



Shire of **EAST**
Pilbara
AUSTRALIA'S LARGEST SHIRE

Personal Training and Commercial Group Fitness “Guidelines”

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1.0 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 Shire of East Pilbara believes that the health and wellbeing of our community is paramount. We continually strive to provide and maintain public open spaces, shared use paths, sporting fields and playgrounds that support positive health outcomes. The Shire recognises that physical activity is a valuable component of a healthy and vibrant community.

The Shire's Strategic Plan 2013-2022 has objectives and key priorities that provide guidance on maintaining high level services and infrastructure. Actions include: Promote safe and healthy communities; Encourage Active lifestyles; Support individual and community health; Ensure well managed and equitable provision of community infrastructure.

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

2.0 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 Shire assets;
- Adherence to fitness industry standards of service, care and safety; and
- Ongoing promotion of health, wellbeing and physical activity within public open spaces.

3.0 Definitions

1. **Personal Trainers/Commercial Fitness groups** – Are fitness professional trainers involved in exercise prescription with a commercial interest.
2. **Outdoor Exercise licence fees** – A charge which is applied to all fitness groups using the Shire’s parks, reserves and beaches over a nominated period of time.
3. **Public Place:** - Any thoroughfare or local government property or any place to which the public have access

4.0 Approved Training Areas

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); and
- Impact on the Shire’s infrastructure

The following areas within the Shire of East Pilbara 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 Shire. Approved training areas remain subject to review annually.

Boomerang Oval

Capricorn Oval

Emu Oval

Kangaroo Oval

Goanna Oval

5.0 Exclusion Zones

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

- Unapproved reserves;
- Memorials;
- Picnic shelters;
- Playgrounds;
- Dingo Park – dog exercise park;
- Skate parks;
- Change room facilities;
- Roadways;
- Beach access ways;
- Organised sporting areas; and
- Houses and private properties

6.0 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; or
- Walking and running.

7.0 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 Shire'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 the Shire'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 stakes, star pickets, bollards, rope or tape (temporary or otherwise) without the Shire'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;
11. Training in our excluded zones; and
12. Obstructing the general public in any way.

8.0 Licence Types

These guidelines apply to all personal trainers with a commercial interest. The maximum number of persons per group is **25** people. Larger group sizes will require the oval to be booked and subject to oval hire charges.

Outdoor Exercise licences can be obtained daily, monthly or annually. Seasonal licences (for up to six months) are available.

9.0 Hours of Operation

Licence holders are **ONLY** allowed to operate during the following periods:

Monday to Saturday: between 6.00am until 8.00pm

Sunday: between 7.00am until 8:00pm

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 Shire of East Pilbara Fees and Charges).

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

10.0 Eligibility Criteria

The following sections outline the eligibility criteria requirements to be considered for an Outdoor Exercise licence with the Shire of East Pilbara.

All personal trainers must apply for an Outdoor Exercise licence through the Shire of East Pilbara using the relevant booking form. The licence will be issued in a business name and the following is required:

Mandatory Requirements

- Current Public Liability Insurance to a minimum of \$10 million and \$5 million Professional Indemnity Insurance for the life of the licence.

Recommended criteria

- 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;
- Current Senior First Aid Certificate;
- Proof of registration with Fitness Australia as an Exercise Professional (Personal Trainer specialisation) or Business Member;
- Proof of registration with Yoga Australia or Pilates Alliance Australia (as applicable) as an accredited Yoga or Pilates instructor.

11.0 Licence Allocation

The Shire of East Pilbara Outdoor Exercise licence allocation process is as follows:

1. All Outdoor Exercise licence applications will be processed within 15 working days of receipt;
2. Outdoor Exercise licences will be issued and remain valid for the following periods: daily, weekly, monthly, 6 months or 12 months.
3. Licences will authorise each business to use public open space for commercial fitness training activities in accordance with this policy on a non-exclusive basis;
4. Fitness trainers should have the approved Outdoor Exercise licence on hand during personal training sessions to be produced to audit Officers whenever required.

12.0 Licence Fees and Charges

Outdoor Exercise licence fees and charges apply to all personal training and commercial group fitness businesses utilising Shire of East Pilbara reserves. Licence fees must be paid in full prior to commencement.

Outdoor Exercise Licences (2018/2019)	\$
Daily Fee per location	45.00
1 week or part of (per location)	100.00
1 month or part of (per location)	200.00
Seasonal Fee (up to 6 months) (per location)	300.00
1 year or part of(per location)	500.00

Should the Fitness Business wish to cancel an approved rental or licence, a cancellation fee may be applicable.

Should the Fitness Business wish to hold classes with an excess of 25 participants, additional fees for booking of the oval may apply. Casual oval hire fees are \$127 per day per Oval and do not include Oval Lighting or waste removal.

13.0 Relevant policies, legislation and standards

It is important that prior to applying for an Outdoor Exercise licence, 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:

- Shire of East Pilbara Public Places and Local Government Property Local Law 2011
- Shire of East Pilbara Policy 2.5 – Occupational Health and Safety
- Shire of East Pilbara Policy 4.2 – Complaints Against Third Parties
- Shire of East Pilbara Policy 5.4 – Standard Conditions for Use of Active Reserves (Ovals)

www.eastpilbara.wa.gov.au

- Local Government Act 1995
- Fitness Australia
 - Code of Ethics – www.fitness.org.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

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14.0 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. Not use amplified music or audio equipment
5. Ensure that exercise equipment used does not create any hazards or obstruction to the community; and
6. 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.

15.0 Risk Management

Outdoor Exercise licence 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; and
3. Alternatively move the training site and, without undue delay, report to the Shire the hazard or any other hazardous matters observed during the training that may require attention.

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

16.0 Conditions

Personal or commercial fitness trainer operating under a licence approved by the Shire of East Pilbara must:

1. Provide only activities for which they are suitably qualified and have been approved by the Shire;
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 Shire Rangers or other authorised Shire Officers;
4. Ensure all hazards are made safe and reported to the Shire immediately;
5. Not sublet or assign their rights under this agreement or attempt in any other manner to transfer their rights under the licence 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 the appropriate licence has been obtained from the Shire of East Pilbara;
9. Not interfere with any Shire 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 on any oval or reserve or part thereof and the trainer acknowledges that such a booking has priority over the trainer's use;
10. Operate harmoniously with other personal trainers/fitness groups utilizing the reserve and adhere to allocated areas as outlined by the Shire of East Pilbara;
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 Shire 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 Shire 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 licence, 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 Shire 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 the Shire failing to do something on or to the public space being used;

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16. Not erect any fixed or temporary structures for the storage of fitness equipment;
17. Observe 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.
18. Not drive or park any vehicle on parks, beaches, open spaces or footpaths without the written approval of the Manager Technical Services
19. The Shire will accept no responsibility or liability for any interruption to business caused by the need for the Shire 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; and
20. The Shire does not, and will not accept liability for any debts incurred by the trainer.

17.0 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 Shire of East Pilbara Commercial Fitness Guidelines:

1. Should a commercial fitness training operator be using public open space on a regular basis for activities without Shire approval and licence, Shire 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 the Shire 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); and
4. Shire Authorised Officers will enforce penalties on any person who fails to comply with a notice.

18.0 Termination

The Shire reserves the right to cancel a licence 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 licence approval.

19.0 Grounds for Appeal

1. A trainer whose licence has been cancelled by the Shire may appeal in writing **within 7 working days** to the Chief Executive Officer stating the reason for appeal;
2. The Appeal will be considered by the Chief Executive Officer and a written reply outlining the decision will be sent via mail to the appellant within **14 working days**; and
3. Licence fees will not be refunded if the agreement was terminated by the Shire arising out of a breach.