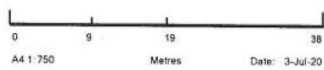
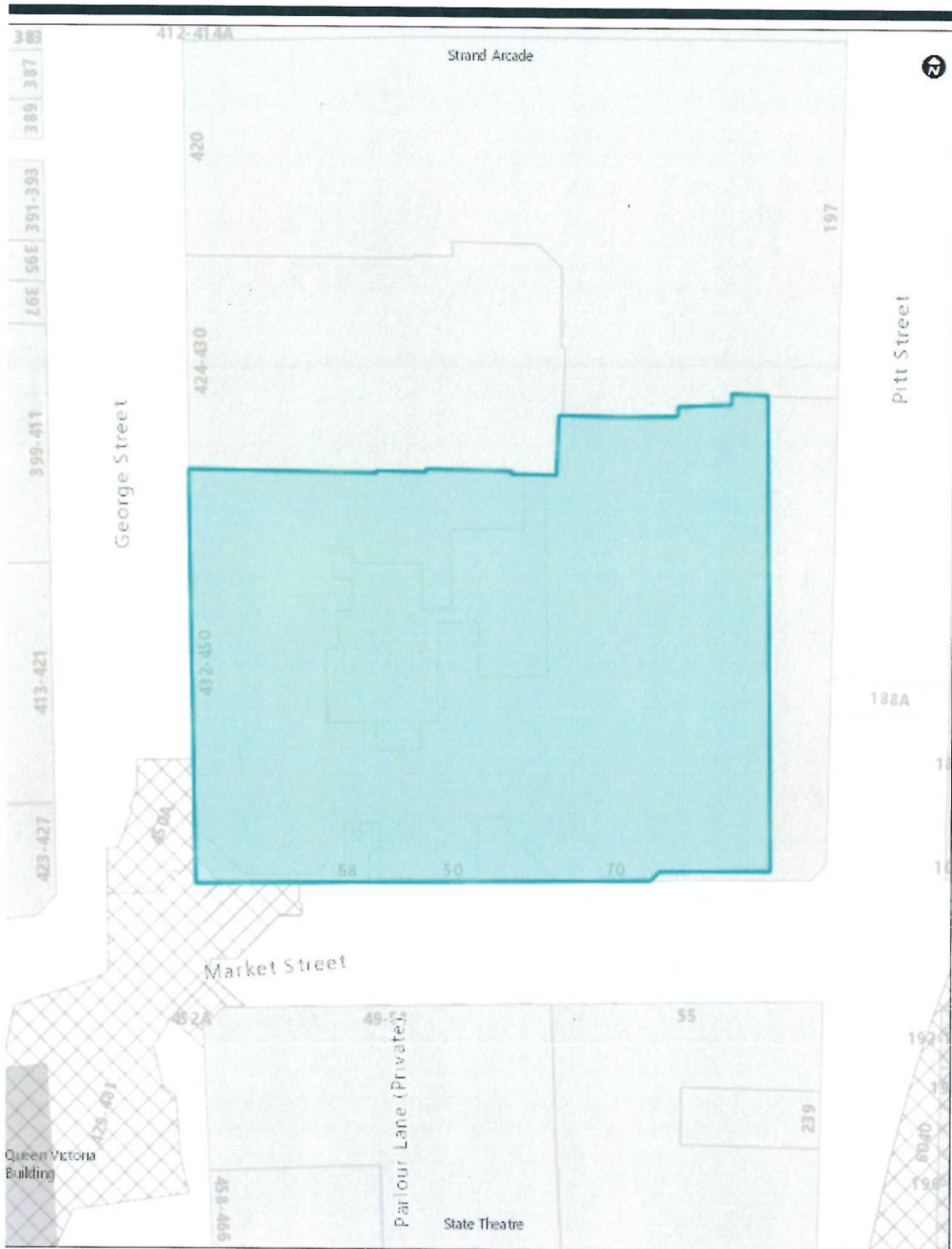


Attachment G

**Inspection Report -
68 Market Street, Sydney**



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**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 2337649 **Officer:** Hieu Van Luu **Date:** 3 July 2020

Premises: 68 Market Street Sydney

Executive Summary

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 30 June 2020 with respect to matters of fire safety.

The site is irregular in shape and is bounded by Pitt Street to the east, Market Street to the south and George Street to the west. The site currently contains the Sydney Central Plaza and Swissotel Hotel and is also known as 432-450 George Street.

An inspection of the subject premises was undertaken by a Council officer in the presence of the Director of Operations and the Duty Chief Engineer of the hotel revealed that the fire safety issues identified by FRNSW had been rectified and there were no significant fire safety issues.

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 current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

The Swissotel Sydney has been identified as a cladding affected site. The City's cladding compliance team has advised that an investigation has commenced and that the building owners have submitted a preliminary cladding report (phase 1) which has confirmed that the cladding in use is a highly flammable type of Aluminum composite panel (ACP). City officers have issued a fire safety notice to require the removal and replacement of the cladding material.

Chronology:

Date	Event
30/06/2020	FRNSW correspondence received regarding premises 68 Market Street, Sydney.
3/07/2020	An inspection undertaken by a Council officer in the presence of the Director of Operations and the Duty Chief Engineer of the hotel revealed that the maintenance issues associate with the Fire Hydrant Diesel Pumpset and signage for Fire Hydrant and Sprinkler booster assembly identified by FRNSW had been rectified.

FIRE AND RESCUE NSW REPORT:

References: [BFS20/1071 (11115), D20/49059; 2020/288687]

Fire and Rescue NSW conducted an inspection of the subject premises on 3 April 2020 in response to the public health order issued by the Minister for Health and Medical Research.

Issues

The report from FRNSW detailed the maintenance issues associate with Fire Hydrant Diesel Pumpset and signage for Fire Hydrant and Sprinkler booster assembly.

FRNSW Recommendations

FRNSW have made no direct recommendation within their report other than legislative notification and advised that it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required.

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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Inspections undertaken by a Council investigation officer in the presence of the Director of Operations and the Duty Chief Engineer of the hotel revealed that the fire safety issues identified by FRNSW had been rectified.

It is recommended that Council not exercise its powers to give a fire safety order in relation to the matters raised by FRNSW at this time.

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

Trim Reference: 2020/288687

CSM reference No#: 2337649

Unclassified



File Ref. No: BFS20/1071 (11115)
TRIM Ref. No: D20/49059
Contact: [REDACTED]

30 June 2020

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 – PUBLIC HEALTH QUARANTINE ORDER
'SWISSOTEL SYDNEY'
68 MARKET STREET, SYDNEY ("the premises")**

In response to the public health orders issued by the Minister for Health and Medical Research, an inspection of 'the premises' was conducted by Authorised Fire Officers of Fire & Rescue NSW (FRNSW) on 3 April 2020, pursuant to the provisions of Section 9.16 and 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

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

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COMMENTS

The following items were identified during the inspection:

1. Essential Fire Safety Measures

1A. Fire Hydrant Diesel Pumpset

- A. An alarm, fault and isolation were displayed at the fire indicator panel, associated with the fire hydrant system, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

The facilities manager of the Swissotel advised FRNSW that the issues were a result of a person opening up a hydrant valve within one of the fire-isolated stairs, which ran the diesel pump for a long period of time causing major damage to the diesel pump.

The facilities manager advised that the fire service technicians were addressing the issues to have the fire hydrant diesel pumpset fully operational.

1B. Fire Hydrant and Sprinkler Booster Assembly Signage

- A. Some of the signage within the booster assembly enclosure, indicating what each boost inlet was for, were not attached to the wall.

The facilities manager provided FRNSW an assurance that the signage would be reattached to the wall.

FIRE SAFETY ORDER NO. 1

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. 1 (on each owner), dated 2 June 2020, in accordance with the provisions of Section 9.34 of the EP&A Act, to have item no. 1.1A of this report rectified.

In accordance with the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act, a copy of the Orders are attached for your information. FRNSW has conducted further inspections of the building to assess compliance with the terms of this Order.

In this regard, FRNSW does not consider Council is required to take action in relation to item no. 1.1A of this report.

RE-INSPECTION

Pursuant to the provisions of Section 9.32(1)(b) of the EP&A Act and Clause 189(a) of the EP&A Regulation, an inspection of 'the premises' on 22 June 2020 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

At the time of the inspection, the terms of 'the order' issued on 'the premises' were compliant. Please be advised that 'the order' is not an exhaustive list of non-compliances, it is at Council's discretion, as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

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 BFS20/1071 (11115) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED] Surveyor
Fire Safety Compliance Unit

- Attachment: [Appendix 1 – Order No.1 – Lot 1, DP 1047949 – 3 pages]
[Appendix 2 – Order No.1 – Lot 2, DP 1047949 – 3 pages]
[Appendix 3 – Order No.1 – The Owners - Strata Plan No. 61896 – 3 pages]



Fire Safety Order ORDER No. 1

*Under the Environmental Planning and Assessment Act 1979 (EP&A Act)
Part 9 Implementation and Enforcement – Division 9.3 Development Control Orders
Fire Safety Orders in accordance with the table to Part 2 - Schedule 5.
Give an Order in accordance with Section 9.34(1)(a)*

I, [REDACTED] Senior Building Surveyor [REDACTED]
(name) (rank) (number)

being an authorised Fire Officer within the meaning of Schedule 5, Part 8, Section 16 of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose, hereby order you

PARLIV PTY LIMITED **Owner**
(name of person whom Order is served) (position i.e. owner, building manager)

with respect to the premise

LOT 1, DP1047949 – 432-450 GEORGE STREET, SYDNEY (“the premises”)
(name/address of premises to which Order is served)

to do, or refrain from doing, the following things:

1. Ensure the Fire Hydrant System installed in ‘the premises’ is fully operational, by:
 - a. Rectifying the hydrant diesel pump.
2. Ensure the Fire Sprinkler System installed in ‘the premises’ is fully operational, by:
 - a. Repairing all faults to the sprinkler diesel pump.

The reasons for the issue of this Order are:

- a. An inspection of the Swissotel in response to the public health quarantine orders issued by the Minister for Health and Medical Research, was conducted on 3 April 2020 by Authorised Fire Officers of Fire & Rescue NSW (FRNSW), pursuant to the provisions of Section 9.16 and Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2150	F (02) 9742 7843
www.fire.nsw.gov.au		Page 2 of 4

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- b. At the time of the inspection, the fire indicator panel (FIP) was displaying an isolation and alarm associated with the fire hydrant system. The following was shown on the FIP:
 - a. 'Isolation' and 'Alarm' – 'Hydrant Valve Tamper Switch'.
- c. At the time of the inspection the FIP was displaying a fault associated with the fire sprinkler system. The following was shown on the FIP:
 - a. 'Fault' – 'Diesel Sprinkler Pump Basement 3 – Fail'.
- d. Email correspondence received from the Swissotel on 9 April 2020, provided an email from Austratronics Pty Ltd (fire service technician company) dated 31 March 2020, which advised that the fire hydrant diesel pump requires replacement. The email stated in part:

*'...diesel pump-set had been severely overheated, as it must have been running for a long period of time, as we found that the actual diesel pump had changed colour from blue to black, we found the wiring looms had melted, as well as the oil filler cap had melted & also associated fuel supply equipment, which caused the fuel to flow onto the ground and contaminate the area.
At this point the Hydrant diesel pump-set is off line, until we can provide a quotation to replace the existing one ASAP.'*
- e. Separate telephone conversations with the facilities manager of the Swissotel and the fire service technician from Austratronics Pty Ltd both, on 9 April 2020, revealed that the fire hydrant diesel pump requires replacement.
- f. To ensure that the fire hydrant system is capable of operating in accordance with the standard of performance it was designed and installed to.
- g. To ensure that the fire sprinkler system is capable of operating in accordance with the standard of performance it was designed and installed to.
- h. To ensure compliance with the requirements of Clause 186 of the Environmental Planning and Assessment Regulation 2000.

The terms of the Order are to be complied with:

By no later than close of business on the 16 June 2020.

Appeals

Pursuant to Section 8.18 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), there is no right of appeal to the Court against this Order, other than an order that prevents a person using or entering premises.

Unclassified

Unclassified

Unclassified

Unclassified

Non-Compliance with the Order

Failure to comply with this Order may result in further Orders and/or fines being issued. Substantial penalties may also be imposed under Section 9.37 of the EP&A Act for failure to comply with an Order.



This Order No. 1 was sent by mail on 2 June 2020.

Unclassified

Unclassified

- b. At the time of the inspection, the fire indicator panel (FIP) was displaying an isolation and alarm associated with the fire hydrant system. The following was shown on the FIP:
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- c. At the time of the inspection the FIP was displaying a fault associated with the fire sprinkler system. The following was shown on the FIP:
- a. 'Fault' – 'Diesel Sprinkler Pump Basement 3 – Fail'.
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