

Attachment B

**Inspection Report
1 and 3 Dunning Avenue, Rosebery**

1 & 3 Dunning Avenue, Rosebery



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Notes

28/08/2022

**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)**

File: CSM 2775879

Officer: L. Jeffree

Date: 1 July 2022

Premises: 1 & 3 Dunning Avenue, Rosebery

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 4 May 2022 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, which is a three-year program to help remove combustible cladding on residential apartment buildings throughout NSW.

The premises consists of a strata-titled seven storey building which includes basement carpark, ground floor shops and five levels of residential units above.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building manager, revealed that the premises are deficient in fire safety provisions in the following areas:

- (i) Inadequate fire detection and alarm systems (*performance issues with current system*);
- (ii) A lack of adequate facilities for firefighting (*FRNSW operational concerns regarding fire hydrant system*);
- (iii) Building lacking vertical fire separation (spandrels) to parts of building facade;
- (iv) Poor fire safety management systems (*annual fire safety statement (AFSS) overdue*),
- (v) Lack of fire safety current certification regarding an installed fire safety measure (*mechanical air handling system not certified on AFSS*);

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a fire safety order is to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

The subject premises is fitted with external combustible cladding. The City's cladding compliance team have issued a fire safety notice on 10 December 2021 requiring cladding removal and replacement. The Owners' Corporation have registered with the NSW Government's Project Remediate scheme and are currently progressing through the respective investigative, remediation design and acceptance stages of the said scheme prior to undertaking any remediation works. City officers are continuing with efforts to have the Owners' Corporation put into place proper site precautionary interim fire safety measures to assist in safeguarding occupants whilst cladding removal and replacement works are scheduled. The interim measures are to include raising site cladding risk awareness with all building occupants (and emergency services personnel); the removal of potential fire hazards/processes from critical potential fire start areas; the introduction of site management procedure plans and or temporary rules to carefully manage hot/building maintenance works and the inclusion and the implementation of any fire safety or building services expert recommendations.

Chronology:

Date	Event
04/05/2022	FRNSW correspondence received regarding premises Revere, 1-3 Dunning Avenue, Rosebery [council records 1 & 3 Dunning Avenue, Rosebery]
15/06/2022	<p>An inspection of the subject premises was undertaken by a Council officer where the following items were noted;</p> <ul style="list-style-type: none">- Deficiencies in fire safety provisions including; lack of vertical fire separation (spandrels) to parts of building façade, insufficient smoke detector coverage in basement carpark, lack of fire seals to electrical cable penetrations within service cupboards, insulation material installed to hot water pipes in service cupboards appeared combustible- Proper fire safety management systems were not in place including AFSS overdue <p>The Council officer noted that the fire rated bulkhead associated with basement roller shutter as mentioned in FRNSW's correspondence was repaired and appeared operational. The inspection revealed directional exit sign on basement level as stated by FRNSW was illuminated and being maintained. Service tags attached to the fire hydrant booster assembly and hydrant valves throughout the premises (as mentioned by FRNSW) indicated hydrants had received recent routine servicing in March 2022.</p> <p>The inspection revealed buildings fire indicator panel was not displaying any faults or isolations, above ground isolating valves to fire hydrant booster assembly were locked correctly in the open position and the required boost and test pressure signage was provided at the booster assembly in accordance with the applicable standard of performance.</p> <p>Also, with respect the accommodated vehicles in basement level 2 carpark (as mentioned by FRNSW) Council officer counted a total number of 41 vehicle parking spaces. The building manager advised the officer that an extra vehicle (motorcycle) space within basement level 2 was infrequently used and suggested it could be made redundant to ensure compliance with sprinkler system parameters in National Construction Code (NCC).</p> <p>Issues specifically raised by FRNSW and responses to those issues, are summarised in the following table.</p>

FIRE AND RESCUE NSW REPORT:

References: [BFS22/1307 (20363); 2022/338234-01]

Fire and Rescue NSW conducted an inspection of the subject 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.

Issues The report from FRNSW detailed the following issues:

Issue	City response
Fire indicator panel displaying one (x1) fault.	No action required. Council's inspection did not reveal any faults displaying on fire indicator panel
Boost pressure and test pressure signage was not provided at the booster assembly	No action required. Council's inspection revealed that boost pressure and test pressure signage was provided at the booster assembly
All above ground isolating valves were not secured or locked in the open position	No action required. Council's inspection found that above ground isolating valves to fire hydrant booster assembly were locked in the open position.
Inadequate booster assembly signage	To be addressed in the Notice of intended fire safety Order to require new signage to booster assembly compliant with the applicable standard of performance

<p>Fire hydrant pumpset:</p> <ul style="list-style-type: none"> - Exhaust system of diesel pumpset not suitably guarded or lagged to prevent hazards - Inadequate clearance provided around the perimeter of diesel pump assembly 	To be addressed in the Notice of intended fire safety Order to require partial upgrading of fire hydrant system
Fire hydrant booster assembly and hydrant valves contained service tags indicating the hydrants have not received a current routine servicing	No action required. Council's inspection revealed that service tags attached to the fire hydrant booster assembly and hydrant valves throughout the premises indicated hydrants had received recent routine servicing in March 2022.
Directional exit sign to eastern exit on basement level 1 was not illuminated	No action required. Council's inspection revealed that directional exit sign to eastern exit on basement level 1 was illuminated and being maintained.
<p>Basement fire shutter & fire rated bulkhead:</p> <ul style="list-style-type: none"> - Fire shutter did not appear to be cable of operating to the standard of performance from when it was designed and installed - Fire shutter appeared out of alignment and unable to return to the fully closed position - Drenchers provided on each side of roller shutter did not appear to be operational in the event of activation of fire shutter - PSU controller for the power supply indicated a battery fault - Fire rated bulkhead above fire shutter appeared damaged and not in accordance with manufacturers requirements, tested prototype or any applicable alternative solution report 	To be addressed in the Notice of intended fire safety Order to require certification to be furnished for fire shutter & associated fire rated bulkhead
A copy of the current AFSS was not prominently displayed in the building	A final warning email has been sent to require submission of compliant AFSS and this matter will be reviewed
A number of service penetrations did not appear to be adequately fire stopped.	To be addressed in the Notice of intended fire safety Order to require compliant fire seals
A concern regarding the number of vehicles accommodated in basement level 2 exceeding 40 accommodated vehicles with non-provision of sprinkler protection contrary to NCC	To be addressed in the Notice of intended fire safety Order to require the removal of x1 vehicle parking (motorcycle) space in basement level 2 restricting the number of vehicles accommodated to 40 as prescribed in NCC

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

FRNSW Recommendations

FRNSW have made two recommendations within their report. In general FRNSW have requested that Council:

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed;
2. 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.

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)
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As a result of a site inspection undertaken by Council's investigation officers it is recommended that Council exercise its powers to give a notice of intention (NOI) for a fire safety order 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's building officer. This NOI is in addition to the existing Order to remove cladding.

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

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

Referenced/Attached Documents:

2022/338234-01	FRNSW S9.32 report dated 4 May 2022
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Trim Reference: 2022/338234

CSM reference No#: 2795870

Unclassified



File Ref. No: BFS22/1307 (20363)
TRIM Ref. No: D22/32837
Contact: [REDACTED]

4 May 2022

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
'REVERE'
1-3 DUNNING AVENUE, ROSEBERY ("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 30 March 2022 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	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483

www.fire.nsw.gov.au Page 1 of 5

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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 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

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. Fire Indicator Panel (FIP): The automatic fire detection and alarm system did not appear to be capable of operating to the standard of performance from when it was first designed and installed, contrary to the requirements of Clause 81 of the EPAR 2021. The following issues were identified as concerns at the time of inspection.

- i. The FIP was displaying one (x1) fault, identified as 'Tower C Level 2 Lobby – Zone 16'.

The Strata Manager was advised of the fault via telephone conversation and email correspondence following the inspection, and FRNSW were advised that the issue would be investigated as a matter of urgency and resolved in a timely manner.

FRNSW received email correspondence from the Strata Manager on 5 April 2022 advising that the fire services technician was attending the premises on 6 April 2022 to replace the faulty detector, which was causing false alarms, such that the system would be fully operational without any alarms, faults or disablements.

Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

1B. Fire Hydrant System:

A. The hydrant booster assembly:

- i. All above ground isolating valves were 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.

- iii. The signage on display at the booster assembly indicates the booster is provided for the fire hydrant system as well as a sprinkler system, which is misleading considering no such sprinkler system is installed at the premises.
- B. The hydrant pumpset:
- i. The exhaust system to the diesel pumpset was not suitably guarded or lagged to prevent fire hazards and injuries to operators, contrary to the requirements of AS2941.
 - ii. A clearance of not less than 1.0m was not provided around the perimeter of the complete pump assembly, contrary to the requirements of Clause 11.3 of AS2941.
- C. Maintenance - The hydrant booster assembly and the hydrant valves throughout 'the premises' contained service labels/tags, which indicated the hydrants have not received any routine servicing since August 2021, contrary to the requirements of Section 4 of AS 1851-2012 and Clause 81 of the EPAR 2021.
- 1C. Exit signs and directional exit signs - The directional exit sign to the eastern exit (Mentmore Ave end) on Basement Level 1 (adjacent to car space no. 301), was not illuminated and had not maintained, contrary to the requirements of Clause 81 of the EPAR 2021.
- 1D. Basement Fire Shutter – The fire shutter installed at the top of the carpark ramp on Basement Level 1 did not appear to be capable of operating to the standard of performance from when it was first designed and installed, contrary to the requirements of Clause 81 of the EPAR 2021. The following issues were identified as concerns at the time of inspection:
- A. The fire shutter appeared to be out of alignment and unable to return to the fully closed position upon activation.

FRNSW received email correspondence from the Strata Manager, confirming that the fire shutter service company had attended the premises on 11 April 2022 and re-aligned and tested the operation of the fire shutter.
 - B. The drenchers provided on each side of the roller shutter did not appear to be operational in the event of the activation of the fire shutter. In this regard, the isolation valve for the water supply pipe to the drenchers was in the closed position.

FRNSW received email correspondence from the Strata Manager on 1 April 2022, confirming that the fire services technician had attended the premises and re-instated the isolation valve and locked the valve in the open position.

- C. The PSU controller for the power supply indicated a 'battery fault' and the system had not been maintained.

FRNSW received email correspondence from the Strata Manager, confirming that the fire services technician had attended the premises on 12 April 2022 and replaced the batteries.

- D. The fire rated bulkhead above the fire shutter appeared damaged, and not in accordance with the manufacturer's requirements, the tested prototype or any applicable Alternative Solution Report.

FRNSW received email correspondence from the Strata Manager on 28 April 2022, confirming a work order had been placed to repair the fire rated bulkhead.

Notwithstanding that the above issues, associated with the basement fire shutter, had either been repaired or are in process of being rectified, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

- 1E. Annual Fire Safety Statement (AFSS):

- A. A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 89 of the EPAR 2021.

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 112 of the EPAR 2021, 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. Openings for service penetrations – Multiple service penetrations through building elements that are required to have an FRL, did not appear to be adequately fire stopped in accordance with Clause C3.15 and Specification C3.15 of the National Construction Code Volume One Building Code of Australia (NCC). The following unprotected service penetrations were identified at the time of the inspection:
 - i. The PVC pipe penetrating the carpark fire wall at Basement Level 1 (adjoining the ramp).

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- ii. The PVC pipe passing through the fire rated bulkhead above the basement roller shutter.

- 2B. Requirements for Sprinklers – It was apparent at the time of the inspection that Basement Level 2 fire compartment contained more than 40 accommodated vehicles and was not provided with sprinkler protection throughout, contrary to the requirements of Clause E1.5 and Table E1.5 of the NCC. In this regard, a visual inspection and count revealed 41 car spaces were provided within the fire compartment.

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 BFS22/1307 (20363) for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]

[REDACTED]
Fire Safety Compliance Unit