



AS AT APRIL 2023

## STALLHOLDER TRADING TERMS & CONDITIONS

### Essential Information

- The organising body for Kiama Seaside Markets is the Kiama and District Business Chamber. Kiama Seaside Markets have been owned and operated by Kiama and District Business Chamber for approximately 20 years. The Kiama Seaside Markets are operated under licence arrangements with Kiama Municipal Council and with conditions specified by Kiama Municipal Council.
- Licence conditions are not negotiable. Kiama and District Business Chamber will always, ensure compliance with the licence conditions.

### Location of the Kiama Seaside Markets

- Black Beach, Kiama Harbour, Shoalhaven Street Kiama, NSW

### Trading Days

- Every 3rd Sunday of the month every month of the year, plus additional Kiama Seaside Markets held throughout the year. These typically fall across 4 long weekends/public holidays in the year, which stallholders are invited to attend.

### Trading Hours

- 9am – 3pm with the option of 8:30 – 3pm in warmer months.

### Kiama Seaside Market Manager's Contact

- **Phone:** 0457 773 063
- **Email:** [seasidemarkets@kiamachamber.com.au](mailto:seasidemarkets@kiamachamber.com.au)

The Kiama Seaside Market Manager is the first point of contact for all aspects of the Kiama Seaside Markets. Kiama Seaside Market Manager directions and decisions are final and binding.

### Disclaimer

- By attending the Kiama Seaside Markets, you are agreeing that you have read, understood, and accept all the following terms and conditions in full. The Kiama and District Business Chamber and their staff, the Kiama Seaside Market Manager and its staff cannot and will not be held liable for any losses,



AS AT APRIL 2023

- damage or legal action arising from conduct of Stallholders or market attendees.
- The Kiama Seaside Market Manager and Kiama and District Business Chamber will not be held liable for any claims made by customers against Stallholders regarding faulty, inedible, or misrepresented products sold by traders at the Kiama Seaside Market. Each Stallholder indemnifies the Kiama and District Business Chamber and the Kiama Seaside Market Manager for any such claim.
  - Any customer complaints regarding product, food or service sold at the Kiama Seaside Markets will be referred to the Stallholder to address.
  - Stallholders are responsible for the security of their goods, equipment, and monies.
  - The Kiama Seaside Market Manager and the Kiama and District Business Chamber are not responsible for any loss or damage to customer or Stallholder and their agent's personal items.
  - Standard stall sites are 3 x 3.
  - Speak to Market Management regarding stall prices as prices may vary based on size/area and product
  - Any sites larger than 3x3 are available on request with Kiama Seaside Market Manager approval and subject to site availability and payment of correct applicable stall site fee.
  - STALL SITES ARE GENERALLY MARKED SLIGHTLY LARGER THAN THE ABOVE, THEREFORE ALL STALLHOLDERS MUST TRADE ONLY IN THE ABOVE STALL SIZES. ANY STALLS LARGER WILL BE CHARGED THE NEXT STALL SIZE FEE.
  - Please note stall site fees may be varied at any time with a minimum of one months' notice.

### **Stall Equipment**

- Stallholders must provide their own marquees or stall equipment, including electrical extension cords, all of which must be in good condition and tagged. Weights, wind protect & pegs are to be apart of standard setup at each market, the Kiama Seaside Market often encounters wind gusts.
- The Kiama Seaside Market Manager does not provide any stall equipment for hire or loan. Equipment provided by stallholders must remain in line with the aesthetical standard set – this includes clean & undamaged gazebos
- The Kiama and District Business Chamber and the Kiama Seaside Market Manager are not responsible



AS AT APRIL 2023

for any damage to stall equipment or for any liability arising from faulty stall equipment.

### **Cancellation and Payment Policy from 30 JUNE 2023**

- Stallholders must pay their stall site fees in advance. The stall site fee payment must be paid in full no later than the WEDNESDAY before a Kiama Seaside Market. The cut off time is 5 PM (Due Date). Stall payments are to be made via the invoice that will be emailed to the supplied email address of the Stallholder. Invoices to Kiama Seaside Markets will be issued at the start of each month. To make this payment all Stallholders are required to have a credit/debit card. **Please note that AMEX is no longer accepted as a form of payment.**
- **Non-payment by the invoice payment Due Date will lead to cancellation of the stall site for that Kiama Seaside Market. No late payments will be catered for.**
- Stallholders that cancel their stall site booking prior to the Due Date for before the next Kiama Seaside Market will have their stall site fees refunded in full. Any stall site cancellation after the Due Date will incur loss of the stall site fee in full. Any non-arrival at the Kiama Seaside Market for whatever reason will also incur a full forfeiture of the stall site fee.
- Cash payments will not be accepted at the Kiama Seaside Markets on Kiama Seaside Market day at any time.
- In the event of a weather cancellation, the Kiama & District Business Chamber will issue a \$25 administration fee to each stall holder. The remainder of your stall fee will be rolled over until the next month, with the difference payable. The Kiama Seaside Markets are held in an iconic outdoor beachside location and as such weather can play an integral part on the operation of the Kiama Seaside Markets, therefore resulting in cancellations where necessary.
- Cancelled Kiama Seaside Markets will ONLY be advised from the time the Kiama Seaside Market is **cancelled** by notification by way of a recorded message on the Kiama Seaside Market Managers mobile phone 0457 773 063 and on the Kiama Seaside Markets Facebook page.

If the Market is cancelled, there will be a message on the Managers phone stating that. If there is no message, at that point in time the market will go ahead. Please understand that the Kiama Seaside Markets are on **UNTIL** they are cancelled. The Kiama Seaside Markets Manager will not cancel a Kiama Seaside Market prematurely & this cancellation will usually occur around 5:30am. It is the intention to run the Market at all times.

- It is the Stallholder's responsibility to contact the Kiama Seaside Market Manager mobile phone if



AS AT APRIL 2023

weather is uncertain and prior to departing or en-route. To check call 0457 773 063. If there is **NO** message the Kiama Seaside Market is still on. The Kiama Seaside Market Manager will NOT answer any calls on Kiama Seaside Market days and then only as per the recorded message pre-set on the mobile telephone.

- The Kiama Seaside Markets will operate on each advertised Kiama Seaside Market date unless cancelled by the Kiama Seaside Market Manager.
- The Kiama Seaside Market Manager will not be held responsible for any loss, damage or injury whatsoever resulting from adverse weather conditions.

### **Insurances**

- Stallholders are required to have their own current Insurance. Insurance must clearly cover both Public Liability and Product Liability with a minimum of \$20,000,00 insurance cover for the operation of a market stall.
- It is the Stallholder's responsibility to ensure a current copy of insurances / renewed policy documents have been supplied to the Kiama Seaside Market Manager.
- If requested by the Kiama Seaside Market Manager, a Stallholder must produce a valid and current insurance certificate of currency.

### **Stallholder Set Up and Ingres**

- Stallholders whilst approaching the Kiama Seaside Market entrance gates and during setup are to be mindful of neighbourhood amenity and respect resident's rights to a quiet residential environment.
- Stallholders must NOT exit their vehicle until on the Kiama Seaside Market reserve.
- Stallholders are to arrive from 6.30am (not before) until 8.15am and must be setup and ready to trade by 8.45am.
- No late entry will be permitted. The gates close at 8.15am.
- Stallholders will be allocated a numbered stall site prior to the Kiama Seaside Market day in site areas "A, B, C, D or E"
- Stallholders in area "A" site are to enter from Minnamurra Street only and enter the Kiama Seaside Market site via Gate 1. Gate 1 is the first entrance gate left off Shoalhaven street from Minnamurra street- closest to the roundabout at the corner of Minnamurra Street.
- Stallholders in sites "B, C , D & E" must approach Shoalhaven Street from Terralong Street, drive under



AS AT APRIL 2023

the railway bridge that crosses Shoalhaven Street and access via Gate 2 which is the gate entrance directly right off Shoalhaven Street from the railway line cross over.

- Stallholders are required to unload their product immediately and then park their car at the designated parking area. No stalls are to be set up with the car at the stall site in area A unless otherwise agreed.
- All cars are to be driven at walking pace (5kph or less) with hazard lights on from either gate entrance to allocated stall site.
- Directions from Kiama Seaside Market staff MUST be observed at all times.
- Stallholders are required to park in approved areas only and/or as directed by the Kiama Seaside Manager. Please note there is only 1 car permitted per stall site. Any additional cars incur a \$20 parking fee (per car).
- All Stallholders will be checked-in and verified by the Kiama Seaside Market Manager.

#### **Stallholder Pack Up and Egress**

- Stallholders must trade until 3pm and cease to trade strictly at 3pm. The Kiama Seaside Market closes at 3pm & power is switched off at 3pm. However, Stallholders are permitted to begin pack up from 2:30pm. This pack-up procedure must not disrupt neighbouring stalls or the aesthetic of the Kiama Seaside Market for visitors. All stall belongings must be packed up prior to bringing vehicles to the stall site.
- Strictly NO vehicle movements are permitted prior to 3pm. Anyone found to be driving on the grounds prior to 3pm will receive a warning & subsequent ban. All products must be cleared from the stall area by 3.45pm.
- For egress (exiting) all vehicles must proceed in a safe manner at no more than walking pace, (5 kph or less) with their hazard lights on.
- All vehicle exiting must be completed by 4pm. Both access gates will be locked at 4.05pm and the Black Beach area is then made available to the public again from 4.15pm.
- If egress is not completed by a Stallholder by 4.05pm, the Kiama Seaside Market Manager may refuse a booking for any future Kiama Seaside Market.
- Directions and instruction from the Kiama Seaside Market Manager must be always followed.

#### **Categories of Stalls**



AS AT APRIL 2023

- There are two categories of stalls:- REGULAR & CASUAL

#### *Casual*

- All Casual stalls attend only by reaching out each month to request attendance. Where possible, the Kiama Seaside Market Manager will book a stall

#### *Regular*

- All efforts will be made to enable regular Stallholders to trade from the same stall site each Kiama Seaside Market attendance. However, this is not guaranteed.
- If a regular Stallholder advises non-attendance at a particular Kiama Seaside Market and then changes their mind and advises they will be attending - their usual site may have already been allocated to another Stallholder. Once allocated stall site changes can not necessarily be accommodated.
- If a regular Stallholder does NOT attend a market for 3 x markets in a row without prior agreement, the option for this to remain a regular site is voided.

#### **Approved Products**

- Stallholders may only sell products that have been approved by the Kiama Seaside Market Manager and as listed on the Stallholder's initial application form.
- Stallholders wishing to add new products to their stall must first apply in writing to obtain approval before introducing new products.
- Stallholders may be asked to provide pictures of their intended product. It is the responsibility of the Stallholder to ensure they conform to any safety and compliance standards pertaining to their product.
- No counterfeit goods may be sold.

#### **Presentation**

- All products and stall presentation must be of a high standard. Presentation is key to delivering a truly unique and high-quality market. Stallholders may be refused participation in future Kiama Seaside Markets for failing to meet presentation standards.

#### **Waste and Rubbish**

- Stallholders are required to remove their own rubbish and waste from their immediate stall location.
- Boxes and cartons must be removed from the Kiama Seaside Market area. Failure to do so may result in refused participation in future Kiama Seaside Markets and a \$30.00 clean up fee will apply.



AS AT APRIL 2023

- The waste bins provided at the Kiama Seaside Market are for general public use only.
- Stallholders are responsible for leaving their site and surrounding area clean, tidy and undamaged.
- Stallholders are no longer allowed to provide or supply single use plastic bags or cutlery.

### **Marquee Weights Compliance**

- We are a coastal event and do experience wind gusts from time to time. If Stallholders do not have weights, they will not be permitted to trade for safety reasons.
- Marquees must have minimum of three weights always attached, and any Stallholder umbrellas must have a weighted base with the umbrella stand able to be securely fixed to the weight.

### **Electrical Compliance \*\* Access to power is strictly by approval only \*\***

- All electrical appliances and cords must be tested and tagged by a qualified electrical contractor in accordance with NSW Electrical Safety Regulations 2002 and subsequent amendments. Stallholders are encouraged to diarise for renewal.
- Equipment & cords should also be regularly checked to ensure they remain in serviceable condition.
- Stallholders with higher power needs e.g. cooking/refrigeration appliances should connect using a suitable 'earth leakage protection device'.
- Please seek advice from a qualified electrical contractor regarding the amperage draw of your equipment and seek professional advice prior to entering the Kiama Seaside Markets.
- Double adaptors are not permitted for usage under any circumstance.
- Stallholders found with non-complying or unsafe appliances or cords will have power withdrawn without notice. Non-compliance may invalidate your insurance and cause risk of serious harm to the public, your employees and yourself.
- It is essential that extension leads do not present a trip-hazard to the public. Excess cords must be coiled safely within the stall and not accessible to the public.
- Exposed cords running between stalls must be either covered with mats or taped with waterproof tape - please bring these with you each Kiama Seaside Market.

### **Food Stalls**

- All food stalls must be licensed and approved by the Market Managers. Please contact the Kiama Municipal Council, if you require information about obtaining a Food License.



AS AT APRIL 2023

- Food stall applications will not be assessed without provision of a current NSW Food Authority.
- Temporary Food Licenses must be always displayed during trading hours. These can be obtained from Kiama Municipal Council. Please telephone 4232 0444 to apply.
- Standard health and safety procedures must be always adhered to.
- Approval from the Kiama Seaside Market Manager must be given before you change or add to your food stall or product range.
- The Kiama Seaside Market Manager reserves the right to refuse any food stall that does not provide a point of difference to food available commercially in the Kiama CBD.

### **Emergency Management**

- Evacuation is to take place via the closest gate access or street and stair access along the harbour pathway.
- No vehicle movement is permitted during emergency evacuation.
- Stallholders will be directed to wait in a chosen cleared area away from the Kiama Seaside Market area until advised by the Kiama Seaside Market Manager that they can return to their stall site.

### **First-Aid**

- If you or anyone around you, requires First-aid, please contact the Kiama Seaside Market Manager immediately. The Kiama Seaside Market Manager will have a basic first aid kit on hand for minor injuries.
- Any serious injury must be reported to the Kiama Seaside Market Manager who will call an ambulance.
- All incidents must be reported to the Kiama Seaside Market Manager.

### **Smoking, Alcohol & Market Etiquette**

- The Kiama Seaside Market precinct is a smoke free zone under NSW Law. The smoking ban includes all footpath, lawn and garden areas as well as within your stall
- Alcohol is NOT TO be consumed by stallholders during the market. Any evidence of alcohol consumption or intoxication will result in immediate ban from the Kiama Seaside Market





AS AT APRIL 2023

- Correct market etiquette must be always upheld. Evidence of stallholders acting outside of this includes the use of foul language, mistreatment of customers, stallholders & market staff & the slandering of other stallholders.

### **Social Media Policy**

- By attending the Kiama Seaside Markets you are agreeing to images of yourself and your stall being used for advertising in selected printed media, visual media and social media and It is the Stallholder's responsibility to advise the Kiama Seaside Market Manager if they are not in agreement with their images being used.
- Stallholders are asked to present positive messages about the Kiama Seaside Markets and their experiences with the Kiama Seaside Markets on social media platforms. Negative comments or airing of grievances with the Kiama Seaside Market Manager or the Kiama and District Business Chamber on promotional pages owned by the Kiama Seaside Markets will result in immediate termination from the Market and possible disqualification from attendance at future Kiama Seaside Markets.
- All grievances can be resolved professionally by other means- first point of contact is Kiama Seaside Market Manager or in the case of unsatisfactory resolution by email to the Kiama and District Business Chamber - [executive@kiamachamber.com.au](mailto:executive@kiamachamber.com.au)

### **Sale or Transfer of Business/Stall**

- The Kiama Seaside Market enters into no permanent or written agreements about the location, placement, and regularity with any stall/business.
- Should you sell your business to another you are required to provide full written disclosure to the Kiama Seaside Market Manager.
- Business/Stall owners are not entitled to promise, advise, or instruct new owners of any ongoing arrangements with the Kiama Seaside Markets.
- A change of ownership will result in the renegotiation of stall approval, placement, and status with Kiama Seaside Markets in every instance. Please keep this in mind with any plans of sale or transfer of ownership of your stall. These terms are not negotiable.
- Stall sites are not assignable except with the written agreement of the Kiama Seaside Market Manager.