

# **Attachment K**

**Inspection Report  
1 Towns Place, Millers Point**

# 1 Towns Place, Millers Point



**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 3223368

**Officer:** Luke Jeffree

**Date:** 11 September 2024

**Premises:** 1 Towns Place, Millers Point

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**Executive Summary:**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 19 August 2024 with respect to matters of fire safety.

The premises consists of a seven-storey residential apartment building with ground floor commercial tenancies situated above a common five storey basement carpark.

The site is triangular with an area of 3,996 square metres bounded by Towns Place to the north-east, Dalgety Road to the south-west and Hickson Road to the southeast. Surrounding land uses are predominantly residential and retail.

The site is within the Walsh Bay Precinct – a state listed heritage conservation area.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building managers revealed that the premises are deficient in fire safety and egress provisions in the following areas:

(i) Lack of compliant exit stair pressurisation system (performance issues with current system);

(ii) A fire safety measure 'emergency warning & intercommunication System' (EWIS) is listed on building's fire safety schedule but not installed within building;

(ii) Existing automatic fire suppression system (sprinkler system) for basement car park is missing required system components (i.e pump and compliant signage);

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a Notice of Intention to issue a fire safety order is to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

As this premises was a SHFA approval (DA 90-12-98), the Department of Planning, Industry and Environment has jurisdiction over any cladding investigation or remediation on this premises. On 16.11.2020, they confirmed they will investigate and issue a Notice if necessary.

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**Chronology:**

<b>Date</b>	<b>Event</b>
19/08/2024	FRNSW correspondence received regarding premises 1,5,7 & 9 Towns Place, 25A Hickson Road And 2,4,6,8,10,12,14,16,18, 20 Dalgety Road, Millers Point [1 Towns Place, Millers Point]
28/08/2024	A desktop review carried out by Council officer revealed that a privately issued Complying Development Certificate (CDC -TRIM Ref: P/2024/271) approving 'Endorsement of a Fire Engineering Report for Carpark Stair Pressurisation System', was recorded on the City's database. Furthermore, it was found that the aforementioned CDC was obtained by the property owner to address regulatory non-compliances with existing Stair Pressurisation System located within basement carpark. Furthermore, the review found the non-compliances were identified by owners mechanical consultant during the 2023 Annual Fire Safety

Date	Event
	Statement assessment and submission process. However, Council officer found the CDC documentation did not reveal any evidence of the CDC being taken up by the property (i.e Principal Certifier Appointment Form & Notice of Commencement Form not on file). Furthermore, the City's records did not show up any follow up Occupation Certificate (from CDC) and/or Final Fire Safety Certificate (FFSC).
3/09/2024	<p>An inspection of the subject premises was undertaken by a Council officer in the presence of the building managers which revealed:</p> <ul style="list-style-type: none"> <li>Annual Fire Safety Statement (AFSS) was on display, current but was missing endorsement by Accredited Practitioner (Fire Safety) regarding the fire measure 'Mechanical Air Handling System/Stair Pressurisation System'. Council officer advised the building managers that he considered that the Stair Pressurisation System was defective given the lack of fire safety certification for the system;</li> <li>Emergency Warning &amp; Intercommunication System (EWIS) listed as a required fire safety measure on building's fire safety schedule, but no EWIS components could be found within premises;</li> <li>Existing fire sprinkler system serving the basement carpark appeared to be lacking a pump (to ensure the correct water flow and running pressures are met) &amp; compliant signage</li> </ul>

### **FIRE AND RESCUE NSW REPORT:**

References: [FRN22/1309,BFS22/1913,8000031562; 2024/494445]

Fire and Rescue NSW conducted an inspection of the subject premises on 5 August 2024 in response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high risk combustible cladding on residential apartment buildings in NSW.

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

Ref.	Issue	City response
<b>1.</b>	<b>Essential Fire Safety Measures</b>	
1A	Automatic Smoke Detection and Alarm System	
A.	At the time of the inspection there were no system faults or other issues observed and the system appeared normal operation.	Noted.
1B	Fire Hydrant System	
A.	At the time of the inspection there were no system faults or other issues observed and the system appeared normal operation.	Noted.
1C	Automatic Fire Suppression System	
A.	The sprinkler booster assembly:	
i.	Whilst 'Max Inlet Pressure' signage has been provided at the booster assembly, the signage does not include the inlet pressure in KPA, contrary to the requirements of Clause 4.4.3 of AS 2118.1-1999.	This issue has been addressed under the Notice of Intention to Give a Fire Safety Order issued on 23 September 2024.
1D	Exit Signs, Emergency Lighting, Fire Hose Reels and Portable Fire Extinguishers	

Ref.	Issue	City response
A.	At the time of the inspection there were no issues observed	Noted. No action required by the city. Councils inspection revealed no faults or other issues with Exit Signs, Emergency Lighting, Fire Hose Reels and Portable Fire Extinguishers
1E	Annual Fire Safety Statement (AFSS)	
A.	A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 89 of the EPAR 2021. In this regard, the AFSS on display was dated 21/09/2022 and is no longer current	Noted. Council's inspection revealed AFSS was current and on display but that it was missing endorsement by an Accredited Practitioner (Fire Safety) regarding the fire measure 'Mechanical Air Handling System'. This issue has been addressed under the Notice of Intention to Give a Fire Safety Order issued on 23 September 2024.
<b>2</b>	<b>Access and Egress</b>	
2A	Egress paths, fire exits and fire exit doors – At the time of the inspection, the paths of travel leading to the fire exits, along with the fire exits and fire exit doors were all clear and unobstructed	Noted.

FRNSW have made no direct recommendation within their report other than legislative notification and advised that it is at Council's discretion to inspect and 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 Council correspondence	Continue with compliance actions under the current Notice of Intention to Give a Fire Safety Order	Other (to specify)

As a result of site inspections undertaken by a Council investigation officer it was determined that concern for public safety required the giving of a Notice of Intention to issue a fire safety order (NOI) to be issued under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979.

The Notice of Intention was issued on 23 September 2024.

It is recommended that Council consider exercising its power to issue a Fire Safety Order (following the expiry of the representation period of the NOI) to ensure suitable fire safety systems are in place throughout the building to provide improved and adequate provisions for fire safety.

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

**Trim Reference:** 2024/524531

**CSM reference No#:** 3223368

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File Ref. No: FRN22/1309 - BFS22/1913 - 8000031562  
TRIM Ref. No: D24/96937  
Contact: Mark Knowles

19 August 2024

General Manager  
City of Sydney  
GPO Box 1591  
SYDNEY NSW 2001

Email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

Attention: Manager Compliance / Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT  
1, 5, 7 & 9 TOWNS PLACE, 25A HICKSON ROAD AND 2, 4, 6, 8, 10, 12,  
14, 16, 18 & 20 DALGETY ROAD, MILLERS POINT ("the premises")**

In response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustibile cladding on residential apartment buildings in NSW, an inspection of 'the premises' on 5 August 2024 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW), pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In this instance, the inspection revealed fire safety concerns that may require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

In this regard, the inspection was limited to the following:

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

Fire and Rescue NSW

ABN 12 593 473 110

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

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Fire Safety Compliance Unit

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On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

**COMMENTS**

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items outline concerns in general terms, deviations from the fire safety provisions prescribed in Section 9.32(1)(b) of the EP&A Act and Clause 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

The following was observed at the time of the inspection:

1. Essential Fire Safety Measures
  - 1A. Automatic Fire Detection and Alarm System:
    - A. At the time of the inspection there were no system faults or other issues observed and the system appeared normal operation.
  - 1B. Fire Hydrant System:
    - A. At the time of the inspection there were no system faults or other issues observed with the fire hydrant system, including the booster assembly and the pumpset.
  - 1C. Automatic Fire Suppression System:
    - A. The sprinkler booster assembly:
      - i. Whilst 'Max Inlet Pressure' signage has been provided at the booster assembly, the signage does not include the inlet pressure in KPA, contrary to the requirements of Clause 4.4.3 of AS 2118.1-1999.
  - 1D. Exit Signs, Emergency Lighting, Fire Hose Reels and Portable Fire Extinguishers:
    - A. At the time of the inspection there were no issues observed.
  - 1E. Annual Fire Safety Statement (AFSS):
    - A. A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 89 of the EPAR 2021. In this regard, the AFSS on display was dated 21/09/2022 and is no longer current.

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2. Access and Egress

- 2A. Egress paths, fire exits and fire exit doors – At the time of the inspection, the paths of travel leading to the fire exits, along with the fire exits and fire exit doors were all clear and unobstructed.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference FRN22/1309 - BFS22/1913 - 8000031562 for any future correspondence in relation to this matter.

Yours faithfully



Mark Knowles  
Senior Building Surveyor  
Fire Safety Compliance Unit