



Fitness Instructors and Group Trainers

Policy	25M
Officer Responsible	Director Infrastructure Services
Last Review Date	14/02/2023

Strategic Policy

POLICY OBJECTIVE

To provide a framework for the effective management of the commercial use of Blayney Shire Council's Parks and other Public Open Spaces, for personal and group fitness training activities, and to minimise the disturbance of the general public's use of these facilities.

Through implementation of this policy, Council aims to:

- Promote active and healthy communities
- Ensure equity of access to public open space
- Ensure Trainers are appropriately accredited and insured
- Ensure group fitness and personal training activities conducted in Council open space are orderly in nature
- Limit the impact that group fitness and personal training has on open space asset condition and maintenance

DEFINITIONS

Hazard – Anything with potential to harm health, life, or property.
Risk – The probability that a hazard will cause injury or damage.
Parks & Public Open Spaces – Those parks, public open space areas, and recreational spaces, as identified in this policy for approved use within the Blayney Shire Local Government Area.

BRIEF

Blayney Shire Council recognises the significant contribution the Fitness Industry has made in Australia and has observed the substantial growth over the past two decades. It is therefore, important that Blayney Shire Council acknowledges such growth and meet the demands of private enterprise, council residents and park users.

The management of the use of community land within the Blayney Shire Council Local Government area is regulated by the Local Government Act 1993 and Crown Lands Act 1989 and is subject to Council's plans of management. This policy will address the various issues raised due to the increasing numbers of personal trainers using Parks and Public Open Spaces.

SCOPE

These guidelines apply to the following Personal and Group Trainers and locations:

- Personal trainers and/or other health and fitness related professionals including but 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.
- Individual persons who instruct health and fitness activities or provide health and fitness services to one or more clients/people

PURPOSE

To provide effective management of the use of Blayney Shire Council's Parks and Public Open Spaces, by group fitness instructors and personal trainer

In implementing these guidelines, Council aims to.

- Encourage supervised physical activity
- Enhance public health outcomes
- Minimise damage to the local environment
- Minimise impact on Council assets
- Minimise the impact on surrounding residents
- Address public Risk concerns
- Ensure equity of access to all Parks and Public Open Spaces

PERMITTED AREAS

Table 1 below provides a list of Parks and Public Open Spaces within which Group Fitness Instructors or Personal Trainers are approved to operate:

Table 1. Parks and Public Open Spaces approved for use by Group Fitness Instructors or Personal Trainers

Locality	Description	Lot	DP
Blayney	Carrington Park	2	1038633
	Heritage Park adventure playground and	320	750380
	wetlands	701	1023215
	Napier Oval and Hobby's Yards Road open	53	237649
	parklands		
	Dakers Oval	1	758121
		2	
		3	
		4	
		5	
		7001	1023253
	Medway/Mount Errol Street parklands	107	253126
		134	253126
	Orange Road open parkland "Frog Hollow"	18	244853
		43	240960
		1	791883
		1	241681
Carcoar	Carcoar Oval and parklands	7002	1023332
	Belubula River parklands	3	758225
		1	1090769
Lyndhurst	Capital Park	1	999523
	Lyndhurst Recreation Ground	7302	1148005
Mandurama	Mandurama Memorial Sporting Grounds	1	1088270
		2	
		3	
		4	1088272
		9	
		10	

		11	
		12	
		13	
		14	
		15	
		16	
		5	1088273
Millthorpe	Redmond Oval	235	750384
Neville	Neville Memorial Park	1	402145
Newbridge	Newbridge Recreation Ground	1	154867

The number of permits issued per location will be limited to manage congestion.

EXCLUSION ZONES

No 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:

- King George Oval
- Carcoar Dam
- Cemeteries
- Car parks
- Public roads
- Footpaths
- Park furniture including picnic tables, BBQ's, shelters, seats and benches
- Playgrounds
- Environmentally sensitive areas such as bushland
- Within ten metres of memorials, memorial seats and playground equipment
- Stairways within open spaces and public footpaths. These may only be used for transited but not used for training activity
- Within fifty (50) metres of residential dwellings
- Within fifty (50) metres of all sporting activities
- Sporting Pavilions or any other sporting facilities managed by Council. I.e. tennis courts, bowling green's, sports club rooms/pavilions etc
- Sporting fields allocated to sporting clubs during their allocated use

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

Personal and Group Trainers are only permitted to use the ground/location as specified in their permit from Council. Council will terminate a trainer's permit if they are found using areas not specified in their permit.

APPLICATION TO USE COUNCIL PARKS AND PUBLIC OPEN SPACES

A request to use Council Parks and Public Open Spaces for personal or group fitness training must be made on the prescribed form.

Approvals will be valid for up to one year (with dates clearly specified in the application), authorising each hirer to undertake fitness activities in accordance with this policy.

Applications will be assessed, taking into consideration the following factors:

- Type of activities to be undertaken and the potential impact on other users and neighbouring residents during the times requested
- Whether the number of clients will impact on the area requested
- Whether the activities will contribute to increasing congestion or user conflict in the areas requested
- Whether the proposed site is within an exclusion zone

ELIGIBILITY

All applicants must:

- hold a minimum Certificate IV in Fitness (or approved equivalent)
- be registered with Fitness Australia (or similar body)
- hold a current Senior First Aid Certificate
- maintain Public Liability Insurance which nominates Blayney Shire Council as an interested party, to a minimum of \$20 million

Failure to provide one or more copies of the above documents will result in non-approval by Council.

THERE ARE THREE CATEGORIES

- Category A: Regular Commercial User. Trainers providing three or more sessions per week;
- Category B: Regular Commercial User. Trainers providing less than three sessions per week and;
- Category C: Casual Commercial User. Trainers providing training sessions on a once off basis.

Failure to provide one or more copies of the above documents will result in non-approval by Council.

PERMISSABLE FITNESS ACTIVITIES

- Boxing and padded training (non-contact)
- Organised aerobic training
- Yoga, Tai Chi, Pilates type activities
- Meditation (or like activities)
- Circuit training
- Walking and running
- Or any other pre-approved fitness activity

PROHIBITED FITNESS ACTIVITIES

- Portable training equipment – rowing machine, cross trainer, bench press etc.
- Training with companion animals, on or off leash
- Use of heavy items – tyres etc. being dragged in any form
- Suspension of boxing, kickboxing bags or other training apparatus from trees and/or structures in Parks and Public Open Spaces
- Utilising trees, seating, picnic table, rotundas, and other park infrastructure for exercise training
- Intimidating, violent, or aggressive activities such as boot camp style training
- Create any noise from training activities that unreasonably disturbs other users and/or surrounding residences.

TIMES

Applications for Group Fitness Classes will only be considered where the class begins after 6am. Applications for activities after 8pm on any night will not be considered.

Personal Training Sessions may apply for a permit to operate at any time, however, due consideration will be given to noise and amenity in considering applications.

Daylight savings time – 6am until 8.30pm

Non-daylight savings – 6am until 6.30pm (if adequate lighting is available)

PERMIT ALLOCATION

A permit will be valid for a maximum of one (1) year and will authorise each trainer to use community land for fitness activities in accordance with this policy on a non-exclusive basis.

FEES

Fees (Inc GST) are set out in Council's Annual Fees and Charges available on Council's website www.blayney.nsw.gov.au

PARKING AVAILABILITY

Group Fitness Instructors, Personal Trainers and attendees are to park in designated parking spaces located in Council space (including on public roads in accordance with the NSW Road Rules).

Permit holders are solely responsible for ensuring that all group session participants park in designated spaces.

Parking on grassed open space is not permitted and is a breach of Section 632(1), 650, 651 of the *Local Government Act 1993* & *NSW Road Rules*.

A breach of such laws may result in fines.

ACCESS TO PUBLIC TOILETS

Access to public toilets (where available) may be made available for use by Group Fitness Instructors, Personal Trainers, and their clients.

Where public conveniences are locked outside of ordinary Council business hours, a key may be made available by separate application and upon payment of the prescribed key deposit.

Group Fitness Instructors, Personal Trainers and their clients, must leave the toilet facilities clean and tidy.

WET WEATHER

Council utilises a system of visual assessment of turf surfaces during periods of wet weather to assess their usability. An unusable surface is one that has been saturated to a point where any further rainfall will pond water on any portion of its surface making even pedestrian traffic a damaging action.

A point will be reached for each park and Public Open Space beyond which it may be expected that usage of the facility will result in damage to the turf surface. Upon that point being reached, use of the park and Open Public Space, will be suspended until such time as it is considered safe to resume use without subsequent use causing damage to the surface.

STORAGE

All permitted equipment is not to be stored on site or any Council premises.

ANTI-SOCIAL BEHAVIOUR

The permit holder is responsible for the conduct of clients and will ensure that neither they nor others engage in anti-social behaviour. Failure to do so will result either in a written warning or their approval terminated immediately if an unlawful act has been committed.

Should a permit be terminated prior to the end of the approval period, fees will not be refunded either in part or full.

REPORTING

Should there be an accident or injury arising through the Hirer's use, the Hire must inform Council in writing within seven (7) days of the incident.

The Hirer must notify Council immediately upon becoming aware of any broken facilities or dangerous conditions of the Park and Public Open Space.

TERMINATION

Council reserves the right to revoke the permit if in its opinion it has determined that the trainer has breached the conditions of the permit or terms set out in this Policy.

RISK MANAGEMENT

Personal and Group Trainers are required to adhere to the risk management and occupational health and safety requirements as outlined below:

- The Personal and Group Trainer should ascertain and implement risk management programs and procedures that are considered acceptable practice by their insurer and/or recognised peak body.
- The Personal and Group Trainer is required to acknowledge that the Council reserves the right, following consultation with the Personal and Group Trainer and/or anybody representing the Personal and Group Trainer, to withdraw the ground allocation, or any part thereof from use and to cancel their permit if Council considers the sporting reserve or allocated space is unsafe and/or is unsuitable for use by the Personal and Group Trainer.
- Should Council exercise its rights pursuant to the above, Council will use its best endeavours to find an alternate venue for the Personal and Training.
- Notwithstanding the above, it is agreed that the Personal and Group Trainer must ultimately determine whether the allocated reserve or space is safe for use by the Personal and Group Trainer and their participants at the time of any personal and group training activity. Council does not warrant that the allocated reserve or space is fit and suitable for Personal and Group Trainers intended uses (this includes, but is not limited to, all types of health and fitness training activities).
- Further to the above, Council acknowledges that unless Council formally withdraws the premises for use, the Personal and Group Trainer - in accordance with any regulations that relevant peak or regulatory bodies have in place covering the Personal and Group Trainer – has responsibility to determine suitability for activities to commence.
- Council does not, and will not, accept liability for any activities associated with the permit holder and Council shall not be in any way responsible for any property of the permit holder or any other person associated with the activities of the permit holder.
- Before commencement of activities on each occasion, all approved Personal

and Group Trainers are required to complete and retain a formal checklist assessing their allocated area and immediate surrounds to determine suitability for sessions and activities to commence. Council may make requests to see evidence of completed checklists throughout the allocation period. Upon request Council can provide an example assessment checklist.

GENERAL CONDITIONS

- Instructors must be licensed Trainers and be registered with Fitness Australia (or similar body). A copy of the certificate of registration must be provided to Council;
- Instructors must have a current Senior First Aid Certificate and provide Council with a copy;
- Instructors must not at any time interfere with permanent/ and or casual users of the Parks and Public Open Spaces;
- The Licensed Instructor shall indemnify and hold harmless the Council 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 Blayney Shire Council by any person for any loss of life or injury or damage any person may sustain due to the negligent act of the Instructor whilst conducting a training session;
- The Instructor shall provide Council with a copy of their public liability cover, nominates Blayney Shire Council as an interested party and should be in the sum of \$20,000,000;
- The Instructor must keep and maintain a logbook of accidents or injuries and forward a copy to Council for their records;
- A flag shall be erected in recognition of the area the training will be taking place;
- The Instructor shall be responsible for all occupational health and safety legislation, regulations and requirements pertaining to the running of their business;
- The Instructor shall not exceed 18 persons per squad when conducting training in a park and Public Open Spaces;
- An Instructor shall not conduct aggressive and intimidating activities such as boot camp style training. That is any activity that is deemed to be aggressive or intimidating in nature whether real or perceived by participants or the general public;
- No amplified music or amplified audio (voice) equipment is permitted;
- The Instructor must not use picnic tables and street furniture as training aids and not cause excessive wear and tear to turf areas, natural areas and bushland;
- The Instructor shall not suspend boxing, kickboxing bags, or other fitness apparatus from trees and/or structures in the public open space;
- The Instructor shall conduct their activities so not to dominate, monopolise and/or obstruct stairways or pathways;
- The instructor must ensure that any training group, for which they are responsible, runs in a single file when running in narrow areas or pathways;
- The Instructor is not permitted to display any advertising signage including banners or "A" Frame signs on Council's Parks and Public Open Space;
- A point will be reached for each park and Public Open Space beyond which it may be expected that usage of the facility will result in damage to the turf surface. Upon that point being reached, use of the field will be suspended until such time as it is considered safe to resume use without subsequent use causing damage to the surface;

- The instructor is responsible for ensuring the area chosen to undertake training is safe for purpose. Council gives no warranties as to the suitability of any particular site for use as a personal training area. Any Hazards requiring repair noted by the instructor should be reported to Council.

Covid-19 Responsibilities

- It is the responsibility of the hirer to adhere to the public health order and follow the latest advice of the NSW Government regarding Covid-19 restrictions, including but not limited to, Covid-19 Safety Plan, physical distancing measures and the maximum capacities for the activity being conducted within the Blayney Shire Council Parks and Reserves;
- It is the responsibility of the hirer to keep a record, including the contact details, of all attendees to their events, including organised sport competitions;
- It is the responsibility of the hirer to practice good hygiene and any persons feeling unwell, or showing symptoms of cold and flu, should not enter the event being hosted within the Council. Seek Medical Advice
- Fitness Trainers should provide sanitising equipment to participants to ensure that all attendees practice good hygiene;
- All equipment should be cleaned after each class.

PA SYSTEMS, MUSIC, AND NOISE

Use of a Public Address system for the purpose of fitness training is not permitted.

The trainer is responsible for ensuring that noise emission from any activity does not exceed normal background noise level when measured from the nearest boundary of any residential property.

Where the noise emanating from an approved activity, within Council open space, exceeds the acceptable level, on the spot fines under the 1989 Environmental Offences and Penalties Act, may result.

The trainer is responsible for ensuring all attendees respect the peace and quiet of neighbouring residents. The area surrounding the facility and carpark is to be vacated within 30 minutes of the end of the hire period. The trainer is responsible for the quiet and orderly departure of attendees.

LEGISLATIVE REQUIREMENTS

This policy complies with and supports implementation and compliance with the following policies and instruments:

- Local Government Act 1993
- Crown Lands Management Act 2016
- Environmental Planning and Assessment Act 1979 Amended Act 2017

If any legislation changes occur that are contrary or inconsistent with this management policy, the updated legislation will prevail.

End of Policy

Adopted:	15/02/2016	
Lasted Reviewed:	15/02/2016	1602/016
	16/07/2018	1807/008
	14/02/2023	2302/012
Next Review:	19/04/2025	