

# **Attachment A**

<b>Draft Markets Policy</b>
-----------------------------

# Markets Policy

## Purpose

The purpose of this policy is to establish the City of Sydney's approach to approval of **approving** markets and the level of commitment it requires from market operators to achieve quality market operations. It aims to ~~facilitate~~ **encourage** 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~~ **in** the City of Sydney Local Government Area. Ongoing markets are classified as markets that operate more than ~~four~~ **twelve (12)** occasions ~~in their first~~ **in a 12 month** ~~s of operation~~ **period**.

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

In addition to obtaining Market Approval **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~~ **are required to lodge a development application to obtain development consent before operating, if the market operate more than 52 days (consecutively or not) in any 12 month period or if the markets operate on sites containing heritage items. Other ancillary approvals may also be required. It is the market operator's 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 **markets policy** and Guide **guide** do not apply to temporary markets on Council land. Temporary markets are classified as markets that operate on up to ~~four~~ **twelve (12)** occasions ~~in every~~ **times in a 12 month** ~~12 months of operation~~ **period**. To be added (Refer City of Sydney Event Guidelines).

The City of Sydney's ~~Events Guidelines~~ **guidelines** for holding outdoor events, 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.

**Temporary markets must meet the event guidelines requirements and receive an event approval before operating.**

## 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 **NSW State Government Agencies** **agencies** or Statutory Authorities **statutory authorities**. Contact Council if you would like more information about conducting markets on land other than Council land. ***For markets on land that is not Council land, our land ownership map will help you determine the landowner you need to contact.***

## Definitions

Term	Meaning
Council land	<p><del>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.</del></p> <p><b><i>Land owned or under the care, control, and management of the City of Sydney. Land owned by the City of Sydney includes land classified as operational or community, including public reserves.</i></b></p> <p><b><i>Land under the City of Sydney's care and control and management includes Crown land, roadways (including footpaths) and third-party owned land where the City of Sydney has been granted tenure.</i></b></p>
Market Approval	Formal approval granted by the City <b>of Sydney</b> for a market to begin operation. <b><i>operating.</i></b>
Market Operator	The individual or group who intend to operate the market and <del>who</del> will enter into an agreement with the City <b>of Sydney</b> for the use of the site.
Market Proposal	A detailed document describing the layout, management and preliminary operational plans for a market. <del>The Market Proposal is submitted after a Market Site Application is approved.</del>
Market Site Application	<del>An application form enabling Market Operators to indicate interest in using a site on Council land to operate a market.</del>
Ongoing Market	<del>A <b>market of</b> 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, crafts person or service person. <b>Market activities in line with the terms of an approved market licence.</b></del>

## 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.~~ ***providing fresh food to goods and services. We recognise the***

***potential contribution of markets to community life and local economies. Markets can complement local business offerings and provide opportunities for emerging enterprises.***

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 **We** will:

- apply a consistent assessment framework to the approval of Market Site Applications and Market Proposals ***approving site applications and market proposals***
- require Market Operators ***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 ***market proposals*** by providing consultation opportunities for the community to comment.

Market Operators will be required to:

- minimise the impact of their ***any undue impact of the*** market on the environment, local residents and nearby businesses ***and stakeholders***
- 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 ***where required***
- ***Comply with all conditions as set out in market consent approval.***

## Approval of Markets

The City **of Sydney** 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. ***seeks diversity of quality markets across the local area. Preference will be given to a market proposal that demonstrates innovation and diversity.***

## 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.~~

***Council will look favourably on a market proposal and operator who can:***

- curate an innovative market that also provides a platform for cultural vitality through art, performance, and bringing the local community together***
- through a curated offering, provide a point of difference to the existing market offerings within the City of Sydney local government area***
- engage and include local businesses, stakeholders, and community groups into a market to promote cohesiveness and complement the surrounding area and existing businesses***
- demonstrate a clear commitment to zero waste to landfill, aligning with the goals of Sustainable Sydney 2030-2050, including a ban on single use plastic bags, a commitment to use biodegradable containers including, but not limited to beverage, takeaway containers, and cutlery within the market***
- commitment to reducing food waste through utilising services such as food rescue organisations for unsold food or food waste collection for recycling***

***The market operator must also be able to meet the following objectives:***

- operate the market as an interesting and vibrant destination***
- operate a market that sells a high quality of goods/services representing value for money***
- maintain high standards of presentation and customer success***
- ensure that the market's operation complements and adds value to the existing businesses in the area***
- ensure the market does not sell or promote any prohibited items or services on Council land, such as fur and exotic animal skin products, other than where is permitted under traditional first nation cultural practices***
- professionally organise, manage, and operate the market***
- have regular contact with Council and submit performance reports as part of the ongoing review of the market***
- ensure compliance with all requirements of the Licence as well as other applicable legislative or planning obligations***

***The application, assessment and approval steps for market proposals are detailed within the markets guide.***

### Market Agreements/Consents

~~Before Market Approval is granted, the proposed Market Operator will be required to obtain the City's consent.~~ ***The proposed market operator will be required to obtain the City of Sydney's consent before a market can start.*** These documents will contain conditions regarding ***about*** 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.~~ ***When market proposals are assessed.*** There are two ***2*** types of community consultation.

### Statutory Public Notice

The City ***of Sydney*** is required to ~~place~~ ***give*** public notice of proposals to grant a lease or licence on community land or Crown land in ~~accordance~~ ***line*** with all relevant legislation. The City ***of Sydney*** 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 ***of Sydney*** ~~will~~ ***may consult the*** ~~undertake~~ community consultation to address any community needs and concerns as part of the ~~assessment of Market Proposals by:~~ ***market proposal assessment process. This may include:***

- ~~• sending notification letters to residents and businesses, within reasonable distance of the market, inviting them to comment on market proposals~~
- public exhibition ***consultation*** 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.~~
- ***Feedback from the public consultation being considered in the final market approval process***
- ***Notices places at the proposed market location advertising of a market proposal being considered and how to provide feedback within the consultation period***

### Markets Management

#### Ongoing Review

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

## Health & Safety

Market Operators are responsible for ensuring all stallholders involved in the ~~preparation, sale or provision~~ **preparing, selling, or providing** 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 **where applicable**. Further information may be found online at City of Sydney and NSW Food Authority websites.

The City **of Sydney** and other authorities may inspect markets and individual stallholders at any time to ensure public health and safety **standards are upheld**.

## 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~~. **This includes** 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 **environmental** impacts. ~~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](#)).~~ **For more information see 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 **of Sydney** to the Market Operator to cover maintenance costs incurred **as a result** ~~by the City as a result~~ of market use of a site. **These are determined for each market licence, dependant on the services required and space used.**

**The City of Sydney reserves the right to review and vary the fees and charges of this policy where required.**

## Equal Opportunity Land Use

The City **of Sydney** 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 **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.

### Equal Opportunity Land Use

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

### Responsibilities

The responsibility for the implementation of this policy resides with the Venue Management Business Unit.

### Consultation

***Internal consultation with relevant internal stakeholders including Procurement, Legal and Finance.***

***External consultation held with Market Operators as well as Public Exhibition.***

### References

#### Laws and Standards

- Local Government Act 1993
- Crown Land Management Act 2016
- 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 Aboriginal and Torres Strait Islander Cultural Practice Policy
- Markets Guideline
- City of Sydney Performance Bonds Policy
- City of Sydney Procurement Policy
- City of Sydney Inclusive and Accessible Public Domain Policy and Guidelines

### Review period

This policy will be reviewed every 4 years.



## Approval Status

Council approved this policy onXXXXXXX.

## Approval History

Stage	Date	Comment	TRIM Reference
Original Policy	29 June 2015	Approved by Council	2015/326743
Reviewed	24 June 2019	Approved by Council	2015/326743
Commence Review Date	September 2021		
Approval Due Date			

## Ownership and approval

Responsibility	Role
Author	Outdoor Events, Markets and Busking Coordinator
Owner	Manager, Venue Management
Endorser	City of Sydney Executive
Approver	City of Sydney Council