

15 October 2018

At the conclusion of the Cultural and Community Committee



Transport, Heritage and Planning Committee

Sydney 2030 / Green / Global / Connected

Agenda

- 1. Disclosures of Interest**
- 2. Public Exhibition – Planning Proposal – Modern Movement Heritage Items – Sydney Local Environmental Plan 2012 Amendment**
- 3. Heritage Floor Space - Award to 44 Martin Place, Sydney and Review of Council Delegation for Awards**
- 4. 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.

Public Exhibition – Planning Proposal – Modern Movement Heritage Items – Sydney Local Environmental Plan 2012 Amendment

File No: X017182

Summary

At the Council meeting of 13 August 2018, the proposed public exhibition of nine Modern Movement heritage items was deferred to enable City staff to explain the planning proposal process to land owners. During the deferral, all land owners were contacted by staff. Information was provided to explain the process and the development implications, land owners were invited to ask questions, and staff were able to hear and respond to owner comments, ahead of formal consultation through public exhibition. City staff met with owners and their consultants for seven of the proposed heritage items, and reviewed written requests from two owners of these seven proposed items.

In the interest of achieving certainty for land owners and the community about the heritage status of these identified heritage items within reasonable timeframes, it is recommended that the proposal for public exhibition is progressed as a united proposal for the nine heritage items identified through the Modern Movement heritage study. This will enable the public exhibition process to commence in February or March 2019.

The proposed public exhibition is the opportunity for land owners to formally have their views on the study findings reviewed, together with other community members, before the planning proposal is reviewed and listing proposal is finalised in the post-exhibition report to the Council and the Central Sydney Planning Committee.

Central Sydney contains one of the greatest concentrations of post-war Modern Movement buildings in New South Wales, designed to a very high standard between 1945 and 1975. This includes outstanding architecture and civic accomplishments in office buildings, churches, community, education and cultural buildings, public spaces, fountains and artworks. The Modern Movement represents one of the most significant and far-reaching twentieth century design aesthetics. For Sydney, the Modern Movement from 1945-1975 was an exciting and challenging architectural period that determined much of the present physical form of central Sydney. The dominance of modern office buildings from this period records the changing role of Australia in an international context and Sydney's new-found role as a major world financial centre during the 'Long Boom'. Examples of these buildings in central Sydney demonstrate the adaptation of the Modern Movement to local conditions, distinguishing them from other examples of this movement in the world.

The heritage value of twentieth-century architecture, as part of our more recent history, is often under-recognised. Few Modern Movement buildings from 1945-1975 are currently listed in central Sydney, and relatively few survive intact, as they continue to be demolished or irreversibly altered.

This planning proposal to list nine fine examples of modern post-war buildings and artworks is an opportunity to enhance the character and liveability of central Sydney, consistent with Council's draft Central Sydney Planning Strategy and the Greater Sydney Commission's Eastern City District Plan. The recommended listings are the result of the City of Sydney's Modern Movement heritage study completed in 2018.

In 2012, Council resolved to prepare a heritage study of modern architecture in central Sydney, in order to identify a representation of central Sydney's significant post-war architecture worthy of listing. Completed by TKD Architects in 2018, the study assessed the significance of modern architecture in the City of Sydney designed in the period of 1945 to 1975. From more than 110 modern post-war buildings noted in the study, the study recommends 14 buildings and artworks for investigation for potential listing as heritage items on Sydney Local Environmental Plan 2012. The heritage study is included at Attachment B.

Following review of this heritage study and further investigation, this report recommends approval of a planning proposal at Attachment A to consult land owners and the broader community for listing nine fine examples of Modern Movement buildings and artworks as heritage items on Sydney Local Environmental Plan 2012. These include:

- Sydney Masonic Centre, 279-283 Castlereagh Street, Sydney
- Former Sydney County Council Building, 552A-570 George Street, Sydney
- St Peter Julian's Catholic Church and Monastery, 637-645 George Street, Haymarket
- Town Hall House, 456 Kent Street, Sydney
- William Bland Centre, 229-231 Macquarie Street, Sydney
- MLC Centre, 19-35 Martin Place, Sydney
- Former Liverpool and London and Globe building, 62 Pitt Street, Sydney
- Former Horwitz House, 398-402 Sussex Street, Haymarket
- 'Earth Mother' play sculpture, Yurong Parkway, Cook and Phillip Park, Sydney

These Modern Movement examples of architecture and art satisfy the Heritage Council criteria of local heritage significance for local listing, as assessed in the heritage inventories at Attachment C. The significance of these buildings can still be reasonably appreciated; in terms of having sufficient integrity, comparative value within the local area, and a significance that is maintained in approved or advanced plans. Two of these are Council-owned assets: Town Hall House and the 'Earth Mother' play sculpture.

Progressing local heritage listing for these proposed heritage items will ensure the local heritage significance of this Modern Movement architecture and art is appropriately considered and maintained as part of future plans or redevelopment. If these nine items are listed, it will better recognise a significant period of post-war Modern Movement architecture on Sydney's local heritage schedule. Listing will encourage the retention and continued use of these distinctive place-makers, and their contribution to the character, diversity and liveability of central Sydney. As central Sydney heritage items, eight of the buildings will also be potentially eligible for heritage floor space awards, incentivising their conservation, and increasing the potential floor space available to use in other central Sydney developments.

Recommendation

It is resolved that:

- (A) Council approve the Planning Proposal - Central Sydney Modern Movement Heritage Items, shown at Attachment A to the subject report, for submission to the Greater Sydney Commission with a request for a Gateway Determination;
- (B) Council approve the Planning Proposal - Central Sydney Modern Movement Heritage Items, for public exhibition, supported by the Modern Movement Architecture in Central Sydney Heritage Study Review, shown at Attachment B to the subject report, and Heritage Inventories for Recommended Heritage Items, shown at Attachment C to the subject report;
- (C) authority be delegated to the Chief Executive Officer to make any minor variations to the planning proposal following receipt of the Gateway Determination; and
- (D) Council seek authority from the Greater Sydney Commission to make the amendment to Sydney Local Environmental Plan under Section 3.31(3)(c) of the Environmental Planning and Assessment Act 1979 as set out in the Planning Proposal - Central Sydney Modern Movement Heritage Items, shown at Attachment A.

Attachments

- Attachment A.** Planning Proposal - Central Sydney Modern Movement Heritage Items
- Attachment B.** Modern Movement Architecture in Central Sydney Heritage Study Review (Note: due to its size, Attachment B will be circulated in electronic format only. It will be available for viewing on Council's website.)
- Attachment C.** Heritage Inventories for Recommended Heritage Items (Note: due to its size, Attachment C will be circulated in electronic format only. It will be available for viewing on Council's website.)

Background

Land owner engagement

1. At the Central Sydney Planning Committee meeting of 9 August 2018 and Council meeting of 13 August 2018, the proposed public exhibition of nine Modern Movement heritage items was deferred to enable City staff to explain the planning proposal process to land owners. During the deferral, City staff contacted all land owners to explain the process and the development implications, invite questions, and hear and respond to owner comments, ahead of formal consultation through public exhibition.
2. City staff met with land owners and their consultants for seven of the proposed heritage items, and reviewed written requests for two of these seven proposed items. These requests sought withdrawal of two of the recommended heritage items from the proposed public exhibition. Key reasons given were to provide owners with further time to complete further heritage assessments, the disputed heritage merit of all or part of the items, issues with development potential or plans, and the legal weight of public exhibition.
3. Public exhibition is the opportunity for landowners to have their views on the study findings reviewed, together with other community members, before the listing proposal is finalised in the post-exhibition report to the Council and the Central Sydney Planning Committee. The timing of the proposed public exhibition provides land owners more than 6 months to complete their assessments and submissions since the City's first notification to them in late July 2018.
4. In response to owner issues about the impact of public exhibition, City staff advised owners that the effect of public exhibition is to add consideration of heritage impacts to the development assessment process, in recognition of the building's assessed significance. Exhibiting this proposal does not affect approved developments, or change the development standards which apply to these sites, and does not direct future development potential or outcomes which is determined for more major changes through the development application process. For most qualifying types of minor building alterations, owners can continue to seek complying development certificates until listing is complete. Owners are encouraged to discuss their development proposals with staff before lodging applications to gain greater certainty about development outcomes, while the proposed listing has some legal weight during the planning proposal process.
5. In the interest of achieving certainty for land owners and the community about the heritage status of these identified heritage items in reasonable timeframes, it is recommended the proposal for public exhibition is progressed as a united proposal for the nine heritage items identified through the Modern Movement heritage study. This will provide for the public exhibition process to commence in February or March 2019.

Site identification

6. This proposal relates to the following places within central Sydney, as described and mapped in the planning proposal at Attachment A:
 - (a) Sydney Masonic Centre, 279-283 Castlereagh, Sydney;
 - (b) Former Sydney County Council Building, 552A-570 George Street, Sydney;
 - (c) St Peter Julian's Catholic Church and Monastery, 637-645 George Street, Haymarket;

- (d) Town Hall House, 456 Kent Street, Sydney;
- (e) William Bland Centre, 229-231 Macquarie Street, Sydney;
- (f) MLC Centre, 19-35 Martin Place, Sydney;
- (g) Former Liverpool and London and Globe building, 62 Pitt Street, Sydney;
- (h) Former Horwitz House, 398-402 Sussex Street, Haymarket; and
- (i) 'Earth Mother' play sculpture, Yurong Parkway, Cook and Phillip Park, Sydney.

Value for modern architecture

7. The heritage value of twentieth-century architecture, as part of our more recent history, is often under-recognised, and the subject of public debate. Over the past 10 or more years, community understanding about the heritage value of contemporary twentieth-century architecture has developed. At the same time, greater research of contemporary architecture has been completed to better understand and measure its heritage value.
8. In 2007, Sydney's first building to gain world heritage status was an exemplar of the Modern Movement, the 1973 Sydney Opera House. This global recognition raised awareness about Sydney's modern heritage.
9. In 2009, the national heritage committee known as the Australia International Council on Monuments and Sites (ICOMOS), held a conference focussed on modern heritage. From 2013, Australia ICOMOS published the "(un)loved modern" series, which notably features Town Hall House on the cover for its first volume.
10. In 2013, the Heritage Council of NSW completed a thematic history of the 'Modern Movement' in NSW, believed to be the first State-wide heritage study of contemporary architecture in the State. The NSW thematic study investigates Modern Movement architecture and landscape design to better understand its extent, importance and historical and global context.
11. The NSW study found that the Modern Movement produced some of the twentieth century's most significant architecture. It described the Modern Movement as based on progressive European and American architectural ideals from the period from 1900 to 1940. Avant-garde art and architecture movements of this period included Futurism in Italy, Constructivism in Russia, Expressionism and the Bauhaus school of design in Germany, and De Stijl in Holland. Advanced American thought was represented by the architecture of Frank Lloyd Wright. Architects of this movement saw themselves as reformers, reacting to social, political and economic upheaval during the late nineteenth and early twentieth centuries, resulting from causes such as industrialisation and the shattering impact of World War One. The influence of this movement and its philosophy spread around the world.
12. The NSW study describes the Modern Movement as including geometric architectural styles that matured in Australia predominantly between 1910 and 1970, including the styles known as modern, International, brutalist, Sydney School, amongst others, linked by their progressive philosophies or ideals derived from Europe and America.

13. The NSW study did not recommend buildings for listing or other means of protection at the state or other level. Few modern buildings are legally listed as part of our recognised heritage. Today, within central Sydney only five stand-alone buildings from 1945-1975 are listed on the State Heritage Register, National Heritage List or World Heritage List. These include Liner House, Qantas House, Sydney Opera House, Circular Quay and Martin Place railway stations.

Planning background

14. On 14 May 2012, Council requested the City to commence a heritage study review of central Sydney modern buildings built after World War Two. Council resolved to prepare this study in response to increasing development pressure on central Sydney's post-war architecture of potential heritage significance, and to provide certainty in the development process. The primary purpose of this heritage study is to identify a representation of central Sydney's significant post-war architecture that is worthy of listing.
15. In 2013, the City commissioned TKD Architects to complete the City of Sydney's study. Completed in stages by 2018, the City of Sydney's heritage study report is included at Attachment B. This report attaches 14 buildings and artworks as potential heritage items located in central Sydney and designed in the period of 1945-1975, to investigate for listing. This listing investigation is described further below.
16. As of 2018, the City of Sydney has listed a total of ten Modern Movement buildings from 1945-1975 as heritage items in central Sydney, out of 300 listed buildings in central Sydney on Sydney Local Environmental Plan 2012. As noted above, five of these ten listed modern buildings have a higher level of State or world significance through their listing on State or world lists.

Study area and scope

17. The heritage study investigates the significance of Modern Movement architecture within the geographic limits of central Sydney and the design period of 1945 to 1975. The study area comprises the central business district and parkland within the City of Sydney's planning jurisdiction, zoned as B8-Metropolitan Centre or RE1-Public Recreation in Sydney Local Environmental Plan 2012, as shown in the map at Figure 1. For the purpose of this study, the design completion year is based on date the development was approved.
18. As a focussed thematic study, this study does not seek to assess all examples of Modern Movement architecture or to identify a complete list of buildings worthy of listing. Modern Movement architecture is currently found before and after the study period of 1945-1975 and beyond the study area of central Sydney. Public understanding of, and value for, more recent architecture can also evolve over time, as further information is uncovered, buildings gain historical layers and connections, or become rarer still. Therefore, further Modern Movement architecture and artworks, in addition to the nine that are the subject of this planning proposal, may be identified within the Council area as worthy for listing in the future.



Figure 1: Study area shaded yellow

Key Implications

19. The heritage study report is included at Attachment B. This study identifies the Modern Movement as one of the most significant and far-reaching twentieth century design aesthetics. For Sydney, the Modern Movement from 1945-1975 was an exciting and challenging architectural period that determined much of the present physical form of central Sydney. The dominance of modern office buildings from this period records the changing role of Australia in an international context and Sydney's new-found role as a major world financial centre during the 'Long Boom'.
20. Central Sydney contains one of the greatest concentrations of Modern Movement buildings in the state, designed and built to a very high standard. This includes outstanding architecture and civic accomplishments in office buildings, churches, community, education and cultural buildings, public spaces, fountains and artworks. Architecturally, surviving examples of the Modern Movement in central Sydney also demonstrate the adaptation of the Modern Movement to local conditions, distinguishing them from Modern Movement buildings in other parts of the world.
21. It is now more than 60 years since the earliest buildings noted in this study were conceived. A large number of buildings from this period in central Sydney, including many innovative buildings of exceptional architectural quality, have been demolished. Others have been modified to an unrecognisable extent. This underscores the need for their identification and, where appropriate, protection.
22. From more than 110 modern post-war buildings within central Sydney noted in the heritage study, the study recommends investigating 14 buildings and artworks for potential listing as heritage items on Sydney Local Environmental Plan 2012.
23. The study includes further recommendations to celebrate and protect Modern Movement architecture. One of these for a self-guided walking tour of Modern Movement architecture and artworks has already been implemented through City of Sydney's development of its first architectural walking tour in its "Culture Walks" app for mobile devices. Named "Modern", this tour was released in the free app in 2016.

Planning proposal

24. Following City review of this heritage study and recommendations, along with further investigation, this planning proposal at Attachment A, proposes that the land owners and the broader community are consulted for listing the following nine heritage items:

	Name/address	Overview	
1	<p>Sydney Masonic Centre</p> <p>279-283 Castlereagh Street, Sydney</p>	<p>Brutalist-style Masonic hall and Mona Hessing artwork, built 1978, designed by Joseland & Gilling architects. The Civic Tower office building was constructed in 2004.</p>	
2	<p>Former Sydney County Council Building</p> <p>552A-570 George Street, Sydney</p>	<p>Late Twentieth Century International style office building, built 1968, designed by Fowell, Mansfield & Maclurcan architects.</p>	
3	<p>St Peter Julian's Catholic Church and Monastery</p> <p>637-645 George Street, Haymarket</p>	<p>Post-world war II ecclesiastical architecture, built 1964 designed by architect, Terence Daly (c1921-c1999).</p>	
4	<p>Town Hall House</p> <p>456 Kent Street, Sydney</p>	<p>Brutalist-style civic office building, built 1977, designed by architect, Ken Woolley (1933-2015).</p>	

	Name/address	Overview	
5	<p>William Bland Centre</p> <p>229-231 Macquarie Street, Sydney</p>	<p>Post-war International-style office building, built 1960, designed by Hans Peter Oser & Associates architects.</p>	
6	<p>MLC Centre</p> <p>19-35 Martin Place, Sydney</p>	<p>Modernist-style multi-use complex with office tower, theatre, other buildings, plazas and artworks, built 1977, designed by architect, Harry Seidler (1923-2006), and engineer, Pier Luigi Nervi (1891-1979).</p>	
7	<p>Former Liverpool and London and Globe building</p> <p>62 Pitt Street, Sydney</p>	<p>Late twentieth-century International style office building, built 1962, designed by Spain, Cosh & Stewart architects.</p>	

	Name/address	Overview	
8	<p>Former Horwitz House</p> <p>398-402 Sussex Street, Haymarket</p>	<p>Modern Movement office building built 1956, designed by architect, Harry Seidler (1923-2006).</p>	
9	<p>'Earth Mother' play sculpture</p> <p>Yurong Parkway, Cook and Phillip Park, Sydney</p>	<p>Organic concrete playground sculpture, completed 1952, by artist, Anita Aarons (1912-2000).</p>	

25. These represent key typologies of the post-war Modern Movement architecture in central Sydney of office, religious and community buildings and public art, constructed for either public or private use. Two of these are Council-owned assets: Town Hall House and the Phillip Park play sculpture. The others are privately-owned.
26. As listing seeks to conserve the heritage significance of places as a whole, the recommended item names specify that significant interiors are included, consistent with the convention for existing item listings in the local environment plan. This is in accordance with the directions contained in the Standard Instrument (Local Environmental Plans) Order 2006, which require the item name to briefly describe significant features, including interiors. Listing building interiors does not prevent internal alterations or change of use, but ensures impacts on significant internal features are assessed and new works are integrated with existing features when major changes are proposed.
27. Significant interiors for these office and community buildings generally include interiors with original design quality or fabric, such as entrance foyers, halls, lift lobbies, stairs, meeting or event rooms and gathering spaces, some with original art installations and exposed structural features. It excludes interiors with no significance, such as non-original office or service room fit-outs. They will differ for each item. Significant interiors can be identified in more detail for each item through preparation of a heritage assessment or conservation management plan.
28. The items are described further in the supporting information contained in the heritage inventories. The non-statutory heritage inventories can continue to be updated, before or after listing, as new information becomes available, such as through completion of a conservation management plan.
29. The intactness or significance of listed components of the recommended heritage item are assessed in more detail at the development assessment stage, when a statement of heritage impact or conservation management plan is prepared.

30. No changes to the development standards are proposed for the sites recommended for listing. Council can approve alterations and additions to heritage items through the normal development application process. This development assessment process reviews the heritage impacts and other planning outcomes when specific building changes are proposed.
31. A minor heritage map update is also included in the planning proposal because it relates to a building adjoining the proposed heritage item of Town Hall House. This update removes the brown shading for the footprint of St Andrews House. The building of St Andrews House is not currently or proposed for listing in Schedule 5 of SLEP 2012 as a heritage item. The land of St Andrews House is shaded brown in the heritage map because it is part of the land of the listed Sydney Square. This map update does not alter the listing status of St Andrew's House or Sydney Square.

Assessment of significance for listing

32. The Heritage Council of NSW guideline outlines seven criteria of local heritage significance to determine whether an item warrants local listing. Only one of these seven criteria needs to be satisfied at the local level for local heritage listing. The above architecture and artworks satisfy one or more of these Heritage Council criteria of local heritage significance for local listing, as assessed in the heritage inventories at Attachment C.
33. The City investigation considered further criteria to identify the buildings and artworks which warrant consideration for listing in this planning proposal. These criteria are used to establish the buildings and art which have a local heritage significance that can still be reasonably appreciated. The nine buildings and artworks meet these criteria, in terms of having sufficient integrity, comparative value within the local area, and a significance that is maintained in approved or advanced plans.
34. Previously approved developments for the buildings and artworks enable the significance of these places to still be appreciated. Retention of these will align with the draft Central Sydney Planning Strategy as discussed further below.
35. If listed, eight of the additional buildings or complexes will also potentially be eligible for heritage floor space awards, thereby incentivising their conservation. It will also increase the potential heritage floor space supply available.
36. The other five buildings recommended within the study included at Attachment B do not satisfy all the above criteria at this time and therefore are not included in the planning proposal. This does not preclude their future listing consideration. The study recommendations not included in the subject planning proposal are for:
 - (a) Berger House at 82-88 Elizabeth Street;
 - (b) Christie Centre at 3 Spring Street;
 - (c) Domain Parking Station at Sir John Young Crescent;
 - (d) Standard Chartered House at 1-7 Castlereagh Street; and
 - (e) Supreme Court Hospital Road Court Complex at 10 Macquarie Street.

37. While the Domain Parking Station does not meet the above criteria on the basis of existing information, more detail is required to assess the car park's comparative value within the context of other City Architects projects. The public works of City Architects Branch is a gap in existing research. Further research of surviving examples of City Architects' works and their significance may establish the building is worthy of listing consideration.
38. Progressing local heritage listing for the nine proposed heritage items will ensure the local heritage significance of this Modern Movement architecture and art is appropriately considered and maintained as part of future plans or redevelopment. The inventories included in Attachment C, summarising the history and significance of the buildings or other features, provide guidance to assist land owners with future development and management of these sites and structures.

Gateway Determination

39. The planning proposal recommends that the heritage listing of these items proceed for public exhibition following receipt of a Gateway Determination from the Greater Sydney Commission.
40. Should Council and the Central Sydney Planning Committee endorse the attached planning proposal for exhibition and consultation, it will be forwarded to the Greater Sydney Commission in accordance with the Environmental Planning and Assessment Act 1979. The Greater Sydney Commission, or its delegate in the Department of Planning and Environment, will then provide a Gateway Determination to either proceed – with or without variation – to consultation, or to resubmit the planning proposal.
41. Public exhibition of the planning proposal would then commence. The outcomes of the public exhibition would then be reported back to Council and the Central Sydney Planning Committee.

Delegation of Minister's plan-making functions

42. In October 2012, the Minister for Planning and Infrastructure delegated his plan-making functions to councils to improve the local plan-making process. In December 2012, Council resolved to accept the delegation. Following the making of the Greater Sydney Commission Act 2015 in January 2016, the Minister's delegation is now taken to mean the Greater Sydney Commission's delegation.
43. Council needs to receive an authorisation on a case-by-case basis to exercise the delegation. The authorisation is given through the gateway process and may be for spot re-zonings consistent with surrounding zones and matters of local significance. Exercising the delegation means a faster plan-making process.
44. The report recommends Council seek authority to exercise the delegation of the Greater Sydney Commission for of all his functions under Section 3.31(3)(c) of the Environmental Planning and Assessment Act 1979, to make the plan as set out in the planning proposal at Attachment A.

Strategic Alignment - Eastern City District Plan

45. The Eastern City District Plan completed by the Greater Sydney Commission in March 2018 is a 20 year plan to manage growth in the context of economic, social and environmental matters. The district plan identifies 22 planning priorities and associated actions that support a liveable, productive and sustainable future for the district. This planning proposal gives effect to the following key planning priority and actions:

Liveability Planning Priority E6 – Creating and renewing great places and local centres, and respecting the District’s heritage

Action 26 - Identify, conserve and enhance environmental heritage by:

- (a) engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place
 - (b) applying adaptive re-use and interpreting heritage to foster distinctive local places
 - (c) managing and monitoring the cumulative impact of development on the heritage values and character of places.
46. This priority seeks to enhance the district's liveability by identifying, conserving and enhancing the heritage place-makers in local centres and neighbourhoods. The district plan notes that heritage buildings contribute to an area's sense of place, its distinctive character, and diversity of built form and uses, and bring people together. Conserved heritage buildings are some of the attributes of liveable great places acknowledged in this plan, which attract residents, workers, visitors, enterprise and investment into centres.
47. By consulting with the community to consider the nine buildings, complexes and artworks of assessed local heritage significance, this planning proposal will address the district plan by encouraging the retention and continued use of these place-makers, as part of the distinctive identity of central Sydney.

Strategic Alignment - Sustainable Sydney 2030 Vision

48. 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. The planning proposal is aligned with the following SS2030 strategic directions and objectives:

- (a) Direction 7 – A Cultural and Creative City. The planning proposal identifies nine buildings and artworks as a local heritage item, allowing the buildings or art to be retained and allowing present and future generations to understand the breadth of Australia’s architectural heritage into the late twentieth century. The identification will ensure any future development of the buildings or art considers the heritage value and significance of the site and encourages its sympathetic adaptive re-use.

Strategic Alignment - Draft Central Sydney Planning Strategy

49. Listing and retention of the eight buildings is compatible with the objects of Council's draft Central Sydney Planning Strategy which seeks to facilitate growth in a way that maintains central Sydney's identity, including its heritage items and sunlight access to public places.

50. The retention of the eight buildings will not impede delivery of the 2.9 million square metres of additional employment floor space unlocked under the draft Central Sydney Planning Strategy.
51. Opportunities under the Strategy for the identified sites will be considered against the criteria and guidelines established in the Strategy. Amalgamated site developments, as encouraged through the strategy for smaller sites, could redistribute the potential additional floor space of heritage items and identify suitable uses for the retained building/s.

Budget Implications

52. Town Hall House and the 'Earth Mother' sculpture are owned and managed by the City of Sydney. These are actively maintained assets with existing budgets. The City already takes into account the assessed heritage value of Town Hall House in its management, including previous consultation with the architect, the late Ken Woolley, about building conservation and alterations, and completion of a conservation management plan. The sculpture is located on land that is already listed as part of the Cook and Phillip Park heritage item.
53. Listing these features will have some budget implications for preparation of development applications when Council's consent is required for building alterations. The development application process ensures building alterations continue to be reviewed and guided by appropriate specialists. Balanced with these costs are the potential benefits due to the applicable conservation incentives, including potential to access heritage floor space awards.

Relevant legislation

54. The Environmental Planning and Assessment Act 1979.
55. The Environmental Planning and Assessment Regulation 2000.
56. The Heritage Act 1977.

Critical dates/ timeframes

57. The Gateway notice issued by the Greater Sydney Commission will determine the length of time for public exhibition, and the timeframe for the completion of the Local Environmental Plan amendment process.

Public consultation

58. The public authority consultation and exhibition process for the planning proposal will be subject to the conditions on the Gateway Determination issued by the Greater Sydney Commission. The consultation will take place in accordance with the Gateway Determination under section 3.34 of the Environmental Planning and Assessment Act 1979 and the relevant provisions of the Environmental Planning and Assessment Regulation 2000.

59. A 28 day public exhibition is recommended with notification:
- (a) on the City of Sydney website;
 - (b) in newspapers that circulate widely in the City of Sydney local government area;
and
 - (c) in writing to the owners, the adjoining landowners, relevant community groups,
and the surrounding community in the immediate vicinity of the sites.
60. Following any public authority consultation and public exhibition, the outcomes will be reported to Council.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Claudine Loffi, Senior Specialist Planner (Heritage)

Attachment A

**Planning Proposal - Central Sydney Modern
Movement heritage items**

Planning Proposal – Central Sydney Modern Movement heritage items

City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000

October 2018



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Introduction

This planning proposal explains the intent of, and justification for, the proposed amendment to Sydney Local Environmental Plan 2012 (SLEP 2012). The amendment will identify nine heritage items for inclusion in Schedule 5 located in central Sydney.

The proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (the Act) and the relevant Department of Planning guidelines, including 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

Background

Planning background

Site identification

This planning proposal relates to the following places within central Sydney, as described in Part 3 and mapped in Part 5:

- Sydney Masonic Centre, 279-283 Castlereagh Street, Sydney
- Former Sydney County Council Building, 552A-570 George Street, Sydney
- St Peter Julian's Catholic Church & Monastery, 637-645 George Street, Haymarket
- Town Hall House, 456 Kent Street, Sydney
- William Bland Centre, 229-231 Macquarie Street, Sydney
- MLC Centre, 19-35 Martin Place, Sydney
- Former Liverpool & London & Globe building, 62 Pitt Street, Sydney
- Former Horwitz House, 398-402 Sussex Street, Haymarket
- 'Earth Mother' play sculpture, Yurong Parkway, Cook & Phillip Park, Sydney

Value for modern architecture

In 2013, the Heritage Council of NSW completed a thematic history of the 'Modern Movement' in NSW; believed to be the first state-wide heritage study of contemporary architecture in the state. The NSW thematic study investigates Modern Movement architecture and landscape design to better understand its extent, importance and historical and global context.

The NSW study found that the Modern Movement produced some of the twentieth century's most significant architecture. It described the Modern Movement as based on progressive European and American architectural ideals from the period from 1900 to 1940. Avant-garde art and architecture movements of this period included Futurism in Italy, Constructivism in Russia, Expressionism and the Bauhaus school of design in Germany, and De Stijl in Holland. Advanced American thought was represented by the architecture of Frank Lloyd Wright. Architects of this movement saw themselves as reformers, reacting to social, political and economic upheaval during the late nineteenth and early twentieth centuries resulting from causes such as industrialisation and the shattering impact of World War I. The influence of this movement and its philosophy spread around the world.

The NSW study describes the Modern Movement as including geometric architectural styles that matured in Australia predominantly between 1910 and 1970, including the styles known as modern, International, brutalist, Sydney School, amongst others; linked by their progressive philosophies or ideals derived from Europe and America.

The NSW study did not recommend buildings for listing or other means of protection at the state or other level. Few modern buildings are legally listed as part of our recognised heritage. Today, within central Sydney, only five (5) stand-alone buildings from 1945-1975 are listed on the State Heritage Register, National Heritage List or World Heritage List. These include Liner House, Qantas House, Sydney Opera House Circular Quay and Martin Place railway stations.

City of Sydney planning background

On 14 May 2012, the Council requested the City to commence a heritage study review of central Sydney modern buildings built after World War II. Council resolved to prepare this study in response to increasing development pressure on central Sydney's post-war architecture of potential heritage significance, and to provide certainty in the development process. The primary purpose of this heritage study is to identify a representation of central Sydney's significant post-war architecture that is worthy of listing.

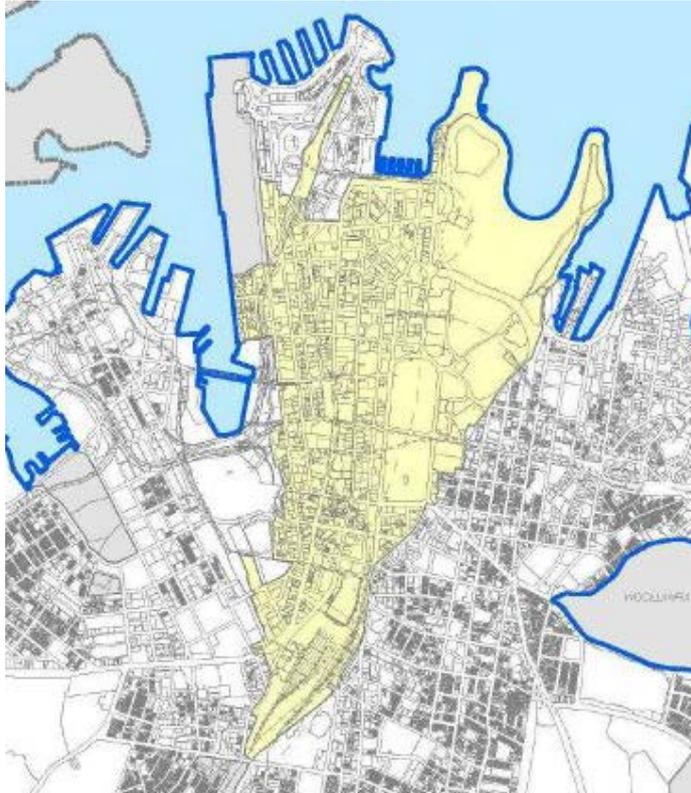
In 2013, the City commissioned TKD Architects to complete the City of Sydney's study. Completed in stages by 2018, the City of Sydney's heritage study report is included at **Appendix 1**. This report attaches 14 buildings and artworks as potential heritage items located in central Sydney and designed in the period of 1945-1975, to investigate for listing. This listing investigation is described further below. This planning proposal is to include 7 into Schedule 5 of Sydney Local Environmental Plan 2012.

As of 2018, City of Sydney has listed a total of nine (9) Modern Movement buildings from 1945-1975 as heritage items in central Sydney, out of 300 listed buildings in central Sydney on Sydney Local Environmental Plan 2012. As noted above, five (5) of these 9 listed modern buildings have a higher level of state or world significance through their listing on state or world lists.

Study area and scope

The heritage study investigates the significance of Modern Movement architecture within the geographic limits of central Sydney and the design period of 1945 to 1975. The study area comprises the central business district and parkland within City of Sydney's planning jurisdiction, zoned as B8-Metropolitan Centre or RE1-Public Recreation in Sydney Local Environmental Plan 2012, as shown in the map at **Figure 1**. For the purpose of this study, the design completion year is based on date the development was approved.

Figure 1: Study area shaded yellow



As a focussed thematic study, this study does not seek to assess all examples of Modern Movement architecture or to identify a complete list of buildings worthy of listing. Modern Movement architecture is currently found before and after the study period of 1945-1975 and beyond the study area of central Sydney. Public understanding of and value for more recent architecture can also evolve over time, as further information is uncovered, buildings gain historical layers and connections, or become rarer still. Therefore, further Modern Movement architecture and artworks, in addition to the nine that are the subject of this planning proposal, may be identified within the council area as worthy for listing in the future.

Study findings

The heritage study report is included at **Appendix 1**. This study identifies the Modern Movement as one of the most significant and far-reaching twentieth century design aesthetics. For Sydney, the Modern Movement from 1945-1975 was an exciting and challenging architectural period that determined much of the present physical form of central Sydney. The dominance of modern office buildings from this period records

the changing role of Australia in an international context and Sydney's new-found role as a major world financial centre during the 'Long Boom'.

Central Sydney contains one of the greatest concentrations of Modern Movement buildings in the state, designed and built to a very high standard. This includes outstanding architecture and civic accomplishments in office buildings, churches, community, education and cultural buildings, public spaces, fountains and artworks. Architecturally, surviving examples of the Modern Movement in central Sydney also demonstrate the adaptation of the Modern Movement to local conditions, distinguishing them from Modern Movement buildings in other parts of the world.

It is now more than 60 years since the earliest buildings noted in this study were conceived. A large number of buildings from this period in central Sydney, including many innovative buildings of exceptional architectural quality, have been demolished. Others have been modified to an unrecognisable extent. This underscores the need for their identification and, where appropriate, protection.

From more than 110 modern post-war buildings within central Sydney noted in the heritage study, the study recommends investigating 14 buildings and artworks for potential listing as heritage items on Sydney Local Environmental Plan 2012.

Assessment of significance for listing

The Heritage Council of NSW guideline outlines seven criteria of local heritage significance to determine whether an item warrants local listing. Only one of these seven criteria needs to be satisfied at the local level for local heritage listing. The above architecture and artworks satisfy one or more of these Heritage Council criteria of local heritage significance for local listing. It is noted some may also be state significant, however this comparative level of importance is determined by the Heritage Council of NSW, and is not required for local listing.

The City investigation considered further criteria to identify the buildings and artworks which warrant consideration for listing in this planning proposal. These criteria are used to establish the buildings and art which have a local heritage significance that can still be reasonably appreciated. The identified nine buildings and artworks meet these criteria, in terms of having: sufficient integrity, comparative value within the local area, and a significance that is maintained in approved or advanced plans.

Previously approved developments for the buildings and artworks enable the significance of these places to still be appreciated. Retention of these will align with the Draft Central Sydney Planning Strategy as discussed further below.

If listed, the additional eight buildings or complexes will also potentially be eligible for heritage floor space awards, thereby incentivising their conservation. It will also increase the potential heritage floor space supply available for use in other central Sydney developments.

The other five buildings within the study included at **Appendix 1** do not satisfy all the above criteria at this time and therefore are not included in the planning proposal. This does not preclude their future listing consideration. The study recommendations, not included in the subject planning proposal, are for

- Berger House at 82-88 Elizabeth Street
- Christie Centre at 3 Spring Street
- Domain Parking Station at Sir John Young Crescent
- Standard Chartered House at 1-7 Castlereagh Street
- Supreme Court Hospital Road Court Complex at 10 Macquarie Street.

While the Domain Parking Station does not meet the above criteria on the basis of existing information, more detail is required to assess the car park's comparative value within the context of other City Architects projects. The public works of City Architects is a gap in existing research. Further research of surviving examples of City Architects' works and their significance may establish the building is worthy of listing consideration.

Progressing local heritage listing for the nine proposed heritage items will ensure the local heritage significance of this Modern Movement architecture and art is appropriately considered and maintained as part of future plans or redevelopment.

Part 1 – Objectives or intended outcomes

The objective of the planning proposal is to recognise and protect the heritage significance of nine buildings, complexes or artworks from the Modern Movement in central Sydney, as identified in Part 2.

The intended outcomes to achieve these objectives are to:

- List nine buildings, complexes or artworks from the Modern Movement in central Sydney, as heritage items in Schedule 5 of Sydney Local Environmental Plan 2012 (SLEP2012); and
- Enable the land owners of the listed buildings within central Sydney to be eligible for the conservation incentive of heritage floor space awards within SLEP2012.
- Update the heritage map for land adjoining a proposed heritage item to remove the brown shading for the building footprint of St Andrews House, which is not listed or proposed for listing as a heritage item.

Part 2 – Explanation of the provisions

The final clauses in Sydney Local Environmental Plan 2012 would be subject to drafting and agreement by Parliamentary Counsel's Office but may be written as follows to achieve the intended outcomes

Heritage schedule amendments

The planning proposal seeks to amend the SLEP 2012 Schedule 5 heritage schedule by inserting or altering the following items as shown below in **Table 1**. Text to insert is shown as **bold underline**. Text to omit is shown as **~~bold strikethrough~~**.

Table 1 – Proposed amendments to Schedule 5, Environmental heritage, Part 1, heritage items

Locality	Item name	Address	Property description	Significance	Item no.
<u>Haymarket</u>	<u>St Peter Julian's Catholic Church & Monastery including significant interiors and artworks</u>	<u>637-645 George Street</u>	<u>Lot 1, DP 84699; Lot B, DP 108370; Lots 1-2, DP 1138453</u>	<u>Local</u>	<u>I2281*</u>
<u>Haymarket</u>	<u>Former Horwitz House including internal structure</u>	<u>398-402 Sussex Street</u>	<u>Lot 1, DP 55229</u>	<u>Local</u>	<u>I2282*</u>
<u>Sydney</u>	<u>Sydney Masonic Centre including significant interiors and Mona Hessing artwork</u>	<u>279-283 Castlereagh Street</u>	<u>Lot 1, DP 1067328</u>	<u>Local</u>	<u>I2283*</u>
<u>Sydney</u>	<u>Former Sydney County Council Building including significant interiors</u>	<u>552A-570 George Street, Sydney</u>	<u>Lot 1 DP 231095</u>	<u>Local</u>	<u>I2284*</u>
<u>Sydney</u>	<u>Town Hall House including significant interiors and artworks</u>	<u>456 Kent Street</u>	<u>Part Lot 100, DP 1048011</u>	<u>Local</u>	<u>I2285*</u>

Locality	Item name	Address	Property description	Significance	Item no.
<u>Sydney</u>	<u>William Bland Centre including significant interiors</u>	<u>229-231 Macquarie Street</u>	<u>Lot 1, DP 66747; Lot 1, DP 80727; Lots 1-3, SP 10041; Lots 6-40, SP 10041; Lots 42-66, SP 10041; Lots 68-90, SP 10041; Lots 91-92, SP 14123; Lots 93, SP 70358; Lots 94-95, SP 86600</u>	<u>Local</u>	<u>I2286*</u>
<u>Sydney</u>	<u>MLC Centre complex, including Theatre Royal, commercial and retail buildings, significant interiors, plazas, "S", "Mercator" and "Wrestling" artworks</u>	<u>19-35 Martin Place</u>	<u>Lot 1, DP 598704; Lot 5, DP 588399; Lots 1-2, SP 12322; Lot 3, DP 565938; Lots 1, SP 7985; Lots 3-4, SP 10727</u>	<u>Local</u>	<u>I2287*</u>
<u>Sydney</u>	<u>Former Liverpool & London & Globe building including significant interiors</u>	<u>62 Pitt Street</u>	<u>Lot 1, DP 129926</u>	<u>Local</u>	<u>I2288*</u>
Sydney	Cook & Phillip Park <u>including 'Earth Mother' play sculpture</u>		Lots 4-8, DP 873273; Lots 31-33, DP 1007439; Lot 1, DP 1000281	Local	11655

The heritage item naming convention conforms with existing listings in Schedule 5, which include building interiors. This is in accordance with the directions contained in the Standard Instrument (Local Environmental Plans) Order 2006, which require the item name to briefly describe significant features, including significant interiors.

Significant interiors for these office and community buildings generally include interiors with original design quality or fabric, such as entrance foyers, halls, lift lobbies, stairs, meeting or event rooms, gathering spaces, some with original art installations and exposed structural features. They will differ for each item. It excludes interiors with no significance, such as non-original office or service room fit-outs. Significant interiors can be identified in more detail for each item through preparation of a heritage assessment or conservation management plan.

The features noted in the above item names are described further in the supporting information contained in the heritage inventories included at **Appendix 2**. The non-statutory heritage inventories can continue to be updated as new information becomes available, such as through completion of a conservation management plan.

The 'Earth Mother' sculpture is proposed to be added to an existing heritage item listing for Cook & Phillip Park.

The asterisk beside the item numbers identifies the buildings that will be eligible for heritage floor space awards, if listed, under Sydney Local Environmental Plan 2012.

Part 3 – Justification

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal is a result of a Modern Movement heritage study prepared by TKD architects in January 2018. City of Sydney commissioned this strategic study in response to a Council resolution in order to identify a representation of post-war Modern Movement architecture in central Sydney that is worthy of listing. The report was prepared by one of the heritage consultants who prepared the Heritage Council of NSW thematic study of Modern Movement architecture in NSW.

The nine buildings, complexes or artworks identified in this planning proposal are recommended for investigation for listing in this study, with supporting draft heritage inventories. These establish that the nine recommended heritage items meet at least one of the Heritage Council criteria for local listing for their local heritage significance.

The heritage study is included in **Appendix 1**. The heritage inventories are included at **Appendix 2**.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Appropriate heritage protection for these nine buildings, complexes and artworks is best achieved through identification as a local heritage item in an environmental planning instrument. They are not currently heritage listed in any way.

City of Sydney has authorisation to make interim heritage orders for unlisted buildings under the Heritage Act 1977, however a more strategic approach is preferred as recommended in this planning proposal. No immediate threat to these buildings is known to warrant this emergency form of heritage protection.

Progressing local heritage listing for these proposed heritage items will ensure the local heritage significance of these modern achievements are appropriately considered and maintained as part of future plans or redevelopment. It will also

ensure prior formal consultation with the affected land owners and broader community. If these nine items are listed within central Sydney, the eight buildings will also be potentially eligible for heritage floor space awards, incentivising their conservation. These outcomes are only achieved in the longer term through the proposed listing.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Yes. See comments below.

Greater Sydney Region Plan: A Metropolis of Three Cities

The Greater Sydney Region Plan, completed in March 2018, is the Greater Sydney Commission's vision for a Greater Sydney of three cities where most residents live within 30 minutes of their jobs and services. City of Sydney is situated within the "Eastern Harbour City".

This plan sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. This sets out how the State Government's 10 directions for a Greater Sydney are to be implemented through integrated planning. These 10 directions, with 40 supporting objectives, address infrastructure, liveability, productivity and sustainability. This planning proposal is consistent with these high level directions and objectives. In particular it addresses the liveability great places direction objective:

Objective 13: Environmental heritage is identified conserved and enhanced

By proposing to consult the community for listing 7 new heritage items, and incentivising their conservation by enabling access to heritage floor space awards, this planning proposal will fulfil this object. Listing these buildings will also active the conservation incentive for flexible uses.

Eastern City District Plan

The Eastern City District Plan completed by the Greater Sydney Commission in March 2018 is a 20-year plan to manage growth in the context of economic, social and environmental matters. The district plan identifies 22 planning priorities and associated actions that support a liveable, productive and sustainable future for the district. This planning proposal gives effect to the following key planning priority and actions:

Liveability Planning Priority E6 – Creating and renewing great places and local centres, and respecting the District's heritage

Action 26 - Identify, conserve and enhance environmental heritage by:

- (a) engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place*
- (b) applying adaptive re-use and interpreting heritage to foster distinctive local places*
- (c) managing and monitoring the cumulative impact of development on the heritage values and character of places.*

This priority seeks to enhance the district's liveability by identifying, conserving and enhancing the heritage place-makers in local centres and neighbourhoods. It notes that heritage buildings contribute to an area's sense of place, its distinctive character, and diversity of built form and uses, and bring people together. Conserved heritage buildings are some of the attributes of liveable great places acknowledged in this plan, which attract residents, workers, visitors, enterprise and investment into centres.

In proposing to consult the community to identify nine buildings, complexes and artworks of assessed local heritage significance, this planning proposal will address the district plan by encouraging the retention and continued use of these place-makers, as part of the distinctive identity of central Sydney.

Q4. Is the planning proposal consistent with council's local strategy or other local strategic plan?

Yes. See comments below.

Sustainable Sydney 2030 Strategic Plan

The City's Sustainable Sydney 2030 Strategic Plan is the 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 planning proposal is consistent with the key directions of Sustainable Sydney 2030, particular Direction 7 for 'A Cultural and Creative City.

The planning proposal identifies nine buildings, complexes and artworks as heritage items, thereby providing for their conservation, a diversity of building stock in central Sydney and allowing future generations to understand the breadth of Australia's architectural heritage to the late 20th century. The listing and conservation incentives will ensure future development considers and maintains the heritage significance of these buildings, complexes and artworks.

Draft Central Sydney Planning Strategy

Listing and retention of the eight buildings is compatible with the City's Draft Central Sydney Planning Strategy which seeks to facilitate growth in a way that maintains central Sydney's identity, including its heritage items and sunlight access to public places.

The retention of eight buildings will not impede delivery of the 2.9 million square metres of additional employment floor space unlocked under the draft Central Sydney Planning Strategy.

Opportunities under the Strategy for the identified sites will be considered against the criteria and guidelines established in the Strategy. Amalgamated site developments, as encouraged through the strategy for smaller sites, could redistribute the potential additional floor space of heritage items and identify suitable uses for the retained building/s.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Yes. The planning proposal is consistent with and does not contradict or hinder application of the following applicable State Environmental Planning Policies (SEPPs):

- SEPP No 1—Development Standards
- SEPP No 33—Hazardous and Offensive Development

- SEPP No 64—Advertising and Signage
- SEPP No 65—Design Quality of Residential Flat Development
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Infrastructure) 2007
- SEPP (Miscellaneous Consent Provisions) 2007
- SEPP (State and Regional Development) 2011

The planning proposal is consistent with and does not contradict or hinder application of the following applicable with former Regional Environmental Plan (REP) for the Sydney and Greater Metropolitan Regions, which is deemed to have the weight of SEPPs:

- Sydney REP (Sydney Harbour Catchment) 2005

Q6. Is the planning proposal consistent with applicable ministerial directions (s.117 directions)?

The planning proposal has been assessed against each Section 117 direction. The consistency of the planning proposal with these directions is shown in the table below.

Table 2 – Consistency of the planning proposal with ministerial directions

No	Ministerial direction	Comment
1.1	Business and Industrial Zones	Consistent. The planning proposal will not reduce the total potential floor space area for employment uses and related public services in business zones. Listing of these central Sydney heritage items will also activate the conservation incentive for heritage floor space.
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable
2.1	Environment Protection Zones	Not applicable
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Consistent. This planning proposal provides for the conservation of heritage items.
2.4	Recreation Vehicle Areas	Not applicable
3.1	Residential Zones	Not applicable
3.2	Caravan Parks and Manufactured Home Estates	Not applicable

No	Ministerial direction	Comment
3.3	Home Occupations	Not applicable
3.4	Integrating Land Use and Transport	Consistent.
3.5	Development Near Licensed Aerodromes	Not applicable
3.6	Shooting Ranges	Not applicable
4.1	Acid Sulfate Soils	Consistent. This planning proposal does not contradict or hinder application of acid sulphate soils provisions in Sydney LEP 2012.
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Consistent. This planning proposal does not contradict or hinder application of flood prone land provisions in Sydney LEP 2012.
4.4	Planning for Bushfire Protection	Not applicable
5.1	Implementation of Regional Strategies	Consistent. This planning proposal is consistent with key strategic goals and directions within the Greater Sydney Region Plan and the District as outlined above.
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.8	Second Sydney Airport, Badgerys Creek	Not applicable
5.9	North West Rail Link Corridor Strategy	Not applicable
5.10	Implementation of Regional Plans	Consistent. As addressed above.
6.1	Approval and Referral Requirements	Consistent. This planning proposal does not include any concurrence, consultation or referral provisions nor does it identify any development as designated development.
6.2	Reserving Land for Public Purposes	Consistent. This planning proposal will not affect any land reserved for public purposes.

No	Ministerial direction	Comment
6.3	Site Specific Provisions	Consistent. This planning proposal does not introduce unnecessarily restrictive site specific controls.
7.1	Implementation of A Plan for Growing Sydney	Consistent. This planning proposal is consistent with this direction and does not hinder implementation of A Plan for Growing Sydney or the Greater Sydney Region Plan
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The planning proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. It is unlikely that the proposed amendment to the heritage schedule of SLEP 2012 will result in development creating any environmental effects that cannot readily be controlled.

Q9. How has the planning proposal adequately addressed any social and economic effects?

Identification of the nine central Sydney heritage items will facilitate retention of buildings and artwork that may have significance to community. No changes to the zoning or permissible uses are proposed. The merit-based heritage provisions provide capacity for Council and the proponent to take into account these matters when development is proposed. Listing will activate conservation incentives for listed buildings, including flexible uses and the ability for landowners to be awarded heritage floor space.

Section D: State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Yes. No changes to the permissible uses are proposed. The central Sydney land to be identified as heritage items is well located in relation to existing public transport infrastructure, utility services, roads and essential services.

Q11. What are the views of State and Commonwealth public authorities consulted in the gateway determination?

The Heritage Council of NSW will be consulted during the public exhibition. The identification of these modern heritage items, based on a local heritage study, is consistent with Heritage Council standards and builds on the state-wide thematic history of Modern Movement architecture completed by the Heritage Council in 2013.

It is not considered necessary to consult with other public authorities as the planning proposal relates to the listing of local heritage items that are privately owned or owned by City of Sydney Council. Local heritage listing will identify heritage impacts as a consideration if public works are proposed for the identified sites, however will not constrain Crown development.

Part 4 – Mapping

The heritage map tiles HER_014 and HER_15 will be updated to shade in brown the location of the new heritage items. The heritage map extracts at **Figure 2** to **Figure 10** show the new heritage items.

A minor map update also removes the brown shading for the building footprint of St Andrews House, as shown in **Figure 6**. This update is included because of the site's proximity to the proposed heritage item, Town Hall House. The building of St Andrews House is not currently or proposed for listing in Schedule 5 of SLEP 2012 as a heritage item. The land occupied by the building of St Andrews House is shaded brown in the heritage map because it is part of the land of Sydney Square, which is listed as a heritage item. This map update does not alter the listing status of St Andrew's House or Sydney Square as determined by the Schedule 5 entry.

The 'Earth Mother' sculpture listing requires no change to the heritage maps as this sculpture is located within a listed park, in the approximate location marked with a star in the heritage map extract at **Figure 10**.

Figure 2: St Peter Julian's Catholic Church & Monastery, item I2281

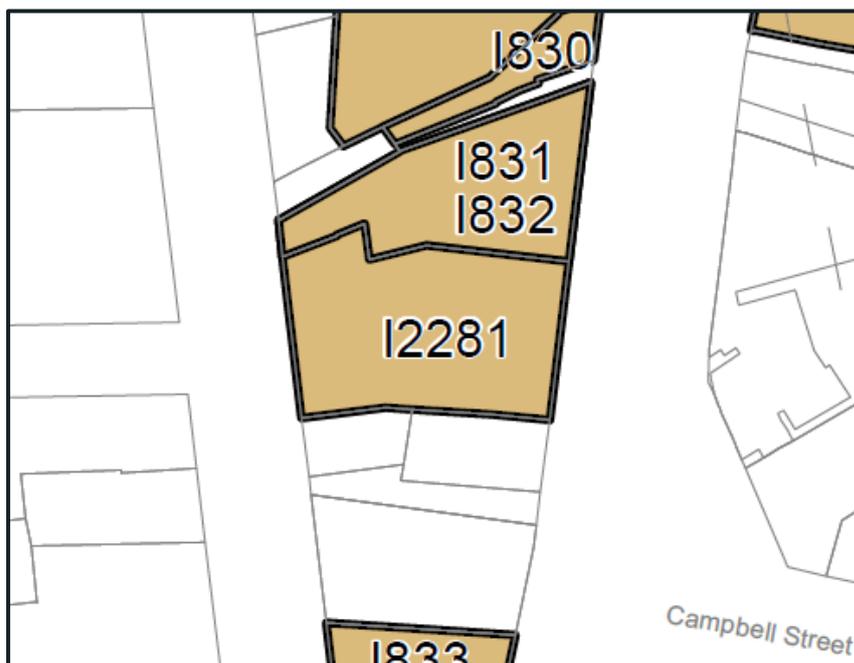


Figure 3: Former Horwitz House, item I2282

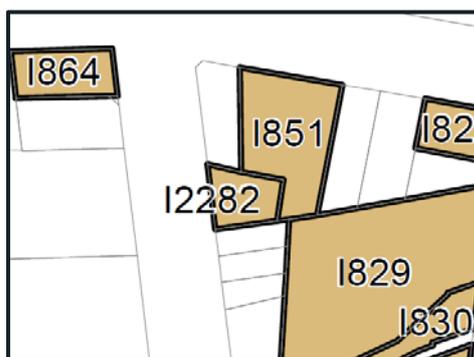


Figure 4: Sydney Masonic Centre, item I2283

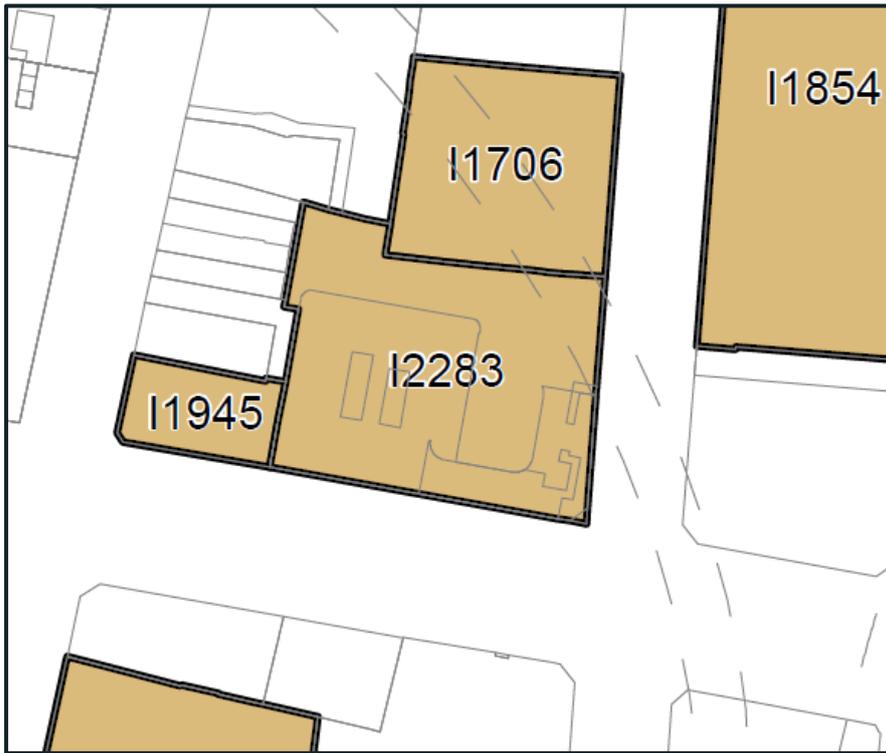


Figure 5: Former Sydney County Council building, item I2284

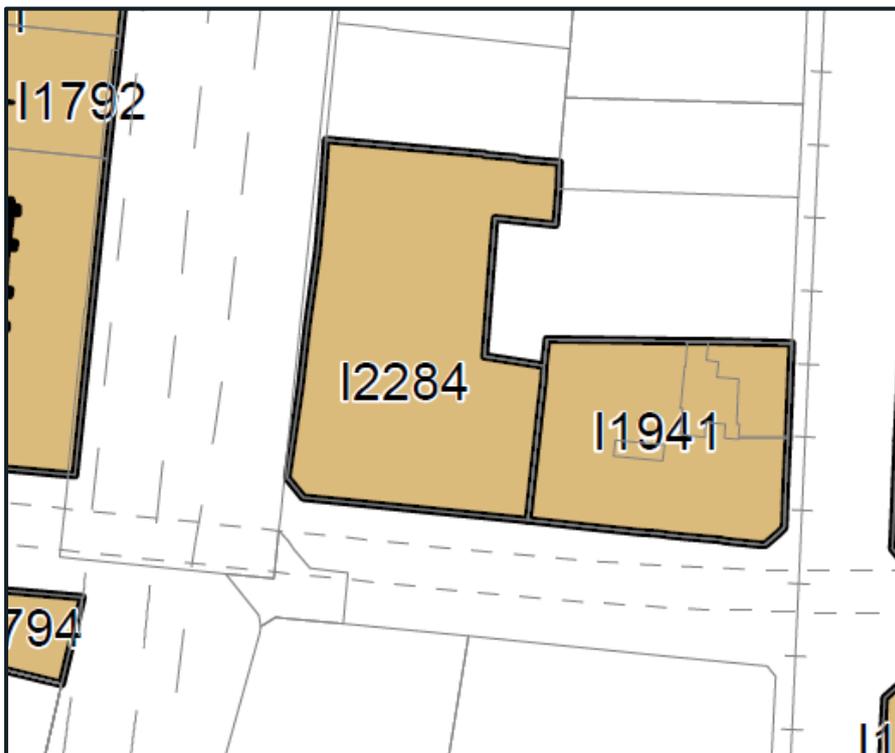


Figure 6: Town Hall House, item I2285, and removed brown shading for St Andrews House building footprint

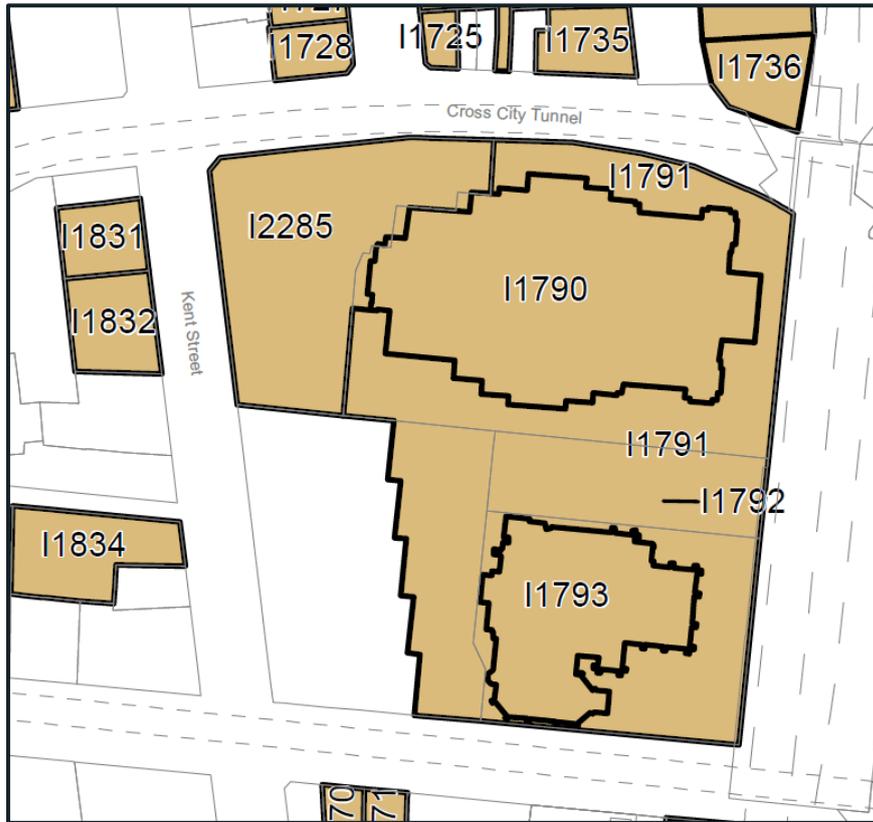


Figure 7: William Bland Centre, item I2286

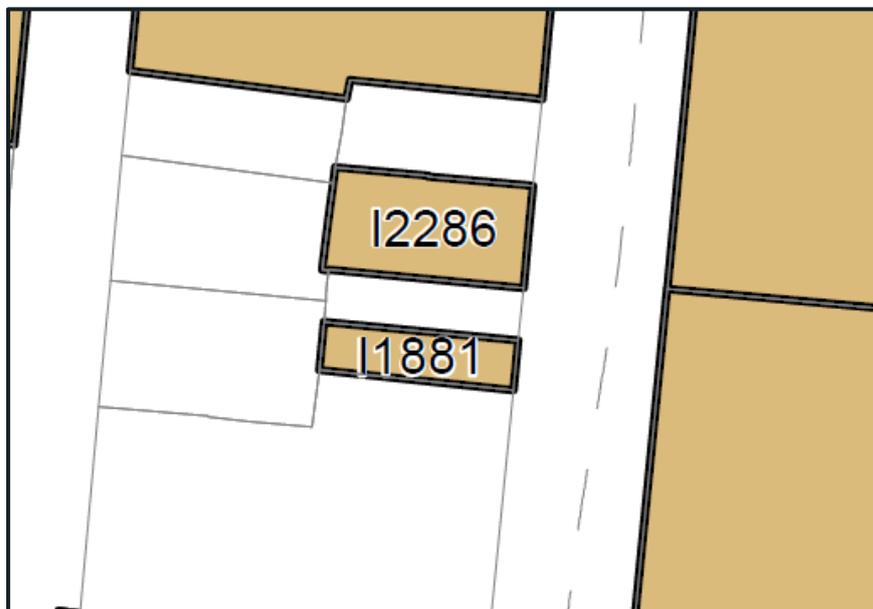


Figure 8: MLC Centre, item I2287

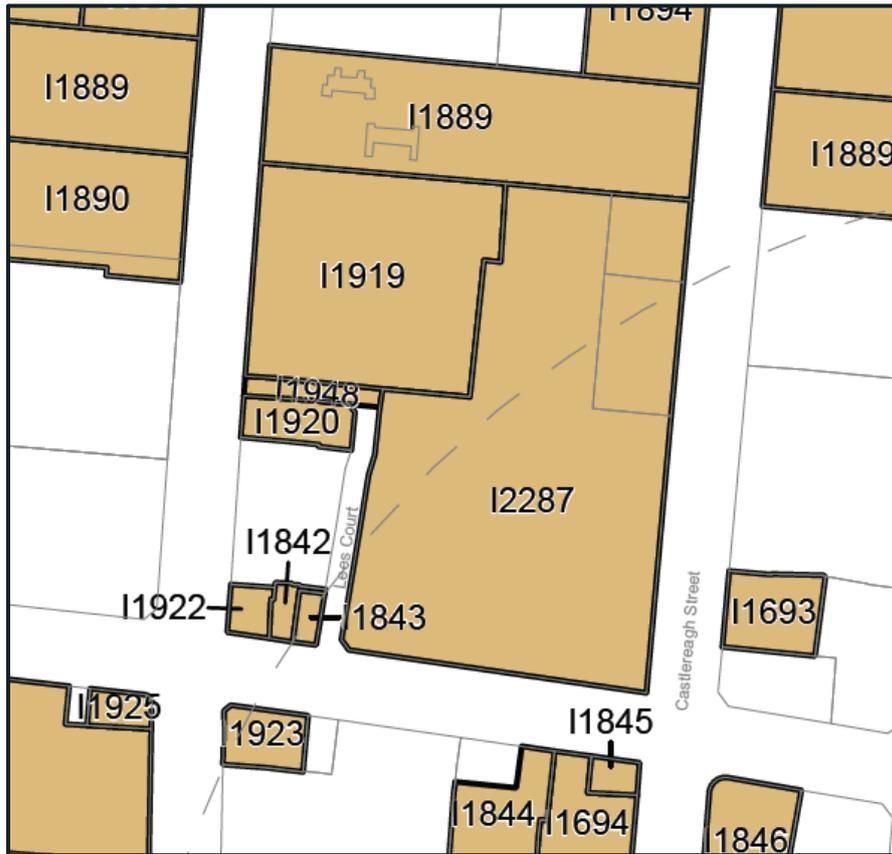


Figure 9: Former Liverpool & London & Globe building, item I2288

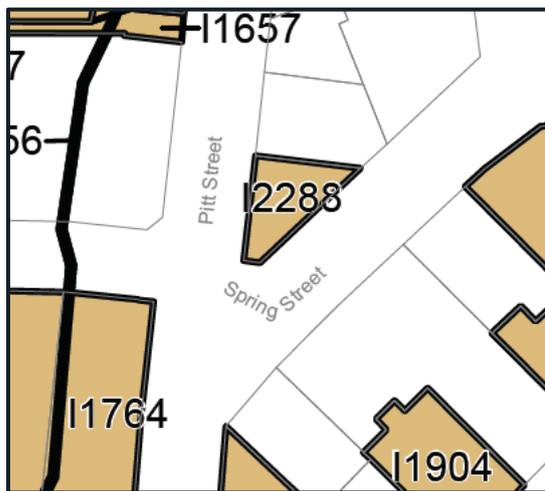
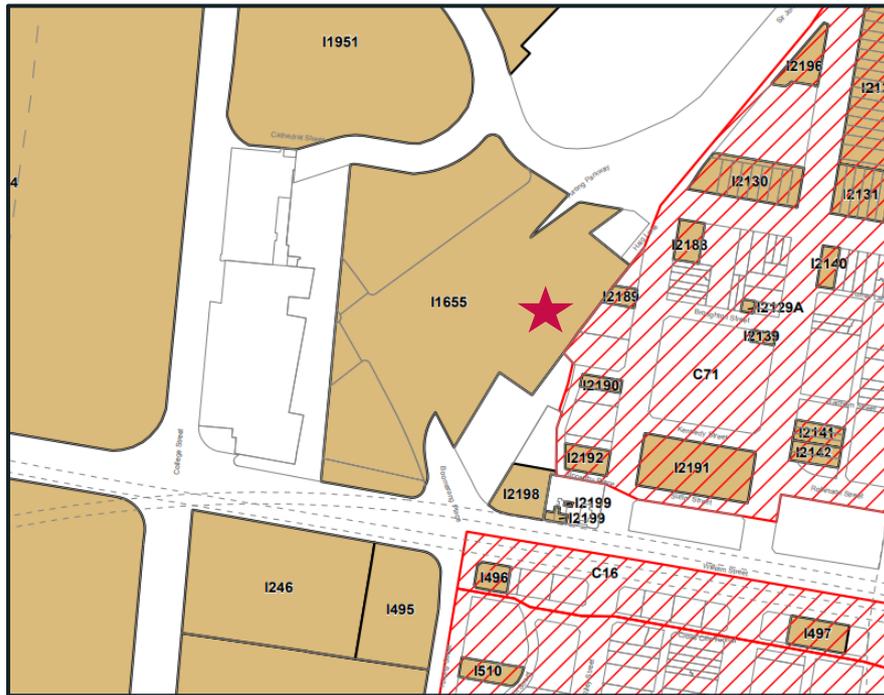


Figure 10: 'Earth Mother' play sculpture location within item I1655



Part 5 – Community consultation

Public Exhibition

The public authority consultation and exhibition process for the planning proposal will be subject to the conditions on the gateway determination issued by the Greater Sydney Commission. The consultation will take place in accordance with the gateway determination under section 3.34 of the Environmental Planning and Assessment Act 1979 and the relevant provisions of the Environmental Planning and Assessment Regulation 2000.

A 28-day public exhibition is recommended with notification:

- on the City of Sydney website;
- in newspapers that circulate widely in the City of Sydney Local Government Area; and
- in writing to the owners, the adjoining landowners, relevant community groups, and the surrounding community in the immediate vicinity of the sites.

Part 6 – Project timeline

The anticipated timeframe for the completion of the planning proposal is as follows:

Table 3 – Anticipated timeframe for planning proposal

Action	Anticipated date
Commencement / gateway determination	January 2019
Public exhibition & government agency consultation	February/March 2019
Consideration of submissions	March-May 2019
Post exhibition consideration of proposal	June 2019
Draft and finalise LEP	July/August 2019
LEP made (if delegated)	September 2019
Plan forwarded to DoPI for notification	September 2019

Appendices

1. Heritage study, Modern Movement Architecture in Central Sydney

2. Heritage inventories for 9 recommended heritage items

Item 3.

Heritage Floor Space - Award to 44 Martin Place, Sydney and Review of Council Delegation for Awards

File No: S116090

Summary

Sydney Local Environmental Plan 2012 sets the legal framework for a scheme under which owners of heritage buildings in Central Sydney may be awarded heritage floor space after completing conservation works on the building. The heritage floor space can then be sold to developers who, as a condition of development consent, are required to allocate heritage floor space to their development site.

Applications for the award of heritage floor space are most commonly associated with a development application for conservation works to the heritage item. Recent changes to the Environmental Planning and Assessment Act 1979 have removed Council's role in assessing development applications; however, Sydney Local Environmental Plan 2012 authorises only the Council to award heritage floor space. As a consequence, duplicate reports are presently required - one to the consent authority to assess the development application, and one to Council to award heritage floor space. In most circumstances, this duplication is unnecessary and leads to extra work for Council officers and delays for applicants. In instances where the applicant is Council or a government agency the duplicate report for the award of heritage floor space affords the highest level of transparency and is desirable.

This report recommends that to streamline the process for heritage floor space awards, Council delegate its authority to award heritage floor space to the Chief Executive Officer except where the applicant is Council or a government agency.

Development application D/2017/524 for 44 Martin Place, Sydney, was approved under delegation on 21 August 2018 and included conservation works, an updated Conservation Management Plan, and a request for an award of 4730sqm of heritage floor space. The heritage floor space award was applied via a deferred condition of consent subject to Council's endorsement. This report recommends that Council endorse the award of 4,730sqm of heritage floorspace for 44 Martin Place, Sydney, assessed as part of development application D/2017/254.

Recommendation

It is resolved that:

- (A) Council endorse the award of 4,730sqm of heritage floor space for 44 Martin Place, Sydney, as recommended in the officer's assessment report for D/2017/254 and attached to this report; and
- (B) Council amend the register of delegations from the Council to the Chief Executive Officer to delegate its authority for the award of heritage floor space to the Chief Executive Officer, except where the applicant is the Council or a government agency.

Attachments

Attachment A. Development Application Assessment Report D/2017/524 - 44 Martin Place, Sydney

Background

1. A transferrable heritage floor space scheme has existed in Central Sydney for more than 40 years, and has supported the on-going conservation of more than 75 heritage buildings. The current scheme is established under clauses 6.10 and 6.11 of Sydney Local Environmental Plan 2012 (Sydney LEP). Clause 6.10 offers an incentive for owners of heritage buildings to conserve and maintain their property by enabling them to receive an award of heritage floor space after conservation works on the building are undertaken and they have applied the relevant covenants. Clause 6.11 stipulates that a developer may only utilise certain types of additional floor space if it allocates an amount of heritage floor space to its development site. Together, these provisions establish a framework for a heritage floor space market in which vendors and purchasers negotiate directly with one another and Council maintains the heritage floor space register.
2. Applications for the award of heritage floor space are most commonly considered as part of a development application involving conservation and other works to the heritage item. Recent changes to the Environmental Planning and Assessment Act 1979 mean that Council no longer exercises the consent authority function with respect of any development applications, which are determined either under delegation to staff, by the local planning panel, or by the Central Sydney Planning Committee. State Significant Development applications have an additional planning pathway and additional consent authority options.
3. Clause 6.10 of Sydney LEP identifies that the Council is responsible for the award of heritage floor space. This responsibility cannot be exercised by a consent authority such as the local planning panel or the Central Sydney Planning Committee, and Council has not delegated its authority to staff. As a result, for development applications that include an application for heritage floor space, separate officer reports are required to the consent authority for the development application, and to the Council to endorse any award of heritage floor space.
4. It is desirable to streamline the award process to remove the need for duplicate reports. The preferred approach would be to maintain the Sydney LEP requirement that only the Council can award heritage floor space, and have that authority delegated from Council to the Chief Executive Officer. Endorsing an award once it has been recommended in an officer's assessment report could then be dealt with as an administrative matter rather than through an additional report to the Council.
5. The exception would be where the party applying for heritage floor space is either the Council or a government entity. In those instances, to ensure the highest level of transparency in decisions, Council should retain the authority for awards and a report to Council would be required.
6. Development application D/2017/524 was approved under delegation on 21 August 2018 and included conservation works and an updated Conservation Management Plan for 44 Martin Place, Sydney, and a request for an award of 4730sqm of heritage floor space. 44 Martin Place, Sydney, comprises two elements - the former MLC building at 42-46 Martin Place which is listed on the State Heritage Register, and a newer addition at 38-40 Martin Place, Sydney. Both are listed as heritage items in Sydney LEP.

7. The building previously received an award of heritage floor space in 1991, but as more than 25 years has elapsed is now eligible for another award. Proposed works in D/2017/524 are subject to the Conservation Management Plan endorsed by the NSW Heritage Council and include maintenance of the sandstone facades and removal of intrusive elements to the Hosking Place elevation. A proposed two-storey addition to the rooftop has been assessed by Council's heritage specialist and is considered to appropriately conserve the significance of the former MLC building. Further details are included in the officer's assessment attached to this report.
8. The development application was approved by staff under delegation, with the heritage floor space award applied via a deferred condition of consent and subject to Council's endorsement. The development consent does not become operative until Council have endorsed the award of heritage floor space which creates a delay for the applicant in commencing the works. The applicant needs to satisfy a number of detailed heritage conditions and be subject to inspections and verification of completed works by the City's heritage specialists before the award can be finally granted and registered.
9. This report recommends that Council endorse the award of 4,730sqm of heritage floorspace for 44 Martin Place, Sydney. It also recommends that to streamline the process for heritage floor space awards, Council delegate its authority to award heritage floor space to the Chief Executive Officer.

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 10 - Implementation through Effective Governance and Partnerships - The proposal will improve and streamline governance of the heritage floor space scheme.

Organisational Impact

11. If adopted, this proposal would reduce the number of officer reports required to award heritage floor space. It also means there will be no unnecessary delays to implementing development consents for the undertaking of heritage conservation works in these circumstances.

Relevant Legislation

12. Local Government Act 1993.
13. Environmental Planning and Assessment Act 1979.

Options

14. An alternative approach to streamline the process would be to amend Sydney LEP to allow heritage floor space to be awarded by the consent authority, rather than the Council. The identity of the consent authority can vary depending on the particular application, and could be the local planning panel, the Minister or a nominated delegate, the Secretary of the Department of Planning and Environment or a nominated delegate, the Independent Planning Commission, City staff through delegated authority, or the Central Sydney Planning Committee.
15. In addition to the award of heritage floor space, Council is also responsible for maintaining the heritage floor space register. Timely and accurate receipt and publication of information on awards, transactions and other market activity is essential for the integrity of the heritage floor space register. Council is also the authority for restrictive and positive covenants applying to the heritage item to allow the award of the heritage floor space. For these reasons it is preferable to limit the number of potential authorities to award heritage floor space. Amending the Sydney LEP to allow a range of potential consent authorities to award heritage floor space is not supported.
16. Council could choose not to delegate its authority and require a duplicate report from officers to endorse all awards. This approach is not supported as it would require additional work for heritage floor space awards, and it would create unnecessary delays for related development consents.

Public Consultation

17. The development application D/2017/524 was placed on public exhibition for a period of 30 days. No submissions were received.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

David Fitzpatrick, Senior Planner

Attachment A

**Development Application
Assessment Report D/2017/524 -
44 Martin Place, Sydney**

DEVELOPMENT APPLICATION ASSESSMENT

Application No:	D/2017/524
Date of Lodgement	28 April 2017
Applicant	GWYNVILL PROPERTIES PTY LIMITED
Architect	HASSELL
Developer	GWYNVILL PROPERTIES PTY LIMITED
Application Site:	44 MARTIN PLACE, SYDNEY NSW 2000
Proposal:	Construction of a two storey addition at roof level accommodating two commercial floor levels; creation of a central atrium from lobby to roof level; internal alterations at basement level; BCA, fire safety and access upgrade of building; and installation of facade lighting. No changes are proposed to existing retail tenancies to Martin Place, Castlereagh Street and Hosking Place. The proposal is Integrated Development under the Heritage Act 1977, requiring approval by the NSW Heritage Office.

SITE AND SURROUNDING DEVELOPMENT

A site visit was carried out on 30 November 2017.

The subject site is located on the northern side of Martin Place, with frontages to Castlereagh Street to the east, and Hosking Place to the north. The site is rectangular, with an area of approximately 1,182.6sqm.

The site contains a 10 storey mixed use building with a double height retail podium, 3 basement levels accessed from Hosking Place and office space above. The site has a street address of 44 Martin Place, but consists of 2 distinct elements, being the original building at 42-46 Martin Place (Lot 1 DP 83642) and the later addition of 38-40 Martin Place (Lots 1 and 2 DP 915091). 42-46 Martin Place is listed on the State Heritage Register (SHR: 00597) and is known as the "Former MLC Building". Both 38-40 and 42-46 Martin Place are heritage listed under the Sydney LEP 2012 as the "Former MLC Building including interior" (I1894).

Surrounding land uses are commercial in nature, with a number of significant heritage buildings fronting onto Martin Place, which in itself is heritage listed under the Sydney LEP 2012 (I1889).

Photos of the site and surrounds are provided below:

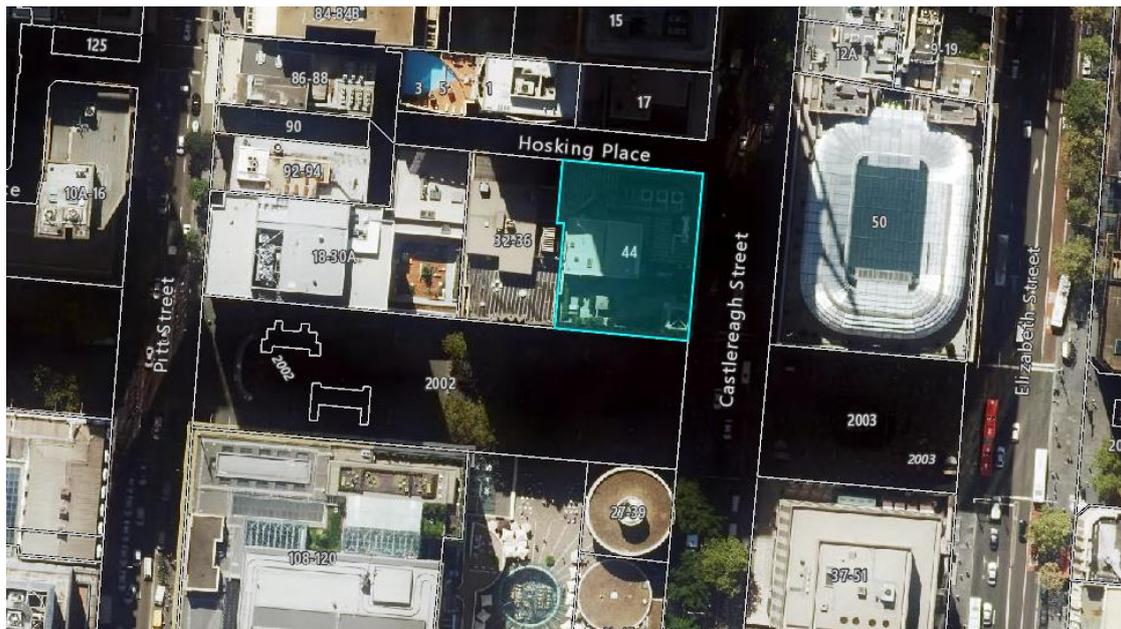


Figure 1: Aerial view of the subject site and surrounding development (site shaded in blue)



Figure 2: Subject site viewed from Martin Place (looking west to Castlereagh Street)

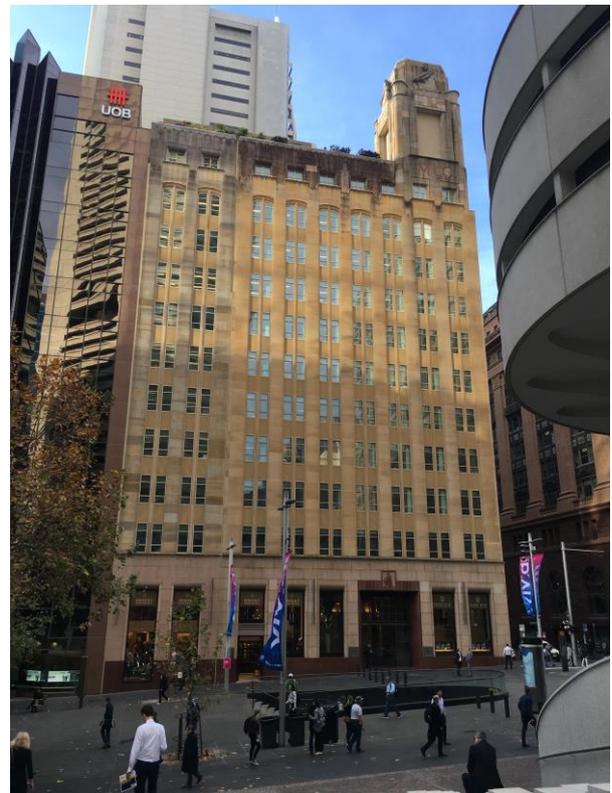


Figure 3: Martin Place elevation of subject site



Figure 4: Castlereagh Street elevation of subject site (looking south-west)

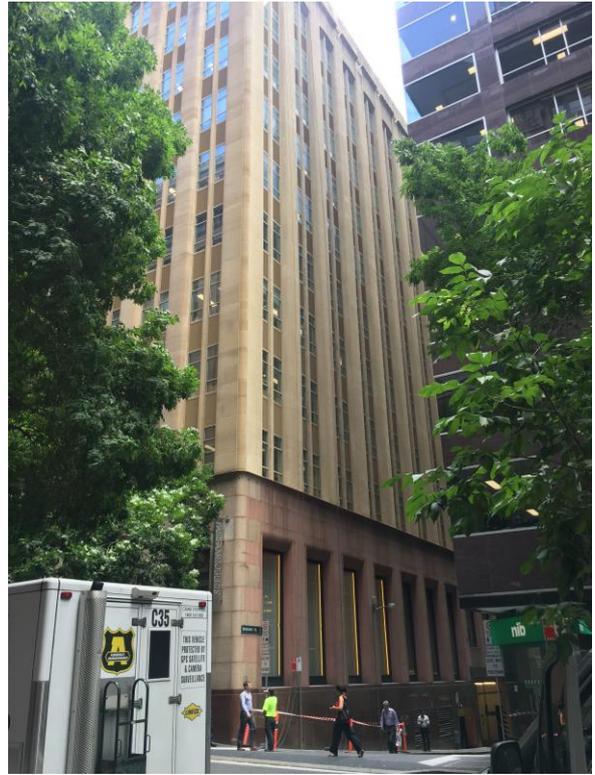


Figure 5: Hosking Place elevation of subject site



Figure 6: Martin Place streetscape looking east



Figure 7: Martin Place streetscape looking west



Figure 8: Ground floor entry to subject site (Martin Place)



Figure 9: Vehicular access within Hosking Place



Figure 10: Rooftop plant area (looking north-east to Castlereagh Street)



Figure 11: Rooftop terrace area (looking north-west)

PROPOSAL

The application proposes the construction of a rooftop two storey addition accommodating two commercial floors, and the creation of a central atrium from lobby to roof level. Conservation works are also proposed. Works can be summarised as follows:

Basement level 2

- New generator and services within existing footprint of basement level.

Basement level 1

- Removal of 9 car spaces to accommodate end of journey facilities.
- Refurbishment of bathrooms, new store and reconfigured fire stair.

Basement (Hosking Place)

- New concrete slab to extend car park level (within existing footprint) to accommodate 48 x visitor and 56 x staff bicycle racks.

Ground floor

- New stair within Castlereagh Street lobby area for access end of journey facilities.
- Removal of internal nib walls within Martin Place section of lobby.
- New stair within proposed atrium (extending up to level 12).
- Refurbishment of existing sanitary facilities.

Levels 1-10

- Refurbishment of existing sanitary facilities and services.
- New atrium (void area) and connecting stair.
- Existing heritage boardroom on Level 10 to remain.
- New facade lighting.

Level 11

- Demolition of existing plant room area.
- New addition with office area, atrium and stair, and sanitary facilities setback 10m from Martin Place, 4.5m from Castlereagh Street and 2.4m from Hosking Place.
- Reduced landscaped area to Martin Place elevation, and new landscaped area to Castlereagh Street.
- Consolidated plant room with 3 x existing cooling towers and 1 x new cooling tower.
- 2 existing lift runs to terminate at Level 10 below, and fire stairs to be relocated.

Level 12

- New addition with office area, atrium and stair, sanitary facilities and plant area.

In addition to the above, the application proposes the re-award of heritage floor space (HFS).

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

Development Applications

44-86-1886

Consent was granted on 9 March 1987 to extend the Former MLC heritage listed building at 42-46 Martin Place into 38-40 Martin Place (which adjoined the site to the west). The extension comprised two basement levels and 11 levels above. Approval was also granted to the renovate 42-46 Martin Place.

At the time of consent, an "Interim Policy" was in force which established the requirements in which Council could award transferrable floor space to an owner of a historic building if conservation works were carried out.

On 28 August 1989, MLC was granted 4,900sqm of transferrable floor space under the Interim Policy in force at the time. This is based on the formula of 0.5 x the existing floor area of the site (which was 9,799sqm). In awarding transferrable floor space, Council required the applicant to enter into a deed to ensure the continued preservation of the historic building.

On 19 November 1991, the following restrictions were placed on title of 42-46 Martin Place, Sydney stating:

- *“Neither the Registered Proprietor nor any person holding an interest in the land above described shall demolish or otherwise remove or cause, permit or suffer to be demolished or otherwise removed any building, structure or erection or part thereof on the land above described without an approval in writing having been first obtained from the Council.*
- *“Neither the Registered Proprietor nor any person holding an interest in the land above described shall build or erect, or permit or suffer to be built or erected any further structure under on or over the land above described without an approval in writing having first been obtained from the Council.*

In both of the above instances, except as provided by Section 68 of the *Heritage Act 1977*, the restriction specified that Council had the discretion to refuse or give approval (subject to conditions) to any such development within the site. In addition to this, a further restriction was placed on title in relation to the granting of transferrable floor space:

- *“Neither the Registered Proprietor nor any person holding an interest in the land above described shall build or erect, or permit or suffer to be built or erected, without an approval in writing having first obtained from the Council, any buildings under on or over the land above described which when added to the Total Floor Area of any building already erected on the said land shall be greater than the Total Floor Area permitted on the said land under the Code or other instrument regulating floor space area in the City of Sydney in force from time to time less than an amount of 4,900sq. metres.”*

Total floor area in this instance, is specified as being *“the sum of the gross horizontal areas of each and every floor of a building contained within the inner faces of the outer walls measured at a height of 1.350 metres above the floor, including the space occupied by internal walls, staircases, lobbies, corridors and toilets but excluding the horizontal cross-sectional area of lift shafts and vertical service ducts measured between the wall faces internal to the lift shaft or duct and excluding any space permanently set aside within the building for the parking, unloading or loading of vehicles, including ramps or other means of access thereto, or for the accommodation of mechanical or electrical plant or equipment servicing the building.”*

The proposal's compliance with this covenant is discussed in further detail within this report.

Compliance Action

The site is not subject to a current compliance action.

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:

(a) Environmental Planning Instruments and DCPs.

Heritage Act 1977

42-46 Martin Place is listed on the State Heritage Register as the “Former MLC Building” (SHR: 00597).

In accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the application was forwarded to the Heritage Council of NSW as Integrated Development. The Heritage Council of NSW was advised that no submissions were received at the conclusion of the exhibition period on 14 June 2017.

On 5 December 2017, the Heritage Council of NSW advised that the Conservation Management Plan (CMP) for the site had been reviewed and endorsed under Section 38A of the *Heritage Act 1977*.

The Heritage Council of NSW provided their General Terms of Approval on 18 February 2018, recommending the eastern facade (Castlereagh Street) of levels 11 and 12 to be setback to align with gridline E in plan. The condition was imposed to minimise the visual impact of the addition on the overall composition of the building.

At the request of the applicant, the setback condition was reconsidered by the Heritage Council of NSW at its meeting on 4 July 2018. On 12 July 2018, the Heritage Council of NSW resolved to amend the General Terms of Approval to delete the setback condition, and replace it with a requirement for the south-east corner of levels 11 and 12 to be further setback to maximise the view of the tower in the round. The location of the setback is detailed in the floor plan below:

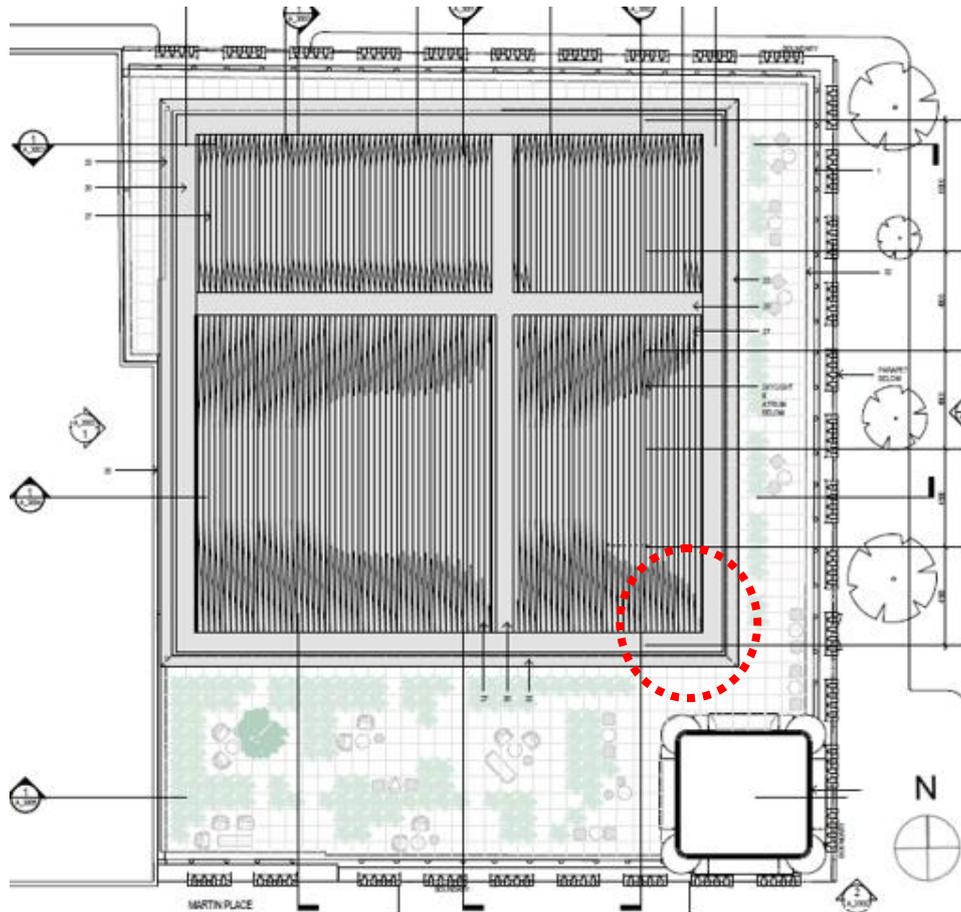


Figure 12: Roof level floor plan depicting approximate location of setback requested by the Heritage Council.

It is noted that the setback requirement is not quantified by the Heritage Council in the General Terms of Approval, however will become a condition of consent.

Additionally, the following design modifications and details to be submitted with the Section 60 application:

- The colour of the finishes of the facades of Levels 11 and 12 are to be recessive to distinguish them from the masonry facades of the heritage building.
- The extant openings in the eastern lobby wall of the ground floor foyer are to be retained. The removal of columns is not approved. This is in line with the CMP (policy G4) which identifies the openings as significant.
- The nib wall to the west of the entry (at ground floor) is to be retained as it is original wall fabric.
- The proposed ground floor lobby flooring is not approved and a closer interpretation of the original floor is required.

- A schedule of conservation works in accordance with the CMP policy J is to be prepared.
- Details of the design of the proposed rooftop balustrade is to be submitted.
- Information on the significance of the Hosking Place granite fabric is required before modifications can be made to accommodate a new fire booster and exit doors.
- Information about the proposed external lighting of the facade at night is to be submitted.
- Any moveable heritage is to be reinstated, particularly any boardroom furniture held in offsite storage.
- Upgrade of services are to be planned and implemented with input by the nominated heritage consultant.

The above conditions, as well as other standard requirements of the General Terms of Approval have been included in Schedule 3 of the Notice of Determination.

State Environmental Planning Policy (Infrastructure) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Clause 85

The application is subject to Clause 85 of the SEPP (Development adjacent to rail corridors) as the site is located within the CBD Rail Link, CBD Metro, and Sydney Metro City and Southwest future rail corridors.

The proposal was referred to Sydney Trains (acting under delegated authority of RailCorp) on 30 May 2017. Confirmation was requested from Sydney Trains that the loading from the proposed addition would not adversely impact on the future CBD Metro corridor. The applicant provided a response on 19 June 2017 which was forwarded to the concurrence authority.

On 14 August 2017, Sydney Trains advised that the placing of structures and building loads in or near the rail corridor would affect rail safety. Sydney Trains requested that a condition be imposed requiring an assessment of rail safety impacts on the Sydney Metro City and Southwest corridors to be undertaken prior to the issue of a Construction Certificate. An appropriate condition has been included in the proposed conditions of consent.

Sydney Light Rail Project

The application was referred to the CBD Coordination Office within Transport for NSW (TfNSW) as the site is in close proximity to the Sydney Light Rail Project and construction works may have an impact on traffic within the immediate road network.

On 25 July 2017, TfNSW advised that given the number of construction projects in the area, and the proximity of the Sydney Light Rail and the Chatswood to Sydenham section of the Sydney Metro City and Southwest rail corridor, this could have an impact on general traffic and bus operations in the CBD. TfNSW has requested that a Construction Pedestrian and Traffic Management Plan for the development be prepared in consultation with the CBD Coordination Office within TfNSW prior to the commencement of any work. This condition has been imposed as part of the proposed conditions of consent.

In addition to this, TfNSW noted that details regarding loading and servicing have not been included in the proposal, and has requested that the applicant retain service and loading vehicle parking within the site. In this regard, the documentation provided with the application notes that there are no changes proposed to loading access points.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.

The Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment. The key relevant principles include:

- Protect and improve hydrological, ecological and geomorphologic processes.
- Consider cumulative impacts of development within the catchment.
- Improve water quality of urban runoff and reduce quantity and frequency of urban run-off.
- Protect and rehabilitate riparian corridors and remnant vegetation.

The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained with the deemed SEPP.

Sydney LEP 2012

The site is located within the B8 – Metropolitan Centre zone. The proposal is for alterations and additions to a commercial office and retail building. The addition is to be used for office purposes which is permissible within the zone with consent.

The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Table		
Development Control	Compliance	Comment
1.9 Suspension of covenants, agreements and instruments	No, but Acceptable	<p>Any covenant on land in Central Sydney restricting the carrying out of development that has been registered on title prior to the introduction of the Sydney LEP 2012 is applicable under this clause.</p> <p>A covenant applies to the site in two parts:</p> <ul style="list-style-type: none"> (a) restricting the erection of any further structure on the site unless approved by Council; and (b) restricting the existing building (and any alterations and additions) to the total floor area permitted for the site, minus 4,900sqm. <p>The “total floor area” referenced in the covenant is based on the Code or any other instrument in force at the time of assessment of the proposal (in this instance the Sydney LEP 2012).</p> <p>The Sydney LEP 2012 stipulates that the site is entitled to a maximum FSR of 12.85:1 (15,196.41sqm) based on the applicable floor space controls. Taking into account the requirements of the covenant, the permitted FSR for the site is reduced to 8.7:1, or 10,296.41sqm.</p> <p>The proposed development has an FSR of 9.97:1 (11,795.1sqm) which does not comply with the covenant, however is acceptable in this instance.</p> <p>Refer to Issues section for further discussion.</p>
4.3 Height of Buildings	No	<p>A maximum height of 55m is permitted.</p> <p>The addition proposes a height of 54.06m to Castlereagh Street, 57.1m to Hosking Place, and between 54.06m and 57.1m to Martin Place, resulting in a variation of</p>

		<p>3.8%.</p> <p>Refer to Issues section.</p>
<p>4.4 Floor Space Ratio</p> <p>6.4 Accommodation floor space</p> <p>6.5 Car parking reduction floor space</p> <p>6.6 End of journey floor space</p>	Yes	<p>Clause 4.4 of the Sydney LEP 2012 stipulates a base floor space ratio of 8:1 for the site, with Clause 6.4 providing an opportunity for a further 4.5:1 of floor space where accommodation floor space uses (in this instance office and retail) are provided. Where end of journey facilities are proposed, or car parking reduction floor space is utilised in accordance with Clause 6.5 and 6.6 of the Sydney LEP 2012, additional floor space bonuses apply.</p> <p>In this instance, the development is entitled to a maximum permissible FSR of 12.85:1.</p> <p>The proposed development has an FSR of 9.97:1 (11,795.1sqm) which complies.</p>
4.6 Exceptions to development standards	Yes	<p>The proposal seeks to vary the development standard prescribed under Clause 4.3 – Height of Buildings, which is supported in this instance.</p> <p>See discussion under the heading Issues.</p>
5.10 Heritage conservation	Yes	<p>The original building at 42-46 Martin Place is listed on the State Heritage Register as the “Former MLC Building” (SHR: 00597), and adjoins the heritage listed Martin Place pedestrianised plaza. The entire site, comprising the original building and the later addition at 38-40 Martin Place, is heritage listed under the Sydney LEP 2012 (11894).</p> <p>The application is accompanied by a Conservation Management Plan (endorsed by the Heritage Council) and a Heritage Impact Statement assessing the heritage significance of the site and the impact of the proposed works.</p> <p>The proposed alterations to the heritage listed building, and the proposed</p>

		<p>contemporary addition are an acceptable design response to the heritage significance of the subject site.</p> <p>Refer to Issues section for further discussion.</p>
6.4 Accommodation floor space	Yes	<p>The site is located in 'Area 1' and as such, is eligible for additional accommodation floor space of up to 4.5:1 of the site area, based on the land use mix proposed within the development. This accommodation floor space has been included in the collective permissible FSR for the development, as discussed elsewhere in this report.</p>
6.5 Car parking reduction floor space	Yes	<p>Development within Central Sydney that results in any part of the basement of a building being changed from an area used for parking cars to any other use is eligible for an amount of additional floor space equal to the area of any such changed use.</p> <p>The proposal involves the removal of 9 car spaces in total, 5 of which are to be converted into end of journey facilities, and are subject to separate bonus floor space criteria (as discussed under clause 6.6 below).</p> <p>The remaining 4 car spaces are to be removed in order to create waste storage areas and a new stair. The car parking reduction floor space is equal to 80sqm. The change of use is supported, and as such, the development is entitled to 80sqm of car parking reduction floor space.</p> <p>An appropriate condition is recommended for a restrictive covenant to be registered on title to ensure that the car parking reduction floor space cannot be used for any other purpose.</p>
6.6 End of journey floor space	Yes	<p>Development used for commercial purposes in Central Sydney is eligible for</p>

		<p>an amount of additional floor space equal to the floor space occupied by end of journey facilities (up to an additional 0.3:1 of the building). End of journey facilities consist of showers, change rooms, lockers and bicycle storage areas.</p> <p>The application proposes a new mezzanine level within the car park for end of journey facilities, representing an increase of 0.29:1 (349.1sqm) for the site, which complies.</p> <p>A condition is to be imposed requiring a restrictive covenant to be registered on the title of the land to ensure that the area identified as end of journey floor space will be maintained for that use at all times.</p>
6.10 Heritage floor space	Yes	<p>The subject application is eligible for an award of heritage floor space (HFS) as the building is a specifically nominated heritage item (under Schedule 5 of the Sydney LEP 2012) and is located within the B8 – Metropolitan Centre zone.</p> <p>Clause 6.10 of the Sydney LEP 2012 requires Council to endorse the award of HFS for the site. This is a separate process to the assessment of the current application. As such, the proposal will be subject to a deferred commencement consent to allow Council to determine the award of HFS prior to the consent becoming operative.</p> <p>See discussion under the heading Issues.</p>
6.11 Utilisation of certain additional floor space requires allocation of heritage floor space	Yes	<p>Clause 6.11(3) of the Sydney LEP 2012 states that where a development consists of alterations or additions to an existing building, the amount of HFS to be allocated to the site should be no more than the difference between:</p> <p>(a) the amount of HFS required to be allocated to the site if the building (as altered or added to) were to be constructed as a new building;</p>

		<p>and</p> <p>(b) the amount of HFS required to be allocated to the site if the building (without the alteration or addition) were to be constructed as a new building.</p> <p>The application proposes to offset the additional floor space resulting from the two storey rooftop addition by providing an atrium of the same area within the development.</p> <p>The increase in FSR relates to end of journey facilities and car parking reduction floor space, neither of which require the purchase of HFS under Clause 6.11.</p>
6.17 Sun access plane	Yes	<p>The permissible height of development on the subject site is governed by Clause 4.3, and the sun access plane 'Martin Place 5B'.</p> <p>The scheme has been reviewed by the City's Modellers, who have confirmed that the proposal is wholly contained within the sun access plane.</p>
6.19 Overshadowing of certain places	Yes	<p>The application is accompanied by shadow diagrams demonstrating that the proposed addition will not result in any overshadowing to the section of Martin Place between Pitt Street and George Street.</p>
Division 4 Design excellence 6.21 Design Excellence	Yes	<p>The proposed rooftop addition responds well to the scale and setbacks of adjacent buildings and is contextually appropriate; and does not result in any significantly adverse environmental or amenity impacts to nearby development or the public domain. The addition is lightweight in appearance, and is visually recessive in comparison to the heritage building.</p> <p>The overall materiality, articulation and distinctive architectural contribution of the proposal is considered to achieve design excellence in accordance with Clause</p>

		<p>6.21(4) of the Sydney LEP 2012.</p> <p>The proposed addition will have a height of 57.1m when measured from Hosking Place and the south-west corner to Martin Place (due to the sloping of the site). The existing building has an overall height of 59.12m, measured from the top of the turret to ground level at Castlereagh Street. Clause 6.21(5)(a)(i) of the Sydney LEP 2012 requires development with a height above 55 metres to undertake a competitive design process.</p> <p>A competitive design process is not considered necessary in this instance as the application proposes a rooftop addition to an existing building, and will not result in an increase in gross floor area (due to the introduction of void areas at all levels). In addition to this, the proposal will not result in any significant adverse impacts to the public domain or adjoining buildings, and does not significantly alter any aspect of the building when viewed from public places.</p> <p>The proposed development satisfies the requirements of this provision.</p>
7.1-7.9 Car parking ancillary to other development	Yes	<p>A maximum of 24 car parking spaces are permitted.</p> <p>The application proposes to reduce the number of car parking spaces from 20 to 11 due to the introduction of end of journey facilities.</p>
7.20 Development requiring preparation of a development control plan	Yes	<p>The existing building has a height above 55m (due to the existing turret). A development control plan is not required to be prepared in this instance, and is considered to be unreasonable and unnecessary as:</p> <ul style="list-style-type: none"> The application proposes a rooftop addition to the existing building that creates a minor breach to the 55m height plane

		<p>(at 57.1m);</p> <ul style="list-style-type: none"> • The proposed introduction of void areas at all levels results in a floor space neutral proposal that complies with the permitted FSR for the site; • The development does not result in any significant adverse impacts to the public domain or adjoining buildings (as discussed elsewhere in this report); and • The addition has been setback behind the existing rooftop tower, and as such, does not significantly alter any aspect of the building when viewed from the public domain.
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Sydney DCP 2012

The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

2. Locality Statements – Martin Place Special Character Area
<p>The subject site is located in the Martin Place Special Character Area. The proposed rooftop addition is considered to be in keeping with the unique character of the area and design principles in that the proposal maintains the prominence and significance of the corner heritage building in the streetscape.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.2 Defining the Public Domain	Yes	<p>The relevant provisions of this section are addressed below:</p> <p><u>3.2.1.1 Sunlight to publicly accessible spaces</u></p> <p>The proposed shadow diagrams demonstrate that the development does not result in an increase in overshadowing to the publicly accessible open space within Martin Place. Minor overshadowing will occur to the facades</p>

		<p>of some properties, and this is discussed in further detail under Section 4.2 of the Sydney DCP 2012.</p> <p><u>3.2.1.3 Public views</u></p> <p>The two storey addition will not impede views from the public domain to public places and monuments within Martin Place, or other heritage buildings. View studies provided by the applicant illustrate that the 10m setback to Martin Place ensures that views to the General Post Office (GPO) building at 1 Martin Place are maintained, and are not impacted upon.</p> <p><u>3.2.2 Addressing the street and public domain</u></p> <p>The proposal retains clear entries to both Martin Place and Castlereagh Street.</p> <p><u>3.2.3 Active frontages</u></p> <p>The site retains an active frontage to Martin Place as required by Section 3.2.3 of the Sydney DCP 2012.</p> <p><u>3.2.6 Wind effects</u></p> <p>The results of the wind impact statement submitted with the application indicates that the development is expected to have a negligible impact on the ground level wind environment conditions.</p> <p><u>3.2.7 Reflectivity</u></p> <p>The proposal is accompanied by a reflectivity report that confirms that glazing used for the external facade of the development will have a maximum normal specular reflectance of visible light of 20%. It is recommended that a condition be imposed ensuring that the glazing used will comply with DCP requirements.</p>
3.6 Ecologically Sustainable Development	Yes	The proposal seeks to achieve a 5 star Green Star Design and As Built v1.1 rating, 5 Star NABERS Base Building Energy Rating and WELL Core and Shell

		<p>Compliance.</p> <p>The application is accompanied by an Energy Efficiency Report certifying that the proposal will encompass the mandatory energy efficiency provisions under Section J of the National Construction Code (NCC) via an alternative performance based solution.</p> <p>It is noted that any request for dispensation with regard to Section J is a matter for the certifier.</p>
3.9 Heritage	Yes	<p>The subject site, comprising the original “Former MLC Building” and the later addition, is heritage listed under the Sydney LEP 2012.</p> <p>The application proposes internal alterations to the existing building at all levels to provide for a light well, and the upgrade of services. All alterations are confined to areas where the interior of the building has previously undergone significant alteration. No alterations are proposed to the heritage boardroom (at level 10), or other significant fabric.</p> <p>On 5 December 2017, the Heritage Council of NSW advised that the Conservation Management Plan (CMP) for the site had been reviewed and endorsed under Section 38A of the <i>Heritage Act 1977</i>.</p> <p>The CMP, particularly in relation to the design of the new addition, and the proposed conservation works are discussed in further detail under the heading Issues.</p>
3.11 Transport and Parking	Yes	<p><u>3.11.3 Bike parking and associated facilities</u></p> <p>The application proposes 104 bicycle spaces, 12 showers and 80 personal lockers, and will result in the removal of 9 car spaces in total. No changes are proposed to the current driveway, loading</p>

		<p>or pedestrian access points.</p> <p>The end of journey facilities are located at the car park entry level and basement level 1, with access from Hosking Place.</p> <p>The proposed retrofit of end of journey facilities provides adequate and secure amenities to meet the requirements of the workforce within the building. A condition is recommended to ensure that all facilities are designed in accordance with the relevant Australian Standards.</p>
3.12 Accessible Design	Yes	<p>The proposed rooftop addition is to be serviced by two lifts, and accessible bathrooms are to be provided at both levels.</p> <p>A condition has been recommended for access and facilities for persons with disabilities to be designed in accordance with the DCP and the BCA.</p>
3.13 Social and Environmental Responsibilities	Yes	<p>The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.</p>
3.14 Waste	Yes	<p>A condition has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Code for Waste Minimisation in New Developments 2005.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Achieved	Discussion
4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	The proposed rooftop addition provides floor to floor heights at each level of at least 3.6m, which complies.
4.2.7 Heating and Cooling Infrastructure	Yes	The application proposes a new cooling tower at levels 11 and 12, which will be accommodated within the existing plant

		<p>area. Additionally, new air handling units will be located at every level within the consolidated services area, and existing plant areas at basement level 2 are to be reconfigured.</p> <p>Conditions are recommended to ensure that the operation of the plant equipment will not interfere with the amenity of adjoining properties, and will be designed in accordance with the relevant Australian Standards.</p>
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5. Specific areas		
5.1 Central Sydney		
Development Control	Achieved	Discussion
5.1.1 Street frontage heights	Yes	The proposal seeks to retain the 10 storey appearance of the existing heritage building, which is 46.1m.
5.1.2.1 Front building setbacks 5.1.3 Street frontage heights and setbacks for Special Character Areas	No	<p>Additions above a heritage item must be setback at least 10m from the street frontage. The subject site however, is located in the Martin Place Special Character Area and no additional height above the street frontage height is permitted.</p> <p>The application proposes a 10m setback to the edge of the parapet to Martin Place, a 4.5m setback to Castlereagh Street, and a 2.4m setback to Hosking Place, and is considered appropriate within the surrounding streetscape context.</p> <p>Refer to Issues for further discussion.</p>
5.1.2.2 Side and rear setbacks	Yes	<p>Above a height of 45m, windows or balconies of commercial buildings are to be setback at least 3m from the side and rear boundaries. Walls without windows do not need to be set back.</p> <p>32 Martin Place, which adjoining the site at the western boundary, does not</p>

		contain any side windows. Although a setback at this boundary is not required, the plant area is set in 1.9m to allow access and ventilation.
5.1.5 Building exteriors	Yes	<p>The proposal seeks to carry out conservation works to the existing heritage item, ensuring the predominant masonry character and articulation of the special character area is reinforced.</p> <p>The two storey addition above the heritage item primarily comprises lightweight timber (in the form of vertical mullions) and operable frameless glazing, establishing a clear distinction between heritage and new fabric.</p> <p>Overall, the proposed addition provides a richness of detail and architectural interest that positively contributes to the streetscape and responds to the characteristic light colours of Central Sydney.</p>
5.1.9 Heritage floor space	Generally acceptable	<p>The site is a listed heritage item (I1894) pursuant to Schedule 5 of the Sydney LEP 2012, comprising the “Former MLC Building”.</p> <p>To be eligible for an award of HFS, a heritage building is to be:</p> <ul style="list-style-type: none"> (a) Located in the Central Sydney area; (b) Subject to conservation works in accordance with an approved CMP; and (c) Not subject to works that would increase the external envelope and floor space of the building, other than a minor increase to facilitate an adaptive re-use of the building. <p>The proposed works will result in a minor increase in the building envelope for a two storey addition to be used as offices. Notwithstanding, the proposal will not have an adverse heritage impact and will</p>

	<p>not affect the significance of the item.</p> <p>The site is located within the Central Sydney area, and is required to develop and carry out a detailed schedule of conservation works prior to being awarded HFS.</p> <p>Refer to Issues for further discussion.</p>
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ISSUES

Building Height

The application proposes a minor non-compliance with the Sydney LEP 2012 in relation to the maximum height in metres. The proposed addition will have a height of 57.1m at its highest point, where 55 metres is permitted under Clause 4.3. This results in a variation of 2.1 metres, or 3.8%. The existing turret on the site is already non-compliant with the LEP height at 59.12 metres as demonstrated below:

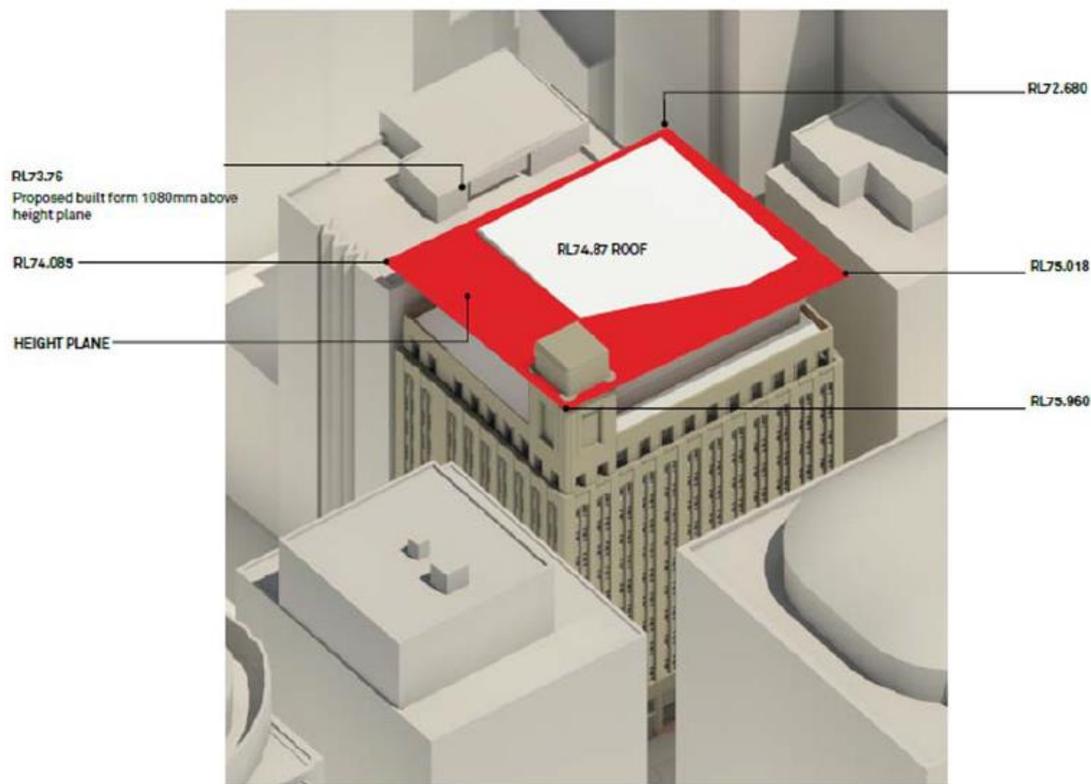


Figure 13: Perspective of the proposed development showing LEP height non-compliance above the red height plane

The applicant has lodged a written request under Clause 4.6 of the LEP seeking to justify the contravention of the height standard of 55m. The applicant contends the following when stating their case that compliance with the standard is unreasonable

or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the standard:

- (a) Compliance with the maximum building height development standard would result in an irregular roof form that moulds itself with the angle of the 55 metre height plane. This would result in a poor roof design that is largely inconsistent with the architectural form of the base heritage building.
- (b) The design and maximum height of the proposed roof top addition is a direct response to site specific conditions as well as the heritage character of the existing building and surrounding area. The proposed roof top addition is consistent with the context of Martin Place which has seen several recent roof top alterations and additions above existing heritage items. Precedents include 50 Martin Place, and 5 Martin Place.
- (c) The proposed roof addition is consistent with the existing east-west height transition within Martin Place. The proposed addition facilitates an appropriate height transition without altering the existing street wall height of the subject building. The 10m setback provided to Martin Place emphasises the prominence of the base building.
- (d) Given the cluster of significantly taller developments to the north of the site, the relatively nominal extension of two additional storeys is unlikely to result in any appreciable impact. Of particular note, none of the views within the Central Sydney Planning Strategy (i.e. views of the clock tower at the GPO building) will not be affected by the proposed development. The proposal is unlikely to result in any view loss from public areas.
- (e) As the predominant height control for the site is set by the sun access plane to Martin Place, the 55m height of buildings development standard is largely redundant and therefore not relevant to the proposal.
- (f) The resulting contravention of the maximum building height control is generally a consequence of the site's slope in the ground plane. A contravention of the existing height place is seen to facilitate a more consistent and improved roof scape design that emulates and reinforces the iconic and prominent turret structure of the existing heritage building.

It is considered that in this instance, strict compliance with the height of buildings development standard specified by Clause 4.3 of the LEP is unreasonable and unnecessary pursuant to Clause 4.6(4)(a)(ii). There are sufficient reasons to justify exceeding the development standard as follows:

- (a) The proposal is consistent with the objectives of the B8 – Metropolitan Centre zone in that it:
 - (i) Provides additional office floor space, which is a compatible land use within the zone;

- (ii) Provides an opportunity for the high quality office space that is commensurate with Sydney's global status;
 - (iii) Will serve the workforce, which is characteristic of Sydney's global status;
 - (iv) Retains an active street frontage to Martin Place and Castlereagh Street.
- (b) The proposal is consistent with the objectives of the height of buildings development standard:
- (i) The development is appropriate to the condition of the site and its context;
 - (ii) The development provides an appropriate height transition between heritage items within Martin Place. The proposed roof addition is contained below the existing turret at the south-east corner of the roof, and is setback 10 metres from Martin Place. The overall setbacks ensure that the prominence of the turret is retained, and provides a sympathetic response to the heritage significance of the base building whilst identifying as a new element;
 - (iii) Those parts of the development that exceed the maximum height specified by the standard are setback from the site boundaries and are to be constructed using light-weight materials, thereby minimising building bulk as viewed from Martin Place and surrounding streets;
 - (iv) The proposal promotes the sharing of views, and will have no adverse impact on sightlines to the clock tower of the GPO building within Martin Place (to the south-west of the site). The 10 metre setback to Martin Place ensures that the low scale addition cannot be viewed from this important vantage point in the streetscape; and
 - (v) The proposal provides an appropriate transition within Central Sydney by containing the proposed rooftop addition within the sun access plane.

It is considered that the written statement provided by the applicant has sufficiently justified that strict numeric compliance with the development standard is unreasonable and unnecessary in this instance. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the height of buildings development standard and it is recommended that a Clause 4.6 exemption be granted, pursuant to the Director-General's general concurrence of May 2008.

Setbacks

Section 5.1.2.1(3) of the Sydney DCP 2012 requires additions above a heritage item to be setback at least 10 metres. Section 5.1.3(1) of the Sydney DCP 2012 however,

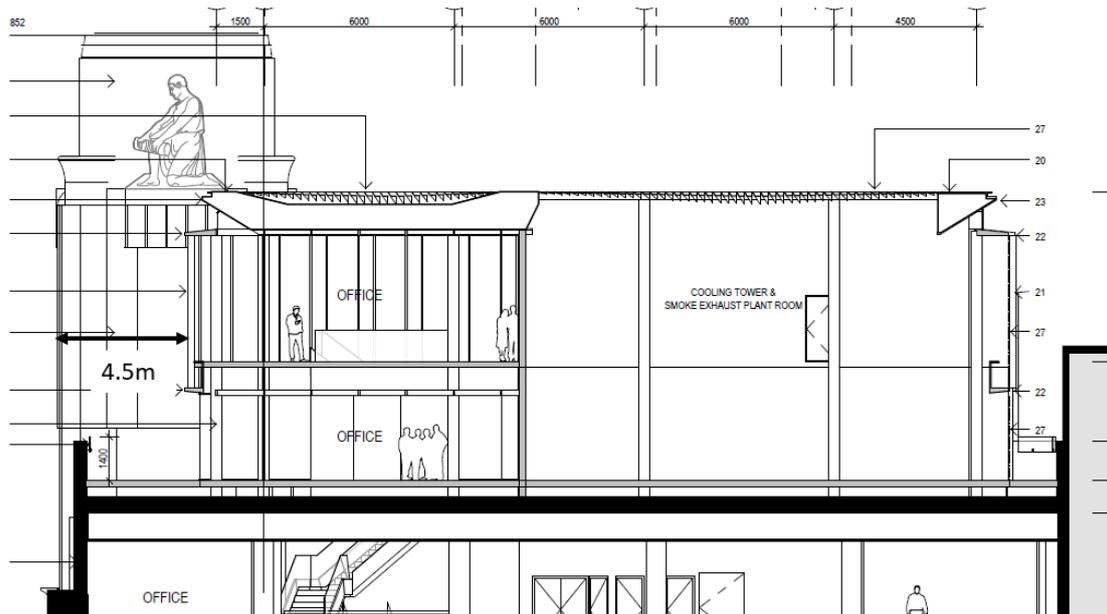


Figure 16: Section through the development depicting the Castlereagh Street setback

The predominant height control for the site is set by the sun access plane to Martin Place, which the proposal complies with, as detailed elsewhere in this report. The DCP control specifying that no additional height is permitted above the existing street wall height is therefore inconsistent with the LEP control.

The subject site currently contains rooftop structures in the form of plant rooms, lift overruns and cooling towers at an overall height of 50.84 metres (when measured from Martin Place), which contravenes the Martin Place Special Character Area provisions. It is also noted that D/2011/733 for 50 Martin Place, Sydney (directly opposite the site) was granted consent for a rooftop addition with a setback of 4 metres to Castlereagh Street, and approximately 8 metres to Martin Place. This consent does not comply with either the front setback controls or the Martin Place Special Character Area requirements.

The proposed variation to the front setback requirements meets the objectives contained in Section 5.1.2, and the setbacks for Special Character Areas contained in Section 5.1.3 of the Sydney DCP 2012, and is acceptable in this instance for the following reasons:

- Setting back the addition 10 metres from all frontages to achieve technical compliance with the general front setback control would not create any beneficial streetscape, perceived scale or amenity impacts for the public domain.

The rooftop structure has been designed as a low scale, lightweight addition and is placed behind the existing tower and parapet.

Setting back the addition by 10 metres to Martin Place, 4.5 metres to Castlereagh Street and 2.5 metres to Hosking Place as proposed results in the addition only being visible from along certain points within Martin Place

and Castlereagh Street. The applicant has prepared a view analysis of the proposed development, demonstrating that the addition can be partially viewed within the following locations:

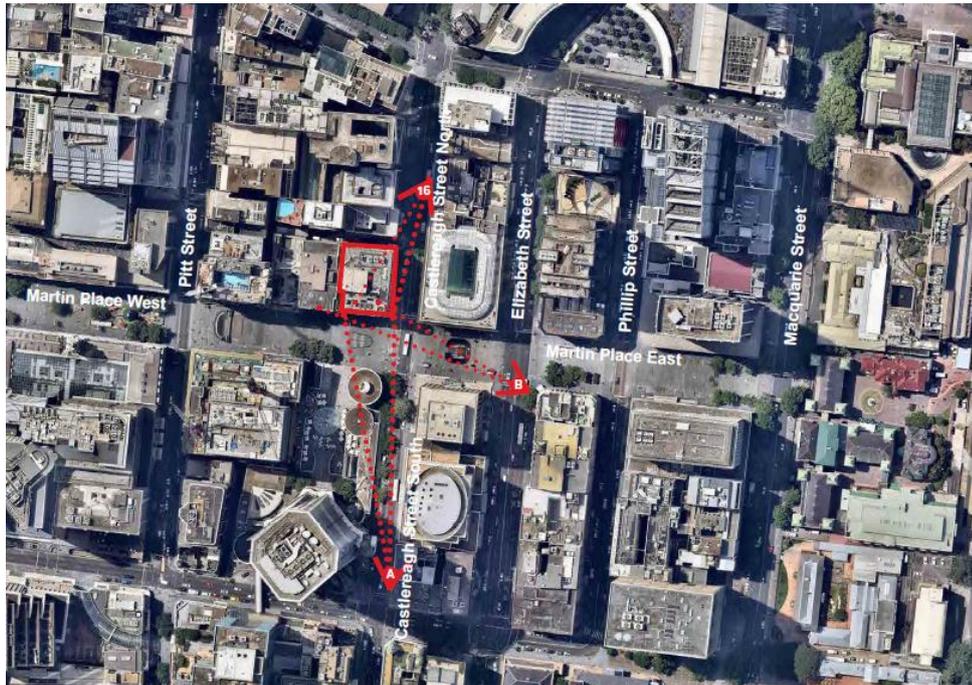


Figure 17: Map of view analysis points (A – Castlereagh Street south, B – Martin Place East and 16 – Castlereagh Street north)



Figure 18: View Analysis of Castlereagh Street south – Point A (existing and proposed)



Figure 19: View analysis from Martin Place east/Elizabeth Street – Point B (existing and proposed)



Figure 20: View analysis from Castlereagh Street north – Point 16 (existing and proposed)

As demonstrated in the images above, the addition is only partially visible from surrounding streets as an inconspicuous, lightweight structure against the backdrop of much larger buildings. The addition is visually submissive to the existing heritage building when viewed from the public domain, and complements the architecture of the base building. The proposal will not be

visible from close quarters where complete iconic views of the primary south (Martin Place) facade of the heritage building are possible.

- The non-compliant setbacks do not reduce daylight and outlook, or increase wind impacts to the public domain; and do not result in any significantly adverse amenity impacts (i.e. privacy or overshadowing) to nearby development, as discussed elsewhere in this report.
- The proposal is considered to enhance and complement the distinctive character of the Martin Place Special Character Area in accordance with the objective of Section 5.1.3 of the Sydney DCP 2012. The proposal retains the existing street frontage height of the building, with the addition appropriately setback so that it can only be partially viewed within Martin Place from Elizabeth Street. The addition has no impact on sun access to Martin Place during lunchtime hours (from mid-April to the end of August), and does not detrimentally affect the silhouette of the GPO clock tower, which is located further south of the subject site.
- The proposal otherwise complies with the floor space ratio development standard, complies with the sun access plane for the site, and introduces light wells within the development to create a higher standard of amenity compared to existing conditions.

Notwithstanding, the subject site is listed on the State Heritage Register and the Heritage Council of NSW provided their General Terms of Approval for the proposal on 12 July 2018. In accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, consent cannot be granted by the consent authority that is inconsistent with the General Terms of Approval, and cannot be refused by the consent authority on heritage grounds.

As discussed in this report, the proposal does not result in any significantly adverse amenity impacts, and is generally consistent with the relevant planning objectives and provisions. Increasing the setbacks, or refusing the application in its entirety on the basis of the setback control contained in the DCP is inconsistent with the General Terms of Approval issued by the Heritage Council of NSW.

The proposal is considered to achieve design excellence in accordance with Clause 6.21 of the Sydney LEP 2012, and has demonstrated a positive outcome for the site despite the non-compliance with setbacks.

Heritage

42-46 Martin Place is listed on the State Heritage Register as the “Former MLC Building” (SHR: 00597), and the Sydney LEP 2012 (11894). The site adjoins the heritage listed Martin Place pedestrianised plaza.

The site comprises two elements, being the south-western corner of the building constructed 1987-90 (38-40 Martin Place), and the former MLC Building constructed

1938 (42-46 Martin Place). The Martin Place elevation of the subject site is depicted below.



Figure 21: Subject site viewed from Martin Place. 38-40 Martin Place comprises the contemporary addition; and 42-46 Martin Place contains the original heritage building.

The Heritage Inventory Report for the site identifies the original portion of the former MLC Building as aesthetically significant, and one of the best inter-war commercial office buildings in Sydney. It is the best example in Australia of the exterior use of Egyptian-derived motifs, and contains a substantially intact insurance chamber of rare scale and high quality finishes. At level 10, the commercial executive rooms (including boardroom) are known as the largest and most formal of its type surviving in Sydney.

The application is accompanied by a Conservation Management Plan (CMP) (endorsed by the Heritage Council) and a Heritage Impact Statement assessing the heritage significance of the site and the impact of the proposed works. The works are discussed in greater detail below.

Impact of the addition

The CMP prepared for the site details that any addition could be considered, provided that the buildings' original height and architectural character remain clearly

legible and appreciable (Policy O). New additions should be recessed from the existing parapet, and retain the dominance of the tower element.

The proposed rooftop addition is setback from the Martin Place, Castlereagh Street and Hosking Place facades to retain the silhouette of the building and the prominence of the turret. The proportions and form of the rooftop structure are sympathetic to the building and pick up on the verticality of the heritage facade, but will be seen as a contemporary addition that is recessive in appearance.

The addition will be supported by the existing core within the original building and the south-west boundary wall of the modern building, and does not intervene with significant fabric or spaces. The proposal will also remove existing ad-hoc rooftop plant structures, being a positive impact on the building.

The application was referred to Council's Heritage Specialist, who advised that the proposed addition was considered appropriate from a heritage perspective in light of its low scale, and lack of visual prominence in the streetscape. On balance, it is an acceptable outcome for the site due to the level of conservation of fabric.

The proposed addition is considered to positively contribute to the streetscape with high quality architecture that responds appropriately to the heritage building and surrounding development. Overall, the proposal for rooftop and conservation works is consistent with Clause 5.10 of the Sydney LEP 2012, and Section 3.9 of the Sydney DCP 2012.

Atrium

The application proposes the creation of an atrium extending from the ground floor lobby to the new roof addition, offsetting the new gross floor area of the rooftop works. The atrium will introduce natural daylight into the centre of the floor plate, and inter-floor stairs are to be installed to improve vertical circulation within the building. The proposed work will remove a portion of the concrete slabs at each level above the ground floor.

The interior of the building has been substantially modified by the relocation of the lift cores in the 1980s, resulting in the removal and reconstruction of some structural elements (including columns, joists and floors). The approved CMP rates the interior of the building as being of low significance. The structural system (being the concrete encased steel columns and concrete floor slabs) is rated as moderate significance.

The removal of part of the concrete slabs will result in loss of some original floor steel joists, however the main beams and columns are unlikely to be altered or affected. The facade of the building is not expected to be affected by the proposed works, provided that structural retrofitting measures are taken to ensure the stability of the whole structure. Given the low significance of the internal spaces, a structural retrofitting system around the cut-out slabs would have an acceptable heritage impact, however the applicant has not provided any details with regard to how this will occur. As such, it is recommended that a condition be imposed requiring structural design details (including demolition methodology) for the atrium and any

retrofitting structures to be submitted prior to the issue of any Construction Certificate.

Whilst the atrium will have minimal impact on the heritage significance of the building overall, the stairs and atrium at ground floor and first floor will form a prominent architectural element in the existing lobby, and will be visible from the main entrance. The atrium and staircase at this level will need to be sensibly designed to respond appropriately to the building entrance and lift surrounds. A condition is recommended for the design details of the atrium stair to the foyer are to be submitted prior to the issue of a Construction Certificate.

Conservation works and award of Heritage Floor Space (HFS)

Award of HFS

The application proposes conservation works and requests the award of HFS under Clause 6.10 of the Sydney LEP 2012 and Section 5.1.9 of the Sydney DCP 2012.

To be eligible for an award of HFS, a heritage listed building is to be:

- (a) located in the Central Sydney area and zoned B8 – Metropolitan Centre;
- (b) not have been awarded HFS in the previous 25 years (under Clause 6.10 of the Sydney LEP 2012 or a similar scheme in force before the commencement of this Plan);
- (c) subject to conservation works in accordance with an approved Conservation Management Plan; and
- (d) not be subject to works that would increase the external envelope and floor space of the building, other than a minor increase to facilitate the adaptive re-use of the heritage building.

The subject building is located in the Central Sydney area, and the site is zoned B8 – Metropolitan Centre. HFS was previously awarded in November 1991, being 26 years ago, and a second award is therefore permitted.

The proposed works will result in a minor increase in the building envelope for a two storey addition to be used as offices. As discussed elsewhere in this report, the new addition will be replacing existing detracting rooftop plant areas, and is setback from the Martin Place, Castlereagh Street and Hosking Place facades to retain the silhouette of the building and the prominence of the turret. The addition will not have an adverse heritage impact and will not affect the significance of the item as it cannot be easily viewed within the streetscape.

An approved CMP applies to the site, however it does not include a schedule of conservation works. Rather, the application proposes conservation and repair works that centre on the existing sandstone facade, the removal and reconfiguration of louvre panels and fire boosters/fire exit doors to Hosking Place, and the removal an internal ornamental palm tree to improve visibility into the lobby at ground floor.

In order to be awarded HFS, conservation works should propose appropriate repair and maintenance works to significant fabric, remove detracting elements, reinstate original fabric where possible, and propose other works that are compatible with the significance of the building. Council's Heritage Specialist has reviewed the proposal and has advised that further investigation of the existing facades is required to develop a detailed schedule of conservation works. This recommendation is reflected in the General Terms of Approval provided by the Heritage Council.

A condition is to be imposed requiring a schedule of conservation works to be prepared prior to the issue of a Construction Certificate that identifies all fabric of heritage significance, supported by an appropriate methodology for maintenance and repair works.

At completion of the conservation works, and prior to the registration of HFS, the applicant is to enter into a legal agreement with Council and covenants are to be registered on title limiting any future redevelopment of the site to the gross floor area and height of the conserved building (with the new addition); and to ensure the ongoing conservation of the building by regular maintenance. Appropriate conditions to this effect are recommended.

It is noted that Clause 6.10 of the Sydney LEP 2012 requires Council to endorse the award of HFS for the site. This is a separate process to the assessment of the current application. As such, the proposal will be subject to a deferred commencement consent to allow Council to determine the award of HFS prior to the consent becoming operative.

Calculating the HFS to be awarded

The proposal seeks a full award of HFS. The maximum amount of HFS that may be awarded to a site relies on a formula provided in the Sydney DCP 2012 as follows:

$$\mathbf{HFSH = 0.5AS \times FSRH}$$

where:

HFSH is the maximum amount of HFS which may be awarded in sqm

AS is the site area (in square metres) occupied by the heritage building (being 1182.6sqm as per the Sydney LEP 2012 heritage listing)

FSRH is the maximum FSR for the site of the heritage building as shown on the LEP FSR map (being 8:1 in this instance).

As applied to the site, an amount of 4,730.4sqm HFS may be awarded (i.e. [0.5 x 1182.6] x 8).

Subject to compliance with other recommendations in this report regarding the preparation and implementation of a schedule of conservation works, and other works required by the Heritage Council, the full award of HFS may be granted by Council.

Covenant

Any covenant on land in Central Sydney restricting the carrying out of development that has been registered on title prior to the introduction of the Sydney LEP 2012 is applicable under Clause 1.9 of the Sydney LEP 2012.

A covenant applies to the site in two parts:

- (a) restricting the erection of any further structure on the site unless approved by Council; and
- (b) restricting the existing building (and any alterations and additions) to the total floor area permitted for the site, minus 4,900sqm.

The permitted “total floor area” referenced in the covenant is based on the Code or any other instrument in force at the time of assessment of the proposal (in this instance the Sydney LEP 2012). The definition of total floor area identified by the covenant does not correspond to the definition of FSR or gross floor area (GFA) under the Sydney LEP 2012, as total floor area includes staircases in its calculation.

In light of the above, and in order to determine the permitted FSR for the development for the purposes of the restriction, the proposal has been assessed against the permitted FSR under the Sydney LEP 2012 as it is currently in force.

The Sydney LEP 2012 stipulates that the site is entitled to a maximum FSR of 12.85:1 (15,196.41sqm) based on the applicable floor space controls. If 4,900sqm is deducted from the permitted FSR (as per the covenant), it is reduced to 8.7:1 or 10,296.41sqm.

The application proposes an FSR of 9.97:1 (11,795.1sqm), which does not meet the requirements of the covenant. The proposal otherwise complies with all applicable FSR and bonus floor space controls contained in the Sydney LEP 2012.

The covenant is in favour of Council, and as such Council is the party authorised to release, vary or modify this restrictive covenant. In consideration of varying the covenant, it is important to note the following:

- The application proposes to offset the additional floor space resulting from the two storey rooftop addition by providing an atrium of the same area within the development, thereby being consistent with the existing conditions of the building (i.e. when the covenant was first registered on title in November 1991). The proposed two storey rooftop addition and other internal works are supported, and will not have an adverse heritage impact on the significance of the item, as discussed elsewhere in this report.
- The proposed increase in GFA specifically relates to the bonus floor space for end of journey facilities and car parking reduction floor space at basement level. The additional floor space for end of journey facilities and waste storage is supported as the end of journey facilities in particular has been granted as an incentive to promote the use of bicycles and walking in Central Sydney. This accords with Sustainable Sydney 2030, where the City’s strategic vision is to be “connected”. One of the strategic directions of Sustainable Sydney

2030 is to give greater priority to cycle and pedestrian movements, and promote sustainable travel in the city centre. This strategic direction is further enforced under Clause 1.2(2)(g) 'Aims of Plan', where one of the objectives of the Sydney LEP 2012 is to ensure that the pattern of land use and density facilitates walking, cycling and the use of public transport.

The variation of the covenant is therefore considered appropriate in this instance. However, as this application proposes the award of HFS and new covenants on title limiting gross floor area and height of the building, this will render the existing restriction on title regarding HFS as obsolete. It is recommended that a condition be imposed to delete the existing covenants on title.

Use of the communal area at Level 11

The application proposes an external terrace area on the roof level of the existing building (being level 11) to be used by staff. It is noted that no operational details have been provided, however the site is not located in close proximity to any residential or hotel accommodation uses.

It is therefore recommended that a condition be imposed restricting the operation of the terrace to between 8.00am and 10.00pm, Mondays to Sundays inclusive, for use by staff only. General noise conditions have also been applied to ensure there are no adverse amenity impacts to surrounding development.

(b) Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

(c) Suitability of the site for the Development

The proposal is considered to be suitable for the site. The application proposes works to an existing commercial office building, in a commercial surrounding and amongst similar uses to that proposed.

(d) CONSULTATION

Internal Referrals

The conditions of other sections of Council have been included in the proposed conditions.

The application was discussed with the Building Services Unit; Environmental Health; Public Domain; Safe City; Surveyors; and Transport and Access who advised that the proposal is acceptable subject to the recommended conditions.

Heritage and Urban Design comments relating to setbacks and the impact of the proposed works on the existing building have been discussed in greater detail within this report.

External Referrals

The application was referred to Sydney Trains and TfNSW in accordance with the requirements of the State Environmental Planning Policy (Infrastructure) 2007. The external authorities have recommended conditions that have been included in the proposed conditions of consent, as discussed within this report.

NOTIFICATION, ADVERTISING AND DELEGATION

The application constitutes integrated development and as such the application was notified and advertised for 30 days in accordance with the provisions of Environmental Planning and Assessment Regulations 2000. As a result of this, no submissions were received.

(e) Public Interest

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

FINANCIAL IMPLICATIONS

S61 CONTRIBUTION

The cost of the development is in excess of \$200,000 and is therefore subject to a development levy pursuant to the Central Sydney (Section 61) Contributions Plan 2013. An appropriate condition has been included in the recommendation of this report.

CONCLUSION

Having regard to all of the above matters, it is considered that the proposal generally satisfies the relevant strategy, objectives and provisions of the Sydney LEP 2012 and the Sydney DCP 2012, is acceptable and is recommended for deferred commencement approval subject to conditions as shown in the attached Decision Notice.

The application is approved under delegated authority of Council.

The undersigned declare, to the best of their knowledge that they have no interest, pecuniary or otherwise, in this development application or persons associated with it and have provided an impartial assessment.

Report Prepared by:



JESSICA SYMONS
Senior Planner

Application determined by:



ANDREW REES
Area Planning Manager

Item 4.

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 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 s121B of the Act). This determination may be made at the next meeting of 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.

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 N 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 18-30A Martin Place, 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 122-122B Pitt Street, Sydney, 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 200 Pitt Street, Sydney, 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 146-148 Glebe Point Road, Glebe, 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 1 Dixon Street, Sydney, as detailed in Attachment F;
- (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 614-628 George Street, Sydney, as detailed in Attachment G;
- (I) not exercise its power to issue a Fire Safety Order at this time but note that a further report will be provided to the next meeting of Council as recommended by Council's Investigation Officer in 15 Goulburn Street, Haymarket, as detailed in Attachment H;
- (J) exercise its power to issue a Fire Safety Order as recommended by Council's Investigation Officer to address the identified fire safety deficiencies in 63-69 Dixon Street, Haymarket, as detailed in Attachment I;
- (K) 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 31-37 Dixon Street, Haymarket, as detailed in Attachment J;
- (L) 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 111 Fitzroy Street, Surry Hills, as detailed in Attachment K;

- (M) 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 81-117 Broadway, Ultimo, as detailed in Attachment L;
- (N) 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 38 Macleay Street, Potts Point, as detailed in Attachment M; and
- (O) 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 229-249 Elizabeth Street, Sydney, as detailed in Attachment N.

Attachments

- Attachment A.** Fire Safety Report Summary Sheet
- Attachment B.** Council Officer Inspection Report, 18-30A Martin Place, Sydney
- Attachment C.** Council Officer Inspection Report, 122-122B Pitt Street, Sydney
- Attachment D.** Council Officer Inspection Report, 200 Pitt Street, Waterloo
- Attachment E.** Council Officer Inspection Report, 146-148 Glebe Point Road, Glebe
- Attachment F.** Council Officer Inspection Report, 1 Dixon Street, Sydney
- Attachment G.** Council Officer Inspection Report, 614-628 George Street, Sydney
- Attachment H.** Council Officer Inspection Report, 15 Goulburn Street, Haymarket
- Attachment I.** Council Officer Inspection Report, 63-69 Dixon Street, Haymarket
- Attachment J.** Council Officer Inspection Report, 31-37 Dixon Street, Haymarket
- Attachment K.** Council Officer Inspection Report, 111 Fitzroy Street, Surry Hills
- Attachment L.** Council Officer Inspection Report, 81-117 Broadway, Ultimo
- Attachment M.** Council Officer Inspection Report, 38 Macleay Street, Potts Point,
- Attachment N.** Council Officer Inspection Report, 229-249 Elizabeth Street, Sydney

Background

1. The City receives inspection reports and recommendations from Fire and Rescue NSW in relation to inspections carried out on buildings located within the City's local government area.
2. Under the Environmental Planning and Assessment Act 1979, (the "Act"), Fire and Rescue NSW has the power to carry out inspections of 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: 13

Report- October 2018

Summary table

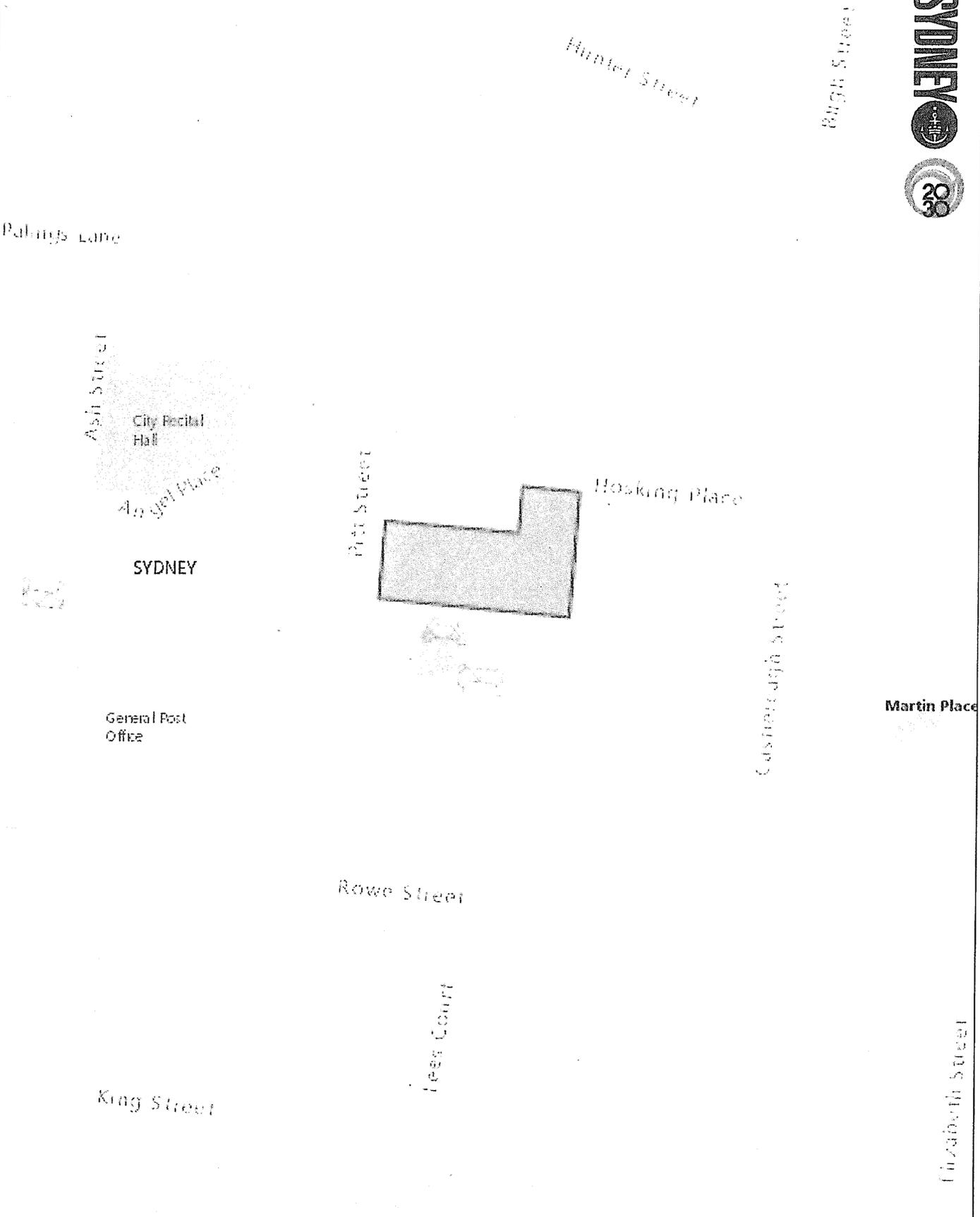
Att. (A-N)	Premises Specifics (<i>predominate building use</i>)	Actions/ Recommendation
A	Not applicable – Summary Sheet	Summary of clause 17, Schedule 5 matters tabled at Council meeting.
B	18-30A Martin-Place; Sydney; Premises under construction, part office building.	Premises inspected; owners have been issued with corrective action correspondence; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.
C	122-122B Pitt 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.
D	200 Pitt Street, Waterloo, Residential Apartments	Premises are the subject of a current City fire safety order. This order is being compliance managed. Continued site inspections are being undertaken to ensure compliance with the terms of Councils order is achieved
E	146-148 Glebe Point Road, Glebe, Backpackers Hostel	Premises inspected, Council officer has determined that a notice of intention to issue a fire safety order is required to be given to remedy identified fire safety deficiencies.
F	1 Dixon Street, Sydney, Licensed Premises	Premises inspected, premises are subject to a current City Council fire order, follow up compliance activities are being undertaken to ensure required fire safety works are satisfactorily completed.
G	614-628 George Street, Sydney, Licensed Premises	Premises inspected, premises are subject to a current City Council fire order, follow up compliance activities are being undertaken to ensure required fire safety works are satisfactorily completed.
H	15 Goulburn Street, Haymarket, Licensed Premises	Premises are yet to be fully inspected; Fire and Rescue NSW report to be tabled and recommendation stood over to next meeting of Council to allow further detailed investigation to take place.

I	63-69 Dixon Street, Haymarket, Licensed Premises	Premises inspected, Council officer has determined that a notice of intention to issue a fire safety order is required to be given to remedy identified fire safety deficiencies.
J	31-37 Dixon Street, Haymarket, Licensed Premises	Premises inspected, premises are subject to a current City Council fire order, follow up compliance activities are being undertaken to ensure required fire safety works are satisfactorily completed.
K	111 Fitzroy Street, Surry Hills, Boarding House	Premises are yet to be fully inspected, Fire and Rescue NSW report to be tabled and recommendation stood over to next meeting of Council to allow further detailed investigation to take place.
L	81-117 Broadway, Ultimo, Educational Facility	Premises are yet to be fully inspected, Fire and Rescue NSW report to be tabled and recommendation stood over to next meeting of Council to allow further detailed investigation to take place.
M	38 Macleay Street, Potts Point, Residential Apartments	Premises inspected, owners to be issued with corrective action correspondence; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.
N	229-249 Elizabeth Street, Sydney, Office Premises	Premises inspected, no significant fire safety issues identified; query on FRNSW building reference, report to be tabled only, Council officer to seek more information on the building location and reassess situation at the next meeting of Council.
7		

Attachment B

**Council Officer Inspection Report -
18-30A Martin Place, Sydney**

18-30A Martin Place, SYDNEY



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1:1,500 at A4
31/07/2018



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

File: CSM 1931057

Officer: Joe Kalgovas

Date: 12/09/2018

Premises: 18-30A Martin Place, 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 building consists of a high-rise office tower on the corner of Pitt Street and Martin Place.

The new building is being finished with progressive occupation taking place. The principal certifying authority-private (PCA) has issued an Interim Occupation Certificate to allow for tenancy fit outs to occur.

An inspection was carried out of the new building in the presence of the Operations Manager which did not indicate any significant fire safety issues within the building.

It is to be noted that building is being completed and is still under the statutory control of the PCA.

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.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to (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
27/07/2018	FRNSW correspondence received regarding premises 20 Martin Place Sydney, correct address 18-30A Martin Place Sydney.
31/07/2018	An inspection of the subject premises was undertaken by a Council officer. Operations Manager could not provide access to level 2, however was aware of the missing signage which he advised would be attended to.
31/07/2018	An email was sent to the Operations Manager with details of the missing signage required for level 2 by FRNSW and received confirmation of follow up rectification.
28/08/2018	A corrective action letter was sent to the building owners and copied to the operations manager. The deadline for completion of these works is 28 September 2018.

FIRE AND RESCUE NSW REPORT:

References:

D18/51349; 2018/405965-04

Fire and Rescue NSW conducted an inspection of the subject premises after responding to a call of fire at the premises.

Issues

The report from FRNSW detailed 2 issues, in particular noting the Fire Indicator Panel (FIP) and the fire sprinkler installation on level two of the building did not have a block plan.

FRNSW Recommendations

FRNSW have made (2) 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 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 to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)

As a result of the site inspection undertaken by Council's investigation officer, a corrective action letter was sent to the building owners and the operations manager to rectify the identified fire safety deficiencies noted by FRNSW.

The above correspondence has requested that the owners and building management:

- Undertake remedial works and have required signage to fire systems caused to be compliant;

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 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	2018/405965-04
A2.	Locality Plan (cadastre please)	2018/405965-03
A3	Attachment cover sheet	2018/405965-01

Trim Reference: 2018/405965

CSM reference No#: 1931057



File Ref. No: BFS16/2205 (0483)
TRIM Ref. No: D18/51349
Contact: Station Officer [REDACTED]

27 July 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
"ANZ MARTIN PLACE - APPLE TENANCY"
20 MARTIN PLACE, SYDNEY ("the premises")**

Fire & Rescue NSW (FRNSW) responded to a call of fire at the premises. As a result of inadequate signage, the Fire Safety Compliance Unit of FRNSW received correspondence in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *The Fire Indicator Panel (FIP) and the fire sprinkler installation installed on level two of the building does not have a block plan.*

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 3 May 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.

FIRE AND RESCUE NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

1 Amarina Ave,
Greenacre NSW 2190

T (02) 9742 7434
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firesafety@fire.nsw.gov.au

Unclassified

Page 1 of 3



- 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

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

1A. Fire Sprinkler Installation:

- a) A fire sprinkler block plan is not installed adjacent to the sprinkler valve assembly located in the cabinet within the Apple tenancy on Level 2, contrary to the requirements of Clause 4.3 of Australian Standard (AS) 2118.1-1999.

1B. Smoke Detection and Alarm System:

- a) A zone block plan detailing the area covered by each zone is not installed adjacent to the FIP and VESDA controls which are located in a cabinet within the Apple tenancy on Level 2, contrary to the requirements Clause 3.10 of AS1670.1-2015.

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 of this report be addressed appropriately.

FIRE AND RESCUE NSW

Community Safety Directorate
Fire Safety Compliance Unit

firesafety@fire.nsw.gov.au

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1 Amarina Ave,
Greenacre NSW 2190

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Page 2 of 3



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

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Station Officer [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS16/2205 (0483) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

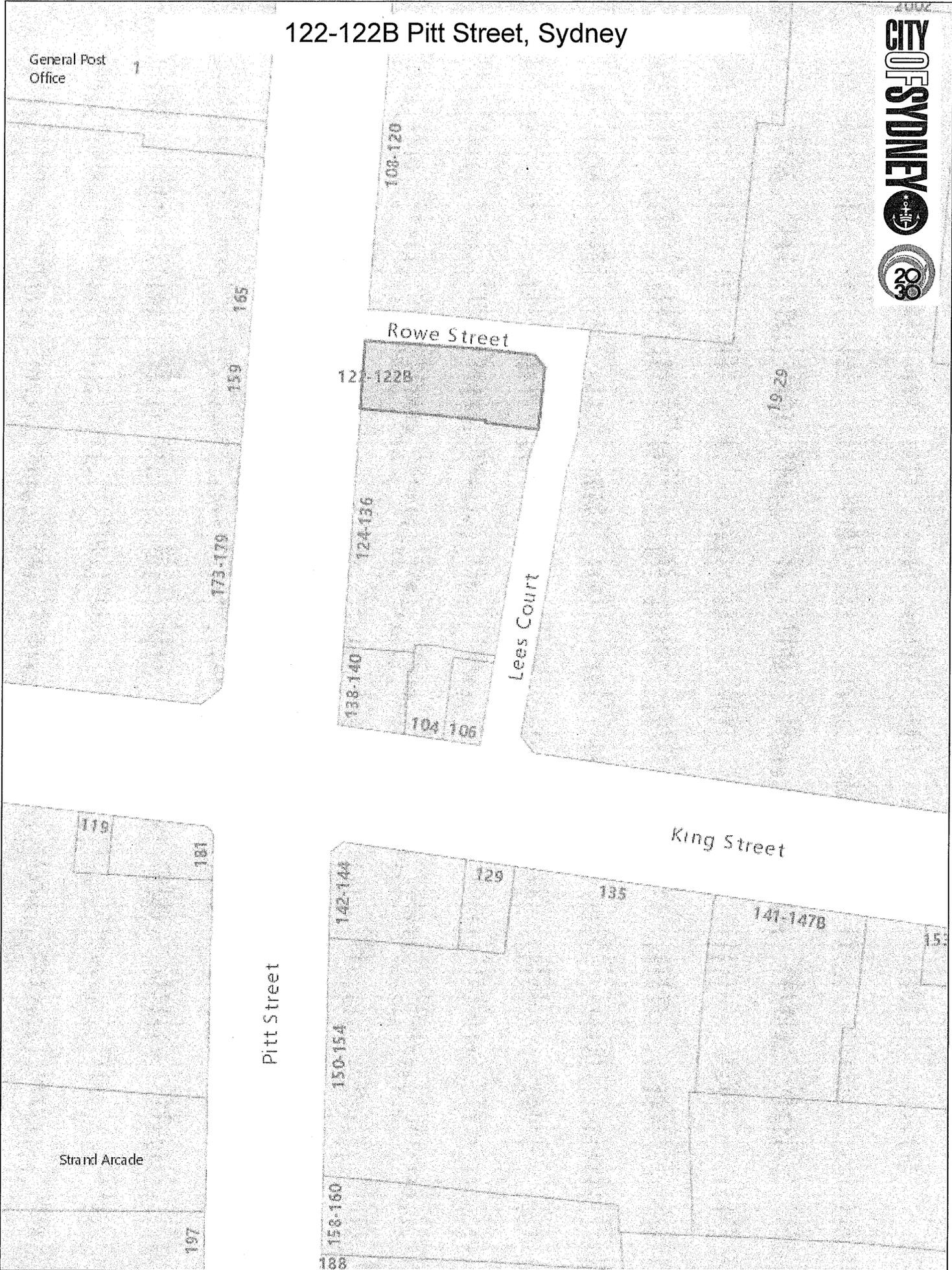
[REDACTED]

Building Surveyor
Fire Safety Compliance Unit

Attachment C

**Council Officer Inspection Report -
122-122B Pitt Street, Sydney**

122-122B Pitt Street, Sydney



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1:750 at A4
10/09/2018



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

File: S108410

Officer: G. Scotton

Date: 21 August 2018

Premises: 122-122B Pitt Street, SYDNEY NSW 2000

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 six storey building, which includes a restaurant and cafe at ground floor, a bar at basement level, and upper level offices. The building, known as Millions House, was erected circa 1888, which records indicate is a heritage item noted for its Victorian Italianate style significant for its contribution as a landmark building to the Pitt Street streetscape, listed on both in the State Register and Sydney LEP 2012.

The building does not contain external cladding.

Council investigations have revealed that the premises is deficient in fire safety and egress provisions in relation to inadequate fire safety management systems in place.

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

The premises is equipped with an extensive array of twenty one fire safety measures, 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 displayed within the building pursuant to the requirements of the Environmental Planning and Assessment Regulation 2000.

Council investigations have revealed that there are some fire safety maintenance and management works to attend to, including provision of operational signage, more prominent display of the fire safety statement, and routine maintenance of certain fire safety measures such as exit signage.

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. The matters have been discussed with the owner and fire contractor, both of whom indicated agreement to attend to the matters promptly.

Chronology:

Date	Event
27/7/2018	FRNSW correspondence received regarding premises Millions House at 122 Pitt Street Sydney, aka 9 Rowe Street. A review of City records shows the correct address of the premises in rating records is 122-122B Pitt Street, Sydney.
2/8/2018	An inspection of the subject premises was undertaken by a Council officer, when it was noted that: -a fire alarm block plan was not displayed at the fire indicator panel

	<ul style="list-style-type: none"> -whilst the current fire safety statement was displayed, more prominent display is required -no faults or isolations were found in the fire indicator panel -several exit signs required maintenance -operational signage was required to enclosures to a hose reel and a hydrant booster -an extensive array of twenty one fire safety measures shown in the fire safety schedule appeared otherwise adequately maintained
21/8/2018	A written caution has been issued to the building owner, requiring routine maintenance of fire safety measures noted during inspection

FIRE AND RESCUE NSW REPORT:

References: [D18/50949; 2018/421148-03]

Fire and Rescue NSW conducted an inspection of the subject premises on 3 May 2018, after responding to the premises on multiple occasions and being unable to identify the location of the smoke detector which activated the alarms.

Issues: The report from FRNSW detailed a number of issues, in particular noting that in attending the premises, the location of the smoke detector that activated in the building could not be determined due to the lack of a block plan, the fire safety statement was not prominently displayed, and the fire indicator panel contained eleven faults.

FRNSW issued an emergency fire safety Order on 4 May 2018 to the owner, requiring the automatic fire detection and alarm system to be repaired so as to remove faults in the fire indicator panel. The report indicates that during a FRNSW reinspection of the premises on 18 July 2018, it was found that the emergency fire safety Order relating to clearing faults in the fire indicator panel had been complied with.

FRNSW Recommendations.

FRNSW have made two recommendations within their report, being that Council:

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed;
2. As the matter is referred to Council as the appropriate regulatory authority, FRNSW requests advice in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

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

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

The above written instructions have directed the owners of the premises 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 officer to ensure all 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.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2018/421148-03
A2.	Locality Plan	2018/421148-02
A3	Attachment cover sheet	2018/421148-01

Trim Reference: 2018/421148

CSM reference No.: 1931080



File Ref. No: BFS18/509 (2858)
TRIM Ref. No: D18/50949
Contact: Station Officer [REDACTED]

27 July 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
'MILLIONS HOUSE'
122 PITT STREET SYDNEY ("the premises")
AKA: 9 ROWE STREET**

Fire & Rescue NSW (FRNSW) responded on multiple occasions to 'the premises' and were unable to locate the area or the smoke detector that activated in the building. As a result of the call of fire, the Fire Safety Compliance Unit (FSCU) of FRNSW received correspondence in relation to the adequacy of the provision for fire safety in or in connection with 'the premises'.

The correspondence stated in part that:

- *A fire block plan is not installed at the premises making it difficult to locate the area where a fire alarm operates.*

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 3 May 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

FIRE AND RESCUE NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

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F (02) 9742 7483

firesafety@fire.nsw.gov.au

Unclassified

Page 1 of 8



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

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

1. Essential Fire Safety Measures

1A. Certification:

- a) An Annual Fire Safety Statement (AFSS) was not displayed in a prominent location at the premises contrary to the requirements of Clause 177 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

1B. Smoke Detection and Alarm Systems:

- a) The Fire Indicator Panel (FIP) displayed 11 detector faults throughout the building. The FIP maintenance books located at the premises indicate that the faults have been present for at least three months. FRNSW is of the opinion that the Smoke Detection and Alarm System was not being maintained in accordance with Clause 182 of the EP&A Regulation.
- b) A zone block plan is not installed adjacent to the FIP, contrary to the requirements of Clause 3.10 of Australian Standard (AS) 1670.1-2015. In this regard, the FIP, located in Rowe Street, displays 'BASEMENT' which is currently occupied as a Class 6 part of the building accessible from the Pitt Street street frontage.
- c) During an inspection on 3 July 2018, FRNSW were advised by the fire services technician that the repair of the FIP was made difficult due to the age of the panel and difficulty to obtain parts. FRNSW recommend Council consider an upgrade of the FIP.

FIRE AND RESCUE NSW

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Community Safety Directorate
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firesafety@fire.nsw.gov.au

Unclassified

Page 2 of 8



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

FIRE SAFETY ORDER NO. 1

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. 1, dated 4 May 2018, in accordance with the provisions of Section 9.34 of the EP&A Act, to have item no. 1B(a) of this report rectified.

In accordance with the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act, a copy of the Order is attached for your information (Appendix 1). 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. 1B(a) of this report.

RE-INSPECTION

Pursuant to the provisions of Section 9.32(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 16 May 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

At the time of the re-inspection it was found that the number of faults had increased from 11 to 19. Accordingly, a Show Cause letter was issued against the owner of the building. A copy of the Show Cause letter is attached for your information (Appendix 2). A response to the Show Cause letter was received on 22 June 2018 indicating that works had been conducted at the premises and a single fault remained.

Additional inspections were conducted on 3 July and 18 July 2018. At the time of the inspection on 18 July 2018, 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. 1 of this report and any other deficiencies identified on 'the premises'.

FIRE AND RESCUE NSW

Community Safety Directorate
Fire Safety Compliance Unit

firesafety@fire.nsw.gov.au

ABN 12 593 473 110

1 Amarina Ave,
Greenacre NSW 2190

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

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Station Officer [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/509 (2858) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]
Building Surveyor
Fire Safety Compliance Unit

Attachment: [Appendix 1 – Fire Safety Order 1 – Two pages]
[Appendix 2 – Show Cause Letter- pages]

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Emergency Fire Safety Order ORDER No. 1

Under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*
Part 9 Implementation and Enforcement – Division 9.3 Development Control Orders
Fire Safety Orders in accordance with the table to Part 2 - Schedule 5.
Issue an Order in accordance with Section 9.34(1)(a)
Issue the Order as an Emergency Order Pursuant to Schedule 5, Part 8, Section 16

Please note:

- Pursuant to Schedule 5, Part 8, Section 16 of the EP&A Act, this Order has been given as an Emergency Order as there are circumstances which the authorised fire officer believes constitute an emergency or a serious risk to safety.
- Pursuant to Section 8.18(2) of the EP&A Act, a person may not appeal against a fire safety order given by an authorised fire officer (other than an order that prevents a person using or entering premises).
- A person that fails to comply with this Order may be guilty of an offence under Section 9.37 of the EP&A Act, or fails to comply with this Order by a particular time, or within a particular period, continues after the time has expired or the period ended, and so must still be complied with may also be guilty of an offence under Section 9.50 of the EP&A Act.

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

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

122 Pitt Street PTY LTD
(name of person whom Order is served)

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

with respect to the premise

MILLIONS HOUSE
122 PITT STREET SYDNEY ("the premises")
(name/address of premises to which Order is served)

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

1. Repair the Automatic Smoke Detection and Alarm System installed in 'the premises' so that it operates automatically, by removing all faults displayed on the Fire Indicator Panel.

Fire & Rescue NSW
Community Safety Directorate
Fire Safety Compliance Unit
firesafety@fire.nsw.gov.au

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The terms of the Order are to be complied with:

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

The reasons for the issue of this Order are:

- a. At the time of the inspection:
 - i. The building was occupied.
 - ii. The Fire Indicator Panel installed at the premises displayed eleven (11) detector faults throughout the building.
- b. Faults to the Automatic Smoke Detection and Alarm System may leave occupants unaware of an emergency
- c. To ensure that the Automatic Smoke Detection and Alarm System are fully operational, so occupants are provided with early notification of a fire within the premises so that they may safely evacuate the premises.
- d. To ensure compliance with the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000.

This Order No. 6 was sent by mail on 4 May 2018.



Fire Safety Officer
Fire Safety Compliance Unit

Fire & Rescue NSW
Community Safety Directorate
Fire Safety Compliance Unit
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Appendix 2 – Show Cause Letter



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File Ref. No: BFS18/509 (2858)
TRIM Ref. No: D18/33652
Contact: Station Officer [REDACTED]

18 May 2018

122 Pitt Street PTY LTD
[REDACTED]
Level 13, 167 Macquarie Street,
SYDNEY NSW 2000

Dear Sir / Madam

**RE: SHOW CAUSE
MILLIONS HOUSE
122 PITT STREET SYDNEY ("the premises")**

An inspection of 'the premises' on 16 May 2018 by officers of the Fire Safety Compliance Unit of Fire & Rescue New South Wales (FRNSW), was in response to FRNSW's Order 1 dated 4 May 2018 ("the Order") issued under Section 9.34 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) [copy attached].

At the time of the inspection observations confirmed that the following items remain outstanding:

- a. The eleven (11) faults displayed on the panel on 3 May 2018 have yet to be repaired.
- b. An additional eight (8) faults were observed during the most recent inspection on 16 May 2018.
- c. A total of nineteen (19) faults have yet to be repaired.

Please be advised that failure to comply with 'the Order' and the continued use of 'the premises' may constitute a significant fire hazard to person/s that occupy the building, including property in the neighbourhood. You are therefore requested to provide details in writing that confirms a proposed date for compliance with the outstanding items listed in 'the Order' by no later than 24 May 2018.

Failure to comply with 'the Order' may result in legal action that includes but not limited to, Orders to evacuate 'the premises' or significant fines. Should FRNSW not receive these details by the specified date a determination will be made based on the information available at the time.

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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 BFS18/509 (2858) for any future correspondence in relation to this matter.

Yours faithfully



Building Surveyor
Fire Safety Compliance Unit

CC: [REDACTED]
trainsford@ozemail.com.au

Attachments [Appendix 1 – Emergency Fire Safety Order 1 – mailed 4 May 2018 – 2 pages]

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Attachment D

**Council Officer Inspection Report -
200 Pitt Street, Waterloo**

200 Pitt Street, Waterloo

209-209A

211-213

Nels

215

217

219

221

CITY OF SYDNEY



Raglan Street

223-225

Pitt Street

George Street

248-246

200

Wellington Street

110

West Street

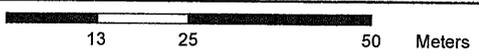
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248-254

331-333

231

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07/03/2018



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

File: CSM 1939566

Officer: Luke Jeffree

Date: 6 September 2018

Premises: 200 Pitt Street, Waterloo – James Cook Building

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.

Council also received similar correspondence from FRNSW on 16 February 2018 & at its meeting on 16 April 2018 considered the report (Attachment D) and determined *to exercise its powers to issue a Fire Safety Order as recommended by Council's Investigation Officer to address the identified fire safety deficiencies in 200 Pitt Street, Waterloo.*

An Emergency Order was issued by FRNSW on 14 February 2018 concerning faults occurring to the buildings fire alarm system, and a copy of this order was attached to FRNSW's February correspondence. The correspondence advised that a supplementary report would be provided to Council in due course.

The site contains two high rise residential apartment towers within a public housing estate owned by New South Wales Land and Housing Corporation (NSW L&HC).

The site has an area of 19646m² bounded by Ragland Street to the north, Wellington Street to the south, George Street to the west and Pitt Street to the east.

The building, the subject of the FRNSW enquiry is located adjacent to the Pitt Street property frontage and is known as 'James Cook' (200 Pitt Street, Waterloo). It comprises of a seventeen storey residential apartment building.

Council investigations following FRNSW's correspondence dated 16/02/2018 revealed that the premises were deficient in fire safety in terms of inadequate fire safety systems in relation to the building height to restrict the spread of fire/smoke to such an extent to allow occupants to safely evacuate the building during a fire emergency. Also the buildings existing automatic fire detection and alarm communication system was found to be deficient.

Council served a Fire Safety Order on 29 May 2018 under Division 9.3, Schedule 5, Part 2 of the Environmental Planning and Assessment Act, 1979 (the Act) to address the fire safety deficiencies identified by Council's Investigation Officer.

The Fire Safety Order requires a fire and life safety report / particulars of work (particulars) to be prepared by a C10 Accredited Fire Engineer that documents the proposed fire safety systems that will be implemented within the premises and it remains current on the building.

A submission of particulars was recently submitted by NSW L&H to Council as required by Council's Fire Safety Order and is presently being considered by Council's officer.

Compliance works are progressing to the satisfaction of the responsible Council officer.

Chronology:

Date	Event
15/08/2018	FRNSW correspondence received regarding premises 'James Cook' 200 Pitt Street, Waterloo, AKA 232 Pitt Street [known under council records as 200 Pitt Street, Waterloo].
20/08/2018	Council officer sent correspondence to NSW L&HC advising of FRNSW's concerns raised in their recent correspondence and requested that the issues be considered by their engineer in preparing the particulars required under Council's Fire Safety Order.
29/08/2018	<p>An inspection of the subject premises was undertaken by a Council officer.</p> <p>The inspection revealed that the most current annual fire safety statement was prominently displayed within the buildings main foyer.</p> <p>Council Officer noted that the majority of FRNSW's concerns raised in their recent correspondence were already being addressed under Council's Fire Safety Order (issued May 2018)</p> <p>In relation to the fire affected apartment No 1203 (as mentioned in FRNSW's correspondence) the Council officer noted that the fire which had occurred on 12 February 2018 had not spread beyond the apartment but had been contained by its fire resisting bounding construction.</p> <p>Council officer also verified the lack of signage to hydrant cupboards and smoke doors as mentioned in FRNSW correspondence.</p>

FIRE AND RESCUE NSW REPORT:

References: [D18/9339, D18/47204; 2018/068185, 2018/430878]

FRNSW conducted an inspection of the subject premises on 13 February 2018 after responding to a fire incident at the premises on 12 February 2018.

Issues

FRNSW confirm that the terms of their Emergency Order found on their inspection dated 20 March 2018 to be compliant.

Also, the report from FRNSW detailed a number of issues, in particular noting;

1. They confirm the building to exceed 25 metres in effective height and therefore request a review of the adequacy of fire safety measures installed in the building;
2. A number of faults to the automatic smoke detection and alarm system. Note the faults were fixed on FRNSW's inspection dated 20 March 2018 as mentioned above;
3. Fire hydrant system missing signage (block plan, boost pressure & test pressure), and concern regarding internal hydrants being located outside the fire exit stairs;
4. Concern about apartment screen security door installations and potential tampering of fire rated apartment doors by occupants;
5. Existing sprinkler booster location does not satisfy FRNSW's operational requirements;

FRNSW Recommendations

FRNSW have made one 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;

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 Fire Safety Order	Other (to specify)

Council note that the owners of the building have already been served with a fire safety order under Schedule 5, of the Act to address the fire safety deficiencies identified by Council's Investigation Officer.

The 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.

Follow-up compliance inspections are programmed to be undertaken, and will continue to be undertaken by a Council officer to ensure identified fire safety matters are suitably addressed and that compliance with the terms of Council's Fire Safety Order occur.

It is recommended that Council not exercise its powers to give a Fire Safety Order at this time, having regard to the existing Fire Safety Order mentioned in this report.

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 Emergency Fire Safety Order 14 February 2018	2018/455953-01
A2.	Fire and Rescue NSW report dated 14 August 2018	2018/455953-02
A3.	Locality Plan (cadastre)	2018/455953-03
A4.	Attachment cover sheet	2018/455953-04

Trim Reference: 2018/455953

CSM reference No#: 1939566



File Ref. No: BFS18/356 (2714)
TRIM Ref. No: D18/47204
Contact: [REDACTED]

14 August 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
'JAMES COOK'
200 PITT STREET, WATEROO ("the premises")
[AKA 232 PITT STREET]**

Fire & Rescue NSW (FRNSW) responded to a fire incident on 12 February 2018, at 'the premises' and as a result, a fire safety concern was lodged.

The correspondence stated that:

- *No sprinkler in a building of 17 levels.*

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 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 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

Please be advised that this report is not an exhaustive list of non-compliances and the items listed outline deviations from the National Construction Code Volume One 2016 Building Code of Australia (NCC) which may contradict development consent approval or correlate to the building's age. In this regard, it is Council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate course of action:

FRNSW noted the following during the investigation of this incident on 13 February 2018:

1. Essential Fire Safety Measures

1A. The Automatic Smoke Detection and Alarm System -

- a. The Fire Indicator Panel (FIP) was displaying seven (7) isolations and forty-seven (47) faults on the system.
- b. A Zone Block Plan was not provided at the Fire Indicator Panel in accordance with Clause 3.10 of AS1670.1-2004.

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

- a. The hydrant booster assembly:
 - i. Boost pressure and test pressure signage was not provided at the booster assembly, contrary to the requirements of Clause 7.10.1 of AS2419.1-2005.
 - ii. The hydrant booster assembly is not provided with a block plan, contrary to the requirements of Clause 7.11 of AS2419.1-2005.

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- b. System performance - The required system performance of each internal fire hydrant outlet, would likely fail to achieve the required flow rates and pressures stipulated in Clause 2.3 of AS2419.1-2005.
- c. The internal hydrants throughout the premises are located outside the fire-isolated exits, contrary to the requirements of Clause 3.2.3.2 of AS2419.1-2005. Furthermore, multiple cupboards containing the hydrant outlets, lacked signage to identify the hydrant within, contrary to the requirements of Clause 3.6.2 of AS2419.1-2005.
- d. Hydrant valve outlets – Multiple hydrant valve outlets throughout ‘the premises’ are located at a height less than 750mm above the floor level with the outlet sloping more than 35° below the horizontal, contrary to the requirements of Clause 3.5.1 of AS2419.1-2005.
- e. Storz couplings, compatible with FRNSW firefighting hose connections are not provided to all fire hydrant valves throughout the premises, contrary to the requirements of Clause 3.1 and 8.5.11.1 of AS 2419.1–2005, and Clauses 1.2 and 3.4 of AS 2419.2–2009.

1C. Automatic Fire Suppression System:

- a. Sprinkler booster – The sprinkler booster appears to be located within a locked room on the ground floor, which was inaccessible at the time of the inspection, contrary to the requirements of Clause 4.4.3 of AS2118.1-1999, which requires the booster to be located outside the building in a position that is readily accessible to fire brigade personnel.

1D. Fire Hose Reels (FHR's):

- a. Multiple FHR's throughout the building were detached from the hose guide and nozzle interlocking device.
- b. Multiple cupboards/enclosures containing the FHR's, were not marked with the words "FIRE HOSE REEL", contrary to the requirements of Clause 10.4.4 of AS 2441-2005.

1E. Exit signs – Multiple exit signs throughout the building had not been maintained and were not illuminated, contrary to the requirements of Clause 182 of the EP&A Regulation.

1F. 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. In this regard, the AFSS on display was dated 7 December 2016 and is no longer valid.

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2. Compartmentation and Separation

2A. Smoke doors –

- a. Multiple smoke doors located in the common corridors on the residential levels, which are fitted with magnetic devices for holding it in the open position, lacked appropriate signage to alert persons that the operation of the smoke doors must not be impaired, contrary to the requirements of Clause D2.23(a)(B) of the NCC.
- b. Smoke detectors are not located within 1.5m horizontal distance from the doorway, contrary to the requirements of Clause 3 of Specification C3.4 of the NCC.

2B. Bounding construction – Screen security doors have been installed on the outside of multiple Sole Occupancy Unit (SOU) entry doors throughout 'the premises'. FRNSW are of the opinion that screen doors promote the occupants to 'chock open' the SOU entry door, which is in contravention of Clause C3.11 of the NCC, which requires a doorway in a Class 2 SOU be protected by a door which is equipped with a device which returns the door to the fully closed position immediately after each opening. It is noted however that the fire affected unit (No.1203) and ground floor unit No. G03, contained magnetic hold open devices to the SOU entry fire door. It is unclear whether all units throughout the building were configured in the same manner.

3. Generally

3A. Hydrant System – Hydrant systems installed in accordance with the provisions of *Ordinance 70* and *Ministerial Specification 10* (or earlier) are no longer considered to meet the operational needs of FRNSW.

It is recommended that Council consider compelling the owners to upgrade the fire hydrant system to meet the requirements of the current Australian Standard AS 2419.1 for an equivalent new building.

3B. Automatic Fire Suppression System – The building achieves an effective height in excess of 25m and is not provided with a sprinkler system throughout the whole building; contrary to the requirements of Clause E1.5 of the NCC. In this regard, the only visible sprinklers were installed within the carpark areas on the ground floor and sprinklers did not extend through to the residential levels.

It is recommended that Council consider compelling the owners to upgrade the sprinkler system to extend through all area of the building to comply with Clause E1.5 of the NCC.

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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 February 2018, in accordance with the provisions of Section 121B of the EP&A Act, to have item no. 1A(a) 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. 1A(a) 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), inspections of 'the premises' on 2 March 2018, 15 March 2018, and 20 March 2018 were conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

At the time of the inspection on 20 March 2018, 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. 1A(b) through to item no. 3B of this report be addressed appropriately. This may include conducting a Fire Safety Audit on the building to ensure all deficiencies within the building, including the items highlighted in this report are adequately addressed.

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.

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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 BFS18/356 (2714) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Building Surveyor
Fire Safety Compliance Unit

Attachment: [Appendix 1 – Emergency Fire Safety Order 6 dated 14 February 2018 – 2 pages]

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Appendix 1 – Emergency Fire Safety Order

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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 activity 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]

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:

New South Wales Land and Housing Corporation Owner
(name of person whom Order is served) (position i.e. owner, building manager)

with respect to the premise

'JAMES COOK'
200 PITT STREET, WATERLOO ("the premises")
(name/address of premises to which Order is served)

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

- 1. Ensure the Automatic Fire Detection and Alarm System installed in 'the premises' is fully operational, by:
a. Removing all faults and isolations, displayed on the Fire Indicator Panel (FIP).

The terms of the Order are to be complied with:

By no later than Close of Business on the 1 March 2018.

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The reasons for the issue of this Order are:

- a. At the time of the inspection on Tuesday 13 February 2017 the FIP:
 - i. displayed forty-two (42) faults on the system.
 - ii. displayed seven (7) isolations on the system.
- b. To ensure that the Automatic Fire Detection and Alarm System is capable to operating in accordance with the standard of performance it was designed and installed to.
- c. To ensure that fire safety measures installed throughout the premises are maintained and operating to their standard of performance.
- d. Isolations and faults to the Automatic Fire Detection and Alarm System may leave occupants unaware of an emergency to allow timely evacuation. This may leave occupants trapped, as safe evacuation routes may be compromised.
- e. To ensure the Automatic Fire Detection and Alarm System is fully operational so that 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.

This Order No. 6 was sent by mail on 14 February 2018.

[Redacted]
 [Redacted]
 Building Surveyor
 Fire Safety Compliance Unit

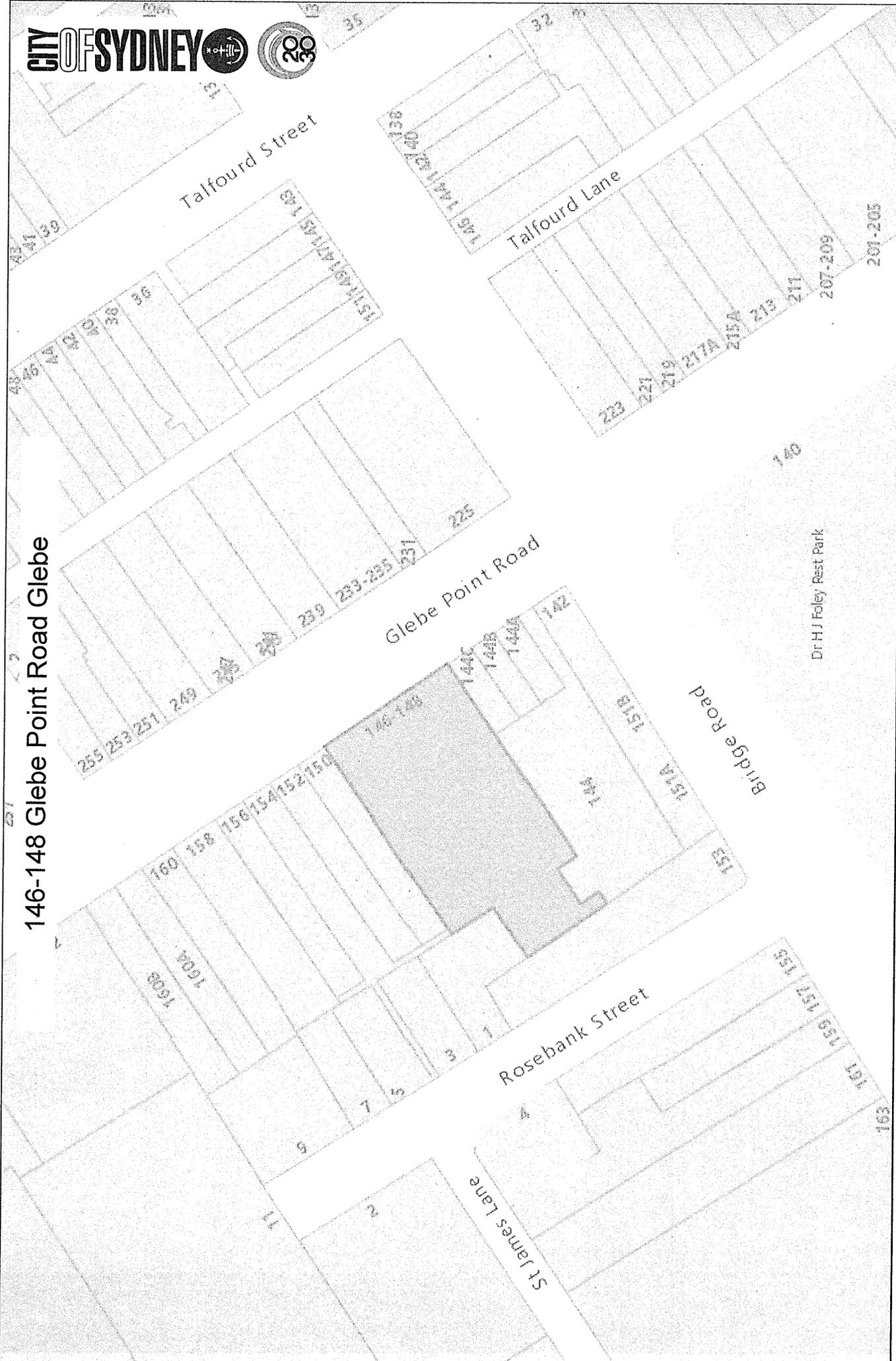


Attachment E

**Council Officer Inspection Report -
146-148 Glebe Point Road, Glebe**



146-148 Glebe Point Road Glebe



Dr HJ Foley Rest Park



1:750 at A4
04/09/2018

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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: S090499

Officer: Craig Hann

Date: 10 September 2018

Premises: 146 - 148 Glebe Point Road Glebe – Rooftop Travellers Lodge

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 concrete and masonry building approved as a combined backpackers hostel and motel known as Rooftop Travellers Lodge.

The building is located in a heritage conservation area under the Sydney LEP 2012.

The ground floor comprises an entry foyer, guest common room and carpark, the first floor is a reception office and accommodation rooms, second and third floors are accommodation rooms and on the fourth floor / roof is a common kitchen and outdoor area.

An inspection of the premises undertaken on 7 September 2018 by a Council investigation officer in the presence of the building manager and fire services contractor revealed that the premises are deficient in fire safety and egress provisions in the following areas:

- (i) Inadequate fire detection and alarm systems, being an alarm system zone block plan is not installed;
- (ii) A lack of adequate facilities for firefighting, being readily accessible firefighting equipment in some locations and exposure protection for externally installed equipment;
- (iii) Safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire, being the installation of additional electromagnetic automatic exit door release devices to fire isolated stairway entry doors;
- (iv) Poor fire safety management systems (signs/notices/not displayed, poor housekeeping etc.) in place.

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.

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

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
15/8/2018	FRNSW correspondence received regarding premises 146 – 148 Glebe Point Road Glebe, Rooftop Travellers Hotel in relation to their inspection on 5 December 2017. The correct name of the building is Rooftop Travellers Lodge.
17/8/2018	Desktop review commenced by Council's Investigation Officer to review such things as the building's history including proactive fire safety inspections, relevant development consents / construction certificate approvals and annual essential fire safety certification.
5/9/2018	Council's Investigation Officer contacted the building owner and manager to arrange a site inspection.
7/9/2018	<p>An inspection of the subject premises was undertaken by a Council officer accompanied by the building manager and fire services contractor. The inspection revealed:</p> <p>Essential Fire Safety Measures</p> <p>Automatic fire detection and alarm system – an alarm system zone block plan is not installed contrary to the regulations. A zone block plan is required to be installed in accordance with the Australian Standard.</p> <p>Fire hose reels – non-fire related cleaning equipment was found in the reception area fire hose reel cupboard. The cupboard was identified as a cleaner's cupboard. The cleaner's cupboard signage and cleaning equipment were removed from the cupboard during the inspection. The roof level external fire hose reel requires a protective cover installed to protect it from the elements.</p> <p>Exit signs – Exit signs were found to be illuminated and the roof level exit signs are the pictorial type. An additional exit sign in the common kitchen is considered necessary to guide occupants to the exit route.</p> <p>Emergency lighting – Several emergency lights were inspected and found to be operational and compliant. Additional emergency lights to the stairs on the roof level are considered necessary to illuminate the route to the exit. An order will require an audit of the emergency lighting system installed in the building.</p> <p>Annual fire safety statement – A copy of the current annual fire safety statement is displayed in the ground floor entry foyer in accordance with the regulations.</p> <p>Access and Egress</p> <p>Enclosure of space under stairs – a cupboard is located on the ground floor under the front exit stair. It is proposed to require the cupboard to be sealed closed to prevent its use.</p> <p>Additional latching – a deadbolt latch is installed on the common room exit door. The latch has been decommissioned and is non-operable. It is proposed to require removal of the latch to avoid the possibility of it being recommissioned and / or occupant confusion in an emergency situation.</p> <p>Compartmentation and Separation</p> <p>Fire and Smoke doors – the rear fire door on level 1 was found to be self-closing and self-latching in accordance with the regulations. The automatic release and self-closing activation of the front smoke door on level 3 requires servicing to ensure engagement of the latch. An order will require an audit and any necessary rectification works to the self-closing and self-latching</p>

mechanism of all fire and smoke doors.

Generally

Fire hydrant system - A street fire hydrant is located adjacent to the front property boundary, the coverage from the street fire hydrant has previously been assessed and certified as compliant with the regulations.

FIRE AND RESCUE NSW REPORT:

References: [BFS17/1452, D18/52722; 2018/463661]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about the use of the building as a backpacker's hostel, inadequate maintenance of fire safety systems, poor housekeeping and management practices.

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

1. Inadequate maintenance / performance of essential fire safety measures (being the automatic fire detection and alarm system, fire hose reels, exit signs and emergency lighting) and display of a current annual fire safety statement;
2. Storage cupboard under the front stairway and door locking device in the common room exit way;
3. Two (2) self-closing fire / smoke doors not returning to the fully closed and latched position;
4. A fire hydrant system is not installed internally within the building.

FRNSW Recommendations

FRNSW have made 1 recommendation 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;

The matter is referred to Council as the regulatory authority. FRNSW awaits Council's advice regarding its determination in accordance with clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

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

As a result of a site inspection undertaken by Council investigation officers it is recommended that Council exercise its powers to give a notice of intention (NOI) for a fire safety order under 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	2018/430926
A2.	Locality Plan	2018/463661-02
A3	Attachment cover sheet	2018/463661-01

Trim Reference: 2018/463661

CSM reference No#: 1940198



File Ref. No: BFS17/1452 (0806)

TRIM Ref. No: D18/52722

Contact: [REDACTED]

14 August 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
"ROOFTOP TRAVELLERS HOTEL"
146-148 GLEBE POINT ROAD GLEBE ("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 in part that:

- *Poor housekeeping car park area ground floor, including discarded lpg cylinders, car batteries and other rubbish stockpiled around cars.*
- *Poor signage throughout building.*
- *Fire extinguishers maintenance not current.*
- *Fire hose reel in car park in locked room with no signage.*
- *Location of the main electrical switchboard is a concern as it is positioned internally on ground level and would be difficult to access in an emergency.*

FIRE AND RESCUE NSW

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- *The Hotel would be more accurately described as backpacker/hostel accommodation. It houses approx. 160 residents at 4 to a room, each room being equipped with 2 sets of bunk beds.*
- *Most residents are foreign students with language difficulties also an issue. In the event of an emergency, assembly and accounting for residents would present a very difficult task. Staff training in preparation for an emergency has been very limited.*

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.

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 inspection:

1. Essential Fire Safety Measures

1A. The Automatic Fire Detection and Alarm System:

- a) Zone Block Plan - a zone block plan was not provided at the Fire Indicator Panel, contrary to the requirements of Clause 3.10 of AS1670.1-2015.

FIRE AND RESCUE NSW

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1B. Fire Hose Reels (FHR's):

- a) Non-fire equipment were installed within the fire hose reel cabinet adjacent to the Level 1 reception area, contrary to Clause 10.4.4 of AS2441-2005.
- b) The FHR on the roof level which is located in an external situation or an aggressive environment, is not protected by a cabinet or other suitable means, contrary to the requirements of Clause 10.1 of AS2441-2005.

1C. Exit signs – The following issues were identified as concerns at the time of inspection:

- a) Multiple exit signs throughout 'the premises' were not illuminated and had not been maintained, contrary to the requirements of Clause 182 of the EP&A Regulation.
- b) The exit signs to both exits on the roof level were missing the pictorial element and had not been maintained, contrary to the requirements of Clause 182 of the EP&A Regulation.

1D. Emergency lighting – Multiple emergency lights throughout the building were either not operating or had not been maintained, contrary to the requirements of Clause 182 of the EP&A Regulation. In this regard, a number of emergency lights failed the battery backup test.

1E. Annual Fire Safety Statement (AFSS) and Fire Safety Schedule (FSS) – a copy of the current AFSS and FSS were not prominently displayed within the building in accordance with Clause 177 of the EP&A Regulation. In this regard the AFSS on display was dated 2016 and is no longer valid.

2. Access and Egress

2A. Enclosure of space under stairs – the space beneath the front non fire-isolated stair on the ground floor was enclosed to form a cupboard and did not appear to consist of enclosing walls and ceiling achieving an FRL of not less than 60/60/60 and a self closing -/60/30 fire door, contrary to the requirements of Clause D2.8(b) of the National Construction Code Volume One 2016 Building Code of Australia (NCC).

2B. Additional latching – The fire door which separates the common room from the entry lobby on the ground floor, contained a deadbolt latch on the outside which is capable of locking the door from the outside, contrary to the requirements of Clause D2.21 of the NCC, Clause 184 and Clause 186 of the EP&A Regulation.

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3. Compartmentation and Separation

3A. Fire and Smoke Doors:

- a. The fire door to the rear exit stairway on Level 1 had not been maintained and contained a broken self closing device which failed to return the door to the fully closed position, contrary to the requirements of Clause C3.8 of the NCC, Clause 182 of the EP&A Regulation and Section 12 of AS1851-2012.
- b. The smoke door to the front exit stairway on Level 3, which is held open by a magnetic hold open device, had not been maintained and failed to return the door to the fully closed position when tested, contrary to the requirements of Specification C3.4 of the NCC, Clause 182 of the EP&A Regulation and Section 12 of AS1851-2012.

4. Generally

- 4A. Fire Hydrant System – Clause E1.3 of the NCC requires a building having a total floor area greater than 500m² to be provided with a fire hydrant system installed in accordance with Australian Standard (AS) 2419.1. Currently no such system is installed within the building and it appears that compliant hydrant coverage from the street hydrants is not achieved to all parts of the building.

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. 4 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 BFS17/1452 (0806) for any future correspondence in relation to this matter.

FIRE AND RESCUE NSW

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Yours faithfully




Building Surveyor
Fire Safety Compliance Unit

FIRE AND RESCUE NSW

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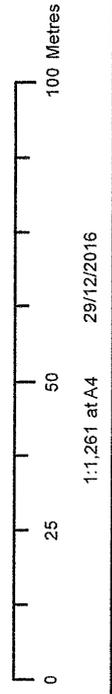
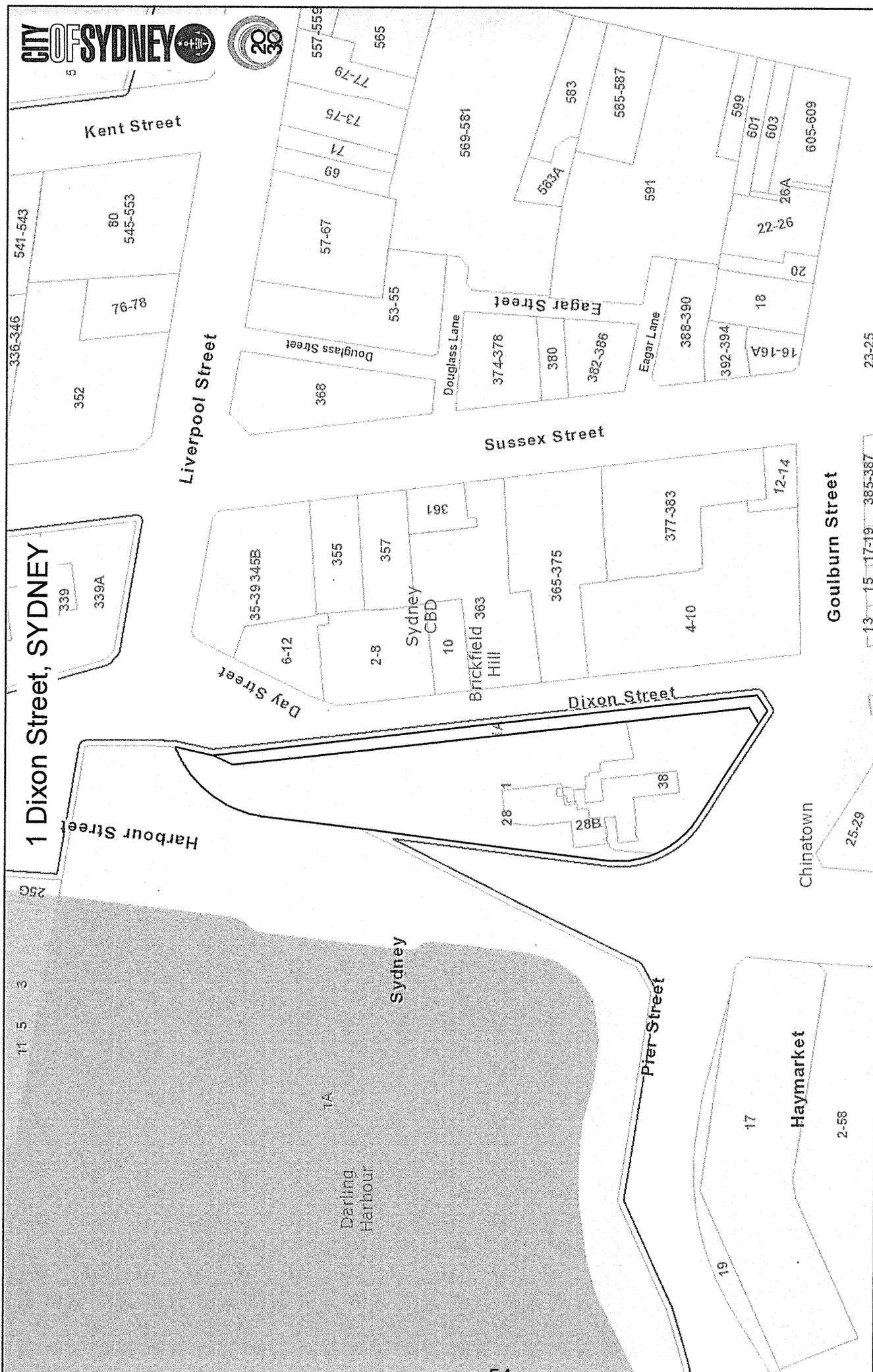
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Attachment F

**Council Officer Inspection Report -
1 Dixon Street, Sydney**



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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: CSM1942145

Officer: Joe Kalgovas

Date: 29/08/2018

Premises: 1 Dixon Street, 1A Dixon Street, 28 Harbour Street, 28B Harbour Street and 38 Harbour 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.

Specifically the correspondence related to matters of fire safety concerning the CEO Karaoke on Level 1 of the building.

The premises is located within a multi-storey commercial and residential building which contains apartments, shopping centre, a hotel and basement car parking. The building is located on the western side of Dixon Street Sydney and is bounded on the South by Goulburn Street, on the North by Liverpool Street and on the West by Harbour Street.

The building has an approximate rise in storeys of 20 and overall has an effective height greater than 25m.

The building design incorporates performance features (fire safety) which sets it apart from traditional compliance with the Building Code of Australia.

The subject premises is affected by a current City Council fire safety order (issued 9 May 2017) and is currently in the latter stages of being complied with.

An inspection of the premises undertaken by a Council investigation officer in the presence of the facility manager and the building manager revealed that there are no new (additional) significant fire safety issues that would lie outside the scope of the present order.

It is considered that the items identified by FRNSW have been addressed by the scope of works specified under the above order.

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

Chronology:

Date	Event
21/08/2018	FRNSW correspondence received regarding premises CEO Karaoke 1 Dixon Street Haymarket which is 1 Dixon Street, 1A Dixon Street, 28 Harbour Street, 28B Harbour Street and 38 Harbour Street, SYDNEY
22/08/2018	Desktop review identified that a Fire Safety Order was current for the building.
29/08/2018	An inspection of the subject premises was undertaken by a Council officer who found that the works required under the order appear to have been completed and that a detailed review of certification documentation needed to be carried out to establish complete compliance.

FIRE AND RESCUE NSW REPORT:

References: D18/36868; 2018/442430

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry on 8 December 2017 of which details have not been provided.

Issues

The report from FRNSW detailed a number of issues with regard to the CEO Karaoke venue, in particular noting:

1. That additional exit signs may need to be installed as the path to open space is confusing.
2. Several self-closing devices on fire doors were not working.
3. Spacing of sprinkler coverage appeared to be inadequate in accordance with relevant standard.
4. Electrical cabling did not appear to be fire rated and protected from damage.

FRNSW Recommendations

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

1. *Council seek the submission of a BCA audit report for the premises, prepared by an A1 accredited certifier, detailing the non-compliances relative to Parts C1, C2, C3, Parts D1, D2 and Parts E1, E2 and E4 of the BCA;*
2. *In its capacity as the regulatory authority take action to have the abovementioned items appropriately addressed;*
3. *Advise them its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.*

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

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

That Council note that the owners of the building have already been served with an Order under the requirements of the Environmental Planning and Assessment Act, 1979.

The issued fire safety order once deemed compliant will provide the occupants of the premises with adequate provisions for fire safety.

Follow-up compliance activities are being undertaken by a Council officer to ensure identified fire safety matters are suitably addressed and that compliance with the terms of Council's Order are met.

It is recommended that Council not exercise its powers to give an Order at this time, having regard to the existing Order mentioned in this report.

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	2018/446704-01
A2.	Locality Plan	2018/446704-02
A3	Attachment cover sheet	2018/446740-03

Trim Reference: 2018/446704

CSM reference No#: 1942145



File Ref. No: BFS18/477 (8000002826)
TRIM Ref. No: D18/36868
Contact: Senior Firefighter [REDACTED]

20 August 2018

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

council@cityofsydney.nsw.gov.au

Dear Sir/Madam

**Re: INSPECTION REPORT
CEO KARAOKE
1 DIXON STREET HAYMARKET (the premises)**

Pursuant to Section 119T(1) of the *Environmental Planning and Assessment Act 1979* (the *Act*), an inspection of the *premises* was conducted on 8 December 2017 by authorised fire officers from the Fire and Rescue NSW (FRNSW) Fire Safety Branch in the company of representatives of the NSW Police Force and the Council of the City of Sydney.

It should be noted that the inspection of the *premises* was conducted prior to the amendments of the *Act* on 1 March 2018. As such, all references to sections and any relevant provisions in this report have been made in accordance with the provisions in force at the time and prior to the commencement of the amending legislation.

The inspection of the *premises* was limited to the following:

1. A visual inspection of the essential fire safety measures as identified in this report only.
2. 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 Sections 119T(4) & 121ZD(1) of the *Act*. Please be advised that Section 121ZD(2) of the *Act* 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 path of travel to road or open space is confusing. Additional directional exit signs may need to be installed to ensure occupants are aware to travel up or down the stairs to get to road or open space.
2. Several self-closing devices fitted to fire doors were disabled or broken and are incapable of returning each door leaf to the fully-closed position after each opening.
3. Sprinkler coverage appears to be inadequate-the spacing of the sprinklers does not appear to be in accordance with the relevant standard of performance.
4. Electrical cabling did not appear to be fire rated and was not adequately protected from physical or mechanical damage.

Due to the observations listed above the authorised officers believe adequate provision for fire safety has not been made in or in connection with the building.

Recommendations

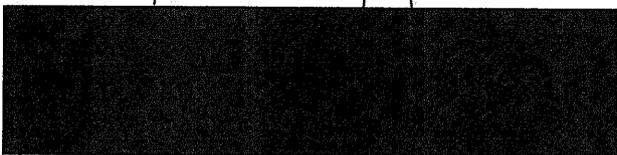
FRNSW recommends that Council:

- a. Council seek the submission of a BCA audit report for the premises, prepared by an A1 accredited certifier, detailing the non-compliances relative to Parts C1, C2, C3, Parts D1, D2 and Parts E1, E2 and E4 of the BCA.
- b. Seek to address any deficiencies associated with the observations listed above.

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

Should you have any further enquiries regarding any of the above matters, please contact the Fire Safety Branch.

Yours faithfully



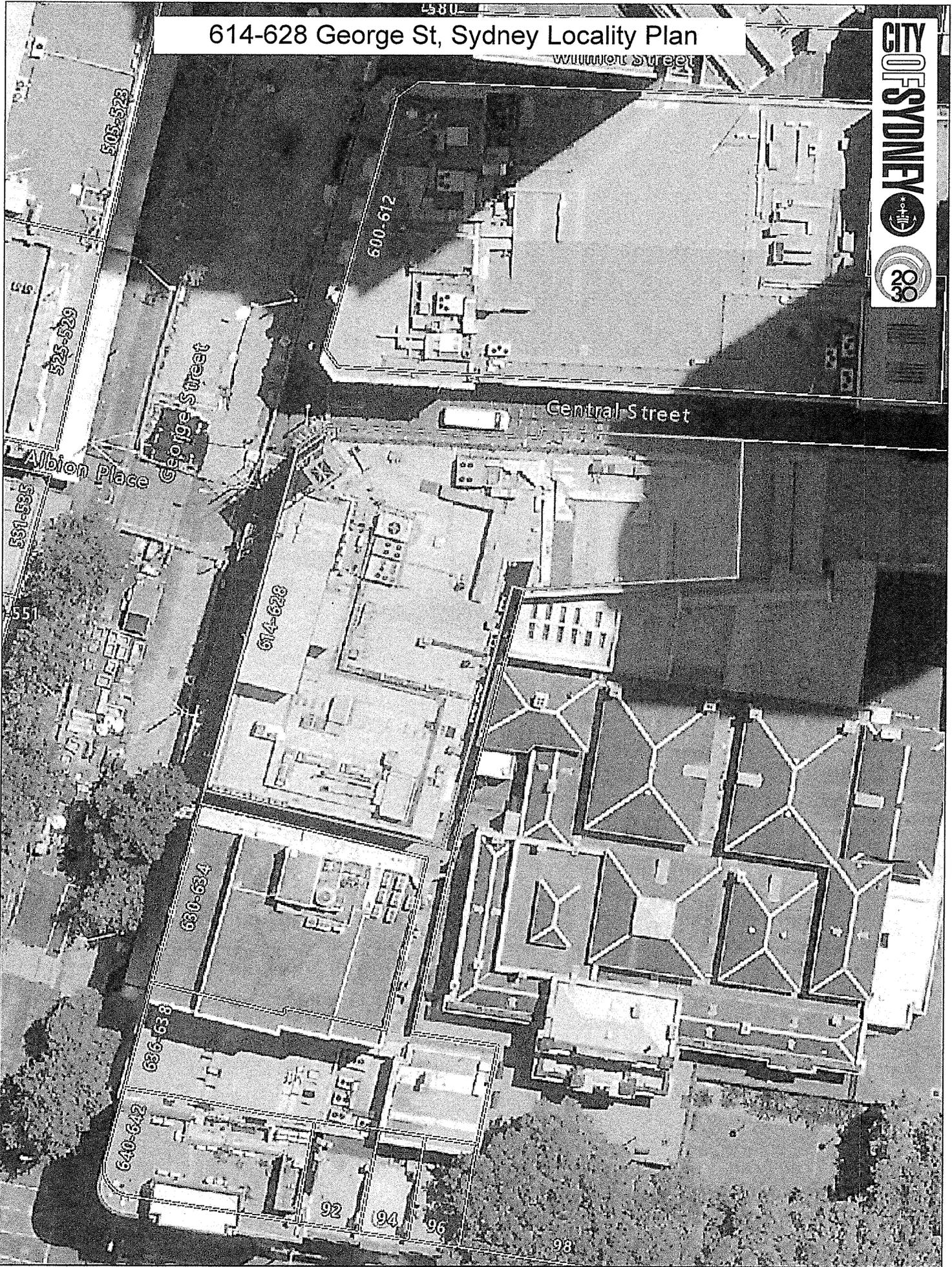
Senior Firefighter [Redacted]
Team Leader
Fire Safety Command Liaison Unit



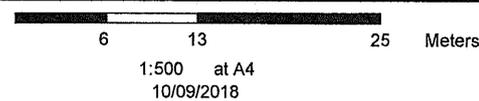
Attachment G

**Council Officer Inspection Report -
614-628 George Street, Sydney**

614-628 George St, Sydney Locality Plan



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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: CSM1942025

Officer: Thomas Bowyer

Date: 11/09/2018

Premises: 614-628 George Street, Sydney "Mizuya Karaoke"

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.

Specifically the correspondence related to matters of fire safety concerning the Mizuya Karaoke on the basement level of the building.

The premises is located within a two storey building located on the corner of George Street and Central Street, Sydney. The building contains entertainment and retail uses including a number of licensed premises which are; "Mizuya" and "Metro Theatre".

The building design incorporates performance features (fire safety) which sets it apart from traditional compliance with the Building Code of Australia.

The subject premises is affected by a fire safety order (issued 2 December 2014 and modified 3 May 2017) which is currently in the latter stages of being complied with.

An inspection of the premises undertaken by a Council investigation officer in the presence of the facilities manager revealed that there are no new (additional) significant fire safety issues that would lie outside the scope of the present order.

It is considered that the items identified by FRNSW have been addressed by the scope of works specified under the above order.

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

Chronology:

Date	Event
20/08/2018	FRNSW correspondence received regarding premises Mizuya Karaoke at 614 George Street, SYDNEY.
22/08/2018	Desktop review identified that the building was affected by an existing fire safety order served 2 December 2014 and modified 3 May 2018.
30/08/2018	An inspection of the subject premises was undertaken by a Council officer who found that the majority of the works required under the order appear to have been completed and that a detailed review of the certification documentation needed to be carried out to establish complete compliance.
11/09/2018	Report prepared for Council meeting.

FIRE AND RESCUE NSW REPORT:

References: BFS18/483 (8000002832); TRIM D18/88326

Fire and Rescue NSW conducted an inspection of the subject premises on 8 December 2017. The inspection report relevant to this inspection is dated 20 August 2018 and was provided to the City on 20 August 2018.

Issues

The report for FRNSW detailed:

1. Kitchen and cleaning products were being stored in the fire isolated stairs; and
2. Statutory exit signage was not provided in accordance with the Regulations.

FRNSW Recommendations

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

1. *Council seek the submission of a BCA audit report for the premises, prepared by an A1 accredited certifier, detailing the non-compliances relative to Parts C1, C2, C3, Parts D1, D2 and Parts E1, E2 and E4 of the BCA.*
2. *In its capacity as the regulatory authority take action to have the abovementioned items appropriately addressed.*
3. *Advise them its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.*

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order(NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)
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That Council note that the owners of the building have already been served with an Order under the requirements of the Environmental Planning and Assessment Act, 1979.

The issued fire safety order once deemed compliant will provide the occupants of the premise with adequate provisions for fire safety.

Follow-up compliance activities are being undertaken by a Council officer to ensure identified fire safety matters are suitably addressed and that compliance with the terms of Council's Order are met.

It is recommended that Council not exercise its powers to give an order at this time, having regard to the existing Order mentioned in this report.

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	2018/474160-01
A2.	Locality Plan	2018/474160-02
A3	Attachment cover sheet	2018/474160-03

Trim Reference: 2018/474160

CSM reference No#: 1942025



Fire & Rescue NSW

Unclassified

File Ref. No: BFS18/483 (8000002832)
TRIM Ref. No: D18/88326
Contact: Senior Firefighter [REDACTED]

20 August 2018

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

council@cityofsydney.nsw.gov.au

Dear Sir/Madam

**Re: INSPECTION REPORT
MIZUYA KARAOKE
614 GEORGE STREET SYDNEY (the premises)**

Pursuant to Section 119T(1) of the *Environmental Planning and Assessment Act 1979* (the *Act*), an inspection of the *premises* was conducted on 8 December 2017 by authorised fire officers from the Fire and Rescue NSW (FRNSW) Fire Safety Branch in the company of representatives of the NSW Police Force and the Council of the City of Sydney.

It should be noted that the inspection of the *premises* was conducted prior to the amendments of the *Act* on 1 March 2018. As such, all references to sections and any relevant provisions in this report have been made in accordance with the provisions in force at the time and prior to the commencement of the amending legislation.

The inspection of the *premises* was limited to the following:

1. A visual inspection of the essential fire safety measures as identified in this report only. This report is based on a visual, non-invasive inspection of the statutory fire safety measures installed in the building as listed on the fire safety schedule to which safe and reasonable access was available and permitted on the date and time of the inspection
2. A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

Fire & Rescue NSW

Community Safety Directorate
Fire Safety Command Liaison Unit

firesafety@fire.nsw.gov.au

Unclassified

ABN 12 593 473 110

Locked Bag 12
Greenacre NSW 2190

Page 1 of 2

www.fire.nsw.gov.au

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F (02) 9742 7483

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

Comment

The following items were identified as concerns during the inspection:

1. Kitchen and cleaning products were being stored in the fire isolated stairs.
2. Statutory signage outlining the offences relating to fire exits was not displayed adjacent to the doorways providing access to the fire-isolated stairways or passageways.

Due to the observations listed above the authorised fire officers believe adequate provision for fire safety has not been made in or in connection with the building.

Recommendations

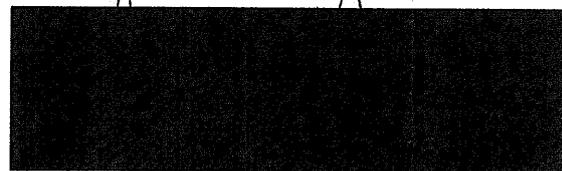
FRNSW recommend the following:

- a. Council seek the submission of a BCA audit report for the premises, prepared by an A1 accredited certifier, detailing the non-compliances relative to Parts C1, C2, C3, Parts D1, D2 and Parts E1, E2 and E4 of the BCA.
- b. Council seeks to address any deficiencies associated with the observations listed above.

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

Should you have any further enquiries regarding any of the above matters, please contact the Fire Safety Branch.

Yours faithfully



Senior Firefighter
Team Leader
Fire Safety Command Liaison Unit

Unclassified

Fire & Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

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Fire Safety Command Liaison Unit

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firesafety@fire.nsw.gov.au

Page 2 of 2

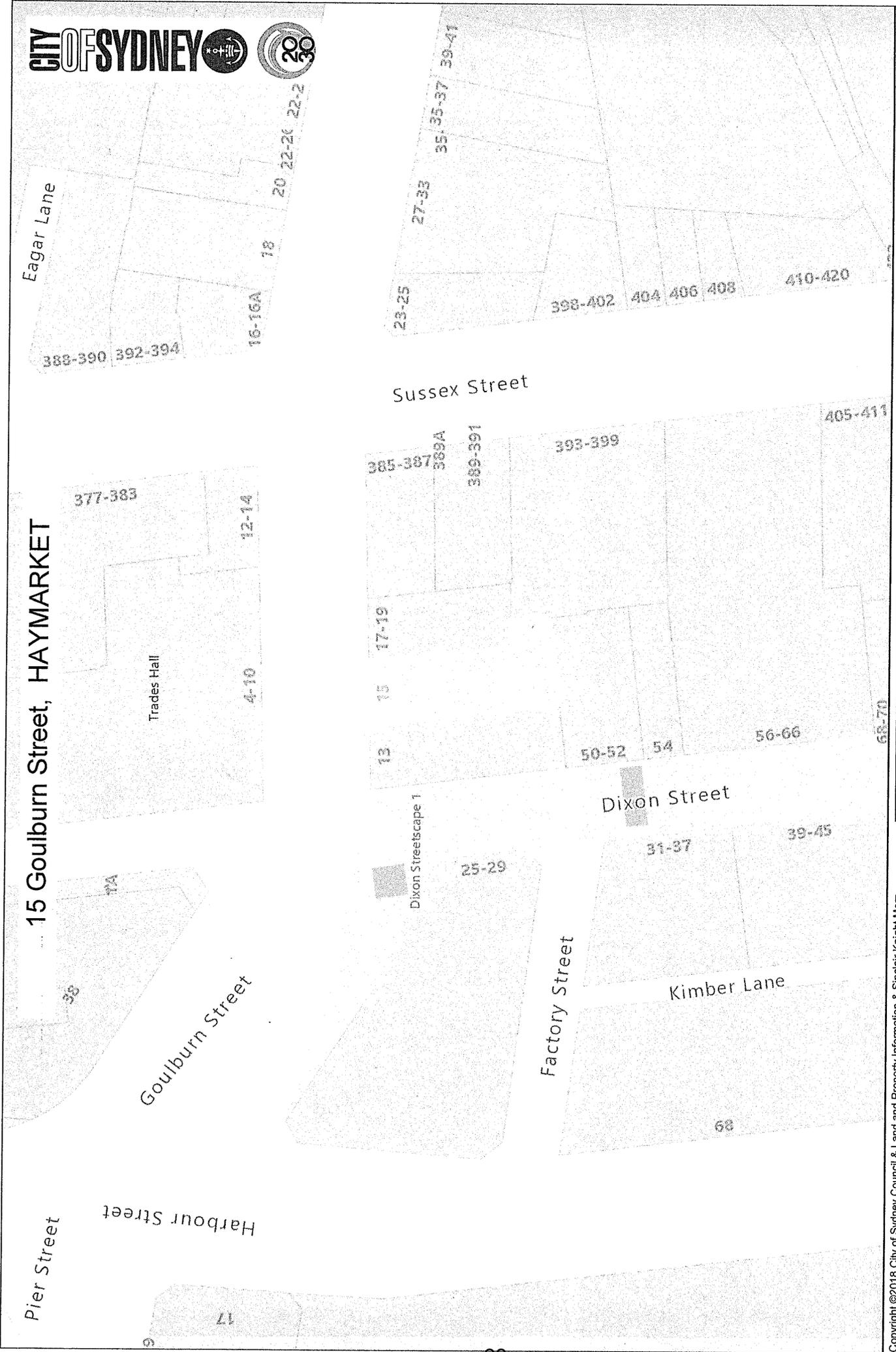
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Attachment H

**Council Officer Inspection Report -
15 Goulburn Street, Haymarket**

15 Goulburn Street, HAYMARKET



Meters

75

38

1:750 at A4
28/08/2018

19

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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)**

CSM: 1942132

Officer: Tracey McCann

Date: 11 September 2018

Premises: 15 Goulburn Street, HAYMARKET – Sugar Karaoke Bar

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 three (3) storey building used as a retail (Class 6) restaurant and a public assembly (Class 9b) karaoke bar/ lounge and a martial arts training studio.

The ground floor comprises prominently of a restaurant, known as 'Mamak'. Level one (1) (being the subject of this report), consists of a karaoke bar/ lounge known as 'Sugar' and level two (2) is currently being used as a martial arts training studio.

Due to the timing and receipt of correspondence from FRNSW and site access issues, level one (1) is yet to be inspected by a City investigation officer to enable the issues raised by FRNSW to be properly investigated.

Consequently in this instance it will be recommended that the FRNSW report be tabled only and that a determination of proposed action be deferred for consideration at the next meeting of Council.

A detailed inspection of level one (1) will be conducted as soon as possible and compliance action undertaken consistent with the inspection outcomes.

Chronology:

Date	Event
20/08/2018	FRNSW correspondence received regarding premises 15 Goulburn Street, SYDNEY NSW 2000 [known under Council's records as 15 Goulburn Street, HAYMARKET NSW 2000].
22/08/2018	An initial desktop review of the subject building revealed that it 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 on 18 th May 2019.
29/08/2018	Council attempted inspection of building but full site access was not made available.
11/09/2018	Report prepared, to table FRNSW report to Council meeting scheduled on 29 October 2018.

FIRE AND RESCUE NSW REPORT:

References: [BFS18/481(D18/37739); 2018/439572]

Fire and Rescue NSW (FRNSW) conducted an inspection of the subject premises with NSW Police Force & Council Officers on 08 December 2017 in accordance with Section 119 T(1) of the Environmental Planning and Assessment Act 1979 (the Act).

It should be noted that the inspection of the premises conducted by FRNSW, was carried out prior to the amendments of the Act (which occurred on 1 March 2018). As such, all references to sections and any relevant provisions in their report have been made in accordance with the provision in force at the time and prior to the commencement of the amending legislation.

Issues

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

1. Operational aspects of existing smoke and building occupant warning system;
2. Maintenance aspects of emergency lighting;
3. The storage of combustible / flammable goods within the fire isolated passageway.

FRNSW Recommendations

FRNSW have recommended that Council, being the appropriate regulatory authority, seek to address any deficiencies associated with the issues identified above.

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

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order(NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue with compliance actions under the current Council Order	Council investigation officer inspect the building and prepare a further report for the next meeting of Council

It is recommended that the FRNSW report be tabled with a recommendation stood over to the next meeting of Council.

A further Council investigation officer report is to be submitted to the next meeting of Council which shall contain the appropriate compliance recommendation.

In the interim suitable compliance actions such as site inspection, property owner discussions and compliance directions as deemed necessary are to be instigated by Council's investigation officer to address and act on any fire safety matters found.

It is recommended that Council not exercise its powers to give a fire safety order under 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.	Fire and Rescue NSW report	2018/439572
A2.	Locality Plan	2018/439572-01
A3	Attachment cover sheet	2018/439572-02

Trim Reference: 2018/439572

CSM reference No#: 1942132



File Ref. No: BFS18/481 (8000002830)
TRIM Ref. No: D18/37739
Contact: Senior Firefighter [REDACTED]

20 August 2018

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

council@cityofsydney.nsw.gov.au

Dear Sir/Madam

**Re: INSPECTION REPORT
SUGAR
15 GOULBURN STREET SYDNEY (the premises)**

Pursuant to Section 119T(1) of the *Environmental Planning and Assessment Act 1979* (the *Act*), an inspection of the *premises* was conducted on 8 December 2017 by authorised fire officers from the Fire and Rescue NSW (FRNSW) Fire Safety Branch in the company of representatives of the NSW Police Force and the Council of the City of Sydney.

It should be noted that the inspection of the *premises* was conducted prior to the amendments of the *Act* on 1 March 2018. As such, all references to sections and any relevant provisions in this report have been made in accordance with the provisions in force at the time and prior to the commencement of the amending legislation.

The inspection of the *premises* was limited to the following:

1. A visual inspection of the essential fire safety measures as identified in this report only. This report is based on a visual, non-invasive inspection of the statutory fire safety measures installed in the building as listed on the fire safety schedule to which safe and reasonable access was available and permitted on the date and time of the inspection
2. 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 Sections 119T(4) & 121ZD(1) of the Act. Please be advised that Section 121ZD(2) of the Act requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

Comment

The following items were identified as concerns during the inspection:

1. Installed smoke alarms hanging from wall, do not appear to be capable of activating building occupant warning system.
2. Emergency lighting in fire isolated passageway not being maintained.
3. Garbage bags and garbage bins being stored in fire isolated passageway.

Due to the observations listed above the authorised fire officers believe adequate provision for fire safety has not been made in or in connection with the building.

Recommendations

FRNSW recommend the following:

- a. Council seek the submission of a BCA audit report for the premises, prepared by an A1 accredited certifier, detailing the non-compliances relative to Parts C1, C2, C3, Parts D1, D2 and Parts E1, E2 and E4 of the BCA.
- b. Council seeks to address any deficiencies associated with the observations listed above.

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

Should you have any further enquiries regarding any of the above matters, please contact the Fire Safety Branch.

Yours faithfully



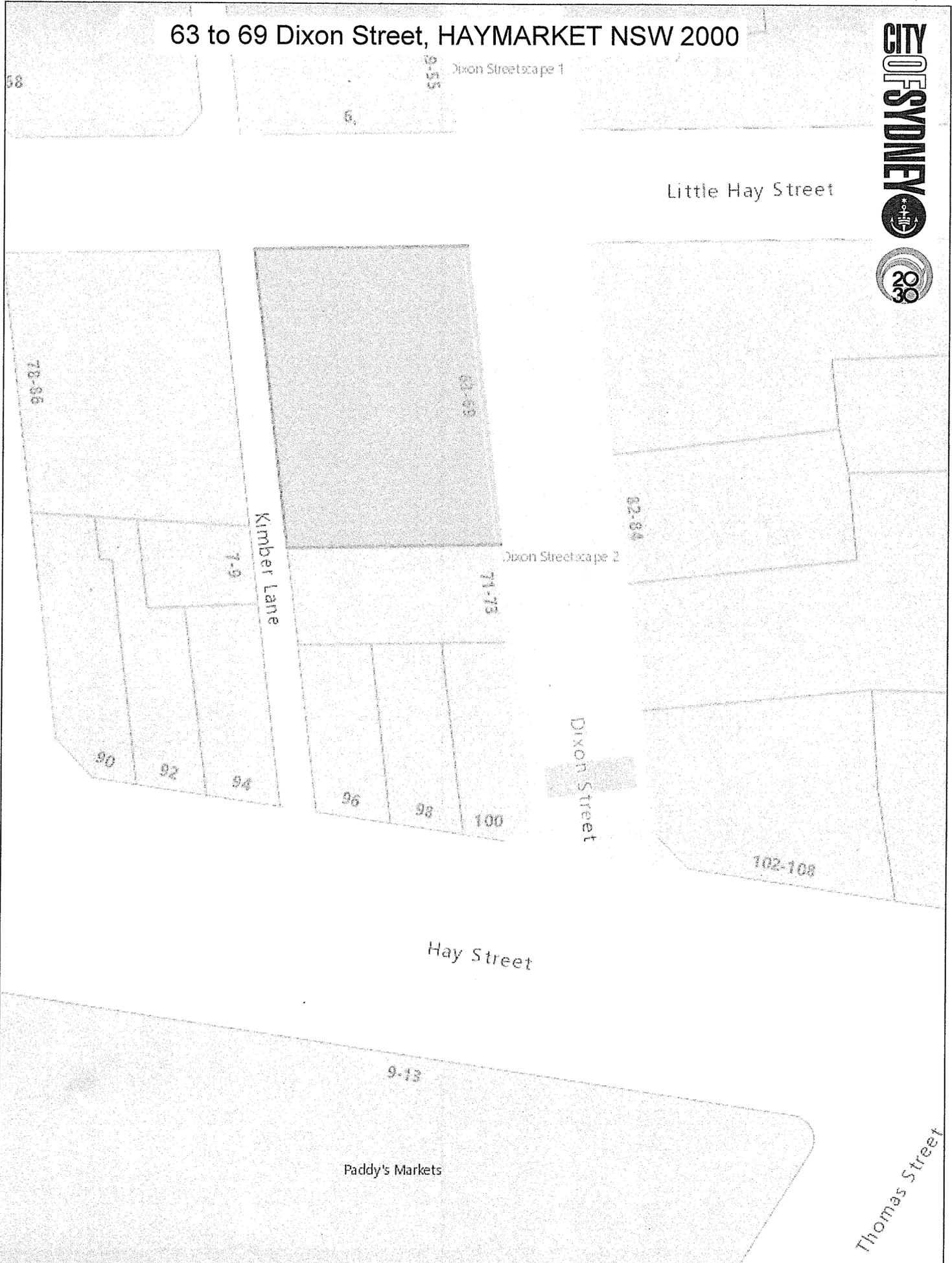
Senior Firefighter (
Team Leader
Fire Safety Command Liaison Unit



Attachment I

**Council Officer Inspection Report -
63-69 Dixon Street, Haymarket**

63 to 69 Dixon Street, HAYMARKET NSW 2000



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6 13 25 Meters

1:500 at A4
12/09/2018



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

CSM: 1942117

Officer: Tereza Wickerson

Date: 11 September 2018

Premises: 63-69 Dixon Street Haymarket NSW 2000– Dynasty Karaoke

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to premises referred to as 63-69 Dixon Street Haymarket – Dynasty Karaoke with respect to matters of fire safety.

The subject Karaoke tenancy is contained within a three (3) storey building located on the corner of Dixon Street and Little Hay Street Haymarket and is used for commercial and office purposes.

Ground level comprising of both retail and restaurant tenancies including a separate entry/foyer with a lift providing access to the upper levels; level two (2) is occupied by Dynasty Karaoke tenancy only and level three (3) consists of an open plan office(s).

On the 18 April 2018 Council records indicate, that a Complying Development Certificate (CDC) was issued by a principal (accredited) certifying authority (PCA) for the; "removal of a partial automatic fire suppression system from the premises fire safety schedule. The CDC also included the decommissioning of the fire sprinkler booster located on ground floor.

It is noted the subject CDC was issued after FRNSW's inspection of 8 December 2017 (which identified fire sprinkler concern).

The sprinkler system was located only on level 2 and appears to be a requirement under the places of public entertainment legislation (now redundant).

The site has been assessed with the works associated under the relevant CDC deemed compliant with the respective requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

The sprinkler system is not a required fire safety system under the current building occupation.

Notwithstanding the above an inspection of the premises undertaken on 9 September 2018 by a Council investigation officer in the presence of the building manager revealed that the premises are deficient in fire safety and egress provisions in the following areas:

- (i) Inadequate fire detection and alarm systems; and
- (ii) Poor fire safety management systems in place.

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

Chronology:

Date	Event
20/08/2018	FRNSW correspondence received regarding premises Dynasty Karaoke 63-69 Dixon Street Haymarket.
22/08/2018	An initial desktop review of the subject building revealed a Complying Development Certificate to (primarily) decommission the existing automatic fire suppression (sprinkler) system
07/09/2018	An inspection of the subject premises was undertaken by a Council officer; premises contained a decommissioned sprinkler system; two (2) faults noted to fire indicator panel. A penetration noted to ceiling level two (2) to rear fire stair and routine six (6) monthly maintenance of hose reels and portable fire extinguishers were required. A corrective action email was sent to the property owners to address the above.
11/09/2018	Report prepared, to table FRNSW report to Council meeting scheduled on 29 October 2018.

FIRE AND RESCUE NSW REPORT:

References: [BFS18/479, D18/37746; 2018/478832]

Fire and Rescue NSW (FRNSW) conducted an inspection of the subject premises with NSW Police Force & Council Officers on 08 December 2017 in accordance with Section 119 T(1) of the Environmental Planning and Assessment Act 1979 (the Act).

It should be noted that the inspection of the premises conducted by FRNSW, was carried out prior to the amendments of the Act (which occurred on 1 March 2018). As such, all references to sections and any relevant provisions in their report have been made in accordance with the provision in force at the time and prior to the commencement of the amending legislation.

Issues

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

1. Sprinkler coverage appears inadequate and not in accordance with the relevant standard of performance.

FRNSW Recommendations

FRNSW have recommended that Council, being the appropriate regulatory authority, seek to address any deficiencies associated with the issues identified above.

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

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order(NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue with compliance actions under the current Council Order	Council investigation officer inspect the building and prepare a further report for the next meeting of Council
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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 a fire safety order under Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address among other things, the removal of the decommissioned (and non-required) fire safety system as referenced 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	FRNSW Letter dated 20 August 2018	2018/478832-01
A2	Locality Plan	2018/478832-02
A3	Attached Cover Sheet	2018/478832-03

Trim Reference: 2018/478832

CSM reference No#: 1942117



File Ref. No: BFS18/479 (8000002828)
TRIM Ref. No: D18/37746
Contact: Senior Firefighter [REDACTED]

20 August 2018

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

council@cityofsydney.nsw.gov.au

Dear Sir/Madam

**Re: INSPECTION REPORT
DYNASTY KARAOKE
63-69 DIXON STREET HAYMARKET (the premises)**

Pursuant to Section 119T(1) of the *Environmental Planning and Assessment Act 1979* (the *Act*), an inspection of the *premises* was conducted on 8 December 2017 by authorised fire officers from the Fire and Rescue NSW (FRNSW) Fire Safety Branch in the company of representatives of the NSW Police Force and the Council of the City of Sydney.

It should be noted that the inspection of the *premises* was conducted prior to the amendments of the *Act* on 1 March 2018. As such, all references to sections and any relevant provisions in this report have been made in accordance with the provisions in force at the time and prior to the commencement of the amending legislation.

The inspection of the *premises* was limited to the following:

1. A visual inspection of the essential fire safety measures as identified in this report only. This report is based on a visual, non-invasive inspection of the statutory fire safety measures installed in the building as listed on the fire safety schedule to which safe and reasonable access was available and permitted on the date and time of the inspection
2. 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 Sections 119T(4) & 121ZD(1) of the *Act*. Please be advised that Section 121ZD(2) of the *Act* requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

Comment

The following items were identified as concerns during the inspection:

1. Sprinkler coverage appears to be inadequate-the spacing of the sprinklers does not appear to be in accordance with the relevant standard of performance.

Due to the observations listed above the authorised officers believe adequate provision for fire safety has not been made in or in connection with the building.

Recommendations

FRNSW recommend the following:

- a. Council seek the submission of a BCA audit report for the premises, prepared by an A1 accredited certifier, detailing the non-compliances relative to Parts C1, C2, C3, Parts D1, D2 and Parts E1, E2 and E4 of the BCA.
- b. Council seeks to address any deficiencies associated with the observations listed above.

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

Should you have any further enquiries regarding any of the above matters, please contact the Fire Safety Branch.

Yours faithfully

[Redacted Signature]

Senior Firefighter [Redacted]
Team Leader
Fire Safety Command Liaison Unit



Attachment J

**Council Officer Inspection Report -
31-37 Dixon Street, Haymarket**

31-37 Dixon Street, HAYMARKET NSW 2000



25-29

Factory Street

50-52

54

56

Dixon Streetscape 1

31-37

Kimber Lane

Dixon Street

39-45



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

CSM: 1942110

Officer: Tereza Wickerson

Date: 11 September 2018

Premises: 31-37 Dixon Street Haymarket

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to premises referred to as 4/31-37 Dixon Street Haymarket – K1 Karaoke with respect to matters of fire safety.

The subject K1 Karaoke tenancy is located on level two (2) within a six (6) storey mixed use building with basement car parking. The premises is located on the corner of Dixon Street and Factory Street Haymarket and is currently used for commercial purposes consisting of retail, restaurant(s), and place of public assembly and accommodation purposes.

The building is affected by a current Council fire safety order which was issued in October 2014 (as modified on 29 June 2016). The order has been partially complied with and is undergoing current compliance review.

Council has scheduled future inspections to ensure adequate fire safety measures are being maintained until compliance of the subject fire safety order is attained.

An inspection of the building was undertaken by a Council investigation officer in the presence of the building manager and service contractor did not identify any new (additional) significant fire safety issues that would lie outside the scope of the present order.

It is considered that the items identified by FRNSW have been addressed by the scope of works specified under the above order.

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

Date	Event
20/08/2018	FRNSW correspondence received regarding premises K1 Karaoke- 4/31-37 Dixon Street HAYMARKET
22/08/2018	An initial desktop review revealed the building is subject of an existing fire order issued on October 2014
30/08/2018	<p>An inspection of the subject building was undertaken by a Council officer; the inspection revealed following issues:</p> <p><u>K 1 Karaoke Tenancy:</u> penetrations noted to ceilings above the karaoke equipment to all karaoke rooms; compliant portable fire extinguishers; no obstruction or penetrations into fire stairs by air-conditioning units/electrical wiring or other.</p> <p><u>Common Areas:</u> Exits were free of obstructions, no evidence of storage of building materials or other were noted at time of inspection, penetrations noted to basement and other tenancies contained within the building which are subject to upgrade under Councils fire order as modified.</p> <p>It is noted the premises has been recently inspected by the building owners fire service practitioner in relation to all existing fire safety measures contained within the building.</p>

	Council has scheduled progress inspections in relation to required maintenance and upgrade works to ensure compliance with the relevant installation standards and Councils fire order as modified.
11/09/2018	Report prepared, to table FRNSW report to Council meeting scheduled on 29 October 2018.

FIRE AND RESCUE NSW REPORT:

References: [BFS18/480, D18/36654; 2018/479303]

Fire and Rescue NSW (FRNSW) conducted an inspection of the subject premises with NSW Police Force & Council Officers on 08 December 2017 in accordance with Section 119 T(1) of the Environmental Planning and Assessment Act 1979 (the Act).

It should be noted that the inspection of the premises conducted by FRNSW, was carried out prior to the amendments of the *Act* (which occurred on 1 March 2018). As such, all references to sections and any relevant provisions in their report have been made in accordance with the provision in force at the time and prior to the commencement of the amending legislation.

Issues

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

1. Fire extinguishers were missing from their installed locations;
2. Storage of building materials within fire isolated stairs;
3. Annual Fire safety Statement did not reflect existing combined hydrant/sprinkler system;
4. Penetrations through ceiling within Room 7 of K1 tenancy;
5. Electrical wiring penetrations contained within fire stairs.

FRNSW Recommendations

FRNSW have recommended that Council, being the appropriate regulatory authority, seek to address any deficiencies associated with the issues identified above.

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

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

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

That Council note that the owners of the building have already been served with an Order under the requirements of the Environmental Planning and Assessment Act, 1979.

The issued fire safety order once deemed compliant will provide the occupants of the premises with adequate provisions for fire safety.

Follow-up compliance activities are being undertaken by a Council officer to ensure identified fire safety matters are suitably addressed and that compliance with the terms of Council's Order are met.

It is recommended that Council not exercise its powers to give an Order at this time, having regard to the existing order mentioned in this report.

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

Referenced documents:

No#	Document type	Trim reference
A1	FRNSW Letter dated 20 August 2018	2018/479303-01
A2	Locality Plan	2018/479303-02
A3	Attached Cover Sheet	2018/479303-03

Trim Reference: 2018/479303

CSM reference No#: 1942110



File Ref. No: BFS18/480 (8000002829)
TRIM Ref. No: D18/36654
Contact: Senior Firefighter [REDACTED]

20 August 2018

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

council@cityofsydney.nsw.gov.au

Dear Sir/Madam

**Re: INSPECTION REPORT
K1 KARAOKE LOUNGE
4/31-37 DIXON STREET HAYMARKET (the premises)**

Pursuant to Section 119T(1) of the *Environmental Planning and Assessment Act 1979 (the Act)*, an inspection of the *premises* was conducted on 8 December 2017 by authorised fire officers from the Fire and Rescue NSW (FRNSW) Fire Safety Branch in the company of representatives of the NSW Police Force and the Council of the City of Sydney.

It should be noted that the inspection of the *premises* was conducted prior to the amendments of the *Act* on 1 March 2018. As such, all references to sections and any relevant provisions in this report have been made in accordance with the provisions in force at the time and prior to the commencement of the amending legislation.

The inspection of the *premises* was limited to the following:

1. A visual inspection of the essential fire safety measures as identified in this report only. This report is based on a visual, non-invasive inspection of the statutory fire safety measures installed in the building as listed on the fire safety schedule to which safe and reasonable access was available and permitted on the date and time of the inspection.
2. 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 Sections 119T(4) & 121ZD(1) of the Act. Please be advised that Section 121ZD(2) of the Act requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

Comment

The following items were identified as concerns during the inspection:

1. Fire extinguishers were missing from their installed locations.
2. Building materials were being stored in the fire isolated stairs.
3. Annual fire statement did not list all essential fire safety measures, namely the combined hydrant/sprinkler system.
4. A penetration was observed in the ceiling of room no.7. The opening for the penetration did not appear to be protected.
5. Electrical wiring connected from the air conditioning units was installed through the fire stairs potentially compromising the fire stairs.

Due to the observations listed above the authorised fire officers believe adequate provision for fire safety has not been made in or in connection with the building.

Recommendations

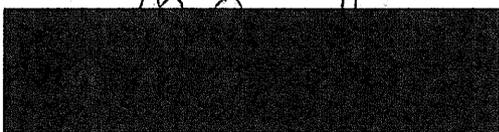
FRNSW recommend the following:

- a. Council seek the submission of a BCA audit report for the premises, prepared by an A1 accredited certifier, detailing the non-compliances relative to Parts C1, C2, C3, Parts D1, D2 and Parts E1, E2 and E4 of the BCA.
- b. Council seeks to address any deficiencies associated with the observations listed above.

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

Should you have any further enquiries regarding any of the above matters, please contact the Fire Safety Branch.

Yours faithfully



Senior Firefighter 
Team Leader
Fire Safety Command Liaison Unit

Unclassified

Fire & Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Command Liaison Unit

Locked Bag 12
Greenacre NSW 2190

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

firesafety@fire.nsw.gov.au

Page 2 of 2

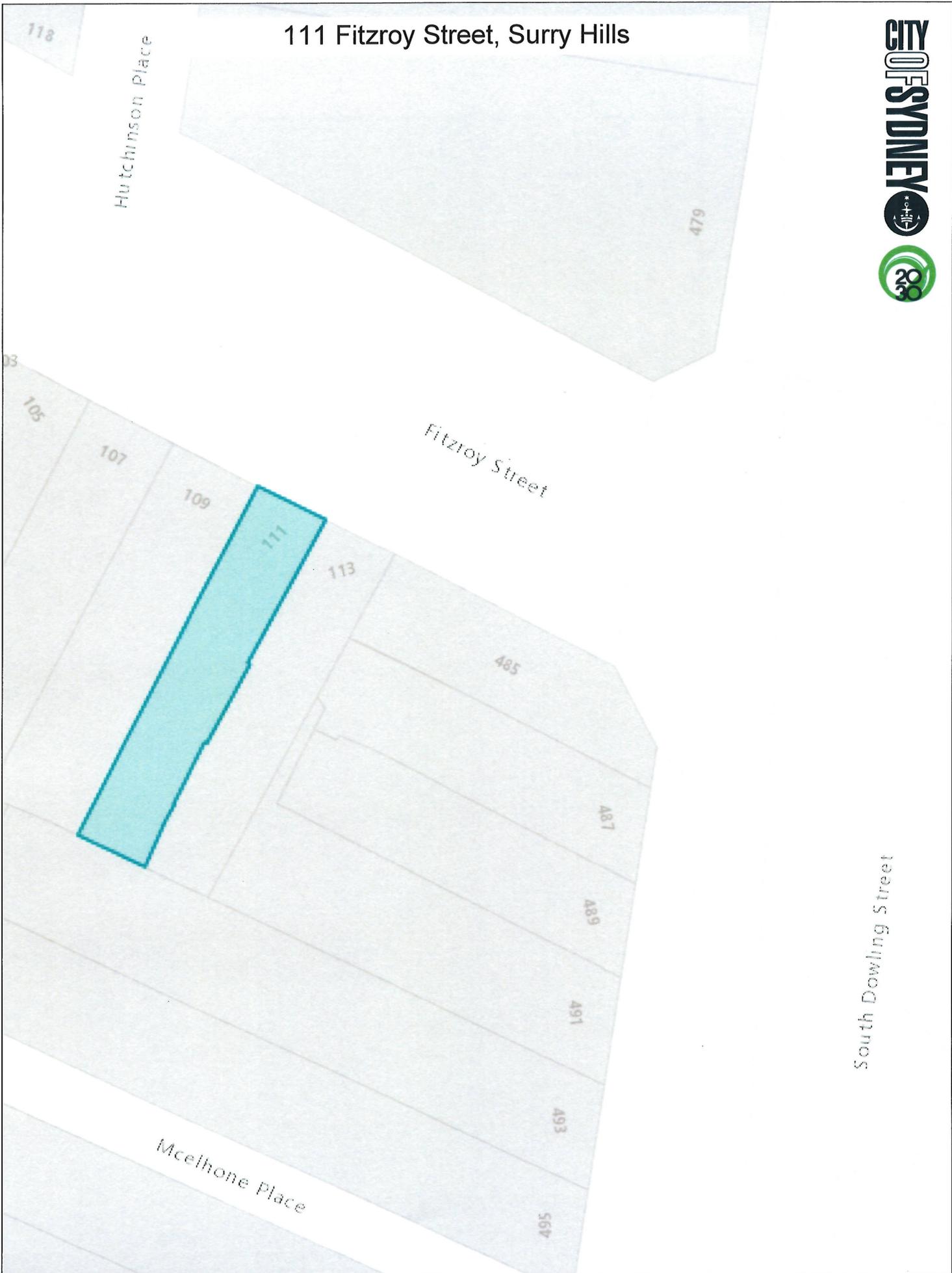
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Attachment K

**Council Officer Inspection Report -
111 Fitzroy Street, Surry Hills**

111 Fitzroy Street, Surry Hills



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1:250 at A4
12/09/2018



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

CSM: 1946141

Officer: M.Hassan

Date: 11 September 2018

Premises: 111 Fitzroy Street, Surry Hills

Executive Summary:

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

The premises consists of a three storey boarding house. The premises is rectangular in shape and has a site area of approximately 83 m². The premises has frontage to Fitzroy Street and is located near the intersection of Fitzroy Street and South Dowling Street.

Due to the timing and receipt of correspondence from FRNSW and site access issues, the premises is yet to be fully inspected by a City investigation officer to enable the issues raised by FRNSW to be properly investigated.

Consequently in this instance it will be recommended that the FRNSW report be tabled only and that a determination of proposed action be deferred for consideration at the next meeting of Council.

A detailed inspection of the premises will be conducted as soon as possible and compliance action undertaken consistent with the inspection outcomes.

It is to be also noted that the above premises was the subject of an annual fire safety proactive inspection (a current City Council compliance program) in November 2017. The inspection outcome was satisfactory.

Chronology:

Date	Event
29/08/2018	FRNSW correspondence received regarding premises 111 Fitzroy Street Surry Hills
31/08/2018	An initial desktop review of the subject premises revealed that it 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 on 25 th of June 2019.
07/09/2018	A City investigation officer attempted to inspect the premises but access was not available.
11/09/2018	Report prepared, to table FRNSW report to Council meeting scheduled on 29 October 2018.

FIRE AND RESCUE NSW REPORT:

References: [D18/60988; 2018/455954]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about poor conditions and various fire safety concerns within the premises.

Issues

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

1. Poor maintenance of a number of existing fire safety measures;
2. Exit stair is not compliant with the Building Code and feels unstable;
3. An external wall may not be constructed of adequate construction to prevent the spread of fire between buildings on adjoining allotments;

FRNSW Recommendations

FRNSW recommends that Council addresses items no.1 through to item no.4 of their report appropriately and addresses any other deficiencies identified on the premises.

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

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order(NOI)	Issue emergency Order	Issue-a compliance letter of instruction	Cited Matters rectified	Continue-with-compliance actions under the current Council Order	Council investigation officer inspect the building and prepare a further report for the next meeting of Council
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It is recommended that the FRNSW report be tabled with a recommendation stood over to the next meeting of Council.

A further Council investigation officer report is to be submitted to the next meeting of Council which shall contain the appropriate compliance recommendation.

In the interim suitable compliance actions such as site inspection, property owner discussions and compliance directions as deemed necessary are to be instigated by Council's investigation officer to address and act on any fire safety matters found.

It is recommended that Council not exercise its powers to give a fire safety order under 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	2018/478031-01
A2.	Locality Plan	2018/478031-02
A3	Attachment cover sheet	2018/478031-03

Trim Reference: 2018/478031**CSM reference No#:** 1946141



File Ref. No: BFS18/2380 (4556) & BFS18/2365
TRIM Ref. No: D18/60988
Contact: [REDACTED]

29 August 2018

General Manger
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
BOARDING HOUSE
111 FITZROY STREET, SURRY HILLS ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 20 August 2018, in relation to a fire incident at 'the premises', as a result a fire safety concern was lodged.

The correspondence stated in part that:

The building is in very poor condition with 7 small rooms, some of which accommodate several people per room.

The fire alarm system was in an isolated mode on our arrival.

It is not connected to a monitoring service.

The occupant egress is very tight with unstable construction and uneven surfaces.

The residents exhibit hoarding type behavior with a resultant high fuel load in the building.

FIRE AND RESCUE NSW

ABN 12 593 473 110

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Fire Safety Compliance Unit

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The electrical installation appears very haphazard

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 21 August 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: 20 August 2018 / 20.11 hrs.

Extent of Fire: Room four (4) on level one (1).

Damage: No visible damage to the building.

Type of Alarm: Call to station.

Evacuation: All occupants evacuated.

Casualties: One occupant suffered burns attempting to put the fire out in Room four (4).

Please be advised that this report is not an exhaustive list of non-compliances however, the proceeding concerns also identifies deviations from the National Construction Code 2016, Volume 1 and Volume 2, Building Code of Australia (NCC). Given the concerns are based on observations available at the time FRNSW acknowledges that the deviations may contradict development consent approval. In this regard, it would be at council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

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FRNSW noted the following during the investigation of this incident:

1. Essential Fire Safety Measures

- 1A. Maintenance – Clause 182 of the Environmental Planning and Assessment Regulation 2000 requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. The emergency light or exit sign in the hallway of level 1 was missing its cover and was not lit. However, the light lit up when the test button was pressed.
- 1B. Smoke Alarms – The following observations were noted:
- A. NSW Clause 3.7.2.2 of the NCC (Vol 2) requires the installation of smoke alarms to Australian Standard AS3786. The exception being an alarm deemed suitable in accordance with Australian Standard AS1670.1, where spurious signals are likely to occur within a garage. Observations at the time, revealed that the installed smoke detection system appears to be a Specification E2.2a, Clause 3 system in accordance with NCC (Vol 1), with the installed smoke detectors in locations similar to Australian Standard AS1670.1, including the installation of a Fire Indicator Panel (FIP).
 - B. The Annual Fire Safety Statement (AFSS) displayed at “the premises” references Clause 3.7.2.2 of the NCC (Vol 2), as a result the AFSS appears to contradict the installed measures.
- 1C. Zone Block Plan – Section 3.10 of the Australian Standard 1670.1 -2015 requires a Zone Block Plan to be securely mounted and located adjacent to the FIP. If the installed smoke detection system has been approved by council, a Zone Block Plan may be required.
- 1D. Evacuation Diagrams – The displayed AFSS references Australian Standard AS3745 – 2010. As such, the standard emphasises the implementation and updating of evacuation diagrams. Hence the following concerns:
- A. Clause 3.5.2 requires the location of diagrams be displayed where occupants and visitors are able to view them. A review of the diagram location may be required as at first sight, the diagrams were not easily identified.
 - B. Clause 3.5.3 requires the diagrams to be in a position at a height not less than 1200 mm and not more than 1600 mm above the floor, the diagram attached to the front door appeared less than 1200 mm, while the diagram in Room 4 appeared greater than 1600 mm.

- C. Clause 3.5.4 requires evacuation diagrams to be orientated to the direction of egress, including an assembly area diagram. None of the diagrams included an assembly area or were oriented to the person viewing the diagram.
- D. Clause 3.5.6 requires minimum elements which must be included in the evacuation diagram, such as, designated exits, firefighting equipment and the "YOU ARE HERE" location. The diagrams displayed at "the premises" lacked all of the minimum elements.

2. Access and Egress

- 2A. Stair Construction – Performance Requirement P2.1.1 and P2.5.1 of the NCC (Vol 2) requires the use of stairs to be constructed so that people can move safely to and within the building. It is noted that the age of the building means the balustrade, handrails, goings and risers do not strictly meet the Deemed to Satisfy Solution of Part 3.9.1 of the NCC (Vol 2). However, the landing, barriers and stairs were difficult to traverse, the movement whilst traversing up and down the staircase, also resulted in movement of the staircase generally. The construction and movement of the stairs felt unstable, potentially conflicting with the intent of the performance requirements for use and to move safely within the building. A review of the stair construction may be required.

3. Compartmentation

- 3A. Construction of External Walls – Clause 3.7.1.5 of the NCC (Vol 2) requires the installation of external walls that are located less than 900 mm from the boundary allotment to be fire resisting. The walls for unit 7 adjoining the south western rear boundary allotment appears to be timber framed with corrugated iron cladding. It is unclear whether the wall achieves the minimum fire resistance level (FRL) of 60/60/60.
- 3B. Doors – The AFSS displayed the requirement to maintain the doors of the bedrooms within the building to be 35 mm solid core and self-closing. The following concerns were observed:
 - A. The self-closers for rooms 2 and 4 were broken.
 - B. The doors to rooms 2 and 4 sounded hollow when tapped.

4. Generally

- 4A. Annual Fire Safety Statement (AFSS) – Clause 181(1)(c) of the Environmental Planning and Assessment Regulation 2000 requires each essential and critical measure to be identified in the statement. At first glance the AFSS appears inconsistent with the measures listed in the statement. An inspection and a review of council's records may be required.

- 4B. General Considerations – The proceeding items are considered ‘informative’, as the investigation disclosed items that may require council make a determination on whether enforcement action is required.
- 4C. Investigation Outcomes – The following are items from the investigation on Thursday 21 August 2018:
- A. Records
- i FRNSW records revealed that an Order had been issued by the City of Sydney Council on 21 August 2008. The order confirms that the building is approved as a Class 1b building. Your reference is S062375.
- B. Observations
- i The rear building identified as Room 7 adjoining the southwestern rear boundary allotment, sits on bearers and joists less than 300 mm (approximately) from the underside of the bearer. The small gap potentially provides limited ability to conduct regular inspections as per Australian Standard AS3660.1.
- ii Access was limited to rooms 2, 4 and 5, as such observations of the contents within the rooms revealed personal items and other items that appeared to be litter or waste.
- iii The alleged number of occupants exceeding more than 1 occupant per room is inconclusive, as observations of the personal items within the rooms and limited access could not definitively identify the sleeping arrangements for “the premises”.
- iv There are communication cables that traverse various areas within the building. There are also power boards that include various electrical attachments.
- v The installation of a detection system identified in 1B(A), provides occupants the opportunity to either isolate or mute the alarms. Observations at the time revealed instructions attached to the FIP on how to isolate or mute the alarms, potentially preventing or delaying the occupant’s ability to evacuate. It was noted that there were no fault or isolations displayed on the FIP at the time of inspection.

C. Assertions

- i At the time of the inspection, the occupant in room 2 indicated that his friend who regularly occupies the room is allowing him to sleep in room 2 as well.
- ii The occupant in room 2 indicated that at the time of the fire incident, he was unaware that the detection system had sounded until FRNSW knocked on the room door.
- iii The attending crew of FRNSW indicated that some rooms contained several people.
- iv The occupant in room 5 (room in the attic) indicated that he smelt smoke 15 minutes before the smoke detection system sounded.
- v The occupant in room 5 advised that the owner of "the premises" texted him a message on his phone that alleged the occupant in room 4 had isolated and reset the FIP, and then called emergency services.

4D. Items of Concern – An investigation may be required by council, to confirm **the**:

- A. Number of occupants.
- B. Structural stability of the building, as there are limited provisions for inspection of termites.
- C. Type of items stored within "the premises". Whether the material stored is considered hoarding, and potentially contributes to the fire load.
- D. Electrical wiring has been tested and is sufficient for use.
- E. Smoke detection system has been approved in its current configuration and whether it is suitable for a Class 1b building.
- F. Australian Standard AS3745 – 2010 is being regularly implemented. Whether regular evacuation drills are conducted or are required for the occupants.
- G. Attic (room 5) is suitable for occupancy, as a significant fire event on level 1 limits the ability to egress. Traversing 2 timber flights of stairs in a fire event may be unsafe, given the ability of occupants to isolate the detection system and the alleged isolation of the FIP during the recent fire event.

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. 4 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.

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 BFS18/2380 (4556) & BFS18/2365 for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]
Building Surveyor
Fire Safety Compliance Unit

FIRE AND RESCUE NSW

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Community Safety Directorate
Fire Safety Compliance Unit

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Unclassified

Page 7 of 7



Attachment L

**Council Officer Inspection Report -
81-117 Broadway, Ultimo**

81-117 Broadway, Ultimo



TAFE Ultimo
Campus

Thomas Street

Jones Street

Wattle Street

485-501

507

507

513-519

135A

135B

UTS Broadway

81-117

Wattle Place

137-145

129-135

Broadway

Abercrombie Street

112-126

104-110

University
of Notre Dame Australia

1-11

UTS Blackfriars

102

100-98

38

8-12

2

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1:1,000 at A4
12/09/2018



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

CSM: 1948154

Officer: M.Hassan

Date: 12 September 2018

Premises: 81-117 Broadway, Ultimo

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 number of multi-storey educational buildings located within The University of Technology (UTS) campus in Broadway.

The building the subject of investigation is known as building 11 and has frontage to Broadway and is located near the intersection of Broadway and Wattle Street.

Building 11 houses the UTS Faculty of Engineering and Information Technology (FELT) and approximately 500 staff and up to 4300 students over its 14 levels. The building was officially opened in June 2014.

Due to the timing and receipt of correspondence from FRNSW, the premises is yet to be inspected by a City investigation officer to enable the issues raised by FRNSW to be properly investigated.

Consequently in this instance it will be recommended that the FRNSW report be tabled only and that a determination of proposed action be deferred for consideration at the next meeting of Council.

A detailed inspection of the premises will be conducted as soon as possible and compliance action undertaken consistent with the inspection outcomes.

Notwithstanding the above, the premises is equipped with substantial fire safety systems (both active and passive) that would provide adequate fire safety provisions for occupants in the event of fire.

Chronology:

Date	Event
03/09/2018	FRNSW correspondence received regarding premises 81-117 Broadway, Ultimo
05/09/2018	An initial desktop review of the subject premises revealed that it 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 7 October 2018.
12/09/2018	Report prepared, to table FRNSW report to Council meeting scheduled on 29 October 2018.

FIRE AND RESCUE NSW REPORT:

References: [D18/60550; 2018/463228]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about the operation of an existing fire detection and alarm system.

Issues

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

1. Fire safety documentation not on display in a prominent location;
2. The fire hydrant block plan lacked information that would assist FRNSW during firefighting operations;
3. A lack of signage that would assist FRNSW during firefighting operations;
4. Fire systems not compliant with the Building Code;
5. A door to a laboratory opens directly onto a fire isolated stairwell contrary to the requirements of the Building Code;

FRNSW Recommendations

FRNSW recommends that Council addresses above items contained within their report and appropriately and addresses any other deficiencies identified on the premises.

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

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order(NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue with compliance actions under the current Council Order	Council investigation officer inspect the building and prepare a further report for the next meeting of Council
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It is recommended that the FRNSW report be tabled with a recommendation stood over to the next meeting of Council.

A further Council investigation officer report is to be submitted to the next meeting of Council which shall contain the appropriate compliance recommendation.

In the interim suitable compliance actions such as site inspection, property owner discussions and compliance directions as deemed necessary are to be instigated by Council's investigation officer to address and act on any fire safety matters found.

It is recommended that Council not exercise its powers to give a fire safety order under 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	2018/480262-01
A2.	Locality Plan	2018/480262-02
A3	Attachment cover sheet	2018/480262-03

Trim Reference: 2018/480262

CSM reference No#: 1948154



File Ref. No: BFS17/753 (3374)
TRIM Ref. No: D18/60550
Contact: Station Officer [REDACTED]

31 August 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
'UTS BUILDING'
81-117 BROADWAY ULTIMO ("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 in part that:

- *The Fire Indicator Panel (FIP) zone identification was inconsistent with floor levels within the building.*

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 4 May 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.

FIRE AND RESCUE NSW

ABN: 12 593 473 110

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Fire Safety Compliance Unit

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- 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

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

1A. Annual Fire Safety Statement (AFSS)

- A. An AFSS was not displayed in a prominent location at the premises contrary to the requirements of Clause 177 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg).

1B. Combined Sprinkler and Hydrant System

- A. The block plan installed at the Fire Indicator Panel (FIP) does not show the location of the sprinkler stop valves and attack hydrants on each floor, contrary to the requirements of Clause 7.11 of Australian Standard (AS) 2419.1-2005, which will impact on FRNSW ability to isolate a sprinkler installation or combat a fire utilising attack fire hydrants. In this regard the block plan does not detail:
 - i. The location of each alarm valve throughout the building;
 - ii. That the sprinkler valves for Level 12 'Western Zone' is installed on Level 13, nor has signage been installed on level 12 advising firefighters that the sprinkler main stop valve is located on level 13;
 - iii. The sprinkler valve and attack hydrant are located in a ventilation shaft behind the kitchen in the eastern zone on each level;
- B. The sprinkler control assemblies installed to protect the 'Eastern Zone' of the building are located in a ventilation shaft behind the kitchenette on each floor above street level, contrary to the requirements of Clause 2.2 of AS2118.6-1995.
- C. Fire hydrants installed to provide coverage to the 'Eastern Zone' portion of the building are located in a locked ventilation shaft behind

the kitchenette on each floor above street level, contrary to the requirements of Clause 2.4 of AS2118.6-1995.

2. Compartmentation

- 2A. FRNSW were informed the two new laboratories located on Level 13 of the premises originally were plant rooms. The rooms have been converted into laboratories. One of the laboratories access doors opens directly into the western fire isolated stairwell, contrary to the requirements of Clause D1.7 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.

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 BFS17/753 (3374) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

Acting Team Leader
Fire Safety Compliance Unit

FIRE AND RESCUE NSW

ABN 12 593 473 110

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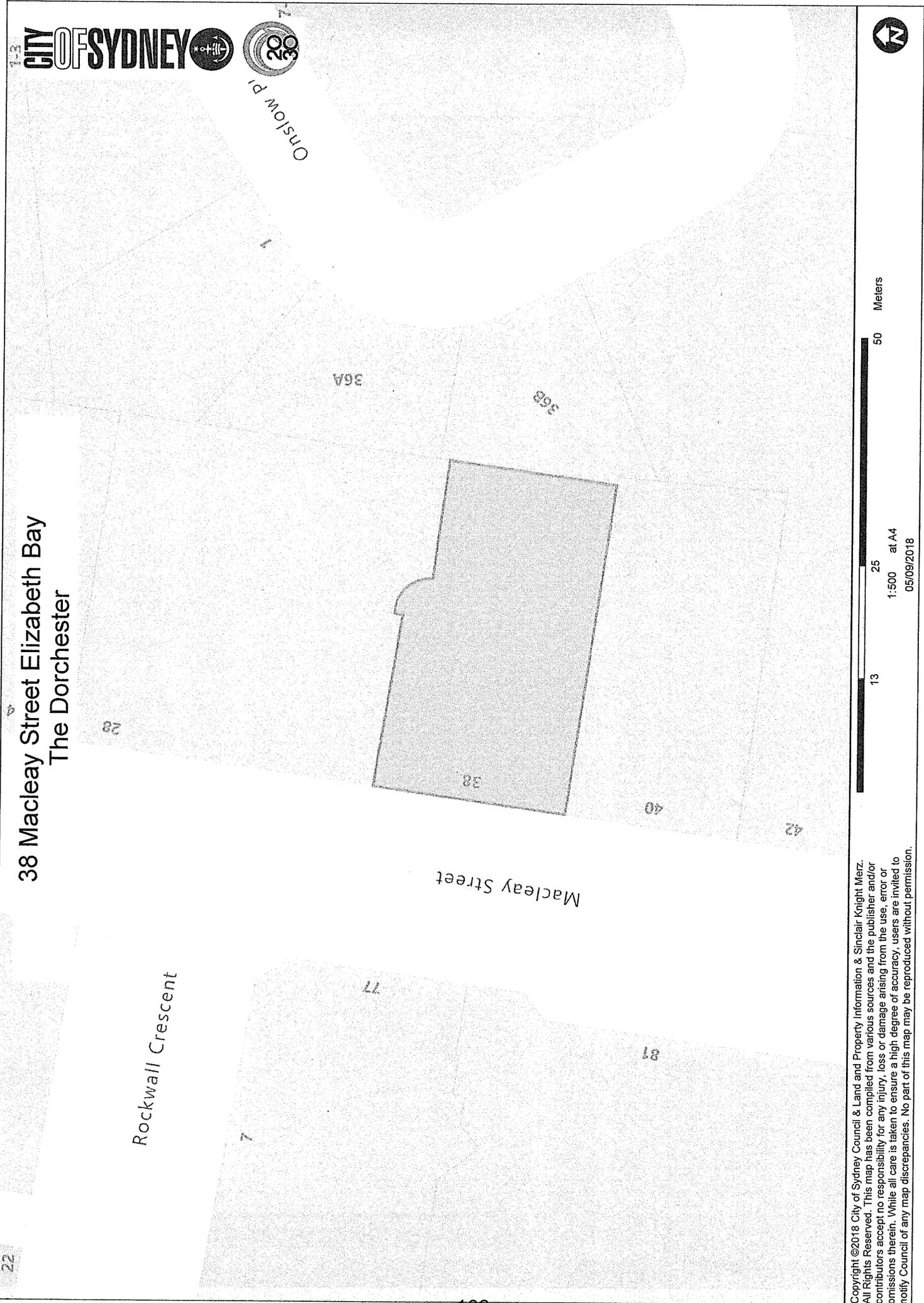
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Page 3 of 3



Attachment M

**Council Officer Inspection Report -
38 Macleay Street, Elizabeth Bay**



38 Macleay Street Elizabeth Bay
The Dorchester

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05/09/2018
Meters

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

File: 2018/467588

Officer: Andrew Porter

Date: 10 September 2018

Premises: 38 Macleay Street Elizabeth Bay (The Dorchester)

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 11 storey apartment building with associated basement car parking.

The effective height of the building is approximately 34 metres.

The two basement levels comprise of car parking associated with the residential use of the building, the ground floor comprises of a indoor pool, and gymnasium associated with the residential use of the building, the first floor through to the tenth floor of the building contain one sole occupancy unit per floor level, each used for residential accommodation.

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.

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

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

Chronology:

Date	Event
04/09/2018	FRNSW correspondence received regarding premises located at 38 Macleay Street Elizabeth Bay.
07/09/2018	<p>An inspection of the subject premises was undertaken by a Council officer which identified a number of fire safety related deficiencies within the building including:</p> <ul style="list-style-type: none"> ➤ Installation/Operational deficiencies associated with the internal fire hydrant system; ➤ Fire indicator panel displaying a fault, which requires investigation, the building manager was advised to contact the fire services contractor to have the issue immediately resolved; ➤ Lack of fire sprinkler system spares

FIRE AND RESCUE NSW REPORT:

References: D18/62331: 2018/465194

Fire and Rescue NSW conducted an inspection of the subject premises after receiving correspondence that there was no smoke detectors within Level 1 of the subject building.

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

- The Automatic Fire Detection and Alarm System;
- Fire Hydrant System;
- Sprinkler System;

FRNSW Recommendations: FRNSW have made 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 and to carry out a fire safety audit on the building to ensure all deficiencies within the building including but not limited to the items identified in their report are adequately 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.
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 121ZD (4) of the EP&A Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

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

As a result of site inspection undertaken by Council investigation officers it is recommended that the owners of the building be issued with written instructions to rectify the identified fire safety deficiencies noted by FRNSW.

The above proposed correspondence will request that the building owner's:

- Conduct corrective maintenance works to the existing fire hydrant system as to cause in general, compliance with the nominated standards of performance;
- Undertake remedial works and have required signage and access to the combined hydrant and sprinkler systems booster assembly caused to be compliant with the nominated standards of performance;
- Carry out remedial works to the existing fire detection and alarm system to have the fault cleared and cause compliance with nominated standards of performance;
- Supply the correct number of spare sprinkler heads and spanner to the onsite sprinkler spares box to cause compliance with the nominated standards of performance;
- Remove stored paint cans from within the sprinkler control valve room;

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 under 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	2018/467588-01
A2.	Locality Plan	2018/467588-02
A3	Attachment cover sheet	2018/467588-03

Trim Reference: 2018/467588

CSM reference No#: 1948487



File Ref. No: BFS17/1915 (1236)
TRIM Ref. No: D18/62331
Contact: [REDACTED]

3 September 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
"THE DORCHESTER"
36-38 MACLEAY STREET, POTTS POINT ("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 in part that:

- I am the recently elected Chairman of the Owners' Corporation. There appears to be an issue with one of the apartments in our building - Unit 1 on the first floor. Last year (on Sept 15, 2016) we received our AFSS. This was provided by [REDACTED]*

In March this year [REDACTED] was contracted to replace all the smoke detectors in the building. The man who did the work advised me that there were no smoke detectors on Level 1 as they had been removed and the area where they should be had been plastered over. He then advised that he had not seen any smoke detectors when he did the inspection last year as the apartment was being renovated.

At this year's inspection there was a lot of difficulty getting access to Apartment 1. Access was delayed but finally achieved. I was advised by the person doing the inspection that there were no smoke detectors, but carbon monoxide

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detectors. He said that in his view that this did not comply with the regulations. The next day the managing agent (██████████) was advised by ██████████ that the building complied. We have asked for copies of the detailed reports for this year and last year but nothing has been forthcoming.

I have also been advised informally that a fireplace has been installed in Apartment 1. I suggested to ██████████ that they look at this and determine if there is a fire place and, if so, whether it has been flued correctly. There has been no approval from Council or the Owners' Corporation for a fireplace. I am concerned for the safety of residents and for the adequacy of the building's insurance cover.

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.

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.

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

Please be advised that this report is not an exhaustive list of non-compliances and the items listed outline deviations from the National Construction Code Volume One 2016 Building Code of Australia (NCC) which may contradict development consent approval or correlate to the building's age. In this regard, it is Council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate course of action.

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

1. Essential Fire Safety Measures

1A. The Automatic Fire Detection and Alarm System:

- a) Zone Block Plan - A zone block plan was not provided at the Fire Indicator Panel (FIP), contrary to the requirements of Clause 3.10 of Australian Standard (AS) 1670.1-2015.
- b) Discussions with the building manager/concierge and the fire services technician at the time of the inspection revealed that Unit 1 had recently replaced the detectors in the unit with new smoke detectors.
- c) The FIP was displaying one (1) fault. However, discussions via the phone with the fire services technician at the time of the inspection, revealed that the fault was a module fault only that required reprogramming to remove and there was no fault with the system.

1B. Fire Hydrant System – The following comments are provided having regard to AS 2419.1.2005:

- a) The hydrant booster assembly:
 - i. Boost pressure and test pressure signage was not provided at the booster assembly, contrary to the requirements of Clause 7.10.1.
 - ii. The hydrant booster assembly enclosure did not contain a lock compatible with FRNSW access key (003 key), contrary to the requirements of Clause 7.9.
 - iii. The doors to the booster enclosure are not clearly identified with fade resistant signs “COMBINED FIRE HYDRANT AND SPRINKLER BOOSTER”; contrary to the requirements of Clause 7.10.2.
 - iv. The height of the booster inlet connections appears to be more than 1200mm above the standing surface in front of the booster assembly, contrary to the requirements of Clause 7.4.

- b) The hydrant pumproom:
- i. The pumproom does not achieve a minimum 2.1m high internal clearance with adequate space for pump maintenance and replacement, contrary to the requirements of Clause 6.4.1(e).
 - ii. The internal pumproom which is located in the basement carpark level is not accessed via a door opening to a road or open space, or a door opening to a fire-isolated passageway or stair which leads to a road or open space, contrary to the requirements of Clause 6.4.2(a) of AS 2419.1-2005.
- c) Fire hydrant accessibility and clearance – The hydrant outlet valves in the fire isolated stairway are not provided with clearances around the outlet of not less than 300mm through an arc of 225° to facilitate hose coupling, contrary to the requirements of Clause 3.5.2. In this regard, the main hydrant pipe runs vertically and centrally between the stair flights and the handrail creates an obstruction. Furthermore, some of the hydrant outlet valves are sloping more than 35° below the horizontal, contrary to the requirements of Clause 3.5.1(b).
- d) Protective caps and retaining chains are not provided to all hydrant valves throughout the premises, contrary to the requirements of Clause 8.5.11.1.
- e) Storz aluminium alloy delivery couplings, which are compatible with FRNSW appliances and equipment, are not provided to all hydrant valves throughout the premises, contrary to the requirements of Clauses 7.1 and 8.5.11.1.

1C. Automatic Fire Suppression System:

- a) A complete stock of spare sprinklers and spanner had not been provided at the sprinkler control valves, contrary to the requirements of Clause 6.7 of AS 2118.1-1999.

2. Generally

- 2A. Fire Control Room (FCR) – The entry door to the FCR was not fitted with a lock compatible with FRNSW access key (003 key).

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 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 BFS17/1915 (1236) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]
Building Surveyor
Fire Safety Compliance Unit

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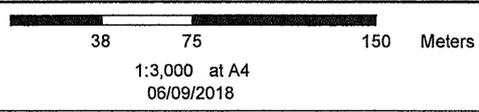
Attachment N

**Council Officer Inspection Report -
229-249 Elizabeth Street, Sydney**

229-249 Elizabeth Street, Sydney



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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: CSM 1949660

Officer: Joe Kalgovas

Date: 10/09/2018

Premises: 229-249 Elizabeth 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 a high-rise commercial building with the approved uses being offices with shops at ground floor level.

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.

It appears that the street address given under the FRNSW report may be incorrect as the inspection of the premises undertaken by a Council investigation officer in the presence of the facilities manager did not revealed any items or circumstances identified by the FRNSW correspondence.

Consequently in this instance it will be recommended that the FRNSW report be tabled only and that a determination of proposed action be deferred for consideration at the next meeting of Council.

FRNSW will be contacted to clarify the situation and appropriate action undertaken once building identification has been established.

Chronology:

Date	Event
3/09/2018	FRNSW correspondence received regarding premises level 5,229 Elizabeth Street, Sydney (correct address to be determined)
10/09/2018	An inspection of the subject premises was undertaken by a Council officer which did not identify the issues raised by FRNSW.

FIRE AND RESCUE NSW REPORT:

References: D18/61536, 2018/463194

Fire and Rescue NSW conducted an inspection of the subject premises after receiving correspondence about the adequacy of the provision for fire safety in connection with the premises.

Issues:

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

1. An annual fire safety statement was not prominently displayed at the premises contrary to the requirements of Clause 177 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg);

2. Smoke detectors are not installed in the Chinese Visa Application Centre occupancy on Level five (5) of the building to activate a zone smoke control system in accordance with Table E2.2 of the National Construction Code 2016 Volume One, Building Code of Australia (NCC) and Clause 4.10 of Australian Standard (AS) 1668.1.

FRNSW Recommendations:

FRNSW have made one recommendation within their report. In general FRNSW have requested that Council;

1. Inspect and address any other deficiencies identified on the premises, and require items above to be addressed appropriately.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

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

It is recommended that the FRNSW report be tabled with a recommendation stood over to the next meeting of Council. A further Council investigation officer report is to be submitted to the next meeting of Council which shall contain the appropriate compliance recommendation.

In the interim suitable compliance actions (site inspections / property owner discussions / compliance directions) are to be instigated by Council's investigation officer to address and act on any fire safety matters found.

Council's investigation officer is to contact FRNSW to clarify the situation (property identification) and to confirm the address of the building.

It is recommended that Council not exercise its powers to give an 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	2018/475463-01
A2.	Locality Plan (cadastre please)	2018/475463-02
A3	Attachment cover sheet	2018/475463-03

Trim Reference: 2018/475463

CSM reference No#: 1949660



File Ref. No: BFS18/531 (2876)
TRIM Ref. No: D18/61536
Contact: Station Officer [REDACTED]

31 August 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
LEVEL 5, 229 ELIZABETH 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:

- *Second exit door blocked by sign*
- *Over 100 people regularly waiting for visas in space clearly designed for many less on 5th floor of office building. Exits not very clearly marked. Staff shrugged shoulders when risk of overcrowding and blocked exit raised with them.*

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 16 May 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (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.

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On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. 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 during the inspection:

1. Essential Fire Safety Measures

1A. An Annual Fire Safety Statement was not prominently displayed at the premises contrary to the requirements of Clause 177 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg).

1B. Smoke Detection and Alarm Systems

a) Smoke detectors are not installed in the Chinese Visa Application Centre occupancy on Level five (5) of the building to activate a zone smoke control system in accordance with Table E2.2 of the National Construction Code 2016 Volume One, Building Code of Australia (NCC) and Clause 4.10 of Australian Standard (AS) 1668.1.

2. Access and Egress

2A. At the time of the inspection, all exit doors on Level five (5) were operational and unobstructed.

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 of this report be addressed appropriately.

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 BFS18/531 (2876) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

Acting Team Leader
Fire Safety Compliance Unit

FIRE AND RESCUE NSW

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