

Attachment J

**Inspection Report -
46 Dowling Street, Woolloomooloo**

**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 2101221

Officer: Craig Hann

Date: 3 July 2019

Premises: 46 Dowling Street, Woolloomooloo – Frisco 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.

The premises known as the “Frisco Hotel” consists of a 3 storey building used as a bar and hotel accommodation rooms. The building is a heritage item and is located in a heritage conservation area under the Sydney LEP 2012.

An inspection of the premises undertaken by a Council investigation officer in the presence of the hotel manager 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.

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

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

Chronology:

Date	Event
7/6/2019	FRNSW correspondence received regarding premises Frisco Hotel, 46 Dowling Street Woolloomooloo.
28/6/2019	The building owner and hotel manager were contacted and advised of the FRNSW comments to council. An inspection of the building was arranged for the following week.
2/7/2019	<p>An inspection of the subject premises was undertaken by a Council officer accompanied by the hotel manager.</p> <p>The inspection revealed:</p> <p>Smoke detection and alarm system</p> <p>All hotel room smoke detectors were inspected. They were found to be uncovered and operational. The hotel manager advised the regular house-keeping inspection includes checking of smoke detectors for tampering / interference. If necessary, any required maintenance work is arranged.</p> <p>Access and egress</p> <p>The entry doors to all hotel rooms were inspected. They were found to be self-closing and self-latching in accordance with the building regulations.</p>

	<p>Protection of openings</p> <p>The first and second floor windows were inspected and found to have devices installed to restrict the window opening in accordance with the building regulations.</p>
--	---

FIRE AND RESCUE NSW REPORT:

References: [BFS19/197, D19/37188; 2019/284057]

Fire and Rescue NSW conducted an inspection of the subject premises with officers from NSW Police Force.

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

1. Covering of smoke detectors in hotel rooms;
2. Hotel room doors not self-closing;
3. Excessive opening size of openable windows with low sill height.

FRNSW Recommendations

FRNSW have made no direct recommendation within their report other than the matter is referred to council as the appropriate regulatory authority.

Further, FRNSW have also requested they be advised of council's 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	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 manager of the premises revealed that the above recommendations of FRNSW 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	2019/284057
A2.	Locality Plan	2019/295377-01
A3	Attachment cover sheet	2018/284057-02

Trim Reference: 2019/295377

CSM reference No#: 2101221

Unclassified



File Ref. No: BFS19/197 (6099)
TRIM Ref. No: D19/37188
Contact: [REDACTED]

7 June 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
'FRISCO HOTEL'
46 DOWLING 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.

Unclassified

COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items are limited to observations of the building accessed at the time of the inspection and identifies possible deviations from the National Construction Code 2016, Volume 1 Building Code of Australia (NCC). FRNSW acknowledges that the deviations may contradict development consent approval. It is therefore council's discretion as the appropriate regulatory authority to consider the most appropriate action.

Reference is made to FRNSW inspection report dated 28 September 2018 (D18/66509) and Council letter dated 14 December 2018 (CSM1962284/CDH/2018/ 510158). The following items were identified during the inspection, which were not referred to within either the FRNSW inspection report or Council letter:

1. Essential Fire Safety Measures
 - 1A. Smoke Detection and Alarm System
 - A. Three (3) smoke detectors on the second floor of the premises, within sole occupancy units (SOUs), were covered with tape, contrary to the requirements of Australian Standard (AS) 1670.1-2015.

The tape was removed from the three (3) smoke detectors at the time of the inspection.
2. Access and Egress
 - 2A. Some of the entry doors to the SOUs on the second floor did not self-close, contrary to the requirements of Clause C3.11 of the NCC. Management advised that they would rectify the matter to ensure all SOU entry doors self-close.
3. Protection of openings
 - 3A. The sill height to some of the vertical sliding windows on the first and second floor levels had a sill height less than 1m and were able to be opened more than 125mm, contrary to the requirements of Clause D2.16 of the NCC.

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 BFS19/197 (6099) for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]
Senior Building Surveyor
Fire Safety Compliance Unit