

Health/Fitness Groups & Personal Trainers Permits, Application & Operating Guidelines

Approved by: Ray Scheuboeck

on: 2nd October 2018

PURPOSE

The purpose of this guideline is to effectively manage and maintain the use of the Adelaide Park Lands in relation to fitness groups and personal trainers.

INTRODUCTION TO HEALTH/FITNESS GROUPS & PERSONAL TRAINERS

Health & Fitness providers aim to reinforce Adelaide as a liveable city by supporting physical activity as a part of daily life throughout the year, activating public spaces, squares and Park Lands.

These Guidelines outline minimal standards expected from permit holders when planning and undertaking outdoor fitness training activities in the Adelaide Park Lands. They aim to:

- promote an active and healthy community;
- as far as is reasonable, provide permit holders with equity of access to the Park Lands while at the same time ensuring that the general community is not disadvantaged in terms of access;
- ensure the orderly and proper conduct of activities on the Park Lands so as to provide a safe and enjoyable experience for participants and surrounding stakeholders and Park Lands users;
- ensure that current stakeholders of the Park Lands are not disadvantaged by increased use by of the Park Lands by fitness groups;
- minimise liability risks by ensuring that permit holders are appropriately covered by public liability and professional indemnity insurance; and
- reduce the impact of fitness activities on the Adelaide Park Lands in relation to the condition and maintenance of community assets.

Please note that the following locations are managed under separate entities and will also require approval from the respective management body:

- Rundle Mall
- Adelaide Oval (Stadium Management Authority)
- Torrens Parade Ground
- Adelaide Botanic Gardens

OTHER USEFUL DOCUMENTS

LEGISLATIVE REQUIREMENTS

[Local Government Act 1999](#)

[Local Government \(General\) Regulations 2013](#)

RELATED DOCUMENTS

- Adelaide Park Lands Management Strategy 2015-2025
 - Adelaide City Council Community Land Management Plans
 - Active City Strategy 2013-2023
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THE APPLICATION PROCESS

A permit is required for all personal trainers/instructors using public land including the Adelaide Park Lands. This includes a sole trader of a small business or a trainer associated with a commercial or a non-profit fitness organisation.

The permit will be valid for a "Season" (6 months), or "Annual" (for a maximum of 12 months) and will authorise each permit holder to use their allocated area for fitness activities in accordance with these Guidelines on a **non-exclusive basis**.

City of Adelaide (CoA) will accept applications on an ongoing "first come, first served" basis. A confirmation will be issued to fitness trainers in accordance with the following steps:

APPLICATION

Applicants are required to apply online for a permit. Evidence of being a "Registered Exercise Professional" with Fitness Australia (or other peak body/association of relevance) as well as evidence of current public liability and professional indemnity insurances will be required at time of application. The application needs to clearly outline all planned training sessions dates and times as well as desired locations.

Approval & Issuing of Permit

Council Administration staff will assess the application and either an annual or seasonal permit may be issued providing that the applicant meets the Eligibility Criteria

Council will allocate the permit holder with a location based on preference, availability and demand. Approval of permits will be considered against the following factors:

- Usage demand, intensity and intention of use of the areas and times requested
- Event demand
- Carrying capacity of permitted areas
- Number of approved trainers already using the area
- 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
- Whether the activities will contribute to increasing congestion or user conflict in the area requested.

In considering the above, City of Adelaide may decide to:

- a) Approve an application and issue a permit
- b) Issue a permit restricting the number and types of activities, group size and the time and location of activities
- c) Not approve the application.

The approved applicant will then be issued a confirmation in the name of the trainer, allocated a location and times and an invoice. Where a request cannot be met or is not appropriate, Council may negotiate alternative options in line with these Guidelines. Each permit issued will include confirmation of the type of activities to be undertaken, when and where these activities can take place, the number and size of groups, number of sessions and session times.

Identification Requirements

Each fitness trainer/instructor allocated a permit will be issued with a confirmation with a reference number that will contain information on the permit conditions such as

category, group size and permitted activities. This reference must be carried at all times and be shown to Council officers on request.

City of Adelaide acknowledges the regularity of staff turnover within the fitness industry. Therefore organisations that have purchased individual permits for their trainers and a permitted trainer leaves that organisation, the organisation can transfer the permit to a new trainer. The replacement trainer will be required to meet the Eligibility Criteria.

Fee Structure

Permit administration fees apply for a Fitness Activity permit. Permits are available for seasonal or annual periods. The fees will be reviewed annually and may change at Council's discretion.

Termination or Breach of Permit

The City of Adelaide has the right to terminate its agreement with a trainer/instructor without notice if in its sole opinion it has determined that the trainer/instructor has failed to comply with reasonable direction or has breached the terms of the permit. A refund will not be provided for a breach or termination of permit.

The City of Adelaide does not and will not accept liability for any debts incurred by any trainer/instructor and shall not be in any way responsible for any property of a trainer/instructor or any other person that may be left on the land or for any loss of any such property by theft or otherwise.

OPERATING GUIDELINES

PERMITTED / NOT PERMITTED

Permitted Activities

The following activities are permitted within the Adelaide Park Lands by permit holders;

- Gym sessions (with or without free weights, medicine balls, jump and balance activities);
- Aerobic activities – sprints, obstacle, speed and agility courses;
- Yoga, tai chi, Pilates and any mat activity;
- Circuit training;
- Boxing with pads;
- A combination of any of the above;
- Any other associated activities approved by Council.

Permitted Areas of Use

The following areas within the Adelaide Park Lands may be used by approved permit holders:

- Possum Park / Pardipardinyilla (Park 2) – Adjacent playground
- Lefevre Park/ Nantu Wama (Park 6) - Community Oval
- Bullrush Park/ Warnpangga (Park 10) – Excluding sports licensed times/areas
- Red Gum Park/ Karrawirra (Park 12) – Northbank area
- Mistletoe Park/ Tainmuntilla (Park 11)
- Rundle Park / Kadllitpina (Park 13) – outside of event season
- Rymill Park / Murrlawirrapurka (Park 14) – outside of event season
- Victoria Park/Pakapakanthi (Park 16)
- Blue Gum Park/Kurangga (Park 20) – adjacent BMX Track
- Veale Park/Walyu Yarta (Park 21) – area behind Veale Gardens

- Golden Wattle Park/Mirnu Wirra (Park 21 West)
- Ellis Park/ Tampawardli (Park 24) – West Terrace frontage
- Gladys Elphick Park/Narnungga (Park 25) - Excluding sports licensed areas
- Elder Park (Park 26)
- Bonython Park/Tulya Wardli (Park 27)
- Victoria Square/Tarntanyangga
- Light Square/Wauwi
- Hindmarsh Square/Mukata
- Whitmore Square/Iparrityi
- Hurtle Square/Tangkaira
- Wellington Square/Kudnartu

(See **Approved Locations** map on the CoA website detailing permitted areas of use)

Permitted Times

Fitness training activities are not to commence before 6am and must conclude by 7pm (non-daylight savings time) and by 9pm (daylight savings time).

Areas/Activities NOT Permitted

No fitness training will be permitted in areas not listed above including 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:

- Picnic sheds and benches;
- Exclusive use of public outdoor fitness equipment in parks and reserves;
- Areas within 10 metres of memorials;
- Areas within 10 metres of any playground or item of play equipment;
- Areas within 10 metres of any public change room, toilet or kiosk;
- Areas within 50 metres of any neighbouring residential property;
- School grounds (e.g. Adelaide High School);
- Court facilities (tennis & basketball courts etc.);
- Car parks;
- Buildings
- The use of logs;
- The use of resistance machinery and heavy weights e.g. bench/leg presses unless otherwise approved by CoA.

The City of Adelaide may nominate other areas or activities as it sees fit.

ELIGIBILITY

Each trainer must have successfully completed the registration process with Fitness Australia (being an “exercise professional registration”) or have evidence of registration with their industry relevant peak association/body. Permit applicants must have the following essential elements, where applicable;

Essential:

- Current Exercise Professional registration with Fitness Australia (or other relevant State/National peak body/association);
 - Completion of a recognised Fitness Qualification (a minimum of Certificate IV Fitness)
 - Current Senior First Aid & CPR Certificates
- Evidence of current Public Liability insurance policy to a minimum of \$20 million;
- Evidence of current Professional Indemnity Insurance to a minimum of \$5 million;
- Mobile phone available during session in case of emergency; and

CONDITIONS

- First Aid supplies available on site at each session

CONDITIONS FOR USE

These conditions form the Terms & Conditions of the permit. Each accredited operator issued a permit by City of Adelaide:

- must only provide the activities for which they are suitably qualified and that have been approved by the City of Adelaide.
 - must only operate in the areas and at the times specified by the City of Adelaide in the permit.
 - must pay the permit fee in full at the time of application approval.
 - must manage the activities to minimise wear and tear on grassed areas (this includes rotating within the designated areas and/or alternating activities).
 - must comply with reasonable direction of Council Rangers and other authorised Council officers in relation to any use of the Park Lands or, to provide evidence of the permit.
 - shall prior to commencing session, inspect the immediate area to ensure no hazards are evident and take appropriate action to remove any 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.
 - shall not assign their rights under this permit or attempt in any other manner to transfer their rights under the permit to any other person.
 - shall forever 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 against the Council by any person for any loss of life or injury and person may sustain caused by or in connection with a personal training session.
 - when conducting training in the Park Lands or Squares the group/trainer shall always conduct themselves in a proper and orderly manner and be considerate to other users and adjacent residents.
 - when conducting training in the Park Lands or Squares shall always ensure that a First Aid Kit is on hand for first aid applications and a mobile phone is available in case of emergency.
 - shall conduct their activities so as not to dominate, monopolise and/or obstruct any stairways or pathways.
 - shall be responsible for ensuring that noise from training activities does not unreasonably disturb other users and adjacent residents.
 - All training/fitness activities conducted in the Park Lands or Squares must be at least 50m from any residence and comply with Non Permitted areas of use.
 - shall refer to Council's Noise Mitigation Standard Operating Procedures (available on CoA website) for the use of amplified sound and music.
 - shall ensure that the comfort and peace of park users (including residents) is not disturbed by amplified music and that noise levels will be determined at the discretion of an authorised Council Officer.
 - shall be responsible for the behaviour of class/client participants.
 - shall not suspend any equipment from trees and or structures/buildings in the public reserves.
 - shall ensure that any exercise equipment used does not create any hazards or obstruction or is left unattended at any time.
 - must ensure that any training group for which they are responsible, runs in single file when running in narrow areas. These areas include but are not limited to; Adelaide University running loop, River Torrens Linear Path, the Park Lands Trail and Victoria Park.
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- shall ensure that their clients do not step on or walk on or in any other way inappropriately use picnic tables and park furniture.
- shall leave the training area in the same condition it was at the commencement of training.
- shall be responsible for the costs associated for the remediation of area including the repair of any infrastructure as a direct result of the training activity.
- shall take out and maintain in their name, for the duration of the term of the permit, a Public Liability insurance and Professional Indemnity Insurance. The insurer must be Australian Prudential Regulation Authority (APRA) approved.
- is only authorised to provide the training sessions specified in their permit and must not sell clothing or equipment or refreshments or any good, service and/or product.
- must not interfere with any Council approved or booked event/activity or Council scheduled works including but not limited to a wedding, birthday party, corporate BBQ, sporting activity or upgrade or remediation works 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 – any event scheduled that may impact on the trainer's area will be communicated to the permit holder by Council.
- shall be responsible for satisfying all Occupational Health and Safety legislation and regulations.
- shall be liable for any fees or levies required by Work Cover or any other public authority or statutory body.
- will ensure that no vehicles are permitted on the Park Lands or Squares for any reason associated with Personal Trainers (PTs) or fitness groups unless specific permission is obtained from Council.
- shall be responsible for ensuring that any A or T frame signage is no more than 1m high and 75cm wide and is not placed on the footpath or Council nature strip. Signage must be placed at the allocated activity site on the Park Lands and only during the time of the activity.
- must note that City of Adelaide is not responsible for the surface chosen for use, nor guarantees the suitability of the surface for the purpose intended.
- must note that City of Adelaide reserves the right to refuse any request.
- must note that City of Adelaide has the right to exclude areas without notification – such as areas under remediation/construction – e.g. bunted off areas.
- must note that no refunds will be provided for termination, breach of permit, change of mind, sale of business and other reasons as determined by Council.
- must note that if an owner sells the business before permit expiry then the new company must meet Eligibility Criteria for the transfer of the permit.
- must note that if a trainer leaves company before permit expiry, company can have permit moved into new trainer's name providing the new trainer meets all Eligibility Criteria.
- must note that any complaints regarding any aspect pertaining to the activity may result in a breach of the terms and conditions and consequently a termination of the permit at Council's discretion.
- must note that City of Adelaide reserves the right to revoke any permit at its own discretion and reserves the right to refuse any subsequent permit requests.

As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed for currency at least annually as part of the review of delegations. Those requiring detailed consideration are flagged in the current forward Council Policy Program.

ADMINISTRATIVE

Review history:

ACC2013/2885: Adopted by the Active City Program, General Manager, Portfolio 4, January 2014

Last updated:

ACC2018/172175: Wellbeing & Resilience, Community & Culture, 2nd October 2018

CONTACT

City of Adelaide Customer Centre

Address: Pirie Street, Adelaide SA 5000

Phone: (08) 8203 7203 (8:30am to 5pm, weekdays)

E-mail: city@cityofadelaide.com.au