

NSW Independent Liquor & Gaming Authority

Our ref: DF24/028327

Mr David Rippingill
Design Collaborative

20 December 2024

Dear Mr Rippingill

Application No.	1-9101906570 - extended trading authorisation 1-9092057385 - change of conditions 1-9099579925 - change of liquor closure period 1-9219311772 - variation to gaming shutdown hours
Applicant	Georgina Catherine Gregory
Application for	New extended trading authorisation, change of conditions, change of liquor closure period and variation to gaming machine shutdown hours
Application date	27 May 2024
Decision date	20 November 2024
Licence name	The Coopers Hotel Newtown
Current trading hours	<u>Consumption on premises</u> Monday and Tuesday 05:00 AM – 12:00 AM Wednesday to Saturday 07:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM <u>Takeaway sales</u> Monday to Saturday 05:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM
Approved trading hours	<u>Consumption on premises – ground floor internal areas</u> Monday to Saturday 08:00 AM – 02:00 AM Sunday 10:00 AM – 12:00 AM <u>Consumption on premises – ground floor courtyard</u> Monday to Saturday 10:00 AM – 11:00 PM Sunday 10:00 AM – 10:00 PM <u>Consumption on premises – first floor terrace</u> Monday to Saturday 10:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM <u>Takeaway sales</u> Monday to Saturday 08:00 AM – 12:00 AM Sunday 10:00 AM – 10:00 PM
Premises	221 King Street Newtown NSW 2042
Legislation	Sections 3, 11A, 14, 48, 49, 53 of the <i>Liquor Act 2007</i> Sections 3 and 41 of the <i>Gaming Machines Act 2001</i>

Decision of the Independent Liquor & Gaming Authority

Application for a new extended trading authorisation, change of conditions, change of liquor closure period and variation to gaming machine shutdown hours – The Coopers Hotel Newtown

We **approve** the application for a new extended trading authorisation, change of conditions and change of liquor closure period under section 49, 53 and 11A of the *Liquor Act 2007* – with the conditions set out in Schedule 1. The 6-hour closure period overrides any condition of the licence.

We **refuse** the application for a variation to gaming shutdown hours under Section 41 of the *Gaming Machines Act 2001* and **impose** a late-night gaming condition which prohibits the hotel from operating gaming machines after midnight.

Statement of reasons

We are satisfied that the overall impact of approving the new extended trading authorisation, change of conditions and change of liquor closure period will not be detrimental to the well-being of the local or broader community.

We are concerned that the overall impact of approving the variation to gaming shutdown hours may be detrimental to the well-being of the local or broader community and therefore refused the application for Approval of different shutdown periods for “early openers” on harm minimisation grounds.

Our main findings

The local community for the purposes of this decision is Newtown (Suburb) and Newtown-Camperdown-Darlington (SA2 Area). The broader community is the Local Government Area (LGA) of Sydney.

Positive social impacts

The approved applications for a new extended trading authorisation, change of conditions and change of liquor closure period seek to extend and change the trading hours for the premises on the main street of Newtown, an area known for restaurants and late-trading venues.

We are satisfied that the proposal to extend and change the trading hours relating to liquor would benefit the local and broader communities by providing increased convenience and choice.

Negative social impacts

We noted there were three objections from the public and we accept that the proposal could contribute to an increase in alcohol and gaming related harm in the local and broader communities because of the:

- proposed increase in gaming activity, particularly at the high-risk post-midnight period
- premises being located near high density crime hotspots for domestic and non-domestic violence and malicious damage to property

- high incident rate of crimes in the suburb than in NSW across all categories we considered
- higher rate of alcohol attributed hospitalisations and deaths in the LGA than in NSW generally
- higher rates of young people and single person households in the SA2 than in NSW (both associated with higher levels of problem gambling)
- higher than NSW average rate of at-risk gamblers in the local health district.

However, we note there were no agency objections and are satisfied that the risk factors in relation to alcohol related harm are mitigated to an extent by the:

- extended hours being for the internal areas of the venue only which minimises the impact concerning noise disturbance to the neighbouring venues and residents
- Socio-Economic Indexes for Areas (SEIFA) data indicating an above average level of relative socio-economic advantage and disadvantage in the suburb and LGA compared to other communities in NSW
- harm-minimisation measures outlined in the plan of management and licence conditions, as set out in Schedule 1.

We acknowledge that the following may help to mitigate some of the risks in relation to gaming related harm:

- venue being required to employ a responsible gambling officer (due to 21 EGMs) whenever gaming machines are operated
- imposition of a late-night gaming condition which prohibits the hotel from operating gaming machines after midnight
- harm-minimisation measures outlined in the plan of management and licence conditions, as set out in Schedule 1.

However, on balance, we are not satisfied that the proposed variation to gaming shutdown hours will provide a positive contribution towards the local community. We are concerned that the potential harm from approving the application outweighs any benefit to the local or broader community and accordingly, approval of the application is not in the public interest.

The material we considered

We considered the following material when making our decision:

- the application material — including evidence that stakeholders and the community were notified about the application
- a community impact statement (CIS)
- the plan of the licensed premises and any authorisations
- a certificate of advertising
- a plan of management for the licensed business
- a development consent for the premises
- a gaming plan of management
- gaming revenue reports and additional gaming information
- statistics from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics on the socio-economic status, liquor licence density, alcohol-related crimes rates and health issues in the local and broader communities
- stakeholder submissions and the applicant's response to them.

We also considered [Guideline 6](#) and [Guideline 16](#) to assess the likely social impact to the local and broader community.

This decision will be published in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

Opportunity for review

The applicant and anyone who was notified of the application and made a submission, may apply to [NCAT](#) for a review of the decision.

An application for review must be made no later 28 days after the decision is published on the website. There is a fee to lodge the application.

For more information, please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney or visit the NCAT website.

If you have any questions

Please contact the case manager, Wendy Yeung, at Liquor & Gaming NSW if you have any questions.

Yours sincerely



Chris Honey

Deputy Chairperson

Independent Liquor & Gaming Authority

Schedule 1: Licence conditions to be imposed - The Coopers Hotel Newtown

No.	Condition to be imposed	Description
1.	6-hour closure	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 six (6) hours between 02:00 AM and 08:00 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.	Take away sales	Good Friday: Not permitted December 24th: Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight on Sunday Christmas Day: Not permitted December 31st: Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight on Sunday
3.	Trial period for extended hours - ground floor internal areas	If the local consent authority does not approve the continuation of the trial period in the development consent after 20 November 2025 (or as may be extended from time to time), the trading hours of the premises will revert to: 07:00 AM to 12:00 AM Monday to Friday 09:00 AM to 12:00 AM Saturday 10:00 AM to 10:00 PM Sunday A copy of the relevant development consent is to be kept on the premises and made available for inspection on the request of a police officer, council officer, Liquor & Gaming inspector, or any other person authorised by the Independent Liquor & Gaming Authority.
4.	Trial period – ground floor courtyard	If the local consent authority does not approve the continuation of the trial period in the development consent after 15 January 2026 (or as may be extended from time to time), the trading hours of the premises will revert to: 10:00 AM to 10:00 PM Monday to Sunday A copy of the relevant development consent is to be kept on the premises and made available for inspection on the request of a police officer, council officer, Liquor & Gaming inspector, or any other person authorised by the Independent Liquor & Gaming Authority.
5.	Trial period – first floor terrace	If the local consent authority does not approve the continuation of the trial period in the development consent after 7 January 2026 (or as may be extended from time to time), the trading hours of the premises will revert to: 10:00 AM to 10:00 PM Monday to Sunday A copy of the relevant development consent is to be kept on the premises and made available for inspection on the request of a police officer, council officer, Liquor & Gaming inspector, or any other person authorised by the Independent Liquor & Gaming Authority.
6.	Extended trading	Extended Trading Authorisation: Ground floor internal areas only (as marked on the premises plan) dated 20 November 2024 .

No.	Condition to be imposed	Description
7.	Social impact (ETA)	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 obtaining this extended trading authorisation on 20 November 2024 .
8.	Liquor accord	The licensee or its representative must join and be an active participant in the local liquor accord.
9.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated 18 December 2024 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.
10.	Complaints register	<ol style="list-style-type: none"> 1. A complaints register is to be maintained at the premises at all times which records the following: <ol style="list-style-type: none"> a. the name and number of the complainant b. the time and date on which the complaint was received c. the nature of the complaint, and d. the measures taken to resolve the complaint. 2. Details of complaints received, either in person or over the phone, must be: <ol style="list-style-type: none"> a. recorded in the complaints register, and b. reported to the duty manager. 3. A mobile or dedicated contact number for the duty manager is to be published on the hotel's website, and on a sign to be posted at the premises entrance. If requested, the duty manager's contact details must be provided to complainants. A messaging service must be in place if the dedicated contact number is unattended.
11.	CCTV	<ol style="list-style-type: none"> 1. The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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.

No.	Condition to be imposed	Description
		<p>2. The licensee must also:</p> <ol style="list-style-type: none"> 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 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.
12.	Crime scene preservation	<p>Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:</p> <ol style="list-style-type: none"> 1. take all practical steps to preserve and keep intact the area where the act of violence occurred, 2. retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor and Gaming NSW website, 3. make direct and personal contact with NSW Police to advise it of the incident, and 4. comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred. <p>In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (eg. crowd controller or bouncer) on or about the premises.</p>
13.	Incident Register	<ol style="list-style-type: none"> 1. The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in response to any such incident: <ol style="list-style-type: none"> a. any incident involving violence or anti-social behaviour occurring on the premises, b. any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises, c. any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007, d. any incident that results in a patron of the premises requiring medical assistance. 2. The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector:

No.	Condition to be imposed	Description
		<ul style="list-style-type: none"> a. make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and b. allow a police officer or Liquor & Gaming NSW inspector to take copies of the register or to remove the register from the premises. <p>3. The licensee must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made.</p>
14.	Late night gaming	No gaming machines will be operated after 12:00 midnight