

Attachment E

**Inspection Report
289–295 Sussex Street, Sydney**



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Notes

6/9/2023

**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 3037588

Officer: M Privett

Date: 7 September 2023

Premises: 289–295 Sussex Street, Sydney - ‘Millenium Towers’

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 21 August 2023 with respect to matters of fire safety.

The premises consists of a strata titled twenty one storey building known as Millenium Towers which includes a seven storey basement carpark, ground floor shops, twenty levels of residential units above and has been subject to several fire safety Orders in the past.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building manager revealed that there were no significant fire safety issues occurring within the building.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. The annual fire safety certification is on display within the building in accordance with the requirements of the *Environmental Planning and Assessment (Development Certification and Fire Safety Regulation 2021)* (the Reg).

Council investigations have revealed that whilst there remains several minor fire safety “maintenance and management” works being attended to by the property owner, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the above fire safety works are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner’s fire service contractor(s).

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

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

Chronology:

Date	Event
21/08/2023	FRNSW correspondence received by Council, regarding premises ‘Millenium Towers’ 289 – 295 Sussex Street, Sydney [289 – 295 Sussex Street, Sydney]
23/08/2023	<p>A desktop review revealed the following:</p> <ul style="list-style-type: none"> • A historical Fire Safety Order dated 20 September 2004 [S023289-01] was completed on 20 April 2006 • A historical Fire Safety Order dated 29 January 2014 [S107287] was completed on 3 October 2014, which upgraded/certified a number of fire safety measures including but not limited to egress systems within the building

Date	Event
	<ul style="list-style-type: none"> • Council officer verified that the fire egress / fire escape provisions in the building as mentioned in FRNSW correspondence were the same issues as they previously raised to Council in their 'Report of Inspection' dated 26 April 2013 (Ref: 2013/135107) and Council's investigation at the time resulted in a Fire Safety Order dated 29 January 2014 being issued which was completed on 3 October 2014
29/08/2023	<p>An inspection of the subject premises was undertaken by a Council officer in the presence of the building manager where the following items were noted:</p> <ul style="list-style-type: none"> • annual fire safety statement (AFSS), fire safety schedule and evacuation plan present • fire safety systems appeared generally well maintained throughout the building with all fire panels clear of faults & isolations • hydrant block plans were located at the Hydrant Booster cupboard and also inside the Fire Control Room (FCR) • hydrant valves throughout premises fitted with threaded connections which were found to be compliant with the original installation standard • fire hose reel cupboards at lobby levels did not contain non-firefighting items • rooftop sprinkler tank did not have a device fitted to indicate depth of water within tank, but the Officer noted that it was not required to be provided under the sprinkler systems installation standard • the plastic covers fitted to sprinkler heads in rooftop pump room as mentioned in FRNSW correspondence had been removed • door hardware to exit doors within fire isolated stairs were verified as spherical knobs and compliant with the applicable version of the National Construction Code (NCC) • handrails within fire isolated stairs were original, continuous along the stair flights and compliant with the applicable building regulation • The Officer noted that the same fire egress provisions in the building included such measures as break glass activation release buttons, fail safe automatic door release mechanisms, and that the provisions appeared compliant with the applicable NCC and were being certified by the owners accredited practitioner (fire safety) as part of the annual fire safety statement submissions to Council

FIRE AND RESCUE NSW REPORT:

References: [BFS22/1168, D2023/075225]

Fire and Rescue NSW conducted an inspection of the subject premises on 28 May 2023 after receiving an enquiry about the adequacy of the provision for fire safety at the premises.

Issues

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

Issue	City response
Hydrant Block Plan on display did not include a floor plan layout of the building	No further action required. Council inspection verified that the original hydrant block plan was on display at the booster assembly which is adequate and compliant with the installation standard
Existing fire hydrant valves are not provided with storz coupling fittings required in the latest fire hydrant standard	No further action required. Council inspection revealed that the existing hydrant valves are adequate and compliant with the original standard of installation

Issue	City response
Hydrant pressure gauges did not appear to be installed at the hydraulically most disadvantaged fire hydrant	No further action required. Council inspection revealed that pressure gauges were in fact installed at the hydraulically most disadvantaged fire hydrants within the building.
Non-firefighting equipment was stored within fire hose reel cabinet in the lobby	No further action required. Councils' inspection found that the non-fire equipment had been removed from the fire hose reel cabinet
The rooftop sprinkler water tank did not appear to be fitted with a device to indicate the depth of water	No further action required. Council inspection verified that the roof top sprinkler tank did not have a device to indicate the depth of water, but is not required to have the device under the applicable installation standard
Plastic protectors fitted to several sprinkler heads in the rooftop pump room contrary to the sprinkler system standard	No further action required. Council's inspection found that the plastic protectors had been removed from the sprinkler heads in the rooftop pump room
Handrails in the fire-isolated stairs had obstructions and were not continuous between stair landings in accordance with NCC	No further action required. Council's inspection did not reveal any obstructions to the handrails in the fire-isolated stairs and verified that the handrails are compliant with the original building code applicable at the time of installation
Spherical door handles within the fire stairs not complying with the NCC	No further action required. Council officer verified that existing spherical door handles were provided to fire doors within the fire stairs. The officer noted that the fire safety measure 'automatic fail-safe devices' were installed throughout the fire stairs and are listed on the buildings fire safety schedule + certified on the annual fire safety statement (AFSS) to meet the required minimum standard of performance. Furthermore, the inspection confirmed that spherical door handles were permitted (instead of lever handles) under the NCC given the presence of 'automatic fail-safe devices'
Data cabling penetrating building elements within the FCR do not appear to be adequately fire stopped	No further action required. Council's inspection verified that the FCR was compliant with regard to fire stopping

FRNSW Recommendations

FRNSW have made two recommendations within their report. In general FRNSW have requested that Council:

1. Inspect and address any other deficiencies identified on 'the premises' and require item nos. 1 to 3 of their report to be reviewed;
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

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)
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Inspections undertaken by a Council investigation officer in the presence of the building manager verified that the deficiencies identified by FRNSW on their inspection had been rectified and that essential fire safety measures (including exit doors) within the building are being maintained.

It is recommended 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:

2023/496131-01	FRNSW S9.32 report dated 21 August 2023
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Trim Reference: 2023/496131

CSM reference No#: 3037588

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File Ref. No: BFS22/1168
TRIM Ref. No: D2023/075225
Contact: [REDACTED]

21 August 2023

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
MILLENIUM TOWERS
289-295 SUSSEX STREET SYDNEY ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 18 March 2022 concerning the adequacy of the provision for fire safety in connection with 'the premises'. The correspondence stated that:

While attending a call to "Smell of Smoke and Alarm Ringing" I was concerned by the unusual Fire Escape access. 2 Fire doors in corridors containing units were locked. Egress could only be made by using a key or by accessing the Fire Hose Reel cupboard about 4 meters away and pushing a button inside. Signage on the Fire Door was unclear (see Attached photos). The majority of occupants in this building are short term rentals and foreign students.

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 28 May 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:

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

Fire and Rescue NSW

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- 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 during the inspection. As such, this report lists potential deviations from the National Construction Code 2022 Building Code of Australia – Volume One (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items listed may relate to the building's age or contradict development consent approval. In this regard, it is at the council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

1. Essential Fire Safety Measures

1A. Fire Hydrant System:

- i. Hydrant Block Plan – A complete water and fade-resistant block plan of the fire hydrant system had not been provided at the booster assembly, contrary to the requirements of Clause 7.11 of AS 2419.1-2005. In that regard, the block plan on display was an isometric drawing only and did not include a floor plan layout of the building or all the information prescribed by Clause 7.11(b) & (c).
- ii. Storz - Storz couplings, compatible with FRNSW firefighting hose connections, have not been provided to all fire hydrant valves throughout the premises, in accordance with the requirements of Clause 7.1 and 8.5.11.1 of AS2419.1 and 'FRNSW Fire safety guideline, Technical information – FRNSW Compatible hose connections – Document no. D15/45534 – Version 09 – Issued 10 January 2019'.
- iii. Pressure Gauge - A pressure gauge did not appear to be installed at the hydraulically most disadvantaged fire hydrant, contrary to Clause 9.3.2 of AS 2419.1–2005 requirements.

1B. Fire Hose Reel - Non-firefighting equipment was stored within the fire hose reel cabinet in the lobby, contrary to Clause 10.4.4 of AS2441–2005.

1C. Sprinkler Tank - The rooftop sprinkler water tank did not appear to be fitted with a device to indicate the depth of water, contrary to the requirements of Clause 4.6 of AS2118.1-2017.

1D. Sprinkler Heads - Several sprinkler heads in the rooftop pump room had fire sprinkler head plastic protectors fitted, which may prevent the activation of the sprinkler head in an emergency.

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2. Access & Egress

- 2A. Handrails - Handrails in the fire-isolated stairs were not continuous between stair flight landings and had obstructions that would tend to break a hand-hold, contrary to the requirements of Clause D3D22 of the NCC.
- 2B. Operation of Latch – Multiple exit doors within the fire-isolated stair incorporate a round tulip-style handle instead of a lever handle, contrary to the requirements of Clause D3D26 of the NCC.

3. Compartmentation

- 3A. Fire Stopping – Data cabling penetrating building elements within the Fire Control Room do not appear to be adequately fire stopped, contrary to the requirements of Clause S19C8, Clause C4D15 and Specification 13 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 3 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 [REDACTED] of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call [REDACTED] if there are any questions or concerns about the above matters. Please refer to file reference BFS22/1168 regarding this correspondence.

Yours faithfully

[REDACTED]
[REDACTED]
Fire Safety Compliance Unit