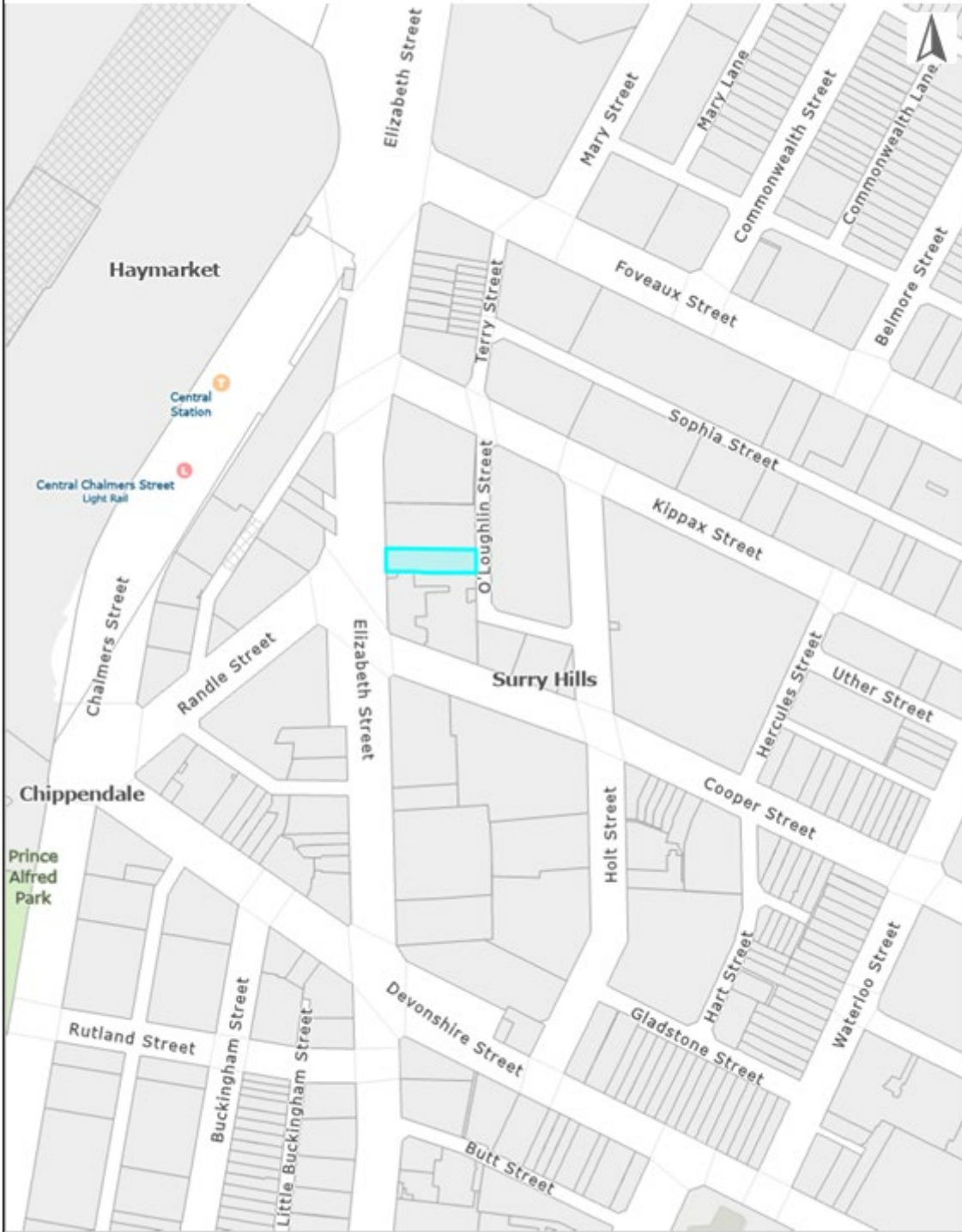


Attachment B

**Inspection Report
356-358 Elizabeth Street, Surry Hills**



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Notes

17/06/2024

1: 2381

**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: 3195325

Officer: Joe Kalgovas

Date: 18/06/2024

Premises: 356-358 Elizabeth Street, Surry Hills

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 13 June 2024 with respect to matters of fire safety.

The premises consists of a four-storey building used as a hotel. The ground floor comprises a commercial space and reception with two upper levels with guest rooms.

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

- (i) A lack of adequate facilities for firefighting;
- (ii) Suitable fire resisting construction to prevent the spread of fire;
- (iii) Safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire
- (iv) Poor fire safety management systems (signs/notices/not displayed etc.) in place

Council investigations have revealed 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.

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

Chronology:

Date	Event
13/06/2024	FRNSW correspondence received regarding premises 358 Elizabeth Street, Surry Hills known as 356-358 Elizabeth Street, Surry Hills.
28/06/2024	An inspection of the subject premises was undertaken by a Council officer together with the Building Manager.
9/07/2024	Notice of Intention to issue a fire safety order (NOI) issued.

FIRE AND RESCUE NSW REPORT:

References: BFS24/1241 (34053) Trim 2024/349035.

Fire and Rescue NSW conducted an inspection of the subject premises on 19 March 2024 after receiving correspondence on 29 February 2024 about egress and sprinkler system inadequacies.

Issues: The report from FRNSW detailed a number of issues as tabled below:

Ref.	Issue	City response
1	Essential Fire Safety Measures - Sprinkler System	
i.	A plan of risk (block plan) was not provided adjacent to the sprinkler booster or the main stop valve, contrary to the requirements of Clause 8.3 of AS 2118.1-1999.	Inspection found that the block plan was missing and is required to be provided.
ii.	A location plate was not fixed on the external wall near to the location of the main stop valve, contrary to the requirements of Clause 8.4 of AS 2118.1-1999.	Inspection found that the location plate was missing and is required to be provided.
iii.	A stock of spare sprinklers and spanner could not be located on the premises, contrary to the requirements of Clause 6.7 of AS 2118.1-1999.	Inspection found that the stock of spare sprinklers and spanner were missing and are required to be provided.
iv.	The stop valve was not secured open by a padlocked chain or riveted strap, in accordance with the requirements of Clause 8.2 of AS 2118.1-1999.	Inspection found that the stop valve was not secured and is required to be provided.
v.	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.	Inspection found that the maximum allowable inlet pressure signage was missing and is required to be provided.
vi.	The glass screen to the pressure gauge at the booster has become opaque and was difficult to read, contrary to the requirements of Clause 8.12 of AS 2118.1-1999.	Inspection found the pressure gauge could not be read and is required to be replaced.
vii.	The sprinkler booster inlets did not include service labels/tags. Therefore, it could not be established whether the booster connection has received any routine servicing in accordance with the requirements of Clause 2.4.2 of AS 1851.	Inspection did not find any service tags and confirmation of servicing is to be provided.
1B.	Portable Fire Extinguishers (PFE) – PFEs do not appear to be provided so that the travel distance from the entrance doorway of any sole-occupancy unit to the nearest fire extinguisher is not more than 10m, contrary to the requirements of Clause E1D14(2)(c) of the NCC.	Portable Fire Extinguishers were found to be more than 10m from rooms and therefore additional extinguisher are required to be provided.
2.	Access & Egress	
2A.	<p>Fire Stairs - Items were stored in the path of travel to an exit and the exit stair way, at the eastern end of the premises, that may have caused an obstruction, contrary to the requirements of Clause 109 of the DCFS Regulation.</p> <p>At the time of the inspection, management were advised of the issue and agreed to remove the stored items. On 20 March 2024 an email, including photographic evidence, was received from the</p>	Inspection did not find any stored items to or in the exit stairway. No further action proposed.

Ref.	Issue	City response
	General Manager of the premises confirming that the items had been removed.	
2B.	Operation of Latch – A number of exit doors within the premises incorporates a round tulip style handle in lieu of a lever handle, contrary to the requirements of Clause D3D26 of the NCC.	Inspection found a number of non-compliant door handles which are required to be replaced.
2C.	Swinging Doors - The final exit door to O'Loughlin Street opens against the direction of egress, contrary to the requirements of Clause D3D25 of the NCC.	The building is approximately 100 years old and is built to the boundary so that an outward swinging door would pass over the road reserve. Signage to advise occupants of the swing of the door is proposed.
2D.	Openings in Barriers - The balustrade to the fire isolated stairs to the rear contained openings that would permit a 300 mm sphere to pass through the opening, contrary to the requirements of Clause D3D19 of the NCC.	Balustrading non-compliant with the current building code was found on inspection. Given the age of the building and that the stairway is only in use in the case of a fire no works are proposed.
3.	Compartmentation	
3A.	<p>Fire Isolated Stairways – The fire isolated stairway to the rear of the premises is of timber construction with timber framing exposed to the fire-isolated stair, contrary to the requirements of Clauses S5C11, C2D10 and D3D3 of the NCC.</p> <p>It is noted that the premises is sprinkler protected and that as such, a concession, in accordance with the provisions of Clause D2D4(1)(b) of the NCC, may have been granted to the premises at the time of approval. Further investigation by Council may be required.</p>	<p>The building is approximately 100 years old, and the construction of the stairway is not compliant with the current building code.</p> <p>The City records show fire safety upgrading works via a Fire Safety Order being completed on 3 March 2008. Works to the rear stairway and sprinkler system were part of the works. No further works proposed.</p>
3B.	Separation of external walls and associated openings in different fire compartments – Window drenchers were noted above some of the windows to the central lightwell of the premises however, not all the windows appear to be covered by drenchers. It could not be determined whether windows without drenchers have been appropriately protected by other methods, in accordance with the provisions of Clause C4D5(1)(b) of the NCC. Further investigation by Council may be required.	Inspection found that only the upper windows of the lightwell were protected. All windows are required to be protected.
4.	Miscellaneous	
4A.	Protection of Openable Windows - Openable windows to public corridors within the premises, which appear to have a fall greater than 4m to the surface beneath the window, have sill heights (barriers) which appears to be less than 865mm above the floor and an opening which permits a 125mm sphere to pass through it, contrary to the requirements of Clause D3D29(3)&(4) of the NCC.	Clauses are not applicable to openable windows which were found at each end of the public corridors serving the rooms. Further these windows are not in the path of travel to an exit. No action proposed.

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

FRNSW Recommendations:

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

FRNSW will also await Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) 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)
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As a result of site inspections undertaken by a Council investigation officer it was determined that concern for public safety required the giving of a Notice of Intention to issue a fire safety order (NOI) to be issued under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 without any further delay.

It is recommended that Council exercise its power to issue a Fire Safety Order (following the expiry of the representation period of the NOI) to ensure suitable fire safety systems are in place 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:

2024/389758	Copy of current and or proposed fire safety order (NOI)
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Trim Reference: 2024/356360

CSM reference No#: 3195325



File Ref. No: BFS24/1241 (34053)
TRIM Ref. No: D2024/054327
Contact: Conor Hackett

13 June 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
CENTRAL PRIVATE HOTEL
358 ELIZABETH ST SURRY HILLS (“the premises”)**

Fire and Rescue NSW (FRNSW) received correspondence on 29 February 2024 concerning the adequacy of the provision for fire safety in connection with ‘the premises’.

The correspondence stated that:

Egress from Upper floors and to the basement where the sprinkler system is an internal timber stairway - no signage for sprinkler system - no block plan-access to sprinkler system was blocked by storage materials in the basement area.

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 19 March 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.

- 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. 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 during the inspection:

1. Essential Fire Safety Measures

1A. Sprinkler System –

- i. A plan of risk (block plan) was not provided adjacent to the sprinkler booster or the main stop valve, contrary to the requirements of Clause 8.3 of AS 2118.1–1999.
- ii. A location plate was not fixed on the external wall near to the location of the main stop valve, contrary to the requirements of Clause 8.4 of AS 2118.1-1999.
- iii. A stock of spare sprinklers and spanner could not be located on the premises, contrary to the requirements of Clause 6.7 of AS 2118.1-1999.
- iv. The stop valve was not secured open by a padlocked chain or riveted strap, in accordance with the requirements of Clause 8.2 of AS 2118.1–1999.
- v. 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.
- vi. The glass screen to the pressure gauge at the booster has become opaque and was difficult to read, contrary to the requirements of Clause 8.12 of AS 2118.1–1999.
- vii. The sprinkler booster inlets did not include service labels/tags. Therefore, it could not be established whether the booster connection has received any routine servicing in accordance with the requirements of Clause 2.4.2 of AS 1851.

- 1B. Portable Fire Extinguishers (PFE) – PFEs do not appear to be provided so that the travel distance from the entrance doorway of any sole-occupancy unit to the nearest fire extinguisher is not more than 10m, contrary to the requirements of Clause E1D14(2)(c) of the NCC.

2. Access & Egress

- 2A. Fire Stairs - Items were stored in the path of travel to an exit and the exit stair way, at the eastern end of the premises, that may have caused an obstruction, contrary to the requirements of Clause 109 of the DCFS Regulation.

At the time of the inspection, management were advised of the issue and agreed to remove the stored items. On 20 March 2024 an email, including photographic evidence, was received from the General Manager of the premises confirming that the items had been removed.

- 2B. Operation of Latch – A number of exit doors within the premises incorporates a round tulip style handle in lieu of a lever handle, contrary to the requirements of Clause D3D26 of the NCC.
- 2C. Swinging Doors - The final exit door to O'Loughlin Street opens against the direction of egress, contrary to the requirements of Clause D3D25 of the NCC.
- 2D. Openings in Barriers - The balustrade to the fire isolated stairs to the rear contained openings that would permit a 300 mm sphere to pass through the opening, contrary to the requirements of Clause D3D19 of the NCC.

3. Compartmentation

- 3A. Fire Isolated Stairways – The fire isolated stairway to the rear of the premises is of timber construction with timber framing exposed to the fire-isolated stair, contrary to the requirements of Clauses S5C11, C2D10 and D3D3 of the NCC.

It is noted that the premises is sprinkler protected and that as such, a concession, in accordance with the provisions of Clause D2D4(1)(b) of the NCC, may have been granted to the premises at the time of approval. Further investigation by Council may be required.

- 3B. Separation of external walls and associated openings in different fire compartments – Window drenchers were noted above some of the windows to the central lightwell of the premises however, not all the windows appear to be covered by drenchers. It could not be determined whether windows without drenchers have been appropriately protected by other methods, in accordance with the provisions of Clause C4D5(1)(b) of the NCC. Further investigation by Council may be required.

4. Generally

- 4A. Protection of Openable Windows - Openable windows to public corridors within the premises, which appear to have a fall greater than 4m to the surface beneath the window, have sill heights (barriers) which appears to be less than 865mm above the floor and an opening which permits a 125mm sphere to pass through it, contrary to the requirements of Clause D3D29(3)&(4) 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 4 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 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 BFS24/1241 (34053) regarding any correspondence concerning this matter.

Yours faithfully



Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit