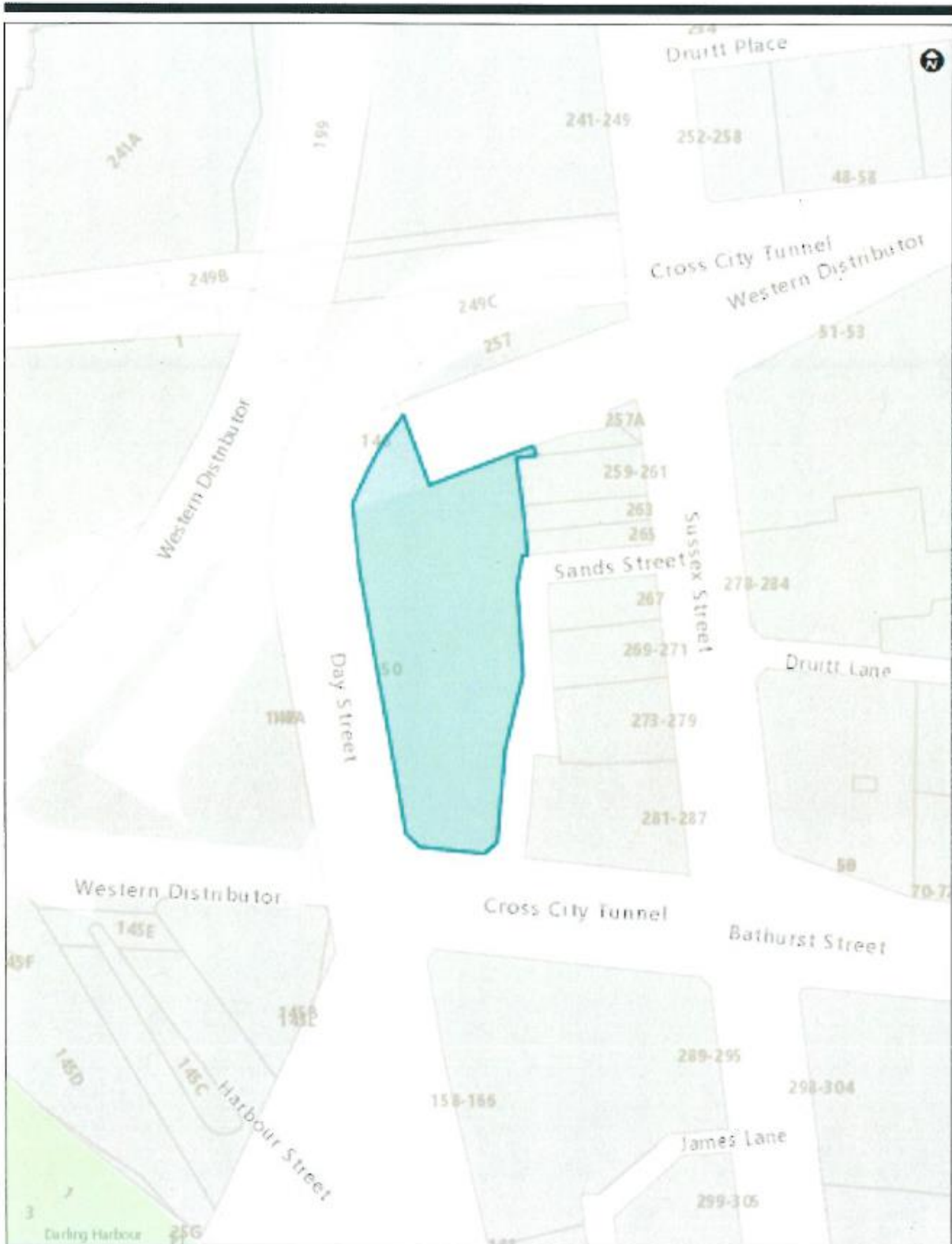


Attachment K

Council Officer Inspection Report - 150 Day Street, Sydney



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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)**

File: CSM 2294027

Officer: Hieu Van Luu

Date: 13 May 2020

Premises: 150 Day Street, Sydney

Executive Summary:

Fire and Rescue NSW conducted an inspection of the subject premises on 3 April 2020 in response to public health orders issued by the Minister for Health and Medical Research. Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 21 April 2020 with respect to matters of fire safety.

The premises consists of a 12 level building with the approved uses being a hotel with basement carpark. The premises is known as the Park Royal Hotel. It is located on the corner of Bathurst and Day Streets. The building also fronts Sands Street to the east and borders the Western Distributor to the north.

An inspection of the premises undertaken by a Council investigation officer in the presence of the Engineering Manager revealed that the fire indicator panel was displaying isolations and advised that these were being rectified. There were no other significant fire safety issues 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.

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 contractors through written instruction from Council.

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

Chronology:

Date	Event
21/04/2020	FRNSW correspondence received regarding premises 150 Day Street Sydney.
06/05/2020	An inspection of the premises undertaken by a Council investigation officer in the presence of the Engineer Manager revealed that the fire indicator panel was displaying isolations to level 10 hydrant tank and level 4 beam detector. Council was advised at the time of the inspection the issues had been investigated and are currently being attended to by the maintenance contractors. Due to the current restrictions in place relating the Coronavirus (COVID-19) Pandemic and the hotel is being used as a quarantine hotel for potentially affected persons, the repairs have been delayed due to access issue.
11/05/2020	Corrective action letter was sent to the building owners and a copy of the letter was emailed to the Engineer Manager.

FIRE AND RESCUE NSW REPORT:

References: [BFS20/1045 (11084), D20/28187; 2020/179248]

Fire and Rescue NSW conducted an inspection of the subject premises on 3 April 2020 in response to the public health order issued by the Minister for Health and Medical Research.

Issues

The report from FRNSW detailed a maintenance issue associates with the fire hydrant system.

FRNSW Recommendations

FRNSW have made number of 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 and any other deficiencies identified on the premises appropriately addressed;
2. as soon as practical after this report is tabled and considered, that notice of any determination in relation to the report and 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 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 requested that building management to repair the isolations to level 10 hydrant tank and level 4, beam detectors to cause compliance with required standards of performance;

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	2020/179248-01

Trim Reference: 2020/179248

CSM reference No#: 2294027



File Ref. No: BFS20/1045 (11084)
TRIM Ref. No: D20/28187
Contact: [REDACTED]

21 April 2020

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

**Re: INSPECTION REPORT – PUBLIC HEALTH QUARANTINE ORDER
'PARK ROYAL DARLING HARBOUR'
150 DAY STREET, SYDNEY (“the premises”)**

In response to the public health orders issued by the Minister for Health and Medical Research, an inspection of ‘the premises’ on 3 April 2020 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW), 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).

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. The Fire Indicator Panel (FIP) was displaying one (1) isolation, identified as "Zone 127 - Hyd Tank High".

The Hotel Manager advised FRNSW at the time of the inspection that the issue had been investigated and related to a fault to the floating device associated with the Level 10 hydrant tank, however due to the current restrictions in place relating to the Coronavirus (COVID-19) Pandemic and the use of the hotel as a quarantine hotel for potentially affected persons, the fire services technician would not attend site to make non-critical repairs.

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 BFS20/1045 (11084) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

Fire Safety Compliance Unit