

Attachment B

**Inspection Report -
4A, 4B and 4D Huntley Street, Alexandria**



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

File: CSM 2079359

Officer: Doug McLennan

Date: 12 July 2019

Premises: 4A, 4B and 4D Huntley Street Alexandria

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 1 May 2019 in relation to the subject premises with respect to matters of fire safety.

The premises comprise a three storey industrial/commercial building which is interconnected by a vehicular circulation system. The ground floor is used as a childcare centre and carpark, the first floor as industrial/whole sale units with ancillary offices and a carpark and the second floor as storage units and a car park.

The site has an area of approximately 3000 square metres, is located approximately 70 metres south of Huntley Street and has been subdivided creating three separate property addresses; including 4A, 4B and part of 4D Huntley Street Alexandria.

Council's investigations have revealed the premises are deficient in fire safety and egress provisions in the following areas;

- (i) Inadequate fire detection and alarm systems (*maintenance and performance issues with existing systems*);
- (ii) A lack of adequate facilities for firefighting (*maintenance and performance issues with existing systems*);
- (iii) Fire resisting construction to prevent the spread of fire (*penetrations to fire resistive construction and a lack of access point for fire dampers*);
- (iv) Poor fire safety management systems (*lack of applicable signagel/fire notices not displayed/issues with fire exit discharge points*) in place.

Following investigation, it was determined that a fire safety order (fire safety notice of intention to give an order) under Schedule 5 of the Environmental Planning and Assessment Act, 1979, be issued without further delay so as to address the fire safety deficiencies identified by FRNSW and Council's Investigation Officer.

The notice(s) were issued on the 5 July 2019. Pursuant to the provisions of the Act, City officers in issuing the relevant Notices have provided the building owners an opportunity to make representations on the requirements of the respective proposed Order(s). After hearing and considering any representations City officers will then be able to determine the specifics of the Order(s) and enable site works to be initiated.

The subject premises is also fitted with aluminum composite cladding. The owners have registered details of the building's cladding through the NSW Government Planning Portal.

City officers are currently conducting a review of the cladding material to determine whether any further enforcement action will be required in this regard. Council officers have sent out instruction for building owners to provide cladding information and applicable assessment reports (on the suitability of cladding) to be provided to Council for further review.

Chronology:

Date	Event
1/05/2019	FRNSW correspondence received regarding premises 4 Huntley Street Alexandria [being 4A, 4B and 4D Huntley Street Alexandria]
13/05/2019	<p>An inspection of the subject premises was undertaken by a Council investigation officer in response to FRNSW correspondence. The inspection revealed deficient fire safety measures including;</p> <ol style="list-style-type: none">1. Fire separating construction including; lack of fire sealing of service penetrations and a lack of fire dampers.2. Egress provisions including; lack of exits to childcare centre, egress paths and storage of items in egress paths.3. Fire Services including; automatic fire detection and alarm system including numerous sensor faults, emergency lighting, exit signage, fire sprinkler system, and fire hydrant system. <p>Site discussions were undertaken in company with a Strata committee member in relation to the above and other fire safety issues. Assurances were given that certain remedial maintenance works would be undertaken and that building owners were awaiting the service of a City Order to engage contractors to carryout upgrade works to fire safety systems.</p>
24/05/2019	City officers directed the building owners to register the details of the building's cladding through the NSW Government Planning Portal.
7/06/2019	The owners registered details of the building's cladding through the NSW Government Planning Portal indicating the presence of aluminium composite panels located on external walls.
4/07/2019	An additional inspection of the subject premises was undertaken by a Council Investigation Officer. Inspection showed fire safety deficiencies were generally in accordance with previous inspection.
5/7/2019	Notices of Intention to give a Fire Safety Order were issued to owners of the premises (multiple building owners – strata)
12/07/2019	Council officers send out correspondence to building owners to engage suitably qualified personnel to conduct a cladding assessment and provide detail to Council for further review

FIRE AND RESCUE NSW REPORT:

References: [BFS19/1013 (6873); 2019/211625]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry in relation to the adequacy of the provision for fire safety in or in connection with the premises.

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

1. The fire sprinkler installation had an excessive recommended boost pressure.
2. The fire sprinkler pump-set had been isolated from automatic operation.
3. The Fire Indicator panel of the Smoke Detection and Alarm System displayed a number of sensor faults.

4. That combustible cladding may be present on the facades of the building including near or directly above required exits of the childcare centre.

FRNSW Recommendations

FRNSW have made no direct recommendation within their report other than legislative notification and advised that it is at Council's discretion to address any fire safety deficiencies identified on the premises

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Note issue of 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.

The City's cladding compliance team is to continue with investigations into the cladding material applied to the subject premises to ensure that no undue risk of fire spread via the facade of the building would occur in the circumstances and that any external hazardous materials are identified and are suitably dealt with.

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	2019/236449-01
A2.	Locality Plan	2019/236449-02
A3	Attachment cover sheet	2019/236449-03
A4	Copy of proposed fire safety order (sample 4A)	2019/326996; (2019/337191; 2019/339249)

Trim Reference: 2019/236449

CSM reference No#: 2079359

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5 July 2019



THE OWNERS - STRATA PLAN NO 90908
C/- Strata Plus Pty Limited
PO BOX H181
AUSTRALIA SQUARE NSW 1215

Our Ref: 2019/326996 Licence No: FIRE/2019/76

**Premises: 4A Huntley Street, ALEXANDRIA NSW 2015
Lot 7 DP 270849, Lots 1-68 SP 90908**

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

An inspection of the building by Council Investigation officer, on 4 July 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 South Area Manager Damian Zammit 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.

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

city of sydney

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 Doug McLennan of the Health and Building - South Area on telephone number 9265 9741 and email dmclennan@cityofsydney.nsw.gov.au

Yours sincerely



Doug McLennan
Building Surveyor - South Area

THE OWNERS - STRATA PLAN NO 90908
C/- Strata Plus Pty Limited
PO BOX H181
AUSTRALIA SQUARE NSW 1215

Our Ref: TBA Licence No: FIRE/2019/76

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
Schedule 5, Part 2, FIRE SAFETY ORDER
Premises: 4A Huntley Street , ALEXANDRIA NSW 2015 -
Lot 7 DP 270849, Lots 1-68 SP 90908

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 2 can be given:

- (1) When provision for fire safety or fire safety awareness is inadequate to:
 - a. prevent fire or
 - b. suppress fire or
 - c. prevent the spread of fire
- (2) To ensure or promote the safety of persons in the event of fire.
- (3) When lack of maintenance of the premises or the use of the premises constitutes a significant fire hazard

Premises the subject of the Order:

4A Huntley Street, ALEXANDRIA NSW 2015 - Lot 7 DP 270849, Lots 1-68 SP 90908

Compliance Period:

Pursuant to clause **Schedule 5, section 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 **30 days** (Date T.B.A.) from the date of this order;

- II. Stage 2 works shall be completed within **120 days** (Date T.B.A.) from the date of this order;
- III. Stage 3 works shall be completed within **210 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, section 5 of the Environmental Planning and Assessment Act 1979, this Order was given for the following reasons:

GENERAL

1. The premises 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;

CONSTRUCTION

2. The building has such pipes and miscellaneous services rising through the building which penetrate fire resisting building elements and are not adequately sealed to prevent or resist the vertical or horizontal spread of fire;
3. Penetrations in fire resistive building elements for electrical wiring and other services within the building are not properly protected by such approved means so as to prevent the spread of fire;

MEANS OF EGRESS

4. The building has storage beneath fire escape stairs posing a serious threat to occupant safety in the event of a fire arising from this source;
5. The storage of combustible materials in public corridors is hindering egress and is presenting a serious fire threat;
6. The building has combustible items in and around egress paths. This may impede egress and promote the severity of a fire;
7. The discharge of fire-isolated exits of the building does not provide acceptable provisions for access and egress to and from the building. This poses a serious falling threat to persons using the fire-isolated exit.

FIRE SERVICES AND EQUIPMENT

8. The fire alarm system is not being serviced and is in need of urgent remedial work;
9. The emergency evacuation lighting system is not working and fails to provide a level of illumination for safe evacuation in an emergency;
10. Portable fire extinguishers are not being maintained to the degree necessary to allow occupants to undertake initial attack of an outbreak of fire;
11. The building is used as a storage premises, wholesale premises, carpark and childcare centre and is not provided with suitable fire-fighting equipment to safeguard against fire spread;
12. The building is used as a storage premises, wholesale premises, carpark and childcare centre 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;

13. 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;
14. 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;
15. The mechanical air handling system serving the building/car park is not maintained so as to prevent the spread of fire and smoke throughout the building, and to ensure that evacuation routes remain tenable for occupant evacuation in the event of a fire emergency;
16. Access to fire dampers for maintenance purposes is inadequate as no access panels have been provided to ensure ongoing performance of the fire damper;
17. Access to fire equipment is obstructed. The obstructions could prevent building occupants from finding and using the equipment in the event of a fire emergency. This may allow the fire to grow unimpeded and place occupants and the building structure at a greater fire risk;

PROPOSED

Terms:

The terms of the Order are:

THE SPECIFIED WORKS

1. SAFETY OF PERSONS IN THE EVENT OF FIRE

1.01 Discharge from fire isolated stairways.

The Fire isolated stairways near the western elevation of the building shall discharge in accordance with the requirements of D1.7 of the BCA **(Work to be completed as part of Stage 3)**

1.02 Certification of emergency lighting system

That certification is required that the Emergency Lighting System installed within the building satisfies the requirements of Part E4 of the BCA. 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 equipment; **(Work to be completed as part of Stage 2)**

1.03 Certification of exit signs

That certification is required that exit signs have been designed and installed throughout the building to the requirements expressed in Part E4 of the BCA. 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 equipment; **(Work to be completed as part of Stage 2)**

1.04 Fire Safety Audit/Final Fire Safety Certificate

- (1) 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
- (2) 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
- (3) 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 the exit stairs

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

3. DETECTION OF FIRE

3.01 Certification of fire alarm system

That certification is required that the automatic fire alarm installation has been designed and installed in accordance with the requirements of BCA Spec E2.2a, AS 1670.1-2004 Fire Safety Engineering Report prepared by DEFIRE Report Ref No SY130183 Rev No R1.4 dated 22 October 2014. 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 equipment **(Work to be completed as part of Stage 2)**

4. THE PREVENTION OF THE SPREAD OF FIRE

4.01 Wall and ceiling penetrations (general)

That penetrations in walls and ceilings of fire resisting construction shall be sealed with a material no less fire resistant than the wall or ceiling itself in accordance with Part C3 of the BCA. Appropriate documentation shall be provided from a suitably qualified person or company attesting compliance; **(Work to be completed as part of Stage 2)**

4.02 Storage cupboards under stairs (enclose)

That the enclosing walls and ceilings of the storage cupboards under exit stairs shall have a fire resistance level of 60/60/60 and be fitted with a -/60/30 fire door, complying in all respects with the requirements of AS1905. Appropriate documentation shall be provided from a suitably qualified person or company attesting compliance; **(Work to be completed as part of Stage 3)**

4.03 Access to fire dampers

That adequate provision shall be made for access to all fire dampers for inspection and maintenance purposes in accordance with AS1668.1; **(Work to be completed as part of Stage 3)**

4.04 Certification of existing sprinkler system (sprinkler system to level 2)

That certification shall be required that the automatic sprinkler installation has been installed in accordance with the requirements of BCA Spec E1.5, AS 2118.1-1999, Fire Safety Engineering Report prepared by DEFIRE Report Ref No SY130183 Rev No R1.4 dated 22 October 2014. 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 equipment; **(Work to be completed as part of Stage 2)**

5. THE SUPPRESSION OF FIRE

5.01 Installation of fire blankets

That fire blankets complying with AS 3504 and AS 2444 shall be provided in all cooking areas adjacent to the cooking appliances;

(Work to be completed as part of Stage 1)

5.02 Certification of existing fire hose reels system

That certification shall be submitted confirming that the existing hose reel system was designed and installed to the appropriate legislative requirements at the time of installation. 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)**

5.03 Certification of existing fire hydrant system

That certification shall be submitted confirming that the existing fire hydrant system was designed and installed to the appropriate legislative requirements at the time of installation. 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 2)**

5.04 Certification of existing portable fire extinguishers

That certification shall be submitted confirming that the existing portable fire extinguishers were selected, located and installed to the appropriate legislative requirements at the time of installation. 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 equipment;

(Work to be completed as part of Stage 1)

PROPOSED

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 ADDRESS 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 5, 7a, 7b and 9b determined in accordance with A3.2 of the BCA.

The building is used primarily as a storage premises, wholesale premises, offices, carpark and childcare centre having a rise in storeys of three (3) 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.

SEPARATE BUILDING COMPLIANCE INVESTIGATION

This Fire Order does not relate to the unauthorized building works within the storage units of the second floor of the building. This part of the building is subject to a current separate building compliance investigations.

PENALTY

PENALTY (individual)

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 \$1,000,000 in the case of an individual and daily fines of \$10,000. Tier 2 offences, if applicable, can give rise to fines of \$500,000 in the case of an individual and daily fines of \$5,000.

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.

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 Order please contact Doug McLennan of Council's Health and Building Unit on telephone number 9265 9741 or email dmclennan@cityofsydney.nsw.gov.au

Yours sincerely

Doug McLennan
Building Surveyor (South Area)
Health and Building

PROPOSED

City of Sydney

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: Building A of "The Wool Stores Alexandria" being;
 4A Huntley Street , ALEXANDRIA NSW 2015 -
 Lot 7 DP 270849, Lots 1-68 SP 90908
 4B Huntley Street, ALEXANDRIA NSW 2015 –
 Lot 6 DP 270849
 4D Huntley Street, ALEXANDRIA NSW 2015 –
 Lot 4 DP 270849

Date of Order: To Be Advised
Order Ref: FIRE/2019/76

FIRE SAFETY MEASURES		Current	Proposed	Minimum Standard or Standard of Installation
1.	Automatic fire detection and alarm system	✓	✓	BCA Spec E2.2a, AS 1670.1-2004 Fire Safety Engineering Report prepared by DEFIRE Report Ref No SY130183 Rev No R1.4 dated 22 October 2014
2.	Automatic fire suppression system (sprinkler to level 2)	✓	✓	BCA Spec E1.5, AS 2118.1-1999, Fire Safety Engineering Report prepared by DEFIRE Report Ref No SY130183 Rev No R1.4 dated 22 October 2014
3.	Building occupant warning system	✓		BCA Clause 6 Spec E2.2a, AS 1670.1-2004
4.	Emergency lighting	✓	✓	BCA Clause E4.2, E4.4, AS 2293.1-2005
5.	Exit signs	✓	✓	BCA Clause E4.5, NSW E4.6 E4.8, AS 2293.1-2005
6.	Fire dampers	✓	✓	AS 1668.1
7.	Fire Doors	✓		BCA Spec C3.4, AS 1905.1-2005, AS C2.12
8.	Fire hydrant systems	✓	✓	BCA Clause E1.3, AS 2419.1-2005

9.	Fire Safety Engineering Report prepared by DEFIRE Report Ref No SY130183 Rev No R1.4 dated 22 October 2014	✓		Report addressing: 1. Travel distance between alternative exits to Ground level, level 1 & level 2 1. Travel distance to an exit to level 1 & level 2 2. Protection of openings to northern western & southern boundary 3. Reduced FRL to the external walls to Level 2 4. Non fire rating of ceiling to level 2 based on sprinkler protection of level 1 only Drencher protection of fire rated shutters
10.	Fire seals protecting opening in fire resisting components of the building	✓	✓	BCA Clause C3.15
11.	Fire Shutters	✓		BCA Clause C3.4, AS 1668.1-1998, AS 1905.1-2005
12.	Fire hose reel system	✓	✓	BCA Clause E1.4, AS 2441-2005
13.	Lightweight construction	✓		BCA Clause C1.8, BCA Spec C1.8
14.	Mechanical air handling systems (automatic shutdown to child care centre & car park exhaust)	✓	✓	AS 1668.1-1998, AS 1668.2-1991
15.	Portable fire extinguishers	✓	✓	BCA Clause E1.6, AS 2444-2001
16.	Wall wetting sprinkler and drencher system	✓		AS 2118.2-1995 Fire Safety Engineering Report prepared by DEFIRE Report Ref No SY130183 Rev No R1.4 dated 22 October 2014
17.	Warning and operational	✓		BCA Clause D2.23, E3.3 Section 183 EPA Reg 2000 Fire Safety Engineering Report prepared by DEFIRE Report Ref No SY130183 Rev No R1.4 dated 22 October 2014

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.

PROPOSED

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. 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. 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"> <input type="checkbox"/> Structural adequacy, and <input type="checkbox"/> Integrity; and <input type="checkbox"/> 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> <ul style="list-style-type: none"> (a) has been assessed by a properly 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. <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>



File Ref. No: BFS19/1013 (6873)
TRIM Ref. No: D19/23174
Contact: Station Officer [REDACTED]

30 April 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
COMMERCIAL PROPERTY
4 HUNTLRY STREET ALEXANDRIA ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 27 March 2019, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated in part that:

- *The Fire Indicator Panel (FIP) displayed 162 faults.*

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 27 March 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (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.

Please be advised that details of this inspection have been provided in accordance with Section 9.32(4) of the EP&A Act. Therefore, on behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Schedule 5, Part 8, Section 17(1)(a) of the EP&A Act.

COMMENTS

The following items were identified during the inspection:

1. Essential Fire Safety Measures
 - 1A. Fire Sprinkler System
 - A. FRNSW is of the opinion that the recommended boost pressure of 1400 kPa for the fire sprinkler installation exceeds the required pressures as detailed in AS2118.1-1999, Australian Standard (AS) 2118.2-2010 and the fire sprinkler block plan;
 - B. The fire sprinkler pumpset had been isolated from automatic operation, contrary to the requirements of AS 2941
 - 1B. Smoke Detection and Alarm Systems
 - A. The FIP displayed 162 sensor faults, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg). FRNSW were unable to determine the number sensors that were isolated.
2. Aluminium Composite Panel Cladding
 - a. A visual inspection of the external façade has revealed that a combustible material may be:
 - incorporated or forming part of the external wall; or
 - used as a finish, lining or attachment to a building element required to have a required fire-resistance level (FRL).

The material is located on the façade of the building and is near or directly above required exits of the childcare centre.

FRNSW received correspondence from the City of Sydney Council indicating that Council have undertaken an inspection of the premises and intend to issue a Notice against the Owners of the building. Please be advised that any further action undertaken by FRNSW is likely to cause an estoppel in relation to council's current enforcement action. As such, this matter is referred to council for its discretion as the appropriate regulatory authority.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Station Officer [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS19/1013 (6873) for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]
Team Leader Fire Safety Compliance
Fire Safety Compliance Unit