

# **Attachment A**

**Draft Markets Policy**

## ATTACHMENT A - MARKETS POLICY

(Additions in bold italics, deletions in strikethrough)

### 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.

### Markets not covered by this Policy

#### Temporary markets on Council land

The Markets Policy and Guide do not apply to temporary markets on Council land. Temporary markets are classified as markets that operate on up to four occasions in every 12 months of operation. (***Refer City of Sydney Event Guidelines:***  
***[http://www.cityofsydney.nsw.gov.au/data/assets/pdf\\_file/0003/235830/Event-Guidelines-February-2018.pdf](http://www.cityofsydney.nsw.gov.au/data/assets/pdf_file/0003/235830/Event-Guidelines-February-2018.pdf)***)

The City of Sydney's Events Guidelines, intended for one-off and temporary events, apply to temporary markets. Temporary markets must meet requirements of the Events Guidelines and receive an Event Approval before operation. A copy of the Events Guidelines is available on the City of Sydney website.

#### Markets on land other than Council land

The market policy does not apply to markets that are not on Council land, ***including private property, other State Government Agencies or Statutory Authorities***. Contact Council if you would like more information about conducting markets on land other than Council land.

### Definitions

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.

Event Approval	<del>Form of approval granted by the City for a temporary market to operate. Temporary markets operate on no more than four occasions in their first 12 months of operation</del>
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
Markets-Panel	<del>A group comprising a minimum of three City representatives with relevant knowledge of outdoor events and trading. It may engage additional members to provide expert advice on specific sites and issues</del>
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.

## Policy 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 ~~by the use of the Site Suitability Checklist, provided in the Markets Guide.~~ New market sites are proposed by:

- a. Market Operators – through the submission of a Market Site Application to the City
- b. 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 ~~physical~~ capacity **and suitability** of a site ~~against the Site Suitability Checklist.~~ 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 cCommunity cConsultation** - 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 ~~(if the market is on land classified as road) or enter into an agreement with the City.~~ 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.

### 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** space for **use by community community groups, social enterprises, not-for-profit organisations and new start-up businesses**use, to meet, socialise, participate in activities, or perform and enjoy live entertainment. The dedication of space for community use is in addition to meeting minimum requirements for stallholder participation from community groups, social enterprises, not-for-profit organisations and new start-up businesses.

## Variances to the policy

The City reserves the right to review, vary or revoke this policy.

## References

### Laws and standards

Local Government Act 1993  
Crown Lands Act 1989  
Roads Act 1993  
Environmental Planning and Assessment Act 1979  
Disability Discrimination Act 1992  
Food Act 2003  
Protection of Environmental Operations Act 1997  
Sydney Local Environment Plan 2012

### Policies and procedures

City of Sydney Markets Guide to Setting Up a Markets on Council Land  
Sustainable Sydney 2030  
City of Sydney Plans of Management for Parks and Reserves  
City of Sydney Sustainable Events Management Policy  
City of Sydney Events Markets Guideline  
City of Sydney Busking Policy and Markets Guideline  
City of Sydney Performance Bonds Policy  
City of Sydney Procurement Policy

## Approval

Council approved this policy on 29 June 2015.

## Review

Review period	Next review date	TRIM reference
City Services Division will review this policy every 3 years	June, 2021	2015/326743