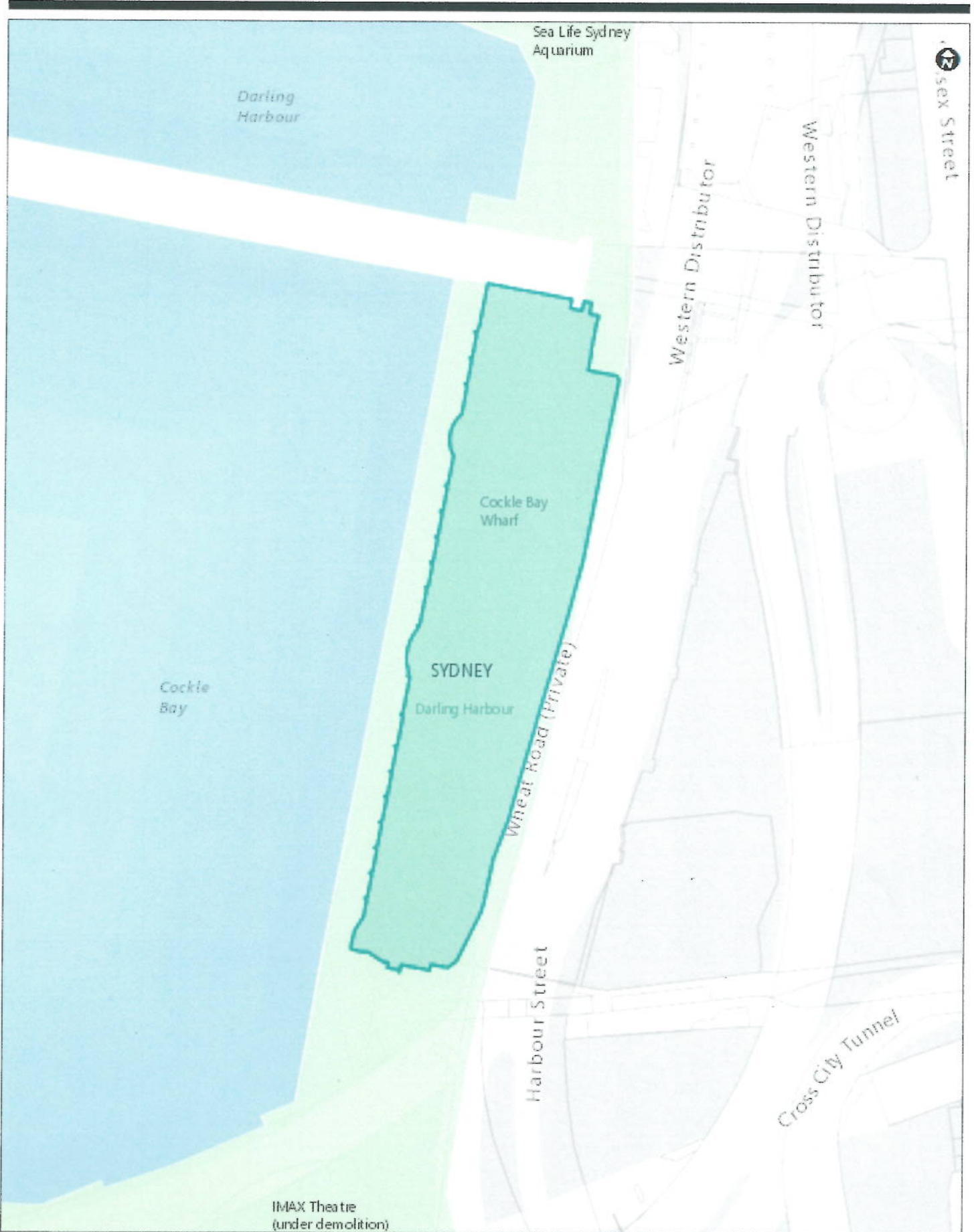


Attachment N

**Inspection Report – 17-27 Wheat Road,
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: CSM 2040038

Officer: Michael Merlino

Date: 22 February 2019

Premises: 17-27 Wheat Road, SYDNEY NSW 2000 "Home Nightclub"

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 13 February 2019 with respect to matters of fire safety.

The premises known as the "Home Nightclub" consists of a 3 storey building used as a nightclub on all 3 levels. The premises forms part of the Cockle Bay Wharf building and is located on the most Southerly part of the building.

An inspection of the premises undertaken by a Council investigation officer in the presence of the business owner and the building and retail managers have 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 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 obstruction to an exit sign, maintenance to a fire hose reel, additional smoke detectors to a room and a fault displayed on the buildings Fire Indicator Panel located elsewhere in the main building, 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

Chronology:

Date	Event
13/2/2019	FRNSW correspondence received regarding premises 1-5 Wheat Road, Darling Harbour "Home Nightclub". It is noted that the correct address for the building is 17-27 Wheat Road, Sydney which was confirmed with an officer of FRNSW.
21/2/2019	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 29 November 2019.
22/2/2019	An inspection of the subject premises was undertaken by a Council officer which revealed the following items to be addressed by the building owners: 1. A full copy of the buildings Annual Fire Safety Statement is to be displayed at the building security office;

	<ol style="list-style-type: none"> 2. A current isolation was displayed on the buildings Fire Indicator Panel (FIP) relating to the Blackbird Café; 3. Vegetation was overgrown on the western balcony that was obstructing an exit sign; 4. A fire hose reel valve was not functioning correctly and requires servicing; 5. Additional smoke detectors are required to be provided to level 2 mezzanine area.
22/2/2019	Corrective action correspondence issued to the owner and building manager of the premises requiring the abovementioned matters to be satisfactorily addressed.

FIRE AND RESCUE NSW REPORT:

References: [BFS18/3695, D19/7990; 2019/083070]

Fire and Rescue NSW conducted an inspection of the subject premises in conjunction with the NSW police force on 9 February 2019.

Issues

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

1. A fault was displayed on the fire indicator panel;
2. Smoke detection was not visible on level 2 "Mezz lounge" and additional detection may be required to this area;
3. A fire hose reel nozzle failed to open;
4. Concerns regarding the swing of certain doors;
5. An evacuation diagram was not indicative of the actual location in the building.

FRNSW Recommendations

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

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed;
2. 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	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 investigation officer to ensure already 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	2019/093010-01
A2.	Locality Plan	2019/093010-02
A3	Attachment cover sheet	2019/093010-03

Trim Reference: 2019/093010

CSM reference No#: 2040038

Pin's:

Pin not issued, minor maintenance works required, owners committed to rectifying issues.



File Ref. No: BFS18/3695
TRIM Ref. No: D19/7990
Contact: [REDACTED]

13 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
'HOME NIGHTCLUB'
1-5 WHEAT ROAD DARLING HARBOUR ("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 9 February 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

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 One Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

- 1A. Automatic Smoke Detection and Alarm System – There was a fault displayed at the main Fire Indicator Panel (FIP), contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

The maintenance log book in the fire control room indicates that the fire services contractors were aware of the issue which related to a duct detector. Club management were made aware of the issue and agreed to address as necessary.

- 1B. Smoke Detection – No smoke detectors were visible on the ceiling of the 'Mezz Lounge' on level 2. In that regard the 'Mezz Lounge' area may not comply with the requirements of Section 5 of Australian Standard (AS) 1670.1–2004. A review of Council's records and investigation may be required.

- 1C. Fire Hose Reel (FHR) – At the time of inspection, the nozzle of the FHR on level 2, adjacent to the southern fire stair, failed to open, contrary to the requirements of AS 2441–2005 and Clause 182 of the EP&A Regulation.

2. Access & Egress

- 2A. Door swing – The designated exit door from the level 2 office/staff area to the nightclub area, swings against the direction of egress, contrary to the requirements of Clause D2.20 of the NCC.

3. Generally

- 3A. Evacuation Diagram. – The evacuation diagram adjacent to the northern fire stair at level 2, was not indicative of the actual location, showing the layout of level 1. Management were informed and agreed to install the correct diagram.

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

RECOMMENDATIONS

FRNSW recommends that Council:

Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 3 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 BFS18/3695 for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]
Building Surveyor
Fire Safety Compliance Unit