

## Relevant Information for Council

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**FILE:** S105001.002 **DATE:** 16 September 2022

**TO:** Lord Mayor and Councillors

**FROM:** Graham Jahn AM, Director City Planning, Development and Transport  
Kim Woodbury, Chief Operating Officer  
Kirsten Morrin, General Counsel, Director Legal and Governance

**THROUGH:** Monica Barone, Chief Executive Officer

**SUBJECT:** Information Relevant To Item 9.7 – Fire Safety Reports

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### For Noting

This memo is for the information of the Lord Mayor and Councillors.

### Background

At the meeting of the Transport, Heritage, Environment and Planning Committee on 12 September 2022, further information was sought on the following:

1. **Material impacts of the change in Fire and Rescue NSW (FRNSW) practice to now require fixed pumps, i.e. insurance, liability, risk management.**
  - (a) FRNSW have released through its website a formal position statement on its approach to fire hydrant systems in existing buildings. It states that, "*when the consent authority (e.g. Council) is assessing the adequacy of an existing fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier), FRNSW recommend that the system be upgraded to meet the requirements of the current Australian Standard AS 2419.1 to facilitate the operational needs of FRNSW*".
  - (b) In effect, this will mean that buildings above seventy-five (75) metres in height that contain a hydrant system that is compliant with Ordinance 70, may require an upgrade to the fire hydrant system. In correspondence dated 25 August 2022, FRNSW have indicated this will affect approximately sixty (60) buildings within the City of Sydney Local Government Area.

- (c) This changed practice will mean that buildings above seventy-five (75) metres in height that contain a hydrant system that is compliant with Ordinance 70, the building code in place until repealed in 1992, may require an upgrade to the fire hydrant system. The specific works required for each building will require detailed assessment from a fire engineer or other suitably qualified fire safety consultant.
- (d) The only City owned building impacted by this change is Town Hall House.
- (e) FRNSW have confirmed that the portable pumpsets (located at The Rocks and Lane Cove fire stations) are still operational and in use but were brought into service in 1999 and are nearing end of life. FRNSW have indicated that they sought replacement portable pumpsets but were not able to source any that met their operational and WHS requirements, which has led to this change in operational practice. They have indicated that they accept that the time needed to undertake the work required as a result of this change in their operations **may be up to five years.**

## 2. **Timing of expected completion of works at Town Hall House**

- (a) The City (as property owner) of 456 Kent Street (Town Hall House) received a Notice of Intention to give a Fire Safety Order on 19 August 2022.
- (b) Works specified in the notice include an audit of all existing fire safety measures and upgrade of the buildings hydrant system which will include the installation of permanent relay pumps. The City's consultants are currently reviewing and confirming the precise works required to achieve compliance.
- (c) The required upgrade works are being designed and documented and a timeframe being confirmed, noting FRNSW acceptance that works may take many years.
- (d) The Notice of Intention to Issue an Order has been advised to the City's insurers and they will be updated when an Order is issued. Staff will keep the insurers appraised throughout the process.

### **More information about the City's internal processes around fire safety audits / fire safety orders in its buildings, and the wider issue of changes in compliance requirements**

- (a) Fire Safety Certification - Legislative Requirements
  - Building owners are responsible for maintaining fire safety measures to the required minimum standard of performance contained in a fire safety schedule for the building.
  - A fire safety schedule specifies each of the fire safety measures that apply to the building. The schedule specifies the minimum standard of performance for each of the measures and the standard to which each measure must be designed, installed and capable of operating. The measures specified in the fire safety schedule will vary for each building.

- An annual fire safety statement must be issued each year and include all the essential fire safety measures that apply to a building. The statement verifies that an accredited practitioner (fire safety) has inspected and confirmed that the exit systems in the building are in compliance with the Regulation.
- (b) The City's Processes:
- The City ensures that fire systems in City owned buildings are serviced to the relevant standards and statutory requirements through its Facility Management service provider Ventia.
  - To mitigate any conflict of interest, the annual inspection, testing and fire certification of City owned buildings is undertaken through the City's service provider MBM.
- (c) City owned buildings are subject to the same legislative requirements as all other buildings, and may be subject of formal rectification Notices and Orders where appropriate. Fire safety orders can be given under Schedule 5 for the upgrade of a building even where the existing fire safety measures have been appropriately maintained and certified. This can occur where a regulatory authority forms the opinion that, due to changed standards or practices, existing measures in a building are no longer adequate to ensure safety in the event of a fire. The issue of a fire safety order does not imply wrongdoing or negligence on the part of a building owner.

**Memo from:**

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**Kim Woodbury, Chief Operating Officer**

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Approved



**MONICA BARONE**

Chief Executive Officer