



PERSONAL TRAINING and GROUP FITNESS Conditions of Use



Monash Civic Centre | 293 Springvale Road, Glen Waverley, 3150 | 8.30am to 5.15pm | Monday to Friday
Oakleigh Service Centre | 3 Atherton Road, Oakleigh, 3166 | 8.30am to 5.15pm | Monday to Friday
9518 3555 | www.monash.vic.gov.au | mail@monash.vic.gov.au
National Relay Service (for people with hearing or speech impairments) 1800 555 660

Language Assist

普通话	9321 5485	Ελληνικά	9321 5482	廣東話	9321 5481	සිංහල	7005 3002	Italiano	9321 5483
हिंदी	7005 3000	Việt Ngữ	9321 5487	தமிழ்	7005 3003	한국어	9321 5484	Bahasa Indonesia	7005 3001

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1 INTRODUCTION

These Conditions of Use provide the framework for the use and management of public reserves and open space by commercial (for profit) fitness professionals wishing to conduct group and/or personal training activities.

Note: commercially operating fitness professionals must apply for a permit for personal training.

2 PURPOSE

To outline the permit application procedure, guidelines and conditions of use that apply to personal training and group fitness providers on Council-owned and managed land.

To ensure the safe, equitable and effective management of public open space by commercial fitness professionals/operators.

The Guidelines aim too:

- Ensure commercial fitness training activities are delivered in a way that minimises the impact on surrounding residents, protects public infrastructure and addresses public risk concerns
- Contribute towards Council’s strategic priorities by supporting “safe, active and healthy lifestyles”
- Ensures equity of access to public parks, reserves and open spaces
- Effectively manage impact of commercial fitness activities on the Council assets e.g wear and tear on playing surfaces.

These Conditions of Use apply to the use of Council-managed public open space used by Commercial Group Fitness Instructors and/or Personal Trainers. These spaces include all parks, sports fields, sporting facilities, footpaths and open spaces/reserves.

3 DEFINITIONS

Commercial Health and Fitness

Activity refers to structured health and fitness activities/classes organised by Commercial Group Fitness Instructors and/or Personal Trainers for which fees are charged to the participants.

Commercial Group Fitness Instructors and/or Personal Trainers are registered as for-profit businesses and hold an Australian Business Number.

Council refers to Monash City Council.

Child/children is anyone aged 17 and under.

Fitness Trainer means group operators or instructors that operate or represent a business or company while conducting an activity in parks and gardens under the management of Council.

Park or Reserve means any open space where sport, active and/or passive recreation occurs on Council-owned and managed land.

Sport – semi-organised (social) or organised competitive and structured sporting activity.

Active Recreation – individual or social, non-competitive physical activity during leisure time e.g. cycling, walking, kick-to-kick, fixed exercise equipment (i.e. fitness stations).

Exemptions:

- Local sporting clubs
- Walking and running groups
- School activities that have a current booking under the supervision of a teacher
- Hirers that have a current booking with Council to use facilities.

4 RESPONSIBILITY

Monash Council’s Recreation Services is responsible for the management and allocation of all sports fields and associated facilities. All enquires must be directed to:

Recreation Services

@ recreation@monash.vic.gov.au
☎ 9518 3555

Passive Recreation – open space used for more passive activities e.g. reflection, bird watching.

Playspaces – any publicly accessible area used for outdoor play or recreation, containing recreational play equipment or infrastructure such as slides and swings, which are typically found in a park or reserve.

Permit Holder refers to Commercial Group Fitness Instructors and/or Personal Trainers that have been granted a permit to conduct commercial fitness training on Council-owned or managed land.

5. CONDITIONS OF USE

5.1 Advertising

Any advertising signage e.g. A-frames/ banners may not be erected without a separate permit obtained from Council’s Community Laws department.

5.2 Behaviour

Permit holders must comply themselves within appropriate behaviours and hazard requirements.

Permit holders must not transfer the permit rights to any other trainer/ company.

5.3 Crown Land Permits

Should a permit holder seek to use Crown Land within the City of Monash, they will be subjected to the application and management processes set out by the Department of Environment, Land, Water and Planning – Tour operator Licence Conditions www.forestsandreserves.vic.gov.au/tour-operators

Crown land reserves will be stipulated in the Personal Training Guide



5.4 Council's Right

Council reserves the right to withdraw the use of any permitted area for the following reasons:

- The space is considered unusable, ground under repair or unfit for use e.g. inclement weather
- The space is required for a community event
- The space is required to undertake surface repairs and/or redevelopment works
- The space is required for a community sporting match or finals event.

5.5 Emergencies

If a Council related emergency occurs at the site it is the responsibility of the permit holder to contact Council immediately on ☎ 9518 3555. If an emergency is outside of business hours please record the details with the messaging service for the appropriate officer to respond.

If the emergency isn't a Council related matter please contact ☎ 000.

It is the responsibility of the permit holder to notify Recreation Services of any emergency relating to the site, as soon as practicable.

5.6 Exclusive Use

Permits are not inferred to be for exclusive use or right to the allocated area. Open space must be shared and available for all to use.

5.7 Fees and Charges

Fees and Charges are required to be paid in advance and will be reviewed annually as part of the Fees and Charges approved in Council's annual budget, which is typically increased by CPI annually. Annual permits will be available from 1 July each year and a pro rata approach will be charged if a permit is issued after October of that same year.

5.8 Group Size

- Minimum two or more participants requires a permit (trainer not included)
- Maximum of 18 participants per group (trainer not included).

5.9 Inclement Weather

Permits do not provide undercover training areas in the event of inclement weather. It is the responsibility of the permit holder to cancel, reschedule or postpone any sessions affected by inclement weather. Any reschedules need to be during your permitted hours/days of use.

5.10 Lighting and Power access

Permits do not enable the holder access to on-site power, sportsground or pathway lighting.

5.11 Responsible for Damages

Permit holders will be responsible for any damage causes to a Council Asset as a result of its use during the permit holder's allocated time. Should damage arise, the permit holder should notify Council immediately. Any costs to rectify the damage may be on-charged to the permit holder.

5.12 Roping, Pegging or Spiking

Permit holders are not permitted to peg, stake or spike any item into the surface. No ropes, TRX Suspension Trainers and resistance bands are to be hung from reserve infrastructure or trees.

5.13 Participation Reporting

The permit holder must record, capture and submit its participation numbers per session to Council every six months. This report should be submitted to Recreation Services.

5.14 Permission to Advertise

Council will endeavour to advertise permit holders on Council's website. Please advise the Recreation Services Booking Officers if you do not wish to have your organisation/company contact details advertised on Council's website.

5.15 Permit Duration

Permits will be issued for 12 months from 1 July each year. Where an operator obtains a permit after this time, a pro rata permit after October of the same year will be issued.

5.16 Permit for Use

No permit approved gives the holder exclusive use to any part of the booked space or any public fitness equipment. These facilities must be shared with the community that wishes to access the space.

If any other group is training in the allocated space, please report the details of the group to Recreation Services as soon as practicable.

The permit only applies when the fee has been paid in full and a letter of confirmation has been issued. A receipt of payment must be supplied to the Recreation Services Booking Officer.

5.17 Permitted Locations

As per list in the Personal Training Guide

5.18 Permit Cancellations

The permit holder must cancel any permit or bookings they have with Council in writing to [@recreation@monash.vic.gov.au](mailto:recreation@monash.vic.gov.au) Should an annual permit be cancelled, all outstanding amounts must be paid before the bond is returned.

A minimum two weeks' notice is required for a cancellation, where the two weeks' notice is not provided a 20 per cent administration cost of the hire fees will apply and will be payable prior to the bond being returned or deducted from the bond on its return to the permit holder.



5.19 Public Toilets

Not all locations have access to public toilets, and it is the responsibility of the permit holder to understand the service provision levels at the site prior to hiring the space.

Should toilets be available via agreement and keys are issued, the permit holder will be responsible for stocking consumables and cleaning the facilities after use.

Please report to Recreation Services if any toilets require maintenance, cleaning or repairs.

5.20 Rubbish

The permit holder is responsible for the removal of any rubbish generated by its activities and participants.

5.21 Temporary or Fixed Structures

Permit holders are not permitted to erect any temporary or fixed structures. This includes, but is not limited to, marquees, tents, shade sails, signs, stands or jump boxes.

5.22 Times of Use

Subject to the allocated space, generally, no permits will be issued prior to 6am or after 9pm.

5.23 Trainer Registration Requirements

Eligible permit holders must:

- Hold a current public liability insurance policy for a minimum of \$10,000,000, a copy of the current certificate must be uploaded to the application
- Hold a current professional indemnity for a minimum of \$5,000,000, a copy of the current certificate must be uploaded to the application
- Hold a current workplace level 2 first aid certificate

- Be registered with Kinect Australia, Fitness Australia or another recognised peak industry association and maintain accreditation and registration throughout the duration of the permit.
- Provide a risk management plan and/or COVIDSafe plan that addresses the activities and use of the space where the permit is granted
- Satisfy all workplace health and safety legislation and regulations and ensure at all times that the requirements of the Work Health & Safety Act 2011 and the regulations made under that Act are fully observed
- If training children, provide a copy of the trainer's working with children check
- Provide a photo of the permit holder.

5.24 Space Management and Use

Permit holders are to operate in areas and times as allocated and comply with any Council Officer direction.

Permit holders should vary and/or rotate their activities on the nominated space to reduce wear and tear on turf.

Conduct activities in a manner that does not disturb residents and other users of any spaces e.g. loud yelling, loud music, swearing/profanities and aggressive behaviour towards other park users. Do not create unnecessary noise or nuisance that disturbs residents or park users. PA systems or sound amplifiers are not permitted.

Equipment must not interfere with or create any hazard or obstruction i.e. no roping/fencing off of public open space to limit broader access.

Leave the training area in the same condition as at the commencement.

5.25 Storage

No equipment is to be stored within the reserve, pavilion or on-site unless the permit holder is permitted to do so with Council's written permission.

5.26 Permit Responsibility

Permit holders will be required to have with them at all times a copy of the permit when conducting activities and present the permit to a Council Officer as requested.

5.27 Vehicles

Vehicles are not permitted on Council parks, reserves, playing surfaces or non-designated vehicle roads/carparks.

5.28 Report to Council

Permit holders must, as soon as practicable, report any loss or damage to Council land or property to Recreation Services.



PERMIT ALLOCATION AND APPROVAL PROCESS

Commercial fitness instructors/ personal trainers intending to use Council-owned land for their activities, must contact Recreation Services to discuss their requirements. Should an agreeable location on the days and times requesting a permit be available, the permit holder will be required to lodge an application on Council's online booking system (IMS). The permit holder will be required to submit all requested supporting documentation and pay the hire fee prior to receiving a booking confirmation.

A minimum of five business days' notice is required for an Officer to process a booking enquiry.

An approval will be valid for the current financial year expiring each year on 30 June. The approval will authorise use of public open space for commercial fitness activities strictly in accordance with these guidelines and conditions on a non-exclusive basis.

PERMITTED AND NON PERMITTED ACTIVITIES

Permitted Activities:

- Fitness sessions (with or without weights)
- Running drills
- Swiss/fit balls
- Skipping ropes

- Foam mats and rollers
- Medicine balls or weights under 15kg
- Boxing and pad training
- Organised aerobic activity
- Yoga, tai chi, pilates and similar activities
- Circuit training
- A combination of any of the above
- Other pre-approved fitness activity.

Excluded Activities:

- Swearing, aggressive and intimidating behaviour
- PA systems, amplified music or voice equipment e.g. whistles, loud speakers
- Dragging of heavy equipment across sporting fields and parks
- Portable fitness equipment e.g. bikes, rowing machines
- Nuisance causing activities to members of the public and residents.

EXCLUSION AREAS

- Playgrounds/Forecourts
- Park furniture including seats/benches
- High use activity sites
- Culturally and environmentally significant areas
- Bushland areas
- Memorial areas
- Public change rooms/toilets/sports pavilions
- Within 15 metres of residential property boundaries
- Identified sporting facilities
- Turf Wickets
- Goal squares, centre circle and other areas of high wear and tear
- Skate parks, bouldering walls etc.

BREACHES TO THE CONDITIONS

Should a permit holder breach any conditions stipulated within these guidelines and/or breach any law (Local, State or Federal), Council may terminate, suspend or amend the permit.

RISK MANAGEMENT

Council's approved permit holder must, prior to commencing any commercial training activities:

- Inspect the immediate area to ensure no hazards are evident
- Take appropriate action to remove those hazards or alternatively move to another training site (if appropriate)
- Within 24 hours and without undue delay report to Council the hazard or any other hazardous matters observed during the training that may require Council's attention.

COUNCIL INDEMNITY

The permit holder acknowledges they are aware of all the risks and dangers associated with the provision of the activities and agrees Council parks and reserves are used at their own risk.

Council makes no promise or representation that Council-land parks and reserves are fit for the purpose of the permit holder's activities.

The permit holder releases, to the full extent permitted by law, Council, its Councillors, employees and agents from all claims and demands of any kind, and from all liability loss/damage of any which may arise in respect of any accident, damage or injury, occurring to any person, property in or about Council parks and reserves and property to which the permit holder conducts activities.

The Privacy and Data Protection Act 2014 protects the personal information of individuals. Monash City Council takes this responsibility seriously and endeavours to manage and protect personal information in its possession at all times. The Council will only use and disclose information for the purpose for which it is collected.

