



# Mobile Food Vendor Permit Application Form

Please use this form to apply to Council for a mobile food vendor permit  
This form relates to the Mobile Food Vendor Operating Guidelines

I/We .....  
(hereinafter called "the Permit Holder")

Of .....  
(Address)

hereby make application for a Permit to use a portion of public land described herein for business purposes pursuant to Section 222 of the *Local Government Act 1999*, as amended in accordance with the information described below.

Location of land as set out in Council's Mobile Food Vendor Operating Guidelines

.....  
(hereinafter called "the defined area")

Proposed use of land .....

**(NATURE OF BUSINESS/EVENT:** e.g. Ice-cream, Take-away Food)

Vehicle registration and description (includes towing vehicle) .....

.....  
Name of registered business, if applicable .....

## THE APPLICANT HEREBY AGREES THAT THE APPLICANT SHALL:

- A. Comply with the general conditions of the Permit as contained herein
- B. Comply with the Mobile Food Vendors Operating Guidelines
- C. Comply with any special conditions that Council may determine and attach to this Permit
- D. Comply with all directions that Council may determine from time to time
- E. Comply with conditions prescribed in Section 222 of the *Local Government Act 1999*, as amended
- F. Provide Council with evidence of all appropriate insurances as required by the General Conditions.

## GENERAL CONDITIONS OF PERMIT

1. 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.

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**public road** has the meaning given in the *Local Government Act 1999*.

2. The Permit Holder is authorised to conduct the Mobile Food Vending Business from the vehicle identified above on a road in the Council area subject to the conditions set out in this permit.
3. 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.
4. The permit will operate from the Commencement Date and will expire:
  - 4.1. in respect of a permit for which the Annual Fee has been paid, 12 months after the Commencement Date, and
  - 4.2. in respect of a permit for which a Monthly Fee has been paid, 1 month after the Commencement Date
  - 4.3. in respect of a permit for which a Daily Fee has been paid, 24 hours after the Commencement Dateunless cancelled earlier by the Council in accordance with the Local Government Act 1999.
5. The Permit Holder may only operate the Mobile Food Vending Business from a location that is consistent with the guidelines for mobile food vending businesses published by the Council (available at [www.wattlerangecouncil.sa.gov.au](http://www.wattlerangecouncil.sa.gov.au)).
6. This permit does not provide the Permit Holder with exclusive access to any location in the Council area from which to operate a Mobile Food Vending Business.
7. The Permit Holder must vacate the location in which the Mobile Food Vending Business has operated at the end of each trading period. The Permit Holder's vehicle must not park overnight in the approved location.
8. The Permit Holder must ensure the operation of the Mobile Food Vending Business does not unduly interfere with:
  - 8.1. vehicles driven on the road
  - 8.2. vehicles parking or standing on roads
  - 8.3. a parking area for people with disabilities (within the meaning of rule 203(2) of the Australian Road Rules)
  - 8.4. public transport or cycling infrastructure (such as bus zones, taxi zones and bike lanes)
  - 8.5. other road related infrastructure, or
  - 8.6. infrastructure designed to give access to roads, footpaths and buildings.
9. The Permit Holder must comply with requirements of:
  - 9.1. the *Local Government Act 1999* and the *Local Government (General) Regulations 2013*
  - 9.2. the *Food Act 2001*
  - 9.3. the South Australian Public Health Act 2011
  - 9.4. the *Environment Protection Act 1993*
  - 9.5. the *Local Nuisance and Litter Control Act 2016*
  - 9.6. the *Motor Vehicles Act 1959* and *Road Traffic Act 1961*
  - 9.7. any law or legislative provision relating to electrical or gas installations or appliances, and
  - 9.8. any other relevant law or legislative provision relating to health, safety or the environmentwhen operating the Mobile Food Vending Business.
10. The Permit Holder must comply with all parking controls as signed.
11. The Permit Holder is responsible for all 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

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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.

12. The Permit Holder shall take out and keep current a public risk insurance policy for the minimum sum of twenty million dollars (\$20,000,000) insuring the Permit Holder against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought or made or claimed against the Council or the Permit Holder or both in relation to the use of the defined area. Evidence of the insurance held by the Permit Holder must be provided to the Council or an authorised person on request.
13. A breach of a condition of this permit may result in a penalty of up to \$2,500 or the cancellation of this permit.
14. 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.
15. 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).
16. This permit is personal to the Permit Holder and is not transferrable.

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.
17. For the term of this Permit, the Permit Holder will comply with all applicable industry health and safety standards.
18. Council does not warrant that the location is fit for any purpose or is safe.
19. If Council gives a consent, approval or direction, accepts any work or inspects anything for the Permit Holder, Council does not have a duty of care to the Permit Holder for that thing and the Permit Holder is not to any extent relieved from his/her obligations to comply with these conditions.
20. The Permit Holder agrees to comply with any direction given by any authorised person pursuant to this Permit. Failure to comply with a direction will be taken as failing to comply with a condition of this Permit.
21. The Permit conditions may be amended at any time by the issuing authority with or without consultation with the Permit Holder. The Permit Holder will be notified of the changes in writing.
22. The Permit Holder's vehicle and equipment must remain in the approved location and must remain on roads intended for public vehicular traffic or car parks at all times.
23. Council must be notified in writing within 14 days where there has been a change to the ownership of the business or a change to the approved activity contained in this Permit or a change to the circumstances that would affect the validity of this Permit. A new Permit may need to be issued.
24. The Permit Holder is not permitted to enclose any area with screens or similar structures or provide tables and/or chairs without written approval from Council.
25. The Permit Holder will ensure that the operation of their business does not cause a nuisance or impact adversely on the community amenity, environmental health, the safety of visitors or cause a nuisance to nearby residents.
26. The Permit Holder shall maintain in a safe condition all land or other additions pursuant to the granting of the Permit and will not take any action that will or is likely to cause degradation of the land subject to this Permit or any nearby land. The Permit Holder is to observe any reasonable direction given by Council in relation to the protection of such areas.

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27. The Permit Holder accepts total responsibility to make good any damage that occurs to Council property as a result of the operation of a mobile vending business.
28. Authorised persons appointed by Council will monitor mobile vending activities and operators are required to comply with any direction issued by such an officer.
29. If the Permit Holder is more than one person, each is bound jointly and severally.
30. The Permit Holder agrees to indemnify and to keep indemnified and to hold harmless the Council, its servants and agents and each of them from and against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought or made or claimed against them or any of them arising out of or in relation to the granting of such Permit or by reason of the use of or access to the defined area.
31. The Permit Holder shall not transfer, sub-permit, mortgage or deal with its rights under this Permit in any way whatsoever.

## **PERMIT FEES**

The Permit fee shall be: \$1,500 per annum **or** \$150 per month **or** \$50 per day

**(circle permit sought)**

## **SPECIAL CONDITIONS**

The following are to be provided with the Permit Application:

1. Copy of the current cover note or similar in relation to your Public Liability Policy.
2. Copy of Food Business Number
3. Copy of the vehicle/s registration certificate
4. Photographic image of the registered mobile food vehicle/s and the proposed set up including any signage.

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**Signed by the Applicant**

In making this application, I/we acknowledge that I/we have read, understand and agree to be bound by the Conditions of the Authorisation and declare that the particulars provided by me/us with regard to the Proposed Use are true and accurate.

Name: .....

Signature: .....

Phone: .....

E-mail: .....

Dated the ..... day of .....

**Signed by or on behalf of Wattle Range Council**

Name: .....

Position: .....

Signature: .....

**Council Authorisation**

Insurance    Yes/No    Permit    Approved/Denied    Fee: \$.....

Signed: ..... Dated:.....

**Form to be retained on relevant file.**

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