

Name of policy:	Markets		
Adoption by Council:	22 March 2023	Minute number:	113/2023
Last review date:	November 2022		
Review timeframe:	Three years		
Next scheduled review date:	November 2025		
Related legislation:	<ul style="list-style-type: none"> • <i>Animal Welfare Code of Practice</i> • <i>Companion Animals Act 1998</i> • <i>Crown Lands Act 1989</i> • <i>Environmental Planning and Assessment Act 1979</i> • <i>Food Act 2003</i> • <i>Food Safety Standards</i> • <i>Liquor Act 2007</i> • <i>Local Government Act 1993</i> • <i>NSW Food Authority's 'Guidelines for food businesses at temporary events'.</i> • <i>Roads Act 1993</i> • <i>Smoke Free Environment Act 2000</i> • <i>Work Health and Safety Act 2011</i> 		
Associated policies/documents:	<ul style="list-style-type: none"> • <i>Third Party Risk Management & Insurance Requirements Policy</i> • <i>MidCoast Market Management Plan Guide</i> 		
Responsible division:	Liveable Communities		

Policy objective

This policy ensures that a contemporary and consistent process exists for assessing market applications and for allocating and managing licences for markets held on Council land or land under the care and control of Council.

Policy statement

Council acknowledges the contribution local markets make socially, culturally and economically. Council recognises that well managed markets activate and bring vibrancy to public spaces enhancing economic potential while promoting healthy lifestyles and encouraging local production, distribution and consumption of food and other goods.

Coverage of the policy

This policy relates to markets throughout the MidCoast Council local government area and applies to all regular markets approved by Council on Council owned land and/or Council controlled public land including halls and public buildings.

Festivals and 'one-off' community based events and fundraisers such as annual markets and fetes which are conducted not more than once a year, are not regarded as 'markets' for the purpose of this policy.

Strategic Plan link

This policy directly links to the following community values identified in the Community Strategic Plan:

- We value our unique, diverse and culturally rich communities
- We value a connected community
- We value our environment
- We value our thriving and growing economy

Policy content

This policy supports the sustainable operation of markets that reflect the lifestyle and cultural diversity of the MidCoast area. Market Operators need to collaborate with Council, local residents, the business community and other agencies ensuring respect and consideration is given to the physical space markets occupy and the people and businesses surrounding them.

1 Operating criteria

- The Market Operator, Market Stallholders and any other third party undertaking activities at the markets must comply with Council's Third Party Risk Management & Insurance Requirements Policy.
- The Market Operator is responsible to ensure all reasonable actions are taken to adequately identify and manage risks associated with the conduct of market activities, including provision of a safe and easy to access market layout that ensures the safety and well-being of staff, volunteers, sub-contractors, stall holders and visitors.
- The Market Operator will be responsible for the market day maintenance and cleanliness of public toilets used in conjunction with the markets including the replacement of any consumables during the operation of the market. Any costs associated by the hiring and servicing of temporary toilet facilities (additional to existing public facilities) will be borne by the Market Operator.
- Any complaints in relation to the operation of the market are to be initially directed to the Market Operator.
- Council will review market operations and monitor their sustainability and future viability.
- All directions issued by authorised Council Officers or members of the NSW Police Force must be adhered to at all times.

- Council may impose restrictions on smoking in public areas including lands used for markets.
- Generally day markets will operate between 8am and 5pm and night markets between 5pm and 9pm with an hour bump in and out either side. Applications to vary these hours of operation will be assessed on demonstrated community benefit.
- Markets may only operate on weekends and public holidays. Applications to vary these days of operation will be assessed on demonstrated community benefit.
- Market Operators should give priority to stall holders who make and sell locally produced goods, services, art and crafts.
- Market Operators are to allow political representation and advocacy at markets ensuring the same equitable and non-discriminatory access to sites as all other stallholders. Representation and advocacy activities are to be restricted to the confines and immediate vicinity of the allocated stall site.
- Products of a similar nature to those available for sale by retailers in the local business area that are mass produced and/or repackaged products are strictly prohibited.
- Preference is to be given to Australian made products over imported produce/products.
- The sale of animals is prohibited excluding birds and poultry which may be sold if appropriately kept and sold by appropriately licensed bird traders/sellers, in keeping with the Animal Welfare Code of Practice – Animals in Pet Shops.
- No mechanical rides are allowed.
- No inflatable devices with a platform above 3 metres are allowed. Inflatable devices with a platform under 3 metres will require a separate agreement between the market organiser and the stall holder.
- No animal rides are allowed without prior Council approval.
- No sale of noxious or environmental weeds.
- Stall holders should be encouraged to use non-plastic packaging.
- The sale of glass items and items utilising glass receptacles or packaging is permitted for the purpose of a market by registered stall holders. Market Operators should ensure that any broken glass resulting from these items is removed and the area is left in a safe condition.
- Market Operators must ensure that all food stall holders have submitted a 'temporary food stall notification' to the Council's Environmental Health department for assessment and have obtained written approval prior to operating. Penalty notices can be issued to those who fail to notify Council.
- All food stall holders must operate in compliance with the requirements of the Food Act 2003, Food Safety Standards and the NSW Food Authority's 'lines for food businesses at temporary events'.

- The sale of alcohol can only be conducted at Farmers Markets and market Operators should ensure that the stall holder has the correct licence to undertake this activity.
- All markets will be subject to regular inspections by Council Officers to ensure compliance with the provisions of this policy, the Local Government Act, Work Health and Safety Act, the Food Act, Animal Welfare Code of Practice - Animals in Pet Shops, Protection of the Environment Operations Act and all other relevant legislation.
- When requested, the Market Operator is to provide Council with annual reports, detailing number and type of stalls, fees collected, and site maintenance performed and any donations or returns made to local organisations or events within the local community.
- Additional markets may be approved during school holidays and long weekends such as Christmas and Easter, providing it does not clash with existing regular markets in the same town or village. Requests are to be made in writing two (2) months prior to the proposed additional market day. Approvals are at the discretion of the General Manager or their delegate.
- Any advertising signage erected by the Market Organiser must be positioned in locations that do not cause a hazard to passing motorists and pedestrians and be secured appropriately. Market Organisers should gain approval from the appropriate authorities before erecting advertising signage.
- It is the Market Operators responsibility to ensure that participants (i.e. volunteers, stall holders etc.) are aware of the need to comply with existing parking conditions and regulations. This also applies during bump in and bump out times. The Market Operator should also monitor market-generated parking to ensure it is managed in a safe and orderly manner.

2 Licence

The Market Operator must enter into a licence with Council. Regular markets are held on a single site at a frequency of once per month or more at the discretion of Council, as stipulated in the licence or development consent (if applicable). Only one licence for a regular market will be granted in a town or village for each market type.

The term of the licence will be three (3) years. On expiration of such licence, the current licence holder/s may be invited to reapply for their licence for a further three (3) years. This may occur a total of two (2) times. After this time, applications will then be called. If the current Market Operator does not wish to renew their licence or, Council for any reason chooses to not invite the Market Operator to renew their licence, applications will be called to host the local market.

Conditions of ongoing consent shall be periodically reviewed and terminated if the Market Operator:

- does not comply with the conditions set out in this policy and licence; or
- does not conduct themselves in the spirit of developing community growth and wellbeing.

3 Market Income

The net profit from market operations is to be directed to the benefit of local community-based group/s or community event/s.

4 Development Consent - New Markets

- Where a new market is proposed on Council owned land or Council controlled public land, Council will use an internal referral process to assess the request.
- No approvals will be granted for markets that would clash with regular established markets.
- Depending on the complexity of a new market proposal, a Development Application fee may be applicable in accordance with MidCoast Council's adopted fees and charges.

5 Market Management Plan

A written Market Management Plan is to be prepared by the applicant in consultation with Council and any other stakeholders. The Market Management Plan is to be submitted to Council for approval:

- prior to the initial licence being granted;
- at the time of each licence renewal; and
- at any other time during the term of the Licence as instructed by Council.

6 Components of the Market Management Plan

The Market Management Plan must address, but is not restricted to, the following items:

- Market Charter
 - The name and purpose of the market.
 - Time, location, frequency of market including bump in and out times
 - Clear lines on permissible and non-permissible items that can be sold.
- Site Plan
 - Plan view of the site and proposed location of stalls.
 - Maximum number of stalls.
 - Distance between stalls and between rows.
 - Electrical connections and outlets.
- Site Impact Report (attachment B)
- Market Administration
 - Marketing and promotion.
 - Stallholder agreements.
 - Stallholder fees.
 - Dispute Management process.

- Risk Management Plan.
 - Emergency Management Plan.
 - Cancellation procedure.
 - On-site contacts, name of the market operator and a staff absentee back-up.
 - Work, health and safety plan.
 - Security and money handling procedures.
- Waste Management & Sustainability Plan.
 - Waste disposal procedures.
 - Portaloos and accessible toilet numbers and locations.
- Transport and Traffic Management Plan
 - Stallholder off-street all day parking arrangements
 - On-site vehicle impact minimisation

The MidCoast Market Management Plan Guide (Attachment A) may be used for this purpose

Definitions

Community-based groups are defined as a group with a clear purpose and objectives, however may not have progressed to the point of having legal status. The group must be open, be managed by a committee, maintain up-to-date financial records and contribute in a positive way to the wellbeing of MidCoast Council residents.

Community Events are defined as a happening that brings people together to socialise, celebrate, raise funds or be entertained. The event must be held within the MidCoast Council area and be accessible to the community in general.

Market - An event held for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders on a specified site at a frequency of once per month unless otherwise agreed by Council. The principle objective is to provide a sales outlet for local producers that involves more than six (6) stalls on the site or adjacent sites, at which no branded goods and services are offered for sale to the public.

Market Operator – The person or organisation responsible for managing the market and the enforcement of this policy and any relevant Council Operating Procedure. This person or organisation will have made the application to conduct the market and will have been granted the appropriate licence to conduct the market.

Market Stallholders – The person / organisation to which the market stall is issued by the Market Operator.

New Market - A market not previously conducted.

Political Representation and Advocacy – includes Political Groups, Political Candidates and Advocacy Groups

Stall – Temporary outlet that does not require the erection of any permanent structure.

Responsible officer (position)

Manager Growth Economic Development & Tourism

Attachments

- A. Market Management Plan Guide
- B. Site Impact Assessment

Market Management Plan Guide

Overview

A Market Management Plan (the Plan) communicates the details about your market to Council and the community. The following sections set out the minimum that is to be included in your Plan.

Document Content

1. Market Charter

This area must include-

- Name of the market
- Market purpose explaining why this market is good for the community and the philosophy that underpins it
- Time, location, frequency of market including bump in and out times
- Clear lines on permissible and non-permissible items that can be sold

2. Site Plan

Provide a site plan to show location of structures and access ways; include any portaloos, stages, seating, generators, refrigeration, stallholder loading areas, entry and exit points. Provide at least two site configurations (one as a wet weather contingency) indicating-

- The maximum number of stall holders
- Distance between stalls and between rows
- Electrical connections and outlets

3. Site Impact Report

Prepare a Site Impact Report using the Site Impact Assessment (appendix B). Provide information on how you will protect the site and surrounding environment, minimise impact on the community and ensure your market complements the local economy.

4. Market Administration

As a minimum this area must include -

- Marketing and promotion plan including details of any banners and signage
- Stallholder manual and agreement
- Stallholder fees
- Dispute Management process

Further detail may also cover-

- Anticipated patron numbers
- Stallholder retention strategy

5. Risk Management Plan

This area must include -

- Emergency management plan
- All weather protection, wet weather contingency and market cancellation procedure
- On-site contacts, name of the market operator and a staff absentee back-up plan
- Work, health and safety plan
- Security and money handling procedures

6. Waste Management and Sustainability Plan

As a minimum this area must include -

- Waste disposal procedures
- Portaloos and accessible toilet numbers and locations

Further detail may also cover -

- Waste minimisation plan
- Reuse and resource recycling initiatives
- Whole market sustainability initiatives

7. Transport and Traffic Management Plan

As a minimum this area must include -

- Stallholder off-street all day parking arrangements
- On-site vehicle impact minimisation

Further detail may also cover-

- Active transport provisions including safe parking for bicycles, way finding signage and accessible pathways
- Communication of public transport information

Site Impact Assessment

Impact consideration	Anticipated impacts during operation	Level of impact	Mitigation measures	Impact after mitigation implemented
		Minimal, Moderate or High	Describe actions	Minimal, Moderate or High
Environment				
Traffic • Impact resulting from market activities eg. road closure, traffic redirection, loading zones and increased traffic in local streets • Number of all-day parking spots required for stall holders • Parking provisions for patrons conflicting with people who currently use parking in the area				
Waste • Collection, storage, handling and disposal of compostable, recyclable and general waste • Resource and packaging minimisation • Grey water and cooking oil • Use of compostable and recyclable packaging and utensils instead of one-off use products				
Water use and run off • Liquid spillage by patrons and stall holders • Use of public taps and drainage •				
Site surface • Grass, soil and landscaping, protection and protection				

monitoring				
Visual impacts • Visual amenity, site design and types of activities held in highly visual areas • Blocking or damage to trees, vegetation and landscaping				
Heritage • Heritage listed and conservation items on site and surround site				
Social				
Public access and safety • Safety during daytime operation • Safety during evening markets (if applicable) • Site configuration and structures creating unsafe conditions • Access and points of congestion around stalls or displays				
Community facilities and services • Likely impact on local communities, community facilities or services				
Noise • Noise and disturbances from patrons and vehicles entering and exiting site • General noise and equipment noise generated by the market				
Community engagement and capacity building • Interaction with Council projects, programs and other events in the local area • Interaction with the local community • Impact on diverse social groups				
Stallholders and suppliers • Ensure				

ethical, local and sustainable stallholders and suppliers • Ensure market meets public health and safety requirements				
Economic				
Local businesses • Impact on business activities surrounding the site • Ensure complementary to existing retail offering in surrounding areas • Impact on nearby markets				
Reputation and Image • Impact of market reputation and image for the local area • Impact of market on reputation of Council				
Cost to Council • Additional costs to Council through increased maintenance (waste, transport, rangers and environmental health inspectors, ground surface)				
Wider and long term economic benefits • Engagement of local businesses and main street retailers • Other economic benefits arising from the market				