

**Prescribed Activity Application:**

**DISPLAY TEMPORARY ADVERTISING DEVICE ON PRIVATE LAND**

*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

**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**

**Street Address:**

**Lot/Plan No.**

**SECTION 4 – PROPOSED DAYS AND HOURS OF DISPLAY TIME**

Mon  Tues  Wed  Thur  Fri  Sat  Sun

**Start Time:**

**Finish Time:**

**OFFICE USE**

<b>Receipt Type: T34</b>	<b>Payment Amount: \$</b>	<b>Receipt No:</b>	<b>Date:</b>	<b>CSO:</b>
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**SECTION 5 – DESCRIPTION OF PROPOSED TEMPORARY ADVERTISEMENT**

**Type of Sign:**

(i.e. A-Frame, single, irregular, box)

**Construction Material:**

(i.e. metal, plywood, plastic)

**Dimensions of Sign:**

mm (Length) x

mm (Width)

**Portable method:**

(i.e. by hand, by towing etc)

**Is the sign illuminated?**

Yes  No

**Is the sign intended for commercial or private use?**

Commercial  Private

**Other information (if relevant):**

**SECTION 6 – 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 \$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.

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 <b>site plan</b> of proposed location of the portable advertisement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attach a copy of your <b>Public Liability Insurance</b> to the value of \$10,000,000.00 noting Douglas Shire Council as an interested party.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attach photo's or brochure of <b>proposed sign</b> (if applicable).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## DECLARATION

I \_\_\_\_\_ 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 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 2023 to 30 June 2024)

Application Fee

\$ 166.00

## CONDITIONS

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.

Conditions that will ordinarily be imposed on approvals—

- (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).

## 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

### What now?

If your application is approved, you will be contacted by an officer at the 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 (minimum \$20 million) 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 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 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](mailto: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](mailto:enquiries@douglas.qld.gov.au)

**WEBSITE:** [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au)