

Wednesday, 22 September 2021

Development WA
Att: Gary Wilkinson
Locked Bag 5
Perth Business Centre Perth WA 6849
planning@developmentwa.com.au

Attention: Gary Wilkinson

Regarding: Development Application and Section 40 Application

Proposed Premise Name:

Bar Provocateur

Proposed Change of Use:

Small bar

Proposed Liquor Licence:

Small Bar

Location:

Lot 5 89-91 Whatley Crescent

Bayswater WA 6053

Applicant:

Tania Lawrence (Landlord)

Hospitality & Foodservice Consultants, known as HFC herein, hereby submits on behalf of Tania Lawrence, known as the applicant, herein, Development Application change of use to a small bar and Section 40 Application for small bar liquor licence submitted concurrently, for Lot 5 89-91 Whatley Crescent, Bayswater, WA 6053.

Hospitality & Foodservice Consultants has drafted this Development Application at the request of Tania Lawrence. This submission has been prepared in conjunction with Tania Lawrence.

Site

This unit 5 requires a change of use and a section 40 (section 40 application applied for concurrently) for a small bar which is to be situated on strata plan 14999, volume: 1346, Folio No: 277, Diagram 15779, address of Lot 5 89-91 Whatley Crescent Bayswater WA 6053, a copy of the Certificate of Title is provided at **Attachment 1**, Lot 5 89-91 Whatley Crescent, Bayswater will be referred to as the site herein.

The overall building incorporates 5 units, which has been registered as a heritage building under the management category 2, reference City of Bayswater Local Heritage Survey 2020 page 328 – 330.

The subject site is situated on a sloping corner and adjoins the footpath, with minimal setbacks, refer to Figure 1 Front View, sourced Google Maps. The site has a service laneway to the right of the building, refer to Figure 2 Ariel View.

The site is located on the corner of Whatley Crescent and King William Street, within Bayswater Town Centre and METRONET East Redevelopment Scheme.



Figure 1 Front View, sourced Google Maps



Figure 2 Ariel View, sourced Google Maps

Site Surrounds

The subject site is situated within a strata plan, Lot 1 is a real estate agent, lot 2 is for lease, lot 3 is for lease, lot 4 was under development approval as a health studio and health centre as a physiotherapist and a remedial massage therapist.

To the West and South of the site is residential housing, to the north is Whatley Crescent and the Midland train line. To the East are commercial businesses.

Commercial businesses within the site surrounding area include:

- Real Estate Agents
- Cafes
- Liquor Stores
- Pharmacy
- News and Lotteries store
- Australia post
- Bank
- Grocery Stores
- Wine bar
- Art school
- Gift shop
- Barber
- Computer repairs
- Quilt shop
- Library

Existing Land Uses and Development

The unit current use is commercial: shop/retail store and currently operates a fitness Yoga Centre and we also understand the building has operated previously as an indigenous dance/arts centre, a bakery, and an Australia Post staging depot.

A small bar use is a permitted use under the present planning scheme associated with this site, reference City of Bayswater Town Planning Scheme No 24, page 154

HFC confirms the proposed small bar is in keeping with Metronet East Bayswater Community Consultation Summary

“Increasing nightlife activity e.g. small bars and restaurants (residents)”

The community, especially residents, would like the future Bayswater town centre to be known for its vibrant cafe, restaurant and bar culture.

A vibrant town centre is also viewed as the most important feature of good development among residents

The proposed small bar is to cater for a maximum of 95 patrons, to allow this to occur the addition of toilets is required, which have been implemented into the proposed design.

Heritage Impact Statement

The site was listed as a “Category 2” place under the city of Bayswater’s Local Heritage, in 2020. As per the City of Bayswater Local Heritage Survey

Category 2 “Considerable Significance” Very important to the heritage of the locality. High degree of integrity/authenticity. Conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place. Included on the Town Planning Scheme No 24 Heritage List

The place has aesthetic value as a good intact example of the Post War International style executed in brick for a commercial premises.

The place has historic value for its association with the period following World War Two when there was significant population increase matched with increased services and facilities.

Most of the fit-outs works are within the building, as noted within City of Bayswater Local Heritage Survey, Commercial Premises 89-91 Whatley Crescent Bayswater, Place No: 94. The document notes

“the interior fit out has changed to suit requirements of the occupants”

External works include a new door front that will replace the existing door front, refer to attached plans. The proposed door front will relocate approximately 1130mm into the existing shop, this door will then become the emergency exit as the current door opens inwards which doesn't allow the door to be a safe emergency exit. There will be a new beam above the existing door, a new sloped entry for accessibility will be added refer to Figure 6 Existing Interior Shopfront, and refer to Figure 7 Proposed Elevation and Figure 8 Proposed Elevation and refer to **Attachment 13** elevation plans.

A grease arrestor will be installed externally to comply with health regulations, refer to plans for the proposed location. The proposed grease arrestor will be a polycarbonate above-ground unit either a Viking 600 litre or a Halgan 550 litre, refer to Figure 3 Proposed polycarbonate above ground grease arrestor. The proposed location will be behind the proposed staff toilet area on common ground, this is for ease of installation, levels, set back, and cleaning, refer to Figure 14 Proposed Loading Zone & Waste Collection and **Attachment 9**



Figure 3 Proposed polycarbonate above ground grease arrester

A mechanical air conditioner will be erected above the roofing section, it is anticipated to be installed over the existing staff toilet, refer to Figure 4 the support structure will be detailed once the engineering is completed. Significant work will be undertaken to ensure the roof structure is suitable and the harmonics are not transferred through the roofing material. The airflow requires around 1200 l/s of airflow, the proposed unit will be a Daikin UAYQ90CY1A sized unit, refer to **Attachment 19** and Figure 5, subject to engineering requirements the size of the unit may change to suit the required airflow.



Figure 4 Proposed Mechanical Air Conditioner Location

fixings make this unit ideal for the harsh Australian climate.



STANDARD

Figure 5 Proposed Air Conditioning System

The replacement and new signage will be undertaken:

- Front and side of the street canopy
- Side of tenancy wall
- Hanging sign in front of the shopfront

- Window signage
- refer to **Attachment 13** and **Attachment 14** elevation.

In HFC's opinion, the proposed works will not adversely affect, damage, or destroy the heritage significance of the site.



Figure 6 Existing Interior Shopfront



Figure 7 Proposed Elevation



Figure 8 Proposed Elevation



Figure 9 Existing Side Street Canopy Signage



Figure 10 Existing Glass Front Signage



Figure 11 Existing Glass Front Signage

Site Parking

HFC has considered the Tavern development standards as a small bar licence is within section 41 of the act, reference Liquor Control Act 1988, as of 2 Nov 2019, page 71 - 74 As per City of Bayswater Town Planning Scheme No 24 reference page 42 and page 159:

Car parking shall be provided in accordance with Clause 8.2, Clause 8.4 and Table 2 of this Scheme and any approved local planning policy. • Where the property abuts a laneway, vehicle access to the property is to be from the laneway and not the street frontage

1 bay every 5sqm bar and public area

The total public area and bar are approximately 121 square metres, this excludes toilets and circulation area to the toilets and operating area of the bar, therefore a total of 24 car bays are required as per City of Bayswater Town Planning Scheme No 24 with this change of use. This excludes existing car bays allocated to this unit and any allocated parking discounts, previously approved.

There are no parking bays allocated to the site, the applicant wishes to have a dispensation with the car parking requirement. The applicant will promote the use of carpooling, rideshare, public transport, and cycling to the proposed premise to reduce the need for car parking. The applicant has highlighted public parking available within a walkable catchment area refer to Figure 12.

The reasoning for reduced parking

The site is a heritage site, the applicant wishes to activate the site as a small bar. The proposed small bar is in the keeping with the permitted use and in keeping with the community consultation of increasing nightlife within the area. This site has been registered as a heritage building and cannot provide parking on site. The tenancy like others around it may become also become empty as the existing use does not allow for further activation of the space.

As per the Baywater Town Centre Structure Plan Report, section 5.5 Movement and Connectivity, Objectives point e):

To allow for reductions in car parking provision, particularly where different land uses allow for shared reciprocal parking arrangements.

Within the Bayswater Town Centre Structure Plan map, page 17, highlights areas of proposed public car parking, this is highlighted as CP on the map, refer to Figure 12 City of Bayswater Town Planning Scheme No 24 Map, HFC have circled these locations for easy reference.

The unit is located within a highly populated walkable catchment being 500 metres from the unit, refer to Figure 13.

The Bayswater Trader's Association requested Lord of the Nations Christian Church to the use 55 Whatley Crescent property for parking. The Pastor, Sharon Vermeulen, informed Bayswater Trader's Association the car park can be used for parking if it doesn't interfere with weekend events, furthermore the Pastor also informed Bayswater Trader's Association

their other premise 5-7 Slade Street Bayswater can also be used as additional parking during weekdays and Saturday mornings, refer to **Attachment 17**. 55 Whatley Crescent is approximately 450 metres from the premise, the applicant will encourage staff to park within this car park. We understand the area is well lit at night including the pathway to and from the car park.

On the 21st of May 2021, HFC conducted a car parking review, the street that was considered were within a walkable catchment area of 500 metres:

- King William Street, up to Nahob
 - 10 car bays
 - Front of Bendigo (2 hours)
 - 7 car bays
 - Oxfam Private Parking
 - 4 car bays
 - Harding & Thornbury Private Parking
 - 4 car bays
 - Front of Fabricology
 - 2 car bays
 - 2-hour park (next to Fabricology)
 - 2 car bays
 - Front of Park (2 hours)
 - 2 car bays
- Olfe Street
 - Community Centre Parking
 - 5 hours Mon – Fri 10 am – 5 pm; 2 hours Sat 8 am – 11 am
 - 5 x disable parking
 - 37 car bays
- Murray Street to the end of Leak Street
 - 5-hour park Monday – Friday
 - 14 car bays
 - School days no standing 7:30 – 9:00 and 2:30 – 4:00
 - 6 car bays
 - 2-hour park
 - 13 car bays
 - 30 min park
 - 10 car bays
- Veitch Street
 - 3-hour park
 - 8 car bays
- Hill Street (did not include the car parking with the steep hill)
 - 5-hour park
 - 6 car bays
- Whatley Crescent
 - Fruit & Veg Park
 - Towaway zone, 11 car bays
 - 2-hour park
 - 4 car bays
 - Front of IGA – 30 min park

- 2 car bays
- Front of Post office (no time limit)
 - 1 car bay
- Front of News Agent (30 mins)
 - 2 car bays
- Front of a Wine bar (30 mins)
 - 3 car bays

On the 28th of August 2021, HFC also noted new 5-hour car parking was available across from Whatley Crescent, which is within walking distance from the premise.

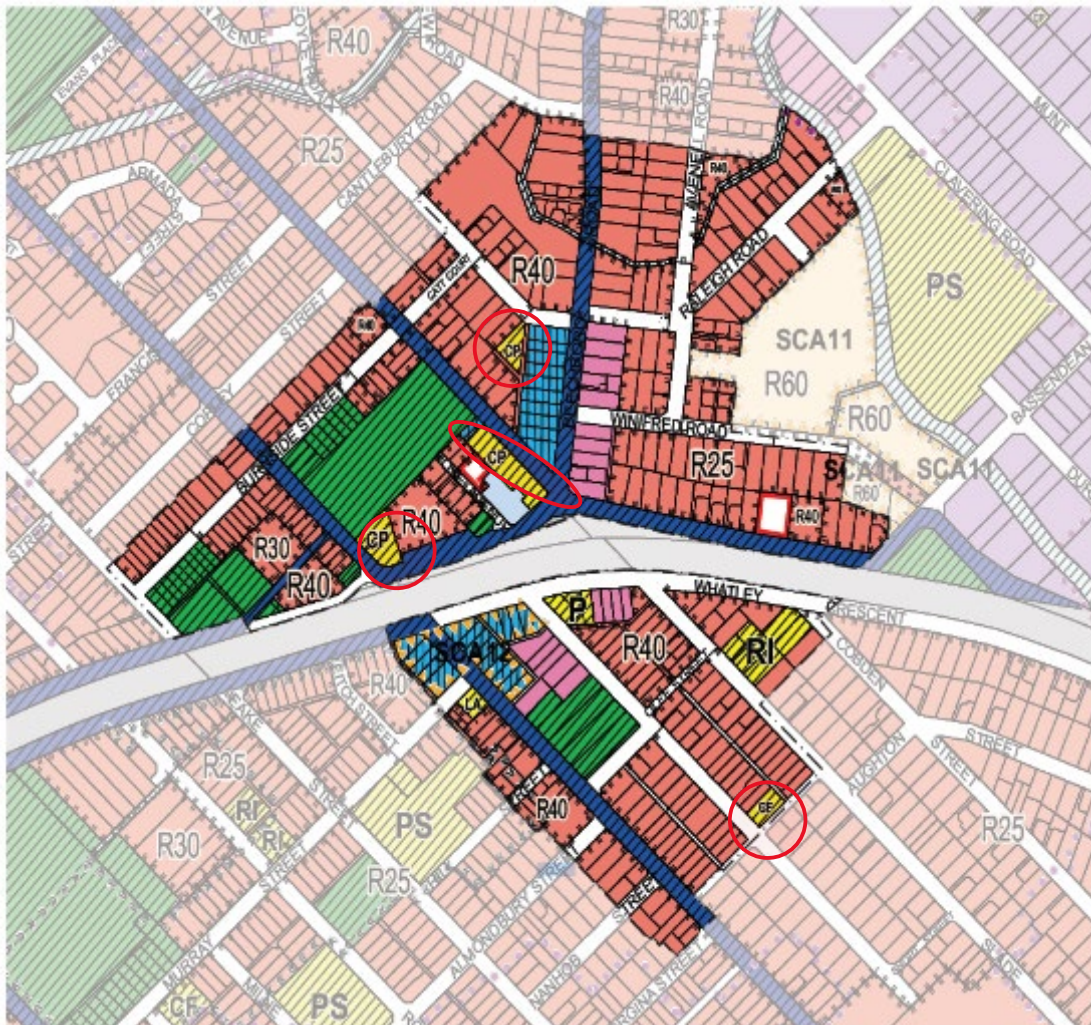


Figure 12 City of Bayswater Town Planning Scheme No 24 Map

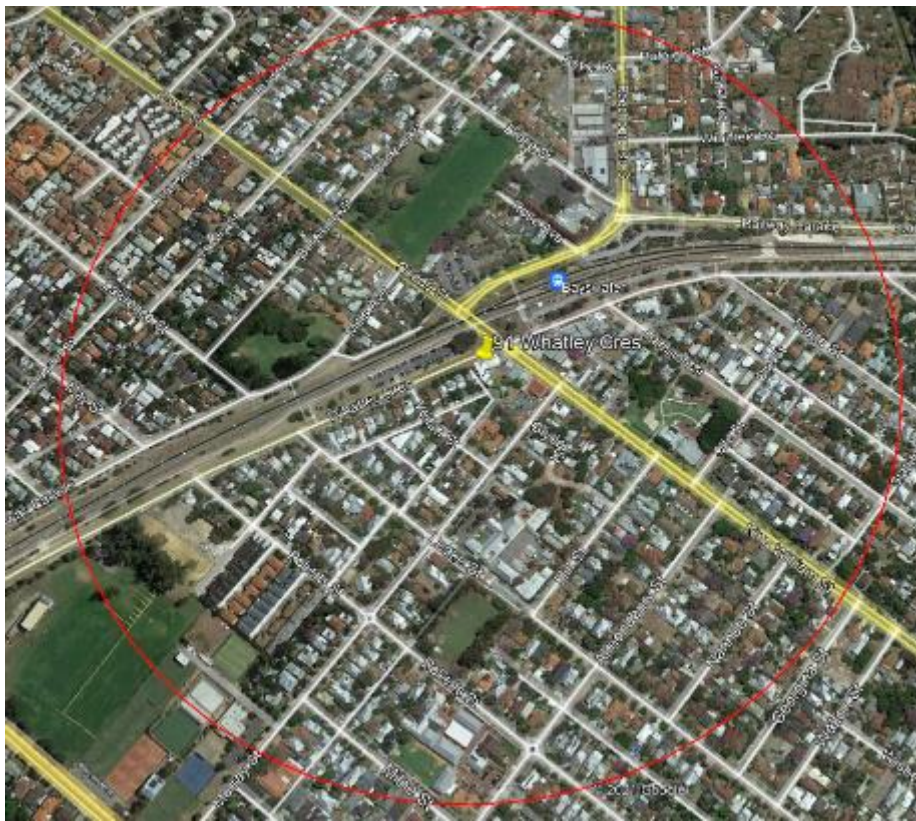


Figure 13 500 metres walkable catchment sourced from Google Earth

Deliveries and Waste

The loading zone including the set down area has been allocated allowing for deliveries and waste collections. This has been nominated on the plans refer to **Attachment 9**. The deliveries and waste collection are located within the service laneway on the southwest side of the building refer to Figure 14 Proposed Loading Zone & Waste Collection.

Deliveries will be brought into the unit through the front door via a trolley. Delivery times will be predominantly conducted between 9 am and 5 pm. The deliveries will be made by small trucks and vans.

The proposed bin storage area is to be located on the northeast side of the building, which is located within a courtyard area, access to this area is via a staff-only access door, refer to Figure 14 Proposed Loading Zone & Waste Collection, refer to plans at **Attachment 9** and waste management plan at **Attachment 18**.

IT'S WORK TO DRIVE!

*So Why Drive
To Work*



TRAVEL BY TRAIN

AND BE CHAUFFEUR DRIVEN AS YOU RELAX IN COMFORT

NO Parking Problems, Parking Fees, High Car Running Costs or Traffic Troubles.

You Travel in **CLEAN MODERN RAILCARS**

FREE CAR PARKING Areas are provided at:—

BASSENDEAN, BAYSWATER, MELTHAM, MAYLANDS
AND MT. LAWLEY

RAILWAY STATIONS

Trains run to Fremantle and Perth and beyond

EVERY 20 MINUTES

with Extra Trains during Peak Periods.

NOTE THESE LOW FARES TO PERTH

| Your Train Journey to Perth takes only | | Return. | Weekly. | Monthly. |
|--|--------------|---------|---------|----------|
| 21 minutes | SUCCESS HILL | 2 10 | 11 3 | 2 2 0 0 |
| 19 minutes | BASSINDEAN | 2 8 | 10 3 | 2 2 0 0 |
| 16 minutes | ASHFIELD | 2 4 | 9 6 | 1 10 0 0 |
| 13 minutes | BAYSWATER | 1 10 | 7 6 | 1 10 0 0 |
| 11 minutes | MELTHAM | 1 10 | 7 6 | 1 10 0 0 |
| 9 minutes | MAYLANDS | 1 6 | 6 8 | 1 8 0 0 |
| 5 minutes | MT. LAWLEY | 1 4 | 5 8 | 1 8 0 0 |

WEEKLY TICKETS operate from Monday and may be used as often as desired, excepting Sundays.

MONTHLY TICKETS operate from 1st day of each month and are available for travel at any time including Sundays and holidays.

**TAKE IT EASY — TAKE THE TRAIN
GIVE IT A GO**

40410/6/81—1030

40 RIVER, ROAD AND TRAIN

Figure 15 Travel by Train Article¹

Train

The premise is located 110 metres from Bayswater train station.

Bayswater train station is located on the Midland train line. The Bayswater train station is approximately 110 metres² from the tenancy. The operating times³:

- Monday to Friday operates every 15 minutes and increases to every 10 minutes during peak period, then after 8 pm trains operate every 30 minutes until midnight the train operates every hour, with the last train arriving from Midland to Bayswater train station at 2:27 am and departing at 2:44 am to Perth

¹ Sourced <https://bayswaterhistoricalsociety.org.au/our-story/bayswater-dairy-farms/>

² Sourced from <https://www.google.com/maps/dir/Bayswater+Train+Station,+Bayswater+WA/91+Whatley+Cres,+Bayswater+WA+6053/@-31.9185185,115.9098713,17z/data=!3m1!4b1!4m14!4m13!1m5!1m1!1s0x2a32ba68b9d802e3:0xcfe88467405e093b!2m2!1d115.9125566!2d-31.9181014!1m5!1m1!1s0x2a32ba689f72d0cf:0x6ea99f8621858998!2m2!1d115.9115741!2d-31.9189356!3e2>

³ Sourced from <https://www.transperth.wa.gov.au/timetablepdfs/Midland%20Line%2020190721.pdf>

- Saturdays the train operates the same as Monday to Friday with the exclusion of every 10 minutes during peak periods.
- Sunday and public holidays the train operates the same as Saturdays except trains stop operating around midnight.

Bus

There are bus stops along King William Street for bus service 48, this service starts at Bayswater Train station and finishes at Morley Shopping Centre

Taxi/Uber

There are several taxis and uber services available within the City of Bayswater, the applicant proposes these car services will be able to drop customers off within a legal standing area near the premises.

Proposed Change of Use

Proposed Internal Fit-out Works

The interior has changed over the years, as noted by the City of Bayswater Local Heritage Survey,

The proposed internal changes:

- Refer to **Attachment 6** demolition plan, **Attachment 9 Attachment 10 Attachment 11** proposed plan, and **Attachment 7 Attachment 8** proposed toilets
- Remove internal wall to open the premise up, the internal wall appears to be an addition added over the years, see below image
- Additional internal toilets, currently, there is 1 toilet located within the premises and 1 toilet outside, refer to the demolition plan, the inside toilet will be removed. The applicant proposed to increase toilet capacity, refer to the attached plan
- Add a hand wash basin in the existing toilet outside for staff use, this requires the toilet door to open outwards.
- A floating floor will be installed for the bar and dry store, with a 150mm step, this is to allow services to be reticulated under the floor, reducing the requirement of penetrations to the existing floor.
- A new bar and reheating servery to be installed, refer to plan.
- A hot water system will be installed under the bar.
- A new ceiling of pre-formed panels will be installed above the bar to comply with NCC, AS 4674-2004 Design, Construction, and Fit-out of a food premise.
- A 3-metre ceiling with acoustic panels, the design is to ensure natural light can be obtained through the windows, refer to Figure 16 Internal Image to the rear of the building.
- An acoustic ceiling to be also installed at the front of the premise
- A coolroom is proposed inside the premise, this will have a 150mm step, coolroom panel above the floor will have insulated flooring.
- A new raised floor will be installed, this will be a floating floor with services below the raised floor.
- The interior concept is still under development, 3D concept views have been produced based on the theme brief, refer to **Attachment 12**



Figure 16 Internal Image to the rear of the building

Proposed External Building Works

- The existing shed located outside, will remain, and be used for equipment storage.
- A mechanical air conditioning system is proposed to be mounted to the existing staff toilet roof, refer to Figure 4, Figure 5 **Attachment 19**
- The proposed system will be UAYQ90CY1A, subject to engineering, the dimensions are 1,150mmH x 1,638mmW x 2,063mmD
- The heating and cooling system will have flexible ducts to the area at the rear of the building, and flexible ducts and outlets throughout the front.
- A new entry door will be built, this will be utilised as an emergency exit and allow for disabled access to the premises. The existing entry door did not allow for an emergency entry as the door opened into the premise, and disable access was an issue due to the sloping entry and step up into the premise.
- New and replacement signage and will be installed, refer to the signage detail section.
- The external elevation will not change and remain, the existing grey paint, refer to Figure 9 Figure 10 Figure 11

Quality Interior Fit-out Design

The applicant proposes the interior of the premise will be vintage industrial style,

“embracing the metals and warehouse with a bit of ‘30s glam with occasional dark velvet and leather club chairs (in the front area), and more of the Little Creatures vibe in the back area with marble bench tables on metal legs”

Signage

The existing signage, refer to Figure 9 Existing Side Street Canopy Signage, Figure 10 Existing Glass Front Signage, Figure 11 Existing Glass Front Signage will be replaced with

- Front and side of the street canopy

- Side of tenancy wall
- Hanging sign in front of the shopfront
- Window signage
- Refer to **Attachment 13** and **Attachment 14** for signage details and elevation.

Proposed Use

The applicant proposed the change the current use, being a yoga and martial art studio, commercial retail, to a small bar and café to suit 100 patrons. A small bar/café use is a permitted use under the present planning scheme associated with this site.

The applicant proposed the maximum patron numbers at any one time will be 95.

Description of proposed use and patronage

- 1.1. The proposed premise style will be a Vintage Industrial 1930s styled bar and café.
- 1.2. The proposed premise is a single level located at Lot 5 89-91 Whatley Crescent Bayswater WA
- 1.3. Within which will have toilets, and separate staff toilets.
- 1.4. The tenancy is 185sqm including front of house, back of house areas, and patron seating.
- 1.5. There are no alfresco or outdoor trading areas proposed
- 1.6. The number of patrons proposed within the leased/licenced areas is approximately 95 patrons, seating for 88 patrons will be provided, plus bar stool seating around the bar.
- 1.7. Patrons will order at the bar.
- 1.8. Drinks will be served directly to patrons at the bar.
- 1.9. Food and sophisticated drinks will be delivered to the table.
- 1.10. The beverage and food offering will be contemporary Australian.
- 1.11. The applicant has provided a draft menu, refer to **Attachment 16**, the applicant proposes to have ready-to-eat food available, such as grazing plates, food that requires heating will be reheated within the speed oven.
- 1.12. Food will be for dining in or takeaway.
- 1.13. The interior design incorporates the modern Vintage Industrial theme.
- 1.14. Car bays are available within Bayswater Town Centre.
- 1.15. Public transport is also available.
- 1.16. The walkable catchment is highly populated
- 1.17. The proposed premise will provide seating for patrons, including banquette seating, stools, and chair seating at dining tables.
- 1.18. Background music will be played throughout the premises at a level allowing conversations to occur, and from time-to-time duos, DJs and soloists may play within the premise. There will be no external speakers.
- 1.19. All alcoholic beverages will be sold on the premise, with no takeaway.
- 1.20. An application of Occasional COVID-19 packaged liquor with takeaway meals may be submitted subject to government Covid restrictions and requirements, therefore the proposed premise proposes to sell takeaway liquor with a takeaway meal during the state of emergency declaration only.
- 1.21. As per section 54 of the liquor control, the proposed premise will allow patrons to take any unconsumed portion of wine from the proposed premise.

- 1.22. Food shall be always available when the premises are open. Food offerings will be ready-to-eat food options, the proposed premise will have a reheating kitchen, refer to the attached menu.
- 1.23. Espresso barista-made coffees and speciality tea selections will be available.
- 1.24. Free potable drinking water will be available for patrons.
- 1.25. A selection of beverages will include, tap beers, ciders, boutique craft beers, local, national, and international wines, premium spirits, specialty gins, and liqueurs and cocktails.
- 1.26. Beverage options of Light and mid-strength alcohol content will also be always available.
- 1.27. Non-alcoholic beverages will also be available.
- 1.28. Patrons are not permitted to wear jackets, other clothing, or body markings which visibly bare patches or insignia of known Outlaw Motorcycle Gangs.
- 1.29. The proposed premise will be managed by staff holding approved manager certificates and responsible service of alcohol certificates.

Trading Hours

- 1.30. As per the Liquor Control Act, a small bar can operate Monday – Saturday 6 am – Midnight and Sunday 10 am – Midnight.
- 1.31. The applicant wishes to have these hours should they chose to operate during these allocated hours; however, the proposed operating hours will be Monday – Thursday 4 pm – 10 pm, Saturday 10 am – 11 pm and Sunday 10 am – 10 pm.

Trading Conditions

- 1.32. We propose that the premise will operate under a Small Bar Liquor Licence within the hours as per the liquor control act 98:
- 1.33. Proposed operating hours Monday – Thursday 4pm-10pm, Saturday 10am-11pm, Sunday 10am-10pm
- 1.34. Food shall be always available
- 1.35. Beverage options of light and mid-strength alcohol content including a range of non-alcoholic beverages shall be always available for purchase.
- 1.36. Free potable drinking water shall be always available.
- 1.37. No unaccompanied juveniles will be permitted on the premises except as permitted under the Liquor Control Act 1988 (WA).
- 1.38. Patrons are not permitted to wear jackets, other clothing, or body markings which visibly bare patches or insignia of known Outlaw Motorcycle Gangs.
- 1.39. Refer to Harm Minimisation Plan, **Attachment 15** for a detailed review of proposed operations of the premise

Harm Minimisation Draft Plan

- 1.40. For full details refer to **Attachment 15**.
- 1.41. The operator/applicant will undertake the approved manager's course as per the Liquor Control Act.
- 1.42. All staff employed will have completed the mandatory Responsible Service of Alcohol course.

Staff

- 1.43. The proposed premise will have and maximum of 5 staff including owners working at the premise during peak periods, generally from 6 pm to 10 pm.
- 1.44. The proposed premise will always have at least 2 staff members on shift during the evening.
- 1.45. The proposed premise has been designed so the premise can operate with 1 staff member during quieter periods.
- 1.46. 5 staff lockers will be provided.
- 1.47. 1 staff toilet has been provided.

Attachments

Attachment 1 Certificate of Title
Attachment 2 Site & Location Plan
Attachment 3 MRA Application for approval to undertake development
Attachment 4 Spare Number
Attachment 5 Spare Number
Attachment 6 SK100 Proposed Demolition Plan
Attachment 7 SK 101 Proposed Disabled Toilet
Attachment 8 SK 102 Proposed Toilets
Attachment 9 SK 103 Proposed Floor Plan
Attachment 10 SK 104 Proposed Bar & Reheating Layout
Attachment 11 SK 105 Proposed Coolroom
Attachment 12 3D View of Interior Concept
Attachment 13 Proposed Exterior Elevation
Attachment 14 Proposed Signage
Attachment 15 Harm Minimisation Plan; Management Plan, Code of Conduct, House Management Policy
Attachment 16 Draft Menu
Attachment 17 Lord of the Nations Christian Church Parking Letter
Attachment 18 Waste Management Plan
Attachment 19 Daikin Rooftop Package Unit

We believe the change of use to the proposed premise is in the public interest and will add to the amenity and diversity of the Bayswater Town Centre and Bayswater locality offering a new bar experience for those living in and resorting to the area for residential, business, and/or leisure purposes.

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

We thank you for your time.

Kind Regards,



Chris Arrell
Managing Director
Hospitality & Foodservice Consultants
For and on behalf of Tania Lawrence (landlord)



Hospitality & Foodservice
Consultants

PO Box 470
Dianella WA 6059
Phone: +61 8 449 873 239
Web: www.hospitalityfoodservice.com.au