

9.6 Lennox Head Community Market - Operation and Location

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Delivery Program Community Facilities and Services

Objective To respond to a Council request for further information concerning the operation of the monthly Lennox Head Community Market.

Background

The Council, at its Ordinary Meeting held on 23 June 2016, considered a Notice of Motion which read as follows:

That Council receive a report on options for the location of the Lennox Head Market to improve the overall viability and atmosphere of the markets.

The Notice of Motion was adopted by the Council.

The Council, at its Ordinary Meeting held on 26 May 2016 also considered a Mayoral Minute, as follows:

On completion of all works associated with the foreshore upgrade plan, (including the southern precinct) that the operators of the Lennox Head Market be given approval for a twelve month trial to operate the monthly market back on the eastern side of Lake Ainsworth.

The Mayoral Minute was lost.

The following report seeks to provide information which may assist the Council to come to a preferred position regarding a market venue.

Key Issues

- Location options
- Benefits and costs

Information

The preferred site for the operation of a market in Lennox Head has been a vexing issue for both the local community and Council for a considerable period. Market stall holders have understandably been ready to express views about preferred venues for the market's operation, given their direct financial interest in the matter.

Since its inception, the Lennox Head market had operated within the public reserve along the eastern and southern foreshores of Lake Ainsworth, and had a reputation as being one of the most popular community markets on the 'regional circuit' (others including The Channon, Byron Bay and Bangalow).

During the December 2012/January 2013 holiday period the public reserve on the eastern side of Lake Ainsworth was unable to be used for the market as it was flooded.

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During this period, to enable its continuity, the market was transferred to Williams Reserve and within the Lennox Head Cultural and Community Centre (LHCCC) which at that time had only recently been completed.

Council has also previously authorized trials of the market being held in the Lennox Head business area, being on Ballina Street and the adjacent foreshore reserve.

Council, at its Ordinary Meeting held in April 2013 received a report which invited consideration of a proposal to relocate the market from the Lake Ainsworth Reserve to the northern part of Williams Reserve, including within the LHCCC. A copy of that report comprises attachment one.

Council resolved on that occasion as follows:

Council undertake a formal consultation process with key stakeholders and the broader community to investigate the option to relocate the regular Lennox Head Community Market to a site closer to the town centre.

In August 2013, the Council considered a report which presented an overview of the stakeholder engagement which had been undertaken and the key outcomes from that process. A copy of that report comprises attachment two.

Council resolved as follows:

- 1. That the Lennox Head market be permanently relocated from Lake Ainsworth to the Lennox Head Cultural and Community Centre.*
- 2. That the rugby field be roped off on market days to ensure that no markets stalls or cars encroach onto the playing surface.*
- 3. That Council require the Market Coordinator to facilitate the development of a partnering agreement between the stakeholders.*

Since that time, the market has continued to operate within Williams Reserve.

Initially, there were a few 'territorial' issues arising with the Lennox Head Combined Sports Association, whose representatives were concerned that the market would lead to a deterioration of the reserve's playing surface.

These concerns have proved to be largely unfounded, and no other conflicts between the market and reserve users have arisen.

A consultative process has been established, involving the Association representatives, the market operator (Westpac Rescue Helicopter) and Council staff, to ensure any issues arising are discussed and resolved.

Part of the market's operation was initially conducted within the Lennox Head Cultural and Community Centre, and within the Centre's forecourt, but only for a brief period.

Whilst the facility remained available for use, the market operator preferred to have all participating stalls outside the building (ie within the park area, the adjacent carpark off Mackney Lane and along the Park Lane frontage of the Centre).

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It was felt by the operator that this layout is more efficient and creates a better market ambience.

Through its most recent resolution, Council has sought to identify ways to improve the Lennox Head community market's 'viability' and 'atmosphere'. It is relevant to point out that it is not Council's market; that is, Council does not own or operate the market.

It simply authorizes it to be undertaken on public land, which Council manages on behalf of the Crown, by way of the grant of a license to operate.

It is open to any individual or organization to propose to establish a new market in Lennox Head, or the Shire more broadly.

Council's initial policy concerning markets on public land was adopted in 2006 and then reviewed in 2012. More recently, the Council again reviewed and adopted its policy in July this year. A copy of that policy is available on Council's website.

The market policy, and its supporting guidelines, set out for prospective operators contemporary standards and expectations for this type of use.

Details of the policy and the accompanying guidelines may be viewed on Council's website.

The current Lennox Head market is operated on Williams Reserve by the Westpac Rescue Helicopter Service through a temporary licence agreement granted by Council under the Crown Lands Act. The Service is not charged for this opportunity.

The duration of the licence is twelve months, and this has only recently been renewed. Subject to the terms of the licence, the Service has relative autonomy in the manner in which it promotes and conducts the market.

It has appointed a Market Coordinator who deals with day to day issues and liaises with stall holders.

The Service is the recipient of income derived from stall holders, whilst under the licence, the costs associated with conducting the market are to be borne by the Service.

However, through its community donations funding program Council, in the current year, has resolved to assist the Service with some of its costs in running the market.

These costs relate to waste collection, the use of part of the adjacent community centre as a site office and provision of access to amenities (including associated cleaning charges on market days).

Costs for these charges in the current financial year amount to \$5,880.

There is no obligation on the Service to publicly disclose the financial performance of the market.

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Alternative Site Operations

Through its previous resolutions Council has been reasonably clear in its desire to retain the market on Williams Reserve. Nevertheless, if Council was to decide to relocate the market, there are only a few options.

The benefit of the current site is that it is central and highly accessible with excellent linkages to the business area as well as the beach. There has been criticism that the site has limited shade during warmer months, and that it lacks 'atmosphere'.

Further expansion of the market on the reserve would likely generate objection from the Lennox Head Combined Sports Association or individual sporting codes who would be concerned about damage to the reserve's playing surface.

Typically, the timing of the market on Sunday mornings has not conflicted with other scheduled organised sporting activities undertaken on the reserve.

Alternative option one would be to revert to the Lake Ainsworth public reserve, in either the eastern or southern precincts. This option is largely contingent upon what Council ultimately decides to do in terms of 'the eastern road' and the embellishment of the reserve more broadly. It has been difficult to achieve consensus concerning the preferred outcome.

The setting of the market on the foreshore of the lake is a key attractor for both stallholders and the community. It has been said that this is what made the market in that location 'special' in a regional context.

The other side of the argument for this option is that the conduct of the market (whether real or perceived) contributes to adverse water quality in the lake and that it creates congestion for the other users of the reserve during periods of peak demand.

Impacts to the adjoining caravan park have also been stated as a factor when the market previously operated in the reserve.

Another limiting factor with the Lake Ainsworth Reserve is periodic flooding of the lake, at least in the eastern part of the reserve. During times in which the market was held at the lake, nearby residents have expressed concerns regarding the level of parking congestion and unlawful parking which occurred in the general vicinity.

This can also occur even when the market is not operating (eg during peak seasonal periods and when surf carnivals are held).

Though perhaps not a significant factor, there can also be a view that established businesses derive less benefit from the market being held at the lake, due to it being divorced from the actual business area.

Alternative option two would be to authorize the market to be held within the Lennox Head business area, either on a monthly basis or less frequently. This option would include the use of Ballina Street and/or the adjoining foreshore reserve.

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The key benefit of this option is that direct flow-on effects to established businesses can be achieved through the co-location. However, negative impacts include disruption/inconvenience to the community due to the essential road closure. This is particularly the case for Rayner Lane residents.

Secondly, the road closure generates a significant cost for traffic control, which is not incurred with the other site options. Whilst the market has previously been conducted on the foreshore reserve, with the beach and ocean as a backdrop, this site's exposure to strong winds at times renders it less attractive as a regular option.

In relation to the issue of viability, the site selected for the market is a determining aspect in its popularity. However, it is also likely that success for a market is more likely to be dictated by the quality and diversity of the individual stalls, the nature of goods or services sold and the number and location of competing markets. Unless the Council itself is going to become a market operator, it is suggested that it is not able to materially influence these more prominent factors.

Sustainability Considerations

- **Environment**
The social, environmental and economic outcomes of community markets are considered to be generally positive, but dependent on the circumstances of a particular proposal.
- **Social**
As above.
- **Economic**
As above.

Legal / Resource / Financial Implications

This report responds to a Council resolution, and does not have any direct legal, resource or financial implications.

Consultation

Community consultation has not been undertaken in the preparation of this report. However, key stakeholder engagement was undertaken in 2013 when the Council was considering site options for the market at that time.

It was not surprising that the majority view then was to retain the market at Lake Ainsworth, but relocate it to Williams Reserve on occasions when the lake is in flood and during peak summer periods, to alleviate congestion within the lake reserve and adjacent area.

It is suggested that there is little to be gained by conducting a fresh community consultation process concerning the matter at this time. One would reasonably expect a similar response to the targeted stakeholder engagement undertaken in 2013.

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Obtaining clear direction from Council and the community concerning improvements within the Lake Reserve has been challenging enough over the past couple of years, without 'throwing the market into the mix'.

It would be preferable to consider the option of returning the market to the lake precinct only after all improvement works (including the eastern and southern access ways) have been finally determined and fully implemented, when one could better visualise a market layout in the context of those improvements.

Options

In regard to sites for the Lennox Head market, this report suggests that there are three practical options available (with the Lake Ainsworth Reserve site having sub-options east or south of the lake).

As recently as May this year, the Council determined that it did not wish to authorise the market going back to the lake reserve.

The option to have the market operate in Ballina Street/ocean foreshore reserve within the town's business area would require a considerable budget allocation for traffic control/management. An indicative cost for establishment and operation of competent traffic control is \$2,500 for each market. The Ballina Street option would also significantly limit vehicular access for Rayner Lane residents.

On the basis of the above, it is suggested the preferred site option, at least for the immediate future, is for the market to remain in Williams Reserve.

Turning to the issue of market viability, one would expect the current operator, Westpac Rescue Helicopter Service, would be continually looking to improve the market stall mix to make the market as attractive as possible to those attending. It is in their financial interest to do so.

As stated, the Service's tenure to conduct the market has recently been renewed for a further period of twelve months. It would be open to the Council, toward the end of that period, to call expressions of interest from potential operators to manage and coordinate a market on this site, if the Council felt that such action might lead to improved outcomes.

Alternatively, if the current market operator is of the view that market viability would be improved by operating from a different site, it is open to the operator to make an application to Council, under Council's adopted Markets on Public Land Policy, to conduct a market at a different site.

Further, as stated earlier in the report, it is also open not only to the current operator but also any individual or organisation to lodge a proposal for a new market to be established in Lennox Head, if it was felt that a better or alternative model could be delivered.

The recommendation that follows is for noting only as the preferred option remains the status quo, at least until the works planned for the south eastern precinct of Lake Ainsworth are completed.

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RECOMMENDATION

That Council notes the contents of this report regarding the operation and location of the Lennox Head Community Market.

Attachment(s)

1. Council Report - April 2013
2. Council Report - August 2013

Westpac Life Saver Rescue Helicopter

Lismore NSW 77 Krauss Avenue, South Lismore NSW 2480 | PO Box 3000, Lismore DC NSW 2480
ABN 20 002 662 024 | CFN 11992 | Westpac Life Saver Rescue Helicopter is operated by Northern NSW Helicopter Rescue Services Ltd



13/09/2019

Ballina Shire Council
Attention: Simon Scott (Strategic Planner)

Dear Mr Scott,

RE: Lennox Community markets

Our organisation has recently undertaken a review of its Operational Risk Management policy and as such we have adopted a new means of assessing the way we measure our exposure to all levels of risk. This applies to everything thing from our flight operations right through to how we fundraise and operate our events.

As a result, this review has seen us reach the conclusion that we can no longer look to manage the Lennox Community Markets based on our year round exposure to the many risks associated when operating a monthly large scale outdoor community event such as the Market.

We have had a long and proud association with the Market and have made every effort to make the Markets a success for the community and stallholders. We give our thanks to the Ballina Shire Council and Lennox Head community for its support during our time as the licensee.

Please accept this letter as our formal notice to stand down as the licensee at the completion of the 10th November 2019 market. We seek to end our association with the Market on good terms and have spoken with our current Market Manager, Mr Mike Stack who is more than willing to carry forward the markets and operate them over summer to ensure the Lennox Head community, stallholders and visitors can continue to enjoy their local monthly market. We support Mike's offer which we hope Council will accept until such time as a new tender process can occur.

Kind regards,

Zeke Huish
Regional Marketing Manager

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