

APPLICATION FOR PERMIT

FITNESS ACTIVITY PERMIT

(OPEN PUBLIC SPACE)



PortAugusta

CITY COUNCIL

Please complete this form in **BLOCK LETTERS** and return to:

MANAGER SPORTING & RECREATION FACILITIES

PORT AUGUSTA CITY COUNCIL

4 Mackay Street, PORT AUGUSTA SA 5700

Phone: (08) 8641 9100 / Email: admin@portaugusta.sa.gov.au

Please ensure that the application form is completed entirely and all requested documentation is attached to avoid delays in processing your application.

Part 1 – Applicant Details

Full Name:

Company/Business Name:

Address: (Postal)

Address: (Suburb & Post Code)

Phone:

Email:

Part 2 – Permit Type

Annual Permit: ☐

Season Permit: ☐

Casual Use: ☐

Details of Proposed Use [Activity description Eg. PT, Boot Camp, Yoga]:

Number of Clients Expected: How much do you charge each participant: \$..... per session OR \$..... annually

Preferred Location/s:

Equipment to be Used in Activity:

Amplified Music: ☐ Yes ☐ No

Training Sessions

Commencement Date:

Finish Date:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Start Time							
Finish Time							

Acknowledgment of Conditions

I acknowledge that I have read and understand the permit conditions and agree to abide by the said conditions (refer overleaf)

- Applicant must hold Public Liability insurance of a minimum \$10 million
- Applicant must hold Professional Indemnity insurance of a minimum of \$5 million
- Applicant must have a mobile phone at each session in case of emergency
- Permitted times as approved under Permit
- Sporting licensed areas are not available to commercial businesses
- Applicant is responsible for the behaviour of their clients
- Each applicant must have a separate Fitness Activity Permit available at every session

Evidence Attached: ☐ \$10 Million Public Liability Insurance ☐ \$5 Million Professional Indemnity Insurance

Signature:

Date:

COUNCIL AUTHORISATION

Approved: ☐ Yes ☐ No

Commencement Date:

Expiry Date:

Authorised Officer Signature:

Date Issued:

Permit Number:

Approved Activities & Eligibility in Council Open Public Spaces

The objectives of the following guidelines outline minimal standards expected from permit holders when planning and undertaking outdoor fitness training activities in the Port Augusta Council area aim to:

- i) promote an active and healthy community;
- ii) as far as is reasonable, provide permit holders with equity of access to the Council reserves while at the same time ensuring that the general community is not disadvantaged in terms of access;
- iii) ensure orderly and proper conduct of activities on Council reserves so as to provide a safe and enjoyable experience for participants;
- iv) ensure current stakeholders of Council open space area are not disadvantaged by increased use of open public spaces by fitness groups;
- v) minimise liability risks by ensuring that permit holders are appropriately covered by public liability and professional indemnity insurance;
- vi) reduce the impact of fitness activities on Council open public spaces in relation to the condition and maintenance of community assets.

1. The following groups are exempted from permit fees however should make enquiries with Council prior to any regular activity:

- a) existing lessees of council properties;
- b) local sporting clubs; and
- c) registered not-for-profit organisations.

2. Permitted activities:

- a) Gym session (an organised group using Council exercise equipment).
- b) Gym session (with/without free weights, medicine balls or any other exercise equipment, jump/balance activities).
- c) Aerobic activities (sprints, obstacles, speed and agility course).
- d) Yoga, tai chi, Pilates and any mat activity.
- e) Circuit Training.
- f) Boxing with pads.
- g) A combination of any of the above.
- h) Any other associated activities approved by Council.

3. Activities requiring Special Permission Permit:

- a) Aggressive and intimidating activities that involves shouting, loud voice calls or instructions.
- b) Activities involving amplified music or amplified audio equipment e.g. loud hailers, outside of approved times.
- c) Activities on playground equipment.

4. Eligibility:

Fitness groups and personal applicants providing fitness services, activities and/or instruction to people on Council open space areas and receiving a commercial benefit must:

- a) provide evidence of current public liability insurance policy to a minimum of \$10 million; and
- b) provide evidence of current Professional Indemnity Insurance to a minimum of \$5 million.

5. Permitted Areas of Use for Approved permit Holders:

- a) Eastside and Westside Foreshore Areas
- b) Gladstone Square, Mackay Street, Port Augusta – low impact sessions only
- c) Rotary Park, Bond Street, Port Augusta West
- d) Lions Park, Tottenham Road, Port Augusta
- e) Parkland area along Flinders Terrace within Central Oval Precinct
- f) Keith Jones Memorial Park, Elsie Street, Port Augusta
- g) Robert 'Bert' McKenzie Memorial Park, Progress Avenue, Stirling North
- h) Redbanks area
- i) Back Beach area

6. Application:

A permit is required for all personal applicants/instructors using the Port Augusta City Council's open public space.

Permits will be valid for a 'Season' (3 months), 'Annual' (for a maximum of 12 months) or a 'Casual' (once off use) and will authorise each permit holder to use their allocated area for fitness activities in accordance with these Guidelines on a **non-exclusive basis**.

Council will accept applications on an ongoing 'first come, first served' basis. A permit will be issued to applicants in accordance with:

- 6.1 Council will allocate the permit holder with a location based on preference, availability and demand. The application form will request the applicant's preferred three locations to assist Council in allocation.
- 6.2 Approval of permits will be considered against the following criteria:
 - a) Usage demand, intensity and intention of use of the areas and times requested;
 - b) Type of activity and the potential impact on other users and neighbouring residents during the times requested;
 - c) Number of approved training sessions already using the area;
 - d) Other activities (passive and active) being undertaken in the area; and
 - e) Whether the activities will contribute to increasing congestion or user conflict in the area requested.
- 6.3 In considering the above, Council may decide to:
 - a) approve the application and issue a permit; or
 - b) issue a limited permit with restrictions on the number and types of activities, group size and the time and location of activities; or
 - c) not approve the application.

Port Augusta City Council does not and will not accept liability for any debts incurred by any applicant and shall not be in any way responsible for any property of an applicant or any other person that may be left on the land or for any loss of any such property by theft or otherwise.

TERMS OF CONDITION - USE OF COUNCIL OPEN PUBLIC SPACE FOR FITNESS GROUPS

1. General Conditions:

The permit holder:

1. Must ensure they are suitably insured.
2. Must manage the activities to minimise wear and tear on grassed areas (this includes rotating within the designated areas and/or alternating activities).
3. Must comply with reasonable direction of Council Officers and other authorised personnel in relation to any unacceptable practices or, to display evidence of the permit in the prescribed manner.
4. 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.
5. 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 or business and is not transferable unless approved by Council in accordance with this Guideline.
6. 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 whilst conducting a training session.
7. When conducting training on local government land and community land shall always conduct themselves in a proper and orderly manner and be considerate to other users and adjacent residents.
8. Shall conduct their activities so as not to dominate, monopolise and/or obstruct any stairways or pathways.
9. Must not create any noise from training activities that unreasonably disturbs other users and adjacent residents.
10. Shall not suspend any equipment from trees and/or structures in the public reserves.
11. Shall ensure that any exercise equipment used does not create any hazards or obstruction or be left unattended at any time.
12. Must ensure that any training group for which they are responsible, runs in single file when running in narrow areas or pathways. GUIDELINE
13. Shall ensure that their clients do not step on or walk on or in any other way inappropriately use picnic tables and park furniture and shall leave the training area in the same condition it was at the commencement of training
14. Shall not damage or destroy or cause or permit the injury, damage or destruction of any tree, shrub, fence, earthwork fixture or any other part or portion of the site.
15. Shall 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 \$5 million Professional Indemnity Insurance and produce documentary evidence of this at the time of application.
16. 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 applicant 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.
17. 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 or product.
18. Must not display any advertising signage including banners or 'A' frame signs on Council's public reserves.
19. Will not promote any discriminating, insulting, offensive, threatening or vulgar behaviour or displays.
20. Will not drive a vehicle on any part of a council reserve other than a defined carriageway without prior written approval from Council.
21. Must not interfere with any Council approved or booked activity including but not limited to a wedding, birthday party, corporate BBQ, 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.
22. Will not drive spikes or stakes into the ground without specific direction from Council.
23. Shall be responsible for satisfying all occupational health and safety legislation and regulations.
24. Shall be liable for any fees or levies required by Return to Work or any other public authority or statutory body.
25. Shall be held responsible for damage and destruction which council deems has occurred in relation to the site or facilities. The permit holder will pay the full cost of repair of such damage incurred by Council.
26. Council does not and will not accept liability for any debts incurred by any trainer and 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.
27. Council may revoke the permit if the permit holder does not comply with the conditions of the permit.

2. Termination

Council has the right to terminate its agreement with an applicant without notice if in its sole opinion it has determined that the applicant has failed to comply with reasonable direction of its staff or has breached the terms of the permit or the terms of the Guideline for the use of local government land by commercial fitness groups and personal trainers. An applicant whose permit has been terminated can appeal in writing to the Director Corporate Services.