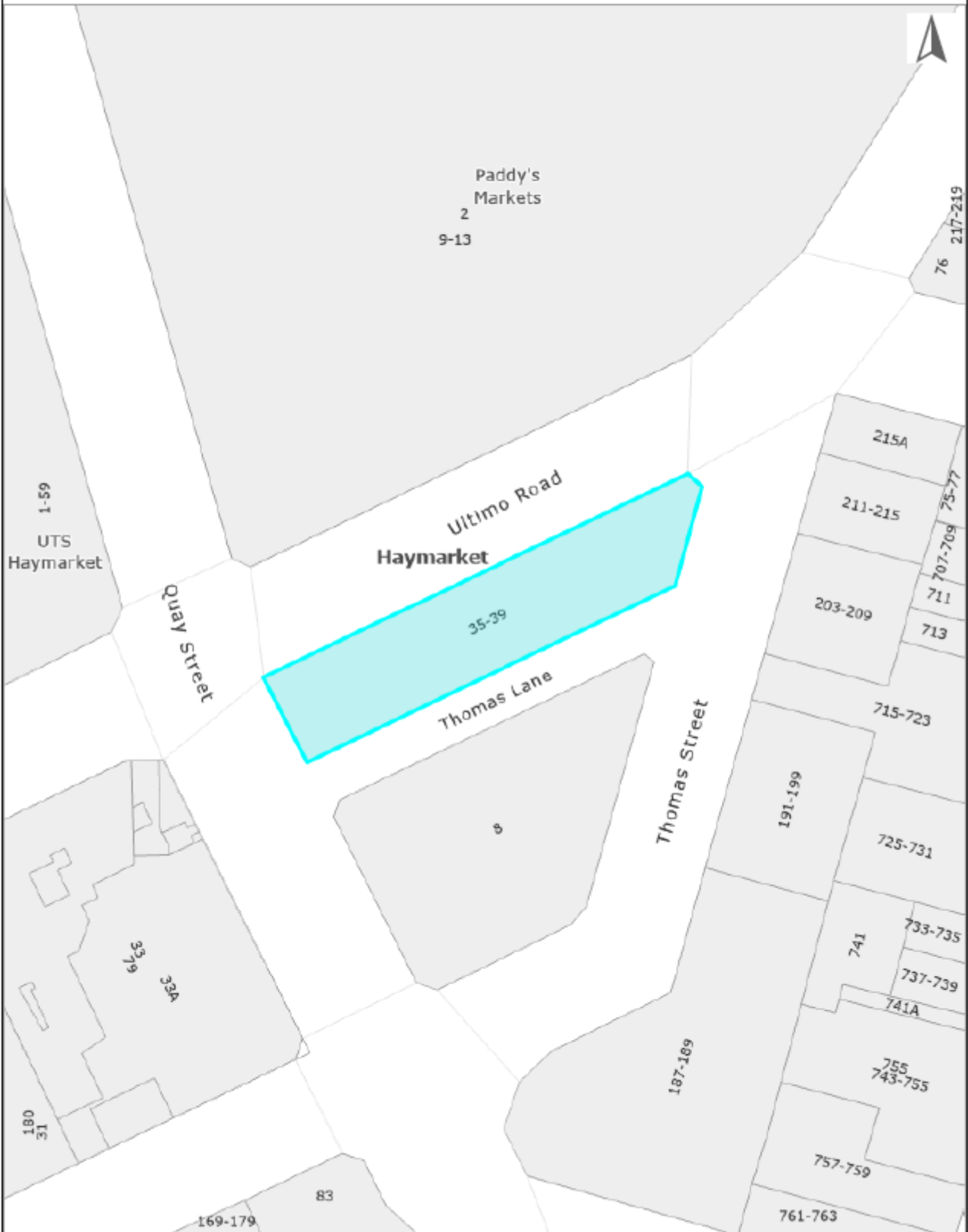


Attachment B

**Inspection Report
35-39 Ultimo Road, Haymarket**



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Notes

2/10/2024

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 3228240

Officer: M. Hassan

Date: 10 October 2024

Premises: The Ultimo Hotel, 35 – 39 Ultimo Road, Haymarket

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 3 September 2024 with respect to matters of fire safety.

The premises is known as The Ultimo Hotel and is used predominately for hotel accommodation. The building contains 5 storeys and includes restaurants, shops, a bank and a loading dock on the ground floor level and a licenced karaoke venue in the basement level. The remainder of the building is used for hotel accommodation.

The second and third floor levels of the building are currently vacant and undergoing building works under valid consents.

The premises is a Heritage Item under Schedule 5 of the City of Sydney Local Environmental Plan 2012.

The premises is rectangular in shape and is bounded by Ultimo Road to the North, Thomas Street to the East, Thomas Lane to the South and Quay Street to the West. The building is surrounded by residential and commercial buildings.

An inspection of the premises undertaken by a Council Investigation Officer on 3 October 2024 in the presence of the General Manager and the owner's Fire Safety Contractor 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. 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 2021.

Council investigations have revealed that whilst there are several minor fire safety "maintenance and management" works to attend to such as, clearing faults on the fire indicator panel, installing a smoke detection and alarm system zone block plan, installing compliant sprinkler/hydrant block plans and test and boost pressure signage and removing obstructions to a box containing spare sprinkler heads, 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 corrective maintenance actions undertaken by the owner's fire service contractor through written instruction from Council.

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

Chronology:

Date	Event
03/09/2024	FRNSW correspondence received regarding premises 35 – 39 Ultimo Street, Haymarket
03/10/2024	<p>An inspection of the subject premises was undertaken with the General Manager and the Owners Fire Safety Contractor. The inspection revealed that the building contained the following fire safety deficiencies:</p> <ol style="list-style-type: none">1. There were several faults on the fire indicator panel. The General Manager advised that the faults are present because smoke detectors located in areas of the building undergoing building and fit out work have been isolated to avoid false alarms.2. The smoke detection and alarm system lacked a zone block plan.3. The combined sprinkler/hydrant block plan lacked information required by Australian Standards AS 2118.1-1999 and AS 2419.1-2005.4. The fire hydrant booster lacked boost and test pressure signage required by AS 2419.1-2005.5. The box containing the spare sprinklers located in the loading dock was obstructed by a heavy desk.
04/10/2024	A corrective action letter was issued on the owners of the building requiring the owners to rectify the maintenance issues identified during the inspection by 2 December 2024.

FIRE AND RESCUE NSW REPORT:

Fire and Rescue NSW conducted an inspection of the subject premises on 15 May 2024 after receiving an enquiry about the adequacy of the egress provisions in connection with the premises.

Issues

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

Ref	Issue	City response
1A.A	The pressure gauge located on the upstream (town main) side of the pumpset was a compound gauge and will not show the required pressure being applied to the hydrant pumpset contrary to the requirements of Clause 9.3.1 of Australian Standard (AS) 2419.1-2005.	A compliant pressure guage has been installed on the upstream side of the pumpset.
1A.B	A rudimentary block plan was installed at the booster cabinet. The block plan is a combined fire hydrant and fire sprinkler block plan which contains insufficient information to assist firefighters during operations and is contrary to the requirements of AS 2419.1 – 2005.	This matter has been addressed under the corrective action letter dated 4 October 2024.
1A.C	FRNSW notes that Council issued a modified fire safety order in 2015, requiring an upgrade of the hydrant and sprinkler booster assemblies which included the installation of new block plans and boost & test pressure signage in accordance with Clause 7.10 and 7.11 of AS2419.1-2005. In this regard, the fire safety schedule issued in relation to the modified fire safety order does not include detail of the hydrant and sprinkler booster assembly upgrades and therefore the ongoing maintenance of the booster assembly cannot be ensured.	<p>The lack of boost and test pressure signage has been addressed under the corrective action letter dated 4 October 2024.</p> <p>Furthermore, Council's current fire safety schedule for the building includes the requirements of the Modified Fire Safety Order in the standard of performance for the sprinkler and hydrant systems in the building and therefore FRNSW concerns have been addressed.</p>
1B.A	14 isolations were present on the Fire Detection Control and Indicating Equipment. At the time of the inspection, multiple refurbishments were being undertaken in multiple sole occupancy units at the premises.	This matter has been addressed under the corrective action letter dated 4 October 2024.

Ref	Issue	City response
2A.	The fire rated door, between the ground floor lobby and the loading dock was chocked open with a plastic wedge, preventing the door from self-closing, contrary to the requirements of Clause C4D6 of the National Construction Code 2022, Volume 1 Building Code of Australia (NCC). FRNSW were advised that the door is often held open to permit unimpeded access to and from the loading dock. FRNSW advised the manager that holding the door open would be permissible if an automatic hold-open device was installed, connected to the Smoke Detection and Alarm System.	The subject door was wedged open as construction workers were transporting materials from the loading dock to the first-floor level which was undergoing major building works under a valid consent. When I advised the construction workers that they could be fined for leaving the door opened, they removed the plastic wedge from under the door and closed the door.
3A.	The latch operating device to the fire rated door, between the ground floor lobby and the loading dock did not comply with the requirements of Clause D3D26 of the NCC. In this regard a security sleeve is installed.	The subject door is not an exit door, or a door located in the path of travel to an exit and therefore is not required to comply with the requirements of D3D26 of the NCC.

FRNSW Recommendations

FRNSW have made a number of recommendations within their report. In general, FRNSW have requested that Council:

1. Review item 1 to 2 of this report and conduct an inspection.
2. Address any other deficiencies identified on “the premises”.
3. Advise them in writing 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

OFFICER RECOMMENDATIONS:

Issue Order	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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As a result of the above site inspection 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.

OFFICIAL



File Ref. No: FRN23/1509 BFS23/2080 8000027742
TRIM Ref. No: D2024/103803
Contact: Inspector Paul Scott

3 September 2024

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 ULTIMO HOTEL
35-39 ULTIMO STREET HAYMARKET ("the premises")**

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

The correspondence stated that:

- *#On that evening I tried to use the emergency fire exit as a shortcut to go to Woolworths which is across the street at the southern end of the hotel. I entered the southern emergency stairwell and went to the ground floor level. The egress door was locked and could not be opened. I was then trapped in the stairwell and had to phone reception to get someone to let me out. Totally unacceptable and a danger to guests. I would be grateful if this could be investigated and fixed.*

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected 'the premises' on 15 May 2024.

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

The items listed in the comments of this report are based on the following limitations:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.

Fire and Rescue NSW

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Community Safety Directorate
Fire Safety Compliance Unit

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- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

COMMENTS

The southern egress door identified in the fire safety complaint was found to be operating, was not locked and provided free passage to an open space.

The following items were identified during the inspection:

1. Essential Fire safety Measures

1A. Fire Hydrant System

- A. The pressure gauge located on the upstream (town main) side of the pumpset was a compound gauge and will not show the required pressure being applied to the hydrant pumpset contrary to the requirements of Clause 9.3.1 of Australian Standard (AS) 2419.1-2005.

FRNSW received images from the premises, but these failed to show that a compliant pressure gauge was installed.

- B. A rudimentary block plan was installed at the booster cabinet. The block plan is a combined fire hydrant and fire sprinkler block plan which contains insufficient information to assist firefighters during operations and is contrary to the requirements of AS 2419.1 – 2005.

- C. FRNSW notes that Council issued a modified fire safety order (REF:S0775602-02) in 2015, requiring an upgrade of the hydrant and sprinkler booster assemblies which included the installation of new block plans and boost & test pressure signage in accordance with Clause 7.10 and 7.11 of AS2419.1-2005. In this regard, the fire safety schedule issued in relation to the modified fire safety order (REF: S075602/CDH/2016/549468) does not include detail of the hydrant and sprinkler booster assembly upgrades and therefore the ongoing maintenance of the booster assembly cannot be ensured.

1B. Smoke Detection and Alarm System (SDAS)

- A. 14 isolations were present on the Fire Detection Control and Indicating Equipment. At the time of the inspection, multiple refurbishments were being undertaken in multiple sole occupancy units at the premises.

2. Compartmentation and Separation

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- 2A. The fire rated door, between the ground floor lobby and the loading dock was chocked open with a plastic wedge, preventing the door from self-closing, contrary to the requirements of Clause C4D6 of the National Construction Code 2022, Volume 1 Building Code of Australia (NCC). FRNSW were advised that the door is often held open to permit unimpeded access to and from the loading dock. FRNSW advised the manager that holding the door open would be permissible if an automatic hold-open device was installed, connected to the Smoke Detection and Alarm System.
3. Egress
- 3A. The latch operating device to the fire rated door, between the ground floor lobby and the loading dock did not comply with the requirements of Clause D3D26 of the NCC. In this regard a security sleeve is installed.

FRNSW believes that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 2 of this report and conduct an inspection.
- b. Address any other deficiencies identified on “the premises”.

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. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Please do not hesitate to contact Inspector Paul Scott of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference FRN23/1509 BFS23/2080 8000027742 regarding any correspondence concerning this matter.

Yours faithfully



Paul Scott
Team Leader Fire Safety Compliance
Fire Safety Compliance Unit