



Personal Training and Commercial Group Fitness Guidelines

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1. Introduction

Personal Training and Group Fitness within public places has been increasing. This has led to the need for further structure and regulations by Council in order to provide guidance to private and commercial business operators.

The City of Busselton recognises that physical activity is a valuable component of a healthy and vibrant community. The City is committed to providing spaces and places for people to participate in a range of activities that enhance physical health and well-being.

The City's support can also be demonstrated through annual investments in public open space and infrastructure enhancements such as the provision of outdoor exercise equipment, dedicated dog exercise areas, shared use paths, sporting fields and playgrounds.

These personal training and commercial fitness guidelines apply to all parks, reserves, sporting grounds and beaches within the City of Busselton.

2. Aim

The aim of these guidelines is to provide an effective management tool for commercial personal trainers and fitness groups that use parks, reserves, beaches and sporting grounds 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 City assets
- Adherence to fitness industry standards of service, care and safety
- Ongoing promotion of health, wellbeing and physical activity within public open spaces.

3. Definitions

- **Personal Trainers/Commercial Fitness groups:** Are fitness professional trainers involved in exercise prescription with a commercial interest
- **Personal Training fees:** An annual or seasonal charge which is applied to all fitness groups using the City's parks, reserves, beaches and sporting grounds over an extended period of time
- **Session:** Up to two (2) hours in duration. Numerous classes may be held within a session
- **Class:** one (1) segment of a personal training session. Numerous classes may be held within one (1) session. E.g. x2 30 minute classes can be held within one session
- **Local Reserves:** A reserve that is small in size and services the regular low-key recreational needs of the immediate residents. The predominant use is for informal recreation for individuals and households, especially low level children's play, dog walking and relaxation
- **Community Reserve:** Reserves that serve as the recreational and social hub of a community, and are utilised mainly for unstructured sporting and other recreational activities
- **Sporting Ground:** Reserves that serve as the sporting and recreational hub of a community, and are utilised mainly for organised, active sporting activities.

4. Approved Training Areas

The following areas within the City of Busselton have been identified as suitable for personal training and commercial fitness training.

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)

Site Number	Location	Zone
1	Signal Park – Foreshore	1
2	Barnard Park West (Monday to Friday AM only)	2
3	Barnard Park Central (Monday to Friday AM only)	2
4	Churchill Park West (Monday to Friday AM only)	2
5	Churchill Park East – Trotting Track (Monday to Friday AM only)	2
6	Lou Weston Oval (Monday to Friday AM only)	2
7	Busselton Foreshore West – King Street Reserve (Monday to Friday AM only)	1
8	Busselton Foreshore East – Marine Rescue (Monday to Friday AM only)	1
9	Rotary Park	2
10	Yalyalup – Thyme Pass	2
11	Yalyalup – Paterson Drive	2
12	Yalyalup – Almond Parkway	2
13	Dunsborough Foreshore – Centennial Park	1
14	Dunsborough – Seymour Park	2
15	Dunsborough – Greenhaven Park Foreshore (Monday to Friday AM only)	1
16	Dunsborough Playing Fields Oval 1 (Soccer) (Monday to Friday AM only)	2
17	Dunsborough Playing Fields Oval 2 (AFL) (Monday to Friday AM only)	2
18	Old Dunsborough (Boat Ramp) Blackhurst Park (Monday to Friday AM only)	1
19	Abbey Beach Boat Ramp (Monday to Friday AM only)	1
20	Meelup Beach Main	1
21	Meelup Beach West	1
22	Yallingup Foreshore	1
23	Mitchell Park (Monday to Friday only)	1
24	Vasse – Heritage Park	2

5. Exclusion Zones

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

- Unapproved reserves
- Memorials
- Picnic shelters
- Playgrounds
- Change room facilities
- Roadways
- Organised sporting areas
- Houses and private properties
- Beach access ways

6. 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
- Walking and running

7. Prohibited Activities

The following activities are 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 City's discretion:

1. Aggressive and intimidating activities whether real or perceived by participants or the general public including but not limited to 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, banners, stakes, rope or tape temporary or otherwise without Council'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. 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; and
9. Obstructing the general public in any way.

8. Permit Types, Sizes and Allocations

These guidelines apply to all personal trainers with a commercial interest. The maximum number of persons per group is **25** people.

Zone	Period
1	6 Months
1	12 Months
2	6 Months
2	12 Months

Where multiple reserves are required, a separate reserve booking form must be submitted for each individual reserve at the time of application.

9. Hours of Operation

Each personal trainer can train for up to 18 hours per week on individual permits. Permit holders are **ONLY** allowed to operate during the following periods (where sites allow):

Monday to Friday: between 6.00am and 7.30pm - without lighting until dusk (where permitted)

Saturday & Sunday: between 7.00am until 7.30pm - without lighting until dusk (where permitted)

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. Lighting Towers are available on some reserves and can be requested within the application form. A lighting fee is applicable to all floodlight requests and will be invoiced at the end of each month and payable within 7 days).

NOTE: Lights will not be approved for use before 7.00am.

Failure to operate within these specified times will result in the cancellation of your permit, with no refund provided.

10. Eligibility Criteria

The following sections outline the eligibility criteria requirements to be considered for a Personal Trainer or Commercial Group Fitness Operator permit with the City of Busselton.

All personal trainers / commercial fitness organisations must apply for an Outdoor Exercise Permit through the City of Busselton using the relevant online booking form. The permit will be issued in a business name, with proof of the following being:

1. 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.
2. Proof of registration with either:
 - Fitness Australia as an Exercise Professional (Personal Trainer specialisation) for EACH trainer that will be leading sessions OR
 - Yoga Australia as an Accredited Teacher for EACH trainer that will be leading sessions (excludes Associate Memberships) OR
 - Pilates Alliance Australia as an Accredited Instructor for EACH trainer that will be leading sessions (excludes Associate Memberships)
3. Current Public Liability Insurance to a minimum of \$10 million and \$5 million Professional Indemnity Insurance for the life of the permit.

11. Permit Allocation

The City of Busselton Outdoor Exercise Permit allocation process is as follows:

All Personal Training and Commercial Group Fitness permit applications will be processed within 14 working days of receipt:

1. Permits will be issued and will specify the period of validity (6 months or 12 months).
2. Permits will authorise each business to use the public open space for commercial fitness training activities in accordance with this policy on a non-exclusive basis.
3. Personal Trainers may request to alter the dates and times of their permit allocation by submitting a request in writing to Venue Support Services at bookings@busselton.wa.gov.au .
4. Personal trainers should have the Outdoor Exercise Permit Letter on hand during personal training sessions to be quoted to Rangers / City Officers whenever required.
5. Personal trainers must ensure that permit signage issued by the City is visible during all training sessions.

12. Permit Fees and Charges

Personal training permit fees and charges apply to all personal training and commercial group fitness businesses utilising City of Busselton reserves. Permit fees must be paid in full prior to being issued an Outdoor Exercise Permit.

Should the Personal Trainer wish to cancel their booking/permit, a request must be submitted in writing to Venue Support Services at bookings@busselton.wa.gov.au .

13. Relevant Policies, Legislation and Standards

It is important that prior to applying for a personal trainers permit applicants have read through these guidelines thoroughly and understand them.

- Local Government Act 1995 - [WALW - Local Government Act 1995 - Home Page \(legislation.wa.gov.au\)](http://www.legislation.wa.gov.au)
- 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

14. 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. The use of whistles, amplifiers and music is not permitted before 7.00am or after 8.00pm (where permitted).
4. Ensure that exercise equipment used does not create any hazards or obstruction to the community; and
5. Give way to pedestrians and cyclists when moving through narrow areas with groups (e.g. footpaths, stairways, beach access ways, and cycle ways) and do not conduct static classes within these areas.

15. Risk Management

Personal Training permit 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.
3. Alternatively move the training site and, without undue delay, report to Venue Support Services the hazard or any other hazardous matters observed during the training that may require the City of Busselton's attention.

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

16. Conditions

Personal or commercial fitness trainers operating under an Outdoor Exercise Permit approved by the City of Busselton City Council must:

1. Provide only activities for which they are suitably qualified and have been approved by Council
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 Council Rangers or other authorised Council Officers
4. Ensure all hazards are made safe and reported to Council immediately
5. Not sublet or assign their rights under this agreement or attempt in any other manner to transfer their rights under the permit 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
9. Not interfere with any Council 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 groups utilising the reserve and adhere to allocated areas as outlined by the City of Busselton
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 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 during the conduct of a training session
14. 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 produce documentary evidence of this at the time of application
15. Agree that, notwithstanding an implication or rule of law to the contrary, the Council 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 Council failing to do something on or to the public space being used
16. Not erect any fixed or temporary structures for the storage of fitness equipment
17. Not drive or park any vehicle on parks, beaches, open space or footpaths
18. Council will accept no responsibility or liability for any interruption to business caused by the need for Council 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
19. Council does not, and will not accept liability for any debts incurred by the trainer.

17. 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 City of Busselton Commercial Fitness Training Policy and these Guidelines:

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

18. Termination

Council reserves the right to cancel a permit without notice if in its sole opinion has determined that the personal/fitness trainer/business 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 permit approval.

19. Grounds for Appeal

1. A trainer/business whose permit has been cancelled by the City may appeal in writing within 7 working days to the Coordinator Recreation and Community Development stating the reason for appeal.
2. The Appeal will be considered by the Coordinator and a written reply outlining the decision will be sent via mail to the applicant within 7 working days.
3. Permit fees will not be refunded if the agreement was terminated by the Council arising out of a breach.