

Attachment D

**Inspection Report
115-119 Macquarie Street, Sydney**



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Notes

17/07/2023

**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 3009801

Officer: Luke Jeffree

Date: 31 July 2023

Premises: 115-119 Macquarie Street, Sydney 'Intercontinental Sydney'

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 29 June 2023 with respect to matters of fire safety.

The premises consists of a 27 storey interconnected building known as the InterContinental Sydney, comprising hotel levels with 509 guest rooms, ground floor restaurant, bar and retail spaces and a 5 storey basement carpark.

The site contains the former NSW Treasury Building which is a State Heritage item.

An inspection of the premises undertaken by a Council investigation officer 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. The annual fire safety certification is on display within the building in accordance with the requirements of the Environmental Planning and Assessment (Development Certification and Fire Safety Regulation 2021) (the Reg).

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works being attended to by the property owner, 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).

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

Chronology:

Date	Event
29/06/2023	FRNSW correspondence received regarding premises 'Intercontinental Sydney' 117 Macquarie Street, Sydney [115-119 Macquarie Street, Sydney]
11/07/2023	A desktop review carried verified that Annual Fire Safety Statement submission process was being followed in accordance with the Regulation and City's procedures. The officer noted current fire safety documentation/certification on file (E/2004/1139) and it was evident that an Accredited Practitioner (Fire Safety) had recently assessed & inspected all fire safety measures (including exits) that apply to the building with measures having been verified by the practitioner with respect to the relevant standards of performance & the Reg.

Date	Event
12/07/2023	<p>An inspection of the subject premises was undertaken by a Council officer in the presence of the building manager where the following items were noted:</p> <ul style="list-style-type: none"> • annual fire safety statement (AFSS), fire safety schedule and evacuation plan present • some identification signage (required under relevant standards) was required to cabinet door housing sprinkler booster. Council officer gave a verbal instruction/warning to the building manager to obtain and affix the signage to the door – which was carried out shortly after Council’s inspection • fire safety systems appeared generally well maintained throughout the building with all fire panels clear of faults & isolation • Councils’ inspection revealed that the original fire services plan (block plan) detailing the fire hydrant & sprinkler system was provided within the cabinet housing hydrant & sprinkler booster

FIRE AND RESCUE NSW REPORT:

References: [BFS23/2760 (28404), D2023/056327; 2023/396347]

Fire and Rescue NSW conducted an inspection of the subject premises on 16 June 2023. The United States Secret Service were also present during the inspection to check and adjust fire safety & building security systems for a state visit.

Issues

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

Issue	City response
The Fire Indicator Panel (FIP) displayed two (2) isolations	The faults to the panel (FIP) have been investigated, cleared and no isolations noted
The Emergency Warning and Intercommunication System (EWIS) displayed (3) three faults to the system	The faults to the EWIS fire panel have been investigated, cleared and no isolations noted
Hydrant block plan not provided for the premises	<p>No action required by the City.</p> <p>Councils’ inspection revealed that the original fire services plan (block plan) was provided within the cabinet housing hydrant booster</p>
Plan of risk (block plan) not provided for the premises	<p>No action required by the city.</p> <p>Councils’ inspection revealed that the original fire services plan (block plan) was provided within the cabinet housing sprinkler booster</p>

Issue	City response
Spherical door handles within the fire stairs not complying with the National Construction Code (NCC)	No action required by the city. Councils' inspection verified that existing spherical door handles were provided to fire doors within the fire stairs and were found to be compliant with the original installation standard. Furthermore, Councils officer found the door handles to be adequate and well maintained

FRNSW Recommendations

FRNSW have made two recommendations within their report. In general, FRNSW have requested that Council:

1. Inspect and address any other deficiencies identified on 'the premises' and require item no. 1 and 2 of their report to be reviewed;
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

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 investigation officer in the presence of the building manager verified that the deficiencies identified by FRNSW on their inspection had been rectified and that essential fire safety measures (including exit doors) within the building are being maintained.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced/Attached Documents:

2023/426910-01	FRNSW S9.32 report dated 29 June 2023
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Trim Reference: 2023/426910

CSM reference No#: 3009801

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File Ref. No: BFS23/2760 (28404)
TRIM Ref. No: D2023/056327
Contact: [REDACTED]

29 June 2023

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
INTERCONTINENTAL SYDNEY
117 MACQUARIE STREET SYDNEY NSW 2000 ("the premises")**

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW) inspected 'the premises' on 16 June 2023. The United States Secret Service were also present during the inspection.

On behalf of the Commissioner of FRNSW, comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

The items listed in the comments of this report are based on the following limitations:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

COMMENTS

Please be advised that the items in this report are limited to observations of the building accessed at the time of the inspection and identify possible nonconformities with the

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Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483

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National Construction Code 2022, Volume 1 Building Code of Australia (NCC) and provisions for fire safety. The items are not an exhaustive list of non-compliances. FRNSW acknowledges that the differences observed at the time may contradict development consent approval or relate to the building's age. Therefore, it's the Council's discretion as the appropriate regulatory authority to consider the most appropriate action.

The following items were identified during the inspection:

1. Essential Fire Safety Measures

1A. Maintenance – Clause 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires maintenance of Essential Fire Safety Measures to a standard no less than when first installed. At the time of the inspection, the following was observed:

- A. Fire Indicator Panel (FIP) – The FIP displayed 2 isolations to the automatic smoke detection and alarm system.
- B. Emergency Warning and Intercommunication System (EWIS) - The EWIS Panel displayed 3 faults to the system.

The Building Manager was present at the inspection and confirmed that he was aware of the faults and isolations and that they were due to ongoing works to 'the premises'. For this reason, no enforcement action was taken by FRNSW.

- 1B. Hydrant Booster - A block plan, A3 minimum size, has not been provided at the hydrant booster, contrary to the requirements of Clause 7.11 of AS 2419.1–2005.
- 1C. Sprinkler Booster - A plan of risk (block plan) was not provided adjacent to the sprinkler booster, contrary to the requirements of Clause 8.3 of AS 2118.1–2017.

2. Access and Egress

- 2A. Operation of latch – A number of exit doors within the fire-isolated stair incorporates a round tulip style handle in lieu of a lever handle, contrary to the requirements of Clause D3D26 of the NCC.

FRNSW believes that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 and 2 of this report and conduct an inspection.
- b. Address any other deficiencies identified on "the premises".

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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. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Please do not hesitate to [REDACTED] of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call [REDACTED] if there are any questions or concerns about the above matters. Please refer to file reference BFS23/2760 (28404) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]
[REDACTED]
[REDACTED]

Fire Safety Compliance Unit