

Attachment E

**Inspection Report
72-76 Parramatta Road, Camperdown**

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: 2883531

Officer: M. Hassan

Date: 9 January 2022

Premises: 72-76 Parramatta Road, Camperdown

Executive Summary:

The City received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 11 November 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 six storey residential apartment building containing a ground floor office and a basement car park.

The subject premises is rectangular in shape and has a site area of approximately 652m². The premises is bounded by Parramatta Road to the South, Sparkes Street to the North and Larkin Street to the West. The premises is surrounded by a mixture of residential and commercial buildings.

The subject premises is fitted with external combustible cladding. The City's cladding compliance team have requested the building owners provide an expert assessment of the external cladding to determine the risk posed.

Inspections of the premises undertaken by the City on 1 December 2022, 23 December 2022, and 6 January 2023 in the presence of a strata committee member revealed that the premises are deficient in fire construction, egress, and fire safety provisions in the following areas:

- I. Suitable fire resisting construction to prevent the spread of fire (penetrations in floors required to be of fire resisting construction, penetrations in walls enclosing hydrant pump room and hydrant booster)
- II. A lack of adequate facilities for firefighting (a fire hydrant lacks a pressure gauge, inadequate signage and block plans provided at the fire hydrant booster and fire hydrant pump, doors leading to hydrant pump room lacking)
- III. Defective egress provisions (discharge from final exit door of the building necessitates passing by unprotected openings, electrical cupboards facing the exit stair are not enclosed in suitable fire resistive construction).;

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.

Chronology:

Date	Event
11/11/2022	FRNSW correspondence received regarding premises 72-76 Parramatta Road, Camperdown.
01/12/2022	<p>An inspection of the subject premises undertaken with a strata committee member. The inspection revealed the following egress, and fire safety deficiencies:</p> <ol style="list-style-type: none">1. The path of travel to the road after discharging from the fire isolated exit stairway in block A necessitates passing within 6m of the unprotected glass wall of the commercial tenancy located on the ground floor level.2. The door leading to the pump room (providing access to basement car park) was not fitted with a lock compatible with FRNSW access key.3. A copy of the fire hydrant block plan was not provided in the pump room.4. There is no signage at the front of the building that identifies the location of the fire hydrant booster and pump room.5. The fire hydrant booster lacked suitable signage required by Australian Standard 2419.1.6. A pressure gauge was not provided above the hydrant valve located on the top floor landing.7. Penetrations were located around steel pipes passing through the wall separating the car park from the pump room.8. The electrical cupboards located in the rear building (Block B) contained a number of floor penetrations.
23/12/2022	<p>A further inspection of the subject premises was undertaken with a strata committee member to check fire services that could not be checked in the previous inspection. The inspection revealed that the following additional fire safety issues:</p> <ol style="list-style-type: none">1. The fire hydrant booster assembly appears to be fire separated from the garbage room by lightweight construction and penetrations are located between the wall separating the hydrant booster assembly from the garbage room.2. The fire hydrant block plan located near the hydrant booster assembly lacks information required by the Australian Standards 2419.1 and 2118 that would assist Fire and Rescue NSW during firefighting operations.3. The main electrical switch room appears to be fire separated from the adjoining electrical cupboard with plasterboard sheeting. There is no certification on Council records that indicates that the plasterboard sheeting is constructed of suitable fire resistive construction that would prevent a fire spreading from the electrical cupboard to the main switchboard.
06/01/2023	<p>A further inspection of the subject premises was undertaken to check fire services that could not be checked in the previous inspection. The inspection revealed that the following additional fire safety issue:</p> <ol style="list-style-type: none">1. The entrance/exit door to the office located on the ground floor level is a power operated glass sliding door. There is no certification on Council records that indicates that the door can be opened manually under a force of not more than 110N if there is a malfunction or failure of the power source.
09/01/2023	Notice of Intention to give a Fire Safety Order (NOI) issued.

FIRE AND RESCUE NSW REPORT:

References: [BFS22/5516 (24504), D22/97561; 2022/583996]

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 the following:

Issue	City response
<p>The booster assembly which is affixed to the external wall of the building is not separated from the building by construction with a fire resistance rating of not less than FRL 90/90/90, for a distance of not less than 2m each side of and 3m above the upper hose connections in the booster assembly, contrary to the requirements of Clause 7.3 of AS2419.1-2005.</p>	<p>An exemption from strict compliance is considered appropriate for the following reasons:</p> <ol style="list-style-type: none"> 1. Its not practical to build a 2m wall on either side of and 3m above the booster assembly. 2. If the hydrant booster connection cannot be used due to fire spread from the adjoining garbage room, FRNSW can use the street hydrants to extinguish the fire. 3. Term 1.03 of Council's NOI dated 9 January 2023 will ensure that the hydrant booster assembly is fire separated from the remainder of the building by suitable fire resistive construction.
<p>Boost pressure and test pressure signage was not provided at the hydrant booster assembly, contrary to the requirements of Clause 7.10.1 of AS 2419.1-2005.</p>	<p>This issue has been addressed under the Notice of Intention to give a Fire Safety Order (NOI) NOI that Council issued on the owners on 9 January 2023.</p>
<p>The lettering identifying the fire hydrant booster assembly, appeared to be less than 50mm high, contrary to the requirements of Clause 7.10.2 (b) of AS2419.1-2005.</p>	<p>This issue has been addressed under the NOI that Council issued on the owners on 9 January 2023.</p>
<p>The booster assembly is located in Sparkes Street and is not located within site of the main entrance of the building (on Parramatta Road), contrary to the requirements of Clause 7.3 of AS2419.1-2005.</p>	<p>This issue has been addressed under the NOI that Council issued on the owners on 9 January 2023.</p>
<p>A pressure gauge (100mm diameter in lieu of 150mm), is provided at the booster assembly indicating the pressure at the pump discharge pipe/manifold, however, an engraved warning sign is not provided, contrary to the requirements of Clause 7.6(c) of AS2419.1-2005.</p>	<p>This issue has been addressed under the NOI that Council issued on the owners on 9 January 2023.</p>
<p>All doors leading to the pump room were not fitted with a lock compatible with FRNSW access key.</p>	<p>This issue has been addressed under the NOI that Council issued on the owners on 9 January 2023.</p>
<p>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.</p>	<p>This issue has been addressed under the NOI that Council issued on the owners on 9 January 2023.</p>
<p>A permanent and fade resistant hydrant block plan was not provided at the hydrant pump enclosure, contrary to the requirements of Clause 7.11 of AS 2419.1-2005.</p>	<p>This issue has been addressed under the NOI that Council issued on the owners on 9 January 2023.</p>
<p>A pressure gauge was not provided at the hydraulically most disadvantaged fire hydrant, contrary to the requirements of Clause 9.3.2(b) of AS2419.1-2005.</p>	<p>This issue has been addressed under the NOI that Council issued on the owners on 9 January 2023.</p>
<p>A copy of the current AFSS and FSS were not prominently displayed within the building in accordance with Clause 89 of the EPAR 2021.</p>	<p>A copy of the current AFSS was prominently displayed within the building in accordance with Clause 89 of the EPAR 2021. No further action required.</p>

Issue	City response
Travel via fire-isolated exits - the path of travel to the road after discharging from the fire-isolated stairway in Block A (Parramatta Road), necessitates passing within 6m of openings within the external wall of the same building, which have not been protected in accordance with Clause C3.4 of the NCC, contrary to the requirements of Clause D1.7 of the NCC.	This issue has been addressed under the NOI that Council issued on the owners on 9 January 2023.

FRNSW Recommendations

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

1. Inspect the subject premises and address item no. 1 of their report.
2. Consider item no.2 of their report.
3. 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 Notice of Intention to Give a Fire Safety Order	Other (to specify)

As a result of site inspections undertaken by a Council investigation officer it was determined that concern for public safety requires 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.

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.

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

Referenced documents:

No#	Document type	Trim reference
A1	Fire and Rescue NSW Report	2023/00904-01
A2	Copy of Proposed Fire Safety Order	2023/00904-02

Trim Reference: 2023/009044

CSM reference No#: 2883531

Unclassified



File Ref. No: BFS22/5516 (24504)
TRIM Ref. No: D22/97561
Contact: [REDACTED]

11 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
'CAMPERDOWN HQ'
72-76 PARRAMATTA ROAD, 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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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 Fire Hydrant System:

A. The booster assembly:

- i. The booster assembly which is affixed to the external wall of the building is not separated from the building by construction with a fire resistance rating of not less than FRL 90/90/90, for a distance of not less than 2m each side of and 3m above the upper hose connections in the booster assembly, contrary to the requirements of Clause 7.3 of AS2419.1-2005.
- ii. Boost pressure and test pressure signage was not provided at the hydrant booster assembly, contrary to the requirements of Clause 7.10.1 of AS 2419.1-2005.
- iii. The lettering identifying the fire hydrant booster assembly, appeared to be less than 50mm high, contrary to the requirements of Clause 7.10.2 (b) of AS2419.1-2005.
- iv. The booster assembly is located in Sparkes Street and is not located within site of the main entrance of the building (on Parramatta Road), contrary to the requirements of Clause 7.3 of AS2419.1-2005. In this regard, a block plan of the hydrant system and/or signage erected at the main entry on Parramatta Road may assist fire-fighters locating the booster assembly.
- v. The booster assembly appears to be connected 'in series' with the fixed on-site fire pump in accordance with the requirements of Clause 7.6 of AS2419.1-2005. In this regard, a pressure gauge (100mm diameter in lieu of 150mm), is provided at the booster assembly indicating the pressure at the pump discharge pipe/manifold, however, an engraved warning sign is not provided, contrary to the requirements of Clause 7.6(c) of AS2419.2-2005.

- B. The pumproom:
 - i. All doors leading to the pump room were not fitted with a lock compatible with FRNSW access key. In this regard, the door into the fire stair leading to the pump room at the street level (Parramatta Road) was not fitted with a 003 key lock.
 - ii. 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 (Parramatta Road) was not provided with any signage.
 - iii. A permanent and fade resistant hydrant block plan was not provided at the hydrant pump enclosure, contrary to the requirements of Clause 7.11 of AS 2419.1-2005.
- C. A pressure gauge was not provided at the hydraulically most disadvantaged fire hydrant, contrary to the requirements of Clause 9.3.2(b) of AS2419.1-2005.

1B. 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. Access and Egress:

- A. Travel via fire-isolated exits - The path of travel to the road after discharging from the fire-isolated stairway in Block A (Parramatta Road), necessitates passing within 6m of openings within the external wall of the same building, which have not been protected in accordance with Clause C3.4 of the NCC, contrary to the requirements of Clause D1.7 of the 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 BFS22/5516 (24504) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]
[REDACTED]
Fire Safety Compliance Unit