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28<sup>th</sup> February 2014

**Government of New South Wales**

**Department of Planning**

Application: SSD 13\_6123 –

Proposed development of paved area next to Victor Coppleson Building by The University of Sydney.

We write regarding the above planning application. We know the site very well and examined the plans. We now wish to object strongly to the development of the paved area next to the Victor Coppleson Building.

The Bruce Williams Pavilion and its liquor licensed area (Liquor License Number: LIQ 600780691) has been licensed by Sydney University Sport and Fitness to Elegancy Catering until 2028.

The development proposal should be considered very carefully as it has the potential to ruin a large part of the business character and revenue. The University of Sydney should review the licensing agreement between Sydney University Sport and Fitness and Elegancy Catering to ensure the tenants business is not severely disadvantaged for the duration of our licensed agreement which was renewed in August 2013.

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Sports Bar & Function Centre



The proposal as outlined will detrimentally effect the current business for the following reasons:

1. The proposed development includes an area which is part of the business's liquor license and leased area.
2. We effectively use this area for multiple functions for Sydney University Sport and Fitness as well as private clients, on a regular basis.
3. In the event that this area is modified, the licensed area will be reduced and making it impossible for us to use for outdoor events. (There is no other area within the licensed area which is suitable for outdoor events). This will constitute a detrimental effect on our core business and will turn our venue into an indoor only venue.
4. The plans do not show any road access to "The Bruce Williams Pavilion" which will make it impossible for our deliveries to be received and for our patrons to have access to the parking area. This will render our car park into a useless open space and will have detrimental effects on our business.
5. The proposal of a new food and beverages outlet right next to "The Bruce Williams Pavilion" will conflict with our business as well as the future business. This is also inside our food and beverage licensed area.
6. The proposed bicycle parking will also conflict with the direct access of patrons to our business.

If the University of Sydney develops this area, they are radically changing the terms of the current license agreement due to expire in 2028 and damaging Elegancy Catering's business.

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Elegancy Catering and the community (being the Sydney University Rugby, AFL Club, Cricket Club and Soccer) all utilise the paved area for events.

Elegancy Catering has the support of Mr. Bruce Ross, the elected president of Sydney University Sport & Fitness and Mr. Gerard Mitchell vice-president of Sydney University AFL alumni in opposing the proposed development, who both share our concerns.

In 2005, an investment of \$800,000 was made to renovate the premises.

From that time to the present we have continually worked to keep the licensed area, building and surrounds in the best of condition, to enhance our business and recoup that investment.

In exchange for that amount, a 15 year license agreement (5 years x 5 years x 5 years) with Sydney University Sport & Fitness was negotiated & granted to me and my company, Elegancy Catering.

The amount expended was partly financed by Sydney University Sport and Fitness over a 10 year period at commercial interest rates.

In July 2013, a new 15 year license deal was agreed, again 5 years x 5 years x 5 years and to expire in 2028, between myself (and my company Elegancy Catering Pty Ltd – ABN 61 074 286 392) and Sydney University Sport and Fitness.

At the time of the new deal negotiations, Sydney University Sport & Fitness were conducting a fundraising campaign to finance new facilities, namely a new gymnasium and new grandstand.

It was agreed between the parties, as part of those negotiations, that I would repay early (by 2 years) the outstanding loan which was financed by Sydney University Sport & Fitness. Consequently, that loan has now been fully repaid to Sydney University Sport & Fitness.

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I started as a tenant of Sydney University Sport & Fitness in July 1993 and have been a long time substantial donor to university sporting clubs and sporting organisations, including Women's Sports Association, Sydney University Sport Union and Sydney University Sport & Fitness.

For example, including this year coming I have sponsored the Sydney University Women National Basketball team, "The Flames" to the value of \$75,000.

Subsequently, I have expended a further \$50,000 to revitalize the premises again.

**All this is by way of background to my objection to the proposed new building to be built alongside the Bruce Williams Pavilion.**

I have not been consulted and the proposed new food & beverage building to be built is on land that is legally designated on my licensed premises and my area of food & beverage operation.

It is part of my area of negotiated license agreement with Sydney University Sport & Fitness and signed off by Sydney University.

I derive a substantial income from that area that the development proposes to take that away.

For all the above mentioned reasons, Elegance Catering formally requests to the Minister for the Department of Planning that the proposed development be substantially modified, in order to:

- Avoid any detriment to the legitimate exercise of the Liquor Licensed area;
- Avoid any detriment to the legitimate use of the leased area;
- Avoid any detriment to the main purposes and revenue of our core business;
- Allow an essential and direct access of patrons to the premises and outdoor areas;

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- Allow essential, easy and convenient access of pedestrians and all kinds of vehicles to the parking, disabled parking and delivery area.

The plan as proposed could amount to a frustration of the lease by the landlord and in that case damages, based on current figures could be in the vicinity of \$1.8 million excluding the goodwill value of the business.

Should any additional information or clarification be required, please don't hesitate to contact me.

Sincerely

Luke Nicholas Mitchell

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Licensee of the Bruce Williams Pavilion

License Number: LIQ 600780691

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