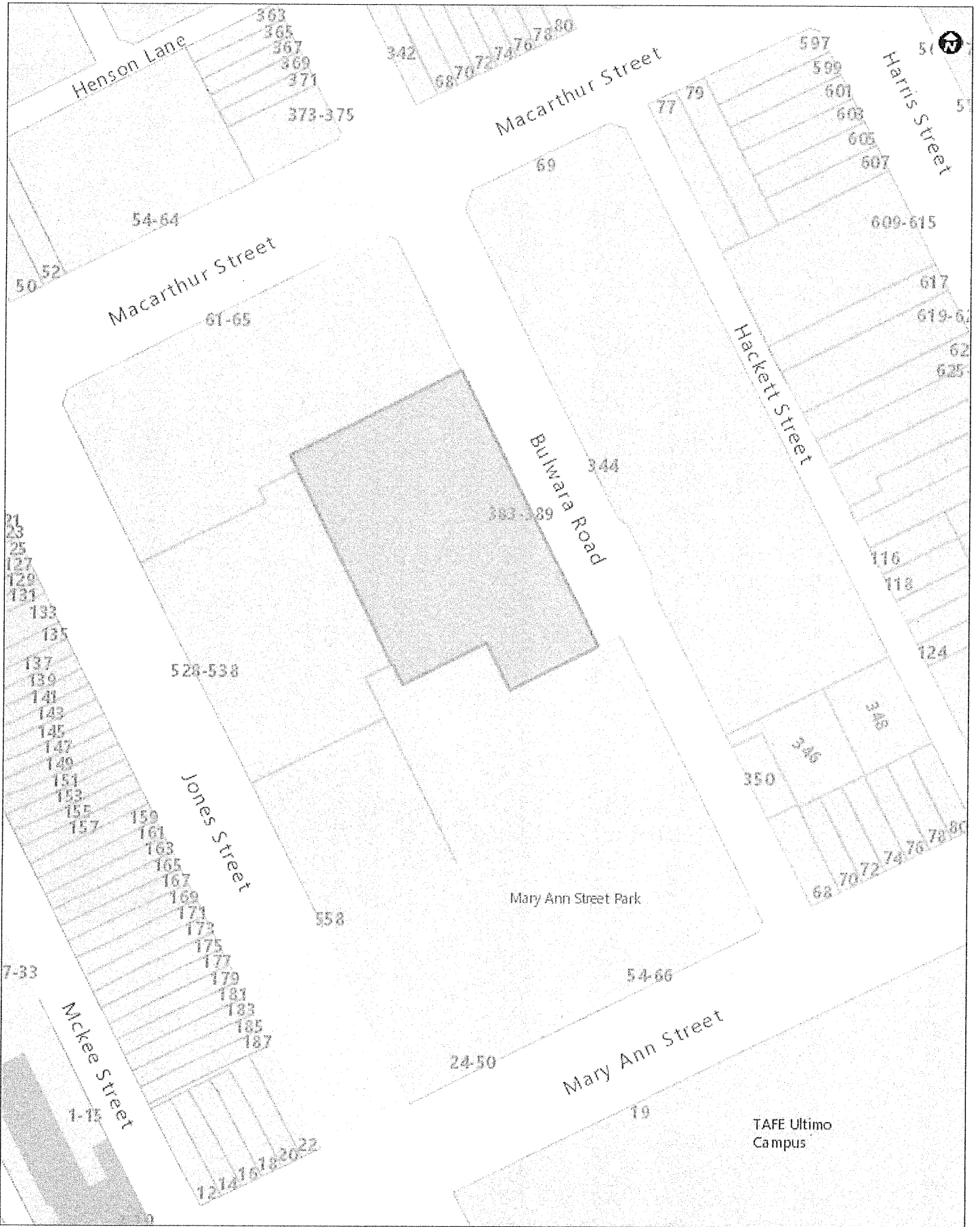


Attachment C

**Inspection Report - 383-389
Bulwara Road, Ultimo**



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

File: CSM 2052900

Officer: Bilal Badyari

Date: 21 March 2019

Premises: 383-389 Bulwara Road, ULTIMO NSW 2007

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises referred to as 383-389 Bulwara Road Ultimo- Metro Aspire Hotel with respect to matters of fire safety.

The premises consists of a six storey building located on the Bulwara Road Ultimo next to the Mary Ann Street Park. The premises is used as hotel accommodation, trading as "Metro Aspire Hotel".

- The basement level comprises a carpark.
- The ground floor comprises reception and restaurant area for the hotel.
- Level 1 to level 4 comprises the hotel accommodations.

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

- (i) Inadequate certification for existing fire safety measures;
- (ii) A lack of adequate facilities for firefighting, being readily accessible firefighting equipment in some locations and exposure protection for externally installed equipment;
- (iii) safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire, being the installation of compliant door handles to exit doors to fire isolated stairway entry doors;
- (iv) Inadequate fire detection and alarm systems, an alarm system zone block plan not installed;
- (v) Poor fire safety management systems (signs/notices/not displayed, poor housekeeping etc.) in place.

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 metal composite cladding.

Chronology:

Date	Event
12/03/2019	FRNSW correspondence received regarding premises 383-389 Bulwara Road Ultimo, Metro Aspire Hotel.
14/03/2019	Desktop review commenced by Council's Investigation Officer to review such things as the building's history including proactive fire safety inspections, relevant development consents / construction certificate approvals and annual essential fire safety certification.
20/03/2019	<p>An inspection of the subject premises was undertaken by Council officers in presence of the manager of the Hotel. The inspection revealed:</p> <p>The hydrant booster assembly is located within close proximity of electrical substation and within an unmaintained garden with obstructions around booster assembly. House-keeping works are required to ensure unobstructed access is available for FRNSW fire-fighting operations. Design reconfiguration required to achieve separation between electrical substation and hydrant booster assembly to facilitate the operational needs of FRNSW.</p> <p>The hydrant booster couplings and internal hydrant landing valves are not fitted with storz fittings to aid FRNSW fire-fighting operations.</p> <p>The hydrant pump room height is very low and the block plan has not been displayed to assist FRNSW operations.</p> <p>The current fire safety schedule does not include all fire safety measures installed in the building, i.e., does not mention; ducted air conditioning system, alarm signalling equipment, kitchen exhaust system, lift landing doors, building occupant warning system and egress systems.</p> <p>The non-listing of such measures may result in some measures not being adequately maintained as they are not subject to annual testing/inspection and certification.</p> <p>A revised fire safety schedule is required to be issued to accurately record the installed fire safety measures and to ensure proper maintenance.</p> <p>Most exit doors leading to fire isolated stairs on accommodation levels have not been provided with the single hand action levers to aid persons evacuating the building. Compliant door levers should be installed to all fire exit doors.</p> <p>Fire stairs and egress passageway at the basement level were found to be clear of items as required by the regulations.</p>

FIRE AND RESCUE NSW REPORT:

References: [BFS18/2191 (4383), D19/16425; 2019/125519]

Fire and Rescue NSW (FRNSW) conducted an inspection of the subject premises on 23 October 2018 in accordance with Section 9.32 (1) of the Environmental Planning and Assessment Act 1979 (the Act).

Issues

1. Alarm signalling Equipment displaying faults.
2. Items have been stored within the basement level fire stairs used causing evacuation obstructions.
3. Door handles attached to exit doors are not acceptable.
4. Hydrant booster assembly is obstructed by unmaintained garden shrubs and located within a close proximity of electrical substation.

FRNSW Recommendations

FRNSW have recommended that Council, being the appropriate regulatory authority, seek to address any deficiencies associated with the issues identified above.

1. Inspect the subject premises and take action to have the identified fire safety issues and any other deficiencies 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.

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 a site inspection undertaken by Council investigation officers 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	2019/125519
A2.	Locality Plan	2019/143547-01
A3	Attachment cover sheet	2019/143547-02

Trim Reference: 2019/143547

CSM reference No#: CSM 2052900



File Ref. No: BFS18/2191 (4383)
TRIM Ref. No: D19/16425
Contact: [REDACTED]

12 March 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
'METRO ASPIRE HOTEL'
383-389 BULWARA ROAD, ULTIMO ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 6 August 2018 in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *round door handles - will prevent people from safely opening doors leading into the fire exits*
- *fire rated frames are not backfilled*
- *Evacuation diagrams are poorly designed, do not display locations of exits, diagrams not orientated*
- *fire sprinklers are physically damaged*
- *a wall has been installed in the front foyer of the hotel within centimetres of sprinklers affecting their operation*

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 23 October 2018

Fire and Rescue NSW

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Community Safety Directorate
Fire Safety Compliance Unit

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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

This report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia – Volume One Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

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

1. Essential Fire Safety Measures

- 1A. Alarm Signalling Equipment (ASE) - The ASE was displaying "Comms Fault" indicating that the secondary (backup) communications link may not be operational, leaving only the primary link to notify emergency services. Discussion were held with the General Manager at the time of the inspection where he advised FRNSW that the issue would be resolved with the service provider immediately.

2. Access and Egress

- 2A. Items, including but not limited to: boxes, furniture, shelving, laundry trolleys, a lounge and rolls of carpet, were being stored in the fire stairs and egress passageway at the basement level, contrary to the requirements of Clause 184 and Clause 186 of the EP&A Regulation.

The General Manager provided email correspondence following the inspection, along with a series of photographs, confirming all items had been removed and the exits were clear of all obstructions.

- 2B. Operation of latch – Doors in the required exits or forming part of the required exits throughout ‘the premises’, contain round tulip style handles in lieu of a lever handle, contrary to the requirements of Clause D2.21 of the NCC.

3. Generally

- 3A. Fire Hydrant System: The fire hydrant system appears to installed in accordance with Ordinance 70 and Ministerial Specification No.10. Notwithstanding this, the following comments are provided having regard to AS 2419.1.2005:

- a) The hydrant booster assembly:
- i. The hydrant booster assembly is located in a position less than 10m from the building, contrary to the requirements of Clause 7.3 of AS 2419.1-2005.
 - ii. The hydrant booster assembly is located in a position less than 10m from a high voltage electrical substation, contrary to the requirements of Clause 7.3(f) of AS2419.1-2005.
 - iii. The booster connections are located within an unmaintained garden area with obstructions in front of and around the booster assembly, contrary to the requirements of Clause 7.3(g) of AS2419.1-2005.
 - iv. The booster connections are located at a height less than 750mm above the standing surface in front of the booster assembly, contrary to the requirements of Clause 7.4 of AS2419.1-2005.

In light of this, FRNSW brings to your attention a position statement published by FRNSW on 8 January 2019. The statement is shown below:

Fire hydrant system in existing premises

When the consent authority (e.g. local Council) is assessing the adequacy of an existing fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier), FRNSW recommend that the system be upgraded to meet the requirements of the current Australian Standard AS 2419.1 to facilitate the operational needs of FRNSW.

It may be appropriate for a partial upgrade of the existing fire hydrant system be undertaken. A partial upgrade may be proposed to address deficiencies in the design and/or performance of the existing fire hydrant system, when assessed against the requirements of Australian Standard AS 2419.1, so that the upgraded fire hydrant system will meet the operational needs of FRNSW. Where a hybrid fire hydrant system is proposed, which incorporates the design and performance requirements from two different standards, the proponent should consult with FRNSW on the requirements for the fire hydrant system.

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 through to item no. 3 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 BFS18/2191 (4383) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Senior Building Surveyor
Fire Safety Compliance Unit