

Attachment G

**Inspection Report
117-123 Pitt Street, Sydney**

117-123 Pitt Street, Sydney 'Angel Place'



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Notes

28/02/2023

**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 2933622

Officer: Ashley Host

Date: 30 March 2023

Premises: 117-123 Pitt Street, Sydney ('Angel Place')

Executive Summary:

Council received correspondence dated 14 February 2023 from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety.

The site contains two adjoining buildings, a 36-storey high-rise commercial office tower with 5 levels of basement carparking located in the northern half of the site, and the City Recital Hall adjoins this building to the south of the site. The City of Sydney Council maintains access and use rights over the Hall by a 99 year lease over the property.

An inspection of the premises undertaken by a Council investigation officer 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.

The subject premises is fitted with external combustible cladding. The City's cladding compliance team have issued a Building Product Rectification Order requiring cladding removal and replacement. To reduce the risk currently posed by the cladding, City officers have initiated precautionary interim fire safety measures. These measures assist in safeguarding occupants whilst cladding removal and replacement works are completed.

Chronology:

Date	Event
15.02.2023	FRNSW correspondence received regarding premises Angel Place 117-123 Pitt Street Sydney (AKA 123 Pitt Street, Sydney)
28.02.2023	An inspection of the subject premises was undertaken by a Council officer which revealed minor fire safety breaches which are being attended to by the Owners of the building

FIRE AND RESCUE NSW REPORT:

References: BFS22/3972 (22972), D2023/011438, Trim Ref: 2023/082549

Fire and Rescue NSW conducted an inspection of the subject premises on 18 October 2022 after receiving an enquiry about the adequacy of the provision for fire safety at the premises;

Issues

The report from FRNSW detailed numerous issues, in particular noting:

Issue	City response
The Fire Indicator Panel (FIP) for the "tower" displayed three (3) faults and ten (10) disablements and two (2) isolations. The FIP for the "hall" displayed one (1) isolation.	The faults to the panel have been investigated and cleared and no isolations noted.
The booster assembly did not contain a lock compatible with fire brigade operational procedures	Purchase Order placed by Owners to replace lock To be addressed by corrective action letter.
The hydrant/hose reel schematic is difficult to read and does not include all information as required	Purchase Order placed by Owners to replace hydrant/hose reel schematics. To be addressed by corrective action letter.
The pumps in the sprinkler pump room do not have adequate clearances around the perimeter and between pumps	The buildings sprinkler pumps comply to the Standard in effect at the time of construction, which does not specify or require minimum clearances around the perimeter or between pumps. The pump room does not have the space to facilitate the min required clearances between pumps due to size limitations. As the system complies to the Standard in effect at the time it is not proposed to require the system to be brought up to compliance with current Standards.
A copy of the current AFSS was not prominently displayed in the building	A current copy of the AFSS was prominently displayed on the ground floor lobby of the building near the concierge desk.
At the Council's discretion investigate the practice of isolating the smoke detection and alarm system within the City Recital Hall	The NSW Department of Planning and Environment's (The Department) position on isolating smoke detection systems is that it is not permitted and is a breach of the Environmental Planning & Assessment Regulation 2000. Furthermore, the Department confirms that this practice cannot be undertaken unless it has been provided for under the terms of a development consent, construction certificate or a fire safety order issued under the Environmental Planning and Assessment Act 1979. Ref: Letters from Director General dated 8/05/2013 & 26/09/2013 – TRIM 2013/397556. Corrective action letter dated 4 April 2023 has been sent to the owners of the building directing them to cease the activity immediately – Ref: TRIM 2023/165701.

FRNSW Recommendations

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

1. Review items 1 to 2 of the report and conduct an inspection;
2. Address any other deficiencies identified on the premises;
3. 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 Order		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)

Follow-up compliance inspections are currently being undertaken and will continue to be undertaken by a Council investigation officer to ensure already identified essential fire safety maintenance works are suitably completed and that compliance with the terms of Councils correspondence and the recommendations of FRNSW occur.

Furthermore, given the seriousness of the intermittent isolation of the smoke detection and alarm system and the Departments position on this matter, Council's investigation officer will be undertaking periodic follow up impromptu inspections to check compliance of the system. If it is identified by the officer that the aforementioned practice is occurring then Council may consider further action such as issuing penalty infringement notices for each and any offence.

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/Attached Documents:

2023/082549	FRNSW S9.32 report dated 14 February 2023
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Trim Reference: 2023/105540

CSM reference No#: 2933622

Unclassified



File Ref. No: BFS22/3972 (22972)
TRIM Ref. No: D2023/011438
Contact: [REDACTED]

14 February 2023

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
'ANGEL PLACE'
117 - 123 PITT ST SYDNEY ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 8 August 2022 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

The pump control is on the far wall of the sprinkler room. I had to physically climb over the pump to cancel the diesel pump.

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:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.

Fire and Rescue NSW

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- 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

This report is limited to observations and sections of the building accessed during the inspection. As such, this report lists potential deviations from the National Construction Code 2019 Building Code of Australia – Volume One Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items listed may relate to the building's age or contradict development consent approval. In this regard, it is at the 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 during the inspection:

1. Essential Fire Safety Measures

- 1A. Maintenance – Regulation 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires that an Essential Fire Safety Measure be maintained to a standard no less than when it was first installed. At the time of the inspection, the following was noted:
 - a. The Fire Indicator Panel (FIP) for the "Tower" displayed three (3) faults and ten (10) disablements. The FIP also indicated faults/isolations to L9 Z509 and L27 Z527.
 - b. The Hall & Tower, Common Fan Control Panel, indicated that a Zone Sensor on L1 was isolated.
- 1B. Booster Assembly - The hydrant/sprinkler booster assembly enclosure on Pitt Street did not contain a lock compatible with fire brigade operational procedures, contrary to the requirements of Clause 7.9 of AS2419.1-2005, and access was not available at the time of the inspection.
- 1C. Hydrant Block Plan - The hydrant/hose reel schematic in the Fire Control Room is difficult to read and does not include all information required as detailed in Clause 7.11 of AS 2419.1-2005.
- 1D. Sprinkler Pump Room – Fire pumps require a clearance of not less than 1.0 m around the perimeter of the complete pump assembly and a clearance of not less than 600mm between each of the installed pumps. At the time of the inspection, the fire pumps lacked the required clearances contrary to the requirements of Clause 11.3 of AS 2941–2013 Fixed fire protection installations – Pumpset systems. In that regard, the sprinkler pump room is cramped, with operators and maintenance staff having to climb over pumps and pipework to access pump controllers.

1E. Annual Fire Safety Statement (AFSS) – A copy of the current AFSS and a copy of the fire safety schedule were not prominently displayed in the building, contrary to the requirements of Section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

2. Generally

2A. Maintenance – It is at the Council's discretion, as the appropriate regulatory authority, to ensure that the practice of isolating the smoke detection and alarm system has been appropriately reviewed and approved as part of a development consent or fire safety order. As such, a sign in the Fire Control Room was displayed, which stated in part;

“Recital Hall Employees, when isolating sensors for concert events where smoke machines or naked flame are used on stage or foyers... do not isolate the following sensors...”.

2B. Investigation Outcomes – The following is provided as a result of the investigation on 18 October 2022:

A. The facilities manager was contacted and agreed to investigate and resolve the faults and isolations of the FIP. The Fire Service Contractor sent an email on 22 November 2022 indicating that he had resolved all issues with the FIP.

B. Authorised Fire Officers inspected “the premises” on 1 December 2022 in response to the email. At the time of the inspection, the Hall & Tower Common Fan Control Panel was operating as normal. However, the FIP for the “Tower” displayed 102 disablements. The Security Manager indicated that the disablements were due to construction works that were taking place on the premises.

C. An additional issue was noted with the zone damper controls, with faults apparent on Levels 7, 11, and 26. The Security Manager confirmed that the fault on Level 7 was due to construction works, and the Facilities Manager was again contacted and agreed to investigate. An email on 9 February 2023 confirmed that the Fire Service Contractor had investigated the faults and that the system was operating normally.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 2 of this report and conduct an inspection.

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- b. Address any other deficiencies 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 or call on [REDACTED] if there are any questions or concerns about the above matters. Please ensure that you refer to file reference BFS22/3972 (22972) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Fire Safety Compliance Unit

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