

# **Attachment C**

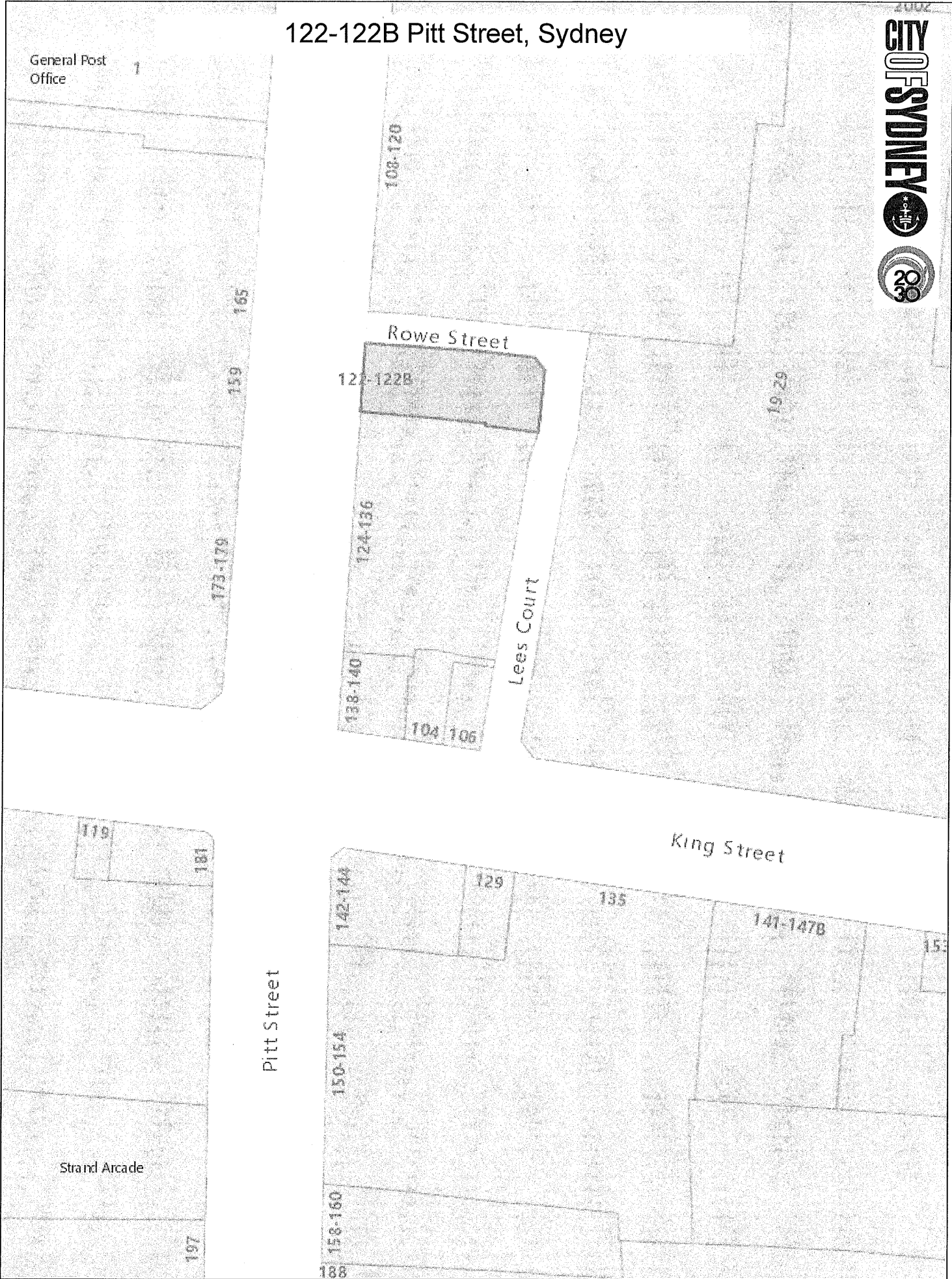
**Council Officer Inspection Report -  
122-122B Pitt Street, Sydney**

# 122-122B Pitt Street, Sydney



General Post Office

1



Pitt Street

Rowe Street

Lees Court

King Street

Strand Arcade

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1:750 at A4  
10/09/2018



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

**File: S108410**

**Officer: G. Scotton**

**Date: 21 August 2018**

**Premises: 122-122B Pitt Street, SYDNEY NSW 2000**

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**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.

The premises consists of a six storey building, which includes a restaurant and cafe at ground floor, a bar at basement level, and upper level offices. The building, known as Millions House, was erected circa 1888, which records indicate is a heritage item noted for its Victorian Italianate style significant for its contribution as a landmark building to the Pitt Street streetscape, listed on both in the State Register and Sydney LEP 2012.

The building does not contain external cladding.

Council investigations have revealed that the premises is deficient in fire safety and egress provisions in relation to inadequate fire safety management systems in place.

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

The premises is equipped with an extensive array of twenty one fire safety measures, 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 current and compliant and is displayed within the building pursuant to the requirements of the Environmental Planning and Assessment Regulation 2000.

Council investigations have revealed that there are some fire safety maintenance and management works to attend to, including provision of operational signage, more prominent display of the fire safety statement, and routine maintenance of certain fire safety measures such as exit signage.

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 through written instruction from Council. The matters have been discussed with the owner and fire contractor, both of whom indicated agreement to attend to the matters promptly.

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**Chronology:**

<b>Date</b>	<b>Event</b>
27/7/2018	FRNSW correspondence received regarding premises Millions House at 122 Pitt Street Sydney, aka 9 Rowe Street. A review of City records shows the correct address of the premises in rating records is 122-122B Pitt Street, Sydney.
2/8/2018	An inspection of the subject premises was undertaken by a Council officer, when it was noted that: -a fire alarm block plan was not displayed at the fire indicator panel

	<ul style="list-style-type: none"> <li>-whilst the current fire safety statement was displayed, more prominent display is required</li> <li>-no faults or isolations were found in the fire indicator panel</li> <li>-several exit signs required maintenance</li> <li>-operational signage was required to enclosures to a hose reel and a hydrant booster</li> <li>-an extensive array of twenty one fire safety measures shown in the fire safety schedule appeared otherwise adequately maintained</li> </ul>
21/8/2018	A written caution has been issued to the building owner, requiring routine maintenance of fire safety measures noted during inspection

### FIRE AND RESCUE NSW REPORT:

References: [D18/50949; 2018/421148-03]

Fire and Rescue NSW conducted an inspection of the subject premises on 3 May 2018, after responding to the premises on multiple occasions and being unable to identify the location of the smoke detector which activated the alarms.

Issues: The report from FRNSW detailed a number of issues, in particular noting that in attending the premises, the location of the smoke detector that activated in the building could not be determined due to the lack of a block plan, the fire safety statement was not prominently displayed, and the fire indicator panel contained eleven faults.

FRNSW issued an emergency fire safety Order on 4 May 2018 to the owner, requiring the automatic fire detection and alarm system to be repaired so as to remove faults in the fire indicator panel. The report indicates that during a FRNSW reinspection of the premises on 18 July 2018, it was found that the emergency fire safety Order relating to clearing faults in the fire indicator panel had been complied with.

#### FRNSW Recommendations.

FRNSW have made two recommendations within their report, being that Council:

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed;
2. As the matter is referred to Council as the appropriate regulatory authority, FRNSW requests advice 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)

As a result of site inspections undertaken by Council investigation officers the owners of the building have been issued with written instructions to rectify identified fire safety deficiencies noted by FRNSW and Council.

The above written instructions have directed the owners of the premises to carry out remedial actions 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 a Council officer to ensure all identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence and the recommendations of FRNSW occur.

It is recommended that Council not exercise its powers to give a fire safety order under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 at this point in time.

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

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**Referenced documents:**

<b>No#</b>	<b>Document type</b>	<b>Trim reference</b>
A1.	Fire and Rescue NSW report	2018/421148-03
A2.	Locality Plan	2018/421148-02
A3	Attachment cover sheet	2018/421148-01

**Trim Reference:** 2018/421148

**CSM reference No.:** 1931080

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File Ref. No: BFS18/509 (2858)  
TRIM Ref. No: D18/50949  
Contact: Station Officer [REDACTED]

27 July 2018

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  
'MILLIONS HOUSE'  
122 PITT STREET SYDNEY ("the premises")  
AKA: 9 ROWE STREET**

Fire & Rescue NSW (FRNSW) responded on multiple occasions to 'the premises' and were unable to locate the area or the smoke detector that activated in the building. As a result of the call of fire, the Fire Safety Compliance Unit (FSCU) of FRNSW received correspondence in relation to the adequacy of the provision for fire safety in or in connection with 'the premises'.

The correspondence stated in part that:

- *A fire block plan is not installed at the premises making it difficult to locate the area where a fire alarm operates.*

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 3 May 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

FIRE AND RESCUE NSW

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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 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. 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.

## COMMENTS

The following items were identified as concerns at the time of the inspection:

### 1. Essential Fire Safety Measures

#### 1A. Certification:

- a) An Annual Fire Safety Statement (AFSS) was not displayed in a prominent location at the premises contrary to the requirements of Clause 177 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

#### 1B. Smoke Detection and Alarm Systems:

- a) The Fire Indicator Panel (FIP) displayed 11 detector faults throughout the building. The FIP maintenance books located at the premises indicate that the faults have been present for at least three months. FRNSW is of the opinion that the Smoke Detection and Alarm System was not being maintained in accordance with Clause 182 of the EP&A Regulation.
- b) A zone block plan is not installed adjacent to the FIP, contrary to the requirements of Clause 3.10 of Australian Standard (AS) 1670.1-2015. In this regard, the FIP, located in Rowe Street, displays 'BASEMENT' which is currently occupied as a Class 6 part of the building accessible from the Pitt Street street frontage.
- c) During an inspection on 3 July 2018, FRNSW were advised by the fire services technician that the repair of the FIP was made difficult due to the age of the panel and difficulty to obtain parts. FRNSW recommend Council consider an upgrade of the FIP.

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

## **FIRE SAFETY ORDER NO. 1**

The inspecting Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. 1, dated 4 May 2018, in accordance with the provisions of Section 9.34 of the EP&A Act, to have item no. 1B(a) of this report rectified.

In accordance with the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act, a copy of the Order is attached for your information (Appendix 1). 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. 1B(a) of this report.

## **RE-INSPECTION**

Pursuant to the provisions of Section 9.32(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), an inspection of 'the premises' on 16 May 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

At the time of the re-inspection it was found that the number of faults had increased from 11 to 19. Accordingly, a Show Cause letter was issued against the owner of the building. A copy of the Show Cause letter is attached for your information (Appendix 2). A response to the Show Cause letter was received on 22 June 2018 indicating that works had been conducted at the premises and a single fault remained.

Additional inspections were conducted on 3 July and 18 July 2018. At the time of the inspection on 18 July 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 item no. 1 of this report and any other deficiencies identified on 'the premises'.

**FIRE AND RESCUE NSW**

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This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Station Officer [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/509 (2858) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]  
Building Surveyor  
Fire Safety Compliance Unit

Attachment: [Appendix 1 – Fire Safety Order 1 – Two pages]  
[Appendix 2 – Show Cause Letter- pages]

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## Emergency Fire Safety Order ORDER No. 1

Under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*  
*Part 9 Implementation and Enforcement – Division 9.3 Development Control Orders*  
*Fire Safety Orders in accordance with the table to Part 2 - Schedule 5.*  
*Issue an Order in accordance with Section 9.34(1)(a)*  
*Issue the Order as an Emergency Order Pursuant to Schedule 5, Part 8, Section 16*

Please note:

- Pursuant to Schedule 5, Part 8, Section 16 of the EP&A Act, this Order has been given as an Emergency Order as there are circumstances which the authorised fire officer believes constitute an emergency or a serious risk to safety.
- Pursuant to Section 8.18(2) of the EP&A Act, a person may not appeal against a fire safety order given by an authorised fire officer (other than an order that prevents a person using or entering premises).
- A person that fails to comply with this Order may be guilty of an offence under Section 9.37 of the EP&A Act, or fails to comply with this Order by a particular time, or within a particular period, continues after the time has expired or the period ended, and so must still be complied with may also be guilty of an offence under Section 9.50 of the EP&A Act.

I, [REDACTED] Station Officer [REDACTED]  
(name) (rank) (number)

being an Authorised Fire Officer in accordance with Schedule 5, Part 8, Section 16 of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose, hereby order:

**122 Pitt Street PTY LTD**  
(name of person whom Order is served)

**Owners**  
(position i.e. owner, building manager)

with respect to the premise

**MILLIONS HOUSE**  
**122 PITT STREET SYDNEY ("the premises")**  
(name/address of premises to which Order is served)

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

1. Repair the Automatic Smoke Detection and Alarm System installed in 'the premises' so that it operates automatically, by removing all faults displayed on the Fire Indicator Panel.

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Fire Safety Compliance Unit  
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**The terms of the Order are to be complied with:**

By no later than 1200 hours on the 14 May 2018.

**The reasons for the issue of this Order are:**

- a. At the time of the inspection:
  - i. The building was occupied.
  - ii. The Fire Indicator Panel installed at the premises displayed eleven (11) detector faults throughout the building.
- b. Faults to the Automatic Smoke Detection and Alarm System may leave occupants unaware of an emergency
- c. To ensure that the Automatic Smoke Detection and Alarm System are fully operational, so occupants are provided with early notification of a fire within the premises so that they may safely evacuate the premises.
- d. To ensure compliance with the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000.

This Order No. 6 was sent by mail on 4 May 2018.



Fire Safety Officer  
Fire Safety Compliance Unit

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Appendix 2 – Show Cause Letter



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File Ref. No: BFS18/509 (2858)  
TRIM Ref. No: D18/33652  
Contact: Station Officer [REDACTED]

18 May 2018

122 Pitt Street PTY LTD  
[REDACTED]  
Level 13, 167 Macquarie Street,  
SYDNEY NSW 2000

Dear Sir / Madam

**RE: SHOW CAUSE  
MILLIONS HOUSE  
122 PITT STREET SYDNEY ("the premises")**

An inspection of 'the premises' on 16 May 2018 by officers of the Fire Safety Compliance Unit of Fire & Rescue New South Wales (FRNSW), was in response to FRNSW's Order 1 dated 4 May 2018 ("the Order") issued under Section 9.34 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) [copy attached].

At the time of the inspection observations confirmed that the following items remain outstanding:

- a. The eleven (11) faults displayed on the panel on 3 May 2018 have yet to be repaired.
- b. An additional eight (8) faults were observed during the most recent inspection on 16 May 2018.
- c. A total of nineteen (19) faults have yet to be repaired.

Please be advised that failure to comply with 'the Order' and the continued use of 'the premises' may constitute a significant fire hazard to person/s that occupy the building, including property in the neighbourhood. You are therefore requested to provide details in writing that confirms a proposed date for compliance with the outstanding items listed in 'the Order' by no later than 24 May 2018.

Failure to comply with 'the Order' may result in legal action that includes but not limited to, Orders to evacuate 'the premises' or significant fines. Should FRNSW not receive these details by the specified date a determination will be made based on the information available at the time.

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Should you have any enquiries regarding any of the above matters, please do not hesitate to contact **Station Officer [REDACTED]** of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/509 (2858) for any future correspondence in relation to this matter.

Yours faithfully



Building Surveyor  
Fire Safety Compliance Unit

CC: [REDACTED]  
[trainsford@ozemail.com.au](mailto:trainsford@ozemail.com.au)

Attachments [Appendix 1 – Emergency Fire Safety Order 1 – mailed 4 May 2018 – 2 pages]

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