

ATTACHMENT B

SUMMARY OF SUBMISSIONS

Attachment B – Summary of Submissions – Outdoor Fitness Training Voluntary Code of Conduct

Theme of Concern	Comments	Response
<p>General comments about the benefits of outdoor fitness training.</p>	<p>Outdoor fitness training is a legitimate use of parkland and has many benefits. (9)</p> <p>Programs such as Tai-Chi and yoga provide health and wellbeing benefits particularly for seniors and/or ethnic communities. (3)</p> <p>Outdoor fitness training groups provide opportunity to socialise with others. (2)</p> <p>Fitness training groups contribute positively to place making – adding culture, vibrancy and diversity.</p> <p>Watching people training outdoors is inspiring and motivational (3).</p> <p>The majority of training groups are respectful of the needs of residents and all park users and care about the sites they use. (9)</p> <p>Many people require the services of professional trainers to motivate and guide them in their pursuit of health and fitness.</p> <p>We hope the City continues to provide its beneficial free access to its parks for all types of exercise training. (3)</p>	<p>The City supports the responsible use of parks for exercise and outdoor training and recognises the contribution of outdoor training to community health and wellbeing.</p> <p>The City acknowledges and values the wide ranging benefits of exercise programs such as Tai-Chi and Yoga for people of all ages, ability and gender.</p> <p>The City recognises that exercise training groups also enhance opportunity for community building.</p> <p>The City recognises that fitness training groups contribute to culture and enhance the vibrancy of the public domain.</p> <p>The City recognises and supports activities such as outdoor fitness training that have the potential to inspire others.</p> <p>A large number of groups frequently use the City’s parks and open spaces and we recognise that the majority of groups do train responsibly. The Code has been developed to sustainably manage the cumulative impacts of fitness training.</p> <p>The City recognises the benefit and value of professional training service provision and supports their continued responsible use of parks and open spaces.</p> <p>The City allows free access to parkland for training groups to encourage and remove barriers to participation for any members of the community.</p>
<p>General Support for</p>	<p>General agreement that training guidelines should be in place (8).</p>	<p>The draft Code provides guidance to ensure that training is conducted in a responsible and sustainable manner for the</p>

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<p>the Code of Conduct</p>	<p>Support for the general concept and content of the draft Code (albeit with certain exceptions) (9)</p> <p>The Code promotes appropriate standards of conduct and a fair balance between the needs/desires of fitness trainers and other park users. (2)</p> <p>The Code will reduce irresponsible use of parks by training groups.</p>	<p>continuing benefit of all community stakeholders including training service providers, trainees, park visitors, residents and neighbouring properties.</p>
<p>Promotion of Signatories to the Code</p>	<p>A register of signatories should be available to promote the scheme, encourage participation, and facilitate compliance and to provide communication channels between the City, training providers and potential trainees. (3)</p> <p>How will council encourage trainers to become signatories?</p>	<p>Signatories to the Code will be listed on a dedicated webpage on the City's website (with the agreement of the signatories).</p> <p>The City will promote the Code, raise awareness and encourage participation through a range of channels including: face to face interaction and distribution of information about the Code between staff (Rangers) and trainers in the field; and information on-line including establishing a public register to promote signatories to the Code.</p>
<p>Policy Scope</p>	<p>The Code should not exempt running groups because they also impact on pedestrian safety. Large running groups can intimidate others particularly on steps and narrow footpaths. (3)</p> <p>School groups should not be exempt from the Code because they are equally high impact users of parkland.</p>	<p>The draft Code is primarily intended to address the activities of fitness training groups rather than the activities of running and walking groups. The City will continue to monitor the activities and impacts of running groups and where complaints are received the City will investigate and take steps to reduce the impacts on road and pedestrian safety.</p> <p>The draft Code is intended to address the activities of fitness training groups and not the impacts of school groups that use only a few of the City's parks under the supervision of teachers.</p>

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	Sports groups should not be exempt from the Code when they train outside their designated sports fields	The Code exempts the activities of sports groups which typically occur on sports ovals and sports fields under the conditions of a lease or temporary licence.
Compliance	<p>Compliance with the Code should be compulsory to enable effective compliance (7)</p> <p>Compliance with the Code should be compulsory for commercial training companies (community groups voluntary)</p> <p>Regular and increased frequency of patrols are necessary for effective compliance (5)</p> <p>How will compliance be enforced, when participation is voluntary and groups training inappropriately may not be signatories? (4)</p> <p>The provisions of the Code imply that compliance is mandatory, yet participation is voluntary. The text should be modified to remove compulsory language.</p> <p>The City should promote responsible training and compliance through the distribution of information packs.</p>	<p>A voluntary approach is proposed to encourage participation and self-compliance. Levels of participation and its effectiveness will be monitored and assessed over time to determine whether a compulsory approach is warranted.</p> <p>City Rangers conduct regular park patrols and can be contacted at any time via the City's customer service number to report nuisance, harmful or inappropriate behaviour. Rangers will continue to monitor training activity and promptly investigate complaints. Training groups found to be acting in a manner which creates nuisance to residents or other users or likely to damage park assets will be instructed to relocate and/or modify their training.</p> <p>The City encourages training service providers to become a signatory to the Code and to adhere to its provisions which aim to ensure that training is conducted in a responsible manner.</p> <p>City staff will promote the Code and encourage training groups to become signatories and to conduct their training in accordance with its provisions for the continuing benefit of all community stakeholders.</p>
Commerce	Parks should not be used for commercial purposes (4)	The City's parks and open spaces provide for the diverse recreational needs of all members of the community, including park users that require the expertise and guidance of

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	<p>Outdoor fitness trainers are inappropriate and deprive indoor gyms of business</p> <p>Commercial training companies should be required to pay for the privilege of using public parks (which users of sports-fields and private ceremonies in parkland are required to do. User fees would help recoup the cost of their impact on the park or compliance monitoring. (4)</p> <p>Permit fees are supported and most reputable trainers would happily pay reasonable fees although the high fees charged by some other councils prompt avoidance. (2)</p> <p>The City should set a maximum charge that trainers could charge their clients when training on public land so that the service is affordable to all.</p> <p>Support for prohibition on use of A-frames and signage</p> <p>The prominent display of commercial branding for example on signs, vehicles, apparatus evokes an air of commerciality that is inappropriate or unwelcome on community land. (6)</p> <p>The Code should explicitly prohibit the use of advertising messages in chalk on footpaths and on stickers attached to poles or other furniture.</p>	<p>professional training service providers, providing the activity provides recreational utility.</p> <p>Outdoor fitness training is well established and growing rapidly which reflects the strong supply demand for this activity in the community. Many of the training service providers involved are also associated with indoor training facilities.</p> <p>The City provides free access to its parks for all personal training service providers, including community and commercial groups in recognition of the health, wellbeing, and social opportunities that they provide to the community. The provisions of the Code aim to ensure that training activity is conducted responsibly and sustainably in a manner that does not damage park assets or generate excessive wear and tear.</p> <p>Free access to parkland assists to keep training service providers overheads low. The City would hope that this is reflected in participation fees however it is not considered appropriate for the City to stipulate appropriate market rates in this area. The City is aware of a number of community service providers which provide free programmes and from time to time, the City runs free programmes for some sectors of the community including Tai-Chi for seniors.</p> <p>Legislation prohibits the commercial advertisement of goods and services on community parkland. The Code therefore, prohibits training service providers from importing signage or advertising their services through fly-posting on site.</p> <p>Chalk advertising has historically not been prevalent issue in the City's parks. Flyposting via the use of stickers on poles and furniture is a form of advertising that is prohibited by legislation.</p>

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	<p>What opportunities exist for training groups to promote and identify themselves and their services?</p> <p>Training companies should be allowed to advertise their services within parks through (removable) signage and flyers. This will allow the public to identify trainers (and their services) that they wish to use and also to report trainers not complying with requirements. (2)</p> <p>Training should only be permitted within designated sites or areas (including sites for noisier activities and others for quieter activities). (3)</p> <p>A limited number of permits should be issued to strictly control the number of groups using parks / areas (to control the various impacts and commercialisation of parks) (4)</p>	<p>The Code's restrictions on advertising reflect the provisions of applicable legislation (Local Government Act). Training service providers may promote their presence and services by way of branded apparel or on their vehicles and equipment. The internet and associated IT provide increasing opportunity for businesses to market their services and connect with a customer base. Signatories to the Code will be provided with and required to display photo-identification which can identify them to the community and if required, the City Rangers.</p> <p>A number of City parks contain dedicated areas with fitness equipment for outdoor bodyweight training. However, many training activities are suited to a diverse range of terrain, including flat lawns, sloping hills, paved areas. The City does not support restricting training activity to defined areas, which may lead to excessive pressures and conflict in specific areas.</p> <p>Systems with limited permits and designated areas would require excessive administrative resources and for limited benefit. The City will continue to review training activity and the effectiveness of the Code will be periodically reviewed to ensure it continues to be effective and efficient in its operation.</p>
<p>Noise</p>	<p>The Code contains little to address noise impacts (2)</p> <p>The noise of training groups impacts on residential amenity including intrusive/nuisance early morning disturbance (12)</p> <p>The proposed 50m restriction on training from residential buildings is insufficient to protect residential amenity especially early morning. (7)</p>	<p>The Code establishes time restrictions for training activity within the vicinity of residences and trainers are not permitted to use amplification, megaphones or whistles. Noise disturbance can be reported for prompt investigation by city staff at any time via the customer service number. City Rangers have from time to time investigated fitness training related noise complaints and have been generally successful in resolving issues by raising awareness of trainers and instructing them to modify their training or relocate to more appropriate areas.</p>

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	<p>Some groups/trainers train or behave aggressively generating objectionable intrusive noise which impacts on the enjoyment of others. (7)</p> <p>6am is too early to permit noisy training activity such as boxercise (3).</p> <p>Council should consider prohibiting boxercise.</p> <p>Some trainers play background music which can be objectionable and create nuisance.</p> <p>The Code should explicitly prohibit the importation and use of generators and lighting.</p> <p>Support the Code's restrictions on the use of amplified music (3)</p> <p>Support for exclusion zones (2)</p>	<p>The importation of generators and lighting has not been a prevalent issue. City staff will investigate reports by concerned residents and will instruct trainers to refrain from such activity where it is deemed to cause nuisance to others.</p>
<p>User conflict</p>	<p>Some trainers exhibit a sense of entitlement or superiority in their attitude when interacting with others, implying that their use of parkland is superior to the use or needs of other visitors/residents (3)</p> <p>Some training groups seem to monopolise or take over areas for their exclusive use/benefit (2)</p> <p>The presence of training groups negatively impact on the enjoyment of others particularly when their use of an area prevents the use and enjoyment by others (3)</p> <p>The use of parks by training groups should not generally lead to conflict with other park usage because training typically occurs early in the day when other users are not present.</p>	<p>The City's parks provide for the diverse recreational needs of the entire community including outdoor training. The Code aims to establish appropriate standards of behaviour for fitness training in the public domain. City Rangers will interact with training groups encouraging participation in the Code and educating trainers about expected standards of training activity and behaviour.</p> <p>The Code requires that trainers be considerate of others and to ensure equitable access to areas and facilities. The Code also restricts training activity at some sites including small parks less than 900m², playgrounds and sports fields.</p>

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	<p>Trainers should not be able to use footpaths and park paths.</p> <p>The Code should not prohibit the use of paths for training, given that other users are not so restricted.</p> <p>Support restrictions on the use of steps for training (2)</p> <p>Running groups should be restricted to cycle-ways to segregate them from pedestrians in busy areas.</p>	<p>In the interest of public health and access, the Code prohibits training in areas of high pedestrian activity including public footpaths, civic squares and shopping strips and static and circuit training on steps and stairs is prohibited. Although the Code does not extend to the activities of running groups, such activity will be monitored and Rangers will investigate complaints and instruct running groups to conduct their activity in a safe and responsible manner.</p>
<p>Class Sizes</p>	<p>Will the Code apply to one-on-one training? (2)</p> <p>Large numbers of fitness trainees can be intimidating to encounter.</p> <p>Support for restricted group sizes – noting that it is common to see multiple large groups using the same area with associated impacts on others (4).</p> <p>Permissible group size should be site specific and reflect the area of the park.</p> <p>How was the Code's maximum group size defined?</p> <p>Restrictions on group sizes are unjustified.</p> <p>An arbitrary restriction on group size seems unnecessary and may impact on the financial viability of trainers. Some current larger groups may be forced to</p>	<p>The provisions of the Code apply to one-on-one trainers and the City encourages all training service providers, including those that deliver one-on-one programmes to become signatories.</p> <p>The City recognises that large training groups can impact on the amenity of others and restricts training to sites of an area larger than 900m² and group sizes are restricted to 18 persons.</p> <p>The Code restricts training to sites larger than 900m². Sites above this size are considered suitable to accommodate groups of up to 18 persons. The group size limit reflects the recommendations of Fitness Australia (and the insurance sector) and will assist to ensure that group sizes remain manageable for the welfare and benefit of participants and others.</p>

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	<p>break up and participation costs increased to recover costs. (2)</p> <p>The Code's restriction on group size is too low and should be increased.</p> <p>The group size limit should be increased to 15</p> <p>Fitness industry insurance companies conclude that groups no larger than 18 are safe and manageable – the Code should permit group sizes of up to this number.</p> <p>Restrictions on group sizes may impact on the affordability of training for some low-income at-risk trainees. (2)</p>	<p>A variety of training service providers operate in the City's parks, including community providers providing free or donation-only services.</p>
<p>Training Restrictions and use of Equipment</p>	<p>Council should build more fitness equipment in its parks and areas for the use of training equipment. (6)</p> <p>What are Council's key concerns regarding the use of weights? (4)</p> <p>Have studies been conducted to determine how many people/groups will be impacted by a restriction on use of equipment?</p>	<p>The City has adopted a Park Fitness Equipment Plan which will see the creation and installation of new outdoor fitness training equipment at identified sites throughout the LGA. A new fitness hub will be built in Turruwul Park in Rosebery this year.</p> <p>The key concerns are to ensure that training equipment does not damage or harm park assets or impact on the safety of other park users. The cumulative impact of training groups and their use of training equipment has caused damage including erosion of surfaces and breakage at some sites. Unattended equipment can present a safety (trip) hazard or block access for others. The use of suspension equipment can damage trees or structures not designed for such use.</p> <p>Feedback received during the consultation period indicates the widespread use and popularity of weight training equipment. The Code has been revised to provide further guidance on the permissible and restricted use equipment.</p>

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	<p>Support restrictions on the use of trees</p> <p>Support for the 50-meter exclusion zone (4)</p> <p>The use of park seats for training deprives others of the use of an asset, particularly the elderly and less mobile.</p> <p>The Code should prohibit the storage of private training equipment in parks (2)</p> <p>Training groups should be permitted to use pavilions, rotundas and shelters during adverse weather (3).</p> <p>Support for restrictions on the use of park structures, buildings and furniture for training (5)</p> <p>Support for restrictions on use of suspension equipment from trees and structures (4).</p> <p>Commercial and large training groups should be prohibited from using the council installed fitness equipment because training groups often seem to monopolise equipment at some sites.</p> <p>The Code should require that training groups remove suspension equipment from council provided training equipment immediately after use so as not to prevent/deter use of apparatus by others (2).</p>	<p>Noted.</p> <p>Noted. This time-based exclusion aims to minimise noise and intrusive impacts from training activity near residential areas.</p> <p>Although the Code does not expressly prohibit trainers from using park seats, the Code requires that trainers be courteous and respect the convenience of others park users including not blocking access.</p> <p>The Code prohibits the storage of training equipment on public land. Where equipment, materials or goods are being stored on public land, City Rangers investigate their ownership and make arrangements for its prompt removal from site in the interest of public safety and access.</p> <p>Training groups are entitled to the non-exclusive use of shade and shelter structures for example during adverse weather. However, such structures should not be used when they have been hired by others for events, or where training activity will disturb others already using the structure. Training equipment must not be attached (i.e suspended from) structures or trees for training purposes.</p> <p>The City has installed fitness training equipment at some parks, for the benefit of all including training groups. However, the Code does require that training groups ensure they do not monopolise or exclude others from using equipment.</p>

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	<p>A Code of conduct displayed at outdoor gym areas that could be referred to and that was policed by the rangers that would probably fix any issues with monopolising fitness equipment.</p> <p>Commercial training groups should not be permitted to take over parks with their equipment (2).</p> <p>Restrictions on the importation and use of training equipment are selective and discriminatory given that they do not address the importation and use of similarly heavy/bulky objects such as Eskies, chairs/seats etc (2)</p> <p>Weight bearing equipment has proven benefit on health and fitness</p> <p>Prohibiting use of weight bearing equipment will impact on the effectiveness of training, restrict benefits to trainees (including health, mobility, motivation, interest) of all ages and ability (25)</p> <p>Weight training equipment is particularly attractive and beneficial to women and the elderly (8)</p> <p>Restrictions on use of equipment may require some trainees to join (more expensive less accessible) gyms to continue to enjoy the health benefits. (2)</p> <p>Equipment often has less impact and be less disruptive than other training activities such as running drills (4)</p> <p>Prohibiting use of weight bearing equipment will have commercial impact on training groups.</p>	<p>Following adoption of the Code, the City will consider raising awareness of the Code and its provisions on signage at fitness training sites with council installed apparatus.</p> <p>The Code restricts the importation and use of specific types of equipment, which may be likely to cause damage or harm to others.</p> <p>The provisions of the Code relating to the importation and use of equipment have been clarified and updated. Handheld equipment and weights such as stretch bands, sticks, boxing pads, dumbbells, kettlebells, medicine balls, sandbags, barbells and plates and small weight benches are permitted provided they are not left unattended or used in a manner likely to cause damage. Drag sleds and tyres are not permitted (to protect park surfaces and assets); suspension equipment such as rings and TRX and ropes (including battling ropes) should not be attached to trees or park buildings and structures, but may be used in designated fitness training areas.</p>

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	<p>Other activities such as markets and events cause more significant damage to parkland than training groups.</p> <p>Training equipment should be permitted in designated areas (5)</p> <p>Training equipment should require the use of protective measures such as mats (3)</p> <p>The Code should contain further detail and describe the prohibited and permissible types of load bearing equipment distinguishing between those with high and low impact. (6)</p>	
Petition	<p>The petition on Change.org contained 705 signatures on 22 February 2016. The petition was asking Council to reconsider the prohibition on bringing heavy equipment and weights in to the parks.</p>	<p>The code has been modified to allow low impact weights and equipment into the City's parks during personal training sessions.</p>
Consultation Process	<p>The consultation period was poorly timed coinciding with the holiday period.</p> <p>The draft Code appears to have been written in response to complaints by residents rather than drafted in consultation with all stakeholders.</p>	<p>The number of submissions from residents, trainers and trainees indicates that the draft Code was well publicised and reached a diverse audience.</p> <p>The draft Code was exhibited for comment from 15 December until 31 January (48 days); advertised in the local press in mid-December and again in mid-January; promoted on the City's website and available in print at all Neighbourhood Service Centres.</p> <p>The draft Code was developed to meet the needs and expectations of all community stakeholders including residents, training groups and other park users.</p>

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		Fitness Australia, the peak body representing the interests of the fitness training sector, were consulted during the preparation of the draft Code.