

Attachment A

Markets Policy

Markets Policy

Purpose

The purpose of this policy is to establish the City of Sydney's approach to approving markets and the level of commitment it requires from market operators to achieve quality market operations. It aims to encourage well managed markets that help to support and contribute to local communities, complementing the local businesses.

Scope

The Markets Policy applies to ongoing markets on Council land in the City of Sydney Local Area. Ongoing markets are classified as markets that operate more than twelve (12) occasions in a 12 months period.

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

In addition to obtaining market approval, ongoing markets 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 and guide do not apply to temporary markets on Council land. Temporary markets are classified as markets that operate on up to twelve (12) times in a 12-month period.

The City of Sydney's guidelines for holding outdoor events, intended for one-off and temporary events, apply to temporary markets.

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 Government agencies or statutory authorities. 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>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.</p> <p>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.</p>
Market Approval	Formal approval granted by the City of Sydney for a market to begin operating.
Market Operator	The individual or group who intend to operate the market and <u>who</u> will enter into an agreement with the City of Sydney for the use of the site.
Market Proposal	A detailed document describing the layout, management and preliminary operational plans for a market.
Ongoing Market	A market of regularly scheduled Market activities in line with the terms of an approved market licence.

Policy Statement

The City of Sydney supports quality markets in the Local Area. Markets provide for the needs of the community, ranging from 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.

We will:

- apply a consistent assessment framework to approving 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

Market Operators will be required to:

- minimise any undue impact of the market on the environment, 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 where required.

Approval of Markets

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

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, 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 live animals, fur, miss-labelled fake fur, exotic animal skin products, and feathers, 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

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 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. When market proposals are assessed. There are 2 types of community consultation.

Statutory Public Notice

The City of Sydney is required to give public notice of proposals to grant a lease or licence on community land or Crown land in 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 the use of community or Crown land, the City of Sydney may consult the community to address any community needs and concerns as part of the market proposal assessment process. This may include:

- consultation of market proposals on the City's website
- Feedback from the public consultation being considered in the final market approval process
- Notices placed 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 communication and performance reviews with the City of Sydney. Regular communication and reviews provide opportunities 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 preparing, selling, or providing food comply with the *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. 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 environmental impacts.

Fees and Charges

The City's Fees and Charges Schedule includes fees for markets. For more information see fees and charges.

A site maintenance fee is charged by the City of Sydney to the Market Operator to cover maintenance costs incurred 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 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 Outdoor Events, Markets and Busking Coordinator, overseen by the Filming & Outdoor Events Manager of the Venue Management Business Unit.

Consultation

Internal consultation has been undertaken with relevant internal stakeholders including Procurement, Legal and Finance.

External consultation has been held with Market Operators.

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

Policies and Procedures

- 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 on 28 October 2019.

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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	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