

Prescribed Activity Application: Display Goods on Footpath

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.

1. APPLICATION TYPE

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

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:

3. PROPOSED LOCATION OF GOODS TO BE DISPLAYED ON FOOTPATH

Street Address:

Lot/Plan No.

4. PROPOSED DAYS AND HOURS OF DISPLAY TIME

Mon Tues Wed Thur Fri Sat Sun

Start Time:

Finish Time:

OFFICE USE

Receipt Type: 36

Payment Amount: \$

Receipt No:

Date:

CSO:

5. DESCRIPTION OF GOODS TO BE DISPLAYED (e.g. hat/clothes stand, bike rack, basket, box display, etc)

6. PROPOSED PERMIT AREA

	Metres (length)	X		Metres (width)	=		m ²
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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:

8. 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.

9. 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 \$20,000,000.00 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 goods on footpath display	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attach photo(s) or brochure of proposed display (if applicable).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

10. 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.

11. PRESCRIBED FEES (Applicable from 1 July 2022 to 30 June 2023)

<input type="checkbox"/>	Application/Transfer fee	\$159.00
<input type="checkbox"/>	Annual Approval Fee	\$159.00
<input type="checkbox"/>	Per Square Metre Fee	
	A – Macrossan Street, Port Douglas (per square metre)	\$ 56.00
	B – Port Douglas Other and Front Street, Mossman (per square metre)	\$ 48.00
	C – Mossman Other (per square metre)	\$ 26.00
	D – All other areas (per square metre)	\$ 17.00

12. 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 displaying goods for sale on footpaths, additional conditions that will ordinarily be imposed on an approval are that the approval holder must—
- (a) provide an unobstructed clear width of a minimum of 1.5 metres for pedestrian access at all times;
 - (b) ensure all approved outdoor furniture is to be kept in a clean and tidy manner at all times;
 - (c) ensure that goods and associated furniture shall remain on the footpath only during the hours of operation of the business;
 - (d) ensure that footpath and road reserves the subject of an approval remain publicly accessible for the duration of the approval;
 - (e) ensure that all display racks and stands or other things used for the display of goods shall be constructed of such materials and be of such design so as not to cause any injury to any person or damage to any property.;
 - (f) maintain all display racks, stands and other items used in the display of goods in a clean, safe and well-maintained condition at all times.

12. 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.

13. 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.

Guide to Providing Photographs/Brochures

The following should be attached to the application:

- a) A colour photograph of the site frontage and proposed area to be used; and
- b) A photograph (or brochure) detailing displays or good intended to be place on the footpath.

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 six monthly in advance. All payments must be paid to the Douglas Shire Council by an online payment method (B-Pay 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