

# Permit to Use Public Road For Mobile Food Van 2023/2024

Permit for use of a Public Road for Business Purposes, Section 222, Local Government Act 1999  
Please read and fully understand permit conditions on the reverse side of this application.

Permit Holder			
Company Name:			
Contact Name:			
Postal Address:			
Phone Number:			
Email:			
Vehicle Details:			
Type of Activity			
<p>_____</p> <p>_____</p> <p>Please provide SA Food Business Notification Number: _____</p>			
Permit Area – to those areas identified within the Location Rules			
<p>_____</p> <p>_____</p>			
Permit Fees 01/07/2023 – 30/06/2024 - \$900 per year or \$225 per quarter			
Amount Paid _____ (Yearly)	Date _____	Receipt _____	
Amount Paid _____ (Quarter)	Date _____	Receipt _____	
Amount Paid _____ (Quarter)	Date _____	Receipt _____	
(If paying quarter, payment to be made prior to end of each quarter)			
Expiry Date – Start & End Date			
_____ / _____ /20_____ to _____ / _____ /20_____			
Declaration			
I hereby acknowledge, understand and agree to comply with all conditions relating to this permit. I further agree that this permit will be revoked upon any breach of the conditions.			
Applicant's Signature			
I have read and agree to comply with and understood the Standard Permit		Yes	No
Name:			
Signature:		Date:	

Permit Checklist			
Copy of Public Liability Insurance (\$20 million)	Yes	No	
Site Plan (Including toilet access to be indicated)	Yes	No	
Approved by Authorised Officer:			
Name:			
Signature:		Date:	

# Standard Permit Conditions

All public roads in the Council area are vested in the Council.

The Council, having complied with all relevant consultation obligations under the *Local Government Act 1999*, grants this Permit to authorise the Permit Holder to use public roads for business purposes subject to the general and any special conditions stipulated below, by the Location Rules or otherwise notified to the Permit Holder from time to time.

1. The Permit Holder is authorised to conduct the Mobile Food Vending Business on a road in the Council area subject to the conditions set out in this permit.
2. The permit is subject to the payment of a permit fee. The Permit Holder may elect to pay either an annual fee or a monthly fee.
3. The permit will operate from the Commencement Date and will expire on Completion Date
  - in respect of a permit for which the Annual Fee has been paid, 12 months after the Commencement Date; and
  - in respect of a permit for which a Monthly Fee has been paid, 1 month after the Commencement Date,

unless cancelled earlier by the Council in accordance with the *Local Government Act* and the *Local Government (General) Regulations 2013*.

4. The Permit Holder may only operate the Mobile Food Vending Business from a location which is consistent with the location rules for mobile food vending businesses endorsed and published by the Council from time to time. The Location Rules are available from Council's website: [www.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au)
5. This permit does not provide the Permit Holder with exclusive access to any location in the Council area from which to operate the Mobile Food Vending Business.
6. The Permit Holder must vacate the location in which the Mobile Food Vending Business has operated at the end of each trading period.
7. The Permit Holder must ensure that the operation of the Mobile Food Vending Business does not unduly interfere with:
  - vehicles driven on the road;
  - vehicles parking or standing on roads;
  - a parking area for people with disabilities (within the meaning of rule 203(2) of the *Australian Road Rules*);
  - public transport or cycling infrastructure (such as bus zones, taxi zones and bike lanes);
  - other road related infrastructure; or
  - infrastructure designed to give access to roads, footpaths and buildings.
8. The Permit Holder must comply with requirements of:
  - the *Local Government Act 1999* and the *Local Government (General) Regulations 2013*;
  - the *Food Act 2001*;
  - the *South Australian Public Health Act 2011*;
  - the *Environment Protection Act 1993*;
  - the *Local Nuisance and Litter Control Act 2016*;
  - the *Motor Vehicles Act 1959* and *Road Traffic Act 1961*;
  - any law or legislative provision relating to electrical or gas installations or appliances; and
  - any other relevant law or legislative provision relating to health, safety or the environment,

when operating the Mobile Food Vending Business.

9. The Permit Holder is responsible for all waste (including liquid waste) and litter created by the Mobile Food Vending Business or its customers. The Permit Holder must ensure that all waste and litter caused by the Mobile Food Vending Business or its customers is removed from the location in which the Mobile Food Vending Business has operated prior to leaving that location. Council provided rubbish bins may not be used by the Permit Holder for the disposal of waste or litter.
10. The Permit Holder must provide a copy of the Permit Holders current certificate of insurance. The Permit Holder must take out

and maintain during the term of the Permit a public liability insurance policy for a minimum amount of twenty million dollars (\$20,000,000.00) whenever the Mobile Food Vending business is operating. Evidence of the insurance held by the Permit Holder must be provided to the Council or an authorised person on request.

As a continuing obligation and except to the extent caused by the Council's negligence, the Permit Holder indemnifies and will keep indemnified the Council from and against all actions, costs, claims, damages, charges and expenses whatsoever that may be brought, made or claimed against or otherwise incurred by the Council arising out of or in connection with:

- a breach of this Permit by the Permit Holder;
- the Permit Holder's use and occupation of the Permit Area; and/or
- the granting of this Permit by the Council.

The Permit Holder releases the Council and its employees, agents and contractors from all and any claims, demands, actions, suits, proceedings, losses and damages of any kind resulting from any loss, accident, damage, injury or death occurring in connection with the Permit Holder's use of the Permit Area or the granting of this Permit except to the extent caused by the Council's negligence.

11. A breach of a condition of this permit may result in a penalty of up to \$2,500 or the cancellation of this permit.
12. If the permit is cancelled, the Permit Holder must inform any Council which has also issued a current mobile food vending permit to the Permit Holder of the cancellation as soon as is reasonably practicable after receiving notice of the cancellation. A failure to provide notice may result in a penalty of up to \$500.
13. If this permit is cancelled, the Permit Holder may be prohibited by the Council from applying for a mobile food vending business permit for a period of up to 6 months (Prohibited Period). The Permit Holder must inform Council to which the Permit Holder makes an application for a mobile food vending business permit during the Prohibited Period of the cancellation as soon as is reasonably practicable after receiving notice of the cancellation. A failure to provide notice may result in a penalty of up to \$500.
14. This permit is personal to the Permit Holder and may only be transferred with the prior written approval of the Council.
15. The Permit Holder must be able to produce this permit at all times when conducting the Mobile Food Vending Business, if requested to do so by an authorised person.
16. In this permit:  
**authorised person** means an authorised person appointed by the Council pursuant to the *Local Government Act 1999*.

**operating** a mobile food vending business includes:

- (a) the handling and preparation of food intended for sale;
- (b) the selling of food;
- (c) transporting the mobile food vending business to, from and within the Council area;
- (d) parking the mobile food vending business; and
- (e) setting up and dismantling the mobile food vending business.