

Personal Training at Council Reserves Policy

Version: 1.2

Date updated: 8 March 2017

Responsible Department: Active Communities

1. Purpose

To establish clear guidelines that manage the use of Council Recreation Reserves and public open space for commercial fitness activities, in a manner that balances industry needs, supports safe, physical wellbeing activities, provides protection of natural assets and maintains community access and amenity.

2. Definitions

Council	means Casey City Council, being a body corporate constituted as a municipal Council under the Local Government Act 1989
Councillors	means the individuals holding the office of a member of Casey City Council
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer
Commercial health and fitness activity	structured health and fitness activities/classes organised by an instructor for which fees are charged to the participants. Organisers are registered "for profit" businesses
Personal training	personalised health, fitness and exercise instruction for individuals and/or groups
Recreation reserve	means the active space sports ground/ovals where organised sport is played
Passive reserve	passive reserves provide space for casual play, relaxation, family activities, and other forms of 'informal' leisure

Council policy documents change from time to time and it is recommended that you consult the electronic reference copy at www.casey.vic.gov.au/policiesstrategies to ensure that you have the current version. Alternatively you may contact Customer Service on 9705 5200.

3. Scope

This policy applies to commercial operators who seek to use Council owned or managed reserves for the provision of health and fitness services for financial gain.

Council approved commercial operators must only operate in accordance with the terms of the permit and Council local laws.

4. Context

Commercial group fitness activities or personal training is becoming increasingly popular and it provides an alternative to traditional health and fitness facilities or commercial gymnasiums.

Council recognises the community health benefits of personal training and enhancing the quality of life of community members through physical activity in outdoor environments.

This policy aims to work in principal with the City of Casey's [Municipal Health & Wellbeing Plan, 2013-2017](#).

5. Policy

Commercial operators must apply for a permit to utilise Council owned and/or managed passive reserves and recreation reserves and operate in accordance with the conditions of use for personal training as outlined in this policy.

Specific conditions include:

a. Fitness activities which may be conducted

- gym sessions (with or without hand weights, fitballs, skipping ropes, foam mats, etc.)
- boxing pad training
- organised aerobic activity and running groups
- circuit training
- relaxation, meditative, balance and strength activities such as yoga, pilates and tai chi
- a combination of any of the above.

b. Activities which are not permitted

- aggressive or intimidating activities including combat/fighting or training
- amplified music, microphones or use of amplified audio (voice) equipment
- organised ball sports (suitable at designated sports grounds)
- the setting up of gymnasium or weight equipment such as weight benches, weight stacks, stationary bikes, punching or boxing bags, treadmills etc.
- the offering for sale of clothing, merchandise, equipment, refreshments, goods, services or products.

c. Areas excluded in the policy

Use of the reserve is restricted to the identified open space areas as advised on the approved permit. Instructors are to adhere to the approved area and rotate areas of use on a regular basis to ensure minimal wear and tear to the area allocated.

Specific areas excluded for use include:

- playgrounds (public exercise equipment accepted)
- picnic and BBQ facilities
- garden beds, vegetation and fencing
- park furniture and structures
- memorials, shrines and public art
- environmentally sensitive areas
- cemeteries
- stairways and public footpaths
- areas without suitable lighting when not in daylight hours.

d. Eligibility to provide commercial health and fitness activities

The following documents must be provided to be eligible for a permit to provide commercial health and fitness activities on Council owned or managed reserves:

- certified copy of registered business name and ABN
- certified copy of Public Liability Insurance which indemnifies Council to a minimum of \$10 million
- certified copy of Professional Indemnity Insurance which indemnifies Council to a minimum of \$5 million.

e. Permit approval

Permits will authorise the operator (issued in the name of the business) to use a specific area, for health and fitness activities. The permit is valid for the stipulated season/year, location, session, participant numbers and activity. The permit is non-transferable (to another business or operator) or refundable. The permit issued by Council approving the use of the reserve will need to be presented if queried by Council officers.

f. Permit period

- Seasonal (Winter runs from 1 April – 30 September and Summer runs from 1 October – 31 March)
- Financial year (1 July –30 June)
- Per calendar month.

g. Hours of operation

No nuisance or annoyance shall be caused to persons on neighbouring properties by any activities associated with the use of recreation reserves and passive reserves. No whistles or similar equipment to be used prior to 9am or after 9pm. Commercial health and fitness activities will be permitted outside daylight hours provided the trainer has supplied to Council evidence of complying with the Australian Standard: 2560, which states the minimum requirement for lighting of commercial health and fitness activities. Allocated sessions must not commence before 6am or after 9pm.

h. Insurance requirements

- **Public Liability Insurance**

The operator at all times during the agreed term is required to be the holder of current public liability insurance policy (“the public liability policy”) in respect of the activities specified in the application, in the name of the operator providing cover for a minimum of \$10 million.

- **Professional Indemnity Insurance**

The operator at all times during the agreed term is required to be the holder of a current professional indemnity insurance policy (“the professional indemnity policy”) in respect of the activities specified in the application, in the name of the operator providing cover for a minimum of \$5 million.

i. General permit conditions

1. The operator agrees to indemnify and to keep indemnified, the Council, its servants and agents, and each of them from and against all actions, costs, claims, charges, expenses, penalties, demands and damages whatsoever which may be brought or made or claimed against them, or any of them, in connection with the hirers performance or purported performance of its obligations under this Agreement and be directly related to the negligent acts, errors or omission of the hirer.
2. The operator’s liability to indemnify the Council shall be reduced proportionally to the extent that any act or omission of the Council, its servants or agents, contributed to the loss or liability.
3. The operator has appropriate public liability insurance (copy of certificate of currency to be attached) and is responsible for any damage to Council property caused by members of the operator and/or their associates. If any damages arise from the operator’s use the operator will pay reinstatement costs of reserve.
4. If filming in any Council spaces (feature film, television, music video, student film or still photography), a separate permit must be obtained from Council.
5. All instructors who provide a service in the delivery of this permit must be qualified, Fitness Australia registered and Level 2 First Aid qualified.
6. Sportsground/reserve floodlights will not be provided by Council; all operators must supply evidence of and use appropriate lighting as per AS2560.
7. Operators are responsible for following all occupational health and safety guidelines including sun smart policies.
8. Council may restrict use of reserves at short notice due to inclement weather conditions, ground conditions or other matters that may compromise safety or increase risk of damage to the reserve.
9. The operator must accept responsibility that the reserve is suitable for the desired activities. Council accepts no responsibility for the condition of the reserve or the associated amenities. The instructor should carry out an assessment of the area to be used and ensure they are satisfied it is safe to perform set activities. The operator must report to Council, without undue delay, the hazard or any other hazardous matters observed during the training that may require attention.
10. The operator is responsible for ensuring the reserve is left clean and tidy at the end of each session. If the reserve is not left in an adequate state, the reserve will be cleaned by a Council contractor at the cost of the operator.
11. Maintenance work undertaken on the reserve by Council takes priority and should maintenance crew arrive during allocated hours, operators are required to relocate within the reserve if requested.
12. Maximum group training size per session is 18 people not including the instructor.

13. The display of advertising signage including banners or 'A' Frame signs will be permitted upon successful application of Clause 26 Local Law No.2/2010. Application for temporary signage must be submitted with this permit application.
14. The use of gymnasium equipment type equipment i.e. weight benches, weight stacks, stationary bikes, treadmills, steppers, tyres or vehicles etc. is not permitted.
15. Organised ball sports (suitable at designated sports grounds) are not permitted,
16. Aggressive or intimidating activities including combat/fighting or training is not permitted.
17. No nuisance or annoyance shall be caused to persons on neighbouring properties by any activities associated with use. No whistles or similar equipment to be used prior to 9am or after 9pm. Operators should familiarise themselves with the following Environment Protection Authority noise control guidelines. www.epa.vic.gov.au/your-environment/noise.
18. Amplified music, microphones or use of amplified audio (voice) equipment is not permitted.
19. The offering for sale of clothing, merchandise, equipment, refreshments, goods, services or products is not permitted.
20. Vehicles are not permitted on the reserve allocated.
21. Use of the reserve is restricted to areas of the reserve as advised on the permit provided. Ovals, sports grounds and parks not specified on the permit are not to be used at any time. Instructors are to rotate areas of use on a regular basis.
22. Tents, marquees and the like are not to be erected on the allocated reserve due to possible damage to the water reticulation and other underground services. Equipment is not to be pegged into the reserve areas at any time.
23. Council prohibits any persons from consuming or bringing any liquor/alcohol on to a reserve without written approval from Council and the necessary permit from the Liquor Licensing Commission.
24. Facilities in the reserve are for public use and must be shared. A permit for use of the reserve for the purposes of personal training does not confer exclusive use and other groups retain the right to use the reserve facilities during the hours of the permit.
25. The permit issued by Council is required to be presented should a Council Local Laws Officer request confirmation of approval to utilise a recreation reserve or passive reserve.
26. Council reserves the right to terminate a permit issued in the event of fees not paid within 60 days, changes to reserve conditions or any other factors deemed to be relevant.
27. Council requires written notification to cancel a permit; fees will continue to be invoiced until notice is provided.
28. Permit is non-transferable.

j. Fees and Charges

A schedule of charges will be included within Council's Fees and Charges which are adopted annually and will be set out in the application form. These fees are in recognition of some of the costs associated with providing the facility for personal training use.

k. Signage/ Promotion

The display of advertising signage including banners or 'A' Frame signs is permitted. Permission to erect a temporary sign can be obtained by sending an email to the City of Casey Local Laws Department at caseycc@casey.vic.gov.au detailing the location and period of display for your sign.

l. Groups excluded from this policy

The policy does not apply to the following groups engaging in not for profit health and fitness activities this may include but not limited to:

- non-commercial health and fitness training
- local sporting clubs and associations conducting activities
- local schools conducting activities.

m. Termination of permit

Council reserves the right to terminate permits issued in the event of non-payment of fees after 60 days, changes to reserve conditions or any other factors deemed to be relevant.

6. Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

7. Review

The next biennial review of this document is scheduled for completion by 30 March 2019.