### Market code

#### Application

This code applies to development identified as requiring assessment against the Market code by the tables of assessment in **Part 5 (Tables of assessment)**.

#### 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:-
   1. markets are established in locations of community attraction;
   2. markets are established where infrastructure and services are available or can easily be provided to meet the needs of users; and
   3. markets operate in a manner which takes account of:-
      1. the amenity of the local area; and
      2. the viability of local businesses.

#### Specific benchmarks for assessment

Requirements for development accepted subject to requirements and benchmarks for assessable development

| **Performance outcomes** | **Acceptable outcomes** | **Compliance / Representations** |
| --- | --- | --- |
| ***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[[1]](#footnote-1). | Provide a brief description how your proposal complies with the relevant Acceptable outcome (if applicable) or a detailed analysis how compliance is achieved with the Performance outcome. |
| **PO2**  The market:-   1. promotes community, entertainment, farmers and food production and non-profit uses in the market; and 2. minimises economic impacts on established businesses in the vicinity of the market. | **AO2.1**  A minimum of 10% of stalls are used for one or more of the following:-   1. entertainment; 2. sales of fresh food and produce; 3. home-made goods; and 4. activities conducted by or on behalf of a non-profit or community organisation.   **AO2.2**  Where market stalls are proposed to be located adjacent to existing shops the market is not held on more than 1 day per week. | Click and provide your representations. |
| ***Site layout*** | |  |
| **PO3**  The market is designed to provide for:-   1. convenient pedestrian access and movement; 2. legibility and accessibility between stalls and existing surrounding uses; and 3. 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:-   1. stall fronts; and 2. stalls and existing shop fronts.   **AO3.2**  Public toilets:-   1. are provided within the area of the market or are located within 250m of the market; 2. remain open and accessible for use during market hours; and 3. are maintained in a clean, safe and tidy state.   **AO3.3**  Directional signage is provided to identify the location of and the entry to public toilet facilities. | Click and provide your representations. |
| ***Operation and protection of amenity*** | |  |
| **PO4**  The market is operated in a manner that does not cause environmental nuisance to neighbouring and nearby residents and other sensitive uses having regard to:-   1. the generation of noise, dust, odour and light emissions; and 2. 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 conducted, excluding set-up and pack-up time, for not more than 8 hours.  **AO4.3**  The market is held on not more than two days per week.  **AO4.4**  The use of amplified music, megaphones, public address systems and noise generating plant and equipment is avoided.  **AO4.5**  Noise generated from the market complies with the level of noise emissions prescribed under the *Environmental Protection (Noise) Regulations 1997.*  **AO4.6**  Any outdoor lighting associated with the market is designed, installed, operated and maintained in accordance with *AS4282 – The Control of the Obtrusive Effects of Outdoor Lighting.*  **AO4.7**  Any temporary lighting is dismantled immediately on closure of the markets. | Click and provide your representations. |
| ***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**  The market is operated in accordance with an approved waste management plan.  **AO5.2**  The use area of the market is left in a clean state at the end of each market day. | Click and provide your representations. |
| ***Maintenance of pedestrian movement*** | |  |
| **PO6**  The market maintains safe pedestrian movement through the market area. | **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. | Click and provide your representations. |

1. Editor’s note—a market conducted on public land 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, on its own, provide authorisation for a market to be conducted. Potential market operators should contact Council for further information. [↑](#footnote-ref-1)