

Application for Approval of a Prescribed Activity (Installation of advertising devices - temporary)

ACTIVITIES THAT DO NOT REQUIRE APPROVAL UNDER THE AUTHORISING LOCAL LAW

The installation of an advertising device does not require approval under the authorising local law in the following circumstances—

- a) the installation of the advertising device is regulated under the local government's planning scheme; or
- b) the installation is of a permitted advertising device listed in subsection (2) that complies with the prescribed requirements for advertising devices in subsection (3) - **see relevant Council guidelines for further information**

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.

COMMERCIAL ACTIVITY:	
<input type="checkbox"/> Application for Approval of a Prescribed Activity (Installation of advertising devices)	See Schedule of Fees and Charges Environment Health and Local Laws

APPLICANT DETAILS:	
Applicant Name (Person(s) or Company):	
Business/Trading Name:	
Business Address:	
ABN:	
Postal Address of Business:	
Contact Name for the Application:	
Telephone:	
Mobile:	
Email:	

A. LOCATION INFORMATION (WHERE ACTIVITY IS TO BE CARRIED OUT):	
Property Address:	
Description of Location:	
Lot and RP/SP:	
Days and Times of operation:	

B. PUBLIC LIABILITY INSURANCE:	
Name of insurance company:	
Policy number:	Date policy expires: / /
Sum insured:	

DESCRIPTION OF ACTIVITY	
Nature of advertising device:	

SUPPORTING INFORMATION	
What measures will be taken to ensure that the amenity of the surrounding area will not be adversely affected?	
What measures will be taken to ensure that the activity will not cause a nuisance or danger to neighbouring residents/businesses?	
What measures will be taken to ensure that the activity does not significantly detract from the capacity of the road to provide a vehicular and, where relevant, pedestrian thoroughfare?	
What measures will be taken to ensure existing services located in, along, over or adjacent to the road/local government-controlled area will not be adversely affected?	

SUPPORTING DOCUMENTS (Please complete the checklist in full) ¹	(Please tick or indicate N/A where the question is not applicable)
Attached: Details of the advertising device including the dimensions, colour, content, materials and construction, where it is to be located, how it is to be affixed and, where necessary, an engineer's certificate for the structural adequacy of the device with reference to wind velocity loadings.	<input type="checkbox"/>
Attached: copy of Public Liability Insurance Certificate of Currency to the value of \$10,000,000.00 noting Mareeba Shire Council as 'named insured' party or an 'interested' party. ²	<input type="checkbox"/>
Attached: Payment of application fee	<input type="checkbox"/>

Conditions
<p>1. The following conditions are the conditions that must be imposed on an approval:</p> <p>(a) The dimensions of the sign shall not exceed the following -</p> <ul style="list-style-type: none"> (i) Under awning sign which is securely fixed under a permanent awning - length 2.4 metres; width 200mm; and (ii) Fascia sign which is painted to the fascia of the permanent awning - the face of the fascia; and (iii) Above awning sign which is securely fixed above a permanent awning - length 3 metres; width 200mm; depth 1.5 metres; and (iv) Wall mounted sign which is securely fixed to a wall of a building and does not protrude more than 1.2 metres from the wall length 1.2 metres depth 600mm; and (v) Roof sign which is securely fixed to either the roof or parapet wall at the front of a building - length 3 metres; depth 1.5 metres; and (vi) Sandwich board/A Frame sign placed on a footpath or public area must not be more than 900mm x 600mm or 0.54m² on each side of the sign; and <p>(b) All signs that protrude over a footpath by more than 50mm shall be a minimum of 2.4 metres above the footpath measured from the underside of the sign; and</p> <p>(c) Sandwich board/A frame - a portable sign used to advertise a business or goods and services available at the business must meet the following criteria -</p> <ul style="list-style-type: none"> (i) The sign may only be used when the business is open; and (ii) A maximum of (1) one sign per tenancy is permitted; and (iii) The sign must be placed on the property to which it refers, or where this is not practically possible immediately adjacent to the property; and <p>(d) The advertisement content shall not be offensive.</p>

¹ See *Subordinate Local Law No. 1 (Administration) 2018* sch 10(3).

² See Council's *Standard Requirements for Public Liability Insurance for Approval Holders* s 3, Insurance contracts and policies for public liability insurance - Council as an interested party options a) and b). Council will not accept policies under option (c) listing Council as a 'noted' interest. Specific amounts of insurance apply dependent on device type.

2. The following conditions are the conditions that will ordinarily be imposed on an approval:

- (a) The approval holder must comply with the local government's adopted Guidelines for the Management of Temporary Public and Community Events Banners and Signs;
- (b) The approval holder must comply with the local government's adopted Guidelines for Portable Sign Permit,
- (c) The device does not interfere with any underground utilities;
- (d) The device does not interfere with the road or its operation;
- (e) No portion of the sign can project over the carriageway or any surface used by motor vehicles;
- (f) The device is not located in a place that is likely to distract motorists, restrict sight distances on approaches to intersections, restrict the visibility of other authorised signs, or otherwise impact on safety;
- (g) The device is not located in a place that is likely to cause a safety hazard to other traffic (for example, pedestrians or cyclists);
- (h) The device does not flash, revolve or involve the production of sound or smell;
- (i) The device is not fastened to trees or road infrastructure (for example, signs or guardrails);
- (j) The device is not left in place in the event of extreme weather;
- (k) The device must be maintained in good condition at all times;
- (l) The device does not contain explicit, inappropriate or offensive content;
- (m) For the duration of the term of the approval, maintain in full force and effect a public liability insurance policy -
 - (i) Listing the local government as an interested party;
 - (ii) Covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
 - (iii) For an amount of no less than the amount listed in the local governments Requirements for Public Liability Insurance for Approval Holders published on the local government's website;
- (n) Prior to the commencement of the prescribed activity, provide the local government with a certificate of currency for the standard public liability insurance policy;
- (o) The local government must be indemnified against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the activity;
- (p) For an approval for installing a portable 'A' frame or inverted 'T' frame board sign -
 - (i) The size of the device must not exceed 600 millimetres (width) x 1200 millimetres (height);
 - (ii) The device must be fitted with a strut or other approved mechanism to ensure the sign can not close accidentally;
 - (iii) The device must be fixed or weighted so as to ensure stability;
 - (iv) All corners of the device must be chamfered;
 - (v) The maximum number of devices that may be installed for a business is -
 - A. For corner businesses - 1 device on each street frontage; or
 - B. In any other circumstance - 1 device;
- (q) The device must be placed at the roadside edge of the footpath and set back 0.3 metres from the kerb;
- (r) The device must be removed from the footpath during the hours when the business is closed;
- (s) The device must not be located within any landscaped area or garden bed.

3. The following criteria are the criteria that must be considered in deciding whether or not to grant an approval:³

- (a) the proposed installation of the advertising device is consistent with the prescribed requirements for advertising devices in section 2(3) of this schedule
- (b) the dimensions of the advertisement bear a reasonable relationship to the dimensions of surrounding building and allotments so that -
 - (i) its presence is not unduly dominating or oppressive; and
 - (ii) it does not unreasonable obstruct existing views;
- (c) the advertisement is consistent, in colour and appearance, with buildings and natural features of the environment in which it is to be situated;
- (d) the advertisement is in other respects consistent with the character and value of the environment in which it is to be situated.**

Signature:

Date:

Privacy Notice: Mareeba Shire Council is collecting applicant details in accordance with Council's Local Law in order to assess your application for approval. This information will only be accessed by Council employees and other persons authorised under the Local Government Act. Your information will not be given to any other person or agency unless you have given us permission or we are required by law.

³ Ibid sch 10(4)(1).

Release and Indemnity

In consideration of Mareeba 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.

If the Approval Holder is **an Individual**:

SIGNED by: _____
(print name of approval holder) (signature of approval holder)

in the presence of: _____
(print name of witness) (signature of witness)

on this _____ day of _____ 20____

If the Approval Holder is **a Corporation**:

SIGNED for and on behalf of: _____
(print name of corporation)

by: _____
(print name and position of representative person) (signature of representative person)

by: _____
(print name and position of representative person) (signature of representative person)

in the presence of: _____
(print name of witness) (signature of witness)

on this _____ day of _____ 20____

Office use only

CSO initials: _____ Receipt number: _____ Date: _____

Approval of a Prescribed Activity number: _____

Other: _____