

COUNCIL MEETING: 24 NOVEMBER 2020

ADDITIONAL INFORMATION FROM DIRECTOR BUSINESS SERVICES

**REPORT 4 PROPOSED CHANGE OF USE TO TAVERN: 3 MANDURAH TERRACE,
MANDURAH**

Amended Officer Recommendation

That in accordance with Clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions for Local Planning Schemes)*, that Council grant development approval for proposed Change of Use to a Tavern (DA9475) at Lot 504, No 3 Mandurah Terrace, subject to the following conditions:

1. Prior to commencement of the use, a waste management plan shall be submitted to and approved by the City of Mandurah. The waste management plan shall be implemented at all times to the satisfaction of the City of Mandurah.
2. The operation of the premises must be carried out in accordance with the Harm Minimisation and Management Plan dated ~~June~~ November 2020 to the satisfaction of the City of Mandurah.
3. The venue must operate in accordance with the acoustic report AES-890050-R01-1-14032019 and the noise management plan approved by the City of Mandurah (as amended) during the hours of operation.
4. Unless otherwise agreed in writing by the City of Mandurah, the following measures shall be taken to ensure that the proposed operation does not adversely affect the amenity of the neighbourhood:
 - 4.1 The maximum number of patrons shall be 180 at any one time, subject to compliance with the Health (Public Buildings) Regulations 1992 Maximum Accommodation Certificate and whichever is the lesser amount.
 - 4.2 Seating must be provided for a minimum 75% of the approved maximum accommodation number granted under the Health (Public Buildings) Regulations 1992 except for one-off events in accordance with the City's Alcohol Management Policy POL-PBH 04.
 - 4.3 ~~Meals~~ Food must be available to patrons at all times of trade, in accordance with the Harm Minimisation and Management Plan.
 - 4.4 Delivery vehicles, forklifts and waste vehicles must only enter the site or be operated on or adjacent to the site between 7:00am and 7:00pm Monday to Saturday; and 9.00am and 7.00pm on Sundays or Public Holidays. All vehicles must have their engine turned off during loading and unloading of goods/waste associated with the use of the site to the satisfaction of the City of Mandurah.
 - 4.5 The number of Crowd controllers must be provided in accordance with the requirements of the Department of Local Government, Sport and Cultural Industries and be present until 1 hour after trading ceases each Friday and Saturday night and each Sunday that proceeds a Monday long weekend.

Advice Notes:

1. The applicant is encouraged to review the City of Mandurah Waste Management Plan Guidelines for Commercial and Industrial Developments.
2. The premises will be subject to the requirements of the Health (Public Buildings) Regulations 1992.

Reason

Officers provided the applicant with a list of the draft conditions prior to the agenda being published. The applicant has since requested that condition 4.3 be modified. The definition of a 'meal' under the Liquor Act 1988 is open to interpretation from other agencies who may require the attendance of a chef on the premises at all times. The current definition could also be interpreted as to not include the provision of tapas style food. Officers have therefore amended the wording of condition 4.3 to refer to the provision of 'food' rather than 'meals'. In order to demonstrate that substantial food will be available, the applicant has amended the Harm Minimisation and Management Plan to include specific details regarding food service.

**REPORT 5 PROPOSED CHANGE OF USE TO TAVERN: 7 MANDURAH TERRACE,
MANDURAH**

Amended Officer Recommendation

That in accordance with Clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions for Local Planning Schemes)*, that Council grant development approval for proposed Change of Use to a Tavern (DA9475) at Lot 123, No 7 Mandurah Terrace, subject to the following conditions:

1. Prior to commencement of the use, a waste management plan shall be submitted to and approved by the City of Mandurah. The waste management plan shall be implemented at all times to the satisfaction of the City of Mandurah.
2. ~~Prior to commencement of the use, a harm minimisation and management plan shall be submitted to and approved by the City of Mandurah. The operation of the premises must be carried out in accordance with the approved harm minimisation and management plan to the satisfaction of the City of Mandurah.~~ The operation of the premises must be carried out in accordance with the Harm Minimisation and Management Plan dated November 2020 to the satisfaction of the City of Mandurah.
3. Prior to commencement of the use, a sign concept plan shall be submitted to and approved by the City of Mandurah, and shall indicate all the intended locations of signs to be placed within the site and on any building(s).
4. The venue must operate in accordance with the acoustic report AES-890122-R01-0-31082020 during the hours of operation.
5. Unless otherwise agreed in writing by the City of Mandurah, the following measures shall be taken to ensure that the proposed operation does not adversely affect the amenity of the neighbourhood:
 - 5.1 Seating must be provided for a minimum 75% of the approved maximum accommodation number granted under the Health (Public Buildings) Regulations

ADDITIONAL INFORMATION – AMENDED RECOMMENDATIONS

1992 except for one-off events in accordance with the City's Alcohol Management Policy POL-PBH 04.

- 5.2 **Meals Food** must be available to patrons at all times of trade, **in accordance with the Harm Minimisation and Management Plan.**
 - 5.3 Delivery vehicles, forklifts and waste vehicles must only enter the site or be operated on or adjacent to the site between 7:00am and 7:00pm Monday to Saturday; and 9:00am and 7:00pm on Sundays or Public Holidays. All vehicles must have their engine turned off during loading and unloading of goods/waste associated with the use of the site to the satisfaction of the City of Mandurah.
 - 5.4 The number of Crowd controllers must be provided in accordance with the requirements of the Department of Local Government, Sport and Cultural Industries and be present until 1 hour after trading ceases each Friday and Saturday night and each Sunday that proceeds a Monday long weekend.
6. The use of the easement area is restricted to temporary furniture (packable tables and chairs etc) only, to the specification and satisfaction of the City of Mandurah. No permanent obstructions or fixtures are permitted to be installed. The use of the easement area may only continue while the two adjoining properties (3 Mandurah Terrace and 7 Mandurah Terrace) are in the same ownership.

Advice Notes:

1. The applicant is encouraged to review the City of Mandurah Waste Management Plan Guidelines for Commercial and Industrial Developments.
2. The premises will be subject to the requirements of the Health (Public Buildings) Regulations 1992.
3. Any changes to the lay out of the food preparation area must be approved by the City's Health Services team.
4. Prior to commencement of the use, an application for a building permit and occupancy permit are to be submitted to and approved by the City of Mandurah. The applicant is advised to consult a private building surveyor to obtain the appropriate advice and certificates needed for these applications.

Reason

Officers provided the applicant with a list of the draft conditions prior to the agenda being published. The applicant has since provided a Harm Minimisation and Management Plan and has requested that condition 4.2 be modified. The definition of a 'meal' under the Liquor Act 1988 is open to interpretation from other agencies who may require the attendance of a chef on the premises at all times. The current definition could also be interpreted as to not include the provision of tapas style food. Officers have therefore amended the wording of condition 4.2 to refer to the provision of 'food' rather than 'meals'. In order to demonstrate that substantial food will be available, the applicant has amended the Harm Minimisation and Management Plan to include specific details regarding food service.

REPORT 8 ORDINARY COUNCIL AND COMMITTEE MEETING DATES 2021

Amended Officer Recommendation

1. Approve the following Ordinary Council Meeting dates commencing at 5:30pm, to be held in the Council Chambers, ~~and advertise via local public notice:~~

Meeting	Date
Council Meeting	19 January 2021
Council Meeting	23 February 2021
Council Meeting	23 March 2021
Council Meeting	27 April 2021
Council Meeting	25 May 2021
Council Meeting	22 June 2021
Council Meeting	27 July 2021
Council Meeting	24 August 2021
Council Meeting	28 September 2021
Council Meeting	26 October 2021
Council Meeting	23 November 2021
Council Meeting	14 December 2021

2. Approve the following Audit and Risk Committee Meeting dates commencing at 5:30pm, to be held in the Council Chambers, ~~and advertise via local public notice:~~

Meeting	Date
Audit and Risk Committee	9 March 2021
Audit and Risk Committee	11 May 2021
Audit and Risk Committee	14 September 2021
Audit and Risk Committee	9 November 2021
Audit and Risk Committee	7 December 2021

4. Approve the Special Council Meeting commencing at 5:30pm, to be held in the Council Chambers, ~~and advertise via local public notice:~~

ADDITIONAL INFORMATION – AMENDED RECOMMENDATIONS

Meeting	Date
Special Council Meeting – Swearing in ceremony	19 October 2021

Reason

Amendments to the *Local Government (Administration) Regulations 1996* Regulation 12. Publication of meeting details has removed the requirement to advertise meetings via local public notice. Meeting information must be available on the Local Government’s website which the City currently complies with.

ADDITIONAL INFORMATION FROM DIRECTOR STRATEGY AND ECONOMIC DEVELOPMENT

REPORT 16 TROLLS IN WESTERN AUSTRALIA PROJECT UPDATE

Amended Officer Recommendation

The officer recommendations 1-4 remain and City officers are proposing that Council add recommendation point 5, which is:

- 5. Note that community engagement is a vital element of the Trolls in Western Australia project and that a comprehensive community and volunteer engagement strategy will be developed and delivered by FORM, in consultation with the City, as a key deliverable of the project planning and initiation phases.**

Reason

City officers have identified the need to highlight the importance of the community and volunteer engagement elements of the Trolls in Western Australia project. The development and delivery of these strategies will be undertaken in conjunction with the City of Mandurah and are vital to the overall success of the project. The funding agreement being developed between the City of Mandurah and FORM will incorporate milestones that directly relate to the development of a community and volunteer engagement strategy including specific consultation with local Indigenous Elders / representatives.