



Moreland City Council

Personal Training in Public Open Space GUIDELINES

Date Resolved By Council:	8 February, 2012
Commencement Date:	1 March, 2012
Review Date:	1 January, 2015
Responsible Department:	Recreation Services

These guidelines have been authorised and are included on Council's Website.

Peter Brown
Chief Executive Officer

PERSONAL TRAINING IN PUBLIC OPEN SPACE GUIDELINES

1. PURPOSE

These guidelines provide the framework for the use of public open space by fitness professionals and other commercial operators for fitness activities. The guidelines ensure commercial personal training activities do not compromise the condition and accessibility of Council's open space by allowing Council to regulate the amount of usage at each venue. The guidelines also ensure commercial operator users are appropriately qualified and maintain professional and public liability insurance.

These guidelines are consistent with Part 3: Municipal Amenity - Public Places (Section 21/22) of the Moreland City Council General Local Law 2007.

2. OBJECTIVE

The objective is to:

- ensure equity of access to public parks and reserves
- reduce the impact of commercial fitness activities on asset condition and maintenance
- minimise public liability concerns

3. BACKGROUND

Council has a number of public parks and reserves that are for use by the community. Often commercial operators also choose to utilise these spaces. Guidelines are needed to ensure that our open space areas are not over utilised by commercial operators, that the providers of outdoor health and fitness programs are appropriately qualified and have undertaken the required risk management processes to ensure use of Council facilities is safe.

An increase in commercial fitness professionals utilising parks and reserves has introduced a number of issues including:

- a) Equity of access issues – e.g. potential conflict with displaced users and management of demand
- b) Impact on the parks and reserves - e.g. trainers (especially large groups) causing wear and tear to grounds and other structures
- c) Public liability concerns - e.g. fitness professionals without appropriate insurance and risk management processes

There is a need to regulate use of public parks and reserves by organised or commercial fitness groups and personal fitness trainers. These guidelines respond to this need. The guidelines ensure that all commercial operators using council open space areas are doing so in accordance with set guidelines.

4. DETAILS

The guidelines address the operation of Commercial Fitness Groups and fitness professionals relating to:

- a) One on one sessions and/or group activities
- b) All parks and reserves within the City of Moreland

The permit process does not apply to not for profit and social groups who are accessing public space

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Allocation of Permits

Permits are available for a three month period and will authorise each trainer to use the designated open space for fitness activities in accordance with these guidelines on a non exclusive basis.

Applications for permits and the number of permits to be issued is determined by Council officers according to the following factors:

- Usage demand, intensity of use of the area and times requested
- Ground condition
- Number of approved fitness professionals already using the area
- Other activities (passive and 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 increased congestion or user conflict in the area requested

The fitness professional must also provide:

- their ABN
- a current senior first aid certificate
- proof of current Public and Professional Liability Insurance for a minimum of \$10m
- proof of registration with Fitness Australia, Physical Activity Australia or other recognised peak body association qualification

In considering the above, Council officers may decide to:

- a) approve an application and issue a permit
- b) issue a limited permit with restrictions on the number and types of activities, group size and the time and location of activities
- c) not approve the application

Permits are allocated to individual fitness professionals. However, the authorised fitness professional can nominate a duly qualified replacement in case of illness or leave. The fitness professional must notify Council within 24hrs of the scheduled session, quote the permit number, specify the replacement and provide proof of accreditation.

Additionally a business can nominate more than one fitness professional that can operate under a business permit. The business must provide proof of qualification for each trainer and a roster listing the trainers who will operate under the permit. No two trainers under the one business permit are allowed to conduct activities concurrently. A fee will be charged for each trainer under the one business permit.

Each permit issued will include confirmation of the type of activities to be undertaken, when and where these activities can take place, the number and size of groups, number of sessions and session times. This permit must be carried by the fitness professional at each session.

General Conditions

Each fitness professional approved by Moreland City Council must:

- only provide the activities for which they are suitably qualified and recognised by their registered peak body
- only operate in the areas and at the times specified in the permit
- manage the activities to minimise wear and tear on grassed areas (this includes rotating within the designated area and/or alternating activities and the use of mats)

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- comply with reasonable directions of Council officers in relation to any unacceptable practices or, to display evidence of the permit in prescribed manner
- without undue delay, report to Council any hazards or risks observed during the training that may require Council's attention
- not assign the rights of permit or attempt in any other manner to transfer their rights to any other person, The permit is issued to a particular individual and is not transferable unless approved by Council in accordance with these guidelines.
- always conduct themselves in a proper and orderly manner and be considerate to other reserve users and adjacent residents
- not create any noise from training activities that unreasonably disturbs other users and adjacent residents
- not attach equipment or infrastructure to trees or park furniture
- ensure that any temporary exercise equipment used does not create any hazards or obstruction
- request permission for use of advertising i.e. use of A frames and/or banners requires Council's approval, as per Council's signage policy
- ensure no damage or litter remains as a result of your activities. Any damage or mess caused by the user will be repaired/cleaned at the user's expense and may jeopardise future allocation and recovery of the permit bond.
- have their permit in possession at all times

Council reserves the right to terminate its agreement with a trainer/business without notice if the user has breached the terms of these guidelines.

Exclusion areas

Specific areas are prohibited for activity use. No commercial fitness training will be permitted:

- in high activity and/or culturally, environmentally or naturally significant areas
- to use park furniture, buildings and structures
- to use any memorial or historical site
- in any areas that may be temporarily closed by Council
- exclusive use of public outdoor fitness equipment in parks and reserves
- use within 20 metres of any playgrounds or play equipment
- use within 20 metres of any public change room, toilet or kiosk areas
- use within 20 metres of any neighbouring residential property
- any designated sports field or facility without a specific booking
- to conduct training on stairways
- to conduct aggressive and intimidating activities
- to drag tyres and other equipment
- use of whistles, megaphones, amplified music or amplified audio (voice) equipment

Permissible fitness activities under the guidelines

Each application for permit will be assessed in accordance with the guidelines. The following activities are an example of the type of activities that may be approved for use:

High Intensity	Low intensity
Gym sessions (with or without weights, fit balls, skipping ropes etc)	Yoga, stretching or pilates classes
Boxing and pad training	Tai Chi
Organised group fitness session	Mat work
Circuit training	Easy exercise
Running sessions	
Boot camp	

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Size of groups

A maximum of 20 participants, including the trainer, per session is allowed. Final group sizes permitted will be assessed by Council officers according to the site being used.

Hours of operation

Activity will only be permitted in daylight hours between 6:00am and 8:00pm.

Hours of operation will be assessed and approved by Council officers according to the site being used.

Fees and charges

Permit fees will be invoiced at the beginning of each permit period. Applications must be made at least 3 weeks in advance of the first activity session. Individual permits are for use in the allocated spaces only.

Duration	Sessions	Cost
3 months	Maximum 2 per week	\$220.67 (ex GST)
3 months	3 or more per week	\$386.17 (ex GST)

A fee of \$25 per additional trainer, under a business permit, will be charged.

A \$500 bond will be collected with each permit. This bond will be returned at the end of the permit period or rolled over to the following permit period.

NB. Fees will be subject to change according to annual fees and charges passed by Council as part of the annual budget process.

Penalty for use without a permit

The permit process is consistent with Part 3: Municipal Amenity - Public Places (Section 21/22) of the Moreland City Council General Local Law 2007. Any commercial fitness professional found to be conducting activities without a permit may be penalised according to local laws.

The penalty for unauthorised use is 10 penalty points, which is currently equivalent to \$200. Council Officers patrol open space areas on a regular basis.

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Open space available for use by suburb

Park/ Reserve	Permitted uses		Melways Ref
	Low intensity	High intensity	
BRUNSWICK			
Gilpin Park	✓	✓*	29 E7
Wylie park	✓	✓	29 C8
BRUNSWICK EAST			
Jones Park	✓	✓*	30 A6
Roberts Reserve	✓	✓	30 B6
BRUNSWICK WEST			
Brunswick Park	✓*	-	29 E7
Dunstan Reserve	✓	✓*	29 B4
Fleming Park	✓	✓*	29 K8
Fraser Reserve	✓	✓	29 B4
COBURG			
Bridges Reserve	✓*	-	29 J1
DeChene Reserve	✓	✓	18 A12
McDonald Reserve	✓	✓	17 K12
Morris Reserve	✓	✓*	29 A2
Robinson Reserve	✓	✓*	29 G2
Harmony Park	✓	✓*	17 E10
COBURG NORTH			
Coburg Lake – Murray Rd	✓	✓*	17 J10
Coburg Lake – DeChene Pde	✓	✓*	17 J10
Jackson Reserve	✓	✓*	17 K9
Richards Reserve	✓	✓*	17 F9
Parker Reserve	✓	✓	17 J7
FAWKNER			
Arthur Ruddick Reserve	✓	✓	17 K5
CB Smith Reserve	✓	✓*	17 J12
Moomba Park	✓	✓	8 A12
GLENROY			
ATC Cook Reserve	✓	✓	6 J12
Roberts Reserve	✓	✓	16 H4
Wallace Reserve	✓	✓	7 A12
GOWANBRAE			
Gowanbrae Park	✓	✓*	16 D2
PASCOE VALE			
Cole Reserve	✓	✓	17 B7
Esslemont Reserve	✓*	✓*	16 J9
Joyce Reserve	✓	✓	17 A6
PASCOE VALE SOUTH			
Mitchell Reserve	✓	✓	29 B1
OAK PARK			
JP Fawkner West Reserve	✓	✓	16 F6
Kingsford Smith Ulm Reserve	✓	✓	16 D4
Oak Park Reserve	✓	✓	16 H7

* = Subject to numbers