

## Item 12.

### 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 brought 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).

In response to Fire and Rescue NSW reports, City staff undertake inspections to ensure fire safety measures are in full operation and that building exits are clear and unimpeded. Fire and Rescue NSW inspections reveal fire safety concerns that 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 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 two properties and includes the Fire and Rescue NSW reports and the findings (preliminary or final) by the City's Officer, along with other documentation relevant to that property.

The two reports stem from the 'Project Remediate' program being undertaken by the NSW Department of Customer Service. It is a three-year program to help remove combustible cladding on buildings throughout NSW. The City has estimated there are 28 affected buildings within its local government area.

Project Remediate involves a two stage approach to cladding remedial works, the first being an internal inspection of the building by FRNSW (the inspection report is required to be reported to Council), and the second being Project Remediate managing cladding remedial works required under a Fire Safety Order issued by the City. FRNSW will be inspecting all buildings for fire safety deficiencies which Project Remediate will require to be resolved prior to cladding remedial works commencing.

Recommendations are made in the attachments 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 and C of the subject report;
- (C) note the contents of Attachment B and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 81-81A Foveaux Street, Surry Hills; and
- (D) note the contents of Attachment C and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 33 Ultimo Road, Haymarket.

## Attachments

- Attachment A.** Fire Safety Reports Summary Sheet
- Attachment B.** Inspection Report - 81-81A Foveaux Street, Surry Hills
- Attachment C.** Inspection Report - 33 Ultimo Road, Haymarket

## 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 others who have a concern relating to fire safety in a building.
4. The inspection was undertaken to ensure fire safety measures were in full operation and that building exits were clear and unimpeded.
5. When Fire and Rescue NSW carries out such an inspection, a report and any recommendations must be provided to the City.
6. 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.
7. 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 Officer.
8. Personal information has been redacted from the reports in accordance with the Privacy and Personal Information Protection Act 1998.

## Relevant Legislation

9. Environmental Planning and Assessment Act 1979.

## GRAHAM JAHN AM

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