

Attachment B

Inspection Report 2 Foster Street, Surry Hills



Figure 1: 2 Foster Street, Surry Hills, viewed from the north-west

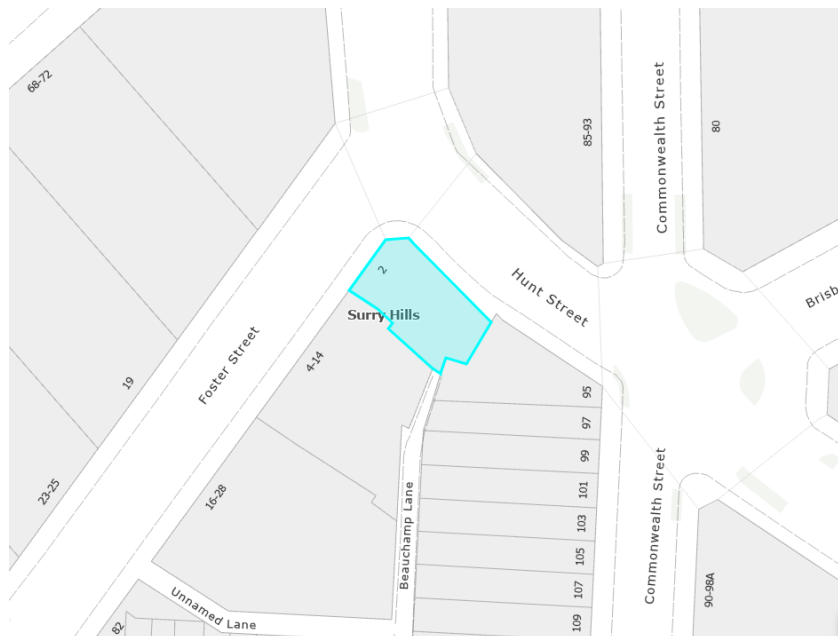


Figure 2: Location map of 2 Foster Street, Surry Hills

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: Doug McLennan

Date: 13 February 2026

Premises: 2 Foster Street, Surry Hills

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 9 December 2025 with respect to matters of fire safety.
2. The premises consists of a four storey building used for a public bar and residential accommodation.
3. The City inspected the premises on 17 December 2025, accompanied by the owners' representative. This inspected identified deficiencies in fire safety. To address this, a Notice of Intention (NOI) for a fire safety order under the Act is recommended to address the identified fire safety deficiencies. After the NOI's representation period expires and any received representations are considered, a fire safety order may be issued to ensure that appropriate fire safety systems are in place throughout the building, providing improved and adequate fire safety provisions.

Chronology

Date	Event
9 December 2025	FRNSW correspondence received.
17 December 2025	The City inspected the premises identifying deficiencies in fire safety.
2 February 2026	The City prepared a NOI and referred it to the Planning Assessments team to review any potential heritage impacts on the building prior to issuing to the building owners.
13 February 2026	The City issued a NOI to the building owners.

Fire and Rescue NSW Report

4. Fire and Rescue NSW conducted an inspection of the subject premises on 8 August 2025.

Issues

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

Ref.	Issue	City response
1	Compartmentation and Separation	
1A	The entry doors to the Sole-Occupancy Units (SOUs) were not fire-rated.	The City's inspection on 17 December 2025 observed entry doors to SOUs were not fire-rated. Although the SOU doors are not fire-rated, the City has determined that given the doors having a self-closing device, they provide adequate fire safety.
2	Services and Equipment	
2A.	Automatic Fire Detection and Alarm System	
A.	The Fire Indicator Panel (FIP) indicated an "Ancillary Relay" fault.	During the City's inspection on 17 December 2025, the Fire Indicator Panel displayed an 'Ancillary Relay' fault. In response, the City issued a NOI on 13 February 2026, requiring the installation of a compliant Automatic Smoke Detection and Alarm System. This will necessitate a new Fire Indicator Panel to resolve the identified issue.
B.	The FIP was obstructed by stored garbage bins.	The City's inspection on 17 December 2025 identified the fire indicator panel was obstructed by stored garbage bins. In response, the City issued a NOI on 13 February 2026, requiring fire safety equipment to be unobstructed, addressing this issue.
C	The laundry and toilet area located on the top floor of the building was not provided with smoke detectors.	The City's inspection on 17 December 2025 confirmed the laundry and toilet area located on the top floor of the building was not provided with smoke detectors.

Ref.	Issue	City response
		In response, the City issued a NOI on 13 February 2026, requiring the provision of a suitable smoke detection and alarm system throughout the building, addressing this issue.
2B	Emergency Lighting	
A	Emergency lighting was not provided to the internal stairs at the north-western end of the building.	The City's inspection on 17 December 2025 showed suitable emergency lighting was not provided to the internal stairs at the north-western end of the building In response, the City issued a NOI on 13 February 2026, requiring the provision of suitable Emergency Lighting throughout the building, addressing this issue.
B	Emergency lighting was not provided at either end of the internal public corridor.	The City's inspection on 17 December 2025 showed suitable emergency lighting was not provided at either end of the internal public corridor. In response, the City issued a NOI on 13 February 2026, requiring the provision of suitable Emergency Lighting throughout the building, addressing this issue.
C	The internal stair leading to the male toilets from the ground floor pub area was not provided with emergency lighting.	The City's inspection on 17 December 2025 showed the internal stair leading to the male toilets from the ground floor pub area was not provided with suitable emergency lighting. In response, the City issued a NOI on 13 February 2026, requiring the provision of suitable Emergency Lighting throughout the building, addressing this issue.
2C	Portable fire extinguishers	

Ref.	Issue	City response
A	The portable fire extinguisher located behind the bar was obstructed with stored objects.	The City's inspection on 17 December 2025 showed the portable fire extinguisher located behind the bar was obstructed with stored objects. In response, the City issued a NOI on 13 February 2026, requiring fire safety equipment to be unobstructed, addressing this issue.
3	Annual Fire Safety Statement	
3A	A current AFSS was not displayed in a prominent location within the building or provided to FRNSW.	The City's inspection on 17 December 2025 confirmed the Annual Fire Safety Statement was not displayed in a prominent location. In response, the City issued a NOI on 13 February 2026, requiring the current annual fire safety statement to be displayed in a prominent position within the building, addressing this issue.
4	Compartmentation and Separation	
4A	The doors providing access to the common lounge area, common toilets and common kitchen from the public corridor were not fire-rated.	The City's inspection on 17 December 2025 showed the doors providing access to the common lounge area, common toilets and common kitchen from the public corridor were not fire-rated. It was not considered reasonable in the circumstances to require the installation of fire doors to the common lounge area, common toilets and common kitchen from the public corridor to the current construction code considering the existing doors heritage significance and the level of fire safety afforded by the requirements of the NOI.
4B	The transom window openings above the doors to the SOUs did not appear to provide the required level of fire-rating.	The City's inspection on 17 December 2025 found transom windows above doors to residential

Ref.	Issue	City response
		sole occupancy units that did not achieve a fire rating level. It was not considered reasonable in the circumstances to require installation of fire rated construction to these areas considering the transom windows heritage significance and the level of fire safety afforded by the requirements of the NOI.
4C	The first and second floors appeared to be of timber frame construction lined with timber flooring. It is considered unlikely that the floors provide the Fire-Resistance Level (FRL) required.	The City's inspection on 17 December 2025 and a review of City records found the floors of the building are of concrete construction, addressing this issue.
4D	The dumbwaiter connecting the floors did not appear to be constructed to have the FRL required as per Specification 5 of the NCC and the openings to the dumbwaiter did not appear to be protected.	The City's inspection on 17 December 2025 indicated the dumbwaiter connecting the floors did not appear to have construction achieving a FRL. In response, the City issued a NOI on 13 February 2026, requiring fire separating construction between the part of the building used as a public bar and the residential part, addressing this issue.
4E	Clothes baskets and potted plants were located on the landings of the internal stairs at the north-western end of the building, reducing the width of the path of travel to less than that required.	The City's inspection on 17 December 2025 showed items located within the internal stairs at the north-western end of the building. In response, the City issued a NOI on 13 February 2026, requiring exit stairs to remain unobstructed, addressing this issue.
5	Egress	
5A	Inadequate artificial lighting was provided to the south-eastern internal stair providing egress from the first and second floors.	The City's inspection on 17 December 2025 noted the south-eastern internal stair may require emergency lighting.

Ref.	Issue	City response
		In response, the City issued a NOI on 13 February 2026, requiring emergency lighting to be provided throughout the building, addressing this issue.
5B	The barriers to the internal stairs at the north-western end of the building incorporated excessive gaps and did not have sufficient height.	The City's inspection on 17 December 2025 showed a lack of barriers to the internal stairs at the north-western end of the building. In response, the City issued a NOI on 13 February 2026, requiring suitable barriers 1 metre in height with gaps not greater than 125mm, addressing this issue.
5C	The furthest travel distance from an SOU entry door on the first floor to the internal stairs at the south-eastern end of the building was greater than 6 metres.	The City's inspection on 17 December 2025 showed the furthest travel distance from an SOU entry door on the first floor to the internal stairs at the south-eastern end of the building was greater than 6 metres. In response, the City issued a NOI on 13 February 2026, requiring the following: • Suitable emergency plans, procedures and evacuation diagrams. • Upgrading of smoke detection and alarm systems • Provision of Building Occupant Warning System • Provision of Alarm Signalling Equipment for early Fire Rescue NSW response. • Provision of suppression (sprinkler) system. • Fire separating construction between the part of the building being used as a

Ref.	Issue	City response
		public bar and residential part. These above improved fire safety measures will, once completed, address the issue of extended travel distances.
5D	The internal stairs at the north-western end of the building serving the second and third floors did not provide a continuous means of egress to the level at which egress to a road or open space is provided.	The City's inspection on 17 December 2025 showed the internal stairs at the north-western end of the building serving the second and third floors did not provide a continuous means of egress to the level at which egress to a road or open space. It is not considered reasonable in the circumstances to require the construction of additional exits, or redesign of existing exits within the building.
5E	Numerous exit doors and doors in the path of travel to exits were provided with latch operating devices that did not comply.	The City's inspection on 17 December 2025 showed exit doors and doors in the path of travel had locks and latches that were not operable by a single downwards hand action. In response, the City issued a NOI on 13 February 2026, requiring the provision of suitable single downward hand action on all exit doors and doors in the path of travel and the removal of any barrel bolts, locking snibs, padlocks and the like, addressing this issue.
5F	The ground floor exit door serving the accommodation levels opens against the direction of egress.	The City's inspection on 17 December 2025 showed ground floor exit door, and doors within the path of travel to an exit opens against the direction of egress. In response, the City issued a NOI on 13 February 2026, requiring the provision of devices to hold final exit doors and doors in the path of travel

Ref.	Issue	City response
		in the open position, addressing this issue.
5G	The ground floor doorway leading to the road and serving the accommodation levels incorporates a step internally at the threshold, creating a potential trip hazard to occupants evacuating the building.	The City's inspection on 17 December 2025 showed the ground floor doorway leading to the road and serving the accommodation levels incorporates a step internally at the threshold. In response, the City issued a NOI on 13 February 2026, requiring the provision of suitable emergency plans, procedures and evacuation diagrams, addressing this issue.
5H	The barrier to the stairs leading down to the male toilets from the ground floor pub area was less than 1 metre in height and incorporated gaps greater than 125 mm.	The City's inspection on 17 December 2025 showed the barrier to the stairs leading down to the male toilets from the ground floor pub area was less than 1 metre in height and incorporated gaps greater than 125 mm. In response, the City issued a NOI on 13 February 2026, requiring a suitable barrier 1 metre in height with gaps not greater than 125mm, addressing this issue.
6.	Services and Equipment	
6A.	Alarm Signalling Equipment (ASE)	
A	The building contained Class 3 accommodation located more than 2 storeys above ground level, however, it was not provided with ASE.	The City's inspection on 17 December 2025 found no ASE. In response, the City issued a NOI on 13 February 2026, requiring a suitable ASE be provided, addressing this issue.
6B	Portable Fire Extinguishers	
A	Portable fire extinguishers of the correct type were not provided within 10 metres of the SOU entry doors.	The City's inspection on 17 December 2025 found portable fire extinguishers of the correct type

Ref.	Issue	City response
		were not provided within 10 metres of the residential SOU entry doors. In response, the City issued a NOI on 13 February 2026, requiring suitable portable fire extinguishers to be provided, 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 it is recommended, Council exercise its powers to issue a Notice of Intention (NOI) for a fire safety order under the Act to address the identified fire safety deficiencies. After the NOI's representation period expires and any received representations are considered, a fire safety order may be issued to ensure that appropriate fire safety systems are in place throughout the building, providing improved and adequate fire safety provisions.
8. It is recommended that the Commissioner of FRNSW be informed of the City's decision.

Unclassified



File Ref. No: FRN25/2441 - BFS25/5500 - 8000044426
TRIM Ref. No: D25/145512
Contact: Ryan Maestri

9 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
HOLLYWOOD HOTEL
2 FOSTER STREET, SURRY HILLS ("the premises")**

An inspection of 'the premises' on 8 August 2025 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW), pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). NSW Police Force were also present during the inspection.

In this instance, the inspection revealed fire safety concerns that may require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

In this regard, the inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

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 5

Unclassified

COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items outline concerns in general terms, deviations from the fire safety provisions prescribed in Section 9.32(1)(b) of the EP&A Act and Clause 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

The following items were identified as concerns at the time of the inspection:

1. Compartmentation and Separation
 - 1A. The entry doors to the Sole-Occupancy Units (SOUs) were not fire-rated, contrary to the requirements of Clause C4D12 of the National Construction Code Volume 1 2022 (NCC), however, it is noted on the Fire Safety Schedule for the building that these doors are to comply with the requirements of a British Standard and a Fire Engineering Report by YGL Consulting (Report No. 2017j0100 Rev 01) dated 15 September 2017. It is unknown whether the doors comply with these requirements.
2. Services and Equipment
 - 2A. Automatic Fire Detection and Alarm System
 - A. The Fire Indicator Panel (FIP) indicated an "Ancillary Relay" fault.
 - B. The FIP was obstructed by stored garbage bins, contrary to the requirements of Clause 3.9.4 of AS 1670.1-2004.
 - C. The laundry and toilet area located on the top floor of the building was not provided with smoke detectors, contrary to the requirements of Clause 4 of Specification E2.2a of the Building Code of Australia (BCA).
 - 2B. Emergency Lighting
 - A. Emergency lighting was not provided to the internal stairs at the north-western end of the building, contrary to the requirements of Clause E4.2 of the BCA.
 - B. Emergency lighting was not provided at either end of the internal public corridor, contrary to the requirements of Clause E4.2 of the BCA.
 - C. The internal stair leading to the male toilets from the ground floor pub area was not provided with emergency lighting, contrary to the requirements of Clause E4.2 of the BCA.

2C. Portable Fire Extinguishers

- A. The portable fire extinguisher located behind the bar was obstructed with stored objects, contrary to the requirements of Clause 3.2 of AS 2444-2001.

3. Annual Fire Safety Statement (AFSS)

- 3A. A current AFSS was not displayed in a prominent location within the building or provided to FRNSW contrary to the requirements of Section 89 of the EPAR 2021.

FRNSW is therefore of the opinion that the fire safety provisions prescribed for the purposes of 9.32(1)(b) of the EP&A Act, have not been complied with.

ADDITIONAL COMMENTS

In addition to the items identified above, relating to the Fire Safety Provisions prescribed by Clause 112 of the EPAR 2021, the following items were also identified as concerns at the time of the inspection and it would be at council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

4. Compartmentation and Separation

- 4A. The doors providing access to the common lounge area, common toilets and common kitchen from the public corridor were not fire-rated, contrary to the requirements of Clause C4D12 of the NCC.
- 4B. The transom window openings above the doors to the SOUs did not appear to provide the required level of fire-rating, contrary to the requirements of Clause C4D12 of the NCC.
- 4C. The first and second floors appeared to be of timber frame construction lined with timber flooring. It is considered unlikely that the floors provide the Fire-Resistance Level (FRL) required by Clause C2D2 and Specification 5 of the NCC.
- 4D. The dumbwaiter connecting the floors did not appear to be constructed to have the FRL required as per Specification 5 of the NCC and the openings to the dumbwaiter did not appear to be protected in accordance with the requirements of Clause C4D14 of the NCC.
- 4E. Clothes baskets and potted plants were located on the landings of the internal stairs at the north-western end of the building, reducing the width of the path of travel to less than that required by Clause D2D8 of the NCC.

5. Egress

- 5A. Inadequate artificial lighting was provided to the south-eastern internal stair providing egress from the first and second floors, contrary to the requirements of Clause F6D5 of the NCC.
- 5B. The barriers to the internal stairs at the north-western end of the building incorporated excessive gaps and did not have sufficient height, contrary to the requirements of Clauses D3D18 and D3D19 of the NCC.
- 5C. The furthest travel distance from an SOU entry door on the first floor to the internal stairs at the south-eastern end of the building was greater than 6 metres, contrary to the requirements of Clause D2D5 of the NCC.
- 5D. The internal stairs at the north-western end of the building serving the second and third floors did not provide a continuous means of egress to the level at which egress to a road or open space is provided, contrary to the requirements of Clause D2D14 of the NCC.
- 5E. Numerous exit doors and doors in the path of travel to exits were provided with latch operating devices that did not comply with the requirements of Clause D3D26 of the NCC.
- 5F. The ground floor exit door serving the accommodation levels opens against the direction of egress, contrary to the requirements of Clause D3D25 of the NCC.
- 5G. The ground floor doorway leading to the road and serving the accommodation levels incorporates a step internally at the threshold, creating a potential trip hazard to occupants evacuating the building.
- 5H. The barrier to the stairs leading down to the male toilets from the ground floor pub area was less than 1 metre in height and incorporated gaps greater than 125 mm, contrary to the requirements of Clauses D3D18 and D3D19 of the NCC.

6. Services and Equipment

- 6A. Alarm Signalling Equipment (ASE)
 - A. The building contained Class 3 accommodation located more than 2 storeys above ground level, however, it was not provided with ASE, contrary to Clause S20C8 of Specification 20 of the NCC.
- 6B. Portable Fire Extinguishers
 - A. Portable fire extinguishers of the correct type were not provided within 10 metres of the SOU entry doors, contrary to the requirements of Clause E1D14 of the NCC.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address items 1 to 3 of this report.
- b. Give consideration to the other deficiencies identified on 'the premises' identified in items 4 to 6 of this report.
- c. Ensure the fire safety measures serving the premises are being regularly maintained and that an Annual Fire Safety Statement is being provided to both the Council and FRNSW.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Ryan Maestri of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference FRN25/2441 - BFS25/5500 - 8000044426 for any future correspondence in relation to this matter.

Yours faithfully



Ryan Maestri
Senior Building Surveyor
Fire Safety Compliance Unit