

Attachment G

**Council Officer Inspection Report-
228 William Street, Woolloomooloo**

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

File: CSM1969372

Officer: Eyman Balta

Date: 30 October 2018

Premises: 228 William Street, Woolloomooloo (O'Malley's Hotel)

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 228 William Street Woolloomooloo and is known as the O'Malley's Hotel.

The building comprises of a five storey building located on the corner of William Street, Brougham Street and Brougham Lane and is configured as follows:

- A basement level containing a cellar, storage areas and patron sanitary facilities.
- A ground floor level containing a public bar and gaming room accessible from William Street and Brougham Street.
- A first and second floor level containing offices and hotel accommodation.
- A third floor level containing two hotel rooms and a laundry.

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

This building was subject to a Fire Safety Order issued by the City in November 2007.

This Order required considerable fire safety upgrading works to the subject building which comprised the installation of a number of essential fire safety measures. The terms of the Order were completed to the satisfaction of the City in December 2008.

A recent inspection of the premises was undertaken by a Council investigation officer in the presence of the hotel licensee and the buildings fire services contractor which confirmed that 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 premises also appeared to be in a state at which it was at the time the December 2008 Fire Safety Order was prepared, issued and subsequently complied with.

The building also contains essential fire safety measures such as a sprinkler system to the ground floor level, passive fire resisting construction, a smoke detection and alarm system, a building occupant warning system, emergency lighting, exit and directional signage, fire safety evacuation diagrams, fire hydrants, fire hose reels, fire extinguishers, and fire resistant doorsets to a fire separated exit stair and private hotel rooms.

During the inspection of the building it was confirmed that building is protected with a monitored (*alarm signal to fire dispatch centre*) sprinkler and smoke detection and alarm system.

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 were of a degree which could 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
17/10/2018	FRNSW correspondence received regarding premises located at 228 William Street Woolloomooloo known as the O'Malley's Hotel.
23/10/2018	<p>An inspection of the subject premises was undertaken by a Council officer which identified a number of fire safety management and maintenance issues to attend to including:</p> <ol style="list-style-type: none"> <p>Faults on the buildings fire indicator panel attributed to a recent electrical surge / spike to the building.</p> <p>The buildings fire services contractor advised that the faults did not affect the operation of the buildings smoke detection and alarm system and that these would be cleared in the coming days.</p> <p>Issues associated with the provision of thermal detector heads in lieu of required smoke detector heads.</p> <p>The fire services contractor was advised that thermal detectors provided to both common areas and certain hotel rooms of the building would be required to be replaced with smoke detector heads.</p> <p>Issues associated with the buildings fire hydrant hose connection points.</p> <p>The fire services contractor was advised that both external and internal fire hydrant connection points would be required to be upgraded to accommodate FRNSW connection requirements.</p> <p>That fire hose reel coverage to the first, second and third floor levels is non-compliant as it is required to pass through and as a consequence obstruct the fire doors.</p> <p>The fire services contractor was advised that the provision of fire hose reel coverage to residential parts of buildings was no longer required under the BCA and that portable fire extinguishers are now required.</p> <p>The fire services contractor was advised that portable fire extinguishers complying with the current requirements of the BCA will be required to be provided to certain parts of the building where the existing fire hose reel coverage is non-compliant.</p> <p>A single non-illuminated exit sign was identified on the first floor level of the building.</p> <p>The fire services contractor was advised that the non-illuminated exit sign is required to be remedied.</p>

	<p>6. The issue of whether fire hydrant coverage is provided to serve the third floor level was investigated at the time of inspection.</p> <p>It was determined that the internal fire hydrant located on the second floor level can provide compliant coverage to the third floor level.</p> <p>7. The recommendation that the existing fire hydrant system should be upgraded to current requirements was investigated at the time of inspection.</p> <p>It was determined that the existing fire hydrant system would have been compliant at the time of its installation (and is being maintained to this standard) and that it would not be possible to install a hydrant system complying with the current requirements of Australian Standard AS2419.1 – 2005.</p> <p>Compliance could not be achieved on the basis of:</p> <ul style="list-style-type: none"> - A compliant fire hydrant booster assembly could not be incorporated into the buildings external façade as it is directly located directly on the boundary of William Street and Brougham Street and public footpaths bound these locations. - A compliant fire hydrant booster assembly could not be provided to Brougham Lane due to existing site constraints and that a FRNSW appliance (fire truck) could not pass through Brougham Lane due to its narrow width. - The building does not have fire isolated stairs where the current requirements require fire hydrants to be installed in. <p>It was determined through fire hydrant hose reel calculations on archival architectural plans that complaint fire hydrant coverage can be provided to the entire building by external street hydrants located on both William Street and Brougham Street.</p> <p>In regard to existing site constraints, the buildings configuration, partial sprinkler protection and that compliant fire hydrant coverage could be provided by external street hydrants that an upgrade of the buildings fire hydrant system is not proposed.</p>
24/10/2018	A fire safety corrective action letter was issued to the building owner and has been emailed and copied to the property manager and the buildings fire services contractor requesting that the issues identified at the inspection be rectified.
29/10/2018	An inspection was undertaken to confirm compliance with Councils corrective action letter which confirmed that the majority of the rectification works had been completed. Further inspections of the building are to be undertaken to confirm the completion of the rectification works.

FIRE AND RESCUE NSW REPORT:

References: BFS17/3010 (8000002254) and D18/71064.

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.

Issues

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

1. The buildings smoke detection and alarm system which was in part provided with thermal detector heads on the ground floor and first floor in lieu of required smoke detector heads.
2. The buildings fire hydrants not being provided with compatible FRNSW hose connection points.
3. A fire hose reel located on the third floor that necessitates passing through a fire door which is not permitted.
4. Exit and directional signage that was not illuminated and was not being maintained.
5. Whether fire hydrant coverage is provided to the topmost level of the building, and the suitability of the buildings existing fire hydrant system.

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 and to carry out a fire safety audit on the building to ensure all deficiencies within the building including but not limited to the items identified in their report are adequately 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. FRNSW have also requested that as soon as practical after the above report has been tabled and considered, that notice of any determination in relation to the report and recommendations is forwarded to them in accordance with clause 121ZD (4) of the EP&A Act 1979.

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)

Follow-up compliance inspections are currently being undertaken, and will continue to be undertaken by a Council investigation officer to ensure already 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 determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2018/546488-01
A2.	Locality Plan	2018/546488-02
A3.	Attachment cover sheet	2018/546488-03

Trim Reference: 2018/546488**CSM reference No#:** 1969372



File Ref. No: BFS17/3010 (8000002254)
TRIM Ref. No: D18/71064
Contact: [REDACTED]

17 October 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
O'MALLEY'S HOTEL
228 WILLIAM 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.

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

Please note, that this report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia - Volume 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed outline concerns that may contradict development consent approval or correlate to the building's age. In this regard, it is council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

1A. Smoke Detection and Alarm System

- A. A Zone Block Plan of the installation was not securely mounted adjacent to the FIP, contrary to the requirements of Clause 3.10 of AS1670.1-2015.
- B. Most of the detectors within the ground floor pub are heat detectors, in lieu of a smoke detector, contrary to the requirements of Specification E2.2a of the NCC.
- C. There is a heat detector located within the first-floor corridor, in lieu of a smoke detector, contrary to the requirements of Specification E2.2a of the NCC.

1B. Fire Hydrant System

- A. Storz couplings, compatible with FRNSW firefighting hose connections were not provided to all fire hydrant valves throughout the premises, contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS2419.1-2005, Clauses 1.2 and 3.4 of AS2419.2-2009 and Clauses 1.2 and 3.5 of AS2419.3-2012, as detailed in 'FRNSW Fire safety guideline, Technical information – FRNSW Compatible hose connections – Document no. D15/45534 – Version 07 – Issued 12 June 2018'.

1C. Fire Hose Reel (FHR)

- A. FHR coverage on the third floor, relies upon the FHR passing through a doorway fitted with a fire door, contrary to the requirements of Clause E1.4(f) of the NCC.

1D. Exit signs

- A. Some exit signage was not illuminated and not maintained, contrary to the requirements of Clause E4.8 of the NCC, Section 6 of AS 2293.1-2005 and Clause 182 of the Environmental Planning and Assessment Regulation 2000.

- B. An exit sign located in the corridor on the second floor was missing the pictorial element.

2. Generally

2A. Fire Hydrant System

- A. FRNSW has concerns that fire hydrant coverage may not be provided to serve the third floor, in accordance with the requirements of Clause E1.3 of the NCC and AS 2419.1-2005.
- B. The fire hydrant system appears to be installed in accordance with Ordinance 70 and Ministerial Specification No.10. FRNSW recommends any fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier) should be upgraded to meet the requirements of the current Australian Standard (AS)2419.1 for an equivalent new building, as these older fire hydrant systems no longer meet the operational needs of FRNSW.

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 any other deficiencies identified on 'the premises', and require items no. 1 and 2 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 BFS17/3010 (8000002254) for any future correspondence in relation to this matter.

Yours faithfully



Building Surveyor
Fire Safety Compliance Unit