



File ref: DF23/007317

Mr Tim Calvert
JDK Legal
By email to: t.calvert@jdklegal.com.au

29 May 2023

Dear Mr Calvert

Application No.	APP-0010566674
Applicant	10MAC CATERING AND EVENTS PTY LTD
Application for	New hotel licence (general bar) with minors area authorisation
Application date	31 October 2022
Decision date	19 April 2023
Licence name	Martinez
Trading hours	Consumption on premises: Indoor areas Monday to Saturday 07:00 AM – 12:00 Midnight Sunday 10:00 AM – 10:00 PM Consumption on premises: Outdoor terrace area Monday to Saturday 09:00 AM – 12:00 Midnight Sunday 10:00 AM – 10:00 PM Consumption on premises: Southern outdoor area/balconies Monday to Sunday 10:00 AM – 10:00 PM
Premises	Quay Quarter Tower Level 00, Podium, 50 Bridge Street, Sydney NSW 2000 Australia
Legislation	Sections 3, 11, 12, 14-16, 40, 44, 45, 48 and 121 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority

Application for a new hotel licence (general bar) with minors area authorisation – Martinez

We approve the application above under section 45 of the *Liquor Act 2007* — with the conditions set out in Schedule 1.

Approved manager or individual licensee

The licence cannot be exercised until the Authority or Liquor & Gaming NSW is notified that:

- the licence is transferred to an individual licensee, or an approved manager is appointed; and
- the licensee or approved manager is a suitable and qualified person.

Statement of reasons

The reasons for our decision are attached at the end of this letter.

We only provide a detailed statement of reasons for applications that we refuse, partially approve or that are contested.

Otherwise, we provide a brief statement of reasons when section 36C of the *Gaming and Liquor Administration Act 2007* requires us to do so.

If you are not happy with this decision

If the applicant, or a person who was notified of the application and made a submission, is unhappy with this decision, they may apply to [NCAT](#) for a review.

An application for review must be made no later 28 days after being notified that the decision is published on the [Liquor & Gaming NSW 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, Andrew Whitehead, at andrew.whitehead@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Caroline Lamb'.

Caroline Lamb

Chairperson

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

STATEMENT OF REASONS

Our decision

We have considered the objects of the *Liquor Act 2007* (the Act) and the relevant legislative provisions and have approved the application under section 45 of the Act.

Overall, we are satisfied that the social impact of approving the application will not be harmful to the well-being of the local or broader community.

The decision achieves the aim of the Act to regulate the liquor industry to meet the community's expectations, needs, and aspirations, while also promoting a balanced and responsible development of the industry.

Our main findings

The local community for the purposes of this decision is the Sydney suburb. The broader community is the Local Government Area of (LGA) Sydney.

Positive social impacts

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice. The premises is located within the Sydney CBD precinct, which contains the largest business district, retail hub and entertainment area in NSW.

The venue is located on the podium level of the recently completed Quay Quarter Tower, which forms an integral part of the \$2.7 billion Quay Quarter redevelopment. This redevelopment seeks to revitalise the area as a commercial and residential precinct offering a variety of food and beverage offerings to local residents and visitors.

Negative social impacts

We accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities (such as violence, health problems or social and public amenity issues) because of the:

- the crime rates in the Sydney suburb and Sydney LGA are higher than the NSW rates for all offence categories normally considered by the Authority.
- the two-year trend for the offences of alcohol-related non-domestic assault and malicious damage to property in the suburb indicates crime rates have increased
- the premises is located within high density crime hotspots for all offence categories normally considered by the Authority
- there are higher saturation rates for all liquor licence types in the Sydney suburb and Sydney LGA compared to the NSW rates, and
- there are higher rates of alcohol-attributed hospitalisations and deaths in the Sydney LGA compared to the NSW rates.

However, we are satisfied that these risks are reduced by:

- no objections were received from agencies or members of the public
- SEIFA health data indicates both the Sydney suburb and Sydney LGA have an above average level of relative socio-economic advantage and disadvantage compared to other communities in NSW
- the plan of management requires the Applicant to adhere to the approved conditions including those related to the responsible service of alcohol, identifying minors, liquor promotion, crime scene preservation and undesirable liquor promotions. The Plan of Management will also address the complaint handling procedure to ensure the social impact of the venue is not detrimental to the wellbeing of the community, and
- the harm-minimisation measures outlined in the plan of management and licence conditions, as set out in Schedule 1.

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 authorisation
- a plan of management for the licensed business
- a development consent for the premises
- 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, and
- stakeholder submissions and the applicant's response them.

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

Yours sincerely



Caroline Lamb

Chairperson

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

**Schedule 1 – Licence conditions to be imposed
Martinez**

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 6 hours between 01:00 AM and 07:00 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	<p>Good Friday 12:00 noon - 10:00 PM 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</p> <p>Note: Trading is also allowed after midnight into the early morning of Good Friday and Christmas Day if authorised by an extended trading authorisation. Trading must cease at the time specified under the authorisation. The latest time that can be specified is 5:00 AM.</p>
3.	Liquor plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated January 2023 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.
4.	Social impact	The business authorised by this licence must not operate with a greater overall level of social impact on the well-being 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 the licence.
5.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
6.	CCTV	<p>1. The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises in accordance with the following requirements:</p> <ul 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 <i>ten</i> (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: <ul 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.

		<p>2. The licensee must also:</p> <ol style="list-style-type: none"> keep all recordings made by the CCTV system for at least 30 days, 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 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.
7.	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"> take all practical steps to preserve and keep intact the area where the act of violence occurred, 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, make direct and personal contact with NSW Police to advise it of the incident, and comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred. 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 (e.g. crowd controller or bouncer) on or about the premises.
8.	Incident Register	<ol style="list-style-type: none"> 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"> any incident involving violence or anti-social behaviour occurring on the premises, 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, any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007, any incident that results in a patron of the premises requiring medical assistance. The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector: <ol style="list-style-type: none"> make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and

		<p>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> <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>
9.	Minors Area	Minors Area Authorisation: whole of the licensed premises.
10.	Trial period for outdoor terrace area	<p>If the local consent authority does not approve the continuation of the trial period in the development consent for the outdoor terrace area after one year from the date of issue of the occupation certificate (or as may be extended from time to time), the trading hours of the outdoor terrace area will revert to 10:00 AM to 10:00 PM Monday to Sunday.</p> <p>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.</p>