

Attachment G

**Inspection Report -
6 Little Hay Street &
49-55 Dixon Street, Haymarket**

6 Little Hay Street, Haymarket
49-55 Dixon Street, Haymarket



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

File: S/2015/47

Officer: Bilal Badyari

Date: 17 July 2019

Premises: 6 Little Hay Street, HAYMARKET NSW 2000 and 49-55 Dixon Street, HAYMARKET NSW 2000

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 premises is located at 6 Little Hay Street & 49-55 Dixon Street Haymarket and is trading as "Hing Loong Apartments".

Council database identifies 6 Little Hay Street as the residential portion of the building and 49-55 Dixon Street Haymarket identified as the commercial portion of the building.

The premises includes a seventeen storey high rise building bounded by Dixon Street to the East, Little Hay Street to the South and Kimber Lane to the West, which includes a basement level carpark, ground floor shops, a first floor restaurant, with the remaining levels residential apartments.

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 building has a current annual fire safety statement which was on display within the premises at the time of inspection.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to including a repairs/maintenance to existing hose reel system, 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.

Date	Event
12/07/2019	FRNSW correspondence received regarding premises 6 Little Hay Street and 49-55 Dixon Street Haymarket
17/07/2019	An inspection of the subject premises was undertaken by Council officers together with the building manager and caretaker manager, when it was noted that: 1. All of the issues raised by FRNSW had been rectified. 2. Certain fire safety measures were not adequately maintained, including hose reel, EP&A signage in fire isolated stairway.

	3. The outcome of the inspection were discussed at the conclusion of the inspection with the manager who was also advised that written advice on the findings would be issued in the due course.
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FIRE AND RESCUE NSW REPORT:

References: [BFS18/292 (2649); D/19/49010]

Fire and Rescue NSW conducted an inspection of the subject premises.

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

1. The compliance aspects relating to the Automatic smoke detection and Alarm system.
2. The smoke detectors could not be located within the golden abalone tenancy on ground floor level.
3. The materials were being stored in the path of travel to rear exit in the Yebisu Bar Grill restaurant level 1.

FRNSW Recommendations

FRNSW have made recommendations within their report. In general FRNSW have requested that Council

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed;
2. 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 site inspections undertaken by Council investigation officers the owners of the building will be issued with written instructions to rectify the identified fire safety deficiencies noted by Council.

The above written instructions will direct the owners of the premises to carry out remedial 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 determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/366169-03
A2.	Locality Plan	2019/366169-02
A3	Attachment cover sheet	2019/366169-01

Trim Reference: 2019/366169

CSM reference No#: 2120971



File Ref. No: BFS18/292 (2649)
TRIM Ref. No: D19/49010
Contact: [REDACTED]

12 July 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

**Re: INSPECTION REPORT
'HING LOONG APARTMENTS'
6 LITTLE HAY STREET & 49-55 DIXON STREET, HAYMARKET ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 6 February 2018 and 21 June 2018, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence received on 6 February 2018 stated that:

- *We attend an AFA, the area of activation was Retail 2 shop known as the GOLDEN ABALONE.*
- *The shop has a false ceiling with sprinkler head coming out of the false ceiling.*
- *However there a void between the false ceiling and the ceiling proper. This area contains the A/C ducts and power cables. We think that the smoke detectors are located in this void. because we could not see any detectors on the false ceiling. There were not "tell tales" to indicate a concealed detector.*
- *We were able to reset the FIP.*

The correspondence received on 21 June 2018 stated that:

- *Upon arrival at AFA, the external fire Indicator panel light was not flashing even though the system was in alarm. During investigation of the alarm, Level one, it*

was observed that rubber glove had been used to cover a detector. Spoke to restaurant staff who were belligerent.

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

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 building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

Please be advised that details of this inspection have been provided in accordance with Section 9.32(4) of the EP&A Act. Therefore, on behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Schedule 5, Part 8, Section 17(1)(a) of the EP&A Act.

COMMENTS

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

1. Essential Fire Safety Measures

1A. The Automatic Smoke Detection and Alarm System:

- a) Fire Indicator Panel (FIP): The automatic smoke 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 two (x2) isolations.
- b) Smoke detectors could not be located within the 'Golden Abalone' tenancy on the ground floor level, contrary to the requirements of Specification E2.2a of the NCC and AS1670.1-2004 (the performance standard listed on the Fire Safety Schedule). Given that one of the isolations identified on the FIP related to this tenancy, it is suspected that the smoke detectors may be located within the ceiling void and may not have been relocated to the false ceiling during the tenancy fit-out.

It is noted that a re-inspection on 5 July 2019, found that smoke detectors had since been installed/relocated to the underside of the false ceiling within the tenancy.

2. Access and Egress

2A. Materials were being stored in the path of travel to the rear exit in the 'Yebisu Bar Grill' restaurant on Level 1, contrary to the requirements of Clause 184 of the EP&A Regulation.

It is noted a re-inspection on the afternoon of 26 June 2019, found the stored items had been removed and the path of travel to the rear exit was clear of all obstructions.

FIRE SAFETY ORDER NO. 1

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. 1, dated 27 June 2019, in accordance with the provisions of Section 9.34 of the EP&A Act, to have item no. 1A.(a) of this report rectified.

In accordance with the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act, a copy of the Order is attached for your information. FRNSW has conducted further inspections of the building to assess compliance with the terms of this Order

In this regard, FRNSW does not consider Council is required to take action in relation to item no. 1A.(a) of this report.

RE-INSPECTION

Pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 189(a) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), an inspection of 'the premises' on 5 July 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

At the time of the inspection, the terms of 'the order' issued on 'the premises' were compliant. Please be advised that 'the order' is not an exhaustive list of non-compliances, it is at Council's discretion to inspect and address any other deficiencies identified on 'the premises'.

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 BFS18/292 (2649) for any future correspondence in relation to this matter.

[REDACTED]

Fire Safety Compliance Unit

Attachment: [Appendix 1 – Emergency Fire Safety Order – 3 pages]

Appendix 1 – Emergency Fire Safety Order

Unclassified



File Ref. No: BFS18/292 (2649)
TRIM Ref. No: D19/44947
Contact: [REDACTED]

27 June 2019

The Owners of [REDACTED]
6 Little Hay Street
HAYMARKET NSW 2000

Dear Sir / Madam

**RE: EMERGENCY FIRE SAFETY ORDER
'HING LOONG APARTMENTS'
6 LITTLE HAY STREET & 49-55 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 26 June 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW).

At the time of the inspection there were fire safety matters that were identified as a significant concern to FRNSW, as the activity or deficiencies identified which the Authorised Fire Officer believes constitute an emergency or a serious risk to safety. As a result, an Emergency Fire Safety Order (Order No. 1) is issued in accordance with the provisions of Section 9.34 of the EP&A Act (copy attached).

A report of the inspection and a copy of the Order will also be forwarded to City of Sydney Council in accordance with the requirements of Sections 9.32, Section 9.35, Schedule 5, Part 6, Section 12 and Schedule 5, Part 8, Section 17 of the EP&A Act. Further inspections will be conducted by FRNSW to assess compliance with the terms of the Order.

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 BFS18/292 (2649) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

Fire Safety Compliance Unit

CC Email:

[REDACTED]

Fire and Rescue NSW	ABN 12 593 473 110	www.frs.nsw.gov.au
Community Safety Directorate	1 Amelia Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greensacre NSW 2190	F (02) 9742 7843
www.frs.nsw.gov.au		Page 1 of 3

Unclassified



Emergency Fire Safety Order ORDER No. 1

Under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*
Part 9 Implementation and Enforcement – Division 9.3 Development Control Orders
Fire Safety Orders in accordance with the table to Part 2 - Schedule 5.
Issue an Order in accordance with Section 9.34(1)(b)
Issue the Order as an Emergency Order Pursuant to Schedule 5, Part 8, Section 16

Property:

'HING LOONG APARTMENTS'
6 LITTLE HAY STREET & 49-55 DIXON STREET, HAYMARKET ('the premises')
(name/address of premises to which Order is served)

Emergency Situation / Serious Risk to Safety:

At approximately 12:00 pm on Wednesday 26 June 2019, the following was observed at 'the premises':

- 1. Multiple isolations were displayed on the Fire Indicator Panel (FIP), which were associated with the Automatic Smoke Detection and Alarm System.

Authorised Fire Officer:

I, [REDACTED]

being an Authorised Fire Officer in accordance with Schedule 5, Part 8, Section 16 of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose.

Hereby order:

The Owners of [REDACTED]
(name of person whom Order is served)

Owner
(position i.e. owner, building manager)

To do, or refrain from doing, the following things:

- 1. Ensure the Automatic Smoke Detection and Alarm System installed in 'the premises' is fully operational, by:
 - a. Repairing all isolations displayed on the Fire Indicator Panel (FIP).

Unclassified

Unclassified

The reasons for the issue of this Order are:

- a. At the time of the inspection the FIP was displaying two isolations (x2), associated with the Automatic Smoke Detection and Alarm System.
- b. The maintenance log book for the Automatic Smoke Detection and Alarm System, identified the isolations being present on the system since January 2019.
- c. To ensure that the Automatic Smoke Detection and Alarm System is capable to operating in accordance with the standard of performance it was designed and installed to.
- d. To ensure that fire safety measures installed throughout the premises are maintained and operating to their standard of performance.
- e. To ensure compliance with the requirements with Clause 182 of the Environmental Planning and Assessment Regulation 2000.

The terms of the Order are to be complied with:

By no later than 4:00pm on the 4 July 2019.

Considerations for Emergency Order:

Pursuant to Schedule 5, Part 8, Section (16) of the EP&A Act, this Order has been given as an Emergency Order as there are circumstances which the authorised fire officer believes constitute an emergency or a serious risk to safety.

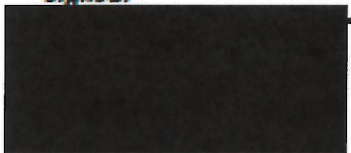
Appeals

Pursuant to Section 8.18(2) of the EP&A Act, a person may not appeal against a fire safety order given by an authorised fire officer (other than an order that prevents a person using or entering the premises).

Non-Compliance with the Order

A person that fails to comply with this Order may be guilty of an offence under Section 9.37 of the EP&A Act. A person that fails to comply with this Order by a particular specified time, or within a particular specified period, continues never-the-less to be obliged to comply with the Order and therefore must comply with the Order or they may be guilty of an offence under Section 9.50 of the EP&A Act.

Signed:



Fire Safety Compliance Unit

This Emergency Fire Safety Order No. 1 was sent by mail on 27 June 2019.

Unclassified