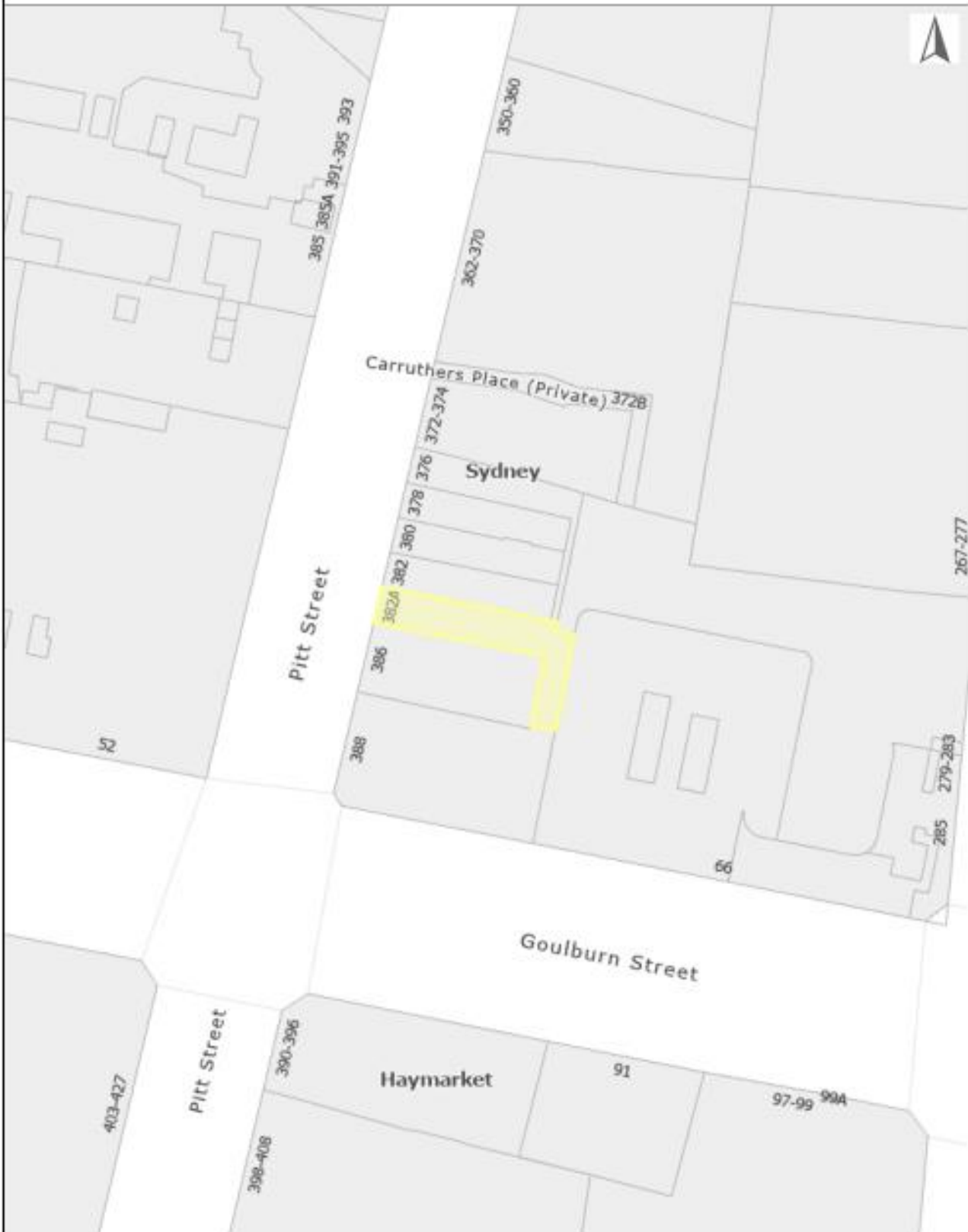


# **Attachment J**

**Inspection Report  
382A Pitt Street, Sydney**



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Notes

27/06/2024

**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 3221039**

**Officer: Tracey McCann**

**Date: 12 September 2024**

**Premises: 382A Pitt Street, Sydney**

**Executive Summary:**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 21 August 2024 with respect to matters of fire safety.

The premises consists of a three (3) storey building, a retail tenancy occupies the ground floor and level one (1) & two (2) are operating as an approved sex services premises and short stay accommodation.

An inspection of the premises undertaken by a Council investigation officer in the presence of the receptionist of the sex services premises which revealed that there were no significant fire safety issues occurring within the building.

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 annual fire safety certification is current and complies with the requirements of the Environmental Planning and Assessment Regulation 2021.

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 contractor through written instruction from Council.

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:**

<b>Date</b>	<b>Event</b>
21/08/2024	FRNSW correspondence received regarding premises 382A Pitt Street, Sydney
28/08/2024	An inspection of the subject premises was undertaken by a Council Officer where the following minor defects were identified in addition to those noted by FRNSW. <ol style="list-style-type: none"><li>1. An exit sign above the entrance to the premises was not illuminated.</li><li>2. A copy of the annual fire safety statement was not displayed in prominent location at the premises.</li><li>3. The fire doors serving level do not self-close to a fully latched position after manual operation.</li></ol>
30/08/2024	Issuance of letter of corrective action documenting required works to be undertaken by specified timeframes as identified during inspections conducted by FRNSW & Council.
4/09/2024	Further inspection was conducted where it was noted that the fire doors were still being held open with portable fire extinguishers. This breach was advised to both the on-duty receptionist and the cleaner. The majority of the other non-compliances raised by FRNSW were resolved at this time.

Date	Event
12/09/2024	Covering letter and Penalty Notice issued for the above offence. Other works had already been completed by this date.

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

References: [FRN13/7561 - BFS24/4332 – 8000036757]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving a written complaint from a member of the public regarding a lack of fire safety at the premises.

#### Issues

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

Ref.	Issues identified	City response
<b>1.</b>	<b>Services and Equipment</b>	
1A.	Automatic Fire Detection and Alarm System	
	<p>A. The Fire Brigade Panel (FBP) located adjacent to the entrance to the building was covered in graffiti, making the indications on the panel hard to see, contrary to the intent of AS 1670.1-2018.</p> <p>B. The Break Glass Alarm (BGA) at the FBP was isolated and as a result, cannot perform as required by Clause 3.14.2 of AS 1670.1-2018.</p> <p>C. A number of detectors within the common area hallways were located less than 300 mm to a partition wall, contrary to the requirements of Clause 5.1.4 of AS 1670.1-2018.</p>	This has been addressed by way of a written letter of corrective action.
1B.	Portable Fire Extinguishers	
	<p>A. A number of portable fire extinguishers throughout the premises had been removed from their mounting hooks, contrary to the requirements of Clause 3.2 of AS 2444-2001.</p> <p>B. Access to a number of portable fire extinguishers throughout the premises was obstructed either partially or fully by stored objects, contrary to the requirements of Clause 3.2 of AS 2444-2001.</p> <p>The staff member was advised to keep all portable fire extinguishers clear of obstructions and ensure they were mounted on their mounting hooks.</p>	This has been addressed by way of a written letter of corrective action issued to the property manager.
<b>2.</b>	<b>Compartmentation and Separation</b>	
2A.	Fire Doors	
	<p>A. The fire-rated doors providing access to the internal stair at the rear of the premises were held open with door</p>	This has been addressed by way of a written letter of corrective action issued to the property manager. Additionally a

Ref.	Issues identified	City response
	<p>stops and extinguishers preventing them from self-closing, contrary to the requirements of Clause C4D9 of the National Construction Code 2022 (NCC) and Clause 2.1.3 of AS 1905.1-2015. The staff member was advised not to hold these doors open.</p> <p>B. The fire-rated doors providing access to the internal stair at the rear of the premises were not provided with warning and operational signage, contrary to the requirements of Clause D3D28 of the NCC.</p>	Penalty Notice has been issued following a further breach noted by Council during an inspection on 4 September 2024.
<b>3. Egress</b>		
3A.	<p>Paths of travel to exits were partially blocked in a number of locations with stored objects, contrary to the requirements of Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).</p> <p>The staff member was advised to clear all paths of travel to exits and ensure that they remain clear at all times.</p>	This has been addressed by way of a written letter of corrective action issued to the property manager.

FRNSW Recommendations

FRNSW have made two (2) recommendations within their report. In general FRNSW have requested that Council

- a. Review items 1 to 3 of their report and conduct an inspection.
- b. Address any other deficiencies identified on “the premises”.

**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)

Inspections undertaken by a Council Investigation Officer in company with the receptionist of the premises revealed that the above recommendations of FRNSW and Council have been complied with.

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.

**Trim Reference:** 2024/482733-02

**CSM reference No#:** 3221039

OFFICIAL



File Ref. No: FRN13/7561 - BFS24/4332 - 8000036757  
Doc Ref. No: D24/095718  
Contact: Ryan Maestri

20 August 2024

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  
382A (SEX SERVICES PREMISES)  
382A PITT STREET, SYDNEY ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 13 July 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *I recently visited the premises as it used to be a short stay venue. They still offer this service, amongst other evening services, licensed or not. Every smoke detector in the rooms, when entering from Pitt St, up the big staircase, walking passed with the reception desk on your left, down a few stairs, through a doorway then up the timber spiral staircase, were covered, forbidding the operation of the smoke alarms.*
- *Council may also wish to learn the lack of hygiene in the rooms is dreadful. Bed sheets have stains old and fresh and a used condom behind the bed.*
- *Another hazard which I noticed in the past and found rather disturbing was some form of connecting door to the neighbouring terrace hidden behind the reception desk, where female staff would enter and exit from the neighbouring massage shop or brothel. Not sure if that is still there or not.*

Fire and Rescue NSW

ABN 12 593 473 110

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

Community Safety Directorate  
Fire Safety Compliance Unit

1 Amarina Ave  
Greenacre NSW 2190

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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 24 July 2024.

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**

The following items were identified during the inspection:

1. Services and Equipment

1A. Automatic Fire Detection and Alarm System

- A. The Fire Brigade Panel (FBP) located adjacent to the entrance to the building was covered in graffiti, making the indications on the panel hard to see, contrary to the intent of AS 1670.1-2018.
- B. The Break Glass Alarm (BGA) at the FBP was isolated and as a result, cannot perform as required by Clause 3.14.2 of AS 1670.1-2018.
- C. A number of detectors within the common area hallways were located less than 300 mm to a partition wall, contrary to the requirements of Clause 5.1.4 of AS 1670.1-2018.

1B. Portable Fire Extinguishers

- A. A number of portable fire extinguishers throughout the premises had been removed from their mounting hooks, contrary to the requirements of Clause 3.2 of AS 2444-2001.
- B. Access to a number of portable fire extinguishers throughout the premises was obstructed either partially or fully by stored objects, contrary to the requirements of Clause 3.2 of AS 2444-2001.

The staff member was advised to keep all portable fire extinguishers clear of obstructions and ensure they were mounted on their mounting hooks.



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2. Compartmentation and Separation

2A. Fire Doors

- A. The fire-rated doors providing access to the internal stair at the rear of the premises were held open with door stops and extinguishers preventing them from self-closing, contrary to the requirements of Clause C4D9 of the National Construction Code 2022 (NCC) and Clause 2.1.3 of AS 1905.1-2015. The staff member was advised not to hold these doors open.
- B. The fire-rated doors providing access to the internal stair at the rear of the premises were not provided with warning and operational signage, contrary to the requirements of Clause D3D28 of the NCC.

3. Egress

- 3A. Paths of travel to exits were partially blocked in a number of locations with stored objects, contrary to the requirements of Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

The staff member was advised to clear all paths of travel to exits and ensure that they remain clear at all times.

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

**RECOMMENDATIONS**

FRNSW recommends that Council:

- a. Review items 1 to 3 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.

Please do not hesitate to contact Ryan Maestri of FRNSW's Fire Safety Compliance Unit at [FireSafety@fire.nsw.gov.au](mailto:FireSafety@fire.nsw.gov.au) or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference FRN13/7561 - BFS24/4332 - 8000036757 regarding any correspondence concerning this matter.

Yours faithfully



Ryan Maestri  
Senior Building Surveyor  
Fire Safety Compliance Unit