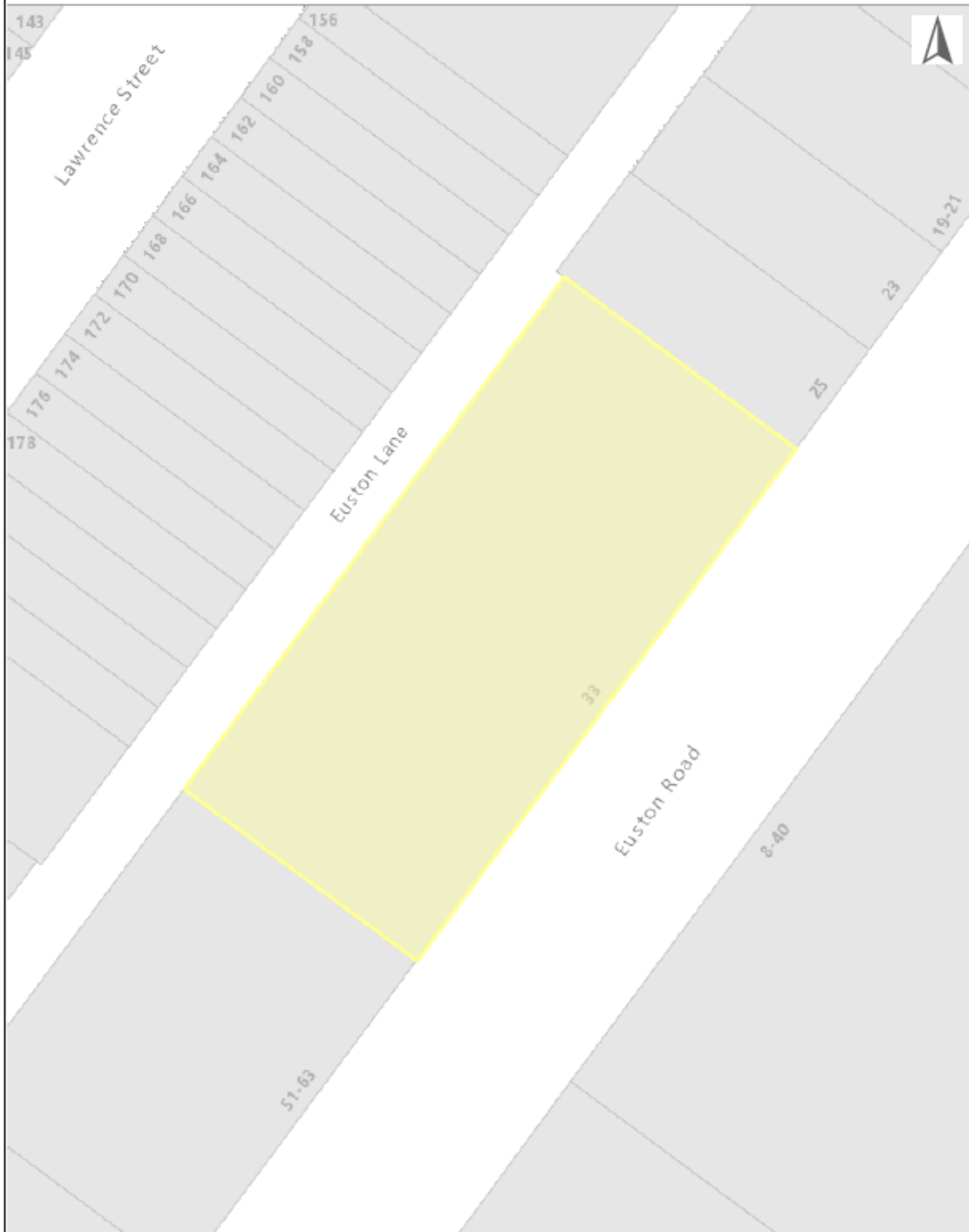


Attachment B

**Inspection Report
33 Euston Road, Alexandria**



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Notes

27/01/2023

**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: 2023/051536

Officer: Doug McLennan

Date: 23 January 2023

Premises: 33 Euston Road, Alexandria

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 23 December 2022 with respect to matters of fire safety.

FRNSW's inspection resulted from the 'Project Remediate' program being undertaken by the NSW Department of Customer Service. This voluntary program helps owners remove combustible cladding on residential apartment buildings throughout NSW.

The premises consists of a four (4) storey mixed use building with a basement carpark. The approved uses include commercial offices and retail at ground floor level and residential accommodation on the first-floor level and above.

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; however, it was not displayed within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2021.

Council investigations have revealed that whilst there remains some minor fire safety "maintenance and management" works to attend to, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

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

The premises is fitted with external combustible cladding. The City's cladding compliance team have issued a Fire Safety Order requiring cladding removal and replacement. Appropriate precautionary interim fire safety measures are currently in place to assist in safeguarding occupants whilst cladding removal and replacement works are scheduled. The interim measures include raising site cladding risk awareness with all building occupants; the removal of potential fire hazards/processes from critical potential fire start areas; the introduction of site management procedure plans and temporary rules to carefully manage hot/building maintenance works and the implementation of any expert recommendations.

Chronology:

Date	Event
23/12/2022	FRNSW correspondence received regarding premises 33 Euston Road, Alexandria. The correspondence was initiated by the Project Remediate program and a FRNSW inspection on 21/12/2022
18/01/2023	An inspection of the subject premises was undertaken by a Council officer, during the inspection it was found that: (i) the current Annual Fire Safety Statement (AFSS) was not displayed, (ii) the fire indicator panel had numerous faults and isolations, (iii) regular servicing of fire safety measures was not being carried out (iv) the Fire Hydrant system lacked suitable signage, and securing of isolation valves (v) lack of suitable access and signage to the Fire Hydrant Booster Pumproom

Date	Event
	(vi) lack of suitable exit signage in the basement carpark,
23/01/2023	Council investigation officer issued written fire safety compliance instructions to the building owners to rectify the non-compliances observed during the inspection of 18 January 2023.
3/02/2023	A follow up inspection of the subject premises was undertaken by a Council officer, during the inspection it was found that following corrective actions had been carried out: <ul style="list-style-type: none"> (i) A copy of the current Annual Fire Safety Statement (AFSS) was displayed in the building (ii) The Automatic Fire Detection and Alarm System had been serviced and the Fire Indicator Panel was displaying two faults only. The owner advised contractors had been engaged to clear the remaining faults by rewiring the electrical installation of a ground floor commercial tenancy. (iii) The Fire Hydrant system had secured isolation valves (iv) Suitable access was provided to the Fire Hydrant Booster pumphoom.
8/2/2023	Submission made by owner's representative requesting until 20 May 2023 to rectify the remaining non-compliances.
14/02/2023	Council investigation officer issued email correspondence instructing the building owner's representative to rectify the remaining non-compliances by 1 May 2023.

FIRE AND RESCUE NSW REPORT:

References: [BFS22/6695 (25654);2022/659402]

Fire and Rescue NSW conducted an inspection of the subject premises in response to the Project Remediate program being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW.

Issues The report from FRNSW detailed several issues, as detailed in the below table.

Issue	City response
<p>The Automatic Fire Detection and Alarm System had deficiencies including:</p> <ul style="list-style-type: none"> • Lack of monthly testing and servicing • Faults to two detectors • Two batteries that were more than two years old • Both carpark supply fan and car park exhaust fan stopped at Fire Indicator Panel. 	<p>Corrective action letter issued on 23/01/2023 required the building owners to:</p> <ul style="list-style-type: none"> • Investigate and rectify all faults and isolations that are displayed on the premises' Fire Indicator Panel and return the system to a normal operating state, free of faults and/or isolations • Service the Automatic Fire Alarm and Detection system, and carry out any required maintenance works, in accordance with the requirements of AS1851 – 2012.
<p>The Fire hydrant booster assembly did not comply with AS2419.1-2005 as it:</p> <ul style="list-style-type: none"> • Had a block plan that was delaminating and could not be read. • Lacked suitable signage indicating the boost pressure and test pressure • Did not have all above ground isolating valves secured or locked in the open position. • Lacked a warning sign for the pressure gauge. 	<p>Corrective action letter issued on 23/01/2023 required the building owners to:</p> <ul style="list-style-type: none"> • Provide a permanent water and fade resistant block plan of the fire hydrant system at the fire hydrant booster assembly • Provide a permanent and fade resistant or engraved sign indicating the boost pressure and test pressure at the fire hydrant booster assembly • Provide an engraved warning sign

Issue	City response
	<ul style="list-style-type: none"> Secure or lock all above ground isolating valves of the hydrant booster system in the open position
<p>The Fire hydrant booster assembly was 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 connections in the booster assembly.</p>	<p>The City previously addressed this item as part of a Fire Safety Order issued on 2 June 2015 (FIRE/2015/76). A Fire Safety Alternative Solution was approved under the Fire Safety Order.</p> <p>FRNSW advised their inspection had been conducted without copies of the development consent or copies of the approved floor plans.</p> <p>The current Booster assembly complies with the requirements of the approved Alternative solution.</p>
<p>Access to the Fire Hydrant pumproom was:</p> <ul style="list-style-type: none"> through doors that did not have suitable signage and were not accessible with a FRNSW access key. Not via a door opening to a road or open space, or a door opening to a fire-isolated passageway or a stair which leads to a road or open space, contrary to the requirements of Clause 6.4.2 of AS2419.1-2005 	<p>Corrective action letter issued on 23/01/2023 required the building owners to provide doors to the Fire Hydrant Pumproom with suitable signage and that are accessible with a FRNSW access key.</p> <p>The City previously addressed these items as part of a Fire Safety Order issued on 2 June 2015 (FIRE/2015/76). A Fire Safety Alternative Solution was approved under the Fire Safety Order.</p> <p>FRNSW advised their inspection had been conducted without copies of the development consent or copies of the approved floor plans</p> <p>The current door complies with the requirements of the approved Alternative solution.</p>
<p>A clearance of not less than 1m was not provided around the perimeter of the fire hydrant pump assembly for ongoing inspection and testing, contrary to the requirements of Clause 11.3 of AS2941-2013.</p>	<p>The City previously addressed this item as part of a Fire Safety Order issued on 2 June 2015 (FIRE/2015/76). A Fire Safety Alternative Solution was approved under the Fire Safety Order.</p> <p>FRNSW advised their inspection had been conducted without copies of the development consent or copies of the approved floor plans.</p> <p>The current Hydrant pump assembly complies with the requirements of the approved Alternative solution.</p>
<p>The fire hydrant pumpset was not being inspected and tested on a monthly basis with the last service record dated 10/11/2022 identified the following items:</p> <ul style="list-style-type: none"> '2x 12V 85Ah/20HR batteries more than 02 yrs'. 'Room filled with smoke while running the pump'. 'Also exhaust and supply fan was stopped at panel'. Similar remarks were noted since August 2022. 	<p>Corrective action letter issued on 23/01/2023 requiring the servicing of the hydrant pump set and the carrying out of any required maintenance works in accordance with AS1851 – 2012.</p>
<p>A copy of the current AFSS and Fire Safety Schedule were not prominently displayed within the building in accordance with Clause 89 of the EPAR 2021.</p>	<p>Corrective action letter issued on 23/01/2023 requiring the current AFSS including Fire Safety Schedule be predominately displayed within the building.</p>

Issue	City response
Vertical separation of openings in external walls –There are openings in the external wall in both the Euston Road and Euston Lane elevations, which are located above another opening in the storey next below, which are not separated by a spandrel or a slab or other horizontal construction, in accordance with Clause C2.6 of the National Construction Code Volume One Building Code of Australia (NCC).	The City previously addressed this item as part of a Fire Safety Order issued on 2 June 2015 (FIRE/2015/76). A Fire Safety Alternative Solution was approved under the Fire Safety Order. FRNSW advised their inspection had been conducted without copies of the development consent or copies of the approved floor plans. The current external openings comply with the requirements of the approved Alternative solution.
The basement carpark lacked suitable exit signage and had areas/parts where the direction to the required exits was not readily apparent.	Corrective action letter issued on 23/01/2023 requiring Exit Signage, including directional signage is provided to the basement carpark, is in accordance with Clause E4.5 and E4.6 of the BCA and AS/NZs 2293.

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.
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
3. 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.
4. FRNSW have also requested that as soon as practical after the above report has been tabled and considered, that notice of any determination in relation to the report and recommendations is forwarded to them in accordance with clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order (NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)
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As a result of site inspection undertaken by Council’s investigation officers it was determined to issue the owners of the building a compliance letter of instruction to rectify the identified fire safety deficiencies noted by Council and FRNSW.

The above correspondence has requested that building management undertake remedial works and have required signage to fire systems caused to be compliant.

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

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

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

Referenced/Attached Documents:

2022/659402	Fire and Rescue NSW correspondence
2023/043526	Copy of corrective action letter dated 23 January 2023

Trim Reference: 2023/051536

CSM reference No#: 2910833

Unclassified



File Ref. No: BFS22/6695 (25654)
TRIM Ref. No: D22/116462
Contact: [REDACTED]

23 December 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
33 EUSTON ROAD, ALEXANDRIA ("the premises")**

In response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW, an inspection of 'the premises' on 21 December 2022 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW), pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In this instance, the inspection revealed fire safety concerns that may require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

In this regard, 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.

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
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Page 1 of 6

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COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items outline concerns in general terms, deviations from the fire safety provisions prescribed in Section 9.32(1)(b) of the EP&A Act and Clause 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

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

1. Essential Fire Safety Measures

1A. The Automatic Fire Detection and Alarm 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 81 of the EPAR 2021. The following issues were identified as concerns at the time of inspection:

A. Fire Indicator Panel (FIP) – The FIP was displaying two (x2) faults identified as:

- i. *Loop Open or Short*
- ii. *Zone 20 Shop 4 Rm2 - Heat*

The Strata Manager was advised of the faults following the inspection, and FRNSW were advised that the issue would be investigated and resolved in a timely manner.

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

B. The last entry in the Fire Detection and Alarm System Monthly Service Book, dated 10 November 2022, identified the following:

- i. *'2x 12V 33Ah batteries more than 02 yrs old'.*
- ii. *'Both CPSF & CPEF stopped at FIP'.*

Similar remarks were noted since August 2022 without resolution.

C. The Fire Detection and Alarm System Monthly Service Book indicated the system was not being inspected and tested on a monthly basis, contrary to the requirements of Section 6 of AS1851–2012 and Clause 81 of the EPAR 2021. In this regard, the logbook indicated the system was being serviced irregularly and not monthly.

1B. The Fire Hydrant System:

A. The booster assembly:

- i. A permanent water and fade resistant block plan of the fire hydrant system had not been provided at the booster assembly, contrary to the requirements of Clause 7.11 of AS2419.1-2005. In this regard, the installed block plan was beginning to delaminate and could not be read. Furthermore, the block plan on display failed to depict all the relevant information pertaining to the installation stipulated in parts (a), (b) (i) to (xiii) and (c) (i) to (iii) of Clause 7.11 of AS2419.1-2005.
- ii. A permanent and fade resistant or engraved sign indicating the boost pressure and test pressure was not provided at the booster assembly, contrary to the requirements of Clause 7.10.1 of AS2419.1-2005.
- iii. All above ground isolating valves were not secured or locked in the open position, contrary to the requirements of Clause 8.5.8 of AS2419.1-2005.
- iv. The booster assembly appears to be connected 'in series' with the fixed on-site fire pump in accordance with the requirements of Clause 7.6 of AS2419.1-2005. In this regard, a 150mm diameter liquid filled pressure gauge is provided at the booster assembly which is typically provided to show the pressure at the pump discharge pipe/manifold, however, an engraved warning sign is not provided, contrary to the requirements of Clause 7.6(c) of AS2419.1-2005.
- v. The booster assembly, which is affixed to the external wall of the building, 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 connections in the booster assembly, contrary to the requirements of Clause 7.3(c) of AS2419.1-2005. In this regard, glazed openings from the adjoining commercial tenancy are located adjacent and above the booster assembly.

B. The pumphoom:

- i. The internal pumphoom is located in the basement level and is not accessed via a door opening to a road or open space, or a door opening to a fire-isolated passageway or a stair which leads to a road or open space, contrary to the requirements of Clause 6.4.2 of AS2419.1-2005. In this regard, fire-fighters would need to traverse through the carpark in order to gain access to the hydrant pumphoom.

Unclassified

- ii. All doors leading to the pump room were not fitted with a lock compatible with FRNSW access key. In this regard, the door into the fire stair leading to the pump room at the street level was not fitted with a 003 key lock.
- iii. All doors leading to the pumproom were not identified by appropriate signs or other visual aids, so the pumproom 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. In this regard, the door into the fire stair leading to the pump room at the street level was not fitted with appropriate signage.
- iv. A clearance of not less than 1.0m, is not provided around the perimeter of the pump assembly for ongoing inspection and testing, contrary to the requirements of Clause 11.3 of AS2941-2013.

C. The hydrant pumpset:

- i. The Monthly Service Record for the hydrant diesel pump, dated 10 November 2022, identified the following:
 - a. *'2x 12V 85Ah/20HR batteries more than 02 yrs'*.
 - b. *'Room filled with smoke while running the pump'*.
 - c. *'Also exhaust and supply fan was stopped at panel'*.Similar remarks were noted since August 2022.
- ii. The service record/logbook for the pumpset indicated the system had not been inspected and tested on a monthly basis, contrary to the requirements of Section 3 of AS1851-2012 and Clause 81 of the EPAR 2021. In this regard, the logbook indicated the system was being serviced irregularly and not monthly.

1C. Annual Fire Safety Statement (AFSS) and Fire Safety Schedule (FSS):

- A. A copy of the current AFSS and FSS were not prominently displayed within the building in accordance with Clause 89 of the EPAR 2021.

FRNSW is therefore of the opinion that the fire safety provisions prescribed for the purposes of 9.32(1)(b) of the EP&A Act, have not been complied with.

ADDITIONAL COMMENTS

In addition to the items identified above, relating to the Fire Safety Provisions prescribed by Clause 112 of the EPAR 2021, the following items were also identified as concerns at the time of the inspection and it would be at council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

2. Generally:

2A. Fire Resistance:

- A. Vertical separation of openings in external walls – There are openings in the external wall in both the Euston Road and Euston Lane elevations, which are located above another opening in the storey next below, which are not separated by a spandrel or a slab or other horizontal construction, in accordance with Clause C2.6 of the National Construction Code Volume One Building Code of Australia (NCC).

2B. Services and Equipment:

- A. Exit signs and directional exit signs – It was evident that there were areas/parts within the carpark levels, where the direction to the required exits was not readily apparent. Additional directional exit signs may be required throughout the carpark level, such that an exit sign or directional exit sign is clearly visible from all parts, in accordance with Clause E4.5 and NSW E4.6 of the NCC.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address item no. 1 of this report.
- b. Give consideration to the other deficiencies identified on 'the premises' identified in item no. 2 of this report.

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.

Unclassified

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 BFS22/6695 (25654) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Fire Safety Compliance Unit

