

Thursday, 2 March 2023

City of Wanneroo
Planning Services
Locked Bag 1, Wanneroo WA 6946

Re: Development Application
Premises: On the Border
Location: Unit 2 & 3, 28 Anchorage Drive Mindarie WA 6030
Applicant: Catt Products Pty Ltd
Proposed use: Unit 2 - from Retail to Tavern and Unit 3 - from Restaurant to Tavern.

Attn: Manager Planning

Introduction

1. We hereby submit on behalf of Catt Products Pty Ltd, a duly completed Development Approval (DA) application for the premises known as **On the Border** located at Unit 2 & 3, 28 Anchorage Drive Mindarie WA 6030.
2. Please find below a map showing the location of the premises in Anchorage Drive in Mindarie:



3. The Licensee intends to take on the lease for the adjacent premise (Unit 3 – Hairplay), and expand their operation due to the ongoing and growing popularity of the premises.
4. The premises currently has the following permitted uses:
 - Unit 2 – Retail
 - Unit 3 – Restaurant
5. The Development Approval is required to amend the permitted use to ‘Tavern Use’ and diversify the amenity offered at the premises as permitted by the Department of Local Government, Sport and Cultural Industries (DLGSC) under a Tavern Restricted Licence.

6. The Applicant has completed and attached the relevant documentation including the Application for Development Approval (Attachment 1), the MRS Form 1 Application (Attachment 2), Certificate(s) of Title (Attachment 3) for both Unit 2 and Unit 3 have been provided.
7. The owner of the premises has given permission for the Change of Use (Attachment 4 – Owners Consent).
8. In accordance with the City of Wanneroo Development Application Checklist, please find below submissions to support the application:

Background – the existing use on site

9. The premises currently operates as On the Border, a licensed Restaurant located in a small shopping centre on Anchorage Drive in Mindarie.
10. Please find below a map of the premises from the City of Wanneroo’s Intramaps:



Figure 1: Location of subject premises

(Source: <https://enterprise.mapimage.net/IntraMaps22B/?configId=ab754696-b230-4955-a588-975c4d34312a>)

11. 28 Anchorage Drive Mindarie is zoned under the District Planning Scheme No 2 (DPS2) as ‘Business’, and under the Metropolitan Region Scheme as ‘Urban’. Please find below an excerpt from DPS2 outlining the ‘Business Zone’:

3.6 THE BUSINESS ZONE

3.6.1 The Business Zone is intended to accommodate warehouses, showrooms, trade and professional services and small scale complementary and incidental retailing uses, as well as providing for retail and commercial businesses which require large areas such as bulky goods and category/theme-based retail outlets that provide for the needs of the community but which due to their nature are generally not appropriate to or cannot be accommodated in a commercial area.

3.6.2 The objectives of the Business Zone are to:

- (a) provide for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets as well as complementary business services;
- (b) ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.

Figure 2: Excerpt from DPS2

12. The Zoning table in DPS2 indicates that a Tavern 'use' in the 'Business Zone' is an "A" use, which denotes: *"A use class that is not permitted unless council has exercised its discretion and has granted development approval after giving notice in accordance with Clause 64 of the deemed provisions."*
13. Accordingly, the Applicant submits this Application for Development Approval with the details of the proposed changes outlined below.

Surrounding uses on site

14. The Applicant notes that the premises is located in a small group of commercial premises known as the Mindarie Keys Shopping Centre on Anchorage Drive in Mindarie, with the other business being:
 - Keiki Early Learning Mindarie
 - Uma car Wash
 - U-Haul trailer Hire
 - Puma Mindarie
 - BWS Mindarie Drive
 - Mindarie Keys Fish and Chips
 - Basils Fine Foods (inclusive of butcher, deli, gourmet grocery and patisserie)
 - Mindarie Keys Chiropractic
 - Mindarie Keys Medical Centre (Dental, Pathology, Physiology and Mole Scan Clinic)
 - Mindarie Pharmacy
15. The Applicant also submits that the location of the premises on Anchorage Drive near the Mindarie Marina is also a relevant factor in this application.
16. As a popular tourist destination¹, the Mindarie Marina is a vibrant and active location that requires continually developing amenity to cater to the requirements of local residents and visitors to the area.

¹ <https://www.westernaustralia.com/au/attraction/the-marina-mindarie/61b9c40d67e76bb811469c28>
www.hospitalitytotalservices.com.au

17. Importantly, the diverse amenity and flexibility afforded by the Tavern use (and liquor licence subject to approval) is both a relevant and significant factor when considering the needs of consumers in the locality. The medium sized capacity of only up to 250 patrons also is a low-risk consideration.
18. Currently, On the Border is located at Unit 2, 28 Anchorage Drive in Mindarie, and has been operating at the location since September 2019 under Restaurant Licence #606212752319.

Food and Beverage offer

19. The premises features a range of Southern Californian (SoCal) and Mexican style cuisine (Attachment 6 – Food Menu), including (but not limited to): Please find below some images of the food available at On the Border:
 - Share options – jalapeno poppers, chipotle chicken wings, charred street corn and much more.



- Taco's – fish, prawn, chicken, pork, beef and veg available.
- Main meals including Loaded Nachos, Tostada Burrito Bowls, Enchiladas, Mexican charred chicken and more.
- One of the in-house favourites is the Fajita Platter for two:



- Burgers – all served with golden chips on the side:



- Deserts and children’s meals are also available.

20. The premises itself boasts a lively atmosphere and colourful decor, replicating the colours of a SoCal sunset



Figure 3: Patron dining area



Figure 4: Cabana style booth seating with coloured lighting.



Figure 5: High top seating

Reviews:

21. On the Border is rated #4 on TripAdvisor, of 15 restaurants in Mindarie:

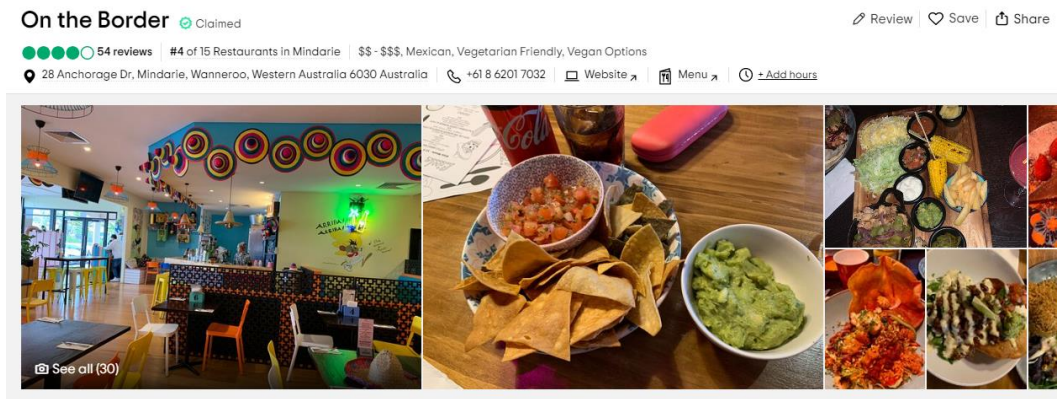
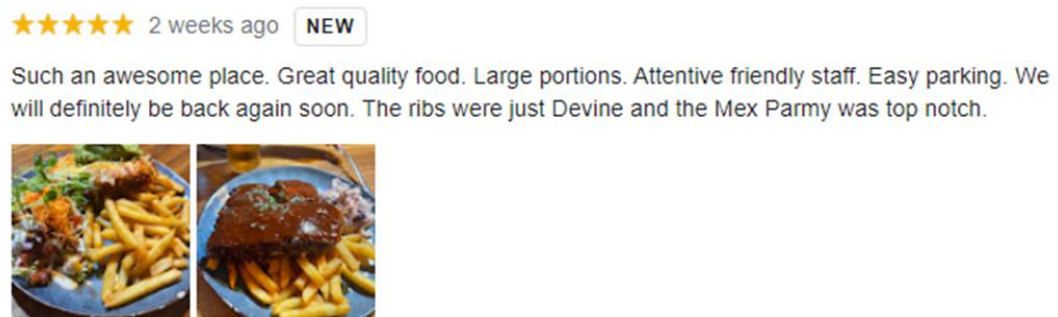
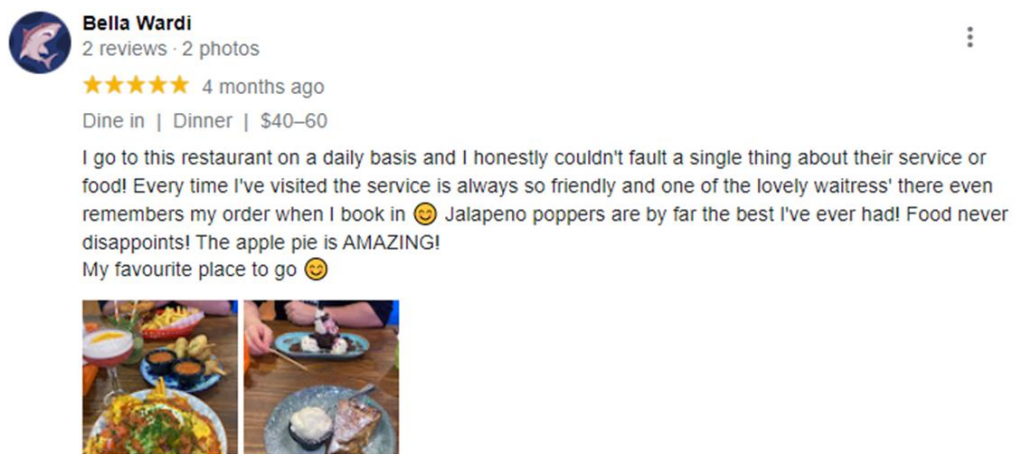


Figure 6: TripAdvisor rating for On the Border

(Source: [https://www.tripadvisor.com.au/Restaurant_Review-g1238526-d1777786-Reviews-On the Border-Mindarie Wanneroo Greater Perth Western Australia.html](https://www.tripadvisor.com.au/Restaurant_Review-g1238526-d1777786-Reviews-On_the_Border-Mindarie_Wanneroo_Greater_Perth_Western_Australia.html))

22. As can be seen above, the premises is rated #4 of 15 Restaurants in Mindarie, and accordingly have an appetite and potential to further develop the premises to provide additional amenity to local residents and tourism visitors. Please find below some reviews from Google and TripAdvisor²:



² [https://www.tripadvisor.com.au/Restaurant_Review-g1238526-d1777786-Reviews-On the Border-Mindarie Wanneroo Greater Perth Western Australia.html](https://www.tripadvisor.com.au/Restaurant_Review-g1238526-d1777786-Reviews-On_the_Border-Mindarie_Wanneroo_Greater_Perth_Western_Australia.html)

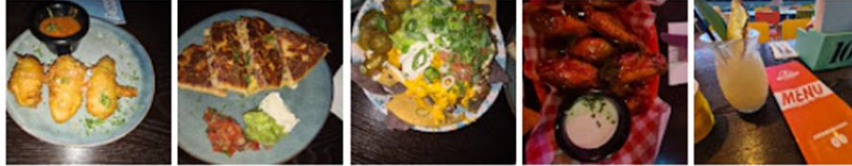


Aussie Jez
Local Guide · 30 reviews · 115 photos



★★★★★ a year ago

So nice to have such an awesome restaurant close to home. Since discovering this place ages ago we have been here many times. The staff are friendly and efficient. The meals are amazing, very big portions and well priced. Great atmosphere. Always an enjoyable experience and always leave happy and satisfied.



★★★★★ 2 weeks ago **NEW**

Such an awesome place. Great quality food. Large portions. Attentive friendly staff. Easy parking. We will definitely be back again soon. The ribs were just Devine and the Mex Parmy was top notch.



lizandpetef
1 review

★★★★★ Reviewed 1 week ago

First timer

Absolutely perfect. Welcoming reception, best cocktails, waiters were friendly and attentive, enchiladas were great, great vibe. I will make this our regular haunt.

Date of visit: February 2023

Helpful?



stevebU8212DN
1 review

★★★★★ Reviewed 29 October 2022

Great meal, great service

Excellent venue for casual dining. Great atmosphere, service was excellent, always wait staff available to order drinks/food and always with a smile. Food choice is good and quality of the meals of a high standard. Would recommend for couples, families, etc.

Date of visit: October 2022

The Proposed Redeveloped Premises

23. The premises will include the following amenity to enable the Applicant to provide the above experiences in a safe and welcoming environment:
 - Newly refurbished premises.
 - Additional Dry Store and Cool room area.
 - A Bar servery counter.
 - Flexible function space that can used for overflow dining/socialising.

24. Refer plans submitted with this application for more details of the amenity to be provided (Attachment 5).

25. The Applicant submits that the approval of this DA application, permitting the premises to operate under a 'Tavern' use, will support the stated objectives of the Primary Centre Waterfront Village, and be well received by both local residents and tourism visitors alike.
26. Subject to approval, the Applicant will implement the attached Harm Minimisation Plan (Attachment 7 – HMP) including:
- **Code of Conduct:** A concise statement outlining the standards of behaviour that are accepted at the premises that addresses matters including: intoxication, juveniles on the premises, complaints and patron care.
 - **House Management Policy:** A statement of intent about the way in which the Licensee will operate the premises. It will be supported by the Code of Conduct and a detailed Management Plan.
 - **Management Plan:** This document identifies how the House Management Policy and the Code of Conduct will be implemented at the licensed premises. It also covers important information such as RSA, how to evaluate for intoxication and refusing service.

Other Planning Considerations

27. The 'Tavern' use would enable the Applicant to provide the following diverse amenity:
- Permit patrons to stand and consume food and beverages.
 - Host cocktail style functions and events.
 - Allow for patrons to consume an alcoholic beverage without the requirements to consume a meal.
 - Continue to provide the quality, fresh fusion of South Cali/Mexican food using traditional methods with a modern twist and warm, hospitable customer service they are known for.
28. Due the venue's popularity, and the availability of the premises next door for expansion, the natural progression for the premises is to add additional patron area, including space to host functions, provide another 3 booths (very popular seating option) and more back of house amenity to support the diverse operation (subject to approval).

CHECKLIST OF REQUIREMENTS FOR A DEVELOPMENT APPLICATION

29. Please find below the applicant's response to the matters on the "*Checklist for the Submission of a Request to Issue Development Approval*".
30. ***The trading name of the premises:***
- On the Border
31. ***The proposed hours of operation of the premises:***
The hours of operation at the premises will be between 10.00am to 12 midnight Monday to Sunday.

32. **Number of employees and maximum number of customers at any given time**
- The Applicant submits that at any given time, there will be a maximum of 7 employees at the premises including the owner/operator.
 - It is intended that the premises will not accommodate more than 250 patrons at any one time, and the Applicant submits that due to the nature of the industry, it is highly unlikely that the maximum capacity will be reached on a consistent basis.
33. **Details of plant, machinery and/or equipment used**
- There will be no change to the plant and equipment to be used in Unit 2.
 - New Cool room and Dry Store will be installed in Unit 3 (subject to approval).
34. **Car Parking**
- The Current premises capacity is 200 patrons at any one time.
 - The proposed capacity will be 250 patrons.
 - The Applicant submits that the existing parking for Units 2 and 3 at 28 Anchorage Drive will be sufficient for the redeveloped On the Border premises.
30. While the Tavern Restricted Licence is required to provide a more diverse amenity that can cater to the requirements of residents and those resorting to the locality, the Applicant submits that the premises will retain their strong food focus and is committed to the safe and responsible operation of On the Border in the public interest.
31. Subject to Development Approval, liquor will be available for consumption on the licensed premises, in accordance with the requirements of a Tavern Restricted Licence under Section 41 of the Liquor Control Act 1988 (WA).
- Please find below the conditions relating to the proposed Tavern Restricted Licence:
"41 . Hotel licence, kinds, conditions and effect of
[(1aa) deleted]
(1) For the purposes of this Act —
(c) where a tavern licence is subject to a condition —
(i) prohibiting the sale of packaged liquor; and
(ii) restricting the sale of liquor to be consumed on the licensed premises,
it shall be referred to as a tavern restricted licence,

Please see the following attached documents required for the Application for Development Approval:

1. Application for Development Approval
2. MRS Form 1
3. Owner Consent form
4. Certificate(s) of Title
5. Plans
6. Food Menu
7. Harm Minimisation Plan

Please contact our office to provide credit card details required for the council application fee payment.

Should you require any further information, please contact our office.

We thank you for your time and attention.

Yours in Hospitality

A handwritten signature in black ink, appearing to read 'M Sequeira', with a horizontal line underneath.

Mario Sequeira G.C.CorpMgt, F.C.S.I.
Director
Hospitality Total Services (Aus) Pty Ltd
For and on behalf of Catt Products Pty Ltd