

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	
Location and Site Suitability			
PO1	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.	AO1	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.
PO2	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> .	AO2.1	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.
		AO2.2	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.
Site Layout			
PO3	The <i>market</i> is designed to provide for:- (a) convenient pedestrian access and movement; (b) legibility and accessibility between	AO3.1	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>AO3.2</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>AO3.3</p>	<p>Directional signage is provided to identify the location of, and entry to, public toilet facilities.</p>
Operation and Protection of Amenity			
<p>PO4</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>AO4.1</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>AO4.2</p>	<p>The <i>market</i> is conducted, excluding set-up and pack-up time, for not more than 8 hours.</p>
		<p>AO4.3</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>AO4.4</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>AO4.5</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>AO4.6</p>	<p>Any temporary lighting is dismantled immediately on closure of the <i>market</i>.</p>
Waste Management			
<p>PO5</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>AO5.1</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>AO5.2</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>PO6</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>AO6</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	
Parking and Access			
PO7	Sufficient parking spaces are provided on the <i>site</i> to cater for the <i>market</i> .	AO7	Where the <i>market</i> is conducted on private property, on-site car parking is provided at a rate of 1 space per 20m ² of <i>use area</i> .
PO8	The <i>market</i> provides adequate access for emergency vehicles.	AO8	A clear movement path, at least 3 metres in width, is maintained through or around the <i>market</i> to allow emergency vehicle access.