

Attachment B

**Inspection Report
107 Darlinghurst Road, Potts Point**



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Notes

28/08/2024

**Council Investigation Officer Inspection and Recommendation Report
Clause 17(2) of Schedule 5 of the Environmental Planning and Assessment Act 1979
(the Act)**

File: CSM 3211401

Officer: Ashley Host

Date: 3 September 2024

Premises: 107 Darlinghurst Road, Potts Point

Executive Summary:

Council received correspondence dated 26 July 2024 from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety.

The site contains a 4-storey residential building containing backpacker accommodation known as Jackaroo Hostel and is located above the entrance to Kings Cross Station fronting Darlinghurst Road.

An inspection of the premises was undertaken with the hotel manager and owner's representative which revealed that the premises are deficient in fire safety provisions in the following areas:

(i) A lack of adequate facilities for firefighting

(iii) Poor fire safety management systems (signs/notices/not displayed etc.) in place

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 now 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 one matter to attend to, being provision of a fire brigade booster connection to the existing sprinkler system, 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 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 combustible composite cladding on the façade of the building.

Chronology:

Date	Event
26.07.2024	FRNSW correspondence received regarding premises 107 Darlinghurst Road, Potts Point
28.08.2024	An inspection of the subject premises was undertaken by a Council officer in the presence of the hotel manager and owner's representative which revealed the following fire safety issues at the time of inspection: <ol style="list-style-type: none">1. A current copy of the annual fire safety statement was not prominently displayed in the building2. The sprinkler system lacks a fire brigade booster connection.

FIRE AND RESCUE NSW REPORT:

References: [BFS23/7388 (32680); Trim Ref: 2024/301766]

Fire and Rescue NSW (FRNSW) received correspondence on 13 December 2023 concerning the adequacy of the provision for fire safety in connection with the premises.

Issues

The report from FRNSW detailed numerous issues, in particular noting:

Ref	Issue	City response
1. Essential fire safety measures		
A.	A fire brigade booster connection has not been provided for the sprinkler system contrary to Clause 4.4.3 of AS2118-1982.	To be addressed by corrective action letter to a booster connection be provided to the existing sprinkler system in accordance with Clause 4.4.3 of AS2118-1982.
B.	A complete stock of spare sprinkler valves and a spanner has not been provided at the sprinkler control valves contrary to Clause 6.7 of AS2118-1982.	No action required. A complete stock of spare sprinkler valves and a spanner was sighted at the time of inspection.
1B.	A copy of the current AFSS was not prominently displayed within the building in accordance with Section 89 of the EPA Regulation 2021.	No action required. Whilst no AFSS was on display at the time of inspection, a current copy of the recent AFSS for the premises has since been placed on display within the premises.
2. Fire safety offences		
2A	Items were being stored within the fire-isolated exit (discharging out to Earl Street) on the lower ground 1 floor level, which was obstructing the free passage of persons using the exit, contrary to the requirements of Section 109 of the EPA Regulation 2021. FRNSW gave direction to remove the items which was done as confirmed in the report.	No action required. No items were observed to have been stored within the fire-isolated exits at the time of inspection.
3. Services and equipment		
3A.	Fire hydrant – the building has a floor area of more than 500m ² and lacks a fire hydrant system installed in accordance with AS2419.1 contrary to Clause E1D2 of the NCC.	The City issued a Fire Safety Order on the owners of the premises on 18 August 2006 (ref: S026130-01) which required that a hydrant system be installed, or certification be provided that street hydrants adequately serve the premises in accordance with Clause E.13 of the BCA.

Ref	Issue	City response
		<p>Certification was provided that the street hydrants adequately serve the premises in accordance with the BCA, and the system is referenced as such on the annual fire safety statement for the premises.</p> <p>However, there is inadequate signage in place to indicate the buildings reliance on street hydrants. It is recommended a suitable fade and weather resistant sign, A3 in size, is to be permanently affixed at the front of the building at the most likely access point, and have uppercase contrasting text which states the location of the street hydrant points.</p>
4. Essential fire safety measures		
4A.	<p>A new fire brigade panel had been installed to the premises since the previous inspection conducted by FRNSW on 19.03.2024.</p> <p>The system displayed no faults or other issues and the system appeared to be operating normally.</p>	<p>No action required.</p> <p>The new fire brigade panel was observed to be fully operational with no isolations or faults identified at the time of inspection.</p>

FRNSW Recommendations

FRNSW have made two recommendations within their report. In general, FRNSW have requested that Council:

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed.
2. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

OFFICER RECOMMENDATIONS:

Issue Order {	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 a site inspection undertaken by Council investigation officers the owners of the building have been issued with written instructions to ensure that suitable fire safety systems are in position throughout the building to provide improved and adequate provisions for fire safety.

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 outcomes.

Trim Reference: 2024/508821

CSM reference No#: 3211401

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File Ref. No: BFS24/1336 (34141) & BFS24/2687 (35351)
TRIM Ref. No: D24/86769
Contact: Mark Knowles

26 July 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
'TRADEMARK HOSTEL'
107-109 DARLINGHURST ROAD, POTTS POINT ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 7 March 2024 and 9 May 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence received on 7 March 2024 stated:

- *Wanted to express my concern about this business after staying there for three nights.*

Not normally so aware with fire safety but these things seemed an obvious no brainer and actually made me angry and feel unsafe sleeping there. As a paying guest.

There was a bike parked in the fire escape stairwell.

There were courier bags and a broken chair dumped in front of fire fighting equipment.

There are bags of personal belongings dumped in a rather narrow hallway on level 3 in front of fire fighting equipment.

There was a lithium battery charging overnight next to the bags of stuff in front of the equipment.

Fire and Rescue NSW	ABN 12 583 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483
www.fire.nsw.gov.au		Page 1 of 4

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Really scary stuff I didn't sleep well. There certainly would have been deaths on level 3 if a fire broke out as the windows didn't open and there was nothing to smash them with even. With 2-8 people per room.

At first I thought these things were temporary but I took photos over the 3 days and it was the same or worse when I left !

As a guest I only know of one exit on street level.

The owners or managers really need to be fined and punished for careless reckless fire safety management of the business.

The correspondence received on 9 May 2024 stated:

- *Alarm activation registering with FRNSW.*

No local alarm.

Managers/owners aware and have discussed local alerts and evacuation requirements until FIP fixed.

Servicing Co aware of FIP issue and won't be able to fix the issue until Tuesday 14/05/24.

2nd alarm response requested until issue resolved.

Updated PiP and inspection to be carried out by 004C on 10/05/24.

This concern is to notify you of the problem and to discuss any further requirements needed.

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 and 15 May 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

The following items were identified at the time of the inspection on 19 March 2024:

1. Essential Fire Safety Measures

1A. Automatic Fire Suppression (Sprinkler) System - The plan of risk (block plan) on display indicated the standard of performance for the sprinkler system may be AS 2118-1982. As such, the following comments are provided having regard to AS 2118-1982:

A. The sprinkler booster connection:

- i. A fire brigade booster connection has not been provided for the sprinkler system, contrary to the requirements of Clause 4.4.3 of AS 2118-1982. It is unclear whether the towns mains water supply pressure is sufficient to achieve the required pressure and flow requirements stipulated in Section 10 of AS 2118-1982.

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 2118-1982.

1B. Annual Fire Safety Statement (AFSS):

- A. A copy of the current AFSS was not prominently displayed within the building in accordance with the requirements of Section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

2. Fire Safety Offences

2A. Fire Exits - Items, including but not limited to bags of linen/laundry, ladders, building products, a fire door frame, a mattress, furniture, cardboard boxes and cleaning equipment/products, were being stored within the fire-isolated exit (discharging out to Earl Street) on the lower ground 1 floor level, which was obstructing the free passage of persons using the fire exit, contrary to the requirements of Section 109 of the EPAR 2021.

The Hostel Manager was given a verbal direction to remove all items being stored within the fire exits at the time of the inspection.

FRNSW received email correspondence from the Hostel Manager on 20 March 2024, confirming the items had been removed. Photographs were provided, with the email correspondence to demonstrate such.

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Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

3. Services and Equipment

- 3A. Fire Hydrants – Clause E1D2 of the NCC requires a building having a total floor area greater than 500m² to be provided with a fire hydrant system installed in accordance with Australian Standard (AS) 2419.1. Currently no such system is installed within the building and it is unclear whether compliant coverage is provided from the street hydrant system.

The following items were identified at the time of the inspection on 15 May 2024:

4. Essential Fire Safety Measures

4A. The Automatic Fire Detection and Alarm System:

- A. The Fire Brigade Panel (FBP) - There were no system faults or other issues observed and the system appeared normal operation.

It is noted that a new FBP had been installed, since the previous inspection on 19 March 2024.

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

RECOMMENDATIONS

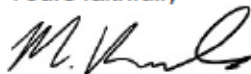
FRNSW recommends that Council:

- a. Review item 1 through to item 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.

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 BFS24/1336 (34141) & BFS24/2687 (35351) regarding any correspondence concerning this matter.

Yours faithfully



Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit