

Attachment C

**Inspection Report
535-571 Riley Street, Surry Hills**



© City of Sydney Council 2024. All Rights Reserved.
This map has been compiled from various sources and the publisher and/or contributors accept no responsibility for any injury, loss or damage arising from the use, error or omission therein. While all care is taken to ensure a high degree of accuracy, users are invited to notify Council's Spatial Services of any map discrepancies.
No part of this map may be reproduced without written permission.



Notes

7/06/2024

1:1241

**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: CSM3191428

Officer: Joe Kalgovas

Date: 6 June 2024

Premises: 535-571 Riley Street, Surry Hills

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 6 June 2024 with respect to matters of fire safety. NSWFB refers to the property as 33 Belvoir St Surry Hills however Council's property information system has identified it as 535 – 571 Riley St Surry Hills.

The premises consists of a multi storey central building surrounded by 3 and 4 storey lower-level town style buildings over underground basement carparking and small offices at ground level.

An inspection of the premises undertaken by a Council investigation officer in the presence of a project officer, project managers and contractors from homes NSW 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) Safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire
- (iii) Poor fire safety management systems (signs/notices/not displayed etc.) in place

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 metallic sheet any combustible composite cladding on the façade of the building.

Chronology:

Date	Event
6/06/2024	FRNSW correspondence received regarding premises at 33 Belvoir Street Surry Hills also known as 535-571 Riley Street Surry Hills.
14/06/2024	An inspection of the subject premises was undertaken by a Council officer with the project officer, project managers and contractors from Homes NSW.
25/06/2024	Issued Notice of Intention to issue a fire safety order (NOI).

FIRE AND RESCUE NSW REPORT:

References: FRNSW: BFS24/2641 (35311), D24/62307, TRIM 2024/337062.

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 14 May 2024.

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

Ref	Issue	City response
1.	Essential Fire Safety Measures	
1A.	Maintenance – Clause 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (the DCFS Regulation) requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. Australian Standard AS1851-2012 - “Service of fire protection systems and equipment”, requires essential service measures to be regularly tested. The following are noted:	
	A. Sprinkler Pump – At the time of the inspection, the sprinkler pump control panel indicated that the alarm was isolated. Following the inspection, staff from Homes NSW (acting on behalf of NSW Land and Housing Corporation) were advised of the issue with the pump and agreed to engage a service technician to investigate. On 16 May 2024 an email, including photographic evidence, was received from Homes NSW confirming that the isolation had been removed and the pump returned to normal operation.	Evidence confirming compliance to normal operation provided. No further action.
	B. Logbooks – The recent service records, dated 5 Apr 2024 & 10 May 2024, for the fire hydrant pump set indicates that the pump failed a pressure test – i.e. the pressure gauge reading was not within the required range indicated on the pressure gauge schedule. As noted below, access was not available to the hydrant pump room at the time of the inspection to investigate. Further investigation by Council may be required.	Log books show a failure due to the lack of a pressure gauge. Log book entry to be corrected.
	C. Exit Signs – A number of exit signs within the basement carpark did not appear to be operating.	Several exit signs were not illuminated. Non-operational exit signage to be repaired.
1B.	Zone Block Plan – A Zone Block Plan was not provided at the Fire Brigade Panel, contrary to the requirements of Clause 3.10 of AS1670.1-2018.	Missing Zone Block Plan is to be provided.
1C.	Sprinkler Coverage – The building contains a Class 2 part and has a rise in stories of more than 4 however, all parts of the building are not sprinkler protected, contrary to the requirements of Clause E1D6 and Specification 17 or 18 of the NCC.	The Clause and Specification referenced are for the construction of a new building. Additionally, the building contains a small class 5 office tenancy at ground level.
1D.	Hydrant Pumproom – The door lock to the hydrant pump room was not fitted with a lock compatible with fire brigade operational procedures and is not therefore readily accessible to fire brigade personnel, contrary to the requirements of Clause 11.3 of AS2941-2013.	Provide access to the hydrant pump room which is readily accessible to fire and rescue personnel.

Ref	Issue	City response
1E.	<p>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 AS2419.1-2021 and other items have been identified, which are of concern to FRNSW:</p>	<p>The fire hydrant system is to be upgraded, see below terms.</p>
	<p>A. The height of the fire brigade booster inlets appears to be less than 750mm above the standing surface in front of the booster assembly, contrary to the requirements of Clause 7.5.4 of AS2419.1-2021.</p>	<p>Fire brigade booster inlets are to be raised to achieve a minimum of 750mm above the standing surface.</p>
	<p>B. Feed fire hydrants have not been installed onsite adjacent to the booster inlet connections, contrary to the requirements of Clauses 2.2.10 and 2.2.14 and Section 7 of AS 2419.1-2021.</p>	<p>Feed fire hydrants are to be installed onsite adjacent to the booster inlet connections.</p>
	<p>C. The internal hydrants throughout the premises are located in the public corridors and not within the required fire-isolated stairways, contrary to the requirements of Clause 3.6.2 of AS 2419.1-2021.</p>	<p>Internal hydrants throughout the premises are to be relocated within the required fire-isolated stairways.</p>
	<p>D. The block plan indicates that the booster assembly may be connected ‘in series’ with the fixed on-site fire pump in accordance with the requirements of Clause 6.8 of AS 2419.1-2021. In this regard, a 150mm diameter liquid filled pressure gauge indicating the pressure at the pump discharge pipe/manifold and an engraved warning sign is not provided at the booster assembly, contrary to the requirements of Clause 6.8.2(c) of AS 2419.1-2021.</p> <p>The following is the formal position of FRNSW regarding Ordinance 70 Hydrant Systems.</p> <p><i>When the consent authority (e.g. Council) is assessing the adequacy of an existing fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier), FRNSW recommend that the system be upgraded to meet the requirements of the current Australian Standard AS 2419.1 to facilitate the operational needs of FRNSW.</i></p> <p><i>It may be appropriate for a partial upgrade of the existing fire hydrant system be undertaken. A partial upgrade may be proposed to address deficiencies in the design and/or performance of the existing fire hydrant system, when assessed against the requirements of Australian Standard AS 2419.1, so that the upgraded fire hydrant system will meet the operational needs of FRNSW. Where a hybrid fire hydrant system is proposed, which incorporates the design and performance requirements from two different standards, the proponent should consult with FRNSW on the requirements for the fire hydrant system.</i></p>	<p>A new block plan clarifying that the assembly is not in series is to be provided at the booster assembly.</p>
2.	Access & Egress	
2A.	<p>Operation of Latch – The exit door adjacent the car park driveway, incorporates a round tulip style handle in lieu of a lever handle, contrary to the requirements of Clause D3D26 of the NCC.</p>	<p>The handle of the exit door is to be replaced with lever handle.</p>

Ref	Issue	City response
2B.	Exit Signs – The Performance Requirement EP4.2 of the NCC requires that suitable signs be installed to identify the location of exits. Within certain areas of the basement carpark, at first sight, there are insufficient cues to identify where the exits are located. A review of the exit strategy may be required.	Where exits are not apparent in the basement carpark provide additional signage or relocate existing signage.
3.	Generally	
3A.	Barrier Climability – The floor level of the roof top is more than 4m to the surface beneath and the balustrades contains horizontal elements between 150mm and 760mm above the floor level which would facilitate climbing, contrary to the requirements of Clause D3D20 of the NCC.	The configuration re climb ability of the external barrier is not considered a fire safety measure. However, inspection revealed the necessity for barriers to be provided along the path of travel to exits at roof top level.
3B.	<p>Issues requiring further investigation – Since lodgement of the fire safety concern, the complainant has submitted multiple concerns alleging further instances of nuisance alarms. It should be noted that no alarms could be heard at the time of FRNSWs inspection.</p> <p>In this regard, issues relating to the ongoing operation, maintenance and testing of the smoke detection and alarm system in the building falls outside of the scope of FRNSW investigative powers to proceed.</p> <p>It is at Council’s discretion, as the appropriate regulatory authority, to review its own records, conduct its own inspection/investigation and make its own determination.</p>	City file E/2004/2497 records a current Annual Fire Safety Statement dated 21/09/2023. Certification of the system is to be provided.

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

FRNSW Recommendations

FRNSW have made number of recommendations within their report. In general, FRNSW have requested that Council inspect the subject premises, review and appropriately address noted (and other) deficiencies identified within their report.

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 inspections undertaken by a Council investigation officer it was determined that concern for public safety required the giving of a Notice of Intention (NOI) for a fire safety order to be issued under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 without any further delay.

It is recommended that Council exercise its power to issue a Fire Safety Order (following the expiry of the representation period of the NOI) to ensure suitable fire safety systems are in place 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:

<input type="checkbox"/> 2024/358696	Copy of notice of intention to serve an order
--------------------------------------	---

Trim Reference: 2024/337062

CSM reference: No 3191428



File Ref. No: BFS24/2641 (35311)
TRIM Ref. No: D24/62307
Contact: Conor Hackett

30 May 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
THE POTTERY
33 BELVOIR STREET SURRY HILLS ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 6 May 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

The fire alarm is going off 24/7 for the last 10 days and no one in Housing NSW/FACS is doing anything about it after continuous stream of complaints to the local housing office.

Regardless of the fact that the residents are not covered by the safety of a functioning fire alarm system is simply inhumane to subject residents to this form of torture.

Please turn off the fire alarm. Ten day running is too much on the residents nerve.

Housing NSW/FACS are not doing anything about this.

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 14 May 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

This report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2022 Building Code of Australia – Volume One (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified during the inspection:

1. Essential Fire Safety Measures

- 1A. Maintenance – Clause 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (the DCFS Regulation) requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. Australian Standard AS1851-2012 - "Service of fire protection systems and equipment", requires essential service measures to be regularly tested. The following is noted:

- A. Sprinkler Pump – At the time of the inspection, the sprinkler pump control panel indicated that the alarm was isolated.

Following the inspection, staff from Homes NSW (acting on behalf of NSW Land and Housing Corporation) were advised of the issue with the pump and agreed to engage a service technician to investigate.

On 16 May 2024 an email, including photographic evidence, was received from Homes NSW confirming that the isolation had been removed and the pump returned to normal operation.

- B. Logbooks – The recent service records, dated 5 Apr 2024 & 10 May 2024, for the fire hydrant pump set indicates that the pump failed a pressure test – i.e. the pressure gauge reading was not within the

required range indicated on the pressure gauge schedule. As noted below, access was not available to the hydrant pump room at the time of the inspection to investigate. Further investigation by Council may be required.

- C. Exit Signs - A number of exit signs within the basement carpark did not appear to be operating.
- 1B. Zone Block Plan – A Zone Block Plan was not provided at the Fire Brigade Panel, contrary to the requirements of Clause 3.10 of AS1670.1-2018.
- 1C. Sprinkler Coverage - The building contains a Class 2 part and has a rise in stories of more than 4 however, all parts of the building are not sprinkler protected, contrary to the requirements of Clause E1D6 and Specification 17 or 18 of the NCC.
- 1D. Hydrant Pumproom – The door lock to the hydrant pump room was not fitted with a lock compatible with fire brigade operational procedures and is not therefore readily accessible to fire brigade personnel, contrary to the requirements of Clause 11.3 of AS2941-2013.
- 1E. Fire Hydrant SystemThe fire hydrant system appears to be installed in accordance with Ordinance 70 and Ministerial Specification No.10. Notwithstanding this, the following deviations from AS2419.1-2021 and other items have been identified, which are of concern to FRNSW:
 - A. The height of the fire brigade booster inlets appears to be less than 750mm above the standing surface in front of the booster assembly, contrary to the requirements of Clause 7.5.4 of AS2419.1-2021.
 - B. Feed fire hydrants have not been installed onsite adjacent to the booster inlet connections, contrary to the requirements of Clauses 2.2.10 and 2.2.14 and Section 7 of AS 2419.1-2021.
 - C. The internal hydrants throughout the premises are located in the public corridors and not within the required fire-isolated stairways, contrary to the requirements of Clause 3.6.2 of AS 2419.1-2021.
 - D. The block plan indicates that the booster assembly may be connected 'in series' with the fixed on-site fire pump in accordance with the requirements of Clause 6.8 of AS 2419.1-2021. In this regard, a 150mm diameter liquid filled pressure gauge indicating the pressure at the pump discharge pipe/manifold and an engraved warning sign is not provided at the booster assembly, contrary to the requirements of Clause 6.8.2(c) of AS 2419.1-2021.

The following is the formal position of FRNSW regarding Ordinance 70 Hydrant Systems.

When the consent authority (e.g. Council) is assessing the adequacy of an existing fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier), FRNSW recommend that the system be upgraded to meet the requirements of the current Australian Standard AS 2419.1 to facilitate the operational needs of FRNSW.

It may be appropriate for a partial upgrade of the existing fire hydrant system be undertaken. A partial upgrade may be proposed to address deficiencies in the design and/or performance of the existing fire hydrant system, when assessed against the requirements of Australian Standard AS 2419.1, so that the upgraded fire hydrant system will meet the operational needs of FRNSW. Where a hybrid fire hydrant system is proposed, which incorporates the design and performance requirements from two different standards, the proponent should consult with FRNSW on the requirements for the fire hydrant system.

2. Access & Egress

- 2A. Operation of Latch – The exit door adjacent the car park driveway, incorporates a round tulip style handle in lieu of a lever handle, contrary to the requirements of Clause D3D26 of the NCC.
- 2B. Exit Signs - The Performance Requirement EP4.2 of the NCC requires that suitable signs be installed to identify the location of exits. Within certain areas of the basement carpark, at first sight, there are insufficient cues to identify where the exits are located. A review of the exit strategy may be required.

3. Generally

- 3A. Barrier Climability - The floor level of the roof top is more than 4m to the surface beneath and the balustrades contains horizontal elements between 150mm and 760mm above the floor level which would facilitate climbing, contrary to the requirements of Clause D3D20 of the NCC.
- 3B. Issues requiring further investigation – Since lodgement of the fire safety concern, the complainant has submitted multiple concerns alleging further instances of nuisance alarms. It should be noted that no alarms could be heard at the time of FRNSW's inspection.

In this regard, issues relating to the ongoing operation, maintenance and testing of the smoke detection and alarm system in the building falls outside of the scope of FRNSW investigative powers to proceed.

It is at Council's discretion, as the appropriate regulatory authority, to review its own records, conduct its own inspection/investigation and make its own determination.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 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 Conor Hackett 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 BFS24/2641 (35311) regarding any correspondence concerning this matter.

Yours faithfully



Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit