

Commercial Fitness Providers Using Council Open Space



Policy

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| Adopted April 2016 Policy Updated May 2021 |
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1. Introduction

The *Commercial Fitness Providers Using Council Open Space Policy* provides a consistent framework for Council to manage personal trainers and/or group fitness providers using Council open space.

Wyndham City encourages all members of the community to use open space to participate in a diverse range of sport, recreation and leisure pursuits. This policy has been developed to ensure that Commercial Fitness Providers using open spaces are registered with Council and that their use considers the needs of all members of the community.

1.1 Policy Statement

Council facilitates and promotes community access to a variety of physical activities. Commercial Fitness Providers play an important role in providing fitness, health and leisure related programs and services for the community and offer local employment opportunities to residents.

1.2 Who will be affected by this Policy

- Commercial Fitness Providers
- Wyndham Residents

1.3 Relevant Documents

- Wyndham City Plan (2013 – 2017);
- Community Health, Wellbeing and Safety Plan (2013 – 2017);
- Wyndham Leisure Strategy (2013 – 2017);
- Wyndham’s Sports Facility User Guide (2015).

1.4 Guiding Principles

The following principles, identified in the Wyndham Leisure Strategy (2013 - 2017) were used to guide the development of this policy:

- **Participation:** Local leisure opportunities deliver important outcomes to individuals;
- **Accessibility & Equity:** Providing leisure opportunities for all people builds strong and resilient communities;
- **Collaboration:** The best results will come when all partners work towards shared outcomes;
- **Flexibility:** Flexible and multi-functional leisure spaces support effective use of resources and strong partnerships.

1.5 Definitions

Commercial Fitness Providers are defined as persons or businesses that deliver fitness, health or sports-related activities as part of a commercial enterprise.

Open Space is defined as Council owned or managed parks and reserves. Specific areas deemed suitable for commercial fitness activities are listed in Appendix 1. Sports fields are considered outside this definition.

1.6 Policy Logic

Managing Use

- Council administers the use of facilities by all users (including Commercial Fitness Providers) in order to maintain and plan future facilities adequately;
- Council manages the dispersal of activities in suitable locations to provide opportunities for local access to activities and to reduce the risk of usage clashes with other groups;
- Council encourages and maintains a 'good neighbour' relationship with surrounding residents and other users of the facilities;
- Parks and reserves deemed suitable for use by Commercial Fitness Providers are those that have a level of amenity, are of an appropriate size, are not immediately adjacent to residential properties and have some car parking facilities.

Managing Risk

- Commercial Fitness Providers require a Council permit and/or landowner permission to operate their activities and validate their public liability insurance;
- Council needs to minimise the risk of potential litigation from organised users of Council's open space.

Promoting Healthy Activity

- Council encourages and facilitates Commercial Fitness Provider activity to ensure the community can access health and fitness related programs and services which contribute to broader health and fitness outcomes being achieved.
- The following activities are examples of the type of activities that may be delivered by Commercial Fitness Providers; gym sessions, boxing and pad training, group fitness sessions, circuit training, running sessions, boot camp, yoga, stretching, pilates, tai chi and gentle exercise.

2. Managing Access to Open Space

Commercial Fitness Providers wishing to use any of Council's open space listed in Appendix 1, including parks, foreshores and recreation reserves, are required to obtain a permit from Council. The permit does not provide exclusive access to any particular space at any given time; consideration must be given to other users of the spaces at all times.

To apply, Commercial Fitness Providers must contact Council's Sport and Recreation Officer to obtain a permit application form.

Bookings for sports fields and ovals are considered outside the scope of this permit. The standard casual hire process and relevant fees are applicable for sports field bookings.

2.1 Permit Categories

Commercial Fitness Providers can apply for a 12 month (or pro rata) permit to use a number of pre-determined locations for the purposes of personal and/or group training;

1. Personal Training/ Group Training (1 to 8 participants); or
2. Group Training (9 to 20 participants)

Groups with over 20 participants will be considered 'events' and have the option to book a suitable reserve through Council Recreation department.

Commercial Fitness Providers can apply to use the specific areas deemed suitable for commercial fitness activities as listed in Appendix 1.

Permit conditions, other than the number of participants permitted, are identical between permits.

2.2 Permit Eligibility

To be eligible for a permit, Commercial Fitness Providers must provide Council with evidence of:

- Public liability insurance for \$10 million and professional indemnity insurance for \$5 million, naming Council as an interested party; and,
- Qualification(s) from a registered training body relevant to activities being undertaken;
- Appropriate first aid training;
- Australian Business Number (ABN) if applicable.
- Peak body (Fitness Australia, VicFit or an equivalent industry provider) registration.

It is the responsibility of the Commercial Fitness Provider to ensure that all qualifications, registrations and insurance, for all of their instructors, are valid for the entire term of their permit.

2.3 Fees

Permits will be issued on an annual basis beginning on 1 July and expiring on 30 June. An annual permit fee will apply as detailed below:

Table 1: Fee for the Commercial Fitness Provider Permit

| Category | Fee from 1 October 2020 |
|--|-------------------------|
| Personal Training/ Group Training (1 to 8 participants) | \$123.00 per annum |
| Group Training (9 to 20 participants) | \$246.00 per annum |

**Partial year permits are available at pro rata rate.*

***Permit fee may increase annually in line with CPI.*

2.4 Permit Conditions

General

The permit:

- Is issued to a particular individual or business and is not transferable unless approved by Council;
- May be terminated by Council without notice if the provider has breached the terms of these conditions;
- Will specify permitted open space areas;
- Will specify the permitted number of participants per session;
- Should be displayed or carried at all times;

Evidence of qualifications and/or insurances may be requested at any time.

Conduct of Activities

The Commercial Fitness Provider will:

- Only use open space during daylight hours, or during daylight savings periods between 7:00am and 8:00pm on weekdays and between 9:00am and 8:00pm on weekends, as per EPA Victoria Environment Protection (Residential Noise) Regulations 2008;
- Not create any noise from training activities that unreasonably disturbs other users and adjacent residents;
- Not use whistles, megaphones, amplified music or amplified audio (voice) equipment;
- Always be considerate to other reserve users and adjacent residents;
- Not use aggressive and/or intimidating behaviour;
- Ensure no damage or litter remains as a result of activities.
- Ensure that all activities conducted on shared trails are continuously moving e.g. running/walking. Stationary activities are not permitted on shared trails.

Managing Risk

The Commercial Fitness Provider will:

- Perform a safety inspection of venue prior to each and every session;
- Report to Council, any hazards or risks observed during the training that may require Council's attention.

Use of Equipment

The Commercial Fitness Provider will;

- Not attach equipment or infrastructure to trees or park furniture;
- Ensure that any temporary exercise equipment used does not create any hazards or obstruction;
- Not drag tyres and other heavy equipment;
- Not use portable lighting;
- Obtain a valid Planning Permit (if required) authorising the display of any signage associated with the activity being undertaken

Exclusion Areas

Commercial Fitness Providers are not permitted to conduct activities in or on the following:

- Culturally, environmentally or naturally significant areas;
- Park furniture, playgrounds, buildings and structures;
- Memorial or historical sites;
- Areas that may be temporarily closed by Council;
- Public outdoor fitness equipment in parks and reserves (exclusively);
- Within 20 metres of any neighbouring residential property;
- On any designated sports field, court or oval without a specific booking;
- On stairways;
- In dog off-lead areas.

3. Appendix 1

Table 2: Open Space permitted for use by Commercial Fitness Providers

| Suburb | Neighbourhood Parks | Map Ref. | Reserves | Map Ref. |
|-------------------------|-----------------------------|----------|---|----------|
| Hoppers Crossing | Rosslare Reserve | 9 | Cambridge Reserve (excluding sports fields and dog off lead area) | 10 |
| | Woodville Reserve | 11 | Grange Reserve (excluding sports fields) | 12 |
| | Wilmington Avenue Reserve | 41 | Hogans Road Reserve (excluding sports fields) | 13 |
| | Fraser Street Reserve | 39 | Mossfiel Reserve (excluding sports fields and hard courts) | 14 |
| | | | Glen Orden Oval (excluding sports fields and hard courts) | 40 |
| Manor Lakes | Lollypop Hill Park | 42 | | |
| Point Cook | Boardwalk Boulevard Reserve | 20 | Prudence Parade Reserve (excluding sports fields) | 21 |
| | Jamieson Way Reserve | 22 | Saltwater Reserve (excluding sports fields) | 23 |
| | Kellerman Reserve | 24 | Bensonhurst Parade (excluding sports fields) | 43 |
| | Lennon Boulevard Reserve | 25 | | |
| | Spindrift Way Park | 26 | | |
| | Breezewater Reserve | 36 | | |
| | Brownlow Drive Park | 44 | | |
| | Miles Franklin Park | 47 | | |
| | Hacketts Rise Park | 46 | | |
| | Carlisle Terrace Reserve | 45 | | |
| Tarneit | Edmund Drive Reserve | 5 | Wootten Road Reserve (excluding sports fields) | 6 |
| | Moondara Reserve | 7 | Baden Powell Drive Reserve | 27 |
| | Rose Grange Reserve | 8 | | |
| | Wilandra Drive Park | 54 | | |
| | Club House Park | 49 | | |
| | Hodgson Ave Park | 50 | | |
| | Trentbridge Park | 53 | | |

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|-----------------------------|--|----|---|----|
| | Banyon Way Park | 48 | | |
| | Mariposa Way Park | 51 | | |
| | Newhaven Navigation Park | 52 | | |
| Truganina | Cheviot Reserve | 1 | Federation Boulevard Reserve (excluding sports fields) | 2 |
| | Forsyth Park | 3 | Mainview Boulevard Reserve (excluding sports fields) | 4 |
| | James Cook Drive Reserve | 55 | | |
| | Sedgefield Ave/Bolivar Esp Park | 57 | | |
| | Landscape Drive Park | 56 | | |
| Werribee | Riverwalk Village Park | 15 | Galvin Park (excluding sports fields) | 16 |
| | Brentwood Drive Reserve | 17 | | |
| | Conquest Drive Reserve | 18 | | |
| | Loyola Reserve | 19 | | |
| | Kelly Park | 34 | | |
| | Wyndham Park | 35 | | |
| | Quantin Binnah Community Centre Reserve | 58 | | |
| | Werribee Street North Reserve | 59 | | |
| Werribee South | Werribee South Foreshore | 38 | | |
| | | | | |
| Williams Landing | Delaney Boulevard Reserve | 28 | | |
| | Elmstead Park | 60 | | |
| Wyndham Vale | Eltham Parade Reserve | 29 | Presidents Park (excluding sports fields) | 30 |
| | Oaktree Reserve | 31 | Wyndham Vale South Reserve (excluding sports fields) | 32 |
| | Munroe Drive Reserve | 33 | | |
| | Latham St Reserve | 37 | | |
| Wyndham- Wide | All classified shared trails | | | |

wyndhamcity - Open Space permitted for use by Commercial Fitness Providers

