

<b>Responsible Directorate</b>	<b>Community Development</b>
<b>Responsible Business Unit/s</b>	<b>Recreation and Leisure Services</b>
<b>Responsible Officer</b>	<b>Manager Recreation and Leisure Services</b>
<b>Affected Business Unit/s</b>	<b>Parks and Sustainability Community Safety</b>

## Objective

The policy provides an effective management tool for regular commercial users of public open spaces by personal trainers and commercial fitness groups to minimise the impact on surrounding residents whilst recognising the increase in community demand for commercial fitness activities.

## Scope

This policy covers all outdoor Personal Training and Commercial Fitness groups, including activities such as Bootcamps, Yoga, Tai Chi, Pilates and similar activities.

## Policy

To ensure that all Personal Trainers and Commercial Fitness groups operate in a manner acceptable by the City, all operators must:

- Make application for a venue through the City's Club Development Officer;
- Comply with the regulations covering the use of a public reserve as prescribed in the *Clubs Forever Club Information Kit* (specifically the Conditions of Use);
- At all times when operating, display a standard sign and carry an official identification card, both issued by the City;
- Promptly pay all reserve hire and floodlight fees (if applicable) as approved by Council;
- Be registered with Fitness Australia as an Exercise Professional (Personal Trainer specialisation) or Business Member;
- 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 provide documentary evidence of this at the time of application;
- Ensure that all commercial personal training promotional signage be approved by the City prior to its display. These will be assessed in accordance with relevant policies and procedures pertaining to reserves;
- Provide only activities for which they are suitably qualified and have been approved by Council;
- 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;
- Comply with all reasonable directions of Council Rangers or other authorised Council Officers;
- Ensure all hazards are made safe and reported to Council immediately;
- Not sublet or assign their rights under this agreement or attempt to transfer any other rights under the permit to any other person;
- 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;
- Ensure the training area is restored to the same condition it was at the commencement of the

training;

- Not sell clothing or equipment or refreshments or any other good, service or product at the reserve etc.;
- Not display any unauthorised advertising signage including banners or unauthorised 'A' frame signs on Council's public reserves;
- 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;
- Take responsibility for satisfying all occupational health and safety legislation and regulations;
- Ensure all fees and levies required by WorkCover or any other public body or statutory authorities are paid;
- 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;
- 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 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;
- Not store fitness equipment in any Council building or on public open space. The erection fixed structures for the storage of fitness equipment is not permitted;
- Must observe the closing of open space areas due to wet weather and maintenance; and
- Not drive or park any vehicle on parks, open space or footpaths.

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## Definitions

**Reserves** means public open space within the City which can be utilised for fitness, health, sporting and recreation activities for both club, business and residential use.

**Personal Trainer** means a registered and accredited individual whom conducts fitness and training sessions on a for profit basis.

**Permitted Training Areas** means an area as outlined in the Personal training and Commercial Fitness Guidelines.

**Commercial Activity** means any activity which is on a for profit basis, and involves the exchange of money for goods and services.

**Signage** means the display of all relevant details of use in accordance with the Personal Training and Commercial Fitness Guidelines.

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## Relevant management practices/documents

Personal Training and Commercial Fitness Group Guidelines

Floodlighting Policy

Clubs Forever – Clubs Information Kit – Conditions of Use

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## Legislation/local law requirements

*City of Stirling Local Government Property Local Law 2009*

<b>Office use only</b>			
<b>Relevant delegations</b>	Not applicable		
<b>Initial Council adoption</b>	<b>Date</b> 1 June 2010	<b>Resolution #</b>	0610/029
<b>Last reviewed</b>	<b>Date</b> 26 May 2020	<b>Resolution #</b>	0520/027
<b>Next review due</b>	<b>Date</b> 2021		