

Prescribed Activity Application: Conduct Work or Deposit Goods on Public Land

Local Law 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 form; and
- Submit the applicable fee.

1. ACTIVITIES CONDUCTED ON PUBLIC LAND (multiple activities can be selected – see section 17 for descriptions)

* This form is not required if work is part of an Operational Works Approval.

- | | |
|--|---|
| <input type="checkbox"/> Deposit Shipping Container/Skip Bin (more than 3 days or in main streets) (S23) | <input type="checkbox"/> Construct/Repair Planter Box/Garden Bed (S7) |
| <input type="checkbox"/> Hoarding, Gantry, Scaffolding & Temp Fencing (S23) | <input type="checkbox"/> Install Permanent Furniture (umbrella/seat etc) (S7) |
| <input type="checkbox"/> Deposit/Store Equipment and Materials (S23) | <input type="checkbox"/> Use Crane/Cherry Picker (S32) |
| <input type="checkbox"/> Make Alteration/Repair Footpath (S7) | <input type="checkbox"/> Permission for Temporary Alternative Access Across Kerb/Footpath (S32) |
| <input type="checkbox"/> Locate a Temporary Structure with a Drainage Easement (S23) | <input type="checkbox"/> Other (add description): |

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):
<hr/>	<hr/>
Postal Address:	ABN:
<hr/>	<hr/>
Contacts:	Email:
W:	M:
<hr/>	<hr/>
Contact for Application:	M:
<hr/>	<hr/>
On-Site/Emergency Contact:	M:
<hr/>	<hr/>
Are you a not-for-profit or charitable organisation?	<input type="checkbox"/> YES <input type="checkbox"/> NO
<hr/>	<hr/>

3. CONTRACTOR DETAILS (if different to Applicant)

Business Trading Name:	ABN:
<hr/>	<hr/>
Postal Address:	
<hr/>	
Contacts:	Email:
W:	M:
<hr/>	<hr/>

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

4. DEVELOPMENT APPROVAL

Is this application associated with work to be undertaken under a Development Approval?

No – proceed to next Section Yes – provide Application No:

Details:

5. LOCATION OF PROPOSED ACTIVITY/WORK

Footpath Road Nature Strip
 Open Space/Park Other:

Site Location/Description:

GPS Co-ordinates (if applicable):

Has "Dial Before You Dig" enquiry been undertaken? Yes No

What is the proximity to power lines and what precautions are you taking?

6. PROPOSED PERMIT AREA

Metres (length) X Metres (width) = Area m²

7. PERIOD APPROVAL/PERMIT REQUIRED

If proposed start date needs to be changed, the applicant must advise Council in writing. Further fees may apply.

Date From: Start Time:

Date To: Finish Time:

8. DESCRIPTION AND PURPOSE OF PROPOSED ACTIVITY

What is the reason for the work and what is the impact on the road/public land?

9. PUBLIC LIABILITY INSURANCE

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

Coverage is for at least \$20 million; and
 Cover the scope of the activity.

Name of Insured: Name of Insurer:

Policy No: Policy Expiry Date:

10. TEMPORARY ROAD CLOSURES / TRAFFIC MANAGEMENT / PEDESTRIAN CONTROL

Will the activity require special traffic, parking or pedestrian control measures? See section 15 for more information.

- No Proceed to next Section
- Yes – Road Closure
- Traffic Management Plan for road closure in accordance with the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices. Go to <https://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Manual-of-uniform-traffic-control-devices.aspx>
 - Queensland Police Service Road Closure Permit. Go to <https://www.qld.gov.au/environment/land/state/roads/closure>.
- Yes – Footpath Closure
- Traffic Management Plan as above if deemed necessary by Authorised Officer. See [MUTCD](#) as above.
- Yes – Car Park Closure
- Site map outlining area required.

Traffic Control Company Name:

TMR Registered No:

Contact Name:

P:

E:

Closure Location (attach site map):

Requested Dates

Requested Times

11. 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.

12. LOCAL NOT FOR PROFIT ORGANISATION OR SCHOOL FEE EXEMPTION APPLICATION

Not for profit organisations and schools located within the Douglas Shire that can demonstrate that the event/activity is beneficial to the community and is operated directly by the organisation.

Fee exemption applies to one-off/temporary events/activities only.

Eligible applicants must submit a Charity Certificate, Certificate of Incorporation and other evidence to demonstrate fee exemption criteria. A Statutory Declaration may be required.

	YES	NO
Are you applying for the Local Not for Profit Organisations and Local Schools fee?	<input type="checkbox"/>	<input type="checkbox"/>

If yes, please supply additional information:

Are you a not-for-profit or charitable organisation located within the Douglas Shire region? <i>If yes, attach Certificate of Incorporation or Charity Certificate with a local address.</i>	<input type="checkbox"/>	<input type="checkbox"/>
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Are you a school located within the Douglas Shire region?	<input type="checkbox"/>	<input type="checkbox"/>
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If you cannot supply any of the evidence above, a Statutory Declaration may be required.

How is the event/activity beneficial to the Douglas Shire community?

Details:

13. ACCOUNT DETAILS FOR REFUND OF BOND

The security bond must be paid at the time of application. Bonds will only be refunded if all conditions have been fulfilled and is subject to satisfactory inspection. Bonds will be refunded only to the person/organisation which originally paid the bond.

Account Name:

BSB:

Account No:

The account details entered is an account for the person/organisation that paid the security bond? YES

14. CHECKLIST AND SUPPORTING DOCUMENTS

	Applicant Supplied	N/A	Officer Checked
Have you read the conditions below and have all sections been completed and form signed?	<input type="checkbox"/>		<input type="checkbox"/>
Attach a copy of your Public Liability Insurance .	<input type="checkbox"/>		<input type="checkbox"/>
Copy of Organisation's incorporation/charity certificate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Traffic Management Plan/Parking Strategy and supporting documentation (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copy of Permit from Qld Police Service re road closures and traffic management (if applicable)..	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copy of any drawings or plans of proposed structure (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attach a site plan showing location of all signage in accordance with Manual of Uniform Traffic Control Devices (Main Roads), location and detail of all barriers and associated temporary objects, location of all Council Services and location of all drainage paths.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

15. 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:

Dated:

Douglas Shire Council – Information Privacy Statement

Your personal information has been collected for the purpose of assessing your Application for Approval. The collection of your information is authorised under the Local Government Act 2009. You are providing personal information which will be used for the purpose of delivering services and carrying out Council business. Your personal information is handled in accordance with the Information Privacy Act 2009 and will be accessed by persons who have been authorised to do so. Your information will not be given to any other person or agency unless you have given Council permission or the disclosure is required by law.

16. PRESCRIBED FEES (Applicable from 1 July 2020 to 30 June 2021)

Area Use Fees may be applicable.

<input type="checkbox"/> Temporarily Deposit Shipping Container/Skip Bin (up to 3 days and not in main street)	No fee
<input type="checkbox"/> Application fee	153.50

Area Use Fees (per square metre)

A - Macrossan Street, Port Douglas and Front St, Mossman

<input type="checkbox"/> - per week	4.00
<input type="checkbox"/> - per month	8.00

B - Port Douglas and Mossman Other

<input type="checkbox"/> - per week	2.50
<input type="checkbox"/> - per month	5.00

C - All other areas

<input type="checkbox"/> - per week	1.50
<input type="checkbox"/> - per month	3.00
<input type="checkbox"/> Security Bond	1,500.00

17. ACTIVITY DESCRIPTIONS

Make Alteration/Repair Footpath – To repair or make changes to pedestrian footpaths.

Construct/ Repair Planter Box/Garden Bed – To deposit a planter box or boxes or construct a garden bed on the Footpath/Road Reserve.

Permission for Temporary Alternative Access Across Kerb and Road Reserve – Temporary access permission to drive over the constructed kerb and channelling other than the driveway. **Examples:** house relocations, house construction, commercial development, and plant and machinery access.

Hoarding, Gantry, Scaffolding & Temporary Fencing – To place a temporary fence around a building or structure under construction or repair, to erect temporary scaffolding or site sheds and toilets.

Deposit/Store Equipment/Materials/Safety Fence – Temporary placement of building materials on the road reserve. **Examples:** general landscaping supplies, industrial bin, construction site office, building materials, vehicles, plant and machinery and temporary fences.

Temporarily Deposit Shipping Container/Skip Bin – domestic uses.

NOTES:

- i. **Public Land, Council Controlled Area** or local government controlled area means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government.
- ii. **Footpath** is the constructed strip of path for pedestrian use.
- ii. **Road** is the roadway and parking areas intended for vehicle use.
- iv. **Nature Strip** is the strip of land from the property alignment to the kerb including the footpath and is also known as the 'road reserve'.
- v. **Open Spaces/Parks** are parks and sporting areas; public plazas and built outdoor areas; buffering different land uses; or protecting waterway systems, habitat corridors, natural areas and conservation areas.
- vi. For **other application forms or permits**, please go to www.douglas.qld.gov.au/forms-permits/

18. TEMPORARY ROAD CLOSURE/TRAFFIC MANAGEMENT ADVISORY NOTES

1. Should the application be successful a 'Letter of No Objection' will be issued. This letter is used to obtain a Police permit.
2. The application is for the assessment of impact to all road users (e.g. pedestrian, cyclist and vehicular).
3. The 'Letter of No Objection' relates to the Traffic Management Plan only. The Council does not assess or approve the Traffic Guidance Scheme (e.g. plan indicating location of all traffic control devices).
4. It is the applicant's obligation to ensure the Traffic Guidance Scheme, for the proposed road closure, is in accordance with Queensland Transport's Manual of Uniform Traffic Control Devices (AS1742.3).
5. Local residents, businesses, bus and taxi companies directly affected are to be advised through public notices, media or letterbox notices prior to the approved road or verge closure.
6. If closure is related to special event that requires a prescribed activity permit under the Local Law, please use the event application forms stated at the top of this form.

Verge / Footpath Closure

1. For partial closures, the applicant must attach a sketch outlining the location of works, plant equipment, temporary fencing or pedestrian control and indicate the distance remaining for pedestrian access.
2. For full closures or partial closures with less than 1 metre available for pedestrian use, a Traffic Management Plan as outlined in the Queensland Transport's Manual of Uniform Traffic Control Devices (AS1742.3) must be submitted.

Queensland Police

Under section 96 of the Transport Operations (Road Use Management) Act, only Queensland Police Service has the authority to order the closure of any road temporarily. Queensland Police Service will only issue a Permit if the Local Government authority has agreed to the proposal by issuing a letter of no objection. The applicant must apply to Queensland Police Service for a permit prior to closures commencing.

19. STANDARD CONDITIONS

Schedule 7 – Alternation or improvement to local government controlled areas and roads

The approval holder, its contractors or agents must—

1. only carry out the approved works or activities at the location specified in the approval;
2. ensure unobstructed movement of vehicles and pedestrians;
3. operate within the hours specified on the approval;
4. 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;
5. 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;
6. lodge a security for performance bond in the amount decided by the local government and specified in the approval;
7. comply with any deadline for completion of the works or ceasing of the activity;
8. observe the standards specified in the approval in the carrying out the works or activity;
9. reinstate the area/road to the satisfaction of the local government's engineer following completion of the works or ceasing of an activity;
10. ensure the safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades;
11. comply with the requirements of relevant legislation, Australian standards and / or the FNQROC Development Manual; and
12. comply with all reasonable directions of an authorised person within the time specified by the authorised person.

Schedule 23 – Undertaking regulated activities on local government controlled areas and roads – (b) depositing or encroaching of goods or materials

For all applications, conditions that will ordinarily be imposed on an approval are such conditions that the approval holder must—

- (a) lodge a security for performance of any requirement under this local law or any condition of approval;
- (b) only conduct the activity in the locations specified in the approval;
- (c) conduct the activity only during the hours specified in the approval;
- (d) ensure unobstructed movement of vehicles and pedestrians;
- (e) 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;
- (f) indemnify the local government against all claims and liability, including claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the works or activity;
- (g) ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades to the satisfaction of an authorised person;
- (h) reinstate the road to its original condition upon ceasing the activity.

Schedule 32 – Carrying out works on a road or interfering with a road or its operation

The conditions that will ordinarily be imposed on an approval are—

- (a) the interference, works or activity must not significantly—
 - (i) detract from the capacity of the road to provide a vehicular and, where relevant, pedestrian thoroughfare;
 - (ii) cause a nuisance or danger to any person or property;
 - (iii) obstruct access from the footway to kerbside parking
 - (iv) affect the amenity of the area or the environment;
 - (v) affect existing services located in, on, over or adjacent to a road;
- (b) if the works or activities are the installation of a gate or grid in addition to the conditions above the following conditions must also be imposed—
 - (i) the approval holder must maintain the gate or grid in a condition that does not cause a potential safety hazards
 - (ii) maintain the road, for a distance of 10 metres on each side of the gate or the grid in good and sufficient repair—
 - A) so that vehicular and pedestrian traffic is not impeded or obstructed; and
 - B) to prevent or minimise the risk of personal injury or damage to property;
- (c) exhibit specified signage warning traffic and pedestrians about the gate or grid on the road and maintain the signs unless or until the gate or grid is removed.
- (d) location of such interference, works or activity;
- (e) measures to ensure unobstructed movement of vehicles and pedestrians;
- (f) duration or hours of operation of the activity;
- (g) 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;
- (h) 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 activity;
- (i) lodgement of security for performance in amount determined by an authorised person;
- (j) a deadline for completion of the works or ceasing of the activity;
- (k) standards to be observed in the carrying out of the works or activity;
- (l) reinstatement of the road by the approval holder to its original state following completion of the works or the ceasing of an activity; and
- (m) requirements to ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades to the satisfaction of an authorised person;
- (n) a requirement that the approval holder to enter into a binding contractual relationship with the local government regarding the maintenance and operation of the works or operation, and upon the activity ceasing, or the works no longer being required, the removal of the works by the approval holder.

20. SPECIFIC CONDITIONS

There are other standard conditions that relate specifically to the permit type. These plus any other specific conditions that have been determined during assessment will appear on the approval/permit document.