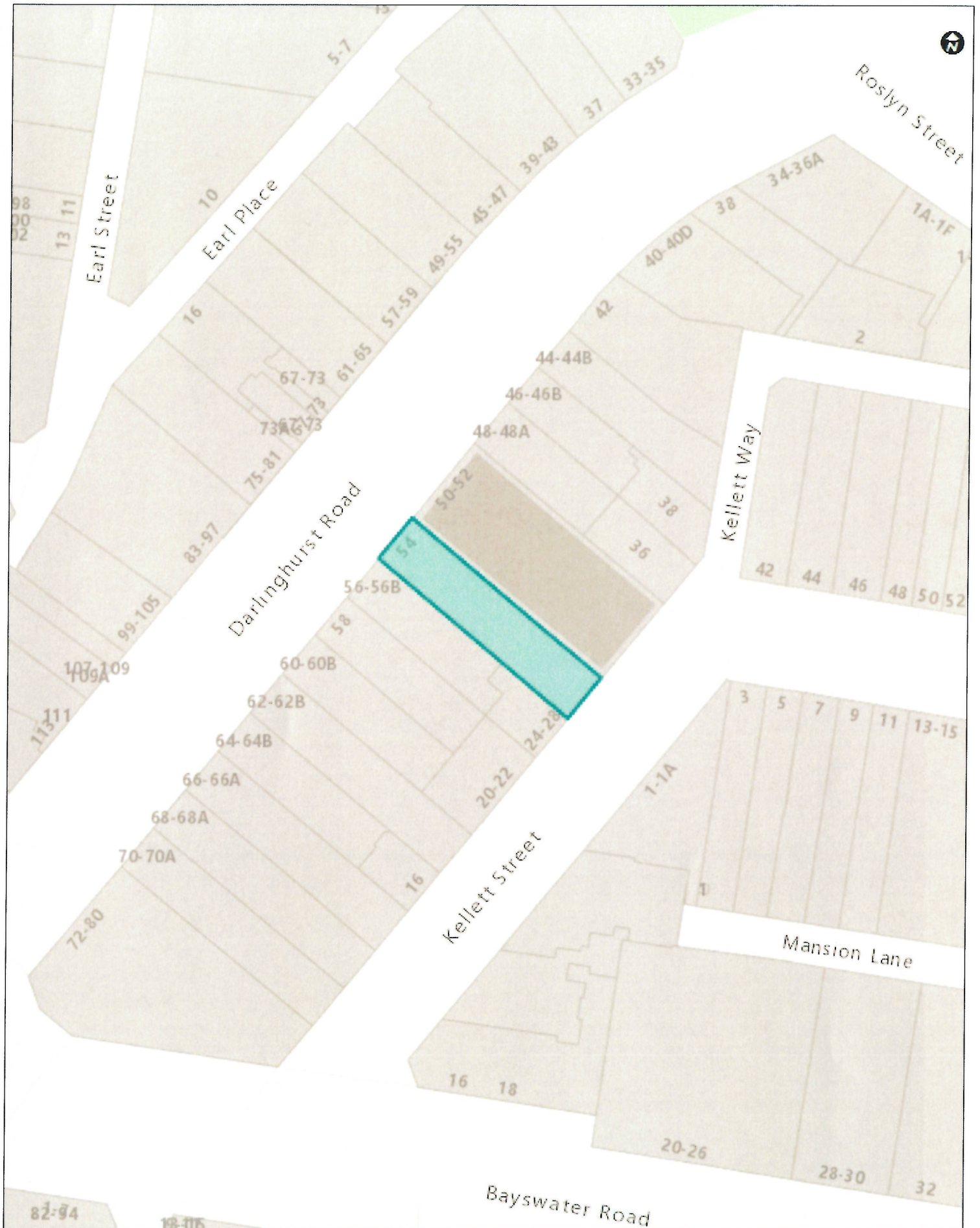


Attachment C

**Council Officer Inspection Report -
54 Darlinghurst Road, Potts Point**



**Council investigation officer Inspection and Recommendation Report
Clause 17(2), Part 8 of Schedule 5, of the Environmental Planning and Assessment
Act 1979 (the Act)**

File: CSM 2197579

Officer: Craig Hann

Date: 20 December 2019

Premises: 54 Darlinghurst Road, Potts Point – Vegas 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 consists of a 4 storey building with an additional basement storey used as a bar with ancillary office and storage. The storeys consist of basement storage / keg room, ground and first floor levels is a bar, second and third floor levels is ancillary office.

An inspection of the premises undertaken by a Council investigation officer in the presence of an owner's representative 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 and is on display within the building 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 exit signage and fire alarm system plan, 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.

Observation of the external features of the building did not identify the existence of combustible composite cladding on the façade of the building.

Chronology:

Date	Event
25/11/2019	FRNSW correspondence received regarding premises Vegas Hotel 54 Darlinghurst Road Darlinghurst. Council knows this address to be in the suburb of Potts Point.
28/11/2019	Council officer contacted the owner and advised of the inspection by FRNSW and the issues identified by them. An inspection was arranged for the following week.
4/12/2019	<p>An inspection of the subject premises was undertaken by a Council officer with a representative of the building owner.</p> <p>The inspection revealed:</p> <p>An alarm zone block plan was not displayed at the fire indicator panel as required by regulations. A plan is required to assist FRNSW operations.</p>

	<p>The domestic magnetic hold open devices fitted to fire doors on the first and second floors were removed during the inspection. The owner's representative was advised to keep the fire doors closed. The item is completed.</p> <p>Exit signs had been installed to the second floor since the inspection by FRNSW. Certification of compliance with regulations is required.</p> <p>A length of handrail was missing from the rear exit stair on the first floor. A handrail is required to be installed in accordance with regulations so as to assist occupants using the stair.</p> <p>Corrective action instruction letter to be sent to owner.</p>
19/12/2019	<p>Council issued corrective action instruction letter to the building owner to carry out remedial fire safety works that had been identified during inspection.</p> <p>Follow up council compliance inspections to be conducted.</p>

FIRE AND RESCUE NSW REPORT:

References: [BFS19/3417, D19/83890; 2019/598373]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about fire doors being held open and exit signs not installed in the upper storeys of the building.

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

1. an fire alarm system zone block plan wasn't mounted adjacent to the fire indicator panel;
2. fire doors on the first and second floor were held open by domestic magnetic devices;
3. exit signs were not installed on the second floor of the building.

FRNSW Recommendations

FRNSW have recommended that Council inspect the subject premises and appropriately address 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.

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 inspection undertaken by a Council investigation officer it was determined that concern for public safety required the giving of written instructions to rectify the identified fire safety deficiencies, without any further delay.

It is recommended that Council note the exercise of powers by Council's investigation officer in issuing written instructions to rectify the identified fire safety deficiencies prior to the resolution of Council.

The issue of written instructions to rectify the identified fire safety deficiencies will ensure that fire safety systems are maintained to the required standard of performance.

Follow-up compliance inspections will be undertaken by a Council officer to ensure all identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence occur.

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	2019/598373
A2.	Locality Plan	2019/603783-02
A3	Attachment cover sheet	2019/603783-01

Trim Reference: 2019/603783

CSM reference No#: 2197579



File Ref. No: BFS19/3417 (9210)
TRIM Ref. No: D19/83890
Contact: [REDACTED]

25 November 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
'VEGAS HOTEL'
54 DARLINGHURST ROAD, DARLINGHURST ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 17 October 2019, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

Multiple fire doors have domestic door magnets on them for convenience that do not dis-engage on FIP activation.

Upper floors do not have exit signage.

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 7 November 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

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 2019 Building Code of Australia – Volume One (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. Zone Block Plan – Typically, Section 3.10 of the Australian Standard 1670.1 -2015 requires a Zone Block Plan to be securely mounted and located adjacent to the Fire Indicator Panel (FIP). At the time of the inspection, a Zone Block Plan could not be located beside the FIP.
- 1B. Fire Doors – Fire doors on the first and second floors where observed held open by domestic type magnetic devices. Therefore, the doors failed to self close, contrary to the requirements of Clause C3.4 of the NCC. The issue was highlighted to staff during the inspection.

2. Access & Egress

- 2A. Exit Signs - The Performance Requirement EP4.2 of the NCC requires that suitable signs be installed to identify the location of exits. At first sight, there are insufficient cues on the second floor to identify where the exits are located. A review of the exit strategy may be required.

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 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 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 BFS19/3417 (9210) for any future correspondence in relation to this matter.

Yours faithfully

A large black rectangular redaction box covering the signature of the Fire Safety Compliance Unit.

Fire Safety Compliance Unit