

Attachment C

**Inspection Report -
19-21 Larkin Street, Camperdown**

19-21 Larkin Street, Camperdown

CITY OF SYDNEY 



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Notes 24/01/2022

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)

CSM: 2689373 **Officer:** Muhammad Hassan **Date:** 20 January 2022

Premises: 19-21 Larkin Street, Camperdown

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 24 December 2021 with respect to matters of fire safety. FRNSW's inspection resulted from the 'Project Remediate' program being undertaken by the NSW Department of Customer Service, a three-year program to help remove combustible cladding on an estimated 225 buildings registered by the building owners. The building is also known to Council's cladding compliance team, first reported to Council in May 2018. The fire safety deficiencies identified by FRNSW will need to be resolved prior to cladding replacement works commencing.

The premises consist of a six-storey residential apartment building containing a car park on the ground and basement levels. The subject building is rectangular in shape, having an area of approximately 642m² and the predominately surrounded by residential buildings. The building is under ten years old and was privately certified and occupied in 2013. Given the age of the building and the nature of the deficiencies City staff will bring these matters to the attention of the NSW Building Commissioner.

An inspection of the premises undertaken by a Council investigation officer on 20 January 2022 in the presence of the owner's agent revealed the premises are deficient in fire resisting construction, egress and fire safety provisions in the following areas:

- I. Inadequate smoke detection and alarm system (residents in apartment 1 are not likely to hear the building occupant warning system)
- II. Suitable fire resisting construction to prevent the spread of fire (penetrations in fire resisting construction not properly sealed, gaps between fire door frames and adjoining wall not properly filled, fire hydrant pump room not fire separated from remainder of building)
- III. A lack of adequate facilities for firefighting (a fire hydrant lacks a pressure gauge, difficulty using fire hose reels due to defective radial clearances, lack of hose reels in car park)
- IV. Defective egress provisions (security screen door may cause exit discharge issues, gas meters located in exit paths)
- V. Poor fire safety management systems in place (signs/notices not displayed etc.)

Council investigations have revealed that the premises are 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.

The subject premises are fitted with combustible cladding. The City's cladding compliance team had previously commenced a cladding investigation and have issued a fire safety order requiring cladding removal and replacement.

Chronology:

Date	Event
24/12/2021	FRNSW correspondence received regarding premises 19-21 Larkin Street, Camperdown.
20/01/2022	<p>An inspection of the subject premises undertaken by Council's investigation officer in the presence of the owner's agent revealed the following construction, egress, and fire safety deficiencies:</p> <ol style="list-style-type: none"> 1. There is a lack of smoke alarms on the ground floor level of the building and the occupants of apartment 1 are unlikely to hear the building occupant warning system in the event of a fire. 2. The hydrant booster assembly lacks signage and the hydrant booster isolating valves are not locked in the open position. 3. The fire hydrant pump room located in the car park is not fire separated from the remainder of the building and FRNSW may not be able to access to the pump room. 4. A pressure gauge was not provided to the fire hydrant located on the top landing of the fire isolated exit stair contrary to the requirements of Australian Standard 2419.1. 5. Gas meters were located in public corridors contrary to the requirements of the National Construction Code. 6. The fire hose reel on level 2, achieves radial clearances of less than 100mm between the reel rim and the enclosure walls contrary to the requirements of Australian Standard 2441. 7. A fire door set located in the basement car park contained a gap between the door frame and the block wall and the gap had not been properly backfilled with grout or mortar. 8. A number PVC pipes passing through the car park ceiling were not provided with fire collars. 9. The path of travel to the road after discharging from the fire isolated exit stair necessitates passing by combustible cladding contrary to the requirements of the building code. 10. A security screen door is attached to the frame of the entry door of apartment 1. This door may compromise the fire rating of the entry door and has the potential to hinder egress in the event of a fire. <p>Council's investigation officer advised the owners agent that Council will be issuing a fire safety order on the premises which will require the owners to carry out fire safety works to the building.</p>
02/02/2022	<p>A further inspection of the subject premises was undertaken by Council's investigation officer to check fire services that could not be checked in the previous inspection.</p> <p>The inspection revealed that the following additional fire safety issues:</p> <ol style="list-style-type: none"> 1. The buildings car park lacked fire hose reels 2. A window located in the public corridor on level 5 was located in close vicinity to a window of apartment 20 and was not protected in accordance with the requirements of the National Construction Code.

FIRE AND RESCUE NSW REPORT:

References: D21/133132; 2021/568795

FRNSW conducted an inspection of the subject premises on 9 November 2021 in response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW.

Issues

The report from FRNSW detailed 18 issues in the building relating to the building occupant warning system (smoke detection and alarm system), fire hydrant system, gas meters, fire hose reel, fire door frames, a security screen door, display of the Annual Fire Safety Statement, penetrations in fire resisting construction, and egress (exit) paths.

FRNSW Recommendations

FRNSW have made recommendations within their report. In general, FRNSW have requested that Council;

1. Inspect the subject premises and address item no. 1 of their report
 2. Give consideration to the other deficiencies identified on the premises identified in item no. 2 of their report.
 3. Advise them in writing 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.
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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 Notice of Intention to Give a Fire Safety 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 issue a notice of intention to give an Order (NOI) 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 investigation officers.

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. The NOI was given on 11 February 2022, in addition to the existing cladding order.

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	2022/018636-01

Trim Reference: 2022/018636

CSM reference No#: 2689373

Unclassified



File Ref. No: BFS21/4230 (18100)
TRIM Ref. No: D21/133132
Contact: [REDACTED]

24 December 2021

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: INSPECTION REPORT
19-21 LARKIN STREET, CAMPERDOWN ("the premises")**

In response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW, an inspection of 'the premises' on 9 November 2021 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW), pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In this instance, the inspection 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.

In this regard, 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.

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate Fire Safety Compliance Unit	1 Amarna Ave Greenacre NSW 2190	T (02) 9742 7434 F (02) 9742 7483

www.fire.nsw.gov.au

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COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items outline concerns in general terms, deviations from the fire safety provisions prescribed in Section 9.32(1)(b) of the EP&A Act and Clause 189 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

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

1. Essential Fire Safety Measures

1A. Automatic Smoke Detection and Alarm System:

- A. The building is provided with a smoke alarm system throughout the residential parts, consisting of AS3786 smoke alarms in the common areas/public corridors, in accordance with Clause E2.2, Table E2.2a and Specification E2.2a of the NCC (Clause 3). Common area smoke alarms are interconnected between levels to provide a common building alarm to alert all building occupants (i.e. the required Building Occupant Warning System (BOWS)) and it appears that the Decibel (dBA) level from the smoke alarms in the common areas may provide adequate occupant warning to the Sole Occupancy Units (SOUs).

Notwithstanding this, the following issues were identified:

- i. The smoke alarm in the public corridor on the ground floor level was not interconnected with the other smoke alarms throughout the common areas of the building, to provide a common building alarm, contrary to the requirements of Clause 3(b)(iii) of Specification E2.2a of the NCC.
- ii. The entry door to SOU No.1 is accessed externally from the building at ground floor level (i.e. not from a public corridor) therefore it is unlikely that the sound pressure level of 85dB(A) from the common area smoke alarms is achieved at the door providing access to the SOU, contrary to the requirements of Clause 7 of Specification E2.2a of the NCC. In this regard, it is unclear whether SOU No.1 is provided with any occupant warning, should a smoke alarm in the building were to operate.
- iii. Smoke alarms are not provided to 'all other internal public spaces', such as the enclosed carpark levels, contrary to the requirements of Clause 3(b)(iii) of Specification E2.2a of the NCC. In this regard, The NCC Guide to BCA Volume One, specific to Clause 3(b) of Specification E2.2a of the NCC, identifies that 'all other internal public spaces' consider such spaces as '*public foyers, reception areas and enclosed carparks*'.

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- iv. Given, the carpark levels are not provided with smoke alarms as identified in item 1A.A.iii above, a BOWS is not provided throughout the entire building. In this regard, smoke alarms operating on the residential levels will not sound through to the carpark levels on the ground floor and lower ground floor. Likewise, a fire in the carpark levels would not operate a BOWS throughout the residential portions of the building.
- 1B. Fire Hydrant System – The following comments are provided having regard to AS 2419.1.2005:
- A. The hydrant booster assembly:
- i. Above ground isolating valves are not secured or locked in the open position, contrary to the requirements of Clause 8.5.8 of AS 2419.1-2005.
 - ii. Boost pressure and test pressure signage was not provided at the booster assembly, contrary to the requirements of Clause 7.10.1 of AS 2419.1-2005.
- B. The hydrant pumpset/pumproom:
- i. The internal pumproom is located in the ground floor carpark level and is not accessed via a door opening to a road or open space, or a door opening to a fire-isolated passageway or a stair which leads to a road or open space, contrary to the requirements of Clause 6.4.2 of AS2419.1-2005. In this regard, fire-fighters would need to traverse through the carpark to gain access to the hydrant pumproom.
- C. Hydrant coverage:
- i. Hydrant protection to the basement carpark level is provided by hose lay coverage from a fire brigade pumping appliance, fed from the feed fire hydrants located at the booster assembly, however due to the narrow street width and the building street setback, the fire brigade pumping appliance necessitates being located less than 10 m from the building, contrary to the requirements of Clause 3.2.2.1 of AS2419.1-2005.
- D. A pressure gauge was not provided at the hydraulically most disadvantaged fire hydrant (roof level within fire-isolated stairs), contrary to the requirements of Clause 9.3.2(b) of AS2419.1-2005.

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1C. Fire Hose Reels (FHR's):

- A. Non-fire equipment or services were installed within the FHR cabinets on the residential levels, contrary to Clause 10.4.4 of AS2441-2005. In this regard, the gas meters installed above/below the FHR cupboard, have gas pipework penetrating the FHR cupboards.
- B. The FHR located on Level 2, achieves radial clearances of less than 100mm between the reel rim and the enclosure walls, contrary to the requirements of Clause 10.4.4 and Figure 10.2 of AS2441-2005.

1D. Fire Doors:

- A. Multiple fire doors to the fire-isolated stairways in the carpark levels contained a gap between the door frame and the block wall (internally) and the junctions had not been appropriately fire-sealed.
- B. Backfilling of frame cavities - It appears that the fire door frame cavities have not been backfilled with grout/mortar, contrary to the requirements of Clause 5.3 & 5.4 of AS 1905.1-2005. Typically, fire-resistant frames are required to be backfilled when tested to AS1530.4-2005, unless evidence of a test or opinion can be provided to support the installation.

1E. Annual Fire Safety Statement (AFSS) and Fire Safety Schedule (FSS):

- A. A copy of the current AFSS and FSS were not prominently displayed within the building in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

FRNSW is therefore of the opinion that the fire safety provisions prescribed for the purposes of 9.32(1)(b) of the EP&A Act, have not been complied with.

ADDITIONAL COMMENTS

In addition to the items identified above, relating to the Fire Safety Provisions prescribed by Clause 189 of EP&A Regulation, the following items were also identified as concerns at the time of the inspection and it would be at council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

2. Generally

- 2A. Travel via fire-isolated exits - The path of travel to the road after discharging from the fire-isolated stairway at the front of the building, necessitates passing within 6m of an opening within the external wall of the same building (SOU No. 1 entry door). Whilst the SOU entry door

appears to be a self-closing fire door (albeit that the door tags have been painted over) in accordance with D1.7(c) of the NCC, a security/screen door has been installed on the outside. FRNSW are of the opinion that the installation of security/screen door, not only compromises the fire rating of the fire-rated doorset, but also increases the likelihood of the occupant/s propping open the main fire door, therefore compromising the safe egress for the escaping occupants in the building, after discharging from the fire stairs.

- 2B. Services, other than for firefighting, were installed within the fire-isolated stairway serving the carpark levels, contrary to the requirements of Clause D2.7 of the NCC. In this regard, a product what appeared to be pieces of combustible cladding were used to conceal services, in lieu of an adequate fire stopping/fire-rated system.
- 2C. Multiple service penetrations through the walls of the hydrant pumroom, were not adequately fire stopped in accordance with Clause C3.12, Clause C3.15 and Specification C3.15 of the NCC.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address item no. 1 of this report.
- b. Give consideration to the other deficiencies identified on 'the premises' identified in item no. 2 of this report.

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 BFS21/4230 (18100) for any future correspondence in relation to this matter.

Yours faithfully



Fire Safety Compliance Unit