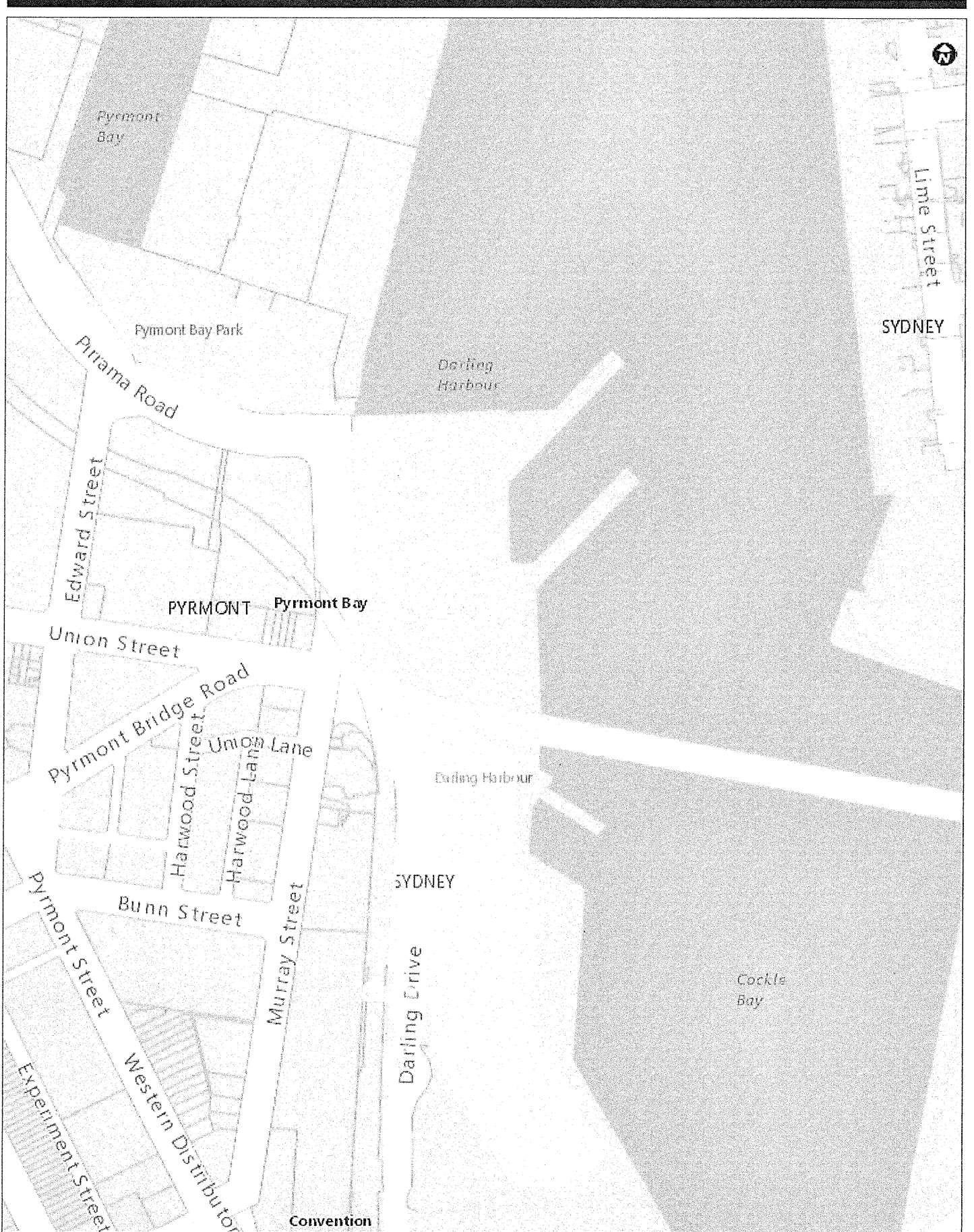


# **Attachment H**

**Inspection Report -  
2-10 Darling Drive, Sydney**



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

**File:** 2009337

**Officer:** Michael Merlino

**Date:** 9 January 2019

**Premises:** "The Watershed" 2-10 Darling Drive SYDNEY NSW 2000

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**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 consists of a three storey building used as a shopping centre that includes retail tenancies, restaurants and bars. The individual tenancy that relates to this referral is used as a restaurant and bar known as "The Watershed"

An inspection of "The Watershed" tenancy of the subject premises was undertaken by a Council investigation officer in the presence of the general manager of the venue and 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 including mounting portable fire extinguishers and associated signage, 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 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.

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**Chronology:**

<b>Date</b>	<b>Event</b>
2/01/2019	FRNSW correspondence received regarding premises "The Watershed" 2-10 Darling Drive SYDNEY NSW 2000.
3/1/2019	An inspection of the subject premises was undertaken by a Council officer and the General Manager for the venue revealed that the following items requiring rectification: a) Portable fire extinguishers at back of house area are to be mounted; b) All portable fire extinguishers and fire blankets are to be tagged; c) A smoke detector needs to be re-attached to the ceiling.
9/1/2019	Compliance instruction correspondence issued to the venue manager

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**FIRE AND RESCUE NSW REPORT:**

References: [BFS18/3686(5797); D18/91447, 2019/000818]

Fire and Rescue NSW conducted an inspection of the subject premises on 8 December 2018 in the company of officers from NSW Police Force.

Issues

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

1. Issues raised in relation to faults to the smoke detection system for the tenancy,
2. A defective exit sign,
3. Portable fire extinguishers and fire blankets in the kitchen were missing inspection tags.

FRNSW Recommendations

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

1. Inspect and address any other deficiencies identified in the premises and require item no. 1 of their report to be addressed appropriately.
2. Advise them in writing of its determination in relation to this matter in accordance with the provisions of Schedule 5, Part 8, Section 17(4) 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	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 the above site inspection undertaken by Council investigation officers it is recommended that the owners of the building continue to comply with the written fire safety compliance instructions as issued to rectify the identified fire safety deficiencies noted by FRNSW.

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 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

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**Referenced documents:**

<b>No#</b>	<b>Document type</b>	<b>Trim reference</b>
A1.	Fire and Rescue NSW report	2019/012197-01
A2.	Locality Plan	2019/012197-02
A3	Attachment cover sheet	2019/012197-03

**Trim Reference: 2019/012197**

**CSM reference No#: 2009337**

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File Ref. No: BFS18/3686 (5797)  
TRIM Ref. No: D18/91447  
Contact: [REDACTED]

24 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 Sir / Madam

**Re: INSPECTION REPORT  
"THE WATERSHED"  
SHOP 198, HARBOURSIDE SHOPPING CENTRE  
2-10 DARLING DRIVE, SYDNEY ("the premises")**

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 8 December 2018 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.

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

The following items were identified as concerns at the time of inspection:

### 1. Essential Fire Safety Measures

#### 1A. The Automatic Fire Detection and Alarm System (“the system”):

It is noted that the Harbourside Shopping Centre, has an Aspirated Smoke Detection System (VESDA) installed throughout, however it appears that the VESDA system does not extend throughout ‘The Watershed’ tenancy and ‘The Watershed’ is fitted with its own independent smoke detection system. It is unclear whether this arrangement has been approved in this manner. Notwithstanding this, the following items were identified at the time of the inspection.

- a) The Fire Panel was displaying “Fault” in Zones 2 and 3 indicating ‘the system’ was not fully operational and was not being maintained, in contravention with the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

‘The Watershed’ management were made aware of the issues surrounding ‘the system’ at the time of the inspection and FRNSW were advised that the issues would be investigated by the fire services technician and any necessary works would be undertaken to return ‘the system’ back to its normal operation. Subsequent correspondence received from the General Manager of ‘The Watershed’, following the inspection, revealed that investigations into the faults on the fire panel discovered the existing panel was no longer operational and required replacement.

Additional correspondence received on 19 December 2018 confirmed that faulty control unit had been replaced and the system was again fully operational without any faults.

- 1B. Exit signs – The exit sign above the main entry/exit door was not illuminated and had not been maintained, contrary to the requirements of Clause 182 of the EP&A Regulation.
- 1C. Portable Fire Extinguishers (PFE’s) and Fire Blankets (FB’s) – The PFE and FB in the kitchen were missing the maintenance tags, indicating the PFE’s & FB may not have received any routine servicing, contrary to the requirements of Clause 10.3 of AS 1851-2012 and Clause 182 of the EP&A Regulation.

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

## RECOMMENDATIONS

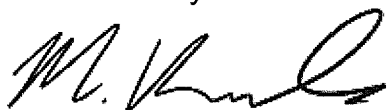
FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 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 BFS18/3686 (5797) for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]  
Senior Building Surveyor  
Fire Safety Compliance Unit