

**FILE NO:** PSC2015-01866

**TITLE:** MARKETS POLICY

**POLICY OWNER:** STRATEGY AND ENVIRONMENT SECTION MANAGER

**PURPOSE:**

The purpose of this policy is to establish an approach to the approval of markets and the level of commitment it requires from Market Operators to achieve quality markets. It aims to achieve well-managed markets that complement the offerings of local businesses.

**CONTEXT/BACKGROUND:**

Port Stephens Council (Council) recognises the benefit that markets provide the community. Well-managed markets are an important part of the development of vibrant and sustainable local communities.

Council has held a policy position on markets since 1993. The approach to markets over these years has been to enable community groups to run monthly craft and cultural markets on Council owned and managed land. Since these early times though, the demand for Council owned and managed land has increased and the standards for community health, safety and environmental controls have changed.

The intent of this policy is to clearly define how Council will continue to approve markets that complement the local businesses, support the visitor economy and provide diverse social opportunities.

**SCOPE:**

1. The Markets Policy applies to Ongoing Markets on Council owned and managed land within the Port Stephens Council local government area. Ongoing Markets are classified as markets that operate more than four occasions in a calendar year.
2. Markets that are not covered by this policy include:
  - 2.1. Markets that are part of an event;
    - 2.1.1. Markets that are part of an event are managed under the Council's Event Policy and must meet requirements of the Event and Activity Assessment Guidelines and receive an event approval before operation.
  - 2.2. Temporary Markets that operate up to four occasions within a calendar year;

- 2.2.1. Temporary markets are managed under the Council's Event Policy and must meet requirements of the Event and Activity Assessment Guidelines and receive an event approval before operation.
- 2.3. Markets on land that is not Council owned or managed land;
  - 2.3.1. The Markets Policy does not apply to markets on land that is not owned or managed by Council. Markets on land that is not owned or managed by Council may require other development approvals.

## DEFINITIONS:

Council Land	Land that is owned or managed by Council.
Event	A planned (public or private) activity held on publicly owned or managed land requiring formal assessment and approval.
Event Approval	Formal approval granted by Council for an event or temporary market.
Event Advisory Group	A group comprising a minimum of three Council representatives with relevant knowledge of outdoor events and trading. It may engage additional members to provide expert advice on specific site and issues.
Event and Activity Assessment Guidelines	Includes guidelines, processes and other internal documents used by Council staff in the assessment and approval of event applications and market applications.
Market Approval	Formal approval granted by Council for a market to begin operation.
Market Operator	The individual or group who intend to operate the market and who will enter into an agreement with Council for use of the site.
Market Proposal	A detailed document describing the layout, management and preliminary operational plans for a market. The Market Proposal is submitted after a Market Application has been given in principal support to finalise approval.
Market Application	An application form enabling Market Operators to indicate interest in using a site on Council land to operate a market.
Ongoing Market	A regularly scheduled outlet for the sale of goods and services at the same or similar location, with the majority of goods and services provided by the producer, grower, craftsperson or service person.

Priority Locations	A site that may be activated as required if deemed necessary or appropriate by Council.
Temporary Market	A market that operates up to 4 times within a calendar year.

## **POLICY STATEMENT:**

Council is committed to:

1. Supporting quality markets that demonstrate capacity to meet community needs, strengthen the local economy and complement the offerings of local businesses;
2. Ensuring a consistent assessment framework including an equitable fee structure for the approval of Market Proposals and Market Applications;
3. Markets that minimise the impact on the environment, local residents and nearby businesses;
4. Market sites being well maintained by Market Operators;
5. Markets that ensure community health and well-being;
6. Assessing applications for markets based on this policy and the criteria set out in the Events and Activity Assessment Guidelines;
  
7. Approving Ongoing Markets at the following locations:
  - 7.1. Karuah, Longworth Park – Lot 7010 / DP 1050943,
  - 7.2. Lemon Tree Passage, Henderson Park – Lot 93 / DP 217567,
  - 7.3. Nelson Bay, Apex Park – Lot 7145 / DP 1063859 and Lot 155 / DP 753204,
  - 7.4. Nelson Bay, Neil Carrol Park – Lot 101 / DP 1175980,
  - 7.5. Nelson Bay, Tomaree Sports Complex – Lot 1 / DP 1136350,
  - 7.6. Nelson Bay, Town Centre – various lots,
  - 7.7. Raymond Terrace, Riverside Park – Lot 7005 / DP 94774,
  - 7.8. Raymond Terrace, Bettles Park – Lot 1 / DP 1093118.
  
8. Approving Ongoing Markets at Priority Locations;
  - 8.1. From time to time Council may initiate a process to identify suitable markets for locations that require activation;
  
9. A one year moratorium from the commencement date of this policy on the terms and conditions of all current markets on Council owned and managed land, after which these markets shall be assessed and approved under this policy and the Event and Activity Assessment Guidelines; and

10. Ensuring security of tenure for approved Market Operators. Accordingly, those Market Operators shall be offered the first right of refusal for any new licence subject to all requirements of the *Local Government Act 1993*, the *Crown Lands Act 1989* and the assessment criteria set out in Council's Event and Activity Assessment Guidelines.

### **POLICY RESPONSIBILITIES:**

Overall review and evaluation of this policy lies with the Communications Section Manager.

Key areas for implementation are delegated to the following positions:

- Tourism and Event Coordinator – implement the policy, review and update the Events and Activity Assessment Guidelines and supporting documents relating to this policy; issuing of market approvals under delegation; Internal and external relationship management.
- Community and Recreation Assets Coordinator – provides advice on the implementation of the policy.
- Tourism & Events Team: Operational implementation of the policy and associated documentation.

### **RELATED DOCUMENTS:**

- 1) Events Policy (PSC2015-01072)
- 2) Setting of Fees and Charges Management Directive
- 3) Port Stephens Local Environment Plan 2013
- 4) Local Government Act 1993
- 5) Food Act 2003
- 6) Advertising Signs Policy
- 7) Alcohol in Parks and Reserves Policy
- 8) Mobile Food Vending Vehicle Policy 2014
- 9) Temporary Structures on Footways Policy
- 10) Port Stephens Foreshores Generic Plan of Management
- 11) Port Stephens General Community Use Generic Plan of Management
- 12) Port Stephens Natural Areas Generic Plan of Management
- 13) Port Stephens Urban Parks Generic Plan of Management
- 14) Port Stephens Sportsgrounds Generic Plan of Management
- 15) Port Stephens Council Event and Activity Assessment Guidelines

**CONTROLLED DOCUMENT INFORMATION:**

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<b>TRIM container No</b>	PSC2015-01866	<b>TRIM record No</b>	001
<b>Audience</b>	Existing and potential Market Operators; Event Operators; local business associations and their members; Destination Port Stephens and its members, Tomaree Sports Council.		
<b>Process owner</b>	Tourism and Events Coordinator.		
<b>Author</b>	Tourism and Events Coordinator. Community Services Section Manager.		
<b>Review timeframe</b>	Every four years	<b>Next review date</b>	December 2019.
<b>Adoption date</b>	08/12/2015		

**VERSION HISTORY:**

Version	Date	Author	Details	Minute No.
1.0	18/11/1997	Community Services Section Manager.	Regulate markets and fairs for Port Stephens.	1362
2.0	22/09/2015	Tourism and Events Coordinator. Community Services Section Manager.	To replace the existing out dated policy which has been superseded by the Event and Activity Assessment Guidelines developed as part of the Events Policy.	293
3.0	08/12/2015	Community Services Section Manager.	Amended document post public exhibition - addition of Bettles Park for approved market location.	389