

# City Centre Markets Guidelines

January 2024





## Record of Adoption

| Stage                      | Version No | Document Date  | Approval Date  |
|----------------------------|------------|----------------|----------------|
| Draft for Review           | 1          | 22 July 2022   |                |
| Amended Draft for Adoption | 2          | 16 August 2022 | 23 August 2022 |

## Schedule of Modifications

| No | Description                             | Version No | Document Date   | Approval Date |
|----|---|------------|-----------------|---------------|
| 1  | Timing Updated; Western Foreshore Added | 3          | 3 January 2024  |               |
|    | Revisions Post ELT Review               | 3A         | 10 January 2024 |               |
|    |   |            |                 |               |
|    |   |            |                 |               |
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# 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 Markets 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.

The Markets 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 from January 2024 and will be subject to periodic review.

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 City of Mandurah land to operate a market.*

### ***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.*

## 1.4 Markets Not Covered by these Guidelines

### ***Markets located outside the City Centre Precinct***

The Markets 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 Markets 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 Markets 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 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; or
- By 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 on Figure 1:

- George Robinson Gardens;
- Smart Street Mall;
- Eastern Foreshore North;
- Mandjar Square;
- Keith Homes Reserve;
- Western Foreshore.





## 2.4 Food Sensitive Provisions

All locations identified in section 2.3 are food sensitive locations 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, 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 Assessable Items

| Items Permitted                               | Items Required to be Assessed |
|---|-------------------------------|
| Pantry items:<br>Preserves, jams, chutney etc | Coffee vans                   |
| Packaged Food                                 | Food trucks                   |
| Community Sausage Sizzles<br>Monthly Only     | Slushy or shaved ice sellers  |
| Popcorn and fairy floss                       | Cupcake stalls                |

## 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. Submit details of your proposed food offering 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 Markets 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.

The City reserves the right to approve or decline applications, taking each application on its own merit, and can consider other extenuating circumstances should they arise.

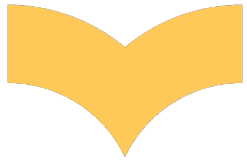
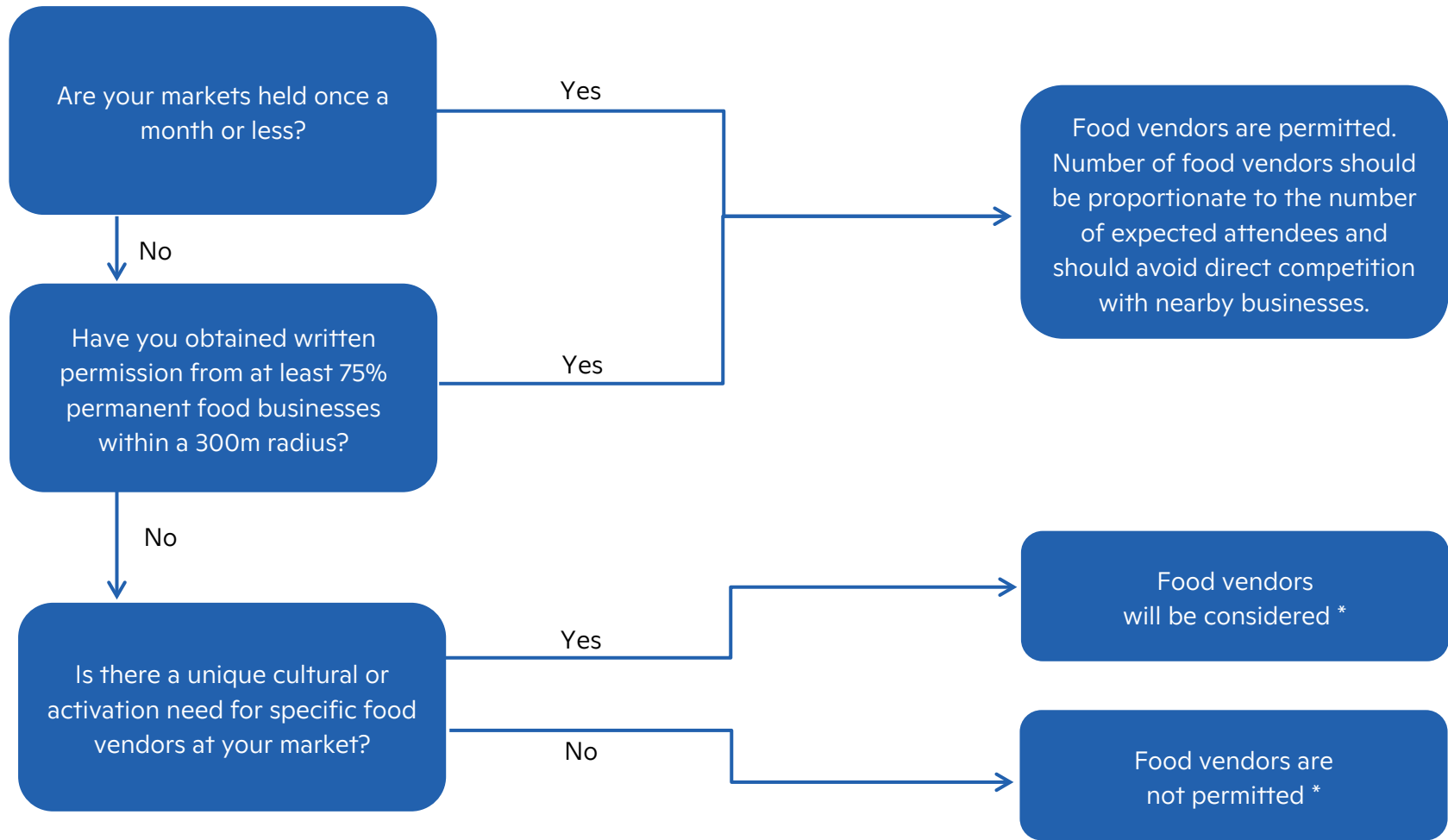


Figure 2 Food Sensitive Provisions Assessment Process



\* 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.

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.