

27 March 2023

At the conclusion of the Corporate, Finance, Properties and
Tenders Committee

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

Agenda

- 1. Confirmation of Minutes**
- 2. Statement of Ethical Obligations and Disclosures of Interest**
- 3. Project Scope - Crown Street Upgrade**
- 4. Post Exhibition - Graffiti Management Policy**
- 5. Fire Safety Reports**

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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.

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Guidelines

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.

Confirmation of Minutes

Minutes of the following meetings of the Transport, Heritage, Environment and Planning Committee are submitted for confirmation:

Meeting of 6 March 2023

Item 2.

Statement of Ethical Obligations

In accordance with section 233A of the Local Government Act 1993, the Lord Mayor and Councillors are bound by the Oath or Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of the City of Sydney and the City of Sydney Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their ability and judgement.

Disclosures of Interest

Pursuant to the provisions of the Local Government Act 1993, the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Councillors are required to disclose and manage both pecuniary and non-pecuniary interests in any matter on the agenda for this meeting.

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

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

Item 3.

Project Scope - Crown Street Upgrade

Document to Follow

Item 4.

Post Exhibition - Graffiti Management Policy

File No: X027344.007

Summary

The purpose of the draft Graffiti Management Policy is to establish an effective and cost-efficient graffiti removal service in the City of Sydney local government area and to outline the framework for the display of art, posters and notices.

On 22 August 2022, Council resolved that the draft Graffiti Management Policy be placed on public exhibition for a period of 28 days and for a further report to be submitted to Council following public exhibition, with any recommended changes.

The City has now completed the public exhibition process. Two submissions were received and reviewed, however these submissions did not require any changes to the draft policy. A summary of submissions and the City's response is provided at Attachment A of this report. The final draft policy is provided at Attachment B.

This report is seeking Council's adoption of the draft Graffiti Management Policy.

Recommendation

It is resolved that:

- (A) Council note the submissions received from the community on the exhibited draft Graffiti Management Policy, as shown at Attachment A to the subject report;
- (B) Council adopt the Graffiti Management Policy as shown at Attachment B to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to make amendments to the Graffiti Management Policy in order to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

Attachments

Attachment A. Graffiti Management Policy Review Engagement Report

Attachment B. Graffiti Management Policy

Background

1. The purpose of the Graffiti Management Policy is to minimise incidents of illegal graffiti on both public and private property through prompt removal, whilst providing legitimate avenues for the expression and dissemination of community information and artwork or street art.
2. The Policy describes the City's graffiti maintenance program, graffiti prevention programs and available enforcement mechanisms. It also describes the means through which the community can display art, posters and notices.
3. The Policy is to be reviewed every four years.
4. On 22 August 2022, Council endorsed the draft Graffiti Management Policy for public exhibition and community comment for a period of 28 days with any recommended changes to be reported to Council following the exhibition period.

Public Exhibition

5. The draft Policy was placed on public exhibition for 28 days from 19 September to 17 October 2022.
6. The public notice of the exhibition was through City of Sydney Your Say website. The notice received 73 unique views and 15 document downloads.
7. Notification of the public exhibition was also included in the City's Sydney Your Say eNewsletter, sent to 7,088 subscribers.
8. Two submissions were received during the consultation period via the Sydney Your Say website survey. They have been internally reviewed and passed to the relevant business units for consideration. The responses are included in the engagement report at Attachment A.

Amendments to Draft Graffiti Management Policy Post Exhibition

9. No further changes to the published draft Policy are proposed following the review of the submissions.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

10. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This policy is aligned with the following strategic directions and objectives:
 - (a) Direction 2 - A leading environmental performer - this policy aims to reduce the impacts of graffiti on the environment, which includes chemical and litter runoff into waterways, impacts to environmental heritage and atmospheric impacts via aerosol sprays.
 - (b) Direction 3 - Public places for all - this policy aims to ensure the city streets and public spaces have good amenity by discouraging unlawful graffiti and enabling its rapid removal.
 - (c) Direction 8 - A thriving cultural and creative life - this policy recognises the artistic and social value of murals and works of street art as engaging forms of artistic expression that can contribute to the unique character of a place.

Organisational Impact

11. The Policy assists staff in determining and communicating the City's response to graffiti and bill poster-related enquiries from the community and internal stakeholders.
12. Graffiti removal works are carried out by the City's contracted graffiti removal service providers. These services are covered by contractual insurances and are carried out in accordance with strict operational procedures, regularly verified by the City's Risk and Contract Management processes.

Risks

13. The adoption, publication and application of the updated policy will support transparency and consistency in the exercise of council's enforcement functions and will consequently reduce risks arising from the exercise of those functions.
14. Specific risks associated with the policy are covered in detail in the Graffiti Removal Contract Risk assessment. This risk assessment is regularly reviewed and updated.

Social / Cultural / Community

15. Graffiti can have a negative impact on community amenity including perceptions of poor safety and increased crime. Graffiti can also be offensive to community members.
16. This policy aims to reduce these impacts while balancing the artistic and social value of murals and works of street art that can contribute to the unique character of a place.

Environmental

17. Graffiti can have a negative impact on the environment through pollution (including chemical and litter runoff into waterways), damage to items of environmental heritage and atmospheric impacts caused by aerosol sprays. This policy aims to reduce these impacts.

Economic

18. Graffiti impacts the community and the City financially through costs associated with its removal and the potential for a reduction in property values if it were to remain. This policy aims to reduce these impacts.

Financial Implications

19. The City has existing contracts in place to manage incidents of unlawful graffiti and removal of posters and notices as required. The implementation of the updated policy will not require any additional resources.

Relevant Legislation

20. The policies relate to all enforcement action taken in accordance with council's statutory functions under legislation, including, but not limited to:
- (a) Environmental Planning and Assessment Act 1979.
 - (b) Local Government Act 1993.
 - (c) Protection of the Environment Operations Act 1997.
 - (d) Graffiti Control Act 2008.
 - (e) Local Environmental Plans that apply in the City of Sydney local government area.
 - (f) Fines Act 1996.

VERONICA LEE

Director City Services

David Cornett, A/Manager Cleansing and Waste

Sash Vasilevski, Contracts Manager Cleansing and Waste

Gemma Dawson, Manager Waste Strategy

Attachment A

Graffiti Management Policy Review Engagement Report

Stakeholder engagement: Graffiti Management Policy

Consultation overview and background

Between 19 September to 17 October 2022 the City consulted the community on our draft Graffiti Management Policy.

The purpose of the Policy is to minimise incidents of illegal graffiti on both public and private property through prompt removals, whilst providing legitimate avenues for the expression and dissemination of community information and artwork or street art.

The Policy describes the City's graffiti maintenance program, graffiti prevention programs and available enforcement mechanisms. It also describes the means through which the community can display art, posters and notices.

This report documents the content of the submissions received and outlines activities undertaken to support the consultation.

Purpose of the consultation

The purpose of the engagement was to:

- inform the community about this policy, why we have it and gather community feedback
-

Outcomes from the consultation

We received a total of 2 submissions during the consultation period, both received via the online survey.

The submissions are shown in the table below.

Submission table

Issue raised	Individual / Organisation	Submission	City of Sydney response
Increased graffiti in specific location	Individual	Concerned about the increased graffiti instances in Eddy Avenue Tunnel.	Referred to graffiti contract manager for review.
Space for graffiti art	Individual	Suggesting the City creates space for graffiti and murals.	Referred to the City's Public Art team for review

Activities to support the consultation

Sydney Your Say webpage, survey and eNewsletter

- The webpage and survey were open for feedback from 19 September to 17 October 2022.
- The public notice of the exhibition was through City of Sydney Your Say website, the notice received 73 unique views and 15 document downloads.
- Notification of the public exhibition was also included in the City's Sydney Your Say eNewsletter, sent to 7,088 subscribers.

Attachment B

Graffiti Management Policy

Graffiti Management Policy

Purpose

The City of Sydney (the City) seeks to minimise the impact of graffiti incidents on public and private property through prompt removal, whilst providing legitimate avenues for the expression and dissemination of community information and artwork or street art.

The purpose of the Graffiti Management Policy is to establish an effective and cost-efficient graffiti removal service in the City of Sydney local government area and to outline the framework for the display of art, posters and community notices.

Scope

This policy applies to graffiti management on public and private property within the City of Sydney local government area.

Term	Meaning
Accessible Property	Fixed property assets that are easily reached from a public place. Graffiti can be removed from Accessible Property without the consent of the owner/ occupier in accordance with Section 12 of the Graffiti Control Act 2008.
Graffiti	Any unlawful inscription, word, figure, or word design that is marked, scratched, drawn, sprayed, painted, pasted, applied, or otherwise affixed to a surface of an asset, including posters, notices, stickers and bill posters.
Murals and street art	Art that is painted, marked or otherwise affixed to the outside of a building or structure and that is visible from a public place, which has the approval of the owner of the building on which the art is located, and of any relevant statutory authorities. Murals and street art cannot project more than 30mm from a wall or other surface, cannot be a sign or advertising and must not contain material that discriminates against or vilifies any person or group, or is offensive or sexually explicit. It does not include repainting a building.
Character precincts	Areas designated for display of community posters and notices including those with social, political, and environmental content or those which relate to events such as school fetes, markets, garage sales or missing persons / animals’ notices.
Non-Accessible Property	Fixed property assets for which the City requires Owner’s Consent to enter the property in order to undertake graffiti removal works.
Owner’s Consent	The consent required from the owner/occupant in order to remove graffiti from Non-Accessible Property in accordance with Section 11 of the Graffiti Control Act 2008.
Priority Zones (24 Hour)	Main streets that are inspected every 24 hours to identify incidents of graffiti for removal.
Routine Zones (Weekly)	Suburban streets that are inspected weekly to identify incidents of graffiti for removal.

Policy Statement

Graffiti impacts the community in several ways. Graffiti can have a negative impact on community amenity including perceptions of poor safety and increased crime. Graffiti can have a negative impact on the environment through pollution (including chemical and litter runoff into waterways), damage to items of environmental heritage, and atmospheric impacts caused by aerosol sprays. Graffiti also impacts the community and the City financially through costs associated with its removal, management and associated decreased property values. This policy seeks to address these impacts in a sensitive, effective and cost-effective way.

The intended outcomes of this policy are to:

- Minimise the number of Graffiti incidents on both public and private property
- Ensure the prompt identification and removal of Graffiti
- Provide legitimate opportunities for the expression and dissemination of community information and art

Reducing Graffiti

The City encourages the community to report incidences of graffiti for removal. Where possible, reported incidences will be removed within 24 hours of identification, or once Owner's Consent has been obtained. Graffiti incidents can be reported via the City's Call Centre on 9265 9333 or online through the City of Sydney website.

The City's Graffiti Maintenance Program

The City's intensive Graffiti Maintenance Program involves routine inspections and removal by City contractors and site-specific removal in response to requests. This program aims to prevent recurrence of illegal graffiti through rapid removal, thus removing recognition sought by the vandal.

Graffiti removal is carried out on a case by case basis, depending upon the medium used and the surface it has been applied to. The City's contractors carry out inspections to determine the best removal method and often will undertake a small removal test area first. The most appropriate removal method is then identified and may include hand removal or use of high-pressure water, with sensitive cleaning products or colour matched to paint out the graffiti.

The City takes extra precaution in the removal of graffiti from structures which are environmentally sensitive or of heritage significance. Residents are requested to notify the City if they are aware of the heritage or environmental value of a structure requiring graffiti removal.

The City's Graffiti Maintenance Program was developed in accordance with the Graffiti Control Act 2008 and complies with all its requirements. The Program includes the removal of graffiti located above ground level within three metres of any Council owned, maintained, or serviced- road, street, lane or highway, park and visible from public place without the agreement of the owner or occupier. The City will notify owners of property where graffiti is removed within five days.

Graffiti removal which forms part of the City's program from privately owned, residential, commercial, retail and industrial property assets where it cannot be removed from a public place, is carried out subject to consent from property owners/occupiers, as required.

Graffiti removal from Accessible Properties and Non-Accessible Properties is carried out at the City's expense. Graffiti removal which is outside of this City's Graffiti Maintenance Program will not be removed by the City and is to be removed by the property owner at their expense.

Graffiti Removal Schedules

Graffiti is inspected and removed based on the following zones and frequencies:

1. Priority Zones (24 hour)

Priority Zones include streets that are subject to high pedestrian traffic and tend to be main arterial roads and thoroughfares. These streets generally attract large amounts of frequent graffiti and poster incidences. Priority Zones are inspected every 24 hours and graffiti is removed within 24 hours of identification or Owner's Consent being obtained. The only exception is relating to community posters and notices as detailed below.

2. Routine Zones (weekly)

Routine Zones are suburban streets that are not subject to high pedestrian traffic or large amounts of graffiti and posters. Routine Zones are inspected weekly and graffiti is removed within 24 hours of identification or Owner's Consent being obtained.

3. Poster Zones (range from 1-7 days)

Bill posters are generally of a commercial nature and are often posted in an uncontrolled manner without permission from the asset owner. Identified poster zones have been created due to the proliferation of commercial posters in particular areas. In poster zones, graffiti removal is carried out weekly, while poster removal outside these zones is carried out more regularly depending on the location.

4. Scheduled Removals

Graffiti in City managed parks and open spaces is removed within 24 hours of identification.

5. Emergency Removal

As part of the City's Graffiti Maintenance Program, the City has an emergency graffiti removal capacity that enables the City to organise the removal of particularly offensive graffiti within four hours from it being reported to the City.

Posters, Notices and Art

Election Posters

The display of election campaign posters is a traditional part of the democratic process in Australia. There is, however, some community concern about the impact of campaign posters on the urban environment, particularly when posters are not removed promptly.

NSW parliament elections and local government elections are held on fixed days every four years, and Commonwealth parliamentary elections are generally held every three years. This means that the visual impact of election posters on the urban environment can be minimised.

The City shall not direct resources to removing election campaign posters during the period 14 days immediately prior to a parliamentary or local government election or by-election and seven days immediately following the election, provided that any such posters:

- are in support of a candidate for that election or a party registered to contest that election
- comply with the legislative provisions applying to that election
- are fixed in a manner that is not likely to endanger the public, obstruct road signs or traffic signals or cause damage to property

- are not placed within 200 metres of the Cenotaph in Martin Place and the War Memorial in Hyde Park.

The City shall remove any posters not complying with these conditions or which are displayed outside the periods specified above.

Community Posters and Notices

Community posters and notices include those with social, political, and environmental content or those which relate to events such as school fetes, markets, garage sales or missing persons / animals' notices. In order to allow the community to display community posters and notices, a number of 'character precincts' have been established.

Character precincts allow for extended display of notices and posters in the community interest. General graffiti is removed to the schedules described above in these areas, while community posters and notices are removed only once a week. The character precincts in the city are in the following locations:

- Newtown: King Street, eastern side from Church Street to Union Street
- Glebe: Glebe Point Road from St Johns Road to Toxteth Road
- Broadway: Broadway, northern side from Wattle Street to Harris Street
- Darlington: City Road from Carillon Avenue to Cleveland Street

The City also provides community noticeboards in its libraries and community centres. These noticeboards are managed by each facility and are available for the community to display posters and notices in the community interest.

City of Sydney Poster Pillars

The City has installed poster pillars on popular city streets to provide a legal site for the community and businesses to place posters. Poster pillars operate on a first come, first served basis, with posters removed weekly. There are currently eight pillars across the city in the following locations:

- Darlinghurst - Oxford Street, near Liverpool Street
- Darlinghurst - Oxford Street, near Taylor Square South
- Erskineville - Erskineville Road, near Prospect Street
- Glebe - Bay Street, near Grose Street
- Glebe - Glebe Point Road, near Cowper Road
- Kings Cross - William Street, near Brougham Street
- Kings Cross - Bayswater Road at Darlinghurst Road
- Moore Park - Anzac Parade, near Cleveland Street

For a list of locations of the City's poster pillars, refer to the City of Sydney website.

Public Art and Street Art

Art in public places is one of the indicators of a flourishing cultural life. City Art is the City of Sydney's public art program, and is the City's principal mechanism for commissioning, acquiring, managing and maintaining public art in the City. The City's collection of over 250 permanent art works includes a

number of murals, which are maintained by the City.

For more information about the City Art program, refer to the website www.cityartsydney.com

There are also many murals and many works of street art within the LGA which are not owned or maintained by the City. The artistic and social value of murals and works of street art are recognised as engaging forms of artistic expression that can contribute to the unique character of a place. Murals and street art are visible and accessible art forms, and the City supports lawfully created works in appropriate locations.

Murals and street art are Exempt Development under the Sydney LEP in certain circumstances. All murals and street art located on a heritage item or within a heritage conservation area or a special character area are not Exempt Development and require development consent. For guidelines for commissioning or creating street art, refer to the City of Sydney website.

Murals and street art applied without relevant consent are considered to be unlawful graffiti. If a property owner confirms that owners consent has not been given to unlawful graffiti on their property, arrangements will be made for its removal.

Where new street art is identified, the location is cross referenced with the City's street art register. If the location is not on the register the Director City Services and CEO are notified. The CEO, in consultation with the Lord Mayor, will make a determination regarding removal if required, and the item is either added to the street art register or removed as unlawful graffiti. A copy of the approval to remove process is included an appendix to this Policy.

Graffiti Prevention Programs

The City participates in programs such as the NSW Attorney General's & Justice's Crime Prevention Through Environmental Design program. Through this program, the City has reduced the possibility of graffiti in a number of hotspot areas, either through planting against walls, increased access/visibility and graffiti protective treatments to murals. The City also participates in events that discourage graffiti, such as Graffiti Removal Day.

Hoardings, Abandoned Buildings and Shopfronts

Hoardings are usually used as physical barriers around construction sites while work is in progress. Hoarding permit holders are responsible for the removal of all graffiti from hoardings. The City does not remove graffiti or posters from hoardings (refer to the City's Hoarding and Scaffolding Policy).

Abandoned buildings and shopfronts can attract excessive graffiti requiring constant removal activity, often for extended periods when they are not appropriately maintained. Where abandoned buildings or shopfronts attracting excessive graffiti are identified, the City will contact the property owner requesting agreement to maintain the property and assist in reducing the graffiti incidents. This involves an undertaking from the property owner to fix any broken glass or damage and where necessary provide ongoing maintenance to the property. Once this agreement has been made, the City will remove the graffiti or posters and continue to monitor the property as part of normal graffiti inspections.

Enforcement of Graffiti Laws

Engaging in graffiti, including damaging or defacing property, is an offence under the Graffiti Control Act 2008. While the City is responsible for the removal of graffiti as outlined in this policy, the NSW Police is the agency responsible for enforcement and prosecution in relation to graffiti offences.

Under the Protection of the Environment Operations Act 1997, bill posting is considered illegal because

it is a form of pollution. If caught in the act of placing advertising material in a public place, City Rangers can issue on the spot fines to those persons who are placing the posters. The City has, however, found that prompt removal of bill posters is the most effective deterrent.

Responsibilities

The City Services division is responsible for graffiti removal as well as the implementation and review of associated controls. The City’s Health and Building Unit will investigate compliance matters relating to alleged unauthorised Public or Street Art.

Community members may report to the City any items considered to be graffiti.

Consultation

City of Sydney Cleansing & Waste, City Rangers, City Greening & Leisure, City Design, Legal Services, and Governance Units were contacted for input to this Policy.

This Policy is placed on public exhibition for community comment prior to its adoption.

Attachments

Attachment A – Approval to Remove Process Flowchart

References

Laws and Standards
• Graffiti Control Act 2008
• Local Government Act 1993
• Protection of the Environment Operations Act 1997
• Environmental Planning and Assessment Act 1979
• Sydney Local Environmental Plan 2012
Policies and Procedures
• City of Sydney Public Art Policy
• Hoardings and Scaffolding Policy

Review period

This policy will be reviewed every 4 years.

Approval Status

Council approved this policy on [DD MONTH YEAR].

Approval History

Stage	Date	Comment	TRIM Reference
Original Policy	May 2013	Approved by Council / Endorsed by the Executive	2012/176335-02
Reviewed	May 2018	Fit for purpose. Minor changes to Graffiti definition, placement of election posters and reference to both Public Art and Street Art. Approved by Council.	2018/081783
Commence Review Date	March 2022	Minor wording changes only, inclusion of procedures for City managed parks and open spaces and removal of one poster pillar location in Haymarket. New template format used	2022/346597
Approval Due Date	(Date, month, year of when the next review of the policy is due to be finalised/ approved)		

Ownership and approval

Responsibility	Role
Author	Contracts Manager
Owner	Cleansing & Waste Manager
Endorser	City of Sydney Executive
Approver	City of Sydney Council

Item 5.

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 three reports received by the City from Fire and Rescue NSW. The attachments deal with three properties and includes 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.

One of the reports resulted from the 'Project Remediate' program being undertaken by the NSW Department of Customer Service.

Project Remediate is a voluntary program to replace flammable cladding for residential apartment buildings provided by NSW Government. It offers a 10-year interest-free loan and assistance from experts. The Project provides replacement cladding that is certified, safe, long-lasting and insurable. Project Remediate has no regulatory role in cladding removal and does not serve fire safety orders which is the City's responsibility.

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.

Recommendation

It is resolved that Council:

- (A) note the contents of the Fire Safety Reports 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 D of 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 100 Broadway, Chippendale at this time;
- (D) note the contents of Attachment C and that City officers have exercised their power to issue a Notice of Intention under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 18-20 Allen Street, Pyrmont;
- (E) note the contents of Attachment D and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 1 Dixon Street, Sydney at this time.

Attachments

- Attachment A.** Fire Safety Reports Summary Sheet
- Attachment B.** Inspection Report - 100 Broadway, Chippendale
- Attachment C.** Inspection Report - 18-20 Allen Street, Pyrmont
- Attachment D.** Inspection Report - 1 Dixon 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 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 Planning and Development

Attachment A

Fire Safety Reports Summary Sheet
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Fire Safety Reports Summary Sheet
Cl.17, Schedule 5 of the Environmental Planning and Assessment Act 1979, reports to Council, S105001.002

Total number of properties tabled: 3

Report – April 2023

Summary table

Att. (A-D)	Premises Specifics	Actions/ Recommendation
A	Not applicable – Summary Sheet	Summary of clause 17, Schedule 5 matters tabled at Council meeting.
B	100 Broadway, Chippendale – Abercrombie Hotel	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	18-20 Allen Street, Pyrmont	Premises inspected; owners have been issued with a Notice of Intention to give a Fire Safety Order; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.
D	1 Dixon Street, Sydney – ‘Harbourside Garden Towers’	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.

Attachment B

**Inspection Report
100 Broadway, Chippendale**



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Notes

9/02/2023

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 2924343

Officer: Joe Kalgovas

Date: 6/02/2023

Premises: 100 Broadway, Chippendale

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 31 January 2023 with respect to matters of fire safety.

The premises consists of a three-storey building used as a licenced hotel/pub trading as the Abercrombie Hotel. The building is linked to the Frasers Block 4N development.

Development Application D/2017/853 determined the proposed use of the building as class 6 retail. A Private Certifier has recently issued an Occupation Certificate dated 22 December 2022.

The ground floor comprises a pub lounge, gambling lounges and courtyard. The second floor is used as a kitchen and restaurant with further lounges and the third floor is in use as a lounge bar and terrace.

An inspection of the premises undertaken by a Council Officer in the presence of the Hotel Manager and Chief Operating Officer for Solotel revealed that the premises are deficient in fire safety and egress provisions in the following areas:

- (i) A lack of adequate facilities for firefighting;
- (ii) Safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire
- (iii) Poor fire safety management systems (signs/notices/not displayed etc.) in place

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

Chronology:

Date	Event
31/01/2023	FRNSW correspondence received regarding premises 100 Broadway, Chippendale.
7/02/2023	An inspection of the subject premises was undertaken by Council Officers which identified minor issues. The inspection was carried out in the presence of the Hotel Manager and Solotel Representative. The FRNSW issues and concerns appear to relate to the large capacity and control of the venue.
17/02/2023	A compliance letter of instruction sent for building management to request compliance with the items identified at the Council inspection.

FIRE AND RESCUE NSW REPORT:

References: (BFS23/94, 2023/054310)]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about security/management having no monitoring system to count the exact number of patrons.

Issues: The report from FRNSW detailed a number of issues which are addressed in the following table:

Issue	City response
1. Essential Fire Safety Measures	
1A. Fire Safety Certificate and Fire Safety Schedule could not be located	The Fire Safety Certificate & Schedule were not on display, need to comply.
1B. Sprinkler System	
A. Unclear whether the reference standard (AS 2118.1-1999) on the block plan for the sprinkler system requires a newer standard	Occupation Certificate on the City's files issued by the Private Certifier dated 22 December 2022 identifies the standard of performance as AS 2118.1-1999.
B. Sprinkler alarm valve room door lacked signage	Signage was found to be missing, to be installed.
C. Security gate owned and operated by adjoining property prevents access to the sprinkler alarm valve	Security gate prevents access to the sprinkler alarm valve, to be complied with under the corrective action letter 17 February 2023.
D. Unclear whether Alarm Signalling Equipment is installed in sprinkler control room	Not listed on the final Fire Safety Schedule accompanying the Occupation Certificate on the City's files, need to comply.
E. Sprinkler guards may be required to the storeroom under the stairway of 'Lil Sis'.	Inspection revealed that the sprinkler guards have been installed.
F. Unclear whether the sprinkler system has been tested due to noted frangible elements	No frangible elements identified, request to be made for audit to be undertaken.
1C. Access to Portable Fire Extinguishers was restricted	No restrictions to PFE identified.
1D. Council may require a review of the detector types and spacing	A desktop review identifies that an Occupation Certificate issued by the Private Certifier on the City's files identifies AS 1670.1-2018 as the standard of installation and includes a reference to the Installation Certification by CFSP-F034873A and Red-Hot Fire Protection. Further documentation to be requested to confirm compliance.

Issue	City response
2. Access and Egress	
2A. Fire exit area to be free of obstructions	
A. The stairway leading from the ground floor to the first floor on Broadway include a gate	Gate is a heritage item, request made to ensure it is maintained in the open position.
B. Rope and bollards were installed on the stairway leading from the first floor to the second floor on Broadway	Officers were advised that this was a temporary measure to restrict access as the second floor was not in use.
C. Final exit gates from the beer garden open into a covered area of the adjoining building. The paths toward Abercrombie Street and Broadway include doors within the swinging security gates for pedestrian egress. Both doors do not appear to have latches which comply with Clause D2.21 of the NCC	Doors in gates to paths to streets have a push button system for releasing the gates. This is in compliance with D2.21(a)(ii) of the NCC with the latch operation device located on the gate.
3. Compartmentation	
3A. A. review may be required to confirm that the openings in external walls have been considered as part of the approval.	<p>A desktop review identifies that an Occupation Certificate issued by the Private Certifier on the City's files include two Fire Engineering Reports (FER), one for the building known as Frasers Block 4N (by WSP Rev 5 dated 15/05/2018) the other for Australian Hotel & Terraces (by Red Fire Engineers JN19-00365 vers 3 dated 19/10/2022).</p> <p>Both FERs contain Performance Solutions relied upon by the Certifier which address the protection of openings in external walls between two separate buildings on the same allotment (Australian Hotel & Terraces and Block 4N).</p>
4. Generally	
4A. Investigation outcomes	
A. The Councils discretion is to determine whether DJs are playing live music and whether the use of the premises is a Night Club/Discotheque.	<p>BCA Assessment Report by City Plan Services RE 173308 Issue 2 dated 22 June 2017 was considered in the assessment of the DA which determined the proposed use of the building as Class 6 retail.</p> <p>D/2017/853 suite is approved as a licenced hotel/pub use.</p> <p>Due to the NSW variation to the National Construction Code, not including a nightclub/discotheque or hotel providing live entertainment under the definition of an</p>

Issue	City response
	<p>assembly building classifies the use as a Class 6.</p> <p>Whether the DJ is playing live music does not change the Class 6 classification determined by the DA and the appointed Certifier.</p>
<p>B. Pre-sold tickets were required to enter the ground floor and security managed the population numbers throughout the venue.</p>	<p>While pre-sold tickets are used for some events, management (Security) use a counting system at the entrance to the premises to maintain a total patron capacity within the premises.</p> <p>Management (Security) then use a counting system between floors to maintain the patron capacity between the different areas of the premises when the premises is nearing full capacity.</p>
<p>4B. For further investigation</p>	
<p>A. Council may need to conduct a review of:</p>	
<p>i The building appears to be class 9b</p>	<p>Due to the NSW variation to the NCC not including a nightclub/discotheque or hotel providing live entertainment under the definition of an assembly building classifies the use as Class 6.</p>
<p>ii The building has a rise in storeys of more than two</p>	<p>Yes, the building consists of three storeys.</p>
<p>iii Operators appear to promote live music or arts</p>	<p>Commencing from 26 October 2009 pubs (and other venues) do not require development consent to provide entertainment (including live music or arts).</p>
<p>iv Total floor area seems to be more than 500 square metres</p>	<p>Agree the floor area of the building is greater than 500m² (approximates 1,000m²).</p>
<p>B. Councils discretion to determine whether NSW Table E2.2b of the NCC requires the sprinkler system to comply with Specification E1.5 with fast response sprinkler heads.</p>	<p>Class 6 buildings under NSW Table E2.2b does not call up specification E1.5 and as such are not required to have fast response heads.</p>
<p>C. The Council could consider requiring the operators to display the maximum number of people in a sign for each storey to assist in regulating the number of people.</p>	<p>This was not a condition that was included when the development consent was approved and as such cannot be retrospectively introduced.</p>
<p>D. The Council could consider including a method of monitoring population numbers between each floor as part of management to prevent excessive numbers on the ground floor.</p>	<p>The City has set the capacity for the different parts of the hotel in the development consent. It is the responsibility of the operator to comply with this condition and to have a procedure in place for</p>

Issue	City response
	compliance. The hotel management has a procedure in place to address this.
E. Lighting and speakers obscured the exit signs on the ground floor performance and dance floor area.	Compliant directional exit signage was found to be installed in an appropriate position indicating the direction of the exit.
F. Curtains on the ground floor may be treated to attain a Flammability Index of 6 if the Council reassesses the use as a 9b assembly building.	The BCA Assessment Report by City Plan Services RE 173308 Issue 2 dated 22 June 2017 was considered in the assessment of the DA which determined the proposed use of the building as Class 6 retail not 9b assembly building. D/2017/853 suite is approved for a licenced hotel/pub use.
G. The total floor area of the building appears to be greater than 500m ² requiring a fire hydrant system to be installed.	Yes, Occupation Certificate issued by the Private Certifier on the City's files lists a fire hydrant system installation with a standard of performance to BCA 2014 E1.3 & AS 2419.1-2005 Amdt 1. Documentation will be requested to confirm compliance.

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

FRNSW Recommendations

FRNSW have recommended that Council review the comments, inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

FRNSW have also requested that as soon as practical after the above recommendations have been tabled and considered that notice of any determination in respect of the 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 site inspection undertaken by Council's investigation officers it was determined to issue the owners of the building a corrective action letter to rectify the identified fire safety deficiencies noted by Council and FRNSW.

The corrective action letter dated 17 February 2023 requests that building management:

- Put forward a strategy to tackle the security gate preventing access to the sprinkler alarm valve issue.

- Install compliant signage to fire systems .
- Conduct a survey of the existing fire sprinklers and carry out such rectifications as to cause operational compliance with the nominated standards of performance.
- Fix the identified heritage gate to the open position and sympathetically in accordance with the building's heritage guidelines.
- Provide certification from the installer of the smoke detectors to confirm that the correct minimum spacing between detectors for level and uneven surfaces is compliant.
- Provide documentation that the installed hydrant system complies with BCA 2014 E1.3 & AS2419.1-2005Amdt 1.
- Ensure that proper fire safety maintenance and management practices are in place at all times.
- Ensure an AFSS is prominently displayed at all times.

Follow-up compliance inspections will be undertaken by a Council investigation officer to ensure the 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 give a fire safety order at this time.

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

Referenced/Attached Documents:

2023/054310	FRNSW letter dated 31 January 2023
2023/074599	Corrective Action Letter 17 February 2023

Trim Reference: 2023/074586

CSM reference No#: 2924343

Unclassified



File Ref. No: BFS23/94 (25816)
TRIM Ref. No: D23/5370
Contact: [REDACTED]

30 January 2023

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 ABERCROMBIE HOTEL'
100 BROADWAY, CHIPPENDALE ("the premises")**

FRNSW received a fire safety concern which stated in part that:

Each floor (3) has a capacity but after midnight, everyone is inside and ground floor is the main dance floor. The ground floor had a capacity of 400 but Police have recorded 600+. Security/management have no monitoring system to count the exact number of patrons.

My concern, being a 24hr licence, new owners, large capacity of patrons, and with fire exits covered with curtains or changed locations, something serious may occur if there were an emergency.

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW) inspected 'the premises' on 17 January 2023, the NSW Police Force were also present during the inspection.

On behalf of the Commissioner of FRNSW, comments in this report are provided under 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

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Page 1 of 6

Unclassified

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

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

COMMENTS

Please be advised that the items in this report are limited to observations of the building accessed at the time of the inspection and identify possible nonconformities with the National Construction Code 2019, Volume 1 Building Code of Australia (NCC) and provisions for fire safety. The items are not an exhaustive list of non-compliances. FRNSW acknowledges that the differences observed at the time may contradict development consent approval or relate to the building's age. Therefore, it's the Council's discretion as the appropriate regulatory authority to consider the most appropriate action.

The following items were identified during the inspection:

1. Essential Fire Safety Measures
 - 1A. Fire Safety Certificate (FSC) and Fire Safety Schedule (FSS) – Regulation 85(b) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR2021) require the owner to prominently display a copy of the FSC and a copy of the current FSS in the building. Neither could be located at the time of the inspection.
 - 1B. Sprinkler System – EP1.4 of the NCC requires an automatic fire suppression system to control the development and spread of fire. The following observations may not meet this intent and, as a result, may require the Council's review:
 - A. Block Plan – The block plan for the sprinkler system is beside the sprinkler booster connection adjacent to Broadway Street. The block plan references Australian Standard AS2118.1 – 1999. As no FSC or FSS was displayed, it is unclear whether the newer standard applies to the sprinkler system.
 - B. Signage – The block plan references a “sprinkler alarm valve room” on the eastern elevation of the building. As identified in the block plan, the door to the room on the eastern elevation lacked signage identifying it as a sprinkler room. It is assumed that this is the location for the sprinkler alarm valve room.

- C. Access – A security gate prevented entry to the building's "sprinkler alarm valve room" on the eastern elevation. The security gate is owned and operated by the adjoining property. The licensee did not have permission or the capacity to open or close the security gate to allow entry into the room. The room's contents are unclear, as the security gate prevented access.
 - D. Alarm Signalling Equipment – Clause 3.3.2 of Australian Standard AS2881.1:2017 'Automatic Fire Sprinkler Systems – General Systems' requires transmission of an alarm signal to the fire brigade upon actuation of the sprinkler system. Because the security gate prevented access to the sprinkler control room and a FSC and FSS were not displayed, it is unclear whether an ASE was installed.
 - E. Sprinkler Guards – Clause 6.9 of Australian Standard AS2881.1:2017 'Automatic Fire Sprinkler Systems – General Systems' require sprinklers installed in locations likely to suffer mechanical damage to be fitted with metal guards. Guards are not to interfere with the sprinkler's spray pattern or used with flush, recessed or concealed-type sprinklers. The storeroom under the stairs of 'Lil Sis' may require sprinkler guards.
 - F. Frangible Elements of Sprinklers – Table 2.4.2.3, item No. 3.18 of Australian Standard AS1851-2012 (amendment 1) - "Service of fire protection systems and equipment" requires sprinklers to be free of obstructions likely to affect their function. It is unclear whether the system has been tested and commissioned, as many frangible elements of the sprinkler heads included protective plastic covers.
- 1C. Portable Fire Extinguishers (PFEs) – Table 10.4.1 of Australian Standard AS1851-2012 (amendment 1) - "Service of fire protection systems and equipment" requires PFEs to remain conspicuous, readily accessible and in their assigned location. At the time of the inspection, items were restricting access to many PFEs.
 - 1D. Spacing of Smoke Detectors – Clause 3.27 of AS1670.1 prescribes the minimum spacing between detectors for level and uneven surfaces. The Council may require a review of the detector types and spacings.
- 2. Access and Egress
 - 2A. Fire Exits and Fire Exit Doors – Regulation 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires a fire exit area for a building to be free of items that may obstruct the free passage of persons. Nor should the operation of a fire exit door be interfered with or obstructed without a lawful excuse, which includes the operation of a fire door providing access to a building's fire exit. The Council may require a review as a result of the following observations:

- A. The stairs leading from the ground floor to the first floor from the required exit of Broadway Street included a gate.
 - B. Rope barriers and bollards were installed on the same stairs (in item A above), leading from the first floor to the second floor.
 - C. The final exit gates from the beer garden of “the premises” open into a covered area of the adjoining building. The paths toward Abercombe Street or Broadway Street include doors installed within the swinging security gates for pedestrian egress. Both doors do not appear to have latches that comply with Clause D2.21 of the NCC.
3. Compartmentation
- 3A. Protection of Openings in External Walls – Clause C3.2 & Clause C3.4 of the NCC require the installation of an acceptable protection method for any openings in external walls with an FRL and is less than the prescribed distance. A review may be required to confirm that the openings have been considered as part of the approval.
4. Generally
- 4A. Investigation Outcomes – The following items are provided to Council as part of the investigation on Tuesday, 17 January 2023:
 - A. Advertisement – “The premises” advertised the ground floor as a performance and club space and a public bar to see “*Sydney’s best record labels dial up the party vibes—Sweat It Out, Future Classic, Motorik, and of course—Purple Sneakers.*” The advertising included the other storeys, which stated – “*Casa Rosa, a late-night Italo-disco cocktail lounge, and a rooftop terrace with DJs.*” The Council’s discretion is to determine whether DJs are considered “live music” and whether the use of “the premises” is a Night Club/Discotheque (or the like).
 - B. Population Numbers – The licensee indicated that pre-sold tickets were required to enter the ground floor, and security managed the population numbers throughout the three storeys via the sold tickets.
 - 4B. Items for Further Investigation – Council may require an investigation to confirm the following:
 - A. Assembly Building – Regulation 4 of the Environmental Planning and Assessment Regulation 2021 (EP&A Reg 2021) varies the Building Code of Australia to permit the use of a building to be a Class 6 building instead of a Class 9b assembly building. Provided the building meets specific requirements, it may remain a Class 6 building or part of a Class 6 building where people assemble for entertainment if approved as a “small live music or arts venue.” The

Council may need to conduct a review as a result of the following observations:

- i. The whole or part of the building appears to be a Class 9b building.
 - ii. The building has a 'rise in storeys' of more than two storeys.
 - iii. The operators appear to promote live music or arts, and
 - iv. The total floor area seems to be more than 300 square metres.
- B. Night Clubs/Discotheques (or the like) – For a building or part of a building other than an auditorium containing a floor area not more than 2000m². It is the Council's discretion to determine whether NSW Table E2.2b of the NCC requires the sprinkler system to comply with Specification E1.5 with fast response sprinkler heads.
- C. Maximum Capacity Signage – Regulation 73 of the EP&A Reg 2021 requires a sign displaying the maximum number of persons in a prominent position in the building. Provided the development consent (which includes an existing development consent) specifies a maximum number. At the time of the inspection, a sign at the front entry door on Broadway Street stated the maximum number of persons as 700. The Council could consider requiring the operators display the maximum number of people in a sign for each storey to assist in regulating the number of people.
- D. Evacuation Plan – Owners and managers of hospitality facilities should provide oversight to fire safety training for the staff and ensure that adequate plans and procedures are ready to be executed in the event of a fire or emergency. A fire prevention plan should be developed under the Australian Standard, AS 3745 - 2010 Planning for Emergencies in Facilities, which outlines the minimum requirements for developing the emergency plan. The Council could consider including a method of monitoring population numbers between each floor as part of an approved "plan of management" for "the premises" to prevent excessive numbers on the ground floor.
- E. Exit Signs – Performance Requirement EP4.2 of the NCC requires suitable signs to identify the location of exits. At first sight, lighting and speakers obscured the exit signs on the ground floor performance and dance floor area. The Council may require a review of the exit strategy.
- F. Curtains – The curtains on the ground floor may be treated to attain a Flammability Index of 6 if the Council reassesses the use of "the premises" as a Class 9b assembly building to prevent accidental or malicious lighting of the curtains.

- G. Floor Area – Clause E1.3 of the NCC requires buildings with a total floor area greater than 500m² be installed with a fire hydrant system per Australian Standard AS2419.1. The total floor area of the building appears to be greater than 500m².

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review the comments in the sub-heading of items 1 to 4 of this report and conduct an inspection.
- b. Address any other deficiencies identified on “the premises”.

Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call on [REDACTED] if there are any questions or concerns about the above matters. Please ensure that you refer to file reference BFS23/94 (25816) regarding any correspondence concerning this matter.

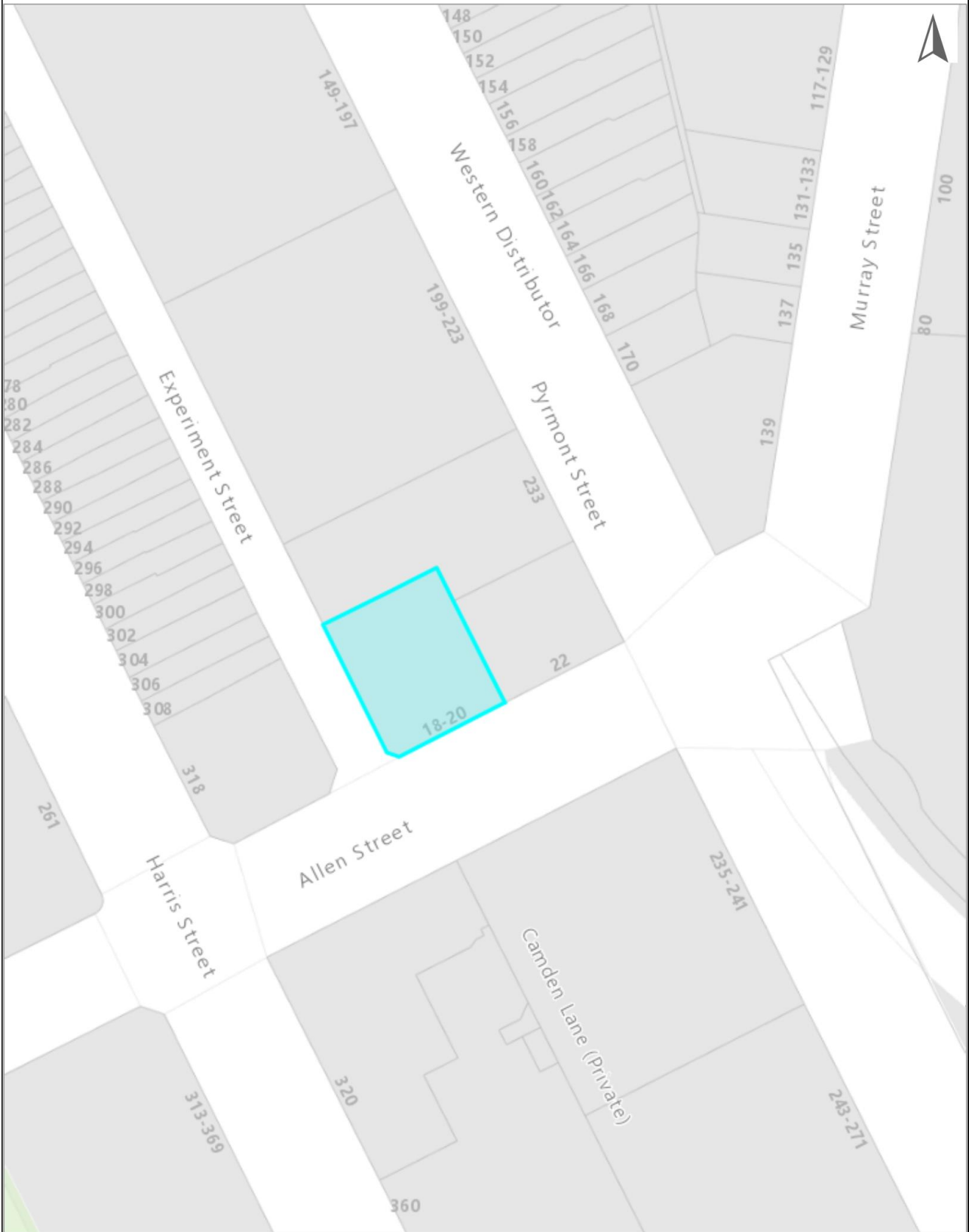
Yours faithfully

[REDACTED]

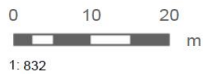
[REDACTED]
Fire Safety Compliance Unit

Attachment C

**Inspection Report
18–20 Allen Street, Pymont**



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Notes

7/12/2022

**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: 2876594

Officer: Arfan Chaudhary

Date: 15 December 2022

Premises: 18 – 20 Allen Street, Pyrmont NSW 2009

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 31 October 2022 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. This is a voluntary program which helps building owners remove and replace combustible cladding on residential apartment buildings throughout NSW.

The premises has a primary street frontage to Allen Street and a secondary frontage to Experiment Street. It is located on the corner of Allen Street and Experiment Street. It consists of a nine (9) storey mixed-use building with three levels of basement car parking, ground floor commercial tenancies and residential units above.

The subject premises is fitted with external combustible cladding. The City's cladding compliance team have issued a fire safety notice requiring cladding removal and replacement. Appropriate precautionary interim fire safety measures are currently in place to assist in safeguarding occupants whilst cladding removal and replacement works are scheduled. The interim measures include raising site cladding risk awareness with all building occupants; the removal of potential fire hazards/processes from critical potential fire start areas; the introduction of site management procedure plans and temporary rules to carefully manage hot/building maintenance works and the implementation of any expert recommendations.

An inspection of the premises undertaken by a Council Investigation Officer on 15 December 2022 in the presence of a Strata Owners representative revealed that the premises are deficient in construction, egress and fire safety provisions in the following areas:

- I. poor fire safety management systems in place (signs/notices not displayed etc.)
- II. defective egress provisions (a single exit available from the basement carpark).

On 23 January 2023, Council Investigation Officers issued a Corrective Action Letter regarding the minor fire safety deficiencies. Items not immediately addressed within the timeframe set out in the Corrective Action Letter were included in a Notice of Intention (NOI) for a Fire Safety Order issued on 24 February 2023 under Schedule 5 of the Environmental Planning and Assessment Act, 1979 for major fire safety deficiencies and measures within the BCA Logic Alternative Solution Report 99029-3/sb dated 14 March 2000 issued on 24 February 2023.A.

Chronology:

Date	Event
31/10/2022	FRNSW correspondence received regarding premises 18 – 20 Allen Street, Camperdown. The correspondence was initiated by the Project Remediate program and a FRNSW inspection on 16 July 2022.
14/11/2022	A review of City records showed that the fire safety schedule for the premises contains twenty (20) fire safety measures, including an automatic fire detection and alarm system, fire hydrant system, smoke alarms and heat detectors, automatic fire suppression system (carpark) and other fire safety measures typical for a building of this classification. All of which are due for recertification on 16 March 2023.
15/12/2022	<p>An inspection of the subject premises was undertaken by a Council officer with the building manager present on 15 December 2022, when the following items were noted:</p> <ol style="list-style-type: none"> 1. All fire door sets have been tagged in accordance with AS/NZS 1905.1 – 2005; 2. The hydrant booster assembly was located within the Street level adjacent to the sprinkler pump room of the building but no signage or a block plan and, boost pressure and test pressure signage displayed at the booster assembly; 3. The doors of booster assembly was fitted with a device of securing the door in not less than a 90° open position; 4. No signage displayed on the pumproom doors to identify its entrance can be readily located by the attending brigade; 5. All doors providing access to the hydrant pump room were not fitted with a 003-lock; 6. At the time of the inspection there were no system faults or other issues observed and the system appeared normal operation except Storz couplings, compatible with FRNSW firefighting hose connections were not provided to the boost assembly and fire hydrant valves contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS2419.1–2005, Clauses 1.2 and 3.4 of AS2419.2–2009, Clause 3.5 of AS2419.3-2012, 'and 'FRNSW Fire safety guideline; 7. The service tags of Fire Hose Reels (FHR's) indicating the FHR's have not received any routine servicing since December 2021; 8. Multiple exit signs throughout 'the premises' were not illuminated and had not been maintained; 9. A sign showing maximum allowable inlet pressure at the connection and block plan was not provided at the booster assembly; 10. A copy of the current AFSS was not prominently displayed within the building; 11. A single exit is available from the basement carpark levels (B1 and B2), contrary to the requirements of Clause D1.2c of the BCA.

	<p>12. At the time of inspection, the building Automatic Fire Detection and Alarm System were not displaying any system faults or other issues observed and the system appeared normal operation;</p> <p>13. Zone Block Plan depicting all the relevant information of the installation, was not securely mounted adjacent to the Fire Indicator Panel (FIP);</p> <p>14. The fire safety statement was not prominently displayed at the premises.</p> <p>15. The basement carpark levels did not have a clear line marking area provided on the outside radius of the ramp.</p> <p>16. The stair treads of the existing roof exit stairs lacked a slip resistant finish.</p> <p>17. The roof exit door swung against the direction of egress.</p> <p>18. Penetrations in fire resistive building elements for electrical wiring and other services within the building are not properly protected.</p> <p>19. The mechanical air handling system serving the car park is not maintained so as to prevent the spread of fire and smoke throughout the building</p> <p>20. Other fire safety measures in the building appeared adequately maintained.</p> <p>Issues specifically raised by FRNSW and responses to those issues, are summarised in the following table.</p>
23/01/2023	A Corrective Action Letter was issued.
24/02/2023	A Notice of Intention (NOI) for a Fire Safety Order was issued.

FIRE AND RESCUE NSW REPORT:

References: BFS22/2076 (21128); 2022/562839

Fire and Rescue NSW conducted an inspection of the subject premises after becoming aware of cladding through the Government's Project Remediate.

Issues The report from FRNSW detailed several issues, in particular noting concerns with:

Ref	Issue	City response
1A	<p>Automatic Fire Detection and Alarm System:</p> <p>A. Zone Block Plan - A permanent, water and fade resistant zone block plan of the fire detection and alarm system, depicting all the relevant information of the installation, was not securely mounted adjacent to the Fire Indicator Panel (FIP), contrary to the requirements of Clause 3.10 of AS1670.1-2004.</p>	Covered by the corrective action letter issued.
A.	The booster assembly:	Covered by the corrective action letter issued.

Ref	Issue	City response
	<ul style="list-style-type: none"> i. The booster assembly which is affixed to the external wall of the building is not separated from the building by construction with a fire resistance rating of not less than FRL 90/90/90, for a distance of not less than 2m each side of and 3m above the upper hose connections in the booster assembly, contrary to the requirements of Clause 7.3 of AS2419.1-2005. In this regard, it appears that the stair pressurisation fan for the basement fire stair is located directly above the booster assembly within the enclosure. ii. A water and fade resistant block plan of the fire hydrant system had not been provided at the booster assembly, contrary to the requirements of Clause 7.11 of AS2419.1-2005. iii. Boost pressure and test pressure signage was not provided at the booster assembly, contrary to the requirements of Clause 7.10.1 of AS2419.1-2005. iv. The doors to the booster enclosure were not fitted with a device capable of securing the door in not less than a 90° open position, contrary to the requirements of Clause 7.9.2 of AS2419.1-2005. v. One of the feed (outlet) connections and one of the boost (inlet) connections lacked adequate clearances directly in front of the connections to permit firefighters to effectively utilise the booster assembly. In this regard, the connections are either positioned behind or orientated towards the door frame, therefore creating an obstruction to firefighters when connecting hoses, contrary to the requirements of Clause 7.3 of AS2419.1-2005. 	
B.	<p>The pumphoom:</p> <ul style="list-style-type: none"> i. All doors leading to the pumphoom were not identified by appropriate signs or other visual aids, so the pumphoom and its entrance can be readily located by the attending fire brigade, contrary to the requirements of Clause 6.4.1 of AS2419.1-2005. ii. All doors providing access to the hydrant pump room were not fitted with a 003-lock compatible with FRNSW access key and access could not be gained at the time of the inspection. 	Covered by the corrective action letter issued.

Ref	Issue	City response
C.	<p>Storz couplings, compatible with FRNSW firefighting hose connections were not provided to the connections at the booster assembly and all fire hydrant valves throughout the premises, contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS2419.1–2005, Clauses 1.2 and 3.4 of AS2419.2–2009, Clause 3.5 of AS2419.3-2012, ‘and ‘FRNSW Fire safety guideline, Technical information – FRNSW compatible Storz hose connections – Document no. D15/45534 – Version 09 – Issued 10 January 2019’.</p>	<p>Covered by the corrective action letter issued.</p>
D.	<p>Maintenance - The hydrant valves and connections at the booster assembly, contained service labels/tags, which indicated the hydrants have not received any routine servicing since December 2021, contrary to the requirements of Section 4 of AS 1851-2012 and Clause 81 of the EPAR 2021.</p>	<p>Covered by the corrective action letter issued.</p>
1C	<p>Automatic Fire Suppression System - The sprinkler system appears to have been installed to AS2118.1-1995. Notwithstanding this, the following deviations from AS2118.1-2017 have been identified:</p> <p>A. The sprinkler booster assembly:</p> <ul style="list-style-type: none"> i. A sign marked with the maximum allowable inlet pressure at the connection was not provided at the booster assembly, contrary to the requirements of Clause 4.14.2 of AS 2118.1–2017. ii. A plan of risk (block plan) of the sprinkler system was not provided at the booster assembly, contrary to the requirements of Clause 8.3 of AS 2118.1-2017. iii. The access panel/hatch to the sprinkler booster assembly was not fitted with a 003-lock compatible with FRNSW access key, therefore the sprinkler booster is not readily accessible to fire-fighters. <p>B. The sprinkler valves:</p> <ul style="list-style-type: none"> i. The door to the sprinkler control valve room (adjacent to the main building entry) was not fitted with a 003-lock compatible with FRNSW access key and therefore the sprinkler valves are not readily accessible to fire-fighters, contrary to the requirements of Clause 8.1 of AS2118.1-2017. 	<p>Covered by the corrective action letter issued.</p>

Ref	Issue	City response
1D.	<p>Fire Hose Reels (FHR's):</p> <p>A. Maintenance - The FHR's throughout 'the premises' contained service labels/tags indicating the FHR's have not received any routine servicing since December 2021, contrary to the requirements of Section 9 of AS 1851-2012 and Clause 81 of the EPAR 2021.</p>	Covered by the corrective action letter issued.
1E.	<p>Exit signs:</p> <p>A. Multiple exit signs throughout 'the premises' were not illuminated and had not been maintained, contrary to the requirements of Clause 81 of the EPAR 2021.</p>	Covered by the corrective action letter issued.
1F.	<p>Annual Fire Safety Statement (AFSS):</p> <p>A. A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 89 of the EPAR 2021. In this regard, the AFSS on the display was dated 16 December 2016 and is no longer valid.</p>	Covered by the corrective action letter issued.
2.	<p>2A. Access and Egress:</p> <p>A. Number of exits – a single exit is available from the basement carpark levels (B1 and B2), contrary to the requirements of Clause D1.2 of the National Construction Code Volume One Building Code of Australia (NCC). In this regard, the occupants of a storey or part of a storey must have access to at least 2 exits in accordance with D1.2(c) of the NCC.</p>	<p>The number of exits in the carpark have been considered as part of a fire engineered solution:</p> <p>BCA Logic Alternative Solution Report 99029-3/sb dated 14 March 2000</p> <p>Two (2) "required exits", are currently provided to serve the basement levels, and as such the relevant provisions of D1.2 of BCA96 are satisfied.</p> <p>No further action required.</p>

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

FRNSW Recommendations

FRNSW have made (10) recommendations within their report. In general, FRNSW have requested that Council:

- a. Inspect and address the essential fire safety matters outlined in item no. 1 of this report.
- b. Give consideration to the additional comments such as access and egress identified on 'the premises' as outlined 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 ***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's investigation officers it was determined to issue the owners of the building a compliance letter of instruction to rectify the identified minor fire safety deficiencies noted by Council and FRNSW. This correspondence requested the engagement of an accredited fire practitioner to carry out remedial works to existing fire systems to cause compliance with required standards of performance.

Follow-up compliance inspections will be undertaken by a Council investigation officer to ensure these fire safety matters are suitably addressed.

Some of the deficiencies, including sealing of penetrations, works to mechanical ventilation, signage and markings, stair treads, and hold open device for final exit door (along with some maintenance and certification) identified by Council Investigation Officers have been addressed by the issuing of a notice of intention (NOI) for a Fire Safety Order issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979.

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

Referenced/Attached Documents:

2022/655929-01	Fire & Rescue NSW letter dated 31 October 2022
2023/042763	Corrective action letter dated 23 January 2023
2023/018614	Notice of intention to give an Order dated 23 February 2023
2023/089615	Alternative Solution Report: 99029-3/sb dated 14 March 2000

Trim Reference: 2022/655929

CSM reference No#: 2876594

Unclassified



File Ref. No: BFS22/2076 (21128)
TRIM Ref. No: D22/94063
Contact: [REDACTED]

31 October 2022

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
18-20 ALLEN STREET, PYRMONT ("the premises")**

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, an inspection of 'the premises' on 26 July 2022 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	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 5

Unclassified

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 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

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

1. Essential Fire Safety Measures
 - 1A. Automatic Fire Detection and Alarm System:
 - A. Zone Block Plan - A permanent, water and fade resistant zone block plan of the fire detection and alarm system, depicting all the relevant information of the installation, was not securely mounted adjacent to the Fire Indicator Panel (FIP), contrary to the requirements of Clause 3.10 of AS1670.1-2004.
 - 1B. Fire Hydrant System - The fire hydrant system appears to have been installed to AS2419-1994. Notwithstanding this, the following deviations from AS2419.1-2005 have been identified:
 - A. The booster assembly:
 - i. The booster assembly which is affixed to the external wall of the building is not separated from the building by construction with a fire resistance rating of not less than FRL 90/90/90, for a distance of not less than 2m each side of and 3m above the upper hose connections in the booster assembly, contrary to the requirements of Clause 7.3 of AS2419.1-2005. In this regard, it appears that the stair pressurisation fan for the basement fire stair is located directly above the booster assembly within the enclosure.
 - ii. A water and fade resistant block plan of the fire hydrant system had not been provided at the booster assembly, contrary to the requirements of Clause 7.11 of AS2419.1-2005.
 - iii. Boost pressure and test pressure signage was not provided at the booster assembly, contrary to the requirements of Clause 7.10.1 of AS2419.1-2005.
 - iv. The doors to the booster enclosure were not fitted with a device capable of securing the door in not less than a 90° open position, contrary to the requirements of Clause 7.9.2 of AS2419.1-2005.

- v. One of the feed (outlet) connections and one of the boost (inlet) connections lacked adequate clearances directly in front of the connections to permit firefighters to effectively utilise the booster assembly. In this regard, the connections are either positioned behind or orientated towards the door frame, therefore creating an obstruction to firefighters when connecting hoses, contrary to the requirements of Clause 7.3 of AS2419.1-2005.
- B. The pumproom:
- i. All doors leading to the pumproom were not identified by appropriate signs or other visual aids, so the pumproom and its entrance can be readily located by the attending fire brigade, contrary to the requirements of Clause 6.4.1 of AS2419.1-2005.
 - ii. All doors providing access to the hydrant pump room were not fitted with a 003-lock compatible with FRNSW access key and access could not be gained at the time of the inspection.
- C. Storz couplings, compatible with FRNSW firefighting hose connections were not provided to the connections at the booster assembly and all fire hydrant valves throughout the premises, contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS2419.1-2005, Clauses 1.2 and 3.4 of AS2419.2-2009, Clause 3.5 of AS2419.3-2012, 'and 'FRNSW Fire safety guideline, Technical information – FRNSW compatible Storz hose connections – Document no. D15/45534 – Version 09 – Issued 10 January 2019'.
- D. Maintenance - The hydrant valves and connections at the booster assembly, contained service labels/tags, which indicated the hydrants have not received any routine servicing since December 2021, contrary to the requirements of Section 4 of AS 1851-2012 and Clause 81 of the EPAR 2021.
- 1C. Automatic Fire Suppression System - The sprinkler system appears to have been installed to AS2118.1-1995. Notwithstanding this, the following deviations from AS2118.1-2017 have been identified:
- A. The sprinkler booster assembly:
- i. A sign marked with the maximum allowable inlet pressure at the connection was not provided at the booster assembly, contrary to the requirements of Clause 4.14.2 of AS 2118.1-2017.
 - ii. A plan of risk (block plan) of the sprinkler system was not provided at the booster assembly, contrary to the requirements of Clause 8.3 of AS 2118.1-2017.

- iii. The access panel/hatch to the sprinkler booster assembly was not fitted with a 003-lock compatible with FRNSW access key, therefore the sprinkler booster is not readily accessible to fire-fighters.
- B. The sprinkler valves:
 - i. The door to the sprinkler control valve room (adjacent to the main building entry) was not fitted with a 003-lock compatible with FRNSW access key and therefore the sprinkler valves are not readily accessible to fire-fighters, contrary to the requirements of Clause 8.1 of AS2118.1-2017.
- 1D. Fire Hose Reels (FHR's):
 - A. Maintenance - The FHR's throughout 'the premises' contained service labels/tags indicating the FHR's have not received any routine servicing since December 2021, contrary to the requirements of Section 9 of AS 1851-2012 and Clause 81 of the EPAR 2021.
- 1E. Exit signs:
 - A. Multiple exit signs throughout 'the premises' were not illuminated and had not maintained, contrary to the requirements of Clause 81 of the EPAR 2021.
- 1F. Annual Fire Safety Statement (AFSS):
 - A. A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 89 of the EPAR 2021. In this regard, the AFSS on the display was dated 16 December 2016 and is no longer valid.

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

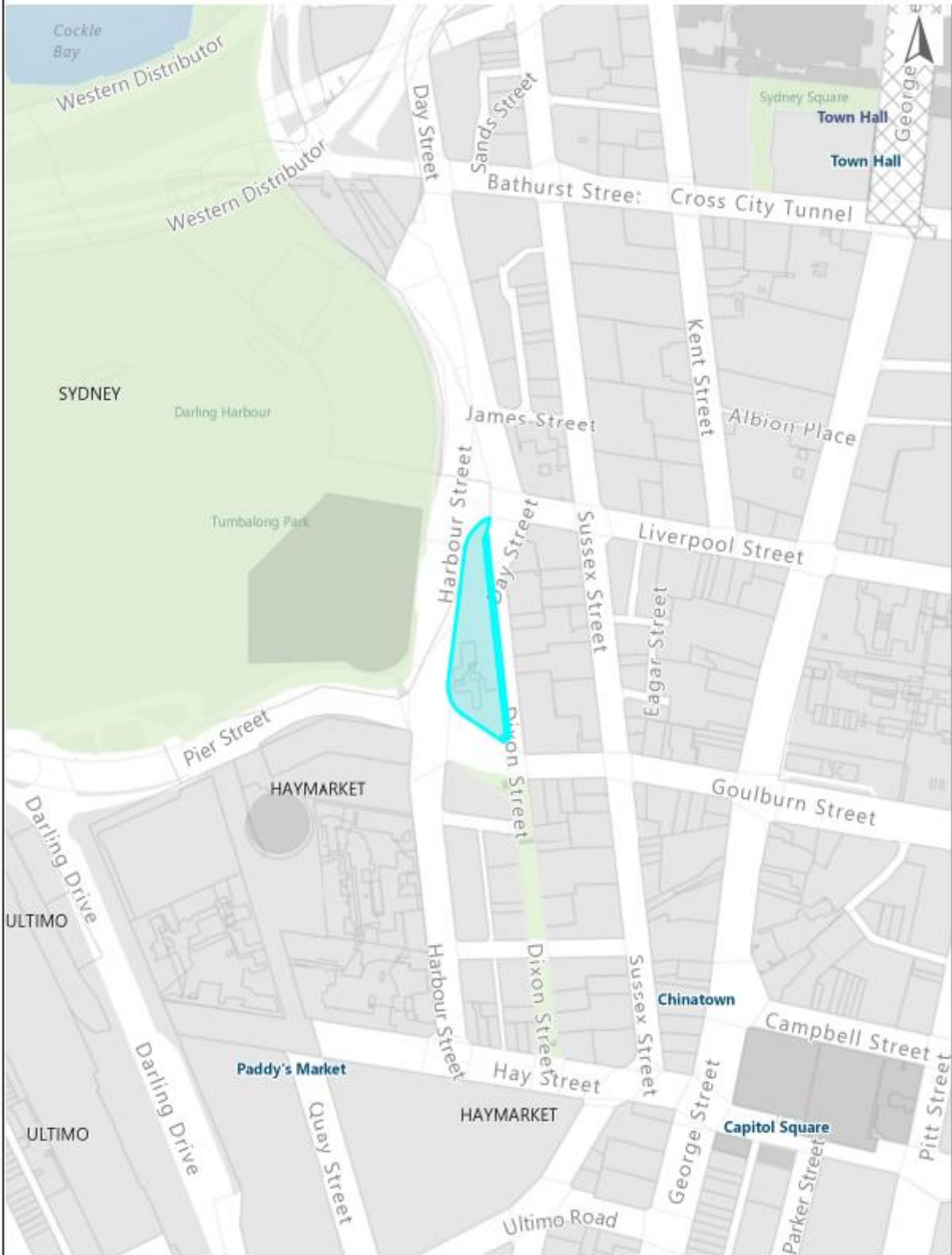
In addition to the items identified above, relating to the Fire Safety Provisions prescribed by Clause 112 of the EPAR 2021, the following items were also identified as concerns at the time of the inspection and it would be at council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

- 2. Generally:
 - 2A. Access and Egress:
 - A. Number of exits – a single exit is available from the basement carpark levels (B1 and B2), contrary to the requirements of Clause D1.2 of

Attachment D

**Inspection Report
1 Dixon Street, Sydney**

1 Dixon Street, Sydney "Harbourside Garden Towers"



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Notes

10/01/2023

**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 2877489

Officer: Ashley Host

Date: 8 February 2023

Premises: 1 Dixon Street, Sydney AKA 28-30 Harbour Street (“Harbourside Garden Towers”)

Executive Summary:

Council received correspondence dated 2 November 2022 from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety.

The site contains a single high rise mixed use commercial and residential building containing apartments, serviced apartments, retail, and parking. The building is nineteen storeys in height with five levels of basement parking, four levels of retail and fifteen levels of private and serviced apartments. The retail portions are located on levels 1, 2, 3, and 5 of the building.

An inspection of the premises undertaken by a Council Officer revealed that there were no significant fire safety issues occurring within the building.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Observation of the external features of the building did not identify the existence of potential combustible composite cladding on the façade of the building.

Chronology:

Date	Event
02/11/2022	FRNSW correspondence received regarding premises Harbourside Garden Towers 28-38 Harbour Street Sydney (AKA 1 Dixon Street, Sydney)
21/12/2022	An inspection of the subject premises was undertaken by a Council Officer which revealed no significant issues within the premises It was noted that the issues raised by FRNSW in their correspondence were rectified at the time of inspection

FIRE AND RESCUE NSW REPORT:

References: [BFS22/2828 (21855), D22/93157; Trim Ref: 2022/569919]

Fire and Rescue NSW (FRNSW) received correspondence on 2 November 2022 concerning the adequacy of the provision for fire safety in connection with the premises following their response to an automatic fire alarm at the premises

Issues

The report from FRNSW detailed numerous issues, in particular noting:

Issue	City response
FRNSW could not determine the validity of the AFSS displayed at the premises	<p>A concern was raised with the City in November 2022 that the signature of an Accredited Fire Safety Practitioner was used to sign off several measures in the building that were neither inspected nor tested for the purposes of the AFSS.</p> <p>The matter was subsequently referred to NSW police by the Owners and new building management appointed.</p> <p>New building management applied to the City for an extension of time ('request to stay penalty') until November 2023 to resolve outstanding issues and submit a compliant AFSS for the premises, which has been granted.</p> <p>The City will follow-up with the owners after this time to ensure a fully complaint and certified AFSS is provided.</p>
The fire hydrant system electrical pumpset located on the rooftop was not operational	Councils inspection revealed the hydrant system pumpset to be operational. The owners fire service contractor has attended to the premises to undertake repairs and monthly testing is being carried out on site by the fire contractor as per AS1851. Test reports have been provided to confirm the above.
The fire hydrant system secondary diesel pumpset was not operational	Councils inspection revealed the hydrant system pumpset to be operational. The owners fire service contractor has attended to the premises to undertake repairs and monthly testing is being carried out on site by the fire contractor as per AS1851. Test reports have been provided to confirm the above.
The Fire Detection and Control Indicating Equipment displayed eleven (11) faults at the time of inspection	The faults to the panel have been investigated and cleared and no isolations noted. The panel batteries have also been replaced and monthly testing is being carried out on site by the fire contractor as per AS1851.
The emergency warning and intercommunication system was not operational as the keyed switch on the panel was in the isolated position preventing automatic operation. The LED of multiple zones displayed 6 alert lights, 4 evacuate lights, 6 PA speech lights and 3 WIP lights	The faults to the panel have been investigated and cleared. The panel batteries have also been replaced and monthly testing is being carried out on site by the fire contractor as per AS1851.
The corridor at the rear of the residential lobby, connecting the Harbourside Garden Apartments and the Harbour Street commercial parts, did not appear to be fire rated	The building has several Fire Engineering reports addressing the lack of fire separation or fire separation that is not fully compliant to deemed to satisfy provisions of the BCA, that were adopted into the Fire Safety Schedule when the building was under a Fire Order (ref FIRE/2013/73) and were approved by Council at the time.

Issue	City response
The magnetic latch on the two double door sets providing separation between the carpark and escalator lobby were broken and were held open with aluminium chocks	<p>The magnetic hold open devices were still broken at the time of inspection. Chocks have been removed from the doors and they remain in the closed position.</p> <p>Owners are arranging for repairs of the doors and have been instructed to keep the doors closed until such time as the magnetic devices are repaired.</p>

FRNSW Recommendations

FRNSW have made two 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.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order (NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)

Inspections undertaken by a Council investigation officer in company with the manager of the premises revealed that most of above recommendations of FRNSW have been complied with except for the provision of a current compliant Annual Fire Safety Statement.

Follow-up compliance action will be undertaken by a Council investigation officer following the extension granted by the city to ensure the submission of an Annual Fire Safety Statement.

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

Referenced/Attached Documents:

2022/569919	FRNSW S9.32 report dated 2 November 2022
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Trim Reference: 2023/013482

CSM reference No#: 2877489

Unclassified



File Ref. No: BFS22/2828 (21855)
TRIM Ref. No: D22/93157
Contact: [REDACTED]

2 November 2022

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
HARBOURSIDE GARDEN TOWERS 28-38 HARBOUR STREET SYDNEY
("the premises")
AKA – 1 Dixon Street Sydney**

Fire and Rescue NSW (FRNSW) received correspondence on 16 June 2022 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *The City of Sydney fire station responded to an automatic fire alarm at the premises.*
- *Crews noticed the diesel sprinkler pump was in alarm. Asked to see the diesel pump and it was found to be isolated. Questioned the security as to why and was told there was problems with the previous building manager, and it was in the process of being resolved through strata.*
- *The EWIS system would not reset, and I was told this is also kept isolated, as it was faulty.*
- *hence this building has no sprinkler protection or a functioning evacuation system.*

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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Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected 'the premises' on 17 June 2022.

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

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

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

EMERGENCY FIRE SAFETY ORDER NO. 1

Authorised Fire Officers' of FRNSW issued an Order No. 1, dated 20 June 2022, under the provisions of Section 9.34 of the EP&A Act. In this regard, Council is not presently required to take action concerning item no. 2C and item no. 2D of this report.

Under Schedule 5, Part 6, Section 12 of the EP&A Act, a copy of the Order is attached for your information.

EMERGENCY ORDER RE-INSPECTION

Pursuant to the provisions of Section 9.32(1)(b) of the EP&A Act and Section 112 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (EPAR2021), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected 'the premises' on 26 July 2022.

NOTICE OF INTENTION TO SERVE AN ORDER

FRNSW issued a Notice of Intention to Serve an Order (1) dated 22 June 2022 under the provisions of Section 9.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

REPRESENTATIONS & INSPECTION

An inspection was conducted on 11 July 2022 under Section 9.32 of the EP&A Act, FRNSW decided to give an Order under Schedule 5, Part 7, Section 15 of the EP&A Act.

FIRE SAFETY ORDER NO. 1

Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. 1, dated 12 July 2022 under the provisions of Section 9.34 of the EP&A Act. A copy of the Order is attached for your information under the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act.

RE-INSPECTION

Pursuant to the provisions of Section 9.32(1)(b) of the EP&A Act and Section 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR2021), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected 'the premises' on 26 July 2022.

INSPECTION OUTCOME

At the time of the inspection, the terms of 'the Order' issued on 'the premises' were compliant. In this regard, Council is not required to take action concerning item no. 2A and item no. 2B of this report. It is the Council's discretion to inspect and address any other deficiencies identified on 'the premises'.

COMMENTS

The following items were identified during the inspection:

1. Certification
 - 1A. FRNSW could not determine the validity of the Annual Fire Safety Statement (Appendix 1) displayed at the premises as the signatures of the Accredited Practitioners appeared to be *cut and pasted or cut and glued* from another document.
2. Essential Fire Safety Measures
 - 2A. Fire Hydrant System
 - A. The primary electric pumpset located on the rooftop was not operational, contrary to the requirements of Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 21). FRNSW observed,
 - i. The ISOLATOR FIRE PUMP was switched to the OFF position.
 - ii. The isolating gate valve between the pumpset and on-site water storage was closed.

- iii. A cardboard sign is attached to the pump control panel, which states, ATTENTION ELEC-HYDRANT IS OFF-LINE + UNDER REPAIRS LEAKY SUCTION PIPE WORK. 11.3.22

2B. Automatic Fire Sprinkler System

- A. The secondary diesel pumpset was not operational, contrary to Section 81 of the EPAR 21. FRNSW observed,
 - i. The DIESEL START key was in the ISOL position, illuminating the DIESEL ISOLATED light-emitting diode.
 - ii. The ALARM MUTED was switched to the ISOL position, illuminating the ALARM MUTED light-emitting diode.
 - iii. A LOW-FUEL light-emitting diode was illuminated.
 - iv. The last maintenance log-book entry, 11 April 2022, did not record any faults.

2C. Smoke Detection and Alarm System (SDAS)

- A. The Fire Detection and Control Indicating Equipment (FDCIE) displayed eleven (11) faults contrary to Section 81 of the EPAR 21.

2D. Building Occupant Warning System

- A. The Emergency Warning and Intercom System was not operational, contrary to Section 81 of the EPAR 21. FRNSW observed that the keyed switch on the panel was in the *isolated* position preventing automatic operation. The LED of multiple zones displayed 6 ALERT lights, 4 evacuate LIGHTS, 6 PA SPEECH lights, and 3 WIP 1&2 lights.

3. Generally

3A. Compartmentation and Separation

- A. The corridor at the rear of the residential lift lobby, connecting the Harbourside Garden Apartments and the Harbour Street Commercial parts, did not appear to be fire-rated. There seems to be inadequate separation to prevent the spread of fire between the parts, contrary to the requirements of Clause C2.8 of the National Construction Code 2019 Volume One, Building Code of Australia (NCC). In this regard, a door within the corridor was fire rated, but the space above the door was open to the ceiling.
- B. The magnetic latch on the two double door sets providing separation between the carpark and B1 escalator lobby were broken and were held open with aluminium chocks

FRNSW believes 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 items 1 and 3 of this report to be addressed appropriately.

Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Please do not hesitate to contact [redacted] of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call on [redacted] if there are any questions or concerns about the above matters. Please ensure that you refer to file reference BFS22/2828 (21855) regarding any correspondence concerning this matter.

Yours faithfully

[redacted]
[redacted]
Fire Safety Compliance Unit

- Attachment: [Appendix 1 – Annual Fire Safety Statement - 1 page]
[Appendix 2 – Emergency Order - Strata Plan No. 61641 – 5 pages]. (Strata Plan No. 77100 and Strata Plan No. 61667 not attached, previously supplied)
Appendix 3 – Fire Safety Order No.1 - Strata Plan No. SP77100 – 5 pages]. Strata Plan No. 61667 and 61641 not attached, previously supplied)

Appendix 1 – Annual Fire Safety Statement

Part 9 of the Environmental Planning and Assessment Regulation 2000

Section 6: Name and contact details of each accredited practitioner (fire safety) (APFS)

Full name	Phone	Email	Accreditation No.*	Signature
Narend Patel	02 95731133	info@nswfire.com.au	F051865A	
Shane Harris	0416258904	shane@afk.com.au	F053146A	
Emor Munisa	0447649575	emor@monsterfireprotection.com	F046354A	
Steve	0414453672	steve@autobld.com.au	F055265A	
	02 78609930	hail@shumfire.com.au	F042411A	
	0480517	jin@thefireconsultants.com.au	F007200A	
Stuart McNaughton	0416671169	Stuart.mcnaughton@obis.com	F053372A	

*Where applicable – see notes on page 4 for further information

Section 7: Name and contact details of the person issuing this statement *

Full name: Ray Ross

Organisation (if applicable): Harbour Gardens BMC Title/Position (if applicable): BMC Manager

Phone: 0432691615 Email: Hgtbmc21@gmail.com

* The person issuing the statement must not be an APFS listed in section 6 or their employer/employee or direct associate.

Section 8: Annual fire safety statement declaration

I, Ray Ross (insert full name) being the: owner owner's agent declare that:

a) each essential fire safety measure specified in this statement has been assessed by an accredited practitioner (fire safety) and was found, when it was assessed, to be capable of performing:

- in the case of an essential fire safety measure applicable by virtue of a fire safety schedule, to a standard no less than that specified in the schedule, or
- in the case of an essential fire safety measure applicable otherwise than by virtue of a fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and

b) the building has been inspected by an accredited practitioner (fire safety) and was found, when it was inspected, to be in a condition that did not disclose any grounds for a prosecution under Division 7 of Part 9 of the Regulation.

Owner/Agent Signature: Date issued: 8/5/21

38 Harbour Street, 28 Harbour Street, 28B Harbour Street & 1 Dixon Street, Sydney NSW
Version 3.1 | Effective from 1 March 2021 | NSW Department of Planning, Industry and Environment | 3

17.06.2022 11:25

Unclassified

Appendix 2 – Emergency Order - Strata Plan No. 61641



Unclassified

File Ref. No: BFS22/2828 (21855)
TRIM Ref. No: D22/49707
Contact: [REDACTED]

20 June 2022

The Owners of Strata Plan No. 61641
C/-BCS STRATA MANAGEMENT
LOCKED BAG 22
HAYMARKET NSW 1238

Dear Owners of Strata Plan No. 61641

**RE: EMERGENCY FIRE SAFETY ORDER
SEASONS DARLING HARBOUR
38 HARBOUR STREET SYDNEY("the premises")**

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 17 June 2022 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW).

At the time of the inspection there were fire safety matters that were identified as a significant concern to FRNSW, as the activity or deficiencies identified which the Authorised Fire Officer believes constitute an emergency or a serious risk to safety. As a result, an Emergency Fire Safety Order (Order No. 1) is issued in accordance with the provisions of Section 9.34 of the EP&A Act (copy attached).

A report of the inspection and a copy of the Order will also be forwarded to the Council of the City of Sydney in accordance with the requirements of Sections 9.32, Section 9.35, Schedule 5, Part 6, Section 12 and Schedule 5, Part 8, Section 17 of the EP&A Act. Further inspections will be conducted by FRNSW to assess compliance with the terms of the Order.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Acting Inspector Paul Scott of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS22/2828 (21855) for any future correspondence in relation to this matter.

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amiarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7843
Firesafety@fire.nsw.gov.au		Page 1 of 5

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Yours faithfully



Fire Safety Compliance Unit



Unclassified



Unclassified

Emergency 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.
Issue an Order in accordance with Section 9.34(1)(b)
Issue the Order as an Emergency Order Pursuant to Schedule 5, Part 8, Section 16

Property:

SEASONS DARLING HARBOUR
38 HARBOUR STREET SYDNEY ("the premises")
(name/address of premises to which Order is served)

Emergency Situation / Serious Risk to Safety:

The observed faults and isolations to the Early Warning and Intercom System (EWIS) and local alarm failed to alert the occupants of a fire at "the premises." The current failure to alert occupants in this high-rise building may endanger human life, because in the event of an emergency the faults and isolations is likely to expose occupants to poor visibility and high levels of toxic gases prior to emergency services arriving at "the premises."

Authorised Fire Officer:

I,



6776
(number)

being an Authorised Fire Officer in accordance with 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 Strata Plan No. SP61641
(name of person whom Order is served)

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

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

1. Repair the Smoke Detection and Alarm System so it is capable of automatically detecting fire and smoke at the premises.

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 7843
Firesafety@fire.nsw.gov.au		Page 3 of 5

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Unclassified

2. Repair the Early Warning and Intercom System so it is capable of automatic operation.

The reasons for the issue of this Order are:

- a. Repairing the eleven faults displayed on the Fire Detection and Control Indicating Equipment ensures an automatic notification of an emergency for the occupants.
- b. The EWIS panel was isolated by a key which prevents occupants from being alerted of an emergency and impacting on their evacuation in a timely manner.
- c. Numerous light-emitting diodes were illuminated on the Early Warning and Intercom System (EWIS) panel indicating the system requires repair as the EWIS is unable to be reset.
- d. Firefighters responded to an automatic fire alarm at the premises resulting from burnt foodstuffs. The Early Warning and Intercom System and local alarm failed to alert occupants of an emergency at the premises.
- e. At the time of the inspection, the building was occupied. Where sleeping accommodation is provided at 'the premises' for long-term and short-term accommodation.
- f. The faults on the Fire Detection and Control Indicating Equipment and the isolation of the Early Warning and Intercom System panel may delay the detection of fire and smoke at the premises and prevent the timely evacuation of the occupants.
- g. The failure of the Smoke Detection and Alarm System and the Early Warning and Intercom System to alert occupants upon detection of fire and smoke may pose a risk to their life and safety.

The terms of the Order are to be complied with:

By no later than **1200 hours** on the **24 June 2022**.

Considerations for Emergency Order:

Pursuant to Schedule 5, Part 8, Section (16) of the EP&A Act, this Order has been given as an Emergency Order as there are circumstances which the authorised fire officer believes constitute an emergency or a serious risk to safety.

Appeals

Pursuant to Section 8.18(2) of the EP&A Act, a person may not appeal against a fire safety order given by an authorised fire officer (other than an order that prevents a person using or entering the premises).

Unclassified

Unclassified

Non-Compliance with the Order

A person that fails to comply with this Order may be guilty of an offence under Section 9.37 of the EP&A Act. A person that fails to comply with this Order by a particular specified time, or within a particular specified period, continues never-the-less to be obliged to comply with the Order and therefore must comply with the Order or they may be guilty of an offence under Section 9.50 of the EP&A Act.

Signed:



Fire Safety Compliance Unit

This Emergency Fire Safety Order No. 1 was sent by mail and e-mail on **21 June 2022**.

Unclassified

Appendix 3 – Fire Safety Order No.1 - Strata Plan No. SP77100

Unclassified



File Ref. No: BFS22/2828 (21855)
TRIM Ref. No: D22/57800

[Redacted]

12 July 2022

The Owners of Strata Plan No. SP77100
C/- Stratawide Management PTY LTD
PO BOX Q89
QUEEN VICTORIA BUILDING 1230

Dear Owners of Strata Plan No. SP77100

**Re: FIRE SAFETY ORDER – ORDER 1
NUMBER ONE DIXON
1 DIXON STREET SYDNEY (“the premises”)**

Following the Notice of Intention to issue a Fire Safety Order, dated 22 June 2022 issued on ‘the premises’, Fire & Rescue NSW (FRNSW) has yet to receive representations in response to the proposed Order. Based on the information available at the time FRNSW has determined to issue the Fire Safety Order.

Given the circumstances of this case and in accordance with the provisions of Schedule 5, Part 7 (Section 14 and Section15) of the *Environmental Planning & Assessment Act 1979 (EP&A Act)*, please find attached a copy of the FRNSW Fire Safety Order (Order No. 1) issued in accordance with the provisions of Section 9.34 of the EP&A Act.

A copy of the Order will be forwarded to City of Sydney Council in accordance with the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act. FRNSW will conduct further inspections to assess compliance with the terms of the Order.

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 BFS22/2828 (21855) for any future correspondence in relation to this matter.

Yours faithfully,

[Redacted Signature]

Fire Safety Compliance Unit

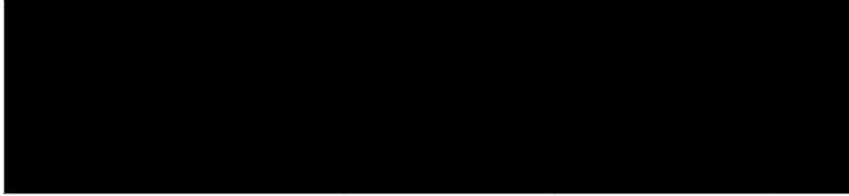
Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7843
Firesafety@fire.nsw.gov.au		Page 1 of 5

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Unclassified



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Unclassified



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.
Give an Order in accordance with Section 9.34(1)(a)

I,

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 you

The Owners of Strata Plan No. 77100
(name of person whom Order is served)

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

with respect to the premise

**NUMBER ONE DIXON
1 DIXON STREET SYDNEY ("the premises")**
(name/address of premises to which Order is served)

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

1. Repair the automatic fire sprinkler system diesel pumpset so it is capable of automatic operation.
2. Repair the fire hydrant system electric pumpset so it is capable of automatic operation.

The reasons for the issue of this Order are:

- a. At the time of inspection, the building was occupied.
- b. The fire sprinkler system diesel pumpset control panel was isolated. The following was observed,

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 7843

Firesafety@fire.nsw.gov.au

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Unclassified

Unclassified

- a. The *DIESEL START* key was in the *ISOL* position, illuminating the *DIESEL ISOLATED* light-emitting diode.
 - b. The *ALARM MUTED* was switched to *ISOL* position, illuminating the *ALARM MUTED* light-emitting diode.
 - c. *LOW FUEL* light-emitting diode was illuminated.
 - d. The last maintenance log-book entry, 11 April 2022, did not record any faults.
- c. The diesel pumpset is the secondary pumpset. Its failure to operate will mean there is no back-up should the primary pump fail.
 - d. Repairs to the diesel pump is likely to prevent the spread of fire between buildings, and safeguard occupants from illness or injury while evacuating during a fire.
 - e. An automatic fire suppression system is designed and installed to the degree necessary to control the development and spread of fire appropriate to the fire hazard. One sprinkler diesel pumpset may not meet the fire hazard.
 - f. The fire hydrant system electric pumpset control panel was isolated. The following was observed.
 - a. The *ISOLATOR FIRE PUMP* was switched to the OFF position.
 - b. The isolating gate valve between the pumpset and on-site water storage was closed.
 - c. A cardboard sign is attached which states, *ATTENTION ELEC-HYDRANT IS OFF-LINE + UNDER REPAIRS LEAKY SUCTION PIPE WORK. 11.3.22*
 - g. The electric pumpset is the primary pumpset for the hydrant system. The delay in operation of the secondary diesel pumpset, may delay fire brigade intervention to undertake search and rescue and combat a fire.
 - h. 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.

The terms of the Order are to be complied with:

By no later than **close of business** on the **5 August 2022**.

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.

Unclassified

Unclassified

Non-Compliance with the Order

Failure to comply with this Order may result in further Orders and/or fines being issued. Substantial penalties may also be imposed under Section 9.37 of the EP&A Act for failure to comply with an Order.



Fire Safety Compliance Unit

This Order No. 6 was sent by mail and e-mail on **13 July 2022**.