

Attachment C

**Council Officer Inspection Report –
1-73 Broadway, Ultimo**

Locality Plan 1-73 Broadway Ultimo



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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 2163609

Officer: Bilal Badyari

Date: 23 October 2019

Premises: 1-73 Broadway, ULTIMO NSW 2007

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises referred to as 61 Broadway Ultimo ("the premises") with respect to matters of fire safety.

The premises consists of a seventeen storey building, is located on the south of Broadway with secondary frontages located on Jones Street, Thomas Street and Harris Street in Ultimo. The premises is used as an educational building associated with the University of Technology (UTS)" identified as Building No. 2.

- The basement levels containing a plant room and other.
- The ground level containing reception and library facilities.
- All other levels are containing class rooms and other educational purposes.

Council investigation have revealed that the premises is currently subject of a Complying Development Certificate for building works monitored by private certifying authority.

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 the premises are not 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 identified the existence of a combustible composite cladding material.

It is to be noted that the building owners have registered details of the building's cladding through the NSW Government Planning Portal. Under the current City cladding compliance program City officers are conducting a review of the cladding material to determine whether any further enforcement action will be required.

Chronology:

Date	Event
27/09/2019	FRNSW correspondence received regarding premises 61 Broadway Ultimo, University of Technology Sydney- Building 2 in relation to their inspection.
27/09/2019	Desktop review revealed the building is subject of a current Complying Development Certificate and Interim Occupation Certificate issued by a Private Accredited Certifier pertaining to internal fit out/building works.

3/10/2019	An inspection of the subject premises was undertaken by Council officers in presence of the managers and caretaker of the building. The inspection confirmed existing fire safety measures were functioning at time of inspection. Exit doors fitted with automatic fail safe device(s); it is noted upon alarm activation locks to fire exit doors would deactivate.
15/10/2019	Council wrote the Principal Certifying Authority (PCA) for the development, seeking confirmation of buildings compliance with regards to the egress / exit signage matters as raised by FRNSW. The PCA has since confirmed compliance of the building.

FIRE AND RESCUE NSW REPORT:

References: [BFS19/3003 (8809), D19/65928]

Fire and Rescue NSW (FRNSW) conducted an inspection of the subject premises in accordance with Section 9.32 (1) of the Environmental Planning and Assessment Act 1979 (the Act).

Issues

1. Doors relating to Fire Exits secured with magnetic latches throughout the fire isolated exit and release the lock upon trip of the smoke detection system.
2. Exit signs not displayed in accordance with EP4.2 of the NCC.

FRNSW Recommendations

FRNSW have recommended that Council, being the appropriate regulatory authority, seek to address any deficiencies associated with the issues identified above.

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed;

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 not to give a fire safety order as the building is subject of a Complying Development Certificate for building works monitored by private certifying authority.

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	2019/485233
A2.	Locality Plan	2019/539352-01
A3	Attachment cover sheet	2019/539352-02

Trim Reference: 2019/539352

CSM reference No#: CSM 2163609



File Ref. No: BFS19/3003 (8809)
TRIM Ref. No: D19/65928
Contact: [REDACTED]

24 September 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: UNIVERSITY OF TECHNOLOGY SYDNEY - BUILDING 2
61 BROADWAY ULTIMO ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 11 September 2019, in relation to 'the premises'. The correspondence stated that:

- *All internal doors leading to exit stairs in this building are locked and cannot be accessed from inside the building for egress.*
- *Noticed doors on multiple floors are secured and cannot be opened. I believe the whole building is affected.*
- *The only exit from some floors would appear to be via elevator.*

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 Select Date 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

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items are limited to observations of the building accessed at the time of the inspection and identifies possible deviations from the National Construction Code 2019, Volume 1 Building Code of Australia (NCC). FRNSW acknowledges that the deviations may contradict development consent approval. It is therefore council's discretion as the appropriate regulatory authority to consider the most appropriate action.

The following items were identified as concerns during the inspection:

1. Access & Egress

1A. Doors relating to Fire Exits – At the time of the inspection, the signposted exit doors from the premises were locked. Discussions with the Facilities Manager at the time revealed:

- A. That the doors are secured with magnetic latches throughout the fire isolated exit and release the lock upon trip of the smoke detection system.
- B. That there may be an alternate solution associated with the exits for the building.
- C. The decision to have the exit doors locked maybe based on security for the building and its students.
- D. It is at council's discretion to determine whether the locked doors contravene Clause 184 and Clause 185 of the EP&A Regulation.

1B. Exit Signs – Performance Requirement EP4.2 of the NCC requires that suitable signs be installed to identify the location of exits and guide occupants to exits. At first sight the following observations were noted upon entering the fire isolated exit in building 2:

- A. The cues to identify an exit was confusing as it did not clearly identify which floor you could exit out of the building.
- B. There were signs that were attached to walls or doors at various locations. The signs did not appear to meet any Australian Standard or NCC requirement for exit signs. The signs:
 - i. Included texts in the form of questions and answers, e.g. "Where are you" / "You are in Building 02 – Level 1 – Fire Satir 22"

- ii. Details of who to call for assistance.
- iii. Arrows that directed occupants to an exit to the street.
- C. A review of the exit strategy may be required as the signs could easily be missed.

2. Generally

- 2A. Items that may warrant further investigation – An investigation may be required by council as the appropriate regulatory authority, to confirm:
 - A. What alternate solutions apply to the building?
 - B. Whether the considerations for security formed part of the development consent approval or alternate solutions for the building.

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 [REDACTED]. Please ensure that you refer to file reference BFS19/3003 (8809) for any future correspondence in relation to this matter.

Yours faithfully



Fire Safety Compliance Unit