

# **Attachment L**

**Inspection Report -  
398-408 Pitt Street, Haymarket**



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

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**File:** **Officer: G. Scotton** **Date: 18 July 2019**

**Premises: 398-408 Pitt Street, Sydney**

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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 with respect to matters of fire safety.

The premises is a mixed use high rise building known as *Mirimar*, containing 38 floor levels, including 5 levels of retail/commercial, 31 apartment levels, and 11 levels of parking, 3 of which are at basement levels. Records indicate the original part of the building was erected in the 1880s, as a late Victorian Italianate commercial building used for casual accommodation. The building was subject to alterations and a high rise building addition in the early 1990s, which was later the subject of a fire safety Order in 2004, with the Order subsequently complied with in 2007.

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

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. The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Council investigations have revealed that whilst there are several minor fire safety maintenance and management works to attend to such as signage to indicate the location of fire safety measures, correction of some fire door and exit signage, 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 through written instruction from Council.

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

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**Chronology:**

| Date      | Event  |
|-----------|--|
| 8/7/2019  | FRNSW correspondence received dated 5 July 2019 received regarding premises referred to as 408 Pitt Street Sydney (being 398-408 Pitt Street, Sydney)  |
| 18/7/2019 | An inspection of the subject premises was undertaken by a Council officer, when it was noted that:<br>1. An extensive array of twenty fire safety measures including sprinkler, smoke detection, stair pressurisation, and emergency warning systems were observed adequately maintained<br>2. Two fire isolated exit stairways were provided, with self-closing fire doors and required signage for fire isolated exits<br>3. Signage in the fire exit stairs to indicate the position of hydrants was not provided, and building management has agreed this signage can be readily provided, to assist fire-fighters<br>4. An internal booster connection for a FRNSW portable relay pump was provided on level 27, as provided for in the 1994 version of Australian Standard 2419.1, in addition to the main booster point near the Pitt Street frontage |

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|--|---|
|  | <p>5. The location of the internal booster connections were considered to be provided with adequate room for access to the connections at the time of the inspection</p> <p>6. Approximately middle of the floor fire hydrants were noted on various floors, at some distance from the fire exit stairs. Whilst fire hydrants are currently required to be located within fire exit stairs, fire hydrants in lobbies are not uncommon in buildings throughout the City, and this design aspect, in this instance, is not considered to pose a serious fire safety risk.</p> |
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**FIRE AND RESCUE NSW REPORT:**

References: [BFS19/2047, 2019/359138-03]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about mid-level hydrant booster point only, requires FRNSW portable pumps to be brought to the site.

Issues

The report from FRNSW detailed issues, in particular:

1. The 1994 version of Australian Standard 2419.1 permitted an internal booster connection for portable relay pumps for fire-fighting operations in upper floors of high rise buildings, however this arrangement does not meet the requirements of the current 2015 version of the same Standard;
2. Feed hydrants are not installed at the internal booster connection, and the boost inlet connection does not provide for a kink-free hose connection;
3. A single attack hydrant is installed on each residential level around 15 metres from the fire exit door

FRNSW Recommendations

FRNSW have made three recommendations within their report. In general FRNSW have requested that Council:

1. FRNSW have recommended that Council inspect the subject premises and appropriately address any other deficiencies identified within their report;
2. As an interim measure, installation of signage within each exit stair indicating the floor plan and the location of the attack hydrant on each floor to assist with firefighting operations;
3. An upgrade of the fire hydrant system to the 2015 version of Australian Standard 2419.1.

FRNSW have also requested 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 site inspections undertaken by Council investigation officers it is recommended that the owners of the building be issued with written instructions to rectify certain identified fire safety deficiencies noted by FRNSW.

The above written instructions will direct 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 at this time.

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

**Referenced documents:**

| <b>No#</b> | <b>Document type</b>       | <b>Trim reference</b> |
|------------|----------------------------|-----------------------|
| A1.        | Fire and Rescue NSW report | 2019/359138-03        |
| A2.        | Locality Plan              | 2019/359138-02        |
| A3         | Attachment cover sheet     | 2019/359138-01        |

**Trim Reference:** 2019/359138

**CSM reference No#:** 2116033





File Ref. No: BFS19/2047 (7899)  
TRIM Ref. No: D19/46503  
Contact: [REDACTED]

5 July 2019

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  
THE MIRAMAR APARTMENTS  
408 PITT STREET SYDNEY ("the premises")**

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

The correspondence stated that:

- *Mid-level hydrant booster point only, requires FRNSW portable pumps to be brought to the site.*

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 2 July 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 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.

1. Fire Hydrant System

- 1A. Ordinance 70 and Australian Standard (AS) 2419.1-1994 permitted the use of an *internal booster connection for portable relay pumps* to be installed in buildings above 75 metres or as required by the regulatory authority, to provide a pressurised water source for firefighting operations on the upper levels of the building. In this regard, the use of portable relay pumps, no longer suits the operational needs of FRNSW;
- 1B. Elements of the internal booster connections do not meet FRNSW operational requirements, contrary to the requirements of Clause 5.7 of AS 2419.1-1994. In this regard, feed hydrants are not installed at the internal booster connection and the boost inlet connection does not provide for a kink-free hose connection;
- 1C. A single attack hydrant is installed on each residential level approximately 15 metres from the fire exit door, which does not meet FRNSW operational requirements. In this regard, signage is not installed in the fire isolated stairwell advising firefighters where the hydrant is located on the floor.

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

**RECOMMENDATIONS**

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises' and require item no. 1 of this report be addressed appropriately;
- b. As an interim measure, signage should be installed in each stairwell displaying the floor plan and location of the attack hydrant on each floor to permit firefighting operations;
- c. Upgrade the fire hydrant system, to operate without the need for a portable relay pump, to meet the requirements of the current AS2419.1 for an equivalent new building, as these older fire hydrant systems no longer meet the operational requirements of FRNSW.

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] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS19/2047 (7899) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

Fire Safety Compliance Unit