

guidelines for MARKETS ON PUBLIC LAND

policy | M01

Council's Market Guidelines are designed to assist market managers with the requirements and procedures associated with operating markets in parks, open spaces or public roads under the ownership and/or management of Ballina Shire Council.

These guidelines must be addressed as part of any application for a licence to conduct a market on public land.

1. Application and approval process

Applications to operate a market on Council owned or managed land are to be lodged via the Markets on Public Land Application Form with the accompanying documents including a market management plan addressing these guidelines.

To allow sufficient processing time, market managers are required to lodge applications at least three months prior to the proposed market commencement date.

Fees & charges

Applicants may be subject to fees and charges in accordance with Council's adopted Fees and Charges, available on Council's website.

An explanation of the fees is as follows:

Initial application

An application fee is payable upon lodgement of the market application or an application for renewal. This fee partially covers staff time in processing the application.

Ongoing (licence fees)

Licence fees are payable for the occupation of public land for the purpose of a market. The payment of a licence fee represents a return to the community for the occupation of community land. Markets operated by a not for profit group may be eligible for a discounted licence fee, in recognition of the benefit provided to the community by an organisation.

Inspection fees

These fees are set each year in Council's schedule of fees and charges and are payable for the inspection of temporary food premises by Council.



Consumption charges

These fees include water, waste and electricity costs where access to Council services is required. The charges for these services may vary and are determined as part of the market application process.

Assessment, Approval and Licencing

Council aims to assess applications within two months of lodgement. Market managers may be required to attend a meeting with Council staff to discuss the application and potential licence conditions.

Council may decide not to grant a licence for a market to operate for reasons including:

- insufficient information is provided
- a market or land is deemed unsuitable having regard for the environmental, social, economic, infrastructure and/or risk considerations for the proposed market
- Council believes there is lack of market management skills and experience held by the applicant.

Approval conditions will be set out as part of a licence to occupy land. Initial approval for a market will typically be for 12 months with the potential to renew for a further period of up to three years.

Council may call for expressions of interest for the operation of a market:

- at the expiration of a licence
- in response to an application for a market operation
- where Council wishes to invite the use of a land parcel for a market.

3. Market Manager responsibilities

A market manager is the legal entity responsible for the operation of the market. Market managers are required to have public liability insurance coverage specific for the operation of the markets.

As part of the application and assessment process, Council requires the submission of a market management plan (refer to point 6).

4. Permits & regulations

Depending on the elements in the market, there may be specific approvals, permits or licences required.

Examples of approvals issued by Ballina Shire Council include market approval, venue hire/booking, food vendor permits, amplified sound, temporary road closures and amusement ride and inflatable device

approvals.

Examples of approvals issued by other agencies include liquor licences, fundraising authorisations, notice of public assembly, and RMS approvals for use of some roads or waterways.

5. Market location**Suitability**

The market site will need to be carefully assessed to ensure it is suitable for the operation of a market. A number of factors will need to be considered, these include, but are not limited to: site capacity, facilities, parking, public amenities, access, exposure to strong winds and adjacent residences. The site should not have the potential to become waterlogged or be subject to flash flooding in the event of a sudden storm.

In the case of an emergency (including a potential bushfire), the site plan must clearly identify safe assembly areas and escape routes.

Electricity Supply and Installation

Electricity is available at selected parks and reserves. For larger markets where electricity supply is limited, or in areas where there is no electricity, a low noise emitting generator will be required for power supply. A site inspection will determine if there are Council controlled electrical facilities in appropriate locations at the market site. Any costs associated with upgrades or connections to existing electricity supplies will be the responsibility of the market manager.

Night markets will need to ensure adequate lighting for walkways and exits in case of an emergency evacuation, and to provide safe access to and from the site. Market managers will also be required to ensure back-up generators are available to provide adequate lighting in case of a blackout. Details of existing and proposed lighting for night-time use must be submitted with the market application.

Accessibility

To make the market as inclusive as possible it should be accessible to people with a disability. To maximise accessibility, the market site and operation must be considered in relation to providing:

- public and/or private transport to and from the market
- parking areas for people with a disability
- accessible facilities such as toilets and food and drink counters

- access for emergency vehicles
- wide entrance and exit paths, and
- information in large print for people with sight impairment.

6. Market Management Plan

A market management plan must address the following:

Manager Details

The market manager's details, including whether the market manager is a not for profit entity or a commercial operator.

Stall and Product Information

The style of market and proposed goods for sale (including origin of the goods and details of any certification for the goods) and the maximum number of stallholders.

Site Plan

It is necessary for the market manager to carefully consider the layout of the market site in the context of existing site features. The layout will need to take into account access for emergency vehicles (fire trucks, police and ambulances), traffic management (public parking, disabled parking and pedestrian access), access for servicing of garbage receptacles and toilets, first aid facilities, movement in and out of the site by stallholders and staff and sufficient space for free movement of the public.

The site plan must provide a plan drawn to scale of the proposed market site, clearly showing where the market will operate and contain details of the locations of all entrance, exits and facilities etc.

The site plan needs to clearly identify a safe assembly area and escape routes in case of an emergency (including a potential bushfire).

The content of a site plan should reflect the various aspects of the market. Some suggested inclusions are locations of:

Structures & Site Features

- the market manager's stall
- entertainment areas, exclusion areas
- liquor outlets including approved liquor consumption areas / no-alcohol (dry) areas
- food vendors/stalls
- toilets

Access and thoroughfares

- all entrances and exits
- distance between stalls and public spaces and thoroughfares
- safe assembly evacuation areas
- access for emergency vehicles at least six metres wide, (fire, trucks, police and ambulances), including routes around and through the market used by vehicles
- parking, including stallholder parking
- accessible points for persons with a disability, including ramps and wheelchair-accessible routes.

Facilities

- fire-fighting equipment / first aid
- electricity access points
- shelter and shade
- waste receptacles and recycling facilities
- toilets access points
- water and electricity
- first aid facilities
- facilities for people with a disability
- sitting/eating areas
- location of nearest hydrants
- any static water supplies proposed in non-town water reticulated areas, eg tanker facilities (ensuring sufficient water supplies are available for firefighting where markets are on bushfire prone land)
- location of open flame charcoal/gas or electric cookers (avoid locating these facilities in close proximity to fuels and dried up vegetation to avoid potential bushfire ignition).

Pedestrian, Traffic and Parking Management

Traffic and transport issues can arise as a result of market activity. This includes setting up and packing down the market site.

If it is anticipated that the market will have an impact on traffic and/or transport then a Traffic Management/Control Plan (TMP or TCP) may be required. This plan needs to address road and traffic related matters, eg including vehicle numbers, turning movements, parking, effects on surrounding roads, disabled access and pedestrian access.

An application for a market that includes a road closure will be referred to Council's Traffic Committee. The Committee is made up of representatives of Council's

Civil Services Group, the NSW Police and the Roads and Maritime Services (RMS). The Committee will give advice on the acceptability of a proposal, necessary amendments to the proposal, and the requirements for a Traffic Control Plan (if needed).

It is important to provide sufficient parking for people attending and working at the market, including stallholder car parking. Markets which are not accessible by scheduled public transport may need to provide additional parking facilities.

Waste Management Plan

One of the key areas of responsibility in conducting a market is to effectively manage waste on the market site and surrounding areas.

The market manager is responsible for supply and appropriate disposal of additional waste facilities generated at the market site and surrounding areas. Market Management Plans must include a Waste Management Plan.

As a guide, the minimum number of additional bins required for attendee use (not including existing public bins) at markets are:

- 1 x 240L bin per 100 attendees if no food or drinks served/sold
- 2 x 240L bin per 100 attendees if food or drinks served/sold
- 2 x 3m front load skip bins and 2 x 240L recycle bin per 100 attendees, for events greater than 1,000 attendees.

Risk Management Plan

Risk management is a significant consideration in the operation of markets. During the planning stage it is essential that a risk management plan is developed specifically for the market location. Once this is developed it is important that the risks continue to be monitored and reviewed. A sample risk matrix is included in the Market Application Form.

The risks identified in a risk management plan will depend on the nature, location, time and duration of the market. Night markets or markets selling alcohol may be required to provide additional security or safety measures.

A risk management plan should incorporate provisions for cancellation of a market due to a severe weather event.

Council reserves the right to cancel a market approval

at short notice where risk or safety concerns are identified.

Public Liability Insurance

The market manager must obtain and hold public liability insurance in a minimum amount as directed by Council, with Council listed as an interested party on the policy. Council may request evidence of insurance coverage at any time. It is the market manager's responsibility to ensure all sub-contractors hold adequate insurance specific to the work or activity being carried out.

Fire Management

It is the responsibility of the market manager to ensure that all market attendees can be promptly evacuated to a place of safety in the event of an emergency. Market managers are required to prepare an evacuation plan in the case of any emergency, including fire and the supply and use of fire equipment.

Incident Reporting and Complaint Handling

Market managers are required to have a complaint management process as part of the market management plan. Complaints received by Council regarding the day to day operation of the market (ie, stallholder disputes) will be directed to the market manager for resolution in accordance with the complaint management process. The complaints management process should provide for both verbal and written complaints, recording of the complaints in a register, appropriate remedies for complaints and confidentiality of personal and private information received by the market manager.

Work Health & Safety

Market managers have a duty of care to provide a safe environment in which staff, volunteers, performers and contractors can work. Depending on the nature of the market, there are certain legislative responsibilities that must be adhered to. WorkCover NSW has further details regarding WHS requirements for markets.

Noise Management

Balancing a need for entertainment with the community's right to enjoy reasonable quiet can be a challenge. Generally all markets are required to comply with the provisions of the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Noise Control) Regulation 2008.

However, Council can approve a market which will exceed the prescribed noise levels if satisfied that the market will be run and managed in such a way as to minimise any impacts on nearby residential areas.

Markets may be required to prepare a noise management plan and distribute a community notification leaflet, if a noise impact is anticipated.

Maintenance and Repair to Licence Area

The market manager will be responsible for documenting and reporting to Council any damage caused to the licence area as a result of the market's operation.

Where the operation of the market has caused damage to the licence area, the market manager will have the responsibility for remediating any damage or payment of any costs to Council for the remediation of any damage.

Market management plans are to include a system for recording and reporting damage and maintenance.

Amusement Rides and Devices

Amusement rides and devices require a separate s68 approval from Council and WorkCover. These applications should be made separately in accordance with the approval process in Council's Events on Public Land Policy.

The use and/or operation of any amusement rides or devices should be identified in the market management plan including a separate risk assessment for each ride or device.

Electrical Connections and Outlets and/or Use of Portable Gas Supply

Safety and effective market operation are key considerations with respect to electricity and gas supply. Market management plans must identify electricity and gas needs and how these supplies will be safely managed on site.

Signage and Promotion

Signage promoting the market must not be set up at the site without the prior approval of Council. A temporary signage plan outlining the location, size and layout of the signs must be submitted with market applications. All market signage must comply with the applicable planning requirements under the Ballina Local Environmental Plan 1987 and 2012 and any applicable state policy.

Council also has community event signage infrastructure in various locations. For further information see Council's website for Community Event Signage and Banner Pole policies.

Food Vendors

All food suppliers, including not-for-profit and charity fundraisers, are required to sell safe and suitable food in compliance with the Food Standards Code. The NSW Food Authority publishes guidelines which provides minimum standards for the preparation, display, handling and labelling of food and beverages in line with the Code.

Council registration is needed for stalls that include the sale of food and beverages and for the installation of temporary food stalls.

Water used for any activities in the preparation of food, personal hygiene, cleaning and sanitising must be of a potable standard. Non-potable water may be used for cleaning and similar uses only where it will not compromise the safety of food on the premises.

On bushfire prone land sites, market managers are required to provide details of any proposed appliances to be used on site eg. open flame charcoal/gas or electric cookers. It will also be necessary that all food vendors with kitchen cooking appliances have fire extinguishers and a fire blankets.

Council's Environmental Health Officer may attend the market. Where an inspection is deemed necessary food inspection fees will be charged in accordance with the Council's adopted scale of fees and charges.

Market management plans must identify how compliance with relevant food safety requirements will be achieved.

Alcohol

Details of any proposal to sell or consume alcohol must be provided with the market application. The market management plan must outline how alcohol sales will be managed and how risks will be mitigated, along with details of appropriate liquor licensing and RSA compliance.

Council has two forms of alcohol regulation that relate to alcohol consumption in public areas. These are Alcohol Free Zones and Alcohol Prohibition.

Alcohol Free Zones

An Alcohol Free Zone (AFZ) is a regulation put in place to prevent disorderly behaviour caused by the

consumption of alcohol on public roads, footpaths and public car parks. AFZs are in place in Wardell, Alstonville, Ballina and Lennox Head CBDs prohibiting the consumption of alcohol 24 hours a day, seven days a week.

Alcohol Prohibited

Areas that are Alcohol Prohibited prohibit the carrying and or consumption of alcohol. Signs prohibiting alcohol may be placed in public areas such as parks, reserves and beaches. Council has implemented Alcohol Prohibition in all parks and reserves between the hours of 10.00pm and 7.00am seven days a week, unless signposted differently.

All sports fields and surrounding reserves are Alcohol Prohibited areas.

Council can erect Alcohol Prohibited signage upon the request of the Market managers to ensure compliance with the regulation.

Services

Toilet and ablution facilities

Market managers may be required to supply additional toilet facilities specifically for attendees depending on the existing availability of toilet facilities.

Water

The market manager must consider the availability of potable water that is needed for drinking, washing etc and the supply source. If an extensive quantity of water is required and it is sourced from a Council supply, Council may require it to be metered and consumption charges to be met by the market operator.

7. Further Information

For further information, please refer to Council's **Markets on Public Land Policy and Appendices:**

- *Guidelines – Information to be Submitted with an Application for Event Approval – Markets*
- *Guidelines – Understanding Risk Management for Markets*

Applications need to be consistent with Council's **Event Guidelines and Events on Public Land Policy.**

General market enquiries

Strategic and Community Facilities Group
Sustainability Planner
Ph: 6686 1284

Leasing and licencing enquiries

Strategic and Community Facilities Group
Property Officer Community Land
Ph: 6686 1284

Food approvals

Development and Environmental Health Group
Environmental Health Officer – Food specialist
Ph: 6686 1221

Signage

Community banner poles bookings and enquiries
Events Support Officer
Ph: 6686 4444

Rangers

Development and Environmental Health Group
Ph: 6686 1210

Waste management

Civil Services Group
Ph: 6686 1287

Road closures/traffic management enquiries

Civil Services Group
Ph: 6686 4444

Work Health and Safety enquiries

NSW WorkCover
Ph: 13 10 50

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