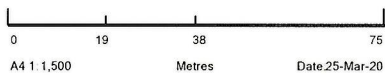
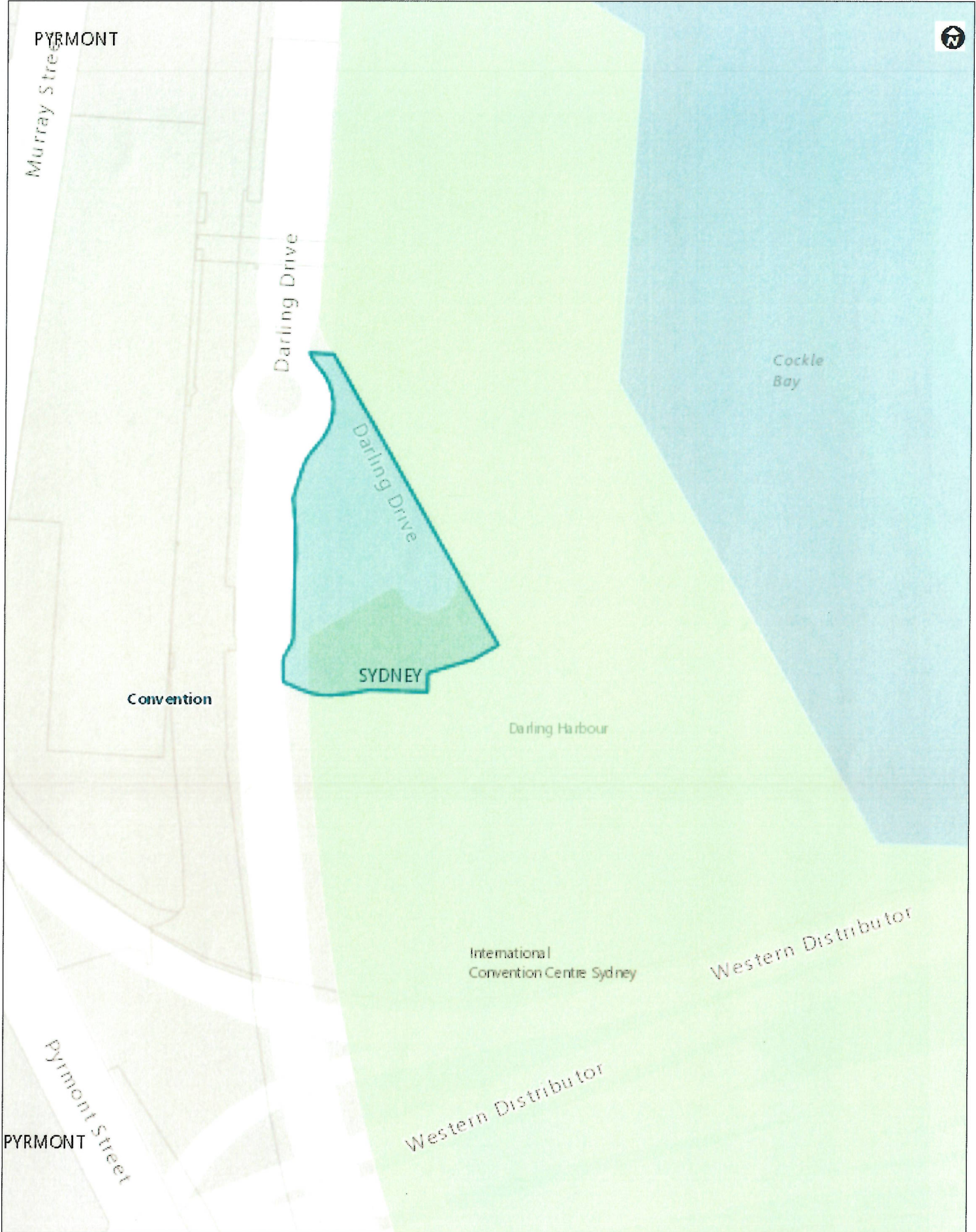


Attachment F

**Inspection Report
12 Darling Drive, Sydney**



A4 1:1,500

Date 25-Mar-20

**Council investigation officer Inspection and Recommendation Report
Clause 17(2), Part 8 of Schedule 5, of the Environmental Planning and Assessment
Act 1979 (the Act)**

File: CSM 2257178

Officer: Jae Lee

Date: 25/03/2020

Premises: 12 Darling Drive, Sydney

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 a 37 storey hotel known as "The Sofitel". The building is used for short term accommodation, function rooms, retail and associated carpark.

An inspection of the premises undertaken by a Council investigation officer in the presence of the Chief Engineer and the General Manager of the premises revealed that there were no significant fire safety issues occurring within the building.

The hotel is equipped with numerous fire safety systems (both active and passive) as per the provisions of the BCA for a Class 3 Type A building, which 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 main lobby of building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Council investigations have revealed that the premises are deficient in fire safety and egress provisions in the following areas:

- (i) Inadequate exit signage for occupants to safely evacuate the building in the event of a fire;
- (ii) Lack of suitable fire resisting construction to prevent the spread of fire (performance issues with Level 1 back of house fire door)

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/fire safety awareness.

Observation of the external features of the building did not identify the existence of metallic sheet any combustible composite cladding on the façade of the building.

Chronology:

Date	Event
28/02/2020	FRNSW correspondence received regarding premises 12 Darling Drive, Sydney
10/03/2020	An inspection of the subject premises was undertaken by a Council officer in the presence of the Chief Engineer and the General Manger revealed the following; 1. Essential Fire Safety Measures 1A(a) Alarm Signalling Equipment (ASE) Upon inspection the ASE was found to be operational. 1A(b) Smoke Detection & Alarm System Upon inspection the FIP was found to be showing faults, but has since been rectified with all

	<p>faults removed.</p> <p>1C Exit Signage All exit signage located in the corridors on the residential levels were not clearly visible or readily apparent.</p> <p>2. Compartmentation 2A Fire Door Upon inspection of the Back of House fire doors, it was found that the Level 1 fire wall door was chocked open without an electromagnetic hold open door relay device, and did not self-latch when in the closed position. This has since been rectified, with an electromagnetic device fitted and the door now being able to self-latch in the closed position.</p>
18/03/2020	Notice of Intention to issue a fire safety order issued.

FIRE AND RESCUE NSW REPORT:

References: D20/13966; BFS20/63 (10125); 2020/139032

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about the adequacy of fire safety on 05 February 2020.

Issues

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

1. Tampering with Alarm Signalling Equipment;
2. Inadequate maintenance of the Smoke Detection and Alarm system;
3. Inadequate number of exit signage;
4. Obstruction of fire doors – misuse and inadequate function of fire doors.

FRNSW Recommendations

FRNSW have recommended that Council inspect the subject premises and appropriately address items 1 & 2 of the report and any other deficiencies identified on ‘the premises’.

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 Schedule 5, Part 8, Section 17 (4) of the Environmental Planning and Assessment 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 inspections undertaken by a Council investigation officer it was determined that concern for public safety required the giving of a notice of intention (NOI) for a fire safety order to be issued under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 without any further delay.

It is recommended that Council note the exercise of powers by Council's investigation officer in issuing a NOI to give a fire safety order in accordance with the above Act prior to the resolution of Council.

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

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2020/139032-04
A2.	Attachment cover sheet	2020/139032-02
A3	Locality Plan	2020/139032-03

Trim Reference: 2020/139032

CSM reference No#: 2257178



File Ref. No: BFS20/63 (10125)
TRIM Ref. No: D20/13966
Contact: [REDACTED]

28 February 2020

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
'SOFITEL SYDNEY DARLING HARBOUR
12 DARLING DRIVE, SYDNEY ("the premises")**

A review of Fire & Rescue NSW (FRNSW) records revealed that the Alarm Signalling Equipment (ASE) provided for the Automatic Smoke Detection and Alarm System and the Automatic Sprinkler System was isolated for 814 hours between October 2019 to December 2019.

Pursuant to the provisions of Section 9.15 and Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 5 February 2020 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

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items are limited to observations of the building accessed at the time of the inspection and identifies possible deviations from the National Construction Code 2019, Volume 1 Building Code of Australia (NCC). FRNSW acknowledges that the deviations may contradict development consent approval or relate to the building's age. It is therefore council's discretion as the appropriate regulatory authority to consider the most appropriate action.

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

1. Essential Fire Safety Measures

1A. Alarm Signalling Equipment (ASE)

- A. The ASE was isolated at the time of the inspection, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

Discussions with management of the Sofitel revealed that the ASE was isolated to prevent false alarms from works being carried out within various rooms of the hotel, in relation to general renovation works and specific rectification works to the air-conditioning system.

FRNSW advised the Sofitel that it is an offence to tamper "with any fire alarm or signalling apparatus for giving notice of fire" pursuant to Section 34 of the Fire and Rescue NSW Act 1989 ('the act') and that failure to comply may delay a timely response from FRNSW to conduct lifesaving firefighting operations and may constitute an offence under "the act".

Sometime after the discussion, the ASE was observed to be de-isolated and retuned to 'normal' operation. FRNSW were provided with an assurance from the General Manager of the Sofitel that the practise of isolating the ASE will no longer form part of any procedure or practise of staff and the organization.

Furthermore, in the interest of public safety as an interim precaution, FRNSW will remotely monitor the ASE isolation report for 'the premises' and conduct random inspections over a 2-month period to confirm that the practise of isolating the ASE is no longer occurring.

1B. Smoke Detection and Alarm System

- A. There were faults and isolations displayed at the Fire Indicator Panel (FIP), contrary to the requirements of Clause 182 of the EP&A Regulation.

Discussions with management of the Sofitel revealed that most of the faults and isolations were to various rooms in the hotel where works were being carried out, in relation to general renovation works and specific rectification works to the air-conditioning system.

Sometime after the discussion, the faults and isolations which did not relate to the areas within the premises where works were being carried out were removed.

1C. Exit Signage

- A. Residential levels 5, 6 and 34 were inspected, as the faults and isolations related to rooms on these levels. The common area and exit configuration were the same as observed on each level. Each level has two (2) exits available, served by a common area consisting of a continuous looping corridor.

There were areas within the common areas where the required exits and direction to the required exits were not readily apparent. Additional directional exit signage and a re-orientation of the exit signs may benefit the areas, such that an exit sign or directional exit sign is clearly visible from all areas, in accordance with Clause E4.6 of the NCC.

A review of the exit signage may be required as a result of the following observations:

- i. The exit signs above the required exits were flush with the wall, making it difficult to notice when approaching the exit from the ends of the corridors.
- ii. There are only two (2) directional exit signs, located at diagonally opposite corners of the looping common area corridor. Two (2) additional exit signs were not located at the opposite ends of the corridor, to provide direction to the alternative exit.
- iii. There is an exit sign at the end of the occupant lift shaft common area, in lieu of a directional exit sign.

2. Compartmentation

- 2A. Door chocks were holding open fire doors and/or self-closing devices were removed from fire doors located within the back of house service areas on the lower levels of 'the premises', prohibiting the doors from self-closing, contrary to the requirements of Clause C3.4 of the NCC.

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

RE-INSPECTIONS

Pursuant to the provisions of Section 9.32(1)(b) of the EP&A Act and Clause 189(a) of the EP&A Regulation, inspections of 'the premises' on 5 and 21 February 2020 were conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

At the time of the inspections, the ASE was observed to be in the 'normal' position and was not isolated.

RECOMMENDATIONS

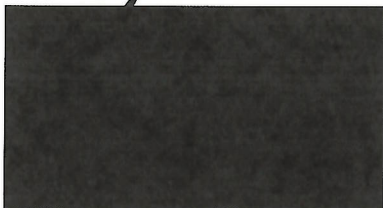
FRNSW recommends that Council:

- 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 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 [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS20/63 (10125) for any future correspondence in relation to this matter.

Yours faithfully

A large black rectangular redaction box covering the signature of the representative of the Fire Safety Compliance Unit.

Fire Safety Compliance Unit