

Market

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Objective	1.3 We will have a diverse and creative culture
Strategy	1.3.3 Promote opportunities for further use, functionality and accessibility of existing cultural and community facilities and spaces

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1. Purpose

This policy provides guidelines to market operators and will ensure that a current and consistent process exists for assessing market development applications, and allocating licenses.

2. Definitions

a. Market

A temporary outlet for the sale of local crafts, produce and goods, a large proportion of which are not available through normal commercial outlets:

- which operates regularly on no more than one day of a week or month;
- which does not require the erection of permanent structures; and
- this may also include not-for-profit information stalls.

b. Farmers and Food Markets

Predominantly a fresh produce and food market that operates regularly within a community, at a focal public location that provides a suitable environment for farmers and food producers to sell farm-origin and associated value-added processed food products directly to customers. Produce purchased for re-sale is not permitted at these markets.

c. Local Produce

Food, or goods grown or manufactured within a 150km radius of the market. Depending on market location, this could mean that 'local produce' is grown outside the Clarence Valley Council area, ie, 150km radius from the market site.

d. Environmentally (Enviro) Preferable/Sustainable Products

- Contain recycled content
- Are reused or recycled at end of life
- Reduce greenhouse gas emissions
- Save water and or energy
- Are non toxic
- Are made or recycled locally
- Minimise unnecessary packaging and purchasing
- Does not include plastic products including bags, straws, plates and cutlery.

e. Market operator

The person/organisation approved by the Development Application process to run the proposed market. This could also be a representative from a community group or organisation who has been delegated this responsibility.

f. Market stall holder

An approved person or organisation that operates a stall at a market or farmers and food market within the Clarence Valley.

3. Background/legislative requirements

Council's strategic direction for markets within Clarence Valley is to support and enhance the social, cultural and economic well being of the community. Council as the planning authority requires that all applications for markets require development consent.

Plans of Management for the parks/reserves on which markets may be proposed address some issues related to market operations but these are not definitive.

Related social needs identified in Council's Social Plan (2010 – 2014), Council's corporate strategic plan (The Clarence 2027) and Council's economic development strategy include:

- Food security - support sustainable food initiatives and community gardens;
- Building and infrastructure – develop and promote safe, accessible walking paths in public spaces, open spaces and areas around parks;
- Opportunities to meet – promote and improve social opportunities for the community;
- Build capacity – provide support and information to the community. Develop procedures and policies and have these documents current and accessible for all the community; and
- Grow the local economy through supporting local business and industry.

Markets operate within the Clarence Valley on different types of land (private, Council owned land, Crown Reserves and public Crown land) and by various organisations under different licensing arrangements:

Private Land: Council does not licence markets on private land, however, approval is required through the Development Application process to operate a market on private land.

Council managed land: Where markets are located on Council managed land, including Crown Reserves where Council is the land manager, Council may:

- Advertise for expression of interest for a market operator and allocate a licence; or
- Establish a s355 Committee of Council to be the market operator.

Crown Reserves/Land: where markets are located on Crown Reserve/Land whereby Council is not the land manager:

- The Crown Land Manager may directly operate the markets; or
- A third party may be licensed by the Crown Land Manager or NSW Department of Industry – Lands & Water to operate the markets.

Markets currently operating in the Clarence Valley are operated by private operators, community not-for-profit organisations, Crown Land Managers and s355 Committee's of Council.

4. Scope

This policy applies across the Clarence Valley Council area.

All market applications within the Clarence Valley Council area require a Development Application for use of the land, as prescribed in the *Environmental Planning and Assessment Act, 1979*.

Festivals and 'one-off' community-based events and fundraisers such as annual markets and fetes which are conducted not more than twice a year, are not regarded as 'markets' for the purpose of this policy. Refer to Council's Events and Festivals webpage for further information.

5. Policy objectives

- To provide market operators with a clear framework of Council's requirements, conditions and guidelines for the operation of markets within the Clarence Valley.
- To provide a documented process on how market operators may obtain approval to hold a market or a farmers and food market in the Clarence Valley Council area.
- To provide environmental criteria for the sale of goods, including 'enviro' packaging and bagging.
- To provide criteria for the labelling and sale of local farm produce and food.
- To provide criteria on items prohibited for sale at all markets within the Clarence Valley.

6. Policy statement

This policy supports the operation of sustainable markets within the Clarence Valley that reflect the lifestyle and cultural diversity of the area, enhance tourism and the social and economic well being of Clarence Valley residents and visitors.

- The market operator is to provide Council with annual financial reports, detailing number and type of stalls, fees collected, and site maintenance performed and any donations or returns made to local organisations within the local community.
- All directions issued by Rangers, authorised Council Officers or members of the NSW Police Force must be adhered to at all times.
- Council may impose restrictions on smoking in public areas including lands used for markets, in line with Council's *Smoke Free Public Areas Policy*.
- The market operator is required to have public liability insurance of \$20,000,000.
- Council will thoroughly review market operations and monitor their sustainability and future viability.
- All markets will be subject to regular inspections by Council Officers to ensure compliance with the provisions of this policy, the Local Government Act, Work Health and Safety Act, the Food Act, Animal Welfare Code of Practice - Animals in Pet Shops, Protection of the Environment Operations Act and all other relevant legislation.
- The market operator is to ensure the Council *Gas Filled Balloons on Council Managed Land Policy* is adhered to and prohibit the use, release, sale or distribution of gas filled balloons.

7. Criteria

a. Markets

Criteria to be applied at the time of assessment of market Development Applications:

- i. Market operators will not exclude any local producers who wish to sell their local produce and crafts;
- ii. Preference is to be given to Australian made products over imported produce/products;

- iii. Green/environmentally sustainable bagging and product options are to be made available to customers at each market (stall holders must not use plastic bags, plastic straws or plastic plates/cutlery for customers), i.e, supply 'Enviro' bags and boxes available/for sale at all markets, use compostable, straws, plates and cutlery with their use is to be encouraged by the market operator and market stall holders;
- iv. All food vendors must comply with Council's *Mobile Food Vehicles, Temporary Food Stalls and Hawking Policy* - No 1.46;
- v. No sale of animals, excluding birds and poultry which may be sold if appropriately kept and by appropriately licensed bird traders/sellers, in keeping with the Animal Welfare Code of Practice – Animals in Pet Shops (NSW Department of Primary Industries);
- vi. No sale of noxious or environmental weeds, as listed in the attachments;
- vii. A No Alcohol and No Drug policy within the grounds of the market; and

Safe work practices for staff, volunteers, sub contractors and stall holders. Dogs may be permitted at markets so long as they do not cause a nuisance, are on leash and under effective control in accordance with the Companion Animals Act 1998.

In addition to the above criteria, for markets proposed to operate on Crown reserves, notification under the *Native Title Act 1993* (Cth) to the traditional owners will be required if native title is determined to exist; and the development application assessment process will include a cultural assessment involving a check of the Aboriginal Heritage Information Management System (AIHMS) and any other cultural heritage information known to be recorded by Council concerning the Crown Reserve.

b. Farmers and Food Markets

Criteria to be applied at the time of assessment of a farmers and food market Development Applications:

- i. Criteria i, ii, iii, iv, vi, vii and if the proposal is for the use of Crown land the additional criteria for Crown reserves from the 'market' criteria above apply;
- ii. No sale of animals or birds at farmers and food markets;
- iii. All stall holders must label their produce to include the location of the farm/area where the produce was grown, to demonstrate their compliance with the conditions of consent;
- iv. Only produce certified through an Australian accredited organic certifier may be labelled "organic". All uncertified organic produce may be labelled "chemical free" but not "organic";
- v. Stall holders are to sell substantially local produce within their stalls.

8. Process

a. Markets

Persons wishing to propose a regular market within the Clarence Valley are to complete a Development Application form, addressing the relevant criteria above, and referring to Attachment A - Information to be submitted with any Development Application for a Market.

The applicant is to provide any other information that might assist Council to determine the capability of the applicant to operate the market, including their stall holder management procedures and/or guidelines.

If the proposed market day conflicts with any other market in the Clarence Valley then the applicant is to include an assessment of that impact and consider alternative options and days.

If the application is successful, the applicant may be required to enter into a licence agreement with Council, a Crown Land Manager or directly with NSW Department of Industry – Lands & Water, which will include an annual licence fee.

If the licence is with Council as land owner or as a Crown Land Manager, separate provisions relating to the granting of the licence may apply.

b. Farmers and Food Markets

Persons wishing to propose a farmers and food market within the Clarence Valley are to complete a Development Application form, addressing the relevant criteria above, and referring to Attachment A Information to be submitted with any Development Application for a Farmers and Food Market.

The applicant is to provide any other information that might assist Council to determine the capability of the applicant to operate the market, including their stall holder management procedures and/or guidelines.

Persons proposing to operate a ‘farmers and food market’ must provide a written plan or statement of how they will ensure that stall holders will comply with the ‘local produce’ and ‘labelling’ criteria.

If the application is successful, the applicant may be required to enter into a licence agreement with Council, a Crown Land Manager or directly with NSW Department of Industry – Lands & Water, which will include an annual licence fee.

If the licence is with Council as land owner or as a Crown Land Manager, separate provisions relating to the granting of the licence may apply.

9. References

The Clarence 2027
Clarence Valley Councils Delivery Program 2017/18 -2020/21
Clarence Valley Councils Social Plan 2010-2014
Clarence Valley Council Gas Filled Balloons on Council Managed Land Policy

10. Attachments

- A. Information Required for a Market &/or Farmers and Food Market Development Application
- B. Northern Rivers Food Links Farmers Markets Information and Resource List
- C. Northern Rivers Food Links Farmers Market Self Assessment Checklist
- D. Northern Rivers Food Links Farmers & Food Market Establishment Guidelines
- E. Risk Management
- F. Alternatives to Plastic

- G. Animal Welfare Code of Practice - Animals in Pet Shops, NSW Department of Primary Industries
- H. Bushland Friendly Plants
- I. Environmental Weeds
- J. Clarence Valley Market Directory Information
- K. Sale of Goods at Markets – Prohibited Items