

Attachment E

**Inspection Report
301 Kent Street, Sydney**

301 Kent Street, Sydney

CITY OF SYDNEY 



Sussex Lane

Erskine Street

Sydney

Sussex Street

Kent Street

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Notes

14/05/2024

**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 3163302

Officer: Andrew Manning

Date: 14/05/2024

Premises: 301 Kent Street, Sydney

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 25 March 2024 with respect to matters of fire safety.

The premises consists of a 5 storey building with one basement level.

The basement floor comprises a gym tenancy (class 9b) which is currently vacant with all other storeys being utilised as a backpackers.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building manager which revealed that the premises are deficient in fire safety and egress provisions in the following areas:

- (i) Suitable fire resisting construction to prevent the spread of fire;
- (ii) Safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a fire safety order is to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

The Notice of Intention to issue a fire safety order was issued on 15 May 2024.

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
25/03/2024	FRNSW correspondence received regarding premises Siesta Inn, 301 Kent Street, SYDNEY NSW 2000
3/04/2024	An inspection of the subject premises was undertaken by a Council officer. The basement tenancy (storage) has previously had its second exit to the ground floor sealed off, following a fire engineers' recommendation because of the effect on the fire isolated stair exit from the levels above ground floor. This is addressed in the Notice of Intention to Issue a Fire Safety Order. Signage and Block Plans were noted as not being present as outlined within the FRNSW report. The building was noted as being well maintained and fire services appeared to be in working order.

Date	Event
	A number of fire doors were chocked open and had broken self-closers at the time of the inspection. A verbal warning was issued.
04/04/2024	Discussed the building with a Senior Fire Officer to assist in determining an appropriate pathway to address the deficiencies in relation to the provision for escape given the vacant basement tenancy.
16/04/2024	Reinspected premises with second Council fire safety officer to further investigate the provision of escape for the rear fire-isolated stair.
15/05/2024	Notice of Intention issued (Trim: 2024/284315).

FIRE AND RESCUE NSW REPORT:

References: [BFS24/543 (33433), Trim D2024/028764; Council TRIM Ref 2024/202949]
 Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry concerning the adequacy of the provision for fire safety.

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

Ref.	Issue	City response
1. Essential Fire Safety Measures		
1A	Maintenance of essential Fire Safety Measure	
A.	<p>Automatic Fire Detection and Alarm System – An isolation was displayed on the Fire Indicator Panel (FIP), which was associated with the Automatic Fire Detection and Alarm System.</p> <p>At the time of the inspection, management were advised of the issue with the FIP and agreed to engage a service technician to rectify the isolation.</p> <p>On 7 February 2024 an email, including photographic evidence, was received from hotel staff confirming that a faulty detector had been replaced and the isolation removed from the system.</p>	<p>Faults were not present at the FIP at the time of Council inspection.</p> <p>Further investigation is to be undertaken under Term 1.01 of the Notice of Intention to issue a Fire Safety Order</p>
B.	<p>Fault to Sprinkler Pump –</p> <p>i. With regard to the initial fire safety concern, the manager confirmed that since the FRNSW crew had responded to the AFA, a technician had investigated the issue and repaired the pumps. Pump controllers appeared to indicate that the pumps were operational.</p> <p>ii. Clause 1.16.2 of AS1851 requires service logbooks to be left on site. At the time of the inspection, copies of current services records for the fire pump sets were unavailable. As a result, it was difficult to establish regular maintenance.</p>	<p>Faults were not present at the FIP at the time of Council inspection.</p> <p>Further investigation and maintenance is to be undertaken under Term 4.01 of the Notice of Intention to issue a Fire Safety Order</p>
1B	Fire Hydrant System	

Ref.	Issue	City response
A.	The booster connections do not appear to achieve adequate clearances surrounding the feed fire hydrants and the inlet connections, contrary to the requirements of Clause 3.5.1. Furthermore, a car was parked in the driveway adjacent to the booster recess, reducing the clearance to the front of the assembly to less than 1m.	Addressed under Term 5.01 of the Notice of Intention to issue a Fire Safety Order
B	A pressure gauge is not installed at the hydraulically most disadvantaged fire hydrant, contrary to the requirements of Clause 9.3.2.	Addressed under Term 5.01 of the Notice of Intention to issue a Fire Safety Order
C.	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.	Addressed under Term 5.01 of the Notice of Intention to issue a Fire Safety Order
D.	The hydrant pump room is located within the building and is not provided with a door opening to a road or open space, or a door opening to a fire isolated passage or stair which leads to a road or open space, contrary to the requirements of Clause 6.4.2.	Addressed under Term 5.01 of the Notice of Intention to issue a Fire Safety Order
E.	A block plan of the fire hydrant system had not been provided within the pump room, contrary to the requirements of Clause 7.11.	Addressed under Term 5.01 of the Notice of Intention to issue a Fire Safety Order
1C	Fire Sprinkler System	
A.	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.	Addressed under Term 4.01 of the Notice of Intention to issue a Fire Safety Order
B.	A stock of spare sprinklers and spanner had not been provided at the sprinkler control valves, contrary to the requirements of Clause 6.7.	Addressed under Term 4.01 of the Notice of Intention to issue a Fire Safety Order
1D	Portable Fire Extinguishers (PFE)	
A.	Portable Fire Extinguishers (PFE) – A PFE adjacent to the ground floor lift was missing from its support fitting, contrary to the requirements of Clause 3.5 of AS2444-2001.	Addressed under Term 1.01 of the Notice of Intention to issue a Fire Safety Order
2. Access and Egress		
2A	Provisions for Escape/Exit Signs	
A.	No exit signage was apparent within the basement tenancy.	No exit signage was visible within the basement tenancy. Addressed under Term 1.02 and 1.03 of the Notice of Intention to issue a Fire Safety Order

Ref.	Issue	City response
B.	The path of travel to the exit from the basement to the ground floor, at the eastern side of the premises, has been permanently blocked with a gyprock wall. It is unclear if construction of this wall has been granted through any approvals associated with the basement tenancy	Inspection by Council Officer revealed the construction of the separation between basement stairs and ground floor was undertaken using 'Hebel' (light weight fire rated construction) under the provision of a Fire Engineering Report. No further action to be taken.
C.	In that regard, a review of the exit strategy of the tenancy is required to ensure that the exit system complies with the requirements of Clauses D2D3, E4D5 and E4D6 of the NCC. It is noted that the tenancy is currently vacant.	Addressed under Term 1.04 and 1.05 of the Notice of Intention to issue a Fire Safety Order
3. Compartmentation		
3A		
A.	The fire door to the basement pump room had a broken self-closing device.	Addressed under Term 4.02 of the Notice of Intention to issue a Fire Safety Order
B.	The fire door between the basement tenancy and the lobby at the bottom of the stair appeared to have a broken self-closing device.	Addressed under Term 4.02 of the Notice of Intention to issue a Fire Safety Order
C.	A door chock was holding open the laundry door on the fourth floor, preventing the door from self-closing.	A verbal warning was issued on site at the time of inspection. No further action to be taken.
3B	Penetrations	
A.	Service penetrations through the pump room fire wall did not appear to be adequately fire stopped in accordance the requirements of Clause C4D13, C4D15 & Specification 13 of the NCC.	Addressed under Term 4.03 of the Notice of Intention to issue a Fire Safety Order

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

FRNSW Recommendations

FRNSW recommended that Council inspect and address any other deficiencies identified on 'the premises' and require item no. 1 to 3 of their report to be appropriately addressed.

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)
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As a result of a site inspection undertaken by Council’s investigation officers it is recommended that Council exercise its powers to give a notice of intention (NOI) for a fire safety order to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council’s building officer.

The issue of a fire safety order will ensure that suitable fire safety systems are in position throughout the building to provide improved and adequate provisions for fire safety

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

Referenced/Attached Documents:

2024/284315	Notice of Intention to issue a Fire Safety Order issued 15 May 2024
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Trim Reference: 2024/290938

CSM reference No#: 3163302

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File Ref. No: BFS24/543 (33433)
TRIM Ref. No: D2024/028764
Contact: Conor Hackett

25 March 2024

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
SIESTA INN
301 KENT STREET, SYDNEY ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 4 February 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

We attended and AFA at 0430hrs on 4 Feb 2024. All occupants had been evacuated and the occupant warning system was operating. The duty manager advise that a sprinkler head had operated on L1 bathroom at the rear of the premises. We drained the system, and replaced the head. When we went to re charge the system, both the sprinkler jacking pump nor the main pump increased the pressure. It remained on mains pressure.

The manager advised there had previously been issues with pressure last time the system was drained.

The concern mainly is around the operational readiness of the sprinkler pump and its inability to boost the pressure in the sprinkler system. This has been raised with the manager and he assured us that the fire company would attend to rectify. A handover form was completed and this advise was detailed in the form also. I am reporting this as it is an accommodation facility with transient occupants

Fire and Rescue NSW

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Fire Safety Compliance Unit

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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 FRNSW inspected 'the premises' on 7 February 2024.

On behalf of the Commissioner of FRNSW, the 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.
- The Alternative Solution Report dated 22 September 2013, referred to in the Fire Safety Schedule, was not available for review.
- 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

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 2022 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.

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 during the inspection:

1. Essential Fire Safety Measures

- 1A. Maintenance – Clause 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (the DCFS Regulation) requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed.

- A. Automatic Fire Detection and Alarm System – An isolation was displayed on the Fire Indicator Panel (FIP), which was associated with the Automatic Fire Detection and Alarm System.

At the time of the inspection, management were advised of the issue with the FIP and agreed to engage a service technician to rectify the isolation.

On 7 February 2024 an email, including photographic evidence, was received from hotel staff confirming that a faulty detector had been replaced and the isolation removed from the system.

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- B. Fault to Sprinkler Pump –
- i. With regard to the initial fire safety concern, the manager confirmed that since the FRNSW crew had responded to the AFA, a technician had investigated the issue and repaired the pumps. Pump controllers appeared to indicate that the pumps were operational.
 - ii. Clause 1.16.2 of AS1851 requires service logbooks to be left on site. At the time of the inspection, copies of current services records for the fire pumpsets were unavailable. As a result, it was difficult to establish regular maintenance.
- 1B. Fire Hydrant System – Having regard to AS2419.1-2005, the following issues were noted at the time of the inspection:
- A. The booster connections do not appear to achieve adequate clearances surrounding the feed fire hydrants and the inlet connections, contrary to the requirements of Clause 3.5.1. Furthermore, a car was parked in the driveway adjacent to the booster recess, reducing the clearance to the front of the assembly to less than 1m.
 - B. A pressure gauge is not installed at the hydraulically most disadvantaged fire hydrant, contrary to the requirements of Clause 9.3.2.
 - C. 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.
 - D. The hydrant pump room is located within the building and is not provided with a door opening to a road or open space, or a door opening to a fire isolated passage or stair which leads to a road or open space, contrary to the requirements of Clause 6.4.2.
 - E. A block plan of the fire hydrant system had not been provided within the pump room, contrary to the requirements of Clause 7.11.
- 1C. Sprinkler System – Having regard to AS2118.1-1999, the following issues were noted at the time of the inspection:
- A. 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.
 - B. A stock of spare sprinklers and spanner had not been provided at the sprinkler control valves, contrary to the requirements of Clause 6.7.
- 1D. Portable Fire Extinguishers (PFE) – A PFE adjacent to the ground floor lift was missing from its support fitting, contrary to the requirements of Clause 3.5 of AS2444-2001.

2. *Access & Egress*

2A. Provisions for Escape/Exit Signs –

- A. No exit signage was apparent within the basement tenancy.
- B. The path of travel to the exit from the basement to the ground floor, at the eastern side of the premises, has been permanently blocked with a gyprock wall. It is unclear if construction of this wall has been granted through any approvals associated with the basement tenancy.

In that regard, a review of the exit strategy of the tenancy may be required to ensure that the exit system complies with the requirements of Clauses D2D3, E4D5 and E4D6 of the NCC. It is noted that the tenancy is currently vacant.

3. *Compartmentation*

3A. Regarding performance Clause C4D5, C4D8 of the NCC, the following items were observed as concerns in relation to maintaining tenable conditions for evacuation, to prevent the spread of fire to exits, SOUs, and public corridors:

- A. The fire door to the basement pump room had a broken self-closing device.
- B. The fire door between the basement tenancy and the lobby at the bottom of the stair appeared to have a broken self-closing device.
- C. A door chock was holding open the laundry door on the fourth floor, preventing the door from self-closing.

3B. Penetrations – Service penetrations through the pump room fire wall did not appear to be adequately fire stopped in accordance the requirements of Clause C4D13, C4D15 & Specification 13 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 3 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.

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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 BFS24/543 (33433) regarding any correspondence concerning this matter.

Yours faithfully

A handwritten signature in black ink, appearing to read 'C. Hackett', with a long horizontal line extending to the right.

Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit

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