

COUNCIL MEETING: 23 AUGUST 2022

REPORT 07: MARKETS IN MANDURAH

Additional information resulting in the replacement of Attachment 7.1: Draft City Centre Market Guidelines.

The City has sought feedback from local businesses regarding the proposed guidelines. Feedback and expressed concern, specifically regarding the inclusion of food and regular food truck events, has resulted in some changes to the proposed guidelines, to offer better balance between markets and permanent businesses in the vicinity.

All changes have been marked in red in the attached guidelines.

Changes:

- 1.2 Scope – Addition of *“For the purpose of these guidelines, a collective of “ready to eat” mobile food based operators (i.e. food trucks) are not deemed a “market”.”*
- 1.3 Definitions – Market and Food Truck Booking Application. Addition of *“Note: This form is used for multiple booking types, not only markets.”*
- 1.3 Definitions – Ongoing Market. Addition of *“In line with the outlined detailed in the scope of the guidelines (1.2), this does not include collectives of “ready to eat” mobile food based operators (i.e. food trucks).”*
- 2.1 Generic Requirements – Point 5. Change of insurance requirements from \$10 million to \$20 million to be consistent with other requirements/documents within the City.
- Figure 1 – City Centre Precinct – Addition of *“Alternative locations suggested by market operators will undergo a site evaluation, which will take into account the suitability of the area and determine the food sensitivity level.”*
- Figure 2 – Food Sensitive Locations Assessment Process – Change of radius needed for business approval to permit food vendors from 200m to 300m.

Officer Amended Recommendation is now (changes in red):

That Council:

- 1. Approve the draft ‘City Centre Market Guidelines’ as detailed in Attachment 7.1 (using the replacement attachment); and**
 - 1.1. Note that the ‘City Centre Market Guidelines’ will be used as a tool to support decision making for all market applications received within the City Centre for the 2022/23 market season.**
 - 1.2. Note that officers will review the Guidelines and approach to attracting and developing the market offering following the completion of the 2022/2 markets season.**
- 2. Approve the Mandjar Markets to operate from the Eastern Foreshore North location for the 2022/23 season in line with the ‘City Centre Market Guidelines’.**
- 3. Note that the City will not formally pursue the ‘Market Day in Mandurah Sunday Market Trail’ concept over the 2022/23 summer season due to a lack of interest identified and instead initiate alternative City Centre activation options.**

City Centre Market Guidelines

August 2022 (for Summer 2022 / 23 trading season)



Record of Adoption

Stage	Version No	Document Date	Approval Date
Draft for Review	1	22 July 2022	
Amended Draft for Review	2	16 August 2022	

Schedule of Modifications

No	Description	Version No	Document Date	Approval Date



Contents

1. Introduction	1
1.1 Purpose	1
1.2 Scope	1
1.3 Definitions	2
1.4 Markets Not Covered by these Guidelines	2
1.5 Guideline Statement	3

2. Approval of Markets	4
2.1 Generic Requirements	4
2.2 Market Operators	4
2.3 Identification of Market Sites	4
2.4 Food Sensitive Locations	6
2.5 Market Approval Stages	7

3. Market Management	9
3.1 Ongoing review	9
3.2 Health and Safety	9
3.3 Site Accessibility	9
3.4 Fees and Charges	9
3.5 Variances to the guidelines	9

List of Figures

Figure 1	City Centre Precinct	5
Figure 2	Food Sensitive Locations Assessment Process	8



1. Introduction

1.1 Purpose

The purpose of these guidelines is to provide market operators within the City Centre Precinct of Mandurah with an understanding of the City of Mandurah's ('the City') approach to approval of markets, the requirements and considerations that will be part of the assessment process, and the level of commitment it requires from market operators to achieve quality market operations.

The City acknowledges that a diverse and complimentary range of markets contribute to local communities, encourage visitation, provide economic benefits to many sole-trader and small businesses particularly artistic and primary producer operations, and if well managed can complement the offerings of local businesses.

1.2 Scope

The Market Guidelines applies to ongoing markets on land within the City of Mandurah which is owned or managed by the City. Ongoing markets are classified as markets that operate more than four occasions in a 12-month period.

For the purpose of these guidelines, a collective of "ready to eat" mobile food based operators (i.e. food trucks) are not deemed a "market".

The Market Guidelines provides an assessment framework for the City to benchmark approving ongoing markets.

Notwithstanding the content of these guidelines, other approvals may also be required and it is the Market Operators responsibility to obtain all necessary consents/approvals to operate the market.

These guidelines apply to the 2022/23 summer trading season and will be subject to review and change following this time.

These guidelines are prepared and adopted pursuant to Part 10 and 12 of the *Local Government Property and Public Places Local Law 2016*.

1.3 Definitions

For the purposes of these guidelines, the following terms will be used:

City Centre Precinct

The area bounded by Hall Park (Western Foreshore) to the South; and the eastern and southern boundaries follow part of Pinjarra Road, Sutton Street, Eastern Foreshore, Boardwalk Precinct, Civic precinct, and Mandurah Ocean Marina (See Figure 1);

Market Approval

Approval granted by the City for a market to begin operation as required by the Local Government Property and Public Places Local Law 2016 ;

Market Operator

The individual or group who intend to operate the market and who will enter into an agreement with the City for the use of the site;

Market Proposal

A detailed document describing the layout, management and preliminary operational plans for a market. The Market Proposal is submitted after a Market and Food Truck Booking Application is approved, if required;

Market and Food Truck Booking Application

*An application form enabling Market Operators to indicate interest in using a site on Council land to operate a market. **Note: This form is used for multiple booking types, not only markets.***

Ongoing Market

*A regularly scheduled outlet for the sale of goods and services by multiple operators at the same or similar location, with the majority of goods and services provided by the producer, grower, craftsperson or service person. **In line with the outline detailed in the scope of the guidelines (1.2), this does not include collectives of "ready to eat" mobile food based operators (i.e. food trucks).***

1.4 Markets Not Covered by these Guidelines

Markets located outside the City Centre Precinct

The Market Guidelines apply only to locations within the City Centre precinct. Markets in locations other than the City Centre precinct will still be required to meet all relevant health and safety approvals and requirements and subject to the City's Public Open Space and Reserve Terms and Conditions of Hire.

Temporary markets on land owned or managed by the City

The Market Guidelines do not apply to temporary markets on land owned or managed by the City. Temporary markets are classified as markets that operate on up to four occasions in every 12 months of operation, and are required to be assessed as an event.

Refer to [City of Mandurah's Information on Running an Event](#) which assesses one-off and temporary events. Temporary markets must meet requirements of and receive an Event Approval before operation.

Markets on land not owned or managed by the City

The Market Guidelines does not apply to markets on land not owned or managed by the City (including private property or land managed by State Government Agencies that the City does not manage). Contact the City if you would like more information about conducting markets on land not owned or managed by the City.

Markets on land not owned or managed by the City will still be required to meet all relevant health and safety approvals and requirements.



1.5 Guideline Statement

The City supports quality markets in the Local Government Area (LGA). Markets provide for the needs of the community, ranging from the provision of fresh food to goods and services.

The City recognises the potential contribution of markets to community life and local economies. Markets can complement the offerings of local businesses and provide opportunities for emerging enterprises.

The following principles encapsulate the City's approach to approval of markets and the level of operational performance the City requires of Market Operators.

The City will:

- apply a consistent assessment framework to the approval of Market and Food Truck Booking Applications and Market Proposals;
- require Market Operators to demonstrate capacity to meet community needs, contribute to social cohesion, strengthen the local economy, and complement the offerings of local businesses in the area.

Market Operators will be required to:

- minimise the impact of their market on the environment, local residents and nearby businesses;
- ensure market sites are well-maintained and accessible for all members of the community;
- prioritise community health and safety by rectifying hazards and problems immediately;
- provide activation and activity within the precinct to create a vibrant and welcoming atmosphere.

2. Approval of Markets

2.1 Generic Requirements

All Market and Food Truck Booking Applications will be required to adhere to the following:

1. Bookings will be considered for bookable public spaces only, with existing approved City Centre market sites given priority;
2. Demonstrate that there are sufficient ablution, power and water facilities on site or will be provided by the proponent;
3. Provision of a plan that demonstrates that waste generated on site can be disposed of (additional bins can be hired from the City for a cost);
4. A traffic management plan may need to be provided that demonstrates access to the site and sufficient parking to meet the anticipated demands;
5. Take out and maintain throughout operation Public Liability Insurance of at least \$20 million, and indemnify the City and other relevant parties from any damage, risk or injury;
6. All other planning, building and health approvals as required.

2.2 Market Operators

Market operators can be commercial enterprises, community groups, not-for-profit organisations or any other configuration. All categories undergo the same assessment process. Not-for-profit and community group may be eligible for subsidised public open space hire rates in some locations.

2.3 Identification of Market Sites

The City encourages Market Operators to identify appropriate market sites. New market sites are proposed by:

- Market Operators – through the submission of a Market and Food Truck Booking Application to the City ;
- The City – where a site has been identified to meet community needs.

The City has identified the following approved locations within the City Centre for the operations of ongoing for markets (including those that have further requirements outlined in section 2.4):

- George Robinson Gardens;
- Smart Street Mall;
- Eastern Foreshore – North ('food sensitive location);
- Mandjar Square;
- Keith Homes Reserve (Mandurah Ocean Marina) ('food sensitive location).

Figure 1 - City Centre Precinct

Approved Market Sites

- ① George Robinson Gardens
- ② Smart Street Mall
- ③ Mandjar Square

Approved Market Site - Food Sensitive Location

- ④ Eastern Foreshore North
- ⑤ Keith Holmes Reserve (Mandurah Ocean Marina)

Alternative locations suggested by market operators will undergo a site evaluation, which will take into account the suitability of the area and determine the food sensitivity level.



2.4 Food Sensitive Locations

Areas identified as food sensitive locations are those areas that are well serviced by bricks and mortar businesses, providing a variety of food options capable of catering for a reasonable number of additional patrons that markets might attract.

Markets wishing to incorporate food and drink within an identified food sensitive location, either as their main operation or ancillary to their market, will need to have the proposed food offering assessed under this model.

Items below listed as permitted are not required to undergo this additional consideration process and do not need to be included in permitted food vendor ratios. Vendors will still need appropriate food trading permits and approvals required under the *Food Act 2008*.

Please be aware that in considering nearby businesses, if the business operating hours means they will be closed for 50% or more of your market operating hours then they do not need to be included in the count.

Table 1 Food Sensitive Location Permitted and Assessible Items

Items Permitted	Items Required to be Assessed
Pantry items: Preserves, jams, chutney etc	Take away coffee/tea
Packaged Food	Ready to eat meals (inc sandwiches and rolls)
Community Sausage Sizzles Monthly Only	Slushy or shaved ice sellers, ice cream & soft serve ice cream
Popcorn and fairy floss	Cupcakes, muffins, etc.
Fresh fruit and vegetables	Cold drinks (except water)



2.5 Market Approval Stages

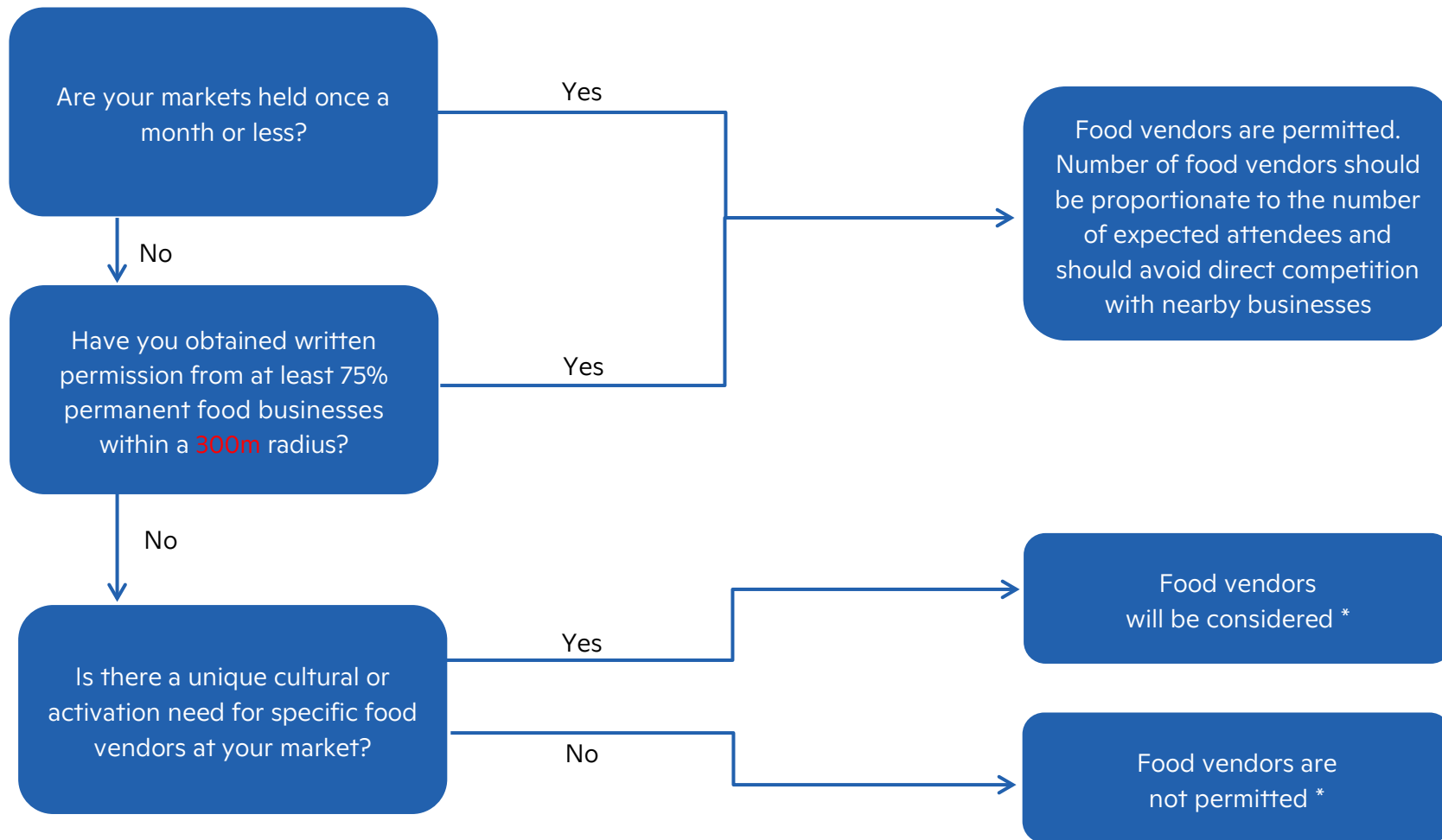
There are five basic steps to setting up markets on land owned or managed by the City in addition to any development consent requirements:

1. Identify a suitable site - the products sold within your market should be considered to ensure they are complimentary to businesses within the area;
2. Submit a Market and Food Truck Event Site Booking Application: The City will assess the capacity and suitability of a site. The application will not proceed to the next step if the site is considered to be unsuitable, and the applicant will have the opportunity to resubmit with appropriate changes and/or for a new location;
3. If applying for food in a food sensitive location, submit details of your proposed food along with your Market and Food Truck Event Site Booking Application;
4. New operations, or existing operations with substantial changes may be required to submit an [Events Application Form](#) as a one-off to ensure it meets all requirements;
5. A Market Proposal may be requested by the City to be submitted to help inform the assessment process
6. Set up market – pending approval, a formal reserve hire agreement will be drawn between the City and the market operator. The City will monitor performance of the market.

Market applications will be assessed against criteria based on the principles set out in these Market Guidelines.

The City will not proceed with Market Site Applications and Market Proposals that do not meet assessment criteria, and the needs of the community identified by the City.

Figure 2 Food Sensitive Locations Assessment Process



* A strong business case including minimising impact to local businesses will need to be submitted for exemptions/consideration.



3. Market Management

3.1 Ongoing review

Market Operators may be required to participate in regular meetings and performance reviews with the City.

Meetings and reviews provide opportunities for resolution of issues raised by the community, the Market Operator and the City.

The City will seek regular feedback from local permanent businesses within the City Centre.

Should the Market Operator not comply with the City's guidelines or requirements, or comply with relevant legislative requirements, the City may terminate the approval at any time.

3.2 Health and Safety

Market Operators are responsible for ensuring all stallholders involved in the preparation, sale or provision of food comply with the provisions of the *Food Act 2008*. This includes food exempt from the Food Sensitive Locations assessment.

Market Operators must also ensure stallholders hold current City Temporary Food Premises permits and comply with permit conditions. Further information may be found online on the City of Mandurah website. The City and other authorities may inspect markets and individual stallholders at any time to ensure public health and safety compliance.

3.3 Site Accessibility

Market Operators must ensure market site configurations encourage community participation and ease of access. Market Operators are responsible for site accessibility, safety of crowd movements and compliance with legislation and other conditions set out in the market agreements. Market Operators are also required to minimise market impact on the environment.

3.4 Fees and Charges

The City's Fees and Charges Schedule includes fees for public open space reserve hire. Commercial Market Operators pay a commercial fee. Not-for-profit organisations are offered a subsidised fee structure.

3.5 Variances to the guidelines

The City reserves the right to review, vary or revoke these guidelines.