

Attachment B

**Inspection Report -
13-15 Kellett Street, Potts Point**

**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 2003528

Officer: Craig Hann

Date: 24 January 2019

Premises: 13 – 15 Kellett Street Potts Point – Dollhouse Nightspot

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 correspondence relates to that part of the premises known as Dollhouse Nightspot.

The Dollhouse Nightspot occupies the ground floor of a three storey building with residential units located above.

The premise is situated along the southern side of Kellett Street and is listed as a heritage item under Sydney LEP 2012.

An inspection of the premises undertaken by a Council investigation officer in the presence of the owner's representative and tenant revealed that the premises are deficient in fire safety and egress provisions in the following areas:

- (i) Inadequate fire detection and alarm systems, in that a zone block plan is not installed;
- (ii) Suitable fire resisting construction to prevent the spread of fire, additional fire resisting construction elements required to the front addition;
- (iii) Safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire, exit system requires alterations to width of internal paths of travel, rear discharge point location and operation of final doors at the rear;

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a fire safety order to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 is required to be issued so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

Observation of the external features of the building did not identify the existence of metal composite cladding.

Chronology:

Date	Event
18/12/2018	FRNSW correspondence received regarding premises Dollhouse Nightspot at 13 – 15 Kellett Street Potts Point.
17/1/2019	An inspection of the subject premises was undertaken by a Council officer together with the owner's representative and tenant. The inspection revealed: An alarm system zone block plan was not installed at the fire indicator panel. A zone block plan will be required to assist interpretation of the fire indicator panel and location of alarm activation signals.

A cleaner's / storage cupboard has been formed around the recess where the fire hose reel is located. The cupboard obstructs access to and identification of the fire hose reel location. Removal / relocation of the cupboard to a more suitable location is required.

Widths of paths of travel are reduced to between 750mm – 900mm in various select locations in the premises. The reduced widths are caused by 'built in' furniture and stages. Minimum path of travel widths of one (1) metre are required. Alterations to the 'built in' fixtures can be made to increase the available widths. A Fire Safety Order is recommended in order to require and assess the rectification work necessary.

The ground floor addition built forward of the building line had a fire resisting ceiling installed to separate it from the residential units above when it was originally constructed. Inspection and certification of the ceiling will be required to ensure its ongoing performance. Further, the external walls of the addition appear to be constructed of non-fire resisting timber and require the installation of additional fire resisting elements to restrict the spread of fire. A Fire Safety Order is recommended in order to require and assess the rectification work necessary.

The premises is considered to be a public assembly building under the national building regulations and not an Entertainment venue as defined in the Environmental Planning and Assessment Regulation 2000. The use of the premises has been assessed on this basis. A load notice is therefore not required.

The rear exits discharge into a semi-enclosed carport area. This then leads to a roller door that requires opening (either electronically or manually) in order to reach Mansion Lane at the rear of the premises. The path of travel through the carport, type of door (roller door) and method of operation do not comply with the regulations. Alterations to the exit system are required to make the system comply. A Fire Safety Order is recommended in order to require and assess the rectification work necessary.

A patron numbers sign is displayed at the front entry into the premises.

FIRE AND RESCUE NSW REPORT:

References: [BFS17/3052, D17/87172; 2018/646476]

Fire and Rescue NSW conducted a joint inspection with officers of NSW police Force and City of Sydney Council on 9 December 2017.

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

1. Adequacy of maintenance and performance of essential fire safety measures including a zone block plan for the fire alarm system and stored items obstructing fire hose reels in cupboards.
2. Adequacy of height, width and operation of exit doors / ways.
3. Adequacy of fire resisting construction compartmenting / separating different parts of the building used for different purposes.
4. Clarification of the use of the premises and the display of relevant signs, as required following clarification of the use.

FRNSW Recommendations

FRNSW have recommended that Council inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

FRNSW have also referred the matter to Council as the appropriate regulatory authority. They await Council's advice of the determination in respect of the recommendations in accordance with 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)
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As a result of a site inspection undertaken by Council investigation officers it is recommended that Council exercise its powers to give a notice of intention (NOI) for a fire safety order to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council's building officer.

The issue of a fire safety order will ensure that suitable fire safety systems are in position throughout the building to provide improved and adequate provisions for fire safety

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	2018/646476
A2.	Locality Plan	2018/651480-01
A3	Attachment cover sheet	2018/651480-02

Trim Reference: 2018/651480

CSM reference No#: 2003528



File Ref. No: BFS17/3052
TRIM Ref. No: D17/87172
Contact: [REDACTED]

18 December 2018

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

**Re: INSPECTION REPORT
'DOLLHOUSE NIGHTSPOT'
13-15 KELLETT STREET, POTTS POINT ("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 for 'the premises' was conducted prior to the amendments of the Environmental Planning and Assessment Act 1979 (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 be advised that this report is not an exhaustive list of non-compliances. The proceeding items are limited to observations of the building accessed at the time of the inspection and identifies possible deviations from the National Construction Code 2016, Volume 1 Building Code of Australia (NCC). FRNSW acknowledges that the deviations may contradict development consent approval or relate to the building's age. It is therefore council's discretion as the appropriate regulatory authority to consider the most appropriate action.

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

- 1A. Zone Block Plan – Section 3.10 of the Australian Standard 1670.1-2015 requires a Zone Block Plan to be securely mounted and located adjacent to the fire detection control and indicating equipment (FDCIE). At the time of the inspection, a Zone Block Plan could not be located.
- 1B. Fire Hose Reel (FHR) – Clause 10.4.4 of AS 2441-2005 states that non-firefighting equipment are not permitted within the cabinet or enclosure e.g. brooms and cleaning aids. Observations at the time revealed non-firefighting items within what appears to be an enclosure for the FHR.

2. Access and Egress

- 2A. Dimensions (Exits and Paths of Travel to Exits) – Clause D1.6 of the NCC requires specific dimensions for height and width for a required exit or path of travel to an exit. The unobstructed width of paths of travel to exits within the building appeared to be less than 1m.

3. Compartmentation

- 3A. Passive Construction – At the time of the inspection the owner advised that the building consists of a bar / strip venue on the ground floor. The first and second floors are residences (3 storeys in total). "The premises" consist of two buildings, with the ground floor connecting both buildings with openings through the common wall. The following was observed:
 - A. Both Buildings – The superstructure appears to be lightweight construction, consisting of masonry veneer, timber framed construction.
 - B. There is an addition that extends past the two main buildings and forward of the building line. The addition appears to be part of the bar / strip club.
 - C. At first glance, compartmentation and the protection of openings between the bar /strip club occupancy, the residence and adjoining properties has yet to be addressed.

4. Generally

- 4A. Entertainment Venue Use – “The premises” appears to be used specifically for live entertainment. Council may need to review its records to confirm that the current use does not change the principal use of the venue as a Pub/Bar to an entertainment venue as defined in the Environmental Planning and Assessment Regulations 2000. Confirmation of the venue’s use may change the classification of the building and may require suitable upgrades to comply with the NCC. The proceeding items may require council make a determination on whether enforcement action is required.
- 4B. Entertainment Venues – Having regard to NSW Part H101 of the NCC the following comments are provided:
- A. Load Notice – At the time of inspection, a notice indicating the actual distributed and concentrated load could not be located. Such a sign would normally be conspicuously displayed adjacent to the stage floor with legible letters and figures at least 50 mm high and with a contrasting background. The sign must show the actual distributed and concentrated load for which the stage was designed. in accordance with NSW H101.8 of the NCC.
- 4C. Doorways and Doors – NSW Clause D2.19 of the NCC requires doors in an entertainment venue to be constructed in a specific manner to allow a number of people to evacuate in a timely manner. At the time of the inspection the following was observed.
- A. The rear exit to Mansions Lane is through a roller shutter.
- B. The roller shutter was locked in the closed position whilst the building was occupied, and does not open automatically on activation of a fire or smoke alarm.
- C. To open the roller shutter, occupants are required to disconnect the roller shutter motor, then pull the shutter door open manually.
- D. The instructions on how to open the roller shutter are unclear and are not displayed in a prominent location.
- 4D. Patron Numbers – Clause 98D EP&A Reg requires signage displaying the maximum capacity for patrons. Population numbers would need to be reviewed and displayed if the use is classified as a Class 9B entertainment venue, particularly as there are narrow exit widths and a roller shutter that forms part of the egress path.

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

RECOMMENDATIONS

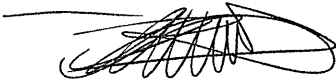
FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 4 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 BFS17/3052 for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]
Senior Building Surveyor
Fire Safety Compliance Unit