

Post 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 were made to the Policy that improve language, enhance clarification and understanding, but do not alter the intent of the Policy.

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

On 27 June 2022, Council endorsed placing on exhibition the draft Markets Policy and Guide to Setting Up a Market on Council Land. They were exhibited from 28 June to 28 July 2022.

A total of 134 submissions were received during the exhibition period. Of the 134 submissions, the general feedback was in support of the policy and proposed changes banning the sale or promotion of any prohibited items or services at a market such as fur and exotic animal skin products. A total of 97 submissions requested for the ban to be extended to include live animals and exotic feathers.

The issues raised in the submissions, together with responses and staff recommendations, are included in the Consultation Report at Attachment C.

Following the exhibition period, some further amendments have been made to the Policy and Guide.

This report seeks Council approval of the Markets Policy and the Guide to Setting Up a Market on Council Land.

Recommendation

It is resolved that:

- (A) Council adopt the Markets Policy, as shown at Attachment A to the subject report;
- (B) Council note the Guide to Setting Up a Market on Council Land, as shown at Attachment B to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to make minor amendments to the Markets Policy and Guide to Setting Up a Market on Council Land to correct any drafting errors and finalise design, artwork and accessible formats for publication.

Attachments

Attachment A. Markets Policy

Attachment B. Guide to Setting Up a Market on Council Land

Attachment C. Consultation Report

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, 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 Markets Policy was undertaken.
7. Changes to the Markets 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 guide;
 - (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 guide including:
 - (a) a revised application and assessment process to a Request for Proposal process, which allows greater flexibility for changes to be made, 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.

Public Exhibition - Markets Policy and Guide to Setting Up a Market on Council Land

10. The Policy and Guide were placed on public exhibition from 30 June to 28 July 2022.
11. Electronic copies of the documents were made available to the community through the City's Sydney Your Say website, which had 872 unique visits and 48 document downloads.
12. The public exhibition was included in the City's Sydney Your Say eNewsletter, sent on 7 July to 7,152 subscribers and an email was sent to 96 key stakeholders (including residents' action groups).
13. A total of 134 submissions were received during the consultation period (98 submissions were received via the Sydney Your Say website and 36 submissions were received via the Sydney Your Say email address).
14. Of the 134 submissions, the general feedback was in support of the policy and proposed changes banning the sale or promotion of any prohibited items or services at a market such as fur and exotic animal skin products. A total of 97 submissions requested for the ban to be extended to include live animals and exotic feathers.
15. The 134 submissions have all been internally reviewed, with staff recommending that a minor change be made to the Policy from that exhibited in response to the submissions received. The issues raised in the submission, together with responses and staff recommendations, are included in the Consultation Report at Attachment C.

Post Exhibition Amendments to the Markets Policy

16. In the Policy under the heading Approval of Markets, the point pertaining to the market operator ensuring that the market does not sell or promote any prohibited items or services on Council land, such as fur, mislabelled fake fur, exotic animal skin products, other than where permitted under traditional first nation cultural practices, has been expanded to include live animals and feathers.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

17. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. 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 1 - Responsible governance and stewardship - 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.
 - (b) Direction 3 - Public places for all - Markets provide an attractive drawcard and destination for locals and tourists to visit, creating an activated and vibrant location, and contributing towards village identity.
 - (c) Direction 9 - A transformed and innovative economy - 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.

Organisational Impact

18. Markets are overseen by the Venue Management unit that is resourced to deliver markets and other activations in the public domain.

Risks

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

Social / Cultural / Community

20. 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.
21. 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

22. The City requires operators to undertake a site assessment and detail how they will minimise impact on the location, including having wet weather contingencies.
23. 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

24. 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.
25. Local businesses can also benefit from the presence of markets driving more foot traffic into the area as the market is a destination, by activating the space and being an additional driver for both the local community and people from elsewhere to visit the village.

Financial Implications

26. Income of approximately \$100,000 was generated from Market Fees in pre-Covid-19 years. Annual income could reasonably be expected to increase to more than \$100,000 per annum over time.
27. 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

28. 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

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

Public Consultation

30. The draft Policy and Guide were publicly exhibited from 30 June to 28 July 2022.
31. During this period, the community were invited to make comments and submissions regarding the draft Policy and Guide. The City used the Sydney Your Say community engagement platform to seek responses. All submissions received by the City for the draft Policy and Guide have been considered and assessed. More details are provided in the Consultation Report at Attachment C.

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