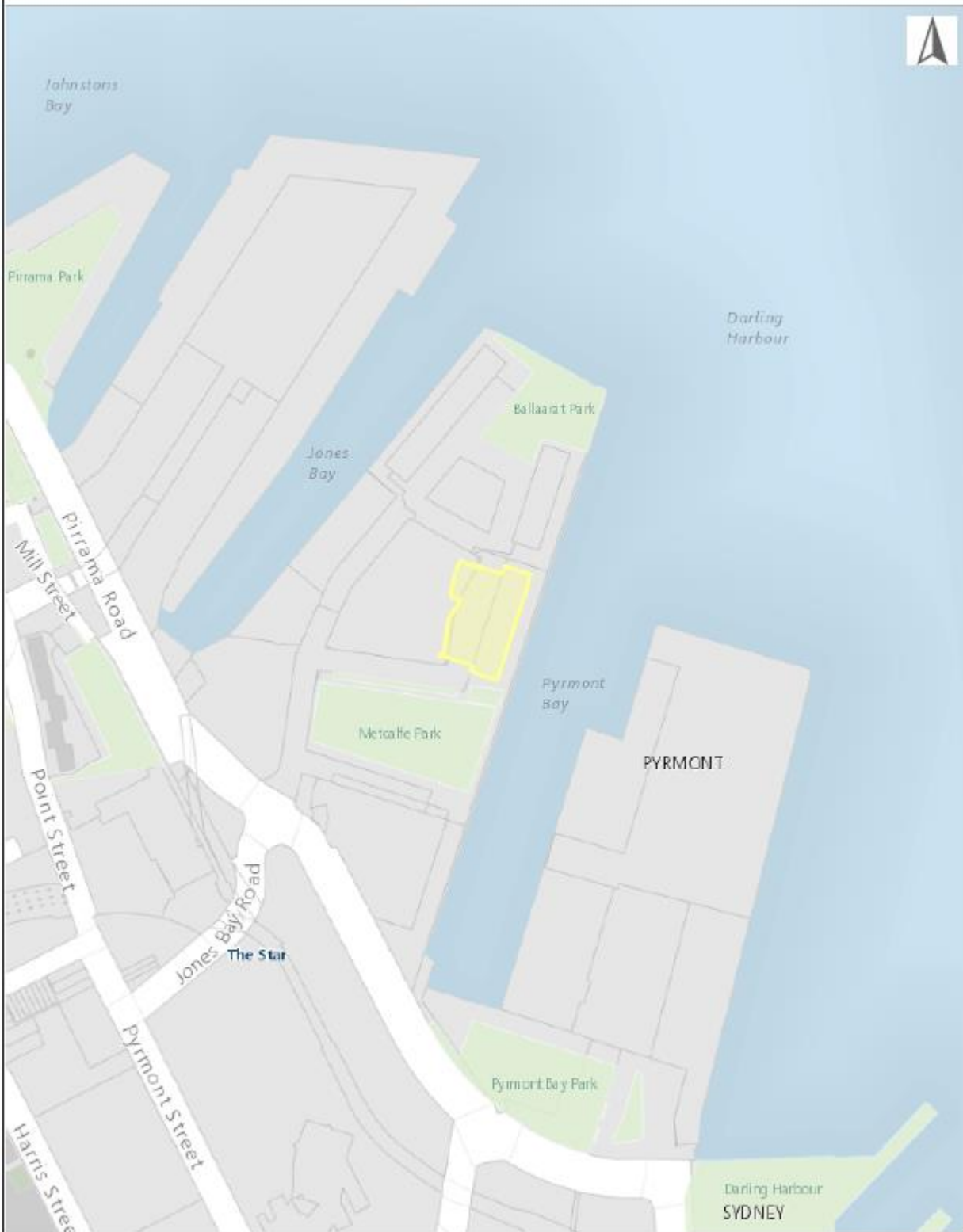
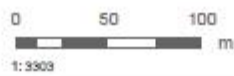


Attachment H

**Inspection Report
8-14 Wharf Crescent, Pymont**



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Notes

15/03/2023

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 2940527

Officer: T McCann

Date: 31 March 2023

Premises: 8-14 Wharf Crescent, Pyrmont

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 24 February 2023 in relation to the premises 8-14 Wharf Crescent, Pyrmont 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 a five-storey mixed use complex containing four (4) residential unit blocks all with commercial / retail tenancies on the ground floor situated over shared basement carparking.

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 in place to assist in safeguarding occupants whilst cladding removal and replacement works are scheduled. The interim measures include raising 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 officer, in the presence of the building manager, revealed the premises are deficient in fire safety measures and egress provisions in the following areas:

- i. Inadequate fire detection and alarm systems;
- ii. Suitable fire resisting construction to prevent the spread of fire;
- iii. Poor fire safety management systems (signs/notices/not displayed etc.) in place

Council investigations have revealed the premises is deficient in the provisions for fire safety and that a Notice of Intention to issue 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
24/02/2023	FRNSW correspondence received regarding premises 8-14 Wharf Crescent, Pyrmont. The correspondence was initiated by the Project Remediate program and a FRNSW inspection on 15 February 2023.
27/02/2023	A review of City records show the fire safety schedule for the premises contains fifteen (15) essential fire safety measures, including an automatic fire detection system, and other fire safety measures typical for a building of this classification all of which have been certified as operational and compliant until 13 September 2023 when due for recertification.
07/03/2023	<p>An inspection of the subject premises was undertaken by a Council Officer on 07 March 2023 in the presence of the Building Manager. The common areas of buildings 8, 10, 12 & 14 were inspected. Access was provided to the following units:</p> <ul style="list-style-type: none">• Building 10 Level 2 Unit 205 - (2 smoke alarms, fire door with self-closer)• Building 12 Level 3 Unit 303 - (2 smoke alarms, fire door with self-closer)• Building 14 Level 4 Unit 401 - (3 smoke alarms, fire door with self-closer). <p>Access was requested; however, no access was provided to Building 8 – Level 1 unit 107. The units inspected appeared compliant in relation to fire safety.</p> <p>The following was noted during the inspection and requires further action:</p> <ol style="list-style-type: none">1. The fire rated garbage rooms on each of level of the building were being used for the storage of goods/ materials.2. Some cupboards housing fire hose reels / portable fire extinguisher contained storage of goods.3. A mimic panel is to be installed within the fire hose reel cupboard of each lobby and there is no location signage alerting attending FRNSW personnel to its location. Signage will need to be provided.4. A copy of the fire safety schedule shall also be installed on the back of each door containing the mimic panel to each building.5. The zone block plans need to be reassessed and issued to reflect the number of and location of fire alarm zones in each building as the current once displayed contradict one another.6. All commercial and retail tenancies on the ground floor did not have smoke detection and alarm/building occupant warning system installed with the exception of Unit 1. <p>Issues specifically raised by FRNSW and responses to those issues, are summarised in the following table. Note: A mimic panel is a map of the building layout and fire related equipment to provide a rapid visual appraisal for of any fire or related incident.</p>
31/03/2023	Notice of Intention issued (reference 2023/144241).

FIRE AND RESCUE NSW REPORT:

References: BFS23/703 (26397)

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:

Ref.	Issue	City response
1A.A	<p>Automatic Fire Detection and Alarm System – The building appears to be provided with a smoke alarm system throughout the residential parts, consisting of smoke alarms in the common areas/public corridors, a main Fire Brigade Panel (FBP) located in the pumproom and a local smoke alarm control panel (mimic panel) within the Fire Hose Reel cupboards in each entry foyer on the ground floor, in accordance with Clause E2.2, Table E2.2a and Specification E2.2a (Clause 3 and Clause 4) of the National Construction Code Volume One Building Code of Australia (NCC) and AS1670.1-2018 (the reference standard listed on the Zone Block Plan and the AFSS). The following was observed at the time of the inspection:</p> <p style="margin-left: 20px;">A. Fire Brigade Panel (FBP):</p> <ul style="list-style-type: none"> i. The FBP is located within the same room as the sprinkler control valves and the hydrant pump room, contrary to the requirements of Clause 3.9.1 of AS1670.1-2018. ii. The door to the room containing the FBP, was not marked with the words 'FIRE PANEL', in letters not less than 50mm high, contrary to the requirements of Clause 3.9.2 of AS1670.1-2018. 	<ul style="list-style-type: none"> i. The applicable year of installation of AS1670.1 is 2004 not 2018. There was no requirement within AS 1670.1-2004 to have the systems separated. ii. Location signage had been installed at the time of inspection identifying the location of the main fire indicator panel. iii. It has also been recommended that location signage for the mimic panels are to be installed to the front of the doors of the hose reel cupboard within each ground floor lobby.
1A.B	<p>Smoke Detection Coverage</p> <p>The retail tenancies on the ground floor level, did not appear to be provided with smoke detection throughout (when viewed through the shopfront windows). It is noted that the retail tenancies are represented as Zones 1 - 4 on the Zone Block Plan on display at the main FBP and Zone 1 on the Zone Block Plan on display at the local smoke alarm control panel.</p>	<p>Access to all tenancies was not made available on the day inspection, however, a visual inspection from the shopfront windows did confirm that all commercial/retail tenancies (Units 2-6) with the exception of Unit 1 did not contain smoke detection coverage. Considering the commercial tenancies do not have shared access to the fire isolated exits serving the residential part of the building, smoke detection to the tenancies is not required in accordance with E2.2a of NCC 2019. No further action required.</p>
1A.C	<p>Building Occupant Warning System (BOWS)</p> <p>It could not be determined whether the BOWS would sound through all occupied areas of the building in accordance with Clause 7 of Specification E2.2a of the NCC.</p>	<p>This was unable to be verified on the day of inspection and is required as per the NCC and will, therefore, be addressed by the Notice of Intention to issue a Fire Safety Order.</p>
1BA	<p>Fire Hydrant System:</p> <p style="margin-left: 20px;">A. The hydrant booster assembly:</p> <ul style="list-style-type: none"> i. The booster assembly is located within the external wall of the building and is not 	<ul style="list-style-type: none"> i. The applicable year of installation of AS2419.1 is 1994 in lieu of 2005, however the requirement to provide protection to the fire hydrant booster

Ref.	Issue	City response
	<p>separated from the building, by construction achieving a fire resistance rating of not less than FRL 90/90/90, contrary to the requirements of Clause 7.3 of AS2419.1-2005. In this regard, the booster assembly is directly connected to the hydrant pumphouse behind and there is no separation.</p> <p>ii. A permanent and fade resistant or engraved sign indicating the boost pressure and test pressure was not provided at the booster assembly, contrary to the requirements of Clause 7.10.1 of AS 2419.1-2005.</p>	<p>assembly and signage indicating the boost and test pressure was applicable in 1994 and will be addressed by the Notice of Intention to issue a Fire Safety Order.</p>
1B.B	<p>The pumphouse:</p> <p>i. The pumphouse is accessed via a doorway opening to the entry foyer of No. 14 Wharf Crescent and is not accessed via a door opening to a road or open space, or a door opening to a fire-isolated passageway or a stair which leads to a road or open space, contrary to the requirements of Clause 6.4.2 of AS2419.1-2005.</p>	<p>As per the above, the applicable year of installation of AS2419.1 is 1994 in lieu of 2005, This requirement for access to an internal pumphouse was not a requirement of AS2419.1-1994.</p>
1C.A	<p>Automatic Fire Suppression System:</p> <p>A. The sprinkler booster assembly:</p> <p>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 4.4.3 of AS 2118.1-1999.</p> <p>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 2118.1-1999.</p>	<p>These items are addressed by the Notice of Intention / Fire Safety Order. The Notice of Intention was issued on the 31 March 2023.</p>
1D.A	<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 display was dated 2020 and is no longer valid.</p>	<p>This had been addressed on the day of inspection. It is also recommended that the fire hose reel cupboard within each lobby containing a fire indicator mimic panel shall have a copy of the Annual Fire Safety Statement installed on the wall next to the door.</p>

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

FRNSW Recommendations

FRNSW have made eight (8) recommendations within their report. In general, FRNSW have requested that Council inspect and address item no. 1 of this report.

This matter is referred to Council as the appropriate regulatory authority. Council is required to advise FRNSW 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:

Note issue of a Fire Safety Order by delegated authority (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 site inspections undertaken by a Council investigation officer it was determined that concern for public safety requires issuing a notice of intention (NOI) for a Fire Safety Order 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 a Notice of Intention to issue 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 a 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:

1	A copy of the correspondence from FRNSW
2	Council Officers report in accordance with Cl 17 of Schedule 5
3	Copy of current and or proposed Fire Safety Order

Trim Reference: 2023/142284-01

CSM reference No#: 2940527

Unclassified



File Ref. No: BFS23/703 (26397)
TRIM Ref. No: D23/14077
Contact: [REDACTED]

23 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
'SAUNDERS WHARF'
8-14 WHARF CRESENT, PYRMONT ("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 15 February 2023 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
Fire Safety Compliance Unit

1 Amarina Ave
Greenacre NSW 2190

T (02) 9742 7434
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Page 1 of 4

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 – The building appears to be provided with a smoke alarm system throughout the residential parts, consisting of smoke alarms in the common areas/public corridors, a main Fire Brigade Panel (FBP) located in the pumproom and a local smoke alarm control panel (mimic panel) within the Fire Hose Reel cupboards in each entry foyer on the ground floor, in accordance with Clause E2.2, Table E2.2a and Specification E2.2a (Clause 3 and Clause 4) of the National Construction Code Volume One Building Code of Australia (NCC) and AS1670.1-2018 (the reference standard listed on the Zone Block Plan and the AFSS). The following was observed at the time of the inspection:

A. Fire Brigade Panel (FBP):

- i. The FBP is located within the same room as the sprinkler control valves and the hydrant pump room, contrary to the requirements of Clause 3.9.1 of AS1670.1-2018.
- ii. The door to the room containing the FBP, was not marked with the words 'FIRE PANEL', in letters not less than 50mm high, contrary to the requirements of Clause 3.9.2 of AS1670.1-2018.

B. Smoke Detection Coverage – The retail tenancies on the ground floor level, did not appear to be provided with smoke detection throughout (when viewed through the shopfront windows).

It is noted that the retail tenancies are represented as Zones 1 - 4 on the Zone Block Plan on display at the main FBP and Zone 1 on the Zone Block Plan on display at the local smoke alarm control panel.

C. Building Occupant Warning System (BOWS) – It could not be determined whether the BOWS would sound through all occupied areas of the building in accordance with Clause 7 of Specification E2.2a of the NCC.

1B. Fire Hydrant System:

A. The hydrant booster assembly:

- i. The booster assembly is located within the external wall of the building and is not separated from the building, by construction achieving a fire resistance rating of not less than FRL 90/90/90, contrary to the requirements of Clause 7.3 of AS2419.1-2005. In this regard, the booster assembly is directly connected to the hydrant pumphouse behind and there is no separation.
- ii. A permanent and fade resistant or engraved sign indicating the boost pressure and test pressure was not provided at the booster assembly, contrary to the requirements of Clause 7.10.1 of AS 2419.1-2005.

B. The pumphouse:

- i. The pumphouse is accessed via a doorway opening to the entry foyer of No. 14 Wharf Crescent and is not accessed via a door opening to a road or open space, or a door opening to a fire-isolated passageway or a stair which leads to a road or open space, contrary to the requirements of Clause 6.4.2 of AS2419.1-2005.

1C. Automatic Fire Suppression System:

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 4.4.3 of AS 2118.1-1999.
- 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 2118.1-1999.

1D. 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 display was dated 2020 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.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address item no. 1 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 BFS23/703 (26397) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Fire Safety Compliance Unit