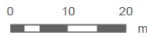


Attachment J

**Inspection Report
11 Charles Street, Erskineville**



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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: 3102564

Officer: M. Hassan

Date: 21 December 2023

Premises: 11 Charles Street, Erskineville

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 12 December 2023 with respect to matters of fire safety.

The premises consists of a three-storey building that is being used as a boarding house. The boarding house contains 10 bedrooms including a common kitchen, lounge room, laundry and several common bathrooms

The ground floor comprises two bedrooms, a common lounge, a common kitchen and a yard area containing a laundry room. The first and second floor levels each contain 4 bedrooms and two common bathrooms.

The building is primarily constructed of timber floors and plasterboard walls and ceilings. The internal exit stair is constructed of concrete and is enclosed in concrete construction. The building is surrounded by residential dwellings and is bounded by Albert Street to the South, Charles Street to the East and residential dwellings to the North and West.

The boarding house was not listed on Council's boarding house register and does not have a fire safety schedule on Council records. The boarding house has been placed on Council's boarding house register and will be included in our inspection program.

Inspections of the premises undertaken by a Council Investigation Officer on 10 November 2023, 20 November 2023 and 21 November 2023 revealed that the premises are deficient in egress, construction, and fire safety provisions in the following areas:

(i) Inadequate fire detection and alarm systems. The current smoke detection and alarm system lacks an adequate occupant warning system, a zone block plan and a fire alarm communication link to Fire and Rescue NSW.

(ii) Suitable fire resisting construction to prevent the spread of fire. Walls bounding bedrooms and public corridors did not appear to be constructed of suitable fire resistive construction and contained several penetrations. Ceilings throughout the building did not appear to be constructed of suitable fire resistive construction and contained several penetrations.

(iii) Safe and dignified emergency egress to safely evacuate the building in the event of a fire. Existing exit signs are directing occupants to exit through the front exit door when they should be directing occupants to exit to the rear yard area. Exit doors to the exit stair are defective and are being choked open by residents.

(iv) Poor fire safety management systems in place. Warning and operational signs were not displayed on exit doors and an Annual Fire Safety Statement was not displayed in a prominent location in the building.

A Fire Safety Order under Schedule 5 of the Environmental Planning and Assessment Act, 1979 was issued on the owners of the building on 15 December 2023 to address the above-mentioned deficiencies and to ensure and promote adequate facilities for fire safety/fire safety awareness. Observation of the external features of the building did not identify the existence of any combustible composite cladding on the façade of the building.

Chronology:

Date	Event
25/07/2023	A inquiry to Council's One Stop shop was received about the classification of the building and the fire safety provisions in the building.
10/11/2023	<p>An inspection revealed the following egress, construction and fire safety deficiencies:</p> <ol style="list-style-type: none">1. Doors to the fire isolated exit stair were held open by a latching device.2. The final exit door was locked shut.3. The building lacked a code compliant occupant warning system (only one alarm bell on ground floor level).4. The fire alarm system lacked a fire alarm communication link to an approved service provider.5. the fire alarm system lacked a zone block plan.6. Doors to the fire isolated exit stair lacked warning and operational signs and fire tags.7. Public corridor floors were lined with carpet.8. Exit stairs lacked nonslip resistant treads.9. The building lacked exit signs and emergency lighting.10. The walls bounding sole occupancy units are lined with plasterboard sheeting and do not appear to be constructed of suitable fire resistive material.11. That all ceilings throughout the building are lined with plasterboard sheeting and do not appear to be constructed of suitable fire resistive material. <p>A corrective action email was sent to the operator of the boarding house (Wesley Mission) on the same day of the inspection requiring items 1 and 2 above to be addressed within 24 hours.</p>
13/11/2023	Head of Wesley Community Housing sent an email to Council advising that items 1 and 2 above had been addressed.
20/11/2023	A further inspection was undertaken to check the construction of doors and the inspection revealed the doors to rooms and cupboards facing public corridors are not constructed of suitable fire resistive construction.
21/11/2023	A further inspection was undertaken to check for penetration issues which were not checked thoroughly on the previous inspections and revealed several walls and ceilings penetrations had not been adequately sealed to the prevent the horizontal and vertical spread of fire.
12/12/2023	FRNSW correspondence received regarding premises 11 Charles Street, Erskineville.
15/12/2023	A Fire Safety Order was issued on the owners of the building to address the deficiencies noted above and the deficiencies identified by Fire and Rescue NSW.

FIRE AND RESCUE NSW REPORT:

References: [D23/126331; 2023/709143]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about the adequacy of the provision of fire safety within the premises.

Issues

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

Issue	City response
The maintenance logbooks for the Automatic Fire Detection and Alarm System showed that the system was last maintained in 2020, contrary to the requirements of Clause 6.4 of AS 1851-2012.	No faults were observed on the fire indicator panel suggesting the system was operational. However, the existing system lacks an adequate occupant warning system so a fire safety order was issued on the owners of the building on 15 December 2023 requiring among other things a new smoke detection and alarm system be installed.
A permanent, water and fade resistant zone block plan, depicting all the relevant information of the installation, was not securely mounted adjacent to the Fire Brigade Panel (FBP), contrary to the requirements of Clause 3.10 of AS1670.1-2018.	This issue has been addressed under current fire safety order issued on the owners on 15 December 2023.
The automatic fire detection and alarm system is not connected to Alarm Signalling Equipment (ASE), contrary to the requirements of Clause S20C8 of the NCC.	This issue has been addressed under current fire safety order issued on the owners on 15 December 2023.
A number of sole-occupancy-units (SOUs) are separated from the common area with lightweight construction which appears to consist of 1 layer of 13 mm plasterboard. It is unknown whether this construction achieves the FRL required for the separating walls as per Specification 5 of the NCC.	This issue has been addressed under current fire safety order issued on the owners on 15 December 2023.
The lightweight plasterboard wall separating the SOU directly in front of the egress stairs from the common area has been damaged, exposing the wall cavity. This is likely to prevent the wall from achieving an FRL as per Specification 5 of the NCC.	This issue has been addressed under current fire safety order issued on the owners on 15 December 2023.
The doors opening to the common area from the bathrooms are not tagged as being fire-rated and do not self-close, contrary to the requirements of Clause C4D12 of the NCC and AS 1905.1-2015.	This issue has been addressed under current fire safety order issued on the owners on 15 December 2023.
The stairs discharge within the building (as indicated by the directional exit signage), contrary to the requirements of Clause D2D12 of the NCC.	This issue has been addressed under current fire safety order issued on the owners on 15 December 2023.
The doors opening to the stair were not tagged as being fire rated, contrary to the requirements of Clause C4D9 of the NCC.	This issue has been addressed under current fire safety order issued on the owners on 15 December 2023.
The door to the stair on level 2 had its self-closed disconnected, contrary to the requirements of Clause C4D9 of the NCC.	This issue has been addressed under current fire safety order issued on the owners on 15 December 2023.
The door to the stair on the ground floor had been chocked open, contrary to the requirements of Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.	A corrective action email was sent to the operator on 10 November 2023 requiring all doors to the exit stair to remain closed. An inspection of the premises on 20 November 2023 revealed that all doors to exit stairs were closed and that the issue had been addressed.
The hot water system is accessible directly from the stair, contrary to the requirements of Clause D3D8 of the NCC.	This issue has been addressed under current fire safety order issued on the owners on 15 December 2023.

Issue	City response
A current Annual Fire Safety Statement was not displayed in a prominent location within the building or provided to FRNSW contrary to the requirements of Section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.	This issue has been addressed under current fire safety order issued on the owners on 15 December 2023.

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

FRNSW Recommendations

FRNSW have made a number of recommendations within their report. In general FRNSW have requested that Council:

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed;
2. Ensure the fire safety measures serving the premises are being regularly maintained and that an Annual Fire Safety Statement is being provided to both the Council and FRNSW.
3. Address any other deficiencies identified on “the premises”.

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)

It is recommended that Council continue with compliance action under the current fire safety order issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 which addresses the fire safety deficiencies identified by FRNSW and Council’s building officer.

The current 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	2023/724400-01
A2	Copy of Fire Safety Order	2023/724400-02

Trim Reference: 2023/724400

CSM reference No#: 3102564

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File Ref. No: BFS23/6283 (31694)
TRIM Ref. No: D23/126331
Contact: Ryan Maestri

12 December 2023

General Manager
Council of the 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
ERSKINEVILLE LODGE
11 CHARLES STREET, ERSKINEVILLE (“the premises”)**

Fire and Rescue NSW (FRNSW) received correspondence on 31 October 2023 concerning the adequacy of the provision for fire safety in connection with ‘the premises’.

The correspondence raised a number of concerns relating to the operation of the automatic fire detection and alarm system, particularly with relation to false alarms.

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 16 November 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.
- 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.

Fire and Rescue NSW

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Community Safety Directorate
Fire Safety Compliance Unit

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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.

COMMENTS

The following items were identified during the inspection:

1. Essential Fire Safety Measures
 - 1A. Automatic Fire Detection and Alarm System
 - A. The maintenance logbooks for the Automatic Fire Detection and Alarm System showed that the system was last maintained in 2020, contrary to the requirements of Clause 6.4 of AS 1851-2012.
 - B. A permanent, water and fade resistant zone block plan, depicting all the relevant information of the installation, was not securely mounted adjacent to the Fire Brigade Panel (FBP), contrary to the requirements of Clause 3.10 of AS1670.1-2018.
 - C. The automatic fire detection and alarm system is not connected to Alarm Signalling Equipment (ASE), contrary to the requirements of Clause S20C8 of the NCC.
 2. Compartmentation and Separation
 - 2A. A number of sole-occupancy-units (SOUs) are separated from the common area with lightweight construction which appears to consist of 1 layer of 13 mm plasterboard. It is unknown whether this construction achieves the FRL required for the separating walls as per Specification 5 of the NCC.
 - 2B. The lightweight plasterboard wall separating the SOU directly in front of the egress stairs from the common area has been damaged, exposing the wall cavity. This is likely to prevent the wall from achieving an FRL as per Specification 5 of the NCC.
 - 2C. The doors opening to the common area from the bathrooms are not tagged as being fire-rated and do not self-close, contrary to the requirements of Clause C4D12 of the NCC and AS 1905.1-2015.
3. Egress
 - 3A. The central stairs connect all 3 storeys of the building and are a required exit. As such, these stairs are required to be fire-isolated as per Clause

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D2D4 of the NCC. In this regard, the following issues were noted with the stairs:

- A. The stairs discharge within the building (as indicated by the directional exit signage), contrary to the requirements of Clause D2D12 of the NCC.
- B. The doors opening to the stair were not tagged as being fire rated, contrary to the requirements of Clause C4D9 of the NCC.
- C. The door to the stair on level 2 had its self-closed disconnected, contrary to the requirements of Clause C4D9 of the NCC.
- D. The door to the stair on the ground floor had been chocked open, contrary to the requirements of Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
- E. The hot water system is accessible directly from the stair, contrary to the requirements of Clause D3D8 of the NCC.

4. General

- 4A. A current Annual Fire Safety Statement was not displayed in a prominent location within the building or provided to FRNSW contrary to the requirements of Section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 4 of this report and conduct an inspection.
- b. Ensure the fire safety measures serving the premises are being regularly maintained and that an Annual Fire Safety Statement is being provided to both the Council and FRNSW.
- c. 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 Ryan Maestri of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or

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concerns about the above matters. Please refer to file reference BFS23/6283 (31694) regarding any correspondence concerning this matter.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Maestri', written in a cursive style.

Ryan Maestri
Senior Building Surveyor
Fire Safety Compliance Unit