

Notice of Meeting:

I hereby give notice that an ordinary meeting of the District Licensing Committee will be held on:

Date: Monday 16 December 2024

Time: 10.00 am

Venue: Council Chamber, top floor, Dunedin Public Art Gallery, the

Octagon, Dunedin

Sandy Graham Chief Executive Officer

District Licensing Committee

Opposed On-Licence Application PUBLIC AGENDA

MEMBERSHIP

ChairpersonColin WeatherallDeputy ChairpersonKatie Lane

Members Cr Lee Vandervis

Senior Officer Kevin Mechen, Secretary, District Licensing Committee

Governance Support Officer Lynne Adamson

Lynne Adamson Governance Support Officer

Telephone: 03 477 4000 Lynne.Adamson@dcc.govt.nz www.dunedin.govt.nz

Note: Reports and recommendations contained in this agenda are not to be considered as Council policy until adopted.





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PART A REPORTS

REPORT FOR ON-LICENCE, "INDIGO ROOM", 26 MORAY PLACE, DUNEDIN – FROM SECRETARY, DISTRICT LICENSING COMMITTEE

Department: Civic

APPLICATION DESCRIPTION

Applicant's Name: Aika and Co (2016) Limited

Site Address 26 Moray Place, Dunedin

Trading Name: Indigo Room

Style of Licence Tavern

Application Number ON-19-2024

Date received by Council 21 October 2024

EXECUTIVE SUMMARY

- This is a report for an application for a new on-licence for the premises situated at 26 Moray Place, Dunedin, and known as the "Indigo Room". The criteria found at section 105 of the Sale and Supply of Alcohol Act 2012 (the Act) apply to this application.
- The Applicant is the former licensee of the premises. They did not renew their licence despite several reminders being sent to them.
- 3 Public notice of the application did not attract any public opposition.
- The reporting agencies, the Police, Medical Officer of Health and Licensing Inspector have all opposed the application.

APPLICANT AND APPLICATION

Applicant

- 5 The Applicant first gained an on-licence for the premises in 2020. They renewed the licence in 2021.
- In September 2024 they were sent the renewal documents and included an invoice for both the renewal application and annual fee. Despite several reminders, the renewal application was not submitted so the licence was expired on 15 October 2024.



7 The Applicant made several attempts to get the licence reinstated but on 21 October 2024 made application for a new licence.

PUBLIC NOTICE

- 8 Public notice of the application did not attract any objections.
- 9 However, the three reporting agencies have opposed the grant of the licence.

Police

- The Police submitted an interim opposition because they had not completed inquiries with the Applicant. in the interim, their opposition is based on the reports of the Licensing Inspector and Medical Officer of Health.
- 11 Medical Officer of Health
- 12 The Medical Officer of Health has opposed the application on the following grounds:
 - a) s.105(1)(a) object of the Act. The Applicant had failed to renew their previous licence despite reminders and continued to trade without a valid licence. This non-compliance indicates a lack of commitment to adhering to the legal requirements of a licensee. The area is identified as being decile 8 on the NZ Deprivation Index.
 - b) s.105(1)d) days on which and hours during which the Applicant proposes to sell alcohol. Operating beyond 12.00 midnight inherently increases the risk of alcohol-related harm.
 - c) s.105(1)(h) amenity and good order of the locality. Dunedin already contends with issues resulting from a high concentration of late night venues. The grant of this licence would likely contribute to a further degradation of the amenity and good order of the locality.
 - d) s.105(1)(j) whether the Applicant has appropriate systems, staff and training to comply with the legislation. The application indicates the two owners as being active staff for the premises. only one has a current manager's certificate and both work elsewhere. The application lacks the oversight and control necessary to ensure a safe and compliant environment.
 - e) s.105(1)(k) matters raised in reports of the Police and Licensing Inspector.
- 13 Licensing Inspector
- The Licensing Inspector highlights the failings of the Applicant while holding the previous licence.

 These include:
 - a) Failing to submit their renewal application for the licence.
 - b) Failure to pay annual fees on time; after 10 months of reminders being sent, the fee was finally paid.
 - c) They have a remote sellers off-licence that has been suspended because they have not paid the annual. They state they are not using it so it will remain suspended until it expires.



- d) When the new application was submitted, it was not accompanied by the required supporting documentation. They were advised it was their application and they needed to include the required documents; it was not the role of Council staff to look for the documents in previous applications.
- 15 The Inspector's objection relates to the lack of systems, staff and training to meet the requirements of a licensee as set out in the legislation.

CONCLUSION AND CONDITIONS

- 16 This application results from the Applicant not renewing their previous licence on time.
- 17 The reporting agencies have identified several areas of concern relating to the Applicant and the application submitted.
- 18 The hearing is an opportunity for the parties to present their positions to the Committee before a decision is made.

Signatories

Author:	Kevin Mechen - Alcohol, Psychoactive Substances and Gambling Advisor
Authoriser:	

Attachments

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PUBLIC NOTICE

Section 101(a), Sale and Supply of Alcohol Act 2012

Aika and Co (2016) Limited has made application to the District Licencing Committee at Dunedin for the grant of an On Licence number ON-19-2024 in respect of the premises situated at 1 - 26 Moray Place Dunedin and to be known as Indigo Room

The general nature of the business to be conducted under the licence is Class 1 Restaurant, n'club, tavern, adult prem.

The applicant seeks the licence on the following hours:

Monday to Sunday 10.00 am to 3.00 am the following day.

First publication date:

Wednesday, 23 October 2024

Second publication date:

Wednesday, 30 October 2024

Objections Close 5:00 pm Thursday, 28 November 2024

- The application may be inspected during ordinary office hours at the office of the Dunedin District Licensing Committee at 50 The Octagon, Dunedin, or on-line at https://www.dunedin.govt.nz/services/licensing/alcohol-licence-applications
- No objection to the issue of a licence may be made in relation to a matter other than a matter specified in section 105(1) of the Sale and Supply of Alcohol Act 2012
- Any person who is entitled to object and who wishes to object to the issue of the application may, not later than 25 working days after
 the date of the first publication of this notice, file a notice in writing of the objection with the Secretary of the Dunedin District
 Licensing Committee at 50 The Octagon, PO Box 5045, Dunedin 9058



APPLICATION FOR ON LICENCE

Incomplete applications will not be processed

The application must be accompanied by the correct fee (see below).

When a licence has been granted, it will not be issued until the annual fee has been paid.

The District Licensing Committee (DLC) will notify the public of this application via the Dunedin City Council website and the Otago Daily Times (the advertising cost is included in the application fee).

The contact person will be emailed a copy of the public notice to be displayed on the premises.

Please use separate pages to provide extra information where necessary.

If you have any questions while completing this form, please contact Dunedin DLC staff on 03 474 3481 or email dla@dcc.govt.nz.

Please read and complete the following checklist before submitting the application

Written statement from the owner of the building or property giving you approval to sell and supply alcohol and allow its consumption on the premises. An email is acceptable, this can be sent to dla@dcc.govt.nz with the name of the premises and applicant included as a reference.

If a body corporate: certificate of incorporation (or equivalent document)

Planning and building certificates (not required for a conveyance)

A copy of the proposed food and drinks menus

A scale plan of the premises showing the principal entrance and the areas where alcohol is to be sold, supplied and consumed, with an indication of which areas are to be:

- · undesignated anyone of any age allowed
- · supervised minors must be with their parent/guardian
- · restricted R18

Map showing location of 'sensitive' locations, e.g., schools, early childhood facilities, hospitals and churches

A risk mitigation plan detailing how you will ensure the impact on the community will be minimized, e.g. control of noise and litter, parking and dispersal of patrons

Copy of host responsibility policy – for high risk premises please also include an alcohol management plan explaining how you will implement the points of the policy

Letter of authorisation if a consultant is completing this form on your behalf

Office use only

Date received:



Page 1 of 8

Calculate your application fee

Select your premises type:

Class 1 restaurants – restaurants with a significant separate bar area which, in the opinion of the DLC, operate that bar at least one night a week in the nature of a tavern (such as serving alcohol without meals to tables situated in the bar area)

Class 2 restaurants – restaurants that have a separate bar (including small bar areas) but which, in the opinion of the DLC, do not operate that area in the nature of a tavern at any time

Class 3 restaurants – restaurants that only serve alcohol to tables and do not have a separate bar area

Type of premises	Points
Class 1 restaurant, nightclubs, taverns, adult premises	15
Class 2 restaurant, hotels, function centres, universities, polytechnics	10
Class 3 restaurant, other premises not specified	5
Theatres, cinemas, BYO restaurants, cellar doors	2
Premises points	

Select the latest time you intend to sell alcohol:

Latest alcohol sales time	Points
2am or earlier	0
Between 2.01am and 3am	3
3am onwards	5
Trading hours points	

Add the premises points and trading hours points together to get the total:

Use the table below to work out the fee payable:

Total points	Risk rating	Application fee (GST inc)	Annual fee (GST inc)	Total fee required
0-2	Very low	\$368.00	\$161.00	\$529.00
3-5	Low	\$609.50	\$391.00	\$1000.50
6-15	Medium	\$816.50	\$632.50	\$1449.00
16-25	High	\$1,023.50	\$1,035.00	\$2058.50
26 plus	Very high	\$1,207.50	\$1,437.50	\$2645.00



APPLICATION FOR ON LICENCE

Section 224 of the Sale and Supply of Alcohol Act 2012

To the Secretary, Dunedin District Licensing Committee

Application for an on-licence is made in accordance with the particulars set out below:

Endorsements (tick if applicable)

Is this your principal business? O Yes

Please state any other businesses:

BYO restaurant – tick if you are a restaurant that does not intend to sell alcohol, i.e. you want to offer BYO only

✓ Caterer's on licence – for off-site catering, instead of, or in addition to, food/alcohol supplied on the premises (please provide menus, website information, bookings etc.)

Contact person			
Name: Charles Chen Chieng			
Phone: 0210524860			
Email: charles.chieng@aika.nz dan	iel.bro	wn@aika.nz	
Postal address:			
		Postcoo	de: 9085
Applicant details			
Applicant status (please select from the b	alaw s	Vanding	
Applicant status (please select from the t	Jelow C	pptions)	
Individual		Partnership	Body corporate
Public company	1	Private company	Club
Trustee		Local authority	Licensing trust
Government department or other instrument of the Crown		Manager under the Protection of Personal Property Rights Act 1988	Board, organisation or other body
Legal name/s of the person/s or organis Include any other names you may be kno		nat will receive any proceeds from alcohol sa	ales.
Full legal name:			
Any other names you may be known by:			
Address:			
		Postcoo	de:
Occupation:			
Phone:			
Email:			
Date of birth:	Place	of birth:	Gender:

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Further details where the applicant is a company or an incorporated society

For a company (whether incorporated under the Companies Act 1993 or equivalent foreign legislation), give full legal names of directors.

Where the applicant is a **private company**, give full details of each person who holds any shares issued by the company as follows: full name, address, date of birth, place of birth, designation in company and percentage of shares held.

aika&co.(2016)limited Charles Chen Chieng

(50% Shares each)

Daniel James Brown



Please also provide:

Authorised capital:

Paid up capital:

Where the applicant is a public company, give full details of each person who holds 20% or more of the shares, or any particular class of shares, issued by the company, as follows: full name, address, date of birth, place of birth, designation in company.

Further details where the applicant is a partnership

Full details of each partner as follows: full legal name, address, date of birth, place of birth.

Signature of each partner

If a body corporate, please state the authority under which you are incorporated, e.g. Companies Act 1993, Incorporated Societies Act 1908, Charitable Trusts Act 1957.

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Crimina	convic	tion

Please state all criminal convictions against any applicants including Directors or Shareholders (except convictions for offences to which the Criminal Records (Clean Slate) Act 2004 applies).

Full Name	Conviction		Date of Conviction
(Use a separate sheet if necess	ary)		
Details of premises			
Proposed trading name: Inc	ligo Room		
Current trading name (if app			
Name of the building (if appl	icable):		
Address of the premises: 20	6 Moray Place, Dunedin Central		
		Postcode: 9016	
Does the applicant own the p	premises? Yes O No	in obtained.	
	ll legal name and address of the owner:		
Chris James			
Otago Real Estate			
30 Moray Place, Dunedir	n Central 9016		
A written statement is requi its consumption on the pren reference.	red from the owner of the building or prope nises. This can be sent to <i>dla@dcc.govt.nz</i> w	rty giving you approval to sell a ith the name of the premises a	and supply alcohol and allow nd applicant included as a
	applicant have and when does it expire?		
	years right of renewal with lease endin	g July 2038	
	completion of building work? Yes O		
If yes, please provide details			
The second of th			
Does the building have a cu	rrent building warrant of fitness (BWOF)?	Yes O No	
What is the maximum occup	pancy of your entire premises including outs	side areas? 40	
Please describe in detail the urinals, unisex facilities and	e number and nature of the toilet arrangement d accessible facilities:	ents, e.g. number of male and f	female toilets, number of
one accessible toilet			

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Fire Evacuation Declaration - Fire and Emergency Act 2017

Which of the following fire evacuation statements applies to you?

If unsure, check with Fire and Emergency New Zealand

The owner of the building in which the premises is situated provides and maintains an evacuation scheme as required by section 76 Fire and Emergency Act 2017

Because of the building's current use, the owner is not required to provide and maintain an evacuation scheme Because of the nature of the building, the owner is exempt from the requirement to provide and maintain an evacuation

Signed charles chen chieng

Date 14/10/2024

Details of conveyance (e.g. if this application is for a ship, bus, train etc.)

Type of conveyance (e.g. ship, bus or train):

Trading name of conveyance:

Registration number:

Address where based:

Postcode:

Does the applicant own the conveyance?

Yes O No

If "no", please provide the full legal name and address of the owner:

A written statement is required from the owner of the building or property giving you approval to sell and supply alcohol and allow its consumption on the premises. This can be sent to dla@dcc.govt.nz with the name of the premises and applicant included as a reference.

What type of lease does the applicant have and when does it expire?

Business details

Is there a current alcohol licence for the premises??

Yes O No

Type: ✓ on

off

club

Licence number: 069/ON/21/2023

Expiry: 12/Oct/2024

Hotel

What is the general nature of the business to be conducted under the licence?

√ Tavern/bar

Café/restaurant

Nightclub

Entertainment

Other (specify)

Please select which days, and during which hours, you wish to be licensed to sell alcohol:

Day	✓ Mon	✓ Tues	✓ Weds	✓ Thurs	✓ Fri	✓ Sat	✓ Sun
Start time	10AM	10AM	10AM	10AM	10AM	10AM	10AM
End time	3AM	3AM	3AM	ЗАМ	зам	зам	зам

Is the sale of alcohol intended to be the principal purpose of the business?

Yes O No

If no, what is the principal purpose of the business?

Evening dining with late night drinks

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Does the applicant supply or sell, or intend to supply or sell, any goods other than alcohol and food?

Yes O No If yes, provide details:

Does the applicant provide, or intend to provide, any services other than those related to the sale or supply of alcohol or food?

Yes O No If yes, provide details:

What designation(s) are required for the premises?

✓ Undesignated (people of any age are permitted) Supervised (people under 18 years must be accompanied by a parent or legal guardian) Restricted (people under 18 years not permitted)

If different designations are required for different areas, please describe:

Manager details

Provide the below details for each manager or proposed manager.

Full name

Charles Chen Chieng

Date of birth

Manager's certificate number 67/CERT/23/2014

Expiry date

20/03/2026

Conditions

What experience and training does the applicant have in relation to premises licensed to sell and/or supply alcohol?

I have held a valid Manager's Certificate since 2014 and have over 10 years of experience working in licensed environments. Additionally, I have completed refresher courses to stay up to date with the latest regulatory changes

What provision does the applicant intend to make for the sale and/or supply of:

- i. food (describe type and range and when it will be served, attach menu)
 - We will offer hot sandwiches, cook-to-order meals such as pork belly on rice and fresh salads, along with a variety of sharing dishes. These options will be available throughout operating hours to complement the sale and supply of alcohol. A detailed menu is attached for reference.
- ii. non-alcoholic drinks (describe type and range)
 - To complement the food offering, we will provide a range of non-alcoholic beverages, including fresh-pressed juices, non-alcoholic cocktails, beers, and house-made sodas. A detailed menu is attached for reference.
- iii. low-alcohol drinks (2.5% alcohol by volume or less, describe type and range) We offer two low-alcoholic beer on rotation from Garage Project, Yeastie Boys and Emersons

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To what extent, and where, will drinking water be freely available to patrons?

Drinking water is attractively presented and available free of charge at all times.

If no access to mains water supply is available, how will clean drinking water be made available?

Drinking Water are bottled, and clean water glasses are provided at three stations within access to customers.

What steps will be taken to provide help with, and information about, transport options from the premises?

We promote safe transport by encouraging the use of designated drivers and providing signage to remind patrons, with staff available to arrange a taxi or Uber upon request

What steps will be taken to prevent the sale and supply of alcohol to prohibited people (minors and intoxicated people)?

We strictly follow the law by requiring valid ID if there is any doubt about age, accepting a photo driver's licence, Kiwi Access card, or passport. Visibly intoxicated customers will not be served, will be asked to leave, and encouraged to use safe transport, with zero tolerance for aggressive or violent behaviour.

What other steps will the applicant take to promote the responsible consumption of alcohol?

We will actively promote responsible alcohol consumption by offering a variety of non-alcoholic beverages, substantial food options, and encouraging pacing through thoughtful service practices. Clear signage will remind patrons of safe transport options, and our staff will be trained to monitor consumption, intervene early

How does the applicant intend to staff the premises to ensure compliance with the Act? Please provide the number of staff and their experience.

We will ensure compliance with the Act by employing experienced, certified staff, including duty managers holding valid Manager's Certificates. Staff will receive ongoing training in responsible service, alcohol regulations, and incident management, with clear protocols in place for monitoring patrons and handling any issues. We will also maintain appropriate staffing levels during all operating hours to ensure vigilant supervision. Due to current situation, we have to let our staffs go.

How will the applicant train staff to ensure they comply with the Act?

Staff will receive ongoing training focusing on ID checks, intoxication management, and responsible service. Refresher sessions and oversight by certified duty managers will ensure compliance at all times.

For high risk premises, what arrangements will be made for security staff?

We work with SBS to make sure we have security personnel for crowd control on events.

Signed Charles Chen Chieng

Date 14/10/2024

Place Dunedin

Privacy statement

The information you provide in this application, and any supporting documents, will be used by the Dunedin City Council to process your application under the Sale and Supply of Alcohol Act 2012. The information will be shared with the Dunedin District Licensing Committee (DLC), Dunedin District Licensing Inspectors, Police and the Medical Officer of Health as part of the approval process. If required, the information may form part of a public hearing before the DLC and may be used in any subsequent decision relating to your application. The decision will be publicly available.

If your application is publicly advertised, the associated information will be publicly available.

The DCC is required to keep a statutory register of all alcohol licence applications and anyone can request a copy of that information under the Local Government Official Information and Meetings Act 1987. This information may also be used or shared for other purposes in line with the Privacy Act 2020. If you would like a copy of the personal information we hold about you, or to have the information corrected, please contact us at privacy@dcc.govt.nz or 03 477 4000.

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MCCRAE PROPERTY LIMITED

P O Box 6400 Dunedin North 9059

Phone: 03 474-0470

18 October 2024

Dunedin District Licensing Agency DUNEDIN

Dear Sir/Madam

McCrae Property Ltd, as the owner of the premises at 26 Moray Place, Dunedin, supports the nature of the business in the basement premises at 26 Moray Place operating as a restaurant and bar and for the sale, supply and consumption of alcohol on the premises at 26 Moray Place, Dunedin. The tenant's name is Aika & Co. (2016) Limited trading as Indigo Room.

Chris James

Director

MCCRAE PROPERTY LIMITED





Certificate of Incorporation

AIKA & CO. (2016) LIMITED 5882192

NZBN: 9429042167693

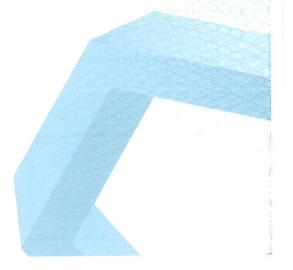
This is to certify that AIKA & CO. (2016) LIMITED was incorporated under the Companies Act 1993 on the 2nd day of February 2016.



Registrar of Companies 21st day of October 2024



Certificate generated 21 October 2024 11:15 AM NZDT







Indigo Room Function Canapé Menu

Steamed Dumplings

Vegetarian & Shrimp Options

Delicate dumplings with mushroom, spinach, or shrimp fillings, served with soy dipping sauce.

Mini Quiches

Spinach & Feta | Bacon & Onion

A selection of bite-sized quiches with either spinach and feta or bacon and onion fillings.

Chicken Skewers with Sweet Sour Sauce

Crispy chicken skewers, served with a sweet sour dipping sauce.

Mini Blinis with Smoked Salmon & Dill Cream

Delicate mini blinis topped with smoked salmon and dillinfused cream cheese.

Steamed Bao Buns

Pulled Pork & Asian Slaw

Fluffy bao buns filled with tender pulled pork and crunchy Asian slaw.

Spinach & Ricotta Stuffed Mushrooms

Baked mushrooms filled with a creamy spinach and ricotta

mix, topped with parmesan.

Vegetable Samosas

Served with a cool mint yoghurt dip.

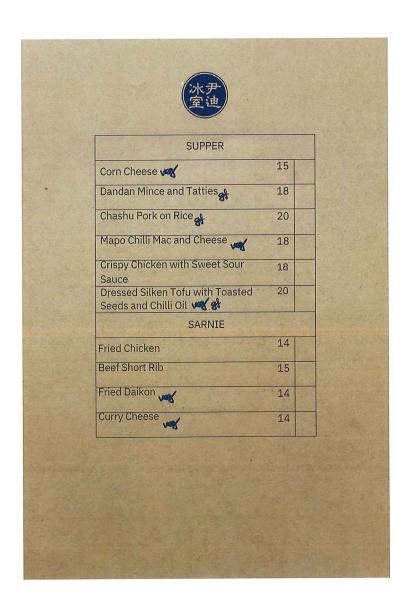
Mini Chocolate Fondants

Rich mini chocolate fondants with a gooey centre, perfect for a sweet finish.

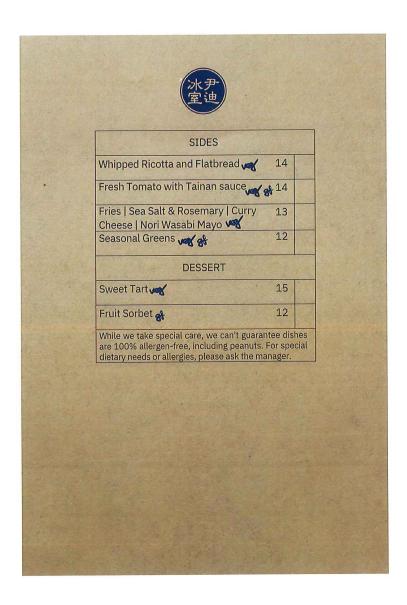
\$55pp choose 5 items or \$65pp min 10 pax

While we take special care, we can't guarantee dishes are 100% allergen-free, including peanuts. For special dietary needs or allergies, please ask the manager.













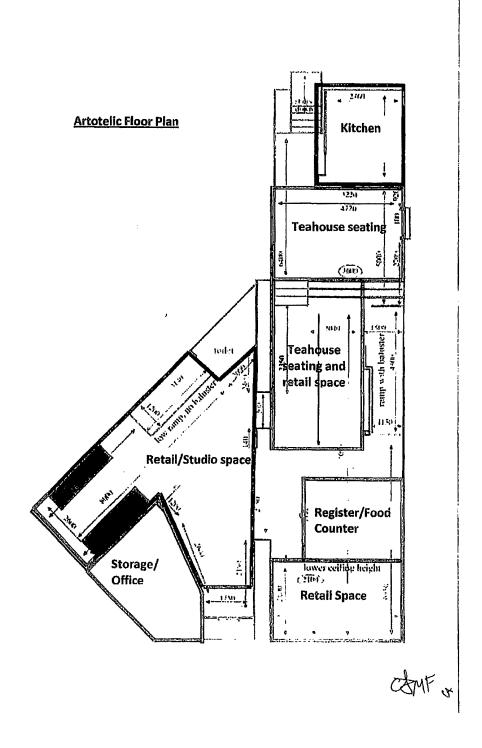
SUPPER				
Corn Cheese	15			
Dandan Mince and Tatties	18			
Chashu Pork on Rice	20			
Mapo Chilli Mac and Cheese	18			
Crispy Chicken with Sweet Sour Sauce	18			
Dressed Silken Tofu with Toasted Seeds and Chilli Oil 🖋 🕏	20			
SARNIE				
Fried Chicken	14			
Beef Short Rib	15			
Fried Daikon	14			
Curry Cheese	14			



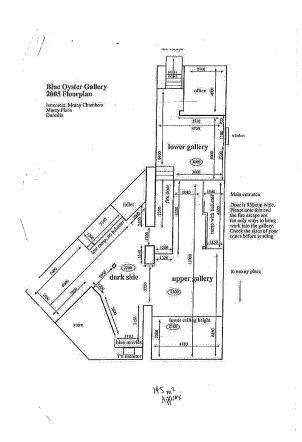


SIDES	
Whipped Ricotta and Flatbread	14
Fresh Tomato with Tainan sauce	14
Fries Sea Salt & Rosemary Curry Cheese Nori Wasabi Mayo	13
Seasonal Greens	12
DESSERT	
Sweet Tart	15
Fruit Sorbet &	12
While we take special care, we can't guarantee	dishes

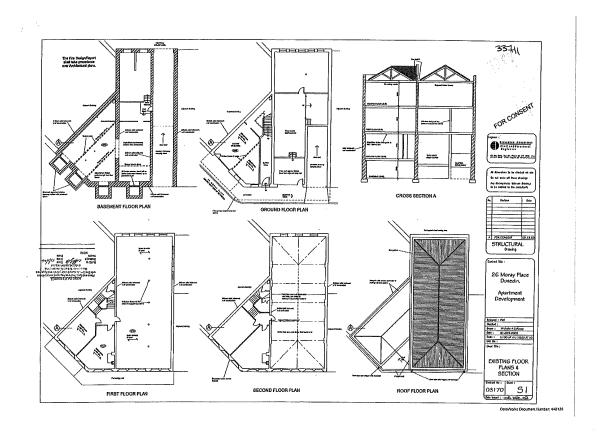




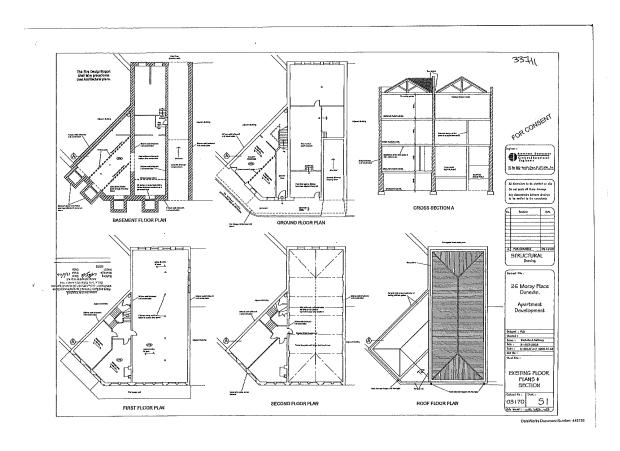














Risk Mitigation Report for Indigo Room

This report identifies key sensitive areas near the Indigo Room, including **churches** and **high schools** in close proximity, as well as a **liquor ban zone** in the central area outside the premises.

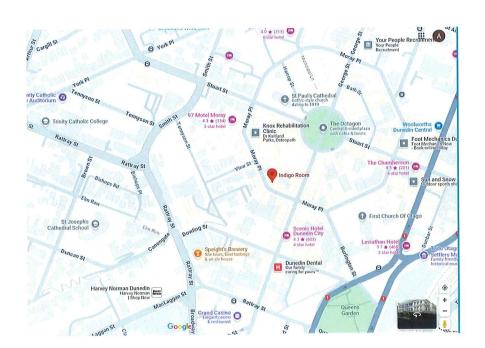
To mitigate alcohol-related harm and ensure responsible operations, we will:

- Strictly enforce ID checks to prevent underage sales and ensure compliance with the Sale and Supply of Alcohol Act 2012.
- Train staff to identify intoxicated patrons early, refusing service as needed, and promoting safe transport options.
- Display clear signage of our host responsibility and being proactive advising patrons of the liquor ban outside the premises to prevent alcohol consumption in restricted areas.
- Coordinate with local authorities and community groups to stay aligned with harm reduction strategies and maintain open communication with nearby sensitive locations.

These measures will help promote responsible alcohol consumption while minimising potential issues within the surrounding community.









Host Responsibility Policy

The management and staff of Indigo Room have a responsibility to provide an environment that is not only comfortable and welcoming, but where alcohol is served and consumed responsibly. Because of this, we have implemented the following Host Responsibility policy.

- We provide and actively promote a good range of food available for sale. Menus are always visible.
- · We provide and actively promote a range of low-alcohol and non-alcoholic drinks, including low-alcohol beer, mocktails, fruit juices, soft drinks, tea and coffee.
- Drinking water is attractively presented and available free of charge at all times.
- It is against the law to serve alcohol to minors. If we are in doubt about your age, we will ask for identification. Acceptable forms of proof of age are a current photo driver's licence, an Kiwi Access Evidence of Age card or a current passport.
- Customers who are visibly intoxicated will not be served alcohol, will be asked to leave the premises and will be encouraged to take advantage of safe transport options.
- Our policy is zero tolerance for aggressive, coercive or violent behaviour.
- We promote a range of transport options to get you home safely. These include calling you a taxi or arrange an Uber on request.
- We encourage people to have a designated driver. We will make the driver's job more attractive by providing an interesting range of alcohol-free drinks.
- We make sure all these services are well promoted you won't have to go looking for them
- We maintain a training and management policy to give our staff the skills and support they need to do their job responsibly.

Please be our guest and take advantage of the services we offer. We pride ourselves on being responsible hosts.

Thank you,

Indigo Room Team



INSPECTOR'S REPORT ON-LICENCE APPLICATION

Applicant Aika & Co (2016) Limited Trading Name Indigo Room Address of premises 26 Moray Place, Dunedin

Type of licence ON-Licence
Application type Renewal
Pathway number ON-19-2024

Application status No matters in opposition

Date of application 14 October 2024

Interviewee Charles Chen Chieng and Daniel James Brown (Directors)

Date of interview 6 November 2024

Applicant details

AIKA & CO. (2016) LIMITED Company number: 5882192 NZBN: 9429042167693 Incorporation Date: 2 Feb 2016 Company Status: Registered Entity type: NZ Limited Company

The directors and equal shareholders are Charles Chen Chieng and Daniel James Brown.

As of 29/11/24, the New Zealand Companies Register website states that "This company is now overdue in its obligation to file an annual return. If the annual return is not filed immediately the Registrar will initiate action to remove the company from the register."

General nature of the business (description/background/previously licensed)

Indigo room is a bar, offering food focusing on shared plates inspired by regional cuisine and French technique. Normal trading hours are 5pm – late, Wednesday to Saturday (Closed Sunday – Tuesday).

Site Location (zoning/surrounding uses or activities)

2GP Central Business District

Manager details

<u>Current Manager's Certificate holders are</u> Charles Chen Chieng - Expires 20 March 2026

Licensing hours sought

Monday to Saturday 10am to 3am on application.

Licensing hours were discussed with the applicant during the onsite visit. This premises is a night-time premises in terms of trade predominantly. Via email, the applicant has now requested a 12pm licensing start time (until 3am, daily).

Are there any changes from the existing licence or Temporary Authority?

No

Designation sought

Undesignated was written on the application form, however after discussion with the applicant, and given the nature of the business (Tavern), **Supervised** is the more appropriate designation.

Correct signage on display?

The licensee displays the following in the correct manner

1.	Copy of licence at principal entrance?	Yes
2.	Duty Manager?	Yes
3.	Prohibited persons?	Yes
4.	Availability of food?	Yes
5.	Transport options?	Yes



The premises is currently unlicensed, however having previously been licensed, all signage was still in place/displayed.

Host Responsibility

Host Responsibility Policy

The management and staff of Indigo Room have a responsibility to provide an environment that is not only comfortable and welcoming, but where alcohol is served and consumed responsibly. Because of this, we have implemented the following Host Responsibility policy.

- We provide and actively promote a good range of food available for sale. Menus are always visible
- We provide and actively promote a range of low-alcohol and non-alcoholic drinks, including low-alcohol beer, mocktails, fruit juices, soft drinks, tea and coffee.
- · Drinking water is attractively presented and available free of charge at all times.
- It is against the law to serve alcohol to minors. If we are in doubt about your age, we will ask for identification. Acceptable forms of proof of age are a current photo driver's licence, an Kiwi Access Evidence of Age card or a current passport.
- Customers who are visibly intoxicated will not be served alcohol, will be asked to leave the
 premises and will be encouraged to take advantage of safe transport options.
- · Our policy is zero tolerance for aggressive, coercive or violent behaviour.
- We promote a range of transport options to get you home safely. These include calling you a taxi or arrange an Uber on request.
- We encourage people to have a designated driver. We will make the driver's job more attractive by providing an interesting range of alcohol-free drinks.
- · We make sure all these services are well promoted you won't have to go looking for them
- We maintain a training and management policy to give our staff the skills and support they need to do their job responsibly.

Please be our guest and take advantage of the services we offer. We pride ourselves on being responsible hosts.

Thank you,

Indigo Room Team

Does the premises utilise DCC owned footpath? No.

What is the maximum occupancy number for the premises?

Public Notification process

ODT 23 and 30 October 2024.



Public Objections (interest in the application/reasons for)

In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:

The object of this Act:

See inspector's comment.

The suitability of the applicant:

See Inspector's comment.

Any relevant local alcohol policy:

The activity complies with the provisions of the LAP.

The days on which and the hours during which the applicant proposes to sell alcohol:

The design and layout of any proposed premises:

No issues.

Whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, lowalcohol refreshments, non-alcoholic refreshments, and food, and if so, which services:

None

Whether the applicant has appropriate systems, staff, and training to comply with the

- (a) Building. This premises has a current BWOF, expiring 11/11/25.
- (b) Sale of food. Current food registration expires 30/09/2025.
- (c) Fire. FENZ has contacted the building owner to complete an evacuation scheme.
- (d) Security. Generally not required.

Any matters dealt with in any report from the Police or a Medical Officer of Health Opposition, both agencies.

Whether (in its opinion) the amenity and good order of the locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew the licence:

No issues

The manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.

Inspector's comment

This report is prepared for the District Licensing Committee's consideration.

This application for a new On-licence has resulted due to the applicant failing to submit their renewal application for their previous licence prior to the licence expiry date.

When the applicant held their previous licence, the (ARLA) annual fee, was not paid for nearly 10 months. This was despite several reminders being sent by Council staff.

The applicant has held an Off-licence for remote sales; however, this is currently suspended again due to non-fee payment (of annual fees). The applicant has expressed they have not used this licence, and currently have no intention of utilising it - hence it will remain suspended until such time as fees are paid or the licence expires.



When contacted about the expiry of the previous licence, the applicant attempted several times to convince Council staff to allow the renewal to proceed. To do so, would've been unlawful.

When a new application was submitted, the applicant emailed Council staff and referred to Council holding appropriate documentation, such as sensitive sites map, premised floorplan and risk mitigation documentation.

The applicant was advised on 16 October 2024 via email, that it is not the role of Council nor the agencies to provide the required documentation for an applicant - the applicant must provide this to ensure it is up to date and correct.

The above actions all speak to the applicant's overall suitability, and lack of systems, staff, and training. Therefore, when suitability and systems, staff and training and questioned, the Object of the Act cannot be met, ensuring the applicant is suitable to safely and responsibly sell or supply alcohol.

The application is opposed as I believe the committee would benefit from hearing from the applicant directly.

Tanya Morrison

Chief Licensing Inspector

29/11/24



Health New Zealand
Te Whatu Ora

Application: ON-19-2024

12 November 2024

The Secretary
District Licensing Committee
Dunedin City Council

Attention: Kevin Mechen

RE: SALE AND SUPPLY OF ALCOHOL ACT 2012 - APPLICATION FOR NEW ON-LICENCE

Regarding: Aika and Co 2016, 1-26 Moray Place, Dunedin, trading as Indigo Room Dear Chairman and Members of the Licensing Committee,

As the delegate of the Medical Officer of Health, I refer to the application submitted by Aika and Co 2016, received by our office on Wednesday, 21 October 2024, for a new on-license for the premises located at 1-26 Moray Place, Dunedin, trading as Indigo Room.

Following the agencies inquiry into this application, I submit this letter in opposition based on the following statutory considerations, pursuant to the Sale and Supply of Alcohol Act 2012:

- s.105(1)(a): The object of this Act.
- s.105(1)(d): The days on which and hours during which the applicant proposes to sell alcohol.
- s.105(1)(h): Whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence.
- s.105(1)(i): Whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that –

 (i) they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent by the effects of the issue of the licence); but
 (ii) it is nevertheless desirable not to issue any further licences.
- **s.105(1)(j):** Whether the applicant has appropriate systems, staff, and training to comply with the law.
- **s.105(1)(k):** Any matters dealt with in any report from the Police, an inspector, or other agencies made under section 103.

National Public Health Service - Southern

Private Bag 1921, Dunedin 9054 Waea: 03 476 9800

National Public Health Service - Southern

PO Box 1601, Invercargill 9840 Waea: 03 211 8500 National Public Health Service - Southern

PO Box 2180, Wakatipu, Queenstown 9349 Waea: 03 450 9156



Health New Zealand Te Whatu Ora

The applicant seeks to operate the premises under a new tavern-style on-license with trading hours from 10 a.m. to 3 a.m., Monday to Sunday. The premises are situated within the Dunedin entertainment precinct an area known to experience increased vulnerability to alcohol-related harm due to the high concentration of late-night venues where alcohol is the primary business. According to verbal reports from Dunedin Police, resources are heavily taxed within this area, particularly between 12 a.m. and 4 a.m., due to increased incidents that require intervention.

Grounds for Opposition

1. Failure to Renew Previous License and Continued Trading Post-Expiry

Aika and Co 2016 did not pay their annual fee for its existing license despite reminders from the licensing inspector, continuing to operate without a valid license for months. This significant non-compliance reflects a lack of commitment to adhering to legal requirements, raising concerns about the applicant's suitability under section 105(1)(j). This matter will be further detailed by the licensing inspector, *Unauthorised sale or supply of alcohol is one of if not the most egregious breach of the SASA 2012. Thus, the Medical Officer of Health delegate does not believe that the applicant will prioritise operating the premises in a manner that complies with the Law.*

2. Classification of Premises as Tavern

The business appears to align more closely with a bar and restaurant model. This distinction is crucial, given the permitted increased trading hours for tavern style *licences* under the assumption of enhanced management. The Medical Officer of Health delegate questions the appropriateness of the proposed late-night hours which heighten the potential for alcohol-related harm in the area.

3. Impact on Amenity and Good Order of the Locality

This Dunedin precinct already contends with issues resulting from the high concentration of venues open until late hours. The addition of another establishment operating until 3 a.m. would likely contribute to further degradation of the area's amenity and order, which is already impacted by high-density alcohol availability.

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PO Box 2180, Wakatipu, Queenstown 9349 Waea: 03 450 9156



Health New Zealand
Te Whatu Ora

4. Location in High-Deprivation Area (Decile 8)

The premises are located within an area identified as decile 8 on the NZ Deprivation Index 2018, indicating a high level of socioeconomic deprivation. Areas with higher deprivation levels are known to be more vulnerable to the negative impacts of alcohol availability, including increased rates of alcohol-related harm and reduced public safety. Research demonstrates that communities in high-deprivation areas face compounded risks when alcohol is easily accessible, often leading to increased strain on public resources and community health and social services. Issuing a new on-license in such a vulnerable locality would likely exacerbate these risks and further undermine the community's well-being.

5. Increased Risk of Harm from Late-Night Trading

Operating beyond 12 a.m. inherently increases the risk of alcohol-related harm, that has been reflected in police messaging. The proposed trading hours from 10 a.m. to 3 a.m. introduce additional opportunities for excessive alcohol consumption. It is known that venues with extended late night early morning hours are often associated with higher incidents of harm, especially in high-density precincts such as this one.

6. Insufficient Staffing and Operational Oversight

The applicant indicates limited staffing, with only the two owners as active staff members. Both owners are also employed elsewhere with only one holding a current Managers certificate, raising concerns about consistent, effective supervision of the premises, especially during High-risk trading periods, like late-nights or during special events. This application lacks the oversight and control necessary to ensure a safe and compliant environment, as mandated by section 105(1)(j).

Conclusion

Based on the criteria under the Sale and Supply of Alcohol Act 2012, the applicant's significant non-compliance history, lack of dedicated oversight, ambiguity over the licence type, and potential for increased harm to the community; I strongly recommend that this application for a new on-license be denied.

Granting this license would be inconsistent with the object of the Act to minimize alcoholrelated harm and protect the local community's amenity and safety.

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PO Box 2180, Wakatipu, Queenstown 9349 Waea: 03 450 9156



Health New Zealand
Te Whatu Ora

I oppose the issue of this licence.

Regards

Aaron Whipp

Delegated by the Medical Officer of Health, under section 151 of the Sale and Supply of Alcohol Act 2012

National Public Health Service - Southern

Private Bag 1921, Dunedin 9054 Waea: 03 476 9800

National Public Health Service - Southern

PO Box 1601, Invercargill 9840 Waea: 03 211 8500 National Public Health Service - Southern

PO Box 2180, Wakatipu, Queenstown 9349 Waea: 03 450 9156



From: <u>Dunedin AHPU</u>
To: <u>Dunedin Licensing Agence</u>
Co: <u>FMCTWP</u>

Cc: <u>FMCTW</u>

Subject: Fw: [EXTERNAL] ON-19-2024 - Aika and Co (2016) Limited, Indigo Room, 1 - 26 Moray Place Dunedin

 Date:
 Tuesday, 12 November 2024 04:50:08 p.m.

 Attachments:
 1.png Application - ON-19-2024 - Indigo Room.pdf

Kia ora,

Police enter interim opposition to this application.

S.105(k) is the basis for opposition, however enquiries of the applicant are yet to be completed.

FMC, for entry and assigning to me please.

Nga mihi,

Steve Jones Sgt SJCT35 Alcohol Harm Prevention Dunedin Police

Get Outlook for iOS

From: Christina Wu < Christina. Wu@dcc.govt.nz>
Sent: Monday, October 21, 2024 11:56:03 AM

To: Aaron Whipp <Aaron.Whipp@southerndhb.govt.nz>; Admin DHB

 $<\!alcoholadmin@southerndhb.govt.nz>; Alison Blair <\!Alison.Blair@dcc.govt.nz>; Fire$

<OtagoRiskReduction@fireandemergency.nz>; Kevin Mechen <Kevin.Mechen@dcc.govt.nz>;

Dunedin AHPU <Dunedin.AHPU@police.govt.nz>; Tanya Morrison

<Tanya.Morrison@dcc.govt.nz>

Subject: [EXTERNAL] ON-19-2024 - Aika and Co (2016) Limited, Indigo Room, 1 - 26 Moray Place Dunedin

CAUTION: This email originated from outside the New Zealand Police Network. DO NOT click links or open attachments unless you recognise the sender and are assured that the content is safe.





To: White, Nikki
Dunedin Licensing

Subject: FW: ON-19-2024 - Aika and Co (2016) Limited, Indigo Room, 1 - 26 Moray Place Dunedin

Date: Monday, 4 November 2024 03:21:45 p.m.

Attachments: 1.png

Inageous.prig Application - ON-19-2024 - Indigo Room pdf

Hi team

The trial evacuation for this is out of date but I have asked one of our Risk Reduction advisors to follow up. If this could be mentioned in your decision.

Ngā mihi / Many thanks

Nikki White

Business Services Coordinator

Otago District – Dunedin Te Kei Region Dunedin Central Fire Station 85 Castle Street, Dunedin 9016 PO Box 341, Dunedin 9054 **Mobile**: 027 559 1825

nikki.white@fireandemergency.nz www.fireandemergency.nz



From: Christina Wu <Christina.Wu@dcc.govt.nz>

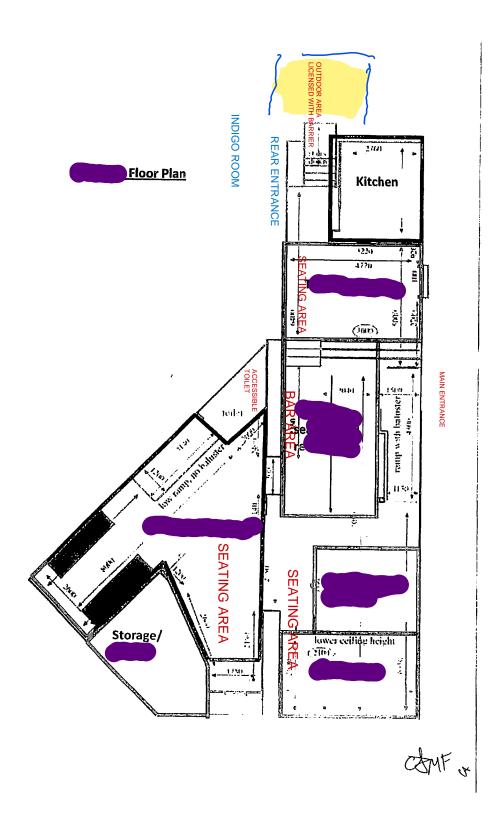
Sent: Monday, October 21, 2024 11:56 AM

To: Aaron Whipp <Aaron.Whipp@southerndhb.govt.nz>; Admin DHB <alcoholadmin@southerndhb.govt.nz>; Alison Blair <Alison.Blair@dcc.govt.nz>; Otago Risk Reduction <OtagoRiskReduction@fireandemergency.nz>; Kevin Mechen <Kevin.Mechen@dcc.govt.nz>; police <Dunedin.AHPU@police.govt.nz>; Tanya Morrison <Tanya.Morrison@dcc.govt.nz>

Subject: ON-19-2024 - Aika and Co (2016) Limited, Indigo Room, 1 - 26 Moray Place Dunedin











PUBLIC NOTICE DECLARATION

To the Secretary, Dunedin District Licensing Committee

Premises Name:	Indigo Room
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Premises Address: 1 - 26 Moray Place Dunedin

Reference number: ON-19-2024

The Public Notice of the above application was displayed on or adjacent to the site of the premises in accordance with the requirements of the Sale and Supply of Alcohol Act 2012

The notice was displayed (describe where):

By the window at the main endrance.

From Date:

Wednesday, 23 October 2024

To Date:

Thursday, 28 November 2024

Name: Chales Chey

Signature:

- Within 10 working days after filing the application with the District Licensing Committee the applicant must ensure that notice of the
 application in accordance with form 1A is attached in a conspicuous place on or adjacent to the site to which the application relates.
- The notice shall be displayed until the close of the public objection period. (The public objection period is 25 working days from the
 first public notice being advertised in the newspaper).
- This declaration shall be forwarded to the Secretary of the District Licensing Committee via email <u>dla@dcc.govt.nz</u>, posted to: Alcohol Licensing, Dunedin City Council, P.O Box 5045, Dunedin



Alcohol Licence Application for DCC Noticeboard

First notice Wednesday, 23 October 2024

LIQUOR LICENCE APPLICATIONS

On-19-2024 - Aika and Co (2016) Limited, Indigo Room, 1-26 Moray Place, Dunedin. First notice. Closes Thursday, 28 November.

On-6577-2006 - New Level Developments Limited, The Craic Irish Tavern and Thistle, 24 the Octagon, Dunedin. Closes Thursday, 28 November.

 $\label{thm:policy} \mbox{Visit $\underline{www.dunedin.qovt.nz/alcohol-applications}$ for full details of the applications.}$

Second notice Wednesday, 30 October 2024

LIQUOR LICENCE APPLICATIONS

On-19-2024 - Aika and Co (2016) Limited, Indigo Room, 1 - 26 Moray Place, Dunedin. Second notice. Closes Thursday, 28 November. On-6577-2006 - New Level Developments Limited, The Craic Irish Tavern and Thistle, 24 the Octagon, Dunedin. Second notice. Closes Thursday, 28 November.

On-21-2024 - A N D Catering Limited, Pizza Bar, 117 Stuart Street, Dunedin. First notice. Closes Wednesday, 4 December.

On-14-2008 - Liquid Assets Limited, Toast, 59 Princes Street, Dunedin. First notice. Closes Wednesday, 4 December.

 $\label{thm:continuous} Visit \ www.dunedin.govt.nz/alcohol-applications \ for \ full \ details \ of \ the \ applications.$

Closes Thursday, 28 November 2024



Kevin Mechen

From: charles.chieng@aika.nz

Sent: Wednesday, 6 November 2024 11:32 pm

To: Tanya Morrison

Cc: 'JONES, Stephen (Steve)'; 'Aaron Whipp'
Subject: RE: Follow-up from today's visit

Attachments: INDIGO ROOM LICENCE AREA floorplan.pdf

Follow Up Flag: Flag for follow up

Flag Status: Flagged

Hi Tanya,

Thank you for the email. We had our discussion today and have decided to proceed with the application to be licensed as a tavern, as reflected in the sales report from the previous email. Attached is a copy of the revised floor plan, indicating the supervised licensed area.

Regarding the licensing start time, we've held ticketed events beginning at 12noon in the past. Having a 12pm start time would allow us to avoid needing a special licence for future events.

Regards,

Charles Chieng Indigo Room

From: Tanya Morrison < Tanya. Morrison@dcc.govt.nz>

Sent: Wednesday, 6 November 2024 5:08 pm

To: charles.chieng@aika.nz

Cc: JONES, Stephen (Steve) < Stephen.JONES3@police.govt.nz>; Aaron Whipp

<Aaron.Whipp@southerndhb.govt.nz>
Subject: Follow-up from today's visit

Importance: High

Hi Charles,

In follow-up to today's visit, can you please provide/clarify the following:

Type of business – Restaurant versus Tavern.
 Please provide 2 years worth of financial information showing a sales breakdown of alcohol versus food sales.

(We will seek a non-publication order for this information supplied, however, if you could also state when you provide this that it is not to be publicly disclosed would be helpful).

We need to see which the majority is between food/alcohol sales, to determine if your premises is a restaurant or tavern.

The outcome of this, will affect the maximum licensing hours you can apply for (1am versus 3am).

 Please provide a floorplan/footprint, that shows exactly where you wish to be licensed (your licensed area) for the sale, supply, and consumption of alcohol.

1



• Finally, please confirm a licensing start time – your current nominated start time of 10am does not appear to align with your general trading start time which is closer to 4 or 5pm.

If you have any queries on the above or other matters in relation to your application, please just let me know.

Thanks,

Tanya

Tanya Morrison

Acting Team Leader Environmental Health and Alcohol Licensing Chief Licensing Inspector

CUSTOMER & REGULATORY SERVICES

P 03 477 4000 | E tanya.morrison@dcc.govt.nz Dunedin City Council, 50 The Octagon, Dunedin PO Box 5045, Dunedin 9054 New Zealand www.dunedin.govt.nz





If this message is not intended for you please delete it and notify us immediately; you are warned that any further use, dissemination, distribution or reproduction of this material by you is prohibited..



Kevin Mechen

From: Work <charles.chieng@aika.nz>
Sent: Wednesday, 6 November 2024 10:41 pm

To: Tanya Morrison

Cc:JONES, Stephen (Steve); Aaron WhippSubject:Confidential: Indigo Room Sales Category %

Attachments: sales_01Nov22-31Oct24.csv

Follow Up Flag: Flag for follow up

Flag Status: Flagged

Hi Tanya,

Please find attached copy of the sales category summary covering period of 1 Nov 22-31st Oct 24. As discussed this information is confidential and not to be publicly disclosed.

Regards,

Charles Chieng 0210524860 Indigo Room 26 Moray Pl, Dunedin 9016

 $\underline{https://url.au.m.mimecastprotect.com/s/VDbXC3Q87Gf7V0GRtgfrHQuV2T?domain=aika.nz}$



Kevin Mechen

From: Tanya Morrison

Sent: Wednesday, 16 October 2024 12:47 pm

To: charles.chieng@aika.nz; Dunedin Licensing Agency

Cc: Kirsten Allan; Christina Wu

Subject: RE: On Licence Application Indigo Room

Hi Charles,

Sorry, it is not up to us to provide a floorplan, sensitive locations map nor risk mitigation report.

This is a part of the application process – <u>you</u> are applying for the licence; therefore you need to provide all these documents please to ensure they are correct and current.

You cannot rely on what we may or may not have on file from previous applications.

Thanks

Tanya

Tanya Morrison

Acting Team Leader Environmental Health and Alcohol Licensing Chief Licensing Inspector

CUSTOMER & REGULATORY SERVICES

P 03 477 4000 | E tanya.morrison@dcc.govt.nz
Dunedin City Council, 50 The Octagon, Dunedin
PO Box 5045, Dunedin 9054
New Zealand

www.dunedin.govt.nz

From: charles.chieng@aika.nz < charles.chieng@aika.nz >

Sent: Wednesday, 16 October 2024 12:37 p.m. **To:** Dunedin Licensing Agency <dla@dcc.govt.nz>

Cc: Tanya Morrison <Tanya.Morrison@dcc.govt.nz>; Kirsten Allan <Kirsten.Allan@dcc.govt.nz>; Christina Wu

<Christina.Wu@dcc.govt.nz>

Subject: On Licence Application Indigo Room

Dear Admin,

Please find attached the on-licence application, host responsibility policy, and food and beverage menu.

Could you kindly confirm if you are able to include the following: a scale plan of the premises, a map showing the location of 'sensitive' areas, and the mitigation report from our previous application.

Thank you very much for your assistance, and I look forward to your response.



Regards,

Charles Chieng Indigo Room 26 Moray Place Dunedin Central 9016 0800245226 www.aika.nz/indigo-room



DISTRICT LICENSING COMMITTEE 16 December 2024



PO Box 5045 DUNEDIN 9054

Debtor No:	279495
Invoice No:	1060962
Payment Ref:	1692281
Invoice Date:	21 October 2024
Licence No:	ON-19-2024

Aika and Co (2016) Limited 26 Moray Place Dunedin 9016

Tax Invoice GST No: 51-997-891

DESCRIPTION	AMOUNT
	(incl GST)

Licensee: Aika and Co (2016) Limited
Location: 1 - 26 Moray Place Dunedin

Indigo Room

Fee Category High cost/risk rating (16-25)

 Annual Fee - DLC
 948.75

 Annual Fee - ARLA
 86.25

 Application Fee - DLC
 937.25

 Application Fee - ARLA
 86.25

Payment due upon receipt of invoice

DIRECT CREDIT DEPOSIT DETAILS - 03 0905 0184000 07 Please include your debtor number in your reference

TOTAL GST: \$268.50 TOTAL DUE:	\$2,058.50
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Licence number: ON-19-2024

Licensee name: Aika and Co (2016) Limited

Debtor number: 279495 Payment reference: 1692281



INVOICE NO:	1060962
INVOICE DATE:	21 October 2024
TOTAL DUE:	\$2,058.50