

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.
<i>Prohibited Product</i>	<i>Any item, product, article or good(s) for sale that Council has prohibited to be sold on Council land.</i>

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].

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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