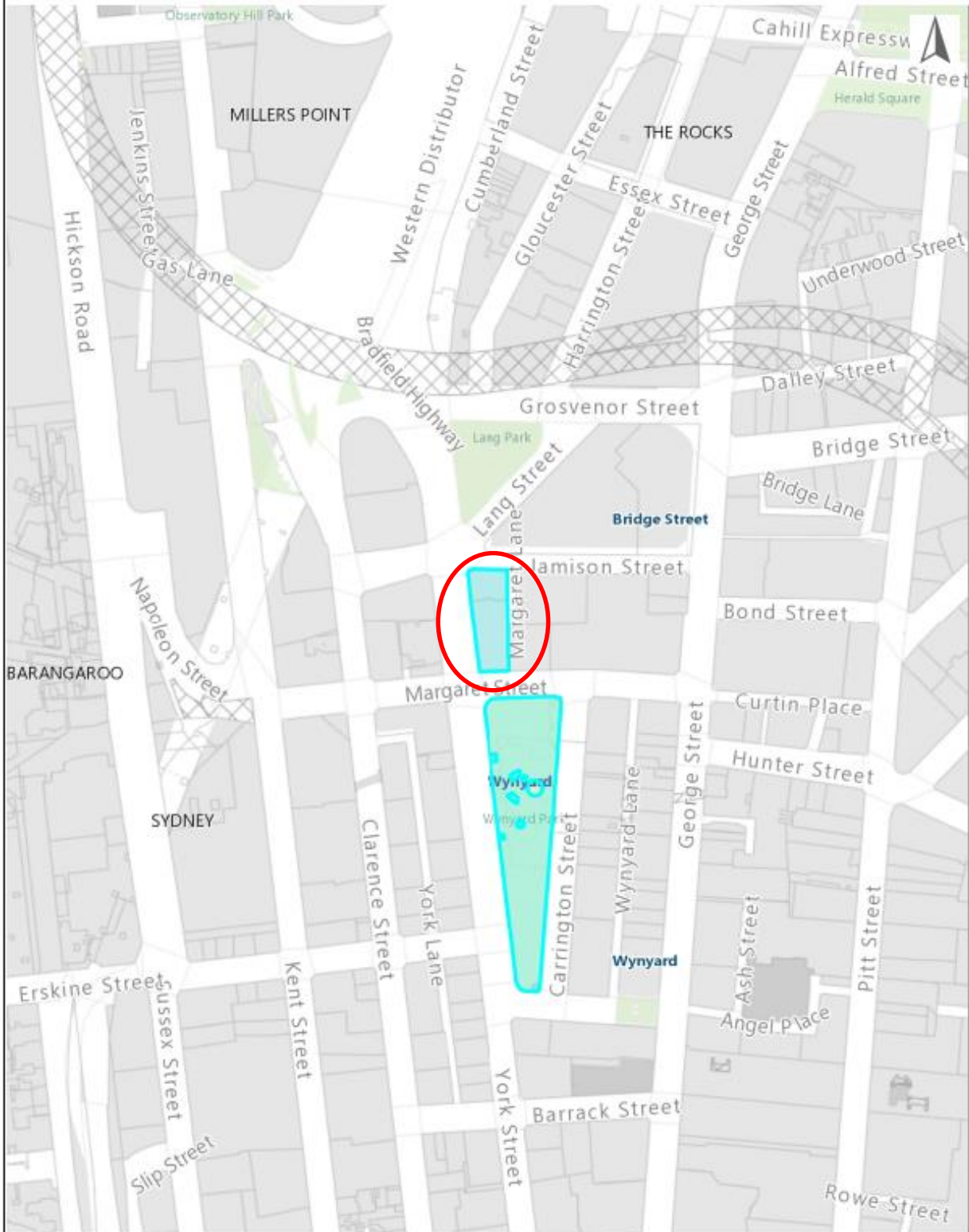


# **Attachment C**

**Inspection Report  
2 York Street, Sydney**

# 2 York Street, Sydney



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Notes

6/10/2022

**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 2832101

**Officer:** Ashley Host

**Date:** 27 October 2022

**Premises:** 2 York Street, Sydney

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**Executive Summary:**

Council received correspondence dated 10 August 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 residential apartment building with 148 units and is located on the eastern side of York Street and North of Wynyard Park. The building is 14 storeys in height above street level and contains 4 basement levels used for the storage of motor vehicles by an automated vehicle parking station.

An inspection of the premises undertaken by a Council investigation officer revealed that the basement levels contained the following fire safety deficiencies relating to the automated vehicle parking station:

1. No accessibility for fire fighters to perform rescue or firefighting operations.
2. No provisions for the containment and extinguishment of fire.

Other than the issues noted above, 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. The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Furthermore, a fire safety order is to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety issues within the basement levels, noting that a Notice of Intention to serve an Order dated 4 November 2022 has been sent.

Observation of the external features of the building identified the existence of potential combustible composite cladding on the façade of the building. This matter is currently being addressed under an existing order (dated 29 September 2021) to remove potential combustible composite cladding with a compliance/expiry date of 1 December 2023.

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**Chronology:**

<b>Date</b>	<b>Event</b>
11.08.2022	FRNSW correspondence received regarding premises 2 York Street, Sydney
05.10.2022	An inspection of the subject premises was undertaken by a Council officer which revealed no significant fire safety issues within the premises and the issues raised by FRNSW in their correspondence were rectified at the time of inspection.
04.11.2022	NOI issued to building owners.

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

References: BFS22/2684 (22689), D22/64973, Trim Ref: 2022/517745

Fire and Rescue NSW (FRNSW) inspected the premises and identified the following fire safety concerns.

### Issues

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

Issue	City response
The fire indicator and control panel displayed 5 'faults'	All faults were corrected to the panel at the time of inspection
The booster assembly was incorrectly labelled	Booster assembly has been provided with new compliant signage at the time of inspection
A block plan was not provided at the booster assembly	Block plan provided to booster assembly at the time of inspection
Doors leading to pumphouse not identified by appropriate signage	All doorways leading to pumphouse provided with new compliant signage at the time of inspection
Clearances around hydrant valve on level 8 not compliant	Hydrant valve modified so clearances around hydrant comply with Australian Standards
Stock of spare sprinkler heads and spanner not provided at the sprinkler control valves	Spare sprinkler heads and spanner has been provided to sprinkler control valves at the time of inspection
Sprinkler head on level 7 capped off	Cap removed to sprinkler head at the time of inspection
Multiple exit signs throughout the premises were not illuminated	Exit signage was compliant at the time of inspection
A copy of the current annual fire safety statement and fire safety schedule were not prominently displayed within the building	Current copy of AFSS and FSS provided within ground floor lobby at reception at the time of inspection
Public corridors exceed 40m and are not smoke separated	Subject to alternate Solution Report R1.4 by Defire dated 22.02.2005 as referenced on the building essential service schedule
Travel distance to exit from some units exceed 6m	Subject to alternate Solution Report R1.4 by Defire dated 22.02.2005 as referenced on the building essential service schedule
Re-entry facilities from fire-isolated stair not operational	Subject to alternate Solution Report R1.4 by Defire dated 22.02.2005 as referenced on the building essential service schedule
The automated vehicle parking station (AVPS) does not comply with FRNSW position statement, Concerns are raised with access and egress, fire suppression systems, hydrant coverage, ventilation, and fire separation	The building and AVPS were constructed prior to the requirements for parking stations being implemented however, due to the inherent risks this is to be addressed by Order

## 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.

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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 Council 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 give 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. A Notice of Intention to serve an Order was given on 4 November 2022.

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:**

2022/517745-01	FRNSW S9.32 report dated 10 August 2022
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**Trim Reference:** 2022/517745

**CSM reference No#:** 2832101

Unclassified



File Ref. No: BFS22/3684 (22689)  
TRIM Ref. No: D22/64973  
Contact: [REDACTED]

10 August 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 Sir / Madam

**Re: INSPECTION REPORT  
'PORTICO APARTMENTS'  
2 YORK STREET, SYDNEY ("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 26 July 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](http://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](http://www.fire.nsw.gov.au)

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Unclassified

## 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. Fire Indicator Panel (FIP): The Automatic Fire Detection and Alarm System and Sound System did not appear to be capable of operating to the standard of performance from when it was first designed and installed in contravention with 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 five (1) 'fault'.

Examination of the FIP at the time of the inspection revealed the fault was associated with 'sprinkler tank No. 2'. The Building Manager advised FRNSW at the time of the inspection that the fault was a non-critical fault cause by some leaking pipework which was scheduled for replacement early next week.

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. Combined Fire Hydrant and Sprinkler System:

##### A. The booster assembly:

- i. The booster assembly is labelled incorrectly. In this regard, there are two separate signs stating, "Hydrant Booster" and "Sprinkler Booster" in lieu of single signage stating, "COMBINED FIRE HYDRANT AND SPRINKLER BOOSTER", contrary to the requirements of Clause 7.10.2 (a) of AS2419.1-2005 and Clause 2.2.3 of AS 2118.6-2012.
- ii. A permanent water and fade resistant block plan of the fire hydrant system had not been provided at the booster assembly, contrary to the requirements of Clause 7.11 of AS 2419.1-2005.



B. The pumproom:

- i. All doors leading to the pumproom were not identified by appropriate signs or other visual aids, so the pumproom and its entrance can be readily located by the attending fire brigade, contrary to the requirements of Clause 6.4.1 of AS2419.1-2005. In this regard, the door into the fire stair leading to the pump room at the street level in Margaret Lane was not identified by appropriate signage.

C. Hydrant System:

- i. The hydrant valve in the fire stair on Level 8 (south-eastern fire stair) was recessed into the wall and does not achieve a clear space of 1000mm directly in front of the outlet, therefore compromising hose connection, contrary to the requirements of Clause 3.5.1 of AS2419.1-2005.

D. Sprinkler System:

- i. A complete stock of spare sprinklers and a spanner had not been provided at the sprinkler control valves, contrary to the requirements of Clause 6.7 of AS 2118.1-1999.
- ii. The sprinkler head located on Level 7 outside Unit 715 was capped off, therefore effecting sprinkler coverage in that area.

1C. Exit signs – Multiple exit signs throughout 'the premises' were not illuminated and had not maintained, contrary to the requirements of Clause 81 of the EPAR 2021.

1D. 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 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. Fire Resistance:

- A. Public corridors - The public corridors on Levels 2-8 appear to be more than 40m in length and are not divided at intervals of not more than 40m with smoke-proof walls and doors, contrary to the requirements of Clause C2.14 of the National Construction Code Volume One Building Code of Australia (NCC).

2B. Access and Egress:

- A. Exit travel distances – The entrance doorway of multiple Sole Occupancy Units (SOU's) on Level 10 appears to be located more than 6m from an exit or from a point from which travel in different directions to 2 exits is available, contrary to the requirements of Clause D1.4(a)(i) of the NCC.
- B. Re-entry from fire-isolated exits – The doors to the fire-isolated stairways serving the residential levels (effective height greater than 25m), were mostly locked from the inside. Whilst some doors were unlocked and some doors were fitted with a fail-safe device allowing re-entry, it was apparent that re-entry wasn't available every fourth floor in some instances and the re-entry doors that were available, were not provided with appropriate signage stating that re-entry is available. Furthermore, and all other doors throughout the exit were not all provided with a fail-safe device that automatically unlocks the door upon activation of a fire alarm, contrary to the requirements of Clause D2.22(b) of the NCC.

- 2C. Automated Vehicle Parking System (AVPS) – The building contains an AVPS in the void space under the building, which extends down approximately 24m, beneath basement level 1. The AVPS consist of a 'south stacker' with twelve rows (or levels) deep by five columns (or spaces) wide and a 'north' stacker' with eleven rows (or levels) deep by five columns (or spaces) wide, for the storage of approximately 113 motor vehicles. The AVPS was visible from the viewing platform accessed from the pump room on Basement Level 1.

FRNSW brings to Council's attention, a position statement in relation to AVPS published by FRNSW on 3 September 2018. The statement is shown below:

***Automated vehicle parking system***

*FRNSW endorse the Fire Safety Requirements for Automated Vehicle Parking Systems guideline as published by the Australasian Fire and Emergency Service Authorities Council, as the appropriate guidance to practitioners who design and certify building that incorporate an automated vehicle parking system (e.g. a 'car-stacker').*

A copy of the guideline prepared by the Australasian Fire and Emergency Service Authorities Council (AFAC), titled "Fire Safety Requirements for Automated Vehicular Parking Systems" Version 2.0 dated 30 April 2018 has been attached in Appendix 1 and FRNSW position statement, along with the guideline, can also be accessed on FRNSW website under FRNSW Position Statements/Automated vehicle parking system: (<https://www.fire.nsw.gov.au/page.php?id=9256>).

FRNSW raises the following concerns relating to the AVPS at 'the premise', specific to the AFAC Guideline, which may require Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

- A. Classification - FRNSW is of the opinion that the compartment containing the AVPS is more akin to the storage of motor vehicles than that of a carpark and therefore should be classified as Class 7b in accordance with the principles of classification outlined in Part A3 of the NCC. In this regard, it is unclear what classification has been given to the AVPS storage area.
- B. Access and egress - The AVPS storage area appears to be accessible only via a maintenance ladder (running vertically behind the 'north stacker') which is accessed within the room marked 'car stacker service room' located within the pumphoom on Basement Level 1.

In this regard, the AFAC guideline recommends two separate firefighter access points into the vehicle storage area be provided at each pedestrian access level, with vehicles stored no greater than 3 vehicles deep from the safe pedestrian access area. The guideline also requires access to AVPS storage area via a compliant fire isolated stair extending to the lowest point of the storage area.

- C. Sprinklers – Whilst it appears that the AVPS is provided with some level of sprinkler coverage, the extent of the sprinklers could not be determined by visible inspection from the viewing platform on Basement Level 1.

In this regard, the AFAC guideline recommends sprinkler heads be incorporated within the vehicle storage bays (including pits) and should be positioned so that every corner of each vehicle space / bay is covered.

- D. Fire Separation – It appears that the AVPS is not adequately fire separated from the basement carpark level, where the transfer/entry platforms for the north and south stackers are located.

In this regard, the AFAC guideline recommends that the compartment containing the fully AVPS / storage area should be separated from the remainder of the building by barriers to fire such as walls and/or floors that achieve a minimum of 240 minutes resistance to the spread of fire, with any openings adequately protected.

- E. Hydrant coverage – The AFAC guideline recommends that compliant fire hydrant coverage is achieved within the storage area containing the AVPS. In this regard, it is unclear how fire hydrant coverage is achieved in this instance.
- F. Ventilation – The AFAC guideline outlines the requirements for smoke exhaust / natural ventilation. It is unclear whether the storage area containing the AVPS's at 'the premises' is provided with an adequate mechanical smoke exhaust system.

In summary, FRNSW has concerns that the storage area containing the AVPS is not accessible for fire-fighters, particularly when wearing full turn out gear, (including self-contained breathing apparatus), whilst carrying fire hoses and other equipment, to perform rescue or fire-fighting activities. FRNSW also has concerns regarding the level of provisions made available for the containment and extinguishment of a fire in the storage area containing the AVPS.

Therefore, FRNSW recommends Council undertake its own inspection and assessment of the AVPS installed at 'the premises' and consider the requirements outlined in the AFAC guideline, with the view of providing a suitable means of undertaking fire-fighting operations which has not been provided at 'the premises'.

## 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.

**Unclassified**

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 BFS22/3684 (22689) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Fire Safety Compliance Unit

Attachments: [Appendix 1 – Fire Safety Requirements for Automatic Vehicular Parking Systems – Guideline Version 2.0. 30 April 2018 - AFAC]

**Unclassified**

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