

Attachment D

Inspection Report – 275 Pitt Street, 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 2034307

Officer: Michael Merlino

Date: 20 February 2019

Premises: 275 Pitt Street, Sydney "Arthouse Hotel"

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 8 February 2019 with respect to matters of fire safety.

The premises known as the "Arthouse Hotel" consists of a 3 storey building with a mezzanine level used as a pub with gaming room, bar and a restaurant/function areas. The building is configured as follows:

- Ground floor level – Pub and gaming room
- Mezzanine level – Amenities
- First floor level – Restaurant
- Second floor level – bar/function area

An inspection of the premises undertaken by a Council investigation officer in the presence of the business owner 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 an additional exit sign and repairs/maintenance to existing exit 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.

Chronology:

Date	Event
11/2/2019	FRNSW correspondence received regarding premises "Arthouse Hotel" 275 Pitt Street, Sydney.
19/2/2019	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 28 September 2019.

19/2/2019	An inspection of the subject premises was undertaken by a Council officer which revealed the following: 1. One exit sign was not illuminated and required repairs; 2. Artificial vegetation was blocking view of directional exit signage; 3. Additional exit sign is required adjacent to second floor exit door.
20/2/2019	Corrective action correspondence issued to the business owner of the premises requiring the abovementioned matters to be satisfactorily addressed.

FIRE AND RESCUE NSW REPORT:

References: [BFS18/3689 (5799), D19/8227, 2019/066685]

Fire and Rescue NSW conducted an inspection of the subject premises in conjunction with the NSW police force on 9 December 2018.

Issues

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

1. Faults and isolations to the fire indicator panel which were later confirmed did not relate to the premises being Arthouse hotel,
2. Multiple exit signs were not illuminated,
3. Inadequate directional exit signs to the second floor level.

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	2019/085242-01
A2.	Locality Plan	2019/085242-03
A3	Attachment cover sheet	2019/085242-02

Trim Reference: 2019/085242

CSM reference No#: 2034307



Project completion tasks

- Specialist will advise you of council resolution (email)
- FRNSW response to be sent (see template in wdrive-point 12 above)
- Continue with your recommendations/actions (issue NOI/other compliance actions-*2 week deadline to fulfil resolution*)
- Input compliance recording (csm notes/update spreadsheet in trim/other)
- Complete your csm **only** if your compliance actions have been satisfactorily completed.



File Ref. No: BFS18/3689 (5799)
TRIM Ref. No: D19/8227
Contact: [REDACTED]

8 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**
"THE ARTHOUSE HOTEL"
275 PITT STREET, 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 9 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 within "The ArtHouse Hotel – 275 Pitt Street" only, as identified in this report.
- A conceptual overview of the "The ArtHouse Hotel – 275 Pitt Street", 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

It is noted that "The ArtHouse Hotel" forms part of 'The Galleries' shopping centre (500 George Street) and the inspection was limited to "The ArtHouse Hotel" portion only.

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:

- a) Mimic Panel located in the ArtHouse Hotel: The automatic smoke detection and alarm system did not appear to be capable of operating to the standard of performance from when it was first designed and installed in contravention with the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). The following issues were identified as concerns at the time of inspection.

- i. The Mimic Panel was displaying eight (x8) faults.
- ii. The Mimic Panel was displaying three (x3) isolations

Discussions with the Operations Manager from Vicinity Centres ([REDACTED]), following the inspection revealed that the detection system for 'The ArtHouse Hotel' forms part of a shared service between 'The Galleries' shopping centre (which includes 'The ArtHouse Hotel') and the Citigroup Centre (2-26 Park Street).

Correspondence received on 12 December 2018 from [REDACTED], following a review of the detection system by the fire services contractor, revealed that none of the faults or isolations were associated with 'The ArtHouse Hotel' and the 3 isolations and 3 of the 8 faults were associated with Citigroup Centre building, with the remaining 5 faults being attributed to the current fit-out and maintenance works associated within 'The Galleries' shopping centre. Furthermore, it was advised that Citigroup property managers were made aware of the isolations and faults associated with their part of the system/building, whom indicated the issues would be investigated and repaired.

1B. Exit signs – The following issues were identified as concerns at the time of inspection:

- a) Multiple exit signs throughout 'the premises' were not illuminated and had not maintained, contrary to the requirements of Clause 182 of the EP&A Regulation.

- b) Where an exit is not readily apparent to the persons occupying or visiting the building, directional exit signs shall be installed in appropriate positions to indicate the direction to a required exit in accordance with Clause NSW E4.6 and Clause E4.8 of the NCC. In this regard, inadequate directional exit signage was provided throughout the second-floor level to direct the occupants to the exits.

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. 1A through to item no. 1B 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 BFS18/3689 (5799) for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]
Senior Building Surveyor
Fire Safety Compliance Unit