

# Wollongong Local Planning Panel Assessment Report | 17 May 2022

<b>WLPP No.</b>	Item No.1
<b>DA No.</b>	DA -2021/967
<b>Proposal</b>	Commercial fitness training activities
<b>Property</b>	Darcy Wentworth Park – Carlotta Crescent, Warrawong
<b>Applicant</b>	Wollongong City Council
<b>Responsible Team</b>	Development Assessment and Certification - City Centre Major Development Team (BH)

## ASSESSMENT REPORT AND RECOMMENDATION

### EXECUTIVE SUMMARY

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#### Reason for consideration by Local Planning Panel- Determination

The proposal has been referred to Local Planning Panel for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Clause 1(a) of Schedule 2 of the Local Planning Panels Direction of 30 June 2020, Wollongong City Council is the applicant.

#### Proposal

Commercial fitness training activities

#### Permissibility

The site is zoned RE1 Public Recreation pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a Recreation Facility (Outdoor) and is permissible in the zone with development consent.

#### Consultation

The proposal was notified in accordance with Council's Notification Policy and no submissions were received.

#### Main Issues

Nil, the proposal is satisfactory with regard to the applicable planning controls as discussed in the body of this report.

### RECOMMENDATION

It is recommended that the proposal be approved subject to the draft conditions at **Attachment 4**.

## **1.1 PLANNING CONTROLS:**

### State Environmental Planning Policies

- SEPP (Transport and Infrastructure) 2021

### Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

### Development Control Plans:

- Wollongong Development Control Plan 2009

### Other Policies

- Wollongong City Wide Development Contributions Plan
- Wollongong Community Participation Plan 2019
- Commercial Fitness Training Activities on Public Open Space (Council Policy adopted 25 June 2018)

## **1.2 DETAILED DESCRIPTION OF PROPOSAL**

The proposal comprises commercial fitness training activities limited to the normal activities of a registered personal trainer/instructor, that would include:

- outdoor gym sessions (with or without weights, fit balls, skipping ropes etc.),
- boxing and pad training,
- organised aerobic activity,
- yoga, Tai Chi and Pilates classes and like activities,
- circuit training, and
- a combination of any of the above.

The plan identifies two separate areas to be utilised for fitness training areas, each having a maximum capacity of 36 persons.

## **1.3 BACKGROUND**

DA-2009/314 for Use of Darcy Wentworth Park as fitness training activities was approved on 4 August 2009 and modified on 8 December 2009. However, the applicant advises that the approved use was never commenced and the consent lapsed on 4 August 2014.

No pre-lodgement meeting was held for the proposal.

## **1.4 SITE DESCRIPTION**

The site is Darcy Wentworth Park located at Carlotta Crescent, Warrawong and the title reference is Pt Lot 1 DP 182649.

Darcy Wentworth park is a sportsground used for soccer, cricket and rugby league. The site also contains associated supporting facilities, including toilets, change rooms and formal car parking areas. The park is bounded by Carlotta Crescent, Northcliff Drive and King Street, with vehicular access being available from only Carlotta Crescent. At the south western corner of the park (on the corner of King Street and Hoskins Avenue is a commercial building situated within the B6 Enterprise Corridor zone which is on the eastern frontage of King Street.

The site has an overall area of approximately 7.63ha.

To the south of the site are residential properties containing primarily single dwellings. And to the east of the site is Kemblawarra Public School.

The site is a Council owned public reserve classified as Community Land and categorised as Park.

#### Property constraints

Council records identify the land as being impacted by the following constraints:

- Flooding: The site is identified as being flood impacted (Flood Risk Precinct Classification under Review).

There are no restrictions on the title.



**Figure 1 - Site as viewed from Carlotta Crescent**

### **1.5 SUBMISSIONS**

The application was notified between 28 September and 13 October 2021 in accordance with Council's Community Participation Plan 2019 and did not receive any submissions.

### **1.6 CONSULTATION**

#### **1.6.1 INTERNAL CONSULTATION**

##### **Property Management**

No objections were raised. Conditions of consent were recommended and are included in the consent.

##### **Recreation Services**

No objections were raised. Conditions of consent were recommended and are included in the consent.

#### **1.6.2 EXTERNAL CONSULTATION**

None required

## **2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

### **Section 1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994**

Not applicable.

## 2.1 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT

### 2.1.1 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

The site has frontage to King Street Windang Road which is a classified road and as such consideration must be given to the relevant provisions within Clause 2.118 of the SEPP.

#### Comment:

Vehicular access to the Darcy Wentworth Park is via Carlotta Crescent. Windang Road is a classified road. No changes to existing vehicular access arrangements are proposed and there will not be a significant intensification of traffic into or from the site. The proposal therefore satisfies the requirements of the Clause 2.118 of the SEPP.

### 2.1.2 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

#### Clause 1.4 Definitions

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

#### **Part 2 Permitted or prohibited development**

##### Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned RE1 Public Recreation

##### Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To cater for the development of a wide range of uses and facilities within open spaces for the benefit of the community.*

The proposal is satisfactory with regard to the above objectives.

The land use table permits the following uses in the zone.

*Aquaculture; Boat sheds; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Helipads; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); **Recreation facilities (outdoor)**; Respite day care centres; Restaurants or cafes; Roads; Signage; Take away food and drink premises; Water recreation structures*

The proposal is categorised as a **Recreation facility (outdoor)** as defined above and is permissible in the zone with development consent.

#### **Part 4 Principal development standards**

There are no development standards applicable to the proposed development.

## **Part 5 Miscellaneous provisions**

### Clause 5.21 Flood planning

The site is identified as being located in a flood affected area where the Flood Risk Precinct Classification is under Review. The flood affectation of the site does not affect the proposed use which will not take place in wet weather and/or flooding events.

## **Part 7 Local provisions – general**

### Clause 7.1 Public utility infrastructure

The site is serviced by electricity, water and sewerage services.

## **2.2 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT**

There are no draft planning instruments applicable to the proposed use.

## **2.3 SECTION 4.15(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN**

### **2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009**

The relevant chapters are discussed below:

#### **CHAPTER D1 – CHARACTER STATEMENTS**

##### Warrawong

Warrawong is located on the north-eastern side of Lake Illawarra. It is a residential area that is characterised by low to medium density housing and comprises predominantly of older single storey and two storey brick and weatherboard detached dwelling-houses with some medium density housing.

The Warrawong retail and business centre is the second largest retail centre in Wollongong City LGA and is classified as a sub-regional centre.

Warrawong also provides a range of active and passive recreational areas including Harry Morton Park, Darcy Wentworth Park, Noel Mulligan Oval, Barnes Park, Kully Bay Park and Griffins Bay Park. The Illawarra Yacht Club and the Illawarra Rowing Centre are located adjacent to Kully Bay Park and Barnes Park.

Warrawong is likely to experience an increase in redevelopment activity in the form of larger two storey dwellings as well as some medium density housing, particularly for properties with views towards Lake Illawarra.

The Illawarra Regional Strategy identifies Warrawong retail and business centre as a sub-regional retail and commercial centre which will continue to serve a large trade area including the surrounding residential suburbs of Warrawong, Port Kembla

The proposal is considered to be consistent with the existing and desired future character for the locality.

#### **CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT**

This chapter of the DCP does not provide any parking controls specific to the proposed use. The limited numbers attending the proposed fitness training activities and the controlled scale of the use having regard to the nature of the site and the availability of car parking spaces is such that impacts on local traffic and car parking will be minimal.

#### **CHAPTER E13 FLOODPLAIN MANAGEMENT**

The site is identified as being located within an uncategorised precinct. There is no built form proposed and the use will only operate in dry weather conditions. Accordingly the flood affectation of the site raises no concerns.

### **Commercial Fitness Training Activities on Public Open Space Policy**

The purpose of this policy is to provide for the effective management of the regular commercial use of open space by commercial fitness training groups and personal trainers and to minimise the impact on surrounding residents and the general public's use of open space whilst recognising the increased community demand for commercial fitness activities in open space. Through the implementation of this policy, Council aims to:

- A Ensure equity of access to public open space.*
- b Reduce and manage the potential impact of commercial fitness training activities on public assets.*
- c Minimise public liability concerns.*
- d Contribute to delivering Our Wollongong 2028 Community Strategic Plan.*

Licensing of the proposed use of the park for fitness/training activities will take into account the following factors:

- Usage demand, intensity of use of the area and times requested.
- Number of approved trainers already using the area.
- Type of activities to be undertaken and the potential impact on other users and neighbouring residents during the times requested.
- Whether the activities will contribute to increasing congestion or user conflict in the area requested.

The general provisions of the policy are addressed in the following table.:

Provision	Comment
<p><u>2.1 Industry Compliance</u></p> <p>All commercial fitness activities must be undertaken in accordance with the recommendations and guidelines of Fitness Australia or other relevant peak body</p>	<p>A condition of consent is recommended to address this requirement.</p>
<p><u>2.2 Site capacity and Trainer/participant Ratio</u></p> <p>The size of a licensed site will be determined by Council however the maximum number of participants will not exceed 54 participants at one licensed location. Commercial fitness training activities are to be undertaken in a manner that should ensure that all group participation is appropriately supervised, providing instruction to each individual. Fitness training groups are limited to 18 participants per instructor where participants are undertaking the same activity and six (6) participants per instructor where participants are undertaking different activities.</p>	<p>No specific number of participants have been identified in the DA. Individual fitness training groups will require a licence from Council and the licences will determine the number of persons permitted per group and the number of groups that permitted to operate at any given venue.</p>
<p><u>2.3 Hours of Operation</u></p> <p>Subject to development consent, licence holders are permitted to operate on their licensed area from Monday to Saturday between 6 am and 8 pm, and on Sunday between 7 am until 10 am. When conducting activities beyond daylight hours, Commercial Fitness trainers must monitor and control risks to participants and ensure public safety is not impacted by their activities (e.g. use of personal lighting and high visibility garments).</p>	<p>Hours of operation will be re-enforced through conditions of consent. The subject site is not in close proximity to residential properties and it is not envisaged that the standard hours of operation will result in any adverse amenity impacts.</p>

<p>Failure to operate within these specified times will be dealt with in accordance with the Termination clause outlined in a Licence Agreement.</p>	
<p>2.4 <u>Qualifications</u></p> <p>To be eligible for consideration of a Licence Agreement, a commercial fitness activity trainer must: a Provide evidence in having completed accredited courses specific to the type of activity being instructed and endorsed by Fitness Australia and/or VETAB providers such as TAFE, Universities and Nationally Recognised Training institutions/colleges b Have a current Senior First Aid Certificate. c) Proof of being a current registered professional with Fitness Australia or the relevant peak body. All fitness trainers employed by the licence holder are also required to hold the above qualifications</p>	<p>Conditions of consent will require a licence to be obtained which will ensure only qualified trainers are allowed to operate businesses.</p>
<p>2.5 <u>Storage</u></p> <p>All equipment used for training sessions is to be stored off site. The erection of fixed structures for the storage of fitness equipment is not permitted.</p>	<p>To be conditioned.</p>
<p>2.6 <u>sale of merchandise</u></p> <p>Licence holders are permitted to provide/offer the sale of health and fitness clothing and equipment associated with the activity to their clients/participants</p>	<p>Noted.</p>
<p>2.7 <u>car parking</u></p> <p>Licence holders and participants are required to park in designated parking areas. Parking on grassed open space is not permitted and will incur penalties in accordance with the Local Government Act 1993.</p>	<p>To be conditioned.</p> <p>It is anticipated that the impacts of commercial fitness training activities on local traffic and car parking will be minimal due to the group size limit and existing provision of car parking.</p>
<p>2.8 <u>Waste</u></p> <p>Licence holders are required to ensure the area used for personal training sessions is clean and tidy after use and that such is communicated to session participants.</p>	<p>It is unlikely that any significant amount of waste/litter will be generated as a result of the proposed activities. Standard garbage receptacles already exist within the park. To reinforce this responsibility to reduce waste impacts on public open space a condition of consent will be imposed to ensure the area used for personal training sessions is clean and tidy after use and that operators communicate this requirement to session participants.</p>

<p>2.9 <u>Environment</u></p> <p>Licence holders must manage the activities to minimise wear and tear on grassed areas (this includes rotating within the designated area and/or alternating activities).</p>	<p>Due to the nature of the proposed commercial fitness training activities, it is not envisaged that additional maintenance requirements will be imposed upon Council's parks maintenance staff. The identified site is currently maintained to a sufficient standard for such activities to occur.</p> <p>Commercial fitness training activities will be limited to selected areas within the parcel of public open space. Such areas will, through the licensing process, be determined by an assessment of the site's current and future use and will ensure the maintenance of thoroughfare access for all park users.</p>
<p>2.10 <u>Risk Management</u></p> <p>Licence holders must comply with industry guidelines including ensuring:</p> <ul style="list-style-type: none"> <li>• Availability of a well-equipped first aid kit in close proximity for the duration of the activity.</li> <li>• Pre-exercise screening of all participants to ensure effective and safe programming. Licence holders must, prior to commencing commercial fitness training activities, assess weather conditions and inspect the immediate area for hazards and take appropriate action to remove those hazards or alternatively move the training site and, without undue delay, report to Council the hazard or any other hazardous matters observed during the training that may require Council's attention.</li> </ul>	<p>To be addressed by licencing arrangements.</p>
<p>2.11 <u>Insurance</u></p> <p>Licence holders must take out and maintain in their name, for the duration of the term of the Licence Agreement, public liability insurance for a minimum of \$10 million (or such greater amount as Council may reasonably require) and produce documentary evidence of this at the time of application and at time of renewal. Failure to hold or produce evidence of public liability insurance to Council's satisfaction will result in cancellation of the licence.</p>	<p>To be addressed by licencing arrangements and reinforced by a condition of consent.</p>
<p>2.12 <u>Business Interruption</u></p> <p>Council will accept no responsibility or liability for any interruption to business caused by the need for Council or any other Authority to carry out any special event or type of maintenance works on the approved public open space site, inclement</p>	<p>Noted.</p>

<p>weather or any other interruption to business howsoever caused.</p>	
<p>2.13 <u>Noise/Disturbance</u></p> <p>Under this policy and the allocation of a Licence Agreement, commercial fitness training activity operators must:</p> <ul style="list-style-type: none"> <li>• Always conduct themselves in accordance with the Fitness Australia Code of Ethics, in a proper and orderly manner and be considerate to other reserve users and adjacent residents.</li> <li>• Not create any noise from training activities that unreasonably disturbs other users and adjacent residents.</li> <li>• Ensure that all noise associated with their activities does not cause offensive noise as defined by the Protection of the Environment Operations Act 1997.</li> <li>• Ensure that any exercise equipment used does not create any hazards or obstruction.</li> <li>• Ensure that any training group for which they are responsible, runs in single file when running in narrow areas (ie along footpaths, stairways, shared paths and cycleways), and always give way to pedestrians/cyclists using those areas.</li> <li>• Ensure that any activities conducted outside of their licensed area does not interfere with any Council approved or booked activity, or the passive recreational use of an area or impact on the enjoyment of such passive use.</li> <li>• Leave the training area in the same condition it was at the commencement of training.</li> </ul>	<p>The nature and scale of the proposed use is unlikely to result in any noise impacts.</p> <p>Noise conditions to be imposed to reinforce licensing agreement.</p>

## 2.4 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN

### DEVELOPMENT CONTRIBUTIONS

#### Wollongong City-Wide Development Plan - City Wide

The Wollongong City-Wide Development Contributions Plan applies to the subject property. This Plan levies a contribution based on the estimated cost of development. The proposed cost of development is less than \$100,000 - contributions do not apply.

### **2.5 SECTION 4.15(1)(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4**

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

## **2.6 SECTION 4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)**

### **Environmental Planning and Assessment Regulation 2020**

The 2000 Regulation continues to have effect as the application was lodged prior to 1 March 2022. There are no provisions applicable to the proposal.

## **2.7 SECTION 4.15(1)(B) THE LIKELY IMPACTS OF DEVELOPMENT**

The proposal is considered acceptable with regard to the likely impacts.

## **2.8 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

### Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is not expected to have any negative impacts on the amenity of the locality or adjoining developments.

### Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

## **2.9 SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS**

No submissions were received following notification.

## **2.10 SECTION 4.15(1)(E) THE PUBLIC INTEREST**

### **LOCAL GOVERNMENT ACT 1993 Division 2**

#### Use and Management of Community Land

Darcy Wentworth Park is mostly Community Land with a small portion of the site (carpark) being operational land. The proposed use will be located in the central area of the park mapped as community land and permissibility is subject to the requirements of the WLEP 2009.

The plan of management applicable is the 2022 Community Land Plan of Management which identifies the land as a sportsground (ID602).

36F of the LG Act identifies the core objectives for management of community land categorised as a sportsground as—

*(a) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and*

*(b) to ensure that such activities are managed having regard to any adverse impact on nearby residences.*

The proposed use of the site is generally consistent with the core objectives for management of community land categorised as a sportsground.

Section 3 of the POM identifies permissible uses and developments. Low intensity commercial activities are permitted under the POM in accordance with the Regulations. The proposal is consistent with the short-term casual purposes identified in Section 116 of the Regulations as follows:

#### 116, Leases, licences and other estates in respect of community land

A licence to be issued by Council's Property Unit is required to use community land. Any requirements under this Section are confirmed by Council's Property Unit. A Licence for the occupation of the land would form part of any conditions.

In summary, the proposal is not considered to result in any adverse impacts and is satisfactory with regard to the zoning and applicable planning controls. No submissions were received, and satisfactory referrals were received from specialist Council staff.

The proposal is considered to be in the public interest.

### **3 CONCLUSION**

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This application has been assessed as satisfactory having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies. The proposal is considered supportable in its current form.

The proposed development is permissible with consent and is consistent with the zone objectives. There are no departures sought in respect of DCP controls.

It is envisaged that environmental and social impacts arising from the proposed fitness training sessions will be minimal. Regulation of the use through Licence Agreements and conditions of consent will ensure the activity will effectively be managed by Council and operate in accordance with Council's adopted policy for this type of development.

Internal referrals were satisfactory, and no submissions were received. The proposal is considered acceptable regarding the likely impacts and is considered supportable in its current form.

There being no outstanding issues, it is recommended that the application be approved.

### **4 RECOMMENDATION**

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It is recommended that the development application be approved subject to the draft conditions at **Attachment 4**.

### **5 ATTACHMENTS**

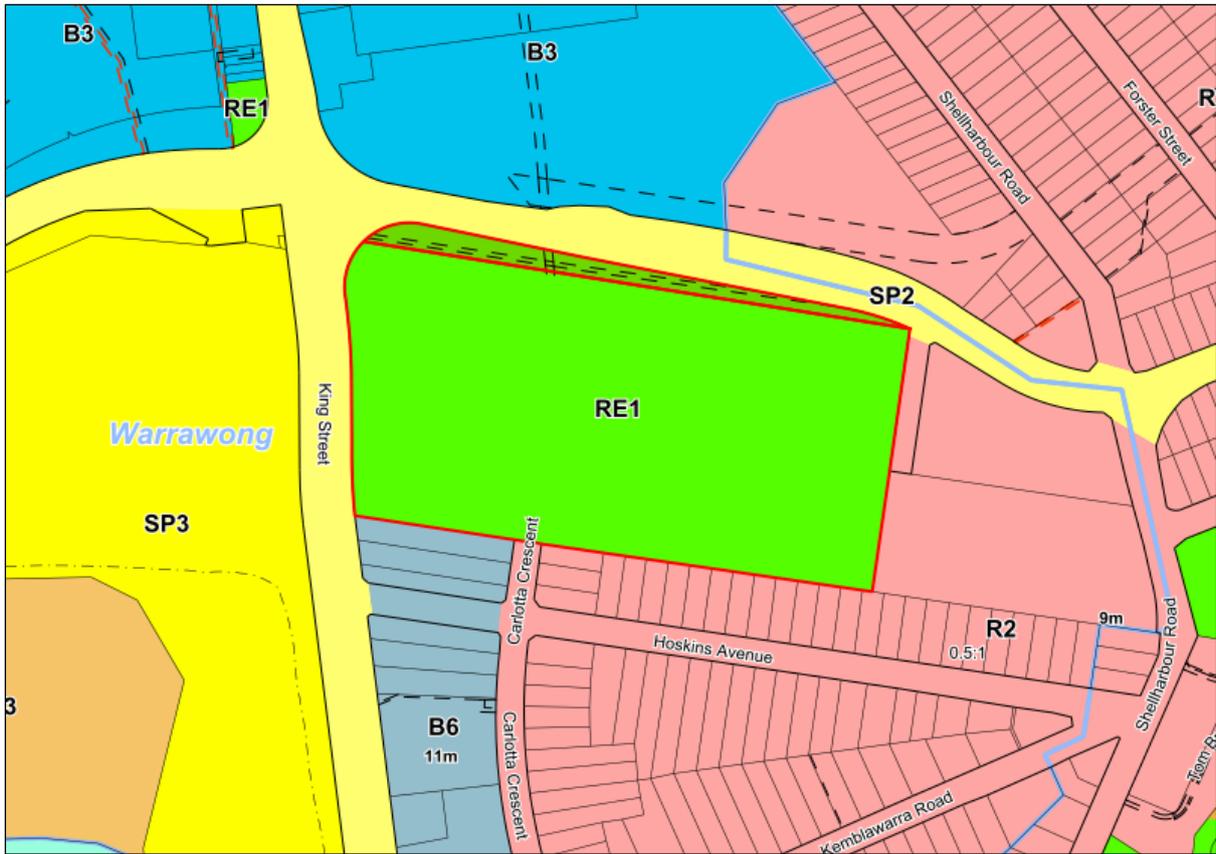
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1. Aerial photograph
2. WLEP 2009 zoning map
3. Plans
4. Draft conditions of consent

**ATTACHMENT 1 – Aerial Photograph**



**ATTACHMENT 2 – WLPP Zoning Map**





AUSIMAGE © Jacobs Group (Australia) Pty Ltd



### Darcy Wentworth Park

 Exclusion Zones

 Licence Area

 Approved Development Consent Area



GIS ref: g110246\_1scape.mxd

Printed: 21/01/2016

Aerial Photography: 2014



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## **ATTACHMENT 4 – Draft Conditions**

### **Approved Plans and Specifications**

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Drawing Reference gi10246\_lscape.mxd dated 21 January 2016 prepared by Wollongong City Council and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

### **General Matters**

- 2 **Industry Compliance**  
All commercial fitness activities must be undertaken in accordance with the recommendations and guidelines of Fitness Australia or other relevant peak body.
- 3 **Licence Agreement**  
Prior to the commencement of fitness training operations, commercial users of the site must enter into an appropriate licence arrangement with Council under the provisions of Council's Commercial Fitness Training Activities on Public Open Space policy adopted on 25 June 2018 and amended from time to time.
- 4 **Insurance**  
In accordance with the provisions of Council's Policy entitled 'Commercial Fitness Training Activities on Public Open Space' the operator of fitness training activities conducted under this consent must take out and maintain in their name, for the duration of the term of the Licence Agreement, public liability insurance for a minimum of \$10 million (or such greater amount as Council may reasonably require). Evidence of such insurance shall be required to obtain a Licence from Council.
- 5 **Protection of Environment**  
The fitness training operator must carry out activities at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, access impediment or other activity, to the general public or other commercial fitness trainers using the land.
- 6 **Separate Consent Required for Advertising Signage**  
This consent does not authorise the erection of any advertising signage. Any such advertising signage will require separate Council approval, in the event that such signage is not exempt development, under Schedule 2 of Wollongong Local Environmental Plan 2009.  
  
Any new application for advertising signage must be submitted to Council in accordance with Chapter C1 – Advertising and Signage Structure of Wollongong Development Control Plan 2009.
- 7 **Public Address System**  
A public address system or sound amplifying equipment shall not be installed or operated in or upon the property, without the prior consent of Council.
- 8 **Protection of Public Infrastructure**  
No permanent fitness/exercise structures are to be installed at any time and in the event of any damage to any of its infrastructure such as the park furniture and trees within the site being identified, Council must be notified within 24 hours of discovering any such damage.  
  
Adequate protection must be provided for Council infrastructure during commercial fitness training operations.

9 **Waste Management**

The holder of the licence for fitness training activities must ensure all waste generated by the operations is lawfully disposed of. This can include the provision of a waste receptacle or ensure their clients are aware of existing waste receptacles available on the site.

Consideration should be given to the source separation of recyclable and reusable materials.

**Use of the Site**

10 **General public use to take precedence over commercial operations**

Where access conflicts arise between commercial fitness training operations and the general public, general public access is to be given precedence over commercial fitness training operations at all times.

11 **Restricted Hours of Operation**

The hours of operation for the development shall be restricted to 6:00am to 8:00pm Monday to Saturday and 7:00am to 10:00am Sundays. Any alteration to the approved hours of operation will require separate Council approval.

12 **Protection of grassed areas**

Commercial fitness training activities are not to operate in areas that are not sturdy underfoot by way of being well turfed or having a sealed surface. Turfed areas soaked from prolonged rainfall shall be avoided by commercial fitness groups.

13 **Site Left Clean and Tidy**

The Licence holder shall ensure the site is left clean and tidy after use.

14 **Parking**

Licence holders and participants are required to park in designated parking areas and to obey parking restriction signs. Parking on grassed open space is not permitted. Parking on any area other than marked bays or kerb side shall be dealt with via a section 96 modification to the development consent.