

Attachment E

**Inspection Report – 284-292 Pitt Street,
Sydney**



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

File: 2019/080822

Officer: Andrew Porter

Date: 18 February 2019

Premises: 284-292 Pitt Street Sydney 'AKA 104 Bathurst Street Sydney'

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.

The correspondence from FRNSW related to matters of fire safety concerning the 'Gala KTV Club' situated within the basement level of the building.

The premises is located within a seven storey building which is located on the corner of, Pitt Street and Bathurst Street, Sydney. The building contains a mixture of uses comprising of offices and retail inclusive of the license premises 'Karaoke bar' subject of this matter.

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. It is determined that the smoke detectors referred to in FRNSW correspondence are installed to initiate automatic shutdown of the air handling system within the premises. The smoke detection is installed in compliance with the Australian Standard for air handling systems rather than as required by the Australian Standard for fire detection and alarm systems quoted in FRNSW correspondence. The building is provided with an automatic fire suppression (sprinkler) system throughout and therefore is not required to have an automatic fire detection and alarm system complying with the Australian Standard for fire detection and alarm systems installed within.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the required fire safety works are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner's fire service contractor(s) through written instruction from Council.

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

Chronology:

Date	Event
11/02/2019	FRNSW correspondence received regarding premises 'Gala KTV Club' at 104 Bathurst Street, Sydney.
18/02/2019	An inspection of the subject premises was undertaken by a Council officer which identified a number of fire safety management and maintenance issues to attend to including: <ul style="list-style-type: none">➤ A single emergency exit sign not illuminated;➤ Defective exit door hardware (knob type action rather than a single handed downward device);➤ Annual fire safety statement not prominently displayed within the building;➤ The combined fire hydrant and sprinkler booster assembly cupboard at the front of the premises was not accessible by a FRNSW compatible lockset;

FIRE AND RESCUE NSW REPORT:

References: BFS18/3685; TRIM D19/8347

Fire and Rescue NSW conducted a joint inspection of the subject premises on 8 December 2018. The inspection report relevant to this inspection is dated 11 February 2019.

Issues: The report from FRNSW detailed the following issues within the building:

- The smoke detectors within the 'Gala KTV Club' appear to be scattered and contrary to the requirements of the Australian Standard with smoke detectors provided to common corridors only and not within each individual room;
- The combined hydrant and sprinkler booster assembly and pumproom were not accessible by a FRNSW compatible lockset in contravention of the applicable Australian Standard;
- Exit signs within the tenancy were not illuminated and had not been maintained contrary to the regulations;
- The annual fire safety statement was not prominently displayed within the building;

FRNSW Recommendations: FRNSW have made several recommendations within their report. In general FRNSW have requested that:

1. Council in its capacity as the regulatory authority, inspect and address any other deficiencies identified on the premises and require items identified by the report to be addressed appropriately.
2. Council advise FRNSW 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 site inspection undertaken by Council investigation officers it is recommended that the owners of the building be issued with written instructions to rectify the identified fire safety deficiencies noted by Council.

The above proposed correspondence will request that the building management:

- ☐ Carry out maintenance to the exit sign identified during the inspection as being non-operational;
- ☐ Carry out maintenance to and replace non-compliant fire exit door hardware;
- ☐ Prominently display the annual fire safety statement within the building;

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 occur.

It is recommended that Council not exercise its powers to give an Order 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	2019/080822-02
A2.	Locality Plan	2019/080822-01
A3	Attachment cover sheet	2019/080822-03

Trim Reference: 2019/080822

CSM reference No#: 2034314



File Ref. No: BFS18/3685 (5794)
TRIM Ref. No: D19/8347
Contact: [REDACTED]

11 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**
"GALA KTV CLUB"
104 BATHURST STREET, SYDNEY ("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 within "The Gala KTV Club – Basement Level" along with the Fire Indicator Panel in the ground floor lobby of 'International House' only, as identified in this report.
- A conceptual overview of the "The Gala KTV Club – Basement Level", 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

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

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate Fire Safety Compliance Unit	1 Amarina Ave Greenacre NSW 2190	T (02) 9742 7437 F (02) 9742 7483
www.fire.nsw.gov.au		Page 1 of 2

1. Essential Fire Safety Measures

- 1A. The Automatic Fire Detection and Alarm System – the smoke detectors throughout the "Gala KTV" tenancy in the basement level appeared scattered and contrary to the requirements of AS1670.1. In this regard, smoke detectors are provided in the common corridors only and not within each individual room.
- 1B. Combined hydrant and sprinkler booster assembly and pumproom - the doors to the booster assembly cupboard and the pumproom were not fitted with a 003-lock compatible with FRNSW access key, contrary to the requirements of Clause 7.9 of AS2419.1-2005, therefore access was not available at the time of inspection.
- 1C. Exit signs – The exit sign in the rear fire passageway was not illuminated and had not been maintained, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).
- 1D. 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.

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 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 BFS18/3685 (5794) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]
[REDACTED]
Senior Building Surveyor
Fire Safety Compliance Unit