

Directorate:	Community Services	Date Adopted:	16 February 2016
Responsibility:	Culture and Recreation	Date Last Changed:	-
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Classification:	Council	Next Review Date:	February 2017

COMMUNITY STRATEGIC PLAN REFERENCE

Our Place, Our Vision – Marrickville Community Strategic Plan 2023	
1.1	The community is active and healthy
1.2	The community has improved access to a range of local services for all ages and abilities
1.3	The community has increased opportunities for participation and engagement

BACKGROUND AND OBJECTIVE

The objective of the Commercial Fitness Training Policy is to provide an effective framework for management of personal training in parks and reserves including consideration of equitable access to parks, open space, assets and governance measures to minimise public risk and adverse impacts on nearby residents.

POLICY STATEMENT

Access & Equity

Council recognises that all residents of the Marrickville Local Government Area (LGA) should have access to opportunities to participate in and enjoy the benefits of recreation.

Benefit to the Marrickville area

Council recognises organisations that are located in and draw their membership predominantly from the Marrickville LGA. Council also recognises the community building benefits delivered by local not-for-profit organisations however it also recognises that non-local and commercial organisations play an important role in the area.

Participation

Council recognises that participation in recreation results in positive social, cultural and economic benefits for communities and individual health and well-being benefits.

Risk Management

Council recognises the importance of risk management in the maintenance and capital improvement of sport and recreation facilities in addition to the management of unforeseeable risk by requiring relevant insurances from organised users of Council facilities.

Suitability of Facilities

Council determines if the facility is appropriate and safe for the proposed use including playing areas and other amenities when determining approved areas for training.

Sustainability

Council recognises the importance of sustainability comprising social capital, local cultural identity, organisational and financial sustainability; and environmental sustainability including energy efficiency, waste minimisation, and impact on natural turf playing surfaces.

Usage and User Group

Council recognises that the categorisation of land as a sportsground contributes to effective management of resources. In allocating sportsgrounds, Council considers relevant the user's reliance on Council facilities for their ongoing viability as well as access to alternative facilities.

SCOPE

This policy applies to the formalised use of public open space owned and/or managed by Council, for the purpose of Commercial Fitness Training. Management of the spaces approved for personal training are regulated by *Local Government Act 1993* and *Crown Land Act 1989*, and is subject to Councils Plans of Management.

Groups excluded from this policy include:

- Sporting clubs;
- Schools;
- Defence Forces;
- Social groups; and
- Organised group activities undertaken on public reserves are however subject to an approval process under casual and regular booking procedures. See *Marrickville Councils Sportsground Allocation Policy 2013*.

POLICY

1. General Provisions

Council is committed to ensuring all public open spaces are safe and suitable for community use. In order to maintain this standard there are a number of conditions of use that must be adhered to when undertaking personal training at approved sites, including:

General Terms of Use

- Maintain access to common areas such as seating, rotundas, picnic tables and other park infrastructure;
- Respect for co users of open space, including the general public, casual and regular hirers of sportsgrounds, Council staff undertaking works and maintenance and contractors;
- Compliance with all Council notices applicable to the park area;
- The hired area must be left in a clean and tidy condition with all rubbish placed in bins provided;
- Show consideration for other users, adjoining residents, public safety and Council property;
- Vehicles are prohibited from entering park areas at all times;
- Glass containers are not permitted on or around sports fields, parks and reserves or playgrounds;
- Signage, banners or advertising is not to be displayed at any time;
- The cost to restore any damage to the reserve/park area as a result of the activities will be borne by the licence holder;
- The decision to use public open space and to ascertain that the surface is of suitable quality for the proposed activity is the responsibility of the licence holder; and
- Must display permit approval in a form approved/issued by Council.

Permissible Fitness Activities

- Resistance training;
- Boxing and pad training;
- Organised aerobic activity;
- Yoga, Tai Chi and Pilates classes and like activities;
- Circuit training;
- A combination of any of the above; and
- Other industry endorsed fitness activities having been submitted and approved by Council.

Prohibited Activities

- Aggressive or intimidating activities such as combat training;
- Inappropriate use of fixed structures or trees for the purpose of training such as the use of suspensions lines, unless there is a purpose built facility to do so;
- Use of microphones and amplifiers unless prior consent is granted by Council;
- Construction of marquees, tents or other structures unless prior consent is granted by Council; and
- Display of marketing or promotional material (e.g. A-Frames, banners).

Accreditation

All Commercial Fitness Trainers registered and allocated permits are required to hold a recognised fitness industry accreditation, in addition a Senior First Aid Certificate and registration with peak body Fitness Australia is required.

Insurance

Commercial Fitness Trainers must maintain public liability insurance in their name for a minimum of \$20 million and this must be current for the term of the licence granted. The insurance must be held in the trainer's name(s)/organisation applying for the licence.

Group Size

The maximum number of clients must not exceed 18 people per session. Up to three (3) trainers may be listed per location on the application form.

Hours of Use

Licence holders may access approved personal training sites between the hours of 6am and 10pm Monday to Saturday and 7am to 10pm on Sunday.

2. Licences and Fees

Licence Agreements

Upon application trainers are required to submit relevant documents including applicable qualifications of nominated trainers, insurances and sites training will be delivered. In all cases, the proposed use must be consistent with the applicable legislation governing the use of the land (e.g. Local Government Act 1993 and Environmental Planning and Assessment Act 1979 or Crown Lands Act 1983) including the relevant Plan of Management. A 12 month Licence Agreement will be issued, detailing the time, approved training site(s) and permitted commercial fitness training activities. Licences confer non-exclusive use of a Facility for a specified period subject to payment of a licence fee. The licence will be for use of the approved park site as it appears on the application.

Term of Licence

Personal Training Licences are issued for 12 month periods valid from the time of issue.

Licence Renewal

Application for licence renewal should be submitted one month prior to the expiry date of the valid licence in order to ensure renewal can be completed prior to the expiry of the current licence.

Termination of Agreement

Council reserves the right to terminate a licence agreement with a trainer without notice if it is determined that the trainer has failed to comply with the reasonable direction of officers or has breached the terms of the licence agreement or the terms of this Policy. A trainer whose licence has been terminated or application refused, can appeal in writing to the Director Community Services, Marrickville Council, Administration Building, 2-14 Fisher St, Petersham 2049.

Fees and Charges

All licence fees and charges are as adopted annually by Council in the *Pricing Policy and Fees and Charges* unless changed by a subsequent Council resolution. Fees and charges apply to the 12 month licence and can be found in Council's Fees and Charges Policy <http://www.marrickville.nsw.gov.au/en/council/forms-and-publications/fees-and-charges/>.

3. Approved Training Sites

Please see below a list of the approved Commercial Fitness Training locations:

- Arlington Oval
- Camdenville Oval
- Camperdown Park
- Camperdown Park Oval
- Camperdown Memorial Rest Park*
- Enmore Park
- Henson Park*
- Johnson Park
- Mackey Parks Ovals 1-3
- Mahoney Reserve
- Mahoney Reserve Oval
- Marrickville Park*
- Marrickville Park Oval
- McNeilly Park*
- O'Dea Reserve*
- Petersham Park
- Petersham Park Oval
- Steel Park
- Steel Park Ovals 1-3
- Sydenham Green
- Tempe Reserve
- Tempe Reserve Ovals 1-6
- Tillman Park

Note each site has approved training areas located within them. Please visit Councils website to download maps of approved Commercial Fitness Training areas for each location. Approved access is within the defined training zone only.

RELATED LEGISLATION, POLICIES AND PROCEDURES

- Local Government Act 1993
- Crown Lands Act 1989
- Council's Pricing Policy and Fees and Charges
- Recreation Policy & Strategy 2013
- Sports Ground Allocation Policy 2013
- Protection of the Environment Operations Act (1997)

DEFINITIONS

Combat Training: Refers to physical activities which involve opposing individuals and/or competitive or fighting and is of an aggressive or intimidating nature.

Commercial Fitness Training: Refers to the teaching of exercise for the purposes of conducting a commercial business and to assist participants in the improvement of physical fitness and mental wellbeing. Engaging in such business involves the exchange of fee or payment.

Commercial Fitness Training Activities: Refers to the various physical fitness activities conducted for the purposes of conducting a business through training participants on how to improve their physical fitness.

Fixed Structure: Refers to any item that is deemed immovable or securely positioned including signs and storage containers.

Licence Agreement and Licence: Refers to a printed document that gives official permission from Marrickville Council to a specific person, operator or company to conduct commercial fitness training activities within a designated area of public open space. A licence may be issued in accordance with the Local Government Act 1993 and Crown Lands Act 1989 for non-exclusive use.

Notices: Refers to signs erected by Council which relate to permissible activities undertaken in a public place, the use of the place or any part of the place or the payment of a fee for entry or use of the public place.

Public Open Space: Refers to land that is provided for the use of the community and administered through its representatives in government. Specifically, 'public open space' includes public parks and reserves, sportsgrounds, cycleways, shared pathways and footpaths within public parks/open spaces that are within the ownership of Marrickville Council or Crown Land vested in the care and control of Marrickville Council.

Sportsground – Regular and Casual Hirer: Ground hire by casual and regular sporting groups, often for winter and summer seasons.

APPROVALS

Elected Council.

POLICY HISTORY:

Version	Summary of Changes Made	Date Changed	Document Reference #
1	Policy adopted by Council at C0216 Item 7.	16 February 2016	18767.16