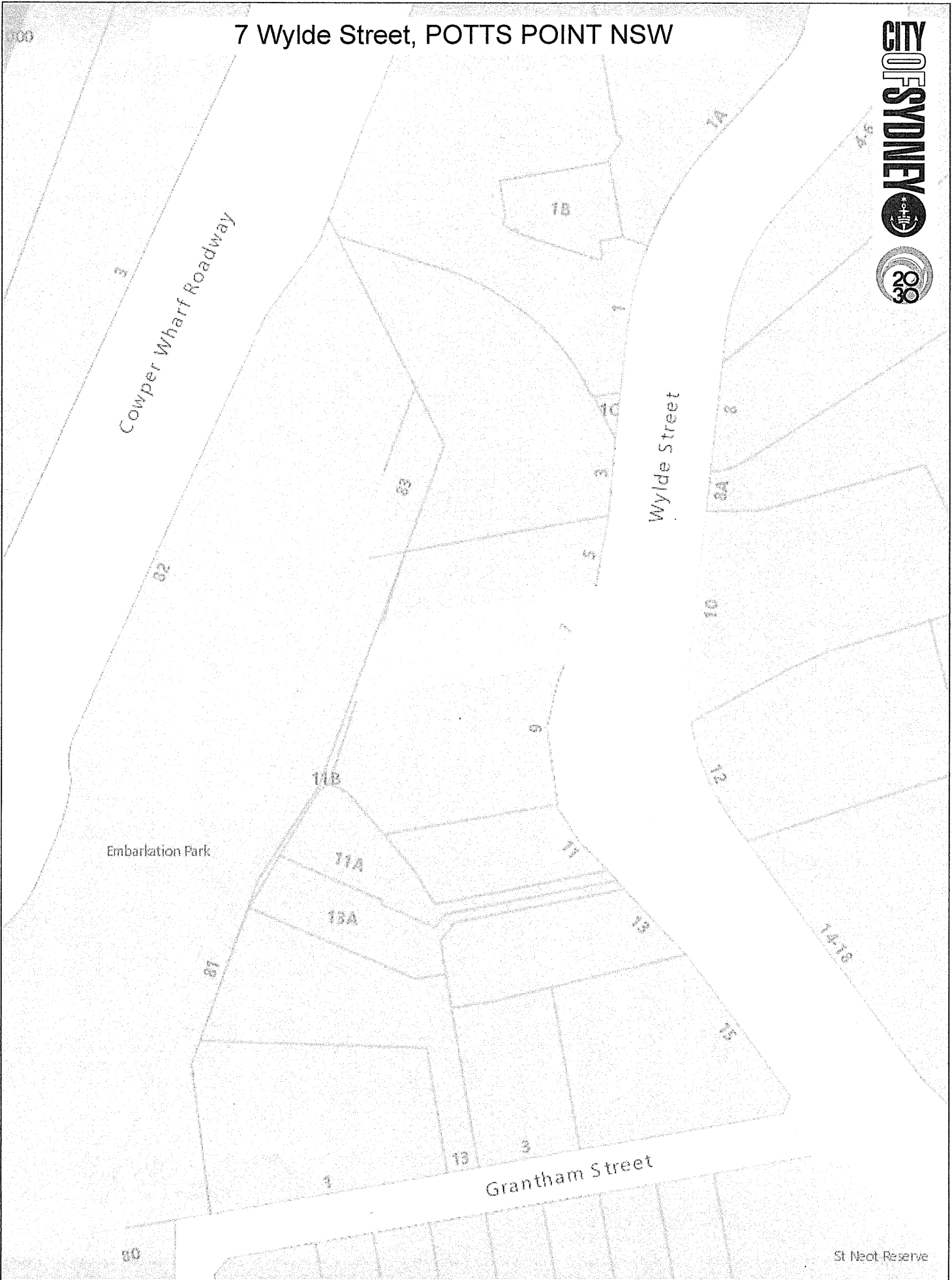


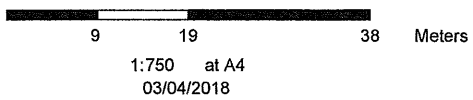
# **Attachment F**

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

# 7 Wylde Street, POTTS POINT NSW



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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: S061652**

**Officer: Michael Merlino**

**Date: 5 April 2018**

**Premises: 7 Wylde Street, POTTS POINT NSW**

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**Executive Summary:**

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

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

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

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

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

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

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

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

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**Chronology:**

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

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**FIRE AND RESCUE NSW REPORT:**

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

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

Issues:

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

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

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

FRNSW Recommendations

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

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

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**COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:**

Issue Order (NOI)	Issue emergency Order	Issue-a compliance letter-of instruction	Cited Matters rectified, no further action	Undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)
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Inspections undertaken by a Council investigation officer in company with two apartment owners of the premises revealed that the above issues of FRNSW have been complied with (Items 1-2).

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

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

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

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**Referenced documents:**

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

**Trim Reference:** 2018/147078

**CSM reference No#:** 1872718

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

27 March 2018

General Manager  
City of Sydney  
GPO Box 1591  
SYDNEY NSW 2001

Email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT  
7 WYLDE STREET, POTTS POINT ("the premises")**

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

The correspondence stated that:

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

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

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

Unclassified

Fire & Rescue NSW

ABN 12 593 473 110

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Fire Safety Compliance Unit

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The inspection was limited to the following:

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

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

## COMMENTS

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

### Essential Services

#### 1. Sprinkler Booster -

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

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

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### Access and Egress

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

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

### **FIRE SAFETY ORDER NO. 6**

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

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

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

### **RE-INSPECTION**

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

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





## RECOMMENDATIONS

FRNSW recommends that Council:

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

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

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

Yours faithfully



Building Surveyor  
Fire Safety Compliance Unit

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



Appendix 1 – Emergency Fire Safety Order

Unclassified



Emergency Fire Safety Order

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

Please note:

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

I, [Name] Building Surveyor [Number]

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

Cabana Home Units Pty Ltd Owner
(legal name of person whom Order is served) (person or company to whom Order is served)

with respect to the premise

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

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

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

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

The terms of the Order are to be complied with:

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

The reasons for the issue of this Order are:

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

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

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

Fire & Rescue NSW  
Community Safety Directorate  
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