Item 6.

Fire Safety Reports

File No: S105001.002

Summary

The City of Sydney (the City) regularly receives building reports from Fire and Rescue NSW in relation to inspections carried out by Fire and Rescue NSW Authorised Officers. These inspection reports are to be brought to Council and Council is required to determine whether to exercise its power to issue fire safety orders under Division 9.3 and Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act).

In response to Fire and Rescue NSW reports, City staff undertake inspections to ensure fire safety measures are in full operation and that building exits are clear and unimpeded. Fire and Rescue NSW inspections reveal fire safety concerns that require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

Fire and Rescue NSW has powers under the Act to carry out inspections of buildings and it is required to forward its findings to the City.

Fire and Rescue NSW reports received by the City are required to be tabled before Council.

Attached are details of 2 reports received by the City from Fire and Rescue NSW. The attachments deal with 2 properties and include the Fire and Rescue NSW reports and the findings (preliminary or final) by City staff, along with other documentation relevant to that property.

Recommendation

It is resolved that Council:

(A) note the contents of the Fire Safety Reports Summary Sheet, as shown at Attachment A to the subject report

(B) note the inspection reports by Fire and Rescue NSW, as shown at Attachments B and C to the subject report

(C) note the contents of Attachment B and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 95 Dalmeny Avenue, Rosebery at this time

(D) note the contents of Attachment C and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 93-103 Euston Road, Alexandria at this time.

Attachments

Attachment A. Fire safety reports summary sheet

Attachment B. Inspection report - 95 Dalmeny Avenue, Rosebery

Attachment C. Inspection report - 93-103 Euston Road, Alexandria

Background

1. The City receives inspection reports and recommendations from Fire and Rescue NSW in relation to inspections carried out on buildings located within the local area.

2. Under the Environmental Planning and Assessment Act 1979, (the Act), Fire and Rescue NSW has the power to carry out inspections of buildings to determine if the building has adequate provision for fire safety and/or is compliant with legislation.

3. On average, the City receives approximately 50 such reports each year. They can be prompted by reports from the police or others who have a concern relating to fire safety in a building.

4. The inspection is undertaken to ensure fire safety measures are in full operation and that building exits are clear and unimpeded.

5. When Fire and Rescue NSW carries out such an inspection, a report and any recommendations must be provided to the City.

6. Under the Act, Council is then required to table the report and make a determination as to whether it will exercise its power to issue a Fire Safety Order 1 or 2 in Schedule 5, Part 2 of the Act.

    (a) Fire Safety Order 1 requires a person to do or stop doing certain specified things to improve fire safety.

    (b) Fire Safety Order 2 requires a person to cease conducting an activity on premises where that activity constitutes, or is likely to constitute, a life-threatening hazard or a threat to public health or public safety.

7. Attached are the details of the reports received from Fire and Rescue NSW, including recommendations for further action. The properties have also been reviewed by City staff.

Risks

8. This approach is within the City's risk appetite, which states:

    - We are committed to conducting our activities in full compliance with applicable laws, regulations and relevant industry standards.

Relevant legislation

9. Environmental Planning and Assessment Act 1979.

GRAHAM JAHN AM

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