



Management Guidelines

for Personal Trainers and Commercial Group Fitness

14 July 2016



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1. Introduction

These personal training & commercial fitness guidelines apply to all parks and reserves within the City of Subiaco and will be reviewed annually. They were last reviewed in July 2016

Physical fitness trainers require a permit to run commercial or non-commercial training activities on city managed public open space. Applications for permits should be in writing and addressed to the Chief Executive Officer City of Subiaco PO Box 270 Subiaco WA 6904.

2. Aim

The aim of these guidelines is to provide commercial personal trainers and fitness groups that use the city's parks and reserves, an effective management tool to minimise impacts on surrounding residents and the broader community.

These guidelines will ensure:

- Effective management of public open space;
- Adequate management of the impact on City's assets;
- Adherence to fitness industry standards of service, care and safety; and
- Ongoing promotion of health, wellbeing and physical activity within public open space

3. Definitions

1. **Personal Trainers/Commercial Fitness groups** Are professional fitness trainers involved in exercise prescription with or without a commercial interest.

2. **Personal Training fees** An annual or seasonal charge which is applied to all fitness groups using the City's parks and reserves over an extended period of time.

3. **Session** Up to two (2) hours in duration. Numerous classes may be held within a session.

4. **Class**: one (1) segment of a personal training session. Numerous classes may be held within one (1) session.

E.g. 2 x 30 minute classes, can be held within one session.

5. **Permit** means a permit required by Local Law and issued by the City under that Local Law

6. **Local Law** means the Local Government Property Local Law 2014

4. Approved Training Areas

- The following areas within the City of Subiaco have been identified as suitable for personal training and commercial fitness training.

Table 1. Approved Training Areas

PARK / RESERVE	ORGANISED FITNESS MAX PERSONS - at any one time	OPERATING HOURS WEEKDAYS	OPERATING HOURS WEEKENDS
Mueller Park	54	6.30am -6pm	8am-4pm
Lake Jualbup	36	7am -6pm	8am-4pm
Nicholson Road	36	6.30am -6pm	8am-4pm
Rosalie Park (Sports Fields)	54	6.30am-4pm	Not Available
Mabel Talbot (North)	36	6.30am -6pm	8am-4pm

5. Exclusion Zones

Personal Training and/or organised fitness groups are not permitted within or on the following areas:

- Areas of cultural or natural significance
- Within 20 metres of the War Memorial clock tower or any other approved memorial
- Within 20 metres of any play-space or play equipment
- Within 20 metres of any picnic shelter, park bench or any other park infrastructure with a public use
- Within 30 metres of the boundary of residential properties adjoining parks, reserves or other public open space

Council may nominate other exclusion zones during the life of these guidelines.

6. Permissible Fitness Activities

Permissible fitness activities under these guidelines

- one on one fitness training sessions;
- small group training sessions of up to 18 people including;
 - aerobic activity;
 - yoga, tai chi, pilates or similar classes;
 - circuit training; and
 - gym sessions with light weights/fitballs/skipping ropes etc

7. Prohibited Activities

To prevent damage to the environment, ensure equity for all users and encourage an enjoyable experience for all users of public open space, the following activities are prohibited within public open space. This list is not exhaustive and shall be at the city's discretion:

1. Groups containing over 18 participants;
2. Dragging of logs, tyres, heavy ropes and other equipment that may damage the natural environment;
3. Erection of advertising signs, and banners, stakes, rope or tape temporary or otherwise without Council's written consent;
4. Outdoor recreational activities conducted with amplified music or megaphones which cause excessive noise;
5. Soliciting of funds directly from park visitors or the public;
6. Any activity that is deemed to be aggressive or intimidating in nature including shouting, loud voice calls or instructions, whether real or perceived by participants or the general public;
7. Suspending boxing or kick boxing bags or any other equipment from trees and/or structures in the reserves utilising trees, seating, picnic tables, rotundas and other park infrastructure for exercise training; and
8. Obstructing the general public in any way.

8. Permit Types, Sizes and Allocations

The maximum size of a training group is 18 people. The number of Permits issued to an individual Personal Trainer or Commercial Group Fitness Class is limited to 3 for any one park/reserve. Once an allocation for a park or reserve has been reached no other Permits will be issued for the park/reserve in question.

There are three sizes of personal training groups. These are:

Table 2. Group Size and Permit Type

Permit Types	Group Size	Number of Reserves per Permit
Small Groups	1 – 4 participants	3
Medium Groups	5 – 10 participants	3
Large Groups	11 – 18 participants	3

9. Hours of Operation

Each personal trainer can train at a maximum of 3 reserves on individual permits, and permit holders are ONLY allowed to operate during the following periods:

Table 3. Hours of Operation

PARK / RESERVE	OPERATING HOURS WEEKDAYS	OPERATING HOURS WEEKENDS
Mueller Park	6.30am -6pm	8am-4pm
Lake Jualbup	7am -6pm	8am-4pm
Nicholson Road*	6.30am -6pm	8am-4pm
Rosalie Park (Sports Fields)*	6.30am-4pm	Not Available
Mabel Talbot (North)	6.30am -6pm	8am-4pm

* Areas where dogs are permitted to be exercised off lead

When conducting activities, commercial fitness groups and personal trainers must monitor and control risks to participants, and ensure public safety is not impacted by their activities.

Failure to operate within these specified times will be dealt with in accordance with the termination clause outlined in a Permit Agreement and within these Guidelines.

10. Eligibility Criteria

The following sections outline the eligibility criteria requirements to be considered for a Personal Trainer or Commercial Group Fitness Operator permit with the City of Subiaco.

All personal trainers must apply for a personal trainer permit through the City of Subiaco using the relevant permit application form. The permit will be issued in a business name, endorsed by Fitness Australia and proof of the following is required:

1. Approved qualifications endorsed by Fitness Australia and/or VETAB providers such as TAFE, Universities and Nationally Recognised Training institutions/colleges
2. Current Senior First Aid Certificate
3. Are a registered professional with Fitness Australia as an Exercise Professional (Personal Trainer specialisation) or Business Member
4. Current Public Liability Insurance to a minimum of \$10 million and \$5 million Professional Indemnity Insurance for the life of the permit

In addition to the above, if working with children:

- Complete a Working with Children Check or provide a copy of their WWC card
- Provide a copy of certification in having completed accredited courses specific to children's fitness training.

11. Permit Allocation

The City of Subiaco Personal Training and Commercial Fitness Training permit allocation is processed as follows:

1. Personal Training Permits will be issued and remain valid for the following periods: six months or 12 months.
2. Permits will authorise each trainer to use public open space for commercial fitness training activities in accordance with this policy on a non-exclusive basis
3. The number of permits issued per location is limited to ensure equitable usage of the area and is determined by size and suitability of the group

4. Council Officers will determine the number of permits to be issued per location upon application
5. Have the approved 'Permit' on hand during personal training sessions and make it available to Authorised Officers upon request
6. Ensure that signage, if issued, is visible during all training sessions
7. In the month prior to the end of the winter and summer season, current permit holders will be given the first opportunity to renew their existing permit application. This renewal is subject to compliance with all permit conditions. The City of Subiaco reserve the right to review this "right of first refusal" at any time. From 1 April and 1 October each year, applications will be taken on a first received and paid basis subject to relevant carrying capacity being available.

12. Permit Fees

Table 4. Permit Fees

PERSONAL TRAINING PERMIT FEES			
	Winter 6 months April - September	Summer 6 months October - March	12 Months
Small Groups (1-4 participants)	Fees and Charges are in accordance with the Operating Budget adopted by Council on an annual basis.		
Medium Groups (5-10 participants)			
Large Groups (11-18 participants)			

13. Relevant policies, legislation and standards

It is important that prior to applying for a personal trainers permit applicants have read through these guidelines thoroughly and understand them. If you would like further information the following policies and legislation can be found on the following websites:

- City of Subiaco Use of Passive Recreation Policy – www.subiaco.wa.gov.au

- City of Subiaco Management Guidelines for Personal Training and Commercial Fitness Groups - www.subiaco.wa.gov.au
- Local Government Act 1995 – www.subiaco.wa.gov.au
- Fitness Australia Code of Ethics – www.fitness.org.au
- Local Government Property Local Law 2014 - www.subiaco.wa.gov.au

14. Noise and Disturbance Management

Commercial fitness training activity operators must:

1. Be considerate to other reserve users and adjacent residents
2. Not create any noise from training activities that unreasonably disturbs other users of the area and any adjacent residents
3. Ensure that all noise associated with personal training is not excessive
4. Ensure that exercise equipment used does not create any hazards or obstruction to the community
5. Give way to pedestrians and cyclists when moving through narrow areas with groups (e.g. footpaths, stairways, and cycle ways) and do not conduct static classes within these areas
6. City reserves the right to review permit approvals in the event of substantiated noise complaints

15. Risk Management

Personal Training permit holders must, prior to commencing commercial fitness training activities:

1. Inspect the immediate area to ensure no hazards are evident
2. Take appropriate action to remove those hazards
3. Alternatively move the training site and, without undue delay, report to the city the hazard or any other hazardous matters observed during the training that may require the city's attention

For further information please refer to Fitness Australia's Work Health and Safety Guide at www.fitness.org.au

16. Conditions

Personal or commercial fitness trainers operating under a permit approved by City of Subiaco must:

1. Provide only activities for which they are suitably qualified and have been approved by the City of Subiaco

2. Manage the activities to minimise wear and tear on grassed areas (this includes rotating within the designated area and/or alternating activities) and not conducting fitness activities that drag equipment across the ground
3. Comply with all reasonable directions of City Authorised Officers
4. Ensure all hazards are made safe and reported to the city immediately
5. Not sublet or assign their rights under this agreement or attempt in any other manner to transfer their rights under the permit to any other person
6. Always conduct themselves in a proper and orderly manner and be considerate to other users and adjacent residents when conducting training in public open space
7. Ensure the training area is restored to the same condition it was at the commencement of the training
8. Not sell clothing / equipment / refreshments or any other good, service or product at the reserve etc, unless you have obtained a Trading license/permit from the City of Subiaco
9. Not display any advertising signage including banners or unauthorised 'A' frame signs on Council's public reserves
10. Not interfere with any Council approved or booked activity including, but not limited to a wedding, birthday party, corporate BBQ, sport or sporting activity that is being carried out on any oval or reserve or part thereof and the trainer acknowledges that such a booking has priority over the trainer's use
11. Take responsibility for satisfying all occupational health and safety legislation and regulations
12. Ensure all fees and levies required by Work Cover or any other public body or statutory authorities are paid
13. Indemnify and hold the city 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 during the conduct of a training session
14. Take out and maintain in their name, for the duration of the term of the permit, approved public liability insurance for a minimum of \$10 million and produce documentary evidence of this at the time of application
15. Agree that, notwithstanding an implication or rule of law to the contrary, the city shall not be liable for any damage or loss that the trainer and their clients may suffer by the act, default or neglect of any other person or by reason of Council failing to do something on or to the public space being used
16. The erection of fixed structures for the storage of fitness equipment is not permitted
17. Must observe the closing of open space areas due to wet weather and maintenance. During periods of wet weather the trainer is responsible for calling off training if necessary. No activity is permitted if grounds are closed
18. Not drive or park any vehicle on parks, open space or footpaths

19. The city will accept no responsibility or liability for any interruption to business caused by the need for the city or any other authority to carry out any special event or type of maintenance works on the approved public open space site, including weather or any other interruption to business howsoever caused
20. The city does not, and will not accept liability for any debts incurred by the trainer

17. Penalties and Enforcement Action

The following penalties and enforcement actions may be put into effect for any personal trainers and fitness group operators (registered or un-registered) who are operating outside of the City of Subiaco Commercial Fitness Training Policy and Guidelines:

1. Should a commercial fitness training operator be using public open space on a regular basis for activities without a city approval and permit, City Authorised Officers will be able to undertake enforcement action in accordance with the Local Government Act 1995
2. A person who fails to comply with the terms and conditions of the Local Government Property Local Law 2014 3.13 (1)(d)
3. City Authorised Officers may enforce penalties on any person who fails to comply with a notice.

18. Termination

The Chief Executive Officer has the right to cancel a permit without notice if in their sole opinion they have determined that the personal/fitness trainer has failed to comply with the direction of its officers or have breached, contravened or otherwise failed to comply with any term or condition of the permit approval.

19. Grounds for Appeal

An applicant may object against, and apply for a review, of the decision in accordance with 7.1 of the Local Government Property Local Law 2014.

If the person has not applied for a review of the decision, an objection may be lodged by preparing it in the prescribed form and lodging it with the local government in the prescribed manner within 28 days after the right of objection arose or within such further time as the local government may allow.

The objection is to be dealt with by the council or by a committee authorised by the council to deal with it.

An applicant may also apply to the State Administrative Tribunal for a review of a decision, in accordance with the conditions specified in S9.7 of the Act.