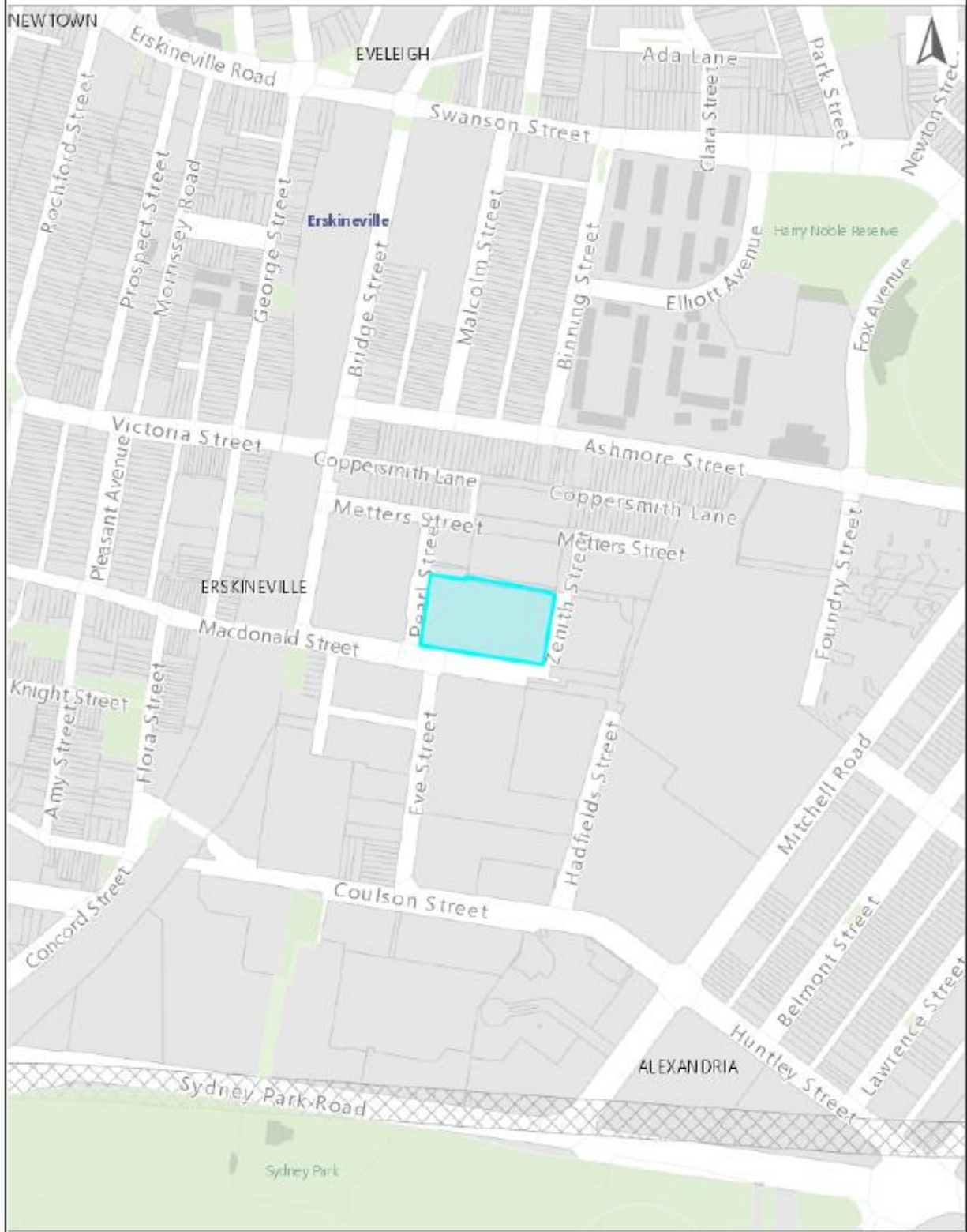


# **Attachment K**

**Inspection Report  
72 Macdonald Street, Erskineville**

# 72 Macdonald Street, Erskineville



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Notes

5/12/2022

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

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**File: CSM 2883522**

**Officer: T McCann**

**Date: 13 December 2022**

**Premises: 72 Macdonald Street, Erskineville**

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**Executive Summary:**

The City received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 11 November 2022 in relation to the premises 72 Macdonald Street, Erskineville 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 site consists of six (6) blocks of residential accommodation being six storeys in height.

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 in the presence of the building manager revealed that there were no significant fire safety issues occurring within the building.

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.

Investigations have revealed that whilst there remains several 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 Accredited Practitioner – Fire Safety through written instruction from Council.

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## Chronology:

Date	Event
11/11/2022	FRNSW correspondence received regarding premises 72 Macdonald Street, Erskineville. The correspondence was initiated by the Project Remediate program and a FRNSW inspection on 05 October 2022 (reference 2022/637984-01).
15/11/2022	A review of City records show the fire safety schedule for the premises contains thirty-five (35) fire safety measures, including an automatic fire detection system, an automatic fire suppression system, internal fire hydrant system and other fire safety measures typical for a building of this classification all of which are compliant until 05 May 2023.
06/12/2022	An inspection of the subject premises was undertaken by the City on 06 December 2022, when the following items were noted: <ol style="list-style-type: none"><li>1. The front page of the Annual Fire Safety Statement was only displayed in the lobby of block A, The Building Manager has been asked to have all pages displayed behind the locked display cabinet.</li><li>2. The lettering to several fire safety doors providing access to the fire isolated stairs was missing and therefore did not comply with the requirements of Clause D2.23 of the Building Code of Australia</li><li>3. Fire Hose Reel Number one (1) had not been correctly wound in the basement carparking level contrary to the requirements of Clause 12 of AS 2441-2005.</li></ol> Issues specifically raised by FRNSW and responses to those issues, are summarised in the following table.
12/12/2022	Corrective action letter issued

## FIRE AND RESCUE NSW REPORT:

References: BFS22/5158 (24152); D22/97466

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 a number of issues, in particular noting:

Ref.	Issue	City response
1AC	A complete stock of spare sprinklers and a spanner had not been provided at the sprinkler control valves, contrary to the requirements of Clause 6.7 of AS2118.1-1999.	Addressed by way of a corrective action letter sent 12 December 2022.
1E	Fire Engineering Report (FER) - As identified on the Annual Fire Safety Statement on display in the lobby area, the building is subject to 'Fire Safety Engineering Report 141642_Eve, Revision No: 03, prepared by Rawfire dated 13 August 2015. The following comments are provided: Combustible items, including lounges, were located in the lobby in Building A on the ground floor level, which is inconsistent with the requirements of the FER.	Addressed by way of a corrective action letter sent on 12 December 2022

FRNSW are, 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 *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)
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As a result of a site inspection undertaken by the City, it was determined to issue the owners of the building a compliance letter of instruction to rectify the identified fire safety deficiencies noted by Council and FRNSW.

The above correspondence has requested that the Owners Corporation engage an Accredited Practitioner – Fire Safety to carry out remedial works to existing fire systems to cause compliance with required Standards of Performance.

Follow-up compliance inspections are currently being undertaken and will continue to be undertaken by a Council investigation officer to ensure already 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 at this time.

**Referenced/Attached Documents:**

2022/637984-01	Fire & Rescue NSW letter dated 11 November 2022
2022/637984-02	Letter of corrective action issued on 12 December 2022

**Trim Reference:** 2022/637984

**CSM reference No:** 2883522

Unclassified



File Ref. No: BFS22/5158 (24152)  
TRIM Ref. No: D22/97466  
Contact: [REDACTED]

11 November 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  
'EVE APARTMENTS'  
72 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  
F (02) 9742 7483

[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 at the time of the inspection:

1. Essential Fire Safety Measures
  - 1A. Automatic Fire Detection & Alarm System and Building Occupant Warning System:
    - A. At the time of the inspection there were no system faults or other issues observed and the system/s appeared normal operation.
  - 1B. The Fire Hydrant System:
    - A. At the time of the inspection there were no system faults or other issues observed with the hydrant system.
  - 1C. Automatic Fire Suppression System:
    - A. The sprinkler valves:
      - i. A complete stock of spare sprinklers and a spanner had not been provided at the sprinkler control valves, contrary to the requirements of Clause 6.7 of AS2118.1-1999.
  - 1D. Exit Signs, Emergency Lighting, Fire Hose Reels and Portable Fire Extinguishers:
    - A. At the time of the inspection there were no issues observed.
  - 1E. Fire Engineering Report (FER) - As identified on the Annual Fire Safety Statement on display in the lobby area, the building is subject to 'Fire Safety Engineering Report 141642\_Eve, Revision No: 03, prepared by Rawfire dated 13 August 2015. The following comments are provided:
    - A. Combustible items, including lounges, were located in the lobby in Building A on the ground floor level, which is inconsistent with the requirements of the FER.
2. Access and Egress
  - 2A. Egress paths, fire exits and fire exit doors – At the time of the inspection, the paths of travel leading to the fire exits, along with the fire exits and fire exit doors were all clear and unobstructed.

**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 BFS22/5158 (24152) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]  
[REDACTED]

Fire Safety Compliance Unit

**Unclassified**