

Attachment D

**Inspection Report
68 Sir John Young Crescent
Woolloomooloo**



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Notes

17/10/2023

**Council Investigation Officer Inspection and Recommendation Report
Clause 17(2) of Schedule 5 of the Environmental Planning and Assessment Act 1979
(the Act)**

File: CSM 3052837

Officer: Ashley Host

Date: 26 October 2023

Premises: 68 Sir John Young Crescent, Woolloomooloo

Executive Summary:

Council received correspondence dated 14 September 2023 from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety.

The site contains a mixed used commercial and retail development comprising eight (8) storeys with three (3) levels of basement parking. It contains seventy-seven (77) residential apartments and eight (8) commercial/retail tenancies constructed in 2014.

An inspection of the premises was undertaken with the building's Senior Facilities Manager which revealed that the premises are deficient in fire safety and egress provisions in the following areas:

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

A Notice of Intention to issue a fire safety order was served on 7 November 2023.

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a 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.

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
18.09.2023	FRNSW correspondence received regarding premises 68 Sir John Young Crescent, Woolloomooloo
17.10.2023	An inspection of the subject premises was undertaken by a Council officer in the presence of the building's Senior Facilities Manager which revealed the following fire safety issues at the time of inspection: <ol style="list-style-type: none">1. The fire hydrant system is not correctly installed to meet the operational needs of FRNSW requiring remedial repair and is not being routinely serviced.2. The automatic fire suppression system is not correctly installed to meet the operational needs of FRNSW requiring remedial repair and is not being routinely serviced.3. There are construction gaps and penetrations through fire rated construction that have not been adequately sealed.4. There are fire dampers throughout the building that have been incorrectly installed.5. There are smoke detectors within some residential units that are not installed in accordance with the required Standard.6. Storage rooms bounding exit routes not adequately fire separated to protect occupants in the event of a fire.
7.11.2023	NOI served

FIRE AND RESCUE NSW REPORT:

References: [BFS22/1892 (20949), BFS22/2058 (21109) D23/89364; Trim Ref: 2023/542338]

Fire and Rescue NSW (FRNSW) received correspondence on 14 September 2023 concerning the adequacy of the provision for fire safety in connection with the premises following their response to an automatic fire alarm at the premises.

Issues

The report from FRNSW detailed numerous issues, in particular noting:

Issue	City response
The service label/tag to the fire hydrant booster assembly indicates the system has not been receiving required routine maintenance.	To be addressed by Fire Safety Order to bring the system into compliance with the respective Standard – to have the system tested in accordance with AS1851-2012.
The hydrant booster system lacks warning signage and a pressure gauge contrary to Clause 7.6 of AS2419.1.	To be addressed by Fire Safety Order to bring the system into compliance with the respective Standard – to have warning signage and a pressure filled gauge to be installed.
FRNSW are of the opinion the hydrant booster system boost pressure displayed at the booster cabinet is incorrect and that the system exceeds the maximum allowable required pressure contrary to Clause 2.3.2 of AS2419.1.	To be addressed by Fire Safety Order to bring the system into compliance with the respective Standard – to have the system to be tested and modified so the boost pressure does not exceed the maximum requirement.

Issue	City response
The service label/tag to the sprinkler (fire suppression) booster assembly indicates the system has not been receiving required routine maintenance.	To be addressed by Fire Safety Order to bring the system into compliance with the respective Standard – to have the system tested in accordance with AS1851-2012.
The sprinkler (fire suppression) booster valve inlets are installed incorrectly contrary to Clause 3.2(h) of AS2419.1	To be addressed by Fire Safety Order to bring the system into compliance with the respective Standard – to have the booster inlet valves modified to meet FRNSW operational requirements.
One of the doors to the garbage room located on basement level 1 lacks a self-closing device contrary to Clause 2.1.3 of AS1905.1	To be addressed by Fire Safety Order – to have a self-closing device re-installed to the door.
The doors to the garbage room located on basement level 1 were observed to be propped open by chocks preventing them from self-closing.	<p>At the time of inspection, the doors to the garbage room were observed to be propped open. Facilities manager states the cleaners do this when loading garbage into the room. Whilst the doors are adjacent to egress routes, they aren't fire doors in the path of travel to or within the exit and is not an offence to prop them open.</p> <p>As this is a management issue, Facilities Manager has been advised the doors need to remain in the closed position and should not be propped open and that should they wish to keep the doors in the open position, fail safe devices need to be fitted.</p>
The doors and door frames to the garbage room located on basement level 1 were not affixed with metal tags to confirm the installation of fire rated doorsets required in this location.	To be addressed by Fire Safety Order – to have tagged fire rated door sets provided to all doors bounding egress routes.

FRNSW Recommendations

FRNSW have made two recommendations within their report. In general, FRNSW have requested that Council:

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed.
2. 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)

As a result of a site inspection undertaken by Council investigation officers, a Notice of Intention (NOI) to issue an order was served on the owner on 7 November 2023. Following consideration of any representations made in relation to the NOI and any works undertaken, it is recommended that Council exercise its powers for officers to progress to serving a fire safety order under Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and the Council investigation officer.

The issue of a fire safety order will ensure that suitable fire safety systems are in position throughout the building to provide improved and adequate provisions for fire safety.

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

Referenced/Attached Documents:

2023/542338	FRNSW S9.32 report dated 14 September 2023
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Trim Reference: 2023/013482

CSM reference No#: 3052837

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File Ref. No: BFS22/1892 (20949) BFS22/2058 (21109)
TRIM Ref. No: D23/89364
Contact: [REDACTED]

14 September 2023

General Manager
Council of the City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

**Re: INSPECTION REPORT
LUXE APARTMENTS
68 SIR JOHN YOUNG CRESCENT
WOOLLOOMOOLOO ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 5 May 2022 and 13 May 2022 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *Door not closing properly and if there is a fire, the fire door will not be able to close tightly to prevent the fire from spreading to other units. The owners corp and building manager have not taken any action to rectify this issue. Also this issue wasn't brought up by the fire inspection company engage to conduct the annual audit.*
- *Some of the lights in the fire stairs of in the building do not work. As there is no natural lights in the stairway, the affected areas become totally dark. In the event there is a fire, it will be impossible to evacuate. Also there are secondary fire stairs available.*
- *Also some of the apartment doors and around the building are faulty In the event there is a fire in the apt or building, these doors will not be able to slam shut fully to contain and localise the fire.*

Fire and Rescue NSW

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- *Though a fire safety inspection was done recently, this was either not raise or no action was taken by the strata to ensure the safety of its residents.*

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 31 August 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 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

The following items were identified during the inspection:

1. Essential Fire Safety Measures

1A. Fire Hydrant System

- A. The service label/tag provided to the booster assembly was dated stamped September 2022, indicating the system had not receiving routine maintenance in accordance with Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR21), and Section 4.2 of AS 1851-2012.
- B. FRNSW are of the opinion that the fire hydrant booster is connected in-series with the fixed on-site pump. In this regard, warning signage and a 150mm diameter liquid filled pressure gauge which indicates the pressure at the pump discharge pipe/manifold is not installed at the booster enclosure, contrary to the requirements of Clause 7.6 of Australian Standard (AS) 2419.1-2005.
- C. Taking into account head pressure, and that the maximum discharge pressure at any hydrant outlet under design flow conditions shall not exceed 1200 kPa at the most advantaged hydrant, FRNSW are of the opinion that the boost pressure displayed at the fire hydrant booster cabinet is incorrect and will exceed the maximum required pressure contrary to the requirements of Clause 2.3.2 of AS 2419.1-2005.

1B. Automatic Fire Suppression Systems

- A. The service label/tag provided to the booster assembly was dated stamped September 2022, indicating the system had not receiving routine maintenance in accordance with Section 81 of the EPAR21, and Section 4.2 of AS 1851-2012.
- B. The fire sprinkler booster incorporates a pipe-bodied booster assembly with inlet inserts. FRNSW observed the angle of the valve inlet to be approximately 90° contrary to Clause 3.2(h) AS2419.3-2012. When boosted by a fire brigade pumping appliance this may cause the spring-loaded jumper valve of the boost inlet to strike the opposing valve and restrict water flow into the system. Council may wish to review Part 5 of FRNSW safety guideline ['Fire brigade booster connection with inlet insert'](#)

2. General

2A. Compartmentation and Separation

- A. FRNSW noted the following to the double leafed fire doors to the garbage room on Level B1 at the time of inspection:
 - i. One of the doors was not fitted with a self-closing device and is therefore unable to self-close, in accordance with Clause 2.1.3 of AS 1905.1-2015.
 - ii. Door chocks were holding open the fire doors, prohibiting the doors from self-closing in contravention with Section C4D5 and Specification 12 – S12C2 of the NCC.
 - iii. The doors and door frames were not affixed with the prescribed metal tag to the edge of the door leaf and to the doorframe to confirm that the installation of the fire-rated door set was complete and inspected, contrary to the requirements of Clause 6.1.2 of AS 1905.1-2015.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 and 2 of this report and conduct an inspection.
- b. Address any other deficiencies identified on “the premises”.

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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 Fire Safety Officer [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 BFS22/1892 (20949) BFS22/2058 (21109) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]
Fire Safety Compliance Unit