

Attachment B

**Council Officer Inspection Report -
111 Fitzroy Street, Surry Hills**

111 Fitzroy Street, Surry Hills

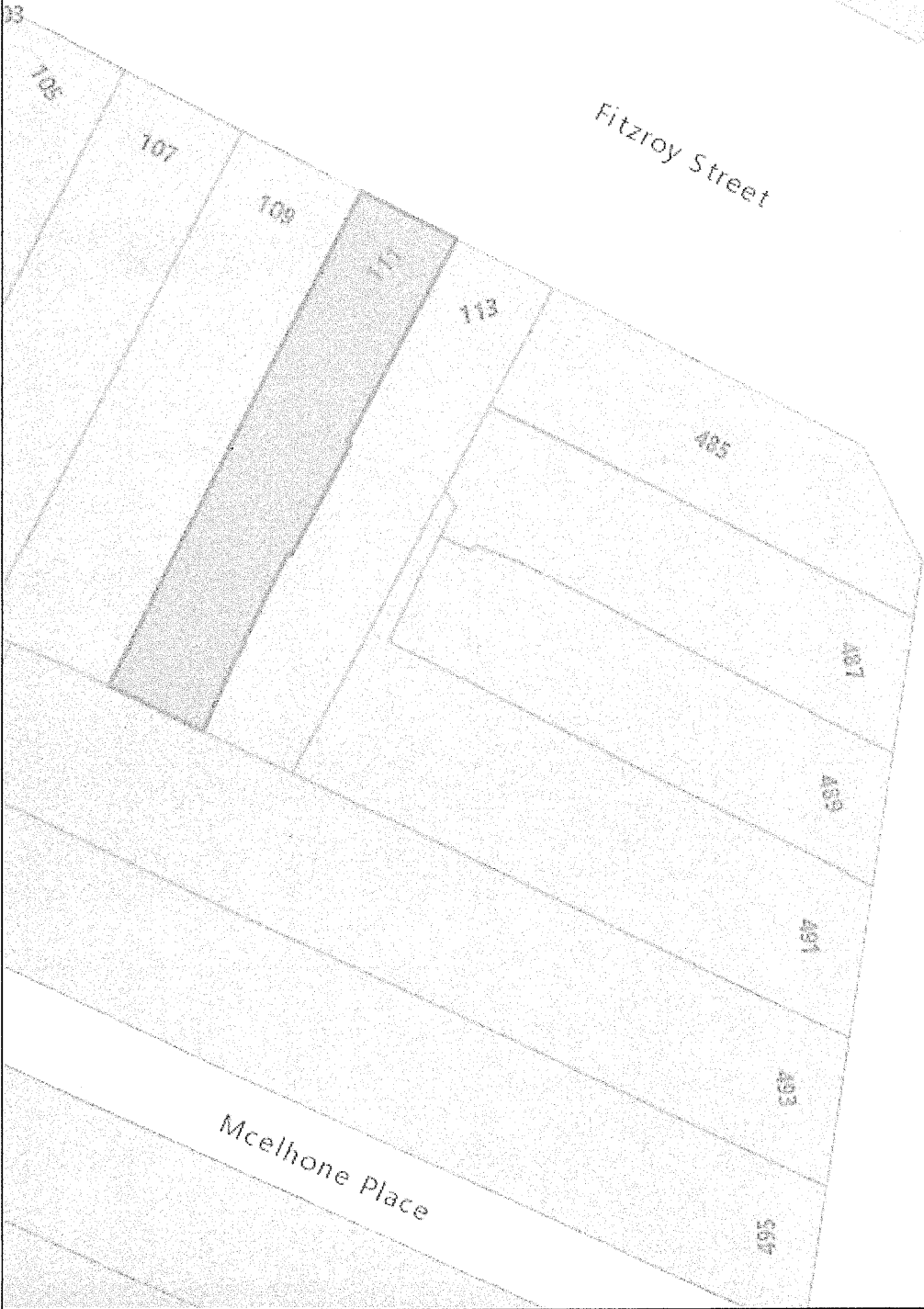


Hutchinson Place

Fitzroy Street

South Dowling Street

Mcelhone Place



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1:250 at A4
12/09/2018



Council investigation officer Inspection and Recommendation Report
Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act
1979 (the Act)

CSM: 1946141

Officer: M.Hassan

Date: 10 October 2018

Premises: 111 Fitzroy Street, Surry Hills

Executive Summary:

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

Council at its meeting to be held on 29 October 2018 are to consider a report at Attachment K (to the fire safety report) and to determine that a further report would be provided to the next meeting of Council, as at the time of drafting the report, a full and detailed inspection of the subject premises had yet to be undertaken to enable an appropriate compliance recommendation to be made.

Council officers have since been able to inspect the subject premises and assess the premises provisions for fire safety.

The premises consists of a three storey boarding house (class 1b-classification, pursuant to the National Construction Code 2016, Volume two, Building Code of Australia. The premises is rectangular in shape and has a site area of approximately 83 m². The premises has frontage to Fitzroy Street and is located near the intersection of Fitzroy Street and South Dowling Street.

An inspection of the subject building carried out by a Council officer has revealed that the building is deficient in fire safety and egress provisions in the following areas;

- (i) An external wall of the building located near the allotment boundary is not constructed of adequate fire resisting construction that would prevent the spread of fire between buildings on adjoining allotments;
- (ii) A defective smoke detection and alarm system;
- (iii) Defective exit stairs (non-compliant stair width, balustrades, goings & risers and a number of stair treads appear to be unstable);
- (iv) Poor housing keeping; (bags and clothes being stored on exit stair landings); and
- (v) Specification anomalies with the current annual fire safety statement

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a fire safety order will be required to be issued so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

The fire safety order will be given in accordance with Schedule 5 of the Environmental Planning and Assessment Act 1979.

It should also be noted, that no external combustible cladding was identified anywhere on the facade of the building during the time of inspection.

Chronology:

Date	Event
29/08/2018	FRNSW correspondence received regarding premises 111 Fitzroy Street Surry Hills
31/08/2018	An initial desktop review of the subject premises revealed that it has a fire safety schedule and is required to submit annual fire safety statements to Council and FRNSW. The building has a current annual fire safety statement (next due 25 th of June 2019).
07/09/2018	A City investigation officer attempted to inspect the premises but access was not available.
11/09/2018	Report prepared, to table FRNSW report to Council meeting scheduled on 29 October 2018.
14/09/2018	A City investigation officer attempted to inspect the premises but access was not available.
28/09/2018	<p>An inspection of the subject premises was undertaken by a Council officer after a tenant in the building permitted access to the building. The inspection revealed the following fire safety issues:</p> <ol style="list-style-type: none">1. A travel suitcase and personal clothing were stored on a stair landing- obstructing egress from the building;2. There was no smoke alarm or smoke detector above the stair landing on the first floor level.3. A wall is located within 900mm of the boundary did not appear to be constructed of suitable fire resistive construction;4. The exit stair width, balustrades, goings and risers do not meet the safety requirements of part 3.9.1 of the NCC Volume 2 and a number of stair treads appeared to be unstable;5. Poor (visual) condition of electrical wiring in certain locations within the building; <p>A full room inspection has yet to be carried out, but an occupant schedule was viewed; which listed one (1) occupant per room (7 bedroom boarding house). Occupation is to be further investigated.</p>

FIRE AND RESCUE NSW REPORT:

References: [D18/60988; 2018/455954]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about poor conditions and various fire safety concerns within the premises.

Issues

The report from FRNSW detailed a number of issues, in particular noting;

1. Poor maintenance of a number of existing fire safety measures;
2. Exit stair is not compliant with the Building Code and feels unstable;
3. An external wall may not be constructed of adequate construction to prevent the spread of fire between buildings on adjoining allotments;

FRNSW Recommendations

FRNSW recommends that Council inspect and address any other deficiencies identified on the premises and require certain listed items specified within their report to be appropriately addressed.

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

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order(NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue with compliance actions under the current Council Order	Council investigation officer inspect the building and prepare a further report for the next meeting of Council
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As a result of a site inspection undertaken by Council investigation officers it is recommended that Council exercise its powers to give a notice of intention (NOI) for a fire safety order to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council's building officer.

The issue of a fire safety order will ensure that suitable fire safety systems are in position throughout the building to provide improved and adequate provisions for fire safety.

That the Commissioner of FRNSW be advised of Council's actions and outcomes.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2018/523825-01
A2.	Locality Plan	2018/523825-02
A3	Attachment cover sheet	2018/523825-03

Trim Reference: 2018/523825

CSM reference No#: 1946141



File Ref. No: BFS18/2380 (4556) & BFS18/2365
TRIM Ref. No: D18/60988
Contact: [REDACTED]

29 August 2018

General Manger
City of Sydney Council
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance / Fire Safety

Dear General Manager

**RE: INSPECTION REPORT
BOARDING HOUSE
111 FITZROY STREET, SURRY HILLS ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 20 August 2018, in relation to a fire incident at 'the premises', as a result a fire safety concern was lodged.

The correspondence stated in part that:

The building is in very poor condition with 7 small rooms, some of which accommodate several people per room.

The fire alarm system was in an isolated mode on our arrival.

It is not connected to a monitoring service.

The occupant egress is very tight with unstable construction and uneven surfaces.

The residents exhibit hoarding type behavior with a resultant high fuel load in the building.

The electrical installation appears very haphazard

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 21 August 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17 (1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17 (2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

Comments

Date / Time of Fire: 20 August 2018 / 20.11 hrs.

Extent of Fire: Room four (4) on level one (1).

Damage: No visible damage to the building.

Type of Alarm: Call to station.

Evacuation: All occupants evacuated.

Casualties: One occupant suffered burns attempting to put the fire out in Room four (4).

Please be advised that this report is not an exhaustive list of non-compliances however, the proceeding concerns also identifies deviations from the National Construction Code 2016, Volume 1 and Volume 2, Building Code of Australia (NCC). Given the concerns are based on observations available at the time FRNSW acknowledges that the deviations may contradict development consent approval. In this regard, it would be at council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

FRNSW noted the following during the investigation of this incident:

1. Essential Fire Safety Measures

- 1A. Maintenance – Clause 182 of the Environmental Planning and Assessment Regulation 2000 requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. The emergency light or exit sign in the hallway of level 1 was missing its cover and was not lit. However, the light lit up when the test button was pressed.
- 1B. Smoke Alarms – The following observations were noted:
- A. NSW Clause 3.7.2.2 of the NCC (Vol 2) requires the installation of smoke alarms to Australian Standard AS3786. The exception being an alarm deemed suitable in accordance with Australian Standard AS1670.1, where spurious signals are likely to occur within a garage. Observations at the time, revealed that the installed smoke detection system appears to be a Specification E2.2a, Clause 3 system in accordance with NCC (Vol 1), with the installed smoke detectors in locations similar to Australian Standard AS1670.1, including the installation of a Fire Indicator Panel (FIP).
 - B. The Annual Fire Safety Statement (AFSS) displayed at “the premises” references Clause 3.7.2.2 of the NCC (Vol 2), as a result the AFSS appears to contradict the installed measures.
- 1C. Zone Block Plan – Section 3.10 of the Australian Standard 1670.1 -2015 requires a Zone Block Plan to be securely mounted and located adjacent to the FIP. If the installed smoke detection system has been approved by council, a Zone Block Plan may be required.
- 1D. Evacuation Diagrams – The displayed AFSS references Australian Standard AS3745 – 2010. As such, the standard emphasises the implementation and updating of evacuation diagrams. Hence the following concerns:
- A. Clause 3.5.2 requires the location of diagrams be displayed where occupants and visitors are able to view them. A review of the diagram location may be required as at first sight, the diagrams were not easily identified.
 - B. Clause 3.5.3 requires the diagrams to be in a position at a height not less than 1200 mm and not more than 1600 mm above the floor, the diagram attached to the front door appeared less than 1200 mm, while the diagram in Room 4 appeared greater than 1600 mm.

- C. Clause 3.5.4 requires evacuation diagrams to be orientated to the direction of egress, including an assembly area diagram. None of the diagrams included an assembly area or were oriented to the person viewing the diagram.
- D. Clause 3.5.6 requires minimum elements which must be included in the evacuation diagram, such as, designated exits, firefighting equipment and the "YOU ARE HERE" location. The diagrams displayed at "the premises" lacked all of the minimum elements.

2. Access and Egress

- 2A. Stair Construction – Performance Requirement P2.1.1 and P2.5.1 of the NCC (Vol 2) requires the use of stairs to be constructed so that people can move safely to and within the building. It is noted that the age of the building means the balustrade, handrails, goings and risers do not strictly meet the Deemed to Satisfy Solution of Part 3.9.1 of the NCC (Vol 2). However, the landing, barriers and stairs were difficult to traverse, the movement whilst traversing up and down the staircase, also resulted in movement of the staircase generally. The construction and movement of the stairs felt unstable, potentially conflicting with the intent of the performance requirements for use and to move safely within the building. A review of the stair construction may be required.

3. Compartmentation

- 3A. Construction of External Walls – Clause 3.7.1.5 of the NCC (Vol 2) requires the installation of external walls that are located less than 900 mm from the boundary allotment to be fire resisting. The walls for unit 7 adjoining the south western rear boundary allotment appears to be timber framed with corrugated iron cladding. It is unclear whether the wall achieves the minimum fire resistance level (FRL) of 60/60/60.
- 3B. Doors – The AFSS displayed the requirement to maintain the doors of the bedrooms within the building to be 35 mm solid core and self-closing. The following concerns were observed:
 - A. The self-closers for rooms 2 and 4 were broken.
 - B. The doors to rooms 2 and 4 sounded hollow when tapped.

4. Generally

- 4A. Annual Fire Safety Statement (AFSS) – Clause 181(1)(c) of the Environmental Planning and Assessment Regulation 2000 requires each essential and critical measure to be identified in the statement. At first glance the AFSS appears inconsistent with the measures listed in the statement. An inspection and a review of council's records may be required.

4B. General Considerations – The proceeding items are considered 'informative', as the investigation disclosed items that may require council make a determination on whether enforcement action is required.

4C. Investigation Outcomes – The following are items from the investigation on Thursday 21 August 2018:

A. Records

- i FRNSW records revealed that an Order had been issued by the City of Sydney Council on 21 August 2008. The order confirms that the building is approved as a Class 1b building. Your reference is S062375.

B. Observations

- i The rear building identified as Room 7 adjoining the southwestern rear boundary allotment, sits on bearers and joists less than 300 mm (approximately) from the underside of the bearer. The small gap potentially provides limited ability to conduct regular inspections as per Australian Standard AS3660.1.
- ii Access was limited to rooms 2, 4 and 5, as such observations of the contents within the rooms revealed personal items and other items that appeared to be litter or waste.
- iii The alleged number of occupants exceeding more than 1 occupant per room is inconclusive, as observations of the personal items within the rooms and limited access could not definitively identify the sleeping arrangements for "the premises".
- iv There are communication cables that traverse various areas within the building. There are also power boards that include various electrical attachments.
- v The installation of a detection system identified in 1B(A), provides occupants the opportunity to either isolate or mute the alarms. Observations at the time revealed instructions attached to the FIP on how to isolate or mute the alarms, potentially preventing or delaying the occupant's ability to evacuate. It was noted that there were no fault or isolations displayed on the FIP at the time of inspection.

C. Assertions

- i At the time of the inspection, the occupant in room 2 indicated that his friend who regularly occupies the room is allowing him to sleep in room 2 as well.
- ii The occupant in room 2 indicated that at the time of the fire incident, he was unaware that the detection system had sounded until FRNSW knocked on the room door.
- iii The attending crew of FRNSW indicated that some rooms contained several people.
- iv The occupant in room 5 (room in the attic) indicated that he smelt smoke 15 minutes before the smoke detection system sounded.
- v The occupant in room 5 advised that the owner of "the premises" texted him a message on his phone that alleged the occupant in room 4 had isolated and reset the FIP, and then called emergency services.

4D. Items of Concern – An investigation may be required by council, to confirm the:

- A. Number of occupants.
- B. Structural stability of the building, as there are limited provisions for inspection of termites.
- C. Type of items stored within "the premises". Whether the material stored is considered hoarding, and potentially contributes to the fire load.
- D. Electrical wiring has been tested and is sufficient for use.
- E. Smoke detection system has been approved in its current configuration and whether it is suitable for a Class 1b building.
- F. Australian Standard AS3745 – 2010 is being regularly implemented. Whether regular evacuation drills are conducted or are required for the occupants.
- G. Attic (room 5) is suitable for occupancy, as a significant fire event on level 1 limits the ability to egress. Traversing 2 timber flights of stairs in a fire event may be unsafe, given the ability of occupants to isolate the detection system and the alleged isolation of the FIP during the recent fire event.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 4 of this report be addressed appropriately.

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

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/2380 (4556) & BFS18/2365 for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Building Surveyor
Fire Safety Compliance Unit