

## Item 6.

### Fire Safety Reports

**File No: S105001.002**

#### Summary

The City of Sydney regularly receives building reports from Fire and Rescue NSW in relation to inspections carried out by Fire and Rescue NSW Authorised Officers. These inspection reports are to be reported to Council and Council is required to determine whether to exercise its power to issue fire safety orders under Division 9.3 and Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act).

In response to Fire and Rescue NSW reports City staff undertake inspections to ensure fire safety measures are in full operation and that building exits are clear and unimpeded. Fire and Rescue NSW inspections revealed fire safety concerns that require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

Fire and Rescue NSW has powers under the Act to carry out inspections of buildings and it is required to forward its findings to the City.

Fire and Rescue NSW reports received by the City are required to be tabled before Council. Attached are details of three reports received by the City from Fire and Rescue NSW. The attachments deal with three properties and includes the Fire and Rescue NSW report and the findings (preliminary or final) by the City's Officer, along with other documentation relevant to that property.

One of the reports resulted from the 'Project Remediate' program being undertaken by the NSW Department of Customer Service. Project Remediate is a voluntary (opt-in) program to replace flammable cladding for eligible residential apartment buildings provided by NSW Government. It offers a 10-year interest-free loan and assistance from experts. The Project provides replacement cladding that is certified, safe, long-lasting and insurable. Project Remediate has no regulatory role in cladding removal and does not serve fire safety orders.

Project Remediate involves a two-stage approach to cladding remedial works, the first being an internal inspection of the building by Fire and Rescue NSW (inspection report is required to be reported to Council), and the second being Project Remediate managing cladding remedial works required under a Fire Safety Order issued by the City. Fire and Rescue NSW will be inspecting all buildings for fire safety deficiencies which Project Remediate will require to be resolved prior to cladding remedial works commencing.

Recommendations are made in the attachments setting out the most appropriate action in the circumstances.

## **Recommendation**

It is resolved that Council:

- (A) note the contents of the Fire Safety Report Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection reports by Fire and Rescue NSW, as shown at Attachments B to D of the subject report;
- (C) note the contents of Attachment B and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 33 Euston Road, Alexandria at this time;
- (D) note the contents of Attachment C and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 10-18 Gadigal Avenue, Waterloo at this time; and
- (E) note the contents of Attachment D and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 241-243 Commonwealth Street, Surry Hills at this time.

## **Attachments**

- Attachment A.** Fire Safety Report Summary Sheet
- Attachment B.** Inspection Report - 33 Euston Road, Alexandria
- Attachment C.** Inspection Report - 10-18 Gadigal Avenue, Waterloo
- Attachment D.** Inspection Report - 241-243 Commonwealth Street, Surry Hills

## Background

1. The City receives inspection reports and recommendations from Fire and Rescue NSW in relation to inspections carried out on buildings located within the City's local government area.
2. Under the Environmental Planning and Assessment Act 1979, (the Act), Fire and Rescue NSW has the power to carry out inspections of buildings to determine if the building has adequate provision for fire safety and/or is compliant with legislation.
3. On average, the City receives approximately 50 such reports each year. They can be prompted by reports from the Police or others who have a concern relating to fire safety in a building.
4. The inspection was undertaken to ensure fire safety measures were in full operation and that building exits were clear and unimpeded.
5. When Fire and Rescue NSW carries out such an inspection, a report and any recommendations must be provided to the City.
6. Under the Act, Council is then required to table the report and make a determination as to whether it will exercise its power to issue a Fire Safety Order 1 or 2 in Schedule 5, Part 2 of the Act. Fire Safety Order 1 requires a person to do or stop doing certain specified things to improve fire safety; Fire Safety Order 2 requires a person to cease conducting an activity on premises where that activity constitutes, or is likely to constitute, a life-threatening hazard or a threat to public health or public safety.
7. Attached are the details of the reports received from Fire and Rescue NSW, including recommendations for further action. The properties have also been reviewed by a City Officer.
8. Personal information has been redacted from the reports in accordance with the Privacy and Personal Information Protection Act 1998.

## Relevant Legislation

9. Environmental Planning and Assessment Act 1979
10. Environmental Planning and Assessment Regulation 2021.

## GRAHAM JAHN AM

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