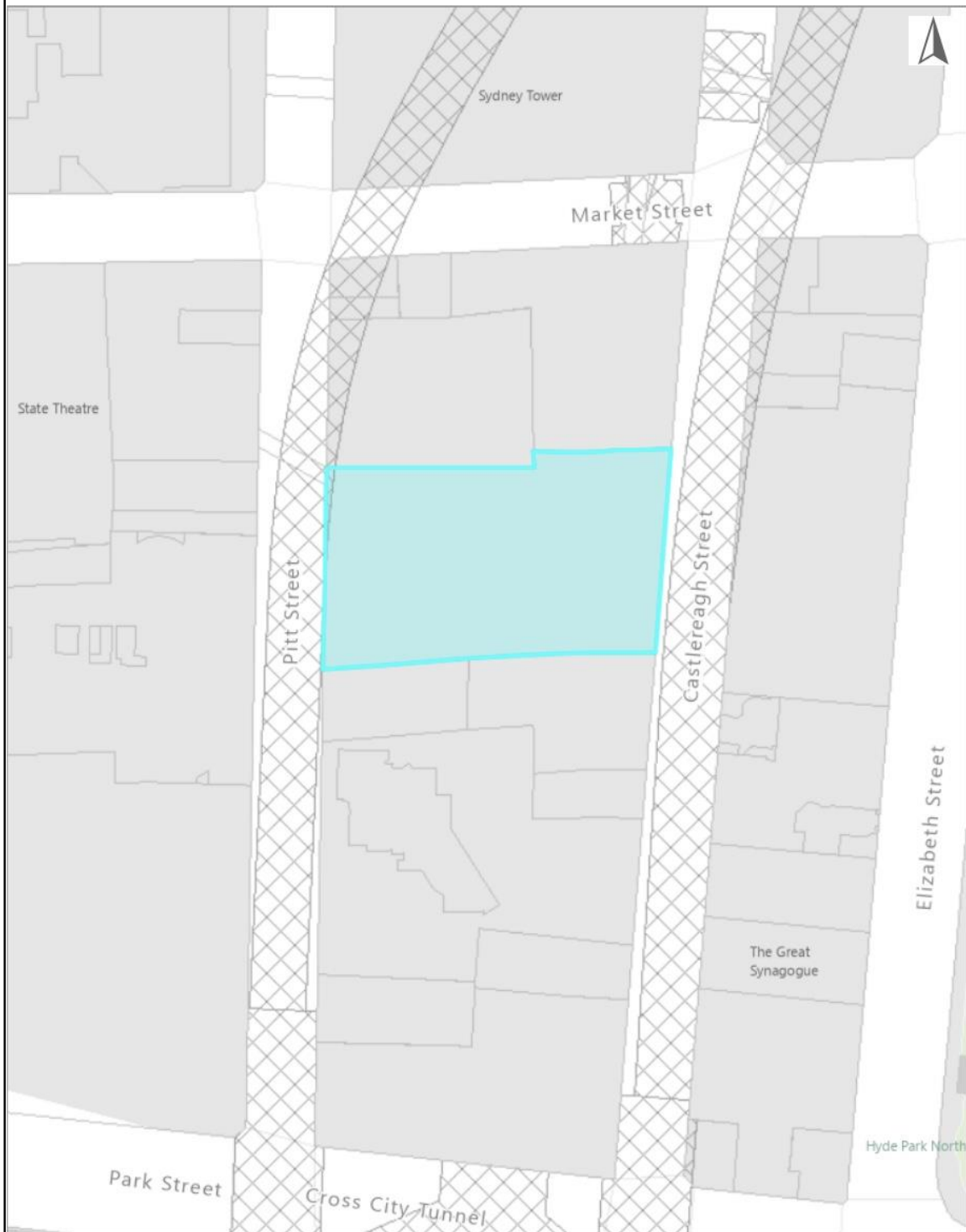


Attachment E

**Inspection Report
133-145 Castlereagh Street, Sydney**



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1: 1304

Notes

22/12/2023

**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 3071199

Officer: Andrew Manning

Date: 30/11/2023

Premises: 133 –145 Castlereagh Street, Sydney

Executive Summary:

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

The premises consists of a 45-storey building with an additional 13 basement levels and an effective height of greater than 100m, primarily used as an office building.

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.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety. 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 whilst there remains several minor fire safety “maintenance and management” works to attend to, such as fire doors, 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) through written instruction from Council.

Notwithstanding the above, it is noted that the premises Fire Hydrant System is reliant on portable relay pumps in accordance with Ordinance 70 and Ministerial Specification 10. Accordingly, the premises has been referred to Councils Acting Fire Safety and Essential Services Specialist to be included in Councils Fire Hydrant System upgrade program.”

Chronology:

Date	Event
20/10/2023	FRNSW correspondence received regarding premises; ‘PICCADILLY COMPLEX’ 133 – 145 Castlereagh Street, Sydney
01/11/2023	An inspection of the subject premises was undertaken by a Council officer. It was noted that the majority of items raised within the brigade report have subsequently been addressed (ie sprinkler spares have been fully restocked, no faults were noted on the FIP). Signage was noted as not being present as outlined within the FRNSW report. The building was noted as being well maintained and fire services appeared to be in working order.
16/01/2024	Corrective action letter issued to rectify minor maintenance issues raised within FRNSW’s correspondence

FIRE AND RESCUE NSW REPORT:

References: [BFS21/569 (14680); Council TRIM Ref 2023/608238]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry concerning the adequacy of the provision for fire safety.

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

Ref.	Issue	City response
1. Essential Fire Safety Measures		
1A	Automatic Fire Detection and Alarm System:	
A.	<p>The Fire Brigade Panel (FBP) was displaying five (5) faults and three (3) isolations. FRNSW took the following actions:</p> <ul style="list-style-type: none"> i. The Facilities Manager advised FRNSW at the time of the inspection that the isolations related to ongoing works being carried out in the building and all isolations are documented in the isolation register located in the fire control room. FRNSW witnessed the presence of the isolation register. ii. The Facilities Manager further advised that the faults to the FBP would be investigated and resolved promptly. iii. FRNSW received email correspondence from the Facilities Manager on 8 September 2023, confirming that the fire maintenance company had investigated and repaired the faults to the FBP. A copy of the service report and photos of the FIP were provided with the correspondence to demonstrate such. iv. The emergency warning and intercom system (EWIS) panel was displaying three (3) audio faults. v. FRNSW was advised by the Facilities Manager at the time of the inspection that the faults the EWIS were captured during the recent annual testing of the system as part of the Annual Fire Safety Statement (AFSS) Process. vi. FRNSW received email correspondence from the Facilities Manager on 6 September 2023, confirming the fire maintenance company was currently investigating the faults to the EWIS. A copy of the service report was provided with the correspondence to demonstrate such. 	<p>No fault noted on site at time of inspection. This item is considered closed. No further action required.</p> <p>Noted. Refer to (iii) where FRNSW acknowledges matter has been resolved. Noted.</p> <p>No fault noted on site at time of inspection. Noted. Refer to (vi) where FRNSW acknowledges matter has been resolved.</p> <p>Noted.</p>
B.	<p>Resolutions – Due to isolations of the FBP relating to ongoing construction works being carried out in the building and the current maintenance works of the fire detection and alarm system as a part of the annual testing of the system, It is recommended that the Council consider investigating the performance of the automatic fire detection and alarm system meets the local Council’s obligations under the EP&A Act and the DCFS Regulation.</p> <ul style="list-style-type: none"> i. Smoke detector (Basement carpark) – Smoke detectors fitted within the basement carpark adjacent to fire-isolated exit doors have not been 	<p>Corrective Action Notice dated 16 January 2024 requires confirmation to be provided to council of the buildings compliance of the minimum standard of performance as referenced on the Fire Safety Schedule.</p>

Ref.	Issue	City response
	provided with adequate clear space contrary to the requirements of Clause 3.27.1 of AS 1670.1-2018	
1B	Fire Hydrant System	
A.	FRNSW notes that the Council is reviewing the "Fire brigade booster connections required hydrant system upgrade" Council Ref - 2022/452563-01 and FRNSW Ref – BFS23/3366.	The premises has been referred to Councils Acting Fire Safety and Essential Services Specialist to be included in Councils Fire Hydrant System upgrade program.
1C	Automatic Fire Sprinkler System	
A.	A complete stock of spare sprinklers and a spanner had not been provided at the sprinkler control valves, contrary to the requirements of Clause 6.7 of AS 2118.1-2017	Sprinkler spares were noted to have been restocked at time of Council inspection. No further action required
2. Access and Egress		
2A	Fire-isolated passageway and stairs	
A.	The barrier installed throughout the fire-isolated passageway and stairs contains excessive gaps contrary to Clause D3D19 of the NCC.	The provision of handrails within the fire-isolated exits complies with the legislative requirements for buildings at the time of construction. No further action required
B	Fire doors providing direct access to fire-isolated exits from the basement carpark have not been fitted with signage stating, "DO NOT OBSTRUCT – DO NOT KEEP OPEN – FIRE SAFETY DOOR", contrary to the requirements of Clause 3D28 of the NCC.	Corrective Action Notice dated 16 January 2024 requires installation of standardised signage be installed on all doors as required by Clause D3D28 of NCC 2022
C	Doors discharging from fire-isolated exits onto Castlereagh Street were not fitted with signage on the internal side of the door stating "FIRE SAFETY DOOR - DO NOT OBSTRUCT", contrary to the requirements of Clause 3D28 of the NCC.	Corrective Action Notice dated 16 January 2024 requires installation of standardised signage be installed on all doors as required by Clause D3D28 of NCC 2022
3. General		
3A.	Annual Fire Safety Statement (AFSS) – Section 89(4) of the EPAR 2021 requires an AFSS to be prominently displayed in the building. At the time of the inspection, the AFSS could not be located. An inspection and a review of the Council's records may be required.	Corrective Action Notice dated 16 January 2024 requires installation of standardised signage be installed in accordance with Clause D3D28 of NCC 2022.

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

FRNSW Recommendations

FRNSW recommended that Council inspect and address any other deficiencies identified on 'the premises' and require item no. 1 to 3 of their report to be 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 site inspections undertaken by FRNSW officers it is recommended the owners of the building be issued with written instructions to bring to attention the legal responsibilities required to ensure that proper fire safety maintenance and management practices are in place at all times.

The above proposed correspondence will instruct building owners/management to have regard to ensuring;

1. Ensure adequate clear space is provided around smoke detectors adjacent to fire-isolated exit within the basement carpark as required under Clause 3.27.1 of AS 1670.1-2018.
2. Ensure fire doors providing direct access to fire-isolated exits from the basement carpark have been fitted with signage stating, "DO NOT OBSTRUCT – DO NOT KEEP OPEN – FIRE SAFETY DOOR", as required by Clause 3D28 of the NCC.
3. Ensure doors discharging from fire-isolated exits onto Castlereagh Street have been fitted with signage on the internal side of the door stating, "FIRE SAFETY DOOR - DO NOT OBSTRUCT", as required by Clause 3D28 of the NCC.
4. Ensure current Annual Fire Safety Statement is displayed in accordance with the provisions of Section 89(4) of the EP&A (DC&FS) Reg 2021

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:

✓	Other Corrective Action Letter (Trim: 2023/605895-03)
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Trim Reference: 2023/605895-01

CSM reference No#: 3071199

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File Ref. No: BFS21/569 (14680)
TRIM Ref. No: D23/95446
Contact: Matthew Warbrick

20 October 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
'PICCADILLY COMPLEX'
133 – 145 CASTLEREAGH STREET SYDNEY ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 22 February 2021 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated in part that:

I believe there are some serious issues with this building and its management that need to be investigated most important being

- Fire Exit doors DO NOT OPEN - Serious threat to human life
- Emergency lights did not turn on causing confusing and disorientation - Serious threat to human life
- no body on site to take on responsibility for people in building when fire alarm activates
- The only person that seemed to be employed on site was not interested if people were trapped in a fire stair well*
- No announcement made to say it was not a real fire and not to panic
- no duress alarms inside stair well.
- Water should not be leaking onto electrical wires

I certainly hope these issues are addressed by the right people concerned be it

Fire and Rescue NSW

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www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

1 Amarina Ave
Greenacre NSW 2190

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fire brigade or Council but someone needs to take responsibility for this negligence, especially the building management.

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 September 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.
- 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 2022, 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. Automatic Fire Detection and Alarm System:
 - A. The Fire Brigade Panel (FBP) was displaying five (5) faults and three (3) isolations. FRNSW took the following actions:
 - i. The Facilities Manager advised FRNSW at the time of the inspection that the isolations related to ongoing works being carried out in the building and all isolations are documented in the isolation register located in the fire control room. FRNSW witnessed the presence of the isolation register.
 - ii. The Facilities Manager further advised that the faults to the FBP would be investigated and resolved promptly.
 - iii. FRNSW received email correspondence from the Facilities Manager on 8 September 2023, confirming that the fire maintenance company had investigated and repaired the

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faults to the FBP. A copy of the service report and photos of the FIP were provided with the correspondence to demonstrate such.

- iv. The emergency warning and intercom system (EWIS) panel was displaying three (3) audio faults.
- v. FRNSW was advised by the Facilities Manager at the time of the inspection that the faults the EWIS were captured during the recent annual testing of the system as part of the Annual Fire Safety Statement (AFSS) Process.
- vi. FRNSW received email correspondence from the Facilities Manager on 6 September 2023, confirming the fire maintenance company was currently investigating the faults to the EWIS. A copy of the service report was provided with the correspondence to demonstrate such.

B. Resolutions – Due to isolations of the FBP relating to ongoing construction works being carried out in the building and the current maintenance works of the fire detection and alarm system as a part of the annual testing of the system, It is recommended that the Council consider investigating the performance of the automatic fire detection and alarm system meets the local Council's obligations under the EP&A Act and the DCFS Regulation.

- i. Smoke detector (Basement carpark) – Smoke detectors fitted within the basement carpark adjacent to fire-isolated exit doors have not been provided with adequate clear space contrary to the requirements of Clause 3.27.1 of AS 1670.1-2018

1B. Fire Hydrant System

A. FRNSW notes that the Council is reviewing the "Fire brigade booster connections required hydrant system upgrade" Council Ref - 2022/452563-01 and FRNSW Ref – BFS23/3366.

1C. Automatic Fire Sprinkler System

A. A complete stock of spare sprinklers and a spanner had not been provided at the sprinkler control valves, contrary to the requirements of Clause 6.7 of AS 2118.1-2017

2. Access and Egress

2A. Fire-isolated passageway and stairs

A. The barrier installed throughout the fire-isolated passageway and stairs contains excessive gaps contrary to Clause D3D19 of the NCC.

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- B. Fire doors providing direct access to fire-isolated exits from the basement carpark have not been fitted with signage stating, "DO NOT OBSTRUCT – DO NOT KEEP OPEN – FIRE SAFETY DOOR", contrary to the requirements of Clause 3D28 of the NCC.
- C. Doors discharging from fire-isolated exits onto Castlereagh Street were not fitted with signage on the internal side of the door stating "FIRE SAFETY DOOR - DO NOT OBSTRUCT", contrary to the requirements of Clause 3D28 of the NCC.

3. Generally

- 3A. Annual Fire Safety Statement (AFSS) – Section 89(4) of the EPAR 2021 requires an AFSS to be prominently displayed in the building. At the time of the inspection, the AFSS could not be located. An inspection and a review of the Council's records may be required.

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

RECOMMENDATIONS

FRNSW recommends that the 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 the 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 Matthew Warbrick 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 BFS21/569 (14680) regarding any correspondence concerning this matter.

Yours faithfully



Edren Ravino
Senior Building Surveyor
Fire Safety Compliance Unit