

TERMS AND CONDITIONS OF USE

Personal Training in Parks & Gardens

INTRODUCTION

These Terms and Conditions of Use (“Conditions”) have been supplied as part of the application for use of council’s parks and reserves for the purpose of personal training. The Conditions stipulated apply to all open space controlled by the City of Stonnington.

1. PERSONAL TRAINING PERMIT APPLICATION

Personal Trainers intending to use Council’s Parks and Gardens will be required to apply for a permit in accordance with the City of Stonnington General Local Law 2008 (No.1).

The following documents must be submitted to council before a permit will be issued.

- (a) Personal Training in Parks & Gardens Application form where the Personal Trainer has agreed to abide by the terms of this document, indemnify and hold harmless Council from and against all actions, costs, claims, charges, expenses, penalties, demands and damages arising from the trainer’s activities.
- (b) Risk Management Plan that identifies risks, risk management; and nominates responsible persons for managing identified risks. An example of a risk management plan is contained in Appendix 1.
- (c) Evidence of a current Certificate of Currency for Public Liability Insurance in respect of the activities in the name of the Personal Trainer, providing coverage for a minimum sum of \$10,000,000. The Public Liability Policy shall be with an insurer approved by the Council.

The Public Liability Policy must cover such risks and be subject only to such conditions and exclusions as are approved by the Council. This shall extend to cover the Council in respect to claims for personal injury or property damage arising out of the negligence of the Personal Trainer.

- (d) Evidence of registration with Kinect Australia, Fitness Australia or another recognised peak body or educational institution.

The assessment of applications will be based on the following:

- Usage demand, intensity of use and times requested;
- Capacity of the park/garden to accommodate the activity;
- Number and nature of existing permit holders in the area;
- Other activities (passive and active) being undertaken in the area;
- Special events that may be occurring in the area;
- The nature 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 congestion or user conflict in the area;
- Past connection of permit holder to the area requested;
- Management of the natural and built assets to preserve and protect the environment; and/or
- Compliance history with permit(s) of the applicant within Stonnington or other municipalities.

In considering the above, Council officers may decide to:

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

Personal trainers will be issued with a written permit containing permit conditions, allocated time(s), training location(s) and any restrictions.

Permits will be issued in the name of the applicant and are not transferable.

2. SPECIFIC CONDITIONS OF USE

2.1 Permitted Activities

Permits will allow trainers to conduct approved fitness activities such as, but not limited to:

- Boxing or pad training;
- Organised aerobics or group exercise programs;
- Yoga, tai chi or similar classes;
- Use of Swiss balls, skipping ropes, foam mats, medicine balls (under 10kgs);
- Circuit training;
- Running drills; or/and
- A combination of any of these activities.

2.2 Restricted Activities

Restricted activities include but are limited to those that:

- Involve amplified music or audio;
- Use running spikes and/or studded sports boots;
- Involve dragging tyres, vehicles and/or equipment across grassed areas;
- Cause damage or stress to grassed areas, park fixtures or trees;
- Engage aggressive activities and behaviour, including games or activities that may unreasonably interfere with the use or access to the parks or gardens by any other person;
- Cause a nuisance to members of the public and neighbouring residents;
- Unreasonably exclude or cause to obstruct the public from the use of parks fixtures such as exercise circuits, benches or pathways; and
- Use weight training equipment over 10kg on sports grounds.

2.3 Group Size

Council officers will determine the maximum number of persons permitted per group depending on the nature of the activity, equipment used and area requested. However, apart from special exception, a permit will generally not be issued for groups that exceed 15 participants.

2.4 Times of Use and Allocated Sessions

Permits will not allow activities to commence prior to 6.00am or extend beyond 9.00pm. Each session allocated to the Personal Trainer will have a maximum continuous training period of two (2) hours. Permits will allow no more than 15 two-hour sessions or 30 one-hour sessions per week at each location. Session times will be contained in the permit.

2.5 Noise

Personal Trainers shall ensure that noise levels are kept in accordance with all laws, including local laws of Council. Personal Trainers are not permitted to use amplification equipment.

2.6 Restricted Areas

Permits will not allow personal training in areas of cultural, environmental or natural significance. Specific restricted areas include, but are not limited to:

- a) Picnic and BBQ areas;
- b) Memorials, statues, public art works or cenotaphs;
- c) Skate parks;
- d) Playgrounds; and
- e) Centre and practice turf cricket pitches, synthetic practice wickets, goal squares on sports grounds and other areas of high wear and tear;
- f) Stairways within open spaces and on public footpaths may be transited but not used for static or circuit training; and/or
- g) Any other areas that may be nominated by the City of Stonnington at any time.

Permits will not allow Personal Trainers to:

- a) Exclusively use public outdoor fitness equipment in Parks and Gardens;
- b) Obstruct pathways;
- c) Use exercise equipment on sports grounds weighing over 10kgs;

- d) Conduct weight training on sports grounds; and
- e) Use designated sports grounds during times when the facilities have been allocated to sporting clubs and schools for organised sporting activities, training and games/matches.

2.7 Storage

Permits do not confer the right to utilise pavilions or establish on-site storage.

2.8 Temporary or fixed structures

Permits will not allow temporary or fixed structures. This extends to vehicles, tents, marquees or stands.

2.9 Termination

Personal Trainers shall adhere to a set of conditions of use. In accordance with the General Local Law 2008 (No.1) section 1006, Council may cancel, suspend or amend a Permit at any time, if it is satisfied that there has been a substantial failure to comply with the conditions of use or, Notice to Comply direction or associated amenity issues.

2.10 Exemptions

The Permit does not infer exclusive rights to any location and there may be instances when the use of parks and gardens may be restricted or removed due to the following reasons:

- a) Park or Garden is unusable due to inclement weather;
- b) Park or Garden is unsafe for use;
- c) Park or Garden is required to undertake surface repairs and/or redevelopment works;
- d) Park or Garden is required for a Council approved community event;
- e) Amenity issues arising from training sessions;
- f) Park or Garden is required to undertake major capital works;
- g) Hirer has not provided adequate insurance coverage or registration with Kinect Australia, Fitness Australia or another recognised peak body or educational institution and/or
- h) Breach of the "Conditions of Use".

3. GENERAL CONDITIONS

In addition to the above conditions, Personal Trainers must ensure that:

- Advertising signage is not erected, including A frame signs;
- A copy of the Permit can be produced upon request from an authorised officer;
- Vehicles do not enter Council's parks and gardens;
- Only activities approved by Council are conducted as indicated on Permit;
- Activities minimise wear and tear on grassed areas;
- Large or heavy structures such as marquees are not erected;
- Inspect immediate areas prior to commencing activities to ensure no hazards are evident. Report hazards to Council and move the activity;
- Rights under the permits are not assigned to any other person or organisation;
- They conduct themselves in a proper and orderly manner and be considerate to other users and residents;
- Equipment is not suspended from trees and/or structures in Council's Parks and Gardens;
- Personal Trainers must not create any noise from training activities that unreasonably disturb other users and adjacent residents. No amplification equipment is permitted.
- The requirements of any other applicable legislative instrument, including those pertaining to water restrictions are satisfied. Operators will be liable for any breach of such Acts, Local Laws or regulations;
- Personal Trainers comply with any reasonable direction from a Local Laws Officer, Council Officer or nominated representative in relation to any potential or actual conflicting activities;
- Personal Trainers must report damage or hazards to Council immediately. Users must supply details of how the damage was caused so that it can be determined who will be responsible for paying for the repair or replacement of Council property;
- Any exercise equipment used does not create any hazards or obstruction;
- They do not sell clothing or equipment or refreshments or any other good, service or product; and
- If filming in any public spaces (feature film, television, TVC, music video, student film or stills), a permit must be obtained from the City of Stonnington Service Centre on 8290 1333.

3.1 Level and type of current usage

The current level and type of usage in the park determines the compatibility of the personal training activities to share and co-exist with other users of the park. Popular parks for dog walkers such as Argo Reserve will not be available for Personal Trainers due to the conflict that would arise between the two groups.

3.2 Existing Infrastructure

Although a site may be large enough to conduct personal training, existing park infrastructure and its location in the park including park furniture, pathways, trees, vegetation, playground, public toilets and BBQ facilities will have an impact on the type of organised activities that can operate from the site. Such parks include Grattan Gardens.

A seasonal review of available parks and gardens will ensure reliable assessment of variable factors, including:

- The impact of the drought;
- Changes in utilisation levels;
- Changes in the type of usage; and
- The introduction of additional infrastructure in the park.

Council Officers will conduct these assessments and inform any affected Personal Trainers.

4. Privacy and Data Protection Act 2014

The information provided as part of this form will be used by the City of Stonnington to assist in the provision, planning and development of venues and facilities for hire within the municipality. Information provided by you will only be used for the purpose for which it was collected. The information provided will not be disclosed to any outside organisation or third party. Individuals about whom 'personal information' is provided in the application may apply to the City of Stonnington's Privacy Officer on telephone 8290 1333 for access to or correction of information.