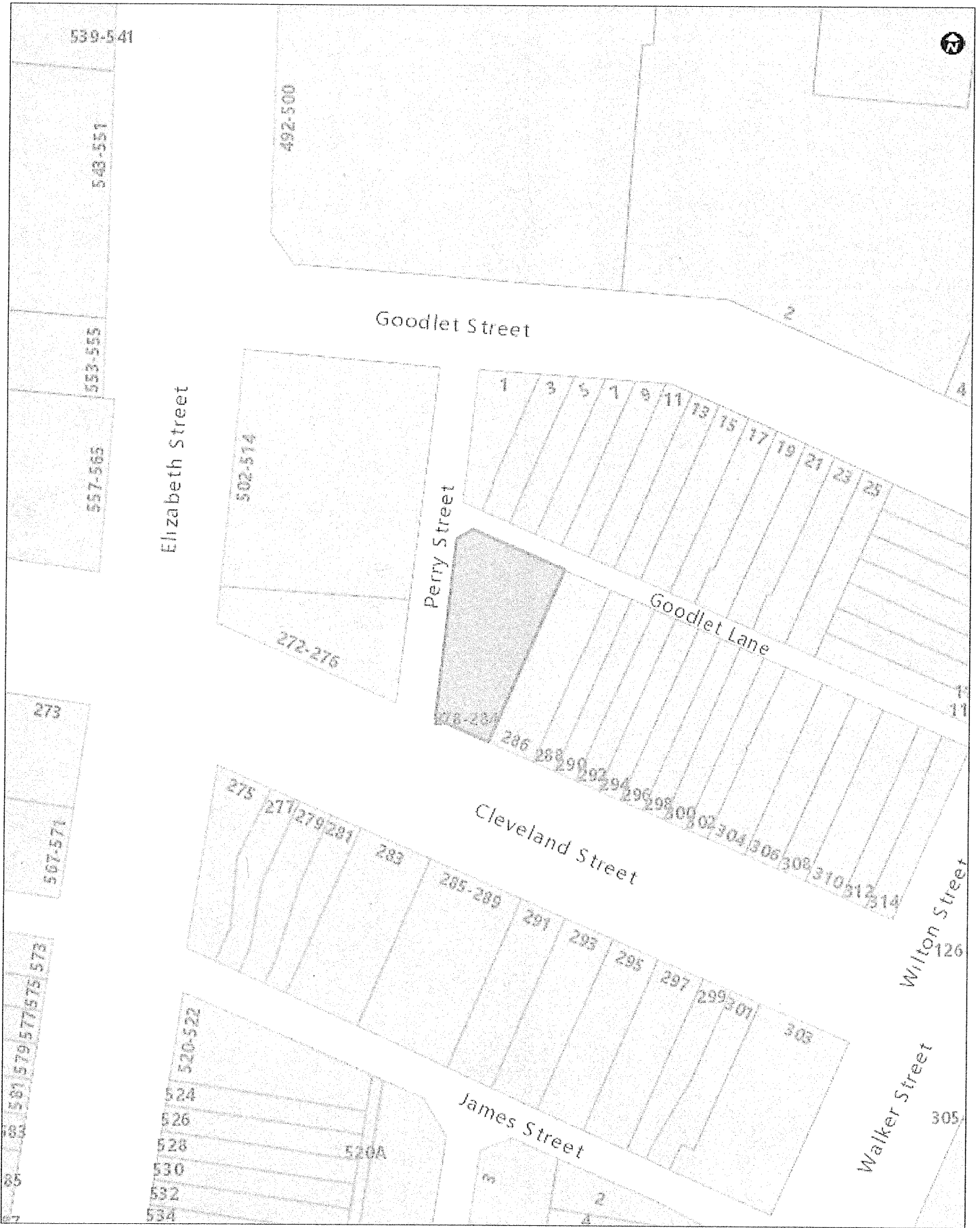


# **Attachment D**

**Inspection Report –  
278-284 Cleveland Street, Surry Hills**



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

CSM: 2054132

Officer: Tereza Wickerson

Date: 27 March 2019

Premises: 278-284 Cleveland Street Surry Hills

**Executive Summary:**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to premises referred to as 278-280 Cleveland Street Surry Hills (the premises) regarding matters of fire safety.

The two storey building is currently used for commercial purposes, ground level being a public entertainment venue, and first floor containing an approved Brothel.

The premises is located on the corner of Cleveland Street and Perry Street in Surry Hills.

The building was affected by a previous Council Fire Safety Order issued on 9<sup>th</sup> of September 2008, modified on 18<sup>th</sup> of March 2009 and finalised on 21 May 2009.

The above fire safety order referenced an existing an automatic fire sprinkler system (distinctive type system). The system was a partial install protecting only the first floor. The system is considered fit for purpose notwithstanding the original installation limitations.

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 above 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 contractors through written instruction from Council.

Observation of the external features of the building did not identify the existence of metal composite cladding.

**Chronology**

Date	Event
15/03/2019	FRNSW correspondence received regarding premises 278-280 Cleveland Street Surry Hills
20/03/2019	An initial desktop review revealed a historical Fire Safety Order issued on 19/09/2008 & as modified on 18/03/2009, was resolved as of 21/05/2009
22/03/2019	An inspection of the subject building was undertaken by a Council officer; the inspection revealed following issues:  <u>Ground level Tenancy 'Venue 505':</u> Lockable security doors obstructing two final exit doors, No Annual Fire Safety Statement Present.  <u>First floor Tenancy '278 Club':</u> No compliant final exit door latch ware, penetration to fire rated ceiling to storage room under stairs, protective clip to a sprinkler head, current sprinkler booster assembly adjacent to stair as per original installation, no obstruction to smoke detectors, no faults to Fire Panel, no excessive garbage or evidence of smoking, paths free from obstruction, no Annual Fire Safety Statement Present

27/03/2019	<p>Council issued a compliance letter instructing the owner to conduct certain remedial works to existing fire safety measures (exit doors/fire sprinkler system).</p> <p>Council has scheduled progress inspections in relation to required maintenance works to ensure compliance with the relevant installation standards.</p>
------------	---

---

### **FIRE AND RESCUE NSW REPORT:**

References: [BFS18/2418, D19/17352]

Fire and Rescue NSW (FRNSW) conducted an inspection of the subject premises with NSW Police Force & Council Officers on 20<sup>th</sup> August 2018 in accordance with Section 119 T(1) of the Environmental Planning and Assessment Act 1979 (the Act).

#### Issues

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

#### 1. Essential Fire Safety Measures

- 1A Automatic fire detection and alarm system- covered smoke detectors
- 1B Automatic fire suppression system- sprinkler
  - a. Insufficient spare/stock replacement sprinkler heads
  - b. Protective caps located on sprinkler heads
  - c. Sprinkler booster assembly considered not in a suitable location
- 1C Annual Fire Safety Statement not present

#### 2. Access & Egress

- 2A. Operation of latch to egress doors non-compliant
- 2B. Unable to verify fire resistance level of storage cupboard under stair
- 2C. Final fire exit door to venue 505 tenancy fitted with lockable gate

#### FRNSW Recommendations

FRNSW have recommended that Council inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

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)

As a result of site inspections and conversations undertaken by Council investigation officers and site personnel 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.

The above correspondence has instructed the responsible site personnel to carry out corrective actions to existing fire systems to cause compliance with required standards of performance.

Follow-up compliance inspections are currently being undertaken, and will continue to be undertaken by a Council officer to ensure all 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 a fire safety 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	FRNSW Letter dated 20 August 2018	2019/159537-01
A2	Locality Plan	2019/159537-02
A3	Attached Cover Sheet	2019/159537-03

**Trim Reference:** 2019/159537

**CSM reference No#:** 2054132



File Ref. No: BFS18/2418 (4590)  
TRIM Ref. No: D19/17352  
Contact: [REDACTED]

15 March 2019

General Manager  
City of Sydney  
GPO Box 1591  
SYDNEY NSW 2001

Email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT  
278-280 CLEVELAND STREET, SURRY HILLS ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 23 August 2018 in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *About 00:30 on Monday 20th of August 2018 Police attended 278 Club to conduct a business inspection. On arrival Police noticed numerous potential breaches with the development consent.*

*At the entry of the building there was a secure grated door covering a fire exit which has a clear sign stating "Fire safety door. Do not obstruct". The grated door could not be opened without a key.*

*Inside the entrance are two sets of staircase leading up to the brothel entrance. Directly to the right of the staircase was a wheelie bin with the lid propped up by excess bags garbage. The garbage was a mixture of general waste and hazardous waste.*

*The staircase is the only point of entry and exit to the brothel. A wheelie bin was placed at the crossing point of the stairs which required a person to manoeuvre around it. This bin was also propped up by excess bags of garbage and hazardous waste.*

*Furthermore at the entrance of the brothel upstairs, which is a closed covered area, a small glass jar with liquid containing used cigarette butts was placed by the door. There was recent ash from cigarettes and a lighter nearby. Directly above this was a smoke alarm covered with paper sticky taped over it.*

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 February 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- Those parts of the building where access was available at the time of the inspection, which included the '278 Club' portion of the building only.
- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- 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 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

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 One Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

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

### 1. Essential Fire Safety Measures

- 1A. The Automatic Fire Detection and Alarm System – A plastic bag was covering the detector in the storage room adjacent to the reception area. The plastic bag removed by the Manager at the time of the inspection.

1B. Automatic Fire Suppression System:

- a) A complete stock of replacement sprinklers had not been provided at the sprinkler control valves contrary to the requirements of Clause 6.7 of AS 2118.1-1999.
- b) Protective caps were fitted on multiple sprinkler heads throughout the 1<sup>st</sup> floor level. The Manager advised FRNSW that the caps were fitted to protect the sprinkler heads whilst the ceilings were being painted. The protective caps were removed by the Manager at the time of the inspection.
- c) Sprinkler booster – the sprinkler booster assembly is located inside the '278 Club' entry on the ground floor, which is not considered a suitable location that is readily accessible to fire brigade personnel, contrary to the requirements of Clause 4.4.3. of AS2118.1-1999. Furthermore, should firefighting hoses be connected to the booster assembly in its current configuration, occupant egress from the 1<sup>st</sup> floor would be compromised as the hoses would cause an obstruction .

1C. 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.

2. Access and Egress

- 2A. Operation of latch – Doors in the required exits or forming part of the required exits throughout 'the premises', contain round tulip style handles in lieu of a lever handle, contrary to the requirements of Clause D2.21 of the NCC.
- 2B. Enclosure of space under stairs – the space beneath the non fire-isolated stair on the ground floor was enclosed to form a cupboard and it could not be determined whether the enclosing walls and ceiling achieve an FRL of not less than 60/60/60 and whether the access doorway was fitted with a self closing -/60/30 fire door, in accordance with the requirements of Clause D2.8(b) of the NCC.
- 2C. The side door from the ground floor 'Venue 505' was fitted with a locked gate on the outside of the door. The door was marked ' Fire Safety Door – Do Not Obstruct' which indicates the door is a required exit.

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 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 BFS18/2418 (4590) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]  
Senior Building Surveyor  
Fire Safety Compliance Unit