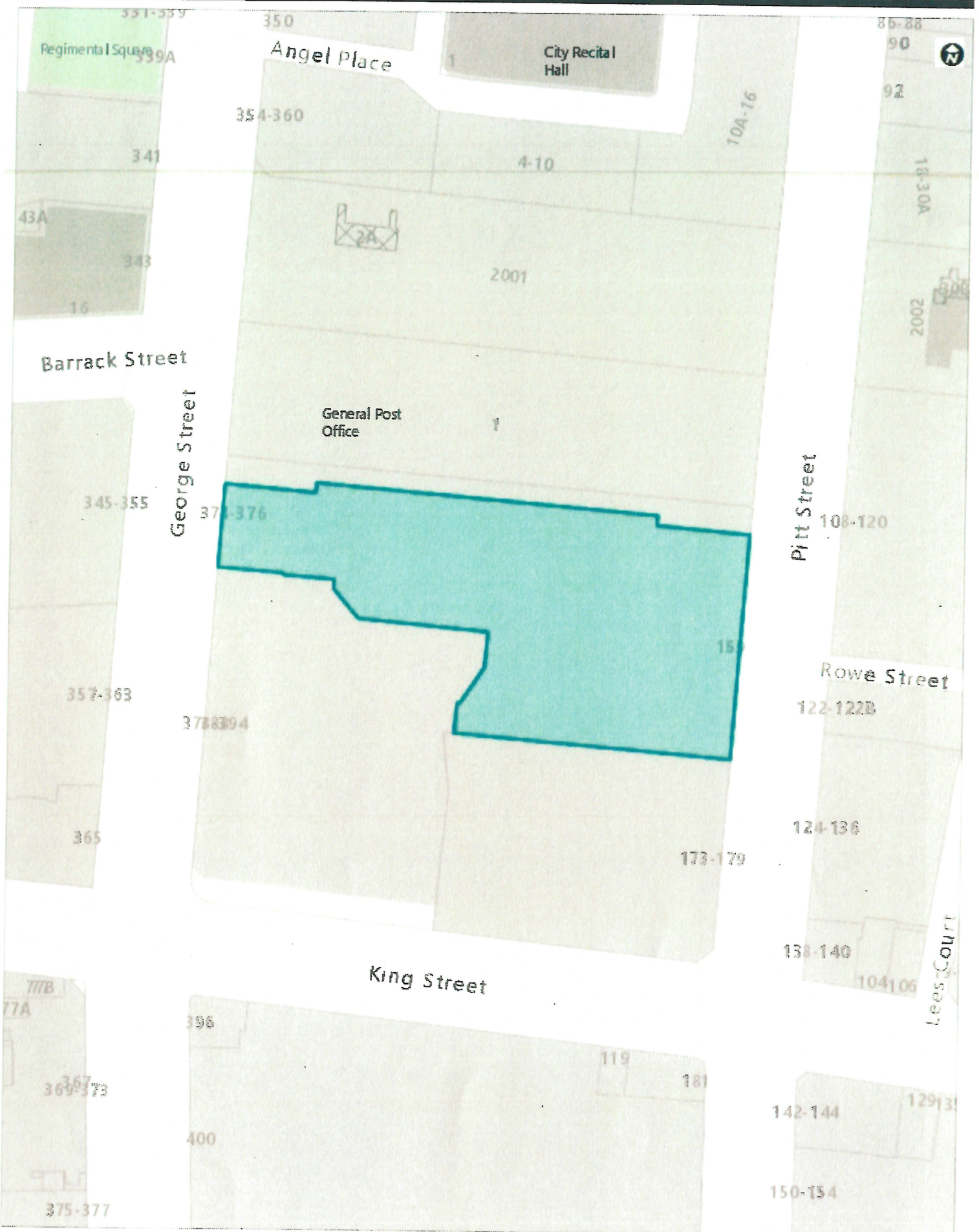


## **Attachment C**

<p><b>Council Officer Inspection Report - 165 Pitt Street, Sydney</b></p>
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**Council investigation officer Inspection and Recommendation Report**  
**Clause 17(2), Part 8 of Schedule 5, of the Environmental Planning and Assessment**  
**Act 1979 (the Act)**

**File:** CSM 2020/078473

**Officer:** Jae Lee

**Date:** 20 February 2020

**Premises:** 165 Pitt Street Sydney – The Fullerton Hotel

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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 site is irregular in shape. It has a primary street frontage to Pitt Street and a secondary frontage to George Street. The site is located close to the intersection of Pitt and King Streets to the south, and the intersection of Pitt Street and Martin Place to the north.

The Fullerton Hotel has a primary street frontage to Pitt Street and is located within the No.1 Martin Place Precinct. Lot 12 / DP 1010601.

The site contains three multi-storey buildings collectively known as No.1 Martin Place, which comprises of the GPO building, The Fullerton Hotel and the Macquarie Commercial Office Towers.

Land uses are primarily commercial, business and retail use.

The subject of this investigation for all intents and purposes is The Fullerton Hotel.

The building consists of twenty two (22) storeys with the approved uses being a class 3 hotel and 7a carpark in the basement levels.

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 maintenance issues noted by Fire Rescue NSW were rectified.

Observation of the external features of the building identified the existence of potential combustible composite cladding on the awning attachment to the façade of the building. The matter was referred to the City's cladding compliance team who have conducted an investigation into the cladding material and have determined that the installed material does not present an undue risk of fire spread and is compliant with the applicable building code requirements.

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**Chronology:**

Date	Event
11/02/2020	FRNSW correspondence received regarding premises 165 Pitt Street, Sydney
18/02/2020	An inspection of the premises undertaken by a Council investigation officer in the presence of the Building Manager revealed that all of the maintenance issues noted by Fire Rescue NSW have been rectified.

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## **FIRE AND RESCUE NSW REPORT:**

References: [BFS 19/3022 (8830); D 20/9516; our Trim reference 2020/078473]

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

### Issues

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

1. Inadequate maintenance of exit signage;
2. Maintenance issue of doors located in the path of travel to an exit;
3. Obstruction of exit doors – use of unauthorised locking mechanisms.

### FRNSW Recommendations

FRNSW have recommended that Council inspect the subject premises and appropriately address items 1 & 2 of the report and any other deficiencies identified on 'the premises'.

FRNSW have also requested that as soon as practical after the above report has been tabled and considered, that notice of any determination in relation to the report and recommendations is forwarded to them in accordance with Schedule 5, Part 8, Section 17 (4) of the Environmental Planning and Assessment Act 1979.

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### **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 considered that all fire safety matters identified by Council and FRNSW have now been addressed to the satisfaction of Council.

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	2020/078473-01
A2.	Attachment cover sheet	2020/078473-03
A3	Locality Plan	2020/078473-02

**Trim Reference:** 2020/078473

**CSM reference No#:** 2242463





File Ref. No: BFS19/3022 (8830)  
TRIM Ref. No: D20/9516  
Contact: [REDACTED]

10 February 2020

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 WESTIN HOTEL SYDNEY (FORMER NAME)  
THE FULLERTON HOTEL SYDNEY (CURRENT NAME)  
1 MARTIN PLACE, SYDNEY ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 13 September 2019, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

*For more than 12 months the push bars have been locked closed on the emergency exit doors leading from the Westin Sydney's basement ballroom lobby to the carpark. All of the emergency exit signs in that area point to those exit doors! This can lead to hundreds of people being crushed to death in an emergency! Isn't this illegal?*

*I have complained to them twice but nothing has been done about it.*

*Can you please investigate and make them unlock these doors?*

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 24 September 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, located in the lower ground floor (ballroom area), as identified in this report only.
- A conceptual overview, 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 2019, Volume 1 Building Code of Australia (NCC). FRNSW acknowledges that the deviations may contradict development consent approval or relate to the building's age. It is therefore council's discretion as the appropriate regulatory authority to consider the most appropriate action.

The following items were identified during the inspection:

1. Essential Fire Safety Measures
  - 1A. Exit Signage – Some exit signage was not illuminated and not maintained contrary to the requirements of Clause E4.8 of the NCC, Section 6 of Australian Standard (AS) 2293.1-2005 and Clause 182 of the Environmental Planning and Assessment Regulation 2000.
2. Compartmentation
  - 2A. Maintenance – The door closing sequencer to one of the sets of double fire safety doors (leading to the car park lifts) was not maintained and the doors failed to return to the fully closed position after opening, contrary to the requirements of Clause C3.4 of the NCC.
3. Generally
  - 3A. Egress – Some of the exit doors are locked in the closed position, held closed by magnetic device. Adjacent to the doors are both an electric swipe board and a white break glass alarm.

Discussions with management revealed that the doors can be unlocked by staff with a swipe pass or by a press of the white break glass alarm. The discussions also revealed that on fire alarm trip, the exit doors unlock the magnetic device enabling the doors to open as required through normal latching operation by the panic bars, although this was not confirmed through physical operation at the time of the inspection.

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

## RECOMMENDATIONS

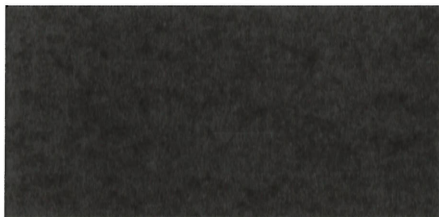
FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 and item no. 2 of this report be addressed appropriately.

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 BFS19/3022 (8830) for any future correspondence in relation to this matter.

Yours faithfully



Fire Safety Compliance Unit