

Attachment E

**Inspection Report
34 Wentworth Street, Glebe**

**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: 3056187

Officer: M. Hassan

Date: 2 November 2023

Premises: Wentworth Street Apartments, 34 Wentworth Street, Glebe

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 25 September 2023 with respect to matters of fire safety.

The premises is known as Wentworth Street Apartments and consists of a 12 storey residential apartment building containing a ground floor open car park. The building has an effective height of greater than 25m and is considered to be a high-rise building. The building contains open balconies, and the open balconies are connected to two external exit stairs. The building also contains a central fire isolated exit stair.

The premises is rectangular in shape and is bounded by St Johns Road to the North, Park Lane to the East, Mitchell Street to the South and Wentworth Street to the West. The building is predominately surrounded by residential buildings.

A previous fire safety order was issued on the building on 11 December 2006. This Order was completed to the satisfaction of Council on 15 August 2012.

Inspections of the premises undertaken by a Council Investigation Officer on 19 October 2023 and 1 November 2023 in the presence of the owners revealed that the premises are deficient in fire egress, and fire safety provisions in the following areas:

- I. Inadequate smoke detection and alarm system (no heat detectors in the car park);
- II. Suitable fire resisting construction to prevent the spread of fire (walls of main electrical switch room contain penetrations and door to room is dilapidated);
- III. A lack of adequate facilities for firefighting (fire hydrant booster lacks signage and lacks an isolation valve and the existing isolation valve is not monitored, hydrant block plan not provided in fire hydrant pump room, difficulty using fire hose reels as they are not wound correctly, portable fire extinguishers not provided with adequate signage);
- IV. Defective egress provisions (external exit stairs were not enclosed in fire resistive construction and could be directly exposed to a fire, doors located in the path of travel to the exit open against the direction of travel);

A Notice of Intention to issue a fire safety order was served on 2 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 potential combustible composite cladding on the façade of the building.

Chronology:

Date	Event
25/09/2023	FRNSW correspondence received regarding premises 34 Wentworth Street, Glebe
19/10/2023	An inspection of the subject premises was undertaken with the Strata Manager and chairperson and secretary of the body corporate. The inspection revealed the following egress, and fire safety deficiencies: <ol style="list-style-type: none">1. There is a lack of portable fire extinguisher signage.2. Several fire hose reels were not wound correctly.3. Boost and test pressure signage was not provided at the fire hydrant booster.4. No isolation valve has been installed downstream of the fire hydrant booster inlets.5. The fire hydrant pump room is located on the top floor level and there are no signs in the building that indicate the pump room's location.6. Several door and window openings were located within 6m of the external exit stairs and the stairs have not been enclosed in suitable fire rated construction.7. The building has an effective height of greater 25m and is not provided with a sprinkler system.
01/11/2023	An inspection of the subject premises was undertaken with the Strata Manager and chairperson and secretary of the body corporate. The inspection revealed the following fire safety deficiencies: <ol style="list-style-type: none">1. The main electrical switchboard room contained several penetrations and the fire door to the room was dilapidated. The chairperson advised that they were going to install a new switchboard in a new location in the next few months.2. Emergency equipment within the switchboard room was not separated from non-emergency equipment with non-combustible construction.3. There are no heat detectors in the car park area.
2/11/23	NOI served

FIRE AND RESCUE NSW REPORT:

References: [D23/090703; 2023/554618]

Fire and Rescue NSW conducted an inspection of the subject premises on 17 August 2023 after receiving correspondence on 15 August 2023 concerning the adequacy of the smoke detection and alarm system in the building.

Issues

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

Issue	City response
Automatic Fire Detection and Alarm System A. The Fire Brigade Panel (FBP) indicated a total of 4 isolations, 90 faults and 45 detectors in alarm. At the time of the inspection, an alarm was not sounding. This indicates that the system may not operate to provide automatic notification of a fire to the building's occupants.	This issue had been rectified. There were no faults on the FBP.
A detector was missing from its base on level 9 adjacent to the door to the balcony providing access to units 905 and 906.	This issue had been rectified. A new detector has been placed onto the subject base on level 9.

Issue	City response
FRNSW officers were not able to locate sounders for the building occupant warning system throughout the whole building. It appeared that the system may not provide adequate coverage to the entire building as required by Clause 7 of Specification 20 of the National Construction Code (NCC).	This issue has been addressed notice of intention that Council issued on the owners on 2 November 2023.
Given the height of the highest fire hydrant in the system, the head of water at the boost inlets will be greater than 50 kPa, however, an isolation valve is not installed downstream of the boost inlets, contrary to the requirements of Clause 7.4 of AS 2419.1-2005.	This issue has been addressed notice of intention that Council issued on the owners on 2 November 2023.
Boost and test pressure signage is not provided at the fire hydrant booster, contrary to the requirements of Clause 7.10.1 of AS 2419.1-2005.	This issue has been addressed notice of intention that Council issued on the owners on 2 November 2023.
The fire hydrant system isolation valves were not monitored, contrary to the recommendation in Clause 8.5.8 of AS 2419.1-2005.	This issue has been addressed notice of intention that Council issued on the owners on 2 November 2023.
The fire hydrant system was tagged as having last been maintained in January 2023, contrary to the requirements of Clause 4.4 of AS 1851-2012.	This issue has been addressed notice of intention that Council issued on the owners on 2 November 2023.
The fire hose reel located adjacent to the main entrance was not interlocked, contrary to the requirements of Section 5 of AS 2441-2005.	This issue had been rectified. The subject fire hose reel was interlocked.
The portable fire extinguishers were tagged as having last been maintained in October 2018, contrary to the requirements of Clause 10.4 of AS 1851-2012.	This issue had been rectified. All portable fire extinguishers have been recently checked and tagged.
The building has an effective height greater than 25 m, however, it is not provided with a sprinkler system, contrary to the requirements of Clause E1D5 of the NCC.	This issue has been addressed notice of intention that Council issued on the owners on 2 November 2023.
A current Annual Fire Safety Statement was not displayed in a prominent location within the building or provided to FRNSW contrary to the requirements of Section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.	This issue had been rectified. A current copy of the AFSS was displayed in a prominent location within the building.

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

Authorised Fire Officers' of FRNSW issued a Notice No. 1, dated 21 August 2023, under the provisions of Section 9.34 of the EP&A Act requiring several faults on the fire brigade panel to be rectified and have advised that Council is not required to act on item no. 1A A of this report which relates to the faults found on the fire brigade panel.

FRNSW Recommendations

FRNSW have made number of 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. *Ensure the fire safety measures serving the premises are being regularly maintained and that an Annual Fire Safety Statement is being provided to both the Council and FRNSW.*
3. *Ensure that a sprinkler system is installed in the building as per the requirements of Clause E1D5 of the NCC.*
4. *Address any other deficiencies identified on 'the premises'*
5. *Advise them in writing of Council's 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 2 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 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:

No#	Document type	Trim reference
A1	Fire and Rescue NSW Report	2023/625547-01
A2	Copy of Proposed Fire Safety Order	2023/625547-02

Trim Reference: 2023/625547

CSM reference No#: 3056187

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File Ref. No: BFS23/4581 (30180)
TRIM Ref. No: D23/090703
Contact: [REDACTED]

25 September 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 WENTWORTH APARTMENTS
34 WENTWORTH STREET, GLEBE ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 15 August 2023 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- The FIP is scheduled to be replaced but in the meantime all of Level 9 had to be isolated.

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 17 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.

Fire and Rescue NSW

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- 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. Automatic Fire Detection and Alarm System
 - A. The Fire Brigade Panel (FBP) indicated a total of 4 isolations, 90 faults and 45 detectors in alarm. At the time of the inspection, an alarm was not sounding. This indicates that the system may not operate to provide automatic notification of a fire to the building's occupants.
 - B. A detector was missing from its base on level 9 adjacent to the door to the balcony providing access to units 905 and 906.
 - C. FRNSW officers were not able to locate sounders for the building occupant warning system throughout the whole building. It appeared that the system may not provide adequate coverage to the entire building as required by Clause 7 of Specification 20 of the National Construction Code (NCC).
 - 1B. Fire Hydrant System
 - A. Given the height of the highest fire hydrant in the system, the head of water at the boost inlets will be greater than 50 kPa, however, an isolation valve is not installed downstream of the boost inlets, contrary to the requirements of Clause 7.4 of AS 2419.1-2005.
 - B. Boost and test pressure signage is not provided at the fire hydrant booster, contrary to the requirements of Clause 7.10.1 of AS 2419.1-2005.
 - C. The fire hydrant system isolation valves were not monitored, contrary to the recommendation in Clause 8.5.8 of AS 2419.1-2005.
 - D. The fire hydrant system was tagged as having last been maintained in January 2023, contrary to the requirements of Clause 4.4 of AS 1851-2012.
 - 1C. Fire Hose Reels
 - A. The fire hose reel located adjacent to the main entrance was not interlocked, contrary to the requirements of Section 5 of AS 2441-2005.

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1D. Portable Fire Extinguishers

- A. The portable fire extinguishers were tagged as having last been maintained in October 2018, contrary to the requirements of Clause 10.4 of AS 1851-2012.

2. General

- 2A. The building has an effective height greater than 25 m, however, it is not provided with a sprinkler system, contrary to the requirements of Clause E1D5 of the NCC.
- 2B. A current Annual Fire Safety Statement was not displayed in a prominent location within the building or provided to FRNSW contrary to the requirements of Section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

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

FIRE SAFETY ORDER NO. 1

Authorised Fire Officers' of FRNSW issued a Notice No. 1, dated 21 August 2023, under the provisions of Section 9.34 of the EP&A Act. In this regard, Council is not required to act on item no. 1A A of this report.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1A B, 1A C, 1B, 1C, 1D and 2 of this report and conduct an inspection.
- b. Ensure the fire safety measures serving the premises are being regularly maintained and that an Annual Fire Safety Statement is being provided to both the Council and FRNSW.
- c. Ensure that a sprinkler system is installed in the building as per the requirements of Clause E1D5 of the NCC.
- d. 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.

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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 [REDACTED] if there are any questions or concerns about the above matters. Please refer to file reference BFS23/4581 (30180) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Fire Safety Compliance Unit