

**Schedule of Submissions – No. 31 The Circus BURSWOOD – DA 5.2023.313.1**

#	Support or Object	Comments received	Applicant's response	Officer comments
1	Support	I hope this does not affect the business 3Bs Bar and Bistro as this is a disgrace that the council has made the mistake and the business has to justify itself. I hope this is not a disgruntled person trying to get back at the business.	Thank you. This license has been in operation since 2010. Well before our time of operation in March 2018. We have adhered to all aspects of our small bar license and have felt the impact this mistake has caused on our business. We would never have taken this venue on if it was a restaurant license as it goes against our business plan.	Support comment noted.
2	Support	No comment	Thank you	Support comment noted.
3	Object	These premises have been operating as a bar for some time. I constantly witness patrons with alcohol outside the licensed area. In addition, there is no policing of RSA and there is constant disturbances from drunk and loud patrons, both during and well past the agreed closing times. I've tried to contact these premises, but there is never any answer, and there is no consideration for this being a residential area.	<p>This license has been operating as a small bar licence which was granted from RGL with section 40 from the town of vic park being approved. We have adhered to our small bar licence. Occasionally patrons do step outside the invisible red line to which we guide them back in within the licensed area outside which is to the orange poles. I would be happy to put up barriers if Strata would allow it.</p> <p>RSA is always our priority and regularly ask people to leave if we feel they have consumed too much, even paying for Ubers from our own pocket to get customer home safely.</p> <p>We always call last drinks half hour prior to our closing time which varies due to patronage but no longer than 12am which is our license operating times. We ask patrons to move on from</p>	<p>Any concerns regarding the consumption of liquor outside the licence area or compliance with the liquor licence more generally and the responsible service of alcohol should be directed to RGL for policing.</p> <p>From engagement with RGL the Town has been advised that complaints have been received regarding the premises, the premises has routinely been monitored over time and found generally compliant with their licence, with action being taken where necessary.</p> <p>The management plan which accompanies this application, includes a</p>

		<p>the venue. The area does echo and bounce of buildings and people talking at a normal level can often be heard. I can't ask people to remain silent while walking away.</p> <p>We are also in an entertainment precinct with Crown and Optus Stadium at our doorstep so quite often the noises are not made from people at our venue.</p> <p>We would be more than happy to respond to you if you are to leave a message on our answering machine with your name, number and reason for calling.</p> <p>Our Code of conduct is based around it being a residential area and we do everything to minimise noise and by closing doors, windows and asking customers if being loud to come inside.</p>	<p>complaints management procedure which states:</p> <p><i>Any complaints from customers or neighbours must be attended to by the Manager on Duty and recorded in the Manager's Diary. The Approved Manager will follow up on these complaints. Procedure to lodge complaints can be directed to <a href="mailto:krystal@burswoodbarandbistro.com.au">krystal@burswoodbarandbistro.com.au</a> or by calling the venue directly on 9355 0669. All matters will be attended too within a suitable time frame of no more than 1 week and followed up to resolve any customer complaints. To resolve any issues the customer must be able to leave a contact name, number, or email. Anonymous complaints will also be taken seriously to avoid further disruption to local residents.</i></p> <p>The Council officers are recommending that in addition to the above that a log book is to be maintained of all complaints received, and available to be viewed by Council officers upon request.</p>
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4	Object	<p>I am an original off plan owner at [name redacted] apartments. I bought on the understanding that the commercial unit at the base of the building was to be a restaurant.</p> <p>Its operation has been far from a restaurant, and in particular this is the case with the current operator.</p> <p>I have regularly observed the following:</p> <ul style="list-style-type: none"> <li>• Staff, including the licensee, drinking with customers</li> <li>• Rowdy drinking behaviour and crowd drinking in the public space outside the restaurant especially on game days</li> <li>• Continuing to serve overly drunk customers whose capacity was clearly compromised</li> <li>• During COVID the operator did not undertake any of the</li> </ul>	<p>The license was granted in 2010 from RGL with section 40 approved by the town of Vic park.</p> <p>We have operated as a small bar and never a restaurant license which is what we have.</p> <p>Staff, licensee and owners are allowed to drink with patrons while not on shift. Is it your perception that we are on shift? Can you provide evidence that we are?</p> <p>We have an alfresco area that is licensed. Yes people can drink outside the closed area but within the red line.</p> <p>RSA is always our priority. We cut people off from drinking when we feel they have had to much which is our judgement call and our license not your perception.</p> <p>COVID was an extremely difficult time but AT ALL TIMES we adhered to the rules of COVID. We</p>	<p>Comments regarding venue management are noted.</p>

		<p>obligations for track and trace apart from putting up the necessary posters. It was well known in the area that non-vaccinated customers would not be checked/turned away at 3Bs</p> <p>I do not believe the current operator conducts themselves in responsible manner abiding by the necessary obligations for a liquor license holder.</p>	<p>checked everyone's certificates and we lost business on many occasions as we had to turn people away that did not have certificates. After certificates were no longer needed to be provided if people came in with Covid we certainly did not know about it so once again your perception of what happens in the venue is wrong.</p> <p>The licensee and owner conducts themselves in every right way of obligation necessary to ensure the RSA and safety of our customers.</p>	
5	Object	<p>This venue has been responsible for so much anti-social behaviour in the neighbourhood including 2 hospitalisations from intoxication being [name redacted] and [name redacted] who both sustained serious head injuries after leaving the venue.</p> <p>There has also been an indecent exposure event that was brought to our attention under police ID 8fbef which allegedly links the intoxicated patrons leaving the venue urinating in front of the main strata complex at 30 The Circus where a local residence on level 2 known as [name redacted] also witnessing what took place. This incident is currently under police investigation.</p>	<p>There was only one hospitalisation after a customer came into our venue after attending the football. He was not intoxicated or showed any signs of intoxication. He had one drink and left on his own accord. The other incident involved a man attending the cricket. Once again, he returned to our venue had one drink, went outside to call his wife and passed out. We called the ambulance, and the officer checked all his levels and said he fell due to severe dehydration as it was an extremely hot day. <b><u>Please see support #20 by this person you are referring too.</u></b></p> <p>The indecent exposure was not at our venue. They left our venue. Toilets were always provided to them. While I'm absolutely disgusted at the patrons that urinated, we can't control what they do when they leave our venue. We have also banned them from our venue.</p>	<p>Comments regarding anti-social behaviour and the incidents raised are noted – refer to Planning Assessment section of report for further details</p>

			On another note the police officer that rang to discuss it personally said this is not of high priority and that I am at no fault and the case is closed from our part.	
6	Object	<p>As a resident residing only [number redacted] doors away from the proposed application i have witnessed more and more antisocial behaviour starting at the bar.</p> <p>I have only just learnt that there is no small bar licence approved but a restaurant licence is in place. When it was used as a restaurant i had no concerns.</p> <p>I have personally witnessed people leaving the bar intoxicated beyond a limit more that the responsible serving of alcohol has been maintained by the owners. I have been woken by unreasonable unruly and abusive behaviour on numerous occasions and heard ambulance turn up to cater for injured patrons of the premises. Just last week i witnessed 2 people urinating on a pier at the front of our main building door.</p>	<p>Antisocial? Please clarify. Anyone that behaves in an unruly manner is dealt by with staff. We do not tolerate any nuisance. Sometimes customers behave in a non acceptable way. We deal with each situation that is presented to us at the time and handle it the best way possible.</p> <p>The license has been in operation since 2010 so clearly you have not had an issue with it being a small bar as it has been operating as a small bar for 14 years.</p> <p>Can you please provide evidence the noises were coming from Three B's. Being an entertainment precinct we often see people walking passed the venue that are intoxicated but not from us. The ambulances turn up at the front of the axis building all the time but not attending our venue. Only on one occasion has an ambulance officer turned up which we called and was due to severe dehydration as it was a hot day. Please see objection 5</p> <p><b>Please see support #20 by this person you are referring too.</b></p> <p>The two people urinating were not on our premises. Please see objection 5.</p>	Comments regarding anti-social behaviour and the incidents raised are noted – refer to Planning Assessment section of report for further details
7	Object	We are the owners of [information redacted] and wish to lodge an objection to the Three B's application for a	The operating times fall within the strata guidelines. We adhere to every aspect of our	Comments are noted.

		<p>Development Approval for a Use Change for Lot 116, 31 the Circus Burswood.</p> <p>Grounds for Objection:</p> <p>The Town’s explanation of the application portrays this as a simple oversight and in that regard is deceptive. The circumstances of the Department of Racing, Gaming and Liquor (DRGL) approval and issuance of a Small Bar Liquor Licence represents a significant failure of due process on the part of the Town. This resulted in Allotment owners, who purchased in [information redacted] with the expectation that Lot 116 would be used as a restaurant, in accordance with the registered Strata Plan, being denied due process.</p> <p>In 2010, the Town had no statutory right to provide support for the issue of a Small Bar Licence for Lot 116. Without proper statutory process, the Town must have issued a Section 29 and 30 for Lot 116 which in turn facilitated the Department of Racing, Gaming and Liquor (DRGL) invalidly issuing a Small Bar Liquor Licence.</p> <p>In short, the Lot 116 Small Bar Liquor Licence was only issued because of the Towns procedural failure and resulted in</p>	<p>licence which has been in operation since 2010 and approved.</p> <p>Our business plan is somewhat different to the previous owners which is why ‘restaurant’ fine dining business did not work well for the previous owners.</p> <p>We would never have taken on this premise with a restaurant licence. To have it and then be told ‘oh, we made a mistake’ is not cause to take away something we already possess.</p> <p>Please see objection 5 to your other objections.</p>	<p>Refer to Planning Assessment section of report for further details regarding anti-social behaviour and the incidents raised.</p> <p>In terms of the Strata By-Laws these are not considered in planning decisions as they do not form part of the relevant planning framework. They are administered by the relevant Council of Strata Owners.</p> <p>Notwithstanding this, the Town is recommending the following hours of operation which are within the closing times in the cited Strata By-Laws.</p> <ul style="list-style-type: none"> <li>i. 7:00am to 10:00pm Monday to Thursday;</li> <li>ii. 7:00am to 12:00am Friday and Saturday; and</li> <li>iii. 7:00am to 10:00pm Sunday and Public Holidays.</li> </ul> <p>Any questions around the validity of the liquor licence issued by RGL is a matter for RGL’s consideration.</p> <p>The purpose of this development application, despite being for retrospective approval is to ensure that a planning assessment of the use of the premises as a small bar is undertaken in the same way that occurred for Darren’s small bar.</p>
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	<p>the Town placing no conditions on the operations of Three B's. This is anomalous with the Towns approach to the issue of the change of use Development Approval for Darrens Small Bar.</p> <p>Notwithstanding DRGL wrongly issued a Small Bar Licence to Lot 116 in 2010, the both facilities which operated from Lot 116 between 2010 until late 2015 and then 2015 to around February of 2018 substantially operated in accordance with the existing TPS 1 use of "Restaurant" and did not cause nuisance to adjoining Lot owners. This is not the case with the current operations of facility trading in Lot 116 and the subject of this application.</p> <p>Since Three B's commenced operations from Lot 116 around March 2018:</p> <ul style="list-style-type: none"> <li>• the Town has received complaints regarding the current operation in Lot 116.</li> <li>• at least 3 significant events, involving alcohol and 2 of which resulted in hospitalization, have occurred to parties purported to have been at Lot 116 just prior to the incidents.</li> <li>• at least 1 incident of indecent exposure in public has been reported. This incident is the subject of a current Police investigation.</li> </ul>		
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	<ul style="list-style-type: none"> <li>• incidents have been observed and photographed <ul style="list-style-type: none"> <li>- inebriated parties,</li> <li>- patrons drinking outside of the license area</li> <li>- the alfresco are in use outside of by-law hours</li> </ul> </li> </ul> <p>In addition, the DRGL has advised it has received complaints regarding the current operation of Lot 116.</p> <p>The documentation accompanying the Change of Use Development Application states:</p> <p>Operating Hours</p> <ul style="list-style-type: none"> <li>• <b>Tuesday to Friday 4:00pm to 12am</b> (12am is the small bar licence approved by RGL. We often close by 10pm or earlier during weekdays and some weekends based on patronage and demand)</li> <li>• <b>Saturday and Sunday 7:30am to 12am</b> (12am is the small bar licence approved by RGL. We often close by 10am or earlier during weekends based on patronage and demand)</li> </ul> <p>This is anomalous with the Axis Apartments, SP 46301 (which incorporates Lot 116) Landgate Registered Schedule 1 By-laws which were registered and became unconditional on 28 December 2016 – some 6 years after</p>		
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	<p>DRGL's issue of the Small Bar Licence to Lot 116.</p> <p>By-law 37.3 states:  37.3.1 A proprietor or occupier of a Food Lot may only be open to the public: 37.3.1 between 6.00 a.m. and 11.00 p.m. Monday to Thursday;  37.3.2 between 6.00 a.m. and 12.00 midnight on Friday and Saturday, except that any alfresco area must be closed 1 hour before closing time; and  37.3.3 between 7.00 a.m. and 11.00 p.m. on Sunday and public holidays, unless otherwise determined by the strata company and in accordance with all requirements of the relevant authorities.</p> <p>In addition to being anomalous with the By-Laws we also note that the proponent makes no mention of any need for Extended Trading Permits under the Liquor Control act of 1988.</p> <p>In summary, the Department of Racing, Gaming and Liquor (DRGL) Small Bar Liquor Licence for Lot 116 is the result of a significant procedural blunder by the Town. Further, until 2018 the previous operators from Lot 116 presented a significantly different product to that which is currently being provided. The precinct is already well served by a small</p>		
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		<p>bar and public amenity will not be enhanced by the issue of another small bar licence. The use change from Restaurant to Small Bar has capacity to adversely affect values of apartments adjoining Lot 116 which is the case for Apartment 201.</p> <p>Approval of the Use Change is certainly an expeditious remedy however, putting aside the Towns potential exposure, another remedy is for the DRGL to withdraw the Licence on the basis it should not have issued in the first place.</p> <p>Therefore, we contend this Development Approval, for a Use Change, should not be given and the Town and DRGL should pursue other remedies.</p>		
8	Object	<p>This venue constantly has anti-social behaviour loud noise (both music and patrons) and total disregard for the community. New years eve they traded to 2am with a dj, loud music and a light show in a residential area. Did the town approve the venue to stay open to 2am?</p> <p>Numerous complaints to the town, liquor licensing and the police have been made. (Can all the complaints be tabled at the council meeting and presented to the councillors?)</p>	<p>How often is constantly? We have had undercover police and RGL officers come in over the years. They have sat outside our venue numerous times witnessing our venue. They come to tell us we are doing nothing wrong and operate as we would on any normal day. On OCCASION yes we have had loud customers to which we handle under RSA.</p> <p>We have nothing but the highest regard for this community. We do everything we can to keep noise to a minimal but yes we are a locally used venue to which a majority of locals frequent regularly and enjoy.</p>	<p>Comments regarding anti-social behaviour and the incidents raised are noted – refer to Planning Assessment section of report for further details.</p> <p>In terms of New Year's Event, the venue is permitted to trade on New Year's Day from immediately after 12 midnight on New Year's Eve to 2am. This is in accordance with their liquor license and the permitted trading hours under the <i>Liquor Control Act</i>.</p>

		<p>For this reason, it should not be approved and revert back to a restaurant license in keeping with the area. See attached photo of people drinking outside the designated area. Which is a constant problem.</p> <p>[Officer comment: photo at end of submission table]</p>	<p>We have only had one formal complaint from the town of Vic park in regard to noise so if there is more we are not aware of and how are we supposed to manage complaints if your name and contact is not provided. We would be more than happy to work with anyone that complains if we can respond to them.</p> <p>If people drink outside the invisible red line we always guide them back in. We don't condone people drinking outside the red line as it's our license.</p>	<p>Under the subject's premises existing development approval for a Restaurant use there are no restrictions from the Town of Victoria Park on trading hours, however compliance with the <i>Environmental Protection (Noise) Regulations 1997</i> (Noise Regulations) is required.</p> <p>According to the Town of Victoria Park's records, since 2018 the Town has received three (3) formal complaints relating to the noise and management of the premises.</p> <p>From engagement with RGL the Town has been advised that complaints have been received regarding the premises, the premises has routinely been monitored over time and found generally compliant with their licence, with action being taken where necessary.</p>
9	Support	<p>In reference to the application for the approval of the above retrospective change, I have no objection to the business Three B's Burswood Bar and Bistro changing it's land use to a small bar. I live on the Burswood Estate and have not witnessed or heard of any bad behaviour within its vicinity. I believe the bar is an asset to our community.</p>	Thank you.	Support comment noted.

10	Object	<p>We strongly object to this amendment as currently the 3Bs and their clientele are a hindrance to the area. In fact I think that they should be fined for the noise and disruption that they make in the area. Also, we have had food poisoning from this restaurant, they probably sell more drinks than food. The outside area often has spilled drinks and food which not only looks terrible, but it smells.</p> <p>The bar is loud and unruly with patrons often leaving the premises staggering drunk, loud and disorderly, it is an embarrassment and eye sore to the local residential area.</p> <p>There are residential apartment lots directly above and next to the bar, as well as opposite the plaza, the noise from the patrons inside and outside the 3Bs can be heard late into the night.</p> <p>The lot on which the small bar is located <b>does</b> directly adjoin a residential zone.</p> <table border="1" data-bbox="338 981 745 1134"> <tr> <td data-bbox="338 981 371 1134">7.</td> <td data-bbox="371 981 472 1134">Small bar</td> <td data-bbox="472 981 584 1134">Commercial, centre or mixed use zone</td> <td data-bbox="584 981 745 1134"> <p>(a) Small bar is in the metropolitan region or Peel Region Scheme area.</p> <p>(b) The lot on which the small bar is located does not directly adjoin a residential zone.</p> </td> </tr> </table>	7.	Small bar	Commercial, centre or mixed use zone	<p>(a) Small bar is in the metropolitan region or Peel Region Scheme area.</p> <p>(b) The lot on which the small bar is located does not directly adjoin a residential zone.</p>	<p>We have had undercover police and RGL visit our venue on numerous occasions to say we well within our limit of noise levels.</p> <p>We have stopped any music outside the venue in the alfresco but it was always kept at a minimal level. On occasion at functions and requests of locals in the area a DJ or live music is provided but we close all doors and windows to limit any noise and any live music is stopped by 11pm with the exception of New years eve when we have an automatic granted 2am license. With the fireworks not ending until 12:30/12:45pm.</p> <p>Living in an entertainment precinct we often get people entering our venue intoxicated. RSA is always a priority and we don't serve people we feel are intoxicated. As we have discussed this often with RGL and police, people may leave our venue intoxicated but it is not due to us serving them but refusal of service.</p> <p>The outside area is cleaned everyday at end of shift or in the morning prior to opening. We often see people sitting at our Alfresco tables outside our opening times eating lunch which we have no control over so if food is left its always cleaned everyday. Under strata we are only allowed to leave one bin next to our kitchen door hidden from view and is a recycling bin so no food scraps so there is never any smell.</p> <p>Darrens is also a small bar which was granted by town of vic park and is also in a residential area directly opposite us. Noise echo's and travels due</p>	<p>Comments regarding anti-social behaviour and the incidents raised are noted – refer to Planning Assessment section of report for further details.</p> <p>In terms of the provided extract from the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> relating to Small Bars. It is the eligibility criteria for a Small Bar use to be exempt from requiring development approval. However, due to the zoning of the property and adjoining properties, the Small Bar use at No. 31 The Circus, Burswood, is not exempt from development approval. Accordingly, an Application for Development Approval (or DA) subject to this report is currently under consideration by the Town.</p>
7.	Small bar	Commercial, centre or mixed use zone	<p>(a) Small bar is in the metropolitan region or Peel Region Scheme area.</p> <p>(b) The lot on which the small bar is located does not directly adjoin a residential zone.</p>					

			to the buildings so even normal level talking can be heard.	
11	Object	<p>I am writing to express my strong disapproval of the proposed changes of this venue from a "Restaurant" to a "Unlisted Use (Small Bar) at Lot 16, currently "Three B's".</p> <p>As a resident living directly above the Three B's we are already subjected to loud and sometimes unruly behaviour for from patrons of the restaurant to the point it impacts use of our outdoor balcony living and general lifestyle. At times the noise of patrons gathering in and outside the restaurant wakes us up during the evenings and this is even with our windows being closed. At times the language of patrons using the facilities later in the evenings when they are outside gathering for their cigarettes / smokes and when leaving the Three B's is offensive and has no place in a family based residential area.</p> <p>Any changes to the use of this facility are not welcome in what is for the most part a secluded residential area and I fully expect that the change to a "Small Bar" designation will only add to the noise and antisocial behaviour of patrons.</p>	<p>Since 2010 the venue has been operating as a small bar and not a restaurant. Adding 'small bar' will not impact any changes.</p> <p>The venue is used by locals, families for anniversaries, birthdays, baby showers, engagements, wedding parties so we facilitate to cater to this family based residential area .</p> <p>Any noise is handled at the time and we always make people aware of any antisocial behaviour and address it in a timely manner to eliminate noise.</p> <p>In an entertainment precinct quite often people are leaving the casino and walking past our venue talking/laughing/swearing but is out of our control. It may be your perception its 'always' Three B's but having undercover police and RGL regulate our venue often to which we have always been told we are doing nothing wrong.</p> <p>We are a desired venue by a majority of locals that love to visit us regularly. Removing a venue would require you to remove Darrens' small bar based on desires for locals to visit 'The rivervale'..... a venue that hasn't existed since 2012. Do you mean the EMPIRE. Perhaps actual real facts should be researched before commenting.</p>	<p>Comments regarding anti-social behaviour and the incidents raised are noted – refer to Planning Assessment section of report for further details.</p> <p>The Burswood Lakes Structure Plan designates this location for mixed use, and it is best practice planning to locate commercial uses at the street level of mixed use developments, to activate the street, for passive surveillance as well as to create local centres and vibrancy.</p>

		Residents in this area already have the opportunity to walk to the Crown Casino facilities or the Rivervale tavern if they want a drinking focussed environment and given a choice, I would prefer the removal of this venue from commercial to residential use.		
12	Support	As residents of [redacted] apartment building we are fully supportive of this application. This small bar provides ambience and a valuable service to local residents as well as supporting the entertainment precinct.	Thank you.	Support comment noted.
13	Object	<p>Re myself I have lived on the estate since 2006 and frequented Virge Cocina restaurant, lot 116 - 31 The Circus. The first proprietor at Lot 116, a husband and wife team, highly respected.</p> <p>Since the takeover and the renaming to the 3B's I have probably been in the Bar on 10 occasions. I have only eaten there on probably 3 occasions.</p> <p>I walk past the bar almost every day/night through the precinct between 19 The Circus and 30 The Circus. The 3B's is run basically as a bar which offers some food. In the past it has advertised offsite cheap priced beer on event days, no mention of food. The clients it attracts smoking and cursing around the bar perimeter are not the expectation that many residents</p>	<p>We created Three B's in 2018. There was another owner prior to us after Virge Cocina. Did you have issues with them also?</p> <p>Our kitchen is always open with A FULL MENU from the time we open until one hour prior to closing under our liquor licence this is required. We also offer late night toasties to customers at all times if food is desired. Our FULL MENU is on our doors for display.</p> <p>As a small Bar we are allowed to promote Cheaper drinks. The town made an administrative error with our licence which is being rectified by this process.</p> <p>Smoking last time I checked was not illegal and many residents of the building come outside near our bar to smoke also. That's why there are ashtrays on the bins.</p>	Comments regarding anti-social behaviour and the incidents raised are noted – refer to Planning Assessment section of report for further details.

		<p>thought they would get when they signed up for this development. We expected a fine restaurant, we had one, and now you want us to accept a sports bar? The perimeter smoking is already not policed by the management. This is a common area and all common areas are none smoking. Over serving to drunken people, there is no limit. A recent episode was when a respected senior after a long day at the cricket was given further drinks in the 3B's and he passed out (dehydration) was the excuse, the gent had a serious head injury from his fall to the ground. I cannot believe the loss of amenity of peace and quiet to nearby neighbours, which is not probably registered with you because many neighbours are renters. The loss of not granting a small bar licence, selling only liquor to customers would be no loss to the community, there are numerous bars within the area all walking distance.</p>	<p>RSA is always adhered to at all times. RGL and police monitor us regularly and in the 6 years we have had it have never once been found guilty.</p> <p>The recent episode you are referring too was dehydration. Get your facts right before you slander a small business. <b>Please see support #20 by this person you are referring too.</b></p> <p>Many Residents and regular customers that visit us daily would disagree with your statement. We are used by a vast amount of local residents and community.</p>	
14	Object	<p>Please note our reasons to NOT APPROVE this Small Bar Request.</p> <ol style="list-style-type: none"> <li>1. This facility has been operating as a Small Bar for a time already without approval.</li> <li>2. It advertises drinks at reduced prices during the Football Season</li> </ol>	<ol style="list-style-type: none"> <li>1. We have approval. Section 40 was signed of by the town of Vic park in 2010. This is their error.</li> <li>2. Three B's was a Small Bar before Darren's. We offer a cheaper drink which is allowed to be advertised and we have not placed any advertising on vic park drive or near the casino car park for THREE (3) YEARS!!!!</li> </ol>	<p>Comments regarding anti-social behaviour, venue management and parking are noted – refer to Planning Assessment section of report for further details.</p>

		<p>on Victoria Park Drive and near the Casino Carpark. There already is a small bar – Darren’s Small Bar, 50 metres away from this requested facility.</p> <p>3. Burswood and the surrounds already has numerous small &amp; large bars in the close proximity. Empire, Camfield, Hi-Line, Blasta etc.</p> <p>4. Problematic Parking in this – Restricted Parking Area. Already very congested for parking for the local residents.</p> <p>5. This 3B’s request is not conducive to a Residential Area, as they have shown to be already very noisy on games day and night.</p> <p>We don’t need loud undesirable patrons in this area, as this has already been witnessed, at this Sports Bar, with loud music and noise.</p> <p>6. This Bar has adjacent residential properties above, and around them in very close proximity, with noise and parking being a major problem.</p>	<p>3. Once again been operating as a small bar since 2010</p> <p>4. This sounds like a Town of Vic Park issue or Mirvac who designed the area.</p> <p>5. Entertainment Precinct.</p> <p>6. We do everything we can to eliminate noise to please residents. I cant stop people from talking when leaving the venue. Once again Parking is at no control of ours.</p> <p>7. It used to have a restaurant. Darren’s. The previous owners prior the Three B’s that had a ‘fine’ restaurant had to close due to lack of support from residents as they desired a more vibrant venue you could enjoy a social drink and good food.</p>	
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		<p>7. Our area needs a small quiet restaurant for the local residents, to enjoy socializing with family and friends, with obliging hosts.</p> <p>We hope that these observations are taken into considerations, for this application.</p>		
15	Not Stated	<p>In the letter you pose the question “What are the differences between a Restaurant and Small Bar Use?” You pose the question, but fail to answer it in any meaningful way. What, then, was the point of your letter? It seems a big waste of time and money.</p> <p>I sought clarification from two neighbours. One said he couldn’t understand it and threw it in the bin. Another suggested that the difference was that a restaurant must serve alcohol only with food and that patrons must be seated, not allowed to stand.</p>	<p>A restaurant licence is to serve alcohol with a meal and be seated. A Small Bar licence means you can serve without food and stand or have cocktail functions</p> <p>The small bar license has been in operation since 2010. This was an administrative error from town of vic park which is why we have to go through this process.</p>	<p>The letter received, was a consultation letter inviting surrounding owner and occupiers to notify and invite comments on the subject application.</p> <p>It is advised that a restaurant licence under section 50 of the <i>Liquor Control Act</i>, authorises the sale and supply of liquor to persons on the licensed premises for consumption with a meal supplied by the licensee. In essence, the business should be focused on the regular supply of genuine meals. The supply of liquor should be secondary to this. The premises must have a kitchen for preparing food.</p> <p>Whilst a small bar licence permits the sale and supply of liquor for consumption on the licensed premises only, along with restrictions on patronage.</p>

16	Object	They have already had too many drunken issues are a restaurant and allowing them to operate as a small bar would make this worse.	Small bar been in operation since 2010. We don't have any drunken issues. RSA is always adhered too and regularly checked upon by police and RGL.	Comments regarding anti-social behaviour and the incidents raised are noted – refer to Planning Assessment section of report for further details.
17	Support	As the Town of Vic Park were at fault in the first place there should have never have had to be any consultation on this matter and the correct land use permit should have been issued straight away to avoid any stress and inconvenience to the current occupiers.	Thank you.	Support and comments regarding application process are noted.
18	Object	<p>I have lived on the peninsula since May 2008.</p> <p>I have seen this place change over the years.</p> <p>I really like the idea of being able to have a restaurant on the peninsula.</p> <p>We already have a small bar as in Darren Small Bar. We need a restaurant as in Three B's and not another small bar that would make them side by side. Three B's offers a delicious menu of 'home cooked' food and I would hate to see it go and replaced with another small bar serving pizza and 'quick fatty' food. We need good food on the peninsula for the home bound FIFO's, single men and women and the families that want to have a night off from cooking and visit Three B's. Please keep the restaurant going as they do serve a</p>	<p>Three B's was a small bar prior to darren's since 2010.</p> <p>Darren's was a restaurant and changed because a restaurant licence does not work in this entertainment precinct.</p> <p>The menu will not change. It's the same owners since 2018 and will continue to offer the same delicious food. I'm glad you love our food.</p>	<p>Comments noted. As a condition of the subject premise's liquor licence they are required to serve meals, albeit it is not a requirement that patrons wishing to consume liquor must have a meal.</p>

**Commented [RC1]:** @Laura Sabitzer my recollection is that the advice we received from RGL is that there is no requirement for a meal to be served

**Commented [RC2R1]:** @Laura Sabitzer comment updated - OK ?

		delicious menu which is in walking distance to all on the peninsula. We/I don't want just another fast food outlet as we are losing family 'sit down' style meals. We all know fatty foods are not the way to go, I think you have a duty of care to have Three B's supply a healthy alternative on the peninsula for the people that don't drive, don't have a car and want healthy food. I support Three B's remaining as a restaurant		
19	Support	I fully support this as Three B's is a widely used community venue that brings people together. Locals get enjoy this bar at their doorstep and we get to meet new people in a great atmosphere. They provide excellent food and the staff are so accommodating and go above and beyond for all their customers	Thank you	Support comment noted.
20	Support	I have lived in this area for 8 years and enjoy the opportunity to meet with other locals and friends at 3Bs as a small bar. On Saturday 13 Jan 2024, I attended the cricket at Optus stadium and called in to 3Bs on the way home. It was a 44deg day and I didn't drink any water at the cricket. I ordered a beer (which I did not finish), then walked outside to take a call from my wife. I spoke with my wife, then the next thing I remember is waking up to an ambulance officer attending to me. I had apparently collapsed and the ambulance officer assessed me as being dehydrated.	THANK YOU. Finally Clarity coming from the other people objecting referencing you.  It's people PERCEPTION that we are not doing the 'right thing' because people gossip and believe what they want to believe.  We care about every single person that walks through our doors and always adhere to RSA.	Support noted, in addition to information regarding incident at subject premises.

		I later found out that it was the owners of 3Bs that called the ambulance and I am most grateful for the care and consideration that they showed. 3Bs are a valuable part of our community and I fully support their application to correct a technical error in order to operate as they have been doing for many years		
21	Support	The city of vic park & the area of Burswood peninsula needs to grow up. Realise the area is no longer limited to retirees & people who want to live on golf-course. We are in a premium location in what is becoming a lively city - grow up	Thank you. We ARE in an entertainment precinct.	Support comment noted.
22	Object	I would like to object to the above development application on the grounds that it was meant to be a Restaurant generally catering to our local community. It was never envisaged to be yet another bar catering to the large crowds that attend the Optus Stadium. As you are aware your officers control the illegal and unruly parking that this estate has to tolerate on event days. Pre and post the events this small bar is over capacity with event crowds. The parking is controlled by your officers but it appears by the noise and unruly behavior that no one is adequately controlling these excitable patrons. This Restaurant was never envisioned to cater to this market segment and in reality it is not, due to the	The local community didn't support the previous 'restaurant' which also had a small bar licence but operated more as a restaurant. They had to close their doors just a short 18 months after opening. A local only restaurant is not fair to anyone operating any venue and should be supported and encouraged to have more people visit the area. The area is growing with more towers planned. New Years Eve should always be an exception with Fire works finishing well after midnight and people are generally aware that some additional noise is to be expected because a majority of people generally like to celebrate NEW YEAR EVE. Once again an Entertainment precinct with CROWN and OPTUS STADIUM are at the door step of this residential area. With events happening on the grass in front of bow river regularly also.	Comments regarding noise and anti-social behaviour are noted – refer to Planning Assessment section of report for further details.  This application is accompanied by a management plan, and the Town's Environmental Health section is recommended a condition for a noise management plan prepared by a suitably qualified acoustic consultant, with the venue to comply with the measures approved in the noise management plan thereafter.  For the procedure to raise noise concerns, refer to Officer comments at submission #3 above.

		<p>numbers and bad behaviors exhibited by event goers.</p> <p>This lack of control has also been evident on days other than on event days. New Years Eve had noise emanating from this venue which was audible from Bow River Crescent which is nowhere near the facility.</p> <p>Please bear in mind what this community had in mind when it was overjoyed to have this facility, and with what it is now putting up with on a regular basis from the event crowds and lack of effective management</p>	<p>People walk through this area on event days at Optus stadium and surrounds. It has nothing to do with lack of effective management. People are allowed to walk through this area.</p>	
23	Support	<p>It's great having 2 small bars in our zone. We moved here for the vibrant city lifestyle without needing to live in the CBD. Three Bs is a fun environment to meet up with locals, neighbours, friends and build long lasting connections with many who move into the area. It's great to have 2 options in the neighbourhood for various reasons. We love the atmosphere Three Bs creates especially before and after games at the stadium. Its important in this crazy world to have a place that is fun, serves the tastiest food and allows some time to connect with the rest of the community.</p>	<p>Thank you</p>	<p>Support comment noted.</p>

24	Object	<p>Whilst the Town of Victoria Park, has received an application for a retrospective development approval for the premises currently operating as Three B's Burswood Bar and Bistro.</p> <p>It should be pointed out that this establishment currently operates in a manner which is contrary to its current restaurant license. It is widely known that this restaurant operates without the provision of a meal or similar. As well the responsible service of alcohol rules are currently not adhered too.</p> <p>When there is an event at OPTUS Stadium, patrons frequent this establishment for the consumption of alcohol alone. Patrons are often seen staggering from the premises, which suggests, alcohol is supplied without a meal.</p> <p>If an event at OPTUS Stadium is of a sporting nature the crowds are extremely noisy when departing this establishment to the event. Recently crowds attending various musical events at OPTUS, would see crowds "staggering" from this restaurant.</p> <p>Each Sunday afternoon / evening there is a group of people that congregates around the bar, blocking access / egress. This</p>	<p>It is clear you are unaware of what is going on with our licence, We have had a small bar license since 2010. We have always operated within the legal requirements of our licence which means we can serve alcohol without a meal at any time of the day and can promote beverage specials. This was an error on the Town of vic park which we are working with them to rectify. I encourage you to call The town of Vic park and ask for Laura, Robert, or Natalie to discuss this in further detail. RGL visit our establishment on a regular basis and never have we once been found operating illegally.</p>	<p>The subject premises currently holds a Small Bar liquor license, however the development approval is for a "Restaurant/Café" use.</p> <p>In 2010, the Town supported an application to the Department of Local Government, Sport and Cultural Industries – Racing, Gaming and Liquor (RGL) for a Small Bar liquor licence, notwithstanding the premises had development approval from the Town for use as a Restaurant not a Small Bar. This was an error on the Town's part. The purpose of this application is to rectify this anomaly.</p> <p>Comments regarding anti-social behaviour and the incidents raised are noted – refer to Planning Assessment section of report for further details.</p> <p>From engagement with RGL the Town has been advised that the premises has routinely been monitored over time and found generally compliant with their licence, with action being taken where necessary.</p>
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	<p>group does NOT consume a meal and drinks alcohol only.</p> <p>I would "<u>NOT support</u>" any variation to the current license and would suggest that Racing Gaming and Liquor attend this establishment, to investigate the responsible service of alcohol requirements, as well as other practices. The area does "<u>NOT</u>" need a small bar only, and therefore I do not support this variation to the license.</p>		
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Photograph accompanying submission #8

