

Attachment C

**Inspection Report
184-196 Elizabeth Street, Sydney**

184 - 196 Elizabeth Street Sydney



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Notes

5/09/2024

**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 3211352

Officer: Chi Lam

Date: 5 September 2024

Premises: 184 – 196 Elizabeth Street, Sydney

Executive Summary:

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

The premises consists of a five-storey mixed-use building known as Veriu Central Hotel with adjacent cafés, restaurants and shops on the ground floor. The premises has two street frontages, one facing Elizabeth Street and the other facing Wentworth Avenue.

The building is listed as a local heritage item and has an effective height of less than twenty-five metres. The premises has undergone number of internal renovations over the years. The most recent approved development application (DA) for internal renovation of the hotel section was in 2013(D/2013/592).

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

- (i) A lack of adequate facilities for firefighting relating to FRNSW operational concerns regarding the sprinkler system;
- (ii) Lack of suitable smoke proof construction to prevent the spread of smoke,

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a Notice of Intention to issue a fire safety order has been 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 any combustible composite cladding on the façade of the building.

Chronology:

Date	Event
25 July 2024	FRNSW correspondence received regarding premises [Veriu Central Hotel – 75 Wentworth Avenue Sydney, 184 – 196 Elizabeth Street, Sydney].
9 Aug 2024	The hotel was constructed circa 1900s. Over time, numerous fire safety measures have undergone renovation and upgrade.
14 Aug 2024	An inspection of the subject premises was undertaken by Council investigation officer in the presence of the hotel manager and fire contractors which revealed the following; <ul style="list-style-type: none">• A compliant Annual Fire Safety Statement was prominently displayed in the building• No fault on the Fire Brigade Panel was observed• Hydrant block plan was installed• A sprinkler block plan was installed• Evacuation plans were installed in the common areas & in rooms

Date	Event
	<ul style="list-style-type: none"> Egress paths appeared tidy and free of objects that might obstruct or impede the path of travel Council officer verified that sprinkler booster connections were located inside the reception areas as stated in FRNSW correspondence Inspection revealed that public corridors on the residential levels appeared greater than 40m with no smoke separation as mentioned in FRNSW correspondence Emergency lighting was provided in the fire stairs. The hotel manager advised that during a recent upgrade, some new lights were installed, making the old ones redundant. These redundant old lights were decommissioned but had not been removed
27 Sept 24	Notice of Intention to issue an order given.

FIRE AND RESCUE NSW REPORT:

References: [BFS24/1321 (34128) D24/83658; Council Trim reference 2024/431883]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving correspondence concerning provision for fire safety 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.	Automatic Fire Detection and Alarm System	
	<p>Fire Brigade Panel (FBP) - The FBP was displaying one (1) fault identified as "Zone 002 – L5D10 – Above Reception".</p> <p>The Assistant Hotel Manager was present at the time of the inspection and explained that the fault related to current works being undertaken to install a new A/C unit. FRNSW were advised that the issues would be resolved as part of the works.</p> <p>FRNSW received confirmation on 13 June 2024 that the fault to the FBP had been repaired.</p> <p>Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.</p>	<p>No action is required by the City</p> <p>Noted - At the time of Council inspection, no fault was observed on the FBP.</p>
1B.	Automatic Fire Suppression Systems (Sprinkler System)	
i,	Sprinkler Booster – The booster connections are located inside, in the reception area of the premises, in a position that is not readily accessible to fire brigade personal, contrary to the requirements of Clause 4.4.3 of AS 2118.1-1999 which requires booster connections to be located outside the building.	This matter has been addressed under the Notice of Intention to Give a Fire Safety Order.
ii.	Sprinkler Booster – The booster inlet connections are positioned perpendicular to the enclosure opening and obstructed by the sprinkler drainage pipework. In this regard, firefighters are likely to have difficulty connecting to the inlets when boosting the system.	This matter has been addressed under the Notice of Intention to Give a Fire Safety Order.

Ref.	Issue	City response
1C.	Fire Doors	
i.	<p>The fire doors from the hotel lobby to the southwestern fire stairs and northwestern fire passageway were found chocked in the open position and preventing the doors from self-closing, contrary to the requirements of C4D9 of the NCC and AS1905.1.</p> <p>FRNSW advised Assisted Hotel Manager to have the chocks removed from the fire doors to ensure the doors were able to self-close and latch.</p> <p>Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.</p>	<p>No action is required by the City</p> <p>Council inspection did not reveal any doors being chocked open</p>
ii.	<p>The fire door from the hotel lobby to the southwestern fire stairs was found with a damaged magnetic hold open device and had not been maintained, contrary to the requirements of C4D9 of the NCC and Section 81 of the EPAR 2021.</p>	<p>No action is required by Council.</p> <p>Council inspection revealed that the damaged magnetic hold open device was fixed.</p>
iii.	<p>Multiple door jambs with door tags fixed to them, were found without fire doors installed, throughout the residential levels of the hotel. In this regard, it appears the doorways may be required to have fire rated doorsets installed in accordance with AS1905.1 and Specification 12 of the NCC.</p>	<p>Noted.</p> <p>Council inspection did not reveal any fire doors missing. Notwithstanding this matter has been addressed under the Notice of Intention to Give a Fire Safety Order.</p>
2.	Egress	
2A.	<p>Multiple artificial lighting fittings throughout the fire stairs and residential levels of 'the premises' were not operating or missing, contrary to the requirements of Clause F6D5 of the NCC.</p>	<p>Noted.</p> <p>Council inspection revealed light fittings in question were redundant as new lighting had been installed. The redundant light fittings had not been removed.</p> <p>The matter regarding the redundant light fittings has been addressed under the Notice of Intention to Give a Fire Safety Order.</p>
2B.	<p>The northeastern fire stairs and passageway was found storing cleaning trolleys, linen bags and general cleaning items which were obstructing the exit which would likely</p>	<p>No action is required by the City.</p>

Ref.	Issue	City response
	<p>impede the safe evacuation of persons in the event of an emergency, contrary to the requirements of Section 109 of EPAR 2021.</p> <p>The Assistant Hotel Manager advised that the exit would be cleared immediately.</p> <p>FRNSW received confirmation on 13 June 2024 that the fire stair/passageway had been cleared.</p> <p>Notwithstanding this, it would be at Council’s discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.</p>	<p>Council inspection revealed that the egress paths were clear and hotel manager confirmed staff had been instructed to not leave items in egress paths.</p>
3.	Compartmentation and Separation	
3A.	<p>Public corridor in Class 2 and 3 buildings – The public corridors on the residential levels appear to be more than 40m in length and are not divided with smoke proof walls and smoke doors, contrary to the requirements of Clause C3D15 of the NCC.</p>	<p>Noted</p> <p>Council inspection revealed that public corridors on the residential levels appeared greater than 40m with no smoke separation as mentioned in FRNSW correspondence</p> <p>This matter has been addressed under the Notice of Intention to Give a Fire Safety Order.</p>

FRNSW Recommendations

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

1. Review items 1 to 3 of this report and conduct an inspection
 2. Address any other deficiencies identified on the “the premises”
 3. 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
-

COUNCIL INVESTIGATION 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)
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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 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.

NOI was issued on 27 September 2024.

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.

Trim Reference: 2024/511650

CSM reference No#: 3211352

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File Ref. No: BFS24/1321 (34128)
TRIM Ref. No: D24/83658
Contact: Matthew Warbrick

15 July 2024

General Manager
Council of the City of Sydney
GPO Box 1591
SYDNEY NSW2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir Madam,

**Re: 9.32 INSPECTION REPORT
VERIU CENTRAL HOTEL
75 WENTWORTH AVENUE SYDNEY("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 12 June 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated in part that:

The fire door between the reception area and the emergency staircase was consistently propped open morning, afternoon and night. The door lead directly onto the staircase that went to every floor of the building. This is despite the door itself having a sign on it stating that it must not be propped open. The door itself had clearly had a magnetic closer on it at some point but this had been broken off. The hotel reception staff were using doorstops to hold it open.

On more than one occasion I actually kicked the doorstop away so that the door would close. The reception staff were routinely propping the door open. On one occasion (evening of Thurs 29 Feb) I actually challenged a member of the reception staff as I saw him placing a doorstop on the door as I walked up the stairs. I pointed to the sign on the door that states 'Do Not Keep Open' and asked him why he was ignoring it. I was somewhat appalled by his response to my question which was 'don't worry, it's just incase people don't want to use the lift'.

Fire and Rescue NSW

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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 27 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.
- 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.
- Possible nonconformities identified in the report relate to the National Construction Code 2022, Volume 1 Building Code of Australia (NCC), provisions for fire safety and fire safety equipment. 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.

COMMENTS

The following items were identified during the inspection.

1. Essential Fire Safety Measures

1A. Automatic Fire Detection and Alarm System -

Fire Brigade Panel (FBP) - The FBP was displaying one (1) fault identified as "Zone 002 – L5D10 – Above Reception".

The Assistant Hotel Manager was present at the time of the inspection and explained that the fault related to current works being undertaken to install a new A/C unit. FRNSW were advised that the issues would be resolved as part of the works.

FRNSW received confirmation on 13 June 2024 that the fault to the FBP had been repaired.

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

1B. Automatic Fire Suppression Systems (Sprinkler System) -

- i. Sprinkler Booster – The booster connections are located inside, in the reception area of the premises, in a position that is not readily accessible to fire brigade personal, contrary to the requirements of Clause 4.4.3 of AS 2118.1-1999 which requires booster connections to be located outside the building.
- ii. Sprinkler Booster – The booster inlet connections are positioned perpendicular to the enclosure opening and obstructed by the sprinkler drainage pipework. In this regard, firefighters are likely to have difficulty connecting to the inlets when boosting the system.

1C. Fire Doors -

- i. The fire doors from the hotel lobby to the southwestern fire stairs and northwestern fire passageway were found chocked in the open position and preventing the doors from self-closing, contrary to the requirements of C4D9 of the NCC and AS1905.1.

FRNSW advised Assisted Hotel Manager to have the chocks removed from the fire doors to ensure the doors were able to self-close and latch.

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

- ii. The fire door from the hotel lobby to the southwestern fire stairs was found with a damaged magnetic hold open device and had not been maintained, contrary to the requirements of C4D9 of the NCC and Section 81 of the EPAR 2021.
- iii. Multiple door jambs with door tags fixed to them, were found without fire doors installed, throughout the residential levels of the hotel. In this regard, it appears the doorways may be required to have fire rated doorsets installed in accordance with AS1905.1 and Specification 12 of the NCC.

2. Egress

- 2A. Multiple artificial lighting fittings throughout the fire stairs and residential levels of 'the premises' were not operating or missing, contrary to the requirements of Clause F6D5 of the NCC.
- 2B. The northeastern fire stairs and passageway was found storing cleaning trolleys, linen bags and general cleaning items which were obstructing the exit which would likely impede the safe evacuation of persons in the event of an emergency, contrary to the requirements of Section 109 of EPAR 2021.

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The Assistant Hotel Manager advised that the exit would be cleared immediately.

FRNSW received confirmation on 13 June 2024 that the fire stair/passageway had been cleared.

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. Compartmentation and Separation
 - 3A. Public corridor in Class 2 and 3 buildings – The public corridors on the residential levels appear to be more than 40m in length and are not divided with smoke proof walls and smoke doors, contrary to the requirements of Clause C3D15 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.

Please do not hesitate to contact Matthew Warbrick 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 BFS24/1321 (34128) regarding any correspondence concerning this matter.

Yours faithfully



Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit