

## **Attachment C**

**Inspection Report – 64 Clarence Street,  
Sydney**



*city of sydney*



© City of Sydney Council 2018. All Rights Reserved. This map has been compiled from various sources and the publisher and/or contributors accept no responsibility for any injury, loss or damage arising from the use, error or omissions therein. While all care is taken to ensure a high degree of accuracy, users are invited to notify Council's Spatial Services of any map discrepancies. No part of this map may be reproduced without written permission.

**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 2027746

**Officer:** Hieu Van Luu

**Date:** 21 February 2019

**Premises:** 64 Clarence Street, SYDNEY – Velvet Underground Sydney

---

**Executive Summary**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises at 64 Clarence Street, Sydney with respect to matters of fire safety.

The site is located on the corner of Clarence Street, Erskine Street and York Lane Sydney with the specific tenancy being located on the basement level, access from the corner of Erskine Street and York Lane.

The premises consists of a seven storey building and a basement. A convenience store is located on ground floor level with offices on the upper floors.

Council investigations have revealed that the premises are deficient in fire safety and egress provisions in the following areas:-

- 1) A number of heat detectors provided within the premises in lieu of smoke detectors;
- 2) Issues associate with the maintenance of the existing fire hydrant system;
- 3) The space beneath the non-fire-isolated stair was enclosed to form an office/reception area.

Council investigations have revealed that whilst the overall fire safety systems provided within the subject premises were being maintained and the annual fire safety certification is current and compliant and is on display, the above fire safety deficiencies are required to be addressed.

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

Observation of the external features of the building did not identify the existence of metal composite cladding.

---

**Chronology:**

Date	Event
31/1/2019	FRNSW correspondence of 24 January 2019 received regarding premises 64 Clarence Street, Sydney
18/2/2019	An inspection of the subject premises was undertaken by a Council officer but full access was not allowed due to the Manager was not presented at the premises.
22/2/2019	The premises was reinspected in attendance of the manager. The inspection confirmed the issues raised by FRNSW. The issues associate with the operation of the main entry fire doors have been rectified. All portable fire extinguishers were accessible.

**Referenced documents:**

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/079415-01
A2.	Locality Plan	2019/079415-02
A3	Attachment cover sheet	2019/079415-03

**Trim Reference: 2019/079415****CSM reference No#: 2027746**



File Ref. No: BFS18/3692 (5802)  
TRIM Ref. No: D19/4345  
Contact: [REDACTED]

24 January 2019

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  
'VELVET UNDERGROUND SYDNEY'  
64 CLARENCE STREET, SYDNEY ("the premises")**

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 8 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

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 'Velvet Underground Sydney', 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

Please note, that this report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia - Volume 1 Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed outline concerns that 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 action.

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

1A. Smoke Detection and Alarm System

- A. There were a number of heat detectors within the premises, in lieu of smoke detectors, contrary to the requirements of Specification E2.2a of the NCC.

1B. Fire Hydrant System

- A. Boost pressure and test pressure signage has not been provided in a prominent position adjacent to the fire brigade booster assembly, contrary to the requirements of Clause 7.10.1 of Australian Standard (AS) 2419.1-2005.
- B. Isolating valves were not secured or locked in the open position, contrary to the requirements of Clause 8.5.8 of AS 2419.1-2005.

1C. Fire Doors

- A. The main entry fire doors which separate the reception foyer from the main area of the premises, are held open by magnetic hold open devices. The test button, when pressed, failed to release the magnetic hold of the door to return the door to the fully closed position, contrary to the requirements of Clause C3.4 of the NCC.

1D. Portable Fire Extinguishers (PFE)

- A. A PFE located in the south-western corner of the premises was not readily accessible, as there were items stored in front of it, contrary to the requirements of Clause 3.2 of AS 2444-2001.

2. Access and Egress

- 2A. Space under stairs – A space beneath the non-fire-isolated stair, providing access/egress from the 'premises' was enclosed and used as

an office / reception area, contrary to the requirements of Clause D2.8(b) of the NCC.

### 3. Generally

#### 3A. Fire Hydrant System

It appears that the fire hydrant system may have been installed in accordance with the provisions of Ordinance 70, however, the block plan states the system was installed to AS2419 (1994), with the year of installation nominated as 2002.

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

#### ***Fire hydrant system in existing premises***

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

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

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 [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/3692 (5802) for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]  
Senior Building Surveyor  
Fire Safety Compliance Unit