



- Changes to the Local Government Act 1999 came into effect in September 2021 which altered the permitting of mobile food vending businesses in South Australia.
- As a result of the changes, there is no longer the legislative requirement to issue specific permits for all mobile food vending businesses nor the requirement for specific location rules and associated council policies.
- In November 2021 Kangaroo Island Council revoked its *Mobile Food Vendor - Policy* and *Mobile Food Vendor – Procedure* and made changes to Council's Fees and Charges Schedule as result of the above mentioned changes.
- Mobile Food Vendors who solely operate from private land are no longer required to be licenced under the Local Government Act reforms, however development and food safety legislation and legislate fees are still applicable.
- Whilst the specific requirements to issue permits for mobile food vending businesses has been abolished, persons wishing to use a public road or local government land for business purposes must still be authorised to do so by a permit issued under the *Local Government Act 1999*.
- The former Mobile Food Vendor Permit did not cover the operator for the business use of local government land and a separate application was required. To simplify the permit system for Mobile Food Vendors and other Business users across both public roads and local government land, Council created a **Combined Local Government Land/Road Trading and**

Business Permit. Annual or Monthly Permits are available.

- Council has also set the terms and conditions with respect of a Mobile Food Van's proximity to fixed food businesses (a food business located in bricks and mortar venue).

"The Mobile Food Van may not operate or advertise its business within 25m walking distance of any 'bricks & mortar' restaurant, café or take-away food business unless that business is not actively or presently trading (ie ceased or not commenced trading for the day or otherwise temporarily closed) or otherwise with the written consent of the business owner."

- Standard Operating Terms are attached but are subject to change dependent on circumstances.
- Application Forms to use of Local Government Land or Roads can be found at: <https://www.kangarooisland.sa.gov.au/services/forms>
- For more information contact Council on (08) 8553 4500 or email kicouncil@kicouncil.sa.gov.au

TERMS AND CONDITIONS
PERMIT FOR OPERATING MOBILE FOOD BUSINESS ON ROADS
AND/OR
ROAD RELATED AREAS OF LOCAL GOVERNMENT LAND

1. The permit holder, where appropriate, shall ensure that it is licensed or registered to carry out the activity authorised by the issuing of this permit.
2. This permit is subject to the permit holder complying with all requirements of the *Food Act (2001)* and the *Australian New Zealand Food Standards Code*.
3. Inspections of mobile food vending vehicles (MFV) are conducted by Council's Environmental Health Officer's (EHOs) who are authorised officers under the *Food Act 2001*. The frequency of inspections will be dependent on the duration of the permit issued, and included as part of the cost of the permit. If the EHO is of the opinion that a MFV requires additional inspections then the MFV will be subject to such further frequent inspections as deemed by the EHO and fees and charges will apply as set out in Council's fee and charges.
4. The MFV must be kept clean and in a good state of repair and working order, ensuring road worthiness and that noise, fumes, smoke, foul odours and other contaminants are not generated.
5. The MFV must be fitted with fire extinguishers in accordance with the Australian Standard.
6. The business may only operate on the roads and road related areas of local government land on Kangaroo Island, between the dates and between the times (if specified) as indicated on the permit.
7. This permit does not allow the permit holder to operate their business on any non road related area of a park, garden, reserve or other local government land managed by Council. *[Please contact Council to discuss an appropriate licence should you wish to operate your business on any Council managed non road related land]*.
8. Not all road related areas under the *Road Traffic Act 1961* and *Australian Road Rules* located on Kangaroo Island are under Council's care and control. As such these areas are NOT covered by this Permit. Permit holders must make separate arrangements with private landowners or occupiers.
9. This permit does not secure exclusive access to or use of any road or local government land.
10. This permit is for daily operation only, the MFV and everything associated with the business must be removed from the road or local government land at the close of business on each and every day of operation. The MFV cannot be left closed and unattended overnight in situ to reopen in the same location on a future date. *[Please contact Council to discuss an appropriate licence should you wish to set up and leave your MFV in a given location for a longer period]*.
11. This permit does not provide for the placement of tables, chairs or other seating apparatus.
A separate application must be made to Council for the set-up of furniture for customer use, noting the Outdoor Dining Policy may apply.
12. Supply and sale of liquor is not permitted under this Permit. A separate liquor licence or permit must be obtained.
13. The MFV is to arrive fully equipped at all trading locations and the business must not receive any deliveries while operating on any road or local government land.
14. The business may not operate or advertise its business within 25m walking distance of any 'bricks & mortar' restaurant, café or take-away food business unless that business is not actively or presently trading (ie ceased or not commenced trading for the day or otherwise temporarily closed) or otherwise with the written consent of the business owner.
15. Subject to 13. above, temporary signage is subject to Council By-law 2. Moveable Signs.
16. During annual festivals, parades or special events, Council may further restrict the operation of the permit holder, unless the business is incorporated as part of the event. Council will provide not less than 30 days notice of any additional restrictions under these conditions.
17. For road safety purposes, the MFV must not operate or advertise its business on any road or road reserve or roadside with a traffic speed designated above 60 km/h without the express written consent of Council.
18. For road safety purposes, the MFV and any tow vehicle must not operate its business in *diagonal* parking bays,

19. Operation of the business shall not unduly interfere with:
- a. Vehicles driven on roads;
 - b. Vehicles lawfully parking or standing on roads (ie parking time limits are to be observed);
 - c. A parking area for people with disabilities (within the meaning of rule 203(2) of the Australian Road Rules);
 - d. Public transport or cycling infrastructure (such as bus zones or bike lanes); or e. Other road related infrastructure;
 - f. Infrastructure designed to give access to roads, footpaths and buildings.
20. Operation of the business, including the behaviour of its patrons, shall not unduly interfere with or cause a nuisance, (noise, light or otherwise) to other road or local government land users or neighbours.
21. The permit holder agrees to indemnify 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 issuing of the permit.
22. The permit holder shall take out and keep current a public risk insurance policy in the name of the permit holder insuring the permit holder for the minimum sum of twenty million dollars (\$20,000,000) against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought or made or claimed against the permit holder or Council in relation to the activity.
23. The permit holder must provide confirmation of insurance to the Council. Such policy shall bear the endorsement of the Insurer indicating the Insurer accepts the indemnity given by the permit holder.
24. The permit holder shall comply with and give all notices required by any Act of Parliament, Ordinance, Regulation or By-law relating to the activity.
25. The permit holder agrees to comply with all reasonable directions of Council Officers relating to the activity and this permit, including a direction to cease trading.
26. The permit holder shall ensure that all road or local government land used by the business are left in a clean and tidy condition at the end of day of activity. Failure to do so may result in cancellation of the permit and the possibility of additional cleaning/restoration fees being charged.
27. The cost of repairs to any Council property damaged as a result of the activity may be on- charged to the permit holder.
28. Access to and use of Council electricity and water at any given site is prohibited unless by separate written agreement with the Council for which a usage fee will be charged separately, in advance, and which may be reviewed and increased, on reconciliation of accounts, if applicable.
29. The Permit holder is to provide receptacles for the placement and disposal of all waste/recycling and packaging generated by the business, including discarded packaging as a result of patrons consuming in the vicinity of the business. Council placed public waste and recycling bins are not to be used. Waste Management on Kangaroo Island is managed by Fleurieu Regional Waste Authority [FRWA]. It is the responsibility of the Permit Holder to make arrangements with FRWA in relation to their Waste Management needs.
30. Council advises you to notify SAPOL of your business activities and location, no matter how small, so that they can be prepared and provide support if you have any security issues.
31. This permit is not transferable and must be produced and shown to a Council Officer upon request.
32. The permit holder agrees to reimburse Council for all reasonable costs and expenses incurred by Council as a result of the failure of the permit holder to comply with any these terms and conditions.
33. A failure to comply with any of the terms and conditions of this permit may result in a fine or expiation under legislation or Council By-laws and/or cancellation of the permit.
34. Cancellation may be of immediate effect if Council determines the cancellation is due to breach which affects the health or safety of the public, or otherwise to protect the public interest.