

# **Attachment E**

**Inspection Report  
83 Harbour Street, Haymarket**

# 83 Harbour Street, Haymarket

CITY OF SYDNEY 



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Notes 6/06/2021

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

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**File:** CSM 2603573

**Officer:** T. Zeljkovic

**Date:** 7 September 2021

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**Premises:** 83 Harbour Street, Haymarket

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**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 premises consists of a nineteen-storey brick building known as 'Harbour Place' and is contained within the commercial and residential precinct known as 'Darling Square' in Haymarket.

The building is located on the Harbour Street frontage, between Hay Street and Piers Street in Haymarket.

The building was approved by the Department of Planning and Infrastructure in 2015 and is one of three residential towers containing ground level retail, unified car park, and recreational areas. This site is affected by a State Environmental Planning Policy - Darling Harbour Development Policy No. 1 and the Darling Harbour Act of 1984.

At the time of writing this report an internal inspection of the building had not been carried out as the relevant building manager advised that the subject premises had a current confirmed COVID-19 case who is self-isolating in the building. Other unidentified cases may also exist in the building which may pose a potential health risk to anyone entering the building.

Documentary evidence was requested and has been provided by building management verifying 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.

Council has issued a compliance letter to the building owner instructing to reinstate fire safety maintenance items raised by FRNSW. Council officers are currently liaising with building owners to ensure required fire systems are online and corrective actions are being undertaken to correct and complete the matters raised by FRNSW.

Council has scheduled future compliance inspections to ensure adequate fire safety measures are being maintained to the degree necessary.

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

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## Chronology:

Date	Event
10/08/2021	Fire & Rescue NSW (FRNSW) correspondence dated 9 August 2021 received pertaining to their inspection of 22/04/2021 premises identified at 83 Harbour St Sydney "Darling Square", matters raised: <ul style="list-style-type: none"><li>• hydrant/sprinkler cupboard<ul style="list-style-type: none"><li>- door verification that it can remain open at 90-degree angle</li><li>- lack of a sprinkler &amp; hydrant block plan(s)</li><li>- lack of boost/test pressure signage</li></ul></li><li>• noted temporary exit sign within pump room</li><li>• verification of a fire damper above booster assembly area</li></ul>
12/08/2021	A review of City records was undertaken by a Council officer which revealed: <ul style="list-style-type: none"><li>• State Significant Development approval issued by Department of Planning and Infrastructure - Construction of a mixed-use development including residential towers North East Plot</li><li>• Staged Construction certificates were issued and subsequent occupation certificate(s) issued.</li></ul>
30/08/2021	Council officer sought clarification of address from FRNSW, subsequently confirmed as 83 Harbour St Haymarket (also known as NE1 tower)
31/08/2021	Compliance letter sent to owner(s); advising to reinstate maintenance items raised by FRNSW; 30-day compliance. Strata managers confirmed receipt of said letter
07/09/2021	Incoming correspondence received verifying fire systems are online and actioning of FRNSW matters are being undertaken

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## **FIRE AND RESCUE NSW REPORT:**

References: [BFS2082255 D21/90848]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about the performance of a fire sprinkler system. The inspection was carried out on 22 April 2021.

### Issues

The report from FRNSW detailed a number of issues of concern in particular noting that (certain) required essential fire measures lacked specific system performance compliance to regulated standards and therefore are of the opinion that inadequate provisions for fire safety are occurring within the subject building.

### FRNSW Recommendations

FRNSW recommended that Council inspect and appropriately address the items identified together with any other deficiencies identified at the premises.

FRNSW will also await Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

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**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	Council investigation officer inspect the building and prepare a further report for the next meeting of Council
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It is recommended that the owners of the building continue to comply with the written fire safety compliance instructions as issued by Council officers to rectify the identified fire safety deficiencies noted by FRNSW.

Follow-up compliance inspections are to be undertaken by a Council officer when it is safe to do so, to ensure all identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence occur.

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 outcomes.

**Referenced documents:**

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2021/394866-01

**Trim Reference:** 2021/394866

**CSM reference No#:** 2603573

Unclassified



File Ref. No: BFS20/2255  
TRIM Ref. No: D21/90848  
Contact: [REDACTED]

9 August 2021

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  
'DARLING SQUARE'  
83 HARBOUR STREET SYDNEY ("the premises")**

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

The correspondence stated that:

*The installed sprinkler system is highly unusual and very difficult to isolate, drain or activate. There is very little labelling or instruction on how to use it.*

*I have attempted contact of building management through security to get set up a meeting where their sprinkler mechanics can explain how to use the system but have not had a response at up until this time. My concern is that we are going to cause extensive damage if a sprinkler head in a unit is activated and we can't isolate it. Our reading of how to isolate a carpark installation involves isolating every valve on all 18 floors of two towers. This is obviously not acceptable.*

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 22 April 2021 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

Fire and Rescue NSW	ABN 12 593 473 110	<a href="http://www.fire.nsw.gov.au">www.fire.nsw.gov.au</a>
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483
<a href="mailto:Firesafety@fire.nsw.gov.au">Firesafety@fire.nsw.gov.au</a>		

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Unclassified

- 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, including potential deviations from the National Construction Code 2019 Building Code of Australia – Volume One (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may 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 and are limited to observations accessible during the inspection due to COVID:

### 1. Essential Fire Safety Measures

#### 1A. Combined Hydrant/Sprinkler Booster:

- A. The doors to the combined hydrant/sprinkler booster enclosure were not fitted with a device capable of securing the door in not less than a 90° open position, contrary to the requirements of Clause 7.9.2 of AS 2419.1-2005.
- B. The fire hydrant booster assembly was not provided with a block plan, contrary to the requirements of Clause 7.11 of AS2419.1-2005.
- C. Permanent boost pressure and test pressure signage was not provided in a prominent position adjacent to the fire brigade booster assembly. In this regard, the installed signage was not water and fade resistant, contrary to the requirements of Clause 7.10.1 of AS2419.1-2005.
- D. At the time of the inspection, a permanent sprinkler block plan was not located at the booster assembly. In this regard, the installed block plan was not water and fade resistant, contrary to the requirements of Clause 8.3 of AS2118.1—1999. A permanent block plan should depict all relevant information pertaining to the installation stipulated in Clause 8.3 (a) to (i) inclusive of AS2118.1—1999.



2. Access & Egress

- 2A. Exit Signs – At the time of the inspection, temporary exit signage was observed adjacent to the Fire Pump Room. In that regard the signage was contrary to the requirements of Clause E4.6 and E4.8 of the NCC, Section 6 of AS 2293.1–2005.

3. Compartmentation

- 3A. Fire Damper – An item was observed in the damper located above the booster assembly. Due to the height above ground level, it could not be determined what the item was or whether it would interfere with the operation of the damper in a fire event. In that regard it is unclear if the damper is being appropriately maintained in accordance with the requirements of Clause 13.4 of AS 1851.2012. Further investigation by Council may be required.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

**RECOMMENDATIONS**

FRNSW recommends that Council:

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) [REDACTED]. Please ensure that you refer to file reference BFS20/2255 for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Fire Safety Compliance Unit