

PERSONAL TRAINING PERMIT TERMS & CONDITIONS

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1. BACKGROUND

The City of Holdfast Bay plays a key role in providing recreational opportunities and supporting infrastructure on public land that encourages physical activity among the community.

In addition to Council's provision, there is an increasing demand for commercial fitness and sports trainers to provide assistance in enhancing public health and well-being. In supporting the use of public open space for such activities, Council recognises the need to plan and coordinate for the provision and maintenance of open space to limit the potential impact of activities and ensure equitable use of open space.

The increase in personal training activities throughout the council area has raised a number of issues that are addressed throughout this policy, they include:

- Equity of access issues – potential conflict with displaced users, management of demand, domination and monopolisation of areas and exploitation of public land by commercial operators
- Impact on the asset and inappropriate use of amenities and playgrounds – trainers, especially large groups causing wear and tear to recreational facilities and public open space that are used by all in the local community
- Noise to nearby residents
- Public Liability concerns – although all qualified personal trainers are required to have public liability insurance, this insurance may not cover some activities that may be conducted by some operators.

The Local Government Act 1999 regulates the use and management of Local Government land and community lands within South Australia. Local Government land includes:

- Land owned by a Council; and
- Land which, though not owned by the Council, is under its care, control and management

The need to regulate the use of public parks and reserves by organised fitness groups, personal fitness trainers has been identified. The Personal Training Permit Term and Conditions responds to this need, and has been developed to assist personal trainers and group fitness instructors to plan and undertake outdoor fitness activities with dependent participants.

2. PURPOSE

The Personal Training Permit terms and conditions have been prepared to outline the procedures that all organised fitness groups and personal fitness trainers must follow in order to obtain a permit for permission of use for designated parks and reserves with the City of Holdfast Bay.

Whilst the designated parks and reserves are an available resource to the local Community, it is important that structured activities such as personal training and group fitness activities do not impose on other facility users or deteriorate the quality or condition of the facility by over using particular areas.

The Personal Training Permit terms and conditions establishes a framework to ensure that these activities are conducted in a manner that minimises impact on the City of Holdfast Bay's public park and reserves and nearby residents. This will be achieved by outlining the terms and conditions of use for personal training in the City of Holdfast Bay's public parks and reserves and those areas that have been determined as the most suitable sites for these activities.

3. SCOPE

The policy and permit terms and conditions apply to all individuals and groups that intend on conducting structured personal training and group fitness classes on designated City of Holdfast Bay parks or reserves.

Any individual or business that intends on running personal training or group fitness sessions on public land must apply to obtain a permit.

The following groups are exempt from this:

- Existing lessees of council properties
- Local sporting clubs
- Local schools
- Surf Life Saving clubs
- Non-commercial organised groups

4. EXCLUSION ZONES

No structured personal training or group fitness will be permitted in high activity areas and/or areas of cultural, environmental, or natural significance. Specific areas where these activities are prohibited include but are not limited to the following:

- Coastal sand dunes
- Local government owned and managed cemeteries
- Picnic shelters and benches
- Exclusive use of public outdoor fitness equipment in parks and reserves
- 10 metres from memorials
- 10 metres from any playgrounds or play equipment
- 10 metres from any public change room, toilet or kiosk areas
- Dependent on the reserve size, a reasonable distance from any neighbouring residential property
- Parks and Reserves not listed in this document

The City of Holdfast Bay may nominate other areas as it sees fit.

5. PERMISSIBLE ACTIVITIES

- Gym sessions (with or without weights, medicine balls, jump and balance activities)
- Running
- Boxing
- Organised physical activity (sprints, obstacles, speed and agility courses)
- Yoga, Tai Chi, Dance and Pilates classes and like activities
- Circuit training

6. EXCLUDED ACTIVITIES

- The use of amplified music or voice equipment such as loud hailers
- Aggressive and intimidating activities that involves shouting, loud voice calls or instructions
- Activities starting before 6.00am or after 8.00pm. Trainers are required to provide sufficient lighting when using parks, reserves or courts outside of daylight hours, and only battery-powered lights are approved, and should not extend past the approved reserve area or impact businesses, residents or road users
- The use of any equipment (e.g pegs driven into the ground balls slammed into the grass) that may damage the reserve or council infrastructure
- Activities which exceed the approved group size for the permit or area allocated
- Activities in playgrounds or other locations where appropriately marked or signed
- Use of memorials and public art works as part of the exercise routine or for attaching of any equipment
- Vehicles driven onto the parks, reserves or courts unless approved by Council
- Approaching other personal trainer instructors or groups in a negative and/or in an intimidating manner
- Defamatory comments about other personal trainer instructors in a verbal or racial medium

7. ELIGIBILITY

The primary person/s providing personal training or group fitness to people on Local Government land and community land must hold the following:

- Australian Public Liability (minimum \$20 million)
- Australian Professional Indemnity (minimum \$5 million)
- Recognised training organisation qualification – minimum Certificate 4 in Fitness or sport specific equivalent
- Australian Provide First Aid – this qualification must be attained in Australia (formerly known as Senior First Aid)
- Australian Provide CPR - this qualification must be attained in Australia (expires yearly)
- Registration with peak sport / fitness organisation (desired)

Valid documentation for the primary person/s is required to be submitted at the time of permit application.

Secondary trainers must also obtain a permit and must hold a minimum qualification of Certificate 4 in Fitness or sport specific equivalent, and provide copies of relevant documents to council as part of the application process.

8. BREACHES

Under the Local Government Act, Council reserves the right to end a session due to any breach or condition of the permit and/or misconduct by patrons. Any breach may result in revocation of the permit and enforcement action. Council inspectors will be actively monitoring permitted locations and personal trainers and group fitness instructors undertaking activities without a valid permit will be asked to immediately cease activity if they are found to be in breach of conditions.

Breaches include:

- Exceeding approved group size
- Operating in a non-approved location
- Disruptive or loud behaviour
- Misuse of land or property
- Harassment of others
- Intoxication
- Illegal behaviour

9. ALLOCATION OF PERMITS

A permit will be valid for either **three or 12 months** and will authorise each personal trainer or group fitness instructor to use pre-allocated Local Government land and community land for structured personal training or group fitness activities in accordance with the permit conditions on a **non-exclusive basis**. An applicant wishing to obtain a once-off permit will be required to apply for a three month permit under the appropriate category.

It is the responsibility of the personal trainer or group fitness instructor to reapply prior to expiration of their current permit.

Application for permits and the number of permits to be issued will be determined by council taking into account the following factors:

- Usage demand, intensity of use of the areas and times requested (**Maximum of 3 locations, 2 reserves and 1 beach for a maximum 2.5 hour block**)
- Number of permits already allocated to a specific area
- Other activities (passive or active) being undertaken in the area
- Types 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.

Council reserves the right to refuse any application without the necessity to give reason for such refusal.

Occasionally parks or reserves will be unavailable due to maintenance or Council events. Where possible permit holders will be advised in advance via email and where possible an alternative location provided for the specified date.

10. IDENTIFICATION REQUIREMENTS

Each approved applicant will be issued with a letter of approval (emailed copy) and must be shown to Council officers when requested.

It is the responsibility of the permit holder to ensure that relief instructors have this permit on them, if this is not reasonably possible the relief trainer should have at minimum a photo of the approved permit to show if requested.

11. ADMINISTRATION FEES

| CATEGORY | NUMBER OF PARTICIPANTS | TERM | FEE |
|----------|------------------------|-----------------------|----------------|
| A | 1 – 5 participants | 3 months 12 months | \$40 \$90 |
| B | 6 -10 participants | 3 months 12 months | \$80 \$170 |
| C | 11-20 participants | 3 months 12 months | \$100 \$230 |

*One fee will be charged to each trainer based on the highest category required

Following approval of any permit application, a **\$20 administration fee** will be charged every time an applicant wishes to make an amendment to their permit.

The onus of renewing a permit is the responsibility of the permit holder.

12. APPROVED AREAS

| PARK/ RESERVE / BEACH | STREET | SUBURB | A | B | C |
|----------------------------------|-----------------------------|----------------|---|---|---|
| Angas Neil Reserve | 196-202 Esplanade | Seacliff | ○ | ○ | ○ |
| Beach | Holdfast Bay | Holdfast Bay | ○ | ○ | ○ |
| Bindarra Reserve | 144 Esplanade | Seacliff | ○ | ○ | |
| Bob Lewis Reserve | Highland Avenue | Glenelg North | ○ | | |
| Colley Reserve | Colley Terrace | Glenelg | ○ | ○ | ○ |
| Da Costa Reserve | Wyatt Street | Glenelg East | ○ | ○ | ○ |
| Dover Square Reserve | Broadway | South Brighton | ○ | ○ | |
| Dulcie Perry Park | Cecelia Street | North Brighton | ○ | ○ | |
| Good Neighbour Gardens | Vincent Avenue | North Brighton | ○ | | |
| Graymore Park | Derrick Place | Glenelg North | ○ | | |
| Jack Chaston Park | Gratton Street | Brighton | ○ | | |
| John Miller Reserve | 26 Esplanade | Somerton Park | ○ | ○ | |
| Parkinson Reserve | Alison Street | Glenelg North | ○ | ○ | ○ |
| Paringa Park | Paringa Avenue | Somerton Park | ○ | ○ | |
| Patawalonga Banks – Eastern Side | Patawalonga Frontage | Glenelg North | ○ | ○ | |
| Patawalonga Banks – Western Side | Patawalonga Frontage | Glenelg North | ○ | ○ | |
| Patawilya Reserve | Adelphi Terrace | Glenelg North | ○ | ○ | |
| Sandison Reserve | Sandison – Augusta Street | Glenelg East | ○ | ○ | |
| Seaforth Reserve | Tarlton Street/Averil Court | Somerton Park | ○ | | |
| Susan Grace Benny Reserve | Naldera Crescent | Seacliff Park | ○ | ○ | |
| Wattle Reserve | Wattle Avenue | Hove | ○ | ○ | ○ |
| Wigley Reserve | Anzac Highway | Glenelg North | ○ | ○ | ○ |

13. GENERAL CONDITIONS

- Must only provide the activities for which they are suitably qualified and which have been approved by Council;
- Must only operate in the areas and at the times specified by the Council in the permit;
- Must manage the activities to minimise wear and tear on grassed areas (this includes rotating within the designated areas and/or alternating activities);
- Must comply with reasonable direction of Council officers in relation to any unacceptable practices
- Must display evidence of the permit in the prescribed manner;
- Shall prior to commencing personal training and group fitness training, inspect the immediate area to ensure no hazards are evident 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;
- Shall not assign their rights under this permit or attempt in any other manner to transfer their rights under the permit to any other person, it being clearly understood that the permit is issued to a particular individual and is not transferable unless approved by Council in accordance with the Personal Training Permit Conditions;
- Shall indemnify and hold the Council harmless from and against all damages, sums of money, costs, charges, expenses, actions, claims and demands which may be sustained or suffered or recovered or made against the Council by any person for any loss of life or injury or damage any person may sustain due to the negligent act of a trainer whilst conducting a training session;
- When conducting personal training or group fitness training on Local Government land and Community land shall always conduct themselves in a proper and orderly manner and be considerate to other users and adjacent residents;
- Shall conduct their activities so not to dominate, monopolise and/or obstruct any stairways or pathways;
- Must not create any noise from training activities that unreasonably disturbs other users and adjacent residents;
- Shall not suspend any equipment from trees and/or structures in the Public reserves;
- Shall ensure that any exercise equipment used does not create any hazards or obstruction or is left unattended at any time;
- Must ensure that any training group for which they are responsible, runs in single file when running in narrow areas;
- Shall ensure that their participants do not step on or walk on or in any other way inappropriately use picnic tables and park furniture and shall leave the training area in the same condition it was at the commencement of training;
- Shall take out and maintain in their name, for the duration of the term of the permit, approved Public Liability insurance for a minimum of \$20 million and Public Indemnity for a minimum cover of \$5 million and produce documentary evidence of this at the time of application; and
- Shall agree that, notwithstanding any implication or rule of law to the contrary, Council shall not be liable for any damage or loss that any trainer and their participants may suffer by the act, default or neglect of any other person or by reason of the Council failing to do something on or to the public space used; and
- The permit holder will bear all responsibilities for any injuries to the public or damage to property that may arise as a result of the activities undertaken.

- As a condition of the permit it is the responsibility of the permit holder to have up to date: (Council reserves the right to request and sight any of the below documentation)
 - Australian Public Liability (minimum \$20 million)
 - Australian Professional Indemnity (minimum \$5 million)
 - Recognised training organisation qualification (minimum Certificate 4 or sport specific equivalent)
 - Registration with peak fitness organisation (desired)
 - Australian Provide First Aid (formerly known as Senior First Aid and Workplace Level 2 or Apply First Aid)
 - Australian Provide CPR (expires yearly)
- The permit holder is responsible for the safety of participants at all times. Council will not accept liability for any personal injury, loss or damage that may occur to participants or third parties or their property as a result of conducting personal training within the City of Holdfast Bay.
- As a condition of the permit, the permit holder agrees to comply with the general conditions of approval. City of Holdfast Bay reserves the right to cancel a permit if it considers that there has been a breach of the conditions of the permit, there has been a significant error or misrepresentation in the application for the permit or in the circumstances the permit should be cancelled.
- It is the responsibility of the permit holder to comply with all laws including local laws and all other legal requirements relevant to the operation of personal training and ensure participants partaking in the activity comply.
- Where personal trainers and group fitness instructors, need to organise relief staff for their session, it is the responsibility of the permit holder to ensure that the relief staff hold the same qualifications, certifications and insurances as required by the permit.
- The permit holder must at all times comply with all permit conditions and any additional special conditions imposed by Council. Council reserves the right to cancel the permit without notice if the permit holder fails to comply with the permit conditions. The permit holder must have available and on site their permit card.
- It is a requirement of Council By-Law 3 that all organised personal training and group fitness sessions conducted on Council land for the purpose of profitable approved by express written consent from Council through issue of a permit. Failure to obtain such a permit from the City of Holdfast Bay is deemed to be an offence under Council By-Law 1 [4.1]; punishable by expiration of \$312.50, and/or subject to the additional maximum penalty prescribed by the Local Government Act 1999.
 - Under Section 200 (1) of the *Local Government Act 1999*, a person must not use community land for a business purpose unless the use is approved by the Council (and to do so carries with it a maximum penalty of \$5,000).