

19 October 2020

At the conclusion of the Environment Committee

## **Cultural and Community Committee**

**Agenda**

1. **Disclosures of Interest**

**Healthy Communities Sub-Committee**

2. **Grants and Sponsorship - Accommodation Grants Program - Beaconsfield Community Centre**
3. **Public Exhibition - Markets Policy**

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1. Register to speak by calling Secretariat on 9265 9702 or emailing [secretariat@cityofsydney.nsw.gov.au](mailto:secretariat@cityofsydney.nsw.gov.au) before 10.00am on the day of the meeting.
2. Check the recommendation in the Committee report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker (with a warning bell at two minutes) and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the Committee may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

Committee meetings can continue until very late, particularly when there is a long agenda and a large number of speakers. This impacts on speakers who have to wait until very late, as well as City staff and Councillors who are required to remain focused and alert until very late. At the start of each Committee meeting, the Committee Chair may reorder agenda items so that those items with speakers can be dealt with first.

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## **Item 1.**

### **Disclosures of Interest**

Pursuant to the provisions of the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Councillors are required to disclose pecuniary interests in any matter on the agenda for this meeting.

Councillors are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting.

This will include receipt of reportable political donations over the previous four years.

In both cases, the nature of the interest must be disclosed.

## Item 2.

### Grants and Sponsorship - Accommodation Grants Program - Beaconsfield Community Centre

File No: S117676

#### Summary

The Accommodation Grants Program (the Program) is one of 17 programs adopted as part of the City's Grants and Sponsorship Policy. The Program supports community, cultural and sustainability focused organisations by providing accommodation in City-owned buildings within the community property portfolio at nil or below market rent.

Accommodation Grant recipients are organisations that provide services that meet the needs identified in Sustainable Sydney 2030, and the City's strategic plans and policies. Grants are available to non-profit organisations and for-profit organisations where they demonstrate a public benefit.

Currently, there are 76 leases held by 67 organisations located across 49 properties managed under the Program. Recipients of Accommodation Grants enter into leases or licences with the City for a fixed term of appropriate length, usually five years, subject to an annual performance review.

The City called for applications for Beaconsfield Community Centre at 169 Victoria Street, Beaconsfield on 22 July 2020 for a five-year lease. The premises is a small building in a residential area and was formerly occupied by South Eastern Community Connect Inc with a focus on older people and community development. South Eastern Community Connect Inc vacated the property and left the Accommodation Grant Program in 30 June 2019, as their primary customer base and service hub are located in the Bayside Council local government area. This meant they had limited utilisation of the space.

Two eligible applications and one ineligible application were received. Bicycle Garden Incorporated is recommended to occupy the property under the Program with the condition that operating days, times and activity are permitted under the Development Application. All figures in this report and its attachments are exclusive of GST. All market rental value in this report is calculated with an annual increase of three per cent per annum and excludes GST.

**Recommendation**

It is resolved that:

- (A) Council approve an Accommodation Grant for Bicycle Garden Incorporated pertaining to Beaconsfield Community Centre, 169 Victoria Street, Beaconsfield for five years on the following rental subsidy:

|        | Market Rental Value | Grant Subsidy | Grant Amount | Rent to be paid | Conditions  |
|--------|---------------------|---------------|--------------|-----------------|---|
| Year 1 | \$26,500            | 100%          | \$26,500     | \$0             | DA approval for operating day, times and activity |
| Year 2 | \$27,295            | 100%          | \$27,295     | \$0             |   |
| Year 3 | \$28,114            | 85%           | \$23,897     | \$4,217         |   |
| Year 4 | \$28,957            | 85%           | \$24,614     | \$4,344         |   |
| Year 5 | \$29,826            | 85%           | \$25,352     | \$4,474         |   |

- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the lease to Bicycle Garden Incorporated on terms consistent with this resolution and in accordance with the Grants and Sponsorship Policy.

**Attachments**

**Attachment A.** Recommended Accommodation Grant Program Application - Beaconsfield Community Centre

**Attachment B.** Not Recommended Accommodation Grant Program Applications - Beaconsfield Community Centre

## Background

1. The Accommodation Grants Program (the Program) presently makes available 76 spaces for 67 organisations in 49 buildings. The total cost of the Program in revenue foregone for the 2020/21 financial year is estimated as \$5.7 million.
2. On 22 July 2020, the City called for applications for Beaconsfield Community Centre.
3. Applications closed at 5pm on Wednesday 26 August 2020. Two eligible applications and one ineligible application were received.
4. Information about this grant program (such as application dates, guidelines and draft lease) was made available on the City's website. The City actively promoted the program through LinkedIn and ArtsHub as well as email campaigns to target interested parties who have expressed an interest in the City's Accommodation Grants Program. The City also actively promoted the program through its Green Square community networks.
5. The Program is open to not-for-profit and for-profit entities. The recommended applicant in this report is a not-for-profit organisation, Bicycle Garden Incorporated.
6. The assessment process included advice and recommendations from key stakeholders on the assessment panel and specialist assessors depending upon the nature of each submission. The integrity of the proposed budget, proposed use of space, contributions and partnerships were assessed, scored and ranked against defined criteria. Once the recommended application is approved by Council, a lease or licence is prepared, which includes performance criteria that must be adhered to and acquitted against.
7. In assessing the grant applications, the assessment panel considered the following policies and action plans: Sustainable Sydney 2030; the City of Sydney Operational Plan; Creative City Cultural Policy and Action Plan; Cultural Diversity Strategy; Social Sustainability Policy and associated plans; OPEN Sydney Strategy and Action Plan; Safe City Strategy; Homelessness Strategy; and Inclusion (Disability) Action Plan.
8. The panel was comprised of the City Spaces Area Manager - South, Cultural Projects Coordinator, Community Property Manager and Grants Officer with specialist advice from the Cycling Manager, chaired by the A/Executive Manager, Creative City.
9. The panel considered the applicant's ability to pay rent when determining the level of subsidy per year. As part of the application process, applicants provide details of the level of rent they can afford to pay and the subsidy level they wish to receive. The panel considers this information and how the organisation ranked against the Program criteria. After submissions closed and during the assessment period Bicycle Garden Incorporated advised the City that their proposed budget and the level of subsidy they wish to receive would not be sustainable for years three to five. Their budget relied on a significant increase in cash donation in these years which is no longer feasible with the ongoing restrictions of Covid-19 impacts. They provided a revised budget increasing their request for subsidy to 85 per cent for years three to five which was considered and endorsed by the panel.
10. In assessing the grant application, the assessment panel also considered the proposed vision, operational model, relevant experience and corporate responsibility of the application proposed.

11. All grants are recommended on the condition that any required approvals, permits and development consents are obtained by the applicant.
12. The terms and conditions of the agreement between the tenant and the City are detailed in each lease or licence, which sets out specific Key Performance Indicators and performance measures for each tenant.
13. The Program is highly competitive. The application not recommended did not score as highly against the assessment criteria as the recommended organisation.
14. Tenants within the Accommodation Grants Program are required to pay all outgoings for their tenancy including power, water, garbage removal, public liability and maintenance and repair costs.
15. Bicycle Garden Incorporated is a not-for-profit organisation providing vibrant spaces where the community can learn to build, maintain and repair bicycles. The applicant has requested the use of the Beaconsfield Community Centre, 169 Victoria Street, Beaconsfield to develop a community hub for bicycle mechanics and cyclists and will meet the increasing demand for community run DIY bicycle workshops.
16. Bicycle Garden Incorporated has reached their capacity within the limited space and operating hours available in their current location at Sydney Park Cycling Centre, operated by BikeWise who are contracted to run the City's cycling courses. Relocating to Beaconsfield Community Centre will allow Bicycle Garden Incorporated to increase accessible hours, grow existing programs and engage more volunteers.
17. Bicycle Garden Incorporated's current income is solely through cash donations and their proposed activation is expected to break-even at the recommended subsidy level of 100 per cent in the first two years. The new location will allow them to expand their operations to include income from other sources such as event ticket sales, memberships, bike sales and venue hire in years three to five and is expected break-even at the recommended subsidy level of 85 per cent.
18. The assessment panel concluded that the project proposed aligned with both the Program's requirements and the needs of the organisation. The applicant demonstrated strong partnerships, links and support with the local community and organisations such as the Bower Reuse and Repair Centre.
19. The assessment panel recommended a condition that Bicycle Garden Incorporated operating times, days and activity are subject to Development Application approval.
20. The start date for the new tenant will be determined once the condition of DA approval for the new tenant's operations is met. The lease will be for a period of five years.
21. It is recommended that Bicycle Garden Incorporated be awarded an Accommodation Grant for Beaconsfield Community Centre, 169 Victoria Street, Beaconsfield, for a period of five years on the following rental subsidy:
  - (a) Year 1 - 100% subsidy valued at \$26,500
  - (b) Year 2 - 100% subsidy valued at \$27,295
  - (c) Year 3 - 85% subsidy valued at \$23,897
  - (d) Year 4 - 85% subsidy valued at \$24,614

- (e) Year 5 - 85% subsidy valued at \$25,352

## Key Implications

### Strategic Alignment - Sustainable Sydney 2030

- 22. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This grant is aligned with the following strategic directions and objectives:
  - (a) Direction 6 - Vibrant Local Communities and Economies - the provision of accommodation to a varied group of community and cultural organisations contributes to the diverse range of services and support that the City provides for our community. The diversity of these groups contributes to the vibrancy of the city's villages and the communities within them.
  - (b) Direction 7 - A Cultural and Creative City - approximately one third of the Accommodation Grant Program tenants are cultural/arts organisations. These organisations support cultural development through the support of artists, and the delivery of culturally stimulating activities that engage our communities.

### Social / Cultural / Community

- 23. The City's Grants and Sponsorship Program provides the City with a platform to support cultural, economic, environmental and social initiatives from the communities, and community organisations, within the local area.

### Financial Implications

- 24. Based on the current budget of the Accommodation Grants Program, the total grant value of the Program is \$5.7 million in revenue foregone for the 2020/21 financial year

### Relevant Legislation

- 25. Section 356 of the Local Government Act 1993. Section 356 of the local Government Act 1993 provides that a council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

### Critical Dates / Time Frames

- 26. The start date for the new tenant will be determined once the condition of DA approval for new tenant's operations is met. The lease will be for a period of five years.

## **Public Consultation**

27. The property was open for inspection by registration for four sessions on 27 July, 3, 18 and 24 August. Nine organisations represented by 19 people attended the property inspections.

### **EMMA RIGNEY**

Director City Life

Jeremy Kelshaw, Manager Grants

# **Attachment A**

**Recommended 2020-21 Accommodation  
Grant Program Application for Beaconsfield  
Community Centre**

# Accommodation Grants Program – Beaconsfield Community Centre

## Recommended for Funding

| Accommodation Grant Program – Beaconsfield Community Centre |                                   |   |                     |   |                       |   |   |
|---|-----------------------------------|---|---------------------|---|-----------------------|---|---|
| Organisation Name   | Project Name                      | Project Description   | \$ Amount Requested | VIK Requested   | \$ Amount Recommended | VIK Recommended   | Conditions  |
| <b>RECOMMENDED FOR FUNDING</b>                              |                                   |   |                     |   |                       |   |   |
| Bicycle Garden Incorporated                                 | Beaconsfield Community Centre AGP | Develop a community hub for bicycle mechanics and cyclists and will meet the increasing demand for community run DIY bicycle workshops. | Nil                 | <b>Original request</b><br>Year 1 100% \$26,500<br>Year 2 100% \$27,295<br>Year 3 81.5% \$22,914<br>Year 4 64% \$18,557<br>Year 5 65% \$19,426<br><br><b>Revised request</b><br>Year 1 100% \$26,500<br>Year 2 100% \$27,295<br>Year 3 85% \$23,897<br>Year 4 85% \$24,615<br>Year 5 85% 25,352 | Nil                   | Year 1 100% \$26,500<br>Year 2 100% \$27,295<br>Year 3 85% \$23,897<br>Year 4 85% \$24,615<br>Year 5 85% 25,352 | Operating hours and proposed use permitted under DA |

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# **Attachment B**

**Not Recommended 2020-21  
Accommodation Grant Program  
Applications for Beaconsfield Community  
Centre**

## Accommodation Grants Program – Beaconsfield Community Centre

### Not Recommended for Funding

| Accommodation Grants Program – Beaconsfield Community Centre |                                   |   |                     |   |
|--|-----------------------------------|---|---------------------|---|
| Organisation Name  | Project Name                      | Project Description   | \$ Amount Requested | VIK Requested   |
| <b>NOT RECOMMENDED FOR FUNDING</b>                           |                                   |   |                     |   |
| Opportunities Australia Incorporated                         | Beaconsfield Community Centre AGP | Connecting unemployed people with job opportunities through mentorship and training programs in English, IT, marketing, sales, interview skills, trade (construction and hospitality, career and life coaching. | Nil                 | <b>Year 1 100% \$26,500</b><br><b>Year 2 Unknown</b><br><b>Year 3 Unknown</b><br><b>Year 4 Unknown</b><br><b>Year 5 Unknown</b> |

## Item 3.

### Public Exhibition - Markets Policy

File No: S121629.056

#### Summary

In June 2015, Council adopted the Markets Policy, which outlines the City's approach to the approval of markets and sets out the requirements of market operators to achieve quality market operations.

The Policy is designed to create well managed markets that contribute to and support local communities and local businesses. Markets can improve access to quality food and produce, improve social interaction, and provide opportunities for innovative ideas and businesses to develop.

The Policy was reviewed in June 2019 and minor amendments were made to update and enhance ease of use. Following public exhibition, the revised policy was adopted by Council on 28 October 2019.

On 9 March 2020, Council endorsed a Lord Mayoral Minute which requested that the Chief Executive Officer investigate amending the City's Markets Policy to prohibit the sale of all fur products, mislabelled fake fur products and exotic animal skins at markets and stalls on council owned land. Amendments are recommended to the Policy to address this request from Council.

This report recommends that Council endorse the draft Markets Policy for public exhibition for a period of 28 days. Following the exhibition period, all public comments will be considered and the Policy presented to Council, with any required changes, for adoption.

#### Recommendation

It is resolved that Council endorse the public exhibition of the draft Markets Policy as shown at Attachment A to the subject report for a period of 28 days.

#### Attachments

**Attachment A.** Draft Markets Policy (additions in *bold italics*)

## Background

1. In June 2015, Council adopted the Markets Policy, which outlines the City's approach to the approval of markets and sets out the requirements of market operators to achieve quality market operations.
2. The Markets Policy was developed to set an assessment framework, respond to the relevant key directions in Sustainable Sydney 2030, encapsulate legislative requirements and incorporate non-statutory community consultation into the market application process.
3. The Policy was reviewed in June 2019 and minor amendments were made to update the Policy and enhance its ease of use. The revised policy was adopted by Council on 28 October 2019.
4. The Policy provides the City with:
  - (a) guiding principles and decision-making criteria for assessing market proposals;
  - (b) strategies to minimise or eliminate any adverse impact of markets on the local community and to maximise overall community benefit;
  - (c) a step-by-step guide for setting up a market; and
  - (d) processes for consulting the community about market proposals.
5. On 9 March 2020, Council endorsed a Lord Mayoral Minute - Banning the Sale of Fur and Exotic Animal Skin on Council Land.
6. Council resolved that the Chief Executive Officer be requested to investigate amending the City's Markets Policy to prohibit the sale of all fur products, mislabelled fake fur products and exotic animal skins at markets and stalls on council owned land.
7. Exhibiting the amendments to the Markets Policy is the first step in giving effect to the Council resolution.
8. The following additions to the Policy have been made:
  - (a) Under Definitions -
    - (i) Prohibited Product: Any item, product, article or good(s) for sale that Council has prohibited to be sold on Council land.
  - (b) Under Market Management -
    - (i) Prohibited Products: Market Operators are required to take reasonable steps to ensure that stallholders are not selling any item, product, article or good(s) for sale that Council has prohibited to be sold on Council land.  
  
Council has prohibited the sale of all fur products, mislabelled fake fur products and exotic animal skins at markets and stalls on Council land.

## Key Implications

### Strategic Alignment - Sustainable Sydney 2030

9. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This policy is aligned with the following strategic directions and objectives:
  - (a) Direction 6 - Vibrant Local Communities and Economies - Strategic direction 6.1 refers to a 'city of villages' - for communities to live, meet, shop, study, create, play, discover, learn and work. Strategic direction 6.3 indicates that local economies meet the needs of their community and provide opportunities for people to realise their potential. The Market Policy addresses both these directions.

### Social / Cultural / Community

10. The amendment to the Policy delivers on the City's commitment to honest and ethical behaviour. Adopting the amendment is a simple means by which the City can lead by example in sustainability and governance.

### Environmental

11. There are no environmental implications for the City per se, however this amendment will enable the City to contribute to world-wide efforts to protect biodiversity and end animal cruelty, by reducing the market for fur and exotic animal skin products.

### Economic

12. Most markets currently operating on City controlled land sell fresh, hot or pre-prepared food, so the economic impacts will be minimal, if any.
13. The organisers of the Surry Hills Market have already implemented a practice of not permitting the sale of fur, mislabelled fur, fake fur or exotic animal skin products.

### Financial Implications

14. Implementation of the amendments to the Policy will have no significant budget implications.
15. The City's Fees and Charges Schedule includes fees for markets. Commercial Market Operators pay a commercial fee. Not-for-profit organisations are offered a lower fee structure.

### Relevant Legislation

16. Crown Land Management Act 2016.
17. Disability Inclusion Act 2014.
18. Environmental Planning and Assessment Act 1979.
19. Food Act 2003.
20. Local Government Act 1993.

21. Protection of the Environment Operations Act 1997.
22. Roads Act 1993.
23. Sydney Local Environment Plan 2012.

**Critical Dates / Time Frames**

24. It is recommended that the Policy be placed on public exhibition for 28 days.

**Public Consultation**

25. Following Council endorsement, the revised Policy will be placed on public exhibition for 28 days.
26. Public exhibition will be undertaken through the Sydney Your Say web page and via the City's communication channels.

**DAVID RIORDAN**

Director City Services

Melanie Penicka-Smith, Events, Markets and Busking Coordinator

# **Attachment A**

**Draft Markets Policy**

# Markets Policy

## Purpose

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

## Scope

The Markets Policy applies to ongoing markets on Council land within the City of Sydney Local Government Area. Ongoing markets are classified as markets that operate more than four occasions in their first 12 months of operation.

The Markets Policy provides an assessment framework for the City to approve ongoing markets.

In addition to obtaining Market Approval, ongoing markets that operate for more than 52 days (whether or not consecutive) in any 12 months period or operate on sites containing heritage items, are required to submit a development application and obtain development consent before operation. Other approvals may also be required. It is the Market Operators responsibility to obtain all necessary consents/approvals to operate the market.

## Definitions

| Term                             | Meaning  |
|----------------------------------|--|
| Council land                     | Land owned or controlled by the City. Land owned by the City includes operational and community land; land controlled by the City includes roads (including footways) and Crown reserves.                  |
| Market Approval                  | Formal approval granted by the City for a market to begin operation.   |
| Market Operator                  | The individual or group who intend to operate the market and who will enter into an agreement with the City for the use of the site.   |
| Market Proposal                  | A detailed document describing the layout, management and preliminary operational plans for a market. The Market Proposal is submitted after a Market Site Application is approved.                        |
| Market Site Application          | An application form enabling Market Operators to indicate interest in using a site on Council land to operate a market.  |
| Ongoing Market                   | A regularly scheduled outlet for the sale of goods and services at the same or similar location, with the majority of goods and services provided by the producer, grower, craftsperson or service person. |
| <b><i>Prohibited Product</i></b> | <b><i>Any item, product, article or good(s) for sale that Council has prohibited to be sold on Council land.</i></b>   |

## Policy/Procedure Statement

The City of Sydney (the City) supports quality markets in the Local Government Area (LGA). Markets provide for the needs of the community, ranging from the provision of fresh food to goods and services.

The City recognises the potential contribution of markets to community life and local economies. Markets can complement the offerings of local businesses and provide opportunities for emerging enterprises.

The following principles encapsulate the City's approach to approval of markets and the level of operational performance the City requires of Market Operators.

The City will:

- apply a consistent assessment framework to the approval of Market Site Applications and Market Proposals
- require Market Operators to demonstrate capacity to meet community needs, contribute to social cohesion, strengthen the local economy, and complement the offerings of local businesses
- consult the community about new Market Proposals by providing consultation opportunities for the community to comment.

Market Operators will be required to:

- minimise the impact of their market on the environment, local residents and nearby businesses
- ensure market sites are well-maintained and accessible for all members of the community
- prioritise community health and safety by rectifying hazards and problems immediately

## Approval of Markets

The City receives regular requests from commercial enterprises, community groups, not-for-profit organisations and the general public about establishment of new markets on Council land. This section outlines the market approval process and conditions.

## Identification of Market Sites

The City encourages Market Operators to identify appropriate market sites. New market sites are proposed by:

- Market Operators – through the submission of a Market Site Application to the City
- The City – where a site has been identified to meet community needs

## Market Approval Stages

There are six basic steps to setting up markets on Council land in addition to any development consent requirements:

- a. Choose a market type – identify the primary purpose of the market
- b. Identify a suitable site – hard stand areas are preferred for the placement of stalls and other infrastructure
- c. Submit a Market Site Application – the City assesses the capacity and suitability of a site. The application will not proceed to the next step if the site is considered to be unsuitable

- d. Plan your market –prepare a detailed Market Proposal and market impact report, which addresses the impact of the market on the surrounding residents, businesses and the environment
- e. The City will undertake community consultation - including letters to residents and businesses in the area, notification displayed at the site and on the City's website
- f. Set up market –pending approval, a formal agreement will be drawn between the City and the market operator. The City will monitor performance of the market.
- g. Use of the site may be subject to tender.

Market applications will be assessed against criteria based on the principles set out in this policy and the Markets Guide. The City will not proceed with Market Site Applications and Market Proposals that do not meet assessment criteria, tendering briefs where applicable, and the needs of the community identified by the City.

### **Market Agreements/Consents**

Before Market Approval is granted, the proposed Market Operator will be required to obtain the City's consent. These documents will contain conditions regarding the use of the land and the operation of the market.

### **Community Consultation**

The City will consult the community about proposed use of Council land for markets. Consultation provides opportunity for community needs and concerns to be addressed in the assessment of Market Proposals. There are two types of community consultation.

### **Statutory Public Notice**

The City is required to place public notice of proposals to grant a lease or licence on community land or Crown land in accordance with all relevant legislation. The City is not required to give public notice for use of operational land, roads and footways.

### **Community Consultation**

In addition to any public notice required by law for certain agreements for the use of community or Crown land, the City will undertake community consultation to address any community needs and concerns as part of the assessment of Market Proposals by:

- sending notification letters to residents and businesses, within reasonable distance of the market, inviting them to comment on market proposals
- public exhibition of market proposals on the City's website
- displaying a notice of any proposed market use on the site
- Submissions received following public exhibition will be considered in the final Market Approval.

### **Market Management**

#### **Ongoing review**

Market Operators are required to participate in regular meetings and performance reviews with the City. Meetings and reviews provide opportunities for resolution of issues raised by the community, the Market Operator and the City.

### **Prohibited Products**

**Market Operators are required to take reasonable steps to ensure that stallholders are not selling any item, product, article or good(s) for sale that Council has prohibited to be sold on Council land.**

**Council has prohibited the sale of all fur products, mislabelled fake fur products and exotic animal skins at markets and stalls on Council land.**

### **Health and Safety**

Market Operators are responsible for ensuring all stallholders involved in the preparation, sale or provision of food comply with the provisions of *Food Act (NSW) 2003*. Market Operators must also ensure stallholders hold current City Temporary Food Premises permits and comply with permit conditions. Further information may be found online at City of Sydney and NSW Food Authority websites. The City and other authorities may inspect markets and individual stallholders at any time to ensure public health and safety.

### **Site Accessibility**

Market Operators ensure market site configurations encourage community participation and ease of access. Market Operators are responsible for site accessibility, safety of crowd movements and compliance with legislation; including but not limited to the *Disability Discrimination Act 1992*, *Roads Act 1993*, *Work Health and Safety Act 2011* and other conditions set out in the market agreements. Market Operators are also required to minimise market impact on the environment.

### **Fees and Charges**

The City's Fees and Charges Schedule includes fees for markets. Commercial Market Operators pay a commercial fee. Not-for-profit organisations are offered a lower fee structure. (Refer [Fees and Charges](#)).

Market land use fees are based on a percentage of a market's forecasted annual gross revenue. The fee is estimated at the beginning of each financial year by calculating the number of market stalls approved on a site and the fees charged by the Market Operator to stallholders. Other revenue generated by the Market Operator in relation to the use of Council land is also included in the calculation.

A site maintenance fee is charged by the City to the Market Operator to cover maintenance costs incurred by the City as a result of market use of a site.

### **Equal Opportunity Land Use**

The City will determine the appropriate length of any agreement or consent on a case-by-case basis. No term will be longer than five years.

To ensure markets retain community use and participation, Market Operators are required to dedicate a stall space for use by community groups, social enterprises, not-for-profit organisations and new start-up businesses.

## Responsibilities

Employees will:

- Follow this procedure when accepting and assessing an application for a market on Council land.

## Consultation

Community consultation is undertaken in accordance with section 47 of the Local Government Act 1993.

## References

### Laws and Standards

- Crown Land Management Act 2016
- Disability Inclusion Act 2014
- Environmental Planning and Assessment Act 1979
- Food Act 2003
- Local Government Act 1993
- Protection of the Environment Operations Act 1997
- Roads Act 1993
- Sydney Local Environment Plan 2012

### Policies and Procedures

- Inclusive and Accessible Public Domain Policy and Guidelines
- Local Approvals Policy Busking and Aboriginal and Torres Strait Islander Cultural Practice Policy
- Markets Guide to Setting Up a Market on Council Land
- Performance Bonds Policy
- Plans of Management for Parks and Reserves
- Procurement and Contract Management Policy
- Sydney Sustainable Events Management Policy
- Sustainable Sydney 2030

## Review period

This policy/procedure will be reviewed every 3 years.

(State the number of years it will be reviewed and approved in. Two years is best practice and the maximum review and approval period is 4 years.)

## Approval Status

Council approved this policy/procedure on [DD MONTH YYYY].

Double-Click to insert Initials

**Monica Barone, Chief Executive Officer**

(To be completed by Office of CEO on approval or deleted if Council approved policy)

### Approval History

| Stage                | Date          | Comment  | TRIM Reference |
|----------------------|---------------|--|----------------|
| Original Policy      | 29 June 2015  | Approved by Council  | 2015/326743    |
| Reviewed             | 24 June 2019  | Approved by Council/ Endorsed by the Executive   | X003411.002    |
| Reviewed             | April 2020    | Policy amended to prohibit the sale of fur products, mislabelled fake fur products and exotic animal skins at markets and stalls on Council land | 2020/119955    |
| Commence Review Date | April 2023    |  |                |
| Approval Due Date    | December 2023 |  |                |

### Ownership and approval

| Responsibility | Role                                  |
|----------------|---------------------------------------|
| Author         | Events, Markets & Busking Coordinator |
| Owner          | Manager Venue Management              |
| Endorser       | City of Sydney Executive              |
| Approver       | City of Sydney Council                |