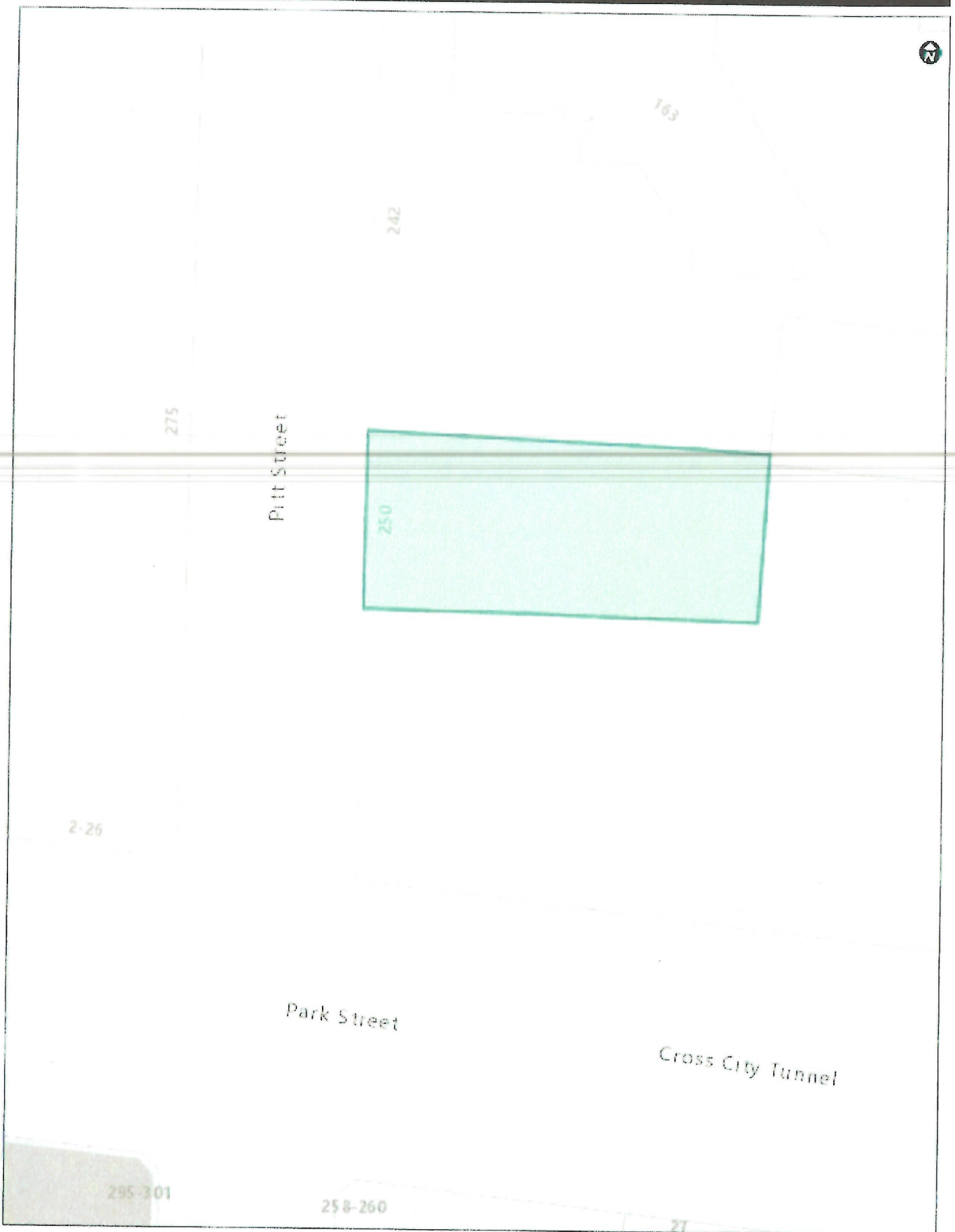


Attachment F

**Inspection Report -
250 Pitt Street, Sydney**



city of sydney



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**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 2031743

Officer: Hieu Van Luu

Date: 10 April 2019

Premises: 250 Pitt Street, SYDNEY NSW 2000, The Penthouse

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises at 250 Pitt Street, SYDNEY with respect to matters of fire safety.

The subject site is located within the basement of 250 Pitt Street. The building is a 12-storey commercial office building constructed in the 1920's. It is located on the eastern side of Pitt Street close proximity to the intersection of Pitt and Parks Streets.

The ground floor level also contains some retail and commercial premises. Pedestrian access is via the main foyer of the building off Pitt Street. The building is a local heritage items.

An inspection of the premises undertaken by a Council investigation officer in the presence of the site operational manager revealed that there were no significant fire safety issues occurring within the site.

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to, 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.

Corrective maintenance action letter issued to the owners and operator of the premises. Follow-up inspection revealed that the requirements of Council corrective maintenance action letter have been complied with.

Observation of the external features of the building did not identify the existence of metal composite cladding.

Chronology:

Date	Event
19/02/2019	FRNSW correspondence received regarding premises 250 Pitt Street SYDNEY, The Penthouse.
22/02/2019	An inspection of the subject premises was undertaken by a Council officer with respect to the operational of the fire alarm system as referred to in FRNSW correspondence. The inspection revealed that the Fire Indicator Panel was clear of all faults and isolation.
19/3/2019	The subject premises was re-inspected by a Council officer in the presence of the site operational manager with respect to the remaining fire safety issues. The inspection revealed that there were no significant fire safety issues occurring within the premises.

10/4/2019	Corrective maintenance action letter issued to the owners and operator of the premises.
30/4/2019	Follow-up inspection in company of the operational manager revealed that the requirements of Council corrective maintenance action letter of 14 April 2019 have been complied with.

FIRE AND RESCUE NSW REPORT:

References: [BFS19/342 (6231); D19/10307; Trim reference: 2019/171195]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving a correspondence in relation to the adequacy of the provision for fire safety in or in connection with the premises.

Issues

The report from FRNSW detailed a number of issues, in particular noting that:-

1. Essential Fire safety Measures – The issues associate with the fire alarm system;
- ~~2. Access and egress – Egress path was obstructed by storage materials;~~
3. Compartmentation – The issues associate with the location/operation of a fire door and the maintenance of fire doors to the fire stair.

FRNSW Recommendations

FRNSW have made recommendations within their report. In general FRNSW have requested that Council to inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

FRNSW have also requested that as soon as practical after the above recommendations have been tabled and considered that notice of any determination in respect of the recommendations is forwarded to them in accordance with 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 the above site inspection undertaken by Council investigation officers it is recommended that the owners of the building continue to comply with the written fire safety compliance instructions as issued by Council officers to rectify the identified fire safety deficiencies noted by FRNSW.

Follow up compliance inspection revealed that the requirements of Council corrective maintenance action letter have been complied with.

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 documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/171195-01
A2.	Locality Plan	2019/171195-02
A3.	Attachment cover sheet	2019/171195-03
A4.	Corrective Action Letter	2019/171195-04

Trim Reference: 2019/171195

CSM reference No#: 2031743



File Ref. No: BFS19/342 (6231)
TRIM Ref. No: D19/10307
Contact: [REDACTED]

18 February 2019

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
250 PITT STREET, SYDNEY ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 31 January 2019, in relation to the adequacy of the provision for fire safety in or in connection with 'the premises'.

The correspondence stated, in part, that:

- *Name of premises: The Penthouse*

Fire escape in rear of premises leading from basement level up to Pitt St South of main entry has large amounts of building material stacked along length of corridor, I explained to on site person that this needs to be moved and he assured me this would happen over next couple of days (Today 30/1/2019)

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 5 February 2019 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 tenancy named 'The Penthouse' and the egress provisions from the tenancy, 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

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items are limited to observations of the building accessed at the time of the inspection and identifies possible deviations from the National Construction Code 2016, Volume 1 Building Code of Australia (NCC). FRNSW acknowledges that the deviations may contradict development consent approval. It is therefore council's discretion as the appropriate regulatory authority to consider the most appropriate action.

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

1. Essential Fire Safety Measures

- 1A. Smoke Detection and Alarm System

- a. Fire Indicator Panel (FIP) – The automatic smoke detection and alarm system did not appear to be capable of operating to the standard of performance from when it was first designed and installed, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). The following issues were identified as concerns at the time of inspection.
 - i. An isolation, alarm and fault were displayed on the FIP, to the entire lower ground floor (occupied by 'The Penthouse' tenancy).
 - ii. A fault was displayed on the FIP, to ground floor tenancy G01.
 - b. The back of house area, of 'The Penthouse', used as a rest area for staff contained several rooms. Not all of the rooms contained smoke detectors, contrary to the requirements of Australian Standard (AS)1670.1–2015.

2. Access and Egress

- 2A. Building materials and other items were stored in the fire-isolated passageway, providing egress from 'The Penthouse' tenancy that caused an obstruction, contrary to Clause 184 and 186 of the EP&A Regulation.

Evidence was provided to the satisfaction of FRNSW on 6 February 2019, showing that the obstructions had been cleared.

A re-inspection of the premises conducted by FRNSW on 8 February 2019 revealed that the fire-isolated passageway providing egress from 'The Penthouse' tenancy remained free from obstructions.

- 2B. The fire-isolated stairway accessed from the rear exit from 'The Penthouse' tenancy, contains a room on an upper landing where the doorway leads directly into the stairway, contrary to the requirements of Clause D1.7 of the NCC. The room contained a kitchenette, fridge, dining table and a bed.

3. Compartmentation

3A. Fire doors

- a. Some fire doors which separate the fire-isolated stairway were held (chocked) open, therefore the doors were not self-closing, contrary to the requirements of Clause C3.4 and C3.8 of the NCC.

The door chocks were removed at the time of the inspection, returning the doors to the closed position.

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 6 February 2019, in accordance with the provisions of Section 9.34 of the EP&A Act, to have item no. 1.1A.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. 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. 1.1A.a of this report.

RE-INSPECTION

Pursuant to the provisions of Section 9.32(1)(b) of the EP&A Act and Clause 189(a) of the EP&A Regulation, an inspection of 'the premises' on 8 February 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

At the time of the inspection, 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. 1.1A.b, 2.2B and 3 of this report and any other deficiencies identified on 'the premises'.

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 [REDACTED]
[REDACTED] Please ensure that you refer to file reference BFS19/342 (6231) for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]
[REDACTED]
[REDACTED]

Attachment: [Appendix 1 – Emergency Fire Safety Order – 3 pages]