

AMENDED ITEM

25 March 2015

Director's Report

To the Ordinary Council Meeting

Development and Building Department

3.1 Fire Safety Report from Fire and Rescue NSW - 200 - 214 Main Rd, Toukley (Beachcomber)

TRIM REFERENCE: F2004/09001 - D11867712

MANAGER: Scott Rathgen, Team Coordinator

AUTHOR: Gary Evans; Senior Health and Building Surveyor Fire Safety

SUMMARY

Council has received a Fire Safety Report from Fire and Rescue NSW in respect to the premises known as No. 200 - 214 Main Rd Toukley, NSW (Beachcomber Hotel).

In accordance with Section 121ZD(2)(a) & (b) of the Environmental Planning and Assessment Act 1979 (EP&A Act) the Fire Safety Report is tabled for Council to consider whether it will exercise its powers to give an Order No 6 under S121B of the EP&A Act.

RECOMMENDATION

- 1 ***That Council note the content of the Fire Safety Report from Fire and Rescue NSW - 200 - 214 Main Rd, Toukley (Beachcomber) (attached), in accordance with Section 121ZD(2)(a) of the Environmental Planning and Assessment Act, 1979.***
- 2 ***That Council direct the General Manager to write to the FRNSW and inform the following;***
 - ***Council staff will investigate matters 1, 3, 4 and 5 of the Fire Safety report dated 23 February 2015 and exercise its powers under s121B if warranted***
 - ***Council will not exercise its powers in relation to matter 2 of the Fire Safety report dated 23 February 2015 as FRNSW are the expert authority in firefighting equipment.***

BACKGROUND

The property is known as No 200 Main Rd Toukley which currently operates as the Beachcomber Hotel.

Council received a Fire Safety Report dated 23 February 2015 from Fire and Rescue NSW ("FRNSW") in respect to the premises. A copy of that Report is attached. Council, is required under Section 121ZD(2)(a) of the EP&A Act to table Fire Safety Reports at an Ordinary Meeting of Council, **and its publication of that Report is not an endorsement of the contents of that Report.**

CURRENT STATUS

A Fire Safety report dated 23 February 2015 was received by Council and identified five potential fire safety issues with the building. The report recommended that Council inspect the premises and determine the adequacy of the fire safety measures installed.

Council staff have recently inspected the premises and are currently reviewing 4 of the 5 Fire Safety issues identified by FRNSW. Council staff believe item 2 listed in the Fire Safety Report would be best investigated by FRNSW as it relates to firefighting equipment.

OPTIONS

Council has power under s.121B of the EP&A Act to give an "Order 6" to the owner of the premises. Council is required by s.121ZD(2)(b) of the EP&A Act to determine whether it will exercise that power, and is then required by s.121ZD(4) of the EP&A Act to give notice of its determination to the Commissioner of New South Wales Fire Brigades.

FRNSW are experts in Fire Fighting requirements and equipment. Item 2 of the matters raised by FRNSW relates to the fire hydrant booster system and is therefore a matter for FRNSW to enforce. It would be appropriate for Council to pursue the other matters listed in the Fire Safety Report and any other deficiencies that are related to the building and past approvals.

Council staff agree that items 1, 3, 4 and 5 should be addressed by Council as they relate to Building Code of Australia. However, item 2 is considered the responsibility of FRNSW for the following reasons;

1. FRNSW are experts in Fire Fighting requirements and equipment. Matters directly related to fire fighting requirements.
2. Council staff are experts in Building Codes of Australia and building matters and not firefighting equipment and requirements.

MATERIALS RISKS AND ISSUES.

Council has an obligation under the EP&A Act to determine if it will exercise its powers under the Act to take action on matters identified by FRNSW. It would be prudent for Council to review the existing building approvals and investigate matters 1,3, 4 and 5 of the Fire Safety Report. In terms of item 2 raised in the Fire Safety Report, it is considered that FRSW are the appropriate regulatory authority to ensure compliance with firefighting equipment and requirements.

CONCLUSION

Fire and Rescue NSW have identified the rectification of a number of fire safety issues both of relevance to the operations of Fire and Rescue NSW and relating to other Building Code matters within the subject premises. Council must consider whether it is appropriate to issue an order to address the non-compliance matters as specified in the Fire Safety Report submitted by Fire and Rescue NSW. With such action to be instigated upon completion of an appropriate investigation of the matters raised by Council staff.

ATTACHMENTS

- 1 Letter from Fire & Rescue NSW dated 23 February 2015 D11867701



File Ref. No: BFS15/91 (7449)
TRIM Ref. No: D15/11620
Contact: Station Officer Paul Scott

23 February 2015

General Manager
Wyong Shire Council
2 Hely Street
WYONG NSW 2259

Email: wsc@wyong.nsw.gov.au

Attention Manager Compliance/Fire Safety

Dear Sir / Madam,

**RE INSPECTION REPORT - BEACHCOMBER HOTEL - 200 MAIN ROAD
TOUKLEY**

Correspondence was received by the Fire & Rescue NSW (FRNSW), on 27 January 2015, in relation to the adequacy of the provision for fire safety in connection with the above building. The correspondence indicated that:

- A fire exit on the basement floor was locked by a chain.

An inspection of the abovementioned premises was conducted by Fire & Rescue NSW (FRNSW) Officers of the Fire Safety Compliance Unit, in accordance with the provisions of Section 118L (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), on 5 February 2015.

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

COMMENTS

The following items of concern were identified during the FRNSW inspection:

Fire & Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

Locked Bag 12
Greenacre NSW 2190

T (02) 9742 7434
F (02) 9742 7483

bfs@fire.nsw.gov.au

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1. Annual Fire Safety Statement (AFSS):
 - a. The displayed AFSS was dated 2013 and is therefore considered out of date. In accordance with Clause 177(2) of the *Environmental Planning and Assessment Regulation 2000* the statement must be updated annually.
2. Hydrant Booster:
 - a. Fire The AFSS identifies the hydrant booster as being installed to AS2441-1998. Please be advised that Australian Standards (AS) 2441 relates to hose reels. FRNSW is of the opinion that the fire hydrant system is installed to the requirements of Ordinance 70.
 - b. In this regard the following non-compliances with the Ordinance 70 fire hydrant installation were observed: -
 - i. The pressure scale plate was warped and may affect the operation of the pressure gauge installed on the boost inlets of the hydrant booster assembly;
 - ii. Both isolation valves on the hydrant booster assembly were not able to be turned to the off position;
 - iii. Numerous cabinet doors containing attack fire hydrants within the building were not labelled to identify the attack hydrant location;
 - iv. A block plan was not installed at the hydrant booster assembly identifying the location of the attack hydrants.
3. Fire Indicator Panel (FIP):
 - a. The FIP was not monitored in accordance with Specification E2.2a – 7 of the Building Code of Australia (BCA);
 - b. A Zone Block Plan was not provided to the Fire Indicator Panel in accordance with the requirements of Clause 3.10 of AS1670.1-2004;
 - c. Smoke detection is only provided within the Class 3 part of the building which is contrary to the requirements of Specification E2.2a - 4 (c) of the BCA.
4. Fire exit doors:
 - a. Within the 'Underground' nightclub, egress doors were chained shut with padlocks, slide barrel and drop bolts which is contrary to the requirements of Clause 185 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg);
 - b. Numerous exit doors were provided with handles contrary to the requirements of Clause D2.21 (a) (i) of the BCA;
 - c. Throughout the complex fire exits were capable of being locked which is contrary to the requirements of Clause D2.21 (a) of the BCA.



5. Fire separation:

- a. Separation was compromised as a result of the fire doors being held in the open position. It appears that the fire doors are obstructed from its operation as a result of:
 - i. Carpet
 - ii. Installed door furniture and
 - iii. Door chocks being utilised on multiple doors.

Therefore the doors failed to close automatically in accordance with Clause C3.11 of the BCA;

- b. Separation between classes was not provided at the exit door between the basement carpark and the Class 3 part which is contrary to the requirements of Clause C2.8 of the BCA.

FRNSW is of the opinion that adequate provision for fire safety has not been made concerning the building.

RECOMMENDATIONS

FRNSW recommends that Council inspect the premises and require items 1 - 5 of this report, and any other deficiency 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 enquiries regarding any of the above matters, please do not hesitate to contact the Fire Safety Compliance Unit. Please ensure in any future correspondence that you use FRNSW file reference BFS15/91 (7449).

Yours faithfully



Edren Ravino
Building Surveyor
Fire Safety Compliance Unit

