



File Ref. No: BFS22/436 (19531)
TRIM Ref. No: D22/16359
Contact: Conor Hackett

8 March 2022

General Manager
City of Parramatta Council
PO Box 32
PARRAMATTA NSW 2124

Email: council@cityofparramatta.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
'TOLLGATE HOTEL'
625 CHURCH STREET PARRAMATTA ("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 4 February 2022 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of 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.

COMMENTS

This report is limited to observations and sections of the building accessed at the time of the inspection, including potential deviations from the National Construction Code 2019 Building Code of Australia – Volume One Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may contradict development consent approval. In this regard, it is at 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 as concerns at the time of the inspection:

1. Essential Fire Safety Measures

- 1A. Fire Detection and Alarm System – The following comments consider Australian Standard AS1670.1:2018 – ‘Fire detection, warning, control and intercom systems—System design, installation and commissioning.’
 - i. Fire Detection Control and Indicating Equipment (FDCIE) – There were seven isolations displayed on the FDCIE. As a result, a Notice of Intention to Serve an Order was issued. A further inspection was carried out on 23 February 2022. At the time of the inspection, the FDCIE was observed to be clear of isolations.
 - ii. Smoke Detectors - Dust caps covers were observed on two smoke detectors in the back-of-house area of the premises, contrary to the requirements of AS 1670.1:2018. At the follow-up inspection on 23 February, the dust caps had been removed.
 - iii. Smoke Detectors - A smoke detector was missing from its mounting base in a corridor in the back-of-house area of the premises. At the follow-up inspection on 23 February, the detector had been reinstated.
 - iv. Zone Block Plan – Clause 3.10 requires a diagrammatic Zone Block Plan to be securely mounted and located adjacent to the FDCIE. The Zone Block Plan mounted adjacent to the FDCIE was lacking many items required by Clause 3.10.
 - v. 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.
- 1B. Annual Fire Safety Statement (AFSS) – Clause 89 of the EPAR 2021 requires an AFSS to be prominently displayed in the building, at the time of the inspection the AFSS could not be located. For ease FRNSW prefers the statement be located beside the FDCIE.

- 1C. Portable Fire Extinguishers (PFE) – A number of PFEs throughout the back-of-house area of the premises were obstructed and were therefore not readily accessible, contrary to the requirements of Clause 3.2 of Australian Standard 2444–2001.
- 1D. Exit Signs - The exit sign adjacent to the stairs on the north-eastern corner of the premises was not illuminated and not maintained in contrary to the requirements of Clause E4.8 of the NCC, Section 6 of Australian Standard 2293.1-2005 and Clause 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

2. Access & Egress

- 2A. Operation of Latch – Multiple doors throughout ‘the premises’ contain additional latching or non-compliant latching, such as slide bolts, tulip style handles or key locks, contrary to the requirements of Clause D2.21 of the NCC.
- 2B. Exit Signage - Additional directional exit signage may benefit the back-of-house area, such that an exit sign or directional exit sign is clearly visible from all areas, in accordance with Clause E4.6 of the NCC.

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

FIRE SAFETY ORDER NO. 1

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued a Notice No. 1, dated 10 March 2022, in accordance with the provisions of Section 9.34 of the EP&A Act, to have items no. 1A(i), (ii) & (iii) of this report rectified.

In accordance with the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act, a copy of the Notice is attached for your information. FRNSW has conducted further inspections of the building to assess compliance with the terms of this Notice

In this regard, FRNSW does not consider Council is required to take action in relation to items no. 1A(i),(ii) & (iii) of this report.

RE-INSPECTION

Pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 189(a) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), an inspection of ‘the premises’ on 23 February 2022 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

At the time of the inspection, the terms of 'the order' issued on 'the premises' were compliant. Please be advised that 'the order' is not an exhaustive list of non-compliances, it is at Council's discretion to inspect and address any other deficiencies identified on 'the premises'.

RECOMMENDATIONS

FRNSW recommends that Council inspect and address item no. 1 through to item no. 2 of this report and any other deficiencies identified on 'the premises'.

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.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Conor Hackett of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS22/436 (19531) for any future correspondence in relation to this matter.

Yours faithfully



Edren Ravino
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment: Appendix 1 - Fire Safety Order 1 dated 10 February 2022 – [2 pages]



Proposed Fire Safety Order ORDER No. 1

Under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*
Part 9 Implementation and Enforcement – Division 9.3 Development Control Orders
Fire Safety Orders in accordance with the table to Part 2 - Schedule 5.
Intend to give an Order in accordance with Section 9.34(1)(b)

I, **Conor Hackett** **Building Surveyor** **905798**
(name) (rank) (number)

being an authorised Fire Officer within the meaning of Schedule 5, Part 8, Section 16 of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose, hereby order:

CUNICK PTY LTD **Owner**
(name of person whom Order is served) (position i.e. owner, building manager)

with respect to the premise

TOLLGATE HOTEL
LOT 1 DP85203 - 625 CHURCH STREET PARRAMATTA NSW 2150
("the premises")
(name/address of premises to which Order is served)

to do, or refrain from doing, the following things:

1. Ensure the Automatic Fire Detection and Alarm System installed in 'the premises' is fully operational by doing the following:
 - a. Reinstating the Fire Indicator Panel to normal operation by removing the displayed isolations.
 - b. Removing all dust caps from detectors.
 - c. Reinstating any missing detectors to their respective mounting bases.

The terms of the Order are to be complied with:

By no later than **14 days** from the date of the order

Fire and Rescue NSW	ABN 12 583 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7843
www.fire.nsw.gov.au		Page 3 of 4

The reasons for the issue of this Order are:

- a. At the time of the inspection on 4 February 2022, the Fire Indicator Panel displayed 7 (seven) isolations.
- b. Dust caps were noted on 2 (two) detectors within the back-of-house area of 'the premises'.
- c. A detector was missing from its mounting base within the back-of-house area of 'the premises'.
- d. To ensure that the automatic smoke detection and alarm system is capable of operating to the standard of performance to which it was designed, installed and commissioned.
- e. To ensure the automatic smoke detection and alarm system is capable of performing to the degree necessary to alert the occupants in the event of a fire in 'the premises' and facilitate an evacuation in a timely manner.
- f. To ensure or promote the safety of persons in the event of fire.
- g. To ensure compliance with the requirements of Clause 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Appeals

Pursuant to Section 8.18 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against this Order, other than an order that prevents a person using or entering premises.

Non-Compliance with the Order

Failure to comply with this Order may result in further Orders and/or fines being issued. Substantial penalties may be imposed under Section 9.37 of the EP&A Act for failure to comply with an Order.

NOTE: Representations are to be made in writing and should be received by FRNSW by no later than close of business **22 February 2022**.



Conor Hackett
Building Surveyor
Fire Safety Compliance Unit

This Proposed Fire Safety Order No. 1 was sent by mail on 10 February 2022 and posted on the premises on 8 February 2022.