



# **BYRON SHIRE COUNCIL**

## **POLICY 15/007**

### **SUSTAINABLE COMMUNITY MARKETS**

**INFORMATION ABOUT THIS DOCUMENT**

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<b>Policy Responsibility</b>	Corporate and Community Services		
<b>Review Timeframe</b>	Minimum of every 5 years		
<b>Last Review Date:</b>		<b>Next Scheduled Review Date</b>	17/9/2020

**Document History**

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E2015/33306	02/09/15	Proposed changes to Section 3.6 as a result of public submission feedback
E2015/33306	17/09/15	Adopted 17/9/15 Res 15-471 (replaces Markets within Byron Shire Policy 5.51)

**Further Document Information and Relationships**

<b>Related Legislation</b>	Local Government Act 1993 Crown Lands Act 1989 Environmental Planning and Assessment Act 1979 State Environmental Planning Policy (Temporary Structures) 2007 Food Act 2003
<b>Related Policies</b>	Business Ethics Policy Council's Code of Conduct
<b>Related Procedures/ Protocols, Statements, documents</b>	Sustainable Community Market Regulating Code

*Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.*

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## **1. OBJECTIVES**

- 1.1. To provide vibrant markets to the community and to make markets attractive for both the community and tourists.
- 1.2. To incubate local small businesses and artisans by providing them an accessible avenue to sell their goods and/or services.
- 1.3. To encourage production of local agriculture and to provide an accessible avenue for the sale and purchase of locally grown produce to promote local food security.
- 1.4. To use the crown reserves in a way which supports local community, businesses and attracts tourism, and whose management and consumer access is both equitable and transparent.
- 1.5. To clarify how approval to manage a market can be obtained, ensuring that market organisers are aware of Council requirements so as to assist and encourage the efficient organisation of markets whilst receiving requisite approvals in a timely and orderly manner.
- 1.6. To ensure the proper and effective maintenance and enhancement of reserves.
- 1.7. To support local charities and not for profit organisations.
- 1.8. To provide Council with recurrent income from markets on Council land to support its Community Strategic Plan.
- 1.9. To acknowledge the community service provided by Markets and to promote the social benefit to community members.
- 1.10. To enhance consumer choice and fair prices and enable stallholders to make a reasonable living.

## **2. DEFINITIONS**

Artisan Market	A Market that primarily features artisans, contemporary art, handicraft and designers, along with wellbeing practitioners and food producers.
Community Market	A Market that has a primary purpose to benefit the Local Area.
Farmers Market	A regular Market that primarily features fresh food, at which Northern Rivers regional farmers and producers sell their own local farm-origin produce, and associated value-added products directly to consumers.
Local Area	The Local Area is the area contained within the municipal boundary of Byron Shire Council.

Local Person	A Local Person is: <ul style="list-style-type: none"><li>a) a resident of the Local Area, or</li><li>b) not a resident of the Local Area but is an owner of rateable land in the Local Area, or</li><li>c) is an occupier or rate paying lessee of rateable land in the Local Area.</li></ul>
Market	The licensed activity of selling, exposing or offering of goods, merchandise or materials, or services for sale by Stall Holders.
Market Manager	A person or organisation who holds a licence to use Council owned or managed land for the purpose of operating a Market.
Northern Rivers Region	The Northern Rivers Region is the area comprised by the municipal boundaries of Ballina, Lismore, Tweed, Byron, Clarence Valley, Richmond Valley, and Kyogle Shire Councils.
Other Market	A Market, other than a Community, Farmers, Artisan Market which meets the objectives of this policy.
Stall Holder	A person to whom a stall site is issued by the Market Manager.
Adjoining Shires	Adjoining Shires are those areas comprised by the municipal boundaries of Lismore, Tweed, and Ballina Shires.
Temporary Market	A Market conducted for less than three consecutive days and licensed for less than a 12 month period.

### **3. POLICY STATEMENT**

#### **3.1 Scope of this Policy**

- a) This Policy applies to Markets held on Council owned and managed land.
- b) This Policy does not prevent or constrain Council or Council as Crown Reserve Trust Manager from operating a Market or Temporary Market on Council owned or managed land.
- c) This Policy facilitates opportunities for prospective parties to compete for the use of council owned and managed land for the purposes of operating a Market.
- d) This Policy will generate revenue via Market licence fees to assist Council deliver its Community Strategic Plan objectives.
- e) Council will licence and regulate Markets on Council owned and managed land with reference to all relevant legislation, this Policy, Market licence agreements, development consent conditions, and the Sustainable Community Markets Regulating Code in force from time-to-time.
- f) Where this Policy and/or Market licence agreements conflict with relevant legislation, the legislation will prevail.
- g) Council is committed to the creation of social value and social benefit to the Local Area through the operation of Markets on Council owned and managed land.

### **3.2 Market Licence**

- a) A licence to conduct a Market shall only be granted through a transparent and competitive process, in accordance with all legislative requirements and providing not less than a 6-months transition period for existing Market Managers.
- a) The Market licence will stipulate the Market rental, which will be established and determined by Council and included in Council's adopted fees and charges.
- b) All Market rental income, generated by Markets operated on Council owned land will be used to fund delivery of the Community Strategic Plan objectives.
- c) All Market rental income, generated by Markets operated on Council managed Crown Reserves will be used to fund asset renewals, upgrades and improvements in accordance with land management legislation.
- d) The term of the Market licence shall be for a maximum term of five consecutive years and shall contain terms and conditions, not limited to, but consistent with the development consent and/or Sustainable Community Markets Regulating Code in force from time-to-time.
- e) A Market licence will only be granted in accordance with the relevant land management legislation.
- f) A Market licence shall not be granted prior to development consent, where development consent is required.

### **3.3 Temporary Market Licence**

- a) A licence to conduct a Temporary Market may be issued, under delegated authority by the General Manager, on receipt of a Temporary Market application and after assessment and consideration in relation to this Policy, any relevant land management requirements and/or legislation.
- b) A Temporary Market licence shall not be issued for more than three consecutive terms to the same applicant.
- c) A Temporary Market licence shall contain terms and conditions, not limited to, but consistent development consent conditions and/or Sustainable Community Markets Regulating Code in force from time-to-time.
- d) All Temporary Market licence fees shall be determined by Council and included in Council's adopted fees and charges.
- e) A Temporary Market licence shall not be granted prior to development consent, where development consent is required.

### **3.4 Market Frequency**

- a) Markets and Temporary Markets shall only be held on a stipulated day and at a stipulated location as defined in the Market licence.

### **3.5 Development Consent**

- a) Development consent and other legislative approvals may be required to conduct a Market on Council owned or managed land.
- b) Obtaining development consent and any other legislative approvals will be the responsibility of the Market Manager.

### **3.6 Market Licence Assessment Criteria**

- a) All competitive processes used to establish Market licences will include mandatory and qualitative assessment criteria, with qualitative assessment criteria being consistent with the Objectives of this Policy.
- b) The minimum qualitative assessment criteria, as set out below, will be included in all competitive processes used to establish Market licences.

Demonstrate the following:

- i. Ability to develop, implement and monitor a Market Management Plan in accordance with Council's Sustainable markets Regulatory Code.
- ii. Experience in Market Management and meeting market licence conditions.
- iii. Knowledge of Byron Shire's Market culture.
- iv. Experience with, and commitment to, environmental and sustainable operations and initiatives.
- v. The benefits to the local community, for example enabling social interactions, promoting food security and healthy diets, preserving cultural heritage.
- vi. The benefits to the local economy for:
  - a. Local employment and small business,
  - b. Local Industries, for example sustainable agriculture, arts, crafts, and tourism, and
  - c. Local charities and not-for-profit organisations.

### **3.7 Allocating Market Stall Spaces**

- a) The Market Manager shall allocate stall spaces giving priority to persons selling produce and products from the Local Area for 75% of the total available Market stall spaces, with the remainder of the Market stall spaces being allocated using a priority system based on the following:
  - i. Local Person
  - ii. Not a Local Person but a resident of the Northern Rivers Region
  - iii. Others.