

# **Attachment K**

**Council Officer Inspection Report -  
230 King Street, Newtown**

# 230 KING STREET NEWTOWN NSW 2042



King Street

224-226

228

230

232

234

236

238

240-242

Brown Lane

WJ Thurbon Reserve

Whateley Street

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3 6 13 Meters

1:250 at A4  
30/10/2018



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

**File:** CSM 1969840

**Officer:** Hieu Van Luu

**Date:** 30 October 2018

**Premises:** 230 King Street Newtown

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**Executive Summary:**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 19 October 2018 with respect to matters of fire safety.

The premises consists of a three storey building. It is situated on the east side of King Street. The site is rectangular in shape and the rear boundary backs onto Brown Lane.

Ground floor of the building is currently being used for commercial-clothing retail. First and second floors contain five residential units.

Council investigations have revealed that the premises are deficient in the provisions for fire safety in that:-

- A lack of suitable elements provided to avoid the spread of fire between buildings;
- No current annual fire safety certification displayed; and
- Access/egress path for the residential units from the rear lane (Brown lane) has been obstructed by scaffolding erected by neighbouring redevelopment site.

Following investigation, it was determined that a fire safety order under Schedule 5 of the Environmental Planning and Assessment Act, 1979, be issued without further delay so as to address the fire safety deficiencies identified by Council's investigation officer.

The above Order will ensure and promote adequate facilities for fire safety and fire safety awareness.

Observation of the external features of the building did not identify the existence of metal composite cladding.

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**Chronology:**

Date	Event
19/10/2018	FRNSW correspondence received regarding premises 230 King Street Newtown.
26/10/2018	<p>An initial desktop review of the subject building revealed that the building has a fire safety schedule and is required to submit annual fire safety statements to Council and FRNSW.</p> <p>The building has a current annual fire safety statement however not all fire safety measures installed in the building are listed on the fire safety schedule.</p>
30/10/2018	An inspection of the subject premises was undertaken by a Council officer with the managing agent have revealed that the premises are deficient in the provisions for fire safety in that no suitable fire resisting construction to prevent the spread of fire between buildings provided, no current annual fire safety certification displayed and access/egress path (external rear passage) for the residential units has been obstructed (partially).

	<p>The partial exit way obstruction (caused by the scaffolding erected on the neighbouring premises) is considered to be a minimal fire safety breach (@300mm encroachment to the 1000mm exit width). This matter has been discussed and will be resolved through further discussion with relevant site personnel to endeavour to have the matter corrected.</p> <p>Supplementary interim fire safety measures (additional emergency lighting installed in passageway/scaffolding spray painted with luminous paint to highlight presence) have been put in place to reduce the effect of the partial obstruction. The current arrangements whilst not ideal are considered sufficient in the circumstances.</p> <p>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.</p>
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### **FIRE AND RESCUE NSW REPORT:**

References: [BFS 18/2041(4230); D18/74136: 2018/555852]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about the adequacy of the provision for fire safety in connection with the premises.

#### **Issues**

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

1. Access/egress to/from the residential units from the rear lane (Brown lane) has been obstructed by scaffolding erected by neighbouring redevelopment site.

#### **FRNSW Recommendations**

FRNSW have made recommendations within their report. In general FRNSW have requested that Council:

1. Inspect the subject premises and take action to have the identified fire safety issues and any other deficiencies identified on the premises, appropriately addressed.
2. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979

### **COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:**

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

As a result of a site inspection undertaken by a Council investigation officer it was determined that concern for public safety required the giving of a notice of intention (NOI) for a fire safety order to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 without any further delay.

It is recommended that Council note the exercise of powers by Council's investigation officer in issuing a NOI to give a fire safety order in accordance with the above Act prior to the resolution of Council.

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 determination.

**Referenced documents:**

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2018/555852-01
A2.	Locality Plan	2018/555852-02
A3	Attachment cover sheet	2018/555852-03

**Trim Reference:** 2018/555852

**CSM reference No#:** 1969840



File Ref. No: BFS18/2041 (4230)  
TRIM Ref. No: D18/74136  
Contact: [REDACTED]

16 October 2018

General Manager  
City of Sydney  
GPO Box 1591  
SYDNEY NSW 2001

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

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT  
230 KING STREET NEWTOWN ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

*I am the managing agent of this property 230 King Street Newtown (entry via Brown Lane). There is construction work happening in the neighbouring property 228 King Street Newtown. They requested permission to erect a scaffold/cover to "protect our tenants" during the works.*

*The scaffolding they have erected is a much larger structure than they described and now impedes the only access/egress our tenants have. It also blocks the back gate from opening/closing properly. The tenants' ability to exit the building safely in the event of an emergency/fire is severely compromised. We have requested the project management company remove the scaffolding and they have refused. We have asked for assistance from council, with no success. At this point, we are extremely concerned for the safety and wellbeing of our tenants. Any assistance you could give us would be appreciated.*

FIRE AND RESCUE NSW

ABN 12 593 473 110

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

Community Safety Directorate  
Fire Safety Compliance Unit

1: Amarina Ave,  
Greenacre NSW 2190

T (02) 9742 7434  
F (02) 9742 7483

[firesafety@fire.nsw.gov.au](mailto:firesafety@fire.nsw.gov.au)

Unclassified

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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 15 October 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

The following items were identified as concerns during the inspection:

1. The subject premises comprises of a ground floor retail unit with five (5) residential units above. Access/egress to/from the residential units is via a passageway accessed from the rear lane (Brown Lane). Scaffolding has been erected to facilitate the redevelopment of the property at 228 Kings Street. It appears that part of the scaffolding has been erected on the passageway to the subject premises. The scaffold reduces the unobstructed width of the path of travel from the residential units to less than 1m, contrary to the requirements of Clause D1.10 of the National Construction Code 2016 Volume One Building Code of Australia (NCC).

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 the above item to 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 BFS18/2041 (4230) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Building Surveyor  
Fire Safety Compliance Unit