

# **Attachment J**

**Council Officer Inspection Report -  
31-37 Dixon Street, Haymarket**

31-37 Dixon Street, HAYMARKET NSW 2000



25-29

Factory Street

50-52

54

56

Dixon Streetscape 1

31-37

Kimber Lane

Dixon Street

39-45



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

CSM: 1942110

Officer: Tereza Wickerson

Date: 11 September 2018

Premises: 31-37 Dixon Street Haymarket

**Executive Summary:**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to premises referred to as 4/31-37 Dixon Street Haymarket – K1 Karaoke with respect to matters of fire safety.

The subject K1 Karaoke tenancy is located on level two (2) within a six (6) storey mixed use building with basement car parking. The premises is located on the corner of Dixon Street and Factory Street Haymarket and is currently used for commercial purposes consisting of retail, restaurant(s), and place of public assembly and accommodation purposes.

The building is affected by a current Council fire safety order which was issued in October 2014 (as modified on 29 June 2016). The order has been partially complied with and is undergoing current compliance review.

Council has scheduled future inspections to ensure adequate fire safety measures are being maintained until compliance of the subject fire safety order is attained.

An inspection of the building was undertaken by a Council investigation officer in the presence of the building manager and service contractor did not identify any new (additional) significant fire safety issues that would lie outside the scope of the present order.

It is considered that the items identified by FRNSW have been addressed by the scope of works specified under the above order.

Observation of the external features of the building did not identify metallic sheet cladding.

Date	Event
20/08/2018	FRNSW correspondence received regarding premises K1 Karaoke- 4/31-37 Dixon Street HAYMARKET
22/08/2018	An initial desktop review revealed the building is subject of an existing fire order issued on October 2014
30/08/2018	<p>An inspection of the subject building was undertaken by a Council officer; the inspection revealed following issues:</p> <p><u>K 1 Karaoke Tenancy:</u> penetrations noted to ceilings above the karaoke equipment to all karaoke rooms; compliant portable fire extinguishers; no obstruction or penetrations into fire stairs by air-conditioning units/electrical wiring or other.</p> <p><u>Common Areas:</u> Exits were free of obstructions, no evidence of storage of building materials or other were noted at time of inspection, penetrations noted to basement and other tenancies contained within the building which are subject to upgrade under Councils fire order as modified.</p> <p>It is noted the premises has been recently inspected by the building owners fire service practitioner in relation to all existing fire safety measures contained within the building.</p>

	Council has scheduled progress inspections in relation to required maintenance and upgrade works to ensure compliance with the relevant installation standards and Councils fire order as modified.
11/09/2018	Report prepared, to table FRNSW report to Council meeting scheduled on 29 October 2018.

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**FIRE AND RESCUE NSW REPORT:**

References: [BFS18/480, D18/36654; 2018/479303]

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. Fire extinguishers were missing from their installed locations;
2. Storage of building materials within fire isolated stairs;
3. Annual Fire safety Statement did not reflect existing combined hydrant/sprinkler system;
4. Penetrations through ceiling within Room 7 of K1 tenancy;
5. Electrical wiring penetrations contained within fire stairs.

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.

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### 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)

That Council note that the owners of the building have already been served with an Order under the requirements of the Environmental Planning and Assessment Act, 1979.

The issued fire safety order once deemed compliant will provide the occupants of the premises with adequate provisions for fire safety.

Follow-up compliance activities are being undertaken by a Council officer to ensure identified fire safety matters are suitably addressed and that compliance with the terms of Council's Order are met.

It is recommended that Council not exercise its powers to give an Order at this time, having regard to the existing order mentioned in this report.

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	2018/479303-01
A2	Locality Plan	2018/479303-02
A3	Attached Cover Sheet	2018/479303-03

**Trim Reference:** 2018/479303

**CSM reference No#:** 1942110



File Ref. No: BFS18/480 (8000002829)  
TRIM Ref. No: D18/36654  
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  
K1 KARAOKE LOUNGE  
4/31-37 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.



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. Fire extinguishers were missing from their installed locations.
2. Building materials were being stored in the fire isolated stairs.
3. Annual fire statement did not list all essential fire safety measures, namely the combined hydrant/sprinkler system.
4. A penetration was observed in the ceiling of room no.7. The opening for the penetration did not appear to be protected.
5. Electrical wiring connected from the air conditioning units was installed through the fire stairs potentially compromising the fire stairs.

Due to the observations listed above the authorised fire 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



Senior Firefighter   
Team Leader  
Fire Safety Command Liaison Unit

Unclassified

Fire & Rescue NSW

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