

Prescribed Activity Application: Bringing or Driving Motor Vehicle onto Local Government Controlled Areas – Wonga Beach Only (Quad/UTV)

Local Law No. 1 (Administration) 2020

You MUST complete ALL questions unless the form indicates otherwise.
Incomplete forms or forms without all necessary information and documentation
will result in your application not being a properly made application.

For all applications, you must:

- Complete the form;
- Complete any other forms relevant to your application;
- Provide any mandatory supporting information identified on the forms; and
- Submit the applicable fee.

☐ New Application

☐ Amendment to Approval

SECTION 1 - APPLICATION REQUIREMENTS

Q1 Are you a permanent resident of Wonga Beach?

☐ Yes – Go to question 2

☐ No – Do not proceed - You do not meet mandatory requirements

Q2 Do you have proof of residency for Wonga Beach? *(Accepted forms or proof: Rates/Water Notice, Utility Bill, Driving Licence)*

☐ Yes – Go to question 3

☐ No – Do not proceed - You do not meet mandatory requirements

Q3 Do you hold a current valid QLD Driving Licence?

☐ Yes – Go to applicant details

☐ No – Do not proceed - You do not meet mandatory requirements

SECTION 2 - APPLICANT DETAILS

Note: The applicant is the person who will hold the permit and will be legally responsible for complying with the applicable conditions. A business name or trust is not a legal entity and should not be entered in this field as the applicant.

Applicant Name:

DOB:

Residential Address:

Postal Address:

Email:

Telephone No:

M :

Driving Licence No/CRN:

QLD Issued:

☐ Yes

☐ No

Effective Date:

Expiry Date:

OFFICE USE

Date:

CSO:

SECTION 3 - ADDITIONAL RIDER DETAILS (Minors over 11 to under 17 years of age) (if applicable)

Rider 1 Name:

DOB:

Residential address (if different from applicant):

Rider 2 Name:

DOB:

Residential address (if different from applicant):

Rider 3 Name:

DOB:

Residential address (if different from applicant):

SECTION 4 - ADDITIONAL RIDER DETAILS (Over 17 years of age) (complete if applicable)**Note:** Additional applicant must reside at the same address as Applicant 1 to be included in the same permit.

Rider Name:

DOB:

Email:

Telephone No:(H)

(M):

Driving Licence No/CRN:

QLD Issued:

☐

Yes

☐

No

Effective Date:

Expiry Date:

SECTION 5 - ADDITIONAL RIDER DETAILS (Over 17 years of age) (complete if applicable)**Note:** Additional applicant must reside at the same address as Applicant 1 to be included in the same permit.

Rider Name:

DOB:

Email:

Telephone No: (H)

(M):

Driving Licence No/CRN:

QLD Issued:

☐

Yes

☐

No

Effective Date:

Expiry Date:

SECTION 6 - NOMINATED RECREATIONAL VEHICLE DETAILS☐ QUAD BIKE☐ UTV

Make:

Model:

Colour:

No. of Seats:

Distinguishing Features:

RELEASE AND INDEMNITY

In consideration of Douglas Shire Council ("Council") issuing me/us with *The Approval* for the purpose described or allowed under *The Approval* ("the activity/activities"), I/we:

1. release and discharge Council and Council's agents, servants, officers and insurers ("the Related Parties") from and in respect of all liability, claims, losses, damages or proceedings which I/we may have (either now or accruing in the future) against Council and/or the Related Parties in respect of, or arising out of, or in connection with the activity/activities;
2. agree that the release and discharge given under clause 1 may be pleaded by Council and the Related Parties as a bar to any action, suit or proceeding commenced now or taken at any time by Council and/or the Related Parties, against Council and/or the Related Parties, or to which Council and/or the Related Parties is or are joined as a party or parties, in respect of, or arising out of, or in connection with the activity/activities; and
3. agree that I/we am/are liable for and shall indemnify Council and the Related Parties against any liability, claim, loss, damage or proceeding in respect of, or arising out of, or in connection with the activity/activities.

The covenants given under this document are binding upon me/us and my/our heirs, executors, successors and permitted assigns.

CHECKLIST AND SUPPORTING DOCUMENTATION

	Applicant Supplied	N/A	Officer Checked
Have you read the conditions below and have all sections been completed and form signed?	☐		☐
Attach a copy of current valid QLD driving licence – (<i>provisional or full accepted for all riders over 17 years of age</i>)	☐		☐
Attach a copy of Conditional Vehicle Registration – (<i>Conditional registration may be sought by suitable applicants from the Department of Transport and Main Roads, with the support of Douglas Shire Council and Mossman Police, to enable the vehicle to be driven on a road, to a designated access point.</i>)	☐		☐
Attach a coloured photograph of the nominated recreational vehicle	☐		☐
Attach copy Birth Certificate/s for all minors 11-16 years of age	☐		☐

DECLARATION

I _____ make application under *Local Law No. 1(Administration) 2020* for approval to conduct the prescribed activity outlined in this application form and declare that the information provided by me in this application is true and correct and I consent to the making of enquiries and exchange of information with authorities of any Local, State/Territory or Commonwealth department in regards to any matters relevant to this application.

If the application is made by a corporation or incorporated association, the person signing the form must occupy a position that is legally entitled to make an application on behalf of the corporation or incorporated association

Applicant Signature:

Date:

Douglas Shire Council – Privacy Collection Notice:

Douglas Shire Council collects and manages personal information in the course of performing its activities, functions and duties. We respect the privacy of the personal information held by us. The way in which the council manages personal information is governed by *the Information Privacy Act 2009* (Qld). We are collecting your personal information in accordance with the *Local Government Act 2009* so that we can assess and finalise your application. Generally, we will not disclose your personal information outside of Council unless we are required to do so by law, or unless you have given us your consent to such disclosure. For further information about how we manage your personal information please see our Information Privacy Policy.

STANDARD CONDITIONS

(SCHEDULE 26 – BRINGING OR DRIVING MOTOR VEHICLE ONTO LOCAL GOVERNMENT CONTROLLED AREAS)

Conditions of the approval are as follows—

- (a) the approval will be valid only for the dates specified in the approval;
- (b) the approval will be valid only for the specific vehicle or type of vehicle specified in the approval;
- (c) the approval is not transferable;
- (d) the approval holder will comply with any restrictions specified in the approval regarding of the parts of the local government controlled area that may be accessed by vehicle and notwithstanding any contrary restrictions in the area;
- (e) the approval holder must ensure the safety of other users of the local government controlled area arising from the carrying out of the approved activity;
- (f) the approval holder will be liable to pay to the local government the cost of rectifying any significant damage caused by the use of the vehicle in the area to the satisfaction of an authorised person.

NON-STANDARD CONDITIONS

Conditions of the approval are as follows—

- (a) the vehicle is not to be driven above the high tide mark, except when travelling to and from the beach.
- (b) under no circumstances, including at high tide, is the vehicle to be driven on or over frontal dunes or foreshore areas not designated as access points.
- (c) vehicles will be restricted to travelling on the beach between the hours of 8am and 6:30pm.
- (d) vehicles must not be driven by persons under the influence of intoxicating liquor or drugs. The QLD Police Service will be notified where an authorised officer reasonably believes this is occurring.
- (e) vehicles are to be driven only in the area specified on the approval.
- (f) the maximum speed limit on the beach area adjacent to Marlin Drive and the Esplanade will be 20kph. In all other areas north of the Giblin Street access point the maximum speed limit will be 40kph. Hooning, fishtailing, and racing of vehicles is not permitted.
- (g) only the vehicle nominated on the approval is to be driven on the beach.
- (h) vehicles must give way at all times to pedestrians and wildlife.
- (i) vehicles must be kept in a good state of repair or an approval will be revoked.
- (j) approval holders will be issued an approval identification sticker, or similar, which must be visible on the vehicle at all times.
- (k) approval holders must only access the beach at the designated access points. Vehicles that cannot be registered and legally driven on a road must be pushed or transported by utility or trailer to the designated access point. Approvals will be revoked, and enforcement action taken by Council officers and QLD Police, if users are found in breach of this condition.
- (l) as per QLD State law, approval holders operating quad bikes or UTV's must wear an approved motorbike helmet and not carry a passenger unless on a seat designated for that purpose.
- (m) as per QLD State law, passengers on a vehicle approved for passengers, must be at least 8 years of age.
- (n) approval holders must at all times carry their driver's licence when conducting the activity and provide to an authorised officer, on request.

ADDITIONAL NON-STANDARD CONDITIONS – (APPLICABLE FOR MINOR CHILDREN OVER 11 YEARS OF AGE)

Conditions of the approval are as follows—

- (a) parents or legal guardians of minor children 11 years or older may apply for an approval on behalf of the minor child.
- (b) parents or legal guardians must supervise the minor child at all times when the vehicle is being used on the beach, including any movement of the vehicle between home and the beach.
- (c) parents or legal guardians will be responsible for the conduct and behaviour of the minor child at all times when the vehicle is being used on the beach, including any movement of the vehicle between home and the beach.
- (d) when making application for an approval for a minor child, the parent or legal guardian will become legally liable and responsible for any enforcement action taken by Douglas Shire Council with respect to any breaches of the approval. Enforcement action may include the issue of a Penalty Infringement Notice (fine).
- (e) vehicles must be the appropriate size for the user and must not be a vehicle designed to be operated by an adult.
- (f) no passengers will be permitted.



INFORMATION NOTICE

Section 9 (4) Local Law No.1 (Administration) 2020

The Decision

The decision of the local government is to grant Approval in accordance with the terms and conditions of the Approval which includes non-standard conditions for which this Information Notice relates.

Reasons for the Decision

To ensure the approval is consistent with the purpose of all relevant local law and the *Wonga Beach Foreshore Management Plan 2021*, the non-standard conditions were imposed on the Approval.

Review of Decision

You may apply for a review of the decision to include the non-standard conditions in the Approval within fourteen (14) days of this Notice being given.

Applications to review the decision must be made in writing and addressed to the Chief Executive Officer with representations to show why the decision should not have been made, or should have been varied.