

Attachment J

**Inspection Report
2-4 Cunningham Street, Haymarket**



Figure 1: 2-4 Cunningham Steet, Haymarket, viewed from the east



Figure 2: Location map of 2-4 Cunningham Street, 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)

Officer: Muhammad Hassan

Date: 6 December 2025

Premises: 2-4 Cunningham Street, Haymarket

Executive Summary

1. The City of Sydney (the City) received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 6 November 2025 with respect to matters of fire safety.
2. The premises consists of a 41-storey building used for residential purposes with commercial tenancies at ground level.
3. The City inspected the premises on 27 November 2025, accompanied by the owners representative. This inspection identified fire safety provisions requiring maintenance, which can be addressed under the City's instruction.

Chronology

Date	Event
6 November 2024	FRNSW correspondence received.
27 November 2025	The City inspected the premises identifying deficiencies in fire safety.
8 December 2025	The City issued a corrective action letter requiring the owners to rectify identified deficiencies in two stages. Stage 1 works involve repairing a faulty voltage meter on the hydrant and sprinkler pump, with completion required by 7 January 2026. Stage 2 works require the owners to repair an exhaust leak on the hydrant and sprinkler pump, with completion required by 6 February 2026.
14 January 2026	The City wrote to the building owners requesting inspection of repaired faulty voltage meter on the hydrant and sprinkler pump as required under stage 1 of the corrective action letter.

Date	Event
14 January 2026	The City received correspondence from the building owner's representative conforming the stage 1 work will be completed on 23 January 2026 and the stage 2 work will be completed on 5 February 2026.

Fire and Rescue NSW Report

4. Fire and Rescue NSW conducted an inspection of the subject premises on 4 July and 15 September 2025.

Issues

5. The report from Fire and Rescue NSW detailed issues as shown in the table below.

Ref.	Issue	City response
	Fire Hydrant System	
1.	Pumproom a. The logbook entry for diesel pumpset dated 25/08/25 stated: 1. 'Possible exhaust leak due to room gets smoky when running' b. The logbook entry for electric pumpset dated 25/08/25 stated: i. Unable to get accurate starting pressure' ii. 'Low voltage' iii. 'Unable to get cut in and cut out pressure for jacking pump'.	The City's inspection on 27 November 2025 found that the last logbook entry for the diesel pump stated "the relay diesel has an exhaust leak between the manifold and muffler" and that "the electric pump voltage meter fails" A corrective action letter was issued on 8 December 2025 requiring the building owners to repair these defects by 6 February 2026. An inspection will be undertaken to confirm the work has been completed, addressing this issue.
2	Access to roof top pumproom was not fitted with a lock compatible with FRNSW access key (003 key lock).	The City's inspection on 27 November 2025 found that the door to the roof top pump room was fitted with a lock compatible with FRNSW access key (003 key lock), addressing this issue.

Ref.	Issue	City response
	Construction of Exits	
3.	Re-entry from fire-isolated exits – Whilst the doors of the fire-isolated stairways (effective height greater than 25m) were unlocked on every forth storey, the unlocked doors were not provided with appropriate signage stating that re-entry is available, and all other doors were not fitted with a fail-safe device that automatically unlocks the door upon the activation of a fire alarm.	The City's inspection on 27 November 2025 found that the exit stairs re-entry facilities do not comply. The City issued a Fire Safety Order on 27 April 2022 requiring the inspection, audit, and remediation of re-entry facilities to address this matter. Although the Order is now overdue, the City continues to work with the owners to achieve compliance.
4.	Handrails – The handrails within the fire-isolated stairways were not continuous between stair flights.	The City's inspection on 27 November 2025 found that the handrails within the fire-isolated stairways were not continuous between stair flights. Given the existing handrails have only two breaks and the exits are provided with suitable emergency lighting, no upgrade is considered necessary to address this issue.

6. FRNSW have recommended that the City inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

Council Investigation Officer Recommendations

7. As a result of site inspections undertaken by the Council investigation officer, it is recommended Council continue with its current compliance action under the current Council Order. In response to the additional issues identified, a corrective action letter was issued on 8 December 2025. Together, these actions address the matters raised by both the City and FRNSW.
8. It is recommended that the Commissioner of FRNSW be informed of the City's decision.

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File Ref. No: FRN15/2510 - BFS25/6355 - 8000045089
FRN15/2510 - BFS25/3945 - 8000043228
TRIM Ref. No: D25/130139
Contact: John Bruscino

5 November 2025

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
'APX HOTELS APARTMENTS – APX WORLD SQUARE'
2 CUNNINGHAM STREET, HAYMARKET ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 17 June and 11 September 2025 concerning the adequacy of the provision for fire safety in or in connection with the premises.

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 4 July and 15 September 2025.

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.

COMMENTS

FRNSW refers to FRNSW inspection report File Ref. No: FRN15/2510 - BFS24/7223 - 8000039076, dated 6 January 2025, previously provided to Council (copy attached - Appendix 1). It is noted that many of the items listed as concerns within that inspection report, were again identified during the inspection on 15 September 2025.

FRNSW acknowledges Council letter Ref: CSM 3275623/MH/2025/293176, dated 19 May 2025, in response to the FRNSW letter dated 6 January 2025, with reference also made to Council Fire Order, Ref: Licence No: FIRE/2022/13, dated 27 April 2022.

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Notwithstanding the above, in addition to the items identified in both the FRNSW Inspection Report and Council Order referenced above, the following items were identified in during the inspection:

Provisions for Fire Safety

Fire Hydrant System

1. Pumproom:
 - a. The logbook entry for diesel pumpset dated 25/08/25 stated:
 - i. 'Possible exhaust leak due to room gets smoky when running'
 - b. The logbook entry for electric pumpset dated 25/08/25 stated:
 - i. 'Unable to get accurate starting pressure'
 - ii. 'Low voltage'
 - iii. 'Unable to get cut in and cut out pressure for jacking pump'

The building manager advised that he was aware of some of the issues and would follow up these with the fire services contractor.

2. Access to roof top pumproom was not fitted with a lock compatible with FRNSW access key (003 key lock).

Construction of exits

3. Re-entry from fire-isolated exits – Whilst the doors of the fire-isolated stairways (effective height greater than 25m) were unlocked on every forth storey, the unlocked doors were not provided with appropriate signage stating that re-entry is available, and all other doors were not fitted with a fail-safe device that automatically unlocks the door upon the activation of a fire alarm, contrary to the requirements of Clause D3D27 of the NCC.
4. Handrails – The handrails within the fire-isolated stairways were not continuous between stair flights, contrary to the requirements of Clause D33D22 of the NCC.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 4 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. FRNSW refers this matter to the Council as the appropriate regulatory authority and awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

LIMITATIONS

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

- FRNSW's inspection of the premises may have been conducted without having the development consent and / or approved plans as a reference.
- FRNSW's inspection of the premises was a non-invasive visual inspection.
- FRNSW authorised fire officers may not have been able to access all areas of the premises at the time of inspection.

The following parts of the premises were not able to be inspected:

- The hydrant pump room and the sprinkler valve room.
- The sole occupancy units.

Please do not hesitate to contact John Bruscino of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434. If you have any questions or concerns regarding the above matters, Please ensure that you refer to file reference FRN15/2510 - BFS25/6355 - 8000045089 for any future correspondence concerning this matter.

Yours faithfully



John Bruscino
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment: [Appendix 1 – FRNSW Inspection Report, dated 6 January 2025 – 7 pages]

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Appendix 1 – FRNSW Inspection Report

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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.

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483
www.fire.nsw.gov.au		Page 1 of 7

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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

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.
 - D. 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

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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.

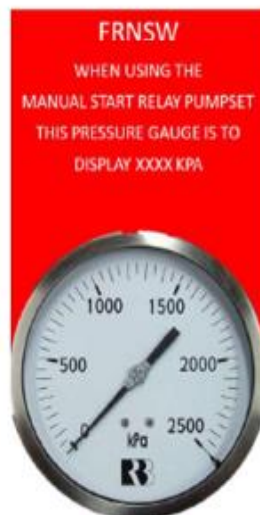


Figure 1

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 pumphouse 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.

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- 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:

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- 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.

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Yours faithfully



Paul Scott
Team Leader
Fire Safety Compliance Unit