



SHIRE COUNCIL
Blayney

Fitness Instructors and Group Trainers

Policy	25M
Officer Responsible	Director Corporate Services
Last Review Date	16/07/2018

Strategic Policy

1. 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.

2. 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.

3. 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.

4. PURPOSE

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

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

5. 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 wetlands	320 701	750380 1023215		
	Napier Oval and Hobbys Yards Road open parklands	53	237649		
	Dakers Oval	1 2 3 4 5 7001	758121 1023253		
	Medway/Mount Errol Street parklands	107 134	253126 253126		
	Orange Road open parkland "Frog Hollow"	18 43 1 1	244853 240960 791883 241681		
	Carcoar	Carcoar Oval and parklands	7002	1023332	
Belubula River parklands		3 1	758225 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.

6. EXCLUSION ZONES

Organised or commercial group fitness and personal training activities are not permitted within or on the following areas:

- King George Oval
- Carcoar Dam
- Cemeteries
- Car parks
- Public roads

- Footpaths
- Park furniture including picnic tables, shelters, seats and benches
- Playgrounds
- Bushland areas
- Within ten metres of memorials, memorial seats and playground equipment
- Within twenty metres of residential dwellings
- Within twenty metres of all sporting activities
- 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.

7. 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

8. 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.

9. 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

10. 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 residents

11. FEES

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

12. 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.

13. 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.

Council will clean and maintain public toilets that are ordinarily open for use by the general public, outside the hiring period.

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

14. 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.

15. STORAGE

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

16. 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.

17. REPORTING

Should there be an accident or injury arising through the Hirer's use, the Hirer 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.

18. 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.

19. 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 turfed 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.

End of Policy

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