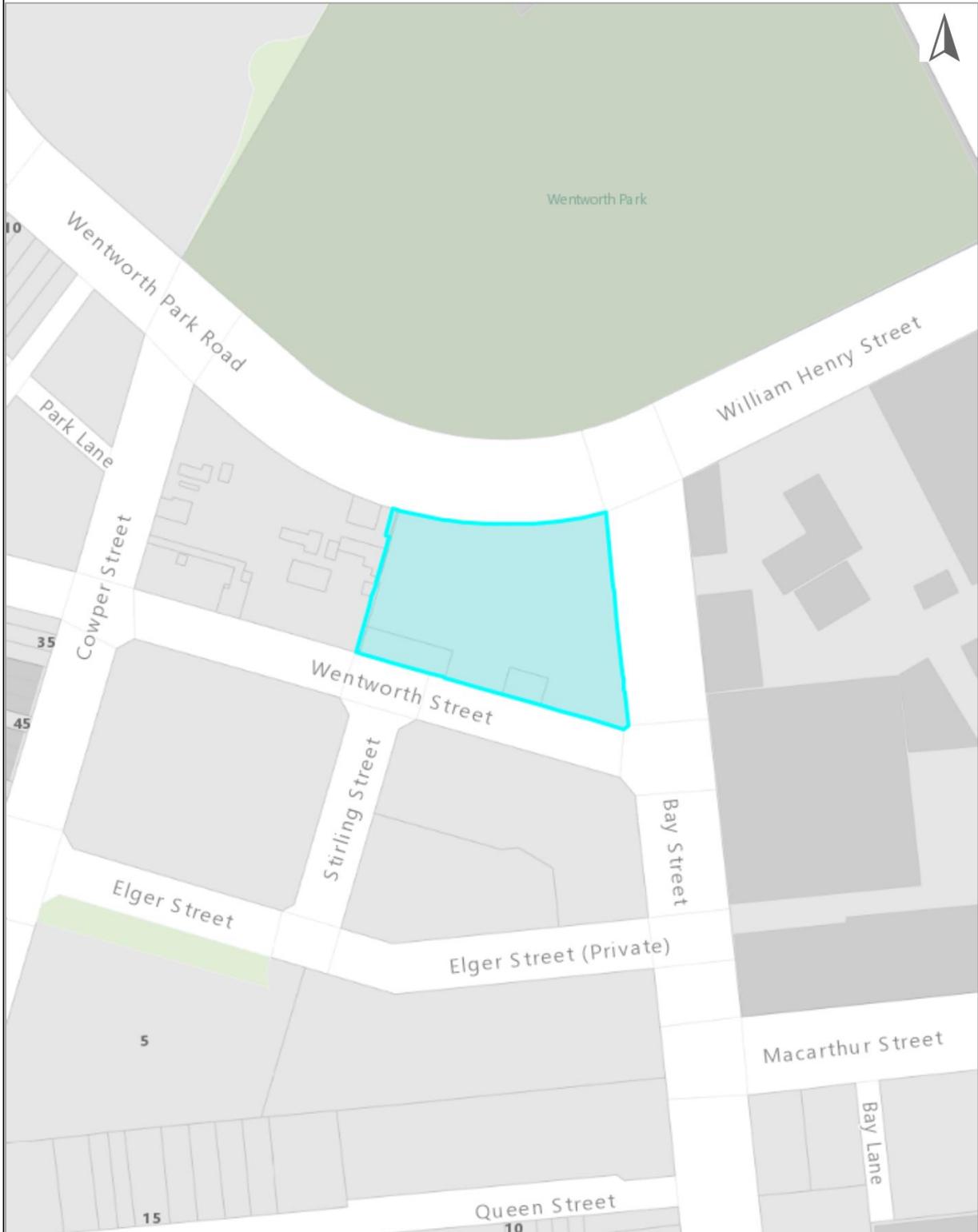


Attachment B

**Inspection Report
89 Bay Street, Glebe**



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Notes

19/09/2022

**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: 2848848

Officer: Arfan Chaudhary

Date: 16 September 2022

Premises: 89 Bay Street, Glebe NSW 2037

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 5 September 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. This is a voluntary three-year program to help remove combustible cladding on residential apartment buildings throughout NSW.

The premises consists of five separate buildings ranging in height from five (5) to ten (10) storeys with a mix of commercial and residential uses. There are thirteen (13) residential townhouses to the rear of the premises which are two (2) storey in height, a carpark is located underground below the buildings.

The premises is known as 89 Bay Street and is located approximately 1.5 kilometres south-west of the Sydney CBD, within the suburb of Glebe. The site comprises the entire block bounded by Wentworth Park Road, Bay Street, Wentworth Street and Cowper Street.

The subject premises is fitted with external combustible cladding. The City's cladding compliance team have issued a Fire Safety Order requiring cladding removal and replacement. Appropriate precautionary interim fire safety measures are currently in place to assist in safeguarding occupants whilst cladding removal and replacement works are scheduled. The interim measures include raising site cladding risk awareness with all building occupants; the removal of potential fire hazards/processes from critical potential fire start areas; the introduction of site management procedure plans and temporary rules to carefully manage hot/building maintenance works and the implementation of any expert recommendations.

An inspection of the premises undertaken by a Council Investigation Officer on 16 September 2022 with the building manager revealed that there were no significant fire safety issues occurring within the building.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire.

A fire safety statement for the premises has been provided and is displayed prominently within the building, as required by the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, noting that some fire safety measures in the building are undergoing maintenance to meet relevant standards.

Council investigations have revealed that whilst there remains several fire safety "maintenance and management" works to attend to, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the above fire safety works are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner's fire service contractor(s) through written instruction from Council.

Chronology:

Date	Event
05/09/2022	FRNSW correspondence received regarding premises 89 Bay Street, Glebe. The correspondence was initiated by the Project Remediate program and a FRNSW inspection on 30 August 2022.
28/06/2022	A review of City records showed that: The fire safety schedule for the premises contains twenty-six (26) fire safety measures, including an automatic fire detection and alarm system, automatic fire suppression (sprinkler) system, fire engineering reports, and other fire safety measures typical for a building of this classification, all of which, are due for recertification on 25 November 2022.
16/09/2022	An inspection was undertaken by a Council officer with the building manager on 16 September 2022, when the following items were noted: <ol style="list-style-type: none">1. All fire door sets have been tagged in accordance with AS/NZS 1905.1 – 2005;2. The hydrant booster assembly was located within the Street level in accordance with AS2419.1-2005. At the time of the inspection there were no system faults or other issues observed and the system appeared to be in normal operation;3. At the time of the inspection, the paths of travel leading to the fire exits, along with the fire exits and fire exit doors were all clear and unobstructed;4. At the time of inspection, the Fire indicator panel (FIP) did not show any faults or other issues and the system appeared normal operation;5. At the time of inspection, the building Sound System and Intercom System for Emergency (SSISE) did not display “charger fault” as recorded in FRNSW report and appeared normal operation;6. The building Automatic Fire Detection and Alarm System were not displaying any system faults or other issues observed and the system appeared to be in normal operation;7. A location plate identifying the location of the sprinkler control valves (within the pumphouse on basement level 1), is not provided on the doors accessing the sprinkler control valves, contrary to the requirements of Clause 8.4 of AS2118.1-1999.8. The fire safety statement is prominently displayed at the premises and is current;9. Other fire safety measures in the building appeared adequately maintained.10. Issues specifically raised by FRNSW and responses to those issues, are summarised in the following table.
20/09/2022	Fire Safety instructions issued (reference 2022/494201)

FIRE AND RESCUE NSW REPORT:

References: BFS22/4391(23390); 2022/468074

Fire and Rescue NSW conducted an inspection of the subject premises after becoming aware of cladding through the Government’s Project Remediate.

Issues

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

Ref	Issue	City response
1A	<p>Automatic Fire Detection and Alarm System:</p> <p>A. At the time of the inspection there were no system faults or other issues observed and the system appeared normal operation.</p>	<p>The inspection did not find any faults on the fire indicator panel.</p> <p>No further action required.</p>
1B	<p>Sound System and Intercom System for Emergency Purposes:</p> <p>A. The evacuation system control panel was displaying 'charger fault' indicating the battery charger had failed. The Facilities Manager, who was present at the time of the inspection, advised FRNSW that he was aware of the fault which was associated with a battery charger to the sub-panel in Building B and the issue would be resolved in a timely manner.</p> <p>Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.</p>	<p>At the time of inspection, the building Sound System and Intercom System for Emergency (SSISE) did not display "charger fault" as recorded in FRNSW report and appeared normal operation.</p> <p>No further action required.</p>
1C	<p>Fire Hydrant System</p> <p>A. At the time of the inspection there were no system faults or other issues observed and the system appeared normal operation.</p>	<p>The fire hydrant system was not showing any system faults and the system appeared normal operation at the time of the inspection.</p> <p>No action required.</p>
1D	<p>Automatic Fire Suppression System:</p> <p>A. The sprinkler valves:</p> <p>i. A location plate identifying the location of the sprinkler control valves (within the pumphouse on basement level 1), is not provided on the doors accessing the sprinkler control valves, contrary to the requirements of Clause 8.4 of AS2118.1-1999.</p>	<p>To be addressed by an email as corrective action.</p>
2A	<p>Egress paths, fire exits and fire exit doors – At the time of the inspection, the paths of travel leading to the fire exits, along with the fire exits and fire exit doors were all clear and unobstructed.</p>	<p>The paths of travel leading to the fire exits, along with the fire exits and fire exit doors were all clear and unobstructed at the time of the inspection.</p> <p>No action required.</p>

FRNSW is therefore of the opinion 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).

FRNSW Recommendations

FRNSW have made no direct recommendation within their report other than legislative notification; however, FRNSW have made the following comments:

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.

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 the above site inspection undertaken by Council's investigation officers it was determined to issue written fire safety compliance instructions to rectify the identified fire safety deficiencies noted by Council and FRNSW.

The above correspondence has requested that building management engage and to carry out remedial works to existing fire systems to ensure compliance with required standards of performance.

Follow-up compliance inspections will continue to be undertaken by a Council investigation officer to ensure already identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence and the recommendations of FRNSW occur.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

Referenced/Attached Documents:

2022/494230 - 1	Fire & Rescue NSW letter dated 5 September 2022
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Trim Reference: 2022/494230

CSM reference No#: 2848848

Unclassified



File Ref. No: BFS22/4391 (23390)
TRIM Ref. No: D22/76016
Contact: [REDACTED]

5 September 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
'MEZZO'
89 BAY STREET, 2E WENTWORTH PARK ROAD, 2H WENTWORTH PARK
ROAD, 2J WENTWORTH PARK ROAD AND 2 COWPER STREET, GLEBE
("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 August 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.

Fire and Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

1 Amarina Ave
Greenacre NSW 2190

T (02) 9742 7434
F (02) 9742 7483

www.fire.nsw.gov.au

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Unclassified

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.

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 at the time of the inspection:

1. Essential Fire Safety Measures
 - 1A. Automatic Fire Detection and Alarm System:
 - A. At the time of the inspection there were no system faults or other issues observed and the system appeared normal operation.
 - 1B. Sound System and Intercom System for Emergency Purposes:
 - A. The evacuation system control panel was displaying 'charger fault' indicating the battery charger had failed.

The Facilities Manager, who was present at the time of the inspection, advised FRNSW that he was aware of the fault which was associated with a battery charger to the sub-panel in Building B and the issue would be resolved in a timely manner.

Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.
 - 1C. Fire Hydrant System:
 - A. At the time of the inspection there were no system faults or other issues observed and the system appeared normal operation.
 - 1D. Automatic Fire Suppression System:
 - A. The sprinkler valves:
 - i. A location plate identifying the location of the sprinkler control valves (within the pumphouse on basement level 1), is not provided on the doors accessing the sprinkler control valves, contrary to the requirements of Clause 8.4 of AS2118.1-1999.

2. Access and Egress

- 2A. Egress paths, fire exits and fire exit doors – At the time of the inspection, the paths of travel leading to the fire exits, along with the fire exits and fire exit doors were all clear and unobstructed.

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 BFS22/4391 (23390) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Fire Safety Compliance Unit