



**NSW Department of Justice  
Liquor & Gaming NSW**

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**APPLICATION NO:** 1-4548893348  
**APPLICATION FOR:** On-premises liquor licence (karaoke venue)  
**APPLICANT:** Koi Corp Pty Limited  
**LICENCE NAME:** Koi Corp Pty Limited  
**PREMISES ADDRESS:** Shop 16 17 Level 1 Little Saigon Plaza  
462 Chapel Road  
BANKSTOWN NSW 2200  
**ISSUE:** Whether a delegated Liquor & Gaming employee on behalf of the Independent Liquor & Gaming Authority (ILGA) should grant or refuse an application for an On-premises liquor licence (karaoke venue)  
**LEGISLATION** Section 45(1) of the *Liquor Act 2007*

**ILGA DELEGATED DECISION – APPLICATION FOR AN ON-PREMISES – KARAOKE VENUE  
KOI CORP PTY LIMITED**

Under delegation issued by the Independent Liquor and Gaming Authority under section 13 of the Gaming and Liquor Administration Act 2007, a designated Public Service employee or other Public Service employee of Liquor & Gaming NSW in the Department of Justice, has decided to grant the application for an on-premises liquor licence – karaoke venue 1-4548893348.

On 12 November 2016, and after careful consideration of the application and other material, the delegate decided to approve the application, subject to the following conditions:

**Conditions imposed:**

1. Section 11A of the *Liquor Act 2007* applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours between 4.00 AM and 10.00 AM during each consecutive period of 24 hours. The licensee must comply with this 6 hour closure period along with any other limits specified in the trading hours for this licence.
2. Consumption on premises  
Good Friday  
12:00 noon - 10:00 PM  
(liquor can only be served with or ancillary to a meal in a dining area)  
Christmas Day  
12:00 noon - 10:00 PM  
(liquor can only be served with or ancillary to a meal in a dining area)

December 31st

Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later

Note: Trading is also allowed at other times on Good Friday and Christmas Day if authorised by an extended trading authorisation. Liquor can only be served with or ancillary to a meal in a dining area after 5:00 AM on Good Friday and Christmas Day.

3. The premises are to be operated at all times in accordance with the Plan of Management dated November 2016 as may be varied from time to time in consultation in consultation with the Local Area Commander.
4. The licensee or its representative must join and be an active participant in the local liquor accord.
5. No drinks commonly referred to as shots, shooters, slammers, and/or bombs are to be sold or supplied at any time.
6. No liquor must be sold, supplied or consumed in any karaoke room in which a minor is present, unless the minor is accompanied and in the presence of a responsible adult as defined under the Liquor Act 2007.
7. The licensee must ensure signs are permanently displayed in each karaoke room stating "Liquor must not be sold or supplied to persons under the age of eighteen (18) years".
8. The licensee must ensure surveillance cameras (with video recording facilities) are installed and maintained in the premises with coverage of the foyer, entrance and karaoke rooms and recording discs or hard drive recordings are retained for a period of no less than twenty-eight (28) days before being reused or destroyed. Times and dates must be automatically recorded and footage produced to police or special inspectors on request. All video equipment and cameras are to be of a high quality so as to facilitate identification and adjudication of patrons in incidents occurring within the premises. All equipment is to be maintained in good working order. There shall be adequate monitoring of the system by the licensee and his/her staff when the premises are trading to ensure, as far as practicable, that patrons do not a) move the cameras so as not to give adequate coverage of the room or b) cover or obstruct the cameras so as to prevent surveillance of the room.
9. The licensee must ensure an incident register is kept on the premises and any incident involving any staff members and/or security personnel and the physical contact and/or physical restraint and/or the ejection of a member of the public from and/or when a patron, staff member or security personnel is injured as a result of an assault is recorded in this register and include the full names of the staff involved and produced to police, council or special inspectors upon demand.
10. The licensee must ensure whenever security personnel are engaged; a register stating the security officer's full name, security licence number, start date and time, finish date and time and signature is kept and produced to police upon request.



11. The licensee must ensure from 7:00 PM, on Thursday, Friday and Saturday of each week: at least one (1) uniformed licensed security officer is employed at the premises. Uniformed licensed security officers are to be employed at a ratio of no less than 1:100 one per one hundred (100) patrons or part thereof. When more than two (2) security officers are employed at the premises, the security officer(s) not stationed at the entrance are to continually patrol the premises and the area in the vicinity of the premises to ensure that patrons do not loiter or linger in the area or cause nuisance or annoyance to the neighbourhood. Uniformed licensed security officers must have direct contact with the duty manager via portable radio or mobile phone. Uniformed licensed security officers are to remain at the entry/exit point until (30) thirty minutes after closing or until the last patron has left the premises.
12. The licensee must ensure that staff wear name tags and/or uniforms identifying themselves to patrons and authorities that they are working at the premises.
13. The licensee must ensure liquor is only sold or supplied with or ancillary to karaoke performances. Liquor is only to be consumed by patrons within karaoke rooms. Patrons are not permitted to consume liquor in the hallways or foyer of the licensed premises.
14. The licensee must ensure the sale, supply and consumption of full bottles of spirits is prohibited.
15. The licensee must ensure all liquor is opened by staff and no liquor is sold or supplied in unopened cans or bottles.

## STATEMENT OF REASONS

### 1. Material before the ILGA delegate

The decision made by the delegate had the application, and other relevant material:

- (1) Application form – lodged 3 June 2016 (DOC16/063847)
- (2) Plan of Management for the Premises dated November 2016 (DOC16/063852)
- (3) Premises plan of the proposed licensed area (DOC16/063850)
- (4) ASIC documentation dated 24 May 2016 (DOC16/063849)
- (5) Notice of Determination DA-267/2016, issued by Bankstown City Council approved on 28 April 2016 (DOC16/063851)
- (6) Police Submission from Bankstown Local Area Command received 9 June 2016 (DOC16/067160)
- (7) Email correspondence dated 2 November 2016 from the Authority to the applicant's Agent requesting further information in relation to the application. (OUT16/52033)
- (8) Email correspondence from Agent of the applicant providing responses to request for additional information, imposition of conditions and response to submissions, received 7 November 2016 (INW16/51411)

### 2. Legislative framework, statutory objects and considerations

In determining the application, the delegate has considered relevant provisions of the Act, including the objects and considerations that are prescribed by section 3, which state:

#### 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 the 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.

### 3. Statutory tests

- (1) In determining an application for a licence, under section 45(3) of the *Liquor Act 2007*, the delegate must also be satisfied that:
  - a. the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates,
  - b. practices will be in place as soon as the licence is granted that ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises and that those practices will remain in place, and
  - c. if development consent is required under the *Environmental Planning and Assessment Act 1979* (or approval under part 3A or part 5.1 of that Act is required), to use the premises for the purposes of the business or activity to which the proposed licence relates – that development consent or approval is in force.

### 4. Community impact test

- (1) Under section 48(5) of the *Liquor Act 2007*, the delegate must not grant a licence, authorisation or approval of a kind prescribed by section 48(2) of the Act unless the Authority is satisfied, having regards to the Community Impact Statement, where required, and any other matter the delegate is made aware of during the Application process, that the overall impact of the licence, authorisation or approval in question being granted will not be detrimental to the local or broader community.
- (2) The test applying under section 48(5) relates to delegated decisions in relation to:
  - a. the grant or removal of a small bar licence (where required),
  - b. a packaged liquor licence (limited to telephone/internet sales),
  - c. an application for extended trading hours to permit the sale of liquor after midnight in relation to a small bar (where required), an on premises relating to a restaurant that includes an application for a primary service authorisation, an on premises licence relating to a karaoke bar, a catering service or a vessel, and an application for a producer/wholesaler licence that includes an application for a drink on premises authorisation.

- (3) Local and Broader Community - for the purposes of this decision, the delegate is satisfied that the relevant “local community” is the community within the State suburb of Bankstown and the “broader community” of Bankstown City Council LGA.

## 5. Analysis of Submissions and other Materials

- (1) Having reviewed all of the material, I am satisfied that this application is for an on-premise liquor licence karaoke venue.
- (2) The licence will be exercised in accordance with a Plan of Management that addresses the responsible service of alcohol, and provides measures to ensure that the operation of the karaoke venue does not impact detrimentally upon or detract from, the amenity of the neighbourhood.
- (3) A Submission received by Bankstown Local Area Command, NSW Police with no objection to the grant of the on premises - karaoke venue liquor licence, however proposed a number of conditions to safeguard the proposal. The applicant was given the opportunity to provide responses to the submission, including consent to a number of conditions proposed. The applicants response to the submission was duly considered.
- (4) I am satisfied that the statutory advertising requirements have been met.

## 6. Overall social impact

### (1) Positive benefits

Having examined the material provided with the application, I am satisfied that the grant of the liquor licence for a karaoke venue in the Little Saigon Plaza will provide additional karaoke entertainment to the local community.

### (2) Negative impacts

Police reviewed the application and did not object to the granting of the on premise licence.

## 7. Conclusion

- (1) I am satisfied that procedural fairness was afforded to the applicant and interested parties regarding the decision whether or not to grant the application, as all of those required to be notified of the application were provided with the opportunity to make written submissions and all submissions received were considered and helped inform this decision.
- (2) In accordance with section 45(3)(a) of the Act I am satisfied that the proposed licensee is a fit and proper person to carry on the business or activity to which the proposed licence relates.



- (3) Having considered the venue management plan and related material, under section 45(3)(b) of the Act, I am satisfied that practices will be in place at the premises as soon as the licence is granted that ensure, as far as reasonably practicable, that all reasonable steps are taken to prevent intoxication on the premises, and that those practices will remain in place.
- (4) Consistent with section 45(3)(c) of the Act requiring development consent from the local council, I am satisfied that the required development consent or approval is in force.
- (5) I am satisfied that the applicant has provided consent to imposing the conditions contained in the licence document.
- (6) In making this decision under delegation from of the Authority, all statutory objects and considerations prescribed by section 3 of the Act were considered and accordingly, I have determined to grant the on-premises liquor licence application with conditions.

Decision Date: 12 November 2016

A handwritten signature in blue ink, appearing to read 'O. Lenger'.

Olgica Lenger  
Manager Licensing (Business Licensing)  
Liquor & Gaming NSW  
**Delegate of the Independent Liquor & Gaming Authority**



**Important Information:**

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

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

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

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