



Hawkesbury City Council
Policy

Markets Policy

Adopted by Council at the
Ordinary Meeting Held on
10 November 2020

Hawkesbury City Council

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1. TITLE

Markets Policy.

2. PURPOSE

The purpose of this policy is to establish a consistent process for Hawkesbury City Council's (Council) approach to assessing and approving markets held on council land or crown lands under the care and control of Council. The Policy also seeks to demonstrate the level of commitment required 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.

3. SCOPE

Markets covered by this Policy

The Market Policy applies to ongoing markets approved by Council on Council land or crown lands under the care and control of council and provides a framework for approval. Please note that ongoing markets are classified as markets that operate on more than one occasion in their first 12 months of operation.

Markets not covered by this Policy

Temporary markets on Council land

The Markets Policy does not apply to temporary markets on Council land. Temporary markets are classified as markets that operate on a one-off occasion or less than 4 times in every 12 months of operation.

Council's Event Planning Guidelines, intended for one-off and temporary events, apply to temporary markets. Temporary markets must meet requirements of the Events Planning Guidelines and receive an Event Approval before operation. A copy of the Events Planning Guidelines is available on Council's website. https://www.hawkesbury.nsw.gov.au/_data/assets/pdf_file/0018/19233/Council-Events-Guide.pdf

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 State Government Agencies or Statutory Authorities. Contact Council if you would like more information about conducting markets on land other than Council land.

4. BACKGROUND

Hawkesbury City Council (Council) recognises the contribution that local markets make socially, culturally and economically to the Local Government Area. Well managed markets activate and bring vibrancy to public spaces enhancing economical potential while promoting health life- styles and encouraging local production, distribution and consumption of food and other goods.

The following principles will apply to the approval of markets and the level of operational performance that Council will require of Market Operators.

Council 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
- apply a consistent fee structure



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

5. POLICY DETAILS

Approval of Markets

In accordance with Section 68 Part D of the Local Government Act 1993, Council approval is required for activities held on community land. This can generally be managed through the Market approval process. In addition to an approval under Section 68, depending on the details of the proposed market (including where it is located), development consent may also be required under the provisions of the Environmental Planning and Assessment Act, 1979.

It is the Market Operator's responsibility to obtain all necessary consents/approvals to operate the market.

Council receives regular requests from commercial enterprises, community groups, not-for-profit organisations and the general public about the establishment of new markets on Council land. This section outlines the market approval process and conditions.

1. Identification of Market Sites

Council encourages Market Operators to identify appropriate market sites by using the Site Suitability Checklist, provided in the Markets Guide. The Markets Guide can be found at www.hawkesbury.nsw.gov.au. New market sites are proposed by:

- Market Operators – through the submission of a Market Site Application to Council
- Council – where a site has been identified to meet community needs

2. Market Approval Steps

There are five 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 – Council assesses the capacity and suitability of a site against the Site Suitability Checklist. 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) Set up market – pending approval, a formal agreement will be drawn up between Council and the Market Operator. Council will monitor performance of the market

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. Council 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 Council.

3. Market Agreements/Consents

Before Market Approval is granted, the proposed Market Operator will be required to obtain the Council's consent if the market is on land classified as road or enter into an agreement with the Council. The Market Agreement/Consent documents will contain all conditions regarding the use of the land and the operation of the market.



4. Community Engagement

Council may consult the community about proposed use of Council land for markets. Any community consultation undertaken will be in line with Council's community engagement policy and framework.

Market Management

Ongoing review

Market Operators are required to participate in regular meetings and reviews with Council. Meetings and reviews provide opportunities for resolution of issues raised by the community, the Market Operator and the Council.

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 Temporary Food Premises permits and comply with permit conditions.

Further information may be found online at Council's website www.hawkesbury.nsw.gov.au and NSW Food Authority websites. Council 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 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

Council'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).

Equal Opportunity Land Use

Council will determine the appropriate length of any agreement or consent on a case-by-case basis. No term will be longer than five years.

Market Operators are required to dedicate a stall space for use by community (*community groups, social enterprises, not-for-profit organisations and new start-up businesses*) use, to meet, socialise, participate in activities, or perform and enjoy live entertainment. The dedication of space for community use is in addition to meeting minimum requirements for stallholder participation from community groups, social enterprises, not-for-profit organisations and new start-up businesses.

Market Locations:

Council recognises the importance of diversity in considering options for the location of current and future markets.

Market locations will be assessed regarding factors listed below which include but are not limited to:

- capacity and conditions,
- utilities and infrastructure,
- accessibility and transportation and,
- long term potential.



6. ROLES AND RESPONSIBILITY

Authorised Officer	Roles & Responsibilities
Employee	<ul style="list-style-type: none">Participate in any performance or conduct related meetingsReview and approve applications for Market under delegation
Manager/Supervisors	<ul style="list-style-type: none">Ensure that discussion/actions are documented and registered in ECM where appropriate
Council	<ul style="list-style-type: none">Authorised Officer report to Council

7. DEFINITIONS

Council Land	Land owned or controlled by Hawkesbury Council. Land owned by Hawkesbury Council includes operational and community land. Land controlled by Hawkesbury Council includes roads (including footways) and Crown reserves.
Event Approval	Form of approval granted by Hawkesbury Council for a temporary market to operate. Temporary markets operate on a one-off occasion.
Market Approval	Formal approval granted by Hawkesbury Council 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 Hawkesbury Council 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 a producer, grower, craftsperson or service person.



8. RELATED DOCUMENTS

Legislation

- Environmental Planning and Assessment Act 1979
- Disability Discrimination Act 1992
- Food Act 2003
- Protection of Environmental Operations Act 1997
- Sydney Local Environment Plan 2012
- Local Government Act 1993

Procedures

- Hawkesbury City Council Guide to Setting Up a Markets on Council Land
- Hawkesbury City Council Plans of Management for Parks and Reserves
- Hawkesbury City Council Events Planning Guidelines
- Hawkesbury City Council Procurement Policy
- Hawkesbury City Council Public Domain Plans
- Hawkesbury City Council Master Plans
- Hawkesbury City Council Community Engagement Strategy and Framework