

Attachment C

**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

Kimber Lane

31-37

39-45

Dixon Street



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

CSM: 2000399

Officer: Tereza Wickerson

Date: 19 December 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 has been the subject of a previous FRNSW report and a subsequent Council report (meeting 29th of October 2018); Council resolved (at attachment J) not to exercise its powers to give an order having regard to the existing fire order in place.

Currently the site is still subject to the requirements of the Council fire order. This order is in the final stages of compliance and is expected to be completed in the first quarter of 2019.

The subject FRNSW report also noted that the items of concern identified by FRNSW at the time of inspection are covered by the terms of Council's order. The matter has therefore been referred to Council for determination and action to avoid an estoppel for both agencies.

The premises has also been the subject of recent vandalism to required fire safety measures.

Council has issued a further written direction to the building owners to rectify certain maintenance defects and to act on matters outside the scope of the above order but relevant in ensuring that adequate provisions for fire safety are provided.

Council has been kept updated by all stakeholders in relation to repairs works as they are being conducted. Further site inspections have been arranged by Council to monitor the subject building's fire safety compliance responses.

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

Date	Event
12/12/2018	FRNSW correspondence received regarding premises K1 Karaoke - located at 31-37 Dixon Street HAYMARKET
12/12/2018	<ul style="list-style-type: none">Initial desktop review conducted revealed building subject of an existing fire order issued on October 2014, as modified 19 June 2016; a proposed modified order dated 18 October 2018 was not accepted; currently a new proposed modified Fire Order dated 19 December 2018 has been issued (generally for compliance time)

	<ul style="list-style-type: none"> This site was subject to a previous FRNSW attendance on 8 December 2017 for other fire safety deficiencies; Council Meeting held 29 October 2018 resolved to not exercise its powers to give an Order at this time, having regard to the existing Fire Order. It is noted deficiencies to subject Karaoke tenancy were resolved, with other fire safety matters pertaining to base building being pursuant in accordance with Councils existing Fire Order as modified on 29 June 2016.
12/12/2018	A site inspection of the building was conducted by a Council Officer, which verified matters raised by FRNSW.
12/12/2018	Council acknowledged receipt of FRNSW letter dated 12 December 2018. Council's Investigating Officer also contacted FRNSW's Senior Building Surveyor by telephone to discuss maintenance matters raised and provided an update on action taken by Council and the owners. FRNSW officer acknowledged the existing Fire Order and on-going compliance inspections and action by Council.
12/12/2018	Council issued further written instruction to the property owners; requesting immediate attendance to maintenance items relating to systems faults to early occupant warning and other relevant fire systems
13/12/2018	Council received advice from the building owners of their nominated service practitioners site attendance; faults were assessed, repairs conducted with further site attendances to replace defective items.
18/12/2018	Council issued further written instruction to property owners in relation to maintenance defects identified by FRNSW and Council; two compliance inspection dates have been pre-arranged to ensure maintenance works are conducted as per Council instruction and within the agreed compliance time frames.
19/12/2018	Council issued a proposed modified fire safety order - altering compliance periods to facilitate maintenance rectification works and to keep the relevant order in compliance (time)
19/12/2018	Report prepared, to table FRNSW report to Council meeting scheduled on 11 February 2019

FIRE AND RESCUE NSW REPORT:

References: [BFS18/3605, D18/89145; 2018/648940]

Fire and Rescue NSW (FRNSW) conducted an inspection of the subject premises with officers of the NSW Police Force on 08 December 2018.

The inspection was carried out pursuant to section 9.32 of the Environmental Planning and Assessment Act 1979 (the Act). The inspection was limited to accessible parts of the subject premises and involved only a visual inspection of essential fire safety measures without copies of the development consent or copies of the approved floor plans.

FRNSW have advised that the report has been provided for Council's information in accordance with section 9.32 (4) and clause 17(1) of the Act and that pursuant to clause 17(2) of Schedule 5 of the Act is required to be tabled at a Council meeting.

Issues

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

1. Essential Fire Safety Measures

- a) Automatic Fire Detection and Alarm system – Fire indicator panel (FIP) faults requiring maintenance, reinstate system monitoring system and installation of Zone Block plan
- b) Building occupant Warning System – Maintenance line of line fault and system isolation maintenance
- c) Fire Hydrant System – Rectification of Mains power supply, hydrant booster assembly, pump set maintenance and recommendations regarding valve couplings
- d) Fire Sprinkler System – reinstate system monitoring system and installation of a block plan
- e) Emergency Lighting – Maintenance level 2
- f) Exit signs – Maintenance level 2
- g) Fire doors – Maintenance of electromagnetic device
- h) Portable Fire extinguishers – Maintenance and replacement of missing extinguishers
- i) Annual Fire safety Statement – Nominate all existing fire safety measures and install in prominent position

2. Access & Egress

- a) Additional Latching- Removal of additional latch ware level 3 & 4
- b) Recommendation openable windows- Secure windows/ Barrier installation as per National Construction Code for Class 3 premises

FRNSW Recommendations

FRNSW have recommended that Council inspect and address any other deficiencies identified on the premises and require listed items of the report to be appropriately addressed.

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 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 within 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	2018/648940-01
A2	Locality Plan	2018/648940-02
A3	Attached Cover Sheet	2018/648940-03

Trim Reference: 2018/648940

CSM reference No#: 2000399

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File Ref. No: BFS18/3605
TRIM Ref. No: D18/89145
Contact: [REDACTED]

12 December 2018

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
"K1 KARAOKE LOUNGE"
31-37 DIXON STREET, HAYMARKET ("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 8 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (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.
- Parts of the building that were accessible which included the "K1 Karaoke Lounge" tenancy on Level 2, the basement level pumphouse and the fire stairways.
- 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 and Rescue NSW

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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

Following the inspection, a review of FRNSW records revealed that Council has a current Fire Safety Order served on the owners of the premises (Council ref: FIRE/2014/85, as modified). FRNSW were advised by Council on 9 November 2018 [Council ref: CSM: 1942110 (2018/439641)] that compliance action had been taken by Council's Investigation Officer in relation to the premises, directing the owners to carry out remedial actions in accordance with the current Fire Safety Order as issued by Council.

It is noted that the items of concerns identified by FRNSW at the time of the inspection are covered by the terms of the Order. Therefore, the matter is referred to Council for its determination and action to avoid an estoppel for both agencies.

Please be advised that this report is not an exhaustive list of non-compliances and the items listed outline deviations from the National Construction Code Volume One 2016 Building Code of Australia (NCC) which may contradict development consent approval or correlate to the building's age. In this regard, it is Council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate course of action.

The following items were identified as concerns at the time of inspection:

1. Essential Fire Safety Measures

1A. Automatic Fire Detection and Alarm System:

- a) Fire Indicator Panel (FIP): The automatic fire detection and alarm system did not appear to be capable of operating to the standard of performance from when it was first designed and installed in contravention with the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). The following issues were identified as concerns at the time of inspection.
 - i. The FIP was displaying an "Alarm" in Zone 1 Carpark.
 - ii. The FIP was displaying eighteen (x18) "Faults".
- b) Zone Block Plan - A zone block plan was not provided at the Fire Indicator Panel, contrary to the requirements of Clause 3.10 of AS1670.1-2015.

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- c) System Monitoring – The building consists of a class 3 part located more than 2 storeys above ground level and the detection system did not appear to be connected to a fire alarm monitoring system which is connected to a fire station or fire station dispatch centre, contrary to the requirements of Clause 7(a) of Specification E2.2a of the NCC. In this regard, Alarm Signalling Equipment (ASE) could not be located.
 - d) The FIP is located in the basement pumphouse and is not adequately signposted to assist attending fire-fighters in locating the FIP.
- 1B. Building Occupant Warning System – The evacuation control panel displayed a “line fault” and the system was switched “OFF”.
- 1C. Fire Hydrant System – The following comments are provided having regard to AS 2419.1.2005:
- a) The hydrant booster assembly:
 - i. The isolation valve was not secured or locked in the open position, contrary to the requirements of Clause 8.5.8 of AS 2419.1-2005. In this regard, the main wheel isolation valve appeared to be in the closed position.
 - ii. A block plan of the fire hydrant system had not been provided at the booster assembly, contrary to the requirements of Clause 7.11 of AS 2419.1-2005
 - iii. Boost pressure and test pressure signage was not provided at the booster assembly, contrary to the requirements of Clause 7.10.1 of AS 2419.1-2005.
 - b) Hydrant Pumpset:
 - i. The main power supply (i.e. the “main isolator” function) for the hydrant diesel pump was switched to the “OFF” position.
 - ii. The FIP was displaying “Diesel pump FAULT” on the control panel.
 - iii. The door to the hydrant pump room lacked appropriate signage to assist the attending fire-fighters in locating the pumpset, contrary to the requirements of Clause 6.4.1 of AS2419.1-2005.
 - c) Maintenance – The hydrant booster assembly and the internal hydrants, contained service labels/tags, which indicated the hydrants have not received any routine servicing since 2017, contrary to the requirements of Clause 4.2 of AS 1851-2012 and Clause 182 of the EP&A Regulation. Furthermore, maintenance log books could not be located within the pumphouse to confirm the pumpset had been receiving the required monthly servicing.

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- d) Storz couplings, compatible with FRNSW firefighting hose connections were not provided to all fire hydrant valves throughout the premises, contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS2419.1–2005, Clauses 1.2 and 3.4 of AS2419.2–2009 and 'FRNSW Fire safety guideline, Technical information – FRNSW Compatible hose connections – Document no. D15/45534 – Version 07.01 – Issued 23 October 2018'.

1D. Sprinkler System:

- a) A plan of risk (block plan) is not provided adjacent to the sprinkler booster assembly, contrary to the requirements of Clause 8.3 of AS2118.1-1999.
- b) The premises did not appear to have an Automatic Signalling Equipment (ASE) associated with the Level 2 Sprinkler System, in contravention of Clause 3.2 of AS 2118.1–1999.

- 1E. Exit signs – The directional exit sign in the basement level was not illuminated and had not been maintained, contrary to the requirements of Clause 182 of the EP&A Regulation.

- 1F. Emergency Lighting – Multiple emergency lights throughout the Level 2 tenancy were either not operating or had not been maintained, contrary to the requirements of Clause 182 of the EP&A Regulation. In this regard, multiple emergency lights failed the battery backup test.

- 1G. Fire doors – Multiple fire doors to the northern fire separated stairway on each level were fitted with electro-magnetic hold open devices which were broken and had not been maintained, contrary to the requirements of Clause 182 of the EP&A Regulation. Furthermore, the fire doors on the ground floor and Level 2 was chocked in the open position preventing the fire door from returning to the fully closed position, contrary to the requirements of Clause C3.8 of the NCC.

- 1H. Portable Fire Extinguishers (PFE's) – Multiple PFE's throughout 'the premises' were missing from their installed location.

- 1I. Annual Fire Safety Statement (AFSS) – A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 177 of the EP&A Regulation. In this regard, the AFSS on display in the ground floor foyer, related to the Level 2 fire safety measures only and did not list all the statutory fire safety measures installed within the building, including but not limited to, the sprinkler system installed on Level 2.

2. Access and Egress

- 2A. Additional latching – The fire doors to the northern stairway on Levels 3 and 4 (serving Dixon Residences) contain latches/devices on the back of the door which are capable of being locked from inside the stairway and

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preventing egress from these levels, contrary to the requirements of Clause 184 and Clause 186 of the EP&A Regulation.

- 2B. The openable window in the northern stairway on Level 4, which has a fall greater than 4m to the surface beneath the window, has a sill height (barrier) which is less than 865mm above the floor and the opening permits a 125mm sphere to pass through it, contrary to the requirements of Clause D2.24(c) and (d) of the NCC.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 2 of this report be addressed appropriately.

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 [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/3605 for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]
Senior Building Surveyor
Fire Safety Compliance Unit