

Prescribed Activity Application: Display a Portable Advertising Device

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 LOCATION OF PORTABLE ADVERTISEMENT (must be directly in front of your business premises)

Street Address: _____

Lot/Plan No. _____

SECTION 4 – PROPOSED DAYS AND HOURS OF DISPLAY TIME

- Mon Tues Wed Thu Fri Sat Sun

Start Time: _____ **Finish Time:** _____

OFFICE USE

| | | | | |
|-------------------------|---------------------------------|--------------------|--------------|-------------|
| Receipt Type: 34 | Application Fee: \$95.00 | Receipt No: | Date: | CSO: |
|-------------------------|---------------------------------|--------------------|--------------|-------------|

SECTION 5 – DESCRIPTION OF PROPOSED PORTABLE ADVERTISEMENT

Type of Sign:
(i.e. A-frame)

Construction Material:
(i.e. metal, plywood, plastic)

Dimensions of Sign:
(maximum size: 900mmH x 600mmW) mm (Length) mm (Width)

Is the sign illuminated? Yes No

SECTION 6 – OTHER FOOTPATH APPROVALS

Do you have any existing annual footpath approvals?

Yes – Goods on Footpath Approval

Yes – Outdoor Dining Approval

No

SECTION 7 – 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 a site plan of proposed location of the portable advertisement | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Attach photos or brochure of proposed sign (if applicable). | <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:

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 2024 to 30 June 2025)

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.

If a fee is paid for Outdoor Dining or Goods on Footpath, no further annual fee is required for a Portable Advertisement where portable advertisement is displayed within the approved area.

| | | | |
|--------------------------|---|-------------------------|-----------|
| <input type="checkbox"/> | Application/Transfer fee (non-refundable) | RT 34 | \$ 95.00 |
| <input type="checkbox"/> | Annual Approval/Location Fee | Add Location Fee | |
| | A – Macrossan Street, Port Douglas | | \$130.00 |
| | B – Port Douglas Other, Front St Mossman | | \$ 100.00 |
| | C – Mossman Other | | \$ 62.00 |
| | D – All other areas | | \$ 35.00 |
| <input type="checkbox"/> | Return of Confiscated Goods | | \$222.00 |

CONDITIONS

1. **Conditions that must be imposed on approvals**

The following conditions must be imposed on an approval—

- (a) the approval holder, its contractors or agents must—
 - (i) display only the sign for which approval was given;
 - (ii) secure the sign by removal and storage inside the premises proposed, at all times outside of the business hours of operation;
 - (iii) keep the sign positioned in accordance with the approved plan for the business premises;
 - (iv) display the portable advertisement only on the days and hours specified in the approval;
 - (v) adhere to safety standards;
 - (vi) comply with all requirements regarding size, area, height and location of the sign as specified in the approval;
 - (vii) 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;
 - (viii) indemnify the local government against claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in consequence or arising out of the activity; and
 - (ix) comply with all reasonable directions of an authorised person in the time specified by the authorised person.

2. **Conditions that will ordinarily be imposed on approvals**

For all approvals, the conditions that will ordinarily be imposed on an approval are as follows—

- (a) The approval holder will be responsible for maintaining the aesthetic appearance of the advertisement at all times and not permit the advertisement to degrade, deteriorate or become a safety hazard.
- (b) The advertisement must be capable of withstanding consequent wind or other loads.
- (c) The advertisement must not obstruct approved or permitted advertisements on adjoining properties or the vision of pedestrians or motorists.
- (d) The advertisement must not be fixed to trees, lighting poles or power poles or any other similar infrastructure.
- (e) The advertisement is not to be modified or relocated without approval (including conversion of the approved advertisement into a Third Party Advertising device).

3. **Term of approval**

An approval commences on the date the approval is granted and expires on the next 31st day of August, unless otherwise specified in an approval.

4. **Term of renewal of approval**

An approval that is renewed expires on the next 31st day of August, unless otherwise specified in the renewal.

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, mail boxes, bus seats and shelters, traffic signal boxes, fixed rubbish bins, pillars and posts (supporting signs or other objects) and other obstructions.

What now?

If your application is approved, you will be contacted by an officer at Douglas Shire Council via mail with a sticker which must be affixed to both sides of the sign. This approval will not be effective until you pay the application fee and lodge a copy of a current public liability insurance certificate.

Fees

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 'Douglas Shire Council' to be named on your insurance as an interested party for the respective rights and interests in respect of your portable advertising 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 sign being confiscated and the imposition of penalties, and ultimately to the termination of your approval.

Pedestrian Safety

Placement of the sign must in accordance with the conditions of approval.

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. **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

Please contact 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 by:

TELEPHONE: 07-4099 9444

EMAIL: enquiries@douglas.qld.gov.au

WEBSITE: www.douglas.qld.gov.au