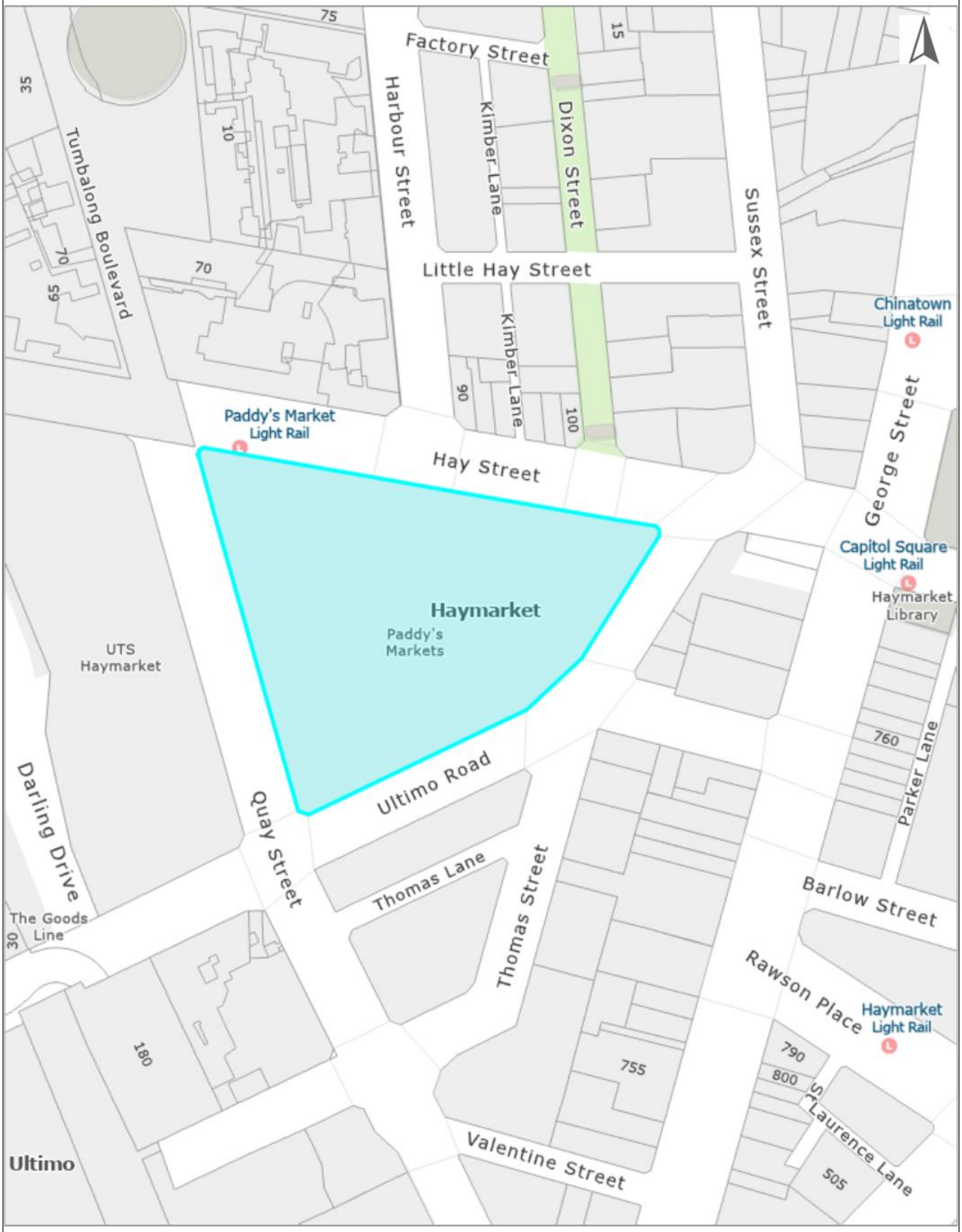
Attachment D

Inspection Report
9-13 Hay Street, Haymarket NSW 2000

9 - 13 Hay Street, Haymarket

CITY OF SYDNEY



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Notes

12/02/2025

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: 3286608 **Officer:** Arfan Chaudhary **Date:** 13 February 2025

Premises: 9-13 Hay Street, Haymarket NSW 2000

Executive Summary

The City received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 22 January 2025 with respect to matters of fire safety.

A FRNSW inspection resulted from a complaint received from a member of public concerning inadequate fire safety with 'the premises'.

The premises consists of a forty-six (46) storey building used for markets (Paddy's Markets) at ground level, with a multi-level shopping centre above (Market City Shopping Centre), two levels of car parking, and residential apartments above known as 'The Peak' above.

The ground floor markets (buildings 1 and 2) are included on the Section 170 register of the NSW Heritage Act 1977, being an item of environmental heritage which is vested in or owned by an NSW government authority or agency.

The City's inspection on 11 February 2025, in the presence of the building's representatives, revealed only minor works were required to ensure adequate fire safety.

A compliance letter of instruction was issued on 19 February 2025, directing building owners to submit a schedule detailing how they will complete the minor fire safety works. The instructions also mandated that the required fire safety work be finished by 31 August 2025.

Although there remains minor fire safety work to attend to, the overall fire safety systems were considered adequate. No additional fire safety concerns were identified, specifically no combustible external cladding was found.

Chronology

Date	Event
22 January 2025	FRNSW correspondence received regarding premises 9-13 Hay Street / 2 Quay Street, Haymarket Sydney.
11 February 2025	An inspection of the subject premises was undertaken by a City officer with the building manager, fire engineer and fire practitioner. No further deficiencies other than those raised by FRNSW were noted. Issues specifically raised by FRNSW and responses to those issues, are summarised in the following table.
19 February 2025	A compliance letter of instruction was issued.
21 February 2025	An advisory letter was sent to the owners requesting further investigation into the hydrant system.

FIRE AND RESCUE NSW REPORT

Fire and Rescue NSW conducted an inspection of the subject premises after receiving correspondence concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence, received by FRNSW, stated that:

was called to an alarm operating. A sprinkler head was taken off and it appeared that the ASE was switched off. no notification was sent to frnsw.

Issues

The report from FRNSW detailed a number of issues, including:

Ref.	Issue	City response
Essential Fire Safety Measures		
1	Fire Detection Control and Indicating Equipment (FDCIE) displayed faults and isolations.	During the inspection on 11 February 2025, the Fire Engineer advised majority of the faults and isolations are due to current construction works occurring within the building. A compliance letter of instruction was issued requiring a progress of works schedule to be submitted by 30 April 2025. This schedule is required to detail how all faults and isolations will be rectified. Additionally, the letter mandates that all faults and isolations must be fully addressed by 31 August 2025, addressing this issue.
ii.	Emergency Warning and Intercommunication System (EWIS) displayed a system fault.	A compliance letter of instruction was issued, requiring a progress of works schedule to be submitted by 30 April 2025. This schedule is required to detail how the faults on the EWIS panel will be rectified. Additionally, the letter mandates that all faults must be rectified by 31 August 2025, addressing this issue.
iii.	At the time of the inspection, management advised that many of the isolations related to fit-out works currently in progress within the retail areas of Paddy's Market and Market City.	Noted.

Ref.	Issue	City response
	On 13 December 2024 an email was received from Building Management justifying faults and isolations as well as confirming some had been addressed.	
2 Fire Hydrant System		
i.	Ordinance 70 and AS2419.1-1994 permitted the use of an internal booster connection for portable relay pumps. The use of portable relay pumps no longer suits the operational needs of FRNSW.	The inspection on 11 February 2025 confirmed the existing hydrant system may require upgrading to meet FRNSW operational requirements. This matter is already being investigated as part of the City's hydrant team. An advisory letter was sent to the building owners recommending they audit the existing hydrant system ahead of the City's investigation.
ii.	The schematic diagram associated with the fire hydrant system indicates that the most hydraulically disadvantaged hydrant achieves a minimum flow rate contrary to current standards.	
iii.	A block plan, meeting all the applicable requirements, has not been provided at the booster assembly,	
iv.	The fire hydrant system does not appear to be appropriately monitored.	
v.	Feed fire hydrants have not been installed onsite adjacent to the booster inlet connections.	
vi.	The internal hydrants throughout the premises are located in the public corridors and not within the required fire-isolated stairways.	
vii.	Boost pressure and test pressure signage was not provided at the booster assembly.	
viii.	An isolating valve has not been provided immediately downstream of the boost inlet connection.	
3. Automatic Fire Sprinkler System		
i.	A plan of risk (block plan) was not provided adjacent to the sprinkler booster or the installation control assemblies.	The inspection on 11 February 2025 confirmed the block plan remains outstanding. A compliance letter of instruction requiring a progress of works schedule to be submitted by 30 April 2025. This schedule is required to detail how the block plan will be rectified. Additionally, the letter mandates that it must be installed by 31 August 2025, addressing this issue.
ii.	Feed fire hydrants have not been installed onsite adjacent to the booster inlet connections.	Under the current standard of performance, the existing hydrant system is not required to comply with the requirements of Clause 4.14.2 of AS 2118.1-2017.
iii.	The lighting in the basement sprinkler pump/tank room was poor with some light fittings not operational. Therefore, adequate lighting has not been provided in the vicinity of the pumpset.	The City's inspection on 11 February 2025 confirmed the lighting had been repaired, addressing this issue.

Ref.	Issue	City response
iv.	The diesel pump in the basement sprinkler pump/tank room demonstrated signs of corrosion and water leakage at the shaft opening.	The City's inspection on 11 February 2025 confirmed corrosion and water leakage had been repaired, addressing this issue.
v.	FRNSW observed pilot regulated pressure reduction valves in the sprinkler pump room that incorporate quarter turn isolation valves on either side of the pilot valve.	A compliance letter of instruction was issued requiring a progress of works schedule to be submitted by 30 April 2025. This schedule is required to detail how the pressure reduction valves will be rectified. Additionally, the letter mandates they must be rectified by 31 August 2025, addressing this issue.
4.	**Access and Egress** Fire Exit – The central fire exit door, adjacent to the lift lobby within Paddy's Market, led to an enclosed room with no exit available. Paddy's Market staff advised that the exit was no longer available due to the construction works taking place. Management were advised of the issue and agreed to address accordingly.	The City's inspection on 11 February 2025 confirmed the signage had been rectified, addressing this issue.
5.	**General** At the time of the inspection the AFSS Annual Fire Safety Statement (AFSS) could not be located.	The City's inspection on 11 February 2025 confirmed the AFSS was prominently displayed, addressing this issue.

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

FRNSW recommends that Council:

a. Review items 1 to 5 of this report and conduct an inspection.

b. Conduct a Fire Safety Audit on the building to ensure all deficiencies within the building, including but not limited to the items highlighted in this report are adequately addressed.

c. Require the owners to upgrade the fire hydrant system to address item no. 2 of this report.

d. Address any other deficiencies identified on "the premises".

COUNCIL INVESTIGATION 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 City correspondence~~	~~Continue with compliance actions under the current Order~~	~~Other (to specify)~~

As a result of the above site inspection undertaken by the City's investigation officer it is recommended that the owners of the building continue to comply with the compliance letter of instruction issued by the City officer to rectify the identified fire safety deficiencies noted by FRNSW.

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

It is recommended that the City not exercise its powers to give a fire safety order at this time and that the Commissioner of FRNSW be advised of the City's actions and determination.

File Ref. No: BFS24/7230 – FRN18/90 - 8000039083
TRIM Ref. No: D2025/005509
Contact: Conor Hackett

22 January 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
PADDYS MARKET/PEAK APARTMENTS
9-13 HAY STREET/2 QUAY ST, HAYMARKET SYDNEY ("the premises")

Fire and Rescue NSW (FRNSW) received correspondence on 3 November 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

> *was called to an alarm operating. A sprinkler head was taken off and it appeared that the ASE was switched off. no notification was sent to frnsw.*

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 December 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

This report is limited to observations and sections of the building accessed at the time of the inspection and includes potential deviations from the National Construction Code 2022 Building Code of Australia – Volume One (NCC) and applicable Australian Standards.

Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may contradict development consent approval. Council will also be aware that the premises is subject to multiple fire engineered performance solutions as noted in the fire safety schedule.

In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified during the inspection:

Essential Fire Safety Measures

1. Clause 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (the DCFS Regulation) requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed.

   At the time of the inspection, the following was noted:

   i. Fire Detection Control and Indicating Equipment (FDCIE) – The FDCIE displayed the following:

      - 10 (ten) isolations.
      - 140 (one hundred & forty) faults.
      - 'Podium Detection Indication' showed 8 (eight) zones isolated.
      - There were multiple faults showing to the damper/smoke zone control panel.
      - Multiple faults/isolations were noted to supply fans and air handling units at the Fire Fan Control Panel.
      - The tamper switch indications displayed issues with 2 (two) tamper valves (Level B1 & High Level).
      - The sub panel in the sprinkler valve room displayed 2 (two) isolations & 69 (sixty-nine) faults.

   ii. Emergency Warning and Intercommunication System (EWIS) - The three EWIS Panels each displayed a system fault.

iii. At the time of the inspection, management advised that many of the isolations related to fit-out works currently in progress within the retail areas of Paddy's Market and Market City. Management agreed to consult with Fire Contractors to investigate the issues outside of the scope of the fit-out works.

On 13 December 2024 an email was received from Building Management confirming the following:

- That '*Isolations and faults are in the construction area, with detection and sprinklers operational within the remaining areas of Paddys. Isolations are being monitored, with zones deisolated at the completion of works daily. A register of isolations is located at FCR*'.
- That the faults displaying at the EWIS panel relate '*only to Paddy's x1 and Retail Level 2 due to works*'.
- That issues noted with the damper/smoke zone control panel had been resolved.
- That the tamper switch issues had been resolved.
- That the isolations to air handling units at the fire fan control panel had been resolved.
- That the issues noted at the Sub Panel in the sprinkler valve room were part of the list within main fire control room and related to the fit-out works.
- The fire contractors have confirmed on multiple visits that Alarm Signalling Equipment is operating as normal.

Accordingly, no enforcement action was taken by FRNSW. It should also be noted that Management advised FRNSW that the owners were currently preparing a scope of works for the upgrade of the FDCIE with works due to commence in March 2025.

2. Fire Hydrant System: The fire hydrant system appears to be installed in accordance with Ordinance 70 and Ministerial Specification No.10. Notwithstanding this, the following deviations from AS2419.1-2021 and other items have been identified, which are of concern to FRNSW:

i. Ordinance 70 and AS2419.1-1994 permitted the use of an internal booster connection for portable relay pumps to be installed in buildings above 75 metres or as required by the regulatory authority, to provide a pressurised water source for firefighting operations on the upper levels of the building. In this regard, the use of portable relay pumps no longer suits the operational needs of FRNSW.

ii. The schematic diagram associated with the fire hydrant system indicates that the most hydraulically disadvantaged hydrant achieves a minimum flow rate of 4.5L/s at approximately 270kPa, contrary to the requirements

of Clause 2.2.6 of AS2419.1-2021 which requires a minimum residual flow and pressure of 10L/s and 700kPa at the most disadvantaged hydrant.

iii. A block plan, meeting all the applicable requirements, has not been provided at the booster assembly, contrary to the requirements of Clause 11.5 of AS2419.1-2021.

iv. The fire hydrant system does not appear to be appropriately monitored in accordance with the requirements of Clause 8.9 of AS2419.1-2021.

v. Feed fire hydrants have not been installed onsite adjacent to the booster inlet connections, contrary to the requirements of Clauses 2.2.10 and 2.2.14 and Section 7 of AS 2419.1-2021.

vi. The internal hydrants throughout the premises are located in the public corridors and not within the required fire-isolated stairways, contrary to the requirements of Clause 3.6.2 of AS 2419.1-2021.

vii. Boost pressure and test pressure signage was not provided at the booster assembly, contrary to the requirements of Clause 11.3.4 of AS2419.1-2021.

viii. An isolating valve has not been provided immediately downstream of the boost inlet connection, contrary to the requirements of Clause 7.5.1(g) of AS2419.1-2021.

The following is the formal position of FRNSW regarding Ordinance 70 Hydrant Systems:

When a consent authority (e.g. Council) is assessing the adequacy of an existing fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier), FRNSW recommend that the system be upgraded to meet the requirements of AS 2419.1:2021 to facilitate the needs of FRNSW appropriate to firefighting operations.

Additionally, any existing fire hydrant system that incorporates an internal booster connection for portable relay pumps (e.g. under Ordinance 70, AS 2419.1–1994) should be upgraded to remove the portable relay pump connection.

FRNSW acknowledge that all aspects of AS 2419.1:2021 may not be able to be complied with due to the characteristics and constraints of the existing fire hydrant system and/or building or premises. A bespoke upgrade solution may be required.

3. Automatic Fire Sprinkler System – It is unclear to which standard the existing sprinkler system has been installed, however, the following deviations from AS2118.1-2017 and other items have been identified, which are of concern to FRNSW:

i. A plan of risk (block plan) was not provided adjacent to the sprinkler booster or the installation control assemblies, contrary to the requirements of Clause 8.3 of AS 2118.1–2017.

ii. Feed fire hydrants have not been installed onsite adjacent to the booster inlet connections, contrary to the requirements of Clause 4.14.2 of AS 2118.1-2017.

iii. The lighting in the basement sprinkler pump/tank room was poor with some light fittings not operational. Therefore, adequate lighting has not been provided in the vicinity of the pumpset, contrary to the requirements of Clause 11.4 of AS2941-2013.

iv. The diesel pump in the basement sprinkler pump/tank room demonstrated signs of corrosion and water leakage at the shaft opening.

v. FRNSW observed pilot regulated pressure reduction valves in the sprinkler pump room that incorporate quarter turn isolation valves on either side of the pilot valve.

   FRNSW position statement, Pilot operated pressure reduction valve (PO-PRV) installation recommends that the quarter-turn isolation valve be removed, monitored or the PO-PRV be replaced.

The following is the formal position of FRNSW regarding existing automatic fire sprinkler system installed in an occupied building:

When a consent authority (e.g. Council) is assessing the adequacy of an existing automatic fire sprinkler system installed in an occupied building or premises, or lack thereof, FRNSW recommend it be assessed against the current National Construction Code (NCC) requirements for the given use and occupancy hazard classification.

Any sprinkler system that incorporates an internal booster connection for portable relay pumps, whether for operation or for redundancy (e.g. relay pump failure), should be upgraded to remove the portable relay pump connection.

The following should also be considered when determining whether a fire sprinkler system should be upgraded or retrospectively installed in an existing building or premises:

- *The suitability of the sprinkler system's standard of performance (e.g. any sprinkler system designed to a standard prior to AS 2118, such as CA16, should be upgraded).*
- *Whether a building undergoing change in use has a sprinkler system design commensurate to the actual occupancy hazard classification.*

- *The degree of modified internal fit out which dictates any level of non-compliant sprinkler coverage areas, and associated fire risks, that warrant a redesign or extension of the system.*
- *Whether the given building requires an automatic fire sprinkler system be installed under the current NCC.*

FRNSW acknowledge that all aspects of the relevant fire sprinkler system may not be able to be complied with due to the characteristics and constraints of the existing sprinkler system, retrospective installation and/or building or premises. A bespoke solution may be required.

Access & Egress

4. Fire Exit – The central fire exit door, adjacent to the lift lobby within Paddy's Market, led to an enclosed room with no exit available. Paddy's Market staff advised that the exit was no longer available due to the construction works taking place. Management were advised of the issue and agreed to address accordingly.

General

5. Annual Fire Safety Statement (AFSS) – Clause 89(4)(b) of the DCFS Regulation states that the AFSS must be prominently displayed in the building. At the time of the inspection the AFSS could not be located.

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

RECOMMENDATIONS

FRNSW recommends that Council:

a. Review items 1 to 5 of this report and conduct an inspection.

b. Conduct a Fire Safety Audit on the building to ensure all deficiencies within the building, including but not limited to the items highlighted in this report are adequately addressed.

c. Require the owners to upgrade the fire hydrant system to address item no. 2 of this report.

d. 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 Conor Hackett 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 BFS24/7230 – FRN18/90 - 8000039083 regarding any correspondence concerning this matter.

Yours faithfully

Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit