

# Attachment C

**Council Officer Inspection Report -  
767 Botany Road, Rosebery**



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**Council investigation officer Inspection and Recommendation Report**  
**Clause 17(2), Part 8 of Schedule 5, of the Environmental Planning and Assessment Act**  
**1979 (the Act)**

**File:** CSM 2284246

**Officer:** Luke Jeffree

**Date:** 15 May 2020

**Premises:** 767 Botany Road, Rosebery

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**Executive Summary:**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 3 April 2020 in relation to 767 Botany Road, Rosebery.

The premises is a six storey mixed use development consisting of 88 residential apartments, car parking & central landscaped areas. The site is generally rectangular in shape, with an area of approximately 4006 m<sup>2</sup>, bounded by Botany road to the west, Hayes Road to the south, and Jones Lane to the east. The site once contained a warehouse occupied by Swadling's Timber and Hardware, which was destroyed by a fire in 2008.

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 within the building.

The premises are equipped with numerous fire safety systems (both active and passive) that provide adequate safety for occupants. The annual fire safety certification is current and compliant and is on display in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Council investigations have revealed that whilst there remains several minor fire safety maintenance and management works to attend to concerning system block plans, warning signage and fire sealant work, the overall fire safety systems provided are adequate.

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(s) through written instruction from Council.

Observation of the external features of the building did not identify any potential combustible composite cladding on the façade of the building.

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**Chronology:**

<b>Date</b>	<b>Event</b>
03/04/2020	FRNSW correspondence received regarding premises at Asper, 767 Botany Road, Rosebery [known under council records as 767 Botany Road, Rosebery]
06/04/2020	<p>Council officer carried out a desktop review which revealed that the Annual Fire Safety Statement (AFSS) dated November 2019 (13/11/2019) as mentioned in FRNSW's correspondence is not the most current &amp; compliant AFSS. Moreover the referenced AFSS was an interim AFSS. The interim AFSS was submitted by the owner's property manager to the City last year to certify other essential fire measures in the building whilst maintenance works were being carried out to the buildings automatic fire sprinkler system &amp; drencher system.</p> <p>Correspondence on file confirms that Sydney Water had reduced the water pressure in the street mains and subsequently works were carried out by the owner to ensure that the required water pressure and flow rate was provided to the automatic fire sprinkler system &amp; drencher system.</p> <p>Furthermore the Council Officer noted a compliant AFSS dated 29/11/2019 was recorded on the city's essential services annual certification register. The AFSS certifies the automatic fire sprinkler system &amp; drencher system as compliant with the applicable Australian</p>

	standards.
30/04/2020	<p>An inspection of the subject premises was undertaken by a Council officer with the building manager.</p> <p>The inspection revealed that the most current AFSS was on display and located prominently with the building foyer. Also it was noted by the officer that the interim AFSS as mentioned by FRNSW had been removed.</p> <p>The inspection verified the items of concern (regarding the fire sprinkler system block plan, fire hydrant system block plan, lack of warning sign, and inadequate fire sealing in the fire isolated stairs), were non-compliant with the applicable regulations. Furthermore the officer observed that the isolation valve for the drencher system &amp; self-closer to door (adjacent to car parking space) as mentioned in FRNSW correspondence were installed and compliant with the applicable building regulations.</p> <p>With respect FRNSW's concern raised in their correspondence regarding the operational capability of the buildings automatic fire sprinkler system, the Council officer verified that the water pressure and flow rate to the system was compliant with the requirements of the applicable Australian standard. Also the officer verified that the current AFSS confirms that the system is capable of operating to the standard of performance as prescribed in the buildings current fire safety schedule.</p> <p>Shortly after the inspection the Council officer telephoned the relevant fire officer seeking clarification regarding comments within FRNSW's correspondence about "<i>Access and Egress (item 2A. A)</i>". The officer clarified to Council officer that the aforementioned comments were included in error on page 3 of their correspondence. Furthermore the officer advised that item "2A. A" was supposed to be only included as a comment on page 1 of their correspondence and that it is not a matter that requires investigation by Council. The officer also clarified that the correspondence received by them (Refer to page 1 of FRNSW correspondence) was from an internal enquiry (within FRNSW) and not from any resident in the building.</p>

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

References: [D20/24575; 2020/157699]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry in relation to the adequacy of the provision of fire safety in connection with the premises;

#### Issues

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

1. Lack of required warning sign provided at fire hydrant booster assembly;
2. A concern regarding operational capability of the automatic fire sprinkler system;
3. Lack of fire hydrant system block plan provided at fire hydrant booster assembly;
4. A concern regarding an essential fire safety measure (drencher system) not listed on AFSS;
5. Defective fire hydrant block plan & fire sprinkler system block plan;
6. Inadequate fire sealing within fire isolated stairs;
7. Lack of self-closing device provided to required fire door in carpark;

## FRNSW Recommendations

FRNSW have recommended that Council inspect the subject premises and take action to have the listed fire safety issues appropriately addressed.

FRNSW have also requested that as soon as practical after the above report has 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.

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### **COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:**

<del>Issue- Order(NOI)</del>	<del>Issue- emergency- Order</del>	Issue a compliance letter of instruction	<del>Cited- Matters- rectified</del>	<del>Continue to undertake- compliance action in- response to issued- Council correspondence</del>	<del>Continue with- compliance actions- under the current- Council Order</del>	<del>Other (to- specify)</del>
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As a result of site inspections undertaken by Council investigation officer it is recommended that the owners of the building be issued with written instructions to rectify the identified fire safety deficiencies noted by FRNSW.

The above written instructions will direct the owners of the premises to carry out remedial actions to existing fire systems to cause compliance with required standards of performance.

Follow-up compliance inspections are currently being undertaken, and will continue to be undertaken by a Council officer to ensure all identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence and the recommendations of FRNSW occur.

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

That the Commissioner of FRNSW be advised of Council's actions and determination.

#### **Referenced documents:**

<b>No#</b>	<b>Document type</b>	<b>Trim reference</b>
A1.	Fire and Rescue NSW report	2020/200163-01

**Trim Reference:** 2020/200163

**CSM reference No#:** 2284246



File Ref. No: BFS20/287 (10352)  
TRIM Ref. No: D20/24575  
Contact: [REDACTED]

3 April 2020

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  
ASPER  
767 BOTANY ROAD ROSEBERY (“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 in part that:

- *Incorrect locks have been fitted to the fire stairs.*

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 9 March 2020 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.

Fire and Rescue NSW

ABN 12 593 473 110

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

Community Safety Directorate  
Fire Safety Compliance Unit

1 Amarina Ave  
Greenacre NSW 2190

T (02) 9742 7434  
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## COMMENTS

The following items were identified as concerns during the inspection:

### 1. Essential Fire Safety Measures

#### 1A. Fire Hydrant System

- A. The fire hydrant block plan indicates that the fire hydrant pumpset is installed in series with the fire hydrant booster assembly. An engraved warning sign and a 150mm pressure gauge is not installed at the booster assembly contrary to the requirements of Clause 7.6 of AS2419.1-2005.
- B. The fire hydrant block plan is not installed behind the hydrant booster contrary to the requirements of Clause 7.11 of Australian Standard (AS) 2419.1-2005. The block plan is installed at the fire sprinkler booster assembly.

#### 1B. Automatic Fire Sprinkler System

##### A. Sprinkler System

- i. The AFSS dated November 2019 states “water pressure issues, under investigation”. FRNSW are unable to determine if the sprinkler system is capable of operating to the standard of performance as detailed in AS2118.1-1999.

##### B. Drencher System

- i. The following observations were made regarding the drencher system that is installed at the premises.
  - a. The Annual Fire Safety Statement (AFSS) does not list the drenchers system (AS2118.2-2010) as an essential fire safety measure.
  - b. Both the fire sprinkler system and fire hydrant installation block plans indicate that the drencher system is connected to each system.
  - c. An alarm valve for the drenchers is located on the northern side of the building in the sprinkler valve enclosure. The block plan adjacent to the alarm valve represents the sprinkler installation for the carpark and does not detail the drencher system and its area of coverage.
  - d. An isolation valve and isolation label were not installed contrary to the requirements of Clause 3.3.2 and Figure 3.3 of AS2118.2-2010.
- ii. FRNSW recommend a survey of the drencher system be undertaken to determine the standard of performance it

installed to and make necessary adjustments to block plans, the AFSS and the Fire Safety Schedule.

2. Generally

2A. Access and Egress

- A. FRNSW tested all final exit doors and multiple egress doors at the premises and found the doors to operate as required. Keyed locks on the doors were installed to allow occupants to gain entry to the building should lifts fail.

2B. Separation

- A. Multiple fire isolated stairs are inadequately sealed to prevent smoke or heat passing from a fire compartment or adjoining scissor stair contrary to the requirements of Clause D1.3 of the of the National Construction Code 2019 Volume One, Building Code of Australia (NCC). Air movement and light was evident between the enclosing wall and stairway stringers.
- B. The door adjacent to carparking space #16, which provides separation between the carpark and the Chiro Club does not automatically close upon opening as the self-closer has been removed contrary to the requirements of Clause C2.8 of the NCC.

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

**RECOMMENDATIONS**

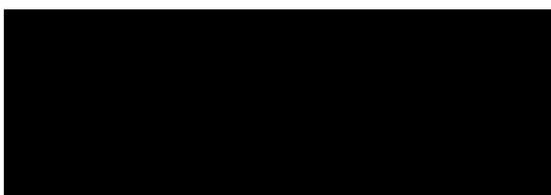
FRNSW recommends that Council:

- 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 Station Officer [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS20/287 (10352) for any future correspondence in relation to this matter.

Yours faithfully



Fire Safety Compliance Unit