

Prescribed Activity Application:
Approval to Conduct an Ongoing Commercial
Activity on Public Land (Annual/Seasonal)

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 (Regular Activity - Annual) Amendment to Approval (Minor)
- New Application (Regular Activity – Seasonal) Amendment to Approval (Major)
- Transfer of Approval

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: _____ **DOB (if person):** _____

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

Postal Address: _____

Telephone: **W:** _____ **M:** _____ **Email:** _____

Contact for Application: _____ **M:** _____

On-Site/Emergency Contact: _____ **M:** _____

Are you a not-for-profit or charitable organisation? YES NO

3. PROPOSED ACTIVITY DETAILS

Type of Commercial Activity: _____

Description: _____

No. of Staff: _____

OFFICE USE				
Receipt Type: 111	Payment Amount: \$	Receipt No:	Date:	CSO:

4. PROPOSED LOCATION AND AREA

Location Description:

GPS Co-ordinates:

Satellite map with location outlined

Site Plan attached

Area of Use (if applicable):

<input type="text"/>	Metres (length)	X	<input type="text"/>	Metres (width)	=	<input type="text"/>	m ²
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Adjoining landowners consent
(if access to Council Controlled land via private property)

Yes

No

Letter attached

5. OPERATING TIMES

Period of Operation: 12 months

Seasonal-dates: Form: To:

Days and Times of Operation:

<input type="checkbox"/> Monday	Start Time:	Finish Time:
<input type="checkbox"/> Tuesday	Start Time:	Finish Time:
<input type="checkbox"/> Wednesday	Start Time:	Finish Time:
<input type="checkbox"/> Thursday	Start Time:	Finish Time:
<input type="checkbox"/> Friday	Start Time:	Finish Time:
<input type="checkbox"/> Saturday	Start Time:	Finish Time:
<input type="checkbox"/> Sunday	Start Time:	Finish Time:

6. ESTIMATED NUMBER OF CUSTOMERS

	July/Aug/Sep	Oct/Nov/Dec	Jan/Feb/Mar	Apr/May/June	Total
Annual/Seasonal:	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

7. SUPPORTING INFORMATION

What measures will be taken to ensure that the activity will not:

1. Cause a nuisance or danger to neighbouring residents or other public space users?

2. Significantly detract from the capacity and community value of the public space to residents and other public space users?

3. Cause harm to the surrounding environment?

8. OTHER PERMITS/LICENSES /CERTIFICATES

Does the activity require approvals under other legislation? Yes – complete this section.
 No – proceed to next Section

Details:	Licence No.	Expiry Date	Attached ✓

9. PUBLIC LIABILITY INSURANCE

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

Note Douglas Shire Council as an interested party;
 Coverage is for at least \$20 million; and
 Cover the scope and dates of the activity.

Name of Insured: _____ Name of Insurer: _____
 Policy No: _____ Policy Expiry Date: _____

10. 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:

- 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;
- 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
- 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 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.

11. PORTABLE ADVERTISING DEVICE

Do you require a Portable Advertising Device?
 Please note that advertising devices are limited to 1 sign located at the activity area.

NO – Please skip to next Section YES – Please complete this section

Proposed Location: _____

GPS Co-ordinates: _____ Location noted on Site Plan and Satellite Map

Type of Sign: _____ Construction Material: _____
 (i.e. A-Frame)

Dimensions of Sign: _____ m (Length) _____ m (Width) Is the sign illuminated? Yes No
 (max size: 90cmH x 60cmW)

12. PROPOSED MAJOR MODIFICATIONS (RENEWALS AND AMMENDMENTS ANNUAL/SEASONAL ONLY)

Are you proposing to make modifications to the Prescribed Activity Approval?

NO – Please skip to next Section

YES – Please complete this section

Provide a detailed description of the proposed modifications including days/ hours of operation, location, activity, motor vehicle/s, number of employees, expected customers etc. Please attach another page if necessary.

13. CHECKLIST AND SUPPORTING DOCUMENTS

	Applicant Supplied	N/A	Officer Checked
Have all sections of the form been completed and is the form signed and dated?	<input type="checkbox"/>		<input type="checkbox"/>
Attach a copy of your Public Liability Insurance	<input type="checkbox"/>		<input type="checkbox"/>
Attach a copy of any other permits required to conduct the activity (e.g. Marine Parks)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attach qualifications required to conduct the activity (e.g. fitness certificates)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A site plan and satellite map outlining the proposed location and layout of the activity including details of, building and other structures, all entry and exit points to the site; portable advertising devices and any other commercial operators who are currently operating from the proposed site or adjacent to the proposed site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A letter of consent from the owner of the land if accessing Council controlled areas through private property.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
An Environmental Management Plan .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A Recreation Activity Management Plan .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A Risk Management Plan – (Endorsed by the local branch of the State Emergency Services and, if the activity is water based or to be conducted in a bathing reserve, foreshore or beside any water course, the Queensland Surf Lifesaving Association).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A statement detailing experience and qualifications of all staff.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14. DECLARATION

To the Chief Executive Officer, Douglas Shire Council

I / We 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 agree to comply with all requirements and conditions as approved.

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.

Print Name:

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.

15. PRESCRIBED FEE (Applicable from 1 July 2022 to 30 June 2023)

Please note that the Application fee is payable at the time of application. All other applicable fees (Exclusive Activity Use Area Fee, Mobile/Itinerant Activity Fee, Impact of Activity Fee and the Security Bond will be invoiced separately after assessment has been completed. See Adopted Fees and Charges Schedule for full list of applicable fees. A Security Bond is applicable and determined in accordance with the activity and when the site is on Council Controlled Land.

New Application/Transfer Fee

\$ 159.00

Other applicable Fees

Refer to Fees and Charges Schedule

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

Conditions of the 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) The approval holder must 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) The approval holder must pay any costs or expenses incurred by local government to rectify any damage caused by the activity;
- (m) The approval holder must ensure that vegetation, soil, sand, rocks, native animals or natural things are not interfered with, damaged or removed;
- (n) The activity must not interfere with, paint, permanently mark, damage or remove any buildings, structures, fixtures, fittings or facilities provided by the local government.

17. 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.