

Attachment B

**Inspection Report
234 William Street, Potts Point**



Figure 1: 234 William Street, Potts Point viewed from the south



Figure 2: Location map of 234 William Street, Potts Point

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: Ashley Host

Date: 28 May 2025

Premises: 234 William Street, Potts Point (Banque Apartments)

Executive Summary

1. The City of Sydney (the City) received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 7 May 2025 with respect to matters of fire safety.
2. The premises consists of a (6) storey building used for residential apartments.
3. The City inspected the premises on 28 May 2025, accompanied by the building owners. This inspection identified deficiencies in fire safety. To address this, a fire safety order was issued on 9 July 2025.

Chronology

Date	Event
7 May 2025	FRNSW correspondence received
28 May 2025	The City inspected the premises identifying deficiencies in fire safety.
24 June 2025	The City issued a Notice of Intention (NOI) to give a Fire Safety Order (Order) to address identified deficiencies in fire safety.
9 July 2025	The City issued an Order in accordance with the NOI, requiring identified deficiencies in fire safety to be addressed by 9 July 2026.

Fire and Rescue NSW Report

4. Fire and Rescue NSW conducted an inspection of the subject premises on 27 March 2025.

Issues

5. The report from Fire and Rescue NSW detailed issues as shown in the table below.

Ref.	Issue	City response
	Essential Fire Safety Measures	
1.	Automatic Smoke Detection and Alarm System and Building Occupant Warning System (BOWS)	
i.	The Fire Detection Control and Indicating Equipment (FDCIE) indicated that all zones in the system were isolated.	The City's inspection on 28 May 2025 found that this matter had already been rectified prior to inspection with the FDCIE cleared of isolations and the system fully operational.
ii.	It is unclear if the smoke detectors in the public corridors/common areas are interconnected between all levels to provide a common building alarm (BOWS) as the recent logbook testing indicates that an alarm failed to activate.	<p>The City's inspection on 28 May 2025 could not confirm detectors were interconnected.</p> <p>To address this issue, the City issued an Order on 9 July 2025 requiring the smoke detection system to be audited for compliance and certification provided by 9 July 2026.</p>
iii.	The ground floor retail premises (e-bike store) does not appear to be provided with smoke detection coverage.	<p>The City's inspection on 28 May 2025 found additional smoke detection is required.</p> <p>In response to this, the City issued an Order on 9 July 2025 requiring the smoke detection system to be upgraded and certification provided by 9 July 2026.</p> <p>Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.</p>
iv.	A zone block plan was not provided at the FDCIE panel.	<p>The City's inspection on 28 May 2025 found the block plan was not provided.</p> <p>In response to this, the City issued an Order on 9 July 2025 requiring the block plan to be provided by 9 July 2026.</p>

Ref.	Issue	City response
		Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.
2.	Sprinkler System	
i.	The building has a rise in stories of more than four and has not been provided with a sprinkler system throughout.	<p>The City's inspection on 28 May 2025 noted a sprinkler system was not installed throughout the building.</p> <p>When the building was constructed, building codes at the time did not require sprinkler systems to be installed throughout the building.</p> <p>The current building codes apply to new buildings and new building work on existing buildings, neither of which is applicable to the subject (existing) building.</p> <p>Further, the building is provided with sufficient active and passive fire safety measures.</p> <p>Considering the above, it is not recommended to retrospectively install a residential sprinkler system.</p>
3.	Fire Hydrant System	
i.	The booster is located within the building more than 8 meters from a hardstand and potentially blocked by the entrance door.	<p>The City's inspection on 28 May 2025 identified obstructions to the hydrant booster.</p> <p>In response to this, the City issued an Order on 9 July 2025 requiring clearance be provided by 9 July 2026.</p> <p>Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.</p>
ii.	Boost and test pressure signage not provided to booster assembly.	The City's inspection on 28 May 2025 found boost pressure signage missing.

Ref.	Issue	City response
		<p>In response to this, the City issued an Order on 9 July 2025 requiring signage be provided by 9 July 2026.</p> <p>Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.</p>
4.	Signage	
i.	Signage identifying the location of fire extinguishers and hose reels not installed to enclosure doors of each floor.	<p>The City's inspection on 28 May 2025 identified missing location signage.</p> <p>In response to this, the City issued an Order on 9 July 2025 requiring location signage to be provided to each cupboard door housing hose reels and fire extinguishers by 9 July 2026.</p> <p>Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.</p>
5.	Window drencher system	
i.	Booster assembly located in building and blocked by door.	<p>The City's inspection on 28 May 2025 identified obstructions to the booster assembly.</p> <p>In response to this, the City issued an Order on 9 July 2025 requiring obstructions to be rectified by 9 July 2026.</p> <p>Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.</p>
ii.	The system does not appear to have Automatic Signalling Equipment (ASE).	<p>The City's inspection on 28 May 2025 found the ASE was not connected to the drencher system.</p> <p>In response to this, the City issued an Order on 9 July 2025 requiring ASE be provided by 9 July 2026.</p>

Ref.	Issue	City response
		Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.
iii.	Block plan not provided adjacent drencher booster	<p>The City's inspection on 28 May 2025 identified the block plan adjacent to drencher booster was missing.</p> <p>In response to this, the City issued an Order on 9 July 2025 requiring the block plan to be provided by 9 July 2026.</p> <p>Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.</p>
6.	Fire Exit	
i.	Items stored in path of travel to exit at rear of ground floor premises.	<p>The City's inspection on 28 May 2025 identified obstructions to paths of travel.</p> <p>In response to this, the City issued an Order on 9 July 2025 requiring exists to be kept clear at all times.</p> <p>Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.</p>
7.	Swinging Doors	
i.	Final exit door to William Street swings against egress	<p>The City's inspection on 28 May 2025 found the final exit door swung against egress.</p> <p>In response to this, the City issued an Order on 9 July 2025 requiring the door to be realigned to swing in the direction of egress by 9 July 2026.</p> <p>Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.</p>

Ref.	Issue	City response
8.	Fire Doors	
i.	Door to residential bin store propped open	During the City's inspection on 28 May 2025, it was noted that this matter had been already rectified.
9.	General	
i.	Annual Fire Safety Statement (AFSS) not prominently displayed in building.	<p>Copy of current AFSS to be provided at lobby entrance.</p> <p>The City's inspection on 28 May 2025 found the AFSS was not prominently displayed in the building.</p> <p>In response to this, the City issued an Order on 9 July 2025 requiring the AFSS to be prominently displayed in the building by 9 July 2026.</p> <p>Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.</p>

6. FRNSW have made no direct recommendation within their report other than legislative notification and advised that it is at the City's discretion to inspect and address any other deficiencies identified on the premises.

Council Investigation Officer Recommendations

7. As a result of site inspections undertaken by the Council investigation officer, Council has exercised its powers to issue an Order under the Act to ensure that appropriate fire safety systems are in place throughout the building, providing improved and adequate fire safety provisions. It is recommended that the Commissioner of FRNSW be informed of the City's decision.

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File Ref. No: BFS25/1545 - FRN13/3202 - 8000041282
TRIM Ref. No: D2025/047902
Contact: Conor Hackett

7 May 2025

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
BANQUE APARTMENTS
234 WILLIAM ST, POTTS POINT NSW 2011 ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 22 February 2025 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

While conducting a PIP at the premises' MyeBike Sydney'. It was noted that this shop has approximately a combined 60-70 E bikes on site, as well as roughly 30 stand alone Lithium-Ion Batteries some of which are being charged on site.

This shop has a multi level apartment complex above, which has 6 floors above ground level. The store itself has no Detectors in place and does not have Sprinklers. It currently has 1x Hose Reel and 1x DCP extinguisher.

The adjoining apartment block -The Banque Apartments' 234 William Street Potts Point 2011. Which has access on the left hand side of the shop front, has a sprinkler and hydrant booster as well as an FIP. Upon closer inspection it was found this FIP has no ASE and no EWIS, also it appeared as the Diesel Pump in the Pump room is having maintenance conducted on it and does not appear to be in working order. I cannot confirm this, but it does have this appearance.

Fire and Rescue NSW

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I spoke to the owner of MYeBike about the lack of detectors and about overall fire safety of the building and the potential for this to be a fire safety concern. He said he would be in touch with the building manager.

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 27 March 2025.

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 and includes potential deviations from the National Construction Code 2022 Building Code of Australia – Volume One (NCC) and applicable Australian Standards.

Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may contradict development consent approval or any fire engineered performance solutions. 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:

Essential Fire Safety Measures

1. Smoke Detection and Alarm System - The building appears to be provided with a combined smoke alarm and smoke detection system, in accordance with Clause E2D8 and Clause S20C5 of the NCC. In that regard the following is noted:
 - i. At the time of the inspection the Fire Detection Control and Indicating Equipment (FDCIE) indicated that all zones in the system were isolated. Following the inspection, FRNSW contacted Strata Management who agreed to consult with fire contractors to investigate the issue.

The following day (28 March 2025), an email was received from Strata Management confirming that the contractors had attended the premises, and the isolations were removed from the system. Accordingly, no enforcement action was taken by FRNSW.

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- ii. Building Occupant Warning System (BOWS) - It is unclear whether the smoke detectors in the public corridors/common areas, are interconnected between all levels, to provide a common building alarm to alert all building occupants, in accordance with Clause S20C7 of Specification 20 of the NCC. The logbook associated with the Smoke Detection and Alarm System indicates that, for the monthly inspection for February 2025, that an alarm failed to initiate the BOWS. Further investigation by council may be required.
 - iii. Smoke Detection Coverage - The ground floor retail premises does not appear to be provided with smoke detection coverage, which may be contrary to the requirements of Clauses E2D8, S20C4 or E2D21 of the NCC.
 - iv. 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.
- 2. Sprinkler System – The building has a rise in stories of more than 4 and has not been provided with a sprinkler system throughout, contrary to the requirements of Clause E1D4 and E1D6 of the NCC.
- 3. Fire Hydrant System:
 - i. The booster assembly is located within the building, more than 8m from a hardstand and is potentially obstructed by the entrance door contrary to the requirements of Clause 7.3 of AS2419.1-2005.
 - ii. Boost pressure and test pressure signage has not been provided in a prominent position adjacent to the fire brigade booster assembly, contrary to the requirements of Clause 7.10.1 of AS2419.1-2005.
- 4. Signage - Signage identifying the location of the fire extinguishers and fire hose reels were not installed on the enclosure doors on each floor of the building, contrary to the requirements of Clause 3.6 of AS 2444–2001 and Clause 10.4 of AS 2441–2005.
- 5. Window Drencher System – The premises has been provided with a window drencher system installed to AS2118.1-1999. In that regard, the following is noted:
 - i. The booster assembly is located within the building and is obstructed by the entrance door contrary to the requirements of Clause 4.4.3.
 - ii. System Monitoring - The premises does not appear to have Automatic Signalling Equipment (ASE) relating to the drencher system, contrary to the requirements of Clause 3.2.
 - iii. A plan of risk (block plan) was not provided adjacent to the sprinkler booster, contrary to the requirements of Clause 8.3.

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Access & Egress

6. Fire Exit - Items were stored in the path of travel to an exit, at the rear of the ground floor retail premises, that may have caused an obstruction, contrary to the requirements of Clause 109 of the DCFS Regulation.
7. Swinging Doors - The final exit door from the residential lobby to William Street, opens against the direction of egress, contrary to the requirements of Clause D3D25 of the NCC.

Compartmentation

8. Fire door - The residential bin store at the ground floor level opens into the fire-isolated passageway, contrary to the requirements of Clause D2D12. The door to the bin store was chocked open contrary to the requirements of Clause C4D5 and Specification 12 of the NCC.

General

9. Annual Fire Safety Statement (AFSS) – Clause 89(4)(b) of the DCFS Regulation states that the AFSS must be prominently displayed in the building. At the time of the inspection the AFSS could not be located.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 9 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 BFS25/1545 - FRN13/3202 - 8000041282 regarding any correspondence concerning this matter.

Yours faithfully



Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit