

### 5.5 Code for Markets

#### PURPOSE

The purpose of this code is to ensure that markets (both indoor and outdoor, community and commercial) are established where appropriate infrastructure can be provided, and operate with consideration to the amenity of the locality and impact on permanent businesses in the area.

#### (1) Element: Site Suitability

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p><b>P1 The market must be operated at a location where the attraction of a large number of people is consistent with the desired nature and character of the locality.</b></p>	<p>A1.1 The site is situated in, or adjoining, a Town Centre Core, Town Centre Frame or Village Centre precinct.</p> <p><b>AND</b></p> <p>A1.2 Markets (other than markets operated by community or non-profit organisations) are located on private land</p>
<p><b>P2 The use must:</b></p> <ul style="list-style-type: none"> <li>• promote community, entertainment and non-profit uses in the market, and</li> <li>• limit commercial/business impacts on established businesses in the vicinity of the market</li> </ul>	<p>A2.1 Market stalls are not located adjacent to similar established business uses unless the consent of the business operator is obtained</p> <p><b>AND</b></p> <p>A2.2 A minimum of 10% of stalls are used for the following uses:</p> <ul style="list-style-type: none"> <li>• buskers,</li> <li>• entertainment,</li> <li>• non-profit organisations or uses,</li> <li>• community uses.</li> </ul>

*Note - In addition to the applicable planning scheme codes applicants must refer to Council's relevant Local Laws and the relevant State legislation for food hygiene.*

(2) Element: Site Layout and Operation

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p><b>P1 The market must be established and operated to provide a healthy, safe and comfortable environment.</b></p>	<p><b>A1.1</b> A minimum 2.0 metre wide clear pedestrian path is maintained between stall fronts.</p> <p><b>AND</b></p> <p><b>A1.2</b> Where using the footpath area for market purposes and the road reserve is being used by vehicles during the operation of the market, a minimum 1.2 metre clearance from the kerb to any structure or other use area is provided.</p> <p><b>AND</b></p> <p><b>A1.3</b> A minimum 2.0 metre wide pedestrian access is provided between stalls and existing shop fronts.</p> <p><b>AND</b></p> <p><b>A1.4</b> The site layout of the stalls provides view corridors and pedestrian circulation access to adjacent businesses and advertising signs.</p> <p><b>AND</b></p> <p><b>A1.5</b> (i) Waste containers are provided on the premises for the disposal of waste from stall holders (operators) and the public at a rate of:</p> <ul style="list-style-type: none"> <li>• 1 container for each food stall operator (not including existing street bins), and</li> <li>• sufficient containers for waste generated from each stall (not including existing street bins)</li> </ul> <p>in accordance with the Code for Waste Management in Commercial/Business and Community Uses, and</p> <p>(ii) bins are located within the vicinity of the food stall and/or meeting/congregation area in each they are intended to serve.</p> <p><b>AND</b></p> <p><b>A1.6</b> The area used for market purposes, is maintained in a clean, safe and tidy state at all times by the operator.</p> <p><b>AND</b></p> <p><b>A1.7</b> At the conclusion of each day’s trading, the entire area used for market purposes is left in a clean, safe and tidy state.</p> <p><b>AND</b></p> <p><b>A1.8</b> Public toilets are provided, and made available, for customers and staff at all times during the operation of the markets, and are located within the area used for the market or are located within 200 metres of the market. If public toilets are not provided on the area used for market purposes, directional signage to the toilets is provided.</p> <p><b>AND</b></p> <p><b>A1.9</b> Public toilets are maintained in a clean, safe and tidy state at all times.</p>

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p><b>P2 The markets must be conducted in ways that do not adversely affect the amenity of the locality.</b></p>	<p>A2.1 Where outdoors, the markets are conducted (including set-up time) between the hours of 6am and 10pm.</p> <p><b>AND</b></p> <p>A2.2 Markets are held on not more than two days per week.</p> <p><b>AND</b></p> <p>A2.3 Markets on a site adjoining residential land are within a building, or separated from such land by:</p> <ul style="list-style-type: none"> <li>• a building or buildings not used for residential or market purposes, or</li> <li>• a landscaped buffer area, for the full length of the common boundary, having a minimum width of 3 metres and provided with a solid screen fence (or earth mound) having a height of at least 1.8 metres, or</li> <li>• an open space area of at least 20 metres in width.</li> </ul>
<p><b>P3 The emission of sound beyond the boundary of the site<sup>1</sup>:</b></p> <ul style="list-style-type: none"> <li>• maintains the EPP (noise) Environmental values of the receiving acoustic environment; and</li> <li>• is such that ambient sound levels for any nearby residential land and other noise sensitive places are maintained.</li> </ul>	<p>A3 Development and use achieves compliance with the noise limits specified for the relevant noise types, as identified in Table 3.1 of <i>Planning Scheme Policy No. 7 - Acoustic Environment Assessment</i>.</p>
<p><b>P4 Noise attenuation measures are compatible with the local streetscape, encourage the creation of active street frontages and are designed to discourage crime and anti-social behaviour having regard to:</b></p> <ul style="list-style-type: none"> <li>• aesthetic quality and compatibility;</li> <li>• physical accessibility;</li> <li>• provision for casual surveillance of public space from dwellings; and</li> <li>• opportunities for concealment or vandalism.</li> </ul>	<p>No Acceptable Measure nominated</p>

(3) Element: Vehicle Movement and Parking

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
<p><b>P1 Sufficient vehicle access and car parking must be provided on the premises to accommodate the amount of vehicle traffic expected to be generated by the use</b></p>	<p>A1. A minimum 3.0 metre wide clear movement path is maintained through or around the market to allow emergency vehicle access.</p>

<sup>1</sup> To demonstrate compliance with this performance criterion, applicants may need to prepare a noise impact assessment in accordance with *Planning Scheme Policy No. 7 - Acoustic Environment Assessment*.

