

Attachment B

**Inspection Report
41-45 Bourke Road, Alexandria**



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Notes

7/05/2024

**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: 2024/312478

Officer: Andrew Porter

Date: 24 May 2024

Premises: 41-45 Bourke Road Alexandria

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 1 May 2024 with respect to matters of fire safety.

The premises consists of multiple buildings used for commercial purposes including retail, office space and carparking.

An inspection of the premises was undertaken by a Council investigation officer in the presence of the appointed accredited fire safety practitioner.

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 the annual fire safety statements were not on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2021.

Council investigations have revealed that whilst there are several 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.

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

Chronology:

| Date | Event |
|-------------|--|
| 01/05/2024 | FRNSW correspondence received regarding premises, ‘The Grounds of Alexandria’ 2 Huntley Street Alexandria, also known as ‘The Mill’ and Council known address 41-45 Bourke Road Alexandria. |
| 24/05/2024 | An inspection of the subject premises was undertaken by a Council officer and identified several minor fire safety maintenance and management issues needing attention: <ul style="list-style-type: none">• Non-compliant and missing components and required regulatory signage of the buildings fire hydrant system.• Non-compliant exit signs;• Minor maintenance to the buildings fire detection and alarm system, including cleaning of a dirty smoke detector identified during the inspection;• Annual fire safety statements for each building are required to be prominently displayed at the main entrance. |
| 27/05/2024 | Written instruction to rectify the identified fire safety maintenance and management issues was issued to the building owners. |

FIRE AND RESCUE NSW REPORT:

References: [BFS24/1927 (34666) / D24/050053; 2024/268778]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving a fire safety concern from the public about fire safety risks surrounding the padlocking of exit doors within the 'Grounds of Alexandria'.

Issues The report from FRNSW detailed a number of issues, as detailed below;

| Ref. | Issue | City response |
|-----------|--|--|
| 1. | Documentation and Certification | |
| 1A. | An annual fire safety statement (AFSS) was not prominently displayed at the premises in accordance with section 89 of the (Development Certification and Fire Safety) Regulation 2021 (EPAR21). | <p>Observed during inspection on 24 May 2024 that AFSS' were not displayed as required.</p> <p>On 27 May 2024 issued written instructions to the building owners to display the annual fire safety statements.</p> |
| 2. | Essential Fire Safety Measures | |
| 2A | Fire Hydrant System | |
| A. | The fire hydrant booster incorporates a pipe-bodied booster assembly with inlet inserts. FRNSW observed the angle of the valve inlet to be approximately 90° contrary to Clause 3.2(h) Australian Standard (AS) 2419.3-2012. When boosted by a fire brigade pumping appliance this may cause the spring-loaded jumper valve of the boost inlet to strike the opposing valve and restrict water flow into the system. Council may wish to review Part 5 of FRNSW safety guideline ' Fire brigade booster connection with inlet insert ' | <p>Observed during inspection on 24 May 2024 that the booster assembly inlet valves are not maintained to the required standard.</p> <p>On 27 May 2024 issued written instructions to the building owners to suitably address this fire safety maintenance and management issue.</p> |
| B. | FRNSW are of the opinion that the fire hydrant booster is connected in-series with the fixed on-site pump. In this regard, warning signage and a 150mm diameter liquid filled pressure gauge which indicates the pressure at the pump discharge pipe/manifold is not installed at the booster enclosure, contrary to the requirements of Clause 7.6 of AS 2419.1-2005. | <p>Observed during inspection on 24 May 2024 the fire hydrant booster is connected in series with the fixed onsite pump and the required warning signage and 150mm diameter liquid filled pressure gauge as required by the standard were missing.</p> <p>On 27 May 2024 issued written instructions to the building owners to suitably address this fire safety maintenance and management issue.</p> |

| Ref. | Issue | City response |
|------|--|--|
| C. | Notice of boost pressure was not installed at the hydrant booster, contrary to the requirements of Clause 7.10.1 of AS 2419.1- 2005. | <p>Observed during inspection on 24 May 2024 that the notice of boost pressure as required by the standard was missing from the hydrant booster assembly.</p> <p>On 27 May 2024 issued written instructions to the building owners to suitably address this fire safety maintenance and management issue.</p> |
| D. | The fire hydrant booster was not fitted with an isolation valve to isolate the boost inlet connections contrary to the requirements of Clause 7.4 of AS 2419.1-2005. A head of pressure greater than 50 kPa exists. | <p>Observed during inspection on 24 May 2024 that the required isolation valve to isolate the booster inlet connections as required by the standard was not installed as required.</p> <p>On 27 May 2024 issued written instructions to the building owners to suitably address this fire safety maintenance and management issue.</p> |
| E. | FRNSW identified the Maximum Test Pressure at the Hydrant Booster to be 1250 kPa. Clause 10.2 of AS 2419.1-2005 states for hydrostatic testing that the system shall be pressurized, at the elevation of the highest hydrant outlet within each pressure zone, to not less than 1.5 times the highest pressure at that location or 1700 kPa, whichever is the greater. | <p>Observed during inspection on 24 May 2024 that the notice of test pressure at the booster assembly as required by the standard was displaying an incorrect test pressure.</p> <p>On 27 May 2024 issued written instructions to the building owners to suitably address this fire safety maintenance and management issue.</p> |
| F. | The hydrant booster did not have a pressure gauge installed adjacent to the hydrant booster assembly inlet connection, contrary to the requirements of Clause 9.3.2(a)(ii) of AS 2419.1-2005. | <p>Observed during inspection on 24 May 2024 that the booster assembly inlet connection did not have a pressure gauge fitted as required by the standard.</p> <p>On 27 May 2024 issued written instructions to the building owners to suitably address this fire safety maintenance and management issue.</p> |

| Ref. | Issue | City response |
|------|---|---|
| G. | The diesel pump controller screen and instrumentation in the hydrant pump room was crazed and illegible, contrary to the requirements of Clause 9.3.7 of AS 2941-2008. | <p>Observed during inspection on 24 May 2024 that the diesel pump controller had been replaced.</p> <p>No further action required on this issue.</p> |
| H. | The pressure gauge upstream of the pump in the hydrant pump room is not capable of reading not less than 125% of the system hydrostatic test pressure at the point where the gauge is located, contrary to the requirements of Clause 9.3.1(b) of AS 2419.1-2005. | <p>Observed during inspection on 24 May 2024 that the upstream pressure gauge was not capable of reading not less than 125% of the system hydrostatic test pressure as required by the relevant standard.</p> <p>On 27 May 2024 issued written instructions to the building owners to suitably address this fire safety maintenance and management issue.</p> |
| I. | Multiple external attack hydrants were not provided with a minimum of 1000 millimetres clearance, contrary to the requirements of Clause 3.5.1(c) of AS 2419.1-2005. | <p>Observed during inspection on 24 May 2024 that some of the external attack hydrants were not maintained with 1000mm clearance as required by the standard.</p> <p>On 27 May 2024 issued written instructions to the building owners to suitably address this fire safety maintenance and management issue.</p> |
| J. | The external attack hydrant outlets adjacent to the Bourke Road carpark exit were not facing in the same direction, contrary to the requirements of Clause 3.5.1 of AS 2419.1-2005. | <p>Observed during inspection on 24 May 2024 that the attack fire hydrants adjacent to the Bourke Road carpark exit were facing in opposing direction contrary to the required standard.</p> <p>On 27 May 2024 issued written instructions to the building owners to suitably address this fire safety maintenance and management issue.</p> |

| Ref. | Issue | City response |
|------|---|--|
| K. | Due to the size, complexity of the site, and number of buildings served by the fire hydrant system, FRNSW require additional hydrant block plans throughout the site to assist in operational capability. These should be correctly orientated and located at probable pedestrian access paths around the site. | This is a recommendation by FRNSW, although not required by the relevant standard Council has discussed with the owners who will endeavour to provide more hydrant system block plans around the site to assist FRNSW. |
| 2B | Smoke Detection and Alarm System (SDAS) | |
| A. | FRNSW are of the opinion that maintenance is not being carried out in accordance with Section 81 of the EPAR21. FRNSW observed the following which may affect the operation of the SDAS: | |
| i. | The Fire Detection Control and Indicating Equipment (FDCIE) displayed one (1) Fault and three (3) isolations. | <p>Observed during inspection on 24 May 2024 the fire detection and alarm system was displaying faults and isolations, the fire services contractor indicated that the issues with the system were to do with in ground wiring becoming wet during rain events. A conversion of the wiring to fibre optic cabling has almost been completed and will see these issues rectified.</p> <p>On 27 May 2024 issued written instructions to the building owners to suitably address this fire safety maintenance and management issue.</p> |
| ii. | The detector in the building 9 kitchen area had large amounts of built-up grime that could affect its operational capability. | <p>Observed during inspection on 24 May 2024 that the smoke detector in the kitchen area of building 9 required cleaning.</p> <p>On 27 May 2024 issued written instructions to the building owners to suitably address this fire safety maintenance and management issue.</p> |
| 2C. | Access and Egress | |
| A. | FRNSW identified the following non compliances within Building 9. | |
| i. | The paths of travel throughout the kitchen area were partially blocked by stored items and equipment, contrary to the requirements of Section 109 of the EPAR21. | <p>Observed during inspection on 24 May 2024 that the egress paths in building 9 kitchen area were clear and accessible.</p> <p>No further action required.</p> |

| Ref. | Issue | City response |
|------|---|---|
| ii. | The door that forms part of a required exit between the kitchen and restaurant area did not swing in the direction of egress, contrary to the requirements of Clause D3D25 of the National Construction Code 2022, Volume 1 Building Code of Australia (NCC). | <p>Observed during the inspection on 24 May 2024 that the required exit door between the kitchen and restaurant area of building 9 swings not in the direction of egress as required by the national construction code 'NCC' deemed to satisfy provisions.</p> <p>Review of the building approvals has identified that a fire engineered performance based alternative solution has been adopted which addresses this non-compliance with the deemed to satisfy provisions of the NCC.</p> <p>Note: Compliance with the NCC can be either by complying with the 'Deemed to satisfy provisions' contained within the NCC, as is the clause referred to by FRNSW or via a performance-based approach as in this case within this building.</p> <p>No further action is required with regard to this issue.</p> |
| B. | Many low-lit exit signs were used both internally and externally at the premises and as a result during the daytime are not clearly visible at all times to occupants, contrary to the requirements of Clauses E4P2 and E4D8 of the NCC. | <p>Observed during inspection on 24 May 2024 that there were many low-lit exit signs throughout the premises contrary to the required standard.</p> <p>On 27 May 2024 issued written instructions to the building owners to suitably address this fire safety maintenance and management issue.</p> |
| C. | Many exit and directional signs throughout the premises were not clearly visible to persons approaching the exit as they were obstructed by vegetation and decorative items, contrary to the requirements of E4D5 and E4D6 of the NCC. | Observed during inspection on 24 May 2024 that some exit and directional signage was not clearly visible as required by the relevant standard. |

| Ref. | Issue | City response |
|------|---|---|
| | | On 27 May 2024 issued written instructions to the building owners to suitably address this fire safety maintenance and management issue. |
| D. | FRNSW identified the following non compliances to the exit door on the southeastern wall of building 7. | |
| i. | It did not swing in the direction of egress, contrary to the requirements of Clauses D3D25 of the NCC. | <p>Observed during the inspection on 24 May 2024 that the exit door on the southeastern wall of building 7 swings inward and not in the direction of egress as required by the national construction code 'NCC' deemed to satisfy provisions.</p> <p>Review of the building approvals has identified that a fire engineered performance based alternative solution has been adopted which addresses this non-compliance with the deemed to satisfy provisions of the NCC.</p> <p>Note: Compliance with the NCC can be either by complying with the 'Deemed to satisfy provisions' contained within the NCC, as is the clause referred to by FRNSW or via a performance-based approach as in this case within this particular building.</p> <p>No further action is required with regard to this issue.</p> |
| ii. | Items and plants were placed outside the door that obstructed the free passage of persons, contrary to the requirements of Section 109 of the EPAR21. | <p>Observed during the inspection on 24 May 2024 that the items referred to by FRNSW have been removed and the free passage of persons is unobstructed in accordance with law.</p> <p>No further action is required with regard to this issue.</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. In general FRNSW have requested that Council;

1. Review item 1 and 2 of FRNSW report and conduct an inspection.
2. Address any other deficiencies identified on “the premises”.
3. 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) |
|-------------------|-----------------------|--|-------------------------|--|--|--------------------|
| | | | | | | |

A corrective action letter has been issued by Council officers to rectify the identified fire safety deficiencies noted by FRNSW.

It is recommended that Council not exercise its powers to give a fire safety order at this time, and that the Commissioner of FRNSW be advised of Council’s actions and determination.

Referenced/Attached Documents:

| | |
|----------------|---|
| 2024/312478-02 | FRNSW S9.32 report dated 1 May 2024 |
| 2024/312478-01 | Copy of written instructions to the building owners dated 27 May 2024 |

Trim Reference: 2024/312478

CSM reference No#: CSM 3180225

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File Ref. No: BFS24/1927 (34666)
TRIM Ref. No: D24/050053
Contact: Fire Safety Officer David Weekes

1 May 2024

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

**Re: INSPECTION REPORT
THE GROUNDS OF ALEXANDRIA
2 HUNTLEY STREET ALEXANDRIA ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 1 April 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *I am extremely concerned with the fire risk security at the Grounds at Alexandria.*

They have pad locked every exit doors due to overwhelming visitors with no sign of fire exits.

I have highlighted this matter with the manageress who had no knowledge as where the fire exits were located or any signage for directing the public in case of such emergency.

The place is full of families with children and push buggies and some elderlies in very narrow passageway with nowhere to escape.

This needs some attention to avoid and future disaster.

Fire and Rescue NSW

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Community Safety Directorate
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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 10 April 2024.

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

Regarding the padlocking of exit doors, there were no emergency exit doors locked or padlocked closed at the time of inspection. There was evidence of a chain and unlocked padlock on a half-height swing gate that was in an emergency egress pathway, however it was not locked. The director of operations stated that some of the doors are locked after hours. During events and functions, areas and doors that they do not want public entering are secured by security personnel.

The following items were identified during the inspection:

1. Documentation and Certification
 - 1A. An Annual Fire Safety Statement (AFSS) was not prominently displayed at the premises in accordance with Section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR21).
2. Essential Fire Safety Measures
 - 2A. Fire Hydrant System
 - A. The fire hydrant booster incorporates a pipe-bodied booster assembly with inlet inserts. FRNSW observed the angle of the valve inlet to be approximately 90° contrary to Clause 3.2(h) Australian Standard (AS) 2419.3-2012. When boosted by a fire brigade pumping appliance this may cause the spring-loaded jumper valve of the boost inlet to strike the opposing valve and restrict water flow into the system. Council may wish to review Part 5 of FRNSW safety guideline ['Fire brigade booster connection with inlet insert'](#)
 - B. FRNSW are of the opinion that the fire hydrant booster is connected in-series with the fixed on-site pump. In this regard,

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warning signage and a 150mm diameter liquid filled pressure gauge which indicates the pressure at the pump discharge pipe/manifold is not installed at the booster enclosure, contrary to the requirements of Clause 7.6 of AS 2419.1-2005.

- C. Notice of boost pressure was not installed at the hydrant booster, contrary to the requirements of Clause 7.10.1 of AS 2419.1- 2005.
 - D. The fire hydrant booster was not fitted with an isolation valve to isolate the boost inlet connections contrary to the requirements of Clause 7.4 of AS 2419.1-2005. A head of pressure greater than 50 kPa exists.
 - E. FRNSW identified the Maximum Test Pressure at the Hydrant Booster to be 1250 kPa. Clause 10.2 of AS 2419.1-2005 states for hydrostatic testing that the system shall be pressurized, at the elevation of the highest hydrant outlet within each pressure zone, to not less than 1.5 times the highest pressure at that location or 1700 kPa, whichever is the greater.
 - F. The hydrant booster did not have a pressure gauge installed adjacent to the hydrant booster assembly inlet connection, contrary to the requirements of Clause 9.3.2(a)(ii) of AS 2419.1-2005.
 - G. The diesel pump controller screen and instrumentation in the hydrant pump room was crazed and illegible, contrary to the requirements of Clause 9.3.7 of AS 2941-2008.
 - H. The pressure gauge upstream of the pump in the hydrant pump room is not capable of reading not less than 125% of the system hydrostatic test pressure at the point where the gauge is located, contrary to the requirements of Clause 9.3.1(b) of AS 2419.1-2005.
 - I. Multiple external attack hydrants were not provided with a minimum of 1000 millimetres clearance, contrary to the requirements of Clause 3.5.1(c) of AS 2419.1-2005.
 - J. The external attack hydrant outlets adjacent to the Bourke Road carpark exit were not facing in the same direction, contrary to the requirements of Clause 3.5.1 of AS 2419.1-2005.
 - K. Due to the size, complexity of the site, and number of buildings served by the fire hydrant system, FRNSW require additional hydrant block plans throughout the site to assist in operational capability. These should be correctly orientated and located at probable pedestrian access paths around the site.
- 2B. Smoke Detection and Alarm System (SDAS)
- A. FRNSW are of the opinion that maintenance is not being carried out in accordance with Section 81 of the EPAR21. FRNSW

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observed the following which may affect the operation of the SDAS:

- i. The Fire Detection Control and Indicating Equipment (FDCIE) displayed one (1) Fault and three (3) isolations.
- ii. The detector in the building 9 kitchen area had large amounts of built-up grime that could affect its operational capability.

2C. Access and Egress

A. FRNSW identified the following non compliances within Building 9.

- i. The paths of travel throughout the kitchen area were partially blocked by stored items and equipment, contrary to the requirements of Section 109 of the EPAR21.
- ii. The door that forms part of a required exit between the kitchen and restaurant area did not swing in the direction of egress, contrary to the requirements of Clause D3D25 of the National Construction Code 2022, Volume 1 Building Code of Australia (NCC).

B. Many low-lit exit signs were used both internally and externally at the premises and as a result during the daytime are not clearly visible at all times to occupants, contrary to the requirements of Clauses E4P2 and E4D8 of the NCC.

C. Many exit and directional signs throughout the premises were not clearly visible to persons approaching the exit as they were obstructed by vegetation and decorative items, contrary to the requirements of E4D5 and E4D6 of the NCC.

D. FRNSW identified the following non compliances to the exit door on the southeastern wall of building 7.

- i. It did not swing in the direction of egress, contrary to the requirements of Clauses D3D25 of the NCC.
- ii. Items and plants were placed outside the door that obstructed the free passage of persons, contrary to the requirements of Section 109 of the EPAR21.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 2 of this report and conduct an inspection.

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- b. Address any other deficiencies identified on “the premises”.

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 Fire Safety Officer David Weekes of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference BFS24/1927 (34666) regarding any correspondence concerning this matter.

Yours faithfully



Paul Scott
Team Leader
Fire Safety Compliance Unit

