

14 March 2022

At the conclusion of the Business and Economic Development
Committee

**Transport, Heritage, Environment and
Planning Committee**

Agenda

- 1. Disclosures of Interest**
- 2. Fire Safety Reports**

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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 Secretariat on 9265 9702 or emailing secretariat@cityofsydney.nsw.gov.au before 10.00am 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.

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 City 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 available at www.cityofsydney.nsw.gov.au

Item 1.

Disclosures of Interest

Pursuant to the provisions of the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, 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.

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.

Fire Safety Reports

File No: S105001.002

Summary

The City of Sydney regularly receives building reports from Fire and Rescue NSW in relation to inspections carried out by Fire and Rescue NSW Authorised Officers. These inspection reports are to be reported to Council and Council is required to determine whether to exercise its power to issue fire safety orders under Division 9.3 and Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act).

In response to Fire and Rescue NSW reports City staff undertake inspections to ensure fire safety measures are in full operation and that building exits are clear and unimpeded. Fire and Rescue NSW inspections revealed fire safety concerns that require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

Fire and Rescue NSW has powers under 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. Attached are details of the reports received by the City from Fire and Rescue NSW. The attachments deal with two properties and include the Fire and Rescue NSW report and the findings (preliminary or final) by the City's Officer, along with other documentation relevant to that property.

The Fire and Rescue NSW inspection reports for 19 - 21 Larkin Street Camperdown at Attachment C resulted from the 'Project Remediate' program being undertaken by the NSW Department of Customer Service. It is a three-year program to help remove combustible cladding on an estimated 225 buildings registered by the building owners. Project Remediate involves a two stage approach to cladding remedial works, the first being an internal inspection of the building by FRNSW (Inspection report is required to be reported to Council), and the second being Project Remediate managing cladding remedial works required under a Fire Safety Order issued by the City. FRNSW will be inspecting all buildings for fire safety deficiencies which Project Remediate will require to be resolved prior to cladding remedial works commencing.

Recommendations are made in the attachment setting out the most appropriate action 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 & C to the subject report;
- (C) note the contents of Attachment B and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 33 Ultimo Road, Haymarket;
- (D) note the contents of Attachment C and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 19-21 Larkin Street, Camperdown.

Attachments

Attachment A. Fire Safety Report Summary Sheet

Attachment B. Inspection Report - 33 Ultimo Road, Haymarket

Attachment C. Inspection Report - 19-21 Larkin Street, Camperdown

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 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 such reports each year. They can be prompted by reports from the Police or others who have a concern relating to fire safety in a building.
4. The inspection was undertaken to ensure fire safety measures were in full operation and that building exits were clear and unimpeded.
5. When Fire and Rescue NSW carries out such an inspection, a report and any recommendations must be provided to the City.
6. 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.
7. 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 a City Officer.
8. Personal information has been redacted from the reports in accordance with the Privacy and Personal Information Protection Act 1998.

Relevant Legislation

9. Environmental Planning and Assessment Act 1979.

GRAHAM JAHN AM

Director City Planning, Development and Transport

Andrew Thomas, Executive Manager Development

Attachment A

Fire Safety Report Summary Sheet

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: 2

Report – March 2022

Summary table

Att. (A-C)	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	33 Ultimo Street, Haymarket – ‘The Quay North Tower’ residential apartment building	Premises inspected; owners have been issued with corrective action correspondence; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.
C 5	19-21 Larkin Street, Camperdown – residential apartment building	Premises inspected; Council officer has determined that a notice of intention to issue a fire safety order is to be given to address identified fire safety deficiencies.

Attachment B

**Inspection Report -
33 Ultimo Road, Haymarket**

33 Ultimo Road Haymarket



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Notes

24/01/2022

**Council investigation officer Inspection and Recommendation Report
Clause 17(2), Part 8 of Schedule 5, of the Environmental Planning and Assessment
Act 1979 (the Act)**

File: CSM 2698698

Officer: G. Scotton

Date: 7 February 2022

Premises: 33 Ultimo Road, Haymarket

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 premise consists of a seventeen (17) storey building with four (4) levels of basement parking, used primarily for residential apartments (known as The Quay North Tower), and is part of a stratum building associated with commercial premises at 33a Ultimo Road, Haymarket and 79 Quay Street, Haymarket. The ground floor includes an entrance lobby to the residential units above, and a vehicular entrance to basement vehicular parking.

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

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire.

The annual fire safety certification is overdue, but an extension has been granted until April 2022 to allow for required maintenance and upgrade works. These works are included in the corrective action correspondence sent. The most recent fire safety statement is on display within the building, though not prominently, as required by the Environmental Planning and Assessment Regulation 2000.

Council investigations have revealed that whilst there remains several fire safety maintenance and management works to attend to, including clearing a fault in the fire indicator panel, maintenance of exit pressurisation, and more prominent display of the fire safety statement, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the above fire safety works are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner's fire service contractor(s) through written instruction from Council.

The subject premises are fitted with external combustible cladding. The City's cladding compliance team has commenced a cladding investigation and have issued a fire safety order requiring cladding removal and replacement (issued 19 February 2020). Appropriate precautionary interim fire safety measures are currently in place to assist in safeguarding occupants whilst construction works are scheduled.

Chronology:

Date	Event
11/01/2022	FRNSW correspondence received regarding premises 33 Ultimo Road Haymarket, in relation to a: -Complaint to FRNSW dated 16 April 2021, regarding defective smoke alarms -FRNSW inspection on 18 November 2021 -FRNSW Notice of intended fire safety Order dated 22 November 2021 -FRNSW reinspection on 30 November 2021 -FRNSW advice of determination to not proceed with the fire safety Order
14/01/2022	FRNSW's concerns were discussed with the managing agent and building manager, who advised: -The fire safety statement is displayed within the building, but not prominently located, within a mail room -The smoke detector and fan maintenance issues have been resolved -The fire safety statement for the premises is overdue -A defect with the stair pressurisation system is resulting in the degree of pressurisation somewhat less than the required standard, and this is currently being assessed in detail by the owners' fire safety practitioner and contractor, with a view to carrying out required rectification works as soon as possible
20/01/2022	Corrective action letter and warning sent to owner requiring maintenance of all fire safety measures, and prominent display of the fire safety statement
03/02/2022	An inspection of the subject premises was undertaken by a Council officer in company with the building manager, when the following items were noted: -The reportedly defective smoke alarm within a residential unit was found to be present and operational -A different fault and local isolation was found in the fire indicator panel, relating to an area of basement parking, which the building manager advised was expected to be resolved within one week -There was a supply of spare sprinkler heads and a spanner within the sprinkler pump room -Other fire safety measures in the building appeared adequately maintained -The fire safety statement is displayed at the premises, however the display location is not considered sufficiently prominent, and the building manager agreed to relocate the statement to a more prominent position near the entrance exit -Emergency services information provided within the fire control room was considered generally adequate, however enhancements were discussed and additional information on same was provided -Exits were clear and unobstructed

FIRE AND RESCUE NSW REPORT:

References: [BFS21/1196; 2022/023260-01]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about a smoke alarm not functioning properly within a residential apartment.

Issues

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

1. An isolation within the fire indicator panel, and maintenance of fans required as indicated in the maintenance logbook.
2. Lack of an adequate supply of spare sprinklers heads for replacement in the automatic fire suppression system.
3. Lack of an emergency services information package for fire-fighting personnel in the fire control centre.
4. The annual fire safety statement was not prominently displayed.

- FRNSW provided a copy of a Notice of intended fire safety Order dated 22 November 2021, which proposed to require repair of the smoke control system and to remove an isolation in the fire panel. FRNSW subsequently determined to not proceed with the Notice.

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

FRNSW Recommendations

FRNSW have made recommendations within their report.

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 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 the site inspection undertaken by Council's investigation officers it was determined to issue the owners of the building a compliance letter of instruction to rectify the identified fire safety deficiencies noted by Council and FRNSW.

The above correspondence has requested that building management carry out remedial works to existing fire systems to cause compliance with required standards of performance.

Follow-up compliance inspections are currently being undertaken and will continue to be undertaken by a Council investigation officer to ensure already identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence and the recommendations of FRNSW occur.

It is recommended that Council not exercise its powers to issue a further fire safety order at this time.

Referenced/Attached Documents:

2022/023260-01	Fire & Rescue NSW letter dated 11 January 2022
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Trim Reference: 2022/023260

CSM reference No: 2698698

Unclassified



File Ref. No: BFS21/1196 (15254)
TRIM Ref. No: D22/532
Contact: [REDACTED]

11 January 2022

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

**RE: INSPECTION REPORT
'THE QUAY'
33 ULTIMO ROAD, HAYMARKET ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 16 April 2021, in relation to the adequacy of the provision for fire safety in or in connection with 'the premises'.

The correspondence stated in part that:

The smoke alarm is defective does not work in my apartment ###, even after battery replacment. The matter was first reported to the agent Village Property on moving in in June 2020. Building Fire safety Company has already been as part of annual inspection requirements and confirmed that it does not work. Issue has been reported to the Buiding Manager ### and the property manager ### In June 2020, Sept 20 Oct 20, Nov 20. This alarm has never worked and is still defective 10 months later. I have also recently learnt that the building is made from flammable cladding that does not comply with regulations. Given that the building cladding is not fire safe I would thought that working smoke detectors would of been a priority. I am extremely worried about being trapped in this building should it catch a light and worried that this faulty smoke alarm may fail to alert myself and partner in the event of an emergency and subseqent death.

FRNSW issued a Notice of Intention to Serve an Order (1) dated 22 November 2021 (copy attached). The notice of intention was issued in accordance with the provisions of Section 9.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). FRNSW received written representations in relation to the proposed **Order 1** in

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483

www.fire.nsw.gov.au Page 1 of 6

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accordance with the provisions of Schedule 5, Part 6, Section 8 of the EP&A Act. Upon receipt of the representation an inspection was conducted on 30 November 2021 in accordance with Section 9.32 of the EP&A Act, as a result an Order was not issued.

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.

Please be advised that upon hearing and considering the representation and subsequent inspection, FRNSW has determined not to give an Order in accordance with Schedule 5, Part 7, Section 15 of the EP&A Act.

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 Indicator Panel (FIP) – Isolating faults to an FIP is likely to delay any fire alarm or signalling apparatus for giving notice of fire. As a result of the inspection on 18 November 2021, a Notice of Intention to Serve an Order was issued for the following observations:
 - A. Zone 2406 Fault Sub-System – General Indications South Tower – Variable speed drive faults south tower kef-5 variable speed drive fault. The LED light to the FIP was lit, indicating an isolation to the system.
 - B. The Logbook Entry dated 15 November 2021 states the following in relation to the FIP – “2 x FIP faults related to the mechanical fans – KEF5 variable speed drive fault & CPEF1 variable speed drive fault (isolated).
 - 1B. Fire Control Room (FCR) – Having regard to Clause E1.8, Specification E1.8 of the NCC and FRNSW’s guideline “Emergency Services Information Package and Tactical Fire Plans”, an Emergency Services Information Package (ESIP) ESIPs provide firefighters and other emergency services with specific information that can be used during operations. An ESIP could not be located.

- 1C. Sprinkler Heads – Clause 6.7 of Australian Standard AS2118.1:2017 – “Automatic Fire Sprinkler Systems - General systems”, requires a stock of replacement sprinklers together with the spanners to be located on the premises. There must be an appropriate number of spare sprinklers in accordance with the design for the system for each hazard. At the time of the inspection, replacement sprinklers were not fully stocked.
 - 1D. Annual Fire Safety Statement (AFSS) – Clause 177(3)(b) of the Environmental Planning and Assessment Regulation 2000 the statement must be prominently displayed in the building, at the time of the inspection the AFSS could not be located. For ease FRNSW prefers the statement be located beside the FIP. An inspection and a review of council's records may be required.
2. Generally
- 2A. Investigation Outcomes – The following are outcomes from the investigation on Thursday, 18 November 2021:
 - A. Testimony – When questioned the building manager at the time indicated that:
 - i. He was aware of the faults and isolations and was in the process of having the faults repaired.
 - ii. City of Sydney Council has issued Orders on “the premises” to remove the cladding, and it is still in force as the cladding has yet to be removed.
 - iii. The smoke alarms to the units are either maintained by the real estate agent or the owner, and was also unable to provide access the units. Also expressing concerns regarding the pandemic, and as such access would require consent from the owner of the unit.
 - B. Request and Response for Information – As a result of restrictions on access to the Sole Occupancy Units (SOU), the real estate agent of the SOU provided written confirmation from the occupier that the smoke alarm for the subject SOU is functioning.

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 item no. 1 through to item no. 2 of this report and any other deficiencies identified on 'the premises'.

Unclassified

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) [REDACTED]. Please ensure that you refer to file reference BFS21/1196 (15254) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Fire Safety Compliance Unit

Attachments [Appendix 1 – Notice of Intention to Serve an Order – 2 pages]

Unclassified

Unclassified

Appendix 1 – Notice of Intention to Serve an Order

Unclassified



Proposed Fire Safety Order ORDER No. 1

Under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*
Part 9 Implementation and Enforcement – Division 9.3 Development Control Orders
Fire Safety Orders in accordance with the table to Part 2 - Schedule 5.
Intend to give an Order in accordance with Section 9.34(1)(b)

I, [REDACTED] 903766
(number)

being an authorised Fire Officer within the meaning of Schedule 5, Part 8, Section 16 of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose, hereby order:

The Owners of SP90018 & SP90019
(name of person whom Order is served)

Owners
(position i.e. owner, building manager)

with respect to the premise

'THE QUAY - HAYMARKET'
SP90018 & SP90019; 33 ULTIMO ROAD HAYMARKET ("the premises")
(name/address of premises to which Order is served)

to do, or refrain from doing, the following things:

1. Repair the fault to the smoke control system so that it is operational to the designed and installed standard.
2. Remove the isolation that prevents an automatic notification by the Alarm Signalling Equipment.

The terms of the Order are to be complied with:

By no later than 30 days from the date of the order

The reasons for the issue of this Order are:

- a. At the time of the inspection on 18 November 2021 the following was observed:
 - (i) The FIP displayed the following: "Zone 2406 Fault Sub-System – General Indications South Tower – Variable speed drive faults south tower kef-5 variable speed drive fault."

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www.fire.nsw.gov.au		Page 3 of 4

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Unclassified

- (ii) The LED light to the FIP was lit, indicating an isolation to the system.
 - (iii) The Logbook Entry dated 15 November 2021 states the following in relation to the FIP – “2 x FIP faults related to the mechanical fans – KEF5 variable speed drive fault & CPEF1 variable speed drive fault (isolated).”
- b. Repairing the fault to the Fire and Smoke Control systems for the building ensures that in the event of a fire, the smoke is automatically vented from the building.
 - c. Removing the isolation ensures that there is an automatic signal to the Alarm Signalling Equipment. Providing a timely and automatic response by emergency services in an event of a fire or emergency.
 - d. The automatic identification and notification that is provided by the FIP is diminished by the faults and isolations. As a result, it is likely that the evacuation routes from “the premises” may be compromised by poor visibility and high levels of toxicity that may endanger human life.
 - e. To do, or refrain from doing such things that are specified in the Order, so as to ensure or promote adequate fire safety or fire safety awareness.

Appeals

Pursuant to Section 8.18 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against this Order, other than an order that prevents a person using or entering premises.

Non-Compliance with the Order

Failure to comply with this Order may result in further Orders and/or fines being issued.

Substantial penalties may be imposed under Section 9.37 of the EP&A Act for failure to comply with an Order.

NOTE: Representations are to be made in writing and should be received by FRNSW by no later than close of business 6 December 2021.



This Proposed Fire Safety Order No. 1 was sent by mail and email on 22 November 2021.

Attachment C

**Inspection Report -
19-21 Larkin Street, Camperdown**



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Notes 24/01/2022

Council investigation officer Inspection and Recommendation Report
Clause 17(2), Part 8 of Schedule 5, of the Environmental Planning and Assessment
Act 1979 (the Act)

CSM: 2689373 **Officer:** Muhammad Hassan **Date:** 20 January 2022

Premises: 19-21 Larkin Street, Camperdown

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 24 December 2021 with respect to matters of fire safety. FRNSW's inspection resulted from the 'Project Remediate' program being undertaken by the NSW Department of Customer Service, a three-year program to help remove combustible cladding on an estimated 225 buildings registered by the building owners. The building is also known to Council's cladding compliance team, first reported to Council in May 2018. The fire safety deficiencies identified by FRNSW will need to be resolved prior to cladding replacement works commencing.

The premises consist of a six-storey residential apartment building containing a car park on the ground and basement levels. The subject building is rectangular in shape, having an area of approximately 642m² and the predominately surrounded by residential buildings. The building is under ten years old and was privately certified and occupied in 2013. Given the age of the building and the nature of the deficiencies City staff will bring these matters to the attention of the NSW Building Commissioner.

An inspection of the premises undertaken by a Council investigation officer on 20 January 2022 in the presence of the owner's agent revealed the premises are deficient in fire resisting construction, egress and fire safety provisions in the following areas:

- I. Inadequate smoke detection and alarm system (residents in apartment 1 are not likely to hear the building occupant warning system)
- II. Suitable fire resisting construction to prevent the spread of fire (penetrations in fire resisting construction not properly sealed, gaps between fire door frames and adjoining wall not properly filled, fire hydrant pump room not fire separated from remainder of building)
- III. A lack of adequate facilities for firefighting (a fire hydrant lacks a pressure gauge, difficulty using fire hose reels due to defective radial clearances, lack of hose reels in car park)
- IV. Defective egress provisions (security screen door may cause exit discharge issues, gas meters located in exit paths)
- v. Poor fire safety management systems in place (signs/notices not displayed etc.)

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/fire safety awareness.

The subject premises are fitted with combustible cladding. The City's cladding compliance team had previously commenced a cladding investigation and have issued a fire safety order requiring cladding removal and replacement.

Chronology:

Date	Event
24/12/2021	FRNSW correspondence received regarding premises 19-21 Larkin Street, Camperdown.
20/01/2022	<p>An inspection of the subject premises undertaken by Council's investigation officer in the presence of the owner's agent revealed the following construction, egress, and fire safety deficiencies:</p> <ol style="list-style-type: none"> 1. There is a lack of smoke alarms on the ground floor level of the building and the occupants of apartment 1 are unlikely to hear the building occupant warning system in the event of a fire. 2. The hydrant booster assembly lacks signage and the hydrant booster isolating valves are not locked in the open position. 3. The fire hydrant pump room located in the car park is not fire separated from the remainder of the building and FRNSW may not be able to access to the pump room. 4. A pressure gauge was not provided to the fire hydrant located on the top landing of the fire isolated exit stair contrary to the requirements of Australian Standard 2419.1. 5. Gas meters were located in public corridors contrary to the requirements of the National Construction Code. 6. The fire hose reel on level 2, achieves radial clearances of less than 100mm between the reel rim and the enclosure walls contrary to the requirements of Australian Standard 2441. 7. A fire door set located in the basement car park contained a gap between the door frame and the block wall and the gap had not been properly backfilled with grout or mortar. 8. A number PVC pipes passing through the car park ceiling were not provided with fire collars. 9. The path of travel to the road after discharging from the fire isolated exit stair necessitates passing by combustible cladding contrary to the requirements of the building code. 10. A security screen door is attached to the frame of the entry door of apartment 1. This door may compromise the fire rating of the entry door and has the potential to hinder egress in the event of a fire. <p>Council's investigation officer advised the owners agent that Council will be issuing a fire safety order on the premises which will require the owners to carry out fire safety works to the building.</p>
02/02/2022	<p>A further inspection of the subject premises was undertaken by Council's investigation officer to check fire services that could not be checked in the previous inspection.</p> <p>The inspection revealed that the following additional fire safety issues:</p> <ol style="list-style-type: none"> 1. The buildings car park lacked fire hose reels 2. A window located in the public corridor on level 5 was located in close vicinity to a window of apartment 20 and was not protected in accordance with the requirements of the National Construction Code.

FIRE AND RESCUE NSW REPORT:

References: D21/133132; 2021/568795

FRNSW conducted an inspection of the subject premises on 9 November 2021 in response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW.

Issues

The report from FRNSW detailed 18 issues in the building relating to the building occupant warning system (smoke detection and alarm system), fire hydrant system, gas meters, fire hose reel, fire door frames, a security screen door, display of the Annual Fire Safety Statement, penetrations in fire resisting construction, and egress (exit) paths.

FRNSW Recommendations

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

1. Inspect the subject premises and address item no. 1 of their report
 2. Give consideration to the other deficiencies identified on the premises identified in item no. 2 of their report.
 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	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Notice of Intention to Give a Fire Safety 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 issue a notice of intention to give an Order (NOI) 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 investigation officers.

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 NOI was given on 11 February 2022, in addition to the existing cladding order.

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	2022/018636-01

Trim Reference: 2022/018636

CSM reference No#: 2689373

Unclassified



File Ref. No: BFS21/4230 (18100)
TRIM Ref. No: D21/133132
Contact: [REDACTED]

24 December 2021

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance / Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
19-21 LARKIN STREET, CAMPERDOWN ("the premises")**

In response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustibile cladding on residential apartment buildings in NSW, an inspection of 'the premises' on 9 November 2021 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW), pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In this instance, the inspection revealed fire safety concerns that may require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

In this regard, 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.

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate Fire Safety Compliance Unit	1 Amarina Ave Greenacre NSW 2190	T (02) 9742 7434 F (02) 9742 7483

www.fire.nsw.gov.au

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COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items outline concerns in general terms, deviations from the fire safety provisions prescribed in Section 9.32(1)(b) of the EP&A Act and Clause 189 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

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

1. Essential Fire Safety Measures

1A. Automatic Smoke Detection and Alarm System:

- A. The building is provided with a smoke alarm system throughout the residential parts, consisting of AS3786 smoke alarms in the common areas/public corridors, in accordance with Clause E2.2, Table E2.2a and Specification E2.2a of the NCC (Clause 3). Common area smoke alarms are interconnected between levels to provide a common building alarm to alert all building occupants (i.e. the required Building Occupant Warning System (BOWS)) and it appears that the Decibel (dBA) level from the smoke alarms in the common areas may provide adequate occupant warning to the Sole Occupancy Units (SOUs).

Notwithstanding this, the following issues were identified:

- i. The smoke alarm in the public corridor on the ground floor level was not interconnected with the other smoke alarms throughout the common areas of the building, to provide a common building alarm, contrary to the requirements of Clause 3(b)(iii) of Specification E2.2a of the NCC.
- ii. The entry door to SOU No.1 is accessed externally from the building at ground floor level (i.e. not from a public corridor) therefore it is unlikely that the sound pressure level of 85dB(A) from the common area smoke alarms is achieved at the door providing access to the SOU, contrary to the requirements of Clause 7 of Specification E2.2a of the NCC. In this regard, it is unclear whether SOU No.1 is provided with any occupant warning, should a smoke alarm in the building were to operate.
- iii. Smoke alarms are not provided to 'all other internal public spaces', such as the enclosed carpark levels, contrary to the requirements of Clause 3(b)(iii) of Specification E2.2a of the NCC. In this regard, The *NCC Guide to BCA Volume One*, specific to Clause 3(b) of Specification E2.2a of the NCC, identifies that 'all other internal public spaces' consider such spaces as '*public foyers, reception areas and enclosed carparks*'.

- iv. Given, the carpark levels are not provided with smoke alarms as identified in item 1A.A.iii above, a BOWS is not provided throughout the entire building. In this regard, smoke alarms operating on the residential levels will not sound through to the carpark levels on the ground floor and lower ground floor. Likewise, a fire in the carpark levels would not operate a BOWS throughout the residential portions of the building.
- 1B. Fire Hydrant System – The following comments are provided having regard to AS 2419.1.2005:
- A. The hydrant booster assembly:
 - i. Above ground isolating valves are not secured or locked in the open position, contrary to the requirements of Clause 8.5.8 of AS 2419.1-2005.
 - ii. Boost pressure and test pressure signage was not provided at the booster assembly, contrary to the requirements of Clause 7.10.1 of AS 2419.1-2005.
 - B. The hydrant pumpset/pumproom:
 - i. The internal pumproom is located in the ground floor carpark level and is not accessed via a door opening to a road or open space, or a door opening to a fire-isolated passageway or a stair which leads to a road or open space, contrary to the requirements of Clause 6.4.2 of AS2419.1-2005. In this regard, fire-fighters would need to traverse through the carpark to gain access to the hydrant pumproom.
 - C. Hydrant coverage:
 - i. Hydrant protection to the basement carpark level is provided by hose lay coverage from a fire brigade pumping appliance, fed from the feed fire hydrants located at the booster assembly, however due to the narrow street width and the building street setback, the fire brigade pumping appliance necessitates being located less than 10 m from the building, contrary to the requirements of Clause 3.2.2.1 of AS2419.1-2005.
 - D. A pressure gauge was not provided at the hydraulically most disadvantaged fire hydrant (roof level within fire-isolated stairs), contrary to the requirements of Clause 9.3.2(b) of AS2419.1-2005.

- 1C. Fire Hose Reels (FHR's):
- A. Non-fire equipment or services were installed within the FHR cabinets on the residential levels, contrary to Clause 10.4.4 of AS2441-2005. In this regard, the gas meters installed above/below the FHR cupboard, have gas pipework penetrating the FHR cupboards.
 - B. The FHR located on Level 2, achieves radial clearances of less than 100mm between the reel rim and the enclosure walls, contrary to the requirements of Clause 10.4.4 and Figure 10.2 of AS2441-2005.
- 1D. Fire Doors:
- A. Multiple fire doors to the fire-isolated stairways in the carpark levels contained a gap between the door frame and the block wall (internally) and the junctions had not been appropriately fire-sealed.
 - B. Backfilling of frame cavities - It appears that the fire door frame cavities have not been backfilled with grout/mortar, contrary to the requirements of Clause 5.3 & 5.4 of AS 1905.1-2005. Typically, fire-resistant frames are required to be backfilled when tested to AS1530.4-2005, unless evidence of a test or opinion can be provided to support the installation.
- 1E. Annual Fire Safety Statement (AFSS) and Fire Safety Schedule (FSS):
- A. A copy of the current AFSS and FSS were not prominently displayed within the building in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

FRNSW is therefore of the opinion that the fire safety provisions prescribed for the purposes of 9.32(1)(b) of the EP&A Act, have not been complied with.

ADDITIONAL COMMENTS

In addition to the items identified above, relating to the Fire Safety Provisions prescribed by Clause 189 of EP&A Regulation, the following items were also identified as concerns at the time of the inspection and it would be at council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

2. Generally
- 2A. Travel via fire-isolated exits - The path of travel to the road after discharging from the fire-isolated stairway at the front of the building, necessitates passing within 6m of an opening within the external wall of the same building (SOU No. 1 entry door). Whilst the SOU entry door

appears to be a self-closing fire door (albeit that the door tags have been painted over) in accordance with D1.7(c) of the NCC, a security/screen door has been installed on the outside. FRNSW are of the opinion that the installation of security/screen door, not only compromises the fire rating of the fire-rated doorset, but also increases the likelihood of the occupant/s propping open the main fire door, therefore compromising the safe egress for the escaping occupants in the building, after discharging from the fire stairs.

- 2B. Services, other than for firefighting, were installed within the fire-isolated stairway serving the carpark levels, contrary to the requirements of Clause D2.7 of the NCC. In this regard, a product what appeared to be pieces of combustible cladding were used to conceal services, in lieu of an adequate fire stopping/fire-rated system.
- 2C. Multiple service penetrations through the walls of the hydrant pumproom, were not adequately fire stopped in accordance with Clause C3.12, Clause C3.15 and Specification C3.15 of the NCC.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address item no. 1 of this report.
- b. Give consideration to the other deficiencies identified on 'the premises' identified in item no. 2 of this report.

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 BFS21/4230 (18100) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

Fire Safety Compliance Unit