

Attachment M

**Inspection Report -
76-78 Liverpool Street, Sydney**



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

File: 2019/370309

Officer: Andrew Porter

Date: 24 July 2019

Premises: 76 - 78 Liverpool Street Sydney

Executive Summary:

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

The building is five storey's located on Liverpool Street between Kent Street and Sussex Street, Sydney. The building contains a mixture of commercial uses namely offices, educational and retail premises.

Specifically the correspondence from FRNSW related to an inspection they had undertaken of the 'D21 Ice Cream' retail tenancy within the building after receiving correspondence related to concerns the correspondent had with the retail tenancy being located within the same part of the building housing the sprinkler booster and sprinkler pump and control valves.

FRNSW inspected the building on 26 June 2019 and found the sprinkler booster and control valves to be located inside of the retail tenancy 'D21 Ice Cream'. FRNSW determined that the sprinkler booster and control valves were not in a position that is readily accessible to attending fire brigade personnel and the sprinkler booster connection is not adequate to undertake firefighting operations in the event of a fire emergency at the premises.

An inspection of the building undertaken by a Council investigation officer on 24 July 2019 in the presence of the building manager identified that the building is deficient in fire safety provisions in that the provisions within the building are inadequate to suppress fire and prevent the spread of 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 metallic sheet cladding.

Chronology:

Date	Event
12/07/2019	FRNSW correspondence received regarding premises at 76-78 Liverpool Street Sydney.
24/07/2019	An inspection of the subject building was undertaken by a Council officer and it was found that the building is deficient in fire safety provisions in the following areas: <ul style="list-style-type: none">➤ The sprinkler booster assembly and sprinkler control valves were not in a position that is readily accessible to attending FRNSW personnel;➤ The sprinkler heads within the 'D21 Ice Cream' tenancy were obstructed by fixtures attached to the ceiling;➤ The current fire hydrant system within the building does not meet the current operational needs of FRNSW;

FIRE AND RESCUE NSW REPORT:

References:

BFS18/1457 (3707); TRIM D19/46664

Fire and Rescue NSW conducted an inspection of the subject premises on 26 June 2019. The inspection report relevant to this inspection is dated 12 July 2019.

Issues:

The report from FRNSW detailed the following issues within the building:

- The sprinkler booster assembly is located within the building and the sprinkler control valves are not readily accessible to responding FRNSW personnel contrary to the requirements of the standard.
- The fire hydrant system appears to be installed in accordance with Ordinance 70 and Ministerial Specification No. 10. In light of this FRNSW brings to your attention a position statement published by FRNSW on 8 January 2019.

FRNSW Recommendations:

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

1. Council in its capacity as the regulatory authority, inspect and address the items identified in their report and any other deficiencies identified on the premises.
2. Council note FRNSW position statement published by FRNSW on 8 January 2019 in relation to hydrant systems and consider requiring the hydrant within the premises to be upgraded to meet the requirements of the current standard and or partially upgraded to meet the operational needs of FRNSW.
3. Council advise FRNSW 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 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	2019/370309-01
A2.	Locality Plan	2019/370309-02
A3	Attachment cover sheet	2019/370309-03

Trim Reference: 2019/370309

CSM reference No#: 2121134



File Ref. No: BFS18/1457 (3707)
TRIM Ref. No: D19/46664
Contact: [REDACTED]

12 July 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

**Re: INSPECTION REPORT
76-78 LIVERPOOL 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:

- *Ice cream shop in sprinkler booster room*

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 26 June 2019 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

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 2019 Building Code of Australia – Volume One (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

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

1. Essential Fire Safety Measures

- 1A. Automatic Fire Suppression System - The sprinkler booster connection and control valves are located inside the building, within the 'D21 Ice Cream' tenancy, contrary to the requirements of Clause 4.4.3 of AS 2118.1-1999 and Specification E1.5 of the NCC. FRNSW are of the opinion that the booster connection and control valves are not in a position that is readily accessible to fire brigade personnel and furthermore, the booster connection does not suit the operational requirements of FRNSW.

2. Generally

- 2A. Fire Hydrant System: The fire hydrant system appears to installed in accordance with Ordinance 70 and Ministerial Specification No.10.

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

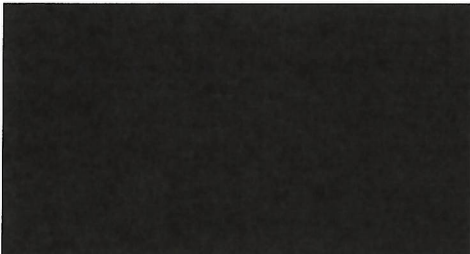
FRNSW recommends that Council:

- 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 BFS18/1457 (for any future correspondence in relation to this matter.

Yours faithfully



Fire Safety Compliance Unit