

Attachment B

**Inspection Report
94-96 Union Street, Pyrmont**



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 2608476

Officer: M. Hassan

Date: 24 September 2021

Premises: 94-96 Union Street, Pyrmont

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 known as “The Pyrmont Bridge Hotel” consists of a three-storey, altered, federation free style hotel building comprising a bar on every floor level, a kitchen and gaming room on the ground floor level, and a basement cellar.

The building is listed as a Heritage Item under Council's Local Environmental Plan 2012. The surrounds comprise a mixture of commercial and residential properties. The premises is located on the corner of Union and Murray Streets.

An inspection of the premises by a Council Officer on 24 September 2021 in the presence of the owner revealed that the premises are deficient in fire safety and egress provisions in the following areas:

- (i) Poor maintenance of existing fire safety measures (the fire detection and alarm system and the sprinkler system were not being maintained to the standard of installation they were designed and installed to);
- (ii) A lack of firefighting equipment (no hose reels);
- (iii) Defective egress provisions (exit doors contained locking devices, a storage cupboard was located beneath an exit stair and an exit stair lacked handrails);

Council investigations reveal that the premises are deficient in the provisions for fire safety and a notice of intention to serve a fire safety order has been issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

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
18/08/2021	FRNSW correspondence received regarding premises, 94-96 Union Street, Pyrmont.
02/09/2021	An inspection of the subject premises was undertaken by a Council officer. The inspection revealed that the pub on the ground floor level was closed.
24/09/2021	<p>A further inspection of the subject premises undertaken by Council's officer in the presence of the owner revealed that the following egress and fire safety deficiencies:</p> <ol style="list-style-type: none">1. Final exit doors opened against the direction of travel and lacked a single hand action latching device.2. A number of doors located in the path of travel to the exit contained locking devices.3. There is a lack of firefighting equipment in the building.4. There were no smoke detectors on the ground floor level.5. The exit stair serving the bar area on the first-floor level lacked handrails.6. There is a storage cupboard beneath the main timber exit stair that is not enclosed in suitable fire resistive construction.7. The sprinkler system in the building lacked replacement sprinkler heads.8. The smoke detection and alarm system in the building lacked smoke detectors and a zone block plan. <p>Council's investigation officer advised the building owner that a fire safety order is to be issued which will require detailed fire safety works to be carried out to the building.</p>
18/10/2021	Notice of intention to serve a fire safety order issued to the building owner.

FIRE AND RESCUE NSW REPORT:

References: D19/3187; 2021/368873

Fire and Rescue NSW conducted an inspection of the subject premises in the company of officers from NSW Police.

Issues

The report from FRNSW detailed a number of fire safety issues, noting sprinkler system faults, alarm signalling faults and exit signs not being properly maintained. FRNSW also noted that there appeared to be an addition to the 2nd floor roof top that required consent, and that it was unclear whether this development received the necessary oversight for approval.

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

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. That Council advise FRNSW regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

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 inspections undertaken by a Council officer it was determined that concern for public safety required a notice of intention (NOI) for a fire safety order to be issued under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 without delay. Further inspections will be carried out to remedy more urgent fire safety concerns.

It is recommended that Council exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order to address the identified fire safety deficiencies.

The issue of a fire safety order will ensure that suitable fire safety systems are in position throughout the building to provide improved and adequate provisions for fire safety.

That the Commissioner of FRNSW be advised of Council's actions and determination.

An investigation has commenced regarding the rooftop awning and wall enclosing the awning, further inspections will be carried out and appropriate enforcement action taken.

Referenced documents:

No#	Document type	Trim reference
A1	Fire and Rescue NSW Report	2021/421360-01

Trim Reference: 2021/421360

CSM reference No#: 2608476

Unclassified



File Ref. No: BFS18/3681 (5791)
TRIM Ref. No: D19/3187
Contact: [REDACTED]

18 August 2021

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
'PYRMONT BRIDGE HOTEL'
94-96 UNION STREET, PYRMONT ("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' 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.

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.

Fire and Rescue NSW

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COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances however, the proceeding concerns also identifies deviations from the National Construction Code 2019, Volume 1 Building Code of Australia (NCC). Given the concerns are based on observations available at the time FRNSW acknowledges that the deviations may contradict development consent approval. 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 during the inspection:

1. Essential Fire Safety Measures

- 1A. Maintenance - Clause 182 of the Environmental Planning and Assessment Regulation 2000 requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. The following was noted at the time of the inspection:
 - A. Sprinkler Heads in Kitchen Hoods and Ducts – Table 2.4.2.3 of Clause 2.4 of Australian Standard AS1851-2012 (amendment 1) - "Service of fire protection systems and equipment" requires sprinkler heads of wet pipe systems to be cleaned if necessary, to remove accumulated grease and any other foreign matter. At the time of the inspection the sprinkler head did not appear to have been cleaned for some time.
 - B. Exit signs – A number of exit signs that were either not operating when the test button was pressed or were not illuminated.
- 1B. Fire Detection Control and Indicating Equipment (FDCIE) – It was noted at the time that whilst the logbooks indicate that it is regularly maintained the automatic smoke detection and alarm system appears to be dated. As such, the following comments may not align with the standard it was installed at the time. Hence the following comments consider Australian Standard AS1670.1:2015 – 'Fire detection, warning, control and intercom systems—System design, installation and commissioning':
 - A. Visual Warning Device (VWD) Strobe – Clause 3.8 requires a strobe to be visible from the main approach of "the premises" and be as near as practicable to the Designated Building Entry Point (DBEP). At the time of the inspection, a VWD strobe could not be located external of the building.
 - B. Zone Block Plan – Clause 3.10 of the Australian Standard 1670.1-2015 requires a Zone Block Plan to be securely mounted and located adjacent to the fire detection control and indicating equipment (FDCIE). At the time of the inspection, a Zone Block Plan could not be located.

1C. Sprinkler System Generally – Having regard to Australian Standard AS2118.1:2017 – “Automatic Fire Sprinkler Systems - General systems”, the following comments are provided:

- A. Clause 8.3 – requires the installation of a block plan. The plan must display the protected building, including the position of the main stop valve and other specific information. The plan should be placed adjacent to each set or group of installation control assemblies where it can be readily seen by firefighters and others responding to the alarm. At the time of the inspection, a block plan could not be located.
- B. Clause 6.7 – requires a stock of replacement sprinklers together with the spanners to be located on the premises. There must be an appropriate number of spare sprinklers in accordance with the design for the system for each hazard. At the time of the inspection, a stock of replacement sprinklers could not be located.
- C. Clause 3.3 and Clause 7.1.1 (d) – requires an Alarm Signalling Equipment (ASE) that complies with AS1670.3 and AS4428.6, where each control assembly includes an ASE with a lock-open alarm valve. At the time of the inspection an ASE could not be located.
- D. The coverage appeared intermittent, as there was no sprinkler system to the underside of the ceiling in the Level 2 covered terrace/bar area, which appeared to require some level of sprinkler coverage.

2. Access and Egress

- 2A. Paths of Travel to Fire Exits – Paths of travel from ‘the premises’ to a fire exit, including the operation of the Fire Exit door were either obstructed or impeded in contravention of Clause 184 and Clause 186 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), such items include but are not limited to:
 - A. Exit Door – Clause D2.20(b) of the NCC requires swinging doors in a required exit to swing in the direction of egress. The exit door at Ground Level (facing Murray Street) swings in the opposite direction to the direction of egress.
 - B. Exit Door Threshold – Clause NSW D2.15 of the NCC requires the door sill of a doorway opening to the road be not more than 50mm above the finished floor level to which the doorway opens. The door sill of the exit door (facing Murray Street) is >50mm above finished floor level
 - C. Stair from Level 3 to Level 2 and Ground gaming – It is at council's discretion to determine whether the following is considered an obstruction.

- i. The non-fire-isolated stair leading from Level 3 to Level 2 has a chain link barrier installed, which obstructs the path of egress.
 - ii. The ground gaming area has a push button to what appears to be a sign posted exit.
- 2B. Exit Signs – Performance Requirement EP4.2 of the NCC requires that suitable signs be installed to identify the location of exits. At first sight, there is insufficient cues to identify where the exits are located. A review of the exit strategy may be required.
- 3. Compartmentation
 - 3A. Stair Storage – The underside of the flight of stairs from the ground floor to the first floor contained a storage cupboard and office area. A visual inspection could not confirm that the enclosure complies with the National Construction Code, Volume 1 (NCC), Clause D2.8 'Enclosure of space under stairs and ramps'.
- 4. Generally
 - 4A. Investigation Outcomes – The following items are provided to council as part of the investigation on 8 December 2018:
 - A. At first glance there appeared to be an addition to the 2nd floor roof top that required consent. It is unclear whether this development received the necessary oversight for approval as it appears unauthorised.
 - B. At first glance the population numbers for each floor appeared excessive. A review 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:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 4 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.

Unclassified

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) [REDACTED]. Please ensure that you refer to file reference BFS18/3681 (5791) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Fire Safety Compliance Unit