

Scenic Rim Planning Scheme 2020

Markets - June 2023

Markets play a key role in the community. When they are operated with consideration to neighbouring properties, they should have little impact on the local amenity.

What is a Market?

The Scenic Rim Planning Scheme (Planning Scheme) defines a *Market* as:

the use of premises on a regular basis for -

- selling goods to the public mainly from temporary structures (stalls, booths or trestle tables, for example); or*
- providing entertainment, if the use is ancillary to the use in paragraph (a)".*

Examples include uses such as a flea market, farmers market or car boot sale.

What is NOT a Market?

A *Shop*, *Roadside stall* and *Temporary use* which are separately defined.



Conducting Markets

The Planning Scheme seeks to balance community benefits with managing any potential impacts of a *Market's* operation on the amenity of the surrounding area.

Markets are **accepted development (subject to requirements)**, if not exceeding 2 *Markets* in a calendar month, in the following zones:

- Community Facilities Zone;
- District Centre Zone;
- Local Centre Zone;
- Major Centre Zone;
- Major Tourism Zone;
- Minor Tourism Zone;
- Mixed Use Zone (including all Precincts);
- Neighbourhood Centre Zone;
- Recreation and Open Space Zone (excluding the Passive Recreation Precinct);
- Rural Zone (excluding the Rural Escarpment Precinct) and where access is obtained from a sealed road;
- Special Purposes Zone (Bulk Water Storage Precinct);
- Township Zone (excluding the Township Residential Precinct).

Where a *Market* in the above zones operate more than twice in a calendar month or do not meet the requirements of the Market Code (see Accepted Development Checklist section of this fact sheet for an extract of the Market Code), the use will require planning approval.

Do I need planning approval?

No you will not need planning approval if:

- your proposal is **accepted development (subject to requirements)** for the relevant zone and all the Acceptable Outcomes in the Market Code are met.

For proposals that are **accepted development (subject to requirements)** see either the Conducting Markets section of this fact sheet or view the relevant zone under section 5.5

Categories of the Development and Assessment - Material Change of Use of the Planning Scheme. See the Accepted Development Checklist section of this fact sheet for an extract of the Acceptable Outcomes in the Market Code which will need to be met.

Yes you will need planning approval if:

- not identified as **accepted development (subject to requirements)** (see Conducting Markets section of this fact sheet) or the proposal does not meet all the Acceptable Outcomes in the Market Code; or
- located in a zone not listed under the Conducting Markets section of this fact sheet (your proposal will be **impact assessable**)

Accepted development checklist

Use the following checklist to see if you meet all the Acceptable Outcomes of the Market Code (see Table 9.3.11.3.1 of the Planning Scheme for the full code).

Acceptable Outcomes of the Market Code
A <i>Market</i> is conducted not more than two days in any calendar month and not more than two consecutive days. Note - <i>Conducting a Market does not include set-up and dismantling of a Market where no retail activity occurs.</i>
Public toilets: 1. are provided within the area of a <i>Market</i> or are located within 200m of a <i>Market</i> ; 2. remain open and accessible for use during <i>Market</i> hours including set-up and dismantling activities; 3. are maintained in a clean, safe and tidy state; and 4. are identified by directional signage indicating their location.
A <i>Market</i> , including setup and dismantling, operates between the hours of 5.00am and 10.00pm.
The use of amplified music, megaphones, public address systems and noise generating plant and equipment does not occur between the hours of 9.00pm-7.00am.
Any temporary lighting is turned off or dismantled immediately on closure of a <i>Market</i> .

What if I cannot meet the Acceptable Outcomes?

Your options include:

- Modifying the proposal to meet the outcomes stated in the Accepted Development Checklist; or
- Apply for planning approval for the proposed use.

What is an Overlay applies to my property?

An Overlay in the Planning Scheme may also influence whether planning approval is required for a Market. For example, an Overlay may **increase the category of assessment from accepted development to assessable** development (which requires planning approval).

The best way to check whether a property is affected by an Overlay is to view the [eplan and mapping](#) on Council's website or talk to one of our planners. If the property is affected by an Overlay, please refer to section **5.10 Categories of Development and Assessment - Overlays** which will help you determine whether the Overlay means planning approval is required.

What other approvals may be required?

If more permanent buildings or structures are proposed, building and/or plumbing approval may be required. Please contact Council's Building section on 07 5540 5111 for more information.

Related information

The *Temporary uses* fact sheet can be found on the Scenic Rim Planning [Fact Sheets - Scenic Rim Regional Council](#)

Doing business in the Scenic Rim

Scenic Rim Regional Council is committed to supporting local business and new entrants to the market.

Our Regional Prosperity team can assist you to navigate the information you need to start a new business, expand your existing business or relocate your business to the Scenic Rim. We encourage projects and proposals which support a sustainable and prosperous economy and align with both the Scenic Rim Regional Prosperity Strategy 2020-25 and the Planning Scheme.

For more information on how Council can support you to set up or grow your business, contact the Regional Prosperity Team on 07 5540 5111 or email prosperity@scenicrim.qld.gov.au.

Talk to a Planner

Council's Planners are available for confidential discussions to help you navigate the planning scheme and how it affects you. Call 07 5540 5111 or alternatively email mail@scenicrim.qld.gov.au to make an appointment.

For more information

The planning scheme and mapping is available to view on Council's website [Scenic Rim Planning Scheme – Scenic Rim Regional Council](#).

Hard copies of the planning scheme and mapping are also available for viewing at Council's Customer Service Centres.

Disclaimer

This fact sheet provides general information and is intended as a guide only. It may not be comprehensive in detail and as such, customers are encouraged to view the relevant sections of the *Scenic Rim Planning Scheme 2020* or talk to a planner. Fact sheets are prepared to assist the community in understanding parts of the planning scheme.