Attachment E

Inspection Report
2-4 Cunningham Street, Haymarket

2 - 4 Cunningham Street, Haymarket

CITY OF SYDNEY

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10/02/2025

City 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 3275623 **Officer:** Muhammad Hassan **Date:** 11 February 2025

Premises: 2-4 Cunningham Street, Haymarket

Executive Summary

The City received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 6 January 2025 with respect to matters of fire safety.

The premises is known as “Aspect” and is used predominantly as a residential apartment building. The building contains forty-one 41 storeys and includes commercial tenancies on the ground and first floor level, a gymnasium on the second-floor level and a basement car park.

The City’s inspection on 31 January 2025 in the presence of the Operations Manager revealed that the premises was deficient in egress, construction and fire safety provisions in the following areas:

I. Suitable fire resisting construction to prevent the spread of fire.

II. A lack of adequate facilities for firefighting.

III. Defective egress provisions.

The inspection also revealed that several fire safety measures in the building were not being maintained. This included the poor maintenance of smoke detection and alarm system, exit signs and the fire hydrant and sprinkler system signage.

A Fire Safety Order (Order) was issued by the City on the premises on 27 April 2022, addressing most of the fire safety deficiencies identified by FRNSW. The timeframe for the works to be completed under this order was by 5 January 2025. As the works have not yet been completed the City is preparing for further enforcement action.

During the City’s inspection, no combustible cladding was identified.

Chronology

Date	Event
6 January 2025	The City received correspondence from FRNSW regarding premises 2-4 Cunningham Street, Haymarket.
31 January 2025	An inspection of the subject premises was undertaken by the City with the Operations Manager. The inspection revealed that the building contained the following fire safety deficiencies: 1. The fire indicator panel contained several faults. 2. The combined sprinkler/hydrant block plan lacked information required by the relevant Australian Standards and was not water and fade resistant. 3. The fire hydrant booster and the sprinkler booster lacked signage required by the relevant Australian Standards. 4. The path of travel to an exit door within a restaurant on the first-floor level was being obstructed by a table. 5. Fire doors to restaurants on the first-floor level were being choked open. The chokes were removed during the inspection. 6. A fire door to a restaurant on the first-floor level was damaged and was required to be replaced. 7. There was a lack of exit signs in the fire isolated corridors providing egress for the restaurants on the first-floor level. 8. Several exit signs located within the college on the first-floor level were not illuminated. 9. The hydrant outlet within the fire isolated stair serving the Level 2 college tenancy was not provided with sufficient clearance in front of the hydrant when the egress door is opened. **10.** A sprinkler head in the located near the entry of the first-floor restaurant was covered with cobwebs. The cobwebs were removed by the restaurant operator during the inspection.
4 February 2025	Compliance instructions were issued to the owners requiring the rectification of the identified maintenance issues by 16 February 2025.
13 February 2025	Building owners wrote to the City on 13 February 2025 requesting an extension of time to complete the requested rectification works.
24 February 2025	The City extended the compliance timeframe for access and egress related works to 3 March 2025, and for all other works to 26 March 2025.
27 February 2025	The City conducted a follow up inspection on 27 February 2025 to determine if works listed in the compliance instructions were underway. The inspection found the rectification works relating to access and egress had been completed ahead of their due date. All other works, required by 26 March 2025, remains outstanding.

FIRE AND RESCUE NSW REPORT

FRNSW conducted an inspection of the subject premises after receiving an enquiry about the adequacy of the provision for fire safety in connection with the premises. The report from FRNSW detailed several issues, noting the following:

Ref	Issue	City response
1	**Essential Fire Safety Measures**	
1A.	Combined Sprinkler and Hydrant System	
1A.A.i	The combined booster was not provided with an adequate block plan.	The City's inspection on 31 January 2025 confirmed the block plan had not yet been provided. This issue is required to be rectified under the Fire Safety Order issued on the owners on 27 April 2022 and the compliance instruction sent to the owners on 4 February 2025. The owners are required to complete these works by 26 March 2025., addressing this issue.
1A.Aii	The schematic of the combined hydrant and sprinkler system at the booster was not water and fade resistant	The City's inspection on 31 January 2025 identified the schematic signage was not water and fade resistant. This issue is required to be rectified under the Fire Safety Order issued on the owners on 27 April 2022 and the compliance instruction sent to the owners on 4 February 2025. The owners are required to complete these works by 26 March 2025, addressing this issue.
1A.Aiii	The block plan and schematic diagram of the combined hydrant and sprinkler system did not include identification of all sprinkler control valves.	The City's inspection on 31 January 2025 identified signage requires additional information. This issue is required to be rectified under the Fire Safety Order issued on the owners on 27 April 2022 and the compliance instruction sent to the owners on 4 February 2025. The owners are required to complete these works by 26 March 2025, addressing this issue.
1A.B.	System tested signage was not provided at the booster assembly, and the text for the working pressure was observed to be less than 25mm high.	The City's inspection on 31 January 2025 identified signage requires amending. This issue is required to be rectified under the Fire Safety Order issued on the owners on 27 April 2022 and the compliance instruction sent to the owners on 4 February 2025. The owners are required to complete these works by 26 March 2025, addressing this issue.
1A.C.	FRNSW are of the opinion that the boost pressure signage should state, BOOST PRESSURE 950kPa and the relay pump be modified to ensure correct operational	The current BOOST PRESSURE is 1150KPA and FRNSW have not indicated why this boost pressure is

Ref	Issue	City response
	pressures. Additional signage should be installed along with a 150mm pressure gauge to advise firefighters of the required pressure at the RELAY PUMP discharge. The manual start controls for the relay pump are also located within the Fire Control Room (FCR). It is recommended for additional relay pump manual start controls be installed at the fire brigade booster.	insufficient and why the relay pump should be modified. The current fire hydrant system was installed to AS 2419.1-1994. If the current boost pressure is acceptable under AS 2419.1-1994, then it is unreasonable to upgrade the relay pump. Relay pump manual start controls at the fire brigade booster are not required under the Building Code of Australia or Under Australian Standard 2419.1 and its unreasonable to install them while they are already present in the FCR. This will be further investigated under the Fire Safety Order issued on the owners on 27 April 2022, addressing this issue.
1A.D.	FRNSW observed pilot regulated pressure reduction valves within the pumproom that incorporate quarter turn isolation valves either side of the pilot valve. i. FRNSW recommend the quarter turn isolation valves be either removed or monitored, to avoid water being isolated to the combined sprinkler and hydrant system.	The current fire hydrant system was installed to AS 2419.1-1994 and this standard did not require isolating valves to be monitored, and it would be unreasonable to require monitoring now. Considering the above, no action is required to address this issue.
1A.E.	FRNSW identified the main stop valve to the relay pumpset marked 'STOP VALVE NORMALLY OPEN'. The electrical junction for the monitored valve was open with exposed wiring which appeared to be disconnected and not capable of being continuously monitored. FRNSW note the monitored isolation valve is one of the fourteen isolations on the main FIP – 'Zone 212 Level 1 Pump Room Monitored Valve'	The City's inspection on 31 January 2025 identified this issue remains outstanding. This is required to be rectified under the Fire Safety Order issued on the owners on 27 April 2022 and the compliance instruction sent to the owners on 4 February 2025. The owners are required to complete these works by 26 March 2025, addressing this issue.
1A.F.	A non-return valve located on the pipework within the combined pumproom is orientated upside down and will fail to close by gravity under no flow conditions.	The City's inspection on 31 January 2025 identified this issue remains outstanding. This is required to be rectified under the Fire Safety Order issued on the owners on 27 April 2022 and the compliance instruction sent to the owners on 4 February 2025. The owners are required to complete these works by 26 March 2025, addressing this issue.
1A.G.	The hydrant outlet within the fire isolated stair serving the Level 2 college tenancy was not provided with sufficient clearance in front	The City's inspection on 31 January 2025 identified this issue remains outstanding. This is required to be rectified under the Fire Safety Order

Ref	Issue	City response
	of the hydrant when the egress door is opened. FRNSW recommend the hydrant be oriented to face the descending stairway.	issued on the owners on 27 April 2022 and the compliance instruction sent to the owners on 4 February 2025. The owners are required to complete these works by 26 March 2025, addressing this issue.
1A.H.	FRNSW identified a sprinkler head located at the top of the stairway to the Level 1 restaurant was covered by grease and dust.	The City's inspection on 31 January 2025 identified this issue remains outstanding. This is required to be rectified under the Fire Safety Order issued on the owners on 27 April 2022 and the compliance instruction sent to the owners on 4 February 2025. The owners are required to complete these works by 26 March 2025, addressing this issue.
1B.	Smoke Detection and Alarm System (SDAS)	
1B.Ai	The Fire Detection Control and Indicating Equipment (FDCIE) displayed two (2) faults and fourteen (14) isolations.	The City's inspection on 31 January 2025 identified this issue remains outstanding. This is required to be rectified under the Fire Safety Order issued on the owners on 27 April 2022 and the compliance instruction sent to the owners on 4 February 2025. The owners are required to complete these works by 26 March 2025, addressing this issue.
1B.B	FRNSW are unable to determine if smoke detection is provided throughout the premises as required.	The City's inspection on 31 January 2025 identified this issue remains outstanding. This is required to be rectified under the Fire Safety Order issued on the owners on 27 April 2022 and the compliance instruction sent to the owners on 4 February 2025. The owners are required to complete these works by 26 March 2025, addressing this issue.
1C.	Fire Control Room (FCR)	
1C.A	The FCR did not contain the following items in accordance with S19C10 of the NCC: i. a telephone directly connected to an external telephone exchange, ii. colour-coded, durable, tactical fire plans.	The City's inspection on 31 January 2025 found the FCR contained a telephone directly connected to an external telephone exchange and a colour-coded, durable tactical fire plans, addressing this issue.
1D.	Access and Egress	
1D.A	i. The door handle of the doorway opening from the restaurant kitchen into the fire isolated stair on Level 1 was covered with grease which may hinder the operation of door latch. ii. The artificial and emergency lighting at the bottom of the fire isolated stair serving the Level 1 restaurant and pump room was not operational.	Access and egress issues on Level 1 were required to be rectified under the Fire Safety Order issued on the owners on 27 April 2022 and the compliance instruction sent to the owners on 4 February 2025. The City's follow up inspection on 27 February 2025, confirmed these matters had been rectified, addressing this issue.

Ref	Issue	City response
	iii. Numerous exit signs within the Level 1 restaurant and Level 2 college were not lit.	
1D.B.	Exits located at the back of house and kitchen area of the Level 1 restaurant were blocked by stored items.	During the City's inspection on 31 January 2025, all storage items were cleared at Council's request, addressing this issue.
1D.C.	The two fire doors from the Level 1 kitchen leading to the fire isolated stairwell were held open.	Egress on Level 1 was required to be rectified under the Fire Safety Order issued on the owners on 27 April 2022 and the compliance instruction sent to the owners on 4 February 2025. The follow up inspection on 27 February 2025 confirmed fire doors were no longer held open, addressing this issue.
1D.D.	FRNSW identified stored items located within the fire isolated stair serving the Level 1 restaurant and pump room.	The City's inspection on 31 January 2025 found no storage items, addressing this issue.
1D.E	FRNSW identified the following issues with directional exit signage within the premises: i. Multiple exit doors discharge into an enclosed passageway at the bottom of the fire isolated stair on Level 1. Directional signage was not installed in the passageway to guide occupants to the direction of the required exit. ii. The exit signs leading out of the lobby at the ground main entrance contradict each other and do not guide occupants to the exit door	Exit signage was required to be rectified under the Fire Safety Order issued on the owners on 27 April 2022 and the compliance instruction sent to the owners on 4 February 2025. The follow up inspection undertaken by the City on 27 February 2025, confirmed the signage had been amended as instructed, addressing this issue.
1D.F	Multiple doorways within the fire isolated exit serving Level 1 are not provided with door latch that opens a single downward action.	The City's inspection on 31 January 2025 noted all doorways within the fire isolated exit serving level 1 were provided with a door latch opens a single downward action, in accordance with the requirements of Clause D3D26 of the NCC, addressing this issue.
1D.G	Fire door from the restaurant kitchen on Level 1 leading into the fire isolated stair was damaged, which impacts the fire resistance level required for the door.	This City's inspection on 31 January 2025 noted the door was damaged. The compliance instruction sent to the owners on 4 February 2025 directed this to be repaired by 3 March 2025. The City's follow up inspection on 27 February 2025, confirmed the fire door had been already repaired as instructed, addressing this issue.

Ref	Issue	City response
1D.H.	The alarm mechanism for the refrigerated chamber within the Level 1 restaurant kitchen was not operable.	This is not a required fire safety measure within the building and not a construction, egress or fire safety provision listed in the NCC. The Fire Safety Order issued on the owners on 27 April 2022 requires access and egress to be audited and to comply with the NCC, addressing this issue.
1E.	Fire Hose Reels (FHR)	
1E.A.	The FHR adjacent to the fire stairs on Level 3 was blocked by stored items.	The City's inspection on 31 January 2025 found no storage items were present, addressing this issue.
1.E.B	The FHR in the Level 1 restaurant kitchen was detached from the hose guide.	The FHR was attached to the hose guide during the City's inspection on 31 January 2025, addressing this issue.

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

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

1. Review item 1 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

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 officers it is recommended that Council continues with compliance action under the current Council order and issued Council correspondence to address the fire safety deficiencies identified by FRNSW and Council's building officer.

It is recommended that the Commissioner of FRNSW be advised of Council's actions and determination.

File Ref. No: FRN15/2510 - BFS24/7223 - 8000039076
TRIM Ref. No: D24/150638
Contact: Fire Engineer Joyce Kan

6 January 2025

General Manager
Council of the City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

Re: INSPECTION REPORT
ASPECT
2-4 CUNNINGHAM STREET HAYMARKET ("the premises")

Fire and Rescue NSW (FRNSW) received correspondence on 1 November 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *FIP and ASE has no power connected to it. The EWIS goes off but isn't connected to FIP. FRNSW only sent to call due to EWIS going off. Spoke to building Management about fixing as soon as possible*

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 12 November 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.

- 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

At the time of inspection FRNSW observed the Fire Indicator Panel (FIP) and Alarm Signalling Equipment (ASE) to have power fully restored. Building management advised FRNSW that they had a power surge issue several days earlier and all issues relating to power to the FIP and ASE had been rectified by their servicing contractor.

The following items were identified during the inspection:

1. Essential Fire Safety Measures

1A. Combined Sprinkler and Hydrant System

A. FRNSW identified the following non compliances with plans and specifications at the booster:

i. The combined booster was not provided with an adequate block plan, contrary to the requirements of Clause 2.3 of Australian Standard (AS) 2419.1-1994.

ii. The schematic of the combined hydrant and sprinkler system at the booster was not water and fade resistant

iii. The block plan and schematic diagram of the combined hydrant and sprinkler system did not include identification of all sprinkler control valves, contrary to the requirements of Clause 8.3 of AS 2118.1-1999.

FRNSW identified a hand drawn note on the schematic drawing at the booster. It indicates that the low and mid-rise boosters and the pipework that supply them have been made redundant. A review of Councils records may be required to ascertain if the combined system has been amended from its original configuration and what, if any, approvals have been granted to amend the system. In that regard, it is at councils' discretion as the appropriate regulatory authority to determine whether or not a survey of the combined system is necessary.

B. System tested to signage was not provided at the booster assembly, and the text for the working pressure was observed to be less than 25mm high, contrary to the requirements of Clause 5.6.7 of AS 2419.1-1994.

C. FRNSW identified a manual start fire brigade relay pump installed at the premises. Where a RELAY pump is installed, the relay pump

adds to FRNSW pressure to achieve the required pressures in high-stage pressure zone.

FRNSW position statement '*FRNSW pump performance for high rise buildings*' states, the fire hydrant system is to be designed for a 'Boost Pressure' of 950 kPa being input into the fire brigade booster connection from a standard FRNSW pumper, for buildings having an effective height greater than 50 m and requiring a fire brigade relay pump. FRNSW are of the opinion that the boost pressure signage should state, BOOST PRESSURE 950kPa and the relay pump be modified to ensure correct operational pressures.

Additional signage should be installed along with a 150mm pressure gauge similar to *Figure 1*, to advise firefighters of the required pressure at the RELAY PUMP discharge.

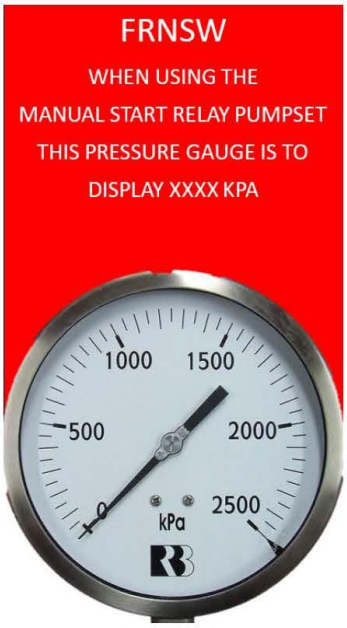

Figure 1

The manual start controls for the relay pump are also located within the Fire Control Room (FCR). Due to the remote location of the FCR in relation to the combined hydrant booster, and for operational capability it is recommended for additional relay pump manual start controls be installed at the fire brigade booster.

D. FRNSW observed pilot regulated pressure reduction valves within the pumproom that incorporate quarter turn isolation valves either side of the pilot valve. FRNSW have responded to a high-rise building fire where the isolation valves were turned to the off

position which prevented water flowing through the installation. The closed isolation valve stops water flowing to or from the pilot valve therefore, preventing water flow to the lower pressure zone.

i. FRNSW recommend the quarter turn isolation valves be either removed or monitored, to avoid water being isolated to the combined sprinkler and hydrant system.

E. FRNSW identified the main stop valve to the relay pumpset marked 'STOP VALVE NORMALLY OPEN'. The electrical junction for the monitored valve was open with exposed wiring which appeared to be disconnected and not capable of being continuously monitored, contrary to the requirements of Clause 4.4.5 of AS 2419.1–1994.

i. FRNSW note the monitored isolation valve is one of the fourteen isolations on the main FIP – 'Zone 212 Level 1 Pump Room Monitored Valve'

F. A non-return valve located on the pipework within the combined pumproom is orientated upside down and will fail to close by gravity under no flow conditions, contrary to the requirements Clause 3.3.6 of AS 4794–2001.

G. The hydrant outlet within the fire isolated stair serving the Level 2 college tenancy was not provided with sufficient clearance in front of the hydrant when the egress door is opened, contrary to the requirements of Clause 5.3.2 of AS 2419.1–1994. When firefighting hose is connected, and charged with water, egress is not possible from the tenancy.

i. FRNSW recommend the hydrant be oriented to face the descending stairway.

H. FRNSW identified a sprinkler head located at the top of the stairway to the Level 1 restaurant was covered by grease and dust, contrary to Section 81 of Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR21).

1B. Smoke Detection and Alarm System (SDAS)

A. FRNSW are of the opinion that maintenance is not being carried out in accordance with Section 81 of EPAR21. FRNSW observed the following which may affect the operation of the SDAS:

i. The Fire Detection Control and Indicating Equipment (FDCIE) displayed two (2) faults and fourteen (14) isolations. The isolations were displayed to be at the sprinkler flow switch at various levels of the building which could delay occupant warning and emergency response within the building.

B. FRNSW are unable to determine if smoke detection is provided throughout the premises in accordance with Specification 20 of the National Construction Code 2022 (NCC 2022). In this regard FRNSW observed alterations to the SDAS and limited detection capabilities within the college tenancy on Level 2.

1C. Fire Control Room (FCR)

A. The FCR did not contain the following items in accordance with S19C10 of the NCC:

i. a telephone directly connected to an external telephone exchange,

ii. colour-coded, durable, tactical fire plans.

1D. Access and Egress

A. FRNSW are of the opinion that maintenance is not being carried out in accordance with Section 81 of EPAR21. FRNSW observed the following:

i. The door handle of the doorway opening from the restaurant kitchen into the fire isolated stair on Level 1 was covered with grease which may hinder the operation of door latch.

ii. The artificial and emergency lighting at the bottom of the fire isolated stair serving the Level 1 restaurant and pump room was not operational.

iii. Numerous exit signs within the Level 1 restaurant and Level 2 college were not lit.

B. Exits located at the back of house and kitchen area of the Level 1 restaurant were blocked by stored items, contrary to the requirements of Section 109 of EPAR21.

C. The two fire doors from the Level 1 kitchen leading to the fire isolated stairwell were held open, contrary to the requirements of Clause C4D9 of the NCC.

Items identified in B and C were attended to whilst FRNSW were on site.

D. FRNSW identified stored items located within the fire isolated stair serving the Level 1 restaurant and pump room, contrary to the requirements of Section 109 of EPAR21.

E. FRNSW identified the following issues with directional exit signage within the premises, contrary to the requirements of Clause E4D6 of the NCC:

i. Multiple exit doors discharge into an enclosed passageway at the bottom of the fire isolated stair on Level 1. Directional signage was not installed in the passageway to guide occupants to the direction of the required exit.

ii. The exit signs leading out of the lobby at the ground main entrance contradict each other and do not guide occupants to the exit door

F. Multiple doorways within the fire isolated exit serving Level 1 are not provided with door latch that opens a single downward action, contrary to the requirements of Clause D3D26 of the NCC.

G. Fire door from the restaurant kitchen on Level 1 leading into the fire isolated stair was damaged, which impacts the fire resistance level required for the door, contrary to the requirements of Clause C4D9(1) of the NCC.

H. The alarm mechanism for the refrigerated chamber within the Level 1 restaurant kitchen was not operable, contrary to the requirements of G1D3(d) of the NCC.

1E. Fire Hose Reels (FHR)

A. The FHR adjacent to the fire stairs on Level 3 was blocked by stored items, contrary to the requirements of Clause 10.1 of AS 2441-2005.

B. The FHR in the Level 1 restaurant kitchen was detached from the hose guide, contrary to the requirements of Clause 2.2.7.2 of AS 1221-1997.

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

RECOMMENDATIONS

FRNSW recommends that Council:

a. Review item 1 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 Joyce Kan 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 FRN15/2510 - BFS24/7223 - 8000039076 regarding any correspondence concerning this matter.

Yours faithfully

Paul Scott
Team Leader
Fire Safety Compliance Unit