



**Customer
Service**

Liquor, Gaming & Racing

APPLICATION NO: 1-7559323455

APPLICATION FOR: Variation to an extended trading authorisation

CURRENT TRADING HOURS: Consumption on premises
Monday to Wednesday: 10:00AM to 12:00midnight
Thursday to Sunday: 10.00AM to 01.00AM

NEW TRADING HOURS: Consumption on premises: Upper Ground Floor
Monday to Wednesday: 11:00AM to 12:00midnight
Thursday to Sunday: 11.00AM to 01.00AM
Consumption on premises: Lower Ground Floor dining area
Monday to Sunday: 11.00AM to 03:00AM

APPLICANT: Hyeon Cheol Park

LICENCE NAME: Shinara

LICENCE NUMBER: LIQO660010295

PREMISES ADDRESS: Shop 1 G 338-340 Pitt St, SYDNEY NSW 2000

ISSUE: Whether a delegated Liquor Gaming & Racing employee on behalf of the Independent Liquor Gaming & Racing Authority (ILGA) should grant or refuse an application for variation to an extended trading authorisation for an on-premises licence.

LEGISLATION Sections 3, 48, 49 and 51 of the *Liquor Act 2007*

ILGA DELEGATED DECISION

Application for variation to an extended trading authorisation Shinara

Under delegation issued by the Independent Liquor and Gaming Authority under section 13 of the Gaming and Liquor Administration Act 2007, a designated Public Service employee or other Public Service employee of Liquor Gaming & Racing in the Department of Customer Services, has decided to grant the application for variation to an extended trading authorisation.

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On 20 December 2019 and after careful consideration of the application and other material, the delegate decided to approve the application, subject to the following conditions:

Conditions imposed:

1. The business authorised by this licence must not operate with a greater overall level of social impact on the well-being of the local and broader community than what could be reasonably expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining the variation to the extended trading authorisation.
2. The premises are to be operated at all times in accordance with the Plan of Management dated September 2019 as may be varied from time to time after consultation with the Local Area Commander of NSW Police. A copy of the Plan of Management is to be kept on the premises, and made available for inspection on the request of a Police Officer, Council Officer, Liquor and Gaming NSW Inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
3. The licensee or its representative must join and be an active participant in the local liquor accord.
4. The licensee is to ensure compliance with the following whenever liquor is being sold or supplied in the lower ground floor dining area between 12.00 midnight and 3.00 am the following day on Mondays to Wednesdays and between 1.00 am and 3.00 am on Friday to Monday mornings in accordance with the Extended Trading Authorisation:
 - a) Liquor is only to be sold or supplied with or as ancillary to the consumption of a meal;
 - b) A maximum of 50 patrons are permitted in the lower ground floor dining area;
 - c) No live entertainment or entertainment by way of DJs or performers is to be provided in the lower level dining area. Music provided is to be restricted to low level background music only;
 - d) Liquor service is to be by way of waiter service to tables only; and
 - e) No drinks commonly referred to as shots, shooters or slammers that are designed to be consumed rapidly are to be provided.
5. The licence is authorised for the trading hours fixed by the Authority or such lesser hours as may be approved by the consent authority from time to time.

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STATEMENT OF REASONS

1. Material considered by the ILGA delegate (DF19/013370)

The decision made by the delegate had the application, the accompanying community impact statement (Category B) and other relevant material:

- (1) Application form dated 22 September 2019
- (2) Category B Community Impact Statement ("CIS")
- (3) Additional information during CIS stage
- (4) Copies of submissions provided to the Applicant during CIS stage
- (5) Floor plan for the premises setting out the licensed area and the proposed area to which the Authorisation is to apply.
- (6) Signed Certification of Advertising dated 5 September 2019
- (7) Plan of Management dated September 2019
- (8) Submission from the City of Sydney Council dated 1 October 2019 in relation to the application
- (9) Development Approval from the City of Sydney Council issued 22 September 2014

2. Legislative framework, statutory objects and considerations

In determining the application, the delegate has considered the relevant provisions under the Act including:

- a) Section 3: Statutory objects of the Act and relevant considerations.
- b) Section 48: Requirements in respect of a CIS.
- c) Section 49: General provisions in respect of an Authorisation.
- d) Section 51: General provisions relating to licence-related Authorisations.

3. Development consent

- (1) The requisite development consent is in force to allow the premises to trade the proposed hours, based on advice from City of Sydney Council.

4. Community impact statement

- (1) Pursuant to section 48 of the Act, the delegate finds that the Category B CIS submitted with the Application was prepared in accordance with the relevant requirements. The

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delegate has taken into consideration the CIS and other available information in making the findings below about the social impact of the premises on the local and broader communities

- (2) Local and broader community - for the purposes of this decision, the delegate is satisfied that the relevant "local community" is the community within the suburb of Sydney, and the "broader community is Sydney LGA"

5. Analysis of Submissions and other Materials

- (1) Having reviewed all the material, I am satisfied that this application variation to an Extended Trading Authorisation is unlikely to result in any significant increase in alcohol related harm in the local community.
- (2) There are no objections from Transport, Communities and Justice, Aboriginal Affairs NSW and Sydney City Council. NSW Police or L&GNSW Compliance Branch did not provide submissions.
- (3) Health NSW and a local church has objected to the application. The applicant has satisfactorily addressed the issues raised, by consenting to additional conditions to mitigate any risks that may arise, the proposed extended trading hours will apply to a fraction of the licensed premises area and the starting trading hours has been amended from 10.00am to 11.00am daily.
- (4) Council approval is in place.
- (5) I am satisfied that the statutory advertising requirements have been met

6. Overall social impact

(1) Positive benefits

The granting of the Authorisation will complement and enhance the services already offered by the business.

(2) Negative impacts

The nature of the licence and the relatively small increase in the trading hours sought means that there are unlikely to be any amenity impacts on the local community. The applicant has proffered additional conditions to mitigate any risks that may arise.

7. Conclusion

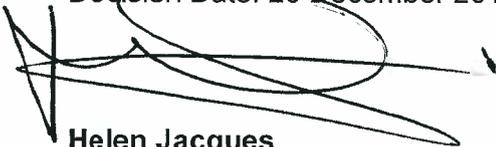
- (1) I am satisfied that procedural fairness was afforded to the applicant and interested parties regarding the decision whether to approve the application, as all of those

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required to be notified of the application were provided with the opportunity to make written submissions and all submissions received were considered and helped inform this decision.

- (2) Having considered the positive and negative impacts that are likely to flow from approving the Application, I am satisfied that the overall social impact of approving the Authorisation would not be detrimental to the well-being of the local and broader communities.
- (3) I am satisfied that the other legislative criteria for the granting of the Authorisation have been met.
- (4) In making this decision under delegation from the Authority, I have decided to approve the variation to the Authorisation under section 49 of the Act.

Decision Date: 20 December 2019



Helen Jacques

Liquor, Gaming and Racing

Delegate of the Independent Liquor & Gaming Authority

Important Information:

In accordance with Clause 5 of the Gaming and Liquor Administration Regulation 2008, this decision is reviewable by ILGA.

The licence applicant and persons who were required to be notified of the application and who made a submission can apply for an application for review. An application for a review must be lodged with ILGA within 28 days of the date of the publication of this decision. An application fee applies. For original applicants, the review application fee is the same as the initial application fee. For non-original applicants, the application fee is \$100.

For ILGA reviews of delegated decisions, make an application for review via the Liquor and Gaming Application Noticeboard at: <https://www.liquorandgaming.nsw.gov.au/Pages/public-consultation/online-application-noticeboard/online-application-noticeboard.aspx>. The Review Application form can be accessed on line via the Application Number hyperlink.

Further information can be obtained from the Reviews page on the Liquor & Gaming website at: <https://www.liquorandgaming.nsw.gov.au/Pages/ilga/decisions-of-interest/reviews-of-decisions/reviews-of-liquor-and-gaming-decisions.aspx>

