



## 2011 Residents' Association Inc.

ABN 78 862 101 665

PO Box 1513  
Potts Point NSW 1335

19 June 2015

Mr Mike Baird  
Premier, NSW

Dear Mr Baird

**Reference: The Bank, 42 Darlinghurst Road Potts Point**

**Notice of intention to apply for a liquor licence or a licence authorisation, dated 22 May 2015. Change of liquor condition by revoking the following condition that “no live entertainment involving strippers or table dancers to be permitted on the premises”.**

The 2011 Residents' Association (2011RA) represents the residents of the 2011 postcode area of Sydney, Australia. We support residents by working with all levels of government to improve our neighbourhood.

The 2011RA members and residents of Potts Point wish to strongly object to the proposed application for the above cited amendment to the liquor Licence for the Bank on the grounds that we see it as being anachronistic and inappropriate, given the positive improvements that have occurred in Kings Cross since the introduction of changes to licencing laws in February 2014.

### **Background:**

Kings Cross (and wider Potts Point) was once a sophisticated rendezvous for Sydneysiders seeking good food, latest trends in fashion and a creative artistic cultural life. All that changed with the advent of the Vietnam War and the use of Woolloomooloo and Garden Island as staging points for soldiers on R&R. Sex-venue owners moved in to cater to soldiers in search of a 'good time', and what was once Sydney's Jewel in the Crown became a sleazy and dangerous precinct. It also became the target destination for drug dealers and organised crime.

During the past 10 years when Kings Cross was marketed as an entertainment precinct it seemed that Council and NSW governments actively and tacitly supported the proliferation of licenced premises, and bars, clubs, pubs, beer barns overtook or competed with the few remaining sex-on-premises venues. The result was a decade of alcohol-fuelled violence and much anti-social and criminal behaviour. Police and hospital resources were stretched beyond their limits, and residents retreated afraid for their safety and also angry at the noise and filth created by massive crowds attracted by the 'anything goes' vibe.

Despite years of complaints to all tiers of government the community went unheard and unacknowledged until the tragic deaths of two young men who were violently and senselessly killed on a night out in Kings Cross. The outrage from residents and the wider community resulted in the NSW Government passing legislation collectively known as 'the lockout laws' to protect residents, visitors, and workers in this district and the Sydney CBD.

In just 12 months the impact of this legislation has been staggering, with a 40% drop in violent assaults and in hospital admissions for serious injury. The crowds of out-of-control people, where a high percentage were so intoxicated as to be scarcely able to walk or stand, have disappeared. Residents have noticed a dramatic reduction in noise and increased safety as they can now move about their neighbourhood without fear. At the most recent Police and Community meeting in Kings Cross on June 4<sup>th</sup> 2015, Kings Cross LAC Superintendent Michael Fitzgerald announced that his branch had actually seen a 48% decline in alcohol-related violence in Kings Cross in the 12 months since the lockout laws were introduced; a substantive improvement.

Clubs, hotels and other venues are still able to trade profitably, but no longer at the expense of the NSW community or to the detriment of residents. The few remaining 'sex clubs' are like dinosaurs; out of touch with their environment and unwilling or unable to adapt. In their place are new restaurants, cafes, and retail outlets catering for the residents and not intoxicated crowds of weekend revellers.

The suburb is on a new path. There has been a massive increase in new residential developments and an influx of new residents; families, students, professionals, and retirees all attracted by the social diversity, restaurants, transport, and village atmosphere that is unique to Potts Point.

### **The Application.**

Asteri Holdings Pty Ltd is applying to change the current liquor licence conditions that apply to 'The Bank'. They want to revoke the condition whereby 'no live entertainment involving strippers or table dancers to be permitted on the premises'. They are applying to have strippers and dancers in G-strings performing on stage, at tables, and at 'private booths'. Residents view this as a concerning and retrograde step for their community; it appeals to the lowest common denominator of patron and would be an anachronism in the current social climate, and in light of the increased focus on residential development.

Residents strongly oppose any change in licence conditions for the premises known as 'The Bank', formerly SinCity, formerly Madam Debiers, and originally the Commonwealth Bank, at 42 Darlinghurst Rd Potts Point.

Our objections to this proposal are based on the following:

1. Kings Cross has changed, and for the better. It has taken 10 years of lobbying on the part of residents, Police, Council and the State Government to make this a safer neighbourhood for families, workers, visitors, and individuals. We want to preserve and improve the level of safety that has been achieved, not see it reversed.
2. The type of venue that is proposed, and its location on the main strip of Darlinghurst Rd, would once again serve to attract large crowds of intoxicated, unruly and potentially violent people onto the streets of King Cross. The venue is likely to reintroduce anti-social behaviour and potentially increased noise from people and motor traffic cruising the streets in search of voyeuristic pleasure.

3. The introduction of the 'lockout laws' into Kings Cross has resulted in a dramatic improvement in the daytime economy in Darlinghurst Road, and a quietening of the alcohol-based night-time economy. New restaurants have been launched and a diverse range of businesses have been opened including a new gym, health food store, pharmacies, and clothes shops. Venues that are still trading have adapted to the new restriction on opening hours and last drinks. To re-introduce a sex club of the scale proposed with capacity for 500 patrons at any time of the day or night would only result in the loss of all that has been achieved. New mainstream businesses are at risk of failing if their customers feel intimidated by patrons of the proposed strip club.
4. The applicant is Asteri Holdings Pty Ltd. This company was also listed as the licensee of BadaBing nightclub in a decision<sup>1</sup> by Mr Chris Sidoti, Chair of ILGR, dated 11 December 2013 (ILGR ref: L274). In this case there is ample evidence of serious liquor licence breaches and criminal activity occurring over a number of years. Mr Manthos Papadopoulos, through his position with Asteri Holdings, was a director of BadaBing and is a director and manager of The Bank. Based on this history, questions must be raised as to the suitability of Asteri Holdings and those associated to be granted any alterations to the liquor licence for the venue known as 'The Bank'.

The 2013 submission by the Police, and acknowledged by ILGR, against Asteri Holdings as licensee listed over 100 liquor licence breaches at BadaBing, which ought to raise doubts about that company, and its director Mr Papadopoulos, running a new venue at The Bank. The submission also records the extraordinary admission by Mr Papadopoulos that *"it is likely that the issues identified with respect to which the BadaBing has operating [sic] in the past will present in relation to the operation of the Bank Hotel"* (pg 77, xxii).

In another recent ILGR judgment<sup>2</sup> in relation to "Déjà Vu" nightclub in Kings Cross, the Authority ruled an individual unsuitable to hold a liquor licence **for life**, noting that **"the balance of convictions recorded against Mr..... are indicative of a serious and ongoing disregard for laws and regulations that have been developed in order to protect the public interest. While some of the conduct occurred in his private capacity, they are relevant matters that go to a general assessment."** (para. 225)

The history of Asteri Holdings at BadaBing, as noted in Mr Sidoti's ILGR decision dated 11 December 2013 and referenced above, fall into the same category and can therefore be considered *"relevant matters that go to a general assessment"* when considering the current application by Asteri Holdings with regard to The Bank.

In the judgment with regard to 'Déjà Vu', the Authority noted, *"Mr ..... poses an unacceptable drain upon regulatory resources"* and that *"Mr ..... 's involvement in the liquor industry has come at some significant cost to the community through the law enforcement resources expended by Police and OLGR, Court time and the investigation and prosecution of repeat complaints to this Authority"*. (para. 250).

Drawing from these cases, Asteri Holdings, in their association with BadaBing, have already been proven "an unacceptable drain upon regulatory resources" and responsible for "significant cost to the community through the law enforcement resources expended by Police and OLGR, Court time and the investigation and prosecution of repeat complaints". The findings quoted are highly relevant in dealing with the current application by Asteri Holdings in regard to The Bank.

This submission will be forwarded to all Councillors of the City of Sydney because the proposed changes to the operation of The Bank contained in the application by Asteri Holdings are so significant and wide ranging that they necessitate a Development Application at the very least to be reviewed before Council.

In addition, this submission will be forwarded to Mr Chris Sidoti, Chairman of ILGR, the NSW Premier The Hon. Mike Baird, and the NSW Deputy Premier, The Hon. Troy Grant, and the NSW Police Commissioner Mr Andrew Scipione, as it is important that they are aware of the negative impacts that this application by Asteri Holdings will likely have on the Kings Cross community if it is approved.

The 2011 Residents' Association urge you to refuse Asteri Holdings proposal "to alter the existing liquor licence conditions to allow live entertainment involving strippers or table dancers to be permitted on the premises".

Yours sincerely

Helen Crossing  
Convenor 2011 Residents' Association.

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<sup>1</sup> [http://www.ilga.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0004/47812/Final-Decision-s51-Application-Bada-Bing-corrected-111213.pdf](http://www.ilga.nsw.gov.au/__data/assets/pdf_file/0004/47812/Final-Decision-s51-Application-Bada-Bing-corrected-111213.pdf)).

<sup>2</sup> [http://www.ilga.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0020/71651/Decision-Final\\_Complaint\\_against-KAIKATY-re\\_assoc\\_w-J\\_BARAKAT-14May2015.pdf](http://www.ilga.nsw.gov.au/__data/assets/pdf_file/0020/71651/Decision-Final_Complaint_against-KAIKATY-re_assoc_w-J_BARAKAT-14May2015.pdf)