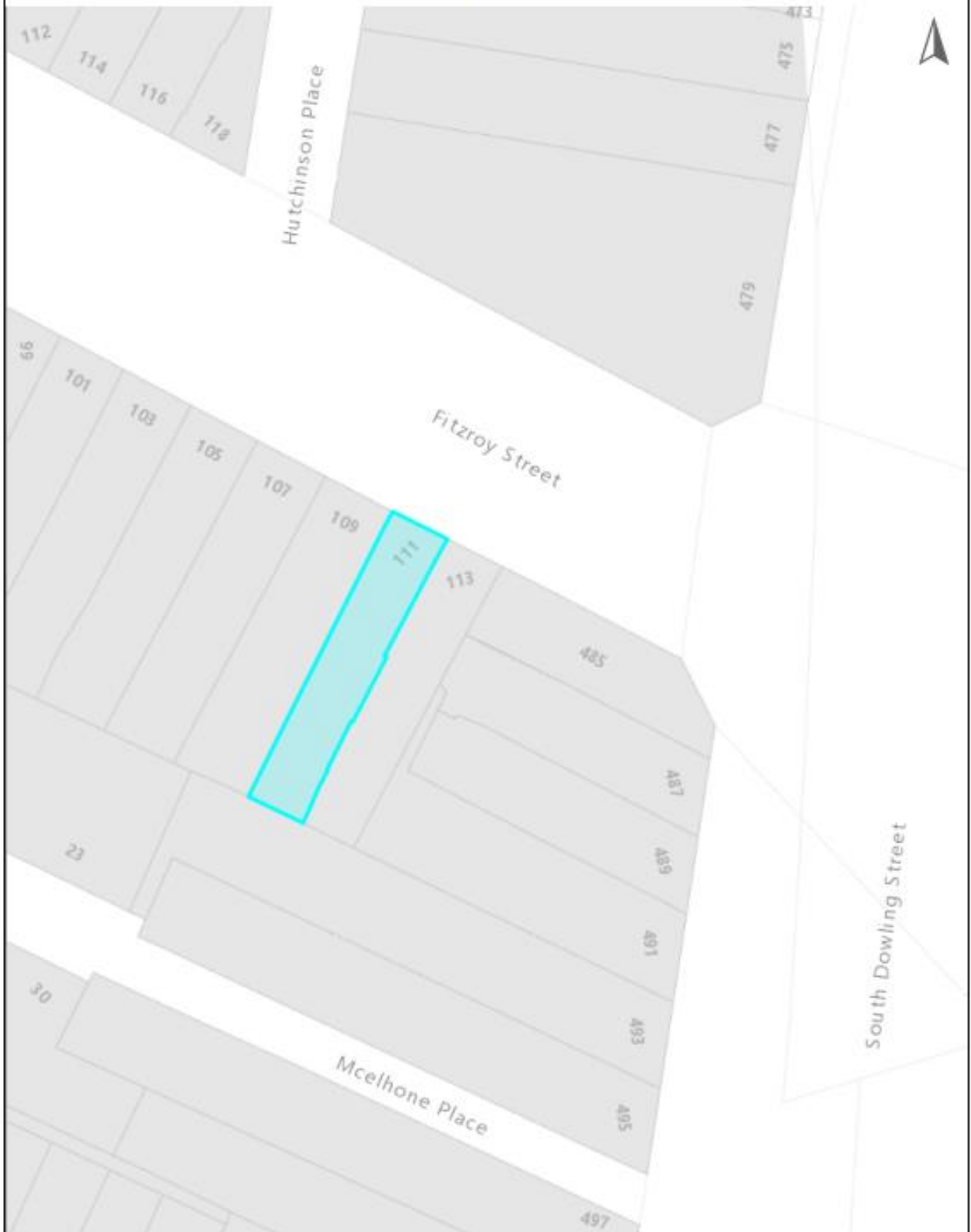


Attachment B

**Inspection Report
111 Fitzroy Street, Surry Hills**

111 Fitzroy Street Surry Hills



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Notes

3/06/2022

**Council investigation officer Inspection and Recommendation Report
Clause 17(2), Part 8 of Schedule 5, of the Environmental Planning and Assessment
Act 1979 (the Act)**

File: CSM 2820926

Officer: T. Zeljkovic

Date: 3 August 2022

Premises: 111 Fitzroy Street, SURRY HILLS NSW 2010

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the premises 111 Fitzroy Street Surry Hills on 8 July 2022, with respect to matters of fire safety and their recent Search Warrant executed with Council officers on 16 June 2022.

The premises consists of a two-storey masonry terrace and lightweight rear addition, is approved for the purposes of a boarding house accommodating up to 12 persons.

A joint inspection of the premises was undertaken by Council investigation officers, Fire & Rescue NSW, and NSW Police, executed under a Search Warrant on 16 June 2022 obtained by FRNSW. The inspection revealed that the premises are deficient in fire safety and egress provisions in the following areas:

- (i) Inadequate fire detection and alarm systems; defective detectors due to lack of maintenance, incorrect thermal detectors in various rooms
- (ii) A lack of adequate facilities for firefighting; portable fire extinguishers not maintained
- (iii) Suitable fire resisting construction to prevent the spread of fire; non fire rated lightweight bounding wall(s) to rear premises
- (iv) Safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire; due to defective, uneven stairs, and or obstructed paths to the exit
- (v) Poor fire safety management systems; lack of maintenance of detection, evacuation lighting, fire extinguishers, stairs and roof leaks, adversely affecting fire systems

Council investigations have revealed the premises are deficient in the provisions for fire safety and a fire safety order has been issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979, to ensure and promote adequate facilities for fire safety/fire safety awareness.

Further fire safety inspections have been conducted with interim fire safety provisions being verified and installed including, installation of smoke alarms within all corridors and bedrooms and electrical certification obtained.

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

Chronology:

Date	Event
21 March 2022	A proactive boarding house site inspection of premises conducted by Council officers which revealed: building, structural and fire safety deficiencies, due to lack of maintenance
29 March 2022	Council issued a Notice of Intention to Issue an Order, under Division 9.3 Schedule 5 Part 1- Repair Order No. 5 of the Environmental Planning and Assessment Act 1979 requiring repairs to be undertaken to the balcony, roof covering and roof gutters/downpipes, and structural certification to be submitted to Council on completion of works - file reference HBC/2022/159.
6 April 2022	A Notice of intention to give a Fire Safety Order, under Schedule 5, clause 6, Environmental Planning and Assessment Act 1979 issued to the building owner – File Reference Number: FIRE/2022/18
22 April 2022	A Fire Safety Order under Schedule 5, Part 2, Environmental Planning and Assessment Act 1979, issued to owner with 3 Staged compliance periods <ul style="list-style-type: none"> ○ Stage 1 requirements due within 7 days (by 29/04/2022) ○ Stage 2 requirements due within 30 days by (23/05/2022) ○ Stage 3 requirements due within 60 days by (21/06/2022)
28 April 2022	Council Officer sent email to owner requesting to inspect Stage 1 works
28 April 2022	Councils Building Compliance team issued an Order, under Division 9.3 Schedule 5 Part 1- Repair Order No. 5 of the Environmental Planning and Assessment Act 1979 requiring repairs to be undertaken to the balcony, roof covering and roof gutters/downpipes and structural certification to be submitted to Council on completion of works. Compliance timeframe 28 days from date of issue of the order.
24 May 2022	Council Officer sent email request to owner requesting to inspect Stage 1 & 2 works
27 May 2022	Council Officers attended the premises, no access was gained
27 May 2022	A Fire & Rescue NSW (FRNSW) request for joint inspection received
7 June 2022	No access obtained during a site attendance by Council and FRNSW officers at 111 Fitzroy Street, Surry Hills – the owner was not present
9 June 2022	Failure to comply with Fire Safety Order / Infringement Caution Notice issued to owner
14 June 2022	Search Warrant 109/22 obtained by FRNSW – issued by Campbelltown Court; a subsequent request for Council officer attendance received- so as to verify Council's Fire Safety Order compliance.
16 June 2022	<p>A joint site inspection of the subject premises was undertaken by FRNSW, NSW Police and Council officers – the owner was not present.</p> <p>Inspection determined, non-compliance with Councils Fire Safety Order and general maintenance of existing fire safety systems:</p> <ul style="list-style-type: none"> ○ Heat detectors installed instead of smoke detectors - detectors were full of vermin/ dirt and not registering with Fire panel installed ○ evacuation lighting not provided throughout building ○ exposed electrical wiring present ○ portables fire extinguishers not maintained ○ trip hazards to egress paths by hoses / artificial turf/ matts and uneven surfaces ○ Internal timber stairs/ balustrades and rear masonry stairs still dilapidated ○ lightweight bounding walls - fire rating requiring verification <p>Further written instruction sent to owner – requiring immediate interim measures i.e. installation of smoke alarms to each corridor and bedrooms, limiting occupation to upper levels, further works to wiring and lighting</p>
17 June 2022	A second Notice to Enter premises under Section. 9.17 of the Environmental Planning and Assessment Act 1979 for 10:00am on Tuesday 21/06/2022 issued to owner.

21 June 2022	Council officers conducted a site inspection, building owner was present – inspection verified: <ul style="list-style-type: none"> ○ Operational Smoke alarms installed to each corridor, within each bedroom ○ Main electrical board exposed wires enclosed ○ Occupancy of rooms reduced
21 June 2022	Two Penalty Infringement Notices; issued in relation to: Offence(s) under Section 9.37 (1) Environmental Planning and Assessment Act 1979 Fail to Comply with terms of development control order– <ul style="list-style-type: none"> ○ Stage 1 requirements of fire safety order FIRE/2022/18 by 29/04/2022 ○ Stage 2 requirements of fire safety order FIRE/2022/18 by 23/05/2022
26 June 2022	Councils Repair Order served on 28 April 2022 requiring repairs to be undertaken to the balcony, roof covering, and roof gutters/downpipes complied with. Structural Engineer’s certificate received confirming the balcony, roof covering, and roof gutters and downpipes are structurally sound and fit for purpose.
29 June 2022	Electrical certification received
4 July 2022	Failure to comply with Fire Safety Order warning letter issued to owner - 28 days compliance reference 2022/362675. Some of the works were completed. The matter has now been referred to Council’s Legal team.
8 July 2022	FRNSW correspondence received regarding premises 111 Fitzroy St Surry Hills, and recent joint inspection conducted on 16 June 2022 under Search warrant 109/22 dated 14 June 2022, issued by Campbelltown Court- due historical 2018 FRNSW attendances, recent correspondence received and Councils existing fire safety order ref: FIRE/2022/18, noting lack of access.

FIRE AND RESCUE NSW REPORT:

References: [FRN22/1540; 2022/383220]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about from another governing authority pertaining to fire safety matters.

Issues: Nonconformities with the National Construction Code 2019, Volume 2 Building Code of Australia (NCC) and provisions for fire safety.

The report from FRNSW detailed a number of issues, in particular regarding maintenance.

Issue	City response
<u>Essential service measures –</u> <u>Smoke Alarms</u> – noted minimum National Construction code (NCC Volume) Two requirement for Class 1b boarding house buildings to be equipped with interconnected smoke alarms within corridors/ rooms Noted existing system installed to other system Specification 2.2a of the NCC Volume One, containing fire panel <u>Smoke alarm system</u> –Rooms 1-7 contained incorrect detectors or/ smoke detectors failed to signal fire indicator panel	To be addressed by current Fire Safety Order - requiring compliance with the National Construction Code applicable standard of performance – thermal detectors to be replaced Interim measures implemented during this upgrade period – battery operated smoke alarms have been installed & tested within all rooms and corridors. Limited occupation of upper levels

<p><u>General</u></p> <p><u>Search warrant investigation outcomes</u></p> <ul style="list-style-type: none"> • current Fire Safety Order – Stage 1 & 2 compliance outstanding • continuing enforcement action & proactive boarding house program addressing health & amenity issues by Council 	<p>To be addressed by current Fire Safety Order - requiring compliance with the National Construction Code applicable standard of performance- Interim measures/ limited occupation implemented Repair Order served 28 April 2022 requiring repairs to be undertaken to the balcony, roof covering and roof gutters/downpipes. Order complied with 26 June 2022.</p> <p>Further compliance inspections proposed by Health & Building Unit.</p>
<p><u>Response from the Owner</u></p> <ul style="list-style-type: none"> • nominated in writing thermal detectors in the bedrooms instead of smoke detectors • Council addressing change of detectors as part of the enforcement action 	<p>To be addressed by current Fire Safety Order term-requiring compliance with the National Construction Code applicable standard of performance</p>
<p><u>Persons with Additional Needs</u></p> <p>Section 36 and 37 of the Boarding Houses Act 2012 (BHA) to be considered an 'Assisted Boarding House'.</p>	<p>Council's Fire Safety Order provides additional information for the owners and tenants pertaining to support during said works. Further assistance will be provided as required.</p>

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

FRNSW Recommendations

FRNSW have made no direct recommendation within their report other than legislative notification; however, FRNSW have made the following comments:

Possible non-conformities with the National Construction Code 2019, Volume 2 Building Code of Australia (NCC) and provisions for fire safety. FRNSW acknowledges that the observed differences may contradict development consent approval or relate to the building's age. Therefore, it is the Council's discretion to consider the relevant action as the appropriate regulatory authority

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)
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As a result of the above investigation undertaken by Council’s investigation officer it is recommended that the owner of the building continue to comply with the written fire safety compliance instructions and the terms of the Fire Safety Order as issued by Council’s investigation officer on the 22 April 2022 to rectify the identified fire safety deficiencies noted by FRNSW. Council will continue to closely monitor compliance at the premises.

Follow-up compliance inspections are currently being undertaken and will continue to be undertaken by a Council investigation officer to ensure already identified fire safety matters are suitably addressed and that compliance with the terms of Councils Fire Safety Order, subsequent correspondence and the recommendations of FRNSW occur.

That the Commissioner of FRNSW be advised of Council’s actions and determination.

Referenced/Attached Documents:

2022/410138-01	FRNSW S9.32 report dated 7 July 2022
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Trim Reference: 2022/410138

CSM reference No#: 2820926

Unclassified



File Ref. No: FRN22/1540
TRIM Ref. No: D22/56487
Contact: [REDACTED]

7 July 2022

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

**Re: INSPECTION REPORT
'REGISTERED BOARDING HOUSE.'
111 FITZROY STREET SURRY HILLS ("the premises")**

Fire & Rescue NSW (FRNSW) received two separate correspondences on 24 May 2022 and 2 June 2022 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence on 24 May 2022 stated in part that:

...Director of Fire Safety has received a communication from the Director of Metropolitan Operations regarding these premises.

The correspondence on 2 June 2022 stated in part that:

...these properties continue to operate as residential boarding houses without meeting the required fire safety standards and those deficiencies going undetected...

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 16 June 2022 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW), officers of City of Sydney Council and NSW Police Force.

The items listed in this report are based on the following limitations:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.

Fire and Rescue NSW

ABN 12 593 473 110

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

www.fire.nsw.gov.au

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- Details of the Essential Fire Safety Measures and Provisions for Fire Safety are based on a visual inspection of the fire safety measure and parts of the building accessed at the time.

Please be advised that details of this inspection have been provided under Section 9.32(4) of the EP&A Act. Therefore, on behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Schedule 5, Part 8, Section 17(1)(a) of the EP&A Act.

ENTRY AND SEARCH

Upon receiving the fire safety concerns, a review of FRNSW's records revealed that a fire had occurred at "the premises" on 20 August 2018. A Section 9.32 report was subsequently sent to the Council in accordance with the EP&A Act on 29 August 2018 (Attached). FRNSW notes that the City of Sydney Council issued a fire safety order on 22 April 2022, ref no. FIRE/2022/18 ('the order') addressing many of the concerns outlined in the Section 9.32 report dated 29 August 2018 from FRNSW.

Correspondence between FRNSW and council officers revealed that the owner of "the premises" was refusing to provide access for council officers to inspect the unresolved items listed in "the order". Given the fire safety concerns, the previous fire that had occurred, and the outstanding items in "the order", eliminating the uncertainty surrounding the safety of the occupants remained a priority for FRNSW. Confirming compliance with "the order" would assist in that endeavour.

Pursuant to Section 9.21 of the EP&A Act, FRNSW notified the Council on 3 June 2022 of the use of force to gain entry to the premises during the joint inspection with council officers and FRNSW on 7 June 2022. Access was denied on 7 June 2022, and force was not used to gain entry, as the Council's preference for forced entry would only be accepted via a search warrant.

FRNSW obtained a search warrant for 16 June 2022 to enter "the premises". In the company of council officers and the NSW Police Force, FRNSW forced entry to "the premises" at 11.00 am on Thursday, 16 June 2022, into the common areas of the place of shared accommodation, which is registered as a general boarding house with Fair Trading. Pursuant to Section 9.16 of the EP&A Act, the bedrooms used for residential purposes only were entered under the authority of a search warrant. In this regard, the proceeding comments are provided.

COMMENTS

Please be advised that the items listed in this report identify possible nonconformities with the National Construction Code 2019, Volume 2 Building Code of Australia (NCC) and provisions for fire safety. The listed items are not meant to provide an exhaustive list of non-compliances. FRNSW acknowledges that the observed differences may contradict development consent approval or relate to the building's age. Therefore, it is the Council's discretion to consider the relevant action as the appropriate regulatory authority.

The following items were identified during the inspection:

1. Essential Fire Safety Measures

- 1A. Smoke Alarms – Clause 95 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) aligns with Clause 3.7.5.4 of the NCC. Clause 95 requires Class 1b buildings to be equipped with smoke alarms on or near the ceiling in each corridor or hallway associated with a bedroom, including smoke alarms on or near the ceiling in each bedroom and a storey not containing a bedroom. Despite this, it is noted that Council has approved a Clause 3 smoke alarm system under Specification 2.2a of the National Construction Code, Building Code of Australia 2019 Volume 1, as previously identified in 2018.
- 1B. Smoke Alarm System – Having regard to the approved smoke alarm system, the following was noted at the time of the inspection:
 - A. Room 1 – A thermal detector was installed instead of a smoke detector. Smoke detectors are required in the bedroom in this instance.
 - B. Room 2 – A thermal detector was installed instead of a smoke detector. Smoke detectors are required in the bedroom in this instance.
 - C. Room 3 – A smoke detector was installed. A test of the smoke detector revealed that it failed to provide a signal to the Fire Indicator Panel that smoke was detected.
 - D. Room 4 – A thermal detector was installed instead of a smoke detector. Smoke detectors are required in the bedroom in this instance.
 - E. Room 5 (attic) – A smoke detector was installed. A test of the smoke detector revealed that it failed to provide a signal to the Fire Indicator Panel that smoke was detected.
 - F. Room 6 (rear building) – A thermal detector was installed instead of a smoke detector. Smoke detectors are required in the bedroom in this instance.
 - G. Room 7 (rear building) – A thermal detector was installed instead of a smoke detector. Smoke detectors are required in the bedroom in this instance.
2. Generally
 - 2A. Investigation Outcomes – The following are outcomes from the investigation on Thursday, 16 June 2022:
 - A. Actions Following Entry and Search:
 - i. FRNSW notes that the City of Sydney Council has an inspection program for boarding houses. As such, the following is provided following the joint inspection:
 - a. Council has issued further orders to address the non-compliances observed.

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- b. Stages 1 and 2 of “the order” remain outstanding.
 - ii. Council is continuing its enforcement action as part of its boarding house inspection program and is currently addressing the non-compliances with the health and amenity issues identified at the time.
- B. Response from the Owner – The owner confirmed in writing that installing thermal detectors in the bedrooms instead of smoke detectors was to prevent the activation of the smoke alarm system because the occupants smoked in their rooms. Council is currently addressing a change in thermal detectors to smoke detectors in the rooms as part of the enforcement action.
- C. Persons with Additional Needs – Section 36 and 37 of the Boarding Houses Act 2012 (BHA) details the requirements for a boarding house to be considered an ‘Assisted Boarding House’. At the time of the inspection, the people living at “the premises” may require the support services of the Department of Family and Community Services – Ageing, Disability, and Home Care (ADHC). As per the ADHC Fact Sheet May 2013: ‘Information for Local Councils about Boarding Houses and People with Additional Needs’, it is at the Council’s discretion to seek the assistance of ADHC to investigate whether the people at the premises require assistance.

Please don't hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call [REDACTED] if there are questions or concerns regarding the above matters. Please ensure that you refer to file reference FRN22/1540 regarding any correspondence concerning this matter.



[REDACTED]
Fire Safety Compliance Unit

Attachment: [Appendix 1- Section 9.32 Report Dated 20 August 2018 – 7 pages]

Unclassified

Appendix 1- Section 9.32 Report Dated 20 August 2018



File Ref. No: BFS18/2380 (4556) & BFS18/2365
TRIM Ref. No: D18/60988
Contact: [REDACTED]

29 August 2018

General Manger
City of Sydney Council
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance / Fire Safety

Dear General Manager

RE: INSPECTION REPORT
BOARDING HOUSE
111 FITZROY STREET, SURRY HILLS ("the premises")

Fire & Rescue NSW (FRNSW) received correspondence on 20 August 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:

The building is in very poor condition with 7 small rooms, some of which accommodate several people per room.

The fire alarm system was in an isolated mode on our arrival.

It is not connected to a monitoring service.

The occupant egress is very tight with unstable construction and uneven surfaces.

The residents exhibit hoarding type behavior with a resultant high fuel load in the building.

FIRE AND RESCUE NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave.	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483
firesafety@fire.nsw.gov.au	Unclassified	Page 1 of 7



The electrical installation appears very haphazard

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 21 August 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

Date / Time of Fire: 20 August 2018 / 20.11 hrs.
Extent of Fire: Room four (4) on level one (1).
Damage: No visible damage to the building.
Type of Alarm: Call to station.
Evacuation: All occupants evacuated.
Casualties: One occupant suffered burns attempting to put the fire out in Room four (4).

Please be advised that this report is not an exhaustive list of non-compliances however, the proceeding concerns also identifies deviations from the National Construction Code 2016, Volume 1 and Volume 2, Building Code of Australia (NCC). Given the concerns are based on observations available at the time FRNSW acknowledges that the deviations may contradict development consent approval. In this regard, it would be at council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

FIRE AND RESCUE NSW	ABN 12 593 473 110	www.firs.nsw.gov.au
Community Safety Directorate	1 Amarina Ave.	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483
firesafety@firs.nsw.gov.au	Unclassified	Page 2 of 7



FRNSW noted the following during the investigation of this incident:

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 emergency light or exit sign in the hallway of level 1 was missing its cover and was not lit. However, the light lit up when the test button was pressed.
- 1B. Smoke Alarms – The following observations were noted:
 - A. NSW Clause 3.7.2.2 of the NCC (Vol 2) requires the installation of smoke alarms to Australian Standard AS3786. The exception being an alarm deemed suitable in accordance with Australian Standard AS1670.1, where spurious signals are likely to occur within a garage. Observations at the time, revealed that the installed smoke detection system appears to be a Specification E2.2a, Clause 3 system in accordance with NCC (Vol 1), with the installed smoke detectors in locations similar to Australian Standard AS1670.1, including the installation of a Fire Indicator Panel (FIP).
 - B. The Annual Fire Safety Statement (AFSS) displayed at “the premises” references Clause 3.7.2.2 of the NCC (Vol 2), as a result the AFSS appears to contradict the installed measures.
- 1C. Zone Block Plan – Section 3.10 of the Australian Standard 1670.1 -2015 requires a Zone Block Plan to be securely mounted and located adjacent to the FIP. If the installed smoke detection system has been approved by council, a Zone Block Plan may be required.
- 1D. Evacuation Diagrams – The displayed AFSS references Australian Standard AS3745 – 2010. As such, the standard emphasises the implementation and updating of evacuation diagrams. Hence the following concerns:
 - A. Clause 3.5.2 requires the location of diagrams be displayed where occupants and visitors are able to view them. A review of the diagram location may be required as at first sight, the diagrams were not easily identified.
 - B. Clause 3.5.3 requires the diagrams to be in a position at a height not less than 1200 mm and not more than 1600 mm above the floor, the diagram attached to the front door appeared less than 1200 mm, while the diagram in Room 4 appeared greater than 1600 mm.



- C. Clause 3.5.4 requires evacuation diagrams to be orientated to the direction of egress, including an assembly area diagram. None of the diagrams included an assembly area or were oriented to the person viewing the diagram.
- D. Clause 3.5.6 requires minimum elements which must be included in the evacuation diagram, such as, designated exits, firefighting equipment and the "YOU ARE HERE" location. The diagrams displayed at "the premises" lacked all of the minimum elements.

2. Access and Egress

- 2A. Stair Construction – Performance Requirement P2.1.1 and P2.5.1 of the NCC (Vol 2) requires the use of stairs to be constructed so that people can move safely to and within the building. It is noted that the age of the building means the balustrade, handrails, goings and risers do not strictly meet the Deemed to Satisfy Solution of Part 3.9.1 of the NCC (Vol 2). However, the landing, barriers and stairs were difficult to traverse, the movement whilst traversing up and down the staircase, also resulted in movement of the staircase generally. The construction and movement of the stairs felt unstable, potentially conflicting with the intent of the performance requirements for use and to move safely within the building. A review of the stair construction may be required.

3. Compartmentation

- 3A. Construction of External Walls – Clause 3.7.1.5 of the NCC (Vol 2) requires the installation of external walls that are located less than 900 mm from the boundary allotment to be fire resisting. The walls for unit 7 adjoining the south western rear boundary allotment appears to be timber framed with corrugated iron cladding. It is unclear whether the wall achieves the minimum fire resistance level (FRL) of 60/60/60.
- 3B. Doors – The AFSS displayed the requirement to maintain the doors of the bedrooms within the building to be 35 mm solid core and self-closing. The following concerns were observed:
 - A. The self-closers for rooms 2 and 4 were broken.
 - B. The doors to rooms 2 and 4 sounded hollow when tapped.

4. Generally

- 4A. Annual Fire Safety Statement (AFSS) – Clause 181(1)(c) of the Environmental Planning and Assessment Regulation 2000 requires each essential and critical measure to be identified in the statement. At first glance the AFSS appears inconsistent with the measures listed in the statement. An inspection and a review of council's records may be required.



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- 4B. General Considerations – The proceeding items are considered 'informative', as the investigation disclosed items that may require council make a determination on whether enforcement action is required.
- 4C. Investigation Outcomes – The following are items from the investigation on Thursday 21 August 2018:
- A. Records
- i FRNSW records revealed that an Order had been issued by the City of Sydney Council on 21 August 2008. The order confirms that the building is approved as a Class 1b building. Your reference is S062375.
- B. Observations
- i The rear building identified as Room 7 adjoining the southwestern rear boundary allotment, sits on bearers and joists less than 300 mm (approximately) from the underside of the bearer. The small gap potentially provides limited ability to conduct regular inspections as per Australian Standard AS3660.1.
 - ii Access was limited to rooms 2, 4 and 5, as such observations of the contents within the rooms revealed personal items and other items that appeared to be litter or waste.
 - iii The alleged number of occupants exceeding more than 1 occupant per room is inconclusive, as observations of the personal items within the rooms and limited access could not definitively identify the sleeping arrangements for "the premises".
 - iv There are communication cables that traverse various areas within the building. There are also power boards that include various electrical attachments.
 - v The installation of a detection system identified in 1B(A), provides occupants the opportunity to either isolate or mute the alarms. Observations at the time revealed instructions attached to the FIP on how to isolate or mute the alarms, potentially preventing or delaying the occupant's ability to evacuate. It was noted that there were no fault or isolations displayed on the FIP at the time of inspection.



C. Assertions

- i At the time of the inspection, the occupant in room 2 indicated that his friend who regularly occupies the room is allowing him to sleep in room 2 as well.
- ii The occupant in room 2 indicated that at the time of the fire incident, he was unaware that the detection system had sounded until FRNSW knocked on the room door.
- iii The attending crew of FRNSW indicated that some rooms contained several people.
- iv The occupant in room 5 (room in the attic) indicated that he smelt smoke 15 minutes before the smoke detection system sounded.
- v The occupant in room 5 advised that the owner of "the premises" texted him a message on his phone that alleged the occupant in room 4 had isolated and reset the FIP, and then called emergency services.

4D. Items of Concern – An investigation may be required by council, to confirm the:

- A. Number of occupants.
- B. Structural stability of the building, as there are limited provisions for inspection of termites.
- C. Type of items stored within "the premises". Whether the material stored is considered hoarding, and potentially contributes to the fire load.
- D. Electrical wiring has been tested and is sufficient for use.
- E. Smoke detection system has been approved in its current configuration and whether it is suitable for a Class 1b building.
- F. Australian Standard AS3745 – 2010 is being regularly implemented. Whether regular evacuation drills are conducted or are required for the occupants.
- G. Attic (room 5) is suitable for occupancy, as a significant fire event on level 1 limits the ability to egress. Traversing 2 timber flights of stairs in a fire event may be unsafe, given the ability of occupants to isolate the detection system and the alleged isolation of the FIP during the recent fire event.

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. 4 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) [redacted]. Please ensure that you refer to file reference BFS18/2380 (4556) & BFS18/2365 for any future correspondence in relation to this matter.

Yours faithfully

[Redacted signature block]

Fire Safety Compliance Unit

