

Attachment G

**Inspection Report - 10-24 Flinders Street,
Darlinghurst**



Council investigation officer Inspection and Recommendation Report
Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act
1979 (the Act)

File: CSM 2034338

Officer: Joe Kalgovas

Date: 21/02/2019

Premises: 10-24 Flinders Street, Darlinghurst

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises and more specifically the Boarding House at 10 Flinders Street Darlinghurst with respect to matters of fire safety.

The premises consists of a three storey building known as 'Albion House' which in use for as retail, night club and residential (boarding house) accommodation.

The ground floor use comprises a retail shops and nightclub with the second and third floor levels used for boarding type residential accommodation.

An inspection of the premises undertaken by a Council investigation officer in the presence of the owner of the premises revealed that there were no significant fire safety issues occurring within the building.

The premises are equipped with numerous fire safety systems (both active and passive) that will provide adequate provision for fire safety for occupants in the event of a fire.

The annual fire safety certification is current, compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

It should be noted that the building was subject of a fire safety order issued by Council on 29 August 2013 which required among other things certification of and remedial works to be carried out to installed essential fire safety measures and to furnish the Council with a final fire safety certificate on completion of the order.

The order was subsequently completed and a final fire safety certificate given to the satisfaction of Council on 26 April 2016.

Chronology:

Date	Event
11/02/2019	FRNSW correspondence received regarding premises 10 Flinders Street Darlinghurst known to the City as 10-24 Flinders Street Darlinghurst
21/02/2019	An inspection of the subject premises was undertaken by a Council officer with the building manager which found the matters identified by FRNSW had been rectified.

FIRE AND RESCUE NSW REPORT:

References: [D19/362, 2019/066696]

Fire and Rescue NSW conducted an inspection of the subject premises on 12 December 2018 after receiving an enquiry about a set of stairs at the rear on level 1 being blocked by the storage of bags and boxes.

Issues:

The report from FRNSW detailed a number of issues;

1. Essential Fire Safety Measures

(I) Automatic Fire Detection and Alarm System – Alarms, isolations and fault were displayed on the Fire Indicator Panel (FIP).

(II) Smoke Detector - the smoke detector in the common area between Rooms 10 and 13 was observed with duct tape covering the vents.

2. Access & Egress

Items were stored in the first floor corridor adjacent to Room 8 that caused an impediment to the free passage of persons.

3. Compartmentation

The underside of the flight of stairs from the ground floor to the first floor contained a storage cupboard.

FRNSW issued an Order with regard to item 1. (I) above, have conducted further inspections, found the measure to be complaint and do not require the City to take action in relation to this item.

FRNSW Recommendations:

FRNSW have made one recommendation within their report. In general FRNSW have requested that Council;

- 1. Inspect the subject premises for deficiencies and take action to have the identified fire safety issues appropriately addressed;***
- 2. FRNSW have also requested that as soon as practical after the above recommendations have been tabled and considered that notice of any determination in respect of the recommendations is forwarded to them in accordance with Section 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.***

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order(NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)

Inspections undertaken by a Council investigation officer in company with the manager of the premises revealed that the above recommendations of FRNSW have been complied with.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/070668-01
A2.	Locality Plan	2019/070668-02
A3	Attachment cover sheet	2019/070668-03

Trim Reference: 2019/070668

CSM reference No#: 2034338



File Ref. No: BFS18/2223 (4408)
TRIM Ref. No: D19/362
Contact: [REDACTED]

1 February 2019

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
ALBION HOUSE
10 FLINDERS STREET DARLINGHURST ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 7 August 2018, in relation to the adequacy of the provision for fire safety in or in connection with 'the premises'.

The correspondence stated that:

Upon attending an AFA call to the above premises, it was noticed that a set of stairs at the rear on level 1 was blocked by the storage of bags and boxes, making safe egress impossible.

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 12 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

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. 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.

COMMENTS

This report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia – Volume One Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

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

1. Essential Fire Safety Measures

1A. Maintenance – Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. The following essential services were identified as concerns:

- i. Automatic Fire Detection and Alarm System – Alarms, isolations and a fault were displayed on the Fire Indicator Panel (FIP), which were associated with the Automatic Fire Detection and Alarm System. The FIP displayed the following:
 - First Floor South – Alarm & Isolate
 - Roof Space – Alarm & Isolate
 - Second Floor South - Fault
- ii. Smoke Detector – At the time of the inspection the smoke detector, in the common area between Rooms 10 and 13, was observed with duct tape covering the vents. The manager advised that the detector was covered due to current maintenance works and would be removed.

2. Access & Egress

2A. Items were stored in the first-floor corridor, adjacent to Room 8, that caused an impediment to the free passage of persons, in contravention of Clause 184 and 186 of the EP&A Regulation. The manager advised that the items were located in the corridor due to current maintenance works and would be removed.

3. Compartmentation

- 3A. Stair Storage – The underside of the flight of stairs from the ground floor to the first floor contained a storage cupboard. A visual inspection could not confirm that the enclosure complies with the National Construction Code, Volume 1 (NCC), Clause D2.8 'Enclosure of space under stairs and ramps'.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

FIRE SAFETY ORDER NO. 1

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. 1, dated 6 December 2018, in accordance with the provisions of Section 9.34 of the EP&A Act, to have item no. 1Ai of this report rectified.

In accordance with the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act, a copy of the Order is attached for your information. FRNSW has conducted further inspections of the building to assess compliance with the terms of this Order.

In this regard, FRNSW does not consider Council is required to take action in relation to item no. 1Ai of this report.

RE-INSPECTION

Pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 189(a) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), an inspection of 'the premises' on 14 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

At the time of the inspection, the terms of 'the order' issued on 'the premises' were compliant. Please be advised that 'the order' is not an exhaustive list of non-compliances, it is at Council's discretion to inspect and address any other deficiencies identified on 'the premises'.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address item no. 1 through to item no. 3 of this report and any other deficiencies identified on 'the premises'.

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.

Unclassified

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/2223 (4408) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Senior Building Surveyor
Fire Safety Compliance Unit

Attachment: [Appendix 1 – 2 pages]

Appendix 1



Emergency Fire Safety Order

ORDER No. 1

*Under the Environmental Planning and Assessment Act 1979 (EP&A Act)
Part 9 Implementation and Enforcement – Division 9.3 Development Control Orders
Fire Safety Orders in accordance with the table to Part 2 - Schedule 5.
Issue an Order in accordance with Section 9.34(1)(b)
Issue the Order as an Emergency Order Pursuant to Schedule 5, Part 8, Section 16*

Property:

'ALBION HOUSE'
10-24 FLINDERS STREET, DARLINGHURST ("the premises")
(name/address of premises to which Order is served)

Emergency Situation / Serious Risk to Safety:

At approximately 12:05 pm on Wednesday 5 December 2018, the following was observed at 'the premises':

1. Alarms, faults and isolations were displayed on the Fire Indicator Panel, which were associated with the Automatic Fire Detection and Alarm System.

Authorised Fire Officer:

I, [REDACTED] **Building Surveyor** **905798**
(name) (rank) (number)

being an Authorised Fire Officer in accordance with Schedule 5, Part 8, Section 16 of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose.

Hereby order:

[REDACTED] **Owner**
(name of person whom Order is served) (position) i.e. owner, building manager)

To do, or refrain from doing, the following things:

1. Ensure the Automatic Fire Detection and Alarm System installed in 'the premises' is fully operational, by repairing the alarms, faults and isolations displayed on the Fire Indicator Panel.

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amara Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2150	F (02) 9742 7543
www.fire.nsw.gov.au		Page 3 of 4

The reasons for the issue of this Order are:

- a. To ensure that the Automatic Fire Detection and Alarm System is capable of operating in accordance with the standard of performance it was designed and installed to.
- b. To ensure the Automatic Fire Detection and Alarm System is fully operational so the occupants are provided with early notification of a fire within 'the premises' so that they may safely evacuate 'the premises' in the event of a fire

The terms of the Order are to be complied with:

By no later than close of business on the 13 December 2018.

Considerations for Emergency Order:

Pursuant to Schedule 5, Part 8, Section (16) of the EP&A Act, this Order has been given as an Emergency Order as there are circumstances which the authorised fire officer believes constitute an emergency or a serious risk to safety.


Appeals

Pursuant to Section 8.18(2) of the EP&A Act, a person may not appeal against a fire safety order given by an authorised fire officer (other than an order that prevents a person using or entering the premises).

Non-Compliance with the Order

A person that fails to comply with this Order may be guilty of an offence under Section 9.37 of the EP&A Act. A person that fails to comply with this Order by a particular specified time, or within a particular specified period, continues never-the-less to be obliged to comply with the Order and therefore must comply with the Order or they may be guilty of an offence under Section 9.50 of the EP&A Act.

Signed:



Building Surveyor
Fire Safety Compliance Unit

This Emergency Fire Safety Order No. 1 was hand delivered on 6 December 2018.