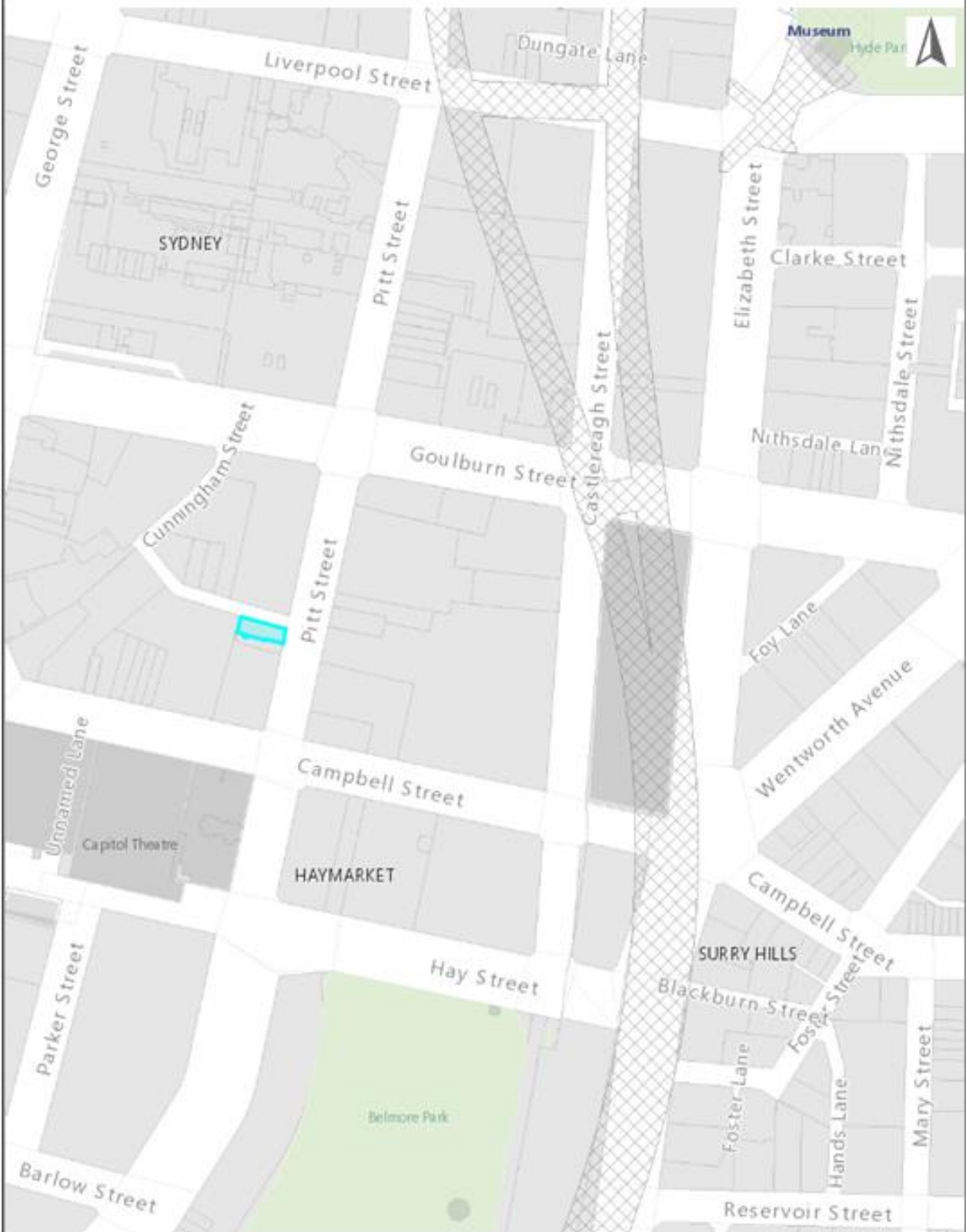


Attachment B

**Inspection Report
429A Pitt Street, Haymarket**

429A Pitt Street Haymarket

CITY OF SYDNEY 



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Notes

known as 429-429A Pitt Street

18/07/2023

**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: CSM 3005045 **Officer:** B. Badyari **Date:** 3 August 2023

Premises: 429A Pitt Street, HAYMARKET NSW 2000

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the 429A Club, 429A Pitt Street, Haymarket on 19 June 2023, with respect to matters of fire safety.

The premises is used as a brothel known as, "429A Club", containing 2 levels with 12 rooms, including office and staff room. Records indicate the building was erected around 1941.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building owner, pertaining to new fire safety matters, which revealed that the premises are deficient in fire safety and egress provisions in the following areas:

- (i) Inadequate fire detection and alarm systems;
- (ii) A lack of adequate facilities for firefighting;
- (iii) Suitable fire resisting construction to prevent the spread of fire;
- (iv) No emergency lighting for occupants to provide safety evacuate the building in the event of a fire
- (v) 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.

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

Chronology:

21/06/2023	FRNSW correspondence received dated 19 June 2023 received regarding premises referred to as 429A Pitt Street Sydney (being 429-429A Pitt Street, Sydney)
11/07/2023	An inspection of the subject premises was undertaken by a Council officer, and noted the following: 1. Building equipped with several fire safety measures noted, including building occupant warning system, heat detectors/and smoke detectors with several smoke detectors been removed and fire extinguishers. 2. Fire isolated exit stairways were provided, with self-closing fire doors 3. Clear signage displayed on the cupboard reading Fire indicator panel 4. The Alarm Signalling Equipment (ASE) displaying yellow LED flashing light next the fault 5. Inadequate Exit signage noted 6. Fire safety evacuation procedures displayed inundated. 6. An Annual Fire Safety Statement dated 2023, was not displayed in prominent area, copy provided on site for display.
3/08/2023	Notice of Intention for fire safety Order issued. (TRIM 2023/456281)

FIRE AND RESCUE NSW REPORT:

References: [BFS23/6 (25732); D23/50968/]

Fire and Rescue NSW conducted an inspection on 5 June 2023 of the subject premises after receiving an enquiry about fire safety matters pertaining to the automatic smoke detectors and alarm system on level 1, missing detectors and signage and no annual fire safety statement on display.

Issues: The report from FRNSW detailed the following observations.

Issue	City response
<p><u>Essential service measures</u></p> <p>1A Automatic smoke detection and alarm system: A At the time of inspection, the fire brigade panel (FBP) was clear of all faults and isolations and the system appeared to be operating normally.</p> <p>B One smoke detector, at the top of the stair on level 1 (outside the entry door), had been removed from its installed location. In this regard, the detector was missing from its mounting bracket.</p> <p>C The door to the cupboard containing the FBP, was not marked with the words "FIRE PANEL" in letters not less than 50mm high. Contrary to the requirements of clause 3.9.2 of AS1670.1-2018.</p> <p>D The detectors throughout level 1 and level 2 appeared to be a combination of smoke and thermal detectors, contrary to the requirements of specification 20 of the NCC and AS1670.1-2018.</p> <p>1B Alarm Signalling Equipment (ASE): A. The 'ASE' status was displaying a flashing yellow LED light next to the fault function label, indicating there may be an issue with the ASE.</p> <p>1C. Exit signs: A. One exit sign on the first-floor level was not illuminated and had not been maintained, contrary to the requirements of section 81 of the EPAR 2021.</p> <p>1D. Annual Fire Safety Statement: A. A copy of the current AFSS was not prominently displayed within the building in accordance with section 89 of the EPAR 2021.</p>	<ul style="list-style-type: none">• No faults observed at the time of inspections. • Inspection revealed that several smoke detectors removed on level 1 and 2, to be addressed by issuing Notice/Order • FBP signage displayed at the time of inspections. • to be addressed by issuing Notice/Order • to be addressed by issuing Notice/Order • to be addressed by issuing Notice/Order • to be addressed by issuing Notice/Order

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

FRNSW Recommendations

Inspect and appropriately address the items of this report.

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)
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As a result of a site inspection undertaken by Council's investigation officers a notice of intention (NOI) for a fire safety order has been issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council's investigation officer.

The issue of a 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/Attached Documents:

2023/376740	FRNSW S9.32 report dated 19 June 2023
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Trim Reference: 2023/376740-03

CSM reference: 3005045

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File Ref. No: BFS23/6 (25732)
TRIM Ref. No: D23/50968
Contact: [REDACTED]

19 June 2023

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
'429A CLUB'
429A PITT STREET, HAYMARKET ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 23 December 2022 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *Attended an AFA at these premises, alarm operated on level 1 of the building due to steam from a shower.*
- *Premises are used as a brothel.*
- *While the crew were confirming the cause of the alarm on level 1, I noted that the detectors on level 2 were all isolated.*
- *When questioning the Manager (name unknown, language barrier) there had been a problem with the detectors going off quite often, so they had been isolated on level 2.*
- *I checked the Fire servicing documentation and noted that the detectors on level 2 appeared to not have been operational since the 3rd week in November 2022.*

Fire and Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

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Greenacre NSW 2190

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- *There were also notes since August to replace the backup batteries for the FIP, work which had not been completed.*
- *Given the nature of the occupancy and the language barrier of the employees as well as no operational detectors I suggested the Manager should call their servicing company ASAP to fix the problem.*
- *The manager offered to cease operations on level 2 until the issue with the detectors and the batteries were fixed.*

Pursuant to 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 5 June 2023.

On behalf of the Commissioner of FRNSW, the comments in this report are provided 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.

COMMENTS

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 2022, 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.

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

1. Essential Fire Safety Measures
 - 1A. Automatic Smoke Detection and Alarm System:
 - A. At the time of the inspection the Fire Brigade Panel (FBP) was clear of all faults and isolations and the system appeared to be operating normally.
 - B. One smoke detector, at the top of the stairs on Level 1 (outside the entry door), had been removed from its installed location. In this regard, the detector was missing from its mounting bracket.

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- C. The door to the cupboard containing the FBP, was not marked with the words 'FIRE PANEL', in letters not less than 50mm high, contrary to the requirements of Clause 3.9.2 of AS1670.1-2018.
- D. The detectors throughout Level 1 and Level 2, appeared to be a combination of smoke and thermal detectors, contrary to the requirements of Specification 20 of the NCC and AS1670.1-2018.

It is unclear whether approval has been given to permit thermal detectors in areas where smoke detectors would generally be required.

1B. Alarm Signalling Equipment (ASE):

- A. The 'ASE Status' was displaying a flashing yellow LED light next to the 'Fault' function label, indicating there may be an issue with the ASE. A conversation with the nominated Automatic Fire Alarm Service Provider (AFASP), following the inspection, revealed that the system was showing as 'normal operation' on their system.

Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

1C. Exit signs:

- A. One exit sign on the first-floor level was not illuminated and had not been maintained, contrary to the requirements of Section 81 of the EPAR 2021.

1D. Annual Fire Safety Statement (AFSS):

- A. A copy of the current AFSS was not prominently displayed within the building in accordance with Section 89 of the EPAR 2021.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review item 1 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. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

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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 BFS23/6 (25732) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Fire Safety Compliance Unit