

Attachment Q

**Inspection Report -
43-127 Morehead Street, Redfern**

43-127 Morehead Street, Redfern



city of sydney

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**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 2034451

Officer: Ashley Host

Date: 3 April 2019

Premises: 43-127 Morehead Street, Redfern

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 premises known as "Poets Corner" consists of three residential apartment buildings each 17-storeys in height and known as 'Kendall' (43 Morehead Street) 'Gilmore' (55 Morehead Street) and 'Lawson' (57 Morehead Street).

The ground floor level of the building comprises open car-parking for occupant vehicles and lobby whilst the remaining floors consist of residential sole occupancy units.

An inspection of the premises was undertaken by a Council Investigation Officer on 20 March 2019 in the presence of a representative from the Department of Family and Community Services (FACS) revealed that there were no significant fire safety issues occurring within the building.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Council investigations have revealed that whilst there are some minor fire safety "maintenance and management" works to attend to the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the above fire safety works are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner's fire service contractor(s) through written instruction from Council.

The existing fire hydrant systems are the subject of an upgrade schedule proposed by FACS however, due to limited resources and funds this system cannot be upgraded immediately.

Chronology:

Date	Event
21/02/2019	FRNSW correspondence received regarding premises located at 43-127 Morehead Street, Redfern.
20/03/2019	<p>An inspection of the subject premises was undertaken by a Council Investigation Officer with a representative of NSW Land and Housing Corporation (NSWL&HC).</p> <p>The inspection revealed that the fire alarm panel was operational. There were several minor fire safety maintenance and management issues that required attention including rectifying non-illuminated exit signage.</p> <p>NSWL&HC also advised that upgrades to existing fire hydrant system were proposed, but the availability of funding may be restricted. A request for further information was made in this regard.</p>

FIRE AND RESCUE NSW REPORT:

References: BFS18/2586 (5020), D19/11322, 2019/090673

Fire and Rescue NSW received correspondence in relation to the adequacy of the provision for fire safety in connection with the premises.

The correspondence stated in that *"AFA (automatic fire alarm) not activated at a unit fire - food alight - extinguished & ventilated - AFA operated 13mins after initial 000 call."*

Issues

The report from FRNSW details the following issues with reference to the building located at 43-127 Morehead Street, Redfern:

1. Essential Fire Safety Measures

1A. The Automatic Fire Detection and Alarm System:

- a) Fire Indicator Panel (FIP): The automatic fire detection and alarm system did not appear to be capable of operating to the standard of performance from when it was first designed and installed, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). The following issues were identified as concerns at the time of inspection.
 - i) The FIP was displaying eighteen (18) faults on the system.
 - ii) The FIP was displaying three (3) isolations on the system.
 - iii) The FIP was displaying four (4) non-alarm events on the system.

1B. The Emergency Warning and Intercommunication System (EWIS):

- a) The EWIS did not appear to be capable of operating to the standard of performance from when it was first designed and installed. The following issues were identified as concerns at the time of inspection:
 - i) The Evacuation System Control Panel (ESCP) was displaying a "System Fault"
 - ii) The ESCP was displaying one (1) audio line fault and one (1) WIP line fault on the system.

- 1C. Exit signs – Multiple exit signs throughout 'the premises' were not illuminated and had not maintained, contrary to the requirements of Clause 182 of the EP&A Regulation.

2. Generally

- 2A. Fire Hydrant System: The fire hydrant system appears to be installed in accordance with Ordinance 70 and Ministerial Specification No.10 (irrespective of the performance standard listed on the AFSS).

FRNSW Recommendations

FRNSW have made 1 recommendation within their report. In general FRNSW have requested that Council;

- a. Inspect and address any other deficiencies identified on 'the premises' and require item no.1C through to item no.2 of this report be addressed appropriately.

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 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 site inspections undertaken by Council investigation officers the owner of the building has been issued with a written instruction (and accompanied caution) to ensure that required fire systems remain operational at all times and are subject to appropriate maintenance strategies to support performance

It is recommended that Council not exercise its powers to give a fire safety order at this time

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	2019/160085-01
A2.	Locality Plan	2019/160085-02
A3	Attachment cover sheet	2019/160085-03

Trim Reference: 2019/160085

CSM reference No#: 2034451



File Ref. No: BFS18/2586 (5020)
TRIM Ref. No: D19/11322
Contact: [REDACTED]

21 February 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
"POETS CORNER" – 'KENDAL 43', 'GILMORE 55' AND 'LAWSON 57'
43-127 MOREHEAD STREET, REDFERN ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 6 October 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:

- AFA not activated at a unit fire - food alight - extinguished & ventilated - AFA operated 13mins after initial 000 call.

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 6 October 2018, 10 October 2018 and 23 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 at the time of inspection on 23 October 2018:

1. Essential Fire Safety Measures

1A. The Automatic Fire Detection and Alarm System:

- a) Fire Indicator Panel (FIP): The automatic fire detection and alarm system did not appear to be capable of operating to the standard of performance from when it was first designed and installed, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). The following issues were identified as concerns at the time of inspection.
 - i. The FIP was displaying eighteen (18) faults on the system.
 - ii. The FIP was displaying three (3) isolations on the system.
 - iii. The FIP was displaying four (4) non-alarm events on the system.

1B. The Emergency Warning and Intercommunication System (EWIS):

- a) The EWIS did not appear to be capable of operating to the standard of performance from when it was first designed and installed. The following issues were identified as concerns at the time of inspection:
 - i. The Evacuation System Control Panel (ESCP) was displaying a "System Fault".
 - ii. The ESCP was displaying was displaying one (1) audio line fault and one (1) WIP line fault on the system.

- 1C. Exit signs – Multiple exit signs throughout 'the premises' were not illuminated and had not maintained, contrary to the requirements of Clause 182 of the EP&A Regulation.

2. Generally

- 2A. Fire Hydrant System: The fire hydrant system appears to be installed in accordance with Ordinance 70 and Ministerial Specification No.10 (irrespective of the performance standard listed on the AFSS).

In light of this, FRNSW brings to your attention a position statement published by FRNSW on 8 January 2019. The statement is shown below:

Fire hydrant system in existing premises

When the consent authority (e.g. local Council) is assessing the adequacy of an existing fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier), FRNSW recommend that the system be upgraded to meet the requirements of the current Australian Standard AS 2419.1 to facilitate the operational needs of FRNSW.

It may be appropriate for a partial upgrade of the existing fire hydrant system be undertaken. A partial upgrade may be proposed to address deficiencies in the design and/or performance of the existing fire hydrant system, when assessed against the requirements of Australian Standard AS 2419.1, so that the upgraded fire hydrant system will meet the operational needs of FRNSW. Where a hybrid fire hydrant system is proposed, which incorporates the design and performance requirements from two different standards, the proponent should consult with FRNSW on the requirements for the fire hydrant system.

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

NOTICE OF INTENTION TO SERVE AN ORDER NO. 1

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued a Notice of Intention to Serve an Order (1) dated 24 October 2018, in accordance with the provisions of Section 9.34 of the EP&A Act, to have item no. 1A and item no. 1B of this report rectified.

In this regard, FRNSW does not consider Council is required to take action in relation to item no. 1A and item no. 1B of this report.

In accordance with the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act, a copy of the Notice is attached for your information.

FRNSW received written representations in relation to the proposed Order 1 in accordance with the provisions of Schedule 5, Part 6, Section 8 of the EP&A Act. Upon receipt of the representation, an inspection was conducted on 13 November 2018 in accordance with Section 9.32 of the EP&A Act.

Please be advised that following the inspections, hearing and considering the representation, FRNSW has determined not to give an Order in accordance with Schedule 5, Part 7, Section 15 of the EP&A Act.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1C through to item no. 2 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 BFS18/2586 (5020) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]
Senior Building Surveyor
Fire Safety Compliance Unit

Attachments: [Appendix 1 – Notice of Intention – Proposed Fire Safety Order]

Appendix 1 – Notice of Intention – Proposed Fire Safety Order



Unclassified

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)(a)

I, [REDACTED] Building Surveyor [REDACTED]
(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:

New South Wales Land and Housing Corporation **Owner**
(name of person whom Order is served) (position i.e. owner, building manager)

with respect to the premise

"POETS CORNER" – 'KENDALL 43', 'GILMORE 55' AND 'LAWSON 67'
43-127 MOREHEAD STREET, REDFERN ("the premises")
(name/address of premises to which Order is served)

to do, or refrain from doing, the following things:

1. Ensure the Automatic Smoke Detection and Alarm System installed in 'the premises' is fully operational, by:
 - a. Repairing all faults, isolations and non-alarm events, displayed on the Fire Indicator Panel (FIP) located in the Fire Control Room.
2. Ensure the Sound System and Intercom System for Emergency Purposes (SSISEP) installed in 'the premises' is fully operational, by:
 - a. Repairing all faults, displayed on the Evacuation System Control Panel.

FIRE AND RESCUE NSW	ABN 12 523 473 110	www.fire.nsw.gov.au
Community Safety Directorate Fire Safety Compliance Unit	1 Amara Ave, Greenacre NSW 2190	T (02) 9742 7434 F (02) 9742 7483
firesafety@fire.nsw.gov.au	Unclassified	Page 1



The terms of the Order are to be complied with:

By no later than 7 days from the date of the Order.

The reasons for the issue of this Order are:

- a. At the time of the inspection the FIP was displaying eighteen (18) faults on the system.
- b. At the time of the inspection the FIP was displaying three (3) isolations on the system.
- c. At the time of the inspection the FIP was displaying four (4) non-alarm events on the system.
- d. To ensure that the Automatic Smoke Detection and Alarm System is capable to operating in accordance with the standard of performance it was designed and installed to.
- e. At the time of the inspection the Evacuation System Control Panel was displaying a "System Fault"
- f. At the time of the inspection the Evacuation System Control Panel was displaying one (1) Audio output line fault and one (1) WIP phone fault.
- g. To ensure that the Sound System and Intercom System for Emergency Purposes (SSISEP) is capable to operating in accordance with the standard of performance it was designed and installed to.
- h. To ensure that fire safety measures installed throughout the premises are maintained and operating to their standard of performance.
- i. To do, or refrain from doing such things that are specified in the Order, so as to ensure or promote adequate fire safety or fire safety awareness.

Appeals

Pursuant to Section 8.15 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against this Order, other than an order that prevents a person using or entering premises.

FIRE AND RESCUE NSW	ABN 12 569 473 110	www.fire.nsw.gov.au
Community Safety Directorate Fire Safety Compliance Unit	1 Amarna Ave, Greenacre NSW 2109	T (02) 9742 7434 F (02) 9742 7459
fire.safety@fire.nsw.gov.au	Unclassified	Page 2



Non-Compliance with the Order

Failure to comply with this Order 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 an Order.

NOTE: Representations are to be made in writing and should be received by FRNSW by no later than close of business 29 October 2018.



Building Surveyor
Fire Safety Compliance Unit

This Proposed Fire Safety Order No. 1 was sent by mail on 24 October 2018.

FIRE AND RESCUE NSW	ABN 12 593 473 190	www.fire.nsw.gov.au
Community Safety Directorate Fire Safety Compliance Unit	1 Amarula Ave, Greenacre NSW 2150	T (02) 8742 7434 F (02) 8742 7403
firesafety@fire.nsw.gov.au	Unclassified	Page 3

