Attachment F

Inspection Report 15 Gadigal Avenue, Zetland



Figure 1: 15 Gadigal Avenue, Zetland, viewed from the south-east

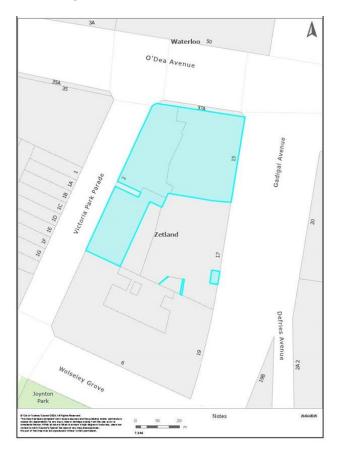


Figure 2: Location map of 15 Gadigal Avenue, Zetland

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)

Officer: Eyman Balta

Date: 2 May 2025

Premises: 15 Gadigal Avenue, Zetland

Executive Summary

- 1. The City received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 8 April 2025 with respect to matters of fire safety.
- 2. The premises consists of a twenty-two (22) storey building used as residential apartments.
- 3. The City inspected the premises on 24 April 2025, accompanied by the building manager. This inspection identified fire safety provisions requiring maintenance, which can be addressed under the City's instruction.
- 4. The inspection also noted the building contains external wall cladding that was previously the subject of a Fire Safety Order issued by the City's Cladding Team. This order required the building owners to investigate the presence of combustible cladding and provide an audit report.
- 5. The audit report has now been submitted by the building owners, and the City is preparing to issue a subsequent Fire Safety Order for the removal and replacement of the identified combustible cladding.

Chronology

Date	Event	
28 August 2024	FRNSW attended the premises on 28 August 2024 and found fire safety was not being adequately provided.	
11 September 2024	In response to the defects identified, FRNSW issued a Fire Safety Order on the building owners on 11 September 2024 requiring the rectification of the defects identified.	
6 December 2024	A re-inspection of the premises was undertaken by FRNSW on 6 December 2024 and confirmed that the terms of the Fire Safety Order were complied with.	
8 April 2025	FRNSW correspondence received regarding subject premises.	
24 April 2025	The City inspected the premises in the presence of the building manager that revealed there were several issues requiring routine maintenance.	
5 May 2025	On 5 May 2025 the City instructed the building owners to address identified fire safety issues by 4 June 2025.	

Fire and Rescue NSW Report

6. FRNSW conducted an inspection of the subject premises on 28 August 2024.

Issues

7. The report from FRNSW detailed issues as shown in the table below.

Ref.	Issue	City response	
1	Essential Fire Safety Measures		
1A	Combined Fire Hydrant and Sprinkler System		
А	Pumpset		
а	The Secondary Pump (Pump 2) Diesel Pump Controller panel had the 'Mains Isolating Switch' in the 'off' position and the 'Crank Isolate' control key in the 'crank isolate' position, indicating the automatic operation of the pump was disabled.	FRNSW have confirmed that this requirement of the Fire Safety Order has been complied with and was compliant.	

Ref.	Issue	City response
		An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed that a new pumpset had been installed and no defects were identified, addressing this issue.
b	The Secondary Pump (Pump 2) Diesel Pump Controller panel was displaying the following issues: • 'Power fail' • 'Crank isolate' • 'Battery low voltage' • 'Alarm'	FRNSW have confirmed that this requirement of the Fire Safety Order has been complied with and was compliant. An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed that a new pumpset had been installed and no defects were identified, addressing this issue.
С	The Secondary Pump (Pump 2) Diesel Pump Controller panel had a warning sign placed over the top of the display screen stating the following: • 'Warning – Life Safety Equipment – Out of Service'	FRNSW have confirmed that this requirement of the Fire Safety Order has been complied with and was compliant. An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed that a new pumpset had been installed and no defects were identified, addressing this issue.
d	The maintenance logbook records showed that the Secondary Pump (Pump 2) had issues with since 28 October 2022.	FRNSW have confirmed that this requirement of the Fire Safety Order has been complied with and was compliant. An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed that a new pumpset had been installed and no defects were identified, addressing this issue.

Ref.	Issue	City response	
В	Pump room		
а	Access to pump room did not have adequate signage to indicate the location of the pump room. Wayfinding signage should be provided to assist the operational requirements of FRNSW fire fighters in locating the pumproom.	An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed that signage was provided at ground floor level, however additional signage is required to be provided at the Basement 1 and Basement 2 floor levels of the building. Written compliance instructions were issued on 5 May 2025 requiring signage to be provided by 4 June 2025. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.	
С	Booster Assembly		
а	Signage		
i	The signage at the booster states 'Fire & Sprinkler Booster', where it should state the words 'COMBINED FIRE HYDRANT AND SPRINKLER BOOSTER', in accordance with the requirements of Clause 2.2.3 of AS2118.6-2012.	An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed that signage was not provided in accordance with the requirements of Clause 2.2.3 of AS2118.6-2012. Written compliance instructions	
		were issued on 5 May 2025 requiring signage to be provided by 4 June 2025. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.	
ii	The booster is configured into a 'low rise booster' and 'high-rise booster' with signage identifying as such. The attending fire fighters would benefit from additional signage identifying the levels which the 'low' and 'high' rise boosters serve, e.g.:	An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed signage can be improved.	
	 'low rise booster – B3 - L11' 'high rise booster – L12 - roof' 		
	111g111100 0000to1		

Ref.	Issue	City response	
		Written compliance instructions were issued on 5 May 2025 requiring signage to be provided by 4 June 2025. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.	
iii	Warning signage is fixed to the wall at the booster assembly stating that the booster is connected in parallel with the fixed onsite pumps. Warning signage is only required for pumps in series, in accordance with the requirement of Clause 11.3.7.1 of AS2419.1-2021, and as the booster is connected in parallel with the pumps, the warning sign should be removed as it may cause confusion to the attending firefighters.	An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed signage is misleading and needs to be removed. Written compliance instructions were issued on 5 May 2025 requiring signage removal by 4 June 2025. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.	
D	Automatic Fire Suppression System		
а	A 500mm clear space is not being maintained below the level of the sprinkler deflectors throughout the storage cage areas in the carpark levels, contrary to the requirements of Clause 5.4.8 of AS2118.1-1999.	An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed that a clear space of approximately 700mm was provided below the sprinkler deflectors throughout the storage cage areas in the carpark levels, addressing this issue.	
b	Floor block plans were not provided at each sprinkler control assembly located within the fire isolated stairs throughout the premises, contrary to the requirements of Clause 2.2 of AS2118.6- 2012.	An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed that signage was not provided within the fire isolated stairs at the Basement 1, 2, and 3 floor levels. To address this, written compliance instructions were issued on 5 May 2025 requiring floor block plans to be provided by 4 June 2025. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.	

Ref.	Issue	City response	
1B	Fire Control Room		
A	The fire control room was being used as a Building Manager's Office and contained various additional items, including items such as a ladder and bike, which restricted the clear space within the room	An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed that the fire control room was being used as a Building Managers office and that it contained stored items.	
		To address this, written compliance instructions were issued on 5 May 2025 requiring the owners of the building to relocate the Building Managers office by 4 June 2025. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.	
1C	Access and Egress		
A	Exit signs – Some exit signs throughout 'the premises' were not illuminated and had not maintained, contrary to the requirements of Clause 81 of the EPAR 2021.	An inspection undertaken by the City Investigation Officer on 24 April 2025 of the Basement levels and random residential floor levels of the building confirmed that all exit signs sighted were illuminated, addressing this issue.	
1D	Annual Fire Safety Statement (AFSS) and Fire Safety Schedule (FFS)		
A	A copy of the current AFSS and FSS were not prominently displayed within the building in accordance with Clause 89 of the EPAR 2021. The only AFSS FRNSW found displayed was adjacent to the mimic panel within a ground floor lobby and was dated	An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed that a current AFSS and FSS was not prominently displayed adjacent to the mimic panel located within the ground floor level of the building.	
	08/08/19.	To address this, written compliance instructions were issued on 5 May 2025 requiring the owners of the building to provide a current ASS and FSS in the location mentioned above by 4 June 2025. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.	

Ref.	Issue	City response	
2	General		
2A	Access and Egress		
A	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. Whilst the doors were fitted with a fail-safe device that would automatically unlock the door upon activation of a fire alarm, it was apparent that re-entry wasn't available every fourth floor with appropriate signage stating that re-entry is available, contrary to the requirements of Clause D3D27 of the NCC.	An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed that that re-entry was not available at every fourth floor, and that signage stating that re-entry is available was not provided. To address this, written compliance instructions were issued on 5 May 2025 requiring the owners of the building to address this matter by 4 June 2025. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.	

8. FRNSW have recommended that the City inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report...

Council Investigation Officer Recommendations

- 9. As a result of site inspections undertaken by the Council investigation officer:
 - (a) A corrective action letter was issued on 5 May 2025 to the building owners to address the fire safety deficiencies identified by the City and FRNSW. Follow up inspections will be undertaken to ensure action has been taken to the satisfaction of authorised officers and further compliance action will be taken if this is not the case.
 - (b) It is recommended Council not exercise its powers to give a fire safety order at this time.
 - (c) It is recommended that the Commissioner of FRNSW be informed of the City's decision.





File Ref. No: FRN14/2832 - BFS24/5516 - 8000037662

TRIM Ref. No: D25/34029 Contact: John Bruscino

4 April 2025

The 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

15 GADIGAL AVENUE, ZETLAND ("the premises")

In response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW, inspections of 'the premises' on 28 August 2024 and 6 December 2024 were conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW), pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In this instance, the inspections revealed fire safety concerns that may require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

In this regard, 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.

Fire and Rescue NSW	ABN 12 593 473 110	www.tire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483
www.fire.nsw.gov.au		Page 1 of 9

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items outline concerns in general terms, deviations from the fire safety provisions prescribed in Section 9.32(1)(b) of the EP&A Act and Clause 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

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

- 1. Essential Fire Safety Measures
 - 1A. Combined Fire Hydrant and Sprinkler System:

A. Pumpset

- a. The Secondary Pump (Pump 2) Diesel Pump Controller panel had the 'Mains Isolating Switch' in the 'off' position and the 'Crank Isolate' control key in the 'crank isolate' position, indicating the automatic operation of the pump was disabled.
- b. The Secondary Pump (Pump 2) Diesel Pump Controller panel was displaying the following issues:
 - 'Power fail'
 - 'Crank isolate'
 - 'Battery low voltage'
 - 'Alarm'
- c. The Secondary Pump (Pump 2) Diesel Pump Controller panel had a warning sign placed over the top of the display screen stating the following:
 - 'Warning Life Safety Equipment Out of Service'
- d. The maintenance logbook records showed that the Secondary Pump (Pump 2) had issues with since 28 October 2022.

B. Pumproom

a. Access to pump room did not have adequate signage to indicate the location of the pumproom. Wayfinding signage should be provided to assist the operational requirements of FRNSW fire fighters in locating the pumproom.

C. Booster Assembly:

a. Signage

- The signage at the booster states 'Fire & Sprinkler Booster', where it should state the words 'COMBINED FIRE HYDRANT AND SPRINKLER BOOSTER', in accordance with the requirements of Clause 2.2.3 of AS2118.6-2012.
- ii. The booster is configured into a 'low rise booster' and 'high rise booster' with signage identifying as such. The attending fire fighters would benefit from additional signage identifying the levels which the 'low' and 'high' rise boosters serve, e.g.:
 - 'low rise booster B3 L11'
 - 'high rise booster L12 roof'
- iii. Warning signage is fixed to the wall at the booster assembly stating that the booster is connected *in parallel* with the fixed on-site pumps. Warning signage is only required for pumps *in series*, in accordance with the requirement of Clause 11.3.7.1 of AS2419.1-2021, and as the booster is connected in parallel with the pumps, the warning sign should be removed as it may cause confusion to the attending firefighters.

D. Automatic Fire Suppression System

- a. A 500mm clear space is not being maintained below the level of the sprinkler deflectors throughout the storage cage areas in the carpark levels, contrary to the requirements of Clause 5.4.8 of AS2118.1-1999.
- b. Floor block plans were not provided at each sprinkler control assembly located within the fire isolated stairs throughout the premises, contrary to the requirements of Clause 2.2 of AS2118.6-2012.

1B. Fire Control Room

A. The fire control room was being used as a Building Manager's Office and contained various additional items, including items such as a ladder and bike, which restricted the clear space within the room, contrary to the requirements of Clause S19C10 of the NCC.

1C. Access and Egress

A. Exit signs – Some exit signs throughout 'the premises' were not illuminated and had not maintained, contrary to the requirements of Clause 81 of the EPAR 2021.

- 1D. Annual Fire Safety Statement (AFSS) and Fire Safety Schedule (FFS)
 - A. A copy of the current AFSS and FSS were not prominently displayed within the building in accordance with Clause 89 of the EPAR 2021. The only AFSS FRNSW found displayed was adjacent to the mimic panel within a ground floor lobby and was dated 08/08/19.

FRNSW is therefore of the opinion that the fire safety provisions prescribed for the purposes of 9.32(1)(b) of the EP&A Act, have not been complied with.

ADDITIONAL COMMENTS

In addition to the items identified above, relating to the Fire Safety Provisions prescribed by Clause 112 of the EPAR 2021, the following item was also identified as a concern at the time of the inspection and it would be at council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

2. Generally:

- 2A. Access and Egress
 - A. 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. Whilst the doors were fitted with a fail-safe device that would automatically unlock the door upon activation of a fire alarm, it was apparent that re-entry wasn't available every fourth floor with appropriate signage stating that re-entry is available, contrary to the requirements of Clause D3D27 of the NCC.

FIRE SAFETY ORDER NO. 1

In relation to the item 1.1A.A, Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. 1, dated 11 September 2024 under the provisions of Section 9.34 of the EP&A Act (copy attached in Annexture 1). A re-inspection conducted on 6 December 2024 found that the terms of the order were compliant.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address item no. 1 of this report.
- b. Give consideration to the other deficiencies identified on 'the premises' identified in item no. 2 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 Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact John Bruscino of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference FRN14/2832 - BFS24/5516 - 8000037662 for any future correspondence in relation to this matter.

Yours faithfully

John Bruscino

Senior Building Surveyor Fire Safety Compliance Unit

Attachment: [Appendix 1- FRNSW Fire Safety Order No. 1]

Appendix 1 - Fire Safety Order No.1

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File Ref. No: TRIM Ref. No: Contact: FRN14/2832 - BFS24/5516 - SRID 8000037662 D24/108653

ef. No: D24/108653 John Bruscino

11 September 2024

The Owners of Strata Plan: SP85320 15 Gadigal Avenue ZETLAND NSW 2017

Dear Owners of Strata Plan No. 85320

Re: FIRE SAFETY ORDER - ORDER NO.1

'RUBY TOWER'

15 GADIGAL AVENUE, ZETLAND ("the premises")

Fire & Rescue NSW (FRNSW) has received your email dated 6 September 2024 in response to the Notice of Intention to give a Proposed Fire Safety Order – Order No.1 dated 30 August 2024.

FRNSW has determined to issue the Fire Safety Order – Order No.1 ('Order No.1'), in response to your representations (email from Netstrata, dated 6 September 2024) and consideration given under the provisions of Schedule 5, Part 7 (Section 14 and Section15) of the Environmental Planning & Assessment Act 1979 (EP&A Act). Accordingly, I have attached a copy of the FRNSW "Order No. 1" dated 11 September 2024, issued under Section 9.34 of the EP&A Act).

A copy of the "Order No.1" will be forwarded to City of Sydney Council, under Schedule 5, Part 6, Section 12 of the EP&A Act. Authorised Fire Officers will conduct inspections to assess compliance with the "Order No.1".

Please do not hesitate to contact John Bruscino of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.qov.au or call on (02) 9742 7434 if there are any questions or concerns about the above matters. Please ensure that you refer to file reference FRN14/2832 - BFS24/5516 - SRID 8000037662 regarding any correspondence concerning this matter.

Yours faithfully,

John Bruscino Senior Building Surveyor Fire Safety Compliance Unit

C Mail Netstrata

Netstrata PO Box 265 HURSTVILLE NSW BC 1481

CC Email Netstrata Attention: Ryan Hewit Netstrata

 Fire and Rescue NSW
 ABN 12 593 473 110
 www.fire.nsw.gov.au

 Community Safety Directorate
 1 Amarina Ave
 T (02) 9742 7434

 Fire Safety Compliance Unit
 Greenacre NSW 2190
 F (02) 9742 7843

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Fire Safety Order ORDER No. 1

Under the Environmental Planning and Assessment Act 1979 (EP&A Act)
Part 9 Implementation and Enforcement – Division 9.3 Development Control Orders
Fire Safety Orders in accordance with the table to Part 2 - Schedule 5.
Give an Order in accordance with Section 9.34(1)(b)

I, John Bruscino Senior Building Surveyor 902873

being an authorised Fire Officer within the meaning of Schedule 5, Part 8, Section 16 of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose, hereby order you

The Owners of Strata Plan: SP85320

Owner (position, i.e. owner, building manager)

with respect to the premise

'RUBY TOWER' 15 GADIGAL AVENUE, ZETLAND ("the premises") (name/address of premises to which Order is served)

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

- Ensure the Combined Fire Hydrant and Sprinkler System installed in 'the premises' is fully operational, by:
 - a. Re-instating the Diesel Combined Booster Pumpset, known as Secondary Pump (Pump 2).
- Upon completion, provide certification from the installing fire safety contractor, including testing and commissioning records/documentation, for the Diesel Combined Booster Pumpset, known as Secondary Pump (Pump 2).

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7843
www.fire.nsw.gov.au		Page 2 of 4

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The reasons for the issue of this Fire Safety Order - Order No.1 are:

- a. At the time of the inspection, on 28 August 2024, the Secondary Pump (Pump 2), Diesel Pump Controller panel, had the 'Mains Isolating Switch' in the 'off' position and the 'Crank Isolate' control key in the 'crank isolate' position, indicating the automatic operation of the pump was disabled.
- b. At the time of the inspection, on 28 August 2024, the Secondary Pump (Pump 2), Diesel Pump Controller panel, was displaying the following issues:
 - i. Power fail
 - ii. Crank isolate
 - iii. Battery low voltage
 - iv. Alarm
- c. At the time of the inspection, on 28 August 2024, the Secondary Pump (Pump 2), Diesel Pump Controller panel, had a warning sign placed over the top of the display screen stating the following:
 - i. 'Warning Life Safety Equipment Out of Service'
- d. The maintenance records in the 'Fire and Jacking Pumpsets' logbook for 'Pump 1/2' shows that 'Pump 2' (Secondary Pump) has had issues since 28 October 2022 to the latest record on 31 July 2024, with no testing of the Secondary Pumpset being carried out in that time period. The following are a sample of the comments shown between these dates:
 - i. 31/07/24 'No test. Pump offline for repairs. Engine flywheel seized.'
 - ii. 24/06/24 'No test. Starter motor issue.'
 - iii. 30/01/24 'No test. Possible starter motor issue. Need to investigate.'
 - iv. 30/10/23 'No test.'
 - v. 28/10/22 'No test both batteries low. 2x 12v 100Ah deep cycle.'
- To ensure that the Combined Fire Hydrant and Sprinkler System is capable to operating in accordance with the standard of performance it was designed and installed to.
- f. To ensure compliance with the requirements of Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
- g. To do or refrain from doing such things specified in the Order to ensure or promote adequate fire safety or awareness.
- h. Representations to the Proposed Fire Safety Order Order No.1, received by FRNSW from Ryan Hewit, Senior Strata Manager of Netstrata, dated 6 September 2024, (includes email and defect quotation from Amber Fire Services, dated 6 September 2024), informs that the secondary pump has failed and requires replacement.

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The terms of this Fire Safety Order - Order No.1 are to be complied with:

By no later than 12:00pm on the 16 October 2024.

You are required to submit the certification to:

John Bruscino
Senior Building Surveyor
Fire & Rescue NSW
Locked Bag 12
GREENACRE NSW 2190
e-mail: firesafety@fire.nsw.gov.au

Appeals

Pursuant to Section 8.18 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against this Fire Safety Order - Order No.1 other than an order that prevents a person from using or entering premises.

Non-Compliance with Fire Safety Order - Order No.1

Failure to comply with this Fire Safety Order - Order No.1 may result in further Orders and/or fines being issued.

Substantial penalties may also be imposed under Section 9.37 of the EP&A Act for failure to comply with a Fire Safety Order - Order No.1.

John Bruscino Senior Building Surveyor Fire Safety Compliance Unit

This Fire Safety Order - Order No. 1 was mailed on 11 September 2024.

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