

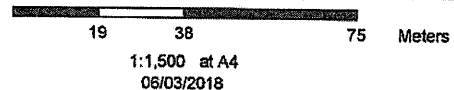
Attachment F

**Council Officer Inspection Report,
42 Morehead Street, Redfern**

42 Morehead Street, Redfern



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**Council investigation officer Inspection and Recommendation Report
Schedule 5, clause17 of the Environmental Planning and Assessment Act 1979 (the Act)**

File: CSM 1854239

Officer: Luke Jeffree

Date: 6 March 2018

Premises: 42 Morehead Street, Redfern - McKell Building (55 Walker Street)

Executive Summary:

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

The premises consists of a 10 storey residential apartment building known as 'McKell Building' owned by New South Wales Land and Housing Corporation (NSW L&HC). The site is bounded by Redfern Street to the north, Kettle Street to the south, Morehead Street to the east and Walker Street to the west.

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 communication system to alert people and assist coordination during an emergency;
- (ii) Internal exit stairways are not fire isolated to protect evacuating persons so as to safely egress in a fire scenario and assist FRNSW carry out search and rescue and fire-fighting;
- (iii) Provision of adequate fire safety measures and systems, in relation to the building's height, to restrict the spread of fire/smoke to such an extent to allow occupants to safely evacuate the building during a fire emergency;
- (iv) Inadequate fire resisting construction to prevent the spread of fire at services riser shafts;
- (v) Poor fire safety management systems (no fire hydrant block plan) to assist FRNSW operations;

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that an Order under Section 9.34 and Schedule 5, Part 2 of the Environmental Planning and Assessment Act 1979 (the Act) is required to be issued so as 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 metallic sheet cladding on the façade of the building.

Chronology:

Date	Event
21/02/2018	<p>FRNSW correspondence received regarding premises McKell Building, 55 Walker Street, Redfern [known under Council records as 42 Morehead Street, Redfern]</p> <p>This correspondence contained an Emergency Fire Safety Order 6, which was issued by FRNSW under s.121B of the Act.</p> <p>The Order was issued on 28 August 2017 and was sent to Council on 21 February 2018 pursuant to s.121ZE of the Act.</p> <p>The Order was partially complied with on 18 October 2017 with the battery and bell</p>

	<p>faults having been rectified on fire panel.</p> <p>FRNSW advise that in their opinion that compliance with their order won't be achieved and have recommended Council take action to address the deficiencies with the smoke detection and alarm system.</p> <p>A desktop review by a Council officer found that the building has been subject to several fire safety upgrading works at various times during the last 15 years that were considered to be suitable measures at the time to provide adequate provision for fire safety of occupants in the event of a fire.</p>
28/02/2018	<p>An inspection of the subject premises was undertaken by a Council officer. The inspection revealed that the works listed in the emergency order had not been completed.</p> <p>The Council officer observed that the effective height of building appeared to be more than 25 m as considered by FRNSW in their correspondence.</p> <p>The inspection verified the lack of signage (block plan) at the fire hydrant booster assembly and discrepancies mentioned in FRNSW correspondence regarding fire hydrant system standard of performance.</p> <p>Also the inspection revealed a number of additional fire safety deficiencies in the premises;</p> <ol style="list-style-type: none"> 1. Internal exit stairways not adequately fire isolated so as to provide for the safe evacuation of occupants; 2. Lack of fire resisting construction at services riser shafts; <p>It is noted that the building has been subject to several fire safety upgrading works at various times during the last 15 years that were considered to be suitable measures at the time to provide adequate provision for fire safety of occupants in the event of a fire. Notwithstanding this, given the number of fire alarm notifications and apparent interference with the fire alarm system it is considered further fire safety upgrading works are required. An order would provide an opportunity for an audit and suitable fire alarm system works to be designed and implemented to address the identified deficiencies.</p> <p>The fire safety order would require an audit of all the existing fire safety measures so as to ensure current deficiencies are rectified.</p>
06/03/2018	<p>Report prepared, to table FRNSW report to Council meeting to be held on 16 April 2018.</p> <p>Council's officer is in contact with FRNSW concerning arrangements for a joint inspection.</p>

FIRE AND RESCUE NSW REPORT:

References: [D18/9620; 2018/079520]

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

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

Schedule 5, clause 17 C:\Users\chann\TRIM\Offline Records (CS)\CSM - Documents - CUSTOMER SERVICE - REGISTRATION(2)\Internal Correspondence - Council investigation officer Inspection and Recommendation Report.DOCX/April 2018 -CM

1. They consider the building to exceed 25 metres in effective height and therefore request a review of the adequacy of fire safety measures installed in the building;
2. A number of faults to the automatic smoke detection and alarm system and concerns regarding ineffective and excessive alarm operation;
3. Fire hydrant system missing signage (block plan) and discrepancies regarding its standard of performance;

FRNSW Recommendations

FRNSW have made five 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. Upgrade the fire hydrant system at the subject premises to comply with AS2419.1-2005;
3. Upgrade the smoke detection and alarm system at the subject premises to comply with AS1670.1-2015;
4. Determine the effective height of the building and if found over 25 metres in effective height, consider a fire safety upgrade to the subject premises;
5. Arrange a mutually convenient time to conduct joint inspection with FRNSW;

FRNSW have also requested that as soon as practical after the above report has been tabled and considered, that notice of any determination in relation to the report and recommendations is forwarded to them in accordance with Section 121ZD (4) 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	Other (to-specify)
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As a result of a site inspection undertaken by Council investigation officers it is recommended that Council exercise its powers to give a notice of intention (NOI) for an Order 6 under Section 9.34 and Schedule 5, Part 2 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council's building officer.

The issue of a fire safety order will ensure that suitable fire safety systems are in position throughout the building to provide improved and adequate provisions for fire safety.

That the Commissioner of FRNSW be advised of Council's actions and outcomes.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2018/085938-01
A2.	Locality Plan (cadastre)	2018/085938-02
A3	Attachment cover sheet	2018/085938-03

Trim Reference: 2018/085938

CSM reference No#: 1854239



File Ref. No: BFS16/2934 (0511)
TRIM Ref. No: D18/9620
Contact: Station Officer [REDACTED]

21 February 2018

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 and REQUEST FOR ASSISTANCE
MCKELL BUILDING
55 WALKER STREET REDFERN ("the premises")**

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

The correspondence stated that:

- *Alarm Signalling Equipment (ASE) not notifying FRNSW to alarm of fire, security had to ring station via local exchange and only that they happened to notice Fire Indicator Panel (FIP) in alarm, no audible warnings/ ext. bells to building.*

Pursuant to the provisions of Section 119T (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 3 August 2017 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- 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 119T (4) and Section 121ZD (1) of the EP&A Act. Please be advised that Section 121ZD (2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

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COMMENTS

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

1. 23 faults were present on the fire indicator panel (FIP) at the building, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

21 of the faults, indicated that a smoke/heat detector or sounder bases had been disconnected from the smoke detection and alarm system in Sole Occupancy Units (SOUs), common areas and service shafts.

2. A battery and bell fault were present on the control and indicating equipment (CIE) associated with the FIP, contrary to the requirements of Clause 182 of the EP&A Regulation.

Certification

3. Effective Height – FRNSW considers that the building has an effective height of more than 25m.

The Annual Fire Safety Statement (AFSS) displayed at the building describes the building as:

- *BCA, Class 2 residential, rise in stories 9-10, with an effective height on or about 25 metres, Type A construction.*

The inspection revealed that the essential fire safety measures required in a building more than 25m in effective height, in accordance with the National Construction Code 2016 Volume One, Building Code of Australia (NCC), have not been provided to the premises.

4. The fire hydrant installation listed on the AFSS states that it is installed to the standard of performance of **"Ministerial Spec' No. 10 Ord 70, AS2419.1."** FRNSW were unable to determine how the fire hydrant system is set up to be served by each standard and/or which portion of the building is served by each Standard.

A lack of signage at the fire hydrant booster assembly does not assist firefighters in determining pressure and flows requirements at the premises.

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

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FIRE SAFETY ORDER NO. 6

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. 6, dated 28 August 2017, in accordance with the provisions of Section 121B of the EP&A Act, to have item no. 1 and item no. 2 of this report rectified.

In accordance with the provisions of Section 121ZE of the EP&A Act, a copy of the Order is attached for your information. FRNSW has conducted further inspections of the building to assess compliance with the terms of this Order.

RE-INSPECTION

Pursuant to the provisions of Section 119T(1)(b) of the EP&A Act and Clause 189(a) of the EP&A Regulation, inspections of 'the premises' on 19 September, 18 October 2017, 13 December 2017 and 6 February 2018 were conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

At the time of the inspection on 18 October 2017, FRNSW found that Item 2 of 'the order' issued on 'the premises' was compliant.

At the time of the inspection of 6 February 2018, Item 1 of the Order was still not compliant.

FRNSW are of the opinion that compliance with the Emergency Fire Safety Order will not be achieved whilst the smoke detection and alarm system is in its current configuration.

Information gathered during re-inspections and investigations relating to the building, allowed FRNSW to deduce the following:

- a. An alarm delay is programmed into the CIE. An activated smoke detector within a SOU sends a signal to the FIP and sounds the local sounder at the panel but does not automatically elevate the alarm to a fire brigade response should the activated detector not be reset/acknowledged.

FRNSW were unable to determine the standard to which this facility complies.

- b. The onsite security advised FRNSW that upon hearing the sounder, if the Fire Brigades have not arrived at the premises within fifteen minutes, a triple zero call is made to the fire brigades.
- c. FRNSW were advised that up to six (6) smoke/heat detectors are installed in each SOU. The representative from the servicing company indicated that that detectors may be removed to prevent FRNSW from responding to the building.

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- d. FRNSW records show that the Fire Brigades have responded to the premises on multiple occasions over the last four (4) years for fire and non-fire incidents.

The table below represents Brigades responses during that period:

YEAR	TOTAL RESPONSES	AFA	FIRES
2014	112	97	15
2015	75	70	5
2016	100	95	5
2017	65	64	1

An excessive incident rate at the premises, resulting from faults, detector and sounder disconnections and a potential delay of up to fifteen-minute for a FRNSW response, may adversely impact on the life safety of occupants at the premises.

ASSISTANCE FOR AUTHORISED FIRE OFFICERS – REQUEST FOR JOINT INSPECTION

In accordance with Section 119T of the EP&A Act, the Commissioner of Fire and Rescue NSW (FRNSW) requests Council make available a Council Investigation Officer for the purposes of an inspection.

Pursuant to Section 119T (3) of the EP&A Act, FRNSW requests Council organize a mutually convenient time to conduct a joint inspection.

Please respond to FRNSW by no later than 7 March 2018 with a suitable date and time when a council investigation officer will be present for an inspection.

RECOMMENDATIONS

FRNSW recommends that Council:

- Inspect and address item no. 1 through to item no. 4 of this report and any other deficiencies identified on 'the premises'.
- Upgrade the fire hydrant system at the premises to comply with AS2419.1-2005.
- Upgrade the smoke detection and alarm system at the premises to the standard of performance of AS1670.1-2015, to incorporate an alarm acknowledgment facility in each SOU.



- d. Determine if the building has an effective height more than 25m. Based on the determination, consider a fire safety upgrade to the essential fire safety measures in the premises.
- e. Pursuant to FRNSW's Request For A Joint Inspection, under Section 119T (3) of the EP&A Act, organize a mutually convenient time to conduct a joint inspection.

Please respond to FRNSW with a suitable date and time when a Council Investigation Officer will be present for an inspection.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Section 121ZD (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Station Officer [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS16/2934 (0511) for any future correspondence in relation to this matter.

Yours faithfully



Building Surveyor
Fire Safety Compliance Unit

Attachment: [Appendix 1 – Emergency Fire Safety Order – Two pages]



Appendix 1 – Emergency Fire Safety Order



Fire & Rescue NSW

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Emergency Fire Safety Order

Under the Environmental Planning and Assessment Act 1979
Part 6 - Implementation and Enforcement: Division 2A - Orders
Tables to Section 121B: Emergency Order No. 6 - Fire Safety Order

Please note.

- Pursuant to Section 121ZC (2) of the Act, this Order has been given as an Emergency Order as the issuing officer believes activity or deficiencies identified constitute an emergency or a serious risk to safety.
Pursuant to Section 121ZK (2) of the Act, there is no right of appeal against this Order.
Failure to comply with this Order may result in further Orders and/or fines being issued.
Substantial penalties may be imposed under Section 125 of the Act for failure to comply with an Order.

I, [redacted] Station Officer [redacted]
(rank) (rank) (number)

being an authorised Fire Officer within the meaning of Section 121ZC of the Environmental Planning and Assessment Act 1979, and duly authorised for the purpose, hereby order.

NSW Land and Housing Corporation Owner
(name of person whom Order is served) (position i.e. owner, building manager)

with respect to the premise

MCKELL BUILDING
55 WALKER STREET REDFERN ("the premises")
(name/address of premises to which Order is served)

to do, or refrain from doing, the following things:

- 1. Ensure the Automatic Smoke Detection and Alarm System installed in 'the premises' is fully operational, by removing all faults displayed on the Fire Indicator Panel.

The terms of the Order are to be complied with:

By no later than 1200 hours on the 5 September 2017

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The reasons for the issue of this Order are:

- a. At the time of the inspections:
 - i. The building was occupied;
 - ii. 23 faults relating to zones throughout the building were displayed on the FIP;
 - iii. A Battery Fault and a Bell Fault were displayed on the FIP
- b. Isolations and faults to the Automatic Smoke Detection and Alarm System may leave occupants unaware of an emergency.
- c. To ensure that the Automatic Smoke Detection and Alarm System is capable of operating in accordance with the designed standard of performance and when first installed.
- d. To ensure that the Automatic Smoke Detection and Alarm System are fully operational, so occupants are provided with early notification of a fire within the premises so that they may safely evacuate the premises.
- e. To comply with the maintenance requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000.

This Order No. 6 was sent by mail on 28 August 2017



Fire Safety Officer
Fire Safety Compliance Unit

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