

Display of commercial goods on council controlled land application

**Postal Address**

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Fees listed are applicable 1 July 2011 – 30 June 2012

ABN: 92 967 232 136

Applicant details:

Company/organisation name:

Contact person:

Postal address:

Daytime contact number:

Display information:

Location goods to be displayed:

Type of goods to be displayed:

Supporting information required to be submitted with this application:

- Application fee of \$310.00
- Evidence of a current public liability insurance policy to the value of \$20,000,000 together with the attached indemnity in council's favour executed by the applicant
- Photograph/s of the applicants adjoining commercial premises
- A letter of approval from the applicable State Government agency if the display area is to be established on a state controlled road
- A detailed site analysis plan (drawn to scale)
- Evidence of written permission to carry out the relevant work must first be obtained from the relevant State Government agency under the *Land Act 1994* if a proposal to establish a display area for the display of goods on road involves:
 - the erection of a permanent building or structure on the road;
 - other structural changes to the road; or
 - the attachment of a permanent fixture to the road.

Customer summary:

I acknowledge the information provided in this application is, to my knowledge not false or misleading. I understand that an annual fee is applicable to this licence.

Signature: Date:

Office use only

CSO: _____ Licence number: _____

Receipt number: _____ Amount: _____ Date: _____

Privacy statement

Moreton Bay Regional Council is collecting your personal information for the purpose of assessing your application for the display of commercial good on a council controlled land. The collection of this information is authorised under the Local Government Act 2009. Your information will not be given to any other person or agency unless you have given us permission or we are required by law.

Indemnity – for approvals granted under a Moreton Bay Regional Council Local Law:

This form must be completed and submitted with your application.

In consideration of Moreton Bay Regional Council ("council"), giving approval for:

(Name of activity to which the approval relates) ("the Activity")

At;

(Address/area where the activity is to be undertaken)

I/We;

(Applicant)

1. Agree to indemnify council and keep it indemnified against any claim, demand, action, suit or proceeding that may be made or brought against council, its employees, contractors and elected members for personal injury to or death of any person or loss of or damage to any property caused by, arising out of or as a consequence of the Activity;

2. Acknowledge that council has not made any claim, statement or inference with regard to the suitability of the facility or land for the Activity and I/we have satisfied my/ourselves in this regard.

Name of applicant:

Signature: Date:

Name of applicant:

Signature: Date:

Privacy statement

Moreton Bay Regional Council is collecting the personal information contained within this indemnity for the purpose of indemnifying council for approvals granted under a Moreton Bay Regional Council Local Law. The collection of this information is authorised under the Local Government Act 2009. Your information will not be given to any other person or agency unless you have given us permission or we are required by law.

All approvals will be subject to the following conditions:

- The applicant must acquire and maintain public liability insurance to the value of \$20,000,000 with council noted as an interested party
- The display area is to be established on a footway only if the relevant section of footway is adjacent to land associated with the business and where, in the opinion of the local government:
 - there is sufficient capacity on the footway to accommodate the establishment of the display area; and
 - the operation of the display area will not unduly interfere with the proper use of the road, in the preferred location of the display area
- The display area must be established as an integral component of an existing or proposed commercial premises located in an adjacent building with frontage to a road.
- The display area is limited to the following situations:
 - at least one (1.0) metre from the boundaries of adjacent shop fronts;
 - is not more than 50% of the subject properties frontage;
 - does not exceed 1.8 metres in height; and
 - is clear of any public utilities, e.g. telephone booth, litter bins
- The display area is designed in such a way as to enable unobstructed pedestrian movement along the relevant footway and a minimum clear pedestrian way width of 2.0 metres is to be maintained at all times for this purpose; unless specified otherwise in the conditions of an approval.
- The display area is designed so that pedestrians, when using the relevant footway, are not required to move out from under any shop awning over the footway.
- The layout of a display area is designed so that it does not impede clear sight lines for road signage, vehicles or pedestrians at road junctions, vehicle access crossovers or pedestrian crossings.
- The establishment and use of a display area must neither conflict with, nor inconvenience, other commercial premises or business establishments in the immediate vicinity, nor obstruct access to neighbouring properties.
- If an umbrella is to be used in association with a display area then, for safety reasons, it must have a minimum clearance above the footway of 2.2 metres measured perpendicular from the lowest point of the extended arms (spokes) of the umbrella, and the umbrella must be securely anchored and is capable of being taken down in adverse weather conditions or as directed by an authorised person.
- All display furniture used in association with a display area is of sufficient weight and structure that the display furniture will not create a public nuisance, health or safety risk in adverse weather conditions; pallets and cardboard boxes must not be used in a display area unless screened to the satisfaction of the local government.
- Any food, including fruit and vegetables, displayed or stored in a display area will be at least 750mm above ground level; and any vehicles, liquor products or flammable liquids, poisons or other dangerous goods will not be displayed or stored in a display area.
- The display area will be kept clean and tidy at all times and, upon receipt of a notice of the local government to steam-clean the area within a specified period, the operator must comply with the notice.
- All display furniture used in a display area is capable of being removed from the display area each day at the close of the operator's business.
- Copy of the public liability insurance is current.
- Amplified noise will not create a nuisance.
- The approval holder must maintain a public liability insurance policy to the value of \$20,000,000 together with an indemnity in council's favour executed by the applicant.
- In circumstances deemed appropriate by the local government, in a particular case, the approval holder, their employee or their agent must comply with a notice from the local government specifying the times on any day during which the display area may, or may not, be open for business. A notice may include making the road reserve available on a particular date and/or at a particular time for a special event.
- The approval holder or their employee or their agent must accept responsibility for any damage caused to the local government's public infrastructure arising from the operation of the operator's display area and the operator, at the operator's own cost, must, upon becoming aware of any such damage, take immediate steps to repair the damage.
- The approval holder or their employee or their agent must not cause or permit any amplified music or other noise associated with the operation of the display area to be emitted so as to be a nuisance; and any such music or other noise is a nuisance if, at any time, the adjusted average noise level emitted from the display area exceeds 60dB(A), measured outside any affected place (see *Environmental Protection (Noise) Policy, 2008*).
- The public liability insurance policy or a certificate of its currency, referred to in the above-mentioned paragraph must be submitted to the local government prior to carrying out of the activity.
- The approval holder must indemnify and keep indemnified 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 an approval.
- If the approval holder, their employee or their agent damages the road, or any public infrastructure within the road, they must:
 - take immediate steps to make the area safe and maintain the area in a safe condition until all necessary repairs are effected;
 - report the damage to the local government; and
 - pay to the local government amount it would cost for the local government to have the damage to the road rectified.