

Policy

Markets Policy

Version 1.1

Adopted by Council at its meeting on xxxx

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Division:
Section:
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Corporate Services
Events and Festivals
Council Policies/Protocols/Procedures
V1.0 placed on public exhibition

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Markets Policy

Policy Objective

The purpose of this policy is to establish Tweed Shire Council's position in relation to markets that are held on Council land or facilities or public space of which Council is the responsible trustee. It outlines Council's expectations in relation to markets to ensure they are well managed, are complementary to offerings of local businesses, are supportive of the local community and are connected to the character and identity of the specific location.

Definitions

Market Operators – The person / organisation responsible for managing the market that has made the application to conduct the market and has been granted the appropriate approvals / permits to conduct the market.

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

Market Management Plan – Submitted to Council by the Market Operator and includes: Market Layout Plan, Traffic Management, Insurance, Market Operator and Market Stall Holder responsibilities, Mechanical Rides and Devices, Electrical Connections and Devices, Fire Control, Amplified Sound, Market Stall Types, Waste Disposal, Communications Strategy, Sustainability Practices, Sanitary Provisions, Security.

Markets EOI - Periodic public advertisement by Council calling for Expressions of Interest from any interested individual or group seeking to operate and manage respective markets on Council owned or managed land or premises.

Market Hours of Operation – *Generally day markets are defined as operating between 8am and 5pm and night markets between 5pm and 9pm with an hour bump in and an hour bump out time either side. Applications with variations to these times will be assessed on merit.*

Fees and Charges – Annual Fees and Charges that form part of Council's Annual Budget process. These fees and charges include the cost of venue hire, regulatory compliance inspections, food safety inspections, waste disposal etc.

Council Land – Council owned and managed land including road reserves, operational land, community land and crown land.

Council Facilities – *Community buildings, halls and Community Centres.*

Local – Resident of the Tweed Shire

Neighbouring Areas – Residents of Byron Shire, *Lismore*, Kyogle, *Scenic Rim* and Gold Coast City *City of Gold Coast* Councils.

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

This policy does not include those markets that are held on private land by an individual, business or organisation ie: Murwillumbah Farmers / growers market. Whilst these type of markets are out of the scope of this policy they would require a development consent approval from Council's Development Assessment Unit.

Policy Background

This Policy is being developed for the community to outline Council's position in relation to conducting markets within the Tweed Shire. Engagement undertaken with the review of Council's Events and Festivals Strategy identified a range of strong and differing opinions in relation to markets.

To date Council has assessed applications to conduct markets against processes regarding Events and Development Consent applications and in accordance with the criteria set out in the Market Management Plan Guidelines to conduct markets which occur through the Markets Expression of Interest (EOI) process every three years.

This policy provides Council with a specific and transparent position regarding markets. It has been developed taking into consideration the diverse community views by applying a balanced perspective.

Policy

Tweed Shire Council acknowledges the contribution local markets can make to local communities and local economies. Council recognises the capacity of well managed markets to activate, bring vibrancy to and invigorate public spaces often resulting in an increase in interest and rejuvenation of communities for both existing businesses of those locations and the residents.

The guiding principles of this policy are:

- **Respect**
Operators are respectful and considerate of the physical space they occupy and people and businesses around them. They function in a way that local residential amenity is protected.
- **The "Local" in Local Markets**
More than 75% of stall holders must be locals or from neighbouring areas. Priority is given to stall holders who make and sell locally produced goods, services, art and crafts. These types of products are not readily available through normal commercial outlets and retailers.
- **Collaboration**
Working together with Council, local residents, business community, other agencies and organisations as required.
- **Economic Impact**
The costs involved in administering and managing applications to conduct markets are the responsibility of the Market Operators. Relevant fees and

charges are applied on a cost recovery basis, to ensure local ratepayers, who may experience temporary inconvenience with the use of public space for markets, should not have their rates subsidising private business market ventures.

- **Fairness**
Applies ~~equality~~ **equity** principles to their operations and stallholder mix.
- **Responsive and Adaptable**
Flexible to function with changing circumstances and emerging issues if and when they arise.
- **Safe and Accessible**
Provides a safe and easy to access market layout that ensures the safety and well-being of stall holders and market visitors. All public liability insurances are maintained by all market operators
- **Sustainability**
Market management practices that minimise the impact on the local environment including waste minimisation and disposal.

The types of markets that may be suitable are:

- Fresh Food / Farmers Market – Local farm origin items
- Goods Market - new and used goods and services
- Speciality Market – ie: Designer Goods, Arts & Crafts, Retro & Second Hand

Locations

The approved locations within the Tweed Shire for hosting regular markets (meaning those being held more than four times a year) are as follows:

- Kingscliff - Parklands along the foreshore (north of The Kingscliff Beach Bowls Club and throughout Lions Park from the Cudgen Headland Surf Club to the southern end of Lions Park)
- Salt – Central Park
- Pottsville – Phillip Street Reserve
- Knox Park Murwillumbah
- Recreation Street Tweed Heads
- Jack Evans Boat Harbour Tweed Heads

These locations are considered suitable market sites as they activate public space, are complementary to the local amenity and have a level of connectivity to the character and identity of the local community.

Requests to conduct markets at locations other than those identified in this policy would be considered as part of the Annual Markets Policy Review. In circumstances where new locations would be supported, Council would seek Development Approval and subsequently publicly advertise for Markets EOI.

Markets with a frequency of less than four times a year will be assessed in accordance with a combination of the principles of the Market ~~Strategy~~ **Policy** and the requirements

of the Event Application and or Development Consent Process. This includes requests for markets located at indoor Council premises such as community centres and halls and facilities.

Frequency

Frequency of markets relating to this policy are those that are held a minimum of four times a year. The maximum number of markets held annually on Council's identified locations listed previously is as follows:

- Kingscliff
 - Day Markets – 24 **26**
 - Night Markets - 12
- Salt – Central Park
 - Day Markets – 6
 - Night Markets - 4
- Pottsville - Day Markets – 24
- Knox Park Murwillumbah - Day Markets 12
- Recreation Street Tweed Heads - Day Markets - 52
- Jack Evans Boat Harbour Tweed Heads
 - Day Markets - 12
 - Night Markets - 12

Community Engagement

In addition to the community engagement undertaken in the adoption and review of this policy, Council makes a commitment to undertake meaningful community engagement with relevant stakeholders if any significant changes are proposed to the conduct of markets within this policy that fall outside of the annual review schedule period.

Support

Professional Officers from Council's Planning **and Regulation** Division, Events and Festival Team and Economic Development Unit **Section** are available to provide support by way of information to market operators or potential operators.

Council's Role

In relation to the markets relevant to this policy, Council's role is to:

- Determine the conditions under which the market is to be conducted.
- Act as the land owner/manager for the use of public space.
- Develop, assess and manage application and approval process to conduct markets on the identified sites.
- Determine the appropriate fees and charges in accordance with Council's Annual Budget Process.
- Ensure all markets are being conducted in accordance with the approved market management plan and that markets comply with all local laws and relevant government legislations.
- Monitor market activity throughout its agreement period.
- ~~Terminate~~ **Revoke** any agreements or permits where conditions of approval are not being met.

Related Legislation

- Local Government Act 1993
- Crown Lands Act 1989
- Food Act 2003
- ~~Food Regulation 2015~~
- Roads Act 1993
- Environmental Planning and Assessment Act 1979

Forms

Market Management Application Form

Market Management Plan Guidelines

Conducting Markets on Council Land FAQ

Development Application (if required)

Event Application Form (if under four markets per annum)

Community Building Hire and Conditions Application Form

Review Period

This policy will be reviewed annually for its first two years of implementation and then a minimum of every two years thereafter or as required.

Useful Links

[Tweed Shire Council website](#)

Relevant Items of Interest on Council's website:

Community Strategic Plan

Tweed Shire Events Strategy ***2016-2020***

Fees and Charges

Economic Development Strategy

Sustainable Agriculture Strategy

Economic Development – Business Gateway – Tweed Shire Council Business Assistance Program

Community Halls Policy

[Office of Local Government](#)

Version Control:

Version History		
Version #	Summary of changes made	Date changes made
1.0	Council at its meeting on 10 December 2015 resolved to publicly exhibit	10 December 2015
1.1	Amendments/inclusions made to the Definitions, Related Legislation, Forms and Useful Links sections of the Policy.	February 2016