BOROONDARA

Draft Outdoor Fitness and Active Recreation Guidelines

Acknowledgement of Traditional Owners

The City of Boroondara acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners and original custodians of this land, and we pay our respects to their Elders past and present.

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1. Introduction

1.1 Purpose

These Guidelines are to be applied to support implementation of the Outdoor Fitness and Active Recreation Policy. The Policy and Guidelines set the operational framework to define when and how an annual licence and casual booking will be issued to providers of outdoor fitness and active recreation activities on sportsgrounds, parks and reserves.

The purpose of these documents is to provide a consistent and transparent framework for the management of outdoor fitness and active recreation activities within the City of Boroondara and align the management of these activities across different land management models.

1.2 Eligible groups

Structured outdoor fitness and active recreation refers to any instructor led, physical or movement-based activity designed to enhance participants health, wellbeing and fitness. This includes, but not limited to, personal training sessions, exercise activities, structured running groups and dog training activities.

2. Allocation Approach

Council offers the following types of agreements to occupy Council managed assets, as outlined in the Community Lease and Licence Policy:

- Annual licence, and
- Casual bookings.

2.1 Annual licence

Providers are required to obtain an annual licence with Council to undertake outdoor fitness and active recreation activities on Council-controlled land, if conducting re-occurring bookings of more than 26 sessions within a 12-month period.

Use of sportsgrounds, parks and reserves will be determined with the aim of achieving the best overall outcome for the community.

Allocations will be determined in line with the priority order outlined in the Organised Sport Seasonal Allocation Policy (section 4.3):

1. Local/community sports clubs, including not for profit groups
2. Boroondara public schools

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3. Boroondara private schools and commercial/private operators (which includes outdoor fitness and active recreation providers)

2.2 Casual bookings

Casual bookings are available for outdoor fitness and active recreation events, ad-hoc sessions or re-occurring bookings of 26 sessions or less in a 12-month period in line with the Community Lease and Licence Policy.

Casual bookings by any group, will be considered following the finalisation of seasonal and annual allocations.

3. Annual Licence Allocation Process

All providers are required to meet essential assessment criteria (see **Appendix 1**) to receive an annual licence. Council reserves the right to amend the essential assessment criteria when required, including but not limited to, incorporating new legislative requirements.

3.1 Returning not for profit outdoor fitness and active recreation providers

Applications from returning not for profit outdoor fitness and active recreation providers, for existing times and locations, will be assessed in line with the priority order outlined in the Outdoor Fitness and Active Recreation Policy section 4.2 (Seasonal Allocation approach).

3.2 Commercial operators and new applications

New applications and applications from commercial outdoor fitness and active recreation providers will be assessed in line with the allocation priority orders outlined in the Outdoor Fitness and Active Recreation Policy section 4.2 (Seasonal allocation approach). This includes applications from returning providers for new times and locations.

When a clash between applications is identified the following will be taken into consideration to determine who receives the allocation:

- Suitability of the activity for the requested asset
- Type of provider (i.e., community/not for profit or commercial) and location of business registration
- Participation opportunities provided for people who most likely to experience inequities in health and wellbeing activities as outlined in our Boroondara Community Plan 2025-35

- History of using Council facilities within Boroondara including length of tenure and history of complying with Council's requirements
- Providing benefit to the broader community, including providers who hold come and try sessions and have a higher percentage of Boroondara residents
- Contribution to a diverse offering of outdoor fitness and active recreation activities across the municipality

3.3 Application process

Outdoor fitness and active recreation providers will be required to follow direction as stipulated by officers from the Sport and Recreation team, when submitting an annual licence application. The annual licence application process is outlined below:

1. Outdoor fitness and active recreation providers submit an application which outlines hourly bookings and required documentation through Council's online booking system

2. Council officers assess all applications as per the allocation approach and process outlined in section 2 and 3 of these Guidelines. This includes consideration of impact on resident amenity and factors as outlined in sections 6, 7 and 8 of this document

3. In addition to section 2 and 3 of these Guidelines, Council officers will review allocation requests to determine appropriate allocation by reviewing the total amount of time each site has been requested to be used to ensure they are not allocated more than 15 hours for individual parks and reserves and/or are beyond each ground's optimal carrying capacity

4. Council officers issue annual licence and confirmation of allocated hours and sites to successful applicants*

* Applications for activities on Crown land must be referred to the relevant DEECA regional office for approval on behalf of the Minister before a licence can be granted.

4. Casual booking process

All casual booking applications must be made through Council's online booking portal at least five business days before the proposed booking date.

If an application is approved a casual hire agreement will be issued. The agreement will outline the area/asset, time and terms and conditions of use.

Should the provider wish to make any changes to their approved booking, this request must be made in writing to Council by emailing boroondara@boroondara.vic.gov.au.

The provider must provide a minimum of five business days' notice and all changes are subject to availability and venue suitability.

5. Permitted and prohibited activities

Providers must only use allocated training sites for permitted activities.

5.1 Permitted activities

Annual licence and casual hire agreements will allow providers to conduct approved outdoor fitness and active recreation activities such as, but are not limited to:

- Organised aerobic activities
- Circuit and free weight training
- Non-contact boxing and pad work for fitness training
- Jogging and running drills
- Exercise activities
- Yoga, Pilates, tai chi
- Use of portable fitness equipment including mats, exercise balls, medicine balls, free weights, kettle bells (maximum 10 kg)
- Dog training activities at appropriate locations
- Temporary signage during hours of use only

5.2 Prohibited activities

Prohibited activities include, but are not limited to:

- Organised ball sports
- Aggressive or intimidating activities, including sparring, fighting, contact drills and simulated attack training.
- Use of heavy gymnasium equipment and structures (e.g., bench press, squat rack, rowing machine, tyres, battle ropes and exercise bike)
- Use of weights or other equipment heavier than 10kg
- Dog off lead activities in an on lead open space
- Any activity that may cause damage or unreasonable wear to grass areas, synthetic surfaces, trees, vegetation, paving or fixtures. Examples include, but are not limited to:
    - Dragging tyres or using battle ropes on grass areas
    - Dropping or digging weights into the ground
    - Pegging equipment or items into the ground

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- Use of shoes with spikes
- Tying bands, ropes or attaching equipment to fixtures or trees (including cricket netting)
- Marking lines on grass areas

6. Training sites

Outdoor fitness and active recreation activities are permitted at a range of Council-controlled sites across the municipality, including parks, reserves and sportsgrounds.

Access to community sporting pavilions and associated fees will be considered as part of the Organised Sport Seasonal Allocation Policy.

Suitability of an outdoor training site will be determined by an assessment against:

- Level of maintenance,
- Ground surface/gradient,
- Open space character classification,
- Level and type of use from other user groups and general public,
- Proximity to residents,
- Size of the space and site amenities (parking, lighting, toilets, drinking fountains).

While Council strives to provide sites that meet the needs of providers, Council does not guarantee that all training sites will have shelter from the elements, or free parking near the site. Providers must make their own assessment as to the suitability of the site for their activities (within the constraints detailed in section 3 Permitted and Prohibited activities of these Guidelines).

6.1 Designated training area within a site

Officers will identify a designated training area at each site, where activities can take place. While providers have an allocation to use this area, they do not have the right to exclusive use of the park, open space or sportsground.

At the start of each session, the provider must clearly mark a ‘temporary training zone’ using cones or similar. The area marked must not already be occupied by members of the public.

6.2 Restricted areas

Providers are not permitted to access or use the following areas for activities:

- Bushland areas
- Formal Gardens
- Areas surrounding sports pavilions (at times when the pavilion is formally allocated/booked)
- Sportsground lighting and electronic scoreboards
- Turf cricket wickets (centre wickets and practice wickets)
- Sporting infrastructure including player benches and goal posts
- Sportsground high traffic areas, including goal squares, centre corridors, centre squares and ground entry points
- Playgrounds, play equipment and public fitness equipment
- Park furniture and assets, such as benches, bollards, fences, stairs and rotundas
- Memorials, statues, public art works or cenotaphs.

7. Use of training sites

Providers must only use the assets they are allocated to and for the hours specified in their annual licence or casual hire agreement.

The use of a training site may be restricted or removed at Council's discretion, this includes closure of a training site if ground conditions deteriorate.

All dog trainers and dog owners must bring waste bags to pick-up after their dog and place it in a bin at the end of each training session. Dog trainers must inspect their site at the end of the session to ensure compliance with this condition.

A full list of obligations is detailed in annual licence and casual hire agreements.

7.1 Hours of use

Outdoor fitness and active recreation activities must not occur before 6am or after 9pm.

Outdoor fitness and active recreation providers must comply with noise requirements, including but not limited to, the Environment Protection Act 2017, Noise Control Guidelines EPA Publication 1254.2 and any Local Law regarding the use of amplified sound equipment, mechanical noise, PA systems and mobile vendors.

7.2 Amount of use per site

For parks and reserves, no more than 15 hours of programmed outdoor fitness and active recreation activities will be allocated to a site per week.

For sportsgrounds, the total amount of use allocated per week will be site specific and determined by the availability and carrying capacity of the ground after organised sport seasonal allocations have been determined. Officers reserve the right to limit access or close sportsgrounds based on ground condition.

7.3 Participant numbers

The allowable number of participants under 25 will be determined by officers dependent on site-specific considerations. The number of participants will be determined by Council officers and advised during the annual licence application process. Providers are responsible to deliver their activities that adheres to these numbers.

7.4 Relocation

Where Council proposes to redevelop or carry out significant alterations or additions to an asset during the term of a provider's licence, Council may terminate the licence, with due notice. Where possible/ feasible, a suitable alternative premises will be made available to the tenant.

8. Responsible behaviour

All outdoor fitness and active recreation providers must abide by their Licence or casual hire agreement and wilful or repeated breaches may, at the discretion of Council, result in the use of a facility being withdrawn or restrictions placed on future use.

Providers are to demonstrate respectful behaviour to surrounding residents and park users. This may include educating their patrons about the importance of limiting the impact of noise and parking associated with their activity.

9. Compliance

Authorised officers may perform a spot check at any time, to ensure providers have a valid licence (or booking) and are abiding by the terms and conditions of their licence or casual hire agreement.

Providers are required to carry their licence (or booking confirmation) and produce it upon request from an authorised officer.

9.1 Compliance approach

Under the City of Boroondara Amenity Local Law and the Domestic Animals Act 1994, the typical compliance process for providers operating without a licence (or booking) and for minor breaches of these Guidelines or their licence is as follows:

1. Warning: an authorised officer or Permits Officer may issue a warning to a provider who is operating without a licence or booking or for minor breaches of these Guidelines or the provider's licence or casual hire agreement with Council

2. Notice to Comply: an authorised officer may issue a notice to comply (detailing the consequences of not complying), if a warning is ignored

3. Infringement notice: an authorised officer may issue an infringement notice if the issue pertaining to a notice to comply is not rectified within the specified time frame

4. Cancellation of licence: a permits officer may cancel a provider's licence for failure to comply with a notice to comply or pay the fine associated with an infringement notice.

9.2 Cancellation of licence

Council reserves the right to cancel a provider's licence in accordance with licence terms and conditions.

10. Fees and charges

Fees for annual and casual use of sportsgrounds parks and reserves will be charged in accordance with the fees and charges set out in Council's annual budget.

10.1 Annual licence fee

Providers will be invoiced once their application is approved and fees must be paid annually in advance of the licence period.

10.2 Casual booking fee

Hire fees must be paid upfront before each casual booking.

10.3 Security deposit

Outdoor fitness and active recreation providers are required to pay a security deposit up front and may incur costs for damage. Information pertaining to security deposits is detailed in the licence and casual hire agreements issued to all approved providers.

Contact

For all queries regarding these guidelines, please use the contact details below.

Position title	Contact number	Contact department email

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Sport and Recreation Team	(03) 9278 4444	sport@boroondara.vic.gov.au

Definitions

Term	Definition
Annual Licence	Agreement with Council that grants the non-exclusive right to occupy a defined area for the period set out in the Licence for providers conducting more than 26 sessions within a 12-month period.
Casual booking/ casual hire agreement	Agreement with Council that permits use of Council controlled assets on a casual basis, for ad-hoc sessions or bookings of 26 sessions or less annually.
Commercial outdoor fitness and active recreation provider	Defined as any individual, business, or organisation that provides services on a fee-for-service basis, with the primary objective of generating profit. This may include sole traders, private instructors and registered businesses or companies.
Community outdoor fitness and active recreation provider	A not-for-profit organisation that does not operate for the profit, personal gain or other benefit of particular people. Any surplus income is used solely to further the organisations stated objectives. This may include incorporated community groups, charitable organisations, volunteer run clubs or associations.
Council	Refers to the City of Boroondara
Council officer or 'officer'	Staff members appointed by the City of Boroondara to carry out Council's functions.
Designated training area	The specific area within a training site where training and activities can take place.
Open space	Council-controlled land that is primarily for recreation, nature conservation and passive outdoor enjoyment. This includes parks, gardens, reserves, and waterways.
Organised Sport	Refers to structured physical activities that are governed by formal rules and regulations, typically facilitated by recognised clubs, associations, or organisations. These activities involve scheduled training sessions and competitions and are conducted under the supervision of coaches, officials or administrators.

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Term	Definition
Outdoor fitness and active recreation provider or 'provider'	A qualified fitness or active recreation instructor who conducts structured outdoor fitness or active recreation activities and participation is by becoming a member of the club or on a fee-paying basis to a private provider.
People who most likely to experience inequities in health and wellbeing	Population groups outlined in the Boroondara Community Plan 2025-35 include: • First Peoples • multicultural communities • LGBTQIA+ communities • people with disability (including chronic and mental ill-health conditions) • carers • socially isolated people • financially vulnerable people (including people living on low incomes and people who are homeless or living in social housing) • women • men over 35 years • children and young people • older people.
Personal training	An individual or organisation conducting an activity such as circuit training, boxing, pad training and running drills.
Allocation	A reoccurring schedule of days and times (over a maximum of 12-months) at a specified training site, where a provider is permitted to operate.
Sportsground carrying capacity	The amount of use a sportsground can withstand without significant degradation of the surface, typically expressed as hours per week.
Structured outdoor fitness and active recreation activities	Any instructor led physical or movement-based activity aimed at improving health, wellbeing and/or fitness. Includes and not limited to activities such as personal training, structured running groups and dog training activities.
Temporary training zone	The area within the designated training area, temporarily marked out with cones or similar, where a provider will operate for a given session.
Training sites	Parks, reserves and sportsgrounds in Boroondara where structured outdoor fitness training and active recreation activities are permitted.

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Appendix 1 - Essential Assessment Criteria

Essential criteria all applicants must meet

1. Public Liability Insurance for a minimum of 20 million dollars.

2. Professional Indemnity Insurance for a minimum of 10 million dollars.

3. If the Licensee's activities at the Licensed Area involve persons engaged in 'child-related Work', then provide Council with the organisation's Child Safe Policy or statement of commitment to child safety and Working with Children Clearance.

4. Provide a genuinely welcoming, safe and inclusive environment.

5. Accept terms and conditions of allocation as stated in the licence agreement (including submitting all relevant documentation). Returning providers must have history of compliance with these terms and conditions.

6. No outstanding debts owing to Boroondara City Council (or successfully adhering to an approved payment plan).

7. Peak Body Registration (Fitness Body/State Sporting Association) or Registration under Domestic Animals Act (dog training groups only).

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