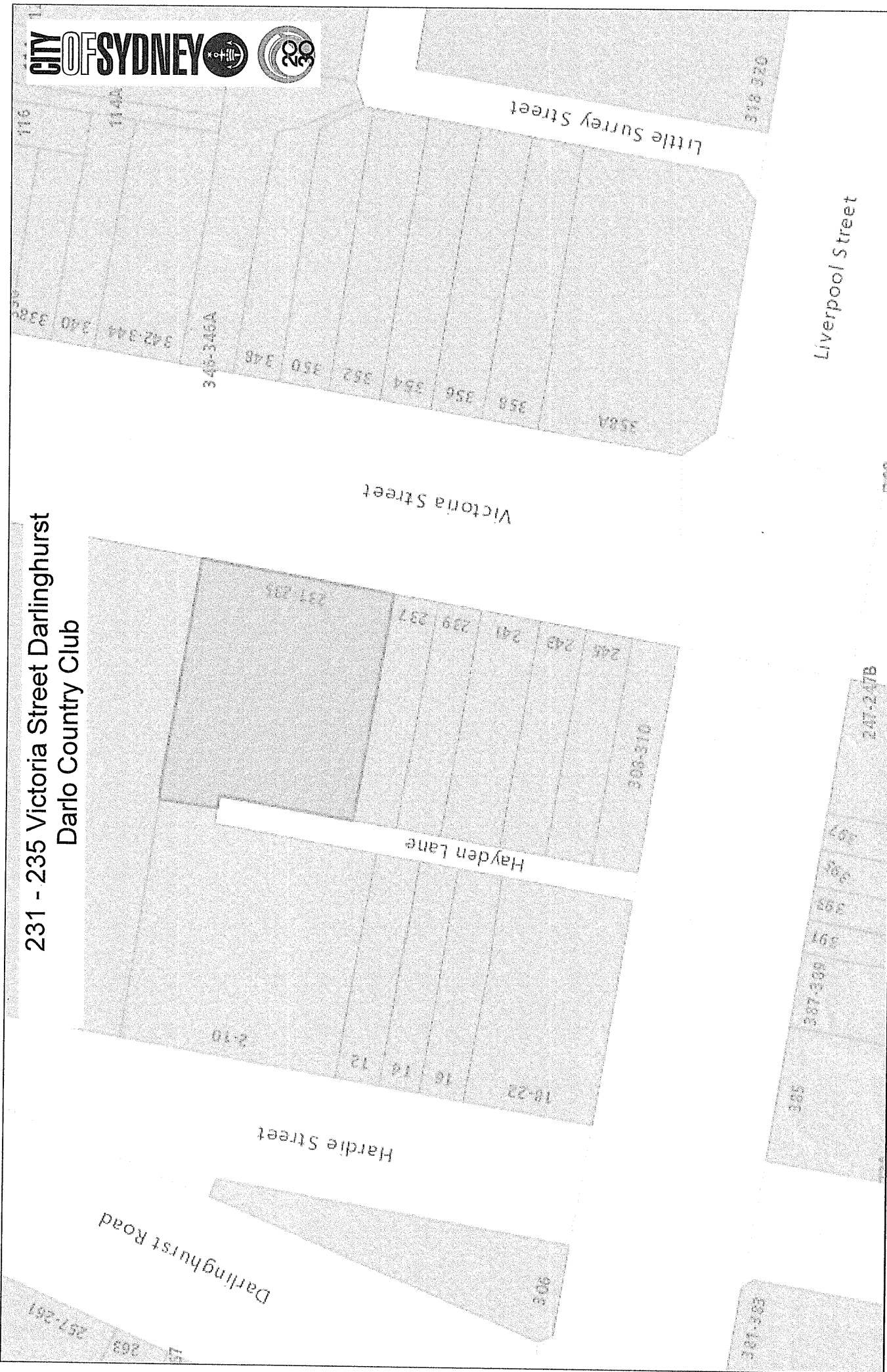


ATTACHMENT C

ATTACHMENT C

**COUNCIL OFFICER INSPECTION REPORT,
231-235 VICTORIA STREET, DARLINGHURST**

**231 - 235 Victoria Street Darlinghurst
Darlo Country Club**



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

File: CSM 1829255

Officer: Eyman Balta

Date: 19 January 2018

Premises: 231 - 235 Victoria Street Darlinghurst – Darlo Country Club

Executive Summary:

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

The premises is located at 231 - 235 Victoria Street Darlinghurst and comprises of a two storey retail building with the Darlo Country Club bar and restaurant located on the first floor level of the building.

The premises is configured as follows; the ground floor level contains a restaurant known as Lil Darlin, a retail bottle shop known as the Camperdown Cellars and an entrance lobby to the Darlo Country Club. The first floor level of the building contains the restaurant and bar known as the Darlo Country Club which is the subject of this report. The first floor level also contains a small mezzanine approximately 20m² in area that is used as an office associated with the operation of the Darlo Country Club.

A recent inspection of the premises was undertaken by a Council investigation officer in the presence of the building owner and the Darlo Country Club manager which confirmed that the premises are equipped with numerous fire safety systems that would provide adequate provision for fire safety for occupants in the event of a fire.

The building has a current Annual Fire Safety Statement which was on display within the premises at the time of inspection. The building is also listed on Council's essential services electronic register and is currently compliant.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to, 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 preventative and corrective maintenance actions undertaken by the owner's fire service contractor(s) through written instruction from Council.

Chronology:

Date	Event
09/01/2018	FRNSW correspondence received regarding the Darlo Country Club located at 231 - 235 Victoria Street Darlinghurst.
16/01/2018	An inspection of the subject premises was undertaken by a Council investigation officer in the presence of the building owner and the manager of the Darlo Country Club. The inspection revealed only minor non-compliances which can be addressed through appropriate maintenance and management. The outcomes of the inspection were discussed at the conclusion of the inspection with the building owner who was also advised that written advice on the findings would be issued in due course.

	A review of site drawings and site assessment has determined that the exit travel distance from the most disadvantaged point is approximately 17m.
	The exit has been determined to be in accordance with the National Construction Code Volume One, Building Code of Australia (NCC).
17/01/2018	A corrective action letter was issued to the owners of the subject premises

FIRE AND RESCUE NSW REPORT:

References: BFS17/3007 (2250) and D17/86130.

Fire and Rescue NSW in the presence of the NSW Police and Licenced Premises officers from the City of Sydney conducted an inspection of the subject premises on the 9 December 2017 as a part of a proactive joint inspection program of licenced premises in the City of Sydney local government area.

Issues

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

1. Inadequate exit and directional signage within the premises.
2. The non-compliant location of a fire hose reel within the premises.
3. The obstruction of access to portable fire extinguishers within the premises.

FRNSW Recommendations

FRNSW have made a number of 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. 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 Council investigation officers the owners of the building have been issued with written instructions to rectify the identified fire safety deficiencies noted by Council.

The above correspondence has instructed that the following matters be addressed:

1. To conduct corrective maintenance to the existing exit and directional signage;
2. Install additional directional signage in appropriate locations to indicate the direction to the premises exit.

3. Relocate the existing fire hose reel to a compliant location.
4. Remove obstructions to existing portable fire extinguishers.

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 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	2018/014223-01
A2.	Locality Plan	2018/014223-02
A3.	Attachment cover sheet	2018/014223-03

Trim Reference: 2018/014223

CSM reference No#: 1829255



Fire & Rescue NSW

File Ref. No: BFS17/3007 (2250)
TRIM Ref. No: D17/86130
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
'DARLO COUNTRY CLUB'
231-235 VICTORIA STREET, DARLINGHURST ("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 3

© Copyright State Govt NSW



COMMENTS

The following items were identified as concerns during the inspection:

1. Exit travel distances – The furthest point of the floor appears to be more than 20m from the single exit, contrary to the requirements of Clause D1.4(c) of the National Construction Code Volume One, Building Code of Australia (NCC).
2. Exit signs –
 - i. The exit signs installed throughout are permitted for areas of low illumination levels (i.e. theatres, cinemas, etc.). It is understood the premises is approved as a restaurant/ bar as part of its normal use, which is considered an area of normal illumination which would require standard internally illuminated exit signs in accordance with the requirements of Clause 6.4 of AS2293.1-2005.
 - ii. 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 NCC. In this regard, it appears inadequate directional exit signage was provided throughout.
3. Fire Hose Reels (FHR's) – The FHR was located at the far end of the kitchenette/storage area, in contravention with Clause E1.4 of the NCC and Clause 10.1 of AS2441-2005, which requires a FHR to be located within 4m of an exit, along the normal path of travel to an exit and in a readily accessible position. Furthermore, the FHR was obstructed by a shelving and other stored items, therefore restricting access and clearances to the FHR.
4. PFE's – Multiple PFE's were obstructed and not readily accessible in contravention with Clause 3.1 of Australian Standard AS2444-2001.

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. 4 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.

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 3

© Copyright State Govt NSW



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 BFS17/3007 (2250) for any future correspondence in relation to this matter.

Yours faithfully



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 3 of 3

© Copyright State Govt NSW

