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RECREATIONAL TRADES IN OPEN SPACES POLICY

Version 3
February 2016

TABLE OF CONTENTS

| | |
|--|---|
| 1. INTRODUCTION | 3 |
| 2. BACKGROUND | 3 |
| 3. DEFINITIONS | 3 |
| 4. POLICY SCOPE | 4 |
| 5. CONDITIONS OF USE | 4 |
| 6. PERMIT APPLICATION PROCESS | 6 |
| 7. PERMIT FEES | 7 |
| APPENDIX 1 – PERMITTED LOCATIONS FOR HEALTH AND FITNESS OPERATORS | 9 |

| VERSION | ADOPTION DATE | COMMENTS | AUTHOR |
|---------|-----------------|---|---------------|
| V2 | 1 December 2014 | Amended to include hot air balloon trades | Don Nicholson |
| V3 | February 2016 | Fees adjusted - CPI & DEPI | Don Nicholson |

1. INTRODUCTION

Darebin Council oversees and manages over 800 hectares of public open space including parkland, conservation bushland, sporting reserves, and streetscape amenities. These facilities serve a wide range of community use, from passive recreation to organised sport, and provide important places for the community to rest, re-charge, recreate and play.

Community consultation undertaken as part of the Darebin Leisure Strategy 2010 – 2020 found that physical activity by residents was under the state and national average. Council recognises the increasingly important role that public parks, reserves and open space will play in addressing this issue and is encouraging residents to make greater use of the extensive open space network. Council also recognises the increasing number of commercial recreational and health and fitness providers seeking to use parks and reserves in Darebin.

This policy aims to encourage physical and recreational activity in Council's parks and reserves, whilst minimizing any detrimental impacts and addressing public liability concerns.

2. BACKGROUND

The increasing popularity of outdoor recreation, exercise and fitness programs reflects changing lifestyles and demographics in Darebin, metropolitan Melbourne and beyond. Outdoor recreation and fitness activities have become more accessible to many people, providing affordability, flexibility and convenience and a social incentive to exercise or socialise outdoors.

The policy and permit system will enable Council to;

- Support increased physical activity by Darebin residents,
- Encourage a range of users to have access to Council parks, reserve and open space,
- Manage potential conflict arising between commercial users and the general public and/or residents living close to public open space,
- Control increased impact on facility and turf maintenance,
- Ensure operators are adequately insured, especially for Public Liability,
- Ensure open space amenity is maintained without intrusive noise, obstruction or advertising.

In accordance with Local Law provisions, a permit must be obtained for commercial use or activities on Council Land.

3. DEFINITIONS

Recreational trades – Individuals and/or organisations conducting and/or promoting recreational, health and fitness services for which a fee is charged and commercial benefit is derived.

Health and Fitness Services – Relates to individual or group instruction and/or coaching in physical activities including but not limited to exercise classes, yoga, stretching, boot camps, outdoor gymnasias, other sports and recreational activities.

Public Open Space – Includes land that is owned, leased, licenced or managed by Darebin Council, including but not limited to:

- Parkland
- Formal Parkland (e.g. Gardens)
- Conservation Parkland e.g. bushland reserves with habitat value
- Sporting reserves
- Linkages (e.g. drainage reserves, flood ways, movement corridors)
- Conservation Bushland (areas of remnant vegetation with biological value)
- Landscape Amenity/Streetscape (road verges, median strips, tree reserves, landscaped footpaths)
- Urban Space (e.g. courtyards, squares)
- Wetlands

4. POLICY SCOPE

This policy applies to commercial health and fitness operators and hot air balloon operators conducting training and instruction activities on public open space owned and/or managed by the Darebin Council.

5. CONDITIONS OF USE

Recreational trades granted a permit to access public open space in Darebin must agree to, and abide by, permit conditions.

5.1 Darebin Council may, at its discretion, restrict or prohibit activities undertaken by recreational trades on public open space to preserve park and residential amenity, park conditions and participant and other park user safety.

5.2 Permitted Locations

5.2.1 Commercial health and fitness operators are permitted to conduct activities in the public open spaces nominated in Appendix 1. Hot air balloon operators may only access Mayer Park and CT Barling Reserve. These locations will be regularly reviewed by Council and operators advised of any proposed amendments.

5.2.2 Access may be subject to turf condition and impact of weather (e.g. drought or prolonged inclement conditions), maintenance requirements, temporary hazards and conflicting community events.

5.2.3 Authorised Council Officers may request operators to leave or relocate where conditions are unsuitable or unsafe, or where non-permitted activities are being undertaken.

5.3 Access times

5.3.1 Health and fitness activities are permitted:

- Monday to Saturday between 6.00am and 8.30pm
- Sunday between 7:00am and 8.30pm

5.3.2 Hot air balloon take-offs and landings are permitted:

- Daily between 6.00am and 9.00am

5.3.3 Activities involving amplified music or which generate noise emissions that do not comply with Environmental Protection Act 1970 (Victoria) are not permitted.

5.3.4 Permit approvals will specify access times and are valid for a period of twelve (12) months.

5.3.5 Use of sporting reserves is permitted only where there are no community-based sports activities taking place. Community-based sports activities will have priority to sporting reserves over commercial fitness activities.

5.4 Permanent and temporary infrastructure and signage

5.4.1 Temporary or fixed structures such as tents, marquees, shelters, exercise infrastructure, shipping containers, lighting or audio systems, barricades or fencing are not permitted to be placed or erected on public open space.

5.4.2 Advertising signage, stakes, rope or tape may not be erected without written authorisation from Council. Any advertising must comply with Council's Outdoor Advertising Policy.

5.5 Access to reserve amenities

5.5.1 Permits do not entitle holders access to sport pavilions, toilets, rotundas or shelters, sports lighting or on-site storage. Permit holders and their clients may access open public toilets when and where these are made available for use by the general public.

5.5.2 Activities that obstruct public or community group usage of key areas such as circuit paths, turf wicket tables, athletics track, outdoor fitness equipment, memorials or statues, playgrounds, and picnic areas are not permitted.

5.5.3 Balloons shall be kept well clear of all tree canopies and access to sporting reserves should be avoided in wet conditions. Any damage to the park including playing surfaces must be reported to Council immediately. Where any damage to park assets occurs, the cost of any reinstatement or repair shall be met by the hot air balloon operator.

5.6 Risk Management

5.6.1 Areas where activities are to take place should be inspected by permit holders prior to the commencement of each session to ensure that there are no hazards. Any identified hazards should be reported immediately to Council Customer Service (Phone: 8470 8888) and activities moved to a safe location.

5.6.2 Operators must give way to pedestrians and cyclists when moving groups through narrow areas such as footpaths, stairways, and cycle paths.

- 5.6.3 Operators should be aware that some reserves include dog off leash areas. These are identified in Appendix 1. Extra care should be taken when operating within or near these areas.
- 5.6.4 Permit holders must hold public liability to the value of \$20,000,000 and professional indemnity insurance coverage to the value of \$5,000,000. Certificates of Currency should name Darebin City Council as an interested party. Evidence of this must be provided at the time of application and whenever coverage is renewed for the duration of the Permit.
- 5.6.5 Fitness operators should have a pre-exercise screening system in place to ensure minimal risk to prospective participants.
- 5.6.6 Operators should be aware that automatic irrigation systems operate in parks and sporting reserves during hot and dry periods. Operators should take care not to impede watering operations. Ground watering may render turf areas damp, especially in early mornings. Care should be taken by operators with respect to safety when utilising recently watered areas.

5.7 Permit termination, suspension and/or amendment

- 5.7.1 Council officers will issue a written notice to the permit holder identifying any breach of the Conditions of Use and direct on-going compliance.
- 5.7.2 Council may cancel, suspend or amend a permit if it is satisfied a significant breach of the Conditions of Use has occurred or where a compliance notice has been disregarded.
- 5.7.3 Permits may be suspended or terminated in the event that a location becomes inaccessible or unsafe for an indefinite period due to unforeseen circumstances.

5.8 Assignment or transfer

- 5.8.1 Permits will be allocated to one trainer operating as a sole trader or multiple trainers employed or contracted to one business entity.
- 5.8.2 Permits are not transferable to any other person or organisation.
- 5.8.3 Where multiple trainers interchange in the delivery of classes, each must be listed on the permit application and be a signatory to the permit conditions.

6. PERMIT APPLICATION PROCESS

Commercial operators wishing to conduct activities in Council owned or managed parks and reserves are required to apply for a permit.

Permit applications by operators must include:

- A completed and signed application form (available from Darebin Council website)
- Certificate(s) of Currency for Public Liability and Professional Indemnity insurance coverage, identifying Darebin Council as an interested party

- Evidence of current registration and accreditation with Physical Activity Australia, Fitness Australia or another recognised body (*fitness operators only*)
- Permit fee (if applicable, see below)
- Security bond of \$400 (*hot air balloon operators only*)
- Certified copy of the operator's Certificate of Compliance with the Civil Aviation Authority (*hot air balloon operators only*)

The decision to grant an access Permit will be based on:

- Existing usage – the number of operators, the type, duration and intensity of activities at a particular location
- Park condition
- The number of participants and size of area proposed for activities
- The size of the park or reserve proposed and the potential impact on neighbouring residents and park amenity
- Potential conflict with other activities or community events
- Applicant's permit history (if applicable)

Approved operators will be issued a permit detailing the permit terms. Should an applicant be refused, alternative locations or ways to address other application gaps will be discussed with the applicant.

The following information will be contained in the permit:

- Name(s) of business and individuals conducting activities
- Permit validity period and expiry date
- Type of activities to be undertaken
- Approved location(s) for activities to take place
- Number of sessions per week
- Date and session times
- Maximum participants per session
- Applicable fees

7. PERMIT FEES

7.1 Health and Fitness operators

Fees are not required for a Permit, **except for Bundoora Park, Merri Park and Oldis Gardens**, as this is designated Crown Land and subject to Tour Operator Licence Fees set by the Department of Environment and Primary Industries (DEPI).

Darebin Council is obliged as land manager to collect these fees on behalf of the Victorian Government.

| Category | Fee inc. GST (from July 2015) |
|---|--------------------------------------|
| Annual fee – standard one year licence (Crown Land) | \$275.00 |

Annual fees are due in advance upon application. Annual fees are reviewed by DEPI and may be subject to increase each year.

A recent decision was made by DEPI to suspend the levying of Use Fees (per person access fees) pending further review and a potential transition to an alternative licencing system. For more information visit www.depi.vic.gov.au.

7.2 Hot air balloon operators

| Category | Fee inc. GST (from July 2015) |
|--|--------------------------------------|
| Casual access Operators must provide a monthly activity log and will be issued an invoice accordingly. | \$176 per take-off or landing |
| Annual permit Annual permit fee is based on 30 take-offs/landings per annum payable in advance. | \$2,645 |

Permit fees are reviewed annually and are subject to increase in line with the annual Consumer Price Index (CPI).

APPENDIX 1 – PERMITTED LOCATIONS FOR HEALTH AND FITNESS OPERATORS.

(DOL indicates that the reserve or areas within the reserve are dog-off-lead areas).

| RESERVE | ADDRESS |
|---|----------------------------------|
| All Nations Park (DOL) | Dennis Street, Northcote |
| TW Andrews Reserve | Cuthbert Road, Reservoir |
| Arch Gibson Reserve (DOL) | Dunne Street, Reservoir |
| DR Atkinson Reserve (DOL) | Argyle Street, Reservoir |
| CT Barling Reserve (DOL) | Plenty Road, Reservoir |
| Batman Park | Separation Street, Northcote |
| TW Blake Park (DOL) | Murray Road, Preston |
| Bundoora Park (DOL) | Plenty Road, Bundoora |
| AH Capp Reserve (DOL) | Halwyn Crescent, Preston |
| BT Connor Reserve (DOL) (excluding main pitch) | Broadhurst Avenue, Reservoir |
| LE Cotchin Reserve (DOL) | Massey Avenue, Reservoir |
| Crispe Park (DOL) | Gloucester Street, Reservoir |
| Darebin Parklands (DOL) | Separation Street, Alphington |
| IW Dole Reserve (DOL) | Dole Avenue, Reservoir |
| JC Donath Reserve (DOL) | Harmer/Johnson Street, Reservoir |
| Edwardes Lake Park (DOL) | Edwardes Street, Reservoir |
| KP Hardiman Reserve (DOL) (excluding hockey synthetic) | Plenty Road, Kingsbury |
| Hayes Park (DOL) | Flinders Street, Thornbury |
| John Cain Memorial Park (excluding DISC, synthetic soccer pitches and soccer stadium) | Darebin Road, Thornbury |
| John Hall Reserve (DOL) | Dunne Street, Reservoir |
| Johnson Park | Bastings Street, Northcote |
| CW Kirkwood Reserve (DOL) | Dunne Street, Kingsbury |
| Mayer Park (DOL) | Normanby Avenue, Thornbury |
| McDonnell Park (DOL) | Clifton Street, Northcote |
| Merri Park | St Georges Road, Northcote |
| JE Moore Park | Edwardes Street Reservoir |
| GH Mott Reserve (DOL) | Patterson Street, Preston |
| Oldis Gardens | Westgarth Street, Northcote |
| HLT Oulton Reserve (DOL) | Albert Street, Preston |
| Penders Park (DOL) | Pender Street, Thornbury |
| Pitcher Park (DOL) | Separation Street, Alphington |
| Ray Bramham Gardens | St Georges Road, Preston |
| Rubie Thomson Reserve | Separation Street, Northcote |
| TA Cochrane Reserve (DOL) | Collier Street, Preston |
| WH Robinson Reserve | Halwyn Crescent, Preston |
| W Ruthven (VC) Reserve (DOL) | Albert Street, Preston |
| CH Sullivan Memorial Reserve (DOL) | Blake Street, Preston |
| HP Zwar Reserve (DOL) | Jessie Street, Preston |