7.19. PORT DOUGLAS MARKET POLICY

REPORT AUTHOR	Port Douglas Market Coordinator
EXECUTIVE	General Manager Corporate and Communities
DEPARTMENT	Corporate and Communities
TEAM	Community Services
DATE	27 September 2026

RECOMMENDATION

That Council:

1. **Adopt the Port Douglas Markets Policy; and**
2. **Note the Port Douglas Markets Procedures and Guidelines.**

EXECUTIVE SUMMARY

The current Port Douglas Markets Policy (the policy) was adopted in January 2018 and has now been reviewed and updated to ensure that it is contemporary and equitable for stallholders whilst maintaining the unique atmosphere of the Markets.

Consultation has been undertaken with stallholders, and this report is presented seeking Council's adoption of the updated policy.

PREVIOUS COUNCIL CONSIDERATIONS / RESOLUTIONS

At the Ordinary Meeting held 30 January 2018, it was resolved that Council:

1. Adopt the 2017/18 Port Douglas Markets Policy with clause 9.5 amended to read:

    - 9.5 Acoustic performances only are to be permitted, and amplification of any kind is prohibited.

2. Directs staff to ensure all stallholders strictly adhere to the policy terms and conditions, with particular emphasis on the Cotters Market requirements.

REPORT/BACKGROUND

The current Port Douglas Markets Policy was adopted in January 2018 and has not had a review undertaken since that time. Following feedback from stallholders and patrons of the Markets, a review process was initiated.

During the initial stages of the review, stallholders were invited to provide feedback on the existing policy, including suggestions for additions, removals, improvements, and amendments. This feedback was compiled and considered throughout the policy review.

In the final stages of the review, a survey was distributed to stallholders seeking input on key policy topics. The survey responses were used to support the development of the revised policy.

A primary change to the policy includes removal of the “Grandfather Clause”. Established in 1996, The Grandfather clause provided certain stallholders with ongoing approval to sell products that fell outside the then “Cotters Markets” defined requirements, namely handmade by the vendor art or craft items, or local produce. Stallholders continuing to operate under this clause will be given the opportunity to transition to products that meet the eligibility criteria. This will ensure that all products being offered at the Markets meet the “artisan markets” definition, providing equity and support for local creators, and ensuring that products offered for sale are unique and distinctive.

Additionally, procedural items have been removed from the policy and placed into internal procedure templates. This ensures that a level of flexibility can be achieved where required, including if there are changes to technology, staffing, or workflow improvements.

FINANCIAL AND RESOURCE IMPLICATIONS

The proposed Port Douglas Markets Policy provides a framework to guide operations and support ongoing financial sustainability.

A successful market builds a loyal customer base, attracting quality vendors and increasing visitation. Market visitors often spend money at nearby businesses, creating broader economic benefits for the local community.

RISK MANAGEMENT IMPLICATIONS

The adoption of the revised Port Douglas Markets Policy will help reduce reputational risk to Council by establishing clear expectations, procedures, and guidelines that reflect the management of a contemporary market.

The updated policy will also provide greater clarity for stallholders regarding behavioral expectations, acceptable products, product production requirements, and assessment processes. This increased transparency will support consistent and equitable decision-making, reduce misunderstandings and tensions between stallholders and staff, and contribute to a safe and positive environment for Council staff, stallholders, and customers.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

The Port Douglas Markets contribute to community connection, support local culture and creative industries, and enhance the visitor experience within the region. The Markets also provide income-generating opportunities for stallholders.

CORPORATE AND OPERATIONAL PLAN

This report has been prepared in accordance with the following:

Corporate Plan 2025-2030 Initiatives:

Theme 1 - Livability
To deliver community activities to promote safe, healthy, inclusive and socially engaged communities with an environmental conscious.
1.1 - *Deliver community initiatives that support healthy, inclusive and socially engaged communities.*

Theme 3 - Service Delivery
We deliver Council services effectively and efficiently to meet community expectations, focusing on the wellbeing of both the community and our employees.
3.6 - *Deliver Council services to meet community expectations.*

Operational Plan 2026-2027 Actions:

New project arisen during the financial year.

LEGISLATION AND POLICY

- *Local Government Act 2009*
- Port Douglas Markets Policy
- Council's Role in Economic Development General Policy

CONSULTATION

Internal Consultation:

- Community and Economic Development
- Governance
- Workplace Health and Safety

External Consultation:

- Port Douglas Markets stallholders

CONCLUSION

The proposed Port Douglas Markets Policy provides a clear and consistent framework for the operation and ongoing management of the Markets. By defining eligibility criteria, operational requirements and market management responsibilities, the policy promotes a vibrant, well-managed place that showcases local artisans and encourages community participation.

ATTACHMENTS

1. Tracked Changes 5826 Port Douglas Markets Policy [**7.19.1** - 9 pages]
2. Port Douglas Markets Policy Ver 5 [**7.19.2** - 4 pages]
3. Port Douglas Markets Procedures and Guidelines [**7.19.3** - 7 pages]

DOUGLAS SHIRE COUNCIL

60. PORT DOUGLAS MARKETS POLICY

Purpose

The purpose of this policy is to ensure that all stakeholders are aware of the overarching vision that drives the Port Douglas Markets (the Market), the values that Douglas Shire Council (Council) upholds, and the associated documents including regulation requirements, procedures and agreements with stallholders that operationalise the vision.

Scope

This policy applies to all stallholders, buskers, not-for-profit groups/organisations, and Council staff who manage and maintain the Market.

Policy Statement

The Market is a premier 'Artisan Market' in Far North Queensland, that supports the production and sale of high quality locally made or grown, food, craft products or services.

The Market promotes economic growth and contributes to improved liveability through the delivery of safe, healthy, and inclusive opportunities, providing social connection for locals and visitors to the region.

Located in Australia's first eco-certified destination, the Market promotes a culture of reusable practices and supports local makers who demonstrate minimal impact to the natural environment.

This policy aims to protect these attributes and provide a clear framework for the management of products, stalls, and other activities at the Market.

~~1.~~ Port Douglas Market Management

~~1.1. The Market Coordinator is responsible for the coordination of the markets and for administering these Terms and Conditions.~~

~~1.2. The Markets Coordinator has the right to have a stallholder removed from the Market if the stallholder is in breach of these Terms and Conditions.~~

Council is responsible for managing the Market and ensuring that:

- Stakeholders are aware of this policy and comply with the 'Port Douglas Market Stallholder Agreement and Code of Conduct' (Code of Conduct) and associated procedures and guidelines.
- Stallholders comply with all legal obligations and reasonable directions given by Council.

Product Approval

All products sold at the Market must be assessed for their suitability for inclusion in the Market and meet established criteria. Items that do not meet established criteria will not be permitted to be sold at the Market.

The established criteria are:

- All products, except for food products, are to be made or produced locally at the vendor's own studio or residential premises.
- The repackaging of manufactured product into alternative containers or the design of a product that is manufactured elsewhere will not be approved for sale.
- Products designed by the applicant although manufactured by another business/provider will not be considered (products must not be mass produced).
- Artwork reproduction of original artwork created by the applicant may be considered for approval. The artwork must be wholly created by the applicant and clearly represented on the product. Slogans, licensed imagery, or third-party artwork will not meet this criterion. Production must be small-batch and not mass wholesale.
- Stallholders must not change their product or add new products without written approval from the Port Douglas Market Coordinator.
- Copying the ideas and work of other Market stallholders may be in breach of creative copyright and will not be approved for sale.
- The sale of imported goods is prohibited.
- As part of Council's commitment to raising awareness on cultural etiquette, we recognise the importance of ethical practice in the sale of Indigenous cultural items. These items require careful consideration and respect for the cultures they stem from, acknowledging their significance as vessels of cultural heritage, storytelling, and community identity.
- Stallholders must obtain the consent of Council to use any Market branding.

~~2. New Applications~~

~~2.1. New applications must be lodged with the Market Coordinator. Applicants should allow up to two weeks for assessment of their application. Upon approval of the application the Market Coordinator will advise the stallholder of the next available entry date, which is dependent on availability.~~

~~2.2. Stallholders are required to present their goods for inspection to the Market Coordinator when submitting an application form. Additional proof of manufacture may be sought, such as photographs of workstations or an inspection of the manufacturing process.~~

~~3. Payment~~

~~3.1. Stallholders must pay for their stall site each week (by EFTPOS only) on the day of the Market.~~

~~3.2. An EFTPOS receipt will be issued upon payment of stall fees.~~

~~4. Days / Times of Operation~~

~~4.1. The Port Douglas Markets are held in Market Park which adjoins ANZAC Park in Port Douglas. The site is bordered by Dickson Inlet and Wharf Street.~~

4.2. The Market operates every Sunday from 8.00am – 1.30pm (except Christmas Day and ANZAC Day).

4.3. Markets may be cancelled due to bad weather at the Market Coordinator's discretion.

5. Set-up of Stall Sites

5.1. On arrival at the Markets stallholders are permitted vehicle access to unload goods at their stall site. Vehicles must be removed from pedestrian walkways immediately after unloading and no later than 7.30am unless authorised by the Market Coordinator.

5.2. Market stalls should be set-up after your vehicle is removed from the park.

5.3. Stallholders may be permitted to occupy up to a maximum of two 6 metre frontage stalls. This double allocation is at the discretion of the Market Coordinator.

5.4. Stallholders must be set-up and ready to trade by 8.00am. If stallholders arrive after 8.00am the Market Coordinator has the right to refuse entry to the market for the day.

5.5. Stallholders are required to operate for the duration of the market day (until 1.30pm), and are to notify the Market Coordinator should they wish to leave early on any given day.

6. Production Criteria

6.1. Port Douglas Markets is a 'Cotters Market'. Goods offered for sale must be handmade art and craft items or local produce.

6.2. Items that cannot be proven to fit the criteria (see definitions below) will not be permitted to be sold. The sale of imported goods is strictly prohibited.

6.3. Only goods listed on the stallholder's approved application form may be sold by a stallholder.

7. Grandfather Clause

7.1. In 1996 certain stallholders were granted ongoing approval to sell products that fall outside of the Product Criteria terms listed above.

7.2. These stallholders and the products they are permitted to sell are listed in a table maintained by the Market Coordinator. All other items sold by these stallholders must conform to the Product Criteria terms.

7.3. Grandfather Clause stallholders are defined as Permanent Stallholders.

7.4. A stallholder may lose their Grandfather Clause status if in breach of any of the Market Terms and Conditions (excluding the Product Criteria clause above).

7.5. Should a stallholder lose their Grandfather Clause status they must submit an application as a new supplier and, once approved, then operate under the current Terms and Conditions.

7.6. The Grandfather Clause is not available to new stallholders and is not transferable.

~~8. Food Items~~

~~8.1. Food cannot be sold without either a food licence or an exemption certificate from Council.~~

~~8.2. Once a new application has been approved by the Market Coordinator, a stallholder must lodge an *Application for a Market Food Stall Licence* with Council together with the current application fee.~~

~~8.3. The stallholder will be issued with a food licence or an exemption certificate.~~

~~8.4. The food licence or exemption certificate must be displayed at the stall at all times.~~

~~9. Buskers~~

~~9.1. The Market Coordinator is responsible for approving a limited number of buskers and allocating suitable sites for buskers to perform at each market day.~~

~~9.2. Buskers may perform for a maximum period of 30 minutes in any one location within the market area.~~

~~9.3. Buskers may not utilise common area picnic tables.~~

~~9.4. Buskers must ensure that their crowds do not obstruct walkways of neighbouring stalls.~~

~~9.5. Acoustic performances only are to be permitted and amplification of any kind is prohibited.~~

~~10. Casual Stallholders~~

~~10.1. All stallholders are defined as casual stallholders unless they have been formally granted permanent status.~~

~~10.2. Casual stallholders must contact the Market Coordinator each Thursday prior to the market day for confirmation of attendance.~~

~~10.3. Casual stallholder should report to the Market Coordinator between 6.30am and 7.00am on each market day to be allocated a position for the day.~~

~~11. Permanent Stallholders~~

~~11.1. A stallholder who attends the markets on a regular long-term basis may be granted permanent status and allocated a regular stall position by the Market Coordinator. This status will be confirmed in writing and until notification has been provided in writing permanent status cannot be assumed.~~

~~11.2. When not attending the market Permanent Stallholders must notify the Market Coordinator as soon as possible and no later than 12 noon Friday prior to the market day. Stallholders who regularly fail to advise the Market Coordinator of non-attendance may lose their permanent status.~~

~~11.3. Permanent stallholders must attend a minimum of 44 market days in each financial year in order to maintain their permanent status. If the market day is cancelled for any reason, then stallholders will be deemed to have been in attendance unless they have previously notified the Market Coordinator of non-attendance on that day.~~

~~11.4. Permanent stallholders may be asked by the Market Coordinator to relocate into a new position. Stallholders who do not comply with this direction may be asked to vacate the market.~~

~~12. Stall Sites General~~

~~12.1. Water and power is not supplied to sites.~~

~~12.2. The number of stalls on any market day will be determined by the Market Coordinator.~~

~~12.3. People under the age of 18 years are not permitted to operate a stall unless accompanied by a supervising adult.~~

~~12.4. All stallholders are responsible for the removal of any rubbish generated by their stall.~~

~~12.5. All stalls must be kept to a high level of presentation and will be subject to review by the Market Coordinator.~~

~~12.6. Stock excess to the display should be covered so as not to detract from the appearance of the stall.~~

~~12.7. The use of awnings must not encroach on other stallholder's space and must be approved by the Market Coordinator.~~

~~13. Safety / Security~~

~~13.1. Stallholders must use their best endeavours to ensure the safety of all members of the public within the vicinity of their stall.~~

~~13.2. Stallholders must not block pedestrian walkways or disrupt pedestrian traffic.~~

~~13.3. To ensure the safety of the public and other stallholders, all goods and signage is to remain within the boundary of the stall site.~~

~~13.4. Stallholders are responsible for the security of their designated site.~~

~~14. Insurance~~

~~14.1. All stallholders must hold current public liability insurance, with Council noted as an interested party, to a minimum of $10,000,000. Evidence of current insurance cover must be provided to Council with the initial application, annually thereafter, and upon the request of the Market Coordinator.~~

~~15. Stallholder Obligations~~

~~15.1. Products may only be sold by the manufacturer or a family member.~~

~~15.2. The stallholder may only be accompanied by one other person.~~

~~15.3. Smoking is not permitted within stalls.~~

~~15.4. No alcohol is to be consumed or sold at any stall.~~

~~15.5. Stallholders are expected to be courteous to the public, Market Coordinator and other stallholders at all times. Inappropriate behaviour will not be tolerated and may result in expulsion from the Markets.~~

~~16. Issuing Compliance Notices~~

~~16.1. The Market Coordinator may issue a stallholder with a verbal or written warning notice if the stallholder is in breach of these Terms and Conditions.~~

~~16.2. A verbal warning may be followed up in writing, depending on the severity of the case.~~

~~17. Disputes / Complaints~~

~~17.1. Disputes or disagreements should in the first instance be taken to the Market Coordinator.~~

~~17.2. If a stallholder is not satisfied with the outcome of the discussion with the Market Coordinator and wishes to lodge a formal complaint, this complaint should be lodged in writing to Douglas Shire Council, PO Box 723, Mossman Qld 4873, or by email to enquiries@douglas.qld.gov.au and will be dealt with under Council's Complaints Management System.~~

Breaches

Failure to comply with this policy, Code of Conduct or 'Stallholder Agreement' will result in a written warning from the Port Douglas Market Coordinator.

The accumulation of two written warnings will result in the immediate withdrawal of a stallholder's approval to trade at the Market.

Council reserves the right to exclude a stallholder from the Market for serious and/or repeated breaches of this policy, Code of Conduct or 'Stallholder Agreement' immediately and without notice.

Disputes, Complaints and Feedback

Any disputes, complaints or feedback should in the first instance be provided to the Port Douglas Market Coordinator via enquiries@douglas.qld.gov.au or by telephoning 0459 999 078. If you have a more formal issue or concern about the service, decision or action of Council, please visit Complaints - Douglas Shire Council for further information.

Related Requirements

- Generators do not emit noise above 60 decibels.
- Relevant food licences are obtained.
- Public liability insurance certificate of currency.
- Gas compliance certificate.
- Electrical test and tagging documentation.

Definitions

TERM	DEFINITION
Artisan Market	A market at which stallholders sell goods that they have personally produced by hand or with the use of small-scale machinery, in limited quantities. Goods must not be mass-produced or manufactured in commercial quantities. Non-food products must be manufactured by the stallholder at their own residential premises or studio. Food products may be prepared in a commercial kitchen or premises approved by Council for food preparation.
Artwork Reproduction	The small-batch reproduction of original artwork wholly created and owned by the vendor, where the artwork is clearly represented on the product and production remains consistent with the character of an Artisan Market. It does not include licensed, stock, third-party, imported, or mass wholesale merchandise.
~~Cotters Market~~	~~The sale of products made by hand labour or small machinery in small quantities. This does not include mass production, or production in commercial quantities. Manufacture must be by the vendor and at the vendor's own residential premises or studio with the exception of food products which may be made in a commercial premises approved by Council for food preparation~~
Craft	~~The production of items of use or ornament by the personal efforts, skills and arts of a craftsperson, or their immediate family and may, without limiting the generality of the term, include cooking, sewing, knitting, woodworking, painting, drawing, the shaping cutting or polishing of gemstones, jewellery making and other like crafts. The use of manufactured materials as raw materials is accepted, provided that the exercise of a skill or craft is involved in the process of making the finished product.~~ ~~The assembly of pre-manufactured components into a saleable product, the repackaging of manufactured product into alternative containers, or the design of a product that is manufactured elsewhere is not regarded as falling within the definition of craft.~~ The production of items of use or ornament by the personal efforts, skills, and arts of an artisan or in their immediate family and may, include all artisan made arts and crafts.
Ineligible Products	Products that do not meet the product criteria guidelines as outlined in this policy.
Local Produce	~~Fruit, vegetables and flowers grown in the North Queensland region, on farms or smallholdings occupied by the vendor of the produce, or by members of the vendor's immediate family.~~ Fruit, vegetables, seafood, cheeses and smallgoods and other food items. Produce that is grown, or created in the Far North Queensland Region, in licensed kitchens or on farms or smallholdings. The Far North Region encompasses, the Douglas Shire, Cairns Regional, Mareeba and Atherton Tablelands Shires.
~~Market Coordinator~~	~~Any person appointed by the Council to coordinate and administer the Port Douglas Market on Council's behalf.~~
~~Market Day~~	~~The Sunday of every week (except Christmas Day and ANZAC Day).~~
Mass Produced	Manufactured in large quantities by an automated mechanical process.
Services	This relates to stallholders that provide natural therapy, face painting or spiritual related services at the Market i.e., massage, tarot readings or clairvoyant.

Related Legislation

- *Environmental Protection Act 1994* (Qld)
- *Food Act 2006* (Qld)
- *Local Government Act 2009* (Qld)
- *Local Government Regulation 2012* (Qld)
- *Local Laws and Subordinate Local Laws Nos. 1, 3, 4 and 5 2020*
- *Public Health Act 2005* (Qld)

Related Documents

- Douglas Shire Council Schedule of Fees & Charges
- PDM01 – Port Douglas Market Stall Application
- Port Douglas Market Procedures & Guidelines
- Port Douglas Market Stallholder Agreement & Code of Conduct

Policy Review

This policy is to be reviewed whenever legislation changes, or every ~~3 years~~ four (4) years if no changes have been required to be enacted, at the direction of the Chief Executive Officer.

Policy Details

Policy Name	**Port Douglas Markets Policy**
Policy Number	60
Policy Version	~~4~~ 5
Document Number	839717
Endorsed by	Chief Executive Officer
Policy Type	Council
Approval Authority	Council
Date Adopted	~~30/01/2018~~ 25/08/2026
Time Period	~~3 Years~~ 4 Years
Review Date	~~01/10/2020~~ 26/08/2030
Policy Department	~~People &~~ Community Services
Link to Corporate Plan	~~Celebrating our Communities~~ Strategic Theme 1: Liveability
Revoked/Superseded	Nil

This policy is to remain in force until otherwise determined by Council.

60. PORT DOUGLAS MARKETS POLICY

Purpose

The purpose of this policy is to ensure that all stakeholders are aware of the overarching vision that drives the Port Douglas Markets (the Market), the values that Douglas Shire Council (Council) upholds, and the associated documents including regulation requirements, procedures and agreements with stallholders that operationalise the vision.

Scope

This policy applies to all stallholders, buskers, not-for-profit groups/organisations, and Council staff who manage and maintain the Market.

Policy Statement

The Market is a premier 'Artisan Market' in Far North Queensland, that supports the production and sale of high quality locally made or grown, food, craft products or services.

The Market promotes economic growth and contributes to improved liveability through the delivery of safe, healthy, and inclusive opportunities, providing social connection for locals and visitors to the region.

Located in Australia's first eco-certified destination, the Market promotes a culture of reusable practices and supports local makers who demonstrate minimal impact to the natural environment.

This policy aims to protect these attributes and provide a clear framework for the management of products, stalls, and other activities at the Market.

Market Management

Council is responsible for managing the Market and ensuring that:

- Stakeholders are aware of this policy and comply with the 'Port Douglas Market Stallholder Agreement and Code of Conduct' (Code of Conduct) and associated procedures and guidelines.
- Stallholders comply with all legal obligations and reasonable directions given by Council.

Product Approval

All products sold at the Market must be assessed for their suitability for inclusion in the Market and meet established criteria. Items that do not meet established criteria will not be permitted to be sold at the Market.

The established criteria are:

- All products, except for food products, are to be made or produced locally at the vendor's own studio or residential premises.

- The repackaging of manufactured product into alternative containers or the design of a product that is manufactured elsewhere will not be approved for sale.
- Products designed by the applicant although manufactured by another business/provider will not be considered (products must not be mass produced).
- Artwork reproduction of original artwork created by the applicant may be considered for approval. The artwork must be wholly created by the applicant and clearly represented on the product. Slogans, licensed imagery, or third-party artwork will not meet this criterion. Production must be small-batch and not mass wholesale.
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- Copying the ideas and work of other Market stallholders may be in breach of creative copyright and will not be approved for sale.
- The sale of imported goods is prohibited.
- As part of Council's commitment to raising awareness on cultural etiquette, we recognise the importance of ethical practice in the sale of Indigenous cultural items. These items require careful consideration and respect for the cultures they stem from, acknowledging their significance as vessels of cultural heritage, storytelling, and community identity.
- Stallholders must obtain the consent of Council to use any Market branding.

Breaches

Failure to comply with this policy, Code of Conduct or 'Stallholder Agreement' will result in a written warning from the Port Douglas Market Coordinator.

The accumulation of two written warnings will result in the immediate withdrawal of a stallholder's approval to trade at the Market.

Council reserves the right to exclude a stallholder from the Market for serious and/or repeated breaches of this policy, Code of Conduct or 'Stallholder Agreement' immediately and without notice.

Disputes, Complaints and Feedback

Any disputes, complaints or feedback should in the first instance be provided to the Port Douglas Market Coordinator via enquiries@douglas.qld.gov.au or by telephoning 0459 999 078. If you have a more formal issue or concern about the service, decision or action of Council, please visit Complaints - Douglas Shire Council for further information.

Related Requirements

- Generators do not emit noise above 60 decibels.
- Relevant food licences are obtained.
- Public liability insurance certificate of currency.
- Gas compliance certificate.
- Electrical test and tagging documentation.

Definitions

TERM	DEFINITION
Artisan Market	A market at which stallholders sell goods that they have personally produced by hand or with the use of small-scale machinery, in limited quantities. Goods must not be mass-produced or manufactured in commercial quantities. Non-food products must be manufactured by the stallholder at their own residential premises or studio. Food products may be prepared in a commercial kitchen or premises approved by Council for food preparation.
Artwork Reproduction	The small-batch reproduction of original artwork wholly created and owned by the vendor, where the artwork is clearly represented on the product and production remains consistent with the character of an Artisan Market. It does not include licensed, stock, third-party, imported, or mass wholesale merchandise.
Craft	The production of items of use or ornament by the personal efforts, skills, and arts of an artisan or in their immediate family and may, include all artisan made arts and crafts.
Ineligible Products	Products that do not meet the product criteria guidelines as outlined in this policy.
Local Produce	Fruit, vegetables, seafood, cheeses and smallgoods and other food items. Produce that is grown, or created in the Far North Queensland Region, in licensed kitchens or on farms or smallholdings. The Far North Region encompasses, the Douglas Shire, Cairns Regional, Mareeba and Atherton Tablelands Shires.
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Services	This relates to stallholders that provide natural therapy, face painting or spiritual related services at the Market i.e., massage, tarot readings or clairvoyant.

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Approval Authority	Council
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Time Period	4 Years
Review Date	26/08/2030
Policy Department	Community Services
Link to Corporate Plan	Strategic Theme 1: Liveability
Revoked/Superseded	Nil

This policy is to remain in force until otherwise determined by Council.

PORT DOUGLAS MARKETS PROCEDURES AND GUIDELINES

Purpose

The purpose of these procedures and guidelines is to provide operational direction for the administration of the Port Douglas Markets (the Market) and to outline the requirements, responsibilities, and expectations of all participants.

Scope

These procedures and guidelines apply to all applicants, approved stallholders, permanent and casual stallholders, buskers, not-for-profit organisations, community information groups, and any other persons participating in the Market.

Procedures and Guidelines

Stallholder Applications

- New stall applications must be lodged with the Market Coordinator by completing either an electronic or paper application form and submitting via email enquiries@douglas.qld.gov.au Application forms are available on Councils website Port Douglas Markets - Douglas Shire Council and will only be considered if photographic evidence of product production is supplied.
- All applications must be submitted with photographic evidence of the production process as well as the finished product.
- The Port Douglas Market Coordinator reserves the right to verify the details provided in the Stallholder Application i.e.: raw materials, supply chain, manufacturing methods and production of products are correct, to ensure they comply with the product criteria as outlined in the Market Policy.
- Approval of all applications is at the discretion of the Port Douglas Market Coordinator and is subject to the product successfully meeting the Assessment Matrix criteria. Where uncertainty exists regarding product approval, additional guidance will be sought from a council advisory team.
- Approval of applications takes into consideration; Site availability, workshop/home studio visit, if necessary, powered site availability if required.

Approval Process

Upon approval of an application~~application approval~~ the Port Douglas Market Coordinator will in writing, either:

(a) invite the stallholder into the Market ~~in writing;~~ or

(b) advise the stallholder that they will be placed on a Standby List.

The invitation will detail the products approved to be sold, stall site booking process, payment methods and a copy of the Market Policy, Stallholder Agreement, inclusive of Stallholder Code of Conduct.

Appeals Process

If an application or product is not approved, the applicant may request a review of the decision.
Requests for appeal must be submitted in writing to the Market Coordinator within 7 days of receiving notification of the decision. The request should clearly outline the reasons for the appeal and include any additional supporting information or documentation.
Upon receipt, the appeal will be reviewed by a council advisory team.
The outcome of the appeal will be provided in writing and will be considered final. While an appeal is under review, the original decision will remain in place.
Council reserves the right to decline appeals that do not provide new or relevant information.

~~Wait List~~

~~Where an application cannot be approved at the time of submission due to duplication of products or limited stall availability, the applicant may elect to be placed on a wait list.~~

Standby List

Where an application has been approved but the applicant cannot be accommodated at the time due to duplication of products, an existing stall of the same or similar type, or limited stall availability, the applicant will~~may elect to~~ be placed on a~~the~~ Standby List.

If a suitable stall becomes available due to a cancellation, the Market Coordinator may contact a stallholder on the Standby List on the Saturday morning prior to the Market to offer the available site.

Stallholders on the Standby List may only attend the Market if they are contacted and invited to attend by the Market Coordinator on the Saturday morning. Placement on the Standby List does not guarantee attendance at any future Market. Should a vacant stall become available, ~~stallholder vacate the Market with permanency, reducing duplication~~, an approved applicant on the Standby List may then be invited to attend the Market on an ongoing basis.

Stall Sizes

Stall fees will be determined on stall frontage as outlined in the fees and charges.

- Small table
- 2 .4 m
- 3 m
- 4.5 m
- 6 m

*Please visit the Douglas Shire Council website for the current fees and charges for holding a stall Fees and Charges - Douglas Shire Council.

Extra allocation of frontage may be provided for the provision of, side awnings, or extra space used for product advertising such as signage, displays etc as determined by the Market Coordinator and charged as outlined in the fees and charges. Stall sizes are determined by the existing park infrastructure.

Permanent Stallholders

- A permanent stallholder is someone who has attended the markets on a regular long-term basis and has been granted a permanent position in writing by the Market Coordinator.
- Permanent stallholders must attend the markets a minimum of 40 market days in each financial year to maintain their permanent status. Any alternatives must be negotiated and approved by the Market Coordinator in writing.
- Failure to attend the required 40 days of attendance may result in the cancellation of permanent stall holder status, although not impact stallholders to attend on a casual basis.
- The 12 weeks of allowed non-attendance for permanent stallholders is to be used to cover unfavourable weather conditions, road closures/conditions, sickness, holidays, special occasions etc.
- Circumstances may require a permanent stallholder to be asked by the Market Coordinator to relocate into a new position.

Casual Stallholders

All stallholders are defined as casual unless they have been formally granted permanent status.

Casual Stall Site Request Process

Once a casual stallholder has been approved, all weekly stall site requests must be made to the Port Douglas Market Coordinator by text message on 0459 999 078, no later than 4pm the Thursday prior.
Your text must include the following:

- Date of attendance.
- Product.
- Stall site size. 2 .4 m, 3 m, 4.5 m, 6 m. If you require a depth deeper than 3 m, please advise in text.

You will receive a text message confirming your stall request has been approved by 4:30pm the Thursday.

Stall Site Cancellation Process

If a stallholder is unable to attend the Markets, a notification of cancellation must be made to the Market Coordinator by phone or text message on 0459 999 078, no later than 12pm the Friday prior. Regular late cancellations or failure to notify the Market Coordinator of non-attendance may result in the cancellation of a permanent stallholder status.
If a Market Day is cancelled for any reason by the Market Coordinator, these days will not be recorded as a stallholder absence.

Stall Site Payment

Market Staff collect payments by Eftpos only, during the Market Day.

Insurance

All approved stallholders must provide their certificate of currency of $10,000,000 Public Liability cover with Douglas Shire Council noted as an interested party prior to attending their first Market day.

Market Trading Hours

Sundays 8.00 am to 1.30 pm every Sunday excluding Christmas Day and ANZAC Day.

Cancellation of the Port Douglas Markets

The Port Douglas Market Coordinator reserves the right to cancel any scheduled market at their discretion. All reasonable efforts will be made to provide stallholders with advance notice of any cancellation; however, due to the unpredictable nature of weather conditions and other unforeseen circumstances, notice may be limited.

In the event where there are fewer than ten (10) stalls in attendance, the market day will be cancelled.

In the circumstance of a cancellation, stallholders must not attend the market site. Where a cancellation is declared after a stallholder has arrived, the stallholder must comply with all directions issued by market staff, including any requirement to vacate the premises without delay.

Stall Sites General

- Fees are reviewed each financial year as part of Council's budget process.
- The Market Coordinator may change the site allocated to a Stallholder without any prior notice due to operational requirements.
- Stalls must be staffed by the manufacturer of the product or immediate family member and if required one other person.
- Any person under the age of 18 is not permitted to be left unattended at a stall.
- Stallholders must not employ staff to manage their stall in their absence unless previously negotiated with the Market Coordinator.

Food Stalls

- Once a new food stall application has been approved by the Market Coordinator the stallholder must lodge an application for a market food stall licence with Council. Market Food Stall Licence. It is the stallholder's responsibility to have a relevant and current food licence certificate that is appropriate for their stall.
- Stallholders are not permitted to change the menu that has been detailed on the application form, without permission from the Market Coordinator and the Environmental Health Officer.
- Food stalls must always have their current food licence certificate prominently displayed within their stall.
- Beverages are to be approved by the Market Coordinator. Only permitted stalls are able to sell bottled water in line with Councils environmental commitment.
- Regular inspections will occur to ensure that stall set up and operation is compliant with the *Food Act 2006* and conditions of license are being met.

Food and Drink Stalls Requiring Electricity

- Stallholders must ensure that all power leads and electrical equipment are tagged and tested annually by an authorised electrical tradesperson and compliant with relevant legislation and supplied and to supply a copy of the report to the Market Coordinator.
- Electrical leads are to be kept tidy and must not be a trip hazard.
- Weatherproof covers must be used when joining two or more extension leads.

- Ensure that generators are compliant with relevant legislation and do not emit noise above 60 decibels.

Food and Gas Stalls Utilising LPG Gas

Gas compliance certificates must be provided with every stallholder renewal or application. It is the stallholder's responsibility to renew their gas compliance certificate every 12 months and to supply a copy to the Market Coordinator.

For further information on Gas Compliance Renewal process please go to; Renew, change or replace your gas work licence or authorisation | Business Queensland

Not For Profit Organisations and Community Information Groups

A designated stall site is available for not-for-profit organisations and community information groups at no charge. Attendance at this site is subject to availability, though all not-for-profit groups will be accommodated on formal request to the Market Co-ordinator but may be placed in other locations with the market footprint. ~~with a maximum of 8 attendances per financial year~~. All not for profit organisations and community information groups must complete a stallholder application form and provide their current public liability certificate prior to attendance. If a sausage sizzle is being held, a Douglas Shire Council Notification of a Ttemporary Ffood Ppremises by a Non-Profit Organisation form must be completed.

Buskers

- The Market Coordinator is responsible for approving a limited number of buskers and allocating suitable locations for buskers to perform at each market day.
- Buskers may perform for a maximum period of 30 minutes in any one location within the market area. Therefore, will be required to move around the Market.
- Buskers may not utilise common area picnic tables.
- Buskers must ensure that their crowds do not obstruct walkways or neighbouring stalls.
- Acoustic performances permitted only, and amplification of any kind is prohibited.
- Buskers under the age of 18 must be always accompanied by an adult.

Animals

All animals must be under effective control while attending the markets. An animal is only under effective control of someone if a person is holding it by an appropriate leash, halter, or rein. Whilst at the market animal(s) will need to be appropriately tethered to a fixed object that cannot be moved by the animal and is under continuous supervision. Alternatively, if the animal is corralled in a temporary enclosure, it must be continuously supervised.

A tethered dog must be continually supervised, if a stallholder is serving customers, they will need an additional person to watch their dog to ensure that effective control is maintained. It is recommended if a stallholder needs to bring their dog to the markets that they bring an appropriate enclosure to utilise as required. Dogs must not cause nuisance to other stallholders or members of the public by barking.

Definitions

TERM	DEFINITION
Artisan Market	A market at which stallholders sell goods that they have personally produced by hand or with the use of small-scale machinery, in limited quantities. Goods must not be mass-produced or manufactured in commercial quantities. Non-food products must be manufactured by the stallholder at their own residential premises or studio. Food products may be prepared in a commercial kitchen or premises approved by Council for food preparation.
Artwork Reproduction	The small-batch reproduction of original artwork wholly created and owned by the vendor, where the artwork is clearly represented on the product and production remains consistent with the character of an Artisan Market. It does not include licensed, stock, third-party, imported, or mass wholesale merchandise.
Casual Stallholder	All stallholders are defined as casual stallholders unless they have applied for and formally granted permanent status.
Community Information Groups	This includes environmental, government department and Not For Profit/incorporated community groups. This policy excludes political parties and religious groups.
Craft	The production of items of use or ornament by the personal efforts, skills, and arts of an artisan or their immediate family and may, include all artisan made arts and crafts.
Ineligible Products	Products that do not meet the product criteria guidelines as outlined in the Market Policy.
Local Produce	Fruit, vegetables, seafood, cheeses and smallgoods and other food items in line with Market criteria. Produce that is grown, or created in the Far North Queensland Region, in licensed kitchens or on farms or smallholdings occupied by the vendor of the produce or members of the vendors immediate family. *The Far North Region encompasses, the Douglas Shire, Cairns Regional, Mareeba and Atherton Tablelands Shires.
Market Coordinator	Any person appointed by the Douglas Shire Council to coordinate and administer the Port Douglas Markets on the Douglas Shire Councils Behalf.
Mass Produced	Manufactured in large quantities by an automated mechanical process.
Permanent Stallholder	A stallholder who has attended the markets on a regular long-term basis and has been granted a permanent position in writing by the Port Douglas Market Coordinator. A permanent stallholder retains their permanent stallholder status in accordance with this Policy.
Services	This relates to stallholders that provide natural therapy, face painting or spiritual related services at the Market i.e., massage, tarot readings or clairvoyant.

Related Documents

- Port Douglas Markets Policy
- Douglas Shire Council Fees & charges

- Port Douglas Market Stallholder Agreement & Code of Conduct
- PDM01 – Port Douglas Markets Stall Application

Manager	Sara Roberts
Originally Approved	NA
Current Approval	(Insert date)
Due for Revision	(Insert date)
Revoked/Superseded	NA

This Procedure~~Administrative Instruction~~ is to remain in force until otherwise determined by the Chief Executive Officer.

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Scott Osman

CHIEF EXECUTIVE OFFICER