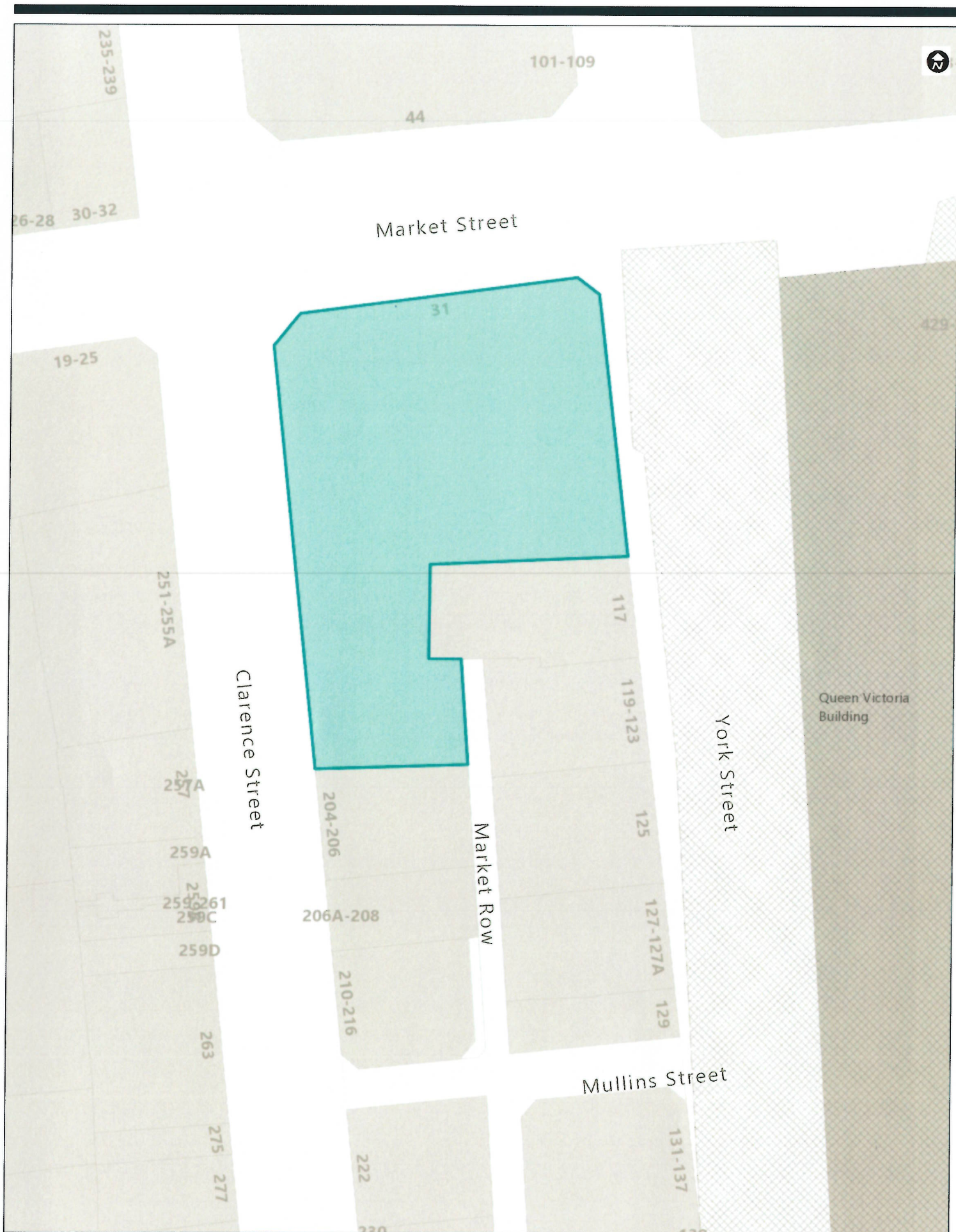


Attachment D

Council Officer Inspection Report - 31 Market Street, Sydney



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

File: 2019/455040

Officer: Andrew Porter

Date: xx September 2019

Premises: 31 Market Street 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 building is 38 storeys and about 133m in height with frontages located on Market Street, York Street and Clarence Street Sydney. The building contains a mixture of commercial uses namely offices, retail premises and car parking.

FRNSW raised issues relating to the buildings existing fire hydrant system which was originally installed to meet the applicable standard at the time of installation. FRNSW have advised that they no longer use portable relay pumps for internal booster relay connections for the hydrant system. The subject buildings fire hydrant system relies upon the use of portable relay pumps.

An inspection of the premises undertaken by a Council investigation officer revealed that while there were no significant fire safety issues occurring within the building, the buildings fire hydrant system relies on the use of portable relay booster pumps by FRNSW to provide adequate pressure and flows to hydrants in each pressure zone of the building. In addition the fire hydrant system is not provided with couplings compatible with equipment used by FRNSW and no block plan is provided in the building. FRNSW have advised that the use of portable relay booster pumps no longer suit the operational needs of FRNSW.

In this regard, Council investigations have revealed that the premises are deficient in fire safety and egress provisions when considering the comments provided from FRNSW in regards to the inadequacy of the fire hydrant system as it relies on portable relay booster pumps, is not provided with couplings compatible with FRNSW equipment and no block plan is provided within the building.

Accordingly, Council investigations have determined that an Order 2, under Part 2 of 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 identify metallic sheet cladding, which is subject of a separate investigation being undertaken by Council.

Chronology:

Date	Event
08/08/2019	FRNSW correspondence received regarding premises at 31 Market Street, Sydney.
16/09/2019	An inspection of the subject premises was undertaken by a Council officer who found that the fire hydrant system couplings are not compatible with equipment of FRNSW, the hydrant system relies on FRNSW to bring portable relay pumps to site, the gauges are do not provide measurements in kilopascals (KPA) and there is no block plan. The Annual Fire Safety Statement was on display within the ground floor main entrance to the building.

FIRE AND RESCUE NSW REPORT:

References: BFS19/2450 (8291); TRIM D19/53792

Fire and Rescue NSW conducted an inspection of the subject premises on 24 July 2019. The inspection report relevant to this inspection is dated 8 August 2019.

Issues: The report from FRNSW detailed the following issues within the building:

- The fire hydrant system requires portable relay pumps to be brought to the building by FRNSW and this no longer suites FRNSW operational requirements.
- There is no fire hydrant block plan at the hydrant booster assembly as required.
- The pressure gauges on the hydrant system display units of pressure in 'pounds per square inch' (PSI) and are required to display units of pressure in 'kilopascals' (KPA)
- There is no annual fire safety statement prominently displayed within the building as required.

FRNSW Recommendations: FRNSW have made several recommendations within their report. In general FRNSW have requested that:

1. Council in its capacity as the regulatory authority, inspect and address the items identified in their report and any other deficiencies identified on the premises.
2. Council note FRNSW position statement published by FRNSW on 8 January 2019 in relation to hydrant systems and consider requiring the hydrant within the premises to be upgraded to meet the requirements of the current standard and or partially upgraded to meet the operational needs of FRNSW.
3. Council advise FRNSW 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	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 an Order 2, under Part 2 of 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 outcomes.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/455040-01
A2.	Locality Plan	2019/455040-02
A3	Attachment cover sheet	2019/455040-03

Trim Reference: 2019/455040**CSM reference No#:** 2137628



File Ref. No: BFS19/2450 (8291)
TRIM Ref. No: D19/53792
Contact: [REDACTED]

8 August 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
ST MARTINS TOWER
31 MARKET STREET SYDNEY ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 19 July 2019 from City of Sydney in relation to the adequacy of the provision for fire safety in connection with 'the premises' being a 133m tall building with combustible cladding on the exterior.

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 24 July 2019 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

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

1A. Fire Hydrant System

- A. Ordinance 70 and Australian Standard (AS) 2419.1-1994 permitted the use of an *internal booster connection for portable relay pumps* to be installed in buildings above 75 metres or as required by the regulatory authority, to provide a pressurised water source for firefighting operations on the upper levels of the building. In this regard, the use of portable relay pumps, no longer suits the operational needs of FRNSW.
- B. A fire hydrant block plan is not provided in the building or at the fire brigade booster connection contrary to the requirements of Clause 2.3 of AS2419.1-1994.
- C. The pressure gauges on the hydrant system display the unit of pressure in 'pounds per square inch', this is contrary to the requirements of Clause 1.4 of AS1349 -1986 that requires the unit of pressure to be displayed Kilopascals (kPa).

2. Generally

2A. Certification

- A. A copy of the annual fire safety statement (AFSS) was not prominently displayed in the building, contrary to the requirements of Clause 177 of the EP&A Regulation 2000 (EP&A Reg).

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 and no. 2 of this report be addressed appropriately.
- b. Upgrade the fire hydrant system, to operate without the need for a portable relay pump, to meet the requirements of the current AS2419.1 for an equivalent new building, as these older fire hydrant systems no longer meet the operational requirements of FRNSW.

FRNSW is 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 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 [REDACTED]. Please ensure that you refer to file reference BFS19/2450 (8291) for any future correspondence in relation to this matter.

Yours faithfully

A large black rectangular redaction box covering the signature area.

Fire Safety Compliance Unit