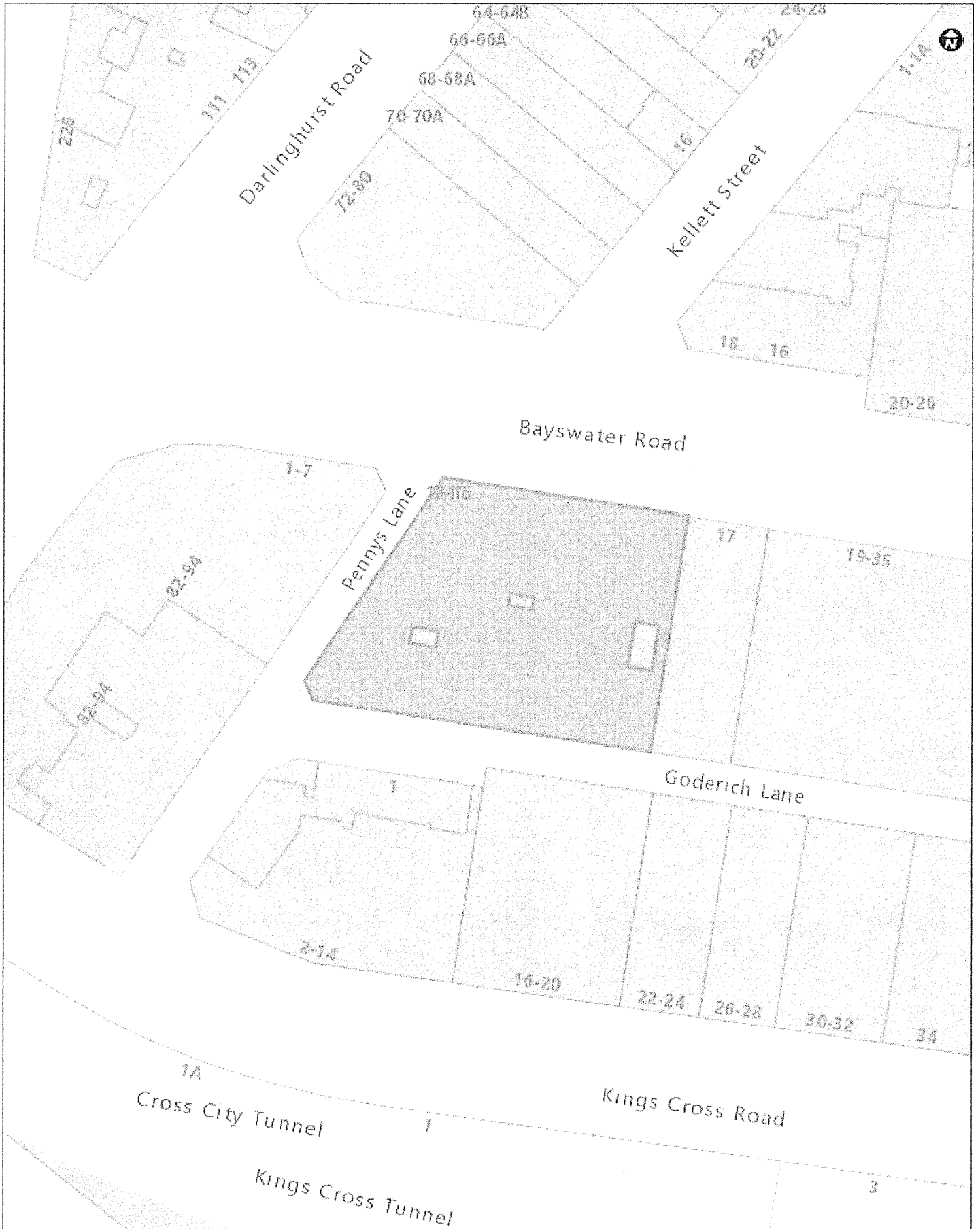


# **Attachment J**

**Inspection Report -  
9-11 Bayswater Road, Potts Point**



**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 2040013**

**Officer: Joe Kalgovas**

**Date: 2/04/2019**

**Premises: 9-11 Bayswater Road, Potts Point**

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**Executive Summary:**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) dated 15 February 2019 in relation to the subject premises with respect to matters of fire safety.

The building consists of a nine storey structure used primarily as a residential apartment building containing a hotel, commercial use and basement carpark.

An inspection of the premises undertaken by a Council investigation officer in the presence of the directors of the hotel revealed that there were no significant fire safety issues occurring within the building.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to, 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(s) through written instruction from Council.

The building is also the subject of a fire safety order which was issued by the City on 29 October 2015. The subject fire safety order is currently being compliance managed to the satisfaction of Council.

The matters specified by FRNSW in their correspondence of February 2019 generally lie outside the scope of the issued fire safety order.

Observation of the external features of the building did not identify the existence of metal composite cladding.

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**Chronology:**

<b>Date</b>	<b>Event</b>
19/02/2019	FRNSW correspondence received regarding premises 9 Bayswater Road, Potts Point The New Hampton Hotel.
27/02/2019	An inspection of the subject premises was undertaken by a Council officer with the directors of the hotel which found that the issues listed by FRNSW were being addressed.  Notwithstanding the above actions, the directors were also advised that Council will issue corrective action correspondence which will provide a compliance specification for works identified by FRNSW.
2/04/2019	Corrective action correspondence issued to building owners.

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## FIRE AND RESCUE NSW REPORT:

References: D19/10112, 2019/083005

Fire and Rescue NSW conducted a proactive inspection of the subject premises on 19 January 2019. The inspection was carried out in company with officers from the NSW Police Force

Issues:

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

1. Non-compliant directional exit signage at ground floor level.
2. Materials stored in the fire hose reel cupboard in VIP lounge.
3. Full opening of fire hose reel cupboard door in VIP Lounge restricted by handrail.
4. Exit door from the VIP lounge key locked.
5. Materials found stored in stairway on lower ground floor.

FRNSW Recommendations

FRNSW have recommended that Council inspect the subject premises and appropriately address noted and other deficiencies identified within their report.

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.

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### **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 inspections and conversations undertaken by Council investigation officers and site personnel it is recommended that the owners of the building address and comply with the issued compliance correspondence and rectify the identified fire safety deficiencies noted by Council and FRNSW.

The above correspondence has instructed the responsible site personnel to carry out corrective actions to existing fire systems to cause compliance with required standards of performance.

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 Council's 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 determination.

**Referenced documents:**

<b>No#</b>	<b>Document type</b>	<b>Trim reference</b>
A1.	Fire and Rescue NSW report	2019/083005
A2.	Locality Plan	2019/107225-01
A3	Attachment cover sheet	2019/107225-02

**Trim Reference:** 2019/107225**CSM reference No#:** 2040013



File Ref. No: BFS19/465 (6367)  
TRIM Ref. No: D19/10112  
Contact: [REDACTED]

15 February 2019

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 NEW HAMPTON HOTEL"  
9 BAYSWATER ROAD, POTTS POINT ("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 within "The New Hampton Hotel – Ground Floor Level" along with the Fire Control Room and Pump Room only, as identified in this report.

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 New Hampton Hotel" forms part of "The Hampton" building at 9-15 Bayswater Road and the inspection was limited to "The New Hampton Hotel" portion only.

Fire and Rescue NSW

ABN 12 593 473 110

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

Community Safety Directorate  
Fire Safety Compliance Unit

1 Amarina Ave  
Greenacre NSW 2190

T (02) 9742 7437  
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The following items were identified as concerns at the time of inspection:

1. Essential Fire Safety Measures

1A. Exit signs – 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 ground floor to direct the occupants to the exits.

1B. Fire Hose Reels (FHR's):

- a) Non-fire equipment was being stored within the FHR enclosure located in the VIP lounge, contrary to Clause 10.4.4 of AS2441–2005.
- b) The door to the FHR enclosure located in the VIP lounge was obstructed by the adjacent handrail, preventing the door from fully opening and therefore hindering access and use of the FHR, contrary to the requirements of Clause 10.1 of AS2441–2005.

2. Access and Egress

2A. Operation of latch – The side exit door from the VIP lounge which discharges out to Pennys Lane was locked and required a key to exit, contrary to the requirements of Clause D2.21 of the NCC and Clause 184 and 186 of the EP&A Regulation. The door was unlocked by a staff member prior to departure and the Manager advised that the door would remain unlocked whilst the premises was lawfully occupied.

2B. Materials were stored/located at the bottom of the fire-isolated stairway on the lower ground floor. The materials included, but was not limited to, fencing and signage. The Manager assured FRNSW at the time of the inspection that the items would be moved as a matter of priority.

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. 2 of this report be addressed appropriately.

**Unclassified**

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 BFS19/465 (6367) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Senior Building Surveyor  
Fire Safety Compliance Unit