

Attachment D

Inspection Report 44-44B Darlinghurst Road, Potts Point
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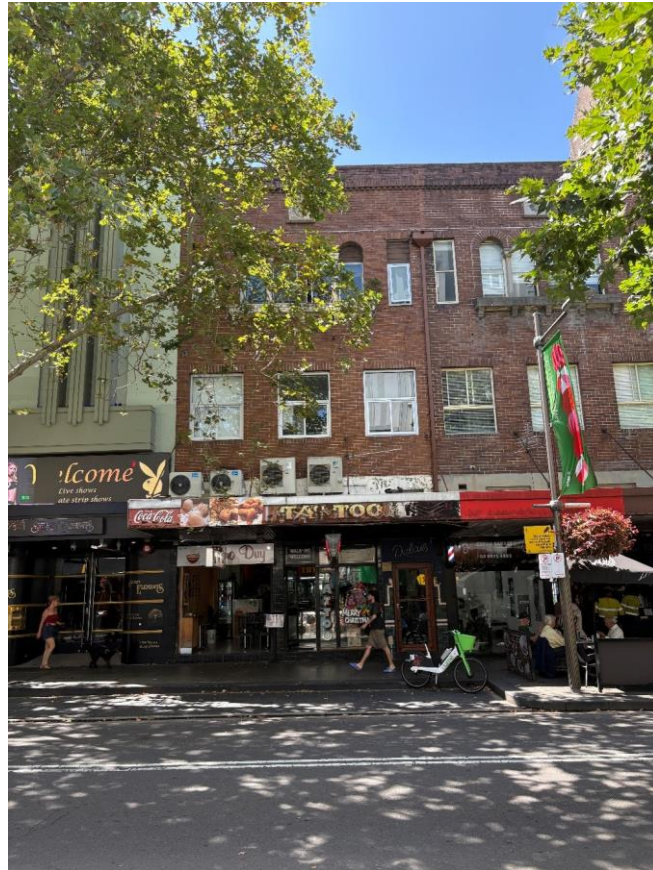


Figure 1: 44-44B Darlinghurst Road, Potts Point viewed north-west



Figure 2: Location map of 44-44B 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: 6 January 2026

Premises: 44-44B Darlinghurst Road, Potts Point (AKA, 40 Kellett Way, 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 10 November 2025 with respect to matters of fire safety.
2. The premises consists of a 4 storey building used as a boarding house with ground floor commercial spaces fronting Darlinghurst Road.
3. The City inspected the premises on 19 November 2025, accompanied by the owners representative. This inspection identified fire safety provisions requiring maintenance, which can be addressed under the City's instruction.

Chronology

Date	Event
10 November 2025	FRNSW correspondence received.
19 November 2025	The City carried out an inspection of the premises identifying the matters raised by FRNSW had been resolved. Minor additional fire safety deficiencies were identified which can be addressed under the City's instruction.
19 November 2025	A corrective action letter was issued requiring works to be completed by 20 February 2026.

Fire and Rescue NSW Report

4. Fire and Rescue NSW conducted an inspection of the subject premises on 16 October 2025.

Issues

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

Ref.	Issue	City response
1	Automatic Fire Suppression System (Sprinkler System):	
1A	Prior to FRNSW arrival, the fire technician was working on a known issue with the jacking pump before a water pipe burst in the sprinkler valve room. The sprinkler pipe was repaired at the time of the inspection, and the sprinkler system was back online, however the fire technician was still working on resolving the issue associated with the jacking pump.	The City's inspection on 19 November 2025 found the issue with the jacking pump had been resolved, addressing this matter.
1B	The Fire Indicator Panel (FIP) was displaying at one (x1) 'Isolation' identified as 'Zone 8 Sprinkler Pressure Switch'.	The City's inspection on 19 November 2025 found no faults in the Fire Indicator panel and was fully functional, addressing this matter.
2	Automatic Smoke Detection and Alarm System and Building Occupant Warning System	
2A	The FIP was displaying at one (x1) 'Alarm/Isolation' identified as 'Ground Floor Detection'. It is understood the 'Alarm' was a result of the detector activated in the sprinkler valve room when the water pipe burst. The 'Zone' had therefore been 'Isolated'. The FIP had not been reset prior FRNSW departure from the building.	The City's inspection on 19 November 2025 found no faults in the Fire Indicator panel and was fully functional, addressing this issue.
2B	The evacuation system control (Building Occupant Warning System) at the FIP was switched to the 'OFF' position, due to the fire technician undertaking works to the sprinkler system at the time of the inspection. It is understood the evacuation control would be switched back on at the completion of work and before the fire technician departed 'the premises' that day.	The City's inspection on 19 November 2025 found that Building Occupant Warning System switch on the FIP panel was switched to the 'AUTO' position, addressing this issue.

Ref.	Issue	City response
3	Alarm Signalling Equipment (ASE)	
3A	The ASE (fire alarm monitoring) was isolated at the time of the inspection, due to the fire technicians working on the system, however as a result of the burst water pipe in the sprinkler valve room, the ASE appeared to have been damaged or affected by water and was beeping and flashing.	The City's inspection on 19 November 2025 found that ASE was online and no beeping or flashing observed, addressing this issue.
4	FRNSW's Inspection outcome	
4A	FRNSW received email correspondence from the Property Manager on 17 October 2025.	For information only.
4B	FRNSW received email further correspondence from the Property Manager on 24 October 2025.	For information only.

6. Fire and Rescue NSW made no direct recommendation within their report other than legislative notification and advised that it is at the City's discretion to inspect and address any other deficiencies identified on the premises.

Council Investigation Officer Recommendations:

7. As a result of site inspections undertaken by the Council investigation officer it has been confirmed that the above recommendations of FRNSW have been complied with.
8. Following the site inspections conducted by the Council investigation officer, minor issues were identified outside the scope of the items outlined in the of FRNSW's letter. A corrective action letter has been issued to address that matter and follow up inspection will be undertaken to ensure compliance with the City's instruction.
9. It is recommended that the Commissioner of FRNSW be informed of the City's decision.

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File Ref. No: FRN25/3088 - BFS25/7058 - 8000045660
TRIM Ref. No: D25/132833
Contact: Mark Knowles

10 November 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
40 KELLETT WAY, POTTS POINT ("the premises")
[AKA: 44 - 44B DARLINGHURST ROAD]

Fire and Rescue NSW (FRNSW) received correspondence on 8 October 2025 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 16 October 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

The following items were identified in relation to the provisions for fire safety:

Regulatory Requirements

Fire Safety

1. Automatic Fire Suppression System (Sprinkler System)

- A. Prior to FRNSW arrival, the fire technician was working on a known issue with the jacking pump before a water pipe burst in the sprinkler valve room.

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483
www.fire.nsw.gov.au		Page 1 of 3

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The sprinkler pipe was repaired at the time of the inspection and the sprinkler system was back online, however the fire technician was still working on resolving the issue associated with the jacking pump.

- B. The Fire Indicator Panel (FIP) was displaying at one (x1) 'Isolation' identified as 'Zone 8 Sprinkler Pressure Switch'.

2. Automatic Smoke Detection and Alarm System and Building Occupant Warning System

- A. The FIP was displaying at one (x1) 'Alarm/Isolation' identified as 'Ground Floor Detection'.

It is understood the 'Alarm' was a result of the detector activated in the sprinkler valve room when the water pipe burst. The 'Zone' had therefore been 'Isolated'. The FIP had not been reset prior FRNSW departure from the building.

- B. The evacuation system control (Building Occupant Warning System) at the FIP was switched to the 'OFF' position, due to the fire technician undertaking works to the sprinkler system at the time of the inspection.

It is understood the evacuation control would be switched back on at the completion of work and before the fire technician departed 'the premises' that day.

3. Alarm Signalling Equipment (ASE)

- A. The ASE (fire alarm monitoring) was isolated at the time of the inspection, due to the fire technicians working on the system, however as a result of the burst water pipe in the sprinkler valve room, the ASE appeared to have been damaged or affected by water and was beeping and flashing.

4. Inspection Outcome:

- A. FRNSW received email correspondence from the Property Manager on 17 October 2025, advising the following:

After our meeting, I was immediately in contact with Johnston Controls with respect to the ASE.

We have booked in their technician for Tuesday (earliest available), however, if an earlier date becomes available they will contact me directly.

They also noted that "due to EH&S reasons we cannot assign the tech to attend until water completed cleared from the area."

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We had the area cleaned/dried – however, due to the large amount of water the sub-flooring was still wet. and we have had fans in the space to dry out the area. I will inspect this later this morning.

Please also note that the fire technicians once they fixed the leak on the Jacking Pump, when they turned it back on it started smoking. They have now booked in a repair for Monday morning.

As such I understand that this area is still isolated and I will confirm this when I attend later this morning.

- B. FRNSW received email further correspondence from the Property Manager on 24 October 2025, advising the following:

Please see photo of ASE which was repaired on Tuesday and fire panel which is now fault free and fully enabled.

Photographs of the Fire Panel and ASE demonstrate such.

Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

LIMITATIONS

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

- FRNSW's inspection of the premises may have been conducted without having the development consent and / or approved plans as a reference.
- FRNSW's inspection of the premises was a non-invasive visual inspection.
- FRNSW authorised fire officers may not have been able to access all areas of the premises at the time of inspection.

The following parts of the premises were not able to be inspected:

- The sole occupancy units / rooms.

Please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434. If you have any questions or concerns regarding the above matters. Please ensure that you refer to file reference FRN25/3088 - BFS25/7058 - 8000045660 for any future correspondence concerning this matter.

Yours faithfully



Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit