

Item 3.

Public Exhibition - Markets Policy

File No: X084995

Summary

The City permits third parties to operate markets on City owned and managed land throughout the local government area. Governing the City's approach and management of third party markets is the Markets Policy which provides a framework for Council to assess, manage and approve markets on land owned or managed by the City.

The original policy was adopted by Council on 29 June 2015, and a further review was undertaken on 24 June 2019. In line with the City's Policy Management Procedure, a further review of the policy has been undertaken in 2022.

As a result of this review, minor changes have been made to the Policy that improve language, enhance clarification and understanding, but do not alter the intent of the Policy.

Changes to the Policy include:

- inclusion of the prohibition of the sale or promotion of any prohibited items or services at a market on Council land, such as fur and exotic animal skin products, other than where is permitted under traditional first nation cultural practices;
- clarification of the scope of Council land where a market can take place and for which the policy is applicable to include all lands under the care, control, or management of the City, including Crown Land;
- increase in the number of occasions a temporary market can be held as a temporary event prior to the markets policy process applying, from four occasions, to 12 occasions, within a 12-month period;
- removal of the detail of the market approval stages within the policy, with referral to this specific detail being within the markets guidelines;
- inclusion of operator criteria and objectives the City applies to the assessment and consideration of market proposals;
- confirmation that the City will issue public notices and accept and review community feedback for all market occasions on City land; and
- revision of the detail regarding the specific calculation of market land use fees to refer to the adopted fees and charges schedule.

In addition to updating the policy, updates have been made to the supporting guidelines to ensure consistency so that both documents accurately reference each other.

Recommendation

It is resolved that:

- (A) Council approve the draft Markets Policy, as shown at Attachment A to the subject report, for public exhibition;
- (B) Council note the draft Guidelines to Setting Up a Market on Council Land, as shown at Attachment B to the subject report, which will be exhibited together with the draft Markets Policy; and
- (C) authority be delegated to the Chief Executive Officer to undertake minor editorial corrections prior to the exhibition of the draft Markets Policy and Guidelines.

Attachments

Attachment A. Draft Markets Policy

Attachment B. Draft Guidelines for Setting Up a Market on Council Land

Background

1. On 29 June 2015, Council adopted a Markets Policy with the purpose of providing a standard approach to the approval of markets. The Policy also provides an assessment framework for the City to approve ongoing markets.
2. The Markets Policy was reviewed and amended on 24 June 2019.
3. At the 9 March 2020 Council meeting, the Chief Executive Officer was requested to investigate amending the City's Markets Policy, Event Guidelines and Guide to Setting up a Market on Council Land to prohibit the sale of all fur products, mislabelled fake fur products and exotic animal skins at markets and stalls on council owned land
4. Subsequently, the Markets Policy was updated to reflect this change and on 26 October 2020, Council approved that the draft Markets Policy be placed on public exhibition.
5. Community consultation was placed on hold at the time due to the Covid-19 pandemic and many markets not operating during that period.
6. During 2021, a further review and update to the Market Policy was undertaken.
7. Changes to the Market Policy are minor in nature and improve language, clarification and understanding, and do not alter the intent of the Policy.
8. Changes include:
 - (a) inclusion of the prohibition of the sale or promotion of any prohibited items or services at a market on Council land, such as fur and exotic animal skin products, other than where is permitted under traditional first nation cultural practices;
 - (b) clarification of the scope of Council land where a market can take place and for which the policy is applicable to include all lands under the care, control, or management of the City, including Crown Land;
 - (c) increase in the number of occasions a temporary market can be held as a temporary event prior to the markets policy process applying, from four occasions, to 12 occasions, within a 12-month period;
 - (d) removal of the detail of the market approval stages within the policy, with referral to this specific detail being within the markets guidelines;
 - (e) inclusion of operator criteria and objectives the City applies to the assessment and consideration of market proposals;
 - (f) confirmation that the City will issue public notices and accept and review community feedback for all market occasions on City land; and
 - (g) revision of the detail regarding the specific calculation of market land use fees to refer to the adopted fees and charges schedule, which may be varied where required.

9. In addition to updating the policy, updates have been made to the guidelines including:
 - (a) a revised application and assessment process to a Request for Proposal process, which allows greater flexibility for changes to be made to proposals post assessment, based on Council or community feedback;
 - (b) clarification that during the public notice period of a market location, as the notice does not include the specific details of a particular proposal, the City will accept additional Requests for Proposals, which will be competitively assessed along with the original Request for Proposal at the close of the public notice period; and
 - (c) removal of fees for market site application assessments.

Key Implications

Strategic Alignment - Sustainable Sydney 2030

10. 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 5 - A Lively and Engaging City Centre - Markets provide an attractive drawcard and destination for locals and tourists to visit, creating an activated and vibrant location, and contributing towards village identity.
 - (b) Direction 6 - Vibrant Local Communities and Economies - Markets are an important part of community and business ecostructures, providing opportunities for the community to shop for fresh produce, food, and items, facilitating employment and contributing towards the economy.
 - (c) Direction 10 - Implementation through Effective Governance and Partnerships - The revision to the Policy improves transparency, clarity and provides better understanding for the community of how the City assesses market applications and what criteria it uses, what return the City is seeking from market operators, and the process through which the City provides approvals.

Organisational Impact

11. Markets are overseen by the Venue Management unit that is resourced to deliver markets and other activations in the public domain. There are no additional organisational impacts.

Risks

12. There are no significant risks associated with the adoption of the revised markets policy.

Social / Cultural / Community

13. The benefits that the community obtains from a market in their local area is the opportunity to purchase fresh produce, goods and services including food and beverage items, handicrafts, and other items.

14. Markets also act as an opportunity for the community to meet as an activity in itself, as well as providing opportunities for the community to come together.

Environmental

15. The City requires operators to undertake a site assessment and detail how they will minimise impact on the location, including having wet weather contingencies.
16. The City requires operators to develop and provide detailed plans for how they will manage load in and load out, vehicle movements, infrastructure placement, waste management and safety to reduce impact on the location.

Economic

17. Markets are an important part of the City's business ecosystem, providing employment for stallholders that include food and beverage operators, local creatives, florists, and other retailers, and additionally, markets employ a range of ancillary businesses to facilitate their activities.
18. Local businesses also benefit from the presence of markets driving more foot traffic into the area as the market is a destination, activating the space and is an additional driver for both the local community and people from elsewhere to visit the village.

Financial Implications

19. Income of approximately \$100,000-\$120,000 was generated from Market Fees in recent (pre-Covid-19) years. Annual income could reasonably be expected to increase to more than \$150,000 per annum over time.
20. Market operators are responsible for all costs associated with running the market including waste management above and beyond the City's normal service of the site, and issues of maintenance and/or damage that are directly attributable to the market.

Relevant Legislation

21. Due to the varied nature of markets, their activities and how they take place in the public space, markets are governed by a range of legislation including:
 - (a) Local Government Act 1993
 - (b) Crown Land Management Act 2016
 - (c) Roads Act 1993
 - (d) Environmental Planning and Assessment Act 1979
 - (e) Disability Discrimination Act 1992
 - (f) Food Act 2003
 - (g) Protection of Environmental Operations Act 1997
 - (h) Sydney Local Environment Plan 2012

- (i) Work Health and Safety Act 2011

Critical Dates / Time Frames

- 22. The Markets Policy was last reviewed in June 2019 and is due to be reviewed before June 2023.

Public Consultation

- 23. In line with the City's Policy Management Procedure, the Markets Policy will go on public exhibition for 28 days pending endorsement by Council.

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Director City Life

Peter Rugg, Manager Venue Management