

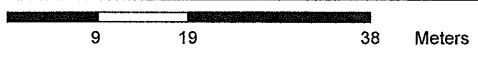
## **Attachment B**

**Council Officer Inspection Report  
46 Dowling Street, Woolloomooloo**

# 46 Dowling Street, Woolloomooloo



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1:750 at A4  
09/10/2018



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

**File:** CSM 1962284

**Officer:** Michael Merlino

**Date:** 9 October 2018

**Premises:** 46 Dowling Street, Woolloomooloo

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**Executive Summary:**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 28 September 2018 with respect to matters of fire safety.

The premises known as the "Frisco Hotel" consists of a 3 storey building used as a bar and hotel accommodation rooms.

The premises was issued with a fire safety upgrade order by Sydney City Council on 28 June 2007. The works under the fire safety upgrade order were completed and subsequently finalised in December 2008.

Since completion of the fire safety order, the owners have been submitting compliant annual fire safety statements as part of their obligations under clause 177 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 including repairs to exit signage, provision of additional directional exit signage, door latching devices, signage and storage around stairs, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that repairs to 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
2/10/2018	FRNSW correspondence received regarding premises 46 Dowling Street, Woolloomooloo.
05/10/2018	An initial desktop review of the subject building revealed that the building has a fire safety schedule and is required to submit annual fire safety statements to Council and FRNSW. The building has a current compliant annual fire safety statement, with the next one due by 4 June 2019. The premises was issued with a fire safety order by Council on 28 June 2007. The works under the fire safety upgrade order were completed and subsequently finalised by Council on 5 December 2008.
8/10/2018	An inspection of the subject premises was undertaken by a Council officer which did not reveal any significant fire safety breaches occurring in the building, rather various maintenance repairs that can be addressed by the building owner through corrective action correspondence.
9/10/2018	Council officer issued a corrective action letter to the owner of the building requiring certain remedial action works to be undertaken to rectify the identified fire safety matters.

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## FIRE AND RESCUE NSW REPORT:

References: [BFS 17/3002 (8000002243); D18/66509: 2018/510158]

Fire and Rescue NSW conducted an inspection of the subject premises in company with officers from NSW Police and the City of Sydney Council.

### Issues

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

1. Faults to the smoke detection and alarm system;
2. Insufficient signage to the fire indicator panel;
3. Exit signs were not illuminated;
4. Latching devices were installed that failed to meet the requirements of the Building Code of Australia;
5. Concerns regarding the swing direction of the internal doors;
6. Issues raised in relation to the existing stair with regards to its width, dimensions of treads and risers and an enclosure beneath the stair;

### FRNSW Recommendations

FRNSW have made 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. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979

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### **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 site inspection undertaken by Council investigation officers it is recommended that the owners of the building address and comply with the issued compliance letter of instruction and rectify the identified fire safety deficiencies noted by Council and FRNSW.

The above correspondence has instructed the building owner to carry out corrective actions to existing fire systems to cause compliance with required standards of performance.

Follow-up compliance inspections are currently being undertaken and will continue to be undertaken by a Council investigation officer to ensure the 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 Schedule 5 of the Environmental Planning and Assessment Act 1979 at this time.

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

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**Referenced documents:**

<b>No#</b>	<b>Document type</b>	<b>Trim reference</b>
A1.	Fire and Rescue NSW report	2018/520717-01
A2.	Locality Plan	2018/520717-02
A3	Attachment cover sheet	2018/520717-03

**Trim Reference: 2018/520717**

**CSM reference No#: 1962284**

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File Ref. No: BFS17/3002 (8000002243)  
TRIM Ref. No: D18/66509  
Contact: [REDACTED]

28 September 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  
'FRISCO HOTEL'  
46 DOWLING 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.

Please be advised that the inspection of 'the premises' was conducted prior to the amendments of the EP&A Act on 1 March 2018. As such, all references to the relevant sections in this report are provided prior to the amendments of the EP&A Act.

FIRE AND RESCUE NSW

ABN 12 593 473 110

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

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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.

## COMMENTS

The following items were identified as concerns during the inspection:

### 1. Essential Fire Safety Measures

#### 1A. Smoke Detection and Alarm System

- A. There were two (2) isolations, four (4) faults and two (2) pre-alarms shown at the Fire Indicator Panel relating to the Automatic Smoke Detection and Alarm System, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation (EP&A Regulation).
- B. A smoke detector located in the corridor outside the kitchen on Level 1 of the premises was covered with a plastic dust cap, contrary to the requirements of Australian Standard (AS) 1670.1-2015.
- C. Maintenance – The maintenance log book for the Smoke Detection and Alarm System, showed that the last routine servicing of the system was on 15 September 2017, indicating that the system had not been inspected and tested on a monthly basis, contrary to the requirements of Clause 182 of the EP&A Regulation and Section 6 of AS 1851-2012.
- D. A red strobe light was not located on the outside of the building, visible from the main approach to the building to indicate a fire alarm, contrary to the requirements of Clause 3.8 of AS1670.1-2015.
- E. The Fire Indicator Panel (FIP) was obscured by a lockable door and was not clearly identifiable, contrary to the requirements of Clause 3.9.2 of AS1670.1 – 2015. The FIP is located in a small alcove within the ground-floor bar staff service area and the door was not fully openable due to the storage of items behind the door.

#### 1B. Exit signs

- A. Almost every exit sign within 'the premises' was not illuminated, and some exit signs were not readily apparent, contrary to the requirements of Clause E4.6 and E4.8 of the National Construction Code Volume One 2016 Building Code of Australia (NCC), Section 6 of AS 2293.1-2005 and Clause 182 of the EP&A Regulation. Additional directional exit signs may be required throughout 'the premises', such that an exit sign or directional exit sign is clearly visible from all areas.

## 2. Access and Egress

- 2A. There are doors in the path of travel to a road or open space, which swing against the direction of egress, contrary to the requirements of Clause D2.20 of the NCC.
- 2B. Operation of latch – Multiple doors forming part of the required exits throughout ‘the premises’ contain latching which fails to achieve compliance with the requirements of Clause D2.21 of the NCC. The following items were identified as concerns:
- A. Roof top terrace – The exit door contained a slide bolt and the door handle is capable to being locked requiring the use of a key to open the door.
  - B. Front door leading to Dowling Street – The exit door contained a deadlatch, in lieu of a lever type handle.
- 2C. The path of travel from the base of the external non-fire-isolated stairway leading to the Nesbitt Street exit, was not provided with a clear path of travel achieving an unobstructed width of 1m, contrary to the requirements of D1.10(b) of the NCC.
- 2D. The construction of the external and internal non-fire isolated stairways appears to be contrary to the requirements of Clause D1.6, D2.13 and D2.16 of the NCC. The following items were identified as concerns:
- A. The width of the stairway is less than 1m.
  - B. Non-compliant goings and risers.
  - C. The barrier on the stairways appeared to be less than 865mm in height.
- 2E. Enclosure of space under stairs – The space beneath the non-fire-isolated stairway 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 D2.8(b) of the NCC.

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

### **FIRE SAFETY ORDER NO. 6**

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. 6, dated 14 December 2017 (copy attached), in accordance with the provisions of Section 121B of the EP&A Act, to have item no. 1.1A.A., 1.1A.B. and 2.2C of this report rectified.

FRNSW conducted further inspections of the building to assess compliance with the terms of the Order.



In this regard, FRNSW does not consider Council is required to take action in relation to item no. 1.1A.A., 1.1A.B. and 2.2C. of this report.

## RE-INSPECTION

Pursuant to the provisions of Section 119T(1)(b) of the EP&A Act and Clause 189(a) of the EP&A Regulation, an inspection of 'the premises' on 21 December 2017 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

At the time of the inspection, the terms of 'the order' issued on 'the premises' were compliant. Please be advised that 'the order' is not an exhaustive list of non-compliances, it is at Council's discretion to inspect and address any other deficiencies identified on 'the premises'.

## RECOMMENDATIONS


FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1.1A.C. through to item no. 3 of this report be addressed appropriately.

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 BFS17/3002 (8000002243) for any future correspondence in relation to this matter.

Yours faithfully



Building Surveyor  
Fire Safety Compliance Unit

Attachment: [Appendix 1 – Emergency Fire Safety Order]

Unclassified



# Emergency Fire Safety Order

Under the *Environmental Planning and Assessment Act 1979*  
Part 6 - Implementation and Enforcement: Division 2A – Orders  
Tables to Section 121B: Emergency Order No. 6 – Fire Safety Order

Please note

- Pursuant to Section 121ZC (2) of the Act, this Order has been given as an Emergency Order as the issuing officer believes activity or deficiencies identified constitute an emergency or a serious risk to safety
- Pursuant to Section 121ZK (2) of the Act, there is no right of appeal against this Order.
- Failure to comply with this Order may result in further Orders and/or fines being issued
- Substantial penalties may be imposed under Section 125 of the Act for failure to comply with an Order.

I, [REDACTED] **Building Surveyor** **904279**  
(name) (rank) (number)

being an authorised Fire Officer within the meaning of Section 121ZC of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose, hereby order:

[REDACTED] **Owner**  
(name of person whom Order is served) (position - e.g. owner, building manager)

with respect to the premise

**'FRISCO HOTEL'**  
**48 DOWLING STREET, WOOLLOOMOOLOO ("the premises")**  
(name/address of premises to which Order is served)

to do, or refrain from doing, the following things:

1. Ensure the Automatic Smoke Detection and Alarm System ("the system") continually monitors 'the premises' by:
  - a. Repairing all isolations, faults and pre-alarms displayed on the Fire Indicator Panel (Fire Brigade Panel).
  - b. Removing the dust cap covering the smoke detector located outside the kitchen on Level 1
2. Maintain 'the system' so that it is operational without faults or isolations by ceasing the practise of isolating 'the system'. Ensuring that 'the system' operates to the standard of performance it was originally designed, installed and commissioned

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3. Clearing all items stored along the passageway leading to the rear exit door on Nesbitt Street

**The terms of the Order are to be complied with:**

By no later than 1200 hours on Thursday 21 December 2017

**The reasons for the issue of this Order are:**

- a. At the time of the inspection on 9 December 2017, the Fire Indicator Panel displayed four (4) faults, two (2) isolations and two (2) pre-alarms
- b. At the time of the inspection, the smoke detector located outside the kitchen on Level 1, was covered with a plastic dust cap
- c. To ensure that the Automatic Smoke Detection and Alarm System is capable of operating in accordance with the standard of performance it was designed and installed to.
- d. To ensure the Automatic Smoke Detection and Alarm System is fully operational so the occupants are provided with early notification of a fire within 'the premises' so that they may safely evacuate 'the premises' in the event of a fire.
- e. At the time of the inspection, materials including but not limited to, beer kegs, garbage bins and bags of rubbish, were being stored in the path of travel to the rear exit on Nesbitt Street, therefore impeding the free passage of persons using the exit.
- f. To ensure compliance with the requirements with Clause 182 and Clause 186 of the Environmental Planning and Assessment Regulation 2000.
- g. To ensure that Fire Safety Measures installed throughout the building are maintained and operating to their standard of performance

This Order No. 6 was hand delivered and sent by mail on 14 December 2017



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