



Attachment 1 to Item 4.3.2

Fire and Rescue NSW Inspection Reports

Date of meeting: 12 September 2023
Location: Council Chambers
Time: 6:30 p.m.



Fire and Rescue NSW Inspection Reports



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File Ref. No: BFS22/4918 (23914)
TRIM Ref. No: D23/58736
Contact: Edren Ravino

7 July 2023

General Manager
Hawkesbury City Council
PO Box 146
WINDSOR NSW 2756

E-mail: council@hawkesbury.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

**RE: INSPECTION REPORT
'WINDSOR MOTEL'
54 GEORGE STREET WINDSOR (hereafter "the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 22 September 2022 concerning the adequacy of the provision for fire safety in or in connection with the premises.

The correspondence stated that:

During a recent stay(September 2022) at the Windsor Motel in room 21 we were very concerned for our safety as there was no smoke alarm in the room. The room is upstairs and there is nothing to show where you should assemble in the case of an emergency. From observations of the complex there may be other serious issues that have not been addressed. It should be noted that there is no office staff employed on site. To contact office staff you have to go to the office at Windsor Terrace Motel across the road. It also appears that the width of the step tread leading up and down from the room is very narrow and has to be walked on with your foot at an angle on the tread, not good if you wish to leave in a hurry in an emergency. A place where a disaster is waiting to happen!

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 2 May 2023.

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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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.

NOTICE OF INTENTION TO SERVE AN ORDER

FRNSW issued a Notice of Intention to Serve an Order (1) dated 5 May 2023 (copy attached) under the provisions of Section 9.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

REPRESENTATIONS & INSPECTION

Written representations were received concerning the proposed **Order 1** under Schedule 5, Part 6, Section 8 of the EP&A Act. After receiving the representations, an inspection was conducted on 23 May 2023 under Section 9.32 of the EP&A Act. Upon hearing and considering the representation and subsequent inspection, FRNSW has decided not to give an Order under Schedule 5, Part 7, Section 15 of the EP&A Act.

COMMENTS

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 during the inspection:

1. Essential Fire Safety Measures
 - 1A. Smoke Alarms – As an Annual Fire Safety Statement (AFSS) was not displayed, it was difficult to ascertain what type of automatic smoke detection and alarm system had been approved and installed. Regulations 96, 99 and 100 of the Environmental Planning And Assessment (Development Certification And Fire Safety) Regulation 2021 requires owners of a Class 3 building to install smoke alarms in a specific location and detector type. A Notice of Intention to Serve an Order was issued based on the concern and this statutory obligation. As

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such, the Council may review the development consent approval to determine the required smoke detection and alarm system for the premises.

2. Access and Egress

- 2A. Operation of Latch – Clause D3D26 of the NCC requires that if the door is located in a required exit, forms part of a required exit, or is in the path of travel to a required exit must be readily openable without a key from the side that faces a person seeking egress. Given the age of the building, the tulip-style door handles may require a review by the Council.

3. Compartmentation

- 3A. Bounding Construction (Class 2, Class 3 & Class 4 Parts) – Clause C4D12 of the NCC requires any sole occupancy unit (SOU) or public corridor in Class 2, Class 3 and Class 4 parts to maintain the performance of the bounding walls. The Council may require a review as the two (2) storey portion of the premises may not meet the requirement where SOUs in a Class 3 building with a rise in storey of 2, of Type B or C construction, require the following:
- A. All doors to the SOUs include an operable self-closer.
 - B. All doors to the SOUs are tight fitting, solid core, and not less than 35 mm thick.

4. Generally

- 4A. Annual Fire Safety Statement (AFSS) – Regulation 89(4)(b) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires the owner to display an AFSS within the building. The Council may need to inspect and review its records for the premises as it was challenging to locate an AFSS.
- 4B. Items for Further Investigation – The Council may require an investigation as the appropriate regulatory authority to confirm that:
- A. Essential Fire Safety Measures – The owners maintain the essential fire safety systems and meet the local Council's obligations to regulate the development consent approval.
 - B. Annual Fire Safety Statement (AFSS) – An accredited practitioner (fire safety) has assessed, inspected and verified the performance of each fire safety measure (including exits) that applies to the building. Furthermore, the owner submits an AFSS as part of their obligations under the EP&A Act.
 - C. Evacuation Plan – Owners and managers of hospitality facilities should provide oversight to fire safety training for the staff and ensure that effective plans and procedures are ready to be



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executed in the event of a fire or emergency. The Council may need to review the "plan of management" to include a fire prevention plan under the Australian Standard, AS 3745 - 2010 Planning for Emergencies in Facilities, which outlines the minimum requirements for developing the emergency plan. It is unclear whether such a plan exists.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 4 of this report and conduct an inspection.
- 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 Edren Ravino 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 BFS22/4918 (23914) regarding any correspondence concerning this matter.

Yours faithfully



Edren Ravino
Senior Building Surveyor
Fire Safety Compliance Unit

Attachments [Appendix 1 – Notice of Proposed Order dated 5 May 2023 - 3 pages – Raman Pillay]
[Appendix 2 – Notice of Proposed Order dated 5 May 2023 - 3 pages – Shyla Pillay]



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Appendix 1

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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, **Edren Ravino** **Senior Building Surveyor** **903766**
(name) (rank) (number)

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:

[REDACTED] **Owner**
(name of the person whom Order is served) (position, i.e. owner, building manager)

with respect to the premise

'WINDSOR MOTEL'
LOT A DP421321; 54 GEORGE STREET, WINDSOR (hereafter "the premises")
(name/address of premises to which Order is served)

To do or refrain from doing the following things:

1. Audit all the Sole Occupancy Units (hereafter "rooms") at the premises and confirm which rooms do not have a working smoke alarm installed.
2. Upon completion of the audit of the rooms at the premises, complete the following for the rooms where smoke alarms are not appropriately installed or are not working:
 - a. Install smoke alarms:
 - i. Powered by the mains electricity supply OR
 - ii. A non-removable battery with a minimum life expectancy of ten (10) years.

Fire and Rescue NSW	ABN 12 593 473 110	www.fra.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2150	F (02) 9742 7543
www.fra.nsw.gov.au		Page 3 of 5

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- b. Where rooms consist of a "single room" containing sleeping facilities and other facilities, install a smoke alarm on or near the ceiling between the sleeping facilities and the rest of the room.

The terms of the Proposed Fire Safety Order – Order No.1 are to be complied with:

By no later than 14 days from the date of the Fire Safety Order – Order 1.

The reasons for the issue of the Proposed Fire Safety Order - Order No.1 are:

- a. At the time of the inspection on 2 May 2023:
- (i) Room 21 had a smoke alarm installed that did not sound when a battery backup test was conducted.
- b. A lack of working smoke alarms is likely to delay the timely evacuation of the building in an emergency.
- c. A lack of working smoke alarms will likely delay an automated warning on detecting smoke for sleeping occupants, which may delay the occupants' evacuation to a safe place.
- d. Due to a lack of smoke alarms or working smoke alarms, the lack of automatic detection of smoke is likely to compromise the evacuation routes from the premises by poor visibility and high levels of toxicity that may endanger human life.
- e. A person must not, without reasonable excuse, remove or interfere with the operation of a smoke alarm installed at the premises where people sleep.
- f. To do or refrain from doing such things specified in the Order to ensure or promote adequate fire safety or awareness.

Appeals

Pursuant to Section 8.18 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against a Fire Safety Order – Order 1 once it is issued, other than an order that prevents a person from using or entering premises.

Non-Compliance with Fire Safety Order – Order No.1

Once issued, failure to comply with a Fire Safety Order – Order 1 may result in further Orders and/or fines being issued.

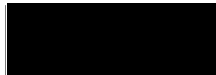
Substantial penalties may be imposed under Section 9.37 of the EP&A Act for failure to comply with a Fire Safety Order – Order No.1.



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NOTE: Representations are to be made in writing and received by FRNSW no later than 5.00 pm on Friday, 19 May 2023.



Edren Ravino
Senior Building Surveyor
Fire Safety Compliance Unit

This Proposed Fire Safety Order - Order No. 1 was mailed and emailed on 5 May 2023.



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Appendix 2

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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, **Edren Ravino** **Senior Building Surveyor** **903766**
(name) (rank) (number)

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:

(name of the person whom Order is served) **Owner**
(position, i.e. owner, building manager)

with respect to the premise

'WINDSOR MOTEL'
LOT A DP421321; 54 GEORGE STREET, WINDSOR (hereafter "the premises")
(name/address of premises to which Order is served)

To do or refrain from doing the following things:

1. Audit all the Sole Occupancy Units (hereafter "rooms") at the premises and confirm which rooms do not have a working smoke alarm installed.
2. Upon completion of the audit of the rooms at the premises, complete the following for the rooms where smoke alarms are not appropriately installed or are not working:
 - a. Install smoke alarms:
 - i. Powered by the mains electricity supply OR
 - ii. A non-removable battery with a minimum life expectancy of ten (10) years.

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amara Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7643
www.fire.nsw.gov.au		Page 3 of 5

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- b. Where rooms consist of a "single room" containing sleeping facilities and other facilities, install a smoke alarm on or near the ceiling between the sleeping facilities and the rest of the room.

The terms of the Proposed Fire Safety Order – Order No.1 are to be complied with:

By no later than 14 days from the date of the Fire Safety Order – Order 1.

The reasons for the issue of the Proposed Fire Safety Order - Order No.1 are:

- a. At the time of the inspection on 2 May 2023:
- (i) Room 21 had a smoke alarm installed that did not sound when a battery backup test was conducted.
- b. A lack of working smoke alarms is likely to delay the timely evacuation of the building in an emergency.
- c. A lack of working smoke alarms will likely delay an automated warning on detecting smoke for sleeping occupants, which may delay the occupants' evacuation to a safe place.
- d. Due to a lack of smoke alarms or working smoke alarms, the lack of automatic detection of smoke is likely to compromise the evacuation routes from the premises by poor visibility and high levels of toxicity that may endanger human life.
- e. A person must not, without reasonable excuse, remove or interfere with the operation of a smoke alarm installed at the premises where people sleep.
- f. To do or refrain from doing such things specified in the Order to ensure or promote adequate fire safety or awareness.

Appeals

Pursuant to Section 8.18 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against a Fire Safety Order – Order 1 once it is issued, other than an order that prevents a person from using or entering premises.

Non-Compliance with Fire Safety Order – Order No.1

Once issued, failure to comply with a Fire Safety Order – Order 1 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 a Fire Safety Order – Order No.1.



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NOTE: Representations are to be made in writing and received by FRNSW no later than 5.00 pm on Friday, 19 May 2023.



Edren Ravino
Senior Building Surveyor
Fire Safety Compliance Unit

This Proposed Fire Safety Order - Order No. 1 was mailed and emailed on 5 May 2023.

Attachment 1a – Letter from Council to owner regarding FRNSW Inspection Report



Our Ref: FS0001/20

4 August 2023



Dear Sir/Madam,

**Lot A DP 42131, Lots 1 and 2 DP1084189, 'Windsor Motel'.
No. 54 George Street, Windsor
Fire and Rescue Inspection Report - Fire Safety Matters**

Dear Sir/Madam,

Council has received an inspection report from Fire and Rescue NSW (FRNSW) following an investigation of a complaint from a member of the public.

The inspection report identified a number of serious potential non-compliances with the deemed-to-satisfy provisions of the National Construction Code - Building Code of Australia Volume One (BCA). A copy of the correspondence received from Fire and Rescue NSW is attached for your reference.

It is understood that Items listed in the Notice Intention to Serve an Order had been resolved to the satisfaction of FRNSW. However, the other potential non-compliances with the BCA and fire safety regulations, need to be addressed. These issues include the following as highlighted by Fire and Rescue NSW:

1. Essential Fire Safety Measures

1A. Smoke Alarms – As an Annual Fire Safety Statement (AFSS) was not displayed, it was difficult to ascertain what type of automatic smoke detection and alarm system had been approved and installed. Regulations 96, 99 and 100 of the Environmental Planning And Assessment (Development Certification And Fire Safety) Regulation 2021 requires owners of a Class 3 building to install smoke alarms in a specific location and detector type.

2. Access and Egress

2A. Operation of Latch – Clause D3D26 of the NCC requires that if the door is located in a required exit, forms part of a required exit, or is in the path of travel to a required exit must be readily openable without a key from the side that faces a person seeking egress. Given the age of the building, the tulip-style door handles may require a review by the Council.

3. Compartmentation

3A. Bounding Construction (Class 2, Class 3 & Class 4 Parts) – Clause C4D12 of the NCC requires any sole occupancy unit (SOU) or public corridor in Class 2, Class 3 and Class 4 parts to maintain the performance of the bounding walls. The Council may require a review as the two (2) storey portion of the premises may not meet the requirement where SOUs in a Class 3 building with a rise in storey of 2, of Type B or C construction, require the following:

A. All doors to the SOUs include an operable self-closer.

B. All doors to the SOUs are tight fitting, solid core, and not less than 35 mm thick.

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4. Generally

4A. Annual Fire Safety Statement (AFSS) – Regulation 89(4)(b) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires the owner to display an AFSS within the building. *In this regard, a separate letter will be sent to you to submit an annual fire safety statement as a matter of urgency.*

4B. Items for Further Investigation – The Council may require an investigation as the appropriate regulatory authority to confirm that:

A. Essential Fire Safety Measures – The owners maintain the essential fire safety systems and meet the local Council's obligations to regulate the development consent approval.

B. Annual Fire Safety Statement (AFSS) – An accredited practitioner (fire safety) has assessed, inspected and verified the performance of each fire safety measure (including exits) that applies to the building. Furthermore, the owner submits an AFSS as part of their obligations under the EP&A Act.

C. Evacuation Plan – Owners and managers of hospitality facilities should provide oversight to fire safety training for the staff and ensure that effective plans and procedures are ready to be executed in the event of a fire or emergency. The Council may need to review the "plan of management" to include a fire prevention plan under the Australian Standard, AS 3745 - 2010 Planning for Emergencies in Facilities, which outlines the minimum requirements for developing the emergency plan. It is unclear whether such a plan exists.

As noted in the inspection report from FRNSW, it is a requirement of the Environmental Planning and Assessment Act 1979, that a report or recommendation received by Council from the Commissioner of FRNSW is tabled at the next available Council meeting.

Accordingly, we request that you review the inspection report and reply within 21 days on your intention to address the issues that have been raised.

Yours faithfully

Robert Valades

Building Surveyor - Fire Safety

☎ (02) 4560 4622

🌐 www.hawkesbury.nsw.gov.au 📧 @hawkesburycitycouncil



Your Ref: FS0001/20

366 George Street
WINDSOR NSW 2756
(PO Box 146, WINDSOR 2756)
(02) 4560 4444
council@hawkesbury.nsw.gov.au
www.hawkesbury.nsw.gov.au



4 August 2023



Dear Sir/Madam

Registration of Annual Fire Safety Statement - First Letter
Premises: 54 George Street WINDSOR NSW 2756

Council has implemented a Fire Safety program that seeks to raise awareness about fire safety and ensure property owners are meeting their obligations in terms of providing adequate fire safety within their buildings.

You may already be meeting part of your obligations by having a person or company engaged to periodically check the fire safety measures installed within the building and on the premises. These fire safety measures may include such items as fire extinguishers, emergency lighting, exit signage, fire hose reels or fire hydrants.

This letter is to advise that as the owner of the building premises, it is your responsibility to submit an Annual Fire Safety Statement and a Fire Safety Schedule for the premises.

Please visit <https://www.hawkesbury.nsw.gov.au/link/fs-form> to submit your Annual Fire Safety Statement and Fire Safety Schedule. You will also be required to make payment of \$166.65 at the time of submission in order for the Acknowledgement of your Annual Fire Safety Statement to be issued. In addition, you are required to submit a copy of the Statement and Schedule to Fire and Rescue NSW via their online Annual Fire Safety Statement Form at <https://www.fire.nsw.gov.au/afsssubmission>.

If you do not have your Fire Safety Schedule, you may wish to engage a suitably qualified building regulation or fire safety consultant to assist in preparing a Fire Safety Schedule for you. Alternatively, you can engage Council to do this. Please note that fees for the preparation of the Schedule would apply.

The due date for submission of the Annual Fire Safety is 28 days from the date of this letter.

Please see over for further information and helpful links in relation to The Annual Fire Safety Program or contact Council on the number below.

Yours faithfully

Customer Experience Team | Hawkesbury City Council
(02) 4560 4444



Interpreter Service available, call 131 450 131 450 خدمة الترجمة المباشرة متاحة على رقم 131 450 131 450 可提供傳譯服務・請致電 131 450 Hemm servizz tal-interprett, cempel 131 450

Document Set ID: 8520345
Version: 1, Version Date: 04/08/2023



DO YOUR PART BE FIRE SMART!

A guide to Hawkesbury City Council's Fire Safety Program



What is an **Annual Fire Safety Statement**?

An Annual Fire Safety Statement is a statement issued by or on behalf of the owner of a building to ensure that each essential fire safety measure specified in the statement, has been assessed by an accredited practitioner (fire safety) and when it was assessed, it was capable of performing to a standard specified in the Fire Safety Schedule.

Why am I **receiving this letter**?

The Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021 requires building owners to have an accredited practitioner (fire safety) inspect and certify that all essential fire safety measures installed within the building or on the premises are being suitably maintained and in working order.

In the interests of community safety, Council has introduced a pro-active Fire Safety Program that seeks to raise awareness about fire safety and ensure building owners are meeting their obligations in terms of providing adequate fire safety within their buildings.

What am I **required to do**?

You as a building owner, are required to engage an accredited practitioner (fire safety) to carry out an inspection of the building premises. If there are matters to be addressed, they will advise you what needs to occur.

The accredited practitioner (fire safety) will complete the relevant sections of the Annual Fire Safety Statement. Then, you, as the owner of the building premises, will be required to complete your portion as well. The Annual Fire Safety Statement template can be found here:

www.planning.nsw.gov.au/sites/default/files/2023-03/fire-safety-statement-template-version-4.docx

The Statement must then be lodged with Council and Fire and Rescue NSW.

Please note that the current Fire Safety Schedule for the building premises must accompany the Annual Statement.

What happens if I **don't do anything**?

You will be in breach of your obligations under the Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021.

There are heavy penalties that apply for non-compliance.

Further **information**

For more information regarding Annual Fire Safety Statements please visit:

- Fire and Rescue NSW - www.fire.nsw.gov.au
- Department of Planning - www.planning.nsw.gov.au
- Hawkesbury City Council - www.hawkesbury.nsw.gov.au

hawkesbury.nsw.gov.au



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2. Lot 201 DP 801553, No.36 Argyle Street, Windsor – 'Windsor RSL Club'

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File Ref. No: BFS23/344 (26043) & BFS19/4060 (9847)
TRIM Ref. No: D23/60343
Contact: Edren Ravino

7 July 2023

General Manager
Hawkesbury City Council
PO Box 146
WINDSOR NSW 2756

E-mail: council@hawkesbury.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

**Re: INSPECTION REPORT
'WINDSOR RSL'
36 ARGYLE STREET WINDSOR ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 30 January 2023 and 6 December 2019 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence on 30 January 2023 stated in part that:

Windsor RSL has undergone extensive building and fire service upgrades over the past couple of years, but the fire panel still terminates at the premises only and is assessed and reset by staff.

Shouldn't this now be connected to an external monitoring company...

The correspondence on 6 December 2019 stated in part that:

Windsor RSL is under going extensions/renovations which if I'm correct brings the building into the new building standards rules.

The fire panel terminates at the club itself and it's left up to the staff to check and reset the panel.

I have been sitting in the club and watched the staff try and check and reset the panel for up to 20 minutes.

Fire and Rescue NSW	ABN 12 593 473 110	www.fra.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.fra.nsw.gov.au		Page 1 of 4

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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 2 May 2023 and 23 May 2023.

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

Please be advised that the items listed 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. Therefore, it's the Council's discretion as the appropriate regulatory authority to consider the most appropriate action.

The following items were identified during the inspection:

1. Essential Fire Safety Measures
 - 1A. Maintenance – Regulation 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires maintenance of the Essential Fire Safety Measure to a standard no less than when it was first installed. At the time of the inspection on 2 June 2023, there were faults and isolations observed on the fire indicator panel.
2. Generally
 - 2A. Investigation Outcomes – The following items are provided to Council as part of the investigation on Friday, 2 June 2023:
 - A. There Fire Indicator Panel (FIP) displayed one (1) fault and seventeen (17) disablements. When questioned, the Chief Executive Officer (CEO) and Operations Manager knew of the fault and isolation.
 - B. The CEO and Operations Manager confirmed that the zones and detectors identified on the FIP as a fault and disablements were in the kitchen. Both asserted that rain had affected the electrical



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cabling and that repairs would be complete by 3 May 2023. The FIP was re-inspected on 23 May 2023 and confirmed that the faults and disablements were clear.

- C. Authorised fire officers randomly asked two (2) staff about their obligations during an emergency, the evacuation procedures and where the written policies are located. Neither staff member could answer sufficiently to demonstrate knowledge of the evacuation procedures, including who their floor wardens were in an emergency.
 - D. The premises appeared to include a Class 9b "assembly building" where people assemble for civil or theatrical purposes. A visual inspection of the stage and backstage area may be greater than 200 m².
- 2B. Items for Further Investigation – The Council may require an investigation as the appropriate regulatory authority to confirm that:
- A. The owners maintain the essential fire safety systems and meet the local Council's obligations to regulate the development consent approval.
 - B. An accredited practitioner (fire safety) has assessed, inspected and verified the performance of each fire safety measure (including exits) that applies to the building. Furthermore, the owner submits an Annual Fire Safety Statement (AFSS) as part of their obligations under the EP&A Act.
 - C. Clause NSW E2D16 of the NCC requires all Class 9b assembly buildings to include an automatic shutdown of any air handling system and smoke detection under S20C6 of the NCC. The Council may require a review to determine whether the area within the premises satisfies the requirements of the NCC to be considered a Class 9b assembly building where system monitoring under S20C8 of the NCC is required.
 - D. Owners and managers of hospitality facilities should provide oversight to fire safety training for the staff and ensure that adequate plans and procedures are ready to be executed in the event of a fire or emergency. The Council may need to review the "plan of management" to include a fire prevention plan under the Australian Standard, AS 3745 - 2010 Planning for Emergencies in Facilities, which outlines the minimum requirements for developing the emergency plan.

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



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RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 2 of this report and conduct an inspection.
- 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 Edren Ravino 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 BFS23/344 (26043) & BFS19/4060 (9847) regarding any correspondence concerning this matter.

Yours faithfully



Edren Ravino
Senior Building Surveyor
Fire Safety Compliance Unit



Attachment 2a – Letter from Council to owner regarding FRNSW Inspection Report



Our Ref: FS0161/20

4 August 2023

Windsor RSL
36 Argyle Street
PO Box 181
SOUTH WINDSOR NSW 1885

Dear Sir/Madam,

**Lot 201 DP801553 'Windsor RSL' No. 36 Argyle Street South Windsor
Fire and Rescue Inspection Report - Fire Safety Matters**

Dear Sir/Madam,

Council has received an inspection report from Fire and Rescue NSW (FRNSW) following an investigation of a complaint from a member of the public.

The inspection report identified a number of serious potential non-compliances with the deemed-to-satisfy provisions of the National Construction Code - Building Code of Australia Volume One (BCA). A copy of the correspondence received from Fire and Rescue NSW is attached for your reference.

It is understood that Items 1A, 2A and 2B of the report have been resolved to the satisfaction of FRNSW. However, the other potential non-compliances with the BCA and fire safety regulations, need to be addressed. These issues include the following:

1. Item 2A C.

Authorised fire officers randomly asked two (2) staff about their obligations during an emergency, the evacuation procedures and where the written policies are located. Neither staff member could answer sufficiently to demonstrate knowledge of the evacuation procedures, including who their floor wardens were in an emergency.

2. Item 2A D.

The premises appeared to include a Class 9b "assembly building" where people assemble for civil or theatrical purposes. A visual inspection of the stage and backstage area may be greater than 200 m².

3. Item 2B A.

Clause NSW E2D16 of the NCC requires all Class 9b assembly buildings to include an automatic shutdown of any air handling system and smoke detection under S20C8 of the NCC. The Council may require a review to determine whether the area within the premises satisfies the requirements of the NCC to be considered a Class 9b assembly building where system monitoring under S20C8 of the NCC is required.

4. Item 2B D.

Owners and managers of hospitality facilities should provide oversight to fire safety training for the staff and ensure that adequate plans and procedures are ready to be executed in the event of a fire or emergency. The Council may need to review the "plan of management" to include a fire prevention plan under the Australian Standard, AS 3745 – 2010 Planning for Emergencies in Facilities, which outlines the minimum requirements for developing the emergency plan.

Page 1 of 2

366 George Street (PO Box 146) WINDSOR NSW 2756 | Phone: (02) 4560 4444 | Facsimile: (02) 4587 7740 | DX: 8601 WINDSOR
Hours: Monday to Friday 8:30am - 5pm | Email: council@hawkesbury.nsw.gov.au | Website: www.hawkesbury.nsw.gov.au



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Version: 1, Version Date: 04/08/2023



As noted in the inspection report from FRNSW, it is a requirement of the Environmental Planning and Assessment Act 1979, that a report or recommendation received by Council from the Commissioner of FRNSW is tabled at the next available Council meeting.

Accordingly, we request that you review the inspection report and reply within 21 days on your intention to address the issues that have been raised.

Yours faithfully

Robert Valades

Building Surveyor - Fire Safety

☎ (02) 4560 4622

🌐 www.hawkesbury.nsw.gov.au 📧 @hawkesburycitycouncil



DO YOUR PART BE FIRE SMART!

A guide to Hawkesbury City Council's
Fire Safety Program



What is an **Annual Fire Safety Statement**?

An Annual Fire Safety Statement is a statement issued by or on behalf of the owner of a building to ensure that each essential fire safety measure specified in the statement, has been assessed by an accredited practitioner (fire safety) and when it was assessed, it was capable of performing to a standard specified in the Fire Safety Schedule.

Why am I **receiving this letter**?

The Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021 requires building owners to have an accredited practitioner (fire safety) inspect and certify that all essential fire safety measures installed within the building or on the premises are being suitably maintained and in working order.

In the interests of community safety, Council has introduced a pro-active Fire Safety Program that seeks to raise awareness about fire safety and ensure building owners are meeting their obligations in terms of providing adequate fire safety within their buildings.

What am I **required to do**?

You as a building owner, are required to engage an accredited practitioner (fire safety) to carry out an inspection of the building premises. If there are matters to be addressed, they will advise you what needs to occur.

The accredited practitioner (fire safety) will complete the relevant sections of the Annual Fire Safety Statement. Then, you, as the owner of the building premises, will be required to complete your portion as well. The Annual Fire Safety Statement template can be found here:

www.planning.nsw.gov.au/sites/default/files/2023-03/fire-safety-statement-template-version-4.docx

The Statement must then be lodged with Council and Fire and Rescue NSW.

Please note that the current Fire Safety Schedule for the building premises must accompany the Annual Statement.

What happens if I **don't do anything**?

You will be in breach of your obligations under the Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021.

There are heavy penalties that apply for non-compliance.

Further **information**

For more information regarding Annual Fire Safety Statements please visit:

- Fire and Rescue NSW – www.fire.nsw.gov.au
- Department of Planning – www.planning.nsw.gov.au
- Hawkesbury City Council – www.hawkesbury.nsw.gov.au

hawkesbury.nsw.gov.au



Document Set ID: 8520371
Version: 1, Version Date: 04/08/2023



3. Lot 20 DP 1092348, No.413 George Street, Windsor - boarding house known as 'The Windsor'

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File Ref. No: BFS23/343 (26042)
TRIM Ref. No: D23/55626
Contact: Edren Ravino

28 June 2023

General Manager
Hawkesbury City Council
PO Box 146
WINDSOR NSW 2756

E-mail: council@hawkesbury.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

**Re: INSPECTION REPORT
'THE WINDSOR'
413 GEORGE STREET WINDSOR (hereafter "the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 30 January 2023 concerning the adequacy of the provision for fire safety in connection with the premises.

The correspondence stated that:

The owners appear to have disabled the FIP and disconnected it from reporting back to base

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 2 May 2023.

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.

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 8

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- 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.

NOTICE OF INTENTION TO SERVE AN ORDER

FRNSW issued a Notice of Intention to Serve an Order (1) dated 5 May 2023 under the provisions of Section 9.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

REPRESENTATIONS & INSPECTION

Written representations were received concerning the proposed **Order 1** under Schedule 5, Part 6, Section 8 of the EP&A Act. After receiving the representations, an inspection was conducted on 23 May 2023 under Section 9.32 of the EP&A Act. Upon hearing and considering the representation and subsequent inspection, FRNSW gave an Order under Schedule 5, Part 7, Section 15 of the EP&A Act.

FIRE SAFETY ORDER NO. 1

Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. 1, dated 24 May 2023, under the provisions of Section 9.34 of the EP&A Act. A copy of the Order is attached for your information under the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act.

RE-INSPECTION

Pursuant to the provisions of Section 9.32(1)(b) of the EP&A Act and Section 112 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (EPAR2021), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected the premises on 13 June 2023.

INSPECTION OUTCOME

At the time of the inspection, the terms of 'the Order' issued on the premises were compliant. In this regard, Council is not required to act on item no. 1A(C) of this report. It is the Council's discretion to inspect and address any other deficiencies identified on the premises.

COMMENTS

Please be advised that the items listed 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

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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. Therefore, it's the Council's discretion as the appropriate regulatory authority to consider the most appropriate action.

The following items were identified during the inspection:

1. Essential Fire Safety Measures

- 1A. Maintenance and Installation – As no Annual Fire Safety Statement (AFSS) was displayed, it was difficult to establish the essential fire safety measures installed and the standard of performance for each measure at the premises. The Council may require a review as a result of the following observations:
- A. Feed Hydrant – The feed hydrant lacked signage and is located between the openings of the laundromat and the residence.
 - B. Sprinkler System – A block plan for the sprinkler system was not displayed. It was challenging to establish why sprinklers were not installed throughout the building and only in the carpark and laundromat.
 - C. Fire Indicator Panel (FIP) – The FIP displayed many isolations resulting in FRNSW issuing the Fire Safety Order No.1 under the EP&A Act. The Order (attached) has been complied with.

2. Compartmentation

- 2A. Compartmentation – Performance Requirement C1P2, C1P4, and C1P8 of the NCC specifies the requirements to prevent the spread of fire to exits, SOUs, public corridors, openings and penetrations. Hence the following observations were noted:
- A. Fire Door – The fire door into the carpark from the ground floor was chocked open by a wedge. Leaving fire doors wedged open diminishes the fire separation and compartmentation between the carpark and the rest of the building.
 - B. Openings – Openings between the adjoining boundary allotment may not be appropriately fire-separated. The openings include but are not limited to windows to sole occupancy units facing the northeastern boundary and openings on the southeastern boundary.

3. Generally

- 3A. Investigation Outcomes – The following items are provided to Council as part of the investigation on Tuesday, 2 May 2023:
- A. The Alarm Signalling Equipment (ASE) installed by ADT was not registering the faults or isolations displayed on the Fire Indicator

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Panel (FIP). However, a re-inspection revealed that Chubb had installed a new ASE.

- B. The logbook located at the FIP identifies the replacement of smoke detectors with thermals at various locations and varying dates during 2022.
 - C. The service labels/tags for the portable fire extinguisher and hydrant are not regularly tagged as being serviced and maintained.
 - D. A search on the NSW Fair Trading Accommodation Register revealed that 'The Windsor' is a "General Registerable Boarding House" on its website.
 - E. The number of sole occupancy units, rise in storeys, and type of construction could be considered a Class 3 building as defined by the NCC.
 - F. Shared laundry facilities were available onsite. However, as access to each SOU was limited, it was unclear whether occupants cooked in their rooms or had toilet and shower facilities in each room.
- 3B. Items for Further Investigation – The Council may require an investigation as the appropriate regulatory authority to confirm that:
- A. Review of Installed Essential Fire Safety Measures – The owners maintain the essential fire safety systems and meet the local Council's obligations to regulate the development consent approval, including but not limited to a review of the smoke detection and alarm system as the logbook notes changes to smoke detection with thermal detectors.
 - B. Annual Fire Safety Statement (AFSS) – An accredited practitioner (fire safety) has assessed, inspected and verified the performance of each fire safety measure (including exits) that applies to the building. Furthermore, the owner submits an AFSS as part of their obligations under the EP&A Act.
 - C. Building Work – Regulation 123 of the Environmental Planning and Assessment Regulation 2021 requires approval to install a new Alarm Signalling Equipment (ASE) via a Complying Development Certificate. FRNSW considers this "structural work" because installing a new ASE requires consent before installation. If a review by the Council reveals that the owner installed a new ASE without the appropriate approval, it would be at Council's discretion to determine whether enforcement action is required.
 - D. Registered Boarding House – The *Boarding Houses Act 2012* (BHA) requires the Council to inspect registered boarding houses within 12 months of being registered. As part of its inspection, determining the risk the premises poses to its occupants by

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considering the following under the guide to councils provided by Fair Trading – whether:

- i. The premises requires inspecting as part of the obligations under the BHA and determining the fire safety standards for the use as a commercial premises/boarding house is safe for the occupants.
 - ii. The premises” meets the requirements of the Local Government (General) Regulation 2021 for shared accommodation. Particularly the need to limit the number of occupants at “the premises” at any time.
 - iii. A risk-based inspection program requires implementation as part of the Council’s obligations to ensure registered boarding houses are maintained to the accommodation standards outlined in the BHA, *Local Government Act 1993*, and *Environmental Planning and Assessment Act 1979*.
- E. Standards for Places of Shared Accommodation – Part 1 of Schedule 2 of the Local Government (General) Regulation 2021 requires the Council to ensure boarding houses do not exceed the maximum number of people in each bedroom or dormitory and the whole premises. It also requires a minimum standard of health and amenity. At the time of the inspection, the following was observed:
- i. Room Size – The room appears to accommodate long-term sleeping accommodation. Clause 46 of the Public Health Regulation 2012 requires the floor area to be greater than 5.5 square meters for each person sleeping in it. The Council may require a review.
 - ii. Notices – At the time of the inspection, the signs indicating the permissible maximum length of time during which a person may board or lodge on “the premises” could not be located in a conspicuous location and displayed to public view outside the premises.
 - iii. Room Schedule and Occupant Numbers – Clause 2 requires a schedule showing the room number for each bedroom and dormitory and the number of persons permitted to be accommodated. At the time of the inspection, the schedule could not be located.
 - iv. Room Numbers – Clause 2 requires each bedroom to be numbered per the schedule and displayed clearly on each door. The sign must state the maximum number of persons allowed in the bedroom. At the time of the inspection, the number of persons allowed to be accommodated could not be located.



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- v. Long-term residences – The premises may accommodate people who allow boarding or lodgings for seven days or longer. Observations at the time could not confirm whether each bed had adequate clean blankets or equivalent bed clothing is unclear. The Council may require a review.

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.

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. FRNSW refers this matter to the Council as the appropriate regulatory authority and 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 Edren Ravino 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 BFS23/343 (26042) regarding any correspondence.

Yours faithfully



Edren Ravino
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment: [Appendix 1 – Fire Safety Order No.1 dated 24 May 2023 – 2 pages]



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Appendix 1 – Fire Safety Order No.1 dated 24 May 2023



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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.
Give an Order in accordance with Section 9.34(1)(b)

I, **Edren Ravino** **Senior Building Surveyor** **903766**
(name) (rank) (number)

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, I hereby order you

Sevens Developments Pty Ltd
(name of the person whom Order is served)

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

with respect to the premise

'THE WINDSOR'
LOT 20, DP1092348; 413 GEORGE ST WINDSOR (hereafter "the premises")
(name/address of premises to which Order is served)

to do or refrain from doing the following things:

Repair the disablement observed during the inspection on the Fire Indicator Panel (FIP) located at the stairway facing George Street at the premises.

The reasons for the issue of this Fire Safety Order - Order No.1 are:

a. At the time of the inspection on 2 May 2023, the FIP displayed "Disable 09:51–Z003-L1-N033Optical-Unit 11. However, a reinspection on 23 May 2023 revealed the following seven (7) disablements:

- (i) Z003-L1-N029R+F.Heat Common Area North
- (ii) Z003-L1-N032R+F.Heat Common Area North
- (iii) Z003-L1-N033Optical Unit 11

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
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- (iv) Z003-L1-N040R+F.Heat Common Area
- (v) Z003-L1-N044R+F.Heat Common Area South
- (vi) Z003-L1-N047R+F.Heat Common Area Staire North
- (vii) Z003-L1-N049R+F.Heat Common Area South

- b. Isolations to the FIP are likely to delay the timely evacuation of the building in an emergency.
- c. Isolations to the automatic smoke detection and alarm system will likely delay an automated warning on detecting smoke for sleeping occupants. The disablement may hinder the occupants' evacuation to a safe place.
- d. The isolations diminish the automatic identification and notification that the FIP provides. As a result, it is likely that the evacuation routes from the premises may be compromised by poor visibility and high levels of toxicity that may endanger human life.
- e. To do or refrain from doing such things specified in "the order" to ensure or promote adequate fire safety or awareness.

The terms of this Fire Safety Order - Order No.1 are to be complied with:

By no later than 10:00 hrs on Monday 12 June 2023.

Appeals

Pursuant to Section 8.18 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against this Fire Safety Order - Order No. 1 other than an order that prevents a person from using or entering premises.

Non-Compliance with Fire Safety Order – Order No.1

Failure to comply with this Fire Safety Order - Order No.1 may result in further Orders and/or fines being issued.

Substantial penalties may also be imposed under Section 9.37 of the EP&A Act for failure to comply with a Fire Safety Order - Order No.1.



Edren Ravino
Senior Building Surveyor
Fire Safety Compliance Unit

This Fire Safety Order - Order No. 1 was mailed and e-mailed on 24 May 2023.

Attachment 3a – Letter from Council to owner regarding FRNSW Inspection Report

366 George Street
WINDSOR NSW 2756
(PO Box 146, WINDSOR 2756)
(02) 4560 4444
council@hawkesbury.nsw.gov.au
www.hawkesbury.nsw.gov.au

Robert Valades
Building Surveyor - Fire Safety
Hawkesbury City Council



Attachment 3b – Letter from Council to owner regarding Annual Fire Safety Statement

Your Ref: FS0160/20

366 George Street
WINDSOR NSW 2756
(PO Box 146, WINDSOR 2756)
(02) 4560 4444
council@hawkesbury.nsw.gov.au
www.hawkesbury.nsw.gov.au

Hawkesbury
City Council

31 July 2023

Sevens Developments Pty Limited
PO Box 125
REVESBY NORTH NSW 2212

Dear Sir/Madam

Registration of Annual Fire Safety Statement - First Letter
Premises: 413 George Street WINDSOR NSW 2756

Council has implemented a Fire Safety program that seeks to raise awareness about fire safety and ensure property owners are meeting their obligations in terms of providing adequate fire safety within their buildings.

You may already be meeting part of your obligations by having a person or company engaged to periodically check the fire safety measures installed within the building and on the premises. These fire safety measures may include such items as fire extinguishers, emergency lighting, exit signage, fire hose reels or fire hydrants.

This letter is to advise that as the owner of the building premises, it is your responsibility to submit an Annual Fire Safety Statement and a Fire Safety Schedule for the premises.

Please visit <https://www.hawkesbury.nsw.gov.au/link/fs-form> to submit your Annual Fire Safety Statement and Fire Safety Schedule. You will also be required to make payment of \$166.65 at the time of submission in order for the Acknowledgement of your Annual Fire Safety Statement to be issued. In addition, you are required to submit a copy of the Statement and Schedule to Fire and Rescue NSW via their online Annual Fire Safety Statement Form at <https://www.fire.nsw.gov.au/afsssubmission>.

If you do not have your Fire Safety Schedule, you may wish to engage a suitably qualified building regulation or fire safety consultant to assist in preparing a Fire Safety Schedule for you. Alternatively, you can engage Council to do this. Please note that fees for the preparation of the Schedule would apply.

The due date for submission of the Annual Fire Safety is 28 days from the date of this letter.

Please see over for further information and helpful links in relation to The Annual Fire Safety Program or contact Council on the number below.

Yours faithfully

Customer Experience Team | Hawkesbury City Council
(02) 4560 4444



Interpreter Service available, call 131 450 131 450 خدمة الترجمة المتوفرة مباشرة اتصل على رقم 131 450 131 450 可提供傳譯服務，請致電 131 450 Hemm servizz tal-interpretu, cempel 131 450

Document Set ID: 8513079
Version: 1, Version Date: 31/07/2023



4. Lot 1 DP 227268, Lot 8 DP 666448, No.47 George Street, Windsor - 'The Windsor Terrace Motel'

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File Ref. No: BFS23/1910 (27564)
TRIM Ref. No: D23/54419
Contact: Edren Ravino

28 June 2023

General Manager
Hawkesbury City Council
PO Box 146
WINDSOR NSW 2756

E-mail: council@hawkesbury.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

**RE: INSPECTION REPORT
'WINDSOR TERRACE MOTEL'
47 GEORGE STREET, WINDSOR (hereafter "the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 12 April 2023 concerning the adequacy of the provision for fire safety in or in connection with 'the premises'.

The correspondence stated that:

Smoke detectors in multiple motel rooms were removed from the ceiling. Some were left on shelves, some were hidden away in drawers. All of them had their batteries removed. No smoke detector we were able to locate had any batteries in them nor were they hardwired.

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 2 May 2023.

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:

Fire and Rescue NSW	ABN 12 593 473 110	www.frs.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.frs.nsw.gov.au		Page 1 of 17

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- 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.

NOTICE OF INTENTION TO SERVE AN ORDER

FRNSW issued a Notice of Intention to Serve an Order (1) dated 5 May 2023 (copy attached) under the provisions of Section 9.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

REPRESENTATIONS & INSPECTION

Written representations were received concerning the proposed **Order 1** under Schedule 5, Part 6, Section 8 of the EP&A Act. After receiving the representations, an inspection was conducted on 23 May 2023 under Section 9.32 of the EP&A Act. Upon hearing and considering the representation and subsequent inspection, FRNSW has decided not to give an Order under Schedule 5, Part 7, Section 15 of the EP&A Act.

COMMENTS

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 during the inspection:

1. Essential Fire Safety Measures
 - 1A. Smoke Alarms – As an Annual Fire Safety Statement (AFSS) was not displayed, it was difficult to ascertain what type of automatic smoke detection and alarm system had been approved and installed. Regulations 96, 99 and 100 of the Environmental Planning And Assessment (Development Certification And Fire Safety) Regulation 2021 requires owners of a Class 3 building to install smoke alarms in a specific location and detector type. A Notice of Intention to Serve an Order was issued based on the concern and this statutory obligation. As such, the Council may review the development consent approval to determine the required smoke detection and alarm system for the premises.

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2. Access and Egress
 - 2A. Operation of Latch – Clause D3D26 of the NCC requires that a door located in a required exit or forming part of a required exit or in the path of travel to a required exit be readily open without a key from the side that faces a person seeking egress. The latch must be a single-hand downward action on a device between 900 mm and 1.1 m from the floor. The final exit doors from the premises may not meet the NCC requirements. The Council may require a review.
3. Compartmentation
 - 3A. Compartmentation – Performance Requirement C1P1, C1P2, C1P4, and C1P8 of the NCC specifies the requirements for structural stability in a fire to prevent the spread of fire to exits, Sole Occupancy Units (SOU), public corridors, openings and penetrations. It may be in Council's interest to review the compartmentation of the building as a result of the following observations:
 - A. Milk Doors – Timber-framed milk door openings on each level appear to reduce the walls' fire resistance level to each SOU.
 - B. Bounding Construction (Class 2, Class 3 & Class 4 Parts) – Clause C4D12 of the NCC requires any sole occupancy unit (SOU) or public corridor in Class 2, Class 3 and Class 4 parts to maintain the performance of the bounding walls. SOUs in a Class 3 building with a rise in storey of 3, of Type A construction, require the following:
 - i. Many doors to the SOUs lacked an operable self-closer.
 - ii. It is unclear whether any doors to the SOUs achieved the required fire resistance level (FRL) of -/60/30 as no tags indicated the doors achieved the specified FRL.
4. Generally
 - 4A. Investigation Outcomes – The following items are provided to Council as part of the investigation on Tuesday, 2 May 2023:
 - A. The premises appear to be a Class 3 building with three (3) storeys.
 - B. The statutory requirements under the EPAR were applied, as no AFSS was displayed. If the Council inspects the premises and a review of the consent conditions reveals that the building is three storeys, the Council may consider upgrading the Essential Fire Safety Measures.
 - C. Reviewing the location and number of portable fire extinguishers may be required by the Council.
 - 4B. Annual Fire Safety Statement (AFSS) – Regulation 89(4)(b) of the Environmental Planning and Assessment (Development Certification

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and Fire Safety) Regulation 2021 (EPAR 2021) requires the owner to display an AFSS within the building. The Council may need to inspect and review its records for "the premises" as it was challenging to locate an AFSS.

- 4C. Items for Further Investigation – The Council may require an investigation as the appropriate regulatory authority to confirm that:
- A. Essential Fire Safety Measures – The owners maintain the essential fire safety systems and meet the local Council's obligations to regulate the development consent approval.
 - B. Annual Fire Safety Statement (AFSS) – An accredited practitioner (fire safety) has assessed, inspected and verified the performance of each fire safety measure (including exits) that applies to the building. Furthermore, the owner submits an AFSS as part of their obligations under the EP&A Act.
 - C. Evacuation Plan – Owners and managers of hospitality facilities should provide oversight to fire safety training for the staff and ensure that effective plans and procedures are ready to be executed in the event of a fire or emergency. The Council may need to review the "plan of management" to include a fire prevention plan under the Australian Standard, AS 3745 - 2010 Planning for Emergencies in Facilities, which outlines the minimum requirements for developing the emergency plan. It is unclear whether such a plan exists.
 - D. Smoke Detectors – Clause S20C4 of the NCC typically requires the installation of an Automatic Smoke Detection and Alarm system (ASDAS) for a Class 3 building consisting of a rise in 3 storeys, with the installation of the smoke detectors to Australian Standard AS1670.1 and a building occupant warning system to Clause S20C7 of the NCC. The Council may require a review as the ASDAS observed at the time may not meet this requirement.
 - E. Hydrant System – Clause E1D2 of the NCC requires installing a fire hydrant system to Australian Standard AS2419.1, where buildings have a total floor area greater than 500m². The Council may require a review as the total floor area may exceed 500m².

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 4 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 Edren Ravino 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 BFS23/1910 (27564) regarding any correspondence.

Yours faithfully



Edren Ravino
Senior Building Surveyor
Fire Safety Compliance Unit

Attachments [Appendix 1 – Notice of Intention – Proposed Order 1 Lot 1 for Shyla Pillay- 3 pages]
[Appendix 2 - Notice of Intention – Proposed Order 1 Lot 1 for Raman Pillay- 3 pages]
[Appendix 3 - Notice of Intention – Proposed Order 1 Lot 8 for Shyla Pillay- 3 pages]
[Appendix 4 - Notice of Intention – Proposed Order 1 Lot 8 for Raman Pillay- 3 pages]



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Appendix 1

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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, **Edren Ravino** **Senior Building Surveyor** **903766**
(name) (rank) (number)

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:

(name of the person whom Order is served) **Owner**
(position, i.e. owner, building manager)

with respect to the premise

'WINDSOR TERRACE MOTEL'
LOT 1 DP227368; 47 GEORGE STREET, WINDSOR (hereafter "the premises")
(name/address of premises to which Order is served)

To do or refrain from doing the following things:

1. Audit all the Sole Occupancy Units (hereafter "rooms") at the premises and confirm which rooms do not have a working smoke alarm installed.
2. Upon completion of the audit of the rooms at the premises, complete the following for the rooms where smoke alarms are not appropriately installed or are not working:
 - a. Install smoke alarms:
 - i. Powered by the mains electricity supply OR
 - ii. A non-removable battery with a minimum life expectancy of ten (10) years.
 - b. Equip each of the rooms with smoke alarms located:

Fire and Rescue NSW	ABN 12 593 473 110	www.frs.nsw.gov.au
Community Safety Directorate	1 Amarna Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2130	F (02) 9742 7843
www.frs.nsw.gov.au		Page 3 of 5

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- i. On or near the ceiling in a storey with rooms.
- ii. In each corridor or hallway, with associated rooms
- c. Where rooms consist of a "single room" containing sleeping facilities and other facilities, install a smoke alarm on or near the ceiling between the sleeping facilities and the rest of the room.

The terms of the Proposed Fire Safety Order – Order No.1 are to be complied with:

By no later than 14 days from the date of the Fire Safety Order – Order 1.

The reasons for the issue of the Proposed Fire Safety Order - Order No.1 are:

- a. At the time of the inspection on 2 May 2023:
 - (i) Room 8 did not have a smoke alarm installed, and a smoke alarm was found in the drawer. A battery backup test revealed that the smoke alarm did not work.
 - (ii) Room 16 had a smoke alarm loosely installed to the ceiling, and a battery backup test could not be conducted.
 - (iii) Room 18 had a smoke alarm installed that did not sound when a battery backup test was conducted.
- b. A lack of working smoke alarms is likely to delay the timely evacuation of the building in an emergency.
- c. A lack of working smoke alarms will likely delay an automated warning on detecting smoke for sleeping occupants, which may delay the occupants' evacuation to a safe place.
- d. Due to a lack of smoke alarms or working smoke alarms, the lack of automatic detection of smoke is likely to compromise the evacuation routes from the premises by poor visibility and high levels of toxicity that may endanger human life.
- e. A person must not, without reasonable excuse, remove or interfere with the operation of a smoke alarm installed at the premises where people sleep.
- f. To do or refrain from doing such things specified in the Order to ensure or promote adequate fire safety or awareness.

Appeals

Pursuant to Section 8.18 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against a Fire Safety Order – Order



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1 once it is issued, other than an order that prevents a person from using or entering premises.

Non-Compliance with Fire Safety Order – Order No.1

Once issued, failure to comply with a Fire Safety Order – Order 1 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 a Fire Safety Order – Order No.1.

NOTE: Representations are to be made in writing and received by FRNSW no later than 5.00 pm on Friday, 19 May 2023.



Edren Ravino
Senior Building Surveyor
Fire Safety Compliance Unit

This Proposed Fire Safety Order - Order No. 1 was mailed and emailed on 5 May 2023.



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Appendix 2

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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, **Edren Ravino** Senior Building Surveyor 903766
(name) (rank) (number)

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:

(name of the person whom Order is served) **Owner**
(position, i.e. owner, building manager)

with respect to the premise

'WINDSOR TERRACE MOTEL'
LOT 1 DP227368; 47 GEORGE STREET, WINDSOR (hereafter "the premises")
(name/address of premises to which Order is served)

To do or refrain from doing the following things:

1. Audit all the Sole Occupancy Units (hereafter "rooms") at the premises and confirm which rooms do not have a working smoke alarm installed.
2. Upon completion of the audit of the rooms at the premises, complete the following for the rooms where smoke alarms are not appropriately installed or are not working:
 - a. Install smoke alarms:
 - i. Powered by the mains electricity supply OR
 - ii. A non-removable battery with a minimum life expectancy of ten (10) years.
 - b. Equip each of the rooms with smoke alarms located:

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www.frs.nsw.gov.au		Page 3 of 5

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- i. On or near the ceiling in a storey with rooms.
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The terms of the Proposed Fire Safety Order – Order No.1 are to be complied with:

By no later than 14 days from the date of the Fire Safety Order – Order 1.

The reasons for the issue of the Proposed Fire Safety Order - Order No.1 are:

- a. At the time of the inspection on 2 May 2023:
 - (i) Room 8 did not have a smoke alarm installed, and a smoke alarm was found in the drawer. A battery backup test revealed that the smoke alarm did not work.
 - (ii) Room 16 had a smoke alarm loosely installed to the ceiling, and a battery backup test could not be conducted.
 - (iii) Room 18 had a smoke alarm installed that did not sound when a battery backup test was conducted.
- b. A lack of working smoke alarms is likely to delay the timely evacuation of the building in an emergency.
- c. A lack of working smoke alarms will likely delay an automated warning on detecting smoke for sleeping occupants, which may delay the occupants' evacuation to a safe place.
- d. Due to a lack of smoke alarms or working smoke alarms, the lack of automatic detection of smoke is likely to compromise the evacuation routes from the premises by poor visibility and high levels of toxicity that may endanger human life.
- e. A person must not, without reasonable excuse, remove or interfere with the operation of a smoke alarm installed at the premises where people sleep.
- f. To do or refrain from doing such things specified in the Order to ensure or promote adequate fire safety or awareness.

Appeals

Pursuant to Section 8.18 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against a Fire Safety Order – Order



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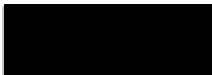
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Non-Compliance with Fire Safety Order – Order No.1

Once issued, failure to comply with a Fire Safety Order – Order 1 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 a Fire Safety Order – Order No.1.

NOTE: Representations are to be made in writing and received by FRNSW no later than 5.00 pm on Friday, 19 May 2023.



Edren Ravino
Senior Building Surveyor
Fire Safety Compliance Unit

This Proposed Fire Safety Order - Order No. 1 was mailed and emailed on 5 May 2023.



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Appendix 3

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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] Senior Building Surveyor 903766
(name) (rank) (number)

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:

[REDACTED] Owner
(name of the person whom Order is served) (position, i.e. owner, building manager)

with respect to the premise

'WINDSOR TERRACE MOTEL'
LOT 8 DP666448; 47 GEORGE STREET, WINDSOR (hereafter "the premises")
(name/address of premises to which Order is served)

To do or refrain from doing the following things:

1. Audit all the Sole Occupancy Units (hereafter "rooms") at the premises and confirm which rooms do not have a working smoke alarm installed.
2. Upon completion of the audit of the rooms at the premises, complete the following for the rooms where smoke alarms are not appropriately installed or are not working:
 - a. Install smoke alarms:
 - i. Powered by the mains electricity supply OR
 - ii. A non-removable battery with a minimum life expectancy of ten (10) years.
 - b. Equip each of the rooms with smoke alarms located:

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Community Safety Directorate	1 Amarna Ave	T (02) 9742 7434
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www.fire.nsw.gov.au		Page 3 of 5

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- i. On or near the ceiling in a storey with rooms.
- ii. In each corridor or hallway, with associated rooms.
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The terms of the Proposed Fire Safety Order – Order No.1 are to be complied with:

By no later than 14 days from the date of the Fire Safety Order – Order 1.

The reasons for the issue of the Proposed Fire Safety Order - Order No.1 are:

- a. At the time of the inspection on 2 May 2023:
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Pursuant to Section 8.18 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against a Fire Safety Order – Order



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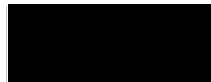
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Non-Compliance with Fire Safety Order – Order No.1

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NOTE: Representations are to be made in writing and received by FRNSW no later than 5.00 pm on Friday, 19 May 2023.



Edren Ravino
Senior Building Surveyor
Fire Safety Compliance Unit

This Proposed Fire Safety Order - Order No. 1 was mailed and emailed on 5 May 2023.



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Appendix 4

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Proposed Fire Safety Order ORDER No. 1

Under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*
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Intend to give an Order in accordance with Section 9.34(1)(b)

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(name of the person whom Order is served) (position, i.e. owner, building manager)

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www.fire.nsw.gov.au		Page 3 of 5

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By no later than 14 days from the date of the Fire Safety Order – Order 1.

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Pursuant to Section 8.18 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against a Fire Safety Order – Order



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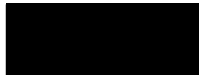
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NOTE: Representations are to be made in writing and received by FRNSW no later than 5.00 pm on Friday, 19 May 2023.



Edren Ravino
Senior Building Surveyor
Fire Safety Compliance Unit

This Proposed Fire Safety Order - Order No. 1 was mailed and emailed on 5 May 2023.



Attachment 4a – Letter from Council to owner regarding FRNSW Inspection Report



Our Ref: FS0008/20

4 August 2023

Dear Sir/Madam,

**Lot 1 DP 227368, Lot 8 DP 666448 'Windsor Terrace Motel'.
No. 47 George Street, Windsor
Fire and Rescue Inspection Report - Fire Safety Matters**

Dear Sir/Madam,

Council has received an inspection report from Fire and Rescue NSW (FRNSW) following an investigation of a complaint from a member of the public.

The inspection report identified a number of serious potential non-compliances with the deemed-to-satisfy provisions of the National Construction Code - Building Code of Australia Volume One (BCA). A copy of the correspondence received from Fire and Rescue NSW is attached for your reference.

It is understood that items listed in the Notice Intention to Serve an Order had been resolved to the satisfaction of FRNSW. However, the other potential non-compliances with the BCA and fire safety regulations, need to be addressed. These issues include the following:

1. Essential Fire Safety Measures

1A. Smoke Alarms – As an Annual Fire Safety Statement (AFSS) was not displayed, it was difficult to ascertain what type of automatic smoke detection and alarm system had been approved and installed. Regulations 96, 99 and 100 of the Environmental Planning And Assessment (Development Certification And Fire Safety) Regulation 2021 requires owners of a Class 3 building to install smoke alarms in a specific location and detector type.

2. Access and Egress

2A. Operation of Latch – Clause D3D26 of the NCC requires that a door located in a required exit or forming part of a required exit or in the path of travel to a required exit be readily open without a key from the side that faces a person seeking egress. The latch must be a single-hand downward action on a device between 900 mm and 1.1 m from the floor. The final exit doors from the premises may not meet the NCC requirements. The Council may require a review.

3. Compartmentation

3A. Compartmentation – Performance Requirement C1P1, C1P2, C1P4, and C1P8 of the NCC specifies the requirements for structural stability in a fire to prevent the spread of fire to exits, Sole Occupancy Units (SOUs), public corridors, openings and penetrations. It may be in Council's interest to review the compartmentation of the building as a result of the following observations:

- A. Milk Doors – Timber-framed milk door openings on each level appear to reduce the walls' fire resistance level to each SOU.
- B. Bounding Construction (Class 2, Class 3 & Class 4 Parts) – Clause C4D12 of the NCC requires any sole occupancy unit (SOU) or public corridor in Class 2, Class 3 and Class 4 parts to maintain the performance of the bounding walls. SOUs in a Class 3 building with a rise in storey of 3, of Type A construction, require the following:
 - i. Many doors to the SOUs lacked an operable self-closer.
 - ii. It is unclear whether any doors to the SOUs achieved the required fire resistance level (FRL) of -/60/30 as no tags indicated the doors achieved the specified FRL.

Page 1 of 2

366 George Street (PO Box 146) WINDSOR NSW 2756 | Phone: (02) 4560 4444 | Facsimile: (02) 4587 7740 | DX: 8601 WINDSOR
Hours: Monday to Friday 8:30am - 5pm | Email: council@hawkesbury.nsw.gov.au | Website: www.hawkesbury.nsw.gov.au



Interpreter Service available, call 131 450 131 450 | توافر خدمة الترجمة، اتصل بـ 131 450 | 可提供口譯服務，請撥 131 450 | Hemm servizz tal-interpretu, çempel 131 450

Document Set ID: 8520321
Version: 1, Version Date: 04/08/2023



4. Generally

4A. Investigation Outcomes – The following items are provided to Council as part of the investigation on Tuesday, 2 May 2023:

- A. The premises appear to be a Class 3 building with three (3) storeys.
- B. The statutory requirements under the EPAR were applied, as no AFSS was displayed. If the Council inspects the premises and a review of the consent conditions reveals that the building is three storeys, the Council may consider upgrading the Essential Fire Safety Measures.
- C. Reviewing the location and number of portable fire extinguishers may be required by the Council.

4B. Annual Fire Safety Statement (AFSS) – Regulation 89(4)(b) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires the owner to display an AFSS within the building. The Council may need to inspect and review its records for "the premises" as it was challenging to locate an AFSS.

4C. Items for Further Investigation – The Council may require an investigation as the appropriate regulatory authority to confirm that:

- A. Essential Fire Safety Measures – The owners maintain the essential fire safety systems and meet the local Council's obligations to regulate the development consent approval.
- B. Annual Fire Safety Statement (AFSS) – An accredited practitioner (fire safety) has assessed, inspected and verified the performance of each fire safety measure (including exits) that applies to the building. Furthermore, the owner submits an AFSS as part of their obligations under the EP&A Act.
- C. Evacuation Plan – Owners and managers of hospitality facilities should provide oversight to fire safety training for the staff and ensure that effective plans and procedures are ready to be executed in the event of a fire or emergency. The Council may need to review the "plan of management" to include a fire prevention plan under the Australian Standard, AS 3745 - 2010 Planning for Emergencies in Facilities, which outlines the minimum requirements for developing the emergency plan. It is unclear whether such a plan exists.
- D. Smoke Detectors – Clause S20C4 of the NCC typically requires the installation of an Automatic Smoke Detection and Alarm system (ASDAS) for a Class 3 building consisting of a rise in 3 storeys, with the installation of the smoke detectors to Australian Standard AS1670.1 and a building occupant warning system to Clause S20C7 of the NCC. The Council may require a review as the ASDAS observed at the time may not meet this requirement.
- E. Hydrant System – Clause E1D2 of the NCC requires installing a fire hydrant system to Australian Standard AS2419.1, where buildings have a total floor area greater than 500m². The Council may require a review as the total floor area may exceed 500m².

As noted in the inspection report from FRNSW, it is a requirement of the Environmental Planning and Assessment Act 1979, that a report or recommendation received by Council from the Commissioner of FRNSW is tabled at the next available Council meeting.

Accordingly, we request that you review the inspection report and reply within 21 days on your intention to address the issues that have been raised.

Yours faithfully

Robert Valades

Building Surveyor - Fire Safety

(02) 4560 4622

www.hawkesbury.nsw.gov.au @hawkesburycitycouncil

Our Ref: FS0008/20

10 August 2023

366 George Street
WINDSOR NSW 2756
(PO Box 146, WINDSOR 2756)
(02) 4560 4444
council@hawkesbury.nsw.gov.au
www.hawkesbury.nsw.gov.au

Dear Sir/Madam

Essential Fire Safety Measures – Annual Fire Safety Matters
Premises: 47 George Street WINDSOR NSW 2756

This is to acknowledge receipt of an incomplete annual fire safety statement dated 15 February 2023.

Perusal of the statement has revealed that the following information or details are required to comply with the requirements of the NSW fire safety regulations.

1. The documents submitted in response to the letter dated 12 July 2023 is incorrect. You are required to submit an annual fire safety statement in the format prescribed by the regulations as published by the NSW Government and Fire and Rescue NSW. Refer to the link below for more information and a link to the correct template.
<https://www.service.nsw.gov.au/transaction/submit-a-fire-safety-statement>
2. Each measure is to be assessed by an accredited practitioner (fire safety) as referenced in the correct annual fire safety statement form.
3. The annual fire safety statement is to be accompanied by the existing fire safety schedule for the building. Attach the fire safety schedule with annual fire safety statement.
4. The registration fee is to be paid. Refer to the letter from Council dated 12 July 2023 for the link details on how to submit the correct documents and pay the fee.

It would be appreciated if you could attend to the above matters within a period 14 days of the date of this letter. Please re-submit the annual statement to Council via the link referenced in the letter from Council dated 12 July 2023.

Should you require further information regarding this matter, please contact Council on the number below.

Yours faithfully

Robert Valades
Building Surveyor – Fire Safety | Hawkesbury City Council
☎ (02) 4560 44622