

Attachment B

**Inspection Report
390-396 Pitt Street, Haymarket**



Figure 1: 390-396 Pitt Street, Haymarket, viewed from the north-west



Figure 2: Location map of 390-396 Pitt 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)

Officer: Doug McLennan

Date: 29 July 2026

Premises: 390-396 Pitt Street, Haymarket

Executive Summary

1. The City received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 17 June 2026 with respect to matters of fire safety.
2. The premises consists of a 7 storey building used for hostel accommodation, education and training, offices, restaurant, public bar, and a nightclub .
3. The City inspected the premises on 1 July 2026, accompanied by the building manager. This inspection identified deficiencies in fire safety. To address this, a Notice of Intention to Give a Fire Safety Order (NOI) has been issued under the Act.

Chronology

Date	Event
17 June 2026	FRNSW correspondence received.
1 July 2026	The City inspected the premises identifying deficiencies in fire safety.
29 July 2026	The City issued a NOI.

Fire and Rescue NSW Report

4. Fire and Rescue NSW conducted an inspection of the subject premises on 23 March 2026.

Issues

5. The report from Fire and Rescue NSW detailed issues as shown in the table below.

Ref.	Issue	City response
	Provisions for Fire Safety	
1	Access and Egress - Openings in barriers	
A.	The eastern fire-isolated stairway (Goulburn Street side) contain doorways on each level, which are held in the open position with electromagnetic hold open devices, for the purpose of allowing circulation between floor levels, however the balustrades at the landing levels and between stair flights contain openings that would permit a 125mm sphere to pass through it. In this regard, where a stairway is used as a circulation stair the concession for barrier requirements for a fire-isolated stairway used primarily for emergency purposes would no longer apply.	The City's inspection on 1 July 2026 found the fire isolated stairway (Goulburn Street side) was in regular use and had balustrades with openings that would typically allow a 155mm sphere to pass through it. The stairway is an original feature of the building that was constructed in the 1920's. It is not considered appropriate in the circumstances to require upgrading of these balustrades to the current building code requirements for new buildings. Notwithstanding, the City's inspection found that original glass windows were located adjacent to the stair (typically from 460mm above the stair treads) without a barrier to prevent falls contrary to building code requirements. In response to this the City issued a NOI on 29 July 2026, requiring barriers to be installed between the stairway and the windows, addressing this issue.
2	Fire Hydrant System	
A.	A permanent and fade resistant or engraved sign indicating the boost pressure was not provided at the booster assembly.	The City's inspection on 1 July 2026 found no suitable sign was provided at the booster assembly.

Ref.	Issue	City response
		In response to this, the City issued a NOI on 29 July 2026 requiring the provision of a suitable sign at the fire hydrant booster assembly and certification of the fire hydrant system, addressing this issue.
B.	A permanent water and fade resistant block plan of the fire hydrant system had not been provided at the booster assembly, contrary to the requirements of Clause 7.11 of AS 2419.1-2005. In this regard, a schematic plan was only provided and there was no floor plan layout of the building.	The City's inspection on 1 July 2026 found no suitable block plan at the booster assembly. In response to this, the City issued a NOI on 29 July 2026, requiring the provision of a block plan at the fire hydrant booster assembly and certification of the fire hydrant system, addressing this issue.
	Regulatory Requirements	
3.	Automatic Fire Detection and Alarm Systems	
A.	The Fire Brigade Panel (FBP) was displaying one (x1) 'Fault' identified as 'Ground Fault (Earth)'.	During the City's inspection on 1 July 2026, it was noted that this matter had been already rectified.
4	Fire Safety Engineering	
A.	The glass door (drencher protected) on ground floor level, which appears to be subject of a Performance Solution to address the form of separation of the eastern fire-isolated stairway to Goulburn Street, failed to return to the fully closed position on the manual activation of the magnetic hold open device. In this regard, the bottom seal was jamming on the floor surface, preventing the door from fully closing	The City's inspection on 1 July 2026 found the glass door did not return to the fully closed position. In response to this, the City issued a NOI on 29 July 2026, requiring the door to be fully operational, addressing this issue.

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

Council Investigation Officer Recommendations

7. Due to fire safety concerns a Notice of Intention (NOI) to give a fire safety order under the Act was issued on 29 July 2026. After the NOI's representation period expires and any received representations are considered, a Fire Safety Order may be issued to ensure adequate fire safety systems are in place throughout the building.
8. It is recommended that the Commissioner of FRNSW be informed of the City's decision.

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File Ref. No: FRN13/6493 - BFS26/1930 – 7000000784
TRIM Ref. No: D26/91464
Contact: Mark Knowles

17 June 2026

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
390-396 PITT STREET, HAYMARKET ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 16 March 2026 concerning the adequacy of the provision for fire safety in or in connection with the premises.

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 23 March 2026.

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.

COMMENTS

The following items were identified in relation to the provisions for fire safety:

Provisions for Fire Safety

Access and Egress

1. Openings in barriers:
 - A. The eastern fire-isolated stairway (Goulburn Street side) contain doorways on each level, which are held in the open position with

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Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483
www.fire.nsw.gov.au		Page 1 of 3

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electromagnetic hold open devices, for the purpose of allowing circulation between floor levels, however the balustrades at the landing levels and between stair flights contain openings that would permit a 125mm sphere to pass through it, contrary to the requirements of Clause D3D19 of the NCC. In this regard, where a stairway is used as a circulation stair the concession for barrier requirements for a fire-isolated stairway used primarily for emergency purposes would no longer apply.

Fire Hydrant System

2. The hydrant (and sprinkler) booster assembly:
 - A. A permanent and fade resistant or engraved sign indicating the boost pressure was not provided at the booster assembly, contrary to the requirements of Clause 7.10.1 of AS 2419.1-2005.
 - B. A permanent water and fade resistant block plan of the fire hydrant system had not been provided at the booster assembly, contrary to the requirements of Clause 7.11 of AS 2419.1-2005. In this regard, a schematic plan was only provided and there was no floor plan layout of the building.

Regulatory Requirements

Fire Safety – Essential Fire Safety Measures

The following Essential Fire Safety Measures were noted as having not been maintained in an operational state as per their original design and installation standard, contrary to the requirements of Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021):

3. Automatic Fire Detection and Alarm Systems:
 - A. The Fire Brigade Panel (FBP) was displaying one (x1) 'Fault' identified as 'Ground Fault (Earth)'.
4. Fire Safety Engineering:
 - A. The glass door (drencher protected) on ground floor level, which appears to be subject of a Performance Solution to address the form of separation of the eastern fire-isolated stairway to Goulburn Street, failed to return to the fully closed position on the manual activation of the magnetic hold open device. In this regard, the bottom seal was jamming on the floor surface, preventing the door from fully closing.

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

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RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review item no. 1 through to item no. 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.

LIMITATIONS

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

- FRNSW's inspection of the premises may have been conducted without having the development consent and / or approved plans as a reference.
- FRNSW's inspection of the premises was a non-invasive visual inspection.
- FRNSW authorised fire officers may not have been able to access all areas of the premises at the time of inspection.

Please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434. If you have any questions or concerns regarding the above matters. Please ensure that you refer to file reference FRN13/6493 - BFS26/1930 – 7000000784 for any future correspondence concerning this matter.

Yours faithfully



Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit