

**ITEM 3. DRAFT OUTDOOR FITNESS TRAINING VOLUNTARY CODE OF CONDUCT – PUBLIC EXHIBITION****FILE NO: S051483****SUMMARY**

This report recommends that Council approve the draft Outdoor Fitness Training Voluntary Code of Conduct (draft Code) to manage outdoor fitness training in the City's parks and open spaces for the purpose of public exhibition for a minimum period of 28 days.

The City's parks and open spaces provide for a diverse range of outdoor recreation. The City encourages and promotes the responsible and sustainable use of its public parks and open spaces to meet the community's fitness, health and well-being needs.

The City does not charge for the use of its parks and open spaces for outdoor fitness training as it does not wish to create a barrier to participating in physical exercise.

The draft Code has been prepared to address the increasing popularity and intensity of outdoor fitness training by organised groups of fitness trainers, as well as supporting the proactive work city staff do in managing this activity. There are an estimated 200 fitness training groups using the City's parks, many on a daily basis. The City receives approximately 100 enquiries and 30 to 40 complaints each year about personal training and impacts on park users.

The objectives of the draft Code are to:

- recognise that outdoor fitness training is a popular activity in the City's parks and open spaces, providing health and well-being benefits to participants of all ages, gender and ability including residents and visitors;
- facilitate equitable access to public open space that balances the requirements of personal fitness trainers and training groups with the needs of other park users and residents; and
- manage the impacts of fitness training groups to ensure that training activities do not damage sensitive or significant sites, generate conflict or nuisance for other park users and neighbouring residents.

Following adoption, the Code will provide a clear guide to communicate to all participants, park users and neighbours to respectfully share the use of the City's parks and open spaces.

**RECOMMENDATION**

It is resolved that Council approve the draft Outdoor Fitness Training Voluntary Code of Conduct, as shown at Attachment A to the subject report, to be exhibited for public comment for a minimum period of 28 days.

**ATTACHMENTS**

**Attachment A:** Draft Outdoor Fitness Training Voluntary Code of Conduct

## BACKGROUND

1. The City's parks and open spaces provide for the diverse recreational needs of residents and visitors.
2. The City encourages and promotes the responsible use of public open spaces in the pursuit of health, well-being and fitness by the whole community.
3. The use of urban parks and public open spaces for outdoor fitness training has rapidly grown in popularity. Many of the City's parks increasingly attract training groups and individuals due to their central and convenient location close to employment centres and residential areas. The City has also encouraged outdoor fitness training through its Park Fitness Equipment Plan approved by Council on 10 August 2015, and the provision of training equipment in some parks throughout the City of Sydney Local Government Area (LGA).

## Outdoor Training

4. The Australian Sports Commission's 'Exercise, Recreation and Sport Survey' 2010 (the most recent survey) indicates that aerobic fitness training was the most popular and the fastest growing physical recreational activity in Australia between 2001 and 2010.
5. Participants of outdoor fitness training groups represent a wide demographic and typically include a high proportion of women.
6. Outdoor fitness training may comprise of: individuals; small to medium sized informal groups that do not generate revenue for the organiser; or formal groups organised and led by personal trainers and commercial training service providers that may range in size from one-on-one training groups to groups consisting of 10 or more persons.
7. Personal trainers and fitness training groups are increasingly observed in the City's parks and open spaces located near employment centres such as Central Sydney and at neighbourhood parks in residential areas. There are an estimated 200 fitness training groups using the City's parks, many on a daily basis. The number of enquiries received by the City from personal trainers has increased annually for the last five years. In 2014, the City received about 100 enquiries. In addition, 30 to 40 complaints were received last year about personal training and the impacts on park users and assets.
8. The training activities typically observed in the City's parks include: jogging and running drills; circuit training; static callisthenic exercises; and distinct programs such as yoga, tai-chi, martial arts or dance.
9. Some training groups and trainers make use of outdoor fitness equipment installed at sites such as Observatory Hill Park. Some groups bring their own portable training equipment such as yoga mats, boxing pads and harnesses, ropes and weights.

### Impacts of Outdoor Training

10. The unregulated use of parks by large groups of fitness trainers and their cumulative impact has the potential to damage park assets and can generate conflict with other park visitors and neighbouring residents.
11. Increased intensity of use by personal trainers and training groups at popular sites such as Observatory Hill Park has significantly increased the pressure on grass surfaces requiring significantly increased maintenance to address erosion. Maintenance staff typically returf and exclude access to affected lawns during the establishment period for new turf.
12. Complaints about personal fitness training include noise nuisance, blocking of paths or access, unattended equipment, rude or aggressive behaviour, damage to trees or park equipment and commercial advertising.
13. Staff monitor the activities of training groups and respond to complaints from the public by speaking to personal trainers and training groups and requesting that they change their behaviour or relocate to a more suitable location.
14. Training activities generally occur during early mornings, lunch times and early evening, corresponding to patterns of employment.

### Park Visitor Surveys

15. Surveys of park visitors conducted at six parks (Hyde Park, Cook and Phillip Park, Observatory Hill Park, Redfern Park, Rushcutters Bay Park and Sydney Park) in 2015 show a tolerant attitude to fitness training. 72 per cent of survey respondents (from a total of 592) reported that the presence of training groups did not spoil their enjoyment of the park. 13 per cent reported that training groups impacted on their enjoyment and 15 per cent remained unsure.
16. A 2012 survey of people participating in outdoor fitness training indicated that many (52 per cent) were residents within the City LGA:
  - (a) participants at Sydney Park, St Peters (64 per cent residents);
  - (b) participants at Wentworth Park, Glebe (75 per cent residents); and
  - (c) participants at Observatory Hill Park (16 per cent residents).
17. Participants in fitness training groups reported that they performed the following types of training activity:
  - (a) running / jogging – 50 per cent;
  - (b) calisthenics – 29 per cent;
  - (c) resistance training (with park or imported equipment) – 34 per cent;
  - (d) boxercise – 23 per cent; and
  - (e) yoga, tai-chi or martial arts – 7 per cent.

**Draft Outdoor Fitness Training Voluntary Code of Conduct**

18. The draft Outdoor Fitness Training Voluntary Code of Conduct (draft Code) will be applicable to commercial and not-for-profit groups training in the parks and public open spaces owned by the City. The City has no jurisdiction over other parks and open spaces located within the LGA that are owned by state government agencies, such as parks owned by the Sydney Harbour Foreshore Authority, Centennial Park and Moore Park Trust and the Royal Botanic Gardens & Domain Trust.
19. The following activities are exempt from the draft Code:
  - (a) walking groups;
  - (b) school activities supervised by teaching staff; and
  - (c) hirers of ovals, sports fields and courts in compliance with the terms of their lease or license or booking.
20. The draft Code aims to regulate training activity by:
  - (a) personal fitness trainers (organisers of formal training groups) complying with the provisions of the Code by signing a declaration of compliance. Signatories to the Code will be issued with branded identification that must be held by the trainer during training. Trainers who sign up to the Code will be listed on the City's website. City staff will monitor compliance with the Code and educate trainers about the Code and responsible training;
  - (b) defining inappropriate or no training areas including playgrounds, war memorials, wetlands, areas closed for maintenance or repair, and small pocket parks (with an area less than 900 square metres or 30 metres x 30 metres);
  - (c) identifying park assets that can be damaged through personal training and should not be used (e.g. trees, garden beds, water features, water courses and park furniture for training purposes);
  - (d) limiting the amount and types of equipment brought into parks and open spaces by personal trainers (e.g. weights, benches, tables, tyres and signage);
  - (e) specifying appropriate training times for training being 6am to 10pm, and 7.30am to 7.30pm for areas within 50 metres of residential property;
  - (f) managing training group size – the Code recommends that group sizes do not exceed 12 people (including trainers);
  - (g) minimising noise nuisance – the Code prohibits the use of sound amplification and megaphones; and
  - (h) advertising prohibition – the Code prohibits personal trainers and training providers from conducting advertising activities in the City's parks.

## KEY IMPLICATIONS

### Strategic Alignment - Sustainable Sydney 2030

21. *Sustainable Sydney 2030* is a vision for the sustainable development of the city to 2030 and beyond. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. The draft Code is aligned with the following strategic directions and objectives:
- (a) Direction 4 - A City for Walking and Cycling – the City promotes healthy active lifestyles. The draft Code will assist in promoting and encouraging outdoor fitness training throughout the local community;
  - (b) Direction 6 - Vibrant Local Communities and Economies – the draft Code may have positive local economic effects for local businesses by supporting the responsible use of the public domain. The presence of training groups in parks and open spaces contributes to a positive and vibrant image of the park and its community of users; and
  - (c) Direction 10 - Implementation through Effective Governance and Partnerships – the draft Code aims to facilitate a partnership approach between the City, personal trainers, training providers and training groups for the responsible and sustainable management of outdoor training.

### Organisational Impact

22. The draft Code will not have any significant organisational impact. Training activity will be monitored and managed through current operational procedures and resources e.g. City Rangers and Parks staff. Implementation of the Code will focus on education and awareness raising, with enforcement action only used as a last resort.
23. The Customer Service Unit will need to develop an application and permit system (similar to the process used for busking permits, aquatic access cards) to issue to commercial personal trainers using the City's parks and open spaces.

### Risks

24. The draft Code recommends that fitness trainers take out membership with Fitness Australia or other relevant industry association to ensure that they are appropriately qualified, experienced and possess the appropriate public liability and professional indemnity insurances. This will reduce the risks to training clients and potential claims against the City.
25. Commercial personal trainers (organisers of formal training groups) are required to possess adequate public liability and professional indemnity insurance. Certificates of Currency will be verified at the time of signing compliance with the Code.

### Social / Cultural / Community

26. The draft Code should have a positive impact on the community by facilitating, promoting and encouraging local health and fitness services.

**Environmental**

27. The draft Code will assist with noise reduction from outdoor fitness training as well as provide clear direction on how to avoid damage to park assets (e.g. furniture, trees and turf).

**Economic**

28. The City does not charge for the use of its parks and open spaces for outdoor fitness training as it does not wish to create a barrier to participating in physical exercise. It is considered appropriate to provide the parks and open spaces free of charge, providing the activities are not causing damage to park assets or inconveniencing other park users.
29. The draft Code may have the following positive economic effects:
- (a) revenue generation for local small and medium businesses that provide commercial personal fitness training services to the community; and
  - (b) an increase in productivity and a reduction in lost time for local businesses through improved health and well-being of staff.

**BUDGET IMPLICATIONS**

30. The draft Code will be available for download online. It is anticipated the implementation of the Code will cost in the order of \$10,000 to develop the application and permit system. The ongoing monitoring of training activities and educating of training groups will be covered by current resourcing levels.
31. There are funds available in the 2015/16 operating budget to implement the Code.

**RELEVANT LEGISLATION**

32. The Local Government Act 1993 requires approval for the conduct of a trade or business on community land. No approval is required for non-commercial groups as they are not undertaking a trade or business. For those groups, compliance with the Code will be voluntary.

**OPTIONS**

33. Council could opt to request a more formal regulatory policy with associated user fees and charges. This is not the preferred option because a more restrictive policy with associated fees and charges would restrict community use and be more expensive to manage.

**PUBLIC CONSULTATION**

34. City staff consulted with Fitness Australia in preparing the draft Code, and they did not raise any objections or concerns with the document or the approach taken to educate and manage this activity in the City's parks.

35. The draft Code will be placed on exhibition for public comment for a minimum period of 28 days. The public will be notified of the exhibition period through advertisements in the press. Comment will also be sought from adjoining parks and open space management agencies such as Sydney Harbour Foreshore Authority, Royal Botanic Gardens & Domain Trust, and Centennial Park and Moore Park Trust.
36. Fitness training groups will also be notified of the exhibition period via the Fitness Australia website and newsletters to its members.
37. Feedback from the community will be reported back to Council for consideration prior to the adoption of the Outdoor Fitness Training Voluntary Code of Conduct.

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