

7.4 APPROVAL TO INCREASE NUMBER OF STALLHOLDERS FOR KYILLA FARMERS MARKET PERMIT

Attachments: Nil

RECOMMENDATION:

That Council:

1. **APPROVES**, pursuant to the City of Vincent Local Government Property Local Law 2008, a change to the Permit for the Kyilla Primary and Pre Primary Parents and Citizens Association Inc. to operate the Kyilla Community Farmers Market at Kyilla Park as follows:
 - 1.1 **Increase the number of stalls permitted to 50 stalls, whilst maintaining all other conditions of the existing permit, as approved by council at the Ordinary Meeting of Council on 16 October 2018.**

PURPOSE OF REPORT:

To obtain Council approval for the Kyilla Primary and Pre Primary Parents and Citizens Association Inc. (Kyilla P&C) to increase the number of stalls at the Kyilla Community Farmers Market (Farmers Market) from 40 stalls to 50 stalls and amend their permit accordingly.

BACKGROUND:

At the Ordinary Meeting of Council on 26 March 2013 Council resolved:

"That the Council;

1. *RECEIVES the Application from Kyilla Primary School Parents and Citizens Association (P&C) dated November 2013, as shown in Appendix 9.4.2A to renew the permit for the Kyilla Community Farmers' Market on Kyilla Park;*
2. *APPROVES Pursuant to Part 3 of the City of Vincent Local Government Property Local Law 2008, the Chief Executive Officer to issue a Permit, renewable for a five (5) year period to the Kyilla Primary School Parents and Citizens Association to hold the Kyilla Community Farmers' Market on Kyilla Park, as outlined in their application dated November 2013 and subject to full compliance with the following conditions:*
 - 2.1 *The hours of operation of the Farmers' Market shall be limited to 8.00am to 11.30am on Saturdays, with set-up not to occur prior to 7:00am and pack-down to be complete by 1:00pm;*
 - 2.2 *The use of Kyilla Park on Saturday mornings from 7:00am to 1:00pm;*
 - 2.3 *The number of stallholders shall be limited to a total of forty (40) and cover an area of no more than seventy five (75) per cent of Kyilla Park, as shown in Appendix 9.4.2B;*
 - 2.4 *The type of stalls shall be limited to those within the following categories: food stalls, community non-profit organisations, community promotional activity outlets, and art and crafts;*
 - 2.5 *Kyilla Primary School Parents and Citizens Association shall use the City of Vincent's waste management services for the prescribed fee (or a commercial service) to ensure Kyilla Park remains clean and clear of rubbish;*
 - 2.6 *Full compliance with Environmental Health conditions;*
 - 2.7 *Kyilla Community Farmers' Market shall be covered by public liability insurance under the Department of Education for the amount of \$20,000,000;*

2.8 *A responsible adult shall be present on-site during the operation of the market (7:00am to 1:00pm) to respond to any complaints; and*

2.9 *A Complaints "Hot-line" telephone number shall be made available to the public and displayed at the markets, to enable local residents to lodge complaints;*

to the satisfaction of the Chief Executive Officer;

3. *AUTHORISES;*

3.1 *Up to four (4) Extraordinary Markets per calendar year that fall outside the Saturday morning approved timeframe, with proposed details of each Extraordinary Market to be provided in an application to the Chief Executive Officer at least one (1) month prior; and*

3.2 *the Chief Executive Officer to approve any such applications under delegated authority; and*

4. *RESERVES its right to revoke the approval at any time during the twelve (12) month period if Kyilla Primary School P&C fail to reasonably comply with the approved conditions;*

5. *NOTES that the Council previously supported the "in-kind" use of Kyilla Park on Saturday mornings from 7.00am to 12.00noon and waiving of hire fees of \$159 per half day (\$8,268 per annum);*

6. *DOES NOT SUPPORT the request from Kyilla Primary School P&C to waive the hire fees for banner poles on Scarborough Beach Road and Fitzgerald Street (\$1,800), plus the production and promotion of banners (average \$2,420), as there are no budgeted funds for this purpose;*

7. *APPROVES BY AN ABSOLUTE MAJORITY: the waiving of buskers fees of \$100 per market day (\$5,200); and*

7.1 *The waiving of buskers fees of \$100 per market day (\$5,200 per annum); and*

7.2 *The "in-kind" use of Kyilla Park and waiving of hire fees of \$159 per half day (\$8,268 per annum); and*

7.3 *The waiving of fees will be considered by the Council on an annual basis; and*

8. *NOTES that the City's Rangers and Officers will be available to assist in resolving of any issues which may arise, to minimise any impact on the amenity of the area or the local community."*

Following the successful operation of the Farmers Market over the initial permit period, the Kyilla P&C then requested an extension of their permit for a further 5 years. At the Ordinary Meeting of Council on 16 October 2018 Council Resolved:

"That Council:

1. *ACKNOWLEDGES the success of the Kyilla Community Farmers Market, and the efforts of the Kyilla Primary and Pre Primary Parents and Citizens Association Inc. to deliver the Market over the last five year period;*

2. *APPROVES pursuant to Part 3 of the City of Vincent Local Government Property Local Law 2008 a Permit for the Kyilla Primary and Pre Primary Parents and Citizens Association Inc. to operate the Kyilla Community Farmers Market at Kyilla Park for a five (5) year period commencing 1 December 2018 subject to the following conditions:*

2.1 *The hours of operation of the Farmers Market shall be limited to 8.00am to 11.30am on Saturdays, with set-up not earlier than 7:00am and pack-down not later than 1:00pm;*

2.2 *The number of stallholders shall be limited to a total of forty (40) and cover an area of no more than seventy-five (75) per cent of Kyilla Park, as shown in (Attachment 2);*

2.3 *The type of stalls shall be limited to those within the following categories - food stalls, community non-profit organisations, community promotional activity outlets, and arts and crafts;*

- 2.4 *Full compliance with any relevant City of Vincent environmental health and reserve hire conditions;*
 - 2.5 *The Farmers Market shall be covered by Public Liability and Products Liability Insurance to the amount of \$20 million through the WA Council of State School Organisations Inc.;*
 - 2.6 *A Kyilla Primary and Pre Primary Parents and Citizens Association representative to be on-site at all times during the operation of the market;*
 - 2.7 *A telephone number for a Kyilla Primary and Pre Primary Parents and Citizens Association representative shall be made available to the public and displayed at the markets, to enable local residents to lodge complaints; and*
 - 2.8 *Acknowledge Council's ongoing support of the Farmers Market through inclusion of the City of Vincent logo on all promotional materials, and the provision of stallholder opportunities for the City of Vincent to communicate projects and services to the community.*
3. *AUTHORISES up to four (4) Extraordinary Markets per calendar year that fall outside the Saturday morning approved timeframe subject to approval from the Chief Executive Officer at least one (1) month prior; and*
 4. *APPROVES BY ABSOLUTE MAJORITY a waiver of the following fees and charges:*
 - 4.1 *Reserve hire fees of \$11,232 per annum totalling \$56,160 over the five (5) year period; and*
 - 4.2 *Waste services fees of \$1,780 per annum totalling \$8,900 over the five (5) year period."*

DETAILS:

Over the past few years the markets have grown resulting in more regular stallholders wishing to host a stall each week. As a result there are often more than 40 stallholders who wish to attend the Farmers Market. As the current permit specifies a maximum of 40 stallholders, Kyilla P&C have now requested that the City amend their permit to allow a maximum of 50 stallholders at each market.

The remaining permit conditions would be unaffected, including that the market shall not cover an area of more than 75% of Kyilla Park. Currently, the 40 stalls permitted occupy approximately 40% of the park, the increased stalls from 40 to 50 will not exceed the 75% capacity, leaving space for community recreation on the park to occur.

Administration has reviewed parking and environmental health considerations and believe that the additional stalls would not provide cause for concern. While minor complaints associated with the market operation have been received by the City in the past, such as parking or littering, Kyilla P&C have always been responsive to address any concerns and there have been no major concerns raised by City staff or the community.

CONSULTATION/ADVERTISING:

The requested amendment to the permit was initiated by the Kyilla P&C. As this is a minor change to the permit approval and will not impact the community's access to Kyilla Park, further community consultation is not required.

LEGAL/POLICY:

The following Local Laws and Policies are relevant to the Farmers Market approval:

- City of Vincent Local Government Property Local Law;
- Council Policy No. 2.1.7 – Parks Reserve and Hall Facilities – Conditions of Hire and Use;
- Council Policy No. 3.8.3 – Concerts and Events;
- Council Policy Community Funding; and
- Council Delegated Authority Register 2018 – 2019.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to amend the permit for the Farmers Market to increase the number of permitted stalls to 50. The market is well supported within the local community and this is a minor amendment only that will not impact community access to Kyilla Park.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Enhanced Environment

Our parks and reserves are maintained, enhanced and well utilised.

Connected Community

Our community facilities and spaces are well known and well used.

Thriving Places

We are recognised as a City that supports local and small business.

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes. This activity may have some negative environmental impacts in that additional stalls may create additional waste, however this is a minimal impact and as many of the stalls at the farmers markets offer fresh food direct from producers and often with minimal packaging, this impact may be offset by increasing community access to items sourced directly from the producer.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

The City has already waived all associated fees for hire of the park for the Farmers Market. All stallholders will be required to comply with environmental health conditions including any required permits.

COMMENTS:

Given that the Kyilla P&C have successfully operated these markets for the past 9 years with minimal issues and broad community support, Administration is fully supportive of this minor amendment to their permit.