

7 May 2018

At the conclusion of the Environment Committee



Transport, Heritage and Planning Committee

Sydney 2030 / Green / Global / Connected

Agenda

- 1. Disclosures of Interest**
- 2. Traffic Treatment - Permanent Road Closure - Hill Street, Surry Hills**
- 3. Policy - Neighbourhood Parking Policy**
- 4. Leasing Term for Business Innovation Space - Planning Agreement at Lendlease Circular Quay - Alfred Pitt Dalley and George Street Block**
- 5. Fire Safety Reports**

Guidelines for Speakers at Council Committees



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

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

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

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

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

Item 1.

Disclosures of Interest

(a) Section 451 of the Local Government Act 1993

Pursuant to the provisions of section 451 of the Local Government Act 1993, Councillors are required to disclose pecuniary interests in any matter on the agenda for this meeting of the Transport, Heritage and Planning Committee.

Councillors are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting of the Transport, Heritage and Planning Committee in accordance with the relevant clauses of the Code of Conduct – February 2016.

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

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

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

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

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

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

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

Item 2.

Traffic Treatment - Permanent Road Closure - Hill Street, Surry Hills

File No: X003005.005

Summary

This Report recommends Council approve the permanent road closure of Hill Street, Surry Hills, between Short Place and Clare Street, to vehicular traffic.

The Council-endorsed Surry Hills Pedestrian, Cycling and Traffic Calming (PCTC) Plan recommended the City investigate the following pedestrian-friendly treatments for the precinct bounded by Albion, Bourke, Short and Flinders Streets:

- the permanent closure of Hill Street, between Short Place and Clare Street, to vehicular traffic; and
- Shared Zones in Hill Street, Short Place and Marys Place.

To further enhance pedestrian-priority within the precinct, the City also proposed Shared Zones in Clare Street and Floods Place. A Shared Zone is a road with a posted speed limit of 10km/h and where pedestrian access and safety takes precedence over the ease of vehicle movement.

Associated parking changes were also included in Bourke, Clare and Hill Streets to consolidate on-street loading opportunities within the precinct, as well as better manage taxi operations immediately outside the precinct.

The proposed Shared Zones in Hill and Clare Streets, as well as Floods, Marys and Short Places, have been approved by Roads and Maritime Services (RMS), and the associated parking changes for Bourke, Clare and Hill Streets were unanimously endorsed by the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) on 15 February 2018.

However, the permanent road closure of Hill Street, between Short Place and Clare Street, is subject to Council approval.

The proposed road closure is an essential element of the pedestrian-priority precinct as it would deter through traffic, support the low speed environment, and deliver an area where pedestrians and cyclists are fully protected from vehicular traffic. Furthermore, given that on-street parking in Hill Street, between Short Place and Clare Street, is currently banned, the proposed road closure would not result in any loss of on-street parking.

In compliance with Section 116 of the *Roads Act 1993*, the City, via letterbox drop to 632 properties, sought feedback in June 2017 on the proposal from local residents and businesses for a period of 28 days. The proposal was also advertised in The Sydney Morning Herald and the Central Sydney Magazine.

At the conclusion of the consultation, the City received a total of 14 submissions, with five responses supporting the proposal and nine responses opposing the proposal. The submissions supporting the proposal encouraged all measures that improved pedestrian safety, access and amenity within the precinct, while submissions opposing the proposal raised concerns about the impact to on-street loading within the precinct, as well as the management of taxis in the vicinity of the precinct.

Given the feedback received, the City amended the proposal to address the concerns raised about on-street loading and taxi operations and re-consulted local residents and businesses in December 2017. At the conclusion of the consultation, the City received no submissions on the amended proposal from local residents and businesses.

As such, the amended proposal, including the proposed closure of Hill Street, and the associated parking changes in Bourke, Clare and Hill Streets, was referred to, and subsequently endorsed unanimously by, the LPCTCC on 15 February 2018.

RMS has also approved a Traffic Management Plan (TMP) for the proposed closure of Hill Street, Surry Hills, between Short Place and Clare Street, to vehicular traffic.

Recommendation

It is resolved that Council approve the permanent road closure of Hill Street, Surry Hills, between Short Place and Clare Street, to vehicular traffic.

Attachments

Attachment A. Location Plan

Attachment B. Concept Plan

Background

1. The Council-endorsed Surry Hills Pedestrian, Cycling and Traffic Calming (PCTC) Plan recommended the City investigate the following pedestrian-friendly treatments for the precinct bounded by Albion, Bourke, Short and Flinders Streets:
 - (a) the permanent closure of Hill Street, between Short Place and Clare Street, to vehicular traffic; and
 - (b) Shared Zones in Hill Street, Short Place and Marys Place.
2. To further enhance pedestrian-priority within the precinct, the City also proposed Shared Zones in Clare Street and Floods Place. A Shared Zone is a road with a posted speed limit of 10km/h and where pedestrian access and safety takes precedence over the ease of vehicle movement.
3. Associated parking changes were also included in Bourke, Clare and Hill Streets to consolidate on-street loading opportunities within the precinct, as well as better manage taxi operations immediately outside the precinct.
4. The proposed road closure is an essential element of the pedestrian-priority precinct as it would deter through traffic, support the low speed environment, and deliver an area where pedestrians and cyclists are fully protected from vehicular traffic.
5. Furthermore, given that on-street parking in Hill Street, between Short Place and Clare Street, is currently banned, the proposed road closure would not result in any loss of on-street parking.
6. To assess the impact of the proposed closure, the City commissioned traffic counts in Hill Street in July 2017. Over a period of seven days, the count recorded a maximum peak of 79 vehicles per hour - or just over one vehicle per minute - in Hill Street.
7. Should Hill Street be permanently closed, a portion of traffic currently using Hill Street, between Short Place and Clare Street, is likely to transfer to nearby Short and/or Albion Streets. Both Short and Albion Streets would be able to sufficiently accommodate any transfer of traffic from Hill Street, either partially or in full, without any noticeable reduction in capacity in either street.
8. The proposed Shared Zones in Hill and Clare Streets, as well as Floods, Marys and Short Places, have been approved by the RMS, and the proposed closure associated parking changes for Bourke, Clare and Hill Streets were unanimously endorsed by the LPCTCC on 15 February 2018.
9. RMS also approved a TMP for the proposed closure of Hill Street, Surry Hills, between Short Place and Clare Street, to vehicular traffic on 28 October 2008.

Key Implications

Strategic Alignment - Sustainable Sydney 2030 Vision

10. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:

- (a) Direction 4 - A City for Walking and Cycling - the proposal will considerably improve pedestrian safety and accessibility within the precinct bounded by Albion, Bourke, Short and Flinders Streets. Furthermore, the proposal is consistent with the Council-endorsed Surry Hills PCTC Plan, as well as the objectives of the City's *Walking Strategy and Action Plan*.

Budget Implications

11. Funding for these works has already been approved as part of the capital works budget for the Surry Hills Pedestrian, Cycling and Traffic Calming plan.

Relevant Legislation

12. The RMS is responsible for the control of traffic on all NSW roads and has delegated to Council certain functions to regulate traffic on local roads.
13. The RMS delegation gives Council authority to approve certain traffic controls, including road closures, under Part 8, Division 2 of the *Roads Act 1993*. This delegation can only be exercised by the elected Council and is subject to a number of conditions and limitations, including the need to obtain the advice of the LPCTCC and receive TMP approval from RMS.
14. This Report seeks to formalise the permanent road closure of Hill Street, Surry Hills, between Short Place and Clare Street, to vehicular traffic in accordance with Section 116 of the *Roads Act 1993*.

Public Consultation

15. In compliance with Section 116 of the *Roads Act 1993*, the City, via letterbox drop to 632 properties, sought feedback in June 2017 on the proposal from local residents and businesses for a period of 28 days. The proposal was also advertised in The Sydney Morning Herald and the Central Sydney Magazine.
16. At the conclusion of the consultation, the City received a total of 14 submissions, with five responses supporting the proposal and nine responses opposing the proposal. The submissions supporting the proposal encouraged all measures that improved pedestrian safety, access and amenity within the precinct, while submissions opposing the proposal raised concerns about the impact to on-street loading within the precinct, as well as the management of taxis in the vicinity of the precinct.
17. Given the feedback received, the City amended the proposal to address the concerns raised about on-street loading and taxi operations and re-consulted local residents and businesses in December 2017. At the conclusion of the consultation, the City received no submissions on the amended proposal from local residents and businesses.

18. As such, the amended proposal, including the proposed closure of Hill Street, and the associated parking changes in Bourke, Clare and Hill Streets, was referred to, and subsequently endorsed unanimously by, the LPCTCC on 15 February 2018.

DAVID RIORDAN

Director City Operations

Mark Hannan, Traffic Operations Manager

Manbir Singh, Senior Traffic Engineer

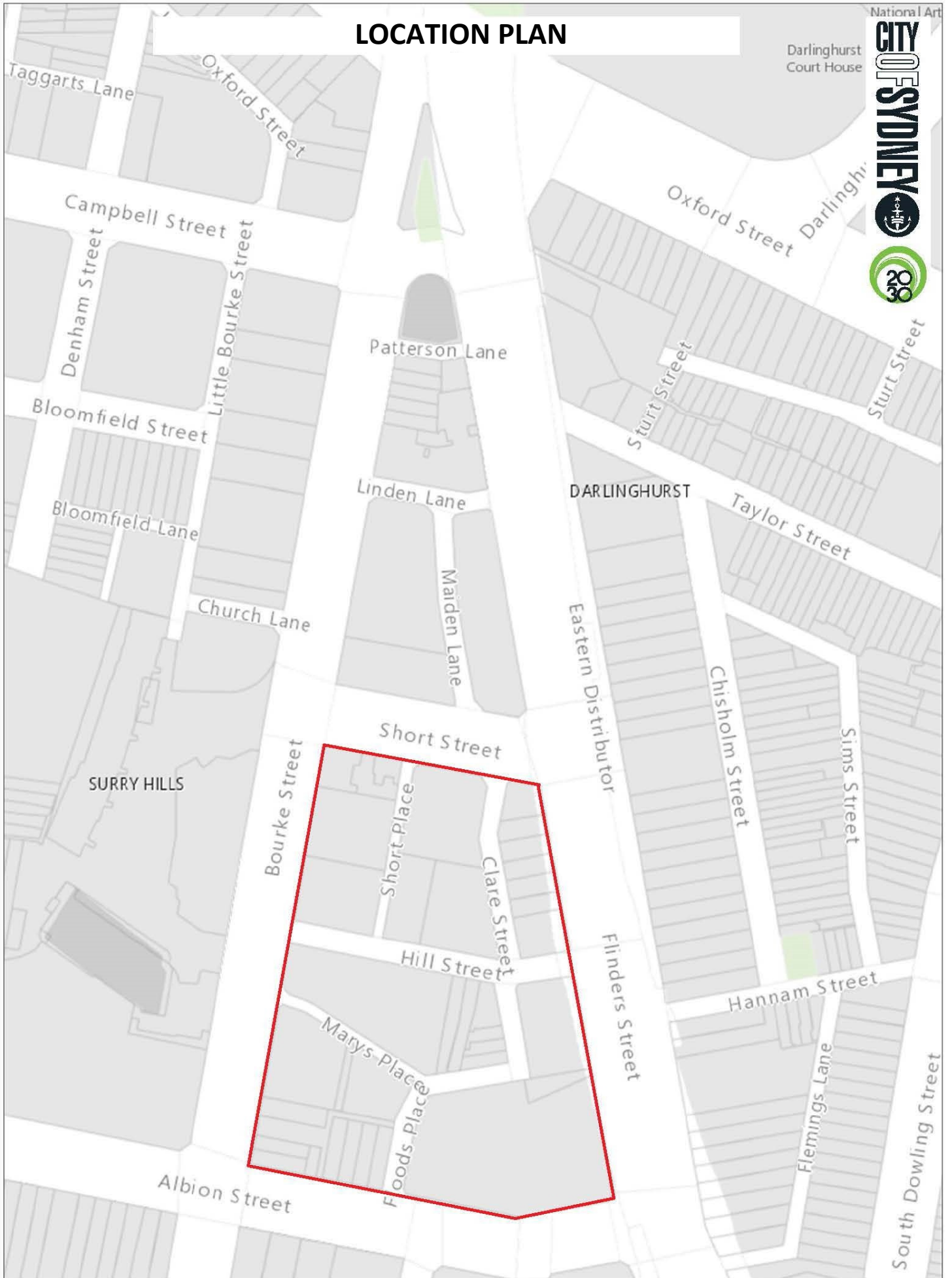
Attachment A

Location Plan

LOCATION PLAN

National Art

Darlinghurst Court House



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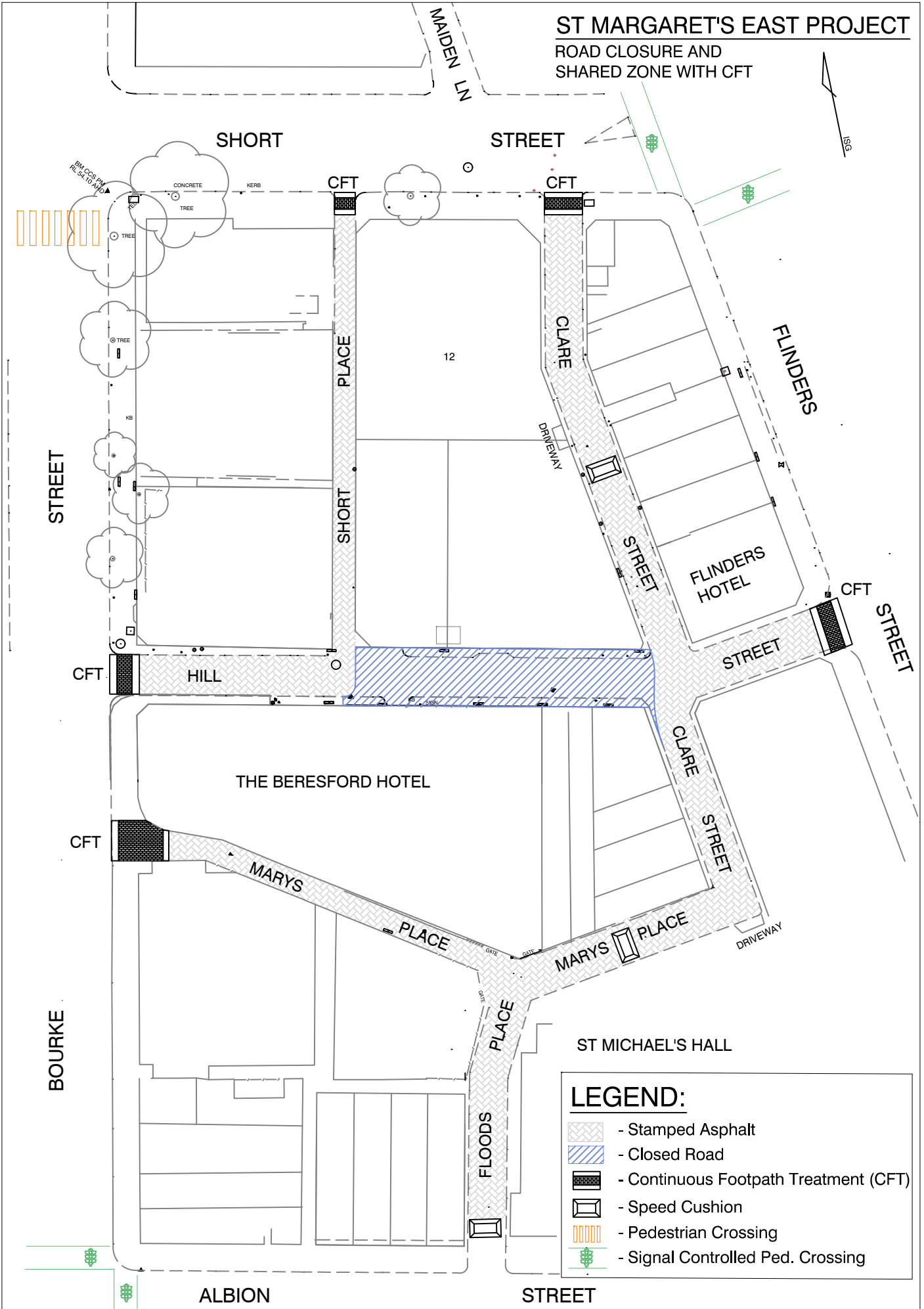
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Attachment B

Concept Plan

ST MARGARET'S EAST PROJECT
 ROAD CLOSURE AND
 SHARED ZONE WITH CFT



LEGEND:

-  - Stamped Asphalt
-  - Closed Road
-  - Continuous Footpath Treatment (CFT)
-  - Speed Cushion
-  - Pedestrian Crossing
-  - Signal Controlled Ped. Crossing

Item 3.

Policy – Neighbourhood Parking Policy

Document to Follow

Item 4.

Leasing Term for Business Innovation Space - Planning Agreement at Lendlease Circular Quay - Alfred Pitt Dalley and George Street Block

File No: VPA/2016/9

Summary

On 25 July 2016, Council resolved to enter into a Planning Agreement with Lendlease (Circular Quay) Pty Ltd as Trustee for the Lendlease (Circular Quay) Trust to deliver business innovation space as part of their redevelopment at Circular Quay as part of a suite of public benefits.

The business innovation space will be approximately 3,700sqm of net lettable area of office space within the lowest three floors of the commercial tower. The office space will be leased to the City to provide affordable rental space for Tech Startups or other innovative high growth businesses.

Under the terms of the Planning Agreement, the City is to elect to enter into an agreement for lease for the business innovation space on the basis of either a:

- (a) Short Term lease - 20 years rent free plus the cost of outgoings; or
- (b) Long Term lease - 99 years at a discount market rate plus the cost of outgoings.

The planning agreement terms were structured this way to allow Council sufficient time to investigate the long term implications of these options. These investigations are complete and the purpose of this report is to recommend Council resolve to elect the short term lease (20 years) option.

The 20 year lease is recommended due to the rapidly changing nature of the Tech Startup ecosystem which may mean space such as this is not required by the end of the lease term, and following consideration of the financial implications.

Recommendation

It is resolved that:

- (A) Council approve the election of the Short Term Lease (20 year) option on the terms described in clause 9(c), Schedule 3 of the executed Planning Agreement between Lendlease (Circular Quay) Pty Limited as Trustee for the Lendlease (Circular Quay) Trust and the City;
- (B) authority be delegated to the Chief Executive Officer to finalise negotiations, execute and administer the lease terms as detailed in the Planning Agreement; and

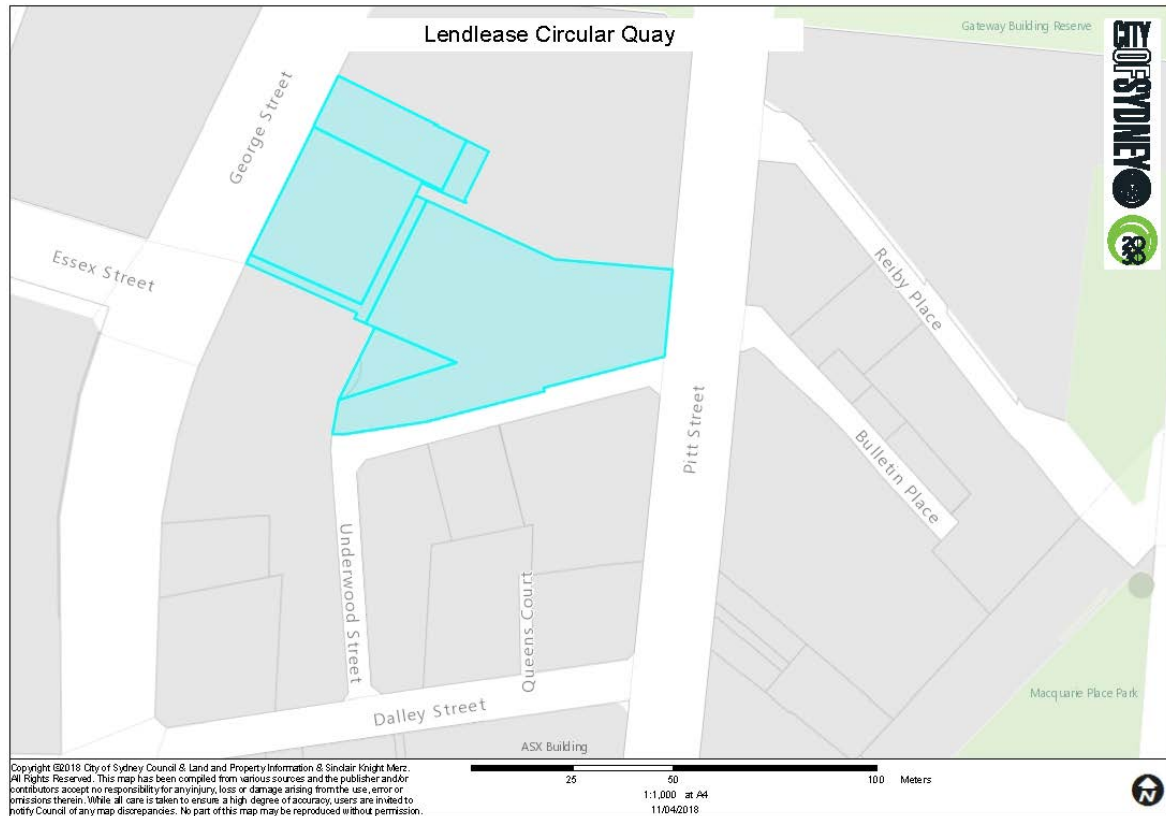
- (C) Council note that an agreement for lease for the business innovation space on the basis of Short Term Lease terms will be entered into as soon as practicable following the written notice of the election decision.

Attachments

- Attachment A.** Excerpt from executed VPA - Business Innovation Space Detailed Lease Terms

Background

1. The Lendlease Circular Quay site is located within the Alfred, Pitt, Dalley and George Streets (APDG) block close to Circular Quay. A plan showing the development site is below.



2. The site is a collection of properties with frontage to Pitt, Underwood and George Streets.
3. On 25 July 2016, the City executed a planning agreement with Lendlease (Circular Quay) Pty Limited as Trustee for the Lendlease (Circular Quay) Trust.
4. The planning agreement relates to a planning proposal to amend Sydney Local Environmental Plan 2012 (SLEP 2012) to facilitate a taller commercial tower with reconfigured publicly accessible open space and activated laneways.
5. On 25 July 2016, Council approved the planning proposal and, subsequently, the amendment to SLEP 2102 was made on 23 November 2016.
6. The planning agreement includes the following public benefits:
 - (a) Land dedication and embellishment of approximately 30sqm for road and footway widening to Underwood Street.
 - (b) Land dedications to no less than 1,800sqm and embellishment of public plaza spaces and laneways.
 - (c) Development and installation of public art to the public plaza space.

- (d) Lease in stratum of nominally 3,700sqm of net lettable area of office space for the purpose of business innovation space.
 - (e) Monetary contribution of \$2,200/sqm by net lettable area estimated at \$8,140,000 for the fitout of the business innovation space.
 - (f) Dedication in stratum and embellishment of 677sqm of a public cycle facility.
 - (g) Land dedication in stratum and construction and fitout of a small plaza edge building.
 - (h) Land transfer to the Developer of 395.6sqm for building development.
 - (i) Easements and covenants to the commercial tower to deliver commercial floor space.
 - (j) Covenants for the protection of small scale retail adjacent to the laneways.
 - (k) Commitment to environmental sustainable development in the commercial tower.
7. The planning agreement includes the provision of a lease of approximately 3,700sqm of net lettable area of office space within the lowest three floors of the commercial tower to the City to provide affordable rental space for tech startups or other innovative high growth businesses. The draft terms of the Long and Short Term Lease are at Attachment A. The lease of the space is on the basis of either:
- (a) Short Term - 20 years rent free plus the cost of outgoings; or
 - (b) Long Term - 99 years at a discount market rate plus the cost of outgoings.
8. In addition to the above, a one-off monetary contribution estimated at \$8,140,000 is to be provided to the City for the fitout of the business innovation space. This money may be spent in the first fitout, or retained in part for future fitouts to the space.

Investigation of Leasing Options

9. In 2015, at the time of consideration of the public benefit offer made by the Developer, the City's Property Unit undertook a review of the two leasing options, focusing on the financial implications of each.
10. The report investigated several scenarios comparing the costs to the City wherein, under the terms in the VPA, the short term lease required payment only of outgoings, while the Long Term Lease would include outgoings and a reduced rent of \$200/m² of NLA.
11. The review was subsequently revised in 2018 to ascertain a more current position. This analysis identifies that the financial risks associated with the long term lease (99 years) included:
- (a) rental cost of \$200/m² of NLA plus outgoings effectively doubles the amount the City would need to recover through subletting compared to the Short Term Lease;
 - (b) 4% annual rental increase and 10 yearly reviews increases financial risk over such a long lease;

- (c) upward pressure on outgoings is exacerbated over 99 year term with limited capacity for the City to influence;
 - (d) as the space is required to be used for Business Innovation, demand for this use may reduce over time, creating a risk in terms of subletting the space for Business Innovation; and
 - (e) requirement for future capital renewal/s and need to recover associated expenditure.
12. The analysis concluded the short term lease (20 year) option was favourable.
 13. The innovation sector by its nature is rapidly changing and evolving and the startup ecosystem in Sydney is still relatively new. It is envisaged that the needs of the sector will change over time, including the need for, or location of, low cost space. By selecting the shorter term option, the City's support can also change and adapt over time.
 14. The operating model of the business innovation space is to be determined, with a number of options being explored, including a leasing arrangement option under an accommodation grant.
 15. While Council has accepted the public benefit offer, it must be acknowledged that there are risks in providing work space with this growing sector. The key risk is the potential for oversupply in the near term should the sector not grow at the pace space is being made available by new entrants.
 16. The inclusion of the two options in the planning agreement has allowed further consideration of these market forces and the implications of a short or long term lease.
 17. Recent examples of similar government and non-government office space provisions include:
 - (a) Sydney Startup Hub - In February 2018, an initiative of the State Government's Jobs for NSW was launched at 11-31 York Street Sydney for the provision of subsidised rents and fitouts for office space to innovation startups, with 17,000 square metres across 11 floors. The State Government has entered into an initial five year lease for this work space.
 - (b) The Sharing Hub - Launched in April 2017, office space at 55 Pyrmont Bridge Road Pyrmont is being leased by 28 startups. Leases vary depending on the needs of the startup, varying from a year to a month-to-month basis.
 18. The Short Term Lease is recommended, given the financial impact over time and the ability for the City to ensure success of the office space for this purpose.

Key Implications

Strategic Alignment - Sustainable Sydney 2030 Vision

19. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:

- (a) Direction 1 - A Globally Competitive and Innovative City - The business innovation space will provide affordable office space to encourage new businesses and entrepreneurship within Central Sydney.
 - (b) Direction 6 - Vibrant Local Communities and Economies - The creation of the business innovation space broadens the range of job opportunities for people of diverse skills, experiences and attributes.
 - (c) Direction 9 - Sustainable Development, Renewal and Design - The office space will be fostering innovation and continual improvement within a building achieving environmental sustainable targets.
 - (d) Direction 10 - Implementation through Effective Governance and Partnerships - This public benefit is being delivered as work-in-kind as part of a Planning Agreement between the City and Lendlease (Circular Quay) Pty Limited.
20. In June 2016, the City adopted the Tech Startups Action Plan which outlines how the City can work with partners to create an environment that enables technology entrepreneurs to start and grow successful businesses. The Tech Startups Action Plan complements the City's Economic Development Strategy 2013 which built on and updated the broad economic themes in Sustainable 2030.
21. The Tech Startups Action Plan proposes that, to increase the density of the tech startup ecosystem, the City will:
- (a) use planning regulations to encourage more innovation spaces and/or affordable office spaces; and
 - (b) create affordable work spaces.
22. The planning agreement gives effect to these actions and provides the opportunity for the City to secure well located, leased workspace to support fledgling and innovative high growth businesses, such as Tech Startups.

Organisational Impact

23. The City's Economic Strategy Unit is developing operating model options for the Business Innovation Space and the resources required to oversee the implementation of the actions under the Tech Startups Action Plan.
24. The City's Property Unit and Legal Services Unit will manage the operation of the lease.

Risks

25. The provision of the work space is an excellent opportunity to contribute to the Tech Startups Action Plan, the first the City has adopted. This Action Plan is intended to be dynamic, changing as the needs and priorities of the business ecosystem change. It is highly aspirational in its support of the industry and, owing to the nature of the sector, the City acknowledges the need to adopt a "lean startup" approach so it can change, cancel or add programs as quickly as possible.
26. The election of the Short Term Lease (20 years) over the Long Term Lease (99 years) recognises this approach to the sector and the City's ability to ensure the success of the business innovation space.

27. With the unpredictability of a dynamic business sector, there is a risk of the work space being underutilised. This is exacerbated in the long term as other affordable workspace comes onto the market.
28. To ensure the work space remains relevant in the market, particularly in consideration of the entrepreneurial target industry, the fitout of the Business Innovation Space will require to be periodically updated and adapted. The monetary contribution provided by Lendlease under the planning agreement will contribute towards this ongoing refurbishment. As above, the election of the Short Term Lease mitigates the ongoing cost to the City.
29. The Lease terms define such matters as the extent of outgoings, maintenance and repair, make good obligations, insurance, access, termination and the like, providing certainty to the City's liability.

Budget Implications

30. The Business Innovation Space is being delivered as part of the suite of public benefits for the development of the Lendlease Circular Quay site.
31. The Developer is required to provide approximately 3,700m² of NLA of office space on the lowest three floors of the commercial tower as a base building (warm) shell.
32. A one-off monetary contribution calculated as \$2,200/m² of NLA (estimated as \$8,140,000, excluding GST) is to be paid to the City for the fitout of the Business Innovation Space.
33. The monetary contribution is anticipated to provide more than one fitout over the leasing period of the space, however, refurbishment of the facility will need to be factored in on a periodic basis.
34. Under the terms of the lease, the City will be responsible for its proportion of all rates, taxes, assessments, charges, duties and fees imposed by any Government Agency (except GST) in respect of the premises and for its proportion of any services, including electricity, water supply, drainage, sewerage, cleaning, building management, insurance, telecommunications connected to the premises, repairs and maintenance (other than structural or capital costs) and all other reasonable and proper costs which are attributable to the City's use of the premises.
35. The assumptions under both lease scenarios is that the space is operated in a "cost neutral" manner to the City. This may involve the appointment of an operator to administer the subletting of the space, with rentals obtained being sufficient (at a minimum) to cover the City's expenditure commitment as tenant.

Relevant Legislation

36. Environmental Planning and Assessment Act 1979; Environmental Planning and Assessment Regulation 2000; and the City of Sydney Act 1988.

Critical Dates / Time Frames

37. The VPA requires that the City provide written notification to the Developer as to whether it elects to enter into an agreement for lease based on the Detailed Lease Terms for the Business Innovation Space Long term Lease or the Business Innovation Space Short Term Lease.
38. The deadline for this decision has been agreed by the City and Lendlease as by 31 May 2018.
39. The commencement date of the Lease is proposed to be six weeks after the date the Occupation Certificate is issued for the commercial tower.
40. City staff are working with Lendlease to have the fitout of the business innovation space completed as close as possible to the commencement of the lease.

Options

41. The alternative option is to elect the Long Term Lease (99 years), which is not recommended.

Public Consultation

42. Industry group consultation was undertaken in 2015 and has informed this recommendation.
43. The planning agreement, including the terms of the two leasing options, was exhibited for 28 days in accordance with the requirements of the Environmental Planning and Assessment Act 1979.
44. No submissions were received relating to the Business Innovation Space.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Brett Calcar, Senior Project Manager - Planning Agreements

Attachment A

**Excerpt from Executed VPA –
Business Innovation Space Detailed
Lease Terms**

Business Innovation Space Long Term Lease – Detailed Lease Terms

Item	Terms
Landlord	Lend Lease (Circular Quay) Pty Limited or the successor in title to the Commercial Tower
Tenant	The Council of the City of Sydney
Commencing Date	The date that is 6 weeks after the date the Occupation Certificate is issued for the Commercial Tower (including the Premises)
Terminating Date	The date 99 years from the Commencing Date
Term	99 years
Land	The land on which the Commercial Tower is constructed
Building	The Commercial Tower
Net Lettable Area	Net Lettable Area of approximately 3,700m ² (subject to development approval and detailed design)
Premises	Within the first three commercial office floors within the Commercial Tower above ground level (being George Street), or another mutually agreed location.
Permitted use	Office accommodation for use by technology entrepreneurs and businesses promoting business innovation and economic development and any ancillary or supporting uses
Rent during Term	Net face rent of \$200 per square metre of NLA
Rent reviews during Term	4% on each anniversary of the Commencement Date with a market rent review with ratchet every 10 th anniversary of the Commencement Date
Outgoings liability	Tenant is responsible for its proportion of all rates, taxes, assessments, charges, duties and fees imposed by any Government Agency (except GST) in respect of the Premises and for its proportion of any services including electricity, water supply, drainage, sewerage, cleaning, building management, insurance, telecommunications connected to the Premises, repairs and maintenance (other than structural or capital costs) and all other reasonable and proper costs which are attributable to the City's use of the Premises.
Alterations to the Premises	The Tenant may carry out any alterations or additions to the Premises provided such alterations or additions do not affect the structure of or services to the Premises and provided it complies with all requirements of any laws or a Government Agency. The Landlord may provide consent (at its absolute discretion) to any requested alterations or additions that affect the structure of or services to the Premises.
Fitout	The Tenant will fitout the Premises and will determine if and when to upgrade the fitout of the Premises during the Term. In fitting out the Premises, the Tenant must comply with the Landlord's fitout and operational requirements, the building rating requirements and all requirements of any laws or a Government Agency. Within 12 months of the date of the Construction Certificate for the Commercial Tower, the Landlord must

	provide any fitout guidelines to the Tenant for the Business Innovation Space.
Tenant's items	The Tenant will own all fitout of the Premises, all loose items, furnishings, goods and chattels brought onto the Premises by the Tenant, all structures or additions installed by the Tenant within the Premises and fixtures, fittings, plant or other improvements affixed to the Premises by the Tenant.
Landlord's items	The Landlord will own plant, equipment, fixtures, fittings and services such as air conditioning, lifts, escalators, telephone systems, fire fighting or fire hazard reduction systems or security systems that do not form part of the Tenant's items.
Maintenance and repair	The Tenant must maintain, repair and keep the Premises in good repair, order and condition during the Term, having regard to fair wear and tear and the term of the lease. The Tenant is not required to repair or pay for the repair of any structural parts of the Premises or pay for any capital expenses unless the repair arises as a result of the Tenant's default, misconduct or negligence.
Make good obligations	At the end of the Term or sooner determination of the Lease, the Tenant must remove all loose items, furniture, goods and chattels and fitout, make good any damage caused by the removal, and surrender the Premises clean and free from rubbish and otherwise in accordance with the Tenant's obligations to maintain and repair the Premises. If the Tenant fails to comply with these requirements the Landlord may remove the items for the Tenant and dispose of or store these items and otherwise carry out the Tenant's obligations at the Tenant's expense.
Building or strata management statement and building or strata management committee	The Tenant will comply with the requirements of any building or strata management statement or building rules, provided that those statements or rules do not impose any unreasonable or inequitable burden on the Tenant, having regard to the use of the Premises.
Landlord inspection	The Landlord may inspect the Premises at reasonable times and on reasonable notice (not less than 5 business days), but not more than twice in any 12 month period unless the Landlord requires access to ascertain the repair and condition of the Premises, to determine if the Lessee is in breach, or to show the Premises to prospective investors in or purchasers of an interest in the Commercial Tower.
Assignment/subletting and licensing	The Tenant may assign the lease with the prior written consent of the Landlord, such consent not to be unreasonably withheld. Provided that it complies with the terms of this lease, the Tenant may sub-let or licence any part of the Premises without the consent of the Landlord and without providing the Landlord with prior notice.

	The Landlord acknowledges and agrees that the Tenant can charge market rent to its sub-tenants (having regard to the Permitted Use) without making any payment to the Landlord in addition to the Rent.
Insurance	The Tenant must take out and maintain public liability insurance for not less than \$20 million (or any other such appropriate amount having regard to the duration of the Term) for any single event, workers compensation insurance and building and contents insurance
Signage	The Landlord must place the Tenant's and sub-tenant's names (as advised by the Tenant to the Landlord) on the Commercial Tower's directory board. The Tenant must not affix or display any sign in the Premises which is visible from outside the Premises without the Landlord's prior approval.
Concierge/reception	The Tenant and its sub-tenants must be granted full rights to use of any concierge or reception services provided to the Commercial Tower by the Landlord.
Access	Subject to compliance with security requirements, the Tenant and its sub-tenants or licensees must be granted access to: <ul style="list-style-type: none"> • the Premises 24 hours a day, 7 days a week, including for the holding of events outside of business hours within the Premises; and • the end of trip facilities that form part of the Commercial Tower.
Demolition	From the 25 th anniversary of the Commencing Date, the Landlord may terminate the lease for the purpose of redevelopment of the Land or the Commercial Tower on providing not less than 2 years written notice to the Tenant.
Termination	The Landlord may terminate the Lease only if: <ul style="list-style-type: none"> • the Tenant becomes insolvent; • the Tenant is in arrears of payment of its rent or outgoings and does not rectify the breach within 2 months of receipt of a breach notice from the Landlord; or • the Tenant is otherwise in material breach of the terms of the Lease and does not rectify the breach within 6 months of receipt of a breach notice from the Landlord. <p>The Tenant may terminate the lease at any time for any reason by providing not less than 6 months written notice to the Landlord.</p>

Business Innovation Space Short Term Lease – Detailed Lease Terms

Item	Terms
Landlord	Lend Lease (Circular Quay) Pty Limited or the successor in title to the Commercial Tower
Tenant	The Council of the City of Sydney
Commencing Date	The date that is 6 weeks after the date the Occupation Certificate is issued for the Commercial Tower (including the Premises)
Terminating Date	The date that is 20 years after the Commencing Date
Term	20 years
Land	The land on which the Commercial Tower is constructed
Building	The Commercial Tower
Net Lettable Area	Net Lettable Area of approximately 3,700m ² (subject to development approval and detailed design)
Premises	Within the first three commercial office floors within the Commercial Tower above ground level (being George Street), or another mutually agreed location.
Permitted use	Office accommodation for use by technology entrepreneurs and businesses promoting business innovation and economic development and any ancillary or supporting uses.
Rent during Term	\$1, if demanded
Rent reviews during Term	There are to be no rent reviews during the Term
Outgoings liability	Tenant is responsible for its proportion of all rates, taxes, assessments, charges, duties and fees imposed by any Government Agency (except GST) in respect of the Premises and for its proportion of any services including electricity, water supply, drainage, sewerage, cleaning, building management, insurance, telecommunications connected to the Premises, repairs and maintenance (other than structural or capital costs) and all other reasonable and proper costs which are attributable to the City's use of the Premises.
Alterations to the Premises	The Tenant may carry out any alterations or additions to the Premises provided such alterations or additions do not affect the structure of or services to the Premises and provided it complies with all requirements of any laws or a Government Agency. The Landlord may provide consent (at its absolute discretion) to any requested alterations or additions that affect the structure of or services to the Premises.
Fitout	The Tenant will fitout the Premises and will determine if and when to upgrade the fitout of the Premises during the Term and any Further Term. In fitting out the Premises, the Tenant must comply with the Landlord's fitout and operational requirements, the building rating requirements and all requirements of any laws or a Government Agency. Within 12 months of the date of the Construction Certificate of the Commercial Tower the

	Landlord must provide any fitout guidelines to the Tenant for the Business Innovation Space.
Tenant's items	The Tenant will own all fitout of the Premises, all loose items, furnishings, goods and chattels brought onto the Premises by the Tenant, all structures or additions installed by the Tenant within the Premises and fixtures, fittings, plant or other improvements affixed to the Premises by the Tenant.
Landlord's items	The Landlord will own plant, equipment, fixtures, fittings and services such as air conditioning, lifts, escalators, telephone systems, fire fighting or fire hazard reduction systems or security systems that do not form part of the Tenant's items.
Maintenance and repair	The Tenant must maintain, repair and keep the Premises in good repair, order and condition during the Term, having regard to fair wear and tear and the term of the lease. The Tenant is not required to repair or pay for the repair of any structural parts of the Premises or pay for any capital expenses unless the repair arises as a result of the Tenant's default, misconduct or negligence.
Make good obligations	At the end of the Term or sooner determination of the Lease, the Tenant must remove all loose items, furniture, goods and chattels and fitout, make good any damage caused by the removal, and surrender the Premises clean and free from rubbish and otherwise in accordance with the Tenant's obligations to maintain and repair the Premises. If the Tenant fails to comply with these requirements the Landlord may remove the items for the Tenant and dispose of or store these items and otherwise carry out the Tenant's obligations at the Tenant's expense.
Building or strata management statement and building or strata management committee	The Tenant will comply with the requirements of any building or strata management statement or building rules, provided that those statements or rules do not impose any unreasonable or inequitable burden on the Tenant, having regard to the use of the Premises.
Landlord inspection	The Landlord may inspect the Premises at reasonable times and on reasonable notice (not less than 5 business days), but not more than twice in any 12 month period unless the Landlord requires access to ascertain the repair and condition of the Premises, to determine if the Lessee is in breach, or to show the Premises to prospective investors in or purchasers of an interest in the Commercial Tower.
Assignment/subletting and licensing	The Tenant may assign the lease with the prior written consent of the Landlord, such consent not to be unreasonably withheld. Provided that it complies with the terms of this lease, the Tenant may sub-let or licence any part of the Premises without the consent of the Landlord and without providing the Landlord with prior notice.
	The parties acknowledge and agree that:

	<ul style="list-style-type: none"> the Tenant can charge market rent to its sub-tenants (having regard to the Permitted Use) without making any payment to the Landlord in addition to the Rent; and the rent received from the sub-tenants by the City will be applied to the Outgoings, City's expenses in relation to the Lease and any sublease and investment in economic development within the City's local government area.
Insurance	The Tenant must take out and maintain public liability insurance for not less than \$20 million (or any other such appropriate amount having regard to the duration of the Term) for any single event, workers compensation insurance and building and contents insurance
Concierge/reception	The Tenant and its sub-tenants must be granted full rights to use of any concierge or reception service provided to the Commercial Tower by the Landlord.
Signage	The Landlord must place the Tenant's and sub-tenant's names (as advised by the Tenant to the Landlord) on the Commercial Tower's directory board. The Tenant must not affix or display any sign in the Premises which is visible from outside the Premises without the Landlord's prior approval.
Access	Subject to compliance with security requirements, the Tenant and its sub-tenants or licensees must be granted access to: <ul style="list-style-type: none"> the Premises 24 hours a day, 7 days a week, including for the holding of events outside of business hours within the Premises; and the end of trip facilities that form part of the Commercial Tower.
Termination	<p>The Landlord may terminate the Lease only if:</p> <ul style="list-style-type: none"> the Tenant becomes insolvent; the Tenant is in arrears of payment of outgoings and does not rectify the breach within 2 months of receipt of a breach notice from the Landlord; or the Tenant is otherwise in material breach of the terms of the Lease and does not rectify the breach within 6 months of receipt of a breach notice from the Landlord. <p>The Tenant may terminate the lease at any time for any reason by providing not less than 6 months written notice to the Landlord.</p>

Item 5.

Fire Safety Reports

File No: S105001.002

Summary

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

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

Fire and Rescue NSW reports received by Council are required to be tabled before the Council.

Council is then required to determine whether or not to exercise its power to give a fire safety order under Division 9.3 and Schedule 5 of the Act (previously s 121B of the Act).

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

Attached are details of the reports received by the City from Fire and Rescue NSW that are required to be tabled. As some of these reports were received prior to the renumbering of the Act on 1 March 2018, they refer to the section numbering in effect at that time. Any compliance action taken after 1 March 2018 refers to the new section numbering and terminology.

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

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

Recommendation

It is resolved that Council:

- (A) note the contents of the Fire Safety Report Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection reports by Fire and Rescue NSW, as shown at Attachments B to G to the subject report;

- (C) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by Council's Investigation Officer in 68 Market Street, Sydney, as detailed in Attachment B;
- (D) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by Council's Investigation Officer in 1 Lawson Square, Redfern, as detailed in Attachment C;
- (E) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by Council's Investigation Officer in 8 Central Park Avenue, Chippendale, as detailed in Attachment D;
- (F) exercise its power to issue a Fire Safety Order as recommended by Council's Investigation Officer to address the identified fire safety deficiencies in 141-147B King Street, Sydney, as detailed in Attachment E;
- (G) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by Council's Investigation Officer in 7 Wylde Street, Potts Point, as detailed in Attachment F; and
- (H) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by Council's Investigation Officer in 33-35 and 37 Darlinghurst Road, Potts Point, as detailed in Attachment G.

Attachments

Attachment A. Fire Safety Report Summary Sheet

Attachment B. Council Officer Inspection Report, 68 Market Street, Sydney

Attachment C. Council Officer Inspection Report, 1 Lawson Square, Redfern

Attachment D. Council Officer Inspection Report, 8 Central Park Avenue, Chippendale

Attachment E. Council Officer Inspection Report, 141-147B King Street, Sydney

Attachment F. Council Officer Inspection Report, 7 Wylde Street, Potts Point

Attachment G. Council Officer Inspection Report, 33-35 and 37 Darlinghurst Road, Potts Point

Background

1. The City receives inspection reports and recommendations from Fire and Rescue NSW in relation to inspections carried out on buildings located within the City's local government area.
2. Under the Environmental Planning and Assessment Act 1979 (the "Act"), Fire and Rescue NSW has the power to carry out inspections of certain buildings to determine if the building has adequate provision for fire safety and/or is compliant with legislation.
3. On average, the City receives approximately 50 such reports each year. They can be prompted by reports from the Police or other people who have a concern relating to fire safety in a building.
4. When Fire and Rescue NSW carries out such an inspection, a report and any recommendations must be provided to the City.
5. Under the Act, Council is then required to table the report and make a determination as to whether it will exercise its power to issue a Fire Safety Order 1 or 2 in Schedule 5, Part 2 of the Act. Fire Safety Order 1 requires a person to do, or stop doing, certain specified things to improve fire safety; Fire Safety Order 2 requires a person to cease conducting an activity on premises where that activity constitutes, or is likely to constitute, a life-threatening hazard or a threat to public health or public safety.
6. Attached are the details of the reports received from Fire and Rescue NSW, including recommendations for further action. The properties have also been reviewed by a City Building Officer.
7. Personal information has been redacted from these reports in accordance with the Privacy and Personal Information Protection Act 1998.

Relevant Legislation

8. Environmental Planning and Assessment Act 1979.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Luke Farrell, Fire Safety and Essential Services Specialist)

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: 6

Report- May 2018

Summary table

Att. (A-G)	Premises Specifics (predominate building use)	Actions/ Recommendation
A	Not applicable.	Summary of clause 17, Schedule 5 matters tabled at Council meeting.
B	68 Market Street, Sydney, Commercial Premises	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	1 Lawson Square, Redfern, Construction Site	Premises inspected, owners have been issued with corrective action correspondence; no further action required.
D	8 Central Park Avenue, Chippendale, Residential Apartments	Premises inspected, no significant fire safety issues identified; fire safety certification current and compliant. Report to be noted. No further action required
E	141-147B King Street, Sydney, Commercial Premises	Premises inspected, Council investigation officer has determined that a notice of intention to issue a fire safety order is required to be issued to remedy identified fire safety deficiencies
F	7 Wylde Street, Potts Point, Residential Apartments	Premises inspected, no significant fire safety issues identified; fire safety certification current and compliant. Report to be noted. No further action required
G	33-35 and 37 Darlinghurst Road, Potts Point, Licensed Premises	Premises inspected, owners have been issued with corrective action correspondence; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.

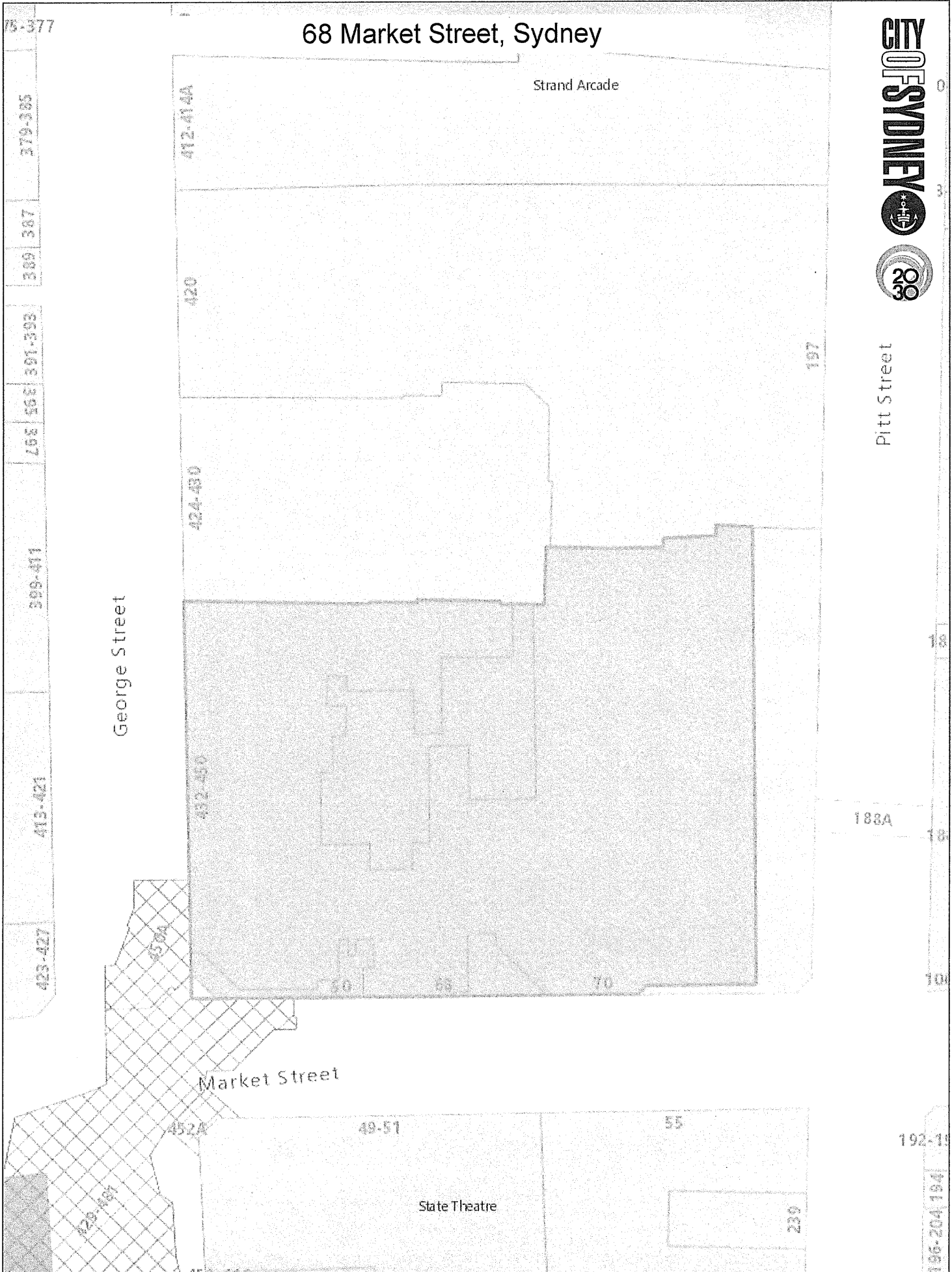
Attachment B

**Council Officer Inspection Report,
68 Market Street, Sydney**

68 Market Street, Sydney



Pitt Street



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1:750 at A4
08/03/2018



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

File: 2018/103286-04

Officer: Joe Kalgovas

Date: 6 April 2018

Premises: 68 Market Street, Sydney

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 6 March 2018 with respect to matters of fire safety.

The premises consists of a thirty eight storey building used as shopping centre, hotel and apartments.

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

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 fire control room in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to such as pressure gauges and hydrant signage, 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
6/03/2018	FRNSW correspondence received regarding premises 68 Market Street Sydney.
12/03/2018	An inspection of the subject premises was undertaken by a Council officer and identified missing signage and pressure gauges. Façade check was also undertaken in relation to external wall cladding.
14/03/2018	Desktop review undertaken.
6/04/2018	Contact made with site contractors regarding remedial maintenance requirements. Correction action correspondence issued.

FIRE AND RESCUE NSW REPORT:

References: D17/86183, 2018/103286-04

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about the sound system and intercom system for emergency purposes.

Issues

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

1. The Annual Fire Safety Statement was not prominently displayed;
2. There was a lack of signage to do with the booster connections of the fire hydrant system.

FRNSW Recommendations

FRNSW have made three 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 schedule 5, clause 17 of the Environmental Planning and Assessment Act 1979
3. FRNSW has recommended that as Council are the regulatory authority the matter is referred for Council to take action to have the abovementioned items appropriately addressed.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

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

As a result of site inspections and conversations undertaken by Council investigation officers and site personnel it is recommended that the owners of the building address and comply with the issued compliance letter of instruction and rectify the identified fire safety deficiencies noted by Council and FRNSW.

The above correspondence has instructed the responsible site personnel to carry out remedial actions to existing fire systems to cause compliance with required standards of performance.

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

It is recommended that Council not exercise its powers to give a fire safety order under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 at this point in time.

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

Referred documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2018/103286
A2.	Locality Plan	2018/103286-03
A3	Attachment cover sheet	2018/103286-02

Trim Reference: 2018/103286-04**CSM reference No#:** 1861414



File Ref. No: BFS17/269 (0531)
TRIM Ref. No: D17/86183
Contact: Station Officer [REDACTED]

6 March 2018

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
'SWISSOTEL'
68 MARKET STREET, SYDNEY ("the premises")**

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

The correspondence stated that:

- *Westfield and Swissotel staff had silenced the Sound System and Intercom System for Emergency Purposes in the fire control room prior to investigating the cause of alarm in the hotel.*

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 25 October 2017 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.



COMMENTS

The following items were identified as concerns during the inspection:

1. Annual Fire Safety Statement (AFSS) – A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 177 of the EP&A Regulation.
2. The Fire Hydrant System - The following items were identified with the booster connections, contrary to the intent of Clause 7.10 of Australian Standard (AS) 2419.1-2005:
 - a. Three boost inlet connections were present in the cabinet. All pipework identified the connections as "MERCHANT COURT FIRE SERVICES". The doors of the cabinet were identified as serving 'The Swissotel'.

FRNSW were unable to identify the area that each boost inlet served for operational purposes.
 - b. 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.
 - c. Signage on the rear wall of the cabinet stated "SWISSOTEL BOOSTER NOT IN USE". FRNSW were unable to determine if the hotel is provided with protection of a hydrant installation in accordance with Clause E1.3 of the National Construction Code 2016 Volume One, Building Code of Australia (NCC).

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

RECOMMENDATIONS

FRNSW recommends that Council:

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

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



Unclassified

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact **Station Officer [REDACTED]** of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS17/269 (0531) for any future correspondence in relation to this matter.

Yours faithfully



Building Surveyor
Fire Safety Compliance Unit

Unclassified

Fire & Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

Locked Bag 12
Greenacre NSW 2190

T (02) 9742 7434
F (02) 9742 7483

firesafety@fire.nsw.gov.au

Page 3 of 3

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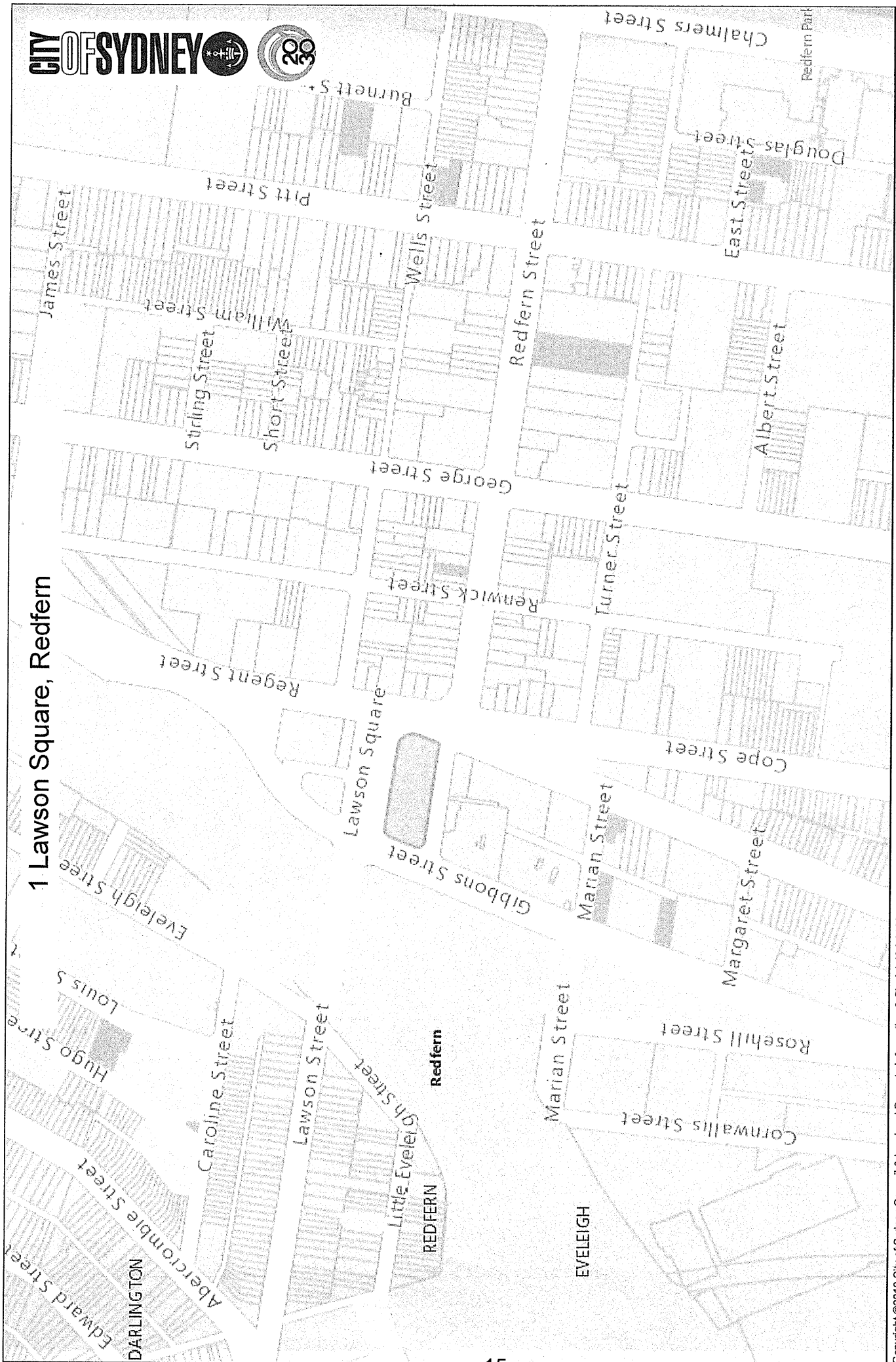


Attachment C

**Council Officer Inspection Report,
1 Lawson Square, Redfern**



1 Lawson Square, Redfern



1:3,000 at A4
20/03/2018

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

File: CSM 1861146

Officer: Ashley Host

Date: 9 April 2018

Premises: 1 Lawson Square, Redfern – Tower 2 (formerly known as 'TNT Building – 3Tower 2)

Executive Summary:

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

The premises consists of a twelve (12) storey office building. The existing twelve storey building is being refurbished under an approval from the NSW Department of Planning and Environment (18 December 2014) for "additions and alterations to the two existing 12 storey office towers to create an 18 storey mixed use development comprising:

- Retail and commercial uses at the ground floor of both towers and at levels 1-5 of the western tower
- 156 residential units
- Basement car and bicycle parking; and
- Public domain works

The premises are, at present, a construction site and the building is not occupied. A Private Certifying Authority has been appointed to oversee the site and construction.

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

The premises are equipped with active fire safety systems consisting of an operational fire hydrant system extending to each floor and portable fire extinguishers that would provide adequate provision for fire safety for occupants in the event of a fire.

The annual fire safety certification requirements are not applicable at this time as the site is under construction.

Chronology:

Date	Event
06/03/2018	FRNSW correspondence received regarding premises located at 1 Lawson Square, Redfern
20/03/2018	An inspection of the subject premises was undertaken by a Council Officer in attendance with the site Project Manager.
9/04/2018	Council officers issue a compliance letter of instruction to site building management

FIRE AND RESCUE NSW REPORT:

References: BFS18/243, D18/12151, 2018/103204

Fire and Rescue NSW conducted an inspection of the subject premises in relation to a fire incident (25/01/2018), as a result a fire safety concern was lodged.

Issues

The report from FRNSW details the following issues with reference to the building located at 1 Lawson Square, Redfern:

1. The hydrant system had been partially installed as part of the building work that is occurring at 'the premises'. There were additional interim fire safety measures such as portable fire extinguishers.
2. Since the fire, the builder had taken steps to ensure the building was safe during construction, however, had not completed all the interim fire safety measures.
3. After contacting the certifier for the development, an email was sent on 19 February 2018 requesting assistance liaising with the builder, to ensure the intent of Clause E1.9 of the National Construction Code 2016 Volume 1, Building Code of Australia (NCC) is satisfied during construction.
4. FRNSW has since received an e-mail on 20 February 2018 from both the certifier and the builder, outlining that the intent of E1.9 of the NCC has been satisfied.

FRNSW Recommendations

FRNSW have recommended that Council use its discretion as the regulatory authority and to monitor the interim fire safety measures to ensure they are being maintained during construction, and inspect and/or address any other deficiencies identified on 'the premises'.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order(NOI)	Issue emergency Order	compliance letter of instruction issued	Cited Matters rectified	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 Project Manager overseeing construction of the premises revealed that the above recommendations of FRNSW have been complied with.

The owners of the building have been issued with written instructions to bring to their attention the legal responsibilities required to ensure that proper fire safety maintenance and management practices are in place at all times during construction.

The above correspondence has instructed the building owners and site building management to have regard to ensuring clause E1.9 of the National Construction Code 2016, Volume 1, Building Code of Australia, Amendment 1 (NCC) is complied with whilst the building is under construction .

It is recommended that Council not exercise its powers to give a fire safety order under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 at this time.

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

Referenced documents:

No#	Document type	Trim reference
A1.	Locality Plan	2018/126285-01
A2	Attachment cover sheet	2018/126285-02
A3	Fire and Rescue NSW report	2018/126285-03

Trim Reference: 2018/126285

CSM reference No#: CSM 1861146



File Ref. No: BFS18/243 (8000002604)
TRIM Ref. No: D18/12151
Contact: [REDACTED]

6 March 2018

General Manager
City of Sydney Council
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance / Fire Safety

Dear General Manager

**RE: INSPECTION REPORT
BUILDING FORMERLY KNOWN AS "TNT BUILDING" TOWER 2
1 LAWSON SQUARE / GIBBONS STREET REDFERN ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 25 January 2018, in relation to a fire incident at 'the premises', as a result a fire safety concern was lodged.

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 13 February 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

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

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.



Comments

Date / Time of Fire: 25 January 2018; 17:32 hrs

Type of Alarm: Automatic Fire Alarm

Casualties: No casualties

FRNSW noted the following during the investigation of this incident:

1. At the time of the inspection on 13 February 2018 the following was observed:
 - a. The hydrant system had partially been installed as part of the building work that is occurring at 'the premises'. There were additional interim fire safety measures such as portable fire extinguishers.
 - b. Since the fire, the builder had taken steps to ensure the building was safe during construction, however, had not completed all the interim fire safety measures.
2. After contacting the certifier for the development, an e-mail was sent on 19 February 2018 requesting assistance liaising with the builder, to ensure the intent of Clause E1.9 of the National Construction Code 2016 Volume 1, Building Code of Australia (NCC) is satisfied during construction.
3. FRNSW has since received an e-mail on 20 February 2018 from both the certifier and the builder, outlining that the intent of E1.9 of the NCC has been satisfied.

RECOMMENDATIONS

As a result of the fire incident at 'the premises', FRNSW recommends that Council use its discretion as the appropriate regulatory authority to monitor the interim fire safety measures. The reason for monitoring the development is to ensure the interim fire safety measures are being maintained during construction, and inspect and/or 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 EP&A Act.

Unclassified

Fire & Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

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Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/243 (8000002604) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]
Building Surveyor
Fire Safety Compliance Unit

Fire & Rescue NSW

Community Safety Directorate
Fire Safety Compliance Unit

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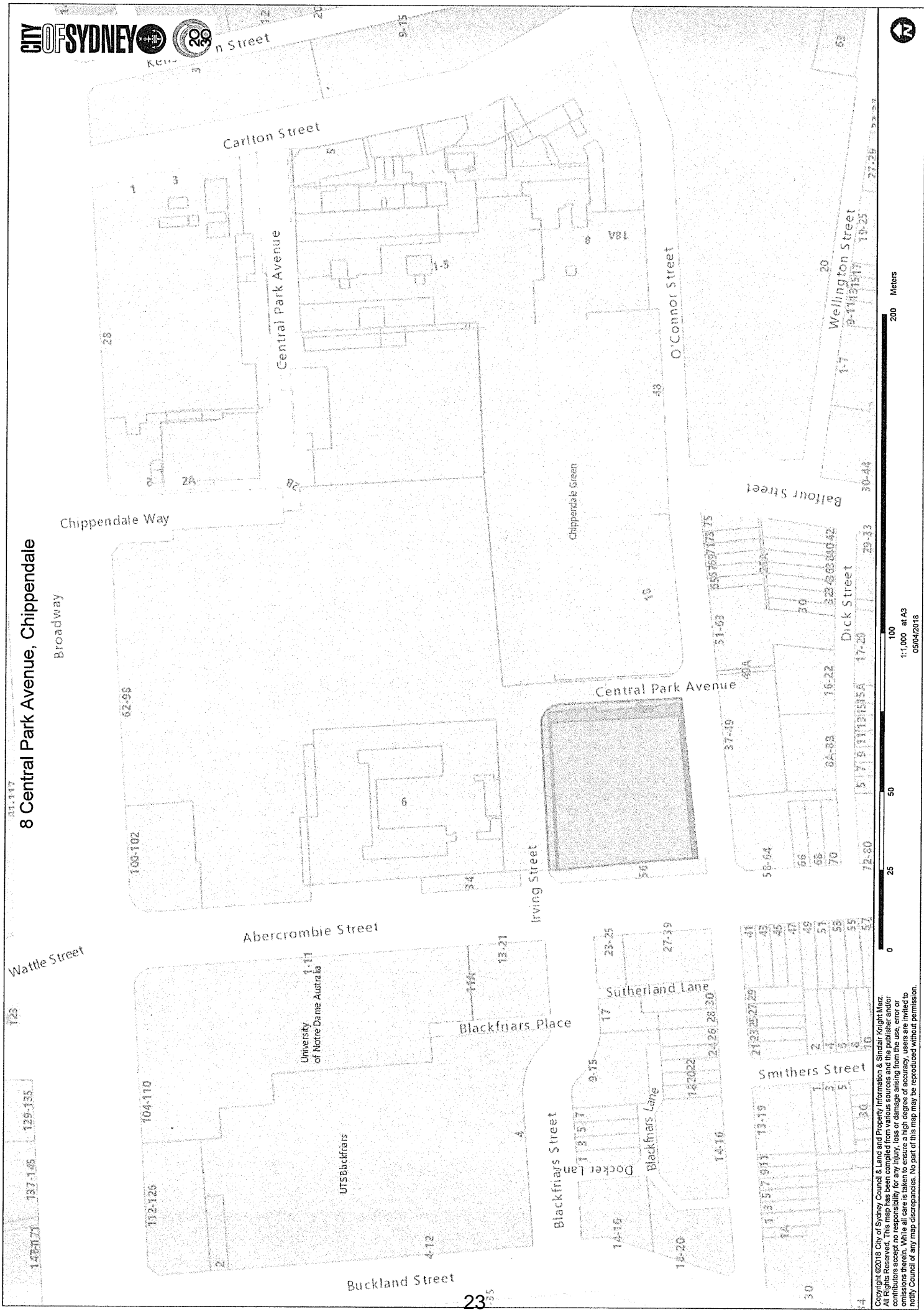
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Attachment D

**Council Officer Inspection Report,
8 Central Park Avenue, Chippendale**

8 Central Park Avenue, Chippendale



200 Meters

100
1:1,000 at A3
05/04/2018

50

25

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

File: X017654

Officer: M. Hassan

Date: 6 April 2018

Premises: 8 Central Park Avenue, Chippendale

Executive Summary:

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

The premises consists primarily of a 13 storey residential apartment building containing a number of ground floor commercial tenancies and a three storey basement car park.

The premises is located on the south western corner of Central Park and is bounded by Irving Street to the North, Central Park Avenue to the East, O'Connor Street to the South and Abercrombie Street to the West.

Council investigations have revealed that the premises are provided with adequate fire safety and egress provisions.

A copy of the Annual Fire Safety Statement was displayed within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Observation of the external facade of the building revealed a louvre system of copper coloured aluminium cladding.

The Department of Planning and Environment (DPE) was the consent authority for this premises and has commenced investigations into the premises to assess the fire safety risk posed by the external wall cladding.

Chronology:

Date	Event
6/03/2018	FRNSW correspondence received regarding premises 8 Central Park Avenue, Chippendale.
16/03/2018	An inspection of the premises undertaken by a Council officer has revealed that the smoke detection and alarm system in the building was operational and did not contain any faults. The inspection also revealed that the premises is provided with adequate fire safety and egress provisions.
27/03/2018	Council officers met the owner's fire safety contractor at the subject building. Tests were conducted of the fire alarm system on level 9 of the building in the company of Council officers. The test determined that the fire alarms on level 9 were working adequately. The service contractor also changed the alarm settings so that an alarm would sound throughout the whole building simultaneously rather than in a certain sequence. This was done as the contractor believed that this improved system performance

FIRE AND RESCUE NSW REPORT:

References: D18/13301; 2018/103130

Fire and Rescue NSW conducted an inspection of the subject premises on 6 February 2018 after receiving correspondence from an occupant in the building advising that they could barely hear the evacuation alarm in the building.

Issues

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

1. The control and indicating equipment displayed faults associated with the fire sprinkler/hydrant pump set and associated pipework.
2. An Annual Fire Safety Statement was not displayed in a prominent location within the building and was not made available to FRNSW at the time of the inspection.

FRNSW issued an emergency order (attached) to have the automatic fire alarm system and the combined fire sprinkler and fire hydrant system fully operational. The above order has been complied with.

FRNSW Recommendations

FRNSW have made no direct recommendation within their report other than legislative notification and advised that it is at Council's discretion to inspect and address any other deficiencies identified on the premises.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order (NO)	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)

An inspection of the subject premises undertaken by a Council investigation officer revealed that no fire safety issues were observed and that the premises is provided with adequate provisions for fire safety.

It is recommended that Council not exercise its powers to give a fire safety order under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 at this point in time.

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

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2018/153225-01
A2.	Locality Plan	2018/153225-02
A3	Attachment cover sheet	2018/153225-03

Trim Reference: 2018/153225

CSM reference No#: 1861144



File Ref. No: BFS18/117 (2491)
TRIM Ref. No: D18/13301
Contact: Station Officer [REDACTED]

5 March 2018

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
8 CENTRAL PARK AVENUE CHIPPENDALE (“the premises”)**

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

The correspondence indicates in part that:

My apartment is on Level 9 of the building and the most concerning part of this event was that I could barely hear the evacuation message or alarm. The best way of describing the sound was as if I had left music playing on a set of headphones, it was that quiet and took me ~5mins to work out if the alarm was indeed in my building.

Pursuant to the provisions of Section 119T (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of ‘the premises’ on 6 February 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 119T (4) and Section 121ZD (1) of the EP&A Act.

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Fire & Rescue NSW

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COMMENTS

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

1. Faults were displayed on the Fire Indicator Panel (FIP) contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg);
2. The control and indicating equipment displayed two faults associated with the fire sprinkler/hydrant pumpset and associated pipework contrary to the requirements of Clause 182 of the EP&A Reg;
3. An Annual Fire Safety Statement was not displayed in a prominent location or made available to FRNSW at the time of the inspection contrary to the requirements of Clause 177 of the EP&A Reg.

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

FIRE SAFETY ORDER NO. 6

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. 6, dated 7 February 2018, in accordance with the provisions of Section 121B of the EP&A Act, to have item no. 1 and item no. 2 of this report rectified.

In accordance with the provisions of Section 121ZE of the EP&A Act, a copy of the Order is attached for your information. FRNSW has conducted further inspections of the building to assess compliance with the terms of this Order

In this regard, FRNSW does not consider Council is required to take action in relation to item no. 1 and item no. 2 of this report.

RE-INSPECTION

Pursuant to the provisions of Section 119T(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 189(a) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), an inspection of 'the premises' on 22 February 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

At the time of the inspection, the terms of 'the order' issued on 'the premises' were compliant. Please be advised that 'the order' is not an exhaustive list of non-compliances, it is at Council's discretion to inspect and address any other deficiencies identified on 'the premises'.



Unclassified

This matter is referred to Council as the appropriate regulatory authority for your determination and action if required.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Station Officer [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/117 (2491) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]
Building Surveyor
Fire Safety Compliance Unit

Attachment: [Appendix 1 – Order 6 - 2 pages]

Unclassified

Fire & Rescue NSW

ABN 12 593 473 110

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Fire & Rescue NSW

Emergency Fire Safety Order

Under the *Environmental Planning and Assessment Act 1979*
Part 6 - Implementation and Enforcement: Division 2A – Orders
Tables to Section 121B: Emergency Order No. 6 – Fire Safety Order

Please note:

- Pursuant to Section 121ZC (2) of the Act, this Order has been given as an Emergency Order as the issuing officer believes actively or deficiencies identified constitute an emergency or a serious risk to safety.
- Pursuant to Section 121ZK (2) of the Act, there is no right of appeal against this Order.
- Failure to comply with this Order may result in further Orders and/or fines being issued.
- Substantial penalties may be imposed under Section 125 of the Act for failure to comply with an Order.

I, [REDACTED] Station Officer [REDACTED]
(name) (rank) (number)

being an authorised Fire Officer within the meaning of Section 121ZC of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose, hereby order:

The Owners of Strata Plan No. 94763 Owner
(name of person whom Order is served) (position i.e. owner, building manager)

with respect to the premise

'CONNOR'
8 CENTRAL PARK AVENUE CHIPPENDALE ("the premises")
(name/address of premises to which Order is served)

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

1. Ensure the Automatic Smoke detection and Alarm System installed in the premises is fully operational by removing all faults displayed on the Fire Indicator Panel.
2. Ensure the Combined Sprinkler and Hydrant System installed in the premises is fully operational by:
 - a. Restoring the fault associated with Zone 207, 'Low Rise Pump Fault'; and
 - b. Restoring the fault associated with Zone 212, 'Town Main Bypass Valve'.

The terms of the Order are to be complied with:

By no later than 1200 hours on the 14 February 2018.

Fire & Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	Locked Bag 12	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483
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The reasons for the issue of this Order are:

- a. At the time of the inspection:
 - a. The building was occupied;
 - b. The Fire Indicator Panel displayed five faults;
 - c. The 'Sprinkler Points' panel displayed faults in Zone 207 and 212.
- b. Isolations in the Automatic Smoke Detection and Alarm System may leave occupants unaware of an emergency.
- c. To ensure the Automatic Smoke Detection and Alarm System is fully operational, so occupants may be provided with early notification of a fire within the building so that they may safely evacuate the premises.
- d. To ensure the Automatic Smoke Detection and Alarm System can operate in accordance with the designed standard of performance.
- e. To comply with the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000.

This Order No. 6 was sent by mail on 7 February 2018.



Fire Safety Officer
Fire Safety Compliance Unit

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Attachment E

**Council Officer Inspection Report,
141-147B King Street, Sydney**

Rowe Street

141-147B KING STREET, SYDNEY



Lees Court

King Street

Castlereagh Street

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1:750 at A4
20/03/2018



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

File: 1867561

Officer: Joe Kalgovas

Date: 22/03/2018

Premises: 141-147B King Street, SYDNEY

Executive Summary:

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

The premises consists of an eight storey building in use as commercial offices above shops at basement and street level. The subject site is a heritage item under the Sydney Local Environmental Plan 2012.

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

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

Council investigations have 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) Safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire

It is considered that the scope of the above fire safety rectification works are of a degree which will require a fire safety order to be issued so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

The Order will be issued pursuant to section 9.34 and Schedule 5, Part 2 of the Environmental Planning and Assessment Act 1979.

Chronology:

Date	Event
19/03/2018	Received FRNSW correspondence regarding premises 147A King Street Sydney on 19 March 2018. Council knows this building by address 141-147 B King Street Sydney.
21/03/2018	An inspection of the subject premises was undertaken by a Council officer. Façade check was also undertaken in relation to external wall cladding.
22/03/2018	Desktop review undertaken.

FIRE AND RESCUE NSW REPORT:

References: D18/14087; 2018/123599]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about the adequacy of the provision for fire safety on 5 February 2018.

Issues

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

1. Access to hydrant pump room
2. Separation of and orientation of hydrant booster assembly
3. Location of and access to the sprinkler pump room
4. Smoke detection and alarm system compliance
5. Fire extinguisher and hose reel accessibility
6. Exit signage maintenance
7. Obstructions to and damaged exit doors

FRNSW Recommendations

FRNSW have made (11) 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. *FRNSW has recommended that as Council are the regulatory authority the matter is referred for Council to take action to have the abovementioned items appropriately addressed.***

FRNSW have also requested that as soon as practical after the above recommendations have been tabled and considered that notice of any determination in respect of the recommendations is forwarded to them in accordance with the provisions of the relevant sections of the Act (noting that these provisions are now known as clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979).

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

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

As a result of a site inspection undertaken by Council investigation officers it is recommended that Council exercise its powers to give a notice of intention (NOI) for an Order 2, under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council's building officer.

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

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

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2018/142246-03
A2.	Locality Plan (cadastre please)	2018/142246-02
A3.	Attachment cover sheet	2018/142246-01

Trim Reference: 2018/142246

CSM reference No#: 1867561



File Ref. No: BFS18/279 (2640)
TRIM Ref. No: D18/14087
Contact: [REDACTED]

19 March 2018

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
'SYDNEY PARTY DECORATIONS'
147A KING STREET, SYDNEY ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 5 February 2018, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated, in part, that:

- *The premises has only a small area which is sprinkler protected.*
- *Only thermal detection has been provided to the premises.*
- *The premises has an extremely high and flammable fire load due to the nature of the products sold.*
- *Products are displayed on non-permanent fixtures whose integrity would be easily compromised in the event of a fire.*
- *Storage areas have been packed solidly to the ceiling level with products.*
- *All access/egress areas have been compromised by stock, leaving the shop difficult to navigate.*



Please be advised that the inspection for 'the premises' was conducted prior to the amendments of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on 1 March 2018. As such, all references to the relevant sections in this report are provided prior to the amendments of the EP&A Act.

Pursuant to the provisions of Section 119T (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 9 February 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

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

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 119T (4) and Section 121ZD (1) of the EP&A Act. Please be advised that Section 121ZD (2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

The following items were identified as concerns during the inspection:

Essential Fire Safety Measures

1. Fire Hydrant System

- a. The door hardware to the hydrant pump room at the rear of the premises, 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 and sprinkler system had been maintained and were capable of operating to the standards of performance from when they were first designed and installed.
- b. The fire hydrant booster assembly is not provided with a block plan, contrary to the requirements of Clause 7.11 of AS2419.1-2005.



- c. The hydrant booster assembly is affixed to the external wall of the building and does not appear to be separated from the building by a construction with a fire resistance rating of not less than FRL 90/90/90 for a distance of not less than 2m each side and 3m above the upper hose connections, contrary to the requirements of Clause 7.3 of AS2419.1-2005.
- d. The orientation of the fire hydrant booster assembly is positioned in such a way that does not facilitate the needs of the attending fire brigades to connect to the equipment to undertake firefighting operations, in contravention with the requirements of AS 2419.1-2005.
- e. Storz aluminium alloy delivery couplings, compatible with FRNSW equipment are not provided to all fire hydrant valve outlets, in contravention with the requirements of Clause 7.1 and 8.5.11.1 of AS 2419.1-2005.

2. Automatic Fire Suppression System

- a. The sprinkler (drencher) pump room is located within the building, underneath the main entry stairs to the premises, and is not provided with a door opening to a road or open space, or a door opening to a fire isolated passage or stair which leads to a road or open space, contrary to the requirements of Clause 4.11 of AS2118.1-1999 and Appendix D of AS2419-2013.
- b. Sprinkler system pump – The maintenance logbook indicates a number of issues requiring attention from an appropriate technician.

3. Smoke Detection and Alarm System

- a. Most detectors located throughout the premises are heat detectors, in lieu of smoke detectors, contrary to the requirements of Specification E2.2a(2)(b) of the NCC and Australian Standard (AS) 1670.3.
- b. A sign has been placed on the Fire Indicator Panel (FIP) requesting that occupants and/or NSW Fire Brigades either isolate or do not reset the FIP in the event of an alarm or fault.

4. Portable Fire Extinguishers (PFE) – Some PFEs throughout the premises were not readily accessible and not appropriately supported, contrary to the requirements of Clauses 3.2 & 3.5 of Australian Standard (AS)2444-2001.

5. Fire Hose Reel – Access to the fire hose reel within the premises was obstructed and the location signage was not clearly visible, contrary to the requirements of Clause 10 of Australian Standard AS2441-2005.

Unclassified

Fire & Rescue NSW

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Community Safety Directorate
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6. Exit Signage – Some exit signage was not illuminated and not maintained, contrary to the requirements of Clause E4.8 of the National Construction Code, Volume One, Building Code of Australia (NCC), Section 6 of Australian Standard (AS) 2293.1-2005 and Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

Egress

7. Items were observed stored in the path of travel leading to the fire exit at the rear of the premises, on the stair leading to the rear fire exit door, causing an impediment to the free passage of persons, contrary to the requirements of Clause 184, 185 and 186 of the EP&A Regulation.
8. The push bar to the final doorway forming part of the fire exit at the rear of the premises was broken and the doorway contained locking devices which were capable of being locked with a key, contrary to the requirements of Clause D2.21 of the NCC.
9. The final doorway forming part of the building's fire exit, from the rear exit door of the premises on to the rear lane leading to the exit at Castlereagh Street, operates with a push button device which has been partially blocked, obstructed by stored items and was not clearly signed.
10. The double fire doors located at the top of the stairs from the required exit adjacent to the customer service counter within the premises, fails return to the fully closed position after opening, contrary to the requirements of Clause 3.4 of the NCC and Clause 2.3 of AS1905.1:2015.

General

11. A copy of current annual fire safety statement (AFSS) and a copy of the fire safety schedule were not prominently displayed in the building, contrary to the requirements of Clause 177 of the EP&A Regulation.

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

Unclassified

Fire & Rescue NSW

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Community Safety Directorate
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RECOMMENDATIONS

FRNSW recommends that Council:

Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 11 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Section 121ZD (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/279 (2640) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

Building Surveyor
Fire Safety Compliance Unit

Unclassified

Fire & Rescue NSW

ABN 12 593 473 110

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Community Safety Directorate
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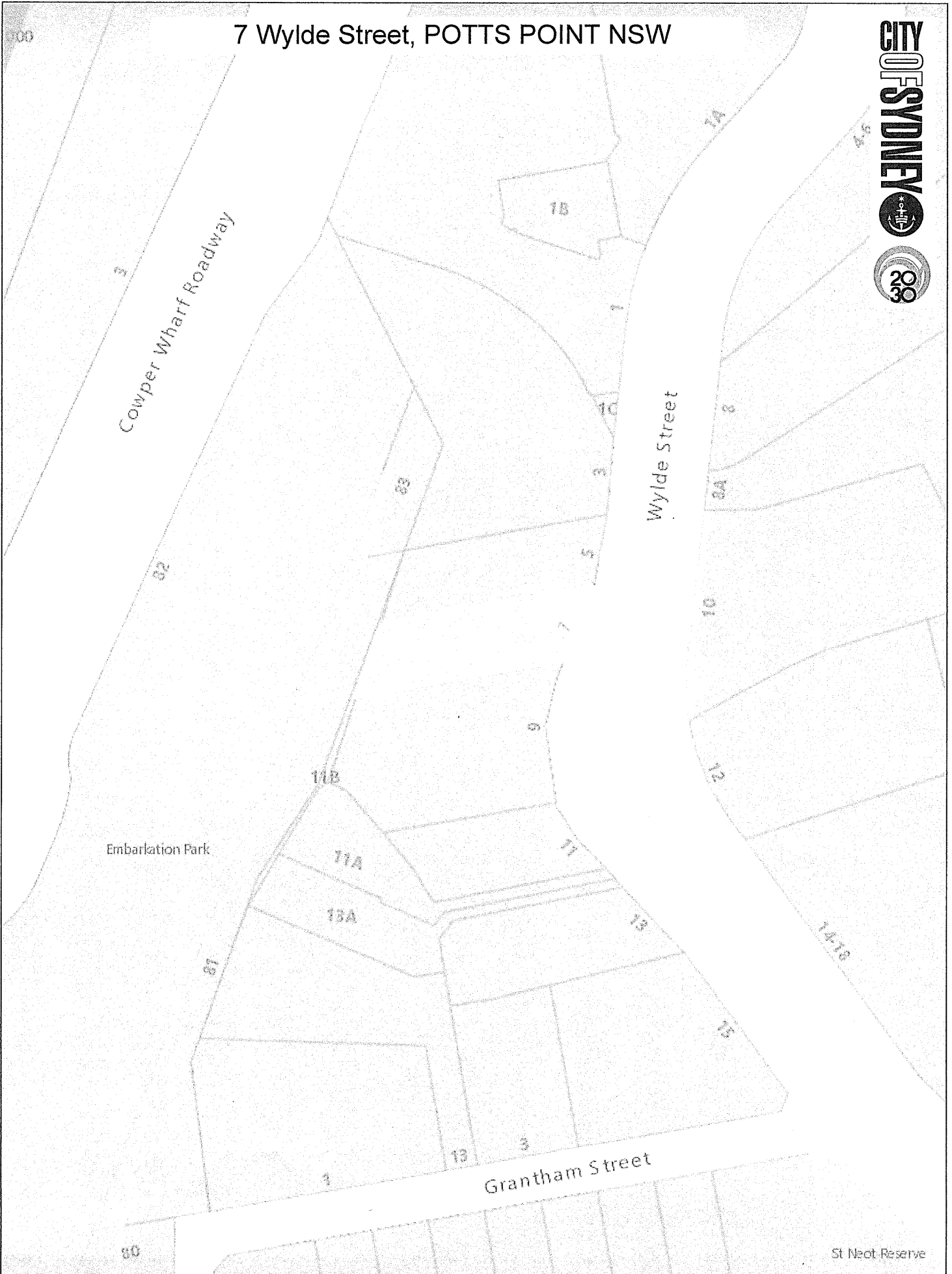
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Attachment F

**Council Officer Inspection Report,
7 Wylde Street, Potts Point**

7 Wylde Street, POTTS POINT NSW



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1:750 at A4
03/04/2018



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

File: S061652

Officer: Michael Merlino

Date: 5 April 2018

Premises: 7 Wylde Street, POTTS POINT NSW

Executive Summary:

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

The premises consists of a 5 storey building that is used as residential apartments.

The premises was issued with a fire safety upgrade order by Council on 11 September 2008. The works under the fire safety upgrade order were completed and subsequently finalised by Council on 19 August 2011.

Since completion of the fire safety order, the owners have been submitting compliant annual fire safety statements as part of their obligations under clause 177 of the Environmental Planning and Assessment Regulation 2000.

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

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

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

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

Chronology:

Date	Event
28/3/2018	FRNSW correspondence received regarding premises 7 Wylde Street, Potts Point.
4 /4/2018	An initial desktop review of the subject building revealed that the building has a fire safety schedule and is required to submit annual fire safety statements to Council and FRNSW. The building has a current compliant annual fire safety statement, with the next one due by 22 July 2018. The premises was issued with a fire safety order by Council on 11 September 2008. The works under the fire safety upgrade order were completed and subsequently finalised by Council on 19 August 2011.
5/4/2018	An inspection of the subject premises was undertaken by a Council officer which did not reveal any significant fire safety breaches occurring in the building.

FIRE AND RESCUE NSW REPORT:

References: [BFS17/1284 (0675), D18/14652; 2018/141280]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about the sprinkler system valves.

Issues:

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

1. Issues with the sprinkler booster outlet configuration, valve actuator, fence obstructing the booster, valves not secured in the open position and incorrect booster delivery couplings;
2. An exit sign located on the second floor was not illuminated;
3. Exit travel distances to apartment entry doors were in excess of what is required under the current building code regulations;
4. Dimensions of exits and paths of travel appear to be less than what is required under the current building code regulations;
5. Rear egress stair contains winders in lieu of a landing as required under the current building code regulations;

FRNSW issued an emergency fire safety order to have item 1 above addressed in relation to the sprinkler system, and have advised that these issues have been satisfactorily addressed.

FRNSW Recommendations

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

1. Inspect and address any other deficiencies identified in the premises and require item no. 2 – 5 of their report to be addressed appropriately.
2. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order (NOI)	Issue emergency Order	Issue-a compliance letter-of instruction	Cited Matters rectified, no further action	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 two apartment owners of the premises revealed that the above issues of FRNSW have been complied with (Items 1-2).

FRNSW also raised matters in relation to base building issues (items 3-5), however these matters were considered under the issue of the fire safety order in 2008. The fire safety provisions contained within the above fire safety order took into account among other things, the exit shortfalls and compensated such with the installation of an active fire system which is deemed sufficient to overcome impractical internal alterations and provide acceptable levels of safety in the event of fire

It is recommended that Council not exercise its powers to give a fire safety order under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 at this point in time.

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

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2018/147078-03
A2.	Locality Plan	2018/147078-02
A3	Attachment cover sheet	2018/147078-01

Trim Reference: 2018/147078

CSM reference No#: 1872718



File Ref. No: BFS17/1284 (0675)
TRIM Ref. No: D18/14652
Contact: [REDACTED]

27 March 2018

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
7 WYLDE STREET, POTTS POINT ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 11 June 2017, in relation to the adequacy of the provision for fire safety in or in connection with 'the premises'.

The correspondence stated that:

- *The collector and delivery parts of the Spk Booster system are on the wrong heads of the system. If they swapped places, (collector hyd put in place of the delivery valves and vice versa) the system would work.*

Please be advised that the inspection for 'the premises' was conducted prior to the amendments of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on 1 March 2018. As such, all references to the relevant sections in this report are provided prior to the amendments of the EP&A Act.

Pursuant to the provisions of Section 119T(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 5 December 2017 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

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The inspection was limited to the following:

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

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 119T(4) and Section 121ZD(1) of the EP&A Act. Please be advised that Section 121ZD(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

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

Essential Services

1. Sprinkler Booster -

- a. The feed outlets and boost inlets associated with the sprinkler booster were configured incorrectly with the feed outlets being installed downstream (property side) of the main isolating valve and the boost inlets being installed upstream (water supply side) of the main isolating valve.
- b. The manual valve actuator was in the closed position indicating that the mains water supply to the sprinkler system was shut off.
- c. The fence directly in front of the sprinkler booster assembly, created an obstruction which would not permit hose attachment.
- d. Above ground isolating valves were not secured or locked in the open position.
- e. Storz aluminium alloy delivery couplings, which are compatible with FRNSW appliances and equipment, were not provided to the hose connections associated with the sprinkler booster assembly.

2. Exit signs – The exit sign on the second floor was not illuminated and had not been maintained, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

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Access and Egress

3. Exit travel distances – The entrance doorway of multiple Sole Occupancy Units (SOU's) throughout 'the premises' appears to be located more than 6m from an exit or from a point from which travel in different directions to 2 exits is available, contrary to the requirements of Clause D1.4(a)(i) of the National Construction Code Volume One, Building Code of Australia (NCC).
4. Dimensions of exits and paths of travel to exits – The rear exit stair appears to achieve an unobstructed width of less than 1m, contrary to the requirements of Clause D1.6 of the NCC.
5. Goings and risers - The rear egress stairway, contains winders in lieu of a landing, contrary to the requirements of Clause D2.13(a)(viii) of the NCC.

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

FIRE SAFETY ORDER NO. 6

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. 6, dated 8 December 2017, in accordance with the provisions of Section 121B of the EP&A Act, to have item no. 1(a) through to item no. 1(e) of this report rectified.

In accordance with the provisions of Section 121ZE of the EP&A Act, a copy of the Order is attached for your information. FRNSW has conducted further inspections of the building to assess compliance with the terms of this Order.

In this regard, FRNSW does not consider Council is required to take action in relation to item no. 1(a) through to item no. 1(e) of this report.

RE-INSPECTION

Pursuant to the provisions of Section 119T(1)(b) of the EP&A Act and Clause 189(a) of the EP&A Regulation, an inspection of 'the premises' on 13 February 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

At the time of the inspection, the terms of 'the order' issued on 'the premises' were compliant. Please be advised that 'the order' is not an exhaustive list of non-compliances, it is at Council's discretion to inspect and address any other deficiencies identified on 'the premises'.



RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises' and require item no. 2 through to item no. 5 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Section 121ZD (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS17/1284 (0675) for any future correspondence in relation to this matter.

Yours faithfully



Building Surveyor
Fire Safety Compliance Unit

Attachment: [Appendix 1 – Emergency Fire Safety Order 6 dated 8 December 2017 – 2 pages]



Appendix 1 – Emergency Fire Safety Order

Unclassified



Emergency Fire Safety Order

Under the Environmental Planning and Assessment Act 1979
Part 6 - Implementation and Enforcement: Division 2A – Orders
Tables to Section 121B: Emergency Order No. 6 – Fire Safety Order

Please note:

- Pursuant to Section 121ZC (2) of the Act this Order has been given as an Emergency Order as the issuing officer believes actual or deficiencies identified constitute an emergency or a serious risk to safety
Pursuant to Section 121ZK (2) of the Act, there is no right of appeal against this Order
Failure to comply with this Order may result in further Orders and/or fines being issued.
Substantial penalties may be imposed under Section 125 of the Act for failure to comply with an Order.

I, [Name] Building Surveyor [Number]

being an authorised Fire Officer within the meaning of Section 121ZC of the Environmental Planning and Assessment Act 1979, and duly authorised for the purpose, hereby order:

Cabana Home Units Pty Ltd Owner
(being the person whom Order is served) (person or company owner, building manager)

with respect to the premise

7 WYLDE STREET, POTTS POINT ("the premises")
(being address of premises to which Order is served)

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

- 1. Ensure the Sprinkler Booster Assembly Arrangement is fully operational by
a. Rectifying the configuration of the feed outlets and booster inlets, such that
i. The feed outlets are located upstream (water supply side) of the main isolating valve.
ii. The boost inlets are located downstream (property side) of the main isolating valve
b. Restoring the main water supply to the system by de-isolating the butterfly valve associated with the backflow prevention device (i.e. Sydney Water double check valve)

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- c. Securing or locking open all above ground isolating valves
- d. Ensuring the fence directly in front of the connections does not cause interference when the inlets and outlets have hoses connected
- e. Installing Storz adaptors, manufactured in copper alloy or aluminium using a forging process or stainless steel using the investment cast process, which are compatible with the Fire and Rescue NSW hose connections

The terms of the Order are to be complied with:

By no later than 1200 hours on Thursday 21 December 2017.

The reasons for the issue of this Order are:

- a. The current configuration of the sprinkler booster assembly is non-compliant with AS2118 and AS2419. In this regard, the feed outlets are located downstream (property side) of the main isolating valve and the boost inlets are located upstream (water supply side) of the main isolating valve.
- b. The manual valve actuator associated with double check valve was rotated at right angles to the direction of water flow indicating the mains water supply to the sprinkler system was shut off.
- c. A fence is located directly in front of the sprinkler booster assembly and in its current configuration, creates an obstruction which would not permit hose attachment.
- d. Above ground isolating valves are not secured or locked in the open position.
- e. Storz aluminium alloy delivery couplings, which are compatible with FRNSW appliances and equipment, are not provided to the hose connections associated with the sprinkler booster assembly.
- f. To ensure that the sprinkler system meets the operational needs of Fire and Rescue NSW in the event of a fire at the premises.

This Order No. 6 was sent by mail on 8 December 2017



Building Surveyor
Fire Safety Compliance Unit

Fire & Rescue NSW
Community Safety Directorate
Fire Safety Compliance Unit
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Attachment G

**Council Officer Inspection Report,
33-35 and 37 Darlinghurst Road, Potts Point**



33 - 35 and 37 Darlinghurst Road Potts Point
(Potts Point Hotel)

23-31

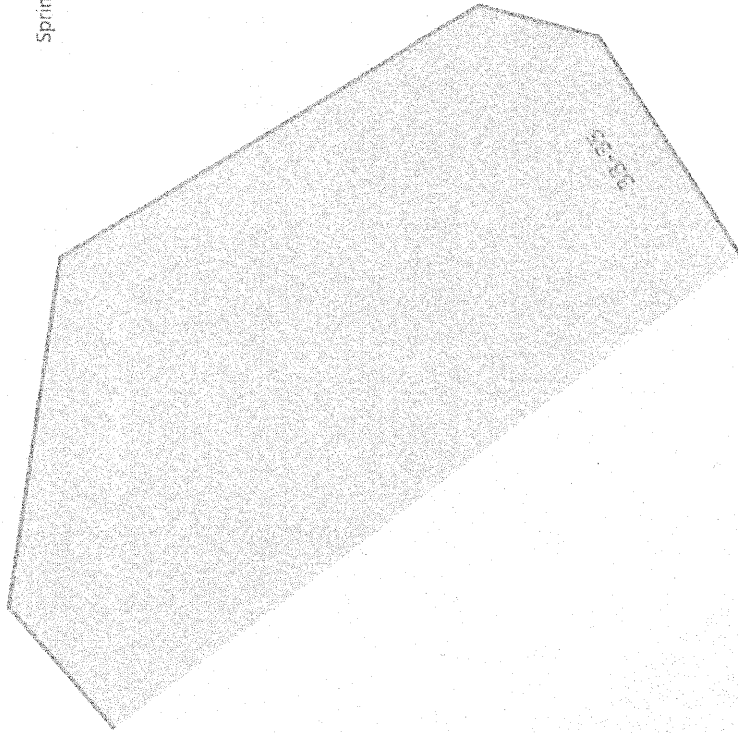
Springfield Gardens

Springfield Avenue

Darlinghurst Road

34-35A

34-35B



33-35

37

39-43

15

5-7



Meters

25

13

1:250 at A4

6

03/04/2018

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

File: CSM1872713

Officer: Eyman Balta

Date: 5 April 2018

Premises: 33 - 35 and 37 Darlinghurst Road Potts Point (Potts Point Hotel)

Executive Summary:

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

The premises consists of a five storey building used as a bar and restaurant known as the Potts Point Hotel. The building is bounded by Darlinghurst Road, Springfield Avenue and Earl Place Darlinghurst.

The building is located at 33 - 35 Darlinghurst Road Potts Point and is connected to 37 Darlinghurst Road through openings between the common walls of the two buildings at ground floor level.

The buildings 33 - 35 and 37 Darlinghurst Road are determined to be a united building under the provisions of the National Construction Code 2016, Volume 1, Building Code of Australia, Amendment 1 (NCC).

The building comprises of the following configuration:

- The basement level of the building contains storage areas, male and female amenities and back of house areas.
- The ground floor level contains the main bar, a commercial kitchen, dining areas and gaming areas.
- The first and second floor levels contain bars, lounge areas and amenities.
- The third floor contains a rooftop bar known as 'Sweethearts Rooftop'.

An inspection of the premises undertaken by a Council investigation officer in the presence of the Potts Point Hotel manager and licensee confirmed 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 buildings annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to, such as maintenance of fire doors and their associated hardware, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

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

Chronology:

Date	Event
28/03/2018	FRNSW correspondence received regarding the Potts Point Hotel located at 33 - 35 and 37 Darlinghurst Road Potts Point.
05/04/2018	<p>An inspection of the subject premises was undertaken by a Council building officer in the presence of the manager and licensee of the Potts Point Hotel.</p> <p>The inspection revealed only minor non-compliances which could be addressed through appropriate maintenance. The inspection also revealed that the majority of the issues raised by FRNSW had been addressed by the building owner. The outcomes of the inspection were discussed at the conclusion of the inspection with the building owner who was also advised that written advice on the findings would be issued in due course.</p>
06/04/2018	A compliance letter of instruction is issued to the building owners and the hotel manager and licensee to rectify the non-compliances identified by Councils investigation officer during the inspection of the premises on the 5 April 2018.

FIRE AND RESCUE NSW REPORT:

References: BFS17/3005 (2247) and D18/15645.

Fire and Rescue NSW in the presence of the NSW Police and Licenced Premises officers from the City of Sydney conducted an inspection of the subject premises on the 9 December 2017 as a part of a proactive joint inspection program of licenced premises.

Issues

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

1. The buildings fire indicator panel (FIP) was displaying an isolation and seven technical fault messages.
2. The buildings emergency warning and intercommunication system (EWIS) panel was displaying faults.
3. A fire door located on the second level of the building had a broken self-closing device.
4. Magnetic hold open devices provided to fire doors on the third floor level were broken.
5. An exit passageway at basement level was obstructed by stored items.

With reference to items 1 and 2 above, FRNSW issued an Emergency Fire Safety Order on the premises on the 10 December 2017 requiring non-compliances associated with these items to be rectified no later than the 21 December 2017.

In its correspondence to Council, FRNSW advised that a reinspection of the premises was undertaken on the 21 December 2017 and that requirements of the Emergency Fire Safety Order were complied with.

The buildings FIP and EWIS panel were inspected by Councils investigation officer during the inspection of the premises on the 5 April 2018 and no non-compliances were identified with both panels operating correctly.

With reference to item 3 above, non-compliances were identified in relation to the operation of fire exit stair doors on the second floor level of the building at the time of Councils inspection.

With reference to item 4 above, non-compliances were identified in relation to the operation of fire exit stair doors and their magnetic hold open devices on the ground, first and second floor levels, but not the third floor level of the building at the time of Councils inspection.

With reference to item 5 above, no issues in relation to the obstruction of exits or paths of travel were identified in the building at the time of Councils inspection.

FRNSW Recommendations

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

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed. FRNSW has listed the issues that were identified by their inspection pursuant to s.9.32 and clause 17 of Schedule 5 of the (previously 119T (4) and s.121ZD (1) Act.
2. FRNSW has recommended that as Council are the regulatory authority the matter is referred for Council to take action to have the abovementioned items appropriately addressed.
3. FRNSW have also requested that as soon as practical after the above report has been tabled and considered, that notice of any determination in relation to the report and recommendations is forwarded to them in accordance with clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

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

As a result of site inspection undertaken by Council investigation officers the owners of the building were issued with written instructions to rectify the identified fire safety deficiencies noted by FRNSW and Council officers.

The above correspondence has instructed the building owners and hotel management to:

1. Carry out maintenance to the existing fire doors, fire door hardware and magnetic hold open devices identified during the inspection as being defective to ensure the correct operation of these doors in an emergency.

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

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

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

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2018/145661-01
A2.	Locality Plan	2018/145661-02
A3	Attachment cover sheet	2018/145661-03

Trim Reference: 2018/145661

CSM reference No#: 1872713



File Ref. No: BFS17/3005 (2247)
TRIM Ref. No: D18/15645
Contact: [REDACTED]

27 March 2018

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
'POTTS POINT HOTEL'
LOT 1, DP 210973 & LOT B, DP 162489
33-35 & 37 DARLINGHURST ROAD, POTTS POINT ("the premises")**

Pursuant to the provisions of Section 119T(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 9 December 2017 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force and City of Sydney Council.

The inspection was limited to the following:

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

Please be advised that the inspection for 'the premises' was conducted prior to the amendments of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on 1 March 2018. As such, all references to the relevant sections in this report are provided prior to the amendments of the EP&A Act.



On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 119T(4) and Section 121ZD(1) of the EP&A Act. Please be advised that Section 121ZD(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

The following items were identified as concerns during the inspection:

1. The Automatic Smoke Detection and Alarm System –
 - a. The Fire Indicator Panel was displaying one (1) isolation and seven (7) technical messages.
 - b. The evacuation control panel was displaying a “System Fault” and “Charger Fault”.
2. Fire doors –
 - a. The fire door to the central fire isolated stairway on Level 2 had a broken self-closing device, therefore preventing the door from returning to the fully closed position after each manual opening, contrary to the requirements of Clause C3.8 of the National Construction Code, Volume One, Building Code of Australia (NCC).
 - b. Multiple magnetic hold open devices to the fire doors on Level 3 were broken and had not been maintained, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).
3. Egress – The rear exit passageway on the basement level (which also provides access to the pump room from Earl Place) was partially obstructed by furniture and other stored items, contrary to the requirements of Clause 184 and Clause 186 of the EP&A Regulation. Staff advised FRNSW that these items would be removed and the passageway would be cleared that evening following the inspection.

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

FIRE SAFETY ORDER NO. 6

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. 6, dated 14 December 2017, in accordance with the provisions of Section 121B of the EP&A Act, to have item no. 1(a) and item no.1(b) of this report rectified.



In accordance with the provisions of Section 121ZE of the EP&A Act, a copy of the Order is attached for your information. FRNSW has conducted further inspections of the building to assess compliance with the terms of this Order.

In this regard, FRNSW does not consider Council is required to take action in relation to item no. 1(a) and item no. 1(b) of this report.

RE-INSPECTION

Pursuant to the provisions of Section 119T(1)(b) of the EP&A Act and Clause 189(a) of the EP&A Regulation, an inspection of 'the premises' on 21 December 2017 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

At the time of the inspection, the terms of 'the order' issued on 'the premises' were compliant. Please be advised that 'the order' is not an exhaustive list of non-compliances, it is at Council's discretion to inspect and address any other deficiencies identified on 'the premises'.

RECOMMENDATIONS

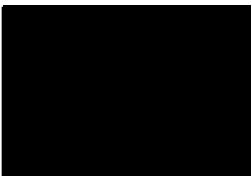
FRNSW recommends that Council:

- a. Inspect and address item no. 2 through to item no. 3 of this report and 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 Section 121ZD(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS17/3005 (2247) for any future correspondence in relation to this matter.

Yours faithfully



Building Surveyor
Fire Safety Compliance Unit

Attachment: [Appendix 1 – Emergency Fire Safety Order 6 dated 14 December 2017 – 2 pages]



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Emergency Fire Safety Order

Under the *Environmental Planning and Assessment Act 1979*
Part 6 - Implementation and Enforcement: Division 2A - Orders
Tables to Section 121B: Emergency Order No. 6 – Fire Safety Order

Please note

- Pursuant to Section 121ZC (2) of the Act, this Order has been given as an Emergency Order as the issuing officer believes actions or deficiencies identified constitute an emergency or a serious risk to safety.
- Pursuant to Section 121ZK (2) of the Act, there is no right of appeal against this Order.
- Failure to comply with this Order may result in further Orders and/or fines being issued.
- Substantial penalties may be imposed under Section 125 of the Act for failure to comply with an Order.

I, [REDACTED] Building Surveyor [REDACTED]
(name) (date) (number)

being an authorised Fire Officer within the meaning of Section 121ZC of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose, hereby order

Darlinghurst Road Holdings Pty Limited **Owner**
(name of person whom Order is served) (position i.e. owner, building manager)

with respect to the premise

'POTTS POINT MOTEL'
(LOT 1, DP 210973 & LOT B, DP 162489)
33-35 & 37 DARLINGHURST ROAD, POTTS POINT ("the premises")
(name/address of premises to which Order is served)

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

1. Ensure the Automatic Smoke Detection and Alarm System ("the system") continually monitors 'the premises' by
 - a. Repairing the isolation and technical messages displayed on the Fire Indicator Panel.
 - b. Maintaining 'the system' so that it is operational without faults or isolations by ceasing the practise of isolating 'the system'. Ensuring that 'the system' operates to the standard of performance it was originally designed, installed and commissioned.

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2. Ensure the Emergency Warning and Intercommunication System (EWIS) installed in 'the premises' is fully operational, by rectifying all faults, displayed on the Emergency Control Panel

The terms of the Order are to be complied with:

By no later than 1200 hours on Thursday 21 December 2017

The reasons for the issue of this Order are:

- a. At the time of the inspection on 10 December 2017, the Fire Indicator Panel was displaying one (1) isolation and seven (7) technical messages.
- b. At the time of the inspection, the evacuation control panel was displaying a 'System Fault' and 'Charger Fault'.
- c. To ensure that the Automatic Smoke Detection and Alarm System is capable of operating in accordance with the standard of performance it was designed and installed to
- d. To ensure the Automatic Smoke Detection and Alarm System is fully operational so the occupants are provided with early notification of a fire within 'the premises' so that they may safely evacuate 'the premises' in the event of a fire
- e. To ensure that the Emergency Warning and Intercommunication System is capable to operating in accordance with the standard of performance it was designed and installed to
- f. To ensure compliance with the requirements with Clause 182 of the Environmental Planning and Assessment Regulation 2000.
- g. To ensure that Fire Safety Measures installed throughout the building are maintained and operating to their standard of performance.

This Order No. 6 was hand delivered and sent by mail on 14 December 2017



Building Surveyor
Fire Safety Compliance Unit

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