

## 9.3.10 Market code

### 9.3.10.1 Application

- (1) This code applies to accepted development and assessable development identified as requiring assessment against the Market code by the tables of assessment in **Part 5 (Tables of assessment)**.
- (2) The acceptable outcomes in **Table 9.3.10.3.1 (Requirements for accepted development and performance outcomes and acceptable outcomes for assessable development)** are requirements for applicable accepted development.
- (3) All provisions in this code are assessment benchmarks for applicable assessable development.

### 9.3.10.2 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; and
  - (c) *markets* operate in a manner which takes account of:-
    - (i) the amenity of the local area; and
    - (ii) the viability of local businesses.

### 9.3.10.3 Performance outcomes and acceptable outcomes

**Table 9.3.10.3.1 Requirements for accepted development and performance outcomes and acceptable outcomes for assessable development**

Performance Outcomes		Acceptable Outcomes	
<b>Location and Site Suitability</b>			
<b>PO1</b>	The <i>market</i> is operated at a location where the attraction of a large number of people is consistent with the preferred character of the local area.	<b>AO1</b>	The <i>market</i> is located on or adjoining land included in a <i>centre zone</i> , the Community facilities zone, the Open space zone or the Sport and recreation zone.
<b>PO2</b>	The <i>market</i> :- (a) promotes community, entertainment, local farmers and food production, local creative and cultural products and non-profit uses in the <i>market</i> ; and (b) minimises economic impacts on established businesses in the vicinity of the <i>market</i> .	<b>AO2.1</b>	A minimum of 10% of stalls are used for one or more of the following:- (a) entertainment; (b) creative or artistic activities or performances; (c) sales of fresh food and produce; (d) home-made goods; and (e) activities conducted by or on behalf of a non-profit or community organisation.
		<b>AO2.2</b>	Where <i>market</i> stalls are proposed to be located adjacent to existing <i>shops</i> , the <i>market</i> is not held on more than 1 day per week.
<b>Site Layout</b>			
<b>PO3</b>	The <i>market</i> is designed to provide for:- (a) convenient pedestrian access and movement; (b) legibility and accessibility between	<b>AO3.1</b>	Pedestrian access or pathways, a minimum of 2 metres wide, are provided between:- (a) stall fronts; and

Performance Outcomes		Acceptable Outcomes	
	<p>stalls and existing surrounding uses; and</p> <p>(c) pedestrian comfort and safety, including the provision of public convenience facilities.</p>	<p><b>AO3.2</b></p>	<p>(b) stalls and existing shop fronts.</p> <p>Public toilets:-</p> <p>(a) are provided within the area of the <i>market</i>, or are located within 250 metres of the <i>market</i>; and</p> <p>(b) remain open and accessible for use during <i>market</i> hours.</p>
		<p><b>AO3.3</b></p>	<p>Directional signage is provided to identify the location of, and entry to, public toilet facilities.</p>
Operation and Protection of Amenity			
<p><b>PO4</b></p>	<p>The <i>market</i> is operated in a manner that does not cause environmental nuisance to neighbouring and nearby residents and other <i>sensitive land uses</i>, having regard to:-</p> <p>(a) the generation of noise, dust, odour and light emissions; and</p> <p>(b) hours and frequency of operation.</p>	<p><b>AO4.1</b></p>	<p>The <i>market</i> is conducted, including set-up and pack-up time, between the hours of 5.00am and 10.00pm.</p>
		<p><b>AO4.2</b></p>	<p>The <i>market</i> is conducted, excluding set-up and pack-up time, for not more than 8 hours.</p>
		<p><b>AO4.3</b></p>	<p>Where other than provided for by Acceptable Outcome AO2.2, the <i>market</i> is held on not more than two days per week.</p>
		<p><b>AO4.4</b></p>	<p>Noise generated from the <i>market</i> complies with the level of noise emissions prescribed under the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>
		<p><b>AO4.5</b></p>	<p>Any outdoor lighting associated with the <i>market</i> is designed, installed, operated and maintained in accordance with <i>AS4282 – The Control of the Obtrusive Effects of Outdoor Lighting</i>.</p>
		<p><b>AO4.6</b></p>	<p>Any temporary lighting is dismantled immediately on closure of the <i>market</i>.</p>
Waste Management			
<p><b>PO5</b></p>	<p>The <i>market</i> 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 <i>market</i>.</p>	<p><b>AO5.1</b></p>	<p>Waste containers are provided on the premises for the disposal of waste from stall holders and the public, at a rate of:-</p> <p>(a) 1 standard waste container for each food stall (not including existing street bins); and</p> <p>(b) 1 standard waste container and 1 recycled waste container for every 4 non-food stalls (not including existing street bins).</p>
		<p><b>AO5.2</b></p>	<p>The <i>use area</i> for the <i>market</i> is left in a clean state at the end of each <i>market</i> day.</p>
Maintenance of Pedestrian Environment			
<p><b>PO6</b></p>	<p>The design and management of access, parking and vehicle movement ensures that:-</p> <p>(a) safe vehicular, pedestrian and cyclist access is provided to and from the <i>site</i>; and</p> <p>(b) the functioning of the road network is protected.</p>	<p><b>AO6</b></p>	<p>Where the <i>market</i> is conducted on a footpath and the adjoining road remains open to vehicle use, a minimum 1.2 metre clearance from the kerb to any <i>market</i> structure or <i>use area</i> is provided.</p>

Performance Outcomes		Acceptable Outcomes	
<b>Parking and Access</b>			
<b>PO7</b>	Sufficient parking spaces are provided on the <i>site</i> to cater for the <i>market</i> .	<b>AO7</b>	Where the <i>market</i> is conducted on private property, on-site car parking is provided at a rate of 1 space per 20m <sup>2</sup> of <i>use area</i> .
<b>PO8</b>	The <i>market</i> provides adequate access for emergency vehicles.	<b>AO8</b>	A clear movement path, at least 3 metres in width, is maintained through or around the <i>market</i> to allow emergency vehicle access.