

Attachment H

**Inspection Report
2 Roslyn Street, Potts Point**



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Notes

8/08/2023

**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 3011086

Officer: T. Zeljkovic

Date: 4 August 2023

Premises: 2 Roslyn Street Potts Point

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to 2 Roslyn Street, Potts Point, identified as “Uno Hotel”, with respect to matters of fire safety.

The premises comprising of a three (4) storey brick building, primarily used for hotel accommodation; the ground floor contains a nightclub tenancy and the Uno Hotel foyer, upper levels contain hotel rooms only. The building is contained within a heritage conservation area, under the Sydney Local Environmental Plan 2012.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building 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 on display within the building in accordance with the requirements of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council investigations have revealed that whilst there remains several minor fire safety “maintenance and management” works to attend to such as, hose reel, hydrant valve, pump and door maintenance, review of existing barriers, lift motor room and ground level speaker check, 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:

| Date | Events |
|--------------|---|
| 03 July 2023 | Fire and Rescue NSW (FRNSW) correspondence dated 27 June 2023 received regarding a 15 June 2023 attendance – which noted, maintenance issues pertaining to hose reels hydrant, doors, lift motor room and egress, housekeeping and other management issues. |
| 04 July 2023 | Review of Council records conducted, revealed: <ul style="list-style-type: none">- A historical fire order [FIRE/2008/10] was completed on 1 October 2010 which updated/certified the Fire Safety Schedule measures for the building, |

| Date | Events |
|--------------|--|
| | <p>included fire alarms, fire doors, lift doors/ shaft, egress and hose reel and hydrant systems</p> <ul style="list-style-type: none"> - A site inspection was conducted in the presence of the hotel manager was limited to common areas, and revealed: <ul style="list-style-type: none"> o Fire indicator Panel was (FIP) isolated during housekeeping- reinstated at time of inspection o the Annual Fire Safety Statement (AFSS) was not present o main electrical cupboard room – contained goods/ rubbish o a fire isolated stair to rear, main central stair with contained original handrails o egress paths clear, scaffold noted to rear exit leading to lane was accessible o rooftop fire hydrant pump fault noted - verbal instruction to contact fire contractor o hose reels not in interlock position, various location signs removed – recent painting o fire door frame tags omitted - recent painting of frames o lift was not operational – doors were affixed in closed position o exit signs illuminated |
| 07 July 2023 | <p>Follow up inspection conducted in presence of property manager</p> <ul style="list-style-type: none"> o fire indicator panel (FIP) operational o AFSS present – expiry 10/02/2024 o exit signs illuminated o main electrical cupboard clear o fire hydrant repairs, commenced o lift motor room and storage room, contained on roof level o smoke alarms within rooms unobstructed – various rooms contained smoke and thermal detectors |
| 11 July 2023 | <p>Further written instruction sent to owners pertaining to all maintenance issues identified during Council and FRNSW inspection(s).</p> |

FIRE AND RESCUE NSW REPORT:

References: [BFS23/3056 (28682); 2023/398033

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about an existing hostels operation, evacuation, fire door and hydrant system issues.

Issues: The report from FRNSW detailed the following issues, regarding maintenance of certain fire safety measures:

| Issue | City response |
|---|---|
| <p>1. Compartmentation and Separation</p> <ul style="list-style-type: none"> A. Fire doors – no fire rating tags B. Auto magnetic latch – operation C. Fire door Self closer devices D. Lift motor room fire separation | <p>Addressed by Council’s written instruction – fire doors, magnetic locks, lift room to be inspected, reported on and or/ rectified by a competent fire safety practitioner (CFSP)</p> |
| <p>2. Access and Egress</p> <ul style="list-style-type: none"> A. No barrier Barncleuth Lane exit B. western/ rear exit path, affected by scaffold C. Storage of items /rubbish in rear fire isolated exit D. Central stairway barrier less than 800mm in height E. Items stored on level two, path to an exit | <p>Addressed by Councils written instruction - egress will be reviewed by a CFSP; <i>Council noted exits/ paths were accessible at time of inspection</i></p> |
| <p>3. Services and Equipment</p> <ul style="list-style-type: none"> A. Fire panel 13 isolations B. Ground level Building occupant warning speaker C. Hose reel maintenance - interlock position issue D. Hose reel maintenance – Signage E. Exit sign not illuminated F. Smoke detector covering G. Thermal detectors H. Hydrant pump maintenance I. Hydrant booster enclosure J. Hydrant isolating valve clearance K. Hydrant front connection clearances | <p>Addressed by Councils written instruction - maintenance to be addressed to CFSP.</p> <p>The fire panel is no longer isolated, and testing has commenced on exit signs, hose reels, smoke detectors (including thermal detector replacements), speakers, hydrant pump part(s) ordered and booster valves, door operation altered to achieve clearances / compliance</p> |

| Issue | City response |
|---|---|
| 4. Other Copy of Annual Fire Safety Statement (AFSS) not present | Current AFSS is installed within ground level foyer |

FRNSW believed that there were inadequate provisions for fire safety within the building.

FRNSW Recommendations

FRNSW have recommended that Council inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

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's 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.

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/Attached Documents:

| | |
|----------------|---------------------------------------|
| 2023/468398-01 | FRNSW S9.32 report dated 27 June 2023 |
|----------------|---------------------------------------|

Trim Reference: 2023/468398

CSM reference No#: 3011086

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File Ref. No: BFS23/3056 (28682)
TRIM Ref. No: D2023/056027
Contact: [REDACTED]

27 June 2023

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: INSPECTION REPORT
'UNO HOTEL'
2 ROSLYN STREET, POTTS POINT ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 6 June 2023 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *There were no smoke alarms in rooms.*
- *Room 301 had tissue paper stuffed into ceiling alarm.*
- *Dirty laundry piled high against main electrical switchboard.*
- *Lift does not function.*

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected 'the premises' on 14 June 2023. A reinspection of the premises was also conducted on 15 June 2023.

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

The items listed in the comments of this report are based on the following limitations:

| | | |
|--|-------------------------------------|--|
| Fire and Rescue NSW | ABN 12 593 473 110 | www.fire.nsw.gov.au |
| Community Safety Directorate Fire Safety Compliance Unit | 1 Amarina Ave Greenacre NSW 2190 | T (02) 9742 7434 F (02) 9742 7483 |
| www.fire.nsw.gov.au | | Page 1 of 5 |

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- The inspection was limited to the UNO hotel only. Access within the nightclub part of the premises was not obtained.
- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

COMMENTS

The following items were identified during the inspection:

1. Compartmentation and Separation
 - 1A. Numerous fire-rated doorsets to the central stairway do not have their frames tagged, contrary to the requirements of AS 1905.1-2015.
 - 1B. One of the leaves of the fire-rated doorset adjacent to the lift on level 2 does not release from the magnetic latch when operating the test button. Concerns are raised that the door may not unlatch in the event of a fire, contrary to the requirements of Clause C4D8 of the NCC.
 - 1C. A number of fire-rated doorsets do not self-close, contrary to the requirements of Clauses C4D8 and C4D12 of the NCC.
 - 1D. The lift motor room is not fire separated, contrary to the requirements of Clause C3D13 of the NCC.
2. Access and Egress
 - 2A. A number of exits discharge to Barncleuth Lane at the rear of the premises. The discharge area is not provided with a suitable barrier to prevent the parking of vehicles, contrary to the requirements of Clause D2D15 of the NCC.
 - 2B. Scaffolding placed along the western side and rear of the building partially obstructs the required width of the path of travel to the road, contrary to Clause D2D15 of the NCC. Concerns are also raised regarding head height in numerous locations.
 - 2C. Large amounts of rubbish and other items were stored in the fire-isolated exit at the rear of the premises providing an obstruction, contrary to Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
 - A reinspection conducted on 15 June 2023 established that rubbish blocking the paths of travel within the fire-isolated exit had been removed. There was a small amount of rubbish still present within the stair on the ground floor, however, this was stacked to

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the side of the path of travel, not constituting an obstruction. Notwithstanding this, the Operational Manager was advised to remove the remaining rubbish which he indicated that he would do in a timely manner.

- 2D. The barriers / handrails to the central stairway are approximately 800 – 810 mm in height, contrary to the requirements of Clauses D3D18 and D3D22 of the NCC.
- 2E. Items were stored in the common area paths of travel to the exits on level 2, contrary to Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
 - A reinspection conducted on 15 June 2023 established that the items had been removed and there were no further concerns in relation to this matter.

3. Services and Equipment

- 3A. A total of 13 isolations were noted on the Fire Indicator Panel (FIP). The isolations covered all parts of the Uno Hotel as well as the nightclub. Due to these isolations, concerns are raised that the smoke detection and alarm system will not operate in the event of a fire.
 - A reinspection conducted on 15 June 2023 established that the 10 isolations relating to the nightclub next door had been removed. There were, however, 3 isolations still present. These covered levels 1, 2 and 3 of the premises. The Operational Manager advised that these zones were isolated whilst cleaning of the air conditioners was taking place. The Operational Manager was advised to remove the isolations, which he did in our presence, and to find an alternative to isolation during cleaning.
- 3B. FRNSW officers were unable to locate any sounders / speakers on the ground floor of the premises relating to the Building Occupant Warning System.
- 3C. A number of fire hose reels were not provided with interlock mechanisms at the stop valves, contrary to the requirements of Section 5 of AS 241-2005.
- 3D. A number of fire hose reels were not correctly signed, contrary to the requirements of Clause 10.4 of AS 2441-2005.
- 3E. Directional exit signage at the rear of the premises directing occupants to discharge onto Barncleuth Lane was not illuminated, contrary to the requirements of AS 2293.1-2018.
- 3F. The smoke detector located in room 304 was covered in plastic preventing its operation in the event of a fire. This was removed by the Operational Manager in our presence.

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- 3G. A number of rooms contained only thermal detectors, contrary to the requirements of Specification 20 of the NCC. The Operational Manager was advised not to occupy these rooms until they were provided with a smoke detector.
 - 3H. The fire hydrant pump control panel indicated a crank isolation and a “j/heater failure”.
 - A reinspection conducted on 15 June 2023 established that the crank isolation had been removed, however, the “j/heater failure” was still present.
 - 3I. The fire hydrant booster enclosure does not incorporate hold-open devices to the doors, contrary to the requirements of Clause 7.9.2 of AS 2419.1-2005.
 - 3J. The isolating valve wheel at the booster is not provided with adequate clearance, contrary to the requirements of Clause 3.5.2 of AS 2419.1-2005.
 - 3K. The front face of the connections at the fire hydrant booster is recessed more than 150 mm from the front face of the fire hydrant booster enclosure, contrary to the requirements of Clause 7.4 of AS 2419.1-2005.
4. Other identified issues
- 4A. A copy of the latest Annual Fire Safety Statement for the building was not displayed in a prominent location, contrary to the requirements of Section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

FRNSW believes that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 4 of this report and conduct an inspection.
- b. Address any other deficiencies identified on “the premises”.

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. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council’s advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

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Please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call [REDACTED] if there are any questions or concerns about the above matters. Please refer to file reference BFS23/3056 (28682) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

[REDACTED]
Fire Safety Compliance Unit