

Attachment D

**Inspection Report
199 Clarence Street, Sydney**



Figure 1: 199 Clarence Street, Sydney, viewed from the east

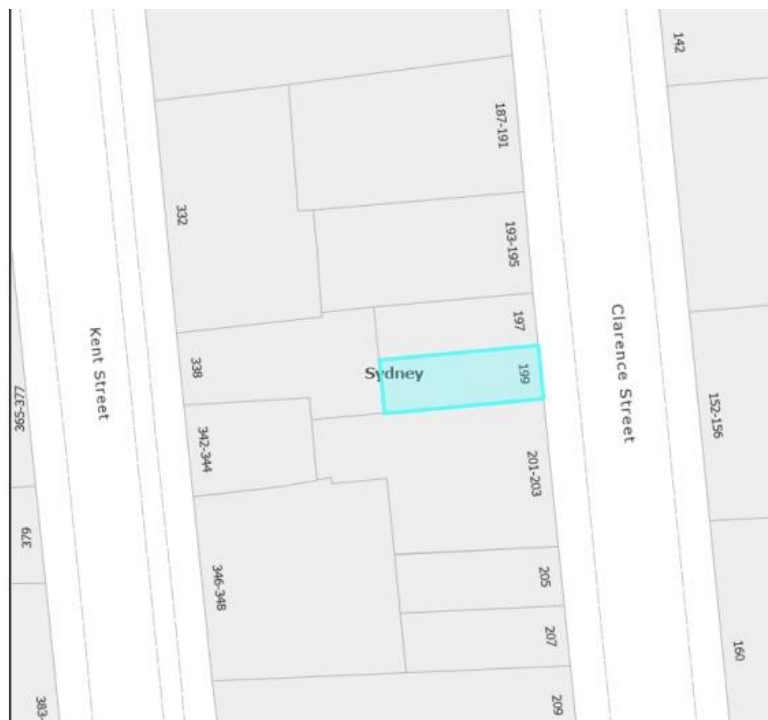


Figure 2: Location map of 199 Clarence Street, Sydney

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: Andrew Manning

Date: 1 July 2025

Premises: 199 Clarence Street, Sydney

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 5 May 2025 with respect to matters of fire safety.
2. The premises consists of a 6 storey building used for commercial purposes.
3. The City inspected the premises on 21 May 2025, accompanied by the managing agent and Accredited Practitioner (Fire Safety) representatives. This inspection identified deficiencies in fire safety. To address this, a fire safety order (order) is recommended to be issued under the Act.

Chronology

Date	Event
5 May 2025	FRNSW correspondence received.
15 May 2025	The City carried out an initial inspection of the publicly accessible areas of the premises.
21 May 2025	The City carried out an additional inspection of the premises with the owners' representatives.
22 May 2025	Additional inspection carried out by the City of the publicly accessible areas of the premises.
16 July 2025	The City issued a Notice of Intention to give a Fire Safety Order (NOI) directing the building owners to address identified deficiencies in fire safety.

Fire and Rescue NSW Report

4. Fire and Rescue NSW conducted an inspection of the subject premises on 12 March 2025.

Issues

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

Ref.	Issue	City response
1	Compartmentation and Separation	
1A	The fire-rated door leading to the internal stairs from the "Lamp Hair" tenancy was chocked open.	During the City's inspection on 22 May 2025, no doors were observed chocked open, addressing this issue.
1B	The fire-rated doors to the internal stairs on level 3 and level 4 did not self-close.	During the City's inspection on 22 May 2025, fire doors were observed installed with appropriate self-closing devices, addressing this issue.

Ref.	Issue	City response
2	Egress	
2A	The electrical switchboard located within the internal stairs was not adequately sealed against the passage of smoke.	<p>The City's inspection on 22 May 2025 identified the electrical switchboard may not be adequately sealed.</p> <p>To address this, the City issued an NOI on 16 July 2025 requiring inspection and certification of electrical insulation.</p>
3	Services and Equipment	
3A	Automatic Fire Suppression System (Sprinklers)	
A	<p>Access to the sprinkler booster assembly requires entering the building and travelling down a flight of stairs to the basement level.</p> <p>Access to the sprinkler booster assembly is likely to be difficult or impossible in the event of a fire and the current location does therefore not suit the operational requirements of FRNSW.</p>	<p>The City's inspection on 22 May 2025 identified the access to the sprinkler booster was non-compliant.</p> <p>To address this, the City issued a NOI on 16 July 2025 requiring modification of the sprinkler system.</p>
B	The sprinkler booster assembly does not incorporate feed hydrants.	<p>The City's inspection on 22 May 2025 identified the booster assembly was non-compliant.</p> <p>To address this, the City issued a NOI on 16 July 2025 requiring modification of the sprinkler system.</p>
C	The sprinkler booster assembly was not provided with signage indicating the maximum allowable inlet pressure.	<p>The City's inspection on 22 May 2025 identified missing signage on for the booster assembly.</p> <p>To address this, the City issued a NOI on 16 July 2025 requiring modification of the sprinkler system.</p>

Ref.	Issue	City response
3B	Exit Signs	
A	The exit sign located above the door discharging to the street from the internal stairs was not illuminated.	During the City's inspection on 22 May 2025, the subject exit light was observed illuminated, addressing this issue.
3C	Fire Hydrant System	
A	<p>Access to the fire hydrant booster assembly requires entering the building and travelling down a flight of stairs to the basement level.</p> <p>Access to the fire hydrant booster assembly is likely to be difficult or impossible in the event of a fire and the current location does therefore not suit the operational requirements of FRNSW</p>	<p>The City's inspection on 22 May 2025 identified access to the hydrant booster was non-compliant.</p> <p>To address this, the City issued a NOI on 16 July 2025 requiring modification of the existing hydrant system.</p>
B	The fire hydrant booster assembly does not incorporate feed hydrants.	<p>The City's inspection on 22 May 2025 identified the hydrant booster assembly does not have access to feed hydrants.</p> <p>To address this, the City issued a NOI on 16 July 2025 requiring modification of the existing hydrant system.</p>
C	A fire hydrant block plan was not located at the fire hydrant booster assembly.	<p>The City's inspection on 22 May 2025 identified a hydrant block plan was not located at the fire hydrant booster assembly.</p> <p>To address this, the City issued a NOI on 16 July 2025 requiring modification of the existing hydrant system.</p>
D	Signage indicating the test pressure was not located at the fire hydrant booster.	<p>The City's inspection on 22 May 2025 identified missing test pressure signage.</p> <p>To address this, the City issued a NOI on 16 July 2025 requiring modification of the existing hydrant system.</p>

Ref.	Issue	City response
E	Signage indicating the boost pressure for the hydrant system was not provided at the fire hydrant booster assembly.	The City's inspection on 22 May 2025 identified missing booster pressure signage. To address this, the City issued a NOI on 16 July 2025 requiring modification of the existing hydrant system.
4	General	
4A	A current Annual Fire Safety Statement was not displayed in a prominent location within the building.	The City's inspection on 22 May 2025 found the AFSS was prominently displayed within lobby of building, addressing this issue.

6. 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

7. As a result of site inspections undertaken by the Council investigation officer it is recommended Council exercise its powers to issue a Notice of Intention (NOI) for a fire safety order under the Act to address the identified fire safety deficiencies. After the NOI's representation period expires and any received representations are considered, a fire safety order may be issued to ensure that appropriate fire safety systems are in place throughout the building, providing improved and adequate fire safety provisions.
8. Due to fire safety concerns a Notice of Intention (NOI) for a fire safety order under the Act was issued on 16 July 2025. After the NOI's representation period and consideration of any responses, a fire safety order may be issued to ensure adequate fire safety systems are in place throughout the building.
9. It is recommended that the Commissioner of FRNSW be informed of the City's decision.

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File Ref. No: FRN13/1959 – BFS25/847 - 8000040721
TRIM Ref. No: D25/042166
Contact: Ryan Maestri

5 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
COMMERCIAL BUILDING
199 CLARENCE STREET, SYDNEY ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 7 February 2025 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *Concerns if Fire Hydrant and Sprinkler system non compliant*
- *No boost point within the site of the main entry. Boost point is located in the basement within the fire system near the stop valve. No Street Access, Access is down a flight of stairs, less than 3m surrounding, no hard stand. Pinch points for running hose to booster point*

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 12 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:

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 7483

www.fire.nsw.gov.au Page 1 of 4

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- 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. Compartmentation and Separation
 - 1A. The fire-rated door leading to the internal stairs from the "Lamp Hair" tenancy was chocked open, contrary to the requirements of Clause 2.1.3 of AS 1905.1-2015 and Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
 - 1B. The fire-rated doors to the internal stairs on level 3 and level 4 did not self-close, contrary to the requirements of Clause 2.1.3 of AS 1905.1-2015.
2. Egress
 - 2A. The electrical switchboard located within the internal stairs was not adequately sealed against the passage of smoke, contrary to the requirements of Clause D3D8 of the National Construction Code Volume 1 2022 (NCC).
3. Services and Equipment
 - 3A. Automatic Fire Suppression System (Sprinklers)
 - A. Access to the sprinkler booster assembly requires entering the building and travelling down a flight of stairs to the basement level, contrary to the requirements of Clause 4.14 of AS 2118.1-2017 and Clause 7.3.1 of AS 2419.1-2021.

Access to the sprinkler booster assembly is likely to be difficult or impossible in the event of a fire and the current location does therefore not suit the operational requirements of FRNSW.
 - B. The sprinkler booster assembly does not incorporate feed hydrants, contrary to the requirements of Clause 4.14 of AS 2118.1-2017 and Section 7 of AS 2419.1-2021.
 - C. The sprinkler booster assembly was not provided with signage indicating the maximum allowable inlet pressure, contrary to the requirements of Clause 4.14.1 of AS 2118.1-2017.

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3B. Exit Signs

- A. The exit sign located above the door discharging to the street from the internal stairs was not illuminated, contrary to the requirements of AS 2293.1-2018.

3C. Fire Hydrant System

- A. Access to the fire hydrant booster assembly requires entering the building and travelling down a flight of stairs to the basement level, contrary to the requirements of Clause 7.3.1 of AS 2419.1-2021.

Access to the fire hydrant booster assembly is likely to be difficult or impossible in the event of a fire and the current location does therefore not suit the operational requirements of FRNSW.

- B. The fire hydrant booster assembly does not incorporate feed hydrants, contrary to the requirements of Section 7 of AS 2419.1-2021.
- C. A fire hydrant block plan was not located at the fire hydrant booster assembly, contrary to the requirements of Clause 11.5 of AS 2419.1-2021.
- D. Signage indicating the test pressure was not located at the fire hydrant booster, contrary to the requirements of Clause 11.3.4.1 of AS 2419.1-2021.
- E. Signage indicating the boost pressure for the hydrant system was not provided at the fire hydrant booster assembly, contrary to the requirements of Clause 11.3.4.2 of AS 2419.1-2021.

4. General

- 4A. A current Annual Fire Safety Statement was not displayed in a prominent location within the building, contrary to the requirements of Section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 4 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

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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 Ryan Maestri 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 FRN13/1959 – BFS25/847 - 8000040721 regarding any correspondence concerning this matter.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Maestri', is positioned above the printed name.

Ryan Maestri
Senior Building Surveyor
Fire Safety Compliance Unit