

Attachment C

**Inspection Report
299 Forbes Street and 63-69 Burton Street,
Darlinghurst**

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: 20 October 2025

Premises: 299 Forbes Street and 63-69 Burton Street, Darlinghurst

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 24 September 2025 with respect to matters of fire safety.
2. The premises consists of a 7 storey mixed use building comprising commercial tenancies located at ground level fronting Burton Street, and residential units situated above.
3. The City inspected the premises on 16 October 2025, accompanied by the building manager. This inspection identified fire safety provisions requiring maintenance, which can be addressed under the City's instruction.

Chronology

Date	Event
24 September 2025	FRNSW correspondence received.
16 October 2025	The City inspected the premises identifying deficiencies in fire safety.
20 October 2025	The City issued a corrective action letter requiring identified deficiencies be rectified by 19 December 2025. Follow up inspections will be undertaken to ensure works are completed in accordance with the City's instruction.

Fire and Rescue NSW Report

4. Fire and Rescue NSW conducted an inspection of the subject premises on 15 July 2025.

Issues

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

Ref.	Issue	City response
	Provisions for Fire Safety	
	Fire Hydrant System	
1A.	The inlet connections at the hydrant booster assembly was observed to be offset approximately 45° from the forward facing position, therefore exceeding the maximum 22.5°, which may not deliver the required flow of water for the usage required.	<p>During the City's inspection on 16 October 2025, the booster assembly was observed with offset exceeding 22.5°.</p> <p>To address this, a corrective action letter was issued on 20 October 2025 requiring the inlet connection to be realigned by 19 December 2025.</p> <p>A follow up inspection will be undertaken to ensure works are completed in accordance with the City's instruction.</p>
1B.	The right-hand side door to the hydrant booster enclosure and the adjoining door to the sprinkler booster enclosure were unable to be opened simultaneously.	<p>During the City's inspection on 16 October 2025, the booster assembly enclosure door was unable to be open simultaneously.</p> <p>To address this, a corrective action letter was issued on 20 October 2025 requiring the door to be adjusted or reconfigured to allow unobstructed access to the booster assembly by 19 December 2025.</p> <p>A follow up inspection will be undertaken to ensure works are completed in accordance with the City's instruction.</p>
2.	The door leading to the pump room was not fitted with a lock compatible with FRNSW access key, therefore access was unavailable at the time of the inspection.	<p>During the City's inspection on 16 October 2025, it was observed that the pump room door did not have a FRNSW locking hardware.</p>

Ref.	Issue	City response
		<p>To address this, a corrective action letter was issued on 20 October 2025 requiring the door hardware to be replaced with compliant FRNSW accessible hardware by 19 December 2025.</p> <p>A follow up inspection will be undertaken to ensure works are completed in accordance with the City's instruction.</p>
Regulatory Requirements- Fire Safety		
3A.	Multiple exit and directional exit signs throughout basement and lower ground floor carpark levels were not illuminated and had not maintained.	During the City's inspection on 16 October 2025, it was observed that the exit sign had been rectified and was illuminated and maintained, addressing this issue.
3B	The Emergency Escape Lighting and Exit Sign on our floor (2nd floor in the Forbes Building in the Dominion), has been detached from the ceiling a few weeks ago.	During the City's inspection on 16 October 2025, it was observed that exit signage had been rectified, addressing this issue.
4A.	The sliding fire door on basement 2 (to separate Buildings 4 and 5) was found to be de-engaged from the magnetic hold open device and the sliding fire door had only closed approximately 1m and had not returned to the fully closed position, indicating the sliding fire door had not been maintained.	<p>The City's inspection on 16 October 2025 found the sliding fire door de-engaged from the magnetic hold open device.</p> <p>To address this, a corrective action letter was issued on 20 October 2025 requiring evidence that the sliding fire door has been repaired and is being maintained by 19 December 2025.</p> <p>A follow up inspection will be carried out to ensure works are undertaken in accordance with the City's instruction.</p>
4B.	The sliding fire doors on basement 1 and lower ground 2 (to separate Buildings 4 & 5) had not been maintained.	<p>The City's inspection on 16 October 2025 found the sliding fire door de-engaged from the magnetic hold open device.</p> <p>To address this, a corrective action letter was issued on 20 October</p>

Ref.	Issue	City response
		<p>2025 requiring evidence that the sliding fire door has been repaired and is being maintained by 19 December 2025.</p> <p>A follow up inspection will be carried out to ensure works are undertaken in accordance with the City's instruction.</p>

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 20 October 2025 to 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: FRN21/2327 - BFS25/4730 - 8000043811
TRIM Ref. No: D25/109977
Contact: Mark Knowles

24 September 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
'DOMINION APARTMENTS'
299 FORBES STREET & 63-69 BURTON STREET, DARLINGHURST
("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 15 July 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 8 August 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:

Provisions for Fire Safety

Fire Hydrant System

The AFSS on display at the Fire Indicator Panel listed the standard of performance for the hydrant system as being AS 2419.1-2005. As such, the following comments are provided having regard to AS 2419.1-2005:

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

www.fire.nsw.gov.au Page 1 of 4

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1. The hydrant booster assembly:
 - A. The inlet connections at the hydrant booster assembly (and also the sprinkler booster assembly) were pipe bodied type and the inlets were observed to be offset approximately 45° from the forward facing position, therefore exceeding the maximum 22.5°, which may not deliver the required flow of water for the usage required, contrary to the requirements of Clause 7.1 of AS 2419.1-2005, Clause 3.2(h) of AS 2419.3-2012 and 'FRNSW Fire safety guideline, Technical information – Fire brigade booster connection with inlet insert – Document no. D19/4503 – Version 01 – Issued 12 March 2019'.
<https://www.fire.nsw.gov.au/gallery/files/pdf/guidesheets/Tech%20info%20sheet%20-%20Fire%20brigade%20boosters%20with%20inlet%20inserts.pdf>
 - B. The right-hand side door to the hydrant booster enclosure and the adjoining door to the sprinkler booster enclosure were unable to be opened simultaneously. In this regard, when one door was in the open position, the adjoining door was obstructed from opening due to the hinge/door arrangement.
2. The pumproom:
 - A. The door leading to the pump room was not fitted with a lock compatible with FRNSW access key, therefore access was unavailable at the time of the inspection.

Regulatory Requirements

Fire Safety

3. Exit and directional exit signs:
 - A. Multiple exit and directional exit signs throughout basement and lower ground floor carpark levels were not illuminated and had not maintained, contrary to the requirements of Section 81 of the EPAR 2021.
 - B. The correspondence received at FRNSW indicated the following:
'The Emergency Escape Lighting and Exit Sign on our floor (2nd floor in the Forbes Building in the Dominion), has been detached from the ceiling a few weeks ago.'

Discussion with the Building Manager at the time of the inspection confirmed he was aware of the issue and the exit sign had not been re-instated as yet, however it was due to be rectified.

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

4. Sliding Fire Doors:

- A. The sliding fire door on basement 2 (to separate Buildings 4 and 5) was found to be de-engaged from the magnetic hold open device and the sliding fire door had only closed approximately 1m and had not returned to the fully closed position, indicating the sliding fire door had not been maintained, contrary to the requirements of Section 81 of the EPAR. In this regard, the sliding fire door was re-engaged and tested on two instances and the door returned to the fully closed position only on the second attempt.
- B. The sliding fire doors on basement 1 and lower ground 2 (to separate Buildings 4 & 5) had not been maintained, contrary to the requirements of Section 81 of the EPAR. In this regard, both sliding fire doors failed to operate and return to the fully closed position when tested on multiple occasions.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 4 of this report and conduct an inspection.
- 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. FRNSW refers this matter to the Council as the appropriate regulatory authority and awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

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:

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- The hydrant pump room and the sprinkler valve room.
- The sole occupancy units.

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 FRN21/2327 - BFS25/4730 - 8000043811 for any future correspondence concerning this matter.

Yours faithfully

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

Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit