

# **Attachment B**

**Council Officer Inspection Report,  
35-37 Bettington Street, Millers Point**

# 35-37 Bettington Street, Millers Point 'Hotel Palisade'



Windm

Dalgety Road

24A

Argyle Place

Hickson Road

Munn Street

Merriman Street

Rodens Lane

Bettington Street

Munn Reserve

32  
34  
36  
38  
40  
42  
44-46

31-33A

35

66 68

35-37

26 18-20 24

25



**Council investigation officer Inspection and Recommendation Report  
Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act  
1979 (the Act)**

**File: 2018/222749**

**Officer: Thomas Bowyer**

**Date: 1 May 2018**

**Premises: 35 - 37 Bettington Street, Millers Point**

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**Executive Summary:**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the premises 'Hotel Palisade' 35 Bettington Street, Millers Point with respect to matters of fire safety.

The premises consist of a 7 storey building used as a hotel. The building comprises a restaurant preparation room, storage and toilets in the basement, a bar and reception area on the ground floor, hotel suites from levels 1 to part of level 4 and a bar and restaurant on part level 4 and level 5.

The building is listed on the State Heritage Register and as a heritage item in the Sydney Local Environmental Plan 2012.

An inspection of the premises was undertaken by a Council investigation officer in the presence of the Hotel Licensee and a relevant fire systems contractor.

This inspection revealed there were no significant fire safety issues occurring within the building.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. The annual fire safety certification in Council's records is current as per the requirements of the Environmental Planning and Assessment Regulation 2000.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to (displaying fire safety statements, maintaining the detector system and providing maintenance books), 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.

Observation of the external features of the building did not identify the existence of metallic sheet cladding on the façade of the building.

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**Chronology:**

Date	Event
28/03/2018	FRNSW correspondence received regarding premises 35-37 Bettington Street, Millers Point (Hotel Palisade)
12/04/2018	An inspection of the subject premises was undertaken by a Council officer, when it was noted that' <ol style="list-style-type: none"><li>The annual fire safety statement (AFSS) was not on display in a prominent location at the premises;</li><li>The Fire Indicator Panel (FIP) displayed one fault for the basement area;</li></ol>



	<ul style="list-style-type: none"> <li>c. Portable fire extinguishers located throughout the premises were appropriately tagged showing current maintenance;</li> <li>d. Maintenance books were provided for the smoke detection and alarm system;</li> <li>e. No maintenance books were provided for the fire sprinkler system and fire hydrant system;</li> <li>f. LPG cylinders were located in the kitchen basement, contrary to the requirements of SafeWork NSW; and</li> <li>g. Other installed fire safety measures were considered to be adequately maintained.</li> </ul>
1/05/18	Corrective action letter sent to building owners, licensee and fire services contractor.
1/05/2018	Report prepared for Council meeting.

### **FIRE AND RESCUE NSW REPORT:**

References: BFS17/2966 (2122); TRIM D18/16402

Fire and Rescue NSW conducted an inspection of the subject premises at on 8 March 2018 after receiving an enquiry about detectors and LPG cylinders.

#### Issues

The report for FRNSW detailed:

1. That an Annual Fire Safety Statement (AFSS) was not displayed in a prominent position;
2. The Fire Indicator Panel (FIP) displayed alarms, faults and isolations;
3. Portable fire extinguishers did not appear to be undergoing routine maintenance;
4. Maintenance records could not be found for the smoke detector and alarm system, the sprinkler system and the hydrant system; and
5. Multiple 9kg LPG cylinders were bring stored in the basement of the premises.

#### FRNSW Recommendations

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

- a. Inspect and address any other deficiencies identified on 'the premises' and require the above issues contained within their report be appropriately addressed.

FRNSW have advised that the details of their inspection has been provided in accordance with s.9.32 (4) of the Act. The comments within the report were provided for Council's information in accordance with Schedule 5, Part 8 s.17 (1(a)) of the Act.

### COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order(NOI)	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)

As a result of the site inspection undertaken by Council's investigation officer, a corrective action letter was sent to the building owners, the hotel licensee and the fire services contractor to rectify the identified fire safety deficiencies noted by FRNSW.

The above correspondence has instructed the building owners and hotel management to:

1. Display an Annual Fire Safety Statement (AFSS);
2. Maintain the smoke detection and alarm system;
3. Provide maintenance books (onsite) for the fire sprinkler system and fire hydrant system; and
4. Remove all LPG cylinders from the basement kitchen.

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

It is recommended that Council not exercise its powers to give a fire safety order under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 at this point in 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	2018/222749-01
A2.	Locality Plan	2018/222749-02
A3	Attachment cover sheet	2018/222749-02

**Trim Reference:** 2018/22749

**CSM reference No#:**1873481





File Ref. No: BFS17/2966 (2212)  
TRIM Ref. No: D18/16402  
Contact: Station Officer [REDACTED]

28 March 2018

General Manager  
City of Sydney  
GPO Box 1591  
SYDNEY NSW 2001

Email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir/Madam,

**Re: INSPECTION REPORT  
'HOTEL PALISADE'  
35 BETTINGTON STREET, MILLERS POINT ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

*The correspondence stated that:*

- *Basement kitchen had detectors taped over. Use of LPG Cylinders to cook in basement. LPG Cylinders stored in stairwell.*

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 8 March 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW).

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.

Unclassified

Fire & Rescue NSW

ABN 12 593 473 110

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

Community Safety Directorate  
Fire Safety Compliance Unit

Locked Bag 12  
Greenacre NSW 2190

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Please be advised that details of this inspection have been provided in accordance with Section 9.32(4) of the EP&A Act. Therefore, on behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Schedule 5, Part 8, Section 17(1)(a) of the EP&A Act.

## COMMENTS

At the time of the inspection, FRNSW did not observe any detectors covered with tape as indicated in the correspondence received.

Notwithstanding this, the following items were identified during the inspection:

1. An Annual Fire Safety Statement (AFSS) was not displayed in a prominent location at the premises, contrary to the requirements of Clause 177 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg).
2. The Fire Indicator Panel (FIP) displayed alarms, faults and isolations as being present in the smoke detection and alarm system, contrary to the requirements of Clause 182 of the EP&A Reg. At the time of the inspection, FRNSW contacted Code Red monitoring services who stated the alarm system had been isolated from 0932 hours on 13 February 2018 through to the inspection date. It is noted that, the FIP was returned to normal operation, prior to FRNSW's departure from the site.
3. It could not be determined whether the portable fire extinguishers located throughout 'the premises' were receiving any routine servicing, given that maintenance tags were not stamped and/or securing straps and pins were not present on the equipment, contrary to the requirements of Clause 182 of the EP&A Reg.
4. FRNSW were unable to locate the maintenance books at the premises for the smoke detection and alarm system, the fire sprinkler system and the fire hydrant installation. Therefore, FRNSW were unable to determine if the equipment is being maintained to the relevant standard of performance (as listed on the Fire Safety Schedule), in accordance with the requirements of Clause 182 of the EP&A Reg.
5. Multiple 9kg L.P.G. cylinders were being stored and used at the premises to supply gas to a basement level kitchen. FRNSW are unsure whether there are any conditions of consent relating to the use of the portion of the building for catering.

Unclassified

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## RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises' and require item no. 1 through to item no. 5 of this report be addressed appropriately.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Station Officer [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS17/2966 (2212) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

Building Surveyor  
Fire Safety Compliance Unit

Unclassified

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