

Attachment C

**Inspection Report
15-17 Hunter Street, Sydney**

15-17 Hunter Street, Sydney



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Notes

29/02/2024

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 3140023

Officer: Luke Jeffree

Date: 10 April 2024

Premises: Comfort Inn, 15-17 Hunter Street, Sydney

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 16 February 2024 with respect to matters of fire safety.

The premises subject of the report by FRNSW relates to a class three (3) hotel tenancy known as Comfort Inn. The tenancy is located on the first, second and third floor of a 4-storey commercial building located on the southern side of Hunter Street, Sydney. The ground floor of the building comprises shops.

A serious fire incident occurred at the premises on 31 January 2024. Fire-fighting vehicles and personnel were in attendance to extinguish the blaze.

The fire caused significant structural damage to a third level balcony and minor damage to an adjoining room. FRNSW confirmed there were no casualties.

An Emergency Fire Safety Order pursuant to Division 9.3, Schedule 5, Part 2 of the Environmental Planning and Assessment Act 1979 was issued by Council (to address the Automatic Smoke Detection and Alarm System and associated Alarm Signalling Equipment (ASE)) which has been satisfactorily complied with.

Access to the fire damaged balcony has been sealed off/secured by the property owner and the adjoining room is being kept unoccupied.

The building is earmarked for site establishment works and installation of protection measures under a Deferred Development Consent (D/2023/442) issued by the City on 26 February 2024 - which includes a number of adjoining buildings being redeveloped.

Recent investigations have revealed the hotel use has ceased.

City officers are satisfied the property owner/developer has taken appropriate steps to ensure that the premises which has suffered some fire damage does not present a danger (structural) to any person who might attend the site or to other site property.

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 (Development Certification and Fire Safety) Regulation 2021.

Council investigations reveal the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

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
7/02/2024	FRNSW alerted Council by telephone regarding a fire incident on 31 January 2024 at the Comfort Inn at 15-17 Hunter Street, Sydney. The incident resulted in a joint inspection by Council officer in the company of authorised FRNSW officers on 7 February 2024 to assess the resulting damage.
12/02/2024	An Emergency Fire Safety Order (FIRE/2024/10) was issued by the City on 12 February 2024 requiring damage observed during the inspection to be repaired or replaced (Fire Indicator Panel and Alarm Signalling Equipment). Council officers carried out numerous inspections until the Order was complied with and damage addressed.
16/02/2024	FRNSW correspondence received referring to the fire incident on 31 January 2024. The fire caused significant damage to a third level balcony and some minor damage to an adjoining room and resulted in the evacuation of 61 occupants. FRNSW confirm there were no casualties.
26/02/2024	A follow up inspection of the subject premises was undertaken by a Council officer which confirmed that a newly installed FIP had power to it and appeared to be in functioning order without faults and that the ASE was online. Furthermore, it was found that the annual fire safety statement is current, compliant and is on display within the building
27/02/2024	A Fire Safety Certificate (FSC) required by the Emergency Fire Safety Order was received. The submission of the FSC certified the compliance of the Automatic Smoke Detection and Alarm System which satisfied the requirements of the Order
10/04/2024	A follow up inspection of the subject premises was undertaken by a Council officer which confirmed that the hotel use has ceased. The officer observed that a demolition contracting company working for Sydney Metro was in the process of removing furniture and doors from the hotel, for use of the premises as offices and storage rooms by the contracting company. Following the inspection the officer raised the matter with the property owner. A separate (3169283) investigation is being carried out by Council building compliance officers to address whether these works and use require development consent .

FIRE AND RESCUE NSW REPORT:

References: [BFS24/529 (33415) D24/20213; Council Trim reference 2024/118670]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving a fire safety concern about a fire incident in connection with the premises.

Issues

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

Ref.	Issue	City response
1.	Essential Fire Safety Measures	
1A	Maintenance – Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (the DCFS Regulation), requires maintenance of Essential Fire Safety Measures to a standard no less than when first installed. At the time of the inspection, the following was observed:	
A.	Automatic Smoke Detection and Alarm System – There was no power to the Fire Indicator Panel (FIP).	This has been made compliant by the Emergency Fire Safety Order
B.	Alarm Signalling Equipment (ASE) – The ASE associated with the Automatic Smoke Detection and Alarm System was offline.	This has been made compliant by the Emergency Fire Safety Order

Ref.	Issue	City response
2.	Inspection Outcomes	
2A	At the time of the inspection, Council's compliance officer confirmed that, considering the fire safety issues observed at the premises, Council would be taking appropriate enforcement action to have the abovementioned issues addressed and/or rectified as appropriate.	The issues raised in FRNSW correspondence have been addressed and made compliant under the Emergency Fire Safety Order
2B	It is understood that pursuant to the provisions of Division 9.3 and Schedule 5 - Part 2 of the EP&A Act, an Emergency Fire Safety Order has since been issued by City of Sydney Council, and that Council will be pursuing compliance regarding item 1A.	An Emergency Fire Safety Order was issued by the city to address item 1A of FRNSW correspondence
2C	Council will be aware that FRNSW have previously provided an investigation report for the premises (Ref: BFS18/3700), dated 24 January 2019, pursuant to the provisions of Section 9.32 (1) of the EP&A Act.	Noted. Council TRIM Reference for previous FRNSW correspondence is 2019/050332. It is further noted that a previous Fire Safety Order (FIRE/2019/28) was issued by the city on 27 May 2019 and completed on 9 February 2021

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

FRNSW Recommendations

FRNSW have made no direct recommendation within their report other than legislative notification.

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	Cited Matters rectified Continue to monitor premises for any change in site status

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

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

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:

2024/157091-01	Copy of current Emergency Fire Safety Order
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Trim Reference: 2024/157091

CSM reference No#: 3140023

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File Ref. No: BFS24/529 (33415)
TRIM Ref. No: D24/20213
Contact: Conor Hackett

15 February 2024

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au
ljeffree@cityofsydney.nsw.gov.au

Attention: Luke Jeffree

Dear Sir

**Re: INSPECTION REPORT
'COMFORT INN'
15-17 HUNTER STREET, SYDNEY ("the premises")**

Fire and Rescue NSW (FRNSW) received fire safety concern on 1 February 2024 concerning a fire incident at '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 7 February 2024. An officer from *City of Sydney Council* was 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

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

1 Amarina Ave
Greenacre NSW 2190

T (02) 9742 7434
F (02) 9742 7483

www.fire.nsw.gov.au

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Comments

Date / Time of Fire: 31 January 2024 - 19:56
Extent of Fire: Third level balcony
Damage: Damage to balcony and two adjoining rooms
Type of Alarm: 000
Evacuation: 61 Occupants
Casualties: 0

The following items were identified during the inspection:

1. Essential Fire Safety Measures.
 - 1A. Maintenance – Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (the DCFS Regulation), requires maintenance of Essential Fire Safety Measures to a standard no less than when first installed. At the time of the inspection, the following was observed:
 - A. Automatic Smoke Detection and Alarm System – There was no power to the Fire Indicator Panel (FIP).
 - B. Alarm Signalling Equipment (ASE) – The ASE associated with the Automatic Smoke Detection and Alarm System was offline.
2. Inspection Outcomes.
 - 2A. At the time of the inspection, Council's compliance officer confirmed that, considering the fire safety issues observed at the premises, Council would be taking appropriate enforcement action to have the abovementioned issues addressed and/or rectified as appropriate.
 - 2B. It is understood that pursuant to the provisions of Division 9.3 and Schedule 5 - Part 2 of the EP&A Act, an Emergency Fire Safety Order has since been issued by City of Sydney Council, and that Council will be pursuing compliance regarding item 1A.
 - 2C. Council will be aware that FRNSW have previously provided an investigation report for the premises (Ref: BFS18/3700), dated 24 January 2019, pursuant to the provisions of Section 9.32 (1) of the EP&A Act.

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

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Please do not hesitate to contact Conor Hackett 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 BFS24/529 (33415) regarding any correspondence concerning this matter.

Yours faithfully



Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit



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