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1. Introduction

Personal Training and Group Fitness within public places has been expanding rapidly over the last few years. This has led to the need for further structure and regulations by Councils, of all sizes, in order to provide guidance to private and commercial business operators.

The City of Stirling recognises that physical activity is a valuable component of a healthy and vibrant community. The City is committed to providing spaces and places for people to participate in a range of activities that enhance physical health and well-being. The City's Strategic Plan 2013-2023 has six key themes that provide guidance on maintaining high level services and infrastructure across the City of Stirling – City of Choice. These include: Liveable City and Thriving Neighbourhoods, Sustainable Environment, Engaged Communities, Accessible and Connected City, Prosperous City and Making it Happen.

The City's support can also be demonstrated through annual investments in public open space and infrastructure enhancements such as the provision of outdoor exercise equipment, new dedicated dog exercise areas, shared use paths, sporting fields and playgrounds.

These personal training & commercial fitness guidelines apply to all parks, reserves, and beaches within the City of Stirling and will be reviewed annually to ensure they are current and relevant.

2. Aim

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

These guidelines will ensure:

- Equity of access and 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
- Ongoing promotion of health, wellbeing and physical activity within public open spaces.

3. Definitions

1. **Personal Trainers/Commercial Fitness groups** – Are fitness professional trainers involved in exercise prescription with a commercial interest
2. **Personal Training fees** – An annual or seasonal charge which is applied to all fitness groups using the City's parks reserves and beaches over an extended period of time

3. **Bootcamp/Short Term Program:** Any short term form of personal training
4. **Bootcamp/Short Term Program fees:** A charge which is applied to all short term fitness classes
5. **Session:** Up to two (2) hours in duration. Numerous classes may be held within a session
6. **Class:** one (1) segment of a personal training session. Numerous classes may be held within one (1) session. E.g. x2 30 minute classes can be held within one session
7. **Local Reserves:** A reserve that is small in size and services the regular low-key recreational needs of the immediate residents. The predominant use is for informal recreation for individuals and households, especially low level children's play, dog walking and relaxation
8. **Community Reserve:** Reserves that serve as the recreational and social hub of a community, and are utilised mainly for unstructured sporting and other recreational activities
9. **District Reserves:** Reserves that serve as the sporting and recreational hub of a community, and are utilised mainly for organised, active sporting activities.

4. Approved training areas

The following areas within the City of Stirling have been identified as suitable for personal training and commercial fitness training. Note: There may be areas outside of those listed that may be approved in consultation with the City's Club Development Officers. Approved training areas remain subject to review annually.

The following factors are considered when determining the suitability of a reserve or beach:

- Reserve purpose
- Noise
- Proximity to residents
- Conflicting bookings
- Scale and nature of activity
- Impact on the community (positive or negative).

LOCAL RESERVES *Small Groups only	COMMUNITY RESERVES	DISTRICT/REGIONAL RESERVES
Deanmore Square	Alexander Park	Abbett Park
Disbrey Park	Clarko Reserve	Barry Britton Reserve
Edmondson Klein Reserve	Jackadder Lake	Breckler Park
Peet Fyfe Reserve	Hancock - Karabil Reserve	Butler's Reserve
Murchison Beverley Reserve	King George Reserve	Carine Regional Open Space
	Macaulay Park	Celebration Park
	Stirling Civic Gardens	Charles Riley Memorial Reserve
	La-Grange Dongara Reserve	Coolbinia # 1
	Stirling Civic Gardens	Des Penman Reserve
	Scarborough Beach Reserve	Dianella Regional Open Space #2
	Brighton Beach Reserve	Grenville Reserve
	Designated Beaches	Hamer Park/Inglewood Oval
		Lake Gwelup Reserve
		Mirrabooka Regional Open Space
		Princess Wallington Reserve
		Robinson Reserve
		Woodchester Reserve
		Yokine Regional Open Space

5. Exclusion zones

Personal Trainers and Commercial Fitness groups are not permitted to use the following areas:

- Scarborough Amphitheatre;
- Unapproved reserves;
- Memorials;
- Picnic shelters;
- Playgrounds;
- Change room facilities;
- Roadways;
- Organised sporting areas;
- Houses and private properties; and
- Beach access ways.

6. Permissible fitness activities

Commercial fitness training activities should be limited to the scope of practice of a registered personal trainer, which would include, but not be limited to, the following activities:

- Strength-based and aerobic fitness activities (with or without free-weights, fitballs, skipping ropes, medicine balls etc.)
- Non-contact boxing and pad training
- Organised aerobic activity (fitness and sports drills)
- Bootcamp activities
- Yoga, Tai Chi and Pilates activities
- Walking and running.

7. Prohibited activities

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

1. Aggressive and intimidating activities that involve shouting, loud voice calls or instructions;
2. Activities in children's playgrounds;
3. Groups containing more than 25 participants;
4. Dragging of logs, tyres, heavy ropes and other equipment that may damage the natural environment;
5. Erection of advertising signs, and banners, temporary or otherwise without Council's written consent;
6. Outdoor recreational activities conducted with amplified music or megaphones which cause excessive noise;
7. Soliciting of funds directly from park visitors or the public;
8. Any activity that is deemed to be aggressive or intimidating in nature whether real or perceived by participants or the general public;
9. Erection of signs, stakes, rope or tape (temporary or otherwise) without Council's written consent;
10. Suspending boxing or kicking 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
11. Obstructing the general public in any way.

8. Permit types, sizes and allocations

These guidelines apply to all personal trainers with a commercial interest. The maximum number of persons per group is **25** people. Additional permits may be available upon request. There are three sizes of personal training groups. These include:

Permit Types	Group Size	Number of Reserves per Permit	Maximum Hours per Week
Small Groups	1 – 4 participants	1	18 hours
Medium Groups	5 – 10 participants	2	18 hours
Large Groups	11 – 25 participants	3	18 hours

Where multiple reserves are required, a separate reserve booking form must be submitted for each individual reserve at the time of application.

Short term Bootcamp/fitness program permits apply for a one off six week period only and are based on the above group sizing. Programs extending beyond six weeks duration are unable to apply for a short term Bootcamp/fitness program permit.

9. Hours of operation

Each personal trainer can train for up to 18 hours per week on individual permits. Permit holders are ONLY allowed to operate during the following periods:

Monday to Saturday: between 6.00am and 7.30pm – without lighting until dusk

Sunday: between 7.00am until 7.30pm – without lighting until dusk

The number of reserves available for use varies based on permit type (see table above).

When conducting activities beyond daylight hours, commercial fitness groups and personal trainers must monitor and control risks to participants, and ensure public safety is not impacted by their activities. Floodlights are available on some reserves and can be requested in writing by the personal trainer/fitness organization. A floodlight fee is applicable to all floodlight requests (see fees and charges).

Failure to operate within these specified times will be dealt with in accordance with the termination clause outlined in the 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 Stirling.

All personal trainers must apply for a personal trainer/bootcamp permit through the City of Stirling using the relevant booking 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, Yoga Australia, Pilates Alliance Australia, and/or VETAB providers such as TAFE, Universities and Nationally Recognised Training institutions/colleges
2. Current Senior First Aid Certificate
3. Proof of registration with Fitness Australia as an Exercise Professional (Personal Trainer specialisation) or Business Member
4. Proof of registration with Yoga Australia or Pilates Alliance Australia (as applicable) as an accredited Yoga or Pilates instructor
5. Current Public Liability Insurance to a minimum of \$10 million and \$5 million Professional Indemnity Insurance for the life of the permit.

11. Permit allocation

The City of Stirling Personal Training and Commercial Fitness Training permit allocation process is as follows:

All Personal Training and Commercial Group Fitness permit applications will be processed within 7 working days of receipt:

1. Personal Training permits will be issued and remain valid for the following periods: 6 months, 12 months or short term six week bootcamps and fitness programs
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. Personal Trainers may alter the dates and times of their permit allocation in writing twice only in any given allocation period without charge, additional changes will incur a rental amendment fee
4. Council Officers will determine the number of permits to be issued per location upon application
5. 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
6. Personal trainers should have the approved 'rental number' on hand during personal training sessions to be quoted to audit Officers whenever required
7. Personal trainers must ensure that permit signage issued by the City is visible during all training sessions.

12. Permit fees and charge

PERSONAL TRAINING PERMIT FEES AND CHARGES			
	WINTER (April to September)	SUMMER (October to March)	ANNUAL
Small Group (1-4 participants)	\$ 225.00	\$ 425.00	\$ 550.00
Medium Group (5-10 participants)	\$ 550.00	\$ 750.00	\$ 1,100.00
Large Group (11-25 participants)	\$ 1,100.00	\$ 1,300.00	\$ 2,200.00
SHORT TERM BOOTCAMP / FITNESS PROGRAM FEES (Maximum six week duration)			
Small Group (1-4 participants)	\$5.00 per session		
Medium Group (5-10 participants)	\$10.00 per session		
Large Group (11-25 participants)	\$20.00 per session		
FLOODLIGHTS	\$5.50 per floodlight pole per hour		
RENTAL AMENDMENT FEE	\$20.00 per rental amendment **		
CANCELLATION FEE	\$20.00		

Personal training permit fees and charges apply to all personal training and commercial group fitness businesses utilising City of Stirling reserves. Permit fees must be paid in full prior to commencement.

Personal Training permit fees are based on seasonal and annual rates. Where permits are required outside of seasonal periods, a pro-rata fee calculation relevant to the current seasonal fee will be applied.

Short term Bootcamp/fitness program fees are limited to a maximum six week booking only. Short term programs exceeding six weeks in duration will be calculated at the relevant pro-rata seasonal rate.

**Personal Trainers may make amendments to reserve rental details at no charge on two occasions per seasonal/annual booking. Additional rental amendments will incur a rental amendment fee.

Should the Personal Trainer wish to cancel an approved rental or permit, a cancellation fee may be applicable.

13. Relevant polices, 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 Stirling Personal Training Policy – www.stirling.wa.gov.au
- Local Government Act 1995 – www.stirling.wa.gov.au
- Fitness Australia
 - Code of Ethics – www.fitness.org.au

- Recommendations for the Provision of Commercial Fitness Services in Public Areas – www.stirling.wa.gov.au
- Provision of Fitness Training Services in Public Areas – www.stirling.wa.gov.au
- Outdoor Training Guidelines – www.stirling.wa.gov.au
- Local Government Property Local Law 3.13 (1) (d) – www.stirling.wa.gov.au
- Yoga Australia
 - Statement of Ethics – www.yogaaustralia.org.au
 - Code of Professional Conduct – www.yogaaustralia.org.au
- Pilates Alliance Australia
 - Code of Ethics – www.pilates.org.au
 - Code of Practice – www.pilates.org.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; and
5. Give way to pedestrians and cyclists when moving through narrow areas with groups (e.g. footpaths, stairways, beach access ways, cycle ways) and do not conduct static classes within these areas.

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 potential hazards
3. 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.

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 trainer operating under a permit approved by City of Stirling City Council must:

1. Provide only activities for which they are suitably qualified and have been approved by Council
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 Council Rangers or other authorised Council Officers
4. Ensure all hazards are made safe and reported to Council 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 or business
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 a Health Permit has been obtained from the City of Stirling
9. Not interfere with any Council approved or booked activity including, but not limited to a wedding, birthday party, corporate BBQ, community event, sport or sporting activity that is being carried out
10. on any oval or reserve or part thereof and the trainer acknowledges that such a booking has priority over the trainer's use
11. Operate harmoniously with other personal trainers/fitness groups utilizing the reserve and adhere to allocated areas as outlined by the City of Stirling
12. Take responsibility for satisfying all occupational health and safety legislation and regulations
13. Ensure all fees and levies required by Work Cover or any other public body or statutory authorities are paid
14. 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 during the conduct of a training session
15. 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
16. Agree that, notwithstanding an implication or rule of law to the contrary, the Council shall not be liable for any damage or loss that the trainer and/or 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
17. Not erect any fixed or temporary structures for the storage of fitness equipment

Council reserves the closing of open space areas due to wet weather and maintenance. No activity is permitted if grounds are closed. During periods of wet or adverse weather the trainer is responsible for any decision to continue or cease activities

19. Not drive or park any vehicle on parks, beaches, open space or footpaths
20. 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, including weather or any other interruption to business howsoever caused
21. Council 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 can be brought into effect for any personal trainers and fitness group operators (registered or un-registered) who are operating outside of the City of Stirling Commercial Fitness Training Policy and these Guidelines:

1. Should a commercial fitness training operator be using public open space on a regular basis for activities without Council approval and permit, Council Rangers may undertake enforcement action in accordance with the Local Government Act 1995
2. A person who fails to comply with terms of any notice by Council is guilty of an offence pursuant to section 632 of the Local Government Act 1995
3. A person who fails to comply with the terms and conditions of the Local Government Property Local Law 3.13 (1) (d)
4. City Authorised Officers will enforce penalties on any person who fails to comply with a notice.

18. Termination

Council reserves the right to cancel a permit without notice if in its sole opinion has 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

1. A trainer whose permit has been cancelled by the City may appeal in writing **within 7 working days** to the Manager Recreation & Leisure Services stating the reason for appeal
2. The Appeal will be considered by the Manager Recreation & Leisure Services and a written reply outlining the decision will be sent via mail to the appellant within **7 working days**
3. Permit fees will not be refunded if the agreement was terminated by the Council arising out of a breach.