

Markets Over Council Owned and Managed Land Policy

Policy Owner: Executive Manager Technology and Corporate Services	
Date Last Adopted: 10/12/2023	Review Date: 10/12/2027

1. Policy Statement/Objective(s)

Shellharbour City Council (Council) is committed to providing transparent guiding principles to support a consistent approach in the approval and management of markets.

The objectives of this policy are:

1. Provide clear operational requirements for market operators to support their work.
2. Contribute to market operations that support the community and add value to our economy.

2. Scope

This policy applies to Council-owned and/or Council managed public land within the Shellharbour LGA, nominating locations where Council may consider approval for market operators under a licence or permit, with the locations listed in **Schedule 1**.

3. References

Local Government Act 1993
Local Government (General) Regulation 2021
Crown Land Management Act 2016
Native Title (New South Wales) Act 1994
Food Act 2003
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
Shellharbour City Council Property Strategy 2020-2030
Shellharbour City Council Community Strategic Plan 2022-2032
Leasing and Licensing on Council Public Land and Buildings Policy

COLLABORATION**ACCOUNTABILITY****INTEGRITY****RESPECT****SUSTAINABILITY**

4. Definitions

Term	Definition
Market	Market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.
Licence	refers to the permission from - Council to a specific person, operator or company to conduct a market on a designated public place.
Public reserve	refers to land provided for the use of the community including lands designated as public parks, reserves and sportsgrounds under the ownership of Council or Crown land managed by Council.
Expressions of Interest (EOI)	refers to a transparent process of seeking written interest from licence holders to operate on approved public places.

5. Policy

The purpose of this policy is to establish Council's approach to approving markets and the level of commitment it requires from market operators to achieve quality market operations.

It aims to facilitate well managed markets that provide economic and social benefits to support local businesses and the community.

6. Expression of Interest

To obtain approval to hold markets on the public places identified in **Schedule 1** of this policy, the market operator must enter into a licence agreement with Council, and an expression of interest (EOI) will take place with Council determining the EOI assessment criteria, which may include:

- Environmental impacts – impact on environmental attributes including flora and fauna
- Social impacts – impact on residential amenity, conflicts with other user groups and organisations, availability of land
- Economic impacts – likely economic benefits and possible adverse impact to local businesses
- Infrastructure impacts – demand for use of public infrastructure, capacity of infrastructure and potential impacts
- Risk assessment – approach to the management of risks and stall holders ensuring the health and safety of patrons and stall holders and the general public.

The licensee will be responsible for all reasonable costs associated with the preparation of the licence agreement in accordance with Council's fees, charges and the policy titled *Leasing and Licensing on Council Public Land and Buildings*.

7. Market Operating Restrictions

Markets with a combined area of less than 300m² occupied by tents, marquees, or booths may occur without a Development Consent provided other requirements of *the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* can be met, but approval under this Policy is still required for markets on public land.

For further information on the restrictions of operations in accordance with the State Environmental Planning Policy, please refer to the relevant legislation: [SEPP and Complying Development Codes](#)

8. Attachments

Schedule 1 – Approved Locations To Operate Markets

Public Reserve	Property Description
Albion Park Showground	LOT: 26 DP: 1237947
Reddall Reserve	LOT: 16 SEC: A DP: 11044 LOT: 78 DP: 553511 LOT: 72 DP: 751290 LOT: 61 DP: 751299 LOT: 7310 DP: 751299 LOT: 101 DP: 1190717
Blackbutt Forest Reserve	LOT: 38 DP: 255657
Croom Sporting Complex	LOT: 2 DP: 219411 LOT: 302 DP: 1223037 LOT: 303 DP: 1223037 LOT: 304 DP: 1223037 LOT: 315 DP: 1223037 LOT: 316 DP: 1223037
Boonerah Point Reserve	LOT: 422 DP: 223827 LOT: 299 DP: 223828 LOT: 536 DP: 228535
Albion Oval	LOT: 250 DP: 775616
McDonald Park	LOT: 140 DP: 213767
Eric Creary Park	LOT: 97 DP: 15868 LOT: 2 DP: 218551 LOT: 5 DP: 218551 LOT: 2 DP: 526063
Harrison Park	LOT: 11 DP: 1029943

Shell Cove	LOT: 4022 DP: 1254658
	LOT: 4023 DP: 1254658
	LOT: 4024 DP: 1254658
	LOT: 4025 DP: 1254658
	LOT: 21 DP: 1255284
	LOT: 4103 DP: 1258456
	LOT: 4105 DP: 1260905
	LOT: 4106 DP: 1260905
	LOT: 9030 DP: 1264148
	LOT: 4110 DP: 1289817

These locations are considered suitable market sites as they will activate public space, are complementary to the local amenity and have a level of connectivity to the character and identity of the local community.

Policy Authorised by:

Name: Scott Bridgement - Executive Director Corporate Services

Policy Authorised by:

Name: 167 RESOLVED

Date: 24/10/2023 - 1