

21 October 2019

At the conclusion of the Cultural and Community Committee



## Transport, Heritage and Planning Committee

Sydney 2030 / Green / Global / Connected

**Agenda**

- 1. Disclosures of Interest**
- 2. Delegation to the City of Sydney under the NSW Heritage Act 1977**
- 3. Fire Safety Reports**

# Guidelines for Speakers at Council Committees



As part of our democratic process, the City invites members of the community to speak directly to Councillors during Committee meetings about items on the agenda.

To enable the Committee to hear a wide range of views and concerns within the limited time available, we encourage people interested in speaking at Committee to:

1. Register to speak by calling Council's Secretariat on 9265 9310 before 12.00 noon on the day of the meeting.
2. Check the recommendation in the Committee report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker (with a warning bell at two minutes) and prepare your presentation to cover your major points within that time
4. Avoid repeating what previous speakers have said and focus on issues and information that the Committee may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.
6. Before speaking, turn on the microphone by pressing the button next to it and speak clearly so that everyone in the Council Chamber can hear.
7. Be prepared to quickly return to the microphone and respond briefly to any questions from Councillors, after all speakers on an item have made their presentations.

Committee meetings can continue until very late, particularly when there is a long agenda and a large number of speakers. This impacts on speakers who have to wait until very late, as well as Council staff and Councillors who are required to remain focused and alert until very late. At the start of each Committee meeting, the Committee Chair may reorder agenda items so that those items with speakers can be dealt with first.

Committee reports are on line at [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au), with printed copies available at Sydney Town Hall immediately prior to the meeting. Council staff are also available prior to the meeting to assist.

## Item 1.

### Disclosures of Interest

Pursuant to the provisions of the Code of Meeting Practice – May 2019 and the Code of Conduct – May 2019, Councillors are required to disclose pecuniary interests in any matter on the agenda for this meeting.

Councillors are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting.

This will include receipt of reportable political donations over the previous four years.

In both cases, the nature of the interest must be disclosed.

Written disclosures of interest received by the Chief Executive Officer in relation to items for consideration at this meeting will be laid on the table.

### Local Government and Planning Legislation Amendment (Political Donations) Act 2008

The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 (“the Act”) requires the disclosure of relevant political donations or gifts when planning applications are made to minimise any perception of undue influence. The amendments to the Act require disclosure to the Electoral Funding Authority of:

- a **reportable political donation** as defined in the Election Funding and Disclosures Act 1981 (a donation of \$1000 or more made to or for the benefit of the party, elected member, group or candidate or made by a major political donor to or for the benefit of a party, elected member, group or candidate, or made to the major political donor), or
- a **gift** (as defined in the Election Funding and Disclosures Act 1981) to any local councillor or council employee (and includes a disposition of property or a gift of money or the provision of other valuable or service for no consideration or for inadequate consideration) when a relevant planning application is made to a council.

A donation of less than \$1000 can be a reportable political donation if the aggregated total of such donations was made by an entity or person to the same party, elected member, group or candidate or person.

**Item 2.****Delegation to the City of Sydney under the NSW Heritage Act 1977****File No: X018455****Summary**

The Minister administering the Heritage Act 1977 (NSW) has asked the City of Sydney to approve delegations under sections 57(2), 169 and 21 of the Heritage Act 1977, to nominated positions in Council of the functions of the Minister and the Heritage Council of NSW in relation to assessment and approval of minor heritage and archaeology works and maintenance to places listed in the State Heritage Register.

It is anticipated that the making of these delegations will improve the efficiency of the approval process for properties listed on the State Heritage Register and, consequently, reduce expense and waiting time for applicants making applications for minor works to these properties.

The delegations are listed, conditioned, and limited by the attached Instruments of Delegation.

The Local Government Act 1993 requires a Resolution of Council to approve delegations under the Heritage Act 1977 directly to nominated positions in Council.

## Recommendation

It is resolved that Council:

- (A) approve the delegations to the nominated positions in the City of Sydney of the functions of the Minister and the Heritage Council of NSW under the Heritage Act 1977 as listed in the Instruments of Delegation shown at Attachments A and B to the subject report;
- (B) approve commencement of the operation of the delegations from 1 January 2020 or another date determined by the Chief Executive Officer; and
- (C) note that the Instruments of Delegation may be subject to amendment from time to time, subject to the approval of the Chief Executive Officer.

## Attachments

**Attachment A.** Instrument of Delegation - Heritage Act 1977 (NSW) - Order under Section 169 and Section 21

**Attachment B.** Instrument of Delegation – Heritage Act 1977 (NSW) – Order under Section 57(2)

## Background

1. The NSW Department of Premier and Cabinet, under delegation from the Minister and the Heritage Council of NSW, currently carries out assessments exemptions and approval of minor works to heritage places and minor archaeology permits. These include maintenance, installations of telecommunications equipment, and minor investigative excavations.
2. The ability for the NSW Heritage Council to delegate approvals for maintenance and minor works has existed under the NSW Heritage Act since around 2002 but has not been taken up, to date, by the City of Sydney due to concerns about the resources needed to properly discharge the delegated powers.
3. The ongoing sale of a large number NSW Government-owned State Heritage Register listed properties in the Millers Point area has resulted in a significant increase in the volume of applications to develop and maintain State Heritage Register listed properties in the Sydney local government area. The listing of the entire Sydney University Camperdown campus on the State Heritage Register, and the extensive and ongoing construction activity on the campus, has further added to the number of State Heritage Register-related applications.
4. This involves considerable duplication of work and communication between the City of Sydney Planning Assessment Unit and the Office of Environment and Heritage (OEH) Heritage Branch. NSW Department of Premier and Cabinet has made a case for Council to take up the delegations in order to significantly reduce complexity, save time and improve the efficiency and outcomes of the assessment process for applicants.
5. Residents and stakeholders, including Millers Point resident representatives, have expressed frustration with the current need for applications to both NSW Department of Premier and Cabinet and the City of Sydney for the exemption or approval of very minor and appropriate maintenance to their properties.
6. The NSW Department of Premier and Cabinet is offering to allow the City of Sydney to retain fees for such applications within the Sydney local government area. This will partially offset the staffing costs required to carry out the work. NSW Office of Environment and Heritage has recently sent a submission that quantifies the efficiency and cost benefits of its proposal.
7. The delegation will allow the assessment of minor heritage works to places listed in the State Heritage Register to be carried out by in one step by the City of Sydney heritage officers rather than the existing two stage process.
8. In cases where there is a conflict of interest, or where the City of Sydney delegate believes that the proposed works are outside the scope of the delegations, the application will be referred to the NSW Department of Premier and Cabinet.
9. The third resolution (C) will allow the delegations to be amended from time to time and Council may also give up the delegation in future.

## Key Implications

### Strategic Alignment - Sustainable Sydney 2030 Vision

10. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
  - (a) Direction 1 - A Globally Competitive and Innovative City - The delegation will enable a quicker 'one-stop' exemption or consent process for heritage works to State Heritage Register places.
  - (b) Direction 2 provides a road map for the City to become A Leading Environmental Performer - The delegation will result in better and more detailed assessment of heritage impacts and will better conserve the heritage of the City of Sydney.
  - (c) Direction 5 - A Lively and Engaging City Centre - The delegation will make it easier for owners of State Heritage Register listed places to maintain their buildings and the result will be better conservation and a more attractive city centre.
  - (d) Direction 6 - Vibrant Local Communities and Economies - The delegation will make it quicker and cheaper for households and business to carry out maintenance and minor works to their State Heritage Register listed places. There is considerable community pride in well-maintained heritage places.
  - (e) Direction 7 - A Cultural and Creative City - The city's heritage items are some of our most important cultural artefacts. The proposed delegation will make it easier to conserve and maintain them.
  - (f) Direction 9 - Sustainable Development, Renewal and Design - This delegation will make it easier for owners to appropriately adapt and use their State Heritage Register listed places.
  - (g) Direction 10 - Implementation through Effective Governance and Partnerships - This delegation would comprise an effective partnership with the NSW Government to deliver more efficient and timely assessment processes to some of the most important heritage places in NSW.

### Organisational Impact

11. The following measures will be put in place to take up, and properly discharge this delegation;
  - (a) Fees and charges have been put in place for the proposed delegated functions for the 2018-2019 financial year.
  - (b) An additional heritage specialist has been added to the establishment of the Urban Design and Heritage team for the next three years. Workloads arising from the delegation will be monitored through the City's planning systems.
  - (c) Applications under the delegation will be tracked, filed and reported in the City's planning systems so that both Council and the Heritage Council of NSW have a clear record of all decisions made under the delegation.

**Risks**

12. Risks associated with the delegation are considered to be minimal.
13. The Planning Assessment Unit does not anticipate that this delegation will result in any increase to the number of appeals, or the resources required to deal with them.

**Social / Cultural / Community**

14. This delegation will make it easier and quicker for members of the community to conserve and maintain their heritage places within the legal requirements of the NSW Heritage Act.

**Environmental**

15. This delegation will result in timely maintenance and conservation of State Heritage Register listed heritage places and improve the attractiveness and heritage significance of Sydney.

**Economic**

16. The delegation will reduce the time and complexity of the exemption and approval processes for minor works to heritage places. This is likely to save applicants money that can be better spent on the conservation works themselves.

**Budget Implications**

17. The direct costs (approximately \$125,000) of the additional staff member required to perform the delegated functions of the Heritage Council of NSW will be substantially offset by fees charged for exemptions and minor applications. These fees have already been included in the City of Sydney fees and charges schedule for the 2018/19 financial year.
18. This cost has already been approved and allowed for in the establishment budget of the Planning Assessment Unit for 2018-2021.

**Relevant Legislation**

19. Heritage Act 1977 Sections 57(2), 21 and 169.
20. Local Government Act 1993 Section 381.

**Critical Dates / Time Frames**

21. There are no critical dates. If Council resolves to accept the delegation, the Instrument of Delegation will progress to NSW Parliamentary Counsel for gazettal. Staff resources, fees and appropriate processes will be in place to take up the functions as soon as gazettal occurs.

### **Options**

22. If the Council does not approve the making of this delegation the current process will remain in place. This will mean there is no opportunity to increase the efficiency of assessment of applications in relation to places on the State Heritage Register.

### **Public Consultation**

23. Consultation has taken place between City officers and representatives of Millers Point and Glebe heritage groups.

### **Conclusion**

24. Taking up the delegation will improve the efficiency of the approval process for applicants who are seeking to carry out minor works to their properties at minimal cost to the City. It is recommended that Council approve the making of the delegation to the nominated positions.

### **GRAHAM JAHN, AM**

Director City Planning, Development and Transport

Tony Smith, Urban Design and Heritage Manager

# **Attachment A**

**Instrument of Delegation – Heritage Act  
1997 (NSW) – Order under Section 169 and  
Section 21**

## INSTRUMENT OF DELEGATION UNDER THE *HERITAGE ACT 1977*

The Heritage Council of New South Wales:

- a) **revokes** the “Delegation of Functions of Heritage Council of NSW’ signed by the Chair, Heritage Council on 21 December 2001, and the “Delegation of Certain Archaeological Functions of Heritage Council of NSW” signed by the Chair, Heritage Council on 21 December 2001; and
- b) **delegates** the functions of the Heritage Council of New South Wales arising under each statutory provision specified in Column 1 of Table A below (as amended from time to time) and as described in Column 2 of Table A below subject to the Conditions and/or Limitations specified in Column 3 of Table A below and the General Limitations below to the following Council:
  - i. City of Sydney.

### Power under which this delegation is made

This delegation is made under section 169(3) of the *Heritage Act 1977* with the consent of the Minister.

### Commencement

This instrument commences on the date on which it is signed.

### General Limitations on the exercise of a delegated function

The delegated functions can only be exercised where:

- a) in the opinion of the Council, the application if approved, would not materially affect the significance of that item as an item of the environmental heritage;
- b) an application does not affect an Historic Shipwreck;
- c) an application relates to a property located within a Council’s area; and
- d) there is no exemption under section 57(2) of the *Heritage Act 1977* or a heritage agreement made under the Heritage Act that applies to the application.

### Definitions

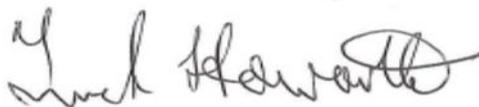
In this Instrument:

**area** has the same meaning as in the *Local Government Act 1993*.

**Council** has the same meaning as in the *Local Government Act 1993*.

**Historic Shipwreck** means the remains of any ship (including any articles associated with the ship):

- a) that have been situated in State waters, or otherwise within the limits of the State, for 75 years or more, or
- b) that are the subject of a historic shipwrecks protection order.



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**FRANK HOWARTH**  
Chair  
Heritage Council of New South Wales  
Date: 15 March 2019

Table A *Heritage Act 1977*

Column 1	Column 2	Column 3
Section	Short Description	Conditions/Limitations
62	To take into consideration the factors in section 62 when determining an application for approval in respect of an item or land.	
63(1) 63(1A) 63(2) 63(3) 63(4)	To determine an application made under section 60, by granting approval either unconditionally or subject to conditions, or by refusing an approval.	This function can only be exercised by a Council for the following classes of works affecting archaeological relics or locally significant archaeology, not including Historic Shipwrecks: <ul style="list-style-type: none"> <li>a. monitoring where there is an expectation of only minor archaeological remains and supervision is required primarily to record archaeological information;</li> <li>b. test excavation where small-scale excavation is undertaken on a site to determine the extent and preservation of a larger archaeological resource; or</li> <li>c. minor archaeological works.</li> </ul>
65A	To modify approvals to vary any aspect of the original approval or correct a minor error, misdescription or miscalculation.	
141	To determine an application for an excavation permit.	This function can only be exercised by a Council for the following classes of works affecting archaeological relics or locally significant archaeology, not including Historic Shipwrecks: <ul style="list-style-type: none"> <li>a. monitoring where there is an expectation of only minor archaeological remains and supervision is required primarily to record archaeological information;</li> <li>b. test excavation where small-scale excavation is undertaken on a site to determine the extent and preservation of a larger archaeological resource; or</li> <li>c. minor archaeological works.</li> </ul>
144(b)	To vary the conditions of a permit where a permit has been issued subject to conditions.	This function can only be exercised by a Council for the following classes of works affecting archaeological relics or locally significant archaeology, not including Historic Shipwrecks: <ul style="list-style-type: none"> <li>a. monitoring where there is an expectation of only minor archaeological remains and supervision is required primarily to record archaeological information;</li> <li>b. test excavation where small-scale excavation is undertaken on a site to determine the extent and preservation of a larger archaeological resource; or</li> <li>c. minor archaeological works.</li> </ul>

## **Attachment B**

**Instrument of Delegation – Heritage Act  
1997 (NSW) – Order under Section 57 (2)**

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## Planning and Environment Notices

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### HERITAGE ACT 1977

#### HERITAGE (AMENDMENT EXEMPTION) ORDER 2019

Order under section 57(2) of the Heritage Act 1977 to amend the General Conditions of the Minister's 2008 Standard Exemptions 2008 (as amended by the Heritage (Amendment Exemption) Order 2015)

I, The Hon. Don Harwin MLC, Minister administering the *Heritage Act 1977* (NSW) on the recommendation of the Heritage Council of New South Wales make the following Order under section 57(2) of the *Heritage Act 1977* (The Act).

Dated this 28th day of August 2019

The Hon. Don Harwin  
Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts

#### **1 Name of order**

This Order is the *Heritage (Amendment Exemption) Order 2019*.

#### **2 Commencement**

This Order commences on the day that it is published on the NSW legislation website.

#### **3 Amendment**

The Order made on 11 July 2008 published in Gazette No 110 of 5 September 2008 commencing on page 9177 (as amended by the Order made on 26 February 2015 published in Gazette No 17 of 5 March 2015 on page 658) is further amended as follows:

Omit current Clause 4 and insert a new Clause 4 as follows:

"The following persons may perform any of the functions of the Director- General under these Exemptions:

Secretary, Department of Premier and Cabinet;  
Deputy Secretary, Department of Premier and Cabinet;  
Executive Director, Heritage, Community Engagement, Department of Premier and Cabinet;  
Director, Heritage, Community Engagement, Department of Premier and Cabinet;  
Manager, Heritage, Community Engagement, Department of Premier and Cabinet;  
Senior Team Leader, Heritage, Community Engagement, Department of Premier and Cabinet;  
Environment Officer Level 10, Heritage, Community Engagement, Department of Premier and Cabinet;  
Environment Officer Level 9, Heritage, Community Engagement, Department of Premier and Cabinet;  
General Manager, Liveable City Solutions, Sydney Water; Head, Integrated Systems Planning, Sydney Water;  
Director, Strategic Planning and Heritage, NSW Place Management;  
Head of Heritage, NSW Place Management;  
Senior Heritage Architect, NSW Place Management; Urban Design and Heritage Manager, City of Sydney;  
Senior Heritage Specialist, Urban Design and Heritage Team, City of Sydney.

The Director, Strategic Planning and Heritage, Head of Heritage and Senior Heritage Architect, NSW Place Management must:

only exercise functions of the Director- General in relation to land for which NSW Place Management is the delegated approval body under section 169 of the Heritage Act: and  
not carry out preparation and submission of information required to demonstrate compliance with the criteria contained in these exemptions.

The General Manager, Liveable City Solutions and Head, Integrated Systems Planning, Sydney Water must:

only exercise functions of the Director- General in relation to land for which Sydney Water is the delegated approval body under section 169 of the Act: and

not carry out preparation and submission of information required to demonstrate compliance with the criteria contained in these Exemptions.

The Manager, Urban Design and Heritage and Senior Heritage Specialist, Urban Design and Heritage Team, City of Sydney must:

only exercise functions of the Director- General in relation to land for which City of Sydney is the delegated approval body under section 169 of the Heritage Act: and

not carry out preparation and submission of information required to demonstrate compliance with the criteria contained in these Exemptions."

(n2019-2651)

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## NATIONAL PARKS AND WILDLIFE ACT 1974

### NOTICE OF RESERVATION OF A NATIONAL PARK

I, the Honourable Margaret Beazley AO QC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in Schedules 1 and 2 below as part of **Blue Mountains National Park**, under the provisions of Section 30A(1)(a) of the *National Parks and Wildlife Act 1974*.

SIGNED and SEALED at Sydney this 4th day of September 2019.

MARGARET BEAZLEY

Governor,

By Her Excellency's Command,

MATTHEW KEAN

Minister for Energy and Environment.

GOD SAVE THE QUEEN

An area totalling 42.2 hectares

#### Schedule 1

Land District - Penrith LGA - Blue Mountains

County of Cook, Parish of Blackheath, 18.12 hectares, being Lot 11 DP173318 and Lot 546 DP751627.

*Papers* NPWS/EF15/9252

#### Schedule 2

Land District - Lithgow LGA - Wollondilly

County of Westmoreland, Parish of Colong, 24.08 hectares, being Lot 13 DP757046.

*Papers* NPWS/EF14/26078

(n2019-2652)

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## NATIONAL PARKS AND WILDLIFE ACT 1974

### NOTICE OF RESERVATION OF A NATIONAL PARK

I, the Honourable Margaret Beazley AO QC, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in Schedules 1 and 2 below as part of **Everlasting Swamp National Park**, under the provisions of Section 30A(1)(a) of the *National Parks and Wildlife Act 1974*.

SIGNED and SEALED at Sydney this 4th day of September 2019.

MARGARET BEAZLEY

Governor,

By Her Excellency's Command,

MATTHEW KEAN

Minister for Energy and Environment.

GOD SAVE THE QUEEN

An area totalling 154.9 hectares.

## **Item 3.**

### **Fire Safety Reports**

**File No: S105001.002**

#### **Summary**

The City has received inspection reports with recommendations from Fire and Rescue NSW in relation to inspections carried out on buildings located within the City's local government area.

Fire and Rescue NSW has powers under the Environmental Planning and Assessment Act 1979 (the Act) to carry out inspections of buildings and it is required to forward its findings to the City.

Fire and Rescue NSW reports received by the City are required to be tabled before Council. Council is then required to determine whether or not to exercise its power to issue a fire safety order under Division 9.3 and Schedule 5 of the Act (previously section 121B of the Act).

This determination may be made at the next meeting of Council held after the tabling of the Fire and Rescue NSW reports.

Attached are details of the reports received by the City from Fire and Rescue NSW that are required to be tabled.

The attachments deal with a specific property and include the Fire and Rescue NSW report and the findings (preliminary or final) by the City's Investigation Officer, along with other documentation relevant to that property.

A recommendation is made in the attachment setting out the action that is recommended to be the most appropriate to take in the circumstances.

## Recommendation

It is resolved that Council:

- (A) note the contents of the Fire Safety Report Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection reports by Fire and Rescue NSW, as shown at Attachments B to F of the subject report;
- (C) exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order on the owners of 1 Kings Cross Road, Darlinghurst, as detailed in Attachment B to the subject report;
- (D) exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order on the owners of 1 Macquarie Place, Sydney, as detailed in Attachment C to the subject report;
- (E) exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order on the owners of 31 Market Street, Sydney, as detailed in Attachment D to the subject report;;
- (F) exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order on the owners of 44-62 Castlereagh Street, Sydney, as detailed in Attachment E to the subject report;;
- (G) exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order on the owners of 96-118 Gloucester Street, The Rocks, as detailed in Attachment F to the subject report;;
- (H) exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order as recommended by the City's Investigation Officer to address the identified fire safety deficiencies in 76-78 Liverpool Street Sydney, as detailed in Attachment G to the subject report.

## Attachments

- Attachment A.** Fire Safety Report Summary Sheet
- Attachment B.** Inspection Report - 1 Kings Cross Road, Darlinghurst
- Attachment C.** Inspection Report - 1 Macquarie Place, Sydney
- Attachment D.** Inspection Report - 31 Market Street, Sydney
- Attachment E.** Inspection Report - 44-62 Castlereagh Street, Sydney
- Attachment F.** Inspection Report - 96-118 Gloucester Street, The Rocks
- Attachment G.** Inspection Report - 76-78 Liverpool Street, Sydney

## Background

1. The City receives inspection reports and recommendations from Fire and Rescue NSW in relation to inspections carried out on buildings located within the City's local government area.
2. Under the Environmental Planning and Assessment Act 1979 (the Act), Fire and Rescue NSW has the power to carry out inspections of certain buildings to determine if the building has adequate provision for fire safety and/or is compliant with legislation.
3. On average, the City receives approximately 50 or more such reports each year. They can be prompted by reports from the Police or other people who have a concern relating to fire safety in a building.
4. When Fire and Rescue NSW carries out such an inspection, a report and any recommendations must be provided to the City.
5. Under the Act, Council is then required to table the report and make a determination as to whether it will exercise its power to issue a Fire Safety Order 1 or 2 in Schedule 5, Part 2 of the Act. Fire Safety Order 1 requires a person to do, or stop doing, certain specified things to improve fire safety; Fire Safety Order 2 requires a person to cease conducting an activity on premises where that activity constitutes, or is likely to constitute, a life-threatening hazard or a threat to public health or public safety.
6. Attached are the details of the reports received from Fire and Rescue NSW, including recommendations for further action. The properties have also been reviewed by the City's Health and Building Unit.
7. Personal information has been redacted from these reports in accordance with the Privacy and Personal Information Protection Act 1998.
8. Due to a transcription error in the 9 September 2019 Fire Safety Reports, the Council Resolution in relation to 76-78 Liverpool Street, Sydney was to not issue a Fire Safety Order. Recommendation (H) above rectifies the error and recommends that Council exercise its power to issue a Fire Safety Order as recommended by the City's Investigation Officer for 76-78 Liverpool Street, Sydney.

## Relevant Legislation

9. Environmental Planning and Assessment Act 1979

### **GRAHAM JAHN, AM**

Director City Planning, Development and Transport

George Lim, Late Night and Licensed Premises Specialist

# **Attachment A**

<b>Fire Safety Report Summary Sheet</b>
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**Fire Safety Report Summary Sheet**  
**Cl.17, Schedule 5 of the Environmental Planning and Assessment Act 1979, reports to Council, S105001.002**

Total number of properties tabled: 5

Report- October 2019

Summary table

Att. (A-F)	Premises Specifics ( <i>predominate building use</i> )	Actions/ Recommendation
A	Not applicable – Summary Sheet	Summary of clause 17, Schedule 5 matters tabled at Council meeting.
B	1 Kings Cross Road, Darlinghurst	Premises inspected, Council officer has determined that a notice of intention to issue a fire safety order is required to be given to remedy identified fire safety deficiencies.
C	1 Macquarie Place, Sydney	Premises inspected, Council officer has determined that a notice of intention to issue a fire safety order is required to be given to remedy identified fire safety deficiencies.
D	31 Market Street, Sydney	Premises inspected, Council officer has determined that a notice of intention to issue a fire safety order is required to be given to remedy identified fire safety deficiencies.
E	44-62 Castlereagh Street, Sydney	Premises inspected, Council officer has determined that a notice of intention to issue a fire safety order is required to be given to remedy identified fire safety deficiencies.
F	96-118 Gloucester Street, The Rocks	Premises inspected, Council officer has determined that a notice of intention to issue a fire safety order is required to be given to remedy identified fire safety deficiencies.

# **Attachment B**

**Council Officer Inspection Report -  
1 Kings Cross Road, Darlinghurst**



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

**File: CSM2126149**

**Officer: Chad Grant**

**Date: 11 September 2019**

**Premises: 1 Kings Cross Road, Darlinghurst**

**Executive Summary:**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 22 July 2019 in relation to the subject premises with respect to matters of fire safety.

The premises consists of a 39 storey building (including 2 below ground carpark levels) known as "The Elan". The building is used for residential apartments and various commercial uses such as offices, and a café, and associated carpark.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building manager revealed that the premises lack adequate facilities for firefighting. In particular the existing fire hydrant system no longer suits the operational needs of FRNSW.

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a fire safety order to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 is required to be issued so as to ensure and promote adequate facilities for fire safety.

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

**Chronology:**

<b>Date</b>	<b>Event</b>
22/07/2019	FRNSW correspondence received regarding premises 1 Kings Cross Road, Darlinghurst.
29/07/2019	An inspection of the subject premises was undertaken by a Council investigation officer which revealed: <ul style="list-style-type: none"><li>➤ The premises are equipped with various fire safety systems such as sprinklers and automatic fire detection and alarm systems.</li><li>➤ The building is provided with a current and compliant Annual Fire Safety Statement that was on display.</li><li>➤ The buildings Emergency Warning and Intercommunication System and Fire Indicator Panel were operational.</li><li>➤ The building is provided with a fire hydrant system that is considered to be compliant to the standard applicable at the time of installation. However the existing fire hydrant system no longer suits the operational needs of FRNSW.</li><li>➤ The isolation valve installed at the internal fire brigade booster on Level 14 is required to be rectified to comply with the required standard.</li></ul>

## FIRE AND RESCUE NSW REPORT:

References: [BFS19/2048 (7900); D19/49066; 2019/366227]

FRNSW conducted an inspection of the subject premises on 2 July 2019 after receiving an enquiry on 14 June 2019 about "Mid-level booster point requiring portable pumps to be brought to the site by FRNSW".

### Issues:

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

1. Ordinance 70 and Australian Standard 2419.1-1994 for fire hydrants permitted the use of an internal booster connection for portable relay pumps to be installed in buildings above 75m in height to provide a pressurised water source for firefighting operations on the upper levels of the building. The use of portable relay pumps no longer suit the operational needs of FRNSW;
2. The isolation valve installed at the internal fire brigade booster on Level 14 is installed in a position against the wall and is considered non-operational contrary to the requirements of Australian Standard 2419.1-1994.

### FRNSW Recommendations

FRNSW have made recommendations within their report. In general FRNSW have requested that Council:

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed;
2. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979;
3. FRNSW has recommended that as Council are the regulatory authority the matter is referred for Council to take action to have the abovementioned items appropriately addressed.

### **COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:**

Issue Order(NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	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 Councils investigation officer it is recommended that Council exercise its powers to give a notice of intention (NOI) for a fire safety order to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council's building 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.

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**Referenced documents:**

<b>No#</b>	<b>Document type</b>	<b>Trim reference</b>
A1.	Fire and Rescue NSW report	2019/378967-01
A2.	Locality Plan	2019/378967-02
A3	Attachment cover sheet	2019/378967-03

**Trim Reference:** 2019/378967

**CSM reference No#:** 2126149

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File Ref. No: BFS19/2048 (7900)

TRIM Ref. No: D19/49066

Contact: [REDACTED]

12 July 2019

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  
THE ELAN  
1 KINGS CROSS ROAD DARLINGHURST ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 14 June 2019, in relation to the adequacy of the provision for fire safety in connection with 'the premises'. The correspondence stated that:

- *Mid-level booster point requiring portable pumps to be brought to the site by FRNSW.*

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 2 July 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW. The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. 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.

## COMMENTS

The following items were identified as concerns during the inspection:

1. Fire Hydrant System

- 1A. Ordinance 70 and Australian Standard (AS) 2419.1-1994 permitted the use of an *internal booster connection for portable relay pumps* to be installed in buildings above 75 metres or as required by the regulatory authority, to provide a pressurised water source for firefighting operations on the upper levels of the building. In this regard, the use of portable relay pumps, no longer suits the operational needs of FRNSW.
- 1B. The isolation valve installed at the internal fire brigade booster on Level 14 is installed in a position against the wall and is considered non-operational contrary to the requirements of Clause 4.4.5 of AS2419.1-1994.

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

### RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises' and require item no. 1 of this report be addressed appropriately.
- b. Upgrade the fire hydrant system, to operate without the need for a portable relay pump, to meet the requirements of the current AS2419.1 for an equivalent new building, as these older fire hydrant systems no longer meet the operational requirements of FRNSW.

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

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Qualified Firefighter [REDACTED] of FRNSW's Fire Safety Compliance Unit on [REDACTED]. Please ensure that you refer to file reference BFS19/2048 (7900) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

Fire Safety Compliance Unit

# **Attachment C**

**Council Officer Inspection Report -  
1 Macquarie Place, Sydney**



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

**File: CSM 2144502**

**Officer: M. Merlino**

**Date: 10/9/2019**

**Premises: 1 Macquarie Place, Sydney NSW 2000 “The Gateway”**

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**Executive Summary:**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 21 August 2019 in relation to the subject premises with respect to matters of fire safety.

The premises consists of a 50 storey building (including 4 below ground levels) used for retail, commercial offices and carpark with an approximate height of 140m and is known as “The Gateway”.

FRNSW raised issues relating to the buildings existing fire hydrant system and fire sprinkler system which was originally installed to meet the applicable standard at the time of installation. FRNSW have advised that they no longer use portable relay pumps for internal booster relay connections for the hydrant and sprinkler system. The subject buildings fire hydrant system and fire sprinkler system currently relies upon the use of portable relay pumps.

An inspection of the premises undertaken by a Council investigation officer in the presence of Senior Facilities managers revealed that while there were no significant fire safety issues occurring within the building, the buildings fire hydrant system and sprinkler system relies on the use of portable relay booster pumps by FRNSW to provide adequate pressure and flows to hydrants and sprinklers in each pressure zone of the building. FRNSW have advised that the use of portable relay booster pumps no longer suit the operational needs of FRNSW.

In this regard, Council investigations have revealed that the premises are deficient in fire safety and egress provisions when considering the comments provided from FRNSW in the following areas:

- (i) Inadequate fire hydrant system as it relies on the use of portable relay booster pumps;
- (ii) Inadequate fire sprinkler system as it relies on the use of portable relay booster pumps;

Accordingly, Council investigations have revealed that the premises are deficient in the provisions for fire safety and that an Order 2, under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 is required to be issued 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 combustible composite cladding on the façade of the building.

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**Chronology:**

<b>Date</b>	<b>Event</b>
21/08/2019	FRNSW correspondence received regarding premises 1 Macquarie Place, Sydney.
10/9/2019	An inspection of the subject premises was undertaken by a Council officer in the presence of Senior Facilities Managers of the building and revealed the following deficiencies: 1. The fire hydrant relies on the use of portable relay booster pumps contrary to FRNSW correspondence.

	2. The sprinkler system relies on the use of portable relay booster pumps contrary to FRNSW correspondence.
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**FIRE AND RESCUE NSW REPORT:**

References: [BFS19/1962(7812); 2019/422191]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about “Mid-level booster point requiring portable pumps to be brought to the site by FRNSW” on 17 June 2019.

Issues:

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

1. Previous adopted Australian Standards for fire hydrants permitted the use of an internal booster connection for portable relay pumps to be installed in buildings over 75m in height to provide pressurised water for firefighting operations. FRNSW advise that the use of portable relay pumps no longer suit the operational needs of FRNSW;
2. The fire sprinkler system incorporates internal booster connections installed on various levels of the building for the connection of portable relay pumps. The purpose of these internal boosters is to provide a pressurised water source for the fire sprinkler system to operate on the upper levels of the building. FRNSW advise that the use of portable relay pumps no longer suit the operational needs of FRNSW.

FRNSW Recommendations:

FRNSW have made a number of recommendations within their report. In general FRNSW have requested that Council:

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed
2. Upgrade the fire hydrant system to operate without the need for a portable relay pump to meet the requirements of the current AS2419.1;
3. Upgrade the automatic fire sprinkler system to operate without the need for a portable relay pump to meet the requirements of the current AS2118.
4. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979
5. In its capacity as the regulatory authority take action to have the abovementioned items appropriately addressed.

**COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:**

Issue Order(NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	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 investigation officers it is recommended that Council exercise its powers to give a notice of intention (NOI) for an Order 2, under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council’s building 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 outcomes.

**Referenced documents:**

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/434953-01
A2.	Locality Plan	2019/434953-02
A3	Attachment cover sheet	2019/434953-03

**Trim Reference:** 2019/434953

**CSM reference No#:** 2144502

**Pin’s:**

Pin not issued due to the owners technically not making a breach in relation to matters of fire safety. Order is required purely due to a change in operational requirements of FRNSW.



File Ref. No: BFS19/1962 (7812)  
TRIM Ref. No: D19/49163  
Contact: [REDACTED]

21 August 2019

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  
THE GATEWAY  
1 MACQUARIE PLACE, SYDNEY ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 17 June 2019, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *Mid-level booster point requiring portable pumps to be brought to the site by FRNSW*

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 2 July 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. 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.

## COMMENTS

The following items were identified as concerns during the inspection:

### 1. Essential Fire Safety Measures

#### 1A. Fire Hydrant System

- A. Ordinance 70 and Australian Standard (AS) 2419.1-1994 permitted the use of an *internal booster connection for portable relay pumps* to be installed in buildings above 75 metres or as required by the regulatory authority, to provide a pressurised water source for firefighting operations on the upper levels of the building. In this regard, the use of portable relay pumps no longer suits the operational needs of FRNSW.

#### 1B. Automatic Fire Sprinkler System

- A. The fire sprinkler system incorporates internal booster connections installed on Levels 20 & 34 for the connection of portable relay pumps. FRNSW are unable to determine the standard of performance these booster connections are installed to. The purpose of the internal boosters is to provide a pressurised water source for the fire sprinkler operation on the upper levels of the building. In this regard, the use of portable relay pumps no longer suits the operational needs of FRNSW.

### 2. Generally

- 2A. To control and extinguish a fire above Level 34 of the building, FRNSW are required to transport three (3) portable pumps to the building for connection to the internal boosters of both the fire sprinkler system and the fire hydrant system.

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

## RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises' and require item no. 1 and no. 2 of this report be addressed appropriately.
- b. Upgrade the fire hydrant system, to operate without the need for a portable relay pump, to meet the requirements of the current AS2419.1 for an equivalent new building, as these older fire hydrant systems no longer meet the operational requirements of FRNSW.

- c. Upgrade the automatic fire sprinkler system, to operate without the need for a portable relay pump, to meet the requirements of the current AS2118 for an equivalent new building, as these older automatic fire sprinkler systems no longer meet the operational requirements of FRNSW.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Station Officer [REDACTED] of FRNSW's Fire Safety Compliance Unit on [REDACTED]. Please ensure that you refer to file reference BFS19/1962 (7812) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

Fire Safety Compliance Unit

## **Attachment D**

**Council Officer Inspection Report -  
31 Market Street, Sydney**



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

**File:** 2019/455040

**Officer:** Andrew Porter

**Date:** xx September 2019

**Premises:** 31 Market Street Sydney

**Executive Summary:**

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

The building is 38 storeys and about 133m in height with frontages located on Market Street, York Street and Clarence Street Sydney. The building contains a mixture of commercial uses namely offices, retail premises and car parking.

FRNSW raised issues relating to the buildings existing fire hydrant system which was originally installed to meet the applicable standard at the time of installation. FRNSW have advised that they no longer use portable relay pumps for internal booster relay connections for the hydrant system. The subject buildings fire hydrant system relies upon the use of portable relay pumps.

An inspection of the premises undertaken by a Council investigation officer revealed that while there were no significant fire safety issues occurring within the building, the buildings fire hydrant system relies on the use of portable relay booster pumps by FRNSW to provide adequate pressure and flows to hydrants in each pressure zone of the building. In addition the fire hydrant system is not provided with couplings compatible with equipment used by FRNSW and no block plan is provided in the building. FRNSW have advised that the use of portable relay booster pumps no longer suit the operational needs of FRNSW.

In this regard, Council investigations have revealed that the premises are deficient in fire safety and egress provisions when considering the comments provided from FRNSW in regards to the inadequacy of the fire hydrant system as it relies on portable relay booster pumps, is not provided with couplings compatible with FRNSW equipment and no block plan is provided within the building.

Accordingly, Council investigations have determined that an Order 2, under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 is required to be issued so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

Observation of the external features of the building identify metallic sheet cladding, which is subject of a separate investigation being undertaken by Council.

**Chronology:**

Date	Event
08/08/2019	FRNSW correspondence received regarding premises at 31 Market Street, Sydney.
16/09/2019	An inspection of the subject premises was undertaken by a Council officer who found that the fire hydrant system couplings are not compatible with equipment of FRNSW, the hydrant system relies on FRNSW to bring portable relay pumps to site, the gauges are do not provide measurements in kilopascals (KPA) and there is no block plan. The Annual Fire Safety Statement was on display within the ground floor main entrance to the building.

## FIRE AND RESCUE NSW REPORT:

References: BFS19/2450 (8291); TRIM D19/53792

Fire and Rescue NSW conducted an inspection of the subject premises on 24 July 2019. The inspection report relevant to this inspection is dated 8 August 2019.

Issues: The report from FRNSW detailed the following issues within the building:

- The fire hydrant system requires portable relay pumps to be brought to the building by FRNSW and this no longer suites FRNSW operational requirements.
- There is no fire hydrant block plan at the hydrant booster assembly as required.
- The pressure gauges on the hydrant system display units of pressure in 'pounds per square inch' (PSI) and are required to display units of pressure in 'kilopascals' (KPA)
- There is no annual fire safety statement prominently displayed within the building as required.

FRNSW Recommendations: FRNSW have made several recommendations within their report. In general FRNSW have requested that:

1. Council in its capacity as the regulatory authority, inspect and address the items identified in their report and any other deficiencies identified on the premises.
2. Council note FRNSW position statement published by FRNSW on 8 January 2019 in relation to hydrant systems and consider requiring the hydrant within the premises to be upgraded to meet the requirements of the current standard and or partially upgraded to meet the operational needs of FRNSW.
3. Council advise FRNSW of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

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### **COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:**

Issue Order(NOI)	Issue emergency Order	Issue-a compliance letter of instruction	Cited Matters rectified	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 a site inspection undertaken by Council investigation officers it is recommended that Council exercise its powers to give a notice of intention (NOI) for an Order 2, under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council's building 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 outcomes.

**Referenced documents:**

<b>No#</b>	<b>Document type</b>	<b>Trim reference</b>
A1.	Fire and Rescue NSW report	2019/455040-01
A2.	Locality Plan	2019/455040-02
A3	Attachment cover sheet	2019/455040-03

**Trim Reference:** 2019/455040

**CSM reference No#:** 2137628



File Ref. No: BFS19/2450 (8291)  
TRIM Ref. No: D19/53792  
Contact: [REDACTED]

8 August 2019

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  
ST MARTINS TOWER  
31 MARKET STREET SYDNEY ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 19 July 2019 from City of Sydney in relation to the adequacy of the provision for fire safety in connection with 'the premises' being a 133m tall building with combustible cladding on the exterior.

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 24 July 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW. The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. 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.

## COMMENTS

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

1A. Fire Hydrant System

- A. Ordinance 70 and Australian Standard (AS) 2419.1-1994 permitted the use of an *internal booster connection for portable relay pumps* to be installed in buildings above 75 metres or as required by the regulatory authority, to provide a pressurised water source for firefighting operations on the upper levels of the building. In this regard, the use of portable relay pumps, no longer suits the operational needs of FRNSW.
- B. A fire hydrant block plan is not provided in the building or at the fire brigade booster connection contrary to the requirements of Clause 2.3 of AS2419.1-1994.
- C. The pressure gauges on the hydrant system display the unit of pressure in 'pounds per square inch', this is contrary to the requirements of Clause 1.4 of AS1349 -1986 that requires the unit of pressure to be displayed Kilopascals (kPa).

2. Generally

2A. Certification

- A. A copy of the annual fire safety statement (AFSS) was not prominently displayed in the building, contrary to the requirements of Clause 177 of the EP&A Regulation 2000 (EP&A Reg).

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

## RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises' and require item no. 1 and no. 2 of this report be addressed appropriately.
- b. Upgrade the fire hydrant system, to operate without the need for a portable relay pump, to meet the requirements of the current AS2419.1 for an equivalent new building, as these older fire hydrant systems no longer meet the operational requirements of FRNSW.

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

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on [REDACTED]. Please ensure that you refer to file reference BFS19/2450 (8291) for any future correspondence in relation to this matter.

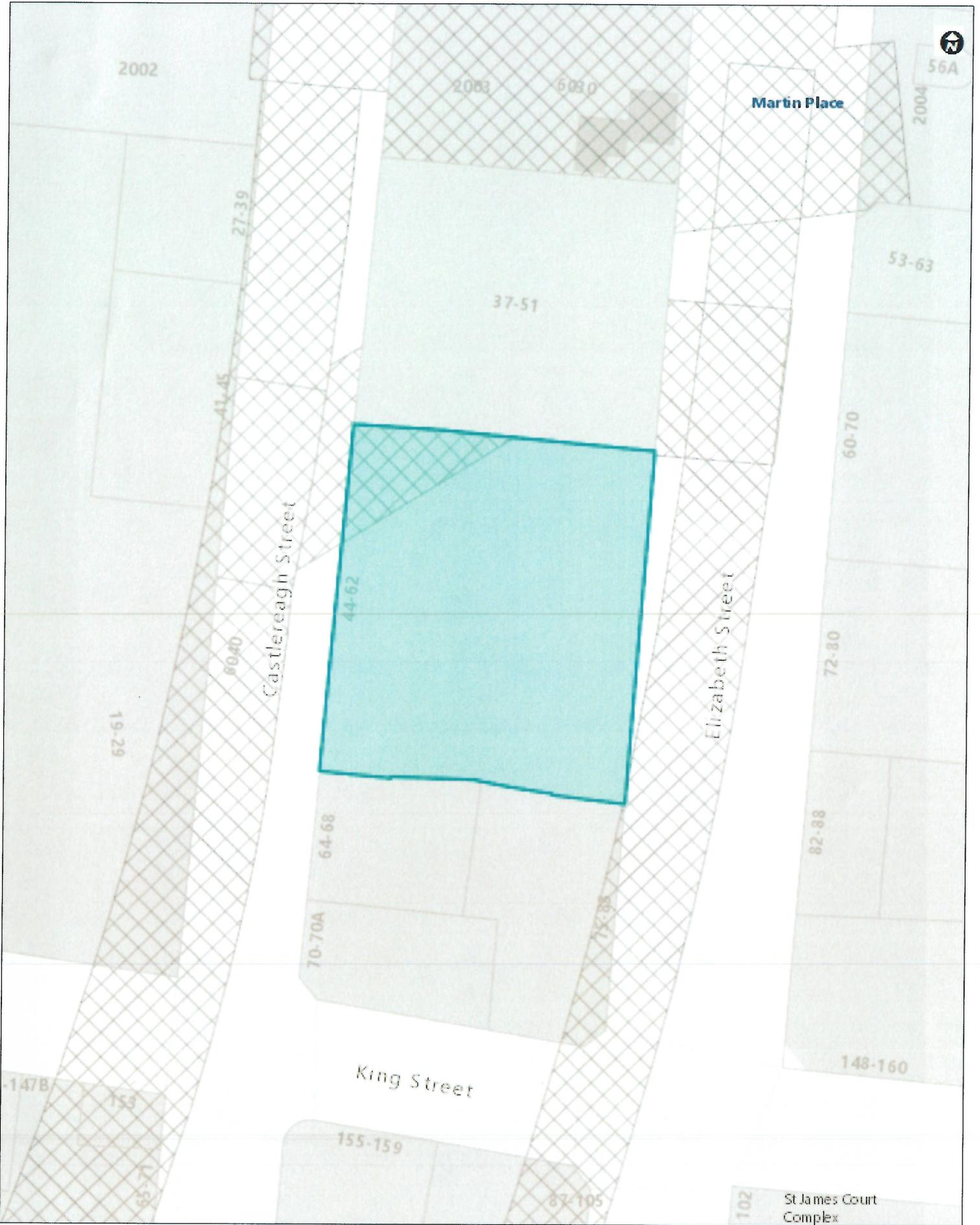
Yours faithfully

[REDACTED]

Fire Safety Compliance Unit

# **Attachment E**

**Council Officer Inspection Report -  
44-62 Castlereagh Street, Sydney**



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

**File:** CSM2150142

**Officer:** Hieu Van Luu

**Date:** 6 September 2019

**Premises:** 44-62 Castlereagh Street, Sydney

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**Executive Summary:**

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

The site is located on the eastern site of Castlereagh Street. It has a primary street frontage to Castlereagh Street, and a secondary street frontage to Elizabeth Street.

The site contains a multi-storey tower known as the BNP Paribas Centre, which comprises ground floor retail tenancies, the lobby areas of the commercial tower, and commercial office space above facing both Castlereagh and Elizabeth Streets.

Council investigations have revealed that some of the maintenance issues noted by Fire Rescue NSW have been rectified. However the premises are still deficient in fire safety and egress provisions in the following areas:-

1. The issue associates with a number of faults and isolation of the fire alarm and emergency warning and intercom systems. The faults and isolation due to fit-out works in progress;
2. The issue associates with the existing fire hydrant system and the installation standards (the use of portable relay pumps no longer meets the operational needs of Fire Rescue NSW);
3. The issue associates with the hydrant and sprinkler booster assembly (enclosure/orientation of feed hydrant valve outlets/block plan);
4. Location of Fire Control Room has indirect access to the road;

Whilst the overall fire safety systems provided within the subject premises were being maintained and the annual fire safety certification is current and compliant and is on display, the above fire safety deficiencies are required to be addressed.

The premises are deficient in the provisions for fire safety and a fire safety order is being prepared 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 identified the existence of a metal composite cladding material. The matter is being referred to the City's cladding compliance team to investigate into the cladding material applied to the subject premises to ensure that no undue risk of fire spread via the facade of the building would occur in the circumstances.

**Chronology:**

Date	Event
02/09/2019	FRNSW correspondence received regarding premises 44-62 Castlereagh Street, Sydney.
04/09/2019	<p>An inspection of the premises undertaken by a Council investigation officer in the presence of the building facilities manager revealed that some of the maintenance issues noted by Fire Rescue NSW have been rectified. However the premises are still deficient in fire safety and egress provisions in the following areas:-</p> <ol style="list-style-type: none"> <li>1. The issue associates with a number of faults and isolation of the fire alarm and emergency warning and intercom systems. The faults and isolation due to fit-out works in progress;</li> <li>2. The issue associates with the existing fire hydrant system and the installation standards (the use of portable relay pumps no longer meets the operational needs of Fire Rescue NSW);</li> <li>3. The issue associates with the hydrant and sprinkler booster assembly (enclosure/orientation of feed hydrant valve outlets/block plan);</li> <li>4. Location of Fire Control Room has indirect access to the road;</li> </ol>

**FIRE AND RESCUE NSW REPORT:**

References: [BFS 19/693 (6561); D 19/41574; our Trim reference 2019/442050]

Fire and Rescue NSW conducted an inspection of the subject premises in relation to the adequacy of the provision for fire safety in connection with the premises.

Issues

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

1. The issue associates with a number of faults and isolation of the fire alarm and emergency warning and intercom systems. The faults and isolation due to fit-out works in progress;
2. The issue associates with the existing fire hydrant system and the installation standards (the use of portable relay pumps no longer meets the operational needs of Fire Rescue NSW);
3. The issue associates with the hydrant and sprinkler booster assembly (enclosure/orientation of feed hydrant valve outlets/block plan);
4. Location of Fire Control Room has indirect access to the road;

FRNSW Recommendations

FRNSW have made a number of recommendations within their report. In general FRNSW have requested that Council inspect the subject premises and take action to have the identified fire safety issues appropriately addressed.

FRNSW have also requested that as soon as practical after the above report has been tabled and considered, that notice of any determination in relation to the report and recommendations is forwarded to them in accordance with clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

**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 a site inspection undertaken by Council investigation officers it is recommended that Council exercise its powers to give a notice of intention (NOI) for a fire safety order to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council's building 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.

The City's cladding compliance team will be investigating into the cladding material applied to the subject premises to ensure that no undue risk of fire spread via the facade of the building would occur in the circumstances and that any external hazardous materials are identified and are suitably dealt with.

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

**Referenced documents:**

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/454513-01
A2.	Attachment cover sheet	2019/454513-02
A3	Locality Plan	2019/454513-03

**Trim Reference:** 2018/454513

**CSM reference No#:** 2150142



File Ref. No: BFS19/693 (6561)  
TRIM Ref. No: D19/41574  
Contact: [REDACTED]

2 September 2019

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  
BNP PARIBAS CENTRE  
60 CASTLEREAGH ST (AKA 65 ELIZABETH ST) SYDNEY (“the premises”)**

Fire & Rescue NSW (FRNSW) received correspondence on 2 March 2019, in relation to the adequacy of the provision for fire safety in connection with ‘the premises’.

The correspondence stated, in part, that:

*Turned out to this premises and the 24 hour security was not present upon arrival. Attempts to locate the Fire Control Room took an extended time as the FCR is:*

- a) located a level below the building address; and*
- b) access doors leading to the FCR do not have signage which indicates the way to the FCR.*

*Additionally, prior to departing the premises the hydrant and sprinkler booster assembly (Elizabeth Street) was checked. The far left hand cabinet contains four feed hydrant valves and clearances for charged hose are extremely limited. Access to water at this location may not be possible as a result. I consider the current valve arrangement to be non compliant and requiring rectification.*

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), inspections of ‘the premises’ on 10 May 2019 and

the 23 May 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. 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.

## COMMENTS

This report is limited to observations and sections of the building accessed at the time of the inspection, including potential deviations from the National Construction Code 2019 Building Code of Australia – Volume One Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified as concerns during the inspection:

### 1. Essential Fire Safety Measures

1A. Clause 182 of the Environmental Planning and Assessment Regulation 2000 requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. The following essential services were identified as concerns:

- i. Automatic Fire Detection and Alarm System – Multiple faults and isolations were displayed on the Fire Indicator Panel (FIP), which were associated with the Automatic Fire Detection and Alarm System.
- ii. Maintenance Logbooks – The logbook associated with the FIP indicates that the Automatic Fire Detection and Alarm System of the premises has a recent history of multiple faults and isolations.
- iii. Emergency Warning and Intercommunication System (EWIS) – There were multiple faults showing at the EWIS Panel.

At the time of the inspection, the Facilities Manager was advised of the issues with the FIP and EWIS panel and contacted the Service Technician to investigate the faults and isolations immediately. The Facilities Manager also confirmed that a number of areas within the building had been isolated due to fit-out works currently in progress.

Rectification works to the Automatic Fire Detection and Alarm System have been carried out by the service technicians and, as of 30 May 2019, the following has been confirmed by the Facilities Manager:

- A network card has been replaced at the FIP, clearing all faults;
- Fit-out works to Level 4 have been completed and the Automatic Fire Detection and Alarm System on this level has been deisolated;
- Faulty fire modules have been replaced on level 14;
- A contaminated smoke detector has been replaced at the Upper Ground Level;
- Levels 15, 16 and 20 have been isolated due to ongoing fit-out works;
- Photographic evidence, showing the screen of the FIP, has been received from the Facilities Manager on 30 May 2019, indicating that the only remaining areas isolated were levels 15, 16 and 20.

#### 1B. Fire Hydrant System

It appears that the fire hydrant system is designed and installed to the provisions of AS2419.1-1994. The following was identified at the time of the inspection:

- A. Portable Relay Pump – It is noted that the installed fire hydrant system incorporates a high-level internal booster connection (located on level 12), for the purpose of accommodating a portable relay pump, in accordance with the requirements of Clause 5.8 of AS2419.1-1994.

The use of portable relay pumps no longer meets the operational needs of FRNSW. FRNSW recommends that the hydrant system installed within the premises is upgraded to operate without the need of a portable relay pump, to meet the requirements of AS2419.1-2005, for an equivalent new building. The requirements of Clause 7.7 – Fire Brigade Relay Pumps is of particular significance to the required upgrade, the implementation of which will ensure the fire hydrant system provides appropriate pressures and flows for firefighting operations on the upper levels of the building in a timely manner.

It is recommended that an appropriately qualified Hydraulic Consultant is engaged to design and oversee the installation of the upgraded hydrant system.

B. Booster Assembly –

- i. The hydrant and sprinkler booster assembly enclosure on Elizabeth Street, did not contain locks compatible with fire brigade operational procedures, contrary to the requirements of Clause 7.9 of AS2419.1-2005.
- ii. The orientation of three of the feed hydrant valve outlets are facing towards the ground with the topmost valve facing to the right hand-side. The orientation of the valves does not facilitate the needs of the attending fire brigades to connect up to the equipment to undertake firefighting operations. The valve outlets slope more than 35° below the horizontal, contrary to the requirements of Clause 3.5.2 of AS2419.1–2005.
- iii. The block plan has not been permanently fixed at the booster assembly, contrary to the requirements of Clause 7.11 of AS 2419.1–2005.

- 1C. Fire Control Room (FCR) – The FCR (which is located at ground level – i.e. Castlereagh Street) has indirect access to the road, and is difficult to locate without guidance from security staff. In contrast, the booster assembly is located at upper ground level, at the Elizabeth Street level.

Due to the nature of the fire safety concern, and the concealed location of the FCR relative to the booster assembly, it is recommended that appropriate directional signage is provided at both of the main entrances to the building, to ensure that any attending FRNSW crew can locate the FCR in a timely manner.

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

## RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on ‘the premises’, and require item no. 1B and 1C of this report be addressed appropriately.
- b. With regard to item 1B., request the owners to upgrade the fire hydrant system so that it will provide a satisfactory pressurised water source for firefighting operations on the upper levels of the building without the need for a portable relay pump. An appropriately qualified Hydraulic Consultant should be engaged to design and oversee the installation of the upgraded hydrant system.

- c. With regard to item 1B.A, until such time that the upgrade has been completed, request the owners to provide additional signage adjacent to the hydrant booster assembly and within the Fire Control Room, alerting any attending FRNSW crew of the role of the portable relay pump within the existing hydrant system and the location of the internal booster connection.
- d. With regard to item 1B.B.ii., request the owners to reorientate the feed hydrant valves, to ensure the attending FRNSW crew can connect up to the equipment to undertake firefighting operations.
- e. With regard to item 1C, request the owners to provide appropriate directional signage at both of the main entrances to the building, to ensure that any attending FRNSW crew can locate the FCR in a timely manner.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on [REDACTED]. Please ensure that you refer to file reference BFS19/693 (6561) for any future correspondence in relation to this matter.

Yours faithfully



Fire Safety Compliance Unit

# **Attachment F**

**Council Officer Inspection Report -  
96-118 Gloucester Street, The Rocks**



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

**File: CSM 2152889**

**Officer: M. Merlino**

**Date: 11/9/2019**

**Premises: 96-118 Gloucester Street, The Rocks**

**Executive Summary:**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 6 September 2019 in relation to the subject premises with respect to matters of fire safety.

The premises consists of a 52 storey building including basement car park levels known as “Quay West” used for serviced apartments, commercial offices, retail and carpark with an approximate height of 135m.

FRNSW raised issues relating to the buildings existing fire hydrant system which was originally installed to meet the applicable standard at the time of installation. FRNSW have advised that they no longer use portable relay pumps for internal booster relay connections for fire hydrant systems. The subject buildings fire hydrant system currently relies upon the use of portable relay pumps.

Council investigations have revealed that the premises are deficient in fire safety and egress provisions in the following areas having regard to comments provided from FRNSW in the following areas:

- a) Inadequate fire hydrant system as it relies on the use of portable relay booster pumps;
- b) Inadequate signage to identify each hydrant riser pipe;
- c) Inadequate fire hydrant block plan installed in suitable locations;
- d) Hydrant booster connections are provided with insufficient space to connect firefighting hoses to.
- e) Repair to fire sprinkler pump required.

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that an Order 2, under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 is required to be issued 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 cladding on the façade of the building.

**Chronology:**

<b>Date</b>	<b>Event</b>
6/9/2019	FRNSW correspondence received regarding premises 96-118 Gloucester Street, The Rocks [AKA 113 and 115 Harrington street, The Rocks]
11/09/2019	An inspection of the subject premises was undertaken by a Council officer in the presence of the Chief Engineer revealed the following deficiencies:  a) Inadequate fire hydrant system as it relies on the use of portable relay booster pumps which is contrary to FRNSW correspondence;

	<ul style="list-style-type: none"> <li>b) Inadequate signage to identify each hydrant riser pipe;</li> <li>c) Inadequate fire hydrant block plan installed in suitable locations;</li> <li>d) Hydrant booster connections are provided with insufficient space to connect firefighting hoses to;</li> <li>e) Outdated hose fittings are provided to the internal fire hydrants;</li> <li>f) Repair to fire sprinkler pump required;</li> <li>g) Re-entry facilities from fire isolated stairs are not provided as per current code requirements.</li> </ul>
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**FIRE AND RESCUE NSW REPORT:**

References: [BFS19/1950 (7802); 2019/455164]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about "Mid-level booster point requiring portable pumps to be brought to the site by FRNSW"

Issues

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

1. Previous adopted Australian Standards for fire hydrants permitted the use of an internal booster connection for portable relay pumps to be installed in buildings over 75m in height to provide pressurised water for firefighting operations. FRNSW advise that the use of portable relay pumps no longer suit the operational needs of FRNSW;
2. Inadequate signage is provided to the fire hydrant system including lack of a block plan in appropriate locations and inadequate identification signage to each hydrant riser;
3. Inadequate clearance and orientation provided to the fire hydrant boosters;
4. Repairs required to an electric sprinkler pump.

FRNSW Recommendations

FRNSW have made a number of recommendations within their report. In general FRNSW have requested that Council:

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed;
2. Upgrade the fire hydrant system to operate without the need for a portable relay pump to meet the requirements of the current AS2419.1 for an equivalent new building;
3. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979

**COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:**

Issue Order(NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	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 investigation officers it is recommended that Council exercise its powers to give a notice of intention (NOI) for an Order 2, under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council's building 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 outcomes.

**Referenced documents:**

<b>No#</b>	<b>Document type</b>	<b>Trim reference</b>
A1.	Fire and Rescue NSW report	2019/462168-01
A2.	Locality Plan	2019/462168-02
A3	Attachment cover sheet	2019/462168-03

**Trim Reference:** 2019/462168

**CSM reference No#:** 2152889



File Ref. No: BFS19/1950 (7802)

TRIM Ref. No: D19/61901

Contact: [REDACTED]

6 September 2019

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  
QUAY WEST  
96-118 GLOUCESTER STREET THE ROCKS ("the premises")  
[AKA 113 and 115 Harrington Street]**

Fire & Rescue NSW (FRNSW) received correspondence in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *Mid-level booster point requiring portable pumps to be brought to the site by FRNSW.*

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 23 August 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section

17(1) of the EP&A Act. 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.

## COMMENTS

The following items were identified as concerns during the inspection:

### 1. Essential Fire Safety Measures

#### 1A. Fire Hydrant System

- A. Ordinance 70 and Australian Standard (AS) 2419.1-1994 permitted the use of an *internal booster connection for portable relay pumps* to be installed in buildings above 75 metres or as required by the regulatory authority, to provide a pressurised water source for firefighting operations on the upper levels of the building. In this regard, the use of portable relay pumps, no longer suits the operational needs of FRNSW;
- B. The internal fire hydrant boosters located in the Level 7 plantroom are not provided with sufficient information to assist firefighters during operations as signage does not detail which floors each riser serves. In this regard, each riser details "Stratum B2" or "Stratum B3". FRNSW use floor numbers as identifiers used when undertaking firefighting operations and without the aid of fire hydrant block plans, firefighters are unable to determine which booster valve to utilise;
- C. Three external fire hydrant booster assemblies are installed in two hydrant booster cabinets, either side of the Harrington Street carpark entry. The only identifier on the hydrant booster pipework states "Stratum A" on one pipe. Therefore, FRNSW are unable to determine which booster assembly serves the upper portions of the building to utilise during operational conditions;
- D. Multiple hydrant plans of the hydrant system are installed at the southern hydrant booster assemblies. The information provided on the plans does not correspond to the information on the fire brigade boost inlets to assist during firefighting operations;
- E. The fire hydrant block plan is not installed in the fire control room to assist in firefighting operations;
- F. The orientation of the fire brigade boost inlet connections does not provide sufficient space to connect firefighting hose without creating kinks in the hose which may result in reduced pressure and flows and delay fire brigade intervention.

1B. Fire Sprinkler System

- A. The electric pump #2 located in the CP8 pumphouse was leaking water from a pump gland. The power to the electric pump had been isolated contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg).

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

**RECOMMENDATIONS**

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises' and require item no. 1 through to item no. 4 of this report be addressed appropriately.
- b. Upgrade the fire hydrant system, to operate without the need for a portable relay pump, to meet the requirements of the current AS2419.1 for an equivalent new building, as these older fire hydrant systems no longer meet the operational requirements of FRNSW.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Station Officer [REDACTED] of FRNSW's Fire Safety Compliance Unit on [REDACTED]. Please ensure that you refer to file reference BFS19/1950 (7802) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

# **Attachment G**

**Council Officer Inspection Report -  
76-78 Liverpool Street, Sydney**



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

**File:** 2019/370309

**Officer:** Andrew Porter

**Date:** 24 July 2019

**Premises:** 76 - 78 Liverpool Street Sydney

**Executive Summary:**

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

The building is five storey's located on Liverpool Street between Kent Street and Sussex Street, Sydney. The building contains a mixture of commercial uses namely offices, educational and retail premises.

Specifically the correspondence from FRNSW related to an inspection they had undertaken of the 'D21 Ice Cream' retail tenancy within the building after receiving correspondence related to concerns the correspondent had with the retail tenancy being located within the same part of the building housing the sprinkler booster and sprinkler pump and control valves.

FRNSW inspected the building on 26 June 2019 and found the sprinkler booster and control valves to be located inside of the retail tenancy 'D21 Ice Cream'. FRNSW determined that the sprinkler booster and control valves were not in a position that is readily accessible to attending fire brigade personnel and the sprinkler booster connection is not adequate to undertake firefighting operations in the event of a fire emergency at the premises.

An inspection of the building undertaken by a Council investigation officer on 24 July 2019 in the presence of the building manager identified that the building is deficient in fire safety provisions in that the provisions within the building are inadequate to suppress fire and prevent the spread of fire.

The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Observation of the external features of the building did not identify metallic sheet cladding.

**Chronology:**

Date	Event
12/07/2019	FRNSW correspondence received regarding premises at 76-78 Liverpool Street Sydney.
24/07/2019	<p>An inspection of the subject building was undertaken by a Council officer and it was found that the building is deficient in fire safety provisions in the following areas:</p> <ul style="list-style-type: none"> <li>➤ The sprinkler booster assembly and sprinkler control valves were not in a position that is readily accessible to attending FRNSW personnel;</li> <li>➤ The sprinkler heads within the 'D21 Ice Cream' tenancy were obstructed by fixtures attached to the ceiling;</li> <li>➤ The current fire hydrant system within the building does not meet the current operational needs of FRNSW;</li> </ul>

## FIRE AND RESCUE NSW REPORT:

### References:

BFS18/1457 (3707); TRIM D19/46664

Fire and Rescue NSW conducted an inspection of the subject premises on 26 June 2019. The inspection report relevant to this inspection is dated 12 July 2019.

### Issues:

The report from FRNSW detailed the following issues within the building:

- The sprinkler booster assembly is located within the building and the sprinkler control valves are not readily accessible to responding FRNSW personnel contrary to the requirements of the standard.
- The fire hydrant system appears to be installed in accordance with Ordinance 70 and Ministerial Specification No. 10. In light of this FRNSW brings to your attention a position statement published by FRNSW on 8 January 2019.

### FRNSW Recommendations:

FRNSW have made several recommendations within their report. In general FRNSW have requested that:

1. Council in its capacity as the regulatory authority, inspect and address the items identified in their report and any other deficiencies identified on the premises.
2. Council note FRNSW position statement published by FRNSW on 8 January 2019 in relation to hydrant systems and consider requiring the hydrant within the premises to be upgraded to meet the requirements of the current standard and or partially upgraded to meet the operational needs of FRNSW.
3. Council advise FRNSW of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

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### **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 investigation officers it is recommended that Council exercise its powers to give a notice of intention (NOI) for a fire safety order to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council's building 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 documents:**

<b>No#</b>	<b>Document type</b>	<b>Trim reference</b>
A1.	Fire and Rescue NSW report	2019/370309-01
A2.	Locality Plan	2019/370309-02
A3	Attachment cover sheet	2019/370309-03

**Trim Reference:** 2019/370309

**CSM reference No#:** 2121134



File Ref. No: BFS18/1457 (3707)  
TRIM Ref. No: D19/46664  
Contact: [REDACTED]

12 July 2019

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 General Manager

**Re: INSPECTION REPORT  
76-78 LIVERPOOL STREET, SYDNEY ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *Ice cream shop in sprinkler booster room*

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 26 June 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. 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.

## COMMENTS

This report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2019 Building Code of Australia – Volume One (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

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

### 1. Essential Fire Safety Measures

- 1A. Automatic Fire Suppression System - The sprinkler booster connection and control valves are located inside the building, within the 'D21 Ice Cream' tenancy, contrary to the requirements of Clause 4.4.3 of AS 2118.1-1999 and Specification E1.5 of the NCC. FRNSW are of the opinion that the booster connection and control valves are not in a position that is readily accessible to fire brigade personnel and furthermore, the booster connection does not suit the operational requirements of FRNSW.

### 2. Generally

- 2A. Fire Hydrant System: The fire hydrant system appears to installed in accordance with Ordinance 70 and Ministerial Specification No.10.

In light of this, FRNSW brings to your attention a position statement published by FRNSW on 8 January 2019. The statement is shown below:

#### ***Fire hydrant system in existing premises***

*When the consent authority (e.g. local 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.*

*It may be appropriate for a partial upgrade of the existing fire hydrant system be undertaken. A partial upgrade may be proposed to address deficiencies in the design and/or performance of the existing fire hydrant system, when assessed against the requirements of Australian Standard AS 2419.1, so that the upgraded fire hydrant system will meet the*

*operational needs of FRNSW. Where a hybrid fire hydrant system is proposed, which incorporates the design and performance requirements from two different standards, the proponent should consult with FRNSW on the requirements for the fire hydrant system.*

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

## RECOMMENDATIONS

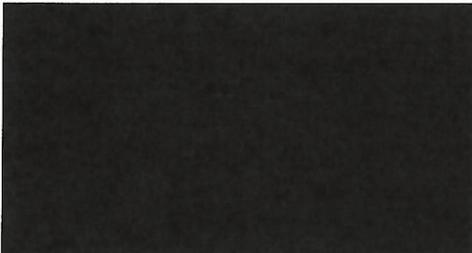
FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 2 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/1457 ( for any future correspondence in relation to this matter.

Yours faithfully



Fire Safety Compliance Unit