



COMMERCIAL FITNESS GROUP GUIDELINES

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Lismore City Council acknowledges the people of the Bundjalung Nation, traditional custodians of the land on which we work.

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1 Introduction

Lismore City Council has an adopted '*Approvals and Use of Land Owned or Managed by Council*' Policy. This guideline has been made under that policy to assist staff, commercial fitness groups and personal trainers, businesses and residents in understanding the assessment and operational framework for the use of land owned or managed by Council for physical fitness instruction. The aim of this guideline is to recognise the importance of promoting healthy lifestyles and encouraging physical fitness for the community while also recognising the importance of having a structured policy framework in place to minimise complaints, criticism and other issues relating to the ambience and amenity of public spaces.

2 Objectives

In implementing this policy, Council aims to:

- Ensure equity of access to Public Open Space and Roads;
- Minimise disruption to neighbours and interference to the public's right of access and enjoyment of Public Open Space and Roads;
- Reduce the negative impact of commercial fitness activities on asset condition and maintenance; and
- Minimise public liability concerns.
- Ensure fitness trainers seen within public areas are professional in their approach to fitness and use of public open space.

Management of the use of Public Open Space within the Lismore City Council area is regulated by the *Local Government Act 1993*, *Roads Act 1993* and *Crown Lands Act 1989*, and is subject to Council's Plans of Management.

Increasing numbers of fitness groups and personal trainers conducting commercial business within Public Open Space and Roads has raised a number of issues including:

- a) Equity of access issues – e.g. potential conflict with displaced users, management of demand, domination and monopolisation of areas and exploitation of public land by commercial operators;
- b) Impact on the asset – e.g. wear and tear to recreational facilities, additional rubbish; and
- c) Public liability concerns – e.g. trainers with insufficient insurance.

The Guidelines and relevant Council Policy respond to the need to regulate use of Public Open Space and Roads by organised or commercial fitness groups and personal trainers.

3 Scope

The '*Approvals and Use of Land Owned or Managed by Council*' Policy will cover:

- a) one on one sessions and / or group activities; and
- b) Public Open Space and Roads within the Lismore City Council Local Government Area under the care, control or management of Council.

4 Permissible fitness activities under the Policy

The following activities are permissible, subject to approval:

- gym sessions (with or without weights, fit balls, skipping ropes, etc.);
- boxing and pad training;
- organised aerobic activity;
- yoga, Tai Chi and Pilates classes and like activities;
- circuit training; or
- a combination of any of the above.

5 Exclusion zones

Council approved commercial fitness trainers must only operate in the areas specified in their licence agreement.

No commercial fitness training 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:

- Within 10 metres of any picnic/barbecue areas;
- Within 10 metres of any playgrounds or play equipment (excludes purposely built fitness equipment);
- Within 10 metres of any public amenity building, including sportsground pavilions;
- Within 50 metres of any neighbouring residential property before 7:30 am;
- Sportsgrounds when occupied by an allocated hirer for training or games; or
- Bushland reserves.

These and other designated areas can be transited but are not to be used for either static or repeated training routines. Council may nominate other areas in the exclusion zone during the life of this policy as it sees appropriate.

In the event of extreme weather events Council will accept a variation to the specified exclusion zones distance on the basis that any structures, pavilion or park furniture is used only for its intended purpose and all reasonable care is taken to ensure that there is no damage to Council property.

6 Excluded activities

The following activities will not be permitted:

- Aggressive and intimidating activities including excessively loud voice calls, whistle blowing or instructions.; and
- Use of amplified music or amplified audio (voice) equipment.

7 Eligibility

The following criteria must be met to be eligible for a permit to provide organised or commercial fitness training activities in a public open space or road. Evidence of the following must be provided at the time of application:

- Current Senior First Aid Certificate;
- Current public liability insurance which indemnifies Council to a minimum of \$10 million; and
- Registration with Fitness Australia as an Exercise Professional.

8 Groups excluded from the guidelines

The guidelines do not apply to the following groups:

- Local sporting clubs;
- Local schools; and
- Corporate groups.

Any significant, organised activities these groups may wish to conduct within Public Open Space, however, would be subject to an approval process under Council's normal park booking system and procedures.

9 Size of groups

Council officers will determine the number of persons permitted per group and the number of groups that are issued a licence agreement.

10 Licence agreement

A licence agreement will be valid for one year and will authorise each trainer to use specific Public Open Space areas and Roads for fitness activities in accordance with this policy on a **non-exclusive** basis.

Applications for a licence agreement and the number of licence agreements to be issued will be determined by Council officers taking into account the following factors:

- Usage demand, intensity of use of the area and times requested;
- Other activities (passive and active) being undertaken in the area;
- Type of activities to be undertaken and the potential impact on other users and neighbouring residents during the times requested; and
- Whether the activities will contribute to increasing congestion or user conflict in the area requested.

In considering the above, Council officers may decide to:

- a) Approve an application and issue a licence agreement;
- b) Issue a limited licence agreement with restrictions on the number and types of activities, group size and the time and location of activities; or
- c) Not approve the application.

One trainer only may be authorised by Council to operate at any one time under the licence agreement issued. Other trainers providing assistance will be included as part of the training group number. In the event that the nominated trainer is unable to operate under the approved permit a replacement may be approved subject to meeting the eligibility requirements of this policy.

All trainers must be insured and eligible to operate under the licence agreement in accordance with this policy.

11 Identification requirements

Each commercial fitness trainer allocated a licence agreement shall have proper identification. This must be available at all times and be shown to Council officers when requested.

12 Licence fee

A Licence fee is applicable under this procedure. Fees are based on no resource requirements from Council such as line marking, toilets, electricity, additional bins, etc.


13 Termination

The Council reserves the right to terminate its agreement with a trainer without notice if in its sole opinion it has determined that the trainer has failed to comply with the reasonable direction of its staff or has breached the terms of the permit or the terms of Council's Policy / Guidelines on the Use of Public Open Space or Roads by Commercial Fitness Groups and Personal Trainers.

14 General conditions

Each commercial fitness trainer approved by Council:

- a) Must only provide the activities for which they are qualified and that have been approved by Council;
- b) Must only operate in the areas and at the times specified by Council in the licence agreement;
- c) Shall not assign their rights under this licence agreement or attempt in any other manner to transfer their rights under the licence agreement to any other person, it being clearly understood that the licence agreement is issued to a particular individual and is not transferable unless approved by Council in accordance with this policy;
- d) Shall always conduct themselves in a proper and orderly manner and be considerate to other users and adjacent residents;
- e) Shall prior to commencing 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;
- f) Must keep and maintain a log book of accidents or injuries and notify Council within 24 hours of any significant incident.
- g) must not create any noise from training activities that unreasonably disturbs other users and adjacent residents. Noise associated with the activity shall not be audible at any residence;
- h) Shall conduct their activities so not to dominate, monopolise and/or obstruct any stairways or pathways;
- i) Shall ensure that any exercise equipment used does not create any hazards or obstruction;
- j) Must ensure that any training group for which they are responsible, runs in single file when running in narrow areas;
- k) Shall ensure that their clients do not step on or walk on or in any other way inappropriately use picnic tables and park furniture;
- l) Shall not suspend boxing or kickboxing bags from trees and / or structures in the public reserves;
- m) Must manage the activities to minimise wear and tear on grassed areas (this includes rotating within the designated area and / or alternating activities);
- n) Shall leave the training area in the same condition it was at the commencement of training;
- o) Must not sell clothing or equipment or refreshments or any other good, service or product;
- p) Must not display any advertising signage including banners or 'A' frame signs on Council's public sportsground, parks / reserves;
- q) Must comply with reasonable directions of Council's Rangers and other authorised Council officers in relation to any unacceptable practices;
- r) Ensure that Council employees/contractors carrying out maintenance have right of way at all times;

- s) Must not interfere with any Council approved or booked activity including but not limited to filming, commercial photography, wedding, birthday party, corporate event, 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;
 - t) 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;
 - u) Shall take out and maintain in their name, for the duration of the term of the licence agreement, Australian Prudential Regulation Authority (APRA) approved public liability insurance for a minimum of \$10 million and produce documentary evidence of this at the time of application;
 - v) Shall agree that, notwithstanding any implication or rule of law to the contrary, the Council shall not be liable for any damage or loss that any trainer and their clients 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;
 - w) Shall be responsible for satisfying all occupational health and safety and relevant child protection legislation and regulations;
 - x) Shall be liable for any fees or levies required by Work Cover or any other public authority or statutory body. Council does not, and will not, accept liability for any debts incurred by any trainer and Council shall not be in any way responsible for any property of a trainer or any other person that may be left on the land or for any loss of any such property by theft or otherwise; and
 - y) Ensure that all members of the training group are aware of and comply with these conditions.
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Personal Fitness Trainer License Application

Applicant's details Please attached passport photo here	Name:- Company name:- Contact address:- Daytime phone number:- Mobile:- Email:- ABN:-
Privacy	<i>Under the Privacy or Personal Information Protection Act (PPIPA), Council is required to advise you that personal information being collected from you in relation to this matter will only be used for the lawful and proper functions of Council. Any such use will be in accordance with this Act and its associated Management Plan and Codes.</i>
Training & activities	Please attach details of type of training and activities to be undertaken with your clients. Location of proposed activity:- Estimate number of sessions per week:- Average number of clients per session:-
Training & Qualifications	Details of relevant qualifications and professional development undertaken. First Aid:- Expiry date:- (Attach copy) Fitness Australia Registration No:- (Attach copy of membership) – see Council Procedure regarding fitness trainer qualifications Details of Public Liability Policy Minimum \$10,000,000 (Attach copy of certificate of currency) Insurer:- Expiry date:-
Fees (2012-13)	\$? Application fee plus \$? License fee must be paid with application:-



	<p>Receipt number:-</p> <p>Fees are non-refundable, non-transferable. Licenses are valid for a period of 12 months only.</p>
Declaration	<p>I acknowledge that I have read PROCEDURE FOR COMMERCIAL FITNESS GROUPS AND PERSONAL TRAINERS USING COUNCIL OWNED AND MANAGED LANDS and agree to abide by the conditions.</p> <p>Signature of the Personal Trainer:-</p> <p>Date:-</p>
Office use only	<p>Details checked: Application number: Licence issued:</p>

