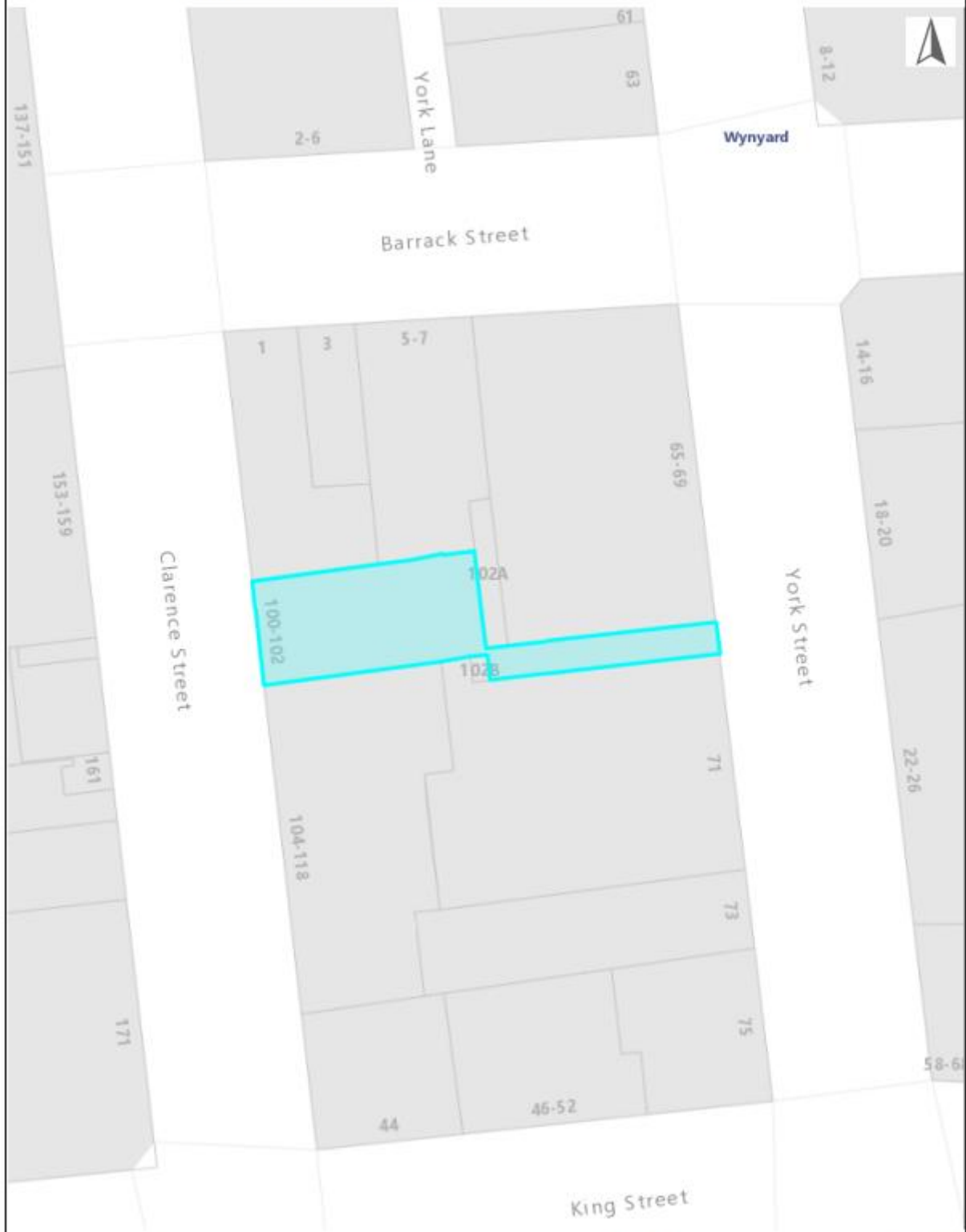


# **Attachment F**

**Inspection Report  
100-102 Clarence Street, Sydney**

# 100-102 Clarence Street, Sydney



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Notes

3/08/2022

**Council Investigation Officer Inspection and Recommendation Report  
Clause 17(2) of Schedule 5 of the Environmental Planning and Assessment Act 1979  
(the Act)**

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**File: CSM 2819688**

**Officer: Ashley Host**

**Date: 8 August 2022**

**Premises: 100-102 Clarence Street, Sydney ('Somare House')**

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**Executive Summary:**

Council received correspondence dated 13 July 2022 from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety.

The site contains a single mixed use commercial and office building located on the eastern side of Clarence Street with rear access via private laneway to York Street. The building is seven storeys in height with a single basement level occupied by a Thai Massage Parlour.

An inspection of the premises undertaken by a Council investigation officer revealed that the premises are deficient in fire safety and egress provisions in the following aspects:

- (i) Inadequate smoke detection system
- (ii) Inadequate facilities for firefighting personnel (FRNSW operational concerns about hydrant and sprinkler systems)
- (iii) Inadequate fire resisting construction to prevent the spread of fire (penetrations through fire exit, poor maintenance of fire door hardware)
- (iv) Egress issues affecting the safe evacuation of the building
- (v) Poor fire safety management systems in place (signs/visual devices/not displayed etc.)

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 to ensure and promote adequate facilities for fire safety/fire safety awareness.

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

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**Chronology:**

<b>Date</b>	<b>Event</b>
13.07.2022	FRNSW correspondence received regarding premises 100-102 Clarence Street, Sydney 'Somare House'
27.07.2022	An inspection of the subject premises revealed the following fire safety issues: <ul style="list-style-type: none"><li>1. No signage indicating the location of the fire indicator and control panel</li><li>2. The buildings sprinkler room is located within a massage booth and is difficult to locate and access within the basement of the massage parlour. Staff were instructed to clear the booth for the room to be made accessible at all times.</li><li>3. There was no visual alarm strobe on approach to the building to identify the designated entry point</li><li>4. There was no zone block plan adjacent to fire indicator and control panel</li></ul>

	<ol style="list-style-type: none"> <li>5. There were insufficient smoke detectors to activate the stair air pressurisation system (location and number)</li> <li>6. The fire hydrant system was installed to a previous standard. There are inadequate clearances around some internal hydrants.</li> <li>7. The hydrant booster is not accessible by a standard 003 key</li> <li>8. The fire sprinkler control assemblies are located away from main entrance of the building in the basement sprinkler room</li> <li>9. There are general items and waste stored within the fire stair</li> <li>10. A number of fire doors had defective and non-compliant exit hardware (self-closers and panic bars, doorknobs instead of levers)</li> <li>11. There are unsealed penetrations through the walls of the fire stair</li> <li>12. There are electrical installations installed within the fire stair (switchboards, CCTV)</li> <li>13. A current annual fire safety certificate was not prominently displayed</li> </ol> <p>It was noted that the following issues raised by FRNSW in their correspondence were rectified at the time of inspection:</p> <ol style="list-style-type: none"> <li>1. Exit signage was illuminated and operational</li> <li>2. Service tags to installed essential services indicate testing was recently completed in July 2022</li> </ol>
18/08/2022	Notice of proposed fire safety order sent to the building owners.

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

References: BFS22/1989 (21045), D22/57855, Trim Ref: 2022/377666

Fire and Rescue NSW (FRNSW) received correspondence on 9 May 2022 concerning the adequacy of the provision for fire safety in connection with the premises, namely that the FIP and pumproom were unable to be located.

#### Issues

The report from FRNSW detailed numerous issues, in particular noting:

Issue	City response
No signage indicating the location of the fire panel	To be addressed within the Notice of intended fire safety Order to require signage indicating location of fire panel compliant with the applicable standard of performance
Signage indicating the location of the sprinkler room is obscured and has been covered by a thick curtain	To be addressed within the Notice of intended fire safety Order to require signage to the fire sprinkler room compliant with the applicable standard of performance
Door to the fire sprinkler room is obscured within a massage booth within the Thai Massage Parlour in the basement level and has been covered by a thick curtain making it difficult to locate and access	To be addressed within the Notice of intended fire safety Order to require compliant access and signage to be provided to the fire sprinkler room compliant with the applicable standard of performance
Visual warning device strobe could not be located outside the main entrance to the building	To be addressed within the Notice of intended fire safety Order to require installation compliant with the applicable standard of the time
Block plan has not been installed adjacent to the buildings fire panel	To be addressed within the Notice of intended fire safety Order to require installation compliant with the applicable standard of the time
Smoke detection system installed to older standard/does not provide adequate coverage	To be addressed within the Notice of intended fire safety Order to require installation compliant with the applicable standard of the time

Fire hydrant system is installed to an older standard, which does not incorporate certain features of the current standard, recommending either a complete or partial upgrade to the hydrant system	To be addressed within the Notice of intended fire safety Order, to require partial upgrade enhancements such as signage, access, block plan, fittings, clearances, and the like
Hydrant booster located in building lobby	The standard is silent on booster location within a building and site constraints indicate there is no room to locate the booster external to the building. Whilst it is not proposed to relocate the booster the Notice of intended fire safety Order will require that the system is readily accessible and operable by a FRNSW pumping appliance in accordance with applicable standard
Hydrant booster could not be accessed by standard 003 key	To be addressed within the Notice of intended fire safety Order to require installation compliant with the applicable standard of the time
Insufficient clearances around internal fire hydrants	To be addressed within the Notice of intended fire safety Order to require installation compliant with the applicable standard of the time
Fire sprinkler system control assemblies are in the basement and not near main entrance of building	To be addressed within the Notice of intended fire safety Order to require access to control assemblies compliant with the applicable standard of the time
Last recorded service marked on 'service tags' to installed fire safety measures was April 2021	No action required. Councils' inspection revealed service tags updated and marked July 2022. Annual certification for the premises is current as of 29 July 2022
Many exit signs were observed that did not operate when the test button was pressed or were not illuminated	No action required. Councils' inspection revealed that exit signage is compliant.
Items being stored within fire-isolated stair	To be addressed within the Notice of intended fire safety Order, to require a clear path of travel within fire stair
Fire exit door self-closer and panic bar hardware not operational	To be addressed within the Notice of intended fire safety Order to require installation compliant with the applicable standard of the time
Current copy of annual fire safety certification not prominently displayed in building	To be addressed within the Notice of intended fire safety Order to require installation compliant with the applicable Regulations

### FRNSW Recommendations

FRNSW have made two recommendations within their report for 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	Continue with compliance actions	Other (to specify)
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				response to issued Council correspondence	under the current Council Order	
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As a result of a site inspection undertaken by Council 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 the Council investigation officer.

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:**

2022/399695-01	FRNSW S9.32 report dated 21 July 2022
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**Trim Reference:** 2022/399695

**CSM reference No#:** 2819688

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Unclassified



File Ref. No: BFS22/1989 (21045)  
TRIM Ref. No: D22/57855  
Contact: [REDACTED]

13 July 2022

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 General Manager

**Re: INSPECTION REPORT  
'COMMERCIAL HIGH RISE BUILDING'  
100-102 CLARENCE STREET SYDNEY ('the premises')**

Fire and Rescue NSW (FRNSW) received correspondence on 9 May 2022 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated in part that:

*...it was extremely hard, near impossible to locate the FIP and pump room.*

*After questioning staff and then phoning premises owner we were directed to the last massage booth where the panel door and signage was covered by a thick curtain*

*The premises manager was notified that this must be removed, the booth cleared out and made redundant for clear access to the FIP*

*Unfortunately I believe that this will not be adhered to and everything will be back in place as soon as we are back at station*

*Of an another concern is that the diesel pump is located right in front of the FIP obstructing access...*

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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Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected “the premises” on 17 May 2022.

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

The items listed in the comments of this report are based on the following limitations:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.
- Details of the Provisions for Fire Safety are based on a visual inspection of the fire safety measure and parts of the building accessed at the time.

## COMMENTS

Please be advised that the items in this report are limited to observations of the building accessed at the time of the inspection and identify possible nonconformities with the National Construction Code 2019, Volume 1 Building Code of Australia (NCC) and provisions for fire safety. The items are not an exhaustive list of non-compliances. FRNSW acknowledges that the differences observed at the time may contradict development consent approval or relate to the building's age. Therefore, it's the Council's discretion as the appropriate regulatory authority to consider the most appropriate action.

The following items were identified during the inspection:

1. Essential Fire Safety Measures
  - 1A. Fire Detection Control and Indicating Equipment (FDCIE) – The following comments refer to Australian Standard AS1670.1:2018 – ‘Fire detection, warning, control and intercom systems—System design, installation and commissioning’:
    - A. FDCIE – The installed smoke detection and alarm system appear to include a combination of an older standard and the current Australian Standard. The displayed standard on the Annual Fire Safety Statement (AFSS), namely ‘BCA-E2.2a AS1670’, may not reflect what is installed. It is the Council's discretion to conduct its inspection and determine what standard should be certified in the AFSS.
    - B. Signage – Clause 3.9.2 requires doors obscured from view and containing an FDCIE to be marked in a contrasting colour scheme with the words ‘FIRE PANEL’ in letters not less than 50 mm high. At the time of the inspection:
      - i. The Fire Panel was observed in the Sprinkler Room.



- ii. The basement's western side of the Thai Massage Parlour includes a row of massage booths. The last massage booth on the right-hand side obscures the location of the Sprinkler Room.
    - iii. The last booth includes a thick curtain that covers the door providing access to the Sprinkler Room.
    - iv. The signage on the door identifies the Sprinkler Room only and does not display signage that would indicate the Fire Panel is in the room.
  - C. Visual Warning Device (VWD) Strobe – Clause 3.8 of AS1670.1-2018 requires a strobe to be visible from the primary approach of “the premises” and be as near as practicable to the Designated Building Entry Point (DBEP). At the time of the inspection, a VWD strobe could not be located outside the building.
  - D. Zone Block Plan – Clause 3.10 of the Australian Standard 1670.1-2018 requires a Zone Block Plan to be securely mounted and located adjacent to the Fire Panel. At the time of the inspection, a Zone Block Plan could not be found.
  - E. Location of Smoke Detectors – Clause 3.27 of the Australian Standard 1670.1-2018 outlines the location of smoke detectors. A review may be required as there appeared to be one smoke detector for each occupancy and storey.
- 1B. Hydrant System – Performance Requirement EP1.3 of the NCC requires a fire hydrant system to facilitate the fire brigade's operational needs. As such, the following items are provided:
- A. Hydrant System – Clause E1.3 of the NCC requires a fire hydrant system to be installed under Australian Standard AS2419.1-2005 Australian Standard AS2419.1-2005 'Fire Hydrant Installations-System Design, Installation and Commissioning'. The following was observed:
    - i. Clause 7.3 of AS2419.1-2005 outlines the location of Hydrant Booster installations. The Hydrant Booster is in a cabinet inside the ground floor lobby area. While the Australian Standard is silent on hydrant boosters installed inside the building, the Council may require a review.
    - ii. The Hydrant Booster cabinet could not be inspected as the lock to the cabinet lacked the provisions to use a 003 key.
    - iii. Clause 3.5 of AS2419.1-2005 details fire hydrant accessibility and clearance. Numerous internal hydrants were observed that might not meet the required dimensions.

- B. Fire Hydrant System – The displayed AFSS refers to 'Ordinance 70-Min Specification No.10 BCA E1.3'. It is at the Council's discretion to determine the adequacy of an existing fire hydrant system installed under the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier). In this regard, the following is provided:
- i. FRNSW recommends an upgrade to the system to meet the requirements of the current Australian Standard AS 2419.1 to facilitate the operational needs of FRNSW. It would be at the Council's discretion to consider a partial upgrade of the existing fire hydrant system to address deficiencies in its design and/or performance.
  - ii. FRNSW requests consultation on the fire hydrant system requirements incorporating the design and performance requirements from two different standards.
- 1C. Fire Sprinkler System – Clause 8.1 of Australian Standard AS 2118.1-1999 – 'Automatic Fire Sprinkler Systems' includes a note that requires the installation of the control assemblies and ancillary equipment for a Fire Sprinkler System to be near the main entrance of a building. The location should be visible and accessible to authorised persons. The Council may require a review of the sprinkler system as the sprinkler room is located in the basement of the Thai Massage Parlour, obscured by a booth, with the signage covered by a curtain.
- 1D. Maintenance – Clause 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires that an Essential Fire Safety Measure be maintained to a standard no less than when it was first installed. The following was noted at the time of the inspection:
- C. The last recorded service marked on the 'service tags' to the installed essential service measures was April 2021.
  - D. Exit signs – Many exit signs either did not operate when the test button was pressed or was not illuminated.
2. Access and Egress
- 2A. Fire Exits and Fire Exit Doors – Clause 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires a fire exit area for a building to be free of items that may obstruct the free passage of persons. Nor should the operation of a fire exit door be interfered with or obstructed without a lawful excuse, which includes the operation of a fire door providing access to a building's fire exit. At the time of the inspection, the following was observed:

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- A. The rear stairs leading to the lane towards York Street at the Thai Massage Parlour included signage indicating the stairs are considered fire-isolated.
  - B. There were stored items in the basement's rear stairs containing cleaning chemicals. There was also decorative latticework with plants attached.
  - C. The panic bar was observed with a timber prop that secured the lever of the bar.
3. Compartmentation
- 3A. Fire Doors – Clause C3.4 and Clause C3.5 of the NCC require fire doors in a firewall to be installed to maintain the compartment's integrity. The self-closers to numerous doors that included tags identifying the doors with a Fire Resistance Level were either removed or not working.
4. Generally
- 4A. Fire Safety Certificate and Fire Safety Schedule – Clause 85(b) of the EPAR2021 requires a copy of the fire safety certificate and the current fire safety schedule to be prominently displayed in the building. Neither could be located at the time of the inspection.
  - 4B. Annual Fire Safety Statement (AFSS)
    - A. Clause 89(2) of the EPAR 2021 mandates timeframes for the owner to submit an AFSS to Council. The AFSS displayed in the building shows that the essential fire service measures were last serviced on 6 July 2020. A review may be required to confirm that the essential fire safety measures are serviced within the required timeframe.
    - B. Clause 89(4)(b) of the EPAR 2021 requires the owner of the building to prominently display within the building a copy of the AFSS and a copy of the current fire safety schedule. At the time of the inspection:
      - i. A current fire safety schedule could not be located. As such, it was difficult to establish:
        - a. That each essential fire safety measure specified in the statement has been assessed by an accredited practitioner (fire safety) as capable of performing to a standard no less than that specified in the schedule, OR
        - b. That an original measure within the meaning of Clause 81 of the EPAR 2021 — is maintained to a standard no less than that to which the measure was originally designed and implemented, AND

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- c. The building had been inspected by an accredited practitioner (fire safety). When it was inspected, it was found to be in a condition that did not disclose grounds for a prosecution.

FRNSW believes that there are inadequate provisions for fire safety within the building.

### RECOMMENDATIONS

FRNSW recommends that Council:

Inspect and address any other deficiencies identified on 'the premises', and require items 1 to 4 of this report to be addressed appropriately.

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. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17(4) of the EP&A Act.

Please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit at [FireSafety@fire.nsw.gov.au](mailto:FireSafety@fire.nsw.gov.au) or call on [REDACTED] if there are any questions or concerns about the above matters. Please ensure that you refer to file reference BFS22/1989 (21045) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

[REDACTED]  
Fire Safety Compliance Unit

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