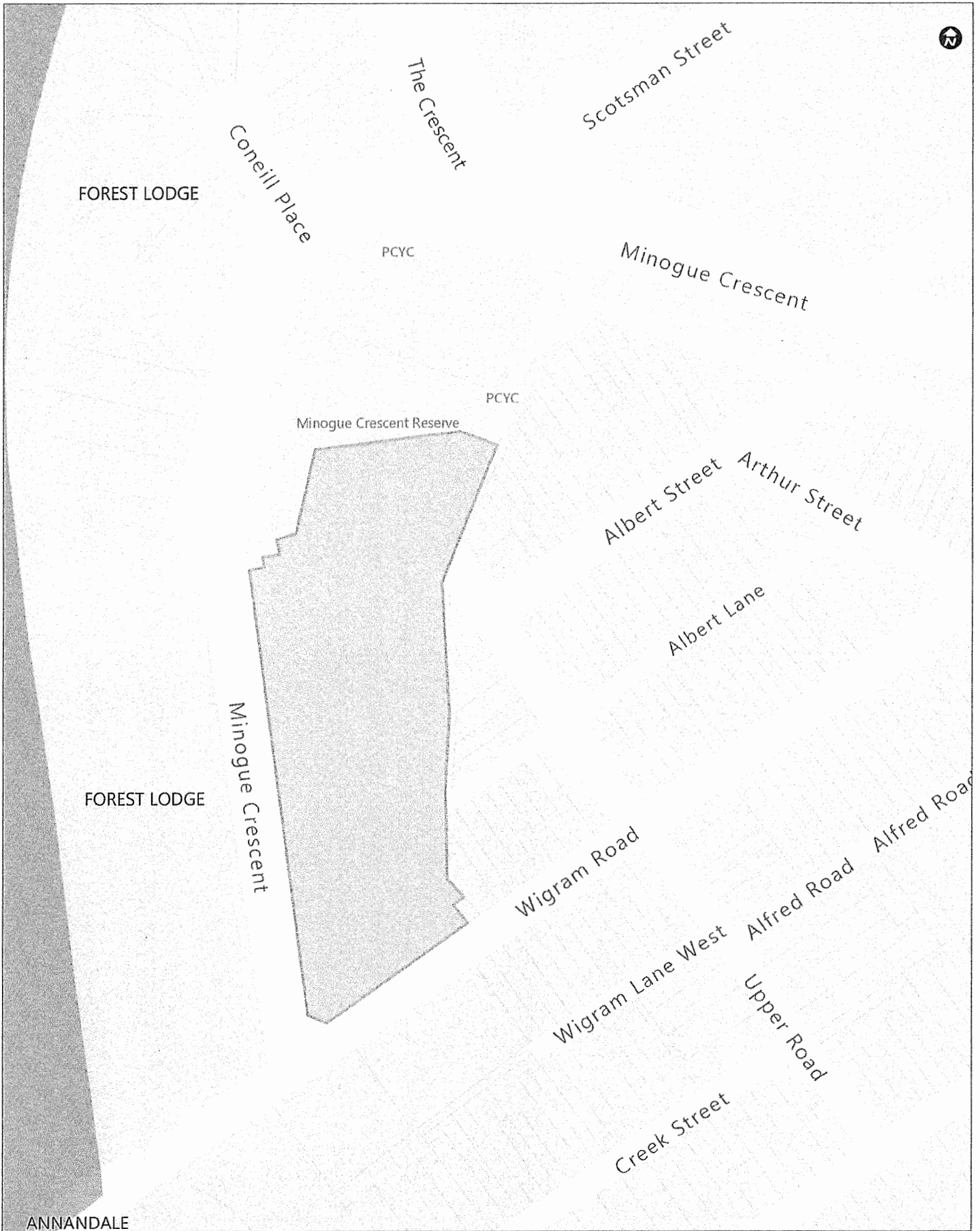


Attachment E

**Inspection Report -
6-10 Minogue Crescent, Forest Lodge**



**Council investigation officer Inspection and Recommendation Report
Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act
1979 (the Act)**

File: FIRE/2019/26

Officer: Eyman Balta

Date: 27 March 2019

Premises: 6 – 10 Minogue Crescent Forest Lodge

Executive Summary:

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

The premises is located at 6 – 10 Minogue Crescent Forest Lodge and is a NSW Land and Housing Corporation owned and operated building.

The building presents as two rows of terrace type residential units located over a common carpark.

The building comprises of a four storey building bounded by Minogue Crescent Reserve to the north, Minogue Crescent to the west and Wigram Road to the south and is configured as follows:

- A ground floor level carpark accessible from Minogue Crescent.
- A two storey row of residential unit blocks located to the front of the site to Minogue Crescent containing thirty two (32) units constituting levels one and two.
- A three storey row of residential unit blocks are located to the rear of the site containing fifty four (54) units constituting levels one, two and three.

Council investigations have revealed that the premises are deficient in fire safety and egress provisions in the following areas:

- (i) Inadequate fire detection and alarm systems;
- (ii) A lack of adequate facilities for firefighting;
- (iii) Suitable fire resisting construction to prevent the spread of fire;
- (iv) Safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire;
- (v) Poor fire safety management systems (signs/notices/not displayed etc.) and housekeeping procedures in place.

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a Fire Safety Order to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 is required to be issued so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

On the 27 March 2019 a Notice of Intention to Give an Order was issued by Council and a subsequent Fire Safety Order will be issued in twenty one days subject to any representations made by the building owner.

Observation of the external features of the building did not identify the existence of metallic sheet cladding on the facade of the building.

Chronology:

Date	Event
15/03/2019	FRNSW correspondence received regarding premises located at 6 – 10 Minogue Crescent Forest Lodge.
18/03/2019	An inspection of the subject premises was undertaken by a Council officer which identified a number of fire safety management and maintenance issues to attend to including: <ol style="list-style-type: none">1. A non-compliant and deficient fire hydrant system serving the building.2. Non compliances associated with the sprinkler system serving the ground level carpark.3. Separation of the main electrical switchroom in the carpark.4. Non compliances associated with the bounding construction provided to residential sole occupancy units.5. Security doors installed to fire rated door frames compromising the integrity of the fire rated frame.6. Unprotected service penetrations visible in the floor slab located between the ground floor level carpark and the first floor residential units above.7. Non compliances associated with defective handrails and balustrades.8. No fire hydrant coverage to residential units.9. No portable fire extinguishers provided to residential unit common areas.10. Smoke alarms in common areas that appear to suffer from a lack of maintenance.11. Lack of building occupant warning for the carpark sprinkler system.12. Lack of emergency lighting in residential unit common areas.13. Defective exit and directional signage throughout the building.
27/03/2019	A Notice of Intention to Give an Order is issued by Council.

FIRE AND RESCUE NSW REPORT:

References: BFS18/3475 (5597) and D19/17040.

Fire and Rescue NSW conducted an inspection of the subject premises on the 5 December 2018 after receiving an enquiry about non-compliant egress systems and non-compliances associated with the buildings fire hydrant, sprinkler, smoke detection system and building occupant warning system.

Issues

The report from FRNSW detailed a number of issues, in particular noting concerns with:

1. Non compliances associated with the buildings fire hydrant pumpset, pump control panel and lack of maintenance and identification of non-compliances associated with this pump. A Fire Safety Order was issued by FRNSW on the 19 December 2018 and a further inspection undertaken by FRNSW on the 3 January 2019 and the 5 February 2019 confirmed compliance with this Order. FRNSW has advised that it *does not consider Council is required to take action in relation to this item.*
2. Non compliances associated with the fire hydrant and sprinkler booster connections.
3. That fire hydrant coverage is not provided to the residential parts of the building.
4. Non compliances associated with the sprinkler system servicing the buildings carpark.
5. Non compliances associated with the fire hose reels servicing the buildings carpark.

6. Bollards not being provided adjacent to fire exits in the buildings carpark to prevent the obstruction of exits by vehicles and the like.
7. Non-compliant balustrades provided to the residential foyer areas of the building.
8. Non compliances associated with doors swing against the direction of egress and the provision of non-compliant door hardware.
9. The provision of security screen doors to the entry doors of residential sole occupancy units that promote occupants chocking open these doors that contravenes the requirements of the Building Code of Australia (BCA) that requires these doors to remain in the closed position after each opening.

FRNSW Recommendations:

FRNSW have made recommendations within their report. In general FRNSW have requested that Council;

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed, with the exception of the items identified in the Fire Safety Order issued by FRNSW on the 19 December 2018;
2. FRNSW has recommended that as Council are the regulatory authority the matter is referred for Council to take action to have the abovementioned items appropriately addressed.
3. Advise them in writing of its determination in relation to this matter in accordance with the provisions of 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 a Council investigation officer it was determined that concern for public safety required the giving of a notice of intention (NOI) for a fire safety order to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 without any further delay.

It is recommended that Council note the exercise of powers by Council's investigation officer in issuing a NOI to give a fire safety order in accordance with the above Act prior to the resolution of Council.

The issue of a fire safety order will ensure that suitable fire safety systems are in position throughout the building to provide improved and adequate provisions for fire safety.

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

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/136664-01
A2.	Locality Plan	2019/136664-02
A3.	Attachment cover sheet	2019/136664-03
A4.	Notice of Intention to Give an Order	2019/136664-04

Trim Reference: 2019/136664

CSM reference No#: 2054280



File Ref. No: BFS18/3475 (5597)
TRIM Ref. No: D19/17040
Contact: [REDACTED]

15 March 2019

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
6-10 MINOGUE CRESCENT, FOREST LODGE ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 23 November 2018 in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- Rubbish accumulated in fire stairs, fire doors blocked egress, fire doors non compliant, fire doors do not open/close without force. no fire seals on fire doors hindering the fire separation requirements, doors function obstructed/held open with door stop (unit 1), fire hydrant system absent, fire sprinkler system absent, smoke detection insufficient, mechanical air handling system in fire control center not powered on, warning system inefficient, exit signs unclear, exits obstructed, exits pathways obstructed, chimney from control room is blocked with an overhanging tree branch blocking the chimney/obstruction of function from the outside, hose reel system location fire hazard/smoke insulation hazard, overhanging overgrown trees and heavy dense areas of trees throughout complex hazard for spreading fire between separated buildings with huge fuel load, heavily overgrown bushes/vines with excessive accumulation of dead plants and bushes hazard for fire being excessive fuel load, no warning system, long term fire safety neglect of entire complex by NSW Land and Housing Corporation and City of Sydney Council. Hoarding tenants throughout complex, rats and possums infestation in roof throughout*

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 7437
F (02) 9742 7483

www.fire.nsw.gov.au

Page 1 of 9

entire complex, evidence of rodents chewing power cords and cables in roofs, safety switch in unit for does not work and landlord neglect to maintain electricity for safe habitation of residents, moisture in roof cavity where electricity cables are present. Water leaking throughout, broken pipes throughout complex

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 5 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

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.

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. As such, this report lists potential deviations from the National Construction Code 2016 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 relate to the building's age or 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 at the time of inspection:

1. Essential Fire Safety Measures

1A. The Fire Hydrant System:

- a) Hydrant pumpset: The hydrant 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 Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). The following issues were identified as concerns at the time of inspection.

Unclassified

- i. The diesel pump control panel was displaying “control battery fail”.
 - ii. The ‘Fire Pumpset’ maintenance logbook, listed the following defects in the monthly service records, since October 2018.
 - “Charger batteries need replacing”
 - “PRV Faulty – needs overhaul”
- b) The hydrant booster assembly:
- i. The hydrant and sprinkler booster connections, which are independent from each other, are not clearly marked with signage to distinguish the hydrant system booster from the sprinkler system booster, contrary to the requirements of Clause 7.10 of AS2419.1-2005.
 - ii. Boost pressure and test pressure signage was not provided at the booster assembly, contrary to the requirements of Clause 7.10.1 of AS 2419.1-2005.
 - iii. Above ground isolating valves are not secured or locked in the open position, contrary to the requirements of Clause 8.5.8 of AS 2419.1-2005.
- c) Hydrant coverage – Internal fire hydrants are provided throughout the carpark level only, however hydrant coverage is not available to the residential parts of ‘the premise’ from the on-site hydrant system.

1B. Automatic Fire Suppression System:

- a) A plan of risk (block plan) is not provided adjacent to the sprinkler booster assembly, contrary to the requirements of Clause 8.3 of AS2118.1-1999.
- b) It appears a recent car fire in the northern carpark operated the sprinkler system and the replacement sprinkler head was substituted with a different release temperature bulb. In this regard, the carpark is provided with red coloured, nominal release temperature bulbs, whilst the replacement sprinkler head was green colour code which operates at a higher temperature release, which may not be consistent with the approved system.
- c) The isolation valve at the sprinkler booster was not secured open by a padlocked chain or a padlocked or riveted strap, contrary to the requirements of Clause 8.2 of AS2118.1-1999.

- d) A complete stock of replacement sprinklers had not been provided at the sprinkler control valves contrary to the requirements of Clause 6.7 of AS 2118.1-1999.
 - e) A sign marked with the maximum allowable inlet pressure at the connection was not provided at the booster assembly, contrary to the requirements of Clause 4.4.3 of AS 2118.1-1999.
- 1C. Fire Hose Reels (FHR's) - Multiple FHR's throughout the carpark level were detached from the hose guide and nozzle interlocking devices.
- 1D. Exit signs – Multiple exit signs throughout carpark level were not illuminated and had not maintained, contrary to the requirements of Clause 182 of the EP&A Regulation.
- 1E. Annual Fire Safety Statement (AFSS) – a copy of the current AFSS was not prominently displayed within the building in accordance with Clause 177 of the EP&A Regulation.

2. Access and Egress

- 2A. Barriers - Suitable barriers were not provided in the carpark level to prevent vehicles from blocking the exit, contrary to the requirements of Clause D1.10(a) of the NCC.
- 2B. Balustrades – The balustrades to the stair landing on the second floor level (residential foyers), appeared to achieve a height of less than 1m, contrary to the requirements of Clause D2.16 of the NCC.
- 2C. Operation of latch – Doors in the required exits or forming part of the required exits throughout 'the premises', contain round tulip style handles in lieu of a lever handle, contrary to the requirements of Clause D2.21 of the NCC.
- 2D. Door swing – the final exit doors on the ground floor of each residential lobby, swings against the direction of egress, contrary to the requirements of Clause D2.20 of the NCC.

3. Compartmentation and Separation

- 3A. Bounding construction – Screen security doors have been installed on the outside of multiple Sole Occupancy Unit (SOU) entry doors throughout 'the premises'. FRNSW are of the opinion that screen doors promote the occupants to 'chock open' the SOU entry door, which is in contravention of Clause C3.11 of the NCC, which requires a doorway in a Class 2 SOU be protected by a door which is equipped with a device which returns the door to the fully closed position immediately after each opening.

FRNSW is therefore of the opinion 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 19 December 2018, in accordance with the provisions of Section 9.34 of the EP&A Act, to have item no. 1A(a) 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. FRNSW has conducted further inspections of the building to assess compliance with the terms of this Order.

In this regard, FRNSW does not consider Council is required to take action in relation to item no. 1A(a) of this report.

RE-INSPECTION

Pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 189(a) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), an inspection of 'the premises' on 3 January 2019 and 5 February 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

At the time of the inspection on 5 February 2019, the terms of 'the order' issued on 'the premises' were compliant. Please be advised that 'the order' is not an exhaustive list of non-compliances, it is at Council's discretion to inspect and address any other deficiencies identified on 'the premises'.

RECOMMENDATIONS

FRNSW recommends that Council:

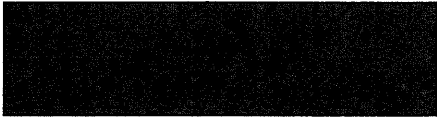
- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1A(b) through Item No. 3 of this report be addressed appropriately.

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 [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/3475 (5597) for any future correspondence in relation to this matter.

Unclassified

Yours faithfully



Senior Building Surveyor
Fire Safety Compliance Unit

Attachments: [Appendix 1 – Emergency Fire Safety Order No. 1 – 3 pages]

Appendix 1 – Emergency Fire Safety Order No. 1

Unclassified



File Ref. No: BFS18/3475 (5597)
TRIM Ref. No: D18/91483
Contact: [REDACTED]

19 December 2018

New South Wales Land and Housing Corporation
223-239 Liverpool Road
ASHFIELD NSW 2131

Dear Owner

**Re: FIRE SAFETY ORDER – ORDER 1
6-10 MINOGUE CRESCENT, FOREST LODGE ("the premises")**

Fire & Rescue NSW (FRNSW) has received your email correspondence dated 14 December 2018 in response to the Notice of Intention to Issue a Fire Safety Order, dated 7 December 2018. With consideration being given to your representations, FRNSW has determined to issue the Fire Safety Order, in accordance with the provisions of Schedule 5, Part 7 (Section 14 and Section 15) of the Environmental Planning & Assessment Act 1979 (EP&A Act).

Accordingly, please find attached a copy of the FRNSW Fire Safety Order (Order No. 1), dated 19 December 2018, issued in accordance with the provisions of Section 9.34 of the EP&A Act. A copy of the Order will be forwarded to City of Sydney Council, in accordance with the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act, where further inspections will be conducted by FRNSW to assess compliance with the terms of the Order.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/3475 (5597) for any future correspondence in relation to this matter.

Yours faithfully,

[REDACTED]

Senior Building Surveyor
Fire Safety Compliance Unit

CC:- [REDACTED] Department of Family and Community Services
[REDACTED] Department of Family and Community Services
[REDACTED]

Fire and Rescue NSW ABN 12 523 475 110 www.fire.nsw.gov.au
Community Safety Directorate 1 Amalite Ave T (02) 9742 7434
Fire Safety Compliance Unit Goswami NSW 2100 F (02) 9742 7845
www.fire.nsw.gov.au Page 1 of 3

Unclassified



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)(b)

I, [REDACTED] Senior Building Surveyor [REDACTED]
(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 you

New South Wales Land and Housing Corporation
(name of person whom Order is served)

Owner
(position (e.g. owner, building manager))

with respect to the premise

6-10 MINOGUE CRESCENT, FOREST LODGE ("the premises")
(name/address of premises to which Order is served)

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

1. Ensure the Fire Hydrant System is capable of operating in accordance with the relevant standard of performance it was designed and installed, by:
 - a. Repairing the 'control battery fail' displayed on the diesel pump control panel.
 - b. Repairing the 'PRV fault' identified as a defect in the latest service record dated 2 November 2018.

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate Fire Safety Compliance Unit	1 Amalita Ave Greenacre NSW 2150	T (02) 9742 7934 F (02) 9742 7843
www.fire.nsw.gov.au		Page 2 of 3

The reasons for the issue of this Order are:

- a. At the time of inspection on 5 December 2018, the following fault was displayed on the diesel pump control panel:
 - i. "control battery fail"
- b. The 'Fire Pumpset' maintenance logbook, listed the following defects in the monthly service records, since October 2018:
 - i. "Charger batteries need replacing".
 - ii. "PRV Faulty – needs overhaul".
- c. To ensure that the hydrant system is capable of operating in accordance with the standard of performance it was designed and installed to.
- d. To ensure that the hydrant system is capable of providing the operational requirements of the attending fire brigade.
- e. To ensure that fire safety measures installed throughout the premises are maintained and operating to their standard of performance.

The terms of the Order are to be complied with:

By no later than Close of Business on the 2 January 2019.

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 also be imposed under Section 9.37 of the EP&A Act for failure to comply with an Order.



Senior Building Surveyor
Fire Safety Compliance Unit

This Order No. 6 was sent by mail on 19 December 2018.

City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000

Telephone +61 2 9265 9333
council@cityofsydney.nsw.gov.au

GPO Box 1591 Sydney NSW 2001
cityofsydney.nsw.gov.au



27 March 2019

NEW SOUTH WALES LAND AND HOUSING CORPORATION
PO BOX 4009
ASHFIELD NSW 1800

Licence No: FIRE/2019/26

**NOTICE OF INTENTION TO GIVE AN FIRE SAFETY ORDER
Schedule 5, Clause 6, Environmental Planning and Assessment Act 1979**

Premises: 6 – 10 Minogue Crescent Forest Lodge NSW 2037

An inspection of the building by Council Investigation officer Eyman Balta on the 18 March 2019 has revealed that the abovementioned premises are deficient in fire safety and egress facilities.

City of Sydney Council intends to give you a Fire Safety Order under Schedule 5, Part 2 of the Environmental Planning and Assessment Act, 1979.

A copy of the proposed order, which includes the period within which it must be complied with and the reasons for the proposed order, is attached.

You may make representations to Council's West Area Manager Josh Bradshaw as to why the Order should not be given or as to the terms of or period for compliance with the Order.

In this respect written advice of your intention to make representations including specific contact details to assist Council in informing you of the time and date of your representations should be received by Council within 21 days from the date of this notice.

After hearing and considering any such representations Council may determine:

- (a) to give an order in accordance with the proposed order;
- (b) to give an order in accordance with modifications made to the proposed order;
- (c) not to give an order.

In the event that Council serves an Order under the said Act in the abovementioned terms, a person on whom such an Order is served may appeal against the Order to the Land and Environment Court of New South Wales within 28 days after service of the Order.

city of villages

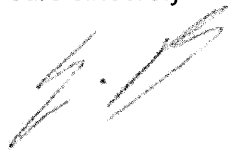
Sydney2030/Green/Global/Connected

Compliance Cost Notice

If Council issues you with an Order under Schedule 5, Part 2 following this Notice of Intention it may also issue you with a Compliance Cost Notice under Schedule 5 section 37 of the Act. Where such a notice is issued it will require you to pay a specified amount, being Council's reasonable costs and expenses incurred in monitoring works and ensuring compliance with the Order. This may include the time spent by Council staff, including time spent undertaking inspections, as well as any other expenses incurred in taking steps to ensure the Order is complied with.

For further information regarding this notice please contact Eyman Balta of the Health and Building West Area on telephone number 9246-7275 or by email at ebalta@cityofsydney.nsw.gov.au.

Yours sincerely



Eyman Balta
Senior Building Surveyor - West Area
Health and Building Unit

CC:

[REDACTED]
[REDACTED]

Date to be advised

NEW SOUTH WALES LAND AND HOUSING CORPORATION
PO BOX 4009
ASHFIELD NSW 1800

Licence No: FIRE/2019/26

**NOTICE OF INTENTION TO GIVE AN FIRE SAFETY ORDER
Schedule 5, Clause 6, Environmental Planning and Assessment Act 1979**

Premises: 6 – 10 Minogue Crescent Forest Lodge NSW 2037

You being the owner in respect of the property at the abovementioned premises are ordered by City of Sydney Council to do such things as are specified in the order so as to ensure and promote adequate fire safety and fire safety awareness within the subject premises. The specified works given below shall be completed to the satisfaction of Council within the compliance period detailed below.

Circumstances in which an Order number 1 can be given:

- (1) When provision for fire safety or fire safety awareness is inadequate to:
- Prevent fire, or
 - Suppress fire, or
 - Prevent the spread of fire.

To ensure or promote the safety of persons in the event of fire.

When lack of maintenance of the premises or the use of the premises constitutes a significant fire hazard

Premises the subject of the Order:

6 – 10 Minogue Crescent Forest Lodge NSW 2037
Lot 2 in Deposited Plan 730920

Compliance Period:

Pursuant to clause **Schedule 5, Clause 27** of the Environmental Planning and Assessment Act 1979, the period for compliance with this order is as follows:

- I. Stage 1 works shall be completed within **180 days** (Date T.B.A.) from the date of this order;
- II. Stage 2 works shall be completed within **270 days** (Date T.B.A.) from the date of this order;
- III. Stage 3 works shall be completed within **365 days** (Date T.B.A.) from the date of this order.

Relevant Authority:

The relevant legislative provisions are Division 9.3 and Schedule 5 of the Environmental Planning and Assessment Act, 1979.

Modification of Orders:

The terms of this development control order can only be modified by Council in writing, and only if the person to whom the Order was given agrees to that modification. In no circumstances can the terms of the Order be amended orally.

Any application to Council seeking an amendment of this Order must be in writing clearly setting out:

- The term(s) to be modified,
- The reasons for the modification of the term(s) and
- Any substitute term(s) to be added to the Order (if applicable)

Submission of Fire Safety Certificate:

That a person to whom a fire safety order is given, must within the time specified in the order, cause a copy of the final fire safety certificate for the building (being a certificate issued after the requirements of the order have been complied with) to be given to the Council.

Failure to provide a copy of the Final Fire Safety Certificate is an offence under the Environmental Planning and Assessment Regulation and can be the subject of an infringement notice.

REASONS FOR GIVING THE FIRE ORDER

Pursuant to Schedule 5, Clause 5 of the Environmental Planning and Assessment Act 1979, this Order was given for the following reasons:

GENERAL

1. The building is considered to be in an unsafe fire safety condition, lacking among other things proper provision for the detection, controlling and extinguishment of fire and adequate provision for escape in the event of a fire emergency;
2. Written correspondence has been received by the Council from Fire and Rescue NSW (FRNSW) identifying serious fire safety concerns and large number of Building Code of Australia (BCA) non-compliances associated with the building;

CONSTRUCTION

3. The two residential unit buildings are not provided with building elements/measures which will avoid the spread of fire to the buildings from adjoining northern allotment;
4. The building has such pipes, electrical wiring and other services rising through the building which penetrate fire resisting building elements of construction and are not adequately sealed to prevent or resist the vertical or horizontal spread of fire;
5. Entry doors to residential sole occupancy units of the two residential unit buildings are damaged and have self-closing devices removed which can assist in early and rapid smoke migration and horizontal fire spread throughout the buildings in the event of a fire;
6. Entry doors to residential sole occupancy units of the two residential unit buildings require inspection certification to confirm that these doors are provided with compliant self-closing fire resisting doorsets which are required to prevent the spread of fire to exits and to assist in the safe evacuation of the occupants in the event of a fire emergency;
7. The building's residential sole occupancy units in the two residential unit buildings are not provided with compliant bounding construction which in the event of fire, can cause or lead to the early and rapid spread of fire and smoke throughout public corridors and the fire exit stairways;
8. The two residential unit buildings are not provided with ceiling below the roof with a resistance to the incipient spread of fire required to prevent the spread of fire to the roof structure and prevent structural collapse;
9. The carpet materials used in and around egress routes of the two residential unit buildings potentially have the ability to not resist the spread of fire or limit the generation of smoke and heat and toxic gases;
10. The buildings main electrical switch rooms are not enclosed with appropriate fire resisting elements of construction to prevent the spread of fire and smoke to egress paths and adjoining parts of the building;

11. Emergency equipment switchgear located within the main electrical switchboards of the main electrical switchrooms have not been separated from non-emergency equipment switchgear to prevent the spread of any fault from the non-emergency equipment to the emergency equipment;

MEANS OF EGRESS

12. The final exit doors from the two residential unit buildings are not provided with a single handed downward action latching devices and swing against the direction of travel. These omissions will negatively impact on the ease with which persons evacuate the building in an emergency;
13. The final exit doors from the carpark level of the building have single handed downward action latching devices that are damaged or missing. These omissions will negatively impact on the ease with which persons evacuate the building in an emergency;
14. The entrance into, and discharge of the buildings fire exits from the carpark level of the building could potentially be blocked by vehicles and the accumulation of stored items which hinder egress from this part of the building in a fire situation;
15. The fire exit stairs within the two residential unit buildings, and external stairs and ramps throughout the common grounds / walkways do not provide acceptable provisions for access and egress to and from the building as they have defective balustrades and handrails. These defects pose a serious falling threat to persons using the stair not only in an emergency but in the general day to day access of floors;
16. The storage of combustible materials in the carpark level of the building and the common areas of the two residential unit buildings is hindering egress and is presenting a serious fire threat;
17. The stair treads of the existing stairs either lack a slip resistant finish or non-skid strips, or have damaged non-skid strips. These omissions present a risk to occupants slipping and injuring themselves whilst using the stairs;
18. The building lacks (state general fire safety deficiency) and is in need of controlled fire safety evacuation procedures so as to assist occupants in the event of a building fire emergency;
19. There is inadequate signage which alerts-warns occupants against impairing the operation of any fire exit doors and from obstructing the fire exits from the carpark level of the building;
20. The residential apartment entry doors of the two residential unit buildings have screen/security doors fitted which encroach onto the passageway, affect the fire resistance of the entry door, hinder egress and present a potential fire safety threat by promoting that these entrance doors are held in the open position;
21. Artificial lighting provided to the two residential unit buildings is not working and fails to provide a level of illumination to enable safe movement by occupants. This poses a serious slipping and falling threat to persons using these areas not only in an emergency but in the general day to day access of floors;

FIRE SERVICES AND EQUIPMENT

22. The building is not provided with appropriate fire fighting equipment to safeguard against the spread of fire and to assist occupants and Fire and Rescue NSW to undertake fire-fighting operations on a fire;
23. The sprinkler system serving the car park fire compartment which accommodates a large number of (more than 40) motor vehicles is not adequately configured and installed to control the development and spread of fire in the event of the outbreak of a fire situation within this area;
24. The smoke alarm system provided to the common areas of the two residential unit buildings is not being serviced and is in need of urgent remedial work;
25. The provision of hard wired smoke alarms to the internal parts of residential sole occupancy units of the two residential unit buildings is unknown;
26. The emergency evacuation lighting system provided to the common areas of the two residential unit buildings is not working and fails to provide a level of illumination for safe evacuation in an emergency;
27. The two residential unit buildings are not provided with exit signage which assists in occupant safety within a building in a fire emergency situation;
28. The exit signs provided to the exits located in the carpark level of the building are not working and fail to provide a level of illumination for safe evacuation in an emergency;
29. The carpark level of the building is not provided with directional exit signage which assists in occupant safety within a building in a fire emergency situation;
30. The carpark level of the building is not provided with adequate emergency evacuation lighting which assists in occupant safety within a building in a fire emergency situation;
31. Fire hose reels in the carpark level of the building are not being maintained to the degree necessary to allow occupants to undertake initial attack of an outbreak of fire;
32. Portable fire extinguishers are not provided to the two residential unit buildings or the carpark level of the building to the degree necessary to allow occupants to undertake initial attack of an outbreak of fire;
33. The building is primarily used as a residential apartment building and does not have appropriate measures in place which would alert occupants of the building of a fire so that they may evacuate with a degree of safety before conditions become untenable or life threatening;
34. The building does not have a current fire safety certification for installed fire safety measures. This may suggest that required fire measures are not being maintained to the degree necessary to ensure their reliable performance in the event of a fire;
35. The mechanical air handling system serving the car park level of the building is not being maintained so as to prevent the spread of fire and smoke throughout the car park, and to ensure that evacuation routes remain tenable for occupant evacuation in the event of a fire emergency;

FIRE SAFETY MANAGEMENT

36. The electrical and gas installation serving the building appears to suffer from a number of defects (age, neglect and substandard installation). Consequently these installations pose a serious threat to occupant safety and acts as a hazard.

PROPOSED

Terms:

The terms of the Order are:

THE SPECIFIED WORKS

1. SAFETY OF PERSONS IN THE EVENT OF FIRE

1.01 Floor lining materials

That floor lining materials used within and leading to the exit of the two residential unit buildings shall be audited by an appropriately qualified company/person to ensure compliance with Clause C1.10 and Specification C1.10 of the BCA.

Appropriate documentation shall be provided from a suitably qualified person or company attesting compliance. Non-compliant floor linings shall be removed or replaced; **(Work to be completed as part of Stage 1)**

1.02 Swing of exit doors

That all required exit doors from the two residential unit buildings shall be caused to swing in the direction of egress complying with the requirements of Clause D2.20 of the BCA; **(Work to be completed as part of Stage 1)**

1.03 Single hand action latches on exit doors

That all exit doors leading from the two residential unit buildings, and exit doors leading from the carpark level of the building, including final doors, shall be openable by a single grip lever handle downward action latch set or pushing action in accordance with the requirements of Clause D2.21 of the BCA; **(Work to be completed as part of Stage 1)**

1.04 Remedial work to stair balustrades

That balustrades complying with the requirements of Clause D2.16 of the BCA shall be installed to all stairs in the building (the two residential unit buildings and the carpark level) and to external stairs and ramps located in the common grounds of the site.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 1)**

1.05 Remedial work to stair handrails

That handrails complying with the requirements of Clause D2.17 shall be installed to all stairs in the building (the two residential unit buildings and the carpark level) and to external stairs and ramps located in the common grounds of the site.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 1)**

1.06 Steel Bollards to exit doors

That approved steel bollards shall be provided within the carpark level outside of the entrances to exits to prevent vehicles and other obstructions from blocking effective egress from the carpark level of the building. Details shall be submitted to Council for approval prior to construction works being initiated; **(Work to be completed as part of Stage 1)**

1.07 Non-slip finish to stair treads

That all treads and landings of the existing stairs in the building (the two residential unit buildings and the carpark level) and to external stairs and ramps located in the common grounds of the site shall be provided with a non-slip finish or an adequate non-skid strip near the edge of the nosings/landing.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 1)**

1.08 Separation of the main electrical switchrooms

That the main electrical switchrooms located in the carpark level of the building shall be fire separated from the remainder of the building by construction having a FRL of 120/120/120 with all openings thereto protected by fire resisting doorsets having an FRL of -/120/30 in accordance with the requirements of C2.13 of the BCA.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works. Further remedial upgrading works may be required to be carried out depending upon the standard of installation and the level of performance offered by the current system; **(Work to be completed as part of Stage 1)**

1.09 Inspection and certification of fire dampers

That the fire dampers installed in walls of the main electrical switchrooms located in the carpark level of the building shall be subject to inspection, testing and be certified to comply with the requirements of AS1668.1 – 2015, AS1682.1 – 2015 and AS1682.2 – 2015.

Appropriate documentation shall be provided from a suitably qualified person or company attesting compliance. Further remedial upgrading works may be required to be carried out depending upon the standard of installation and the level of performance offered by the current system; **(Work to be completed as part of Stage 1)**

1.10 Separation of emergency equipment within main electrical switchboards

That emergency equipment switchgear located within the main electrical switchboards shall be separated from non-emergency equipment switchgear in accordance with the requirements of Clause C2.13 (d) of the BCA.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works. Further remedial upgrading works may be required to be carried out depending upon the standard of installation and the level of performance offered by the current system; **(Work to be completed as part of Stage 2)**

1.11 Emergency lighting

That a system of emergency lighting shall be installed throughout the two residential unit buildings and the carpark level to provide sufficient light in an emergency in accordance with the requirements of Clause E4.2 and E4.4 of the BCA.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 1)**

1.12 Exit and directional signs

That exit and directional signs shall be installed to the carpark level of the building. Signs shall be illuminated at all times and generally be of sufficient number that direction of travel to all exits is clearly visible from any part of the major egress routes. Exit signs shall be installed to the standard expressed in Clause E4.5, E4.6 and E4.8 of the BCA.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 1)**

1.13 Exit signs within a Class 2 residential buildings

That exit signs shall be installed throughout the two residential unit buildings in accordance with the requirements of Clause E4.5, E4.6, E4.7 and E4.8 of the BCA.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 1)**

1.14 Fire safety and emergency plans and procedures

That suitable emergency plans and procedures shall be prepared in conjunction with an appropriately qualified person or firm and comply with the relevant requirements of AS3745-2010. Permanent evacuation diagrams shall be located in prominent locations throughout the building.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 3)**

1.15 Signs on exit doors

That suitable signage shall be installed to alert persons that the operation of doors from the carpark level of the building must not be impaired in accordance with the requirements of Clause D2.23 of the BCA; **(Work to be completed as part of Stage 1)**

1.16 Artificial lighting in Class 2 residential buildings

That a system of artificial lighting shall be provided throughout the exit stairways, exit corridors and lobbies of the two residential unit buildings.

Artificial lighting shall be installed in accordance with Clause F4.4 of the BCA and AS/NZS1680.0 – 2009.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 1)**

1.17 Fire Safety Audit/Final Fire Safety Certificate

The Owner shall carry out an inspection and audit of all required fire safety measures installed within the building and contained within the Fire Safety Schedule attached to this Order; and

The Owner shall undertake all such remedial works necessary to ensure that those required fire safety measures contained within the attached Fire Safety Schedule are capable of operating/performing to at least the standard for which the measure was originally designed and implemented; and

A Final Fire Safety Certificate shall be submitted to Council, to the effect that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates;

- (a) has been assessed by an appropriately qualified person, and
- (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued; **(Work to be completed as part of Stage 3)**

2. PREVENTION OF FIRE

2.01 Good housekeeping

That good housekeeping shall be maintained at all times; **(Work to be completed as part of Stage 1)**

2.02 Egress paths to be kept clear

That egress paths/exits shall be kept free of obstructions/storage at all times; **(Work to be completed as part of Stage 1)**

2.03 Storage in and around exit stairs

That all items located in and around the fire exit stairways shall be removed and re-located to a more suitable position of safety; **(Work to be completed as part of Stage 1)**

2.04 Certification of electrical installation

That the electrical installation serving the subject premises shall be inspected by a suitably qualified electrical contractor and be certified in the following manner;

The certificate shall be in the form of a written report providing the following minimum requirements:-

- (a) The electrical contractors licence number;
- (b) That a visual examination (refer to Clause 8.2 of AS/NZS3000 - 2018) of wiring, fittings and accessories was undertaken and they were found to be in sound condition;
- (c) That an insulation resistance and circuit connection test was carried out pursuant to Clause 8.3.6 of AS/NZS3000 - 2018 and was found to be satisfactory; **(Work to be completed as part of Stage 2)**

2.05 Inspection of gas installation

That the gas installation serving the whole of the premises shall be inspected by a suitably qualified gas fitter and shall be certified to comply with the relevant safety requirements of AS/NZS5601.1 - 2013 (Gas Installations – General Installations).

Appropriate documentation shall be provided from a suitably qualified person or company attesting compliance; **(Work to be completed as part of Stage 2)**

3. DETECTION OF FIRE

3.01 Certification of existing smoke alarm system

That certification is required to confirm that the existing automatic smoke alarm system installed to the common areas of the two residential unit buildings has been designed, installed and comply in all respects with the requirements of Clause 3 of Specification E2.2a and AS3786 – 1993 (as amended).

Appropriate documentation shall be provided from a suitably qualified person or company attesting compliance. Further remedial upgrading works may be required to be carried out on the system depending upon the standard of installation and the level of performance offered by the current system; **(Works to be completed as part of Stage 1)**

3.02 Certification of existing building occupant warning system

That certification is required to confirm that the inbuilt sounders of the existing smoke alarm system installed to the common areas of the two residential unit buildings operate as building occupant warning systems and have been designed, installed and comply in all respects with the requirements of Clause 6 of Specification E2.2a of the BCA.

Appropriate documentation shall be provided from a suitably qualified person or company attesting compliance. Further remedial upgrading works may be required to be carried out on the system depending upon the standard of installation and the level of performance offered by the current system; **(Works to be completed as part of Stage 1)**

3.03 Installation of smoke alarms to residential sole occupancy units

That single station photoelectric type smoke alarms shall be installed within every residential sole occupancy unit in the two residential unit buildings.

Smoke alarms shall meet the requirements of Clause 3 of Specification E2.2a of the BCA and AS3786 – 1993 (as amended). The primary power supply of the smoke alarms shall be external to the unit housing being electrically hard wired, and also fitted with a battery backup.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works. Further remedial upgrading works may be required to be carried out on the system depending upon the standard of installation and the level of performance offered by the current system; **(Work to be completed as part of Stage 1)**

3.04 Signage for the non-monitored smoke alarm system

That appropriate permanent notices shall be placed in conspicuous locations in the two residential unit buildings alerting building occupants that the smoke alarms installed to residential sole occupancy units and that the smoke alarm system installed in the common areas of the buildings is not monitored by Fire and Rescue NSW and that "In the event of fire ring 000 to ensure fire service response" (together with the location of the premises). Details of this notice is to be submitted to Council for approval prior to installation; **(Work to be completed as part of Stage 1)**

<p>WARNING</p> <p><u>The smoke alarms installed in this building are not connected to Fire and Rescue NSW</u></p> <p>In the event of FIRE / FIRE ALARM you must call 000</p> <p>And request Fire Service response at 6 – 10 Minogue Crescent Forest Lodge NSW 2037</p> <p>(Suggested notice, preferably red writing on white background with minimum lettering size of 8mm)</p>
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4. THE PREVENTION OF THE SPREAD OF FIRE

4.01 Fire doorsets to residential sole occupancy units

That the entrance doorsets to the residential sole occupancy units in the two residential unit buildings shall have a fire resistance level of -/60/30 and be fitted with an approved self-closing device designed to bring the doors to the fully closed and latched position after each manual operation.

Fire rated doorsets shall comply in all respects with the requirements of Clause 3.11 of the BCA and AS1905.1 – 2015.

Appropriate documentation shall be provided from a suitably qualified person or company attesting compliance. Further remedial upgrading works may be required to be carried out on the system depending upon the standard of installation and the level of performance offered by the current doorsets; **(Work to be completed as part of Stage 2)**

4.02 Removal of security screens

That all screen/security doors fitted to apartment entry doorways of the two residential unit buildings shall be removed; **(Work to be completed as part of Stage 2)**

4.03 Bounding sole occupancy unit internal walls (fire resisting)

That all residential sole occupancy unit walls bounding public corridors and the like, and all sole occupancy unit walls bounding other sole occupancy units in the two residential unit buildings shall be inspected and certified to attain a minimum FRL of 90/90/90 for loadbearing walls, or -/60/60 for non-loadbearing walls and shall extend to the underside of the fire rated floor or the ceiling above in accordance with Clause 3.1 (c) (i) of Specification C1.1 of the BCA.

Walls to the top most levels of the two residential unit buildings (below the roof) shall extend to the underside of a non-combustible roof covering in accordance with the requirements of Clause 3.1 (c) (iii), or the underside of a ceiling with a resistance to the incipient spread of fire of not less than 60 minutes in accordance with the requirements of Clause 3.1 (c) (iv) of the BCA.

Appropriate documentation shall be provided from a suitably qualified person or company attesting compliance. Further remedial upgrading works may be required to be carried out depending upon the standard of installation and the level of performance offered by the current system; **(Work to be completed as part of Stage 2)**

4.04 Wall and floor services penetrations audit

That the entire building (the two residential unit buildings and the carpark) shall be subject to a full services penetration and fire stopping audit and shall be assessed for compliance against the requirements of Clause C3.15, C3.16 and Specification C3.15 of the BCA.

A findings report prepared by a suitably qualified person or company shall be submitted to Council for review detailing the service penetrations found in the walls and floors of fire resisting construction and the methods proposed to protect such penetrations; **(Work to be completed as part of Stage 2)**

4.05 Wall and floor services penetration remedial works

That penetrations in walls and floors of fire resisting construction shall be remedied in accordance with the services penetration and fire stopping audit findings report required by Term 4.04 of this Order.

Penetrations in fire resisting walls and floors shall be sealed with a material no less fire resistant than the wall or ceiling itself and shall comply in all respects with the requirements of Clause C3.15, C3.16 and Specification C3.15 of the BCA.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 3)**

4.06 Evidence for fire stopping materials and assemblies

That appropriate evidence shall be submitted to Council to demonstrate that the fire stopping materials and assemblies used to protect service penetrations in fire rated elements of construction and service penetrations in fire resisting floors and walls is identical with a prototype assembly of the material which has been tested in accordance with the editions of AS4072.1 and AS1530.4.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 3)**

4.07 Openings in external walls

That all window and door and openings of the two residential unit buildings located with 3m of the northern boundary bounding Minogue Crescent Reserve shall be protected in accordance with the requirements of Clause C3.4 of the BCA.

Appropriate documentation shall be provided from a suitably qualified person or company attesting compliance.

Alternatively should a fire engineered alternative solution be proposed to comply with the Performance requirements of the BCA, then a Fire Engineering Brief (FEB) and Fire Engineering Report (FER) prepared by a C10 accredited fire safety engineer shall be submitted to Council for review and approval; **(Work to be completed as part of Stage 3)**

4.08 Upgrade of the existing carpark mechanical ventilation system

That the existing carpark level mechanical ventilation system shall be upgraded to comply in all respects with the requirements of Section 5.5 of AS1668.1 – 2015 and AS1668.2 – 2012.

A smoke detection system shall be installed to the carpark level of the building in accordance with the requirements of Clause 5.5.4 of AS1668.1 – 2015 and Section 7 of AS1670.1 – 2015 and shall be interfaced with the carpark mechanical ventilation system.

The activation of the smoke detection system or the automatic fire sprinkler system in the carpark shall cause the carpark level mechanical ventilation system to operate in fire mode in accordance with the requirements of Clause 5.5.5 of AS1668.1 – 2015.

Appropriate documentation and certification to Appendix E of AS1668.1 – 2015 and Appendix F and G of AS1670.1 – 2015 shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 3)**

5. THE SUPPRESSION OF FIRE

5.01 Upgrade of the existing fire hydrant system

That the buildings existing fire hydrant including the combined fire hydrant and sprinkler booster valve assembly shall be upgraded to comply in all respects with the requirements of AS2419.1 – 2017.

Fire hydrant coverage shall be provided to both the carpark level, and to all of the levels of the two residential unit buildings located on the site.

Any partially installed internal hydrant system (yet to be commissioned) shall be clearly identified through the use of signage to avoid misleading a responding Fire and Rescue NSW crew during emergency operations.

The fire hydrant system shall be commissioned in accordance with the requirements of Section 12 of AS2419.1 – 2017 and a copy of the recorded commissioning (verification) tests shall be submitted to Council.

Appropriate documentation and certification to Clause 12.7 of AS2419.1 – 2017 shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 3)**

5.02 Upgrade of the existing automatic fire sprinkler system

That the existing sprinkler system serving the carpark level of the building including the combined fire hydrant and sprinkler booster valve assembly shall be upgraded in all respects to comply with the requirements of Clause E1.5 of the BCA and AS2118.1 – 2017.

The fire sprinkler system shall be commissioned in accordance with the requirements of Appendix H of AS2118.1 – 2017 and a copy of the commissioning and acceptance testing documentation shall be submitted to Council.

Appropriate documentation and completion certification in accordance with Clause G3.3 and Appendix I of AS2118.1 – 2017 shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 3)**

5.03 Upgrade of the combined fire hydrant and automatic fire sprinkler pump room

That the carpark level combined fire hydrant and automatic fire sprinkler pump room shall be upgraded to comply in all respects with the requirements of Clause 6.11 of AS2419.1 – 2017.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 3)**

5.04 Connection of the automatic fire sprinkler system to a building occupant warning system

That the automatic fire sprinkler system provided to the carpark level of the building shall be connected to a building occupant warning system in accordance with the requirements of Clause 8 of Specification E1.5 and Clause 6 of Specification E2.2a of the BCA.

The building occupant warning system activated by the activation of the carpark level sprinkler system shall sound throughout all occupied areas including the carpark and the common areas of the two residential unit buildings located on the site.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 3)**

5.05 Certification of the automatic fire sprinkler systems connection to a fire alarm monitoring service

That certification shall be submitted confirming that the automatic fire sprinkler system provided to the carpark level of the building has been equipped and connected to an approved monitoring network provider having a direct data link to Fire and Rescue NSW in accordance with the requirements of Clause 3.3 of AS2118.1 – 2017, AS1670.3 – 2018 and AS4428.6 – 2018.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 3)**

5.06 Certification of existing fire hose reels

That certification shall be submitted confirming that the existing fire hose reels installed in the carpark level of the building have been designed, installed and provide coverage to all areas of the carpark in accordance with the requirements of Clause E1.4 of the BCA and AS2441 – 2005.

Further remedial upgrading works may be required to be carried out on the system depending upon the standard of installation and the level of performance offered by the current system; **(Work to be completed as part of Stage 1)**

5.07 Installation of portable fire extinguishers

That portable fire extinguishers shall be provided throughout the carpark level and the common areas of the two residential unit buildings located on the site in accordance with the requirements of Clause E1.6 of the BCA and AS2444 – 2001.

Appropriate documentation and certification shall be provided from a suitably qualified person or company attesting compliance upon the completion of works; **(Work to be completed as part of Stage 1)**

IMPORTANT NOTES

You are advised that the provisions of the Environmental Planning and Assessment Act, 1979 and Regulations made under the Act are not being complied with.

The requirements of the paragraph above include items which are classified as Essential Fire Safety measures pursuant to Part 9 of the Environmental Planning and Assessment Regulation 2000.

Such items are listed in the attached schedule of this Order together with the minimum standard to which those services are required to be designed, installed and maintained.

APPEAL

THAT THE PERSON TO WHO THE ORDER IS ADDRESSED MAY APPEAL AGAINST THE ORDER.

AN APPEAL MAY BE MADE TO THE LAND AND ENVIRONMENT COURT, LEVEL 4, 225 MACQUARIE STREET, SYDNEY WITHIN 28 DAYS OF THE SERVICE OF THIS ORDER UPON YOU.

BUILDING USE AND CLASSIFICATION

The building the subject of this order has been classified as a Class 2 and 7a building determined in accordance with A3.2 of the BCA.

The building contains two residential unit buildings, one having a rise in storeys of two and the second having a rise in storeys of three that are located above a common carpark.

The building is used primarily as a residential apartment with an associated carparking area having a rise in storeys of four pursuant to C1.2 of the BCA and an effective height of less than 25 metres.

FIRE AND RESCUE NSW NOTIFICATION

A copy of this Order has been sent to the Commissioner of Fire and Rescue NSW pursuant to the requirements of Schedule 5, Section 10 of the Environmental Planning and Assessment Act 1979.

PENALTY

PENALTY (corporation)

Tier 1 offences under the Environmental Planning and Assessment Act 1979 that are intentional and give rise to significant harm to the environment or cause the death or serious injury or illness to a person can give rise to fines of a maximum of \$5,000,000 in the case of a corporation and daily fines of \$50,000. Tier 2 offences, if applicable, can give rise to fines of \$2,000,000 in the case of a corporation and daily fines of \$20,000.

It is important to note that Council has given this Order with three (3) separate and distinct compliance periods. Failure to comply with any one constitutes an offence under the Environmental Planning and Assessment Act 1979.

Failing to comply with the terms of a Fire Safety Order can also be the subject of an infringement notice.

Also if the Order is not complied with, Council may give effect to the Order and recover the costs of doing so from you.

COMPLIANCE COST NOTICE

As a result of the issue of this Order, Council may also issue you with a Compliance Cost Notice under Schedule 5, Section 37 of the Act. Where such a notice is issued it will require you to pay a specified amount, being Council's reasonable costs and expenses incurred in monitoring works and ensuring compliance with the Order. This may include the time spent by Council staff, including time spent undertaking inspections, as well as any other expenses incurred in taking steps to ensure that the Order is complied with. Where Council issues you with a Compliance Cost Notice you will have a right of appeal to the Land and Environment Court in accordance with Section 8.24 of the Act.

MAINTENANCE OF EXISTING FIRE SAFETY MEASURES

That all existing fire safety measures installed within the building are to be maintained to the degree necessary whilst upgrading works are carried out under the requirements of the fire safety order. Failure to maintain existing fire safety measures to the degree necessary may incur a penalty infringement notice

WORK HOURS AND MISCELLANEOUS APPROVALS

Work associated with this Order must only be carried out between the hours of 7:30am and 5:30pm on Mondays to Fridays, inclusive and 7:30am and 3:30pm on Saturdays and no work must be carried out on Sundays or public holidays.

Any and all works on or over the public way shall require prior temporary approval from the Council under section 68 of the Local Government Act 1993. An application for a temporary permit may be made through Council's Construction Regulation team. They may be contacted by telephone on 9265 9333.

CONTACT DETAILS

For further information regarding this notice please contact Eyman Balta of the Health and Building West Area on telephone number 9246-7275 or by email at ebalta@cityofsydney.nsw.gov.au.

Yours sincerely



Eyman Balta
Senior Building Surveyor - West Area
Health and Building Unit

CC: [REDACTED]
[REDACTED]

FIRE SAFETY SCHEDULE
CLAUSE 168 ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 2000
FIRE SAFETY MEASURES CURRENTLY OR
PROPOSED TO BE IMPLEMENTED IN THE BUILDING
MINIMUM STANDARD OF PERFORMANCE

Premises: 6 – 10 Minogue Crescent Forest Lodge NSW 2037
Date of Order: To Be Advised
Order Ref: FIRE/2019/26

Fire Safety Measure		Current	Proposed	Standard of Installation
1.	Automatic smoke detection system		✓	Provided to the carpark level of the building and interfaced with the carpark mechanical ventilation system. Clause 5.5.4 of AS1668.1 – 2015 and Section 7 of AS1670.1 – 2015.
2.	Automatic fire sprinkler system		✓	Clause E1.5 and Specification E1.5 of BCA 2016 and AS2118.1 – 2017.
3.	Automatic smoke alarm system	✓		Provided to the common areas of the two residential unit buildings. Located to Clause 3 of Specification E2.2a of BCA 2016 and AS3786 – 1993.
4.	Building occupant warning system (Automatic smoke alarm system and automatic fire sprinkler system)	✓	✓	Provided to the carpark level, and the common areas of the two residential unit buildings. Clause 8 of Specification E1.5 and Clause 6 of Specification E2.2a of the BCA
5.	Emergency lighting	✓	✓	Clause E4.2 and E4.4 of BCA 2016 and AS2293.1 – 2005.
6.	Exit and directional signs	✓	✓	Clause E4.5, E4.6, E4.7 and E4.8 of BCA 2016 and AS2293.1 – 2005.
7.	Fire alarm communication link		✓	Clause 3.3 of AS2118.1 – 2017, AS1670.3 – 2018 and AS4428.6 – 2018.
8.	Fire dampers		✓	Clause C2.13 of the BCA, AS/NZS1668.1 – 2015, AS1682.1 – 2015, AS1682.2 – 2015 and Clause 6.11.2 of AS2419.1 – 2017.
9.	Fire doors	✓	✓	Clause C2.13, C3.11 of BCA 2016, AS1905.1 – 2015 and Clause 6.11.2 of AS2419.1 – 2017.

Fire Safety Measure		Current	Proposed	Standard of Installation
10.	Fire hydrant system		✓	Clause E1.3 of BCA 2016 and AS2419.1 – 2017
11.	Fire resisting incipient spread ceilings of not less than sixty (60) minutes		✓	Clause A2.5 and Clause 3.1 (c) (iv) of Specification C1.1 of BCA 2016.
12.	Fire safety emergency plans and procedures		✓	AS3745 – 2010.
13.	Fire stopping protecting openings in fire resisting components of building		✓	Clause C3.15, C3.16 and Specification C3.15 of BCA 2016, AS1530.4 – 2014 and AS4072.1 – 2005.
14.	Fire hose reels	✓		Provided to the carpark level of the building. Clause E1.4 of BCA 2016 and AS2441 – 2005.
15.	Mechanical air handling		✓	Carpark mechanical ventilation system. Section 5.5 of AS1668.1 – 2015 and AS1668.2 – 2012.
16.	Portable fire extinguishers		✓	Clause E1.6 of BCA 2016 and AS2444 – 2001.
17.	Protection of openings within 3m of the northern boundary		✓	Fire doors Clause C3.4 and Specification C3.4 of BCA 2016 and AS1905.1 – 2015. OR
			✓	Fire shutters Clause C3.4 and Specification C3.4 of BCA 2016, and AS1905.2 – 2005. OR
			✓	Fire windows Clause C3.4 and Specification C3.4 of BCA 2016, and installed in accordance with the manufacturers tested prototype and specification. OR
			✓	Wall wetting sprinkler and drencher systems Clause C3.4 of BCA 2016 and AS2118.2 – 2010. OR
			✓	Fire engineering report Report details TBA

Fire Safety Measure		Current	Proposed	Standard of Installation
18.	Signage for the non-monitored smoke alarm system		✓	Permanent notices displayed in conspicuous locations in the two residential unit buildings in accordance with Term 3.04 of Councils Fire Safety Order dated (TBA).
19.	Single station photoelectric smoke alarms	✓	✓	Provided internally to all residential sole occupancy units in the two residential unit buildings. Electrically hardwired and fitted with a battery backup. Located to Clause 3 of Specification E2.2a of BCA 2016 and AS3786 – 1993.
20.	Warning and operational signs		✓	Provided to the carpark level exit doors. Clause D2.23 of BCA 2016.

On completion of the work, the owner of the building shall cause the Council to be furnished with a "Final Fire Safety Certificate" in relation to each essential fire or other safety measure included in this schedule. The certificate shall meet with the requirements of Part 9 Division 4 of the Environmental Planning and Assessment Regulation 2000.

A copy of the certificate shall be given to the Commissioner of Fire and Rescue NSW and a further copy shall be prominently displayed in the building in a location specified by the Council.

In addition to the above, it will be necessary at least once in each period of 12 months from the date of the above "Final Fire Safety Certificate" for the owner of the building to furnish the Council with respect to each essential fire or other safety measure implemented in the building, an "Annual Fire Safety Statement" pursuant to the requirements of Part 9 Division 5 of the Environmental Planning and Assessment Regulation 2000 the details of which will be available on application.

Glossary

Term	Definition
Appropriately Qualified Person	A professional person/organisation having the specific knowledge and expertise that relates to the field the subject of the submitted report/certification/investigation and that that person or organisation possesses the relevant academic qualifications within that particular discipline and is recognised by the appropriate authority (where accreditation is applicable in that field)
NCC (BCA)	<p>The National Construction Code (NCC) is an initiative of the Council of Australian Governments developed to incorporate all on-site construction requirements into a single code.</p> <p>The NCC is produced and maintained by the Australian Building Codes Board (ABCB) on behalf of the Australian Government and each State and Territory government.</p> <p>The NCC is a uniform set of technical provisions for the design and construction of buildings and other structures, and plumbing and drainage systems throughout Australia. It allows for variations in climate and geological or geographic conditions.</p> <p>The edition (year) of the NCC used in compliance with the order will be the edition current at the time of the Order being issued.</p>
Certification	Means a certificate or other approved form of written correspondence issued by an appropriately qualified person stating that the properties and or performance of a material, product or system, method of construction or design meet with the specific requirements of the order.
AS - AS/NZS	Means an Australian Standard, (New Zealand) which sets out specifications (design/installation/maintenance) for certain fire safety protection equipment/services.
FRL	<p>Fire-resistance level (FRL). Means the fire resistance [in minutes] of a building element determined in accordance with Specification A2.3 of the BCA, for the following criteria:</p> <ul style="list-style-type: none"> - Structural adequacy; - Integrity; and - Insulation, expressed in that order
Details (to be submitted)	Means architectural building plans, drawn to industry standards, having an appropriate scale(s), elevations, sections and accompanied with suitable specification dealing with materials methods of construction and design.
Smoke Resistive Construction	A form of non-combustible construction which has subdividing walls, floors or other smoke barriers in it required to contain/minimise smoke movement throughout a building during a fire.
Penetration	An aperture in a fire separating element of construction, which could, in the event of a fire, allow the passage of fire to another fire compartment or other structurally separated area of a building.
Final Fire Safety Certificate	<p>A final fire safety certificate is a certificate issued by or on behalf of the owner of a building to the effect that each essential fire safety measure specified in the current fire safety schedule for the building to which the certificate relates:</p> <p>(a) has been assessed by a properly qualified person, and</p> <p>(b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.</p> <p>NOTE: A person to whom a fire safety order is given in relation to any building must, within the time specified in the order, cause copies of a final fire safety certificate for the building (being a certificate issued after the requirements of the order have been complied with) to be given to the person by whom the order was given (and, if that person was not the council, to the council).</p>