

Attachment A

**Council Officer Inspection Report -
15 Goulburn Street, Haymarket**

15 Goulburn Street, HAYMARKET

CITY OF SYDNEY



Sussex Street

Trades Hall

4-10

12-14

Goulburn Street

Dixon Street

Factory Street

Dixon Streetscape 1

Kimber Lane

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1:500 at A4
24/09/2018



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

File Ref: CSM 1942132

Officer: Tracey McCann

Date: 28 September 2018

Premises: 15 Goulburn Street, HAYMARKET – Sugar Karaoke Bar

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety.

Council at its meeting to be held on 29 October 2018 are to consider a report at Attachment H (to the fire safety report) and to determine that a further report would be provided to the next meeting of Council, as at the time of drafting the report, a full and detailed inspection of the subject premises had yet to be undertaken to enable an appropriate compliance recommendation to be made.

Council officers have since been able to inspect the subject premises and assess the premises provisions for fire safety.

The premises consists of a three (3) storey building used as a retail (Class 6) restaurant and a public assembly (Class 9b) karaoke bar/ lounge and a martial arts training studio.

The ground floor comprises prominently of a restaurant, known as 'Mamak'. Level one (1) (being the subject of this report), consists of a karaoke bar/ lounge known as 'Sugar' and level two (2) is currently being used as a martial arts training studio.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire.

The buildings annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Notwithstanding the above, the subject premises is required to attend to several minor fire safety maintenance and management site matters. This will be achieved through routine preventative and corrective maintenance actions undertaken by the owner's fire service contractor through written instruction from Council.

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

Chronology:

Date	Event
20/08/2018	FRNSW correspondence received regarding premises 15 Goulburn Street, Sydney [known under Council's records as 15 Goulburn Street, Haymarket].
22/08/2018	An initial desktop review of the subject building revealed that it has a fire safety schedule and is required to submit annual fire safety statements to Council and FRNSW. The building has a current compliant annual fire safety statement, with the next one due on 18th May 2019.
29/08/2018	Council attempted inspection of building but full site access was not made available.
11/09/2018	Report prepared, to table FRNSW report to Council meeting scheduled on 29 October 2018.
18/09/2018	Council inspected the premises in company with the property manager. The inspection identified the following: <ol style="list-style-type: none">1. That the building has been provided with sprinkler protection throughout and therefore eliminates the requirement for smoke alarms within the karaoke lounge / bar on level one (1);2. The emergency lighting within the fire isolated passageway was illuminated and appeared to be maintained;3. The storage of garbage bags and bins within the fire isolated passageway was considered by Council under a previous fire safety order which was completed on 18 July 2017 to the satisfaction of Council;4. The installation of a dead bolt to the required exit door providing egress from the karaoke lounge / bar on level 1;5. Maintenance tagging was missing from the fire door set serving the fire isolated passageway on the ground floor level; The deficiencies noted in points 4 & 5 were of a minor nature and were agreed to be actioned by the building owners within a suitable compliance time.
28/09/2018	Corrective action letter issued upon the building owners.

FIRE AND RESCUE NSW REPORT:

References: [BFS18/481(D18/37739); 2018/498799]

Fire and Rescue NSW (FRNSW) conducted an inspection of the subject premises with NSW Police Force and 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. Operational aspects of existing smoke and building occupant warning system;
2. Maintenance aspects of emergency lighting;
3. The storage of combustible / flammable goods within the fire isolated passageway.

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 compliance letter of instruction	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 site inspection undertaken by Council investigation officers it is recommended that the owners of the building address and comply with the issued compliance letter of instruction and rectify the identified fire safety deficiencies noted by Council and FRNSW.

The above correspondence has requested that building management:

1. Engage the services of a suitably qualified fire contractor to install a maintenance tag to the fire doorset serving the fire isolated passageway on ground floor level;
2. Remove the locking mechanism from the required exit door providing access to the required exit stairway from the karaoke lounge on level one (1);
3. Provide a solid colour contrasting line marking (to the side where the garbage bins are stored) within the required fire isolated passageway to indicate and ensure an obstructed one (1) meter clear egress width along the path of travel to the exit; In addition to the line marking, signage shall be installed within the fire isolated passageway which states that bins must remain behind colour contrasting line marking;

Follow-up compliance inspections are currently being undertaken and will continue to be undertaken by a Council investigation officer to ensure identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence and the recommendations of FRNSW occur.

It is recommended that Council not exercise its powers to give a fire safety order under Schedule 5 of the Environmental Planning and Assessment Act 1979 at this time.

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

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2018/498799-01
A2.	Locality Plan	2018/498799-02
A3	Attachment cover sheet	2018/498799-03

Trim Reference: 2018/498799

CSM reference No#: 1942132



File Ref. No: BFS18/481 (8000002830)
TRIM Ref. No: D18/37739
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

Dear Sir/Madam

**Re: INSPECTION REPORT
SUGAR
15 GOULBURN STREET SYDNEY (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. Installed smoke alarms hanging from wall, do not appear to be capable of activating building occupant warning system.
2. Emergency lighting in fire isolated passageway not being maintained.
3. Garbage bags and garbage bins being stored in fire isolated passageway.

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

