



GUIDELINES ON THE USE OF COUNCIL RESERVES BY COMMERCIAL FITNESS GROUPS AND PERSONAL TRAINERS

1. Background

Management of the use of public reserves within the City of Port Phillip Area is regulated by the Local Government Act 1993 and Crown Lands Act 1989, and is subject to Council's Plans of Management.

Personal fitness training is one of the strongest growth segments in the Fitness Industry. Increasing numbers of commercial fitness trainers using public reserves has raised a number of issues including:

- a) Competition and equitable access to limited public open space
- b) Managing impacts generated by organised fitness training groups on the public open space, park assets, and other park users
- c) Effective Management and regulation of personal fitness trainers conducting activities on public open space, including public liability and occupational health and safety concerns for Council, participants and personal trainers.

Council's Open Space Strategy 2006 details a number of principles which are intended to guide future decisions taken by Council in regard to the supply and management of public open space. Specifically Principle 2 states that 'Commercial events in parks need to demonstrate net community benefit. The impacts of commercial events upon public access to open space will be monitored and regulated'

These guidelines address the need to regulate use of public reserves by organised or commercial fitness groups and personal fitness trainers.

2. Purpose / Objectives

In implementing these guidelines, Council aims to:

- a) Assist promotion of active and healthy communities
- b) Ensure equity of access to public parks and reserves
- c) Reduce the impact of commercial fitness activities on asset condition and maintenance
- d) Minimise public liability concerns

3. Scope

These guidelines will cover:

- a) all groups of persons (3 or more) involved in fitness training activities
- b) all beaches, parks, public reserves within the City of Port Phillip Local Government Area.

Council approved (commercial) fitness trainers are required to hold a permit to undertake their activities and must only operate in areas designated by this policy. Conditions of use are specified in these guidelines and on the permits.

4. Benefits of Parks & Open Space

Council recognises that there is a strong link between good parks and open space systems and a healthy and vibrant community. Parks & open spaces:



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- Promote physical exercise
- Foster social connectedness
- Provide space for people to enjoy recreational activities
- Provide escape from urban environment
- Provide areas for children to safely explore the natural environment
- Provide connection with nature
- Provide places to celebrate a city's culture and heritage

5. Exclusion zones

No organised or commercial fitness training or organised ball sports are permitted in the following areas or sites of: high pedestrian activity; horticultural, cultural, or environmental significance; or areas designated for children's play or family amenity. Specific areas where these activities are prohibited include but are not limited to the following:

- Playgrounds
- Picnic and BBQ facilities
- Public Exercise Stations
- Memorials
- St Kilda Botanic Gardens
- Environmentally sensitive areas such as bushland, foreshore areas including sand dunes
- Cemeteries
- Any designated sports field without a specific booking
- Stairways within open spaces and on public footpaths may be transited but not used for static or circuit training
- Static training along the shoreline of City of Port Phillip six beaches at Elwood, St Kilda, Middle Park, South Melbourne, Port Melbourne and Sandridge.

Council may nominate other areas during the life of these guidelines as it sees fit.

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

- Gym sessions (with or without weights, fit balls, skipping ropes etc)
- Boxing and pad training
- Organised aerobic activity and running groups
- Circuit training
- A combination of any of the above.

7. Excluded activities

- Groups larger than 15 participants including boot-camp training
- Amplified music or use of amplified audio (voice) equipment
- Organised ball sports are restricted to designated ovals
- The offering for sale of clothing, merchandise, equipment, refreshments, goods, services or products
- The display of advertising signage including banners or 'A' Frame signs on Council's public reserves, unless otherwise allowed via a permit from the responsible authority.



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8. Eligibility

The following criteria must be met to be eligible for a permit to provide organised or commercial fitness training activities in City of Port Phillip Council's public reserves. Evidence of the following must be provided at the time of application.

Essential

- Current Senior First Aid Certificate
- Current public liability insurance which indemnifies City of Port Phillip Council to a minimum of \$10 million
- A registered professional with Kinect Australia, Fitness Australia or other relevant peak body association membership, to the satisfaction of Council

9. Groups excluded from this policy

The policy does not apply to the following groups:

- Tai-Chi
- Meditative yoga
- Walking groups
- Surf Life Saving Cubs
- Activities performed by local schools under the supervision of a teacher
- Activities performed by local sporting clubs, associations under the conditions of a booking permit.

Any significant, organised activities these groups may wish to conduct on a public reserve, however, would be subject to an approval process under the general beach and park usage procedures.

10. Size of groups

Council officers will determine the number of persons permitted per group and the number of groups that are issued a permit (refer section 11). However, a permit **will not** be issued for groups that have more than **15** participants.

11. Allocation of Permits

A permit will be valid for **6 months** and will authorise each trainer to use Community and / or Crown Land for fitness activities in accordance with this policy on a **non-exclusive basis**.

Applications for permits and the number of permits to be issued will be determined by Council officers on a 'first come, first served' basis, taking into account the following factors:

- Usage demand, intensity of use of the area and times requested
- Number of approved trainers already using the area
- Other activities (passive and active) being undertaken in the area
- Type of activities to be undertaken and the potential impact on other users and neighbouring residents during the times requested



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- Whether the activities will contribute to increasing congestion or user conflict in the area requested

In considering the above, Council officers may decide to:

- a) approve an application and issue a permit
- b) issue a limited permit with restrictions on the number and types of activities, group size and the time and location of activities
- c) not approve the application.

One trainer only may be authorised by Council to operate at any one time under the permit issued. However, the authorised trainer can nominate a replacement person in case of illness or leave. The trainer must notify Council within 24hrs of the scheduled session, quote the permit number and specify the replacement trainer. Alternatively a Company can nominate a trainer/s that will be operate under the permit. The company must provide a roster listing the qualified trainers who will operate under the permit. Note again that only one authorised trainer can use the permit at any one time.

All trainers must be insured and eligible to operate under the permit in accordance with these guidelines (refer to pt 8).

Each permit issued will include confirmation of the type of activities to be undertaken, when and where these activities can take place, the number and size of groups, number of sessions and session times.

12. Identification requirements

Each commercial fitness trainer allocated a permit will be issued with a colour coded permit identification card that will contain information on the permit conditions such as group size, fee category, etc). This must be displayed at all times and be shown to Council officers when requested.

13. Permit Fees

During the 6 month trial period a License Fee (permit) will not apply to this policy. The permit categories specified for the trial period are:

Category 1	3-5 participants (not including instructor)	NO FEE
Category 2	6-15 participants (not including instructor)	NO FEE

14. General Permit Conditions

Each commercial fitness trainer approved by City of Port Phillip:

- a) must only provide the activities for which they are suitably qualified and that have been approved by Council
- b) must only operate in the areas and at the times specified by Council in the permit
- c) must manage the activities to minimise wear and tear on grassed areas (this includes rotating within the designated area and / or alternating activities)



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- d) must comply with reasonable directions of Council's Local Laws Officers and other authorised Council officers in relation to any unacceptable practices or, to display evidence of the permit in prescribed manner
- e) shall prior to commencing static / grid training, inspect the immediate area to ensure no hazards are evident and take appropriate action to remove those hazards or alternatively move the training site and, without undue delay, report to Council the hazard or any other hazardous matters observed during the training that may require Council's attention
- f) shall not assign their rights under this permit or attempt in any other manner to transfer their rights under the permit to any other person, it being clearly understood that the permit is issued to a particular individual and is not transferable unless approved by Council in accordance with this policy
- g) shall indemnify and hold the Council harmless from and against all damages, sums of money, costs, charges, expenses, actions, claims and demands which may be sustained or suffered or recovered or made against the Council by any person for any loss of life or injury or damage any person may sustain due to the negligent act of a trainer whilst conducting a training session
- h) when conducting training on public reserves shall always conduct themselves in a proper and orderly manner and be considerate to other reserve users and adjacent residents;
- i) shall conduct their activities so not to dominate, monopolise and / or obstruct any stairways or pathways
- j) must not create any noise from training activities that unreasonably disturb other users and adjacent residents
- k) shall not suspend boxing or kickboxing bags from trees and / or structures in the public reserves
- l) shall ensure that any exercise equipment used does not create any hazards or obstruction
- m) must ensure that any training group for which they are responsible, runs in single file when running in narrow areas
- n) shall ensure that their clients do not step on or walk on or in any other way inappropriately use picnic tables and park furniture and shall leave the training area in the same condition it was at the commencement of training
- o) shall take out and maintain in their name, for the duration of the term of the permit, APRA approved public liability insurance for a minimum of \$10 million and produce documentary evidence of this at the time of application
- p) shall agree that, notwithstanding any implication or rule of law to the contrary, the Council shall not be liable for any damage or loss that any trainer and their clients may suffer by the act, default or neglect of any other person or by reason of the Council failing to do something on or to the public space used
- q) is only authorised to provide the training sessions specified in their permit and must not sell clothing or equipment or refreshments or any other good, service or product
- r) must not display any advertising signage including banners or 'A' frame signs on Council's public reserves



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s) must not interfere with any Council approved or booked activity including but not limited to a wedding, birthday party, corporate BBQ, sport or sporting activity that is being carried out on any oval or reserve or part thereof and the trainer acknowledges that such a booking has priority over the trainer's use

t) shall be responsible for satisfying all occupational health and safety legislation and regulations

u) shall be liable for any fees or levies required by the Department of Industrial Relations or Work Cover or any other public authority or statutory body.

Council does not, and will not, accept liability for any debts incurred by any trainer and Council shall not be in any way responsible for any property of a trainer or any other person that may be left on the land or for any loss of any such property by theft or otherwise.

15. Termination

Council reserves the right to terminate its agreement with a trainer without notice if in its sole opinion it has determined that the trainer has failed to comply with the reasonable direction of its staff or has breached the terms of the permit or the terms of Council's Policy on the Use of Council's Reserves by Commercial Fitness Groups and Personal Trainers. Should Council receive a high level of complaints about a particular group/trainer or site; Council reserves the right to restrict or cancel permit.

A trainer whose permit has been terminated can appeal in writing to the Chief Executive Officer, City of Port Phillip, Private Bag 3, St Kilda, 3182.