

Code of Conduct

For Fitness Training on Whangarei District Council parks

We want to promote active and healthy lifestyles and provide opportunities for people to engage in physical exercise on our parks. Outdoor group exercise classes where participants are motivated to achieve fitness goals through the support and structure provided by the personal trainer along with the encouragement provided by the other members of the group are supported by Council.

At this stage, Fitness Trainers are not required to obtain landowner approval by way of a permit or booking to operate on Council parks. They are however expected to operate in a manner that minimises:

- damage to park values and assets,
- conflict with other park users, and
- negative impacts on adjoining landowners.

This Code of Conduct sets out Council's expectations in relation to how Fitness Trainers should conduct their activities in parks in respect to other park users, health and safety aspects, use of fitness training equipment, parking, promotional material, public liability and the response to complaints.

If a complaint is received about a Fitness Trainer, the Parks & Recreation Department will contact the Fitness Trainer to:

- a) follow up on any breach of the Code of Conduct with a warning,
- b) invoice the Fitness Trainer for the cost of remediation works, if the complaint relates to damage to the park or park facilities, and /or
- c) assess whether the activity is appropriate for the area, and if necessary, determine alternate site options with the Fitness Trainer.

If significant complaints are received about a Fitness Trainer, the Parks & Recreation Department will issue a further warning before serving a trespass notice.

Council encourages you to be receptive and adaptable at all times to the needs of all park users and to cooperate with and provide information to Parks' staff upon request to assist with the effective management of park resources.

General rules

1. Fitness training activities may include but shall not be limited to:

- Gym sessions or circuit training (with or without equipment)
- Bootcamps
- Boxing and pad training
- Organised aerobic activity and running groups

The offering for sale of clothing, merchandise, equipment, refreshments, goods, services or products on a park is not permitted.

2. Group/class sizes should be kept to a maximum of 15 participants.

3. Fitness training activities should generally be conducted between 7am and 8pm.

4. At all times the Fitness Trainer must conduct the fitness training activities in a manner that does not adversely affect the park, any other park user(s) and local neighbours. The Fitness Trainer must:

- a. Conduct themselves in an orderly and considerate manner and must comply with the Council's noise control guidelines and ensure any noise created during the training shall not unduly impact on other users or nearby residential properties.
- b. Not use obscene or intimidating language.
- c. Manage the training to minimise wear and tear on grassed areas (this includes avoiding wet and boggy areas, rotating activity within an area and / or alternating activities, if more than one),
- d. Avoid the use of sports fields as these are heavily used for organised team sports and additional use outside the time they are booked creates wear and tear on the surfaces and limits the recovery period.
- e. Ensure participants do not step on, or walk on, or in any other way inappropriately use Council's furniture, structures, public art works, shrines or memorials.
- f. Ensure that any exercise equipment brought on to the park does not create any hazard or obstruction to park users,
- g. Ensure training activities do not dominate, monopolise and/or obstruct any stairways or pathways and that their participants run in single file when running in narrow areas,
- h. Ensure that training activities do not interfere with any other Council pre-approved or booked activities, including but not limited to: functions, special events or sporting activities.
- i. Ensure the natural features, animals, plants or historic resources within the park are not interfered with, removed, damaged or endangered,
- j. Ensure any area used is left clean after each period of use and/or in the same condition it was at the commencement of use,
- k. Inspect the area used for any hazards before each session and take appropriate action to remove hazard or alter session if required, and
- l. Notify the Council of any hazards / issues / park maintenance on or near the area which may constitute a danger to the public or the environment or require Council's attention.

5. The Fitness Trainer's conduct should always reflect best industry practise and the operator shall ensure they and their employees comply with all relevant statutes, regulations, by-laws, the District Plan, and with any operative park management plan and relevant parks' policies or plans.

6. The Fitness Trainer shall cover the costs of any damage caused to Council assets and/or any cleaning required because of the training activity.

Health and Safety

7. The Fitness Trainer is responsible for satisfying all occupational health and safety legislation and regulations. It is recommended that all trainers be level 2 First Aid qualified.

Fitness Training Equipment

8. Any equipment brought on to the park must be portable by an individual by hand and free standing at all times (i.e. equipment must not be pegged into the ground or hung from trees).

9. The following equipment is expressly prohibited on the park:

- a. amplified music or use of amplified audio (voice) equipment,
- b. gym equipment that requires setting-up (e.g. weight benches, weight stacks, stationary bikes, punching/boxing bags, treadmills, steppers etc.), and
- c. whistles and megaphones.

Vehicles

10. All vehicles belonging to or directly associated with the operator must use only designated car park facilities on the park unless otherwise agreed with the Parks & Recreation Department.

Promotional material

11. The Fitness Trainer shall ensure that, where appropriate, all advertising material produced promoting their training activity shall specify that it is being carried out on a park.

12. The Fitness Trainer shall not erect any advertising material such as signs, 'A' frames or banners on the park.

Public Liability

13. Council shall not be responsible for any property of the operator its employees or participants that may be left on the park or for any loss of any property.

14. Council shall not be liable for and does not accept any responsibility for indirect or consequential loss to the operator due to any natural disaster, vandalism, sabotage, fire or exposure to the elements, except where such damage or interference is caused by any wilful act by or negligence on the part of Council, its employees, agents or contractors.

15. It is recommended the Fitness Trainer takes out an appropriate level of public liability insurance against liability for loss, damage or injury arising out of conducting their fitness training activity.

Complaints

16. If a complaint is received in the first instance a member of the Parks team, will work with the Fitness Trainer to review whether the issue can be addressed through changes to how the fitness training is undertaken. The Fitness Trainer will be responsible for the cost of any remediation works, if the complaint relates to damage to the park or park facilities. The Fitness Trainer may be requested to relocate their fitness training activity to a more suitable location on the park or to an alternate park.

17. If further significant complaints are received about an operator, the Parks & Recreation Manager may invoke procedures under the Trespass Act 1980. A warning under the Act makes it an offence to wilfully trespass on the park in question within two years of the warning. If this is not complied with a conviction may incur a fine up to \$1,000 or a term of imprisonment for up to 3 months.