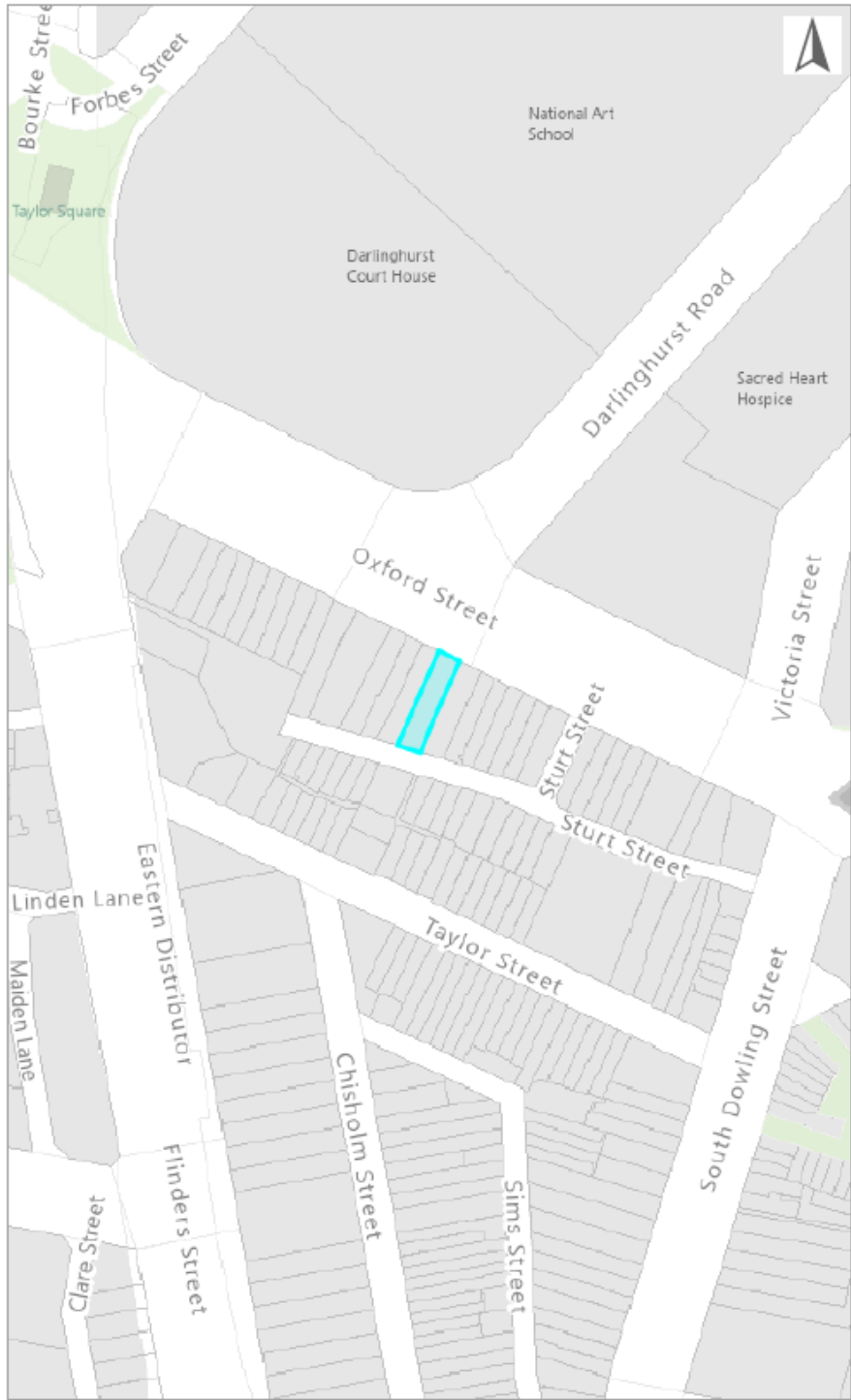


Attachment B

**Inspection Report
229 Oxford Street, Darlinghurst**

229 Oxford Street, Darlinghurst



Legend

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Notes 27/03/2024



**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)**

File: CSM 3135597

Officer: Doug McLennan

Date: 3 April 2024

Premises: 229 Oxford Street, Darlinghurst

Executive Summary

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 8 February 2024 with respect to matters of fire safety.

The premises consists of a three-storey building used for retail and residential purposes. The ground floor comprises a food premises, the second floor and third floor are used for residential purposes. The building is contained within a heritage conservation area, under the Sydney Local Environmental Plan 2012.

Inspections of the premises undertaken by a Council investigation officer in the presence of the building manager revealed that there were no significant fire safety issues occurring within the building.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. The annual fire safety certification is current and compliant.

Council investigations have revealed that whilst there remains several minor fire safety maintenance and management works to attend to, such as:

- Display of the premises' Annual Fire Safety Statement.
- Provision of self-closing devices to solid-core doors.
- Maintenance and certification of fire safety measures.
- Provision of a suitable sprinkler booster connection.

The overall fire safety systems provided are adequate in the circumstances.

It is considered the above fire safety works are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner's fire service contractor(s) through written instruction from Council.

Observation of the external features of the building did not identify the existence of any potential combustible composite cladding on the façade of the building.

Chronology:

Date	Event
8/02/2024	FRNSW correspondence received regarding premises at 229 Oxford Street, Darlinghurst.
16/02/2024	An inspection of the ground floor of subject premises was undertaken by a Council officer in the presence of the property manager, revealed: <ul style="list-style-type: none">• Copies of the premises Annual Fire Safety Statement were not displayed in prominent positions.• Faults and isolations on the Fire Indicator Panel.

Date	Event
	<ul style="list-style-type: none"> Lack of a suitable fire brigade booster connection, access and signage to Automatic Suppression (sprinkler) system. The Alarm Signalling Equipment (ASE) was fully operational.
13/03/2024	<p>An inspection of the first floor and second floor of the subject premises was undertaken by a Council officer in the presence of the property manager, revealed:</p> <ul style="list-style-type: none"> Solid core doors did not have self-closing devices. Missing and damaged smoke alarms within residential sole occupancy units. Service tags of Portable Fire Extinguishers indicated that they were not being maintained. Illuminated exit signage was present in the staircase serving the first and second floors.
3/04/2024	<p>Corrective action correspondence sent requiring:</p> <ul style="list-style-type: none"> Copies of the buildings Annual Fire Safety Statement shall be displayed in prominent positions. Solid Core Doors to be self-closing. Servicing and certification of Portable Fire Extinguishers Return the Fire Indicator Panel to a fully operation state free of faults and isolations. Servicing and certification of the Automatic Suppression (sprinkler) system, including the provision of a Fire Brigade Booster connection.

FIRE AND RESCUE NSW REPORT:

References: [BFS23/6282 (31693), D24/14580; our Trim reference 2024/102932]

Fire and Rescue NSW conducted an inspection of the subject premises on 16 November 2023 after receiving correspondence on 28 October 2023 about the adequacy of the provision for fire safety at the premises. As a result of the inspection Fire and Rescue NSW issued a Fire Safety Order on 29 November 2023 and carried out reinspection's on 15 December 2023 and 29 January 2024.

Issues The report from FRNSW detailed a number of issues, in particular:

Ref.	Issue	City response
1. Essential Fire Safety Measures		
1A	Automatic Fire Detection and Alarm System and Building Occupant Warning System The automatic fire detection and alarm system and Building Occupant Warning System did not appear to be capable of operating to the standard of performance from when it was first designed and installed, contrary to the requirements of Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021). The following issues were identified as concerns at the time of inspection:	
A.	The Fire Brigade Panel (FBP) was displaying: <ul style="list-style-type: none"> i. Fault/Isolated - Zone 1 Sprinkler Flow Switch. ii. Fault/Isolated - Zone 2 Smoke Detectors in Units. iii. Fault - Sounder 1 iv. Fault - Sounder 2 	The City has issued correspondence requiring the Fire Indicator Panel is returned to a fully operational state that does not display any faults or isolations.

Ref.	Issue	City response
B.	Maintenance Records - Service records were not being kept on site indicating the system may not be receiving the required monthly inspection and testing, contrary to the requirements of Section 6 of AS 1851–2012.	The City has issued correspondence requiring the maintenance and certification of fire safety measures including the keeping of service records.
1B Automatic Fire Suppression System		
A.	Maintenance – Service records were not being kept on site and the sprinkler system was displaying signs of a general lack of maintenance. In this regard, it was unclear whether the system was capable of operating to the standard of performance from when it was first designed and installed.	The City has issued correspondence requiring the maintenance and certification of the fire safety measure including the keeping of service records.
B.	The Annual Fire Safety Statement on display listed the standard of performance for the sprinkler system as being Clause E1.5 of the BCA and AS 2118.1-1999. On this basis, the following comments are provided having regard to the AS 2118.1-1999: i. A fire brigade booster connection has not been provided for the sprinkler system, contrary to the requirements of Clause 4.4.3 of AS 2118.1-1999.	The City has issued correspondence requiring the provision of a fire brigade booster connection and certification of the fire safety measure.
1C Alarm Signalling Equipment (ASE):		
A.	The 'Primary Link Failed' LED light, associated with the ASE, was flashing, indicating an issue with the telecommunications link. A conversation with the Automatic Fire Alarm Service Provider (AFASP), on 17 November 2023, revealed that the secondary PSTN telephone line had failed, leaving only the primary communications link.	Alarm Signalling Equipment fully operational. No action required by the City.
1D Exit Signs		
A.	The exit sign above the stairway serving the residential units was not illuminated and had not maintained, contrary to the requirements of Section 81 of the EPAR 2021.	Inspection showed the exit sign was illuminated.
1E Emergency Lighting		
A.	The exit sign above the stairway serving the residential units was not illuminated and had not maintained, contrary to the requirements of Section 81 of the EPAR 2021.	Inspection showed the exit sign was illuminated.
1F Solid Core Doors		
A.	The solid core door to the second-floor unit (entry door on first floor), had not been maintained, contrary to the requirements of Section 81 of the EPAR 2021. In this regard, the solid core door was missing the self-closing device.	The City has issued correspondence requiring the provision of self-closing device to the solid core door servicing the first and second-floor tenancies.
1G Portable Fire Extinguishers (PFE's)		
A	The PFE on the first-floor level (outside the sole occupancy unit entry doors), contained a service label/tag, indicating the PFE had not received any routine servicing since April 2022, contrary to the requirements of Clause 10.3 of AS 1851-2012 and Section 81 of the EPAR 2021.	The City has issued correspondence requiring the maintenance and certification of the fire safety measure.

Ref.	Issue	City response
1H	Annual Fire Safety Statement (AFSS)	
A.	A copy of the current AFSS was not prominently displayed within the building in accordance with the requirements of Section 89 of the EPAR 2021. In this regard, the AFSS on display was dated August 2017 and is no longer valid.	The City has issued correspondence requiring the current AFSS is to be displayed prominently.
2. Essential Fire Safety Measures		
2A.	Automatic Fire Detection and Alarm System and Building Occupant Warning System.	
A	The Fire Brigade Panel (FBP) was displaying: <ul style="list-style-type: none"> i. Fault/Isolated - Zone 1 Sprinkler Flow Switch. ii. Fault/Isolated - Zone 2 Smoke Detectors in Units. iii. Fault - Sounder 1 iv. Fault - Sounder 2 	The City has issued correspondence requiring the Fire Indicator Panel is returned to a fully operational state that does not display any faults or isolations.
2B	Automatic Fire Suppression System:	
A.	<p>It was evident that maintenance works to the sprinkler system had been undertaken, however, the sprinkler flow switch (Zone 2) was isolated on the FBP.</p> <p>Correspondence provided to FRNSW on 20 December 2023 from the fire services contractor stated:</p> <p><i>The sprinkler system is completely operational as is – hydraulically there is no issue. However, if the pressure switch is getting tricked into sending incorrect data to the FIP, this could result in false alarms and especially since the system is monitored, could be very costly if there are recurring false alarm call-outs from inaccurate readings.</i></p> <p>Further correspondence provided to FRNSW on 18 January 2024 from the fire services contractor stated:</p> <p><i>The pressure within the system had dropped, so it appears there is another leak somewhere within the system. As it has been about a month since our last visit, I would recommend doing more regular monitoring to see how quickly the system is dropping. We have boosted up the pressure higher just in case, however have kept the zone for the sprinkler system isolated due to this leak, otherwise if put back online and it drops quickly, it will result in false alarms sending through to the brigade.</i></p>	The City has issued correspondence requiring the maintenance and certification of the fire safety measure and the keeping of service records.
2C.	Alarm Signalling Equipment	
A	It was evident that the ASE had been upgraded with a new dual sim ASE and the automatic fire alarm monitoring was operational. Therefore, Term 3 of FRNSW Fire Safety Order dated 29 November 2023 had been complied with.	Alarm Signalling Equipment fully operational. No action required by the City.

Ref.	Issue	City response
3.	Essential Fire Safety Measures	
3A.	Automatic Fire Detection and Alarm System and Building Occupant Warning System.	
A	<p>The Fire Brigade Panel (FBP) was displaying: i Fault/Isolated - Sounder 2</p> <p>It is note that correspondence provided to FRNSW on 25 January 2024 from the fire services contractor indicated: Sounder and strobe have both been replaced. The actual terminals on the motherboard for sounder cct 2 are badly corroded (this is the one where the terminal screw was fused to the cables) and when tested, we found they are not seeing any voltage/resistance – this circuit is completely unusable. We ended up having to chop the cables (since terminal screw couldn't be removed) and have moved these to sounder cct 3, which was previously unused. Our tech noted that he stripped the cable quite a bit to try to get rid of all the corroded section of cable, but the oxidization just kept continuing up the cable within the sheath – he cleaned off the end where stripped to make a good connection, but it is worth noting that it seems there has been continued damage to the cable, which may create issues again in the future.</p> <p>Due to the corrosion on the motherboard, sounder cct 2 will remain in fault at all times (even with an EOL resistor, it cannot see it). We have disabled sounder cct 2 so that it does not show as a fault, however please note that this disablement is only disabling a circuit not in use – the system is not impaired at all by this disablement. Sounder circuits 1 & 3 are in use and are functioning correctly. These have been tested and all sounders and strobe are now functioning.</p> <p>Based on the advice from the fire services contractor explaining the remaining isolation displayed on the FBP, being 'Sounder Circuit 2', which was redundant to the system, Term 1 of FRNSW Fire Safety Order dated 29 November 2023 had been complied with.</p>	<p>The City has issued correspondence requiring the Fire Indicator Panel is returned to a fully operational state that does not display any faults or isolations.</p>
3B.	Automatic Fire Suppression System:	
A.	<p>The sprinkler flow switch was not isolated on the Fire Brigade Panel (FBP) and the system appeared to be fully operational. It is noted that correspondence provided to FRNSW on 25 January 2024 from the fire services contractor indicated the sprinklers had dropped approx. 50kPa in 1 week and will need to be monitored over the coming weeks.</p>	<p>The City has issued correspondence requiring the maintenance and certification of the fire safety measure and the keeping of service records.</p>

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

FRNSW Recommendations

FRNSW have recommended that Council inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

FRNSW have also requested that as soon as practical after the above recommendations have been tabled and considered that notice of any determination in respect of the recommendations is forwarded to them in accordance with clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order (NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)

As a result of site inspections undertaken by Council's investigation officers it was determined to issue the owners of the building a compliance letter of instruction to rectify the identified fire safety deficiencies noted by Council and FRNSW.

Follow-up compliance inspections will continue to be undertaken by a Council investigation officer to ensure already identified fire safety matters are suitably addressed to ensure compliance with the terms of Council's correspondence and the recommendations of FRNSW occur.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced/Attached Documents:

2024/10932	FRNSW S9.32 report dated 8 February 2024.
2024/10932-02	City correspondence requiring fire safety corrective actions dated 3 April 2024

Trim Reference: 2024/102932-01

CSM reference No: 3135597

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File Ref. No: BFS23/6282 (31693)
TRIM Ref. No: D24/14580
Contact: Mark Knowles

8 February 2024

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
229 OXFORD STREET, DARLINGHURST ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 28 October 2023 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated:

*Attended this address today and found the FIP to be not operational and the Sprinklers system to be needing a service.
Also found that the upstairs is being used as a make shift boarding house with insufficient lighting, egress and signage.*

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 16 November 2023.

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:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.

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

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- 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

Please be advised that the items in this report are limited to observations of the building accessed during the inspection and identify possible nonconformities with the National Construction Code 2022, Volume 1 Building Code of Australia (NCC) and provisions for fire safety. The items are not an exhaustive list of non-compliances. FRNSW acknowledges that the differences observed at the time may contradict development consent approval or relate to the building's age. Therefore, it's the Council's discretion as the appropriate regulatory authority to consider the most appropriate action.

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

1. Essential Fire Safety Measures

- 1A. Automatic Fire Detection and Alarm System and Building Occupant Warning System - The automatic fire detection and alarm system and Building Occupant Warning System, did not appear to be capable of operating to the standard of performance from when it was first designed and installed, contrary to the requirements of Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

The following issues were identified as concerns at the time of inspection:

A. The Fire Brigade Panel (FBP) was displaying:

- i. Fault/Isolated - Zone 1 Sprinkler Flow Switch.
- ii. Fault/Isolated - Zone 2 Smoke Detectors in Units.
- iii. Fault - Sounder 1
- iv. Fault - Sounder 2

- B. Maintenance Records - Service records were not being kept on site indicating the system may not be receiving the required monthly inspection and testing, contrary to the requirements of Section 6 of AS 1851-2012.

1B. Automatic Fire Suppression System:

- A. Maintenance – Service records were not being kept on site and the sprinkler system was displaying signs of a general lack of maintenance. In this regard, it was unclear whether the system was

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capable of operating to the standard of performance from when it was first designed and installed.

B. The Annual Fire Safety Statement on display listed the standard of performance for the sprinkler system as being Clause E1.5 of the BCA and AS 2118.1-1999. On this basis, the following comments are provided having regard to the AS 2118.1-1999:

- i. A fire brigade booster connection has not been provided for the sprinkler system, contrary to the requirements of Clause 4.4.3 of AS 2118.1-1999.

1C. Alarm Signalling Equipment (ASE):

A. The 'Primary Link Failed' LED light, associated with the ASE, was flashing, indicating an issue with the telecommunications link.

A conversation with the Automatic Fire Alarm Service Provider (AFASP), on 17 November 2023, revealed that the secondary PSTN telephone line had failed, leaving only the primary communications link.

1D. Exit Signs:

A. The exit sign above the stairway serving the residential units was not illuminated and had not maintained, contrary to the requirements of Section 81 of the EPAR 2021.

1E. Emergency Lighting:

A. The emergency lighting in the stairway/common area on the first-floor level was not operating and had not been maintained, contrary to the requirements of Section 81 of the EPAR 2021.

1F. Solid Core Doors:

A. The solid core door to the second-floor unit (entry door on first floor), had not been maintained, contrary to the requirements of Section 81 of the EPAR 2021. In this regard, the solid core door was missing the self-closing device.

1G. Portable Fire Extinguishers (PFE's):

A. The PFE on the first-floor level (outside the sole occupancy unit entry doors), contained a service label/tag, indicating the PFE had not received any routine servicing since April 2022, contrary to the requirements of Clause 10.3 of AS 1851-2012 and Section 81 of the EPAR 2021.

1H. Annual Fire Safety Statement (AFSS):

- A. A copy of the current AFSS was not prominently displayed within the building in accordance with the requirements of Section 89 of the EPAR 2021. In this regard, the AFSS on display was dated August 2017 and is no longer valid.

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

FIRE SAFETY ORDER NO. 1

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. 1, dated 29 November 2023, in accordance with the provisions of Section 9.34 of the EP&A Act, to have item no. 1A.A., item no. 1B.A. and item no. 1C of this report rectified.

In accordance with the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act, a copy of the Order is attached for your information (Appendix 1). FRNSW conducted further inspections of the building to assess compliance with the terms of this Order, the outcomes of which are detailed below.

RE-INSPECTIONS

Pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 112(a) of the EPAR 2021, inspections of 'the premises' on 15 December 2023 and 29 January 2024 were conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The following was identified at the time of inspection on 15 December 2023:

2. Essential Fire Safety Measures

2A. Automatic Fire Detection and Alarm System and Building Occupant Warning System.

A. The Fire Brigade Panel (FBP) was displaying:

- i. Fault/Isolated - Zone 2 Sprinkler Flow Switch.
- ii. Fault/Isolated - Sounder 1
- iii. Fault/Isolated - Sounder 2

2B. Automatic Fire Suppression System:

- A. It was evident that maintenance works to the sprinkler system had been undertaken, however, the sprinkler flow switch (Zone 2) was isolated on the FBP.

Correspondence provided to FRNSW on 20 December 2023 from the fire services contractor stated:

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The sprinkler system is completely operational as is – hydraulically there is no issue. However, if the pressure switch is getting tricked into sending incorrect data to the FIP, this could result in false alarms and especially since the system is monitored, could be very costly if there are recurring false alarm call-outs from inaccurate readings.

Further correspondence provided to FRNSW on 18 January 2024 from the fire services contractor stated:

The pressure within the system had dropped, so it appears there is another leak somewhere within the system. As it has been about a month since our last visit, I would recommend doing more regular monitoring to see how quickly the system is dropping. We have boosted up the pressure higher just in case, however have kept the zone for the sprinkler system isolated due to this leak, otherwise if put back online and it drops quickly, it will result in false alarms sending through to the brigade.

2C. Alarm Signalling Equipment (ASE):

- A. It was evident that the ASE had been upgraded with a new dual sim ASE and the automatic fire alarm monitoring was operational. Therefore, Term 3 of FRNSW Fire Safety Order dated 29 November 2023 had been complied with.

The following was identified at the time of inspection on 29 January 2024:

3. Essential Fire Safety Measures

3A. Automatic Fire Detection and Alarm System and Building Occupant Warning System.

- A. The Fire Brigade Panel (FBP) was displaying:
i. Fault/Isolated - Sounder 2

It is note that correspondence provided to FRNSW on 25 January 2024 from the fire services contractor indicated:

Sounder and strobe have both been replaced. The actual terminals on the motherboard for sounder cct 2 are badly corroded (this is the one where the terminal screw was fused to the cables) and when tested, we found they are not seeing any voltage/resistance – this circuit is completely unusable. We ended up having to chop the cables (since terminal screw couldn't be removed) and have moved these to sounder cct 3, which was previously unused. Our tech noted that he stripped the cable quite a bit to try to get rid of all the corroded section of cable, but

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the oxidization just kept continuing up the cable within the sheath – he cleaned off the end where stripped to make a good connection, but it is worth noting that it seems there has been continued damage to the cable, which may create issues again in the future.

Due to the corrosion on the motherboard, sounder cct 2 will remain in fault at all times (even with an EOL resistor, it cannot see it). We have disabled sounder cct 2 so that it does not show as a fault, however please note that this disablement is only disabling a circuit not in use – the system is not impaired at all by this disablement. Sounder circuits 1 & 3 are in use and are functioning correctly. These have been tested and all sounders and strobe are now functioning.

Based on the advice from the fire services contractor explaining the remaining isolation displayed on the FBP, being 'Sounder Circuit 2', which was redundant to the system, Term 1 of FRNSW Fire Safety Order dated 29 November 2023 had been complied with.

Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in relation to the remaining isolation.

3B. Automatic Fire Suppression System:

A. The sprinkler flow switch was not isolated on the Fire Brigade Panel (FBP) and the system appeared to be fully operational.

It is noted that correspondence provided to FRNSW on 25 January 2024 from the fire services contractor indicated:

The sprinklers had dropped approx. 50kPa in 1 week, so must've only just reached street pressure when we last visited. We have boosted this up to 800kPa and now deisolated the sprinkler zone. It will continue to lose pressure slowly, but we have pumped it up higher to give an extra safety buffer. I will discuss with the team and come back to you with our recommendations on moving forward with this.

Therefore, at the time of the inspection on 29 January 2024, Term 2 of FRNSW Fire Safety Order dated 29 November 2023, had been complied with.

Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in relation to the drop in pressure caused from a possible leak within the system.

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RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review item 1 through to item 3 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 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 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 BFS23/6282 (31693) regarding any correspondence concerning this matter.

Yours faithfully



Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment: [Appendix 1 – Fire Safety Order No. 1 dated 29/11/2023]

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Appendix 1 –Fire Safety Order No.1 dated 29/11/2023



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File Ref. No: BFS23/6282 (31693)
TRIM Ref. No: D23/119639
Contact: Mark Knowles

29 November 2023

Lillyvale Group Pty Limited
C/- Romie Moore Property
Level 1, Suite 5, 9 Knox Street
DOUBLE BAY NSW 2028

Dear Owner

Re: **FIRE SAFETY ORDER – ORDER NO.1**
229 OXFORD STREET, DARLINGHURST ('the premises')

Following the Notice of Intention to give a Proposed Fire Safety Order – Order No.1 ("the Notice"), dated 20 November 2023 issued on "the premises", Fire and Rescue NSW (FRNSW) has yet to receive representations in response to the Notice.

Given the circumstances of the fire safety concern and under Schedule 5, Part 7 (Section 14 and Section 15) of the *Environmental Planning & Assessment Act 1979 (EP&A Act)*, FRNSW has determined to issue the Fire Safety Order – Order No.1 based on the information available. I have attached a copy of the FRNSW Fire Safety Order – Order No.1 ("the Order") under Section 9.34 of the EP&A Act.

A copy of the Order will be forwarded to City of Sydney Council, under Schedule 5, Part 6, Section 12 of the EP&A Act. Authorised Fire Officers will conduct inspections to assess compliance with the Order.

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 ensure that you refer to file reference BFS23/6282 (31693) regarding any correspondence concerning this matter.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'M. Knowles'.

Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

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 1 of 5

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CC Mail: Makari & Co Pty Ltd
PO Box 3901
PARRAMATTA NSW 2124

CC Email: Romic Moore Property
Attention: Alex Simeonidis
pm1@romicmoore.com.au

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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.
Give an Order in accordance with Section 9.34(1)(a)*

I, **Mark Knowles** **Senior Building Surveyor** **904279**
(name) (rank) (number)

being an authorised Fire Officer within the meaning of Schedule 5, Part 8, Section 18 of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose, I hereby order you

Lillyvale Group Pty Limited **Owner**
(name of the person whom Order is served) (position, i.e. owner, building manager)

with respect to the premise

229 OXFORD STREET, DARLINGHURST (“the premises”)
(name/address of premises to which Order is served)

to do or refrain from doing the following things:

1. Ensure the Automatic Fire Detection and Alarm System and Building Occupant Warning System installed in 'the premises' is fully operational, by:
 - a. Restoring all faults and disablements displayed on the Fire Indicator Panel (FIP).
2. Provide certification from the fire service provider that the Automatic Fire Suppression System (sprinkler system) has been serviced and tested and is fully operational.
3. Ensure the Alarm Signalling Equipment (ASE) installed in 'the premises' is fully operational by:
 - a. Repairing the fault to the secondary/backup communications link.

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
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www.fire.nsw.gov.au		Page 3 of 5

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The reasons for the issue of this Fire Safety Order – Order No. 1 are:

- a. At the time of the inspection on 16 November 2023, the FIP, associated with the Automatic Fire Detection and Alarm System and Building Occupant Warning System was displaying multiple faults and disablements.
- b. The 'Primary Link Failed' LED light, associated with the Alarm Signalling Equipment, was flashing, indicating an issue with the telecommunications link.
- c. A conversation with the Automatic Fire Alarm Service Provider (AFASP), on 17 November 2023, revealed that the secondary PSTN telephone line had failed, leaving only the primary communications link.
- d. The failure of the secondary link to the ASE means that in the event of an alarm activation there is only one link to emergency services, this link is via the primary link. A single link is likely to compromise the life and safety of the occupants in an emergency as there is no backup link.
- e. A service record for the Automatic Fire Suppression System (sprinkler system) was not kept on site and the system was displaying signs of a general lack of maintenance.
- f. To ensure that the Automatic Fire Detection and Alarm System and Building Occupant Warning System is capable of operating in accordance with the standard of performance it was designed and installed to.
- g. To ensure that the Automatic Fire Suppression System (sprinklers) is capable of operating in accordance with the standard of performance it was designed and installed to.
- h. To ensure that the Alarm Signalling Equipment is capable of operating in accordance with the standard of performance it was designed and installed to.
- i. To ensure compliance with the requirements of Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
- j. To do or refrain from doing such things specified in the Order to ensure or promote adequate fire safety or awareness.

The terms of this Fire Safety Order – Order No. 1 are to be complied with:

Terms 1 and 2 – By no later than 5.00 pm on the 6 December 2023.

Term 3 – By no later than 5.00 pm on the 27 December 2023.

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You are required to submit a certification to:

Mark Knowles
Senior Building Surveyor
Fire & Rescue NSW
Locked Bag 12
GREENACRE NSW 2190
e-mail: firesafety@fire.nsw.gov.au

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 Fire Safety Order – Order 1 other than an order that prevents a person from using or entering premises.

Non-Compliance with Fire Safety Order – Order No.1

Failure to comply with this Fire Safety Order – Order No.1 may result in further Orders and/or fines being issued.

Substantial penalties may also be imposed under Section 9.37 of the EP&A Act for failure to comply with a Fire Safety Order – Order No.1.



Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

This Fire Safety Order - Order No. 1 was mailed on 29 November 2023.

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