

# **Attachment E**

**Council Officer Inspection Report,  
2A Forsyth Street, Glebe**

# 2A FORSYTH STREET, GLEBE



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13/03/2018



**Council officer Inspection and Recommendation Report  
Schedule 5, clause 17 of the Environmental Planning and Assessment Act 1979 (the Act)**

**File:** CSM 1852048

**Officer:** Hieu Van Luu

**Date:** 5 March 2018

**Premises:** 2A Forsyth Street, Glebe – Avon Tower

**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.

Avon Tower is an 8 storey (plus lower ground carpark) residential apartment building, located on the eastern side of Forsyth Street Glebe between Avon Lane to the north, Arden Lane to the south and set back to the rear of 2 Forsyth Street.

The building was built in around 1973 and is constructed of masonry walls and concrete floors.

An inspection of the premises undertaken by a Council officer in the presence of an owner's representative revealed that the premises are deficient in fire safety and egress provisions in the following areas:

- (i) System design aspects relative to the fire hydrant booster assembly and associated fire hydrant system;
- (ii) System design and maintenance aspects of exit sign and other building system installations in the exit way;
- (iii) Safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire.

Observation of the external features of the building did not identify the existence of metallic sheet cladding on the façade of the building.

It is recommended that a fire safety order under Section 9.34 and Schedule 5, Part 2 of the Environmental Planning and Assessment Act, 1979 is to be issued so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

**Chronology:**

Date	Event
19/02/2018	FRNSW correspondence received regarding premises 2A Forsyth Street, Glebe – Avon Towers.
06/03/2018	<p>An inspection was undertaken by Council's building officer in company with an owner's representative to review the fire safety issues raised by FRNSW.</p> <p>In relation to the matters cited within the FRNSW report it is recommended that a fire safety order under Section 9.34 and Schedule 5, Part 2 of the Environmental Planning and Assessment Act, 1979 is required to be issued so as to address the following fire safety issues:-</p> <ul style="list-style-type: none"> <li>a) The compliance aspects of fire hydrant system provided for the building;</li> <li>b) The adequacy and maintenance of fire exit signs;</li> <li>c) The display of annual Fire Safety Statement;</li> <li>d) Unprotected path of travel for occupants to safely evacuate the building in the</li> </ul>

	<p>event of a fire;</p> <p>e) Service cupboards in the required exit are not suitably sealed;</p> <p>f) Non-compliant latching/locking devices fitted to exit doors and doors in path of travel to exit doors; and</p> <p>g) The configuration/operation of apartment entry fire doors/screen security doors.</p> <p>FRNSW issued an emergency order on 6 December 2017 to the building owner. The order required remedial works be carried out to the fire hydrant system pump and associated controls. A reinspection by FRNSW on 14 December 2017 revealed the order had been complied with. The fire hydrant pump system was compliant during Council's inspection.</p>
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**FIRE AND RESCUE NSW REPORT:**

References: BFS17/2232(1514); D18/9576; 2018/100549

Fire and Rescue NSW conducted an inspection of the subject premises on 5 December 2017 in accordance with the provisions of Section 119T (1) of the Act in response to an enquiry concerning the adequacy of a unit entry door.

Issues

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

1. The compliance aspects of the installed fire hydrant system provided for the building;
2. The adequacy and maintenance of illuminated exit signs;
3. The display of annual Fire Safety Statement;
4. Unprotected path of travel for occupants to safely evacuate the building in the event of a fire;
5. Service cupboards in the required exit are not suitably sealed;
6. Non-compliant latching/locking devices fitted to exit doors and doors in path of travel to exit doors; and
7. The configuration/operation of apartment entry fire doors/screen security doors.

FRNSW issued an emergency order on 6 December 2017 to the building owner. The order required remedial works be carried out to the fire hydrant system pump and associated controls. A reinspection by FRNSW on 14 December 2017 revealed the order had been complied with.

FRNSW Recommendations

FRNSW has recommended that Council inspect the premises and require identified items and any other deficiency identified by Council to be appropriately addressed.

FRNSW have also requested that as soon as practical after the above recommendations have been tabled and considered that notice of any determination in respect of the recommendations is forwarded to them in accordance with Section 121ZD (4) of the Environmental Planning and Assessment Act 1979.

**COUNCIL OFFICER RECOMMENDATIONS:**

Issue Order(NOI)	Emergency Order	Issue compliance letter of instruction	Cited Matters rectified-	Other
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As a result of a site inspection undertaken by Council investigation officers it is recommended that Council exercise its powers to give a notice of intention (NOI) for a Fire Safety Order under Section 9.34 and Schedule 5, Part 2 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council's building 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 outcomes.

**Referenced documents:**

<b>No#</b>	<b>Document type</b>	<b>Trim reference</b>
A1.	Attachment cover sheet	2018/100549-01
A2.	Fire and Rescue NSW correspondence	2018/100549-02
A3.	Locality Plan	2018/100549-03

**Trim Reference:** 2018/100549

**CSM reference No#:** 1852048



File Ref. No: BFS17/2232 (1514)  
TRIM Ref. No: D18/9576  
Contact: [REDACTED]

16 February 2018

General Manager  
City of Sydney  
GPO Box 1591  
SYDNEY NSW 2001

Email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT  
"AVON TOWERS"  
2A FORSYTH STREET, GLEBE ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 20 September 2017, in relation to the adequacy of the provision for fire safety in or in connection with 'the premises'.

The correspondence stated that:

- *2 years ago during the annual smoke alarm testing, the tester and chair of the building were concerned about my front door not being properly fire proofed. They said that the door needed to be replaced, but nothing was done. I have contacted the strata manager, however, without looking at the door, he insists that the door is fine, because it has a yellow safety tag on it. Recently there was a fire in one of the apartments above me, and we needed to be evacuated. I am concerned that my front door is not to the standard required for fire safety.*

Pursuant to the provisions of Section 119T(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 5 December 2017 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.



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 119T(4) and Section 121ZD(1) of the EP&A Act. Please be advised that Section 121ZD(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

## COMMENTS

The following items were identified as concerns at the time of the inspection:

### Essential Services

1. Fire Hydrant System: The fire hydrant system appears to be installed in accordance with Ordinance 70 and Ministerial Specification No.10. Notwithstanding this, the following deviations from AS2419.1-2005 have been identified along with other items of concern:
  - a. The fire hydrant booster assembly
    - i. The hydrant booster assembly is not located in a position where it is operable by a fire brigade pumping appliance located with 8m, contrary to the requirements of Clause 7.3(b) of AS2419.1-2005.
    - ii. The hydrant booster assembly is not provided with feed fire hydrants within 5m of the booster inlets, contrary to the requirements of Clause 7.4 of AS2419.1-2005. In this regard, the nearest feed hydrant available is located more than 30 metres away in Forsyth Street.
    - iii. The hydrant booster assembly is located with 10m from a high voltage electrical substation, contrary to the requirements of Clause 7.3(f) of AS2419.21-2005.
    - iv. Boost pressure and test pressure signage was not provided at the hydrant booster assembly, contrary to the requirements of Clause 7.10.1 of AS2419.1-2005.



- b. Block Plan – The hydrant booster assembly and the pump room are not provided with a block plan, contrary to the requirements of Clause 7.11 of AS2419.1-2005.
  - c. The required system performance of each internal fire hydrant outlet, would likely fail to achieve the required flow rates and pressures stipulated in Clause 2.3 of AS2419.1-2005, with the current pump configuration.
  - d. Storz aluminium alloy delivery couplings, which are compatible with FRNSW appliances and equipment, are not provided to all hydrant valves throughout the premises, contrary to the requirements of Clauses 7.1 and 8.5.11.1 of AS2419.1-2005.
  - e. Hydrant Pumpset – The fire hydrant pump did not appear to be maintained and capable of operating to the standard of performance from when it was first designed and installed, contrary to the requirements of Clause 4.2 of AS 1851-2012 and Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). The following issues were identified as concerns at the time of inspection:
    - i. The “Main Isolator” function for the diesel pump was switched off / isolated.
    - ii. The following faults were displayed on the diesel pump control panel:
      - “Auto Start Battery Fail”
      - “Auto Start Charger Fail”
      - “Manual Start Charger Fail”
    - iii. The Fire Indicator Panel (FIP) was displaying a “pump fail”.
2. Exit signs – The exit sign above the exit door on the carpark level (adjacent to the roller shutter) had not been maintained and was not illuminated, contrary to the requirements of Clause 182 of the EP&A Regulation.
  3. Annual Fire Safety Statement (AFSS) and Fire Safety Schedule (FSS) – A copy of the current AFSS and FSS were not prominently displayed within the building in accordance with Clause 177 of the EP&A Regulation.

#### Access and Egress

4. Travel via fire isolated exits – The path of travel from the point of discharge of the fire-isolated stairway necessitates passing within 6m of unprotected openings in the southern elevation on the ground floor, contrary to the requirements of Clause D1.7(c) of the National Construction Code Volume One Building Code of Australia (NCC).

#### Unclassified

Fire & Rescue NSW

ABN 12 593 473 110

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

Community Safety Directorate  
Fire Safety Compliance Unit

Locked Bag 12  
Greenacre NSW 2190

T (02) 9742 7434  
F (02) 9742 7483

[firesafety@fire.nsw.gov.au](mailto:firesafety@fire.nsw.gov.au)

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5. The communication cupboards located in the public corridors contain doorways which are not suitably sealed against smoke spreading from the enclosure, contrary to the requirements of Clause D2.7(d) of the NCC.
6. Operation of latch – Doors in the required exits or forming part of the required exits throughout 'the premises', contain round tulip style handles in lieu of a lever handle, contrary to the requirements of Clause D2.21 of the NCC.
7. Operation of latch – The security gate in the carpark level, adjacent to the lift lobby, is located in the path of travel to the second exit door and is not readily operable without a key from the side that faces a person seeking egress, contrary to Clause D2.21 of the NCC.

#### Compartmentation and Separation

8. Bounding construction – Screen security doors have been installed on the outside of multiple Sole Occupancy Unit (SOU) entry doors throughout 'the premises'. FRNSW are of the opinion that screen doors promote the occupants to 'chock open' the SOU entry door, contrary to the requirements of Clause C3.11 of the NCC, which requires a doorway in a Class 2 SOU be protected by a door which is equipped with a device which returns the door to the fully closed position immediately after each opening.

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

#### **FIRE SAFETY ORDER NO. 6**

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. 6, dated 6 December 2017, in accordance with the provisions of Section 121B of the EP&A Act, to have item no. 1(e) of this report rectified.

In accordance with the provisions of Section 121ZE of the EP&A Act, a copy of the Order is attached for your information. FRNSW has conducted further inspections of the building to assess compliance with the terms of this Order.

In this regard, FRNSW does not consider Council is required to take action in relation to item no. 1(e) of this report.

#### **RE-INSPECTION**

Pursuant to the provisions of Section 119T(1)(b) of the EP&A Act and Clause 189(a) of the EP&A Regulation, an inspection of 'the premises' on 14 December 2017 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

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Fire & Rescue NSW

ABN 12 593 473 110

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

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At the time of the inspection, the terms of 'the order' issued on 'the premises' were compliant. Please be advised that 'the order' is not an exhaustive list of non-compliances, it is at Council's discretion to inspect and address any other deficiencies identified on 'the premises'.

## RECOMMENDATIONS

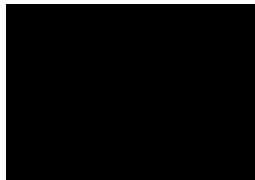
FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1(a) through to item 1 (d) and item 2 through to item no. 8 of this report be addressed appropriately.
- b. Compel the owners to upgrade the fire hydrant system to comply with AS2419.1-2005, to address item no. 1(a) to item no. 1(d) 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 Section 121ZD (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 (02) 9742 7434. Please ensure that you refer to file reference BFS17/2232 (1514) for any future correspondence in relation to this matter.

Yours faithfully



Building Surveyor  
Fire Safety Compliance Unit

Attachment: [Appendix 1 – Emergency Fire Safety Order 6, dated 6 December 2017 – 2 pages]



Appendix 1 – Emergency Fire Safety Order

Unclassified



Fire & Rescue NSW

Emergency Fire Safety Order

Under the Environmental Planning and Assessment Act 1979
Part 6 - Implementation and Enforcement: Division 2A - Orders
Tables to Section 121B: Emergency Order No. 6 - Fire Safety Order

Please note:

- Pursuant to Section 121ZC (2) of the Act, this Order has been given as an Emergency Order as the issuing officer believes activity or deficiencies identified constitute an emergency or a serious risk to safety.
Pursuant to Section 121ZK (2) of the Act, there is no right of appeal against this Order.
Failure to comply with this Order may result in further Orders and/or fines being issued.
Substantial penalties may be imposed under Section 125 of the Act for failure to comply with an Order.

I, [redacted] Building Surveyor [redacted]

being an authorised Fire Officer within the meaning of Section 121ZC of the Environmental Planning and Assessment Act 1979, and duly authorised for the purpose, hereby order.

The Owners of Strata Plan No. 7765 Owner
(name of person whom Order is served) (position i.e. owner, building manager)

with respect to the premise

'AVON TOWERS'
2A FORSYTH STREET, GLEBE ('the premises')
(name/address of premises to which Order is served)

to do, or refrain from doing, the following things:

- 1 Ensure the fire hydrant system installed in 'the premises' is capable of operating in accordance with the relevant standard of performance it was designed and installed, by:
a. Rectifying the faults and isolations displayed on the diesel pump control panel.
b. Maintaining the hydrant pump system so that it continually operates without any isolations, faults or failures.

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The terms of the Order are to be complied with:

By no later than 12:00 hours on Thursday 14 December 2017.

The reasons for the issue of this Order are:

- a. At the time of the inspection the 'Main Isolator' function for the diesel pump was switched off / isolated.
- b. At the time of the inspection the following faults were displayed on the diesel pump control panel:
  - i. "Auto Start Battery Fail"
  - ii. "Auto Start Charger Fail"
  - iii. "Manual Start Charger Fail"
- c. The Fire Indicator Panel (FIP) was displaying a "pump fail".
- d. To ensure that the fire hydrant system is capable of operating in accordance with the standard of performance it was designed and installed to.
- e. To ensure that the fire hydrant system is capable of providing the operational requirements of the attending fire brigade
- f. To ensure that fire safety measures installed throughout the premises are maintained and operating to their standard of performance.
- g. To ensure compliance with the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000.

This Order No. 6 was sent by mail on 6 December 2017.



Building Surveyor  
Fire Safety Compliance Unit

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ABN 12 593 473 110

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F (02) 9742 7483

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