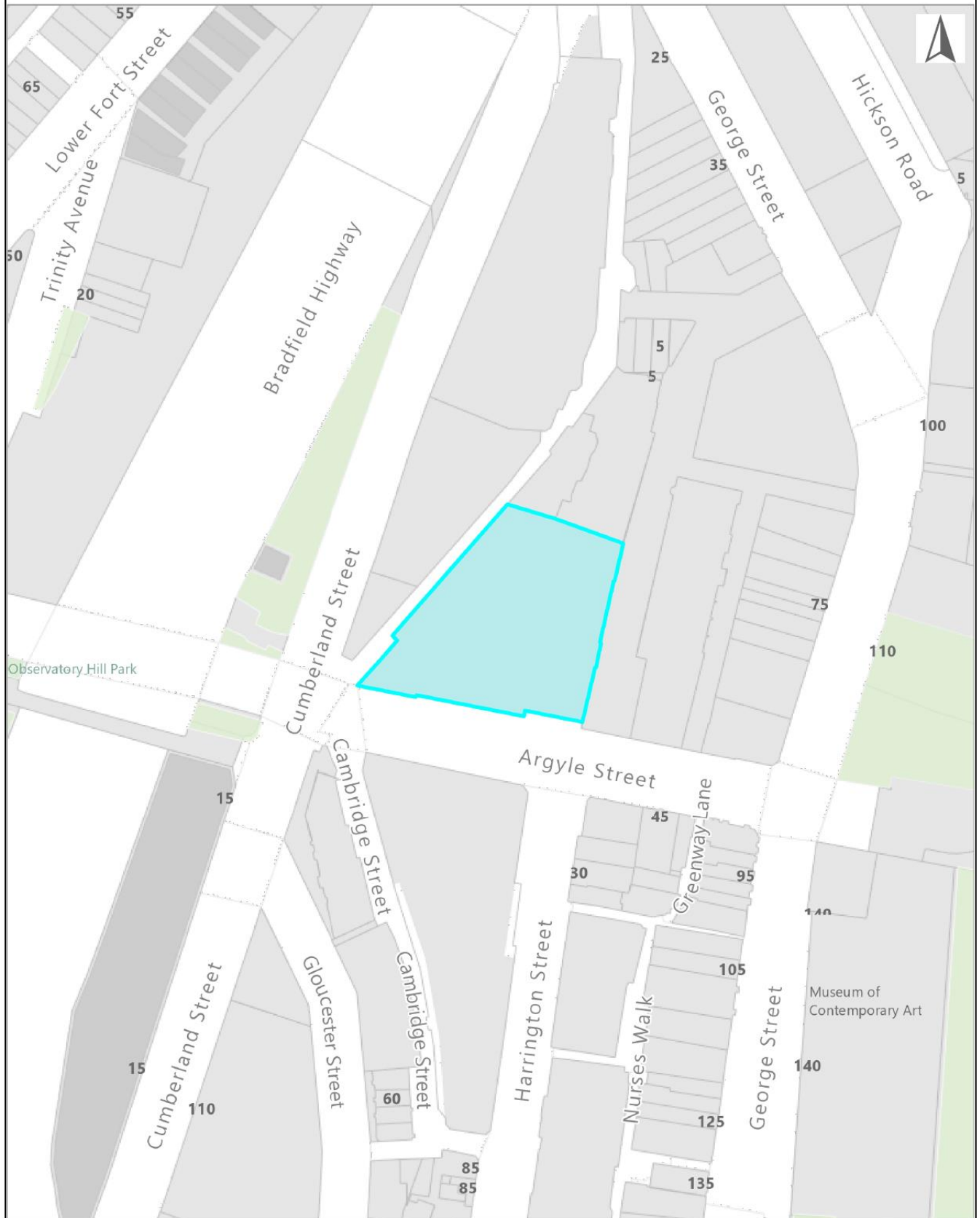


# **Attachment B**

**Inspection Report  
12-20 Argyle Street, The Rocks**

# 12-20 Argyle Street, The Rocks ('The Argyle')



**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 2646981

**Officer:** Ashley Host

**Date:** 29 December 2021

**Premises:** 12-20 Argyle Street, The Rocks (aka 'The Argyle' and 'The Argyle Stores')

**Executive Summary:**

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

The site contains the heritage listed former Customs House and Bond Store situated in The Rocks known as the 'Argyle Stores'. The building has four storeys including a single basement level and contains several licensed premises spread throughout including 'The Lowenbrau Keller' restaurant, 'The Argyle Conference & Function Centre', "Sake" restaurant and 'The Argyle' which contains 6 bars located over two levels.

An inspection of the premises was undertaken by a Council investigation officer in the presence of a Senior Manager with Place Management NSW, which revealed that there were no significant fire safety issues occurring within the building and the majority of issues reported from FRNSW were resolved.

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.

Council investigations have identified one issue where a handrail leading to the attic space does not meet the requirements under the National Construction Code (Building Code of Australia) however, 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.

Previously, on 19 December 2013, FRNSW wrote to Council identifying a list of fire safety deficiencies at the premises, as included in the FRNSW correspondence dated 19 October 2021. These deficiencies were addressed by a Council fire order, and fire safety upgrade works were then completed as part of works carried out under a DA, D/2015/89 ('Change of use from Restaurant to Commercial Office associated Fire Safety upgrade works - Sydney Harbour Foreshore Authority').

Observation of the external features of the building did not identify the existence of potential combustible composite cladding on the façade of the building.

**Chronology:**

Date	Event
19.10.2021	FRNSW correspondence received regarding premises 18 Argyle Street, The Rocks
10.11.2021	An inspection of the subject premises was undertaken by Council investigation officer, which revealed a handrail leading to the attic space does not meet the requirements under the BCA and that other issues raised within the FRNSW report had been rectified.

## **FIRE AND RESCUE NSW REPORT:**

References: BFS18/3680 (5790), D21/114676, 2021/454803

Fire and Rescue NSW conducted an inspection of the premises on 8 December 2018 pursuant to the provisions of S9.32 of the Environmental Planning & Assessment Act 1979.

### Issues

The report from FRNSW detailed several issues, in particular noting:

1. Some fire hose reels located throughout the premises were installed incorrectly
2. The existing fire sprinkler system isolating valves located within the attic were difficult to reach without a ladder - making isolating parts of the system difficult for firefighters
3. Some portable fire extinguishers could not be accessed as they were restricted by various items
4. The timber handrail leading to the attic is not compliant to building standards
5. The fire door leading to the attic was propped open
6. The building is of timber construction with sprinklers used to address separation and compartmentation issues
7. A current copy of the building annual certification could not be found prominently displayed
8. Whether a plan of management exists to prevent items being stored in the fire isolated stairs
9. The approved population number to the open courtyard as it appeared to be excessive

### FRNSW Recommendations

FRNSW recommended that Council:

Inspect and address any other deficiencies identified on 'The premises' and require the items identified in this report be addressed appropriately.

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**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)
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As a result of site inspection undertaken by Council's investigation officer, a compliance letter of instruction to rectify the handrail and ensure compliance with the BCA was issued.

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

**Referenced documents:**

No#	Document type	Trim reference
A1.	Council Officer Report	2021/524272

**Trim Reference:** 2021/524272

**CSM reference No#:** 2646981

Unclassified



File Ref. No: BFS18/3680 (5790)  
TRIM Ref. No: D21/114676  
Contact: [REDACTED]

19 October 2021

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 General Manager

**Re: INSPECTION REPORT  
'THE ARGYLE'  
18 ARGYLE STREET, THE ROCKS ("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 8 December 2018 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.

Please be advised that details of this inspection have been provided in accordance with Section 9.32(4) of the EP&A Act. Therefore, on behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Schedule 5, Part 8, Section 17(1)(a) of the EP&A Act.

Fire and Rescue NSW

ABN 12 593 473 110

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

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Fire Safety Compliance Unit

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## 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 2016, 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.

It is also noted that a Notice of Intention to Serve an Order was issued on the owners of 'the premises' dated 20 May 2014 (file: S108452/LJ; Ref: License 40/2014/FIRE), as a result of an inspection conducted by FRNSW (appendix 1). It is understood that the observations observed at the time of the recent inspection may have been addressed as part of the notice and order requirements by City of Sydney.

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measure
  - 1A. Fire Hose Reel (FHR) – Clause 11(b) of AS 2441-2005 requires fire hose reel assemblies to be suitably mounted, at the time of the inspection a number of FHR assemblies installed at heights that appeared difficult to access, as the following heights appeared to be exceeded:
    - A. Spindle height between 1400 mm and 2400 mm above floor level. The recommended mounting height of the centre of the fire hose reel is 1500 mm above floor level.
    - B. The stop valve be mounted at 1000 ±100 mm above floor level.
  - 1B. Isolating Valve – The sprinkler isolating valve assemblies within the attic area were out of reach (without the use of a ladder). Such a configuration makes isolating part of the system difficult for firefighters.
  - 1C. Portable Fire Extinguishers (PFE) – Table 10.4.1 requires PFE to remain conspicuous, readily accessible and in its assigned location. At the time of the inspection various items restricting access to PFEs were removed (once management was made aware of the obstructions).
2. Access and Egress
  - 2A. Handrails – Clause D2.17 of the NCC, specifies the requirements for the installation of handrails. The handrails within the area identified as the attic, used primarily for the staff and service people, the timber handrail appeared below the required height and contrary to the required construction.



3. Compartmentation

- 3A. Compartmentation – Performance Requirement CP2, CP4 and CP8 of the NCC, specifies the requirements to prevent the spread of fire to exits, SOUs, public corridors, openings and penetrations, hence the following observations were noted:
- A. The fire door to the area identified as the attic was propped open by a PFE.
  - B. The superstructure consists of timber framed construction in and around various parts of the Argyle, it appears that sprinklers are used to address separation and compartmentation issues (e.g. the glass panels to office area etc.)

4. Generally

- 4A. Items for Further Investigation – An investigation may be required by council, to confirm:
- A. Whether the Annual Fire Safety Statement (AFSS) is updated as an AFSS could not be located at the time of the inspection.
  - B. Whether a plan of management exists to prevent items being stored in the fire isolated stairs. It was noted that upon being advised of this issue management removed the table and chairs within fire isolated.
  - C. The approved population number for the Open Courtyard, as it appeared excessive.

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 BFS18/3680 (5790) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]  
[REDACTED]  
Fire Safety Compliance Unit



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File Ref. No: NFB/11710 (5128)  
TRIM Ref. No: D13/96856  
Contact: [REDACTED]

19 December 2013

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: Joint Inspection – The Argyle  
18 Argyle Street, The Rocks**

I refer to the joint inspection of the abovementioned premises conducted by Fire & Rescue NSW (FRNSW) Officers, the NSW Police Force and an Officer of Council in accordance with the provisions of Section 118L (3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on 25 October 2013.

The following details are provided for your information under Section 118L (4) and Section 121ZD (1) of the EP&A Act.

#### COMMENT

The inspection was conducted by [REDACTED] The following items of concern were noted during FRNSW inspection:

1. Some exit signage was not illuminated, there were places on the floor where exit signage confusing and places where exit signage was not visible. Exit signage must be provided throughout the building in accordance with the requirements of Clause E4.5, NSW Clause E4.6 and Clause E4.8 of the Building Code of Australia (BCA)

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and Australian Standard (AS) 2293.1 – 2005 and in contravention of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

2. The method of interaction between the building occupant warning system, smoke detection system and the audio system installed within the ground and first level indoor floor areas should be verified and tested in order to ensure that the audio shutdown facility functions correctly, allowing the alert and evacuation tones of the building occupant warning system to be heard as visual indicators were not provided to the dance floor area in accordance with the requirements of AS 1670.1 – 2004.
3. There were items stored at the base of the fire-isolated stairway at the time of the inspection in contravention of Clause 184 and Clause 186 of the EP&A Regulation.
4. Within the east-western fire-isolated stairway, there was a direct connection between the flight rising from a storey below the lowest level of access and the flight descending from a storey above that level in breach of the requirements of Clause D2.4 of the BCA.
5. There are penetrations in the fire-isolated exits that are not permitted in accordance with the requirements of Clause D2.7 of the BCA. The installations include electrical wiring not associated with fire services or lighting or intercommunication systems.
6. There are penetrations in the electrical switchboard room that were not protected in accordance with the requirements of Clause C3.15 of the BCA.
7. The fire doors to the electrical switchboard room do not return to the fully closed position after opening in accordance with the requirements of Clause C2.13 of the BCA.
8. Not all fire extinguishers were hanging in accordance with the requirements of AS2444 – 2001 and in contravention of Clause 184 and 186 of the EP&A Regulation.
9. Goings and risers of the fire-isolated stairways are irregular and not all stairs had a non-slip finish near the edge of the nosings in accordance with the requirements of Clause D2.13 of the BCA.
10. The panic bar associated with the glass smoke doors of the lower ground floor leading to Playfair St was broken and not functioning in accordance with the requirements of Clause D2.21 of the BCA.
11. The glass smoke doors of the lower ground floor leading to Playfair St were not appropriately sealed so that smoke will not pass from one side of the doorway to the other and the door did not return to the fully closed position after opening in accordance with C3.4 of the BCA.
12. The fire indicator panel (FIP) and all exits were not shown on the block plan or evacuation plans.

Fire & Rescue NSW

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13. The FIP was displaying a fault and zones in isolation. Cease isolating the automatic smoke detection system throughout the building and fix all faults shown on the FIP to ensure that adequate fire safety is maintained.
14. The annual fire safety statement and the fire safety schedule were not being displayed in the building in accordance with the requirements of Clause 177 of the EP&A Regulation. The annual fire safety statement was dated 31 August 2012.
15. The fire hydrant booster assembly was within an enclosure that was fixed shut and inaccessible with no signage or block plan displayed. This does not meet the requirements of AS 2419.1 – 2005.
16. Access could not be gained to the Pump Room.

**RECOMMENDATIONS**

FRNSW recommends that Council take the following action in relation to the abovementioned items:

1. That Council inspect the premises and require item no. 1 through to item no. 16 of this report, and any other identified by Council, to be appropriately addressed.

This matter has been referred to Council as it is considered Council is the Regulatory Authority in relation to this matter.

FRNSW awaits Council's advice regarding its determination in relation to this matter in accordance with the provisions of Section 121ZD (4) of the EP&A Act.

Should you have any further enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of the Policy and Technical Services Unit. Please ensure in any future correspondence that you use FRNSW file reference NFB/11710.

Yours faithfully



Policy and Technical Services Unit

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