

Attachment E

**Inspection Report
9-15 Macarthur Street, Ultimo**



Figure 1: 9-15 Macarthur Street, Ultimo, viewed from the north-east



Figure 2: Location map of 9-15 Macarthur Street, Ultimo

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: Doug McLennan

Date: 29 July 2025

Premises: 9-15 Macarthur Street, Ultimo

Executive Summary

1. The City received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 11 July 2025 with respect to matters of fire safety.
2. The premises consists of five storey building used for residential apartments with basement carpark.
3. The City inspected the premises on 28 July 2025, accompanied by Homes NSW. 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
11 July 2025	FRNSW correspondence received
17 July 2025	A desktop audit of City's records was undertaken, which showed no recorded Fire Safety Schedule or submission of Annual Fire Safety Statements.
18 July 2025	The City carried out an initial inspection of the publicly accessible areas of the premises.
28 July 2025	The City carried out an inspection of the premises with the owner's representatives. The inspection showed additional fire safety issues to those raised by FRNSW including: • Operation of egress doors and door hardware in the basement carpark. • Fire separation/protection of services through bounding walls, floors and ceilings of residential apartments. • General lack of maintenance to fire safety measures.
29 July 2025	Notice of Intention to give a Fire Safety Order issued (Ref: FIRE/2025/88) to rectify issues noted on site and by FRNSW

Fire and Rescue NSW Report

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

Issues

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

Ref.	Issue	City response
1	Essential Fire Safety Measures	
1A	Automatic Smoke Detection and Alarm System and Building Occupant Warning System (BOWS)	
	i. A block plan complying the requirements of Clause 3.10 of AS 1670.1 -2018 was not securely mounted adjacent to the Fire Indicator Panel.	The City's inspections found no suitable block plan. In response to this, the City issued a Notice of Intention to Give a Fire Safety Order on 29 July 2025

Ref.	Issue	City response
		requiring the provision of a suitable block.
1B	Fire Hose Reels	
	i. The Fire Hose Reel located in the common area outside unit 38 on level 1 was missing the nozzle and lacked a service label/tag, indicating that the Fire Hose Reel was not being properly maintained.	The City's Inspections showed a Fire Hose Reel in the common area outside unit 38 on level 1 had a nozzle and service label/tag. A Fire Hose Reel in the common area outside Unit 36 on Level 1 was missing the nozzle and lacked a service label/tag. In response to this, the City issued a Notice of Intention to Give a Fire Safety Order on 29 July 2025 requiring the inspection and maintenance of Fire Hose Reel system.
1C	Exit Signs	
	i. The exit sign located outside Unit 39 was not illuminated and had not been maintained, contrary to the requirements of Section 81 of the EPAR 2021.	During the City's inspections it was noted that this matter had been already rectified. The City's Inspection showed directional exit signage in the basement carpark did not point in the direction of egress. In response , the City issued a Notice of Intention to Give a Fire Safety Order on 29 July 2025 requiring the provision of suitable exit and directional exit signage.
1D	Emergency lighting	
	i. The emergency lights in the stairway to Units 38-39, were not operating and had not been maintained, contrary to the requirements of Section 81 of the EPAR 2021. In this regard, the emergency lights failed the battery backup test.	The City's inspections showed emergency lights in the stairway to Units 38-39, and in the basement car park did not operate when tested. In response , the City issued a Notice of Intention to Give a Fire Safety Order 29 July 2025 requiring

Ref.	Issue	City response
		the provision of suitable emergency lighting.
1E	Annual Fire Safety Statement (AFSS)	
	i. A copy of the current AFSS was not prominently displayed within the building in accordance with Section 89 of the EPAR 2021.	The City's inspections showed no suitable AFSS was displayed. A desktop Audit of City records showed no history of AFSS submission or recorded Fire Safety Schedule. In response, the City issued a Notice of Intention to Give a Fire Safety Order on 29 July 2025 requiring the audit of fire safety measures within the building and submission of a Fire Safety Certificate. On completion of a Fire Safety Order, the owners will be required to display either a suitable Fire Safety Certificate or an AFSS.
2	Access and Egress	
2A	Enclosure of space under stairs – the space beneath the non fire-isolated stairs serving Units 38-39 was enclosed to form a cupboard and did not appear to consist of enclosing walls and ceiling achieving an FRL of not less than 60/60/60 and a self-closing -/60/30 fire door, contrary to the requirements of Clause D3D9(2) of the NCC	The City's Inspections showed a lack of suitable fire separation to the enclosure under the stairs. In response, the City issued a Notice of Intention to Give a Fire Safety Order on 29 July 2025 requiring suitable fire separation to the enclosure under the stairs.
2B	Height of barriers openings in barriers and barriers climbability.	
	i. The balustrades to the common area balconies and stairs facing the central void space, achieve a height of less than 1m above the floor level and 865mm above the nosings of the stair treads (between stair flights), contrary to the requirements of Clause NSW D3D18 of the NCC. The balustrades also had openings that would permit a 125mm sphere to pass	Inspections by the City showed that barriers to prevent falls were not suitable as they had: • insufficient height • excessive openings • horizontal elements that facilitate climbing.

Ref.	Issue	City response
	through it, contrary to the requirements of Clause D3D19 of the NCC and the floor level of the balconies on Level 2, which are more than 4m to the surface beneath, contain horizontal elements between 150mm and 760mm above the balcony floor level which facilitates climbing, contrary to the requirements of Clause D3D20 of the NCC	In response, the City issued a Notice of Intention to Give a Fire Safety Order 29 July 2025 requiring the provision of suitable barriers to balconies and stairs to prevent falls.
	ii. The balustrades to the Unit balconies and common area stairs landings, facing the courtyard, appear to achieve a height of less than 1m above the floor level, contrary to the requirements of Clause NSW D3D18 of the NCC. Furthermore, the balustrades, where more than 4m from the floor level to the surface beneath, contain perforations in the zone between 150mm and 760mm above the balcony floor level which may be considered a horizontal element which facilitates climbing, contrary to the requirements of Clause D3D20 of the NCC.	

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 and due to fire safety concerns, a Notice of Intention to give a fire safety order under the Act was issued on 29 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.
8. It is recommended that the Commissioner of FRNSW be informed of the City's decision.

OFFICIAL



File Ref. No: FRN25/1619 - BFS25/3459 - 8000042838
TRIM Ref. No: D25/76676
Contact: Mark Knowles

11 July 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
9-15 MACARTHUR STREET, ULTIMO ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 27 May 2025 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated:

- *Emergency lighting not operating in fire exit stairs*

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 2 June 2025.

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) of the EP&A Act.

The items listed in this report's comments are based on the Provisions for Fire Safety and Fire Fighting Equipment, and they are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

Fire and Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

1 Amarina Ave
Greenacre NSW 2190

T (02) 9742 7434
F (02) 9742 7483

www.fire.nsw.gov.au

Page 1 of 3

OFFICIAL

COMMENTS

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

1. Essential Fire Safety Measures

1A. Automatic Fire Detection and Alarm System:

- A. Zone Block Plan - A permanent, water and fade resistant zone block plan, depicting all the relevant information of the installation, was not securely mounted adjacent to the Fire Brigade Panel (FBP), contrary to the requirements of Clause 3.10 of AS1670.1-2018.

1B. Fire Hose Reels (FHR's):

- A. Maintenance – The FHR located in the common area outside Unit 38 on Level 1, was missing the nozzle and lacked a service label/tag, indicating the FHR had not been maintained, contrary to the requirements Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

1C. Exit Signs:

- A. The exit sign located outside Unit 39 was not illuminated and had not been maintained, contrary to the requirements of Section 81 of the EPAR 2021.

1D. Emergency Lighting:

- A. The emergency lights in the stairway to Units 38-39, were not operating and had not been maintained, contrary to the requirements of Section 81 of the EPAR 2021. In this regard, the emergency lights failed the battery backup test.

1E. Annual Fire Safety Statement (AFSS):

- A. A copy of the current AFSS was not prominently displayed within the building in accordance with Section 89 of the EPAR 2021.

2. Access and Egress

- 2A. Enclosure of space under stairs – the space beneath the non fire-isolated stairs serving Units 38-39 was enclosed to form a cupboard and did not appear to consist of enclosing walls and ceiling achieving an FRL of not less than 60/60/60 and a self-closing -/60/30 fire door, contrary to the requirements of Clause D3D9(2) of the NCC.

OFFICIAL

2B. Height of barriers, openings in barriers and barrier climbability:

- A. The balustrades to the common area balconies and stairs facing the central void space, achieve a height of less than 1m above the floor level and 865mm above the nosings of the stair treads (between stair flights), contrary to the requirements of Clause NSW D3D18 of the NCC. Furthermore, the balustrades consisted of a top, middle and bottom rails, therefore creating openings that would permit a 125mm sphere to pass through it, contrary to the requirements of Clause D3D19 of the NCC and the floor level of the balconies on Level 2, which are more than 4m to the surface beneath, contain horizontal elements between 150mm and 760mm above the balcony floor level which facilitates climbing, contrary to the requirements of Clause D3D20 of the NCC.
- B. The balustrades to the Unit balconies and common area stairs landings, facing the courtyard, appear to achieve a height of less than 1m above the floor level, contrary to the requirements of Clause NSW D3D18 of the NCC. Furthermore, the balustrades, where more than 4m from the floor level to the surface beneath, contain perforations in the zone between 150mm and 760mm above the balcony floor level which may be considered a horizontal element which facilitates climbing, contrary to the requirements of Clause D3D20 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 do not hesitate to contact Mark Knowles 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 FRN25/1619 - BFS25/3459 - 8000042838 regarding any correspondence concerning this matter.

Yours faithfully



Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit