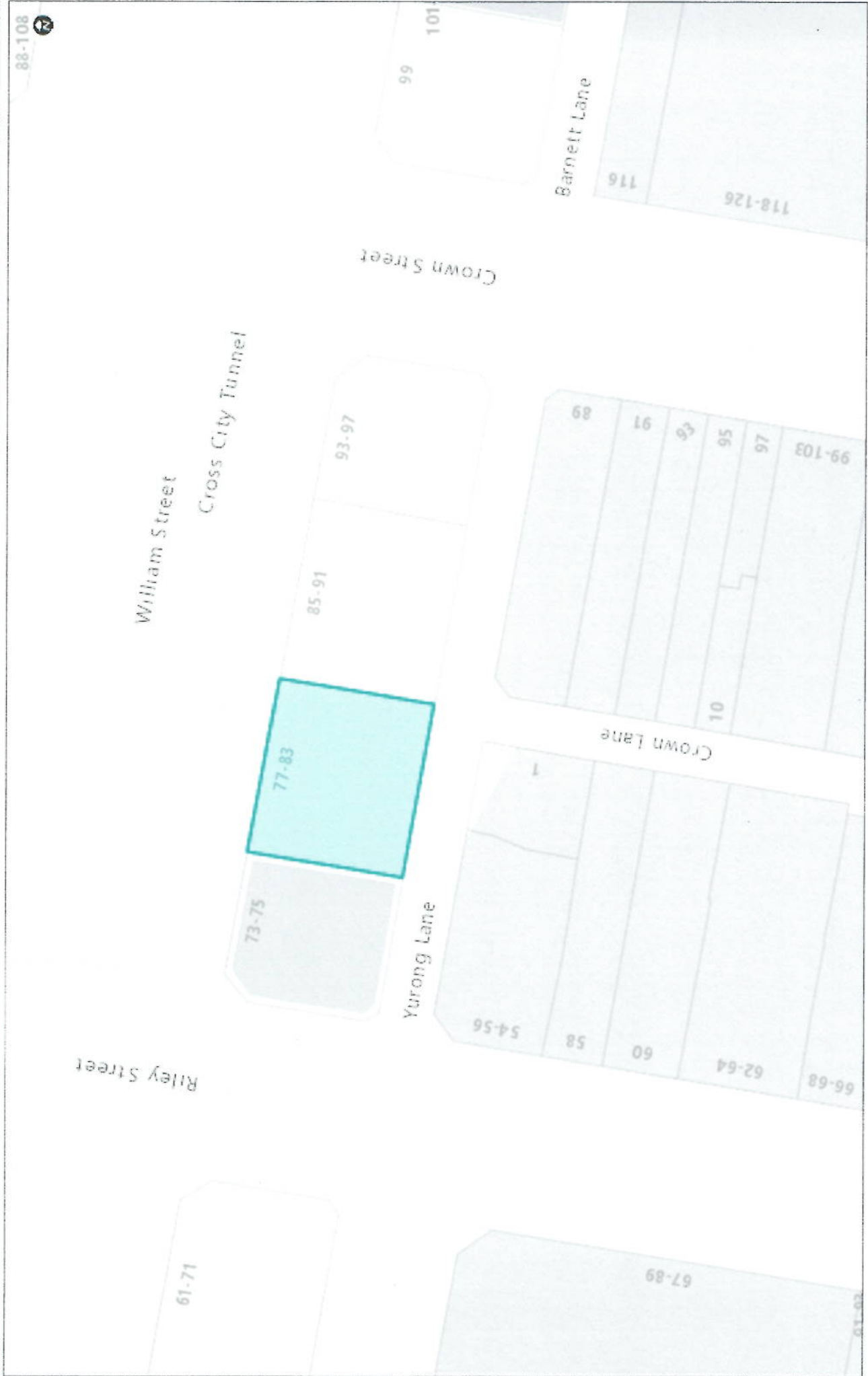


Attachment F

**Inspection Report – 77-83 William
Street, Darlinghurst**



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

File: CSM 2034349

Officer: Chad Grant

Date: 20 February 2019

Premises: 77 - 83 William Street, Darlinghurst

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 11 February 2019 with respect to matters of fire safety.

The premises consist of a five storey building used for mixed commercial purposes. The building is configured as follows:

- Basement Level – "Club 77".
- Ground Level – Massage shop, convenience store and tattoo shop.
- First Level – Interior design office, art studio.
- Second level – Martial arts school, Architecture office.
- Third level – Insurance office, art studio.

An inspection of the premises undertaken by a Council investigation officer revealed that there were no new fire safety issues occurring within the building that Council were not already aware of.

Prior to receiving correspondence from FRNSW, it had been determined and agreed by Council that a fire safety order under Schedule 5 of the Environmental Planning and Assessment Act, 1979, be issued so as to address the fire safety deficiencies identified by Council's investigation officer.

The above Order is still in progress and will ensure and promote adequate facilities for fire safety and fire safety awareness. The Order addresses those outstanding issues raised by FRNSW.

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

Chronology:

Date	Event
11/02/2019	FRNSW correspondence received regarding premises 77-83 William Street, Darlinghurst NSW 2010. An initial desktop review of the subject building revealed that the building 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 pending the outcome of the fire safety order which was issued on 7 December 2018.
14/02/2019 & 20/02/2019	Inspections of the subject premises were undertaken by a Council investigation officer which identified that the fire safety order works to upgrade the fire safety standard of the building are still in progress.

FIRE AND RESCUE NSW REPORT:

References: BFS19/198 (6100) and D19/4482.

Fire and Rescue NSW conducted an inspection of the subject premises in conjunction with the NSW police force on 19 January 2019.

Issues

The report from FRNSW detailed certain issues, in particular noting:

1. There was a 'line fault' to the building occupant warning system and the evacuation control switch was in the 'off' position. A reinspection by FRNSW found that the system was clear of line faults and the evacuation control switch was in the 'auto' position.
2. A fire hose reel was detached from the hose guide and nozzle interlocking device.
3. Certain stairways did not contain handrails.

FRNSW Recommendations

FRNSW have made a number of recommendations within their report. In general FRNSW have requested that Council:

1. Inspect and address any other deficiencies identified on the premises and require abovementioned items to be addressed appropriately.
2. FRNSW has referred the matter to Council as the regulatory authority to have the abovementioned items appropriately addressed.
3. Advise them in writing of its determination in relation to this matter in accordance with the provisions of 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)

As a result of a site inspection undertaken by a Council investigation officer it is recommended that the Owners continue to comply with the previously issued fire safety order under Schedule 5 of the Environmental Planning and Assessment Act, 1979.

The issue of the 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 determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/085427-01
A2.	Locality Plan	2019/085427-02
A3.	Attachment cover sheet	2019/085427-03

Trim Reference: 2019/085427

CSM reference No#: 2034349



File Ref. No: BFS19/198 (6100)
TRIM Ref. No: D19/4482
Contact: [REDACTED]

1 February 2019

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
77 NIGHTCLUB
77-83 WILLIAM STREET, DARLINGHURST ("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 19 January 2019 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.
- A conceptual overview of the '77 Nightclub', 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

Please note, that this report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia - Volume 1 Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed outline concerns that 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 action.

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

1A. Smoke Detection and Alarm System

- A. There was a 'line fault' to the building occupant warning system and the evacuation control switch was in the 'off' position, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000.

A re-inspection of the premises was conducted on 21 January 2019, which found that the occupant warning system was clear of faults and the evacuation control switch was in the 'auto' position.

1B. Fire Hose Reel (FHR)

- A. The FHR within the premises was detached from the hose guide and nozzle interlocking device, contrary to the requirements of Australian Standard (AS) 2441-2005 and Clause 2.2.7.2 of AS1221-1997.

2. Access and Egress

- 2A. Handrails – The following stairways do not contain a handrail, contrary to the requirements of Clause D2.17 of the NCC:

- A. The main entry stairway.
- B. The stairway forming part of the exit leading to Yurong Lane.

3. Generally

- 3A. Reference is made to FRNSW Inspection Report (file ref. no: BFS17/3009), dated 17 October 2018, with specific regard to item no. 1.1A.B regarding heat detectors within the nightclub, which stated, in part, that:

Many detectors within the 77 Nightclub were heat detectors, in lieu of smoke detectors...

It is noted that at the time of the inspection on 19 January 2019, the nightclub now contains both heat and smoke detectors.

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. 3 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 BFS19/198 (6100) for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]
Senior Building Surveyor
Fire Safety Compliance Unit