



POLICY

Adopted: 26th March 2013

Minute No: 073

Amended:

Minute No:

FILE NO: PSC2005-3687

TITLE: USE OF COUNCIL RESERVES FOR COMMERCIAL FITNESS GROUPS AND PERSONAL TRAINERS

RESPONSIBLE OFFICER: COMMUNITY SERVICES SECTION MANAGER

BACKGROUND

Personal fitness training is a growth segment in the fitness industry. Increasing numbers of commercial fitness trainers using Council reserves have raised a number of issues including:

- Equity of access issues, e.g. – potential conflict with displaced users, management of demand, noise, domination and monopolisation of areas and unpaid use of Council land by commercial operators.
- Impact on the asset, e.g. – trainers, especially of large groups, are causing wear and tear.
- Public liability concerns, e.g. – trainers with insufficient insurance.

OBJECTIVE

- 1) Ensure equity of access to Council parks and reserves;
- 2) Manage the impact of commercial fitness activities on reserves asset condition and maintenance; and
- 3) Manage public liability and risk exposure to Council in relation to commercial operations on Council owned community land and Crown land which is under Councils care and control.

PRINCIPLES

- 1) Council has a responsibility to its ratepayers to manage its risk exposure.
- 2) Council has a responsibility to manage the use of open spaces in an equitable way.
- 3) Council must consider the potential impacts of the use of public open space by commercial operators on other users, neighbouring property owners and residents and those with vicarious interest.
- 4) Council must endeavour to reduce the cost of open space management to ratepayers through partial cost recovery.
- 5) Council must endeavour to encourage small business development and public health.

POLICY STATEMENT

- 1) Commercial fitness groups and personal fitness trainers must have a permit to operate at any public reserve.
- 2) Fitness Instructors are restricted to 20 hours per week of use on Port Stephens Councils public reserves under the licence arrangements.
- 3) No commercial fitness training will be permitted in high activity areas and/or areas of cultural, environmental or natural significance.
- 4) Specific areas where these activities are prohibited include, but are not limited to, the following:
 - Watercourses and wetland areas.
 - High conservation bushland (e.g. – supporting threatened species).
 - 20 metres from memorials.
 - 20 metres from any playground or park furniture.
 - 20 metres from any public change room, toilet or kiosk areas.
 - 50 metres from any neighbouring residential property.
 - 50 metres from any flagged area of beaches and/or as directed by the duty lifeguard.
 - Any designated sport ground / reserve when occupied by an approved hirer or allocated user.
 - Any beach / foreshore when occupied by an approved hirer.

- 5) Council may exclude other public areas at its discretion in the interests of meeting legislative responsibilities for the management of community land.
- 6) Council does not warrant that any public reserve is suitable for the conduct of personal training or any other purpose. The permit holder must take steps to ensure that the area to be used is suitable for the intended purpose and use.
- 7) Permissible fitness activities under the policy (subject to Council approval):
 - Resistance training.
 - 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 industry endorsed fitness activities having been submitted and approved by Council.
- 8) Excluded activities include:
 - Any activity that is deemed to be aggressive or intimidating in nature whether real or perceived by participants or the general public.
 - Any activity that involves amplified music or amplified audio (voice) equipment and loud shouting.
- 9) To be eligible for a permit applicants must provide evidence of the following at the time of application:
 - Current Senior First Aid Certificate.
 - Current public liability insurance which indemnifies Port Stephens Council to a minimum of \$20,000,000.
 - Recognised qualifications (Certificate III or IV in Fitness) and/or registration with Fitness Australia.
- 10) Applications for permits and the number of permits to be issued will be determined by the Reserves Booking Officer 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 being 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.
- 11) In considering the above factors, the Reserves Booking Officer may decide to:
- Approve an application and issue a permit.
 - Issue a limited permit with restrictions on the number and type of activities, group size and time and location of the activities.
 - Not approve the application.
- 12) One trainer only will be authorised by Council to operate at any one time under the permit issued. Other trainers providing assistance will be included as part of the training group number. In the event that the nominated trainer is unable to operate under the approved permit a replacement may be approved subject to meeting the eligibility requirements of this Policy.
- 13) All trainers must be insured and eligible to operate under the permit in accordance with the Policy.
- 14) Applicants can choose from a "one-off" annual permit fee or alternatively seasonal quarterly permit of 12 weeks duration. The fees for these permits are set out in the Council adopted Fees and Charges and are available on the Council website www.portstephens.nsw.gov.au.

RELATED POLICIES

- 1) Crown Lands Act 1989
- 2) Local Government Act 1993

SUSTAINABILITY IMPLICATIONS

SOCIAL IMPLICATIONS

The interaction / balance between the general public recreation use of public land and commercial activities needs to be managed. This Policy recognises and allows for this.

ECONOMIC IMPLICATIONS

The optimisation of Commercial Group Fitness activities should contribute positively to the general economic health of the municipality.

ENVIRONMENTAL IMPLICATIONS

Nil. Group fitness activities should contribute positively to the general economic health of the municipality.

RELEVANT LEGISLATIVE PROVISIONS

- 1) Local Government Act 1993
- 2) Local Government (General) Regulations 2005

IMPLEMENTATION RESPONSIBILITY

- 1) Community Services Section Manager

PROCESS OWNER

- 1) Contracts and Services Co-ordinator

REVIEW DATE

- 1) Within one year of first being adopted and then once every Council term.