

# **Attachment H**

**Inspection Report  
177-219 Mitchell Road, Erskineville**



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Notes 5/09/2023

**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)**

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**File:** 3035899

**Officer:** M. Hassan

**Date:** 30 September 2023

**Premises:** Sydney Park Village, 177 – 219 Mitchell Road, Erskineville

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**Executive Summary:**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 16 August 2023 with respect to matters of fire safety.

The site is approximately 42,000sqm and contains 17 residential apartment buildings known as Sydney Park Village. All the buildings have access to ground or basement car parking and some of the buildings contain commercial tenancies on the ground floor level. The buildings are owned by six different Strata Plans.

The buildings are generally 6 storeys in height, with Building 3 in the south-eastern corner being 10 storeys in height. The buildings read as one architecturally similar development, with similar materials and finishes.

The premises is bounded by Coulson Street to the north, Mitchell Road to the east and Sydney Park Road to the south. The site is not a heritage item and not located within a heritage conservation area.

Buildings 1 to 5 are known as Kendal Gardens and are owned by Strata Plan 57306. These buildings vary in the number of storeys from 6 storeys to 10 storeys and are served by a common basement car park. Building 1 contains several commercial tenancies on the ground floor level.

Buildings 6 to 9 are known as Kingston Health and are owned by Strata Plan 58144. These building contain 8 levels and are served by a common basement car park. Building 6 contains a gymnasium, and swimming pool on the ground floor level and Building 7 contains a childcare centre on the ground floor level.

Buildings 10 and 11 are known as Parkview Towers and are owned by Strata Plan 64398. These building contain 6 levels including ground floor car parking.

Buildings 12 to 15 are known as Bishops Green and are owned by Strata Plan 70710. These buildings vary in the number of storeys from 6 storeys to 7 storeys and contain ground and basement car parking.

Building 16 is known as Clifton Square and is owned by Strata Plan 70711. This building contains 6 storeys and shares the common basement car park with Bishop Green.

Buildings 17 and 18 are known as Eden Grove and are owned by Strata Plan 66820. These buildings contain 6 storeys and are served by a common basement car park.

Inspections of the premises undertaken by a Council investigation officer on 30 August 2023, 13 October 2023 and 18 October 2023 in the presence of the building manager revealed that the premises are deficient in egress, and fire safety provisions in the following areas:

- I. Inadequate smoke detection and alarm systems. A fire indicator panel serving buildings 12 to 16 was located in a room near building 12 and no mimic panels have been installed in buildings 12 to 16 to identify the location of a potential fire in the building and potential faults in the smoke detection and alarm system.

- II. A lack of adequate facilities for firefighting (fire hydrant valves lack a pressure gauges, inadequate signage and block plans provided at the fire hydrant booster and sprinkler booster, a sprinkler booster is difficult to access and a sprinkler system to a car park lacks a sprinkler booster)
- III. Defective egress provisions (excessive travel distances to exits in buildings 7, 8 and 9)

On 30 October 2023, a Notice of Intention to issue a fire safety order was served in relation to all buildings at the property addresses raised by FRNSW.

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

Observation of the external features of the building did identify the existence of cladding on the façade of the building. It is not known if the cladding is combustible composite cladding or metallic cladding. The cladding has been referred to the cladding section for further investigation and any action deemed necessary.

**Chronology:**

Date	Event
16/08/2023	FRNSW correspondence received regarding premises 177 – 219 Mitchell Road, Erskineville.
30/08/2023	An inspection of the subject premises was undertaken with the building manager. The inspection revealed the following egress, and fire safety deficiencies: 1. The fire hydrant booster and sprinkler booster assemblies for various buildings lacked signage, block plans and the Storz couplings 2. The fire hydrant booster valves in each building lacked Storz couplings. 3. A room containing a fire hydrant pump and sprinkler control valves was located within a basement car park. The room was difficult to locate and there is no suitable signage near the building to help fire fighters locate the room. 4. The booster assembly for the sprinkler system serving Eden Grove (Buildings 17 & 18) is in an elevated garden area adjacent to Eden Grove carpark entry and is obscured and obstructed by vegetation presenting a hazard to the attending fire-fighters. 5. A complete stock of spare sprinklers and a spanner had not been provided at each set of sprinkler control valves. 6. The fire indicator panel serving buildings 12, 13, 14, 15 and 16 is in the sprinkler control valve room adjacent to the entrance of building 12 and no mimic panels have been installed in these buildings to help occupants and fire safety contractors identifying potential faults in the smoke detection and alarm system.
13/10/2023	A further inspection of the subject premises was undertaken with the building manager to check fire services that could not be checked in the previous inspection. The inspection revealed that the following additional fire safety issues: 1. The fire hydrant valve located on the top landing of the fire isolated exit stair serving building 18 lacks a pressure gauge. 2. A booster assembly could not be located for the sprinkler system serving Bishops Green and Clifton Square (Buildings 12–16).
18/10/2023	A further inspection of the subject premises was undertaken with the building manager to check fire services that could not be checked in the previous inspection. The inspection revealed that the following additional fire safety issues: 1. Public corridors in buildings 7, 8 and 9 were greater than 40m long (excessive travel distances) and were not divided at intervals of not more than 40m with smoke proof walls.

Date	Event
	2. Portable fire extinguishers and fire hose reels located within cupboards lacked suitable signage that would give occupants a clear view of their location.
26/10/2023	A further inspection of the subject premises was undertaken with the building manager to check fire services that could not be checked in the previous inspection. The inspection revealed that the following additional fire safety issues: <ol style="list-style-type: none"> <li>1. A lack of directional exit signs in the car parks serving the buildings.</li> <li>2. The occupant warning system within the car park was not connected to the occupant warning system serving the residential portion of the building.</li> </ol>
30/10/2023	A Notice of Intention to issue a fire safety order was issued to each of the six strata plans which covers all seventeen buildings on the property.

### **FIRE AND RESCUE NSW REPORT:**

References: [D23/71568; 2023/484042]

Fire and Rescue NSW conducted an inspection of the subject premises on 5 July 2023 after receiving an enquiry about smoke alarms in communal areas being covered with rubber gloves.

#### Issues

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

Issue	City response
Communal area smoke alarms have been covered by rubber gloves	Rubber gloves have been removed from communal area smoke alarms.
It could not be determined whether the building occupant warning system would sound through all occupied areas of the building.	This issue is addressed under Notice of Intentions issued 30 October 2023.
The site plan on display at the main vehicular entry at Mitchell Road, which contains information of the hydrant and sprinkler systems for each system was faded and illegible in part.	This issue is addressed under Notice of Intentions issued 30 October 2023.
The fire hydrant booster assembly for each system, is not adequately identified with signage to help distinguish which building/s is served by the associated booster assembly.	This issue is addressed under Notice of Intentions issued 30 October 2023.
Boost pressure and test pressure signage was not provided at the booster assembly, contrary to the requirements of Clause 7.10.1 of AS 2419.1-2005.	This issue is addressed under Notice of Intentions issued 30 October 2023.
A block plan had not been provided at each fire hydrant booster assembly, contrary to the requirements of Clause 7.11 of AS 2419.1-2005.	This issue is addressed under Notice of Intentions issued 30 October 2023.
The fire hydrant booster assembly associated with Eden Grove (Building 17 & 18), is in an elevated garden area, which presents a hazard to the attending fire-fighters.	This issue is addressed under Notice of Intentions issued 30 October 2023.
The internal pumproom for the Kendall Gardens and Kingston Health hydrant system is located in the ground floor carpark level in Building 2 and is not accessed via a door opening to a road or open space, or a door opening to a fire-isolated passageway or a stair which leads to a road or	This issue is addressed under Notice of Intentions issued 30 October 2023.

Issue	City response
<p>open space, contrary to the requirements of Clause 6.4.2 of AS2419.1-2005. In this regard, fire-fighters would need to traverse through the carpark to gain access to the hydrant pumphouse. Furthermore, the pumphouse was difficult to locate without the assistance of the Building Manager, therefore the location of the pumphouse does not suit the operational requirements of FRNSW.</p>	
<p>Storz couplings compatible with FRNSW firefighting hose connections were not provided to all fire hydrant valves throughout the premises, contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS2419.1-2005, Clauses 1.2 and 3.4 of AS2419.2-2009.</p>	<p>This issue is addressed under Notice of Intentions issued 30 October 2023.</p>
<p>The sprinkler booster assembly for each system, is not adequately identified with signage to help distinguish which building/s is served by the associated booster assembly.</p>	<p>This issue is addressed under Notice of Intentions issued 30 October 2023.</p>
<p>A booster assembly could not be located for the sprinkler system serving Bishops Green and Clifton Square (Buildings 12-16).</p>	<p>This issue is addressed under Notice of Intentions issued 30 October 2023.</p>
<p>The booster assembly for the sprinkler system serving Eden Grove (Buildings 17 &amp; 18) is in an obscured and obstructed location in the garden area adjacent to Eden Grove carpark entry.</p>	<p>This issue is addressed under Notice of Intentions issued 30 October 2023.</p>
<p>Maximum allowable inlet pressure signage was not provided at each sprinkler booster assembly, contrary to the requirements of Clause 4.4.3 of AS2118.1-1999.</p>	<p>This issue is addressed under Notice of Intentions issued 30 October 2023.</p>
<p>A plan of risk (block plan) of the sprinkler system was not provided at each booster assembly, contrary to the requirements of Clause 8.3 of AS2118.1-1999.</p>	<p>This issue is addressed under Notice of Intentions issued 30 October 2023.</p>
<p>The sprinkler valves for the Kendall Gardens and Kingston Health sprinkler system, are located in the ground floor carpark level in Building 2 (Kendall Gardens) and are not located in a room with direct egress to a road or open space, contrary to the requirements of Clause S17C6 of Specification 17 of the NCC and are not readily accessible to fire-fighters, contrary to the requirements of Clause 8.1 of AS2118.1-1999.</p>	<p>This issue is addressed under Notice of Intentions issued 30 October 2023.</p>
<p>The sprinkler control valve sets were not provided with a notice identifying the installation number and the area served by each installation, contrary to the requirements of Clause 8.1 of AS2118.1-1999.</p>	<p>This issue is addressed under Notice of Intentions issued 30 October 2023.</p>
<p>A complete stock of spare sprinklers and a spanner had not been provided at each set of sprinkler control valves, contrary to the requirements of Clause 6.7 of AS2118.1-1999.</p>	<p>This issue is addressed under Notice of Intentions issued 30 October 2023.</p>

## FRNSW Recommendations

FRNSW have made recommendations within their report. In general, FRNSW have requested that Council;

1. Review item 1 of their report and inspect the subject premises.
2. Address any other deficiencies identified on the premises.
3. 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.

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### **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 Notice of Intentions to Give a Fire Safety Order	Other (to specify)

As a result of a site inspection undertaken by Council investigation officers, Notices of Intention (NOI) to issue an order have been served on the owners of each building. Following consideration of any representations made in relation to the NOI and works undertaken, it is recommended that Council exercise its powers for officers to progress to serving a fire safety order under Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and the Council investigation 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 determination.

#### **Referenced documents:**

No#	Document type	Trim reference
A1	Fire and Rescue NSW Report	2023/535828-01
A2	Copy of Proposed Fire Safety Order	2023/535828-02

**Trim Reference:** 2023/535828

**CSM reference No#:** 3035899

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File Ref. No: BFS23/2417 (28071)  
TRIM Ref. No: D23/71568  
Contact: [REDACTED]

16 August 2023

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  
'SYDNEY PARK VILLAGE'  
117-219 MITCHELL ROAD, ERSKINEVILLE ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 9 May 2023 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated in part that:

- *Communal area smoke alarms have been covered by rubber gloves while lift technicians replace lift in building. Rubber gloves have remained on alarms even while technicians not in building.*

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected 'the premises' on 5 July 2023.

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

The items listed in the comments of 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

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Fire Safety Compliance Unit

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Page 1 of 5

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- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

**COMMENTS**

'The premises' appears to consist of 6 separate buildings known as:

- Kendall Gardens - Buildings 1-5 (Strata Plan 57306)
- Kingston Health - Buildings 6-9 (Strata Plan 58144)
- Parkview Towers - Buildings 10 & 11 (Strata Plan 64398)
- Bishops Green - Buildings 12-15 (Strata Plan 70710)
- Clifton Square - Building 16 (Strata Plan 70711)
- Eden Grove - Buildings 17 & 18 (Strata Plan 66820)

Please be advised that the items in this report are limited to observations of the building accessed during the inspection and identify possible nonconformities with the National Construction Code 2022, Volume 1 Building Code of Australia (NCC) and provisions for fire safety. The items are not an exhaustive list of non-compliances. FRNSW acknowledges that the differences observed at the time may contradict development consent approval or relate to the building's age. Therefore, it's the Council's discretion as the appropriate regulatory authority to consider the most appropriate action.

The following items were identified as concerns at the time of the inspection:

1. Essential Fire Safety Measures

1A. Automatic Smoke Detection and Alarm System and Building Occupant Warning System (BOWS):

- A. Each building appears to be provided with a smoke alarm system throughout the residential parts, consisting of AS3786 smoke alarms in the public corridors/common areas and AS3786 smoke alarms within the Sole Occupancy Units, in accordance with Clause E2D8 and Specification 20 (Clause S20C3) of the NCC.

The following was observed at the time of the inspection:

- i. Building Occupant Warning System (BOWS) – It could not be determined whether the BOWS would sound through all occupied areas of the building in accordance with Clause S20C7 of Specification 20 of the NCC. In this regard:
- a. It is unclear whether the smoke alarms in the public corridors and other common areas, are interconnected between all levels and all lobbies, to provide a common building alarm to alert all building occupants.

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1B. Fire Hydrant System/s – The premises appears to be served by six separate fire hydrant systems, one system for Parkview Towers (Buildings 10 & 11), one system for Bishops Green (Buildings 12 & 13), one system for Bishops Green (Buildings 14 & 15), one system for Clifton Square (Building 16), one system for Eden Grove (Buildings 17 & 18) and one shared system for Kendall Gardens (Buildings 1-5) and Kingston Health (Buildings 6-9).

The following comments are provided:

A. Overall Site Plan – The site plan on display at the main vehicular entry at Mitchell Road, which contains information of the hydrant and sprinkler systems for each system (i.e. booster assemblies and sprinkler control valves), was faded and illegible in part.

B. The hydrant booster assemblies:

- i. The booster assembly for each system, is not adequately identified with signage to help distinguish which building/s is served by the associated booster assembly.
- ii. A permanent and fade resistant or engraved sign indicating the boost pressure and test pressure was not provided at each booster assembly, contrary to the requirements of Clause 7.10.1 of AS2419.1-2005.
- iii. A permanent water and fade resistant block plan of the fire hydrant system had not been provided at each booster assembly, contrary to the requirements of Clause 7.11 of AS2419.1-2005.
- iv. The booster assembly associated with Eden Grove (Building 17 & 18), is located in an elevated garden area, which presents a hazard to the attending fire-fighters.

C. The hydrant pumphoom:

- i. The internal pumphoom for the Kendall Gardens and Kingston Health hydrant system is located in the ground floor carpark level in Building 2 (Kendall Gardens) and is not accessed via a door opening to a road or open space, or a door opening to a fire-isolated passageway or a stair which leads to a road or open space, contrary to the requirements of Clause 6.4.2 of AS2419.1-2005. In this regard, fire-fighters would need to traverse through the carpark to gain access to the hydrant pumphoom. Furthermore, the pumphoom was difficult to locate without the assistance of the Building Manager, therefore the location of the pumphoom does not suit the operational requirements of FRNSW.

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- D. Storz couplings compatible with FRNSW firefighting hose connections were not provided to all fire hydrant valves throughout the premises, contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS2419.1–2005, Clauses 1.2 and 3.4 of AS2419.2–2009 and 'FRNSW Fire safety guideline, Technical information – FRNSW compatible Storz hose connections – Document no. D15/45534 – Version 09 – Issued 10 January 2019'.
- 1C. Automatic Fire Suppression System – The premises appears to be served by four separate sprinkler systems, one system for Parkview Towers (Buildings 10 & 11), one system for Eden Grove (Buildings 17 & 18), one shared system for Bishops Green (Buildings 12-14) and Clifton Square (Building 16) and one shared system for Kendall Gardens (Buildings 1-5) and Kingston Health (Buildings 6-9).

The following comments are provided:

A. The sprinkler booster assemblies:

- i. The booster assembly for each system, is not adequately identified with signage to help distinguish which building/s is served by the associated booster assembly.
- ii. A booster assembly could not be located for the sprinkler system serving Bishops Green and Clifton Square (Buildings 12–16).
- iii. The booster assembly for the sprinkler system serving Eden Grove (Buildings 17 & 18) is located in an obscured and obstructed location in the garden area adjacent to Eden Grove carpark entry.
- iv. A sign marked with the maximum allowable inlet pressure at the connection was not provided at each booster assembly, contrary to the requirements of Clause 4.4.3 of AS2118.1–1999.
- v. A plan of risk (block plan) of the sprinkler system was not provided at each booster assembly, contrary to the requirements of Clause 8.3 of AS2118.1-1999.

B. The sprinkler control valves:

- i. The sprinkler valves for the Kendall Gardens and Kingston Health sprinkler system, are located in the ground floor carpark level in Building 2 (Kendall Gardens) and are not located in a room with direct egress to a road or open space, contrary to the requirements of Clause S17C6 of Specification 17 of the NCC and are not readily accessible to fire-fighters, contrary to the requirements of Clause 8.1 of AS2118.1-1999.

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- ii. The sprinkler control valve sets were not provided with a notice identifying the installation number and the area served by each installation, contrary to the requirements of Clause 8.1 of AS2118.1-1999.
- iii. A complete stock of spare sprinklers and a spanner had not been provided at each set of sprinkler control valves, contrary to the requirements of Clause 6.7 of AS2118.1-1999.

FRNSW believes that there are inadequate provisions for fire safety within the building.

**RECOMMENDATIONS**

FRNSW recommends that Council:

- a. Review item 1 of this report and conduct an inspection.
- b. Address any other deficiencies identified on "the premises".

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. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit at [FireSafety@fire.nsw.gov.au](mailto:FireSafety@fire.nsw.gov.au) or call [REDACTED] if there are any questions or concerns about the above matters. Please refer to file reference BFS23/2417 (28071) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

[REDACTED]  
[REDACTED]  
Fire Safety Compliance Unit