CITY OF SYDNEY

21 October 2024

At the conclusion of the Community Services and Facilities Committee

Transport, Heritage and Planning Committee

Agenda

1. **Confirmation of Minutes**

2. **Statement of Ethical Obligations and Disclosures of Interest**

3. **Public Exhibition - Entertainment Sound Management - Sydney Development Control Plan 2012 Amendment and Special Entertainment Precincts Discussion Paper**

4. **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 meetings of the Transport, Heritage and Planning Committee are submitted for confirmation:

Meeting of 12 August 2024

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 - Entertainment Sound Management - Sydney Development Control Plan 2012 Amendment and Special Entertainment Precincts Discussion Paper

File No: X009155.021

Summary

The City of Sydney is home to a diverse nightlife, with a long history of mixed and vibrant neighbourhoods. To support the continued growth of the night-time economy while accommodating new housing in well-located areas, the City has developed a planning framework for the management of entertainment sound. This includes draft planning controls that set baseline sound requirements for venues and nearby residential development separate to, and independent of, a discussion paper regarding the introduction of Special Entertainment Precincts to further encourage the nighttime economy and live entertainment.

In October 2017, Council endorsed 'An Open and Creative City: planning for culture and the night-time economy' discussion paper for public exhibition. The discussion paper was prepared in response to actions in the City's OPEN Sydney Strategy and Action Plan, Creative City Policy and Action Plan and Live Music and Performance Action Plan.

Community consultation and engagement with industry since this discussion paper has informed the development of the discussion paper proposals into these proposed changes to the City's planning controls.

The Draft Development Control Plan – Entertainment Sound Management (draft DCP) shown at Attachment A sets council-wide sound criteria for both new entertainment venues and residential developments near existing venues and which are used in the assessment of development applications. The sound criteria for new venues embeds existing practice into the planning controls and matches that used by NSW Liquor and Gaming for compliance.

Criteria for new residential development requires that development be built so new residents are protected from existing entertainment noise in the neighbourhood.

The draft DCP controls:

(a) establish acoustic requirements for new residential development near existing venues and late night precincts to better protect existing venues;

(b) establish acoustic requirements for the design and construction of new and substantially changed venues to provide certainty for venue operation and protect neighbours, and

(c) make it easier to trade later with longer trial hour increments and removing the initial one-year trial period.

The City will consult on Special Entertainment Precincts, which will:

(a) unlock incentives from the NSW Government for liquor licence fee discounts and additional licencing hours;

(b) allow the City to put in place bespoke sound criteria that suit the context of the area and encourage live music and entertainment; and

(c) make it easier for licenced and unlicenced businesses to trade later without a development application.

The proposed approach is to upgrade the City's long-standing late night trading areas to Special Entertainment Precincts with adjusted trading hours and new sound criteria - to encourage live music and entertainment. This approach applies the benefits of Special Entertainment Precincts to as many late night areas and businesses as possible while avoiding the safety and economic impacts of fewer small areas becoming saturated with nighttime activity. It builds on our well understood and successful approach for late night precincts.

The discussion paper at Attachment B outlines the proposed approach to Special Entertainment Precincts and will enable the early industry and community consultation required by NSW guidelines released in August 2024.

Implementation of Special Entertainment Precincts must follow the process set out by the NSW Guidelines and it also involves the preparation of a planning proposal to amend the local environmental plan. Additional sound studies may also be required. Following the NSW Government's process to establish an Entertainment Sound Precinct is estimated to take 18 to 24 months.

The draft DCP and approach for Special Entertainment Precincts together presents a comprehensive strategy for the sustainable growth of Sydney’s entertainment and nightlife sectors. By addressing both the construction of new developments and the operation of existing and new venues, these policies are intended to foster a vibrant cultural scene, encourage investment in entertainment areas, and protect residential amenity in mixed-use precincts.

This report recommends Council approve the draft DCP – Entertainment Sound Management and Special Entertainment Precincts Discussion Paper for public exhibition.

Recommendation

It is resolved that:

(A) Council approve the draft Development Control Plan - Entertainment Sound Management as shown at Attachment A to the subject report for public exhibition;

(B) Council approve the Special Entertainment Precincts Discussion Paper as shown at Attachment B to the subject report for public exhibition; and

(C) authority be delegated to the Chief Executive Officer to make minor amendments to draft Development Control Plan - Entertainment Sound Management and the Special Entertainment Precincts Discussion Paper prior to public exhibition to correct any drafting errors.

Attachments

Attachment A. Draft Development Control Plan - Entertainment Sound Management and Maps

Attachment B. Special Entertainment Precincts Discussion Paper

Attachment C. DCP Entertainment Sound Study (Acoustic Directions and PKA Acoustic Consulting)

Background

1. The City's late night trading planning controls were first adopted in 2007. The controls mapped late night trading areas and established trading hours for venues according to the type of precinct and type of venue. It encouraged greater diversity in Sydney's nightlife with later trading for small bars and good management through trial periods for extended trading hours. The controls were reviewed in 2019 to extend and create new late night trading area and incentivise live music and performance with additional trading hours.

2. The OPEN Sydney Strategy was adopted in 2013 after extensive consultation with the community and industry and establishes the City's long term vision for its night-time economy. One of the actions of this strategy is to investigate changes to planning controls to support the night-time economy and support venues.

3. In June 2020, Council endorsed the Open and Creative Planning Reforms to deliver on the planning actions of this strategy. The reforms included acoustic design criteria that would implement the "agent of change" principle, protecting both residents from sound impacts and venues from complaints by new development. The reforms were publicly exhibited, and submissions received in response to the sound criteria highlighted technical issues with the controls and the details of their application.

4. In December 2023, the NSW Government introduced the Vibrancy Reforms, which when implemented in July 2024 significantly changed the regulatory environment for entertainment sound. Sound complaints are subject to higher requirements, especially for new residents, Liquor and Gaming NSW have taken over responsibility for handling sound complaints, and council-imposed sound conditions of consent no longer have a role in sound complaint management.

5. The draft Development Control Plan - Entertainment Sound Management at Attachment A (draft DCP) delivers on the actions and objectives of the OPEN Sydney Strategy and Open and Creative Planning Reforms, while responding to submissions raised to entertainment sound planning controls exhibited in late 2020, and the vibrancy reforms.

6. The Special Entertainment Precincts Discussion Paper at Attachment B (discussion paper) has been developed to seek industry and community input to the City's approach to introducing these precincts, which will support growth of live performance and entertainment venues. Early consultation is required by the NSW Government's recently released Draft Guidelines.

7. Some minor amendments to section 3.15 'Late Night Trading Management' of Sydney Development Control Plan 2012 are proposed to streamline outdoor trading hours and simplify the process of accessing extended hours through trial periods. This reflects the City's experience with administering the current late night trading DCP controls.

The vibrancy reforms have changed the role of councils and local planning controls in regulating entertainment sound

8. In December 2023, the NSW Government passed the 24-Hour Economy Legislation Amendment (Vibrancy Reforms) Bill 2023 (the vibrancy reforms). This bill amended various legislation including the Liquor Act 2007, Local Government Act 1993, Environmental Planning and Assessment Act 1979 and associated Regulations.

9. The following vibrancy reforms came into effect on 1 July 2024:

    (a) Liquor and Gaming NSW became the lead regulator for noise complaints related to licenced premises;

    (b) conditions of consent regarding noise emissions for licenced premises ceased to have effect, allowing Liquor and Gaming NSW to use their own criteria and assessment framework for handling noise complaints; and

    (c) noise complaints regarding licenced premises are subject to the following requirements:

        (i) complaints must be made in writing by five or more people who are not part of the same household;

        (ii) people must contact the licensed venue directly and attempt to resolve the problem with the venue directly prior to making a formal complaint; and

        (iii) new residents or workers who have moved into an area after an existing venue was established must demonstrate they have been "unreasonably and seriously disturbed", which is a higher threshold than other residents and workers.

10. The reforms curtail the effect of local controls that set sound criteria that are significantly different to what Liquor and Gaming NSW use in their enforcement. Having criteria in the DCP that enables venues to cause more noise could result in venues being at risk of compliance action by Liquor and Gaming NSW, despite complying with the DCP and their conditions of consent.

11. In response, the City has considered the continued role of the DCP and conditions of consent on development approvals in regulating entertainment sound. This role is as follows:

    (a) regulating design and construction - preventing noise complaints and protecting amenity by ensuring buildings are fit for purpose;

    (b) rectifying building issues - where Liquor and Gaming NSW investigate and conclude that the underlying cause of a noise issue is construction inconsistent with the development approval;

    (c) managing entertainment sound from unlicenced venues - the vibrancy reforms only apply to venues with a liquor licence, which is not all premises that hold live entertainment; and

    (d) should elements of the vibrancy reforms be amended or rescinded in future, the conditions of consent on venues would come back into relevance for use in entertainment sound management. Hence the NSW Government's Planning circular PS 24-003 advises councils to continue applying conditions of consent to venues despite the Liquor Act.

The draft DCP establishes a sustainable framework for fair management of entertainment sound

12. The draft DCP includes requirements for new development to manage sound, thereby giving 'sound rights' to those already in the neighbourhood. These requirements will apply to new residential development and new and expanding venues across the council area. It sets baseline requirements for the local government area, over which Special Entertainment Precincts will provide context-appropriate variations. The sound criteria in the draft DCP has been informed by the Entertainment Sound Study at Attachment C.

13. The draft DCP includes the following:

    (a) New residential development, also known as a 'sensitive receiver', near existing venues and 24 hour late night trading areas will need to be built to protect new residents from existing entertainment sound in the neighbourhood. This reduces the risk of complaints that could lead to existing venues having to change operations and protects the health of the new residents.

    (b) For new and substantially changed venues, development is to be built to a standard that provides existing residents reasonable amenity. The required sound levels are largely consistent with City's current practice and compatible with Liquor and Gaming NSW conditions.

14. The proposed controls will not apply retrospectively. That is, they won't apply to an existing venue that is not undergoing substantial change nor to an existing residential building.

New residential development will need to include measures to protect new residents from existing entertainment sound in the neighbourhood

15. The requirements for new residential are practical and informed by evidence, based on real world expectations for internal venue sound, and the reasonable ability for people to manage sound impacts in their residence.

16. The requirements will apply to sites within 50 metres of existing venues and Late Night Trading Management areas mapped in the DCP, shown in yellow in Figure 1. They may also apply to sites between 50 to 150 metres where there is uninterrupted exposure to an existing venue, shown in blue in Figure 1.

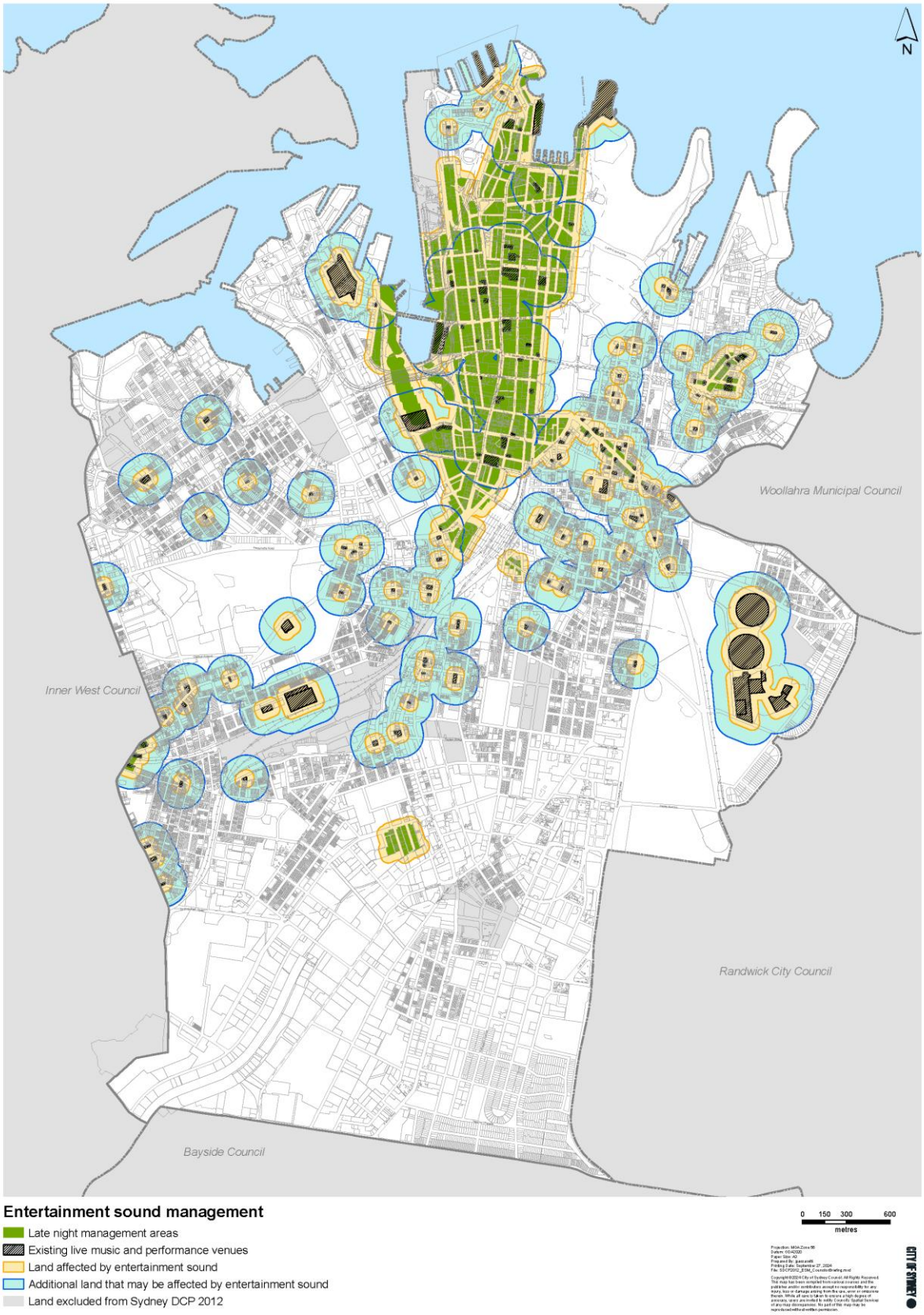


Figure 1 Entertainment sound management DCP map

17. The proposed sound criteria includes both a minimum and a relative sound level. The minimum level is used in quieter areas, so buildings are built to an expected level of sound from the future growth of nearby late night precincts. In areas that are already louder, the building must be built to a sound level relative to the existing noise of the neighbourhood.

18. The criteria require assessment across the sound spectrum, rather than an average levels, to ensure the low frequency tones common to entertainment sound are managed.

19. The criteria require achievable attenuation of residential buildings in combination with an assumed level of internal masking so entertainment sound is effectively (if not absolutely) inaudible in a dwelling.

20. The approach is to create a 12db difference between the entertainment sound and the background noise experienced in the bedroom. This involves reasonable measures to cut the entertainment noise to 23db(A). This can be done through single or double pane glazing depending on how loud it is outside. Introducing occupant controlled white noise, such as a fan, within the room to lift the background level to 35db(A) then masks the entertainment sound, making it practically inaudible. 35db is the WHO's maximum recommended healthy sound level for sleeping.

21. The approach is preferable to requiring very high levels of acoustic attenuation as it is not feasible for new residential development to attenuate entertainment sound to inaudibility. Audibility is relative to the background ambient noise. Receivers cannot selectively filter entertainment sound without also attenuating useful ambient sound, so insulation can have the effect of making music (especially the low frequency beats in music) more noticeable.

22. High levels of insulation can bring all external sounds, including entertainment sound, down to a level below the absolute threshold of audibility. However, this requirement would be highly onerous and add considerable delay and expense to the development of new housing. This level of insulation would also introduce consequences for ventilation, solar and daylight access, and internal acoustic privacy for homes. Removing all external ambient sound would have the effect of making all internal noises very noticeable, such as other occupants, neighbours, lifts, appliances, etc.

23. The Entertainment Sound Study details a precise method to mask entertainment sound using active ambient noise generation inside receivers. This involves setting levels of ambient noise generation across specific octave bands. While the study recommends adopting this as a minimum requirement in the draft DCP, the City considers this an optional step residents or developers could take to ensure inaudibility. Planning controls cannot dictate an active solution requiring specific electronic equipment.

Managing the noise generated by new and expanding venues will continue to follow current practice and standards

24. The draft DCP proposes acoustic requirements for new or substantially upgraded venues. The criteria are based on existing requirements for venues currently imposed in conditions of development consents, with certain changes.

25. Adopting the acoustic requirements of conditions of consent in the DCP provides greater transparency and certainty for venues. Currently, venues only see the acoustic requirements after they receive their development consent. Providing these upfront ensures that acoustic requirements can be factored into early planning, site selection, orientation, built form and the like rather than relying on adjusting the volume of entertainment sound alone.

26. The broad requirements of the current conditions of consent have been retained. The Entertainment Sound Study recommends certain changes to better reflect their role in informing design and construction of venues. They are also compatible with Liquor and Gaming NSW requirements, which is vital to providing certainty to venues as they are the lead agency for handling operational noise complaints.

27. The draft DCP includes external sound criteria, which are measured at the most affected boundary of the closest sensitive receiver (residential or tourist and visitor accommodation). The levels are relative against background, being +5dB before midnight and +0dB after midnight.

28. The draft DCP includes internal sound criteria as calculated inside the most affected dwelling. This is to ensure venues will not be affected by noise complaints, which are typically substantiated with measurements from inside a dwelling. The levels are relative against background, being +0dB before midnight and -12dB after midnight. Leq -12dB against background in each octave band is a numerical equivalent of the subjective inaudibility requirement in Liquor and Gaming NSW sound conditions. Leq -12dB does not guarantee inaudibility, as achieving absolute inaudibility requires an exponentially increasing level of insulation. However, it does strike a balance between protecting amenity and supporting a vibrant mixed use environment and is close enough to the Liquor and Gaming NSW requirement to afford sufficient certainty to venues designing to this acoustic standard.

29. The current condition of consent uses L1 -10dB against background in each octave band as a numerical equivalent of inaudibility. According to the Entertainment Sound Study, Leq is more commonly used in the acoustic industry and more practical for calculating and predicting the outcomes of design and construction interventions to attenuate entertainment sound. As Leq is more lenient compared to L1, the level of Leq -12dB is proposed for the draft DCP.

The draft DCP has responded to concerns about previously exhibited controls

30. In June 2020, Council endorsed the Open and Creative Planning Reforms to go on public exhibition. The draft DCP contained sound criteria for both new venues and new sensitive land uses, ensuring any new land use is responsible for either reducing sound emissions or managing the existing sound context. This draft DCP was exhibited from 19 October to 18 November 2020.

31. Submissions relating to the sound criteria highlighted the following areas for consideration:

    (a) the proposed sound criteria did not do enough to protect venues continuing their existing operations, and risked preventing new venues from opening in noisy areas;

    (b) clarity over what type and scale of development invokes the controls, especially for existing premises; and

    (c) technical issues relating to the low frequency noise criteria.

32. The draft DCP subject to this report has been informed by an Entertainment Sound Study and responds to key issues raised in submissions. Exhibition of the draft DCP will allow industry and residents to provide feedback on the revised approach and criteria.

Special Entertainment Precincts provide an opportunity to further support nightlife in appropriate areas

33. Special Entertainment Precincts allow councils to establish precinct management plans that set out bespoke entertainment sound criteria and trading hours specific to designated precincts. They were initially introduced in 2020 and were revised in 2023 with the recent Vibrancy Reforms.

34. In September 2024, the NSW Government exhibited draft Special Entertainment Precinct Guidelines and a draft Acoustic Toolkit for comment, to which the City made a submission. Legislation requires councils to follow these draft guidelines when establishing precincts. The draft Guidelines were previously unavailable and are yet to be finalised.

35. Liquor and Gaming NSW continue to be the lead regulator for noise complaints, however they must have regard to the entertainment sound criteria included in the precinct management plan. This allows the City to establish criteria appropriate to high activity and vibrant areas, while providing certainty for venues that those criteria will be used in operational enforcement of noise complaints.

36. Trading hours are also established in Special Entertainment Precincts through precinct management plans. This allows councils to designate trading hours for all venues and businesses in a designated area, without the need for businesses to lodge a development application.

37. Venues in Special Entertainment Precincts can also access additional liquor licencing hours and reduced liquor licence fees from Liquor and Gaming NSW.

The City has prepared an approach to adopting Special Entertainment Precincts for discussion with the community

38. The City has been investigating how Special Entertainment Precincts might best be applied in our local area. The discussion paper at Attachment B describes a preferred approach to establishing Special Entertainment Precincts in the City of Sydney area. With council endorsement, this discussion paper will be exhibited to seek community and industry feedback that will inform the next stages of implementing Special Entertainment Precincts.

39. The proposed approach for consultation is to upgrade the City's late night trading areas to Special Entertainment Precincts. The areas are shown in Figure 2 and include:

    (a) Late night management areas - the city's most active and vibrant areas with the greatest concentration of venues and where 24 hour trading can be approved.

    (b) City living areas - active late night areas but with a greater mix of uses, including residential, than late night management areas and have a lower concentration of venues. Trading up to 5am can be approved.

    (c) Local centre areas - typically the high streets and local retail and business centres. They are active places that are the commercial and cultural focus for a local community. They are surrounded by residential and other sensitive land uses. General trading up to midnight can be approved but venues that host live performance may trade up to 2am.

40. The trading hours differ for each area and type of venue. The late night trading controls has three categories of venues:

    (a) Category A venues - are generally larger hotels, pubs and nightclubs that have over 120 patrons.

    (b) Category B venues - are smaller venues such as small bars and restaurants with less than 120 patrons.

    (c) Category C venues - are unlicensed venues such as shops.

41. The approach adopts the base hours in the DCP for each area as the precinct plan hours, with the addition of the extra hours to incentivise live music and performance. Venues in special entertainment precincts will be able to trade up to the hours shown in Figure 3 as of right and without a development approval for the hours. Extended trading hours will be enabled through development application approvals. Bespoke sound criteria will also be developed for the precinct plan, informed by sound studies.

42. This approach also allows venues in designated entertainment precincts to benefit from extended live music and entertainment trading hours, with the sound plan matching the incentive liquor licence hours under the Liquor Act. As shown in Figure 3, venues can trade for an additional two hours on nights with performances lasting at least 45 minutes after 8pm. Additionally, if two or more events are scheduled within a seven-day period, venues can trade for an extra hour on non-performance days.

43. The proposed approach aims to balance the benefits and challenges of a Special Entertainment Precinct and align with the City's existing late night trading framework. This approach:

    (a) emphasises the quantity and diversity of nightlife areas in the area;

    (b) extends the benefits of Special Entertainment Precincts to as many businesses as possible;

    (c) provides the assurance to residents that the City will continue with our tried and tested approach to late night trading;

(d) enables bespoke sound criteria in certain areas, to supplement the general draft DCP entertainment sound criteria and respond better to local conditions;

(e) avoids the potential to focus economic activity, investment and patronage to limited designated areas at the expense of other areas in the local area;

(f) avoids the potential for change of character in designated areas, such as homogenisation of offerings, increasing rents, focus on alcohol, concentration of nightlife and loss of daytime trading and local services; and

(g) avoids increased impacts of noise and anti-social behaviour coming from the cumulative impacts of saturation of licensed venues in an area.

The late night trading areas and trading hours are in the discussion paper at Attachment B and shown below.

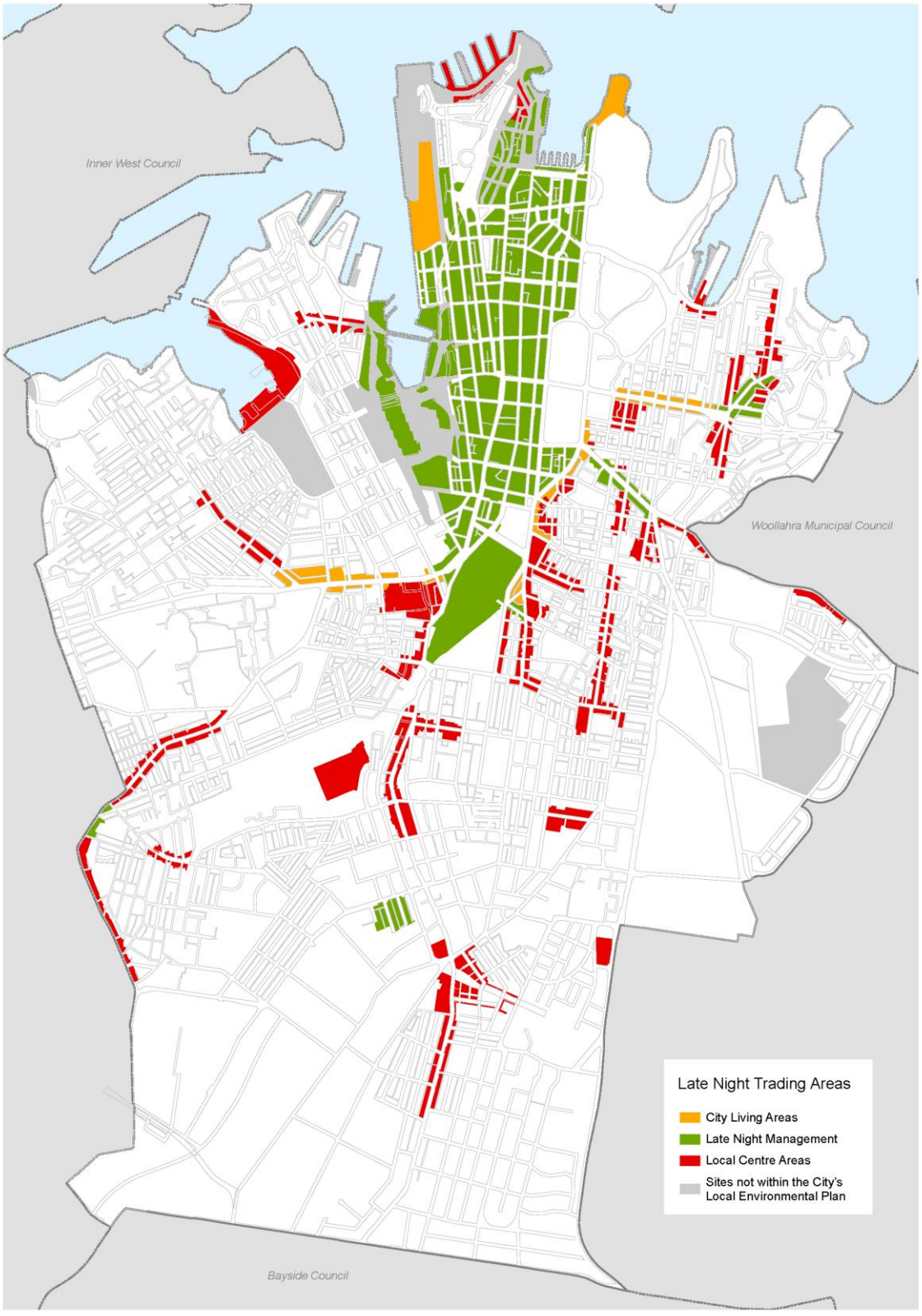


Figure 2 DCP late night trading areas which are proposed to become Special Entertainment Precincts

		Category A		Category B		Category C
		Indoor	Outdoor	Indoor	Outdoor	Indoor
Late Night Management	Base	6am to midnight	9am to 10pm	6am to 2am	7am to 10pm	6am to 2am
	Program incentive*	6am to 1am	_	6am to 3am	_	6am to 3am
	Dedicated venue**	6am to 2am	_	6am to 4am	_	6am to 4am
City Living	Base	7am to 11pm	9am to 10pm	7am to 1am	7am to 10pm	7am to 1am
	Program incentive*	7am to midnight	_	7am to 2am	_	7am to 2am
	Dedicated venue**	7am to 1am	_	7am to 3am	_	7am to 3am
Local Centre	Base	9am to 10pm	9am to 10pm	7am to 11pm	7am to 10pm	7am to 11pm
	Program incentive*	9am to 11pm	_	7am to midnight	_	7am to midnight
	Dedicated venue**	9am to midnight	_	7am to 1am	_	7am to 1am

Figure 3 proposed Special Entertainment Precinct trading hours

Designating a Special Entertainment Precinct is a 12-step process

44. The NSW Government's draft Special Entertainment Precinct Guidelines requires the following 12 step process to implement precincts:

(a) identify and map the precinct areas (the discussion paper);

(b) establish strategic intent (the discussion paper);

(c) obtain a Council mandate to proceed (report to Council of the outcomes of exhibition of the discussion paper);

(d) prepare a precinct management plan;

(e) prepare a sound management framework;

(f) prepare a compliance framework;

(g) prepare a planning proposal to amend the local environmental plan;

(h) prepare a development control plan amendment;

(i) undertake targeted community consultation;

(j) submit the planning proposal for NSW Government approval and publicly exhibit;

(k) finalise the local environmental plan amendment for the Special Entertainment Precinct to come into effect; and

(l) evaluate the Special Entertainment Precinct after a trial period.

45. The discussion paper encompasses the first three steps and is estimated to take four to six months, including a post exhibition report back to Council. Steps (d) to (f) involve engaging consultants to undertake acoustic studies and is estimated to take at least six months. Steps (g) onwards are NSW Government mandated processes including a planning proposal and are estimated at eight to 12 months. Overall, the timeframe to establish a trial is approximately 18 to 24 months, with the trial recommended by the NSW Government to run for 12 to 18 months before a special entertainment precinct is made permanent.

Minor changes to the existing trading hours framework in the DCP are proposed

46. Trial periods for extended hours are an important tool for the City to ensure good management by venue operators. As base trading hours stay with the premises regardless of the current owner or tenant, trial periods allow the City to review the extended hours available to the current operator of the venue with reference to their recent track record.

47. As part of a review of the City's existing late night trading framework, certain changes are proposed to the trading hours in section 3.14 of Sydney DCP 2012. These changes reflect the City's experience in handling development applications and trial periods for late night trading hours.

48. Opening hours for Category A "high impact premises" are proposed to change to 9am in all late night trading areas where they are currently 10am, including in local centres and for outdoor areas. This is to enable a more diverse offering by venues, supporting their economic viability in a way that does not increase impacts, and encourage better and more diverse daytime offerings in entertainment precincts.

49. Closing trading hours for outdoor areas in Category A "high impact premises" and Category B "low impact premises" are proposed to change to 10pm in all late night trading areas where they are currently 8pm. Since the Covid-19 incentives for outdoor dining and conversion of car parking spaces to dining areas, the City has seen a rapid expansion of take-up for outdoor dining across the local area and approved hundreds of development applications for outdoor dining with few issues. A 10pm end time allows for a second seating, while still protecting night-time amenity for residents.

The trial period process for extended trading hours in the DCP is proposed to be simplified and streamlined

50. Trial periods for extended trading hours are proposed to be simplified to reduce number and frequency of development applications businesses need to lodge. This change is informed by the City's experience assessing these development applications and responding to noise complaints associated with venues and provides businesses with less regulatory burden while retaining the ability for the City to manage negative impacts.

51. Currently, trial periods allow an increase in two hour increments, up to the maximum permitted in the relevant late night trading area. Each additional increment requires a 1-year trial, which can then be renewed with one 2-year, and then rolling 5-year, additional trial periods.

52. The proposed changes will allow an increase in three hour increments and make the first trial a 2-year period, followed by rolling 5-year additional renewal periods. This removes the initial 1-year trial period and allows additional three hours of extended trading per trial.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

53. 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 draft DCP demonstrates responsible governance by setting clear entertainment sound controls that balance the needs of a vibrant night-time economy with protecting residential amenity. The controls work in alignment with the NSW Government Vibrancy Reforms without causing confusion for venues or the community. By focusing on venue design and construction standards rather than operational noise enforcement, the DCP defines the City's role in managing entertainment sound, ensuring compliance while fostering responsible urban growth.

    (b) Direction 4 - Design excellence and sustainable development - The draft DCP promotes design excellence by requiring consideration of entertainment sound impacts early in the development assessment process. This approach allows developers to proactively address sound management through siting, orientation, and other passive solutions, reducing the need for compromised design outcomes or solutions that impact amenity. By embedding sound performance criteria into the early stages of development, the DCP ensures that new entertainment venues and residential buildings are designed to manage sound effectively, fostering sustainable, well-integrated urban environments.

    (c) Direction 7 - Resilient and diverse communities - The City's proposed approach to Special Entertainment Precincts supports resilient and diverse communities by designating all late-night trading areas within the local area as entertainment precincts. This ensures a wide distribution of venues, promoting diversity in late night activities, entertainment offerings and locations all over the local area, rather than concentrating activity and benefits to a few areas to a select group of venues.

    (d) Direction 8 - A thriving cultural and creative life - The DCP supports a thriving cultural life by protecting live music and entertainment venues from noise complaints, ensuring they can continue to operate while coexisting with nearby residential areas. This policy aligns with the City's goal of growing creative industries and protecting cultural uses and floor space.

(e) Direction 9 - A transformed and innovative economy - The sound management strategy aligns with the City's vision for an innovative economy by supporting the entertainment and hospitality sectors. It fosters an environment where businesses can thrive, contributing to Sydney's global competitiveness.

Relevant Legislation

54. Environmental Planning and Assessment Act 1979.

55. Environmental Planning and Assessment Regulation 2021.

56. Liquor Act 2007.

57. Liquor Regulation 2018.

58. Local Government Act 1993.

Public Consultation

59. It is proposed that public exhibition of the draft DCP and Special Entertainment Precincts Discussion Paper will occur following Council approval of this report. Public exhibition for both documents will be for a minimum of 28 days.

60. Consultation will be in accordance with the requirements of:

    (a) the Environmental Planning and Assessment Regulation 2021

    (b) the City of Sydney Community Engagement Strategy and Community Participation Plan 2024.

Next steps

61. The draft DCP and Discussion Paper will be placed on public exhibition. Following review of submissions, a report will be prepared for Council on proceeding with the DCP and establishing special entertainment precincts.

62. For the draft DCP, the report will recommend whether to adopt the DCP with or without changes that respond to submissions. If adopted, the DCP will come into effect on a date specified by Council and will then be used in the assessment of development applications.

63. For Special Entertainment Precincts, the report will recommend whether to proceed with establishing Special Entertainment Precincts and if so, the need to prepare a precinct management plan, sound management framework, compliance framework and planning proposal as required by the NSW Government's guidelines.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Jarrod Booth, Specialist Planner

Attachment A

Draft Development Control Plan – Entertainment Sound Management

CITY OF SYDNEY

Draft Sydney Development Control Plan 2012: Entertainment Sound Management

The City of Sydney acknowledges the Gadigal of the Eora Nation as the Traditional Custodians of our local area.

Purpose

The purpose of this Development Control Plan (DCP) is to amend various development control plans applying to the City of Sydney local government area by inserting new and amending existing provisions that:

(a) outline sound management requirements for new and significantly altered entertainment venues;

(b) outline sound management requirements for new development that may be affected by entertainment sound;

(c) outline the methodology and matters to be addressed in a Noise Impact Assessment submitted with development applications for entertainment venues and sensitive receivers; and

(d) include new maps to identify land that may be affected by entertainment sound.

Citation

This amendment may be referred to as Sydney Development Control Plan: Entertainment Sound Management.

Land covered by this plan

This amendment applies to the City of Sydney Local Government Area.

Relationship of this plan to other development control plans

This plan amends *Sydney Development Control Plan 2012* as follows:

(a) Insert a new section 3.18 ‘Entertainment sound management’ in accordance with Appendix 1.

(b) Amend section 3.15.4 ‘Trading hours and trial periods’ in accordance with Appendix 2.

(c) Insert new Entertainment sound management maps in accordance with Appendix 3.

This plan amends *Green Square Town Centre Development Control Plan 2012* as follows:

(a) Amend section GSTC 6.10.8 ‘Acoustic and visual privacy’ in accordance with appendix 4.

(b) Insert a new section GSTC 13 ‘Entertainment sound management’ in accordance with appendix 5.

(c) Insert new Entertainment sound management maps in accordance with appendix 3.

Appendix 1

1. Insert a new section after section 3.17 with the following text:

3.18.3. Entertainment sound management

Definitions

Entertainment sound means amplified or live sound associated with music, entertainment and performance, and from patrons while they are inside the development. It does not include other sound associated with the operation of a venue, such as mechanical ventilation, construction and waste management.

Entertainment sound generating activity means performance or activity including live entertainment, musical, film, rehearsal or performance, theatrical, comedy or dance performance that uses live or recorded music provided for the entertainment of patrons, which is typical but not exclusive to the following land uses:

- Entertainment facility
- Pub or registered club
- Restaurant or café
- Small bar

Sensitive receiver means residential accommodation and serviced apartments.

3.18.3.1 Development generating entertainment sound

Objectives

(a) Ensure development is capable of providing diverse entertainment activities without resulting in amenity impacts to existing and future sensitive receivers.

(b) Protect the health and amenity of people by managing entertainment sound ingress to sensitive receivers.

Provisions

(1) This section applies to the following development:

  (a) introducing a new entertainment sound generating activity;

  (b) extending the trading hours of an existing entertainment sound generating activity beyond midnight;

  (c) increasing the patron capacity of an existing entertainment sound generating activity by more than a third of the existing patron capacity;

  (d) changing the external structure containing an existing entertainment sound generating activity by introducing new external penetrations, windows or doors; or

  (e) internal alterations to an existing entertainment sound generating activity, where it is located in a mixed-use development with residential accommodation.

(2) A Noise Impact Assessment prepared by a suitably qualified acoustic consultant is required, detailing the physical noise attenuation and other measures required to meet the requirements of this section, and demonstrating compliance with the sound criteria in Table 1 and 2.

(3) Development specified for this section must comply with the external entertainment sound criteria shown in Table 1 as measured at the most affected property boundary of the nearest existing sensitive receiver. The measurement location is to be 1.5 metres from ground level at the site boundary.

Table 1 External sound criteria as measured at the property boundary of the nearest identified sensitive receiver

Sensitive receiver	Time period	Sound criteria $L_{Zeq\ (15\ minute)}$
Residential accommodation or serviced apartments	7am to midnight	Must not exceed 5dB above RBL in each octave band
	Midnight to 7am	Must not exceed RBL in each octave band

(4) Development specified for this section must comply with the internal entertainment sound criteria shown in Table 2 as measured inside any habitable room of the nearest existing residential dwelling.

(5) For Table 1, the rating background level (RBL) is the background L_{Z90} level for each 1/1 octave band from 31.5 Hz to 4 kHz, for the following periods measured in accordance with Fact Sheet B of the NSW Noise Policy for Industry:

(a) 7am to 10pm

(b) 10pm to midnight

(c) midnight to 3am

(d) 3am to 8am

Table 2 Internal sound criteria as measured inside any habitable room of the nearest sensitive receiver

Sensitive receiver	Time period	Sound criteria $L_{Zeq\ (15\ minute)}$
Residential accommodation or serviced apartments	7am to midnight	Must not exceed $L_{Z90\ (15\ minute)}$ in each octave band
	Midnight to 7am	Must not exceed 12dB below $L_{Z90\ (15\ minute)}$ or the threshold of audibility in each octave band
Where the dwelling is inside the same building	7am to midnight	Must not exceed 3dB below $L_{Z90\ (15\ minute)}$ in each octave band
	Midnight to 7am	Must not exceed 12dB below $L_{Z90\ (15\ minute)}$ or the threshold of audibility in each octave band

(6) For Table 2, if the $L_{Z90\ (15\ minute)}$ level in the octave bands 31 Hz to 500 Hz is less than the threshold of audibility values listed in Table 3, the values in that table shall be used.

Table 3 Threshold of audibility by octave band

Octave band	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz

L_{Zeq}	51 dB	32 dB	18 dB	9 dB	3 dB

(7) The internal sound criteria in Table 2 and provision (4) prevail to the extent of any inconsistency with the external sound criteria in Table 1 and provision (3).

3.18.3.2 Development affected by entertainment sound

Objectives

(a) Protect the amenity of residents by reducing entertainment sound ingress.

(b) Enable the delivery of housing in mixed-use areas with entertainment sound generating activities.

Provisions

(1) The section applies to development for the purposes of new residential accommodation and/or serviced apartments, or where an alteration to an existing development involves conversion or delivery of additional dwellings, on the following sites:

(a) on land where any part is identified on the *Entertainment Sound Management Map* as 'Land affected by entertainment sound';

(b) on land identified on the *Entertainment Sound Management Map* as 'Additional land that may be affected by entertainment sound', to the extent that the part of the site or proposed built form has uninterrupted exposure to a mapped 'Existing live music and performance venue'; or

(c) on the same site as an existing entertainment sound generating activity.

(2) A preliminary Noise Impact Assessment prepared by a suitably qualified acoustic consultant is to be submitted with a Site Specific DCP or Concept DA for development specified for this section, demonstrating how exposure to entertainment noise from a mapped existing venue has been reduced with appropriate siting, orientation and built form elements.

(3) Development specified for this section must comply with the internal criteria for sound from any pre-existing, planned or approved entertainment sound generating activities shown in Table 1.

Table 1 Internal criteria for entertainment sound

Residential accommodation $L_{Zeq\ (15\ minute)}$	**Octave Band Centre Frequency dB**							
Bedrooms								
Octave band	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	1 kHz	4 kHz
7am to midnight	60	50	39	30	25	20	15	13
Midnight to 7am	53	43	32	23	18	13	8	6
Other living areas								
Octave band	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz
7am to midnight	65	55	44	35	30	25	20	18

Midnight to 7am	55	48	37	28	23	18	13	11

Note: For reference, the octave bands in Table 1 are approximately equivalent to the dBA levels in Table 2.

Table 2 Approximate dBA equivalent entertainment sound levels of Table 1. Note these are provided for reference only.

Residential accommodation $L_{Aeq\ (15\ minute)}$	
Bedrooms	
7am to midnight	30 dB
Midnight to 7am	23 dB
Other living areas	
7am to midnight	35 dB
Midnight to 7am	28 dB

(4) A Noise Impact Assessment prepared by a suitably qualified acoustic consultant is required for development specified for this section. The assessment is to establish the loudest existing $L_{Zeq\ (15\ minute)}$ sound context for any one hour period during the operation of venues for each 1/1 octave band between 31.5 Hz and 4 kHz. The assessment is to demonstrate attenuation from either the existing $L_{Zeq\ (15\ minute)}$ or the levels in Table 3, whichever is higher per octave band, to the internal sound criteria shown in Table 1.

Table 3 Minimum planned external entertainment noise spectrum

Octave band	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz
L_{Zeq}	69	63	53	49	47	44	42	45

Note: For reference, the octave bands in Table 3 are approximately equivalent to 51 dBA.

(5) For the purposes of (1)(b), “uninterrupted exposure” means a direct line of sight without intervening built form, or facing a street or road corridor with an uninterrupted street wall on both sides between the venue and the site. A preliminary urban design analysis with 3D modelling may be required to establish which parts of the site are exposed and which are protected by existing or proposed built form elements.

(6) To meet the criteria shown in Table 1, development may propose to attenuate the entertainment sound at an existing source. Where this is proposed, the proponent must demonstrate the attenuation measures:

(a) will be effective at meeting the sound criteria in Table 1;

(b) have the consent of relevant parties associated with the source of the entertainment sound; and

(c) will last for the life of the proposed development, or have a management plan to ensure their maintenance and continued use through change of ownership at the source.

Appendix 2

1. Edit the text in section 3.15.4 'Trading hours and trial periods' provisions (1) – (15), with strikethrough representing deletion and underlines addition.

These provisions identify base and extended trading hours within the three late night trading areas and for premises located outside of these areas.

Approvals for late night trading premises will be limited in time to enable Council to assess the ongoing management performance of a premise and its impacts on neighbourhood amenity. These trial periods allow Council the flexibility to review the conditions on development consents and respond to such things as change in the late night character of a neighbourhood and changes in management.

(1) Base and extended hours that apply to particular late night trading areas are identified in Table 3.8 Late night trading hours.

Table 3.8 Late night trading hours

		Category A		**Category B**		**Category C**
		Indoor	Outdoor	Indoor	Outdoor	Indoor
Late Night Management Area	Base	6am to midnight	~~10am~~ 9am to 10pm	6am to 2am	7am to 10pm	24 hours
	Extended	24 hours	9am to 1am	24 hours	7am to 1am	
City Living Area	Base	7am to 11pm	~~10am~~ 9am to ~~8pm~~ 10pm	7am to 1am	7am to ~~8pm~~ 10pm	24 hours
	Extended	7am to 5am	9am to midnight	7am to 5am	7am to midnight	
Local Centre Area	Base	~~10am~~ 9am to 10pm	~~10am~~ 9am to ~~8pm~~ 10pm	7am to 11pm	7am to ~~8pm~~ 10pm	7am to 2am
	Extended	~~10am~~ 9am to midnight	9am to 10pm	7am to midnight*	8am to 10pm	
All other areas	Base	10am to 10pm	10am to 8pm	7am to 10pm	7am to 8pm	7am to midnight
	Extended	10am to midnight	10am to 10pm	7am to midnight	7am to 10pm	

*Refer to (2) below

(2) Notwithstanding Table 3.8, proposals for extended indoor hours of Category B premises in Local Centre Areas up to 2am may be approved but only if Council is satisfied that entry and egress of all patrons will be onto a main street and not onto a laneway which abuts residential properties, or into a predominantly residential area.

(3) Any hours that are beyond base hours will be subject to a trial period.

(4) Council may permit trading hours that exceed extended hours for 'all other areas' if it has considered matters in 3.15.3 and provided that:

(i) The premises is not located in a R1, R2 (residential) or ~~B4~~ MU1 (mixed-use) zone; and

(ii) The premises is located within 800 metres walking distance of the public entrance to rail station or ferry wharf with operating and available services, or 400 metres to the public entrance to a light rail station or platform, or a bus stop with operating and available services.

(5) Council will consider proposals for stand-alone gyms in Local Centres to exceed the trading hours in Table 3.8 if:

(i) the gym is not located in a building with residential accommodation;

(ii) the tenancy within which the gym will be located has no common wall to residential accommodation;

(iii) Council is satisfied that entry and egress of all patrons will be onto a main street and not onto a laneway which abuts residential properties, or into a predominantly residential area;

(iv) no outdoor operation of the gym is proposed;

(v) a Plan of Management is approved addresses noise impacts described in Schedule 3, 3.2(d).

(6) Extended trading hours beyond base hours may be permitted at the initial application stage, but only where the Council has determined that the premises have been or will be well managed, including compliance with an approved Plan of Management.

(7) At the completion of a trial period a new application must be lodged to either renew existing trial hours or to seek an extension of trading hours.

(8) Premises seeking extended trading hours may be permitted up to ~~two~~ three additional operating hours per trial period if a previous trial period is considered by the Council to have been satisfactory, unless eligible for an additional one trial hour under sections 3.15.4 (16) and (17).

(9) Trial periods may be permitted up to the following durations:

(a) First trial – ~~1 year;~~ 2 years;

(b) ~~Second trial – 2 years;~~

(c) ~~Third~~ Second and subsequent trials – 5 years.

(10) Once the full range of extended trading hours is reached an application must be lodged every 5 years to renew trading hours.

(11) Applications for a renewal or extension of trial trading hours should be lodged 30 days prior to the expiry period and applicants will be allowed a period of 'grace' from the termination of the trial period until the new application has been determined. During this period, the premises may continue to trade during existing approved trial hours.

(12) If an application is not lodged 30 days prior to the expiry of the trial period, then approved trading hours will revert to base trading hours.

(13) A renewal or extension of trading hours that are subject to a trial period may only be permitted if Council is satisfied that a late night trading premises has demonstrated good management performance and compliance with a plan of management, following the completion of a satisfactory trial period.

(14) When Council is assessing trial period applications, it will consider whether a venue has demonstrated good management performance, based on matters including but not limited to:

(i) whether the trial period hours have been utilised;

(ii) the nature and extent of any substantiated non-compliances with development consent or liquor license conditions, particularly those relating to public safety and impacts on amenity;

(iii) responses to substantiated complaints, including complaints recorded on the venues complaints register;

(iv) Compliance with the approved Plan of Management for the venue;

(v) consideration of complaints to Council and the State licensing authority under the Liquor Act 2007;

(vi) an assessment of inspections by Council Officers during trial periods; and

(vii) consideration of any submission made by Police.

(15) If the Council determines that a trial period has been unsatisfactory then trading hours will revert to the base late night trading hours or whatever hours have been approved as the maximum trading hours prior to the commencement of this DCP. Council will consult with an applicant prior to making such a determination.

Attachment A1

Draft Development Control Plan –
Entertainment Sound Management - Maps

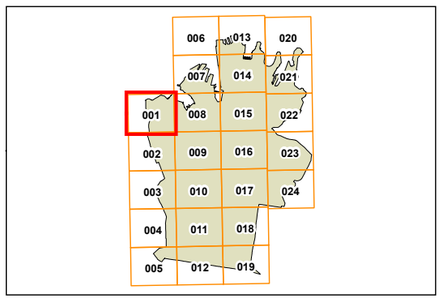
CITY OF SYDNEY

Sydney Development Control Plan 2012

Entertainment sound management map
Sheet 001

Legend

- Late night management areas
- Existing live music and performance venues
- Land affected by entertainment sound
- Additional land that may be affected by entertainment sound
- Land excluded from this DCP



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CITY OF SYDNEY

Sydney Development Control Plan 2012

Entertainment sound management map
Sheet 002

Legend

- Late night management areas
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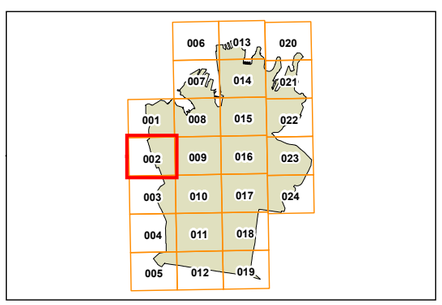

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CITY OF SYDNEY

Sydney Development Control Plan 2012

Entertainment sound management map
Sheet 003

Legend

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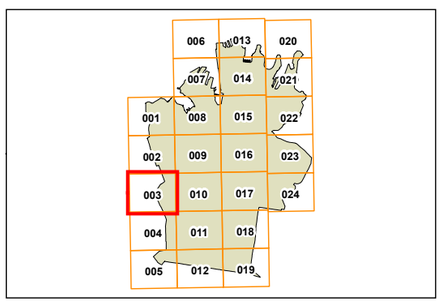

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CITY OF SYDNEY

Sydney Development Control Plan 2012

Entertainment sound management map
Sheet 004

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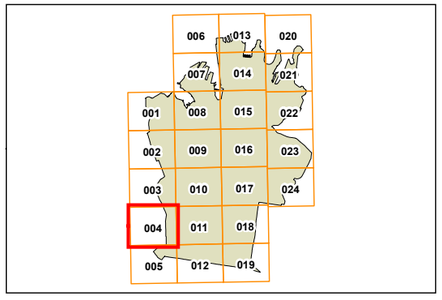

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CITY OF SYDNEY

Sydney Development Control Plan 2012

Entertainment sound management map
Sheet 007

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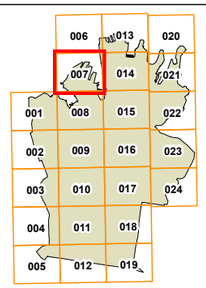

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CITY OF SYDNEY

Sydney Development Control Plan 2012

Entertainment sound management map
Sheet 008

Legend

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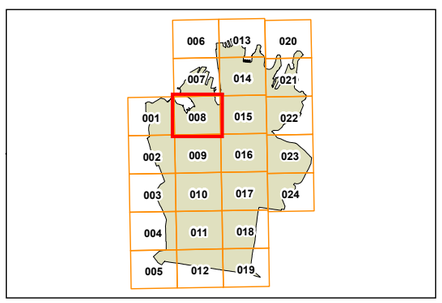

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CITY OF SYDNEY

Sydney Development Control Plan 2012

Entertainment sound management map
Sheet 009

Legend

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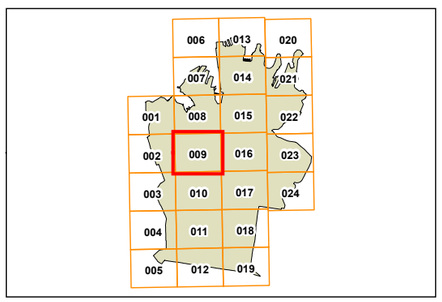

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CITY OF SYDNEY

Sydney Development Control Plan 2012

Entertainment sound management map
Sheet 010

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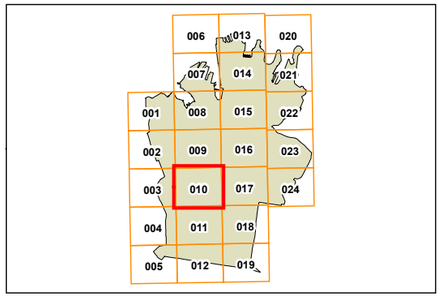

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CITY OF SYDNEY

Sydney Development Control Plan 2012

Entertainment sound management map
Sheet 013

Legend

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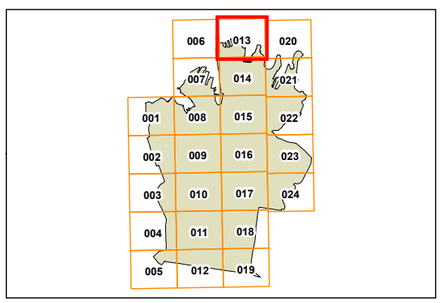

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CITY OF SYDNEY

Sydney Development Control Plan 2012

Entertainment sound management map
Sheet 014

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- Land affected by entertainment sound
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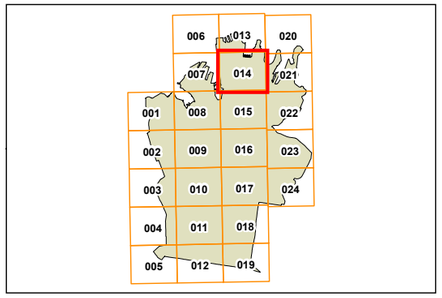

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Sydney Development Control Plan 2012

Entertainment sound management map
Sheet 015

Legend

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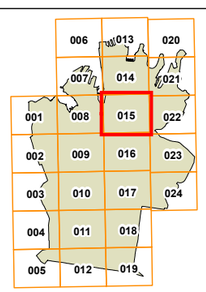

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CITY OF SYDNEY

Sydney Development Control Plan 2012

Entertainment sound management map
Sheet 016

Legend

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- Existing live music and performance venues
- Land affected by entertainment sound
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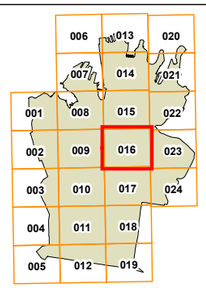

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CITY OF SYDNEY

Sydney Development Control Plan 2012

Entertainment sound management map
Sheet 017

Legend

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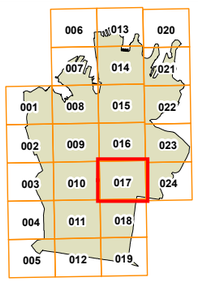

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Randwick City Council

CITY OF SYDNEY

Sydney Development Control Plan 2012

Entertainment sound management map
Sheet 021

Legend

- Late night management areas
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- Land affected by entertainment sound
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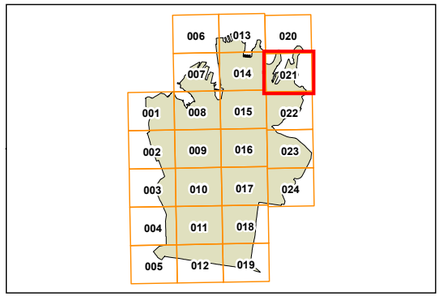

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Scale: 1: 5,000 at A3

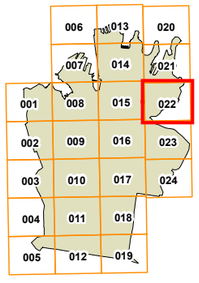
Projection: MGA Zone 56
Datum: GDA2020
Paper Size: A3
Prepared By: SPUD
Printing Date: September 27, 2024
File: SDCP2012_ESM.mxd

Sydney Development Control Plan 2012

Entertainment sound management map
Sheet 022

Legend

- Late night management areas
- Existing live music and performance venues
- Land affected by entertainment sound
- Additional land that may be affected by entertainment sound
- Land excluded from this DCP



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Projection: MGA Zone 56
Datum: GDA2020
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File: SDCP2012_ESM.mxd

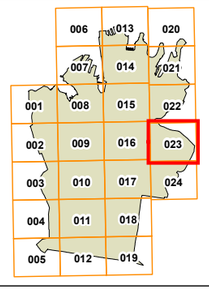
CITY OF SYDNEY

Sydney Development Control Plan 2012

Entertainment sound management map
Sheet 023

Legend

- Late night management areas
- Existing live music and performance venues
- Land affected by entertainment sound
- Additional land that may be affected by entertainment sound
- Land excluded from this DCP



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Projection: MGA Zone 56
Datum: GDA2020
Paper Size: A3
Prepared By: SPUD
Printing Date: September 27, 2024
File: SDCP2012_ESM.mxd

Woollahra Municipal Council

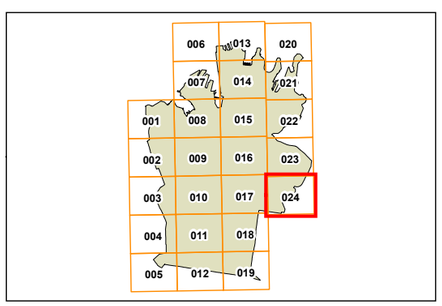
Randwick City Council

Sydney Development Control Plan 2012

Entertainment sound management map
Sheet 024

Legend

- Late night management areas
- Existing live music and performance venues
- Land affected by entertainment sound
- Additional land that may be affected by entertainment sound
- Land excluded from this DCP



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Attachment B

Special Entertainment Precincts Discussion Paper

CITY OF SYDNEY

Special Entertainment Precincts

Discussion Paper
October 2024

The City of Sydney acknowledges the Gadigal of the Eora Nation as the Traditional Custodians of our local area.

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Table of figures

Special Entertainment Precincts

What is a Special Entertainment Precinct?

As part of the Vibrancy Reforms, the NSW Government announced a new framework for Special Entertainment Precincts.

Special entertainment precincts support live entertainment through extended trading hours and sound controls that provide operational certainty for venues, neighbouring residents and businesses. Councils can establish special entertainment precincts in their local areas.

Special Entertainment Precincts:

- are mapped by the Council in the Local Environmental Plan (LEP), they can be for an area, a street or a single venue
- have sound levels and trading hours set by Council in a precinct management plan and override those on a development consent
- have noise complaints continue to be managed by Liquor and Gaming NSW but with regard to the Council's precinct management plan
- Councils must notify residents and people moving into the area about the precinct designation, for example on planning certificates or on its website.

What benefits and incentives are available for businesses?

As part of the Vibrancy Reforms the following benefits and incentives are available for businesses within a Special Entertainment Precincts:

- all venues are eligible for an 80 per cent discount on liquor licence fees
- all venues are eligible for a 1-hour extension on liquor trading every night of the week, when at least two live performances have occurred in that week (see Figure 2)
- simplified process to become a dedicated live music or performance venue
- dedicated live music and performance venues are eligible for a 2-hour extension on liquor trading on the night of a performance (see Figure 2)

The City would like to make these incentives available for all eligible business in all of our existing late night trading areas.

How does the City support night life and vibrancy?

City of Sydney already has a strong approach to support the night time economy and encourage live music and performance, including:

- an established strategy for night life precincts across three tiers of late-night trading areas
- a tried and tested approach to trading hours supporting 24-hour trading where it's appropriate and based on successful trials
- a bonus DA trading hour to incentivise live music and performance
- a long history of balancing the amenity of residents and venues in the management of entertainment sound (noting Liquor & Gaming NSW is now the lead regulator)
- activating our streets through On-street Alfresco Dining and regular Sydney Streets events
- funding Creative Grants, Innovation & Ideas Grants, Business Support Grants and Festival and Events Sponsorships
- support for business through our Business innovation program, Reboot webinar series, and promotion via What's On
- an emerging approach to managing entertainment sound issues in planning for new venues and residential buildings which are likely to be affected

Special Entertainment Precincts are an opportunity to evolve our existing strategy and unlock incentives and benefits for more businesses.

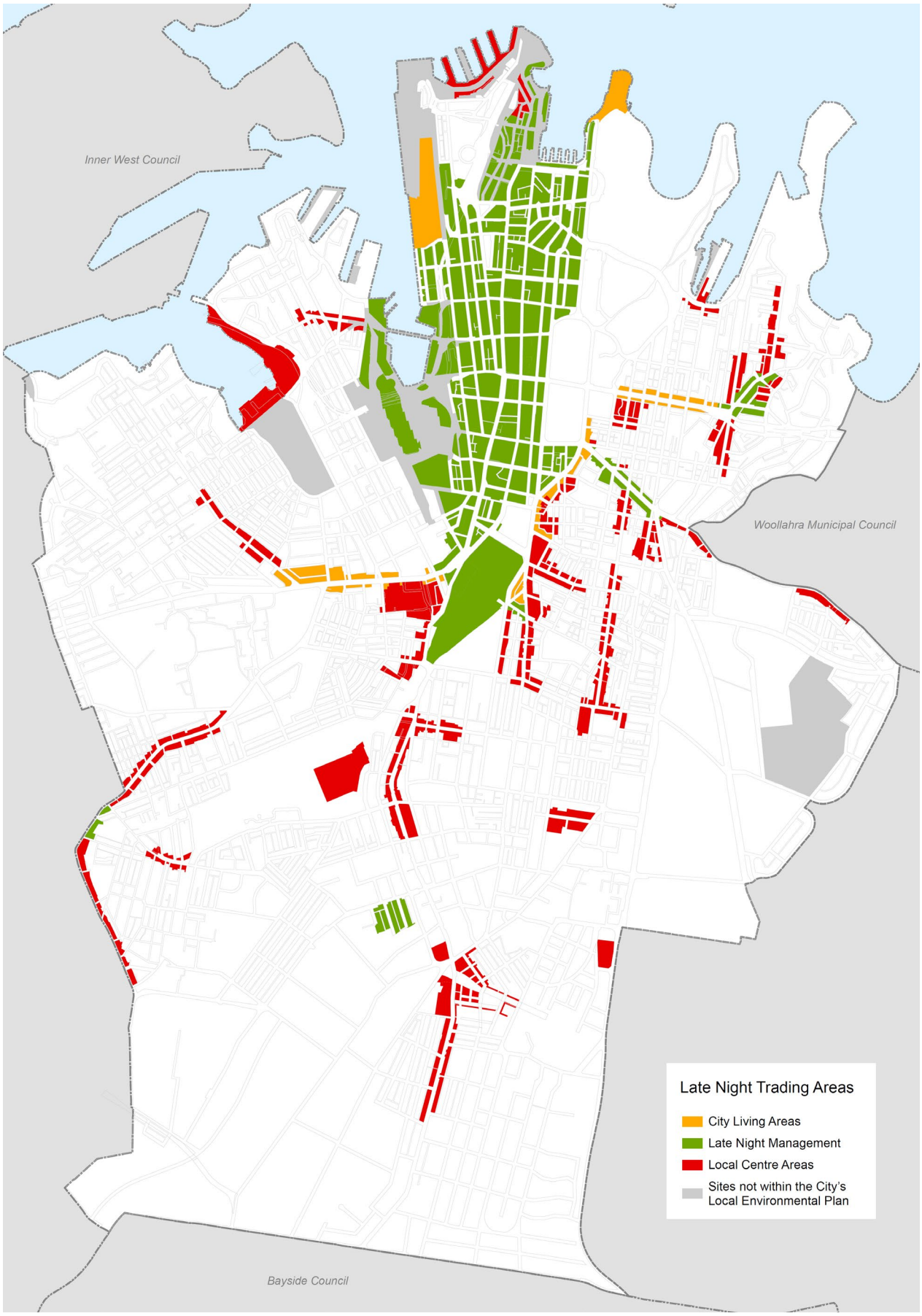
What is the City's proposed approach?

Our preferred approach is to upgrade our existing late-night trading areas to Special Entertainment Precincts.

This approach:

- acknowledges the quantity and diversity of the many 'going out' areas in the LGA
- extends incentives and benefits to more businesses
- supports diversity in night life locations and offerings, reducing the risk of concentration and homogenisation
- manages amenity for residents by continuing our tried and tested approach to late night trading
- enables the City to set bespoke sound criteria which protects amenity and responds to local conditions

Figure 1. proposed Special Entertainment Precincts



What are the benefits of this approach?

We have been investigating how Special Entertainment Precincts might best be applied in our local area. We also considered the alternative option of identifying smaller, specific areas as Special Entertainment Precincts. The proposed approach:

- emphasises the quantity and diversity of night life areas in the area;
- extends the benefits of Special Entertainment Precincts to as many businesses as possible;
- avoids potential impacts of noise and anti-social behaviour coming from the over-intensification of nighttime activity in small areas
- provides the assurance to residents that the City will continue with our tried and tested approach to late night trading;
- enables bespoke sound criteria in certain areas, to supplement the general draft DCP entertainment sound criteria and respond better to local conditions;
- avoids the potential to focus economic activity, investment and patronage to limited designated areas at the expense of other areas in the local area; and
- avoids the potential for change of character in designated areas, such as homogenisation of offerings, increasing rents, focus on alcohol, concentration of nightlife and loss of daytime trading and local services.

How will the City manage trading hours?

We already have a policy that supports late night trading, which is working well. Our policy has ‘base hours’ and ‘extended hours’ which can be approved via a development application (DA) with extended hours on a trial basis accompanied by a plan of management.

These hours vary for different categories of business based on amenity impacts, with more generous hours for lower impact businesses like shops (Category C), compared to higher impact venues like small bars and clubs (Category B) and larger venues and nightclubs (Category A). The hours also differ in the three tiers (see Figure 1): Late Night Management, City Living and Local Centres.

With a Special Entertainment Precinct, we would seek to streamline this approach, with no DA required for trading hours within base hours (see Figure 2). A DA would still be required for businesses to take up extended hours (see Figure 3).

The NSW Government offers additional liquor licence hours to incentivise live music and performance. However, DA trading hours can limit venues being able to access these incentives.

We would unlock venues being able to access these incentives by introducing program incentive and dedicated venue hours without the need for a DA (see Figure 2).

With any changes we make to trading hours, we would make sure that no businesses are disadvantaged. All businesses should be allowed to trade the same hours as they are currently permitted or later.

Figure 2. proposed Special Entertainment Precinct trading hours

		Category A		Category B		Category C
		Indoor	**Outdoor**	**Indoor**	**Outdoor**	**Indoor**
Late Night Management	**Base**	6am to midnight	9am to 10pm	6am to 2am	7am to 10pm	6am to 2am
	Program incentive*	6am to 1am	_	6am to 3am	_	6am to 3am
	Dedicated venue**	6am to 2am	_	6am to 4am	_	6am to 4am
City Living	**Base**	7am to 11pm	9am to 10pm	7am to 1am	7am to 10pm	7am to 1am
	Program incentive*	7am to midnight	_	7am to 2am	_	7am to 2am
	Dedicated venue**	7am to 1am	_	7am to 3am	_	7am to 3am
Local Centre	**Base**	9am to 10pm	9am to 10pm	7am to 11pm	7am to 10pm	7am to 11pm
	Program incentive*	9am to 11pm	_	7am to midnight	_	7am to midnight
	Dedicated venue**	9am to midnight	_	7am to 1am	_	7am to 1am

*only available where the venue has a program of live music performance or other arts and cultural event of at least 45 minutes after 8pm on at least 2 nights in any 7-day period

**only available on the night of a live performance that is at least 45 minutes long, after 8:00pm, and the venue is a dedicated live performance venue published on the Liquor and Gaming website

Figure 3. proposed extended trading hours

		Category A		Category B		Category C
		Indoor	**Outdoor**	**Indoor**	**Outdoor**	**Indoor**
Late Night Management	**Extended**	24 hours	9am to 1am	24 hours	7am to 1am	24 hours
City Living	**Extended**	7am to 5am	9am to midnight	7am to 5am	7am to midnight	24 hours
Local Centre	**Extended**	9am to 1am	9am to midnight	7am to midnight*	7am to midnight	7am to 2am

*proposals for extended indoor hours may be approved to 2am but only where entry and egress of all patrons will be onto a main street and not onto a laneway, or predominantly residential area.

How will sound levels be enforced and complaints managed?

In a Special Entertainment Precinct, noise complaints will continue to be managed by Liquor and Gaming NSW but with regard to the Council's precinct management plan, which will include bespoke sound levels.

What about areas where the City's LEP does not apply?

The map at Figure 1 identifies the City's preferred boundaries for our Special Entertainment Precincts'. These boundaries are existing boundaries that align with our late-night trading areas.

The boundaries include existing late-night trading areas where the City's Local Environmental Plan does not apply and the NSW Minister for Planning and Public Spaces is the planning authority (see areas in grey shown in Figure 1).

It is the City's intent for any planning proposal to establish Special Entertainment Areas to include these areas. The City will work with the NSW Government to ensure a consistent approach across the late-night trading areas.

How will the City set sound levels?

We are committed to enhancing the cultural and creative vibrancy of our city while ensuring a balance between lively activities and residential amenity. This approach will provide greater certainty for both businesses and residents.

A key advantage of our proposed strategy is the ability to establish tailored sound criteria for our late-night trading areas. This will respond to the local context and protect venues with more permissive sound criteria than in the DCP or that may be used by Liquor and Gaming NSW.

To develop sound criteria for Special Entertainment Precincts, we will engage acoustic experts to conduct a detailed sound study, assessing current noise levels. Additionally, we will consult the NSW Government's Special Entertainment Precinct Guidelines and Acoustic Toolkit for recommended sound levels.

These custom sound levels will be designed to support the vibrancy of nightlife, in balance with the need for residential amenity. We will trial and test these sound levels for a minimum 18-month period.

What are we trying to achieve?

Our proposed approach reflects Direction 8 of Sustainable Sydney 2030-2050: A thriving cultural and creative life, where:

– we value our cultural life and champion our creative industries, and

– our cultural life reflects the diversity of our community.

By adopting our tried and tested approach to trading hours but adapting it to align it the NSW Government's Vibrancy Reforms, we are seeking to promote access to live music and performance across our area.

Consistent with our existing objectives for our late night trading areas, our approach:

– identifies appropriate locations and trading hours for late night trading premises

– encourages late night trading premises that contribute to vibrancy and vitality as appropriate for a Global City

– encourages a broad mix of night time uses with broad community appeal that reflect the diverse entertainment and recreational needs of people who work and live in the city as well as people who visit the city

– encourages a diversity of night-time activity in defined areas

– encourages a diversity of night time activity by incentivising performance, creative or cultural uses in licensed premises and dedicated performance venues

– prevent the proliferation of poorly managed high impact late night premises

– ensure that new late night trading premises do not reduce the diversity of retail services in an area.

What is the process for designating a Special Entertainment Precinct?

The NSW Government's Special Entertainment Precinct Guidelines provide more information on the process for designating a Special Entertainment Precinct.

The Guidelines are supported by Optional Sound Guidance and Templates.

The mandatory steps for a council to establish a Special Entertainment Precinct are in Figure 4.

The process from Step 1 to 12 is estimated to take approximately 18-24 months.

The NSW Government's Guidelines provide a more detailed description of each stage as well as steps dealing with operating a Special Entertainment Precinct and suspending / revoking a Special Entertainment Precinct.

The NSW Minister for Planning and Public Spaces may establish a Special Entertainment Precinct directly and is not bound by the mandatory steps.

Figure 4. mandatory steps

mandatory steps	
1.	identify and map
2.	establish strategic intent
3.	obtain a Council mandate to proceed
4.	prepare a precinct management plan
5.	prepare a sound management framework
6.	prepare a compliance framework
7.	prepare a planning proposal to amend the local environmental plan
8.	prepare a development control plan amendment
9.	undertake targeted community consultation
10.	submit the planning proposal for NSW Government approval and publicly exhibit
11.	finalise the local environmental plan amendment for the Special Entertainment Precinct to come into effect
12.	evaluate the Special Entertainment Precinct after a trial period

What are the next steps?

This Discussion Paper represents steps 1 and 2 of the process to designate Special Entertainment Precincts.

Before we proceed to Step 3, we would like community and business feedback in relation to our proposed approach.

After the public consultation period, we will review the feedback and report the outcomes to council with recommendations on how to proceed.

We'd like to hear your views about our proposed approach to designate the late-night trading areas as Special Entertainment Precincts.

Please fill out the survey at:

Link to be inserted.

Attachment C

DCP Entertainment Sound Study (Acoustic Directions and PKA Acoustic Consulting)

ACOUSTIC DIRECTIONS

WHEN SOUND MATTERS

PKA ACOUSTIC CONSULTING

ACOUSTIC REPORT

DCP ENTERTAINMENT SOUND STUDY

Prepared for: City of Sydney

by: Glenn Leembruggen, Principal of Acoustic Directions
Joel Parry-Jones, Principal of PKA Acoustic Consulting

Issue: v1.1

Report Ref.: 240927 DCPEntSnd v1.1

ACOUSTIC DIRECTIONS PTY LTD
ABN 91 003 090 211
Suite 2 47-51 Lilyfield Road
Rozelle Australia 2039
P 02 9810 7033 02 9046 9979
E acoustics@acousticdirections.com
www.acousticdirections.com

Association of Australian Acoustical Consultants

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DOCUMENT MANAGEMENT

Document:	240927 DCP Entertainment Sound Study v1.1
Ref	240927 DCPEntSnd v1.1
Date	27th September 2024
Authors	Glenn Leembruggen, Joel Parry-Jones
Reviewers	Glenn Leembruggen , Joel Parry-Jones

Document History			
Version	**Issue Date**	**Details**	**Authorisation**
D1	14/06/2024	Draft for comment	Glenn Leembruggen
V1	18/09/2024	Final	Glenn Leembruggen
V1.1	27/09/2024	Final -typos	Glenn Leembruggen

Acoustic Directions and PKA Acoustic Consulting are members of the Association of Australian Acoustical Consultants, and our work is conducted in accordance with the Association's code of conduct.

1. INTRODUCTION

The association of Acoustic Directions (AD) and PKA Acoustic Consulting (PKA) has been engaged by the City of Sydney (City) to undertake a study that will inform the development of an Entertainment Sound Criteria for the amended Sydney Development Control Plan (DCP). This study (hereon referred to as '2024 Entertainment DCP') also provides guidance and supporting acoustic information to support our recommendations, and support discussions in relation to criteria for the City's public DCP exhibition.

This is the first draft of this report, and in some respects, the report is open ended as there are a number of directions that could be undertaken from these findings and further discussion with Council.

The City has provided a framework and guidance for our work to prepare this study, for which we are grateful.

1.1. Abbreviations and definitions

The following abbreviations and definitions are used in this report.

A weighting	A-weighting is a form of frequency weighting which is applied to measured sound levels in an effort to account for the relative loudness perceived by the human ear, as the ear is less sensitive to low audio frequencies.
Ambient noise	Ambient noise is the noise in an environment due to all sound sources other than entertainment.
ADG	Apartment Design Guide issued by NSW Govt.
AD	Acoustic Directions
Airborne sound	Sound that emanates from a source via the air, and travels to a receiver either directly through the air, or by transmission through building structures to the receiver room where is it is converted to airborne sound heard by the listener.
Background	The typical lowest level of ambient noise that is present in the environment.
DA	Development Application
dB	decibel – i) a unit of sound pressure level ii) a difference between sound levels and a reference level.
Council	The Council of the City of Sydney
The City	The City of Sydney
LGA	The City of Sydney Local Government Area
DCP	Development Control Plan
EHO	City's Environmental Health Officer
HVAC	Heating, ventilation, and air-conditioning system
Hz	Hertz – the unit of frequency in sound, equivalent to cycles per second.
L&GNSW	Liquor & Gaming NSW for licenced premises
LGA	The City of Sydney Local Government Area
NPfI	Noise Policy for Industry issued by the NSW Environmental Protection Authority.
Octave	An octave is the interval between one musical pitch and another with double or half its frequency, producing a frequency ratio of 2. E.g. if a note has a frequency of 440 Hz, the note one octave above is at 880 Hz, and the note one octave below is at 220 Hz.
Phon	Phon is a logarithmic unit of loudness level for tones and complex sounds; the logarithmic scale is similar to the Richter scale used to measure earthquakes. A doubling of the perceived level. Is generally associated with an increase in the level of 10 phons.
PKA	PKA Acoustic Consulting
RFQ	Request for Quotation issued by the City for this study.
SEP	Special Entertainment Precinct
SPL	Sound pressure level
Sound level	Sound pressure level
Structure-borne sound	Sound that commences as a vibration that is directly imposed on the building structure and travels via the structure to the receiver room where the structural vibration is converted to airborne sound travels to a listener through the air.

1.2. Structure of This Report

This report is structured as follows:

Section 1 presents details of our approach to preparation of this report, and the scope of the RFQ.

Section 2 provides a context for the proposed entertainment noise DCP and identifies some key goals for the DCP.

Section 3 presents a detailed discussion of numerous factors that we have considered in the process of preparing our recommendations for receiver and venue noise controls. This section considers issues ranging from psychoacoustics through to properties of contemporary music and different criteria.

Section 4 discusses the City's current entertainment noise conditions and identifies weaknesses in those conditions. In addition, a primary problem that has always existed is identified and discussed.

Section 5 outlines the rationale we have used to develop our proposed residential and venue controls (i.e. noise criteria).

Section 6 describes our proposed residential noise controls and illustrates the process by which they were developed. Some new concepts are also introduced.

Section 7 presents our proposed venue noise controls and provides examples to illustrate their use. Separate controls are recommended for new and existing residential buildings.

Section 8 is provides information that is intended to assist the city with assessing DA's submitted under the new DCP. This section should be expanded after discussions with the City.

Section 9 provides some guidance for venues to assist control of their noise emissions. This section should be expanded after discussions with the City

Section 10 provides a glossary of acoustic terminology.

1.3. Our Approach to this Report

Undertaking the 2024 Entertainment DCP to inform the preparation of an Entertainment Noise Criteria was a complex parcel of work, and involved consideration of a wide range of acoustic topics, encompassing:

- sound creation and noise sources within venues
- sound egress paths from venues
- sound propagation in the built environment
- sound transmission into residences
- internal room acoustics
- human perception of sound
- acoustic measurement theory and practice
- ambient noise levels in residential areas near entertainment venues

Our guiding principle for this study has been the City's desire to foster night life and music entertainment whilst maintaining satisfactory residential amenity. Another key component of the City's approach is the "agent of change" principle.

1.4. Scope of the City's RFQ

A. Venue Controls

a) Review the suitability of and suggest any refinements to the intrusive criteria used in the existing condition of consent for new entertainment venues, in order to translate them to DCP controls.

b) Provide advice on the potential use of external and internal amenity criteria for venues, as measured from the sensitive receiver, in the absence of special entertainment precincts. Note - Developing external amenity criteria is not in scope.

c) Provide high level, summarised guidance and approaches for proponents to plan for compliance with the criteria. For example, standardised approaches to estimating internal background noise levels, and for identifying typical sound transfer pathways to sensitive receivers.

B. Receiver Controls

a) Sensitive receivers for this DCP consist of residential accommodation and tourist and visitor accommodation, on mapped sites being late night trading areas and sites within close proximity to existing venues.

b) Attend two workshops with the City's urban design team to discuss design solutions for mitigating noise impacts to dwellings, and interactions between noise and other amenity considerations such as cross ventilation and daylight access.

c) Provide a summary of the key design considerations and assumptions for mitigating entertainment sound transfer, and identifying typical sound transfer pathways, from venues in:

   i. a nearby building

   ii. the same building as the sensitive receiver

d) Recommend criteria for residential accommodation and tourist and visitor accommodation (which may be different), which account for the special characteristics of entertainment sound, using consistent measurement metrics and time periods as the venue controls if possible.

e) Consider the use of intrusive criteria, amenity criteria, or a combination.

f) Consider the interaction with the proposed venue criteria, as they apply to inside sensitive receivers. Also consider Liquor & Gaming NSW (L&GNSW) L_{A10} criteria used in enforcement of noise complaints.

g) High level advice and considerations for Special Entertainment Precincts (SEPs) and the research and road map would be required to adopt SEPs.

h) If we consider that an internal amenity criterion is required, then specify a suitable criterion with limits and situations where it should be applied (structure-borne transfer etc.). Propose methodology to derive an internal amenity criterion taking account of parameters such as traffic noise ingress, hearing threshold etc.

C. Deliverables

a) Critique of the existing condition of consent for entertainment venues

b) If a different set of sound criteria for venue controls where tourist and visitor accommodation is the sensitive receiver is recommended, provide those criteria with a brief justification.

c) Justification for recommending or not recommending internal and external amenity criteria for the venue controls.

d) Guidance to inform a DCP schedule for easily and cost effectively establishing and demonstrating compliance with the venue controls.

e) Entertainment sound criteria for new sensitive development in mapped areas, with brief justification.

f) Content to inform a DCP schedule or separate design guidelines for new sensitive receivers near existing venues, explaining the special characteristics of entertainment sound, and guidance for how to identify typical sound transfer pathways and limit entertainment sound transfer.

1.5. Items Not Considered

Our brief from the City was not to consider:

- Architectural, urban design or apartment layout guidance.
- Amenity criteria for the venue controls however, this may be required to provide a useable set of criteria.

2. A CONTEXT FOR THE NEW DCP

2.1. Introduction

A. The Tension

When entertainment venues featuring contemporary music played at moderate to loud sound levels are located close to residential areas, there can be considerable tension between the requirements to foster that entertainment and the

requirement to provided suitable noise amenity for residents. Complicating this tension is the need to provide natural ventilation for residential buildings.

Considering and addressing this tension is the primary endeavour of this study.

Part of the tension is the requirement to provide acoustic certainly for developers of residential apartments and venue proponents. A suitable compromise must be found between advancing the cause of residential amenity with SPL limits and the need for venues to implement acoustic treatments that are practical and feasible.

Venues often "push back" on recommendations by acoustic consultants for expensive upgrades, with the stance of "feasibility" being what the venue prefers to do, rather than what is necessary.

In contrast, with other industries such as manufacturing and mining, noise mitigation is often necessary and expensive, but it enables the long-term viability of these industries. Live music venues that have adopted this perspective have survived for many years.

Although hospitality and music venues often have shorter life spans than some industrial sectors, it is still the venues' responsibility for managing their noise impacts even though this may impact their short-term financial returns.

B. Comparison of Draft DCP with the Current Entertainment Noise Condition

In 2020 Council exhibited a draft Entertainment Sound DCP. In 2023, we were commissioned by Council to undertake an analysis and review of the exhibited DCP. Arising from this work was our 2023 study of Entertainment Noise (hereon called '2023 Entertainment Noise Study' *(Ref: 230531 CoSEntNse v1.2')* which concluded that the draft DCP criteria needed to be adjusted to achieve similar outcomes to the current Entertainment Noise Condition.

We considered that the benefits of this adjustment would be:

- Better match with the perceptual impressions of the entertainment noise.
- Less difficulty with site measurements to determine compliance.
- Elimination of conflicting requirements for a number of receiver types.

We also concluded that the post-midnight internal entertainment noise criterion of L_{Aeq} 30 dB proposed in the draft DCP was inappropriate for the construction of a new residential noise-sensitive receivers that are potentially affected by an existing venue, as it does not provide sufficient masking of entertainment noise at low frequencies.

C. Certainty for Venues and New Residents

The benefit of embedding acoustic criteria in the DCP to inform the design and construction of new buildings is:

- Existing entertainment venues would have confidence that noise compliance can be achieved in the new buildings over the long term.
- Over the long term as more and more new residential apartments replace old apartment complexes, potential new venues whose noise emissions would affect only new residential buildings would have a noise target that allows them considerable flexibility in their entertainment offering with the confidence that noise compliance can be achieved in the new buildings.

Providing this certainty creates the need for an amenity criterion for venues, as the desired noise level inside apartments is related to the sound level outside the apartments by the sound transmission loss of the apartment façade.

D. Health and Natural Ventilation

We understand the following considerations and requirements have been articulated by the City's internal health, building and planning experts.

- Noise is now recognised as having a major effect on health of the community.
- The City must assess DAs for residential development against the amenity requirements in the Apartment Design Guide (ADG), which accords equal importance to the provision of suitable noise amenity and natural ventilation. Interestingly, the ADG allows flexibility in other amenity requirements, such as solar access, in order to maintain high standards of noise and ventilation amenity.
- The requirement to jointly provide suitable noise amenity and natural ventilation in apartment buildings near entertainment venues will require the acoustic design of new apartments to be substantially more sophisticated, which will also require early consideration of noise ingress to inform the siting and layout of buildings.
- Residential buildings can readily have a life of one hundred years, whereas the life of a venue may be less than twenty years. Accordingly, the noise criteria that are assigned to new apartment buildings will determine the

noise amenity of residents in the far future.

Unlike social problems such as carbon emissions that are addressed by progressive targets over a given time frame, reduction of venue emissions cannot have a time frame. Once the venue and the receiver buildings are constructed, they cannot readily be modified over time, and therefore the relationship between sound levels inside venues and residential receivers becomes fixed for a given type of music and its sound level. In addition, the conditions that apply at the time of DA are locked in for the life of the building. Consideration was given to standards that could be progressively increased over time; however, this is not appropriate as the impacts are fixed and immediate rather than cumulative over time.

The upshot of this fixed situation is that the DCP must set suitable amenity requirements now which are appropriate for many years to come.

E. Implications of Natural Ventilation

a) Natural ventilation can be provided by open windows; however, we consider that it would be too onerous for entertainment venues to limit their noise breakout to a level that is satisfactory for residential amenity when windows are open. Although the ambient noise level inside a residence would increase when the windows are open, this increase in noise is usually not sufficient to mask the music noise.

b) With receiver windows open, the only mitigation option is to reduce the level of music inside the venue, and this would unavoidably alter the enjoyment of patrons, and the venue would be likely to close. We detail in Section 4.5 the relationship between windows open or closed and the background noise levels rising and falling.

c) Under the recent NSW vibrancy reforms, L&GNSW will expect that residents who move to an area close to an existing venue will take reasonable measures, such as closing their windows, before L&GNSW will consider complaints about entertainment noise complaints. Given that natural ventilation is to be provided in new apartments while windows and doors are closed, the only recourse available to reduce entertainment noise is passive acoustic attenuation included in the paths in which fresh-air enters apartments.

d) The standard approach used by acoustic consultants for DA reports is to require apartments to be mechanically ventilated so that suitable internal noise amenity can be provided. This approach is no longer possible due to the ADG requirement for natural ventilation and cross-ventilation requirements, and therefore a more innovative acoustic and architectural approach will be required that considers the siting and orientation of new apartment buildings and passive acoustic attenuation methods. This approach will require early consideration of noise from entertainment sources to inform concept design, similar to overshadowing, deep soil and other fundamental design considerations

   In essence, the current acoustic-design approach of "bolting-on" noise attenuation measures after the building is conceptually designed must change to an approach of consideration of acoustics as a major driver in the conceptual design of the building.

F. Regulation

Post 1 July 2024, L&GNSW became the lead regulator for entertainment noise complaints from liquor-licensed premises in NSW. They are supported in this by Local Government and other agencies. Relevant entertainment sound controls, criteria and conditions are still necessary because:

- Whilst venues may not have their conditions of a DA enforced by local government, the venues are approved on basis of noise not adversely affecting the surrounding amenity, and a venue must still comply with its DA approval. These conditions can be used by the City and Liquor & Gaming to check a venue's compliance with its consent, with L&GNSW leading this.
- Conditions of consent could be used by L&G and or NSW Police in 'Improvement Notices'.
- If a venue is deemed to not comply with its liquor licence or the Liquor Act, it may be subject to regulation under the Protection of the Environment Operations Act (POEO) by local government. In effect, the controls incorporated in the City's DCP, and its noise conditions may be used in an instrument under this Act.
- L&GNSW were not made the lead regulator for conditions of consent that require building upgrades to manage noise mitigations. The extent of building upgrades required for a venue must be informed by an assessment against noise criteria. This ensures that the burden (and cost) of noise mitigation is balanced and fair, not over or under done.
- Un-licensed premises are still required to comply with the controls, as are licensed premises that trade beyond the hours of their liquor licence without serving liquor.
- The Minister for Planning has issued a planning requirement that local government must continue to evaluate

and condition licensed premises as previously done and in accordance with good practice.

2.2. Requirements of the DCP document

a) The DCP provisions need to be set out as performance outcomes, in order to allow flexibility in achieving the desired amenity outcome. However, it can also include more detailed and prescriptive guidance which can be voluntarily followed to achieve the performance outcomes.

b) To encourage venue operators and proponents to recognise the balance between their responsibility in noise mitigation as well as providing vibrancy.

The DCP should encourage venue operators and proponents to consider the various techniques that can be used to reduce noise emissions, so that they are equipped to submit a DA that demonstrates detailed noise controls that will show compliance with the criteria.

c) The DCP should provide guidance for the acoustic engineers working for venue proponents about information that should be included in acoustic reports to create a standardised assessment method and framework to assist the City's assessment process.

d) In this context, we recommend that the document contains standardised approaches to estimating internal background noise levels, and for identifying typical sound transfer pathways to sensitive receivers.

e) In addition, the DCP requirements and associated guidance should not impose an unreasonable requirement on proponents and their acoustic consultants to have a high level of expertise and background knowledge in order to understand the DCP.

f) The DCP should assist acoustic consultants to prepare a concise application and provide guidance about information that is required.

g) The DCP must be strongly supported by evidence and robust against unfounded criticism.

2.3. Education

An extensive campaign will be required to re-educate the acoustic consulting and architecture professions and potential venue operators about the requirements of the DCP and how to go about addressing them. The required process will be a major departure from current practice for developers, consultants and architects. A series of public workshops would assist with raising awareness. In addition, the co-operation of the Association of Australasian Consultants should be sought to disseminate the new DCP.

3. GENERAL TECHNICAL PARAMETERS

The information in this section has provided the foundation of our work to develop criteria for the DCP.

3.1. Human Hearing and Masking

A. The Octave Band Concept

Both the City and the L&GNSW assess entertainment noise in octave-wide frequency bands as tabled below:

Table 1. Octave Band Centre Frequences (Hz)

31.5	63	125	250	500	1000	2000	4000	8000

This simple but effective method assesses the degree of audibility of music noise and relies on the human hearing's ability to focus on the loudest sound. In technical terms, the vibrations of the hair cells in the inner ear are dominated by the loudest sound, leading to the term masking.

Masking of music noise is most effective when the ambient noise is in a same frequency range as the music. For convenience, the frequency range of music is divided into nine frequency bands that are one-octave wide. Accordingly, the ambient noise is also divided into the same frequency bands.

B. Thresholds of Audibility

The threshold of audibility in human hearing can be thought about as another masking mechanism in our ear. Although masking isn't actually a noise that is generated inside our ears, it can be regarded as such. When the level of entertainment noise is below that threshold in each frequency band, the entertainment noise is no longer heard. This is an important aspect is determining sound criteria with a focus on improving receiver amenity.

The threshold of hearing varies considerably with frequency and also shows considerable variation both with age and within an age group. An increase in the hearing threshold at each frequency is an integral part of the human ageing process.

At low frequencies below 250 Hz, the hearing threshold varies greatly with frequency, as shown in **Table 2**. Given that contemporary music has a frequency range that sometimes extends below 31.5 Hz, these thresholds must form an important part of the consideration of audibility within the DCP.

If a noise sound was presented to a listener so that every frequency was just at the threshold of hearing, then the total sound level would be approximately 27 dBA and 65 dBC. Of course, if the noise at some frequencies is not present, then the total sound levels would be lower than these values, which always occurs.

Table 2. ISO 226 - Nominal thresholds of hearing (audibility) in young people.

Metric	Third Octave Band Centre Frequency (Hz) dBZ										
	25	31.5	40	50	63	80	100	125	160	200	250
SPL	68.5	59.5	51.2	43.8	37.4	31.5	26.5	22.0	18.0	14.4	11.4

C. Perception of Audibility at Low Frequencies

It is pertinent to consider the differences in the audibility of low frequency sounds over the general population. The introduction in the UK's DEFRA publication[1] provides the following concise illustration of these differences:

How is it that one person could describe a sound as loud while another cannot even hear the same sound?

One possible explanation is based on the way the human hearing system operates at low frequency. The perceived loudness of low frequency sounds increases very rapidly with increasing sound level. Therefore, low frequency sounds only just above the threshold of hearing can be perceived as loud, even uncomfortably loud. Added to this is the fact that individual hearing thresholds vary, so that people with more sensitive hearing can hear sounds inaudible to others.

Putting these two facts together we may find a situation where a low frequency sound is sufficiently above one person's threshold to sound relatively loud, whereas another person with less sensitive hearing cannot hear it. This situation

[1] Proposed criteria for the assessment of low-frequency noise disturbance. Prepared for DEFRA by Moorhouse et al. Revision 1, December 2011, Contract no NANR45.

does not arise with most other non-low-frequency sounds, because their perceived loudness increases much more slowly with increased sound level. In other words, "normal" sounds need to have very much more sound level above the hearing threshold before they become uncomfortably loud. The experience of low frequency sound can therefore be "counterintuitive", i.e. it may contradict our more usual experience of sound.

D. Use of the dBA Metric

The A-weighting of sound level measurements was originally intended only for the measurement of low-level sounds. The attenuations that are applied to each frequency by a filter in a sound level meter approximate the level at each frequency relative to 1 kHz of the 60 phon level in human hearing.

Reybrouck et al[2] discuss the difficulty in predicting the loudness and annoyance of such low-frequency sound, particularly if measured with dBA. The authors state that "Although the A-weighting filter provides a useful approximation for annoyingness in mid- to high-frequency stationary noise, it underestimates annoyance and perceived loudness for the low-frequency components. Noise that contains high levels of low-frequency noise is perceived as more annoying than higher frequency noise, even at low levels. Comparison between broadband noises centred at 80, 250, 500, and 1,000 Hz showed that the 80-Hz frequency band was more annoying than the other noise bands at equal A-weighted levels (Persson and Björkman, 1988)".

Although L&GNSW specify that measured noise levels are A weighted so that the measured levels supposedly reflect the subjective impact of the noise, we do not endorse the use of f within the DCP as we consider that it has led to more problems that it is intended to solve.

Problems that we see with the use of A weighting are:

- Internal sound levels in venues are often A-weighted, which bears no relationship to the actual perceived sound level.
- When used with music inside and outside venues, it allows levels to be understated, which in turn can lead to design errors.
- As noted above, even at low levels, the A weighted levels do not properly indicate the perceived sound levels.

E. Use of the dBC Metric

Although the use of an internal amenity criterion measured as an overall dBC level might appear attractive due to its simplicity, this fact that inaudible low-frequency noise could readily dominate the measured L_{Ceq} level makes it too risky for use. The only reliable alternative is to use octave or one-third octave band levels.

We have elected to adopt the octave bands starting from 31.5Hz (which previously matches the City's and L&GNSW's criteria) to 4,000Hz (which excludes the highest typical octave band of 8,000Hz due its ineffectiveness in assessment and compliance based on our experience as consultants)

3.2. Venue Internal Levels and Spectra

A. Measured Levels and Spectra

During the 2023 Entertainment Noise Study, we measured the sound levels inside a number of dance venues in and around the City's entertainment areas. The overall A and C weighted levels inside these venues are shown in **Figure 1** and the associated frequency spectra are shown in **Figure 2** and **Figure 3** below.

[2] *Music and Noise: Same or Different? What Our Body Tells Us.* Reybrouck et al. Frontiers in Psychology, 25 June 2019

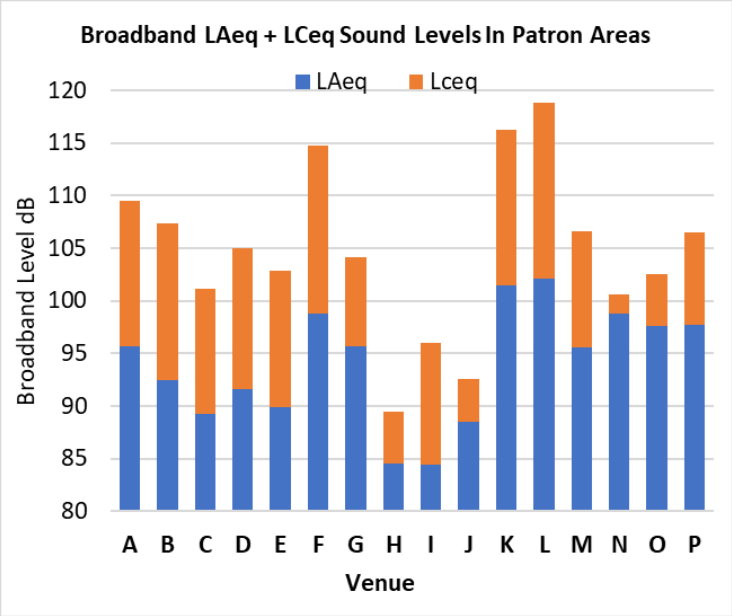


Figure 1. Overall A and C weighted levels inside dance venue

Label	Venue
A	CBD Nightclub A Level 1
B	CBD Nightclub A Level 2 top of stair
C	CBD Nightclub A Level 2 Stage right
D	CBD Nightclub B alfresco pre-midnight
E	CBD Nightclub B alfresco post-midnight
F	CBD Nightclub C Basement
G	Taylor Square - Venue A Level 1
H	Taylor Square – Rooftop Party
I	Taylor Square – Venue B Inside
J	Taylor Square - Venue C Level 1
K	Taylor Square - Nightclub D sample 1
L	Taylor Square -Nightclub D -sample 2
M	Taylor Square - Nightclub E Level 1
N	Taylor Square - Nightclub E Ground Fl
O	Taylor Square - Nightclub E Level 2
P	Taylor Square - Nightclub F Basement

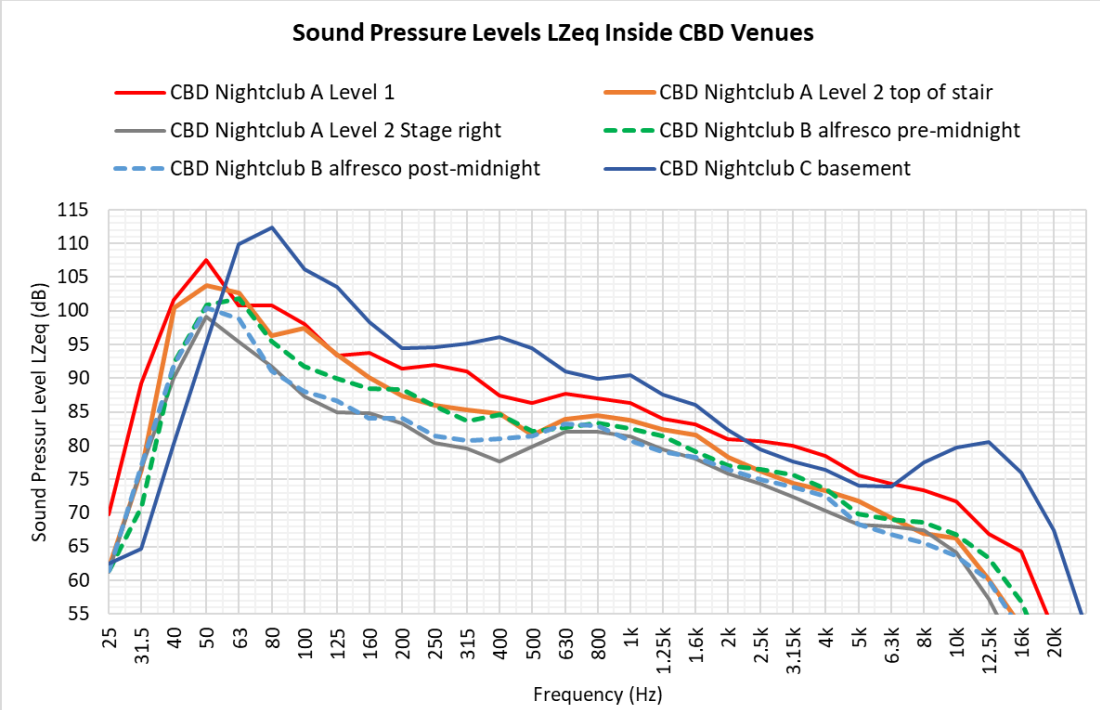


Figure 2. Spectra of sound levels inside CBD venues.

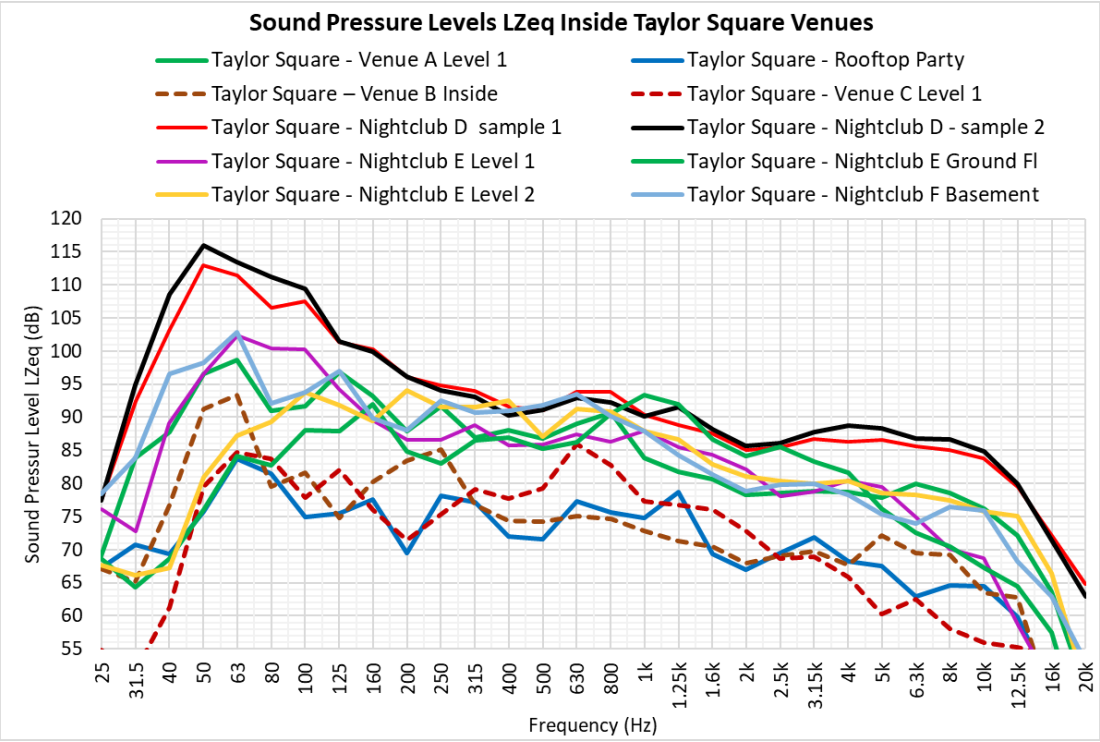


Figure 3. Spectra of sound levels inside Taylor Square venues.

B. The Increasing Demands of Contemporary Music

The combination of the trends in contemporary music and advances in loudspeaker transducer design is increasing creating more sound energy at frequencies below 42 Hz. In turn, this creates increasing demands on the attenuation requirements for internal amenity inside receivers. Three examples illustrating this trend are:

- The five-string bass guitar is increasingly being used in contemporary music. The lowest note of this type of bass guitar is 31 Hz, compared to the lowest note of the four-string bass guitar and double bass of 41 Hz.
- Increasing use of synthesisers for low-frequency effects.
- Subwoofer loudspeakers and amplifiers are much more able to reproduce frequencies 25 Hz to 50 Hz with high sound pressure levels than previously.

3.3. Temporal Structure of Music

The current entertainment noise conditions refer to the L_1 metric for measuring the maximum level inside habitable rooms of residential situations.

Supporting the discussion in Section 4.3.4, there is another way to include the concept of L_1 levels inside receivers, which is to use metrics that are more readily measured and apply an adjustment that those metrics to replicate the L_1/L_{max} metrics.

We have analysed the temporal data from a number of loud dance and live band venues to assess the relationships between the L_1, L_{10} and L_{eq} parameters. The data for loud dance music is shown in **Table 3**, while the data for live venues is shown in **Table 4**.

Table 3. Filtered averages over three loud dance venues in Sydney (Venues A, P, and K)

Description	Metric Comparison	Octave Band Centre Frequency (Hz) dBZ								
		31.5	63	125	250	500	1000	2000	4000	8000
Continuous (long sample)	L_1 to L_{eq}	7.0	8.0	8.0	7.5	8.0	8.5	7.0	7.0	7.5
Continuous (long sample)	L_{10} to L_{eq}	4.5	4.5	4.0	3.5	3.0	3.0	3.0	3.5	3.5
Low Frequency dominant (short sample)	L_1 to L_{eq}	5.0	6.0	6.5	6.5	7.0	7.5	7.0	6.0	6.0
Low Frequency dominant (short sample)	L_{10} to L_{eq}	3.5	3.5	3.5	3.0	2.5	2.5	2.5	3.0	3.0

Table 4. Filtered averages over three bands in outdoor Sydney festivals and two other live venues

Description	Metric Comparison	Octave Band Centre Frequency (Hz) dBZ								
		31.5	63	125	250	500	1000	2000	4000	8000
Continuous (short sample)	L_1 to L_{eq}	8.0	5.0	5.0	6.0	7.0	7.0	6.0	5.0	6.0
Continuous (short sample)	L_{10} to L_{eq}	2.5	2.5	3.0	2.5	2.5	3.0	3.0	2.5	2.5

Given the dynamic nature of music and different genres and songs, the averaged data in **Table 3** and **Table 4** are remarkably close, and given the range of factors that affect the level of entertainment noise within a noise receiver, the differences can be regarded as trivial.

Based on the data in the tables, we conclude that the L_1 is typically 7 dB above the L_{eq} and the L_{10} is typically 3 dB above the L_{eq} across the relevant octave bands.

If we elect to adopt the use of L_{eq} metric for music, based on its simplicity in measurement and the ease of subtracting the ambient noise from combined measurements of music and noise, then suitable adjustments to recognise the L_1 and L_{10} metrics would be:

- $L_{eq} = L_1 - 7$ dB
- $L_{eq} = L_{10} - 3$ dB

However, the L_1 of the music over a shorter period than fifteen minutes is likely to be closer to the Leq level. For example, analysis of the recording of the dance track 'On My Knees' by Rufus du Sol showed that over a one-minute period, the L_1 levels in the 31 Hz to 250 Hz bands were between only 1 and 2 dB higher than the L_{eq} levels in those bands. (Note that the 'Fast' time constant of 125 ms was used to that analysis to simulate a sound level meter's response.)

3.4. Key Questions to Address

In relation to setting criteria for entertainment noise, our research and conclusions have been derived partly from the 2023 Entertainment Noise Study. However, there are other questions that are pertinent.

Key questions that must be answered before suitable entertainment noise criteria can be developed are listed below:

i) What is the degree to which noise from music with a strong regular bass-beat modulation would need to be below the ambient noise to be inaudible compared a music without a strong bass-beat. This reduction would reflect the increased annoyance that that is associated with music noise that has a bass-beat modulation.

This is a complex issue, and we are unaware of any academic research that has investigated the subjective annoyance of noise with a bass beat.

ii) How much noise amenity can be removed from a residential environment to allow venues to produce higher noise emissions?

iii) What are the usual internal ambient noise levels inside residences with windows closed at various times of the night (free of entertainment noise)?

iv) Setting an amenity criterion for internal areas requires knowledge of the internal ambient noise inside the receiver. In turn, this relies on knowledge of the means by which HVAC is achieved.

v) If the windows in an apartment are opened, how will this affect residential noise amenity.

vi) How will the need for passive ventilation in new apartment buildings affect the internal noise level within residents?

Although we have used our expert judgement and experience to develop these criteria, we note that an in-depth research project into bass-beat audibility could refine our recommendations.

3.5. Statutory Controls in Other Cities

The report titled "*Literature Review and Study: Entertainment Noise Planning Management And Criteria*" that Acoustic Directions prepared for the City in 2015 investigated Australian and international criteria for entertainment noise and considered a wide range of issues. Although that report was written nine years ago, we reviewed it closely to ascertain if noise criteria used in other locations could assist this current study.

We conclude that the criteria used in 2015 across the world and in Australia are generous for music venues, and likely to produce a significant loss of amenity for residents living near venues. Given the goal of this DCP is to find a suitable balance between venue constraints and residential amenity, we were unable to adopt any of those criteria for this study.

3.6. Listening Tests to Establish the Suitability of Intrusiveness Criteria

To gain an insight into the bass-beat issue, we have undertaken an extensive series of listening tests to investigate the audibility of contemporary music with a strong low-frequency beats. The listening tests were intended to replicate the situation of post-midnight internal music noise, with windows and doors closed. For these tests, the music was presented at various L_{eq} levels in each octave band relative to the L_{90} of traffic noise in the same bands.

3.6.1 Testing Method

We used the method described below investigate the audibility of music within traffic noise.

a) Contemporary soundtracks selected were:
- Dance: On My Knees by Rufus du Sol
- Rock: Hold Choke by Bad Pony.

b) Using filters implemented in audio-editing software, a one-minute section of each music track was isolated into the four octave bands (31.5 Hz, 63 Hz, 125 Hz and 250 Hz) and the L_{eq} level of each band computed.

c) The upper limit of 250 Hz was selected for this listening exercise based on our experience of windows closed having significantly greater sound insulation in higher frequencies than the lower frequencies, effectively creating a 'low pass filter' effect to the traffic noise ingress.

d) The statistical exceedance levels of a three-minute-long section of recorded traffic noise were calculated to provide the L_{90} levels in the octave frequency bands spanning the range 31.5 Hz to 250 Hz.

e) The L_{eq} level of each isolated octave band of the music was then adjusted to be a defined level below the level of the traffic noise in that band. The defined levels were steps of 5 dB (+ 5 dB, 0 dB, -5 dB, -10 dB, and -15 dB) below the L_{90} of the traffic noise in each band.

f) The octave bands for each track were then recombined to produce a shaped music track in which the L_{eq} level was exactly the defined amount below the L_{90} of the traffic noise in that band. Five such tracks resulted, corresponding to the five defined levels relative to the L_{90} of the traffic noise.

g) The recombined and shaped music track was then mixed with the traffic sound to form the internal residential listening situation.

h) The five mixes of music and traffic were then listened to on headphones and monitor loudspeakers to assess the degree of audibility and subjective annoyance that each defined L_{eq} level of the music below the L_{90} level of the traffic noise.

3.6.2 Listening Results

A. Perceptual Results

Table 5 presents our team's perceptions of music noise level intrusion assuming the listener is located within an apartment with the windows closed.

Table 5. Listener perception of music noise

Track	Description	L_{eq} level of music tracks in octave bands in relation to L90 of traffic noise (dB)				
		L90 + 5 dB	L90 + 0 dB	L90 - 5 dB	L90 - 10 dB	L90 - 15 dB
Listener 1						
Dance (Rufus)	Audibility	Clear	Noticeable	Audible	Just Perceptible	Barely Perceptible
	Pre Midnight	Tolerable	Reasonable	Quiet	Very Quiet	Very quiet
	Post Midnight	Annoying	Intrusive	Tolerable	Reasonable	Quiet
Rock (Bad Pony)	Audibility	Noticeable	Audible	Audible	Barely Perceptible	Barely Perceptible
	Pre Midnight	Reasonable	Quiet	Quiet	Very quiet	Very quiet
	Post Midnight	Intrusive	Tolerable	Tolerable	Quiet	Very quiet
Listener 2						
Dance (Rufus)	Audibility	Clear	Noticeable	Audible	Just Perceptible	Barely Perceptible
	Pre Midnight	Intrusive	Tolerable	Reasonable	Quiet	Very quiet
	Post Midnight	Annoying	Annoying	Intrusive	Quiet	Very quiet
Rock (Bad Pony)	Audibility	Clear	Noticeable	Just Perceptible	Barely Perceptible	Barely Perceptible
	Pre Midnight	Intrusive	Tolerable	Reasonable	Very quiet	Very quiet
	Post Midnight	Annoying	Intrusive	Tolerable	Quiet	Very quiet

Listener 3						
Dance (Rufus)	Audibility	Clear	Noticeable	Just Perceptible	Barely Perceptible	Barely Perceptible
	Pre Midnight	Annoying	Intrusive	Quiet	Very quiet	Very quiet
	Post Midnight	Annoying	Intrusive	Quiet	Very quiet	Very quiet
Rock (Bad Pony)	Audibility	Clear	Audible	Barely Perceptible	Barely Perceptible	Barely Perceptible
	Pre Midnight	Intrusive	Tolerable	Quiet	Very quiet	Very quiet
	Post Midnight	Annoying	Tolerable	Quiet	Very quiet	Very quiet
Listener 4						
Dance (Rufus)	Audibility	Clear	Clear	Audible	Just Perceptible	Barely Perceptible
	Pre Midnight	Intrusive	Tolerable	Quiet	Very quiet	Very quiet
	Post Midnight	Annoying	Annoying	Quiet	Quiet	Very quiet
Rock (Bad Pony)	Audibility	Clear	Noticeable	Audible	Just Perceptible	Barely Perceptible
	Pre Midnight	Intrusive	Tolerable	Quiet	Very quiet	Very quiet
	Post Midnight	Annoying	Intrusive	Tolerable	Very quiet	Very quiet

B. Conclusions

a) On the basis of the results, we have elected to nominate a level of L_{90} -12 dB as a substitute for the inaudibility criterion for post-midnight entertainment noise assessment.

b) Based on our temporal investigation outcomes in Section 3.3, the L_{10} to L_{eq} conversion of -3 dB results in an approximation of the $L_{10} \leq L_{90}$ -10 dB which acoustic consultants commonly use in assessing L&GNSW post-midnight inaudibility.

c) We note that true inaudibility lies somewhere between $L_{eq} \leq L_{90}$ -15 to -20 dB, however we believe the -12 dB is a suitable compromise that promotes nightlife while balancing residential amenity.

d) Noting that the L_1 level could range from 1 dB to 7 dB above the L_{eq} level depending on the nature of the music and the measurement period, the relationships shown in Table 6 result:

Table 6. Relationships of L_1 levels of music to L_{eq} (music) and L_{90} (background)

Range of L_1 to L_{eq}	Range of L_1 to L_{90}
L_{eq} + 1 dB	L_{90} -11 dB
L_{eq} + 7 dB	L_{90} -5 dB

3.7. Ambient Noise Levels in the City

3.7.1 Measured Levels

The scope of our 2023 Entertainment Noise Study allowed us to capture ambient and background noise levels in the city, specifically the residential areas within the Taylor Square area. The measurement locations were within 150 m of each other, and within 75 m of the Oxford Street entertainment area.

Table 7 presents the late-night (post 2 am) steady-state noise levels where venues were less dominant or not operating.

Table 7. Ambient and background noise levels in Taylor Square of the City, predictions to internal apartments

Description	Metric	dBA	dBC	Octave Band Centre Frequency (Hz) dBZ								
				31.5	63	125	250	500	1000	2000	4000	8000
Campbell St (Rooftop)	L_{90}	**52**	**63**	58	60	56	53	49	47	43	35	24
Bourke St (Street level)	L_{90}	**52**	**62**	57	59	57	48	50	49	43	35	25
Little Oxford Ln (Street level)	L_{90}	**52**	**63**	55	60	57	55	50	45	42	37	28
Campbell St (Rooftop)	L_{eq}	**53**	**65**	60	63	57	54	50	48	44	36	25
Bourke St (Street level)	L_{eq}	**55**	**66**	63	62	60	53	52	51	46	38	30
Little Oxford Ln (Street level)	L_{eq}	**53**	**67**	59	66	59	56	51	46	42	37	29
Averaged difference (Δ)	L_1 - L_{eq}	**3.5**	**5.0**	6.5	5.5	3.5	3.5	3.0	3.5	3.5	5.0	5.0
	L_{10} - L_{eq}	**1.5**	**2.0**	2.5	2.5	1.5	1.0	1.0	1.0	1.0	1.0	1.0
	L_{eq} - L_{90}	**1.5**	**3.0**	4.0	3.5	2.0	2.0	1.5	1.5	1.5	1.5	1.5
Averaged external ambient noise levels	L_{eq}	**53**	**64**	59	62	58	53	50	48	43	36	27
Typical existing 3mm glazing transmission loss				-12	-14	-16	-20	-25	-25	-22	-22	-22
Predicted internal ambient noise level assuming 3mm glazing and no room corrections.	L_{eq}	**31**	**50**	47	48	42	33	25	23	21	14	5
Open bedroom windows reduction assuming 5% of floor area. Based on AD-PKA CoS Passive Guide predictions				-8.0	-8.1	-8.6	-8.3	-8.5	-9.0	-9.4	-10.2	-11.1
Predicted internal ambient noise level assuming open windows of existing residential.	L_{eq}	**44**	**56**	51	54	49	45	42	39	34	26	16

Comments:

a) The data in **Table 7** shows that the 'urban hum' in Taylor Square is evident in the consistency of the measured noise levels.

b) A spectrum such as shown in **Table 7** could be used in determining an internal background noise for existing residential in late-night trading areas. An adjustment would be applied based on the assumed loss through open windows.

c) Not all residential areas around the city will experience these 'urban hum' noise levels. The concern for new residential developments outside high-activity trading areas is that the background noise will not be sufficiently high to mask existing entertainment noise. Our proposed internal noise-masking solution described in Section 4.5.2E will help balance the quiet and loud city areas to within our recommend internal noise level.

d) It is noteworthy that the external ambient noise levels in the city are already much higher than the EPA's amenity criterion of 50 dBA and 45 dBA for the evening and night periods respectively.

3.7.2 Difficulties with Determining the Background Noise Levels

In high-activity, late-night trading areas with venues that are emitting entertainment or mechanical noise, the measurement of background noise free of the contribution of noise from the venue is very difficult, especially before midnight. In our 2023 Entertainment Noise Study, the only period that we could find that was mostly free of entertainment noise was after 2 am when the venues in the Taylor Square region were effectively not operating or not dominating the sound scape. This late-night background noise was applied throughout the evening / night.

An alternative approach to determine the background noise level is to find an area where the venue(s) are inaudible such as a rear lane, or further away from the venues. However, there is a strong risk that the measured background noise would not be representative of the residential situation under assessment, such as shop-top or multi-story residences facing a busy street which are also exposed to entertainment noise.

It is essentially impossible to measure the true background noise in the city on a Saturday night. The only way is to close all entertainment venues, but this action will also reduce the background noise from traffic and urban activity that is also associated with those venues.

Therefore, specifying a predefined background noise for urban living would minimise the risk of measuring or assuming background noise levels that are not representative of the residential experience.

3.8. Discussion of Amenity and Intrusiveness Criteria

Th EPA's NSW Noise Policy for Industry (NPfI) uses intrusive and amenity criteria, as described below.

The scientific literature indicates that both the increase in noise level above background levels (that is, intrusiveness of a source), as well as the absolute level of noise are important factors in how a community will respond to noise from industrial sources.

Intrusiveness criteria aim to protect against significant changes in noise levels, whilst the amenity criteria seek to protect against cumulative noise impacts from industry and maintain amenity for particular land uses.

For a given situation, the EPA applying the more stringent of these two types of criteria to ensure that intrusive noise is limited, and amenity is protected and that no single industry can unacceptably change the noise level of an area.

3.8.1 Intrusiveness

A. Is an Internal Intrusive Noise Criterion Useful?

We conclude that a type of internal intrusive noise criterion or its equivalent should be included in the DCP to protect amenity inside residences. The benefits of such a criterion are:

- If the "agent-of-change" is the entertainment venue, an intrusive noise criterion allows noise situations that are distressing for residents to be assessed, whereas an amenity criterion may not be able to capture all the subtleties that affect the perception of low frequency music noise.
- There may be local sources of other commercial or industrial noise that could mask the noticeable entertainment noise in specific residential situations.
- Factors such as room modes, and adverse building resonances (such as the mass-air-mass frequency inherent in double glazed windows) in the receiver room can be accounted for. This will be especially important when all windows and doors are closed.
- Unless an intrusive criterion is very low in relation to the background noise, it cannot readily account for the subjective annoyance of a rhythmical bass-beat.
- Intrusive criteria are expressed as intrusive noise relative to the background noise, which introduces difficulties in determining what the actual background level is inside a residence. If the intrusive criterion for post-midnight noise is stringent, there is the added difficulty of measuring the actual level of the music as it is less than the background noise.

B. Noise Creep

a) For a situation with a single venue in an area, an intrusiveness criterion for a venue is simple and sufficient. As the intrusiveness criterion is structured in relation to the background noise levels it allows the ambient noise level to progressively increase (or creep) over time when multiple venues progressively open in a small area open. Creep occurs when the noise from one venue forms the background noise for another proposed venue

and so on. This also creates a situation in which venues may blame other venues and not take responsibility for their noise emissions. This outcome subsequently degrades residential amenity.

For example, if the noise emitted from each three closely-spaced venues meets the nominated background noise level, then the new combined background noise level would be 4.7 dB higher than the nominated background noise level.

Accordingly, with multiple venues in a small geographic area, some type of amenity criterion is needed to limit the compounding increase of venue noise impact.

C. Nominating a Defined External Background Noise Level

a) Nominating a defined background noise level that every venue must work with (i.e. an amenity criterion) solves the problem of noise creep, particularly if the nominated background noise level is allowed to rise by up to 5 dB as more venues open. However, setting a defined background noise level could adversely affect areas with quieter noise levels than the defined noise level.

b) A practical problem arises in the short term; there is insufficient ambient noise data captured and analysed across the City to accurately create a sound map displaying colour coded background and ambient noise levels as is the case with areas of London such as the Camden Borough. We have suggested to The City that a future scope could be commissioned where we cooperate with other acoustic consulting firms to implement a citywide collection of ambient noise data.

c) As background noise levels are typically lower after midnight, to differentiate between venues that close at midnight or trade after midnight, separate deemed background noise levels are recommended for these two periods, so that it is not overly restrictive for venues closing early.

3.8.2 Amenity

a) The NPfI document prescribes a different amenity level for urban, suburban and rural communities, and simply requires the noise from industrial sources to not exceed this level in situations where the ambient noise level is higher than the amenity criterion for the applicable community. However, as the NPfI specifically excludes "amplified music/patron noise from premises" it cannot provide guidance for the formulation of an entertainment DCP.

b) Given the recent NSW Government's publication in relation to the 24 Hour Economy, the new DCP cannot propose an amenity criterion that will hinder this strategy. Very low amenity criteria as typified by the NPfI, are not appropriate for regulating entertainment noise in the City of Sydney, as the City is a dense, mixed-use environment with an established history and widespread acceptance of some degree of entertainment noise.

c) To prevent intractable assessment and compliance problems from occurring, an amenity criterion must be formulated in the context of the existing ambient noise levels.

d) An important problem that can occur with amenity criteria is that the one loud venue could possibly 'use up' the available amenity level in an area. The result would be that newer venues would need to greatly restrict their noise emissions so that the amenity level is not exceeded.

Ideally, if an area close to residents were to ultimately contain multiple venues, then each venue would contribute a level that is lower than the prescribed amenity limit.

e) Complicating both the amenity and intrusiveness criteria is the fact that the combination of internal amenity and building construction (generally glazing) sets the external entertainment noise level. This is a major problem which is discussed at length in Section 4.5. Ultimately, any external receiver noise criteria should directly serve internal receiver amenity.

3.9. Receiver Internal Levels

A. Overview

a) The internal level of L_{Aeq} 30 dB post-midnight nominated in the current draft DCP might be satisfactory with windows open, but not if windows are closed, as this would likely make the low-frequency sound very audible, particularly with music that has a strong beat.

The ingress of low-frequency music noise into sleeping and living areas with the windows closed is much more problematic than if they are open, due to the following factors:

- low frequency modulations of the music beat become more noticeable as higher frequencies are more readily attenuated.
- the substantial amplification that can be produced at low frequencies in a residential bedroom by room modes (aka standing waves) due to the room's geometry.
- the potentially low internal ambient noise (due to the closed window) allows the entertainment noise to be more audible, whereas open windows can provide a higher ambient noise level and therefore mask some entertainment noise
- reduced noise ingress from other noise sources may worsen intertenancy privacy between apartments and hotel rooms, especially with high performance facades such as double glazing.

b) We have measured the background noise level as low as 17 dBA at 10 pm inside a receiver in an urban environment immediately adjacent to a brewery that was presenting pre-recorded music. The intrusive noise was due to internal-to-internal transmission.

c) A simple internal criterion such as 30 dBA post-midnight doesn't necessarily take account of the masking that noise from an HVAC system or other source can provide. In addition, a single-number criterion cannot be tailored to address the more problematic low frequencies from entertainment noise ingress.

d) The looming question is 'what receiver internal maximum noise level should be allowed' that could mask entertainment sound without introducing amenity issues for the residents?'

B. Example of Audibility

The audibility of entertainment noise for receivers can be illustrated by the situation we measured inside an elevated hotel accommodation suite near a Sydney nightclub. This suite has a fixed double-glazed unit on its façade and is exposed to entertainment noise from the open-air nightclub over 100 m away. Salient details that arose from i) analysis of our data that we measured inside that suite and ii) listening to the audio that was recorded with the sound level measurements are:

- In the short periods after midnight without music, the ambient noise level in the hotel room was 30 dBA and 48 dBC.
- The spectrum of the ambient noise in the room, shown as the dark-red trace in **Figure 4**, was such that at frequencies below 80 Hz, the ambient noise was lower than the threshold of audibility.
- During its softer sections, the music was only audible at frequencies below 315 Hz. The dotted blue trace in **Figure 4**, shows the calculated component of the music, after the ambient noise level was subtracted from the measured combination of the venue and ambient noise levels (solid blue trace in **Figure 4**).
- However, in louder sections of the music with greater bass content, the low frequency music content in the 50 Hz and 63 Hz bands was very audible, even though the levels were close to the ISO threshold of audibility. This is likely due to a combination of the rhythmic modulations (i.e. the 'beat') in the music and the absolute level being 10 dB above the measured ambient noise. This is illustrated in **Figure 5** in which the dotted green trace is the music component of the measured ambient plus music noise (green trace).

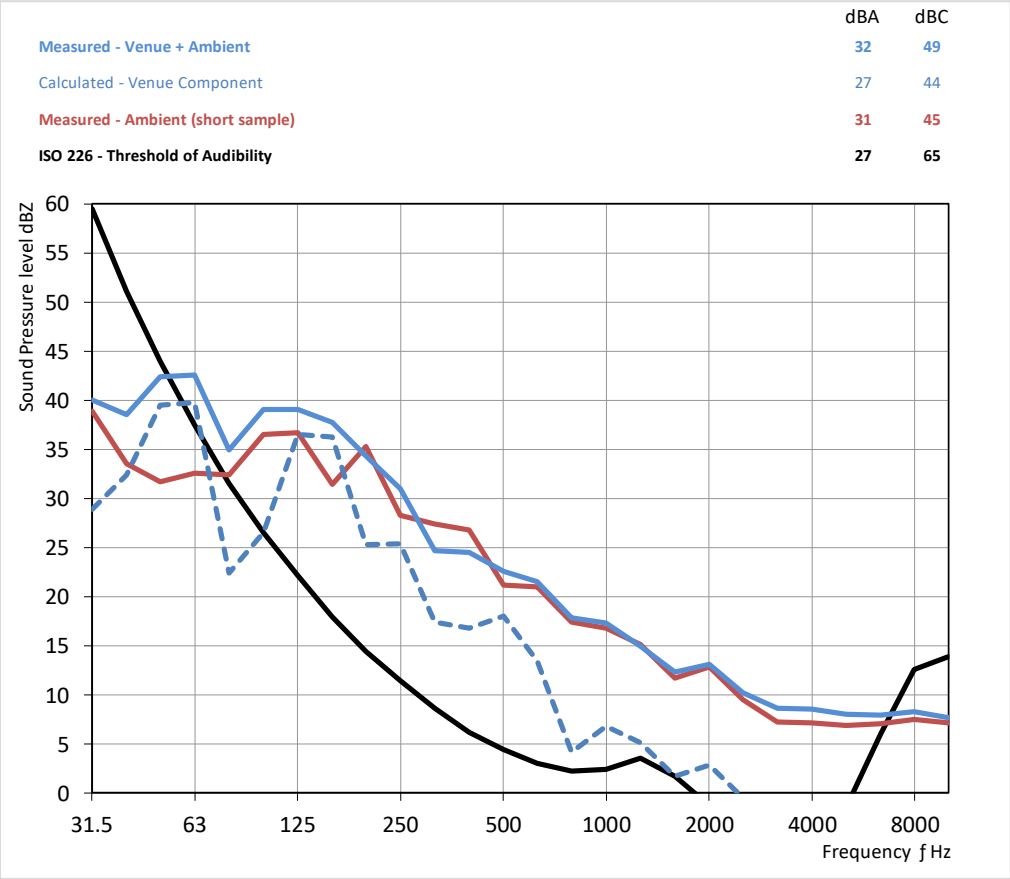


Figure 4. Spectra of ambient noise and music components during a quieter section of the music in a hotel suite.

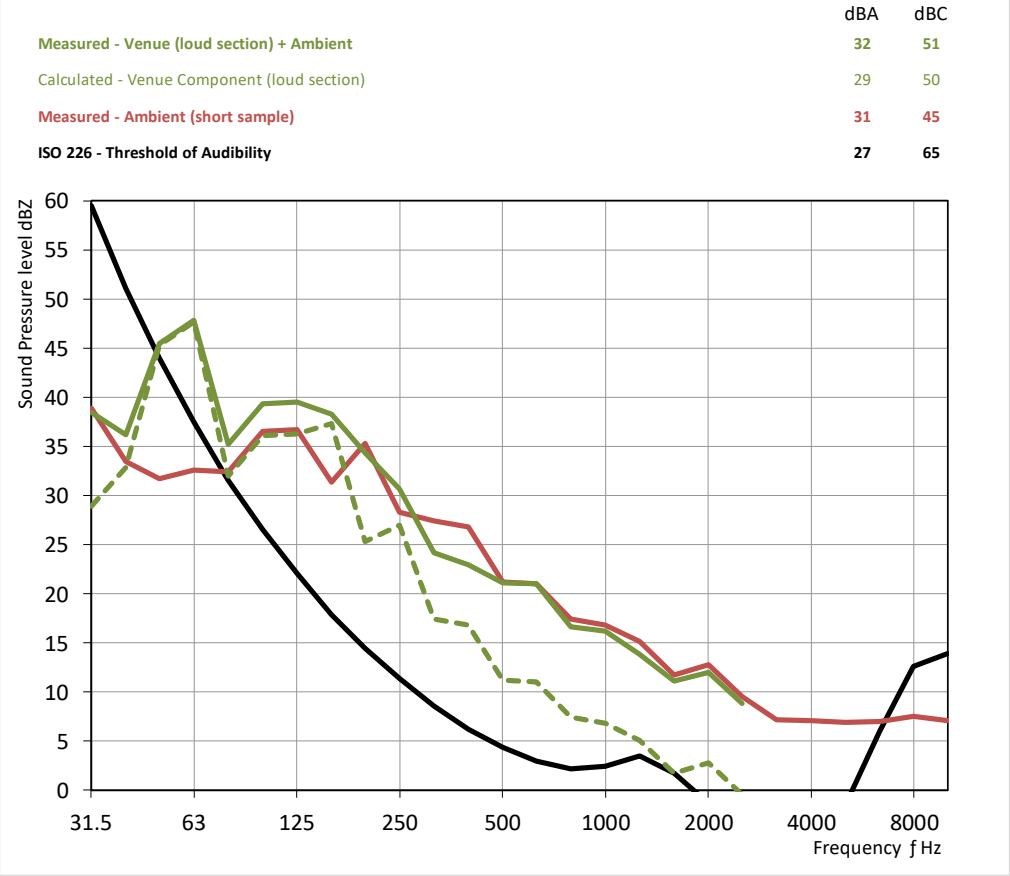


Figure 5. Spectra of ambient noise and music components during a louder section of the music in a hotel suite.

C. Example of Entertainment Noise Ingress

To highlight the limitations in relying on existing receiver buildings to adequately reduce entertainment noise, **Table 8** and **Table 9** below show the in-situ "insertion losses" of the existing glazing in an apartment near an entertainment venue. Insertion loss is the degree to which the sound level inside a room is reduced when an open window is closed, receiver.

The measurements were conducted in the 2023 Entertainment Noise Study during nighttime venue trading periods. Attended measurements were made in the same location with windows open and closed:

i) All operable windows that were accessible were open for at least 15 minutes. Note that the window area was typically 1-2 m^2.

ii) Windows were closed for at least 15 minutes.

Table 8. Hotel accommodation - Entertainment noise ingress from CBD nightclub.

Description	Metric	dBA	dBC	Octave Band Centre Frequency (Hz) dBZ								
				31.5	63	125	250	500	1000	2000	4000	8000
Inside Windows Open	L_{eq}	50	60	56	58	52	50	45	43	40	35	28
Inside Windows Closed	L_{eq}	32	56	49	56	44	33	25	20	18	15	14
Insertion Loss of Windows - double glazed, separate hinged frame with deep reveal (leaky perimeter)	L_{eq}	18	4	7	2	8	17	20	23	22	20	14

Table 9. Residential apartment - Entertainment noise ingress from Taylor Square venue.

Description	Stat	dBA	dBC	Octave Band Centre Frequency (Hz) dBZ								
				31.5	63	125	250	500	1000	2000	4000	8000
Inside Windows Open	L_{eq}	53	63	61	58	58	53	50	48	43	40	32
Inside Windows Closed	L_{eq}	44	59	57	53	54	47	38	37	33	28	21
Insertion Loss of Windows - single glazed, double hung frame (leaky perimeter)	L_{eq}	9	4	4	5	5	5	11	11	10	12	11

Comments:

a) In the hotel accommodation, the low frequency performance below 125 Hz of the glazing was poor. This is a well understood problem with double glazing, which is compounded by this poor performance being in the same frequency region of high entertainment noise energy. In contrast, the sound isolation at mid and high frequencies of double glazing is superior which can further imbalance the entertainment noise spectrum and make low frequencies appear louder.

b) The insertion loss of 2 dB at 63 Hz in the hotel room is poor and probably results from the likely construction of the double-glazed window system. The windows appear to have 2 x 4 mm glass panes separated by a gap of approximately 110 mm, and this results in an adverse mass-air-mass resonance of 72 Hz, which falls within the 63 Hz octave band. The amplification of noise due to standing waves in the room could also account for some of the poor performance.

c) The Taylor Square residence has old double-hung (single glazed) windows and shows a more consistent insertion-loss spectrum, due to the absence of a mass-air-mass resonance in the windows. However, due to the leaky window frame system, the insertion loss performance is capped at 12 dB, which highlights the problem of existing residential receivers with leaky building façades.

4. DISCUSSION OF THE CURRENT ENTERTAINMENT CONDITION

4.1. Current Conditions

For convenience, the City's current entertainment noise conditions (enacted prior to our 2024 Entertainment DCP) are reproduced below.

a) The $L_{Aeq,\ 15\ minute}$ noise level from the use must not exceed the background noise level ($L_{A90,\ 15minute}$) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.

b) The $L_{Aeq,\ 15\ minute}$ noise level from the use must not exceed the background noise level ($L_{A90,\ 15\ minute}$) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) between 12.00 midnight and 7.00am when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.

c) Notwithstanding (a) above, the $L_{Aeq,\ 15\ minute}$ noise level from the use must not exceed the greater of the following levels between 7 am and 12 midnight inside any habitable room of a residential accommodation or tourist and visitor accommodation, or at any time in an affected commercial premises:

   i. The existing internal $L_{A90,\ 15\ minute}$ noise level (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive).

      or,

   ii. If the $L_{Z90,\ 15\ minute}$ background level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (Lp) of the Tf curve in that octave band shall become that octave's $L_{Zeq\ 15\ minute}$ noise criteria level.

d) Notwithstanding (b) above, the $L_{A1\ 15\ minute}$ noise level from the use must not exceed the greater of the following sound pressure levels inside any habitable room between 12 midnight and 7am inside any habitable room of an affected residential accommodation or tourist and visitor accommodation:

   i. The existing internal $L_{A90,\ 15\ minute}$ (from external sources excluding the use) minus 10 dB in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) inside a habitable room of an affected residential accommodation or tourist and visitor accommodation.

      or,

   ii. If the $L_{Z90,\ 15\ minute}$ minus 10 dB level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (Lp) of the Tf curve in that octave band shall become that octave's $L_{Z1\ 15\ minute}$ noise criteria level.

Note: L_{eq}, $L_{1,}$ and $L_{90,}$ metrics and 'A' (weightings) are as per the definitions in the standard AS1055-20148. 'Z' means unweighted noise. An internal L_{A90} level must be determined in the absence of noise emitted by the use and be sufficiently representative of the receiver in a low noise level quiet state. External L_{A90} levels for planning must be established as per the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the City's Area Planning Manager.

4.2. Comparison of Current Criteria Issued by L&GNSW and the City

A comparison of the criteria for entertainment noise issued by L&GNSW and the City is provided in **Table 10**.

Table 10. Comparison of entertainment-noise criteria issued by the L&GNSW and the City of Sydney.

Item	Liquor & Gaming NSW	City of Sydney	Comment
Location of measurements	Boundary only	Boundary and inside residences and visitor accommodation.	City's locations are much more comprehensive and include noise transmission within the venue's building.
Time periods	Both use the periods of 7:00 am to midnight and midnight to 7 am.		
Octave band comparison	Both use octave bands to compare entertainment noise with background noise. (See Section 3.1A).		
Background noise	Not explicitly stated but assumed to be L_{90}.	The background noise level must be established in accordance with the NPfI.	The City's requirement might be more rigorous but could also be overly restrictive if there is always a large difference between the background levels between different days of the week, e.g. Tuesday and Saturday.
Metric for entertainment noise at the boundary	Uses the L_{A10} metric.	Uses the L_{Aeq} metric.	City's is likely to be slightly more lenient, by up to 3 dB.
Internal noise level before midnight	Not assessed.	Before midnight, the internal L_{Aeq} noise level should not exceed the background noise or the threshold of audibility, whichever is the greater.	City's criterion is more comprehensive.
Internal noise level after midnight	Noise from a venue should not be audible within a habitable room.	After midnight, the L_1 noise level should not exceed the background noise level minus 10 dB or the threshold of audibility, whichever is the greater.	Inaudibility is difficult to measure and could be overly restrictive to venues. The City attempts to overcome this by the use of L_1 minus 10 dB and is intended to permit brief periods of faintly perceptible sound.
Noise transmission within a building	Not addressed as it mentions 'boundary' only.	Provides a criterion for this.	

4.3. Weaknesses of the City's Current Entertainment Condition.

4.3.1 Background Noise Levels

The NPfI specifies a process to determine the long-term background noise level in three time periods; day, evening and night determined over a seven-day interval. While this process has merit for continuous noise sources such as mining and manufacturing industry, it can be overly restrictive for the entertainment industry. Entertainment does not necessarily occur for seven days per week or during the entire nighttime period. Given that the background noise changes according to the day of the week and time, this "one-size-fits-all" approach is not necessarily appropriate for entertainment. For example, Using an RBL that is based on midweek days at 4 am for the night-time period is likely to not be a suitable criterion for an entertainment venue operating on Friday night at 11 pm.

Noting that the City specifies the RBL to be determined in accordance with the NPfI, which states that the nighttime period ends at 7 am, we consider that the night-time RBL for a venue should be limited to the actual trading hours of the venue, and not the entire period of midnight to 7 am.

4.3.2 A-Weighting of Octave Band Levels.

We consider that the use of A weighting of octave bands in the current entertainment condition can lead to unnecessary problems and uncertainty for venue operators for the following reasons:

i) The use of A-weighted octave bands automatically reduces the actual numerical sound levels inside the venue and inherently encourages acoustic consultants to not consider the implications of high sound levels at low frequencies.

ii) As the threshold of hearing is specified as an unweighted level, the A-weighted octave-band could readily be used instead of the unweighted level when being compared with the threshold of hearing,

iii) A-weighting of sound levels is not an accurate measure of the sound levels perceived by patrons in music venues.

iv) The A-weighting method is an attempt to measure sound levels in a manner that matches the perceived sound at low sound levels and is based on the 60 phon contour of perceived sound levels. When an A-weighting is applied as single number to an entire octave band, such as -39.4 dB to the 31 Hz octave band allows frequencies above the band centre frequency such as near 40 Hz to be measured at a lower level than would be heard, which should have a weighting of -34.5 dB. Although this problem potentially occurs also with the 63 Hz and 125 Hz octave bands, it can be argued that the extra deration of the level at frequencies below the band centre compensates for the elevation of the levels above the band centre frequency. But in the case of the 31 Hz band, the music content is much more likely to have 40 Hz than 25 Hz.

4.3.3 Threshold of Audibility

When windows and doors of residential receiver premises are closed, the majority of noise ingress into those premises occurs at low frequencies, often below 125 Hz. Although it is unusual, there are situations such in tall residential buildings in which the background noise can be very low. In these situations, the determining noise criterion becomes the threshold of audibility as stated in Table 1 of the standard ISO 226: 2003. The 2023 version of ISO 226 only states the thresholds in one-third octave wide frequency bands.

Noting that the criteria are based on octave bands, if the threshold at 31.5 Hz of 60 dB is used for the octave band centred at 31.5 Hz, then a bass sound at 41.2 Hz (the lowest note on a four-string bass guitar) at a level of 60 dB would be some 10 dB above the threshold of audibility at that frequency. As such, the use of octave-wide bands to specify the threshold of audibility can allow some bass sounds to be significantly above each band's threshold.

We recommend that numbers be specified for such thresholds to address the inaccuracies introduced by the use of (relatively wide) octave bands and the rapidly changing thresholds at low frequencies.

4.3.4 Use of L_1 as a Metric for Entertainment Noise

A. General Use of L_1 Metric

We note that the current draft DCP does not specify inaudibility as the use of 'inaudibility' has proven difficult to implement in practice. As such, the City's current conditions of consent replaces the requirement for inaudibility with the requirement for the L_{A1} to not exceed L_{A90} minus 10dB in each octave band or the threshold of audibility.

We have considered the use of L_1 and L_{max} metrics to quantify the music levels internally in relation to possible inaudibility, as the idea that underpins such use has strong merit. However, we have concluded that the following potential difficulties and dangers associated with using or measuring these two metrics preclude their inclusion in the DCP:

i) The L_1 is not a typical metric to assess music sound.

ii) Acoustic consultants preparing DA reports may not have access to data for the L_1 spectrum of venue music and would therefore use an adjustment factor that could easily be incorrect.

iii) The L_1 music contribution has proven difficult to ascertain accurately during compliance testing of entertainment noise at receivers. This difficulty arises from other noise sources such as loud vehicles, car horns, wind gusts, and pedestrian's talking loudly. To measure L_1 music levels in the field would necessitate very careful exclusion of extraneous noise events by the operator, along with careful listening.

There is however another way to use the concept of the L_1 metric and inaudibility that will be substantially less prone to error, which is discussed later in this report.

B. Specific Use of the L_1 Metric

The current entertainment noise condition requires the $L_{1,\ 15\ minute}$ internal level of entertainment noise after midnight to be 10 dB below the background noise inside the residence.

To assess the ability of this condition to satisfactorily replace the requirement for inaudibility used by L&GNSW and previously used by the City, we undertook the listening tests described in in Section 3.6.

4.3.5 The phrase 'Use of the Premises'

We consider that the phrase 'use of the premises' in the City's DA consent conditions can easily allow mechanical noise to be conflated with entertainment noise.

We recommend that a less confusing name be given to all forms of noise emissions from a venue other than entertainment noise.

4.4. Problems with Existing Draft DCP

The problems with the draft DCP were extensively discussed in Section 3.3 of our report 2023 Entertainment Noise Study and are not discussed further.

4.5. The Primary Difficulty with Simultaneous External and Internal Criteria

4.5.1 Overview

a) When an external sound consisting of entertainment and ambient noise enters a residential receiver room either via windows and doors or via natural ventilation apertures, the resulting sound in the room will always be an attenuated version of the external sound. Although the attenuation of the façade will be different at each frequency, the decibel relationships between the entertainment noise and the ambient noise at each frequency will be preserved.

b) The result of this preservation of decibel relationships between inside and outside is that the entertainment noise cannot be assessed against different external and internal criterion that are based on the background noise. In other words, different internal and external criteria based on the background noise level are mutually exclusive; and cannot simultaneously coexist.

c) An outcome of this mutual exclusivity is that a required internal level of 'background + 0 dB' (pre-midnight) and 'inaudibility' (post-midnight simultaneously imposes two different external venue noise limits directly outside the receiver building. Given that venue noise outside a receiver building is ultimately directly related to the sound level inside the venues, this situation creates strong difficulties for the operation of venues if their building envelopes have low attenuation, particularly at low frequencies.

d) This mutual exclusivity between internal and external noise levels has existed since the advent of the dual requirements of "background + 0 dB externally" and "internal inaudibility" were brought into effect by L&GNSW and the City.

e) This problem should be resolved in this DCP, which in turn will set a precedent for future noise criteria.

4.5.2 Ways to Resolve the Mutual Exclusivity

A. Non-Simultaneous Criteria

One way to prevent this mutual exclusivity before midnight is to not specify simultaneous internal and external levels or audibility, but to specify an internal level only when measurement at the residential boundary is not possible, such as situations with:

i) multistorey residential buildings such as hotels where access to external measurements is not possible; and

ii) receivers that are in the same building as the venue, and airborne or structure-borne sound is directly transmitted through the building from venue to receiver.

However, this method does not remove the nexus between the external and internal background noise levels when the internal ambient noise level inside residential rooms is very low.

B. Attenuate the Noise to Inaudibility

The façades of residential buildings (including natural ventilation apertures) could be designed to provide sufficient attenuation to reduce the music and external ambient noise to levels that are below the auditory threshold or allow other internal noise to mask the music noise. However, this method will be problematic as it will result in a general internal ambient noise level that is permanently low, which in turn will result in a loss of acoustic privacy between adjacent apartments.

Although this loss of privacy would be addressed by substantially uprating the intertenancy walls, floors and ceilings, this will consume considerable internal real estate, and developers will be highly unwilling to accommodate the additional cost of such constructions.

C. Addition of Masking Noise to the Receiver Room

a) The key to breaking the nexus between the external and internal background noise levels lies in the control of internal ambient noise levels. Adding small amounts of ambient noise from internal sources can have a major masking effect on the audibility of entertainment noise.

b) Masking simultaneously eases the venue's acoustic constructions and provides practical inaudibility inside residences. Without it, the music noise entering the residence would be 23 dBA which could well be audible Alternative, onerous residential constructions such as heavy double-glazing with deep air gaps and long lined ducts etc could be used, with the hope that the noise break-in at low frequencies is below the threshold of hearing. This will result in a very low internal ambient noise level (for example 17 dBA)l, which could then invoke a loss of privacy from other units in the same building.

c) Ambient noise produced by sources inside the residential apartment can be used to supplement the external ambient noise entering each room, thereby providing additional masking of the entertainment noise. Such sources could include:

   i. air conditioning noise (HVAC)
   ii. room heaters
   iii. dehumidifiers
   iv. refrigerators (although these operate periodically)
   v. computer fans
   vi. traffic noise entering through another façade that is not affected by entertainment noise.

d) The greater the attenuation of external noise that is provided by the building façade, the greater the potential exists for internally-produced noise to mask the entertainment noise.

e) If HVAC is used as to elevate the internal ambient noise so that the music is masked, then the HVAC would need to be implemented in new residential buildings similar to a hotel that uses continuously-ducted air to set the background noise. In addition, the building would still need to provide the required natural ventilation, using techniques such a façade ducts / louvres, and wintergardens.

f) Although the use of noise from HVAC systems to mask music noise would appear attractive, this can be fraught with difficulties for the following reasons:

   - Unless the system is specifically tailored to the required masking noise spectrum, it is likely that music noise in one or more octave bands will not be sufficiently masked to ensure inaudibility.
   - Designing a residential HVAC system in the form of a hotel system to have the required masking noise spectrum in each entertainment-noise-affected room will require significant acoustic expertise, which may not be available given the poor experience and low fees in the acoustic consulting industry.
   - The arrangement of mechanical devices that are able to shape the frequency spectrum of the noise will be complex.

D. External Noise Masking Systems

The City could install externally mounted sound masking systems in specific locations near sensitive residential receivers to increase the background noise level at low frequencies entering those premises. Other options such as courtyard fountains and other urban renewal options could be explored to improve nightlife vibrancy near residential developments.

E. Internal Noise Masking Systems

a) The use of an electronic noise generating system to add noise to the internal receiver environment is an elegant solution to the need to breaking the link between internal and external ambient noise for at least eight reasons:

i. The level of external ambient noise entering each room via windows, doors and natural ventilation apertures can be specifically supplemented in each octave frequency band to produce the desired masking level in each octave band for music.

ii. The ambient noise can be tailored to specific phon level in each space, which can be set and certified during building commissioning, and eventually by residents using a control in each room.

iii. The level in each band can be manually adjusted to produce additional masking if required to overcome the frequency-selective amplification of music noise by standing waves in the room.

iv. There will be no need to increase the acoustic constructions of walls, floors and ceilings to maintain acoustic privacy.

v. The more attenuation that the façade can provide, the more that the noise masking system can take advantage of the non-linear equal loudness properties of the human ear; i.e. as the sound level of low frequency sound is reduced, it is perceived as having greater reduction than the actual numerical change in sound level.

vi. Sound masking can be tailored to each space, is more reliable than mechanical system, and can be adjusted during commissioning, and even by residents after occupation.

vii. Noise masking provides a robust buffer against the following situations.

- Sections of the background L_{90} noise entering the room might fall below the threshold of audibility, allowing the music to be become much more audible. Due to the shape of the equal loudness contours, small differences between the peaks of the music and the threshold of audibility will become much more audible.
- As many residents don't use air-conditioning at night, noise masking can provide the required ambient noise to mask the music noise.

viii. With defined internal ambient noise levels in octave band in new residential situations, venue proponents can have more confidence that if their noise emissions after midnight are appropriately controlled, they will not be problematic for residents in the long term.

b) The overall level of the noise masking system should be set to 30 to 35 dBA in bedrooms and 35 to 40 dBA in living rooms, with the spectral shape of the masking noise set to account for the combination of the following four factors:

- the threshold of audibility at low frequencies,
- the composite sound transmission loss of the façade (glazing and natural ventilation system)
- the spectrum of the external ambient noise
- the spectrum of the entertainment noise.

c) One idea pertaining to natural ventilation that will require future research is to use a lined duct for broadband noise attenuation, and then use one or more small openings to allow mid and high frequencies to enter the room and provide masking at midrange frequencies, thereby delocalising the sound of the noise masking system at these frequencies. However, to prevent external entertainment noise at mid and high frequencies from entering the room, these openings would need to be on a façade that is shielded from the entertainment noise.

F. Summary

a) The mutual exclusivity between the external and internal criteria can be somewhat mitigated by the typical internal noise sources and the use of non-simultaneous criteria; however, we don't believe that this problem can be properly resolved without either internal artificial noise masking or external city-wide noise masking.

b) If the above options cannot be implemented, then the criteria must change to remove the mutual exclusivity.

c) If developers want certainty in venue or residential design without the use of noise-masking systems, then an internal criterion of L_{90} - 12dB in octave bands effectively becomes the external criterion, because it eliminates the mutual-exclusivity problem.

5. RATIONALE BEHIND PROPOSED RESIDENTIAL AND VENUE CONTROLS

The rationale behind our proposed venue controls is described below.

A. Relativity to Background Noise

We recommend retention of the concept of background noise level plus 5 dB externally before midnight as it is used by L&GNSW and has its historic root in the EPA's noise policies.

B. Shoulder Period

Using the process specified by the NPfI for the defined night-time period of 10 pm to 7 am / 8 am to establish the rating background noise level could be overly restrictive for venues that close before midnight. We recommend the use of a quasi-shoulder period from 10 pm to midnight to assess the background noise level during this period, rather than including this period in the overall night-time period. This process will allow the higher background noise level during the 10 pm to midnight period to be appropriately applied to venues that close before midnight.

C. Defined External Background Noise Level

a) Ideally, we would like to specify a defined external background level to limit noise creep and protect residents that have acoustically-poor glazing from being badly affected by noise from multiple venues.

b) However, we consider that there is not sufficient data for ambient noise levels in the city to make such a definition. Accordingly, the potential problem of noise creep remains.

D. Octave Bands

a) We recommend retention of octave-wide frequency bands for simplicity.

b) The 8 kHz octave band should be removed from Entertainment Noise DCP assessment criteria due to unnecessary complexity. In our experience the high frequencies in the 8 kHz octave band are not problematic for residents, as well as sound data for building materials is rarely reported.

c) The 4 kHz octave band becomes the highest assessment frequency, which is important as the coincidence dip in glazing results in adverse acoustic performance in this frequency band.

E. Concept of the L_1 metric

a) Retain the concept of the L_1 value of the internal level the current condition for existing residential accommodation with the following changes:

- Substitute the Leq level with an offset to reflect the difference between the L_{eq} and L_1, so that assessment and measurement are simplified.
- Use the highest $L_{eq,\ 1\ min}$ level occurring in any fifteen-minute period, as the loud sections of songs are often approximately 1 minute long, and this is more likely to correspond to residential annoyance.

b) Our conclusions from the listening tests suggest that in the pre-midnight period, the internal sound level should be L_{eq} – 2 dB in octave bands to prevent excessive annoyance for residents. However, given that the current consent condition is L_{eq}+0 dB, we have elected to retain this condition.

c) Although this level of L_{eq} + 0 dB is suitable as design target, it does present a potential difficulty with measurements of a venue's noise emissions if a complaint was being investigated. However, measurement of this level would not a problem during compliance testing, as the venue can simply reduce its level by a specific number of dB after a valid measurement of its emissions has been made at a level of approximately 5 dB above the ambient noise level.

d) The listening tests also lead us suggest that after midnight for inaudibility, the L_{eq} level of music noise in each octave band in any one-minute long period should be at least 12 dB below the L_{90} level of the ambient noise in the receiver room.

F. Threshold of Audibility

The City's Conditions of Consent provides clarifying comments about how to interpret the ISO 226 *Threshold of Audibility* curve as a third-octave band when utilised in an octave band criterion. In our opinion this text will cause unnecessary confusion with acoustic consultants and City assessors.

Instead, we propose the adoption of a tabled spectrum that provides the exact requirement of the City's intentions. The workings are presented in **Table 11** below:

We note that, although ISO 226 shows a constant curve of threshold with frequency, the values are actually quantised to third-octave band frequencies.

Table 11. Threshold of audibility interpretation (example 25 Hz to 250 Hz).

Description	Third Octave Band Centre Frequency (Hz) dBZ											
	25	31.5	40	50	63	80	100	125	160	200	250	315
ISO 226 – Threshold of Audibility	68.7	59.5	51.1	44.0	37.5	31.5	26.5	22.1	17.9	14.4	11.4	8.6
City's current consent conditions: "lowest audible sound level of the curve in that octave band"	51.1			31.5			17.9			8.6		
AD/PKA Proposed Threshold of Audibility (rounded for simplicity)	51			32			18			9		

For reference, the threshold of audibility values for the octave band range up to 500 Hz is provided below **Table 12**:

Table 12. Proposed threshold of audibility table for DCP adoption.

Description	Metric	Octave Band Centre Frequency (Hz) dBZ				
		31.5	63	125	250	500
AD/PKA Proposed threshold of audibility inside receivers	L_{eq}	51	32	18	9	3

6. RECEIVER CONTROLS

6.1. Inaudibility

A discussed earlier in this report, inaudibility is only achieved if entertainment noise is either i) significantly lower than background noise or ii) the entertainment noise is below the threshold of hearing. As noise receivers cannot selectively filter entertainment sound, receivers cannot easily make entertainment sound inaudible on their own. This leaves three options to achieve inaudibility inside residential premises:

i) Maintaining responsibility for the venue to provide low levels of entertainment sound in relation to external ambient levels

ii) Insulating receivers down to total inaudibility, which would be onerous, expensive and potentially reliable, or

iii) For receivers to provide their own internal ambient noise independent of external sources (in combination with some insulation).

6.2. Salient Items

a) Noise-sensitive receivers included in the scope of the DCP are new residential accommodation and tourist and visitor accommodation in mapped sites that are designated as late-night trading areas and sites within close proximity to existing venues.

b) Receiver controls are items about the way that receiver noise is managed and controlled. For example; distance, and internal noise levels from internal noise sources.

c) If the residential building is the agent of change, then an amenity criterion applies for internal sound levels. That means that the developer has to identify the existing noise from entertainment venues for the residential development to enable the design of the glazing and the natural ventilation.

However:

- The entertainment noisescape that is reported during the DA stage must be representative of the area, so consultants must identify the venues in a radius of 200 m and measure their noise, and if necessary, by listening to the audio recording captured with the logged environmental noise data.

- If the venue is quiet because of seasonal things or rain etc, the consultant must make an estimate of the entertainment noisescape.
- The EHO officer evaluating the DA must be satisfied that the consultant has captured the prevailing condition.

d) If the residential building is not the agent of change, but it being constructed in a designated late-night area, then, then an external entertainment noise level must be assumed so that venues have potential to open without incurring future noise complaints from nearby residents.

e) In new residential buildings, the glazing and ventilation apertures can be controlled to provide the required internal noise levels.

f) The DCP only relates to new residential developments and therefore existing residential buildings are excluded from the controls. We understand from The City that many older style buildings have a high degree of natural ventilation due to their floor plate layout and the narrow building plan. However, these buildings often have poor glazing in acoustic terms.

g) We have assumed that windows and doors in residential and visitor accommodation are closed, as we understand that this accords with L&GNSW policy for assessments. We note that ventilation is still required to comply with the ADG.

6.3. Additional Rationale

a) We prefer to use the term 'Entertainment Design Criterion', rather than 'Amenity Criterion' to avoid confusion with the amenity type of criterion used in the NPfI.

b) In summary, we wish to mitigate the following risks:

- Unsatisfactory acoustic assessments that may not identify the existing entertainment noise impacting a proposed new residential development.
- Under-design of new residential acoustic façades where existing venue(s) may have currently low noise emissions but may increase their noise emissions under existing consents without becoming the Agent(s) of Change.

c) The DCP controls should provide protection for future entertainment noise in a designated late-night trading area. It is effectively a 'pre-emptive' Agent of Change principle.

d) New venues would still need to assess their noise impact on existing residential buildings with the intrusiveness criterion.

e) The benefit of this approach is that the Agent of Change is not necessarily a burden on new venues, if the surrounding residential has been designed to the new DCP. However, the Agent of Change principle would apply to a venue (new or existing) if the change results in noise impacts at residential façades that exceed the proposed Defined External Entertainment Noise Spectrum. This term is defined in in the next section

6.4. Proposed 'Entertainment Design Criterion' for Residential Developments

We propose the following two-pronged Entertainment Design criterion:

New residential external façades within mapped areas should be designed to accommodate the greater of the following octave band spectra as measured outside the façade as an equivalent free-field measurement.

- the Defined External Entertainment Noise Spectrum (DEENS)

  or

- the measured existing L_{Zeq} spectral levels of entertainment noise near the proposed residential building'.

The above concept is illustrated with three examples below in which an acoustic survey is conducted at a proposed new residential site within a mapped area:

i) **Example 1**: The survey is carried out in winter or during a period in which the identified venue might have a quiet weekend. That survey reveals that the measured noise level is lower than the DEENS level in each octave band and therefore the acoustic assessment would need to adopt the DEENS of entertainment noise that could impinge on the external residential façade. The façade would then be designed to achieve the pre-midnight and post-midnight internal noise criteria within habitable rooms with this DEENS.

ii) **Example 2**: The survey is carried out in summer with high activity trade from one or more identified venues. The survey shows that the measured noise exceeds the specified DEENS in each octave band and therefore the design of the façade would need to account for the measured (i.e. louder) entertainment noise impact to achieve the required internal residential noise criteria within habitable rooms.

iii) **Example 3**: The survey is carried out in spring and shows that the measured ambient noise level is lower than the DEENS level in the 31 Hz and 63 Hz octave bands, but higher than the DEENS levels in the other octave bands. In this situation, the basis for the façade design would be the combination of i) the level in the 31 Hz and 63 Hz of the DEENS and ii) the measured entertainment noise in the octave bands 125 Hz to 4 kHz.

6.5. Recommended Internal Ambient L_{eq} Levels

A. Basis for Our Recommendations

a) There is a difficult compromise to make between the desire to have a higher external DEENS to assist vibrancy and a lower internal ambient noise for residential amenity,

b) The only potential acoustic differentiators between bed and living rooms are differences in the areas of the glazing and the room and the reverberation times. However, as these factors could readily be similar between bed and living rooms, we have assumed that the same internal level is required in both types. There are situations where the orientation of bedrooms could result in a lower exposure to entertainment noise, but this has not been considered in this study.

c) It is well understood that internal noise levels should be between 30 to 40 dBA in bedrooms for urban areas, entertainment areas or near major roads. SEPP 2021 Infrastructure states a maximum level of 35 dBA at any time.

We consider it important that the internal level lies under the maximum 35 dBA $_{1\ hr}$ in bedrooms and 40 dBA in living rooms, similar to other acoustic criteria such as the SEPP (Infrastructure) and Australian Standard AS2107 for areas near entertainment districts.

d) British Standard BS 8233: 2014 suggests that for steady external noise sources, during the day, an internal noise level of 35 dB $L_{Aeq,T}$ is appropriate for resting conditions within living rooms and bedrooms and a level of 40 dB $L_{Aeq,T}$ is applicable to dining rooms. During the night, an internal noise level of 30 dB $L_{Aeq,T}$ is recommended within bedrooms.

e) In relation to internal noise levels in visitor accommodation rooms, we do not consider that a higher internal noise level should be adopted for the sake of expediency. We opine that visitors are entitled to the same amenity as provided to residents.

f) To develop a satisfactory internal noise level that is pleasant to listen to, but still provides useful masking of low frequency music noise, we have carefully considered the gamut of noise rating and phon loudness curves. The noise rating curves we have considered are:

- Noise Rating (NR)
- Noise Criteria (NC)
- Balanced Noise Criteria (NCB)
- Room Criteria (RC)
- Preferred Noise Criteria (PNC)

The recommended levels are a combination of various curves.

g) **Table 13** lists the recommended internal ambient noise levels and the noise rating curve that was used to select the particular level in each octave band.

It is important to note that recommended levels are not the actual noise-masking levels; they are the combined noise levels from traffic ingress, in-room mechanical noise, and the noise masking system.

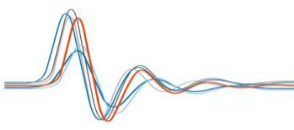


Table 13. Recommended internal ambient noise levels in octave bands and the basis for their selection (from masking and other sources).

Description	dBA	Octave Band Centre Frequency (Hz) dBZ							
		31.5	63	125	250	500	1000	2000	4000
Internal Ambient L_{eq}	35	65	55	44	35	30	25	20	18
Basis for octave band selection		Best fit: NC25 NCB25 PNC25	NR25	NR25	NCB25	NCB25	PNC25	PNC25	PNC25

B. Target Internal Entertainment Noise Spectrum Levels (TIENS)

a) For inaudibility after midnight, we concluded that the L_{Zeq} level of entertainment noise in each octave band should be 12 dB below the recommended internal ambient noise levels. On this basis, the upper limit of entertainment noise inside residences can be computed.

b) Pre-midnight, audibility is allowed inside residences and therefore the total noise level in residences should not exceed 35 dBA. If the entertainment noise intrusion is at 30 dBA, the total level of noise in the bedroom would increase by 1 dB.

c) For the total noise level in living rooms to be not greater than 40 dBA, the TIENS could be equivalent to 35 dBA before midnight and 28 dBA after midnight. (NB TIENS must be specified in octave frequency bands.)

d) The results of our listening tests described in Section 3.6.2 indicate that after midnight, the entertainment noise levels should be 12 dB below the background noise levels.

e) **Table 14** states the Target Internal Entertainment Noise Spectrum (TIENS) levels for pre and post-midnight periods. It must be noted that although these levels cannot be measured, they are the targets that must be adopted in the acoustic design of the building façade. Note that compared to the recommended internal ambient levels in **Table 13**, the recommended TIENS levels are 5 dB lower before midnight and 12 dB lower after midnight.

Table 14 Target Internal Entertainment Noise Spectrum (TIENS) levels pre and post-midnight.

Description	dBA	Octave Band Centre Frequency (Hz) dBZ							
		31.5	63	125	250	500	1000	2000	4000
Pre-Midnight TIENS	30	60	50	39	30	25	20	15	13
Post-Midnight TIENS	23	53	43	32	23	18	13	8	6

6.6. Establishing the Defined External Entertainment Noise Spectrum

a) To establish the Defined External Entertainment Noise Spectrum (DEENS) levels in octave bands, we could reverse engineer the situation by applying the combined attenuation resulting from the room gain and façade loss through windows and natural ventilation systems to the adopted internal criterion. However, the mutual exclusivity problem of specifying internal and external noise levels relative to the ambient noise levels still remains.

b) To establish the internal criteria, two items that come to mind are:

- Limit the noise to the threshold of hearing: This produces the most conservative façade design but is a potentially troublesome target due to the loss of acoustic privacy between apartments, as described in Section 4.5.2B.
- Provide noise masking: Broadband noise would be selectively introduced externally or internally to elevate the background noise above the threshold of audibility as described in Section 4.5.2E.

c) We consider that the best and most robust way forward is to provide an electronic noise masking system in each residential situation so that the internal criterion can be robustly set.

6.6.2 The Defined External Entertainment Noise Spectrum

a) For a new residential development, the DEENS levels represent the minimum external level for which the residential façade must be designed.

b) From the perspective of a new entertainment venue (when no other venues are in the area), the DEENS levels are the maximum allowed noise levels which will be incident as a free field on the residential façade. During modelling or measurement, the levels would be adjusted to yield façade-corrected (i.e. free field) levels.

c) We have undertaken calculations to confirm the ability of buildings to accommodate the external DEENS so that consistency can be provided for assessors and consultants.

d) The DEENS has been developed using the following assumed acoustic parameters:

- 14 m^2 bedroom (4 m x 3.5 m x 2.7 m) with reverberation time of 0.5 secs
- The worst-case but typical scenario with a large, glazed sliding door of area 5 m^2 with R_w 33 sound reduction index on the façade.
- An opening in a solid façade for natural ventilation.
- Conversion from incoming sound power to reverberant pressure in the room of -6 dB, which is constant with frequency. (NB, this is a conservative estimate.)

Table 15 lists the levels in each octave band of the DEENS, along with the overall dBA and dBC levels for reference.

Table 15. Defined External Entertainment Noise Spectrum (DEENS)

Description	dBA	dBC	Octave Band Centre Frequency (Hz) dBZ							
			31.5	63	125	250	500	1000	2000	4000
Defined External Entertainment Noise Spectrum (DEENS)	51	68	69	63	53	49	47	44	42	45

6.6.3 Example of Derivation of DEENS

Our process to derive the Defined External Entertainment Noise Spectrum (DEENS) is shown in the reverse-engineered examples in **Table 16** and **Table 17** below along with the following comments: **Table 18** shows how the DEENS levels were determined.

- The dBA and dBC values are provided as a guide only. The DEENS is stipulated to be an octave band only criterion.
- The Internal ambient L_{eq} noise level is effectively the Internal background L_{90} noise level due to the constant internal noise masking proposed in Section 4.5.2E.

Table 16. Example 1: Bedroom with a sliding-door façade.

Description	Metric	dBA	dBC	Octave Band Centre Frequency (Hz) dBZ							
				31.5	63	125	250	500	1000	2000	4000
Desired internal ambient as per Section 6.5.	L_{eq}	35	63	65	55	44	35	30	25	20	18
Proposed DCP Post-Midnight intrusive criteria as per Section 7. $L_{eq\text{-}entertainment} \leq L_{eq\text{-}ambient}$	$L_{eq} \leq$			-12	-12	-12	-12	-12	-12	-12	-12
Effective entertainment noise limit inside receiver	L_{eq}	23	51	53	43	32	23	18	13	8	6
Room adjustment for internal sound pressure to internal sound power for bedroom 14 m^2				6	6	6	6	6	6	6	6
Transmission loss of new residential bedroom façade assuming R_w 33 sliding door 5 m^2				17	21	25	28	30	32	35	40
Adjustment for radiating area of façade element 5 m^2				-7	-7	-7	-7	-7	-7	-7	-7
Example 1: Bedroom sliding door DEENS at façade of new residential	L_{eq}	51	68	69	63	56	50	47	44	42	45

Table 17. Example 2: Bedroom with lined duct in the façade for natural ventilation.

Description	Metric	dBA	dBC	Octave Band Centre Frequency (Hz) dBZ							
				31.5	63	125	250	500	1000	2000	4000
Desired internal ambient as per Section 6.5	L_{eq}	35	63	65	55	44	35	30	25	20	18
Proposed DCP Post-Midnight Intrusive Criteria as per Section 7	$L_{eq}\leq$			-12	-12	-12	-12	-12	-12	-12	-12
Effective entertainment noise limit inside receiver	L_{eq}	23	51	53	43	32	23	18	13	8	6
Room adjustment for internal sound pressure to internal sound power for bedroom 14 m^2				6	6	6	6	6	6	6	6
Attenuation of lined duct (1000 mm (L) x 300 mm x 200 mm) below balcony balustrade with soffit absorption as per AD/PKA Passive Guide Section 10.2.					17	15	21	45	57	43	37
AD/PKA Conservative attenuation for natural ventilation lined duct				10	15	15	20	40	40	40	35
Example 2: Bedroom Lined Duct DEENS at façade of new residential	L_{eq}	64	70	69	64	53	49	64	59	54	47

Table 18. Deriving a best fit DEENS from the data in **Table 16** and **Table 17**.

Description	Metric	dBA	dBC	Octave Band Centre Frequency (Hz) dBZ							
				31.5	63	125	250	500	1000	2000	4000
Example 1: Bedroom sliding door DEENS	L_{eq}	51	68	69	63	56	50	47	44	42	45
Example 2: Bedroom lined duct DEENS	L_{eq}	64	70	69	64	53	49	64	59	54	47
Defined External Entertainment Noise Spectrum (DEENS) Minimum of the above examples	L_{eq}	51	68	69	63	53	49	47	44	42	45

6.7. Simplified Scenarios of Receiver Amenity and Venue Operating Levels

This section demonstrates the benefits of the proposed use of internal noise-masking to solve the mutual exclusivity problem between internal and external noise levels that will otherwise occur. Five scenarios with different receiver and venue parameters as shown in **Table 19** were investigated using simplified calculations based on total sound levels measured as dBA and dBC for ease of comparison. The outcome of each calculated scenario is the type of activity and sound level inside a music venue. The calculations are shown in **Table 21** and **Table 22**.

Table 19. Scenarios with different receiver and venue parameters.

	Scenario 1*	Scenario 2	Scenario 3	Scenario 4	Scenario 5
Receiver Amenity Goal	High Priority ($L_{eq} \leq L_{90}$ -12 dB)	High Priority ($L_{eq} \leq L_{90}$ -12 dB)	Low Priority ($L_{eq} \leq L_{90}$ -0 dB)	High Priority ($L_{eq} \leq L_{90}$ -12 dB)	High Priority ($L_{eq} \leq L_{90}$ -12 dB)
Venue Construction	Typical	Typical	Typical	High Isolation Upgrade	Typical
Receiver Construction	Typical with internal masking	Typical, no masking	Typical, no masking	Typical, no masking	High Isolation, no masking

* Recommended by AD/PKA.

Table 20: Conclusions arising from Scenarios in **Table 19**.

Conclusions	
Scenario 1*	Receiver internal masking promotes city vibrancy by optimising receiver internal amenity and venue sound along with patron experience, with no further construction upgrades for venue or receiver.
Scenario 2	The lack of receiver masking restricts city vibrancy if residential amenity is prioritised. Significant construction upgrades to both venues and receivers are necessary for vibrancy
Scenario 3	No noise masking at receiver and poor residential amenity limits city vibrancy due to low frequency limit, unless construction upgrades to either receiver or venues are undertaken.
Scenario 4	Substantial acoustic isolation of venues is needed to provide city vibrancy when receiver amenity is prioritised without receiver masking.
Scenario 5	Substantial acoustic isolation of receivers is needed such as deep double glazing and deep acoustical louvres for natural ventilation to provide city vibrancy when receiver amenity is prioritised. Venue levels still insufficient with risk of complaints.

Table 21. Calculations supporting Scenarios 1 and 2.

	Scenario 1: AD-PKA Recommended	**Scenario 2**
Receiver Amenity Goal	High priority ($L_{eq} \leq L_{90}$ -12 dB)	High Priority ($L_{eq} \leq L_{90}$ -12 dB)
Venue Construction	Typical	Typical
Receiver Construction	Typical with internal masking	Typical, no masking

Description	Report Ref	**dBA**	**dBC**	**dBA**	**dBC**
Receiver internal maximum ambient noise level	Section 6.4	35	63	22	42
Noise masking system?		Yes		No	
Receiver Post-Midnight Internal Entertainment Noise Criteria relative to ambient noise in receiver room for inaudibility.	Section 7.1	- 12	- 12	- 12	- 12
Receiver post-midnight internal entertainment noise limit	Section 6.5.3	23	51	10	30
Receiver façade attenuation and room acoustics etc.	Section 6.5.3	+ 28	+ 17	+ 28	+ 17
AD/PKA comment: Receiver construction		Typical glazing + acoustic ventilation		Typical glazing + acoustic ventilation	
Receiver external entertainment noise limit	Section 6.5.3	51	68	38	47
Distance loss from venue to receiver estimated 40 m: [15*log(distance)]		+ 24	+ 24	+ 24	+ 24
Venue façade attenuation (estimated)		+ 30	+ 20	+ 30	+ 20
AD/PKA comment: Venue construction		Typical façade with fire-doors		Typical façade with fire-doors	
Venue operating maximum sound level (estimated)		**105**	**112**	**92**	**91**
AD/PKA comment: Allowable venue activity		Live band, typical DJ		Acoustic duo, background music	
AD/PKA comment: Receiver experience and city vibrancy		Receiver internal masking promotes city vibrancy by optimising receiver internal amenity and venue sound along with patron experience, with no further construction upgrades for venue or receiver.		The lack of receiver masking restricts city vibrancy if residential amenity is prioritised. Significant construction upgrades to both venues and receivers are necessary for vibrancy.	

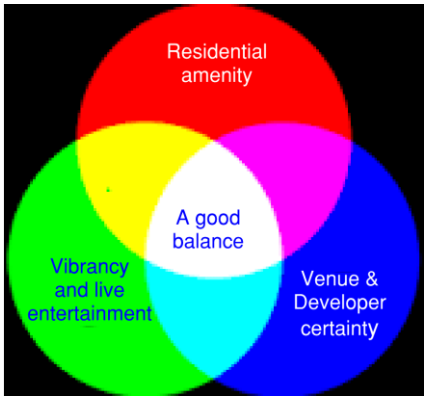
Table 22. Calculations supporting Scenarios 3, 4 and 5.

	Scenario 3	Scenario 4	Scenario 5
Receiver Amenity Goal	Low Priority ($L_{eq} \leq L_{90}$ + 0 dB)	High Priority ($L_{eq} \leq L_{90}$ -12 dB)	High Priority ($L_{eq} \leq L_{90}$ -12 dB)
Venue Construction	Typical	High Isolation Upgrade	Typical
Receiver Construction	Typical, no Masking	Typical, no Masking	High Isolation, no Masking

Description	dBA	dBC	dBA	dBC	dBA	dBC
Receiver internal maximum ambient noise level	22	42	22	42	17*	37*
Noise masking system?	No		No		No	
Receiver post-midnight internal entertainment noise	0	0	- 12	- 12	- 12	- 12
Receiver post-midnight internal entertainment noise limit	22	42	10	30	5	25
Receiver façade attenuation and room acoustics.	+ 28	+ 17	+ 28	+ 17	+ 45	+ 35
AD/PKA comment: Receiver construction	Typical glazing + acoustic ventilation		Typical glazing + acoustic ventilation		Deep double glazing with acoustic treatment	
Receiver external entertainment noise limit	50	59	38	47	50	60
Distance loss from venue to receiver estimated 40 m: [15*log(distance)]	+ 24	+ 24	+ 24	+ 24	+ 24	+ 24
Venue façade attenuation (estimated)	+ 30	+ 20	+ 50	+ 40	+ 30	+ 20
AD-PKA comment: Venue construction	Typical façade with fire-doors		Treated building with sound-locks		Typical façade with fire-doors	
Venue operating maximum sound level (estimated)	104	103	112	111	104	104
AD-PKA comment: Allowable venue activity	Limited band, Limited DJ		Live band, Typical DJ		Limited band, Limited DJ	
AD/PKA comment: Receiver experience and city vibrancy	No noise masking at receiver and poor residential amenity limits city vibrancy due to low frequency limit, unless construction upgrades to either receiver or venues are undertaken.		Substantial acoustic isolation of venues is needed to provide city vibrancy when receiver amenity is prioritised without receiver masking.		Substantial acoustic isolation of receivers is needed such as deep double glazing and deep acoustical louvres for natural ventilation to provide city vibrancy when receiver amenity is prioritised. Venue levels still insufficient with risk of complaints.	

* Internal ambient noise level is reduced due to the reduction in traffic-noise ingress from increased receiver façade construction.

Our goal for this work can be illustrated with the Venn diagram shown on the right. The central white area represents Scenario 1, with receiver noise masking providing the key. Without balance, one domain suffers, which is what is currently occurring.



6.8. Entertainment Sound Management Maps

The City has prepared Entertainment Sound Management Maps (ESM) which identifies the following information:

i) Late night management areas
ii) Existing live music and performance venues
iii) Map a 50 m buffer around the above of *"land that may be affected by entertainment sound or high activity areas"*

Figure 6 shows an example of a map.

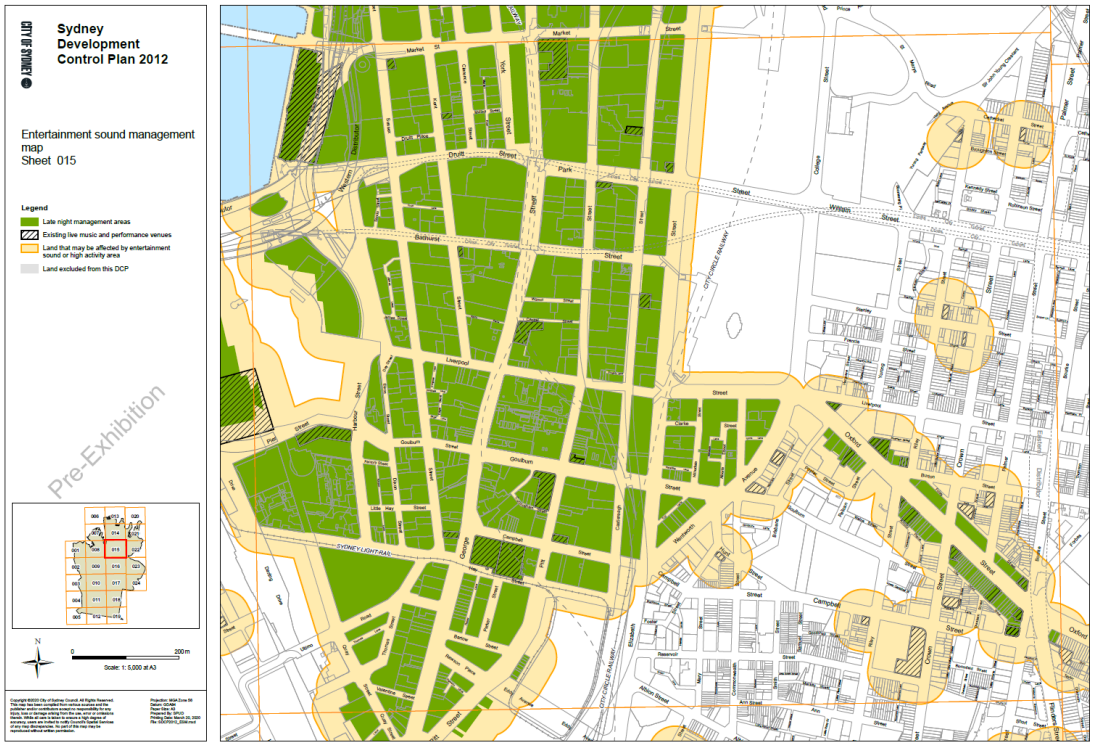


Figure 6: Example ESM prepared for Pre-Exhibition

In our 2023 Sound Study we identified that the 50 m buffer zone will not sufficiently capture the potentially affected land that triggers new residential developments to address entertainment noise intrusion. The example provided was that 75 m distance is only a 3.5 dB further reduction than 50 m distance which is not sufficient to substantially change the audibility of entertainment noise intrusion.

In preparing our 2024 Entertainment DCP we have collaborated with the City and have proposed a 2-tier approach to the ESM as follows:

- 1st Tier: 50 m buffer of existing venues as originally exhibited
- 2nd Tier: 150 m buffer of existing venues that trade post-midnight, or near mapped late night trading areas

The intent of the 2nd Tier being a wider buffer but limited to post-midnight entertainment noise intrusion, is to prioritise residential amenity during sensitive hours, without casting the net too wide over the whole City and unduly burdening new residential developments.

The 1st Tier would apply to all new residential developments within the 50 m buffer, triggering an acoustic assessment to meet the entertainment noise criteria.

The 2nd Tier would be used by the proponent's urban designer/architect team to identify likely entertainment noise affected façades of new residential developments within the 150 m buffer zone, triggering an acoustic assessment. In the second tier, the proponent would undertake basic urban design analysis to determine if there is likely to be a noise impact to certain parts of the development.

As the City does not possess a sound map of the entire Council area, showing existing and future entertainment noise affected façades, we have developed guidance in this report to help urban designers apply the 2nd Tier buffer.

In a free field environment without any buildings, the noise level at 75 m from a venue will only be 3.5 dB below the level at 50 m, which is not a sufficient reduction to substantially change the audibility of noise; i.e., the loss of amenity for residents at 75 m from a venue will be only slightly lower than that for residents at 50 m.

7. VENUE CONTROLS

7.1.1 General Controls

We have divided our proposed intrusiveness entertainment criteria into two types.

- Type 1, shown in **Table 23**, is for new venues impacting residential developments that have been built in accordance with the new DCP.
- Type 2, shown in **Table 24**, pertain to new venues impacting existing residential buildings built prior to the new DCP.

For reference, the intrusiveness entertainment criteria currently used by the City are shown in **Table 30** . Comments on both sets of criteria are provided.

In our experience, internal-to-internal noise transmission has a greater disturbance on residences as for residents are unable to escape the noise. Often in mixed-use developments, the entire floor plate of the residential apartment is the noise-radiating element. To account for this additional disturbance, we have reduced the allowed pre-midnight level by 3 dB.

Table 23. Type 1 octave-band criteria for venues impacting residential developments built according to the new DCP-

Assessment Period	Entertainment Sound Path	Assessment Location	Octave Band Assessment Criteria	Comments and applicability
Pre-midnight	External airborne	External	Greater of either: $L_{eq} \leq L_{90} + 5$ dB OR $L_{eq} \leq$ DEENS + 7 dB*	Entertainment noise will still be audible
	Internal-to-internal#	Internal	Pre-Midnight TIENS	Entertainment noise will still be audible
Post-Midnight	External airborne	External	$L_{eq} \leq$ DEENS	Electronic noise masking provides the required residential amenity.
	Internal to internal#	Internal	Post-Midnight TIENS	

* Entertainment noise will increase overall noise level in the room by 1 dB.
# Airborne or structure-borne transmission within the same building.

Table 24. Type 2 octave-band criteria for venues impacting existing residential buildings built prior to new DCP.

Assessment Period	Entertainment Sound Path	Assessment Location	Octave Band Assessment Criteria	Comments and applicability
Pre-midnight	External airborne	External	$L_{eq} \leq L_{90} + 5$ dB	No change from current DCP condition
		Internal	$L_{eq} \leq L_{90} + 0$ dB	Internal measurements only required when external measurement at property boundary is not possible (e.g. inside high-rise hotel or residential buildings). The stricter of the internal or external becomes the assessment criteria.
	internal-to-internal	Internal	$L_{eq} \leq L_{90}$ -3 dB	Provides additional amenity as noted above. Assumes the ambient noise in the residence is sufficiently high to provide this relationship. Assessing the ambient noise level in residences is likely to be difficult.
Post-Midnight	External airborne	External	$L_{eq} \leq L_{90} + 0$ dB	No change from current DCP condition
		Internal	Greater of either: $L_{eq} \leq L_{90}$ -12 dB Or the Audibility Threshold Table.	The external and internal discrepancy is a mutual exclusive situation which has no simple resolution. To ensure residential amenity after midnight, the ambient noise level in the residence must be much higher than the

Assessment Period	Entertainment Sound Path	Assessment Location	Octave Band Assessment Criteria	Comments and applicability
Post-Midnight (cont.)				transmitted external L_{90} level. As per pre-midnight regarding measurement locations and adoption of more stringent assessment criteria. Accordingly, assessing the ambient noise level in residences is likely to be difficult.
	Internal airborne / structure-borne			Assumes the ambient noise in the residence is sufficiently high to provide this relationship. Assessing the ambient noise level in residences is likely to be difficult.

7.1.2 Applicability of Proposed Venue Controls

a) If residents in existing building are forced to close windows to reduce their internal entertainment noise, they will have no source of ventilation. Accordingly, we must assume that windows will be open for existing residential buildings.

b) If there are no existing venues in close proximity to these existing dwellings, this need for open windows creates substantial difficulties for potential new venues to achieve compliance. In turn, new venues might elect to move into existing late-night high-activity areas or areas where new residences have been constructed in accordance with the new DCP.

c) To circumvent this problem, we recommend that the proposed venue controls (**Table 23** and **Table 24**) are applied according to the usage matrix in **Table 25**.

Table 25. Usage matrix of the proposed venue controls

	Existing Residences	New Residences
Existing venues	DCP does not cover; compliance reverts to previous consent conditions and L&GNSW.	Proposed DCP covers these situations with the TIENS and DEENS criteria as described in **Table 14** and **Table 15**.
New Venues	New venues rarely get access to existing residences to measure the internal background level. Have to assume a level, and the assumptions can vary widely. Given that need for open windows to provide ventilation, with noise amenity, this is problematic. Only way to solve is to impose a stringent external criterion for post-midnight trade, or the internal criteria listed in Table 23.	

7.1.3 Examples of Type 1 Controls in Situ

Three background-noise noise scenarios are used to illustrate the applicability of the Type 1 venue criteria **Pre-Midnight** with the DEENS concept at the external residential façade.

A proposed new entertainment venue conducts an acoustic survey near new residential area that has been constructed according to the new DCP. Three scenarios with different existing background noise levels that were measured in a free field are shown in **Table 26**.

Table 26: Background noise scenarios.

Example	Existing Pre-Midnight Background Noise	dBA	dBC
Scenario 1	Quiet	40	50
Scenario 2	Moderate (similar to DEENS external criteria)	50	60
Scenario 3	Loud 'urban hum'	60	70

For simplicity, in the following scenarios, the dBA and dBC metrics are utilised for illustration purposes only. The actual assessments would be conducted in octave bands. The levels in **Table 27**, **Table 28**, and **Table 29** are the free-field levels at the building façade for the three background noise scenarios.

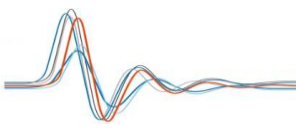


Table 27. Scenario 1

Description	dBA	dBC
Scenario 1: Quiet background noise pre-midnight	40	50
Pre Midnight $L_{eq} \leq L_{90}$ + 5 dB	45	55
Pre Midnight: DEENS (51 dBA and 68 dBC) + 7 dB	58	75
Proposed DCP: Greater of the above	58	75
Comment: DEENS + pre-midnight adjustment is generous for venues. Note that new residential internal spaces would still need to meet 35 dBA pre-midnight.		

Table 28. Scenario 2

Description	dBA	dBC
Scenario 2: Moderate background noise pre-midnight	50	60
Pre Midnight $L_{eq} \leq L_{90}$ + 5 dB	55	65
Pre Midnight: DEENS + 7 dB	58	75
Proposed DCP: Greater of the above	58	75
Comment: As above, DEENS + pre-midnight adjustment is still generous for venues.		

Table 29. Scenario 3

Description	dBA	dBC
Scenario 3: Loud background noise pre-midnight	60	70
Pre Midnight $L_{eq} \leq L_{90}$ + 5 dB	65	75
Pre Midnight: DEENS + 7 dB	58	75
Proposed DCP: Greater of the above	65	75
Comment: Background noise + 5 dB in high-activity urban environments would control the entire spectrum.		

7.1.4 Existing Controls

The table below summarises the current DCP entertainment noise conditions for ease of reference.

Table 30. Current CoS Entertainment Condition in octave bands with levels measured in fifteen-minute periods.

Assessment Period	Entertainment Sound Path	External Assessment	Internal Assessment	Comments and applicability
Pre-midnight	External airborne	$L_{eq} \leq L_{90}$ + 5 dB	$L_{eq} \leq L_{90}$ + 0 dB	5 dB discrepancy showing internal and external conditions are mutually exclusive. Therefore, the stricter control would be applied, however assumptions must be made regarding the internal background noise levels.
	Internal airborne / structure-borne		$L_{eq} \leq L_{90}$ + 0 dB	Applicable but defining the internal noise level may be difficult.
Post-Midnight	External airborne	$L_{eq} \leq L_{90}$ + 0 dB	Greater of: CoS: $L_1 \leq L_{90}$ - 10dB (equivalent to: $L_{eq} \leq L_{90}$ - 17dB) Or threshold of audibility	≥ 10 dB discrepancy showing internal and external conditions are mutually exclusive.
	Internal airborne / structure-borne	N/A		No discrepancy but defining the ambient noise may be difficult. Given that the L_{eq} levels are approximately 7 dB below the L_1 levels, this is a highly stringent criterion.

8. INFORMATION IN THE DCP TO ASSIST THE CITY WITH ASSESSING DEVELOPMENTS

This section is still to be fully developed, and we recommend that the City provides input. Depending on the extent of information the City considers would be helpful, another project may be required

8.1. General

a) The goal of this information is to provide guidance about information that should be included in acoustic reports to create a standardised assessment method and framework for the following two user groups.

i. Acoustic engineers who are engaged by proponents of venues and residential developments.

ii. City EHO staff who review acoustic DA reports for venues and residential developments so that the assessment process can be consistent between developments and easy to assimilate.

b) To maximise the ease of assessment, the information should be presented in tabular form, so that EHOs can rapidly assess the acoustic design in a proposed development.

We consider that City EHO staff should be able to enter a tick into a check box if the information pertaining to each component of the acoustic design is satisfactory or a cross if the information is unsatisfactory.

8.2. Acoustic Information for Venues to be Provided in Acoustic Reports

A. Source Information

a) Nominate predetermined likely genres to be presented in the venue. Examples of genres to be identified are:

- high-end EDM club
- live rock band venue
- jazz venue
- comedy
- pub with nightclub room
- pub with live band
- outdoor terrace/beer garden

b) Nominate the anticipated sound levels in the audience area in the octave bands 31 Hz to 4 kHz (not A weighted).

For indoor bars and outdoor terraces, the Lombard effect on vocal levels must be considered. Note that it no sufficient to simply refer to a raised voice. Note the AAAC[3] Guideline for Licensed Premises provides guidance on how to predict vocal levels in speech for groups of people.

c) Location of the sound sources:

- internal
- external
- distributed
- centralised

d) Where possible, thought should be given to the location(s) of the stage and loudspeakers in relation to vulnerable breakout surfaces.

e) As audience sound levels in a venue are not a direct indicator of the sound levels striking surfaces that are vulnerable for noise breakout, the levels incident on each of these surfaces should be stated.

f) All spectra should be stated in L_{Zeq} levels and not A or C weighted. However, total A and C weighted levels should be stated.

g) Identify if the directionality of loudspeakers is to be used to reduce the sound levels impinging on a vulnerable surface, such as air locks, roofs and windows. Note that it is not sufficient to state that directional speakers will be aimed in a particular direction to reduced noise emissions, and specific off-axis reductions should be quoted in octave frequency bands. The use of directional subwoofer systems can substantially reduce the sound power levels at low frequencies incident on various building elements.

[3] The Association of Australasian Acoustical Consultants (www.aaac.org,au)

h) Venues should be assumed to have either direct-field or semi-reverberant field incidence on the vulnerable surfaces, and not reverberant incidence.

i) Alternatively, an adjustment term *k* should be used which is added to the spatial-average sound pressure level in the audience area to provide simplistic estimate of sound power impinging on the leaky surface due to proximity of speakers to the wall or lack of directionality. We recommend a value of +6 dB for *k*.

For example, if the spatial average SPL in a new venue in the 63 Hz is 100 dB, then the consultant should assume that a level of 106 dB impinges on all vulnerable breakout surfaces.

If acoustic consultants wish to deviate from the above process, then they should provide technical details to support their proposal.

B. Noise Egress Elements in Venue

a) The sound transmission loss (STL) in octave frequency bands for the roof and walls should be identified.

b) The sound power radiated by each wall and roof should be determined from the STL and the area of the element.

c) Acoustically leaky elements and penetrations should be identified, such as:

- mechanical ducts, doors, voids, windows
- smoking terrace – rear door , fire escapes

d) Assess noise emissions with doors in closed state? But do you assess it in an open state. Is entry door permanently open? Is there a sound lock How long is the door open for over a 15 minute period.

e) As the mass-air-mass resonance in construction elements with air gaps are often a problem at low frequencies, the mass-air-mass resonant frequency should be identified for each single or dual cavity construction. Examples of this type of construction are double-glazed windows, ceiling and roof systems, double brick/block constructions, and brick/block walls faced with plasterboard mounted on furring channels.

f) Identify acoustic shielding provided by structures that may be applicable to each major noise egress element.

g) As contemporary music is now using frequencies as low as 25 Hz, and STL data does not extend to this frequency, prediction the STL at frequencies below 50 Hz can be difficult.

C. Information for Receivers of Venue Noise Emissions

a) Identify receivers.

b) Identify operational days and hours.

c) The entertainment noise environment reported in the DA acoustic report must be representative of the area, so consultants for music venues must identify all venues in a radius of 300 m and measure their noise and listen to the audio file captured with the logged environmental noise data to confirm that the measured data accords with their listening.

d) If the venue(s) are quiet because of seasonal reasons or inclement weather, the consultant should make an estimate of the background noise environment into which the venue will be emitting noise.

D. Example Information to be Provided for Venues

We recommend that consultants be asked to identify key details in a table for airborne and internal to internal sound transmission. **Table 31**, **Table 32**, and **Table 33** show examples of the recommended reporting. Note that this data should be provided in octave bands.

Table 31. Airborne sound elements. (NB, octave band information to be provided)

Element	Radiated Sound power	Distance loss	shielding	Nature of path to receiver	reflections
roof	85 dB	-40 dB (100 m)	0 dB	Free field	3 dB
glazing	65 dB	-37 dB (75 m)	-3 dB	Free field	0 dB
Wall 1	60 dB	-37 dB (75 m)			
Entry doors	55 dB	-37 dB (75 m)			

Table 32. internal to internal sound elements.

Element	Sound power radiated	Distance loss		Nature of path to receiver	Room gain in receiver
walls				Free field f	

Table 33. Identification of mass-air-mass resonances in venues that degrade STL.

Element	Construction	Frequency of mass-air-mass resonance	Effect of mass-air-mass resonance on TL
Ceiling and roof	Plasterboard x 4 layers + metal deck	25 Hz	Reduces TL at 31 Hz
Double glazing	4 mm 120 mm gap 4 mm	71 Hz	Reduces TL at 63 Hz

8.3. Acoustic Information for New Receivers to be Provided in Acoustic Reports

A. Source Information

a) Nominate entertainment genres being presented in nearby venues. Examples of genres to be identified are:
- high-end EDM club
- live rock band venue
- jazz venue
- comedy
- pub with nightclub room
- pub with live band
- outdoor terrace/beer garden

b) The operating hours of the venue(s) should be identified.

c) The ambient venue and background noise levels incident on various storeys on the affected building façade(s) should be identified. Note that measurements at street level are not necessarily representative of the noise levels at various heights.

B. Receiver Information

a) The siting and orientation of the receiver buildings should be considered in relation to opportunities to take advantage of acoustic shielding of noise-sensitive facades.

b) The STL of each façade element should be identified in octave bands and not as simple R_w ratings.

c) Calculations shall be done in octave frequency bands.

d) As the mass-air-mass resonance in construction elements with air gaps are often a problem at low frequencies, the mass-air-mass resonant frequency should be identified for each single or dual cavity construction. Examples of this type of construction are double-glazed windows, double brick/block constructions, and brick/block walls faced with plasterboard mounted on furring channels.

e) The attenuation through an open window into a room is not necessarily 10 dB at all frequencies and should be calculated or estimated on a case by case basis.

f) The noise ingress through natural ventilation openings should be determined on an octave band basis.

9. ACOUSTIC TECHNIQUES FOR VENUES AND TO REDUCE NOISE EMISSIONS

If the doors and windows are closed, then the majority of the sound leakage from venues will be at low frequencies. In particular, with venues in which the roof is above the music area, the leakage at low frequencies is likely to be through the roof and doors, rather than the walls. However, with residents immediately adjacent to venues, leakage heavy brick walls can be the limiting factor.

Techniques include

- sound locks that ensure at least one door is almost always closed.
- nominate the patron area and the locations of the loudspeakers and use directional subwoofers to direct as much sound as possible to the audience/patrons and while reducing the amount of sound striking vulnerable elements.

9.1. Venue Calibration

There will be some situations in which it will not be possible to measure the required Leq levels in the presence of ambient noise. In these situations, the following work-around may assist.

If substantial sound level is available from the venue's sound system, then during calibration, the engineer can increase the volume, measure the Leq levels at this increased level and compare them with the criteria. The levels can then be reduced by a known number of decibels so that they will meet the criterion.

10. APPENDIX A - GLOSSARY OF ACOUSTIC TERMS

10.1. Index to Terms

The glossary is arranged alphabetically to assist readers to find the required information by clicking on the link.

10.2. Glossary

SOUND

Sound is an instantaneous fluctuation in air pressure over the static ambient pressure and is transmitted as a wave through air or solid structures.

SOUND PRESSURE LEVEL

Commonly known as "sound level", the sound pressure level in air is the sound pressure relative to a standard reference pressure of 20µPa (20x10-6 Pascals) when converted to a decibel scale.

DECIBEL (dB)

A scale for comparing the ratios of two quantities, including sound pressure and sound power.

The ratio of sound pressures which we can hear is a ratio of 106:1 (one million to one). To measure this huge range in pressure, a logarithmic measurement scale is used with the associated unit being the decibel (dB).

An increase or decrease of approximately 10 dB corresponds to an approximate subjective doubling or halving of the loudness of a sound. A change of 2 to 3 dB is subjectively a small change and may sometimes be difficult to perceive.

As the decibel is a logarithmic ratio, the laws of logarithmic addition and subtraction apply to dB values.

The difference in level between two sounds s1 and s2 is given by 20 log10 (s1 / s2). The decibel can also be used to measure absolute quantities by specifying a reference value that fixes one point on the scale. For sound pressure, the reference value is 20µPa.

SOUND POWER

The sound power level (Lw) of a source is a measure of the total acoustic power radiated by a source. The sound pressure level (Lp) varies as a function of distance from a source or other factors such as shielding. However, the sound power level is an intrinsic characteristic of a source.

FREQUENCY

Frequency is the rate of repetition of a sound wave. The subjective equivalent of frequency in music is pitch. The unit of frequency is the Hertz (Hz), which is identical to the number of cycles per second. A thousand hertz is often denoted kiloHertz (kHz), e.g., 2 kHz = 2000 Hz.

Human hearing ranges from approximately 20 Hz to 20 kHz.

OCTAVE BAND

The most commonly used frequency bands are octave bands, in which the mid frequency of each band is twice that of the octave band below it. In subjective terms, it corresponds to a doubling of pitch.

For design purposes, the octave bands ranging from 31.5 Hz to 8 kHz are generally used. For more detailed analysis, each octave band may be split into three one-third octave bands or, in some cases, narrow frequency bands.

A-WEIGHTED SOUND LEVEL dBA

The unit of sound level, weighted according to the A scale, which takes into account the increased sensitivity of the human ear at some frequencies. The unit is generally used for measuring environmental, traffic or industrial noise is the A-weighted sound pressure level in decibels, denoted dBA.

A weighting is based on the frequency response of the human ear at moderate and low sound levels and has been found to correlate well with human subjective reactions to various sounds.

Sound level meters usually have an A-weighting filter network to allow direct measurement of A-weighted levels.

C-WEIGHTED SOUND LEVEL dBC

As the sound level increases, the ear is better able to hear low frequency sounds, The C-weighting filter allow low frequencies to contribute to the measurement much more than the A weighting filter.

Z-WEIGHTING dBZ

The Zero-weighting is equivalent of non-frequency shaping or weighting the measured sound level, and as no filter is applied to the sound before measurement, it is sometimes referred to as "linear" weighting.

SOUND LEVEL INDICES

Noise levels usually fluctuate over time, so it is often necessary to consider an average or statistical noise level. This can be done in several ways, so several different noise indices have been defined, according to how the averaging or statistics are carried out.

Examples of sound level indices are L_{eq},T Lmax, L_{90}, L_{10} and L_1, which are described below. The reference time period (T) is normally included, e.g., $dBL_{A10,\ 5min}$ or $dBLA_{90,8hr}$.

EQUIVALENT CONTINUOUS SOUND LEVEL (L_{eq})

Another index for assessment for overall noise level is the equivalent continuous sound level, L_{eq}. This is a notional steady level, which would, over a given period of time, deliver the same sound energy as the actual time-varying sound over the same period. This allows fluctuating sound levels to be described as a single figure level, which assists description, design and analysis.

The L_{eq} is often A-weighted to remove the contribution of low frequencies, which may be less audible and is written as L_{Aeq}. It can also have no weighting as L_{Zeq} or C-weighting as L_{Ceq}.

L_{max},T - MAXIMUM SOUND LEVEL

A noise level index defined as the maximum noise level during the measurement period duration T. L_{max} is sometimes used for the assessment of occasional loud noises, which may have little effect on the overall L_{eq} noise level but will still affect the noise environment. Unless described otherwise, it is measured using the 'fast' sound level meter response.

L_{90}(T)

A noise level index. The L_{A90} is the sound pressure level measured in dBA that is exceeded for 90% of the time over the measurement period T. In other words, the measured noise levels during the period were greater than this value for 90% of the measurement period.

L_{90} can be considered to be the "average minimum" noise level and in its A-weighted form is often used to describe the background noise a L_{A90}.

L_{A10}(T)

A noise level index. The L_{A10} is the sound pressure level measured in dBA that is exceeded for 10% of the time interval (T). In other words, the measured noise levels during the period were only greater than this value for 10% of the measurement period.

This is often referred to as the average maximum noise level.

L_{A1}(T)

Refers to the sound pressure level measured in dBA, exceeded for 1% of the time interval (T). This is often used to represent the maximum noise level from a period of measurement but is not the same as L_{Amax}.

RATING BACKGROUND LEVEL (RBL)

A single-number figure used to characterise the background noise levels from a complete noise survey. The RBL for a day, evening or night-time period for the overall survey is calculated from the individual Assessment Background Levels (ABL) for each day of the measurement period and is numerically equal to the median (middle value) of the ABL values for the days in the noise survey.

ASSESSMENT BACKGROUND LEVEL (ABL)

A single-number figure used to characterise the background noise levels from a single day of a noise survey. ABL is derived from the measured noise levels for the day, evening or night period of a single day of background measurements. The ABL is calculated to be the tenth percentile of the background L_{A90} noise levels – i.e., the measured background noise is above the ABL 90% of the time.

Reverberation Time

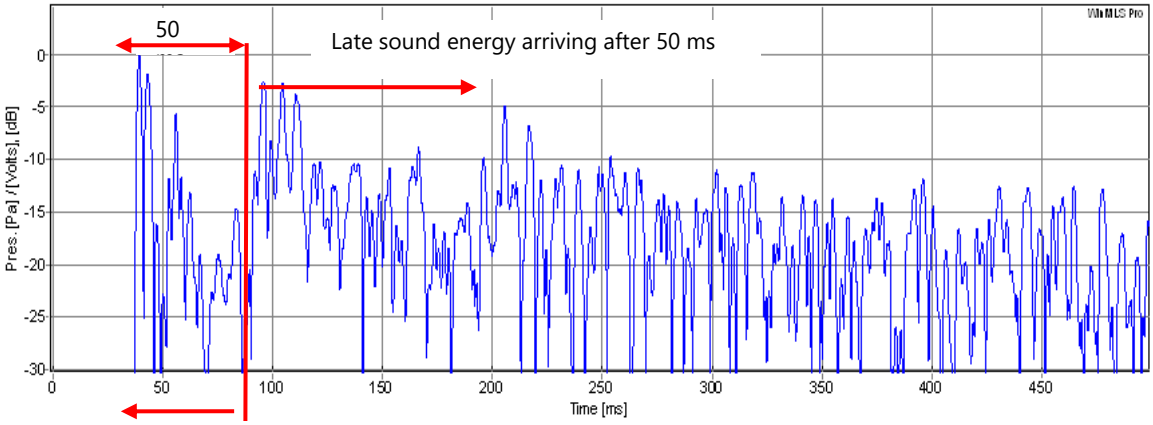
The time in seconds required for the sound at a given frequency to decay away (or reduce to) to one-thousandth of its initial steady-state value after the sound source has been stopped. This degree of reduction is equivalent to 60 decibels.

CLARITY RATIO

The clarity ratio is a metric that is used to assess the degradation in speech intelligibility due to the temporal effects of reverberation and echo. It is defined as the ratio of the sound energy of early-arriving sound that is useful for intelligibility to the energy of late-arriving sound which is not useful. Early-arriving sound consists of the direct sound and some reflections, while late arriving sound consists of reverberation and echoes.

Early-arriving sound consists of sound that arrives between the start of an extremely short pulse (an impulse) up to 50 ms after the start of the pulse, while late arriving sound is the total sound energy arriving later than 50 ms after the start of the pulse.

The following figure shows a typical impulse response and illustrates the dividing period of 50 ms between early and late arriving sound, which is used to compute the C_{50} clarity ratio.



Early sound energy arriving before 50 ms

Typical impulse response illustrating how the clarity ratio C_{50} is computed.

As the ear and therefore subjective intelligibility is sensitive to the amount of reverberation and echo at different frequencies, the C_{50} ratios must be as high as possible at all frequencies to maximise intelligibility.

STI - SPEECH TRANSMISSION INDEX

The Speech Transmission Index (STI) is one of the better available metrics to assess the capability of a transmission system to transmit intelligible speech. STI is a single number that ranges between 0 and 1. It attempts to assess the degradation in intelligibility caused by reverberation/echoes and background noise by measuring the reduction in modulation of the speech-like waveform. Phonemes in speech are produced by modulating vocal sounds in a specific pattern, and when perfect transmission of the modulation pattern is present at a listening location, the clarity is perfect. When modulations are corrupted by reverberation or noise, the time pattern of the phonemes is changed, and the clarity is degraded.

However, STI has three fundamental weaknesses:

iv) It is almost blind to the effects of tonal balance on intelligibility.

v) It is partially blind to the effects of echo on intelligibility.

vi) It reduces many complex factors (frequency/level/time) into to a single number, thereby concealing important and audible components that contribute to the degradation of speech intelligibility.

To accommodate these weaknesses in STI, Acoustic Directions uses two other metrics (clarity ratios and frequency response) in conjunction with STI to assess speech intelligibility produced by a sound system.

The STI value is computed from weighted MTI values, which represent the loss of modulation in each octave-wide frequency range. When assessing STI performance, it is instructive to assess the loss of modulation in each frequency range by inspecting the associated MTI values.

Given that the majority of speech sounds occur in the 250 Hz and 500 Hz frequency ranges, the MTI values in these frequency ranges are a direct indicator of the smearing or degradation in vowel sounds. In turn, this indicates the extent to which long vowel sounds will subjectively mask sounds with higher frequency content such as consonants.

FREQUENCY RESPONSE

Subjective tonal balance is measured as a system's frequency response at each location. As the ear is very sensitive to the direct sound field (the first-arriving part of the sound before reflections arrive), the response of the direct field with speech must be as consistent as possible over the listening area in the frequency range of 100 Hz to 12 kHz.

EQUIVALENT ACOUSTIC DISTANCE

By amplifying a talker's speech, a sound system reduces the apparent acoustic distance between a talker and distant listener. The equivalent acoustic distance defines the resulting acoustic distance between the talker and listener and is a direct measure of the amount of voice amplification that the system can provide before the onset of acoustic feedback. Feedback is often heard as a strong colouration to the voice or howling sound.

We are accustomed to holding conversations in relatively close proximity, and to produce similar conditions in a courtroom and allow soft talkers to be heard, the EAD should be less than 2.2 m and typically 1.8 m without any trace of feedback or tonal ringing in the sound.

EAD is associated with speech intelligibility as it directly relates to the amount of speech amplification that the system can provide in order to deliver a satisfactory level of speech signal above the noise to each listener.

Factors affecting the EAD include:

- The number of microphones switched on at any time.
- The relationships between the directional response characteristics of the microphone and loudspeaker.
- The sound level reaching the audience at the critical mid and mid-high frequencies.
- Room acoustic behaviour.

VIBRATION

Vibration may be expressed in terms of displacement, velocity and acceleration. Velocity and acceleration are most commonly used when assessing structure-borne noise or human comfort issues respectively. Vibration amplitude may be quantified as a peak value, or as a root mean squared (rms) value.

Vibration amplitude can be expressed as an engineering unit value e.g., 1mms-1 or as a ratio on a logarithmic scale in decibels:

Vibration velocity level, LV (dB) = 20 log (V/Vref),

(where the preferred reference level, Vref, for vibration velocity = 10-9 m/s).

The decibel approach has advantages for manipulation and comparison of data.

SOUND ABSORPTION

This is the removal of sound energy from a room or area by conversion into heat.

SOUND ABSORPTION CO-EFFICIENT

Sound absorption co-efficient indicate the extent to which a material absorbs sound power at a specific frequency and is expressed on a scale of 0 to 1, with a value of 1 representing the maximum possible absorption.

SOUND INSULATION

The sound insulation is the capacity of a structure such as a wall or floor to prevent sound from reaching a receiving location.

SOUND REDUCTION INDEX

This parameter is used to describe the sound insulation properties of a partition and is the decibel ratio of the airborne sound power incident on the partition to the sound power transmitted by the partition and radiated on the other side. It is usually measured in specific frequency bands, such as octave or one-third octave.

$D_{nT,w}$

The single number quantity that characterises sound insulation between rooms over a range of frequencies with airborne sound.

R_w

Single number quantity that characterises the sound-insulating properties of a material or construction element over a range of frequencies with airborne sound.

Item 4.

Fire Safety Reports

File No: S105001.002

Summary

The City of Sydney regularly receives reports from Fire and Rescue NSW in relation to inspections carried out by Fire and Rescue NSW Authorised Officers. 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 reported to Council. 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 reveal 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.

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

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 Attachment B to L of the subject report;

(C) note the contents of Attachment B and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 107 Darlinghurst Road, Potts Point at this time;

(D) note the contents of Attachment C and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 184-196 Elizabeth Street, Sydney;;

(E) note the contents of Attachment D and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 359-361 Sussex Street, Sydney;

(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 31-37 Dixon Street, Haymarket at this time;

(G) note the contents of Attachment F and that staff have issued a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at 309-313 Pitt Street, Sydney;

(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 20 Pyrmont Bridge Road, Camperdown 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 2-4 Sterling Circuit, Camperdown, 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 19-21 Larkin Street, Camperdown 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 382A Pitt Street, Sydney at this time;

(L) note the contents of Attachment K and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 1 Towns Place, Millers Point at this time; and

(M) note the contents of Attachment L and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 11-21 Rawson Place, Haymarket.

Attachments

Attachment A. Fire Safety Report Summary Sheet

Attachment B. Inspection Report - 107 Darlinghurst Road, Potts Point

Attachment C. Inspection Report - 184-196 Elizabeth Street, Sydney

Attachment D. Inspection Report - 359-361 Sussex Street, Sydney

Attachment E. Inspection Report - 31-37 Dixon Street, Haymarket

Attachment F. Inspection Report - 309-313 Pitt Street, Sydney

Attachment G. Inspection Report - 20 Pyrmont Bridge Road, Camperdown

Attachment H. Inspection Report - 2-4 Sterling Circuit, Camperdown

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

Attachment J. Inspection Report - 382A Pitt Street, Sydney

Attachment K. Inspection Report - 1 Towns Place, Millers Point

Attachment L. Inspection Report - 11-21 Rawson Place, Haymarket

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. Inspections are undertaken to ensure fire safety measures are in full operation and that building exits are 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.

    (a) Fire Safety Order 1 requires a person to do or stop doing certain specified things to improve fire safety;

    (b) 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 eleven reports received from Fire and Rescue NSW, including recommendations for further action. The properties have also been inspected by a City Officer.

Relevant Legislation

8. Environmental Planning and Assessment Act 1979.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Bill Mackay, Acting 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: 11

Report – October 2024

Summary table

Att. (A-L)	Premises Specifics	Actions/ Recommendation
A	Not applicable – Summary Sheet	Summary of clause 17, Schedule 5 matters tabled at Council meeting.
B	107 Darlinghurst Road, 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.
C	184-196 Elizabeth Street, Sydney	Premises inspected; owners have been issued with a Notice of Intention to give a Fire Safety Order; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.
D	359 - 361 Sussex Street, Sydney	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.
E	31-37 Dixon 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.
F	309-313 Pitt Street, Sydney	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.
G	20 Pyrmont Bridge Road, Camperdown	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	2-4 Sterling Circuit, Camperdown	Premises inspected; owners have previously been issued with a Fire Safety Order; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.
I	19-21 Larkin Street, Camperdown	Premises inspected; matters raised have been rectified, no further action required.

Att. (A-L)	Premises Specifics	Actions/ Recommendation
J	382A Pitt Street, Sydney	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 Towns Place, Millers Point	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.
L	11-21 Rawson Place, 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.

Attachment B

Inspection Report
107 Darlinghurst Road, Potts Point


107 Darlinghurst Road, Potts Point
CITY OF SYDNEY
Earl Street
Earl Place
Earl Street
Potts Point
83-97
99-105
107-109
109A
109A
107-109
111
Potts Point
113
Darlinghurst Road
66-66A
68-68A
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1: 282
Notes
28/08/2024

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 3211401 **Officer:** Ashley Host **Date:** 3 September 20204

Premises: 107 Darlinghurst Road, Potts Point

Executive Summary:

Council received correspondence dated 26 July 2024 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 4-storey residential building containing backpacker accommodation known as Jackaroo Hostel and is located above the entrance to Kings Cross Station fronting Darlinghurst Road.

An inspection of the premises was undertaken with the hotel manager and owner's representative which revealed that the premises are deficient in fire safety provisions in the following areas:

(i) A lack of adequate facilities for firefighting

(iii) Poor fire safety management systems (signs/notices/not displayed etc.) in place

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 now 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 one matter to attend to, being provision of a fire brigade booster connection to the existing sprinkler 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 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 combustible composite cladding on the façade of the building.

Chronology:

Date	Event
26.07.2024	FRNSW correspondence received regarding premises 107 Darlinghurst Road, Potts Point
28.08.2024	An inspection of the subject premises was undertaken by a Council officer in the presence of the hotel manager and owner's representative which revealed the following fire safety issues at the time of inspection: 1. A current copy of the annual fire safety statement was not prominently displayed in the building 2. The sprinkler system lacks a fire brigade booster connection.

FIRE AND RESCUE NSW REPORT:

References: [BFS23/7388 (32680); Trim Ref: 2024/301766]

Fire and Rescue NSW (FRNSW) received correspondence on 13 December 2023 concerning the adequacy of the provision for fire safety in connection with the premises.

Issues

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

Ref	Issue	City response
1. Essential fire safety measures		
A.	A fire brigade booster connection has not been provided for the sprinkler system contrary to Clause 4.4.3 of AS2118-1982.	To be addressed by corrective action letter to a booster connection be provided to the existing sprinkler system in accordance with Clause 4.4.3 of AS2118-1982.
B.	A complete stock of spare sprinkler valves and a spanner has not been provided at the sprinkler control valves contrary to Clause 6.7 of AS2118-1982.	No action required. A complete stock of spare sprinkler valves and a spanner was sighted at the time of inspection.
1B.	A copy of the current AFSS was not prominently displayed within the building in accordance with Section 89 of the EPA Regulation 2021.	No action required. Whilst no AFSS was on display at the time of inspection, a current copy of the recent AFSS for the premises has since been placed on display within the premises.
2. Fire safety offences		
2A	Items were being stored within the fire-isolated exit (discharging out to Earl Street) on the lower ground 1 floor level, which was obstructing the free passage of persons using the exit, contrary to the requirements of Section 109 of the EPA Regulation 2021. FRNSW gave direction to remove the items which was done as confirmed in the report.	No action required. No items were observed to have been stored within the fire-isolated exits at the time of inspection.
3. Services and equipment		
3A.	Fire hydrant – the building has a floor area of more than 500m2 and lacks a fire hydrant system installed in accordance with AS2419.1 contrary to Clause E1D2 of the NCC.	The City issued a Fire Safety Order on the owners of the premises on 18 August 2006 (ref: S026130-01) which required that a hydrant system be installed, or certification be provided that street hydrants adequately serve the premises in accordance with Clause E.13 of the BCA.

Ref	Issue	City response
		Certification was provided that the street hydrants adequately serve the premises in accordance with the BCA, and the system is referenced as such on the annual fire safety statement for the premises. However, there is inadequate signage in place to indicate the buildings reliance on street hydrants. It is recommended a suitable fade and weather resistant sign, A3 in size, is to be permanently affixed at the front of the building at the most likely access point, and have uppercase contrasting text which states the location of the street hydrant points.
4. Essential fire safety measures		
4A.	A new fire brigade panel had been installed to the premises since the previous inspection conducted by FRNSW on 19.03.2024. The system displayed no faults or other issues and the system appeared to be operating normally.	No action required. The new fire brigade panel was observed to be fully operational with no isolations or faults identified 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.

OFFICER RECOMMENDATIONS:

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

As a result of a site inspection undertaken by Council investigation officers the owners of the building have been issued with written instructions to ensure that suitable fire safety systems are in position throughout the building to provide improved and adequate provisions for fire safety.

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 outcomes.

Trim Reference: 2024/508821 **CSM reference No#:** 3211401

File Ref. No: BFS24/1336 (34141) & BFS24/2687 (35351)
TRIM Ref. No: D24/86769
Contact: Mark Knowles

26 July 2024

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
'TRADEMARK HOSTEL'
107-109 DARLINGHURST ROAD, POTTS POINT ("the premises")

Fire and Rescue NSW (FRNSW) received correspondence on 7 March 2024 and 9 May 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence received on 7 March 2024 stated:

- *Wanted to express my concern about this business after staying there for three nights.*

  Not normally so aware with fire safety but these things seemed an obvious no brainer and actually made me angry and feel unsafe sleeping there. As a paying guest.

  There was a bike parked in the fire escape stairwell.

  There were courier bags and a broken chair dumped in front of fire fighting equipment.

  There are bags of personal belongings dumped in a rather narrow hallway on level 3 in front of fire fighting equipment.

  There was a lithium battery charging overnight next to the bags of stuff in front of the equipment.

Really scary stuff I didn't sleep well. There certainly would have been deaths on level 3 if a fire broke out as the windows didn't open and there was nothing to smash them with even. With 2-8 people per room.

At first I thought these things were temporary but I took photos over the 3 days and it was the same or worse when I left !

As a guest I only know of one exit on street level.

The owners or managers really need to be fined and punished for careless reckless fire safety management of the business.

The correspondence received on 9 May 2024 stated:

- *Alarm activation registering with FRNSW.*

  No local alarm.

  Managers/owners aware and have discussed local alerts and evacuation requirements until FIP fixed.

  Servicing Co aware of FIP issue and won't be able to fix the issue until Tuesday 14/05/24.

  2nd alarm response requested until issue resolved.

  Updated PiP and inspection to be carried out by 004C on 10/05/24.

  This concern is to notify you of the problem and to discuss any further requirements needed.

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 19 March 2024 and 15 May 2024.

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

The following items were identified at the time of the inspection on 19 March 2024:

1. Essential Fire Safety Measures

   1A. Automatic Fire Suppression (Sprinkler) System - The plan of risk (block plan) on display indicated the standard of performance for the sprinkler system may be AS 2118-1982. As such, the following comments are provided having regard to AS 2118-1982:

      A. The sprinkler booster connection:

         i. A fire brigade booster connection has not been provided for the sprinkler system, contrary to the requirements of Clause 4.4.3 of AS 2118-1982. It is unclear whether the towns mains water supply pressure is sufficient to achieve the required pressure and flow requirements stipulated in Section 10 of AS 2118-1982.

      B. The sprinkler valves:

         i. A complete stock of spare sprinklers and a spanner had not been provided at the sprinkler control valves, contrary to the requirements of Clause 6.7 of AS 2118-1982.

   1B. Annual Fire Safety Statement (AFSS):

      A. A copy of the current AFSS was not prominently displayed within the building in accordance with the requirements of Section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

2. Fire Safety Offences

   2A. Fire Exits - Items, including but not limited to bags of linen/laundry, ladders, building products, a fire door frame, a mattress, furniture, cardboard boxes and cleaning equipment/products, were being stored within the fire-isolated exit (discharging out to Earl Street) on the lower ground 1 floor level, which was obstructing the free passage of persons using the fire exit, contrary to the requirements of Section 109 of the EPAR 2021.

   The Hostel Manager was given a verbal direction to remove all items being stored within the fire exits at the time of the inspection.

   FRNSW received email correspondence from the Hostel Manager on 20 March 2024, confirming the items had been removed. Photographs were provided, with the email 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.

3. Services and Equipment

3A. Fire Hydrants – Clause E1D2 of the NCC requires a building having a total floor area greater than 500m² to be provided with a fire hydrant system installed in accordance with Australian Standard (AS) 2419.1. Currently no such system is installed within the building and it is unclear whether compliant coverage is provided from the street hydrant system.

The following items were identified at the time of the inspection on 15 May 2024:

4. Essential Fire Safety Measures

4A. The Automatic Fire Detection and Alarm System:

A. The Fire Brigade Panel (FBP) - There were no system faults or other issues observed and the system appeared normal operation.

It is noted that a new FBP had been installed, since the previous inspection on 19 March 2024.

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

RECOMMENDATIONS

FRNSW recommends that Council:

a. Review item 1 through to item 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 Mark Knowles of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference BFS24/1336 (34141) & BFS24/2687 (35351) regarding any correspondence concerning this matter.

Yours faithfully

Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment C

Inspection Report
184-196 Elizabeth Street, Sydney

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 3211352 **Officer:** Chi Lam **Date:** 5 September 2024

Premises: 184 – 196 Elizabeth Street, Sydney

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 25 July 2024 with respect to matters of fire safety.

The premises consists of a five-storey mixed-use building known as Veriu Central Hotel with adjacent cafés, restaurants and shops on the ground floor. The premises has two street frontages, one facing Elizebath Street and the other facing Wentworth Avenue.

The building is listed as a local heritage item and has an effective height of less than twenty-five metres. The premises has undergone number of internal renovations over the years. The most recent approved development application (DA) for internal renovation of the hotel section was in 2013(D/2013/592).

An inspection of the premises undertaken by a Council investigation officer in the presence of the hotel manager and two fire contractors which revealed that the premises are deficient in fire safety and egress provisions in the following areas:

(i) A lack of adequate facilities for firefighting relating to FRNSW operational concerns regarding the sprinkler system;

(ii) Lack of suitable smoke proof construction to prevent the spread of smoke,

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a Notice of Intention to issue a fire safety order has been 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 combustible composite cladding on the façade of the building.

Chronology:

Date	Event
25 July 2024	FRNSW correspondence received regarding premises [Veriu Central Hotel – 75 Wentworth Avenue Sydney, 184 – 196 Elizabeth Street, Sydney].
9 Aug 2024	The hotel was constructed circa 1900s. Over time, numerous fire safety measures have undergone renovation and upgrade.
14 Aug 2024	An inspection of the subject premises was undertaken by Council investigation officer in the presence of the hotel manager and fire contractors which revealed the following; • A compliant Annual Fire Safety Statement was prominently displayed in the building • No fault on the Fire Brigade Panel was observed • Hydrant block plan was installed • A sprinkler block plan was installed • Evacuation plans were installed in the common areas & in rooms

Date	Event
	• Egress paths appeared tidy and free of objects that might obstruct or impede the path of travel • Council officer verified that sprinkler booster connections were located inside the reception areas as stated in FRNSW correspondence • Inspection revealed that public corridors on the residential levels appeared greater than 40m with no smoke separation as mentioned in FRNSW correspondence • Emergency lighting was provided in the fire stairs. The hotel manager advised that during a recent upgrade, some new lights were installed, making the old ones redundant. These redundant old lights were decommissioned but had not been removed
27 Sept 24	Notice of Intention to issue an order given.

FIRE AND RESCUE NSW REPORT:

References: [BFS24/1321 (34128) D24/83658; Council Trim reference 2024/431883]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving correspondence concerning provision for fire safety in connection with the premises.

Issues:

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

Ref.	Issue	City response
1. Essential Fire Safety Measures		
1A.	**Automatic Fire Detection and Alarm System**	
	Fire Brigade Panel (FBP) - The FBP was displaying one (1) fault identified as "Zone 002 – L5D10 – Above Reception". The Assistant Hotel Manager was present at the time of the inspection and explained that the fault related to current works being undertaken to install a new A/C unit. FRNSW were advised that the issues would be resolved as part of the works. FRNSW received confirmation on 13 June 2024 that the fault to the FBP had been repaired. Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.	No action is required by the City Noted - At the time of Council inspection, no fault was observed on the FBP.
1B.	**Automatic Fire Suppression Systems (Sprinkler System)**	
i,	Sprinkler Booster – The booster connections are located inside, in the reception area of the premises, in a position that is not readily accessible to fire brigade personal, contrary to the requirements of Clause 4.4.3 of AS 2118.1-1999 which requires booster connections to be located outside the building.	This matter has been addressed under the Notice of Intention to Give a Fire Safety Order.
ii.	Sprinkler Booster – The booster inlet connections are positioned perpendicular to the enclosure opening and obstructed by the sprinkler drainage pipework. In this regard, firefighters are likely to have difficulty connecting to the inlets when boosting the system.	This matter has been addressed under the Notice of Intention to Give a Fire Safety Order.

Ref.	Issue	City response
1C.	**Fire Doors**	
i.	The fire doors from the hotel lobby to the southwestern fire stairs and northwestern fire passageway were found chocked in the open position and preventing the doors from self-closing, contrary to the requirements of C4D9 of the NCC and AS1905.1. FRNSW advised Assisted Hotel Manager to have the chocks removed from the fire doors to ensure the doors were able to self-close and latch. Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.	No action is required by the City Council inspection did not reveal any doors being chocked open
ii.	The fire door from the hotel lobby to the southwestern fire stairs was found with a damaged magnetic hold open device and had not been maintained, contrary to the requirements of C4D9 of the NCC and Section 81 of the EPAR 2021.	No action is required by Council. Council inspection revealed that the damaged magnetic hold open device was fixed.
iii.	Multiple door jambs with door tags fixed to them, were found without fire doors installed, throughout the residential levels of the hotel. In this regard, it appears the doorways may be required to have fire rated doorsets installed in accordance with AS1905.1 and Specification 12 of the NCC.	Noted. Council inspection did not reveal any fire doors missing. Notwithstanding this matter has been addressed under the Notice of Intention to Give a Fire Safety Order.
2.	**Egress**	
2A.	Multiple artificial lighting fittings throughout the fire stairs and residential levels of 'the premises' were not operating or missing, contrary to the requirements of Clause F6D5 of the NCC.	Noted. Council inspection revealed light fittings in question were redundant as new lighting had been installed. The redundant light fittings had not been removed. The matter regarding the redundant light fittings has been addressed under the Notice of Intention to Give a Fire Safety Order.
2B.	The northeastern fire stairs and passageway was found storing cleaning trolleys, linen bags and general cleaning items which were obstructing the exit which would likely	No action is required by the City.

Ref.	Issue	City response
	impede the safe evacuation of persons in the event of an emergency, contrary to the requirements of Section 109 of EPAR 2021. The Assistant Hotel Manager advised that the exit would be cleared immediately. FRNSW received confirmation on 13 June 2024 that the fire stair/passageway had been cleared. Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.	Council inspection revealed that the egress paths were clear and hotel manager confirmed staff had been instructed to not leave items in egress paths.
3.	**Compartmentation and Separation**	
3A.	Public corridor in Class 2 and 3 buildings – The public corridors on the residential levels appear to be more than 40m in length and are not divided with smoke proof walls and smoke doors, contrary to the requirements of Clause C3D15 of the NCC.	Noted Council inspection revealed that public corridors on the residential levels appeared greater than 40m with no smoke separation as mentioned in FRNSW correspondence This matter has been addressed under the Notice of Intention to Give a Fire Safety Order.

FRNSW Recommendations

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

1. Review items 1 to 3 of this report and conduct an inspection
2. Adress any other deficiencies identified on the "the premises"
3. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order	~~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 inspections undertaken by a Council investigation officer it was determined that concern for public safety required a Notice of Intention to issue a fire safety order (NOI) to be issued under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 without any further delay.

NOI was issued on 27 September 2024.

It is recommended that Council exercise its power to issue a Fire Safety Order (following the expiry of the representation period of the NOI) to ensure suitable fire safety systems are in place 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.

Trim Reference: 2024/511650 **CSM reference No#: 3211352**

File Ref. No: BFS24/1321 (34128)
TRIM Ref. No: D24/83658
Contact: Matthew Warbrick

15 July 2024

General Manager
Council of the City of Sydney
GPO Box 1591
SYDNEY NSW2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir Madam,

Re: 9.32 INSPECTION REPORT
VERIU CENTRAL HOTEL
75 WENTWORTH AVENUE SYDNEY("the premises")

Fire and Rescue NSW (FRNSW) received correspondence on 12 June 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated in part that:

> *The fire door between the reception area and the emergency staircase was consistently propped open morning, afternoon and night. The door lead directly onto the staircase that went to every floor of the building. This is despite the door itself having a sign on it stating that it must not be propped open. The door itself had clearly had a magnetic closer on it at some point but this had been broken off. The hotel reception staff were using doorstops to hold it open.*
>
> *On more than one occasion I actually kicked the doorstop away so that the door would close. The reception staff were routinely propping the door open. On one occasion (evening of Thurs 29 Feb) I actually challenged a member of the reception staff as I saw him placing a doorstop on the door as I walked up the stairs. I pointed to the sign on the door that states 'Do Not Keep Open' and asked him why he was ignoring it. I was somewhat appalled by his response to my question which was 'don't worry, it's just incase people don't want to use the lift'.*

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 27 February 2024.

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.
- Possible nonconformities identified in the report relate to the National Construction Code 2022, Volume 1 Building Code of Australia (NCC), provisions for fire safety and fire safety equipment. 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.

COMMENTS

The following items were identified during the inspection.

1. Essential Fire Safety Measures

1A. Automatic Fire Detection and Alarm System -

Fire Brigade Panel (FBP) - The FBP was displaying one (1) fault identified as "Zone 002 – L5D10 – Above Reception".

The Assistant Hotel Manager was present at the time of the inspection and explained that the fault related to current works being undertaken to install a new A/C unit. FRNSW were advised that the issues would be resolved as part of the works.

FRNSW received confirmation on 13 June 2024 that the fault to the FBP had been repaired.

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. Automatic Fire Suppression Systems (Sprinkler System) -

i. Sprinkler Booster – The booster connections are located inside, in the reception area of the premises, in a position that is not readily accessible to fire brigade personal, contrary to the requirements of Clause 4.4.3 of AS 2118.1-1999 which requires booster connections to be located outside the building.

ii. Sprinkler Booster – The booster inlet connections are positioned perpendicular to the enclosure opening and obstructed by the sprinkler drainage pipework. In this regard, firefighters are likely to have difficulty connecting to the inlets when boosting the system.

1C. Fire Doors -

i. The fire doors from the hotel lobby to the southwestern fire stairs and northwestern fire passageway were found chocked in the open position and preventing the doors from self-closing, contrary to the requirements of C4D9 of the NCC and AS1905.1.

FRNSW advised Assisted Hotel Manager to have the chocks removed from the fire doors to ensure the doors were able to self-close and latch.

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

ii. The fire door from the hotel lobby to the southwestern fire stairs was found with a damaged magnetic hold open device and had not been maintained, contrary to the requirements of C4D9 of the NCC and Section 81 of the EPAR 2021.

iii. Multiple door jambs with door tags fixed to them, were found without fire doors installed, throughout the residential levels of the hotel. In this regard, it appears the doorways may be required to have fire rated doorsets installed in accordance with AS1905.1 and Specification 12 of the NCC.

2. Egress

2A. Multiple artificial lighting fittings throughout the fire stairs and residential levels of 'the premises' were not operating or missing, contrary to the requirements of Clause F6D5 of the NCC.

2B. The northeastern fire stairs and passageway was found storing cleaning trolleys, linen bags and general cleaning items which were obstructing the exit which would likely impede the safe evacuation of persons in the event of an emergency, contrary to the requirements of Section 109 of EPAR 2021.

The Assistant Hotel Manager advised that the exit would be cleared immediately.

FRNSW received confirmation on 13 June 2024 that the fire stair/passageway had been cleared.

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

3. Compartmentation and Separation

3A. Public corridor in Class 2 and 3 buildings – The public corridors on the residential levels appear to be more than 40m in length and are not divided with smoke proof walls and smoke doors, contrary to the requirements of Clause C3D15 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 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.

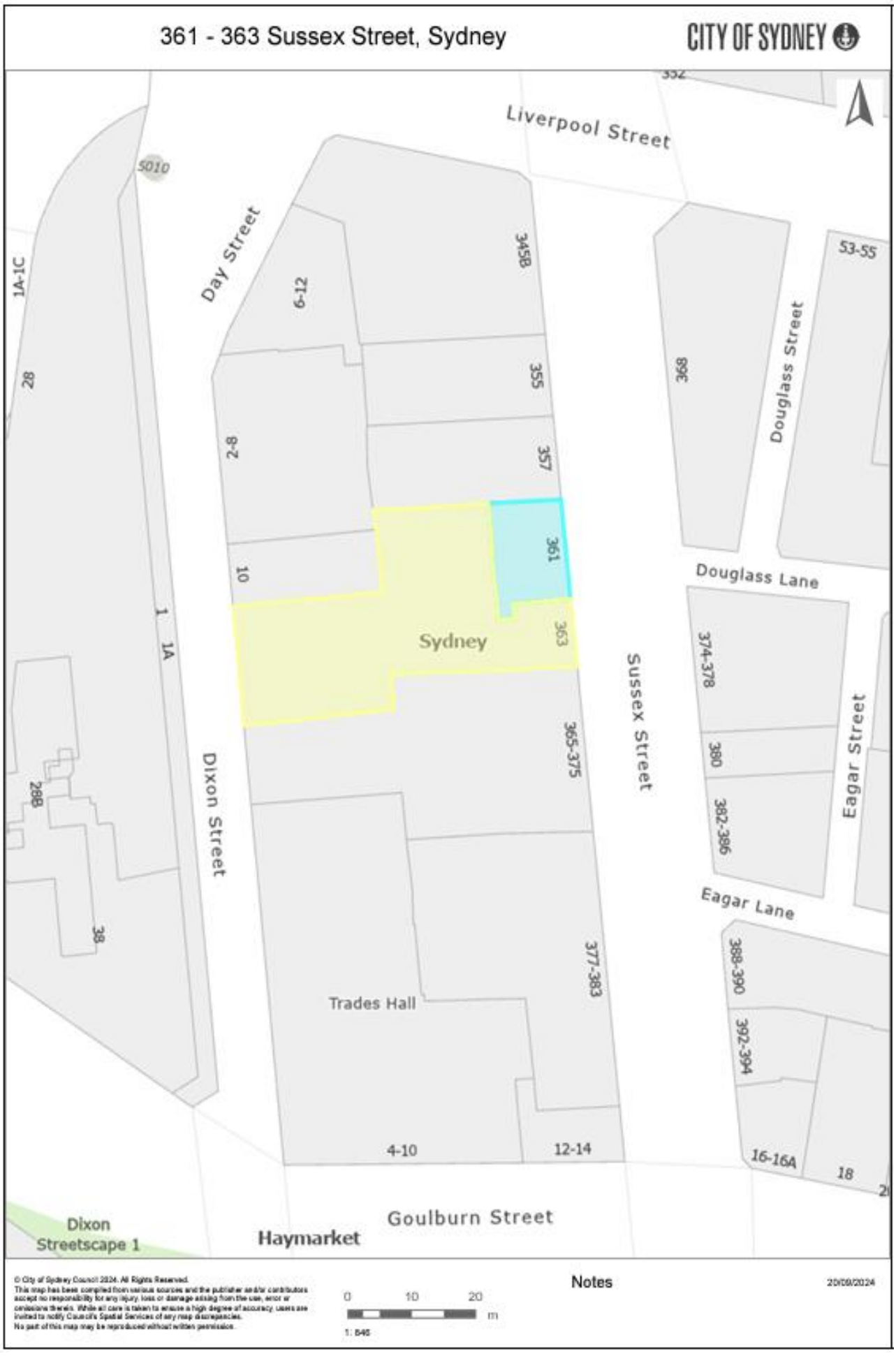
Please do not hesitate to contact Matthew Warbrick of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference BFS24/1321 (34128) regarding any correspondence concerning this matter.

Yours faithfully

Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment D

Inspection Report
361-363 Sussex Street, Sydney



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 3210489 **Officer: Andrew Manning** **Date: 20 September 2024**

Premises: 361 – 363 Sussex Street, Sydney

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 6 June 2024 with respect to matters of fire safety.

The premises consists of a 21-storey building used primarily as a residential apartment building with a commercial mall located (Regal Arcade) within the lower two stories.

The ground and lower ground floor comprises a residential lobby, car parking and commercial mall. All other storeys consist of residential apartments and carparking facilities.

An inspection of the premises undertaken by Council investigation officers in the presence of building management 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) Poor fire safety management systems (signs/notices/not displayed etc.).

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a fire safety order is to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 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 combustible composite cladding on the façade.

Chronology:

Date	Event
04/07/2024	FRNSW correspondence received regarding premises 359 – 361 Sussex Street Sydney
25/07/2024	An inspection of the subject premises was undertaken by Council officers noted the following. 1. Faults present with the fire safety measures. 2. Fire doors damaged, removed, in a state of disrepair, not self-closing and self-latching. 3. Storage of items blocking fire exits and path of travel to an exit. 4. Fire hydrant cupboard damaged and obstructed. 5. Services penetrating fire rated building elements not protected. Verbal warnings were issued on site to building management.
12/08/2024	Re-inspection of the subject premises was undertaken by a Council officer to further investigate the building and to facilitate the issuance of fire safety order.
27/09/2024	Notice of Intention issued.

FIRE AND RESCUE NSW REPORT:

References: D24/79202; 2024/429672

Fire and Rescue NSW conducted an inspection of the subject premises after receiving correspondence that stated that the building was deficient in fire safety provisions.

Issues

The report from FRNSW detailed several issues, which are referenced in the below table.

Ref.	Issue	City response
1.	**Essential Fire Safety Measures**	
A	Automatic Fire Detection and Alarm System i. Fire Brigade Panel (FBP) – The FBP was displaying four (4) faults	Compliance is to be pursued under Council's Fire Safety Order
B	Emergency Warning and Intercom System (EWIS) i. Evacuation System Control Panel - The EWIS control panel was displaying one (1) audio fault	Compliance is to be pursued under Council's Fire Safety Order
C	Fire Hydrant System i. The annual fire safety statement details that the hydrant system is designed to Australian Standard (AS) 2419. No year is included ii. Fire hydrant booster i. Doors to the cabinet housing the fire hydrant booster were damaged and restricting access to the booster inlets side of the cabinet ii. Suitable clearance to the handwheel of the left side feed hydrant outlets has not been provided contrary to the requirements of clause 3.2.2.2 of AS 2419.1 – 2021 iii. Two (x2) isolation valves either side of a pressure reduction valve found within the pumproom was	i. Compliance is to be pursued under Council's Fire Safety Order ii. Compliance is to be pursued under Council's Fire Safety Order iii. Item addressed under FRNSW Fire Safety Order No. 1. No further compliance action required

Ref.	Issue	City response
	closed and preventing the system from performing to the required standard of performance iv. Water Supply - Hydrant Pump Tank Feed i. The isolation valves (x2) were not secured in the open position contrary to the requirements of Clause 8.7.1 of AS2419.1-2021 ii. The isolation valves (x2) appear to be corroding and may prevent operation of the isolation valves	iv. Item addressed under FRNSW Fire Safety Order No. 1. No further compliance action required
D	Sprinkler System i. Pumproom a. Diesel sprinkler Pump - The diesel start switch of the diesel sprinkler pump control panel was in the 'OFF' position preventing automatic operation. The DIESEL ISOLATED, light emitting diode was illuminated b. Electric sprinkler pump – The main isolator on the electric sprinkler pump control panel was in the 'OFF' position preventing automatic operation of the sprinkler system. The POWER FAIL light emitting diode was illuminated c. Sprinkler Stop Valves - The main stop valve of sprinkler installation # 1 was found in the closed position. As a result, any fire on the levels, BASEMENT, GROUND & LEVELS 1 – 5, would not be controlled by the sprinkler system	Item addressed under FRNSW Fire Safety Order No. 1. No further compliance action required
E	Mechanical Air Handling System i. Stair Pressurisation - The supply air grille on Level 9, within the southern fire isolated stairway, was missing and therefore was posing an unacceptable risk of persons falling through the opening	Item addressed under FRNSW Fire Safety Order No. 1. No further compliance action required
F	Fire Hose Reels i. Non-fire equipment was found stored within FHR cabinet in the Regal Arcade (ground floor) of 'the premises', contrary to Clause 10.4.4 of AS 2441–2005	Compliance is to be pursued under Council's Fire Safety Order
G	Fire Doors i. Multiple fire doors throughout 'the premises" were found with damaged or removed self-closing devices contrary to the requirements of Clause C4D6 of the NCC	Compliance is to be pursued under Council's Fire Safety Order
H	Exits Signs i. Multiple exit signs throughout 'the premises' were either not illuminated or missing the pictorial element and had not maintained, contrary to the requirements of Section 81 of the EPAR 2021	Compliance is to be pursued under Council's Fire Safety Order
2.	**Access and Egress**	
A	Fire Safety Offences (EPAR 2021) i. The fire exit door leading to Dixon Street, adjacent to the Thai Dessert Bar was blocked off	

Ref.	Issue	City response
	by garbage bins, preventing egress to the road. In this regard, the obstruction was cleared by the worker of the shop prior to FRNSW concluding the inspection. Furthermore, the fire exit door has not been provided fire safety notice signage contrary to the requirements of Section 108 of EPAR 2021	Compliance is to be pursued under Council's Fire Safety Order
3.	**Maintenance & Certification**	
A	Annual Fire Safety Statement i. 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	Compliance is to be pursued under Council's Fire Safety Order

FRNSW Recommendations

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

OFFICER RECOMMENDATIONS:

Issue Order	~~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 inspections undertaken by a Council investigation officer it was determined that concern for public safety required the giving of a notice of intention (NOI) to issue a fire safety order to be issued under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 without any further delay. The NOI was given on 27 September 2024.

It is recommended that Council exercise its power to issue a Fire Safety Order (following the expiry of the representation period of the NOI) to ensure suitable fire safety systems are in place 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.

Trim Reference: 2024/545312 **CSM reference No#: 3210489**

File Ref. No: BFS24/2955 (35583)
TRIM Ref. No: D24/79202
Contact: Matthew Warbrick

4 July 2024

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: 9.32 INSPECTION REPORT
REGAL APARTMENTS
359 - 361 SUSSEX STREET SYDNEY ("the premises")

Fire and Rescue NSW (FRNSW) received correspondence on 17 May 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated in part that:

> *There has been multiple calls to this building for small fires in the last week. Over the last 10 years there has been approximately 140 fires in this building.*
>
> *On inspection today we found the lifts were inoperable and multiple fire doors chocked open or blocked by refuse from households and businesses.*
>
> *We believe at the moment this is a high risk property…*

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 27 May 2024.

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.

- Possible nonconformities identified in the report relate to the National Construction Code 2022, Volume 1 Building Code of Australia (NCC), provisions for fire safety and fire safety equipment. 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.

NOTICE OF INTENTION TO SERVE AN ORDER

FRNSW issued a Notice of Intention to Serve an Order (**1**) dated 28 May 2024 under the provisions of Section 9.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

REPRESENTATIONS & INSPECTION

Written representations were received concerning the proposed **Order 1** under Schedule 5, Part 6, Section 8 of the EP&A Act, and after receiving the written representations on 31 May 2024 under Section 9.32 of the EP&A Act. Upon reviewing and considering the representation, FRNSW gave an Order under Schedule 5, Part 7, Section 15 of the EP&A Act.

FIRE SAFETY ORDER NO. 1

Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. **1**, dated 6 June 2024 under the provisions of Section 9.34 of the EP&A Act. A copy of the Order is attached for your information under the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act.

RE-INSPECTION

Pursuant to the provisions of Section 9.32(1)(b) of the EP&A Act and Section 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR2021), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected the premises on 17 June 2024.

INSPECTION OUTCOME

At the time of the inspection, the terms of 'the Order' issued on the premises were compliant. In this regard, Council is not required to act on item no. 1.C.iii.a and 1.D of this report. It is the Council's discretion to inspect and address the items identified in his report and any other deficiencies identified on the premises.

COMMENTS

FRNSW responded to the premises on thirteen (13) occasions in the month preceding the inspection on 27 May 2024. Eleven (11) of the responses were a result of fires

At the time of the initial inspection, Authorised Officers observed contractors onsite undertaken repair works to reinstate the operation of the lifts. The follow up inspection by FRNSW undertaken on 17 June 2024 found one of the lifts in operation and works continuing to be undertaken to reinstate the second lift.

The following items were identified during the inspection:

1. Essential Fire Safety Measures

   A. Automatic Fire Detection and Alarm System

      i. Fire Brigade Panel (FBP) – The FBP was displaying four (4) faults.

   B. Emergency Warning and Intercom System (EWIS)

      i. Evacuation System Control Panel - The EWIS control panel was displaying one (1) audio fault.

   C. Fire Hydrant System

      i. Standard of Performance

         a. The annual fire safety statement details that the hydrant system is designed to Australian Standard (AS) 2419. No year is included.

            The hydrant system appears to be an Ordinance 70 system which has had some form of upgrade, possibly at the time of the Council Order in 2007 and (as indicated on the block plan by Grosvenor Fire) in 2020. The hydrant system does not include a ring-main and the attack fire hydrants are located outside the fire isolated stairway.

            The assisted pressure, boost pressure and test pressure stated on the block plan do not meet the design requirements of either AS2419.1-1994 or AS2419.1-2005.

            FRNSW recommend a review of the performance standard, to ensure the pump duty is adequate for the height of the building, the correct pressures are recorded on the boost and test

pressure signage and block plan, to ensure the system can be maintained and used to the correct standard of performance.

ii. Fire hydrant booster.

a. Doors to the cabinet housing the fire hydrant booster were damaged and restricting access to the booster inlets side of the cabinet.

b. Suitable clearance to the handwheel of the left side feed hydrant outlets has not been provided contrary to the requirements of clause 3.2.2.2 of AS 2419.1 - 2021

iii. Pumproom – Hydrant Pressure Reduction Valves

a. Two (x2) isolation valves either side of a pressure reduction valve found within the pumproom was closed and preventing the system from performing to the required standard of performance.

iv. Water Supply - Hydrant Pump Tank Feed

a. The isolation valves (x2) were not secured in the open position contrary to the requirements of Clause 8.7.1 of AS2419.1-2021.

b. The isolation valves (x2) appear to be corroding and may prevent operation of the isolation valves.

D. Sprinkler System

i. Pumproom

a. Diesel sprinkler Pump - The diesel start switch of the diesel sprinkler pump control panel was in the 'OFF' position preventing automatic operation. The DIESEL ISOLATED, light emitting diode was illuminated.

b. Electric sprinkler pump – The main isolator on the electric sprinkler pump control panel was in the 'OFF' position preventing automatic operation of the sprinkler system. The POWER FAIL light emitting diode was illuminated.

c. Sprinkler Stop Valves - The main stop valve of sprinkler installation # 1 was found in the closed position. As a result, any fire on the levels, BASEMENT, GROUND & LEVELS 1 – 5, would not be controlled by the sprinkler system.

E. Mechanical Air Handling System

i. Stair Pressurisation - The supply air grille on Level 9, within the southern fire isolated stairway, was missing and therefore was

posing an unacceptable risk of persons falling through the opening.

a. In this regard, works have been undertaken to temporarily board up the opening to prevent the falling risk. However, in doing so, the air supply may be restricted and likely to comprise the performance of the air handling system contrary to the requirements of Clause E2D4 and AS1668.1.

F. Fire Hose Reels (FHR's)

i. Non-fire equipment was found stored within FHR cabinet in the Regal Arcade (ground floor) of 'the premises', contrary to Clause 10.4.4 of AS 2441–2005.

G. Fire Doors

i. Multiple fire doors throughout 'the premises" were found with damaged or removed self-closing devices contrary to the requirements of Clause C4D6 of the NCC.

H. Exits Signs

i. Multiple exit signs throughout 'the premises' were either not illuminated or missing the pictorial element and had not maintained, contrary to the requirements of Section 81 of the EPAR 2021.

2. Access and Egress

A. Fire Safety Offences (EPAR 2021)

i. The fire exit door leading to Dixon Street, adjacent to the Thai Dessert Bar was blocked off by garbage bins, preventing egress to the road. In this regard, the obstruction was cleared by the worker of the shop prior to FRNSW concluding the inspection.

Furthermore, the fire exit door has not been provided fire safety notice signage contrary to the requirements of Section 108 of EPAR 2021.

3. Maintenance & Certification

A. Annual Fire Safety Statement

i. 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.

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. FRNSW refers this matter to the Council as the appropriate regulatory authority and 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 Matthew Warbrick of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference BFS24/2955 (35583) regarding any correspondence concerning this matter.

Yours faithfully

Paul Scott
Team Leader
Fire Safety Compliance Unit

Attachment: [Appendix 1 – Fire Safety Order No.1 – 3 pages]

Appendix 1 – Fire Safety Order No. 1

Fire Safety Order
ORDER No. 1

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

I,	Paul Scott	Inspector	6776
	(name)	(rank)	(number)

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

The Owners of Strata Plan No. 50845 & 50844	Owners
(name of the person whom Order is served)	(position, i.e. owner, building manager)

with respect to the premise

REGAL APARTMENTS & ARCADE
359 – 361 SUSSEX STREET SYDNEY ("the premises")
(name/address of premises to which Order is served)

to do or refrain from doing the following things:

1. Ensure the Fire Hydrant System installed in 'the premises' is fully operational, by:

    a. Opening and securing open, all isolation valves found in the pumproom located either side of the pressure reduction valves.

2. Ensure the Automatic Fire Suppression System (Sprinklers) installed in 'the premises' is fully operational, by:

    a. Opening and securing open, the isolation valve downstream on the alarm valve on installation '1 basement ground levels 1 – 5'

    b. Re-instating operation of the diesel sprinkler pump.

c. Re-instating operation of the electric sprinkler pump.

3. Reinstate the supply air grille on Level 9, within the southern fire isolated stairway.

The reasons for the issue of this Fire Safety Order – Order No. 1 are:

a. At the time of inspection, the building was occupied.

b. FRNSW have responded to multiple fires at the premises in the last month. The fires appear to have been deliberately lit. Fires within the common areas and fire isolated stairways directly impact life safety at the premises.

c. At the time of the inspection, two (2) isolation valves either side a pressure reduction valve were closed.

d. To ensure that the Fire Hydrant System is capable of operating in accordance with the standard of performance it was designed and installed to.

e. At the time of the inspection, the main stop valve of sprinkler installation # 1 was found in the closed position. As a result, any fire on the levels, BASEMENT, GROUND & LEVELS 1 – 5, would not be controlled by the sprinkler system.

f. At the time of the inspection the diesel start switch of the diesel sprinkler pump control panel was in the 'OFF' position preventing automatic operation. The DIESEL ISOLATED, light emitting diode was illuminated.

g. At the time of the inspection, main isolator on the electric sprinkler pump control panel was in the 'OFF' position preventing automatic operation of the sprinkler system. The POWER FAIL light emitting diode was illuminated.

h. To ensure that the Automatic Fire Suppression System (Sprinklers) is capable of operating in accordance with the standard of performance it was designed and installed to.

i. The supply air grille on Level 19, within the southern fire isolated stairway, was missing. The opening into the supply air shaft had been partially blocked by a piece of core-flute sales signage.

j. The opening was not protected to prevent persons from falling down the supply air shaft. The intent of Clause D3D17 of the National Construction Code 2022, Volume 1 Building Code of Australia (NCC) is to prevent persons where the trafficable surface is more than 1 m or more above the surface beneath. The shaft is believed to exceed 25 m metres in height, from the missing grille.

k. To do or refrain from doing such things specified in the Order to ensure or promote adequate fire safety or awareness.

The terms of this Fire Safety Order – Order No. 1 are to be complied with:

By no later than 5pm on the **14 June 2024**.

Appeals

Pursuant to Section 8.18 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against this Fire Safety Order – Order 1 other than an order that prevents a person from using or entering premises.

Non-Compliance with Fire Safety Order – Order No.1

Failure to comply with this Fire Safety Order – Order No.1 may result in further Orders and/or fines being issued.

Substantial penalties may also be imposed under Section 9.37 of the EP&A Act for failure to comply with a Fire Safety Order – Order No.1.

Paul Scott
Team Leader
Fire Safety Compliance Unit

This Fire Safety Order - **Order No. 1** was mailed on **7 June 2024**.

Attachment E

Inspection Report
31-37 Dixon Street, Haymarket

31 - 37 Dixon Street, Haymarket

CITY OF SYDNEY

0 5 10 m

Notes

6/08/2024

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 3209613 **Officer: Arfan Chaudhary** **Date: 8 August 2024**

Premises: 31 – 37 Dixon Street, Haymarket

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 19 July 2024 with respect to matters of fire safety.

Fire & Rescue NSW (FRNSW) inspection resulted from a complaint received from a local fire station concerning inadequate fire safety with 'the premises'.

A six-storey commercial building is located within the premises consisting of ground floor and first floor retail and restaurants, 'K1' Karaoke Lounge on Level two, the third and fourth floor is used for short stay tourist accommodation with 66 beds and 33 bedrooms, fifth floor is vacant and there is a basement car park.

The premises has entrances to Dixon Street (for the restaurant and shop on the ground floor) and Factory Street (for the upper levels of the building), and another street frontage to Kimber Lane.

The premises is a not listed as a heritage item nor located in a heritage conservation area.

An inspection of the premises undertaken by a Council investigation officer on 12 August 2024 in the presence of the commercial building manager revealed that there were no significant fire safety issues occurring within the building.

Observation of the external features of the building did not identify the existence of any combustible composite cladding on the façade of 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 (Development Certification and Fire Safety) 2021.

Council investigations have revealed that whilst there remains several minor 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(s) through written instruction from Council.

Chronology:

Date	Event
19/07/2024	FRNSW correspondence received regarding premises 31 – 37 Dixon Street, Haymarket. The correspondence was initiated from the local fire station on 16 March 2024 concerning fire safety and a FRNSW inspection on 4 April 2024 (reference 2024/424492). The correspondence stated *"Fire service function within the lift not working - key spinning in barrel. Fire stairs used as storage. Diesel pump in fault.*
	A review of City records shows that the fire safety schedule for the premises contains twenty-two (22) fire safety measures, including an automatic fire detection and alarm system, fire hydrant system, smoke alarms and heat detectors, and other fire safety measures typical for a building of this classification, all of which, are due for recertification on 2 May 2025.
12/08/2024	An inspection of the subject premises was undertaken by a Council officer on 12 August 2024, with the commercial building manager present, when the following items were noted: 1. All fire doorsets have been tagged in accordance with AS/NZS 1905.1 – 2005; 2. The external face of the doors to the hydrant booster assembly enclosure did not have a signage stating, 'Combined Fire Hydrant and Sprinkler Booster Assembly'. 3. A block plan has not been provided at the booster assembly. 4. A notice of pressure sign has not provided at the booster assembly. 5. All doors leading to the pumproom were not fitted with a 003 key lock. 6. At the time of inspection, the Fire indicator panel (FIP) displaying level 3 room 1 smoke alarm fault. The commercial building manager advised the owner engaged a fire safety practitioner to inspect and rectify the issue. 7. The Evacuation System Control Panel was not displaying any fault. 8. At the time of the inspection, the paths of travel discharging from the fire-isolated stairways serving the commercial and basement level of building were clear from obstructions. 9. Sprinkler heads were noted on level 2. 10. Penetrations are in the wall separating grease trap room from the car park. 11. The fire safety statement is prominently displayed at the premises and is current. 12. Other fire safety measures in the building appeared adequately maintained. Issues specifically raised by FRNSW and responses to those issues, are summarised in the following table.
3/09/2024	Corrective action letter issued 3 September 2024

FIRE AND RESCUE NSW REPORT:

References: BFS24/1560 (34330); 2024/424492

Fire and Rescue NSW conducted an inspection of the subject premises after receiving correspondence from the local fire station about concerning the adequacy of the provision for fire safety in connection with 'the premises'.

Issues

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

Ref.	Issue	City response
Essential Fire Safety Measures		
1A.	**Maintenance**	
A.	The hydrant and sprinkler diesel pumpset: i. The fire hydrant diesel pump was displaying 'low fuel' and 'alarm muted'. ii. The last entry in the service logbook was dated 30 January 2024, indicating the pump was not receiving the required monthly testing and also noted 'Alarm muted' and 'Low fuel'. iii. The Fire Indicator Panel (FIP) was displaying 'Hydrant Pump' Fault.	i. At the time of inspection, fire hydrant diesel pump was not displaying the fault. ii. The item is addressed by the corrective action letter issued 3 September 2024. iii. At the time of inspection, FIP was not displaying hydrant pump fault.
B.	Building Occupant Warning System (BOWS): i. The Evacuation System Control Panel was displaying 'Line Fault'.	At the time of inspection, BOWS was not displaying line fault.
1B.	Investigation and outcome – Following the inspection, the Strata Manager was advised of the issues identified in item 1A above and was requested to provide clarification. FRNSW were advised that the issues would be investigated and resolved in a timely manner. FRNSW received email correspondence from the Strata Manager on 5 April 2024, which included comments from the Fire Services Technician, advising: The fuel tank is at 50% and must be topped up. We estimate at least 40L of fuel is required - 20L in the tank and 20L kept onsite in a jerrycan. Due to access issues, we have not been able to access the pump room. The Fire Indicator Panel fault relates to the low fuel - once the tank has been topped up, the fault should clear. FRNSW received email correspondence from the Strata Manager on 8 April 2024, advising that the Fire Services Technician was attending to the items on 15 April 2024.	All issues addressed in FRNSW correspondence to the Strata Manager have been actioned. No action required on correspondence between FRNSW and Strata Manager.

Ref.	Issue	City response
	FRNSW received further email correspondence from the Strata Manager on 13 May 2024, confirming the works had been completed. A photograph of the pump control panel and FIP display panel was provided, with the email correspondence to demonstrate such.	
1C.	**Fire Hydrant System**	
A.	The hydrant booster assembly: The external face of the doors to the booster enclosure were not clearly identified by fade and weather resistant signage stating 'COMBINED FIRE HYDRANT AND SPRINKLER BOOSTER ASSEMBLY' in letters not less than 50mm high, contrary to the requirements of Clauses 11.3 of AS 2419.1-2021. ii. A water, fade and weather resistant block plan has not been provided at the booster assembly, contrary to the requirements of Clause 11.5 of AS 2419.1-2021. iii. Notice of pressure signs have not been provided at the booster assembly, contrary to the requirements of Clause 11.3.4 of AS 2419.1-2021.	These items are addressed by the corrective action letter issued 3 September 2024.
B.	The pumproom: i. All doors leading to the pump room were not fitted with a lock compatible with FRNSW access key. In this regard, the door into the fire stair leading to the pump room from Kimber Lane was not fitted with a 003 key lock or any door hardware and access to the pumproom is only available by traversing through the basement carpark. ii. The hydrant pumproom was in an unhealthy an unoccupiable state due to an unbearable smell. The Strata Manager provided the following response in correspondence received on 5 April 2024: The smell is actually emanating with a known issue with one of the grease traps. Arrangements are being made to rectify this issue which should improve conditions with the pump room and basement area.	i. The item is addressed by the corrective action letter issued 3 September 2024. ii. At the time of inspection, the hydrant pump room was in healthy state and no foul smell was emanating. No further action required.
1D.	**Annual Fire Safety Statement**	
A.	A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021). In this regard the AFSS on display was dated 14 April 2022 and is no longer valid.	A current AFSS was prominently displayed in the ground foyer of the building.
2.	**Fire Safety Offences**	
2A.	Fire Exits – Items, including but not limited to furniture and cleaning equipment/products, were being stored within the fire-isolated exit (discharging out to Kimber Lane) on Level 1 and the basement level, which were capable of obstructing	At the time of the inspection, all fire isolated exits were clear from obstructions. No further action required.

Ref.	Issue	City response
	the free passage of persons using the fire exit, contrary to the requirements of Section 109 of the EPAR 2021. The Strata Manager was advised of the items being stored within the fire exits following the inspection, and FRNSW were advised that the items would be removed in a timely manner. FRNSW received email correspondence from the Strata Manager on 13 May 2024, confirming the items had been removed. Photographs were provided, with the email correspondence to demonstrate such.	
3.	**Services and Equipment**	
3A.	Lift Installations: A. Fire service controls – The correspondence received on 16 March 2024 indicated that the 'Fire service function within the lift was not working - key spinning in barrel.' This could not be verified at the time of the inspection as Authorised Fire Officers do not carry lift service keys.	The fire service function within the lift was rectified on 2 August 2024. The owner submitted a repair fire switch certificate.

FRNSW Recommendations

FRNSW have made (8) recommendations within their report. In general, FRNSW have requested that Council:

a. Review item 1 through to item 3 of this report and conduct an inspection.

b. Address any other deficiencies identified on "the premises".

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

~~Issue Order~~	~~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.

The above correspondence has requested that building management engage and to 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 the City to ensure already identified fire safety matters are suitably addressed and that compliance with the terms of Council's 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.

Trim Reference: 2024/424492 **CSM reference No#** 3209613

►

File Ref. No: BFS24/1560 (34330)
TRIM Ref. No: D24/81941
Contact: Mark Knowles

19 July 2024

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
31-37 DIXON STREET, HAYMARKET ("the premises")

Fire and Rescue NSW (FRNSW) received correspondence from the local fire station on 16 March 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated:

- *Fire service function within the lift not working - key spinning in barrel.*
- *Fire stairs used as storage.*
- *Diesel pump in fault.*

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 4 April 2024.

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:

- Parts of the building that were accessible which included the basement level, the pumproom, the fire stairways and the booster assembly.

- 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. Maintenance:

A. The hydrant and sprinkler diesel pumpset:

i. The fire hydrant diesel pump was displaying 'low fuel' and 'alarm muted'.

ii. The last entry in the service logbook was dated 30 January 2024, indicating the pump was not receiving the required monthly testing and also noted 'Alarm muted' and 'Low fuel'.

iii. The Fire Indicator Panel (FIP) was displaying 'Hydrant Pump' Fault.

B. Building Occupant Warning System (BOWS):

i. The Evacuation System Control Panel was displaying 'Line Fault'.

1B. Investigation and outcome – Following the inspection, the Strata Manager was advised of the issues identified in item 1A above and was requested to provide clarification. FRNSW were advised that the issues would be investigated and resolved in a timely manner.

FRNSW received email correspondence from the Strata Manager on 5 April 2024, which included comments from the Fire Services Technician, advising:

> *The fuel tank is at 50% and must be topped up. We estimate at least 40L of fuel is required - 20L in the tank and 20L kept onsite in a jerrycan.*
>
> *Due to access issues, we have not been able to access the pump room.*
>
> *The Fire Indicator Panel fault relates to the low fuel - once the tank has been topped up, the fault should clear.*

FRNSW received email correspondence from the Strata Manager on 8 April 2024, advising that the Fire Services Technician was attending to the items on 15 April 2024.

FRNSW received further email correspondence from the Strata Manager on 13 May 2024, confirming the works had been completed.

A photograph of the pump control panel and FIP display panel was provided, with the email 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. Fire Hydrant System – The following comments are provided having regard to AS 2419.1-2021:

A. The hydrant booster assembly:

i. The external face of the doors to the booster enclosure were not clearly identified by fade and weather resistant signage stating 'COMBINED FIRE HYDRANT AND SPRINKLER BOOSTER ASSEMBLY' in letters not less than 50mm high, contrary to the requirements of Clauses 11.3 of AS 2419.1-2021.

ii. A water, fade and weather resistant block plan has not been provided at the booster assembly, contrary to the requirements of Clause 11.5 of AS 2419.1-2021.

iii. Notice of pressure signs have not been provided at the booster assembly, contrary to the requirements of Clause 11.3.4 of AS 2419.1-2021.

B. The pumproom:

i. All doors leading to the pump room were not fitted with a lock compatible with FRNSW access key. In this regard, the door into the fire stair leading to the pump room from Kimber Lane was not fitted with a 003 key lock or any door hardware and access to the pumproom is only available by traversing through the basement carpark.

ii. The hydrant pumproom was in an unhealthy an unoccupiable state due to an unbearable smell.

The Strata Manager provided the following response in correspondence received on 5 April 2024:

The smell is actually emanating with a known issue with one of the grease traps. Arrangements are being made to rectify this issue which should improve conditions with the pump room and basement area.

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

1D. Annual Fire Safety Statement (AFSS):

A. A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021). In this regard the AFSS on display was dated 14 April 2022 and is no longer valid.

2. Fire Safety Offences

2A. Fire Exits – Items, including but not limited to furniture and cleaning equipment/products, were being stored within the fire-isolated exit (discharging out to Kimber Lane) on Level 1 and the basement level, which were capable of obstructing the free passage of persons using the fire exit, contrary to the requirements of Section 109 of the EPAR 2021.

The Strata Manager was advised of the items being stored within the fire exits following the inspection, and FRNSW were advised that the items would be removed in a timely manner.

FRNSW received email correspondence from the Strata Manager on 13 May 2024, confirming the items had been removed.

Photographs were provided, with the email 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.

3. Services and Equipment

3A. Lift Installations:

A. Fire service controls – The correspondence received on 16 March 2024 indicated that the '*Fire service function within the lift was not working - key spinning in barrel.*'

This could not be verified at the time of the inspection as Authorised Fire Officers do not carry lift service keys.

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

RECOMMENDATIONS

FRNSW recommends that Council:

a. Review item 1 through to item 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.

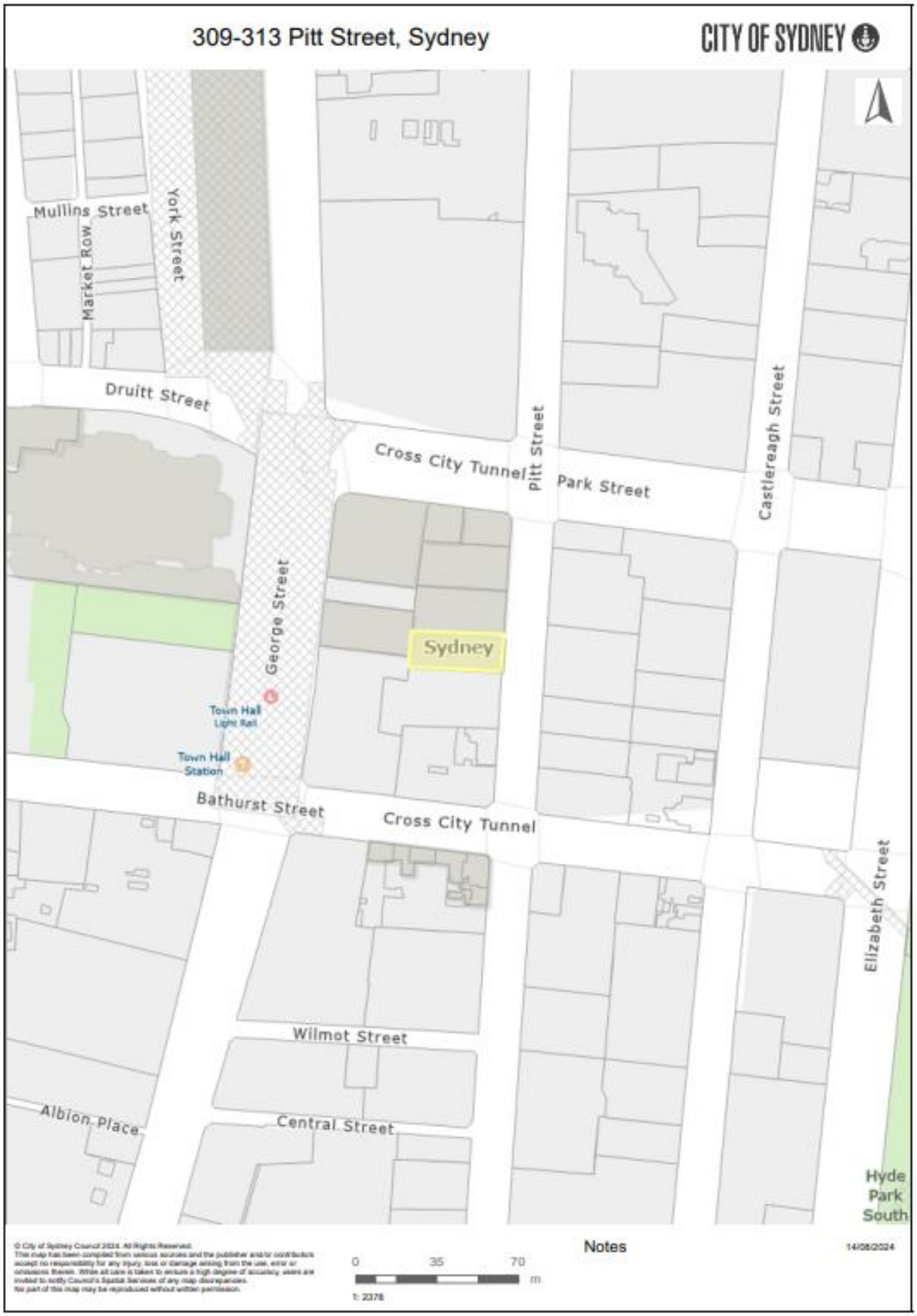
Please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference BFS24/1560 (34330) regarding any correspondence concerning this matter.

Yours faithfully

Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment F

Inspection Report
309-313 Pitt Street, Sydney


309-313 Pitt Street, Sydney
CITY OF SYDNEY
Mullins Street
Market Row
York Street
Druitt Street
Cross City Tunnel
Pitt Street
Park Street
Castlereagh Street
George Street
Sydney
Town Hall Light Rail
Town Hall Station
Bathurst Street
Cross City Tunnel
Elizabeth Street
Wilmot Street
Albion Place
Central Street
Hyde Park South
Notes
0 35 70 m
1: 2378
14/08/2024

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 3202607 **Officer: Tracey McCann** **Date: 27 August 2024**

Premises: 309-313 Pitt Street, Sydney

Executive Summary

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 3 July 2024 with respect to matters of fire safety.

The premises is a fourteen (14) storey building used for commercial office purposes.

The ground floor has retail and office use, with levels two (2) to thirteen (13) comprising of individual office tenancies.

An inspection of the premises was undertaken by a Council investigation officer which revealed that the premises are deficient in fire safety and egress provisions in the following areas:

i. A lack of adequate facilities for firefighting;

ii. Safe emergency egress for occupants to safety evacuate the building in the event of a fire

iii. 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 metallic sheet any combustible composite cladding on the façade of the building.

Chronology:

Date	Event
03/07/2024	FRNSW correspondence received regarding premises 309-313 Pitt Street, Sydney and desktop review completed.
11/07/2024	An inspection of the subject premises was undertaken by a Council Officer on 11 July 2024. All common areas of buildings were inspected with the exception of the lift motor room and the cabinet providing access to the Fire hydrant / sprinkler booster assemblies. Access was also made available to a number of office tenancies over various levels within the building. Aside from the comments made by FRNSW, Council noted the following non-compliances requiring action. 1. Main switchroom – basement a) Combustible material is being stored in the main electrical switchroom within the basement level and needs to be removed. b) The fire door serving the main electrical switchroom did not have identification signage. c) The fire door was also damaged and did not self-close to the fully latched position. 2. Fire isolated exits a) Fire Stair four (4) discharges within the confines of the building (lobby) on ground floor which does not comply with the requirements of BCA. b) The second required exit from the basement discharges within six (6) metres of an unprotected opening (being the automatic sliding doors at building entry). c) There is a security gate obstructing the path egress from fire stair three (3) within the fire isolated corridor on ground floor level. d) The fire doors to the fire isolated exits and bathrooms within the fire isolated exits were being chocked open with various items. e) Bollards should be provided in the carpark to prevent the parking of motor vehicles which obstruct access to the exits. 3. Exit signage and emergency lighting a) There is insufficient emergency lighting in the fire isolated corridor providing egress to the street from the ground floor lobby. b) Level six (6) tenancy has an exit sign installed above the door with the pictorial element facing the lift lobby which is considered misleading as it alludes to a second exit being available through the tenancy. 4. Passive fire a) There are numerous penetrations through fire resistive construction which have not been provided with adequate fire stopping measures – passive fire audit required

Date	Event
	b) Fire stopping / seals is not listed as an essential fire safety measure on the Fire Safety Schedule 5. Signage a) There was no location signage indicating the area of the sprinkler valve room. b) Offence signage and warning signage is requiring updating on fire doors leading to the fire isolated exits 6. Sprinkler valve room a) The sprinkler spare box did not have identification signage and did not contain the required soap or thread. b) Sprinkler valves had not been secured open with a lockable device. 7. Hydrant pump room on level 14 a) The fire door to the room had been removed b) An unapproved office has been created in this space, in the location of the redundant cooling tower plant. Issues specifically raised by FRNSW and responses to those issues, are summarised in the following table.
24/07/2024	A review of City records showed that: (i) The fire safety schedule for the premises had expired. (ii) Council had granted an extension of time to provide a compliant Annual Fire Safety Statement due to the need to investigate the existing stair pressurisation system. All other fire safety measures within the building have been assessed as compliant.
6/08/2024	Notice of Intention to give a fire safety order (NOI) issued.
27/08/2024	Representations to the NOI were not made by the building owners; a Fire Safety Order was issued Ref FIRE/2024/66.

FIRE AND RESCUE NSW REPORT:

References: BFS24/3152 (35758) D2024/076886

Fire and Rescue NSW conducted an inspection of the subject premises on 28 May 2024 after a member of the public raised concerns regarding fire safety issues.

Issues

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

Ref.	Issues identified	City response
Essential Fire Safety Measures		
1A	**Maintenance**	
	Maintenance – Clause 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (the DCFS Regulation) requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. Australian Standard AS1851-2012 (amendment 1) - "Service of fire protection systems and equipment", requires essential service measures to be regularly tested. The following is noted: i. Fire Indicator Panel (FIP) – At the time of the inspection, the FIP indicated that Zone 1 was in alarm and isolated. The FIP indicates that Zone 1 corresponds to the 'Plant Room Centre OA & FIP MCP'. ii. Fire Fan Control Panel (FFCP) – At the time of the inspection, the FFCP indicated that zone 3 was in alarm and isolated. The FFCP indicates that Zone 3 corresponds to a 'Fire Trip Signal from FIP'. iii. Following the inspection, FRNSW contacted Strata Management (Jamesons Strata) who confirmed that they were aware of issues with the Essential Fire Safety Measures in the premises and were working to resolve the issues. iv. Fire Safety Consultants (CMS Consulting) have been in contact with City of Sydney's Health & Building Team regarding ongoing issues with the stair pressurisation system. v. Further correspondence between Jamesons Strata and CMS Consulting provided to FRNSW, has confirmed that the system does not currently comply with the standards of performance listed	Noted – This is be addressed under the Fire Safety Order Reference FIRE/2024/66 issued on 27 August 2024. In the interim, temporary signage will be put in place to alert the attending FRNSW personnel to the location of the hydrant booster assembly.

Ref.	Issues identified	City response
	in the fire safety schedule and that the FIP will need to be replaced. vi. FRNSW has contacted City of Sydney's Health & Building Team confirming the above.	
B	Zone Block Plan – A zone block plan was not provided at the FIP, contrary to the requirements of Clause 3.10 of AS1670.1-2018.	Noted – This will be addressed as per the Terms of the Fire Safety Order Reference FIRE/2024/66 issued on 27 August 2024.
C	Annual Fire Safety Statement (AFSS) – Section 88 of the DCFS Regulation requires the AFSS to be updated annually. At the time of the inspection, the AFSS that was displayed did not appear to be up to date.	Noted – This will be addressed as per the Terms of the Fire Safety Order Reference FIRE/2024/66 issued on 27 August 2024.
D	Sprinkler Booster – A sign marked with the words 'SPRINKLER BOOSTER CONNECTION' in letters not less than 50mm high, in a colour contrasting with the background and marked with the maximum allowable inlet pressure at the connection was not provided at the booster assembly, contrary to the requirements of Clause 4.4.3 of AS 2118.1–1999.	Noted – This will be addressed as per the Terms of the Fire Safety Order Reference FIRE/2024/66 issued on 27 August 2024.
E	Fire Control Centre – Clause E1D15 of the NCC requires a fire control centre in accordance with Specification 19 to be provided for a building with an effective height of more than 25m. An appropriate fire control centre complying with the requirements of Specification 19 could not be located at the premises.	Noted – This will be addressed as per the Terms of the Fire Safety Order Reference FIRE/2024/66 issued on 27 August 2024.
F	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 deviations from AS2419.1-2021 and other items have been identified, which are of concern to FRNSW: i. Pump Room – The door hardware to the hydrant pump room on level 14, was not fitted with a 003 lock compatible with FRNSW access key, therefore access was not available at the time of inspection to determine whether the hydrant pump system had been maintained and was capable of operating to the standards of performance from when it was first designed and installed. ii. A hydrant booster assembly could not be located at the front of the premises, contrary to the requirements of Section 7 of AS2419.1-2021.	Noted – This will be addressed as per the Terms of the Fire Safety Order Reference FIRE/2024/66 issued on 27 August 2024.

Ref.	Issues identified	City response
	iii. The internal hydrants throughout the premises are located in the public corridors and not within the required fire-isolated stairways, contrary to the requirements of Clause 3.6.2 of AS 2419.1-2021. iv. Storz couplings, compatible with FRNSW firefighting hose connections have not been provided to all fire hydrant valves throughout the premises, in accordance with the requirements of Clause 7.1 and 8.5.11.1 of AS2419.1 and 'FRNSW Fire safety guideline, Technical information – FRNSW Compatible hose connections – Document no. D15/45534 – Version 09 – Issued 10 January 2019'. The following is the formal position of FRNSW regarding Ordinance 70 Hydrant Systems. *When the consent authority (e.g. Council) is assessing the adequacy of an existing fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier), FRNSW recommend that the system be upgraded to meet the requirements of the current Australian Standard AS 2419.1 to facilitate the operational needs of FRNSW.* *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.*	
2	**Access & Egress**	
A	Effective Height and Exits – The building has an effective height of more than 25m and is provided with only 1 exit from each storey, contrary to the requirements of Clause D2D3(2) NCC.	Noted – This will be addressed as per the Terms of the Fire Safety Order Reference FIRE/2024/66 issued on 27 August 2024.
B	Openings in Barriers – The balustrade to the fire isolated stairs to the western elevation contained openings that would permit a 150 mm sphere to pass through	Noted – This will be addressed as per the Terms of the Fire Safety Order Reference FIRE/2024/66 issued on 27 August 2024.

Ref.	Issues identified	City response
	the opening between the nosing line of the stair treads and the rail, contrary to the requirements of Clause D3D19(2) of the NCC.	
C	Thresholds – The doorway to the room containing the sprinkler valves, pumps and FIP at basement level, contained a step at the threshold, contrary to the requirements of Clause D3D16 of the NCC.	Noted – This will be addressed as per the Terms of the Fire Safety Order Reference FIRE/2024/66 issued on 27 August 2024.
3	**Compartmentation**	
3A.	Fire Doors – i. Door chocks were observed holding open multiple fire doors into the fire-isolated stair, prohibiting the doors from self-closing, contrary to the requirements of Clause C4D5 and C4D9 of the NCC. ii. The fire door to the fire stair on Level 4 failed to fully return to the closed position and self-latch, immediately after each opening, contrary to the requirements of Clause C4D5 and C4D9 of the NCC.	Noted – This will be addressed as per the Terms of the Fire Safety Order Reference FIRE/2024/66 issued on 27 August 2024.

FRNSW Recommendations

FRNSW have made recommendations within their report.
FRNSW have made eighteen (18) recommendations within their report. In general, FRNSW have requested that Council:

a. Inspect and address item no. 1 of this report.
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~~	~~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 note the exercise of powers by Council’s investigation officer in issuing a fire safety order in accordance with under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 prior to the resolution of Council.

The issue of the order prior to the resolution of Council will help to accelerate compliance response form building owners in rectifying fire safety deficiencies and will assist to ensure that occupants are not exposed to unnecessary fire safety risks.

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

Trim Reference: 2024/389654-02 **CSM reference No#: 3202607**

File Ref. No: BFS24/3152 (35758)
TRIM Ref. No: D2024/076886
Contact: Conor Hackett

2 July 2024

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
SP 18382
309-313 PITT STREET SYDNEY ("the premises")

Fire and Rescue NSW (FRNSW) received correspondence on 28 May 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

FIP and sub board difficult to locate, no signage, no block plan

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 12 June 2024.

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

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.

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 (the DCFS Regulation) requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. Australian Standard AS1851-2012 (amendment 1) - "Service of fire protection systems and equipment", requires essential service measures to be regularly tested. The following is noted:

i. Fire Indicator Panel (FIP) – At the time of the inspection, the FIP indicated that Zone 1 was in alarm and isolated. The FIP indicates that Zone 1 corresponds to the 'Plant Room Centre OA & FIP MCP'.

ii. Fire Fan Control Panel (FFCP) – At the time of the inspection, the FFCP indicated that zone 3 was in alarm and isolated. The FFCP indicates that Zone 3 corresponds to a 'Fire Trip Signal from FIP'.

iii. Following the inspection, FRNSW contacted Strata Management (Jamesons Strata) who confirmed that they were aware of issues with the Essential Fire Safety Measures in the premises and were working to resolve the issues.

iv. Fire Safety Consultants (CMS Consulting) have been in contact with City of Sydney's Health & Building Team regarding ongoing issues with the stair pressurisation system.

v. Further correspondence between Jamesons Strata and CMS Consulting provided to FRNSW, has confirmed that the system does not currently comply with the standards of performance listed in the fire safety schedule and that the FIP will need to be replaced.

vi. FRNSW has contacted City of Sydney's Health & Building Team confirming the above.

1B. Zone Block Plan – A zone block plan was not provided at the FIP, contrary to the requirements of Clause 3.10 of AS1670.1-2018.

1C. Annual Fire Safety Statement (AFSS) – Section 88 of the DCFS Regulation requires the AFSS to be updated annually. At the time of the inspection, the AFSS that was displayed did not appear to be up to date.

1D. Sprinkler Booster – A sign marked with the words 'SPRINKLER BOOSTER CONNECTION' in letters not less than 50mm high, in a colour contrasting with the background and marked with the maximum allowable inlet pressure at the connection was not provided at the booster assembly, contrary to the requirements of Clause 4.4.3 of AS 2118.1–1999.

1E. Fire Control Centre – Clause E1D15 of the NCC requires a fire control centre in accordance with Specification 19 to be provided for a building with an effective height of more than 25m. An appropriate fire control centre complying with the requirements of Specification 19 could not be located at the premises.

1F. 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 deviations from AS2419.1-2021 and other items have been identified, which are of concern to FRNSW:

i. Pump Room – The door hardware to the hydrant pump room on level 14, was not fitted with a 003 lock compatible with FRNSW access key, therefore access was not available at the time of inspection to determine whether the hydrant pump system had been maintained and was capable of operating to the standards of performance from when it was first designed and installed.

ii. A hydrant booster assembly could not be located at the front of the premises, contrary to the requirements of Section 7 of AS2419.1-2021.

iii. The internal hydrants throughout the premises are located in the public corridors and not within the required fire-isolated stairways, contrary to the requirements of Clause 3.6.2 of AS 2419.1-2021.

iv. Storz couplings, compatible with FRNSW firefighting hose connections have not been provided to all fire hydrant valves throughout the premises, in accordance with the requirements of Clause 7.1 and 8.5.11.1 of AS2419.1 and 'FRNSW Fire safety guideline, Technical information – FRNSW Compatible hose connections – Document no. D15/45534 – Version 09 – Issued 10 January 2019'.

The following is the formal position of FRNSW regarding Ordinance 70 Hydrant Systems.

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

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.

2. Access & Egress

   2A. Effective Height and Exits – The building has an effective height of more than 25m and is provided with only 1 exit from each storey, contrary to the requirements of Clause D2D3(2) NCC.

   2B. Openings in Barriers - The balustrade to the fire isolated stairs to the western elevation contained openings that would permit a 150 mm sphere to pass through the opening between the nosing line of the stair treads and the rail, contrary to the requirements of Clause D3D19(2) of the NCC.

   2C. Thresholds – The doorway to the room containing the sprinkler valves, pumps and FIP at basement level, contained a step at the threshold, contrary to the requirements of Clause D3D16 of the NCC.

3. Compartmentation

   3A. Fire Doors –

      i. Door chocks were observed holding open multiple fire doors into the fire-isolated stair, prohibiting the doors from self-closing, contrary to the requirements of Clause C4D5 and C4D9 of the NCC.

      ii. The fire door to the fire stair on Level 4 failed to fully return to the closed position and self-latch, immediately after each opening, contrary to the requirements of Clause C4D5 and C4D9 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 - 3 of this report and conduct an inspection.

b. Assess the adequacy of the existing fire hydrant system and where necessary, ensure that the fire hydrant system is upgraded to meet the requirements of AS 2419.1-2021 for an equivalent new building or a hybrid system that suits the operational requirements of FRNSW.

c. Ensure that the fire safety measures serving the premises are being regularly maintained and meet the applicable standard of performance referenced on the fire safety schedule.

d. 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.

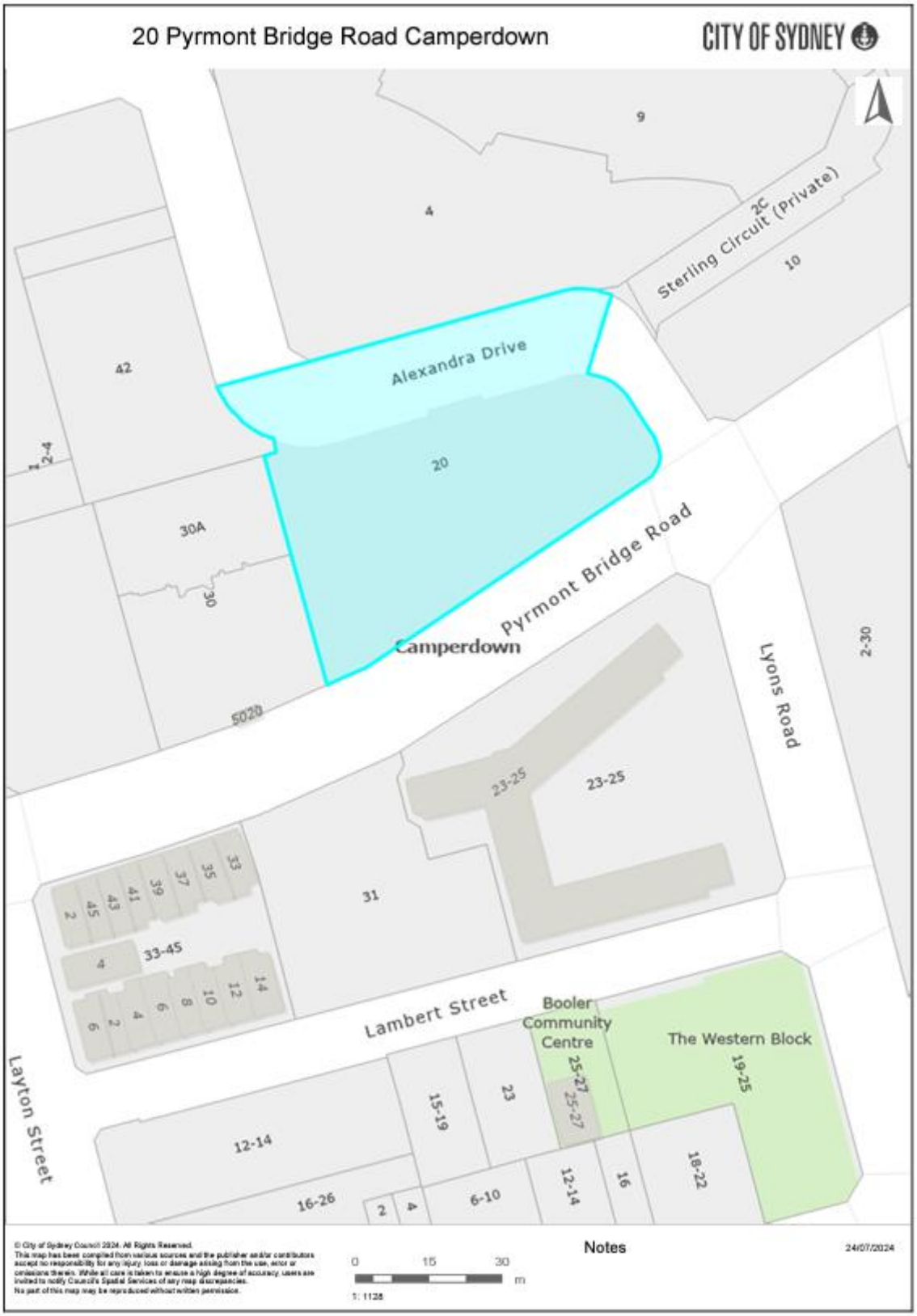
Please do not hesitate to contact Conor Hackett of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference BFS24/3152 (35758) regarding any correspondence concerning this matter.

Yours faithfully

Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment G

Inspection Report
20 Pyrmont Bridge Road, Camperdown


20 Pyrmont Bridge Road Camperdown
CITY OF SYDNEY
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Sterling Circuit (Private)
10
42
Alexandra Drive
20
1-2-4
30A
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Pyrmont Bridge Road
Camperdown
5020
Lyons Road
2-30
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12
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Lambert Street
Booler Community Centre
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25-27
The Western Block
19-25
Layton Street
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6-10
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18-22
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Notes
24/07/2024

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 3206001 **Officer:** Andrew Porter **Date:** 24 July 2024

Premises: 20 Pyrmont Bridge Road, Camperdown

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 11 July 2024 with respect to matters of fire safety.

The building consists of a 4 storey residential apartment building.

Inspections of the building undertaken by a Council investigation officer revealed that the premises have some minor fire safety maintenance matters to be attended to.

The building is otherwise equipped with numerous fire safety systems (both active and passive) that provide adequate provision for fire safety.

Council investigations have revealed that whilst there remains minor fire safety "maintenance and management" works to attend to, the overall fire safety systems provided within the subject buildings 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 identified the existence of potential combustible composite cladding on the façade of the building which is subject of a separate Council investigation for which a fire safety order has been issued with compliance required by 13 October 2024.

Chronology:

Date	Event
11/07/2024	FRNSW correspondence dated 10 July 2024 received regarding premises 'Venables' 20 Pyrmont Bridge Road Camperdown.
18/07/2024	Council investigation officer carried out an inspection of the building fire safety and egress provisions and noted the following fire safety issues during the inspection of the building and site. - The fire detection and alarm system log book noted non-critical defects without any further clarification, although the system did not display any faults or isolations at the time of inspection. - The annual fire safety statement was not prominently displayed within the building as required.
18/07/2024	Contacted the buildings accredited practitioner fire safety 'APFS' and discussed the issues with the automatic fire detection and alarm system. The 'APFS' disclosed that the main fire indicator panel display screen was intermittently failing and that although this would not affect the system as the current fire indicator panel is not an addressable type, it would still need to be

Date	Event
	replaced and the owners have been given a quote to have this work completed.
19/07/2024	Corrective action letter sent to the owners to address the following non-compliance noted by Council Officer and Fire and Rescue NSW. - Replace the buildings main fire indicator panel due to an unrepairable fault with the display as recommended by the buildings appointed fire safety practitioner. - Ensure the annual fire safety statement is on display within the main entrance point of the building as required by section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

FIRE AND RESCUE NSW REPORT:

References: File Ref. No: BFS22/1908 (20965); 2024/404261

Fire and Rescue NSW conducted an inspection of the subject buildings on 24 June 2024 in response to Project Remediate programme. FRNSW identified the following issues during the inspection.

Issues The report from FRNSW detailed several issues:

Ref.	Issue	City response
1.	**Essential Fire Safety Measures**	
1A	Automatic Fire Detection & Alarm System	
A.	Main fire indicator panel (FIP) – At the time of inspection there were no system faults or other issues observed and the system appeared normal operation.	Inspection of the building carried out by Council Officer on 18 July 2024 revealed that the fire detection and alarm system was operational without displayed faults or isolations. Maintenance logbook inspected and noted system as failed with non-critical defect noted without further explanation. Contact was made with the buildings accredited fire safety practitioner and it was revealed that there was an issue of intermittent fault with the main fire indicator panels display screen, although this doesn't effect the overall performance of the system as the current panel is not an addressable panel, it is a non-critical defect that must be addressed in due course.

Ref.	Issue	City response
		On 19 July 2024, Council officer prepared and sent written instructions to the building owners to carry out the recommended and required replacement of the main fire indicator panel.
B.	Sub/Mimic panel – Upon visual inspection of the sub/mimic panel, it appeared the system was fully operational without any disablements or faults, however the last entry in the maintenance logbook dated 11 June 2024 noted the 'system' as 'failed' with non-critical/non-conformance defects. It is unclear what the issues are associated with, however it is noted the same defects are dated back to 15 September 2023. In this regard it would be at Council's discretion as the appropriate regulatory authority to determine whether further investigation is required in this instance.	As per above in response to A.
1B.	**Annual Fire Safety Statement**	
A.	A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.	At inspection on 18 July 2024 Council officer could not locate a copy of the annual fire safety statement on display. On 19 July 2024, Council officer prepared and sent written instructions to the building owners to display a copy of the current AFSS in the main entrance point of the building as required by law. The annual fire safety statement for the building is compliant and up to date according to Council records and the next AFSS is due 26 February 2025.
2.	**Access and Egress**	
2A.	Egress paths, fire exits and fire exit doors – at the time of inspection, the paths of travel leading to the fire exits, along with the fire exits and fire exit doors were all clear and unobstructed.	At the inspection on 18 July 2024 Council officer did not identify any non-compliances with respect to the buildings access and egress provisions.

FRNSW Recommendations

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

1. Review item 1 of FRNSW report and conduct an inspection.
2. Address any other deficiencies identified on “the premises”.
3. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

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

As a result of site inspections undertaken by a Council investigation officer the owners of the building were issued with written instructions to rectify the identified fire safety deficiencies noted by FRNSW and the Council investigation officer.

The written instructions direct the owners of the premises to carry out remedial actions to the existing fire systems to cause compliance with the required standards of performance.

Follow-up compliance inspections will be undertaken by the Council investigation officer to ensure the identified fire safety matters are suitably addressed and compliance with the terms of Councils correspondence and the recommendations of FRNSW are satisfied.

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.

Trim Reference: TRIM 2024/430621 **CSM reference No#:** 3206001

File Ref. No: BFS22/1908 (20965)
TRIM Ref. No: D24/78646
Contact: Mark Knowles

10 July 2024

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
'VENABLES'
20 PYRMONT BRIDGE ROAD, CAMPERDOWN ("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 24 June 2024 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).

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 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 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 was observed at the time of the inspection:

1. Essential Fire Safety Measures

   1A. Automatic Fire Detection & Alarm System:

      A. Main Fire Indicator Panel (FIP) – At the time of the inspection there were no system faults or other issues observed and the system appeared normal operation.

      B. Sub/Mimic Panel – Upon visual inspection of the Sub/Mimic Panel, it appeared that the system was fully operational without any disablements or faults, however, the last entry in the maintenance logbook ,dated 11 June 2024, noted the 'System' as 'Failed' with non-critical/non-conformance defects. It is unclear what the issues are associated with, however it is noted the same defects are dated back to 15 September 2023. In this regard, it would be at Council's discretion as the appropriate regulatory authority to determine whether further investigation is required in this instance.

   1B. Annual Fire Safety Statement (AFSS):

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

2. Access and Egress

   2A. Egress paths, fire exits and fire exit doors – 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.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS22/1908 (20965) for any future correspondence in relation to this matter.

Yours faithfully

Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment H

Inspection Report
2-4 Sterling Circuit, Camperdown

2 - 4 Sterling Circuit, Camperdown

CITY OF SYDNEY

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Notes 8/12/2022

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

File: CSM 3202613 **Officer: Bill Badyari** **Date: 6 August 2024**

Premises: 2-4 Sterling Circuit, Camperdown

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 2 July 2024 in relation to the premises with respect to matters of fire safety at 2-4 Sterling Circuit, Camperdown.

The premises is located on the corner of Alexander Drive and Pyrmont Bridge Road, Camperdown, and contains three residential apartment buildings which share a common car park.

The building known as Vie 1 consists of six (6) storeys above street level which contains both commercial and residential tenancies. The building known as Vie 2 consists of seven (7) storeys above street level contains residential tenancies only. The building known as Vie 3 consists of six (6) storeys above street level contains residential tenancies only with underground two (2) level carpark shared by all three buildings.

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

The premises are equipped with numerous fire safety systems, both active and passive, that would provide adequate provision for fire safety for occupants in the event of a fire. The annual fire safety certification is overdue, building is under effect of the Fire Safety Order and the most recent fire safety statement is prominently displayed within the foyers of the building.

Inspections carried out on 6 August 2024 revealed that the current fire safety measures are maintained accordingly however some administrative works are required to update paper works. However, there is an existing Fire safety order on the property FIRE/2022/77 which when completed will resolve these matters.

Observation of the external features of the building did identify the existence of potential combustible composite cladding on the façade of the building.

Council records indicate that a fire safety order was issued on the owners of the building on 5 December 2022 requiring the owners to remove the combustible cladding and to replace the combustible cladding with non-combustible cladding

Chronology:

Date	Event
02/07/2024	FRNSW correspondence received concerning correspondence relating to fire safety at the premises, relating to correspondence dated 2/07/2024
04/07/2024	A review of City records showed: -The fire safety schedule for the premises contains 15 fire safety measures, including an automatic fire detection system, Emergency lighting, Fire hydrants systems and a Hose reel system --A fire safety Order FIRE/2022/77 is currently on the property and will resolve the matters identified in the report once finalised. This order was due for completion on 18 September 2024. Works required under this order have been completed but there are some errors on the Final Fire Safety Certificate which are being corrected by the owner's Fire Safety Practitioner.
04/07/2024	A copy of issues raised by FRNSW provided to the owner in relation to required maintenance of fire safety measures
06/08/2024	--Met with building manager and discussed fire safety issues -Inspected premises, noting that whilst certain fire safety measures are maintained accordingly, there is evidence of non-compliance with some fire safety measures -The building manager advised that a related maintenance of the fire safety measures will be rectified through fire safety Order

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FIRE AND RESCUE NSW REPORT:

References: [BFS22/1907; 2024/389671]

Fire and Rescue NSW conducted an inspection of the subject 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.

Issues

The report from FRNSW detailed the following issues:

Ref.	Issue	City response
1.	**Essential Fire Safety Measures**	
1A	Automatic fire detection and alarm system	
A.	the fire indicator panel (FIP) was displaying one (x1) alarm and the strobe light was flashing indicating the system was in alarm.	FIP clear from all the faults at the time of inspections.
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 diesel hydrant pumpset, was switched to start isolated indicating the automatic operation of the pump was disabled and the pump was offline.	Issue resolved, at the time of inspections pump
1B	Fire hydrant system	
A	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 diesel hydrant pumpset, was switched to start isolated indicating the automatic operation of the pump was disabled and the pump was offline.	Issue resolved, at the time of inspections pump was online.

Ref.	Issue	City response
B	The hydrant booster assembly: The block plan at the booster assembly was a schematic plan only and did not include a floor plan.	Issue to be resolved via terms of fire safety Order that was issued in 2022.
1C	Annual Fire Safety Statement	
A	A copy of the current AFSS was not prominently displayed within the building.	The building is under the effect of Fire Safety Order however most recent AFSS is displayed next to FIP.

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 to:

1. Review the report

2. Address any other deficiencies identified 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 continue to undertake compliance action under the existing Order.

Follow-up compliance inspections was last undertaken on 14 August 2024, revealing fire safety works are completed, and a further final inspection will be undertaken by a Council investigation officer to sign off the order once the errors remaining on the Fire Safety Certificate are addressed.

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

Trim Reference: 2024/453315 **CSM reference No: 3202613**

File Ref. No: BFS22/1907 (20964)
TRIM Ref. No: D24/77779
Contact: Mark Knowles

2 July 2024

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
'VIE 1, 2 and 3'
2-4 STERLING CIRCUIT, CAMPERDOWN
[AKA: 1 ALEXANDRA DRIVE] ("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 24 June 2024 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:

- Those parts of the building where access could be gained, which included the fire hydrant booster assembly, the hydrant pumproom and the fire indicator panel.

- 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.

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 was observed at the time of the inspection:

1. Essential Fire Safety Measures

1A. Automatic Fire Detection and Alarm System:

A. The Fire Indicator Panel (FIP) was displaying one (x1) alarm and the strobe light was flashing indicating the system was in alarm.

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

FRNSW received email correspondence from the Building Manager on 25 June 2024, advising the following:

FIP: Our fire contractor Quantum Fire have attended this afternoon and checked the error on the fire panel. A 240v smoke detector in the hallway of Vie 2 appears to have been activated on the weekend. The fire panel has now been reset (the strobe is off) and is in normal status, photo attached. The year on the FIP display was showing 1960 and has also been corrected.

A photograph of the FIP 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.

1B. Fire Hydrant System:

A. 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 as concerns at the time of inspection:

i. The diesel hydrant pumpset, was switched to 'Start Isolated', indicating the automatic operation of the pump was disabled and the pump was offline.

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

FRNSW received email correspondence from the Building Manager on 25 June 2024, advising the following:

Fire Pump: Quantum Fire detected a fault with the pump during the monthly testing at the end of May; it was listed as a non-critical fault. Their pump specialist attended a week later and a defect quote received. I have now searched the records and found that Control Fire replaced the pump starter and solenoid last September. I have contacted the service manager and requested urgent action to send a pump technician and advise when the repairs can be completed under warranty

B. The hydrant booster assembly:

i. The block plan at the booster assembly was a schematic plan only and did not include a floor plan layout of the buildings and the hydrant system, contrary to the requirements of Clause 7.11 of AS 2419.1-2005.

1C. Annual Fire Safety Statement (AFSS):

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

NOTICE OF INTENTION TO GIVE A FIRE SAFETY ORDER NO. 1

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued a Notice of Intention to give a Fire Safety Order (Order No. 1) dated 26 June 2024 (copy attached in Appendix 1). The notice of intention was issued in accordance with the provisions of Section 9.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to have item no. 1B.A of this report rectified.

FRNSW received written representations on 1 July 2024 in relation to the proposed Fire Safety Order No. 1 in accordance with the provisions of Schedule 5, Part 6, Section 8 of the EP&A Act.

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

In this regard, FRNSW does not consider Council is required to take action in relation to item no. 1B.A of this report.

ADDITIONAL COMMENTS

In addition to the items identified above, there were other issues that had previously been identified by FRNSW during an inspection on 5 May 2022. In this regard, an inspection report was issued to Council on 20 October 2022 (FRNSW Ref D22/90110). A copy of the FRNSW inspection report Ref D22/90110 has been attached in Appendix 2 for Councils information.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS22/1907 (20964) for any future correspondence in relation to this matter.

Yours faithfully

Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment: [Appendix 1 – FRNSW Notice of Intention Ref: D24/75193 dated 26/06/2024]
[Appendix 2 – FRNSW Inspection Report Ref: D22/90110 dated 20/10/2022]

Appendix 1 – FRNSW Notice of Intention Ref: D24/75193 dated 26 June 2024

OFFICIAL

File Ref. No: BFS22/1907 (20964)
TRIM Ref. No: D24/75193
Contact: Mark Knowles

26 June 2024

The Owners of Strata Plan No. 71747
C/- Body Corporate Services
Locked Bag 22
HAYMARKET NSW 1240

Dear Owners of Strata No. 71747

Re: **NOTICE OF INTENTION**
PROPOSED FIRE SAFETY ORDER – ORDER NO.1
'VIE 1, VIE 2 AND VIE 3'
2 & 4 STERLING CIRCUIT AND 1 ALEXANDRIA DRIVE, CAMPERDOWN("the premises")

Authorised Fire Officers of the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW) inspected "the premises" and identified fire safety concerns on Monday, 24 June 2024. FRNSW provides you with a **Notice of Intention to give a Fire Safety Order – Order No.1 ('Notice')** because of the concerns. This "Notice" is issued under Section 9.34 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) and Schedule 5, Part 6, Section 8 (owner) of the EP&A Act.

A copy of the **Proposed Fire Safety Order – Order No.1 ('Proposed Order')** is also attached. This "Notice" outlines the terms of the "Proposed Order". You may explain by way of representations to FRNSW why the Fire Safety Order – Order No.1 should not be given under Schedule 5, Part 7, Section 13 of the EP&A Act.

Representations are to be made in writing and should be received by FRNSW no later than **5.00 pm Wednesday, 3 July 2024**. After hearing and considering any representations, under the provisions of Schedule 5, Part 7 (Section 14 and Section15) of the EP&A Act, FRNSW may decide:

- to give a Fire Safety Order – Order No.1 in accordance with the "Proposed Order";
- to give a Fire Safety Order – Order No.1 in accordance with modifications made to the "Proposed Order";
- not to give a Fire Safety Order – Order No.1.

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

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A copy of this "Notice" will be forwarded to City of Sydney Council, under the provisions of Schedule 5, Part 6 (Section 12) of the EP&A Act.

Please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call on (02) 9742 7434 if there are any questions or concerns about the above matters. Please ensure that you refer to file reference BFS22/1907 (20964) regarding any correspondence concerning this matter.

Yours faithfully

Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

CC Email: BME Group Building Management
Attention: Linda Wong
vie123@bmegroup.com.au

Body Corporate Services
Attention: Denise Greene
Denise.greene@bcssm.com.au

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Proposed Fire Safety Order
ORDER No. 1

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

I, **Mark Knowles** (name) **Senior Building Surveyor** (rank) **904279** (number)

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

The Owners of Strata Plan No. 71747 (name of the person whom Order is served) **Owner** (position, i.e. owner, building manager)

with respect to the premise

2 & 4 STERLING CIRCUIT AND 1 ALEXANDRIA DRIVE, CAMPERDOWN
("the premises")
(name/address of premises to which Order is served)

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

1. Ensure the Fire Hydrant System installed in 'the premises' is fully operational, by:
    a. Re-instating the Fire Hydrant diesel pumpset.

The terms of the Proposed Fire Safety Order – Order No.1 are to be complied with:

By no later than **14 days** from the date of the Fire Safety Order – Order 1.

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The reasons for the issue of the Proposed Fire Safety Order - Order No.1 are:

a. At the time of the inspection, the diesel hydrant pumpset, was switched to 'Start Isolated", indicating the automatic operation of the pump was disabled and the pump was offline.

b. To ensure that the Fire Hydrant System is capable to operating in accordance with the standard of performance it was designed and installed to.

c. To ensure compliance with the requirements of Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

d. To do or refrain from doing such things specified in the Order to ensure or promote adequate fire safety or awareness.

Appeals

Pursuant to Section 8.18 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against a Fire Safety Order – Order 1 once it is issued, other than an order that prevents a person from using or entering premises.

Non-Compliance with Fire Safety Order – Order No.1

Once issued, failure to comply with a Fire Safety Order – Order 1 may result in further Orders and/or fines being issued.

Substantial penalties may be imposed under Section 9.37 of the EP&A Act for failure to comply with a Fire Safety Order – Order No.1.

NOTE: Representations are to be made in writing and should be received by FRNSW no later than **5.00 pm** on **Wednesday, 3 July 2024**.

Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

This **Proposed** Fire Safety Order - Order No. 1 was sent by mail on **26 June 2024**.

OFFICIAL

OFFICIAL

Appendix 2 – FRNSW Inspection Report Ref: D22/90110 dated 20 October 2022

Unclassified

File Ref. No: BFS22/1907 (20964)
TRIM Ref. No: D22/90110
Contact: John Bruscino

20 October 2022

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance / Fire Safety

Dear Sir / Madam

Re: INSPECTION REPORT
'VIE 1, 2 and 3'
2-4 STERLING CIRCUIT, CAMPERDOWN
[AKA: 1 ALEXANDRA DRIVE] ("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 5 May 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.

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

Unclassified

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. Automatic Fire Detection and Alarm System and Building Occupant Warning System (BOWS):

      A. The building appears to be provided with a smoke detection system throughout the residential parts in 'Vie 1', consisting of AS1670 smoke detectors in the common areas/public corridors, a combination of AS1670 smoke and thermal detectors throughout the carpark levels and a smoke alarm system throughout the residential parts in 'Vie 2' and 3', consisting of AS3786 smoke alarms in the common areas/public corridors, with a Fire Indicator Panel (FIP) in Vie 1 building on level 1, in accordance with Clause E2.2, Table E2.2a and Specification E2.2a (Clause 3 and Clause 4) of the National Construction Code Volume One Building Code of Australia (NCC).

         The following was observed at the time of the inspection:

         i. The FIP was displaying one (x1) alarm/disablement, identified as Level 1 Zone 6 ('Vie 1' building).

            The Building Manager who was present at the time of the inspection was made aware of the disablement and FRNSW were advised that the issue would be investigated and resolved in a timely manner.

         ii. Thermal/heat alarms were provided at either end of the public corridors on all levels, in 'Vie 2' building, in lieu of smoke alarms.

         iii. Thermal/heat detectors were provided throughout the carpark levels, in lieu of smoke detectors.

iv. It could not be determined whether the BOWS would sound through all occupied areas of the building in accordance with Clause 7 of Specification E2.2a of the NCC. In this regard:

a. Common area smoke alarms in 'Vie 2 and 3', appear to be interconnected to only provide a common building alarm to alert all building occupants in each individual building. For example, it is unclear whether a smoke alarm activation in 'Vie 2' would operate the BOWS in 'Vie 3, Vue 1' and the carpark.

b. It is unclear whether a smoke/thermal detector activation in 'Vie 1' or the carpark would operate a BOWS in 'Vie 2 and 3'.

1B. Fire Hydrant System – The fire hydrant system appears to have been installed to AS2419-1994, with the year of installation nominated as 2003. Notwithstanding this, the following deviations from AS2419.1-2005 have been identified:

A. The hydrant booster assembly:

i. The booster is connected 'in series' with the fixed on-site fire pump. In this regard, an engraved warning sign is provided at the booster assembly, however a 150mm diameter liquid filled pressure gauge which indicates the pressure at the pump discharge pipe/manifold has not been provided, contrary to the requirements of Clause 7.6(b) of AS2419.1-2005. A pressure gauge is provided, however it is only 100mm in diameter and not liquid filled.

ii. Boost pressure and test pressure signage was not provided at the booster assembly, contrary to the requirements of Clause 7.10.1 of AS 2419.1-2005.

iii. The block plan at the booster assembly was a schematic plan only and did not include a floor plan layout of the building and the hydrant system, contrary to the requirements of Clause 7.11 of AS 2419.1-2005.

iv. Storz couplings, compatible with FRNSW firefighting hose connections were not provided to the feed and inlet connections at the booster assembly, 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'.

1C. Sliding Fire Doors:

A. The sliding fire doors in the basement carpark levels (to separate the carpark into fire compartments) had not been maintained, contrary to the requirements of Clause 81 of the EPAR 2021. In this regard, the sliding fire doors on both carpark levels failed to return to the fully closed position when tested.

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.

RECOMMENDATIONS

FRNSW recommends that Council:

a. Inspect and address item no. 1 of this report.

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

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact John Bruscino of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS22/1907 (20964) for any future correspondence in relation to this matter.

Yours faithfully

Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment I

Inspection Report
19-21 Larkin Street, Camperdown


19-21 Larkin Street Camperdown
CITY OF SYDNEY
2-10
1-3
Forest Lodge
254
256
Larkin Street Park
2-10
5-13
12-14
Sparkes Lane
1
15-17
Larkin Street
16-20
19-21
Camperdown
12
14
16
18
20
23-25
Sparkes Street
72-76
78
80
82
84-86
88-90
92-94
Parramatta Road
38
The University of Sydney
Notes
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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: 2024/426373 **Officer:** Andrew Porter **Date:** 23 July 2024

Premises: 19-21 Larkin Street, Camperdown

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 2 July 2024 in relation to the premises with respect to matters of fire safety.

The building consists of 6 storeys used for residential apartments and associated ground and basement level carparking.

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

The premises was subject of a recent Council issued fire safety order that required upgrade of the building and has been completed.

Observation of the external features of the building identified the existence of potential combustible composite cladding on the façade of the building which is subject of a separate Council investigation.

Chronology:

Date	Event
03/07/2024	FRNSW correspondence received by Council with relation to fire safety at the subject premises.
18/07/2024	An inspection of the subject premises was undertaken by a Council investigation officer and revealed no fire safety issues that are required to be addressed.

FIRE AND RESCUE NSW REPORT:

References: [BFS21/4230 (18100); 2024/389520]

Fire and Rescue NSW conducted an inspection of the subject premises on 3 June 2024 in response to Project Remediate programme. FRNSW identified the following issues during the inspection.

Issues

Ref.	Issue	City response
1.	**Essential Fire Safety Measures**	
1A.	Fire Hydrant System	
A.	The diesel pump set – access into the hydrant pumproom was not available at the time of inspection to confirm the operational status of the diesel pump set and to confirm the pump set was receiving the required monthly servicing.	Access could be made to the pumproom during Inspection by Council officer on 18 July 2024 using the common ‘003 key’, this is the type of key required by many Australian Standards

Ref.	Issue	City response
		for access into areas where fire equipment is located within buildings. At the time of inspection, it was found that the hydrant pump set is routinely maintained as required. The onsite maintenance logbook noted that there was a maintenance issue with the diesel hydrant pump set in the monthly test in June 2024 and it was confirmed with the fire contractor that this has now been resolved.
1B.	Annual Fire Safety Statement (AFSS)	
A.	A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 89 of the EPAR 2021. In this regard, the AFSS on display was dated 1 March 2023 and no longer valid.	On 3 July 2024 Council officer wrote to the building Strata Managers warning them that they must display the most recent AFSS within the building. During the inspection of the building on 18 July 2024, Council Officer noted the Final Fire Safety Certificate dated 24 February 2024 that was on display as required. An annual fire safety statement will be next due to Council on 24 February 2025. The Fire Order Completion Letter has been resent to FRSNW to update their records.

FRNSW Recommendations

The officer of Fire & Rescue NSW recommended that Council review the items in the report, that Council conduct an inspection of the premises, and address any other deficiencies identified 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 officers and that the owners have suitably addressed the issues identified 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.

Trim Reference: 2024/426373 **CSM reference No#:** CSM 3202605

File Ref. No: BFS21/4230 (18100)
TRIM Ref. No: D24/78055
Contact: Mark Knowles

2 July 2024

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance / Fire Safety

Dear Sir / Madam

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

In response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW, an inspection of 'the premises' on 3 June 2024 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).

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:

- Those parts of the building where access could be gained, which included the fire hydrant booster assembly, the ground floor level lobby and the fire-isolated exit serving the residential levels.
- A general overview of the building was obtained without using the development consent conditions or approved floor plans as 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.

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 was observed at the time of the inspection:

1. Essential Fire Safety Measures

    1A. Fire Hydrant System:

        A. The diesel pumpset - Access into the hydrant pumproom was not available at the time of the inspection to confirm the operational status of the diesel pumpset and to confirm the pumpset was receiving the required monthly servicing.

    1B. Annual Fire Safety Statement (AFSS):

        A. A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 89 of the EPAR 2021. In this regard, the AFSS on display was dated 1 March 2023 and is no longer valid.

ADDITIONAL COMMENTS

In addition to the items identified above, relating to the Fire Safety Provisions prescribed by Clause 112 of the EPAR 2021, there were other issues identified at the time of the inspection, that had previously been identified by FRNSW during inspections on 9 November 2021 and 6 April 2023.

It is noted that FRNSW received correspondence from Council on 4 May 2023 advising that Council served a Fire Safety Order and Modified Letter to the Owners of the premises on 24 April 2022 and 20 April 2023 respectively and that on completion of the Fire Safety Order, Council will notify FRNSW accordingly. In this regard, it is unclear whether Council's Fire Safety Order has been completed.

As such, this matter is referred to council for its discretion as the appropriate regulatory authority.

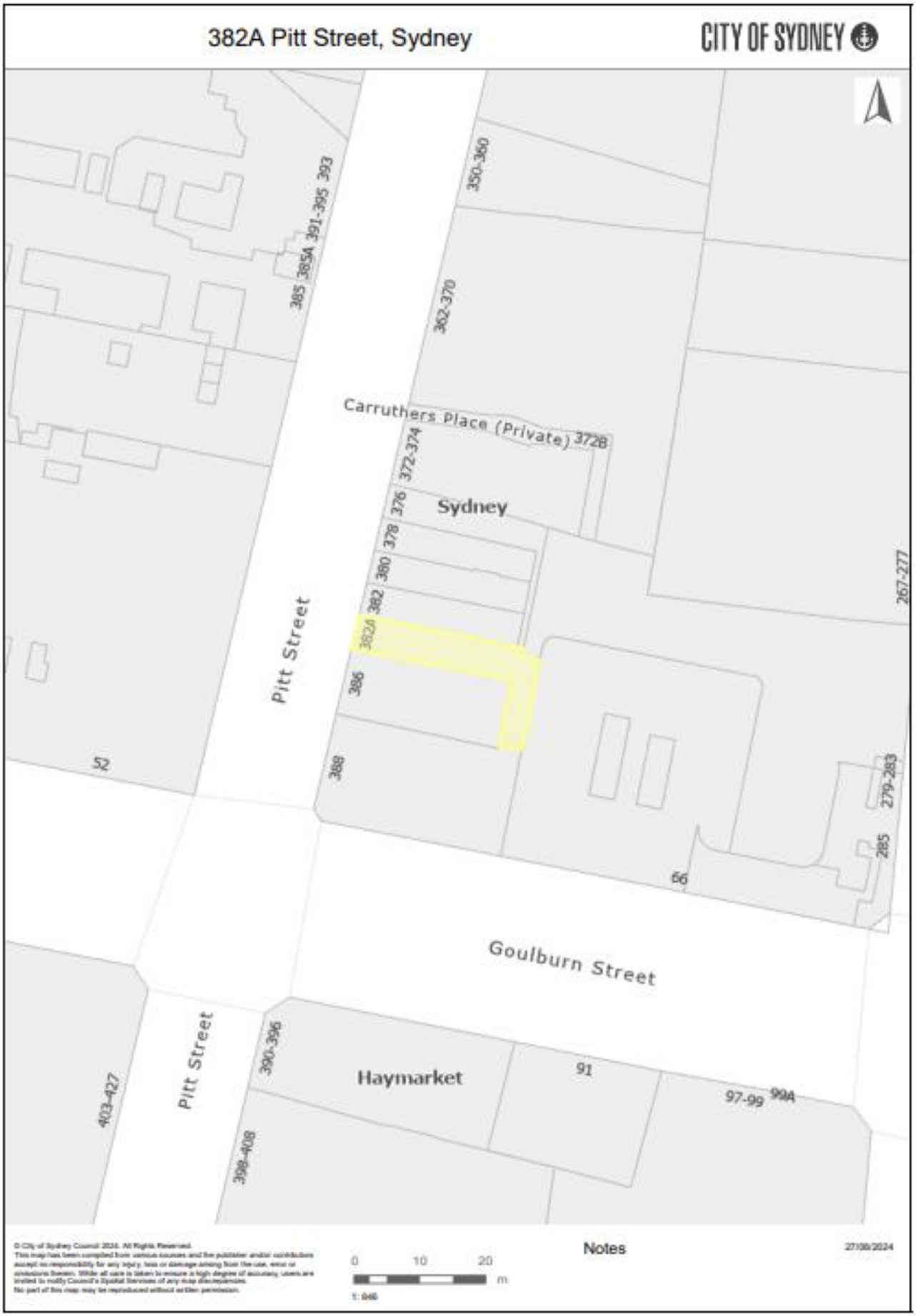
Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS21/4230 (18100) for any future correspondence in relation to this matter.

Yours faithfully

Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment J

Inspection Report
382A Pitt Street, Sydney


382A Pitt Street, Sydney
CITY OF SYDNEY
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385A
362-370
Carruthers Place (Private) 3728
372-374
376
Sydney
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Pitt Street
52
267-277
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Goulburn Street
Pitt Street
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Haymarket
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Notes
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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 3221039 **Officer: Tracey McCann** **Date: 12 September 2024**

Premises: 382A Pitt Street, Sydney

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 21 August 2024 with respect to matters of fire safety.

The premises consists of a three (3) storey building, a retail tenancy occupies the ground floor and level one (1) & two (2) are operating as an approved sex services premises and short stay accommodation.

An inspection of the premises undertaken by a Council investigation officer in the presence of the receptionist of the sex services premises 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 complies with the requirements of the Environmental Planning and Assessment Regulation 2021.

Council investigations have revealed that whilst there remains several minor 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.

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
21/08/2024	FRNSW correspondence received regarding premises 382A Pitt Street, Sydney
28/08/2024	An inspection of the subject premises was undertaken by a Council Officer where the following minor defects were identified in addition to those noted by FRNSW. 1. An exit sign above the entrance to the premises was not illuminated. 2. A copy of the annual fire safety statement was not displayed in prominent location at the premises. 3. The fire doors serving level do not self-close to a fully latched position after manual operation.
30/08/2024	Issuance of letter of corrective action documenting required works to be undertaken by specified timeframes as identified during inspections conducted by FRNSW & Council.
4/09/2024	Further inspection was conducted where it was noted that the fire doors were still being held open with portable fire extinguishers. This breach was advised to both the on-duty receptionist and the cleaner. The majority of the other non-compliances raised by FRNSW were resolved at this time.

Date	Event
12/09/2024	Covering letter and Penalty Notice issued for the above offence. Other works had already been completed by this date.

FIRE AND RESCUE NSW REPORT:

References: [FRN13/7561 - BFS24/4332 – 8000036757]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving a written compliant from a member of the public regarding a lack of fire safety at the premises.

Issues

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

Ref.	Issues identified	City response
1.	**Services and Equipment**	
1A.	Automatic Fire Detection and Alarm System	
	A. The Fire Brigade Panel (FBP) located adjacent to the entrance to the building was covered in graffiti, making the indications on the panel hard to see, contrary to the intent of AS 1670.1-2018. B. The Break Glass Alarm (BGA) at the FBP was isolated and as a result, cannot perform as required by Clause 3.14.2 of AS 1670.1-2018. C. A number of detectors within the common area hallways were located less than 300 mm to a partition wall, contrary to the requirements of Clause 5.1.4 of AS 1670.1-2018.	This has been addressed by way of a written letter of corrective action.
1B.	Portable Fire Extinguishers	
	A. A number of portable fire extinguishers throughout the premises had been removed from their mounting hooks, contrary to the requirements of Clause 3.2 of AS 2444-2001. B. Access to a number of portable fire extinguishers throughout the premises was obstructed either partially or fully by stored objects, contrary to the requirements of Clause 3.2 of AS 2444-2001. The staff member was advised to keep all portable fire extinguishers clear of obstructions and ensure they were mounted on their mounting hooks.	This has been addressed by way of a written letter of corrective action issued to the property manager.
2.	**Compartmentation and Separation**	
2A.	Fire Doors	
	A. The fire-rated doors providing access to the internal stair at the rear of the premises were held open with door	This has been addressed by way of a written letter of corrective action issued to the property manager. Additionally a

Ref.	Issues identified	City response
	stops and extinguishers preventing them from self-closing, contrary to the requirements of Clause C4D9 of the National Construction Code 2022 (NCC) and Clause 2.1.3 of AS 1905.1-2015. The staff member was advised not to hold these doors open. B. The fire-rated doors providing access to the internal stair at the rear of the premises were not provided with warning and operational signage, contrary to the requirements of Clause D3D28 of the NCC.	Penalty Notice has been issued following a further breach noted by Council during an inspection on 4 September 2024.
3.	**Egress**	
3A.	Paths of travel to exits were partially blocked in a number of locations with stored objects, contrary to the requirements of Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021). The staff member was advised to clear all paths of travel to exits and ensure that they remain clear at all times.	This has been addressed by way of a written letter of corrective action issued to the property manager.

FRNSW Recommendations

FRNSW have made two (2) recommendations within their report. In general FRNSW have requested that Council

a. Review items 1 to 3 of their report and conduct an inspection.
b. Address any other deficiencies identified on “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)~~

Inspections undertaken by a Council Investigation Officer in company with the receptionist of the premises revealed that the above recommendations of FRNSW and Council 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.

Trim Reference: 2024/482733-02 **CSM reference No#: 3221039**

File Ref. No: FRN13/7561 - BFS24/4332 - 8000036757
Doc Ref. No: D24/095718
Contact: Ryan Maestri

20 August 2024

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
382A (SEX SERVICES PREMISES)
382A PITT STREET, SYDNEY ("the premises")

Fire and Rescue NSW (FRNSW) received correspondence on 13 July 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *I recently visited the premises as it used to be a short stay venue. They still offer this service, amongst other evening services, licensed or not. Every smoke detector in the rooms, when entering from Pitt St, up the big staircase, walking passed with the reception desk on your left, down a few stairs, through a doorway then up the timber spiral staircase, were covered, forbidding the operation of the smoke alarms.*

- *Council may also wish to learn the lack of hygiene in the rooms is dreadful. Bed sheets have stains old and fresh and a used condom behind the bed.*

- *Another hazard which I noticed in the past and found rather disturbing was some form of connecting door to the neighbouring terrace hidden behind the reception desk, where female staff would enter and exit from the neighbouring massage shop or brothel. Not sure if that is still there or not.*

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 24 July 2024.

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

The following items were identified during the inspection:

1. Services and Equipment

1A. Automatic Fire Detection and Alarm System

A. The Fire Brigade Panel (FBP) located adjacent to the entrance to the building was covered in graffiti, making the indications on the panel hard to see, contrary to the intent of AS 1670.1-2018.

B. The Break Glass Alarm (BGA) at the FBP was isolated and as a result, cannot perform as required by Clause 3.14.2 of AS 1670.1-2018.

C. A number of detectors within the common area hallways were located less than 300 mm to a partition wall, contrary to the requirements of Clause 5.1.4 of AS 1670.1-2018.

1B. Portable Fire Extinguishers

A. A number of portable fire extinguishers throughout the premises had been removed from their mounting hooks, contrary to the requirements of Clause 3.2 of AS 2444-2001.

B. Access to a number of portable fire extinguishers throughout the premises was obstructed either partially or fully by stored objects, contrary to the requirements of Clause 3.2 of AS 2444-2001.

The staff member was advised to keep all portable fire extinguishers clear of obstructions and ensure they were mounted on their mounting hooks.

2. Compartmentation and Separation

2A. Fire Doors

A. The fire-rated doors providing access to the internal stair at the rear of the premises were held open with door stops and extinguishers preventing them from self-closing, contrary to the requirements of Clause C4D9 of the National Construction Code 2022 (NCC) and Clause 2.1.3 of AS 1905.1-2015. The staff member was advised not to hold these doors open.

B. The fire-rated doors providing access to the internal stair at the rear of the premises were not provided with warning and operational signage, contrary to the requirements of Clause D3D28 of the NCC.

3. Egress

3A. Paths of travel to exits were partially blocked in a number of locations with stored objects, contrary to the requirements of Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

The staff member was advised to clear all paths of travel to exits and ensure that they remain clear at all times.

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 Ryan Maestri of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference FRN13/7561 - BFS24/4332 - 8000036757 regarding any correspondence concerning this matter.

Yours faithfully

Ryan Maestri
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment K

Inspection Report
1 Towns Place, Millers Point


1 Towns Place, Millers Point
CITY OF SYDNEY
Barangaroo
31-51
Walsh Bay 11A
Towns Place
Clyne Reserve
Millers Point
Dalgety Road
Rodens Lane
Hickson Road
Windmill Steps
Windmill Street
Kent Street
Bettington Street
Argyle Place
Munn Reserve
Notes
10/09/2024

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 3223368 **Officer:** Luke Jeffree **Date:** 11 September 2024

Premises: 1 Towns Place, Millers Point

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 19 August 2024 with respect to matters of fire safety.

The premises consists of a seven-storey residential apartment building with ground floor commercial tenancies situated above a common five storey basement carpark.

The site is triangular with an area of 3,996 square metres bounded by Towns Place to the north-east, Dalgety Road to the south-west and Hickson Road to the southeast. Surrounding land uses are predominantly residential and retail.

The site is within the Walsh Bay Precinct – a state listed heritage conservation area.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building managers revealed that the premises are deficient in fire safety and egress provisions in the following areas:

(i) Lack of compliant exit stair pressurisation system (performance issues with current system);

(ii) A fire safety measure 'emergency warning & intercommunication System' (EWIS) is listed on building's fire safety schedule but not installed within building;

(ii) Existing automatic fire suppression system (sprinkler system) for basement car park is missing required system components (i.e pump and compliant signage);

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a Notice of Intention to issue 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.

As this premises was a SHFA approval (DA 90-12-98), the Department of Planning, Industry and Environment has jurisdiction over any cladding investigation or remediation on this premises. On 16.11.2020, they confirmed they will investigate and issue a Notice if necessary.

Chronology:

Date	Event
19/08/2024	FRNSW correspondence received regarding premises 1,5,7 & 9 Towns Place, 25A Hickson Road And 2,4,6,8,10,12,14,16,18, 20 Dalgety Road, Millers Point [1 Towns Place, Millers Point]
28/08/2024	A desktop review carried out by Council officer revealed that a privately issued Complying Development Certificate (CDC -TRIM Ref: P/2024/271) approving '*Endorsement of a Fire Engineering Report for Carpark Stair Pressurisation System'*, was recorded on the City's database. Furthermore, it was found that the aforementioned CDC was obtained by the property owner to address regulatory non-compliances with existing Stair Pressurisation System located within basement carpark. Furthermore, the review found the non-compliances were identified by owners mechanical consultant during the 2023 Annual Fire Safety

Date	Event
	Statement assessment and submission process. However, Council officer found the CDC documentation did not reveal any evidence of the CDC being taken up by the property (i.e Principal Certifier Appointment Form & Notice of Commencement Form not on file). Furthermore, the City's records did not show up any follow up Occupation Certificate (from CDC) and/or Final Fire Safety Certificate (FFSC).
3/09/2024	An inspection of the subject premises was undertaken by a Council officer in the presence of the building managers which revealed: • Annual Fire Safety Statement (AFSS) was on display,current but was missing endorsement by Accredited Practitioner (Fire Safety) regarding the fire measure 'Mechanical Air Handling System/Stair Pressurisation System'. Council officer advised the building managers that he considered that the Stair Pressurisation System was defective given the lack of fire safety certification for the system; • Emergency Warning & Intercommunication System (EWIS) listed as a required fire safety measure on building's fire safety schedule, but no EWIS components could be found within premises; • Existing fire sprinkler system serving the basement carpark appeared to be lacking a pump (to ensure the correct water flow and running pressures are met) & compliant signage

FIRE AND RESCUE NSW REPORT:

References: [FRN22/1309,BFS22/1913,8000031562; 2024/494445]

Fire and Rescue NSW conducted an inspection of the subject premises on 5 August 2024 in response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high risk combustible cladding on residential apartment buildings in NSW.

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

Ref.	Issue	City response
1.	**Essential Fire Safety Measures**	
1A	Automatic Smoke Detection and Alarm System	
A.	At the time of the inspection there were no system faults or other issues observed and the system appeared normal operation.	Noted.
1B	Fire Hydrant System	
A.	At the time of the inspection there were no system faults or other issues observed and the system appeared normal operation.	Noted.
1C	Automatic Fire Suppression System	
A.	The sprinkler booster assembly:	
i.	Whilst 'Max Inlet Pressure' signage has been provided at the booster assembly, the signage does not include the inlet pressure in KPA, contrary to the requirements of Clause 4.4.3 of AS 2118.1–1999.	This issue has been addressed under the Notice of Intention to Give a Fire Safety Order issued on 23 September 2024.
1D	Exit Signs, Emergency Lighting, Fire Hose Reels and Portable Fire Extinguishers	

Ref.	Issue	City response
A.	At the time of the inspection there were no issues observed	Noted. No action required by the city. Councils inspection revealed no faults or other issues with Exit Signs, Emergency Lighting, Fire Hose Reels and Portable Fire Extinguishers
1E	Annual Fire Safety Statement (AFSS)	
A.	A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 89 of the EPAR 2021. In this regard, the AFSS on display was dated 21/09/2022 and is no longer current	Noted. Council's inspection reveled AFSS was current and on display but that it was missing endorsement by an Accredited Practitioner (Fire Safety) regarding the fire measure 'Mechanical Air Handling System'. This issue has been addressed under the Notice of Intention to Give a Fire Safety Order issued on 23 September 2024.
2	**Access and Egress**	
2A	Egress paths, fire exits and fire exit doors – 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	Noted.

FRNSW have made no direct recommendation within their report other than legislative notification and advised that it is at Council's discretion to inspect and address any other deficiencies identified on the premises.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

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

As a result of site inspections undertaken by a Council investigation officer it was determined that concern for public safety required the giving of a Notice of Intention to issue a fire safety order (NOI) to be issued under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979.

The Notice of Intention was issued on 23 September 2024.

It is recommended that Council consider exercising its power to issue a Fire Safety Order (following the expiry of the representation period of the NOI) to ensure suitable fire safety systems are in place 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.

Trim Reference: 2024/524531 **CSM reference No#:** 3223368

File Ref. No: FRN22/1309 - BFS22/1913 - 8000031562
TRIM Ref. No: D24/96937
Contact: Mark Knowles

19 August 2024

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
1, 5, 7 & 9 TOWNS PLACE, 25A HICKSON ROAD AND 2, 4, 6, 8, 10, 12, 14, 16, 18 & 20 DALGETY ROAD, MILLERS POINT ("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 5 August 2024 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 general overview of the building was obtained without using the development consent conditions or approved floor plans as 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.

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 was observed at the time of the inspection:

1. Essential Fire Safety Measures

    1A. Automatic Fire Detection and Alarm System:

        A. At the time of the inspection there were no system faults or other issues observed and the system appeared normal operation.

    1B. Fire Hydrant System:

        A. At the time of the inspection there were no system faults or other issues observed with the fire hydrant system, including the booster assembly and the pumpset.

    1C. Automatic Fire Suppression System:

        A. The sprinkler booster assembly:

            i. Whilst 'Max Inlet Pressure' signage has been provided at the booster assembly, the signage does not include the inlet pressure in KPA, contrary to the requirements of Clause 4.4.3 of AS 2118.1–1999.

    1D. Exit Signs, Emergency Lighting, Fire Hose Reels and Portable Fire Extinguishers:

        A. At the time of the inspection there were no issues observed.

    1E. Annual Fire Safety Statement (AFSS):

        A. A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 89 of the EPAR 2021. In this regard, the AFSS on display was dated 21/09/2022 and is no longer current.

2. Access and Egress

2A. Egress paths, fire exits and fire exit doors – 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.

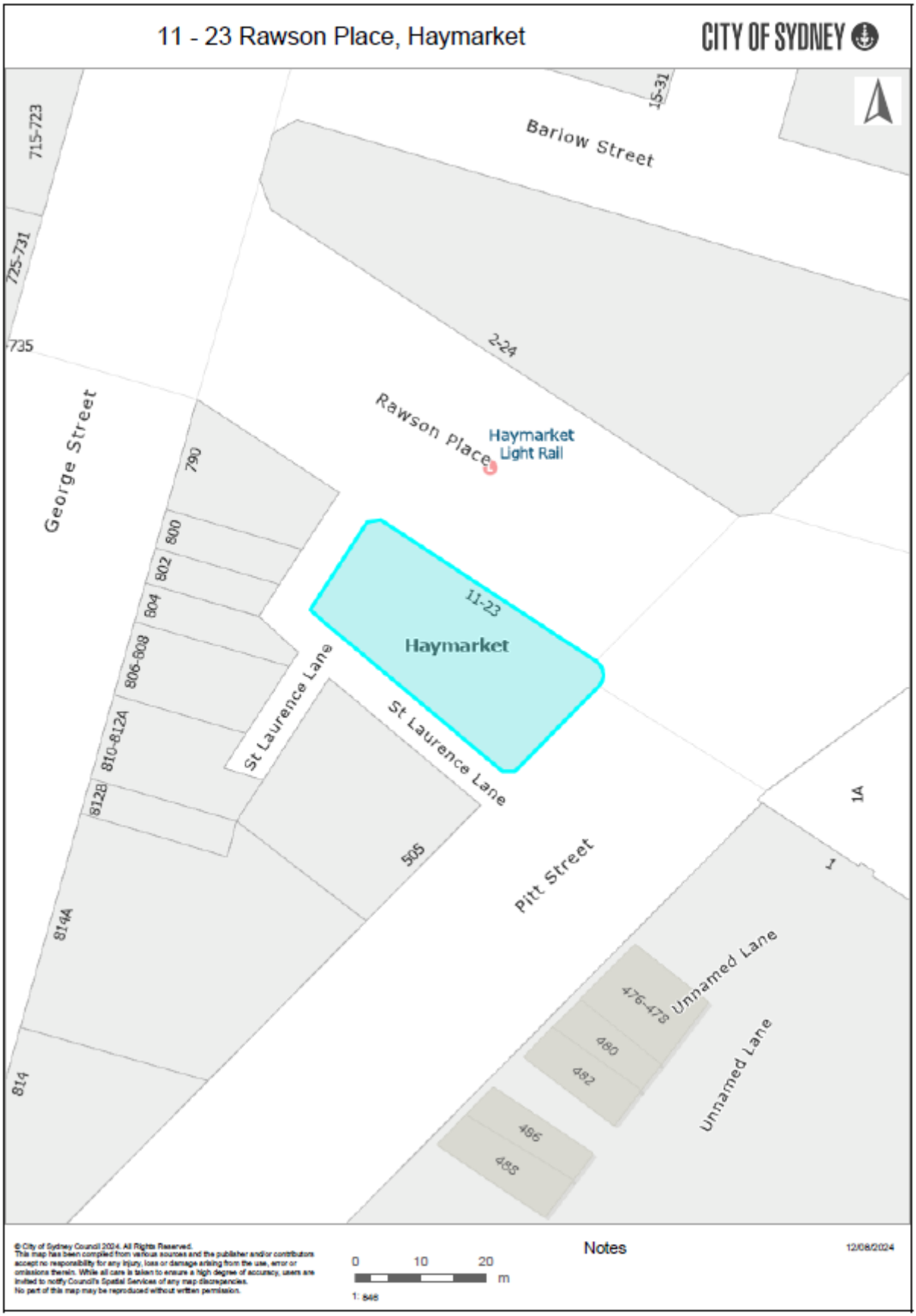
Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference FRN22/1309 - BFS22/1913 - 8000031562 for any future correspondence in relation to this matter.

Yours faithfully

Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment L

Inspection Report
11-23 Rawson Place, Haymarket


11 - 23 Rawson Place, Haymarket
CITY OF SYDNEY
Barlow Street
15-31
715-723
725-731
735
2-24
George Street
Rawson Place
Haymarket
Light Rail
790
800
802
804
806-808
810-812A
812B
814A
814
11-23
Haymarket
St Laurence Lane
St Laurence Lane
505
Pitt Street
1A
1
476-478
Unnamed Lane
480
482
Unnamed Lane
496
488
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Notes
12/08/2024

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 3208297 **Officer:** M. Hassan **Date:** 19 August 2024

Premises: YHA Sydney Central, 11 – 23 Rawson Place, Haymarket

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 17 July 2024 with respect to matters of fire safety.

The premises is known as YHA Sydney Central and is used predominately for backpacker accommodation. The building contains 11 storeys and includes a basement night club and car park and a ground floor restaurant and convenient store. The remainder of the building is used for backpacker accommodation.

The building has an effective height of greater than 25m and is considered to be a high-rise building. The building is also a locally listed heritage item under Schedule 5 of the City of Sydney Local Environmental Plan 2012.

The premises is rectangular in shape and is bounded by Rawson Place to the north, Pitt Street to the east, St Laurence Lane to the south and west. The building is predominantly surrounded by commercial buildings.

Inspections of the premises undertaken by a Council investigation officer on 8 August 2024 and 4 September 2024 in the presence of the owner's fire safety consultant revealed that the premises are deficient in fire egress, and fire safety provisions in the following areas:

I. Inadequate smoke detection and alarm system (there are no smoke detectors on the first-floor level and within the ground floor restaurant);

II. Suitable fire resisting construction to prevent the spread of fire (doors and windows to storage rooms were not constructed of suitable fire resistive construction, cupboards housing telecommunication equipment contained several floor penetrations);

III. A lack of adequate facilities for firefighting (there is a lack of fire hydrants in the building, fire hydrant valves lacked suitable couplings, the fire hydrant booster and fire hydrant pump lacked a block plan and signage);

IV. Defective egress provisions (the fire isolated exit stairs lack suitable balustrades and emergency re-entry facilities, the automatic sliding exit door to ground floor restaurant lacked a fail-safe device, there is a lack of exit signs in the building);

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a Notice of Intention to issue 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.

The Notice of Intention was issued on 19 September 2024.

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
17/7/2024	FRNSW correspondence received regarding premises 11 – 23 Rawson Place, Haymarket
8/08/2024	An inspection of the subject premises was undertaken with the owner's fire safety contractor The inspection revealed that the building contained the following fire safety deficiencies: 1. The fire indicator panel contained a fault and lacked a BCA compliant block plan. 2. The fire isolated exit stairs lack suitable balustrades and emergency re-entry facilities. 3. A fire hydrant valve located on a landing within the eastern fire isolated exit stair was located less than 750mm above the landing. 4. The top floor landing of the eastern fire isolated exit stair lacked a fire hydrant. 5. The existing fire hydrant valves in the building are not fitted with Storz couplings compatible with FRNSW firefighting hose connections. 6. The fire hydrant system in the building lacked a BCA compliant block plan and signage indicating Test and Boost Pressures. 7. No fire hydrants were located beside or within the western fire isolated exit stairs. 8. The fire hydrant pump is located on the roof level and there are no manual controls near the fire indicator panel that would permit fire fighters to manually switch the pump on and off in the event of a fire in the building. 9. Cupboards housing telecommunication equipment contained several floor penetrations. 10. Doors and windows to storerooms located in public corridors were not constructed of suitable fire resistive construction. 11. There is a lack of exit signs in the building.
04/9/2024	An inspection of the subject premises was undertaken with the owner's fire safety contractor The inspection revealed that the building contained the following fire safety deficiencies: 1. The hydrant valve on the top floor level lacked a pressure guage. 2. The walls of the meeting room on the top floor level were constructed of plasterboard and did not appear to be constructed of suitable fire resistive construction. 3. Fire rated ceilings and fire rated access panels were present in certain rooms as the walls to the rooms did not extend all the way to the slab above. These fire safety measures are not listed on the buildings fire safety schedule. 4. The automatic sliding exit door serving the ground floor restaurant lacked a failsafe device.

FIRE AND RESCUE NSW REPORT:

References: [D24/81096; 2024/418516]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about the adequacy of the provision for fire safety in connection with the premises.

Issues

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

Ref	Issue	City response
1A.	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 Fire Brigade Panel (FBP), contrary to the requirements of Clause 3.10 of AS 1670.1-2018.	Addressed under Council's notice of intention to issue a fire safety order 19 September 2024.
1B.Ai.	The diesel pumpset on the roof level was isolated/offline and the pump controller panel was disconnected from the power supply	This issue had been rectified.
1B.Aii.	The last entry in the Service Record (logbook) dated 1 February 2024, noted "No Test - Pump Isolated & Awaiting Repairs".	This issue has been rectified.
B.i.	The configuration of the booster assembly was non-compliant with the requirements of AS 2419.1-2021. In this regard, feed fire hydrants have not been installed onsite adjacent to the booster inlet connections, contrary to the requirements of Clauses 2.2.10 and 2.2.14 and Section 7 of AS 2419.1-2021.	Addressed under Council's notice of intention to issue a fire safety order 19 September 2024.
B.ii.	A block plan has not been provided at the booster assembly, contrary to the requirements of Clause 11.5 of AS 2419.1-2021.	Addressed under Council's notice of intention to issue a fire safety order 19 September 2024.
B.iii.	Test and boost pressure signage has not been provided at the booster assembly, contrary to the requirements of Clause 11.3.4 of AS 2419.1-2021.	Addressed under Council's notice of intention to issue a fire safety order 19 September 2024.
C,	Storz couplings, compatible with FRNSW firefighting hose connections were not provided to all hydrant valves throughout 'the premises', contrary to the requirements of Clauses 3.2, 7.1, 9.3 and 9.4 of AS2419.1-2021, Clauses 1.2 and 3.4 of AS 2419.2–2009, Clause 3.5 of AS 2419.3-2012.	Addressed under Council's notice of intention to issue a fire safety order 19 September 2024.
D.	System Performance – It is unclear whether the required system performance of each internal fire hydrant outlet achieves the required pressure and flow rates stipulated in Clause 2.2 of AS 2419.1-2021.	Addressed under Council's notice of intention to issue a fire safety order 19 September 2024.

Ref	Issue	City response
E.	Coverage – There appears to be a shortfall in hydrant coverage to the north-eastern parts of the building. In this regard, an internal fire hydrant outlet valve is not provided within the western fire stair and compliant hose lay coverage from the single hydrant in the eastern fire stair on each respect level does not appear to be provided, contrary to the requirements of Clause 3.6 of AS 2419.1-2021.	Addressed under Council's notice of intention to issue a fire safety order 19 September 2024.
F.	Pumpset Configuration – the building appears to achieve an effective height in excess of 25m and appears to be provided with a single diesel pumpset located on the roof level (plantroom), therefore the pumpset configuration would likely fail to comply with the requirements stipulated in Clause 6.4 of AS 2419.1-2021.	Addressed under Council's notice of intention to issue a fire safety order 19 September 2024.
G.	Ring Main - The building appears to achieve an effective height in excess of 25m and it is unclear whether a ring main has been installed, in accordance with the requirements of Clause 8.6 of AS 2419.1-2021.	Addressed under Council's notice of intention to issue a fire safety order 19 September 2024.
1C.A.	Multiple exit signs throughout 'the premises' were not illuminated and had not maintained, contrary to the requirements of Section 81 of the EPAR 2021.	Addressed under Council's notice of intention to issue a fire safety order 19 September 2024.
1D.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 2019 and is no longer valid.	This issue had been rectified. A current copy of the AFSS was displayed in a prominent location within the building.

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued a Notice of Intention to give a Fire Safety Order (Order No. 1) dated 12 February 2024 requiring the fire hydrant diesel pump to be re-instated and have advised that Council is not required to act on item no. 1B of this report which relates to the fire hydrant diesel pump.

FRNSW Recommendations

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

1. Review item 1 of this report and conduct an inspection.

2. Address any other deficiencies identified on "the premises".

3. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order	~~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 inspections undertaken by a Council investigation officer it was determined that concern for public safety required the giving of a notice of intention (NOI) to issue a fire safety order to be issued under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979y.

The Notice of Intention was issued on 19 September 2024.

It is recommended that Council consider exercising its power to issue a Fire Safety Order (following the expiry of the representation period of the NOI) to ensure suitable fire safety systems are in place 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.

Trim Reference: 2024/542799 **CSM reference No#:** 3208297

File Ref. No: BFS24/538 (33427)
TRIM Ref. No: D24/81096
Contact: Mark Knowles

17 July 2024

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
'YHA SYDNEY CENTRAL'
11-23 RAWSON PLACE, HAYMARKET ("the premises")

Fire and Rescue NSW (FRNSW) received correspondence on 3 February 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated:

- *On arrival to AFA Call Hydrant pump system was isolated. Switched back on but the Pump system appeared to be faulty and the staff said they were unsure how long it had been isolated. Requested they contact the servicing company ASAP to remediate.*

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 7 February 2024.

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 as concerns at the time of the inspection:

1. Essential Fire Safety Measures

1A. Automatic Fire Detection and Alarm System:

A. Zone Block Plan - a permanent, water and fade resistant zone block plan, depicting all the relevant information of the installation, was not securely mounted adjacent to the Fire Brigade Panel (FBP), contrary to the requirements of Clause 3.10 of AS 1670.1-2018.

1B. Fire Hydrant System - The fire hydrant system appears to be a hybrid system partly installed in accordance with AS 2419.1 (year of standard unknown) and Ordinance 70 / Ministerial Specification No.10. Notwithstanding this, the following deviations from AS 2419.1-2021 have been identified, along with other items of concern:

A. The hydrant pumpset - 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 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:

i. The diesel pumpset on the roof level was isolated/offline and the pump controller panel was disconnected from the power supply.

ii. The last entry in the Service Record (logbook) dated 1 February 2024, noted "No Test - Pump Isolated & Awaiting Repairs".

B. The hydrant booster assembly:

   i. The configuration of the booster assembly was non-compliant with the requirements of AS 2419.1-2021. In this regard, feed fire hydrants have not been installed onsite adjacent to the booster inlet connections, contrary to the requirements of Clauses 2.2.10 and 2.2.14 and Section 7 of AS 2419.1-2021.

   ii. A block plan has not been provided at the booster assembly, contrary to the requirements of Clause 11.5 of AS 2419.1-2021.

   iii. Test and boost pressure signage has not been provided at the booster assembly, contrary to the requirements of Clause 11.3.4 of AS 2419.1-2021.

C. Storz couplings, compatible with FRNSW firefighting hose connections were not provided to all hydrant valves throughout 'the premises', contrary to the requirements of Clauses 3.2, 7.1, 9.3 and 9.4 of AS2419.1-2021, Clauses 1.2 and 3.4 of AS 2419.2–2009, Clause 3.5 of AS 2419.3-2012, 'and 'FRNSW Fire safety guideline, Technical information – FRNSW compatible Storz hose connections – Document no. D15/45534 – Version 09 – Issued 10 January 2019'.

D. System Performance – It is unclear whether the required system performance of each internal fire hydrant outlet achieves the required pressure and flow rates stipulated in Clause 2.2 of AS 2419.1-2021.

E. Coverage – There appears to be a shortfall in hydrant coverage to the north-eastern parts of the building. In this regard, an internal fire hydrant outlet valve is not provided within the western fire stair and compliant hose lay coverage from the single hydrant in the eastern fire stair on each respect level does not appear to be provided, contrary to the requirements of Clause 3.6 of AS 2419.1-2021.

F. Pumpset Configuration – the building appears to achieve an effective height in excess of 25m and appears to be provided with a single diesel pumpset located on the roof level (plantroom), therefore the pumpset configuration would likely fail to comply with the requirements stipulated in Clause 6.4 of AS 2419.1-2021.

G. Ring Main - The building appears to achieve an effective height in excess of 25m and it is unclear whether a ring main has been installed, in accordance with the requirements of Clause 8.6 of AS 2419.1-2021.

In light of the above, 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. Council) is assessing the adequacy of an existing fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier), FRNSW recommend that the system be upgraded to meet the requirements of the current Australian Standard AS 2419.1 to facilitate the operational needs of FRNSW.*
>
> *It may be appropriate for a partial upgrade of the existing fire hydrant system be undertaken. A partial upgrade may be proposed to address deficiencies in the design and/or performance of the existing fire hydrant system, when assessed against the requirements of Australian Standard AS 2419.1, so that the upgraded fire hydrant system will meet the operational needs of FRNSW.*
>
> *Where a hybrid fire hydrant system is proposed, which incorporates the design and performance requirements from two different standards, the proponent should consult with FRNSW on the requirements for the fire hydrant system.*

1C. Exit Signs:

A. Multiple exit signs throughout 'the premises' were not illuminated and had not 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. In this regard the AFSS on display was dated 2019 and is no longer valid.

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

NOTICE OF INTENTION – PROPOSED FIRE SAFETY ORDER NO. 1

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued a Notice of Intention to give a Fire Safety Order (Order No. 1) dated 12 February 2024 (copy attached in Appendix 1). The notice of intention was issued

in accordance with the provisions of Section 9.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to have item no. 1B.A of this report rectified.

FRNSW received written representations in relation to the proposed Fire Safety Order No. 1 in accordance with the provisions of Schedule 5, Part 6, Section 8 of the EP&A Act.

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

In this regard, FRNSW does not consider Council is required to take action in relation to item no. 1B.A of this report.

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 Mark Knowles of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference BFS24/538 (33427) regarding any correspondence concerning this matter.

Yours faithfully

Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment: [Appendix 1 – Notice of Intention – Proposed Fire Safety Order No. 1 dated 12/02/2024]

Appendix 1 – Notice of Intention – Proposed Fire Safety Order No.1 dated 12/02/2024

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File Ref. No: BFS24/538 (33427)
TRIM Ref. No: D24/18298
Contact: Mark Knowles

12 February 2024

YHA LTD
11-23 Rawson Place
HAYMARKET NSW 2000

Dear Owner

Re: NOTICE OF INTENTION
PROPOSED FIRE SAFETY ORDER – ORDER NO.1
'YHA SYDNEY CENTRAL'
11-23 RAWSON PLACE, HAYMARKET("the premises")
[LOT 10 IN DP 868641]

Authorised Fire Officers of the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW) inspected "the premises" and identified fire safety concerns on Wednesday, 7 February 2024. FRNSW provides you with a **Notice of Intention to give a Fire Safety Order – Order No.1 ('Notice')** because of the concerns. This "Notice" is issued under Section 9.34 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) and Schedule 5, Part 6, Section 8 (owner) of the EP&A Act.

A copy of the **Proposed Fire Safety Order – Order No.1 ('Proposed Order')** is also attached. This "Notice" outlines the terms of the "Proposed Order". You may explain by way of representations to FRNSW why the Fire Safety Order – Order No.1 should not be given under Schedule 5, Part 7, Section 13 of the EP&A Act.

Representations are to be made in writing and should be received by FRNSW no later than **5.00 pm Monday, 19 February 2024**. After hearing and considering any representations, under the provisions of Schedule 5, Part 7 (Section 14 and Section15) of the EP&A Act, FRNSW may decide:

- to give a Fire Safety Order – Order No.1 in accordance with the "Proposed Order";
- to give a Fire Safety Order – Order No.1 in accordance with modifications made to the "Proposed Order";
- not to give a Fire Safety Order – Order No.1.

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

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A copy of this "Notice" will be forwarded to City of Sydney Council, under the provisions of Schedule 5, Part 6 (Section 12) of the EP&A Act.

Please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call on (02) 9742 7434 if there are any questions or concerns about the above matters. Please ensure that you refer to file reference BFS24/538 (33427) regarding any correspondence concerning this matter.

Yours faithfully

Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

CC Email: YHA Sydney Central
Attention: Nathan Forge
nathan.forge@yha.com.au

CC Mail: YHA LTD
GPO Box 5276
SYDNEY NSW 2001

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Proposed Fire Safety Order
ORDER No. 1

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

I,	Mark Knowles (name)	Senior Building Surveyor (rank)	904279 (number)

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

YHA LTD (name of the person whom Order is served)	Owner (position, i.e. owner, building manager)

with respect to the premise

'YHA SYDNEY CENTRAL'
11-23 RAWSON PLACE, HAYMARKET ("the premises")
(name/address of premises to which Order is served)

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

1. Ensure the Fire Hydrant System installed in 'the premises' is fully operational, by:
    a. Re-instating the Fire Hydrant diesel pumpset.

The terms of the Proposed Fire Safety Order – Order No.1 are to be complied with:

By no later than **14 days** from the date of the Fire Safety Order – Order 1.

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The reasons for the issue of the Proposed Fire Safety Order - Order No.1 are:

a. At the time of the inspection, the diesel hydrant pumpset, was isolated/offline. and the pump controller panel was disconnected from the power supply.

b. The last entry in the Service Record (logbook) dated 1 February 2024, noted "No Test - Pump Isolated & Awaiting Repairs".

c. To ensure that the Fire Hydrant System is capable to operating in accordance with the standard of performance it was designed and installed to.

d. To ensure compliance with the requirements of Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

e. To do or refrain from doing such things specified in the Order to ensure or promote adequate fire safety or awareness.

Appeals

Pursuant to Section 8.18 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against a Fire Safety Order – Order 1 once it is issued, other than an order that prevents a person from using or entering premises.

Non-Compliance with Fire Safety Order – Order No.1

Once issued, failure to comply with a Fire Safety Order – Order 1 may result in further Orders and/or fines being issued.

Substantial penalties may be imposed under Section 9.37 of the EP&A Act for failure to comply with a Fire Safety Order – Order No.1.

NOTE: Representations are to be made in writing and should be received by FRNSW no later than **5.00 pm** on **Monday, 19 February 2024**.

Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

This **Proposed** Fire Safety Order - Order No. 1 was sent by mail on **12 February 2024**.

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