



BYRON SHIRE COUNCIL

Draft POLICY 15/007

**SUSTAINABLE COMMUNITY MARKETS
2020**

INFORMATION ABOUT THIS DOCUMENT

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Document History

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E2015/33306	17/09/15	Adopted 17/9/15 Res 15-471 (replaces Markets within Byron Shire Policy 5.51)
E2020/4102	25/06/2020	Adopted by resolution (...).

Further Document Information and Relationships

Related Legislation	Local Government Act 1993 Crown Land Management Act 2016 Environmental Planning and Assessment Act 1979 State Environmental Planning Policy (Temporary Structures) 2007 Food Act 2003
Related Policies	Business Ethics Policy Council's Code of Conduct
Related Procedures/ Protocols, Statements, documents	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">a) a resident of the Local Area, orb) not a resident of the Local Area but is an owner of rateable land in the Local Area, orc) is an occupier or rate paying lessee of rateable land in the Local Area.
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 boundaries of the Ballina, Lismore, Tweed, Byron, Clarence Valley, Richmond Valley, and Kyogle Shire Local Government Areas.
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 boundaries of Lismore, Tweed, and Ballina Local Government Areas.
Occasional Market	A single day Market held not more than 2 times in any 12 month period by the same applicant and on a day that no other market, authorised by this Policy, is held.

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 Land Manager from operating a Market or Occasional 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 to the extent of the conflict.
- 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 must 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 must be for a maximum term of five consecutive years and must 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 must not be granted prior to development consent, where development consent is required.

3.3 Occasional Market Licence

- a) A licence to conduct an Occasional Market may be issued, under delegated authority by the General Manager, on receipt of an Occasional Market application and after assessment and consideration in relation to this Policy, any relevant land management requirements and/or legislation.
- b) An Occasional Market licence must not be issued for more than two consecutive terms to the same applicant in any 12 month period.
- c) An Occasional Market licence must 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 Market licence fees must be determined by Council and included in Council's adopted fees and charges.

3.4 Market Frequency

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

- b) Market licences can be held in accordance with the following table without the need to obtain development consent.

<i>Location</i>	<i>Market Type</i>	<i>Frequency</i>	<i>Times</i>
Butler Street Reserve	Community	Monthly on 1 st Sunday plus 3 rd Sunday December and January	8:00 – 14:00
	Farmers	Every Thursday	8:00 – 11:00
Denning Park	Artisan	4 times per year on a Saturday	8:00 – 16:00
Memorial Park	Community	Monthly on 1 st Saturday	8:00 – 14:00
New Brighton Oval	Farmers	Every Tuesday	8:00 – 11:00
Railway Park	Artisan	Every Saturday	15:00 – 21:00
Summers Park	Community	Monthly on 3 rd Saturday	8:00 – 14:00

- c) Development consent and other legislative approvals may be required to conduct Markets, Other Markets and Occasional Markets on Council owned or managed land.

3.5 Development Consent

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 must 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.