

Consultation Notice – Council of the City of Gold Coast

LOCAL GOVERNMENT ACT 2009

Council of the City of Gold Coast (the “Council”) has proposed to make *Parks and Reserves (Amendment) Subordinate Local Law (No. 1) 2016* (the “proposed subordinate local law”).

Local Law No. 9 (Parks and Reserves) 2008 authorises the making of the proposed subordinate local law.

Possible anti-competitive provisions have been identified in the proposed subordinate local law. Council is conducting a public interest test in relation to possible anti-competitive provisions identified in the proposed subordinate local law

The purpose and general effect of the proposed subordinate local law is to

Commercial fitness activity criteria:

- 1 Reduce the separation distance to playgrounds, amenity buildings, picnic shelters, memorials, and park benches from 20m to 5m (section 15(1)(a)(ii)).

This reduction is unlikely to increase amenity or safety issues associated with these facilities. Moreover, it caters for fitness activity groups such as mothers’ groups with children playing in the playground next to their class or groups with obese or elderly persons who may need to take a seat on a park bench during the class. This amendment does not allow the use of such facilities for the fitness activity. Any issues with rude behaviour or conduct likely to interfere with the ordinary use and enjoyment of the park by other persons is adequately regulated by section 15(1)(b).
- 2 Reduce the separation distance to other commercial fitness activities, other park users already stationary or settled in a park, areas set aside by Council for a group and groups with exclusive use permits from 50m to 15m (section 15(1)(a)(iii)).

This reduction is unlikely to increase amenity or safety issues associated with these groups. Further, it provides a greater number of areas and parks available for fitness activities and some certainty for the operators that they will be able to find an area within the park to accommodate their customers. In some parks the distances can exclude use of the park entirely on high-use days, but permit it on other days. This makes it difficult for operators to book classes and clients as they may need to find an alternative park at short notice, which may not be available. Any issues with rude behaviour or conduct likely to interfere with the ordinary use and enjoyment of the park by other persons is adequately regulated by section 15(1)(b).
- 3 Remove the separation distance of 50m from a noise sensitive place (e.g. residence) between 5:30am and 7:00pm (section 15(1)(a)(iv)).

The current distance of 100m between 7:00pm and 5:30am remains. The removal of the 50m criterion allows many parks to be available for fitness activities that may not cause an impact on sensitive land uses, particularly as the operators are not permitted to use amplified devices (section 15(1)(b)). Further to this, if a particular activity is being conducted that does create a nuisance, the park can be declared an ‘excluded park’ for all or part of certain or all days.
- 4 Clarify the definition of “large load bearing equipment” particularly the size of dumbbells that are prohibited (section 15(1)(b)(iv)).
- 5 Clarify that a rope or punching bag etc., can be hung from equipment designed for that purpose (section 15(1)(b)(v)).
- 6 Limit the use of other load bearing equipment such as heavy ropes (15kg plus) and dumbbells (less than 20kg), etc., so as to protect the ground from impact (section 15(1)(b)(ix)).
- 7 Change the specific criterion regarding size of permit number on the ‘A’-frame sign to allow the operator to display the permit number sticker Council provides (section 15(1)(c)(i)).
- 8 Clarify the requirement to hold a ‘Working with Children’ notice to only those operators who meet the requirements of the *Working with Children (Risk Management and Screening) Act 2000* (section 15(1)(c)(ii) & (d)(iv)).

- 9 Provide for three (3) additional fitness activity sessions (total of six (6) sessions) where the activity involves personal training, i.e. two (2) or less clients but limit each session to one (1) hour compared to group training of three (3) or more clients which can run three (3) sessions of up to 90 minutes (section 15(1)(d)(i)&(ii)).

This change is more in keeping with how fitness activities are conducted as the personal training sessions are typically shorter in time period, however, more sessions provides some equity to the longer group training sessions.

- 10 Reduce the group size for fitness activities involving more intensive and louder activities such as boot camps, boxing, circuit and resistance training from 30 people to 18 people (section 15(1)(e)).

The reduction in group size is more in keeping with recommended class sizes within the industry and is associated with only those activities that have a potential greater impact. This change conversely increases the group size for fitness activities involving less intensive activities such as running groups, yoga, thai chi and pilates from 30 people to an unlimited size (section 15(1)(e)). The impacts that these larger groups may have are adequately addressed by other criteria.

Other amendments

Other amendments not directly related to the commercial fitness activities include the following:

- 1 Deletion of the definition of 'aircraft operations' as this is already defined within the local law.
- 2 Removal of advertisements from the definition of permitted business. This criteria has been included into the proposed *Subordinate Local Law No. 16.8 (Advertising Devices) 2016* and will no longer be required within this subordinate local law.
- 3 Minor amendments are also required to be made to correct minor typographical errors and numbering.

Public Inspection and Written Submissions

Written submissions by any person in support of or objecting to the proposed subordinate local law or about the public interest test plan, are invited for a 21 day period commencing on Friday 8 July 2016 and ends at close of business on Thursday 28 July 2016 (the "consultation period").

During the consultation period Council will make copies of the proposed subordinate local law and the public interest test plan available for inspection at the Bundall Customer Service Centre at 8 Karp Court, Bundall, and at any of our other centres. Copies of documentation, an online submission form and a downloadable submission form are available free of charge from our website: **gchaveyoursay.com.au/1parks2016**

Written submissions must be received on or before Thursday 28 July 2016 stating—

- a the grounds of the submission; and
- b the facts and circumstances relied on in support of the grounds.

Any enquiries please contact our Coordinator Active Parks - Parks & Recreational Services Branch on 07 5667 5972

Address your written submissions (quoting File No: LG222/365/09/02/01) to—

Chief Executive Officer
City of Gold Coast
PO Box 5042 GCMC QLD 9729

or email: **gchaveyoursay@goldcoast.qld.gov.au**

Unless otherwise authorised or required under a law any personal information contained in any submission made will only be utilised by Council for the purposes of conducting the Local Government Act 2009 prescribed consultation stage of the Council's local law making process.

Dale Dickson, City of Gold Coast

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