



# Public Reserves for Commercial Fitness Activities

<b>Reference Number:</b>	5.7
<b>Type:</b>	Council Policy
<b>Category:</b>	Safety and Community
<b>Relevant Community Plan Outcome:</b>	<ul style="list-style-type: none"><li>• Provide accessible social infrastructure and services that engage our diverse community.</li><li>• Enhance the quality and diversity of open and public spaces.</li></ul>
<b>Responsible Officer(s):</b>	Manager Open Space and Recreation
<b>First Issued/Approved:</b>	December 2012
<b>Minutes Reference:</b>	CoS 1/04/2019, Item 3.17
<b>Last Reviewed:</b>	April 2019
<b>Next Review Due:</b>	April 2021
<b>Applicable Legislation:</b>	Local Government Act 1999 (Section 200) City of Charles Sturt By-Law No. 3 – Local Government Land
<b>Related Policies:</b>	Fees & Charges Register
<b>Related Procedures/Plans:</b>	Community Land Management Plans

## 1. Purpose

The City of Charles Sturt is committed to effectively managing the use of public reserves and sporting grounds and enabling access by commercial fitness groups and personal trainers.

Personal and group fitness training is a fast-growing segment of the Fitness Industry and there has been an increasing demand for commercial fitness activities to take place on public reserves by commercially operated businesses. This raises a number of issues including: -

- Equity of access to public parks and reserves;
- The impact of commercial fitness activities on asset condition and maintenance of public space surfaces;
- Public safety and liability concerns;
- The management of public reserves to prevent conflict of uses;
- The potential impact on surrounding residents and businesses;
- The potential impact on the use of the reserves by the general public.

This policy outlines the method by which Council will manage the use of the public reserves and sports grounds in respect to commercial fitness activities to address the above concerns, and to ensure approvals are granted through a fair and equitable process, in accordance with the criteria contained in this policy.

## 2. Scope

This policy applies to all commercial fitness activities conducted on land under the care, control or management of Council within the City of Charles Sturt as detailed throughout the policy.

### ***Exempt Activities / Groups***

The following activities are exempt from this policy:

- Individual or small group exercise (where no fees are charged to participate)
- Walking, jogging or cycling groups (where no fees are charged to participate).

The following groups are exempt from this policy:

- Local sporting clubs
- Schools within the City of Charles Sturt
- Surf Life Saving Clubs
- Defence Forces.

## **3. Policy Statement**

Community Land is primarily for community use and any commercial use of community land should not disadvantage community use. Commercial fitness activities conducted on community land are to be managed and approved in accordance with section 200 of the *Local Government Act 1999*, Council's *Community Land Management Plans* and the nominated criteria listed below. Application and approvals for conducting commercial fitness activities on Council owned land will be managed through a permit process.

### **3.1 Locations**

#### ***Permitted Locations***

Approval may be obtained to conduct commercial fitness activities on Council owned land, in accordance with Community Land Management Plans in the following locations:

- Parks and Reserves
- Ovals and Sporting grounds
- Beach / Foreshore (not including sand dunes)
- Walking trails.

#### ***Excluded Locations***

Personal and group fitness training activities are prohibited in the following areas:-

- Cemeteries – not permitted at any time;
- Sand dunes – not permitted at any time;
- Playgrounds – not permitted at any time;
- Designated sports grounds where a 'licence' or 'lease' is present and approval has not been sought;
- Bushland and areas undergoing revegetation – not permitted at any time;
- In or on structures including; retaining walls, bollards, shelter sheds etc – not permitted at any time;
- Within 50 metres of any neighbouring residential property;

## 3.2 Activities

### ***Permitted Activities***

The permitted activities under this Policy are limited to the normal commercial fitness activities of a personal trainer, fitness instructor etc which may include, but are not limited to:-

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

### ***Excluded Activities***

The following activities are prohibited under this policy: -

- Aggressive or intimidating activities including combat training;
- Use of amplified music or amplified audio (voice) equipment;
- Organised competition without approval;
- The soliciting of funds directly from park visitors or the public;
- The erection of advertising material without Council approval (in accordance with City of Charles Sturt By-Law No. 3 – Local Government Land)

### ***Activity Group Sizes***

Council will determine the number of participants permitted per group. The determination will be made giving consideration to the size of the permit area, proximity to surrounding residences and other activities being undertaken in the area. At no stage will group sizes be permitted to exceed 30 people. There must be at least one trainer present for every 18 participants.

### ***Activity Timeframes***

Commercial fitness activities must not commence prior to 6am and must finish by 9pm. Commercial fitness activities conducted on a public holiday cannot commence until 9am.

## 3.3 Fees

An annual fee will apply to undertake commercial fitness activities on community land. Fees payable will be determined in accordance with Council's Fees and Charges Register. No discounts to this fee will be available.

## 3.4 Permit Eligibility

In order to be considered for a permit for the operation of commercial fitness activities, evidence of the following must be provided at the time of application: -

- Current senior first aid certificate.
- Current public liability insurance which indemnifies the City of Charles Sturt to a minimum of \$20 million.
- Registration with Fitness Australia or the relevant peak body.

### 3.5 Permit Allocation

A Commercial Fitness Activity permit will be valid for a period of 12 months and will authorise the permit holder to use the designated location for commercial fitness training activities in accordance with this policy and the permit conditions on a non-exclusive basis.

Applications for and approval of 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 known activities (passive or 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.

After consideration of the above factors, Council Officers may decide to: -

- Approve an application and issue a permit;
- Issue a limited permit agreement with restrictions on the number and types of activities, group size and the time and location of activities;
- Not approve the permit application (providing reasons for the application not being approved).

### 3.6 Termination

Council reserves the right to terminate a permit agreement with a permit holder without notice if it has determined that the permit holder has failed to comply with the reasonable direction of Council's staff or agents or has breached the terms of the permit or this policy (or any relevant legislation or by-laws).

A permit holder whose permit has been terminated can appeal in writing to the Manager Open Space & Recreation, City of Charles Sturt, PO Box 1, Woodville SA 5011, stating the reasons for the appeal.

## 4. Definitions

Key Term – Acronym	Definition
Commercial Fitness Activities	<p>Activities conducted by:</p> <ul style="list-style-type: none"> <li>• Personal trainers and/or other health and fitness related professionals including by not limited to group fitness instructors, yoga and pilates' instructors, etc. who instruct health and fitness activities or provide health and fitness services to one or more clients/people;</li> <li>• Individual persons who instruct health and fitness activities or provide health and fitness services to one or more clients/people; where a fee is charged.</li> </ul>