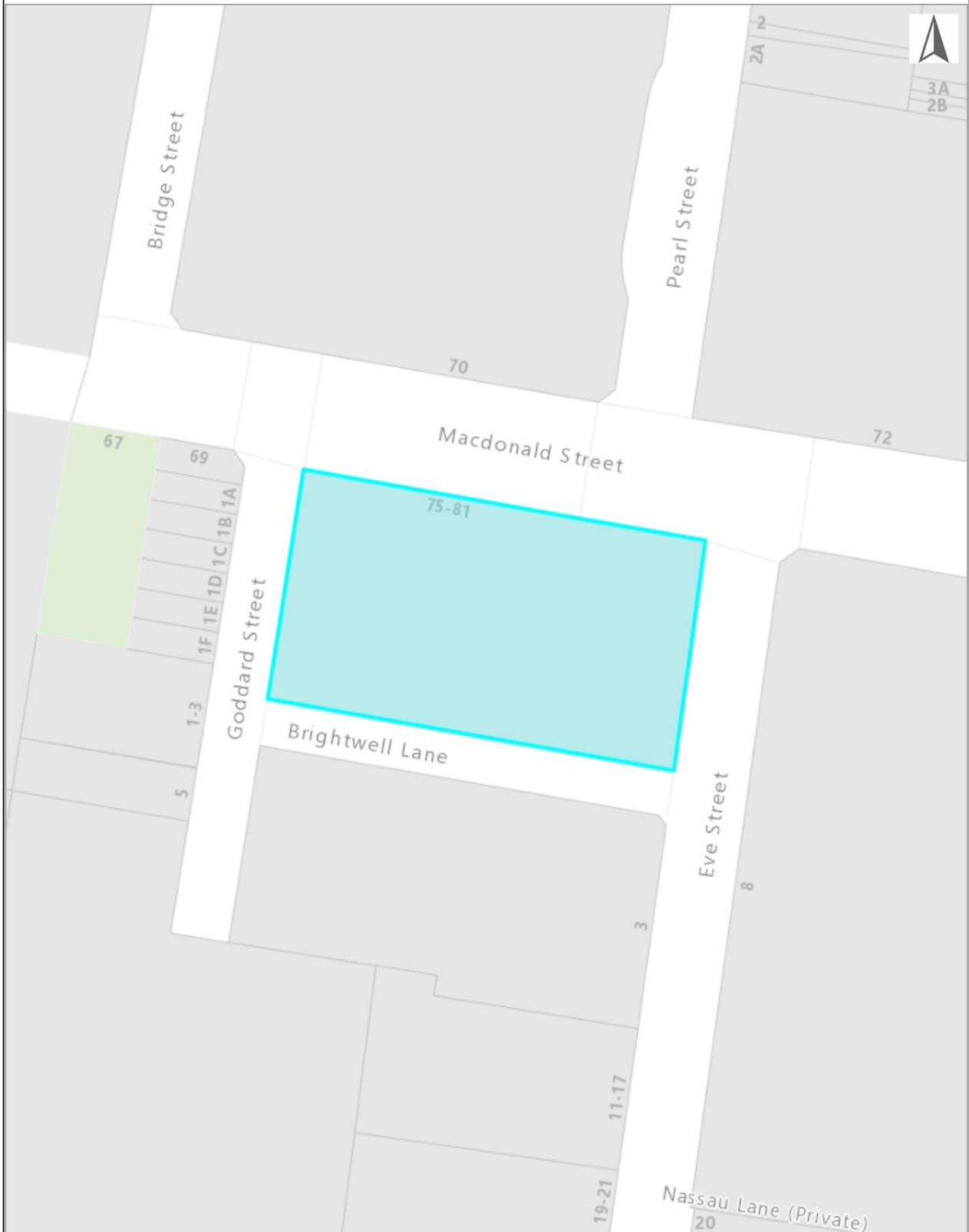


# **Attachment G**

**Inspection Report  
75-81 Macdonald Street, Erskineville**



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Notes

7/12/2022

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

**File: 2877459**

**Officer: M. Hassan**

**Date: 6/01/2023**

**Premises: 75-81 Macdonald Street, Erskineville**

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**Executive Summary:**

The City received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 31 October 2022 in relation to the subject premises (specifically “Rochford”) with respect to matters of fire safety.

FRNSW’s inspection resulted from the ‘Project Remediate’ program being undertaken by the NSW Department of Customer Service, which is a three-year program to help remove combustible cladding on residential apartment buildings throughout NSW.

The premises known as “Rochford” is a six-storey residential apartment building comprising two levels of basement car parking. The premises is located on the corner of Macdonald Street and Eve Street, Erskineville and is surrounded by residential apartment buildings.

The subject premises is fitted with external combustible cladding. The City’s cladding compliance team have issued a fire safety notice requiring cladding removal and replacement. Appropriate precautionary interim fire safety measures are currently in place to assist in safeguarding occupants whilst cladding removal and replacement works are scheduled. The interim measures include raising site cladding risk awareness with all building occupants; the removal of potential fire hazards/processes from critical potential fire start areas; the introduction of site management procedure plans and temporary rules to carefully manage hot/building maintenance works and the implementation of any expert recommendations.

An inspection of the premises undertaken by the City on 11 November 2022 in the presence of the building manager revealed that several fire safety measures in the building were not being maintained correctly.

Written correspondence was sent to the owners of the building on 17 November 2022 requiring the rectification to the defective fire safety measures in the building within thirty days. Further inspections were undertaken by the City on 30 November 2022 and 6 January 2023 in the presence of the building manager. The inspection revealed that most of the defective fire safety measures identified had been rectified to the satisfaction of Council, the remainder of works to be completed by 30 January 2023.

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. There are no significant fire safety issues occurring within the building. 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 (Development Certification and Fire Safety) Regulation 2021.

Investigations have revealed that whilst there remains 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.

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**Chronology:**

Date	Event
31/10/2022	FRNSW correspondence received regarding premises "Rochford" at 75-81 Macdonald Street, Erskineville.
11/11/2022	An inspection of the subject premises was undertaken with the building manager. The inspection revealed the following: 1. A zone block plan was not mounted adjacent to the fire indicator panel (FIP). 2. The door leading to the pump room (providing access to stair 6 and the B1 car park) was not fitted with a lock compatible with FRNSW access key. 3. A strap used to secure the sprinkler booster isolation valve was broken. 4. The loading dock area in Block A lacked exit signs 5. The basement storeroom lacked a sufficient quantity of emergency lighting. 6. Several fire hose reels serving the basement storeroom and the basement car park were not wound correctly. 7. Several pipe penetrations within electrical cupboards and the basement car park had not been properly sealed against the spread of fire. A corrective action letter will be sent to the owners this week requiring them to rectify the issues noted above.
17/11/2022	An Infringement Caution Letter was sent to the owners of the building on 17 November 2022 requiring the owners to rectify the defective fire safety measures in the building within a certain time frame.
30/11/2022	A follow up inspection of the subject premises was undertaken with the building manager, the inspection revealed that most of the works required to be completed had been completed.
06/01/2023	A follow up inspection of the subject premises was undertaken with the building manager, revealing that sealing penetrations in electrical cupboards and car park had been completed, and the remaining item on the letter can be completed by 30 January 2023.

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**FIRE AND RESCUE NSW REPORT:**

References: BFS22/5156 (24149) D22/93009; 2022/562814;

Fire and Rescue NSW conducted an inspection of the subject premises after becoming aware of cladding through the Government's Project Remediate.

## Issues

The report from FRNSW detailed several fire safety issues in particular noting:

Issue	City response
A zone block plan was not mounted adjacent to the fire indicator panel (FIP).	Corrective action letter issued requiring FIP to be installed. Building manager has advised that zone block plan will be installed by 30 January 2023.
The door leading to the pump room (providing access to stair 6 and the B1 car park) was not fitted with a lock compatible with FRNSW access key.	Corrective action letter issued requiring a suitable lock to be installed. A suitable lock was installed afterwards
A sign marked with the maximum allowable inlet pressure was not provided at the sprinkler booster connection.	The subject sign was present during the inspection.
The isolation valve at the sprinkler booster was not secured by a padlocked chain or a padlocked or riveted strap.	Corrective action letter issued requiring the isolation valve to be properly secured. The isolation valve was provided with a suitable padlocked chain afterwards.
A plan of risk (block plan) of the sprinkler system was not provided at the booster assembly, contrary to the requirements of Clause 8.3 of AS 2118.1-1999.	Clause 8.3 of AS 2118.1-1999 does not specify that a sprinkler block is required beside the sprinkler booster so we cannot enforce this requirement.
Furniture items were stored in the public corridor in Block B on level 5.	No furniture items were observed in the public corridor in Block B on level 5 or any other public corridor in the building.
Exit signs and directional exit signs were not provided within the loading dock area in Block A	Corrective action letter issued requiring suitable exit signs be installed within the subject loading dock. Suitable exit signs were installed within the subject loading dock area afterwards.

## FRNSW Recommendations

FRNSW have made several 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 in item no. 1 appropriately addressed; and
2. Consider the deficiencies in item no.2.

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## 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)

Inspections undertaken by a Council officer in company with the building manager of the premises revealed that most of the issues identified by Fire and Rescue NSW in their letter dated 31 October 2022 have been rectified.

Follow-up compliance inspections will continue to be undertaken by a Council officer to ensure 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 at this time and 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	2023/003860-01

**Trim Reference:** 2023/003860

**CSM reference No#:** 2877459

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Unclassified



File Ref. No: BFS22/5156 (24149)  
TRIM Ref. No: D22/93009  
Contact: [REDACTED]

31 October 2022

General Manager  
City of Sydney  
GPO Box 1591  
SYDNEY NSW 2001

Email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

Attention: Manager Compliance / Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT  
'ROCHFORD'  
75-91 MACDONALD STREET, ERSKINEVILLE ("the premises")**

In response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW, an inspection of 'the premises' on 5 October 2022 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW), pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In this instance, the inspection revealed fire safety concerns that may require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

In this regard, 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.

Fire and Rescue NSW

ABN 12 593 473 110

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

Community Safety Directorate  
Fire Safety Compliance Unit

1 Amarina Ave  
Greenacre NSW 2190

T (02) 9742 7434  
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[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

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Unclassified

## COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items outline concerns in general terms, deviations from the fire safety provisions prescribed in Section 9.32(1)(b) of the EP&A Act and Clause 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

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

1. Essential Fire Safety Measures
  - 1A. Automatic Fire Detection and Alarm System:
    - A. Zone Block Plan - A permanent, water and fade resistant zone block plan of the fire detection and alarm system, depicting all the relevant information of the installation, was not securely mounted adjacent to the Fire Indicator Panel (FIP), contrary to the requirements of Clause 3.10 of AS1670.1-2004.
  - 1B. The Fire Hydrant System:
    - A. The pumproom:
      - i. The door leading to the pump room (Stair 6 via the B1 carpark as denoted on the block plan at the FIP) was not fitted with a lock compatible with FRNSW access key. It appears that this door is an alternative route to the pumproom from the FIP as part of a fire engineered solution.
  - 1C. Automatic Fire Suppression System:
    - A. The sprinkler booster assembly:
      - i. A sign marked with the maximum allowable inlet pressure at the connection was not provided at the booster assembly, contrary to the requirements of Clause 4.4.3 of AS 2118.1-1999.
      - ii. The isolation valve at the sprinkler booster was not secured open by a padlocked chain or a padlocked or riveted strap, contrary to the requirements of Clause 8.2 of AS2118.1-1999. In this regard, one of the straps was deteriorated and broken and the isolation valve was not secured.
      - iii. A plan of risk (block plan) of the sprinkler system was not provided at the booster assembly, contrary to the requirements of Clause 8.3 of AS 2118.1-1999.



- 1D. Fire Engineering Report (FER) - As identified on the Annual Fire Safety Statement on display at the FIP, the building is subject to 'Fire Safety Engineering Report 162615-ce, Issue No: V7-0, prepared by Scientific Fire Services dated 13 September 2017. The following comments are provided:
  - A. Furniture items were stored in the public corridor in Block B on Level 5 (adjacent to the lift / Unit 503), which is inconsistent with the requirements of the FER.

FRNSW is therefore of the opinion that the fire safety provisions prescribed for the purposes of 9.32(1)(b) of the EP&A Act, have not been complied with.

### ADDITIONAL COMMENTS

In addition to the items identified above, relating to the Fire Safety Provisions prescribed by Clause 112 of the EPAR 2021, the following items were also identified as concerns at the time of the inspection and it would be at council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

2. Generally:
  - 2A. Exit signs and directional exit signs:
    - A. Exit signs/directional exit signs were not provided within the loading dock area in Block A to direct the occupants to the exit door, after discharging from the ground floor public corridor in Block A, contrary to the requirements of Clause E4.5 & Clause E4.6 of the National Construction Code Volume One Building Code of Australia (NCC).

### RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address item no. 1 of this report.
- b. Give consideration to the other deficiencies identified on 'the premises' identified in item no. 2 of this report.

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.

**Unclassified**

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 [REDACTED]. Please ensure that you refer to file reference BFS22/5156 (24149) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]  
Fire Safety Compliance Unit