

ATTACHMENT B

**COUNCIL OFFICER INSPECTION REPORT,
12-18 FORBES STREET, WOOLLOOMOOLOO**

12-18 Forbes Street, Woolloomooloo 'The Tilbury Hotel'



**Council investigation officer Inspection and Recommendation Report
S.121ZD of the Environmental Planning and Assessment Act 1979 (the Act)**

File: X013594

Officer: Chad Grant

Date: 15 February 2018

Premises: 12-18 Forbes Street, Woolloomooloo – The Tilbury Hotel

Executive Summary:

Council received correspondence dated 9 January 2018 from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety.

The premises consists of a two storey restaurant/bar known as the Tilbury Hotel owned and operated by Whitehouse Properties Pty Ltd.

The premises is not fitted with any form of external cladding.

The premises is configured as follows; the ground floor level contains a restaurant and bar. The first floor level of the building contains a bar area, office associated with the operation of the Tilbury Hotel and open deck area.

An inspection of the premises was undertaken by a Council Investigation Officer on the 11 January 2018 in the presence of a representative from the Tilbury Hotel. The inspection confirmed that the premises are generally equipped with various fire safety systems that would provide adequate provision for fire safety for occupants in the event of a fire and that the paths of travel to the required exits were unobstructed. However the inspection revealed that there was no Annual Fire Safety Statement prominently displayed and that additional exit and direction signs are required on the first floor to ensure exits are readily apparent to any persons occupying or visiting the building.

The building is listed on Council's essential services electronic register and is currently compliant.

The building's Manager has already been contacted regarding the insufficient exit and direction signs and is making arrangements to correct the issue.

It is considered that the above fire safety works are of a degree which can be addressed by corrective maintenance actions undertaken by the buildings fire service contractors through written instruction from Council.

Chronology:

Date	Event
9 January 2018	FRNSW correspondence received by Council regarding premises located at 12-18 Forbes Street.
11 January 2018	An inspection of the subject premises was undertaken by a Council Investigation Officer with a representative of the Tilbury Hotel. The inspection revealed a minor fire safety non-compliance which can be addressed through appropriate maintenance and management. Exit paths were clear and fully operational. The outcome of the inspection was discussed with the representative and Owners of the Tilbury Hotel following the inspection and they were advised that written advice on the findings would be issued in due course.
16 January 2018	A corrective action letter was issued to the Owners of the Tilbury Hotel requiring: a copy of the current Annual Fire Safety Statement to be prominently displayed in the building;

	Installation of additional directional signage in appropriate locations to clearly indicate the direction to the premises exit.
15 February 2018	An inspection of the subject premises was undertaken by a Council Investigation Officer. The inspection revealed that the annual fire certification was on display in accordance with the applicable regulative requirements and that contractors are presently on site and in the process of installing the additional emergency exit lighting.

FIRE AND RESCUE NSW REPORT:

References: D17/86047; 2018/010551

FRNSW conducted an inspection of the subject premises on the 9 December 2017. The inspection was conducted in the company of Officers from the NSW Police Force and City of Sydney Council.

Issues

FRNSW identified the following concerns:

1. A copy of the current Annual Fire Safety Statement was not prominently displayed;
2. Inadequate directional exit signage provided throughout the first floor level;
3. Ropes impede the path of travel to the required exits.

FRNSW Recommendations

FRNSW have recommended that Council:

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed;
2. FRNSW has recommended that as Council are the regulatory authority the matter is referred for Council to take action to have the abovementioned items appropriately addressed;
3. Advise them in writing of its determination in relation to this matter in accordance with the provisions of section 121ZD of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order (NOI)	Emergency Order	Compliance letter of instruction	Cited Matters rectified	Other (to specify)
-------------------	-----------------	----------------------------------	-------------------------	--------------------

As a result of site inspection undertaken by Councils Investigation Officer the owners of the building have been issued with written instructions to rectify the identified fire safety deficiency noted by Council.

The above correspondence has instructed the building management to carry out the following:

1. Ensure a copy of the current Annual Fire Safety Statement is prominently displayed in the building;
2. Install additional directional signage in appropriate locations to clearly indicate the direction to the premises exit.

Follow-up compliance inspections are currently being undertaken, and will continue to be undertaken by a Council Investigation Officer to ensure identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence occur.

It is recommended that Council do not exercise its powers to give an Order 6 at this time.

That the Commissioner of FRNSW be advised of Council's actions and outcomes.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2018/010551
A2.	Locality Plan	2018/017345
A3	Attachment cover sheet	2018/015055

Trim Reference: 2018/013090

CSM reference No#: 1829337



Fire & Rescue NSW

File Ref. No: BFS17/3003 (2245)
TRIM Ref. No: D17/86047
Contact: [REDACTED]

9 January 2018

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
'TILBURY HOTEL'
12-18 FORBES STREET, WOOLLOOMOOLOO ("the premises")**

Pursuant to the provisions of Section 119T(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 9 December 2017 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force and City of Sydney Council.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 119T(4) and Section 121ZD(1) of the EP&A Act. Please be advised that Section 121ZD(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

Unclassified

Fire & Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

Locked Bag 12
Greenacre NSW 2190

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

firesafety@fire.nsw.gov.au

Page 1 of 2

© Copyright State Govt NSW



COMMENTS

The following items were identified as concerns during the inspection:

1. Annual Fire Safety Statement (AFSS) – A copy of the current AFSS was not prominently displayed in the building, contrary to the requirements of Clause 177(3)(b) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).
2. Exit signs – Where an exit is not readily apparent to persons occupying or visiting the building, directional exit signs shall be installed in appropriate positions to indicate the direction to a required exit in accordance with Clause NSW E4.6 and Clause E4.8 of the National Construction Code Volume One Building Code of Australia (NCC). In this regard, it appears inadequate directional exit signage was provided throughout the first-floor level.
3. Path of travel to exits – There were sections on the first-floor that were 'roped-off' for private functions and when the ropes were in place impeded the free passage of persons along the path of travel to the required exits, contrary to the requirements of Clause 186 of the EP&A Regulation. It is noted that the ropes were removed by the Licensee [REDACTED] at the time of the inspection.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address item no. 1 through to item no. 3 of this report and any other deficiencies identified on 'the premises'.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Section 121ZD(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS17/3003 (2245) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]
Building Surveyor
Fire Safety Compliance Unit

Unclassified

Fire & Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

Locked Bag 12
Greenacre NSW 2190

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

firesafety@fire.nsw.gov.au

Page 2 of 2

© Copyright State Govt NSW

