

Notice to Fruit and Vegetable Stand Holders

Wednesday 22 January 2014

Documents

In April 2013, a draft licence for an Epping fruit and vegetable stand was made available to stand holders. The draft licence has now been updated (January 2014) and is available on the Melbourne Market Authority (MMA) website, www.melbournemarkets.com.au.

The information on the draft licence also contains the changes marked up on the April 2013 licence and a summary sheet on the changes from the old draft to the current proposed licence.

All stand holders participating in the Epping stand Expression of Interest (EOI) should access the documents. Hard copies are available from the MMA Administration Office and the Customer Service Centre.

Reminder to lodge an EOI for Epping fruit and vegetable stands

All responses to the EOI form should be returned by 3 February 2014 by:

- emailing Mary Baker via mmrpresponses@dsvbi.vic.gov.au; or
- mailing the EOI form to Mary Baker, Melbourne Market Relocation Project, Level 8, GPO Box 4509, Melbourne, Victoria, 3001; or
- handing the form to the MMA Administration Office front desk.

Epping site tours of stands

Over this week, over 200 stand holders will make visits to the new Epping market. Maps for the visits have been provided. These maps are now also available on the MMA website.

Ballot map for Epping stands

One of the maps provided for the site tours shows the Epping trading stands area and the layout of the new stands. This map will be used for the ballots for the Epping stands to be held in March 2014.

Answers to questions asked by the Growers Advisory Committee

On 20 January 2014, the Growers Advisory Committee met and discussed the new draft stand licence. During the meeting, questions were asked concerning the Epping market (stand insurance, warehousing and parking) and the questions and answers are provided below for all stand holders.

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1. How does the insurance policy for a stand work? In particular, if I finish my work and leave and an accident happens on my stand after I leave, am I liable?

The Licence Agreement requires the stand holders to have public risk insurance which provides insurance cover for:

- their occupation of the stand; and
- the indemnities they have provided under the Licence Agreement.

In summary, the indemnities given relate to liability arising from:

- use and occupation of the stand;
- breach of the terms of the licence;
- breach of any law or regulation etc; and
- interference by persons with the lawful activities of MMA's employees.

It is difficult to see how a stand holder might incur a liability in respect of an accident that happens on the stand area after they have packed up and left the stand, unless the stand operators have left the stand area in an unfit or dangerous state, or in a state that does not comply with a term of the Licence Agreement or with some law.

Stand holders will of course need to confirm that the insurance policies they arrange provide adequate cover to comply with their obligations under the Licence Agreement.

2. Does the Retail Leases Act apply? If not, why not?

No, it does not apply. The Retail Leases Act applies to premises used wholly or predominantly for the retail sale or hire of goods or services. The stands at the Epping market are not being made available for the retail sale of fruit and vegetables and will be licenced not leased.

3. Can I assign a warehouse lease and can I sublease a warehouse?

Tenants can assign a warehouse lease. Subleasing is not permitted under Part A Warehousing. Tenants may sub-lease under Part B Warehousing.

4. Who was involved in the 2009 consultation that led to a change in the design of the market?

In June 2009, the Department of State Development, Business and Innovation (DSDBI) set up a display in the trading stands area at West Melbourne showing the proposed "T-shape" design. The display was repeated in October and November 2009 and resulted in support for a change in the design to an "E-shape".

The "E-shape" was discussed by the consultative committees made up of market representatives (New Market Consultative Committee and Overview Consultative Committee). Both committees gave support for the change in the design on 26 November 2009. Members of the current Growers Advisory Committee were members of the New Market Consultative Committee and Overview Consultative Committee.

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5. Can I deliver my orders to the market from my truck?

Where your reserved truck parking bay has forklift access you will be able to have access to your vehicle during the trade period. If your truck parking bay does not, you will not have forklift access.

6. Will there be reserved truck bays?

The truck parking bays directly adjacent to the trading complex will be reserved for buyers during the trading period but will be available to stand and store holders for loading and unloading outside these times.

7. Will stand holders receive confirmation of receipt of EOI forms?

All stand holders who have emailed using the address – mmrponses@dsvb.vic.gov.au have been acknowledged. Letters are being sent to those who have written to the DSVB with their EOI's.

8. Can I have more warehousing than currently permitted under the rules for stand holders?

A request for additional warehousing space maybe considered. It will be dependent on space taken up by the Eligible Tenants (those who responded to the warehousing EOI in 2012) and eligible loss of stand area stand holders).

9. Can I put a cool room in my warehousing space?

Yes

10. Is the Part A warehousing comprised of insulated panel?

The base building for the Part A Warehousing has a 1200mm high concrete dado with building insulation and metal sheet walls above and a building insulation and metal sheet roof. Tenants will have options to include insulated inter-tenancy walls and ceilings using 100mm thick insulated panels, which will incur an increase to the warehouse rent. Alternatively, tenants can install an independent cool room within their warehouse space.