

COMMERCIAL FITNESS GROUPS AND PERSONAL TRAINERS' POLICY AND GUIDELINES



1. Background

This policy relates to any organised or commercial fitness group and personal training activity which takes place in/on public parks and reserves within the LGA.

Management of the use of public reserves within the Waverley Local Government Area is regulated by the Local Government Act 1993 and Crown Lands Act 1989, and is subject to Council's Delivery Program 2010-2013.

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) Equity of access issues - eg potential conflict with displaced users, management of demand, domination and monopolisation of areas and exploitation of public land by commercial operators
- b) Impact on the asset - eg trainers (especially of large groups) are causing wear-and-tear to recreational facilities
- c) Facility management – scheduling of regular, seasonal and reactive maintenance
- d) Public liability concerns - eg trainers with insufficient insurance

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.

2. Purpose / Objectives

In implementing this policy, Council aims to:

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

3. Scope

This policy addresses the operation of Commercial Fitness Groups and Fitness Trainers relating to:

- a) one on one sessions and / or group activities;
- b) all beaches, parks, public reserves within the Waverley Local Government Area.

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

4. Permitted Training Areas

Bondi Beach
Bondi Park
Marks Park
Tamarama Park
Bronte Park
Waverley Park
Hugh Bamford reserve
Varna Park
Diamond Bay Reserve
Rodney Reserve
Dudley Page Reserve
Baracluff Park

The number of permits issued per location is limited to ensure equitable useage of the area and is determined by size and suitability of groups.

5. 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:

- All beaches, parks and reserves not listed in Section 4 above.
- Training on stairways and pathways including but not limited to the Coastal Walkway.
- Static training along the shoreline Bronte and Tamarama Beaches
- Static training after 7.30am on Bondi Beach
- The colonnades at Bondi Pavilion
- The forecourt and rear courtyard of Bondi Pavilion
- North Bondi ocean pool and Wally Weekes ocean rock pool
- Bronte ocean pool
- Exclusive use of public outdoor fitness equipment in parks and reserves
- Picnic sheds and benches
- 10 metres from memorials
- 10 metres from any playgrounds or play equipment
- 10 metres from any public change room, toilet or kiosk areas
- 50 metres from any neighbouring residential property
- Any designated sports field or facility without a specific booking

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

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

- gym sessions (with or without weights, fitballs, 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

7. Excluded activities

- Aggressive, intimidating or military style activities will not be permitted.
- Amplified music or amplified audio (voice) equipment is not permitted..

8. Eligibility

The following criteria must be met to be eligible for a permit to provide organised or commercial fitness training activities in Waverley 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 Waverley Council to a minimum of \$10 million.
- A registered professional with Fitness Australia or another fitness association.

9. Groups excluded from this policy

The policy does not apply to the following groups. They are however, subject to an approval process through the general Use of Public Open Space application:

- Local sporting clubs
- Local schools
- Surf Life Saving Clubs

Any significant, organised activities that 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. Type of permits

Category 1	1-2 participants, no fixed location, no equipment
Category 2	1-6 participants with equipment and a designated training area
Category 3	7-12 participants with equipment and a designated training area
Category 4	13-18 participants with equipment and a designated training area

Council will determine the number and size of groups that are issued a permit in any one area. However a Permit **will not** be issued for groups that are greater than 18 participants.

11. Allocation of Permits

A permit will be valid for **one year** 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 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
- Previous history of permit use ie warnings issued and/or complaints received

As part of the approval process with consideration of the above, Council officers may determine to;

- 1) approve an application and issue a permit;
- 2) offer an alternative permit stating a more suitable location for size of group, or suggest a small group size than requested or suggest another time with less impact on residential amenity or other users of the area;
- 3) 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 sessions, quote the permit number and specify the replacement trainer. Alternatively a Company can nominate a trainer/s that will be operating under the permit. The company must provide a roster listing the qualified trainers who will operate under the permit.

All trainers must be insured and eligible to operate under the permit in accordance with this policy.

12. Identification requirements

Each trainer will be issued with identification card. The trainer must carry the identification card whilst training and it must be shown to Council Officers when requested.

The identification card will be colour coded and have the following information:

- Company Name
- Trainer's Name
- Trainer's Photo
- Permitted training area or state "non-static" permit
- Size of group

13. Permit Fees

Fees inclusive of GST are applicable to Council approved trainers as set out in Council's annual fees and charges available on Council's website www.waverley.nsw.gov.au

14. General Conditions

Each commercial fitness trainer approved by Waverley Council:

- a) must only provide the activities for which they are suitably qualified and that have been approved by Council;
- b) must not interfere with any Council approved booked activity including but not limited to a special event, wedding, birthday party, corporate BBQ, sport or sporting activity that is being carried out on any oval, beach, reserve/park or part thereof and the fitness trainer acknowledges that such a booking has priority over the fitness trainer's use; (amalgamated with point v) which was a duplicate of point b).
- c) must only operate in the areas and at the times specified by Council in the permit;
- d) must manage the activities to minimise wear and tear on grassed areas (this includes rotating within the designated area and / or alternating activities);
- e) must ensure that any activity permitted by the issuing of the permit causes minimum disruption and interference with the general public rights of access and enjoyment of these areas;
- f) must comply with all reasonable directions of Council's Rangers and other authorised Council officers in relation to any unacceptable practices
- g) 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;
- h) 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;

- i) 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 or their participants whilst conducting a training session;
- k) 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;
- l) shall conduct their activities so not to dominate, monopolise and / or obstruct any stairways or pathways;
- m) must not create any noise from training activities that unreasonably disturbs other users and adjacent residents;
- n) shall not suspend boxing or kickboxing bags from trees and / or structures in the public reserves;
- o) shall ensure that any exercise equipment used does not create any hazards or obstruction;
- p) must ensure that any training group for which they are responsible, runs in single file when running in narrow areas;
- q) the fitness trainer must not use picnic tables, picnic sheds, trees and street furniture as training aids
- r) 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;
- s) 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;
- t) 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;
- u) 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;
- v) must not display any advertising signage including banners or 'A' frame signs on Council's public beaches, parks or reserves;
- w) shall be responsible for satisfying all occupational health and safety legislation and regulations;
- x) 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

The 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.

A trainer whose permit has been terminated can appeal in writing to the General Manager, Waverley Council, PO Box 9, Bondi Junction 2022.