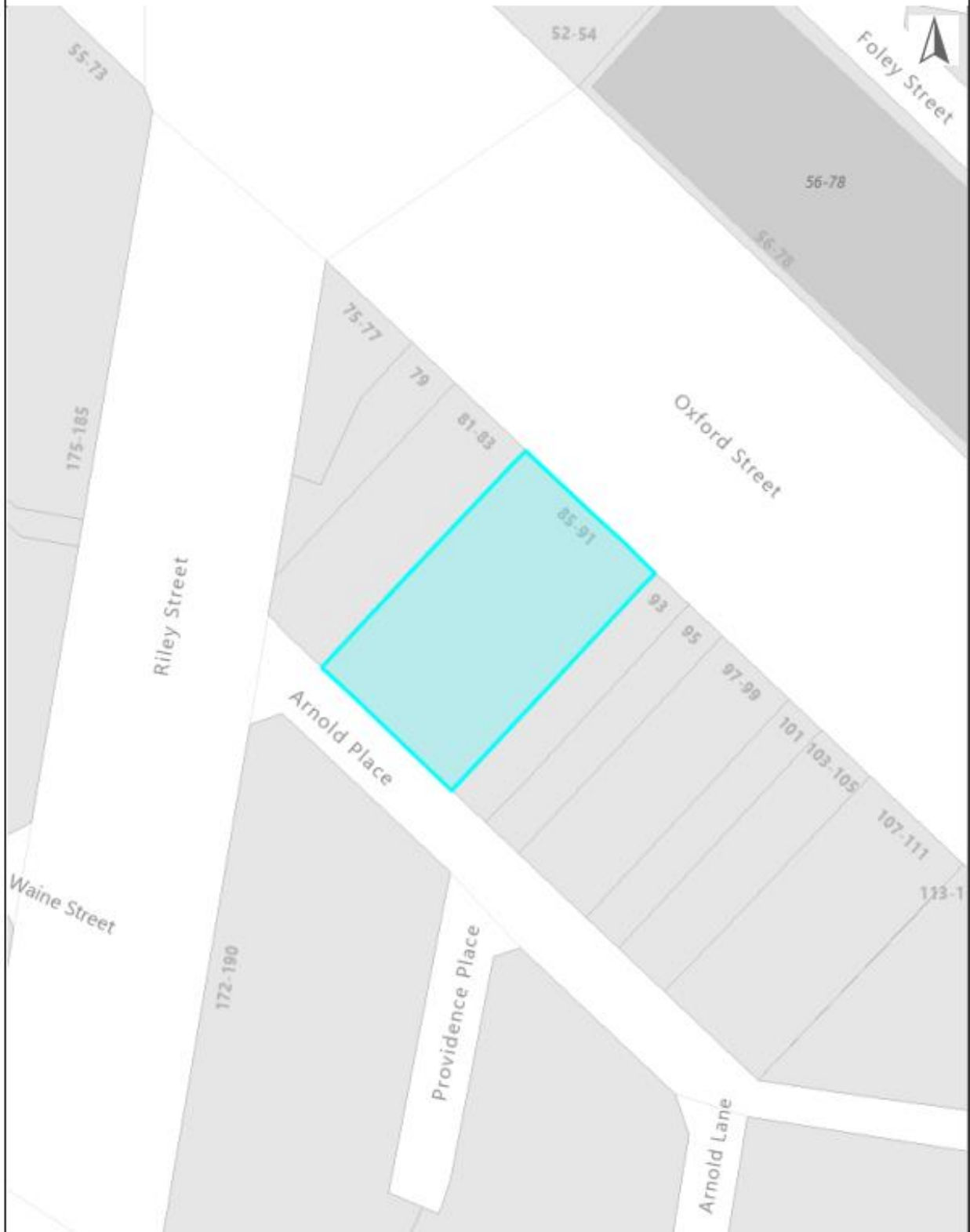


Attachment K

**Inspection Report
85-91 Oxford Street, Darlinghurst**

85-91 Oxford Street Darlinghurst



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Notes

21/12/2023

**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 3103561

Officer: T. Zeljkovic

Date: 5 January 2024

Premises: 85-91 Oxford Street Darlinghurst

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 13 December 2023 with respect to matters of fire safety.

The premises consists of a two (2) storey building, primarily used as a Hotel Bar, called the "Universal". The ground level contains the bar/pub with an entertainment gaming area, the upper level contains a nightclub. The building is contained within a conservation area, under the Sydney Local Environmental Plan 2012.

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

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 current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to, minor sprinkler obstructions, rectifying a non continuous handrail, review of sprinkler booster location and signage 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 potential combustible composite cladding on the façade of the building.

Chronology:

Date	Event
13/12/2023	FRNSW correspondence received regarding premises 85-91 Oxford St Darlinghurst "Universal Hotel" regarding their attendance on 21 October 2023, with NSW Police force. Issues pertaining to maintenance and location of an internal sprinkler booster system noted.
14/12/2023	Council records show: <ul style="list-style-type: none">• Site affected by approved development works at No 93 Oxford St Darlinghurst –pertaining to internal openings / alterations, issued by Private accredited certifier [Reference(s): P/2023/1046, CDC - 21/2151/01]• Development application under assessment - Proposed change of use to a pub in association with Universal Hotel use. [Reference No. D/2023/1117]• A current annual fire safety statement – expiry 16 February 2024 [Reference. No. E/2004/2150]
21/12/2023	A site inspection was conducted accompanied with Universal Hotels manager, revealed: <ul style="list-style-type: none">• the annual fire safety statement present within Oxford Street entry

Date	Event
	<ul style="list-style-type: none"> all exit signs illuminated hose reel maintenance conducted on 20/12/2023 the sprinkler booster was contained within rear exit – appeared to be original install, site constraints noted, connection valves obstructed and signage required level 1 data cupboard require lining / smoke seals minor sprinkler obstructions due top ceiling acoustic lining a non continuous handrail noted to rear annual fire safety statement present within Oxford Street entrance No. 93 Oxford Street tenancy closed/vacant – smoke detectors noted
22/12/2023	Further written instruction sent to owners pertaining to all maintenance issues identified during Council and FRNSW inspection(s).

FIRE AND RESCUE NSW REPORT:

References: [BFS23/131292, D23/131292]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about potential for smoke alarms being compromised, due to water leaks through light fixture(s).

Issues The report from FRNSW detailed a number of issues, in particular with regards to maintenance of the below:

Ref.	Issue	City response
Essential Fire Safety Measures		
1A	Maintenance	
A (i-iv)	Automatic fire suppression (Sprinkler) System <ul style="list-style-type: none"> i. Sprinkler booster connection located internally - access issue ii. Booster enclosure, sprinkler signage - not present iii. Inlet pressure signage - not present iv. Inadequate clearances for brigade hose connections 	Addressed by Council's written instruction – an accredited fire safety practitioner to review and comment on proposed: <ul style="list-style-type: none"> • Relocation of sprinkler booster and or/ connection valves – <i>further written directives may be issued</i> • new enclosure and pressure signage to be installed
B (a-b)	Fire Hose Reels <ul style="list-style-type: none"> a. Maintenance – service tags not updated b. Reels not in their interlock position / storage noted within reel cupboard 	Issue resolved
C. (a)	Exit signs <ul style="list-style-type: none"> a. Mezzanine exit sign not illuminated 	Issue resolved
D.	Annual fire safety statement (AFSS)– not prominently displayed	Issue resolved
2	Access and Egress	
A.	An electrical cupboard not suitably sealed	Addressed by Council's written instruction – non-combustible lining and smoke seals are to be installed

FRNSW Recommendations

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

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)

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

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/Attached Documents:

2023/728604-01	Copy of FRNSW letter dated 13 December 2023
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Trim Reference: 2023/ 2023/728604

CSM reference No#: 3103561

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File Ref. No: BFS23/6029 (31547)
TRIM Ref. No: D23/131292
Contact: Mark Knowles

13 December 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
'UNIVERSAL HOTEL'
85-91 OXFORD STREET, DARLINGHURST ("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 21 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.

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

Fire and Rescue NSW

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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. Automatic Fire Suppression (Sprinkler) System - The plan of risk (block plan) on display listed the standard of performance for the sprinkler system as being AS 2118-1982. As such, the following comments are provided having regard to AS 2118.1-1982:

A. The sprinkler booster connection:

- i. The fire brigade booster connection is not located outside the building in a position which is readily accessible to fire brigade personnel, contrary to the requirements of Clause 4.4.3 of AS 2118-1982. In this regard, the booster assembly is located internally within the building (adjacent to the rear exit to Arnold Place) and the location does not suit the operational requirements of FRNSW.
- ii. The enclosure in which the fire brigade booster connection is housed is not marked with the words "SPRINKLER BOOSTER CONNECTION" in letters not less than 50mm high, contrary to the requirements of Clause 4.4.3 of AS 2118-1982.
- iii. A sign marked with the maximum allowable inlet pressure at the connection was not provided at the booster connection, contrary to the requirements of Clause 4.4.3 of AS 2118-1982.
- iv. Adequate clearances have not been provided to the booster connections. In this regard, fire-fighters would be unable to connect hoses to both inlet connections due to the orientation of the connections within the enclosure.

1B. Fire Hose Reels (FHR's):

A. Maintenance – the FHR's throughout 'the premises', contained service labels/tags, indicating the FHR's had not received any routine servicing since June 2021, contrary to the requirements of Clause 9.3 of AS 1851-2012 and Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

B. The FHR on the ground floor level was not wound back correctly, the nozzle was detached from the hose guide and nozzle interlocking devices and non-fire equipment was located within the fire enclosure, contrary to Clause 10.4.4 of AS 2441-2005.

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1C. Exit signs:

- A. The exit sign on the mezzanine level was not illuminated and had not been maintained, contrary to the requirements of Section 81 of the EPAR 2021.

1D. 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 EPAR 2021.

2. Access and Egress

- 2A. The electrical enclosure located within the fire exit on the first floor (leading to Oxford Street) was not suitably sealed against smoke spreading from the enclosure with non-combustible construction, contrary to the requirements of Clause D3D8 of the NCC.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 2 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 BFS23/6029 (31547) regarding any correspondence concerning this matter.

Yours faithfully



Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit