



File Ref. No: BFS17/461 (12974)
TRIM Ref. No: D17/28441
Contact: Station Officer Paul Scott

15 May 2017

The General Manager
Ku-ring-gai Council
818 Pacific Highway,
GORDON NSW 2072

Email: kmc@kmc.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir/Madam

**Re: INSPECTION REPORT
497-507 Pacific Highway, Killara (“the premises”)**

Fire & Rescue NSW (FRNSW) received correspondence on 4 March 2017, in relation to the adequacy of the provision for fire safety in or in connection with ‘the premises’.

The correspondence stated that:

- *Smoke detectors in fire stairs capped. Fire door propped open.*

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 14 March 2017 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

FRNSW conducted a joint inspection at the premises with Council officer Warwick Bailey on 2 May 2016.

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 on 14 March 2017:

1. The main stop valve of sprinkler installation No. 2 was closed off, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg).

Note: During an inspection on 24 March 2017, the occupant from Unit #38 advised FRNSW that the sprinkler head in his Sole Occupancy Unit (SOU) was now leaking. FRNSW have concerns that the sprinkler installation may have been isolated for an extended period leading up to the inspection on 14 March 2017.

2. Numerous dust caps were present on smoke detectors within the building, contrary to the requirements of Clause 182 of the EP&A Reg.
3. Metal tags indicating the Fire Resistance Levels (FRL's) were missing from the fire doors and frames to the garbage room, contrary to the requirements of Australian Standard (AS) 1905.1.
4. The discharge doors from the fire isolated stairways serving the residential levels, opens into a glazed enclosure which is not open for 2/3 of the perimeter, contrary to the requirements of Clause D1.7 of the National Construction Code, Volume One, Building Code of Australia (NCC).
5. The exit door from the visitor parking area is lockable with a key from the side that faces a person seeking egress and requires a key to exit, contrary to the requirements of Clause D2.21 of the NCC and Clause 186 of the EP&A Reg.
6. The path of travel to the road (on the southern side of the building), after discharging from the fire isolated stairways, does not have a clear dedicated pathway to the road and was overgrown with vegetation, contrary to the requirements of Clause D1.10 of the NCC.
7. Fire shutters actuated by a fusible link are installed on the openings in the external walls of the building (which are located within 6m along the path of travel to the road, after discharging from the fire isolated stairways). However, the awning style windows, when in the open position, project out past the track of the fire shutter, which may prevent the shutter from returning to the fully closed position, contrary to the requirements of Clause C3.4 of the NCC.
8. Multiple unprotected service penetrations through the slab exist in the carparking area and garbage rooms, contrary to the requirements of Clause C3.12, C3.15 and Specification C3.15 of the NCC.
9. The addressing of the sprinkler installations on the FIP do not correspond with the addresses on the sprinkler alarm valves.
10. The sprinkler block plans do not reflect the sprinkler installation area of coverage, contrary to the requirements of Clause 8.3 of AS2118.1-1999. In this regard, the



block plan does not indicate that sprinklers exist in the residential portion of the building.

11. The sprinkler installations were not connected to the Fire Indicator Panel (FIP) to activate an alarm because of loss of pressure, contrary to the requirements of Clause 8.1.4 of Australian Standards (AS) 2118.1-1999.

12. Storz adaptors on the fire hydrants were found to be of cast mould manufacturing, contrary to the requirements of AS2419.1-2005, AS2419.2 and AS2419.3.

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

FIRE SAFETY ORDER NO. 6

FRNSW inspecting officers issued three (3) Order No. 6, dated 15 March 2017, 24 March 2017 and 27 April 2017 in accordance with the provisions of Section 121B of the EP&A Act, to have item no. 1, item no. 2, Item 11 and Item No.12 of this report addressed.

In accordance with the provisions of Section 121ZE of the EP&A Act, copies of the orders are attached as follows:

Order 6 dated 15 March 2017 (Attachment 1)

- An inspection of the premises on the 24 March 2017 found that the terms of the Order dated 15 March 2017, was not satisfied.
- A Show Cause letter was issued against the owners of the premises on 24 March 2017 (Attachment 2).
- An inspection of 'the premises' on 7 April 2017 found that the terms of the Order to be compliant.

Order 6 dated 24 March 2017 (Attachment 3)

- An inspection of the premises on 7 April found the Order to be compliant.

Order 6 dated 27 April 2017 (Attachment 4)

- Compliance date for Order 6 is 17 May 2017. Inspection to be conducted at a later date.



RECOMMENDATIONS

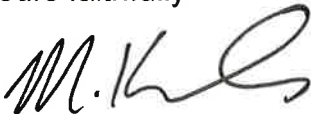
FRNSW recommends that Council:

- a. Inspect and address item no. 3 through to item no. 10 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 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 6776 Paul Scott of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS17/461 (12974) for any future correspondence in relation to this matter.

Yours faithfully



Mark Knowles
Building Surveyor
Fire Safety Compliance Unit

Attachments: Appendix 1 – Emergency Order 6 dated 15 March 2017 – issued to The Owners of Strata Plan 86801
Appendix 2 – Show Cause Letter dated 24 March 2017 – issued to The Owners of Strata Plan 86801
Appendix 3 – Emergency Order 6 dated 24 March 2017 – issued to The Owners of Strata Plan 86801
Appendix 4 – Emergency Order 6 dated 27 March 2017 – issued to The Owners of Strata Plan 86801



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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, Paul Scott <small>(name)</small>	Station Officer <small>(rank)</small>	6776 <small>(number)</small>
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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:

The Owners of Strata Plan 86801 <small>(name of person whom Order is served)</small>	Owners <small>(position i.e. owner, building manager)</small>
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with respect to the premise

497-507 Pacific Highway, Killara ("the premises")
(name/address of premises to which Order is served)

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

1. Restore the sprinkler installation to an operating condition.
2. Remove dust caps from smoke and heat detectors throughout the building

The terms of the Order are to be complied with:

By no later than **1200 hours** on the **22 March 2017**.

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Fire & Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate Fire Safety Compliance Unit	Locked Bag 12 Greenacre NSW 2190	T (02) 9742 7434 F (02) 9742 7483
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The reasons for the issue of this Order are:

- a) At the time of the inspection:
 - i. The building was occupied;
 - ii. The main stop valve of sprinkler installation No. 2 was parked in the closed position;
 - iii. Dust caps were installed on multiple smoke and heat detectors throughout the building;
- b) The isolated sprinkler installation will not:
 - i. Automatically commence fire suppression to the area the installation protects;
 - ii. Activate the building occupant warning system to ensure occupants:
 - a. Can evacuate the building in a timely manner;
 - b. Are not impacted by the heat and smoke resulting from a fire within the building;
- c) The covered smoke and heat detectors in the building will delay the detection of smoke and heat resulting from a fire to ensure occupants:
 - i. Can evacuate the building in a timely manner;
 - ii. Are not impacted by the heat and smoke resulting from a fire within the building;
- d) To maintain the essential fire safety measures throughout the building in accordance with Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg).

This Order No. 6 was sent by mail on **15 March 2017**.



Paul Scott
Fire Safety Officer
Fire Safety Compliance Unit



Appendix 2 – Show Cause Letter



Unclassified

File Ref No: BFS17/461 (12974)
TRIM Ref. No: D17/17498
Contact: Station Officer Paul Scott

24 March 2017

The Owners of Strata Plan SP86801
497-507 Pacific Highway
Killara NSW 2071

Dear Sir / Madam,

RE: EMERGENCY ORDER
497-507 Pacific Highway Killara ("the premises")

An inspection of 'the premises' on 24 March 2017 by officers of the Fire Safety Compliance Unit of Fire & Rescue New South Wales (FRNSW), was in response to FRNSW's Order 6 dated 15 March 2017 ("the Order") issued under Section 121B of the Environmental Planning & Assessment Act 1979 (EP&A Act) [copy attached].

At the time of the inspection observations confirmed that the following items remain outstanding:

- a. Sprinkler installation main stop valve remains isolated.
a. The servicing company was on site at the time of the inspection. A resident from Unit 38 presented to the servicing company and stated that water was leaking from a sprinkler head in his Sole Occupancy Unit (SOU).

Upon inspection of the unit, the leak could be confirmed.

As a result the main stop valve for both Installation No. 1 and 2 were isolated

- b. Dust caps remain in place on smoke detectors in the building.

Please be advised that failure to comply with 'the Order' and the continued use of 'the premises' may constitute a significant fire hazard to person/s that occupy the building, including property in the neighbourhood. You are therefore requested to provide details in writing that confirms a proposed date for compliance with the outstanding items listed in 'the Order' by no later than 3 April 2017

Failure to comply with 'the Order' may result in legal action that includes but not limited to, Orders to evacuate 'the premises' or significant fines. Should FRNSW not receive these details by the specified date a determination will be made based on the information available at the time.

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Should you have any enquiries regarding any of the above matters, please do not hesitate to contact FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS17/461 (12974) for any future correspondence in relation to this matter.

Yours faithfully



Stephan Netling
Manager Fire Safety Compliance Unit

C.C E-mail:

Steve
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administration@eazystratamanagement.com.au

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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.	Paul Scott <small>(name)</small>	Station Officer <small>(rank)</small>	6776 <small>(number)</small>
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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:

The Owners of Strata Plan 86801 <small>(name of person whom Order is served)</small>	Owners <small>(position i.e. owner, building manager)</small>
------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------

with respect to the premise

497-507 Pacific Highway, Killara ("the premises")
(name/address of premises to which Order is served)

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

1. Connect the pressure switch on sprinkler installation number two to the Alarm Signalling Equipment, to cause a signal to be sent to the fire brigades monitoring centre in accordance with Clause 3.2 of Australian Standards 2118.1-1999

The terms of the Order are to be complied with:

By no later than 1200 hours on the 3 April 2017.

The reasons for the issue of this Order are:

- a) At the time of the inspection
 - i. The building was occupied;
 - ii. The pressure switch on sprinkler installation No. 2 was not connected to the Fire Indicator Panel or the Alarm Signalling Equipment.
- b) The sprinkler installation will not:
 - i. Automatically upon actuation of the sprinkler system transmit a distinctive alarm signal to a fire brigade receiving centre or to a constantly attended monitoring service with a direct data link to the fire brigade or fire brigade dispatch centre.
- c) To maintain the essential fire safety measures throughout the building in accordance with Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg).

This Order No. 6 was sent by mail on **24 March 2017**



Paul Scott
Fire Safety Officer
Fire Safety Compliance Unit



The reasons for the issue of this Order are:

1. A representative of NSW Fire Extinguisher Services advised FRNSW that storz adaptors had been installed on the internal attack hydrants within the building. The representative was unable to confirm if the aluminium storz adaptors were manufactured using a forging process.
2. At the time of the inspection:
 - a. The building was occupied.
 - b. Storz adaptors were installed on the fire hydrant connections, utilised by FRNSW, that were manufactured using a cast mould process.
3. To comply with the requirements of:
 - a. Clause 3.4 (Valve Outlet Connections) of Australian Standard (AS) 2419 2-2009.
 - b. Clause 3.5(b) (Inlet Connections) AS 2419.3-2012.
4. To maintain the essential fire safety measures throughout the building in accordance with Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg).
5. To do, or refrain from doing such things that are specified in the Proposed Order, so as to ensure or promote adequate fire safety or fire safety awareness.

This Fire Safety Order No. 6 was sent by mail on 27 April 2017.


 6776 Paul Scott
 Fire Safety Officer
 Fire Safety Compliance Unit

