

Attachment D

**Inspection Report
107-109 Darlinghurst Road, Potts Point**

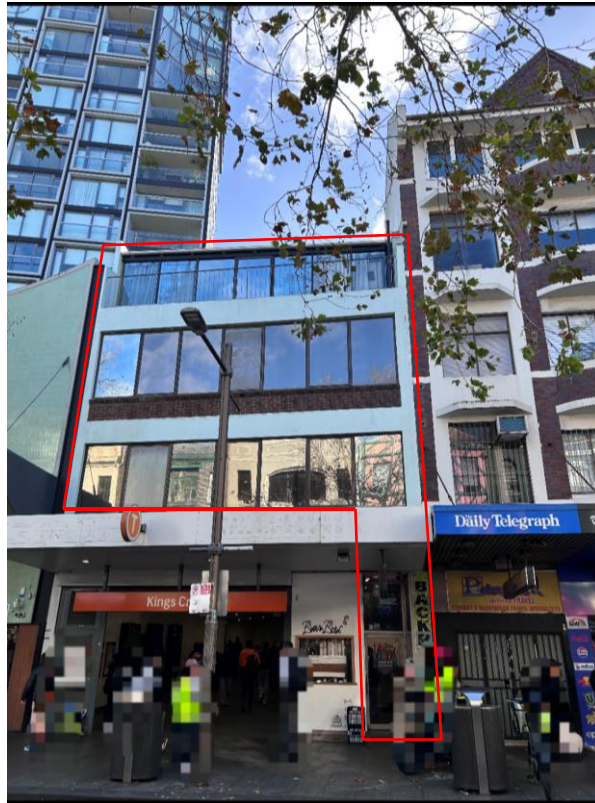


Figure 1: 107-109 Darlinghurst Road, Potts Point, viewed from the east, outlined in red

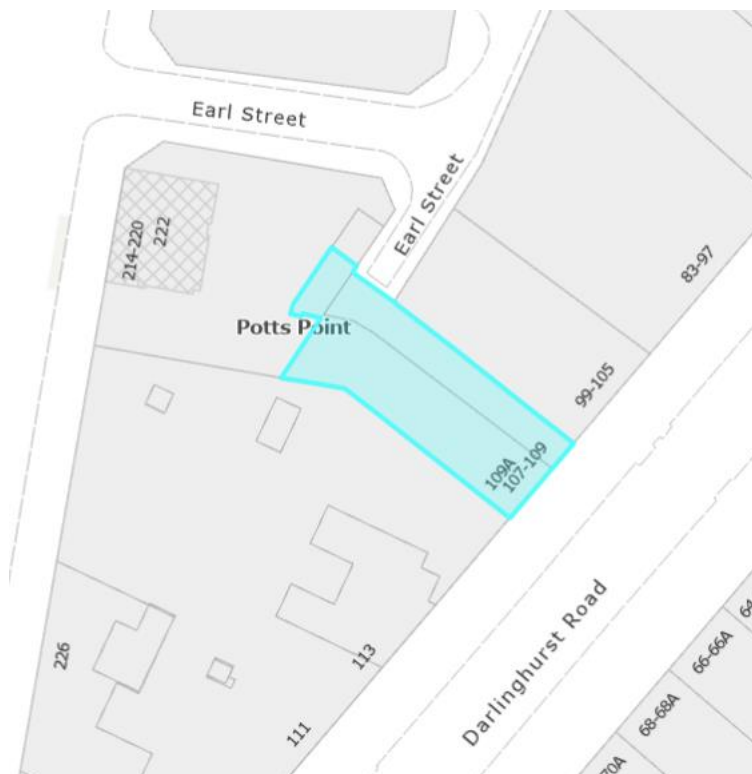


Figure 2: Location map of 107-109 Darlinghurst Road, Potts Point

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)

Officer: T. Zeljkovic

Date: 19 July 2025

Premises: 107-109 Darlinghurst Road, Potts Point

Executive Summary

1. The City received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 3 July 2025 with respect to matters of fire safety.
2. The premises consists of a four storey building, used for backpacker accommodation (Urban Nomad), located above Kings Cross railway station entry.
3. The property was inspected on 18 July 2025, by Council's fire safety officer and the operator/manager. This inspection identified fire safety provisions requiring maintenance, which can be addressed under the City's instruction.

Chronology

Date	Event
16 July 2025	FRNSW correspondence received
18 July 2025	The City inspected the premises
29 July 2025	A corrective action letter was issued, requiring maintenance, new signage and review of roof top fire systems.

Fire and Rescue NSW Report

4. Fire and Rescue NSW conducted an inspection of the subject premises on 27 June 2025.

Issues

5. The report from Fire and Rescue NSW detailed issues as shown in the table below.

Ref.	Issue	City response
	Provisions for Fire Safety	
	Fire Hose Reels (FHR)	
1	Basement level - FHR obstructed by stored items, contrary to Clause 10.1 of Australian Standard (AS) 2441-2005	Rectified prior to the inspection
2	Level 1 - FHR obstructed by stored items, contrary to Clause 10.1 of AS 2441-2005	Rectified prior to the inspection
3	Roof top - FHR cabinet signage not present, contrary to Clause 10.4.4 of Australian Standard (AS) 2441-2005	Corrective action letter issued on 29 July 2025, requiring a fire safety practitioner to install cabinet signage
	Smoke Detection and Alarm System (SDAS)	
4	Roof top- did not contain Building Occupant warning system (BOWS) speaker, contrary to National Construction Code 2022 (NCC), volume 1 of Building Code of Australia (BCA)	Compliance letter sent, requiring a fire safety practitioner to check compliance, install speaker
5	Level 3 - Smoke detectors were covered by rubber gloves, contrary to AS1670.1-2018	Rectified prior to inspection
6	Fire Indicator Panel (FIP)- contained a handwritten instruction on isolating the FIP	Rectified prior to inspection, compliance letter sent, limiting external notes /panel isolations
	Access and Egress	
7	Paths of travel leading to exits were obstructed by stored items, contrary to Section 108 of the environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021), in following locations:	
i.	Rear of reception counter	Rectified prior to the inspection, Compliance letter sent – requiring additional “No storage” signage

Ref.	Issue	City response
ii.	Basement storage room , - 1m path and not maintained, contrary to D2D8 of NCC	Rectified prior to the inspection, Compliance letter sent – requiring “No storage” signage. Width of path as built - employee access only
iii.	Laundry room – stored laundry bags stored within pathway	Rectified prior to the inspection, Compliance letter sent – requiring additional “No storage” signage.
iv.	Adjacent to room 101- stored Bicycle Food delivery bags within hall pathway	Rectified prior to the inspection, Compliance letter sent – requiring additional “No storage” signage.
v.	Level 2 – various items stored within hall pathway	Rectified prior to the inspection, Compliance letter sent – requiring additional “No storage” signage.
	Fire Resistance	
	Compartmentation and Separation	
8	Multiple Fire door failed to return to fully closed position, contract to clause C4D6 of NCC 2022, to following areas:	Compliance letter sent, requiring an Accredited Fire Safety Practitioner (AFSP) to audit all egress doors, within the building.
i.	Basement Storage room - double door	Repairs being conducted
ii	Reception counter - rear double door	Repairs being conducted
iii.	Level 3 kitchen - communal door	Repairs being conducted
9	Roof top door- failed to self close and FRNSW observed door being chocked open	Repairs being conducted
	General	
10	Basement level – a single pod, accommodation observed by FRNSW	Rectified prior to the inspection, pod bed removed

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

Council Investigation Officer Recommendations

7. As a result of site inspections undertaken by the Council investigation officer a corrective action letter was issued on 29 July 2025 to the building owners to address the fire safety deficiencies identified by the City and FRNSW and must be completed by the 18 October 2025.
8. It is recommended that the Commissioner of FRNSW be informed of the City's decision.

OFFICIAL



File Ref. No: FRN23/3490 - BFS25/4138 - 8000043365
TRIM Ref. No: D25/75425
Contact: Station Officer Kurt Ingle

3 July 2025

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

**Re: INSPECTION REPORT
URBAN NOMADS
107-109 DARLINGHURST ROAD POTTS POINT ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 23 June 2025 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated in part that:

- *Summary of Fire Safety Breaches*
- *Out-of-date and improperly placed fire equipment. Fire extinguishers and alarm systems were often expired or had not undergone routine inspections. Equipment was either missing, not installed in proper locations, or obstructed in a way that made it unusable during an emergency.*
- *Inaccessible fire exits and structural hazards. Fire exits were frequently blocked due to the structure of the building and the hoarding of excessive rubbish, particularly in the emergency stairwell, which was routinely used as a storage area.*
- *Deliberate deactivation of the fire alarm system. On 19 January 2025, [REDACTED] to fully disarm the fire panel system. This was done in frustration over fines related to fire safety alerts. [REDACTED] documented warning advising him not to proceed, the system was still deactivated under his direction.*

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

T (02) 9742 7434
F (02) 9742 7483

www.fire.nsw.gov.au

Page 1 of 5

OFFICIAL

OFFICIAL

- *The NSW Fire Brigade attended the property on this occasion and expressed concern that the business appeared complicit in unlawful conduct, having knowingly put occupants at risk.*
- *Lack of designated fire warden and denial of fire safety training. There was no appointed fire warden at the property during my time [REDACTED]; I personally requested on multiple occasions to be sent on an accredited fire safety training course, but these requests were ignored or denied.*
- *Selective compliance during official inspections. During fire safety checks or inspections by fire officers, management ensured that only certain rooms or areas were shown, which gave a misleading impression of overall compliance. Areas known to have safety issues were deliberately kept hidden from inspection.*
- *Non-compliant use of lithium battery e-chargers. Despite a clause in the lease prohibiting the use of lithium battery charging equipment, such devices are frequently used throughout the premises, often left unattended.*
- *Kitchen safety violations. The kitchen is overused and contains non-commercial grade appliances not suited to a high-capacity environment. Fire sensors in and around the kitchen area were tampered with on multiple occasions, reportedly under direct instruction from the business owner.*
- *Request for Immediate Investigation. Given the seriousness and willful nature of these breaches particularly the deactivation of the fire system and manipulation of inspections, i strongly urge your department to conduct a full and unannounced investigation into this property. I am prepared to provide supporting documentation, including emails, photographs, and written statements, to assist in your review. The ongoing conditions at this property represent an active threat to life safety. I believe urgent enforcement action is warranted to prevent potential harm to guests, staff, and nearby properties.*

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 June 2025.

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

OFFICIAL

The following items were identified during the inspection:

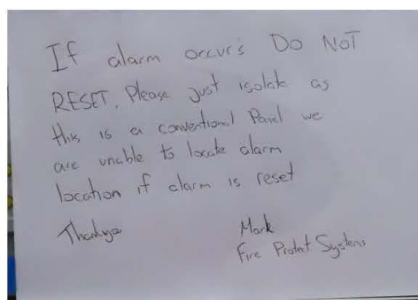
Provisions for Fire Safety

Fire Hose Reels

1. The fire hose reel in the basement storage room had access obstructed by stored items contrary to the requirements of Clause 10.1 of Australian Standard (AS) 2441–2005.
2. The fire hose reel on Level 1 had access obstructed by stored items contrary to the requirements of Clause 10.1 of AS 2441–2005.
3. The fire hose reel cabinet on the roof top area did not contain the words "FIRE HOSE REEL" on the cabinet contrary to the requirements of Clause 10.4.4 of AS 2441-2005.

Smoke Detection and Alarm System (SDAS)

4. The Building Occupant Warning System (BOWS) did not provide sound through all occupied areas contrary to the requirements of Specification S20C7 of the National Construction Code 2022, Volume 1 Building Code of Australia (NCC). The roof top area did not contain any speakers for the BOWS.
5. The smoke detectors within the communal kitchen on level 3 were covered by rubber gloves contrary to the requirements of AS 1670.1–2018.
6. The Fire Indicator Panel included a handwritten note from Mark from Fire Protect Systems (see below). FRNSW do not recommend the isolation of detectors that are able to be reset. Isolation of detectors renders that detector inoperable and will not operate the BOWS to warn occupants in the case of fire.



OFFICIAL

Access and Egress

7. Multiple paths of travel leading to a required exit were partially obstructed by stored items contrary to Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021). This included:
 - i. Stored items in the stairway towards the rear of the premises behind the reception counter.
 - ii. The basement storage room did not have the width of path of travel to an exit of 1m contrary to the requirements of Clause D2D8 of the NCC.
 - iii. Laundry bags stored within the path of travel near the laundry facilities in the basement.
 - iv. Bicycle food delivery bags stored in the hallway near room 101.
 - v. Various items stored in hallways of level 2.

Fire Resistance

Compartmentation and Separation

8. Multiple fire doors failed to return to the fully closed position contrary to the requirements of Clause C4D6 of the NCC 2022. FRNSW observed multiple self-closing devices had been disabled. This included:
 - i. The western double door into the basement storage room.
 - ii. The double door to the rear of the premises behind the reception counter.
 - iii. The door to the communal kitchen area on Level 3.
9. The fire door to the roof top area failed to return to the fully closed position, contrary to the requirements of Clause C4D6 of the NCC. FRNSW observed the door being chocked open. FRNSW have observed this on previous inspections, with management being advised the doors are to be closed at all times.

Generally

10. A single pod style accommodation had been set up in the basement level of the premises. FRNSW were advised that the pod was being reviewed to see if it could be used at the premises.

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

OFFICIAL

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 9 of this report and conduct an inspection.
- b. Double leaf doors providing egress to the stairs on the northern side of the building being provided with electromagnetic devices to permit automatic self-closing.
- c. 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 Station Officer Kurt Ingle 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 FRN23/3490 - BFS25/4138 - 8000043365 regarding any correspondence concerning this matter.

Yours faithfully



Paul Scott
Team Leader
Fire Safety Compliance Unit