

Attachment F

**Inspection Report
17-19 Goulburn Street, Haymarket**

Council investigation officer Inspection and Recommendation Report
Clause 17(2), Part 8 of Schedule 5, of the Environmental Planning and Assessment
Act 1979 (the Act)

File: CSM2944724

Officer: Joe Kalgovas

Date: 20/03/2023

Premises:17-19 Goulburn Street

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 2 March 2023 with respect to matters of fire safety.

The inspection by FRNSW was brought about by a triple zero call on Thursday 2 February 2023.

According to FRNSW the fire appears to have started at the ground floor kitchen spreading through the ducting system above the cooking equipment and extended to the second floor and to the attic space.

The premises consists of a three-storey building including two restaurants.

An inspection of the premises undertaken by a Council investigation officer in the presence of the Owners representatives revealed the premises are deficient in fire safety and egress provisions in the following areas:

- (i) Inadequate fire detection and alarm systems;
- (ii) Suitable fire resisting construction to prevent the spread of fire;
- (iii) Safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire
- (iv) Poor fire safety management systems (signs/notices/not displayed etc.) in place

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a fire safety order is to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 so as to ensure and promote adequate facilities for fire safety/fire safety awareness. Notice of intention to issue fire safety order was issued on 20 March 2023 under Schedule 5 of the Environmental Planning and Assessment Act, 1979 so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

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

Chronology:

Date	Event
02/03/2023	FRNSW correspondence received regarding premises at 17 Goulburn Street Sydney.
07/03/2023	An inspection of the subject premises was undertaken by a Council officer with the building owners' representatives. It was found that three storeys of the building had been affected by fire. A number of fire safety features of the building would now need to be addressed.
21/03/2023	A Notice of Intention to issue a Fire Safety Order was issued to address the fire deficiencies found at the Council inspection.

FIRE AND RESCUE NSW REPORT:

References: BFS23/446-D23/14615, 2023/119728

Fire and Rescue NSW conducted an inspection of the subject premises after receiving a triple zero call about a fire in the building.

Issues

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

Issue	City response
1. Essential Fire Safety Measures	-
1A. The range hood in the ground floor kitchen did not appear to include sprinklers.	The building is not sprinkler protected. Sprinkler protection is not required under NCC 2019 Amdt 1 Volume 1
1B. The fire hose reel (FHR) located on the first storey included service tags that appeared to indicate a lack regular maintenance was being undertaken.	The City's records (AFSS) confirm that the FHR has been inspected and is being maintained. Tags to be crimped.
2. Access and Egress	-
2A. The Council may require a review to determine whether the doors from both occupancy units located in, forming part or in a path of travel to a required exit comply with Clause D2.21.	Subject doors were fitted with lever hardware and measure less than 200m ² complying with Clause D2.21.
3. Compartmentation	-
3A. Fire Separating Walls	-
A. The premises appear to be Type B construction under C1.1 of the National Construction Code.	Agree the building is required to be of Type B construction.
B. A visual inspection of the timber internal walls could not determine whether the walls achieve the required Fire Resistance Level (FRL) for Type B construction.	Internal walls in a Type B, class 6 building are required to achieve an FRL of 180//120/120. It is unlikely given the age of the building (approx. 100 years old) that the FRL requirements would satisfy the requirements for a new building.
4. Generally,	-
4A. At the time of inspection locating the current Fire Safety Schedule (FSS) and the Annual Fire safety Statement (AFSS) was difficult.	The City's records show an E licence E/2008/149 and AFSS dated 29/09/2022 verifying currency. The AFSS and FSS were not displayed on site. To be displayed. Addressed in the Notice of Intention

Issue	City response
4B. Items provided to Council as part of the investigation.	-
A. Use of premises.	The site inspection did not find any evidence of the third-floor attic being used as Class 4. Approvals for restaurants recorded. Addressed in the Notice of Intention
B. Old electrical wiring may require review by Council.	All types of exposed wiring were found throughout the building. Owner to provide certification of adequacy of electrical wiring throughout the building. Addressed in the Notice of Intention
C. Chairs and benches were configured in such a way to allow a person to lie down on the mezzanine of the first storey with bed linen and pillows observed allowing for sleeping occupants.	The site inspection did not find any evidence of chairs and benches configured to allow a person to lie down on the mezzanine floor.
4C. Council may require further investigation to confirm following.	-
A(i) Structural adequacy of timber frame reinforcement or replacement.	Fire damage was found to walls and floors of the first and second floors. Owner to provide evidence of structural adequacy of structure. Addressed in the Notice of Intention
A(ii) Loads on the attic space may require a structural engineer to confirm that the use as a storeroom and residence is suitable.	Inspection of attic revealed storage of materials loading the timber structure. Owner to provide evidence of structural adequacy. Addressed in the Notice of Intention
B. Council may need to review the exit strategy for sleeping occupants on the third storey.	The site inspection did not find any evidence of sleeping occupants on the third storey.
C. Council may require a review to determine whether the current smoke detection and alarm system is sufficient for the sleeping occupants in the third storey of the building or needs an upgrade.	The site inspection did not find a current smoke detection and alarm system or any evidence of sleeping occupants on the third floor.
D. The total floor area of the building appears to be greater than 500m ² requiring a hydrant system.	The City's files indicate that the floor area measures less than 500m ² , therefore not requiring a hydrant system.
E. Visual inspection could not confirm whether the Sole Occupancy Units (SOUs) are different compartments or share the same exhaust ductwork or fan and comply with Section 3 of AS/NZS 1668.1.	Inspection found damaged ductwork being removed. Owner to provide evidence from mechanical engineer that the existing and new ductwork complies with Section 3 of AS/NZS 1668.1. Addressed in the Notice of Intention
F. Grease observed within ductwork.	Inspection found ductwork being removed. Owner to provide evidence that all ductwork throughout the building has been cleaned and all grease removed. Addressed in the Notice of Intention

Issue	City response
<p>G. The Class 4 residence identified on the third storey attic space appears to be timber framed with internal plasterboard lining. The Council may require a review to determine whether the residence has development consent as it appears to lack separation between the second storey and adjoining attic space.</p>	<p>No development consent could be found on the City's files for a class 4 residence. The inspection revealed that the space is not suitable for a residential occupation. The site inspection did not find any evidence of occupants sleeping.</p>

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

FRNSW Recommendations

FRNSW has recommended that Council review the listed issues that were identified by their inspection, conduct an inspection and address noted (and other) deficiencies identified.

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 the above site inspection undertaken by Council's investigation officers a Notice of Intention to Give an Order (NOI) was issued on 21 March 2023 prior to the resolution of Council to help to accelerate a compliance response from the building owners in rectifying fire safety deficiencies and will assist to ensure that occupants are not exposed to unnecessary fire safety risks.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced/Attached Documents:

2023/122901	Copy of NOI and proposed fire safety order
-------------	--

Trim Reference: 2023/140737

CSM reference No#: 2944724

Unclassified



File Ref. No: BFS23/446 (26143)
TRIM Ref. No: D23/14615
Contact: [REDACTED]

1 March 2023

General Manager
City of Sydney Council
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Dear General Manager

**RE: INSPECTION REPORT
'LITTLE HUNAN RESTAURANT'
17 GOULBURN STREET SYDNEY (hereafter "the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 2 February 2023 concerning a fire incident at the premises. As a result, a fire safety concern was lodged.

Under Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected the premises on 2 February 2023.

The following comments are on behalf of the Commissioner of FRNSW, under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

The items listed in the comments of this report are based on the following limitations:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

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 7434
F (02) 9742 7483

www.fire.nsw.gov.au

Page 1 of 5

Unclassified

Comments

Date / Time of Fire:	Thursday 2 February 2023 / 12:08 hrs.
The Extent of Fire:	Fire on the second storey extended to the third storey.
Damage:	Fire and smoke damage.
Type of Alarm:	Triple Zero (000) call.
Evacuation:	An unknown number of people evacuated the building by themselves.
Casualties:	No casualties.

Please be advised that the items in this report are limited to observations of the building accessed during the inspection and identify possible nonconformities with the National Construction Code 2019, Volume 1 Building Code of Australia (NCC) and provisions for fire safety. The items are not an exhaustive list of non-compliances. FRNSW acknowledges that the differences observed at the time may contradict development consent approval or relate to the building's age. Therefore, it's the Council's discretion as the appropriate regulatory authority to consider the most appropriate action.

FRNSW noted the following during the investigation of this incident:

1. Essential Fire Safety Measures
 - 1A. Sprinkler System – Clause 5.9.14 of Australian Standard AS2118.1:2017 “Automatic fire sprinkler systems – Part 1: General systems” requires sprinkler protection under hoods, above cooking equipment and associated ventilation systems designed to carry away grease-laden vapours. The ground floor kitchen staff alleged that a grease fire continued through the ducting system from the ground floor. The Council may require a review, as the range hood in the ground floor kitchen did not appear to include sprinklers.
 - 1B. Fire Hose Reel (FHR) Service Tags – Clause 9.2.9 of Australian Standard AS1851-2012 (amendment 1) - “Service of fire protection systems and equipment” require routine services to be recorded under Clause 1.16. The FHR on the first storey included service labels/tags that appeared to lack regular maintenance.
2. Access and Egress
 - 2A. Operation of Latch – Clause D2.21 of the NCC requires that a door located in a required exit or forming part of a required exit or in the path of travel to a required exit be readily open without a key from the side that faces a person seeking egress. The latch must be a single-hand downward action. The Council may require a review to determine whether the door hardware for both Sole Occupancy Units (SOU) was approved.

3. Compartmentation
 - 3A. Fire Separating Walls – The superstructure appears to be brick veneer. The Council may require a review because of the following observations:
 - A. Based on item 4B(A) below, the premises appear to be Type B construction under C1.1 of the NCC.
 - B. The internal walls, ceilings and floors appear to be timber framed. A visual inspection could not determine whether the walls achieve the required fire resistance level (FRL) for a Type B construction.
4. Generally
 - 4A. Annual Fire Safety Statements (AFSS) / Fire Safety Schedule (FSS).– Regulation 89(4)(b) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires the owner of the building to prominently display in the building a copy of the AFSS and a copy of the current FSS. At the time of the inspection locating the current FSS and AFSS at “the premises” was difficult.
 - 4B. Investigation Outcomes – The following items are provided to Council as part of the investigation on Thursday, 2 February 2023:
 - A. Use of the premises – There appear to be two (2) Sole Occupancy Units (as defined by the NCC) within the premises, namely:
 - a. “Little Hunan” on the first storey; and
 - b. “Gogo Music BBQ” on the second storey.
 - ii. The first storey appears to be a restaurant containing a mezzanine area.
 - iii. The second storey also appears to be a restaurant providing live entertainment.
 - iv. The third-storey attic includes storage and a Class 4 residence appurtenant to “Gogo Music BBQ.”
 - B. Old Electrical Wiring – There was an electrical power cord from the downlight to the cash register on the second storey. It also appears that the premises may have old electrical wiring, which may require a review by the Council.
 - C. Sleeping Occupants – Chairs and benches were configured in such a way as to allow a person to lie down on the mezzanine floor of the first storey. Bed linen and pillows were also observed on three separate chairs and benches. It is unclear whether people sleep during the day or overnight.

- 4C. Items for Further Investigation – Council may require an investigation to confirm the following:
- A. Structural Adequacy – Performance BP1.1 of the NCC requires a building or structure to perform adequately under all reasonably expected design actions. The Council may require a review for the following reasons:
 - i. The fire appears to have extended from the second storey to the attic space on the third storey. It is unclear whether the timber frame requires reinforcement or replacement.
 - ii. The loads on the attic space may require a structural engineer to confirm that the use as a storeroom and residence is suitable.
 - B. Exit Strategy – Performance Requirement DP4 and DP5 of the NCC specifies the requirements for exits and protection of evacuating occupants in a fire-isolated stairway. Based on item 4B(A), the Council may need to review the exit strategy of the premises to ensure the safe evacuation for the sleeping occupants on the third storey.
 - C. Smoke Hazard Management – Performance Requirement EP2.1 of the NCC requires the conditions of the building to be maintained for a time to allow the occupants to evacuate the building. Based on item 4B(A), the Council may require a review to determine whether the current smoke detection and alarm system is sufficient for the sleeping occupants in the third storey of the premises or needs an upgrade.
 - D. Hydrant System – Clause E1.3 of the NCC requires installing a fire hydrant system under Australian Standard AS2419.1, where buildings have a total floor area greater than 500m². Based on item 4B(A), the total floor area of the building appears to be greater than 500m². The Council may require a review.
 - E. Ductwork – Clause C3.15 of the NCC requires the protection of opening for service installations. A visual inspection could not confirm whether the ductwork complied with Section 3 of AS/NZS 1668.1. In this regard, an inspection could not ensure whether the different SOUs are different compartments. Or whether the kitchen in the other storey shares the same exhaust ductwork or fan.
 - F. Health Inspections – Grease was observed within the ductwork, which had not been affected by the fire in the mezzanine store room. It is unclear how often the ductwork has been serviced and cleaned.
 - G. Residence – The Class 4 residence identified on item 4B(A) on the third-storey attic space appears to be timber framed with internal

plasterboard lining. The room contained a study table, two beds with bed linen, personal effects and clothing. The external timber frame includes insulation and sarking. The Council may require a review to determine whether the residence has development consent, as it appears to lack separation between the second storey and adjoining attic space.

FRNSW believes that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 4 of this report and conduct an inspection.
- b. Address any other deficiencies identified on "the premises".

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. FRNSW refers this matter to the Council as the appropriate regulatory authority and awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call [REDACTED] if there are any questions or concerns about the above matters. Please refer to file reference BFS23/446 (26143) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Fire Safety Compliance Unit