

11 September 2023

At the conclusion of the Cultural and Creative Committee

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

Agenda

- 1. Confirmation of Minutes**
- 2. Statement of Ethical Obligations and Disclosures of Interest**
- 3. Public Exhibition - Outdoor Dining Guidelines Amendment**
- 4. Approved Variations to Development Standards Reported to the Department of Planning and Environment**
- 5. Fire Safety Reports**

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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 meeting of the Transport, Heritage, Environment and Planning Committee are submitted for confirmation:

Meeting of 14 August 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.

Public Exhibition - Outdoor Dining Guidelines Amendment

File No: S060627-02.023

Summary

Outdoor dining supports strong local businesses, brings life to our high streets and neighbourhoods and fosters dining and shopping precincts as destinations. Council policies encourage outdoor dining in a way that provides a safe and comfortable experience for all users of footways and public spaces including pedestrians, diners and public space users.

While the vast majority of outdoor dining is on footpaths there are some situations where outdoor dining can be on other public spaces such as pedestrianised lanes or streets, plazas and parks.

Well-managed public spaces and footways promote both equitable access and support local businesses by creating places and streets that are amenable and attractive to all visitors.

This report recommends public exhibition of a change to the outdoor dining guidelines to provide more guidance for outdoor dining on pedestrianised lanes and streets and similar public spaces.

On 20 February 2023, Council resolved to review of the outdoor dining guidelines in relation to applications on or near green spaces to reflect the City's commitments to protect the equitable and accessible use of public parks and green spaces.

This report explains the review and the proposed changes to the Outdoor Dining Guidelines to include additional provisions that ensure access and use of pedestrianised lanes and streets and similar public spaces while continuing to allow opportunities for outdoor dining that supports activity in our neighbourhoods.

The proposed changes address:

- The clear path of travel, pedestrian connections and access to public seating
- Availability of space for the common activities undertaken in the public space
- Servicing of the outdoor dining through the public space
- Community events
- Setbacks from lawns, gardens, walls and similar structures

This report recommends public exhibition of the draft amendment to the Outdoor Dining Guidelines as shown at Attachment A.

Recommendation

It is resolved that:

- (A) Council approve for public exhibition the draft amendment to the Outdoor Dining Guidelines as shown at Attachment A to the subject report;
- (B) Council note that the draft amended Outdoor Dining Guidelines, including any recommended changes, will be reported to Council for consideration following the exhibition period; and
- (C) authority be delegated to the Chief Executive Officer to undertake minor editorial amendments for clarity or correction of drafting errors prior to the exhibition of the draft Outdoor Dining Guidelines.

Attachments

Attachment A. Draft Amendment to the Outdoor Dining Guidelines

Attachment B. 20 February 2023 Council Resolution - Item 13.14 - Equity and Access to Parks and Public Green Spaces

Background

1. On 20 February 2023, Council resolved via a Notice of Motion to review of the outdoor dining guidelines in relation to applications on or near green spaces to reflect the City's commitments to protect the equitable and accessible use of public parks and green spaces. (NOM 13.14 - 20 February 2023 - Equity and Access to Parks and Public Green Space).
2. Council noted the City's various initiatives in relation to supporting outdoor dining in the City, including the Outdoor Dining Policy and Guidelines, and the policies and plans protecting equity of access to parks.
3. Further, Council resolved that 'the Chief Executive Officer be requested to provide advice to the Council about how the City's policies and procedures for outdoor dining can be clarified to include more specific provisions for applications on or near green spaces, which reflect the City's commitments to protect the equitable and accessible use of public parks and green spaces.'
4. This report describes that review and recommends that amendments to the Outdoor Dining Guidelines at Attachment A are publicly exhibited.

Policy context

5. Outdoor dining in public spaces is governed by the [Outdoor Dining Policy](#), which sets out the circumstances and considerations under which the City of Sydney will issue approvals for outdoor dining in public places, including the footway, parts of the road and other similar areas.

Review of relevant sites

6. Six sites were identified in the Local Government Area where a business with outdoor dining operates or has operated in or adjacent to a public park or green space. This is a small portion of outdoor dining operating in the council area, with 764 (including 140 roadway approvals) active on 30 June 2023. The purpose of the review was to identify the key considerations in these types of spaces to ensure that the equitable and accessible use of these spaces is protected while providing opportunities for outdoor dining that activates the public domain.
7. Places on land dedicated as parks were not investigated in detail as they are subject to detailed Plans of Management that address any outdoor dining areas and access considerations appropriate for the park. Larger parks, such as Hyde Park, Sydney Park and Pirrama Park, are typically designed accommodate outdoor dining with cafes or kiosks.
8. The public spaces where there is, or could be, outdoor dining, that are not typical footway conditions, are lanes or streets that are closed to vehicular traffic. In most cases, the amenity of these spaces had been improved by removing the asphalt carriageway and replacing it with trees, garden beds, paving, seating, and sometimes lawn areas, to create green space.

9. Generally, these spaces worked well when the public use is primary and is complemented by other uses. The key considerations in achieving an appropriate balance are:
 - Public access to the majority of the space is maintained.
 - Pedestrian paths of travel from connecting streets are clear and direct. Appropriate clear paths of travel are maintained adjacent to the building line on all private property frontages.
 - Tables and seating are generally located directly in front of the premises.
 - Access to an appropriate amount of public seating during peak periods of activity in the space are maintained.
 - The tables and chairs occupied a logical location and extent within the configuration of the space and are generally kept to one consolidated area.
 - Garden plantings, and lawn, are not encroached upon. Adequate clearances from built elements are provided to ensure seating was comfortable and garden areas or lawn are not affected.
 - The primary pathways and intended public uses of the space are uninterrupted.
10. The Outdoor Dining Guidelines do not specifically address these atypical outdoor dining opportunities. Additional provisions have been drafted to guide the location, extent and arrangement of outdoor dining in these types of locations to ensure that the accessible and equitable use of public space is protected while providing opportunity for appropriate use and activation.

Proposed amendment to the Outdoor Dining Guidelines

11. The Outdoor Dining Policy supports the provision of outdoor dining while protecting the accessible and equitable use of public space.
12. In response to the Resolution of Council and in keeping with the principles underpinning the Outdoor Dining Policy, it is proposed that three provisions are added to the Outdoor Dining Guidelines under Section 4 Outdoor Dining Areas. The new provisions are contained in a new subsection titled 'Other public spaces'.
13. The proposed text is included below and in the amended Outdoor Dining Guidelines at Attachment A.
14. In the Outdoor Dining Guidelines, insert the following text at the end of Section 4 Outdoor Dining Areas:

Other public spaces

When applying for outdoor dining on a public spaces that is not the footway, such as a pedestrianised lane or street or small plaza or park, it is important to ensure the outdoor dining does not interfere with the intended public use and enjoyment of that space.

Provisions

4.7 The location and extent of the outdoor dining area should ensure that:

- A minimum two metre clear path of travel parallel to the building line is provided consistent with section 3 of these Guidelines.
- The seating is only on one side of the clear path of travel.
- Important pedestrian and cycle connections and desire lines through the space are maintained.
- Access to sufficient public seating is maintained during peak times of public activity in the space.
- The outdoor dining does not substantially encroach upon the area used for common community activities in the space.
- The outdoor dining can be conveniently serviced without impacting on the accessibility and public use of the space.
- In spaces that are sometimes used for community events, it may be necessary to limit either the location, extent or time of the outdoor dining to ensure that community events can operate successfully.

4.8 Applicants should ensure that the following additional special clearances are provided:

- 0.3 metres when next to a garden bed, lawn edge or retaining wall.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

15. 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 1 - Responsible governance and stewardship - the proposed amendment promotes transparency around commercial opportunities in public space and decision-making, and seeks to protect the interests of the community.
 - (b) Direction 3 - Public places for all - the proposed amendment works to ensure that the public and private interests over public space are balanced in the best interests of the community.
 - (c) Direction 4 - Design excellence and sustainable development - the proposed amendment seeks to protect the quality and amenity of public space and support the sustainable use of public space.
 - (d) Direction 5 - A city for walking, cycling and public transport - the proposed outdoor dining provisions ensure that footway uses are managed in a way that facilitates movement of people walking and cycling.

- (e) Direction 6 - An equitable and inclusive city - the proposed provisions act to protect equitable access for all in public spaces.
- (f) Direction 7 - Resilient and diverse communities - the proposed provisions act to support activation of public spaces, provide and protect opportunities for community interaction.

Social / Cultural / Community

- 16. The proposed provisions will assist in balancing the amenity of public spaces with the benefits of outdoor dining in activating the City's public spaces.

Economic

- 17. The proposed provisions provide clarity around opportunities for outdoor dining areas that would support local businesses.

Relevant Legislation

- 18. Roads Act 1993.
- 19. Local Government Act 1993.
- 20. Environmental Planning and Assessment Act 1979.

Options

- 21. An alternative option would be that the Outdoor Dining Guidelines remain unchanged, and individual applications for outdoor dining in public spaces in pedestrianised roads and similar public spaces are assessed on an individual, merit basis with reference to the Outdoor Dining Policy's principles, described as actions in the policy.

Public Consultation

- 22. This report seeks approval to exhibit the draft Outdoor Dining Guidelines at Attachment A. Following exhibition, a report will be provided to Council describing the outcomes of consultation and any changes made as a result of submissions.
- 23. The amended Outdoor Dining Guidelines are proposed to go on public exhibition for 28 days.

GRAHAM JAHN AM

Director City Planning, Development and Transport

Amy Bendall, Senior Urban Designer

Attachment A

**Draft Amendment to the Outdoor
Dining Guidelines**

Draft Outdoor Dining Guidelines



Outdoor Dining Guidelines
September 2023

Green Global Connected

Amended text shown in red underline

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01 Introduction

Who can have outdoor dining?

The City of Sydney supports local restaurants, pubs and cafes by allowing outdoor dining.

Eligible businesses are 'food and drink premises' as defined in the local environmental plan, and prepare and sell food, drink or both for immediate consumption. This includes restaurants, cafes, takeaways, pubs and small bars.

Where these guidelines apply

These guidelines apply to all applications for outdoor dining on the footway and similar public spaces in the City of Sydney Local Government Area, except for the following NSW Government controlled areas:

- the Rocks
- Circular Quay
- Barangaroo
- Darling Harbour

For applications in those areas, please contact Property NSW.

How to use these guidelines

These guidelines:

- are to be read along with the City of Sydney's Outdoor Dining Policy
- provide information for the public and for applicants seeking to use the footway for outdoor dining under the Roads Act 1993

for footways or the Local Government Act 1993 for other public spaces

- provide guidance for the City in determining applications for use of the footway and other public spaces for outdoor dining.

There are eight parts to these guidelines:

1. Introduction outlines general information for outdoor dining applications.
2. Outdoor dining approvals has information on the approvals that are needed.
3. Footway access sets out requirements to leave enough room for pedestrians on the footway.
4. The outdoor dining area provides information on suitable locations and sizes of outdoor areas.
5. Outdoor dining furniture has design requirements for furniture and other structures to be used in conjunction with outdoor dining; and on measures to protect the amenity of neighbourhoods.
6. Neighbourhood amenity details the matters that will be considered in deciding if the hours sought for outdoor dining are appropriate for neighbourhoods.
7. Responsibilities for the operator details the City's expectations for operators using public spaces for outdoor dining.
8. Special areas for outdoor dining gives more detailed guidance for nominated precincts.



Key terms

Term	Meaning
Clear path of travel	<p>The area of the footway maintained for safe and equitable pedestrian circulation that is free from obstructions and assists in wayfinding and navigation. Also referred to as the continuous accessible path of travel, which is defined by the Australian Human Rights Commission as:</p> <p><i>An uninterrupted route to and within an area providing access to all features, services and facilities. It should not incorporate any step, stairway, turnstile, revolving door, escalator, hazard or other obstacle or impediment that would prevent it from being safely negotiated by people with disability.</i></p>
Exempt development	<p>Development that does not need development consent under the <i>Environmental Planning and Assessment Act 1979</i>, but which may still need some other approval. At the time of adoption, the <i>State Environmental Planning Policy (Exempt and Complying Codes) 2008</i> makes footway dining exempt development if it is:</p> <ol style="list-style-type: none"> carried out in accordance with an approval granted under section 125 of the <i>Roads Act 1993</i>, including in accordance with any hours of operation to which the approval is subject, and carried out in accordance with any approval granted under section 68 of the <i>Local Government Act 1993</i>. not under an awning, or under an awning that is BCA-compliant.
Outdoor dining	<p>Dining on the public footway, associated with an approved food and drink premises. Also sometimes referred to as footway dining or footway restaurant.</p>
Public footway	<p>That part of a road that is set aside or formed as a path or way for pedestrian traffic, whether or not it may also be used by bicycle traffic.</p>
Food and drink premises	<p>Food and drink premises are premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—</p>

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Term	Meaning
	(a) a restaurant or café, (b) a take away food and drink premises, (c) a pub, (d) a small bar.

02 Outdoor dining approvals

The City of Sydney will encourage and support well managed use of the footway. The City's footways are public land and an approval to use this land for outdoor dining is a requirement.

What approvals are required?

All outdoor dining requires an approval to use public land. At the City of Sydney, this is called a Footway Approval (Outdoor Dining).

Most outdoor dining will not need development consent. It will be 'exempt development' (see Key Terms) and will only need a footway approval from the City.

Outdoor dining that is not exempt development will also need development consent from the City.

If you are not sure which approvals you need, please talk to the City either at one of our Neighbourhood Service Centres, or by calling 9265 9333.

Special precincts for outdoor dining

Some places have additional considerations when applying for outdoor dining. Applications for outdoor dining in a nominated special precinct are to be consistent with the detailed guidance in Section 8 of these guidelines. The following are nominated as special precincts:

- Martin Place – from George Street to Pitt Street (the Cenotaph block)
- George Street
- Llankelly Place, Potts Point.

Change of operator

The legislation requires approvals for outdoor dining to be given to the operator of the business, and not to the business or the property.

This means, that when the operator of a business with approval for outdoor dining changes, the approval is no longer valid.

A new operator will need to get a new approval for outdoor dining.

Compliance with outdoor dining approval

Operators must display the approval notice for an outdoor dining area in a prominent position and make it available to authorised City officers on request. It must clearly show the approved hours of operation and approved outdoor dining area.

Authorised City officers may order the removal of any items on the footway that are not part of the outdoor dining approval, or otherwise permitted under another approval or policy of the City.

Revoking, suspending or amending an outdoor dining approval

Applicants should be aware that the City can revoke, suspend or amend an approval for outdoor dining if (but not limited to):

- the conditions of the approval are breached
- the use of the footway area for outdoor dining is causing public safety or public access to be compromised
- the footway area is needed for public works
- the footway area is needed for a special event
- the footway area is needed to manage an increase in pedestrians.

Where the City needs to revoke, suspend, or amend an approval for outdoor dining the approval holder will be given notice of the City's intention and will be given an opportunity to make representations to the City.

Consultation and notification of outdoor dining applications

Public consultation on some outdoor dining applications can help identify problems that could arise during operation.

Notification requirements apply to new applications and amendments to existing approvals.

Provisions

2.1 Outdoor dining applications will be notified for public consultation:

- in Central Sydney (as shown at Figure 1), where the proposed area is more than 20 square metres
- outside of Central Sydney, where the proposed area is more than 10 square metres; or where proposed operating hours are prior to 7am, or after 10pm
- unless the application meets the criteria in 2.2 below.

2.2 Outdoor dining applications will not be notified where:

- there is an existing Footway Approval
- the application is to allow for change of operator of the Footway Approval, and
- there are no proposed changes to the terms of the Footway Approval, including operating hours and outdoor dining area.

2.3 Notification will be made through a notice on the premises, on the City's website, and via letter or digital service:

- for a period of 10 days; and
- within a 25-metre radius of the proposal.

Application requirements

Submitting correct documents with the outdoor dining application will support efficient assessment.

2.4 The following documents are required:

- a completed application form (available on the City's website)
- a request to the City for owner's consent for the use of Council-owned land
- a description of the proposed outdoor dining, including size and location of the proposed outdoor dining area and hours of operation
- colour images of the site and the surrounding context
- images, or a manufacturer's brochure, showing any furniture, umbrellas, heaters and the like
- a plan of the outdoor dining area (see below)
- an emergency contact number.

Outdoor dining area plan

An outdoor dining plan is to be easily understood and allow City officers to assess the outdoor dining application efficiently and effectively. A sample plan is shown at Figure 2.

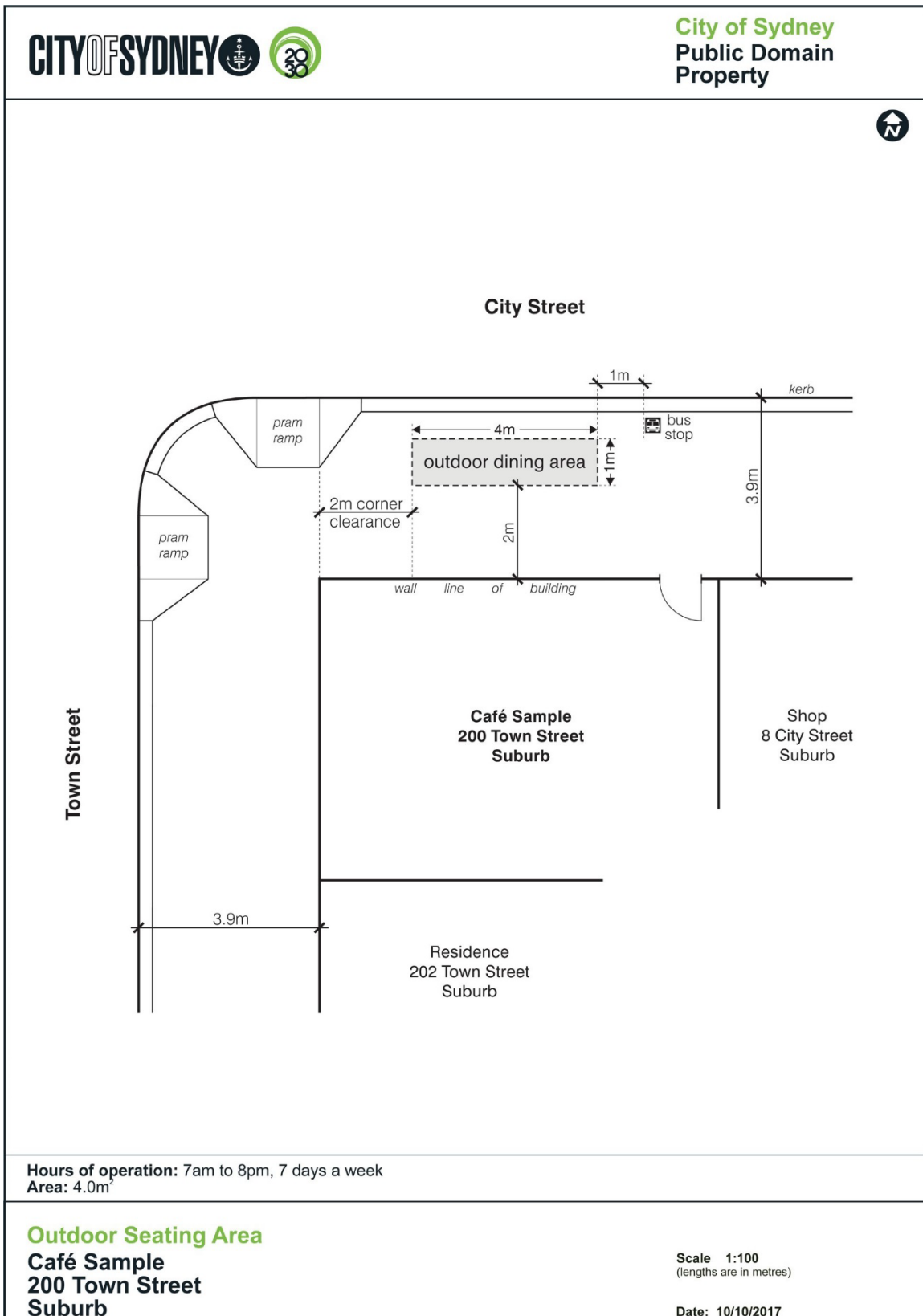
2.5 An outdoor dining area plan should be to scale and with clearly marked dimensions, showing:

- the width of the pavement and the proposed outdoor dining area
- the location of the outdoor dining area on the footway, along with the associated premises, and neighbouring premises
- layout of the outdoor dining area, including its width, and also umbrellas, heaters and the like

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- the location of any high tables where food and drink will be consumed while standing
- clearances around the outdoor dining area from trees, the kerb, street furniture, street signs and the like
- location of all existing street fixtures, including benches, trees, poles, bike parking rings, bins, heritage plaques and inscriptions and the like
- location of transport stops, taxi ranks, parking areas, loading zones, pedestrian crossings and street intersections (if any), and
- the location of all doorways and service openings.

Figure 2 A typical outdoor dining plan



03 Footway access

The primary function of a public footway is to provide access to pedestrians and other users travelling along the street.

In some places, the footway may be too narrow or too busy to support a business use and also provide the clear path of travel required by these guidelines.

In these circumstances, the footway is not suitable for outdoor dining.

Clear path of travel

The City will ensure that the public footway continues to provide safe, dignified and equitable access to pedestrians and other users travelling along the street. To achieve this, the City will ensure a minimum clear path of travel is maintained to a suitable width before any business uses are considered.

Provisions

3.1 A clear path of travel is to be maintained on all public footways before other uses are considered.

3.2 The minimum width of the clear path of travel needs to be:

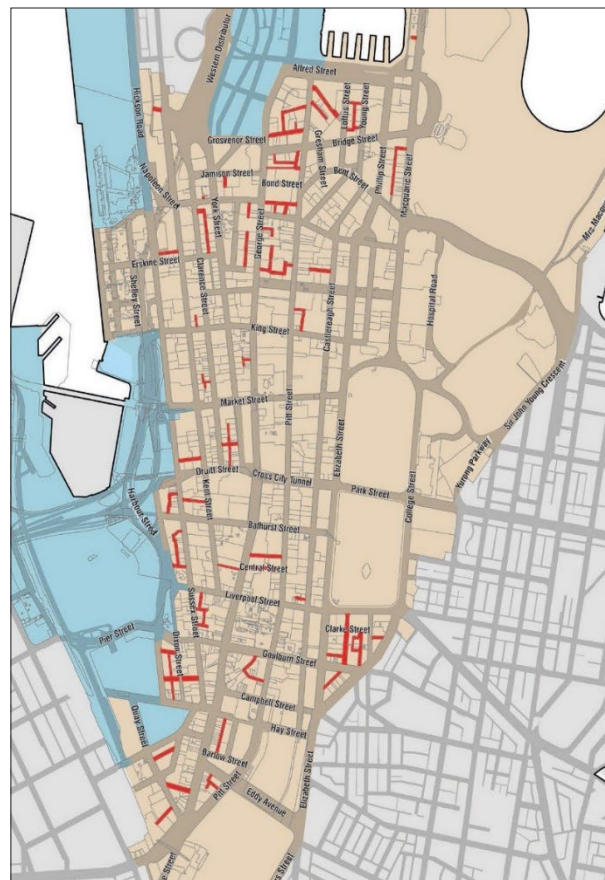
- 2 metres for streets
- 1.2 metres for Central Sydney laneways, as shown in Figure 3, and
- 4 metres in shared zones used by vehicles.

3.3 In areas of high pedestrian volume or where closeness to traffic might pose a safety risk, the City may:

- require a greater clear path than shown in 3.2 or

- not allow outdoor dining.

Figure 3 Central Sydney laneways



3.4 The City can require a clearance of less than 2 metres where:

- it can be shown that pedestrian safety will not be compromised and
- where activity such as outdoor dining is desirable.

3.5 The location of the clear path of travel is to be consistent and predictable for each street block.

- A consistent clear path is located on the same part of the footway for the length of the block.

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- A predictable clear path is one where the location can be anticipated by users based on either local knowledge of the street or environmental cues.

Figures 4 to 6 demonstrate a consistent and predictable clear path of travel.

Figure 4 - This clear path of travel is in a consistent location on the block and is predictable for pedestrians.

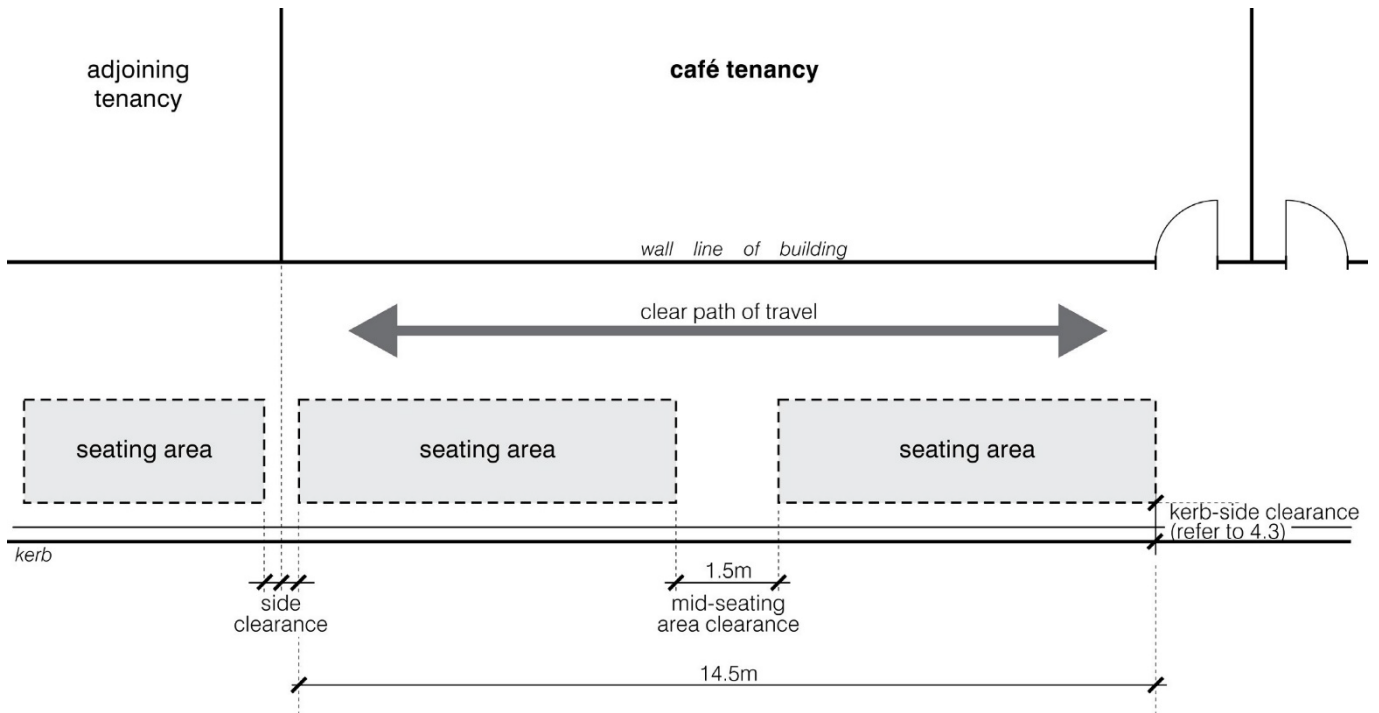


Figure 5 - This clear path of travel is in a consistent location on the block, and is predictable for pedestrians

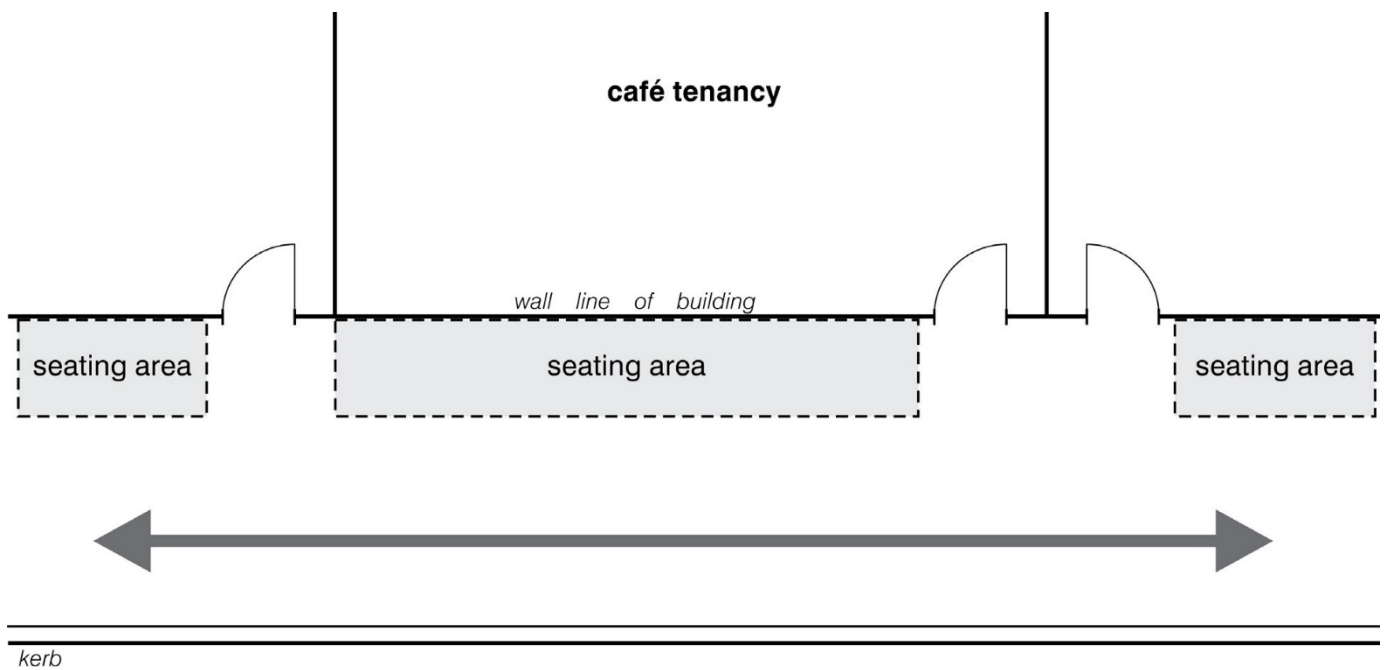
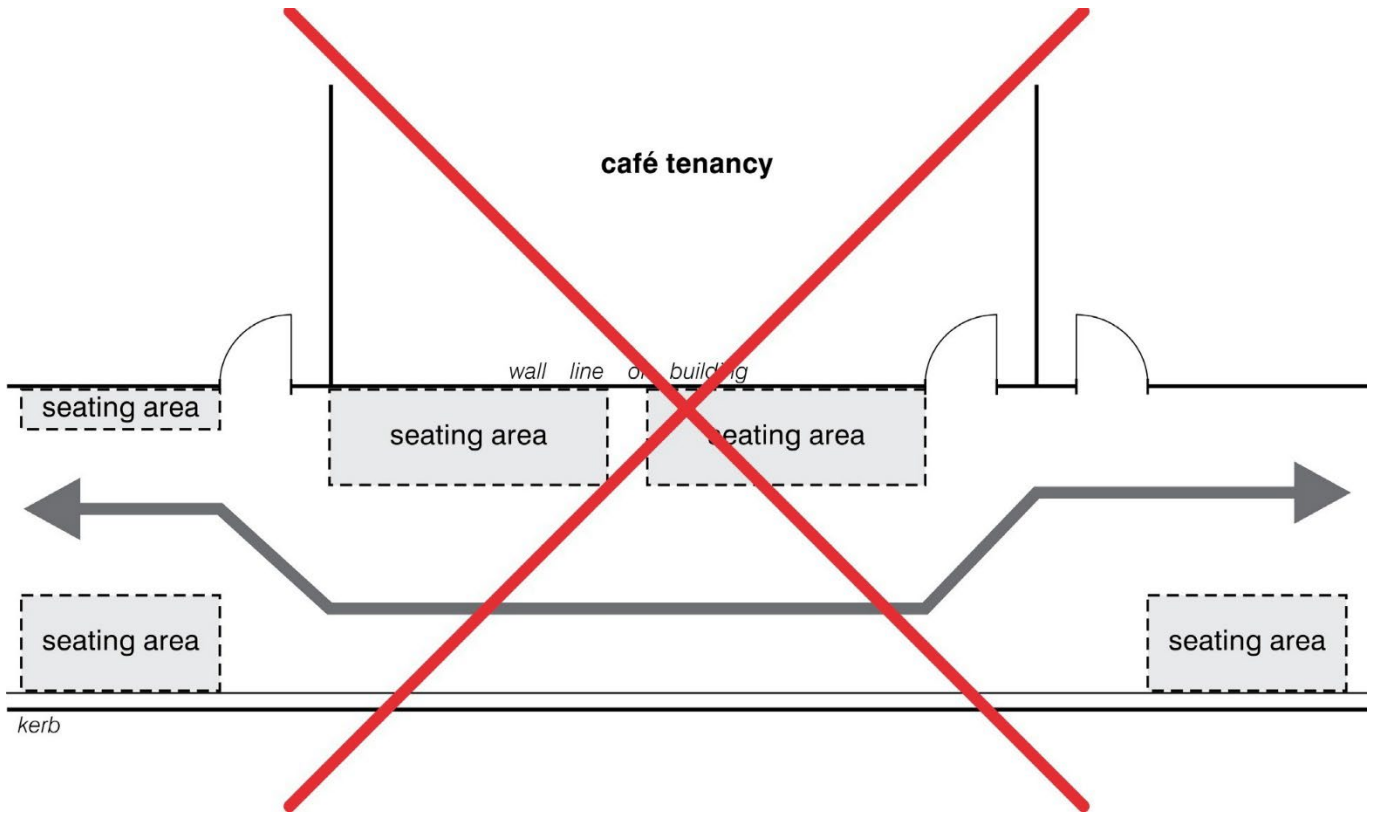


Figure 6 - This clear path is not in a consistent location on the block, and is not predictable for pedestrians.



04 Outdoor dining areas

Outdoor dining areas are to provide a safe and enjoyable dining experience for customers, while keeping footways safe and accessible for all pedestrians.

In considering the size and location of an outdoor dining area, the first consideration will be the safe, dignified and equitable movement of pedestrians.

The location and size of an outdoor dining area will depend on:

- the location of adjacent outdoor dining areas
- the space required for outdoor dining furniture and the circulation of customers
- nearby infrastructure such as bus stops, trees and rubbish bins
- the amount of pedestrian and vehicle traffic at the location.

- 1 metre from a public transport stop, public transport access point, both ends of a bus zone or taxi stand
- 1 metre from any service object including fire hydrant, utility pit, grate, vents, drains, public seat, bike rack or ring, pay phones, parking meters, rubbish bins and the like
- 0.8 metres from any street tree pit or grate – measured from the outside of the pit or grate
- 2 metres from the corner alignment of the building at street intersections
- 0.5 metres from any tactile ground surface indicators (TGSIs)
- sufficient clearance to give safe, dignified and equitable access to buildings
- not obstructing or impeding access to fire escapes and emergency exits.

4.3. Applicants cannot apply for outdoor dining approval for an area that is not immediately outside their tenancy (for example, outside of a neighbouring premises).

Size and location of the outdoor dining area

Provisions

When applying for outdoor dining, applicants are to:

4.1 Allow enough room for furniture and customers, by keeping a minimum width of 0.8m for the outdoor dining area.

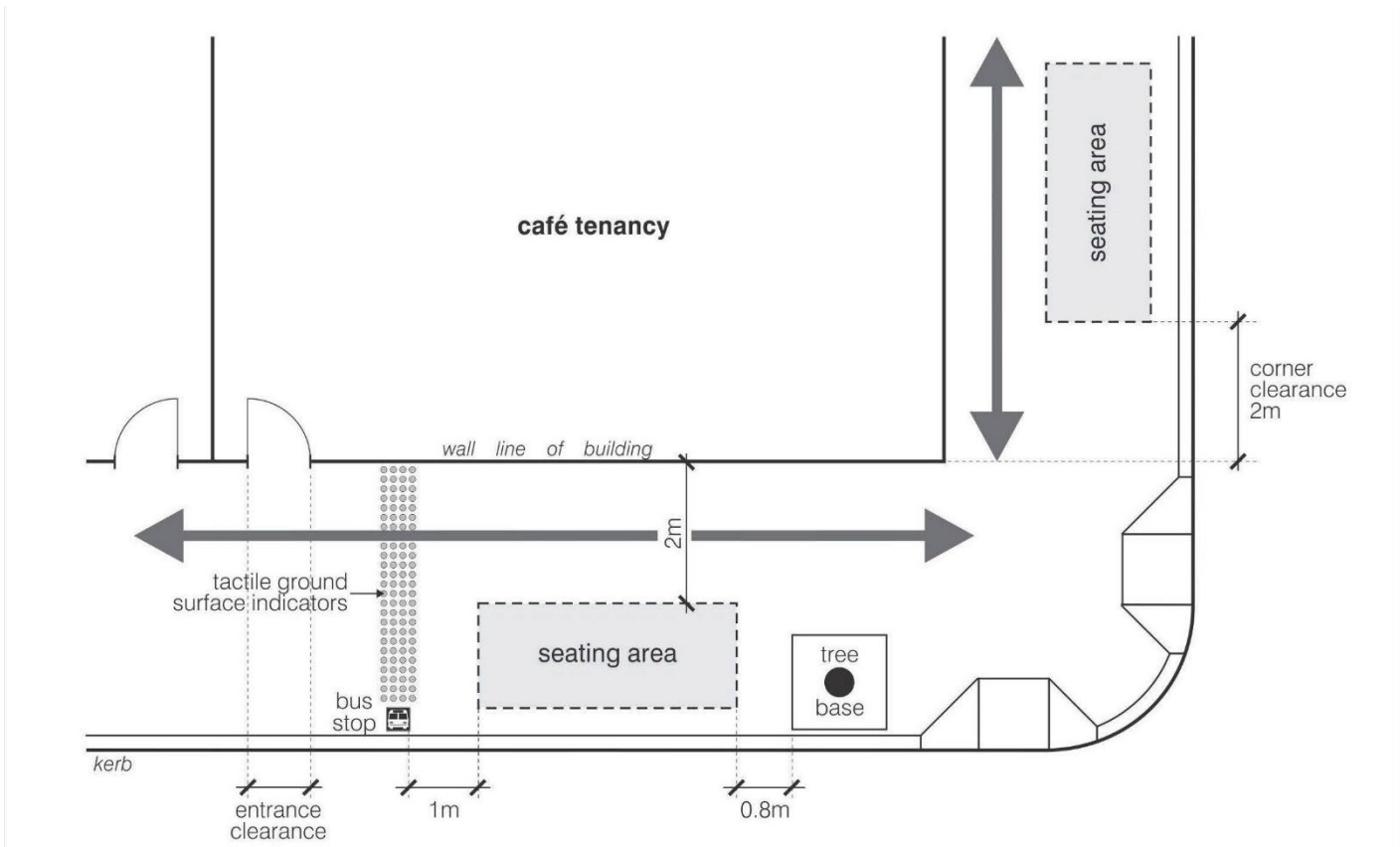
4.2 Maintain safety and circulation on public footways, by keeping outdoor dining areas clear of trees, bus stops, and service items such as parking meters, fire hydrants, drains and the like. The minimum clearances needed, shown at Figure 7 are:

Toilet facilities

Provisions

4.4. The application should demonstrate that acceptable toilet facilities are available in the premises to which the outdoor dining approval relates.

Figure 7 Clearances required around the outdoor dining area



Special clearances for outdoor dining at the kerb

When applying for outdoor dining towards the kerbside of the footway, it is important to consider the safety of patrons from traffic, and to allow room for access to cars parked along the kerb.

Provisions

4.5 Applicants should leave the following clearances from the kerb:

- 2 metres when next to a state classified road, or traffic moving at 20km/hour or more
- 1.5 metres when next to an accessible parking spot
- 0.9 metres when next to a loading zone
- 0.6 metres when next to normal parking conditions, or next to traffic moving at 20km/hour or less
- 0.5 metres from the edge of a cycleway

4.6 Applicants should leave the following clearances around their outdoor dining areas:

- 0.25 metres side clearance at the side boundary of the footway area immediately in front of your building. This is to create a gap between adjacent outdoor dining areas.
- 1.5 metre mid-area clearance to for dining areas longer than 12 metres, to allow access to the street.

Other public spaces

When applying for outdoor dining on a public space that is not the footway, such as a pedestrianised road or small plaza or park, it is important to ensure the outdoor dining does not interfere with the intended public use and enjoyment of that space.

Provisions

4.7 The location and extent of the outdoor dining area should ensure that:

- A minimum 2m clear path of travel parallel to the building line is provided consistent with section 3 of these Guidelines
- The seating is only on one side of the clear path of travel
- Important pedestrian and cycle connections and desire lines through the space are maintained
- Access to sufficient public seating is maintained during peak times of public activity in the space
- The outdoor dining does not substantially encroach upon the area used for typical and common community activities in the space
- The outdoor dining can be conveniently serviced without impacting on the accessibility and public use of the space
- In spaces that are sometimes used for community events it may be necessary to limit either the location, extent or time of the outdoor dining to ensure that community events can operate successfully.

4.8 Applicants should ensure that the following additional special clearances are provided:

- 0.3m when next to a garden bed, lawn edge or retaining wall

05 Outdoor dining furniture

Outdoor dining areas are to make a positive contribution to the character of the City's streets and public spaces. They are to appear as temporary uses of the public domain, not as permanent fixtures.

An outdoor dining set-up can contain a variety of items – tables, chairs, umbrellas and heaters. Care needs to be taken that streets do not become cluttered and obstructed through the placement of furniture and other items.

Streets that are physically and visually cluttered make business identification and general wayfinding more difficult and detract from the street attractions. Signage, branding and advertising can all add to visual clutter and take away from the positive characteristics of the street.

The choice of furniture, including tables, chairs, and umbrellas are to reflect and build on the existing character of the local area.

Barriers around outdoor dining areas give the appearance that the public space has been privatised and become an obstacle to access and movement and generally not supported. As much as possible, outdoor dining areas are to remain open and inviting.

High tables, such as bars, shelves and cocktail tables, may be provided for patrons to consume food and drink while standing.

Furniture and other items

Provisions

5.1 Any furniture or other items that form part of the outdoor dining set-up should be described in the application for outdoor dining and approved by the City.

5.2 All furniture and other items:

- are to be located within the approved outdoor dining area
- should not have permanent fixings
- should be removed and stored safely outside of outdoor trading hours.

5.3 The City encourages the design and range of furniture for outdoor dining areas to:

- demonstrate diversity and innovation
- reflect the character of the buildings and permanent elements of an area
- have an open appearance
- minimise clutter.

5.4 Seating, including chairs, stools, benches tables and the like are to:

- be safe for users and not have any sharp edges, hinges or other moving parts that could cause a hazard to users
- allow access for all users, including those who use wheelchairs or mobility aids
- be non-reflective
- be strong, durable, weather resistant and designed for commercial outdoor use
- not damage the footway and City property
- be able to be readily removed and stored within the associated premises
- be generally consistent with the character of the area.

5.5 Furniture and other items must have a colour and luminance contrast of at least 30% to the street, to allow them to be identified by pedestrians with low-vision. For example, bright, reflective furniture on a dark, matte, street surface.

Figure 8 - Barriers can only be used to enclose a licensed area where required by Liquor and Gaming NSW. These barriers have logos which meet the standards in these guidelines



Barriers

Provisions

5.6 Barriers which enclose the outdoor dining area, or which separate it from the pedestrian footway, are not permitted.

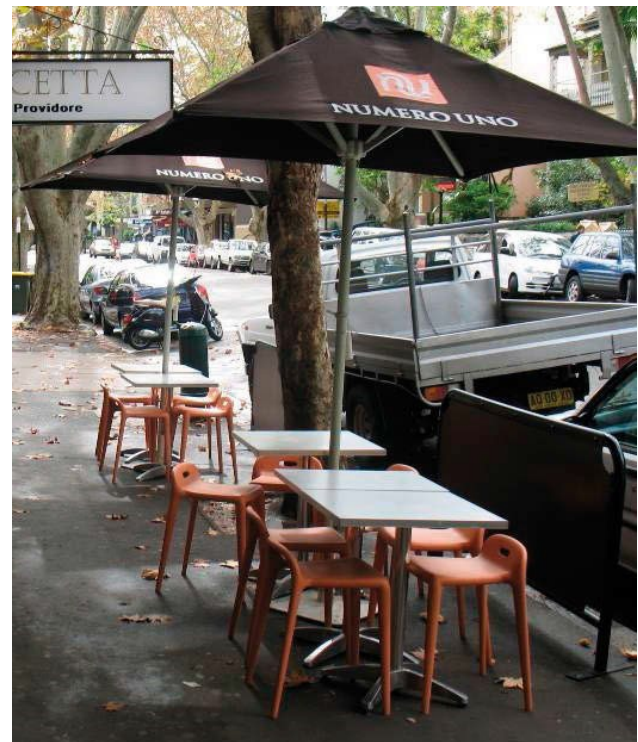
5.7 Barriers are only permitted for licensed premises where Liquor and Gaming NSW have conditioned the licence with a requirement to have a barrier.

5.8 Side, or 'end', barriers which separate one outdoor dining area from an adjacent outdoor dining area are permitted.

5.9 Where barriers are used, they must:

- have a maximum gap of 150mm from the pavement to the underside of the barrier
- not be a rope or chain.

Figure 9 - These umbrellas have logos which meet the standards in these guidelines



Umbrellas, canopies and the like

Provisions

5.10 Umbrellas are not permitted where an outdoor dining area has shelter from a building awning.

5.11 Where umbrellas are used, they must have a height clearance of 2 metres from the ground for pedestrian movement and safety.

5.12 Umbrellas should be:

- Square, to take up the least possible space
- Fabric or matte-finished.

5.13 Umbrella bases should be safe, simple and compact to avoid causing a trip hazard for pedestrians.

5.14 Where there is more than one umbrella, they should be of a single solid colour.

5.15 Drop-down blinds, enclosures and canopies are not permitted. Umbrellas connected together by zippers or similar means are considered a canopy.

Outdoor heaters

Provisions

5.16 Outdoor heaters will only be approved where the safety of people and property is not compromised.

5.17 Outdoor heaters should turn off automatically if overturned to prevent injury to patrons and damage to property.

5.18 Outdoor heaters should be turned off when the outdoor dining area is not in use.

5.19 Outdoor heaters should be stored safely within the premises when not in use.

Note: Australian Standard AS/NZS 1596:2008, The Storage and Handling of LP Gas gives advice on storing outdoor heaters.

Signage and branding

Provisions

5.20 The name, logo and other branding of the food or drink premises or an associated product may be placed on an umbrella, or barrier where permitted by provisions 5.7 or 5.8, only if it:

- involves only one product or business name being advertised in each outdoor dining area
- is a minor and ancillary element of the design, comprising no more than one third of the surface area and does not have an adverse impact on the appearance of the outdoor dining area or the streetscape.

5.21 No other advertising signage will be permitted.

5.22 Sandwich boards, A-frame signs and the like will not be permitted in outdoor dining areas.

06 Neighbourhood amenity

Outdoor dining brings many benefits to our streets – from the economic benefits of thriving local businesses to opportunities for informal social meetings and interactions.

Many outdoor dining areas are on streets where businesses and residents are mixed, and many residents enjoy their local cafes and restaurants. Where outdoor dining areas are close to homes, care needs to be taken to ensure residents can continue to enjoy the amenity of their neighbourhood.

The City has found that seating arrangements can affect the noise generated. Larger tables of more than four people can lead to louder conversations and potential disturbances for neighbours while smaller tables with chairs side by side facing the road tend to generate the least noise.

Notes: Applications for extended operating hours will be subject to the same trial period process specified in Sydney Development Control Plan 2012 - Section 3.15 Late Night Trading Premises Management.

Hours of operation

Provisions

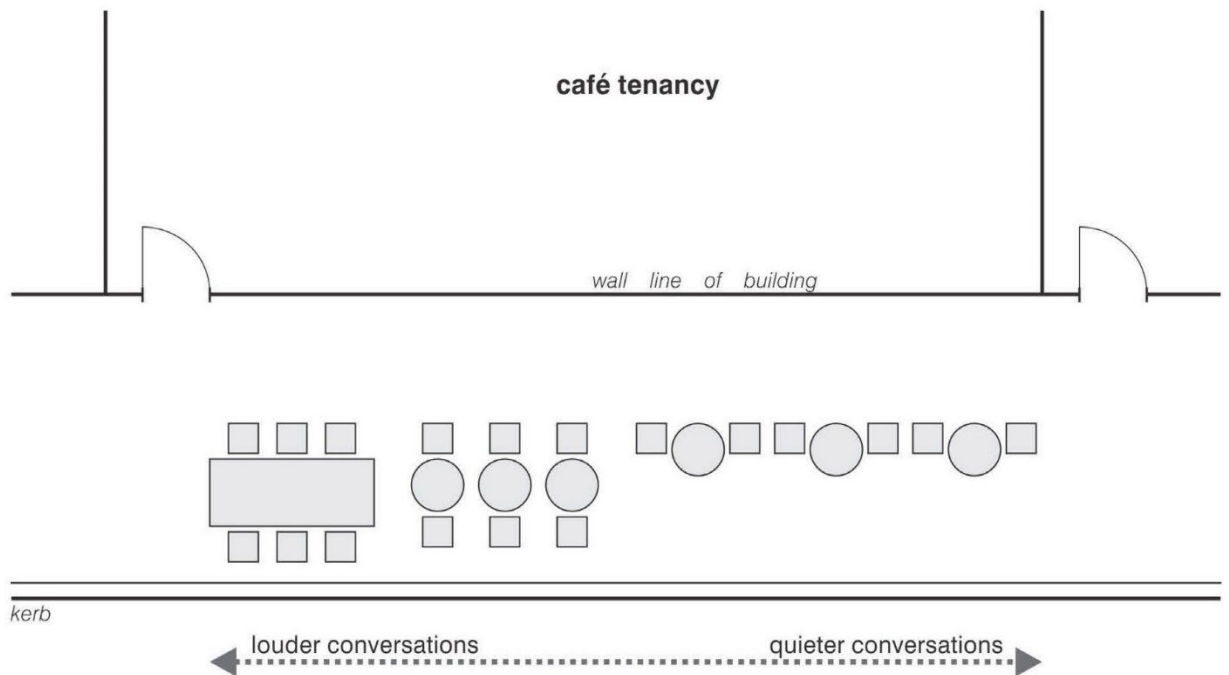
6.1 Operating hours for outdoor dining areas will generally follow the outdoor trading hours in the Sydney Development Control Plan 2012 – Section 3.15 Late Night Trading Management.

6.2 In considering operating hours for outdoor dining, the City will assess:

- how close an outdoor dining area is to nearby dwellings and other noise sensitive uses
- the size of the outdoor dining area.

6.3 The City may approve alternative hours of operation and size of area, to allow outdoor dining that will not have an adverse noise impact on the neighbourhood.

Figure 10 - The arrangement of tables and chairs influences the noise generated from outdoor dining areas.



Music

Provisions

6.4 Entertainment and amplified music are not permitted in outdoor dining areas.

Seating arrangements

Provisions

6.5 The City may require smaller tables and chairs to face towards the road to reduce noise.

6.6 The City may require standing tables, bars and shelves to be located in areas less sensitive to noise.

Lighting

Provisions

6.7 The City may consider the installation of private lighting for outdoor dining areas that are approved to operate outside daylight hours, provided:

- the safety and amenity of patrons, the general public and road users is maintained
- it does not reduce the amenity or safety of other uses in the area as a result of glare or light spillage
- it is to be located wholly within the outdoor dining area
- electrical cabling is discreet and does not create trip hazards.

Note: Any lighting should be designed to comply with AS 3000, AS 1158, AS 4282 1997 Control of Obtrusive Effects of Outdoor Lighting, and The City of Sydney Lights Code.

07

Responsibilities of the operator

The City encourages well managed outdoor dining that contributes in a positive way to the character of the City and its public spaces. Use of public space, including the footway, brings responsibilities for the operator.

Conditions of the footway approval will include:

Protection of Council-owned property

7.1 An operator will be required to lodge a security deposit to pay for any necessary repairs resulting from damage to the footway caused by the operation of an outdoor dining area.

Notes: The details of any required security deposit will depend on the proposal and will be outlined in any approval. Typically, it is the greater of \$500.00 or three-month rental, and must be paid before the operator can use the footway. It may be used to: repair damage caused by operation of an outdoor dining area; remove private fittings fixed to the footway by an operator; or cover any outstanding money owed to the City after the operation has permanently ceased.

Rental fee to occupy the public space

7.2 Approval will be subject to a condition that a rental fee will be paid for the use of the footway.

7.3 The fee due is set out in the City's fees and charges and will be due annually at the rate applicable for that year.

Note: Application fees and public land rental costs for outdoor dining areas are outlined in the City of Sydney Schedule of Fees and Charges. The rates can change each financial year, and the latest schedule is available on the City's website. The ongoing rent will depend on the location and size of the outdoor dining area.

Public liability insurance

7.4 An operator will be required to obtain and maintain a public liability insurance policy with an insurer acceptable to the City, to cover any legal liability of property damage and personal injury to the public.

Note: The details of any required insurance policy will depend on the proposal and will be outlined in any approval. Typically, operators need to provide cover to a minimum value of \$10M, or \$20M on state managed roads. The insurance company will need to provide certificate of currency to the City before the operator can use the footway and annually thereafter.

Display of approval

7.5 A copy of the approval and plan is to be kept on premises, displayed in a prominent position and be produced on request to authorised City officers.

Management requirements

7.6 An outdoor dining area is to operate in accordance with the conditions of the approval.

7.7 Outdoor dining, including furniture, must be within the approved outdoor dining area.

7.8 All patrons are to vacate the approved outdoor dining area and all structures are to be removed from the seating area and stored within the premises before the closing time specified or as otherwise agreed in the approval.

7.9 Patrons must be able to consume food and drink in outdoor dining areas at all times and they are not to be nominated as being for smoking purposes.

7.10 Patrons must eat or drink while seated unless standing at a high table, such as a bar, shelf or cocktail table.

7.11 Outdoor dining areas on the kerb side adjacent to a clearway or bus lane will be required to cease operations while the clearway or bus lane is in operation and store tables and chairs off the public footway.

7.12 An updated plan of management for a pub or small bar may be required if some or all of the proposed outdoor dining area is not visible from within the premises. If an update is required, the City will impose a condition of approval to update the plan of management within three months following the footway approval.

Note: Applicants may be required to demonstrate acceptable storage arrangements in the application for outdoor dining on the footway, particularly where the hours of operation for the premises are greater than those for the outdoor dining area.

- removing waste promptly from the outdoor dining area
- disposing of any waste properly (public litter bins are not to be used for the disposal of waste from outdoor dining areas)
- not using disposable tableware in the outdoor dining area.

Notes: Additional management requirements may form part of any approval depending on the nature of the actual proposal and its location. The City encourages the separation and recycling of waste.

Maintenance

7.13 The outdoor dining area and furniture and other items associated with the outdoor dining area are to be:

- kept clean and maintained in good order suitable for their purpose
- positioned and used as required when the outdoor dining area is in use
- not be permanently fixed unless specific permission is given
- removed and stored away from public areas when the dining area is not in use.

7.14 Waste and litter is to be well managed by:

08 Special areas for outdoor dining

Some public spaces have special characteristics that require more detailed guidelines for outdoor dining. This section contains detailed guidelines for special areas.

Martin Place

Martin Place is Sydney's premier civic space. It holds formal and informal gatherings and events; is a site for festivals including Vivid; and is the annual location for Sydney's Christmas tree and celebrations.

Importantly, the Cenotaph is also located at Martin Place, and is the focus not just of ANZAC Day memorial events, but of many other commemorative events throughout the year. The NSW Returned Services League are the custodians of the Martin Place Cenotaph. The Cenotaph is on Crown land.

Outdoor dining is one component of wider plan to make Martin Place a high quality unified civic space that is lively and activated. It is to be a unique destination in Sydney that is respectful of its cultural and built heritage significance.

Any outdoor dining is to be in keeping with this significant civic setting and is to be respectful of the dignity of the Cenotaph. The design of outdoor dining areas is to be recessive in appearance, and to complement the sandstone heritage buildings along the edge of Martin Place.

Martin Place is a significant pedestrian thoroughfare, and any outdoor dining should not compromise pedestrian safety and comfort.

Note: Martin Place between George Street and Pitt Street is Crown land, identified as Reserve 88056. The City of Sydney has all care, control and management responsibilities for the land

under the Crown Land Management Act 2016. A licence and approval under the Crown Land Management Act is required for outdoor dining on this part of Martin Place.

Provisions – Cenotaph block (George and Pitt Streets)

Respecting the Cenotaph

8.1 The outdoor dining area will not operate during times identified by the NSW Returned Services League as memorial or commemorative event times. These times will be provided to operators by the NSW Returned Services League at the start of each year.

8.2 The NSW Returned Services League will provide training and information to operators and their staff, to promote understanding of and respect for the significance of the Cenotaph.

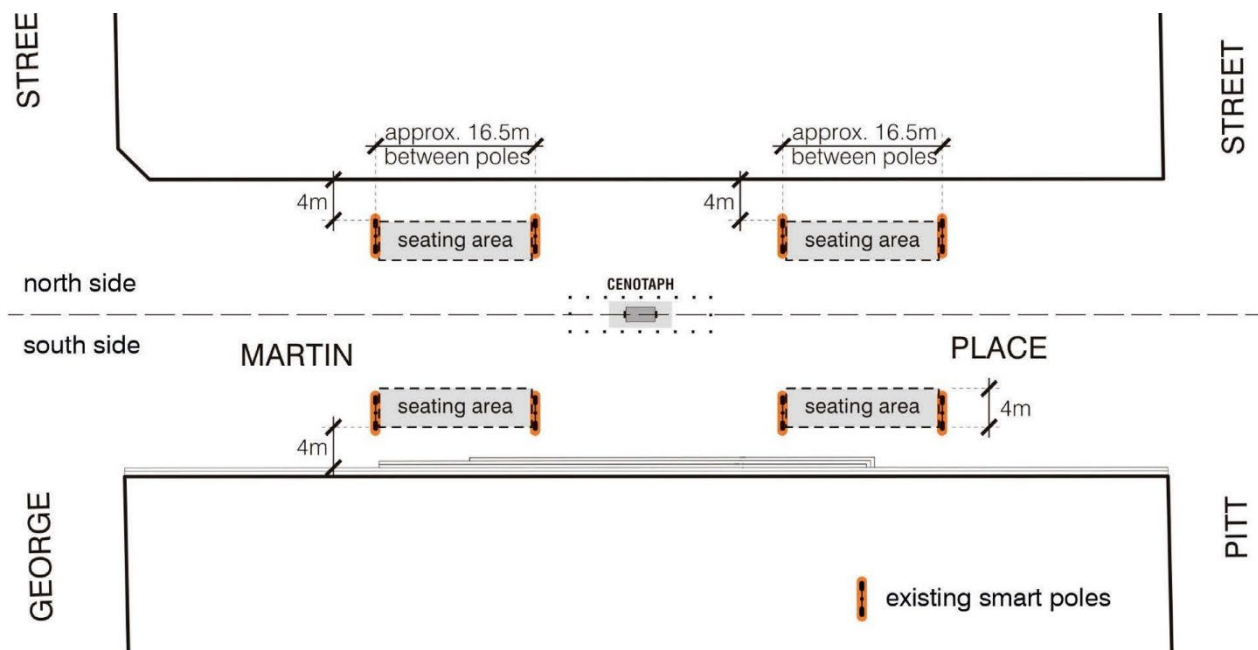
8.3 The applicant is to prepare a Plan of Management to detail measures to be implemented to:

- identify and manage behaviour that in the opinion of the NSW Returned Services League is inappropriate for the Cenotaph block
- manage complaints about behaviour, or requests from the NSW Returned Services League to manage inappropriate behaviour.

8.4 The applicant is to demonstrate they have undertaken consultation and sought support from the NSW Returned Services League for the Plan of Management.

8.5 The City will consider the views of the Returned Services League of NSW when assessing the Plan of Management.

Figure 11 - Outdoor dining areas on the Cenotaph block of Martin Place



The outdoor dining area

8.6 Outdoor dining is only allowed within the areas shown on Figure 11. Outdoor dining must be in association with a food and drink premises on the same side – either the north or the south – of Martin Place as shown in Figure 11.

8.7 All items in the outdoor dining area are to be temporary and portable, and stored indoors outside of approved service hours.

8.8 The outdoor dining area is to leave a 4-metre clear path of travel for pedestrians, as measured out from the building line on either side of Martin Place.

Tables and chairs

8.9 Chairs and tables are to be:

- uniform in style and design
- hardy and sturdy to resist wind gusts
- of metal or quality timber frame construction and not plastic
- stackable or foldable for ease of storage and readily removed.

8.10 Chairs should be 'French Bistro' Rattan type chair, with the colour to be natural, brown or red (as shown in Figure 12).

8.11 Tables should be 'French Bistro' Rattan type to match the chairs or are to have white tablecloths.

8.12 Standing tables are not permitted in this area.

8.13 Any variations to these specifications are to:

- respect the heritage setting
- have the approval of the City's Director of City Planning, Development and Transport.

Figure 12 - French Bistro style Rattan chairs



Umbrellas

8.14 Umbrellas should be spaced so as to be recessive in appearance avoiding visual dominance of the adjacent heritage buildings.

8.15 The dimensions of the umbrellas should be:

- for the canopy, not more than 2500mm x 2500mm with an overall height not higher than 3000mm
- for the canopy clearance, not less than 2200mm measured from the lowest edge to the pavement.

8.16 The finish of the umbrella should be:

- stone for the canopy, as shown in Figure 13
- matte black for the pole and frame.

8.17 Umbrellas should be properly secured in place to prevent blowing over in strong winds. In-ground sleeves are encouraged within the designated outdoor dining areas.

8.18 Logos, branding or advertising is not permitted on umbrellas.

8.19 Any variations to these specifications are to:

- respect the heritage setting
- have the approval of the City's Director of City Planning, Development & Transport.

Figure 13 - Umbrellas should be stone canopy with black pole and no logos, branding or advertising



Barriers

8.20 Barriers which enclose the outdoor dining area are not permitted.

8.21 Barriers are only permitted for licensed premises where Liquor and Gaming NSW have conditioned the licence with a requirement to have a barrier. These barriers:

- should not contain any logos, advertising or other graphics
- are to be black matte finish or “Metropolitan Bronze” powder coat
- must not exceed 900mm in height.

Bespoke designs for barriers may be supported, subject to approval by the City's Director of City Planning Development & Transport.

Waiter stations

8.22 Waiter stations are permitted only where it can be demonstrated they are essential to the safe operation of outdoor dining areas, for instance in areas of very high pedestrian traffic.

8.23 Waiter stations should be:

- mobile and stored indoors outside of approved service hours
- designed to be unobtrusive and of minimalist appearance, free of any signage, advertising, logo or branding
- contained wholly within the approved outdoor dining area.

George Street

The vision for George Street is as the focus of public life in Central Sydney, a central spine connecting the three future civic squares at Circular Quay, Town Hall and Central Station.

The light rail and wide footways are vital to George Street's movement role, while street furniture and outdoor dining will help establish George Street as a place for people to stop, enjoy and visit.

The plan for outdoor dining in George Street identifies locations where outdoor dining can be safely accommodated alongside the light rail corridor and busy intersections, and the requirements for furniture and barriers ensure outdoor dining supports the role of George Street as a public place.

These controls apply to George Street between Hunter Street and Bathurst Street, and George Street between Bathurst Street and Railway Square. Outdoor dining on Devonshire Street, Surry Hills is also covered by these provisions.

Provisions

Outdoor dining areas – Hunter Street to Bathurst Street, and Devonshire Street

8.23 Outdoor dining may be permitted in any location as long as it maintains the following minimum clearances:

- 3.6 metre clear path of travel from the building line
- 2 metres from the rear of light rail stops; and
- 3.2 metre clearance from light rail dynamic kinematic envelope (if known); or
- 2.3 metre clearance from the outer edge of the stone tactile indicator strip next to the light rail tracks.

Figure 14 shows the minimum clearances.

Outdoor dining areas – Bathurst Street to Railway Square

8.24 Outdoor dining is only permitted in the locations identified in the maps in Appendix 2.

Tables and chairs

8.25 Tables and chairs are to be:

- uniform in style and design
- hardy and sturdy to resist wind gusts

- of metal or quality timber frame construction and not plastic
- stackable or foldable for ease of storage and readily removed.

8.26 Chairs should be 'French Bistro' Rattan type chair as shown in Figure 12.

8.27 Tables should be 'French Bistro' Rattan type to match the chairs.

8.28 Any variations to these specifications are to:

- respect the civic setting
- have the approval of the City's Director of City Planning Development & Transport

Barriers

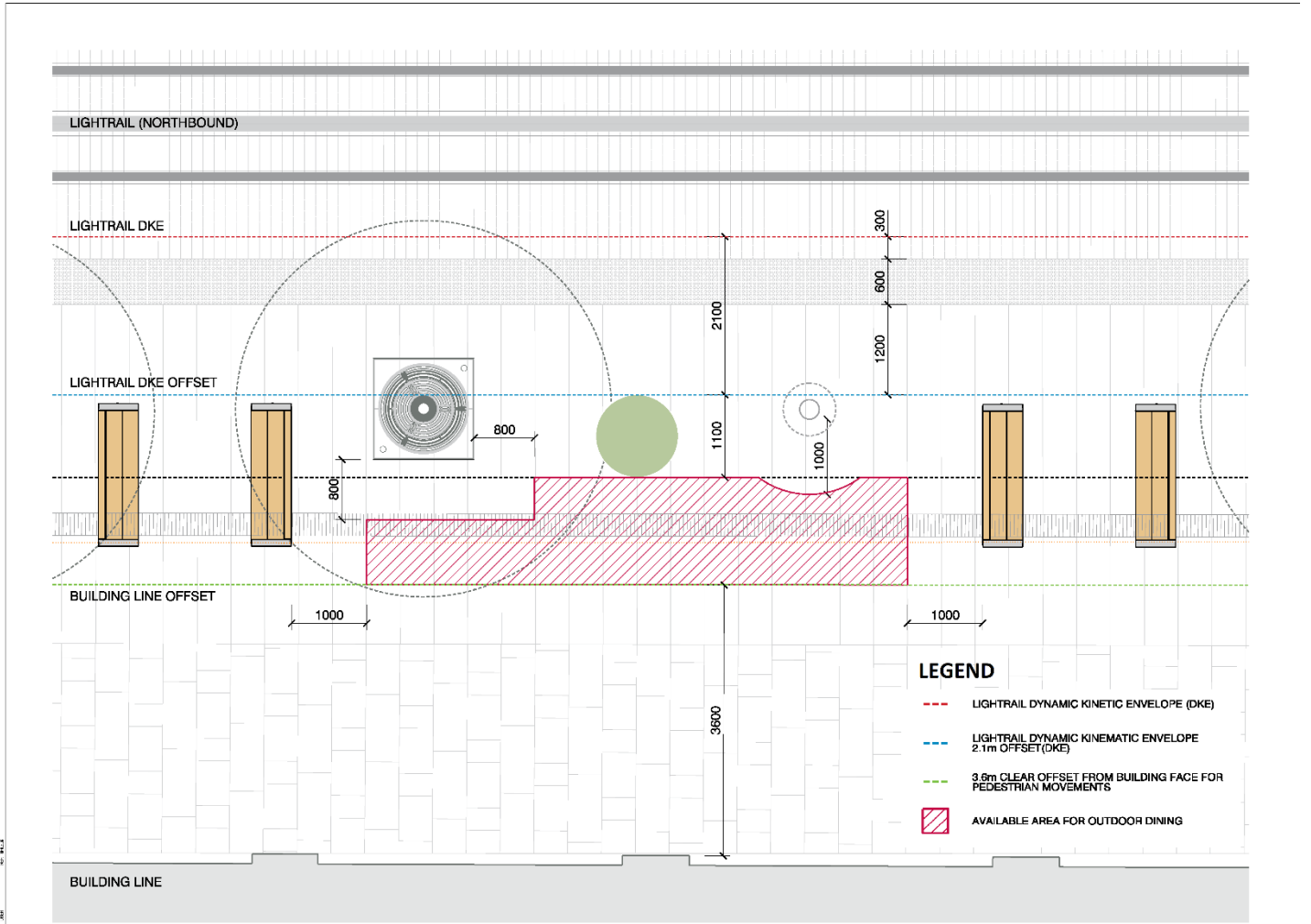
8.29 Barriers which enclose the outdoor dining area, or which separate it from the pedestrian footway, are generally not permitted.

8.30 Barriers are only permitted for licensed premises where Liquor and Gaming NSW have conditioned the licence with a requirement to have a barrier. These barriers:

- should not contain any logos, advertising or other graphics
- are to be black matte finish or "Metropolitan Bronze" powder coat
- not exceed 900mm in height;

Bespoke designs for barriers may be supported, subject to approval by the City's Director of City Planning Development & Transport.

Figure 14 - Minimum clearances for outdoor dining areas - George Street between Hunter Street and Bathurst Street, and Devonshire Street



Llankelly Place

The City supports outdoor dining in Llankelly Place as part of a strategy to increase activation of the laneway.

Outdoor dining in Llankelly Place may require some negotiation between business operators to ensure that there is equitable access to outdoor dining opportunities, and an acceptable clear path of pedestrians.

Provisions

8.23 Outdoor dining is acceptable within the areas identified on Figure 15.

8.24 New outdoor dining areas not shown on Figure 15 can be approved provided that:

- a consistent and predictable clear path of travel is provided and maintained, to a minimum width of 1.2 metres.

Figure 15 - Approved outdoor dining areas for Llankelly Place



Appendix 1 - Road area reallocated to outdoor dining

Criteria for road reallocations

The City is working with businesses to use on-street car parking spaces for outdoor dining until 31 December 2024.

Council will limit the period of approval for outdoor dining on the road area until 31 December 2024.

Applicants are encouraged to apply for outdoor dining before an application for reallocation of the road area to outdoor dining.

This section includes criteria for where the road area can and cannot be reallocated for outdoor dining.

Provisions

9.1 Areas that are unsuitable for outdoor dining include:

- Bus stops and bus zones
- Roads with speed limits of more than 50km/h
- Clearways
- Parking areas for Australia Post, police, fire, ambulance or car share
- No stopping zones
- Bike lanes
- Accessible parking
- In-road fire hydrant

There may be other types of parking space that are not suitable.

All applications are considered on a case-by-case basis due to the complexity of the City's streets, and the specific context of individual locations, parking restrictions, neighbouring businesses and the road environment.

9.2 The City can revoke, suspend or amend an approval for outdoor dining if the road area has not been used by patrons of the business over a four week period.

The outdoor dining area

Provisions

9.3 Space reclaimed by the City from the road area may be used for outdoor dining if the area is protected by vehicle-proof barriers appropriate to the speed of traffic.

9.4 The City may reduce the clearances from the kerb or carriageway on a classified road provided the area is protected by vehicle-proof barriers suitable to the speed of the road.

9.5 In addition to clearances identified in Section 4, applicants should leave a 0.5 metre clearance from the base of the concrete barrier to all furniture and equipment for reallocated road space.

9.6 The outdoor dining area on the reallocated road area may extend beyond the alignment of the business tenancy provided:

- it is to be continuous except for mid-area clearances under clause 4.6
- it is not in front of another food and drink premises, and
- the space in front of a non-food and drink premises is equally shared with any other food and drink premises that adjoins the non-food and drink premises.

9.7 Use of the road area for outdoor dining may be considered across the frontage of adjacent vacant retail tenancies, however approvals may be amended by the City if that vacant tenancy becomes occupied by a food and drink premises.

Assessing local access and loading

Principles

9.8 Balance the reallocation of kerb side road space (on street parking) for outdoor dining with the need to maintain access to other businesses and access to residential parking, particularly in the following circumstances:

- in high-density mixed-use areas where there is a need to balance business and resident on street parking
- in areas where the cumulative impact of reallocating roadway space will unreasonably impact vehicle access to the commercial area and access to residential parking
- in areas where significant concerns, objections and complaints have arisen due to existing road space dining sites, and
- in areas where there is a high occurrence and concentration of approved road area outdoor dining.

Appendix 2 – George Street South outdoor dining locations

Please refer to the City of Sydney's website at

<https://www.cityofsydney.nsw.gov.au/council-governance-administration/outdoor-dining-guidelines>

Attachment B

**20 February 2023 - Council Resolution
Item 13.14 - Equity and Access to Parks
and Public Green Spaces**

Resolution of Council

20 February 2023

Item 13.14

Equity and Access to Parks and Public Green Spaces

Moved by Councillor Ellsmore, seconded by Councillor Chan –

It is resolved that:

(A) Council note:

- (i) that the City supported the extension of outdoor dining last year, making it easier for cafes, restaurants, pubs, bars and others to use the public footpath or other public spaces for outdoor dining;
- (ii) that the alfresco dining initiatives are part of a package of measures to activate and encourage use of the streets, and reinvigorate the City post-Covid;
- (iii) that the *City of Sydney Outdoor Dining Guidelines* include protections to keep footpaths safe and accessible for all pedestrians. This includes that the clearance required for 'service objects' like public seating, is recommended to be one metre;
- (iv) the current City of Sydney alfresco dining guidelines include detailed provisions for applications on streets, although applications are possible on all public land, including parks and public green spaces;
- (v) a range of City policies and plans, including park Plans of Management, protect equity of access to the City' parks, including protecting the ability for free (non-commercialised) use and enjoyment of parks; and
- (vi) the notification provisions for new outdoor dining applications are detailed in the *Outdoor Dining Guidelines* and strike a balance between identifying possible impacts and not burdening applicants; and

- (B) the Chief Executive Officer be requested to provide advice to the Council about how the City's policies and procedures for outdoor dining can be clarified to include more specific provisions for applications on or near green spaces, which reflect the City's commitments to protect the equitable and accessible use of public parks and green spaces.

Carried unanimously.

X086659

Item 4.

Approved Variations to Development Standards Reported to the Department of Planning and Environment

File No: S040864

Summary

This report is to inform the Council of development applications determined where there has been a variation in standards approved under clause 4.6 of the Sydney Local Environmental Plan 2012 in the fourth quarter of 2022/23.

Recommendation

It is resolved that the subject report be received and noted.

Attachments

Attachment A. Variations Approved by Council and Reported to the Department of Planning and Environment for the Period 1 April 2023 to 30 June 2023.

Background

1. On 24 June 2004, the Central Sydney Planning Committee (CSPC) delegated authority to the City of Sydney for the determination of development applications involving a variation to a development standard and costing less than \$50 million.
2. In accordance with planning circular PS 08-014, the City of Sydney is required to submit to the Department a quarterly report of all variations approved.
3. The City also maintains a publicly available register of all variations to development in accordance with the above circular.
4. Planning Circular PS 20-002 requires that a quarterly report of variations approved under delegation from Council is also to be provided to a meeting of Council. A report is also provided to the Central Sydney Planning Committee on a quarterly basis.
5. Thirty-two applications were approved where there has been a variation to development standards during the period 1 April to 30 June 2023. Details of the applications are provided in Attachment A.

Relevant Legislation

6. Environmental Planning and Assessment Act 1979.
7. City of Sydney Act 1988.

GRAHAM JAHN AM

Director City Planning, Development and Transport

James Farrar, Information and Systems Officer

Attachment A

**Variations Approved by Council and
Reported to the Department of Planning
and Environment for the Period 1 April 2023
to 30 June 2023**

DA Number	No	Street name	Suburb	Zoning of land	Development standard to be varied	Extent of variation	Type of development	Justification of variation	Authority	Date Determined
D/2022/1243	56	Albion Street	SURRY HILLS	Community facility	Height, FSR	79.9%, 13.8%	Community facility	Objectives of zone and FSR and height standard met. No significant adverse impacts. Development does not significantly impact on the bulk and scale of the existing building.	Delegated	27/06/2023
D/2022/1266	161	Castlereagh Street	SYDNEY	Other	FSR	18.69%	Other	Objectives of zone and FSR standard met. No significant adverse impacts. Development does not significantly impact on the bulk and scale of the existing building.	Delegated	18/05/2023
D/2023/124	1	Greens Road	PADDINGTON	Other	FSR	0.23%	Other	Objectives of zone and FSR standard met. No significant adverse impacts. Development does not significantly impact on the bulk and scale of the existing building.	Delegated	26/04/2023
D/2021/1478	29	Ithaca Road	ELIZABETH BAY	Residential - Alterations & additions	Undersized apartments (CI 30(1)(b) of SEPP65)	13.84%	Residential - Alterations & additions	Apartment size constrained by the adaptive reuse of a contributory building. Apartment sizes functional and provide an acceptable level of residential amenity.	LPP	17/05/2023
D/2022/1015	8	Greenknowe Avenue	ELIZABETH BAY	Residential - Alterations & additions	Height	19.85%	Residential - Alterations & additions	Objectives of zone and height standard met. No significant adverse impacts. Development does not significantly impact on the bulk and scale of the existing building.	Delegated	5/04/2023
D/2022/1082	35	Gibbes Street	NEWTOWN	Residential - Alterations & additions	Height	5.8%	Residential - Alterations & additions	Objectives of zone and height standard met. No significant adverse impacts. Development does not significantly impact on the bulk and scale of the existing building.	Delegated	6/06/2023
D/2022/1089	9	Lodge Street	FOREST LODGE	Residential - Alterations & additions	Height	3%	Residential - Alterations & additions	Objectives of zone and height standard met. No significant adverse impacts. Development consistent with neighbouring sites.	Delegated	14/04/2023
D/2022/1104	627	Bourke Street	SURRY HILLS	Residential - Alterations & additions	Height	7.7%	Residential - Alterations & additions	Objectives of zone and height standard met. No significant adverse impacts. Development consistent with neighbouring sites.	Delegated	6/06/2023
D/2022/1173	123	Womerah Avenue	DARLINGHURST	Residential - Alterations & additions	Height	2.2%	Residential - Alterations & additions	Objectives of zone and height standard met. No significant adverse impacts.	Delegated	1/05/2023
D/2022/1211	182	Liverpool Street	DARLINGHURST	Residential - Alterations & additions	FSR, Height	40%, 16.6%	Residential - Alterations & additions	Objectives of zone and height and FSR standards met. No significant adverse impacts.	Delegated	14/04/2023
D/2022/1337	41	Toxteth Road	GLEBE	Residential - Alterations & additions	Height	5.8%	Residential - Alterations & additions	Objectives of zone and height standard met. No significant adverse impacts. Development does not significantly impact on the bulk and scale of the existing building.	Delegated	5/06/2023

DA Number	No	Street name	Suburb	Zoning of land	Development standard to be varied	Extent of variation	Type of development	Justification of variation	Authority	Date Determined
D/2022/574	23	Stanley Street	DARLINGHURST	Residential - Alterations & additions	FSR	44.00%	Residential - Alterations & additions	Objectives of zone and FSR standard met. No significant adverse impacts. Development consistent with neighbouring sites	Delegated	19/05/2023
D/2022/795	260	Liverpool Street	DARLINGHURST	Residential - Alterations & additions	Height	5%	Residential - Alterations & additions	Objectives of zone and height standard met. No significant adverse impacts. Development does not significantly impact on the bulk and scale of the existing building.	Delegated	16/05/2023
D/2022/827	732	Bourke Street	REDFERN	Residential - Alterations & additions	Height	2%	Residential - Alterations & additions	Objectives of zone and height standard met. No significant adverse impacts. Development consistent with neighbouring sites.	Delegated	1/05/2023
D/2022/846	8	Coneill Place	FOREST LODGE	Residential - Alterations & additions	Height	41%	Residential - Alterations & additions	Objectives of zone and height standard met. No significant adverse impacts. Development consistent with neighbouring sites.	LPP	28/06/2023
D/2022/868	178	Hereford Street	FOREST LODGE	Residential - Alterations & additions	Height	15.6%	Residential - Alterations & additions	Objectives of zone and height standard met. No significant adverse impacts. Development consistent with neighbouring sites.	Delegated	4/04/2023
D/2022/978	48	Bellevue Street	GLEBE	Residential - Alterations & additions	Height	5%	Residential - Alterations & additions	Objectives of zone and height standard met. No significant adverse impacts. Development consistent with neighbouring sites.	Delegated	11/05/2023
D/2022/979	55	Forbes Street	NEWTOWN	Residential - Alterations & additions	Height	6.7%	Residential - Alterations & additions	Objectives of zone and height standard met. No significant adverse impacts. Development consistent with neighbouring sites.	Delegated	16/05/2023
D/2023/282	116	Hereford Street	GLEBE	Residential - Alterations & additions	Height	14.89%	Residential - Alterations & additions	Objectives of zone and height standard met. No significant adverse impacts. Development consistent with neighbouring sites.	Delegated	30/06/2023
D/2023/343	784	Elizabeth Street	WATERLOO	Residential - Alterations & additions	FSR	4.15%	Residential - Alterations & additions	Objectives of zone and FSR standard met. No significant adverse impacts. Development does not significantly impact on the bulk and scale of the existing building.	Delegated	19/05/2023
D/2022/1183	79	Wilson Street	NEWTOWN	Residential - New second occupancy	Height	14.50%	Residential - New second occupancy	Objectives of zone and height standard met. No significant adverse impacts.	Delegated	5/06/2023
D/2022/324	388	Sussex Street	SYDNEY	Tourist	FSR	1.10%	Tourist	The fsr is in the basement, it complies with the objectives of the development standard, zone and has sufficient environmental planning grounds	Delegated	30/06/2023
D/2022/1029	87	Abercrombie Street	CHIPPENDALE	Commercial / retail / office	FSR	49%	Commercial / retail / office	Objectives of zone and FSR and height standard met. No significant adverse impacts. Development does not significantly impact on the bulk and scale of the existing building.	Delegated	1/06/2023

DA Number	No	Street name	Suburb	Zoning of land	Development standard to be varied	Extent of variation	Type of development	Justification of variation	Authority	Date Determined
D/2022/1212	477	Pitt Street	HAYMARKET	Commercial / retail / office	FSR	19.40%	Commercial / retail / office	Objectives of zone and FSR and height standard met. No significant adverse impacts. Development does not significantly impact on the bulk and scale of the existing building.	Delegated	16/06/2023
D/2022/1361	490	Crown Street	SURRY HILLS	Commercial / retail / office	Height	13.30%	Commercial / retail / office	Objectives of zone and height standard met. No significant adverse impacts.	Delegated	11/04/2023
D/2022/1370	477	Pitt Street	HAYMARKET	Commercial / retail / office	FSR	19.40%	Commercial / retail / office	Objectives of zone and FSR and height standard met. No significant adverse impacts. Development does not significantly impact on the bulk and scale of the existing building.	Delegated	1/06/2023
D/2023/257	300	Elizabeth Street	SURRY HILLS	Commercial / retail / office	Height	49.50%	Commercial / retail / office	Objectives of zone and FSR and height standard met. No significant adverse impacts. Development does not significantly impact on the bulk and scale of the existing building.	Delegated	14/06/2023
D/2023/332	2	Wentworth Park Road	GLEBE	Commercial / retail / office	FSR	0.67%	Commercial / retail / office	Objectives of zone and FSR standard met. No significant adverse impacts.	Delegated	29/06/2023
D/2022/1340	74	Pitt Street	REDFERN	Mixed	FSR, Height	30%, 5.89%	Mixed	Objectives of zone and FSR and height standard met. No significant adverse impacts. Development does not significantly impact on the bulk and scale of the existing building.	Delegated	22/05/2023
D/2022/481	525	George Street	SYDNEY	Mixed	Height, FSR	3.6%, 0.7%	Mixed	Objectives of zone and FSR and height standard met. No significant adverse impacts. Development does not significantly impact on the bulk and scale of the existing building.	CSPC	11/05/2023
D/2022/575	20	Hargrave Street	DARLINGHURST	Mixed	Height	9%	Mixed	Objectives of zone and height standard met. No significant adverse impacts. Development does not significantly impact on the bulk and scale of the existing building.	Delegated	5/06/2023
D/2022/79	171	Botany Road	WATERLOO	Mixed	Height	11.70%	Mixed	The proposal is considered not to have unreasonable impact on the amenity of the adjoining properties or the street scape	LPP	5/04/2023

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 12 reports received by the City from Fire and Rescue NSW. The attachments deal with 12 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.

Recommendation

It is resolved that Council:

- (A) note the contents of the Fire Safety Report Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection reports by Fire and Rescue NSW, as shown at Attachments B to M of the subject report;
- (C) note the contents of Attachment B and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 429-429A Pitt Street, Haymarket;
- (D) note the contents of Attachment C and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 7 Potter Street, Waterloo at this time;
- (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 115-119 Macquarie Street, Sydney at this time;
- (F) note the contents of Attachment E and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 32-38 Rothschild Avenue, Rosebery at this time;
- (G) note the contents of Attachment F and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 87-93 Abercrombie Street, Chippendale at this time;
- (H) note the contents of Attachment G and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 695-699 George Street, Haymarket at this time;
- (I) note the contents of Attachment H and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 2 Roslyn Street, Potts Point at this time;
- (J) note the contents of Attachment I and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 30-34 Chalmers Street, Surry Hills at this time;
- (K) note the contents of Attachment J and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 75 Crown Street, Woolloomooloo at this time;
- (L) note the contents of Attachment K and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 1-21 Bay Street, Glebe at this time;

- (M) note the contents of Attachment L and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 38 Chalmers Street, Surry Hills at this time; and
- (N) note the contents of Attachment M and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 281-285 Broadway, Glebe at this time.

Attachments

- Attachment A.** Fire Safety Reports Summary Sheet
- Attachment B.** Inspection Report - 429-429A Pitt Street, Haymarket
- Attachment C.** Inspection Report - 7 Potter Street, Waterloo
- Attachment D.** Inspection Report - 115-119 Macquarie Street, Sydney
- Attachment E.** Inspection Report - 32-38 Rothschild Avenue, Rosebery
- Attachment F.** Inspection Report - 87-93 Abercrombie Street, Chippendale
- Attachment G.** Inspection Report - 695-699 George Street, Haymarket
- Attachment H.** Inspection Report - 2 Roslyn Street, Potts Point
- Attachment I.** Inspection Report - 30-34 Chalmers Street, Surry Hills
- Attachment J.** Inspection Report - 75 Crown Street, Woolloomooloo
- Attachment K.** Inspection Report - 1-21 Bay Street, Glebe
- Attachment L.** Inspection Report - 38 Chalmers Street, Surry Hills
- Attachment M.** Inspection Report - 281-285 Broadway, Glebe

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 Report Summary Sheet

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

Total number of properties tabled: 12

Report – September 2023

Summary table

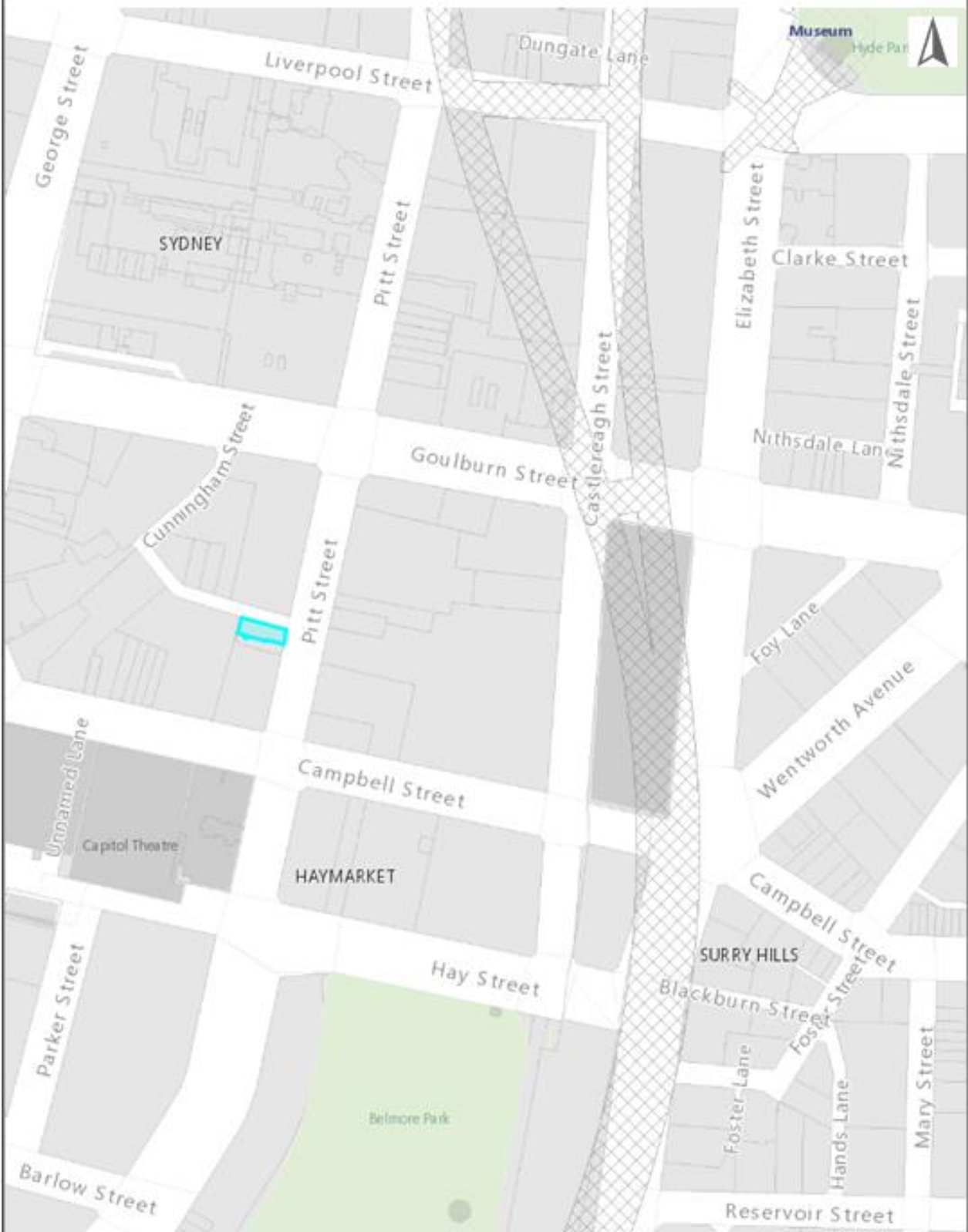
Att. (A-D)	Premises Specifics	Actions/ Recommendation
A	Not applicable – Summary Sheet	Summary of clause 17, Schedule 5 matters tabled at Council meeting.
B	429-429A Pitt Street, Haymarket	Premises inspected; owners have been issued with a Notice of Intention to give a Fire Safety Order; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.
C	7 Potter Street, Waterloo	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.
D	115-119 Macquarie Street, Sydney	Premises inspected; matters raised have been rectified, no further action required.
E	32-38 Rothschild Avenue, Rosebery	Premises inspected; works to continue under an existing Fire Safety Order; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.
F	87-93 Abercrombie Street, Chippendale	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.
G	695-699 George Street, Haymarket	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.
H	2 Roslyn Street, Potts Point	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.
I	30-34 Chalmers Street, Surry Hills	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.

J	75 Crown Street, Woolloomooloo	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.
K	1-21 Bay Street, Glebe	Premises inspected; matters raised have been rectified, no further action required.
L	38 Chalmers Street, Surry Hills	Premises inspected; matters raised have been rectified, no further action required.
M	281-285 Broadway, Glebe	Premises inspected; works to continue under an existing Fire Safety Order; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.

Attachment B

**Inspection Report
429A Pitt Street, Haymarket**

429A Pitt Street Haymarket



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Notes

known as 429-429A Pitt Street

18/07/2023

**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 3005045 **Officer:** B. Badyari **Date:** 3 August 2023

Premises: 429A Pitt Street, HAYMARKET NSW 2000

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the 429A Club, 429A Pitt Street, Haymarket on 19 June 2023, with respect to matters of fire safety.

The premises is used as a brothel known as, "429A Club", containing 2 levels with 12 rooms, including office and staff room. Records indicate the building was erected around 1941.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building owner, pertaining to new fire safety matters, which revealed that the premises are deficient in fire safety and egress provisions in the following areas:

- (i) Inadequate fire detection and alarm systems;
- (ii) A lack of adequate facilities for firefighting;
- (iii) Suitable fire resisting construction to prevent the spread of fire;
- (iv) No emergency lighting for occupants to provide safety evacuate the building in the event of a fire
- (v) Poor fire safety management systems (signs/notices/not displayed etc.) in place

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

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

Chronology:

21/06/2023	FRNSW correspondence received dated 19 June 2023 received regarding premises referred to as 429A Pitt Street Sydney (being 429-429A Pitt Street, Sydney)
11/07/2023	An inspection of the subject premises was undertaken by a Council officer, and noted the following: 1. Building equipped with several fire safety measures noted, including building occupant warning system, heat detectors/and smoke detectors with several smoke detectors been removed and fire extinguishers. 2. Fire isolated exit stairways were provided, with self-closing fire doors 3. Clear signage displayed on the cupboard reading Fire indicator panel 4. The Alarm Signalling Equipment (ASE) displaying yellow LED flashing light next the fault 5. Inadequate Exit signage noted 6. Fire safety evacuation procedures displayed inundated. 6. An Annual Fire Safety Statement dated 2023, was not displayed in prominent area, copy provided on site for display.
3/08/2023	Notice of Intention for fire safety Order issued. (TRIM 2023/456281)

FIRE AND RESCUE NSW REPORT:

References: [BFS23/6 (25732); D23/50968/]

Fire and Rescue NSW conducted an inspection on 5 June 2023 of the subject premises after receiving an enquiry about fire safety matters pertaining to the automatic smoke detectors and alarm system on level 1, missing detectors and signage and no annual fire safety statement on display.

Issues: The report from FRNSW detailed the following observations.

Issue	City response
<p><u>Essential service measures</u></p> <p>1A Automatic smoke detection and alarm system: A At the time of inspection, the fire brigade panel (FBP) was clear of all faults and isolations and the system appeared to be operating normally.</p> <p>B One smoke detector, at the top of the stair on level 1 (outside the entry door), had been removed from its installed location. In this regard, the detector was missing from its mounting bracket.</p> <p>C The door to the cupboard containing the FBP, was not marked with the words "FIRE PANEL" in letters not less than 50mm high. Contrary to the requirements of clause 3.9.2 of AS1670.1-2018.</p> <p>D The detectors throughout level 1 and level 2 appeared to be a combination of smoke and thermal detectors, contrary to the requirements of specification 20 of the NCC and AS1670.1-2018.</p> <p>1B Alarm Signalling Equipment (ASE): A. The 'ASE' status was displaying a flashing yellow LED light next to the fault function label, indicating there may be an issue with the ASE.</p> <p>1C. Exit signs: A. One exit sign on the first-floor level was not illuminated and had not been maintained, contrary to the requirements of section 81 of the EPAR 2021.</p> <p>1D. Annual Fire Safety Statement: A. A copy of the current AFSS was not prominently displayed within the building in accordance with section 89 of the EPAR 2021.</p>	<ul style="list-style-type: none"> • No faults observed at the time of inspections. • Inspection revealed that several smoke detectors removed on level 1 and 2, to be addressed by issuing Notice/Order • FBP signage displayed at the time of inspections. • to be addressed by issuing Notice/Order • to be addressed by issuing Notice/Order • to be addressed by issuing Notice/Order • to be addressed by issuing Notice/Order

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

FRNSW Recommendations

Inspect and appropriately address the items of this report.

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 a notice of intention (NOI) for a fire safety order has been issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council’s investigation officer.

The issue of a fire safety order will ensure that suitable fire safety systems are in position throughout the building to provide improved and adequate provisions for fire safety.

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

Referenced/Attached Documents:

2023/376740	FRNSW S9.32 report dated 19 June 2023
-------------	---------------------------------------

Trim Reference: 2023/376740-03

CSM reference: 3005045

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File Ref. No: BFS23/6 (25732)
TRIM Ref. No: D23/50968
Contact: [REDACTED]

19 June 2023

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
'429A CLUB'
429A PITT STREET, HAYMARKET ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 23 December 2022 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *Attended an AFA at these premises, alarm operated on level 1 of the building due to steam from a shower.*
- *Premises are used as a brothel.*
- *While the crew were confirming the cause of the alarm on level 1, I noted that the detectors on level 2 were all isolated.*
- *When questioning the Manager (name unknown, language barrier) there had been a problem with the detectors going off quite often, so they had been isolated on level 2.*
- *I checked the Fire servicing documentation and noted that the detectors on level 2 appeared to not have been operational since the 3rd week in November 2022.*

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
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www.fire.nsw.gov.au

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- *There were also notes since August to replace the backup batteries for the FIP, work which had not been completed.*
- *Given the nature of the occupancy and the language barrier of the employees as well as no operational detectors I suggested the Manager should call their servicing company ASAP to fix the problem.*
- *The manager offered to cease operations on level 2 until the issue with the detectors and the batteries were fixed.*

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 5 June 2023.

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.

COMMENTS

Please be advised that the items in this report are limited to observations of the building accessed during the inspection and identify possible nonconformities with the National Construction Code 2022, 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 at the time of the inspection:

1. Essential Fire Safety Measures
 - 1A. Automatic Smoke Detection and Alarm System:
 - A. At the time of the inspection the Fire Brigade Panel (FBP) was clear of all faults and isolations and the system appeared to be operating normally.
 - B. One smoke detector, at the top of the stairs on Level 1 (outside the entry door), had been removed from its installed location. In this regard, the detector was missing from its mounting bracket.

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- C. The door to the cupboard containing the FBP, was not marked with the words 'FIRE PANEL', in letters not less than 50mm high, contrary to the requirements of Clause 3.9.2 of AS1670.1-2018.
- D. The detectors throughout Level 1 and Level 2, appeared to be a combination of smoke and thermal detectors, contrary to the requirements of Specification 20 of the NCC and AS1670.1-2018.

It is unclear whether approval has been given to permit thermal detectors in areas where smoke detectors would generally be required.

1B. Alarm Signalling Equipment (ASE):

- A. The 'ASE Status' was displaying a flashing yellow LED light next to the 'Fault' function label, indicating there may be an issue with the ASE. A conversation with the nominated Automatic Fire Alarm Service Provider (AFASP), following the inspection, revealed that the system was showing as 'normal operation' on their system.

Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

1C. Exit signs:

- A. One exit sign on the first-floor level was not illuminated and had not been maintained, contrary to the requirements of Section 81 of the EPAR 2021.

1D. Annual Fire Safety Statement (AFSS):

- A. A copy of the current AFSS was not prominently displayed within the building in accordance with Section 89 of the EPAR 2021.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review item 1 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.

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Please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call [REDACTED] if there are any questions or concerns about the above matters. Please refer to file reference BFS23/6 (25732) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Fire Safety Compliance Unit

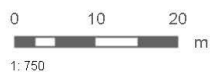
Attachment C

**Inspection Report
7 Potter Street, Waterloo**

7 Potter Street Waterloo



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Notes

14/08/2023

**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 3009796

Officer: D McLennan

Date: 8 August 2023

Premises: Shop 2/7 Potter Street, Zetland

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to Shop 2/7 Potter Street Zetland identified as “Panda Legend” with respect to matters of fire safety.

The premises consists of a ground floor shop within a 10 level building (known as “Cameo”) with the approved uses being; basement carpark, ground floor retail and offices and remaining levels residential apartments.

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

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. The Annual Fire Safety Statement (AFSS) is currently overdue and is expected to be lodged with Council and displayed in the building by early September. In the interim, a supplementary Annual Fire Safety Statement is currently on display within the building.

Observation of the external features of the building identified the existence of potential combustible composite cladding on the façade of the building. The City’s cladding compliance team have requested the building owners provide an expert assessment of the external cladding to determine the risk posed.

Council investigations have revealed that whilst there remains several minor fire safety “maintenance and management” works to attend to including faults and isolations being displayed on the Fire Indicator Panel and the obstruction of firefighting equipment, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

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

Chronology:

Date	Event
29/06/2023	FRNSW correspondence received regarding premises “Panda Legend” at 7 Potter Street Waterloo (Shop 2/7 Potter Street Waterloo)
4/7/2023	An inspection of the subject premises undertaken by a Council officer, in the presence of the building manager, revealed: <ul style="list-style-type: none">• Smoke Detectors within shop 2/7 Potter Street (Panda Legend) were mounted suitably.

Date	Event
	<ul style="list-style-type: none"> The Fire Detection and Controlling Indicating Equipment (FDCIE) displayed faults and isolations. Items were obstructing access to Fire Extinguishers and Fire Hose Reels in shop 2/7 Potter Street (Panda Legend)
5/7/2023	A follow up inspection of the premises by a Council Officer showed no obstructions to Fire Extinguishers or Fire Hose Reels in shop 2/7 Potter Street (Panda Legend)
11/7/2023	Corrective action correspondence sent requiring the Fire Detection and Controlling Indicating Equipment (FDCIE) to be in a fully operational state free of isolations and faults.
18/7/2023	<p>A follow up inspection of the premises by a Council Officer revealed:</p> <ul style="list-style-type: none"> The Fire Detection and Controlling Indicating Equipment (FDCIE) displayed faults and isolations. Furniture was obstructing in shop 2/7 Potter Street (Panda Legend) egress paths Items were obstructing accessing to Fire Extinguishers and Fire Hose Reels in shop 2/7 Potter Street (Panda Legend)
18/7/2023	<p>Additional corrective action correspondence was sent requiring:</p> <ul style="list-style-type: none"> Fire Detection and Controlling Indicating Equipment (FDCIE) to be in a fully operational state free of isolations and faults unobstructed access to Fire Hose Reels and Fire Extinguishers in shop 2/7 Potter Street (Panda Legend)
7/8/2023	A follow up inspection of the premises by a Council officer showed corrective actions had been completed.

FIRE AND RESCUE NSW REPORT:

References: [BFS23/2216 (27875); 2023/396358

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about damaged smoke detectors and storage of items blocking egress paths.

Issues The report from FRNSW detailed a number of issues, in particular that a smoke detector was poorly mounted to the ceiling.

Issue	City response
A smoke detector in Panda Legend was seen to be poorly mounted to the ceiling.	Inspection showed properly mounted smoke detectors.
The Fire Detection and Controlling Indicating Equipment (FDCIE) did not display an faults or isolations	Inspection showed faults and isolations on the Fire Detection and Controlling Indicating Equipment (FDCIE). These were addressed by a corrective action letter.
The business was not open for trade at the time of the inspection to determine if egress was impeded.	Inspection showed items obstructing access to Portable Fire Extinguishers and Fire Hose Reels. These were addressed by a corrective action letter.

FRNSW Recommendations

FRNSW have made no direct recommendation within their report other than legislative notification; however FRNSW have made the following comments:

1. The smoke detector in Panda Legend was seen to be poorly mounted to the ceiling of the occupancy. The building manager was aware of the issue which was being addressed by the fire service maintenance contractor.
2. The Fire Detection and Control Indicating Equipment (FDCIE) did not display any faults or isolations
3. The business was not open for trade at the time of the inspection to determine if egress was impeded.

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 the issues identified by Fire and Rescue NSW in their letter dated 23 June 2023 have been rectified.

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

Referenced/Attached Documents:

2023/396358	FRNSW S9.32 report dated 23 June 2023
2023/396358-01	Copy of correspondence requiring corrective actions dated 11 July 2023

Trim Reference: 2023/396358-01

CSM reference No#: 3009796

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File Ref. No: BFS23/2216 (27875)
TRIM Ref. No: D23/56331
Contact: [REDACTED]

23 June 2023

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
PANDA LEGEND
7 POTTER STREET WATERLOO ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 1 May 2023 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *Premises (Panda Legend on store signage or Yuan's Hot Pot on FIP) had at least 1 x smoke detector hanging from the roof and it appeared to be damaged/inoperable. Large amounts of food packaging and preparation material observed in rear of shop/kitchen preventing safe egress during an emergency for workers and possibly patrons (poor housekeeping).*

Pursuant to the provisions of 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 15 May 2023. On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4).

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.

Fire and Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

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Greenacre NSW 2190

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- 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

The following items were identified during the inspection:

1. The Smoke Detector in Panda Legend was seen to be poorly mounted to the ceiling of the occupancy. The building manager was aware of the issue which was being addressed by the fire service maintenance contractor.
2. The Fire Detection and Control Indicating Equipment (FDCIE) did not display any faults or isolations.
3. The business was not open for trade at the time of the inspection to determine if egress was impeded.

Please do not hesitate to contact Acting Inspector [REDACTED] of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call [REDACTED] if you have any questions or concerns regarding the above matters. Please refer to file reference BFS23/2216 (27875) for any future correspondence concerning this matter.

Yours faithfully

[REDACTED]
[REDACTED]
[REDACTED]
Fire Safety Compliance Unit

Attachment D

**Inspection Report
115-119 Macquarie Street, Sydney**



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Notes

17/07/2023

**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 3009801

Officer: Luke Jeffree

Date: 31 July 2023

Premises: 115-119 Macquarie Street, Sydney 'Intercontinental Sydney'

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 29 June 2023 with respect to matters of fire safety.

The premises consists of a 27 storey interconnected building known as the InterContinental Sydney, comprising hotel levels with 509 guest rooms, ground floor restaurant, bar and retail spaces and a 5 storey basement carpark.

The site contains the former NSW Treasury Building which is a State Heritage item.

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

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

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works being attended to by the property owner, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

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

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

Chronology:

Date	Event
29/06/2023	FRNSW correspondence received regarding premises 'Intercontinental Sydney' 117 Macquarie Street, Sydney [115-119 Macquarie Street, Sydney]
11/07/2023	A desktop review carried verified that Annual Fire Safety Statement submission process was being followed in accordance with the Regulation and City's procedures. The officer noted current fire safety documentation/certification on file (E/2004/1139) and it was evident that an Accredited Practitioner (Fire Safety) had recently assessed & inspected all fire safety measures (including exits) that apply to the building with measures having been verified by the practitioner with respect to the relevant standards of performance & the Reg.

Date	Event
12/07/2023	<p>An inspection of the subject premises was undertaken by a Council officer in the presence of the building manager where the following items were noted:</p> <ul style="list-style-type: none"> • annual fire safety statement (AFSS), fire safety schedule and evacuation plan present • some identification signage (required under relevant standards) was required to cabinet door housing sprinkler booster. Council officer gave a verbal instruction/warning to the building manager to obtain and affix the signage to the door – which was carried out shortly after Council’s inspection • fire safety systems appeared generally well maintained throughout the building with all fire panels clear of faults & isolation • Councils’ inspection revealed that the original fire services plan (block plan) detailing the fire hydrant & sprinkler system was provided within the cabinet housing hydrant & sprinkler booster

FIRE AND RESCUE NSW REPORT:

References: [BFS23/2760 (28404), D2023/056327; 2023/396347]

Fire and Rescue NSW conducted an inspection of the subject premises on 16 June 2023. The United States Secret Service were also present during the inspection to check and adjust fire safety & building security systems for a state visit.

Issues

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

Issue	City response
The Fire Indicator Panel (FIP) displayed two (2) isolations	The faults to the panel (FIP) have been investigated, cleared and no isolations noted
The Emergency Warning and Intercommunication System (EWIS) displayed (3) three faults to the system	The faults to the EWIS fire panel have been investigated, cleared and no isolations noted
Hydrant block plan not provided for the premises	<p>No action required by the City.</p> <p>Councils’ inspection revealed that the original fire services plan (block plan) was provided within the cabinet housing hydrant booster</p>
Plan of risk (block plan) not provided for the premises	<p>No action required by the city.</p> <p>Councils’ inspection revealed that the original fire services plan (block plan) was provided within the cabinet housing sprinkler booster</p>

Issue	City response
Spherical door handles within the fire stairs not complying with the National Construction Code (NCC)	No action required by the city. Councils' inspection verified that existing spherical door handles were provided to fire doors within the fire stairs and were found to be compliant with the original installation standard. Furthermore, Councils officer found the door handles to be adequate and well maintained

FRNSW Recommendations

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

1. Inspect and address any other deficiencies identified on 'the premises' and require item no. 1 and 2 of their report to be reviewed;
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 the presence of the building manager verified that the deficiencies identified by FRNSW on their inspection had been rectified and that essential fire safety measures (including exit doors) within the building are being maintained.

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:

2023/426910-01	FRNSW S9.32 report dated 29 June 2023
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Trim Reference: 2023/426910

CSM reference No#: 3009801

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File Ref. No: BFS23/2760 (28404)
TRIM Ref. No: D2023/056327
Contact: [REDACTED]

29 June 2023

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
INTERCONTINENTAL SYDNEY
117 MACQUARIE STREET SYDNEY NSW 2000 ("the premises")**

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW) inspected 'the premises' on 16 June 2023. The United States Secret Service 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.

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

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
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National Construction Code 2022, 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. Maintenance – Clause 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires maintenance of Essential Fire Safety Measures to a standard no less than when first installed. At the time of the inspection, the following was observed:

- A. Fire Indicator Panel (FIP) – The FIP displayed 2 isolations to the automatic smoke detection and alarm system.
- B. Emergency Warning and Intercommunication System (EWIS) - The EWIS Panel displayed 3 faults to the system.

The Building Manager was present at the inspection and confirmed that he was aware of the faults and isolations and that they were due to ongoing works to 'the premises'. For this reason, no enforcement action was taken by FRNSW.

- 1B. Hydrant Booster - A block plan, A3 minimum size, has not been provided at the hydrant booster, contrary to the requirements of Clause 7.11 of AS 2419.1–2005.
- 1C. Sprinkler Booster - A plan of risk (block plan) was not provided adjacent to the sprinkler booster, contrary to the requirements of Clause 8.3 of AS 2118.1–2017.

2. Access and Egress

- 2A. Operation of latch – A number of exit doors within the fire-isolated stair incorporates a round tulip style handle in lieu of a lever handle, contrary to the requirements of Clause D3D26 of the NCC.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 and 2 of this report and conduct an inspection.
- b. Address any other deficiencies identified on "the premises".

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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 [REDACTED] of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call [REDACTED] if there are any questions or concerns about the above matters. Please refer to file reference BFS23/2760 (28404) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]
[REDACTED]
[REDACTED]

Fire Safety Compliance Unit

Attachment E

**Inspection Report
32-38 Rothschild Avenue, Rosebery**

"Otto Stage 2" 32-38 Rothschild Avenue Rosebery



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Notes

4/07/2023

**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 3010079

Officer: Andrew Porter

Date: 3 July 2023

Premises: 32-38 Rothschild Avenue, Rosebery

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 30 June 2023 with respect to matters of fire safety.

The site contains four residential apartment buildings of varying sizes situated above a common basement carpark. The site has an area of 16,740 square metres, bounded by Sweet Street to the north, Rothschild Avenue to the east, Queen Street to the south and Mentmore Avenue to the west.

An inspection of the buildings undertaken by a Council investigation officer revealed fire safety deficiencies regarding storage of items above the storage cages in the basement carparks which is causing obstruction of the sprinkler deflectors.

The premises was also subject of correspondence from the Commissioner of FRNSW on 24 June 2022. Council investigations in June and July of 2022 revealed that the premises were deficient in the provisions for fire safety and a fire safety order was issued on 7 October 2022 under Schedule 5 of the Environmental Planning and Assessment Act, 1979 to ensure and promote adequate provision of fire safety/fire safety awareness. Works are in progress and the final completion date is due in October 2024.

The subject premises is also fitted with external combustible cladding. The City's cladding compliance team have issued a fire safety order requiring cladding removal and replacement. The owner's corporation have registered with the NSW Government's Project Remediate scheme and are currently progressing through the respective investigative, remediation design and acceptance stages of the said scheme prior to undertaking any remediation works. City officers have directed building management to take precautionary interim fire safety measures 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 (and emergency services personnel); the removal of potential fire hazards/processes from critical potential fire start areas; the introduction of site management procedure plans and or temporary rules to carefully manage hot/building maintenance works and the inclusion and implementation of any expert given recommendations.

Chronology:

Date	Event
30/06/2023	FRNSW correspondence received regarding premises Otto (Stage 2) 32-38 Rothschild Avenue, 14J Mentmore Avenue & 16 Queen Street, Rosebery [32-38 Rothschild Avenue, Rosebery]
03/07/2023	An inspection of the subject premises was undertaken by a Council officer, and it was noted that there was storage of items above the basement carpark storage cages that would obstruct the operation of the carpark sprinkler system in the event of a fire.

Date	Event
04/07/2023	Corrective action letter issued to building owners to remove storage in and around the sprinkler system in the basement carpark (reference 2023/405418-01).
04/07/2023	Strata Manager advised via email that the Annual fire safety statement is displayed within the noticeboard adjacent to the main fire indicator panel onsite.
31/07/2023	Carried out inspection of the premises and note that all corrective fire safety matters have been suitably addressed as required by correspondence to the building owners on 4 July 2023.

FIRE AND RESCUE NSW REPORT:

References: [BFS23/264 (25968); 2023/399113]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving a complaint about a fire door from the stair well onto the street not being openable.

Issues The report from FRNSW detailed several issues.

Issue	City response
Multiple fire hose reels throughout the premises were detached from the hose guide and nozzle interlocking device.	<p>Inspection on 3 July 2023 revealed all inspected fire hose reels were compliant, attached to hose guides and nozzle interlocking devices.</p> <p>Discussed with building owner's strata manager who advised they had the building fire service contractor complete works to the fire hose reels a week or so ago.</p> <p>Note this non-compliance in the Corrective action letter sent to the owners on 4 July 2023 to ensure all hose reels are maintained in a compliant manner.</p> <p>Surveyed a number of fire hose reels during the Inspection on 31 July 2023 all are maintained in compliance with the required standard.</p>
A 500mm clear space is not being maintained below all sprinkler deflectors in the carpark levels as items were being stored on top of some of the storage cages.	<p>Inspection on 3 July 2023 revealed storage of items above storage cages in the carpark which obstruct the sprinkler deflectors.</p> <p>Corrective action letter sent to owners to rectify this issue on 4 July 2023 with a 7-day compliance period.</p> <p>Inspection 31 July 2023 revealed all items stored above the storage cages have been removed.</p>

Issue	City response
Annual fire safety statement is not displayed in the building.	<p>Inspection on 3 July 2023 revealed no annual fire safety statement displayed within the building.</p> <p>Corrective action letter sent to owners to rectify this issue on 4 July 2023 with a 7-day compliance period.</p> <p>Inspection 31 July 2023 revealed that the most recent annual fire safety statement is displayed in the building main entrance.</p>

Following their inspection in June 2023 FRNSW determined there are inadequate provisions for fire safety within the building.

FRNSW Recommendations

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

1. Inspect the subject premises and take action to have the identified and any other 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)

It is recommended that Council not exercise its powers to give a fire safety order at this time as the new matters raised by FRNSW have been suitably addressed by the owners.

Council officers shall continue with compliance actions under the current Council Orders. The main works remaining are the installation of a fire sprinkler system throughout the buildings, currently under design.

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

Referenced/Attached Documents:

2023/405418-03	Copy of current fire safety order dated 7 October 2022
2023/405418-02	Fire and Rescue NSW correspondence dated 30 June 2023
2023/405418-01	Corrective action letter dated 4 July 2023

Trim Reference: 2023/405418

CSM reference No#: 3010079

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File Ref. No: BFS23/264 (25968)
TRIM Ref. No: D23/58547
Contact: [REDACTED]

30 June 2023

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
'OTTO'
34 ROTHSCHILD AVENUE, ROSEBERY
AKA 32-38 ROSEBERY AVENUE, 14J MENTMORE AVENUE AND 16
QUEEN STREET, ROSEBERY ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 20 January 2023 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *The fire door from the stair well onto the street doors not open. The handle is stuck.*

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 21 June 2023.

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:

- The inspection of the premises was limited to the basement carpark and ground floor common area of building '34 Rothschild Avenue'.

Fire and Rescue NSW

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- 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

It is noted that FRNSW has had previous dealings with 'the premises', as has Council. I refer you to FRNSW inspection report no D22/49879 (BFS22/2842) (copy attached – Appendix 1). In addition to the information provided in the previous FRNSW inspection report, the following items were identified at the time of the inspection.

1. Essential Fire Safety Measures

- 1A. Fire Hose Reels (FHR's) – Multiple FHRs throughout the premises were detached from the hose guide and nozzle interlocking device, contrary to the requirements of Australian Standard AS2441-2005
- 1B. Automatic Fire Suppression Systems – A 500mm clear space is not being maintained below the level of all sprinkler deflectors throughout the carpark levels, as items were being stored on top of some of the storage cages, contrary to the requirements of Clause 5.4.8 of AS2118.1-1999.
- 1A. Annual Fire Safety Statement (AFSS) – A current AFSS is not displayed in the building contrary to Section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 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.

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Please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call [REDACTED] if there are any questions or concerns about the above matters. Please refer to file reference BFS23/264 (25968) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Fire Safety Compliance Unit

Attachment: Appendix 1 – Inspection Report – BFS22/2842 (D22/49879) - 5 pages

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Appendix 1 – Inspection Report – BFS22/2842 (D22/49879)



Unclassified

File Ref. No: BFS22/2842 (21868)
TRIM Ref. No: D22/49879
Contact: [REDACTED]

23 June 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**
'OTTO (STAGE 2)'
32-38 ROTHSCHILD AVENUE, 14J MENTMORE AVENUE AND
16 QUEEN STREET, ROSEBERY ("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 16 June 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.

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Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483
www.fire.nsw.gov.au		Page 1 of 5

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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.

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. The Automatic Smoke Detection and Alarm System did not appear to be capable of operating to the standard of performance from when it was first designed and installed, contrary to the requirements of Clause 81 of the EPAR 2021. The following issues were identified as concerns at the time of inspection:

A. Fire Indicator Panel (FIP) – The FIP was displaying one (x1) fault associated with the Level 2 (ground floor) Garbage Room in E Block.

The Strata Manager was advised of the fault following the inspection, and FRNSW were advised that the issue would be investigated and resolved in a timely manner.

FRNSW received email correspondence from the Strata Manager on 17 June 2022, confirming the fire maintenance company had investigated and replaced the faulty smoke detector and the system was fully operational without any faults or isolations. Photographs were provided with the correspondence to demonstrate such.

Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

1B. The Fire Hydrant System:

A. The booster assembly:

i. The booster assembly appears to be connected 'in series' with the fixed on-site fire pump in accordance with the requirements of Clause 7.6 of AS2419.1-2005. In this regard, a pressure gauge (100mm diameter in lieu of 150mm) is provided at the booster assembly indicating the pressure at the pump discharge pipe/manifold, however, an engraved warning sign is not provided, contrary to the requirements of Clause 7.6(c) of AS2419.1-2005.

Unclassified

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Unclassified

B. The hydrant pumpset did not appear to be capable of operating to the standard of performance from when it was first designed and installed, contrary to the requirements of Clause 81 of the EPAR 2021. The following issues were identified:

- i. The pump control panel indicated the pump was not be fully operational.
- ii. The latest entry in maintenance logbook for the hydrant pumpset, dated 6 June 2022, indicated there were ongoing faults with the diesel pump dating back to February 2022.

The Strata Manager was advised of the issues following the inspection, and FRNSW were advised that the fire maintenance company would investigate and provide clarification.

FRNSW received email correspondence from the Strata Manager on 17 June 2022, confirming the fire maintenance company had investigated and provided the following clarification:

- *The pump panel appears to be faulty - the pump runs OK but control panel does not correctly indicate pump activity.*

FRNSW received further email correspondence from the Strata Manager on 23 June 2022, confirming the fire maintenance company had completed the works and the pump issues had been resolved. A copy of the Field Service Report was provided with the correspondence to demonstrate such.

Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

1C. Annual Fire Safety Statement (AFSS) and Fire Safety Schedule (FSS):

- A. A copy of the current AFSS and FSS were not prominently displayed within the building in accordance with Clause 89 of the EPAR 2021.

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.

Unclassified

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2. Generally:

2A. Access and Egress:

- A. Operation of latch – The northern exit to Sweet Street, from the carpark on Level 1 (beneath Block E), relies upon egress through the 'garbage holding room', however, the door in the path of travel to the exit (i.e. the garbage room door) was not readily openable without a key from the side that faces a person seeking egress, contrary to Clause D2.21 of the National Construction Code Volume One Building Code of Australia (NCC). It is noted that this door appears to form part of a required exit from the carpark, given the location of an exit sign above the door and directional exit signs leading to the door.

2B. Fire Resistance:

- A. Vertical separation of openings in external walls – It is unclear whether the vertical spandrel separation between Sole Occupancy Units (SOU's) is constructed of a non-combustible material achieving an FRL of not less than 60/60/60 in accordance with the requirements of Clause C2.6 of the NCC. In this regard, the colourback glass concealing the spandrels in multiple SOU's was deteriorating and the spandrel construction appeared inadequate.

2C. Services and Equipment

A. Fire hydrant system:

- i. Additional hydrants have been installed at the northern end of the carpark levels (Level 1 and Basement Level) to achieve system coverage, however additional provisions have not been made to suit the operational requirements of FRNSW, contrary to the requirements of Clause 3.2.3.3 of AS 2419.1-2005. In this regard, fire-fighters would be unaware of the existence of the additional hydrant valves outside the fire stairs and would benefit from floor plan signage being placed adjacent to the hydrant valves within the fire stairs, detailing the location of the additional hydrants within the carpark levels.

RECOMMENDATIONS

FRNSW recommends that Council:

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

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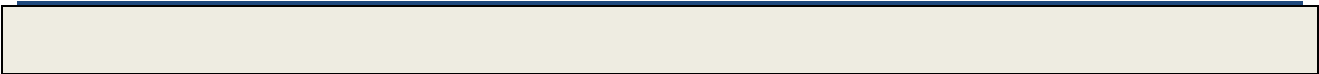
This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on [REDACTED]. Please ensure that you refer to file reference BFS22/2842 (21868) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

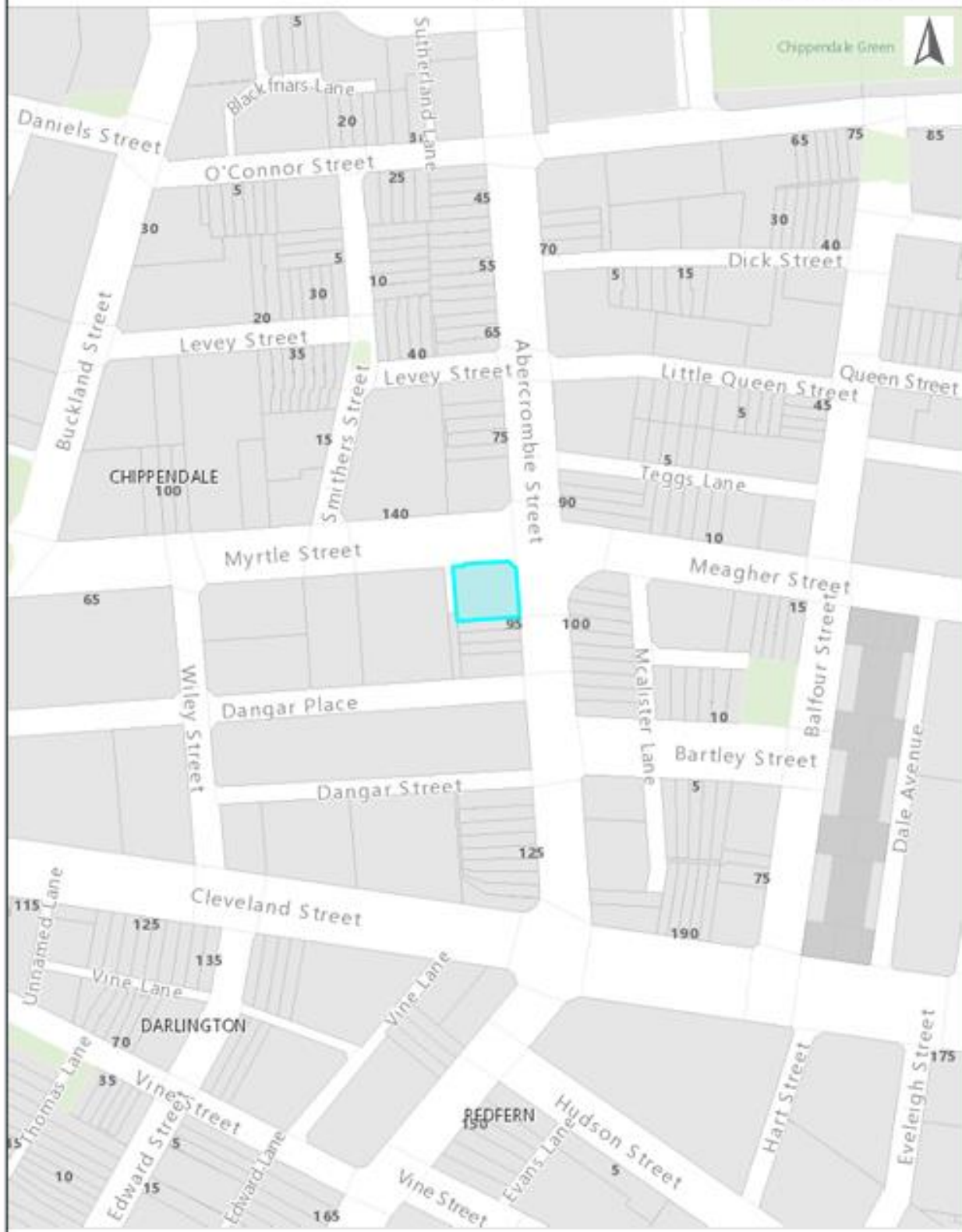
Fire Safety Compliance Unit



Attachment F

**Inspection Report
87-91 Abercrombie Street, Surry Hills**

87-93 Abercrombie Street Chippendale



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Notes

4/07/2023

**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 3009754

Officer: G. Scotton

Date: 18 July 2023

Premises: 87-91 Abercrombie Street, Surry Hills

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on the 28 June 2023 in relation to the premises with respect to matters of fire safety.

The premises consist of a three-storey/four level hotel used primarily for residential accommodation, which includes a bar at ground floor level, a lounge at basement level, with residential accommodation at first and second floor levels.

An inspection of the premises undertaken by a Council investigation officer in the presence of the owner, revealed 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 the most recent fire safety statement is on display within the building.

Council investigations have revealed that whilst there remains several fire safety maintenance and management work to attend to, including provision of a fire alarm block plan and replacement of an extinguisher, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

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

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

Chronology:

Date	Event
29/6/2023	FRNSW correspondence dated 28 June 2023 received regarding fire safety at the premises
5/7/2023	A review of City records showed that: (a) The fire safety schedule for the premises contains twenty-three fire safety measures, including an automatic smoke detection and alarm system, automatic fire suppression (sprinkler) system, fire alarm communication link, and a building occupant warning system (b) A current fire safety statement dated 31/5/2023 has been provided in relation to the premises (c) The terms of a fire safety Order dated 23/1/2019 were completed on 21/6/2021
6/7/2023	Inspection of premises in company with the owner, with the details summarised in the issues table below

Date	Event
18/7/2023	Corrective action and warning correspondence sent to owner requiring maintenance of certain fire safety measures (2023/396517-08)

FIRE AND RESCUE NSW REPORT:

References: [BFS23/3126; 2023/404635-01]

Fire and Rescue NSW conducted an inspection of the subject premises on 8 June 2023 after receiving correspondence about rubbish dumped in the lane, and lights strung up in the lane.

Issues

The report from FRNSW detailed the following issues table :

Issue	City response
1. Rubbish in laneway at rear (near 79-83 Myrtle Street), but the area was clear when inspected by FRNSW	No rubbish noted in lane during inspection, no action required
2. Lighting hung up in the lane at rear	Lights of low voltage/LED appearance in the courtyard/lane not considered a fire safety risk, but location of lights in the laneway referred to City Rangers
3. Fire alarm 6 disablements which were removed during the inspection, relating to band performances in the basement	-No faults or isolations in fire indicator panel or fire alarm signalling equipment during inspection -Warning included in penalty caution letter -No further action required
4. Fire alarm zone block plan not provided	Fire alarm zone block plan required by penalty caution letter
5. Fire extinguisher missing at basement	Maintenance required by penalty caution letter
6. Door in path of travel from basement to ground floor exit labelled <i>staff only</i>	Removal of inappropriate signage required by penalty caution letter
7. Non continuous travel by a non-fire isolated exit stairway (glass door from units to lobby)	- Path of travel from residential portion through a smoke lobby provided with sprinklers and smoke detection. Although a technical non-compliance, provides adequate egress -No further action required
8. Outdated fire safety statement (3/6/22) displayed	-Current statement displayed during inspection, but only first page can readily be accessed -All pages of statement to be prominently displayed required by penalty caution letter
9. Access to residential portion was not provided	-Residential portion inspected, fire safety measures considered adequately maintained -No further action required

Issue	City response
10. Querying classification of building 6/9b	-Consent issued for class 6 hotel use -Classification is considered consistent with use -No further action required

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

FRNSW Recommendations

FRNSW have made recommendations within their report:

1. Review the report and conduct an inspection
2. Address any deficiencies at the premises.

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 officer, it was determined to issue the owners of the building a compliance instruction letter to rectify the identified fire safety deficiencies noted by Council and FRNSW.

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

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

It is recommended that Council not exercise its powers to give a Fire Safety Order at this time.

Referenced/Attached Documents:

2023/404635-01	Fire & Rescue NSW letter dated 28 June 2023
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Trim Reference: 2023/404635

CSM reference No: 3009754

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File Ref. No: BFS23/3126 (28750)
TRIM Ref. No: D23/56361
Contact: [REDACTED]

28 June 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
'CHIPPO HOTEL'
87 – 91 ABERCROMBIE STREET CHIPPENDALE ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 8 June 2023 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

The pub is dumping rubbish in the alleyway preventing save [sic] exit. The dumping aswell is a firehazard, as is the lighting that's been strung up in the alley without tagging.

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 20 June 2023.

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.

Fire and Rescue NSW

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Fire Safety Compliance Unit

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- 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 during the inspection and identify possible nonconformities with the National Construction Code 2022, 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. Automatic Fire Detection and Alarm System – During the inspection, the Fire Indicator Panel (FIP) displayed six (6) disablements. However, the Manager removed the disablements before FRNSW concluded the inspection.
- 1B. Zone Block Plan – A zone block plan was not provided at the FIP, contrary to Clause 3.10 of AS1670.1 – 2018 requirements.
- 1C. Portable Fire Extinguisher (PFE) – The PFE in the basement area of the premises has been removed, contrary to NCC – Clause E1D14 and AS2444 – 2001.

2. Access & Egress

- 2A. Door Signage – The door in the path of travel to an exit leading from the basement area to the ground floor bar area displayed signage showing “STAFF ONLY” and “NO TRESPASSING”. The signage on the door may create confusion for occupants in an emergency. The Council may require a review of the exit strategy.
- 2B. Non-Fire-Isolated Stairways or Ramps – Clause D2D14 of the NCC requires non-fire-isolated stairways or non-fire-isolated ramps serving as a required exit to provide a continuous means of travel by its flights and landings from every storey it serves to egress to a road or open space. During the inspection, a glass door from the residential units' internal stairs opens into the lobby bar area. The Council may require a review as the glass door appears to be a required exit.

3. Generally

- 3A. Annual Fire Safety Statement (AFSS) – The AFSS displayed at the premises was dated 3 June 2022. A current AFSS is not displayed in the building under Section 89 of the EP & A (DC&FS) Regulation 2021.
- 3B. Investigation Outcomes – The following items are provided to Council as part of the investigation on Thursday, 8 June 2023:
- A. Response from Manager – The following is provided as a result of a discussion with the on-site Manager at the time of the inspection:
- i. The residential units above the public bar are approved as a Class 2 building. The Council may require a review as access to the residential units was not obtained.
 - ii. The FIP was isolated during weekends to prevent false alarms, while live bands used a smoke machine in the basement area as part of the show.
- B. Maintenance – The last entry into the Fire Detection log book at the FIP indicated the panel had been disabled since 2 June 2023. The Council may require a review as FRNSW informed the Manager of the serious risk of isolating the FIP.
- C. Rubbish in Alleyway – The alleyway was clear of rubbish during the inspection, as indicated in the concern.
- 3C. Items for Further Investigation – The Council may require an investigation as the appropriate regulatory authority to confirm that:
- A. The owners maintain the essential fire safety systems and meet the local Council's obligations to regulate the development consent approval.
- B. An accredited practitioner (fire safety) has assessed, inspected and verified the performance of each fire safety measure (including exits) that applies to the building. Furthermore, the owner submits an Annual Fire Safety Statement (AFSS) as part of their obligations under the EP&A Act.
- C. Small Live Music or Arts Venue – Regulation 4 of the Environmental Planning and Assessment Regulation 2021 (EP&A Reg 2021) permits a Class 6 building (or part of a Class 6 building) where entertainment is provided to the public (being live music or arts) to remain a Class 6 building. Provided the building has a 'rise in storeys' of not more than two storeys and has a floor area of no more than 300 m². The Council may require a review as the use of the basement and ground floor as an entertainment venue may change the building class as defined by the NCC.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 3 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 [REDACTED] if there are any questions or concerns about the above matters. Please refer to file reference BFS23/3126 (28750) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

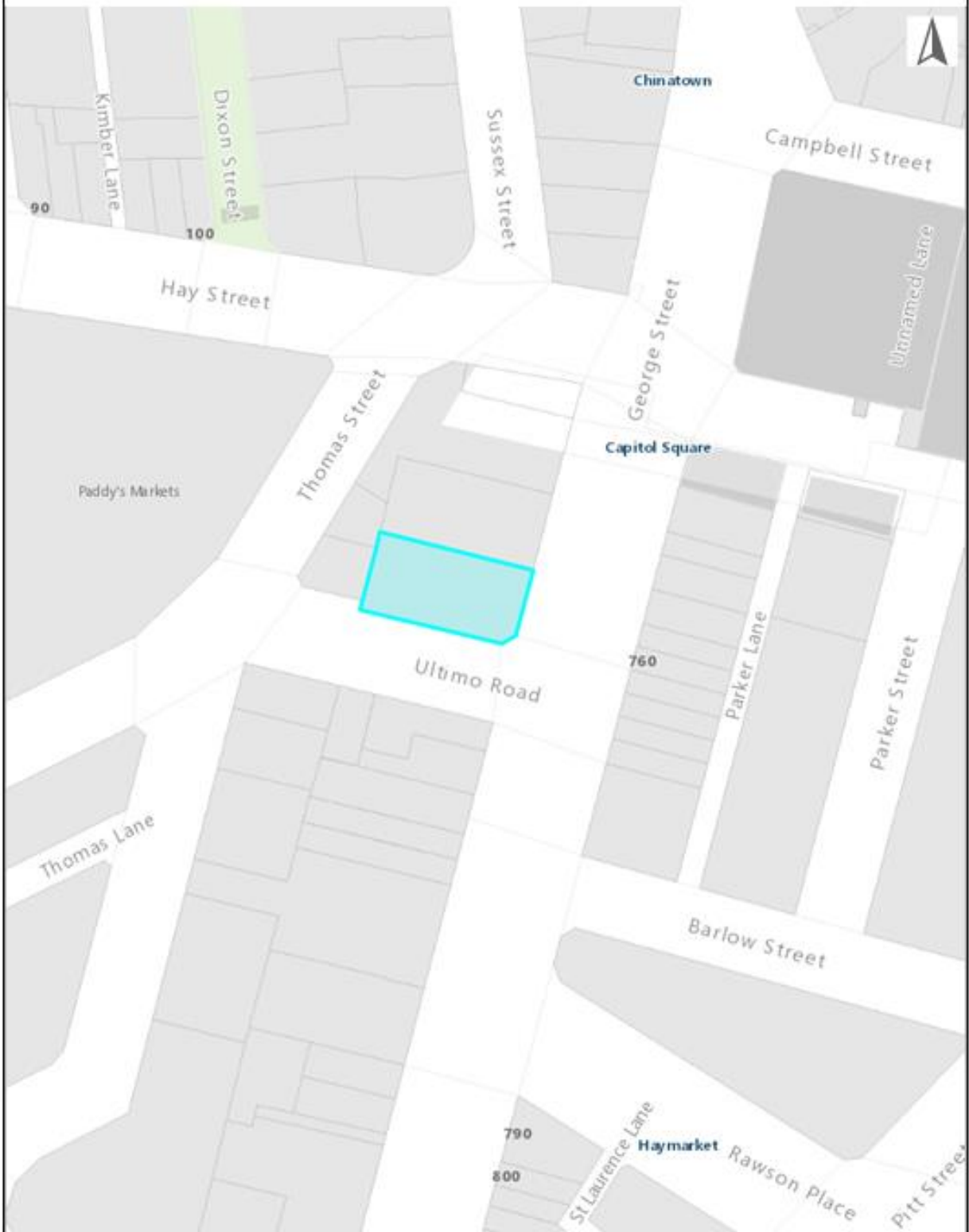
[REDACTED]

Fire Safety Compliance Unit

Attachment G

**Inspection Report
695-699 George Street, Haymarket**

695-699 George Street, Haymarket



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Notes

3/07/2023

**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 3004429

Officer: G. Scotton

Date: 28 July 2023

Premises: 695-699 George Street, Haymarket

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on the 19 June 2023 in relation to the premises with respect to matters of fire safety.

The premises is located on the corner of George Street and Ultimo Road, Haymarket, consisting of a six-storey commercial building, with basement vehicle parking, used primarily for offices, and is not fitted with external combustible cladding.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building manager, revealed 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 the most recent fire safety statement is on display within the building.

Council investigations have revealed that whilst there remains several fire safety “maintenance and management” works to attend to, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

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

Chronology:

Date	Event
19/6/2023	FRNSW correspondence received concerning correspondence relating to maintenance of fire safety measures at the premises
5/7/2023	A review of City records showed: -The fire safety schedule for the premises contains twenty-two fire safety measures, including an automatic smoke detection and alarm system, building occupant warning system, fire engineered performance solutions, fire doors, fire hydrants and fire hose reels -A City fire safety Order dated 1/10/2015 was completed on 1/2/2018
28/7/2023	-Inspection of premises, noting minor maintenance of fire safety measures required, including to some exit signage, an exit door, modification to warning signage, and to a pump gauge -Other issues raised by FNSW are detailed in the issues table below
28/7/2023	Corrective action and warning correspondence sent to owner requiring routine maintenance of fire safety measures (2023/374960-04)

FIRE AND RESCUE NSW REPORT:

References: [BFS23/2504; 2022/330617]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving correspondence about faults and non-monitoring status of the fire alarm.

Issues

The report from FRNSW detailed the following issues:

Issue	City response
1. Fire alarm break glass falsely activated	-Break glass devices intact and maintained -No action required
2. Fire indicator panel not monitored	-The fire safety schedule and NCC BCA S20C8 do not require monitoring of the fire alarm for this premises -The City's fire safety Order dated 1 October 2015-Term 3.02 did not require fire alarm monitoring, and suitable signage on same is provided as was required by the Order -No action required
3. Faults in fire indicator panel	-The fire indicator panel shows 47 isolations which relate to the ground floor/rear of the building undergoing renovation pursuant to a related development consent and as supervised by a certifier -The isolations are not considered a risk related to the construction site portion of the building, or generally -No action required
4. Fire hydrant issues: a. Block plan not provided b. Storz fittings not provided c. Valve clearances narrow d. Booster fire resistance narrow e. Booster height low f. Feed hydrant not beside boost inlet g. Inside fire hydrants outside fire exits	a. Required with penalty caution letter* b. Storz fittings in place, no action required. c. No action required** d. No action required e. No action required f. No action required g. No action required Notes: * The City's fire safety Order dated 1 October 2015 required upgrading of the block plan and maintenance of this measure is required ** The City's fire safety Order dated 1 October 2015 did not require upgrading of items c. to g.

Issue	City response
	Even though the premises does not comply with all current day technical dimension/location requirements relating to fire hydrants, it is considered an adequate level of fire safety is provided, having regard to the site location/type, location of nearby street hydrants, building design, and a related fire engineering report.

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

FRNSW Recommendations

FRNSW have made recommendations within their report:

1. Review the report and conduct an inspection
2. Address any other deficiencies at the premises

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 officer, it was determined to issue the owners of the building a compliance instruction correspondence to rectify the identified fire safety deficiencies noted by Council and FRNSW.

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

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

It is recommended that Council not exercise its powers to give a Fire Safety Order at this time.

Referenced/Attached Documents:

2023/401780-01	Fire & Rescue NSW letter dated 19 June 2023
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Trim Reference: 2023/401780

CSM reference No: 3004429

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File Ref. No: BFS23/2504 (28155)
TRIM Ref. No: D23/50789
Contact: [REDACTED]

19 June 2023

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
695-699 GEORGE STREET, HAYMARKET ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 12 May 2023 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated in part that:

- *Break glass alarm falsely activated by occupiers of building because of continuous faults in FIP.*
- *FIP not connected to service provider.*
- *47 faults in the FIP for several months, building management appear to be ignoring.*

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 5 June 2023.

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.

Fire and Rescue NSW

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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 during the inspection and identify possible nonconformities with the National Construction Code 2022, 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 as concerns at the time of the inspection:

1. Essential Fire Safety Measures

1A. Automatic Smoke Detection and Alarm System - The automatic fire detection and alarm system, did not appear to be capable of operating to the standard of performance from when it was first designed and installed, contrary to the requirements of Section 81 of the EPAR 2021. The following issues were identified as concerns at the time of inspection:

A. Fire Indicator Panel (FIP):

- i. The FIP was displaying forty-seven (x47) disablements.

Examination of the FIP and the Zone Block Plan revealed the disablements related to the ground floor tenancy "Stasis Beauty", which was currently the subject of internal shop fit-out.

Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

1B. Fire Hydrant System: The fire hydrant system appears to be installed in accordance with Ordinance 70 and Ministerial Specification No.10. Notwithstanding this, the following comments are provided having regard to AS 2419.1.2005:

A. The hydrant booster assembly:

- i. The hydrant booster assembly is not provided with a block plan, contrary to the requirements of Clause 7.11 of AS2419.1-2005.

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- ii. The booster connections are located at a height less than 750mm above the standing surface in front of the booster assembly, contrary to the requirements of Clause 7.4 of AS2419.1-2005.
 - iii. Feed fire hydrants were not installed on site adjacent to the booster inlet connections, contrary to the requirements of Clause 7.4 of AS2419.1-2005.
 - iv. 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 and 3m above the upper connections in the booster assembly, contrary to the requirements of Clause 7.3(c) of AS2419.1-2005. In this regard, glazed openings from the adjoining commercial tenancy are located adjacent and above the booster assembly.
- B. The internal hydrants throughout the premises are located outside the fire-isolated exits, contrary to the requirements of Clause 3.2.3.2 of AS2419.1-2005.
- C. Fire hydrant clearances - The hydrant valve located in the ground floor lobby did not achieve clearances around the outlet of not less than 300mm through an arc of 225° to facilitate hose coupling, contrary to the requirements of Clause 3.5.2 of AS2419.1-2005.
- D. Storz couplings, compatible with FRNSW firefighting hose connections were not provided to the internal 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'.

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

Fire hydrant system in existing premises

When the consent authority (e.g. local Council) is assessing the adequacy of an existing fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier), FRNSW recommend that the system be upgraded to meet the requirements of the current Australian Standard AS 2419.1 to facilitate the operational needs of FRNSW.

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It may be appropriate for a partial upgrade of the existing fire hydrant system be undertaken. A partial upgrade may be proposed to address deficiencies in the design and/or performance of the existing fire hydrant system, when assessed against the requirements of Australian Standard AS 2419.1, so that the upgraded fire hydrant system will meet the operational needs of FRNSW. Where a hybrid fire hydrant system is proposed, which incorporates the design and performance requirements from two different standards, the proponent should consult with FRNSW on the requirements for the fire hydrant system.

It is recommended that the existing fire hydrant system be upgraded to meet the requirements of the current Australian Standard (AS)2419.1 for an equivalent new building, as the current system no longer suits the operational needs of FRNSW.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review item 1 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 [REDACTED] if there are any questions or concerns about the above matters. Please refer to file reference BFS23/2504 (28155) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Fire Safety Compliance Unit

Attachment H

**Inspection Report
2 Roslyn Street, Potts Point**



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Notes

8/08/2023

**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 3011086

Officer: T. Zeljkovic

Date: 4 August 2023

Premises: 2 Roslyn Street Potts Point

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to 2 Roslyn Street, Potts Point, identified as “Uno Hotel”, with respect to matters of fire safety.

The premises comprising of a three (4) storey brick building, primarily used for hotel accommodation; the ground floor contains a nightclub tenancy and the Uno Hotel foyer, upper levels contain hotel rooms only. The building is contained within a heritage conservation area, under the Sydney Local Environmental Plan 2012.

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

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

Council investigations have revealed that whilst there remains several minor fire safety “maintenance and management” works to attend to such as, hose reel, hydrant valve, pump and door maintenance, review of existing barriers, lift motor room and ground level speaker check, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

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

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

Chronology:

Date	Events
03 July 2023	Fire and Rescue NSW (FRNSW) correspondence dated 27 June 2023 received regarding a 15 June 2023 attendance – which noted, maintenance issues pertaining to hose reels hydrant, doors, lift motor room and egress, housekeeping and other management issues.
04 July 2023	Review of Council records conducted, revealed: <ul style="list-style-type: none">- A historical fire order [FIRE/2008/10] was completed on 1 October 2010 which updated/certified the Fire Safety Schedule measures for the building,

Date	Events
	<p>included fire alarms, fire doors, lift doors/ shaft, egress and hose reel and hydrant systems</p> <ul style="list-style-type: none"> - A site inspection was conducted in the presence of the hotel manager was limited to common areas, and revealed: <ul style="list-style-type: none"> o Fire indicator Panel was (FIP) isolated during housekeeping- reinstated at time of inspection o the Annual Fire Safety Statement (AFSS) was not present o main electrical cupboard room – contained goods/ rubbish o a fire isolated stair to rear, main central stair with contained original handrails o egress paths clear, scaffold noted to rear exit leading to lane was accessible o rooftop fire hydrant pump fault noted - verbal instruction to contact fire contractor o hose reels not in interlock position, various location signs removed – recent painting o fire door frame tags omitted - recent painting of frames o lift was not operational – doors were affixed in closed position o exit signs illuminated
07 July 2023	<p>Follow up inspection conducted in presence of property manager</p> <ul style="list-style-type: none"> o fire indicator panel (FIP) operational o AFSS present – expiry 10/02/2024 o exit signs illuminated o main electrical cupboard clear o fire hydrant repairs, commenced o lift motor room and storage room, contained on roof level o smoke alarms within rooms unobstructed – various rooms contained smoke and thermal detectors
11 July 2023	<p>Further written instruction sent to owners pertaining to all maintenance issues identified during Council and FRNSW inspection(s).</p>

FIRE AND RESCUE NSW REPORT:

References: [BFS23/3056 (28682); 2023/398033

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about an existing hostels operation, evacuation, fire door and hydrant system issues.

Issues: The report from FRNSW detailed the following issues, regarding maintenance of certain fire safety measures:

Issue	City response
<p>1. Compartmentation and Separation</p> <ul style="list-style-type: none"> A. Fire doors – no fire rating tags B. Auto magnetic latch – operation C. Fire door Self closer devices D. Lift motor room fire separation 	<p>Addressed by Council’s written instruction – fire doors, magnetic locks, lift room to be inspected, reported on and or/ rectified by a competent fire safety practitioner (CFSP)</p>
<p>2. Access and Egress</p> <ul style="list-style-type: none"> A. No barrier Barncleuth Lane exit B. western/ rear exit path, affected by scaffold C. Storage of items /rubbish in rear fire isolated exit D. Central stairway barrier less than 800mm in height E. Items stored on level two, path to an exit 	<p>Addressed by Councils written instruction - egress will be reviewed by a CFSP; <i>Council noted exits/ paths were accessible at time of inspection</i></p>
<p>3. Services and Equipment</p> <ul style="list-style-type: none"> A. Fire panel 13 isolations B. Ground level Building occupant warning speaker C. Hose reel maintenance - interlock position issue D. Hose reel maintenance – Signage E. Exit sign not illuminated F. Smoke detector covering G. Thermal detectors H. Hydrant pump maintenance I. Hydrant booster enclosure J. Hydrant isolating valve clearance K. Hydrant front connection clearances 	<p>Addressed by Councils written instruction - maintenance to be addressed to CFSP.</p> <p>The fire panel is no longer isolated, and testing has commenced on exit signs, hose reels, smoke detectors (including thermal detector replacements), speakers, hydrant pump part(s) ordered and booster valves, door operation altered to achieve clearances / compliance</p>

Issue	City response
4. Other Copy of Annual Fire Safety Statement (AFSS) not present	Current AFSS is installed within ground level foyer

FRNSW believed that there were inadequate provisions for fire safety within the building.

FRNSW Recommendations

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

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

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

As a result of the above site inspection undertaken by Council's investigation officers it is recommended that the owners of the building continue to comply with the written fire safety compliance instructions as issued by Council officers to rectify the identified fire safety deficiencies noted by FRNSW.

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:

2023/468398-01	FRNSW S9.32 report dated 27 June 2023
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Trim Reference: 2023/468398

CSM reference No#: 3011086

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File Ref. No: BFS23/3056 (28682)
TRIM Ref. No: D2023/056027
Contact: [REDACTED]

27 June 2023

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
'UNO HOTEL'
2 ROSLYN STREET, POTTS POINT ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 6 June 2023 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *There were no smoke alarms in rooms.*
- *Room 301 had tissue paper stuffed into ceiling alarm.*
- *Dirty laundry piled high against main electrical switchboard.*
- *Lift does not function.*

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 14 June 2023. A reinspection of the premises was also conducted on 15 June 2023.

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:

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		Page 1 of 5

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- The inspection was limited to the UNO hotel only. Access within the nightclub part of the premises was not obtained.
- 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

The following items were identified during the inspection:

1. Compartmentation and Separation
 - 1A. Numerous fire-rated doorsets to the central stairway do not have their frames tagged, contrary to the requirements of AS 1905.1-2015.
 - 1B. One of the leaves of the fire-rated doorset adjacent to the lift on level 2 does not release from the magnetic latch when operating the test button. Concerns are raised that the door may not unlatch in the event of a fire, contrary to the requirements of Clause C4D8 of the NCC.
 - 1C. A number of fire-rated doorsets do not self-close, contrary to the requirements of Clauses C4D8 and C4D12 of the NCC.
 - 1D. The lift motor room is not fire separated, contrary to the requirements of Clause C3D13 of the NCC.
2. Access and Egress
 - 2A. A number of exits discharge to Barncleuth Lane at the rear of the premises. The discharge area is not provided with a suitable barrier to prevent the parking of vehicles, contrary to the requirements of Clause D2D15 of the NCC.
 - 2B. Scaffolding placed along the western side and rear of the building partially obstructs the required width of the path of travel to the road, contrary to Clause D2D15 of the NCC. Concerns are also raised regarding head height in numerous locations.
 - 2C. Large amounts of rubbish and other items were stored in the fire-isolated exit at the rear of the premises providing an obstruction, contrary to Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
 - A reinspection conducted on 15 June 2023 established that rubbish blocking the paths of travel within the fire-isolated exit had been removed. There was a small amount of rubbish still present within the stair on the ground floor, however, this was stacked to

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the side of the path of travel, not constituting an obstruction. Notwithstanding this, the Operational Manager was advised to remove the remaining rubbish which he indicated that he would do in a timely manner.

- 2D. The barriers / handrails to the central stairway are approximately 800 – 810 mm in height, contrary to the requirements of Clauses D3D18 and D3D22 of the NCC.
- 2E. Items were stored in the common area paths of travel to the exits on level 2, contrary to Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
 - A reinspection conducted on 15 June 2023 established that the items had been removed and there were no further concerns in relation to this matter.

3. Services and Equipment

- 3A. A total of 13 isolations were noted on the Fire Indicator Panel (FIP). The isolations covered all parts of the Uno Hotel as well as the nightclub. Due to these isolations, concerns are raised that the smoke detection and alarm system will not operate in the event of a fire.
 - A reinspection conducted on 15 June 2023 established that the 10 isolations relating to the nightclub next door had been removed. There were, however, 3 isolations still present. These covered levels 1, 2 and 3 of the premises. The Operational Manager advised that these zones were isolated whilst cleaning of the air conditioners was taking place. The Operational Manager was advised to remove the isolations, which he did in our presence, and to find an alternative to isolation during cleaning.
- 3B. FRNSW officers were unable to locate any sounders / speakers on the ground floor of the premises relating to the Building Occupant Warning System.
- 3C. A number of fire hose reels were not provided with interlock mechanisms at the stop valves, contrary to the requirements of Section 5 of AS 241-2005.
- 3D. A number of fire hose reels were not correctly signed, contrary to the requirements of Clause 10.4 of AS 2441-2005.
- 3E. Directional exit signage at the rear of the premises directing occupants to discharge onto Barncleuth Lane was not illuminated, contrary to the requirements of AS 2293.1-2018.
- 3F. The smoke detector located in room 304 was covered in plastic preventing its operation in the event of a fire. This was removed by the Operational Manager in our presence.

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- 3G. A number of rooms contained only thermal detectors, contrary to the requirements of Specification 20 of the NCC. The Operational Manager was advised not to occupy these rooms until they were provided with a smoke detector.
 - 3H. The fire hydrant pump control panel indicated a crank isolation and a “j/heater failure”.
 - A reinspection conducted on 15 June 2023 established that the crank isolation had been removed, however, the “j/heater failure” was still present.
 - 3I. The fire hydrant booster enclosure does not incorporate hold-open devices to the doors, contrary to the requirements of Clause 7.9.2 of AS 2419.1-2005.
 - 3J. The isolating valve wheel at the booster is not provided with adequate clearance, contrary to the requirements of Clause 3.5.2 of AS 2419.1-2005.
 - 3K. The front face of the connections at the fire hydrant booster is recessed more than 150 mm from the front face of the fire hydrant booster enclosure, contrary to the requirements of Clause 7.4 of AS 2419.1-2005.
4. Other identified issues
- 4A. A copy of the latest Annual Fire Safety Statement for the building was not displayed in a prominent location, contrary to the requirements of Section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review 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.

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Please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call [REDACTED] if there are any questions or concerns about the above matters. Please refer to file reference BFS23/3056 (28682) regarding any correspondence concerning this matter.

Yours faithfully

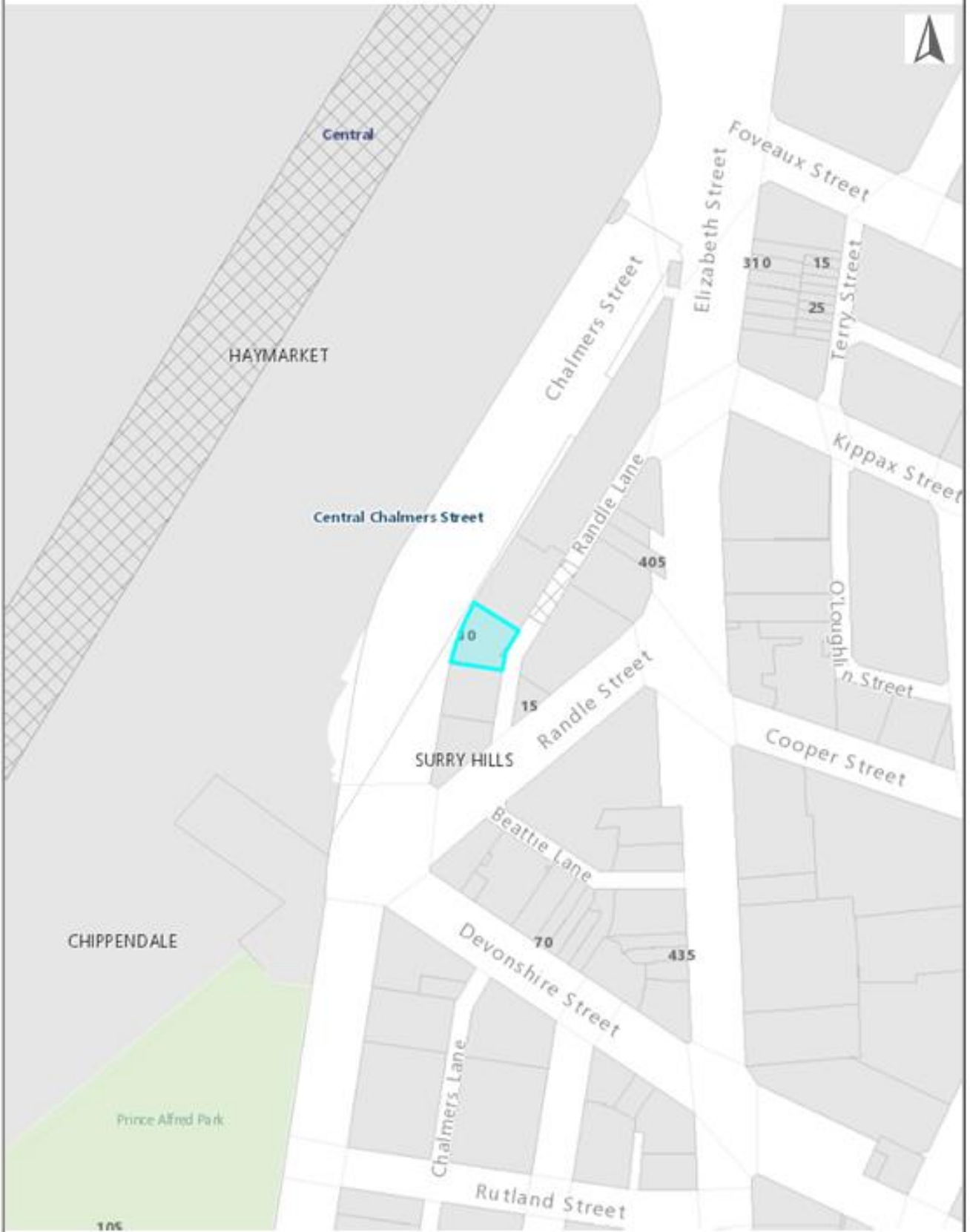
[REDACTED]

[REDACTED]
Fire Safety Compliance Unit

Attachment I

**Inspection Report
30-34 Chalmers Street Surry Hills**

30-34 Chalmers Street Surry Hills



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Notes

Locality Plan

28/07/2023

**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 3013212

Officer: B. Badyari

Date: 26 July 2023

Premises: 30-34 Chalmers Street, Surry Hills

Executive Summary:

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

The premises is irregular in shape, with an area of 321.6m². Primary street frontage is to Chalmers Street and Randle Street and Randle Lane at the rear. An eight (8) storey mixed use building is contained within the site.

The primary use of the building is residential with basement carpark, ground floor retail tenancies and seven (7) upper floors used as residential apartments.

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

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. A fire safety statement for the premises has been provided and is displayed prominently within the building, as required by the Environmental Planning and Assessment Regulation 2000.

Council investigations have revealed that whilst there remains several fire safety “maintenance and management” works to attend to, including displaying a zone block plan and compliance with a FRNSW 188 Exemption granted in 2014 relating to the building’s hydrant system, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

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

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

Chronology:

Date	Event
06/07/2023	FRNSW correspondence received regarding premises 30-34 Chalmers Street Surry Hills, in relation to a complaint dated 26 May 2023 in relation to essential fire safety measures -FRNSW reinspection on 26 May 2023
11/07/2023	A review of City records showed that: -The premises is on the eastern side of Chalmers Street and is part of a group of properties bounded by Elizabeth Street and Chalmers Street intersection to the north, Randle Lane to the east, Randle Street to the south and Central Station to the west. -The fire safety schedule for the premises contains fourteen (14) fire safety measures, including an automatic fire detection system, automatic fire suppression (sprinkler) system, fire engineering reports, and other fire safety measures typical for a high-rise building - A compliant fire safety statement dated 20 December 2022 was provided certifying 14 fire safety measures
21/07/2023	An inspection of the subject premises was undertaken by a Council investigation officer in company with the building manager, owner, and insurance agent when the following items were noted: -FIP was clear from all faults and isolations -Outdated block plan displayed; however, the owner is in the process of getting an updated block plan -Other fire safety measures in the building appeared adequately maintained -The fire safety statement is prominently displayed at the premises -Exits were clear and unobstructed
27/07/2023	Corrective action letter issued 2023/446717

FIRE AND RESCUE NSW REPORT:

References: [BFS23/2841 (28474); D23/59364]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving complaint in relations to fire incident which occurred in the adjacent building at 7-13 Randle Street on 25 May 2023.

Issues

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

Issue	City response
1. Faults x 35 on the fire indicator panel	FIP clear from all the faults at the time
2. The evacuation control panel was displaying fault and the switch was in the off position, indicating the evacuation system was isolated.	FIP clear from all the isolations, the building occupant warning system appeared in working conditions at the time.

Issue	City response
3. A permanent, water and fade resistant zone block plan, depicting all the relevant information of the installation was not securely mounted adjacent to the FIP.	To be rectified through Corrective action letter issued
4. The condition 2 of the FRNSW 188 Exemption required the glazed portions adjacent to the booster assembly to be protected by internal wall wetting sprinklers, one of the wall wetting drenchers is located outside the glazed door.	To be rectified through Corrective action letter issued
5. The pumproom at the rear is obstructed due significant number of debris blocking the Randle Lane	Randle Lane is all clear and access to pump room all clear
6. Annual Fire Safety Statement was not displayed	The annual fire safety statement displayed in the prominent area
7. Access and Egress from the residential levels level 1 to level 8 was not available as the single fire-isolated stairway which discharges into Randle Lane at the rear of the building was blocked off.	Fire isolated stairway clear from all obstructions
8. The subject building sustained damage because of the proximity to the fire in the adjacent building 7-13 Randle Street, the external wall in the eastern façade of the subject building in Randle Lane was affected with multiple smashed windows and the exterior finish delaminating in part and exposing what appeared to be the stud walls behind.	All windows are boarded from outside with no damage noted inside the building
9. Damaged fire doors due to forced entry to units 14,24,34,44,74 and 81.	Fire doors to all impacted units (14,24,34,44,74 and 81) have been replaced.
10. Internal unit 81 damaged	All internal damage now rectified
11. Smoke damage: <ul style="list-style-type: none"> • SOU frames • Smoke detectors • Ceiling • Emergency lighting etc 	All internal damage now rectified and smoke detectors and emergency lighting operational
12. Basement water puddles and water damage	Basement level clear from any water damage and water puddles

Issue	City response
13. Roof: Hot water services charred	One of the hot water units replaced and owner to replace black plastic caps that was charred during the recent Randle Street fire incident; however, this has no significance to fire safety.

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

FRNSW Recommendations

FRNSW have made recommendations within their report:

- a. Review item no. 1 through to item no.3 of this report and conduct an inspection.
- b. Address any other deficiencies identified on the premises.

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

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

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

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

Referenced/Attached Documents:

2023/410182	Fire & Rescue NSW letter dated 06 July 2023
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Trim Reference: 2023/410182

CSM reference No: 3013212

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File Ref. No: BFS23/2841 (28474)
TRIM Ref. No: D23/59364
Contact: [REDACTED]

6 July 2023

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
30-34 CHALMERS STREET, SURRY HILLS ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 26 May 2023 concerning the adequacy of the provision for fire safety in connection with 'the premises', following a fire incident which occurred in the adjacent building at 7 - 13 Randle Street Surry Hills, on 25 May 2023.

The correspondence stated that:

- *I have concerns that the fire safety systems are not operational and exits are blocked at 34 Chalmers Street Surry Hills following the fire last night.*

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 26 May 2023.

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:

- Those parts of the building where access could be gained, which included the ground floor lobby, the Fire Brigade Panel, the basement storage area and the hydrant booster assembly.

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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- 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 during the inspection and identify possible nonconformities with the National Construction Code 2022, 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.

It is noted that as a result of damage sustained to the subject building, due to its close proximity to the fire in the adjacent building, 'the premises' was unoccupied at the time of the inspection. Notwithstanding this, the following items were identified as concerns at the time of the inspection:

1. Essential Fire Safety Measures

- 1A. The Automatic Fire Detection and Alarm System and Building Occupant Warning System did not appear to be capable of operating to the standard of performance from when it was first designed and installed, contrary to the requirements of Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021). The following issues were identified as concerns at the time of inspection:

A. Fire Indicator Panel (FIP):

- i. The FIP was displaying thirty-five (x35) alarms, one (x1) fault and sixty-two (x62) isolations.
- ii. The Evacuation Control Panel was displaying 'Fault' and the control switch was in the 'OFF' position, indicating the evacuation system was isolated.

The Strata Manager was advised of the issues following the inspection and FRNSW were advised that the issues would be investigated.

FRNSW received email correspondence from the Facilities Manager on 29 May 2023, advising the following:

Fire Indicator Panel (FIP) - I managed to clear all faults & isolations & can confirm that the FIP is back online, however it is

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still recommended that our incumbent fire company should attend site to review all fire services when access is available.

A photograph of the FIP display panel was provided, with the email correspondence to demonstrate such.

Subsequently, FRNSW conducted a re-inspection on 5 June 2023 to confirm the status of the FIP. In this regard, the FIP was free of all alarms, faults and isolations and the system appeared to be fully operational.

Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

- B. Zone Block Plan – A permanent, water and fade resistant zone block plan, depicting all the relevant information of the installation, was not securely mounted adjacent to the FIP, contrary to the requirements of Clause 3.10 of AS1670.1-2004. (the reference standard on listed on the AFSS).

1B. Fire Hydrant System:

- A. The hydrant booster assembly – A review of FRNSW's database/records for 'the premises', as well as the AFSS on display in the building, indicates that the location of the booster assembly is subject to 'FRNSW exemption under Clause 188 of the EP&A Regulation 2000', dated 9/10/2014. In this regard, the following comments are provided:

- i. Condition 2 of FRNSW 188 Exemption required 'the glazed portions adjacent to the booster assembly to be protected by internal wall wetting sprinklers. In this regard, one of the wall wetting drenchers is located on the outside of the glazed entry door to the shop and is not protecting the glazed door. It is unclear whether the shopfront entry door has undergone reconfiguration since the exemption was granted, however the current arrangement is inconsistent with the conditions of FRNSW 188 Exemption. A copy of FRNSW 188 Exemption is attached in Appendix A for Council's information.

B. The pumphoom:

- i. Access was not available to the hydrant pumphoom, which is accessed from Randle Lane, due to the significant amount of debris blocking the lane from the adjoining building collapse and its location within the exclusion zone.

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1C. Annual Fire Safety Statement (AFSS):

- A. A copy of the current AFSS was not prominently displayed within the building in accordance with Section 89 of the EPAR 2021. In this regard, the AFSS on display was dated December 2022 and is no longer valid.

2. Access and Egress

- 2A. Egress from the residential levels (Level 1 to Level 8) was not available, as the single fire-isolated stairway which discharges into Randle Lane at the rear of the building was blocked off, due its discharge location inside the exclusion zone and a significant amount of debris from the building collapse, blocking the discharge door and the laneway.

3. Generally

- 3A. It was observed at the time of the inspection that, 'the subject building' sustained damaged as a result of the proximity to the fire in the adjacent building (7-13 Randle Street), which also backs onto Randle Lane. The external wall in the Eastern façade of 'the subject building' in Randle Lane was affected, with multiple smashed windows and the exterior finish delaminating in part and exposing what appeared to be the stud walls behind.

It is unclear whether any internal damage was sustained, as access was not available to the residential levels and into the sole occupancy units at the time of the inspection, however, FRNSW received email correspondence from the Facilities Manager on 29 May 2023, advising the following:

I managed to gain internal entry this afternoon with Police escort to all levels.

In the 15 minutes I was there, I was allowed to visit & quickly scan each level, including roof, basement & occupied levels.

There is considerable internal damage, including:

- *Damaged fire doors*
 - *Forced entry: Units 14, 24, 34, 44, 74 & 81.*
- *Internal damage unit 81*
- *Smoke damage*
 - *SOU frames*
 - *Smoke detectors*
 - *Ceiling*
 - *Emergency lighting etc*

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- *Basement*
 - *Water puddles*
 - *Could not ascertain extent of water damage.*
- *Roof*
 - *Hot water services charred.*

It would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 through to 3 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 [REDACTED] if there are any questions or concerns about the above matters. Please refer to file reference BFS23/2841 (28474) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

[REDACTED]
Fire Safety Compliance Unit

Attachment: [Appendix 1 – FRNSW Exemption under Clause 188 of the EP&A Regulation 2000 Reference D14/64386, dated 9 October 2014]

Appendix 1 – FRNSW exemption under Clause 188 of the EP&A Regulation 2000



File Ref. No: BFS13/5521 (5530)
TRIM Doc. No: D14/64386
Contact: [REDACTED]

9 October 2014



RE: EXEMPTION APPLICATION FOR 30-34 CHALMERS STREET SURRY HILLS

I refer to your correspondence dated 29 November 2013, requesting an exemption under Clause 188 of the Environmental Planning and Assessment (EP&A) Regulation 2000 regarding the aforementioned premises.

PLANS & SPECIFICATIONS

The documents submitted with your application have been registered by FRNSW as the following records: D13/90996, D13/90997, D13/90999, D13/91000, D13/91001, D13/91002 and D14/63249.

EXEMPTION

The proposed location of the fire hydrant booster assembly is not compliant with Clause 7.3(c)(ii) of AS2419.1—2005, which states in part:

(c) If within, or affixed to, the external wall of the building, the booster shall be –

- (ii) Separated from the building by a 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.*

Drawing D13/91000 (ground floor plan) furnished in support of the application for exemption depicts the fire brigade booster assembly as being located external to the building between retail tenancy 1 and retail tenancy 2.

Fire & Rescue NSW
Community Safety Directorate
Fire Safety Branch
bfs@fire.nsw.gov.au

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Greenacre NSW 2190
Page 1 of 3

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The application has proposed to install the fire brigade booster assembly at the boundary of building adjacent to Retail Tenancy 1 and the main entry to the building. It is also proposed that the fire brigade booster assembly is separated from the building by a construction with a fire resistance rating of not less than FRL 90/90/90 for a distance not less than 3m above the upper hose connections in the booster assembly. Radiant heat protection however is not proposed to be provided either side of the fire brigade booster assembly.

DETERMINATION

FRNSW have reviewed the submitted documentation and conditionally grants the exemption in view of the following:

The location of the hydrant booster assembly as proposed and **conditioned** will not adversely affect firefighting operations.

CONDITIONS

Pursuant to Clause 188(4) of the EP&A Regulation 2000, FRNSW advises that the following conditions are specified with this determination:

1. Permanently affixed fade resistant signage having capital letters of not less than 20 mm is to be provided within the entry foyer leading to the lift and state—
NO COMBUSTIBLE ITEMS ARE TO BE INSTALLED IN THIS AREA
2. The glazed portion that extends from the fire brigade booster assembly and grid line B of Drawing no. CD-1102 is to be protected in accordance with the following:
 - (i) In relation to a doorway, the door(s) is (are) self-closing or automatic closing as appropriate, as defined by National Construction Code series, Volume One, Building Code of Australia protected by internal wall wetting sprinklers, for the whole of the doorway;
 - (ii) In relation to any glazed part of an opening(s), door(s) or wall(s), the glazed part of the opening or wall is to be toughened glass not less than 10 mm in thickness.
3. The wall-wetting sprinklers, as detailed in Item (2)(i), and installed in accordance with National Construction Code series, Volume One, Building Code of Australia Clause C3.4 are directly connected to the fire hydrant system, capable of being boosted and separately isolated, so that:
 - (i) the isolating valve to the wall wetting sprinklers is provided within the fire brigade booster assembly cabinet; and
 - (ii) the connection of the wall wetting sprinklers to the fire hydrant system is provided downstream of the fire brigade booster connections.
4. The hydrant system is to be commissioned in accordance with the requirements of Section 10 of AS 2419.1—2005 and evidence of this testing is to be provided to FRNSW.



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5. The fire brigade hydrant booster assembly must be located and constructed strictly in accordance with the details and specification indicated on the latest revision plans submitted with this application and the conditions imposed by FRNSW.
6. Once the above works are completed the two nearest local Fire Station crews are to be invited to the site for a familiarisation visit. The two nearest Stations are Redfern Fire Station Ph: (02) 9698 1161 and City of Sydney Fire Station Ph: (02) 9265 2799.

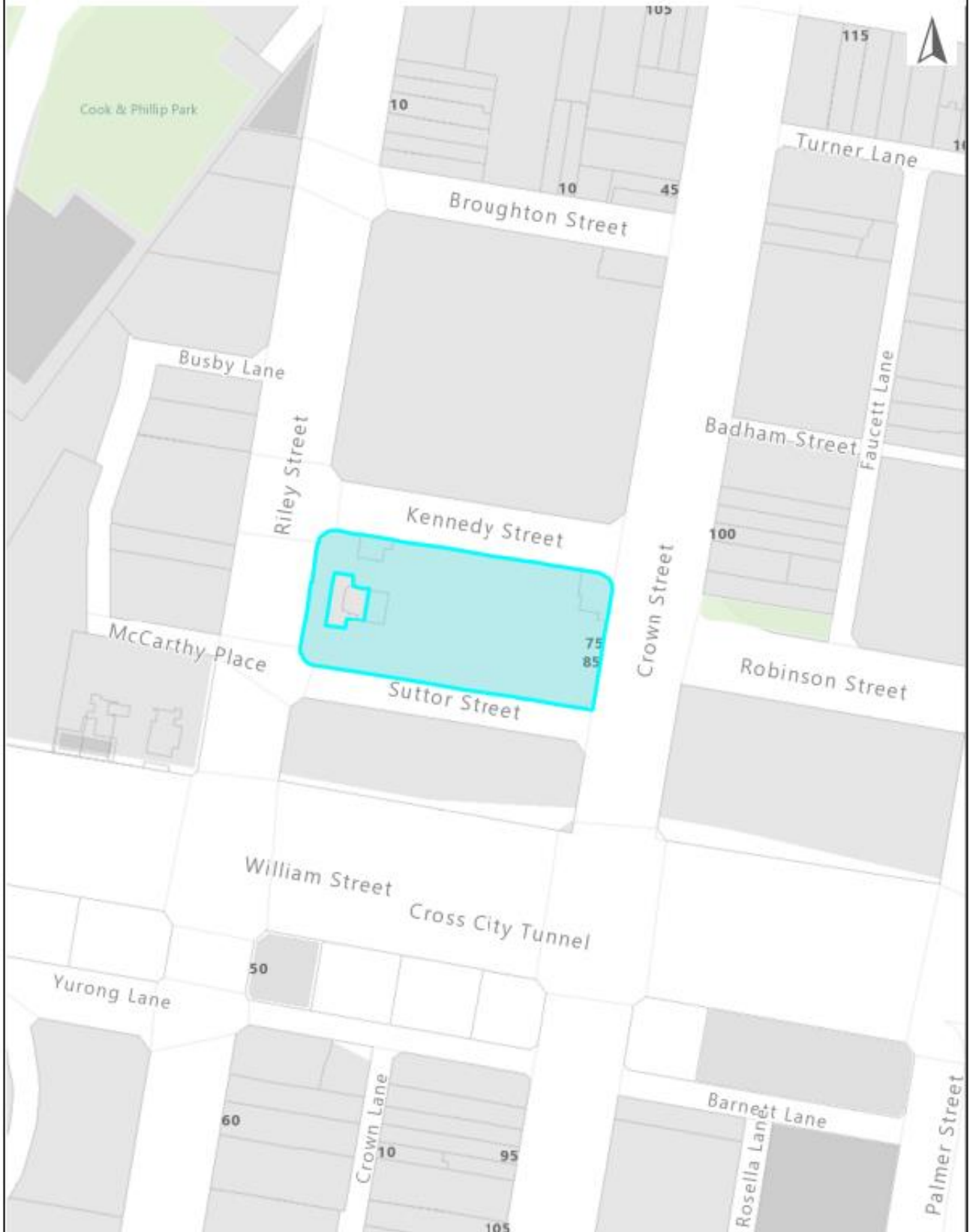
For further information please contact [REDACTED] at the Fire Safety Assessment Unit, referencing FRNSW file number BFS13/5521 (5530). Please ensure that all correspondence in relation to this matter is submitted electronically to bfs@fire.nsw.gov.au



Attachment J

**Inspection Report
75 Crown Street, Woolloomooloo**

75 Crown Street, Woolloomooloo



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Notes

26/07/2023

**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 3011097

Officer: Ashley Host

Date: 10 August 2023

Premises: 75 Crown Street, Woolloomooloo (former “City Ford” building)

Executive Summary:

Council received correspondence dated 29 June 2023 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 mixed-use commercial and residential building containing 15 residential units, a health service facility (private hospital), supermarket and commercial parking station. The building is eight storeys in height.

The site is listed as a local heritage item in the SLEP 2012 described as ‘Commercial building “Former Hastings Deering Building”’. It is located within the Woolloomooloo Conservation Area.

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 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
29.06.2023	FRNSW correspondence received regarding premises 75 Crown Street, Woolloomooloo
01.08.2023	An inspection of the subject premises was undertaken by a Council officer which revealed minor fire safety breaches which are being attended to by the Owners of the building. The following was noted during the inspection and requires further action. <ul style="list-style-type: none">• Remove all items stored within paths of travel to an exit; and• Install an updated fade and water-resistant hydrant block plan to the existing hydrant booster enclosure.

FIRE AND RESCUE NSW REPORT:

References: [BFS23/3051 (28677), D2023/057271; Trim Ref: 2023/397991]

Fire and Rescue NSW (FRNSW) received correspondence on 5 June 2023 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
A fire-rated door was noted as being propped open within the path of travel to the staff area along the northern side of the building.	No action required – no doors were observed to be propped open at the time of inspection.
A large number of boxes and other objects were noted as being stored within numerous paths of travel to exits.	To be addressed by corrective action letter - to require all items stored within paths of travel to an exit be relocated to a more appropriate space.
The fire hydrant system lacks a complete block plan contrary to the requirements of Clause 11.5 of AS 2419.1-2021.	To be addressed by corrective action letter - to install an updated permanent water and fade resistant zone block plan of the fire hydrant system at the booster assembly in accordance with Clause 7.11 of AS2419.1.2005.
A low head-height clearance within parts of the fire hydrant / sprinkler pump room was evident due to the location of pipes.	No action required - the pump room does not have the space to facilitate increased height clearances due to existing site constraints. The pumproom has an internal height clearance of 2.1m in accordance with AS2419.1-2005.
Zone 9 (level 6) of the smoke detection system was noted as being isolated. The most recent maintenance logbook entry noted that this was due to works being carried out on this floor.	No action required - The isolation was corrected at the time of the inspection and the system fully operational. No parts of the system were disabled or isolated at the time of inspection.

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)

As a result of preliminary site inspection undertaken by Council investigation officers a compliance letter dated 10 August 2023 was sent issuing instructions to address the fire safety deficiencies identified by FRNSW.

The above correspondence has requested that the building management remove all items from paths of travel, replace and to update the hydrant block plan to the existing hydrant booster.

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:

2023/39799	FRNSW S9.32 report dated 29 June 2023
------------	---------------------------------------

Trim Reference: 2023/013482

CSM reference No#: 3011097

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File Ref. No: BFS23/3051 (28677)
TRIM Ref. No: D2023/057271
Contact: [REDACTED]

29 June 2023

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
EAST SYDNEY PRIVATE HOSPITAL
75 CROWN STREET, WOOLLOOMOOLOO ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 5 June 2023 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *The fire door is propped open.*
- *The emergency exit corridor is blocked by boxes.*

The correspondence related to the East Sydney Private Hospital (level 4).

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 15 June 2023.

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.

Fire and Rescue NSW

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Community Safety Directorate
Fire Safety Compliance Unit

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- 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 during the inspection and identify possible nonconformities with the National Construction Code 2022, 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. Compartmentation and Separation
 - 1A. A fire-rated door was noted as being propped open within the path of travel to the staff area along the northern side of the building. This door was returned to normal operation at the time of the inspection.
2. Access and Egress
 - 2A. A large number of boxes and other objects were noted as being stored within numerous paths of travel to exits. Adequate egress width was generally provided to most areas notwithstanding, however, some paths of travel were restricted to less than 1 metre contrary to the requirements of Clause D2D8 of the NCC and Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
3. Services and Equipment
 - 3A. A schematic diagram of the fire hydrant system is located at the fire hydrant booster, however, a complete block plan is not provided contrary to the requirements of Clause 11.5 of AS 2419.1-2021.
 - 3B. A low head-height clearance within parts of the fire hydrant / sprinkler pump room was evident due to the location of pipes. Concerns are raised that this may result in injury to fire fighters when using the equipment.
 - 3C. Zone 9 (level 6) of the smoke detection system was noted as being isolated. The most recent maintenance logbook entry noted that this was due to works being carried out on this floor.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 3 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 [REDACTED] if there are any questions or concerns about the above matters. Please refer to file reference BFS23/3051 (28677) regarding any correspondence concerning this matter.

Yours faithfully

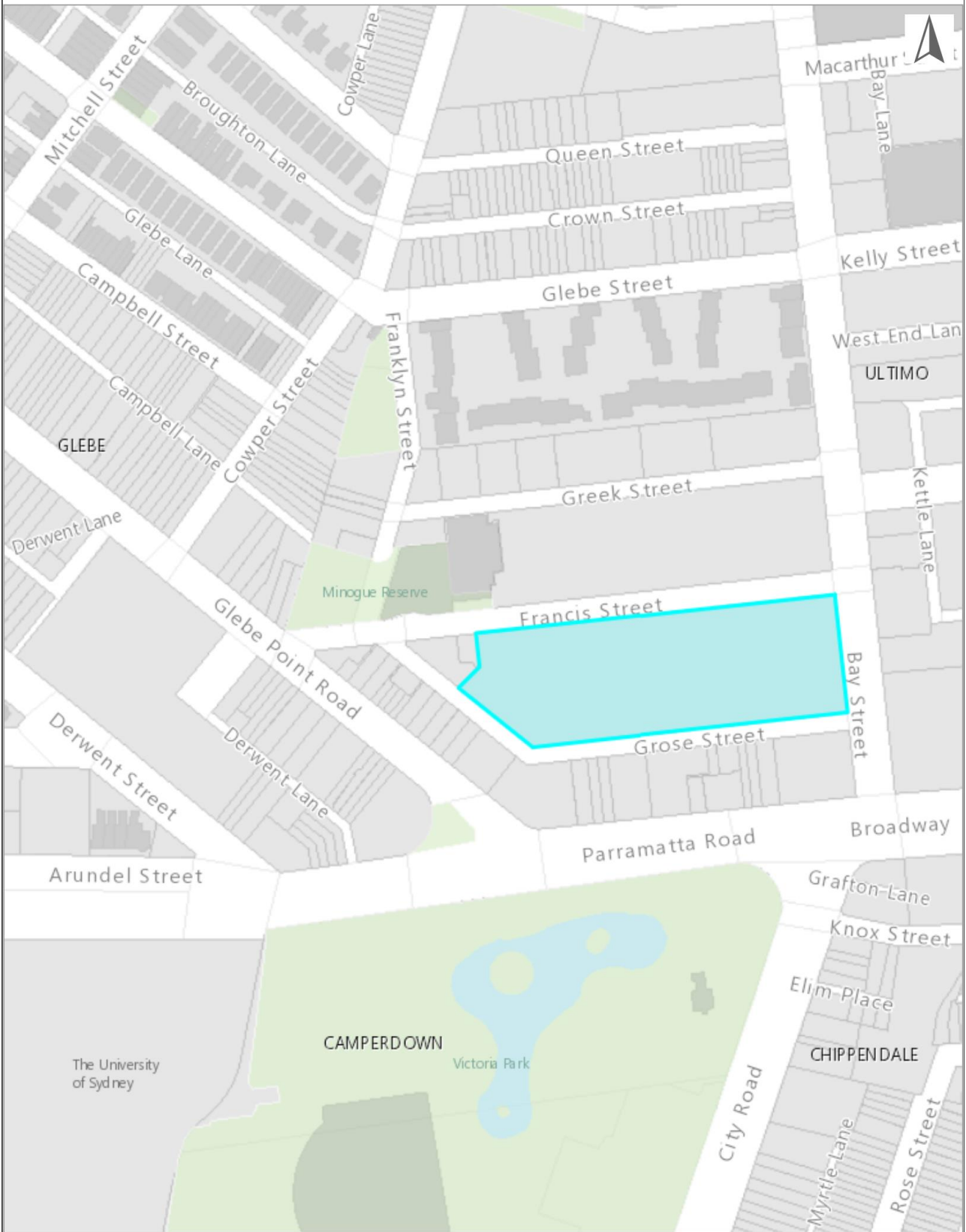
[REDACTED]

[REDACTED]
[REDACTED]
Fire Safety Compliance Unit

Attachment K

**Inspection Report
1–21 Bay Street, Glebe**

1 - 21 Bay Street



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Notes

28/07/2023

**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: 3019272

Officer: Arfan Chaudhary

Date: 28 July 2023

Premises: 1 – 21 Bay Street, Glebe NSW 2037

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 10 July 2023 with respect to matters of fire safety.

Fire & Rescue NSW (FRNSW) inspection resulted from a complaint received from a member of public concerning inadequate fire safety with ‘the premises’.

The premises Broadway Shopping Centre consists of three separate buildings. The Model & Moxham building is located at 213 Broadway; the Grose Street building is located at 1-21 Bay Street; and the Greek Street building is located at 23-35A Bay Street, Glebe.

The premises subject to this report is the Grose Street building.

The premises is not a heritage item and is not located within a heritage conservation area. It consists of a building with 4 levels: retail on ground floor level, first floor, second floor and third floor including Hoyts cinema and a tavern, and a car park located adjacent to all retail levels.

An inspection of the premises undertaken by a Council officer in the presence of the Manager – Hoyts Broadway which 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.

The Emergency Response Program is on display within the building in accordance with the requirements of the Standard, AS 3745 - 2010 Planning for Emergencies in Facilities. Council’s officer reviewed the Program to confirm minimum requirements are in place for the provision of fire safety training for staff. It was confirmed there are adequate plans and procedures in place in the event of a fire or emergency.

Council investigations have revealed there is no remaining fire safety “maintenance and management” works to attend to and the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

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

Chronology:

Date	Event
10/07/2023	FRNSW correspondence received regarding premises 1 – 21 Bay Street, Glebe. The correspondence was initiated by a complaint concerning fire safety and a FRNSW inspection on 3 July 2023 (reference 2023/415914). The correspondence stated “ <i>A member of the public has concerns with the evacuation procedures of mobility impaired patrons in the event of an emergency, the training of staff in the event of an emergency and lack of communications to patrons</i> ”
1/08/2023	A review of City records showed the fire safety schedule contains twenty-six (28) fire safety measures, including an automatic fire detection and alarm system, automatic fire suppression (sprinkler) system, fire engineering reports, and other fire safety measures typical for a building of this classification, all of which, are due for recertification on 20 July 2023.
1/08/02/2023	<p>An inspection of the subject premises ‘Hoyts Cinema’ was undertaken by a Council officer with the manager of Hoyts Cinema on 1 August 2023, 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 in accordance with AS2419.1-2005. At the time of the inspection there were no system faults or other issues observed and the system appeared normal operation;3. At the time of the inspection, the paths of travel leading to the fire exits, along with the fire exits and fire exit doors were all clear and unobstructed;4. At the time of inspection, the Fire indicator panel (FIP) did not show any faults or other issues and the system appeared normal operation;5. At the time of inspection, the building Sound System and Intercom System for Emergency (SSISE) did not display any fault and appeared normal operation;6. The building Automatic Fire Detection and Alarm System were not displaying any system faults or other issues observed and the system appeared normal operation;7. The Emergency Response Program is prominently displayed at Hoyts Cinema displayed adjacent to the EWIS display (Emergency Warning & Intercommunication System);8. The fire safety statement is prominently displayed at the premises and is current;9. Other fire safety measures in the building appeared adequately maintained.10. Issues specifically raised by FRNSW and responses to those issues, are summarised in the table below.
2/08/2023	Council sent an email to the manager of Hoyts Cinema Broadway requesting documents evidencing adequate fire safety measures in the building, which was addressed the same day via reply.

FIRE AND RESCUE NSW REPORT:

References: BFS23/989 (26677); 2023/415914

Fire and Rescue NSW conducted an inspection of the subject premises (Hoyts Cinema) after receiving a complaint about the evacuation procedures of mobility impaired patrons in the event of an emergency, the training of staff in the event of an emergency and lack of communications to patrons is of concern.

Issues

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

Issue	City response
<p>A. Owners and Managers of the cinema should provide oversight of the 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. The Council may need to review the “plan of management” to include a fire prevention plan under the Australian Standard, AS 3745 - 2010 Planning for Emergencies in Facilities, which outlines the minimum requirements for developing the emergency plan.</p>	<p>The items are addressed by correspondence sent 2 August 2023. On the same day the management of Hoyts Cinema sent an email with attached documents advising the following:</p> <ol style="list-style-type: none"> 1. ERP (Emergency Response Program) Parts 1 through 6 Including confirmation that these sections meet the requirements of AS3745:2010 concerning fire safety training for staff and plans/procedures to be executed in the event of a fire or emergency. 2. Annual Fire Safety Statement Parts 1 and 2; 3. Record of the Annual Fire Safety Meeting which was conducted on 5/06/2023; 4. Fire Extinguishers and hose reels are checked monthly in the monthly hazard inspection – this is completed by the elected WHS committee, in addition to the 6 monthly compliance check that is recorded by our fire contractors; 5. Any issues identified are included in the site WHS Meeting; 6. Issues are listed on the Broadway Shopping Centre risk register; 7. Jobs are logged for any non-conforming fire equipment. <p>Hoyts Cinema management also advised they have an internal crew communication platform which they use to communicate any urgent updates or matters, as for the formal training; that is completed annually.</p> <p>Manager – Health, Wellbeing and Safety WHS (Hoyts) conducts annual Emergency Evacuation onsite training for the cinema staff.</p> <p>No further action required (2023/462083)</p>

FRNSW is therefore of the opinion that as the appropriate regulatory authority, it is at the council's discretion to review its records and confirm that the owners continue to meet their obligations.

FRNSW Recommendations

FRNSW have made no direct recommendation within their report other than legislative notification and advised that it is at Council's discretion to review its records and confirm that the owners continue to meet their obligations.

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 the above recommendations of FRNSW have been complied with.

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:

2023/415914	Fire & Rescue NSW letter dated 10 July 2023
2023/462083	Email from the Manager of Hoyts Cinema

Trim Reference: 2023/464705

CSM reference No#: 3019272

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File Ref. No: BFS23/989 (26677)
TRIM Ref. No: D23/61131
Contact: [REDACTED]

10 July 2023

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
BROADWAY SYDNEY - HOYTS CINEMA
1 BAY STREET GLEBE ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 1 March 2023 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated in part that:

A power outage at the shopping centre which also affected the Hoyts cinema. A mobility impaired patron was in the cinema without any communication from staff to alert them of the power outage.

A member of the public has concerns with the evacuation procedures of mobility impaired patrons in the event of an emergency, the training of staff in the event of an emergency and lack of communications to patrons is of concern.

Pursuant to the provisions of 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 3 July 2023. On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4).

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

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 3

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- 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

The following items were identified during the inspection:

1. Generally
 - 1A. Investigation Outcomes – The following items are provided to Council as part of the investigation on Friday, 3 July 2023:
 - A. Authorised Fire Officers spoke with the Duty Manager regarding the emergency plan for the cinema, who stated that an emergency plan has been prepared and is currently being implemented.
 - B. A staff member was spoken to by Authorised Fire Officers at random about their obligations during an emergency and their evacuation procedures. At the time of the inspection, the staff member could not sufficiently demonstrate knowledge of the evacuation procedures.
 - C. The Duty Manager indicated that the emergency plan would be reviewed and discussed with all staff.
 - 1B. Items for Further Investigation – The Council may require an investigation as the appropriate regulatory authority to confirm that:
 - A. Owners and Managers of the cinema should provide oversight of the 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. The Council may need to review the “plan of management” to include a fire prevention plan under the Australian Standard, AS 3745 - 2010 Planning for Emergencies in Facilities, which outlines the minimum requirements for developing the emergency plan.

As the appropriate regulatory authority, it is at the council's discretion to review its records and confirm that the owners continue to meet their obligations.

Please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call [REDACTED] if you have any questions or concerns regarding the above matters. Please refer to file reference BFS23/989 (26677) for any future correspondence concerning this matter.

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Yours faithfully

[Redacted signature]

[Redacted name]

Fire Safety Compliance Unit

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Attachment L

**Inspection Report
38 Chalmers Street, Surry Hills**

38 Chalmers Street Surry Hills



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Notes
Locality Plan

9/06/2023

**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 3022649

Officer: B. Badyari

Date: 9 August 2023

Premises: 38 Chalmers Street, Surry Hills

Executive Summary:

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

The premises is rectangular in shape, with area of 333.9m². Primary street frontage is to Chalmers Street and Randle Lane at the rear. An eight (8) storey mixed use building is contained within the site.

The primary use of the building is residential with a basement carpark, ground floor retail tenancies and seven (7) upper floors used as a residential flat building.

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

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. A fire safety statement for the premises has been provided and is displayed prominently within the building, as required by the Environmental Planning and Assessment Regulation 2021.

Council investigations have revealed that no faults observed on the fire indicating panel at the time of the inspection and the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that no compliance action is necessary at this point in time.

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

Chronology:

Date	Event
24/07/2023	FRNSW correspondence received regarding premises 38 Chalmers Street Surry Hills, in relation to a: <ul style="list-style-type: none">-Complaint dated 26 May 2023, in relation to essential fire safety measures-FRNSW contacted strata manager for the premises regarding the concerns and carried out follow up inspections on 11 July 2023, confirming that the alarm panel had been reinstated and the system returned to normal, and no enforcement action was taken by FRNSW
2/08/2023	Council carried out inspection and observed fire indicating panel was operating with no faults on the panel and exits were all clear from any obstructions.

FIRE AND RESCUE NSW REPORT:

References: [BFS23/2842; D2023/065382]

Fire and Rescue NSW conducted an inspection of the subject premises after becoming aware of concerns with the fire alarm and obstruction issues related to building.

Issues

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

Issue	City response
1. Fault on the fire indicator panel	No faults on the fire indicator panel
2. Blocked exits	Exits clear from any obstructions

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

FRNSW Recommendations

There are no recommendations from FRNSW in 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 site inspection undertaken by Council's officers it was determined that no action warranted as there are no concerns or issues noted by Council and FRNSW.

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

Referenced/Attached Documents:

2023/439140	Fire & Rescue NSW letter dated 24 July 2023
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Trim Reference: 2023/468864

CSM reference No: 3022649

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File Ref. No: BFS23/2842
TRIM Ref. No: D2023/065382
Contact: [REDACTED]

24 July 2023

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
CLARION
38 CHALMERS STREET, SURRY HILLS NSW 2010 ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 26 May 2023 concerning the adequacy of the provision for fire safety in connection with 'the premises'. The correspondence stated that:

I have concerns that the fire safety systems are not operational and exits are blocked at 38 Chalmers Street Surry Hills following the fire last night. Can you please investigate.

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 26 May 2023. 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.

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

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COMMENTS

This report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2022 Building Code of Australia – Volume One (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

1. Essential Fire Safety Measures

- 1A. Maintenance – Clause 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. At the time of the inspection, the FIP indicated that the Automatic Fire Detection and Alarm System had 2 zones in alarm.

FRNSW subsequently contacted the Strata Manager for the premises regarding the alarms. Strata Management indicated that the fire services contractors had inspected the premises and confirmed that, due to the location of certain detectors adjacent to the rear lane, the zones could not currently be reinstated owing to smoke and ongoing dust resulting from the clearing of debris associated with the remediation of the property at 7-13 Randle Street.

A follow up inspection was carried out by officers of FRNSW on 11 July 2023, confirming that the zones had been reinstated and the System returned to normal. Accordingly, no enforcement action was taken by FRNSW.

Please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call [REDACTED] if there are any questions or concerns about the above matters. Please refer to file reference BFS23/2842 regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

[REDACTED]
Fire Safety Compliance Unit

Attachment M

**Inspection Report
281-285 Broadway Glebe**



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Notes

4/08/2023

**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 3019318

Officer: T McCann

Date: 04 August 2023

Premises: 281-285 Broadway, Glebe

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 17 July 2023 in relation to the premises 281-285 Broadway, Glebe with respect to matters of fire safety. FRNSW inspected the premises after a member of the public raised concerns regarding a number of potential fire safety issues.

The building (known as University Hall) is located on the corner of Glebe Point Road and Parramatta Road and consists of seven (7) storeys used mainly for residential accommodation with the ground floor level comprising of many commercial and retail tenancies.

Council have an active fire safety order issued on the premises, reference [FIRE/2019/41] which is currently being compliance managed.

An inspection of the premises, undertaken by a Council officer on 04 August 2023, 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.

Council investigations have revealed that whilst there remains several fire safety “maintenance and management” works to attend to, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the identified fire safety defects are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner’s fire services contractor/s as part of the on-going work associated with the fire safety order. Observation of the external features of the building did not identify the existence of any potential combustible composite cladding on the façade of the building.

Chronology:

Date	Event
17/07/2023	FRNSW correspondence received regarding premises "University Hall", 281-285 Broadway, Glebe. The correspondence was initiated by correspondence from a concern member of the public.
02/08/2023	A review of City records shows the building is currently subject to a Fire Safety Order for fire safety deficiencies and is being compliance managed by Council since 2019.
04/08/2023	An inspection of the subject premises was undertaken by a Council Officer on 04 August 2023, however, no further deficiencies other than those raised by FRNSW were noted. Issues specifically raised by FRNSW and responses to those issues, are summarised in the following table.

FIRE AND RESCUE NSW REPORT:

References: BFS23/1110 (26796), D23/058661

Fire and Rescue NSW conducted an inspection of the subject premises after becoming aware of potential fire safety concerns from a member of the public.

Issues

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

Ref.	Issue identified	City response
1A	The fire hydrant booster is located in the car park within the building, contrary to the requirements of Clause 7.3 of AS 2419.1-2005. The system appears to be newly installed. In this regard, it is unknown whether this location was the subject of an approved Fire Engineered Performance Solution.	The location of the fire hydrant booster is subject to an approved Fire Engineered Performance Solution which has been assessed to meet the requirements of the Fire Safety Order issued by Council.
1B	The fire hydrant booster was not provided with maintenance tags contrary to the requirements of Clause 1.16 of AS 1851-2012.	Noted – This will be addressed as part of the final fire safety audit and certification, prior to the closure of the Fire Safety Order.
1CA	A block plan was not provided at the fire hydrant booster contrary to the requirements of Clause 7.11 of AS 2419.1-2005.	Noted – This will be addressed as part of the final fire safety audit and certification, prior to the closure of the Fire Safety Order.
2A	A copy of an up-to-date Annual Fire Safety Statement was not displayed in a prominent location within the building, contrary to the requirements of Section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.	Noted – This will be addressed as part of the final fire safety audit and certification, prior to the closure of the Fire Safety Order.

Ref.	Issue identified	City response
2B	It is noted that the City of Sydney Council has issued a Fire Safety Order No. 1 to the owners of the premises dated 10 July 2019, which, in part, requires the installation of a new fire hydrant system. In this regard, it is unknown whether the fire hydrant system as installed has been approved as part of this process.	The location of the fire hydrant booster is subject to an approved Fire Engineered Performance Solution which has been assessed to meet the requirements of the Fire Safety Order issued by Council.

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

FRNSW Recommendations

FRNSW have made four (4) recommendations within their report and requested that Council:

- a. Review items 1 and 2 of this report and conduct an inspection.
- b. Address any other deficiencies identified on “the premises”

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 officer has determined to note the identified fire safety deficiencies identified by FRNSW and continue with compliance actions under the current fire safety order. Follow-up compliance inspections are currently being undertaken and will continue to be undertaken by a Council investigation officer to ensure the already identified fire safety matters are suitably addressed and that compliance with the terms of Councils fire safety order occur. It is recommended that Council not exercise its powers to give a fire safety order at this time.

Referenced/Attached Documents:

2023/427548	Fire & Rescue NSW letter dated 17 July 2023
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Trim Reference: 2023/427548-01

CSM reference No: 3019318

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File Ref. No: BFS23/1110 (26796)
TRIM Ref. No: D23/058661
Contact: [REDACTED]

14 July 2023

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
UNIVERSITY HALL
281-285 BROADWAY GLEBE ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 6 March 2023 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *A newly installed fire hydrant booster sits within the building garage in a path of travel for vehicles. Personnel must get into the building, travel to the rear and access the electric roller door.*
- *South western stair does not include a fire hydrant landing valve. This area is provided with an internal hydrant in a corridor cupboard meaning access is not from within a fire-isolated zone.*
- *Signage and block plan need to be improved.*

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 20 June 2023.

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.

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

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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 during the inspection and identify possible nonconformities with the National Construction Code 2022, 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. The fire hydrant booster is located in the car park within the building, contrary to the requirements of Clause 7.3 of AS 2419.1-2005. The system appears to be newly installed. In this regard, it is unknown whether this location was the subject of an approved Fire Engineered Performance Solution.
 - 1B. The fire hydrant booster was not provided with maintenance tags contrary to the requirements of Clause 1.16 of AS 1851-2012.
 - 1C. A block plan was not provided at the fire hydrant booster contrary to the requirements of Clause 7.11 of AS 2419.1-2005.
2. Generally
 - 2A. A copy of an up-to-date Annual Fire Safety Statement was not displayed in a prominent location within the building, contrary to the requirements of Section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
 - 2B. It is noted that the City of Sydney Council has issued a Fire Safety Order No. 1 to the owners of the premises dated 10 July 2019, which, in part, requires the installation of a new fire hydrant system. In this regard, it is unknown whether the fire hydrant system as installed has been approved as part of this process.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 and 2 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 [REDACTED] if there are any questions or concerns about the above matters. Please refer to file reference BFS23/1110 (26796) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Fire Safety Compliance Unit