

9.3.9 Market code

9.3.9.1 Application

This code applies to accepted development subject to requirements and assessable development:-

- (a) being a material change of use for a market; and
- (b) identified as requiring assessment against the Market code by the tables of assessment in **Part 5 (Tables of assessment)**.

9.3.9.2 Purpose and overall outcomes

- (1) The purpose of the Market code is to ensure markets are appropriately located, and are operated in a manner which is economically, environmentally and socially sustainable and appropriately responds to local amenity issues.
- (2) The purpose of the Market code will be achieved through the following overall outcomes:-
 - (a) markets are established in locations of community attraction;
 - (b) markets are established where infrastructure and services are available or can easily be provided to meet the needs of users;
 - (c) markets operate in a manner which takes account of:-
 - (i) the amenity of the local area; and
 - (ii) the viability of local businesses.

9.3.9.3 Assessment benchmarks and requirements

Table 9.3.9.3.1 Assessment benchmarks for assessable development and requirements for accepted development

Performance outcomes		Acceptable outcomes	
Location and site suitability			
PO1	The market is operated at a location where the attraction of a large number of people is consistent with the preferred character of the local area.	AO1	The market is located on or adjoining land included in a centre zone, the Community facilities zone, the Open space zone or the Sport and recreation zone ⁶ .
PO2	The market minimises economic impacts on established businesses in the vicinity of the market.	AO2	Where market stalls are proposed to be located adjacent to existing shops, the market is not held on more than 2 days per week.
Site layout			
PO3	The market is designed to provide for:- (a) convenient pedestrian access and movement; (b) legibility and accessibility between stalls and existing surrounding uses; and (c) pedestrian comfort and safety, including the provision of public convenience facilities.	AO3.1	Pedestrian access or pathways a minimum of 2m wide are provided between:- (a) stall fronts; and (b) stalls and existing shop fronts.
		AO3.2	Public toilets:- (a) are provided within the area of the market or are located within 250m of the market;

⁶ Editor's note—a market conducted on public parks and roads requires authorisation from the Council as the land manager for these community assets. Compliance with the requirements of the planning scheme does not provide authorisation for a market to be conducted. Potential market operators should contact Council for further information.

Performance outcomes		Acceptable outcomes	
		AO3.3	(b) remain open and accessible for use during market hours; and (c) are maintained in a clean, safe and tidy state. Directional signage is provided to identify the location of and the entry to public toilet facilities.
Operation and protection of amenity			
PO4	The market is operated in a manner that does not cause environmental nuisance or adverse amenity impacts to neighbouring and nearby residents and other sensitive uses having regard to:- (a) the generation of noise, dust, odour and light emissions; and (b) hours and frequency of operation.	AO4.1	The market is conducted, including set-up and pack-up time, between the hours of 5.00am and 10.00pm.
		AO4.2	The market is held on not more than two days per week.
		AO4.3	The use of amplified music, megaphones, public address systems and noise generating plant and equipment is avoided.
		AO4.4	Noise generated from the market complies with the level of noise emissions prescribed under the <i>Environmental Protection (Noise) Regulations 1997</i> .
		AO4.5	Any outdoor lighting associated with the market is designed, installed, operated and maintained in accordance with <i>AS4282 – The Control of the Obtrusive Effects of Outdoor Lighting</i> .
		AO4.6	Any temporary lighting is dismantled immediately on closure of the markets.
Waste management			
PO5	The market is established and operated to provide a safe and healthy environment and provides waste disposal facilities which are appropriate to the type and scale of the market.	AO5.1	Waste containers are provided on the premises for the disposal of waste from stall holders and the public at a rate of:- (a) 1 standard waste container for each food stall (not including existing street bins); and (b) 1 standard waste container and 1 recycled waste container for every 4 non-food stalls (not including existing street bins).
		AO5.2	The area used for market purposes is maintained in a clean, safe and tidy state:- (a) during market hours; and (b) at the conclusion of each day's trading.
Access and parking			
PO6	The design and management of access, parking and vehicle movement protects the functioning of the road network and provides safe vehicular, pedestrian and cyclist access to and from the site.	AO6	Where the market is conducted on a footpath and the adjoining road remains open to vehicle use, a minimum 1.2m clearance from the kerb to any market structure or use area is provided.