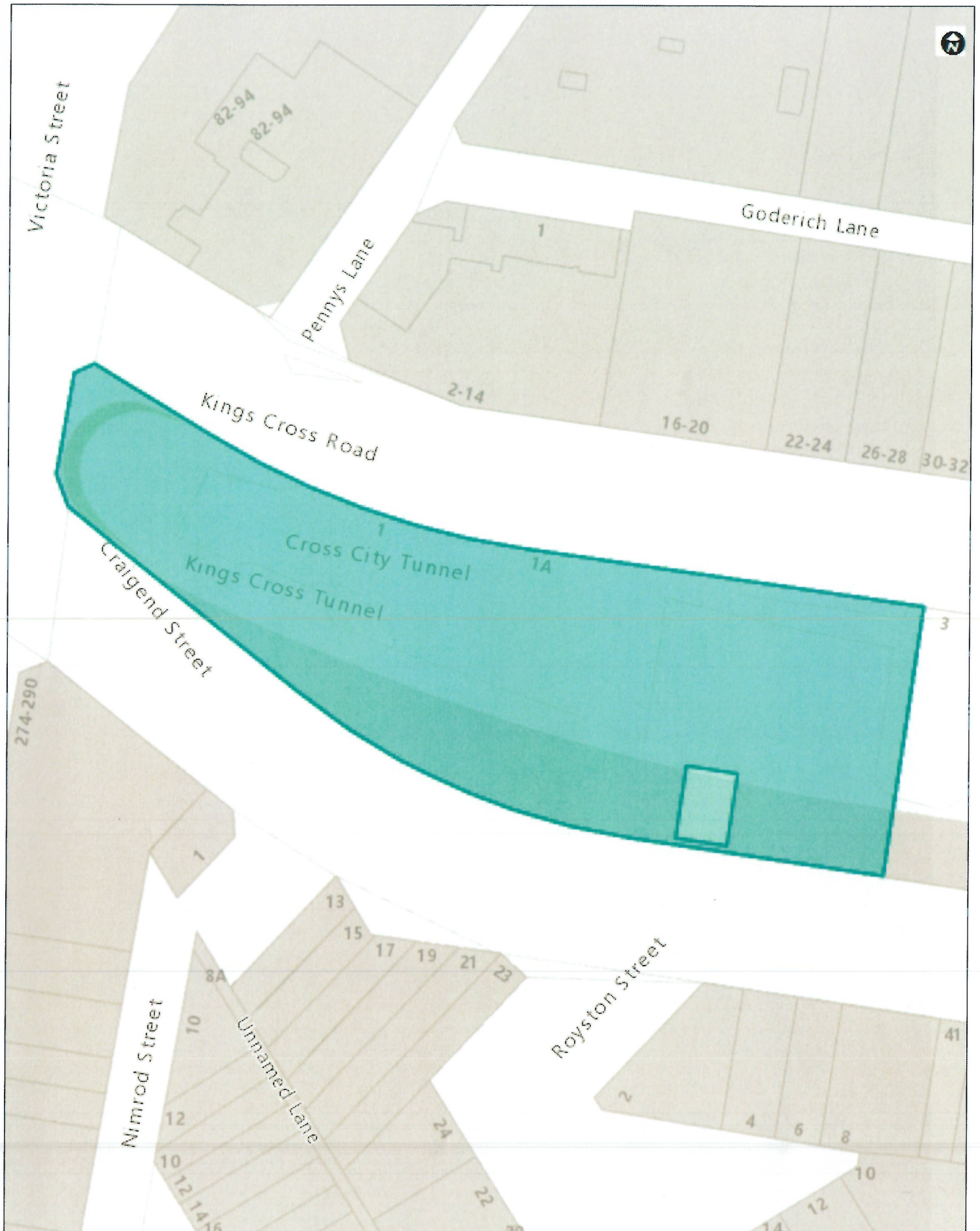


Attachment B

Council Officer Inspection Report - 1 Kings Cross Road, Darlinghurst



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

File: CSM2126149

Officer: Chad Grant

Date: 11 September 2019

Premises: 1 Kings Cross Road, Darlinghurst

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 22 July 2019 in relation to the subject premises with respect to matters of fire safety.

The premises consists of a 39 storey building (including 2 below ground carpark levels) known as "The Elan". The building is used for residential apartments and various commercial uses such as offices, and a café, and associated carpark.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building manager revealed that the premises lack adequate facilities for firefighting. In particular the existing fire hydrant system no longer suits the operational needs of FRNSW.

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a fire safety order to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 is required to be issued so as to ensure and promote adequate facilities for fire safety.

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
22/07/2019	FRNSW correspondence received regarding premises 1 Kings Cross Road, Darlinghurst.
29/07/2019	<p>An inspection of the subject premises was undertaken by a Council investigation officer which revealed:</p> <ul style="list-style-type: none">➤ The premises are equipped with various fire safety systems such as sprinklers and automatic fire detection and alarm systems.➤ The building is provided with a current and compliant Annual Fire Safety Statement that was on display.➤ The buildings Emergency Warning and Intercommunication System and Fire Indicator Panel were operational.➤ The building is provided with a fire hydrant system that is considered to be compliant to the standard applicable at the time of installation. However the existing fire hydrant system no longer suits the operational needs of FRNSW.➤ The isolation valve installed at the internal fire brigade booster on Level 14 is required to be rectified to comply with the required standard.

FIRE AND RESCUE NSW REPORT:

References: [BFS19/2048 (7900); D19/49066; 2019/366227]

FRNSW conducted an inspection of the subject premises on 2 July 2019 after receiving an enquiry on 14 June 2019 about *"Mid-level booster point requiring portable pumps to be brought to the site by FRNSW"*.

Issues:

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

1. Ordinance 70 and Australian Standard 2419.1-1994 for fire hydrants permitted the use of an internal booster connection for portable relay pumps to be installed in buildings above 75m in height to provide a pressurised water source for firefighting operations on the upper levels of the building. The use of portable relay pumps no longer suit the operational needs of FRNSW;
2. The isolation valve installed at the internal fire brigade booster on Level 14 is installed in a position against the wall and is considered non-operational contrary to the requirements of Australian Standard 2419.1-1994.

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;
2. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979;
3. 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.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order(NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	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 a site inspection undertaken by Councils investigation officer it is recommended that Council exercise its powers to give a notice of intention (NOI) for a fire safety order to be issued under Schedule 5 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 determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/378967-01
A2.	Locality Plan	2019/378967-02
A3	Attachment cover sheet	2019/378967-03

Trim Reference: 2019/378967**CSM reference No#:** 2126149



File Ref. No: BFS19/2048 (7900)
TRIM Ref. No: D19/49066
Contact: [REDACTED]

12 July 2019

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 ELAN
1 KINGS CROSS ROAD DARLINGHURST ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 14 June 2019, in relation to the adequacy of the provision for fire safety in connection with 'the premises'. The correspondence stated that:

- *Mid-level booster point requiring portable pumps to be brought to the site by FRNSW.*

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 2 July 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW. 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 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. Fire Hydrant System

- 1A. Ordinance 70 and Australian Standard (AS) 2419.1-1994 permitted the use of an *internal booster connection for portable relay pumps* to be installed in buildings above 75 metres or as required by the regulatory authority, to provide a pressurised water source for firefighting operations on the upper levels of the building. In this regard, the use of portable relay pumps, no longer suits the operational needs of FRNSW.
- 1B. The isolation valve installed at the internal fire brigade booster on Level 14 is installed in a position against the wall and is considered non-operational contrary to the requirements of Clause 4.4.5 of AS2419.1-1994.

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 of this report be addressed appropriately.
- b. Upgrade the fire hydrant system, to operate without the need for a portable relay pump, to meet the requirements of the current AS2419.1 for an equivalent new building, as these older fire hydrant systems no longer meet the operational requirements of FRNSW.

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

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 Qualified Firefighter [REDACTED] of FRNSW's Fire Safety Compliance Unit on [REDACTED]. Please ensure that you refer to file reference BFS19/2048 (7900) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

Fire Safety Compliance Unit