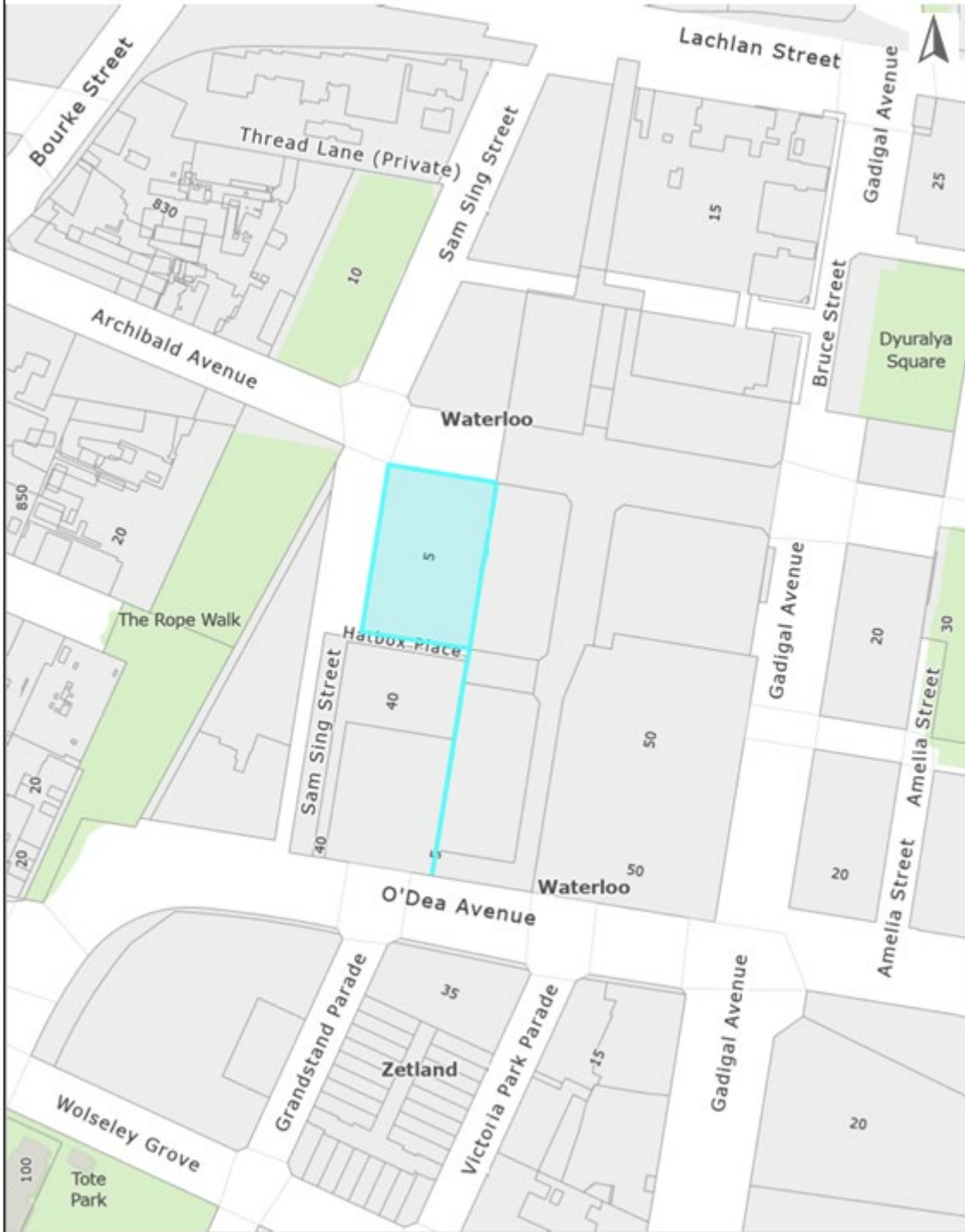


Attachment E

**Inspection Report
5 Sam Sing Street, Waterloo**

5 Sam Sing Street Waterloo



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Notes

10/05/2024

**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 3171894
2024**

Officer: Tanya O'Casey

Date: 05 July

Premises: 5 Sam Sing Street Waterloo NSW 2017

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 12 April 2024 with respect to matters of fire safety and the use of one unit as an Air BnB. A review of the Service NSW register has confirmed that the unit is not currently registered for use as an Air BNB and the matter has been referred to councils' investigations team for further action.

The site known as "Tower Residences" consists of a mixed-use development comprising two 4-storey buildings and one 20-storey tower respectively above three levels of basement car parking. The development is mixed use and includes 172 apartments, & 3 retail tenancies and 1 food and drink premises.

An inspection of the buildings undertaken by a Council investigation officer in the presence of the Building Manager on the 7 May 2024 revealed that most of the items identified by NSW Fire and Rescue were rectified prior to the inspection, however the premises remains deficient in fire safety provisions in the following areas:

- (i) Deficient fire stopping provided to service penetrations.
- (ii) Inadequate fire separation between the garbage room and the carpark.

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. The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2021.

Council investigations have revealed that whilst there remains several minor fire safety 'maintenance and management' works to attend to, 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 minor works and 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 metallic sheet any combustible composite cladding on the façade of the building.

Chronology:

Date	Event
08 January 2024	FRNSW received concerns regarding the adequacy of the provision for fire safety.
15 January 2024	FRNSW undertook an inspection.
12 April 2024	City of Sydney received FRNSW correspondence regarding premises.
07 May 2024	An inspection of the subject premises was undertaken by a Council officer and revealed the generally the fire services within the building were being maintained, however a number of items require rectification.
27 May 2024	Emailed Strata Manager a request for a schedule of works.
19 June 2024	Strata manager provided a passive fire solution report. Passive Engineering Service who are coordinating with a qualified passive fire contractor to carry out the works to comply with NCC 2019, C3.15. The works are expected to be completed within the next four to six weeks.
05 July 2024	Advice received from the strata manager. The passive fire protection materials will arrive on site early next weeks and will take approx. 3 weeks to complete. Upon completion the passive fire contractor will issue compliance certificate. All other works have been completed.

FIRE AND RESCUE NSW REPORT:

References: FRNSW BFS24/75 (32990) TRIM Ref. No: D24/36516 TRIM: 2024/233072

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about the adequacy of a functioning fire alarm system on 15 January 2024.

Issues The report from FRNSW detailed a number of issues as tabled below:

Ref.	Issue	City response
1.	Essential Fire Safety Measures	
	A. The Fire Brigade Panel (FBP) was displaying two (x2) faults identified as 'P2241.26.6 Common Dirty Alert' and 'Z3038 – Block 2 Level 1 & 2'.	Rectified prior to the inspection
1B	Emergency Warning & Intercom System (EWIS):	
	A. The Evacuation System Control Panel was displaying One (x1) 'WIP' fault identified as 'Hat Box Building Level 3&4'.	Rectified prior to the inspection
1C	Fire Hydrant System	
	A, The hydrant booster assembly:	
	i. The doors to the booster enclosure were not fitted with a device capable of securing the door in not less than a 90° open position, contrary to the requirements of Clause 7.9.2 of AS 2419.1-2005.	Rectified
	B The Pumproom	
	i. All doors leading to the pump room were not fitted with a lock compatible with FRNSW access key. In this regard, the door into the fire stair leading to the pump room at the street level was not fitted with a 003 key lock.	Rectified prior to the inspection
	ii. Non fire equipment, consisting of bulk lifting bags full of landscaping and building supplies, were being stored in the pumproom which was obstructing the circulation space around the pump sets and access to the fire stair door.	Rectified prior to the inspection

Ref.	Issue	City response
	C. The hydrant pump set:	
	i. The pump control panel for the primary diesel pump indicated a low fuel level. It is therefore unlikely that the pump set will be able to supply water to the fire hydrant system for the required duration.	Rectified prior to the inspection
	D. All isolating valves were not clearly identified with a tag showing the valve number on the block plan, contrary to the requirements of Clause 8.5.8 of AS 2419.1-2005.	Rectified prior to the inspection with paper signage – to be replaced with engraved metal
	E. The fire hydrant landing valve on Level 1 in Building 1 was missing the handwheel and was inoperable.	Rectified
1D	Automatic Fire Suppression System	
	A The sprinkler valves:	
	i. A complete stock of spare sprinklers had not been provided at the sprinkler control valves, contrary to the requirements of Clause 6.7 of AS 2118.1-1999.	Rectified prior to the inspection
1E	Fire Doors:	
	A. The double fire doors to the basement level garbage room (beneath building C), which forms the bottom of the garbage shaft, failed to return to the fully closed position (and self-latch) after each opening, when tested, contrary to the requirements of Specification 12 of the NCC and AS 1905.1. In this regard, the self-closing device was disengaged, causing the fire doors to remain open.	Rectified prior to the inspection
	B. The fire door to the pumphouse/airlock failed to return to the fully closed position (and self-latch) after each opening, when tested, contrary to the requirements of Clause C4D9 and Specification 12 of the NCC and AS1905.1.	Rectified prior to the inspection
	C. Metal tags – The metal tags that have been installed to the fire doors and frames throughout the premises are not permanently and mechanically fixed to minimise the possibility of detachment, contrary to the requirements of Clause 6.1.3 of AS 1905.1-2015.	Rectified prior to the inspection – Certification for all doors required.
1F	Exit signs:	
	A. Multiple exit signs throughout 'the premises' were not illuminated and had not maintained, contrary to the requirements of Section 81 of the EPAR 2021.	Rectified prior to the inspection
2	Fire Resistance	
2A	Openings in floors for services	
	A. Service penetrations within the 'Hot Water Meters' cupboards/ enclosures. B.	Not yet addressed
	B. Service penetrations within the 'Mechanical' cupboards/enclosures.	Not yet addressed
	C. Service penetrations with the 'Electrical Meters' cupboards/ enclosures.	Not yet addressed
2B	Enclosure of shafts – The garbage room located on the basement floor level (beneath Building 3), which forms the bottom of the garbage chute shaft serving the residential levels, did not appear to be adequately fire separated from the remainder of the storey, contrary to the requirements of Clause C5C8 of Specification 5 of the NCC.	Not yet addressed

Ref.	Issue	City response
3	Access & Egress	
3A	Handrails – The handrails in the fire isolated stairways were not continuous between stair flight landings, contrary to the requirements of Clause D3D22(e) of the NCC.	Rectified post inspection – certification required.
3B	Re-entry from fire-isolated exits – The doors to the fire-isolated stairways serving the residential levels (effective height greater than 25m), were locked from the inside, re-entry was not available on every fourth floor and the doors on the other levels were not provided with a fail-safe device that automatically unlocks the door upon activation of a fire alarm, contrary to the requirements of Clause D3D27 of the NCC.	Not yet addressed

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

FRNSW Recommendations

FRNSW have made recommendations within their report. In general, FRNSW have requested that Council review the items listed within the report and conduct an inspection and address any other deficiencies identified on 'the premises'.

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's investigation 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 correspondence has requested that building management carry out remedial works (to be specified) to existing fire systems to comply with required standards of performance.

Follow-up compliance inspections are currently being undertaken by a Council investigation officer, and will continue, 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.

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

Referenced/Attached Documents:

<input type="checkbox"/>	2024/397781-03 Copy of the passive fire solution report undertaken by Passive Engineering Service
<input type="checkbox"/>	2024/397781-01 Copy of Councils Corrective action letter

Trim Reference: 2024/397781

CSM reference No#: 3171894



File Ref. No: BFS24/75 (32990)
TRIM Ref. No: D24/36516
Contact: Mark Knowles

12 April 2024

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
'TOWER RESIDENCES'
5 SAM SING STREET, WATERLOO ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 8 January 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated:

- *This is an airbnb and they have the smoke alarm covered in plastic. It has been reported to airbnb and they said to lodge a complaint here. We were just concerned that not only was it illegal but could cause a fatality in the future.*

A photograph was provided with the correspondence and has been attached below.



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 15 January 2024.

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 correspondence received indicated Unit 11401 was being used as an Airbnb and the smoke alarm within the unit was covered with plastic. Access was not available at the time of the inspection to verify the validity of the concern.

As Councils' generally have extensive powers beyond that of FRNSW, particularly for access and enforcement of residential units, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

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:

A. The Fire Brigade Panel (FBP) was displaying:

- i. Two (x2) faults identified as 'P2241.26.6 Common Dirty Alert' and 'Z3038 – Block 2 Level 1 & 2'.

1B. Emergency Warning & Intercom System (EWIS):

A. The Evacuation System Control Panel was displaying:

- i. One (x1) 'WIP' fault identified as 'Hat Box Building Level 3&4'.

1C. Fire Hydrant System – The annual fire safety statement / hydrant block plan on display listed the standard of performance for the hydrant system as being AS 2419-1-2005. As such, the following comments are provided having regard to AS 2419.1-2005:

- A. The hydrant booster assembly:
 - i. The doors to the booster enclosure were not fitted with a device capable of securing the door in not less than a 90° open position, contrary to the requirements of Clause 7.9.2 of AS 2419.1-2005.
 - B. The pumphoom:
 - i. All doors leading to the pump room were not fitted with a lock compatible with FRNSW access key. In this regard, the door into the fire stair leading to the pump room at the street level was not fitted with a 003 key lock.
 - ii. Non fire equipment, consisting of bulk lifting bags full of landscaping and building supplies, were being stored in the pumphoom which was obstructing the circulation space around the pumpsets and access to the fire stair door.
 - C. The hydrant pumpset:
 - i. The pump control panel for the primary diesel pump indicated a low fuel level. It is therefore unlikely that the pumpset will be able to supply water to the fire hydrant system for the required duration.
 - D. All isolating valves were not clearly identified with a tag showing the valve number on the block plan, contrary to the requirements of Clause 8.5.8 of AS 2419.1-2005.
 - E. The fire hydrant landing valve on Level 1 in Building 1 was missing the handwheel and was inoperable.
- 1D. Automatic Fire Suppression System – The annual fire safety statement on display listed the standard of performance for the hydrant system as being AS 2118.1-1999. As such, the following comments are provided having regard to AS 2118.1-1999:
- A. The sprinkler valves:
 - i. A complete stock of spare sprinklers had not been provided at the sprinkler control valves, contrary to the requirements of Clause 6.7 of AS 2118.1-1999.
- 1E. Fire Doors:
- A. The double fire doors to the basement level garbage room (beneath building C), which forms the bottom of the garbage shaft, failed to return to the fully closed position (and self-latch) after each opening, when tested, contrary to the requirements of Specification 12 of the

NCC and AS 1905.1. In this regard, the self-closing device was disengaged, causing the fire doors to remain open.

- B. The fire door to the pumphouse/airlock failed to return to the fully closed position (and self-latch) after each opening, when tested, contrary to the requirements of Clause C4D9 and Specification 12 of the NCC and AS1905.1.
- C. Metal tags – The metal tags that have been installed to the fire doors and frames throughout the premises are not permanently and mechanically fixed to minimise the possibility of detachment, contrary to the requirements of Clause 6.1.3 of AS 1905.1-2015.

1F. Exit signs:

- A. Multiple exit signs throughout 'the premises' were not illuminated and had not maintained, contrary to the requirements of Section 81 of the EPAR 2021.

2. Fire Resistance

2A. Openings in floors for services – Services passing through the floor slabs do not appear to be protected by a shaft or tested system/fire stopping system, contrary to the requirements of Clause C4D13, C4D15 & Specification 13 of the NCC. The following was observed at the time of inspection:

- A. Service penetrations within the 'Hot Water Meters' cupboards/enclosures.
- B. Service penetrations within the 'Mechanical' cupboards/enclosures.
- C. Service penetrations with the 'Electrical Meters' cupboards/enclosures.

2B. Enclosure of shafts – The garbage room located on the basement floor level (beneath Building 3), which forms the bottom of the garbage chute shaft serving the residential levels, did not appear to be adequately fire separated from the remainder of the storey, contrary to the requirements of Clause C5C8 of Specification 5 of the NCC. In this regard, there were multiple services penetrating the fire rated walls, which did not appear to be adequately fire stopped in accordance with Clause C4D15 or Specification 13 of the NCC.

3. Access and Egress

3A. Handrails – The handrails in the fire isolated stairways were not continuous between stair flight landings, contrary to the requirements of Clause D3D22(e) of the NCC.

- 3B. Re-entry from fire-isolated exits – The doors to the fire-isolated stairways serving the residential levels (effective height greater than 25m), were locked from the inside, re-entry was not available on every fourth floor and the doors on the other levels were not provided with a fail-safe device that automatically unlocks the door upon activation of a fire alarm, contrary to the requirements of Clause D3D27 of the NCC.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review item 1 through to item 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 Mark Knowles of FRNSW’s Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference BFS24/75 (32990) regarding any correspondence concerning this matter.

Yours faithfully



Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit