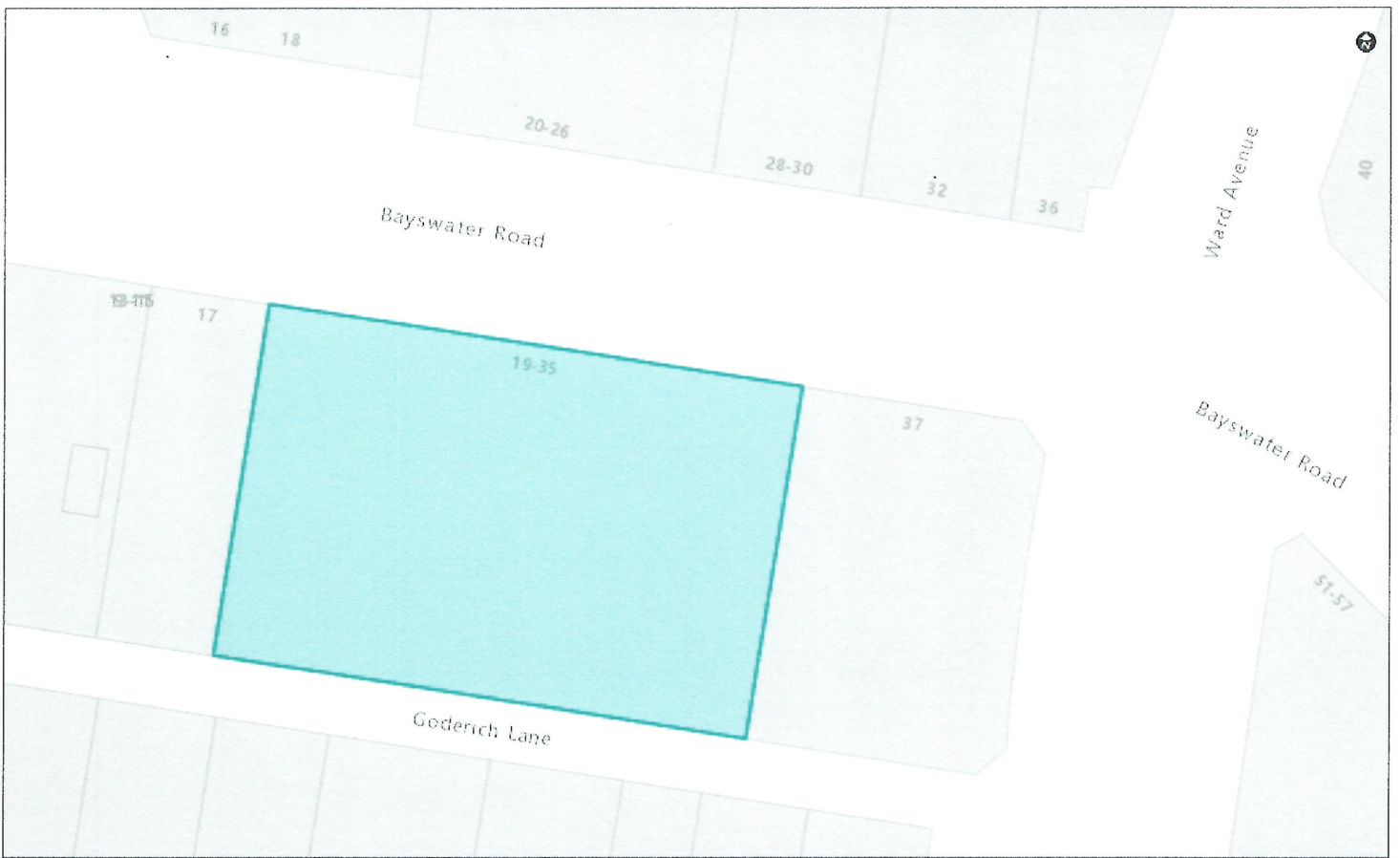


Attachment F

**Inspection Report - 19-35
Bayswater Road, Potts Point**

19-35 Bayswater Road, Potts Point



city of villages



Metres Date: 5 Jan 19
At 1:500

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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: CSM2003508

Officer: Chad Grant

Date: 24 January 2019

Premises: 19-35 Bayswater Road, Potts Point – “The Club”

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 consist of an eight storey building primarily used as serviced apartments with associated basement car parking and retail (restaurants and bars) areas. The building is configured as follows:

- Basement 1 to 5 Levels - Car parking.
- Lower Ground Level - Retail areas.
- Ground Level - Serviced apartment entry foyer and retail areas.
- Levels 1 to 6 - Serviced apartments, commercial and retail areas.
- Roof Level – Plant Room.

The building was subject to a Fire Safety Order issued by Council on 20 September 2007 which was subsequently finalised on the 25 September 2009.

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.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building manager have revealed that whilst there remains several minor fire safety “maintenance and management” works to attend to such as ensuring the exit signs are operational, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

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.

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 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
18/12/2018	FRNSW correspondence received regarding premises The Club, 19-35 Bayswater Road, Potts Point.
20/12/2018	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 31 August 2019. The premises was issued with a fire safety order by Council on 20 September 2007. The works under the fire safety upgrade order were completed and subsequently finalised by Council on 25 September 2009.
17/01/2019	An inspection of the premises was undertaken by a Council investigation officer which revealed the following: ➤ Certain exit signage and emergency lighting was not operational; certain doors did not have signs indicating the operation of the door is not to be impaired; three damaged sprinkler heads located in the main entrance room; a defective self-closing device for a fire door leading from the bar to the fire isolated exit. The above items were discussed. The fire service contractors were to rectify the defective fire safety measures.
18/01/2019	Correspondence was issued to the Owners of the building to have the abovementioned matters satisfactorily addressed.
24/01/2019	A follow up inspection of the premises was undertaken by a Council investigation officer which revealed the following: ➤ The exit signage and emergency lighting was operational; new signs had been installed indicating the operation of certain doors are not to be impaired; the outstanding matters being damaged sprinkler heads and defective self-closing device for a fire door were being rectified at the time.

FIRE AND RESCUE NSW REPORT:

References: [BFS17/88521; D18/86193; 2018/645960]

Fire and Rescue NSW conducted an inspection of the subject premises in conjunction with the NSW police force on 9 December 2017.

Issues

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

1. Certain fire safety measures were not being maintained;
2. There were no signs on certain doors indicating the operation of the doors must not be impaired;
3. Egress from the premises was partly obstructed.

FRNSW Recommendations

FRNSW have made a number of recommendations within their report. In general FRNSW have requested that Council:

1. Inspect and address any other deficiencies identified on the premises and require abovementioned items to be addressed appropriately.

2. In its capacity as the regulatory authority take action to have the abovementioned items appropriately addressed.
3. 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 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.

Follow-up compliance inspections will be undertaken and will continue to be undertaken by a Council 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 at this time.

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

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/020402-01
A2.	Locality Plan	2019/020402-02
A3	Attachment cover sheet	2019/020402-03

Trim Reference: 2019/020402

CSM reference No#: 2003508



File Ref. No: BFS17/88521
TRIM Ref. No: D18/86193
Contact: [REDACTED]

14 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
'THE CLUB'
19-35 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.

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.

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 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. Maintenance – Clause 182 of the Environmental Planning and Assessment Regulation 2000 requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. The following was noted at the time of the inspection:
 - A. Exit signs – A number of exit signs were either not operating when the test button was pressed or were not illuminated.
 - B. Emergency Lighting – A number of spit fires were not operating when the test button was pressed.
 - C. Portable Fire Extinguishers (PFE) – Clause 3.2 of AS 20444-2001 requires PFEs to be readily accessible position, located in positions away from hazards to the potential user. Where practicable, extinguishers shall be located along normal paths of travel and near exits. Observations revealed a number of PFEs were obstructed, however the obstructions were removed at the time of the inspection.
- 1B. Regular Maintenance – Australian Standard AS1851-2012 (amendment 1) - "Service of fire protection systems and equipment", requires essential service measures to be regularly tested. The following is noted:
 - A. Hydrant Service Tags – Clause 4.2 require routine services to be recorded in accordance with Clause 1.16. The internal hydrants included service tags that appeared to lack routine maintenance, the tag for the hydrant displayed the last service was in 2015.

- B. Portable Fire Extinguishers (PFE) – Clause 10.2.16 requires routine service and results detailed in Clause 10.4 to be kept in accordance with Clause 1.16. The PFEs located in the kitchen, bar and DJ box, either lacked service tags or included service tags that appeared to lack routine maintenance.
- C. Fire Doors / Smoke Doors – Section 12.2.4. requires fire doors and smoke doors to be appropriately tagged. At the time of the inspection a number of doors that lead into the fire isolated exit from “The Club” were painted over. As such the tags were illegible.

2. Access and Egress

- 2A. Operation of Latch – D2.21 of the NCC requires that a door must be readily openable without a key from the side that faces a person seeking egress. At the time of the inspection the door leading from the “Private Room” included tulip style handles leading into the fire isolated exit.
- 2B. Signs on Doors – Clause D2.23 of the NCC requires signage that indicates the operation of certain doors must not be impaired. At the time of the inspection, it appears that signage may be required to the door leading from a fire isolated exit to a road or open space - on each side of the door for the bar and private room.
- 2C. Exit Sign – Clause E4.5 of the NCC requires exits signs to be installed in a specified location and visible when approaching an exit. At the time of the inspection, the following was observed:
 - A. The door leading to the exit from the kitchen appeared to be a redundant exit.
 - B. The exit sign from the bar to the fire isolated exit appeared to be missing.
- 2D. Paths of Travel to Fire Exits – Clause 186 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), requires paths of travel from ‘the premises’ to a fire exit to be clear of impediments or obstructions. Behind the exit door from the Private Room, tables were stacked against the wall. Whilst the items were not obstructing the path of travel the items were asked to be removed.

3. Compartmentation

- 3A. Fire Doors – Clause C3.4 and Clause C3.5 of the NCC requires fire doors in a fire wall be installed to maintain the integrity of the fire isolated exit. It appears that the following may be fire doors, as such the following concerns were observed:
 - A. The self-closers to the door in the bar was damaged, and could not self-close.

- B. There were a number of doors from "The Club" that appeared to require the installation of a fire door. The doors lacked service tags and sounded hollow when tapped.

4. Generally

- 4A. Annual Fire Safety Statement (AFSS) – Clause 177(3)(b) of the Environmental Planning and Assessment Regulation 2000 requires the statement must be prominently displayed in the building, at the time of the inspection the AFSS could not be located.

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 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 BFS17/88521 for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]
Senior Building Surveyor
Fire Safety Compliance Unit