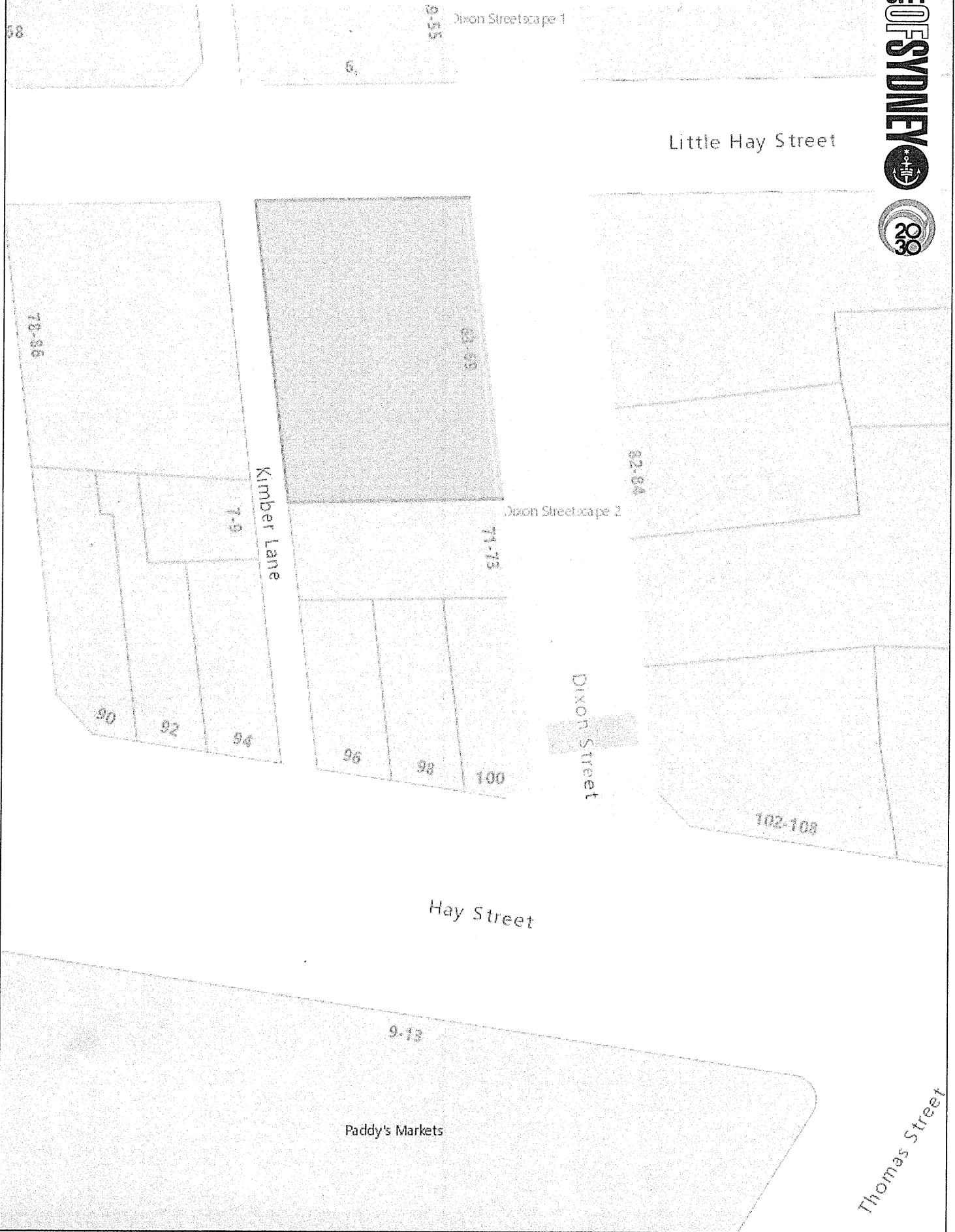


# **Attachment I**

<p><b>Council Officer Inspection Report - 63-69 Dixon Street, Haymarket</b></p>
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# 63 to 69 Dixon Street, HAYMARKET NSW 2000



**Council investigation officer Inspection and Recommendation Report  
Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act  
1979 (the Act)**

**CSM: 1942117**

**Officer: Tereza Wickerson**

**Date: 11 September 2018**

**Premises: 63-69 Dixon Street Haymarket NSW 2000– Dynasty Karaoke**

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**Executive Summary:**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to premises referred to as 63-69 Dixon Street Haymarket – Dynasty Karaoke with respect to matters of fire safety.

The subject Karaoke tenancy is contained within a three (3) storey building located on the corner of Dixon Street and Little Hay Street Haymarket and is used for commercial and office purposes.

Ground level comprising of both retail and restaurant tenancies including a separate entry/foyer with a lift providing access to the upper levels; level two (2) is occupied by Dynasty Karaoke tenancy only and level three (3) consists of an open plan office(s).

On the 18 April 2018 Council records indicate, that a Complying Development Certificate (CDC) was issued by a principal (accredited) certifying authority (PCA) for the; "removal of a partial automatic fire suppression system from the premises fire safety schedule. The CDC also included the decommissioning of the fire sprinkler booster located on ground floor.

It is noted the subject CDC was issued after FRNSW's inspection of 8 December 2017 (which identified fire sprinkler concern).

The sprinkler system was located only on level 2 and appears to be a requirement under the places of public entertainment legislation (now redundant).

The site has been assessed with the works associated under the relevant CDC deemed compliant with the respective requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

The sprinkler system is not a required fire safety system under the current building occupation.

Notwithstanding the above an inspection of the premises undertaken on 9 September 2018 by a Council investigation officer in the presence of the building manager revealed that the premises are deficient in fire safety and egress provisions in the following areas:

- (i) Inadequate fire detection and alarm systems; and
- (ii) Poor fire safety management systems in place.

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a fire safety order under Schedule 5 of the Environmental Planning and Assessment Act, 1979 is required to be issued so as to ensure and promote adequate facilities for fire safety and fire safety awareness.

## Chronology:

Date	Event
20/08/2018	FRNSW correspondence received regarding premises Dynasty Karaoke 63-69 Dixon Street Haymarket.
22/08/2018	An initial desktop review of the subject building revealed a Complying Development Certificate to (primarily) decommission the existing automatic fire suppression (sprinkler) system
07/09/2018	An inspection of the subject premises was undertaken by a Council officer; premises contained a decommissioned sprinkler system; two (2) faults noted to fire indicator panel. A penetration noted to ceiling level two (2) to rear fire stair and routine six (6) monthly maintenance of hose reels and portable fire extinguishers were required. A corrective action email was sent to the property owners to address the above.
11/09/2018	Report prepared, to table FRNSW report to Council meeting scheduled on 29 October 2018.

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

References: [BFS18/479, D18/37746; 2018/478832]

Fire and Rescue NSW (FRNSW) conducted an inspection of the subject premises with NSW Police Force & Council Officers on 08 December 2017 in accordance with Section 119 T(1) of the Environmental Planning and Assessment Act 1979 (the Act).

It should be noted that the inspection of the premises conducted by FRNSW, was carried out prior to the amendments of the Act (which occurred on 1 March 2018). As such, all references to sections and any relevant provisions in their report have been made in accordance with the provision in force at the time and prior to the commencement of the amending legislation.

#### Issues

The report from FRNSW detailed a number of issues, in particular noting;

1. Sprinkler coverage appears inadequate and not in accordance with the relevant standard of performance.

#### FRNSW Recommendations

FRNSW have recommended that Council, being the appropriate regulatory authority, seek to address any deficiencies associated with the issues identified above.

FRNSW have also requested that as soon as practical after the above recommendations have been tabled and considered that notice of any determination in respect of the recommendations is forwarded to them in accordance with clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

### **COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:**

Issue Order(NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue with compliance actions under the current Council Order	Council investigation officer inspect the building and prepare a further report for the next meeting of Council
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As a result of a site inspection undertaken by Council investigation officers it is recommended that Council exercise its powers to give a notice of intention (NOI) for a fire safety order under Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address among other things, the removal of the decommissioned (and non-required) fire safety system as referenced by FRNSW and Council's building officer.

The issue of a fire safety order will ensure that suitable fire safety systems are in position throughout the building to provide improved and adequate provisions for fire safety.

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

**Referenced documents:**

No#	Document type	Trim reference
A1	FRNSW Letter dated 20 August 2018	2018/478832-01
A2	Locality Plan	2018/478832-02
A3	Attached Cover Sheet	2018/478832-03

**Trim Reference:** 2018/478832

**CSM reference No#:** 1942117



# Fire & Rescue NSW

Unclassified

File Ref. No: BFS18/479 (8000002828)  
TRIM Ref. No: D18/37746  
Contact: Senior Firefighter [REDACTED]

20 August 2018

The General Manager  
The Council of the City of Sydney  
GPO Box 1591  
SYDNEY NSW 2001

[council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

Dear Sir/Madam

**Re: INSPECTION REPORT  
DYNASTY KARAOKE  
63-69 DIXON STREET HAYMARKET (the premises)**

Pursuant to Section 119T(1) of the *Environmental Planning and Assessment Act 1979* (the *Act*), an inspection of the *premises* was conducted on 8 December 2017 by authorised fire officers from the Fire and Rescue NSW (FRNSW) Fire Safety Branch in the company of representatives of the NSW Police Force and the Council of the City of Sydney.

It should be noted that the inspection of the *premises* was conducted prior to the amendments of the *Act* on 1 March 2018. As such, all references to sections and any relevant provisions in this report have been made in accordance with the provisions in force at the time and prior to the commencement of the amending legislation.

The inspection of the *premises* was limited to the following:

1. A visual inspection of the essential fire safety measures as identified in this report only. This report is based on a visual, non-invasive inspection of the statutory fire safety measures installed in the building as listed on the fire safety schedule to which safe and reasonable access was available and permitted on the date and time of the inspection
2. 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.

Fire & Rescue NSW

Community Safety Directorate  
Fire Safety Command Liaison Unit

[firesafety@fire.nsw.gov.au](mailto:firesafety@fire.nsw.gov.au)

Unclassified

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Page 1 of 2

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

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On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Sections 119T(4) & 121ZD(1) of the *Act*. Please be advised that Section 121ZD(2) of the *Act* requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

**Comment**

The following items were identified as concerns during the inspection:

1. Sprinkler coverage appears to be inadequate-the spacing of the sprinklers does not appear to be in accordance with the relevant standard of performance.

Due to the observations listed above the authorised officers believe adequate provision for fire safety has not been made in or in connection with the building.

**Recommendations**

FRNSW recommend the following:

- a. Council seek the submission of a BCA audit report for the premises, prepared by an A1 accredited certifier, detailing the non-compliances relative to Parts C1, C2, C3, Parts D1, D2 and Parts E1, E2 and E4 of the BCA.
- b. Council seeks to address any deficiencies associated with the observations listed above.

This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits Council's advice regarding its determination in accordance with Section 121ZD(4) of the *Act*.

Should you have any further enquiries regarding any of the above matters, please contact the Fire Safety Branch.

Yours faithfully

[Redacted Signature]

Senior Firefighter [Redacted]  
Team Leader  
Fire Safety Command Liaison Unit

