

Scenic Rim Planning Scheme 2020

Roadside Stalls - June 2023

What is a Roadside Stall?

The Scenic Rim Planning Scheme (Planning Scheme) defines a *Roadside stall* as:

the use of premises for the roadside display and sale of goods in a rural area.

An example includes a produce stall but does not include a *Market*.



How does a roadside stall operate

Roadside stalls are intended to be small scale, compatible with the rural environment and not cause a traffic safety risk. The planning scheme expects that Roadside Stalls will operate in the Rural Zones, Rural Residential Zones, Emerging Communities and Community Facilities Zones and the Limited Development Zone – Historical Subdivision Precinct.

Do I need planning approval?

The Planning Scheme allows some *Roadside stalls* to operate without the need for planning approval, while others must have a Development Permit to operate as a legal land use.

No, you will not need planning approval if:

- Your proposal is identified as **accepted development (subject to requirements)** in section 5.5 **Categories of Development and Assessment - Material Change of Use** for the consistent zone (see Consistent Zoning section of this fact sheet); and
- your proposal does not exceed 9m² in total sales area (a *development footprint* does not including on-site parking, access and maneuvering areas); and
- all Acceptable Outcomes of the Roadside Stall Code can be met (see extract of **Table 9.3.13.3.1** of the Planning Scheme in the Accepted Development Checklist section of this factsheet).

Yes, you will need planning approval if:

- your proposal is identified as **accepted development (subject to requirements)** in section 5.5 **Categories of Development and Assessment - material Change of Use** and it does not meet all the Acceptable Outcomes (e.g. road safety provisions) of the Roadside Stall Code. Your proposal will be Code assessable, but only for the outcome/s that are not met; or

- your proposal has a total sales area (a *development footprint* not including on-site parking, access and maneuvering areas) greater than 9m² and is located in a consistent zone (see Consistent Zoning section of this factsheet). Your proposal will be **code assessable**; or
- your proposal is located in zone other than those listed under the Consistent Zoning section of this fact sheet (in which case it will be **impact assessable**).

If for example, if you want to run a *Roadside stall* that is under 9m² in a consistent zone, as long as you can meet the Acceptable Outcomes in **Table 9.3.13.3.1** of the Roadside Stall Code within the Planning Scheme (reproduced in the Accepted Development Checklist section of this factsheet), you do not need planning approval. Otherwise, you will need to apply for a Development Permit.

Consistent Zoning

Below is a list of the zones in the Planning Scheme where a *Roadside stall* is supported in:

- Rural Zone, including all Precincts;
- Rural Residential Zone, including all Precincts;
- Emerging Community Zone;
- Community Facilities Zone; and
- Limited Development Zone - Historical Subdivision Precinct

For all other Zones (and associated Precincts), a *Roadside stall* is **impact assessable**.

Roadside Stall Code

To remain accepted development, *Roadside stalls* are required to meet all the Acceptable Outcomes of the Roadside Stall Code **Table 9.3.13.3.1 Criteria for Accepted and Assessable Development**. The Acceptable Outcomes in the Roadside Stall Code have been reproduced in the Accepted Development Checklist section of this fact sheet. The Acceptable Outcomes of the Code reflect the desirable scale, amenity and acceptable impacts for *Roadside Stalls* in the Scenic Rim Region.

Acceptable Development Checklist

Use the following checklist to see if you meet the Acceptable Outcomes of the Roadside Stall Code **Table 9.3.13.3.1** of the Planning Scheme.

Acceptable Outcomes of the Roadside Stall Code	
Siting and Location	
	A <i>Roadside stall</i> has a minimum side boundary clearance of 6 metres where adjoining a lot not located in the Rural Zone.
Scale	
	A <i>Roadside stall</i> is fully located within the site and has a total <i>development footprint</i> (excluding on-site parking, access and maneuvering areas) of no more than 9m ² .
	A maximum of 2 <i>advertising devices</i> are associated with the use.
	Each advertising device associated with the use: <ol style="list-style-type: none"> 1. has a maximum sign face area of 1m²; 2. is located on the same site as the <i>Roadside stall</i>; 3. is not illuminated, flashing, moving, rotating or reflective; 4. is written so as to be easily read by motorists with lettering at least 150 millimetres in height; and 5. must not imitate a traffic control device.
	The majority of goods sold from the <i>Roadside stall</i> are grown or produced on the site.
	A <i>Roadside stall</i> is not artificially illuminated.
Roads	
	Signage for a <i>Roadside stall</i> is visible to a motorist approaching from any direction for the following minimum distances: <ol style="list-style-type: none"> 1. on a road with a posted speed limit of 81- 100km/h - 150metres; or 2. on a road with a posted speed limit of 61-80km/h - 100metres; or 3. on a road with a posted speed limit of 0-60km/h - 50metres.

Acceptable Outcomes of the Roadside Stall Code

Parking and Access

For a Roadside stall located on a state-controlled road where the posted speed limit is 90km/hr or higher:

1. parking can safely occur within the state- controlled road reserve with vehicles able to be parked, with driver doors open, fully on the shoulder of the road; or,
2. provision for parking is made on-site where:
 - a. vehicles can enter and leave the site in forward gear via an approved driveway access;
 - b. a parking directional sign is displayed at the access to the Roadside stall site; and
 - c. the access is not located within 100 metres of an intersection.

Note: Roadside stalls fronting a state controlled road may be subject to additional requirements. Prior to establishing a roadside stall, operators should consult with the relevant State Government Department in this regard.

A Roadside stall located on a non-state controlled road:

1. is:
 - a. located so that customers exiting a vehicle parked on the opposite roadside can safely cross the road;
 - b. has sufficient roadside parking near the site on both sides of the road; and
 - c. ensures parking does not unduly obstruct the free passage of pedestrians; or
2. has provision for parking on-site where vehicles can enter and leave the site in forward gear via an approved access, and a parking directional sign is located at the access to the roadside stall site.

Development obtains immediate access from a constructed road.

What if I cannot meet the Acceptable Outcomes?

Your options include:

- Modifying the operations to meet the outcomes; or
- Apply for planning approval for the proposed use.

What if an Overlay applies to my property?

An Overlay in the Planning Scheme may also influence whether planning approval is required for a Roadside stall. For example, an Overlay may **increase the category of assessment from accepted development to assessable development** (which requires planning approval).

The best way to check whether a property is affected by an Overlay is to view the [eplan and mapping](#) on Council's website or talk to one of our planners. If your property is affected by an Overlay, please refer to section **5.10 Categories of Development and Assessment - Overlays** which will help you to determine whether the Overlay means planning approval is required.

Related information

The *Markets* and the *Home Based Business* fact sheets can be found on the [Scenic Rim Planning Fact Sheets - Scenic Rim Regional Council](#)

Doing business in the Scenic Rim

Scenic Rim Regional Council is committed to supporting local business and new entrants to the market.

Our Regional Prosperity team can assist you to navigate the information you need to start a new business, expand your existing business or relocate your business to the Scenic Rim. We encourage projects and proposals which support a sustainable and prosperous economy and align with both the Scenic Rim Regional Prosperity Strategy 2020-25 and the Planning Scheme.

For more information on how Council can support you to set up or grow your business, contact the Regional Prosperity Team on 07 5540 5111 or email prosperity@scenicrim.qld.gov.au.

Talk to a Planner

Council's Planners are available for confidential discussions to help you navigate the planning scheme and how it affects you. Call 07 5540 5111 or alternatively email mail@scenicrim.qld.gov.au to make an appointment.

For more information

The planning scheme and mapping is available to view on Council's website [Scenic Rim Planning Scheme – Scenic Rim Regional Council](#)

Hard copies of the planning scheme and mapping are also available for viewing at Council's Customer Service Centres.