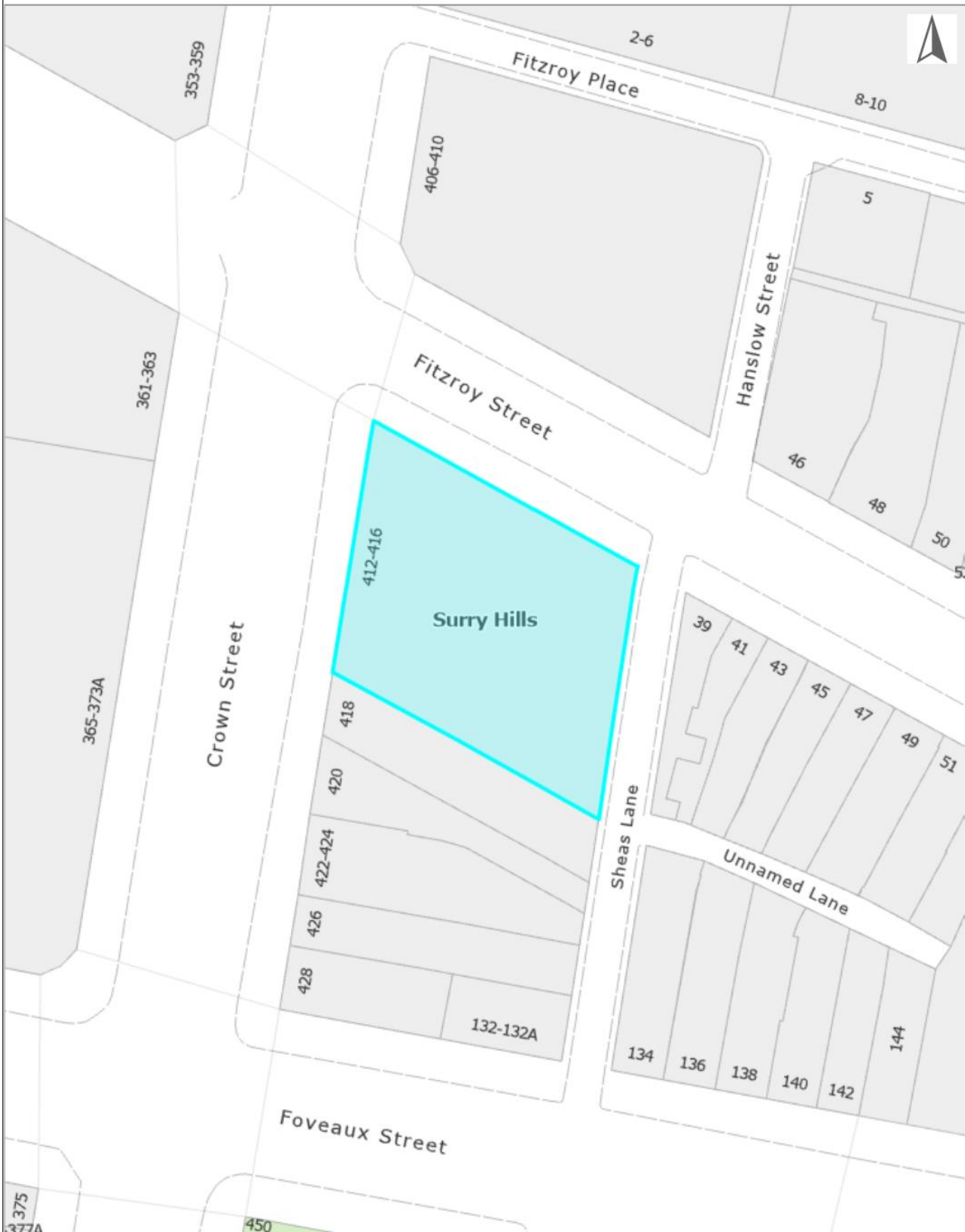


Attachment C

**Inspection Report
412-416 Crown Street, Surry Hills**



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Notes

4/12/2024

**City of Sydney 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 3255086

Officer: Arfan Chaudhary

Date: 2 January 2025

Premises: 412-416 Crown Street, Surry Hills NSW 2010

Executive Summary:

The City of Sydney ('the City') received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 15 November 2024 with respect to matters of fire safety.

The premises consists of a three-storey building known as the Dolphin Hotel. The hotel is contained within the site which originally consisted of 412-414 Crown Street, however the hotel expanded during 1995 and acquired 416 Crown Street. The three-storey inter war free classical style building located at 412-414 Crown Street is a listed heritage item located within the Bourke Street North Conservation Area and the Crown Street heritage streetscape.

The hotel contains a gaming room, bottle shop, pool room, restaurant, bar and storage areas at ground level. A dining area, kitchen and staff offices are located at mezzanine level. A bar, lounge and terrace are located on the first floor. The terrace fronts Crown Street and a void is in the centre of the first floor. A function room and toilets are located at the second level. There are four public entrances to the hotel, three on Crown Street and one via Fitzroy Street.

An inspection of the premises undertaken by the City's investigation officer on 3 December 2024 in the presence of the hotel manager and director of the premises revealed that the premises are deficient in fire safety and egress provisions in the following areas:

1. A lack of adequate facilities for firefighting.
2. Suitable fire resisting construction to prevent the spread of fire.
3. Safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire.

As the City's investigations have revealed that the premises are deficient in the provisions for fire safety, a Notice of Intention to issue a fire safety order was issued on 8 January 2025 under Schedule 5 of the Environmental Planning and Assessment Act, 1979. This will ensure and promote adequate facilities for fire safety and 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
15 November 2024	FRNSW correspondence received regarding premises 412-416 Crown Street, Surry Hills. The correspondence was initiated by a complainant concerning fire safety and a FRNSW inspection on 6 November 2024. The correspondence stated, <i>"The correspondence identified in part, concerns with inadequate emergency exits and emergency management of the venue."</i>
3 December 2024	An inspection of the subject premises was undertaken by a City investigation officer on 3 December 2024, with the hotel manager and director. The following items were noted: 1. The internal doors providing access to pumproom was not fitted with a lock compatible with FRNSW access key (003 key). 2. A location plate to identify the location of the sprinkler control valve was not fixed on the outside wall near the sprinkler valve room. 3. Signage stating "Fire Panel" to identify the location of the Fire Brigade Panel (FBP) was not provided on the room doors. 4. The FBP was in a room containing the sprinkler pump/control valves, contrary to AS1670.1-2018. 5. At the time of the inspection, the paths of travel leading to the fire exits, along with the fire exits and fire exit doors were all clear and unobstructed. 6. A space beneath the non-fire-isolated stair on the ground floor was enclosed to form a cupboard and did not appear to consist of fire rated walls and ceiling. 7. The unobstructed width of the stairway connecting levels 1 & 2 did not appear to achieve a width of 1m. 8. A non-continuous handrail installed to the stairway connecting levels 1 & 2 was not compliant with the requirements of the current NCC. 9. Level 2 of the building is not provided with a stairway which provides a continuous means of travel by its own flights and landings to the level providing egress to a road or open space. 10. The ground floor bar area contains fabric cloth and foam which has been wrapped around columns and fixed to the walls and ceilings. It is not known if the installation of the cloth has been appropriately assessed under any development approval for fit out works to the premises. 11. The fire indicator panel (FIP) did not show any faults. 12. The building occupant warning system did not display any fault. 13. The building contains a code compliant automatic fire suppression system (sprinklers) which can be used by occupants of the building to fight a potential fire in the building.

Date	Event
	14. The fire safety statement displayed at the premises was last year's annual statement and needs to be replaced by the latest certified annual statement. 15. Other fire safety measures in the building appeared to be adequately maintained. Issues specifically raised by FRNSW and responses to those issues, are summarised in the following table.
8 January 2025	A Notice of Intention (NOI) to give a Fire Safety Order has been issued. File Number: FIRE/2025/1

FIRE AND RESCUE NSW REPORT:

References: FRN24/2892 BFS24/6192 - 8000038257; 2024/672382

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry concerning the adequacy of the provision for fire safety in connection with "the premises".

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

Ref.	Issue	City response
	Essential Fire Safety Measures	
	Fire Sprinkler System	
1.	The sprinkler pumphouse contains the sprinkler pumpset, control valve, booster connection and fire brigade panel (FBP).	Noted. No action required to address this comment.
A.	The internal doors providing access to pumphouse was not fitted with a lock compatible with FRNSW access key (003 key).	This issue has been addressed by the NOI issued on 8 January 2025.
B.	Signage to identify the location of the sprinkler control valve is not provided, contrary to the requirements of Clause 8.4 of AS 2118.1-2017	This issue has been addressed by the NOI issued on 8 January 2025.
C.	Signage stating "Fire Panel" to identify the location of the FBP has not been provided on the room doors, contrary to the requirements of Clause 3.9.2 of AS 1670.1-2018.	This issue has been addressed by the NOI issued on 8 January 2025.
D.	The FBP is located in a room containing the sprinkler pump/control valves, contrary to Clause 3.9.1 of AS1670.1-2018.	The fire indicator panel installed in the sprinkler valve room is in accordance with AS 1670.1 – 1995 (Trim: 2011/182690). However, a mimic panel was not installed within the main entrance area. This issue has been addressed by the NOI issued on 8 January 2025.
	Exits	
2.	The exit door adjacent to the main bar was blocked by furniture and obstructing access to the fire exit, contrary to the requirements of Section 109 of the EPAR 2021. In this regard, the exit was cleared by the Bar Manager at the time of the inspection.	At the time of inspection, the main bar area was not blocked, addressing this issue.

Ref.	Issue	City response
	Furthermore, Authorised Officers of FRNSW discussed with the Bar Manager their responsibility to ensure paths of travel to exits and fire exits remain clear at all times.	
3.	Exit doors discharging at ground level were observed containing lockable pad bolts and slide bolts capable of interfering with the operations of the exit door, contrary to the Section 109 of the EPAR 2021.	This issue has been addressed by the NOI issued on 8 January 2025.
4.	A space beneath the non-fire-isolated stair on the ground floor was enclosed to form a cupboard and did not appear to consist of enclosing walls and ceiling achieving an FRL of not less than 60/60/60 and a self-closing -/60/30 fire door, contrary to the requirements of Clause D3D9(2) of the NCC.	This issue has been addressed by the NOI issued on 8 January 2025.
5.	The unobstructed width of the stairway connecting levels 1 & 2 appears to achieve a width of less than 1m, contrary to the requirements of Clause D2D8 of the NCC.	P/2013/2232 (Construction Certificate) refers that the building has two stairways connecting level 1 and 2, and 4 exits at ground floor. An automatic fire suppression (sprinkler) system is also installed in the building, which greatly reducing risk of fire spread. Considering the current exit layout and provision of a sprinkler system, the building occupants will have sufficient means to exit the building without delay in a fire situation, addressing this issue.
6.	A non-continuous handrail is installed to the stairway connecting levels 1 & 2, contrary to the requirements of Clause D3D22 (1)(e) of the NCC.	This issue has been addressed by the NOI issued on 8 January 2025.
7.	Level 2 of the building is not provided with a stairway which provides a continuous means of travel by its own flights and landings to the level providing egress to a road or open space, contrary to the requirements of Clause D2D14 of the NCC.	P/2013/2232 (Construction Certificate) refers that the building has two stairways connecting level 1 and 2, and 4 exits at ground floor. Considering the current exit numbers and provided sprinkler system, the building occupants will have sufficient means to exit the building without delay in a fire situation, addressing this issue
	General	
8.	The ground floor bar area contains fabric cloth and foam which has been wrapped around columns and fixed to the walls and ceilings. It is not known if the installation of the cloth has been appropriately assessed under any development approval for fit out works to the premises. In this regard, further investigation may be required to determine if the fabric cloth, foam and attachment method meets the requirements of Clause C2D11 and Specification 7 of the NCC with respect to their fire hazard properties.	The extensive installation of fabric cloth in the ground floor area has the potential to create a fire hazard. The NOI issued on 8 January 2025 has requested the owners demonstrate the cloth does not create a hazard. If this cannot be demonstrated, the owners will be required to remove the cloth.

Ref.	Issue	City response
	Furthermore, the fabric cloth has the potential to hinder the operation of the sprinkler heads and emergency lighting in the main bar area.	

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

FRNSW recommends that Council review items 1 to 8 of this report, conduct an inspection, and address any other deficiencies identified on “the premises”.

OFFICER RECOMMENDATIONS:

Issue Order	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issue The City correspondence	Continue with compliance actions under the current Order	Other (to specify)
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As a result of the investigation undertaken by the City’s investigation officer it was determined that concern for public safety required the giving of a NOI to issue a fire safety order under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979.

The NOI was issued on 8 January 2025. It is recommended that the City exercise its power to issue a Fire Safety Order following the expiry of the representation period of the NOI, and consideration of any representations received, to ensure suitable fire safety systems are in place throughout the building to provide improved and adequate provisions for fire safety.

It is recommended that the Commissioner of FRNSW be advised of the City’s actions and determination.

OFFICIAL



File Ref. No: FRN24/2892 BFS24/6192 - 8000038257
TRIM Ref. No: D2024/134854
Contact: Matthew Warbrick

15 November 2024

General Manager
Council of the City of Sydney
GPO Box 1591
Sydney NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir Madam,

**Re: 9.32 INSPECTION REPORT
THE DOLPHIN HOTEL
412 – 416 CROWN STREET SURRY HILLS ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 23 September 2023 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence identified in part, concerns with inadequate emergency exits and emergency management of the venue.

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 6 November 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 building 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 at the time of the inspection.

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

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COMMENTS

Items identified in this 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, form part of a management in use policy/procedure that is approved by council 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.

Fire Sprinkler System

1. The sprinkler pumproom contains the sprinkler pumpset, control valve, booster connection and fire brigade panel (FBP). In this regard, the following was observed:
 - a. The internal doors providing access to pumproom was not fitted with a lock compatible with FRNSW access key (003 key).
 - b. Signage to identify the location of the sprinkler control valve is not provided, contrary to the requirements of Clause 8.4 of AS 2118.1-2017
 - c. Signage stating "Fire Panel" to identify the location of the FBP has not been provided on the room doors, contrary to the requirements of Clause 3.9.2 of AS 1670.1-2018.
 - d. The FBP is located in a room containing the sprinkler pump/control valves, contrary to Clause 3.9.1 of AS1670.1-2018.

Exits

2. The exit door adjacent to the main bar was blocked by furniture and obstructing access to the fire exit, contrary to the requirements of Section 109 of the EPAR 2021. In this regard, the exit was cleared by the Bar Manager at the time of the inspection.

Furthermore, Authorised Officers of FRNSW discussed with the Bar Manager their responsibility to ensure paths off travel to exits and fire exits remain clear at all times.

3. Exit doors discharging at ground level were observed containing lockable pad bolts and slide bolts capable of interfering with the operations of the exit door, contrary to the Section 109 of the EPAR 2021.
4. A space beneath the non-fire-isolated stair on the ground floor was enclosed to form a cupboard and did not appear to consist of enclosing walls and ceiling achieving an FRL of not less than 60/60/60 and a self-closing -/60/30 fire door, contrary to the requirements of Clause D3D9(2) of the NCC.

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5. The unobstructed width of the stairway connecting levels 1 & 2 appears to achieve a width of less than 1m, contrary to the requirements of Clause D2D8 of the NCC.
6. A non-continuous handrail is installed to the stairway connecting levels 1 & 2, contrary to the requirements of Clause D3D22 (1)(e) of the NCC.
7. Level 2 of the building is not provided with a stairway which provides a continuous means of travel by its own flights and landings to the level providing egress to a road or open space, contrary to the requirements of Clause D2D14 of the NCC.

General

8. The ground floor bar area contains fabric cloth and foam which has been wrapped around columns and fixed to the walls and ceilings. It is not known if the installation of the cloth has been appropriately assessed under any development approval for fit out works to the premises.

In this regard, further investigation may be required to determine if the fabric cloth, foam and attachment method meets the requirements of Clause C2D11 and Specification 7 of the NCC with respect to their fire hazard properties. Furthermore, the fabric cloth has the potential to hinder the operation of the sprinkler heads and emergency lighting in the main bar area.

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

RECOMMENDATIONS

FRNSW recommends that Council review items 1 to 8 of this report, conduct an inspection, and 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 FRN24/2892 BFS24/6192 - 8000038257 regarding any correspondence concerning this matter.

Yours faithfully



Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit