

Attachment D

**Inspection Report
18, 18A and 20 O'Dea Avenue and 19 and 21
Dunkerley Place, Waterloo**



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Notes

1/000204

**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 3180241

Officer: Tanya O'Casey

Date: 08/07/2024

Premises: 18, 18A & 20 O'Dea Ave, 19 & 21 Dunkerley PI Waterloo

Executive Summary

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 30 April 2024 with respect to matters of fire safety for Buildings on the site.

The site known as 'Waterfall by Crown' consists of a mixed-use development comprising of four residential flat buildings ranging in height from 8 to 22 storeys above ground (3 below) with a total of 331 apartments, and two ground floor retail premises.

An inspection of the premises undertaken by a Council investigation officer in the presence of the Building Manager revealed 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) No telephone connection in the fire control room.
- (ii) Fire Hydrant flow tests and signage adjustment.

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 were 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 were addressed by routine corrective maintenance actions undertaken by the owner's fire service contractor(s) prior to the issue of the AFSS, through written instruction from Council.

Observation of the external features of the building did not identify the existence of any potential combustible composite cladding on the façade of the building.

Chronology:

Date	Event
18 March 2024	FRNSW correspondence received regarding premises 18 O'Dea Avenue Waterloo.
28 May 2024	An inspection of the subject premises was undertaken by a Council officer where it found that the concerns raised by Fire and Rescue NSW had been addressed and or would be addressed by the issue of the Annual Fire Safety Statement.
17 June 2024	The strata manager was emailed a request to provide a formal reply to the concerns raised by NSW Fire and Rescue.
28 June 2024	The Annual Fire Safety Statement for the development was submitted to council.
09 July 2024	Strata Manager update – ongoing minor rectification works required

FIRE AND RESCUE NSW REPORT:

References: FRNSW: BFS/24/1553 (34325), D24/049081, TRIM 2024/398449

Fire and Rescue NSW conducted an inspection of the subject premises on the 15 January 2024 after receiving an enquiry about the adequacy of the provision for fire safety in connection with 'the premises'.

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

Ref.	Issue	City response
1	Certification	
1A.	The Annual Fire Safety Statement is due around March of each year. The building manager advised FRNSW that some of the items identified below have been reported to The Owners, as faults requiring rectification, prior to completing the AFSS.	AFSS Submitted 28 June 2024
2	Essential Fire Safety Measures	
2A.	Fire Hydrant System	
	A. Revise and upgrade boost pressure signage.	Signage rectified by DA Fire 27/06/2024
	B. The In-Series (Relay) Warning sign at the hydrant booster identifies the incorrect levels in which the RELAY PUMP serves. This may affect operations, with the risk of the incorrect pressure zone being boosted resulting in 700 kPa not being achieved at the internal hydrants during firefighting operations, contrary to the requirements of Table 2.2 of AS 2419.1-2005. FRNSW observed the HIGH-STAGE pressure zone starting on Level 11 and Level 18 on two different signs. The correct level should be verified.	Signage rectified by DA Fire 27/06/2024
	C. The identification plates that were affixed to each pump in the pump room showing the pumps operational information were illegible, contrary to the requirements of Clause 3.13.2 of AS 2941-2013. FRNSW used a whiteboard marker to read the panel.	Signage installed prior to council inspection.
2B	Smoke Detection and Alarm System (SDAS)	
	i. The Fire Detection Control and Indicating Equipment (FDCIE) displayed two (2) fault events.	One fault is a float valve on the combined tank and will be rectified when DA Fire next conduct maintenance on the tank.
	ii. Plastic protective covers were found on Smoke Detectors within multiple ground floor retail premises, contrary to the requirements of AS 1670.1-2004.	Plastic Protective covers removed
2C	Fire Control Centres	
	A. The telephone in the Fire Control Room was not connected directly to an external telephone exchange, contrary to the requirements of Specification S19C10(1)(b) of National Construction Code 2022, Volume 1 Building Code of Australia (NCC). When FRNSW attempted to utilise the telephone, there was no dial tone.	The building's communication contractor is investigating.

Ref.	Issue	City response
2D	Access and Egress	
	B. The emergency exit sign for the exit gate to Dunkerley Place is not between 2m and 2.7m above floor level and will not be clearly visible to occupants during evacuation, contrary to the requirements of Clause 6.8.1 of AS 2293.1-2005 and Clause E4P2 of the NCC.	Emergency exit sign relocated
	C. Multiple ground floor retail premises had their emergency exit doors blocked by retail and other stored items, contrary to the requirements of Clause 109 of EPAR21.	Exits cleared May 2024
	D. The artificial and emergency lighting at bottom of B1 stairs and pathway to pump room was not operational, contrary to Section 81 of EPAR21.	Rectified June 2024
	E. The required exit from the hydrant pump room providing direct egress to an enclosed passageway did not have an exit sign installed, contrary to the requirements of Clause E4D5 of the NCC.	Exit Signage installed
	F. Multiple exit signs in the B1 carpark were not illuminated, contrary to the requirements of Section 81 of EPAR21.	Rectified
	G. The exit signs leading in and out of the B1 lift lobby are contradictory to each other and do not guide occupants to an exit, contrary to the requirements of E4P2 of the NCC.	Rectified
	H. The pictorial element on the exit sign at the ground floor exit of building C was not present, contrary to the requirements of Section E4D8 of the NCC 2022.	Rectified
3	General	
	A. The fire door to the pump room passage from the B1 carpark failed to return to the fully closed position and may not achieve its fire-resistance level due to damage, contrary to the requirements of Clause C4D9 of the NCC.	Door Closer replaced May 2024

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'.

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)
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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 cause compliance with required standards of performance.

Follow-up compliance inspections are currently being undertaken and will continue to be undertaken by a Council investigation officer 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"/>	2024/398449-02 Copy of Councils Corrective action letter
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Trim Reference: 2024/398449

CSM reference No#: 3180241



File Ref. No: BFS24/1553 (34325)
TRIM Ref. No: D24/049081
Contact: Fire Safety Officer David Weekes

30 April 2024

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
WATERFALL BY CROWN
18 O'DEA AVENUE WATERLOO ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 18 March 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- 1. *Ongoing issues with the fire alarm at Waterfall Building activating during the day and night causing call outs by Fire and Rescue NSW. The last time it went off on 17 January, there was an issue with one of exterior sensors in building D and Fire and Rescue NSW managed to reset it. Over the last 2+ years I've lived in the building, the fire alarm has activated at various times of the day and night, more so than any other building I've lived in. In terms of history, the fire alarm at Waterfall activated at least 3 times during January 2023. On some occasions it activated twice in quick succession. Given people are working at home this was hugely disruptive and I said at the time I believe it presents a fire safety risk. The more the alarm goes off the less likely people are to react. In July 2022 I wrote to Strata and the Building Management as on that occasion it was the 3rd full evacuation of the building in <10 weeks and the second in the early hours of the morning, back in May 2022 it was 3am and in July 2022 it was around 1.50am. I'm concerned the fire safety system at Waterfall is not effective*

and there is a serious lack of attention being paid to it being fixed. It's also expensive every time there is a call out from Fire and Rescue NSW.

2. There are further issues today at Waterfall (17 March) with all the access control and lifts not working in building C and B at Waterfall (other buildings may also be affected). Pushing the green buttons to exit through the exterior doors on ground level as you come out of the lifts (all of which are also fire doors) are not working and therefore a fire safety risk as residents cannot use these doors for egress. The same happened on 29 Feb. Exterior fire doors around the building on the ground floor should be designed surely to auto release in case of a power outage or building control access issues?

3. Missing 'fire exit signs' on certain landings / above ground floor doors - this may be due to the wind (there is one missing in Building C, ground level, plus Level 7 on Building C).

Can I invite FRNSW to conduct an inspection of the premises under Section 9.32 of the Environmental Planning and Assessment Act 1979, and subject to the outcomes of the inspection, to take any appropriate regulatory action required in relation to any defect or deficiency identified. The issues above have been outstanding and are not being given sufficient attention.

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 10 April 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 following items were identified during the inspection:

1. Certification
 - 1A. The Annual Fire Safety Statement is due around March of each year. The building manager advised FRNSW that some of the items identified below have been reported to The Owners, as faults requiring rectification, prior to completing the AFSS.
2. Essential Fire Safety Measures

2A. Fire Hydrant System

- A. The boost pressure signage is intended to advise firefighters of the pressure required to be pumped into the fire brigade boost inlet connection to achieve operational pressures. Where a RELAY pump is installed, the relay pump adds to FRNSW pressure to achieve the required pressures in high-stage pressure zones.

FRNSW are of the opinion that the 'displayed' boost pressure of 1510 kPa is intended to be the RELAY pump discharge pressure, not FRNSW boost pressure. As such, there could be a possibility that the relay pump discharge pressure could exceed 2000 kPa.

When a fire brigade pumping appliance boosts the relay pump, the maximum discharge pressure at the most hydraulically advantaged hydrant outlet will be greater than 1200 kPa, contrary to the requirements of Clause 2.9 of AS 2118.6-2012 and Clause 2.3.2 of AS 2419.1-2005. FRNSW estimate that the hydrants on Level 11, (bottom of the high-stage pressure zone) will be approximately 1300 kPa.

FRNSW position statement [FRNSW pump performance for high rise buildings](#) states, the fire hydrant system is to be designed for a 'Boost Pressure' of 950 kPa being input into the fire brigade booster connection from a standard FRNSW pumper, for buildings having an effective height greater than 50 m and requiring a fire brigade relay pump. FRNSW are of the opinion that the boost pressure signage should state, BOOST PRESSURE 950kPa and the relay pump be modified to ensure correct operational pressures.

Additional signage should be installed at the 150mm pressure gauge similar to *Figure 1*, to advise firefighters of the required pressure at the RELAY PUMP discharge.

- B. The In-Series (Relay) Warning sign at the hydrant booster identifies the incorrect levels in which the RELAY PUMP serves. This may affect operations, with the risk of the incorrect pressure zone being boosted resulting in 700 kPa not being achieved at the internal hydrants during firefighting operations, contrary to the requirements of Table 2.2 of AS 2419.1-2005. FRNSW observed the HIGH-STAGE pressure zone starting on Level 11 and Level 18 on two different signs. The correct level should be verified.
- C. The identification plates that were affixed to each pump in the pump room showing the pumps operational information were illegible, contrary to the requirements of Clause 3.13.2 of AS 2941-2013. FRNSW used a whiteboard marker to read the panel.

2B. Smoke Detection and Alarm System (SDAS)

- A. FRNSW are of the opinion that maintenance is not being carried out in accordance with Section 81 of Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR21). FRNSW observed the following which may affect the operation of the SDAS:
 - i. The Fire Detection Control and Indicating Equipment (FDCIE) displayed two (2) fault events.
 - ii. Plastic protective covers were found on Smoke Detectors within multiple ground floor retail premises, contrary to the requirements of AS 1670.1–2004.

2C. Fire Control Centres

- A. The telephone in the Fire Control Room was not connected directly to an external telephone exchange, contrary to the requirements of Specification S19C10(1)(b) of National Construction Code 2022, Volume 1 Building Code of Australia (NCC). When FRNSW attempted to utilise the telephone, there was no dial tone.

2D. Access and Egress

- A. The required exit gate to Dunkerley Place (identified in the fire safety complaint) is not readily openable without a key during a power outage, and was not supplied an emergency door release mechanism, contrary to the requirements of Clause D3D26 of the NCC.
- B. The emergency exit sign for the exit gate to Dunkerley Place is not between 2m and 2.7m above floor level and will not be clearly visible to occupants during evacuation, contrary to the requirements of Clause 6.8.1 of AS 2293.1-2005 and Clause E4P2 of the NCC.
- C. Multiple ground floor retail premises had their emergency exit doors blocked by retail and other stored items, contrary to the requirements of Clause 109 of EPAR21.
- D. The artificial and emergency lighting at bottom of B1 stairs and pathway to pump room was not operational, contrary to Section 81 of EPAR21.
- E. The required exit from the hydrant pump room providing direct egress to an enclosed passageway did not have an exit sign installed, contrary to the requirements of Clause E4D5 of the NCC.
- F. Multiple exit signs in the B1 carpark were not illuminated, contrary to the requirements of Section 81 of EPAR21.

- G. The exit signs leading in and out of the B1 lift lobby are contradictory to each other and do not guide occupants to an exit, contrary to the requirements of E4P2 of the NCC.
- H. The pictorial element on the exit sign at the ground floor exit of building C was not present, contrary to the requirements of Section E4D8 of the NCC 2022.

3. General

3A. Compartmentation and Separation

- A. The fire door to the pump room passage from the B1 carpark failed to return to the fully closed position and may not achieve its fire-resistance level due to damage, contrary to the requirements of Clause C4D9 of the NCC.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 2 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 Fire Safety Officer David Weekes 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 BFS24/1553 (34325) regarding any correspondence concerning this matter.

Yours faithfully



Paul Scott
Team Leader
Fire Safety Compliance Unit

FRNSW
WHEN USING THE
MANUAL START RELAY
PUMPSET
FOR FIRES L??-ROOF
THIS PRESSURE
GAUGE IS TO
DISPLAY XXXX KPA



Figure 1