

Attachment C

**Inspection Report -
33 Ultimo Road, Haymarket**



**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 2748964

Officer: B. Badyari

Date: 2 May 2022

Premises: 33 Ultimo Road, Haymarket

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 22 March 2022 in relation to the premises 33 Ultimo Road, Haymarket with respect to matters of fire safety.

FRNSW's inspection resulted from the 'Project Remediate' program being undertaken by the NSW Department of Customer Service, which is a three-year program to help remove combustible cladding on buildings throughout NSW. The City has an estimated twenty-eight affected buildings within the local government area.

The premises have previously been the subject of a report to the March 2022 Council Committee Meeting, in relation to other fire safety matters, including maintenance on existing fire services and proper display of the annual fire safety statement. These matters were resolved via a corrective action letter and follow up inspection.

The premises consists of a seventeen storey building with four levels of basement parking, used primarily for residential apartments (known as The Quay North Tower), and is part of a stratum building associated with commercial premises at 33a Ultimo Road, Haymarket and 79 Quay Street, Haymarket. The ground floor includes an entrance lobby to the residential units above, and a vehicular entrance to basement vehicular parking. FRNSW refer to the premises as 61-79 Quay Street, 33 Ultimo Road & 178 Thomas Street, Haymarket.

The subject premises is fitted with combustible cladding. The City's cladding compliance team have issued a fire safety notice requiring cladding removal and replacement. Appropriate precautionary interim fire safety measures are currently in place to assist in safeguarding occupants whilst cladding removal and replacement works are scheduled. The interim measures include raising site cladding risk awareness with all building occupants; the removal of potential fire hazards/processes from critical potential fire start areas; the introduction of site management procedure plans and temporary rules to carefully manage hot/building maintenance works and the implementation of any expert recommendations.

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. An interim fire safety statement for the premises has been provided and is displayed prominently within the building, as required by the Environmental Planning and Assessment Regulation 2000, noting that some fire safety measures in the building are undergoing maintenance to meet relevant standards.

Council investigations have revealed that whilst there remains several fire safety "maintenance and management" works to attend to, including clearing a fault in the fire indicator panel, maintenance of exit pressurisation, update block plan and signage, 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) through written instruction from Council.

Chronology:

Date	Event
28/03/2022	FRNSW correspondence received regarding premises "The Quay", 61-79 Quay Street, 33 Ultimo Road & 178 Thomas Street, Haymarket, (known on Council records as 33 Ultimo Road, Haymarket). The correspondence was initiated by the Project Remediate program and a FRNSW inspection on 10 March 2022.
29/03/2022	<p>A review of City records showed that:</p> <ul style="list-style-type: none"> - The premises are part of a stratum building in conjunction with 33a Ultimo Road, Haymarket and 79 Quay Street, Haymarket (formerly known as 61-79 Quay Street, Haymarket), completed circa 2014; - The fire safety schedule for the premises contains twenty-eight fire safety measures, including an automatic fire detection system, automatic fire suppression (sprinkler) system, fire engineering reports, and other fire safety measures typical for a high-rise building; - An interim fire safety statement dated 28 February 2022 has been provided, certifying twenty five fire safety measures, with the remainder of the measures given a three month extension of time ('stay of penalty application') to facilitate repairs to the mechanical air handling systems.
30/03/2022	<p>An inspection of the subject premises was undertaken by a Council officer with the building manager present on 30 March 2022, when the following items were noted:</p> <ul style="list-style-type: none"> - A different fault to that raised by FRNSW was found in the fire indicator panel, relating to an area of the basement parking, which the building manager advised was expected to be resolved within one week; - Small water pump units are located in the hose reel cabinets, however the hose reels were readily accessible; - sprinkler control assemblies were obstructed by a second door, a waste trolley, and was not visible from public corridor; - The hydrant valve in the fire passageway to Thomas St on the upper ground floor is obstructed by a door; - hydrant tank water level was satisfactory; - hose reel cabinet contained water pipes but the hose reel was still accessible for use in a fire; - level 6 fire door not self-closing; - evacuation diagram in the basement car park not up to date; - An exit sign in the basement car park obscured by pipework - The fire safety statement is prominently displayed at the premises; - Exits were clear and unobstructed - Other fire safety measures in the building appeared adequately maintained. <p>Issues specifically raised by FRNSW and responses to those issues, are summarised in the following table.</p>
13/04/2022	Corrective action letter issued (reference 2022/234610).

FIRE AND RESCUE NSW REPORT:

References: BFS21/4895 (18737); 2022/246530-01

Fire and Rescue NSW conducted an inspection of the subject premises after becoming aware of cladding through the Government's Project Remediate.

Issues

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

Issue	City response
1. Fault on the fire indicator panel	To be addressed by the corrective action letter issued.
2. The isolation switch for the stair pressurisation fan not locked in the on position	To be addressed under a previously approved 'stay of penalty' application.
3. The hydrant and sprinkler gauges signage labelling unclear, the intention of 2 gauges is unclear.	To be addressed by the corrective action letter issued.
4. The hydrant valve in the fire passageway to Thomas Street obstructed by a door	To be addressed by the corrective action letter issued.
5. Hydrant tank water level low	Matter resolved at time of inspection.
6. Storz Couplings unsuitable material	To be addressed by the corrective action letter issued.
7. Sprinkler control assemblies not readily accessible	To be addressed by the corrective action letter issued.
8. Fire hose reel cabinets obstructed by water pipes	To be addressed by the corrective action letter issued.
9. Fire doors not self-closing	To be addressed by the corrective action letter issued.
10. Paths of travel to fire exits obstructed	To be addressed by the corrective action letter issued.
11. Evacuation diagrams not up to date	To be addressed by the corrective action letter issued.
12. Exit signs obstructed	To be addressed by the corrective action letter issued.

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

FRNSW Recommendations

FRNSW have made recommendations within their report.

FRNSW have made twelve (12) recommendations within their report. In general, FRNSW have requested that Council:

- a. Inspect and address item no. 1 through to item no.2 of this report
- b. Give consideration to the other deficiencies identified on the premises identified in item no. 3 of this report

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 *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's investigation officer it was determined to issue the owners of the building a compliance letter of instruction to rectify the identified fire safety deficiencies noted by Council and FRNSW.

The above correspondence has requested that building management carry out remedial works to existing fire systems to cause compliance with required standards of performance.

Follow-up compliance inspections are currently being undertaken and will continue to be undertaken by a Council investigation officer to ensure already identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence and the recommendations of FRNSW occur.

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

Referenced/Attached Documents:

2022/246530-01	Fire & Rescue NSW letter dated 22 March 2022
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Trim Reference: 2022/246530

CSM reference No: 2748964

Unclassified



File Ref. No: BFS21/4895 (18737)
TRIM Ref. No: D22/20845
Contact: [REDACTED]

22 March 2022

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
"THE QUAY"
61-79 QUAY STREET, 33 ULTIMO ROAD & 178 THOMAS STREET,
HAYMARKET ("the premises")**

In response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW, an inspection of 'the premises' on 10 March 2022 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW), pursuant to the provisions of 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.

Fire and Rescue NSW

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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.

COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items outline concerns in general terms, deviations from the fire safety provisions prescribed in Section 9.32(1)(b) of the EP&A Act and Clause 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

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

1. Essential Fire Safety Measures

1A. Automatic Smoke Detection and Alarm System:

A. The Fire Indicator Panel (FIP) was displaying four (x4) disablement.

Discussions with the Building Manager following the inspection revealed three (3) of the disablements were associated with hot works being undertaken within the Woolworths tenancy (loading dock area), and the disablements had since been restored.

The Building Manager also advised that the fourth disablement would be investigated as a matter of urgency.

FRNSW received email correspondence from the Building Manager on 14 March 2022, confirming the fire services technician had attended the premises on 11 March 2022 and the system had been restored and was now fully operational without any faults or disablements. A photograph of the FIP was provided with the email to demonstrate such.

Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

1B. Automatic Air Pressurisation System (Stair Pressurisation):

A. The isolation switch for Stair Pressurisation Fan 1-B, which is located in the North Tower within the fire-isolated stairway on Level 17, was not locked in the 'ON' position to prevent tampering and to ensure the fan will operate in fire mode, as indicated by the displayed signage adjacent to the isolation switch. In this regard, the padlock was missing on the isolation switch.

1C. Fire Hydrant System:

A. The hydrant booster assembly:

- i. The intent of the two (x2) 150mm diameter liquid filled pressure gauges installed above the hydrant booster assembly, labelled as 'Hydrant Gauge' and 'Sprinkler Gauge', are unclear.

Typically, the inclusion of a 150mm liquid filled pressure gauge is provided to indicate the true boost pressure at the pump discharge pipe/manifold where the booster assembly is connected 'in series' with the fixed on-site fire pump/s. It is unclear whether the booster is installed in series with the pumps, as the schematic block plan on display within the fire control room (and the hydrant pump) room differ from the block plan on display at the booster assembly and an engraved warning sign had not been provided at the booster assembly in accordance with the requirements of Clause 7.6 of Australian Standard (AS)2419.1-2005.

It appears that the booster may be installed in series with the pumps and the pressure gauges are provided to display the pressure associated with the low & high rise systems and may be incorrectly labelled. Furthermore, the pressure gauge labelled 'Hydrant Gauge' was reading zero pressure.

A review of the hydrant system may be required to determine the purpose and labelling of the pressure gauges in question and whether the hydrant booster assembly is installed in series or parallel with the pumps.

- B. The hydrant valve in the fire passageway to Thomas St, on the upper ground floor retail level (adjacent to Tenancy 22) was obstructed by the door when in the open position and hose connection would be compromised, contrary to the requirements of Clause 3.2 of AS2419.1-2005.
- C. Hydrant tank water level – The indicator for the water level of one of the hydrant tanks was indicating the tank was at half capacity.

The Building Manager was advised of the low water level following the inspection, who advised that the issue would be investigated as a matter of urgency.

FRNSW received email correspondence from the Building Manager on 14 March 2022, confirming the fire services technician had attended the premises on 11 March 2022 and repaired the tank float which was submerged and was displaying the incorrect level.

- D. Storz Couplings – It appeared that the Storz couplings fitted to the fire hydrant valves throughout 'the premises', may be cast aluminium in lieu of forged aluminium, contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS2419.1–2005, Clauses 1.2 and 3.4 of AS2419.2–2009 and 'FRNSW Fire safety guideline, Technical information – FRNSW compatible Storz hose connections – Document no. D15/45534 – Version 09 – Issued 10 January 2019'. In this regard, the surface of the coupling had a shiny lustre more consistent with that of Aluminium Alloy casting.

1A. Automatic Fire Suppression System:

- A. Sprinkler control assemblies – It appears that sprinkler control assemblies are provided on the residential levels which are accessible from the public corridors on each level. In the North Tower, the sprinkler controls appear to be located within the locked cupboard inside the garbage enclosure. In this regard, the cupboard is not readily accessible or adequately identified in accordance with the requirements of Clause 6(a) of Specification E1.5 of the NCC. Furthermore, the sprinkler controls are not clearly indicated on the block plan, contrary to the requirements of Clause 8.3(c) of AS2118.1-1999.

1B. Fire Hose Reels:

- A. Non-fire equipment or services, including but not limited to water meters, were installed within the fire hose reel cabinets on the residential levels in the North and South Tower, contrary to Clause 10.4.4 of AS2441–2005.

1C. Fire Doors:

- A. Multiple fire doors throughout the premises had not been maintained in accordance with the requirements of Clause 81 of the EPAR 2021. In this regard, multiple fire doors to the fire-isolated stairways failed to return to the fully closed position (and self-latch) after each opening, when tested, contrary to the requirements of Clause C3.8 and Specification C3.4 of the NCC and AS1905.1.

2. Access and Egress:

- 2A. Paths of travel to fire exits – The path of travel leading to the fire exits on B1 & B2 levels in the basement carpark (beneath the North Tower) were obstructed, contrary to the requirements of Clause 109(1) of the EPAR 2021. In this regard, an E-bike parking area (Level B1) and a motorbike parking area (Level B2) were located within the path of travel to the fire isolated exit, obstructing the free passage of persons using the fire exit area for the building.

FRNSW is therefore of the opinion that the fire safety provisions prescribed for the purposes of 9.32(1)(b) of the EP&A Act, have not been complied with.

ADDITIONAL COMMENTS

In addition to the items identified above, relating to the Fire Safety Provisions prescribed by Clause 112 of the EPAR 2021, the following items were also identified as concerns at the time of the inspection and it would be at council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

3. Generally:

3A. Access and Egress:

- A. Evacuation Diagrams – The evacuation diagram on Basement 2 level is incorrect and identifies an additional exit (beneath the South Tower) which is not provided. In this regard, the carpark fan room is located where the evacuation diagram identifies an exit stair.

3B. Exit signs and directional exit signs:

- A. It was evident that there were areas/parts within the carpark level, where the direction to the required exits was not readily apparent. In some instances, exit signs and directional exit signs were obstructed by services, including but not limited to beams, PVC plumbing pipes, sprinkler pipes, electrical cable trays. Additional directional exit signs may be required throughout the carpark level, such that an exit sign or directional exit sign is clearly visible from all parts, in accordance with Clause E4.5 and NSW E4.6 of the NCC.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address item no. 1 through to item no. 2 of this report.
- b. Give consideration to the other deficiencies identified on 'the premises' identified in item no. 3 of this report.

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.

Unclassified

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 BFS21/4895 (18737) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

Fire Safety Compliance Unit

