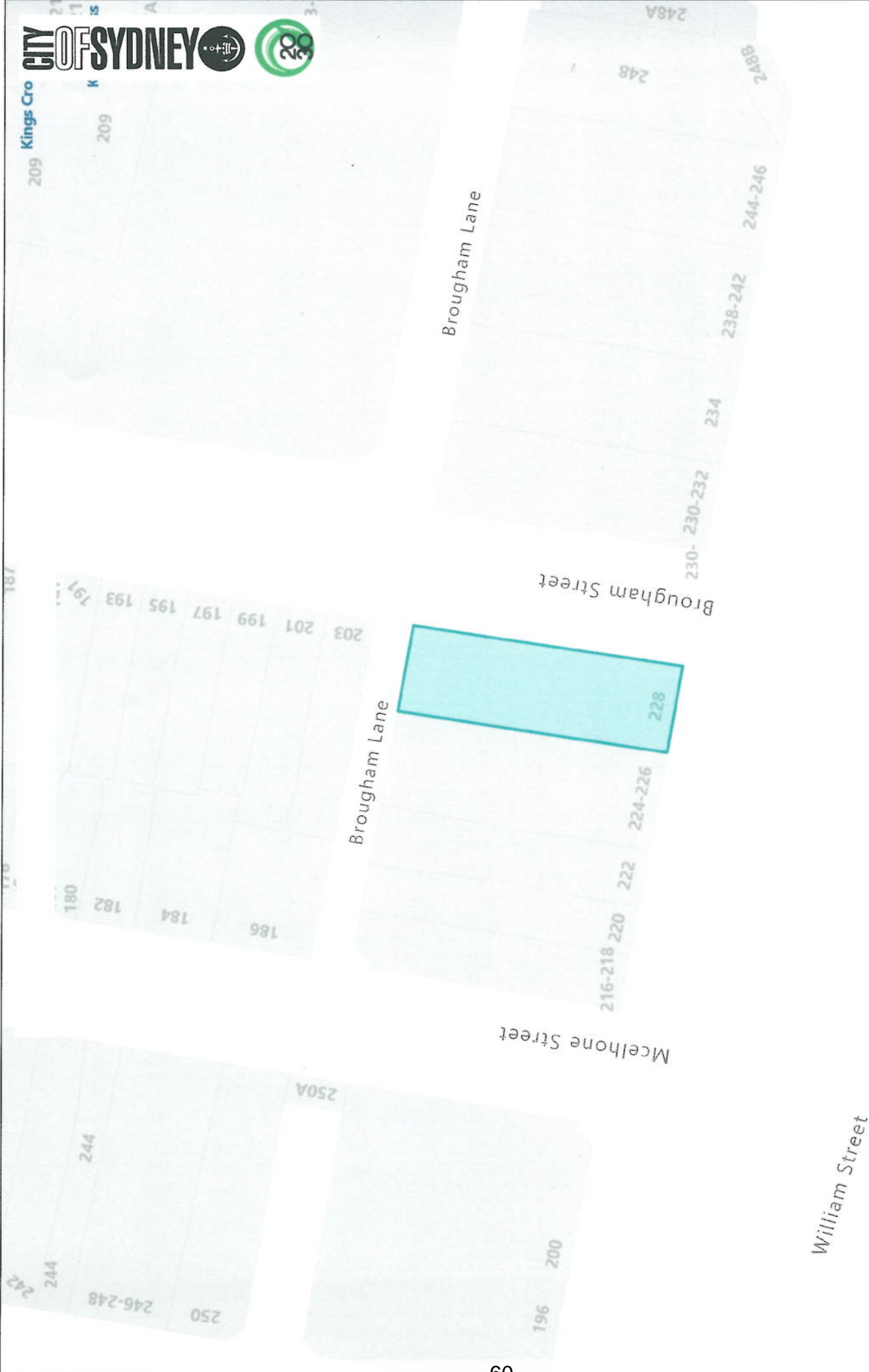


Attachment H

**Inspection Report – 228 William Street,
Woolloomooloo**



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22/10/2018

**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 2034335

Officer: Craig Hann

Date: 26 February 2019

Premises: 228 William Street, Woolloomooloo (O'Malley's Hotel)

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.

Council at its meeting held on 10 December 2018 considered FRNSW's previous report dated 17 October 2018 in Council Investigation Officer's report (Attachment G) dated 30 October 2018 (2018/546488) and resolved *not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 228 William Street, Woolloomooloo, as detailed in Attachment G.* The required minor fire safety works were considered to be of a "maintenance and management" type that could be dealt with by way of written corrective action instructions to the owner. Corrective action instructions had been issued to the owner by Council on 24 October 2018 (2018/546395).

The premises is located at 228 William Street Woolloomooloo and is known as O'Malley's Hotel.

The building comprises of a five storey building located on the corner of William Street, Brougham Street and Brougham Lane and is configured as follows:

- A basement level containing a cellar, storage areas and patron sanitary facilities.
- A ground floor level containing a public bar and gaming room accessible from William Street and Brougham Street.
- A first and second floor level containing offices and hotel accommodation.
- A third floor level containing two hotel rooms and a laundry.

Observation of the external features of the building did not identify the existence of metallic sheet cladding on the facade of 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 building has a current annual fire safety statement which was on display within the premises at the time of inspection. The building is also listed on Council's essential services register and is currently compliant.

Inspections undertaken by a Council Investigation Officer in company with the owner and manager of the premises revealed that the corrective action fire safety works previously required and inspected by Council are compliant.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

Chronology:

Date	Event
11/2/2019	FRNSW correspondence received regarding premises O'Malley's Hotel, 228 William Street, Woolloomooloo.
18/2/2019 and 22/2/2019	<p>Inspections of the subject premises were undertaken by a Council officer to review the status of the required corrective action "maintenance and management" works that were previously recommended and determined.</p> <p>Follow up compliance inspections had previously been conducted on 29 and 31 October 2018. These inspections revealed that the required corrective action "maintenance and management" works had been completed in a compliant manner.</p> <p>During re-inspections on 18 and 22 February 2019 the previously completed corrective action "maintenance and management" works were compliant.</p> <p>The Council Investigation Officer's report dated 30 October 2018 (2018/546488) assessed the relevant FRNSW report and made appropriate recommendations that have been actioned.</p>

FIRE AND RESCUE NSW REPORT:

References: [BFS19/199, D19/4940; 2019/066691]

Fire and Rescue NSW in the presence of the NSW Police conducted an inspection of the subject premises on 19 January 2019 as a part of a proactive joint inspection program of licenced premises.

Issues

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

1. The buildings smoke detection and alarm system which was in part provided with thermal detector heads on the ground floor and first floor in lieu of required smoke detector heads.
2. The buildings fire hydrants not being provided with compatible FRNSW hose connection points.
3. A fire hose reel located on the third floor that necessitates passing through a fire door which is not permitted.
4. Exit and directional signage that was not illuminated and was not being maintained.
5. Whether fire hydrant coverage is provided to the topmost level of the building, and the suitability of the buildings existing fire hydrant system.

FRNSW Recommendations

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

1. Inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report and require them to be appropriately addressed;
2. In its capacity as the regulatory authority take action to have the abovementioned items appropriately addressed.

FRNSW have also requested that as soon as practical after the above recommendations have been tabled and considered that notice of any determination in respect of the recommendations is forwarded to them 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)

Inspections undertaken by a Council investigation officer in company with the owner and manager of the premises revealed that the fire safety works required by Council have been complied with.

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	2019/066691
A2.	Locality Plan	2018/546488-02
A3.	Attachment cover sheet	2019/066691-01
A4.	Council Investigation Officer Inspection and Recommendation Report to Council Meeting held on 10 December 2018	2018/546488
A5.	Council corrective action instruction correspondence to owner dated 24 October 2018	2018/546395

Trim Reference: 2019/072862

CSM reference No#: 2034335



File Ref. No: BFS19/199 (6101)
TRIM Ref. No: D19/4940
Contact: [REDACTED]

6 February 2019

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
O'MALLEY'S HOTEL
228 WILLIAM STREET, WOOLLOOMOOLOO ("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 19 January 2019 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

1. FRNSW conducted a previous inspection of the premises which identified items of concern as detailed in a FRNSW Inspection Report to Council, dated 17 October 2018, File Ref. No. BFS17/3010 (8000002254) (see Appendix 1). The inspection on 19 January 2019, identified the same items of concern.

As such, FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building, with reference made to FRNSW Inspection Report dated 17 October 2018 (see Appendix 1)

RECOMMENDATIONS

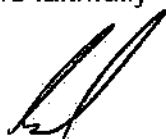
FRNSW recommends that Council:

- 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 BFS19/199 (6101) for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment: [Appendix 1 – FRNSW Inspection Report dated 17 October 2018]

Appendix 1 – FRNSW Inspection Report



File Ref. No: BFS17/3010 (8000002254)
TRIM Ref. No: D18/71064
Contact: [REDACTED]

17 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
O'MALLEY'S HOTEL
228 WILLIAM STREET, WOOLLOOMOOLOO ("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 of 'the premises' was conducted prior to the amendments of the 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.

FIRE AND RESCUE NSW
Community Safety Directorate
Fire Safety Compliance Unit
firesafety@fire.nsw.gov.au

ABN 12 593 473 110
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Unclassified

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Page 1 of 3



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 note, that this report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia - Volume 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed outline concerns that may contradict development consent approval or correlate to the building's age. In this regard, it is 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. Smoke Detection and Alarm System

- A. A Zone Block Plan of the installation was not securely mounted adjacent to the FIP, contrary to the requirements of Clause 3.10 of AS1670.1-2015.
- B. Most of the detectors within the ground floor pub are heat detectors, in lieu of a smoke detector, contrary to the requirements of Specification E2.2a of the NCC.
- C. There is a heat detector located within the first-floor corridor, in lieu of a smoke detector, contrary to the requirements of Specification E2.2a of the NCC.

1B. Fire Hydrant System

- A. Storz couplings, compatible with FRNSW firefighting hose connections were not provided to all fire hydrant valves throughout the premises, contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS2419.1-2005, Clauses 1.2 and 3.4 of AS2419.2-2009 and Clauses 1.2 and 3.5 of AS2419.3-2012, as detailed in 'FRNSW Fire safety guideline, Technical information – FRNSW Compatible hose connections – Document no. D15/45534 – Version 07 – Issued 12 June 2018'.

1C. Fire Hose Reel (FHR)

- A. FHR coverage on the third floor, relies upon the FHR passing through a doorway fitted with a fire door, contrary to the requirements of Clause E1.4(f) of the NCC.

1D. Exit signs

- A. Some exit signage was not illuminated and not maintained, contrary to the requirements of Clause E4.8 of the NCC, Section 6 of AS 2293.1-2005 and Clause 182 of the Environmental Planning and Assessment Regulation 2000.

- B. An exit sign located in the corridor on the second floor was missing the pictorial element.

2. Generally

2A. Fire Hydrant System

- A. FRNSW has concerns that fire hydrant coverage may not be provided to serve the third floor, in accordance with the requirements of Clause E1.3 of the NCC and AS 2419.1-2005.
- B. The fire hydrant system appears to be installed in accordance with Ordinance 70 and Ministerial Specification No.10. FRNSW recommends any fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier) should be upgraded to meet the requirements of the current Australian Standard (AS)2419.1 for an equivalent new building, as these older fire hydrant systems no longer meet the operational needs of FRNSW.

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

RECOMMENDATIONS

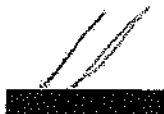
FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require items no. 1 and 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 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 BFS17/3010 (8000002254) for any future correspondence in relation to this matter.

Yours faithfully



Building Surveyor
Fire Safety Compliance Unit

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