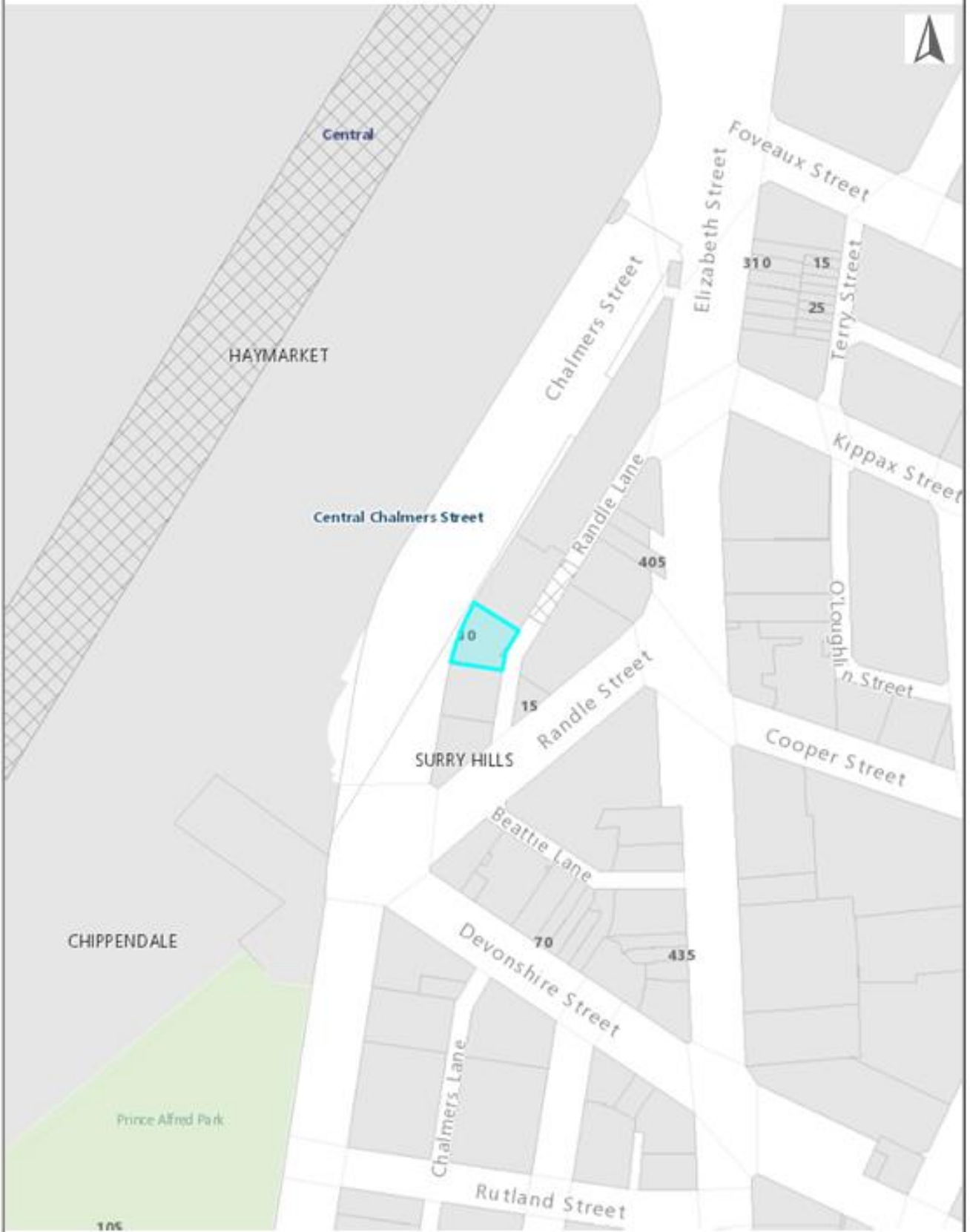


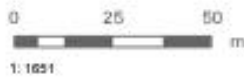
Attachment I

**Inspection Report
30-34 Chalmers Street Surry Hills**

30-34 Chalmers Street Surry Hills



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Notes

Locality Plan

28/07/2023

**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 3013212

Officer: B. Badyari

Date: 26 July 2023

Premises: 30-34 Chalmers Street, Surry Hills

Executive Summary:

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

The premises is irregular in shape, with an area of 321.6m². Primary street frontage is to Chalmers Street and Randle Street and Randle Lane at the rear. An eight (8) storey mixed use building is contained within the site.

The primary use of the building is residential with basement carpark, ground floor retail tenancies and seven (7) upper floors used as residential apartments.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building manager revealed that there were no significant fire safety issues occurring within the building.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. A fire safety statement for the premises has been provided and is displayed prominently within the building, as required by the Environmental Planning and Assessment Regulation 2000.

Council investigations have revealed that whilst there remains several fire safety “maintenance and management” works to attend to, including displaying a zone block plan and compliance with a FRNSW 188 Exemption granted in 2014 relating to the building’s hydrant system, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the above fire safety works are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner’s fire service contractor(s) through written instruction from Council.

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

Chronology:

Date	Event
06/07/2023	FRNSW correspondence received regarding premises 30-34 Chalmers Street Surry Hills, in relation to a complaint dated 26 May 2023 in relation to essential fire safety measures -FRNSW reinspection on 26 May 2023
11/07/2023	A review of City records showed that: -The premises is on the eastern side of Chalmers Street and is part of a group of properties bounded by Elizabeth Street and Chalmers Street intersection to the north, Randle Lane to the east, Randle Street to the south and Central Station to the west. -The fire safety schedule for the premises contains fourteen (14) fire safety measures, including an automatic fire detection system, automatic fire suppression (sprinkler) system, fire engineering reports, and other fire safety measures typical for a high-rise building - A compliant fire safety statement dated 20 December 2022 was provided certifying 14 fire safety measures
21/07/2023	An inspection of the subject premises was undertaken by a Council investigation officer in company with the building manager, owner, and insurance agent when the following items were noted: -FIP was clear from all faults and isolations -Outdated block plan displayed; however, the owner is in the process of getting an updated block plan -Other fire safety measures in the building appeared adequately maintained -The fire safety statement is prominently displayed at the premises -Exits were clear and unobstructed
27/07/2023	Corrective action letter issued 2023/446717

FIRE AND RESCUE NSW REPORT:

References: [BFS23/2841 (28474); D23/59364]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving complaint in relations to fire incident which occurred in the adjacent building at 7-13 Randle Street on 25 May 2023.

Issues

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

Issue	City response
1. Faults x 35 on the fire indicator panel	FIP clear from all the faults at the time
2. The evacuation control panel was displaying fault and the switch was in the off position, indicating the evacuation system was isolated.	FIP clear from all the isolations, the building occupant warning system appeared in working conditions at the time.

Issue	City response
3. 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.	To be rectified through Corrective action letter issued
4. The condition 2 of the FRNSW 188 Exemption required the glazed portions adjacent to the booster assembly to be protected by internal wall wetting sprinklers, one of the wall wetting drenchers is located outside the glazed door.	To be rectified through Corrective action letter issued
5. The pumproom at the rear is obstructed due significant number of debris blocking the Randle Lane	Randle Lane is all clear and access to pump room all clear
6. Annual Fire Safety Statement was not displayed	The annual fire safety statement displayed in the prominent area
7. Access and Egress from the residential levels level 1 to level 8 was not available as the single fire-isolated stairway which discharges into Randle Lane at the rear of the building was blocked off.	Fire isolated stairway clear from all obstructions
8. The subject building sustained damage because of the proximity to the fire in the adjacent building 7-13 Randle Street, the external wall in the eastern façade of the subject building in Randle Lane was affected with multiple smashed windows and the exterior finish delaminating in part and exposing what appeared to be the stud walls behind.	All windows are boarded from outside with no damage noted inside the building
9. Damaged fire doors due to forced entry to units 14,24,34,44,74 and 81.	Fire doors to all impacted units (14,24,34,44,74 and 81) have been replaced.
10. Internal unit 81 damaged	All internal damage now rectified
11. Smoke damage: <ul style="list-style-type: none"> • SOU frames • Smoke detectors • Ceiling • Emergency lighting etc 	All internal damage now rectified and smoke detectors and emergency lighting operational
12. Basement water puddles and water damage	Basement level clear from any water damage and water puddles

Issue	City response
13. Roof: Hot water services charred	One of the hot water units replaced and owner to replace black plastic caps that was charred during the recent Randle Street fire incident; however, this has no significance to fire safety.

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

FRNSW Recommendations

FRNSW have made recommendations within their report:

- a. Review item no. 1 through to item no.3 of this report and conduct an inspection.
- b. Address any other deficiencies identified on the premises.

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 site inspection undertaken by Council officers it was determined to issue the owners of the building a compliance letter of instruction to rectify the identified fire safety deficiencies noted by Council and FRNSW.

The above correspondence has requested that building management carry out remedial works to existing fire systems to cause compliance with required standards of performance.

Follow-up compliance inspections are currently being undertaken and will continue to be undertaken by a Council officer to ensure already identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence and the recommendations of FRNSW occur.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

Referenced/Attached Documents:

2023/410182	Fire & Rescue NSW letter dated 06 July 2023
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Trim Reference: 2023/410182

CSM reference No: 3013212

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File Ref. No: BFS23/2841 (28474)
TRIM Ref. No: D23/59364
Contact: [REDACTED]

6 July 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
30-34 CHALMERS STREET, SURRY HILLS ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 26 May 2023 concerning the adequacy of the provision for fire safety in connection with 'the premises', following a fire incident which occurred in the adjacent building at 7 - 13 Randle Street Surry Hills, on 25 May 2023.

The correspondence stated that:

- *I have concerns that the fire safety systems are not operational and exits are blocked at 34 Chalmers Street Surry Hills following the fire last night.*

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 26 May 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:

- Those parts of the building where access could be gained, which included the ground floor lobby, the Fire Brigade Panel, the basement storage area and the hydrant booster assembly.

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Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483

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- 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.

COMMENTS

Please be advised that the items in this report are limited to observations of the building accessed during the inspection and identify possible nonconformities with the National Construction Code 2022, Volume 1 Building Code of Australia (NCC) and provisions for fire safety. The items are not an exhaustive list of non-compliances. FRNSW acknowledges that the differences observed at the time may contradict development consent approval or relate to the building's age. Therefore, it's the Council's discretion as the appropriate regulatory authority to consider the most appropriate action.

It is noted that as a result of damage sustained to the subject building, due to its close proximity to the fire in the adjacent building, 'the premises' was unoccupied at the time of the inspection. Notwithstanding this, the following items were identified as concerns at the time of the inspection:

1. Essential Fire Safety Measures

- 1A. The Automatic Fire Detection and Alarm System and Building Occupant Warning System did not appear to be capable of operating to the standard of performance from when it was first designed and installed, contrary to the requirements of Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021). The following issues were identified as concerns at the time of inspection:

A. Fire Indicator Panel (FIP):

- i. The FIP was displaying thirty-five (x35) alarms, one (x1) fault and sixty-two (x62) isolations.
- ii. The Evacuation Control Panel was displaying 'Fault' and the control switch was in the 'OFF' position, indicating the evacuation system was isolated.

The Strata Manager was advised of the issues following the inspection and FRNSW were advised that the issues would be investigated.

FRNSW received email correspondence from the Facilities Manager on 29 May 2023, advising the following:

Fire Indicator Panel (FIP) - I managed to clear all faults & isolations & can confirm that the FIP is back online, however it is

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still recommended that our incumbent fire company should attend site to review all fire services when access is available.

A photograph of the FIP display panel was provided, with the email correspondence to demonstrate such.

Subsequently, FRNSW conducted a re-inspection on 5 June 2023 to confirm the status of the FIP. In this regard, the FIP was free of all alarms, faults and isolations and the system appeared to be fully operational.

Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

- B. 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 AS1670.1-2004. (the reference standard on listed on the AFSS).

1B. Fire Hydrant System:

- A. The hydrant booster assembly – A review of FRNSW's database/records for 'the premises', as well as the AFSS on display in the building, indicates that the location of the booster assembly is subject to 'FRNSW exemption under Clause 188 of the EP&A Regulation 2000', dated 9/10/2014. In this regard, the following comments are provided:

- i. Condition 2 of FRNSW 188 Exemption required 'the glazed portions adjacent to the booster assembly to be protected by internal wall wetting sprinklers. In this regard, one of the wall wetting drenchers is located on the outside of the glazed entry door to the shop and is not protecting the glazed door. It is unclear whether the shopfront entry door has undergone reconfiguration since the exemption was granted, however the current arrangement is inconsistent with the conditions of FRNSW 188 Exemption. A copy of FRNSW 188 Exemption is attached in Appendix A for Council's information.

B. The pumphoom:

- i. Access was not available to the hydrant pumphoom, which is accessed from Randle Lane, due to the significant amount of debris blocking the lane from the adjoining building collapse and its location within the exclusion zone.

1C. Annual Fire Safety Statement (AFSS):

- A. A copy of the current AFSS was not prominently displayed within the building in accordance with Section 89 of the EPAR 2021. In this regard, the AFSS on display was dated December 2022 and is no longer valid.

2. Access and Egress

- 2A. Egress from the residential levels (Level 1 to Level 8) was not available, as the single fire-isolated stairway which discharges into Randle Lane at the rear of the building was blocked off, due its discharge location inside the exclusion zone and a significant amount of debris from the building collapse, blocking the discharge door and the laneway.

3. Generally

- 3A. It was observed at the time of the inspection that, 'the subject building' sustained damaged as a result of the proximity to the fire in the adjacent building (7-13 Randle Street), which also backs onto Randle Lane. The external wall in the Eastern façade of 'the subject building' in Randle Lane was affected, with multiple smashed windows and the exterior finish delaminating in part and exposing what appeared to be the stud walls behind.

It is unclear whether any internal damage was sustained, as access was not available to the residential levels and into the sole occupancy units at the time of the inspection, however, FRNSW received email correspondence from the Facilities Manager on 29 May 2023, advising the following:

I managed to gain internal entry this afternoon with Police escort to all levels.

In the 15 minutes I was there, I was allowed to visit & quickly scan each level, including roof, basement & occupied levels.

There is considerable internal damage, including:

- *Damaged fire doors*
 - *Forced entry: Units 14, 24, 34, 44, 74 & 81.*
- *Internal damage unit 81*
- *Smoke damage*
 - *SOU frames*
 - *Smoke detectors*
 - *Ceiling*
 - *Emergency lighting etc*

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- *Basement*
 - *Water puddles*
 - *Could not ascertain extent of water damage.*
- *Roof*
 - *Hot water services charred.*

It would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 through to 3 of this report and conduct an inspection.
- b. Address 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 [REDACTED] of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call [REDACTED] if there are any questions or concerns about the above matters. Please refer to file reference BFS23/2841 (28474) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

[REDACTED]
Fire Safety Compliance Unit

Attachment: [Appendix 1 – FRNSW Exemption under Clause 188 of the EP&A Regulation 2000 Reference D14/64386, dated 9 October 2014]

Appendix 1 – FRNSW exemption under Clause 188 of the EP&A Regulation 2000



File Ref. No: BFS13/5521 (5530)
TRIM Doc. No: D14/64386
Contact: [REDACTED]

9 October 2014



RE: EXEMPTION APPLICATION FOR 30-34 CHALMERS STREET SURRY HILLS

I refer to your correspondence dated 29 November 2013, requesting an exemption under Clause 188 of the Environmental Planning and Assessment (EP&A) Regulation 2000 regarding the aforementioned premises.

PLANS & SPECIFICATIONS

The documents submitted with your application have been registered by FRNSW as the following records: D13/90996, D13/90997, D13/90999, D13/91000, D13/91001, D13/91002 and D14/63249.

EXEMPTION

The proposed location of the fire hydrant booster assembly is not compliant with Clause 7.3(c)(ii) of AS2419.1—2005, which states in part:

(c) If within, or affixed to, the external wall of the building, the booster shall be –

- (ii) 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 of and 3m above the upper hose connections in the booster assembly.*

Drawing D13/91000 (ground floor plan) furnished in support of the application for exemption depicts the fire brigade booster assembly as being located external to the building between retail tenancy 1 and retail tenancy 2.

Fire & Rescue NSW
Community Safety Directorate
Fire Safety Branch
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The application has proposed to install the fire brigade booster assembly at the boundary of building adjacent to Retail Tenancy 1 and the main entry to the building. It is also proposed that the fire brigade booster assembly is separated from the building by a construction with a fire resistance rating of not less than FRL 90/90/90 for a distance not less than 3m above the upper hose connections in the booster assembly. Radiant heat protection however is not proposed to be provided either side of the fire brigade booster assembly.

DETERMINATION

FRNSW have reviewed the submitted documentation and conditionally grants the exemption in view of the following:

The location of the hydrant booster assembly as proposed and **conditioned** will not adversely affect firefighting operations.

CONDITIONS

Pursuant to Clause 188(4) of the EP&A Regulation 2000, FRNSW advises that the following conditions are specified with this determination:

1. Permanently affixed fade resistant signage having capital letters of not less than 20 mm is to be provided within the entry foyer leading to the lift and state—
NO COMBUSTIBLE ITEMS ARE TO BE INSTALLED IN THIS AREA
2. The glazed portion that extends from the fire brigade booster assembly and grid line B of Drawing no. CD-1102 is to be protected in accordance with the following:
 - (i) In relation to a doorway, the door(s) is (are) self-closing or automatic closing as appropriate, as defined by National Construction Code series, Volume One, Building Code of Australia protected by internal wall wetting sprinklers, for the whole of the doorway;
 - (ii) In relation to any glazed part of an opening(s), door(s) or wall(s), the glazed part of the opening or wall is to be toughened glass not less than 10 mm in thickness.
3. The wall-wetting sprinklers, as detailed in Item (2)(i), and installed in accordance with National Construction Code series, Volume One, Building Code of Australia Clause C3.4 are directly connected to the fire hydrant system, capable of being boosted and separately isolated, so that:
 - (i) the isolating valve to the wall wetting sprinklers is provided within the fire brigade booster assembly cabinet; and
 - (ii) the connection of the wall wetting sprinklers to the fire hydrant system is provided downstream of the fire brigade booster connections.
4. The hydrant system is to be commissioned in accordance with the requirements of Section 10 of AS 2419.1—2005 and evidence of this testing is to be provided to FRNSW.



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5. The fire brigade hydrant booster assembly must be located and constructed strictly in accordance with the details and specification indicated on the latest revision plans submitted with this application and the conditions imposed by FRNSW.
6. Once the above works are completed the two nearest local Fire Station crews are to be invited to the site for a familiarisation visit. The two nearest Stations are Redfern Fire Station Ph: (02) 9698 1161 and City of Sydney Fire Station Ph: (02) 9265 2799.

For further information please contact [REDACTED] at the Fire Safety Assessment Unit, referencing FRNSW file number BFS13/5521 (5530). Please ensure that all correspondence in relation to this matter is submitted electronically to bfs@fire.nsw.gov.au

