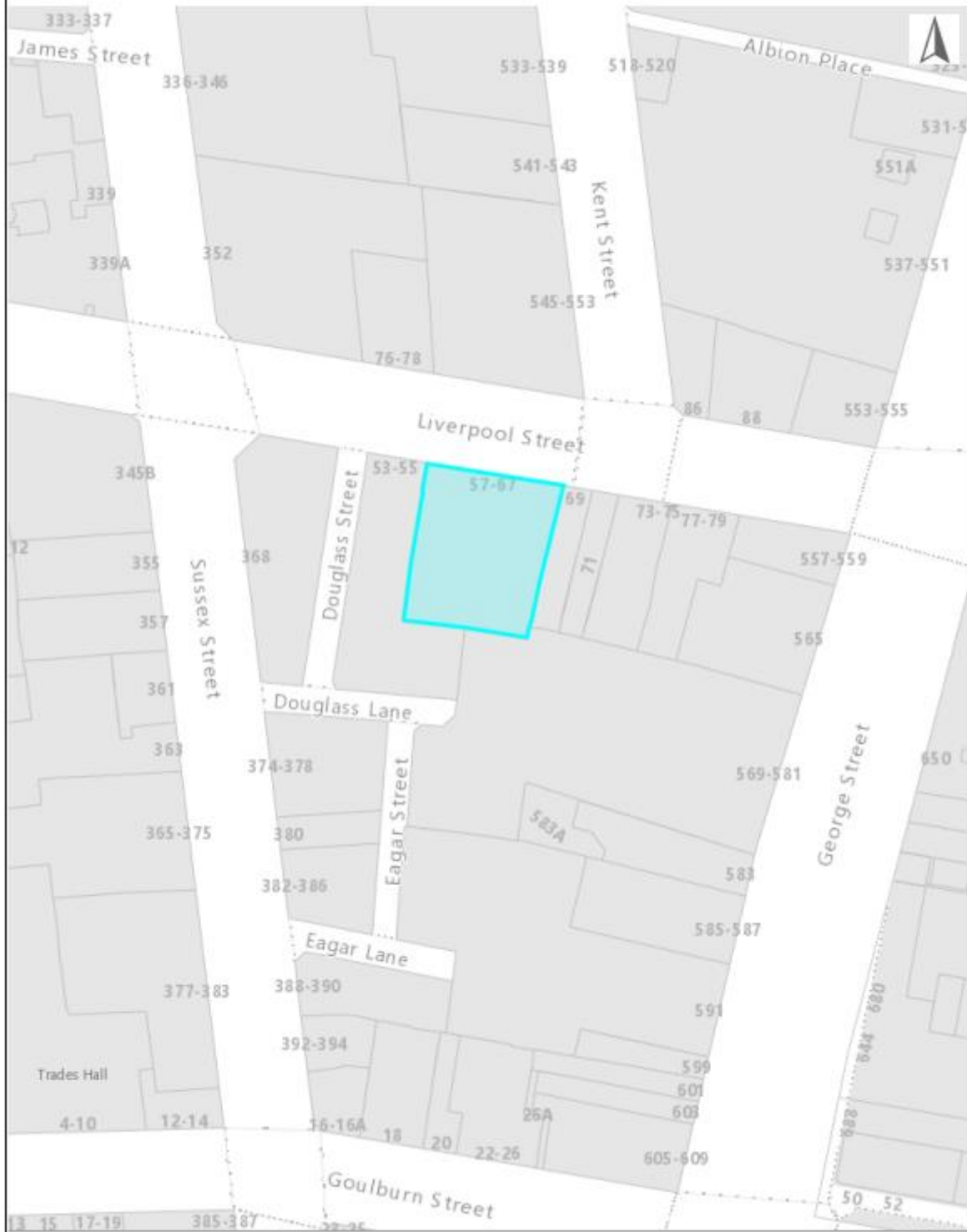


Attachment E

**Inspection Report
57-67 Liverpool Street, Sydney**

57 - 67 Liverpool Street, Sydney



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Notes

27/03/2023

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: CSM 2938792

Officer: Andrew Manning

Date: 29/03/2023

Premises: 57-67 Liverpool Street, Sydney

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 21st February 2023 with respect to matters of fire safety.

The premises consists of a twenty three storey high rise mixed use building which includes strata-titled residential apartments, ground floor commercial restaurant and carpark.

An inspection of the premises undertaken by a Council officer in the presence of the building manager, revealed the premises are deficient in fire safety and egress provisions in the following areas:

1. Inadequate fire detection and alarm systems (inadequate coverage & performance standard reference);
2. A lack of adequate facilities for firefighting (*FRNSW operational concerns regarding fire hydrant system*);
- (iii) Inadequate fire resisting construction to prevent the spread of fire;
3. Safe and dignified emergency egress (non compliant door hardware in path of travel) for occupants to safely evacuate the building in the event of a fire;
- (v) Poor fire safety management systems (lack of exit signs & offence notices not displayed);

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a Notice of intention to issue fire safety order was issued on the 28 March 2023 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.

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

Chronology:

Date	Event
21/02/2023	FRNSW correspondence received regarding premises the 'Waldorf Apartments' 57 Liverpool Street, Sydney [57-67 Liverpool Street, Sydney]
01/03/2023	An inspection of the subject premises was undertaken by a Council officer in the company of the building manager revealed the following: <ol style="list-style-type: none">1. Deficiencies in fire safety provisions including insufficient smoke detector coverage in carpark, non-related fire services were located in the fire isolated passageway.2. The fire hydrant system is insufficient in meeting the on-site requirements of FRNSW, including the position and couplings of landing valves/inlets, clearance requirements

Date	Event
	<p>around the perimeter of the hydrant pump, compliance with the requirements of Ordinance 70.</p> <p>3. Hydrant and Fire Hose Reel cupboards are being utilised as storage spaces and therefore restricting access to critical fire fighting infrastructure</p> <p>In relation to the curtain near an exit door from the mezzanine area of restaurant, the Council officer found it was still an obstruction to egress and gave a verbal warning to the building manager to remove the curtain and keep the path of egress clear of items. A term is included in the Notice of Intention to ensure unobstructed egress travel is maintained within the ground floor tenancy and throughout the building.</p>
28/03/2023	A Notice of Intention has been issued to the Strata Committee Trim ref: 2023/111857

FIRE AND RESCUE NSW REPORT:

References: [BFS22/6179; 2023/093386]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about the adequacy of the provision for fire safety at the premises;

Issues

The report from FRNSW detailed a number of issues, in particular noting:

Issue	City response
Fire Indicator Panel displayed a number of faults and isolations	FRNSW issued a Notice requiring rectification works which were completed to their satisfaction. No action required by the City.
Emergency Warning and Intercommunication System (EWIS) is not installed in the building contrary to the requirements of E4.9 of the National Construction Code (NCC)	A term has been included in the Notice of Intention to issue a Fire Safety Order to require EWIS to be installed throughout the building
Required sprinkler spares and spanner have not been provided in accordance with Clause 6.7 of AS 2118.1-1999	To be addressed in Notice of Intended Fire Safety Order to require the provision of spare sprinklers and spanner
The fire hydrant booster inlet valves do not adequately facilitate the needs of the attending fire brigades to connect up to the equipment to undertake firefighting operations. Boost pressure and test pressure signage was not provided at the booster assembly	To be addressed in Notice of Intended Fire Safety Order to require upgrade of the hydrant system
Hydrant pumps rooftop pump has not been provided with adequate clearance around the perimeter exhaust system has not been guarded, lagged, shielded or cooled to prevent fire hazards and injury to operators	To be addressed in Notice of Intended Fire Safety Order to require upgrade of the hydrant system
Fire hydrant system appears to be installed under Ordinance 70 and Ministerial Specification No.10. The	To be addressed in Notice of Intended Fire Safety Order to require upgrade of the hydrant system

Issue	City response
system within the building is deemed insufficient in meeting the FRNSW's operational requirements	
Non-firefighting equipment was stored within the fire hose reel cupboard within the ground floor lobby	To be addressed in Notice of Intended Fire Safety Order to require removal of stored items within hose reel/hydrant cupboards
A concern regarding the omission of a standard of performance on annual fire Statement (and deficiencies) regarding the smoke detection and alarm system	To be addressed in Notice of Intended Fire Safety Order to require an audit/upgrade of the smoke detection and alarm system
A required metal tag to the edge of the fire doorframe has been painted over	To be addressed in Notice of Intended Fire Safety Order to require a full audit and certification of all fire door sets
A number of Portable Fire Extinguishers did not appear to be maintained	To be addressed in Notice of Intended Fire Safety Order to require a full audit & certification of all Portable Fire Extinguishers
Exit signs - a concern about insufficient cues within the ground-floor restaurant to identify where the exits are located	To be addressed in Notice of Intended Fire Safety Order to require a full audit and certification of exit signs throughout the building audit
A concern regarding a curtain obstructing occupants view of an exit door from the mezzanine area of the ground floor restaurant	Curtain removed by building manager at the direction of Council Officer . To be addressed in Notice of Intended Fire Safety Order to require paths of travel throughout the building remain unobstructed

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

FRNSW Recommendations

FRNSW have made three recommendations within their report. FRNSW have requested that Council:

1. Inspect the subject premises and appropriately address items 1 to 2 of the report and other deficiencies identified on the premises.
2. 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.
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 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 issuing a notice of intention (NOI) for a fire safety order 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 by issuing a NOI to give a fire safety order in accordance with the above Act prior to the resolution of Council. The issue of a Notice of Intention to Give an Order (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/Attached Documents:

2023/093386-01	FRNSW S9.32 report dated 21 February 2023
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Trim Reference: 2023/093386

CSM reference No#: 2938792

Unclassified



File Ref. No: BFS22/6179
TRIM Ref. No: D2023/013883
Contact: [REDACTED]

21 February 2023

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
'WALDORF APARTMENTS'
57 LIVERPOOL STREET SYDNEY ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 30 November 2022 concerning the adequacy of the provision for fire safety in or in connection with 'the premises'.

The correspondence stated that:

Apartment Building with 23 above ground and 5 below ground floors. No Means of Evacuation Warning. NO EWIS System at all,

At AFA No working Local Alarm Bell. No evacs due to Alarm

On contacting site manger, confirmed no EWIS. Building previous had EWIS.

Manager stated Local Alarm Bell was faulty.

Consulted Annual Fire Safety Statement, stated that EWIS was compliant with 1917 Code. Building Height)

Contacted issuer of Fire Safety statement ,, and stated no longer acted on behalf of building after submitting report off recommended actions for compliance and stated, strata did not take action.

Many occupants were short term rentals and CALD / NESB.

Fire Control Room also had risk of fall through uncovered man hall with 3m drop.

Fire and Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

1 Amarina Ave
Greenacre NSW 2190

T (02) 9742 7434
F (02) 9742 7483

www.fire.nsw.gov.au

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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 1 December 2022.

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 a 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 2 December 2022 (copy attached) 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. After receiving the representations, an inspection was conducted on 15 December 2022 under Section 9.32 of the EP&A Act. Upon hearing and considering the representation and subsequent inspection, FRNSW has decided not to give an Order under Schedule 5, Part 7, Section 15 of the EP&A Act.

INSPECTION OUTCOME

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

COMMENTS

This report is limited to observations and sections of the building accessed during the inspection. As such, this report lists potential deviations from the National Construction Code 2019 Building Code of Australia – Volume One Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items listed may relate to the building's age or contradict development consent approval. In this regard, it is at Council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified during the inspection:

1. Essential Fire Safety Measures

Unclassified

- 1A. Maintenance – Regulation 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires that an Essential Fire Safety Measure be maintained to a standard no less than when it was first installed.

At the time of the inspection, the Fire Indicator Panel displayed the following:

- The LCD display indicated - LEVEL 6 FLOW SWITCH - ISOL/ALARM,
 - The panel displayed an orange LED indicating an isolation to the system,
 - The panel displayed a red LED indicating an alarm in the system.
- 1B. Emergency Warning and Intercommunication System (EWIS) – The building has an effective height of over 25m and does not have an EWIS system complying with AS 1670.4 installed, contrary to the requirements of E4.9 of the NCC.
- 1C. Sprinkler spares/spanner – A full stock of spare sprinklers and spanner had not been provided at the sprinkler control valves contrary to the requirements of Clause 6.7 of AS 2118.1-1999
- 1D. Fire Hydrant System –
- A. Booster Assembly –
- i. The fire hydrant booster inlets are positioned behind the sprinkler inlets, and there is also a substantial drop under the booster inlets. The set-up does not adequately facilitate the needs of the attending fire brigades to connect up to the equipment to undertake firefighting operations.
 - ii. Boost pressure and test pressure signage was not provided at the booster assembly.
- B. Hydrant Pump –
- i. A clearance of not less than 1.0 m around the perimeter of the rooftop pump has not been provided, contrary to the requirements of Clause 11.3 of AS 2941–2013.
 - ii. The exhaust system provided to the rooftop pump has not been fully guarded, lagged, shielded or cooled to prevent fire hazards and injury to operators under the requirements of Clause 9.3.5 of AS 2941–2013.
- C. The fire hydrant system appears to be installed under Ordinance 70 and Ministerial Specification No.10. The following is the formal position of FRNSW regarding Ordinance 70 hydrant systems:

When the consent authority (e.g. Council) is assessing the adequacy of an existing fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier), FRNSW recommend that the system be upgraded to meet the requirements of the current

Unclassified

Australian Standard AS 2419.1 to facilitate the operational needs of FRNSW.

It may be appropriate for a partial upgrade of the existing fire hydrant system be undertaken. A partial upgrade may be proposed to address deficiencies in the design and/or performance of the existing fire hydrant system, when assessed against the requirements of Australian Standard AS 2419.1, so that the upgraded fire hydrant system will meet the operational needs of FRNSW.

Where a hybrid fire hydrant system is proposed, which incorporates the design and performance requirements from two different standards, the proponent should consult with FRNSW on the requirements for the fire hydrant system.

- 1E. Fire Hose Reel - Non-firefighting equipment was stored within the fire hose reel cupboard within the ground floor lobby, contrary to Clause 10.4.4 of AS2441-2005.
- 1F. Smoke Detection System - The premises appears to have a combination of a smoke alarm system in the SOUs and a smoke detection system in the remaining public spaces under Specification E2.2a - Clause 5 of the NCC. However, it is noted that the AFSS does not reference AS 1670.1. Furthermore, smoke detectors were lacking within the ground-floor restaurant. Further investigation by Council may be required.
- 1G. Fire Door – The metal tag to the edge of the doorframe of unit 205 has been painted over, contrary to the requirements of Clause 6.1 of AS 1905.1-2015.
- 1H. Portable Fire Extinguisher (PFE) –
 - A. A PFE in the kitchen of the ground floor restaurant was missing from its support fitting, contrary to the requirements of Clause 3.5 of AS2444-2001.
 - B. Many PFEs throughout the premises include tags that indicate that a pressure test was due. It is unclear if the PFEs are fully operational, and further investigations by Council may be required.
- 2. Access & Egress
 - 2A. Exit Signs - The Performance Requirement EP4.2 of the NCC requires that suitable signs be installed to identify the location of exits. At first sight, there are insufficient cues within the ground-floor restaurant to identify where the exits are located. A review of the exit strategy may be required.
 - 2B. At the time of the inspection, a curtain was observed obstructing the exit door from the mezzanine area of the restaurant, thereby causing an impediment, contrary to the requirements of Clause D1.10 of the NCC and Clause 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Unclassified

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

RECOMMENDATIONS


FRNSW recommends that Council inspect and address items 1 to 2 of this report and any other deficiencies identified on 'the premises'.

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 Conor Hackett of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call on (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference BFS22/6179 regarding any correspondence concerning this matter.

Yours faithfully




Senior Building Surveyor
Fire Safety Compliance Unit

Attachments [Appendix 1 – Proposed Fire Safety Order - 2 pages]

Unclassified



Proposed 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.
Intend to give an Order in accordance with Section 9.34(1)(b)*

I, **Conor Hackett** **Building Surveyor** **905798**
(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:

The Owners – Strata Plan No. 20656 **Owner**
(name of the person whom Order is served) (position, i.e. owner, building manager)

with respect to the premise

WALDORF APARTMENTS
SP 20656 - 57 LIVERPOOL STREET SYDNEY ("the premises")
(name/address of premises to which Order is served)

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

Ensure the automatic fire sprinkler system installed in 'the premises' is fully operational by repairing the alarm/isolation to the system as indicated on the Fire Indicator Panel.

The terms of the Proposed Fire Safety Order – Order No.1 are to be complied with:

By no later than **14 days** from the date of the Fire Safety Order – Order 1.

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

- a. At the time of the inspection on 1 December 2022, the Fire Indicator Panel displayed the following:

Fire and Rescue NSW	ABN 12 503 473 110	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

Unclassified

- (i) The LCD screen display indicated - LEVEL 6 FLOW SWITCH - ISOL/ALARM,
 - (ii) The panel displayed an orange LED indicating isolation to the system,
 - (iii) The panel showed a red LED indicating an alarm in the system.
- b. To ensure that the automatic fire sprinkler system is capable of operating to the standard of performance to which it was designed, installed and commissioned.
- c. To ensure the automatic fire sprinkler system is capable of performing to the degree necessary to alert the occupants in the event of a fire in 'the premises' and facilitate an evacuation in a timely manner.
- d. Failure to repair and maintain the automatic fire sprinkler system is likely to delay the response of Fire and Rescue NSW and the commencement of firefighting operations.
- e. To ensure compliance with the requirements of Clause 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
- f. To do or refrain from doing such things specified in the Order to ensure or promote adequate fire safety or awareness.

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 a Fire Safety Order – Order 1 once it is issued, other than an order that prevents a person from using or entering premises.

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

Once issued, failure to comply with a Fire Safety Order – Order 1 may result in further Orders and/or fines being issued. Substantial penalties may be imposed under Section 9.37 of the EP&A Act for failure to comply with a Fire Safety Order – Order No.1.

NOTE: Representations are to be made in writing and should be received by FRNSW no later than 5.00 pm on Friday, 16 December 2022.



Building Surveyor
Fire Safety Compliance Unit

Pin's:

A Pin has not been issued as the Strata committee has fulfilled their legislated requirement to submit a 'compliant' AFSS annually. As such, despite the deficiencies being of a nature that requires urgent attention, punitive measures were not deemed appropriate and such defects were resolved by the manager immediately on Council's inspection.