

TOWN OF GAWLER GUIDELINES

Use of Community Land for Commercial Fitness Training

1. Size of Fitness Training Groups

The size of a fitness group is to be determined by the Exercise Professional following the undertaking of a Risk Assessment and Needs Analysis of the participants and the ability of the Exercise Professional to meet the needs of the group.

The size of a fitness group will be influenced by the location, with approved locations having maximum group sizes due to physical and environmental limitations. – Refer to Guideline 8 for specific locations.

2. Times of Use

- Commercial Fitness Training will not commence before 7am and must conclude by 8pm (Daylight Saving - 8.30pm).
- Times of use will be assessed by Council and approved on a site by site basis.
- Council cannot guarantee that toilet facilities in parks will be available prior to 9am.

3. Permissible Activities

- Gym sessions (with or without weights, medicine balls, jumping and balance activities).
- Aerobic activities (sprints, obstacle, speed and agility courses).
- Core strength and mat activities (e.g. Yoga, Tai Chi, Pilates).
- Boxing with pads.
- A combination of any of the above.

4. Excluded Activities

- Aggressive and intimidating activities that involve shouting, loud voice calls or instructions.
- The use of amplified music or amplified audio (voice) equipment (e.g. loud hailers).
- Activities in playgrounds or use of picnic benches.
- Boxing and Martial Arts – combat.
- The use of equipment that may damage the Community Land (e.g. logs, tyres, dragging heavy ropes).
- The use of portable equipment/machinery such as spin bikes, weight machines and rowing machines.
- Conducting activities that dominate, monopolise and/or obstruct pathways and/or stairways.
- Suspending any equipment from trees and/or structures on Community Land.

5. Eligibility

All Exercise Professionals must have evidence of current registration with their industry relevant peak body – Physical Activity Australia or Fitness Australia.

Permit applicants must have the following essential elements:

- Current Exercise Professional registration with Fitness Australia or Physical Activity Australia (the peak bodies for the fitness industry).
 - Completion of a recognised Fitness Qualification (a minimum of Certificate IV Fitness) or Exercise Science Degree or Human Movement Degree.
- Current Provide First Aid.
- Current Provide Cardiopulmonary Resuscitation.
- Mobile phone available at every session in case of emergency.
- First Aid box on site at every session.

(All qualifications must be provided at the time of application and maintained through the entire time of the issued permit)

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6. Insurance

Exercise Professionals must hold:

- Current Public Liability insurance policy to a minimum of \$10 million.
- Current Professional Liability insurance policy to a minimum of \$10 million.

7. Permit Fees

An annual or casual (one off activity) fee will apply to use Community Land for Commercial Fitness Training. Council will endorse fees annually in conjunction with the Council's Annual budget and the fee for commercial fitness training activities will be set as part of this process.

Refer to Council's Fees and Charges register for a current list of fees - www.gawler.sa.gov.au/fees&charges

8. Approved Locations

The Community Land locations listed below may be used for commercial fitness training. All Community Land not included on the list may not be used for commercial fitness training due to size, impact on residents and/or protection of natural and cultural features.

Council may specify the exact location in an area of Community Land that an Exercise Professional may use.

Community Land location	Maximum Group Size
Clonlea Park	10 – Tennis Court side of driveway 15 – Skate Park side of driveway
Apex Park	10
Pioneer Park	15
Princes Park	18
Greenways Street Reserve	10

9. Non permitted areas of use

No fitness training will be permitted in areas not listed above in Guideline 8 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 Benches
- Use of public outdoor fitness equipment for group fitness activities (Non-exclusive use of public outdoor fitness equipment for individual (one on one) fitness activities is permitted)
- Areas within 10m of memorials
- Areas within 10m of playgrounds or items of play equipment
- Areas within 10m of any public toilet
- Skate Park (Clonlea Park)
- Scooter Track (Clonlea Park)
- Car Parks

The Town of Gawler may nominate other areas as it sees fit.

10. Business Interruption

Council will accept no responsibility or liability for any interruption to business caused by Council or any other authority carrying out any special event, filming or maintenance works on approved Community Land areas.

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CONDITIONS OF USE

Pursuant to the provisions of By-Law 4 and Sections 200 and 202 of the Local Government Act 1999, Council approves the issue of a permit subject to the conditions below.

Each Exercise Professional approved by the Town of Gawler:

1. Must only provide the activities for which they are suitably qualified and that have been approved by the Town of Gawler.
2. Must only operate in the area and at the times specified by the Town of Gawler in the permit.
3. Is required to manage their activities to minimise the wear and tear on grassed areas and ensure that the training area is restored to the same condition it was at the commencement of training.
4. Must comply with reasonable direction of Council Rangers and other authorised Council officers.
5. Shall prior to commencing Fitness Training inspect the immediate area to ensure no hazards are evident and take appropriate action to remove any identified hazards and without undue delay, to report to Council the hazard or any other hazardous matter observed during the training session that may require Council attention.
6. Shall not assign their rights under this permit or attempt in any other manner to transfer their rights to any other person.
7. Shall indemnify and hold the Town of Gawler harmless from and against 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 any act of an Exercise Professional whilst conducting a training session.
8. 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 Exercise Professional and their clients may suffer by the act, default or neglect of any person or by reason of the Council failing to do something on or to the Community Land.
9. Agree that The Town of Gawler is not in any way responsible for any property of the Exercise Professional or any other person left on Community Land or for any loss of such property by theft or otherwise.
10. When conducting a fitness training session on Community Land shall always conduct themselves in a proper and orderly manner and be considerate to other users and adjacent residents, including ensuring that any park furniture is not used by clients to store bags or equipment that would leave members of the public unable to utilise these facilities.
11. Must not create any noise from training activities that unreasonably disturbs other users and/or adjacent residents.
12. Shall ensure that any exercise equipment used does not create any hazards or obstruction or is left unattended at any time.
13. Is only authorised to provide the fitness training sessions specified in the permit and must not sell clothing, equipment or refreshments or any other good, service or product.
14. Must not display any advertising signage including banners on Community Land without the written permission of Council.
15. Shall be responsible for satisfying all WHS legislation and regulations.
16. Shall be held responsible for damage and destruction which Council deems has occurred as part of the commercial fitness training program to the Community Land. The permit holder will pay the full cost of repair of such damage incurred by Council.