

## Fire Safety Reports

**File No: S105001.002**

### Summary

The City of Sydney regularly receives building reports from Fire and Rescue NSW in relation to inspections carried out by Fire and Rescue NSW Authorised Officers. These inspection reports are to be reported to Council and Council is required to determine whether to exercise its power to issue fire safety orders under Division 9.3 and Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act).

This report includes 10 Fire and Rescue NSW inspection reports, seven of which have resulted from Fire and Rescue NSW assessing the suitability of buildings being considered by the NSW Government for Covid-19 quarantine purposes. The three inspection reports at Attachments B through to D result from routine Fire and Rescue NSW inspection activities. The remaining seven inspection reports at Attachments E through to K relate to Fire and Rescue NSW Covid-19 related inspections.

All inspections were undertaken to ensure fire safety measures were in full operation and that building exits were clear and unimpeded. It was determined that these inspections were necessary as the exit strategies of these buildings may be modified to cater for the occupants being in quarantine.

Fire and Rescue NSW inspections revealed fire safety concerns that may require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

Fire and Rescue NSW has powers under the Environmental Planning and Assessment Act 1979 (the Act) to carry out inspections of buildings and it is required to forward its findings to the City.

Fire and Rescue NSW reports received by the City are required to be tabled before Council. Attached are details of the reports received by the City from Fire and Rescue NSW. The attachments deal with a specific property and include the Fire and Rescue NSW report and the findings (preliminary or final) by the City's Investigation Officer, along with other documentation relevant to that property.

A recommendation is made in the attachment setting out the most appropriate action in the circumstances.

## Recommendation

It is resolved that Council:

- (A) note the contents of the Fire Safety Report Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection reports by Fire and Rescue NSW, as shown at Attachments B to K of the subject report;
- (C) exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order as recommended by the City's Investigation Officer to address the identified fire safety deficiencies in 197-199 Castlereagh Street, Sydney as detailed in Attachment B;
- (D) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action taken as recommended by the City's Investigation Officer at 5 Defries Avenue and 5 Hutchinson Walk, Zetland as detailed in Attachment C;
- (E) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action as recommended by the City's Investigation Officer in 715-723 George Street, Haymarket as detailed in Attachment D;
- (F) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action taken as recommended by the City's Investigation Officer in 169-179 Thomas Street, Haymarket as detailed in Attachment E;
- (G) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action as recommended by the City's Investigation Officer in 161 Sussex Street, Sydney as detailed in Attachment F;
- (H) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action as recommended by the City's Investigation Officer in 100 Murray Street, Sydney as detailed in Attachment G;
- (I) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action as recommended by the City's Investigation Officer in 488 George Street, Sydney as detailed in Attachment H;
- (J) exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order as recommended by the City's Investigation Officer in 803-813 George Street, Haymarket as detailed in Attachment I;

- (K) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action as recommended by the City's Investigation Officer in 93-105 Quay Street, Haymarket as detailed in Attachment J;
- (L) not exercise its power to issue a Fire Safety Order under the Environmental Planning and Assessment Act 1979 at this time but note the compliance action as recommended by the City's Investigation Officer in 49-51 Market Street, Sydney as detailed in Attachment K.

## **Attachments**

<b>Attachment A.</b>	Fire Safety Report Summary Sheet
<b>Attachment B.</b>	Inspection Report - 197-199 Castlereagh Street, Sydney
<b>Attachment C.</b>	Inspection Report - 5 Defries Avenue and 5 Hutchinson Walk, Zetland
<b>Attachment D.</b>	Inspection Report - 715-723 George Street, Haymarket
<b>Attachment E.</b>	Inspection Report - 169-179 Thomas Street, Haymarket
<b>Attachment F.</b>	Inspection Report - 161 Sussex Street, Sydney
<b>Attachment G.</b>	Inspection Report - 100 Murray Street, Sydney
<b>Attachment H.</b>	Inspection Report - 488 George Street, Sydney
<b>Attachment I.</b>	Inspection Report - 803-813 George Street, Haymarket
<b>Attachment J.</b>	Inspection Report - 93-105 Quay Street, Haymarket
<b>Attachment K.</b>	Inspection Report - 49-51 Market Street, Sydney

## Background

1. The City receives inspection reports and recommendations from Fire and Rescue NSW in relation to inspections carried out on buildings located within the City's local government area.
2. Under the Environmental Planning and Assessment Act 1979, (the Act), Fire and Rescue NSW has the power to carry out inspections of buildings to determine if the building has adequate provision for fire safety and/or is compliant with legislation.
3. On average, the City receives approximately 50 such reports each year. They can be prompted by reports from the Police or other people who have a concern relating to fire safety in a building.
4. This report includes 10 Fire and Rescue NSW inspection reports, seven of these because Fire and Rescue NSW has been assessing the suitability of buildings being considered by the NSW Government for Covid-19 quarantine purposes. The three Inspection reports at Attachments B through to D result from routine Fire and Rescue NSW inspection activities. The remaining seven inspection reports at Attachments E through to K relate to Fire and Rescue NSW Covid-19 related inspections.
5. All inspections were undertaken to ensure fire safety measures were in full operation and that building exits were clear and unimpeded. It was determined these inspections were necessary as the exit strategies of these buildings may be modified to cater for the occupants being in quarantine.
6. When Fire and Rescue NSW carries out such an inspection, a report and any recommendations must be provided to the City.
7. Under the Act, Council is then required to table the report and make a determination as to whether it will exercise its power to issue a Fire Safety Order 1 or 2 in Schedule 5, Part 2 of the Act. Fire Safety Order 1 requires a person to do or stop doing certain specified things to improve fire safety; Fire Safety Order 2 requires a person to cease conducting an activity on premises where that activity constitutes, or is likely to constitute, a life-threatening hazard or a threat to public health or public safety.
8. Attached are the details of the reports received from Fire and Rescue NSW, including recommendations for further action. The properties have also been reviewed by a City Investigation Officer.
9. Personal information has been redacted from these reports in accordance with the Privacy and Personal Information Protection Act 1998.

### **Relevant Legislation**

10. Environmental Planning and Assessment Act 1979.

### **GRAHAM JAHN, AM**

Director City Planning, Development and Transport

Andrew Thomas, Executive Manager Development