

8.6 Fire and Rescue NSW Fire Safety Inspection Reports

REPORT BY THE MANAGER BUILDING AND DEVELOPMENT
TO 16 NOVEMBER 2022 ORDINARY MEETING
GOV400098, P0020611

RECOMMENDATION

That Council:

1. **table the report by the Manager Building and Development on the Fire and Rescue NSW Fire Safety Inspection Reports of 6 Lewis Street, Mudgee, 67 Market Street, Mudgee, and 141-143 Mayne Street Gulgong;**
2. **proceed to exercise Council's powers to give Order No 1 in Schedule 5, Part 2 of the *Environmental Planning and Assessment Act 1979* regarding these properties; and**
3. **give notice of Council's determination under Schedule 5, Part 8, Section 17(4), of the *Environmental Planning and Assessment Act 1979* to the Commissioner of Fire and Rescue NSW.**

Executive summary

Council has received a three (3) reports from Fire and Rescue NSW (dated 12 October 2022 and 1 November 2022). The findings of these reports state that Fire and Rescue NSW believes that there are inadequate provisions for fire safety within the noted buildings identified as the Oriental Hotel located at 6 Lewis Street, Mudgee, the Woolpack Hotel located at 67 Market Street, Mudgee and the Centennial Hotel located 141-143 Mayne Street, Gulgong.

Council must consider the findings and recommendations of the inspection reports and determine whether it will exercise its powers to give a fire safety order in accordance with the provisions of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

Disclosure of Interest

Nil

Detailed report

Background

Council has received three reports from Fire and Rescue NSW (dated 12 October 2022 and 1 November 2022) following an inspection conducted on the 16 September 2022 of 'The Oriental Hotel' located at 6 Lewis Street, Mudgee, 'The Woolpack Hotel' located 67 Market Street, Mudgee, and 'The Centennial Hotel' located at 141-143 Mayne Street, Gulgong.

The premises was inspected pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, which provides inspection powers to an authorised fire officer of Fire and Rescue NSW for the purpose of inspecting a building to determine whether or not:-

- (a) *adequate provision for fire safety has been made in or in connection with the building,*
or

(b) *the fire safety provisions prescribed for the purposes of this section by the regulations have been complied with.*

A copy of the inspection reports are provided in **Attachment 1, 2 and 3** of this report.

Findings

As a result of a number of non-compliances identified and the recommendations provided within the reports, Council is required pursuant to Schedule 5, Part 8, Section 17(2) of the *EP&A Act* to table the report at the next available meeting of Council and determine whether it will exercise its powers to give a fire safety order under the *EP&A Act*.

Schedule 5, Part 2 of the *EP&A Act* provides the relevant orders which may be issued by Council to address the matters raised by Fire and Rescue NSW which is provided below:

Part 2 Fire safety orders

	<i>To do what?</i>	<i>In what circumstances?</i>	<i>To whom?</i>
1	<i>To do or stop doing things for the purposes of ensuring or promoting adequate fire safety or fire safety awareness</i>	<i>When provision for fire safety or fire safety awareness is inadequate to— prevent fire, or suppress fire, or prevent the spread of fire. To ensure or promote the safety of persons in the event of fire. When lack of maintenance of the premises or the use of the premises constitutes a significant fire hazard.</i>	<i>The owner of the premises or, in the case of a place of shared accommodation, the owner or manager</i>
2	<i>To stop doing an activity on premises, including on premises used for the purposes of shared accommodation</i>	<i>The activity is or is likely to be— life threatening hazard, or threat to public health or public safety, and the activity is not regulated or controlled under any other Act by a public authority.</i>	<i>Any person apparently engaged in promoting, conducting or carrying out the activity</i>
3	<i>To stop the use of premises or to evacuate premises, or not to enter the premises</i>	<i>When an order under item 1 or 2 above has already been served and has not been complied with.</i>	<i>Any person</i>

Recommendation

Based on all available information to-date, it is recommended that a fire safety order be issued pursuant to Schedule 5, Part 2(1) of the *EP&A Act* on the owner and operator of the premises' in order to address items 1 to 4 of the inspection reports contained within **Attachments 1 and 2** and items 1 to 3 of **Attachment 3** provided by Fire and Rescue NSW.

Noting that Order No.1 in Part 2 of Schedule 5 to the EPA Act requires the giving of a notice of intention to issue the proposed order and the consideration of representations concerning the proposed order before the order may be given (see Schedule 5(6) – (15)).

Community Plan implications

Theme	Looking After Our Community
Goal	A safe and healthy community
Strategy	Work with key partners and the community to reduce crime, anti-social behaviour and improve community safety

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021

Local Government Act 1993

Financial implications

Nil

Associated Risks

Should Council proceed to issue a Development Control Order, the owner / licensee of the building may proceed to appeal the Order in the Land and Environment Court.

TY ROBSON
MANAGER BUILDING AND DEVELOPMENT

ALINA AZAR
DIRECTOR DEVELOPMENT

28 October 2022

Attachments:

1. FRNSW Inspection Report - Oriental Hotel - 6 Lewis Street Mudgee.
2. FRNSW Inspection Report - Woolpack Hotel - 67 Market Street Mudgee.
3. FRNSW Inspection Report - Centennial Hotel - 141-143 Mayne Street, Gulgong.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Unclassified



File Ref. No: BFS22/4878
TRIM Ref. No: D22/89240
Contact: Conor Hackett

12 October 2022

General Manager
Mid-Western Regional Council
86 Market Street
MUDGEE NSW 2850

E-mail: council@midwestern.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
ORIENTAL HOTEL
6 LEWIS ST, MUDGEE NSW 2850 (“the premises”)**

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 Fire and Rescue NSW (FRNSW) inspected ‘the premises’ on 16 September 2022, The NSW Police Force were also present during the inspection.

On behalf of the Commissioner of FRNSW, 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:

- 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.

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COMMENTS

This report is limited to observations and sections of the building accessed during the inspection. This report lists potential deviations from the National Construction Code 2019 Building Code of Australia – Volume One (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items listed may relate to the building's age or contradict development consent approval. In this regard, it is at the Council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified during the inspection:

1. Essential Fire Safety Measures

- 1A. Smoke Alarm System – The premises appear to have a Clause 3 smoke alarm system installed as required by Specification E2.2a of the NCC.
 - A. Clause 3b(iii)(B) of the NCC states that:
 - i. The smoke alarm system must activate a building occupant warning system under Clause 7. Observations revealed no loudspeakers installed in the ceilings, and it is unclear whether the installed system complies with Clause 3.22 of AS1670.1 and will sound through all occupied areas.
 - ii. The smoke alarms installed in public corridors and other internal public spaces must be located per the requirements for smoke detectors in Australian Standard AS 1670.1. The location of the smoke alarms appears intermittent and haphazardly installed in public spaces.
 - B. Clause 3.28 of Australian Standard AS1670.1 sets out the locations where smoke alarms are not required. No smoke alarm was observed at the skylight over the small bar adjacent to the main bar, and the skylight does not appear to meet the criteria prescribed 3.28(g) for the omission of a detector at this location.
 - C. The manager onsite at the time indicated that a security company monitors the smoke detection and alarm system. Upon activation of a smoke alarm, the security company receives the signal and contacts management, who then investigate. Considering the above anomalies, further investigation regarding the installed smoke detection and alarm system may be required by Council.
- 1B. Annual Fire Safety Statement (AFSS) and Fire Safety Schedule (FSS) – Section 89(4)(b) of the Environmental Planning And Assessment (Development Certification And Fire Safety) Regulation 2021 (EPAR 2021) requires an AFSS to be prominently displayed within the building. The AFSS and FSS could not be located at the time of the inspection. As a result, the essential fire safety measures maintained under the relevant Australian Standard could not be established.

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- 1C. Floor Area – Clause E1.3 of the NCC requires buildings with a total floor area greater than 500m² to be installed with a fire hydrant system per Australian Standard AS2419.1. The total floor area of the building appears to be greater than 500m², and a review may be required.
2. Access & Egress
 - 2A. Fire Exits and Fire Exit Doors – Section 109 of EPAR 2021 requires that nothing must obstruct the free passage of persons in using a fire exit or a path of travel leading to a fire exit for the building. At the time of the inspection:
 - A. The exit door from the first-floor accommodation to the stair leading to Lewis Street contained a deadlatch.
 - B. The final exit door to Lewis Street contained a lockable latch.
 - C. A table and chairs were observed obstructing the exit door discharging from the small bar adjacent to the main bar, discharging to the passageway leading to Mortimer Street.
 - 2B. Exit Signs – With regard to Clause E4.6 and E4.8 of the NCC, the following issues were identified as concerns at the time of inspection:
 - A. The exit sign at the top of the stairs to the first-floor restaurant/wine bar was missing the pictorial element on one side.
 - B. The exit sign at the top of the stairs to the first-floor restaurant/wine bar pointed opposite the exit path.
 - C. The exit sign above the exit door from the first-floor corridor to the central stair was missing the pictorial element.
 - 2C. Swinging Doors – Clause D2.20(b) of the NCC requires that if a swinging door is located in a required exit or forms part of a required exit, the door must swing in the direction of egress. At the time of the inspection:
 - A. The exit door from the first-floor corridor to the central stair swings against the direction of egress.
 - B. The final exit door from the first-floor accommodation to Lewis Street swings against the direction of egress.
3. Compartmentation
 - 3A. Having regard to performance requirements CP2, CP4 and CP8 of the NCC, the following items were observed as concerns in relation to maintaining the tenable conditions of the building to prevent the spread of fire to exits, Sole Occupancy Units (SOUs), public corridors, openings and penetrations:

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- A. Bounding Construction – The doors to room no's 5 & 7 did not have a fully operational self-closing device. As access was not available to all SOUs at the time of the inspection, it is unclear whether all of the doors to the SOUs are self-closing, tight fitting, solid core, not less than 35 mm thick, under the requirements of Clause C3.11(d)(ii) of the NCC.
- B. Type of Construction – Clause C1.1 of the NCC requires a building with a specific building class to achieve the minimum fire-resisting construction. It is the Council's discretion to conduct an inspection and review the development approval to confirm the type of construction and whether the different uses require compartmentation.

4. Generally

- 4A. Review of Fire Safety Requirements – It is the Council's discretion to confirm that the maintenance of the essential fire safety systems meets its obligations to enforce the Annual Fire Safety Statement and development approval. Specifically, the Council's policy and procedures meet the commitments to maintain essential fire safety measures to a standard no less than initially designed and implemented.
- 4B. Evacuation Plan – Owners and managers of hospitality facilities should provide oversight to fire safety training for the staff and ensure that adequate plans and procedures are ready to be executed in the event of a fire or emergency. A fire prevention plan should be developed under the Australian Standard, AS 3745 - 2010 Planning for Emergencies in Facilities, which outlines the minimum requirements for developing the emergency plan. The Council could consider including this as part of an approved management plan for "the premises", particularly for the hotel.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address items 1 to 4 of this report and 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 Conor Hackett of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call on (02) 9742 7434 if there are any questions or concerns about the above matters. Please ensure that you refer to file reference BFS22/4878 regarding any correspondence concerning this matter.

Yours faithfully



Edren Ravino
Senior Building Surveyor
Fire Safety Compliance Unit

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File Ref. No: BFS22/4879 (23872)
TRIM Ref. No: D22/88078
Contact: Edren Ravino

12 October 2022

General Manager
Mid-Western Regional Council
86 Market Street
MUDGEES NSW 2850

E-mail: council@midwestern.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

**Re: INSPECTION REPORT
'THE WOOLPACK HOTEL'
67 MARKET STREET, MUDGEES ("the premises")**

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 Fire and Rescue NSW (FRNSW) inspected 'the premises' on 16 September 2022. The NSW Police Force was also present during the inspection.

On behalf of the Commissioner of FRNSW, 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:

- 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.

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COMMENTS

Please be advised that the items in this report are limited to observations of the building accessed at the time of the inspection and identify possible nonconformities with the National Construction Code 2019, Volume 1 Building Code of Australia (NCC) and provisions for fire safety. The items are not an exhaustive list of non-compliances. FRNSW acknowledges that the differences observed at the time may contradict development consent approval or relate to the building's age. Therefore, it's the Council's discretion as the appropriate regulatory authority to consider the most appropriate action.

The following items were identified during the inspection:

1. Essential Fire Safety Measures
 - 1A. Regular Maintenance – Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires maintenance of the Essential Fire Safety Measure to a standard no less than when it was first installed. Australian Standard AS1851-2012 (amendment 1) - "Service of fire protection systems and equipment" details how essential service measures are regularly tested and maintained. Having regard to Section 81 of EPAR2021 and the Australian Standard AS1851, authorised fire officers observed the following at the time of the inspection:
 - A. Exit signs – Many exit signs either were not illuminated or did not operate when the test button was pressed.
 - B. Portable Fire Extinguishers (PFE) – Table 10.4.1 of AS1851 requires PFE to remain conspicuous, readily accessible and in its assigned location. At the time of the inspection, items were restricting access to many PFE. While other PFEs were missing from their hook.
 - C. Fire Hose Reels (FHR) – Table 9.4.1 of AS1851 requires FHR to be accessible with no obstacles restricting its access. At the time of the inspection, items were limiting access to many FHRs at "the premises".
 - 1B. Fire Hose Reel (FHR) Signage – Clause 10.4 of AS 2441-2005 requires signage to identify the location of the FHR. The FHR in the public bar has been painted white and used as a whiteboard, and as a result, the installed signage above the cabinet is no longer prominent. At first glance, the FHR is not readily identifiable.
 - 1C. Portable Fire Extinguishers (PFE) – Table E1.6 of the NCC details the risk class (as defined in AS 2444) for the selection of PFEs in specific areas of a building. It is the Council's discretion to conduct an inspection and review the development approval to confirm whether a Class F (wet chemical) PFE is required in the kitchen.
 - 1D. Floor Area – Clause E1.3 of the NCC requires buildings with a total floor area greater than 500m² to be installed with a fire hydrant system per Australian Standard AS2419.1. The total floor area of the building appears to be greater than 500m², and a review may be required.

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- 1E. Zone Block Plan – Clause 3.10 of the Australian Standard 1670.1 -2015 outlines details to be included in the block plan and securely mounted adjacent to the Fire Indicator Panel (FIP). At the time of the inspection, the zone block plan was a hand-drawn temporary plan. It is at the Council's discretion to ensure the permanent block plan includes items listed in Clause 3.10.
- 1F. Annual Fire Safety Statements (AFSS) and Fire Safety Schedule (FSS) – Section 89(4)(b) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires the building owner prominently display a copy of the AFSS and FSS.
 - A. Displaying an AFSS and FSS means:
 - i. That each essential fire safety measure specified in the AFSS has been assessed by an accredited practitioner (fire safety) as capable of performing to a standard no less than that specified in the FSS;
 - ii. An original measure, as defined under Section 81 of EPAR 2021 — is maintained to a standard no less than when the measure was initially designed and implemented, AND
 - iii. The building had been inspected by an accredited practitioner (fire safety). When it was inspected, it was found to be in a condition that did not disclose grounds for prosecution.
 - B. The AFSS and FSS could not be located during the inspection.
- 2. Access and Egress
 - 2A. Operation of Latch – Clause D2.21 of the NCC requires that a door must be readily openable without a key from the side that faces a person seeking egress. The latch must be a single-hand downward action on a single device between 900 mm and 1.1 m from the floor if the door is a required exit or forming part of a required exit or in the path of travel to a required exit. At the time of the inspection:
 - A. The hotel doors from Market Street and the metal gate from the hotel leading to the beer garden included a single-cylinder deadlock. The deadlocks did not allow for a single-hand downward action and were in locations that did not appear to meet the requirements of Clause D2.21 of the NCC.
 - B. There were doors in and around “the premises” that did not appear to meet the requirements of Clause D2.21. A review may be required.
 - 2B. Swinging Doors – Clause D2.20 of the NCC requires swinging doors in a required exit or forms part of a required exit to swing in a direction that does not impede the path or direction of egress. At the time of the inspection, the hotel door opens against the direction of egress onto Market Street, and

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many signposted exit doors open against the path of egress. A review of the exit strategy may be required.

- 2C. Exit Sign – Clause E4.8 of the NCC details the requirements for “Design and operation of Exit Signs”, where every “required exit” sign must comply with Australian Standard AS/NZS 2293.1; alternatively, a photoluminescent exit sign. The photoluminescent exit sign must comply with Specification E4.8 and be visible to any person occupying the building with the right of legal entry. At the time of the inspection, the front entry door to the hotel included an exit sign directly above the door that did not appear to comply with Clause E4.8 of the NCC. A review and assessment may be required.
 - 2D. Distance & Dimensions – Performance Requirements DP4 and DP6 of the NCC specify the requirements for exits and the “path of travel” to an exit. At the time of the inspection, many exits and “paths of travel” at “the premises” may require the Council’s review, where Clause D1.4 and Clause D1.6 of the NCC would need to be considered. A review of the rear storage area for the restaurant in particular.
3. Compartmentation
- 3A. Type of Construction – Clause C1.5 of the NCC outlines when a Class 3 building having a “rise in storeys” of 2 may be of Type C. A Class 3 building considered Type C construction would be on the proviso that each Sole Occupancy Unit (SOU) has access to at least two exits. Alternatively, each SOU has direct access to a road or open space. At the time of the inspection, some SOUs do not have access to two exits or immediate access to a road or open space. Subject to review by the Council, the proceeding comments are provided.
 - 3B. Protection of openings in external walls – C3.2 of the NCC details the requirements to protect openings in exterior walls of a specific Fire Resistance Level (FRL). At the time of the inspection, it was unclear where the boundary allotment was located for the adjoining property and “the premises.” It is the Council’s discretion to review the development approval and determine whether there are openings that require protection under C3.4 of the NCC.
 - 3C. Separation by Fire Walls – C2.7 of the NCC details the requirements to separate a fire compartment from the remainder of the building by a firewall. A glass door provides entry to the hotel via the public bar. A review and assessment may be required to determine whether separating the two building classes is required.
 - 3D. Bounding Construction (Class 2, Class 3 & Class 4 Parts) – Clause C3.11 of the NCC requires any sole occupancy unit (SOU) or public corridor in a building of Class 2, Class 3 and Class 4 parts to maintain the performance of the bounding walls. In this regard, the following items are provided:
 - A. If occupants exit an SOU of Class 2 or Class 3 onto an open balcony, landing (or the like) and pass an external wall of another sole-occupancy unit (or a room not within a sole-occupancy unit). Then that external wall must comply with C3.11(g)[(iii) to (v)] of the NCC if the

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path of travel to an exit lacks a choice of travel in different directions to alternative exits. The Council may need to inspect “the premises” and review the development approval for the rooms on the first floor because:

- i. Some occupants appear to travel a distance that exceeds 6 metres from the SOU onto the balcony to an exit.
 - ii. The occupants then have to enter the main building before there is a choice of exit in different directions.
- B. Doors to SOUs in a Class 3 building with a “rise in storey” of 2 of Type B or C construction must be constructed and installed in a specific manner. At the time of the inspection:
- i. The doors to the SOUs accessed at the time lacked an operable self-closer.
 - ii. It is unclear whether any doors to the SOUs are tight fitting, solid core and not less than 35 mm thick.
- 3E. Separation of Classifications in Different Storeys – The balconies to the SOUs of the Class 3 storey face onto a glass roof. The glass roof is sufficiently transparent to reveal the plasterboard ceiling of the gaming area. The Council may need to inspect, review the development approval and consider Clause C2.9 of the NCC.

4. Generally

- 4A. Items for Further Investigation – The Council may require an investigation to confirm the following
- A. Assembly Buildings – The draft evacuation plan provided by the licensee references a dance floor, and the building appears to contain Class 6 and Class 3. A review may be required to confirm whether there is a development approval for a dance floor. As such, whether the ground floor is considered a Class 6 building or a Class 9b bar area of a hotel containing a dance floor.
 - B. Smoke Detection System – As no AFSS could be located, it was difficult to establish what type of smoke detection and alarm system was installed. “The premises” appear to have installed a Clause 5 system under Specification E2.2a of the NCC. A review may be required to establish the spacings, locations and type of detectors or alarms installed.
- 4B. Review of Fire Safety Requirements – It is the Council’s discretion to confirm that the maintenance of the essential fire safety systems meets its obligations to enforce the Annual Fire Safety Statement and development approval. Specifically, the Council’s policy and procedures meet the commitments to maintain essential fire safety measures to a standard no less than initially designed and implemented.

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- 4C. Evacuation Plan – Owners and managers of hospitality facilities should provide oversight to fire safety training for the staff and ensure that adequate plans and procedures are ready to be executed in the event of a fire or emergency. A fire prevention plan should be developed under the Australian Standard, AS 3745 - 2010 Planning for Emergencies in Facilities, which outlines the minimum requirements for developing the emergency plan. The Council could consider including this as part of an approved management plan for “the premises”, particularly for the hotel.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address items 1 to 4 of this report and 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.

Please do not hesitate to contact Edren Ravino of FRNSW’s Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call on (02) 9742 7434 if there are any questions or concerns about the above matters. Please ensure that you refer to file reference BFS22/4879 (23872) regarding any correspondence concerning this matter.

Yours faithfully



Edren Ravino
Senior Building Surveyor
Fire Safety Compliance Unit

Unclassified



File Ref. No: BFS22/4881
TRIM Ref. No: D22/92275
Contact: Conor Hackett

1 November 2022

General Manager
Mid-Western Regional Council
PO Box 156
MUDGEES NSW 2850

Email: council@midwestern.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
'CENTENNIAL HOTEL'
141-143 MAYNE ST, GULGONG NSW 2852 ("the premises")**

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 Fire and Rescue NSW (FRNSW) inspected 'the premises' on 16 September 2022, the NSW Police Force were also present during the inspection.

On behalf of the Commissioner of FRNSW, 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:

- 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

This report is limited to observations and sections of the building accessed during the inspection. This report lists potential deviations from the National Construction Code

Fire and Rescue NSW

ABN 12 593 473 110

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Community Safety Directorate
Fire Safety Compliance Unit

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2019 Building Code of Australia – Volume One (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items listed may relate to the building's age or contradict development consent approval. In this regard, it is at the Council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified during the inspection:

1. Essential Fire Safety Measures
 - 1A. Annual Fire Safety Statement (AFSS) – Clause 89(4)(b) of the EPAR 2021 requires an AFSS to be prominently displayed within the building. At the time of the inspection, an AFSS could not be located, and the essential fire safety measures maintained under the relevant Australian Standard could not be established.

2. Access & Egress
 - 2A. Operation of Latch – Clause D2.21 of the NCC requires that a door must be readily openable without a key from the side that faces a person seeking egress. The latch must be a single-hand downward action on a single device between 900 mm and 1.1 m from the floor if the door is a required exit or forming part of a required exit or in the path of travel to a required exit. Multiple doors throughout 'the premise' contain lockable devices, tulip-style handles or slide bolts that fail to comply with Clause D2.21 of the NCC.
 - 2B. Exit Signs – Clause E4.8 of the NCC details the requirements for the "Design and operation of Exit Signs", where every "required exit" sign must comply with Australian Standard AS2293.1. Alternatively, a photoluminescent exit sign may be provided. The photoluminescent exit sign must comply with Specification E4.8 and be visible to any person occupying the building with the right of legal entry. The exit sign above the exit door from the bistro to the rear included an exit sign that did not appear to comply with Clause E4.8 of the NCC.
 - 2C. Swinging Doors – Clause D2.20(b) of the NCC requires that if a swinging door is located in a required exit or forms part of a required exit, the door must swing in the direction of egress. Multiple exit doors from the premises swing against the direction of egress.

3. Generally
 - 3A. Review of Fire Safety Requirements – It is the Council's discretion to confirm that the maintenance of the essential fire safety systems meets its obligations to enforce the Annual Fire Safety Statement and development approval. Specifically, the Council's policy and procedures meet the commitments to maintain essential fire safety measures to a standard no less than initially designed and implemented.

Unclassified

- 3B. Evacuation Plan – Owners and managers of hospitality facilities should provide oversight to fire safety training for the staff and ensure that adequate plans and procedures are ready to be executed in the event of a fire or emergency. A fire prevention plan should be developed under the Australian Standard, AS 3745 - 2010 Planning for Emergencies in Facilities, which outlines the minimum requirements for developing the emergency plan. The Council could consider including this as part of an approved management plan for “the premises”, particularly for the hotel.

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

RECOMMENDATIONS

FRNSW recommends that Council:

Inspect and address items 1 to 3 of this report and 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.

Please do not hesitate to contact Conor Hackett of FRNSW’s Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call on (02) 9742 7434 if there are any questions or concerns about the above matters. Please ensure that you refer to file reference BFS22/4881 regarding any correspondence concerning this matter.

Yours faithfully



Edren Ravino
Senior Building Surveyor
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