

# **Attachment B**

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



**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:** CSM 2113484                      **Officer:** Hieu Van Luu                      **Date:** 17 July 2019

**Premises:** 371 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 with respect to matters of fire safety.

The premises is located to the west of Pitt Street, mid-point between the intersection of Central Street and Liverpool Street. An un-named lane runs parallel to the northern boundary and provides vehicular access to the site and other properties.

The site is 'L'-shaped, a primary frontage to Pitt Street. There are two buildings contained within the site. The front building is a three storey commercial restaurant known as "88 Pocha". The rear building (371A Pitt Street) has four storey and is not directly accessed from Pitt Street. Ground and first floors of this building is operating as a separate restaurant known as 'Madang'. Second floor has commercial use and third floor is currently vacant.

The site is not a heritage item and is not located in a heritage conservation area.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building maintenance contractors have revealed that the premises are deficient in fire safety and egress provisions in the following areas:

1. Facilities for firefighting do not meet current building standards;
2. Safe and dignified emergency egress (unprotected services) for occupants to safely evacuate the building in the event of a fire;
3. Poor fire safety management systems (signs/notices/not displayed etc.) in place.

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a fire safety order to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 is required to be issued so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

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

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**Chronology:**

<b>Date</b>	<b>Event</b>
05/07/2019	FRNSW correspondence received regarding premises 371 Pitt Street, Sydney.
16/07/2019	An inspection of the subject premises was undertaken by a Council officer in the presence of the building maintenance contractors have revealed that the premises are deficient in fire safety and egress provisions in that: <ul style="list-style-type: none"><li>• Facilities for firefighting do not meet current building standards</li><li>• Safe and dignified emergency egress (unprotected services) for occupants to safely evacuate the building in the event of a fire;</li><li>• Poor fire safety management systems (signs/notices) in place.</li></ul>

**FIRE AND RESCUE NSW REPORT:**

**References:** [DFS19/192(6091), D19/46851; our Trim reference 2019/334798]

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 relation with the premises known as 371 Pitt Street, Sydney.

**Issues**

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

1. The issues associate with the location of and access to the Fire Indicator Panel for the fire alarm system;
2. The maintenance and accessibility issues of the fire hydrant system; and
3. The issues associate with location and accessibility of the sprinkler booster.

**FRNSW Recommendations**

FRNSW have made number of recommendations within their report. In general FRNSW have requested that Council:-

1. Inspect the subject premises and appropriately address noted deficiencies identified within their report and any other fire deficiencies identified on the premises.
2. 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(NOI)	Issue emergency	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 a site inspection undertaken by Council investigation officers it is recommended that Council exercise its powers to give a notice of intention (NOI) for a fire safety order to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council’s building officer.

The issue of a 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

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	2019/354291-01
A2.	Attachment cover sheet	2019/354291-02
A3	Locality Plan	2019/354291-03

**Trim Reference:** 2019/354291

**CSM reference No#:** 2113484



File Ref. No: BFS19/192 (6091)  
TRIM Ref. No: D19/46851  
Contact: [REDACTED]

4 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 General Manager

**Re: INSPECTION REPORT  
371 PITT STREET, SYDNEY ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 19 January 2019, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *The FIP for this building has no info whatsoever so we can't deduce what shops or units it covers or where the zones are indicating that an alarm has gone off.*

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 26 June 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.

## COMMENTS

This report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2019 Building Code of Australia – Volume One (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. 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 as concerns at the time of inspection:

### 1. Essential Fire Safety Measures

- 1A. Fire Indicator Panel (FIP) - The FIP appears to be installed within the enclosure adjacent to the "88 Pocha" tenancy on Pitt Street, however the enclosure is not adequately signposted to assist attending fire-fighters in locating the FIP. Furthermore, the door to the enclosure did not contain a lock compatible with FRNSW access key (003 key), therefore the FIP is not readily accessible for to fire brigade personnel, and access was not available at the time of the inspection to determine the validity of the concern raised in the correspondence received.
- 1B. Fire Hydrant System – The following comments are provided having regard to AS 2419.1.2005:
  - 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 AS 2419.1-2005.
    - ii. The doors to the booster enclosure are not clearly identified with fade resistant signs "FIRE HYDRANT BOOSTER", contrary to the requirements of Clause 7.10.2 of AS2419.1-2005.
    - iii. A block plan of the fire hydrant system had not been provided at the booster assembly, contrary to the requirements of Clause 7.11 of AS 2419.1-2005. In this regard, it is unclear which building/s are served by the hydrant system and booster assembly.

- iv. The left-hand-side door of the booster enclosure was screw fixed shut, therefore obstructing accessibility of the feed hydrants within. Furthermore, the orientation of the feed hydrants facing away from the roadway would not facilitate the needs of the attending fire brigades to connect up to the equipment to undertake fire fighting operations, contrary to the requirements of AS2419.1-2005.
- b. Hydrant Accessibility – The external dual valved hydrant at rear was obstructed by a vehicle parked directly in front of the hydrant, contrary to the requirements of Clause 3.2.2.2(g) of AS2419.1-2005.
- c. Maintenance - the hydrant booster assembly, did not contain any service labels/tags, to indicate the hydrant system had received any routine servicing and the external dual valved hydrant at the rear contained a service label/tag indicating the hydrant had not received any routine servicing since July 2016, contrary to the requirements of Clause 4.2 of AS 1851-2012 and Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).
- d. Protective caps and retaining chains are not provided to all hydrant valves, contrary to the requirements of Clause 8.5.11.1 of AS2419.1-2005.
- e. Storz couplings, compatible with FRNSW firefighting hose connections were not provided to all fire hydrant valves throughout the premises, contrary to the requirements of Clauses 3.1 and 8.5.11.1 of AS2419.1–2005, Clauses 1.2 and 3.4 of AS2419.2–2009 and ‘FRNSW Fire safety guideline, Technical information – FRNSW Compatible hose connections – Document no. D15/45534 – Version 07.01 – Issued 23 October 2018’.

1C. Sprinkler System:

- a. Sprinkler booster – the sprinkler booster could not be located outside the building or in a position that is readily accessible to fire brigade personnel, contrary to the requirements of Clause 4.4.3 of AS2118.1-1999.

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 through to item no. 2 of this report be addressed appropriately.

Unclassified

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) [REDACTED]. Please ensure that you refer to file reference BFS19/192 (6091) for any future correspondence in relation to this matter.

Yours faithfully



Fire Safety Compliance Unit

Unclassified