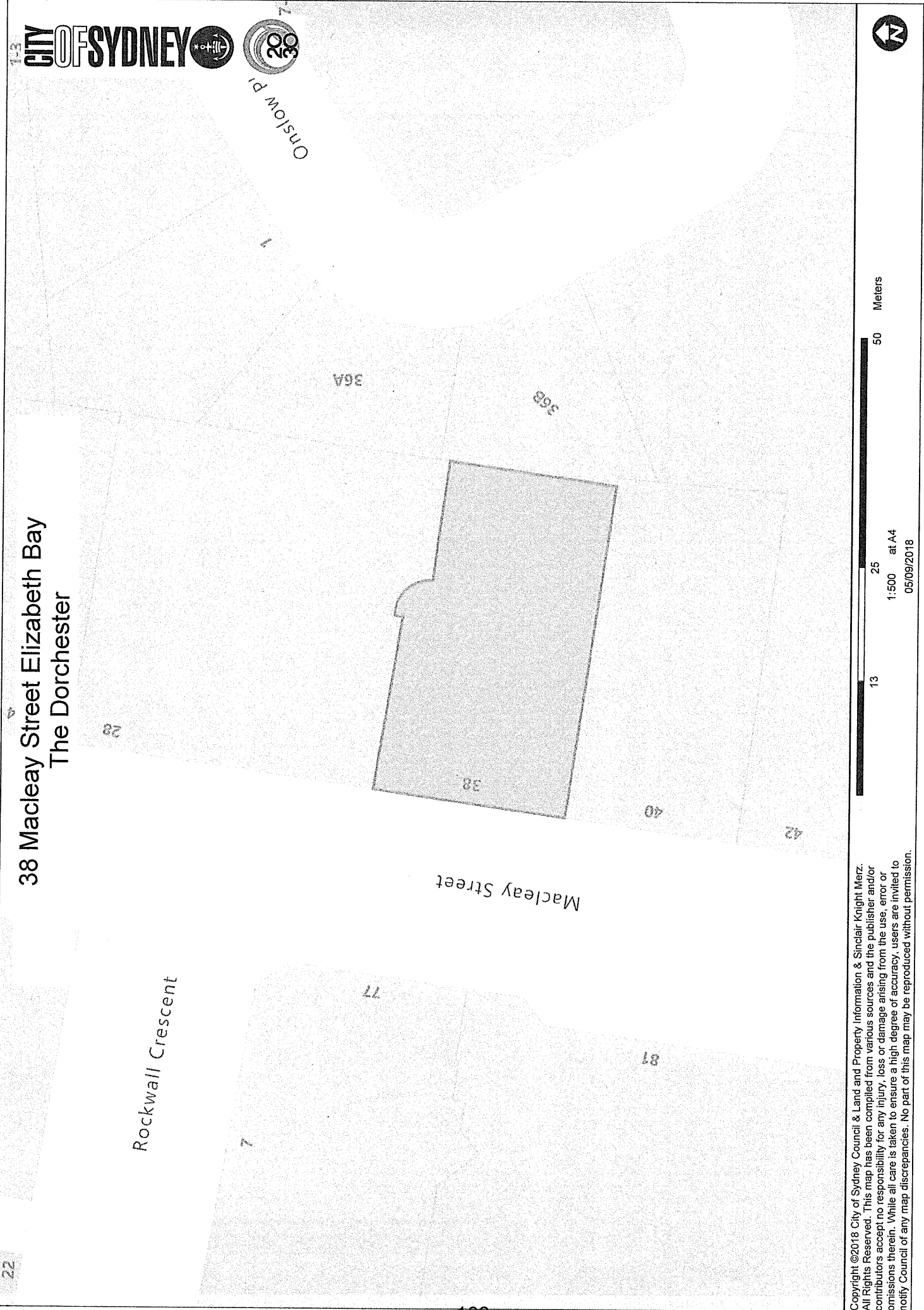


Attachment M

<p>Council Officer Inspection Report - 38 Macleay Street, Elizabeth Bay</p>
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38 Macleay Street Elizabeth Bay
The Dorchester

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**Council investigation officer Inspection and Recommendation Report
Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act
1979 (the Act)**

File: 2018/467588

Officer: Andrew Porter

Date: 10 September 2018

Premises: 38 Macleay Street Elizabeth Bay (The Dorchester)

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 an 11 storey apartment building with associated basement car parking.

The effective height of the building is approximately 34 metres.

The two basement levels comprise of car parking associated with the residential use of the building, the ground floor comprises of a indoor pool, and gymnasium associated with the residential use of the building, the first floor through to the tenth floor of the building contain one sole occupancy unit per floor level, each used for residential accommodation.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire.

The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the above fire safety works are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner's fire service contractor(s) through written instruction from Council.

Chronology:

Date	Event
04/09/2018	FRNSW correspondence received regarding premises located at 38 Macleay Street Elizabeth Bay.
07/09/2018	An inspection of the subject premises was undertaken by a Council officer which identified a number of fire safety related deficiencies within the building including: <ul style="list-style-type: none">➤ Installation/Operational deficiencies associated with the internal fire hydrant system;➤ Fire indicator panel displaying a fault, which requires investigation, the building manager was advised to contact the fire services contractor to have the issue immediately resolved;➤ Lack of fire sprinkler system spares

FIRE AND RESCUE NSW REPORT:

References: D18/62331: 2018/465194

Fire and Rescue NSW conducted an inspection of the subject premises after receiving correspondence that there was no smoke detectors within Level 1 of the subject building.

Issues: The report from FRNSW detailed a number of issues, in particular noting concerns on:

- The Automatic Fire Detection and Alarm System;
- Fire Hydrant System;
- Sprinkler System;

FRNSW Recommendations: FRNSW have made 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 and to carry out a fire safety audit on the building to ensure all deficiencies within the building including but not limited to the items identified in their report are adequately addressed.
2. FRNSW has recommended that as Council are the regulatory authority the matter is referred for Council to take action to have the abovementioned items appropriately addressed.
3. 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 clause 121ZD (4) of the EP&A Act 1979.

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)

As a result of site inspection undertaken by Council investigation officers it is recommended that the owners of the building be issued with written instructions to rectify the identified fire safety deficiencies noted by FRNSW.

The above proposed correspondence will request that the building owner's:

- Conduct corrective maintenance works to the existing fire hydrant system as to cause in general, compliance with the nominated standards of performance;
- Undertake remedial works and have required signage and access to the combined hydrant and sprinkler systems booster assembly caused to be compliant with the nominated standards of performance;
- Carry out remedial works to the existing fire detection and alarm system to have the fault cleared and cause compliance with nominated standards of performance;
- Supply the correct number of spare sprinkler heads and spanner to the onsite sprinkler spares box to cause compliance with the nominated standards of performance;
- Remove stored paint cans from within the sprinkler control valve room;

Follow-up compliance inspections are currently being undertaken, and will continue to be undertaken by a Council investigation officer to ensure identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence and the recommendations of FRNSW occur.

It is recommended that Council not exercise its powers to give a fire safety order under Schedule 5 of the Environmental Planning and Assessment Act, 1979 at this point in time.

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	2018/467588-01
A2.	Locality Plan	2018/467588-02
A3	Attachment cover sheet	2018/467588-03

Trim Reference: 2018/467588

CSM reference No#: 1948487



File Ref. No: BFS17/1915 (1236)
TRIM Ref. No: D18/62331
Contact: [REDACTED]

3 September 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
"THE DORCHESTER"
36-38 MACLEAY STREET, POTTS POINT ("the premises")**

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

The correspondence stated in part that:

- I am the recently elected Chairman of the Owners' Corporation. There appears to be an issue with one of the apartments in our building - Unit 1 on the first floor. Last year (on Sept 15, 2016) we received our AFSS. This was provided by [REDACTED]*

In March this year [REDACTED] was contracted to replace all the smoke detectors in the building. The man who did the work advised me that there were no smoke detectors on Level 1 as they had been removed and the area where they should be had been plastered over. He then advised that he had not seen any smoke detectors when he did the inspection last year as the apartment was being renovated.

At this year's inspection there was a lot of difficulty getting access to Apartment 1. Access was delayed but finally achieved. I was advised by the person doing the inspection that there were no smoke detectors, but carbon monoxide

FIRE AND RESCUE NSW

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detectors. He said that in his view that this did not comply with the regulations. The next day the managing agent () was advised by () that the building complied. We have asked for copies of the detailed reports for this year and last year but nothing has been forthcoming.

I have also been advised informally that a fireplace has been installed in Apartment 1. I suggested to () that they look at this and determine if there is a fire place and, if so, whether it has been flued correctly. There has been no approval from Council or the Owners' Corporation for a fireplace. I am concerned for the safety of residents and for the adequacy of the building's insurance cover.

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 5 December 2017 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

Please be advised that the inspection for 'the premises' was conducted prior to the amendments of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on 1 March 2018. As such, all references to the relevant sections in this report are provided prior to the amendments 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.

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.

COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances and the items listed outline deviations from the National Construction Code Volume One 2016 Building Code of Australia (NCC) which may contradict development consent approval or correlate to the building's age. In this regard, it is Council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate course of action.

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

1. Essential Fire Safety Measures

1A. The Automatic Fire Detection and Alarm System:

- a) Zone Block Plan - A zone block plan was not provided at the Fire Indicator Panel (FIP), contrary to the requirements of Clause 3.10 of Australian Standard (AS) 1670.1-2015.
- b) Discussions with the building manager/concierge and the fire services technician at the time of the inspection revealed that Unit 1 had recently replaced the detectors in the unit with new smoke detectors.
- c) The FIP was displaying one (1) fault. However, discussions via the phone with the fire services technician at the time of the inspection, revealed that the fault was a module fault only that required reprogramming to remove and there was no fault with the system.

1B. Fire Hydrant System – The following comments are provided having regard to AS 2419.1.2005:

- a) The hydrant booster assembly:
 - i. Boost pressure and test pressure signage was not provided at the booster assembly, contrary to the requirements of Clause 7.10.1.
 - ii. The hydrant booster assembly enclosure did not contain a lock compatible with FRNSW access key (003 key), contrary to the requirements of Clause 7.9.
 - iii. The doors to the booster enclosure are not clearly identified with fade resistant signs "COMBINED FIRE HYDRANT AND SPRINKLER BOOSTER", contrary to the requirements of Clause 7.10.2.
 - iv. The height of the booster inlet connections appears to be more than 1200mm above the standing surface in front of the booster assembly, contrary to the requirements of Clause 7.4.

b) The hydrant pumproom:

- i. The pumproom does not achieve a minimum 2.1m high internal clearance with adequate space for pump maintenance and replacement, contrary to the requirements of Clause 6.4.1(e).
 - ii. The internal pumproom which is located in the basement carpark level is not accessed via a door opening to a road or open space, or a door opening to a fire-isolated passageway or stair which leads to a road or open space, contrary to the requirements of Clause 6.4.2(a) of AS 2419.1-2005.
- c) Fire hydrant accessibility and clearance – The hydrant outlet valves in the fire isolated stairway are not provided with clearances around the outlet of not less than 300mm through an arc of 225° to facilitate hose coupling, contrary to the requirements of Clause 3.5.2. In this regard, the main hydrant pipe runs vertically and centrally between the stair flights and the handrail creates an obstruction. Furthermore, some of the hydrant outlet valves are sloping more than 35° below the horizontal, contrary to the requirements of Clause 3.5.1(b).
- d) Protective caps and retaining chains are not provided to all hydrant valves throughout the premises, contrary to the requirements of Clause 8.5.11.1.
- e) Storz aluminium alloy delivery couplings, which are compatible with FRNSW appliances and equipment, are not provided to all hydrant valves throughout the premises, contrary to the requirements of Clauses 7.1 and 8.5.11.1.

1C. Automatic Fire Suppression System:

- a) A complete stock of spare sprinklers and spanner had not been provided at the sprinkler control valves, contrary to the requirements of Clause 6.7 of AS 2118.1-1999.

2. Generally

- 2A. Fire Control Room (FCR) – The entry door to the FCR was not fitted with a lock compatible with FRNSW access key (003 key).

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 any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 2 of this report be addressed appropriately.

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 [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS17/1915 (1236) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]
Building Surveyor
Fire Safety Compliance Unit