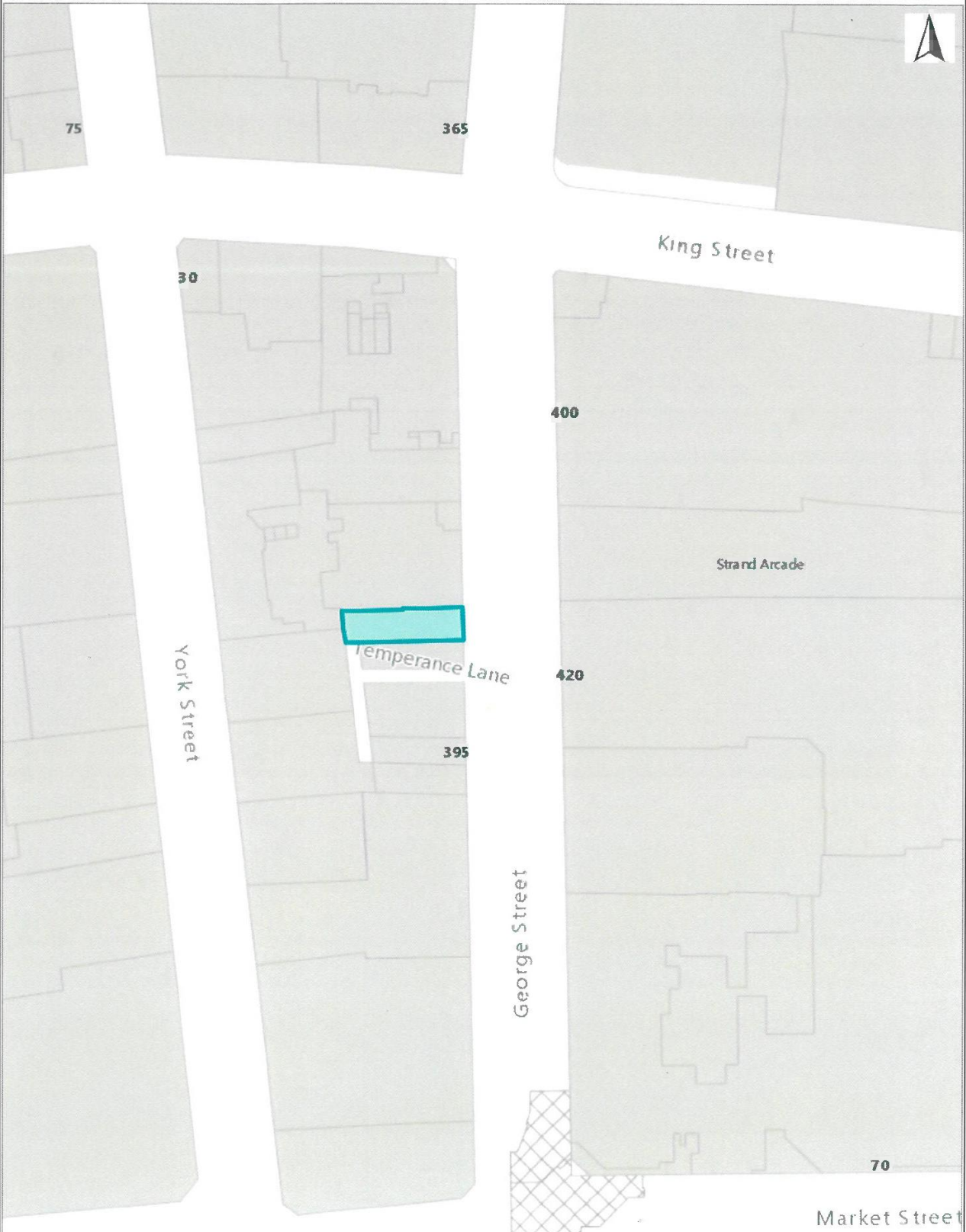


Attachment D

**Inspection Report
387 George Street, Sydney**



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Notes

1/09/2022

**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 2811316

Officer: Hieu Van Luu

Date: 1 August 2022

Premises: 387 George Street, SYDNEY NSW 2000

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 twelve-storey commercial office building. It has a primary street frontage to George Street and is located approximately halfway between King Street and Market Street.

A joint inspection of the subject premises was undertaken by a Council Officer, FRNSW inspector and the building manager as requested by FRNSW. The inspection was to assess compliance with the terms of the Notice issued by FRNSW on 11 May 2022.

The inspection also revealed that the premises are deficient in fire safety and egress provisions in the following areas:

1. The maintenance issues associated with the fire detection and alarm systems.
2. The non-compliance and maintenance issues of the Fire Hydrant/Sprinkler system.
3. Poor fire safety management systems (signs/notices/not displayed etc.) in place.

The building was reinspected after receiving correspondence from FRNSW. The inspection revealed that some of the issues listed above had been rectified.

It is considered that the premises are deficient in fire safety and egress provisions when considering the comments provided from FRNSW.

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

Observation of the external features of the building did not identify the existence of metal composite cladding.

Chronology:

Date	Event
17/05/2022	A joint inspection of the subject premises was undertaken by a Council Officer, FRNSW inspector and the building manager as requested by FRNSW. The inspection was to assess compliance with the terms of the Notice issued by FRNSW on 11 May 2022. At the time of the inspection the terms of the Notice had not been satisfied. The inspection also identified a number of additional fire safety deficiencies.
21/06/2022	FRNSW correspondence received regarding premises 387 George Street, SYDNEY.
19/07/2022	Inspection of the subject premises was undertaken by a Council officer to update on the issues listed by FRNSW in their correspondence. The inspection revealed that some of the issues listed by FRNSW had been rectified.
17/8/2022	Notice of Intention to issue a Fire Safety Order issued.

FIRE AND RESCUE NSW REPORT:

References: [BFS22/1994 (21050), D22/43046; Trim reference (2022/340296)]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving correspondence on 10 May 2022 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:

Issue	City response
1. The maintenance issues associated with the following fire systems: <ul style="list-style-type: none">• Fire Detection Control and Indicating Equipment<ul style="list-style-type: none">- Smoke detection and Sprinkler Flow Switches isolation on various floors.- Visual Alarm Device was not provided.• Emergency Warning and Intercommunication System was isolated.	At the time of the inspection of 19/07/2022 the issues had been rectified. There were no faults or isolation observed on the Fire Indicator Panel.
2. The non-compliance and maintenance issues of the Fire Hydrant/Sprinkler system.	At the time of the inspection of 19/07/2022 the issues had not all been rectified.
3. Operation of latch of exit door.	At the time of the inspection of 19/07/2022 the issue had not been rectified.
4. Poor fire safety management systems (signs/notices/not displayed etc.) in place	At the time of the inspection of 19/07/2022 the issues had not all been rectified.

FRNSW Recommendations

FRNSW have made a number of recommendations within their report and requested that Council:

1. Inspect the subject premises and take action to have the identified fire safety issues and any other deficiencies identified on 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)
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As a result of a site inspection undertaken by Council investigation officers it is recommended that Council exercise its powers to issue a notice of intention (NOI) for a fire safety order under Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council's building officer.

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:

Trim Reference: 2022/385803

CSM reference No#: 2811316

Unclassified



File Ref. No: BFS22/1994 (21050)
TRIM Ref. No: D22/43046
Contact: [REDACTED]

21 June 2022

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
'GEORGES HOUSE'
387 GEORGE STREET SYDNEY NSW 2000 ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 10 May 2022, in relation to the adequacy of the provision for fire safety in or in connection with 'the premises'.

The correspondence stated: '*multiple isolations*'.

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 May 2022 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.

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)

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483
www.fire.nsw.gov.au		Page 1 of 10

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requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

PROPOSED FIRE SAFETY ORDER NO. 1

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued a Notice No. 1, dated 11 May 2022, in accordance with the provisions of Section 9.34 of the EP&A Act, to have item no. 1A(A) & 1A(B) 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 Notice is attached for your information. FRNSW has conducted a follow-up inspection on 17 May 2022 to assess compliance with the terms of this Notice. The inspection was also conducted in the company of an Officer from the *City of Sydney Council*. At the time of the follow-up inspection the terms of the Notice had **not** been satisfied.

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 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 during the inspection:

1. Essential Fire Safety Measures

1A. Maintenance – Clause 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. At the time of the initial inspection the following was noted:

A. Fire Detection Control and Indicating Equipment (FDCIE) – At the time of the inspection the FDCIE displayed the following:

- Smoke detection isolated on Levels 1, 2, 3, 4, 9 & 10
- Smoke detector in alarm on Lobby of Level 10
- Sprinkler Flow Switches isolated on Levels 1, 2, 3, 4, 5, 6, Basement & Ground.

B. The Emergency Warning and Intercommunication System (EWIS) was isolated and displayed the following:

- Charger Fault.

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- Alarm System Isolated.
 - System on Batteries
- C. Logbooks – Clause 1.16.2 of AS 1851 requires service logbooks to be left on site. At the time of the inspection, copies of previous services records for the FDCIE were unavailable. As a result, it was difficult to establish if regular maintenance was being carried out.
- 1B. Fire Hydrant/Sprinkler System – With regard to the hydrant and sprinkler systems installed in the premises the following issues were noted.

- A. Generally - Clause C7.11 of AS2419.1:2005 states that a block plan is required to ensure that firefighters using the booster assembly are aware of the system in terms of its designed capacity, extent and configuration. In that regard, the hydrant block plan provided at the booster assembly and pump room is confusing and difficult to interpret, as is the general configuration and layout of the pipework and pumps installed at the premises.

Considering this, and the additional issues identified below, a review and audit of the installed hydrant and sprinkler systems by an appropriately qualified person is recommended.

- B. Hydrant/Sprinkler Pumps –
- i. The diesel pump located in the basement storage area (to the eastern side of the basement), is not provided with a door opening to a road or open space, or a door opening to a fire isolated passage or stair which leads to a road or open space, contrary to the requirements of Clause 6.4.2 of AS2419.1-2005.
 - ii. The diesel pump located in the basement storage area, has not been identified by appropriate signs and other visual and audible aids, so that the room and its entrance can be readily located by the attending fire brigade, contrary to the requirements of Clause 6.4.1 of AS2419.1-2005.
 - iii. Considering the location of the fire pump, in the basement storage room, the pumpset is not considered to be remote from any fire risk, contrary to the requirements of Clause 11.3 of AS2914-2013
 - iv. At the time of the inspection, the diesel pump controller in the basement pump room displayed the following:
 - 0% fuel remaining,
 - Fuel level low,

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- alarm muted,
- start battery fail,
- control battery fail.

Furthermore, the service tags/labels attached to the diesel pump indicated that the last routine service was in 2006. Therefore, it is apparent that the pump has not received regular maintenance, contrary to the requirements of Clause 81 of the EPAR 2021 and Section 4 of AS1851-2012.

- v. At the time of the inspection, the lighting in the pump room was not operating. Therefore, adequate lighting has not been provided in the vicinity of the pumpset, contrary to the requirements of Clause 11.4 of AS2941-2013.
- vi. The basement pump room did not appear to be adequately fire separated from the level above, contrary to the requirements of Clause C2.8, Clause C3.5 and Specification C1.1 of the NCC. In this regard, holes were apparent in the ceiling of the pump room.
- vii. The access door to the hydrant/sprinkler pump room, along with the door in the path of travel to the pump room are not provided with adequate identification signage, so that it can be readily located by the attending fire brigade, contrary to the requirements of Clause 6.4.1 of AS2419.1-2005;
- viii. The door lock to the pump room/ sprinkler stop valve, from the rear lane, was not fitted with a lock compatible with fire brigade operational procedures and is not therefore readily accessible to fire brigade personnel, contrary to the requirements of Clause 11.3 of AS 2941-2013.
- ix. The exhaust system provided to the fixed on-site pump has not been fully guarded, lagged, shielded or cooled to prevent fire hazards and injury to operators in accordance with the requirements of Clause 9.3.5 of AS 2941-2013.
- x. A spanner had not been provided at the sprinkler control valves, contrary to the requirements of Clause 6.7 of AS 2118.1-1999;

C. Sprinkler/Hydrant Booster -

- i. Boost pressure and test pressure signage has not been provided in a prominent position adjacent to the fire brigade booster assembly, contrary to the requirements of Clause 7.10.1 of AS2419.1-2005;

- ii. The hydrant booster assembly is affixed to the external wall of the building and is not separated from the building by construction with a fire resistance rating of not less than FRL 90/90/90 for a distance of not less than 2m each side and 3m above the upper hose connections, contrary to the requirements of Clause 7.3 of AS2419.1-2005;
 - iii. The service label/tag provided to the booster assembly was date stamped August 2021, indicating the system had not receiving routine maintenance, contrary to the requirements of Clause 81 of the EPAR 2021 and Section 4.2 of AS 1851-2012.
 - iv. A plan of risk (block plan) was not provided adjacent to the sprinkler booster, contrary to the requirements of Clause 8.3 of AS 2118.1-1999.
 - v. The door to the booster assembly has not been clearly identified with appropriate fade-resistant signs, contrary to the requirements of Clause 7.10.2 of AS 2419.1-2005.
- 1C. Smoke Detectors – During the follow up inspection, access was granted to Level 4. At the time of the inspection a number of detectors were covered with rubber gloves. The gloves were subsequently removed.
- 1D. Operation of Latch – Clause D2.21 of the NCC requires that a door must be readily openable without a key from the side that faces a person seeking egress. The door from the basement to the rear fire stairs contains a deadlatch without a lever handle to open the door.
- 1E. Fire Door – The door between the basement retail area and storage area (which houses the fire pump) has been removed from its hinges. Further investigation may be required by Council to determine if this door is required to be a fire door, separating the two compartments in accordance with the requirements of Clause C3.4 of the NCC.
- 1F. Visual Alarm Device (VAD) - A VAD light was not located on the outside of the building, visible from the main approach to the building to indicate the location of the FDCIE, contrary to the requirements of Clause 3.8 of AS1670.1-2018.
- 1G. Annual Fire Safety Statement (AFSS) – Clause 177(2) of the EP&A Regulation requires the AFSS be updated annually. At the time of the inspection, an AFSS could not be located.
2. Generally
- 2A. Investigation Outcomes – As noted above, at the time of the follow-up inspection, the issues outlined at 1A remained. The following are outcomes from the investigation by FRNSW:

- A. Assertions from the fire safety practitioner (FSP) - Sydney Fire:
 - i. The faults/isolations/alarms to the FDCIE and EWIS have been apparent for approximately two weeks prior to FRNSW's initial inspection.
 - ii. As a result of the investigation, the FSP has determined that the entire system – FDCIE, EWIS and detectors – requires replacement.
 - iii. The FSP confirmed that the sprinkler system would still operate in the event of a fire.
- B. Assertions from building owner:
 - i. The building owner was dissatisfied with the response from the FSP regarding the issues with the fire safety measures installed in the premises.
 - ii. The building owner has engaged a second FSP to carry out a detailed audit of the installed fire safety measures, including both wet and dry systems, and provide a report on the issues. The audit was to have been carried out on 18 May 2022.
 - iii. The building owner would forward a copy of a report to FRNSW and Council. It should be noted that at the time of writing, FRNSW has yet to receive a copy of the report.
- C. Council's fire safety officer confirmed that Council would, upon receipt of the report from the second FSP, consider all options with the issuance of a Fire Safety Order a likely outcome in accordance with the provisions of schedule 5, Part 2 of the EP&A Act.

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 item no. 1 through to item no. 2 of this report and any other deficiencies identified on 'the premises'.

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)

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[REDACTED]. Please ensure that you refer to file reference BFS22/1994 (21050) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

Fire Safety Compliance Unit

Attachments [Appendix 1 – Proposed Fire Safety Order - 3 pages]



Proposed 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.
Intend to give an Order in accordance with Section 9.34(1)(b)

I, [REDACTED]

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:

LIONMAR HOLDINGS PTY LTD
(name of person whom Order is served)

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

with respect to the premise

39TGEORGES HOUSE
39T387 GEORGES STREET SYDNEY 2000 ("the premises")
(name/address of premises to which Order is served)

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

1. Ensure the automatic smoke detection and alarm system installed in 'the premises' is fully operational, by repairing the alarm, faults and isolations to the system as indicated on the Fire Indicator Panel.
2. Ensure the Emergency Warning and Intercommunication System (EWIS) installed in 'the premises' is fully operational, by returning the EWIS system to automatic operation and repairing all faults and isolations to the EWIS Panel.
3. Ensure the Automatic Fire Sprinkler System installed in 'the premises' is fully operational, by repairing the faults to the system as indicated on the Fire Indicator Panel.

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate Fire Safety Compliance Unit	1 Amarina Ave Greenacre NSW 2190	T (02) 9742 7434 F (02) 9742 7843

The terms of the Order are to be complied with:

By no later than 7 days from the date of the order

The reasons for the issue of this Order are:

- a. At the time of the inspection on 11 May 2022, the Fire Indicator Panel displayed the following:
 - Smoke detection isolated on Levels 1, 2, 3, 4, 9 & 10
 - Smoke detector in alarm on Lobby of Level 10
 - Sprinkler Flow Switches isolated on Levels 1, 2, 3, 4, 5, 6, Basement & Ground.
- b. At the time of the inspection on 11 May 2022, the EWIS Panel was isolated and displayed the following:
 - Charger Fault.
 - Alarm System Isolated.
 - System on Batteries
- c. To ensure that the automatic smoke detection and alarm system, Emergency Warning and Intercommunication System and the Automatic Fire Sprinkler System are capable of operating to the standard of performance to which they were designed, installed and commissioned.
- d. Failure to repair and maintain the automatic smoke detection and alarm system and Automatic Fire Sprinkler System is likely to delay the response of Fire and Rescue NSW and the commencement of firefighting operations.
- e. To ensure the automatic smoke detection and alarm system and Emergency Warning and Intercommunication System are capable of performing to the degree necessary to alert the occupants in the event of a fire in 'the premises' and facilitate an evacuation in a timely manner.
- f. To ensure or promote the safety of persons in the event of fire.
- g. To ensure compliance with the requirements of Clause 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Appeals

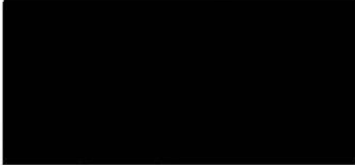
Pursuant to Section 8.18 of the EP&A Act, there is no right of appeal to the Court against this Order, other than an order that prevents a person using or entering premises.

Unclassified

Non-Compliance with the Order

Failure to comply with this Order may result in further Orders and/or fines being issued. Substantial penalties may be imposed under Section 9.37 of the EP&A Act for failure to comply with an Order.

NOTE: Representations are to be made in writing and should be received by FRNSW by no later than close of business **18 May 2022**.



Fire Safety Compliance Unit

This **Proposed** Fire Safety Order No. 1 was sent by mail on **11 May 2022**.