

SHIRE OF CHITTERING

TOWN PLANNING SCHEME NO. 6

**Local Planning Policy
No. 11**

WAYSIDE STALLS

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LOCAL PLANNING POLICY No. 11
WAYSIDE STALLS**

1. STATUTORY CONTEXT

The Shire of Chittering, as enabled under Part 2 of Town Planning Scheme (TPS) No. 6, hereby makes this Local Planning Policy regarding Wayside Stalls throughout the Shire of Chittering.

Any Local Planning Policy prepared under this part shall be consistent with the Scheme and if any inconsistency arises the Scheme shall prevail.

A Local Planning Policy is not part of the Scheme and shall not bind the Local Government in any respect of any application for Planning Approval but the Local Government shall have due regard to the provisions of any Policy and the objectives which the Policy is designed to achieve before making its decision.

This policy applies to all land zoned within the Shire of Chittering and supersedes the Wayside Stalls Local Planning Policy No. 11 adopted 20/12/2001.

2. DEFINITIONS

The following are definitions that relate directly to the application of this policy:

“Locality” means the Shire of Chittering.

“Wayside Stall” means a place, stand, vehicle or other thing which offers for sale to the general public produce or commodity which is grown or produced on the land or in the locality. (TPS No. 6)

“Temporary Structure” means a structure not placed on permanent footings, which is able to be moved within two hours, if necessary.

3. BACKGROUND

TPS No. 6 permits Wayside Stalls as a “D” (discretionary) use in Agricultural Resource, Rural Residential and Townsite Zones. However it does not provide any conditions to guide their development.

Council has a Local Law which controls stalls in public places eg. road reserves. This policy has been created to provide guidance for Council and stallholders when establishing stalls on private property.

4. OBJECTIVES

The objectives of this policy are:

To allow for local growers to sell produce from their own properties.

To continue providing tourists with the opportunity to purchase local produce.

To protect the interests of landowners or lessors of commercially zoned land within the gazetted Townsites of Muchea and Bindoon.

To provide protection for stall holders and public authorities against indemnity in the event of accidents or obstruction to traffic and services.

To provide safe and controlled vehicular access to stalls without endangering other vehicles and pedestrians.

5. POLICY STATEMENT

5.1 Application Requirements

Further to the standard application requirements specified in Part 9 of TPS No. 6, an applicant for a Wayside Stall is to provide the following additional information:

- a) Access to and from the site;
- b) Road reserve location which incorporates speed up and slow down areas;
- c) Car parking areas and dimensions;
- d) Contours and physical features;
- e) Existing vegetation;
- f) Distances and sightlines from the location in both directions;
- g) Speed limit in the area and identification of speed limit changes;
- h) Location of services (ie. telephone, water and power);
- i) Design details of the proposed temporary structure, including colours and materials to be used and evidence of mobility.

5.2 Advertising of Application

- a) When any new application for a Wayside Stall is received by Council, it may advertise the proposal, in accord with Section 9.4 of TPS No. 6;
- b) Council will advertise a proposal if it is within 300 metres of any commercial premises;
- c) Council will generally not advertise a proposal within the Agricultural Resource Zone;
- d) Any application for a proposal abutting a highway reserve will be referred to Main Roads Western Australia.

5.3 Determination of Application

- a) Applications that are consistent with this policy and do not require advertising may be dealt with by the Chief Executive Officer under delegation issued by Council in accordance with Section 5.46 of the Local Government Act;

- b) When applications that are consistent with this policy require advertising and no submissions are received, the matter may be similarly dealt with by the Chief Executive Officer under delegated authority;
- c) If objections are received during the advertised period, then the application shall be presented to Council for determination.

5.4 General Requirements

Irrespective of building setbacks specified in the TPS, Wayside Stalls may be permitted with nil setback from the front boundary and are to be constructed as follows:

- a) the stall is a temporary structure;
- b) the maximum area is 8m², with a maximum footprint of 2m x 4m;
- c) the maximum height of is 2m;
- d) no part of the structure is permitted to overhang into the road reserve;
- e) the structure is sympathetic to the natural and built environment;
- f) the structure does not present a safety hazard for road users or persons visiting the stall or entering or leaving the property;
- g) there is no major disturbance of remnant bushland or clearing of natural roadside vegetation;
- h) there is no objection from Main Roads Western Australia.

5.5 Carparking

An area of car parking shall be provided within the road reserve adjacent to the stall area. The area shall be of sufficient size to accommodate three vehicles. If in the opinion of Council, the road reserve does not have sufficient area to park three vehicles, a car parking area will be required within private property. The minimum construction shall be to a gravel standard.

A 100% contribution shall be required from the stallholder if upgrading of the road reserve is required to make the parking area safe and accessible.

5.6 Signs

Any signage associated with a Wayside Stall is limited to three temporary signs: one on the structure and two mobile signs. The sign on the structure is not to be greater than 1.0m² and is to be erected parallel with the road. Mobile signs are to be no greater than 600mm wide and 300mm high, a maximum of 1.0 metre off the ground and placed to not present a safety hazard to motorists. Signs are not permitted to be illuminated or to have flashing lights attached to them.

5.7 Insurance

Applicants are to submit evidence of current adequate public liability insurance cover.

5.8 Building Licence

A building licence is not required for a Wayside Stall.

ADOPTED FOR PRELIMINARY APPROVAL by resolution of the **Shire of Chittering** at the Ordinary Meeting of the Council held on the 28th day of September 2005.

ADOPTED FOR FINAL APPROVAL by resolution of the **Shire of Chittering** at the Ordinary Meeting of the Council held on the 22nd day of February 2006.

and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

(signed)
PRESIDENT.....

(signed)
CHIEF EXECUTIVE OFFICER.....

Date: 10 March 2006