



CITY OF HOBART

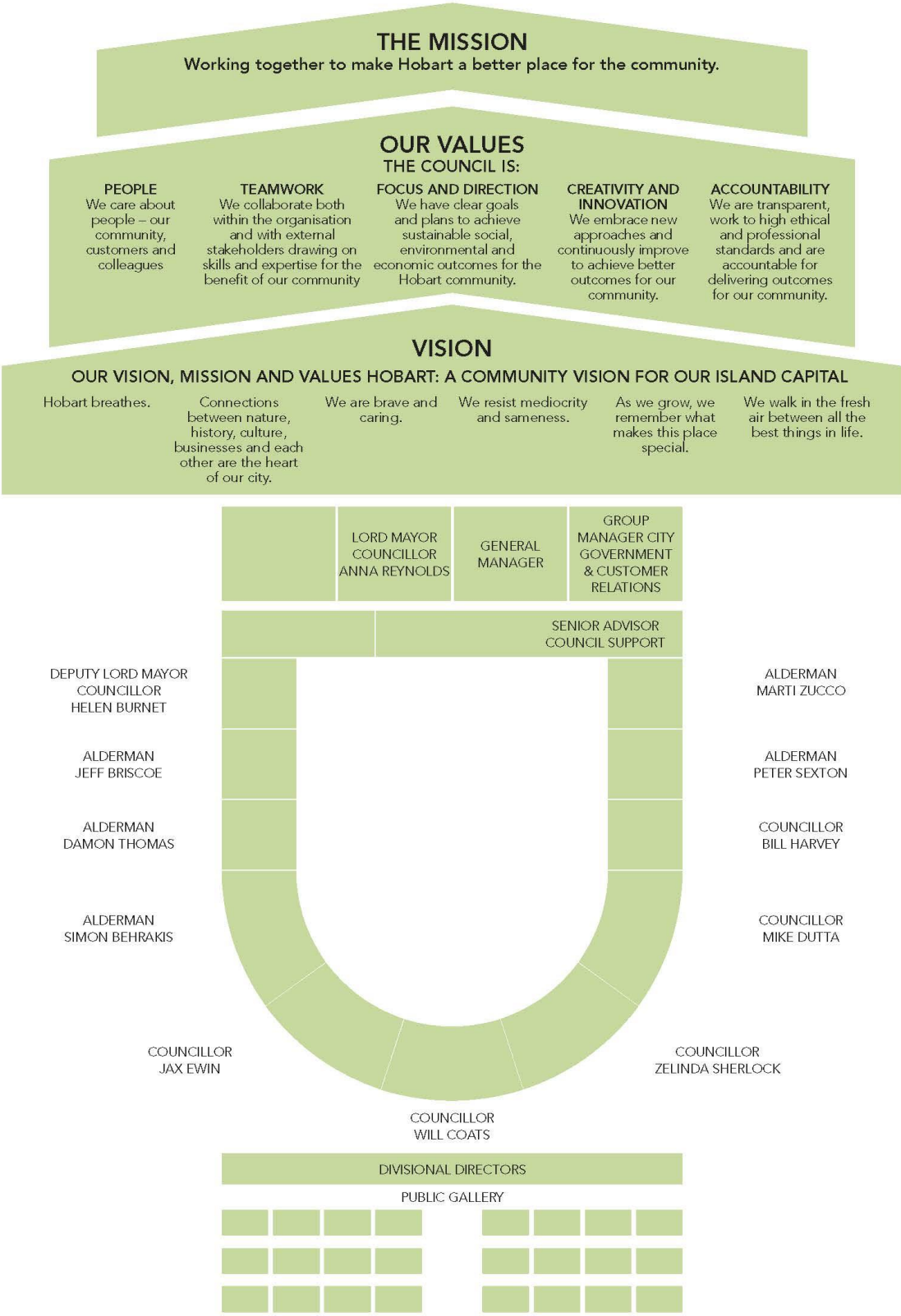
AGENDA

OPEN PORTION OF THE SPECIAL COUNCIL MEETING

MONDAY, 20 JULY 2020

AT 5:00PM





ORDER OF BUSINESS

APOLOGIES AND LEAVE OF ABSENCE

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**A SPECIAL MEETING OF THE OPEN PORTION OF THE COUNCIL WILL BE
HELD ON MONDAY, 20 JULY 2020 AT 5:00PM.**

**N D Heath
General Manager**

This special meeting of the Council 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*.

ELECTED MEMBERS:

Lord Mayor A M Reynolds
Deputy Lord Mayor H Burnet
Alderman M Zucco
Alderman J R Briscoe
Alderman Dr P T Sexton
Alderman D C Thomas
Councillor W F Harvey
Alderman S Behrakis
Councillor M S C Dutta
Councillor J Ewin
Councillor Z E Sherlock
Councillor W N S Coats

APOLOGIES:

LEAVE OF ABSENCE: Nil.

1. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

Elected Members of the Council 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 Council has resolved to deal with.

SPECIAL REPORT – GENERAL MANAGER

2. Salamanca Market - Interim Replacement
File Ref: F20/75129

Memorandum of the General Manager of 17 July 2020.

Delegation: Council



City of **HOBART**

MEMORANDUM: COUNCIL

Salamanca Market - Interim Replacement

This memorandum requests a Council resolution to close a highway for the purpose of a market under section 189 of the *Local Government Act 1993*, which states:

- (1) *A council in respect of land or premises under its control or management may –*
 - (a) *allow any person to operate a market subject to any terms and conditions it determines or operate a market itself; and*
 - (b) *close a local highway or part of a local highway to general traffic for that purpose.*
- (2) *If a council intends to close a local highway or part of a local highway under subsection (1) the general manager is to publish a notice of intention in a daily newspaper circulating in the municipal area.*
- (3) *The notice is to specify –*
 - (a) *the details of the closure of the local highway or part of the local highway; and*
 - (b) *any other matter which may affect the rights of the community.*

The Council's decision will enable the City to run a smaller, interim market for Salamanca Market stallholders at Salamanca Place that would comply with government COVID-19 restrictions.

Under clause 62 of the Salamanca Market Licensed Stallholder Agreement and Clause 40 of the Casual Agreement, Salamanca Market is currently suspended.

The decision to suspend Salamanca Market was taken in the context of the COVID-19 pandemic and Tasmanian Government mandated restrictions. Elected Members will be aware that Salamanca Market has not operated since 14 March 2020.

In order to provide Salamanca Market stallholders with the opportunity to trade, officers have developed an interim, smaller market format that would comply with government restrictions.

From 12 pm, Friday 26 June 2020 State Government restrictions eased to permit the operation of non-essential markets such as Salamanca Market whilst also applying a mass gathering limit of 500 people to outdoor events as well as the 1.5m social distancing rule.

Officers met with the State Government to clarify the conditions under which a market could operate and the proposed design that will initially consist of two sections each catering for up to 500 people including stallholders will satisfy the current government restrictions.

In order to run this smaller, modified market, officers require absolute flexibility to ensure that the market is safe for stallholders, the public, crew and volunteers. A consequence of this is that stalls will not necessarily be placed in their usual position – where they would be situated if the normal market was operating.

Officers have sought to reinstate a trading opportunity that meets government guidelines at the earliest possible date as Salamanca Market is the primary or majority source of income for most stallholders. This has necessitated designing a format that is scalable up or down depending on environmental conditions.

The modified market cannot be considered 'Salamanca Market' in terms of the legal instruments used to administer it, that is, the agreements between the City of Hobart and stallholders. The modified market has a changed footprint, number of sites and different opening hours, and 'Salamanca Market' under the terms of the stallholder licenced and casual agreements is suspended. The modified market, therefore, is legally considered a new market and a new agreement with an expiry date of 31 December 2020 (or earlier if Salamanca Market resumes operating) has been prepared.

The Council resolution under Section 189 of the *Local Government Act 1993* is therefore considered necessary for the establishment of this interim market.

It is proposed that the smaller, interim market will initially operate from 8 am to 1 pm commencing on Saturday 8 August 2020 and every Saturday after, and that it will run until such time as conditions allow Salamanca Market, in its original format, to resume operations. The interim operating hours may vary if there is sufficient stallholder and consumer demand.

Stallholders, including the Salamanca Market Stallholders Association, have been engaged in the City's planning process throughout this period and it is important to note that the name of the new market is largely immaterial to most stallholders who are desperate for an opportunity to trade and whose primary focus at this time is to be able to sell their wares and generate income. Many stallholders also recognise the value in re-educating locals about the predominantly Tasmanian content sold at the market. The interim market is an unprecedented opportunity to reinvigorate local audiences to support Tasmanian designers and makers.

A Zoom meeting to which all stallholders will be invited is planned for the week of 20 July and they will have the opportunity to have their questions answered. Officers will also have specialists available to assist stallholders who may have concerns relating to COVID-19.

RECOMMENDATION

That:

- 1. The Council resolve to conduct a market in Salamanca Place on an interim basis while the Salamanca Market is suspended.***
- 2. Pursuant to section 189 of the Local Government Act 1993 the Council resolves to close that part of Salamanca Place necessary for the conduct of this interim market and authorise the General Manager to publish a notice of that intention.***
- 3. The Council delegate the authority to the General Manager to do all things reasonable and necessary to conduct the interim market, including but not limited to:***
 - (i) Settings terms and conditions for and granting licences to stallholders; and***
 - (ii) Determining the appropriate footprint, hours of operation and requisite road closure, noting that these may change in-line with government restrictions.***
- 4. When appropriate, following the conclusion of the COVID-19 pandemic, operation of the Salamanca Market be resumed.***

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.



N D Heath
GENERAL MANAGER

Date: 17 July 2020
File Reference: F20/75129