



Western Sydney Parklands

**POLICY ON THE USE OF
WESTERN SYDNEY PARKLANDS
BY PERSONAL TRAINERS
AND FITNESS GROUPS**

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Policy Approval Date: 20 June 2024
Next Policy Review Date: 20 June 2025
Published Date: 20 June 2024
Last Amendment Date: 20 June 2024

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Objective

To effectively manage the use of lands under the care, control and management of Western Sydney Parklands Trust by fitness groups and personal trainers.

Introduction

The Trust recognises the important contribution that personal training and personal fitness makes towards community health and wellbeing. It welcomes and supports access for fitness groups and personal trainers to provide opportunities for the community to participate in fitness activities.

Personal fitness training is one of the strongest growth segments in the fitness industry. Increasing numbers of commercial fitness trainers using outdoor space has raised a number of issues of concern for the community and space managers including:

- a) Equity of access – e.g. potential conflict with regular users, management of demand, domination and monopolisation of areas and use of public land by commercial operators.
- b) Impact on assets – e.g. trainers (especially of larger groups) causing undue wear and tear to recreational facilities.
- c) Public safety and liability concerns – e.g. trainers with insufficient insurance.
- d) Impacts upon nearby residents, stakeholders and the public.

The need to regulate use of Western Sydney Parklands by personal trainers and fitness groups has been identified and this policy responds to this need.

Aims

In implementing this policy, Western Sydney Parklands Trust (the Trust) aims to:

- Ensure equity of access to the park
- Ensure personal trainers and fitness groups do not impact on turf and facility condition and maintenance
- Minimise safety and public liability concerns
- Appropriately manage the park to prevent conflicts.
- Minimise the impact on nearby residents, stakeholders and park users.

Scope

This policy covers:

- a) One on one personal training sessions.
- b) All commercial group fitness activities.
- c) All organised group fitness activities.
- d) All lands within Western Sydney Parklands under the care, control and management of the Trust.

Groups Excluded from this Policy

This policy does not apply to the following groups:

- Local sporting clubs.
- Local schools.
- Defence Force groups.

These groups are required to make a general or seasonal booking with the Trust.

Eligibility

The following criteria must be met to gain approval to undertake personal training or fitness group activities in Western Sydney Parklands. Evidence of the following must be provided at the time of application.

Essential

- Current Apply First Aid or Senior First Aid Certificate or equivalent
- Current Public Liability Insurance which indemnifies the Trust to a minimum of \$10 million.

Desirable

- A registered professional with Fitness Australia.

Western Sydney Parklands Act & Regulation

The *Western Sydney Parklands Act 2006* identifies the aims, role and responsibilities of the Trust.

The *Western Sydney Parklands Regulation 2019* identifies how the Trust manages the use of trust lands.

Western Sydney Parklands Regulation 2019, Clause 10 stipulates the requirement for any group or individual to obtain prior written permission from the Trust to establish or operate a business on trust lands.

Permissible Fitness Activities

The following types of activities are permitted, subject to approval:

- Gym sessions (with or without hand weights, fit balls, skipping ropes and/or individual personal gym equipment).
- 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.
- Other associated activities approved by the Trust.

Excluded Activities

The following types of activities are excluded and are not permitted:

- Resistance ropes, bands or similar attached to or around trees and other park structures.
- Dragging of logs, tyres, heavy ropes and other similar equipment.
- Portable fitness equipment / machines such as spin bikes, weight and rowing machines.
- Aggressive and intimidating activities including excessively loud voice calls or instructions.
- Amplified music or amplified audio (voice) equipment.
- The erection of any temporary structures.
- The use of articles or any other activities which may affect the safety of the public and other users.
- Soliciting business and / or funds directly from other park users and visitors.

The failure to comply with “excluded activities” may result in the termination or non-renewal of an approved permit by the Trust.

Group Sizes

The Trust officers will determine the number of persons permitted per group and the number of groups that are issued training permits. However approval **will not** be issued for groups that have more than **18** participants.

Approval and Training Permit

If approval is granted by the Trust training will occur in a designated area at set times and on set days.

Approval will be valid for either 52 weeks or 26 weeks and will authorise a trainer or company to use Western Sydney Parklands for fitness activities in accordance with this policy on a **non-exclusive basis**.

The Trust will determine the total number of training permits issued for use in the Park, by taking into account the following factors:

- a) Usage demand, intensity of use and times requested.
- b) Number of approved trainers already using an area.
- c) Other activities (passive and active) being undertaken in the area.
- d) Aims, objectives and requirements of this policy.
- e) Type of activities to be undertaken and the potential impact on other users and neighbouring residents during the times requested.
- f) Whether the activities will contribute to increasing congestion or user conflict in the area requested.

In considering the above, the Trust may decide to:

- a) Approve an application and issue a training permit.
- b) Issue limited approval with restrictions on the number and types of activities, group size and the time and location of activities.
- c) Not approve the application.

Training permits may be issued subject to standard and specific conditions of approval.

Operating Times

All sessions must be carried out during park opening times.

Session Length

An approved applicant will be issued a permit that allows for a maximum of two (2) hours per session in a designated area.

Number of Sessions

An approved applicant will be issued a permit that allows for a maximum of five (5) sessions per week in a designated area.

Designated Areas

A designated area is the area defined by the Trust where approval may be given for personal training and fitness groups to operate. These areas may change from time to time depending on outcomes from community consultation and other operational matters, such as grass condition and wear.

The following areas are excluded and are no training is permitted within:

- Areas of cultural heritage significance
- Areas of natural significance or bush regeneration
- 10m radius of memorials or monuments
- 10m radius of picnic tables and shelters
- 20m of edge of playgrounds or play equipment areas

Number of Trainers

One trainer only may be authorised by the Trust to operate at any one time under the training permit issued. However, the authorised trainer can nominate a replacement person in case of illness or absence.

Alternatively, a company can nominate a number of trainers that will be operating under the company's single training permit. Note again that only one authorised trainer can use the permit at any one time.

All trainers must be insured and eligible to operate under the training permit in accordance with this policy (refer to Eligibility Section), and the Trust must be provided with one main contact person and mobile phone number for all training sessions.

Identification Requirements

Each fitness trainer or company approved to hold personal training or group fitness sessions in Western Sydney Parklands will be issued with a training permit.

The permit 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 per week and session times.

This must be onsite with the trainer at each session and must be presented to Trust Officers upon requested.

Fees

Fees are applicable under this policy as per the Trusts Fee Schedule and are listed below.

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| Permit Fee: | \$1,400.00 for 52 weeks OR \$835.00 for 26 weeks |
| Application Fee: | \$60.00 per application |
| Permit Replacement: | \$60.00 per replacement |
| Alteration Fee: | \$60.00 per request |
| Bond: | \$110.00 |

All fees quoted include GST and are subject to periodic review and change.

General Conditions

Training permits are subject to the following general conditions of approval, which may be supplemented or varied where necessary.

Each fitness trainer approved by the Trust:

- a) Must only provide the activities for which they are suitably qualified and that have been approved by the Trust.
- b) Must only operate in the areas designated by the Trust.
- c) Must only hold training sessions at times and on days approved by the Trust.
- d) Is only authorised to provide the training sessions specified in the training permit. They must not sell clothing, equipment, refreshments or any other good, service or product in Western Sydney Parklands.
- e) Must not display any advertising signs including banners or 'A' frame signs in Western Sydney Parklands.
- f) Must manage the activities to minimise wear and tear on grassed areas (this includes rotating within the designated area and/or alternating activities).
- g) Must, prior to commencing a session, inspect the immediate area to ensure no hazards are present and the area is safe for their activity. If any hazards are present the trainer is to move the session to another area within their approved zone and report the issue to the Trust without delay.
- h) Shall conduct themselves in a proper and orderly manner and be considerate to other users, adjacent residents and stakeholders at all times.
- i) Shall conduct their activities so not to dominate, monopolise and/or obstruct any stairways and/or pathways.
- j) Shall ensure that any exercise equipment used does not create any hazards or obstructions.

- k) Must not create any noise from training activities that unreasonably disturbs other users, adjacent residents or stakeholders. Trust Officers may direct a reduction of noise levels or location changes from time to time due to noise impacts on others.
- l) Shall not suspend boxing, kick boxing or resistance training equipment from trees and/or structures within Western Sydney Parklands.
- m) Must ensure that any training group, for which they are responsible, runs in single file when running on the shared roadway or on any paths and tracks.
- n) Shall ensure that their clients do not step on, walk on or in any other way inappropriately use picnic tables, park furniture or playground equipment.
- o) Shall leave the training area in the same condition it was at the commencement of the session.
- p) Must not interfere with any approved or booked activity that is being carried out within Western Sydney Parklands and acknowledge that such a booking has priority over the trainer's use.
- q) Must comply with any reasonable directions of any Trust Officer.
- r) Shall indemnify and hold the Trust harmless from and against all damages, sums of money, costs, charges, expenses, actions, claims and demands which may be sustained or suffered or recovered or made against the Trust by any person for any loss of life or injury or damage any person may sustain due to the negligent act of a trainer whilst conducting a training session.
- s) Shall take out and maintain in the name and indemnifying the Trust, for the duration of the term of the training permit, Australian Prudential Regulation Authority (APRA) approved public liability insurance for a minimum of \$10 million and produce documentary evidence of this at the time of application.
- t) Shall agree that notwithstanding any implication or rule of law to the contrary, the Trust shall not be liable for any damage or loss that any trainer and their clients may suffer by the act, default or neglect of any other person or by reason of the Trust failing to do something on or to the public space used.
- u) Shall be responsible for satisfying all of their Work Health & Safety legislation and regulation responsibilities.
- v) Shall be liable for any fees or levies required by the Department of Industrial Relations or Work Cover NSW or any other public authority or statutory body for their activities.
- w) Shall not assign or attempt in any other manner to transfer their rights under the training permit to any other person. It being clearly understood that the training permit is issued to a particular individual or company and is not transferable.

The Trust does not, and will not, accept liability for any debts incurred by any trainer and the Trust shall not be in any way responsible for any property of a trainer or any other person that may be left in Western Sydney Parklands or for any loss of any such property by theft or otherwise.

Application Process

To apply for a training permit you must complete and submit an Application Form and provided copies of all relevant qualifications and insurance certificates.

Applications are processed within 10 working days and you will be advised via email of tentative approval for your activity and issued with a quote confirming the cost.

Once payment in full has been received your application will be finalised and you will be issued with your training permit, confirmation letter and tax invoice.

Renewal Process

Training permits will be issued for either a 26 or 52 week period. If you would like to renew your permit you will need to ensure that you reapply and submit a new application form and copies of all relevant qualifications and insurance certificates at least 4 weeks prior to the expiry date of your current training permit.

Nonrenewal of a Permit

The Trust reserves the right to not renew an application received by a personal trainer or fitness group. This action can be undertaken if in its sole opinion it has determined that the trainer has failed to comply with the reasonable directions of its staff or has breached the terms of the training permit or the terms of this policy.

Termination of a Permit

The Trust reserves the right to terminate any training permit issued to a personal trainer or fitness group. This action can be undertaken if in its sole opinion it has determined that the trainer has failed to comply with the reasonable directions of its staff or has breached the terms of the training permit or the terms of this policy.

Review

This policy will be reviewed every two years or as determined by the Trust.

Responsibility

The Director, Operations & Visitor Services is responsible for the overall management of this policy.