

Attachment C

**Inspection Report
10-18 Gadigal Avenue, Waterloo**



**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: 2023/017279

Officer: Andrew Porter

Date: 12 January 2023

Premises: 10-18 Gadigal Avenue Waterloo

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 23 December 2022 with respect to matters of fire safety.

The premises consists of three mixed use buildings constructed over a basement carpark. Two of the three buildings are eight storeys and the third building is twenty-one storeys. There are two basement levels of carparking, commercial offices and retail at ground floor level and residential accommodation on the first-floor level and 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 2021.

Council investigations have revealed that whilst there remains several minor 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 through written instruction from Council.

Observation of the external features of the building did not identify the existence of any potential combustible composite cladding on the façade of the building.

Chronology:

Date	Event
23/12/2022	FRNSW correspondence received regarding premises ‘Emblem Apartments’ 10-18 Gadigal Avenue Waterloo.
11/01/2023	An inspection of the subject premises was undertaken by a Council officer, during the inspection it was found that the fire isolated passageway behind the ground floor retail tenancies in building ‘b’ had items stored, the fire indicator panel was indicating an earth fault and the pressure reducing valves on the combined fire hydrant and sprinkler installation had unmonitored quarter turn isolation valves.
12/01/2023	Council investigation officer issued written fire safety compliance instructions to the building owners to rectify the non-compliances observed during the inspection of 11 January 2023.
18/01/2023	Council investigation officer carried out an inspection and noted the fire isolated corridor at the rear of the commercial tenancies had been cleared of storage.

Date	Event
28/2/2023	Council investigation officer carried out an inspection. Discussion with the onsite building management revealed that the earth fault is being worked on by their appointed fire safety contractors. To identify the source of this fault requires the contractor to clean all smoke detector heads onsite which is a lengthy process. Furthermore, work orders have been issued to the fire contractor to change the non-compliant valves on the combined sprinkler and hydrant system. All fire safety systems are operational at the time of inspection. Further follow up inspections and correspondence will occur to ensure these works are completed to the satisfaction of Council.

FIRE AND RESCUE NSW REPORT:

References: [D/22/113411; 2022/658729]

Fire and Rescue NSW conducted inspections of the subject premises on 7 September 2022 and 21 October 2022 after receiving an enquiry concerning the adequacy of the provision of fire safety in connection with the premises.

Issues The report from FRNSW detailed several issues, as detailed in the below table.

Issue	City response
The combined sprinkler and fire hydrant system incorporates pilot operated pressure reduction valves downstream of the primary and secondary pump sets. The <i>pilot valve</i> , supply and sensing tubes, incorporate a quarter-turn isolation valve which are not monitored in accordance with Clause 2.13 and Clause 2.7 of Australian Standard (AS) 2118.6-2012.	<p>Inspection of the building by Council investigation officer on 11 January 2023 identified this issue and non-compliance with the relevant Australian Standard.</p> <p>Written instruction from Council has been issued to the building owners on 12 January 2023 to remedy this issue.</p> <p>Follow up inspections will be conducted to ensure compliance with Council's written letter of instruction.</p>
Sprinkler heads were not visible in the fire isolated corridor leading from the 'Taste of Taiwan Kitchen' which exits to Hatbox Place contrary to the requirements of Part E1.5 and Table E1.5 of the National Construction Code 'NCC'.	The NCC referenced Australian Standard AS2118.1-1999 – Clause 3.1.3 (a) permits the omission of sprinkler heads within fire isolated passageways; therefore, no action is required to be taken on this issue.
Four faults, including alarms were displayed on the building fire indicator panel, the alarms had not activated the occupant warning system or the alarm signalling equipment to call the fire brigade contrary to the performance requirements of EP2.2 of the NCC. FRNSW issued a fire safety order to the building owners to address this matter on 10 October 2022. FRNSW reinspected the building on 22 October 2022 and found the order issued was complied with.	Inspection of the building on 11 January 2023 by Council investigation officer, identified one fault (earth fault) being displayed on the fire indicator panel. All other faults were remedied by fire safety order issued by FRNSW on 10 October 2022.
Earth fault being displayed on the fire indicator panel, fire contractor advised it is caused by corrosion of the smoke detector bases in open corridors within parts of the building due to water ingress into those areas of the building.	<p>Inspection of the building on 11 January 2023 by Council investigation officer, identified the earth fault still being displayed on the fire indicator panel. The fire services contractor was onsite during the inspection and has assured that the fire alarm system is although working as required.</p> <p>Written instruction from Council has been issued to the building owners on 12 January 2023 to remedy this issue.</p>

Issue	City response
	Follow up inspections will be conducted to ensure compliance with Council's written letter of instruction.
The fire isolated corridors at the rear of the ground floor commercial tenancies were blocked by stock and equipment contrary to the requirements of clause 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.	Corrective action letter has been issued on 12 January 2023 to the building owners to remove all items from the fire isolated passageway. Follow up inspection on the 18 January 2023 has identified the fire isolated passage was clear and unobstructed.

FRNSW Recommendations.

FRNSW have made number of 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
3. FRNSW has recommended that as Council are the regulatory authority the matter is referred for Council to take action to have the abovementioned items appropriately addressed.
4. FRNSW have also requested that as soon as practical after the above report has been tabled and considered, that notice of any determination in relation to the report and recommendations is forwarded to them in accordance with 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 Council Order	Other (to specify)

As a result of the above site inspection undertaken by Council's investigation officers it is recommended that the owners of the building continue to comply with the written fire safety compliance instructions as issued by Council officers to rectify the identified fire safety deficiencies noted by FRNSW.

The above correspondence has requested that building management:

- (a) Undertake remedial works to the buildings fire detection and alarm system so that the systems are free of fault and isolation and have required signage to fire systems caused to be compliant.
- (b) Carry out works to the combined hydrant and sprinkler pressure reducing valves so that either the quarter turn isolation valves are removed or monitored in compliance with the required standards of performance.
- (c) Remove all stored items within the fire isolated passageway located to the rear of the ground floor retail tenancies in building B.

Follow-up compliance inspections are currently being undertaken and 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.

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

Referenced/Attached Documents:

2023/01279-01	Fire and Rescue NSW correspondence
2023/01279-02	Copy of corrective action letter dated 12 January 2023

Trim Reference: 2023/017279

CSM reference No#: 2906086

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File Ref. No: BFS22/3500 (22505)
TRIM Ref. No: D22/113411
Contact: [REDACTED]

16 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
EMBLEM APARTMENTS
10-18 GADIGAL AVENUE WATERLOO (“the premises”)**

Fire and Rescue NSW (FRNSW) received correspondence on 20 July 2022 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *We are lodging this complaint as there appears to be an on-going issue with our fire/smoke alarm in our complex.*
- *The fire alarm has come on numerous times over the last few weeks and stays on for 15 mins + with no attendance by any fire services.*
- *When contacting the local departments, they say that they have nothing coming up on their end, which suggests it's an issue with the system providing a false alarm.*
- *Besides this being a major inconvenience to the building occupants, I believe it also poses a risk should there ever be a real fire in the future and occupants thinking it's another false alarm*

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected 'the premises' on 7 September 2022.

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483

www.fire.nsw.gov.au Page 1 of 16

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On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

The items listed in the comments of this report are based on the following limitations:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

NOTICE OF INTENTION TO SERVE AN ORDER

FRNSW issued a Notice of Intention to Serve an Order (1) dated 8 September 2022 under the provisions of Section 9.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

REPRESENTATIONS & INSPECTION

Written representations were received concerning the proposed **Order 1** under Schedule 5, Part 6, Section 8 of the EP&A Act. FRNSW decided to give an Order under Schedule 5, Part 7, Section 15 of the EP&A Act.

FIRE SAFETY ORDER NO. 1

Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. **1**, dated 10 October 2022 under the provisions of Section 9.34 of the EP&A Act. A copy of the Order is attached for your information under the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act.

RE-INSPECTION

Pursuant to the provisions of Section 9.32(1)(b) of the EP&A Act and Section 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR2021), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected 'the premises' on 21 October 2022.

FRNSW received certification from the accredited practitioner (fire safety), 24 October 2022 that alarm signals sent to the FDCIE activate the required fire safety systems at the premises.

INSPECTION OUTCOME

At the time of the inspection, the terms of 'the Order' issued on 'the premises' were compliant. In this regard, Council is not required to take action concerning item no. 1B and item no. 2 of this report. It is the Council's discretion to inspect and address any other deficiencies identified on 'the premises'.

COMMENTS

The following items were identified during the inspection:

FRNSW received the fire safety complaint anonymously. FRNSW were unable to glean any further information to investigate the concern.

1. Essential Fire Safety Measures
 - 1A. Combined Sprinkler and Fire Hydrant System
 - A. The combined system incorporates Pilot Operated Pressure Reduction Valves (POPRV) downstream of the primary and secondary pumpsets. The *pilot valve*, supply and sensing tubes, incorporate a quarter-turn isolation valve (Figure 1) which are not monitored in accordance with Clause 2.13 and Clause 2.7 of Australian Standard (AS) 2118.6-2012.

Should the quarter-turn isolation valve be in the closed position, at the time of fire, the POPRV will not operate as designed and water will not flow to the broken sprinkler head or hydrant system. The sprinkler system flow switch may not detect water flow, therefore, the occupant warning, alarm signalling equipment, fire fan control panel and the combined system pumpsets will not activate as the Fire Detection and Control Indicating Equipment (FDCIE) has not received a signal to activate the fire safety systems.
 - B. Sprinkler heads were not visible in the fire isolated corridor leading from the Taste of Taiwan kitchen to Hatbox Place contrary to the requirements of Part E1.5 and Table E1.5 of the NCC.
 - 1B. Smoke Detection and Alarm System (SDAS)
 - A. The FDCIE displayed four (4) faults, including alarms that had not activated the occupant warning system or the alarm signalling equipment to call the fire brigade contrary to the performance requirements of EP2.2 of the NCC.
 - B. Certification (Appendix 2) provided by the accredited practitioner (fire safety) details, "*We still have a earth fault showing in the Panel. We did investigation and find out that a lot of detectors and devices in the loops are effected by rain. The base of detectors and the touch points of detectors are corroded by water*". FRNSW observed

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multiple smoke detectors that had been removed from open corridors where severe corrosion has occurred.

2. Access and Egress

- 2A. The fire isolated corridors at the rear of commercial tenancies were blocked by stock and equipment contrary to the requirements of Clause 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 21).

FRNSW believes that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require items 1A and 1B. B of this report to be addressed appropriately.
- b. Request the owners to remove or monitor the quarter-turn isolation valve on the Pilot Operated Pressure Reduction Valve in accordance with the requirements of AS 2118.6-2012.

Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Please do not hesitate to contact Acting Inspector [REDACTED] of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call on [REDACTED] if there are any questions or concerns about the above matters. Please ensure that you refer to file reference BFS22/3500 (22505) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Fire Safety Compliance Unit

- Attachment: [Appendix 1 – Fire Safety Order No. 1 – 5 pages]
[Appendix 2 – Certification – Emblem Apartments – 6 pages]

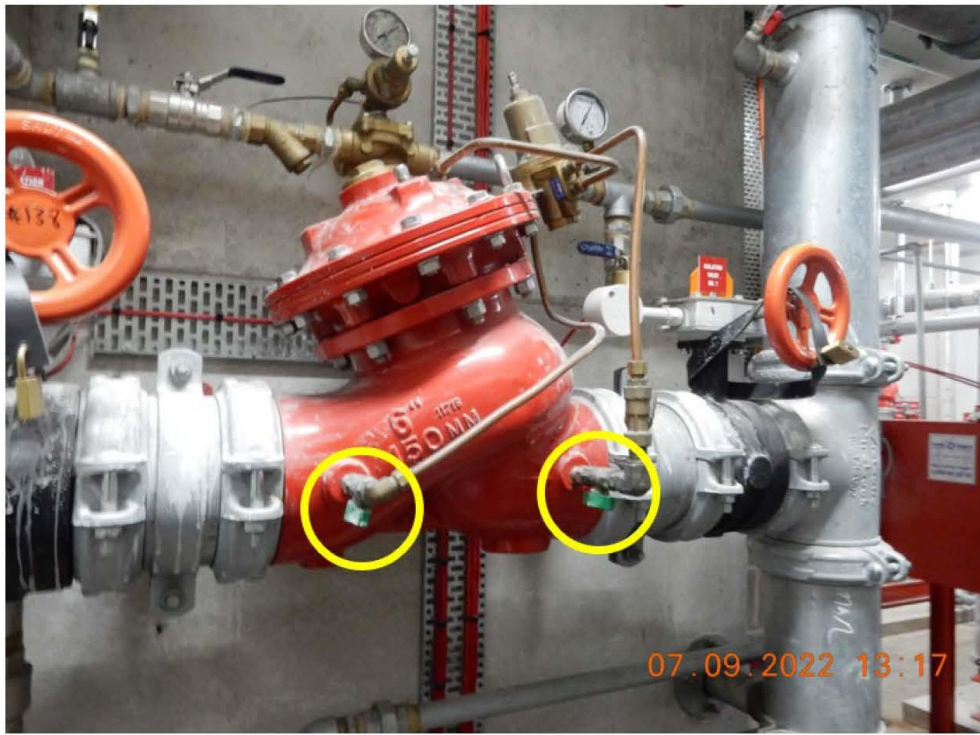


Figure 1

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Appendix 1 – Appendix 1 – Fire Safety Order No. 1



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File Ref. No: BFS22/3500 (22505)
TRIM Ref. No: D22/88740
Contact: [REDACTED]

10 October 2022

THE OWNERS - STRATA PLAN NO. 97654
16 GADIGAL AVENUE
WATERLOO NSW 2017

Dear Owners of Strata No. 97654

**Re: FIRE SAFETY ORDER – ORDER NO.1
EMBLEM APARTMENTS
10-18 GADIGAL AVENUE WATERLOO (“the premises”)**

Fire & Rescue NSW (FRNSW) has received your letter dated 16 September 2022 in response to the Notice of Intention to give a Proposed Fire Safety Order – Order No.1 dated 8 September 2022 (“NFSO”).

FRNSW conducted an inspection of the premises on 23 September and found that the following item of the Proposed Fire Safety Order was found compliant;

2. Remove stock, tools and equipment from the fire isolated corridors at the rear of the commercial tenancies.

FRNSW did not obtain entry within the commercial tenancies to determine if the path of travel was made clear.

At the time of inspection, FRNSW were advised water ingress and access to smoke detectors were the reason for non-compliance regarding the Smoke Detection and Alarm System.

FRNSW has determined to issue the **Fire Safety Order – Order No.1** (“**Order No.1**”), in response to your representations and consideration given under the provisions of Schedule 5, Part 7 (Section 14 and Section15) of the *Environmental Planning & Assessment Act 1979* (EP&A Act). Accordingly, I have attached a copy of the FRNSW “**Order No. 1**” dated 9 October 2022, issued under Section 9.34 of the EP&A Act.

A copy of the “**Order No.1**” will be forwarded to the City of Sydney Council under Schedule 5, Part 6, Section 12 of the EP&A Act. Authorised Fire Officers will conduct inspections to assess compliance with the “**Order No.1**”.

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre, NSW 2190	F (02) 9742 7843
Firesafety@fire.nsw.gov.au		Page 1 of 5

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Please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call on [REDACTED] if there are any questions or concerns about the above matters. Please ensure that you refer to file reference BFS22/3500 (22505) regarding any correspondence concerning this matter.

Yours faithfully,

[REDACTED]

Fire Safety Compliance Unit

[REDACTED]

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Fire Safety Order ORDER No. 1

Under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*
Part 9 Implementation and Enforcement – Division 9.3 Development Control Orders
Fire Safety Orders in accordance with the table to Part 2 - Schedule 5.
Give an Order in accordance with Section 9.34(1)(b)

I, **Paul Scott** **Station Officer** **6776**
(name) (rank) (number)

being an authorised Fire Officer within the meaning of Schedule 5, Part 8, Section 16 of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose, hereby order you

THE OWNERS –
STRATA PLAN NO. 97654
(name of the person whom Order is served)

Owner
(position, i.e. owner, building manager)

with respect to the premise

EMBLEM APARTMENTS
10-18 GADIGAL AVENUE WATERLOO (“the premises”)
(name/address of premises to which Order is served)

to do, or refrain from doing, the following things:

1. Restore the Smoke Detection and Alarm System to operate automatically by removing faults, resetting and enabling smoke detectors.
2. Remove stock, tools and furniture in the path of travel to the fire egress door within the commercial tenancies.
3. Provide certification that the activation of a smoke detector at the premises sends a signal to the Fire Detection and Control Indicating Equipment in order to alert the occupants of an emergency at the premises.

The reasons for the issue of this Fire Safety Order - Order No.1 are:

- a. At the time of the inspection the building was occupied, as such repairs:

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7843
www.fire.nsw.gov.au		Page 3 of 5

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1. Will provide a safe evacuation route by the detection of fire or smoke in the building in accordance with Clause E2.2 of the National Construction Code 2019 Volume One, Building Code of Australia (NCC) and Australian Standard (AS) 1670.1-2015.
 2. Will provide an unobstructed evacuation route in accordance with Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 and Section D of the National Construction Code 2019 Volume One, Building Code of Australia).
- b. The Fire Detection and Control Indicating Equipment displayed multiple faults and disabements. The fire brigade panel displayed,
1. Fire Indicator Panel – Earth Fault
 2. Z1004 – Block A Ground Floor.
 3. Block A P1001 – 155.
 4. Block A Retail 7 Kitchen - Disabled
- c. Stock, tools and furniture created an impediment to access the fire egress door at the rear of tenancies, Taste of Spicy, Little Ginger and No Ramen No Life by Yasaka
- d. To do or refrain from doing such things specified in the Order to ensure or promote adequate fire safety or awareness.
- e. You are required to submit a certification to:

Paul Scott
Acting Inspector
Fire & Rescue NSW
Locked Bag 12
GREENACRE NSW 2190
e-mail: firesafety@fire.nsw.gov.au

The terms of this Fire Safety Order - Order No.1 are to be complied with:

By no later than **close of business** on the **19 October 2022**.

You are required to submit the certification to:

Acting Inspector Paul Scott
Fire & Rescue NSW
Locked Bag 12
GREENACRE NSW 2190
e-mail: firesafety@fire.nsw.gov.au

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Appeals

Pursuant to Section 8.18 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against this Fire Safety Order - Order No.1 other than an order that prevents a person from using or entering premises.

Non-Compliance with Fire Safety Order – Order No.1

Failure to comply with this Fire Safety Order - Order No.1 may result in further Orders and/or fines being issued.

Substantial penalties may also be imposed under Section 9.37 of the EP&A Act for failure to comply with a Fire Safety Order - Order No.1.



Paul Scott
Team Leader Fire Safety Compliance
Fire Safety Compliance Unit

This Fire Safety Order - **Order No. 1** was sent by mail and e-mail 10 October 2022

Appendix 2 – Certification – Emblem Apartments



B&D BUILDING SOLUTION P/L

ABN 19 165 693 041

Mobile: (02) 9124 9998

Email: services@bdbuildingsolution.com

Unit 20/159 Arthur St Homebush West

Service Report		
Site name: Emblem Address: 16-18 Gadigal Ave Waterloo NSW 2017	Work order No:	Report No. 12322
Attention to: Patrick Yuen C/O – Strata Co- Op	Work order date received: 19-Oct, 2022	Service Date/time/person: 20-Oct, 2022 2 hours /1 technician(s) Allen

Work Order details:			
Please inspection and commission Points below: Smoke detector No.17 Block A GND Centre Corridor-2. Smoke detector No.131 Block A GND Retail 3 VIP ROOM Smoke detector No.1 Block B GND shop 8 Entry Smoke detector No.4 Block B GND shop 8 Rear Exit			
Service performance:			
Work Performance: We did commission for 4 smoke detectors mentioned above:			
Detector No.	Detector Location.	Smoke detector in Fire strip	FIP in Fire trip
17	Block A GND Centre Corridor-2	Yes	Yes
131	Block A GND Retail 3 VIP ROOM	Yes	Yes
1	Block B GND shop 8 Entry	Yes	Yes
4	Block B GND shop 8 Rear Exit	Yes	Yes
We still have a earth fault showing in the Panel. We did investigation and find out that a lot of detectors and devices in the loops are effected by rain. The base of detectors and the touch points of detectors are corroded by water. Please see our investigation report for more details.			





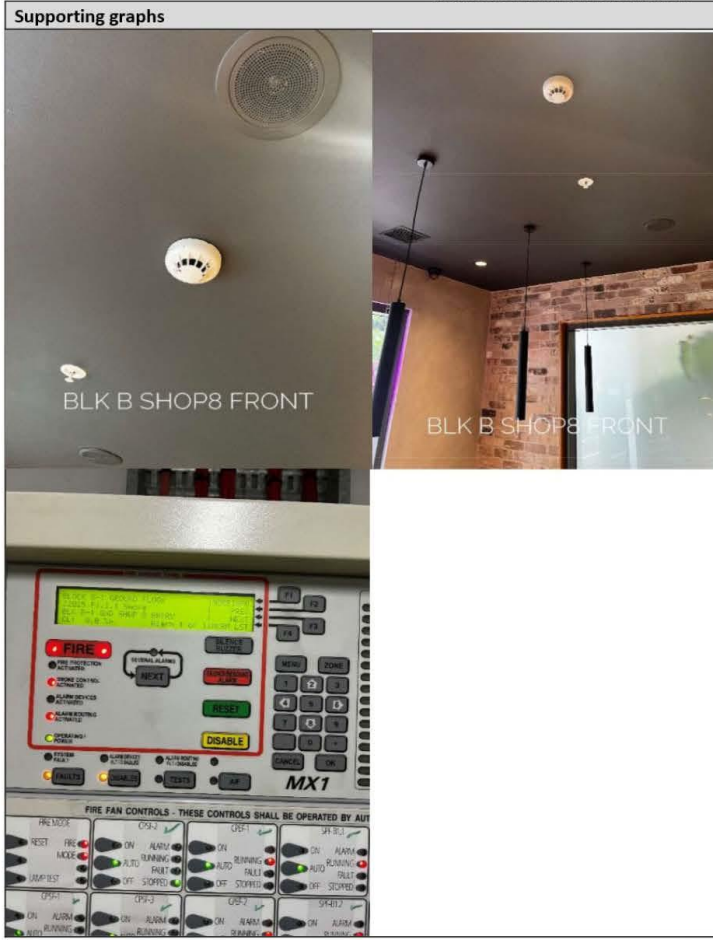
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ABN 19 165 693 041

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Unit 20/159 Arthur St Homebush West





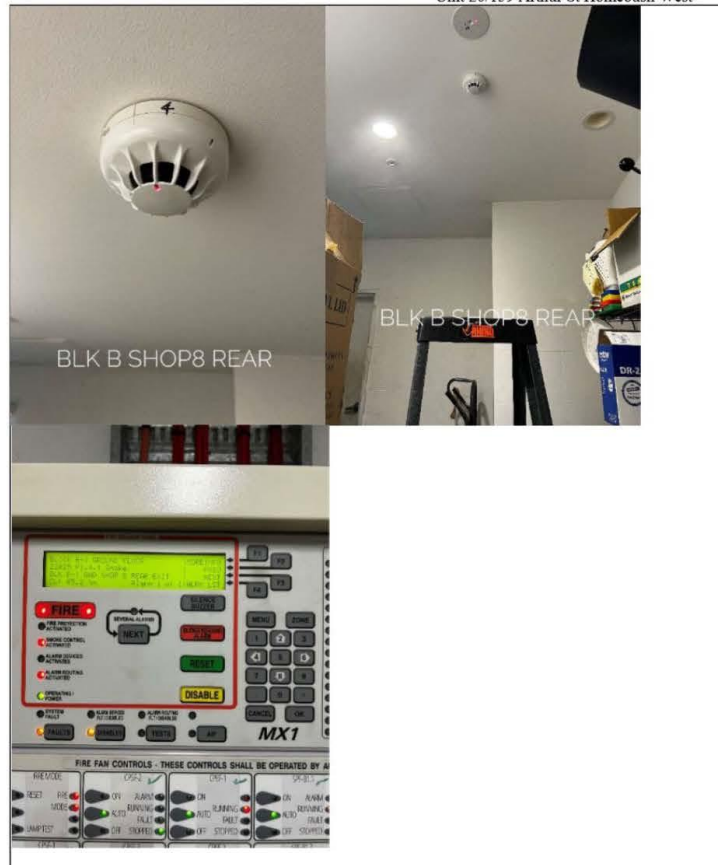
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Unit 20/159 Arthur St Homebush West





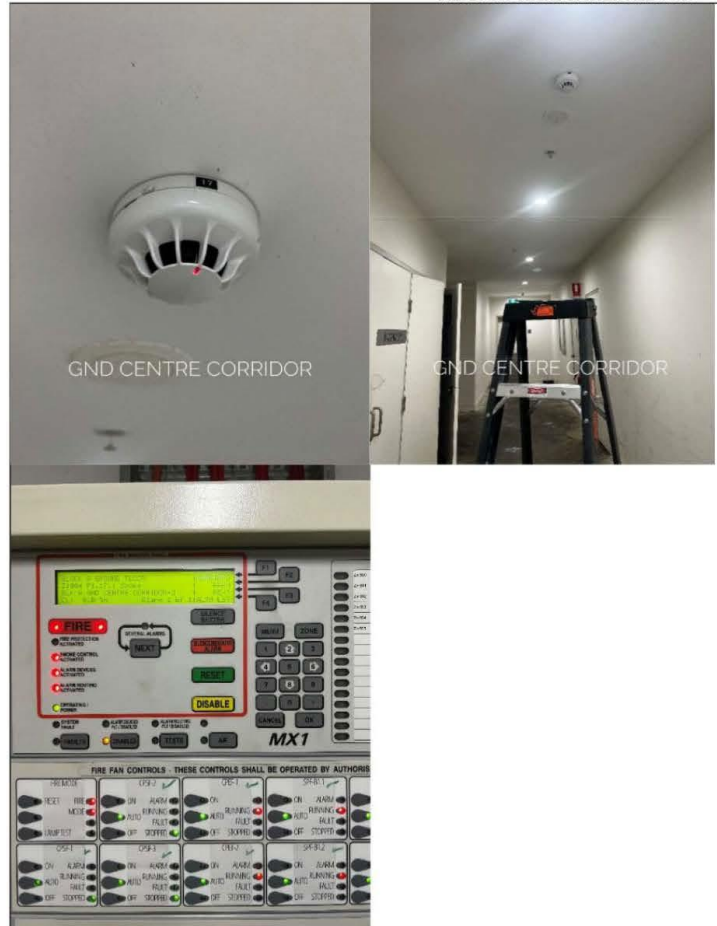
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Unit 20/159 Arthur St Homebush West





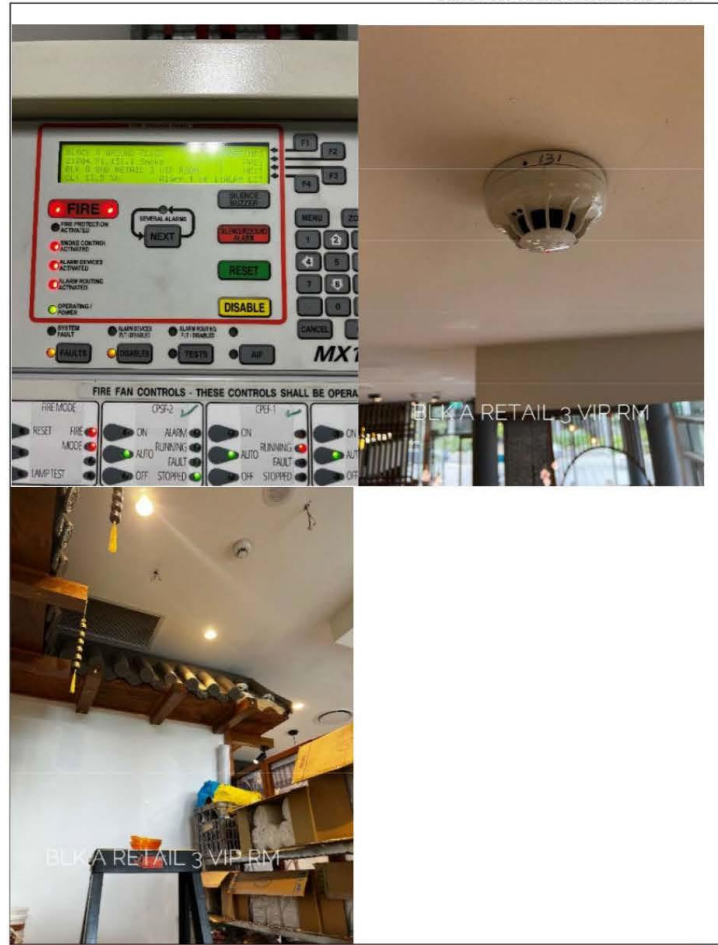
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Unit 20/159 Arthur St Homebush West



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B&D BUILDING SOLUTION P/L

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Mobile: (02) 9124 9998

Email: services@bdbuildingsolution.com

Unit 20/159 Arthur St Homebush West

Further repair recommendation

Job Completed.



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