

Mr Bruce Bulford  
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3 November 2017

Dear Mr Bulford

<b>Application No.</b>	1-5681844759; 1-5682028815
<b>Application for</b>	Removal of an On-Premises Liquor Licence with Extended Trading Authorisation
<b>Trading hours</b>	Monday to Saturday 12:00pm – 2:00am Sunday 12:00pm – 10:00pm
<b>Licence name</b>	Ubar Macquarie (previously UMQ Ltd)
<b>Applicant</b>	Mr Peter Fasogiannis
<b>Current Premises</b>	Macquarie Court Macquarie Drive MACQUARIE UNIVERSITY NSW 2109
<b>Proposed Premises</b>	Macquarie University Temporary Student Hub Central Avenue MACQUARIE UNIVERSITY NSW 2109
<b>Issue</b>	Whether to grant or refuse an application for the removal of an on-premises liquor licence with extended trading authorisation
<b>Legislation</b>	Sections 3, 11A, 21-28, 40, 45, 48 and 59 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor and Gaming Authority – Application for removal of an on-premises licence with extended trading authorisation – Ubar Macquarie**

The Independent Liquor and Gaming Authority has considered application number 1-5681844759 seeking the removal of an on-premises liquor licence and application number 1-5682028815 seeking an extended trading authorisation (“Application”).

The Authority has decided to **approve** the removal of the licence pursuant to section 59 of the *Liquor Act 2007* (“Act”) and to **approve** the extended trading authorisation pursuant to section 49(2) of the Act, subject to the imposition of the following conditions (in addition to the conditions already attached to the licence):

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 4:00am and 10:00am 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.

- 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 be reasonably expected from the information contained in the Community Impact Statement, application and other information submitted in the process of an application for an extended trading authorisation in respect of the premises at Macquarie University Temporary Student Hub Central Avenue, Macquarie University NSW 2109.
- The LA10\* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7:00am and 12:00 midnight at the boundary of any affected residence.

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz- 8kHz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am.

\*For the purposes of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises.

The Authority notes, for the purposes of section 49(6) of the Act, that the extended trading authorisation will apply to the whole of the Proposed Premises between the hours of 12:00am to 2:00am the next morning on Monday through Saturday nights.

The Authority has approved the removal of the licence to Macquarie University Temporary Student Hub Central Avenue, Macquarie University NSW 2109 on 3 November 2017.

Notwithstanding this approval, the licence is not to be exercised at Macquarie University Temporary Student Hub Central Avenue, Macquarie University NSW 2109 unless and until the Authority has been provided with evidence that the premises is complete and ready to trade.

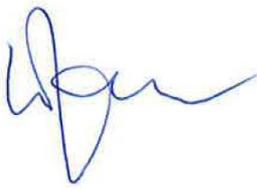
The liquor licence remains at Macquarie Court/Macquarie University Macquarie Dr MACQUARIE UNIVERSITY NSW 2109 subject to the same conditions and trading hours that were immediately in force before this approval was granted until such time as the Authority is notified that the licence has been moved.

Please note that the licence cannot be exercised on the Proposed Premises unless and until the Authority has been:

- provided with evidence that the Proposed Premises is complete and ready to trade, and
- notified of the appointment of an approved manager to the licence or that the licence has been transferred to an individual licensee.

If you have any questions about this letter, please contact the case manager via email to [michael.fabits@liquorandgaming.nsw.gov.au](mailto:michael.fabits@liquorandgaming.nsw.gov.au).

Yours faithfully

A handwritten signature in blue ink, appearing to read 'P. Crawford', written in a cursive style.

Philip Crawford  
Chairperson  
For and on behalf of the Independent Liquor & Gaming Authority

## Statement of reasons

### Decision

1. On 11 April 2017 the Independent Liquor and Gaming Authority (“Authority”) received from Mr Peter Fasogiannis (“Applicant”), through Liquor and Gaming NSW (“LGNSW”), an application for removal of an on-premises licence (“Removal Application”) and an application for an extended trading authorisation (“ETA Application”) from current premises located at Macquarie Court, Macquarie Drive (“Current Premises”) to new premises at the Macquarie University Temporary Student Hub, Central Avenue (“Proposed Premises”). Both locations are within the grounds of Macquarie University NSW 2109.
2. The Applications are sought to facilitate the temporary relocation of the Macquarie University bar and cafeteria while renovations are undertaken at the University. The renovations are expected to take three years. The Proposed Premises is situated approximately 100 metres away from the Current Premises. Although the existing liquor licence does not permit trade on Sundays, the Applicant has also applied for Sunday liquor trading hours from midday to 10:00 PM on the Proposed Premises.
3. Pursuant to section 59 of the *Liquor Act 2007* (“Act”), the Authority has decided to approve the Application. Pursuant to section 49(2) of the Act, the Authority has decided to grant the extended trading authorisation.
4. In reaching this decision, the Authority has had regard to the material before it, the legislative requirements under sections 3, 11A, 21-28, 40, 45, 48 and 59 of the Act, and relevant provisions of the *Liquor Regulation 2008* (“Regulation”).

### Material considered by the Authority

5. The Authority has considered the Application and the accompanying Community Impact Statement (“CIS”), and all submissions received in relation to the Application.
6. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding this decision, as all parties required to be notified of the Application were provided with the opportunity to make submissions.
7. As foreshadowed in the Authority’s *Guideline 6*, the Authority has also had regard to relevant LGNSW liquor licensing records, Bureau of Crime Statistics and Research (“BOCSAR”) crime data, NSW Department of Health data, and Australian Bureau of Statistics (“ABS”) socio-demographic data pertaining to the local and broader communities, obtained by LGNSW staff from publicly available sources.
8. The material considered by the Authority is listed in the Schedule and briefly described where appropriate.

### Legislative framework

9. The Authority has considered the Application in accordance with the following legislative provisions.

### Objects of the Act

10. The objects of the Act, as set out in section 3(1), are 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, to facilitate the balanced development, in the public interest, of the liquor industry, and to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.
11. In pursuit of these objectives, section 3(2) requires the Authority to have due regard to the need to minimise harm associated with the misuse and abuse of liquor (including harm arising from violence and other anti social behaviour), the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor and the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

### Trading hours and 6-hour closure period

12. Section 12 of the Act sets out the standard trading period for different types of liquor licences. Additionally, section 11A imposes a condition prohibiting the sale of liquor by retail on the licensed premises for a continuous period of 6-hours during each consecutive period of 24 hours.

### Minimum procedural requirements

13. Section 40 of the Act and relevant provisions of the Regulation prescribe the minimum procedural requirements for a liquor licence to be validly made to the Authority.

### Removal of liquor licence

14. Section 59 of the Act provides the minimum legal requirements regarding the removal of a licence to another premises.
15. Pursuant to section 59(3) of the Act, when determining an application for approval to remove a licence to other premises, the Authority is to deal with and determine the application as if it were an application for the granting of a licence in respect of those other premises. The Authority has the same powers in relation to the Application as the Authority has in relation to an application for a new licence.

### Fit and proper person, responsible service of alcohol and development consent

16. Section 45 of the Act provides that the Authority may only grant a licence if it is satisfied that:
  - (a) the applicant is a fit and proper person to carry on the business to which the proposed licence relates,
  - (b) practices will be in place to ensure the responsible service of alcohol, and to prevent intoxication on the premises, and
  - (c) the applicable development consent required for use of the premises for the business to which the proposed licence relates is in force.

### Community impact statement

17. Section 48 of the Act requires certain applications, including an application for the removal of an on-premises liquor licence, to be accompanied by a CIS prepared in accordance with the relevant requirements.
18. Section 48(5) provides that the Authority may only grant a licence, authorisation or approval to which section 48 applies if it is satisfied that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community, having regard to the CIS and any other matter the Authority becomes aware of during the application process.

### Provisions specific to an on-premises liquor licence

19. Further legislative provisions specific to on-premises liquor licences are set out in sections 21-28 of the Act and in the Regulation.

### Provisions specific to an extended trading authorisation

20. The legal requirements for making a valid application for an ETA are provided by section 51 of the Act and the Regulation. The power to grant an ETA is provided by section 49(2) of the Act.
21. Section 49(8) of the Act provides that the Authority must not grant an extended trading authorisation in respect of licensed premises unless the Authority is satisfied that:
  - practices are in place, and will remain in place, at the licensed premises 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
  - the extended trading period will not result in the frequent undue disturbance of the quiet and good order of the neighbourhood of the licensed premises.

### **Key findings**

22. Having regard to the information before it and the relevant legislative requirements, the Authority makes the following findings in relation to the Removal Application and the ETA Application.

### Validity, procedural and trading requirements

23. The Authority finds that:
  - (a) The Applications have been validly made and meet the minimum procedural requirements under sections 40, 51 and 59 of the Act. This finding is made on the basis of the Application and CIS material before the Authority and the Certificate of Advertising signed by Mr Peter Fasogiannis (the licensee of the Current Premises) dated 7 August 2017 and the statutory declaration of Ms Alexandra Stephanie Galwey dated 28 June 2017.
  - (b) The proposed licensed trading hours for the Premises meet the requirements under sections 11A and 12 of the Act in respect of trading and 6-hour closure periods. This finding is made on the basis of the Application and CIS material provided by the Applicant.

## Fit and proper person, responsible service of alcohol and development consent

24. Pursuant to section 45 of the Act, the Authority is satisfied that:
- (a) for the purposes of section 45(3)(a), the Applicant is a fit and proper person to carry on the proposed business or activity to which the licence relates, on the basis that no issues of concern were raised regarding the probity of the Applicant (who has been licensee of the Current Premises since 15 December 2011) following consultation with law enforcement agencies including NSW Police (“Police”) and LGNSW,
  - (b) for the purposes of section 45(3)(b), practices will be in place from the commencement of licensed trading at the Proposed Premises to ensure the responsible serving of alcohol and prevent intoxication, having regard to the Applicant's *Temporary Student Hub Building House Policy for Sale or Supply of alcohol to Minors and the New Sanctions for Selling Liquor to Minors by any Person* dated 2017, as well as the *Ubar Alcohol & Event Management Plan* and *House Policy* documents provided with the Application, and
  - (c) for the purposes of section 45(3)(c), development consent is not required to use the Proposed Premises for the purposes of the business or activity to which the proposed licence relates. This finding is made on the basis of the Notice to Local Consent Authority signed by Sergio Pillon, Senior Coordinator, Building Compliance within City of Ryde Council (“Council”) dated 25 April 2017. On this form, Mr Pillon has indicated that “development consent is not required to permit the proposed activity”.
25. The Authority is also satisfied, for the purposes of section 49(8), that:
- (a) practices are in place, and will remain in place, at the Proposed Premises 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, having regard to the Applicant's *Temporary Student Hub Building House Policy for Sale or Supply of alcohol to Minors and the New Sanctions for Selling Liquor to Minors by any Person* dated 2017, as well as the *Ubar Alcohol & Event Management Plan* and *House Policy* documents provided with the Application, and
  - (b) the extended trading period will not result in the frequent undue disturbance of the quiet and good order of the neighbourhood of the Proposed Premises, having regard to the harm minimisation measures outlined in the Application, CIS and additional material.

## Community Impact Statement

26. The Authority has taken into account the CIS and other available information in making the findings below about the social impact of the Premises on the local and broader communities.
27. For the purposes of this decision and consistent with its position in *Guideline 6* and longstanding practice, the Authority is satisfied that the relevant “local community” is the community within the State suburb of Macquarie Park, and the “broader

community” comprises the relevant local government area, which is the City of Ryde local government area (“Ryde LGA”).

#### Positive social impacts

28. The Authority is satisfied, on the basis of the Application and CIS provided by the Applicant that granting the Application will provide the reasonable public benefits of choice and convenience for staff and students of Macquarie University, as well as other members of the local community, who wish to attend an on-campus licensed venue. The Authority accepts, on the basis of the Application and CIS, that the Proposed Premises will be operated in the same manner as the Current Premises, including by serving “important social purposes” for students who regularly attend the Current Premises.
29. The Authority is satisfied, on the basis of the CIS, that the Proposed Premises will provide food and beverage service during the day and evenings in a relaxed setting and host social events including bingo, trivia and bi-weekly “theme nights” featuring live entertainment. The Authority is also satisfied that student clubs and societies will use the Proposed Premises as a setting for social events to introduce and welcome new members.
30. The Authority accepts the Applicant’s submissions in the CIS that the Current Premises are a “well-established part of Macquarie University campus community social life”, and that Proposed Premises will be the “main on-campus bar” and the “only venue of its kind” within Macquarie University, insofar as it will provide food and alcoholic and non-alcoholic beverages in a social environment, featuring events and entertainment, which is popular with and frequently visited by both staff and students.
31. On the basis of these public benefits of choice and convenience for staff and students of Macquarie University and other members of the local community, the Authority is satisfied that granting the Application is consistent with the consistent with the “expectations, needs and aspirations of the community”, in furtherance of the object in section 3(1)(a) of the Act.
32. The Authority also finds that facilitating the temporary removal of the licence will accommodate the redevelopment of the permanent licensed premises on the grounds of the University and in this respect will further the balanced development, in the public interest, of the liquor industry servicing the University for the purposes of section 3(1)(b) of the Act.

#### Negative social impacts

33. Having reviewed all of the material before it, the Authority considers that over time there is a risk that liquor sold from this licensed business will contribute to the prevailing levels of alcohol related crime, disturbance or adverse impact upon amenity in the local and broader communities from a minority of customers who abuse liquor. The risk is elevated by the grant of the ETA Application which will enable the Proposed Premises to trade until 2:00am.
34. The Authority notes that the scale of the Proposed Premises is considerable, with a patron capacity of around 1,140 persons including staff, within a single level building,

and facilities to provide live entertainment. The Authority also acknowledges that the trading hours are extensive, from 12:00pm to 2:00am Monday through Saturday and from 12:00pm to 10:00pm Sunday.

35. However, there are a number of features of the Applicant's proposal that will mitigate the overall social impact of granting these Applications.
36. The Authority notes that the Application seeks the removal of an existing and currently operating late licensed business within the Macquarie University Campus, from Macquarie Drive to the Macquarie University Temporary Student Hub on Central Avenue. Removal of the licence will service the same component of the local community and be located only 100 metres from the Current Premises.
37. Both premises are located within Macquarie University campus and are in the same State suburb of Macquarie Park, meaning that granting the Application will not give rise to any increase in liquor licence density in both the local and broader communities in question.
38. The Authority accepts the information provided in the Application and CIS and in an email to the Master of Robert Menzies College dated 17 August 2017 that while licensed trading hours for the Current Premises are from 12:00pm to 2:00am Monday through Saturday, the Proposed Premises will generally only trade until 10:00pm on Monday to Friday, with 2:00am trading hours "only for special events about 12 times a year", and that any weekend trade is expected to be "limited".
39. Licensed premises information sourced from LGNSW on 27 September 2017 and ABS 2016 Census *QuickStats* data indicates that the local community of Macquarie Park has a rate of on-premises liquor licences with extended trading authorisations per 100,000 persons (**36.84** per 100,000 persons) that is above the rate for NSW as a whole (**14.59** per 100,000 persons). However, the rate for the broader community of City of Ryde LGA (**10.32** per 100,000 persons) is below the NSW rate. This data also indicates that this licence is the only on-premises liquor licence with an extended trading authorisation within Macquarie University.
40. BOCSAR crime data for the year to June 2017 indicates that the local community of Macquarie Park recorded substantially lower rates per 100,000 persons of population than the state of New South Wales for incidents of *alcohol related domestic assault* (**42.6** compared to the New South Wales rate of **116.2**), *alcohol related non-domestic assault* (**14.2** compared to the New South Wales rate of **134.3**) and *malicious damage to property* (**653** compared to the New South Wales rate of **817.3**).
41. This data also indicates that the broader community had a lower than State average rate per 100,000 persons for incidents of *alcohol related domestic assault* (**41.8** compared to the New South Wales rate of **116.2**), *alcohol related non-domestic assault* (**30.7** compared to the New South Wales rate of **134.3**) and *malicious damage to property* (**464.3** compared to the New South Wales rate of **817.3**).
42. Notably, the Proposed Premises is not located within any hotspots for alcohol related assault, domestic assault, non-domestic assault, or malicious damage to property. The Authority is satisfied on the basis of the BOCSAR Crime Maps from July 2016 to June

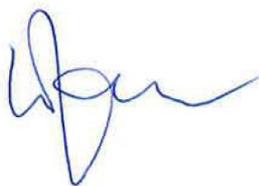
2017 that there is limited concentration of crime within the local community of Macquarie Park, and no hotspots for alcohol related crime which cover the Macquarie University campus.

43. The Authority further notes that both Police and Council were consulted on the Application. The only concern raised by Police was in respect to the risk of noise disturbance to residents of university accommodation and visitors to the Macquarie University library, and they requested the imposition of the LA10 noise condition on the licence for the Proposed Premises as an appropriate counter-measure to this risk. Council raised no objection to the Application.
44. An initial objection from the Master of Robert Menzies College, Mr Bruce Pollard, dated 28 April 2017 on the basis of concerns about the impacts of binge drinking. Mr Pollard had requested that a social impact statement be required before granting the ETA Application. The Authority notes that the Applicant has furnished the CIS with the Applications, as required by section 48(2) of the Act. This adverse submission was withdrawn after consultation by the Applicant.
45. The ABS Socio-Economic Indexes For Areas ("SEIFA") data sourced from the 2011 Census ranks the City of Ryde LGA in the **10<sup>th</sup>** decile (the most advantaged) compared to other local government areas in NSW and the suburb of Macquarie Park in the **7<sup>th</sup>** decile compared to other suburbs across NSW.
46. The Authority also notes the NSW Department of Health, *Health Stats* data on *alcohol attributable deaths and hospitalisations* for the City of Ryde LGA, which indicates a higher smoothed standardised mortality ratio of **110.50** and a lower smoothed standardised separation ratio of **73.70** compared to a NSW average of **100**. This data provides some cause for concern in relation to alcohol attributable deaths in the broader community, but not the local community, which is most proximate to the Proposed Premises. NSW Health was consulted on the Application and did not make any submissions or raise any concerns or objections to the proposed relocation of the licence.
47. In conclusion, the crime, health and socio-demographic data does not suggest that relocation to the Proposed Premises a short distance away and likely serving the same patron base within the University will present any increase in risk associated with those factors by comparison to the Current Premises.
48. The Authority has taken into account the detailed harm reduction measures proposed by the Applicant as mitigating factors, including in the *Temporary Student Hub Building House Policy for Sale or Supply of alcohol to Minors and the New Sanctions for Selling Liquor to Minors by any Person* document dated 2017.
49. The Authority is further satisfied on the basis of the Applicant's *Ubar Alcohol & Event Management Plan* and *House Policy* documents that the Applicant has implemented comprehensive and well-developed harm minimisation measures at the Current Premises. These business planning documents provide a mechanism whereby staff members will be adequately trained with a view to constraining the impact of the licensed business by avoiding service to minors and intoxicated persons.

50. The Authority is satisfied that for the purposes of this particular Removal Application, which facilitates the continuation of the licence on temporary premises, the imposition of conditions in relation to crime scene preservation and CCTV are not required, on the basis of the facts and circumstances contended by the Applicant in its submissions dated 4 August 2017 and 22 September 2017.

Overall social impact

51. Having considered the positive and negative impacts that are likely to flow from granting the Application, the Authority is satisfied for the purposes of section 48(5) of the Act that the overall social impact of granting the removal of the on-premises liquor licence and the extended trading authorisation would not be detrimental to the well-being of the local and broader communities.
52. The removal application is granted pursuant to section 59 of the Act.
53. The extended trading authorisation is granted pursuant to section 49(2) of the Act. For the purposes of section 49(6) of the Act, the extended trading authorisation will apply to the whole of the Proposed Premises between the hours of 12:00am to 2:00am the next morning on Monday through Saturday nights.



Philip Crawford  
Chairperson

**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 in the liquor and gaming website <http://www.liquorandgaming.nsw.gov.au/Pages/ilga/decisions-of-interest/decisions-of-interest.aspx> 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 is at <http://www.ncat.nsw.gov.au/>

## SCHEDULE

### Material before the Authority

1. ABS SEIFA data sourced from the 2011 Census for the suburb of Macquarie Park and the City of Ryde LGA.
2. NSW Department of Health, *Health Stats* data obtained by licensing staff on *alcohol attributable deaths and hospitalisations* for the City of Ryde LGA for 2013.
3. NSW BOCSAR Crime Statistics for July 2015 to June 2017 for the State suburb of Macquarie Park, City of Ryde LGA and the State of New South Wales as a whole.
4. BOCSAR Crime Maps based upon data from July 2016 to June 2017 detailing hotspots for the concentration of offences in the suburb of Macquarie Park.
5. Letter from the Applicant's solicitor Mr Bruce Bulford, Bulford Legal, to City of Ryde Council dated 10 April 2017 stating that the Application form and Notice to Local Consent Authority are enclosed.
6. Letter from Bruce Bulford to NSW Police at Gladesville dated 10 April 2017 stating that the Application form and Notice to Police are enclosed.
7. Application form for removal of an on-premises licence signed by the Applicant and current licensee Mr Peter Fasogiannis and lodged on 11 April 2017 attaching the following documents:
  - (a) Site Notice and Notice to Neighbouring Premises and Other Stakeholders; Notice to Local Consent Authority; and Notice to Police, all signed by Peter Fasogiannis and dated 5 April 2017.
  - (b) Letter of advice from Blackett Maguire & Goldsmith, BCA Consultants and Private Certifiers to Macquarie University dated 22 December 2016.
  - (c) *Ubar Alcohol & Event Management Plan* dated 10 March 2017.
  - (d) *House Policy for Compliance with Secretary's Guidelines for the Prevention of Intoxication on Licensed Premises* dated 2017.
  - (e) Charity Register Summary extracted from the Australian Charities and Not-For-Profits Commission in respect of U@Mq Ltd dated 27 March 2017.
  - (f) Printout from ASIC website page explaining dual regulation of companies limited by guarantee which are also registered charities.
8. Application form for extended trading authorisation signed by Mr Fasogiannis on 5 April 2017 and lodged on 11 April 2017. This Form also attaches a copy of the *Ubar Alcohol & Event Management Plan* dated 10 March 2017 and copies of the consultation notices included in the removal application signed by Mr Fasogiannis on 5 April 2017.
9. Category B CIS form lodged with the ETA Application on 11 April 2017 attaching copies of the *Ubar Alcohol & Event Management Plan* and *House Policy* as well as the following documents:

- (a) Plan or diagram of the Proposed Premises.
  - (b) Various maps depicting the location of the Proposed Premises in relation to the Current Premises and the proximity of the Proposed Premises to neighbouring premises.
  - (c) Macquarie University Student Code of Conduct.
  - (d) *Temporary Student Hub Building House Policy for Sale or Supply of alcohol to Minors and the New Sanctions for Selling Liquor to Minors by any Person* dated 2017.
10. Submission from Sergio Pillon, Senior Coordinator Building Compliance, City of Ryde Council to LGNSW dated 24 April 2017, attaching:
    - (a) Copy of the Notice to Local Consent Authority stating that “development consent is not required to permit the proposed activity”.
    - (b) Copy of correspondence between Mr Pillon and Mr Bulford dated 20 February 2017 in which Mr Pillon states that there are “no objections to the proposed changes” from Council’s perspective.
  11. Submission from Mr Bruce Pollard, Master of Robert Menzies College to LGNSW dated 28 April 2017 and stamped as received by LGNSW on 3 May 2017, requesting that a social impact statement be required before granting the ETA Application if extended trading hours until 2:00am are to be approved.
  12. Email from licensing staff to Bruce Bulford 27 July 2017 requesting a completed Certificate of Advertising; attaching submissions received by the Authority from Council and the Master of Robert Menzies College and requesting comments on these submissions; stating that no submissions have yet been received from Police or the Secretary; and proposing licence conditions relating to section 11A; social impact; crime scene preservation; CCTV; removal of the licence to the address specified in the Application; and a prohibition on trade at the Proposed Premises prior to the Authority being provided with evidence that those premises are complete and ready to trade.
  13. Email from Bruce Bulford to licensing staff dated 4 August 2017 at 1:36pm enquiring as to who proposed CCTV and crime scene preservation conditions if no submission has been received from Police.
  14. Email from Authority licensing staff to Bruce Bulford 4 August 2017 at 2:13pm stating that neither Police nor Council have provided submissions and inviting the Applicant to consent to that the author had proposed the CCTV and crime scene preservation conditions should the Applications be granted, in anticipation of the Authority imposing such conditions on the licence.
  15. Email from Bruce Bulford to licensing staff dated 4 August 2017 at 3:59pm requesting copies of submissions from Police and Council upon receipt by the Authority; explaining Mr Bulford’s understanding that CCTV and crime scene preservation conditions would not be imposed on liquor licences “unless they were in response to some clearly identified risk”; and submitting that in this case these two conditions should not be imposed.

16. Email from Authority licensing staff to Bruce Bulford 4 August 2017 at 4:11pm confirming receipt of comments and that Council and Police submissions would be provided to the Applicant.
17. Certificate of Advertising Application signed by Mr Fasogiannis and dated 7 August 2017 attaching a statutory declaration with annexures of Alexandra Stephanie Galwey in relation to compliance with consultation requirements in relation to the Application, sworn on 28 June 2017.
18. Email from Authority licensing staff to Senior Constable Meegan Perigo, Ryde Local Area Command ("LAC"), NSW Police dated 27 July 2017 requesting that Police advise if they wish to make any comment or submission in relation to the Application.
19. Email from Senior Constable Meegan Perigo to Authority licensing staff dated 10 August 2017, attaching a submission from Sergeant K Barnard, Ryde LAC to LGNSW dated 18 May 2017, stating that the "only concern" Police have in relation to the Application is the potential for noise disturbance and requesting the imposition of the standard LA10 noise condition.
20. Email from Authority licensing staff to Bruce Bulford dated 10 August 2017 attaching the submission from Police dated 18 May 2017.
21. Email from the Compliance branch of LGNSW to Authority licensing staff dated 11 August 2017 advising that the Compliance Operations Unit does not intend to carry out any further assessment of the applications.
22. Email from Niels Pantenburg, General Manager Campus Services, U@MQ Ltd, to Mr Bruce Pollard, Master of Robert Menzies College dated 17 August 2017.
23. Licensed density data provided by licensing staff calculated on the basis of LGNSW licensed premises information as at 28 August 2017 and 2016 ABS *Quickstats* population data for City of Ryde LGA, the State suburb of Macquarie Park and the State of New South Wales.
24. LGNSW records listing all on-premises liquor licensed premises in the City of Ryde LGA and the State suburb of Macquarie Park sourced by licensing staff on 28 August 2017.
25. Letter from Mr Bruce Pollard, Master of Robert Menzies College to LGNSW dated 5 September 2017 withdrawing any objections to the Applications.
26. Email from Bridge Tucker on behalf of Bruce Bulford to Authority licensing staff dated 22 September 2017, responding to submissions from Council and the Master of Robert Menzies College, and providing consent to certain licence conditions. The Applicant objects to the imposition of proposed CCTV and crime scene preservation conditions on the basis that the obligations that such conditions will impose are contained in the Applicant's Management Plan or are already abided by the licensed business. The Applicant agrees to a licence condition fixing the daily liquor closure period, for the purposes of section 11A of the Act, between the hours of 4:00 am and 10:00 am. The Applicant also agrees to the imposition of a condition requiring the licensed business on the Proposed Premises to be conducted pursuant to the "LA10" noise emission

requirements and submits that the condition be imposed in the “standard” form applied by the Authority rather than the wording proposed by Police. The Applicant proposes a differently worded version of a condition imposed by the Authority to require the licensed premises to operate without greater overall social impact than disclosed in the Application, in that the Applicant proposes that the words “removing this licence to” be replaced with the words “an application for an extended trading authorisation in respect of the”, in the proposed condition which was worded as:

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 be reasonably expected from the information contained in the Community Impact Statement, application and other information submitted in the process of other information submitted in the process of **removing this licence to** premises at Macquarie University Temporary Student Hub Central Avenue, Macquarie University NSW 2109.

27. Substituted plan or diagram of the layout of the Premises accompanying an email from the Applicant’s representative dated 22 September 2017, reflecting alterations to the original plans which had arisen during the construction process.
28. OneGov licence details for licence number LIQO600779855 as at 27 September 2017.