

# **Commercial recreation use of public open space**

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# Definition

'the use of open space where users are obliged to pay to participate in activities that are conducted by commercial individuals or groups and not directly run by land owners or managers'

Examples of commercial recreation use:

- Personal fitness training
- Sporting events
- Equipment hire
- Casual sports activities
- Exercise classes
- Learn to surf schools
- Guided tours

# Sydney Morning Herald

*'If personal trainers want to profit from fitness instruction on public beaches, they should have to pay a fee for the privilege, as it's public space'.*

*'Imagine if a group of people appropriated all the car parking spaces along the street so they could provide a parking service to paying members - the take over of public space by boot-campers is the same sort of thing'.*

*'I think boot camps have as much right as anyone else to use parks and beaches'.*

*'I saw a guy this morning lifting weights while driving his car. That's one person I'd rather see at boot camp than on the roads'.*

# Key challenges

- What business are we in?
- What are the benefits?
- What spaces are appropriate for what activities?
- How do you determine the fee?
- Managing the impact

# What business are we in?

Councils need to determine what their business in recreation is.

- Are they a facilitator, provider or partner.
- Do they provide facilities, programs or activities.
- Is their target market residents, visitors, under represented groups, people who participate or those that don't.
- Do they support gaps in service provision.

# What business are we in?

- Step into Life
- OZ-tag
- Learn to surf
- Dog walking
- Yoga classes



# What are the benefits?

Benefits will be many and varied. However, regarding participation in group personal training:

- receiving a structure in which to participate, and maybe to motivate
- deriving a sense of personal satisfaction by completing a challenge
- deriving a health or physical benefit

# Activities: what and where?

The decision making process should include, but not be limited to the assessment and understanding of:

- the experiences or benefits gained by participants
- the expectations of operators
- the nature of the activity and what its requirements are
- the impact of the activity on a space and other users
- the administrative impact of managing use

Quote:

*"activities that we haven't received a complaint about!"*

# Warringah example

Interim Policy on Management of Commercial Use of their Beaches and Reserves.

- **Risk** to participants and the public within the immediate area
- **Area** required and whether use is to be exclusive
- What level **noise** would be created and how wide spread
- The level of disruption to **traffic flow and parking**
- **Size** of groups or numbers of participants involved
- Availability of **amenities** required
- Level of **sensitivity of the site** and the natural environment
- **Number of events** already approved
- **Impact** of frequency of use and risk of damage

# How do you determine the fee?

The financial objectives of the fee needs to be determined first.

- Are you trying to make a profit
- Achieve cost recovery
- Hold market share

# How do you determine the fee?

Financial objectives for pricing personal fitness training:

- To equitably distribute costs to those who benefit most
- To ration, limit, or better distribute use
- To offset the disbenefits of use

'A price that reflects relevant financial objectives will lead to better acceptance of fees'.

# Managing the impact

The four most common issues for Council's regarding use of public open space for group fitness training:

- Maintaining access to and equity of space
- Impact on the asset
- Public liability
- Breach of regulations

# Managing the impact

- Fitness training 60% growth 1996 - 2001
- National participation growth 2001, 2002, 2003
- 18,000 registered personal trainers now - 12,000 in 2001
- If growth continues, the issues and impacts will naturally become more relevant and wide-spread

# Managing the impact

- Fitness industry self regulation
- Council policy development
- Expressions of interest



# Fitness industry self regulation

## Fitness NSW Code of Conduct

### Fundamental principles:

- Professional behaviour
- Technical and professional standards
- Competence and care
- Responsibility and safety
- Compliance with rules and regulations

# Council policy development

	<b>Manly</b>	<b>Mosman</b>	<b>Waverley</b>
<b>Policy</b>	Personal Fitness Trainer Agreement	Personal Fitness Trainer Licence	Organised & Commercial Fitness Group Guidelines
<b>Qualification</b>	Registered member of Fitness NSW	Fitness instructor & first aid	Fitness instructor & first aid
<b>Insurance</b>	Public liability	Public liability	Public liability
<b>Fee</b>	\$300 per quarter (scaled based on group numbers)	\$150 per quarter (maximum \$500 annual fee)	\$90 annual admin fee (TBC)
<b>Subsidy</b>	Not-for-profit exemption	Exempt if member of industry body	Possible discount if already holding a permit
<b>Participants</b>	10 maximum	10 maximum	18 maximum
<b>Boot camp</b>	Not permitted	Permitted	Permitted
<b>Locations</b>	10 designated locations only	Any location (one trainer only per space)	To be designated (will not be permitted in high activity areas)

# Expressions of interest process

## Albert Park - Parks Victoria

Up to 3 fitness training operators may be licenced to use 3 designated areas of the park to conduct fitness training activities and programs.

Designated sites will be selected based on:

- Access to areas from park entry points that minimize user group conflict
- Spaces large enough to minimize user group conflict
- Proximity to other existing commercial operations

# Commercial guiding principles

- Activity to be consistent with the purpose of the space
- Adherence to relevant legislation
- Consultation with all relevant stakeholders
- Retention of public accessibility and equity of use
- Protection of visitor amenity and public safety
- Commercial operator accountability
- Financial viability

## In summary...

*"The challenge is your own, there is no right or wrong way to approach the solution. The right way is the one that works for your organisation, your clients and the community. A mutually beneficial result is the answer".*

City of Newcastle's Public Domain discussion paper (2005) summarises the challenge...

*'We want our public space to be enjoyed by all sorts of people in a spirit of sharing and mutual tolerance'*