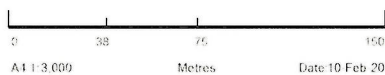


Attachment D

**Council Officer Inspection Report
2 Defries Avenue, Zetland**



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**Council investigation officer Inspection and Recommendation Report
Clause 17(2), Part 8 of Schedule 5, of the Environmental Planning and Assessment
Act 1979 (the Act)**

File: 2020/062723

Officer: Andrew Porter

Date: 10 March 2020

Premises: 2 Defries Avenue Zetland

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 consists of a nine storey building composed of residential apartments, retail and associated basement car parking.

An inspection of the premises undertaken by a Council investigation officer revealed that there were no significant fire safety issues occurring within the building.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Council investigations have revealed that fire exits are now accessible and function in accordance with required standards of safety.

Observation of the external features of the building identified the existence of potential combustible composite cladding on the façade of the building. A Council officer led cladding assessment investigation is currently underway to establish the proper corrective enforcement response to take in the circumstances.

Chronology:

Date	Event
06/02/2020	FRNSW correspondence received regarding premises 4 Defries Avenue Zetland, the building is known as 2 Defries Avenue Zetland on Council records.
10/02/2020	An inspection of the subject premises was undertaken by a Council officer and noted several minor fire safety maintenance and management works to be undertaken, namely; <ul style="list-style-type: none">➤ Two fire safety doors require minor repairs to prevent obstruction of the doors; and➤ A single isolation on the fire indicator panel which upon investigation was found to be isolated due to a fit out of a shop within the premises.
11/02/2020	Contacted the management of the premises, advised on the findings of Council's inspection and issued written instructions to carry out minor fire safety maintenance and management works required within the premises.
25/02/2020	Reinspection of the subject premises was undertaken; confirmed that written instructions of Council issued 11/02/2020 have been carried out, issue with the fire doors has been resolved. Notwithstanding that fire exits are now operational, it was noted that some temporary storage was occurring (potentially affecting exit discharge compliance) and that management practices may need to be further audited to establish if additional corrective enforcement action will be required. The fire indication panel is also being managed appropriately.
10/03/2020	Premises reinspected, required exits found free off obstructions and fully functional.

FIRE AND RESCUE NSW REPORT:

References: BFS19/3454; TRIM D20/5477

Fire and Rescue NSW conducted an inspection of the subject premises on 10 December 2019 after receiving correspondence on 22 October 2019 about difficulty exiting the building from a set of fire escape stairs within the building due to the fire safety doors being obstructed.

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

- The fire indicator panel for the premises has 7 isolations displayed, fire contractors were observed onsite by Fire and Rescue NSW personnel repairing the faults at the time of inspection;
- The fire door into the fire isolated stair to the eastern side of level 4 bank of lifts failed to return to the fully closed position;
- The final exit door from the aforementioned fire isolated stair was obstructed by a double door from an adjacent fire isolated passage;

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 and any other fire safety issues observed within the premises appropriately addressed;
2. 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)

Follow up compliance site inspections undertaken by Council investigation officers has established that required corrective works and actions have been completed to the standards expressed within relevant City correspondence.

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

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

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2020/062723-01
A2.	Locality Plan	2020/062723-02
A3	Attachment cover sheet	2020/062723-03
A4	Written instructions from Council to the premises owner	2020/062723-04

Trim Reference: 2020/062723

CSM reference No#: 2239631



File Ref. No: BFS19/3454
TRIM Ref. No: D20/5477
Contact: [REDACTED]

6 February 2020

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
'EAST VILLAGE SHOPPING CENTRE'
4 DEFRIES AVENUE, ZETLAND ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 22 October 2019, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

I left Virgin Active (4th Floor) via the fire escape stairs to the right of the elevators at approximately 1904hrs, 22nd October. The exit of the fire escape is in the loading dock. That exit door was blocked shut by an adjacent fire door that had been opened fully, wedged open by the ground that isn't flat and was pressed against my exit. In addition to this there were FOUR yellow bins with red lids that are used for fat/oil disposal pushed up against the door. I had to fight against that door to get through.

There were people in the loading dock who saw this happen. I left the centre but returned 30-40 minutes later to take photos and found that the bins had been moved, albeit marginally, out of the direct movement of the door. The adjacent fire door that was blocking my exit was still in the position I had left it after barging through the blockage.

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 10 December 2019 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 2019 Building Code of Australia – Volume One (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 during the inspection:

1. Essential Fire Safety Measures

- 1A. Maintenance – Clause 182 of the Environmental Planning and Assessment Regulation 2000 requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. The following was revealed at the time of the inspection:
 - A. The sub Fire Indicator Panel on Level 1 (Southern Retail) indicated that the Automatic Smoke Detection and Alarm System ('the system') displayed seven isolations.
 - B. Discussions with the facilities manager confirmed that he was aware of the isolations to "the system". Moreover, that the Fire Service Contractors were on-site testing "the system"
 - C. An inspection of the main Fire Indicator Panel at the time confirmed that service technicians were working on "the system" to address the displayed isolations.
 - D. Subject to receiving further concerns, no further action is required to be taken for FRNSW. It is at council's discretion to review it's records and confirm that "the system" is regularly maintained.
- 1B. Fire Door – The fire door into the fire-isolated stair, to the eastern side of the bank of lifts on level 4, failed to return to the fully closed position after each opening, contrary to the requirements of Clause C3.4 of the NCC.

- 1C. Exit Door - The exit door from the aforementioned fire-isolated stair to the loading dock, is located directly adjacent to the double exit doors from the level 1 retail area. At the time of the inspection:
- A. The double doors were open and appeared to cause an obstruction to the door from the fire-isolated stair.
 - B. FRNSW is aware there is a Fire Engineering Report for "the premises". It is unclear if this has been considered as per the report.
 - C. It is at council's discretion to review its records, and conduct its own investigation to determine whether this issue has been addressed through an alternative solution, or is contrary to the requirements of Clause 184 and 186 of the Environmental Planning and Assessment Regulation 2000.

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

RECOMMENDATIONS

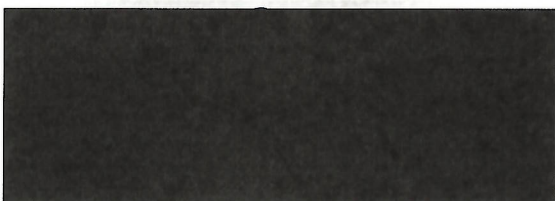
FRNSW recommends that Council:

Inspect and address any other deficiencies identified on 'the premises', and require item no. 1A through to item no. 1C 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 [REDACTED]. Please ensure that you refer to file reference BFS19/3454 for any future correspondence in relation to this matter.

Yours faithfully



Fire Safety Compliance Unit