



# USE OF PUBLIC OPEN SPACE BY FITNESS GROUPS AND PERSONAL TRAINERS POLICY

## 1. INTRODUCTION

Fitness training conducted by commercial personal trainers and fitness groups is one of the fastest growing sectors within the health and fitness industry. Consequently, demand for fitness training sessions to be conducted within a public open space environment has increased and the following issues have been identified:-

- Equity of Access – potential conflict with regular users, management of demand, exploitation of public land by commercial operators.
- Impact on the Asset – especially trainers of large groups causing similar wear and tear to larger sporting organisations.
- Facility Management – scheduling of regular, seasonal and reactive maintenance.
- Public Liability – concerns over trainers with insufficient qualifications or insurance.

Council is aware of the above implications and has developed this policy to regulate the use of public open space by organised or commercial fitness groups and personal trainers.

## 2. OBJECTIVE

Council aims to achieve the following in implementing this policy:-

- Ensure equity of access to public open space.
- Manage the impact on the asset.
- Minimise Public Liability concerns.

## 3. POLICY APPLICABLE AREAS

This policy applies to parks, reserves, public open space, cycleways, footpaths and shared pathways within parks, reserves and public open space within the Holroyd Local Government Area. Council approved trainers must only operate in the areas specified in the issued permit. Use of designated sports fields is permitted, however a specific booking for each location is required. Permits for the use of sports fields will also take into consideration Council's applicable fees and terms and conditions of use of the playing field.

Clubs and sporting groups who utilise the Council facility have priority placement for bookings.



## **USE OF PUBLIC OPEN SPACE BY FITNESS GROUPS AND PERSONAL TRAINERS POLICY**

### **4. EXCLUSION ZONES**

Organised or commercial group fitness and personal training activities will only be permitted on active sporting grounds and are not permitted within the following areas:-

- Areas of cultural or natural significance.
- Cemeteries
- Within a 10m radius of any memorials
- Within a 10m radius of any picnic sheds or benches
- Within a 10m radius of any playgrounds or play equipment.
- Within a 10m radius of any public change room, toilet or kiosk areas.
- Central Gardens in Merrylands
- Holroyd Gardens in Merrylands
- Roadways including roadside footpaths and on road cycleways
- Any other area that Council deems unfit or unsafe for fitness training purposes.

Use of areas such as swimming centres will be considered in accordance with the operating requirements of those facilities. Fees and charges relevant to those facilities will apply. Terms and conditions of this policy may be applied to any application and subsequent approval for use of these facilities.

Council may nominate other areas at its own discretion.

### **5. FITNESS ACTIVITIES PERMITTED**

This policy relates to any commercial fitness group and personal training activity. Fitness sessions are limited to the normal activities of a registered personal trainer, yoga teacher, tai chi instructor or the like which would include but not be limited to:-

- Gym sessions (with or without weights, fitness balls, skipping ropes etc)
- Boxing and pad training.
- Yoga, meditation and tai chi.
- Organised aerobic activity, circuit training and a combination of any of the above.



## USE OF PUBLIC OPEN SPACE BY FITNESS GROUPS AND PERSONAL TRAINERS POLICY

### 6. FITNESS ACTIVITIES NOT PERMITTED

Military style activities or aggressive and intimidating activities are not permitted.

### 7. FITNESS TRAINER/FITNESS GROUP ELIGIBILITY

The following criteria must be met and evidence submitted to Council, to be eligible for consideration to operate in Holroyd City Council's parks, reserves and public open spaces:-

- Trainer to be registered as a professional with Fitness Australia.
- Evidence in completing accredited courses endorsed by Fitness Australia and/or VETAB providers such as TAFE and Universities specific to the type of activity to be instructed.
- Current Senior First Aid Certificate.
- Current Australian Prudential Regulation Authority (APRA) Public Liability Insurance for a minimum of \$10 Million with Holroyd City Council nominated on the policy as an interested party.

### 8. NUMBER OF PARTICIPANTS AND SESSIONS PERMITTED

The number of participants and sessions permitted are as follows:

Number of participants	Number of sessions per week	Session duration (max).
0-2	15	2hrs
3-10	12	2hrs
11-18	8	2.5hrs

A group would consist of a maximum of eighteen participants per trainer and the number of groups permitted at one time on a playing field will be determined by Council officers and/or by the relevant Local Park Committee in accordance with the field size and type of activity.



## **USE OF PUBLIC OPEN SPACE BY FITNESS GROUPS AND PERSONAL TRAINERS POLICY**

### **9. FEES AND CHARGES**

Council officers and/or the Local Park Committee will set the Hire Fees for the period of use in accordance with Council's Fees and Charges.

Fees do not include the use of floodlights.

A season will consist of 26 weeks. Any requests for less than 26 weeks will be calculated on a pro-rata basis. Any request for more than 26 weeks will need a separate application for approval considered by Council. The fees will be reviewed annually.

### **10. LEGISLATION/RELATED PLANS AND POLICIES**

Management of the use of public open space is regulated by the Local Government Act 1993 and Crown Lands Act 1989. All applications will be assessed against the Plan of Management for each specific location. Terms and conditions for the use of sports fields will be considered where applications for these areas are received.

### **11. GENERAL CONDITIONS OF USE**

Trainers or fitness groups approved by Holroyd City Council must:-

- Provide only the activities for which they have received relevant qualifications and that have been specified by Council's approval.
- Not sell clothing, equipment, refreshments or any other good, service or product or display any advertising signage, erect tents, marquees, awnings or similar structures on Council's public open space, footpaths.
- Conduct activities and operate only in the areas specified by Council's approval.
- Use grounds only for the period approved by Council and between the times specified. In general, activities must not commence prior to 7.00am and must conclude by 9.00pm for parks within close proximity to residential areas. However, times may vary upon request for certain parks not within close proximity to residential areas at the discretion of Council or the Park Committee.
- Any extensions and/or amendments for periods of use will require another application to Council for its consideration prior to approval.
- Ensure that any activity causes minimum disruption and interference with surrounding residents and the general public's right of access and enjoyment of parks and public open space areas.
- Not use amplified music or devices.
- Not interfere with any Council approved or booked activity including, but not limited to, a wedding, birthday party, corporate/family BBQ, sport or sporting activity that is being carried out on any oval or reserve.



## USE OF PUBLIC OPEN SPACE BY FITNESS GROUPS AND PERSONAL TRAINERS POLICY

- Manage their activities to minimise wear and tear on the grass. This includes rotating within the designated area and/or alternating activities and not conducting fitness activities that drag equipment across the ground.
- In the case of wet weather, phone Council's Ground Closure Information Line or view Council's website to determine whether parks and public open spaces have been closed. No activity is permitted if the grounds are closed.
- Respect that from time to time, public open space areas may be closed for scheduled regular and seasonal maintenance.
- Not suspend boxing/kickboxing bags or any other item from trees and/or structures in the public open space area and ensure that any other exercise equipment does not create any hazards or obstructions.
- Ensure that their clients do not step on, walk on or in any other way inappropriately use picnic tables and park furniture.
- Ensure the disposal of any litter from the area and remove litter from the site if a bin is not available and leave the training area in a state similar to the commencement of training.
- Not drive or park any vehicle on parks, reserves, public open space or footpaths.
- Comply with the reasonable directions of Council's Rangers and other authorised Council Officers in relation to any actual or potential conflicting activities or to display evidence of Council's approval.
- Inspect the immediate area prior to commencing training to ensure no hazards are evident and take appropriate action to remove those hazards or alternatively move the training site or contact Council so as to ensure the ground is safe and fit for purpose.
- Not sub-let or assign their rights under this agreement or attempt in any other manner to transfer their rights under Council's approval to any other person, it being clearly understood that the approval is issued to a particular individual or group and is not transferable.
- Indemnify and hold harmless the Council 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 a negligent act of the personal trainer whilst conducting a training session.
- Take out and maintain, for the duration of the term of approved use in its name, Public Liability Insurance for a minimum of \$10 million with Holroyd City Council nominated on the policy as an interested party and produce documentary evidence of it at the time of application to Council. Where Public Liability Insurance renewal falls within an approved period, evidence of the currency of the renewal must be provided to Council.



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- Ensure at all times that the requirements of the Occupational Health and Safety Act 2000 (NSW) and the regulations made under that Act as well as all other relevant applicable laws (both statutory and common law) are fully observed to the satisfaction of Council and the relevant applicable authority.
- Comply with the Child Protection Legislation and Council's Policy and Procedures in relation to Child Protection.

### **12. TERMINATION OF USE**

Council reserves the right to terminate its agreement with the trainer or fitness group without notice if, in its sole opinion, it has determined that the trainer or fitness group has failed to comply with the reasonable direction of Council Officers and/or the Local Park Committee or has breached a condition of approval.

### **13. REVIEW**

This policy can be reviewed and/or amended at any time by Council at its discretion.