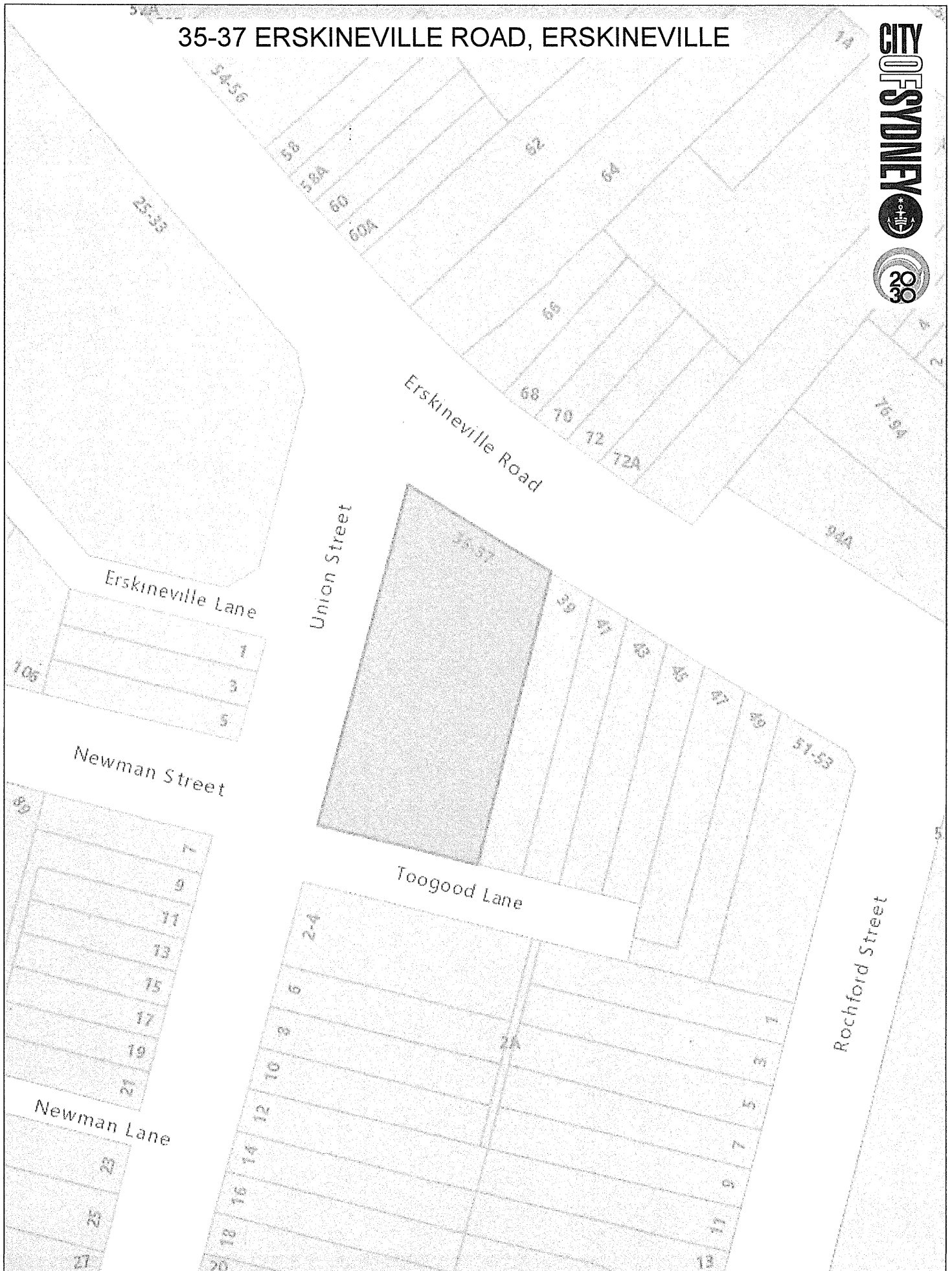


Attachment N

**Council Officer Inspection Report -
35 - 37 Erskineville Road Erskineville**

35-37 ERSKINEVILLE ROAD, ERSKINEVILLE



**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 1972884 **Officer:** Hieu Van Luu **Date:** 1 November 2018

Premises: 35-37 Erskineville Road Erskineville - The Imperial Hotel

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 25 October 2018 with respect to matters of fire safety.

The Imperial Hotel is located on the corner of Erskineville Road and Union Street Erskineville, with the rear of the premises facing Toogood Lane. The premises are a two storey building, with basement and flat trafficable roof occupied by plant equipment located behind the high parapet walls. The ground and first floors of the hotel are used as bar and restaurant areas, the basement level being used as a nightclub.

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.

The annual fire safety certification is current and compliant and is displayed within the building pursuant to the requirements of the Environmental Planning and Assessment Regulation 2000.

Overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

The basement nightclub area appears to be operating in accordance with the requirements of the applicable development consent and has appropriate fire safety provisions (fire exits/systems), notwithstanding minor operation adjustments to certain systems which require attention.

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.

Chronology:

| Date | Event |
|------------|--|
| 25/10/2018 | FRNSW correspondence received regarding premises 35 Erskineville Road, Erskineville., (Council's records know the premises as 35-37 Erskineville Road) |
| 26/10/2018 | 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 nightclub area has appropriate development consent. |
| 31/10/2018 | An inspection of the subject premises was undertaken by a Council officer in company with the hotel licensee. The inspection did not reveal any significant fire safety breaches occurring in the building, rather various maintenance matters- which included: repairs to exit signage; provision of additional directional exit signage; alterations to door latching devices and the removal of certain items around exit stairs. The licensee was also asked about the maximum capacity within the basement nightclub and advised that the number of person's occupying the area is consistent with the development consent. |
| 01/11/2018 | 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 and to display an appropriate maximum capacity (patrons) notice for hotel areas |

FIRE AND RESCUE NSW REPORT:

References: [BFS 18/2050; D18/75738: 2018/555888]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about the adequacy of the provision for fire safety in connection with the premises.

Issues

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

1. The compliance aspects relative to exit signs and directional exit signage's for the building.
2. The issue associates with the missing strobe light for the fire alarm system.
3. The non-display of fire safety statement; and
4. The review of Council records relative to the patron maximum capacity and emergency evacuation plan requirements.

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

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 inspections undertaken by Council investigation officers the owner of the building have been be issued with a written instruction to rectify identified fire safety deficiencies noted by Council.

The above written instructions have directed the owners of the premises to carry out remedial 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 officer to ensure all 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 a fire safety order 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 | 2018/555888-01 |
| A2. | Locality Plan | 2018/555888-02 |
| A3. | Attachment cover sheet | 2018/555888-03 |

Trim Reference: 2018/555888

CSM reference No#: 1972884



File Ref. No: BFS18/2050
TRIM Ref. No: D18/75738
Contact: [REDACTED]

24 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
THE IMPERIAL HOTEL
35 ERSKINVILLE ROAD, ERSKINVILLE ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 22 July 2018, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

There is a dance venue below the pub that has one tiny stairway in and out. The venue is PACKED, they do not effectively control ingress and egress, and the cloakroom is one rack behind the tiny ticket desk at the bottom of the stairs. So the stairs and entrance to the club are packed with people and it is very difficult to move. If there was a fire there it would be carnage.

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 15 October 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of 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.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances however, the proceeding concerns also identifies deviations from the National Construction Code 2016, Volume 1 Building Code of Australia (NCC). Given the concerns are based on observations available at the time FRNSW acknowledges that the deviations may contradict development consent approval. In this regard, it would be at 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. Exit Signs – The principle entry door from the ground floor bar area was observed with a painted directional exit sign. This door appears to be the second exit from the basement and may be considered a required exit. The painted exit sign is contrary to Clause E4.8 of the NCC and Australian Standard (AS) 2293.1–2005.
- 1B. Directional Exit Signs – Performance Requirement EP4.2 of the NCC requires that suitable signs be installed to identify the location of exits. At first sight, there is insufficient cues to identify where the exits are located within the basement. A review of the exit strategy may be required.
- 1C. Strobe Light – A red strobe light could not be located outside the building, near the designated building entry point, to indicate the location of the fire indicator panel, contrary to the requirements of Clause 3.8 of AS 1670.1-2004.

2. Generally

- 2A. Annual Fire Safety Statement (AFSS) – A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 177 of the EP&A Regulation.
- 2B. Council Considerations - With respect to the initial fire safety concern, it may be within council's interest to review its records and ascertain whether any development approval includes conditions of consent which address relevant matters relating to the venue, such as maximum capacity and emergency evacuation plan requirements, and investigate as appropriate.

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

RECOMMENDATIONS

FRNSW recommends that Council:

Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 and item no. 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 Schedule 5, Part 8, Section 17 (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 BFS18/2050 for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]
Building Surveyor
Fire Safety Compliance Unit