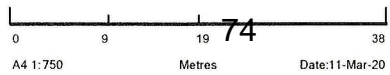


# **Attachment H**

**Inspection Report  
122-124 Flinders Street, Sydney**



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**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 2261086**

**Officer: Craig Hann**

**Date: 27 March 2020**

**Premises: 122 – 124 Flinders Street Darlinghurst - Taphouse**

**Executive Summary:**

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

The premises consists of a 3 level building with the approved use being a hotel / pub comprising bar and dining facilities. The premises is named Taphouse, it is located on the corner of Flinders Street and South Dowling Street Darlinghurst.

The pub premises is currently closed due to government social distancing rules in relation to the COVID-19 pandemic.

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

Council investigations have revealed that whilst there remains a minor fire safety “maintenance and management” works to attend to, being the relocation of an exit in the ground floor bar area, 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 any potential combustible composite cladding on the façade of the building.

**Chronology:**

<b>Date</b>	<b>Event</b>
6/3/2020	FRNSW correspondence received regarding premises The Local Taphouse at 122 Flinders Street Darlinghurst. Council knows the property as address 122 – 124 Flinders Street Darlinghurst.
26/3/2020	Council officer contacted the licensee to advise them of the matter raised in the FRNSW report and discuss the action being taken in the matter. The licensee was already aware of the issue and had commenced arrangements with their fire service contractor to carry out rectification work.
27/3/2020	An inspection of the subject premises was undertaken by a Council officer accompanied by the hotel manager.

	<p>The inspection revealed a door in the ground floor bar area discharging to South Dowling Street has an exit sign above it. However, the premises' liquor license conditions require this door to be locked from 9.30pm each night. The building regulations do not permit a required exit door to be locked.</p> <p>Therefore, as explained by the licensee yesterday, it is proposed to relocate the exit sign to above an opposite door that discharges to Flinders Street. The door to Flinders Street would become the required exit so as comply with the building regulations and liquor license conditions.</p> <p>Relocating the exit sign would resolve the conflict between the requirements of the building regulations and liquor license conditions.</p> <p>The hotel manager confirmed arrangements have commenced with the fire service contractor to relocate the exit sign.</p> <p>A compliance letter of instruction is considered appropriate in the circumstances.</p>
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**FIRE AND RESCUE NSW REPORT:**

References: [BFS19/3601, D20/14640; 2020/109202]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about a locked exit door.

Issues The report from FRNSW detailed an exit issue, in particular noting:

1. the exit door in the ground floor bar area was unlocked at the time of their inspection. However, the hotel duty manager advised of a liquor license condition the required the door to be locked after 9.00pm.

FRNSW Recommendations

FRNSW have made no direct recommendation within their report other than the matter is referred to Council for its discretion as the appropriate authority.

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 Council investigation officer it is recommended that the owners of the building be issued with written instructions to rectify the identified fire safety deficiencies noted by FRNSW.

The above written instructions will direct the owners of the premises to carry out remedial actions to existing exit system to cause compliance with required standards 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 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.

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**Referenced documents:**

<b>No#</b>	<b>Document type</b>	<b>Trim reference</b>
A1.	Fire and Rescue NSW report	2020/109202
A2.	Locality Plan	2020/115797-02
A3	Attachment cover sheet	2020/115797-01

**Trim Reference:** 2020/115797

**CSM reference No#:** 2261086



File Ref. No: BFS19/3601 (9390)

TRIM Ref. No: D20/14640

Contact: [REDACTED]

6 March 2020

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 LOCAL TAPHOUSE  
122 FLINDERS STREET DARLINGHURST (“the premises”)**

Fire & Rescue NSW (FRNSW) received correspondence on 4 November 2019, in relation to the adequacy of the provision for fire safety in connection with ‘the premises’.

The correspondence stated in part that:

- *When leaving the Local Taphouse pub via the downstairs doors. One of the double doors was locked, but then when we tried the other door, this too was locked. This second door was the fire exit door with the sign located above.*
- *In the event of an emergency, occupants for the entire building of 3 storeys would have had to exit through 2 small doors on the ground floor.*

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 16 January 2020 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

The following items were identified as concerns during the inspection:

1. Access and Egress

1A. Fire Exits

- A. The fire exit door was not locked or bolted at the time of the inspection.

The Duty Manager of 'the premises' informed FRNSW, the door is required to be locked at 21:00pm as part of the liquor license. Management are in the application process to eliminate this door as a require fire exit.

As this concern relates to the liquor license for 'the premises' and the exit strategy within the building, this matter is referred to Council for its discretion as the appropriate authority.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS19/3601 (9390) for any future correspondence in relation to this matter.

Yours faithfully



Fire Safety Compliance Unit