

Attachment D

**Inspection Report
95 Victoria Street, Potts Point**



Figure 1: 95 Victoria Street, Potts Point viewed from the east

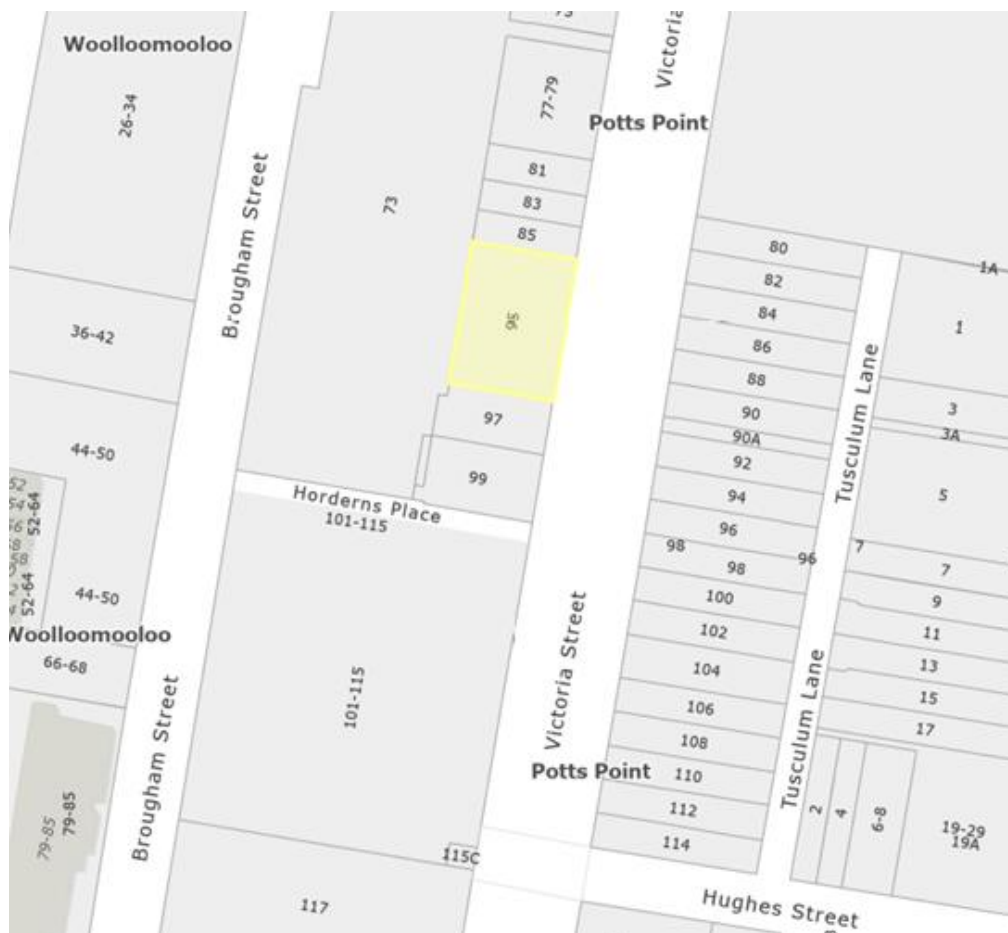


Figure 2: Location map of 95 Victoria Street, Potts Point

Council Investigation Officer Inspection and Recommendation Report; Clause 17(2) Part 8 of Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act)

Officer: Lutfor Rahman

Date: 2 March 2026

Premises: 95 Victoria Street, Potts Point

Executive Summary

1. The City of Sydney (the City) received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 17 February 2026 with respect to matters of fire safety.
2. The premises consists of a three storey building used for commercial purposes on the ground floor and residential purposes on the upper two floors. The rear common area and the basement level is shared with 73 Victoria Street forming part of the united building complex.
3. The City inspected the premises on 26 February 2026. This inspection identified fire safety provisions requiring maintenance, which can be addressed by a corrective action letter issued by the City on 2 March 2026.

Chronology

Date	Event
17 February 2026	FRNSW correspondence received.
26 February 2026	The City inspected the premises identifying fire safety provisions requiring maintenance, which can be addressed under the City's instruction.
2 March 2026	A corrective action letter was issued requiring works to be completed by 30 May 2026.

Fire and Rescue NSW Report

4. Fire and Rescue NSW conducted an inspection of the subject premises on 4 February 2026.

Issues

5. The report from Fire and Rescue NSW detailed issues as shown in the table below.

Ref.	Issue	City response
	Essential Fire Safety Measures	
Fire Resistance		
1	Security doors and gates have been installed on the outside of multiple SOU entry doors throughout the premises. FRNSW are of the opinion that screen doors and security gates promote the occupants to 'chock open' the SOU entry fire door.	The City's inspection on 26 February 2026 found security screen doors and security grills were installed on the outside of multiple units. The City issued a corrective action letter on 2 March 2026 requiring removal of all the security screen doors and security grills by 30 May 2026. Follow up inspections will be undertaken to ensure works are completed in accordance with the City's instructions.
2	The fire door from the basement storage area was chocked open and not capable of self-closing.	The City's inspection on 26 February 2026 could not verify the identified items as access to the basement was restricted at time of inspection. To ensure the matter is resolved, a corrective action letter was issued on 2 March 2026 requiring the fire door to be rectified by 30 May 2026. Follow up inspections will be undertaken to ensure works are completed in accordance with the City's instructions.
Services and Equipment		
3	The exit sign at the ground floor exit gate was not illuminated.	The City's inspection 26 February 2026 confirmed the exit sign at the ground floor exit gate was not illuminated. A corrective action letter was issued on 2 March 2026 requiring exit signage to be rectified by 30 May 2026.

Ref.	Issue	City response
		Follow up inspections will be undertaken to ensure works are completed in accordance with the City's instructions.
4	The emergency light at the rear of the ground floor south retail appeared to have no power to it and failed to operate when FRNSW tested the light.	The City's inspection on 26 February 2026 identified that no power to the emergency light. A corrective action letter was issued on 2 March 2026 requiring emergency lighting be provided by 30 May 2026. Follow up inspections will be undertaken to ensure works are completed in accordance with the City's instructions.
Smoke Detection and Alarm Systems		
5	A zone block plan of the SDAS was not installed at the main Fire Indicator Panel (FIP).	The City's inspection on 26 February 2026 observed the zone block plan was not provided at the Fire Indicator panel. A corrective action letter was issued on 2 March 2026 requiring signage be provided by 30 May 2026. Follow up inspections will be undertaken to ensure works are completed in accordance with the City's instructions.
6	External alarm indication was not installed with the red strobe light at the entry to the building. In this regard, the word 'FIRE' was not marked on or adjacent to the strobe in lettering not less than 25mm.	The City's inspection on 26 February 2026 observed the word 'FIRE' was not marked adjacent to the strobe. A corrective action letter was issued on 2 March 2026 requiring signage be provided by 30 May 2026. Follow up inspections will be undertaken to ensure works are completed in accordance with the City's instructions.

6. FRNSW have recommended that the City inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

Council Investigation Officer Recommendations

7. As a result of site inspections undertaken by the Council investigation officer, a corrective action letter was issued on 2 March 2026 to the building owners to address the fire safety deficiencies identified by the City and FRNSW. It is not considered necessary to issue a Notice of Intention to Issue a Fire Safety Order at this stage.
8. It is recommended that the Commissioner of FRNSW be informed of the City's decision.

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File Ref. No: FRN26/373 - BFS26/399 - 8000047875
TRIM Ref. No: D26/21925
Contact: Station Officer David Weekes

17 February 2026

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

**Re: INSPECTION REPORT
RESIDENTIAL AND RETAIL BUILDING
95 VICTORIA STREET POTTS POINT ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 20 January 2026 concerning the adequacy of the provision for fire safety in or in connection with 'the premises'.

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected 'the premises' on 4 February 2026.

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

The items listed in the comments of this report are based on the following limitations:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

Fire and Rescue NSW

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Community Safety Directorate
Fire Safety Compliance Unit

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Greenacre NSW 2190

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COMMENTS

FRNSW could not gain access to the basement storage area or any residential Sole Occupancy Units (SOU) during the inspection.

The following items were identified during the inspection:

Provisions for Fire Safety

Fire Resistance

1. Security doors and gates have been installed on the outside of multiple SOU entry doors throughout the premises. FRNSW are of the opinion that screen doors and security gates promote the occupants to 'chock open' the SOU entry fire door, which is in contravention of Clause C4D12 of the National Construction Code 2022, Volume 1 Building Code of Australia (NCC) which requires a doorway in a Class 2 Sole Occupancy Unit (SOU) to be protected by a self-closing fire door.
2. The fire door from the basement storage area was chocked open and not capable of self-closing contrary to the requirements of C4D6 of the NCC.

Services and Equipment

3. The exit sign at the ground floor exit gate was not illuminated, contrary to the requirements of Clause E4D8 of the NCC.
4. The emergency light at the rear of the ground floor south retail appeared to have no power to it and failed to operate when FRNSW tested the light contrary to the requirements of Clause E4D4 of the NCC.

Smoke Detection and Alarm System (SDAS)

5. A zone block plan of the SDAS was not installed at the main Fire Indicator Panel (FIP) contrary to the requirements of Clause 3.10 of Australian Standard (AS) 1670.1-2004.
6. External alarm indication was not installed with the red strobe light at the entry to the building. In this regard, the word 'FIRE' was not marked on or adjacent to the strobe in lettering not less than 25mm contrary to the requirements of Clause 3.8 of AS 1670.1-2004.

FRNSW believes that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 6 of this report and conduct an inspection.

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- b. Address any other deficiencies identified on "the premises".

Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Please do not hesitate to contact Station Officer David Weekes of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference FRN26/373 - BFS26/399 - 8000047875 regarding any correspondence concerning this matter.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R Maestri', written in a cursive style.

Ryan Maestri
Senior Building Surveyor
Fire Safety Compliance Unit