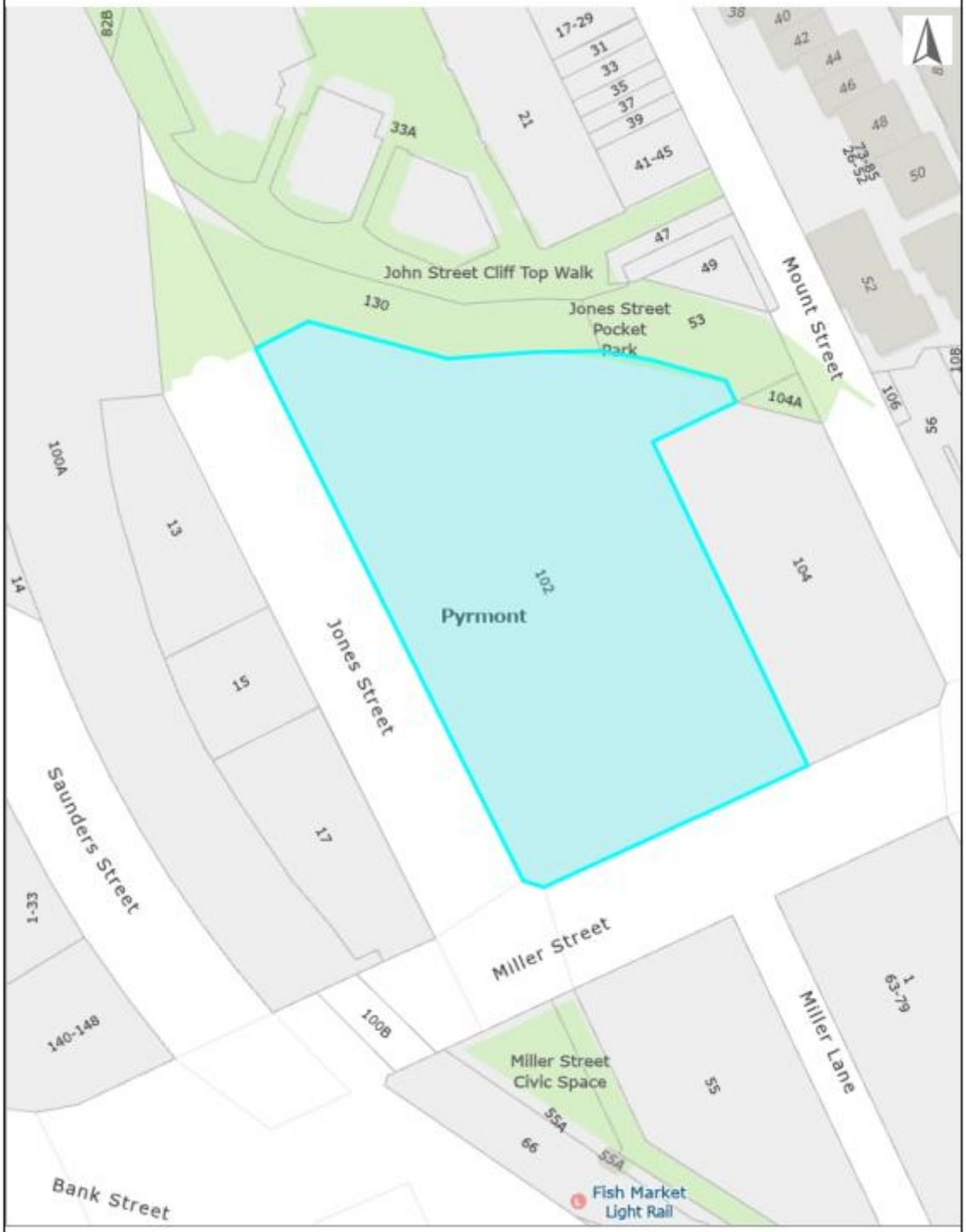
Attachment F

Inspection Report
102 Miller Street, Pyrmont

102 Miller Street Pyrmont

CITY OF SYDNEY



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Notes

5/02/2025

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: CSM 3289706 **Officer:** Andrew Porter **Date:** 12 February 2025

Premises: 102 Miller Street, Pyrmont 'Palladium'

Executive Summary:

The City received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 3 February 2025 with respect to matters of fire safety.

The premises comprises a (10) storey building used for residential accommodation and retail. The building is configured around a central courtyard, connected through underground carparking.

The ground floor comprises a mix of retail and residential uses and the second and subsequent floors above are used for residential accommodation.

The City's inspection on 10 February 2025, in the presence of the building's manager, revealed only minor works were required to ensure adequate fire safety.

A compliance letter of instruction was issued on 12 February 2025 requiring the owners to rectify the minor fire safety work by 12 June 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
3 February 2025	FRNSW correspondence received regarding premises known as the 'Palladium' at 102 Miller Street, Pyrmont.
10 February 2025	An inspection of the subject premises was undertaken by a City Officer in presence of the building manager that revealed several issues requiring routine maintenance.
12 February 2025	A compliance letter of instruction was issued requiring the building owners to address the fire safety issues identified by 12 June 2025.

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 of fire safety in connection with 'the premises'.

The report from FRNSW detailed several issues as set out in the below table.

Ref.	Issue	City response
Essential Fire Safety Measures		
1	**Fire Detection and Alarm System**	
i.	The fire brigade panel (FBP) indicated four disablements to zones within the FDAS. The FDCIE also indicated that the warning system was disabled. A follow-up inspection was carried out on 27 November 2024 by FRNSW, confirming that the FDCIE appeared to be operating as normal.	FRNSW conducted additional inspections which revealed the disablements had been cleared. The City's inspection on 10 February 2025 revealed no disablements on the system, addressing this issue.
ii.	The FBP is located to the rear of the premises, at the entry to the car park, and is not clearly identifiable with a Visual Alarm Device.	The City's inspection on 10 February 2025 identified no strobe light installed on the exterior of the building which is required to indicate the position of the Fire Brigade Panel. The compliance letter of instruction requires the owners to rectify this by 12 June 2025, addressing this issue.
iii.	The zone block plan installed at the FBP appears to relate to the original FDAS and does not appear to accurately reflect the upgraded system.	The City's inspection on 10 February 2025 noted the block plan has since been updated to incorporate components of the upgraded fire detection and alarm system, though still omits required details. The compliance letter of instruction requires the owners to rectify this by 12 June 2025, addressing this issue.
iv.	With regard to the upgrade to the FDAS, it is unclear if the works were undertaken as part of the Fire Safety Order or a separate development approval.	Maintenance of systems including end of life replacement would not necessarily require approval of Council should the system be upgraded in compliance with the existing standard of performance

Ref.	Issue	City response
		listed on the buildings fire safety schedule. The City's investigation confirmed the system is complaint, addressing this issue.
2	**Fire Hydrant System**	
i.	The block plan provided at the booster assembly does not provide all of the relevant information prescribed by Clause 7.11.	The City's inspection on 10 February 2025 found the fire hydrant system was installed to the requirements of AS2419.1-1994. The block plan did not contain the required information of Clause 2.3 of AS2419.1-1994. The compliance letter of instruction requires the owners to update the block plan by 12 June 2025, addressing this issue.
ii.	The block plan indicates the booster assembly may be connected 'in series' with the fixed on-site fire pump.	The City's inspection on 10 February 2025 identified the fire hydrant system booster assembly is connected in series with the fixed onsite fire pump and lacks required features. These include a 150mm liquid filled pressure gauge indicating the pressure at the pump discharge pipe manifold and an engraved warning sign advising of such as required by Clause 5.7 of AS2419.1-1994. The compliance letter of instruction requires the owners to install the required gauge and signage by 12 June 2025, addressing this issue.
iii.	Boost pressure and test pressure signage was not provided at the booster assembly.	The City's inspection on 10 February 2025 identified that working and test pressure signage required by Clause 5.6.7 of AS2419.1-1994 was not installed. The compliance letter of instruction directed the owners to provide signage

Ref.	Issue	City response
		by 12 June 2025, addressing this issue.
iv.	A block plan, A3 minimum size, has not been provided at the pump room.	The City's inspection on 10 February 2025 confirmed no hydrant system block plan was installed within the hydrant pump room. Clause 2.3 of AS2419.1-1994 only required the block plan to be located at the booster assembly. Block plans at other positions were only if required by the regulatory authority. The compliance letter of instruction directed owners to provide the block plan by 12 June 2025, addressing this issue.
v.	The boost inlets slope more than 35° below the horizontal with a clearance to the front less than 1000mm.	The City's inspection on 10 February 2025 observed the fire hydrant system boost inlets positioned not in accordance with the requirements of figure 5.2 of AS2419.1-1994. The compliance letter of instruction instructed the building owners to reposition inlets by 12 June 2025, addressing this issue.
vi.	The maintenance logbook for the hydrant pump indicates that the replacement of the batteries is overdue.	The City's inspection on 10 February 2025 found the fire hydrant pump batteries were over 2 years old and require replacing. The compliance letter of instruction required the owners replace batteries, addressing this issue.
3	**Automatic Fire Sprinkler System**	
i.	Feed fire hydrants have not been installed onsite adjacent to the booster inlet connections.	The automatic fire sprinkler system was installed to the requirements of AS2118.1-1995. This standard does not require suction connections to boost the sprinkler system, and the standard relied on FRNSW appliance to connect directly to the street hydrants in the vicinity of the building. It is therefore

Ref.	Issue	City response
		considered no action is required to address this issue.
ii.	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 10 February 2025 found the sprinkler pump shaft demonstrated some apparent corrosion, the building manager indicated that it is surface rust only and doesn't affect the pump operation. The compliance letter of instruction requires written confirmation that the sprinkler pump is fully operational. This confirmation is required by 12 June 2025, addressing this issue.
iii.	The maintenance logbook for the sprinkler pump indicates that the replacement of the batteries is overdue.	The City's inspection on 10 February 2025 noted the sprinkler pump batteries have expired and must be replaced. The compliance letter of instruction requires battery replacement by 12 June 2025, addressing this issue.
4	**Sprinkler coverage**	
	The building contains a Class 2 part and has a rise in stories of more than 4, however, all parts of the building are not sprinkler protected.	Sprinkler protection was not required throughout this building at the time it was constructed, and the building is equipped with sufficient passive and active fire safety systems. Considering this, no action is required to address this issue.
Access & Egress		
5	**Operation of latch**	
	A number of exit doors within the premises incorporate a round tulip style handle in lieu of a lever handle.	The City's inspection on 10 February 2025 identified non-complaint door latches on final fire exit doors within the building. The compliance letter of instruction requires door hardware to be replaced by 12 June 2025, addressing this issue.
6	**Handrails**	

Ref.	Issue	City response
	Handrails in the fire-isolated stairs were not continuous between stair flight landings and had obstructions that will tend to break a hand-hold.	The City's inspection dated 10 February 2025 observed the handrails within the fire isolated stairs and determined them to be compliant, addressing this issue. The intent of the NCC clause with respect to handrails needing to be continuous between stair flight landings is intended where a landing is required due to the maximum allowed number of risers (stairs) within a continuous flight, not as in this case where there is a landing due to a change in direction to a new flight of stairs.
General		
7	Annual Fire Safety Statement (AFSS) did not appear to be up to date.	The City's inspection on 10 February 2025 observed the annual fire safety statement on display was outdated. The outdated statement was replaced with the current statement, addressing this issue.

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

FRNSW have made number of recommendations within their report. In general, FRNSW have requested the City;

1. inspect the subject premises and take action to have the identified fire safety issues appropriately addressed

2. inspect the subject premises and address any other deficiencies identified on 'the premises'

3. 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~~	~~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 site inspection undertaken by the City's investigation officers it was determined to issue the owners of the building a compliance letter of instruction to rectify the identified fire safety deficiencies noted by The City and FRNSW.

The above correspondence has requested that building management

- undertake remedial works and have required signage to fire systems caused to be compliant and

- carry out remedial works to existing fire systems to cause compliance with required standards of performance.

Follow-up compliance inspections are currently being undertaken and will continue to be undertaken by the City investigation officer to ensure already identified fire safety matters are suitably addressed and that compliance with the terms of the City'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: FRN24/2820 - BFS24/5980 - 8000038065
TRIM Ref. No: D2025/008531
Contact: Conor Hackett

3 February 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
THE PALLADIUM
102 MILLER STREET PYRMONT ("the premises")

Fire and Rescue NSW (FRNSW) received correspondence on 15 September 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

> *FIP was not operating correctly. Information was shown on an internal screen, not the outward facing screen. FIP was in Commissioning mode and did not send signal via ASE when activated.*
>
> *On site building management reported regular faults and legal dispute with installer. System was a retro fit install after council fire order. There is no EWIS only OWS. Activation of system does not contact FRNSW via connected ASE. Signage is inconsistent with current zones as shown on FIP*

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 6 November 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 a Fire Safety Order, issued by Council on 30 September 2008, as noted in the fire safety schedule. It is not known if the terms of the Order have been completed to Councils satisfaction.

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. Fire detection and alarm system (FDAS) – Building management confirmed that the FDAS has recently been upgraded to a wireless system which is still in the process of being calibrated to ensure optimal operation and to minimise false alarms. In that regard, the following nonconformities with AS 1670.1-2018 and other items are noted:

    i. The fire brigade panel (FBP) indicated four disablements to zones within the FDAS. The FDCIE also indicated that the warning system was disabled.

    At the time of the inspection, management agreed to consult with fire contractors to investigate the issues.

    On 8 November 2024 an email was received from fire contractors confirming that the disablements had been cleared from the system.

    A follow-up inspection was carried out on 27 November 2024 by FRNSW, confirming that the FDCIE appeared to be operating as normal.

ii. The FBP is located to the rear of the premises, at the entry to the car park, and is not clearly identifiable with a Visual Alarm Device contrary to the requirements of Clause 3.8 of AS 1670.1-2018.

iii. The zone block plan installed at the FBP appears to relate to the original FDAS and does not appear to accurately reflect the upgraded system, contrary to the requirements of Clause 1.7.3 and Clause 3.10 of AS 1670.1-2018.

iv. With regard to the upgrade to the FDAS, it is unclear if the works were undertaken as part of the Fire Safety Order or a separate development approval. It is at Council discretion, being the appropriate regulatory authority, to ensure that appropriate approvals have been obtained by the owners and that the works have been carried out in accordance with applicable standards.

2. Fire Hydrant System - The fire safety schedule fails to nominate which edition of AS2419.1 to which the hydrant system is installed. Notwithstanding, the following deviations from AS2419.1-2005 and other items have been identified, which are of concern to FRNSW:

i. The block plan provided at the booster assembly does not provide all of the relevant information prescribed by Clause 7.11.

ii. The block plan indicates the booster assembly may be connected 'in series' with the fixed on-site fire pump in accordance with the requirements of Clause 7.6 of AS 2419.1-2005. In this regard, a 150mm diameter liquid filled pressure gauge indicating the pressure at the pump discharge pipe/manifold and an engraved warning sign is not provided at the booster assembly, contrary to the requirements of Clause 7.6(c).

iii. Boost pressure and test pressure signage was not provided at the booster assembly, contrary to the requirements of Clause 7.10.1.

iv. A block plan, A3 minimum size, has not been provided at the pump room, contrary to the requirements of Clause 7.11.

v. The boost inlets slope more than 35° below the horizontal with a clearance to the front less than 1000mm, contrary to the requirements of Clause 3.5.1.

vi. The maintenance logbook for the hydrant pump indicates that the replacement of the batteries is overdue, contrary to the requirements of Section 3 of AS 1851–2012.

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. 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.

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

iii. The maintenance logbook for the sprinkler pump indicates that the replacement of the batteries is overdue, contrary to the requirements of Section 3 of AS 1851–2012.

4. Sprinkler Coverage - The building contains a Class 2 part and has a rise in stories of more than 4, however, all parts of the building are not sprinkler protected, contrary to the requirements of Clause E1D6 and Specification 17 or 18 of the NCC.

Access & Egress

5. Operation of latch – A number of exit doors within the premises incorporate a round tulip style handle in lieu of a lever handle, contrary to the requirements of Clause D3D26 of the NCC.

6. Handrails - Handrails in the fire-isolated stairs were not continuous between stair flight landings and had obstructions that will tend to break a hand-hold, contrary to the requirements of Clause D3D22 of the NCC.

General

7. Annual Fire Safety Statement (AFSS) – Section 88 Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (the DCFS Regulation), requires the AFSS be updated annually. At the time of the inspection, the AFSS that was displayed did not appear to be up to date.

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

RECOMMENDATIONS

FRNSW recommends that Council:

a. Review items 1 to 7 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 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 FRN24/2820 - BFS24/5980 - 8000038065 regarding any correspondence concerning this matter.

Yours faithfully

Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit