

Attachment I

**Inspection Report
354-358 Bourke Street, Surry Hills**

Locality Plan

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Notes
354-356 Bourke Street Surry Hills

30/1/2023

**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)**

File: CSM 3086215

Officer: Bill Badyari

Date: 18 December 2023

Premises: 354-356 Bourke Street, Surry Hills

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 14 November 2023 in relation to the premises with respect to matters of fire safety, at 354-356 Bourke Street, Surry Hills.

The premises is located on the corner of Bourke Street and Clare Street, Surry Hills, and contains a three-storey hotel building and public entertainment area.

An inspection of the premises undertaken by a council investigation officer in the presence of the building manager, revealed no significant fire safety issues.

The premises are equipped with numerous fire safety systems, both active and passive, providing adequate provision for fire safety. The annual fire safety certification is prominently displayed within the foyers of the building.

It is considered that the above fire safety works are of a degree which will be addressed through corrective action letter.

The building does not contain combustible cladding.

Chronology:

Date	Event
15/11/2023	FRNSW correspondence received regarding premises The Beresford Hotel 354-356 Bourke Street Surry Hills relating to fire safety at the premises, relating to correspondence dated 14 November 2023.
16/11/2023	City records show: -The fire safety schedule for the premises contains sixteen fire safety measures, including an automatic fire detection and alarm system, automatic fire suppression, Emergency lighting, and a building occupant warning system -A fire safety statement dated 23/02/2023 has been provided for the premises.
16/11/2023	A copy of issues raised by FRNSW provided to the owner in relation to required maintenance of fire safety measures
28/11/2023	Council officer met with building manager and inspected premises, noting that whilst certain items raised in the FRNSW report are complete, there is evidence of maintenance of some fire safety measures being incomplete, including fire hydrant system, automatic fire suppression system and lightweight construction.
05/12/2023	Corrective action letter issued. 2023/653155-02

FIRE AND RESCUE NSW REPORT:

References: BFS23/6027;2023/653155

Fire and Rescue NSW conducted an inspection of the subject premises on 20 October 2023 along with NSW police force.

Issues

The report from FRNSW detailed the following issues:

<p>1. Essential Fire Safety Measures:</p> <p>1A. Fire Hydrant System-The following comments are provided having regard to AS 2419.1-2005:</p> <p>A. The hydrant booster assembly:</p> <p>I. The pipework configuration indicates the booster assembly may be connected in series with the fixed on-site fire pump in accordance with the requirements of Clause 7.6 of AS 2419.1-2005. In regard, a 150mm diameter liquid filled pressure gauge indicating the pressure at the pump discharge pipe/manifold and an engraved warning sign is not provided at the booster assembly, contrary to the requirements of Clause 7.6 c of AS 2419.1-2005.</p> <p>II. The doors to the booster enclosure were not fitted with a device capable of securing the door in not less than a 90° open position, contrary to the requirements of Clause 7.9.2 of AS 2419.1-2005.</p> <p>III. A permanent and fade resistant or engraved sign indicating the boost pressure and test pressure was not provided at the booster assembly, contrary to the requirements of Clause 7.10.1 of AS 2419.1-2005.</p> <p>IV. A permanent water and fade resistant block plan of the fire hydrant system had not been provided at the booster assembly, contrary to the requirements of Clause 7.11 of AS 2419.1-2005.</p> <p>V. It appears that the head of water present at the booster inlets could at any time be greater than 50 kPa and an additional isolation valve has not been installed to</p>	<p>- Issue to be resolved via corrective action letter.</p> <p>-Issue resolved</p> <p>- Issue to be resolved via corrective action letter.</p> <p>-Issue to be resolved via corrective action letter.</p> <p>-Issue to be resolved via corrective action letter.</p>
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<p>isolate the booster inlets, contrary to the requirements of Clause 7.4 of AS 2419.1-2005.</p> <p>VI. Storz couplings compatible with FRNSW firefighting hose connections were not provided to the boost inlet connections at the booster assembly, contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS 2419.1-2005, Clauses 1.2 and 3.4 of AS 2419.2-2009, Clause 3.5 of AS 2419.3-2012 and FRNSW fire safety guideline, technical information-FRNSW compatible Storz hose connections.</p> <p>B. The hydrant pumpset and pumphoom:</p> <p>I. The control panel for the hydrant pump indicated the pump was operational, however, the latest entry in maintenance logbook, dated 16 October 2023, noted:</p> <p style="padding-left: 40px;">a) <i>'Excessive smoke'</i> b) <i>'Sensor error on fuel'</i></p> <p>II. A block plan of the fire hydrant system had not been provided within the pumphoom, contrary to the requirements of Clause 7.11 of AS 2419.1-2005</p>	<p>- Issue to be resolved via corrective action letter.</p> <p>- Issue to be resolved via corrective action letter.</p> <p>- Issue to be resolved via corrective action letter.</p>
<p>1B Automatic Fire Suppression System-The following comments are provided having regard to AS 2118.1-1999:</p> <p>A. The sprinkler booster assembly:</p> <p>I. A sign marked with the maximum allowable inlet pressure at the connection was not provided at the booster assembly, contrary to the requirements of Clause 4.4.3 of AS 2118.1-1999.</p> <p>B. The sprinkler valves:</p> <p>I. A complete stock of spare sprinklers and a spanner had not been provided at the sprinkler control valves, contrary to the requirements of Clause 6.7 of AS 2118.1-1999.</p>	<p>- Issue to be resolved via corrective action letter.</p> <p>- Issue to be resolved via corrective action letter.</p>
<p>1C. Fire Doors:</p> <p>A. The fire door to the garbage room in the basement level was chocked in the open position. It is noted that when released the door failed to return to the fully closed position, due to the</p>	<p>- Issue resolved</p>

installation of the insulated beer lines/pipes' hanging from the slab soffit which were catching the corner of the door and preventing it from closing, contrary to the requirements of Clause C4D6 and Specification 12 of the NCC and AS 1905.1.	
1D. Lightweight Construction: A. The fire rated plaster board construction, which has been installed to conceal the non-fire related services on the slab soffit within the fire isolated passageway (discharging to Hill Street) was damaged and had not been repaired.	- Issue to be resolved via corrective action letter.
1E. Annual Fire Safety Statement (AFSS): A. A copy of the current AFSS was not prominently displayed within the building in accordance with section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021). In this regard, the AFSS on display was dated January 2022 and is no longer valid.	- Issue resolved

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

FRNSW Recommendations

- . Review item 1 of the FRNSW report and conduct an inspection.
- 2. Address any other deficiencies identified on "the premises".

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 site inspection undertaken by council's investigation officers it was determined to issue the owners of the building a compliance letter of instruction to rectify the identified fire safety deficiencies noted by Council and FRNSW.

The above correspondence has requested that building management carry out remedial works to existing fire systems to cause compliance with required standards of performance.

Follow-up compliance inspections are currently being undertaken and will continue to be undertaken by a council investigation officer to ensure already identified fire safety matters are suitably addressed and that compliance with the terms of Council's 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.

Referenced/Attached Documents:

2023/653155	Fire & Rescue NSW letter dated 14 November 2023
2023/653155-02	Corrective action letter

Trim Reference: 2023/653155

CSM reference No: 3086215

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File Ref. No: BFS23/6027 (31544)
TRIM Ref. No: D23/110499
Contact: Mark Knowles

14 November 2023

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
'THE BERESFORD HOTEL'
354-356 BOURKE STREET, SURRY HILLS ("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 Fire and Rescue NSW (FRNSW) inspected 'the premises' on 20 October 2023. Officers from NSW Police Force were also present during the inspection.

On behalf of the Commissioner of FRNSW, comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

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

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

Fire and Rescue NSW

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Fire Safety Compliance Unit

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COMMENTS

Please be advised that the items in this report are limited to observations of the building accessed during the inspection and identify possible nonconformities with the National Construction Code 2022, Volume 1 Building Code of Australia (NCC) and provisions for fire safety. The items are not an exhaustive list of non-compliances. FRNSW acknowledges that the differences observed at the time may contradict development consent approval or relate to the building's age. Therefore, it's the Council's discretion as the appropriate regulatory authority to consider the most appropriate action.

The following items were identified during the inspection:

1. Essential Fire Safety Measures

1A. Fire Hydrant System - The following comments are provided having regard to AS 2419.1-2005:

A. The hydrant booster assembly:

- i. The pipework configuration indicates the booster assembly may be connected 'in series' with the fixed on-site fire pump in accordance with the requirements of Clause 7.6 of AS 2419.1-2005. In this regard, a 150mm diameter liquid filled pressure gauge indicating the pressure at the pump discharge pipe/manifold and an engraved warning sign is not provided at the booster assembly, contrary to the requirements of Clause 7.6(c) of AS 2419.1-2005.
- ii. The doors to the booster enclosure were not fitted with a device capable of securing the door in not less than a 90° open position, contrary to the requirements of Clause 7.9.2 of AS 2419.1-2005.
- iii. A permanent and fade resistant or engraved sign indicating the boost pressure and test pressure was not provided at the booster assembly, contrary to the requirements of Clause 7.10.1 of AS 2419.1-2005.
- iv. A permanent water and fade resistant block plan of the fire hydrant system had not been provided at the booster assembly, contrary to the requirements of Clause 7.11 of AS 2419.1-2005.
- v. It appears that the head of water present at the booster inlets could at any time be greater than 50 kPa and an additional isolation valve has not been installed to isolate the booster inlets, contrary to the requirements of Clause 7.4 of AS 2419.1-2005.

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- vi. Storz couplings, compatible with FRNSW firefighting hose connections were not provided to the boost inlet connections at the booster assembly, contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS 2419.1-2005, Clauses 1.2 and 3.4 of AS 2419.2-2009, Clause 3.5 of AS 2419.3-2012, 'and 'FRNSW Fire safety guideline, Technical information – FRNSW compatible Storz hose connections – Document no. D15/45534 – Version 09 – Issued 10 January 2019'.

B. The hydrant pumpset and pumproom:

- i. The control panel for the hydrant pump indicated the pump was operational, however, the latest entry in maintenance logbook, dated 16 October 2023, noted:
 - a. *'Excessive smoke'*
 - b. *'Sensor error on fuel'*

It is unclear whether the issues were resolved at the last monthly service.

- ii. A block plan of the fire hydrant system had not been provided within the pumproom, contrary to the requirements of Clause 7.11 of AS 2419.1-2005.

1B. Automatic Fire Suppression System - The following comments are provided having regard to AS 2118.1-1999:

A. The sprinkler booster assembly:

- i. A sign marked with the maximum allowable inlet pressure at the connection was not provided at the booster assembly, contrary to the requirements of Clause 4.4.3 of AS 2118.1-1999.

B. The sprinkler valves:

- i. A complete stock of spare sprinklers and a spanner had not been provided at the sprinkler control valves, contrary to the requirements of Clause 6.7 of AS 2118.1-1999.

1C. Fire Doors:

- A. The fire door to the garbage room in the basement level was chocked in the open position. It is noted that when released the door failed to return to the fully closed position, due to the installation of the 'insulated beer lines/pipes' hanging from the slab soffit which were 'catching' the corner of the door and preventing it from closing, contrary to the requirements of Clause C4D6 and Specification 12 of the NCC and AS1905.1.

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1D. Lightweight Construction:

- A. The fire rated plaster board construction, which has been installed to conceal the non-fire related services on the slab soffit within the fire isolated passageway (discharging to Hill Street) was damaged and had not been repaired.

1E. Annual Fire Safety Statement (AFSS):

- A. A copy of the current AFSS was not prominently displayed within the building in accordance with Section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021). In this regard, the AFSS on display was dated January 2022 and is no longer valid.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 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. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

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 there are any questions or concerns about the above matters. Please refer to file reference BFS23/6027 (31544) regarding any correspondence concerning this matter.

Yours faithfully



Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit