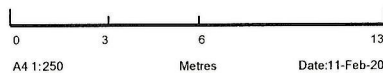


Attachment B

**Council Officer Inspection Report
35-37 Erskineville Road, Erskineville**



**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 2227401

Officer: Eyman Balta

Date: 12 February 2020

Premises: 35 - 37 Erskineville Road Erskineville - The Imperial Hotel

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 17 January 2020 with respect to matters of fire safety.

The Imperial Hotel is located on the corner of Erskineville Road and Union Street Erskineville, with the rear of the premises facing Toogood Lane.

The premises is a three storey building containing a basement nightclub, ground and first floor level bar and restaurant areas, and a rooftop level function space.

An inspection of the premises undertaken by a Council Investigation Officer in the presence of The Imperial Hotel General 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 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, 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 any potential combustible composite cladding on the façade of the building.

Chronology:

| Date | Event |
|-------------|--|
| 17/01/2020 | FRNSW correspondence received regarding the premises located at 35 - 37 Erskineville Road Erskineville known as The Imperial Hotel. |
| 12/02/2020 | <p>An inspection of the subject premises was undertaken by a Council Investigation Officer in the presence of the Hotel General Manager.</p> <p>The inspection confirmed only minor non-compliances which could be addressed through appropriate maintenance and management. The inspection also revealed that the majority of the issues raised by FRNSW had been addressed by the hotel management. The outcomes of the inspection were discussed at the conclusion of the inspection with the Hotel Manager who was also advised that written advice on the findings would be issued in due course.</p> |

FIRE AND RESCUE NSW REPORT:

References: (BFS19/3675 (9466) and D20/1025)

Fire and Rescue NSW in the presence of the NSW Police and Licenced Premises officers from the City of Sydney conducted an inspection of the subject premises on the 29 November 2019 as a part of a proactive joint inspection program of licenced premises.

Issues

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

1. An exit sign not being provided on the rooftop level of the building.
2. A portable fire extinguisher being obstructed by stored items.
3. A pot plant being located on the mid landing of a stair which reduced the unobstructed exit width of the stair.
4. The direction of the swing of doorways in a required exit or forming part of a required exit
5. A key operated latching device attached to an exit door on the rooftop level.
6. Inconsistencies associated with the buildings evacuation diagrams.
7. Issues associated with the operation of the doors to the ground level bar.

FRNSW Recommendations

FRNSW have made 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. In its capacity as the regulatory authority take action to have the abovementioned items appropriately addressed.
3. Advise them in writing of its determination in relation to this matter in accordance with the provisions of Schedule 5, Part 8, Section 17 (4) 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 the site inspection undertaken by Council Investigation Officers it is recommended that a compliance letter of instruction be issued to the building owners and further action be undertaken as appropriate to address the fire safety deficiencies identified by FRNSW and any other matters that may be revealed during further investigations of the subject premises.

The above proposed correspondence will request that the building owner and hotel management attend to the issues identified by FRNSW in their correspondence to Council.

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 |
|------------|----------------------------|-----------------------|
| B1. | Fire and Rescue NSW report | 2020/064606-01 |
| B2. | Locality Plan | 2020/064606-02 |
| B3. | Attachment cover sheet | 2020/064606-03 |

Trim Reference: 2020/064606

CSM reference No#: 2227401



File Ref. No: BFS19/3675 (9466)
TRIM Ref. No: D20/1025
Contact: [REDACTED]

16 January 2020

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 IMPERIAL ERSKINEVILLE
35-37 ERSKINEVILLE ROAD, ERSKINEVILLE (“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 29 November 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 and City of Sydney Council.

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

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 2019, Volume 1 Building Code of Australia (NCC). FRNSW acknowledges that the deviations may contradict development consent approval or relate to the building's age. It is therefore council's discretion as the appropriate regulatory authority to consider the most appropriate action.

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

- 1A. Exit Signage – An exit sign was not provided above the door providing egress from the rooftop area, contrary to the requirements of Clause E4.5 of the NCC.
- 1B. Portable Fire Extinguisher (PFE) – A PFE located in the ground floor kitchen was obstructed by stored items and was not readily accessible, contrary to the requirements of Clause 3.2 of AS 2444–2001.

2. Access and Egress

- 2A. Dimensions of path of travel to exits – A pot plant was located on the mid-level landing of the stairway providing egress from the rooftop level, which reduced the unobstructed width of the exit to less than 1m, contrary to the requirements of Clause D1.6(b) of the NCC.
- 2B. Door swing – Some doors in a required exit or forming part of a required exit swing against the direction of egress, contrary to the requirements of Clause D2.20 of the NCC.
- 2C. Latching – Additional latching (key lock) was attached to the exit door from the rooftop level, which is capable of interfering with the operation of the door when in the locked position, contrary to the requirements of Clause D2.21 of the NCC.

3. Generally

- 3A. Evacuation diagrams – A review of the evacuation diagram in the basement level should be conducted, as the diagram observed did not appear to be indicative of how to escape from the building in an emergency. The diagram showed three (3) exits, however only two (2) exits are available. The third exit is located at basement level (adjacent to the cellar entry, at the rear of the premises), however the exit is accessed by travelling down a flight of stairs from the ground floor level.

- 3B. Exit doors – It was noted that the double exit doors located within the ground floor bar area were held in the closed position and automatically opened upon the press of a 'green push button'. It would be at council's discretion to determine whether the doors can be manually opened or if they automatically open on the activation of the smoke detection and alarm system.

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

RECOMMENDATIONS

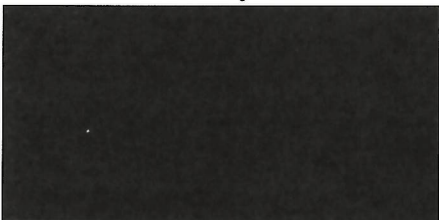
FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 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 BFS19/3675 (9466) for any future correspondence in relation to this matter.

Yours faithfully



Fire Safety Compliance Unit