

Prescribed Activity Application:

Outdoor Dining

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.

SECTION 1 – APPLICATION TYPE

- New Application Amendment to Approval Change of owner/proprietor (Transfer)

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. Where a person or company operates a business, the applicant is the person or company.

Applicant (person(s) or company): _____ **DOB (if person)** _____

Business Trading Name: _____ **ABN:** _____

Contact Person: _____ **DOB:** _____

Registered Company Address: _____

Postal Address: _____

Does this postal address apply to all Council Departments (i.e. rates, water, permits, animals etc.) Yes No

Telephone: **H:** **W:** **M:**

Email: _____

SECTION 3 – PROPOSED ACTIVITY

- Using a road (including footpath) for the purposes of outdoor dining.
- I intend to serve alcohol within the permitted Outdoor Dining area. *(An application must be made to the Office of Liquor and Gaming Regulation and a copy of the permit is be forwarded to Council).*

*If yes to the following options, please complete **LL23-Conduct Work or Deposit Goods on Public Land** and tick "Make Alteration/Repair to Footpath".*

Installation of any permanent structure or projection on, over or abutting a road including shade structures, screens, bollards, decking.

Planting any vegetation on a road or the erection of planter boxes associated with outdoor dining.

OFFICE USE				
Receipt Type: 778	Application Fee: \$166.00	Receipt No:	Date:	CSO:

SECTION 9 – METHOD OF STORAGE

What is the method of storage/security of the proposed equipment?

SECTION 10 – SUPPORTING INFORMATION

What measures will be taken to ensure that the amenity of the surrounding area will not be adversely affected?

What measures will be taken to ensure that the outdoor dining activity will not cause a nuisance to neighbouring residents?

What measures will be taken to ensure that the activity does not significantly detract from the capacity of the road to provide a vehicular and, where relevant, pedestrian thoroughfare?

SECTION 11 – PUBLIC LIABILITY INSURANCE

Certificate of Currency must be provided prior to the event/activity and:

- Note Douglas Shire Council as an interested party;
- Coverage is for at least \$10 million; and
- Cover the scope and dates of the activity.

Name of Insured:

Name of Insurer:

Policy No:

Policy Expiry Date:

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.
4. The release and indemnity provided by you under 1-3 is, however, reduced to the extent that the Council and/or any of the Related Parties have caused or contributed to the relevant liability, claim, loss or damage.

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

CHECKLIST AND SUPPORTING DOCUMENTS	Applicant Supplied	N/A	Officer Checked
Have you read the conditions below?	<input type="checkbox"/>		
Have all sections of the Application been completed and signed?	<input type="checkbox"/>		<input type="checkbox"/>
Attach a copy of your Public Liability Insurance to the value of at least \$10,000,000.00, noting Douglas Shire Council as an interested party.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attach photos of the site and proposed footpath dining area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attach a site plan and include any temporary structures that will be placed on the road/footpath.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attach photos or a brochure of proposed furniture .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Please provide details of any promotional or advertising material intended to be used in connection with the activity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attach a copy of the Liquor Licensing approval (if applicable). This must be received prior to the commencement of service of alcohol within the outdoor dining area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attach LL23-Conduct Work or Deposit Goods on Public Land and attach copies of, plans and diagrams of works, structures or activities where appropriate, showing how they will be implemented. a fully engineered plan for proposed fixed structures (if applicable). Note: a design assessment approval will be required for approval before any work is started.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DECLARATION

I _____ 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.

Applicant Signature:		Date:	
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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.

PRESCRIBED FEES (Applicable from 1 July 2023 to 30 June 2024)

The application fee AND the Location Fee is payable on lodgement of the application form. The Annual Approval/Location Fee is payable on an annual basis when a renewal invoice is issued. Approval periods are from 1 September – 31 August annually.

<input type="checkbox"/>	Application/Transfer fee (non-refundable)		\$166.00
<input type="checkbox"/>	Annual Approval Fee	Add Location Fee	\$166.00
<input type="checkbox"/>	Per Square Metre Fee		
	A – Macrossan Street, Port Douglas (per square metre)		\$127.00
	B – Port Douglas Other (per square metre)		\$ 74.00
	C – Mossman, Front Street (per square metre)		\$ 28.00
	D – All other areas (per square metre)		\$ 18.00

CONDITIONS (*Schedule 8 – Commercial use of local government controlled areas and roads*)

- (1) For all approvals, the conditions that will ordinarily be imposed on an approval are as follows—
- (a) Reasonable access to local government staff or contractors must be permitted at all times.
 - (b) The activity must be conducted in accordance with any standards of the local government applicable at the time of the approval.
 - (c) The approval must be displayed in a way that is visible to the public whilst conducting the activity.
 - (d) The approval must be produced for inspection on demand by an authorised person.
 - (e) A defined access point for emergency vehicles must be maintained at all times.
 - (f) If the approval authorises the approval holder to use a specified part of a local government controlled area or road for carrying on a business—
 - (i) pay rental specified in the approval to the local government at specified intervals; and
 - (ii) maintain the area where the activity takes place in clean, tidy and orderly condition.
 - (g) If the activity involves playing live or taped performances—
 - (i) a requirement that amplified music does not exceed a decibel limit determined by an authorised person.
 - (h) If the activity involves use of a footpath—maintain a clear unobstructed pedestrian corridor of not less than 1.5 metres or, in the case of high usage footpaths, a distance greater than 1.5 metres stipulated in the approval.
 - (i) The activity must only be conducted on the days and hours specified on the approval.
 - (j) maintain public liability insurance for an amount as determined by the local government covering the activity which indemnifies the local government in respect to any liability arising from the activity
 - (k) the approval holder must indemnify the local government against claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the works or activity.
 - (l) pay any costs or expenses incurred by local government to rectify any damage caused by the activity;
 - (m) ensure that vegetation, soil, sand, rocks, native animals or natural things are not interfered with, damaged or removed;
 - (n) not interfere with, paint, permanently mark, damage or remove any buildings, structures, fixtures, fittings or facilities provided by the local government.
- (2) For an approval for outdoor dining, additional conditions that will ordinarily be imposed on an approval are that the approval holder must—
- (a) comply with the plan approved by the local government (**approved plan**) depicting the area in which the outdoor dining activity is to take place;
 - (b) ensure all tables and associated furniture used for the purpose of outdoor dining are placed and shall remain at all times in the position as indicated on the approved plan;
 - (c) ensure that only the approved outdoor dining area shall be utilised at any time;
 - (d) ensure that an unobstructed clear width of at least 1.5 metres is maintained for pedestrian access at all times (which area shall also be clear of any signage and ancillary items);
 - (e) ensure all approved outdoor dining furniture is kept clean and tidy, suitable refuse containers are provided and the area is cleaned thoroughly at the end of each day the outdoor dining area is in operation;
 - (f) ensure all tables and associated furniture are secured at all times outside the business hours of operation;
 - (g) ensure any umbrellas are suitably weighted or fixed to the satisfaction of an authorised person, to ensure there is neither uplift, nor damage to property or person;
 - (h) ensure any permanent structures erected in the vicinity of the outdoor dining are structurally sound, certified by an RPEQ and approved by the local government;
 - (i) ensure any outdoor dining furniture not approved by an authorised person is not placed on the footpath at any time;
 - (j) ensure any amendments to the approved plan, including any additional furniture shall be submitted for the prior approval of an authorised person;
 - (k) ensure that the approved area in which outdoor dining is to take place must not be used for any other purpose;
 - (l) ensure the footpath and road reserves used for outdoor dining purposes remain public spaces at all times, including when the outdoor dining activity is taking place, and that there is no obstruction of the movement of vehicles or pedestrians that would ordinarily use the space;

DEBTOR ACCOUNT TERMS & CONDITIONS

Renewals and associated fees and charges will be invoiced by Douglas Shire Council via a debtor account to the Applicant.

The Applicant shall settle all accounts in full no later than the due date shown on the invoices.

Where debtor accounts are overdue by 60 days or more, the debt may be referred to a credit reference agency and your permit/approval/license may be suspended or cancelled.

In the case that the Applicant shall be a company acting as a trustee for the trust, the Applicant hereby acknowledges that the trust shall be liable on the account, has sufficient assets to meet payment of the debtor account and is empowered to enter into the account agreement.

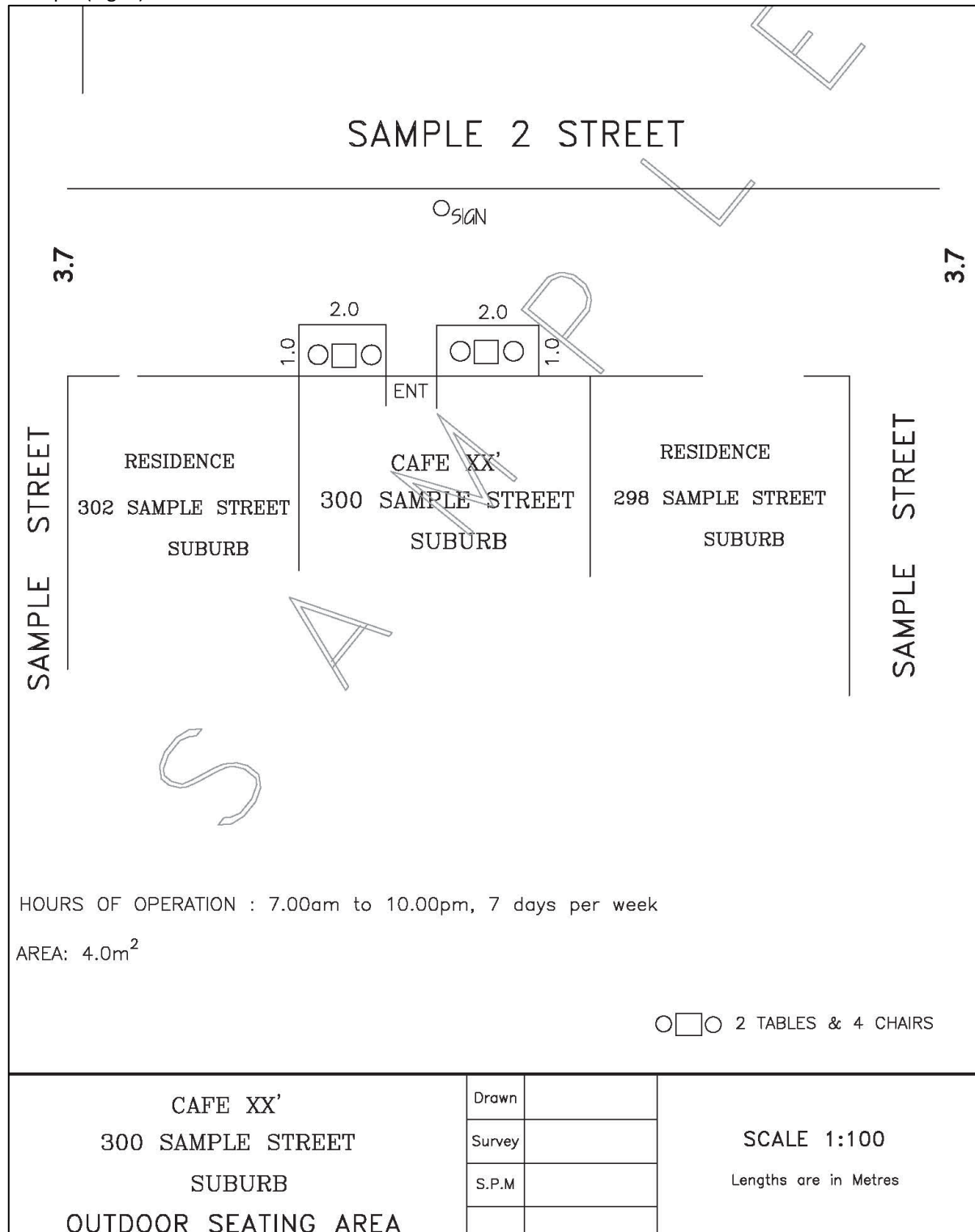
NOTES FOR COMPLETING THE APPLICATION

Guide to Site Plan

A site plan to a scale of approximately 1:100 should be attached which extends:

- From the kerb's edge, the full width of the footpath, to the frontage of the building; and
- From within 2 metres of one adjoining premises, the full length of the property frontage, to within 2 metres beyond the other adjoining premises, and shows:
- The boundaries of the site, the outline of buildings, and the use of adjoining buildings;
- The area (including dimensions) intended to be used for the proposed activity and the location of all proposed displays and equipment; and
- Any trees, fire hydrants, transformers, telephone booths, mailboxes, bus seats and shelters, traffic signal boxes, fixed rubbish bins, pillars and posts (supporting signs or other objects) and other obstructions.

Example (Fig. 1):



Licensed Premises

The applicant is responsible for seeking a liquor licence from the relevant authorities if alcohol is to be served in the approval area.

What now?

If your application is approved, you will be contacted by an officer at the Douglas Shire Council. This approval will not be effective until you pay the application fee, the first period rental fee and lodge a copy of a current public liability insurance certificate.

Rental fees

Rental fees are to be paid yearly in advance. All payments must be paid to the Douglas Shire Council by an online payment method (BPay or Secure Pay) or in person at one of our administration offices.

The fees are revised annually and will take effect on and from 1 July in the relevant year.

Indemnity and Public Liability Insurance

Approvals will require adequate public liability insurance for the area you intend to use.

Please note that you are required to arrange for the 'Douglas Shire Council' to be named on your insurance as an interested party for the respective rights and interests in respect of your outdoor seating / structures displayed on public land.

Proof of insurance must be demonstrated prior to the approval being effective.

Conditions of approval

Any approval will be subject to conditions. Failure to comply with these conditions may lead to the imposition of penalties, and ultimately to the termination of your Outdoor Dining approval.

Pedestrian Safety

Seating and associated structures are to be in accordance with the conditions of approval. This includes the following critical dimensions specified in clause 1(c) and illustrated in Figure 4:

(a) A minimum of 2 metres must be maintained adjacent to the seating area for pedestrian flow; and

Approval Holder

The approval will be given to the person or legal entity named as the applicant on this application form. If the ownership changes, the new owner will need to apply for a transfer of approval using this Outdoor Dining Application form. **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. Where a person or company operates a business, the applicant is the person or company.

Changes/Amendments

You will need to discuss any future changes to the permitted area, style and number of furniture and structures with a Council officer as the approval will relate to those listed on this application form. Please contact the Council to discuss any proposed changes to determine if a new application will be required.

Lodgement

Applicable fees must be lodged with a new application. This form and fees can be submitted to Council as follows:

EMAIL: enquiries@douglas.qld.gov.au

IN PERSON:

[Mossman Administration Building](#)

64-66 Front Street, Mossman

[Port Douglas Community Hub](#)

Port Douglas Community Centre

Cnr Mowbray & Mudlo Streets, Port Douglas

MAIL: PO Box 723, Mossman, Qld, 4873

For further information regarding your application please contact Local Laws:

TELEPHONE: 07-4099 9444

EMAIL: enquiries@douglas.qld.gov.au

WEBSITE: www.douglas.qld.gov.au