

Attachment E

**Inspection Report
42 Darlinghurst Road, Potts Point**



Figure 1: 42 Darlinghurst Road, Potts Point viewed from the north-west



Figure 2: Location map of 42 Darlinghurst 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: 5 February 2026

Premises: 42 Darlinghurst Road, 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 19 December 2025 with respect to matters of fire safety.
2. The premises consists of a 2-storey commercial building, operating as an adult entertainment premises.
3. The City inspected the premises on 31 January 2026, accompanied by owners' representative. This inspection identified fire safety provisions requiring maintenance, which can be addressed under the City's instruction.

Chronology

Date	Event
19 December 2025	FRNSW correspondence received.
31 January 2026	City inspected the premises identifying deficiencies in fire safety.
3 February 2026	The City issued a corrective action letter requiring fire safety deficiencies be rectified in 2 stages. Stage 1 requires paths of travel to be cleared, hazardous materials to be correctly stored and smoke detectors to be functional and clear of obstructions. Stage 1 works are required by 6 February 2026. Stage 2 requires maintenance of existing fire doors by 17 February 2026.
9 February 2026	The City received correspondence confirming stage 1 works were completed.

Date	Event
20 February 2026	The City conducted a reinspection of the premises and confirmed that the stage 1 works have been completed, while the stage 2 works remain only partially finished. An extension of time was provided, requiring works to be completed by 27 February 2026. Follow up inspections will be undertaken to ensure the works are completed.

Fire and Rescue NSW Report

4. Fire and Rescue NSW attempted an inspection of the subject premises on 11 December 2025 and found the premises closed.

Issues

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

Ref.	Issue	City response
1	FRNSW received correspondence on 6 December 2025 stating: <i>Basement smoke detectors covered so owners can smoke. Hallways messy making safe evacuation difficult especially in low light.</i>	The City's inspection on 31 January 2026 found the following issues: 1. The path of travel in the basement area was found to be obstructed with various materials stored improperly. 2. Three smoke detectors at the basement area were found covered with tape and socks, potentially impairing their functionality. 3. The fire exit door was found to be faulty. The door does not return to the closed position when operated manually. Additionally, the fire notice on the exit door is faded. In response, the City issued a corrective action letter requiring fire safety delcences be rectified in 2 stages.

Ref.	Issue	City response
		Stage 1 requires paths of travel to be cleared, hazardous materials to be correctly stored and smoke detectors to be functional and clear of obstructions. Stage 1 works are required by 6 February 2026. Stage 2 requires maintenance of existing fire doors by 17 February 2026. The City conducted a reinspection of the premises on 20 February 2026, confirming stage 1 works have been completed, while the stage 2 works remain only partially finished. An extension of time was provided, requiring works to be completed by 27 February 2026. Follow up inspections will be undertaken to ensure the works are completed, addressing this issue.

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 3 February 2026, requiring the building owners to address the fire safety deficiencies identified by the City and FRNSW.
8. It is recommended that the Commissioner of FRNSW be informed of the City's decision.

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File Ref. No: FRN25/3775 - BFS25/8833 - 8000047147
TRIM Ref. No: D2025/152325
Contact: Conor Hackett

19 December 2025

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
SYDNEY ELEMENTS
42 DARLINGHURST ROAD POTTS POINT ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 6 December 2025 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *Basement smoke detectors covered so owners can smoke. hallways messy making safe evacuation difficult especially in low light.*

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 attempted to inspect 'the premises' on 11 December 2025.

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.

COMMENTS

At the time of the inspection the premises was closed and appeared to be unoccupied, therefore access was not available.

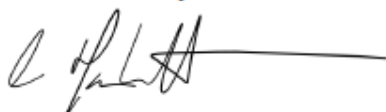
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As such, this matter is referred to Council as the appropriate regulatory authority, to ensure that the building owner is meeting their obligations for maintaining the smoke detection and alarm system and paths of travel to the exits, in accordance with the requirements of Sections 81 & 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, respectively.

Please do not hesitate to contact Conor Hackett 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 FRN25/3775 - BFS25/8833 - 8000047147 regarding any correspondence concerning this matter.

Yours faithfully

A handwritten signature in black ink, appearing to read 'C. Hackett', followed by a long horizontal line extending to the right.

Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit