

# **Attachment K**

**Inspection Report – 5-11 Egan Street,  
Newtown**



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

CSM: 2034964

Officer: Tracey McCann

Date: 22 February 2019

Premises: 5-11 Egan Street, Newtown (Billabong Gardens)

**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.

The subject premises was constructed pre 1990's and was subject to Ordinance 70 building regulations. The building consists of two (2) stories used for boarding house accommodation and is located off Egan Street in Newtown.

The ground floor comprises of a reception area/ office, ancillary carpark, swimming pool, communal kitchen and bedrooms. The second floor area contains additional communal bedrooms and common areas such as television / gaming rooms.

Council investigations have revealed that the premises are deficient in fire safety and egress provisions in the following areas:

- (i) Inadequate fire detection and alarm systems;
- (ii) Suitable fire resisting construction to prevent the spread of fire;
- (iii) Safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire &;
- (iv) Poor fire safety management systems in place – the lack of display of required location signage for essential fire safety measures.

As such, it is recommended that a fire safety order under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 be issued so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

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

**Chronology:**

Date	Event
11/02/2019	FRNSW correspondence received regarding premises [5-11 Egan Street, Newtown – Billabong Gardens]
13/02/2019	An initial desktop review of the subject building 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 compliant annual fire safety statement, with the next one due on 11 May 2019.

14/02/2019	<p>An inspection of the subject premises was undertaken by a Council officer in the presence of the duty manager on 14 February 2019 during this inspection it was identified that the building was constructed to a previous building regulation, being, Ordinance 70, additionally the inspection revealed that there were several fire safety deficiencies throughout the building as follows;</p> <ol style="list-style-type: none"> <li>I. The emergency lighting throughout the building does not appear to be maintained and is deficient in areas;</li> <li>II. Solid core doors to the communal bedrooms are being held open with miscellaneous goods;</li> <li>III. Level one (1) contains a stairway with two risers and requires a handrail to be installed to one side;</li> <li>IV. Combustible goods are being stored in the fire rated electrical distribution cupboards;</li> <li>V. The communal kitchen contains two (2) fire blankets and a portable fire extinguisher but no location signage has been installed;</li> <li>VI. A directional exit sign on level one (1) is not illuminated;</li> <li>VII. The storage of goods was noted under required egress stairways;</li> <li>VIII. Heat detectors installed in areas not permitted by legislation applicable to the building at the time of construction;</li> <li>IX. A portable fire extinguisher is obstructed with the storage of goods within the carpark;</li> <li>X. There is inadequate fire separation between the carpark area &amp; the boarding house accommodation.</li> </ol>
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### FIRE AND RESCUE NSW REPORT:

References: [BFS18/3477 (5599); 2019/066708]

Fire and Rescue NSW conducted an inspection of the subject premises on 05 December 2018 after receiving correspondence on 23 November 2018 in relation to the adequacy of the provision for fire safety at the subject premises.

#### Issues

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

1. The Fire Indicator Panel (FIP) was displaying a fault and isolation. Council's inspection of the premise determined this to have been addressed at a prior date as no faults or isolations were identified on the fire indicator panel during Council's inspection;
2. The log books relating to Fire Indicator Panel confirms that management at the premises isolate the FIP on a frequent basis; FRNSW, notified management on the day of inspection and on 06 December 2018, FRNSW were sent evidence showing the fault and isolation had since been addressed. Noted, no further action from Council taken;

3. The final exit door to Egan Street does not swing in the direction of egress to the road. Council noted this defect during the inspection and it will be addressed via the issuance of a fire safety order;
4. The egress stairway serving rooms numbered 17-21 has a width of less than 1 metre ~ (850mm); Council acknowledges this defect, however, considers the reduced width to not have a significant impact upon the egress requirements required for the relatively small population of this area;
5. It is unknown whether the walls separating the accommodation and carpark area are adequately fire separated. Council assessed this defect during the inspection and it will be addressed via the issuance of a fire safety order.

### FRNSW Recommendations

FRNSW have made a number of 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 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	Other (to specify)

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 an Order 2, under Part 2 of 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	2019/076435-01
A2.	Locality Plan	2019/076435-02
A3	Attachment cover sheet	2019/076435-03

**Trim Reference:** 2019/076435

**CSM reference No#:** 2034964



File Ref. No: BFS18/3477 (5599)  
TRIM Ref. No: D19/2335  
Contact: [REDACTED]

1 February 2019

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  
BILLABONG GARDENS  
5-11 EGAN STREET NEWTOWN ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 23 November 2018, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

*Deeply concerned about an accommodation in Newtown. They are a fire hazard*

- 1. No overnight managers on site, and residents are not told where fire extinguishers are.*
- 2. Fire plan not shown to residents and they are not visible anywhere.*
- 3. Unsure if smoke alarms are in all the rooms.*
- 4. Most rooms are high up and would be a hazard to jump from wooden balconies into hard pavement and which all have flammable plants right underneath them.*
- 5. Many gas cookers in the kitchen and one fire blanket.*

*I think this place is a disaster waiting to happen*

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 5 December 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

This report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia – Volume One Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified as concerns during the inspection:

### 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 following essential services were identified as concerns:
  - A. Automatic Fire Detection and Alarm System – An isolation and a fault were displayed on the Fire Indicator Panel (FIP), which were associated with the Automatic Fire Detection and Alarm System. The FIP indicated that the first floor was in fault and isolated.
  - B. Maintenance Log Books – The log book associated with the FIP indicates that the Automatic Fire Detection and Alarm System of the premises has a history of been isolated by management on a regular basis.

At the time of the inspection, management were advised of the issue with the FIP and agreed to engage a Service Technician to rectify the fault and isolation. On 6 December 2018 an email, including photographic evidence, was received from the General Manager of the premises confirming that the fault and isolation had been removed from the system.

- 1B. Automatic Fire Detection and Alarm System - The detection system throughout the premises appeared to be a combination of smoke and thermal detectors. It is unclear whether approval has been given to permit thermal detectors in areas where smoke detectors would generally be required. An investigation may be required by council, to confirm whether the automatic smoke detection and alarm system has been installed to the standard to which it was approved.

## 2. Access & Egress

- 2A. Door swing – The final exit door to Egan Street (adjacent to room No 7) swings against the direction of egress, contrary to the requirements of Clause D2.20 of the NCC.
- 2B. Path of Travel - The path of travel from the first-floor rooms numbered 17 - 21, to the ground floor exit, includes stairs which have an unobstructed width of less than 1m, contrary to the requirements of Clause D1.6(b) of the NCC.

## 3. Compartmentation

- 3A. Separation of Classifications – At the time of the inspection, it could not be determined whether the separating walls between the accommodation area (and ancillary office) and the carpark are fire separated in accordance with the requirements of Clause C2.8 and Specification C1.1 of the NCC.

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

## RECOMMENDATIONS

FRNSW recommends that Council:

Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 3 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)



Unclassified

9742 7434. Please ensure that you refer to file reference BFS18/3477 for any future correspondence in relation to this matter.

Yours faithfully

A handwritten signature in black ink, appearing to be 'M. V. ...' with a stylized flourish at the end.

  
Senior Building Surveyor  
Fire Safety Compliance Unit