

COMMERCIAL FITNESS OPERATOR POLICY

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Responsible Officer:	Coordinator Facilities
Owner:	Active and Healthy Lifestyles
Responsible Director:	Health and Wellbeing
Relevant Legislation/Authority:	
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1. PURPOSE

The purpose of this policy is to effectively manage the use of Public Land under care, control and management of Council for the purpose of conducting commercial fitness operations.

2. BACKGROUND

The City is committed to creating the world's most liveable community. The City's Health & Wellbeing Directorate plays a key role in this, with its mission to work with the community to enable and enhance their wellbeing. The Active and Healthy Lifestyles Unit aims to achieve this by fostering participation in physical recreation activities.

Following a six-month trial, on 16 August 2017, Council resolved to endorse the Commercial Fitness Operators Policy. Following this endorsement, fees and charges have been adopted for operators and enforcement included within the Greater Bendigo Community Local Law.

The objective of the Commercial Fitness Operator Policy is to support suitable commercial fitness activities, whilst ensuring balance with the rights of all community members to access public land

3. SCOPE

The Policy applies to all commercial fitness operators who seek use of public land under the operational control of the City for the provision of activities for financial gain.

Public land under the operational control of the City includes:

- Crown Land where the City is the delegated Committee of Management

- Crown Land which has been vested in the City
- Land which is owned by the City
- Land which is managed by a Committee of Management appointed by the City
- Land which is leased by the City
- Any other public land where the City has authority to apply this policy.

4. DEFINITIONS

Commercial Fitness Operator: Providers of outdoor fitness activities for financial gain. This excludes not for profit organisations undertaking fitness operations.

Parks and gardens: Public land where passive and play activities occur and for the purpose of this policy under 20 participants are permitted to be in a class.

Permit: Approval of commercial fitness operations in a City park, garden or sporting reserve including a presentable permit supplied to each operator.

Public Land: Public space this is owned and/or managed by Council.

The City: City of Greater Bendigo.

Seasonal Agreement: Agreements between the City and not for profit sporting clubs and organisations which commence 1 October and 1 April annually.

Sporting reserves: Public spaces where sporting training and competitions are held and for the purpose of this policy over 20 participants per class are permitted.

Terms and conditions of occupancy: Listed terms and conditions which must be agreed to as part of the permit process and adhered to for ongoing compliance.

5. PRINCIPLES

This policy will manage access to public land and assess the suitability of the proposed commercial activities, giving primary consideration to:

Equity

To ensure equity for all members of the public in the access to public land.

Protection

To balance commercial fitness operation activities with the access rights for all community members and to protect built and natural physical assets from damage or misuse.

Respect

To ensure activities are carried out in a safe, ethical and respectful manner.

Consistency

To ensure there is a consistent approach to the management of commercial fitness operators.

6. POLICY

Qualifications and Insurance

To be eligible to gain a commercial fitness operator permit with the City, fitness operators must as a minimum provide the City with copies of the following documentation valid for the duration of the permit:

- Certificate IV in Fitness*
- National Fitness Industry registration
- Level 2 First Aid
- Current CPR
- Certificate of currency/insurance with \$10 million in Public Liability (\$20 million preferred) and \$5 million Professional Indemnity.
- An ABN
- Acknowledgement and agreeance to the conditions of use of the City's parks, gardens and sporting reserves.

*activities such as yoga, Pilates etc. may not require Certificate IV in Fitness.

Locations

The City welcomes applications to operate at a number parks, gardens and sporting reserves. Please visit the City website for a list of available locations.

Exclusion zones

- No commercial fitness operator activity is permitted in or on the following areas:
- Playgrounds
- Trees, garden beds and vegetation
- Picnic and barbecue facilities
- Park furniture, buildings and structures
- Environmentally sensitive areas
- Socially, historically or culturally sensitive areas, including memorials, shrines and public art works
- Stairways within open spaces and footpaths may be transited but not used for training activity
- Any areas that may be temporarily closed by the City
- Any other areas that may be nominated by the City at any time

Permissible activities

- Gym sessions (with or without hand weights, fitballs, skipping ropes etc.)
- Boxing and pad training
- Organised aerobic activity and running groups
- Circuit training
- A combination of any of the above
- Other activities as determined by the responsible Council officer

Excluded activities

- Aggressive or intimidating activities including combat/fighting training
- Amplified music or use of amplified audio (voice) equipment
- The offering for sale of clothing, merchandise, equipment, refreshments, goods, services or products
- Use of equipment damaging to surfaces, infrastructure or trees such as tyres, sleds, ropes etc.
- No pegs/stakes to be used at anytime
- Other activities as determined by the responsible Council officer

Group sizes

Maximum number of participants per session at parks and gardens is 20; at some locations this may be lower.

There is less restriction to the number of participants per session on sporting reserves. Participation numbers will be determined at the time of booking and will be dependent on ground conditions, existing bookings and shared spaces etc.

7. ROLES AND RESPONSIBILITIES

Councillors: adopt Policy

Active and Healthy Lifestyles: administer Policy.

Safe and Healthy Environments: enforce Policy.

8. RELATED DOCUMENTS

Readers are encouraged to access relevant documents and/or resources which are available as per the below.

These include:

- Greater Bendigo Public Space Plan, 2018
- Walk Cycle Greater Bendigo, 2019
- Greater Bendigo Health and Wellbeing Plan 2017-2021

Further information or advice on this policy should be directed to Active and Healthy Lifestyles

9. HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

10. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document which will be update by Active an Healthy Lifestyles.

11. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
<i>February 2020</i>	<i>AJ</i>	<i>A & HL</i>	<i>Review (Administrative)</i>	<i>2</i>	<i>January 2024</i>
<i>August 2021</i>	<i>RM</i>	<i>Governance</i>	<i>ECM no. added</i>	<i>3</i>	<i>January 2024</i>