

POLICY

PARKS & RESERVES – USAGE Commercial Uses of Parks for Personal Training & Other Lessons

| | |
|-------------------------------|---|
| Date adopted by Council | 28 June 2021 |
| Minute number | H.06.2 |
| Endorsed by | Senior Management Group |
| CM Ref | CD-30/20 |
| Due for review | September 2025 |
| Related documents | Statewide Mutual – “Use of Council Sporting Facilities” Council’s Risk Management Procedures – Parks and Gardens |
| Responsible officer | Manager Works Delivery |
| Department/Section | Infrastructure Services / Works Delivery |
| Category | Parks & Reserves |
| Community Strategic Plan goal | <p>Goal 2 Promote wellbeing and a connected, healthy and happy Community.</p> <p>CS7 Provide and support a broad range of sport, recreation, health and wellness programs to target age specific needs of residents including younger children older children, adolescents, families, seniors and people with a disability.</p> |

Introduction

Council is committed to providing quality public recreational spaces for all residents. Where commercial activities within public spaces is facilitated, this needs to be adequately controlled for the benefit of all residents.

Objective

The need to regulate use of public reserves by organised or commercial fitness groups and personal fitness trainers has been identified. This policy responds to this need.

1. Ensure equity of access to public parks and reserves – e.g. potential conflict with displaced users, management of demand, dominations and monopolisation of areas and exploitation of public land by commercial operators.
2. Reduce the impact of commercial fitness activities on asset condition and maintenance e.g. trainers (especially of large groups) potentially cause wear and tear to recreational facilities.
3. Minimise public liability concern e.g. trainers with insufficient insurance.
4. Regulate the use of Community Land for commercial interests.

Scope

This Policy will cover:

1. One on one sessions and/group activities.
2. All parks and reserves within the Upper Hunter Local Government Area

Policy

Personal fitness training is one of the strongest growth segments in the Fitness Industry. Demand for commercial fitness trainers using public reserves has developed. There is a demand for commercial uses of parks for other lessons, for example dog training in dog off leash parks.

Council approved commercial fitness trainers must only operate in the areas specified in their licence.

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
- Yoga, Tai Chi and Pilates classes and like activities.
- Circuit training.
- A combination of any of the above

Other Lessons:

Dog obedience training (at dog off leash park only).

Excluded Activities:

Aggressive and intimidating activities.
Amplified music or amplified audio (voice) equipment.

Activity Duration:

To ensure each area is not monopolised, only 2 sessions of 1.5 hours are permissible on any given day, at least 4 hours apart.

Activity times are limited to between the hours of 5.30am to 6.00pm during the winter months and 5.30am to 8.30pm during the summer months.

Exclusion Zones

No commercial fitness training will be permitted in high activity areas and/or areas of cultural, environmental or natural significance. Specific areas where these activities are prohibited include but are not limited to the following:

- Cemeteries.
- Picnic sheds and benches
- Exclusive use of public outdoor fitness equipment in parks and reserves.
- 10 metres from memorials.
- 10 metres from any playground or play equipment.
- 10 metres from public change room, toilet or kiosk areas.
- 50 metres from any neighbouring residential property.

Council may nominate other areas during the life of this policy as it sees fit.

Eligibility:

The following criteria must be met to be eligible for a licence to provide organised or commercial fitness training activities in Upper Hunter Shire 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 Upper Hunter Shire Council to a minimum of \$10 million
- Qualifications relevant to the activity, e.g. Certificate IV Fitness

Groups excluded from this policy:

This policy does not apply to the following groups:

- Local sporting groups.
- Local Schools.
- Corporate groups
- Defence Forces

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 park usage procedures.

Size of Groups

A licence **will not** be issued to operate groups that have more than 15 participants.

Allocation of Licences:

A licence will be valid for 12 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. Other activities (passive and active) may be undertaken in the area. The licence is only applicable to one trainer.

Applications for licences and the number of licences to be issued will be determined by Council officers 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.
- Whether the activities will contribute to increasing congestion or user conflict in the area requested.

In considering the above, Council officers may decide to:

1. Approve an application and issue a licence.
2. Issue a limited licence with restrictions on the number and types of activities, group size and the time and location of the activities.
3. Not approve the application.

Licences will be issued to an individual trainer. Applications for licence forms are available at any Council Administration Centre.

Each licence issued will include confirmation of the type of activities to be undertaken, when and where these activities can take place, and session times.

Identification Requirements:

Each commercial fitness trainer allocated a licence and must have the licence available at all times to be shown to Council officers when requested.

Licence fees:

Fees for commercial personal training and other lessons will be set out in the fees and charges section in Council's Delivery Program & Operations Plan (DPOP)

Termination:

Council reserves the right to terminate its agreement (booking allocation) 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 licence or the terms of Council's Policy on the Commercial Uses of Parks for Personal Training and Other Lessons.

A trainer whose licence has been terminated can appeal in writing to the General Manager.

Responsibilities

Councillors

Councillors will review and adopt the policy.

Senior Management Group

The Senior Management Group will support this policy and ensure their relevant areas are implementing it consistently.

All Directors

All Directors will ensure their relevant areas are implementing it consistently.

All Managers

All Managers will support this policy and ensure it is implementing when applicable to their area.

All Coordinators and Supervisors

All Coordinators and Supervisors will support this policy and ensure it is implemented when applicable to their area.



All Staff

The relevant officers will have reasonability to ensure the policy is implemented and all procedures are adhered to.

Version History

| Version No. | Date | Reason for Review |
|-------------|--------------|-------------------|
| 1 | <date> | |
| 2 | <date> | |
| 3 | <e.g. DRAFT> | |
| | | |
| | | |
| | | |