

## **6.13 MARKETS - EXEMPTION FROM DEVELOPMENT APPROVAL**

### **1 Introduction**

The purpose of this Policy is to identify the circumstances where 'Markets' (such as, but not limited to Swap Meets or Farmers Markets) are exempt from requiring Development Approval under the Scheme.

### **2 Objectives**

- *To increase social connectedness and inclusivity in developing a thriving, healthy and active community; and*
- *To ensure that small scale, low impact community Markets can operate in a way that does not impact on the amenity of surrounding residential properties.*

### **3 Applications Subject of this Policy**

This Policy applies to any proposal to operate a Market on zoned land, on 'Local Reserves' and on 'No Zone' land (roads, rights of way and pedestrian access ways), whether indoors or outdoors. It does not apply to proposals to operate on land under control of the Metropolitan Redevelopment Authority.

### **4 Exemption from requiring Development Approval on zoned land**

Markets are exempt from requiring Development Approval on zoned land where:

- a) The Market is located on land zoned as: 'Business', 'Hotel', 'Industry', 'Civic', 'District Centre', 'Local Centre', 'Mixed Business', 'Mixed Use', 'Private Institution' or 'Regional Centre';
- b) The Market does not require the construction of any new buildings, but may operate from existing buildings, temporary buildings, temporary structures, vehicles, trailers and the like;
- c) The Market operates for no more than one day per week;
- d) The Market contains no more than 30 Market Stalls;
- e) The Market does not open to the public between 7pm and 7am Monday to Saturday, and between 7pm and 9am on Sundays, or on Christmas Day, Good Friday or Easter Sunday;
- f) No vendors to the Market arrive before 6am;
- g) The Market and all associated car parking is located a minimum of 150 metres from any part of a lot that has a 'Residential' land use;
- h) The operation of the Market does not conflict with parking requirements for the predominant use of the site
- i) 2 car parking bays per Market Stall are provided in 'Business', 'Hotel', 'Industry', 'District Centre', 'Local Centre', 'Mixed Business', 'Mixed Use', 'Private Institution' or 'Regional Centre' zones; and
- j) In 'Civic' zones, no car parking is required for a Market.

Markets that do not meet the requirements of this Local Planning Policy will be assessed against the objective of this policy.

Note: the zoning of land can be checked by using 'StirlingMaps' which is available on the City's website

**5 Exemption from requiring Development Approval on public land**

Proposals to operate Markets on ‘Local Reserves’ and ‘No Zone’ land are exempt from the requirement to obtain Development Approval under the Scheme and will be processed through the City’s ‘Event Application’ process.

**6 Relevant legislation and policies**

Local Planning Scheme No. 3.  
Local Planning Policy 6.1 Advertisings Signs Policy.  
The City’s Event Application Guidelines and Requirements.

**7 Definitions**

The terms ‘Market’, ‘Buildings’, and ‘Temporary buildings’ are defined in Local Planning Scheme No 3, which can be found on the City’s website using the following link  
<https://www.stirling.wa.gov.au/your-city/documents-and-publications/planning-and-building/develop-my-property/local-planning-scheme-3-text>

**OFFICE USE ONLY:**

**Local Planning Scheme No.3 – Local Planning Policy History:**

<b>Action</b>	<b>Resolution Number</b>	<b>Effective Date</b>
Adopted	1119/008	1 Oct 2020