Roadside Stalls CS-CP-304

(LOCAL POLICY)

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	8 Nov 2005	444	8 Nov 2005
2	11 May 2010	0142	11 May 2010
3	13 Aug 2013	0255	13 Aug 2013
4	22 Aug 2017	17/205	22 Aug 2017

2 Policy Objective

- To provide clear objectives and guidelines to enable the sale of farm produce from roadside stalls in accordance with the Griffith Local Environmental Plan 2014 (GLEP 2014); and

- To allow locally grown Griffith produce to be marketed from the property whilst ensuring that any potential hazards associated with this activity are minimised.

3 Policy Statement

3.1 Development Considerations

3.1.1 Zoning and Permissibility

3.1.1.1 Roadside stalls for the purpose of this policy must be permissible under the relevant zoning under GLEP 2014.

3.1.1.2 Roadside stalls are classified as exempt development and are permissible without development consent where they are located on land zoned RU1 Primary Production and RU4 Primary Production Small Lots under the provisions of the GLEP 2014 and that:

a) Any proposed structure meets the development standards set down in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008; and
b) The roadside stall does not have direct access to a classified road or a connecting road within 90m of a classified road.

3.1.1.3 Where the roadside stall is permissible with consent in another zone or that it does not meet the exempt provisions set out in 3.1.1.2 a development application must be submitted to Council for assessment and determination.

Note: Should the zoning of land change due to an LEP amendment or the like, each stall holder should refer to this policy to determine whether the roadside stall is permissible with or without development consent.

3.1.2 Dimensions of Stall

3.1.2.1 The number of roadside stalls permitted on each farm shall not exceed one (regardless of whether it has more than one road frontage or consists of more than one allotment).

3.1.2.2 The size of the roadside stall shall not exceed 40m2 in floor area, 2.5m in height and a maximum width of 3m.

3.1.3 Produce

3.1.3.1 Only locally grown (unprocessed) produce may be sold from the roadside stall.

3.1.4 Health Requirements

3.1.4.1 The Food Safety Standards 3.2.2 requires a food business to notify its business information to the NSW Food Authority (prior to the food business commencing any food handling operations) at www.foodnotify.nsw.gov.au or the NSW Food Authority (fees apply).

3.1.4.2 The premises must comply with the Food Act 2003 and the Australian and New Zealand Food Safety Standards.

3.1.4.3 Annual inspections shall be carried out at the discretion of Council's Environmental Health Officer at a fee prescribed in Council's Revenue Policy.

3.1.5 Location

3.1.5.1 The roadside stall shall be located wholly within the subject property and not located within the road reserve.

3.1.6 Building Design

3.1.6.1 The design of the structure used for the roadside stall shall not detract from the character of the locality.

3.1.6.2 The roadside stall may be fixed or moveable. Where the building/structure is moveable, it shall be constructed in such a manner that it is stable in all weather conditions.

3.1.6.3 The roadside stall shall be constructed with good quality materials, painted or decorated in such a way that it is not offensive or detracts from the surrounding environment, nor unreasonably distractive for motorists using roadway(s) in the vicinity of the roadside stall; all to the discretion of Council's Director of Sustainable Development (or equivalent position) or their nominated delegate.

3.1.6.4 No lighting or illumination of the roadside stall is permitted.

3.1.6.5 No electricity is to be supplied to the roadside stall.

3.1.7 Vehicular Access and Parking

3.1.7.2 Entry/exit driveways, maneuvering and parking areas are to be constructed of an all-weather gravel surface and shall be maintained for the life of the development.

3.1.7.3 Access to the roadside stall from a roadway shall be sited in a manner that enables motorists to safely enter and exit the premises in a forward direction.

3.1.7.4 Where separate entry/exit driveways are proposed, each driveway shall be signposted and a minimum of 4m in width. Where a combined entry/exit driveway is proposed the combined driveway shall be a minimum of 6m wide.

Note: Council approval is required for the construction of all new driveways.

3.1.7.5 A minimum of two parking spaces shall be provided wholly within the site to service the roadside stall.

3.1.7.6 A continuous separation (e.g.: landscaped/grassed nature strip) shall be provided between the site activities and the road frontage (excluding driveways).

A separation with a minimum depth of 3m from the site boundary (with no advertising signage or displays), is required.

3.1.8 Hours of Operation

3.1.8.1 The roadside stall shall only be permitted to operate during daylight hours only. Daylight hours are defined as the period between one hour after local sunrise and one hour before local sunset.

3.1.9 Security

3.1.9.1 Adequate arrangements shall be put in place to secure the roadside stall outside the hours of operation.

3.1.10 Advertising Signage

3.1.10.1 To maintain the rural character of the surrounding area, only one advertising sign is permitted;

3.1.10.2 A single, well designed advertising sign located within the property is deemed to provide effective identification of the roadside stall.

3.1.10.3 Advertising signage must meet the requirements of State Environmental Planning Policy 64 – Advertising and Signage and any Council Development Control Plans and/or policies relating to advertising signage.

3.1.10.4 Advertising signage shall not be located within the road reserve.

3.1.10.5 Free standing signs and sign on trees, electricity, telephone poles or other inappropriate structures shall not be permitted. Likewise, signs adversely affecting authorised traffic signs shall not be permitted.

3.1.10.6 No signs shall be illuminated, constructed from reflective materials or replicate/compromise authorised RMS traffic signs.

3.1.10.7 Advertising signage shall not exceed a total maximum area of 1.5m2, and shall not extend above the height of the stall (2.5m).

3.1.10.8 A sign shall not display more than 60 characters (letters, digits or symbols) and not more than one logo.

3.1.10.9 Characters (letters, digits or symbols) shall have minimum dimensions of 150mm x 150mm and maximum dimensions of 350mm x 350mm.

3.1.10.10 Advertising signage and the surrounding vegetation shall be maintained in such a manner that it is clearly visible for approaching traffic during daylight hours.

Note: Native vegetation or roadside vegetation shall not be cleared without consent from Council and/or consent under the Native Vegetation Conservation Act 1997.

3.2 Development Applications

If development consent is required the following information (as a minimum) is required to be submitted in support of a development application to Council:

3.2.1 Statement of Environmental Effects (SEE) including:

3.2.1.1 Detailed site plan indicating layout and elevations of the proposed roadside stall. This includes dimensions and location of stall, site boundary, parking and access provisions (i.e.: entrance/exit access points, maneuvering areas and number of parking spaces).

3.2.1.2 Type and quantity of goods for sale.

3.2.1.3 Hours of operation and days of trade.

3.2.1.4 Reasons for the proposed development.

3.2.1.5 Details of any works proposed for the construction or upgrading of the access, edge of pavement or any other structures within the road reserve.

3.2.1.6 Details of advertising signage including heights, width, materials, character size, method of attachment, and features of the display (i.e.: wording, colours and logos).

3.2.1.7 Hours of operation and length of time proposed (e.g.: two month seasonal stall only).

3.2.2 A development application for a roadside stall must also meet the following requirements:

3.2.2.1 Building works must comply with the Building Code of Australia.

3.2.2.2 Proposed roadside stalls that are located on a designated classified road must comply with State Environmental Planning Policy (Infrastructure) 2007 and RMS requirements to ensure that road safety is maintained (i.e.: the development must have an adequate driveway(s), parking areas and internal road design).

Note: Development applications for a roadside stall will be referred to the RMS when the proposed development is on land that has direct vehicular or pedestrian access to:

a) a classified road, or
b) a road connecting with a classified road, if the access is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the classified road.

A development application fee for a roadside stall shall be paid at the time of lodgement of the application, in accordance with Council's Revenue Policy.

3.2.2.3 The entry to the proposed development must have adequate sight distance (relative to the speed zone and landform) available to vehicles traveling along the through road to slow and turn into the development as well as permitting those vehicles leaving the site to have maximum visibility to turn out of the development.

3.2.2.4 Access is to be located so as to conform with sight distance requirements outlined in the Austroads 2008 Guide to Road Design.

Note: Any works associated with the design, construction and/or upgrading of an access require approval from Council and may require concurrence from the RMS.

4 Definitions

Classified roads are defined in SEPP (Infrastructure) 2007. For the purpose of this policy have been identified as follows:

- Main Road 80 East - Irrigation Way (Burley Griffin Way).
- Main Road 80 West – Kidman Way (Hillston Road)
- Main Road 321 South - Kidman Way (south of Griffith)
- Regional Road 321 North – Beelbangera-Rankins Springs Road
- Main Road 84 – Yenda Road

- Regional Road 254 – Whitton Road – Whitton Stock Route Road

Roadside stall has the same meaning set down in Griffith Local Environmental Plan 2014

5 Exceptions

None

6 Legislation

Environmental Planning & Assessment Act 1979
Local Government Act 1993

7 Related Documents

None

8 Directorate

Sustainable Development