

Resolution of Local Planning Panel

4 September 2024

Item 4

Development Application: 42 Darlinghurst Road, Potts Point - D/2023/987

The Panel granted consent to Development Application Number D/2023/987 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(5) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) Internal ***screening is*** ~~fixed screens such as blinds or shutter curtains are~~ to be installed to the glazing fronting Darlinghurst Road to prevent looking into the premises/into the entertainment area from public domain. ***The screening should use materials sympathetic to the contributory building and the streetscape of the heritage conservation area.***
- (b) The proposed waste area is to be enlarged to accommodate two days storage of waste and recycling based on the proposed development floor space and waste generation rates for pub/clubs as per Council's Guidelines for Waste Management in New Developments 2018.

The modifications are to be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager prior to the issue of a Construction Certificate.

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(36) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plan of Management, prepared by *Hotel 42/ Asteri Holdings Pty Ltd* and dated 16 July 2024 (Council Record: 2024/448155) that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

Changes to the approved Plan of Management must be submitted to and approved by Council's Area Planning Manager.

Reason

To ensure all parties are aware of the approved supporting documentation that applies to the development.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposed restricted use (adult entertainment premises) is permissible within the E1 - Local Centre zone. The proposal, subject to conditions, is consistent with the objectives of the E1 zone.
- (B) The amended Plan of Management has adequately addressed the provisions of Section 3.15.5 (Plan of Management Requirements) and Section 4.4.6.6 (Management of Operations) of the Sydney DCP 2012.
- (C) The amended proposal generally complies with the City of Sydney Sex Industry and Adult Entertainment Premises Development Guidelines (October 2013).
- (D) The proposed hours of operation, subject to the imposition of a one-year trial period, are consistent with the objectives and in accordance with the permitted hours for a Category A premises in Late Night Management area as identified in the Sydney DCP 2012.
- (E) The proposed use as an adult entertainment premises is in keeping with the unique character of the area.
- (F) The development, subject to conditions, will not unreasonably compromise the amenity of nearby properties.
- (G) The proposal, subject to conditions, is in the public interest.
- (H) Condition 5 was amended to provide more detail regarding screening.
- (I) Condition 36 was amended to require that changes to the Plan of Management be approved by Council.

Carried unanimously.

D/2023/987