

# Appendix B – Commercial Licensing

## Commercial Fitness & Personal Trainers

There are specific requirements for operators of a Commercial Fitness & Personal Trainers as per outlined below.

### EXCLUSION ZONES

- a) 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:
- Training on stairways and pathways.
  - Exclusive use of public outdoor fitness equipment in parks and reserves
  - Picnic sheds and benches iv) 10 metres from memorials
  - 10 metres from any playgrounds or play equipment
  - 10 metres from any public change room, toilet or kiosk areas
  - 50 metres from any neighbouring residential property
  - Any designated sports field or facility without a specific booking
- b) Council may nominate other areas during the life of this policy as it sees fit.

### ELIGIBILITY

- a) The following criteria must be met to be eligible for a permit to provide organised or commercial fitness training activities in Kempsey Shire Council's public reserves. Evidence of the following must be provided at the time of application.
- Current Senior First Aid Certificate for each trainer intending to undertake the activity
  - Current public liability insurance which indemnifies Kempsey Shire Council to a minimum of \$20 million (or an amount set at the discretion of Council)
  - Evidence of the organisation or individual trainer's professional registration with a nationally recognised authority.

### CONDITIONS

- a) Council approved commercial fitness trainers must only operate in the areas specified in their permit.
- b) A permit will be valid for one year and will authorise each trainer to use Community and/or Crown Land for fitness activities in accordance with this policy on a non-exclusive basis.
- c) One trainer only may be authorised by Council to operate at any one time under the permit issued. Alternatively a Company can nominate a trainer/s that will be operating under the permit. The company must provide a roster listing the qualified trainers who will operate under the permit.
- d) All trainers must be insured and eligible to operate under the permit in accordance with this policy.
- e) Each commercial fitness trainer approved:



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- must only provide the activities for which they are suitably qualified and that have been approved by Council
- must not interfere with any Council approved booked activity including but not limited to a special event, wedding, birthday party, corporate BBQ, sport or sporting activity that is being carried out on any oval, beach, reserve/park or part thereof and the fitness trainer acknowledges that such a booking has priority over the fitness trainer's use
- must only operate in the areas and at the times specified by Council in the permit iv) must manage the activities to minimise wear and tear on grassed areas (this includes rotating within the designated area and/or alternating activities)
- must ensure that any activity permitted by the issuing of the permit causes minimum disruption and interference with the general public rights of access and enjoyment of these areas
- must comply with all reasonable directions of Council's Rangers and other authorised Council officers in relation to any unacceptable practices
- 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
- 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, it being clearly understood that the permit is issued to a particular individual and is not transferable unless approved by Council in accordance with this policy
- 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 or their participants whilst conducting a training session when conducting training on public reserves shall always conduct themselves in a proper and orderly manner and be considerate to other reserve users and adjacent residents
- shall conduct their activities so not to dominate, monopolise and/or obstruct any stairways or pathways
- must not create any noise from training activities that unreasonably disturbs other users and adjacent residents
- shall not suspend boxing or kickboxing bags from trees and/or structures in the public reserves
- shall ensure that any exercise equipment used does not create any hazards or obstruction
- must ensure that any training group for which they are responsible, runs in single file when running in narrow areas
- the fitness trainer must not use picnic tables, picnic sheds, trees and street furniture as training aids
- shall ensure that their clients do not step on or walk on or in any other way



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inappropriately use picnic tables and park furniture and shall leave the training area in the same condition it was at the commencement of training

- shall take out and maintain in their name, for the duration of the term of the permit, APRA approved public liability insurance for a minimum of \$20 million (or an amount set at the discretion of Council) and produce documentary evidence of this at the time of application
  - 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 xx) is only authorised to provide the training sessions specified in their permit and must not sell clothing or equipment or refreshments or any other good, service or product on Council owned or managed land
  - must not display any advertising signage including banners or 'A' frame signs on Council's public beaches, parks or reserves, unless approved by Council
  - shall be responsible for satisfying all work health and safety legislation and regulations xxiii) shall be liable for any fees or levies required by the Department of Industrial Relations or Work Cover or any other public authority or statutory body
- f) 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.

## COMMERCIAL FITNESS GROUPS

The following criteria must be met to be eligible for a permit to provide organised or commercial fitness training activities in Kempsey Shire Council's reserves. Evidence of the following must be provided with your application.

- a) Current Senior First Aid Certificate for each trainer intending to undertake the activity
- b) Current public liability insurance to the value of \$20M.
- c) Evidence of the organisation or individual trainer's professional registration with a nationally recognised authority.

## ADDITIONAL CONDITIONS

- a) Must manage the activity to minimise any damage or wear and tear
- b) Must ensure that any activity permitted by issuing of the licence causes minimal disruption and interference with the general public's rights of access and enjoyment of these areas and be considerate to nearby residents
- c) Must comply with all reasonable direction of the Council Rangers and any authorised Council office.

