



File Ref. No: BFS21/1048 (15106)
TRIM Ref. No: D21/46601
Contact: Conor Hackett

10 June 2021

General Manager
City of Parramatta Council
PO Box 32
PARRAMATTA NSW 2124

Email: council@cityofparramatta.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**RE: INSPECTION REPORT
'HVAR'
23 BENNELONG PARKWAY WENTWORTH POINT ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 1 April 2021, in relation to the adequacy of the provision for fire safety in or in connection with 'the premises'.

The correspondence stated that:

Sprinkler heads not fitted correctly on many car basement levels, covers missing, emergency phones not staying on walls correctly, seals fitted after inspection to fire rated doors on fire exits, faults in fire panels.

FRNSW issued a Notice of Intention to Serve an Order (1) dated 6 May 2021 (copy attached). The notice of intention was issued in accordance with the provisions of Section 9.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). FRNSW received written representations in relation to the proposed **Order 1** in accordance with the provisions of Schedule 5, Part 6, Section 8 of the EP&A Act. Upon receipt of the representation an inspection was conducted on 21 May 2021 in accordance with Section 9.32 of the EP&A Act.

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.

Please be advised that upon hearing and considering the representation and subsequent inspection, FRNSW has determined not to give an Order in accordance with Schedule 5, Part 7, Section 15 of the EP&A Act.

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. 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.

COMMENTS

This report is limited to observations and sections of the building accessed at the time of the inspection, including potential deviations from the National Construction Code 2019 Building Code of Australia – Volume One Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may contradict development consent approval. 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 as concerns during the inspection:

1. Essential Fire Safety Measures

- 1A. Maintenance – Clause 182 of the Environmental Planning and Assessment Regulation 2000 requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. However, at the time of the inspection on 9 April 2021, the Fire Indicator Panel (FIP) displayed 23 disablements associated with the Automatic Fire Detection and Alarm System. The following summarises the steps taken by FRNSW. It would be at council's discretion to determine whether further action is required:
 - A. The fire service contractors for the premises were in the process of inspecting the Automatic Fire Detection and Alarm System and the premises in general, with a view to preparing a defects report for the building's essential fire safety measures.
 - B. The building manager was also in attendance. The building manager advised that the disablements were in place due to false alarms relating to smoke detectors located on the external walkways of the upper levels. FRNSW advised the building manager that, as the contractors were currently on site and working through the issues, FRNSW would hold in abeyance any enforcement action for a short period of time.
 - C. On 4 May 2021 a follow up inspection of the premises was carried out. At the time of the inspection 23 disablements remained on the

FIP. Therefore, a Notice of Intention to Serve an Order No 1 was issued on 6 May 2021.

- D. A follow-up inspection was carried out on 21 May 2021. The inspection revealed that the disablements had been cleared and the FIP was operating as normal.

2. Generally

- 2A. Upgrade Works - The building manager informed FRNSW that consultants have been engaged to review and address the issue with the nuisance alarms arising as a result of the smoke detectors located on external walkways, with the aim of changing these detectors to multi-criteria type smoke detectors.
- 2B. Items for Further Investigation - An investigation may be required by council, to confirm whether development consent has been granted for the upgrade of the Automatic Fire Detection and Alarm System, or any other works to the essential fire safety measures that may be required at the premises as a result of the defects report.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

Inspect and address item no. 1 and 2 of this report and any other deficiencies identified on 'the premises'.

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 Conor Hackett of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS21/1048 (15106) for any future correspondence in relation to this matter.

Yours faithfully



Edren Ravino
Senior Building Surveyor
Fire Safety Compliance Unit

Attachments [Appendix 1 – Proposed Fire Safety Order No 1 - 2 pages]

Appendix 1 - Proposed Fire Safety Order No 1 issued 6 May 2021



Proposed 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.
Intend to give an Order in accordance with Section 9.34(1)(b)

I, **Conor Hackett** **Building Surveyor** **905798**
(name) (rank) (number)

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:

Community Association DP No 271179 **Owner**
(name of person whom Order is served) (position i.e. owner, building manager)

with respect to the premise

'HVAR'
'ONE THE WATERFRONT'
23 BENNELONG PARKWAY, WENTWORTH POINT ("the premises")
(name/address of premises to which Order is served)

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

Ensure the Automatic Fire Detection and Alarm System installed in 'the
premises' is fully operational, by removing the disablements displayed on the
Fire Indicator Panel.

The terms of the Order are to be complied with:

By no later than **14 days** from the date of the order

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 3 of 4

Unclassified

The reasons for the issue of this Order are:

- a) At the time of the inspection on 4 May 2021, the Fire Indicator Panel indicated that there were 23 disablements to the Automatic Fire Detection and Alarm System.
- b) To ensure that the Automatic Fire Detection and Alarm System is capable of operating in accordance with the standard of performance it was designed and installed to.
- c) To ensure the Automatic Fire Detection and Alarm System is fully operational so the occupants are provided with early notification of a fire within 'the premises' so that they may safely evacuate 'the premises' in the event of a fire.
- d) To do, or refrain from doing such things that are specified in the Order, so as to ensure or promote adequate fire safety or fire safety awareness.

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 Order, other than an order that prevents a person using or entering premises.

Non-Compliance with the Order

Failure to comply with this Order may result in further Orders and/or fines being issued. Substantial penalties may be imposed under Section 9.37 of the EP&A Act for failure to comply with an Order.

NOTE: Representations are to be made in writing and should be received by FRNSW by no later than close of business **20 May 2021**.



Conor Hackett
Building Surveyor
Fire Safety Compliance Unit

This Proposed Fire Safety Order No. 1 was sent by mail, e-mail and hand delivered to 'the premises' on 6 May 2021.