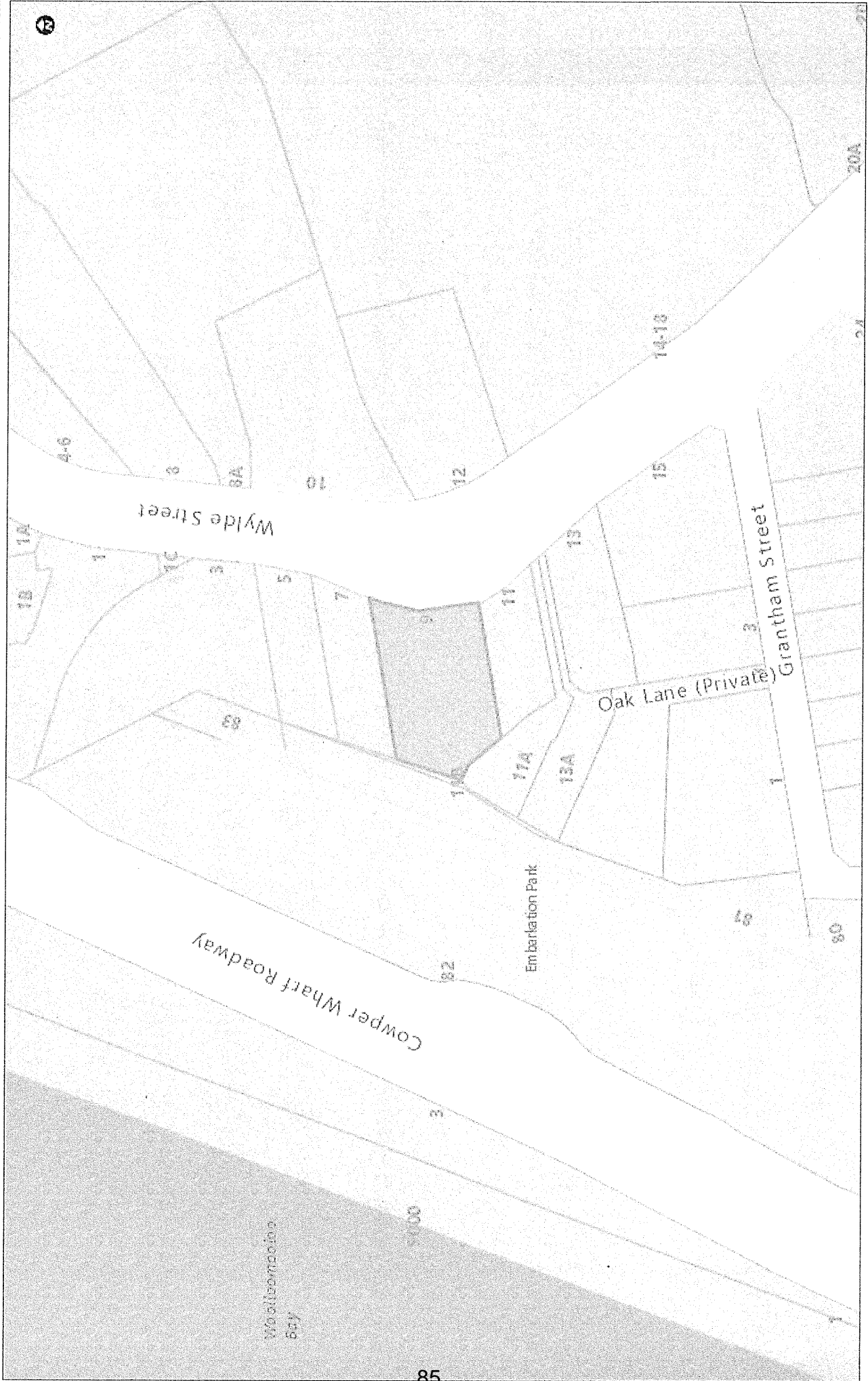


Attachment G

**Inspection Report -
9 Wylde Street, Potts Point**

9 Wyde Street Potts Point



city of 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 2041538

Officer: Craig Hann

Date: 18 March 2019

Premises: 9 Wylde Street Potts Point - Wyldesyde

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 used as residential apartments. There are twenty five (25) apartments in the building. The building is located within a Heritage Conservation Area under the Sydney LEP 2012.

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

(i) Inadequate fire detection and alarm systems; an alarm system zone block plan isn't displayed at the fire indicator panel;

(ii) Suitable fire resisting construction to prevent the spread of fire; external window wetting sprinklers and the automatic closing devices for fire doors aren't listed on the building's fire safety schedule and therefore not subject to annual certification;

(iii) Safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire; handles to exit doors aren't single hand downward action lever type;

(iv) Poor fire safety management systems (signs/notices/not displayed etc.) in place; operational warning signs aren't displayed on the automatic closing fire doors;

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a fire safety order to be issued 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 metal composite cladding.

Chronology:

Date	Event
21/2/2019	FRNSW correspondence received regarding premises 9 Wylde Street Potts Point. The building is named Wyldesyde. Incorrectly spelt Wydeside in the FRNSW correspondence.
15/3/2019	An inspection of the subject premises was undertaken by a Council officer following arrangements with the building's strata manager and fire services contractor. The inspection revealed: Locked exit door enquiry – the door is associated with an external rear circulation stair that doesn't form part of the building's exit system. The locked door is compliant.

The internal public corridor and associated stairs were clear of obstructions and found to be compliant.

Fire resistant doors – the double fire doors were to not close fully due to the latches of the two (2) doors leafs not sequencing correctly. Corrective maintenance works are required to the closing and latching operation of the existing fire doors. Also, the fire door's automatic electromagnetic hold open / release devices aren't listed on the building's fire safety schedule and therefore not subject to annual certification. A fire safety order will address all these matters.

Exit door handles – the handles of the exit doors were found to be round knob style handles. These can be changed to single hand downward action lever type handles in accordance with the building regulations to provide for ease of operation by all occupants.

Fire detection and alarm systems - an alarm system zone block plan isn't displayed at the fire indicator panel in accordance with building regulations. A plan should be displayed to assist FRNSW operations at the building, if required. A fire safety order will address this matter.

Prevent the spread of fire – existing external window wetting sprinklers aren't listed on the building's fire safety schedule and therefore they're not subject to annual certification. A fire safety order will provide for an updated fire safety schedule including this fire safety measure;

Fire safety signs - operational warning signs aren't displayed on the automatic closing fire doors. A fire safety order will require suitable signs be installed and issue a new fire safety schedule including this fire safety measure.

FIRE AND RESCUE NSW REPORT:

References: BFS18/3494, D19/11385; 2019/090658

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about an 'exit' door being locked.

The inspection by FRNSW revealed the locked 'exit' door that was enquired about is not actually part of the building's exit system.

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

1. a set of automatic double leaf fire doors did not fully close;
2. exit door handles are round knob style rather than single hand downward lever action type.

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;

FRNSW has referred the matter to Council as the appropriate regulatory authority.

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)
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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 to be issued 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 determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/090658
A2.	Locality Plan	2019/104562-01
A3	Attachment cover sheet	2019/104562-02

Trim Reference: 2019/104562

CSM reference No#: 2041538



File Ref. No: BFS18/3494 (5619)
TRIM Ref. No: D19/11385
Contact: [REDACTED]

19 February 2019

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
WYLDESIDE
9 WYLDE STREET POTTS POINT ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 26 November 2018, in relation to the adequacy of the provision for fire safety in connection with 'the premises.

The correspondence stated that:

- The fire stairs at the top of the building are always locked and occupants are prevented from access to them. In case of a fire, there is no means of escape for occupants of the upper level and that is terrifying. This issue has been brought to Strata's attention and to the attention of the owners committee. Both are more concerned that occupants could possibly use the hallway for storage and completely ignore the real risk the obstruction of access to the fire stairs poses for residents. Please investigate with urgency, as this would undoubtedly lead to a loss of life in case of a fire.
- Residents should at least be provided with a key to get access to this fire exit in case a fire ever occurred.

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 18 February 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

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 7437
F (02) 9742 7483

www.fire.nsw.gov.au

Page 1 of 3

- 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

FRNSW is of the opinion that the locked exit in the fire safety concern relates to open circulation stairs at the rear of building. These stairs do not appear to form part of the exit strategy at the premises. FRNSW were unable to contact the complainant to confirm this. FRNSW therefore believe that the concern is not valid.

The following items were identified as concerns during the inspection:

1. Generally

1A. Fire Resistance

- A. The double leaf fire door set located outside of unit 5 failed to return to a fully closed position contrary to the requirements of Clause C3.7 of the National Construction Code 2016 Volume One, Building Code of Australia (NCC). The auto flush bolt installed on the inactive door leaf was jammed and failed to strike the door set sequencer to allow the active leaf to close fully.

1B. Access and Egress

- A. The fire doors on each level are not fitted with lever action handles in accordance with Clause D2.21 of the NCC. In this regard the fire doors are fitted with round/knob style latches.

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

RECOMMENDATIONS

FRNSW recommends that Council:

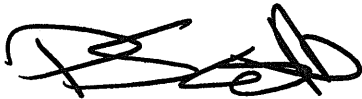
- a. Inspect and address any other deficiencies identified on 'the premises' and require item no. 1 of this report be addressed appropriately.

Unclassified

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 Senior Firefighter [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/3494 (5619) for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]
Team Leader Fire Safety Compliance
Fire Safety Compliance Unit