

# COMMUNITY MARKETS POLICY

## 1. Purpose

To control and regulate the conduct of markets in streets and on Council owned or controlled land within the City of Broken Hill.

## 2. Scope

This policy applies to all applications from community/charitable groups to hold community markets in streets and on Council owned or controlled land within the City of Broken Hill where those markets are held on a singular or regular basis. The policy does not apply to single events covered by other Council policies and procedures.

## 3. Objectives

The Broken Hill City Council aims to:

- (a) consider community concerns when assessing applications;
- (b) reduce the adverse effects upon the local area by providing guidelines for traffic, access, car parking and hours of operation;
- (c) recognise the importance of markets as a source of income for local community/charitable groups whilst acknowledging the economic implications that markets can have on existing adjacent commercial undertakings;

## 4. Application

- (a) The organisation/group conducting the market must submit an application to Council.
- (b) The maximum term of an application will be one (1) year and if granted, the market organiser or licensee must abide by the conditions attached or as stipulated in the licence.
- (c) Approval will be withdrawn if market management or the licensee does not comply with the conditions of the approval or licence to Council's satisfaction.

## 5. Approval

- (a) Prior to approval being granted for the use of Crown or Council land to conduct a market, Council will advertise the application in the Barrier Daily Truth in accordance with its Notification Development Control Plan.
- (b) If the market is to be held on Crown land which is held under trust by Council, then a licence will be issued by Council as Trustee in accordance with the requirements of the Crown Lands Act 1989.
- (c) Approval will not be granted for market sites in the case where the chosen date for the market would clash with previously approved applications in respect of regular established multiple markets at the same location.

## 6. Market Management – Responsibility

The Licensee or Market Organiser shall:

- (a) be responsible for the entire management of the market and compliance with the approval conditions.
- (b) be the person nominated by the community/charitable group on the submitted application form.

- (c) ensure that the conduct of the market, all stall holders and any charity workers is at all times in accordance with these guidelines and the requirements of all relevant legislation.
- (d) be present at the market at all times and must be properly identified and recognisable by members of the public when the market is in progress.

## **7. Development Consent**

- (a) A development application will not be required where a market is proposed on Crown or Council land and meets the following conditions:
  - (i) the land is zoned 2(c) City Zone;
  - (ii) the market will run for a maximum of one day on any one occasion, up to a maximum of 52 days in a calendar year; and
  - (iii) it does not involve the erection of permanent structures ancillary to the use of the land.
- (b) A proposal for a market on land not controlled by Council will require a development application.
- (c) Approval for single event markets must be obtained and no approvals will be granted for markets that would clash with regular established ones.

## **8. Associated Policies and Documents**

Food Hawker and Vendor Regulations Policy

Notification Development Control Plan

Conduct of Street Activities Policy

## **9. Policy Details**

File Reference No.: C13/80  
Adopted: 22 February 2006  
Minute No.: 41661  
Amended: 28 February 2007  
Minute No: 42163  
Review Date: January 2009  
Responsible Officer: Manager Corporate Services



# Community Markets Application

## Broken Hill City Council

- Name of Applicant:.....

Address:.....

Contact Person.....Phone.....
- Proposed Location:.....

.....

.....
- Proposed date/s of the market/s

Day:..... Date/s.....

Start:.....am/pm Finish:.....am/pm

Single Event

Multiple Event    Daily    Weekly    Monthly    Other

please specify.....

Copy of Certificate of Currency for public liability insurance cover in a minimum of \$20 million is attached
- What Activities will be Conducted?:

Stalls                       Rides                       Demonstrations/Displays

Small amusement devices e.g. Inflatable Castle, Merry-Go-Round.

Amusement devices (must be licenced with Workcover Authority)

Other – Please specify:.....
- What Facilities will be Required? (If applicable)

- Power (Sturt Park, Duke of Cornwall Pk, AJ Keast Pk, Patton Pk)
- Additional bins
- Other – Please specify.....

6. Additional Information/Comments:.....  
 .....

**I have read and understand the attached approval conditions for the use of Council owned or controlled land for the purpose of conducting community markets and I am authorised by the (Name of Group/Organisation)**

.....

**I accept and agree to abide by all approval conditions in respect of conduct of the community markets specified in this application form.**

**Name:.....(please print)**

**Signed:.....Sate:.....**

**OFFICE USE ONLY**

**Customer Services**

**Application received.....Officer:.....**

**Advertisement in Barrier Daily Truth.....**

**Response sent to applicant.....**

**Insurance**

**Certificate of Currency Sighted.....**

**Environmental Services/Land Officer (in case of Licence)**

**Action:.....**

.....

**Infrastructure**

Action:.....  
.....

**CONDITIONS FOR THE OPERATION OF A COMMUNITY MARKET**

**1. DEFINITIONS**

**Licensee**

The organisation/group to whom a licence is issued to operate a market on land held in Trust by the Broken Hill City Council.

**Market**

A temporary outlet for the sale of local crafts and goods, a large proportion of which are not available through normal commercial outlets, and which does not require the erection of permanent structures.

**Market Organiser**

The organisation/group to whom an approval is issued to operate a market on Council owned or controlled land.

**Small Amusement Device**

This is an amusement device that is designed primarily for the use of children 12 years of age or under and includes mini-Ferris wheels, battery operated cars and miniature railways but, in the case of rotating amusement devices, includes only those devices that have a maximum rotation of 14 revolutions per minute.

**Stall Holder**

A person to whom a site is issued by the market organiser.

**2. Site Maintenance**

The Licensee or Market Organiser is responsible for ensuring that the condition of the market site grounds is reinstated to its prior condition immediately after each market to the satisfaction of Council.

The market site must be completely vacated of all stalls and stall holders, together with their goods and chattels on the conclusions of each day's trading.

**3. Public Risk Insurance**

- (a) The Licensee or Market Organiser, for each market, must obtain a Public Risk Insurance Policy to the value of not less than that specified by Council, with such policy specifically indemnifying the Broken Hill City Council or the Trust and the Minister administering the Crown Lands Act from any claim arising from or incidental to the holding or conducting of the market.
- (b) A Certificate of Currency noting Broken Hill City Council or the Trust and the Minister administering the Crown Lands Act for its/their respective rights and interests is to be presented to the Council prior to the granting of a licence or approval for any market, annually thereafter and on request from Council.
- (c) Stall holders and/or operators of any mechanical ride or device, or any animal ride, are required to hold an individual policy specifically related to that ride or device with the same general terms of indemnity as specified above.

**4. Hours of Operation**

Each market licence/application is to nominate hours between which the market will operate, and where not specifically stated, these hours are 7:00 a.m. to 6:00 p.m. (CST) extending to 8:00p.m. (DST) during Daylight Saving Time. No noise is to be generated before 8:00am on the day of the market.

## 5. Electrical Safety

- (a) The Licensee or Market Organiser is responsible for the safe provision and maintenance of all electrical connections, outlets, etc, necessary for use by any stall holder.
- (b) In particular, the Licensee or Market Organiser must ensure that all electrical leads used by stall holders are suspended at least 2.4 metres from the ground and clear of the space needed by public usage. Such suspension device must not be conductible.
- (c) All leads, sockets and other connections are to be kept in good and serviceable condition and are to be used and maintained strictly in accordance with all Australian Standard Codes relating to electrical fittings and the use of electricity.

## 6. Fire Safety

The Licensee or Market Organiser:

- (a) is responsible for ensuring that adequate fire equipment is provided and kept on the market site under management control at all times during the conduct of the market
- (b) must ensure that each stall holder whose trading requires the use of cooking oils or fats, has in their possession, adjacent to the cooking device, a 1800mm x 3200mm fire blanket and fire extinguisher.

## 7. Use of Loudspeakers

A loudspeaker or sound amplifying device may be set up, operated or used without the prior approval of the Council if it is done in accordance with a notice erected on the land by the Council or if it is done in the circumstances specified, in relation to the setting up, operation or use of the land.

## 8. Rides and Amusement Devices

- (a) The Licensee or Market Organiser must not allow on site, nor issue any permit for, any mechanical ride or device without the owner/operator of the device obtaining specific approval from Council.
- (b) The owner of such a device must hold a Public Risk Insurance Policy and a current licence issued by WorkCover Authority.
- (c) Each such ride is to be positioned on an outer row or edge row of stalls and is to be surrounded by an adequate barricade or fixed rope or rail to keep the public clear of the operational area.

## 9. Small Amusement Devices

A small amusement device may be installed or operated without the prior approval of the Council if:

- (a) the ground or other surface on which the device is to be or has been erected is sufficiently firm to sustain the device while it is in operation and is not dangerous because of its slope or irregularity or any other reason, and
- (b) the device is registered under the *Occupational Health and Safety Regulation 2001*, and
- (c) the device is erected and operated in accordance with all conditions (if any) relating to its erection or operation set out in the current certificate of registration issued for the device under that Regulation, and
- (d) there exists for the device a current log book within the meaning of Chapter 5 of that Regulation, and
- (e) there is in force a contract of insurance or indemnity for the device that complies with clause 74.

## **10. Control of Animals**

Any animal used for rides that becomes intractable or in any way poses a danger to any person or other animal must be immediately removed from the market site.

The area where animals are tethered between use periods must be kept clean of animal droppings, excess feed etc. Water containers and such like must be positioned so as to not pose a hazard to any person.

## **11. Goods for Sale**

- (a) The Licensee or Market Organiser must give priority to locally grown, home produced, crafted or recycled goods produced in the City of Broken Hill and the surrounding region.
- (b) All food products must be stored, prepared and packaged for sale in strict accord with the requirements of the Food Act and associated Regulations.
- (c) No animals or birds may be offered for sale within the market.
- (d) Goods and services that have some latent danger or are hazardous must not be offered for sale and must comply with the relevant legislation.

## **12. Sale of Food**

When temporary/mobile food stalls are to be established, the normal approvals in accordance with Council's *Food Hawker and Vendor Regulations Policy* are required. Further information with regard to these approvals is available by contacting Council's Environmental Services Department.

## **13. Waste Disposal**

The Licensee or Market Organiser is required to arrange for the provision and servicing of an adequate number of garbage bins or bulk waste bins to effectively dispose of all refuse and litter generated throughout the operation.

The market site is to be maintained free of litter and to be left in a clean and tidy condition at the end of the day.

## **14. Signage**

Signage promoting the market is not to be erected at the site or on any other land without the prior approval of the Broken Hill City Council.

Council is aware that Country Energy generally will not permit its poles to be used to support signage.

## **15. Traffic Control**

Where traffic control is deemed to be a concern, the Licensee or Market Organiser is required to apply to Council's Infrastructure Department to have a Traffic Control Plan prepared.

---