



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

Date adopted	19 July 2022
Resolution number	22/191OC
Previously adopted	New policy
Next review due	12 months after licence issue through EOI process
Department	Engineering & Works
Responsible officer	Property Officer
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Policy for markets on public land

1.0 Purpose

To provide a consistent and supportive approach for the approval and on-going management of markets held on Council owned or managed land within the Kiama Local Government Area (LGA).

2.0 Objectives

The objectives of this policy are:

- To establish Kiama Municipal Council's (Council) approach to the approval of markets.
- To provide clear operational requirements for market operators to support their work.
- To contribute to well managed market operations that support the community and add value to our economy.

3.0 Scope

This policy applies to Council owned and managed public land within the Kiama LGA. This policy nominates locations (public places) where Council may consider approval for market operators under a licence. The locations are listed in Schedule 1. Notwithstanding the endorsed locations for regular markets in Schedule 1, Council can separately consider markets for special or one-off events on other public owned or managed land upon request.

4.0 References

This document should be read in conjunction with the following:

- Local Government Act 1993
- Crown Land Management Act 2016
- Native Title (New South Wales) Act 1994
- Food Act 2003
- Companion Animals Act 1998
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- Kiama Local Environmental Plan 2011
- Council's Public Land Management Guidelines
- Relevant Plan of Management
- Events Toolkit and Guidelines

5.0 Definitions

For the purpose of this document the following definitions apply:

Term	Definition
Market	means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary

Term	Definition
	structures and existing permanent structures used for that purpose on an intermittent or occasional basis.
Licence	refers to the permission from Kiama Municipal Council to a specific person, operator or company to conduct a market on a designated public place.
Public place	refers to a public reserve, a public road or a crown reserve including crown land reserved for future public requirements.
Public reserve	refers to land provided for the use of the community including lands designated as public parks, reserves and sportsgrounds under the ownership of Kiama Municipal Council or crown land managed by Council.
Expressions of Interest (EOI)	refers to a transparent process of seeking written interest from market managers to operate on approved public places.
Market management plan	the operational plan for an individual market approved under licence
Special event	refers to an event organised by the market manager such as a night market, a holiday period market or similar that takes place outside scheduled market operating periods and hours.

6.0 Policy

Kiama Municipal Council supports market operations within the LGA and acknowledges the contribution well managed local markets make socially, culturally and economically. Markets also provide for the needs of the community regarding the provision of locally sourced fresh food, goods and services and promote our local suppliers, farmers, makers and growers. This policy outlines the approval process and operational model for markets on public places.

6.1 Applications and Expressions of Interest

At the commencement of this policy and thereafter up to five (5) year intervals, an expression of interest (EOI) will take place to seek a licence to hold markets on the approved public places identified in Schedule 1.

Council will determine the EOI assessment criteria as part of the EOI process. As a guide the following criteria may be applied:

- Experience in market management and operation
- Ability to develop and implement a management plan for the proposed market in accordance with the operating criteria of this policy.
- Ability to offer a point of difference that benefits the community socially, economically and culturally in a way that is unique in its competitive difference to the local economy
- Nominated market day
- Nominated fee for use of public land for a commercial activity
- Value for money

6.2 Licence

The approved activity provided for in this policy is subject to the provisions of the *Local Government Act 1993* or the *Crown Land Management Act 2016*. The licensee will enter into a licence with Council for use of the land and operate in accordance with the licence conditions and the Market Policy. Market operators operating under licence are to meet with officers of Kiama Municipal Council bi-annually.

The licence provides the holder with non-exclusive access to the reserve. The general public, sports groups or other users of the reserve can use that area of the reserve for public recreation purposes outside market operations.

In the event of Council terminating an individual licence to operate, it may commence a new EOI process at its discretion and a licence issued to a new market operator.

6.3 Fees

An annual licence fee will be charged and payable on a monthly basis. The fee will be determined by market valuation and based on the area available for use. Fees may vary across the approved locations based on valuation assessment.

Licence holders will be required to pay a security deposit or bond and is payable at the commencement of the licence and retained for the duration of the licence term. The security deposit amount is charged in accordance with Council's Fees and Charges. The bond is held to cover damage to the reserve caused by stallholders such as but not limited to damaged caused by vehicles on the reserve.

6.4 Market operations

- The number of market days that can occur on each nominated location within the calendar year are listed in Schedule 1.
- Council may consider issuing more than one licence to operate markets on a public place as shown on Schedule 1. In this event, market days will be allocated by Council's reserve hire calendar to ensure the spread of individual markets. The total number of markets per year on the respective reserve will not exceed the maximum number in Schedule 1.
- A special event market must be endorsed by Council as the landowner/land manager.
- Market managers are responsible for booking market dates for each calendar year with Council as permitted by the licence.
- On a weekend where a public holiday falls only one market can occur at the approved location. Public Holiday markets will be rotated between approved operators over the term of the respective licences.
- Council may determine a public place to be unsuitable for market use due to inclement weather or ground condition. In this situation the market manager is responsible for booking an alternate date subject to reserve availability. Market managers can electively cancel a scheduled market under the same circumstances and book alternate dates for that market.
- In the event a market operator cancels a scheduled market based on forecast adverse weather, the market manager is responsible for booking an alternate date subject to reserve availability.

- Alternate wet weather market venues on public land are able to be considered on a case by case basis and subject to availability. The market manager is responsible to arrange hiring of any or alternate facility.
- The market manager must keep and maintain public liability insurance in the amount of \$20 million for the term of the licence agreement and must ensure all stall holders are covered under individual policies.
- The market manager is responsible for ensuring all reasonable actions are taken to identify and manage risks associated with market activities.
- The market manager is responsible for waste management for the duration of the market. The market area is to be regularly serviced for litter collection during and at the conclusion of markets, with receptacles emptied at the end of the market. Waste services for the market can be arranged through Council's Waste Services or via private contractor.
- Market managers are to wear high visibility vests during market operations and clearly identified with market manager visible.
- The market manager is responsible for vehicle movement during bump in and bump out times. Bump in and bump out periods are not to exceed 2.5 hours before and 1.5 hours after the market operating hours.
- Vehicles must not travel at a speed greater than walking pace while on the reserve.
- Where possible, it is the responsibility of the market manager to limit the number of vehicles parked on the reserve during market operation.
- Entry gates/bollards must be closed/in place for the duration of the market.
- All stalls to be set back a minimum of 15 metres from playground infrastructure and 1.5metres metres from cycleways/footpaths.
- All operators of temporary food stalls are required to apply to Council and pay the associated fees for a Temporary Food Stall and Mobile food Van permits and comply with the NSW Food Handling Guidelines for Temporary Events and Mobile Food Van Guidelines together with the applicable requirements of the *Food Act 2003*, Regulation and Food Safety Standards.
- Only Temporary Food Stalls and Mobile Food Vans that are approved by Kiama Council and have Current permits are permitted to trade at markets and events within the Kiama Municipality.
- The market manager must ensure that all Temporary Food Stalls and Mobile Food Vans are approved by Council and have current permits.
- The market manager is required to make a minimum of two stalls available for not-for profit local-based (Kiama LGA) organisations at each market day and at zero cost to the respective service clubs/community groups.

6.5 Market Management Plan

A market management plan (MMP) is required to be prepared and approved by Council for the term of the licence and address the following. Changes to the MMP need to be provided to Council during the term of the licence:

- Market information
 - Market manager/coordinator contact details
 - Market name and purpose of the market

- Location, time and frequency of markets
- Register of stallholder information including food registration
- Site plan
 - Plan of market site and proposed location of stalls
- Risk management plan
 - Risk assessment for market operations
- Waste management plan
 - Name of waste service provider
 - Service schedule
 - Total number of bins for collection (landfill and recycling to cater for the typical amount of waste generated at the market)
 - Map of bin location (minimum 1x landfill and 1x recycling bin at each location – food and garden organic waste collection should also be considered). Please refer to the [Events Toolkit](#) for more information.
- Public amenities
 - Inspection frequency and reporting process
- Vehicle movement and traffic management plan
 - Stallholder parking arrangements
 - On-site vehicle impact report
- Incident reporting framework
 - injury
 - hazards

6.6 Prohibited activities

The following activities are not permitted without the express written consent of Council during market operations:

- high speed activities eg: go-karting
- operating fire pits
- operating slip and slides
- amusement rides and devices
- structures exceeding 10 metres high
- use of jumping castles/inflatable devices.

During the period of operation of this policy, council may nominate additional prohibited activities.

7.0 Review history

This policy was adopted by Council on 19 July 2022.


This policy will be reviewed 12 months after the issue of licences for markets following an expression of interest process.

Any amendments to this document must be by way of Council resolution. Council reserves the right to review or vary this document and associated processes at any time if required.

8.0 Document control

Date reviewed	Date adopted	Amendment
July 2022	19 July 2022	New policy

9.0 Signature

Name: Jane Stroud – Chief Executive Officer	Date: 19 July 2022
<div>Signature: </div>	

Schedule 1

Public Reserve	Property description	Operating times	Maximum markets p.a.	Operating days
Blowhole Point Reserve R87397 (Black Beach)	Part Lot 7007 DP 1074746 Part Lot 7034 DP 1061039 Part Lot 7008 DP 1074746	Between 9am to 5pm Special Events between 2pm and 8pm	up to 30* + 2 Special Event Markets	Weekend
Coronation Park Reserve R131 (Surf Beach)	Part Lot 7016 DP 1074643	Between 2pm to 8pm	up to 52	Mid-week
Gerringong Town Hall and Old School Park	Part Lot 38 DP 873965 Part Lot 6 DP 871423	Between 9am to 5pm Special Events between 2pm and 8pm	up to 12 + 1 Special Event Market	Weekend
Reid Park, Jamberoo	Part Lot 2 DP 1146787	Between 9am to 2pm Special Events between 2pm and 8pm	up to 12 + 1 Special Event Market	Weekend

*up to two separate market operators under individual licences will be considered for this location

How to contact Council

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