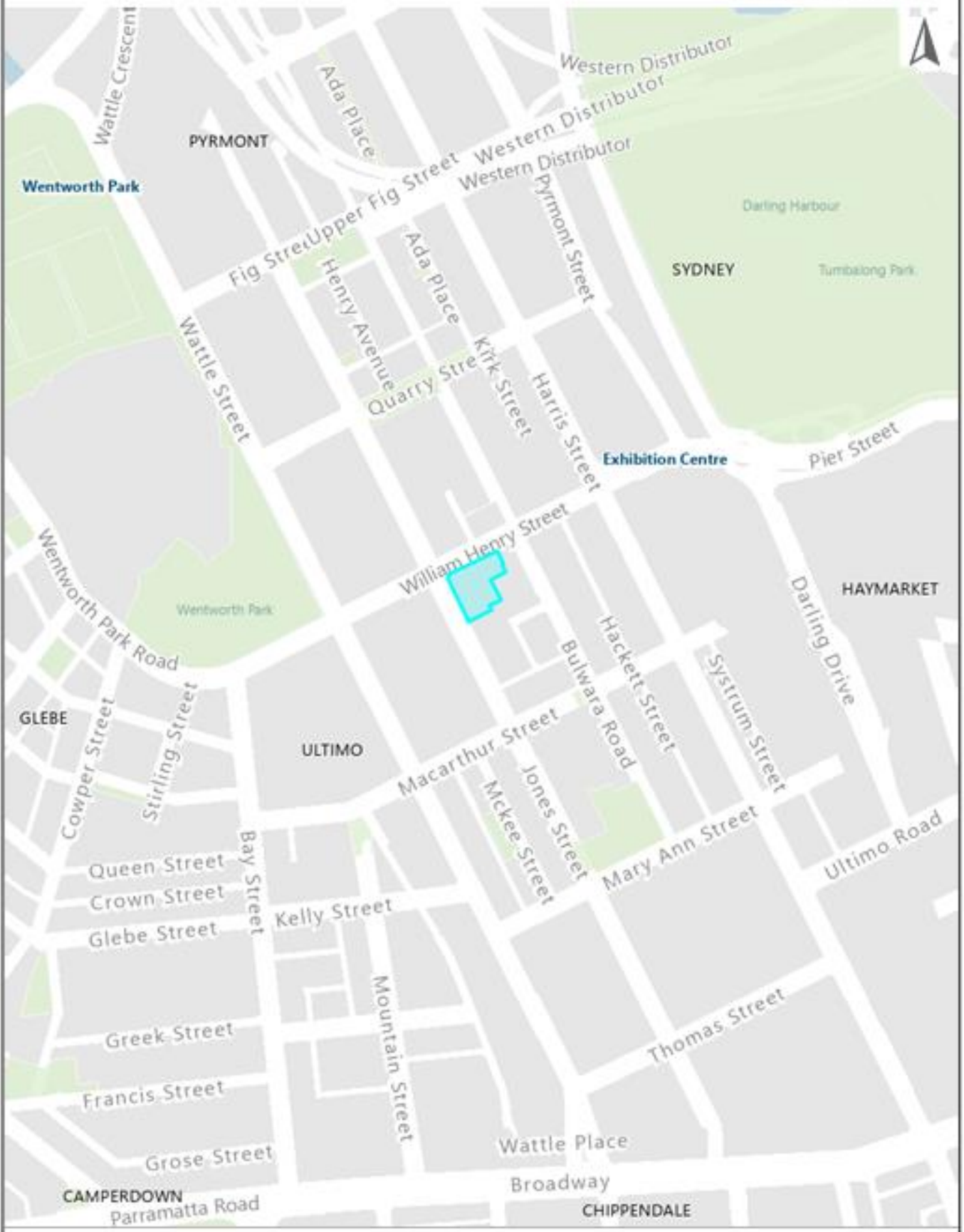
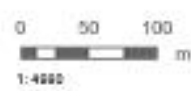


# **Attachment K**

**Inspection Report  
460-482 Jones Street, Ultimo**



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Notes

11/10/2023

**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: 2023/486931**

**Officer: G. Scotton**

**Date: 11 October 2023**

**Premises: 460-482 Jones Street, Ultimo**

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**Executive Summary:**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 18 August 2023 in relation to the premises with respect to matters of fire safety, dealing with both 460-482 Jones Street, Ultimo, and the adjoining 333 Bulwara Road, Ultimo. This report relates to 460-482 Jones Street, Ultimo only. 333 Bulwara Road, Ultimo is the subject of a separate report at Attachment J.

The premises is located on the corner of Jones Street and William Henry Street, Ultimo, and contains an eight-storey mixed commercial building, with ground floor retail and parking, and residential units above.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building manager, revealed 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 overdue, and the most recent fire safety statement is prominently displayed within the foyers of the building.

Council investigations have revealed that whilst there remains 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.

Observation of the external features of the building did not identify the existence of any combustible composite cladding on the façade of the building.

**Chronology:**

<b>Date</b>	<b>Event</b>
18/08/2023	FRNSW correspondence received concerning correspondence relating to fire safety at the premises, relating to correspondence dated 18/08/2023
23/08/2023	A review of Council records shows: -A fire safety upgrade was carried out to the premises following service of a fire safety Order dated 15/05/2018, and the work was completed on 01/10/2019 -The fire safety schedule for the premises contains seventeen fire safety measures, including an automatic smoke detection and alarm system, automatic fire suppression system, and a building occupant warning system -A fire safety statement for the premises is currently overdue, and enforcement action on same is currently in progress -A penalty caution notice (PCN) has also been issued on 8/8/2023 in relation to inadequate maintenance of certain fire safety measures such as for some defective self-closing devices, repair of some exit signs, and updated maintenance tags/logs

Date	Event
23/08/2023	A copy of issues raised by FRNSW was provided to the strata manager for the owner in relation to queries and certain maintenance issues related to fire safety measures
10/10/2023	Met with strata manager and strata committee member and discussed fire safety issues. Inspected premises, noting that whilst certain items in the PCN are complete, there is evidence of maintenance of some fire safety measures is incomplete, including to hose reels and fire hydrants, e.g. missing current maintenance tags/logs. The strata manager advised that a related scoping report/quote from the fire safety practitioner to repair the fire safety measures has been obtained, accepted, and that the recommendations in the report are in various stages of being carried out to complete required maintenance to fire safety measures and to enable issue of a current fire safety statement.

### **FIRE AND RESCUE NSW REPORT:**

References: [BFS22/5762; 2023/486931-03]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving correspondence alleging fire safety issues at the premises.

#### Issues

The report from FRNSW detailed the following issues:

Issue	City response
1. Fire exit landing obstructed by a dryer on level 6 and a fire door not self-closing on level 8	Issue resolved
2. Fire door to roof removed	-Penalty caution notice dated 8/8/2023 requires maintenance and certification of this item
3. Building occupant warning system-unable to determine if it sounds throughout building, and whether the smoke alarms are interconnected	-An inspection and preliminary test suggest smoke alarms are interconnected -Penalty caution notice dated 8/8/2023 requires maintenance and certification of this item
4. Fire hydrants: A. Booster access unsuitable B. Booster omits feed hydrants beside the booster inlet connection C. Access to the internal pump room is via a parking area rather than to open space/fire isolated exit D. Doors leading to the pump room not accessible by 003 key E. The internal fire hydrant unlikely to achieve flow rate/pressure required by current standard F. Some Storz couplings required G. Maintenance/date tags outdated H. Recommend upgrade to current version of AS 2419.1-2021	Commentary: -Item A: Strata agent is arranging alteration to permits access by gate lock change to an 003 compatible key, and clearer signage -Items A./B./D./F./G.: Penalty caution notice dated 8/8/2023 requires maintenance and certification of these items -Item C.: The pump room location is considered adequate as it is near the entrance lobby, in a sprinklered area, with no combustibles -Items E./H.: Whilst these items represent technical non-compliances with the current version of the standard, they are not considered to represent a serious fire safety risk to persons, as is as a prerequisite requirement for service of a Notice of intended fire safety Order

Issue	City response
	<p>Summary:</p> <p>-Items C./E./H.: No action required</p> <p>-Items A./B./D./F./G.: Relate to a City Penalty caution notice dated 8/8/2023 requiring maintenance of this item (currently subject to follow up/enforcement)</p>
<p>5. Automatic fire suppression system:</p> <ul style="list-style-type: none"> <li>A. Booster connection markings unclear</li> <li>B. Inlet pressure signage missing</li> <li>C. Sprinkler valves controls notice missing</li> <li>D. Main stop valve not locked open</li> <li>E. Spare sprinkler heads missing</li> <li>F. Current maintenance/date tags omitted/overdue</li> <li>G. Logbook maintenance overdue</li> </ul>	<p>Penalty caution notice dated 8/8/2023 requires maintenance and certification of these items</p>
<p>6. Certain fire doors not maintained</p>	<p>Penalty caution notice dated 8/8/2023 requires maintenance and certification of this item</p>
<p>7. Non fire related equipment in fire hose reel cabinets</p>	<p>Penalty caution notice dated 8/8/2023 requires maintenance and certification of this item</p>

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

FRNSW Recommendations

FRNSW have made recommendations within their report to:

1. Review the report
2. Address any other deficiencies identified at the premises

**COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:**

Issue Order (NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)

As a result of a site inspection undertaken by Council's investigation officer, it was determined to continue to undertake compliance action with the owner of the building further to a compliance instruction correspondence issued to rectify the identified fire safety deficiencies noted by Council and FRNSW.

The above correspondence has requested that building management carry out remedial works to existing fire systems to cause compliance with required standards of performance.

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.

**Referenced/Attached Documents:**

2023/486931-03	Fire & Rescue NSW letter dated 18 August 2023
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**Trim Reference:** 2022/302982-35

**CSM reference No:** 3035868

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File Ref. No: BFS22/5762 (24748)  
TRIM Ref. No: D23/64988  
Contact: [REDACTED]

18 August 2023

General Manager  
City of Sydney  
GPO Box 1591  
SYDNEY NSW 2001

Email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT  
'CASA MIA'  
460-480 JONES STREET & 333 BULWARA ROAD, ULTIMO ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence from NSW Police Force concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated in part that:

- *Can we please notify FRNSW about some fire escape concerns at 460 Jones Street, Ultimo:*
- *Police were called to 460 Jones Street, Ultimo, after an unknown person(s) has thrown a lounge chair off the building which landed on a parked vehicle on Jones Street, this may have been from the roof. Police have re-attended the building to investigate the matter and found some problems with the fire escape, the level 6 fire escape landing has a dryer dumped in it, the level 8 fire escape door chocked open, and the roof fire door is completely ripped off and thrown on the roof this all appears to have occurred some time ago.*

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected 'the premises' on 12 July 2023.

Fire and Rescue NSW

ABN 12 593 473 110

[www.fire.nsw.gov.au](http://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 7483

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

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On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

The items listed in the comments of this report are based on the following limitations:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

**COMMENTS**

'The premises' appears to consist of two buildings known as 460-480 Jones Street, Ultimo (Strata Plan 44606) and 333 Bulwara Road, Ultimo (Strata Plan 42718), with a shared ground floor level and basement carpark.

It appears the two buildings contain separate fire safety measures, with the exception of the sprinkler system in the carpark levels which appears to be a shared system with two separate installations.

Please be advised that the items in this report are limited to observations of the building accessed during the inspection and identify possible nonconformities with the National Construction Code 2022, Volume 1 Building Code of Australia (NCC) and provisions for fire safety. The items are not an exhaustive list of non-compliances. FRNSW acknowledges that the differences observed at the time may contradict development consent approval or relate to the building's age. Therefore, it's the Council's discretion as the appropriate regulatory authority to consider the most appropriate action.

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

1. Essential Fire Safety Measures
  - 1A. Automatic Smoke Detection and Alarm System and Building Occupant Warning System (BOWS):

460 Jones Street Building

- A. The building appears to be provided with a smoke alarm system throughout the residential parts, consisting of AS3786 smoke alarms in the public corridors/common areas and AS3786 smoke alarms within the Sole Occupancy Units, in accordance with Clause E2D8 and Specification 20 (Clause S20C3) of the NCC.

The following was observed at the time of the inspection:

- i. Building Occupant Warning System (BOWS) – It could not be determined whether the BOWS would sound through all



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occupied areas of the building in accordance with Clause S20C7 of Specification 20 of the NCC. In this regard:

- a. It is unclear whether the smoke alarms in the public corridors and other common areas are interconnected between all levels and all lobbies, to provide a common building alarm to alert all building occupants.

333 Bulwara Road Building

- B. The building appears to be provided with a smoke detection and alarm system throughout the residential parts, consisting of AS1670 smoke detectors in the common areas/public corridors, a Fire Indicator Panel (Units 11-24 ground floor lobby), a Sub Fire Indicator Panel (Units 25-84 ground floor lobby) and AS3786 smoke alarms within the Sole Occupancy Units, in accordance with Clause E2D8 and Specification 20 (Clause S20C3 and S20C4) of the NCC.

The following was observed at the time of the inspection:

- i. Zone Block Plan – A permanent, water and fade resistant zone block plan, depicting all the relevant information of the installation, was not securely mounted adjacent to the Fire Control Panel (FIP) (or at the Sub FIP), contrary to the requirements of Clause 3.10 of AS1670.1-2018. Whilst a 'zone list' is located at the FIP, the list does not provide adequate information to assist FRNSW, which is likely to delay firefighting operations.
  - ii. Maintenance – The smoke detectors appeared to be older than 10 years old, which generally exceeds the manufacturer's recommended life span. Furthermore, the latest entry in the maintenance logbook for the detection system, dated 3 July 2023, reported the following: "*Several detectors are over 10 years – requires replacement*".
- 1B. Fire Hydrant System: The premises appears to be served by two fire hydrant systems, one system for the 460 Jones Street building and one system for the 333 Bulwara Road building, which both appear to be installed in accordance with Ordinance 70 and Ministerial Specification No.10. Notwithstanding this, the following comments are provided having regard to AS 2419.1.2005:

460 Jones Street Building

- A. The hydrant booster assembly
  - i. The hydrant booster assembly is located in an obscured position behind the roller shutter in the secured carparking area and is not readily accessible to firefighters, contrary to the

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requirements of Clause 7.3 of AS2419.1-2005. Furthermore, the booster assembly is located within the confines of the building, which does not suit the operational requirements of FRNSW or afford maximum accessibility for and protection of fire-fighters.

- ii. The configuration of the booster assembly was non-compliant with the requirements of AS2419.1-2005. In this regard, feed fire hydrants were not installed on site adjacent to the booster inlet connections, contrary to the requirements of Clause 7.4 of AS2419.1-2005.
- B. The pumphouse:
- i. Location – The internal pumphouse is located in the carpark 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.
  - ii. Access – All doors leading to the pump room were not fitted with a lock compatible with FRNSW access key. In this regard, the door to the pump room was not fitted with a 003 key lock and access was not available.
- C. The required system performance of each internal fire hydrant outlet would likely fail to achieve the required flow rates and pressures stipulated in Clause 2.3 of AS2419.1-2005.
- D. The internal hydrants throughout the premises are located outside the fire-isolated exits, contrary to the requirements of Clause 3.2.3.2 of AS2419.1-2005.
- E. Storz couplings compatible with FRNSW firefighting hose connections were not provided to all fire hydrant valves throughout the premises, contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS2419.1-2005, Clauses 1.2 and 3.4 of AS2419.2-2009 and 'FRNSW Fire safety guideline, Technical information – FRNSW compatible Storz hose connections – Document no. D15/45534 – Version 09 – Issued 10 January 2019'.
- F. Maintenance – The hydrant booster assembly and the internal hydrants contained service labels/tags which indicated the hydrants have not received any routine servicing since April 2018, contrary to the requirements of Clause 4.2 of AS 1851-2012 and Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

333 Bulwara Road Building

G. The hydrant booster assembly

- i. 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 AS 2419.1-2005.
- ii. A permanent water and fade resistant block plan of the fire hydrant system had not been provided at the booster assembly (or within the pumproom), contrary to the requirements of Clause 7.11 of AS 2419.1-2005.
- iii. Storz couplings, compatible with FRNSW firefighting hose connections were not provided to the boost inlet connections and feed outlet connections at the booster assembly, contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS2419.1–2005, Clauses 1.2 and 3.4 of AS2419.2–2009, Clause 3.5 of AS2419.3-2012, 'and 'FRNSW Fire safety guideline, Technical information – FRNSW compatible Storz hose connections – Document no. D15/45534 – Version 09 – Issued 10 January 2019'.
- iv. Maintenance – The boost/inlet connections contained service labels/tags which indicated the hydrants have not received any routine servicing since April 2018, contrary to the requirements of Clause 4.4 of AS 1851-2012 and Section 81 of the EPAR 2021.

H. The hydrant electric pumpset:

- i. Maintenance – The last entry in the 'Fire and Jacking Pumpsets – Maintenance Record and Report', dated 10 May 2023 noted "JP OFFLINE". Similar comments in the maintenance logbook "JP Not Kicking In" & "Not Run – Not Start – Service Needed" dated back to April 2022, indicating the pump had not been serviced and may not be operational.

FRNSW requested the Strata Manager provide some clarification with regard to the status of the hydrant electric pump given the comments/defects identified by the fire maintenance contractor.

FRNSW received email correspondence from the fire maintenance contractor on 17 July 2023, advising the following:

*We have previously identified issues with this pump. We have submitted prior quotes for servicing, and liaised with Michael*

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*the site contact on many occasions. These issues will also be highlighted in our upcoming report following the recent annual inspection. We have also quoted in the past for a 5 yearly service for the hydrant system.*

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

- I. The required system performance of each internal fire hydrant outlet would likely fail to achieve the required flow rates and pressures stipulated in Clause 2.3 of AS2419.1-2005.
- J. The internal hydrants throughout the premises are located outside the fire isolated exits, contrary to the requirements of Clause 3.2.3.2 of AS2419.1-2005.

In light of the issues outline above in item 1.1B for both hydrant systems, for 460 Jones Street and 333 Bulwara Road, FRNSW brings to your attention a position statement published by FRNSW on 8 January 2019. The statement is shown below:

***Fire hydrant system in existing premises***

*When the consent authority (e.g. local Council) is assessing the adequacy of an existing fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier), FRNSW recommend that the system be upgraded to meet the requirements of the current Australian Standard AS 2419.1 to facilitate the operational needs of FRNSW.*

*It may be appropriate for a partial upgrade of the existing fire hydrant system be undertaken. A partial upgrade may be proposed to address deficiencies in the design and/or performance of the existing fire hydrant system, when assessed against the requirements of Australian Standard AS 2419.1, so that the upgraded fire hydrant system will meet the operational needs of FRNSW. Where a hybrid fire hydrant system is proposed, which incorporates the design and performance requirements from two different standards, the proponent should consult with FRNSW on the requirements for the fire hydrant system.*

It is recommended that the existing fire hydrant systems for 460 Jones Street and 333 Bulwara Road, both be upgraded to to meet the requirements of the current Australian Standard AS 2419.1 for an equivalent new building, as the current system no longer suits the operational needs of FRNSW.

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1C. Automatic Fire Suppression System – The sprinkler system appears to be a shared system for the carpark levels of both buildings (460 Jones Street and 333 Bulwara Road), with separate installations for each building. The following comments are provided having regard to AS2118.1-1999:

A. The sprinkler booster assembly:

- i. The sprinkler booster connections are not clearly marked with signage, contrary to the requirements of Clause 4.4.3 of AS2118.1-1999.
- ii. A sign marked with the maximum allowable inlet pressure at the connection was not provided at the booster assembly, contrary to the requirements of Clause 4.4.3 of AS2118.1-1999.

B. The sprinkler valves:

- i. The sprinkler control valve sets were not provided with a notice identifying the installation number and the area served by each installation, contrary to the requirements of Clause 8.1 of AS2118.1-1999.
- ii. The main stop valves have not been secured open by a padlocked or riveted strap, contrary to the requirements of Clause 8.2 of AS2118.1-1999.
- iii. A complete stock of spare sprinklers and a spanner had not been provided at the sprinkler control valves, contrary to the requirements of Clause 6.7 of AS2118.1-1999.

C. Maintenance:

- i. The boost/inlet and feed/outlet connections lacked service labels/tags to confirm each valve was receiving the required six-monthly service check, contrary to the requirements of Section 2.4 of AS1851-2012 and Clause 81 of the EPAR 2021.
- ii. The last entry in the 'General Sprinkler Systems – Maintenance Record and Report', dated 3 July 2023 noted "*Failed – Requires service*". Similar comments in the maintenance logbook dated back to May 2022, indicating the system had either not been tested or failed the monthly test.

FRNSW requested the Strata Manager provide some clarification with regard to the status of the sprinkler system given the comments/defects identified by the fire maintenance contractor.

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FRNSW received email correspondence from the fire maintenance contractor on 17 July 2023, advising the following:

*There is currently an issue with the system pressure, which was identified at the recent annual inspection in July 2023, and will be highlighted in our report to be provided this week. We can confirm that this system has been assessed every month by our technicians, and the log books on site reflect that. Every month we fill in the log book on site and take a photograph of these entries and upload these photos to our software. These monthly tests have been carried out, without incident, until November 2022, when we quoted for an investigation, due to the system pressure not achieving the required levels. This fault was resolved by our technicians. There have been no more issues identified until this recent annual inspection. For example, the system pressure at the last 2 monthlies (April and May 23) prior to this test was compliant.*

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

1D. Fire Doors:

- A. Maintenance – Multiple fire doors throughout 'the premises' had not been maintained in accordance with the requirements of Section 81 of the EPAR 2021. In this regard, there were multiple fire doors which contained self-closing devices which were disengaged, preventing the doors from returning to the fully closed position after each manual opening, contrary to the requirements of Clause C4D5 and Clause C4D9 of the NCC.

1E. Fire Hose Reels (FHR's):

- A. Non-fire equipment or services were installed within multiple fire hose reel cabinets throughout 'the premises', contrary to Clause 10.4.4 of AS2441-2005.

1F. Automatic Fail-Safe Devices:

460 Jones Street Building

- A. The AFSS on display lists "Automatic Fail-Safe Devices (Door from Car Park to Entry Foyer 1) as a fire safety measure installed in the building, however, the fail-safe device was observed to have been removed and therefore not being maintained, contrary to the requirements of Section 89 of the EPAR 2021.

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1G. Annual Fire Safety Statement (AFSS):

460 Jones Street Building

- A. A copy of the current AFSS was not prominently displayed within the building in accordance with Section 89 of the EPAR 2021. In this regard, the AFSS on display was dated October 2020 and is no longer valid. Furthermore, the AFSS on display failed to list all fire safety measures installed in the building, including but not limited to, the fire hydrant system and the sprinkler system.

333 Bulwara Street Building

- B. A copy of the current AFSS was not prominently displayed within the building in accordance with Section 89 of the EPAR 2021.

2. Fire Safety Offences

- 2A. A clothes dryer was being stored in the fire stairway between level 5 and 6 (Foyer 1 – Jones Street building), contrary to the requirements of Section 109 of the EPAR 2021.

The Strata Manager was advised of the item being stored within the fire stairs and requested the item be removed, following the inspection, and FRNSW were advised that the item would be removed 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.

3. Fire Resistance

- 3A. Public corridors – The public corridors, in the 8-storey portion of the 333 Bulwara Road building (Units 25-84), appear to be more than 40m in length and are not divided with smoke proof walls and smoke doors, contrary to the requirements of Clause C3D15 of the NCC.

FRNSW believes that there are inadequate provisions for fire safety within the building.

**RECOMMENDATIONS**

FRNSW recommends that Council:

- a. Review items 1 to 3 of this report and conduct an inspection.
- b. Address any other deficiencies identified on “the premises”.

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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. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit at [FireSafety@fire.nsw.gov.au](mailto:FireSafety@fire.nsw.gov.au) or call [REDACTED] if there are any questions or concerns about the above matters. Please refer to file reference BFS22/5762 (24748) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

[REDACTED]  
Fire Safety Compliance Unit