

MOBILE FOOD VENDING ON PRIVATE LAND



FACT SHEET

Are you a Mobile Food Vendor?

Are you wanting to trade on private land occupied by another business?

If you are wanting to operate your Mobile Food Vending business outside of Section 222 of the Local Government Act 1999 and the associated Permit then this information is for you.

A Mobile Food Vendor operating from private land does not constitute “development” requiring development approval under the *Planning, Development and Infrastructure Act 2016* where:

1. the existing business operating from the site is not a food business; **and**
2. the area occupied by the Mobile Food Vendor operation is 30 square metres or less; **and**
3. the Mobile Food Vendor activity does not have a significant detrimental effect on the amenity of the locality or any part of the locality in which the Mobile Food Vendor is operating (including; dust, odour, emission, noise, vibration, waste management, traffic congestion, parking, access and egress); **and**
4. the Mobile Food Vendor is not contravening the conditions of development approval applicable to the host site.



This means that you cannot occupy a car park, egress, access, vehicle circulation areas, areas for waste storage or evacuation of the host site as this would be contravening the conditions of development approval; and

5. the Mobile Food Vendor is present only on occasion at the host site, for its presence and the associated business activity to be considered “trifling and insignificant”. This means that it cannot be permanent, it must be temporary and sporadic in nature. The Council considers the operation of a maximum of once (1) a month to be considered temporary and sporadic in nature.

If you are able to meet all of the requirements above then the operation of the Mobile Food Vendor does not constitute “development” and therefore does not require development approval.

However, should issues arise in relation to the operation of the Mobile Food Vendor, Council has the power to determine that the operation is detrimentally affecting the locality; contravening a development approval or is no longer temporary in nature. The Council may direct you to remove your Mobile Food Van and obtain development approval in order for you to continue operating at the site.

Please always seek planning advice before establishing your Mobile Food Van on private land.

CONTACT US

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