

Local Planning Panel

4 September 2024

Application details

Address: 42 Darlinghurst Road, Potts Point

D/2023/987

Owner: Asteri Holdings PTY LTD

Applicant/Planner: Local Approvals

Proposal

- change of use of the whole building to restricted premises (adult entertainment premises) with internal alterations
- proposed trading hours are 7.00am to 5.00am Monday to Sunday and public holidays
- maximum capacity - 380 persons

Recommendation

Approval subject to conditions

Reason reported to LPP

Reported to LPP for determination as:

- development is for an adult entertainment venue which is categorised as a sensitive development/restricted premises

Notification

- exhibition period 11 January 2024 to 2 February 2024
- 284 owners and occupiers notified
- 2 submissions received from the public (one support and one objection) – no address identified
- 3 submissions received from NSW police

Public submission

- proposed hours should be limited to base hours only given the specific use and the operator has no track record of operation
- ingress and egress on Kellett Way
- consideration should be given to improving the amenity of the building facing Kellett Way

Police submission

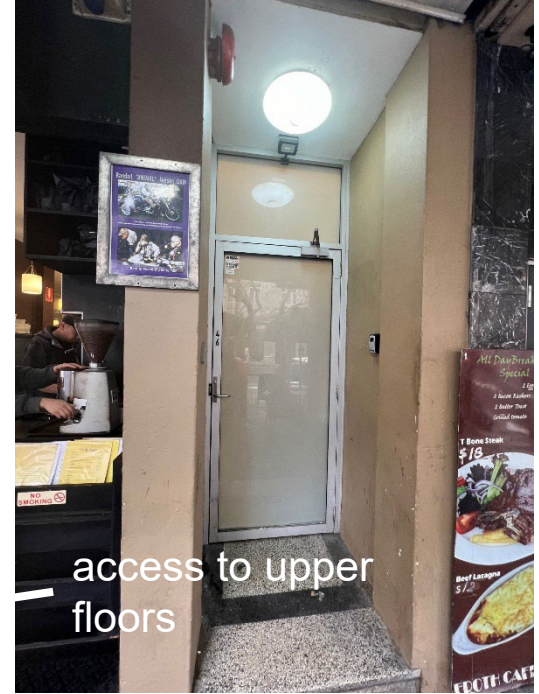
- development by way of its scale, character and operation are likely to have significant and unacceptable impacts
- plan of management and social impact assessment is insufficient
- criminal history of the applicant
- history and compliance with the liquor license
- high risk of use resulting in other crime related activities
- use and location is inconsistent with the DCP

Site





Darlinghurst Road



Darlinghurst Road





opposite side of Darlinghurst Road (source: Google street view)



site viewed from Kellett Way
(source: Google street view)



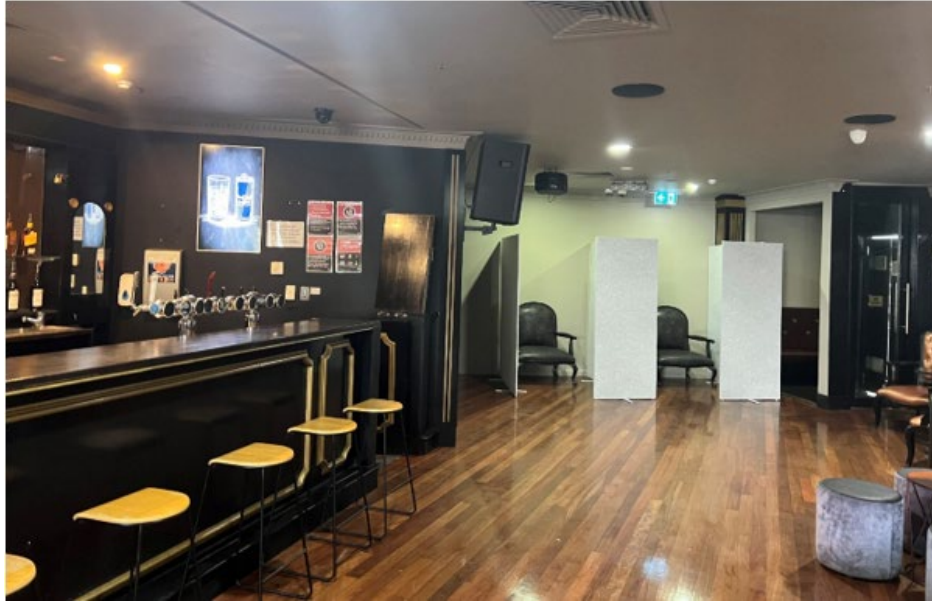
residential terrace (under construction) on opposite side of Kellett Way



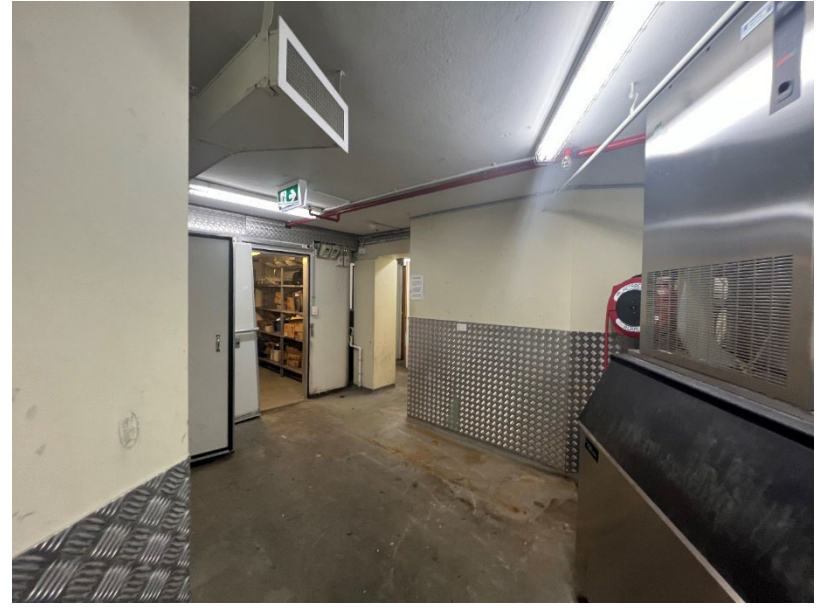
The Harvard - apartment building at 2 Kellett Way
(source: Google street view)



ground floor

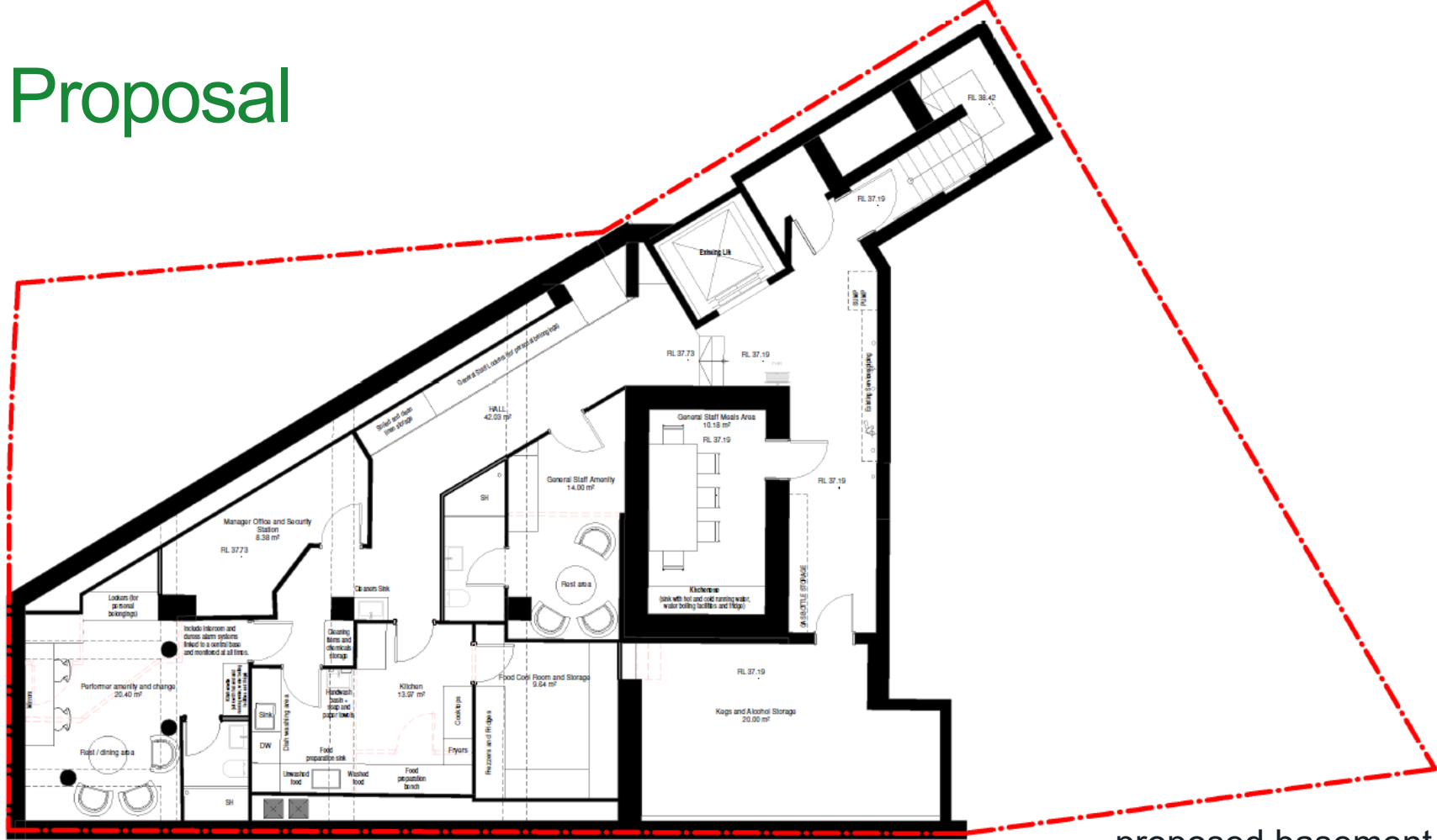


first/mezzanine floor

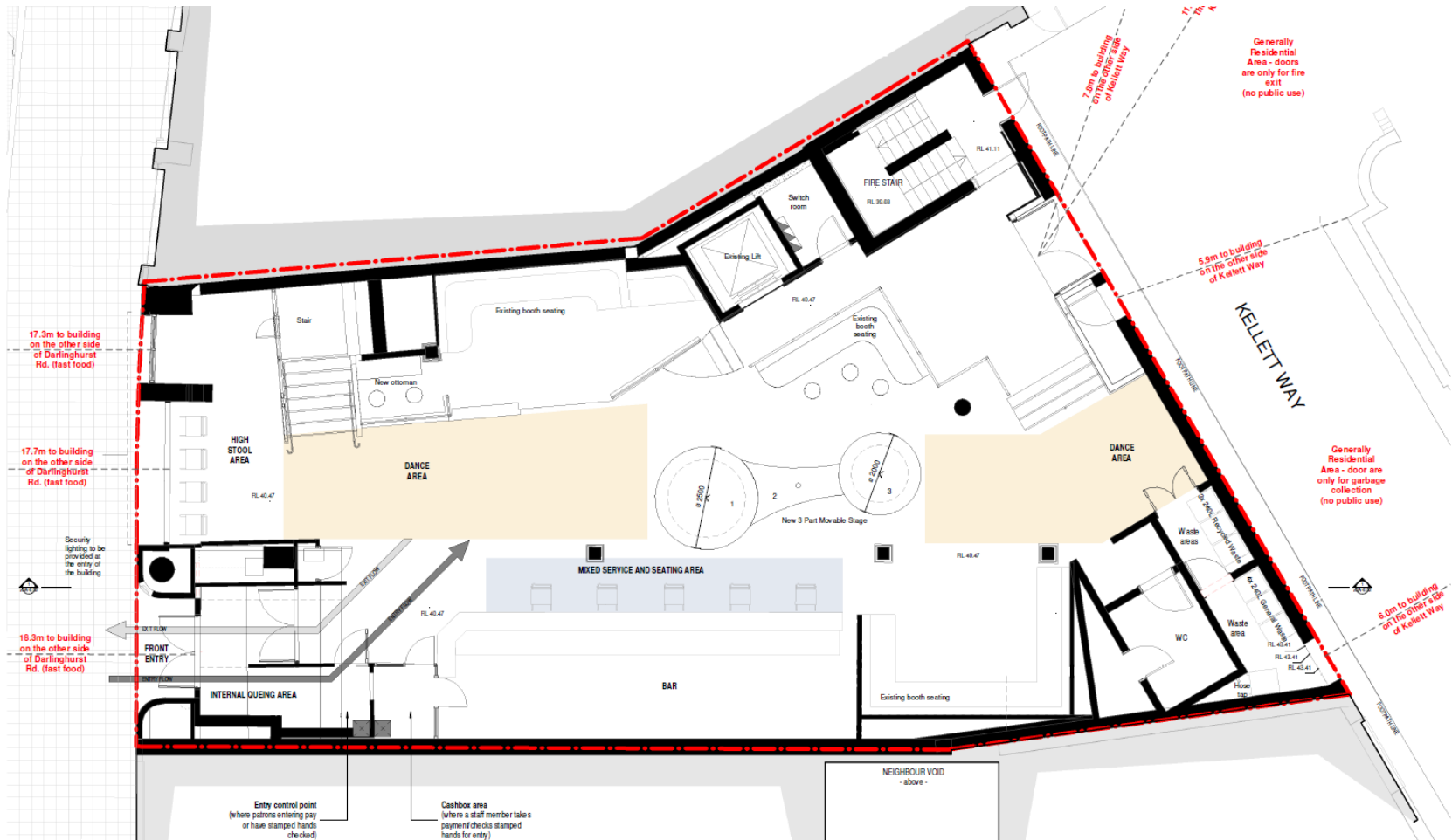


basement

Proposal



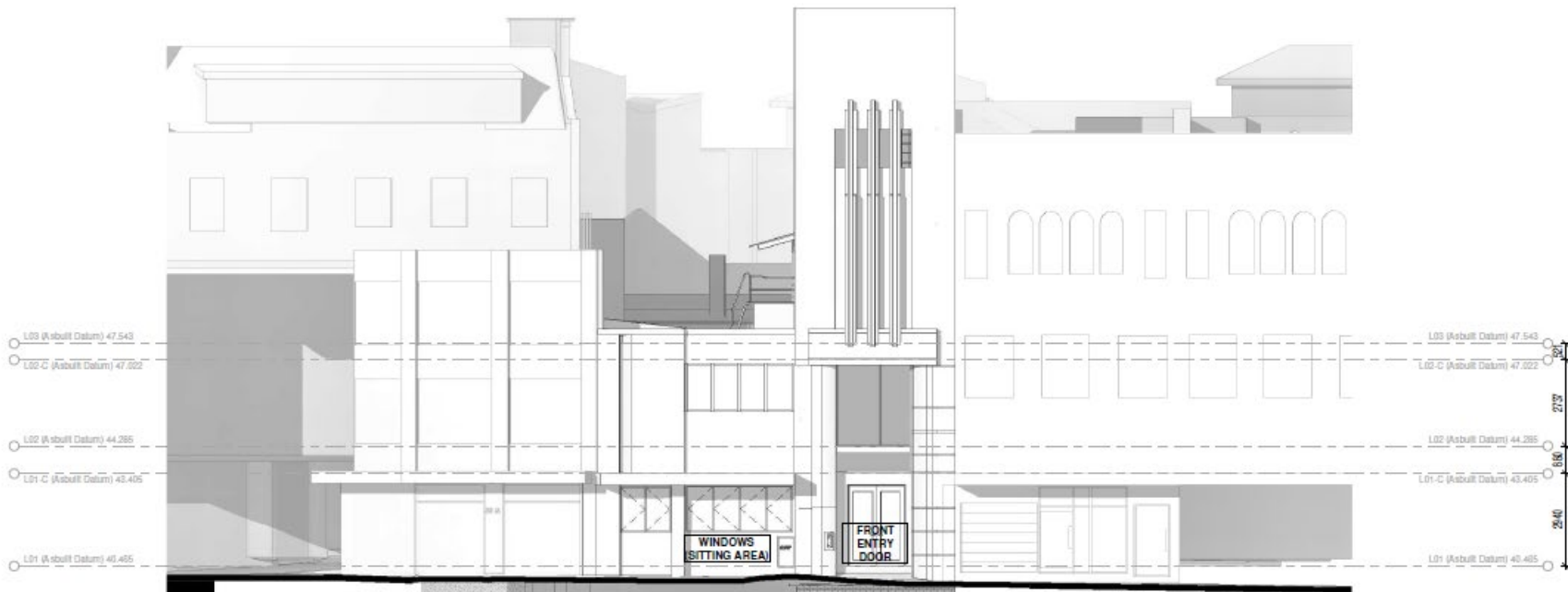
proposed basement



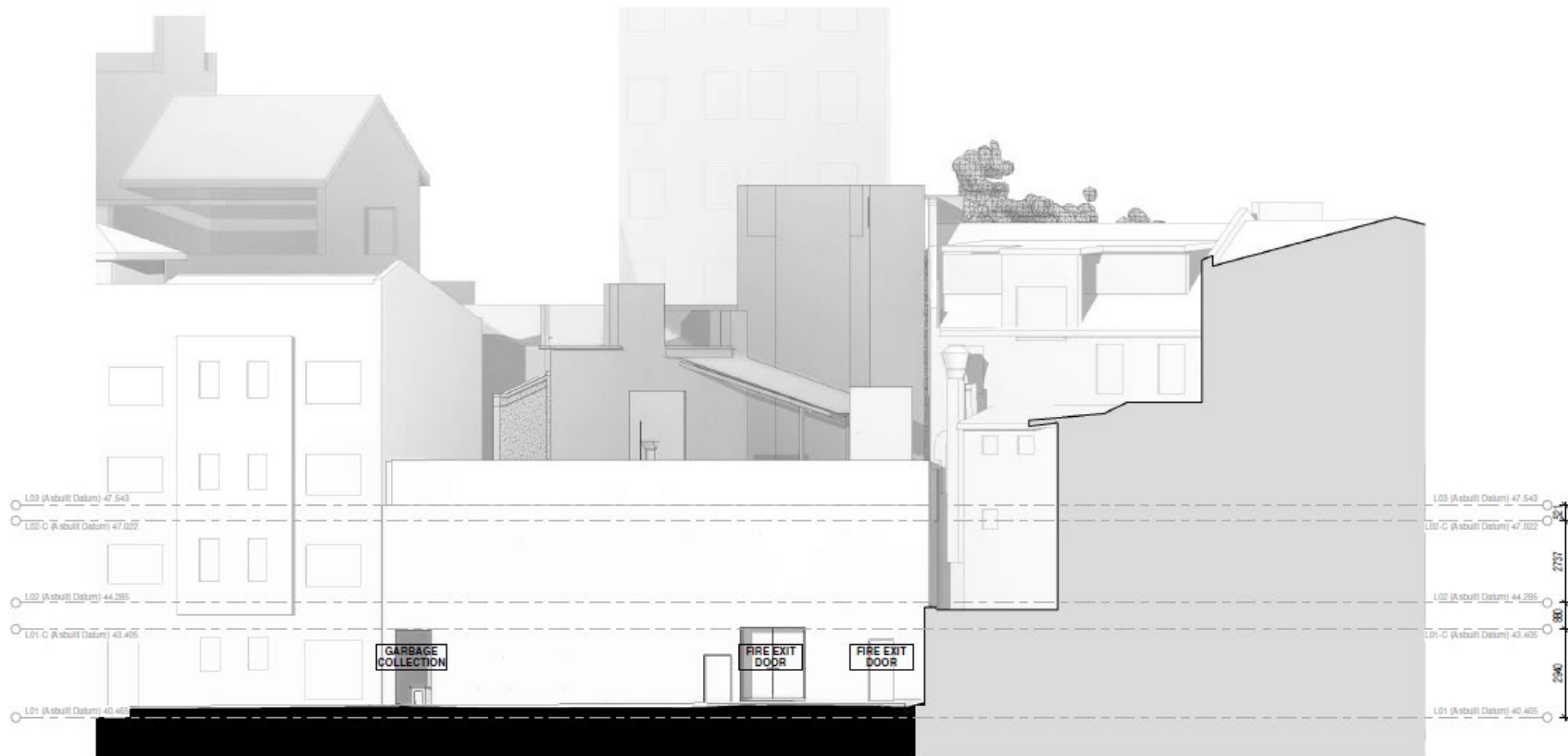
proposed ground floor



proposed first floor



Darlinghurst Road elevation



Compliance with DCP controls

	control	proposed	compliance
location	no residential uses within the building or adjoining the site	residential uses opposite Kellett Street, boarding house adjacent Darlinghurst Road	no
proximity to sex industry premises	no adult entertainment premises and sex industry premises within a 75m radius	6 brothels and 2 adult entertainment premises within 75m radius	no

Compliance with DCP controls

	Permitted indoor base hours & extended hours	proposed hours	compliance
Monday to Sunday inclusive	Base: 6.00am to 12.00am midnight Extended: 24 hours	7.00am to 5.00am	Yes Proposed hours within permissible extended hours

Issues

- patron capacity
- plan of management
- location of premises in relation to residential uses
- location of premises in relation to other adult entertainment or sex industry premises

Patron capacity

- maximum patron capacity reduced from 600 to 500, then further reduced to **380** persons including:
 - 12 staff members including 7 security staff, 2 RSA staff
 - 10 performers

Plan of management

Amended POM includes:

- minimum 2 security guards per 100 patrons, or provision of 7 security staff per 380 patrons
- security personnel will patrol the perimeter of the venue at 30-minute intervals from start of business to close of business
- security guards shall remain at the premises for at least 60 minutes after closing the venue
- premises has only one public entry/ exit point from Darlinghurst Road (excluding emergency exits) – no access from Kellet Way
- patrols of the bathrooms and private rooms at 30-minute intervals from start of business to close of business

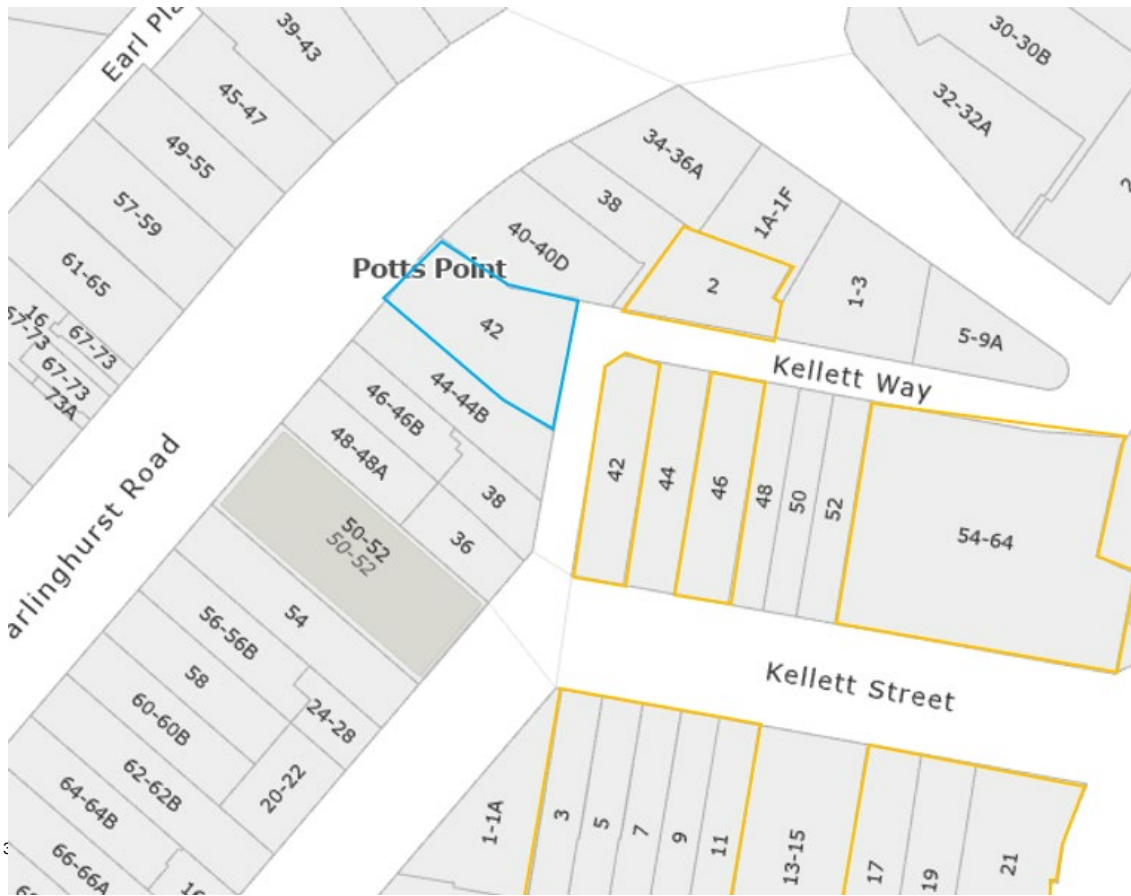
Plan of management

- provision of CCTV within the premises and private rooms
- patron identification scanners
- installation of duress buzzers in each service, personnel private room and at the manager's desk
- premises, and no member of staff or entertainers are permitted to offer sex services on the premises - audience participation is prohibited
- online ticket sales and booking with staggered entry times to minimise queueing at busy times/specific events
- recommendations provided from the acoustic report

Location

- proposal is non-compliant with DCP provisions relating to:
 - proximity to residential premises
 - proximity to other adult entertainment/sex industry premises
- residential premises to rear on Kellet Way - emergency egress only to Kellet Way
- potential impacts managed through the detailed plan of management
- use is in keeping with the locality and permissible in the zone

Proximity to residential



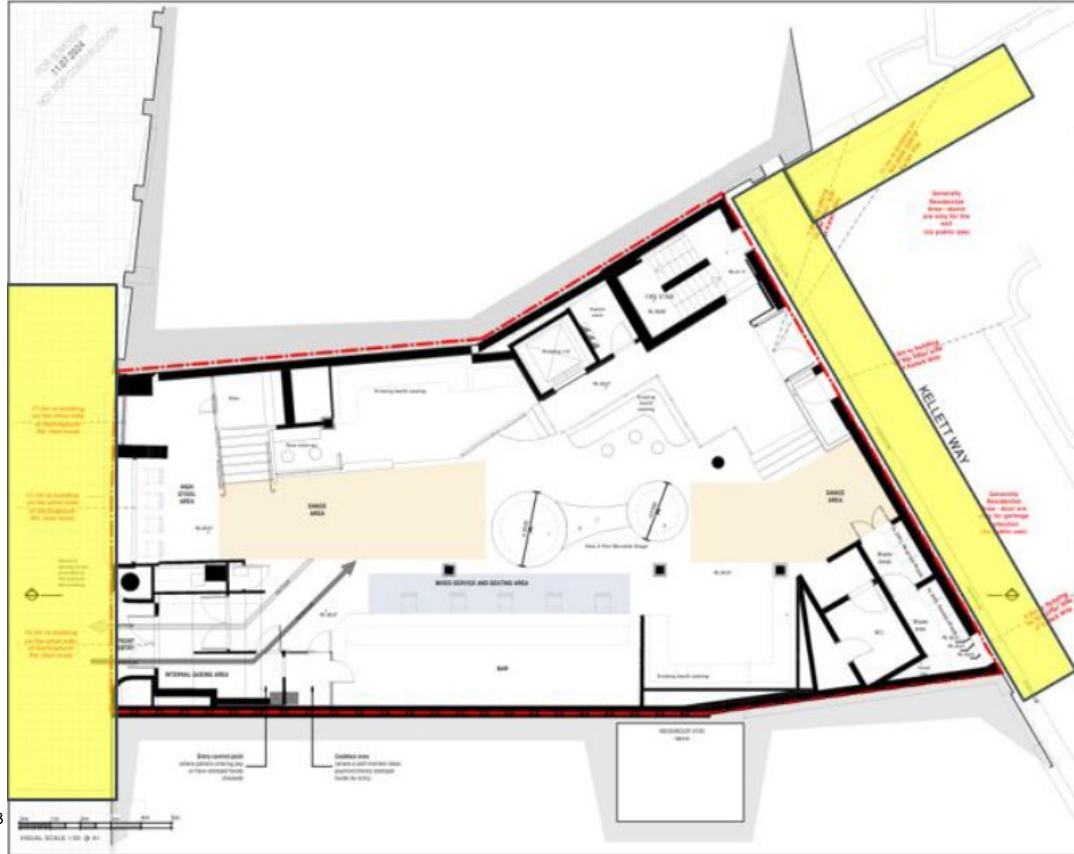
subject site in blue and
residential uses in orange

Proximity to adult entertainment and sex industry premises



existing brothels (in red) and adult entertainment premises (in yellow) within a 75m radius of the premises

Patrol areas



external security patrol areas are highlighted in yellow

Recommendation

The application is recommended for approval, subject to conditions