

Attachment C

**Inspection Report
18-32 Oxford Street, Darlinghurst**

18-32 Oxford Street Darlinghurst



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Notes

15/05/2023

**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 2971406

Officer: T. Zeljkovic

Date: 17 May 2023

Premises: 18-32 Oxford Street, Darlinghurst

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to 18-32 Oxford Street, Darlinghurst identified as “The Park Apartments”, with respect to matters of fire safety.

The premises is comprised of a fifteen (15) storey brick residential tower, with ground level commercial tenancies and lower ground shared carpark with 6-14 Oxford Street in Darlinghurst. The building is within a heritage conservation area, identified in the Sydney Local Environmental Plan 2012 and was subject of a fire incident within a top-level unit on 10 April 2023, requiring FRNSW’s attendance.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building manager on 21 April 2023, revealed fire/smoke/water damage. The premises are deficient in fire safety and egress provisions in the following areas:

- (i) Inadequate fire detection and alarm systems;
- (ii) A lack of adequate facilities for firefighting;
- (iii) Suitable fire resisting construction to prevent the spread of fire;
- (iv) Safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire.

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a notice of intention to issue a was issued on 17 May 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.

A separate investigation is being undertaken into the implications on the adjacent towers at 6-14 Oxford Street, Darlinghurst, which shares the car park.

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

Chronology:

Date	Events
18 April 2023	Fire and Rescue NSW (FRNSW) correspondence dated 17 April 2023 received regarding a FRNSW attendance to a fire incident on 10 April 2023 – which noted, maintenance, smoke detection/occupant warning, stair pressurisation, fire control room, hydrant, door and signage deficiencies.
19 April 2023	Review of Council records conducted, revealed: <ul style="list-style-type: none">○ No current building approvals/works○ Current annual fire statement on file Reference: E/2004/2819○ Contact made with Strata and Building management, pertaining to fire incident and interim fire safety measures initiated under the supervision of fire contractor/engineers

Date	Events
21 April 2023	Site inspection conducted in presence of strata, building manager, engineers and fire safety practitioner revealed: <ul style="list-style-type: none"> ○ Existing fire systems consistent with older installation standards i.e., Ordinance 70 ○ Fire damage was contained within a unit on level 15, smoke and water damage affected levels 13 and 14 ○ 3 basements levels to ground level were sprinklered (shared car park with neighbouring site 6-14 Oxford Street, Darlinghurst) ○ Building effective height greater than 25m, with no stair pressurisation system, no sprinklers Level 1-15 and plant, no building occupant warning systems and no emergency lift
27 April 2023	Verbal and written instruction sent to property managers to confirm/repairs of affected safety measures
30 March 2023	Further written instruction sent requiring smoke alarms, wall, fire door repairs, egress, signage/block plan and maintenance verification (staged compliance 7- 60 days) Subsequent information has been provided as required
16 May 2023	Review of neighbouring towers who share a common carpark with the premises
17 May 2023	Notice of Intention to issue a Fire Safety Order issued to the owner of 18-32 Oxford St Darlinghurst, requiring fire system upgrade(s) to the current National Construction Code (NCC) - 2022 standards i.e. installation of a sprinkler system for levels (1-15 and plant), a building occupant warning, stair pressurisation systems, fire control room, hydrant system/ booster assembly upgrade, emergency lift and other

FIRE AND RESCUE NSW REPORT:

References: [BFS22/1860 (27517); D/23/32207]

Fire and Rescue NSW conducted an inspection of the subject premises due to a fire incident at the said premises, with severe damage to a unit and smoke damage to affected floor noted.

Issues: The report from FRNSW detailed the following issues, regarding maintenance of certain fire safety measures:

Issue	City response
1. Maintenance of existing fire safety measures /issues: <ul style="list-style-type: none"> A. i. Fire indicator panel (FIP) fault Levels 13-15 ii. Logs books required to be left on site B. Sprinkler systems <ul style="list-style-type: none"> a. Under current National Construction Codes (NCC), buildings over 25m all levels are to sprinklered- current coverage is basement to ground level only b. A booster assembly has not been provided for the basement - ground floor sprinkler system. C. Smoke detection and alarm system <ul style="list-style-type: none"> a. Combination of smoke alarms /thermal detectors with no building occupant warning system 	1A. Interim measures and retention of on-site maintenance records were addressed by a corrective action letter issued 1B. Addressed by the Notice of intention to issue a Fire Safety Order issued, requiring the installation of a sprinkler system throughout the building and a compliant booster assembly area. 1C. Addressed by the Notice of intention to issue a Fire Safety Order issued, requiring the upgrade the smoke detection and alarm system and associated fire panel.

Issue	City response
<p>b. Detectors within public corridors/ units/stores, appeared to be thermal in lieu of smoke detectors in contrary to current National Construction Code (NCC) and Australian standards</p> <p>c. A permanent zone block plan was not provided adjacent to fire panel</p> <p>d. Red Strobe light was not present outside building – identifying FIP location</p> <p>D. Emergency warning and intercommunication system (EWIS) required to comply with in contrary to current National Construction Code (NCC) and Australian standards</p> <p>E. Fire Hydrant System – Ordinance 70 system does not meet AS2419.1-2005 in that;</p> <p>i. Booster assembly is not fire separated from the external wall of the building</p> <p>ii. Internal hydrants not provided within fire isolated stairways</p> <p>iii. Hydrant valves less than 750mm from floor</p> <p>iv. Location signage not provided on internal hydrant enclosures</p> <p>v. One pump installed contrary to requirements</p> <p>vi. Building height in excess of 25m, ring main not installed contrary to requirements</p> <p>vii. Roof tank not fitted with tank contents indicator</p> <p>viii. Pump room location not readily identifiable by additional signage/visual aids</p> <p><i>FRNSW position: Recommend upgrade to meet current AS2419.1 standard</i></p> <p>F. Fire control Centre – Specification E1.8 of the NCC for buildings over 25m require a Fire control room – not present</p> <p>G. Stair pressurisation system – Clause E2.2 Table E2.2a of the NCC for buildings over 25m require stair pressuration within fire stairs – not installed</p>	<p>1D. Addressed by the Notice of intention to issue a Fire Safety Order issued, requiring the installation of a compliant EWIS system</p> <p>1E. Addressed by the Notice of Intention to issue a Fire Safety Order issued, requiring the upgrade of existing fire hydrant system to current Building Code (NCC) and Australian Standards 2419.1</p> <p>1F. Addressed by the Notice of Intention to issue a Fire Safety Order issued, requiring a fire control room to be contained within building</p> <p>1G. Addressed by the Notice of Intention to issue a Fire Safety Order issued, requiring stair pressurisation be provided within two fire isolated stairs</p> <p>1H. Addressed by the Notice of Intention to issue a Fire Safety Order issued, requiring installation/certification of Emergency lighting as per Clause E4.2 of the NCC</p>

Issue	City response
H. Emergency Lighting – Emergency lighting not installed throughout contract to requirements	
2. Access and Egress deficiencies A. Exit signage – additional directional signage required B. Obstruction to exit car park by vehicle/moped C. Operation of latch/ lever Level 3 discharge door D. Barrier openings in excess of minimum requirement 150mm sphere E. Re-entry within fire isolated stair (every fourth floor) not provided	2A. Addressed by the Notice of Intention to issue a Fire Safety Order issued, requiring a fire control room to be contained within building 2B. Addressed by a corrective action letter issued 2C. Addressed by a corrective action letter issued 2D. Addressed by the Notice of Intention to issue a Fire Safety Order issued, requiring upgrade of barriers 2E. Addressed by a corrective action letter issued
3. Compartmentation A. Basement carpark – sliding fire doors have been decommissioned B. Penetrations – inadequate fire stopping to penetrations carpark slab and ground level slab noted	3 A-B - Addressed by the Notice of Intention to issue a Fire Safety Order issued, requiring review/ installation of sliding fire doors and fire collars/seals as required. Further inspections arranged to neighbouring property (shared basement levels)

FRNSW believed that there were inadequate provisions for fire safety within the building.

FRNSW Recommendations

FRNSW have recommended that Council inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

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)

It is recommended that Council exercise its powers to give a Fire Safety Order at this time and as such a Notice of Intention to serve an Order has been issued.

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

Referenced/Attached Documents:

2023/237041-01	FRNSW S9.32 report dated 17 April 2023
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Trim Reference: 2023/237041

CSM reference No#: 2971406

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File Ref. No: BFS23/1860 (27517)
TRIM Ref. No: D23/32207
Contact: [REDACTED]

17 April 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
'THE PARK APARTMENTS'
18-32 OXFORD ST DARLINGHURST ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 10 April 2023 concerning a fire incident at 'the premises'. As a result, a fire safety concern was lodged.

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 10 April 2023.

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.

Fire and Rescue NSW

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Fire Safety Compliance Unit

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Comments

Date / Time of Fire:	9 April 2023; 1707 hrs
Extent of Fire:	Fire contained in unit of origin.
Damage:	Severe damage to unit. Smoke spread through fire affected floor.
Type of Alarm:	AFA
Evacuation:	Some occupants failed to evacuate and sheltered in place. An unknown number were evacuated by FRNSW.
Casualties:	One. Smoke inhalation.

This report is limited to observations and sections of the building accessed at the time of the inspection, including 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 as listed may 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.

FRNSW noted the following during the investigation of this incident:

1. Essential Fire Safety Measures

1A. Maintenance – Clause 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. Australian Standard AS1851-2012 (amendment 1) - "Service of fire protection systems and equipment", requires essential service measures to be regularly tested. The following is noted:

- i. Fire Indicator Panel (FIP) – At the time of the inspection, the FIP indicated that the following zones of the detection system had been isolated –
 - a) L13 – East & West
 - b) L14 – East & West
 - c) L15 – East & West
 - d) Plant Room

FRNSW received email correspondence from the Building Manager on 12th April 2023, confirming the fire maintenance

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company had investigated, restored the isolations and that the system was fully operational.

- ii. Logbooks – Clause 1.16.2 of AS 1851 requires service logbooks to be left on site. At the time of the inspection, copies of the current services records for the smoke detection and alarm system were unavailable. As a result, it was difficult to establish if regular maintenance was being carried out.

1B. Automatic Fire Suppression System - The automatic fire suppression system appears to be installed in accordance with Ordinance 70, Clause 27.4. Notwithstanding this, the following comments are provided having regard to Clause E1.5 of the NCC and AS 2118.1-2017:

- A. The building has an effective height of more than 25m. The residential portion of the building is not sprinkler protected, contrary to the requirements of Clause E1.5 of the NCC.
- B. A booster assembly has not been provided for the sprinkler system installed throughout the basement and ground floor, contrary to the requirements of Clause 4.14 of AS2118.1-2017.

It is recommended automatic fire suppression system be upgraded to comply with E1.5 of the NCC and extended through all areas of the building.

1C. Smoke Detection and Alarm System –

- A. For Class 2 buildings that are more than 25m in height, the NCC requires the installation of a smoke detection and alarm system in accordance with Clause 2(a) of Specification E2.2a.

The current system installed in the building appears to be a combination of thermal detectors and smoke alarms (AS3786 is listed on the Annual Fire Safety Statement). Furthermore, the system is not connected to a Building Occupant Warning System.

In that regard, the current system does not meet the requirements of Clause 2(a) of Specification E2.2a of the NCC or AS1670.1-2018. As such, the system as installed would not meet the level of performance required by Performance Requirements EP2.1 and EP2.2 of the NCC.

- B. The detectors throughout the public corridors and refuse stores of the building, appeared to be thermal detectors in lieu of smoke detectors, contrary to the requirements of Clause E2.2 & Specification E2.2a of the NCC and AS1670.1-2018.

It is unclear whether approval has been given to permit thermal detectors in areas where smoke detectors would generally be required.

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- C. Zone Block Plan - A permanent, water and fade resistant zone block plan, depicting all the relevant information of the installation, was not securely mounted adjacent to the FIP, contrary to the requirements of Clause 3.10 of AS1670.1-2018.
- D. A red strobe light was not located on the outside of the building, visible from the main approach to the building to indicate the location of the fire indicator panel, contrary to the requirements of Clause 3.8 of AS1670.1-2018.

It is recommended smoke detection and alarm system be upgraded to comply with Specification E2.2a of the NCC and AS1670.1-2018.

- 1D. 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 Clause E4.9 of the NCC.

It is recommended that an EWIS system complying with AS 1670.4 is installed in the premises, in accordance with the requirements of Clause E4.9 of the NCC

- 1E. Fire Hydrant System – The fire hydrant system has been installed in accordance with Ordinance 70 and Ministerial Specification No.10. Notwithstanding this, the following deviations from AS2419.1-2005 have been identified, which are of concern to FRNSW:
 - i. The hydrant booster assembly is affixed to the external wall of the building and is not separated from the building by a construction with a fire resistance rating of not less than FRL 90/90/90 for a distance of not less than 2m each side and 3m above the upper hose connections, contrary to the requirements of Clause 7.3 of AS2419.1-2005.
 - ii. Internal fire hydrants are not located in the fire-isolated stairway of each storey, contrary to the requirements of Clause 3.2.3.2 of AS2419.1-2005.
 - iii. Multiple fire hydrant valves throughout the premises are located at a height less than 750mm from the floor, contrary to the requirements of Clause 3.5.1 of AS2419.1-2005.
 - iv. The doors to the enclosure containing the hydrant valves and are not identified with signage, contrary to the requirements of Clause 3.6.2 of AS2419.1-2005.
 - v. Only one pump has been installed, contrary to the requirements of Clause 6.2 of AS2419.1-2005.

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- vi. The building has an effective height in excess of 25m and a ring main has not been installed, contrary to the requirements of Clause 8.5.4 of AS2419.1-2005.
- vii. The roof top tank did not appear to be fitted with a tank contents indicator, contrary to the requirements of Clause 5.4.4.1 of AS2419.1-2005.
- viii. 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
- ix. 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.

The following sets out 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 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.

It is recommended that the existing fire hydrant system be upgraded to meet the requirements of the current Australian Standard AS 2419.1 for an equivalent new building, as the current system no longer suits the operational needs of FRNSW.

- 1F. Fire Control Centre - In accordance with the requirements of Clause E1.8 of the NCC, a building with an effective height of more than 25 m must be provided with a fire control centre facility, in accordance with Specification E1.8. Currently, a fire control centre complying with Specification E1.8 of the NCC has not been installed in the building.

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- 1G. Stair Pressurisation - In accordance with the requirements of Clause E2.2 and Table E2.2a of the NCC, a fire-isolated stair in a building over 25m must be provided with an automatic air pressurisation system for in accordance with AS 1668.1. Currently the stairs serving the Class 2 residential part of the building do not appear to have such a system installed.
- 1H. Emergency lighting – Emergency lighting does not appear to be installed throughout the premises, contrary to the requirements of Clause E4.2 of the NCC.

2. Access & Egress

- 2A. Exit Signage - It was evident that there were areas within the carpark levels, where the direction to the required exits was not readily apparent. Additional directional exit signs may be required throughout the carpark levels, such that an exit sign or directional exit sign is clearly visible from all parts, in accordance with Clause E4.5 and NSW E4.6 of the NCC.
- 2B. Discharge from Exit - The path of travel to the exit door from the basement L1 at the northern end of the carpark, adjacent to carparking spaces No 174 and No 175, was obstructed by a parked vehicle (moped), contrary to the requirements of Clause D1.10 of the NCC and Clause 109 of the EPAR 2021.
- 2C. Operation of Latch – The exit door discharging from basement L3 at the northern end of the carpark, adjacent to carparking space No 151, contains a faulty lever handle, contrary to the requirements of D2.21 of the NCC and Clause 81 of the EPAR 2021.
- 2D. Barrier Opening - The barrier opening to the fire-stairs consisted of a top and bottom rail throughout all flights, which created openings that would permit a 150mm sphere to pass through it between the nosing line of the stair treads and the bottom rail, contrary to the requirements of Table D2.16a(2) of the NCC.
- 2E. Re-entry from fire-isolated exits – The doors to the fire-isolated stairways serving the residential levels (effective height greater than 25m), were all locked from the inside. In this regard, the doors were not provided with a fail-safe device that automatically unlocks the door upon activation of a fire alarm and re-entry was not available on every fourth floor (with appropriate signage) or an intercommunication system or an audible or visual alarm system was not provided, contrary to the requirements of Clause D2.22(b) of the NCC.

3. Compartmentation

- 3A. Basement Carpark – The premises shares the basement carpark with the adjacent building – *Parkridge, 8-16 Oxford Street*. Sliding fire doors had been installed on all levels of carpark to provide separation between the

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two premises however, the fire doors have now been decommissioned and are no longer operational.

In that regard, it is considered that the building no longer meets the level of performance required by Performance Requirements CP2 and CP4 of the NCC and would also be considered a united building in accordance with Part A7.

It is at Councils discretion as the proper regulatory authority, to determine whether the appropriate consent was granted to approve the decommissioning of the sliding fire doors and if so, whether those approvals considered Parts CP2, CP4 and A7 of the NCC.

- 3B. Penetrations - Multiple service penetrations through the basement carpark slab to the ground floor retail did not appear to be adequately fire stopped in accordance with Clause C3.15 and Specification C3.15 of the NCC.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address item nos. 1, 2 and 3 of this report.
- b. Conduct a Fire Safety Audit on the building to ensure all deficiencies within the building, including but not limited to the items highlighted in this report are adequately addressed.
- c. Require the owners to upgrade the fire hydrant system to address item no. 1E of this report.
- d. Require the owners to upgrade the automatic fire suppression system to address item no. 1B of this report.
- e. Require the owners to upgrade the automatic smoke detection and alarm system to address item no. 1C of this report.
- f. Require the owners to install an emergency warning and intercom system to address item no. 1D of this report.

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.

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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 (02) [REDACTED] if there are any questions or concerns about the above matters. Please ensure that you refer to file reference BFS23/1860 regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Fire Safety Compliance Unit