

Market Management Plan Guidelines 2022
(Reviewed January 2022)
Environmental Health Section

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Contacts

For all markets enquiries, call our customer service number between 8.30am - 4.15pm Monday – Friday on: **(02) 6670 2400 or 1300 292 872**

Written enquiries may be sent to: **tsc@tweed.nsw.gov.au**



1. General Information

Are you interested in managing a Community Market?

These guidelines provide guidance to potential and existing market managers when preparing a **Market Management Plan** to operate a community market.

Council's Markets Policy 2020 identifies that suitable community markets are:

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

Markets require development consent approval and are operated by a private person or organisation strictly in accordance with the conditions of consent and/or the *Local Government Act* (NSW) s68 Approval to Operate.

All of Council's community market sites have a current Development Consent. The development consents specify the frequency of each market. It is highly recommended to become familiar with the development consents before you start writing the market application.
<https://www.tweed.nsw.gov.au/Markets>

What are community markets?

Community markets are markets conducted on public land under the control of Council; these include markets at Kingscliff (Jack Bayliss Park), Kingscliff (Lions Park), Kingscliff (Salt Central Park), Tweed Heads (Recreation Ground), Tweed Heads (Jack Evans Boat Harbour), Murwillumbah (Knox Park), and Pottsville (Philip Street).

Markets are operated by the market managers independently of Council. All

advertisement, bookings and day to day management of each market is undertaken by the approval holder for the duration of the approval to operate.

How long does the approval last?

Every three years Council calls for Expressions of Interest from any person or group interested in operating the community markets.

Persons or groups interested in managing community markets must submit a **Market Management Plan Proposal** while the Expression of Interest period is open.

How are Market Management Plan proposals evaluated?

The proposals received by the due date will be evaluated using the criteria in the matrix on page 9. You may submit up to two proposals for each site and for any number of sites.

Officers will present the recommended proposals to Council for their decision. This decision will consider the greater community good, impact on local businesses, the Market Management Plan assessment score, what happens if the market grows and the best mix of markets.

Once determined, Council then issues the successful group with a *Local Government Act* (NSW) s68 Approval to Operate the market, for a three-year period.

These guidelines have been developed to improve the quality of submissions and explain how they will be evaluated. Refer to the assessment matrix on page 9. Applicants are encouraged to address all the assessment criteria clearly and thoroughly.

2. Markets Policy

The Markets Policy 2020 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 for community markets*’. This Market Management Plan Guideline should be read in conjunction with that Policy. Any Market Management Plan Proposal is required to be consistent with the adopted Policy and ‘parent’ development consent. The Policy states:

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 (Jack Bayliss Park);
- Kingscliff (Lions Park);
- Kingscliff (Salt Central Park);
- Murwillumbah (Knox Park);
- Pottsville (Philip Street);
- Tweed Heads (Recreation Ground); and
- Tweed Heads (Jack Evans Boat Harbour).

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.

The Policy further states that ‘*the number of markets held annually in the approved locations is generally in accordance with*’:

Market	Frequency
Kingscliff (Jack Bayliss Park)	Day Markets - 26
Kingscliff (Lions Park)	Night Markets - 12
Kingscliff (Salt – Central Park)	Day Markets - 6 Night Markets - 4
Murwillumbah (Knox Park)	Day Markets - 12
Pottsville (Philip Street)	Day Markets - 24
Tweed Heads (Recreation Street)	Day Markets - 52
Tweed Heads (Jack Evans Boat Harbour)	Day Markets - 24 Night Markets - 24

Proposing a variation to the current policy?

Where the applicant has a proposal that varies from the total number of market events listed above, the application must consider the community impact. The submission is

required to explain the reasons for the variation in terms of viability and community benefit (the market may be unique and offers a tourism benefit etc).

Liaison with local business to ensure compatibility would also be advisable.

Applicants are advised to submit a conforming Market Management Plan, with any variation as an option.

3. How to Develop the Market Management Plan?

Interested parties are advised to read this Guideline closely and ensure any market submission made to Council provides all relevant information.

3.1 Ensure you meet the market objectives

The market management plan shall ensure the markets:

- ✓ Promote tourism;
- ✓ Promote the highest quality community and cultural experience;
- ✓ Support Tweed and regional stallholders and goods/produce;
- ✓ Not impact unreasonably on nearby existing established commercial outlets;
- ✓ Protect local residential amenity;
- ✓ Comply with current legislation and adopted Council policy;
- ✓ Minimise traffic conflict and ensure pedestrian safety;
- ✓ Minimise impact on the environment
- ✓ Indemnify Council with public liability insurances; and
- ✓ Facilitate operation of all markets in compliance with the Approval to Operate.



Figure 1. Pottsville Markets.

3.2 Content of the Market Management Plan

Council is seeking environmentally friendly, vibrant and unique markets that enhance people's experience, promote tourism and support local business and communities.

Applicants are advised to review any restrictions provided in the Markets Policy and applicable development consent (available on Council's website).

Important: Anything proposed in the Market Management Plan will be a condition of the approval to operate!

The market management plan must contain the following:

1. Market management plan details	
Applicant details	Full name, residential and postal address, telephone and email.
Market Frequency	<p>Information on the proposed frequency of the market on the site.</p> <p>If you are proposing an alternative frequency to the current Markets Policy, please provide the justification and community benefits of the concept. Explain how you have liaised with local businesses and how your proposal is unique and complimentary to the local community (see page 6 for the current Policy details).</p>

Hours of Operation	Hours of operation of the market and the associated times required to establish and dismantle stalls and clear the site of all rubbish. Refer to the development consent on Council's website to find out if there are time restrictions.
Insurance	The market operator occupies the site at their sole risk. Each market must have a Public Liability Insurance Policy to the value of at least \$10 million and Workers Compensation insurance. The policy shall specifically indemnify Council. Full details are to be presented prior to conducting a market and upon written request by Council. The s68 Approval is subject to appropriate restrictive conditions.
Management Responsibility	The applicant shall ensure that the management plan approved by Council for the conduct of the market is adhered to; this forms the basis for the market manager operating independently of Council. For this purpose, the applicant or an adult person (s) who has written authority to act on the applicant's behalf, shall be present at the market at all times. Details must be given as to where and how this person may be contacted at any time.
Layout Plan details	<p>The following information shall be provided:</p> <ol style="list-style-type: none"> The location of areas proposed to be used for rides or entertainment (separate approval may be required for 'amusement devices'). The location of toilet facilities. The location and number of approved food stalls which sell conventional food or drink (note that strict compliance is required with the approval and Council policy). Food stalls must seek registration with Council prior commencing trading. Details of proposed parking arrangements including direction of traffic flow from parking areas onto surrounding road networks and location of barriers, signs etc. to control parking. The location of water and electricity outlets to the site if proposed to be used, and electrical generators (if any). The location of waste and recycling bins. The location and layout of the area proposed to be used by stall holders and where it is proposed to locate stalls in rows the proposed distance between the rows. The approved location of each market is provided in appendix 3. Refer to appendix 1 for examples of site layout plans.

Traffic and Pedestrian Management	<p>In addition to the parking information shown on the market layout plan, details are to be provided of traffic control barriers, signs, etc.</p> <p>The manner in which they are to be erected and removed and how proposed traffic and pedestrian control measures are to be enforced, including details of market staff in attendance and a strategy for managing higher numbers of vehicles as a result of market success.</p>
Electrical Connections and Outlets	<p>Where electrical power is available and utilised by the market operator, all electrical connections, leads, plugs and cords shall comply with relevant safety standards.</p>
Mechanical Rides and Devices	<p>Details of the type, size and number of such devices if any is to be provided if applicable.</p> <p>Note that separate applications for approval of amusement devices may be applicable. Amusement Devices (mechanical rides) are defined as “Plant” under the provisions of the Work Health and Safety Regulation 2011.</p> <p>Council has adopted a fee for operation and inspection of amusement devices. The market operator must ensure that an amusement device has Council approval (where required), is registered with SafeWork NSW and has current public liability insurance.</p>
Amplified Sound	<p>Details of any proposed public address systems or amplified music are to be provided – indicating the location and direction of speakers. Any public address systems or amplified music shall cease immediately upon request to do so by an authorised Council officer.</p>
Sanitary Provisions	<p>Details of the location and number of toilets proposed to be used by the public are to be provided.</p>



Figure 2. Murwillumbah Markets.

2. Markets and Events Experience

Experience managing markets and events

Submissions must include details of an individual's or group's experience in managing public markets and/or events. This is a key criterion in assessing submissions. Experience and ability to promote and develop a vibrant community experience will be highly valued.

3. Vibrant markets

Community and Cultural Experience

Council wants our market network to provide an engaging community experience for all. **How does your proposal create a unique point of difference? What will make your market vibrant? How will you enhance people's experience?**

Market proposals may include initiatives such as the payment of local musicians and entertainers, face painting, movies (night markets), buskers, displays by local artists or community groups and specific areas for gathering. Timeframes to introduce any new ideas and proposals should be clearly specified.

Inclusion is also a key element for vibrant markets. Please demonstrate how your market will provide the opportunity for everyone to access and participate fully in all the activities.

4. Stalls	
Stall Types	<p>Details of the proposed type and mix of stalls to be allowed to operate at the market are to be supplied.</p> <p>A preference for local and regional stallholders and produce/products will be highly regarded. Council's Markets Policy defines local as:</p> <p><i>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 retailers generally within 1km of the market.</i></p> <p>The approved management plan shall acknowledge specifically that when booking stalls, priority shall be given by the market operators for participation by stall holders who sell locally produced goods and services, arts and crafts or organics. It is considered important that every opportunity is given for the sale of locally produced goods and services at markets on Council controlled land.</p> <p>Proposals which demonstrate that the local community has been consulted will be highly regarded.</p>
Food Stalls	<p>Submissions must include a proposal on how many food stalls/vans (and what type of food) they propose to allow to operate at the market, This must be specified in the market management plan and detail provided to demonstrate that conflicts with other local businesses have been avoided. Eg: there are 4 cafes nearby, so no coffee and tea vans will be approved. There are 8 restaurants nearby so we will only have two food vans.</p> <p>Should Council receive enquiries from local retailers and find that they are being adversely impacted, Council may notify the market operator and require a modification to the number or type of food businesses (or indeed any market stalls in the market).</p> <p>Refer to appendix 2 for more information.</p>
5. Environmentally friendly markets	
Sustainable initiatives	<p>In this space you have the opportunity to describe any sustainable/ environmentally friendly initiative as part of your market proposal. Examples are selling of organic food, promoting reuse of products, fair trade and many others.</p>
Waste Plan	<p>Specific detail is required on how waste is to be managed and controlled at the market. Submissions that address sustainability and waste minimisation (avoidance of plastics, reuse and recycling) will be highly regarded.</p>

Methods of waste reduction and eliminating unsustainable waste (plastic bags and containers, food containers, plastic straws and cups etc) must be detailed and must be implemented if the proposal is successful.

Follow this Link to information on Council's website about 'Wastewise Events'. If the market organiser is a not for profit organisation, Council can provide assistance with bins.

<http://www.tweed.nsw.gov.au/WastewiseEvents>

Council also has access to North East Waste's Program - *Waste Warriors* which supports businesses with their waste issues. Follow the following Link to gain assistance with waste management information.

<http://www.newaste.org.au/business.html>



Figure 2. Pottsville Village and Philip Street Markets (Source: James Brown, JB Photography).

3.3 Market Management Plan Assessment Matrix

The following matrix specifies how the proposed Market Management Plans will be evaluated. Each item has a weighing. The total weight is 100.

The proposals are assessed against the criteria and the proponent that scores the highest is recommended to Council for their final decision.

Evaluation Criteria	Weighting	Description	Range
Market Management Plan	35	Detailed and comprehensive, clear proposal that generally exceeds the expectations of Market Management Plan Guidelines (this document). Regulatory compliance with the Events strategy 2016-2020 & Markets Policy 2020.	26-35
		Adequately addresses key criteria	13-25
		Limited details provided or inadequate	0-12
Experience	15	Extensive - events and public markets	11-15
		Adequate - events and public markets	6 -10
		Limited details provided or inadequate	0 - 5
Vibrant Markets	15	Establishes a clear community benefit, meets or exceeds the community advancement expectations of the Markets Policy and demonstrates strong commitment to community consultation. Provide examples of how the market will be vibrant, inclusive and unique. Demonstrate accessibility and inclusion.	11-15
		Adequately addresses the above	6 -10
		Limited details provided or inadequate	0 - 5
Stalls	20	Demonstrated inclusion of local and regional stallholders and produce/products. Food stalls/vans information detailed and comprehensive with substantial consultation.	15-20
		Adequately addresses key criteria	8 -14
		Limited details provided or inadequate	0 - 7
Environmentally friendly markets	15	Detailed and comprehensive environmental initiatives supported by the market. Including a detailed and comprehensive waste management plan.	11-15
		Adequately addresses key criteria	6-10
		Limited details provided or inadequate	0-5

3.4 Fees and charges

Fees and charges are reoccurring charges determined by Council and published on Council Fees and Charges. Fees are charged by event in accordance with the size of the market:

- Small market: Market that typically operate with less than 65 stalls.
- Medium market: Markets that typically operate with more than 66 stalls.

The markets classification is given under the Section 68 approvals and will remain for the term of the approval.

Note: If a market is approved to operate with 70 stalls, it is classified as a medium market. If during a trade date, the market operates with 63 stalls; It will still be classified as a medium market and therefore medium market fees will still apply.

If due to unforeseen circumstance the market cannot go ahead, the market manager can apply in writing via tsc@teed.nsw.gov.au for the fees to be waved. Applications can only be done within seven days after the cancellation of the market.

Unforeseen circumstances are defined as a hurricane, earthquake, heavy rain, flooding, bush fires or other environmental catastrophes, act of war, terrorism, riot, rebellion, revolution or civil disorders, NSW Public Health Orders or Council instruction to close the market.

Fees increase every financial year in accordance to Council's CPU. Visit the following link to access to the current charges <https://portal.lgsolutions.net.au/Fees/Public/Tweed>

3.5 Checklist

Use the following check list to verify you have included in your proposal everything that is required.

GENERAL	
<input type="checkbox"/>	I am familiar with Council's Markets Policy 2020.
<input type="checkbox"/>	I am familiar with the market development consent.
<input type="checkbox"/>	I understand the markets food stall restrictions.
MARKET MANAGEMENT PLAN	
<input type="checkbox"/>	Are the market management plan details included?
<input type="checkbox"/>	Have you included your experience in markets and events?
<input type="checkbox"/>	Have you explained how you are going to make your market vibrant?

<input type="checkbox"/>	Have you included your stalls information, in particular food stalls?
<input type="checkbox"/>	Have you included how your markets are going to be environmentally friendly?
<input type="checkbox"/>	Have read and understood the market fees and charges?

If you are able to tick yes to all the above, your application is now complete!

Appendix

1. Prepare a Site Layout Plan

Sample Market Layout Plans for consideration:

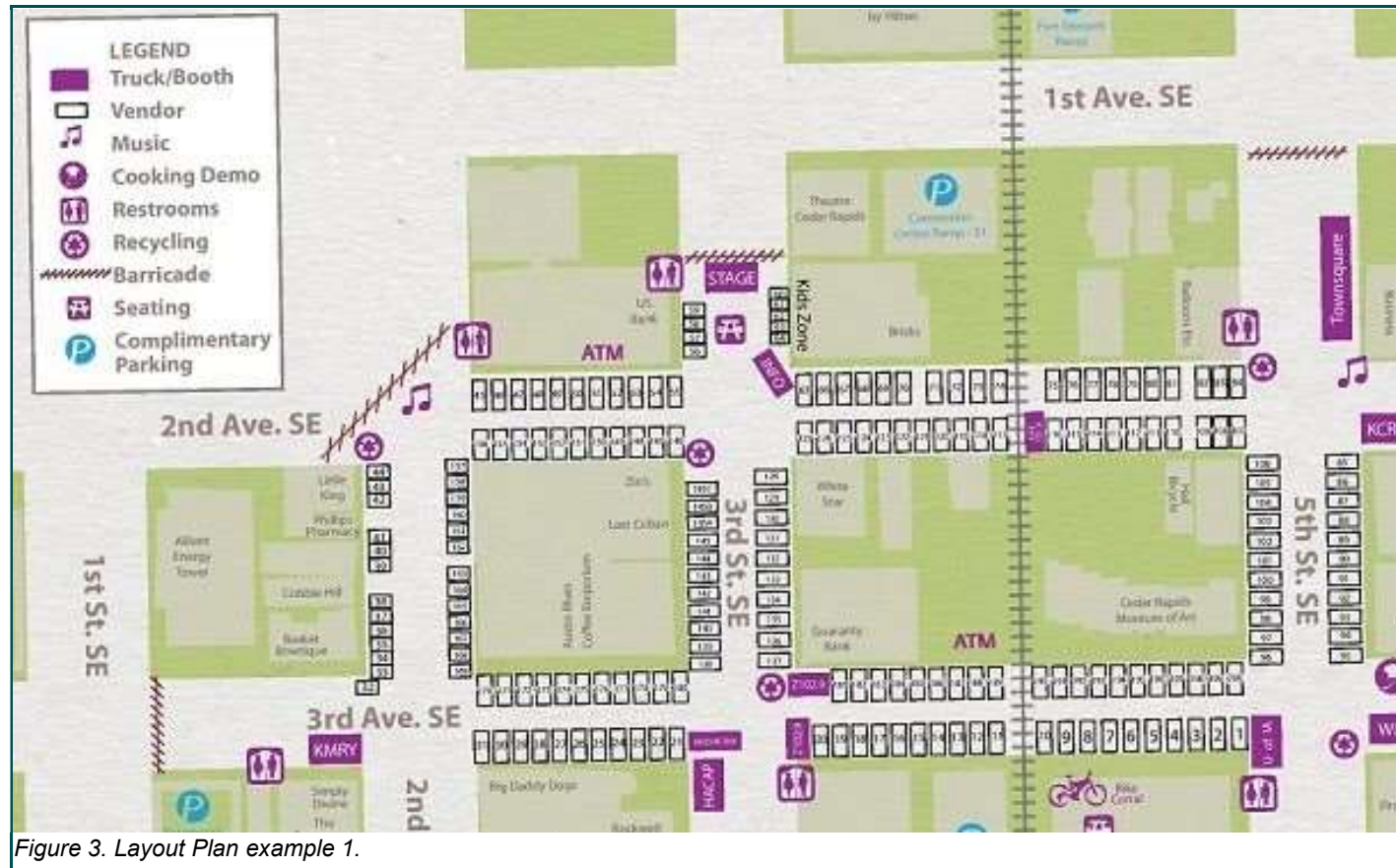


Figure 3. Layout Plan example 1.



Figure 4. Plan Layout example 2.

2. Food stalls/vans considerations

The sale of food at markets held on public land, should not adversely impact local established food businesses.

The Market Management Plan should demonstrate that food stalls/vans proposed to trade at the market will not represent unfair competition for local business.

What does this mean?

Stalls/vans that offer products that are already sold by local shops can only be allowed if the proponent can demonstrate that by allowing those stalls/vans to trade, local business will not experience a reduction in sales.

Alternatively, the applicant can also demonstrate extensive consultation and support from local businesses.

This is to be included in item 4 of the Proposed Management Plan.

We want to take a common sense and balanced approach to this. For example, a coffee van at Kingscliff night markets would only be OK if the nearby cafes were closed; but if the only coffee within 1km was a machine in a service station, it would be approved. Another example would be, a Thai Food Van would not be approved if there is if there is a Thai restaurant open nearby.

Food vans may require inspection and approval by Council before operating in the Shire.

Food stalls/vans must register with Council before commencing trading. Councils accept registration from another Council if the van owner can provide evidence that the van has been inspected by another Council within the last twelve months. Evidence of completion of a Food Safety Supervisor training course may also be required.

Fees are charged to the market operator for inspections of the market operation to ensure compliance with market approvals and development consent conditions.

There may be additional inspection fees charged directly to individual food stalls/vans.

The EOI submission and the operation of the market must comply with restrictions over the sale of food or the provisions of the *Food Act 2003* (NSW).

Extreme cases of non-compliance may result in the issue of penalty infringement notices, the termination of an approval to operate a market or legal action.

3. Approved Market Locations/Sites



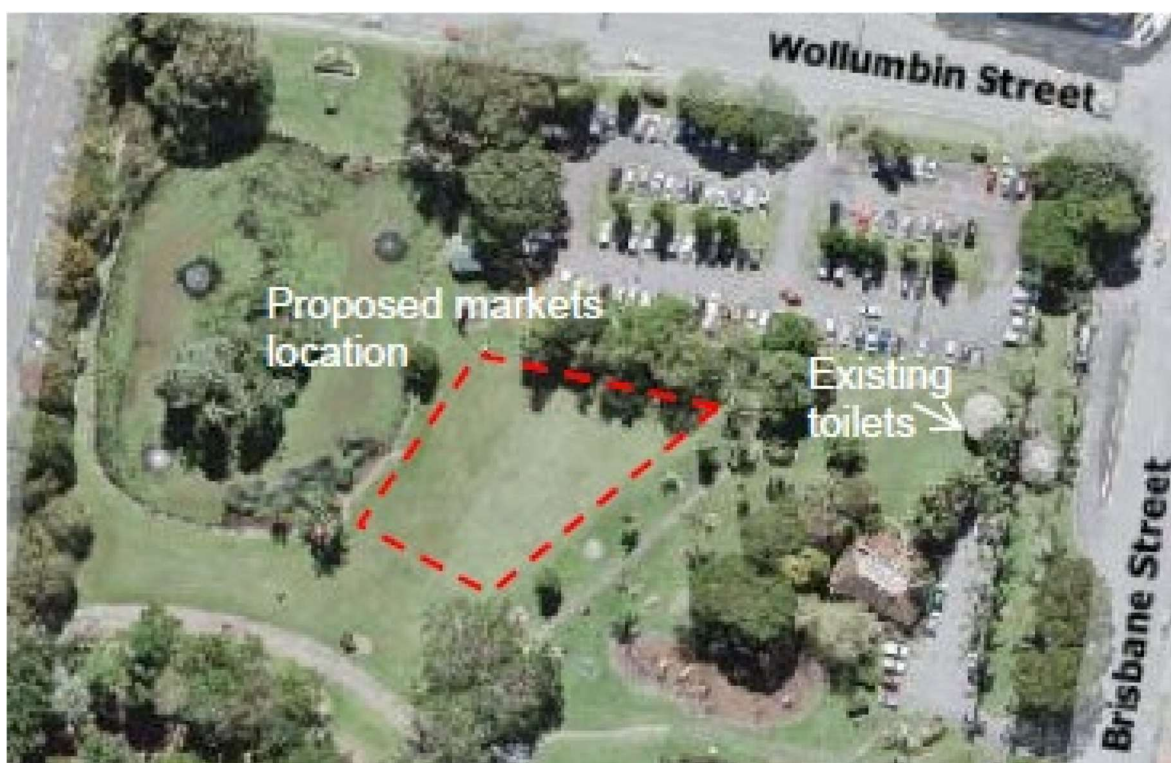
Kingscliff - Jack Bayliss Park markets



Kingscliff - Lions Park markets



Kingscliff – Salt Central Park markets



Murwillumbah - Knox Park markets



Pottsville - Philip Street Reserve markets



Tweed Heads - Recreation Street markets



Tweed Heads - Jack Evans Boat Harbour markets



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