and be shown to Council officers when requested. The ID card must be produced on request from Council officers. The arm band is to be returned to Council if the approval to use public open space for commercial fitness group and personal training is not renewed or terminated.

1.3.3 Penalties may apply if the following offence(s) are committed:

- A commercial fitness trainer or personal trainer is found to be using public open space on a regular basis for fitness/training activities without Council approval; or,
- An approved commercial fitness trainer or personal trainer is not operating in accordance with the policy.

1.4 Term of Approval

An approval will be valid for current financial year expiring each year on 30th June. The approval will authorise each trainer to use public open space for commercial fitness training activities strictly in accordance with this policy on a non exclusive basis.

1.5 Issue of Approval

1.5.1 Applications for a commercial fitness group training and personal training approval will be assessed by Council officers taking into account the following factors:

- Evidence of the qualifications and insurance (as per clause 2.3) provided with the application;
- Type of activities to be undertaken and the potential impact on the public asset, other users and neighbouring residents during the times requested; and
- Whether the activities will contribute to increasing congestion or user conflict in the areas requested.
- Whether the proposed training site is within an exclusion zone

1.5.2 In considering the above, Council officers may decide to:

- a) Approve an application and issue an approval; or
- b) Not approve the application.

1.5.3 The approval to conduct commercial fitness group training and personal training within the Sutherland Shire local government area is personal and is not transferable to any other commercial fitness trainer or personal trainer.

1.6 Fees

An annual fee per trainer will be applicable under this policy. There will be a fee for businesses with 4 or fewer trainers and a reduced annual fee per trainer is applicable for businesses with 5 or more trainers. A fee will be charged for replacement of ID card and/or arm band. All fees will be as adopted by Council each year in its Schedule of Fees and Charges.

1.7 Compliance with terms and condition of Policy

Council approved commercial fitness group trainers and personal trainers must comply with the terms and conditions of the Policy for the Use of Public Open Space by Commercial Fitness Trainers and Personal Trainers. Breaches of the policy may be referred to Fitness Australia and may be subject to a warning and/or penalty notice.

1.8 Termination of Approval

Council can terminate an approval to conduct commercial fitness group training and/or personal training on public open space in the following circumstances:

- The qualifications criteria are not complied with, e.g. no registration with Fitness Australia or equivalent body; or
- The approval holder has been issued with three or more written warnings or three or more penalty notices or any combination of warnings in writing or penalty notices, for non compliance with the policy.

Council will issue four weeks' notice of termination in writing to the approval holder. The offending trainer will also be referred to Fitness Australia.

1.9 Exclusion zones

Commercial fitness training trainers and personal trainers are not permitted to operate in areas of high activity and / or areas of cultural, environmental or natural significance. Specific areas where these activities are prohibited include but are not limited to the following:

- Kareela Synthetic Oval

- Sutherland Shire Centenary Park, Karimbla Rd, Miranda
- Playground areas (fenced)
- Park furniture picnic tables, shelters, seats and benches
- Bushland areas as defined as zone 14 in the SSLEP 2006
- E.G Waterhouse Gardens (known as Camellia Gardens), President Ave, Caringbah
- Forby Sutherland Gardens, Sutherland
- Munro Park, Cronulla
- Group use (i.e. over 10 clients) of Public ocean pools including Cronulla, Shelly Beach and Oak Park ocean pools, Cronulla
- Within 10 metres of memorials and memorial seats, playground equipment and public change rooms, toilets or kiosk areas
- No static commercial fitness training within 50 metres of residential properties
- Sporting facilities (sports fields, netball courts and athletics tracks) that have use by allocated community sporting groups and schools. Allocated community sporting clubs have the priority of use of sporting facilities. Use of sporting facilities outside of these times must be in accordance with Council's wet weather procedure, please call the wet weather line on 9710 0105.

1.10 Permissible fitness activities under the policy (subject to Council approval)

Only the following commercial fitness training group and personal training activities will be approved on all Council public open space not listed in clause 1.9:

- fitness sessions (with or without weights, fitballs, skipping ropes etc)
- boxing and pad training
- organised aerobic activity
- yoga, tai chi and pilates and like activities
- circuit training
- a combination of any of the above
- other pre-approved fitness activity

1.11 Prohibited activities

The following commercial fitness training group and personal training activities are not permitted on Council public open space within the Sutherland Shire local government area:

- Aggressive and intimidating activities as determined by Council
- Use of amplified music or amplified audio (voice) equipment
- Dragging tyres or other heavy items over any surfaces including sporting fields and parks

- Portable fitness equipment/machinery such as spin bikes, weight machines and rowing machines
- Group training with companion animals on or off leash (Excluding Wanda off-leash area – hours of off-leash area operation apply)

1.12 Groups exempt from this policy

This policy does not apply to the following groups, however Council approval is required by these groups for use of Council owned and managed land in accordance with the following table:

Group	Application process for use approval
Local sporting clubs and associations	Council's Sports Services Unit via Council playing field allocation process
Local schools	Council's Sports Services Unit via Council's playing field schools allocation process
Surf Life Saving Clubs	Council's Beaches Operations Unit
Corporate groups	Council's Sports Services Unit
Defence Forces	Council's Sports Services Unit

Any significant, organised activities these groups may wish to conduct on public open space would be subject to Council's event application process. (A Council event application form is available on Council's website www.sutherland.nsw.gov.au).

2. General Provisions

2.1 Size of groups

Based on Fitness Australia recommendations, the size of fitness training groups will be limited to **18** participants per trainer where participants are undertaking the same activity. Where participants are undertaking different activities (eg circuit training), group size will be limited to **6** participants per trainer.

2.2 Approved hours of operation

Commercial fitness group trainers and/or personal trainers will have approval to operate on public open space during the following hours:

Daylight savings time – 6.00am until 8.30pm

Non-daylight savings time – 6.00am until 8.00pm (if adequate lighting is available)

(Don Lucas Reserve, Wanda (or other pre-approved sites) permitted use from 5.30am).

2.3 Qualifications

The following criteria must be met to be eligible for an approval to provide commercial fitness group training and/or personal training activities in the Sutherland Shire local government area.

Evidence of the following must be provided with the application form (www.sutherland.nsw.gov.au)

- A professional trainer registration with Fitness Australia or equivalent body (a copy of training qualifications to be provided to Council with application)
- Current Senior First Aid Certificate
- Current public liability insurance which indemnifies Sutherland Shire Council to a minimum of \$10 million

2.4 Storage

All equipment used for training sessions is to be stored off site. The erection of structures for the storage of fitness equipment is not permitted.

2.5 Car Parking

Council approved commercial fitness group trainers and/or personal trainers and participants are required to park in designated parking areas in accordance with parking control signs. Parking on grassed open space is not permitted and may incur penalties in accordance with sections 632, 650 and 651 of the *Local Government Act 1993* and the *Road Rules 2008*.

2.6 Risk management

Council approved commercial fitness group trainers and/or personal trainers must, prior to commencing any commercial fitness training activities, inspect the immediate area to ensure no hazards are evident and take appropriate action to remove those hazards or alternatively move to another training site (if appropriate) and, without undue delay, but within 24 hours, report to Council the hazard or any other hazardous matters observed during the training that may require Council's attention.

2.7 Insurance

Council approved commercial fitness group trainers and/or personal trainers must take out and maintain in their name or business name, for the duration of the term of the approval, public liability insurance for a minimum of \$10 million (or such greater amount as Council may reasonably require) and produce documentary evidence of this at the time of application.

2.8 Business interruption

Council will accept no responsibility or liability for any interruption to business caused by Council or any other authority carrying out any special event, filming or type of maintenance works on approved public open space sites.

2.9 Open space availability

Council offers no guarantee or warranty that either the public open space will be:

- 2.9.1 Available at any time; or
- 2.9.2 Suitable for use.

2.10 General Conditions

Under this policy commercial fitness group trainers and/or personal trainers must:

- 2.10.1** Always conduct themselves in a proper and orderly manner and be considerate to other users and adjacent residents;
- 2.10.2** Not create any noise from training activities that unreasonably disturbs other users and/or adjacent residents;
- 2.10.3** Ensure that any exercise equipment used does not create any hazards or obstruction;
- 2.10.4** Ensure that any training group for which they are responsible, runs in single file when running on footpaths or in narrow areas;
- 2.10.5** Not interfere with any Council approved or booked activities being carried out on any Council property, as such a booking has priority over the trainer's use. This includes the allocated community sporting use of sporting fields;
- 2.10.6** Ensure that their clients do not use picnic tables and/or park furniture to conduct training or to store any bags or equipment that would leave members of the public unable to utilise these facilities (see clause 1.9 Exclusion zones);
- 2.10.7** Leave the training area in the same condition it was at the commencement of training;
- 2.10.8** Notify Council of any damage(s) within 24 hours;
- 2.10.9** Not display any advertising signage including banners or 'A' frame signs on Council's public reserves at any time;
- 2.10.10** Vary or rotate their location for static and repeated training so as to reduce wear on turf; and,

2.10.11 Not suspend boxing bags, kickboxing bags or any other training apparatus from trees and/or structures in public reserves.