

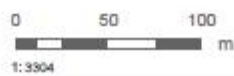
Attachment I

**Inspection Report
15-17 Marsden Street, Camperdown**

15-17 Marsden Street, Camperdown



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Notes

29/11/2022

Council 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 2877482

Officer: T McCann

Date: 15 December 2022

Premises: 15-17 Marsden Street, Camperdown

Executive Summary:

The City received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 03 November 2022 in relation to the premises 15-17 Marsden Street, Camperdown 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 four-storey residential apartment building, with ancillary basement carparking.

The subject premises is fitted with external combustible cladding. The City's cladding compliance team have issued a fire safety notice 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 officer, in the presence of the building manager, revealed that the premises are deficient in fire safety measures and egress provisions in the following areas:

- (i) Safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire, due to non-protected openings located within 6m of the discharge of the fire isolated stair; and
- (ii) Inconsistencies noted between fire safety systems installed and those noted on the Fire Safety Schedule for the building.

Council investigations have revealed that the premises is 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.

Chronology:

Date	Event
03/11/2022	FRNSW correspondence received regarding premises 15-17 Marsden Street, Camperdown. The correspondence was initiated by the Project Remediate program and a FRNSW inspection on 25 October 2022 (reference 2022/638088 -01).
09/11/2022	A review of City records shows the fire safety schedule for the premises contains eleven (11) fire safety measures, including an automatic fire detection system, and other fire safety measures typical for a building of this classification all of which were due for scheduled annual certification on 12 Dec 2022.
10/11/2022	<p>An inspection of the subject premises was undertaken by a Council Officer in the presence of a member from the Owners Corporation and the following was noted.</p> <ul style="list-style-type: none">(i) Maintenance tagging on portable fire extinguisher in Ground Floor lobby has not been updated for the current year.(ii) The fire isolated stairway serving level 3 to the ground floor discharges within six metres (6m) of an opening (the main entrance at the ground floor) and the opening has not been provided with protection in accordance with the National Construction Code Clause D1.7.(iii) Mechanical ventilation is noted in the car park for smoke control, but it has not been listed as an essential fire safety measure on the fire safety schedule. <p>The above non-compliances will be addressed by the issuance of a Notice of Intention to give a Fire Safety Order (NOI) issued on 15 December 2022. Issues specifically raised by FRNSW and responses to those issues, are summarised in the following table.</p>
15/12/2022	NOI issued (reference 2022/625225).

FIRE AND RESCUE NSW REPORT:

References: BFS22/5519 (24509); D22/95412

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 a number of issues, in particular noting

Ref.	Issue	City response
1A.A	<p>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:</p> <p>Fire Indicator Panel (FIP) - The FIP was displaying the following fault/s:</p> <ul style="list-style-type: none">i. 'General fault'ii. 'Fault tx activated'iii. 'Warning system fault'	<p>The panel was free from faults on the day of Council's inspection – no further action required.</p>

Ref.	Issue	City response
1A.B	The LED display screen associated with the FIP was 'glitching' and the last entry in the 'fire detection systems' logbook dated 28 September 2022, noted "Letters on the display of the panel are broken and difficult to read. Keep changing automatically".	There was no signs of the panels LED 'glitching' on the day of Council's inspection – no further action required.
1B	Multiple fire doors throughout 'the premises' had not been maintained in accordance with the requirements of Clause 81 of the EPAR 2021. The following issues were identified at the time of the inspection. The fire doors to the fire-isolated stairways on residential levels 1 and 2, both failed to return to the fully closed position (and self-latch) after each opening, when tested, contrary to the requirements of Clause C3.8 and Specification C3.4 of the National Construction Code Volume One Building Code of Australia (NCC) and AS1905.1.	The fire doors to the fire isolated exits on levels one & two had been attended to by a contractor prior to Council's inspection and now both return to the fully closed position after each opening - no further action required.
2A.A	Swinging doors – The fire door into the fire-isolated stairway on Level 1 is likely to impede the path of travel of the people already using the exit, when fully open, contrary to the requirements of Clause D2.20 of the National Construction Code Volume One Building Code of Australia (NCC).	This will be addressed by way of NOI issued on 15 December 2022.
2A.B	Operation of latch – The exit door from the basement level (adjacent to the carpark ramp) contained a round tulip style handle in lieu of a lever handle, contrary to the requirements of Clause D2.21 (NCC).	A lever type handle had been fitted prior to Council's inspection which has addressed this non-compliance– no further action required.

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

FRNSW Recommendations

FRNSW have made recommendations within their report.

FRNSW have made seven (7) recommendations within their report. In general, FRNSW have requested 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 *Environmental Planning and Assessment Act 1979*.

COUNCIL OFFICER RECOMMENDATIONS:

Note issue of a fire safety Order by delegated authority (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 site inspections undertaken by a Council investigation officer it was determined that concern for public safety required the giving of a Notice of Intention to give a Fire Safety Order (NOI) to be issued under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 without any further delay. The NOI was issued on 15 December 2022.

It is recommended that Council note the exercise of powers by Council's investigation officer, to issue an NOI in accordance with the above Act, prior to the resolution of Council.

The issue of an NOI prior to the resolution of Council, will help to accelerate compliance response from building owners in rectifying fire safety deficiencies and will assist to ensure that occupants are not exposed to unnecessary fire safety risks.

The Commissioner of FRNSW is to be advised of Council's actions and determination.

Referenced/Attached Documents:

2022/638088-01	Fire & Rescue NSW letter dated 03 November 2022
2022/625225	Notice Of Intention to serve a Notice

Trim Reference: 2022/638088

CSM reference No#: 2877482

Unclassified



File Ref. No: BFS22/5519 (24509)
TRIM Ref. No: D22/95412
Contact: [REDACTED]

3 November 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
15-17 MARSDEN STREET, CAMPERDOWN ("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 25 October 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

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Community Safety Directorate
Fire Safety Compliance Unit

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Page 1 of 4

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 as concerns at the time of the inspection:

1. Essential Fire Safety Measures

1A. 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:

A. Fire Indicator Panel (FIP) - The FIP was displaying the following fault/s:

- i. 'General fault'
- ii. 'Fault tx activated'
- iii. 'Warning system fault'

The Strata Manager was advised of the fault/s following the inspection, and FRNSW were advised that the issues would be investigated and resolved in a timely manner.

FRNSW received email correspondence from the fire services contractor on 26 October 2022 advising that their technician had previously attended site on multiple occasions after the same issue/s had been reported, however when they attended site each time there were no faults displayed on the panel. Notwithstanding this, they would again attend site to investigate.

FRNSW received additional email correspondence from the fire services contractor on 31 October 2022 advising the technician had attended site and again there was no fault on the panel. They advised that they suspect there may be 'an earth fault in the system or some other fault with a connection making it appear and disappear', however that they would re-attend site on 3 November 2022 for further investigation to determine why this fault continues to appear and disappear.

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

- B. The LED display screen associated with the FIP was 'glitching' and the last entry in the 'fire detection systems' logbook dated 28 September 2022, noted "Letters on the display of the panel are broken and difficult to read. Keep changing automatically".

1B. Fire Doors:

- A. Multiple fire doors throughout 'the premises' had not been maintained in accordance with the requirements of Clause 81 of the EPAR 2021. The following issues were identified at the time of the inspection:
 - i. The fire doors to the fire-isolated stairways on residential levels 1 and 2, both failed to return to the fully closed position (and self-latch) after each opening, when tested, contrary to the requirements of Clause C3.8 and Specification C3.4 of the National Construction Code Volume One Building Code of Australia (NCC) and AS1905.1.

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. Access and Egress:

- A. Swinging doors – The fire door into the fire-isolated stairway on Level 1 is likely to impede the path of travel of the people already using the exit, when fully open, contrary to the requirements of Clause D2.20 of the National Construction Code Volume One Building Code of Australia (NCC).
- B. Operation of latch – The exit door from the basement level (adjacent to the carpark ramp) contained a round tulip style handle in lieu of a lever handle, contrary to the requirements of Clause D2.21 (NCC).

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 BFS22/5519 (24509) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Fire Safety Compliance Unit