

# **Attachment D**

**Inspection Report -  
16-20 Smail Street, Ultimo**



**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 2113327**

**Officer: G. Scotton**

**Date: 18 July 2019**

**Premises: 16-20 Smail Street, Ultimo**

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**Executive Summary:**

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

The premises, known as the Fusion building, is an eight storey residential with basement parking, located bounded by Smail Street, Mountain Street and Blackwattle Lane.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building manager 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.

Council investigations have revealed that whilst there are several minor fire safety maintenance and management works to attend to such as signage to indicate the location of fire safety measures, correction of some fire door and exit 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 through written instruction from Council.

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

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**Chronology:**

Date	Event
28/6/2019	FRNSW correspondence dated 28 June 2019 received regarding premises
19/7/2019	<p>An inspection of the subject premises was undertaken by a Council officer, when the following was noted:</p> <ol style="list-style-type: none"><li>1. Fire safety measures were observed to be adequately maintained, and the fire safety schedule for the premises includes twenty two fire safety measures, including automatic fire detection system, building occupant warning system, sprinklers, smoke doors, stair pressurisation, and emergency warning systems</li></ol> <p>In particular, in relation to the matters raised by FRNSW:</p> <ol style="list-style-type: none"><li>2. The fire pump/smoke doors were maintained</li><li>3. The hydrant/sprinkler boosters were provided with Storz fittings/locked open as required</li><li>4. The sprinkler heads and spanner supply was provided</li><li>5. The fire alarm panel was operational/maintained, the mimic panel was powered/functional, and the building manager advised that aspects of this system which became defective, have recently been replaced and that the emergency warning system was tested on 19 July 2019 with no issues</li></ol>

## **FIRE AND RESCUE NSW REPORT:**

References: [BFS18/402, 2019/360751-03]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving correspondence alleging fire safety measures were not adequately maintained, namely the emergency warning system not operating, and isolations to the fire alarm system.

### Issues

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

1. Aspects of fire safety measures were not adequately maintained, namely fire pump protective measures, full closing of smoke doors, booster assembly, spare sprinkler heads and mimic panel.

### FRNSW Recommendations

FRNSW recommended:

1. That Council inspect the subject premises and appropriately address deficiencies identified by FRNSW, and any other deficiencies identified on the premises;

FRNSW have also requested 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)

Inspections undertaken by a Council investigation officer in company with the building manager of the premises revealed that the above recommendations of FRNSW have been complied with.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

### **Referenced documents:**

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/360751-03
A2.	Locality Plan	2019/360751-02
A3	Attachment cover sheet	2019/360751-01

**Trim Reference:** 2019/360751

**CSM reference No#:** 2113327



File Ref. No: BFS18/402  
TRIM Ref. No: D19/23575  
Contact: [REDACTED]

28 June 2019

General Manager  
City of Sydney  
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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  
FUSION  
16-20 SMAIL STREET 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 that:

*Called to an AFA. EWIS did not activate.*

*104 zones in isolation. Cleaner advised to contact building manager. Cleaner unable to provide further details.*

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 19 March 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 2016 Building Code of Australia – Volume One Amendment 1 (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 during the inspection:

### 1. Essential Fire Safety Measures

- 1A. Fire Pump - The exhaust system provided to the fixed on-site pump was not suitably guarded, lagged, shielded or cooled to prevent fire hazards and injury to operators, contrary to the requirements of Clause 9.3.5 of AS 2941-2013.
- 1B. Smoke Doors – The smoke doors within the corridor at level 2, building B, failed to return to the fully closed position when the magnetic hold open devices were released, contrary to the requirements of Clause 3, Specification C3.4 of the NCC.
- 1C. Hydrant Booster Assembly – The above ground isolating valve was not secured or locked in the open position, contrary to the requirements of Clause 8.5.8 of AS 2419.1-2005.
- 1D. Sprinkler Heads - A full stock of spare sprinklers and a spanner had not been provided at the sprinkler control valves, contrary to the requirements of Clause 6.7 of AS 2118.1-1999.
- 1E. Mimic Panel – There was no power to the mimic panel at the entrance to building B, indicating that the Fire Detection and Alarm System was not being maintained, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) and Section 6 of AS1851-2012.

- 1F. Sprinkler Booster Assembly - Storz couplings, compatible with FRNSW firefighting hose connections have not been provided to all valves of the sprinkler booster assembly, in accordance with the requirements of AS2118 and 'FRNSW Fire safety guideline, Technical information – FRNSW Compatible Storz hose connections (Document no. D15/45534 – Version 09 – Issued 10 January 2019)'.

2. Generally

- 2A. Discussions with the Building Manager at the time of the inspection revealed that the original fire safety concern lodged with FRNSW, confirmed that management were aware of issues with the Fire Detection and Alarm System. These included electrical issues which have caused faults at the Fire Indicator Panel (FIP). The Building Manager confirmed that the owners are considering options to ensure that the system is operating to the standard to which it was first installed, including an upgrade of the system. It should be noted that, at the time of the inspection, the FIP displayed the system as operating and was "normal".

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

## RECOMMENDATIONS

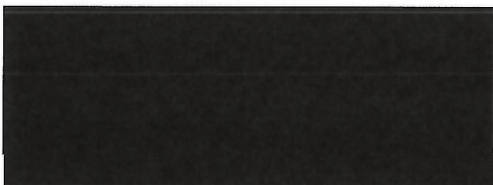
FRNSW recommends that Council:

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) [REDACTED]. Please ensure that you refer to file reference BFS18/402 for any future correspondence in relation to this matter.

Yours faithfully



Fire Safety Compliance Unit