

Roadside stall guidelines

These guidelines developed by Council will assist in making roadside stalls effective, enjoyable and safe for all.

Before you get started with your roadside stall, consider the 3-step process below.

Step 1 - Securing a suitable and safe site

Prior to making final decisions on your roadside stall, it is recommended you contact Council's **** on ph. ****.

A site meeting or chat over the phone with *** can help you work through your objectives for the site, help identify any site constraints and actively assist you in getting any necessary approvals from relevant Council departments and/or other government departments where required e.g. the RTA.

It should be noted that there may be some instances where approval may not be given to operate a roadside stall on the road reserve, for example, where adequate lines of sight cannot be proven (in this instance you may still be able to operate your roadside stall on your private property).

The Council *** can provide advice and assistance on the following:

- means of gaining local support for your initiative
- preferred types of sites and locations for roadside stalls
- how you can address potential hazards for customers and other traffic
- ensuring that appropriate lines of sight for traffic, access for pedestrians and servicing of local infrastructure are maintained
- the design and construction of the roadside stall and any signage and
- any safety issues you need to consider and safety devices you need to use during the construction and operation of your roadside stall.

Step 2 – Working out what you will sell and what conditions of the Food Act you may need to comply with.

You need to consider the items that you will sell from your stall. You will not be permitted to sell items that are on the prohibited items list at Attachment 4.

All food businesses (which includes primary producers selling their products at roadside stalls) are required by law to register their business activities onto the NSW

Food Authority's Notification and Food Safety Information System (NAFSIS). This can be done at no charge online at www.foodnotify.nsw.gov.au. A helpline has been established for further assistance on 1300 650 124.

As there are now various obligations imposed on food businesses and food handlers Council recommends visiting the FSANZ website to download a copy of the legislation and other fact sheets on food handling information that is covered in this section of the Market Code. The Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 can be downloaded from:

<http://www.foodstandards.gov.au/foodstandardscode/index.cfm#FSCchapter3>.

To access the food safety fact sheets visit the following link:

<http://www.foodstandards.gov.au/mediareleasespublications/factsheets/foodsafetyfactsheets/index.cfm>.

The NSW Food Act 2003 and Food Standards Code apply to any premises used for the preparation of food for sale. It is generally expected that persons preparing food at home be aware of the requirements to ensure that the premises generally comply with this legislation.

Food business operators must ensure that all foods are stored in such a way that it is protected from likely contamination and that the environmental conditions will not adversely affect the safety of the food.

All goods should be stored at least 750mm off the ground.

Packaging material used must be suitable for food packaging and unlikely to cause food contamination.

Any product sold in packaged form – including eggs - (jar, bottle, packet) is to be clearly labelled, with at least the address of the place where the food was made and a “best before” date. If you are not going to be talking with consumers about the things they are buying you will also need to list the ingredients so that people with allergies can see what is in the product.

Step 3 – Approval from Council

Before you start operating your roadside stall, you need to complete an application form.

The application form will outline the following:

- the proposed location and design of the roadside stall

- how you engaged neighbouring residents in planning for your initiative
- any relevant feedback expressed by neighbouring residents and
- name and contact details of the person nominated as the primary contact in relation to the construction, maintenance and operation of the roadside stall.

Once you have completed and submitted the application form, Council will assess your application, and if successful, will issue a written approval with the person that holds the public liability insurance.

The approval will document:

- details of the initiative as discussed with neighbouring residents and property owners
- any specific conditions relating to:
 - the provision of public liability insurance cover related to the roadside stall
 - safety requirements during establishment and operation of the roadside stall and
 - removal of the roadside stall if it is no longer required or inadequately maintained
- the understanding of the nominated primary contact person to report to Council in the event that a new primary contact person is nominated or substantial changes to the initiative are proposed.

By operating a roadside stall you understand that you may be personally liable.

The process for submitting your application is either email Council **on ****** or visit the Council **office at ******.

Other things to consider...

By following these precautions when planning for and working on your roadside stall, you will ensure your own safety and the safety of your community:

Infrastructure

Make sure you know what service infrastructure exists near the site (such as sewage pipes, power lines etc) to avoid any damage.

Council's *** can help you find this information.

Any signs that you make and any roadside stall structures that you build need to be secure and stable and pose no threat to the public. The placement of these items needs to ensure that lines of sight for motorists are maintained.

You may not be allowed to construct the roadside stall on the road reserve and parking may also need to be provided for your customers on your private property. In this instance, signage on the road reserve can direct people to your stall however you will not be able to attach signs to existing infrastructure like power poles, Council road signs or trees. You will need to attach your signs to your own infrastructure for example your letter box. It is suggested that you keep your signs below a certain size – **Council can advise**, convey a simple message i.e. “honey for sale”, “pumpkins (and an arrow)” and that you face them towards oncoming traffic.

Find out about underground pipes and cables

Dial Before You Dig is a free, online information service on underground pipes and cables anywhere in Australia—<http://www.1100.com.au> Phone: 1100 during business hours.

Roads and Traffic

Depending on the location of your roadside stall, approvals from RTA or the Local Traffic Committee may be required prior to constructing your stall. **Council ***** can provide further advice.

When working on your roadside stall, be aware that you are on a road and keep an eye out for passing cars, bicycles and pedestrians. The minimum safety devices that you should use will depend on your situation will be noted in your approval from Council.

Make sure the height and width of your roadside stall are not going to obstruct sight lines for pedestrians, cyclists and cars. These details will be included in your approval from Council by way of a design map.

COUNCILS TO INSERT TRAFFIC CONTROL PLAN FOR SITE CLEARANCES

Design

As your roadside stall will be located in a public place, you will need to be aware of the potential hazards of any materials that you may use or incorporate into your stall. For example, things like star pickets without caps on them can harm others. A plan for your roadside stall detailing all infrastructure will be required as part of your application to Council.

Ensure precautions are taken during the design, construction and operation of your roadside stall to ensure materials will not end up in the stormwater drains.

Working on your roadside stall

You will be responsible for your own safety while working on your roadside stall and you should also be mindful of potential risks to passers-by.

When you work on your roadside stall, health & safety precautions are your responsibility. Consider the following safety precautions:

- appropriate clothing,
- be sun smart
- cash management system.

It is important to maintain your roadside stall. Your stall will be reviewed on a regular basis by the Council *** and passers-by. If roadside stall placements are considered to be a problem or Council receives a complaint, Council will notify the owner of the need for removal or relocation and site re-instatement. If this notice is not complied with Council will remove any offending structure and in the event of such removal, Council will not be responsible for the reinstatement or cost of items removed, and Council will recover the cost of removing and disposing of materials.

Care for roadside stalls includes:

- regular weeding or mowing to reduce injury potential from snakes and other hazards
- ensuring signage is clear and meets signage guidelines, does not restrict lines of sight and is current i.e. stall is open or closed.