

Attachment D

**Council Officer Inspection Report -
200 Pitt Street, Waterloo**

200 Pitt Street, Waterloo

209-209A

211-213

Nels

215

217

219

221

CITY OF SYDNEY



Raglan Street

223-225

Pitt Street

George Street

248-246

200

Wellington Street

110

West Street

291

248-254

331-333

231

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1:1,000 at A4
07/03/2018



**Council investigation officer Inspection and Recommendation Report
Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act
1979 (the Act)**

File: CSM 1939566

Officer: Luke Jeffree

Date: 6 September 2018

Premises: 200 Pitt Street, Waterloo – James Cook Building

Executive Summary:

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

Council also received similar correspondence from FRNSW on 16 February 2018 & at its meeting on 16 April 2018 considered the report (Attachment D) and determined *to exercise its powers to issue a Fire Safety Order as recommended by Council's Investigation Officer to address the identified fire safety deficiencies in 200 Pitt Street, Waterloo.*

An Emergency Order was issued by FRNSW on 14 February 2018 concerning faults occurring to the buildings fire alarm system, and a copy of this order was attached to FRNSW's February correspondence. The correspondence advised that a supplementary report would be provided to Council in due course.

The site contains two high rise residential apartment towers within a public housing estate owned by New South Wales Land and Housing Corporation (NSW L&HC).

The site has an area of 19646m² bounded by Ragland Street to the north, Wellington Street to the south, George Street to the west and Pitt Street to the east.

The building, the subject of the FRNSW enquiry is located adjacent to the Pitt Street property frontage and is known as 'James Cook' (200 Pitt Street, Waterloo). It comprises of a seventeen storey residential apartment building.

Council investigations following FRNSW's correspondence dated 16/02/2018 revealed that the premises were deficient in fire safety in terms of inadequate fire safety systems in relation to the building height to restrict the spread of fire/smoke to such an extent to allow occupants to safely evacuate the building during a fire emergency. Also the buildings existing automatic fire detection and alarm communication system was found to be deficient.

Council served a Fire Safety Order on 29 May 2018 under Division 9.3, Schedule 5, Part 2 of the Environmental Planning and Assessment Act, 1979 (the Act) to address the fire safety deficiencies identified by Council's Investigation Officer.

The Fire Safety Order requires a fire and life safety report / particulars of work (particulars) to be prepared by a C10 Accredited Fire Engineer that documents the proposed fire safety systems that will be implemented within the premises and it remains current on the building.

A submission of particulars was recently submitted by NSW L&H to Council as required by Council's Fire Safety Order and is presently being considered by Council's officer.

Compliance works are progressing to the satisfaction of the responsible Council officer.

Chronology:

Date	Event
15/08/2018	FRNSW correspondence received regarding premises 'James Cook' 200 Pitt Street, Waterloo, AKA 232 Pitt Street [known under council records as 200 Pitt Street, Waterloo].
20/08/2018	Council officer sent correspondence to NSW L&HC advising of FRNSW's concerns raised in their recent correspondence and requested that the issues be considered by their engineer in preparing the particulars required under Council's Fire Safety Order.
29/08/2018	<p>An inspection of the subject premises was undertaken by a Council officer.</p> <p>The inspection revealed that the most current annual fire safety statement was prominently displayed within the buildings main foyer.</p> <p>Council Officer noted that the majority of FRNSW's concerns raised in their recent correspondence were already being addressed under Council's Fire Safety Order (issued May 2018)</p> <p>In relation to the fire affected apartment No 1203 (as mentioned in FRNSW's correspondence) the Council officer noted that the fire which had occurred on 12 February 2018 had not spread beyond the apartment but had been contained by its fire resisting bounding construction.</p> <p>Council officer also verified the lack of signage to hydrant cupboards and smoke doors as mentioned in FRNSW correspondence.</p>

FIRE AND RESCUE NSW REPORT:

References: [D18/9339, D18/47204; 2018/068185, 2018/430878]

FRNSW conducted an inspection of the subject premises on 13 February 2018 after responding to a fire incident at the premises on 12 February 2018.

Issues

FRNSW confirm that the terms of their Emergency Order found on their inspection dated 20 March 2018 to be compliant.

Also, the report from FRNSW detailed a number of issues, in particular noting;

1. They confirm the building to exceed 25 metres in effective height and therefore request a review of the adequacy of fire safety measures installed in the building;
2. A number of faults to the automatic smoke detection and alarm system. Note the faults were fixed on FRNSW's inspection dated 20 March 2018 as mentioned above;
3. Fire hydrant system missing signage (block plan, boost pressure & test pressure), and concern regarding internal hydrants being located outside the fire exit stairs;
4. Concern about apartment screen security door installations and potential tampering of fire rated apartment doors by occupants;
5. Existing sprinkler booster location does not satisfy FRNSW's operational requirements;

FRNSW Recommendations

FRNSW have made one recommendations within their report. In general FRNSW have requested that Council;

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

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order(NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue with compliance actions under the current Council Fire Safety Order	Other (to specify)

Council note that the owners of the building have already been served with a fire safety order under Schedule 5, of the Act to address the fire safety deficiencies identified by Council's Investigation Officer.

The Fire Safety Order will ensure that suitable fire safety systems are in position throughout the building to provide improved and adequate provisions for fire safety.

Follow-up compliance inspections are programmed to be undertaken, and will continue to be undertaken by a Council officer to ensure identified fire safety matters are suitably addressed and that compliance with the terms of Council's Fire Safety Order occur.

It is recommended that Council not exercise its powers to give a Fire Safety Order at this time, having regard to the existing Fire Safety Order mentioned in this report.

That the commissioner of FRNSW be advised of Council's actions and outcomes.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW Emergency Fire Safety Order 14 February 2018	2018/455953-01
A2.	Fire and Rescue NSW report dated 14 August 2018	2018/455953-02
A3.	Locality Plan (cadastre)	2018/455953-03
A4.	Attachment cover sheet	2018/455953-04

Trim Reference: 2018/455953

CSM reference No#: 1939566



File Ref. No: BFS18/356 (2714)
TRIM Ref. No: D18/47204
Contact: [REDACTED]

14 August 2018

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
'JAMES COOK'
200 PITT STREET, WATEROO ("the premises")
[AKA 232 PITT STREET]**

Fire & Rescue NSW (FRNSW) responded to a fire incident on 12 February 2018, at 'the premises' and as a result, a fire safety concern was lodged.

The correspondence stated that:

- *No sprinkler in a building of 17 levels.*

Please be advised that the inspection for 'the premises' was conducted prior to the amendments of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on 1 March 2018. As such, all references to the relevant sections in this report are provided prior to the amendments of the EP&A Act.

Pursuant to the provisions of Section 119T (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 13 February 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.



- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 119T (4) and Section 121ZD (1) of the EP&A Act. Please be advised that Section 121ZD (2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances and the items listed outline deviations from the National Construction Code Volume One 2016 Building Code of Australia (NCC) which may contradict development consent approval or correlate to the building's age. In this regard, it is Council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate course of action:

FRNSW noted the following during the investigation of this incident on 13 February 2018:

1. Essential Fire Safety Measures

1A. The Automatic Smoke Detection and Alarm System -

- a. The Fire Indicator Panel (FIP) was displaying seven (7) isolations and forty-seven (47) faults on the system.
- b. A Zone Block Plan was not provided at the Fire Indicator Panel in accordance with Clause 3.10 of AS1670.1-2004.

1B. Fire Hydrant System - The fire hydrant system appears to be installed in accordance with Ordinance 70 and Ministerial Specification No.10. Notwithstanding this, the following comments are provided having regard to AS 2419.1.2005, along with other items of concern:

- a. The hydrant booster assembly:
 - i. Boost pressure and test pressure signage was not provided at the booster assembly, contrary to the requirements of Clause 7.10.1 of AS2419.1-2005.
 - ii. The hydrant booster assembly is not provided with a block plan, contrary to the requirements of Clause 7.11 of AS2419.1-2005.

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Fire & Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

Locked Bag 12
Greenacre NSW 2190

T (02) 9742 7434
F (02) 9742 7483

firesafety@fire.nsw.gov.au

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- b. System performance - The required system performance of each internal fire hydrant outlet, would likely fail to achieve the required flow rates and pressures stipulated in Clause 2.3 of AS2419.1-2005.
- c. The internal hydrants throughout the premises are located outside the fire-isolated exits, contrary to the requirements of Clause 3.2.3.2 of AS2419.1-2005. Furthermore, multiple cupboards containing the hydrant outlets, lacked signage to identify the hydrant within, contrary to the requirements of Clause 3.6.2 of AS2419.1-2005.
- d. Hydrant valve outlets – Multiple hydrant valve outlets throughout ‘the premises’ are located at a height less than 750mm above the floor level with the outlet sloping more than 35° below the horizontal, contrary to the requirements of Clause 3.5.1 of AS2419.1-2005.
- e. Storz couplings, compatible with FRNSW firefighting hose connections are not provided to all fire hydrant valves throughout the premises, contrary to the requirements of Clause 3.1 and 8.5.11.1 of AS 2419.1–2005, and Clauses 1.2 and 3.4 of AS 2419.2–2009.

1C. Automatic Fire Suppression System:

- a. Sprinkler booster – The sprinkler booster appears to be located within a locked room on the ground floor, which was inaccessible at the time of the inspection, contrary to the requirements of Clause 4.4.3 of AS2118.1-1999, which requires the booster to be located outside the building in a position that is readily accessible to fire brigade personnel.

1D. Fire Hose Reels (FHR's):

- a. Multiple FHR's throughout the building were detached from the hose guide and nozzle interlocking device.
- b. Multiple cupboards/enclosures containing the FHR's, were not marked with the words "FIRE HOSE REEL", contrary to the requirements of Clause 10.4.4 of AS 2441-2005.

1E. Exit signs – Multiple exit signs throughout the building had not been maintained and were not illuminated, contrary to the requirements of Clause 182 of the EP&A Regulation.

1F. Annual Fire Safety Statement (AFSS) – A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 177 of the EP&A Regulation. In this regard, the AFSS on display was dated 7 December 2016 and is no longer valid.

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www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

Locked Bag 12
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T (02) 9742 7434
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2. Compartmentation and Separation

2A. Smoke doors –

- a. Multiple smoke doors located in the common corridors on the residential levels, which are fitted with magnetic devices for holding it in the open position, lacked appropriate signage to alert persons that the operation of the smoke doors must not be impaired, contrary to the requirements of Clause D2.23(a)(B) of the NCC.
- b. Smoke detectors are not located within 1.5m horizontal distance from the doorway, contrary to the requirements of Clause 3 of Specification C3.4 of the NCC.

2B. Bounding construction – Screen security doors have been installed on the outside of multiple Sole Occupancy Unit (SOU) entry doors throughout 'the premises'. FRNSW are of the opinion that screen doors promote the occupants to 'chock open' the SOU entry door, which is in contravention of Clause C3.11 of the NCC, which requires a doorway in a Class 2 SOU be protected by a door which is equipped with a device which returns the door to the fully closed position immediately after each opening. It is noted however that the fire affected unit (No.1203) and ground floor unit No. G03, contained magnetic hold open devices to the SOU entry fire door. It is unclear whether all units throughout the building were configured in the same manner.

3. Generally

3A. Hydrant System – Hydrant systems installed in accordance with the provisions of *Ordinance 70* and *Ministerial Specification 10* (or earlier) are no longer considered to meet the operational needs of FRNSW.

It is recommended that Council consider compelling the owners to upgrade the fire hydrant system to meet the requirements of the current Australian Standard AS 2419.1 for an equivalent new building.

3B. Automatic Fire Suppression System – The building achieves an effective height in excess of 25m and is not provided with a sprinkler system throughout the whole building; contrary to the requirements of Clause E1.5 of the NCC. In this regard, the only visible sprinklers were installed within the carpark areas on the ground floor and sprinklers did not extend through to the residential levels.

It is recommended that Council consider compelling the owners to upgrade the sprinkler system to extend through all area of the building to comply with Clause E1.5 of the NCC.

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ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
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T (02) 9742 7434
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FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

FIRE SAFETY ORDER NO. 6

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. 6, dated 14 February 2018, in accordance with the provisions of Section 121B of the EP&A Act, to have item no. 1A(a) of this report rectified.

In accordance with the provisions of Section 121ZE of the EP&A Act, a copy of the Order is attached for your information. FRNSW has conducted further inspections of the building to assess compliance with the terms of this Order.

In this regard, FRNSW does not consider Council is required to take action in relation to item no. 1A(a) of this report.

RE-INSPECTION

Pursuant to the provisions of Section 119T(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 189(a) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), inspections of 'the premises' on 2 March 2018, 15 March 2018, and 20 March 2018 were conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

At the time of the inspection on 20 March 2018, the terms of 'the order' issued on 'the premises' were compliant. Please be advised that 'the order' is not an exhaustive list of non-compliances, it is at Council's discretion to inspect and address any other deficiencies identified on 'the premises'.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1A(b) through to item no. 3B of this report be addressed appropriately. This may include conducting a Fire Safety Audit on the building to ensure all deficiencies within the building, including the items highlighted in this report are adequately addressed.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Section 121ZD (4) of the EP&A Act.

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Fire Safety Compliance Unit

Locked Bag 12
Greenacre NSW 2190

T (02) 9742 7434
F (02) 9742 7483

firesafety@fire.nsw.gov.au

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Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/356 (2714) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Building Surveyor
Fire Safety Compliance Unit

Attachment: [Appendix 1 – Emergency Fire Safety Order 6 dated 14 February 2018 – 2 pages]

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ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

Locked Bag 12
Greenacre NSW 2190

T (02) 9742 7434
F (02) 9742 7483

firesafety@fire.nsw.gov.au

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Appendix 1 – Emergency Fire Safety Order

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Fire & Rescue NSW

Emergency Fire Safety Order

Under the Environmental Planning and Assessment Act 1979
Part 6 - Implementation and Enforcement: Division 2A – Orders
Tables to Section 121B: Emergency Order No. 6 – Fire Safety Order

Please note:

- Pursuant to Section 121ZC (2) of the Act, this Order has been given as an Emergency Order as the issuing officer believes activity or deficiencies identified constitute an emergency or a serious risk to safety.
Pursuant to Section 121ZK (2) of the Act, there is no right of appeal against this Order.
Failure to comply with this Order may result in further Orders and/or fines being issued.
Substantial penalties may be imposed under Section 125 of the Act for failure to comply with an Order.

I, [redacted] Building Surveyor [redacted]

being an authorised Fire Officer within the meaning of Section 121ZC of the Environmental Planning and Assessment Act 1979, and duly authorised for the purpose, hereby order:

New South Wales Land and Housing Corporation Owner
(name of person whom Order is served) (position i.e. owner, building manager)

with respect to the premise

'JAMES COOK'
200 PITT STREET, WATERLOO ("the premises")
(name/address of premises to which Order is served)

to do, or refrain from doing, the following things:

- 1. Ensure the Automatic Fire Detection and Alarm System installed in 'the premises' is fully operational, by:
a. Removing all faults and isolations, displayed on the Fire Indicator Panel (FIP).

The terms of the Order are to be complied with:

By no later than Close of Business on the 1 March 2018.

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The reasons for the issue of this Order are:

- a. At the time of the inspection on Tuesday 13 February 2017 the FIP:
 - i. displayed forty-two (42) faults on the system.
 - ii. displayed seven (7) isolations on the system.
- b. To ensure that the Automatic Fire Detection and Alarm System is capable to operating in accordance with the standard of performance it was designed and installed to.
- c. To ensure that fire safety measures installed throughout the premises are maintained and operating to their standard of performance.
- d. Isolations and faults to the Automatic Fire Detection and Alarm System may leave occupants unaware of an emergency to allow timely evacuation. This may leave occupants trapped, as safe evacuation routes may be compromised.
- e. To ensure the Automatic Fire Detection and Alarm System is fully operational so that occupants are provided with early notification of a fire within the premises so that they may safely evacuate the premises in the event of a fire.

This Order No. 6 was sent by mail on 14 February 2018.

[Redacted]
 [Redacted]
 Building Surveyor
 Fire Safety Compliance Unit

