



Mr Grant Cusack
Hatzis Cusack Lawyers
By email: [REDACTED]

7 February 2023

Dear Mr Cusack

Application No.	1-8384635651
Applicant	Jingchao Li
Application for	Application for a variation to an extended trading authorisation (on-premises - karaoke venue, restaurant, and catering service)
Licence name	Karaoke 9 Restaurant
Proposed trading hours	Consumption on premises (Karaoke venue) Monday to Sunday 10:00 AM – 02:00 AM Consumption on premises (Restaurant) Monday to Sunday 10:00 AM – 02:00 AM Consumption on premises (Catering) Monday to Sunday 10:00 AM – 02:00 AM Consumption on premises (Primary service authorisation) Monday to Sunday 10:00 AM – 12:00 Midnight
Current trading hours	Consumption on premises (Karaoke venue, restaurant, catering service and PSA) Monday to Sunday 10:00 AM – 12:00 Midnight
Premises	Ground floor, Level 1 and Level 2 94 Hay Street HAYMARKET NSW 2000
Legislation	Sections 3, 11A, 12, 25, 40, 44, 45, 48, 49, and 53 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a variation to an extended trading authorisation (on-premises - karaoke venue, restaurant, and catering service) – Karaoke 9 Restaurant**

The Independent Liquor & Gaming Authority considered the application above and decided on 23 November 2022 to **approve** the application under section 45 of the *Liquor Act 2007*, subject to imposing conditions as set out in Schedule 1.

Concise statement of reasons

A concise statement of reasons for this decision is attached at the end of this letter.

In the interest of efficient finalisation of determined matters in a high-volume liquor and gaming jurisdiction, the Authority will only produce a detailed statement of reasons for applications which are refused, partially approved or the subject of agency or substantial stakeholder objections.

A concise statement of reasons is produced for non-contested applications that have been approved by the Authority, in cases where a statement of reasons is required to be published for the application under section 36C of the *Gaming and Liquor Administration Act 2007*.

The concise statement of reasons briefly sets out the material considered by the Authority, the legislative requirements, and the Authority's key findings.

If you have any questions, please contact the case manager, Mr Glenn Barry, at glenn.barry@liquorandgaming.nsw.gov.au.

Yours faithfully



Murray Smith
Deputy Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**

Important Information:

In accordance with section 13A of the *Gaming and Liquor Administration Act 2007* a relevant person (the Applicant or a person who was required to be notified of the prescribed Application and who made a submission to the Authority or the Secretary in respect of the prescribed Application) who is aggrieved by this decision may apply to NCAT for an administrative review under the *Administrative Decisions Review Act 1997*.

An application to NCAT must be made within 28 days of notice of this decision being published on the [Liquor & Gaming NSW website](#) and be accompanied by the fee prescribed by the regulations.

For more information please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney. The [NCAT website](#).

Concise statement of reasons

Key facts

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Application date	24 August 2022
Decision	Approved under section 45 of the <i>Liquor Act 2007</i>
Decision date	23 November 2022

Material considered by the Authority

The Authority has considered the following material in determining the application:

- Application material, including evidence of notification to specified stakeholders and the community about the application;
- Category B community impact statement;
- Premises plan setting out the proposed boundaries of the licensed premises and any applicable authorisations;
- Plan of management for the licensed business at the premises;
- Development consent for the premises;
- Statistics sourced from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics in respect of the socio-economic status, liquor licence density, alcohol-related crimes rates, and health issues in the relevant local and broader communities; and
- Stakeholder submissions in relation to the application, and the applicant's response to those submissions.

Legislative requirements

The Authority has considered the application in the context of the following sections of the *Liquor Act 2007*, and the associated clauses of the Liquor Regulation 2018:

- Section 3: Statutory objects of the Act and relevant considerations.
- Sections 11A and 12: Standard trading period for liquor licences and a mandatory 6-hour period during which liquor cannot be sold.
- Sections 25: Authorisation conferred by on-premises licence.
- Section 40: Minimum procedural requirements for a liquor licence application to be validly made.
- Section 44: Submissions to Authority in relation to licence applications.

- Section 45: Criteria for granting a liquor licence.
- Section 48: Requirements in respect of a CIS, including a requirement that the Authority must not approve the application unless it is satisfied, having regard to the CIS and other available information, that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community.
- Section 49: General provisions in respect of ETAs.
- Section 53: Authority may impose, vary or revoke licence conditions.

The Authority has also had regard to its Guideline 6 in considering the overall social impact of approving the application pursuant to section 48 of the Act.

Key findings

In accordance with its Guideline 6, the Authority finds that the relevant local community for the purposes of this decision is the suburb of Haymarket, and the broader community is the Local Government Area of Sydney.

Positive social impacts

The Applicant submits that the application, if approved, would benefit the local community through:

- offering a high-end restaurant, karaoke and function space unique to the Chinatown Tourist Precinct;
- assisting in the revitalisation of the Chinatown Precinct in accordance with the Government's Sydney 24-hour Economy Strategy; and
- increased choice and convenience for the patrons, including residents of Sydney City, persons working in and around the Chinatown area, and other visitors to Chinatown including from intrastate, interstate, and overseas.

The Authority is satisfied on the material before it that the proposal set out in the application, if approved, would likely provide some modest benefit to the local and broader communities.

Negative social impacts

The Authority accepts that the proposal may, over time, contribute to an increase in alcohol-related harm in the local and broader communities, including alcohol-fuelled violence, health problems and/or social and amenity issues, having regard to:

- a submission from NSW Health noting concerns in regard to extended trading given the very high rates of alcohol related assaults and the large proportion that occur at night in the 2000 postcode area;
- alcohol attributable hospitalisations for the Sydney LGA being above the NSW rate;
- the premises being located in a high-density crime hotspot for all categories considered by the Authority, and the higher than NSW average for incidents of crime for all those categories in Haymarket and Sydney LGA;
- the high saturation of licences, including Karaoke venues past midnight, in Haymarket and Sydney LGA;
- the extension of trading hours post-midnight by a total of 14 hours per week; and
- the premises being located in the Sydney CBD entertainment precinct.

The Authority is nevertheless satisfied that these risk factors are sufficiently mitigated by the following:

- the high crime rates in Haymarket and the Sydney LGA are potentially associated with transient visitation from outside the area;

- although high licence saturation rates exist in Haymarket and Sydney LGA, the location (within the Sydney CBD) has a relatively small population compared to visitors to the area;
- the premises is not located in a cumulative impact area;
- the relatively small capacity of the premises - being restricted to 105 patrons (with no more than 35 patrons on each level);
- the absence of any objections from NSW Police or members of the community;
- the sound compliance record of the licensee and venue;
- the harm minimisation measures set out in the plan of management and licence conditions as set out in Schedule 1.

Overall social impacts and conclusion

Having considered the positive and negative social impacts that are likely to flow from the applicant's proposal, the Authority is satisfied that the overall social impact of approving the application will not be detrimental to the well-being of the local or broader community.

The Authority is also satisfied that the other legislative requirements for the approval of the application have been met.

The Authority finds, having regard to the above, that approving the application is consistent with the statutory objects and considerations of the Act to regulate the liquor industry in line with the community's expectations, needs and aspirations, and to facilitate the balanced and responsible development of the liquor industry and related industries.

Accordingly, the Authority approves the application under section 45 of the Act.

Yours faithfully



Murray Smith

Deputy Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**

Schedule 1 – Licence conditions to be imposed Karaoke 9 Restaurant

1. Social impact

The business authorised by this licence must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of:

- 1) obtaining the licence on 11 February 2022
- 2) obtaining the extended trading authorisation on 11 February 2022
- 3) varying the extended authorisation on 23 November 2022.

2. No rapid consumption drinks

The following drinks must not be sold or supplied on the licensed premises:

- 1) Any drink that contains more than 30ml of spirits or liqueur and that is designed to be consumed rapidly (commonly referred to as a “shot” or a “shooter”).

3. CCTV

- 1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:
 - (a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times),
 - (b) recordings must be in digital format and at a minimum of ten (10) frames per second,
 - (c) any recorded image must specify the time and date of the recorded image,
 - (d) the system's cameras must cover the following areas:
 - (i) all entry and exit points on the premises,
 - (ii) the footpath immediately adjacent to the premises, and
 - (iii) all publicly accessible areas (other than toilets) within the premises.
- 2) The licensee must also:
 - (a) keep all recordings made by the CCTV system for at least 30 days,
 - (b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to sub-clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and
 - (c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.

4. Extended Trading Authorisation: Whole of the licensed premises.

5. The licensee or its representative must join and be an active participant in the local liquor accord.

6. Plan of management

The premises is to be operated at all times in accordance with the Plan of Management dated September 2022 as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.

7. The sale and supply of liquor must cease 20 minutes before the required closing time.