



File Ref. No: BFS22/1801 (20857)
TRIM Ref. No: D22/58038
Contact: Acting Inspector Paul Scott

13 July 2022

General Manager
City of Parramatta Council
PO Box 32
Parramatta NSW 2124

Email: council@cityofparramatta.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir Madam,

**RE: INSPECTION REPORT
5-11 HOWARD AVENUE NORTHMEAD ("the premises")
AKA 9-11 Kleins Road**

Fire and Rescue NSW (FRNSW) received correspondence on 27 April 2022, in relation to the adequacy of the provision for fire safety in or in connection with 'the premises'.

The correspondence stated that:

- *The Garbage Room in the car park under the building has been used to store a large amount of garbage, including mattresses, furniture, wood, and appliances.*

FRNSW issued a Notice of Intention to Serve an Order (1) dated 5 May 2022 (copy attached). The notice of intention was issued in accordance with the provisions of Section 9.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). FRNSW received written representations in relation to the proposed **Order 1** in accordance with the provisions of Schedule 5, Part 6, Section 8 of the EP&A Act. Upon receipt of the representation an inspection was conducted on 31 May 2022 and 9 June 2022 in accordance with Section 9.32 of the EP&A Act.

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.

Please be advised that upon hearing and considering the representation and subsequent inspection, FRNSW has determined not to give an Order in accordance with Schedule 5, Part 7, Section 15 of the EP&A Act.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

The following items were identified as concerns during the inspection:

1. Certification
 - 1A. An Annual Fire Safety Statement (Annual Fire Safety Statement) was not displayed at the premises contrary to the requirements Clause 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 21).
 - 1B. A fire safety schedule and AFSS received post-inspection indicates that the premises includes Block A, 9 -11 Darcy Street.
 - 1C. FRNSW records show that a AFSS has never been received for the *whole building*.
2. Essential Fire safety Measures
 - 2A. Fire Hydrant System
 - A. The fire hydrant and fire sprinkler booster assemblies and an attack hydrant are installed on the eastern wall of the building on an elevated concrete platform approximately 400 mm above the finished path level. Access is hampered to the booster assemblies and attack fire hydrant as a result.
 - B. Boost and test pressure signage is not installed contrary to the requirements Clause 7.10 of AS 2419.1-2005.
 - C. The fire hydrant block plan lacks adequate detail to be deemed a diagrammatic layout of the protected building to assist during firefighting operations contrary to the requirements Clause 7.11 of Australian Standard (AS) 2419.1-2005.
 - D. Storz couplings are not installed on the feed and attack hydrants at the premises contrary to the requirements Clause 7.1 and 8.5.11.1 of AS 2419.1-2005.

- E. Despite having as head pressure greater than 50 kPa, an isolation valve has not been installed below the boost inlet connections contrary to the requirements Clause 7.4 of AS 2419.1-2005.
 - F. FRNSW are unable to determine if hose lay coverage is compliant in accordance with Clause 3.2.2.2 of AS 2419.1-2005. In this regard,
 - i. The block plan does not depict a stairway to provide access to the carpark. Firefighters may need to use three or four lengths of hose to conduct firefighting in the eastern carpark.
 - ii. A single twin-valved attack hydrant is located on the western side of the 'Kliens Road' building. This single attack hydrant is intended to provide coverage to the building and carpark.
 - G. The pressure gauge on the fire hydrant booster assembly displayed a pressure of 300 kPa. FRNSW are of the opinion that a fire hydrant pumpset should be installed in the system as the most hydraulically disadvantaged hydrant cannot achieve 250 kPa unassisted pressure contrary to the requirements Table 2.2 of AS 2419.1-2005.
 - H. The pressure gauge installed at the booster assembly does not comply with the requirements Clause 9.3 of AS 2419.1-2005. FRNSW observed,
 - i. The window was crazed and difficult to read and appears to be manufactured with a plastic pane rather than glass.
 - ii. The maximum pressure is believed to be 1600 kPa. FRNSW believes the test pressure would exceed this gauge's maximum capacity.
 - iii. Is not fitted with a gauge cock to permit servicing.
- 2B. Automatic fire Sprinkler System.
- A. A local water motor alarm was not installed at the sprinkler system contrary to the requirements Clause 8.10.3 of AS 2118.1-1999.
 - B. Sprinkler range pipes were broken at the carpark entry which affected the coverage of the sprinkler system at the carpark and garbage rooms contrary to the requirements Section 10 of AS 2118.1-1999.
 - i. Items A. & B. above were rectified without the need to issue an Order.
 - C. FRNSW are of the opinion that the sprinkler system does not activate a building occupant warning system at the premises contrary to the requirements Clause Specification E1.5-8 of the

National Construction Code 2019 Volume One, Building Code of Australia (NCC).

2C. Smoke Detection and Alarm System (SDAS)

- A. AS 3786 smoke alarms act as a building occupant warning system in the Howard Street buildings. Without copies of the fire safety schedule or the latest AFSS FRNSW are unable to determine if this is consistent with the fire engineering report for the premises.
- B. The battery in the smoke detector outside Unit No. 20 was exhausted and was found to be chirping contrary to the requirements Section 92 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 21).
 - i. Item B. above was rectified without the need to issue an Order.
- C. FRNSW were unable to access the Kleins Road residential part to determine the type of smoke detection installed.
- D. The Gymnasium on the ground level Kleins Road does not have a smoke detection system installed contrary to the requirements Specification E2.2a-2 (c) of the National Construction Code 2019 Volume One, Building Code of Australia (NCC). FRNSW observed AS3786 smoke alarms installed to act as a compartment occupant warning system. The installed system does not activate a building occupant warning system to alert the residential part of the premises.

3. Access and Egress

- 3A. Due to the proximity of the marked parking area No. 5, the width of the path of travel was not 1000 mm contrary to the requirements Clause D1.6 of the NCC. FRNSW observed a width of 700 mm.
- 3B. A caged storage area under the Howard Street driveway ramp has a maximum head height of approximately 1500 mm contrary to the requirements Clause D1.6 of the NCC.

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 item no. 1 through to item no. 3 of this report and any other deficiencies identified on 'the premises'.

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 Acting Inspector Paul Scott of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS22/1801 (20857) for any future correspondence in relation to this matter.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. Scott', with a stylized flourish at the end.

Paul Scott
Team Leader Fire Safety Compliance
Fire Safety Compliance Unit

Attachments [Appendix 1 – Notice to Issue an Order – 5 pages]

Appendix 1 – Notice to Issue an Order

Unclassified



File Ref. No: BFS22/1801 (20857)
TRIM Ref. No: D22/34487
Contact: Acting Inspector Paul Scott

5 May 2022

Kliens Development PTY LTD
41 Caloola Road
CONSTITUTION HILL NSW 2145

Dear Owner

**Re: NOTICE OF INTENTION – PROPOSED FIRE SAFETY ORDER
5-11 HOWARD AVENUE NORTHMEAD (“the premises”)**

An inspection of the premises was conducted by Officers from the Fire Safety Compliance Unit of Fire & Rescue NSW (FRNSW) on 3 May 2022. The inspection identified fire safety matters that were of concern to FRNSW during the inspection.

Accordingly, FRNSW hereby gives Notice of Intention to give a Fire Safety Order (Order no. 1), in accordance with the provisions of Section 9.34 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) and pursuant to Schedule 5, Part 6, Section 8 (corporation) of the EP&A Act. A copy of the proposed order is attached, which includes the terms of the proposed Order and the period proposed within which the Order is to be complied with.

You may **make representation to FRNSW** as to why the proposed Order should not be given or as to the terms of or the period for compliance with the Order, in accordance with the provisions of Schedule 5, Part 7, Section 13 of the EP&A Act. Representations are to be made in writing and should be received by FRNSW by no later than close of business **18 May 2022**.

After hearing and considering any such representations, in accordance with the provisions of Schedule 5, Part 7 (Section 14 and Section 15) of the EP&A Act, FRNSW may determine:

- to give an Order in accordance with the Proposed Order;
- to give an Order in accordance with modifications made to the Proposed Order;
- not to give an Order.

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 7843

Firesafety@fire.nsw.gov.au

Page 1 of 5

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A report of the inspection will be forwarded to Parramatta City Council, in accordance with the provisions of Sections 9.32, Schedule 5, Part 8 (Section 16 and Section 17) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Acting Inspector Paul Scott of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS22/1801 (20857) for any future correspondence in relation to this matter.

Yours faithfully



Paul Scott
Team Leader Fire Safety Compliance
Fire Safety Compliance Unit

C.C. Kliens Development
Nabil Abboud

E-Mail: nabboud@bigpond.net.au

Unclassified

Unclassified



Proposed Fire Safety Order

ORDER No. 1

Under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*
Part 9 Implementation and Enforcement – Division 9.3 Development Control
Orders
Fire Safety Orders in accordance with the table to Part 2 - Schedule 5.
Intend to give an Order in accordance with Section 9.34(1)(b)

I, **Paul Scott** **Acting Inspector** **6776**
(name) (rank) (number)

being an authorised Fire Officer within the meaning of Schedule 5, Part 8, Section 16 of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose, hereby order:

KLIENS DEVELOPMENT PTY LTD **Owner**
(name of person whom Order is served) (position i.e. owner, building manager)

with respect to the premise

39T5-11 HOWARD AVENUE NORTHMEAD (“the premises”)
(name/address of premises to which Order is served)

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

1. Restore the automatic fire sprinkler system to operate to the minimum standard of performance the system was installed to by,
 - a. Repairing the local water motor alarm located on the external wall in Howard Avenue.
 - b. Restoring the sprinkler range pipes adjacent to the garbage room.
 - c. Provide certification that the sprinkler system operates to the minimum standard of performance it was installed to.
2. Ensure that the Smoke Detection and Alarm System installed in the premises is fully operational, by surveying the system and replacing exhausted batteries in smoke alarms where necessary.

Fire and Rescue NSW
 Community Safety Directorate
 Fire Safety Compliance Unit
Firesafety@fire.nsw.gov.au

ABN 12 593 473 110
 1 Amarina Ave
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 T (02) 9742 7434
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Page 3 of 5

The terms of the Order are to be complied with:

By no later than **21 days** from the date of the order.

The reasons for the issue of this Order are:

1. The premises was occupied at the time of the inspection, as such repairs:
 - 1A. Will assist in controlling the development and spread of fire in accordance with Clause E1.5 of the National Construction Code 2019 Volume One, Building Code of Australia (NCC) and Australian Standard (AS) 2118.1-1999.
 - 1B. Will provide early warning on the detection of fire in accordance with Clause E2.2 of the NCC.
 - 1C. Will provide adequate signage in the building to direct occupants to the safest exit and will operate in the event of fire in accordance with Part E4 of the NCC.
2. The local alarm was not operational, as the gong was not installed.
3. The range pipe at the entry of the carpark has been removed from the distribution pipe as a result of possible mechanical damage.
4. The garbage room has a substantial fire load which may impact on the integrity of the structure as a result of the diminished sprinkler coverage.
5. A smoke alarm near Unit No. 20 was beeping which would indicate that the battery was flat.
6. FRNSW are unable to determine if the automatic fire sprinkler system is operational. FRNSW have not received an Annual Fire Safety Statement for the whole premises. Parramatta City Council advised FRNSW that they last received Annual Fire Safety Statement in 2015 for the whole building.
7. To do, or refrain from doing such things that are specified in the Order, so as to ensure or promote adequate fire safety or fire safety awareness.

You are required to submit certification by email or mail to:

Acting Inspector Paul Scott
Fire & Rescue NSW
Locked Bag 12
GREENACRE NSW 2190
e-mail: firesafety@fire.nsw.gov.au

Unclassified

Appeals

Pursuant to Section 8.18 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against this Order, other than an order that prevents a person using or entering premises.

Non-Compliance with the Order

Failure to comply with this Order may result in further Orders and/or fines being issued. Substantial penalties may be imposed under Section 9.37 of the EP&A Act for failure to comply with an Order.

NOTE: Representations are to be made in writing and should be received by FRNSW by no later than close of business **18 May 2022**.



Paul Scott
Team Leader Fire Safety Compliance
Fire Safety Compliance Unit

This **Proposed** Fire Safety Order No. 1 was sent by mail and e-mail on **5 May 2022**.