

Attachment D

**Inspection Report
65 Tumbalong Boulevard Haymarket**

65 Tumbalong Boulevard Haymarket



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Notes

14/03/2023

1: 1234

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 2940534

Officer: B. Badyari

Date: 14 March 2023

Premises: 65 Tumbalong Boulevard, Haymarket

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 24 February 2023 in relation to the subject premises with respect to matters of fire safety.

The premises comprise three (3) residential tower buildings with common five (5) storey podium including 26 storey, 8 storey and 40 storey high-rise residential towers with ground floor retail tenancies and parking below.

An inspection of the premises was undertaken by a Council officer on 8 March 2023 in the presence of the building manager, which revealed 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. A fire safety statement for the premises has been provided and is displayed prominently within the building, as required by the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council investigations have revealed that the only faults found were 5 isolations on the fire indicating panel, 1 fault was for the amenities corridor smoke detector which has been rectified and 4 faults located inside a vacant shop tenancy called Lucky Hotpot. The shop fit out is the subject of a complying development certificate which will address these faults.

It is considered that the above maintenance 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.

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

Chronology:

Date	Event
24/02/2023	FRNSW correspondence received regarding premises referred to as 70 Hay Street, 1 Steam Mill Lane, 53 and 65 Tumbalong Boulevard, Haymarket
28/02/2023	A review of City records show: -The premises is high-rise residential building with ground floor retail tenancies and car park below -The fire safety schedule for the premises contains twenty-eight (28) fire safety measures, including an automatic fire detection system, emergency lighting, fire hydrant system, hose reel system and other fire safety measures - The current fire safety statement dated 27 May 2022 has been provided certifying 28 fire safety measures
8/03/2023	An inspection of the subject premises was undertaken by a Council officer, it was noted that: 1. A fault on amenities corridor smoke detector 2. 4 faults and isolations for shop tenancy SW12 called Lucky Hotpot 3. The fire safety statement is prominently displayed at the premises
14/03/2023	Corrective action letter issued

FIRE AND RESCUE NSW REPORT:**References:** [BFS23/701 (2023/130770-01)]

Fire and Rescue NSW conducted an inspection of the subject 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, an inspection of the premises on 15 February 2023 concerning the adequacy of the provision for fire safety issues related to building.

Issues

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

Issue	City response
1. Fault on the fire indicator panel	Inspection revealed five faults on the fire indicator panel at the time, corrective action letter issued to clear all the faults.

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

FRNSW Recommendations

No recommendations made.

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 site inspection undertaken by Council's investigation officers 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:

2023/098900	Fire & Rescue NSW letter dated 23 February 2023
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Trim Reference: 2023/130770

CSM reference No: 2940534

Unclassified



File Ref. No: BFS23/701 (26395)
TRIM Ref. No: D23/14184
Contact: [REDACTED]

23 February 2023

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
"DARLING SQUARE SW PLOT" – 'DARLING ONE', 'ST LEON' AND
'WIRTH HOUSE'
70 HAY STREET, 1 STEAM MILL LANE, 53 AND 65 TUMBALONG
BOULEVARD, 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 15 February 2023 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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Fire Safety Compliance Unit

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Page 1 of 3

Unclassified

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 at the time of the inspection:

1. Essential Fire Safety Measures
 - 1A. The Automatic Fire Detection and Alarm System:
 - A. Fire Indicator Panel (FIP) – The FIP was displaying five (x5) faults.

Examination of the FIP and the Zone Block Plan, revealed one (x1) fault related to Zone 40 'Retail Amenities Hallway' whilst the remaining four (x4) faults were associated with Zone 43 'Lucky Pot' tenancy on the ground floor level, which was currently the subject of internal shop fit-out.

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. Sound System and Intercom System for Emergency Purposes (SSISEP):
 - A. At the time of the inspection there were no system faults or other issues observed with the SSISEP system.
 - 1C. The Combined Fire Hydrant and Sprinkler System:
 - A. At the time of the inspection there were no system faults or other issues observed with the combined fire hydrant and sprinkler system.
 - 1D. Annual Fire Safety Statement (AFSS):
 - A. A copy of the current AFSS was prominently displayed within the building in accordance with Clause 89 of the EPAR 2021.
2. Access and Egress
 - 2A. Egress paths, fire exits and fire exit doors – At the time of the inspection, the paths of travel leading to the fire exits, along with the fire exits and fire exit doors were clear and unobstructed.

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 BFS23/701 (26395) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Fire Safety Compliance Unit