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Dear Mr Kim

**Application for Extended Trading Authorisation  
KOBOW, Sydney**

I am writing to you about the application made on 29 January 2015 by Ms Jung Hae Lee (Applicant) to the Independent Liquor and Gaming Authority (Authority) regarding premises located at Shop 13, 339 Sussex Street, Sydney trading as "Kobow" (Premises). The Application seeks the variation of an Extended Trading Authorisation (ETA) under section 51(9)(b) of the *Liquor Act 2007* (Act) for the Premises.

By way of background, the Applicant originally lodged an application to the Authority on 17 October 2014 but withdrew this application on 2 February 2015 as it did not accord with the advertising requirements as per the Liquor Regulation 2008 (Regulations). The current Application contains the same details as the original version.

The Authority considered the Application at its meeting on 27 May 2015. After careful consideration of the Application material and submissions made in relation to the Application, the Authority has decided to *refuse* the Application pursuant to section 51(9)(b) of the Act. The Authority informally advised this outcome by email on 5 June 2015. This letter provides formal advice of the decision.

Under section 36C of the *Gaming and Liquor Administration Act 2007*, the Authority is required to produce and publish statements of reasons with respect to those types of decisions prescribed by clause 6 of the Gaming and Liquor Administration Regulation 2008. While the Authority is not required to produce reasons for this type of decision, what follows is a summary of the rationale for refusing the Application, prepared in the context of a high volume liquor jurisdiction, for the information of the Applicant and stakeholders who have participated in this Application.

Yours faithfully

Micheil Brodie  
Chief Executive

- 4 AUG 2015

## STATEMENT OF REASONS

### INTRODUCTION

1. On 29 January 2015 the Independent Liquor and Gaming Authority (Authority) received an (Application) regarding premises located at Shop 13, 339 Sussex Street, Sydney trading as "Kobow" (Premises).
2. The Application is made by Ms Jung Hae Lee (Applicant) and seeks the variation of an Extended Trading Authorisation (ETA) pursuant to section 51(9)(b) of the *Liquor Act 2007* (Act) for the Premises.
3. By way of background, the Applicant originally lodged a similar application to the Authority on 17 October 2014 but withdrew that application on 2 February 2015 as it did not accord with the advertising requirements as per the Liquor Regulation 2008 (Regulation). The current Application contains the same details as the previous version and complies with the Regulations.
4. The Applicant has been the licensee of the on premises liquor licence (LIQ0624014061) operating at the Premises since the licence was granted on 20 February 2006.
5. The Premises is located within the CBD Entertainment Precinct that was declared pursuant to reforms to the liquor legislation that commenced effect on 24 February 2014.
6. Clause 79(2) of the Regulation makes special provision for licensed premises that are accommodation venues and restaurants, exempting them from the operation of the "freeze" provisions in Division 1A of Part 4 of the Act.
7. The licence already has the benefit of an ETA that permits the business to sell or supply liquor for consumption on the Premises from 10:00am to 02:00am Monday through Sunday. The Application now before the Authority seeks to extend those extended trading hours further, to 04:00am Monday through Sunday.
8. The Authority considered the Application at its meeting on 27 May 2015 and after careful consideration of the Application material and submissions made in relation to the Application, decided to *refuse* the Application pursuant to section 51(9)(b) of the Act.
9. Staff assisting the Authority informally notified the Authority's decision by email on 5 June 2015. This letter serves to provide a formal record of the decision to refuse the Application.

### MATERIAL BEFORE THE AUTHORITY

10. Before the Authority was the Application, the accompanying community impact statement (CIS), further submissions and other relevant material as follows:
11. Liquor Licence Application Form dated and received by the Authority on 29 January 2015.
12. Category B CIS Form dated and received by the Authority on 29 January 2015.
13. Floor Plan for the Premises accompanying the Application which provides a diagram outlining proposed licensed area to which the ETA will apply.

14. Notice of intention to apply for a liquor licence authorisation dated 29 January 2015.
15. Submission from NSW Roads & Maritimes Services (RMS) dated 7 January 2015.
16. RMS has commented on the potential road safety impacts of granting the Application and notes its concern to reduce the incidence of road crashes involving drivers, riders and pedestrians who are impaired by alcohol. RMS noted that within the past five years for which results have been finalised (2009-2013) alcohol impairment has been a factor in 2.6 per cent of all crashes in Sydney, with 50 per cent of *alcohol related* crashes resulting in a casualty. RMS note that within the Sydney LGA during 2013 there were 29 alcohol-related crashes resulting in 16 casualties, including one fatality.
17. RMS recommend that physical barriers such as pedestrian fencing be installed on the Premises; that the licensee attend the Liquor Accord in the local government area (LGA) and that the licensee provide access to local public transport information and taxi services. RMS recommend that an Australian Standards Approved breath testing device be installed on the Premises and that if the Application is approved, that public education material focused upon drink drive and pedestrian-alcohol issues be displayed at the Premises.
18. Submission from a delegate of the (then) Secretary of NSW Trade and Investment (Secretary) dated 28 January 2015. The report is prepared by a Compliance Officer within the Office of Liquor Gaming and Racing (OLGR). OLGR advance a number of objections in respect of the Application.
19. OLGR note that the primary purpose of the licensed business operating on the Premises is the sale or supply of food, with the sale of liquor being an ancillary provision. The business caters for up to 100 patrons.
20. OLGR note the Applicant's advice that live entertainment will not be provided and note the current and proposed trading hours of the Premises. In the context of this proposed business model, OLGR assess the venue to be a moderate risk operation.
21. OLGR submit that the radial density of liquor licensed premises in Sydney is well above the State average and that the location risk is rated as extreme.
22. OLGR submit that BOCSAR data shows that the Premises is centrally located within a high density crime hotspot for alcohol related assaults and within an extreme risk area being the Sydney CBD Entertainment Precinct.
23. OLGR submit that BOCSAR data indicates that from October 2013 to September 2014, the rate of *alcohol related assaults* (domestic and non-domestic) that occurred within the State suburb of Sydney was **3,885** (per 100,000 population) compared to **321** (per 100,000 population) for the whole of NSW.
24. OLGR submit that the rate of *alcohol related disorderly offences* that occurred in the suburb of Sydney was **2,244** (per 100,000 population) compared to **105** (per 100,000 population) for the whole of NSW.
25. OLGR submit that these figures indicate that the suburb of Sydney has an "...extreme concentration of alcohol-related anti-social behaviour when compared against the State average".
26. OLGR note that the Premises is also centrally located within the Sydney CBD Entertainment Precinct. OLGR note that this Precinct was established in 2014 and has

been the subject of significant legislative reforms and initiatives that were implemented in an attempt to reduce the extreme levels of alcohol-related violence and anti-social behaviour within the Sydney CBD.

27. OLGR note that on-premises (restaurant) licenced premises located within the Precinct are exempt from many of these reforms and initiatives. Nevertheless, OLGR submit that the Authority and OLGR:
28. *...must remain vigilant in ensuring applicants/licensees of On-premises (Restaurant) licences are not looking to capitalise on or take advantage of these exemptions and that there is a genuine need for authorisations that could effectively permit these venues to trade as quasi-bars (with the benefit of minimal restrictions).*
29. OLGR further submit that such authorisations "...can become particularly problematic where there is a change in business model/operation, management or owners at some point in the future and these authorisations are abused".
30. With respect to this Application, OLGR submit that the agency does not believe it is necessary to extend the venue's ETA to 04.00am (on any day of the week) and contends that "...if this were to occur it is highly likely that it will result in additional alcohol-related harm in an area that can ill afford the additional burden of such issues".
31. OLGR submit that Police have objected to the Application for several valid reasons. Those objections include (but are not limited to): the high concentration of late trading licensed premises within close proximity of the Premises; numerous compliance breaches identified by Police in respect of the Premises' liquor licence and applicable legislation and the fact that the area is already well serviced by multiple food outlets, indicating that there is no need for the Premises to extend their current trading hours.
32. Of these Police objections, OLGR submit that the most concerning aspect relates to the "...numerous breaches that police had detected at the venue with the most serious breaches including (but not limited to) the venue remaining open outside of authorised trading hours and permitting intoxication".
33. OLGR note that Police have requested that multiple conditions be placed upon the liquor licence in the event the Application is granted.
34. OLGR note that there were two submissions received in respect of the Application from Council dated 1 October 2014 and 30 December 2014. OLGR note that in the submission dated 1 October 2014, Council advised that it had no concerns in respect of the Application but proposed a condition that the Premises cease providing food 30 minutes prior to the required closing time.
35. OLGR submit that this condition is "...very concerning because if this condition was imposed and adhered to, it would be a clear contradiction of section 27 of the *Liquor Act 2007*".
36. OLGR note that the second submission from Council dated 30 December 2014 advised that Council had no matters of concern in respect of the Application.
37. OLGR note that the current Licensee has held this position since the licence was granted on 20 February 2006. OLGR note that a review of OLGR Compliance and Enforcement records did not disclose any adverse information in respect to the Premises or the Licensee but note that OLGR records "...do not reflect the breaches that were detected by the police".

38. Submission from NSW Police, Sydney City Local Area Command (LAC) (Police) objecting to the Application dated 20 December 2014.
39. In this submission Police object to the Application on the basis that "...the current Licensee has received a number of compliance notices and infringement notices due to breaches to their liquor licence in the past".
40. Police contend that the following breaches were detected by Sydney City Licensing Police on 3 October 2008:
  - 1) *Section 95 Liquor Act 2007 – Licensee Not Display Sign with Prescribed Particulars.*  
*ACTION: Infringement notice no.4020608360 issued to licensee.*
  - 2) *Section 11 Liquor Act 2007 – Licensee Fail to Comply with Condition of Licence, in that fail to maintain/keep RSA register in accordance with clause 44 Liquor Regulations, 2008.*  
*ACTION: Infringement notice no.4020608379 issued to licensee.*
  - 3) *Clause 31 Liquor Regulations 2008 – Licensee Fail to Display Notice (Sale/Supply/Obtain Liquor for Persons Under 18).*  
*ACTION: Infringement Notice no.4020608397 issued to licensee.*
41. Police contend that the following further breaches have been identified by Sydney City Licensing Police on 28 December 2008:
  - 1) *76A(1)(b) Environmental Planning & Assessment Act 1979 – Development not carried out in accordance with consent. Trading outside of hours.*  
*ACTION: Infringement Notice Issued*
  - 2) *&*
  - 3) *11(2) Liquor Act 2007 – Licensee must comply with any conditions to which the licence is subject. S9(2)(b) LA – Sale or Supply of Liquor contrary to licence. Sell/Supply liquor outside authorised hours.*  
*ACTION: 2 x Tickets Issued.*
42. Police contend that the following breaches were detected by Sydney City Licensing Police on 1 January 2010:
  - 1) *Development not accord consent – other building – Corporation. EPA 76a(1)(b)*  
*Penalty: \$3,000.00*  
*ACTION: Compliance Notice issued to Licensee*
  - 2) *Liquor Act 2007 95(1)*  
*Penalty: \$55.00*  
*ACTION: Compliance Notice issued to the Licensee*
  - 3) *Licensee keep premise open outside authorised hours, sec 9(2)(b) Liquor Act 2007.*  
*ACTION: Compliance Notice*
43. Police contend that the following further breaches were identified by Sydney City Licensing Police on 20 May 2010:
  - 1) *Licensee permit intoxication*  
*ACTION: Warning given.*
44. Police advise in this submission that "...due to the number of licensed premises in the Sydney CBD entertainment precinct and the limited number of licensing resources Police have been unable to conduct a relevant business inspection" of the business for the purposes of this Application.



45. Police further contend that there is a "...high concentration of late trading Licensed Premises serving alcohol within the immediate vicinity of Liverpool and Sussex Streets, Sydney and the level of violence being experienced around late trading Licensed Premises within the area".
46. Police provide BOCSAR crime maps for the period from October 2012 to September 2013 and submit that a high concentration of assaults occur within the City of Sydney and surrounding area. Police further submit that an unacceptable number of assaults against Police occurred during the same reporting period.
47. In addition, Police provide local crime data from the Alcohol Related Crime Information Exchange (ARCIE) database which they submit highlights the involvement of alcohol in specific crime categories. This local data applies to the area covered by the Sydney City Local Area Command (LAC) for NSW Police.
48. Police submit that this data, which concerns the period from 1 January 2013 to 31 December 2013, demonstrates that 52 per cent of all assaults and 38 per cent of all domestic violence incidents occurring within the Sydney City LAC were recorded to have been alcohol related.
49. Police further submit that this data clearly demonstrates an unacceptable level of alcohol related crime within the Sydney City LAC. Police contend that every new or extension of trading hours contributes to these issues.
50. Police also provide a Table of Alcohol Related Incidents organised by day of week and time of day recorded within the Sydney City LAC for 2012 and 2013. Police note that this data is derived from incidents recorded on the Computerised Operational Policing System (COPS) crime database.
51. Police submit that particular attention should be paid to the cluster of alcohol related incidents spanning the 7-hour period from 10:00pm till 5:00am. Police argue that "...this is a worrying trend within 2012 and 2013".
52. Police submit that the data indicates that "...the level of violence intensifies from 11:00pm and is at a critical level ... from 12:00 midnight till 3:00am, during Friday and Saturday trade".
53. Police also provide a map illustrating the spread of alcohol related incidents occurring from Market Street to the Sydney Harbour foreshore. Police submit that on the basis of this data "...the intensity of violence is concentrated between Angel [sic] and Hunter Street."
54. Police further submit that "...of note, 171 recorded incidents of violence occurred on Licensed Premises, 105 recorded incidents of violence took place in and around the Outdoor/Public areas whilst two incidents of violence involved Police as the Victim".
55. Police also provide a map illustrating the spread of alcohol related incidents occurring in the vicinity of Goulburn Street. [The Authority notes that the Premises is in the area of Liverpool and Sussex Streets]. Police submit that this data shows a similar concentration of incidents of violence involving alcohol. Police note that "...139 recorded incidents of violence occurred on Licensed Premises, 105 recorded incidents of violence took place in and around the Outdoor/Public areas whilst three incidents of violence involved Police as the victim".

56. Police contend on the basis of the above crime data for the LAC that the addition of another Licensed Premises may contribute to the level of violence currently being experienced within this area, observing that this area is currently a "hotspot" for "alcohol related incidents".
57. Police further contend that:  
  
*...the introduction of another Licensed Premises with 4am trading hours may add further strain to an already problematic area*  
  
and that this  
  
*...will only attract additional clientele to the area thus possibly contributing to an increase in incidents of violence and alcohol related incidents.*
58. Police note that the Premises is located within the Sydney CBD Entertainment Precinct and submit that this Precinct was initiated to deal with alcohol related issues and to provide a safer environment for people in this area.
59. Police submit that they are:  
  
*...reluctant to see any benefit to the community in offering alcohol for another 2 hours in a time of greater risk.*
60. Police add that:  
  
*...the liquor licence is for a restaurant, visitors or locals have ample choice of food outlets in the Sydney CBD area between 2:00am and 4:00am ... Police do not see a need to have an extension to this liquor licence.*
61. Police note that on 6 August 2014 they objected to the proposed extension of trading hours to 04:00am which was subsequently granted (for planning purposes) by Council in Development Consent D/2008/1748/C.
62. Police submit that in the event that the Application is granted, several conditions be considered for imposition upon liquor licence "...for the sole purpose of Public safety".
63. The Police proposed conditions concern requirements as to CCTV coverage; a security management plan; appropriate signage in respect of noise and trading hours; local liquor accord participation; ensuring a fully operational kitchen during all trading hours; prohibition upon certain drinks including *shots, shooters, slammers and/or bombs*; notification to Police of assaults and incidents; prevention of the removal of glass and opened cans/bottles of alcohol from the Premises; development and maintenance of a Plan of Management; prohibition on operating as a nightclub; prohibition on live/DJ entertainment; ensuring the Premises does not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could be reasonably expected from the CIS information, application and other information; and the keeping of a full copy of all current development consents, Registers and Plan of Management on the Premises and made readily available for inspection.
64. Additional submission from Police dated 2 May 2015. As noted above on 17 October 2014, the Licensee lodged a previous identical application to the one currently before the Authority. The Licensee withdrew that previous application due to non-compliance with a requirement in the Regulation to submit relevant notices to Police, Council and other relevant stakeholders within two days of filing the application

with the Authority. [As previously noted, the current Application was made on 29 January 2015].

65. On 2 May 2015, Police provided an additional submission objecting to the new Application and noting that the "...opinion of the Police has not differed in the past four months".
66. Police advise that at about 02:30am on Sunday 26 April 2015, Police conducted a business inspection of the Premises. The make the following contentions arising from that inspection:

*...At this time and until police left the premises about 03:15am police observed about 80 patrons to be consuming food and drink at this location. The Licensee was present and one security officer was employed along with about 7 staff members. The kitchen was fully operational throughout the business inspection and food was being served.*

*Police detected a breach of the Development Consent – D/2008/1748/C in relation to Condition (14). Condition (14) reads: "The licensee, or manager in charge of the premises is to ensure that ALL patrons are removed from the licensed premises within thirty (30) minutes of the cessation of the sale and supply of liquor".*

*Police believe the condition has been brought to the attention of staff previously as there was blue pen alongside the condition. The cessation of alcohol as stipulated under their liquor licence, LIQ0624014061 is 2:00am daily. Accordingly the premises should be closed by 2.30am. The condition was brought to the attention of the Licensee, a warning was given. The investigation for this breach is continuing, and the Licensee was advised, if a warning has already been given for this particular condition an infringement ticket will be issued.*

*Police have concerns about the amount of alcohol still present on the tables considering it had been approximately 40 minutes since the cessation of alcohol. On one table people [sic] observed one male and two females sat at the table. The table had a number of dishes on it and there were two opened cans of Hite Beer on the table along with four (4) unopened cans of Hite Beer. Police spoke with the patrons at the table and asked if there were any other persons at the table and if the opened beers were for them. They said the beers were for them and they got them before 2:00am.*

*Police believe the amount of drinks supplied in the 'last' drinks order was not within the spirit of the licence and advised the Licensee of this. Stockpiling of drinks was also discussed with the Licensee, security and staff."*

67. In the 2 May 2015 submission Police again note the high liquor licence density in the Sydney suburb and within the Sydney City LAC. Police provide data from the ARCIE (Alcohol Related Crime Information Exchange) database in support of those observations, observing that the Sydney City LAC has the highest concentration of licensed premises in NSW with a current count of 1,065 licensed premises in addition to the Star Casino and associated restaurants, nightclubs and theatres.
68. Police further note that of those licensed premises in the Command, 758 are operating with an on-premises licence and 501 have authority to engage in late trading after 12:00 midnight.
69. Police again note that the Premises is located within the Sydney CBD Entertainment Precinct. They contend that the Premises is located both directly beneath and across the



street from residential apartment buildings. Police observe that there is also the Radisson Suites, located on the corner of Liverpool and Sussex Streets.

70. Police contend that the Premises is surrounded by a number of late trading restaurants and hotels offering food and that a number includes Korean cuisine.
71. In addition to the BOCSAR data reproduced from the Police submission dated 22 December 2014, Police provide data from a 2011 BOCSAR study entitled *The Association between Alcohol Outlet Density and Assaults On and Around Licensed Premises*.
72. Police note that this 2011 BOCSAR study of licensed premises in Sydney City LGA found the following:

*Assaults were found to be highly concentrated around licensed premises. Assaults tend to cluster around George Street in the central business district (CBD), Darlinghurst Road in Kings Cross, Oxford Street in Darlinghurst, King Street in Newtown, and Glebe Point Road in Glebe. The highest concentrations of assaults are in Kings Cross, Oxford Street in Darlinghurst and along George Street in the CBD. More than half of the assaults recorded by Police in the Sydney CBD occur within 50 metres of a liquor outlet. Only 3 per cent of the Sydney LGA is within 20 metres of a liquor outlet, yet 37 per cent of assaults in Sydney LGA occurred in this space. The results suggest that each additional alcohol outlet per hectare in the Sydney LGA will result, on average, in 4.5 additional assaults per annum.*

*CONCLUSION: This study shows that in Sydney LGA assaults are more likely to occur around licensed premises than elsewhere. This is supported by the findings that the concentration of assaults:*

- *Is considerably higher in close proximity to licensed premises than it is further away from licensed premises; and*
- *Is higher around licensed premises than it is around commercial (unlicensed) premises or randomly selected points."*

73. Police also provide ARCIE crime data for the period between 1 February 2014 and 31 January 2015 pertaining to the Sydney City LAC. Police submit that these figures indicate that 51 per cent of all assaults and 34 per cent of all domestic violence incidents were recorded as alcohol related, which equates to 893 alcohol related assaults and 309 alcohol related domestic violence incidents within the area covered by this Command.
74. Police contend that "...this evidence clearly demonstrates an unacceptable level of alcohol related crime within the Sydney City LAC and every new or extension of trading hours further contributes to these issues".
75. Police also provide data for the Sydney City LAC for the period between July 2013 and June 2014 categorising alcohol related incidents by specific offence categories.
76. Police submit that "...of interest, 1,030 Assaults occurred within a 12 month period whilst 179 incidents involve Resist/Hinder/Assault Officer during the same period". Police submit that "...this highlights a disturbing trend within the Sydney City LAC where the consumption of alcohol may [be] a contributing factor".
77. DA D/2008/1748/C issued by City of Sydney (Council) on 15 August 2014. On 12 June 2014 the Licensee applied to the Council to amend the existing DA (D/2008/1748/B) in the following matter: "Amend Condition 3 to extend the trading hours

from between 12.00 midnight and 2.00am, to between 12.00 midnight and 4.00am". The application for modification was approved on 15 August 2014, subject to a trial period of 12 months.

78. Submissions from Council dated 1 October 2014. Council provided a short submission in respect of the Application advising that "...the City has no matters of concern with this application". Council advise that the DA permits trading until 4:00am for a 12 month trial period (expiring in August 2015) and that the maximum patron capacity at the Premises is 100 persons. Lastly, Council note the condition of the DA that "...the operator must cease providing food at the premises 30 minutes before the required closing time".
79. Additional submission from Council dated 30 December 2014. Council provided a similar submission to their previous submission but did not note, in this letter, a condition of the DA that the operator must cease providing food at the Premises 30 minutes before closing time.
80. Additional submission from Council dated 12 February 2015. Council provided a similar submission to that dated 30 December 2014.
81. Liquor licensing information sourced from Authority licensing records noting the licence type and address for all registered club, hotel and packaged liquor licenced premises for the suburbs of Sydney, East Sydney, Haymarket, Surry Hills, Ultimo, Darlinghurst, Darling Harbour, Pyrmont, Potts Point, Paddington and The Rocks.
82. NSW Bureau of Crime Statistics and Research (BOCSAR) crime data for the City of Sydney LGA regarding incidents of liquor offences, malicious damage to property, assault (domestic assault) and assault (non-domestic assault) offences for the calendar year 2014.

## LEGISLATION

83. In determining the Application, the Authority has considered the relevant provisions of the Act, including the statutory objects and considerations that are prescribed by section 3 which states:

### 3 Objects of Act

#### (1) The objects of this Act are as follows:

- (a) to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community.
- (b) to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,
- (c) to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.

#### (2) In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:

- (a) the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),
- (b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,
- (c) the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

84. The power to vary an extended trading authorisation is provided by section 51(9) of the Act, which states:

51 General provisions relating to licence-related authorisations

...

(9) An authorisation:

(a) is subject to such conditions:

- (i) as are imposed by the [Authority](#) (whether at the time the authorisation is granted or at a later time), or
- (ii) as are imposed by or under this Act or as are prescribed by the regulations, and

(b) may be varied or revoked by the [Authority](#) on the [Authority](#)'s own initiative or on application by the [licensee](#), the [Secretary](#) or the Commissioner of Police.

## PUBLIC INTEREST TEST

85. While section 51(9)(b) does not provide an express legal test to be applied when considering the power to vary an existing extended trading authorisation, the Authority will consider whether the proposed administrative action is in the public interest. This will be informed by the statutory objects provided by section 3(1) of the Act and the broad considerations which all decision makers must apply under section 3(2) of the Act.
86. While the Authority is not, in this case, applying the "overall social impact" test under section 48(5) of the Act the Authority has nevertheless assessed the public interest in right of the relevant community that is likely to patronise and be impacted by the operation of the Premises in question. Data pertaining to the Sydney CBD will be particularly relevant in this regard.
87. The Applicant has prepared and submitted a CIS document with the Application. As the Application is not of a type for which the production of a CIS is mandatory pursuant to section 48(2) of the Act, the Applicant is not required to satisfy the "overall social impact" test pursuant to section 48(5) of the Act. Nevertheless, the information provided in the CIS document includes information about the Premises and its environment that is relevant to the Authority's assessment of whether granting the Application is in the public interest.

## LICENSEE'S SUBMISSIONS

88. In the CIS, the Licensee made the following submissions:

*...We believe the impact for an extension of the on-premises liquor trading from 2.00am to 4.00[am] will have minimal or no impact for the following reasons:*

*On 15 August 2014, the City of Sydney Council approved an application for modification of the trading hours, and thereby extended the trading hours to 4.00am 7 days a week, for a one year trial. To date there has been no formal complaint in relation to the extended operation.*

*Kobow is a Korean restaurant which has been operating for almost 10 years. Although the restaurant is located within the Sydney CBD Entertainment Precinct it is exempt from the provisions of the liquor freeze as it is a restaurant. It fronts Liverpool Street at ground level, with a maximum capacity to seat 100 patrons at any one time.*

*The restaurant presently serves both alcoholic and non-alcoholic beverages. The consumption of alcohol is conditional upon the patron ordering a meal, therefore, patrons are not permitted to visit the restaurant with the sole purpose of drinking alcohol without*

*ordering a meal. Staff are trained to deny patrons and reject their orders for alcoholic beverages without also an order for a genuine meal.*

*The restaurant offers patrons the option to also order low-alcohol beverages, this caters to patrons who visit to enjoy a meal and at the same time consume light-beers or light-wines.*

*An inherent advantage of the restaurant is the internal layout of the premises. A significant portion of the seating arrangement on the premises is located at lower-ground level. Therefore, the vast majority of the patrons are seated at tables at lower-ground level, well away from street level, and enclosed within surrounding cavernous concrete walls. By virtue of this architectural design, any noise level is significantly reduced. In addressing any issue relating to possible excessive noise levels, the Applicant has implemented a procedure whereby the large bi-fold windows which front Liverpool Street are drawn closed by midnight every night. By closing the large bi-fold windows, this has the effect of reducing any noise level impacting on adjoining properties, as the windows are thick in design thereby providing a muffler effect to internal noise levels.*

*To further address noise reduction the applicant will install a signboard and displayed within the restaurant advising patrons to exist the premises in a cordial manner. In addition, Kobow's staff members are duly trained to closely observe patrons' behaviour and if necessary are instructed to warn patrons not to disturb the good order of the neighbourhood especially in the early hours of the morning.*

*The signage detailing trading hours is displayed prominently at all times on the entrance door and no patrons are admitted onto the premises outside trading hours.*

*Depending on the time of day, there are between 8 to 13 staff members working at any one time. These include, two chefs, a kitchen staff, between one to two managers, and the remainder being waiting staff.*

*Management has educated staff members the importance of patrons maintaining respectful conduct. Staff are educated to ensure responsible service and consumption of alcohol to patrons. The Applicant ensures that all serving staff have RSA certification and those who are new employees are duly trained and educated regarding the responsible servicing of alcohol.*

*Depending on the degree of any disturbance, staff are required to remain alert and notify floor managers of any disturbance. This will ensure that the behaviour of patrons leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, management and on-site security are responsible for the control of noise.*

*...*

*Prior to the lodgement of this application, the Applicant has notified the relevant authorities and its neighbouring community for feedback. There has only been two responses, one from the Roads & Maritimes Services and another from the City of Sydney Council: see attached RMS and City of City Council Responses. To date, the Applicant has not been notified nor is aware of any objections to her application.*

*On 19 December 2014, the local police situated at the Sydney City Local Area Command (192 Day Street Sydney) and the Licensing Branch situated at The Rocks Police Station (132 George Street Sydney) were duly served with a copy of the Notice of Intention to Extend Trading Hours. To this date, the Applicant has not been notified nor is aware of any objections made by local police to this application.*

*...*

*The Applicant has engaged the security firm Imperial Group Services Pty Ltd to provide security detail at the restaurant: see attached the letter of engagement issued by Imperial Group Services Pty Ltd dated 11 June 2014.*

*The on-site security officer is properly accredited and has Responsible Service of Alcohol (RSA) certification. The security officer is deployed between the hours 10.00pm to 4.00am, 7 days a week.*

*The licensed security officer is required to ensure the following:*

- i. To guard the premises and maintain order*
- ii. Prevent intoxication of patrons on the premises*
- iii. Guarantee the duties of care for any staff or patron*
- iv. Making sure the venue complies with Council conditions*
- v. Manage noise levels and orderly dispersal of patrons leaving the premises*
- vi. Maintain a safe environment for patrons and staff*
- vii. Any other security related requirements.*

*The restaurant also facilitates a booking-system, whereby, patrons are able to give prior notification or pre-bookings, this enables Management to pre-plan and properly service large group bookings. During peak trading hours, the restaurant rosters up to 9 wait-staff. In circumstances where a single large group attends the restaurant a single wait-staff is specifically assigned to this large group to cater to their orders and other needs throughout the evening. This wait-staff is highly visible to the patrons of the large group and is expected to manage the group to ensure the efficient process of ordering, delivery of food and beverages to the table, and attend to their other requests.*

*Managers and staff are educated to immediately contact police in the event that circumstances warrant the intervention of proper authorities.*

*No minor is allowed to consume alcohol on the premises and such policy is clearly indicated by the erection of signage on the wall behind the counter to remind both staff and patrons.*

*In total, there are presently eight functional CCTV security cameras installed at the restaurant. The first CCTV camera is installed near the front entrance of the restaurant. The second CCTV camera is installed near and above the cash register. The third CCTV camera is installed in the kitchen. The remaining four cameras are installed in various places of the main dining hall. All CCTV cameras are operational and capable of recording continuously for 24 hours per day. The CCTV cameras are able to record constantly without interruption for a period of two weeks.*

*The restaurant also provides information regarding public transportation, including, bus stops and train station within 100 metres from the premises.*

## **Licensee's Response to Community Submissions**

89. On 24 April 2015 staff assisting the Authority wrote to the Applicant's legal representative, Mr Hans Kim, and provided the submissions received from Police, Council and RMS for comment. The Applicant was requested to provide a completed Certificate of Advertising Application form.
90. The Applicant was also informed that should the Authority be minded to grant the Application, certain standard conditions imposed in relation to on premises licences may be imposed upon the licence, including a requirement that the licence not operate with a greater overall social impact on the wellbeing of the community; active local liquor accord

participation; a requirement that the licensee conduct the licence in accordance with the Plan of Management; and a requirement that the licence be authorised for the trading hours fixed by the Authority or such lesser hours as may be approved by consent from time to time.

91. On 6 May 2015, the Applicant's legal representative provided a Certificate of Advertising Application form signed by the Licensee on 27 April 2015; House Policy; Plan of Management; and a consent form consenting to the above, standard conditions noted by Authority staff and consenting to the Police proposed submissions in the submission dated 22 December 2014.
92. The *House Policy* provided by the Applicant addresses, inter alia, participation in the local liquor accord; responsible service of alcohol (RSA) policies and measures; security and measures to address unsocial and disruptive behaviour; and alternative means of transport.
93. The *Plan of Management* dated 1 May 2015 provided by the Applicant addresses, inter alia, minimisation of internal and external noise impacts on adjoining premises; procedures of minimising and managing waste; type and number of staff at any one time; security on-site and CCTV security cameras; managing patron behaviour at late night; controlling and managing crowds within and outside the premises; managing large groups of people during peak trading periods; measures to minimise harm associated with alcohol consumption to ensure RSA; patron capacity; increasing awareness of availability of public transport; cleanliness; and document compliance.
94. In response to both Police submissions objecting to the Application (dated 22 December 2014 and 2 May 2015) the Applicant makes the following submissions:
  - i. *Specifically, we draw your attention to the first page of their response dated 2 May 2015 and page 7 of their response dated 22 December 2015. [sic] The Police have submitted that on 19 December 2014 they received the application for extended trade and on 22 December they received the Notice of Intention and therefore due to this irregularity in procedure the applicant resubmit [sic] their application (we note that the Police do not press this point in their latest report). In any event, this earlier submission by Police is no longer relevant, as any irregularity which existed in the older-version application (no. 1-2659865876) was withdrawn and cured by the new-version application (no.1-2909699668).*
  - ii. *To clarify the correct dates, in relation to the new application (no. 1-2909699668), on 19 December 2014 the Police was served [sic] with the new Notice of Intention; on 29 January 2015 the new Liquor Licence Application was lodged at the Office of Liquor Gaming and Racing; and on 29 January 2015 (being the same day) the Notice to Police was duly served – the receiving officer was Leading Senior Constable Maruri of the Sydney City Licensing.*
  - iii. *In relation to the alleged breach detected by Police at 2.30am on 26 April 2015, the 4 unopened cans of beer were placed by an unexperienced staff member who had only commenced working at the premises for a short period. We are instructed this was an isolated incident. Furthermore, the present situation whereby the Development Application has approved opening hours until 4.00am and the existing restriction of service of alcohol allowed only until 2.00am is incongruous and therefore we respectfully seek an expeditious resolution whereby the opening hours and service of alcohol hours are in harmony.*



- iv. *The Licensee commenced the licensed premises on 20 February 2006. The Police have included in their Report a list of historical breaches, dated 3.10.2008, dated 28.12.2008, 1.01.2010 and 20.05.2010. The Applicant respectfully submits that four breaches in the past 9 years, whilst certainly does not condone these breaches, are more of a blemish than habitual offending pattern. In addition, the last recorded breach on the historical data occurred almost 5 years ago.*
  - v. *Notwithstanding the grim statistical information relied upon by the Police (and the Director Compliance in objecting to our client's application), our client's dining patrons are said to be better-behaved and polite. Our client's patrons consist largely of overseas visitors who are either on a tourist or student visa. These patrons are in Sydney on a temporary and short-term stay, and are accustomed to late-night dining as often they originate from international cities where businesses are open almost 24-hours per day. As many of them are international students or tourists, they are acutely aware that they are in a foreign country, and need to be "better-behaved" and "more respectful" towards others as their intended purpose of visiting Australia is to enjoy their experiences and not to jeopardise their visa. The statistics do not distinguish those intoxicated offenders who have engaged in criminal conduct. Our client has instructed that she does not recall any incidence of her patrons engaging in violence.*
95. In response to the OLGR submission objecting to the Application dated 28 January 2015, the Applicant makes the following submissions:
- i. *In respect of the concern expressed by the Director Compliance in relation a possible breach of section 27 of the Liquor Act 2007, this is unfounded for the following reasons. The cessation of providing food 30 minutes before the required closing time would also be accompanied by the cessation of trading alcohol 30 minutes before the required closing time. Our client accepts that should you grant her application to extend trading until 4.00am, in reality, she would cease serving both food and alcohol 30 minutes before closing time. This has always been our client's intention. It is only practical that last orders are made by 3.30am to enable the patrons enough time to consume their meal and drinks, furthermore, in the final 30 minutes before closing time the patrons would be reminded to finish-off their meals and drinks and to exit the premises. This would enable the restaurant to be "emptied" and closed at 4.00am.*
  - ii. *The Director Compliance has stated that the "area is already well serviced by multiple food outlets so there is no need for an extension to the venue's liquor licence". This view also appears to coincide with Police in their objections. With all due respect this comment is unfair to diners seeking alternatives or variety in their choice of cuisine. Our client is situated essentially on the outer boundary of Chinatown which is abundant with Chinese or South East Asian food outlets operating late-night. It must be remembered that our client offers Korean-cuisine (and not Chinese cuisine). Whilst it is arguable that there are "multiple food outlets" or perhaps even an oversupply of Chinese cuisine restaurants there is presently a shortage (or only a few) Korean restaurants in that specific area. It would be unfair that Chinese restaurants are able to trade late-night and the approval was not granted to a Korean restaurant.*
  - iii. *Our client fervently denies any suggestion that the restaurant would trade "as quasi bars" as alluded to by the Director Compliance. Traditionally and culturally, Korean diners do not widely embrace the consumption of stand-alone-alcohol, rather, they generally prefer consuming alcohol together with something to eat. This is in*

*contrast to the widespread Australian pub culture whereby Australians are more accustomed to drinking only beer and wine without ordering food.*

## REASONS FOR REFUSAL

96. The Authority has critically examined the Application for the ETA and all the material before it pertaining to that Application and has decided to refuse the Application pursuant to section 51(9)(b) of the Act.
97. The 2014 BOCSAR *Report on Crime by Local Government Area and Alcohol Related Status* for 2014 (based on data from January to December 2013) satisfies the Authority that the rate for Sydney LGA for alcohol related incidents well exceeds the average compared to NSW.
98. This no doubt reflects the City's concentration of licensed premises and the great many workers, residents and visitors that those establishments cater for. Nevertheless, the data does provides objective support for Police and OLGR concerns that the relevant community most likely to be impacted by the operation of the Premises, within the Sydney CBD, is over exposed to alcohol related crime and disturbance.
99. The report indicates that in the Sydney LGA, the rate per 100,000 population of *alcohol related assault police* incidents was **112.4** compared with a NSW total of **22.6**. The rate per 100,000 population for *alcohol related domestic violence offences* was **236** compared with a NSW total of **137.2**. The rate of *alcohol related non-domestic violence related offences* was **1019.4** compared with a NSW total of **181.0**.
100. The *BOCSAR Report on Crime for the Sydney LGA for 2014*, indicates that the rate of alcohol related assault is elevated during the time periods from 12:00 midnight to 06:00am on Friday, Saturday and Sunday mornings, when the Licensee seeks to engage in further extended licensed trading to very late hours should this Application be granted. Of all time periods across the week, the highest proportion of incidents of *alcohol related assault* occurred between 12:00 midnight and 6:00am on Sundays (23.4 per cent). The second highest proportion occurs between 12:00 midnight and 6:00am on Saturdays (12.9 per cent) while 12:00 midnight to 6:00am on Friday and Thursday morning also have elevated proportions of alcohol related assault incidents (4.3 per cent).
101. In relation to the suburb of Sydney, BOCSAR crime mapping data for the period from January 2012 to December 2014 reveal that the Premises is located in a relatively sensitive location in terms of the concentration of prevailing crime impacts, in that within the Sydney LGA the Premises is situated within a high concentration "hotspot" for the occurrence of reported domestic assault, non-domestic assault and malicious damage offences (noting that such matters may or may not be recorded as alcohol related).
102. The Authority further notes the BOCSAR data identified by OLGR for the state suburb of Sydney for the period from October 2013 to September 2014. OLGR observe that the rate of alcohol-related assault in Sydney is 3,885 (per 100,000 population) which is well above the NSW State average of 321 (per 100,000 population). OLGR further observe that the rate of alcohol-related disorderly conduct offences is 2,244 (per 100,000) which is again significantly above the NSW State average of 105 (per 100,000 population).
103. The Authority notes the Police and OLGR objection to the Application and the further crime data from the Local Command Level and BOCSAR research provided in support of the Police submissions.

104. The submissions from OLGR and Police and the licensing data before the Authority for the City and suburb of Sydney satisfy the Authority that there is a high density and considerable variety of licensed premises, with numerous premises being licensed to trade during extended licensed hours.
105. Authority licensing records indicate that within the suburb of Sydney there are a total of 853 liquor licences comprising 25 club licences, 132 hotel (full) licences, 15 hotel (general) licences, six limited licences, 603 on-premises licences, 40 packaged liquor licences and 32 producer wholesaler licences.
106. The Authority has carefully considered the Applicant's submission dated 6 May 2015, that as a restaurant, the Premises may not necessarily attract the same style of patron as a "quasi-bar". The Authority accepts that this Premises is licensed to trade as a restaurant and that the supply of liquor is ancillary to the supply of a meal. The Authority notes that this business must operate a kitchen and make food available at times when liquor is to be sold or supplied on the Premises - although the Authority notes Council's submission that a condition of the DA requires cessation of food service 30 minutes prior to closing.
107. Nevertheless, with an occupancy limit of 100 persons, the Premises is not a small business in relative terms. The hours sought by this Application are very extensive - until 4:00am, seven nights of the week.
108. The Applicant contends that the purpose of licensed trading until 4:00am will be primarily to service international visitors or local students seeking Korean cuisine. OLGR have raised the concern that the Premises, although licensed as a restaurant, could acquire the characteristics of a de facto bar during late hours. Police too have questioned whether there is a need for a 4:00am licensed restaurant in this location.
109. The Authority notes that the Applicant does not have to demonstrate need for the licence that it seeks. Nevertheless, substantiation as to the extent of contended community demand for the licensed Korean meals, between the hours of 2:00am and 4:00am across the week would have assisted the Authority to better understand (and give more weight to) the proposition that granting the Application will advance the statutory object in section 3(1)(a) of serving community "needs, desires and expectations". It may also help to substantiate how granting this Application will advance the statutory objects of section 3(1)(b) and (c) to develop the local liquor or tourism industries respectively.
110. While the Licensee's submission that a Korean restaurant will cater for international visitors and local Korean students is generally credible, the Licensee has not substantiated the extent to which the "needs expectations and desires" of the community will be actually advanced by further licensing this restaurant between the hours of 2:00 and 4:00am.
111. The designated primary purpose of this licensed business is that of a restaurant. The Authority is satisfied that visitors and members of the community patronising this restaurant already receive the considerable consumer benefit of an on-premises licence that enables them to purchase liquor with their meals until late hours. In light of the Council consent for the restaurant to remain open beyond 2.00am, patrons of this restaurant may continue to dine on the Premises and continue to consume liquor, provided that it was purchased and supplied prior to 2.00am.
112. The Authority notes that it is an object of section 3(1)(b) of the Act to facilitate the *balanced development* of the liquor industry and an object of section 3(1)(c) of the Act to

contribute to the *responsible development* of related industries such as tourism and hospitality.

113. The Authority is not satisfied, on the material before it, that the Applicant has provided a persuasive case as to why the public interest in favour of granting the Application supports further extending the licensed hours during higher risk times of the week until 4:00am.
114. While the Authority has considered the Applicant's submission that there "...there is presently a shortage (or only a few) Korean restaurants in that specific area", the ETA already provides extensive convenience to the community in respect of the demand or expectation for licensed Korean dining for patrons of this restaurant.
115. The Authority is mindful of the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from the amenity of community life as prescribed by section 3(2)(c) of the Act.
116. On the basis of the data provided by OLGR and Police and the published BOCSAR alcohol related crime data for the Sydney LGA, the Authority is satisfied that the area in which the Premises proposes to engage in licensed trading until 4am is already over exposed to alcohol related crime.
117. As for the individual compliance record of this business the Authority accepts, on the balance of probabilities, that the reported contraventions of licensing and planning legislation summarised in the Police submissions (and not contradicted by the Applicant) did occur.
118. The Authority has taken into account the Applicant's submission that "...the last recorded breach on the historical data occurred almost five years ago". This diminishes the weight of regulatory concern that those matters may otherwise warrant, but this submission overlooks the fact that recent compliance issues were detected by Police during their inspection on 26 April 2015. The Authority finds the Police submission in this regard to be credible.
119. Moreover, those older detected adverse compliance events arose while the business was under the responsibility of the current Licensee. The Authority is satisfied, on the basis of the Police submissions, that the individual compliance record of this business gives rise to some ongoing cause for concern as to whether the business should assume an even greater compliance risk by trading very late into the morning, seven days per week.
120. The Authority does not have sufficient data or analysis to find whether extending the hours of this one licensed business will lead to an increase, decrease or no change to the overall amount of liquor consumed across the community in the Sydney CBD. The Authority does not have sufficient data or analysis to find that extending the hours of this one licensed business will impact the overall level of late morning alcohol related incidents reported by the Local Area Command.
121. Nevertheless, the Authority is satisfied that granting the Application will increase the scope and likelihood for patrons of this venue to contribute over time to alcohol related crime or disturbance during very late hours, as the business trades for a longer duration during what are objectively higher risk times of the week in a Sydney CBD community that is over exposed to alcohol related crime and disturbance.

122. The Authority is satisfied that granting the Application will increase the scope for patrons of this venue to contribute to alcohol related crime and disturbance in the Sydney CBD by reason that licensed business will be able to attract and accommodate persons who have either been drinking on the Premises for a prolonged period or have been drinking at other venues before migrating to the Premises.
123. The high density and variety of other licensed premises in an area like the Sydney CBD objectively increases the prospect of late night patron migration to the Premises by patrons affected by liquor to varying degrees, from those licensed businesses that have closed (or have become unavailable due to the operation of the 1:30am lockout in the Precinct) to those businesses that remain available.
124. The Authority accepts the Police submission that the Premises is located both directly below a residential apartment building and no less than fifty metres from another residential apartment building. If the Application is granted the Authority considers it more likely than not that there will be patrons arriving and leaving the Premises at what are very sensitive times of the morning (up until 4:00am, seven days per week). Such patrons are likely to include persons affected by liquor to varying degrees and whose conduct, over time, is more likely than not to detract from the amenity of community life.
125. Some degree of adverse amenity impact from the operation of licensed premises is inevitable and may be readily accepted as an incident of city life when it occurs earlier in the evening. However, the public interest case for extending this licence becomes less persuasive during times of the evening that are objectively sensitive, having regard to the proximity of residential buildings and in light of the crime data provided by BOCSAR, OLGR and Police.
126. The Authority notes that Council has approved, for planning purposes, late trading on the site of the Premises until 4:00am for a 12-month trial period. The Authority notes that Council has not objected to the Application to extend the licensed trading hours to 4:00am seven nights a week. Notwithstanding this positive assessment for planning purposes, the Authority is required to consider likely alcohol related amenity impacts during very late hours.
127. The Authority must have regard to the consideration in section 3(2)(a) – the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour) and section 3(2)(c) – the need to ensure that the sale, supply and consumption of alcohol contributes to, and does not detract from, the amenity of community life.
128. The Authority is satisfied that a decision not to grant the further extension of the ETA would best serve those considerations in light of the crime data and licence density data that is before the Authority and having considered the extent to which this proposal may be said to further advance the objects of the Act.
129. The Authority has considered the Applicant's submission that the restaurant is acoustically well insulated and that its patrons are not known for engaging in acts of violence. The Authority further notes the availability of a security guard on the Premises during late hours and the location of the Premises to bus and train transport.
130. The Authority accepts the Applicant's contention that noise from patrons who are *within* the restaurant is not likely to cause disturbance. The Authority further accepts that the licensed security guard and other staffing levels indicated in the Application will provide scope for monitoring patrons and may deter alcohol related misconduct *within* the Premises.



131. However, whether or not the patrons engage in any conduct rising to the level of criminality, the Authority is satisfied that late arriving and departing patrons for this 100 patron capacity licensed business will more likely than not likely adversely impact local amenity over time in a range of ways on neighbouring streets while affected by liquor to varying degrees. Such impacts will likely involve groups of patrons talking loudly, arguing, yelling, laughing, screaming, swearing, and making noise getting into taxis or private transport or walking through neighbouring streets.
132. Concern for adverse amenity impacts adversely impacting the public interest in the Sydney CBD become more pronounced during these later morning hours, noting the proximity of the Premises to nearby residential buildings. That is, the amenity impacts of a licensed business trading to 4:00am poses a relatively greater threat to the public interest in respect of preserving local amenity than licensed trading that occurs earlier in the evening, especially at times of the morning when the public bus and train transport options identified by the Applicant are less readily available.

## CONCLUSION

133. The Authority is not satisfied, on the basis of the material before it that the proposed variation of the extended trading authorisation that is already in effect for a licensed venue of this type, scale and location will be in the public interest. As a result, the Authority has refused to vary the ETA under section 51(9)(b) of the Act.
134. In making this decision, the Authority has had regard to all the objects and considerations prescribed by section 3 of the Act, but has given weight to section 3(2)(a) – the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour) and section 3(2)(c) – the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

If you have any questions about this decision, please contact the case manager Ms Trudy Tafea via email at [trudy.tafea@ilga.nsw.gov.au](mailto:trudy.tafea@ilga.nsw.gov.au).



Micheil Brodie  
**Chief Executive**

for and on behalf of the **Independent Liquor and Gaming Authority**

DATED: 4 / 8 / 2015