

CITY OF  
HOLDFAST BAY



# PERSONAL TRAINING & SPORTS COACHING 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 and sport coaching 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 and sports coaches 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, reserves and courts by organised fitness groups, personal fitness trainers and sports coaches has been identified. The Personal Training and Sports Coaching Permit Term and Conditions responds to this need, and has been developed to assist personal trainers, group fitness instructors and sport specific coaches to plan and undertake outdoor fitness activities with dependent participants.

## 2. PURPOSE

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

Whilst the designated parks, reserves and courts are an available resource to the local Community, it is important that structured activities such as personal training, group fitness and sports coaching 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 and Sports Coaching 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, reserves and courts as well as to nearby residents. This will be achieved by outlining the terms and conditions of use for personal training and sports coaching in City of Holdfast Bay's public parks, reserves and courts 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, group fitness classes and sport specific coaching on designated City of Holdfast Bay parks, reserves or courts.

Any individual or business that intends on running personal training, group fitness or sport specific coaching on public land must apply to gain a permit. A permit is required regardless if the session / program is offered free of charge or not.

The following groups are exempt from requiring a permit however we do ask you notify Council of your intended use if numbers are expected to be greater than 15\*:

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

*\* In some circumstances an event permit may be required depending on the planned activity.*

#### 4. EXCLUSION ZONES

No structured personal training, group fitness or sport specific coaching 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

- Sports specific to the facility used e.g tennis on a designated tennis court
- Gym sessions (with or without weights, medicine balls, jump and balance activities)
- Running drills
- Boxing and pad training
- Organised physical activity (sprints, obstacles, speed and agility courses)
- Yoga, Tai Chi, Dance and Pilates classes and other 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 equipment
- Vehicles driven onto the parks, reserves or courts unless approved by Council
- Approaching other personal trainers, instructors or groups in a negative and/or in an intimidating manner
- Defamatory comments about other personal trainer, instructor, participant, member of the public in a negative, derogatory or racial medium

## 7. ELIGIBILITY

The primary person/s providing personal training, group fitness or sport specific coaching to people on Local Government land and community land must hold the following.

- Australian Public Liability (minimum \$10 million)
- Australian Professional Indemnity (minimum \$5 million)
- Recognised training organisation qualification – minimum Certificate 4 in Fitness or sport specific equivalent
- Australian Apply First Aid – this qualification must be attained in Australia (formerly known as Senior First)
- Australian CPR - this qualification must be attained in Australia (expires yearly)
- Registration with peak sport / fitness organisation

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

Secondary trainers involved in instruction must hold a minimum qualification of Certificate 4 in Fitness or sport specific equivalent, and provide copies of relevant documents to council if requested.

## 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, group fitness instructors or sport specific coaches 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

Permits are available for a period of **one year** or **3 months** and will authorise each personal trainer, group fitness instructor or sport specific coach to use pre-allocated Local Government land and community land for structured personal training, group fitness or sport specific coaching in accordance with the permit conditions on a **non-exclusive basis**.

It is the responsibility of the personal trainer, group fitness instructor or sport specific coach 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, preserves and courts 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 permit which must be carried at all times when using the approved facilities and 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

Permit fees can be amended at any time and will apply to all new or renewing applicants from that point forward. Existing permit holders will be notified by email of any amendments to fees or conditions.

CATEGORY	Term	NUMBER OF PARTICIPANTS	FEE
A1	12 months	1 – 5 participants	\$80
A2	3 months		\$35
B1	12 months	6 -10 participants	\$150
B2	3 months		\$70
C1	12 months	11-20 participants	\$200
C2	3 months		\$90

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

Following approval of any permit application, a **\$15 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   COURTS	STREET	SUBURB	CATEGORY		
			A	B	C
Bob Lewis Reserve	Highland Avenue	Glenelg North	✓		
Bowker Oval, Tennis Courts (eastern side)	Bowker Street	Somerton Park	✓		
Brighton Tennis Club Courts*	Off Keelara Street	Brighton	✓		
Dover Square Tennis Club Courts*	Dover Square	South Brighton	✓		
Good Neighbour Gardens	Vincent Avenue	North Brighton	✓		
Graymore Park	Derrick Place	Glenelg North	✓		
Holdfast Bay Tennis Club Courts*	Williams Avenue	Glenelg East	✓		
Jack Chaston Park	Gratton Street	Brighton	✓		
Kingston Park Coastal Reserve Tennis Courts	Burnham Road	Kingston Park	✓		
Seaforth Park Tennis Court	Tarlton Street	Somerton Park	✓		
Seaforth Reserve	Tarlton Street/Averil Court	Somerton Park	✓		
Bindarra Reserve	144 Esplanade	Seacliff	✓	✓	
Dover Square Reserve	Broadway	South Brighton	✓	✓	
Dulcie Perry Park	Cecelia Street	North Brighton	✓	✓	
John Miller Reserve	26 Esplanade	Somerton Park	✓	✓	
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	✓	✓	
Susan Grace Benny Reserve	Naldera Crescent	Seacliff Park	✓	✓	
Angus Neil Reserve	196-202 Esplanade	Seacliff	✓	✓	✓
Beach	Holdfast Bay	Holdfast Bay	✓	✓	✓
Colley Reserve	Colley Terrace	Glenelg	✓	✓	✓
Da Costa Reserve	Wyatt Street	Glenelg East	✓	✓	✓
Parkinson Reserve	Alison Street	Glenelg North	✓	✓	✓
Wattle Reserve	Wattle Avenue	Hove	✓	✓	✓
Wigley Reserve	Anzac Highway	Glenelg North	✓	✓	✓

\* When not in use by the club

### 13. GENERAL CONDITIONS

The permit holder must:

- Only provide the activities for which they are suitably qualified and which have been approved by Council;
- Only operate in the areas and at the times specified by the Council in the permit ;
- Manage the activities to minimise wear and tear on grassed areas (this includes rotating within the designated areas and/or alternating activities);
- Comply with reasonable direction of Council officers in relation to any unacceptable practices
- Display evidence of the permit in the prescribed manner ;
- Prior to commencing personal training, group fitness or sport specific coaching, 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;
- 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 and Sport Specific Coaching Permit Conditions;
- 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, group fitness or sport specific coaching on Local Government land and Community land always conduct themselves in a proper and orderly manner and be considerate to other users and adjacent residents;
- Conduct their activities so not to dominate, monopolise and/or obstruct any stairways or pathways;
- Not create any noise from training activities that unreasonably disturbs other users and adjacent residents;
- Not suspend any equipment from trees and/or structures in the public reserves;
- Ensure that any exercise equipment used does not create any hazard or obstruction or is left unattended at any time;
- Ensure that any training group for which they are responsible, runs in single file when running in narrow areas;
- 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 ;
- 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 Public Indemnity for a minimum cover of \$5 million and produce documentary evidence of this at the time of application; and
- 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
- Accept all responsibilities for any injuries to the public or damage to property that may arise as a result of the activities undertaken.
- Have up to date: (Council reserves the right to request and sight any of the below documentation)
  - Australian Public Liability (minimum \$10 million)
  - Australian Professional Indemnity (minimum \$5 million)
  - Recognised training organisation qualification (minimum Certificate 4 or sport specific equivalent)

- Registration with peak fitness organisation
- Australian Provide First Aid (formerly known as Senior First Aid and Workplace Level 2 or Apply First Aid)
- Australian CPR (expires yearly)
- Will be 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.
- Agree 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.
- 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.
- When they need to organise relief staff for their session ensure that the relief staff hold the same qualifications, certifications and insurances as required by the permit.
- 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, group fitness or sport specific coaching conducted on Council land for the purpose of profit either directly related to the session or other means such as gym membership be 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 \$187.50, 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).