

11.2 Water Service - 2 Ascot Place, Ballina.DOC



ARDILL PAYNE

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7517 2013_05_17 ltr to bsc re fire service.docx

20 May 2013

General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Paul Hickey

Dear Mr Hickey

**RE: FIRE SERVICE TO LOT 71 DP 749501
2 ASCOT PLACE, BALLINA**

RECORDS
SCANNED
21 MAY 2013
Doc No.....
Batch No.....

Lot 71 Ascot Place is located in the Canal Industrial Estate, Ballina. The estate was developed by Ballina Shire Council in 1979 (DA 79/384). There are 79 lots in the estate, including the Racecourse Precinct.

A reticulated water service is provided throughout the estate, however there is no water main in Ascot Place. Fire hydrants are located at regular intervals along Racecourse Road. All 79 lots in the estate, with the exception of Lot 71, have a fire hydrant in close proximity. The nearest fire hydrants to Lot 71 are located approximately 140m distant, on the southern side of Racecourse Road (see **Figure 1**). The water service to Lot 71 is from Racecourse Road via a drainage reserve to the rear of the lot. We understand that this connection is suitable to service fire hose reels, but is not suitable to service fire hydrants.

In 1987, Council granted development consent 239/1987 to T.A and T.J Martin to construct an industrial building on the site. The approximate ground floor area of the building is 1540m². In accordance with the BCA, the building is classified as a Class 8 building. Clause E1.3(a) of the BCA states that, for a Class 8 building over 500m² in floor area, and where a fire brigade is available to attend the building, a fire hydrant system must be provided to service the building.

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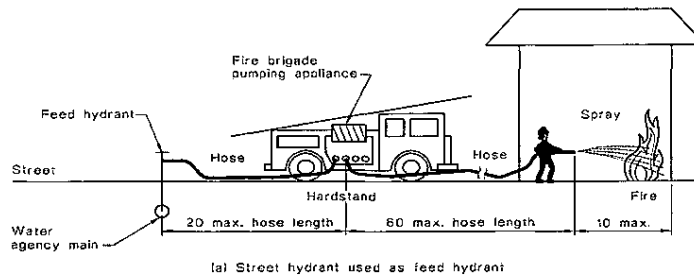
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AS 2419.1 'Fire Hydrant Installations – Part 1: System Design, Installation and Commissioning' states that street fire hydrants are considered as external (feed) fire hydrants provided they meet current standards for flow, pressure and location. There is no water main in Ascot Place and there are no street fire hydrants within 140m of Lot 71. Consequently, there is no provision for the extension of a hydrant service to Lot 71. Coverage requirements from street hydrants is specified in AS 2419.1 (extract shown below).



On 5th April 2013, APP's Chris Mulder discussed the issue with Council's Andrew Swan. Mr Swan advised that an extension of the water main into Ascot Place does not appear in future Council works programs under DSP funding. On behalf of the owners, we request that the provision of a water main in Ascot Place be urgently placed on Council's DSP funding program.

It is our opinion that Council, as the developer of the estate, has not satisfied its own development standards by not providing a suitable fire hydrant service to Lot 71, as it has for the other lots in the estate. In the event of a fire at Lot 71, this could leave Council exposed to litigation. The current landowners are concerned about the implications of a substandard water service in the event of a fire.

On behalf of the landowner, we request that Council take immediate action to provide a water main to the road frontage of Lot 71, including a fire hydrant, on the basis that:

- Council should have provided a water main in Ascot Place in the original development of the estate
- the existing supply does not meet BCA or Australian Standards for fire protection, and

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- it would be unreasonable for Council to expect the landowner to fund the extension of a water main to the property, as the Council was the original developer of the estate.

Yours faithfully



Tony Cromack
ARDILL PAYNE & PARTNERS

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FIGURE 1.

NEAREST FIRE HYDRANTS

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Andrew Swan

13/60432

8 October 2013

Tony Cromack
Ardill Payne and Partners
79 Tamar Street
BALLINA NSW 2478

Dear Mr Cromack

Re: FIRE SERVICE TO LOT 71 DP 749501, 2 ASCOT PLACE, BALLINA

Thank you for your letter of 20 May 2013 where you request provision of a fire service main by Ballina Shire Council to Lot 71, DP 749501, 2 Ascot Place, Ballina.

As you know Council's water supply network has hydrants installed at numerous locations pursuant to s142 of the Local Government Regulation (General). These hydrants are required to be placed on the water mains at necessary and suitable places to extinguish fires and be kept in effective working order.

Council undertakes both these tasks by providing for hydrant spacing of approximate 60m intervals along the main and has a target to inspect 50% of the hydrants in the network annually.

The provision of fire protection services in accordance with AS2419.1 is the responsibility of the property owner and subsequently Council wishes to advise you that it will not be agreeing with your request to provide those services for the owner.

The role of Council as either the developer or the approval authority of the original development is not considered to be relevant to this issue and you have not provided evidence that there was an unacceptable breach of the relevant standards at the time of construction.

Council is open to an application by the owner for an extension of the water main either as developer supplied infrastructure or via a private works contract with Council.

If you have any enquiries in regard to this matter please contact me on 0415 788 517.

Yours faithfully

Andrew Swan
**Acting Manager, Water and Wastewater
Civil Services**

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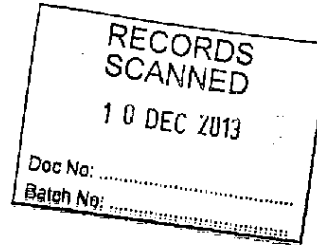


7517 2013_12_06 response to bsc ltr re fire service.docx

6 December 2013

General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Paul Hickey



Dear Mr Hickey

**RE: FIRE SERVICE TO LOT 71 DP 749501
2 ASCOT PLACE, BALLINA**

We refer to your letter dated 8 October 2013 (your ref 13/60432) in respect of the subject matter.

We wish to express our disappointment in Council's response to our original letter dated 20 May 2013. Firstly, it took Council almost 5 months to provide a written response, and secondly the response provided was contrary to a prior verbal assurance by a Council officer, that the situation of concern to the landowner would be addressed by Council.

Our original discussions in this matter were handled by Council's Rod Dawson, who we understand has since left Council's employ. After detailed discussions between APP's Tony Cromack and Chris Mulder and Council's Rod Dawson, we were verbally advised by Mr Dawson that Council would extend the Council water main such that a suitable fire service could be provided to the subject lot. Mr Dawson further advised that a letter would be forthcoming from Council to that effect. Subsequent to Mr Dawson's departure from Council, further discussions were held between Tony Cromack and Council's Andrew Swan.

Whilst we concede that a verbal assurance from a Council officer does not confirm Council's commitment, at no time in discussions with Mr Swan were we led to believe that Council's position was going to change. We made repeated approaches to Council by phone and

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email, both before and after Mr Dawson's departure, requesting confirmation in writing of Council's commitment.

To address the main points of Council's letter of 8 October:

- We agree that it is Council's responsibility to ensure that fire hydrants are located on water mains at suitable places to extinguish fires. This spacing is at approximately 60m intervals along the main. It is therefore reasonable to expect that a street hydrant would be located no further than 60m from the subject lot. All other lots in this estate have access to a fire hydrant within the minimum distance. **The closest hydrant to Lot 71 is 140m distant, in Racecourse Road.**
- The objective of AS2419.1, as stated in Clause 1.2(a), is to specify the minimum requirements for the design, installation and commissioning of fire hydrant systems which will augment the efficient extinguishment of fire within the boundaries of the site. We agree that it is the owner's responsibility to provide fire services within the boundaries of the site, which would be connected to and extended from Council's water main service. **It is unreasonable to expect the landowner to extend Council's water main to the site in order to provide a compliant street hydrant system.**
- We consider that it is totally relevant that, as both developer and approval authority, Council has failed to comply with their own and statutory development standards for the provision of fire hydrants to an industrial estate. These development standards specify that fire hydrants shall be provided along a water main at approximately 60m intervals to ensure that all allotments have adequate fire coverage. **There is no water main or fire hydrant provided in Ascot Place.**
- Council has stated that we have not provided evidence that there was an unacceptable breach of relevant standards at the time of construction. As stated in our letter of 20 May 2013, Council in 1987 granted consent to DA 239/1987 for the construction of an industrial building on the site, with an approximate ground floor area of the building of 1540m². In accordance with the BCA, the building is classified as a Class 8 building. Clause E1.3(a) of the BCA states that, for a Class 8 building over 500m² in floor area, and where a fire brigade is available to attend the building, a fire hydrant system must be provided to service the building. **Council has failed to enforce both the BCA and Australian Standards by approving the erection of this building without a compliant fire hydrant system.**

We have contacted the Station Commander at Ballina Fire Station (Fire & Rescue NSW), Captain Dennis Henry, to express our concerns regarding access to a fire hydrant in the event of a fire at the site. Captain Henry's response is attached. In summary, Fire & Rescue NSW has expressed concerns over:

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- the lack of a fire hydrant which satisfies the acceptable minimum separation distance
- the need for the Brigade to deploy additional fire fighting resources to provide appropriate coverage and water pressure in the event of a fire
- the unknown contents of the storage sheds and the potential fuel loads contained within
- the resultant complications in attacking the fire which would not exist if appropriate fire hydrant coverage was provided
- the consequent increase in the risk of significant property damage/loss and risk/injury to firefighting personnel.

In the event of a fire at Lot 71, this could leave Council exposed to litigation. The current landowners remain concerned about the implications of the lack of a street hydrant system at the site.

We request that Council reconsider its position as outlined in your letter of 8 October 2013, and again, on behalf of the owners, request that the provision of a water main in Ascot Place be urgently placed on Council's DSP funding program.

Yours faithfully



Tony Cromack
ARDILL PAYNE & PARTNERS
Encl. letter from Fire & Service NSW

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FIRE & RESCUE NSW



BALLINA FIRE STATION

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ABN: 12 593 473 110

File No:

25 November 2013

Mr Tony Cromack
Ardill, Payne & Partners
79 Tamar St
Ballina NSW 2478

Re: Ballina Self Storage Units, 2 Ascot Place, Ballina

I refer to your recent enquiry regarding water hydrant locations and the concern of the availability of a decent water supply in the event of a fire at the above address.

Our mapping shows no hydrants located in Ascot Place, with the nearest hydrants located some 130 metres from the south-east boundary of the property in Racecourse Rd. The hydrant spacing is, on average about 60 metres which allows water to be delivered to a pumping appliance at adequate pressure for firefighting operations.

Following your enquiry Ballina Fire Brigade has conducted an inspection of the area and confirmed a lack of hydrants in the immediate vicinity, and has now formulated a pre incident plan for this address. Identified as a major concern for this structure is the unknown contents of such a large number of storage sheds and the fuel loads contained within.

The subject land is not serviced by a fire hydrant which satisfies the acceptable minimum separation distance (as per the relevant standards). In the event of a fire, this situation will require the deployment of additional firefighting resources (by the Brigade) to provide appropriate coverage and water pressure to enable a fire to be brought under control on the site. This situation will potentially result in complications in attacking the fire, which would not exist if appropriate fire hydrant coverage was provided, consequently increasing the risk of significant property damage/loss and risk/injury to firefighting personnel

I appreciate you bringing this matter to my attention.

Yours faithfully

Captain Dennis Henry
Station Commander
Ballina Fire Station
Mobile: 0414 904912
Email: dennis.henry@fire.nsw.gov.au

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