

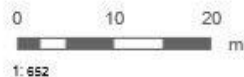
Attachment B

**Inspection Report
252-258 Sussex Street, Sydney**

252-258 Sussex Street, Sydney



© City of Sydney Council 2023. All Rights Reserved.
This map has been compiled from various sources and the publisher and/or contributors accept no responsibility for any injury, loss or damage arising from the use, error or omissions therein. While all care is taken to ensure a high degree of accuracy, users are invited to notify Council's Spatial Services of any map discrepancies.
No part of this map may be reproduced without written permission.



Notes

1/06/2023

**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 2967231

Officer: L. Jeffree

Date: 2 June 2023

Premises: 252-258 Sussex Street, Sydney

Executive Summary

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 6 and 18 April 2023 with respect to matters of fire safety.

The premises consists of a high-rise building located on the intersection of Sussex and Drutt Street, Sydney. It is approved for use as serviced apartments and private hotel accommodation under consent D/2020/263.

An inspection of the premises undertaken by a Council investigation officer revealed that there were no significant fire safety issues occurring within the building. The premises is not fitted with external combustible cladding.

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 (Development Certification and Fire Safety) Regulation 2021.

Council investigations have revealed that the overall fire safety systems provided within the building are considered adequate.

Chronology:

Date	Event
06/04/2023	FRNSW correspondence received regarding premises 'YEHS Sydney Harbour Suites Hotel' 252-258 Sussex Street Sydney
18/04/2023	FRNSW correspondence received regarding premises 'YEHS Sydney Harbour Suites Hotel' 252-258 Sussex Street
26/04/2023	An inspection of the subject premises was undertaken by a Council officer in the presence of the building manager & owners fire safety consultant where the following items were noted: <ul style="list-style-type: none">• fire indicator panel – no faults, monthly test records up to date• annual fire safety statement, fire safety schedule and evacuation plan present• no luggage or items within fire exit areas that would obstruct egress or restrict access to fire hose reels• no plastic covering smoke detectors located throughout the premises which would prevent the detectors from activating• some openings for service penetrations within fire control room lacking fire seals• door enclosing hydrant booster was difficult to open• fire control room (FCR) lacking some contents required under National Construction Code (NCC)
01/05/2023	A desktop review revealed that the premises appeared to be used for hotel use when it's primary approved use under development consent (D/1996/593) was serviced apartments – Ref: D/1996/593

Date	Event
	<p>On 16 July 2020 development consent (D/2020/263) was granted by the city for <i>'partial change of use and internal alterations to 30 existing serviced apartments at levels 1 to 15 to create dual key serviced apartments and private hotel style accommodation within the existing serviced apartment footprints. Internal alterations to 3 existing serviced apartments at levels 3,4 and 5 to provide wheelchair adaptable serviced apartments. Internal alterations to Units 308, 408 & 508 to provide accommodation with no kitchen.'</i></p> <p>Building compliance investigation commenced by health & building inquiring regarding the use of the building. Ref: CSM 2978066, HBC HBC/2023/282</p>
17/05/2023	<p>Corrective action letter (2023/270555-03) sent to owners pertaining to minor maintenance issues noted during City's inspection i.e. remedial works to enclosing door of hydrant booster, seal service penetration openings in FCR, directional signage, signage to pump room, require installation of contents to FCR</p>
28/05/2023	<p>Building compliance investigation completed.</p> <p>Councils compliance officer identified that the dual use had been taken up by the property owner as per the development consent (D/2020/263) without works being carried out. However, given that there was no increased safety risk - health & building deemed from a compliance perspective the dual use would not warrant any enforcement action. Ref: CSM 2978066, HBC/2023/282</p>

FIRE AND RESCUE NSW REPORT:

References: [BFS23/22 (25747), D23/29112; 2023/174662, BFS23/22 (25747), D23/3314; 2023/189923]

Fire and Rescue NSW conducted an inspection of the subject premises on 1 January 2023 after receiving an enquiry about the adequacy of the provision for fire safety at the premises.

Issues

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

Issue	City response
The Fire Indicator Panel (FIP) displayed four (4) faults and one (1) isolation	The faults to the panel have been investigated, cleared and no isolations noted
Stock of replacement sprinklers, including spanner not provided on the premises	Replacement sprinklers, including spanner have now been provided on the premises
A copy of the current Annual Fire Safety Statement (AFSS) and Fire Safety Schedule (FSS) was not prominently displayed in the building	A current copy of the AFSS & FSS was prominently displayed on the ground floor lobby of the building near the concierge desk
The booster was challenging to access because door enclosing the booster did not fully open because of tiled façade	Corrective action letter sent to address matter
The booster not within sight of the main entrance of the building	Corrective action letter sent to address matter
Luggage limiting access to fire hose reel (FHR) located in the lobby	Councils inspection revealed that there was no luggage or other items being kept near the FHR in the lobby
A ladder was removed by staff in the fire isolated stairs	Councils inspection revealed that there was no ladder or other items being kept in the fire isolated stairs
Holes for cabling within the fire control room not appropriately fire protected	Corrective action letter sent to address matter

Issue	City response
Electrical tower for a CCTV system was located in fire control room	No action required by the city. Councils inspection verified that there was an electrical tower for a CCTV system located in the fire control room. The equipment was segregated from all other systems in accordance with the NCC.
FCR lacking contents required under the NCC	Corrective action letter sent to address matter
Emergency Services Information Package (ESIP) not provided on the premises	Councils inspection revealed that there was no ESIP provided on the premises, but that it is not required under the current NCC. Notwithstanding, the corrective action letter sent recommends that an ESIP be provided in the FCR in accordance with FRNSW's guideline
Tactile Fire Plans (TFP) not provided on the premises	Councils inspection revealed that TFP's are provided on the premises. It is recommended that the TFP's be updated. Corrective action letter sent to address matter
FRNSW inspection found no plastic film covering smoke detectors preventing the smoke detectors from activating	No action required by the City. Councils inspection verified no plastic covering smoke detectors which could prevent the detectors from activating. Note: FRNSW received a complaint that alleged the smoke alarm was covered as outlined in correspondence of 6 April copied below.
Alarm signalling equipment registering was registering faults and isolations	No action required by the City. Councils inspection revealed that the alarm signalling equipment had no registered faults or isolations and was fully operational
Annual Fire safety Statement (AFSS) & Fire Safety Schedule (FSS) - not present	Council inspection verified the current AFSS & FSS was installed in a prominent position in the buildings foyer
Directional & other signage may be required to show the Pump Room	Corrective action letter sent to address matter

FRNSW believed that there were inadequate provisions for fire safety within the building.

FRNSW Recommendations

FRNSW have made three recommendations within their reports. In general FRNSW have requested that Council:

1. Inspect the subject premises and take action to have the identified fire safety issues and any other deficiencies appropriately addressed;
 2. 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
 3. FRNSW has recommended that as Council are the regulatory authority the matter is referred for Council to take action to have the abovementioned items appropriately addressed.
-

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 the above site inspection undertaken by Council's investigation officers 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.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced/Attached Documents:

2023/270555-01	FRNSW S9.32 report dated 6 April 2023
2023/270555-02	FRNSW S9.32 report dated 18 April 2023
2023/270555-03	Corrective action letter dated 17 May 2023

Trim Reference: 2023/270555

CSM reference No#: 2967231

OFFICIAL



File Ref. No: BFS23/22 (25747)
TRIM Ref. No: D23/29112
Contact: [REDACTED]

6 April 2023

General Manager
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
'YEHS SYDNEY HARBOUR SUITES HOTEL'
252-258 SUSSEX STREET, SYDNEY (hereafter "the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 1 January 2023 concerning the adequacy of the provision for fire safety in or in connection with the premises.

The correspondence stated in part that:

...To give you an idea, the smoke smell was strong enough to cling to our clothes and hair.

As such, we began to wonder why it had not activated the smoke alarms. On closer inspection we noticed that one of the smoke detectors in our room was covered in a plastic film, rendering it disabled...

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 23 March 2023.

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:

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

OFFICIAL

OFFICIAL

- 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

Please be advised that the items in this report are limited to observations of the building accessed during the inspection and identify possible nonconformities with the National Construction Code 2019, Volume 1 Building Code of Australia (NCC) and provisions for fire safety. The items are not an exhaustive list of non-compliances. FRNSW acknowledges that the differences observed at the time may contradict development consent approval or relate to the building's age. Therefore, it's the Council's discretion as the appropriate regulatory authority to consider the most appropriate action.

The following items were identified during the inspection:

1. Essential Fire Safety Measures

- 1A. Maintenance – Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires maintenance of the Essential Fire Safety Measure to a standard no less than when it was first installed. At the time of the inspection, authorised fire officers observed the following:
 - A. Fire Indicator Panel – The logbook entry on 14 March 2023 noted four faults dating back to 10 February 2023. The following faults resulted in a Notice of Proposed Order attached:
 - i. Fault – Zone 314 Level 17 Room 1793 – 5/12/2022
 - ii. Fault – Zone 70 Level 17 Detectors – 5/12/2022
 - iii. Fault – Zone 63 Level 10 Detectors – 15/11/2022
 - iv. Fault – Zone 245 Level 10 Room 1003 – 15/11/2022
 - B. Sprinklers – Clause 6.7 of Australian Standard AS2118.1:2017 “Automatic Fire Sprinkler Systems - General systems” requires a stock of replacement sprinklers with the spanner on the premises. An appropriate number of spare sprinklers must be under the system's design for each hazard. During the inspection, replacement sprinklers, including a spanner, required restocking.
 - C. Booster Assembly – No Annual Fire Safety Statement (AFSS) and Fire Safety Statement (FSS) were prominent in the building. As no AFSS and FSS were displayed, observations of the booster assembly facing Drutt Street indicate that the owner may have partially upgraded the hydrant system to meet the requirements of

OFFICIAL

Australian Standard AS 2419.1. The Council may require a review of the Hydrant System because of the following observation:

- i. The booster was challenging to access because the door enclosing the booster did not fully open because of the tiled façade.
- ii. The booster was not within sight of the main entrance of the building.

D. Fire Hose Reels (FHR) – Table 9.4.1 of Australian Standard AS1851-2012 (amendment 1) - “Service of fire protection systems and equipment” requires FHR to be accessible with no obstacles restricting its access. At the time of the inspection, luggage had limited access to the FHR in the lobby area, with the staff quickly removing the bags once advised.

2. Access and Egress

2A. Fire Exits and Fire Exit Doors – Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires a fire exit area for a building to be free of items that may obstruct the free passage of persons. Nor should the operation of a fire exit door be interfered with or obstructed without a lawful excuse, which includes the operation of a fire door providing access to a building's fire exit. During the inspection, the staff removed a ladder in the Fire isolated stairs on level 18 once notified of the obstruction.

3. Compartmentation

3A. Fire Control Room (FCR) / Fire Control Centre (FCC) – Clause E1.8 and Specification E1.8 of the NCC detail the requirements for an FCR and FCC. Observations during the inspection revealed the following:

A. Protection of Openings in a Fire Control Room (FCR) – Clause 7 of Specification E1.8 permits openings in the floors, ceilings, and internal walls enclosing a fire control room with protection under the Deemed-to-Satisfy Provisions of Part C3 of the NCC (except for doorways). During the inspection, there were holes within the room for the cabling that did not appear appropriately protected.

B. Size and Contents of a Fire Control Room – Clause 9 of Specification E1.8 of the NCC details the contents of the FCR. The room was an electronic tower containing a CCTV system in the room. The room also appeared to lack the following:

- i. A telephone directly connected to an external telephone exchange; and
- ii. A blackboard or whiteboard, not less than 1200 mm wide x 1000 mm high; and

OFFICIAL

- iii. A pin-up board not less than 1200 mm wide x 1000 mm high; and
- iv. A raked plan layout table of a size suitable for laying out the plans provided under (vi); and
- v. Colour-coded, durable tactical fire plans

Based on observations at the time, it is unclear whether the FCR meet this requirement.

- C. Fire Safety Guideline – Having regard to FRNSWs guideline “Emergency Services Information Package and Tactical Fire Plans”, the following items are provided
 - i. Emergency Services Information Package (ESIP) – ESIPs provide firefighters and other emergency services with specific information used during operations. An ESIP could not be located.
 - ii. Tactical Fire Plans (TFP) – Firefighters use TFPs during firefighting operations. It is vital that all TFPs are accurate and kept current at all times, and it is unclear at the time of the inspection whether there are TFPs.

4. Generally

- 4A. Investigation Outcomes – The following items are provided to Council as part of the investigation on Thursday, 23 March 2023:
 - A. In the areas inspected, which included the room of the subject complaint, there was no plastic film preventing the Smoke Detectors from activating.
 - B. The alarm signalling equipment (ASE) was registering the faults and isolations. However, the system was still operable and displayed that it could send notifications to the automatic fire alarm service provider (AFASP). The age of the faults is one of the reasons a notice was issued.
- 4B. Items for Further Investigation – Council may require an investigation for the following:
 - A. Annual Fire Safety Statements (AFSS) / Fire Safety Schedule (FSS).– Regulation 89(4)(b) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires the owner of the building to prominently display in the building a copy of the AFSS and a copy of the current fire safety schedule (FSS). Neither the FSS nor AFSS was displayed.

OFFICIAL

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

FIRE SAFETY ORDER NO. 1

Authorised Fire Officers' of FRNSW issued a Notice No. 1, dated 24 March 2023, under the provisions of Section 9.34 of the EP&A Act. In this regard, Council is not presently required to act on item no. 1A(A) of this report.

Under Schedule 5, Part 6, Section 12 of the EP&A Act, a copy of the Notice is attached for your information. FRNSW will conduct further inspections of the building to assess compliance with the terms of this Notice and advise Council accordingly.

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.

Please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call [REDACTED]. If you have any questions or concerns regarding the above matters, please refer to file reference BFS23/22 (25747) for any future correspondence concerning this matter.

Yours faithfully

[REDACTED]

[REDACTED]
Fire Safety Compliance Unit

Attachment: [Appendix 1- Notice of Intention to Serve an Order 1 dated 24 March 2023 – 2 pgs]

OFFICIAL

Appendix 1- Notice of Intention to Serve an Order 1 dated 24 March 2023



OFFICIAL

Proposed Fire Safety Order ORDER No. 1

Under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*
Part 9 Implementation and Enforcement – Division 9.3 Development Control Orders
Fire Safety Orders in accordance with the table to Part 2 - Schedule 5.
Intend to give an Order in accordance with Section 9.34(1)(b)

I,

being an authorised Fire Officer within the meaning of Schedule 5, Part 8, Section 16 of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose, hereby Order:

City Hotel Enterprise Pty Ltd
(name of the person whom Order is served)

Owner
(position, i.e. owner, building manager)

with respect to the premise

'YEHS HOTEL – SYDNEY HARBOUR SUITES'
LOT 25, DP1004260, 252-258 SUSSEX ST, SYDNEY ("the premises")
(name/address of premises to which Order is served)

to do or refrain from doing the following things:

Reinstate the Smoke Detection and Alarm system at the premises to operate as designed, installed and commissioned by repairing the faults and removing the isolations observed on the Fire Indicator Panel (FIP) during the inspection.

The terms of the Proposed Fire Safety Order – Order No.1 are to be complied with:

By no later than 14 days from the date of the Fire Safety Order – Order 1.

The reasons for the issue of the Proposed Fire Safety Order - Order No.1 are:

1. During the inspection on Tuesday, 23 March 2023:
 - a. The LED lights on the Fire Indicator Panel (FIP) for "FAULT" and "ISOLATED" was lit.
 - b. The LCD screen display identified one (1) isolation:
 - c. The LCD screen display identified four (4) faults as follows:

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 7843
www.fire.nsw.gov.au		Page 3 of 4

OFFICIAL

OFFICIAL

OFFICIAL

OFFICIAL

- i. Zone 314 Level 17 Room 1703
 - ii. Zone 79 Level 17 detectors
 - iii. Zone 63 Level 10 detectors
 - iv. Zone 245 Level 10 Room 1003
2. Faults and isolations to the smoke detection and alarm system are likely to delay the timely evacuation of the building in an emergency.
 3. Faults to the automatic smoke detection and alarm system will likely delay an automated warning on detecting smoke for the occupants, which may delay the occupants' evacuation to a safe place.
 4. The faults and isolations diminish the automatic identification and notification that the FIP provides. As a result, the evacuation routes from the premises may likely be compromised by poor visibility and high levels of toxicity that may endanger human life.
 5. To do or refrain from doing such things specified in the Order to ensure or promote adequate fire safety or awareness.

Appeals

Pursuant to Section 8.18 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against a Fire Safety Order – Order 1 once it is issued, other than an order that prevents a person from using or entering premises.

Non-Compliance with Fire Safety Order – Order No.1

Once issued, failure to comply with a Fire Safety Order – Order 1 may result in further Orders and/or fines being issued.

Substantial penalties may be imposed under Section 9.37 of the EP&A Act for failure to comply with a Fire Safety Order – Order No.1.

NOTE: Representations are to be made in writing and received by FRNSW no later than 5.00 pm on Friday, 7 April 2023.



Fire Safety Compliance Unit

This Proposed Fire Safety Order - Order No. 1 was mailed on 24 March 2023.