



CITY OF HOBART

AGENDA

Special Community, Culture and Events Committee Meeting

Open Portion

Monday, 22 June 2020

at 4:40 pm

THE MISSION

Working together to make Hobart a better place for the community.

THE VALUES

The Council is:

People	We value people – our community, our customers and colleagues.
Teamwork	We collaborate both within the organisation and with external stakeholders drawing on skills and expertise for the benefit of our community.
Focus and Direction	We have clear goals and plans to achieve sustainable social, environmental and economic outcomes for the Hobart community.
Creativity and Innovation	We embrace new approaches and continuously improve to achieve better outcomes for our community.
Accountability	We are transparent, work to high ethical and professional standards and are accountable for delivering outcomes for our community.

ORDER OF BUSINESS

Business listed on the agenda is to be conducted in the order in which it is set out, unless the committee by simple majority determines otherwise.

APOLOGIES AND LEAVE OF ABSENCE

- 1. CO-OPTION OF A COMMITTEE MEMBER IN THE EVENT OF A VACANCY 4**
- 2. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST 4**
- 3. TRANSFER OF AGENDA ITEMS..... 5**
- 4. REPORTS 6**
 - 4.1 Salamanca Market By-Law No.2 of 2020 6
 - 4.2 Salamanca Market - Temporary Site Fee 32

**Special Community, Culture and Events Committee Meeting (Open Portion)
held Monday, 22 June 2020 at 4:40 pm.**

This special meeting of the Community Culture and Events Committee is held in accordance with a Notice issued by the Premier on 3 April 2020 under section 18 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.

COMMITTEE MEMBERS

Sherlock (Chairman)
Sexton
Harvey
Dutta
Ewin

Apologies:

Leave of Absence:

NON-MEMBERS

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Briscoe
Thomas
Behrakis
Coats

1. CO-OPTION OF A COMMITTEE MEMBER IN THE EVENT OF A VACANCY

2. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

Ref: Part 2, Regulation 8(7) of the *Local Government (Meeting Procedures) Regulations 2015*.

Members of the committee are requested to indicate where they may have any pecuniary or conflict of interest in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the committee has resolved to deal with.

3. TRANSFER OF AGENDA ITEMS

Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

A committee may close a part of a meeting to the public where a matter to be discussed falls within 15(2) of the above regulations.

In the event that the committee transfer an item to the closed portion, the reasons for doing so should be stated.

Are there any items which should be transferred from this agenda to the closed portion of the agenda, or from the closed to the open portion of the agenda?

4. REPORTS

4.1 Salamanca Market By-Law No.2 of 2020 File Ref: F20/53780

Memorandum of the Manager Activation Programs and Tourism and the Director Community Life of 17 June 2020 and attachment.

Delegation: Council



City of **HOBART**

MEMORANDUM: COMMUNITY, CULTURE AND EVENTS COMMITTEE

Salamanca Market By-Law No.2 of 2020

The purpose of this memorandum is to advise Council of the outcome of the informal stakeholder engagement undertaken with regard to the draft Salamanca Market By-Law No. 2 of 2020, and to recommend that the Council formally resolve its intention to make a by-law, which is the next stage in the legislated process.

The Council has the power to create by-laws under section 145 of the *Local Government Act 1993* ('the Act'). Furthermore, Section 155 of the Act provides that:

'A by-law, whether later amended or not, expires 10 years after the date on which it takes effect unless it is expressed to expire sooner.'

At its meeting on 27 April 2020, the Council resolved:

That the Council approve the draft Salamanca Market By-Law No. 1 of 2020 showing as Attachment A to item 12 of the Open Council agenda of 27 April 2020 be released for further stakeholder engagement.

An external stakeholder engagement process commenced 6 May 2020 for a period of three (3) weeks. The draft by-law was provided to all 383 Salamanca Market stallholders, the Salamanca Market Stallholders' Association Inc. and the Waterfront Business Association.

One (1) submission was received during the informal consultation period. The submission questioned the range of powers that the by-law provides to the City and also asked that officers' obligations to stallholders, such as respect and a safe workplace, be stated within the by-law.

Officers have assessed the submission and determined that it is appropriate for the City to retain the powers to control tours, signage and to close the market. The City's Customer Service Charter provides mechanisms for respect along with the Person Conducting a Business or Undertaking (PCBU) obligations provides for a safe workplace. Officers are satisfied that no changes are required of the draft by-law.

Provided it is satisfied with the draft by-law as presented with this report in **Attachment A**, the Council is now legally required to pass a formal resolution (by an absolute majority) of its intention to make a by-law.

Subject to this resolution, the next stage of the process is to prepare a Regulatory Impact Statement (RIS) for the by-law. Once completed, the Council-approved by-law and the RIS will be provided to the Director of Local Government for consideration.

Once approved by the Director, the Council will then be able to give notice of the proposed by-law for public consultation through appropriate advertising channels including the 'Your Say' platform.

Depending on the responses to this public consultation process, amendments to the draft by-law may be required. If any responses are received, the draft by-law will be resubmitted to the Council for consideration. Once satisfied, the Council will be required to make the by-law under its common seal. If no responses are received, the prescribed process will continue to create the by-law.

A range of administrative actions that have defined timeframes are then required, including publishing the by-law in the Tasmanian Government Gazette and tabling it in Parliament, with the final action requiring the Council to send sealed copies of the by-law to the Director of Local Government. It is anticipated that the process will be completed in August 2020.

RECOMMENDATIONS

That:

- 1. The Council resolve (by an absolute majority) of its intention to make Salamanca Market By-Law No.2 of 2020;***
- 2. The Council delegate authority to the General Manager to prepare a Regulatory Impact Statement for the by-law and present it to the Director of Local Government for a certificate of approval pursuant to section 156A of the Local Government Act 1993;***
- 3. Subject to receiving a certificate of approval from the Director of Local Government, the Council delegate authority to the General Manager to give notice of the proposed by-law in order to advertise a further public consultation process, whereby the by-law and associated regulatory impact statement are made available for inspection and comment; and***
- 4. If no submissions are received in response to the public consultation process, the Council authorise the General Manager to take the remaining necessary steps to make the by-law.***

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



Iris Goetzki
**MANAGER ACTIVATION PROGRAMS
AND TOURISM**



Tim Short
DIRECTOR COMMUNITY LIFE

Date: 17 June 2020
File Reference: F20/53780

Attachment A: Salamanca Market By-Law No.2 of 2020 ↓

HOBART CITY COUNCIL

SALAMANCA MARKET BY-LAW

BY-LAW No. 2 of 2020

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HOBART CITY COUNCIL

SALAMANCA MARKET BY-LAW

BY-LAW No. 2 of 2020

PART 1 – PRELIMINARY

1. This by-law is made pursuant to section 145 of the Act for the purpose of managing and controlling conduct in relation to the Salamanca Market.
2. This by-law may be cited as the Salamanca Market By-law.
3. The Salamanca Market By-Law No. 2 of 2010 is repealed.
4. This by-law applies to Salamanca Place in Hobart and the surrounding road reserve, including the footpaths.

5. In this by-law:

Act means the *Local Government Act 1993*;

authorised officer means an employee of the Council authorised by the General Manager for the purposes of this by-law, and any reference to an authorised officer in this by-law includes the Market Supervisor;

bicycle has the same meaning as in the Road Rules;

Council means Hobart City Council;

General Manager means the General Manager of the Council;

market area means that part of Salamanca Place, Hobart which is closed to facilitate the Salamanca Market being held, including the surrounding footpaths and other land under the control of the Council, or any part of it, as specified in a market notice;

market day means the period of time on any day on which Salamanca

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Place, or any part of it, is closed to facilitate the Salamanca Market being held;

market notice means a notice published pursuant to section 189(2) of the Act;

Market Supervisor means any person who is authorised by the General Manager to act in that capacity;

meeting means any assembly of people and includes a parade, performance, spectacle, entertainment, exhibition, rally, march, demonstration or other event which causes or is likely to cause people to assemble;

motor vehicle has the same meaning as in the Road Rules;

motorised scooter has the same meaning as in the Road Rules;

municipal area has the same meaning as it does in the Act;

occupy includes:

- (a) to place tables and chairs, umbrellas, signs or barriers to enable the service of food or beverages;
- (b) to fence or divide any part of a market area to exclude members of the public; and
- (c) to erect any temporary structure;

owner means, in relation to a vehicle:

- (a) the person or people who are registered as the owner of a vehicle under the *Vehicle and Traffic Act 1999*, or any corresponding enactment or ordinance of a State or Territory of the Commonwealth; or
- (b) a person who has use of the vehicle under a hiring or a hire-purchase agreement;

at the time at which there was a contravention of this by-law with that vehicle;

permit means:

- (a) a current permit or other written approval (including a booking confirmation provided by electronic means) granted pursuant to

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this by-law; or

- (b) any permit, licence or written approval granted pursuant to another by-law or legislation including a by-law or legislation which has been repealed;

providing that:

- (c) if the permit, licence or written approval was issued for a certain time period, that time period has not expired; or
- (d) if the permit, licence or written approval was issued for a certain event, that event has not yet taken place;

person means an individual, corporation or other legal entity (other than the Crown);

Salamanca Market means the market operated in the market area;

scooter has the same meaning as in the Road Rules;

signboard means any board, sign, plaque, or banner which in any way makes an announcement or is an advertisement for any restaurant, shop, place of business, product, wares or any other thing which is not permanently attached to any building or other structure;

stallholder means a person who has entered into a stallholder licence agreement;

stallholder licence agreement means an agreement entered into between the Council and a person for use of a stall site;

stall site means part of the market area which has been designated by the Council or the Market Supervisor as an area to be used for a stall at the Salamanca Market;

vehicle has the same meaning as in the Road Rules;

wares includes any subscription, good, thing, article, or matter, and any food, or article of food, within the meaning of the *Food Act 2003*;

wheeled recreational device has the same meaning as in the Road Rules.

PART 2 – STALLHOLDERS**Stallholder licence agreement**

6. The Council may enter into a stallholder licence agreement for one or more person to use one or more stall sites, on any terms and conditions as determined by the General Manager.

Obligations of stallholders

7. A stallholder must comply with:
- (a) the terms of the stallholder licence agreement entered into with the Council, except where it is inconsistent with a requirement of this by-law; and
 - (b) this by-law,.

Penalty: 2 penalty units

Stallholder licence agreement not transferable without written consent

8. A stallholder must not without the written consent of the General Manager, assign, transfer or deal in any way with any rights or interests or any part of any rights or interests the stallholder may have under a stallholder licence agreement.

Penalty: 10 penalty units

Stallholders to ensure compliance of others

9. A stallholder must take all reasonable steps to ensure that any person who is working with or assisting the stallholder, complies with:
- (a) the terms of the stallholder licence agreement entered into with the Council; and
 - (b) this by-law, except where it is inconsistent with a requirement of the stallholder licence agreement.

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Penalty: 2 penalty units

Obligations of assistants to stallholders

10. Any person who is working with or assisting a stallholder must take all reasonable steps to ensure they comply with:
- (a) the terms of the stallholder licence agreement entered into with the Council; and
 - (b) this by-law, except where it is inconsistent with a requirement of the stallholder licence agreement.

Penalty: 2 penalty units

Waste and refuse

11. A stallholder must not dispose of or leave any dirt, filth, offal or trade waste or any other refuse in any stall site or within the market area, unless it is done within an area which has been designated by the General Manager or Market Supervisor for any of those purposes.

Penalty: 2 penalty units

Cleanliness of stalls

12. A stallholder, during its occupation of a stall site, must maintain that stall site in a clean and sanitary condition.

Penalty: 2 penalty units

PART 3 – PROHIBITIONS**Division 1 – Control of stall sites and other market areas****Occupation of stall site**

13. A person must not occupy a stall site unless they have entered into a

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stallholder licence agreement in relation to that stall site or have been granted a permit to do so.

Penalty: 2 penalty units

Occupation of market area

14. A person must not occupy any market area, other than a stall site, unless they have been granted a permit to do so.

Penalty: 2 penalty units

Surrender of stall site or market area

15. Any person who is using or occupying a stall site or any market area in breach of this by-law must immediately cease using or occupying the stall site or market area as directed to do so by the Market Supervisor.

Penalty: 5 penalty units

Division 2 – Commercial conduct**Offer wares or services**

16. A person must not offer or expose for sale any wares or offer any services in the market area, whether in exchange for money or otherwise, unless the person has first obtained a permit.

Penalty: 2 penalty units

Setting up stalls

17. A person must not set up, place, keep, maintain or park any stall in the market area to sell wares or to pursue any business, trade or employment unless the person has first obtained a permit.

Penalty: 2 penalty units

Display of items

18. A person must not adhere, display, exhibit, promote a petition or distribute any advertisement, book, card, handbill, notice, pamphlet, paper, picture, placard, sticker or other thing whatsoever in the market area, except:
- (a) on any area specifically designated by the Council or the General Manager for that purpose;
 - (b) in the case of the sale of newspapers, periodicals, and printed matter where the vendor or distributor has first obtained a permit; or
 - (c) if the person has obtained a permit to do so.

Penalty: 2 penalty units

Prohibited item, ware or service in the market area

19. A person must not in the market area display, sell or offer for sale any item, ware or service that may reasonably be considered by an authorised officer to be indecent, obscene or offensive.

Penalty: 2 penalty units

Division 3 – Control of animals

20. This Division does not apply to guide dogs as defined in the *Guide Dogs Guide Dogs and Hearing Dogs Act 1967 (Tas)* or an assistance animal as defined in the *Disability Discrimination Act 1992 (Cth)*.

Control of animals in market areas

21. A person who is the owner or keeper of an animal must not allow the

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animal to be in the market area, including on or inside a vehicle, unless the animal is suitably secured in an area which has been designated by the General Manager or Market Supervisor for that type of animal.

Penalty: 2 penalty units

Division 4 – Control of vehicles

Driving in a market area

22. A person must not drive a motor vehicle in the market area between 5.30 am and 6.00 pm on a market day unless:
- (a) the person is a stallholder or a person who is working with or assisting the stallholder; or
 - (b) the person has first obtained a permit;
- and that person is complying with any direction of an authorised officer.

Penalty: 2 penalty units

Parking in a market area

23. A person must not park a motor vehicle in the market area between 5.30 am and 6.00 pm on a market day unless:
- (a) the person is a stallholder or a person who is working with or assisting the stallholder; or
 - (b) the person has first obtained a permit;
- and that person is complying with any direction of an authorised officer.

Penalty: 2 penalty units

Other vehicles

24. A person must not use a wheeled recreational device, bicycle, scooter or motorised scooter in the market area, other than to park them in an area

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which has been designated by the General Manager or Market Supervisor for that purpose.

Penalty: 2 penalty units

Powers of authorised officers

25. An authorised officer may:

- (a) give reasonable directions to the driver, user or the occupants of a motor vehicle in a market area;
- (b) prohibit any motor vehicle from being taken or being allowed to remain on any part of a market area; or
- (c) require any motor vehicle to be removed from any road or place in a market area.

Division 5 – Interacting with others**Noisy activities**

26. A person must not in the market area:

- (a) deliver any address or speak to an assembly of people;
- (b) play any musical instrument or sing;
- (c) use or operate any television, radio, loudspeaker, record player, tape recorder, compact disc player or any other method of amplifying or playing speech and/or music recorded or otherwise; or
- (d) conduct any amusement or entertainment for financial reward; unless the person has first obtained a permit.

Penalty: 2 penalty units

Meetings

27. A person must not conduct, take part or attend a meeting in or on the

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market area unless the General Manager has issued a permit authorising the meeting.

Penalty: 2 penalty units

Tours

28. A person must not, in the market area, act as a guide to organised tours or to individuals to provide assistance or information about matters including architecture, history and cultural matters unless the General Manager has issued a permit to do so.

Penalty: 2 penalty units

Sporting activities

29. A person must not engage in sporting activities in the market area, whether or not the participants have paid any fee for participating, unless authorised to do so by permit.

Penalty: 2 penalty units

Division 6 – Miscellaneous**Power to close Salamanca Market**

30. The General Manager may close the Salamanca Market at any time and for any reason deemed appropriate by the General Manager.

PART 4 – PERMITS**Granting permits**

31. A permit may be granted for any purpose under this by-law by:
- (a) the General Manager; or

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- (b) any electronic method authorised by the General Manager, including via Council's website or an application operated by or on behalf of Council.
32. No provision of this by-law is to be construed as preventing the General Manager from referring any application for a permit to the Council.

Applications

33. Any application for a permit pursuant to this by-law is to be:
- (a) in accordance with any form approved by the General Manager;
 - (b) accompanied by the fee specified by the General Manager, if any; and
 - (c) where applicable, must be accompanied by the following:
 - (i) a statement in writing of the type of activity proposed to be undertaken by the applicant and the period in which it is proposed to be carried out;
 - (ii) a scaled drawing showing the location and extent of the proposed activity;
 - (iii) approvals from relevant authorities;
 - (iv) evidence of current public liability insurance or other relevant insurance; and
 - (v) such other information that the General Manager may reasonably require.
34. In deciding whether or not to grant a permit pursuant to this by-law, the General Manager may have regard to the following and any other relevant matters:
- (a) the type of activity proposed;
 - (b) the location of that activity;
 - (c) the impact or risk of the proposed activity to public safety, the environment or amenity; and

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- (d) any comments made by any employee of the Council, by a police officer or an employee of the Tasmania Fire Service in relation to the application.

Permits

- 35. A permit granted under this by-law must be in writing and may be granted under such terms and conditions as the General Manager considers appropriate. Those conditions may include:
 - (a) a restriction on the type of activity;
 - (b) a restriction on the period in which the activity may be carried out;
 - (c) the precautions to be observed while the activity is being carried out;
 - (d) the requirement for supervision or control of the activity;
 - (e) the record to be kept or notification to be given in relation to the any activity carried out pursuant to the permit;
 - (f) the payment of a bond to cover any damage to Council property or any cleaning required, or the provision of an indemnity to Council for any other loss or damage; or
 - (g) the acceptance of responsibility for any damage to or loss of Council property as a result of the activity.
- 36. The holder of a permit granted pursuant to this by-law must comply with the terms and conditions of the permit.

Penalty (unless otherwise specified): 1 penalty unit

Production of a permit

- 37. A permit holder is to produce the permit immediately when requested to do so by a police officer or an officer of the Council, and the holder of the permit must answer all questions which are reasonably necessary to establish that the person holds a permit in good faith.

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Variation of permit conditions

38. The General Manager may vary the conditions of any permit if they considers it is appropriate to do so.
39. If the conditions of any permit are varied pursuant to clause 38, the General Manager must serve a notice in writing on the permit holder stating:
 - (a) the conditions of the permit are varied; and
 - (b) the reason or reasons for the variation of the permit conditions.
40. The conditions of a permit will be varied from the date of service of the notice of the variation.

Cancellation of permits

41. The Council or the General Manager may cancel any permit if satisfied that:
 - (a) a permit holder has breached any of Council's by-laws; or
 - (b) a permit holder has breached a term or condition of the permit.
42. If a permit is cancelled pursuant to clause 41, the General Manager must serve a notice in writing on the permit holder stating:
 - (a) the permit is cancelled; and
 - (b) the reason or reasons for the cancellation.
43. Cancellation of any permit is effective from the date of service of the notice of the cancellation.
44. Nothing in this by-law is to be construed as preventing or prohibiting the Council from cancelling any permit if this is required due to the exercise or intended exercise of any local government functions, powers, rights or duties by the Council.

Notices

45. For the purposes of clauses 39 and 42, a notice may be served in any of the following ways:
- (a) on the holder of the permit personally;
 - (b) by ordinary post to the last known address of the permit holder; or
 - (c) by notice being given in the public notice section of a newspaper circulating in the Hobart City Council municipal area.
46. The date of service of a notice will be:
- (a) if the holder of the permit was served by ordinary post, 3 business days from the date the notice was posted; or
 - (b) if the notice was given in a newspaper, the date of the publication of that newspaper.

PART 5 – RECOVERY OF COSTS**Expenses incurred**

47. The Council, the General Manager, the Market Supervisor and any authorised officer may rectify a breach of this by-law, including any damage to Council property, without ordering the offending person to undertake the rectification works.
48. Any expense or damages incurred by the Council as a result of the breach of any of the by-laws will be paid by the person committing the breach and is recoverable by the Council as a debt due to it.

PART 6 – INFRINGEMENT NOTICES

49. In this Part:
- specified offence** means an offence against the clause specified in

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Column 1 of the Schedule to this by-law.

50. An authorised officer may issue an infringement notice to a person in respect of a specified offence and the monetary penalty payable under the infringement notice for that offence is the applicable sum specified in Column 3 adjacent to the offence in the Schedule to this by-law.
51. Different sums may be specified in an infringement notice according to the nature of the offence and whether payment is made within a specified time.
52. An authorised officer may:
 - (a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and
 - (b) issue one infringement notice in respect of more than one specified offence.
53. The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.
54. In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.
55. A person who is served with an infringement notice must, within 28 days of the date of service, do one or more of the following:
 - (a) pay the monetary penalty in full to the General Manager;
 - (b) apply to the General Manager for withdrawal of the infringement notice;
 - (c) apply to the General Manager for a variation of payment conditions;or

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(d) lodge with the General Manager a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.

56. If a person who has been served with an infringement notice fails to take one or more of the actions required by clause 55 within the prescribed time, the infringement may be referred to the Director, Monetary Penalties.
57. If the owner of the vehicle is issued with an infringement notice pursuant to this by-law, and the owner was not in control of the vehicle at the time the offence was committed, a statutory declaration may be provided to the General Manager within 14 days after being served with the infringement notice, pursuant to sections 170(2)(a) and 170(3) of the Act.

PART 7 – ENFORCEMENT

Hindering or resisting authorised officers

58. A person must not obstruct, hinder, abuse, or resist any authorised officer in the market area in the discharge of that person's duty.

Penalty: 3 penalty units

Directions

59. An authorised officer may give reasonable directions to any person in relation to their use or treatment of, or presence in the market area.
60. A person must not fail to comply with a reasonable direction from an authorised officer given under this by-law.

Penalty: 3 penalty units

Removal from market areas

61. The Market Supervisor or any authorised officer may:
- (a) remove any person from the market area whom the authorised officer reasonably believes has committed or who is committing an offence under this by-law; and
 - (b) remove any thing which the authorised officer reasonably believes is in the market area without a permit or in breach of a permit.

Assistance of police officers

62. A police officer is authorised to:
- (a) assist the Market Supervisor or an authorised officer to carry out any action under clause 61;
 - (b) remove any person from a market area whom the police officer reasonably believes has committed or who is committing an offence under this by-law;
 - (c) remove anything which is in a market area without the approval of the Council; and
 - (d) arrest any person who is in a market area whom the police officer reasonably believes has committed or who is committing an offence under this by-law.

Signage

63. The General Manager or Market Supervisor, or any person acting under their direction, may remove or require the removal of any advertisement or signboard in the market area.

Penalty: 1 penalty unit

Removal and sale of vehicles

64. If an authorised officer reasonably believes that there has been a breach

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of clause 23 of this by-law, the authorised officer may:

- (a) remove the vehicle; and
- (b) if following its removal pursuant to clause 64(a) the vehicle has not been collected for a period of 7 days, the vehicle may be sold or destroyed by Council at its discretion.

- 65. If a vehicle is sold pursuant to clause 64(b), Council may retain from the sale proceeds any expenses associated with the sale of the vehicle, including any auctioneer's fees.
- 66. If a vehicle is destroyed pursuant to clause 64(b) or if the sale proceeds are less than the total of the amounts specified in clause 65, the balance must be paid by the owner of the vehicle and are recoverable by the Council as a debt due to it.

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SCHEDULE
INFRINGEMENT NOTICE OFFENCES

1: CLAUSE	2: DESCRIPTION	3: PENALTY (penalty units)
PART 2 – STALLHOLDERS		
7	Obligations of stallholders	1.0
8	Stallholder licence agreement not transferable without written consent	2.0
9	Stallholders to ensure compliance of others	0.5
10	Obligations of assistants to stallholders	0.5
11	Waste and refuse	0.5
12	Cleanliness of stalls	0.5
PART 3 – PROHIBITIONS		
13	Occupation of stall site	0.5
14	Occupation of market area	0.5
15	Surrender of stall site or market area	0.5
16	Offer wares or services	0.5
17	Setting up stalls	0.5
18	Display of items	0.5
19	Prohibited item, ware or service in a market area	0.5
21	Control of animals in market areas	0.5
22	Driving in a market area	0.5
23	Parking in a market area	1.0
24	Other vehicles	0.5

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1: CLAUSE	2: DESCRIPTION	3: PENALTY (penalty units)
26	Noisy activities	0.5
27	Meetings	0.5
28	Tours	0.5
29	Sporting activities	0.5
PART 4 – PERMITS		
36	Failure to comply with permit	1.0
PART 7 – ENFORCEMENT		
58	Hindering or resisting authorised officers	0.75
60	Directions by authorised officers	0.75
63	Signage	0.5

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Certified that the provisions of this by-law are in accordance with the law by:

.....
N. J. STREET
Solicitor
Dated
At Hobart

Certified that this by-law is made in accordance with the *Local Government Act*
1993 by:

.....
N.D. HEATH
General Manager
Dated
At Hobart

The common seal of the Hobart City Council was affixed on in the presence of:

.....
H.J. SALISBURY
Deputy General Manager
Dated:

.....
P.A. JACKSON
Manager Legal & Governance

4.2 Salamanca Market - Temporary Site Fee
File Ref: F20/58866; S33-060-02/37

Memorandum of the Senior Commercial Advisor Salamanca Market,
Manager Activation Programs and Tourism and the Director Community
Life of 17 June 2020 and attachment.

Delegation: Council



City of **HOBART**

MEMORANDUM: COMMUNITY, CULTURE AND EVENTS COMMITTEE

SALAMANCA MARKET - TEMPORARY SITE FEE

The purpose of this memorandum is to request the General Manager be delegated authority for a new temporary stall fee for Salamanca Market for the 2020-21 financial year.

The Tasmanian State Government decreed that as at midnight Wednesday 25 March 2020 outdoor markets, such as Salamanca Market, were not permitted to operate. This restriction was one of a range of restrictions and the Tasmanian Government's emergency declarations in response to the COVID-19 pandemic.

Consequently, the General Manager authorised for Salamanca Market to remain closed until further notice.

At the time of writing, there are no active COVID-19 cases in Tasmania and the State Government has announced it will consider relaxing the regulations for non-essential markets sooner rather than later, possibly as soon as the end of June. In addition, Tourism Tasmania is running a [marketing campaign](#) to encourage Tasmanians to travel locally.

Whilst it is difficult to be definitive, it is now believed that the 'gathering' restriction that limits the total number of people at an event may give way to a 'maximum person density' requirement that calculates the number of people per 4 square metres according the total area of the event site. This would potentially allow a greater number of patrons to visit an interim, smaller Salamanca Market and patron numbers would be contained by managing entry and exit points.

An expression of interest issued to all Salamanca Market stallholders on Monday 15 June has identified that at least 80 stallholders are interested in trading on a temporary, smaller market footprint, even with the state borders shut. The EOI does not commit any stallholder, but provides an early indication of the size and stallholder mix of a prospective, interim Salamanca Market.

As a result, officers are reasonably optimistic that a temporary version of Salamanca Market will be possible some time in July. The Salamanca Market team is still scoping the exact location, although it is proposed that a smaller, interim Salamanca Market would still be held on Salamanca Place.

A new, temporary stallholder fee is now required that reflects the reduced number of patrons likely to attend a smaller, interim Salamanca Market (noting that Tasmania's borders remain closed).

Running a smaller, interim Salamanca Market is considered an important step towards eventually resuming a normal market over the full length of Salamanca Place and will bring foot traffic to Hobart's waterfront, supporting the waterfront business community.

Pursuant to section 205 of the *Local Government Act 1993 (Tas)*, Council has the following powers:

(1) In addition to any other power to impose fees and charges but subject to subsection (2), a council may impose fees and charges in respect of any one or all of the following matters:

- (a) the use of any property or facility owned, controlled, managed or maintained by the council;*
- (b) services supplied at a person's request;*
- (c) carrying out work at a person's request;*
- (d) providing information or materials, or providing copies of, or extracts from, records of the council;*
- (e) any application to the council;*
- (f) any licence, permit, registration or authorization granted by the council;*
- (g) any other prescribed matter.*

Further, pursuant to section 22 of the *Local Government Act 1993 (Tas)*, the Council has the power to delegate authority to the General Manager to set Council fees and charges.

RECOMMENDATION

That:

- 1. Pursuant to Section 22 of the Local Government Act 1993 the Council delegate to the General Manager the authority to set a temporary stall fee for an interim, smaller Salamanca Market for the 2020-21 financial year to be called "Temporary Site Fee".***

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



Taryn Townsend
**SENIOR COMMERCIAL ADVISOR
SALAMANCA MARKET**



Iris Goetzki
**MANAGER ACTIVATION PROGRAMS
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Tim Short
DIRECTOR COMMUNITY LIFE

Date: 17 June 2020
File Reference: F20/58866; S33-060-02/37

Attachment A: Salamanca Market - New Fees 2020-21 ↓

Proposed 2020-21 Fees & Charges: Salamanca Market

Description

Salamanca Market
Unit: 14425

Fee Description	2018-2019 Fee incl. GST	2019-2010 Fee incl. GST	Pricing Method	Last Changed (type <i>New Fee</i> if applicable)	Proposed Fee 2020 - 2021 incl. GST	Fee includes GST (Y/N)	GST \$	Unit	% Variation	Estimated Quantity	Estimated Income excl. GST	Comment
Temporay Site Fee			Market Pricing	New Fee	\$50.00	Y	\$4.55	per day	New Charge		\$0.00	

