

# **Attachment C**

**Inspection Report  
229-231 Darlington Road, Darlington**

# 229-231 Darlinghurst Road, Darlinghurst



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Notes 28/09/2021

**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)**

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**File: CSM 2617306**

**Officer: Joe Kalgovas**

**Date: 28/09/2021**

**Premises: 229-231 Darlinghurst Road, Darlinghurst**

**Executive Summary:**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 2 September 2021 with respect to matters of fire safety.

The premises consist of a three-storey building used for hotel accommodation with restaurant at street level known as the Kirkton Hotel.

The ground floor comprises reception lobby and restaurant with accommodation rooms on first and second floors.

An inspection of the premises undertaken by a Council investigation officer in the presence of the General and Maintenance Managers 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 would provide adequate provision for fire safety for occupants in the event of a fire. The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Council investigations reveal that whilst there remains minor fire safety “maintenance and management” works to attend to (tags on doors), the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the above fire safety works are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner’s fire service contractor(s) through written instruction from Council.

Observation of the external features of the building did not identify the existence of any combustible composite cladding on the façade of the building.

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**Chronology:**

<b>Date</b>	<b>Event</b>
02/09/2021	FRNSW correspondence received regarding premises at 229 Darlinghurst Road, Darlinghurst. The City records this as 229-231 Darlinghurst Road, Darlinghurst.
27/09/2021	An inspection was undertaken by a Council officer in the presence of the General and Maintenance Managers. All matters raised by FRNSW were inspected, and most were satisfactory, with the exception the entry door to Unit 316, and some other doors that did not have metal tags affixed to the edge of the door leaf and doorframe. Doors with missing tags need to be confirmed as fire doors and tags affixed.
27/09/2021	Advised General and Maintenance Managers that doors to rooms without tags need to be addressed and that documentation should be consistent.
30/09/2021	Compliance letter of instruction issued.

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**FIRE AND RESCUE NSW REPORT:**

References: D21/98496; 2021/388799.

On 9 June 2021 Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about the building being not a safe place for guests on 6 February 2021.

Issues

The report from FRNSW detailed a number of issues, in particular noting:

- The Fire Indicator Panel was found to have 2 zones disabled
- Portable fire extinguisher tags were not stamped.
- Fire Hose Reels tags were not stamped.
- Entry door to Unit 316 was not affixed with metal tags.
- The double door-set at the eastern end of the first-floor corridor did not return to the full closed position and metal tags to the edge of the door leaf have been painted over.

FRNSW Recommendations

FRNSW have recommended that Council inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

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 clause 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)

As a result of the above site inspection undertaken by Council’s officer it is recommended that the owners of the building continue to comply with the written fire safety compliance instructions as issued by Council officers to rectify the identified fire safety deficiencies noted by FRNSW.

Follow-up compliance inspections will be undertaken and will continue to be undertaken by a Council officer to ensure all identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence and the recommendations of FRNSW occur.

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.

**Trim Reference:** 2021/417270

**CSM reference No#:** 2617306

Unclassified



File Ref. No: BFS21/399 (14475)

TRIM Ref. No: D21/98496

Contact: [REDACTED]

1 September 2021

General Manager  
City of Sydney  
GPO Box 1591  
SYDNEY NSW 2001

Email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT  
'KIRKTON HOTEL'  
229 DARLINGHURST ROAD, DARLINGHURST ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 6 February 2021, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

*Not a safe place for guests, please check immediately.*

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 9 June 2021 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

Fire and Rescue NSW

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Community Safety Directorate  
Fire Safety Compliance Unit

1 Amarina Ave  
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Page 1 of 3

Unclassified

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 2019 Building Code of Australia – Volume One (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 during the inspection:

### 1. Essential Fire Safety Measures

1A. Automatic Fire Detection and Alarm System – The main Fire Indicator Panel (FIP), located to the rear of the front desk, was inspected. The following are outcomes from the investigation:

- A. The FIP indicated that the system had 2 zones disabled. Zones 1 and 2 of the premises were disabled, which covered the ground floor of the building.
- B. The owner of the premises was present at the inspection and confirmed that the disablements were due to fit-out works being undertaken to the rear of the premises.
- C. The fit-out works were inspected, and a discussion was held with the builder responsible for the works who confirmed that a procedure was in place for disabling and then reenabling the 2 zones at the end of the day.

1B. Maintenance – Clause 182 of the Environmental Planning and Assessment Regulation 2000 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:

- A. The Portable Fire Extinguisher (PFE) at the first-floor landing of the eastern stair contained service labels/tags, indicating the PFE was last serviced September 2020. Clause 10.4 of AS 1851-2012 requires routine servicing every six months.
- B. The Fire Hose Reel (FHR) at the first-floor landing of the eastern stair contained service labels/tags, indicating the FHR was last serviced September 2020. Clause 9.4 of AS 1851-2012 requires routine servicing every six months.

## 2. Compartmentation

- 2A. Bounding Construction – The door to a Sole Occupancy Unit (Room 316) did not appear to be a fire door, contrary to the requirements of Clause C3.11 of the NCC. In this regard, a metal tag was not affixed to the edge of the door leaf or doorframe as required under Clause 6.1.3 of AS1905.1.
- 2B. Fire Doors – The double door-set at the eastern end of the first-floor corridor did not return to the fully closed position, contrary to the requirements of Clause C3.4 of the NCC. Furthermore, the metal tag to the edge of the door leaf has been painted over, contrary to the requirements of Clause 6.1.3 of AS 1905.1.

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

### RECOMMENDATIONS

FRNSW recommends that Council:

Inspect and address any other deficiencies identified on 'the premises', and require items no. 1 and 2 of this report be addressed appropriately.

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 [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) [REDACTED]. Please ensure that you refer to file reference BFS21/399 (14475) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]  
Fire Safety Compliance Unit