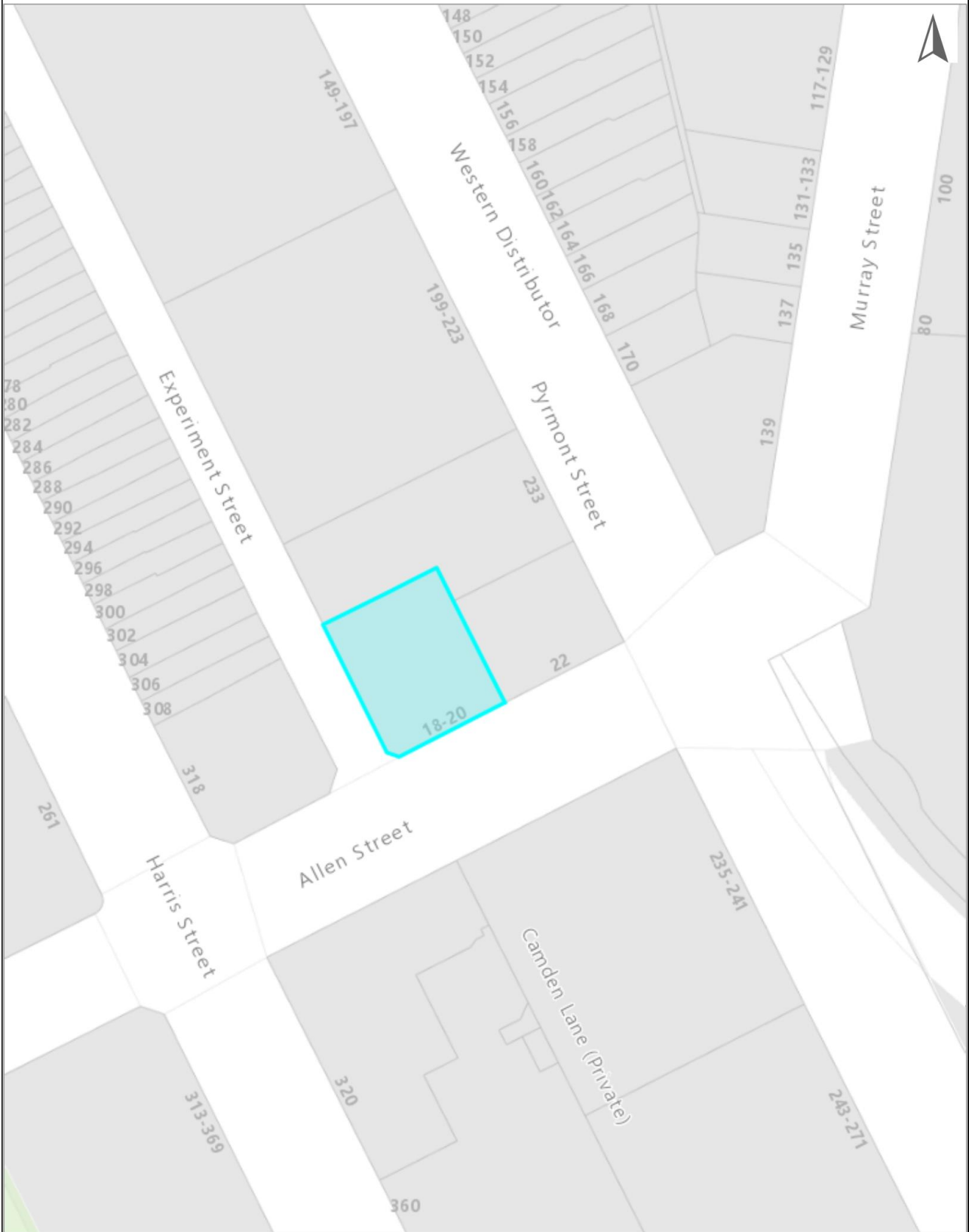


Attachment C

**Inspection Report
18–20 Allen Street, Pymont**



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Notes

7/12/2022

**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: 2876594

Officer: Arfan Chaudhary

Date: 15 December 2022

Premises: 18 – 20 Allen Street, Pyrmont NSW 2009

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 31 October 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. This is a voluntary program which helps building owners remove and replace combustible cladding on residential apartment buildings throughout NSW.

The premises has a primary street frontage to Allen Street and a secondary frontage to Experiment Street. It is located on the corner of Allen Street and Experiment Street. It consists of a nine (9) storey mixed-use building with three levels of basement car parking, ground floor commercial tenancies and residential units above.

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 Investigation Officer on 15 December 2022 in the presence of a Strata Owners representative revealed that the premises are deficient in construction, egress and fire safety provisions in the following areas:

- I. poor fire safety management systems in place (signs/notices not displayed etc.)
- II. defective egress provisions (a single exit available from the basement carpark).

On 23 January 2023, Council Investigation Officers issued a Corrective Action Letter regarding the minor fire safety deficiencies. Items not immediately addressed within the timeframe set out in the Corrective Action Letter were included in a Notice of Intention (NOI) for a Fire Safety Order issued on 24 February 2023 under Schedule 5 of the Environmental Planning and Assessment Act, 1979 for major fire safety deficiencies and measures within the BCA Logic Alternative Solution Report 99029-3/sb dated 14 March 2000 issued on 24 February 2023.A.

Chronology:

Date	Event
31/10/2022	FRNSW correspondence received regarding premises 18 – 20 Allen Street, Camperdown. The correspondence was initiated by the Project Remediate program and a FRNSW inspection on 16 July 2022.
14/11/2022	A review of City records showed that the fire safety schedule for the premises contains twenty (20) fire safety measures, including an automatic fire detection and alarm system, fire hydrant system, smoke alarms and heat detectors, automatic fire suppression system (carpark) and other fire safety measures typical for a building of this classification. All of which are due for recertification on 16 March 2023.
15/12/2022	<p data-bbox="336 566 1442 656">An inspection of the subject premises was undertaken by a Council officer with the building manager present on 15 December 2022, when the following items were noted:</p> <ol data-bbox="384 701 1442 2009" style="list-style-type: none"><li data-bbox="384 701 1442 768">1. All fire door sets have been tagged in accordance with AS/NZS 1905.1 – 2005;<li data-bbox="384 801 1442 925">2. The hydrant booster assembly was located within the Street level adjacent to the sprinkler pump room of the building but no signage or a block plan and, boost pressure and test pressure signage displayed at the booster assembly;<li data-bbox="384 969 1442 1037">3. The doors of booster assembly was fitted with a device of securing the door in not less than a 90^o open position;<li data-bbox="384 1070 1442 1137">4. No signage displayed on the pumproom doors to identify its entrance can be readily located by the attending brigade;<li data-bbox="384 1171 1442 1238">5. All doors providing access to the hydrant pump room were not fitted with a 003-lock;<li data-bbox="384 1272 1442 1507">6. At the time of the inspection there were no system faults or other issues observed and the system appeared normal operation except Storz couplings, compatible with FRNSW firefighting hose connections were not provided to the boost assembly and fire hydrant valves contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS2419.1–2005, Clauses 1.2 and 3.4 of AS2419.2–2009, Clause 3.5 of AS2419.3-2012, 'and 'FRNSW Fire safety guideline;<li data-bbox="384 1541 1442 1608">7. The service tags of Fire Hose Reels (FHR's) indicating the FHR's have not received any routine servicing since December 2021;<li data-bbox="384 1641 1442 1709">8. Multiple exit signs throughout 'the premises' were not illuminated and had not been maintained;<li data-bbox="384 1742 1442 1809">9. A sign showing maximum allowable inlet pressure at the connection and block plan was not provided at the booster assembly;<li data-bbox="384 1843 1442 1910">10. A copy of the current AFSS was not prominently displayed within the building;<li data-bbox="384 1944 1442 2011">11. A single exit is available from the basement carpark levels (B1 and B2), contrary to the requirements of Clause D1.2c of the BCA.

	<p>12. At the time of inspection, the building Automatic Fire Detection and Alarm System were not displaying any system faults or other issues observed and the system appeared normal operation;</p> <p>13. Zone Block Plan depicting all the relevant information of the installation, was not securely mounted adjacent to the Fire Indicator Panel (FIP);</p> <p>14. The fire safety statement was not prominently displayed at the premises.</p> <p>15. The basement carpark levels did not have a clear line marking area provided on the outside radius of the ramp.</p> <p>16. The stair treads of the existing roof exit stairs lacked a slip resistant finish.</p> <p>17. The roof exit door swung against the direction of egress.</p> <p>18. Penetrations in fire resistive building elements for electrical wiring and other services within the building are not properly protected.</p> <p>19. The mechanical air handling system serving the car park is not maintained so as to prevent the spread of fire and smoke throughout the building</p> <p>20. Other fire safety measures in the building appeared adequately maintained.</p> <p>Issues specifically raised by FRNSW and responses to those issues, are summarised in the following table.</p>
23/01/2023	A Corrective Action Letter was issued.
24/02/2023	A Notice of Intention (NOI) for a Fire Safety Order was issued.

FIRE AND RESCUE NSW REPORT:

References: BFS22/2076 (21128); 2022/562839

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 several issues, in particular noting concerns with:

Ref	Issue	City response
1A	Automatic Fire Detection and Alarm System: A. Zone Block Plan - A permanent, water and fade resistant zone block plan of the fire detection and alarm system, depicting all the relevant information of the installation, was not securely mounted adjacent to the Fire Indicator Panel (FIP), contrary to the requirements of Clause 3.10 of AS1670.1-2004.	Covered by the corrective action letter issued.
A.	The booster assembly:	Covered by the corrective action letter issued.

Ref	Issue	City response
	<ul style="list-style-type: none"> <li data-bbox="264 197 906 622">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. In this regard, it appears that the stair pressurisation fan for the basement fire stair is located directly above the booster assembly within the enclosure. <li data-bbox="264 667 906 824">ii. A 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 AS2419.1-2005. <li data-bbox="264 869 906 992">iii. Boost pressure and test pressure signage was not provided at the booster assembly, contrary to the requirements of Clause 7.10.1 of AS2419.1-2005. <li data-bbox="264 1037 906 1193">iv. The doors to the booster enclosure were not fitted with a device capable of securing the door in not less than a 90° open position, contrary to the requirements of Clause 7.9.2 of AS2419.1-2005. <li data-bbox="264 1238 906 1599">v. One of the feed (outlet) connections and one of the boost (inlet) connections lacked adequate clearances directly in front of the connections to permit firefighters to effectively utilise the booster assembly. In this regard, the connections are either positioned behind or orientated towards the door frame, therefore creating an obstruction to firefighters when connecting hoses, contrary to the requirements of Clause 7.3 of AS2419.1-2005. 	
B.	<p data-bbox="233 1610 451 1644">The pumphoom:</p> <ul style="list-style-type: none"> <li data-bbox="264 1677 906 1868">i. All doors leading to the pumphoom were not identified by appropriate signs or other visual aids, so the pumphoom 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. <li data-bbox="264 1912 906 2067">ii. All doors providing access to the hydrant pump room were not fitted with a 003-lock compatible with FRNSW access key and access could not be gained at the time of the inspection. 	<p data-bbox="938 1610 1369 1666">Covered by the corrective action letter issued.</p>

Ref	Issue	City response
C.	<p>Storz couplings, compatible with FRNSW firefighting hose connections were not provided to the connections at the booster assembly and all fire hydrant valves throughout the premises, contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS2419.1–2005, Clauses 1.2 and 3.4 of AS2419.2–2009, Clause 3.5 of AS2419.3-2012, ‘and ‘FRNSW Fire safety guideline, Technical information – FRNSW compatible Storz hose connections – Document no. D15/45534 – Version 09 – Issued 10 January 2019’.</p>	<p>Covered by the corrective action letter issued.</p>
D.	<p>Maintenance - The hydrant valves and connections at the booster assembly, contained service labels/tags, which indicated the hydrants have not received any routine servicing since December 2021, contrary to the requirements of Section 4 of AS 1851-2012 and Clause 81 of the EPAR 2021.</p>	<p>Covered by the corrective action letter issued.</p>
1C	<p>Automatic Fire Suppression System - The sprinkler system appears to have been installed to AS2118.1-1995. Notwithstanding this, the following deviations from AS2118.1-2017 have been identified:</p> <p>A. The sprinkler booster assembly:</p> <ul style="list-style-type: none"> i. A sign marked with the maximum allowable inlet pressure at the connection was not provided at the booster assembly, contrary to the requirements of Clause 4.14.2 of AS 2118.1–2017. ii. A plan of risk (block plan) of the sprinkler system was not provided at the booster assembly, contrary to the requirements of Clause 8.3 of AS 2118.1-2017. iii. The access panel/hatch to the sprinkler booster assembly was not fitted with a 003-lock compatible with FRNSW access key, therefore the sprinkler booster is not readily accessible to fire-fighters. <p>B. The sprinkler valves:</p> <ul style="list-style-type: none"> i. The door to the sprinkler control valve room (adjacent to the main building entry) was not fitted with a 003-lock compatible with FRNSW access key and therefore the sprinkler valves are not readily accessible to fire-fighters, contrary to the requirements of Clause 8.1 of AS2118.1-2017. 	<p>Covered by the corrective action letter issued.</p>

Ref	Issue	City response
1D.	<p>Fire Hose Reels (FHR's):</p> <p>A. Maintenance - The FHR's throughout 'the premises' contained service labels/tags indicating the FHR's have not received any routine servicing since December 2021, contrary to the requirements of Section 9 of AS 1851-2012 and Clause 81 of the EPAR 2021.</p>	Covered by the corrective action letter issued.
1E.	<p>Exit signs:</p> <p>A. Multiple exit signs throughout 'the premises' were not illuminated and had not been maintained, contrary to the requirements of Clause 81 of the EPAR 2021.</p>	Covered by the corrective action letter issued.
1F.	<p>Annual Fire Safety Statement (AFSS):</p> <p>A. A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 89 of the EPAR 2021. In this regard, the AFSS on the display was dated 16 December 2016 and is no longer valid.</p>	Covered by the corrective action letter issued.
2.	<p>2A. Access and Egress:</p> <p>A. Number of exits – a single exit is available from the basement carpark levels (B1 and B2), contrary to the requirements of Clause D1.2 of the National Construction Code Volume One Building Code of Australia (NCC). In this regard, the occupants of a storey or part of a storey must have access to at least 2 exits in accordance with D1.2(c) of the NCC.</p>	<p>The number of exits in the carpark have been considered as part of a fire engineered solution:</p> <p>BCA Logic Alternative Solution Report 99029-3/sb dated 14 March 2000</p> <p>Two (2) "required exits", are currently provided to serve the basement levels, and as such the relevant provisions of D1.2 of BCA96 are satisfied.</p> <p>No further action required.</p>

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

FRNSW Recommendations

FRNSW have made (10) recommendations within their report. In general, FRNSW have requested that Council:

- a. Inspect and address the essential fire safety matters outlined in item no. 1 of this report.
- b. Give consideration to the additional comments such as access and egress identified on 'the premises' as outlined 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 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's investigation officers it was determined to issue the owners of the building a compliance letter of instruction to rectify the identified minor fire safety deficiencies noted by Council and FRNSW. This correspondence requested the engagement of an accredited fire practitioner to carry out remedial works to existing fire systems to cause compliance with required standards of performance.

Follow-up compliance inspections will be undertaken by a Council investigation officer to ensure these fire safety matters are suitably addressed.

Some of the deficiencies, including sealing of penetrations, works to mechanical ventilation, signage and markings, stair treads, and hold open device for final exit door (along with some maintenance and certification) identified by Council Investigation Officers have been addressed by the issuing of a notice of intention (NOI) for a Fire Safety Order issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979.

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

Referenced/Attached Documents:

2022/655929-01	Fire & Rescue NSW letter dated 31 October 2022
2023/042763	Corrective action letter dated 23 January 2023
2023/018614	Notice of intention to give an Order dated 23 February 2023
2023/089615	Alternative Solution Report: 99029-3/sb dated 14 March 2000

Trim Reference: 2022/655929

CSM reference No#: 2876594

Unclassified



File Ref. No: BFS22/2076 (21128)
TRIM Ref. No: D22/94063
Contact: [REDACTED]

31 October 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
18-20 ALLEN STREET, PYRMONT ("the premises")**

In response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustibile 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
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 5

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. Automatic Fire Detection and Alarm System:
 - A. Zone Block Plan - A permanent, water and fade resistant zone block plan of the fire detection and alarm system, depicting all the relevant information of the installation, was not securely mounted adjacent to the Fire Indicator Panel (FIP), contrary to the requirements of Clause 3.10 of AS1670.1-2004.
 - 1B. Fire Hydrant System - The fire hydrant system appears to have been installed to AS2419-1994. Notwithstanding this, the following deviations from AS2419.1-2005 have been identified:
 - 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. In this regard, it appears that the stair pressurisation fan for the basement fire stair is located directly above the booster assembly within the enclosure.
 - ii. A 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 AS2419.1-2005.
 - iii. Boost pressure and test pressure signage was not provided at the booster assembly, contrary to the requirements of Clause 7.10.1 of AS2419.1-2005.
 - iv. The doors to the booster enclosure were not fitted with a device capable of securing the door in not less than a 90° open position, contrary to the requirements of Clause 7.9.2 of AS2419.1-2005.

- v. One of the feed (outlet) connections and one of the boost (inlet) connections lacked adequate clearances directly in front of the connections to permit firefighters to effectively utilise the booster assembly. In this regard, the connections are either positioned behind or orientated towards the door frame, therefore creating an obstruction to firefighters when connecting hoses, contrary to the requirements of Clause 7.3 of AS2419.1-2005.
- 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.
 - ii. All doors providing access to the hydrant pump room were not fitted with a 003-lock compatible with FRNSW access key and access could not be gained at the time of the inspection.
- C. Storz couplings, compatible with FRNSW firefighting hose connections were not provided to the connections at the booster assembly and all fire hydrant valves throughout the premises, contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS2419.1-2005, Clauses 1.2 and 3.4 of AS2419.2-2009, Clause 3.5 of AS2419.3-2012, 'and 'FRNSW Fire safety guideline, Technical information – FRNSW compatible Storz hose connections – Document no. D15/45534 – Version 09 – Issued 10 January 2019'.
- D. Maintenance - The hydrant valves and connections at the booster assembly, contained service labels/tags, which indicated the hydrants have not received any routine servicing since December 2021, contrary to the requirements of Section 4 of AS 1851-2012 and Clause 81 of the EPAR 2021.
- 1C. Automatic Fire Suppression System - The sprinkler system appears to have been installed to AS2118.1-1995. Notwithstanding this, the following deviations from AS2118.1-2017 have been identified:
- A. The sprinkler booster assembly:
- i. A sign marked with the maximum allowable inlet pressure at the connection was not provided at the booster assembly, contrary to the requirements of Clause 4.14.2 of AS 2118.1-2017.
 - ii. A plan of risk (block plan) of the sprinkler system was not provided at the booster assembly, contrary to the requirements of Clause 8.3 of AS 2118.1-2017.

- iii. The access panel/hatch to the sprinkler booster assembly was not fitted with a 003-lock compatible with FRNSW access key, therefore the sprinkler booster is not readily accessible to fire-fighters.
- B. The sprinkler valves:
 - i. The door to the sprinkler control valve room (adjacent to the main building entry) was not fitted with a 003-lock compatible with FRNSW access key and therefore the sprinkler valves are not readily accessible to fire-fighters, contrary to the requirements of Clause 8.1 of AS2118.1-2017.
- 1D. Fire Hose Reels (FHR's):
 - A. Maintenance - The FHR's throughout 'the premises' contained service labels/tags indicating the FHR's have not received any routine servicing since December 2021, contrary to the requirements of Section 9 of AS 1851-2012 and Clause 81 of the EPAR 2021.
- 1E. Exit signs:
 - A. Multiple exit signs throughout 'the premises' were not illuminated and had not maintained, contrary to the requirements of Clause 81 of the EPAR 2021.
- 1F. Annual Fire Safety Statement (AFSS):
 - A. A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 89 of the EPAR 2021. In this regard, the AFSS on the display was dated 16 December 2016 and is no longer valid.

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. Number of exits – a single exit is available from the basement carpark levels (B1 and B2), contrary to the requirements of Clause D1.2 of