

Council Policy MARKETS POLICY

1. INTRODUCTION

Port Macquarie-Hastings Council supports quality markets acknowledging that they contribute to the community by providing spaces to gather and socialise, and help activate our public spaces. Markets can also complement the offerings of local businesses and provide opportunities for emerging enterprises.

Council receives regular requests from commercial enterprises, community groups, not-for-profit organisations and the general public to establish new, one off or regular markets.

The purpose of this policy is to establish Council's approach to the approval of markets and the level of commitment it requires from market operators to achieve quality market operations. It aims to facilitate well managed markets that help to support and contribute to local communities, complementing the offerings of local businesses.

2. POLICY STATEMENT AND SCOPE

This Policy covers markets on Council owned and managed land, Crown Reserves and Crown Land (where Council is the trust manager) throughout the Port Macquarie-Hastings area. This policy applies to new markets or where an existing market is undergoing major change or seeking an extension to an existing approval.

It does not apply to markets that are held on private land (which may require a Development Application), or markets which are occasional, or may be part of a larger event and are considered under the broader event application.

Council aims to support markets that sell high quality goods and services, relative to the market location.

Markets proposed at the following locations in the Port Macquarie central business district may be impacted by other Council policies or guidelines:

- Town Square (Port Macquarie Town Square Protocol)
- Town Green (Port Macquarie Entertainment Precinct Event Use Policy)
- Hay Street Forecourt (Port Macquarie Entertainment Precinct Event Use Policy)

As a general guideline, in each of the Port Macquarie, Wauchope or Laurieton CBDs (see maps at Appendix A) in any week only one 'regular' market will be permitted from Monday to Friday, with a set-up time to be no earlier than 3pm, and one 'regular' market on the weekend (Saturday and Sunday inclusive, and with the Saturday set-up time to be no earlier than 12 noon). Competing applications will be considered on merit with pre-approved markets taking precedence. Regular markets involve four or more markets in one calendar year.

All market proposals will be subject to a Market Suitability analysis (see Appendix B). This will include an evaluation of:

1. Capacity and Conditions
2. Utilities and Infrastructure
3. Accessibility and Transportation
4. Impacts
5. Policy Implications
6. Other

Approval Process

Applicants for markets in the Port Macquarie CBD should be familiar with the policies listed in Section 4 of this policy.

The Temporary Licence Panel, a cross functional group established to approve commercial activities on Council-managed land, will undertake the Site Suitability analysis based on the information provided by the proponent and make a recommendation to the Director Strategy and Growth with regard to the application.

Further approval may be required if the market site is deemed suitable following the Site Assessment process as follows:

Council owned and managed land – Approval is required under Section 68 Local Government Act 1993 or Section 138/Section 139a Roads Act 1993, if a road reserve, to operate a market on Council owned and managed land.

Crown Reserves and Crown Land – Approval via a licence is required from the Reserve Trust or NSW Crown Lands to operate a market on a Crown Reserve or Crown Land.

A market approval must be operational or in use as per the approval otherwise it may be revoked.

In summary, the market approval process under the Market Policy looks like this:



Market applications should include a Market Suitability Analysis (Attachment B) including any relevant supporting documentation.

Development consent is required for markets on private land unless they meet the temporary events criteria in State Environmental Planning Policy (Exempt and Complying Development) 2008 or are operating under a blanket DA approval.

Council has the right to revoke a market approval should any conditions of the approval be breached or the site and/or activities on the site be deemed unsuitable based on the Site Suitability criteria.

A market approval must be operational or in use as per the approval otherwise it may be revoked.

An applicant may request a review of a decision by making a request in writing to the General Manager within 7 days of being notified of a decision.

3. RESPONSIBILITIES AND AUTHORITIES

The Director Strategy and Growth responsible and accountable for the implementation of this policy.

The Group Manager Regulatory Services is responsible for ensuring compliance with this Policy.

A market owner which operates in the Port Macquarie-Hastings local government area is required to comply with this Policy.

4. REFERENCES

Port Macquarie Town Square Protocol – encourages activations with the Town Square and outlines the process and high level requirements for staging events within the space.

Port Macquarie Entertainment Precinct Event Use Policy – ensures that events conducted in the entertainment precinct are safe, well run, held in suitable locations and do not unduly impact on residents, businesses or the environment.

Local Approvals Policy - Mobile Food Vending Vehicles and Temporary Food Stalls in a Public Place. Establishes the criteria that is used in considering applications to operate mobile food vending vehicles and temporary food stalls.

5. DEFINITIONS

Market - 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 structures and existing permanent structures used for that purpose on an intermittent or occasional basis. (Port Macquarie-Hastings Local Environmental Plan)

Occasional Market – a one off, annual or irregular market generally involving less than four (4) markets in any calendar year.

Private Land – land owned by non-government entities.

Regular Market – a market held on a regular basis or more than four (4) markets in any calendar year.

Section 68 Local Government Act 1993 – governs activities on community land including engage in a trade or business.

Section 138 Roads Act 1993 – governs works within a road reserve.

Section 139a Roads Act 1993 – governs street vending consents.

Crown Reserves and Crown Land – land set aside on behalf of the community for a wide range of public purposes.

Council officer: A member of Council staff.

Director: A 1st tier management position and titled as such.

Group Manager: A 2nd tier management position and titled as such.

6. PROCESS OWNERS

Director Infrastructure and Director Development and Environment

7. AMENDMENTS

Nil.

APPENDIX A

Port Macquarie CBD and surrounds



Wauchope



Laurieton



APPENDIX B

Market Suitability Analysis

Criteria	Criteria Performance Measure	Essential Criteria	Meets Criteria YES/NO
1. Capacity and Conditions			
Location	High visibility.		
Landmark	Well known location, easy to find.		
Slope	Appropriate gradient for stalls, stages and visitors.		
Surface	Potential to minimise surface damage through hardstand areas, all weather surfaces etc.	✓	
Patron and Stallholder Capacity	Ample capacity for patrons and stallholders.		
Seating and Community Space	Adequate seating and gathering areas.		
Entertainment Spaces	Suitable spaces for locating entertainment (if applicable).		
Potential to Expand	Capacity to grow.		
Safety	Ability to ensure a safe space for patrons, public and stallholders.	✓	
2. Utilities and Infrastructure			
Water and Power	Adequate access to power and running water.		
Toilets	Accessible toilets with ample capacity for patrons.	✓	
Overhead Cover	Undercover protection for patrons and stallholders.		
Storage	On-site storage capacity.		
Sound Amplification	Permanent or portable PA system (if applicable).		
3. Accessibility and Transportation			
Parking Capacity	Short and long term parking to meet demand.	✓	
Public Transport	Adjacent transport connections.		
Active Transport	Ease of movement around the site.		
Loading Zones & Emergency Access	Provision for loading and unloading of vehicles.	✓	
Equitable Access	Access for all.		
4. Impacts			
Site impact	No long term impact on the site.	✓	
Site rehabilitation and maintenance	Allows for scheduled works or rehabilitation between events.		
Local Impact	No impact on existing users in the immediate area.		
Distance to Existing Markets	Close proximity to another market site.		
Proximity to Retail Precincts	Duplication of goods or services.		
Stallholders impact on existing businesses	No detrimental effect on existing businesses of a similar nature.		
Scheduling	Clashes with other events including markets on both private and public land.		
5. Policy Implications			
Relevant policies	Compliance or non-compliance with relevant policies.		
6. Other			
Community Benefit	Positive community benefit.		
Economic Benefit	Positive economic benefit.		

As a guideline applications should at least meet the essential criteria.

Other considerations:

Attach maps or supporting documents.

Site deemed suitable: YES NO

Date Assessed by Temporary Licence Panel:

Approved by:

Director Strategy & Growth