

**10.3.4 INDIANA RESTAURANT – PROPOSED TAVERN RESTRICTED LIQUOR LICENCE**

**File No:** PUB/11  
**Responsible Officer:** Carl Askew  
**Chief Executive Officer**  
**Author:** Andrew Jackson  
**Manager Development Services**

**Proposed Meeting Date:** 17 September 2012  
**Author Disclosure of Interest:** Nil

---

**SUMMARY**

Indiana Tea House (“Indiana”) wishes to change its liquor licence from a Restaurant Licence to a Tavern Restricted Licence (TRL) and, following initial liaison with the Town, seeks Council’s preliminary support prior to making an application to the Department of Racing, Gaming and Liquor (DRGL).

Council’s role in this regard is threefold:

1. Pursuant to the Town’s lease of the premises to Indiana the agreement of Council as landlord is required to a change of liquor licence.
2. Council has adopted a Liquor (Licensed Premises) Policy to guide proposals and assessments.
3. The DRGL application process includes obtaining Section 39 (health compliance) and Section 40 (planning compliance) certificates from the Town.

This report presents the proposal for Council’s consideration and recommends in-principle support.

**BACKGROUND**

In recent years changes to the Liquor Control Act have introduced Small Bars and other reforms diversifying the styles of licensed premises whilst providing improved social amenity measures. For example, Cottesloe has attracted a specialist wine bar/tapas restaurant (Lamonts in Station Street), a small bar (Elba in Napoleon Street), and remodeling of the Cottesloe Beach Hotel (CBH) former beer garden to become a more sophisticated drinking environment with an emphasis on food service and functions.

Indiana currently operates under a Restaurant Licence as its primary purpose, together with an Extended Trading Permit (ETP) which provides for a proportion of patrons to be served liquor without food. The ETP has worked well since 2003 for a 20% designated area with a maximum of 48 patrons. Consideration in 2010 to make the ETP for 100% of the patron area was conditionally supported by Council but not pursued by Indiana.

ETPs provide flexibility for restaurants to serve just liquor as a lesser proportion of their trade and are in keeping with the recreational/tourism focus of the Cottesloe beachfront. Nearby restaurants with ETPs are Il Lido (open all day with a tapas menu) and Blue Waters (a la carte menu with occasional food/wine nights), and this

---

style of trading has not caused problems or complaints. The constraints of ETPs entail:

- Table-only service of liquor (no bar service) and consumption only while seated (no standing).
- Restricted area and/or number of patrons.
- The restaurant being the main activity, with drinking-only being the lesser activity.

This is an aspect of liquor licensing that has been criticised by the industry and consumers, as the complicated rules can be difficult to explain to potential clients, especially overseas visitors unfamiliar with such restrictions. Moreover, in reality, these rules may not always be adhered to, usually with little if any effect.

The original planning approval to create the Indiana teahouse building provides for a maximum number of 240 seated patrons covering the restaurant, kiosk and outdoor areas. The lease from the Town limits the restaurant portion to 170 patrons. In 2009 Council approved renovations at Indiana since undertaken that created both casual and formal dining areas, including alfresco, with no change to patron numbers.

## **PROPOSAL**

Indiana is an up-market restaurant offering both casual and formal dining, with a high quality fit-out, professional staff and senior management. It caters to local, regional and tourist clientele, as well as functions, and has seasonal patronage patterns. The restaurant operates as a scenic beachside bistro, being part of a company group of renowned food venues comprising Frasers at Kings Park, The Old Brewery on Mounts Bay Road and Bluewater Grill in Applecross.

In essence the proposal is to continue the restaurant as a higher-end food-based establishment but to overcome the liquor service restrictions inherent in a Restaurant Licence, for flexibility in the use and enjoyment of the facilities for dining, drinking without a meal and functions. There is certainly a demand for what is sought, from both proprietors and clients, and the DRGL has advised Indiana that a TRL would be the most appropriate licence for the desired mode of operation.

A TRL permits drinking without a meal and excludes the sale of liquor to take away. This would provide for people to stand or sit to drink, with bar as well as table service, and where food is not mandatory. It would also allow patrons freedom of movement at functions, to go to the alfresco area or to take in the view.

As a comparison, Lamonts Wine Store in Station Street is a small food-based wine bar operating under a full Tavern Licence, in order to permit the sale of wine to take away (including Lamonts brand). Hence a Tavern Licence or a TRL is sometimes adapted to accommodate hybrid restaurants/bars which by definition are not quite Small Bars or not really Taverns but do not fit another specific licence category.

Indiana has advised as follows:

- No other changes are proposed, whereby the maximum number of patrons, hours of operation and entertainment arrangements will remain the same.
- As a quality establishment which occupies premises well setback from the street it is a low-key and low-risk licenced restaurant and food-orientated functions venue.

- The average number of customers per day is approximately 100.
- No great trend of drinking-only before noon is anticipated.
- It has an adopted Code of Conduct, House Management Policy and Harm Minimisation Plan, addressing the responsible service of alcohol, staff training, complaints-handling and duty managers.
- It understands and accepts the conditions likely to be imposed on a RTL, including the balance between food and liquor sales, having the kitchen open for food service at all times, having the restaurant set up at all times, etc.

## ASSESSMENT

Council can be confident that applying a TRL to the premises is appropriate in terms of the Liquor Control Act and administration by the DRGL and Director of Liquor Licensing.

The change of licence type is to a tavern by name rather than to a tavern by nature, given that Indiana intends to continue operating as-is with the benefit of relaxed liquor-only service and consumption rules. This will free-up trading practices as a subtle evolution from the current ETP arrangement. While it may also attract increased patronage, this would be:

- Confined to the current patron limits, being much less than a typical tavern.
- Spread out during the day/week.
- Based on a well-run food and beverage establishment offering a range of eating and/or drinking opportunities.
- Responding to the enhanced attraction of the premises and the precinct, including the renovated CBH with a similar although more casual style of food and beverage service.
- Suited to the location and design of the premises as a spacious and well-appointed stand-alone ocean-front facility forming part of the foreshore entertainment precinct.

On this basis parking demand would not be significantly increased and the profile of patronage would be manageable and consistent with amenity.

The application process to the DRGL is detailed and includes forms, fees, advertising, public interest assessment, licensee integrity checks, training and management plans, and so on. As mentioned this includes obtaining from the Town a S39 Certificate for health compliance (sufficient toilets, kitchen facilities, etc) and a S40 Certificate for planning compliance (use permitted, buildings approved, etc).

Council's Liquor (Licenced Premises) Policy echoes the assessment framework of the DRGL application process, with an emphasis on amenity, safety, operational implications and where relevant parking requirements. The policy is a reference when considering planning applications for licensed premises and dealing with liquor licence applications. Its objectives are to:

- *Provide for facilities and services which are compatible with the aspirations of the Cottesloe residential and business community.*

- *Provide a framework to assist Council with the assessment of liquor licence applications, including when issuing Section 39 and 40 certificates under the Liquor Control Act 1988.*
- *Make liquor licence applicants aware of Council's considerations when dealing with liquor licence applications.*
- *Assist Council in the consideration of applications for planning approval of development which may involve a liquor licence.*
- *Foster an appropriate type and number of licensed premises that will enhance the activity and atmosphere of commercial localities and contribute to an integrated and positive sense of community;*
- *Protect the character and amenity of adjacent residential localities.*
- *Support the objectives of the Community Safety and Crime Prevention Committee.*

Overall, the Town assesses that the proposed TRL satisfies the policy parameters and would be unlikely to be detrimental to the public interest or the amenity of the locality.

Any future change to the liquor licence, such as number of patrons or hours of opening, would require a further application to the DRGL and to Council under the lease, as well as possible planning approval by the Town. Any future land use or development changes proposed would also require planning, building and health approvals by the Town.

Upon receipt of a detailed liquor licence application referred from the DRGL the Town will be able to undertake a comprehensive assessment in order for Council to make formal comments and determinations.

### **STRATEGIC IMPLICATIONS**

Consistent with beachfront activity and development incorporating controlled liquor practices.

### **POLICY IMPLICATIONS**

Correlates with Council's Liquor (Licenced Premises) Policy.

### **STATUTORY ENVIRONMENT**

Liquor Control Act and Regulations 1988.

### **FINANCIAL IMPLICATIONS**

Nil.

### **SUSTAINABILITY IMPLICATIONS**

Nil.

### **CONSULTATION**

Community consultation by the Town additional to the DRGL liquor licensing advertising procedure is not considered necessary.

**VOTING**

Simple Majority.

**COMMITTEE COMMENT**

Committee was supportive of the proposal as suitable for the style of the establishment, and sought clarification on some aspects. The MDS confirmed that a Tavern Restricted Licence excludes the sale of take-away liquor and explained that under the lease from the Town agreement to the liquor licence change was required. He also advised that the earlier proposal for a crepe-making business in the northern kiosk was no longer proceeding.

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION**

Moved Cr Walsh, seconded Mayor Morgan

**THAT COUNCIL:**

Advise Indiana that it is supportive in-principle of the proposed Tavern Restricted Licence, subject to:

1. Consideration by Council of a formal application referral from the Department of Racing, Gaming and Liquor.
2. Consideration by the Town of the associated Liquor Control Act Sections 39 and 40 Certificates.
3. That application process including adequate public consultation in accordance with the Department's requirements.
4. Appropriate conditions being imposed on the licence in relation to the service of liquor and the availability of food, liquor management strategies and any other relevant aspect.
5. Consideration by Council of any consequential amendment to the Lease between the Town and Indiana, which is to be made to the satisfaction of the Town at the full cost of Indiana, within an agreed timeframe.

Carried 8/0



## **ITH WA Pty Ltd**

ABN number 121 423 176  
99 Marine Parade

Cottesloe WA 6011

### **Public Interest Assessment Tavern Restricted License**

**Chris Taylor**

Director

ITH WA Pty Ltd (Indiana's)

p 08 9482 1101

f 08 9211 8911

e [chris.taylor@frasersrestaurant.com.au](mailto:chris.taylor@frasersrestaurant.com.au)

## **Table of Contents**

- 1. Introduction and the Applicant**
- 2. PIA Additional Requirements**
- 3. Locality**
- 4. Proposed Style of Operation**
- 5. Section 38(4)(a) – Harm or Ill Health**
- 6. Impact on Amenity**
- 7. Section 38(4)(c) Offence, Annoyance, Disturbance or  
Inconvenience**
- 8. Conclusion**

## 1. Introduction and the Applicant

We have read and understood the Town of Cottesloe – Liquor Licensed Premises Policy and we believe we represent the philosophy of providing an attractive location to dine and relax. We address all their areas addressed under the Policy.

- (i) We are not seeking to increase the number of premises in the area – we are existing and just seeking to adjust our licence type
- (ii) Hours of operation – are already established and we have a proven track record of minimising antisocial behaviour.
- (iii) Number of patrons – this is in place and maintained vigilantly.
- (iv) Floor area – as above – this is already in place and existing
- (v) Noise – we actively promote guests to organise buses when we have larger events on site. We have several years of no complaints
- (vi) Entertainment – our use of entertainment is fairly minimal, it is not the core of our business, therefore all entertainment used is assessed and an appropriate action plan is developed. Later in the evening the doors facing Marine Parade are closed.
- (vii) Public safety – any event that may require a security element, is imposed immediately by the venue. Any events of a high diplomatic level is always addressed with the relevant authorities and council.

We are seeking a Restricted Tavern Licence... We believe the word “TAVERN” strikes a fear and a perception of the business into those parties considering the change of licence type.

Simply - it is the only licence segment that allows the venue to trade and offer its clients the services they desire. It is unfortunate that the word tavern is involved- this licence type of Racing Gaming and Liquor is a throw back to decades gone by.

- a. Pursuant to section 41 © of the Liquor Control Act 1988 and subject to section 46 (2) the licencing authority we seek application to apply for a ITH WA Pty Ltd (Indiana's) to the licensing authority for the grant of a Tavern Restricted License for the existing bistro, function room and al fresco areas that are located at 91 Marine Parade, Cottesloe, WA 6011.
- b. Our company does not wish to change the status quo. We are proposing a change from a Restaurant License to a Tavern

Restricted License and operating our bistro and function room areas with more flexibility for our patrons while complying strictly within the law

- c. We believe that the conversion from our current licence to a Tavern Restricted Licence is in the public interest. We believe we are addressing a necessity and requirement for more relaxed beachside dining, a more flexible and diverse business, a complete service to our guests.
- d. Indianas attracts a more mature age group i.e. over 30+ looking for relaxed food and beverage experience.
- e. The bistro area shall be set for dining with tables and chairs, our kitchen will provide food and staff will be available to serve guests, to the bistro, private room and al fresco areas, guests will be able to enjoy the beauty and picturesque charm of the Indian Ocean. Taking in the views and the beach sounds, whilst having a glass of wine or beer, without the need for a substantial meal or whilst standing (for example) at:
  - i.* cocktail reception
  - ii.* Government
  - iii.* Corporate events
  - iv.* local residents private, sporting and business events
  - v.* family events
  - vi.* wedding reception
- f. ITH WA Ltd (Indiana's) has in previous years, completed renovations to keep up to date with customers needs and demands.
- g. These submissions are designed to address the public interest requirements as set out in Section 38 of the Liquor Control Act 1988.
- h. The applicant Chris Taylor manages and operates a number of other licenced properties inclusive of Bluewater Bar and Grill – Applecross, The Old Brewery – Nedlands, Botanical Café - Kings Park, State Reception Centre – Kings Park , Fraser's Restaurant and Function Centre in addition to Indiana's. Over the period of 20 years Chris Taylor has not received any infringements.

- i. The business has a proven track record when dealing with significant and high end events including the below. In addition the media and recognition has been immense for the Cottesloe area and Western Australia–
  - i. Commonwealth Heads of Government Meeting – Foreign Minister’s meeting.
  - ii. Hilary Clinton official visit
  - iii. Past Prime Ministers and Premier’s events
  - iv. AUKMIN and AUSMIN official function
  - v. Consular events
  - vi. CEOs and VIPs locally, nationally and internationally
- j. We have detailed some of the Awards received to demonstrate that the applicant has an established reputation for quality and longevity in the food and beverage industry. The applicant has received many other awards and recognition – this is just a sample.
- k. Indiana’s has geared itself to the families and children. We have special “nipper” packs – these are given to the children for colouring in, puzzles etc to keep them entertained. Together with special childrens’ menus.
- l. Indiana’s promotes and supports emma& tom juices on the wine list – 100% natural and non alcoholic.
- m. Indiana’s promotes wine by the glass to allow guests to enjoy just one glass with something to eat.
- n. Indiana’s promotes a Terrace Menu allowing for light snacks from 3.30pm onwards

## **R&CIA Awards**

### **2004**

“Informal Fine Dining”, Fraser’s – winner

### **2005**

“Informal Dining”, Fraser’s – nomination only

“Function/Convention Centre Catering”, KPFC – finalist only

“Catering Consultant of the Year”, Arnya Tait -finalist

“Function Chef of the Year”, Joe Ditri - winner

## 2006

“Informal Dining” and “Informal Dining Restaurant of the Year”, Fraser’s

## 2007

Winner 2006 R&CIA Informal Dining Restaurant, (City or Metropolitan)–  
Fraser’s

Winner 2006 R&CIA Outstanding Informal Dining Restaurant – Fraser’s  
Restaurant

Winner Wedding Caterer of The Year – Bluewater Function Centre

Winner R&CIA Catering Consultant Of The Year – Arnya Tait

Nominated for Catering Chef Of The Year, Jo Ditri – Kings Park Function  
Centre

Nominated for R&CIA Function/Convention Centre Catering – Kings Park  
Function Centre

## 2008

Indiana - 2008 Finalist in Wedding Caterer of the Year

“Catering Consultant of the Year”, Arnya Tait - winner

## 2009

Fraser’s – finalist in mod oz category

“Best Steakhouse” – Brewery – winner

“Catering Consultant of the Year”, Arnya Tait – winner – 3<sup>rd</sup> year in a row

“Wedding Caterer of the Year”, Brewery – winner

“Employer of the Year”, Chris Taylor – winner

“Apprentice of the Year”, Curtis Taylor – winner

## 2010

Fraser’s – finalist in mod oz category

TOB – Finalist in Best steakhouse

BW – finalist ion best breakfast

Indiana - 2010 Finalist in Best Informal Dining

## 2012

Winner - R&CIA Apprentice Chef of the Year: Chris Malone, Fraser’s Restaurant

Winner - R&CIA Events Caterer: Fraser's Function Centre

Winner - R&CIA Contemporary Australian Restaurant - Formal - Metropolitan  
Fraser's Restaurant

Winner - R&CIA Steak Restaurant - Metro - The Old Brewery

Winner - R&CIA Hall of Fame Award - 2012 WA Inductee - Chris Taylor

Winner - R&CIA Western Australian Caterer of the Year - Fraser's Function  
Centre and State Reception Centre

Winner - R&CIA West Australia Metroplitan Restaurant of the Year and winner  
of the Harry Ferrante Trophy

Fraser's Restaurant

Finalist - R&CIA Wedding Caterer in a Function – Bluewater Grill  
Honourable Mention - R&CIA Restaurant Wedding Caterer: Honourable Mention  
- Indiana (new category only one nominated)

### **2013**

Winner - R&CIA Apprentice Chef of the Year: Chris Malone, Fraser's Restaurant

Winner - R&CIA Events Caterer: Fraser's Function Centre

Winner - R&CIA Steak Restaurant - Metro - The Old Brewery

Winner - R&CIA Western Australian Caterer of the Year - The Old Brewery

Finalist - R&CIA Wedding Caterer in a Function – The Old Brewery

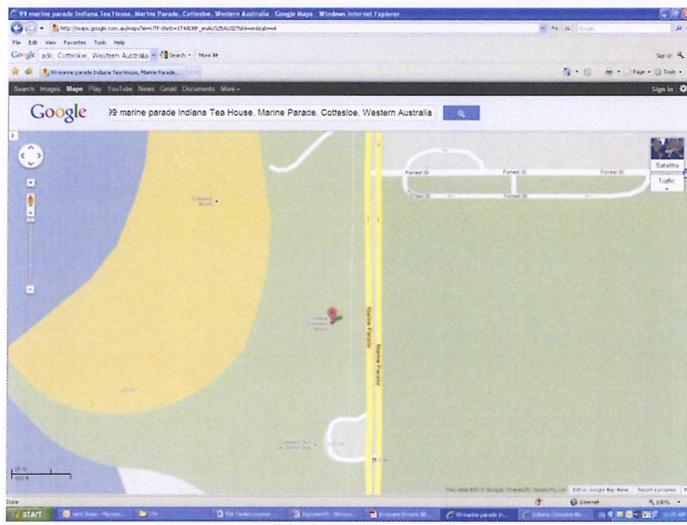
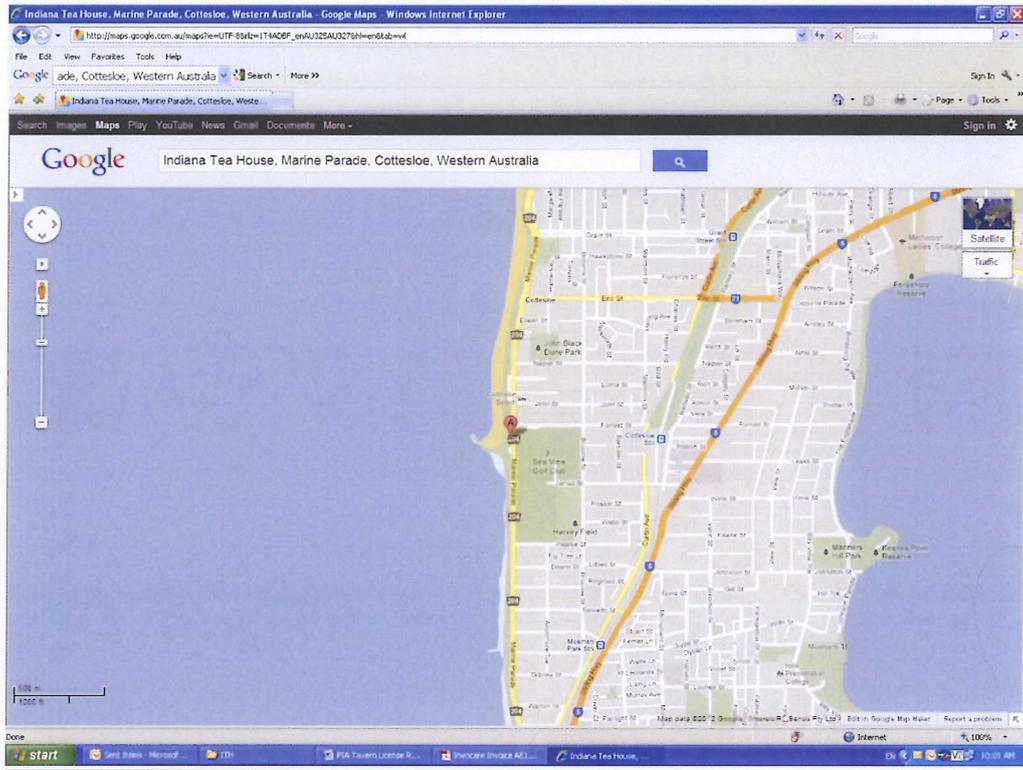
Honourable Mention - R&CIA Restaurant Caterer: Honourable Mention - Indiana

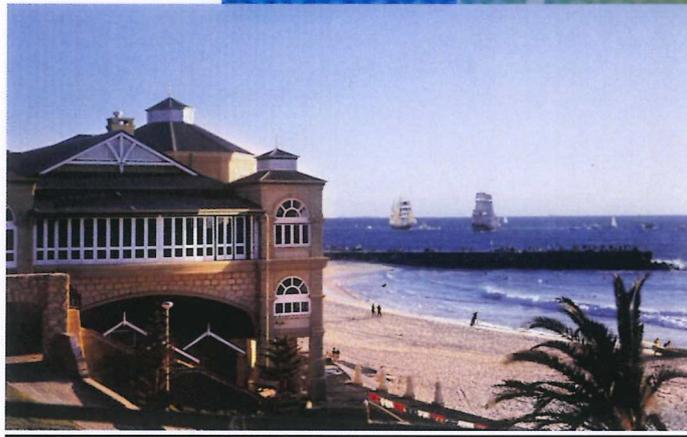
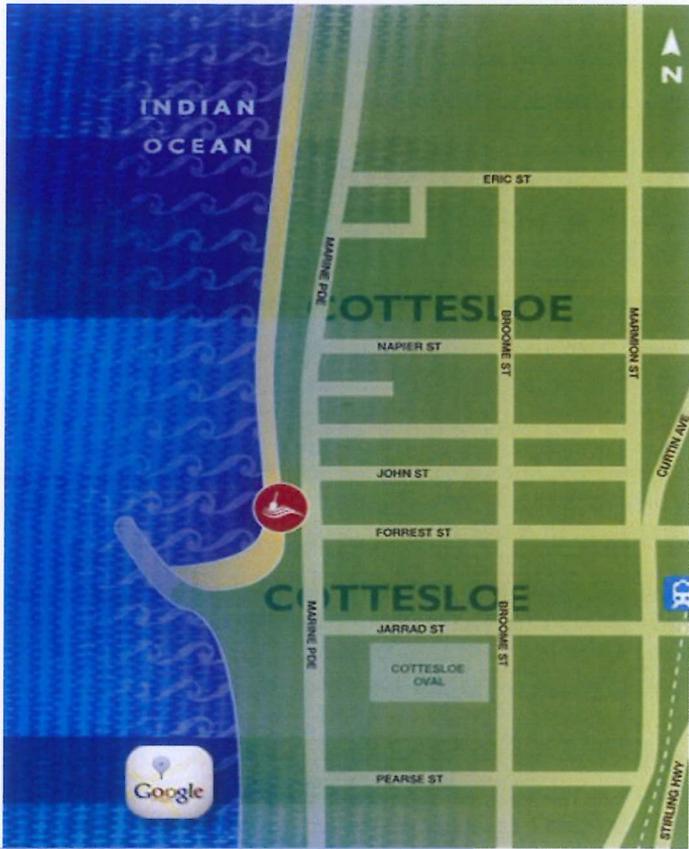
### **2. PIA Policy – Additional Requirements**

As required by the PIA policy and as may be directed by the licensing authority after lodgement of the application, we the applicant will address any requirements as to the advertising of the application, service of notices or any other related matter.

### **3. The Locality**

The maps below (from the Google maps website), show the location of the premises as well as photo's from both side and back of the venue.







1. Indiana's, Perth's premier coastal venue, is located directly on Cottesloe Beach and offers uninterrupted views from every window, with all tables commanding views of the Indian Ocean and the magnificent sunsets beyond Rottnest Island, due to its location we expect very little, if any impact on the local community should our application be granted.
2. There are other licensed venues in the immediate vicinity; our operation is intended to remain the same in that we will be food orientated with alcohol sales. We do not want to be a hotel or pub.
3. We believe our function and bistro facilities provide a vibrant, very popular food and beverage attraction for locals and tourists alike.
4. Our premises enjoy an all-day dining requirement. It is most disappointing both for our staff and our clientele to have to decline daily requests for services we cannot provide due to the limitations of our current licence. The negativity in the market is overwhelming in respect to the current restrictions and the negativity that is portrayed because of this refusal.

#### **4. Proposed Style and Type of Operation**

Indiana's was established in its current format in 2006, but has been a part of the Cottesloe landscape since 1910. The bistro and function facilities have a reputation for first class food, wines and boutique brewed beers. We have been finalists for Wedding Caterer of the Year in 2008 and 2012 and Finalist in Best Informal dining 2010.

It is important to note that all of our function packages contain a meal component. Please see attached menus and function packages.

We have read and understood the standard conditions set out in the policy of the Tavern Restricted Licence and further to these conditions we are happy for the following restrictions to be applied to our license.

- We understand that we may be required to produce a record of our transactions involving the sale and disposal of food and liquor.
- Our restaurant and kitchen situated on the licensed premises will be open and together with food service staff, will be catering to patrons with the selected menu foods and will at all times be set with tables and chairs for seated meals and drinks.
- For all functions the kitchen situated on the licensed premises will be open and together with food service staff will be catering to function guests with the selected function menu foods

Full menus and wine lists, function packages and operating hours are attached to these submissions.

We are seeking to change our Sunday operational hours to more fully cater to our clientele; we would like to be able to serve breakfast on a Sunday morning and for function events such as weddings to be able to finish at 12pm.

Our current Sunday operational hours are 10am to 10pm we would like this changed to 6am to 12pm.

Please note: We anticipate very little demand for alcoholic beverages before 12 noon.

The applicant also believes it is very hard for other restaurants etc to be compared to Indianas as there is nothing in the area with a direct comparison.

Premises Id	Type ▲	Premises name	Licensee name	Status	Suburb	Post code	Address
6040005652	Club	Sea View Golf Club Inc	Sea View Golf Club Inc	Active	COTTESLOE	6011	JARRAD ST COTTESLOE WA 6011
6190017442	Club Restricted	Cottesloe Surf Life Saving Club	Cottesloe Surf Life Saving Club	Active	COTTESLOE	6011	Marine Parade COTTESLOE WA 6011
6190023465	Club Restricted	Cottesloe Rugby Union Football Club Inc	Cottesloe Rugby Union Football Club Inc	Active	COTTESLOE	6011	HARVEY FIELD BROOME ST COTTESLOE WA 6011
6190023747	Club Restricted	Cottesloe Tennis Club Inc	Cottesloe Tennis Club Inc	Active	COTTESLOE	6011	NAPIER STREET COTTESLOE WA 6011
6010001396	Hotel	Cottesloe Beach Hotel	Garrett Hotels 2010 Pty Ltd and Primary Securities Ltd	Active	COTTESLOE	6011	104 Marine Pde COTTESLOE WA 6011
6010002022	Hotel	Ocean Beach Hotel	Stanley James Pty Ltd	Active	COTTESLOE	6011	Marine Parade COTTESLOE WA 6011
6030004051	Liquor Store	Vintage Cellars Cottesloe	Liquorland (Australia) Pty Ltd	Active	COTTESLOE	6011	502 Stirling Highway COTTESLOE WA 6011
6030002857	Liquor Store	Liquorland Cottesloe	Liquorland (Australia) Pty Ltd	Active	COTTESLOE	6011	484 STIRLING HIGHWAY COTTESLOE WA 6011
6030003061	Liquor Store	Cottesloe Cellars	Michael William Grant & Helen Anne Grant	Active	COTTESLOE	6011	24 RAILWAY ST COTTESLOE WA 6011
6060043562	Restaurant	Vans Cafe And Deli	Topcity Pty Ltd	Active	COTTESLOE	6011	1-3 Napolean Street COTTESLOE WA 6011

Premises Id	Type ▲	Premises name	Licensee name	Status	Suburb	Post code	Address
6060148420	Restaurant	Grill'd Cottesloe	Grill'd Pty Ltd	Conditionally Granted	COTTESLOE	6011	Unit 6 2-6 Napoleon St COTTESLOE WA 6011
6060043562	Restaurant	Vans Cafe And Deli	Topcity Pty Ltd	Active	COTTESLOE	6011	1-3 Napolean Street COTTESLOE WA 6011
6060041608	Restaurant	Indiana's Cottesloe Beach	ITH (WA) Pty Ltd	Active	COTTESLOE	6011	99 MARINE PARADE COTTESLOE WA 6011
6060035238	Restaurant	Villa Pourzand	Kelleher Holdings Pty Ltd	Active	COTTESLOE	6011	561 STIRLING HIGHWAY COTTESLOE WA 6011
6060035345	Restaurant	The Blue Duck Cafe	Dainford Pty Ltd	Active	COTTESLOE	6011	151 MARINE PARADE COTTESLOE WA 6011
6060116609	Restaurant	Two Fat Indians	Gosavi Pty Ltd	Active	COTTESLOE	6011	7/569 Stirling Hwy COTTESLOE WA 6011
6060118043	Restaurant	Barchetta Cafe	Simpco Investments Pty Ltd	Active	COTTESLOE	6011	149 Marine Pde COTTESLOE WA 6011
6060081539	Restaurant	Il Lido Italian Canteen	Table Theory Pty Ltd	Active	COTTESLOE	6011	88 Marine Parade COTTESLOE WA 6011
6060113853	Restaurant	Blue Waters Cafe	Snapperhead (WA) Pty Ltd	Active	COTTESLOE	6011	110 Marine Parade COTTESLOE WA 6011
6340133877	Small Bar	Elba Cottesloe	Champagne Alley Pty Ltd	Active	COTTESLOE	6011	1/29 Napoleon Street COTTESLOE WA 6011

Premises Id	Type ▲	Premises name	Licensee name	Status	Suburb	Post code	Address
5020121872	Tavern	Lamont's Cottesloe	Lamonts City Pty Ltd	Active	COTTESLOE	6011	UNIT 1-3/12 Station St COTTESLOE WA 6011
5020032748	Tavern	Albion Hotel	Australian Leisure And Hospitality Group Pty Limited	Active	COTTESLOE	6011	535 Stirling Highway COTTESLOE WA 6011

Including ourselves there are 22 licences in the Cottesloe precinct.

4 of those being Clubs and 4 being Liquor stores.

Out of the 9 Restaurant licences in the area – we can identify a minimum of 4 of these venues that actively promote “functions” and cocktail style along the same lines as the Applicant. We would like to enable the potential guests the ability to experience less red tape and taking up DRGL’s time in applying for an ETP. With the limitation on the ETP’s this puts huge constraints on the potential use to the local clientele.

The Tavern Licences at Cottesloe Beach and the OBH are significantly different in the style of operation, we feel Indiana is more Restaurant and Function based.

### Harm or Ill Health

- a. Section 38(4) (a) of the Liquor Control Act (1988) asks that we consider “the harm or ill health that might be caused to people, or any group of people, due to the use of liquor”.
- b. The people most likely to be affected by this application are those who are:
  - i. Local Residents
  - ii. Workers and local businesses and facilities
  - iii. Tourists and visitors patronising the area
  - iv. Corporate clients
- c. As we will outline, these groups are expected to positively benefit from the operation of the Bistro & Function Rooms and are not likely to experience any adverse consequences.
- d. Pursuant to Licence the applicant is wanting the sale and supply of liquor for consumption is for on premise only. Takeaway packaged liquor is strictly prohibited.
- e. In looking at the Drug and Alcohol Office surveillance report November 2011 for the North Metro Area the key findings were that the rate of alcohol-related hospitalisations in the north metro area health service was significantly lower than the corresponding state rate.
- f. The Australian Bureau of Statistics shows us that the Town of Cottesloe has a estimated population of 8222 as of 2010 with the

2006 census showing that of that population 43.8% are employed as professionals the majority of these peoples are over the legal drinking age, of the total population the census shows 1725 families with children under 15 therefore it can be seen that harm to juveniles, children and families is unlikely but our harm minimisation plan enables us to deal comprehensively with most of these groups no juveniles are served and all juveniles must be accompanied by a adult in our establishment. Our managers have all attended registered training providers for approved managers liquor licensing courses.

- g. Cottesloe Beach does experience high tourist visitor numbers but of those that attend the location the ones that attend our venue are attracted by our food and ambience, there are other licensed venues in the area for those that attend for merely drinking purposes, we will of course at all times have food and water available.
- h. In the attached Office of Crime Of Prevention report for the Town of Cottesloe 2009-2010 we can see that there is a high % ratio for alcohol related assaults in the area, we have in place a code of conduct, harm minimisation plan, and House Management Policy that will allow us to prevent us becoming a part of this statistic. We will at all times have food provided, will refuse service to intoxicated patrons and refuse entry to those already under the influence of alcohol. During festive periods and events with a questionable background, we will ensure security is provided at the function. However, we maintain that alcohol related assaults are driven from other businesses that are not restaurant and food oriented.
- i. It is important to note that there are 2 other licenced venues in the area ( hotels ), we are not seeking to operate in the same manner as these venue's which are more pub orientated, we are and will remain a restaurant\ bistro we are seeking to be able to hold cocktail functions for standing patrons and for the average customer the ability to have a glass of wine or beer without a meal accompanying it, although food will at all times be available.
- j. Our managers have all attended registered training providers for approved managers liquor licensing courses.

- k. As previously mentioned, the proposed facilities do not have any direct street frontage and will therefore not attract walk in, impulse drinkers.
- l. In our experience, it is generally held by local authorities and police that restaurant and function venues very seldom cause any alcohol related issues. However, we have comprehensive harm minimisation, code of conduct and in-house management policies in place, to ensure alcohol is served in a responsible manner.
- m. It is important to note that we, propose a Restricted Tavern License for our bistro and function room to operate strictly within the law and the Town of Cottesloe liquor policy.
- n. The venue has surveillance in place to monitor and record disturbances.
- o. The applicant embraces the vision as set out in the Western Australian Drug and Alcohol Strategy 2005-2009 – i.e. for us a business to value and lead healthy and safe lifestyles with access to quality services and programs to prevent, reduce and delay alcohol and drug harm.
- p. In reviewing the Western Australian Police Service Crime Statistics – Cottesloe falls under the Central Metropolitan District which encompasses Perth and Northbridge and bordering Scarborough and Fremantle. The most glaring statistic that appeared to us in 2012/2013 Robbery (Business)– in comparison to other districts.
- q. Any and all graffiti is dealt with immediately.
- r. All names of persons that have a prohibition order against them are noted in our guest history and reservation system to ensure they are not dining on licenced premises.
- s. The applicant has reviewed and assessed the groups identified as the most at risk. i.e. Aboriginal people, low social-economic groups, mining communities, migrant groups, family/children and young people. These groups are not represented in a large way in the area of Cottesloe – and we would deem as a very low risk.
- t. The applicant would ensure:
  - No take away beverage is permitted

- Free drinking water will be available at all times
- No laybacks, jelly shots, energy drinks and other caffeinated beverages will be permitted in conjunction with alcoholic beverages
- There will always be low and mid strength beer available
- All advertising will be done in accordance with the act

## **6. Impact on amenity**

- a. At this stage Indiana's does not offer the opportunity for an alcoholic beverage ancillary to a meal whilst standing in a function environment. To complement our unique function space and bistro, Indiana's would like to be able to fulfil this opportunity.
- b. The Town of Cottesloe is a vibrant and busy community populated by a diverse group of people, we believe that the change to a tavern restricted license will allow us to better serve this community, and benefit it in a positive manner as it allows for locals tourist and corporate clientele to enjoy a cocktail event in our iconic premises or for tourists and locals to enjoy a quiet drink and soak in the views.
- c. We do have the support of the local council and have consulted with them and the community (please see survey results) to see if our application would be positively received. The feedback we have received shows this to be true.
- d. The area surrounding our venue is complete with parking options for all patrons, local public transport is readily available for all, with the Transperth bus route directly along Marine Parade and Transperth rail network only a 15 minute walk away, staff will always be available to contact one of the many taxi companies for patrons wishing to leave.
- e. With almost no potential for increased harm or ill health resulting from the granting of this license, we believe it would have a positive impact on the amenity with the increased choice of uses of the premise for local residents, function holders, local businesses and tourists alike.
- f. In our opinion, our premises will present a low risk alternative to other larger and louder licensed venues in Perth.
- g. Tourism – is actively promoted locally, nationally and internationally and Cottesloe and Indiana's features

– ref: [www.tourism.australia.com](http://www.tourism.australia.com)

The Statistic below – **that our domestic market** is derived from an equal share of intrastate and interstate visitors wanting to experience food and wine, with a huge percentage travelling alone or in family groups – which fits perfectly into the demographic that we currently attract and wish to continue attracting.

**The international market** is represented by people travelling alone or adult couples with similar to the domestic market.

## **Regional Tourism Profile for Experience Perth 2011/12**

	Expenditure	Visitors	Nights	Average stay	Average trip expenditure	Average nightly expenditure
	\$ million	'000	'000	Nights	\$	\$
Domestic day	904	9,625	np	np	94	np
Domestic overnight	2,422	2,846	10,391	4	851	233
International	1,791	700	19,704	28	2,560	91

### Domestic overnight visitor profile

	Visitors	Nights	Share of visits	Share of nights	Average stay
	'000	'000	%	%	Nights

#### Top 3 SA2s visited\*

51041 Perth City	1,152	4,185	40	40	4
51025 Mandurah	279	666	10	6	2
51165 Fremantle	186	821	7	8	4

#### Purpose of visit

Holiday	890	2,991	31	29	3
Visiting friends/relatives	1,021	3,999	36	38	4
Business	708	2,251	25	22	3
Other	249	1,054	9	10	4

#### Top 3 accommodation

Property of friends or relatives	1,381	5,212	49	50	4
Hotel, motel, serviced apartment	933	2,801	33	27	3
Rented house, apartment, flat or unit	196	933	7	9	5

#### Transport

Air	1,022	4,896	36	47	5
Drive	1,654	4,185	58	40	3
Other	290	1,213	10	12	4

#### Experiences

Culture and heritage	390	np	14	np	np
Nature based	404	np	14	np	np
Indigenous	np	np	np	np	np
Food and wine	1,606	np	56	np	np

#### Top 3 information sources

Internet	1,069	4,541	38	44	4
Previous Visit	330	1,378	12	13	4
Friends or relatives	262	1,272	9	12	5

#### Top 3 visitor origins

WA	1,920	5,187	67	50	3
NSW	326	1,753	11	17	5
Vic	263	1,293	9	12	5

#### Travel party type



United Kingdom	129	2,908	18	15	23
Singapore	67	1,033	10	5	15
New Zealand	65	1,321	9	7	20

#### Travel party type

Travelling alone	384	12,312	55	62	32
Adult couple	144	2,838	21	14	20
Family group	68	1,795	10	9	26
Friends or relatives	71	2,342	10	12	33
Business associates	28	283	4	1	10

<b>Total international</b>	<b>698</b>	<b>19,704</b>	<b>100</b>	<b>100</b>	<b>28</b>
<b>Total all visitors (including day visitors)</b>	<b>13,169</b>	<b>30,095</b>	<b>100</b>	<b>100</b>	<b>2</b>

### Visitor expenditure 2011/12

#### Domestic day visitors

##### Expenditure by item

Food and drink	Transport fares and packages	Fuel	Shopping	Entertainment	Other	Total expenditure
273	63	227	250	50	41	904

\$ million

##### Destination expenditure by purpose of visit

	Expenditure \$ million	Share of expenditure Per cent	Visitors '000	Expenditure per visitor \$
Holiday/leisure	407	54	4,228	96
Visiting friends and relatives	175	23	3,178	55
Business	51	7	893	57
Other	119	16	1,326	89

#### Domestic overnight visitors

##### Expenditure by item

	\$ million
Accommodation	476
Food and drink	498
Airfares	689
Other transport fares	136
Fuel	178
Shopping	209
Entertainment	67
Other	67
Packages	35
<b>Total expenditure</b>	<b>2,422</b>

##### Destination expenditure by purpose of visit

Expenditure	Share of expenditure	Visitors	Visitor nights	Expenditure per visitor	Expenditure per night
-------------	-------------------------	----------	----------------	----------------------------	--------------------------

	\$ million	Per cent	'000	'000	\$	\$
Holiday/leisure	500	33	890	2,991	562	167
Visiting friends and relatives	307	20	1,021	3,999	300	77
Business	593	39	708	2,251	837	264
Other	137	9	262	1,150	524	119

#### **Destination expenditure by origin (intrastate/interstate)**

	Expenditure	Share of expenditure	Visitors	Visitor nights	Expenditure per visitor	Expenditure per night
	\$ million	Per cent	'000	'000	\$	\$
Intrastate	738	48	1,920	5,187	384	142
Interstate	799	52	926	5,205	863	154
Total destination expenditure	1,537	100	2,846	10,391	540	148

#### **International visitors**

#### **Expenditure on accommodation, food and beverages (AFB)**

Total expenditure	AFB expenditure	Share of AFB expenditure	AFB share of region expenditure
\$ million	\$ million	Per cent	Per cent
1,791	845	10	47

#### **Tourism businesses 2010/11**

Employing businesses					Non-employing businesses	Total businesses
Micro	Small	Medium	Large	Total employing	(includes owner/manager)	
(1-4 employees)	(5-19 employees)	(20-199 employees)	(200+ employees)			
4,711	4,404	2,360	130	11,605	9,472	21,078

#### **Accommodation supply March to June quarter 2012**

	Establishments	Employees	Occupancy rate	Takings from accomm.
	No.	No.	%	\$ '000
Hotels, motels and serviced apartments with 15 or more rooms	121	6,337	81	335,032

#### **Key:**

Base: All visitors aged 15 and over.

np: Not published due to reliability concerns.

The number of businesses by tourism region by tourism characteristic and connected industries is estimated by the ABS using postcodes to Statistical Local Area Level 2 (SA2) to Tourism Regions concordances.

Accommodation supply 'Establishments' and 'Employees' are measured at the June quarter 2012.

#### **Sources:**

Visitor profile & regional expenditure:

Tourism Research Australia, 2012, National Visitor Survey and International Visitor Survey year ending June 2012, Tourism Research Australia, Department of Resources, Energy and Tourism, Canberra.

Tourism Research Australia expenditure allocation method applied to 2012 National Visitor Survey and International Visitor Survey data.

Tourism businesses:

Tourism Research Australia, 2012, Tourism businesses in Australia June 2009 - June 2011, Tourism Research Australia, Canberra.

Accommodation supply:

Australian Bureau of Statistics, Survey of Tourist Accommodation, March quarter 2012 - June quarter 2012 (ABS Cat. No. 8635.0), ABS, Canberra.

Direct economic contribution of tourism:

Tourism Research Australia, 2012, State tourism satellite accounts 2010-11, Tourism Research Australia, Canberra.

Total economic contribution of tourism:

Tourism Research Australia, 2012, Tourism contribution to the Australian economy, 1997-98 to 2010-11, Tourism Research Australia, Canberra.

## City break –

Western Australia's capital, Perth, has all the essential ingredients for a great city and memorable short break destination. You'll find plenty of nightlife, bustling markets, inner city parks, friendly locals, outdoor dining, great weather and amazing marine adventures. Visit one of the 19 beautiful metropolitan beaches. Grab some fish and chips and watch the sunset over the Indian Ocean from iconic Cottesloe or Scarborough Beach.



**Cottesloe and Indiana is featured on the head pages of Tourism WA**

[http://www.westernaustralia.com/en/About\\_Western\\_Australia/Facts/Pages/Key\\_Facts.aspx](http://www.westernaustralia.com/en/About_Western_Australia/Facts/Pages/Key_Facts.aspx)



### Indiana Cottesloe Beach

Restaurant Perth

Contact: +61 8 9385 5005

#### Description:

Perched on the edge of the Indian Ocean, the famous facade of Indiana Cottesloe Beach restaurant is an iconic image to locals and tourists alike. Using the freshest produce available, there's an appropriate emphasis on seafood, with South Australian oysters, seared scallops, tempura soft shell crab and four different styles of fish - all of which receive rave reviews from diners....

[http://www.westernaustralia.com/en/About\\_Western\\_Australia/Facts/Pages/Key\\_Facts.aspx](http://www.westernaustralia.com/en/About_Western_Australia/Facts/Pages/Key_Facts.aspx)

## PERTH BEACHES

Australian beaches are some of the most beautiful in the world and Perth beaches are a stunning example. See the Indian Ocean gleaming under a deep blue sky and warm southern sun at many beach locations right across **Perth**.

With over 12,000 kilometres of pristine coastline, there's a great beach to suit everyone.



<http://www.tra.gov.au/publications/latest-nvs-report.html>

## **7. Offence, Annoyance, Disturbance or Inconvenience**

- a. If this license is approved, there will be no increase in patron numbers. Therefore, in our opinion there is very little potential for offence, annoyance, disturbance or inconvenience to the local community.
  
- b. At all times we have an approved manager onsite in both our restaurant and function room, whose responsibility is to address any undue noise or disturbance issues. Liquor is served in a professional and responsible manner at all times, by staff with responsible service of alcohol training.
  
- c. We also have comprehensive harm minimisation, code of conduct and in-house management policies in place, to ensure alcohol is served in a responsible manner, which are attached to this document.
  
- d. To combat any offence, annoyance, disturbance, or inconvenience to the local community we will at all times have food being served

To demonstrate our community consultation we have attached submissions letters of support from the residents and businesses.

## **8. Conclusion**

We are seeking a Tavern Restricted License to provide a more complete and flexible service to our clients both in the immediate area as well as tourists, local visitors to the area and international or local corporate clients.

We believe we offer a venue which is and will remain, primarily food focused.

We are ideally placed for patrons to enjoy the Indian Ocean and Cottesloe Beach and its surrounds whilst being close to the city and the greater metropolitan area.

The granting of this license will have no adverse affects on the amenity or the locality, instead creating a well managed venue, for the public to enjoy.

Therefore the granting of a Tavern Restricted License, for ITH WA Pty Ltd (Indiana) is in our opinion, very much in the public interest.

### **Other resources used:**

Australian Institute of Criminology requesting alcohol-related crime statistics in Cottesloe, Western Australia.

The Western Australia crime prevention site has community crime profiles – I have located 'Cottesloe' for you

<http://www.crimeprevention.wa.gov.au/uploads/file/Crime%20Profiles%202009-10/Cottesloe%202009-10.pdf>

Western Australia Police - Crime Statistics

<http://www.police.wa.gov.au/Aboutus/Statistics/Crimestatistics/tabid/1219/Default.aspx>

You may also perform a search for 'Cottesloe' here

<http://www.police.wa.gov.au/Aboutus/Statistics/Searchcrimestatistics/tabid/998/Default.aspx>

However, there doesn't appear to be statistics for specific alcohol-related crime.

I have also included the AIC alcohol-related page with various links you may find useful

[http://www.aic.gov.au/crime\\_types/drugs\\_alcohol/illicit\\_drugs/prevention-research.html#wa](http://www.aic.gov.au/crime_types/drugs_alcohol/illicit_drugs/prevention-research.html#wa)

## **Central Metropolitan District**

## Telephone police stations only for general administration enquiries

For police assistance call 131 444  
For emergencies only call 000

[Central Metropolitan District map](#) (PDF, 366KB) (updated 19 February 2013)

### ***District office:***

Perth Police Centre  
2 Fitzgerald Street, (corner of Roe Street)  
Northbridge WA 6003  
Tel: (08) 9422 7111

[Crime Prevention Officers](#)

### ***District police stations:***

#### **Cottesloe**

166 Curtin Avenue, Cottesloe WA 6011  
Tel: (08) 9286 7777  
Fax: (08) 9385 1172  
Counter service open hours: Mon-Fri 8am-4pm

**Includes:** Claremont, Cottesloe, Dalkeith, Mosman Park, Mount Claremont, Peppermint Grove, Swanbourne

#### **Perth**

Perth Police Centre  
2 Fitzgerald Street, (corner of Roe Street)  
Northbridge WA 6003  
Tel: (08) 9422 7111  
Fax: (08) 9422 7108  
Open 24 hours, 7 days a week

**Includes:** East Perth, Highgate, Kings Park, Northbridge, Perth, West Perth

#### **Wembley**

379 Cambridge Street, Wembley WA 6014  
Tel: (08) 9214 7100  
Fax: (08) 9214 7166  
Counter service open hours: Mon-Fri 8am-4pm

**Includes:** City Beach, Crawley, Daglish, Floreat, Jolimont, Karrakatta, Leederville, Mount Hawthorn, Nedlands, North Perth, Shenton Park, Subiaco, Wembley, West Leederville