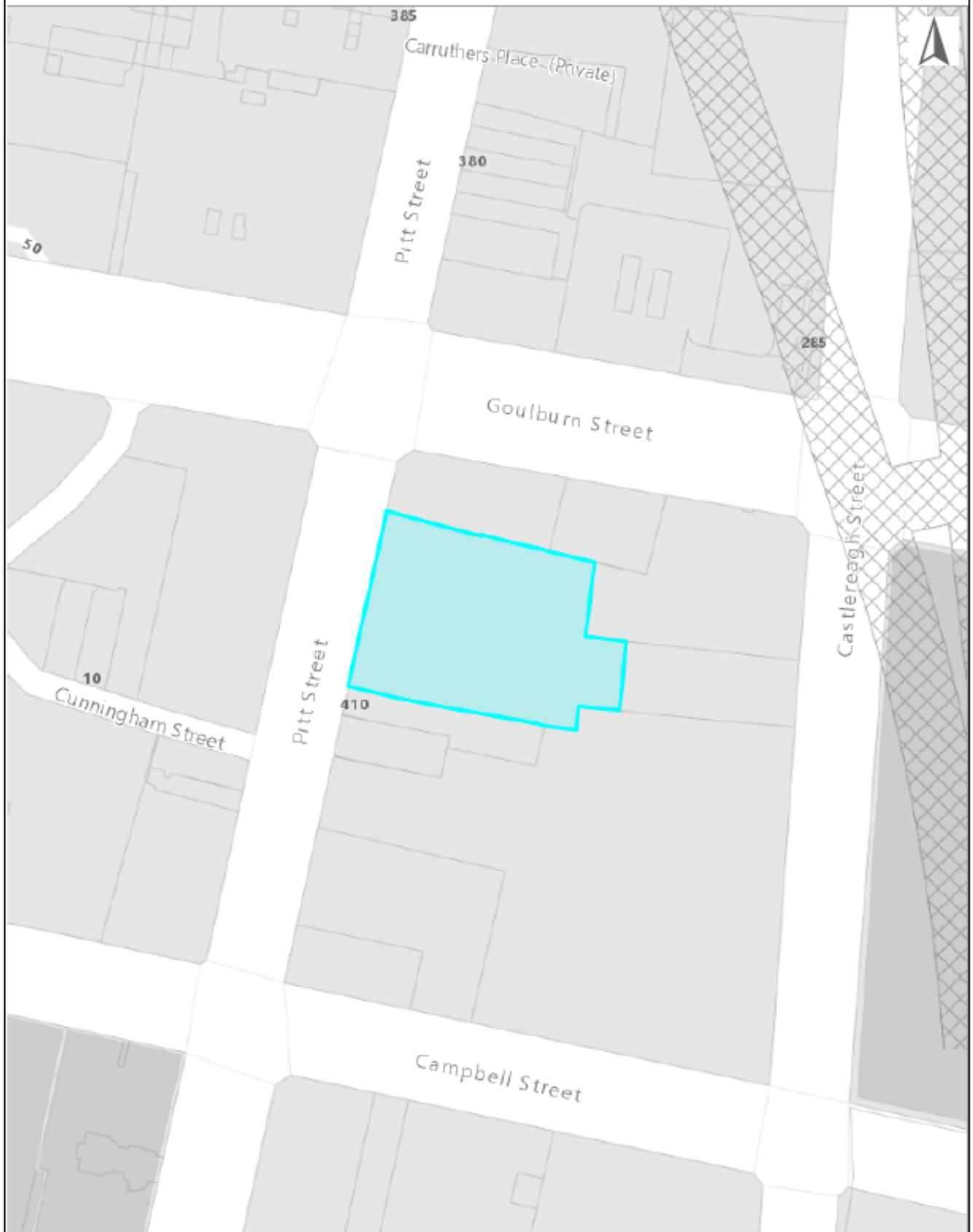


## **Attachment J**

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

# 398-408 Pitt Street Haymarket



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## Notes

Known as 398-408 Pitt Street Haymarket

22/11/2022

**Council officer Inspection and Recommendation Report**  
**Clause 17(2), Part 8 of Schedule 5, of the Environmental Planning and Assessment Act 1979 (the Act)**

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**File: CSM 2877502    Officer: B. Badyari    Date: 29 November 2022**

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

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**Executive Summary:**

The City received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 1 November 2022 in relation to the Miramar Apartments 398 Pitt Street, Haymarket, with respect to matters of fire safety.

The premises is a mixed-use high-rise building known as, "Miramar", containing 38 levels, including 4 levels of retail/commercial, 24 apartment levels, and 10 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.

The premises has previously been the subject of a report to the September 2019 Council Committee Meeting, in relation to other matters, pertaining to a mid-level hydrant booster point issue, which required FRNSW portable pumps to be brought to the site. These matters were resolved at that time under the direction of Council officers and issue of a corrective action letter.

An inspection of the premises was undertaken by the City on 28 November 2022 in the presence of the building manager, which revealed that the premises are deficient in fire safety and egress provisions in the following areas:

- (i) Inadequate fire detection and alarm systems.
- (ii) A lack of adequate facilities for firefighting.
- (iii) Suitable fire resisting construction to prevent the spread of fire.
- (iv) Safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire; and
- (v) Poor fire safety management systems (signs/notices/not displayed etc.) in place.

Investigations have revealed that the premises are deficient in the provisions for fire safety and that a fire safety order is to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 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 any combustible composite cladding on the façade of the building.

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## Chronology:

22/11/2022	FRNSW correspondence received regarding premises referred to as 398 Pitt Street Sydney (being 398-408 Pitt Street, Sydney).
28/11/2022	An inspection of the subject premises was undertaken by the City, it was noted that: 1. An extensive array of twenty fire safety measures noted, including sprinkler, smoke detection (two faults on fire panel), stair pressurisation, and emergency warning systems were observed to be present/online. However a delay in submitting a compliant annual fire statement due to works on fire dampers. Council is proposing to issue an Order for time compliance and other maintenance works. 2. Two fire isolated exit stairways are provided, with self-closing fire doors and required signage for fire isolated exits. 3. Unit 6 on level 8 vacant. 4. Sprinkler control valves and pipe fittings in the fire control room was constructed under Ordinance 70 standard, being the time of construction of the building. 5. Emergency service information package and tactical fire plans were not displayed. 6. An Annual Fire Safety Statement dated 2021 displayed in a prominent area.

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

References: [BFS22/4058; 2022/615128]

Fire and Rescue NSW conducted an inspection of the subject premises on 18 October 2022 after receiving an enquiry about fire safety matters pertaining to egress and other matters.

Issues:

The report from FRNSW detailed a number of issues outlined in the table below.

Issue	City response
<u>Essential service measures</u> – 1A Fire Control Centres and Rooms: Clause 4 of specification E1.8 of the NCC details equipment not permitted within a fire control centre  1B Size and contents of a Fire Control Room- Clause 9 of specification E1.8 of the NCC details and size and contents of a fire control room.  1C Fire Safety Guideline- a. Emergency Services Information package (ESIP)-could not be located b. Tactical Fire Plans (TFP) unclear whether the TFP's are current c. Emergency Plan could not be located  1D Maintenance- a. Fire Indicator Panel two faults displayed b. Exit Signs not illuminated  1E Smoke and Heat Detectors- the spacings were intermittent  1F Annual Fire Safety Statement- not current	To be addressed by Councils Notice of Intention to give a Fire Safety Order (NOI).

Issue	City response
<p>2 A. Access and Egress-</p> <p>a. Handrails and barriers in fire isolated stairs appear to differ Operation of latch the door handle not provided with single hand downward device</p>	<p>To be addressed by issuing NOI.</p>
<p>3A. Investigation Outcome-</p> <p>a. Emergency warning and intercommunication system (EWIS) not connected b. Alarm signalling equipment (ASE) was free of faults and isolations c. AFSS displayed not current d. Booster Pump Room requires a key that is not a 003 key e. Shopping trolleys were stored in the stairway of the basement parking area Landing from the residential units were a gap appeared to be greater than 300mm.</p>	<p>a. at the time of inspection it appeared EWIS was connected and operational b. at the time of inspection two faults observed, to be addressed by issuing NOI c. interim AFSS displayed at the time of inspection d. to be addressed by issuing NOI e. at the time of inspection stairway of basement area clear f. to be addressed by issuing NOI</p>
<p>3B. Items for further Investigation-</p> <p>a. Twenty-six flow switches were replaced and last two remaining at fault b. A new panel is installed but new and old panels are not talking to each other c. The AFSS not current d. The Council is aware of the issues of upgrading different essential fire safety measures, including fire dampers.</p>	<p>a. to be addressed by issuing NOI b. at the time of inspection fire contractor confirmed both panels communicate, and this was verified by maintenance logbook c. to be addressed by issuing NOI d. to be addressed by issuing NOI</p>

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

FRNSW Recommendations

Inspect and appropriately address item 1 to 3 of this report.

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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)
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As a result of a site inspection undertaken by Council's 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 investigation 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/Attached Documents:**

2022/615128	FRNSW S9.32 report dated 1 November 2022
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**Trim Reference:** 2022/602115

**CSM reference No#:** 2877502

Unclassified



File Ref. No: BFS22/4058 (23055)

TRIM Ref. No: D22/92922

Contact: [REDACTED]

1 November 2022

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  
'MIRAMAR APARTMENTS'  
398 PITT STREET SYDNEY ('the premises')**

Fire and Rescue NSW (FRNSW) received correspondence on 14 August 2022 concerning the adequacy of the provision for fire safety in connection with "the premises".

The correspondence stated that:

*Egress - No EWIS as the board is faulty. Did not activate when a fire occurred on level 8*

*Other - Unit 6 on level 8 has been converted to accommodate 8 sleeping births in a 2-bedroom apartment*

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected 'the premises' on 18 October 2022.

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

The items listed in the comments of this report are based on the following limitations:

Fire and Rescue NSW

ABN 12 593 473 110

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

Community Safety Directorate  
Fire Safety Compliance Unit

1 Amarina Ave  
Greenacre NSW 2190

T (02) 9742 7434  
F (02) 9742 7483

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

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Unclassified

**Unclassified**

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

**COMMENTS**

Please be advised that the items in this report are limited to observations of the building accessed at the time of the inspection and identify possible nonconformities with the National Construction Code 2019, Volume 1 Building Code of Australia (NCC) and provisions for fire safety. The items are not an exhaustive list of non-compliances. FRNSW acknowledges that the differences observed at the time may contradict development consent approval or relate to the building's age. Therefore, it's the 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. Fire Control Centres and Rooms – Clause 4 of Specification E1.8 of the NCC details equipment not permitted within a fire control centre. At the time of inspection, the room included sprinkler control valves, pipes and pipe fittings which are equipment not allowed in a fire control room. The Council may require a review of the development consent.
  - 1B. Size and Contents of a Fire Control Room – Clause 9 of Specification E1.8 of the NCC details the size and contents of a fire control room. The Council may require a review of the development consent as the size and contents of the fire control room appear contrary to Clause 9.
  - 1C. Fire Safety Guideline – Having regard to FRNSWs guideline “Emergency Services Information Package and Tactical Fire Plans”, the following items are provided
    - A. Emergency Services Information Package (ESIP) – ESIPs provide firefighters and other emergency services with specific information used during operations. An ESIP could not be located.
    - B. Tactical Fire Plans (TFP) – firefighters typically use TFPs during firefighting operations, and it is vital that all TFPs are accurate and kept current at all times. It is unclear whether the TFPs are current.
    - C. Emergency Plan – Typically, TFPs are positioned close to the emergency plan. The emergency plan could not be located at the time of inspection.



- 1D. Maintenance – Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires maintenance of the Essential Fire Safety Measure to a standard no less than when it was first installed. At the time of the inspection, authorised fire officers observed the following:
    - A. Fire Indicator Panel (FIP) – Two faults were displayed on the FIP, identified as “Zn.13 Flow Switch Commercial C2” and “Zn.91 Flow Switch Car Park P7”.
    - B. Exit signs – Many exit signs either did not operate when the test button was pressed or were not illuminated.
  - 1E. Smoke and Heat Detectors – The Council may need to review its records to confirm whether the circumstances surrounding the installation of the smoke are approved. Clause 3.27 of Australian Standard AS1670.1:2015 outlines the minimum spacing between detectors for level and uneven surfaces. A review of the detector types and spacings may be required, particularly as the observed spacings were intermittent.
  - 1F. Annual Fire Safety Statements (AFSS) – Section 89(4)(b) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires the owner of the building to prominently display in the building a copy of the AFSS and a copy of the current fire safety schedule. A copy of the current fire safety schedule could not be located.
2. Access and Egress
    - 2A. Construction of Exits – Performance Requirement DP2 of the NCC outlines the requirements so people can move safely to and within a building. The following was observed:
      - A. Handrails and Barriers – Clause D2.16 and Clause D2.17 of the NCC specify the requirements for installing handrails and barriers. The handrails and barriers for the fire-isolated stairs appear to differ from the dimensions required in the NCC. The Council may require a review.
      - B. Operation of Latch – Clause D2.21 of the NCC requires a door must be readily openable without a key from the side that faces a person seeking egress in a required exit or forms part of a required exit; or in the path of travel to a required exit. The latch must be a single-hand downward action on a single device. At the time of the inspection, all the doors to the required exits were tulip-style door handles, and a few included snib locks.
  3. Generally
    - 3A. Investigation Outcomes – The following items are provided to Council as part of the investigation on Tuesday, 18 October 2022:

**Unclassified**

- A. Emergency Warning and Intercommunication System (EWIS) – At the time of the inspection, the concern relating to the EWIS panel revealed no faults or isolations.
  - B. Alarm Signalling Equipment (ASE) – The ASE was free of faults and isolations.
  - C. AFSS – The displayed AFSS was dated July 2020. However, the essential fire safety measures inspected were tagged April 2022.
  - D. Booster Pump Room – Access to the pump room requires a key that is not a 003 key.
  - E. Except for one fire-isolated stair where shopping trolleys were stored in the stairway of the basement parking area (which was immediately removed), the fire-isolated stairs were clear of stored items.
  - F. There was also a landing from the residential units where a gap appeared to be greater than 300mm. An inspection may be required
- 3B. Items for Further Investigation – Council may need an investigation to confirm the following:
- A. The Building Maintenance Manager asserted that:
    - i. Twenty-six flow switches were replaced. The two flow switches that were displayed as faults at the time were the last two remaining at fault
    - ii. A new panel is installed, but the new and old panels are not talking to each other.
    - iii. The AFSS is not up to date because the building owners are currently working with the Council to address an upgrade to the essential fire safety measures.
    - iv. The Council is aware of the issues of upgrading different essential fire safety measures, including the fire dampers, and that is why the AFSS is not up to date.

FRNSW believes that there are inadequate provisions for fire safety within the building.

## **RECOMMENDATIONS**

FRNSW recommends that the Council:

- a. Inspect “the premises” and appropriately address items 1 to 3 of this report.

Unclassified

- b. Address any other possible deficiencies concerning the fire safety provisions identified on “the premises.”

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

Please do not hesitate to contact [REDACTED] of FRNSW’s Fire Safety Compliance Unit at [FireSafety@fire.nsw.gov.au](mailto:FireSafety@fire.nsw.gov.au) or call on [REDACTED] if there are any questions or concerns about the above matters. Please ensure that you refer to file reference BFS22/4058 (23055) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

[REDACTED]  
Fire Safety Compliance Unit

