

Attachment G

**Inspection Report -
53-59 Great Buckingham Street, Redfern**



**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 2065786

Officer: Ashley Host

Date: 2 May 2019

Premises: 53-59 Great Buckingham 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 consists of four (4) storey building used for commercial offices.

The ground floor comprises commercial tenancies, a car park accommodating 13 vehicles and the lobby whilst the remaining floors consist of commercial tenancies.

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

- (i) ~~A lack of adequate facilities for firefighting;~~
- (ii) Suitable fire resisting construction to prevent the spread of fire;
- (iii) Safe and dignified emergency egress for occupants to safety evacuate the building in the event of a fire
- (iv) Poor fire safety management systems in place

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that an Order 2, under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 is required to be issued so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

Whilst Council had previously issued an Fire Safety Order on the premises to address existing fire safety deficiencies this has not yet been finalised and is still outstanding, it is therefore recommended that this be revoked and a new modified Order be issued to address the current identified issues.

Chronology:

| Date | Event |
|------------|--|
| 04/04/2019 | FRNSW correspondence received regarding premises at 53-53 Great Buckingham Street, Redfern |
| 08/04/2019 | An inspection of the subject premises was undertaken by a Council officer. The inspection revealed that items 1A and 2A had been resolved. |

FIRE AND RESCUE NSW REPORT:

References: BFS18/3751, D19/22036, 2019/171562

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 that *“Building materials have been dumped in the fire exit of the building. These items have been stored under the fire stairs and pipes are on the ground blocking the walkway. I contacted Strata two weeks ago and apart from a few emails nothing has been done to rectify the issue”*.

Issues

The report from FRNSW details the following issues with regards to the building located at 53-59 Great Buckingham Street, Redfern:

1. Essential Fire Safety Measures

1A. Automatic Fire Detection and Alarm System – The Fire Indicator Panel (FIP) showed that the system had three (3) faults associated with the Automatic Fire Detection and Alarm System, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). One of the faults related to a smoke detector, one related to a heat detector and the remaining fault was due to a ‘Loop Ground Fault’, as indicated on the FIP.

At the time of the inspection, the management company responsible for the building, GK Strata Management, were advised of the issue with the FIP and agreed to engage a service technician to rectify the faults.

On 5 February 2019, a follow up inspection of the premises was carried out. At the time of the inspection, the faults to the detectors had been removed. The ‘Loop Ground Fault’ remained, however technicians confirmed that the FIP was fully operational. GK Strata management has since confirmed that the ‘Loop Card’ has been replaced and the fault has been removed.

1B. Annual Fire Safety Statement (AFSS) – Clause 177(2) of the EP&A Regulation requires the AFSS be updated annually. At the time of the inspection, the AFSS that was displayed was not to be up to date.

1C. Storz couplings, compatible with FRNSW firefighting hose connections have not been provided to all fire hydrant valves throughout the premises, in accordance with the requirements of AS2419 and ‘FRNSW Fire safety guideline, Technical information – FRNSW Compatible hose connections – Document no. D15/45534 – Version 09 – Issued 10 January 2019’.

1D. Block Plan – The plan of risk (block plan) provided adjacent to the sprinkler booster, does not include all the information required by Clause 8.3 of AS2118.1-1999. The block plan should be updated to include all of the required information including the location of the sprinkler pump.

1E. Fire Door – The metal tags to the edge of a number of the fire doors / fire door frames have been painted over, contrary to the requirements of Clause 6.1 of AS 1905.1-2015.

1F. Fire Door – Door chocks were holding open fire doors located throughout the premises, prohibiting the doors from self-closing, contrary to the requirements of Clause 3.4 and Specification C3.4 – Clause 3 of the NCC. At the time of the inspection, GK Strata Management were advised of the issue and agreed to address as appropriate.

1G. Maintenance – Clause 182 of the EP&A Regulation 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:

- i. Exit signs – At the time of inspection a number of exit signs throughout the premises were not illuminated.
- ii. Smoke Detection – A smoke detector, to the front of the lift in the ground floor lobby, was observed with painters tape covering the sensing chamber, thereby preventing its

operation. At the time of the inspection, GK Strata Management were advised of the issue with the detector and agreed to engage a service technician to remove. At the follow-up inspection, FRNSW confirmed that the tape had been removed.

- iii. Fire Door – The fire door to the southern fire stair, at level 3, caught on the landing floor upon opening and failed to fully return to the closed position immediately after each opening, contrary to the requirements of Clause C3.4 and C3.8 of the NCC.

2. Access & Egress

2A. Fire-Isolated Stair – Items were stored in the southern fire stair that caused an obstruction, contrary to the requirements of Clause 184 and 186 of the EP&A Regulation. GK Strata management has since confirmed that the items have been removed.

3. Generally

4A. At the time of the inspection, the Property Manager from GK Strata Management was contacted to discuss the issues with the FIP, the covered smoke detector and stored items in fire exits. The Property Manager confirmed that Council had previously issued a fire safety order on the premises and that the order remained outstanding with upgrade works being ongoing.

FRNSW Recommendations

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

FRNSW recommends that Council, having previously issued a fire safety order on ‘the premises’, 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, prior to the issue of any letter confirming compliance with the order.

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 Schedule 5, Part 8, Section 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 Council investigation officers it is recommended that Council exercise its powers to give a new 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 previously issued Fire Safety Order dated 19 September 2018, which has not been finalised, be revoked pursuant to Schedule 5, Part 10 Section 23 of Environmental Planning and Assessment Act, 1979

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 | 2019/217776-01 |
| A2. | Locality Plan | 2019/217776-02 |
| A3 | Attachment cover sheet | 2019/217776-03 |
| A5 | Copy of current fire safety Order | 2018/521365 |

Trim Reference: 2019/217776

CSM reference No#: 2065786



File Ref. No: BFS18/3751
TRIM Ref. No: D19/22036
Contact: [REDACTED]

4 April 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
HORDERN WAREHOUSES
53-59 GREAT BUCKINGHAM STREET ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 18 December 2018, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

Building materials have been dumped in the fire exit of the building.

These items have been stored under the fire stairs and pipes are on the ground blocking the walkway.

I contacted Strata two weeks ago and apart from a few emails nothing has been done to rectify the issue.

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 31 January 2019 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. Automatic Fire Detection and Alarm System – The Fire Indicator Panel (FIP) showed that the system had three (3) faults associated with the Automatic Fire Detection and Alarm System, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). One of the faults related to a smoke detector, one related to a heat detector and the remaining fault was due to a 'Loop Ground Fault', as indicated on the FIP.

At the time of the inspection, the management company responsible for the building, [REDACTED] were advised of the issue with the FIP and agreed to engage a service technician to rectify the faults.

On 5 February 2019, a follow up inspection of the premises was carried out. At the time of the inspection, the faults to the detectors had been removed. The 'Loop Ground Fault' remained, however technicians confirmed that the FIP was fully operational. [REDACTED] has since confirmed that the 'Loop Card' has been replaced and the fault has been removed.

- 1B. Annual Fire Safety Statement (AFSS) – Clause 177(2) of the EP&A Regulation requires the AFSS be updated annually. At the time of the inspection, the AFSS that was displayed was not to be up to date.

- 1C. Storz couplings, compatible with FRNSW firefighting hose connections have not been provided to all fire hydrant valves throughout the premises, in accordance with the requirements of AS2419 and 'FRNSW Fire safety guideline, Technical information – FRNSW Compatible hose connections – Document no. D15/45534 – Version 09 – Issued 10 January 2019'.
- 1D. Block Plan – The plan of risk (block plan) provided adjacent to the sprinkler booster, does not include all the information required by Clause 8.3 of AS 2118.1–1999. The block plan should be updated to include all of the required information including the location of the sprinkler pump.
- 1E. Fire Door – The metal tags to the edge of a number of the fire doors / fire door frames have been painted over, contrary to the requirements of Clause 6.1 of AS 1905.1-2015.
- 1F. Fire Door – Door chocks were holding open fire doors located throughout the premises, prohibiting the doors from self-closing, contrary to the requirements of Clause 3.4 and Specification C3.4 – Clause 3 of the NCC. At the time of the inspection, [REDACTED] were advised of the issue and agreed to address as appropriate.

- 1G. Maintenance – Clause 182 of the EP&A Regulation 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:

- i. Exit signs – At the time of inspection a number of exit signs throughout the premises were not illuminated.
- ii. Smoke Detection – A smoke detector, to the front of the lift in the ground floor lobby, was observed with painters tape covering the sensing chamber, thereby preventing its operation.

At the time of the inspection, [REDACTED] were advised of the issue with the detector and agreed to engage a service technician to remove. At the follow-up inspection, FRNSW confirmed that the tape had been removed.

- iii. Fire Door – The fire door to the southern fire stair, at level 3, caught on the landing floor upon opening and failed to fully return to the closed position immediately after each opening, contrary to the requirements of Clause C3.4 and C3.8 of the NCC.

2. Access & Egress

- 2A. Fire-Isolated Stair – Items were stored in the southern fire stair that caused an obstruction, contrary to the requirements of Clause 184 and 186 of the EP&A Regulation. [REDACTED] has since confirmed that the items have been removed.

3. Compartmentation

3A. Compartmentation – Having regard to performance requirement CP2, CP4 and CP8 of the NCC, the following items were observed as concerns in relation to maintaining the tenable conditions of the building to prevent the spread of fire to exits, SOUs, public corridors, openings and penetrations:

- i. Pipework above the sprinkler pump in the carpark, passing through the block wall, does not appear to be protected by a fire stopping system which is identical to a tested prototype, contrary to the requirements of Clause C3.12, C3.15 & Specification C3.15 of the NCC.
- ii. A section of ceiling is missing above the sprinkler pump in the carpark, exposing the timber joists above.
- iii. The access hatch in the carpark, above car space no. 38, was open exposing the timber framework above. Similarly, the access hatch, above the car stacker to the north of the carpark, was partially open.
- iv. A section of ceiling has been removed within the corridor of level 1, exposing the timber joists above.

4. Generally

4A. At the time of the inspection, the Property Manager from [REDACTED] [REDACTED] was contacted to discuss the issues with the FIP, the covered smoke detector and stored items in fire exits. The Property Manager confirmed that Council had previously issued a fire safety order on the premises and that the order remained outstanding with upgrade works being ongoing.

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

RECOMMENDATIONS

FRNSW recommends that Council, having previously issued a fire safety order on 'the premises', 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, prior to the issue of any letter confirming compliance with the order.

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]
[REDACTED] Please ensure that you refer to file reference BFS18/3751 for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]
[REDACTED]
[REDACTED]