

» small-scale roadside stalls information for rural landholders



August 2018

» Background

Roadside stalls are defined as being a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Typically roadside stalls require development consent, however small-scale roadside stalls can be installed without the need for a development application provided the stall meets some planning and essential road safety requirements and appropriate Roads Act Approvals are obtained from Council.

» What are the criteria for small-scale roadside stalls?

The criteria for small-scale roadside stalls to be exempt from requiring development consent are as follows (in accordance with the Ballina Local Environmental Plan 2012):

- The roadside stall is used for the sale of only agricultural produce.
- The roadside stall:
 - ▶ must be located on land within Zone RU1 Primary Production or Zone RU2 Rural Landscape, and
 - ▶ must be located wholly on private property, and
 - ▶ must not be located on land that is adjacent to a classified road, and
 - ▶ must not have a footprint greater than 4m².
- No more than 1 roadside stall may be used on any landholding.
- Any relevant approval issued under the Roads Act 1993 must be obtained.

» What is the process for obtaining a Roads Act approval?

In order to obtain the necessary s138 Roads Act approvals, an application must be submitted. A Section 138 application form can be obtained from Council and a fee applies (refer to Council's Fees and Charges Schedule for the current fee amount).

Council staff will assess the Roads Act application having regard to a number of siting and road safety criteria, including the following:

There must be adequate space within the road verge to allow parking for at least two vehicles and must:

- be sufficient to enable vehicles to enter and exit the roadway in a forward direction;*
- be of consistent vertical alignment and grade with the roadway;*
- have an all-weather gravel sealed shoulder with sufficient width to allow vehicle occupants to enter and exit vehicles in a safe manner, being a minimum area of 3.5m x 15m; and*
- have adequate unimpeded minimum sight distances in both directions (in accordance with AS2890.1.2004) as outlined in the following table:*

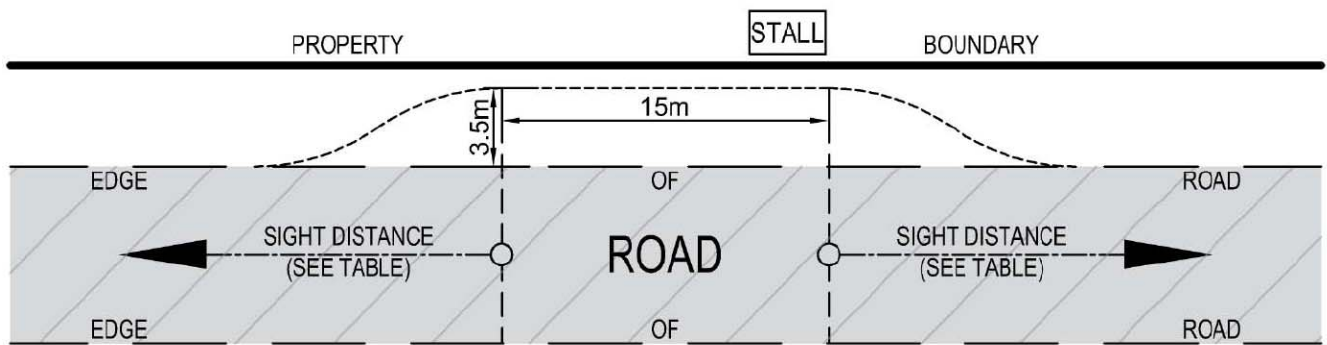
Speed Zone	Minimum Sight Distance
60km/hr	65m
80km/hr	105m
100km/hr	160m

Council staff are also required to consider guidelines for Street Vending issued jointly by the NSW Roads and Maritime Service and the Office of Local Government when issuing Roads Act Approvals.

Costs associated with any works required within the road reserve to ensure safe access to the roadside stall, such as the provision of an adequate gravel shoulder, is the responsibility of the landholder.

SEE OVER...

A basic site plan, illustrating the above standards:



»» **What if my land doesn't meet the criteria for an exempt roadside stall?**

If the stall does not meet the exempt criteria for small-scale roadside stalls (such as where the site cannot meet the applicable road safety standards) landholders may consider the lodgment of a development application for a roadside stall in accordance with Council's development control plan. It is recommended you discuss this matter with Council staff before lodging a development application.

»» **Further information**

- Application for Approval under Section 68 Local Government Act and Section 138 Roads Act 1993 (Council form).
- Fees and Charges Schedule – fee for s138 Roads Act Approval (small-scale roadside stall).



If you have any questions please contact:

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