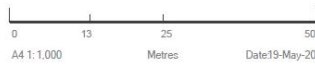
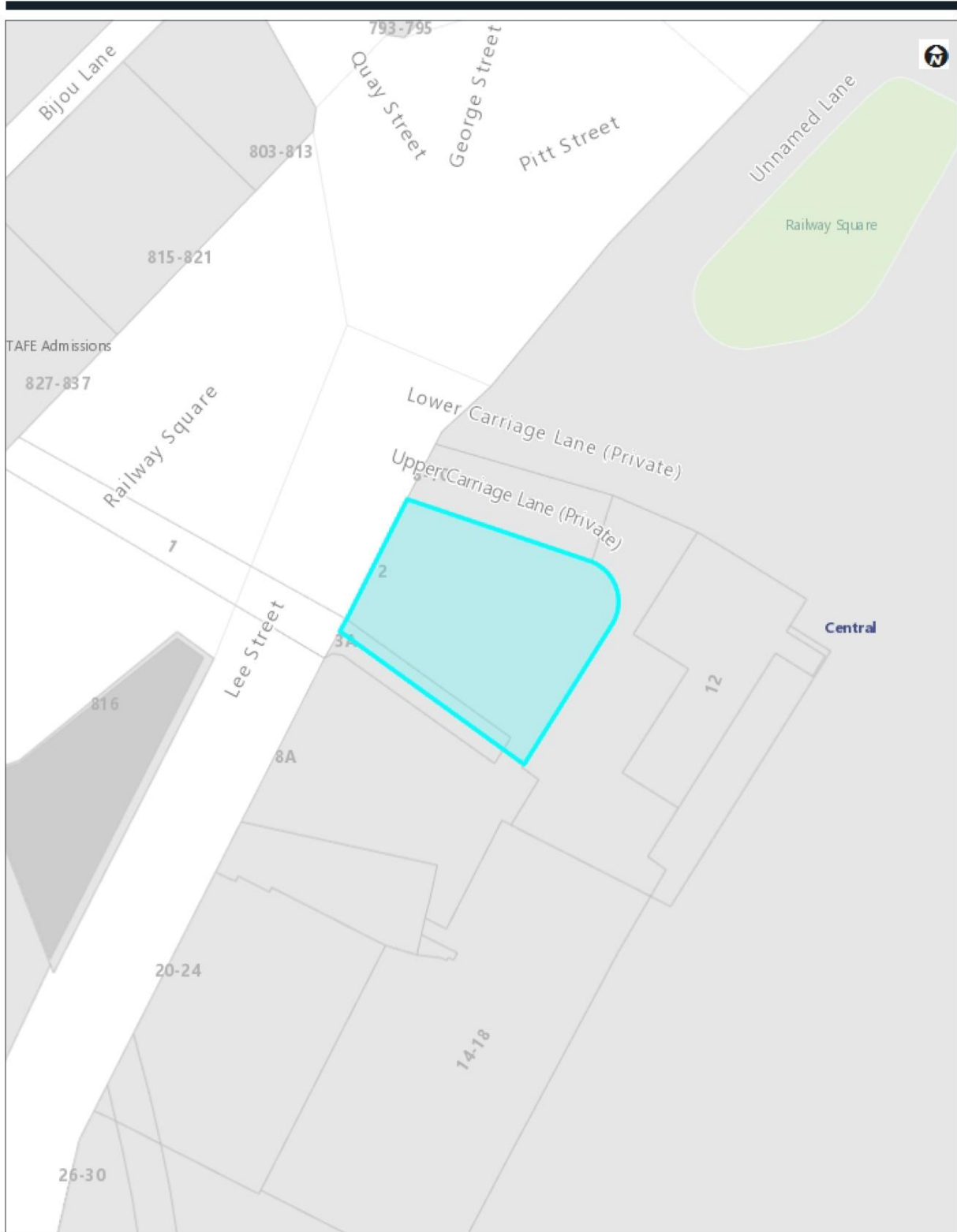


# **Attachment G**

**Council Officer Inspection Report –  
2 Lee Street, HAYMARKET**



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

**CSM: 2290869**

**Officer: Andrew Venios**

**Date: 19 May 2020**

**Premises: 2 Lee Street, HAYMARKET, NSW 2000**

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**Executive Summary:**

Fire and Rescue NSW conducted an inspection of the subject premises on 8 April 2020 in response to the public health orders issued by the Minister for Health & Medical Research. Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) dated 17 April 2020 in relation to the subject premises with respect to matters of fire safety.

The premises is a mixed use commercial complex including Heritage Hotel building and retail shops, shop 3 being a burger restaurant which is the subject of this report.

An inspection of the building was recently undertaken by a Council investigation officer, comments made by FRNSW have been investigated. At the time of inspection, all fire safety systems were operational. No additional fire safety issues were identified.

Council investigations have revealed that whilst there remains several minor fire safety maintenance and management works to attend to in respect to installing two (2) new smoke detectors within shop 3, the overall fire safety systems provided are considered adequate.

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.

It is considered that the items identified by FRNSW have been addressed by the issue of a compliance letter.

Observation of the external features of the building did not identify composite combustible sheet cladding.

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**Chronology**

<b>Date</b>	<b>Event</b>
11/04/2020	FRNSW correspondence received regarding premises 2 Lee Street, Haymarket
12/05/2020	An initial desktop review revealed D/2019/299/A was submitted for the "Change of use and fit out of Shop 3 of Henry Deane Plaza for the licensed restaurant 'Betty's Burgers' including the use of the outdoor dining area and installation of new signage. The application is Integrated Development requiring approval of the Heritage Council of NSW under the Heritage Act 1977." The development was completed and a Final Occupation Certificate was issued by Private Certifier, Mr Bill Romanovski of Checkpoint Building Surveyors on 11 November 2019. The building has a compliant fire safety statement which is due 14 August 2020.
13/05/2020	The complex was inspected by Councils investigations officer on 13 May 2020 and at the time of inspection all fire safety systems were operational.
19/05/2020	Council issued a compliance letter instructing the owner to rectify maintenance issues including – replace defective smoke detectors within shop 3 and update fire indicator panel of all faults. Council has scheduled progress inspection in relation to required works

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**FIRE AND RESCUE NSW REPORT:**

**References:** [BFS20/1092 (111152), D20/27538]

Fire and Rescue NSW (FRNSW) conducted an inspection of the subject premises on 8 April 2020 in accordance with Section 119 T(1) of the Environmental Planning and Assessment Act 1979 Cl. 17 of Schedule 5 of the Environmental Planning and Assessment Act 1979/ 2 Lee Street Haymarket/ June 2020 CM Page 3 of 7

(the Act).

Issues

The report from FRNSW detailed a comment, in particular noting;

1. Essential Fire Services

1A. Smoke Detection and Alarm System

- A. The fire indicator panel displayed two (2) isolations contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg).

The Hotel Manager informed FRNSW the isolations relate to defective smoke detectors in the burger restaurant located in Shop 3. The Fire Indicator Panel indicates that only two detectors are isolated, the remaining detectors in that zone are functional. Arrangements have been made for the 2 smoke detectors to be replaced. The restaurant is currently closed due.

FRNSW Recommendations

FRNSW have recommended that Council inspect the subject premises and appropriately address any other deficiencies identified and require item no. 1 be addressed appropriately.

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:**

<del>Issue- Order (NOI)</del>	<del>Issue- emergency- Order</del>	<del>Issue a compliance- letter of- instruction</del>	<del>Cited- Matters- rectified</del>	Continue to undertake compliance action in response to issued Council correspondence	<del>Continue with- compliance- actions under the current Council- Order</del>	<del>Other- (to- specify)</del>

As a result of the above site inspection undertaken by Council investigation officers it is recommended that the owners of the building continue to comply with the written fire safety compliance instructions as issued by Council officers to rectify the identified fire safety deficiencies noted by FRNSW.

The above correspondence has instructed the responsible site personnel to carry out corrective actions to promote compliance.

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 Councils correspondence 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 outcomes.

**Referenced documents:**

<b>No#</b>	<b>Document type</b>	<b>Trim reference</b>
A1	FRNSW Letter dated 17 March 2020	2020/215588

**Trim Reference:** 2020/215613

**CSM reference No#:** 2290869

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File Ref. No: BFS20/1092 (11152)

TRIM Ref. No: D20/27538

Contact: [REDACTED]

17 April 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 – PUBLIC HEALTH QUARANTINE ORDER  
ADINA CENTRAL APARTMENT HOTEL  
2 LEE STREET HAYMARKET (“the premises”)**

In response to the public health orders issued by the Minister for Health and Medical Research, Fire & Rescue NSW (FRNSW) has conducted an inspection pursuant to the provisions of Section 9.16 and Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of ‘the premises’ on 8 April 2020 was conducted by Authorised Fire Officers of FRNSW.

In this instance, the inspection revealed fire safety concerns that may require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

In this regard, 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 outline concerns in general terms, deviations from the fire safety provisions prescribed in Section 9.32(1)(b) of the EP&A Act. In this regard, it would be at council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

The following items were identified as concerns at the time of the inspection:

1. Essential Fire Safety Measures

1A. Smoke Detection and Alarm System

- A. The fire indicator panel displayed two (2) isolations contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg).

The Hotel Manager informed FRNSW the isolations relate to defective smoke detectors in the burger restaurant located in Shop 3. The Fire Indicator Panel indicates the that only two detectors are isolated, the remaining detectors in that zone are functional. Arrangements have been made for the 2 smoke detectors to be replaced. The restaurant is currently closed due to Covid-19.

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 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 BFS20/1092 (11152) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

Fire Safety Compliance Unit