

# Commercial Fitness Trainers Policy



June 2019

# Commercial Fitness Trainers

## DOCUMENT PROFILE

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| <b>Title</b>                                    | Commercial Fitness Trainers Policy  |
| <b>Summary</b>                                  | The purpose of this policy is to assist Commercial Fitness Trainers by guiding them through the approval process for commercial training that take place in parks and sporting grounds in the Inner West Council.   |
| <b>Background</b>                               | Council encourages the use of appropriate parks and sporting grounds for training as they help contribute to the health, wellbeing and liveability of the Inner West. It is Council's objective to ensure that commercial fitness training is suitable and managed in a manner which is safe and which is appropriate to the local environment and surrounding community.                             |
| <b>Policy Type</b>                              | Council   |
| <b>Relevant Strategic Plan Objective</b>        | Strategic direction 4: Caring, happy, healthy communities<br>Outcome 4.1 Everyone feels welcome and connected to the community<br>1. Foster inclusive communities where everyone can participate in community life<br><br>Outcome 4.3 The community is healthy and people have a sense of wellbeing:<br>1. Provide the facilities, spaces and programs that support wellbeing and healthy communities |
| <b>Relevant Council References</b>              | Events in Parks Guidelines<br>Sporting Grounds Allocations Policy<br>Park Plans of Management   |
| <b>Main Legislative Or Regulatory Reference</b> | Local Government Act<br>Crown Lands Act   |
| <b>Applicable Delegation Of Authority</b>       | As per Delegations Register   |
| <b>Record Notes</b>                             | External available document   |
| <b>Version Control</b>                          | See last page   |

|                                   |   |                                       |               |
|-----------------------------------|---|---------------------------------------|---------------|
| <b>Document:</b>                  | Commercial Fitness Trainers Policy        | <i>Uncontrolled Copy When Printed</i> |               |
| <b>Custodian:</b>                 | Parks Planning & Engagement Manager       | <b>Version #</b>                      | 2             |
| <b>Approved By:</b>               | Group Manager Trees, Parks & Streetscapes | <b>TRIM Ref #</b>                     | TRIM 83231.19 |
| <b>Adopted By:</b>                | Council                                   | <b>Publish Location</b>               | Internet      |
| <b>Adopted Date and Minute #:</b> | 11/06/2019 #C0619(1) Item 3               | <b>Next Review Date</b>               | 11/06/2021    |

## 1. Purpose

The purpose of this policy is to assist Commercial Fitness Trainers by guiding them through the approval process for commercial training that take place in parks and sporting grounds in the Inner West Council.

## 2. Objective

Council is responsible for the management of all activities within parks, reserves, sporting grounds and public open space. There is an ongoing high demand for open space resources within the Inner West, particularly with increasing densities. Council must actively manage access to the parks.

Commercial Fitness training can be fun and it provides opportunities for small groups to exercise in an attractive outdoor setting. Commercial fitness training in parks is growing in popularity.

Council encourages the appropriate use of parks and sporting grounds for training as it helps contribute to the health, wellbeing and liveability of the Inner West. It is Council's objective to ensure that commercial training in parks is suitable and managed in a manner which is safe and which is appropriate to the local environment and surrounding community.

## 3. Scope

### 3.1. In scope

This policy applies to all Commercial Fitness Trainers, including commercial running clubs, yoga groups, pilates groups and well-being groups operating in the Inner West.

Commercial fitness training may only occur in the parks outlined in 6.2 Permitted Sporting Grounds and Parks.

### 3.2. Out of scope

Commercial fitness training may **not** occur in any area other than those listed in 6.2 Permitted Sporting Grounds and Parks.

This Policy does not apply to non-Commercial groups, including walking groups

### **Sporting Grounds Allocation Policy**

This Policy does not apply to seasonal bookings for training and games on sporting grounds, usually hired by sporting clubs, tertiary organisations and schools.

### **Parks Managed by the State Government**

This Policy does not apply to parks owned and managed by the State Government, including Callan Park (all areas outside of the sporting grounds, Balmain Road, Glover Street and Waterfront Drive, which are licenced to Council) and Ballast Point Park.

## 4. Definitions

**Commercial Fitness Trainers** are trainers which charge a fee to participate in a sporting activity. This includes commercial running clubs, yoga groups, pilates groups and well-being groups. It

includes organisations that require participants to purchase substantial equipment or clothing in order to participate in the training.

## 5. Policy Statement

Council encourages the use of appropriate parks and sporting grounds for training as they help contribute to the health, wellbeing and liveability of the Inner West. It is Council's objective to ensure that commercial fitness training is suitable and managed in a manner which is safe and which is appropriate to the local environment and surrounding community.

This policy is to assist Commercial Fitness Trainers by guiding them through the approval process for training that take place in parks in the Inner West Council.

## 6. Policy

### 6.1. Application

All Commercial Fitness Trainers must submit an application for a Commercial Fitness Training Permit.

To be eligible to submit an application for a Permit, applicants must satisfy the following criteria:

- Submit to Council a completed and accurate Commercial Fitness Training Permit Application Form/s; and
- Have no outstanding debt with Council; and
- Provide a current photograph of the trainer;
- Provide a Certificate of Currency for public liability insurance of a minimum of \$20 million. The policy must indicate that Inner West Council is noted as an Interested Party (Principal Indemnity Endorsement), and that the Business Activity shown on the Certificate of Currency must be appropriate and include functions such as sporting training or personal fitness; and
- Provide a copy of professional indemnity insurance of a minimum of \$5 million; and
- Provide a current First Aid Certificate; and
- Provide a copy of the applicant's current CPR Certificate; and
- Provide a copy of the applicant's professional qualifications (eg. being registered with Fitness Australia or equivalent);
- Provide evidence that the applicant is utilising the Adult Pre-Exercise Screening System (APSS); and
- Provide a copy of the applicant's working with children check if training children under 16 year's old.

### 6.2. Permitted Sporting Grounds and Parks

Council will only grant a Commercial Fitness Training Permit for the locations and hours listed in the table below:

| Location                    | Permitted Hours for Training |
|-----------------------------|------------------------------|
| <b>Sporting Grounds</b>     | <b>Monday to Friday*</b>     |
| Algie Park                  | 5:30am - 3pm                 |
| Ashfield Park               | 5:30am - 3pm                 |
| Birchgrove Park             | 6am - 3pm                    |
| Blackmore Oval              | 5:30am - 3pm                 |
| Callan Park - Balmain Road  | 5:30am - 3pm                 |
| Callan Park - Glover Street | 5:30am - 3pm                 |

| <b>Location</b>                                  | <b>Permitted Hours for Training</b> |
|--|-------------------------------------|
| Callan Park – Waterfront Drive                   | 5:30am - 3pm                        |
| Camdenville Park                                 | 5:30am - 3pm                        |
| Camperdown Park                                  | 5:30am - 3pm                        |
| Centenary Park                                   | 5:30am - 3pm                        |
| Cohen Park                                       | 6:30am - 3pm                        |
| Easton Park                                      | 6am - 3pm                           |
| Hammond Park                                     | 5:30am - 3pm                        |
| King George Park                                 | 6am - 3pm                           |
| Leichhardt #2                                    | 5:30am - 3pm                        |
| Leichhardt #3                                    | 5:30am - 3pm                        |
| Mackey Park                                      | 5:30am - 3pm                        |
| Mahoney Reserve                                  | 5:30am - 3pm                        |
| Marrickville Park                                | 5:30am - 3pm                        |
| Petersham Park                                   | 6am - 3pm                           |
| Steel Park                                       | 5:30am - 3pm                        |
| Tempe Reserve                                    | 5:30am - 3pm                        |
| <b>Parks</b>                                     | <b>Monday to Saturday*</b>          |
| 36th Battalion Park                              | 6:30am - 8pm                        |
| Bridgewater Park                                 | 6:30am - 8pm                        |
| Birchgrove Park (outside sporting ground area)   | 6am – 8pm                           |
| Elkington Park                                   | 6:30am - 8pm                        |
| Enmore Park                                      | 6am - 8pm                           |
| Illoura Reserve                                  | 6am - 8pm                           |
| Johnson Park                                     | 6am - 8pm                           |
| Leichhardt Park – Peace Park                     | 6am - 8pm                           |
| Marrickville Park (outside sporting ground area) | 5:30 am – 8pm                       |
| McNeilly Park                                    | 6:30am - 8pm                        |
| Mort Bay Park                                    | 6:30am - 8pm                        |
| O'Dea Reserve                                    | 6:30am - 8pm                        |
| Richard Murden Reserve                           | 6:30am - 8pm                        |
| Robson Park                                      | 6:30am - 8pm                        |
| Sydenham Green                                   | 6:30am - 8pm                        |
| Tempe Lands - Village Green                      | 5:30am - 8pm                        |
| Tillman Park                                     | 6:30am - 8pm                        |
| War Memorial Park                                | 6:30am - 8pm                        |
| Wicks Park                                       | 6:30am - 8pm                        |

\* Sporting grounds are rested on Mondays. On Mondays, the peripheries of sporting grounds may be used. Sporting grounds are not available for commercial fitness training on Saturdays due to sporting club bookings. Training is not permitted on Sundays in sporting grounds or parks.

### 6.3. Permissible Activities

The following activities are permissible under the Commercial Fitness Trainers Permit:

- Gym sessions (with or without weights, fitballs, skipping ropes, etc);
- Boxing and pad training;
- Organised aerobic activity;
- Resistance training;
- Circuit training;
- Tai Chi, yoga, pilates classes, well-being classes and similar activities;
- A combination of any of the above; and
- Restricted boot camps

The Commercial Fitness Trainers Permit authorises the Commercial Fitness Trainer to undertake training in the relevant park or sporting ground. It does not give the Commercial Fitness Trainer exclusive access to the park or sporting ground. Access must be maintained for the community and other park and sporting ground users.

#### 6.4. Approval Process

Where only one applicant is requesting access to a location as listed in 6.2 Permitted Sporting Grounds and Parks, in general this will be made available to them.

In having regard as to whether to issue a Commercial Fitness Training Permit, Council staff will give consideration to the following:

| Consideration  | Principles   |
|--|--|
| <ul style="list-style-type: none"> <li>Usage demand, intensity of use of the area and times requested</li> <li>Number of approved trainers already using the area</li> <li>Other activities (passive and active) being undertaken in the area</li> </ul> | <ul style="list-style-type: none"> <li>To mitigate the impacts on adjacent residents of having multiple uses at the location and throughout the day.</li> <li>To mitigate congestion and possible user conflict in the areas requested.</li> <li>Permits will be allocated to a maximum of two trainers per designated park or sporting ground at any one time.</li> </ul> |
| <ul style="list-style-type: none"> <li>Proximity of neighbouring residents</li> </ul>  | <ul style="list-style-type: none"> <li>To mitigate the impacts on adjacent residents of having multiple uses at the location and throughout the day.</li> </ul>  |
| <ul style="list-style-type: none"> <li>Historical use of parks or sporting grounds</li> </ul>  | <ul style="list-style-type: none"> <li>Council will recognise applicants with a history of use at particular park or sporting ground</li> </ul>  |
| <ul style="list-style-type: none"> <li>Tenancy records</li> </ul>  | <ul style="list-style-type: none"> <li>Council recognises the social and cultural importance of an applicant having a good relationship with Council, other park users and the local community. A history of compliance with all terms and conditions of permits is essential.</li> </ul>  |
| <ul style="list-style-type: none"> <li>Access &amp; Equity</li> </ul>  | <ul style="list-style-type: none"> <li>Ensuring the opportunity for participation of a broad mix of training groups.</li> <li>Council considers relevant the applicant's access to alternative facilities (particularly as an alternative to the use of public open space).</li> </ul>   |

Commercial Fitness Training Permits will be issued for a maximum of one year.

#### 6.5. Fees

Commercial Fitness Trainer fees will apply. Further information is available on Council's website in the Inner West Fees & Charges document.

Permit fees are non-refundable regardless of circumstances.

#### 6.6. Fee Waivers

Council will not issue fee waivers for Commercial Fitness Trainers (commercial organisations or sole traders). Council will not issue fee waivers for regular, organised sporting activities/ events carried out by clubs, sporting groups or associations.

### **6.7. Damages and Breaches**

Any Commercial Fitness Trainer using a sporting ground or park which is in breach of the Conditions of Commercial Fitness Training Permit outlined in Annexure 1 as attached may be subject to the following:

- Exclusion from future Permit approvals; and
- Monetary penalty.

### **6.8. Warnings**

Where it is alleged that a hirer has breached the Allocation conditions, the following will be undertaken:

- On the first alleged breach, Council staff will investigate the breach and make an assessment. If upheld, the hirer will be provided with the breach assessment and a first written warning.
- On the second alleged breach, Council staff will investigate the breach and make an assessment. If upheld, the hirer will be provided with the breach assessment and a second written warning.
- On the third alleged breach, Council staff will investigate the breach and make an assessment. If upheld, the hirer will be provided with the breach assessment and a **final** written warning. At this point, at its absolute discretion, Council may cancel the Permit.

### **6.9. Community Complaints**

Community complaints regarding Commercial Fitness Trainers and their use of a park or sporting ground should be reported to Council on 02 9392 5000 or [council@innerwest.nsw.gov.au](mailto:council@innerwest.nsw.gov.au).

## **7. Risk & Insurance**

Commercial Fitness Trainers must satisfy all workplace health and safety legislation and regulations and ensure at all times that the requirements of the Work Health & Safety Act 2011 and the regulations made under that Act are fully observed.

Council shall not be liable for any damage or loss that any trainer and their clients may suffer by the act, default, omission or neglect of any other person or by reason of the Council, its members agents and contractors failing to do something on or to the public space used.

At all times when training on Council land, Commercial Fitness Trainers are required to be covered by a minimum of \$20 million public liability and \$5 million professional indemnity insurance. Certificates of currency are to be provided at the time of application.

All Commercial Fitness Trainers must maintain current accreditation and registration with Fitness Australia or other approved industry associations and maintain accreditation and registration throughout the duration of the permit.

## **8. Council**

The elected Councillors may only overturn a staff Commercial Fitness Training Permit application determination through a resolution of Council via a Notice of Motion to Council.

## 9. Responsibilities

Trees, Parks & Streetscapes staff are responsible for the following:

- Reviewing and approving applications in accordance with the Commercial Fitness Trainers Policy;
- Providing advice and assistance to Commercial Fitness Trainers; and
- Reviewing and revising this Commercial Fitness Trainers Policy when required. Substantive changes must go to Council for approval (this does not include minor administrative updates).

Customer Service staff are responsible for processing Commercial Fitness Trainers fees and damage bonds.

Approval of any Permit which is not in accordance with the Commercial Fitness Trainers Policy will require approval through a Council resolution.

## 10. Related Legislation, Policies and Procedures

The following are related legislation, policies and procedures:

- Inner West Council Events in Parks Guidelines
- Inner West Council Sporting Grounds Allocation Policy
- Inner West Council Fees & Charges
- Local Government Act 1993 (NSW)

### Version Control - POLICY HISTORY:

*Governance Use only:*

| Version | Amended By                                | Changes Made                                 | Date       | TRIM #        |
|---------|---|--|------------|---------------|
| 1       | Group Manager Trees, Parks & Streetscapes | New IWC Policy replacing pre-merged versions | 13/06/2019 | TRIM 83231.19 |
| 2       |   |  |            |               |



## **Annexure 1 – Conditions of Commercial Fitness Training Permit**

By submitting a Commercial Fitness Training Permit Application, applicants and Commercial Fitness Trainers are agreeing to the Conditions of Commercial Fitness Training Permit outlined below.

### **1. Ground Closures**

Council reserves the right to close any park, sporting ground and/ or facility due to inclement weather, to protect the playing surface and other assets, due to safety concerns, to reduce risk to the public or to allow the completion of capital and maintenance works. This decision is not negotiable. It is the hirer's responsibility to seek confirmation on the availability of the park or sporting grounds.

Information is available as follows:

On Council's website ([www.innerwest.nsw.gov.au/explore/parks-sport-and-recreation/sporting-ground-status](http://www.innerwest.nsw.gov.au/explore/parks-sport-and-recreation/sporting-ground-status))

Call the wet weather line on 02 9367 9190

Follow Council on Twitter @IWCsportgrounds

Check the signage at the grounds (where available)

All Commercial Fitness Training Commercial Fitness Trainers must comply with park and ground closures.

Council staff inspect the parks and sporting grounds regularly, as part of ongoing maintenance. Commercial Fitness Trainers are also required to conduct pre-training ground assessments and address any hazards.

Council will not be held responsible for relocating or finding alternative park and sporting grounds for Commercial Fitness Trainers. Council will not be held responsible for any costs incurred by a Commercial Fitness Trainer relocating to an alternative venue due to park and sporting ground closures.

No refunds will be provided for closures associated with inclement weather. It is noted that Council heavily subsidises the management and maintenance of access to sporting grounds and parks for community access.

### **2. Damage**

If the Commercial Fitness Trainer becomes aware of any damage to the grounds, particularly where it may impact on people's safety, the Commercial Fitness Trainer is responsible for reporting this promptly to Council. Where possible, the area should be isolated.

When undertaking training, Commercial Fitness Trainers are encouraged to rotate their training/ drill areas within the sporting grounds or park to reduce wear and tear. This minimises damage to the grounds and potential risk of injury to people participating in training.

### **3. Permit Identification Card**

Approved Commercial Fitness Trainers will be issued with an identification card. This identification card must be carried at all times when conducting training in parks. This identification card must be produced and shown to Council Rangers and other Council officers, on request.

### **4. Participant Numbers**

The Commercial Fitness Trainer must only train the maximum number of participants that is shown on their permit. Subject to approval, the maximum number of participants which may attend any Commercial Fitness Training class is 16 people to one Trainer on sporting grounds and 10 people to one trainer in parks.

## **5. Participant Behaviour**

The Commercial Fitness Trainer is responsible for the satisfactory conduct of all participants and persons attending their training. The Commercial Fitness Trainer shall ensure that the amenity of property owners adjoining parks is not disturbed by excessive noise, offensive language, poor behaviour or any other activity likely to cause unreasonable disturbance.

## **6. Noise**

Commercial Fitness Trainers and their participants must be mindful of residents and limit noise.

Commercial Fitness Trainers may not utilise a public address (PA) system, amplified music, amplified audio equipment or any electronically operated sound equipment.

Commercial Fitness Trainers may not use excessive and ongoing loud yelling (eg. militant boot camp styles). Commercial Fitness Trainers may not use whistles. Noise levels of the activity at the boundaries of the park are not to exceed 10 dBA above ambient noise levels, at any time.

## **7. First Aid**

All Commercial Fitness Trainers must have a fully equipped first aid kit and ice present at all times when undertaking training.

## **8. Car Parking**

Car parking is restricted to designated car parks only. At no times are cars allowed on parks or sporting grounds without the approval of Council. Commercial Fitness Trainers are responsible for the conduct of their participants in this regard. It is the Commercial Fitness Trainer's responsibility to monitor and control car parking.

## **9. Waste**

Council provides bins at sporting grounds and parks. All Commercial Fitness Trainers are responsible for waste generated from their respective training activities. Commercial Fitness Trainers are responsible for ensuring that the sporting grounds and parks are left in a clean state. At no time are Commercial Fitness Trainers permitted to store or stack waste next to bins. Commercial Fitness Trainers found to have left waste behind will be charged for the removal and disposal of such waste by Council.

## **10. Smoking**

Smoking is prohibited on all Council sporting grounds. All Commercial Fitness Trainers are responsible for informing their participants that sporting grounds are smoke free.

In addition, smoking is not permitted in the following areas:

- Within any structures;
- Within 10 metres of children's play equipment in outdoor public places;
- Spectator areas at sports grounds or other recreational areas used for organised sporting events; and
- Within 10 metres of a food fair stall/ kiosk/ canteen.

## **11. Good Sports**

All Commercial Fitness Trainers must demonstrate respect towards each other, other park users and towards Council staff.

## **12. Dogs**

Some of the sporting grounds are off-leash for dogs when there is no organised, approved hiring of the sporting grounds. Signage will be in place onsite to indicate if the sporting grounds are off-leash for dogs.

The following sporting grounds are off-leash for dogs when there are no approved bookings:

- Balmain Road Sporting Ground;
- Blackmore Oval;
- Cohen Park;
- Easton Park;
- Glover Street Sporting Ground;
- HJ Mahoney Reserve;
- King George Park;
- Leichhardt #2;
- Leichhardt #3; and
- Waterfront Drive Sporting Ground.

Commercial Fitness Trainers and their participants may not bring dogs to training sessions.

If there are any issues with dogs off leash, Commercial Fitness Trainers are asked to contact Council Rangers on 02 9392 5000.

## **13. Storage Allocation and Containers**

Commercial Fitness Trainers are not entitled to storage space.

## **14. Activities Requiring Approval**

The following activities require an approval from Council in writing:

- Filming (commercial);
- Installing any structure, screen, awning, sign, enclosure, equipment, stalls or amusement devices;
- Exhibiting or distributing advertisements or handbills;
- Any use that brings in a third party supplier, including formal catering, etc.;
- Utilise Council's energy and water without prior consent in writing; and
- Construct marquees or tents without prior consent in writing.

## **15. Prohibited Activities**

The following activities are not permitted within any park or sporting ground:

- Tree pruning;
- Trench digging;
- Attaching signs or structures to trees or Council signage; and
- Archery; golf; go karting (or using other motorised equipment); paintball; laser tag; riding horses; driving of model cars; sale or use of glass receptacles; camping or lodging overnight; possession or utilisation of any firearms; coal BBQs; lighting candles; and lighting fires (this excludes utilising the Council provided BBQs).

Council discourages the use of balloons, plastic straws, glitter, party poppers and confetti in parks and discourage Colour Run events.

Commercial Fitness Trainers may not do the following within any park or sporting ground:

- Train on Sundays;
- Sell goods (including clothing, equipment, refreshments, etc.);
- Aggressive and intimidating activities which isolate other park users, including combat training;
- Display advertising, sponsorship signage, banners or “A” frame signs;
- Make alterations, additions or deletions to any Council assets, including land or buildings.
- Linemark the grounds;
- Fence or block off areas of the grounds, to the exclusion of the general public;
- Utilise sporting ground flood lights;
- Prevent other community members and park users from accessing the park and sporting grounds;
- Interfere with any Council approved or booked activity (eg. sporting club bookings, events or casual bookings). Seasonal, casual and school sporting ground bookings take priority over trainer usage;
- Dominate, monopolise or obstruct any stairways or pathways;
- Exclusively utilise public outdoor fitness equipment in parks;
- Step on, walk on, or utilise in any way as part of an exercise program, BBQs, picnic tables, picnic shelters, rotundas, seats, walls, fences, buildings, statues, public art, trees, garden beds, water features, water courses, wetlands or other structures;
- Suspend any equipment (eg. boxing bags, ropes, straps, harnesses, suspension lines) from trees and/ or other structures; and
- Bring in heavy equipment to the sporting grounds and parks, including fitness and weight benches.

Within an approved sporting ground or park, Commercial Fitness Trainers may not operate in the following specific areas:

- Within 10 metres of a memorial or cenotaph;
- Within 10 metres of a playground or play equipment;
- Within 10 metres of a toilet, change room or canteen;
- Within 20 metres from a neighbouring residential property; and
- On a sporting ground, where a club or other group has a booking

Council reserves the right to exclude other specific areas from fitness training, as it sees fit.

## **16. Management Plans**

Council may require the Commercial Fitness Trainer to prepare and implement management plans. The size and nature of the activities being held on the sporting ground will determine if the Commercial Fitness Trainer must prepare the following, for approval by Council:

- Prepare and implement a Traffic Management Plan;
- Prepare and implement a Risk Assessment and Management Plan; and
- Undertake community notification of the activities.

## **17. Additional Conditions**

In consideration of the Commercial Fitness Trainer’s proposed activities, Council at its sole discretion may apply additional conditions of approval, as deemed necessary.

## **18. Permit Cancellation**

Council may at its sole discretion cancel a Commercial Fitness Training Permit if they are in breach of any of the Conditions of Approval above.