

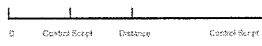
# **Attachment C**

**Inspection Report - 20-26  
Bayswater Road, Potts Point**

20 - 26 Bayswater Road Potts Point



*city of sydney*



Date 9-Jan-19  
A1:1:000

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**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 2003504**

**Officer: Craig Hann**

**Date: 24 January 2019**

**Premises: 20 – 26 Bayswater Road Potts Point – Candy’s 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 Candy’s Nightspot.

The premises consist of a four interconnected terrace type buildings comprising of four storeys. The building is primarily used as nightclubs / bars, it also contains a gym and commercial office suites on the upper levels of the building.

The floor levels of the building are configured as follows:

- Basement level – Candy’s Nightspot nightclub.
- Ground floor level – Gym, Cali Club (formerly The World Bar) and an entrance foyer to the upper level commercial office suites.
- First floor level – Cali Club (formerly The World Bar) and commercial office suites.
- Second floor level – Cali club (formerly The World Bar) and commercial office suites.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building’s managing real estate agent and tenant revealed that 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 is current and compliant and is on display within the building in accordance with 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, such as additional exit sign installations, 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 metal composite cladding.

**Chronology:**

<b>Date</b>	<b>Event</b>
18/12/2018	FRNSW correspondence received regarding premises Candy’s Nightspot, 22 Bayswater Road Potts Point. The premises is part of a building known by council as 20 – 26 Bayswater Road Potts Point.
17/1/2019	An inspection of the subject premises was undertaken by a Council officer together with the managing real estate agent and tenant.

The inspection revealed:

Some areas of the premises do not have a clear view of the existing exit sign installations. Additional exit signs are required to clearly identify all exit ways.

There were no decorative light fittings, disco balls or the like hanging from the sprinkler pipework above the dance floor.

Rear exit passageway is a path of travel to an exit that discharges to Mansion Lane at the rear. It is an internal part of the premises available for use by customers, it is located off to the side of the main body of the premises. There are no 'built in' fixtures, such as seating or bars, to cause an obstruction to the exit. Any persons gathered in this area could move freely towards the exit if required.

The management office doorway height is localised to a single doorway in a staff area. The doorway is fitted within an archway structure of the heritage listed building and it is not readily altered. The staff occupants are considered to be familiar with the existing doorway height provided. Therefore it's considered the height will not unduly interfere with exit functionality.

The stage has access to two (2) alternate exits. Therefore, the exit travel distance are permitted to be 40 metres to one (1) of the exits. The travel distances from the stage area to an exit comply with the building regulations.

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

References: [BFS17/3051, D17/87175; 2018/645968]

Fire and Rescue NSW conducted an inspection of the subject premises on 9 December 2017 as part of a joint inspection with officers from NSW Police Force and City of Sydney Council.

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

1. Adequacy of the locations of Exit sign installations to identify the exits;
2. Possible obstruction of sprinkler water spray by decorations attached to sprinkler system pipework;
3. Adequacy of exits – obstruction, doorway height and travel distance.

### **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.

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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 inspections undertaken by Council investigation officers it was determined that the owners of the building be issued with written instructions to rectify the identified fire safety deficiencies noted by Council.

The above written instructions will direct 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 will 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 is achieved.

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	2018/645968
A2.	Locality Plan	2019/002806-01
A3	Attachment cover sheet	2019/002806-02

**Trim Reference:** 2019/002806

**CSM reference No#:** 2003504



File Ref. No: BFS17/3051  
TRIM Ref. No: D17/87175  
Contact: [REDACTED]

14 December 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 General Manager

**Re: INSPECTION REPORT  
'CANDY'S NIGHTSPOT'  
22 BAYSWATER ROAD, 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. Exit Signs – As outlined in FRNSW's report dated 15 September 2014 (Ref. No. D15/73027) and having regard to Performance Requirement EP4.2, the NCC requires suitable signs be installed to identify the location of exits. The following was observed:
  - A. The location of the exits from "the premises" is confusing, and identification of the exit sign and exit doors is difficult to establish.
  - B. Exit signs were not visible from parts of the floor area. Exit signs do not appear to be installed in accordance with the requirements of Australian Standard AS2293.1-2005.
- 1B. Attachments – Clause 5.7.1 of Australian Standard AS2118.1-1999 requires sprinkler heads to be free of obstructions that could impair effective distribution of water from the sprinklers. At the time, electrical cords, decorative lighting and disco balls were hanging from sprinkler piping in the dance floor area.

### 2. Access & Egress

- 2A. Rear Exit Passageway – As outlined in FRNSW's report dated 15 September 2014 (Ref. No. D15/73027), the use of a designated smoking area within a path of travel to a required exit, may be considered an impediment in accordance with Clause 186 of the Environmental Planning and Assessment Regulation 2000.
- 2B. Doorway – Clause D1.6 of the NCC requires a minimum unobstructed height of the doorway. It appears that the management office does not achieve the minimum height requirements.

- 2C. Travel Distances – Clause D1.4 of the NCC outlines specific distances to be travelled to an exit. It appears that the distance from parts of the stage area exceed 20m.

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. 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 BFS17/3051 for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]  
Senior Building Surveyor  
Fire Safety Compliance Unit