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 reported 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 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 revealed 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 the reports received by the City from Fire and Rescue NSW. The attachments deal with 5 properties and include the Fire and Rescue NSW report and the findings (preliminary or final) by the City's Officer, 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 to F of 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 31 Market Street, Sydney 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 1-73 Broadway, Ultimo at this time;

(E) note the contents of Attachment D and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 9-13 Hay Street, Haymarket at this time;

(F) note the contents of Attachment E and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 2-4 Cunningham Street, Haymarket at this time; and

(G) note the contents of Attachment F and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 102 Miller Street, Pyrmont at this time.

Attachments

Attachment A. Fire Safety Reports Summary Sheet

Attachment B. Inspection Report - 31 Market Street, Sydney

Attachment C. Inspection Report - 1-73 Broadway, Ultimo

Attachment D. Inspection Report - 9-13 Hay Street, Haymarket

Attachment E. Inspection Report - 2-4 Cunningham Street, Haymarket

Attachment F. Inspection Report - 102 Miller Street, Haymarket

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 City's local government 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 arise from any Fire and Rescue NSW inspection of a property, including reactive inspections where a third party has reported a concern relating to fire safety in a building..

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

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

6. Attached are the details of 5 reports received from Fire and Rescue NSW, including recommendations for further action, relating to three properties. The properties have also been reviewed by City staff

Risks

7. 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

8. Environmental Planning and Assessment Act 1979.

GRAHAM JAHN, AM

Chief Planner / Executive Director City Planning, Development and Transport

Andrew Thomas, Executive Manager Planning and Development