

Attachment B

**Council Officer Inspection Report -
49 Henderson Road Eveleigh**

49 Henderson Road Eveleigh



© City of Sydney Council 2018. All Rights Reserved. This map has been compiled from various sources and the publisher and/or contributors accept no responsibility for any injury, loss or damage arising from the use, error or omissions therein. While all care is taken to ensure a high degree of accuracy, users are invited to notify Council's Spatial Services of any map discrepancies. No part of this map may be reproduced without written permission.

Date: 8-Oct-19
A4 1:750

0 Metres
Control Script Distance

city of villages

**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 2150935

Officer: Doug McLennan

Date: 8 October 2019

Premises: 49 Henderson Road, EVELEIGH NSW 2015

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 29 August 2019 in relation to the subject premises with respect to matters of fire safety.

The premises consists of a residential apartment building that is up to five storeys high, having approximately 120 apartments with an ancillary basement carpark. The site is bounded by roadways to the north, west and east and a park to the south.

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; *(maintenance and performance issues with existing systems, lack of building occupant warning system and lack of detection and alarm system in the carpark);*
- (ii) A lack of adequate facilities for firefighting *(maintenance and performance issues with existing systems);*
- (iii) Suitable fire resisting construction to prevent the spread of fire; *(penetrations to fire resistive construction, lack of access points for fire dampers, maintenance and performance issues with existing fire shutters in garage)*
- (iv) Emergency egress for occupants to safely evacuate the building in the event of a fire *(services located in a fire isolated passageway, lack of handrails in fire exit stairways)*
- (v) Poor fire safety management systems *(lack of applicable signage, fire notices not displayed in place)*

Council Investigations also showed that exits were not obstructed and satisfactory paths of travel from fire isolated exits to open space were provided.

Following the investigation, it was determined that a fire safety order (fire safety notice of intention to give an 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 FRNSW and Council's Investigation Officer.

The notice was issued on the 8 October 2019. Pursuant to the provisions of the Act, City officers in issuing the relevant Notice have provided the building owners an opportunity to make representations on the requirements of the respective proposed Order. After hearing and considering any representations City officers will then be able to determine the specifics of the Order and enable site works to be initiated.

Observation of the external features of the building did not identify the existence of combustible composite cladding on the façade of the building.

Chronology:

Date	Event
29/08/2019	FRNSW correspondence received regarding the premises being 49 Henderson Road Eveleigh
6/09/2019	<p>A plan of management of Stallion Property Group for egress provisions during building maintenance works was submitted to Council. The submission was in response to Council's correspondence dated 23 August 2019 regarding the maintenance of fire exits and travel paths from final fire isolated exit doorways to open space.</p> <p>A review of the plan of management showed it detailed satisfactory provisions for the maintenance of existing egress during the building maintenance works, subject to exits within the carpark being maintained.</p>
17/09/2019	<p>An inspection of the subject premises was undertaken by a Council Investigation Officer in response to the FRNSW correspondence. The inspection revealed deficient fire safety measures including;</p> <ol style="list-style-type: none"> 1. Fire separating construction including; penetrations to fire resistive construction, access openings for fire dampers, maintenance and performance issues with existing fire shutters in garage, works to fire doors; 2. Egress provisions including extended travel distances within the carpark and provision of services in fire isolated passage ways; 3. Fire Services including; maintenance and performance issues with existing systems, lack of building occupant warning system and lack of detection and alarm system in basement carpark. <p>The inspection also revealed that exits were not obstructed and paths of travel from fire isolated passageways to open space were being maintained in accordance with plan of management submitted by Stallion Property group on 6 September 2019, except that exits from the carpark were also being maintained.</p> <p>Site discussions were undertaken in company with Steven Crombie, Director of Stallion Property Group. Assurances were given that fire exits, including those in the carpark, and travel paths from fire exit doors were to be continually maintained throughout the building maintenance works.</p>
8/10/2019	Notice of Intention to give a Fire Safety Order was issued to owners of the premises.

FIRE AND RESCUE NSW REPORT:

References: [BFS/19/2675 (8502), 2019/441776]

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

Issues

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

1. The Fire Hydrant System including; lack of a block plan, lack of signage, protection of window openings near the fire hydrant booster assembly and the provision for the operation of an additional hydrant.
2. The Smoke detection and Alarm System including; lack of Building Occupant Warning System and whether the ventilation system installed within the carpark formed part of the smoke hazard system as smoke detectors and smoke dampers were not visible.
3. A final exit door and path of travel from three fire isolated exit stairways to the roadway were obstructed by building works. In addition excessive exit travel distances in the carpark.

4. Fire stopping of penetrations through fire rated walls and ceilings within the carpark;
5. The maintenance and performance of fire shutters within the carpark.

FRNSW Recommendations

FRNSW have recommended that Council inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

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 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	2019/507634
A2.	Locality Plan	2019/507668
A3	Attachment cover sheet	2019/507651
A4	Copy of proposed fire safety order	2019/508488

Trim Reference: 2019/507634

CSM reference No#: 2150935



File Ref. No: BFS19/2675 (8502)

TRIM Ref. No: D19/60459

Contact: [REDACTED]

29 August 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
49 HENDERSON ROAD EVELEIGH ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 15 August 2019, in relation to the adequacy of the provision for fire safety in connection with 'the premises'. The correspondence stated that:

- *The sole emergency exit in the 4-story building has been blocked due to construction (it has even been boarded up) and the only alternative is a door to the lobby - which requires a key.*
- *The emergency exit also backs onto a patio area (without working lighting) that has since had a step removed.*
- *Further to this, the only lift in the building has been out of service and without a repair ETA for more than two weeks - with no accessibility options in the emergency exit*

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 20 August 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

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

1A. Fire Hydrant System

- A. A block plan is not provided at the fire brigade booster assembly contrary to the requirements of Clause 2.3 of the Australian Standard (AS) 2419.1-1994.
- B. Signage displaying the notice of pressure and highest test pressure has not been provided at the fire brigade booster assembly in accordance with the requirements of Clause 5.6.7 and Clause 5.6.8 of the AS 2419.1-1994.
- C. Adequate separation has not been provided between the windows of the ground floor Soul Occupancy Unit (SOU) and the fire brigade booster assembly contrary to the requirements of Clause 5.6.3(c) of the AS 2419.1-1994.
- D. Due to the method in which the carpark fire shutters and drenchers are installed, FRNSW are of the opinion that the carpark has a floor area exceeding 5000m², which requires three (3) valved outlets to discharge simultaneously in accordance with Table 4.1 of the AS 2419.1-1994. The hydrant booster assembly has only the provision for the operation of two (2) hydrants.

1B. Smoke Detection and Alarm Systems

- A. A Building Occupant Warning System (BOWS) is not installed throughout the building. In this regard,
 - i. A random selection of smoke alarms were tested in multiple towers. The smoke alarms did not operate as a BOWS throughout each tower in the residential part contrary to the requirements of Specification E2.2a-3 (b) (iii) of the National Construction Code 2019 Volume One, Building Code of Australia (NCC);
 - ii. A BOWS is not installed in the carpark contrary to the requirements of Specification E2.2a-6 of the NCC.

- B. FRNSW were unable to determine if the ventilation system installed in the carpark formed part of the smoke hazard management system as smoke detectors and smoke dampers were not visible.

2. Generally

2A. Access and Egress

- A. Multiple fire-isolated stairs discharge into the courtyard which is undergoing renovations. A path of travel to the roadway is not provided contrary to the requirements of Clause D1.10 of the NCC.
- B. The final exit door of the western tower (corner of Rowley Street & Stallion Place) is obstructed to prevent occupants exiting into the construction site contrary to the requirements of Clause 184 and 185 of the Environmental Planning & Assessment Regulation 2000 (EP&A Reg).
- C. If the fire shutters in the carpark are lowered as a result of fire, a point of choice to alternative exits is not provided creating travel distances exceeding 20 metres contrary to the requirements of Clause D1.4(c) of the NCC. FRNSW estimate travel distances of up to 44 metres exist.

2B. Fire Resistance

- A. Numerous penetrations through the fire rated walls and ceiling in the carpark, did not appear to be adequately fire stopped in accordance with Clause C3.12, Clause C3.15 and Specification C3.15 of the NCC.
- B. Carpark Fire Shutters – The carpark contains over 40 vehicles. To offset the installation of sprinklers, eight (8) fire shutters are installed. FRNSW are of the opinion the fire shutters are not operational resulting in the compartment exceeding 40 vehicles. FRNSW have concerns that the fire shutters installed to limit the fire compartment, may not be installed in a manner which is identical with the tested prototype, contrary to the requirements Specification C3.4 of the NCC. The following issues were identified at the time of the inspection;
 - i. Installation – It is unclear whether the fire shutters have been installed in the same manner and in an opening that is no larger than the tested prototype, to satisfy the requirements of Specification C3.4-4(a) of the NCC. Bulkheads of insufficient size are installed with unprotected openings permitting steel and plastic pipes to pass through;
 - ii. Drenchers – drenchers are provided on each side of the opening, which are generally installed, such that the fire shutter achieves the required insulation level of at least 30 to satisfy Clause C3.5(a)(iii) of the NCC. However, the drenchers appear to be incorrectly positioned in relation to the fire shutters, therefore

compromising the effectiveness of the water spray patterns and flow rates required to drench the fire shutters. In this regard the drenchers are;

- a. Inconsistently spaced;
 - b. Not provided in equal number on each side of the fire shutters;
 - c. Believed to be the wrong type of sprinkler head;
 - d. Located too far from the opening.
- iii. Sensing Device - Smoke detection is not installed adjacent to the fire shutters for automatic closing operation contrary to the requirements of Clause C3.5(c) of the NCC;
- a. FRNSW are of the opinion that to create a fire compartment, at least four (4) fire shutters are required to operate simultaneously;
 - b. The electronic magna-latch on all eight (8) fire shutters in the carpark are disabled, as a result of the installation of a steel bracket on the device.

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. 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 Qualified Firefighter [REDACTED] of FRNSW's Fire Safety Compliance Unit on [REDACTED]. Please ensure that you refer to file reference BFS19/2675 (8502) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

Fire Safety Compliance Unit