



OUTDOOR MARKET OPERATIONS IN PUBLIC PLACES POLICY

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1. Background

The increase in demand for outdoor markets in Waverley Local Government Area (LGA) and the expiration of existing market operations in the LGA provided an opportunity for Council to establish a market policy that strategically informs the way markets are allocated and how they operate.

The policy will ensure that all outdoor market permits and licences in the Waverley Local Government Area are issued equitably and the market operations are highly professional, environmentally friendly and add value to the community.

The Policy provides clear direction for the style of markets desired in Waverley LGA, suitable locations, assessment criteria and allocation process for markets and standard conditions for market licence holders.

2. Purpose / Objectives

Council aims to regulate markets held in the Waverley LGA or on land under the care and control of Council. In implementing this policy, Council will:

- a) Manage the demand for use of public places to mitigate negatively impacts
- b) Identify suitable locations for market operations that will positively activate areas whilst mitigating negative impacts
- c) Ensure the markets enhance the shopping offer, mix and experience for residents and visitors whilst ensuring neighbouring commercial premises are not negatively impacted on.
- d) Ensure the market operation is the best fit for identified locations
- e) Ensure the market operations add value to the local economy and are sustainable
- f) Ensure the market operations demonstrate best practice in protecting the environment and minimising waste
- g) Inform and ensure equity in the assessment and allocation process of market proposals
- h) Manage and regulate market activity in Waverley LGA
- i) Minimise public liability and risk management concerns

3. Scope

This policy addresses markets in all public places within the Local Government Area under the care, control and management of Waverley Council.

The policy may also be used as a reference document when assessing Development Applications for market operations proposed for Private Property.

The Policy does not apply to annual shows, events or festivals. These activities are regulated on a case-by-case basis.

4. Definition of Markets

Licence and/or Permit Holder:	The person/organisation to whom a licence/permit to operate a market is issued ie Market Management
Market:	A market involves more than four stalls/vendors operating as a on one site offering goods and services for sale to the public.
Stall Holder:	The person/s or organisations to whom a site is issued by the Licence Holder.

Markets for the purpose of this policy include;

1. 'One Off' and/or short term Market operations
2. Regular market operations eg daily, weekly, monthly

5. 'One Off' and/or short term Outdoor Market Operations' Permit

- a. A 'one off' and/or short term outdoor market operation permit application can be lodged for consideration by Council for any public place.
- b. Assessment will occur on a case-by-case basis and will be guided by principles within this policy.
- c. An approved permit that includes standard and site specific operating conditions is required before operations can commence
- d. Any fundraising activities require the appropriate Authority to Fundraise from the Charities Office, with such Authority being provided with any application for permit.
- e. A fee will be charged for outdoor market activities as determined in Councils fees and charges policy
- f. Applications must be submitted at least four (4) weeks prior to the proposed activity to allow sufficient time for assessment

6. Selection Criteria for 'One Off' and/or short term Outdoor Market Operations

- a. Market activities are not in direct competition with businesses near the location
- b. Market activities add value to the community and/or event and do not negatively impact upon the area
- c. Market activities do not clash with neighbouring existing approved regular markets or businesses

- d. Public liability insurance is obtained, current and covers all stall holders
- e. Any other relevant certificates and/or licenses associated with the market activity are obtained and current
- f. Market structures proposed are temporary, consistent in design and appearance and of high quality.

7. Regular Outdoor Market Operations (eg daily, weekly, monthly) Licence

Application for Market Licence

The Licence Holder will be required to provide a management strategy as part of their proposal that includes but is not limited to;

- Traffic Management Plan
- Risk Management Plan
- Public Liability Insurance
- Litter and Waste Minimisation Plan
- Site plan including stall layout
- General operations plan
- Marketing, branding and communication Plan
- Financial report

The approved Licence Holder/market management will be required to update and submit their management plan each year and provide an annual report on the outcome of the management strategy and market operations during the term of the license

Market Location(s)

Locations identified for regular Outdoor Market Operations under the policy (subject to Council approval)

- I. Oxford Street Mall, Bondi Junction (area defined under canopies at West end)**
- II. Roscoe Street Mall, Bondi Beach**

Council may alter or add to the list from time to time during the life of this policy.

Market Licence

Licenses may be issued to Market Management for market operations in the identified locations;

- for up to a term of up to 5yrs (*reviewed annually and terminated if Market Management is not complying with the conditions of consent*)
- for operation between the hours of 8 am – Midnight. *Each licence will stipulate the hours between which the market may operate. No noise is to be generated before 7.00am on the day(s) of the market*

- for between 1 - 7 days per week, or monthly

An approved Development Application will be required for each market operation.

Council will determine the above for each license assisted by the market style and location proposed and the guiding principles and criteria in this policy.

Fees and charges

- a. An annual license fee will be payable for the duration of the license term. The current outdoor seating rates for commercial areas will be used as the benchmark in determining the rate to be applied to regular and one-off markets with a variation applied if the market is operated for the benefit of a charitable or not for profit organisation
- b. A fee may be charged for electrical power useage and any extraordinary cleaning charges or litter disposal required as a result of the market operations
- c. Invoices will be issued on a monthly basis in advance
- d. A bank guarantee and/or bond will be payable for approved licenses

Market Maintenance

Market Management will be required to be responsible for reinstating the condition of the market site grounds immediately after each market to the satisfaction of Council Officers or the controlling authority of the ground.

Market Management will be responsible for ensuring that stall holders are strictly controlled in their use of Council space and equipment, vehicle movements, stall erection and public safety.

Council authority and inspection

All markets will be subject to regular inspections by Council officers to ensure compliance with the provision and conditions of the issued licence and all other relevant government legislation including Occupation, Health and Safety. In addition;

- a. All food products will be required to be stored, prepared and packaged for sale in strict accordance with the requirements of the NSW Food Act 2003 and the regulations there under.
- b. All food vendors will be required to hold a current Waverley Council Food Trading approval certificate
- c. Market management will be responsible for ensuring adequate fire equipment including but not limited to a chemical fire extinguisher and fire blanket.
- d. Market management will be responsible for ensuring any stall holder whose trading requires the use of cooking must be in possession of a fire blanket and adequate ground cover to ensure there is no damage to Council property
- e. Market Management will be required to act immediately on instructions and/or requirements issued by Council officers and ensure stall holders do likewise.

Rides, Devices and animals

Market Management will require written permission from council before allowing or issuing any market space for mechanical rides, animal rides or inflatable devices.

There is to be a limit of one type of activity per location ie one animal ride or one jumping castle. No increase in numbers is permitted without the consent of Council

Number and type of stall holder

The number of stalls will be determined by Council based on the space available in the identified locations and ensure that pedestrian access is not impeded.

Licences for Market operations will contain the following provisions:

- a. Market Management will be required to give priority to locally grown, home produced or crafted, recycled, fair trade, eco, organic and environmentally friendly goods and services
- b. Market Management will be required to provide a minimum of 1% of their daily operating space at no charge to registered charities and/or local community groups and organisations for the purpose of fundraising
- c. The type and mix of stalls must not be in direct competition with neighbouring businesses in the immediate vicinity. Council reserves the right to request the removal or change in the goods for sale should there be an obvious conflict with nearby retailers.

Council will determine the above a conditions consistent with this policy for each license proposal. Council's decision is final.

Noise control and amplification

Market Management will be required to manage the impact of any noise generated as a result of market operations including the amplification of sound or music.

Market Management will be required to ensure noise levels from market equipment or stall holder equipment is to be no more than 5 decibels dB(A) above the normal background noise levels at or around the market site.

Environmental considerations

Market Management will responsible for ensuring prepared food and 'drinks' is provided in re-useable or recyclable containers.

The use or sale of plastic bags, balloons or polystyrene products will be strictly prohibited for the dispensing or packaging of sold goods by outdoor market stallholders.

Market Management will responsible for ensuring that stallholders' eating utensils, serviettes, and stirrers are single use and compostable.

Market Management will be responsible for ensuring nothing enters or has the potential to enter stormwater drains and that any waste water is disposed of correctly into sewerage drain as directed by Council officers.

8. Allocation process for regular market operations

- a. Identified market site locations will be allocated through an expression of interest and/or tender process. This process ensures equity, transparency and to 'contest the market' and compliance with Councils procurement policy and processes.
- b. Proposals will be submitted addressing set criteria and conditions.
- c. A selection panel will assess the proposals and recommend successful operators to Council for consideration.
- d. A permit/license agreement will be issued to approved operators.

9. Selection criteria for regular market operations

Demonstrated experience and capability to perform the service/s including:

- a. Demonstrated expertise and experience in the successful provision of the specified services, or similar services. Applicants must provide details of same or similar services provided and details of referees who can attest to the applicants' performance
- b. Human resource structure, responsibilities, availability, capacity, skills and experience, particularly in relation to key staff for the purposes of this agreement
- c. Capacity to perform and deliver service/s within specification
- d. Quality management systems are in place including food handling and storage, waste minimisation practices and customer service
- h. Quality OH&S and risk management systems and Public Liability insurance in place
- i. Applicant's current commitments, capacity and availability to undertake the service for the term specified

Demonstrated financial viability and value for money including:

- e. Financial viability and capacity to perform the agreement
- f. Marketing and advertising capacity to actively promote outdoor markets to local community incorporating Council branding and logo

Service/s is fit for purpose and the environment and meets community and visitor needs including:

- g. Type of service/s to be provided supplements existing services and enhances the variety of goods available

- h. Market stalls are visually appealing, fit for purpose and impact minimally on the area
- i. Demonstrated understanding of the Waverley community, its needs, heritage items and social values
- j. A percentage of stalls are allocated for use at discounted rates for local community organisations and if applicable, at no charge to not for profit charities.

10. Guiding principles and conditions for market operations in Waverley

Types of market stalls suitable

- Fresh foods, goods and flowers
- Cooked foods
- Designer and unique goods
- Specialist niche market goods eg antiques, designers, collectables
- Arts and crafts
- Fair trade goods
- Tourist goods
- Community based stalls including bric-a-brac and raising funds for registered charities, community and sporting groups

Council may alter, restrict or add to the list from time to time during the life of this policy.

Types of market stalls not suitable

- Mass produced imported goods
- Products sourced from 'unfair' trade labour operators
- Illegal, toxic or counterfeit goods

Trading days and times

- Markets may operate between 8am-midnight and up to seven days per week dependant on the site selected and approved Development Consent

Size of Market Operation

- The number of stalls will be determined by the site selected
- Pedestrian flow must not be impeded

Traffic Management / Parking

The market operation must not;

- negatively impact on the area
- Cause a significant increase in traffic and congestion

The market operation must;

- Promote public transport
- Parking alternatives that do not negatively impact upon residential areas

Marketing

- No bill posters, stickers and/or market material is permitted on public property without Council approval

Structures / Facilities

- Market structures are to be consistent in size and style
- Market structures must be visually appealing and in good working order at all times

Health and Environment

- Packaging must be recyclable or compostable
- The market area must be litter free at all times
- Appropriate waste and recycle bins are to be provided to each stall holder
- Sun protection must be provided to stall holders

11. Termination

The Council reserves the right to terminate the permit and/or the license agreement if the operator is in breach of the permit and/or agreement conditions and this policy by the provision of one month's written notice.

An operator whose permit and/or license has been terminated can appeal in writing to the General Manager, Waverley Council, PO Box 9, Bondi Junction 2022.