

Attachment B

**Inspection Report
359-361 Pitt Street, Sydney**



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Notes

9/04/2024

**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 3155337

Officer: Luke Jeffree

Date: 1 May 2024

Premises: 359-361 Pitt Street, Sydney

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 11 March 2024 and 5 April 2024 with respect to matters of fire safety.

The premises consists of nine storey strata titled residential apartment building with ground floor shop/café and vacant basement level located on the southwestern corner at the intersection of Pitt Street and Central Street, Sydney.

An inspection of the premises undertaken by a Council investigation officer in the presence of the strata manager and the owner's construction codes consultant revealed 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.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to (such as fixing a minor faults to the automatic smoke detection and alarm system, exit signs and emergency lighting, provision of maintenance logbooks) 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(s) through written instruction from Council.

Observation of the external features of the building did not identify the existence of any potential combustible composite cladding on the façade of the building.

Chronology:

Date	Event
11/03/2024	FRNSW correspondence received regarding The Regent at 359-361 Pitt Street, Sydney.
13/03/2024	A review of Council records confirmed: <ul style="list-style-type: none">- a Fire Safety Order [FIRE/2013/10] is currently active which requires amongst other things a full fire safety audit, upgrade of the automatic smoke detection and alarm system & building occupant warning system and a partial upgrade of the fire hydrant system. The works associated with the terms of the Order are required to be completed on or before 15 September 2024.- a maintenance company is engaged by the owner's corporation for ongoing maintenance of essential fire safety measures.- an Annual Fire Safety Statement is not required while the upgrade works are underway as directed under the Fire Safety Order.

Date	Event
05/04/2024	Further FRNSW correspondence received regarding The Regent 359-361 Pitt Street, Sydney.
09/04/2024	<p>An inspection of the subject premises was undertaken by a Council officer in the presence of the strata manager and owner's building codes consultant for the Fire Safety Order. The inspection revealed the following;</p> <ul style="list-style-type: none"> • Basement level was vacant and that it was previously used as a bar. Council officer noted that basement level required extensive cleaning and had the aroma of mould as mentioned in FRNSW correspondence dated 4 March 2024. • All detectors located in vacant basement level were identified as multi-criteria detectors. The detectors were set to smoke detection in accordance with the National Construction Code (NCC). Also, contrary to FRNSW's correspondence dated 4 March 2024 there were no actual heat detectors located in the basement. • Inspection verified the presence of an Earth Fault on the Fire Detection Control and Indicating Equipment (FDCIE) relating to the vacant basement level. • Project manager advised Council officer that appointed maintenance company may be utilising an electronic log (not written logbook) for the maintenance of Smoke Detection and Alarm System. <p>With respect to the mention in FRNSW's correspondence regarding multiple detectors being covered with cling wrap, latex gloves or similar material, the Council officer identified one.</p> <p>multi-criteria detector in the vacant basement level with a latex glove covering it. The officer gave a verbal instruction/warning to the strata manager to remove the glove from detector which was immediately complied with.</p>
12/04/2024	A separate health investigation initiated by Council's Health & Building Unit to address unhealthy condition of vacant basement level - Ref: CSM 3170164
01/05/2024	Corrective action letter sent – TRIM Ref: 2024/264930

FIRE AND RESCUE NSW REPORT:

References: [BFS24/198 (33101) D24/26336, 2024/172674; BFS24/901 (33759) D2024/035360, 2024/220088)

Fire and Rescue NSW conducted an inspection on 21 February 2024 & 23 February 2024 of the subject premises after receiving correspondence concerning the provision for fire safety in connection with the premises.

Issues . The reports from FRNSW detailed a number of issues, in particular:

Ref.	Issue (FRNSW Report dated 4 March 2024)	City response
1. Certification		
1A	The Annual Fire Safety Statement (AFSS) displayed at the building was dated 2017. A current AFSS was not displayed nor has FRNSW received a copy of the statement contrary to the requirements of Section 89 of the Environmental	This is consistent with Council's findings on day of the inspection. However, the requirement to provide & display a current AFSS is suspended whilst the Fire Order is in

Ref.	Issue (FRNSW Report dated 4 March 2024)	City response
	Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 21).	place and fire safety systems are being rectified/ upgraded in accordance with the Order & the City's procedures.
2. Essential Fire Safety Measures		
2A. Fire Hydrant System		
A.	The minimum standard of performance on the 2017 AFSS states fire hydrant system is installed to Ordinance 70 Ministerial Spec. 10. Visually, the hydrant system meets the AFSS.	This is consistent with Council's findings on day of the inspection. Also, the fire hydrant system is in the process of being rectified/partially upgraded under Terms 5.02, 5.03 of the Fire Safety Order dated 29 August 2013 [Ref: FIRE/2013/10] & Term M1.01 Fire Order Modification dated 1 June 2021 [Ref: FIRE/2013/10]
B.	FRNSW are of the opinion that the fire hydrant pump set is designed to achieve 275 kPa at the most hydraulically disadvantaged hydrant.	In the process of being addressed/tested under Term M1.01 Fire Order Modification dated 1 June 2021 [Ref: FIRE/2013/10]
C.	The fire brigade boost assembly comprises two boost inlet connections. No feed hydrants provided.	This is consistent with Council's findings on day of the inspection and Council officer noted that feed hydrants were not required under the applicable installation standard of performance
2B. Smoke Detection and Alarm System (SDAS)		
A.	The maintenance logbook was last updated 25 October 2023.	A hard copy of maintenance logbook could not be located during Council inspection. Corrective action letter sent (TRIM Ref: 2024/264930) to address this matter
B.	One loop fault appeared on the Fire Detection Control and Indicating Equipment (FDCIE). FRNSW were advised that the fault related to the unoccupied basement occupancy.	Councils' inspection revealed that the fault on the FDCIE is actually an earth fault. Corrective action letter sent (TRIM Ref: 2024/264930) to address this matter
C.	Multiple detectors in the basement level occupancy appeared to be heat detectors contrary to the requirements of Specification 20 of the National Construction Code 2022, Volume 1 Building Code of Australia (NCC).	No action required by the City. Councils' inspection revealed the detectors in the basement are actually multi-criteria detectors set to smoke detection in compliance with the NCC
D.	Multiple detectors were covered with cling wrap, latex gloves or similar material which will delay the detection of smoke within the basement.	No action required by the City. During Councils inspection officer noted one detector covered with a

Ref.	Issue (FRNSW Report dated 4 March 2024)	City response
	contrary to the requirements of Clause S20C4 of the NCC.	latex glove. The officer gave a verbal instruction warning to strata manager to remove the glove. The manager complied immediately with officer's instruction
E.	FRNSW are of the opinion that the basement smoke detection is not being maintained in accordance with Section 81 of the EPAR 21.	Corrective action letter sent (TRIM Ref: 2024/264930) to address fault associated with the smoke detection and alarm system
2C. Access and Egress		
A.	Exit lights within the basement level were not illuminated contrary to the requirements of Clause E4D5, E4D6 and E4D8 of the NCC.	Consistent with Council's findings on day of the inspection. Corrective action letter sent (TRIM Ref: 2024/264930) to address this matter
B.	A manual test of multiple emergency lights revealed they were non-operational contrary to the requirements of Clause E4D2 of the NCC.	Consistent with Council's findings on day of the inspection. Corrective action letter sent (TRIM Ref: 2024/264930) to address this matter

Ref.	Issue (FRNSW Report dated 5 April 2024)	City response
1. Essential Fire Safety Measures		
1A.	Maintenance – Clause 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (the DCFS Regulation) requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. At the time of the inspection the following was noted:	
A.	<p>Fire Detection Control and Indicating Equipment (FDCIE) – An ‘Earth Fault’ was displayed on the FDCIE.</p> <p>At the time of the inspection, management were advised of the issue with the FDCIE and agreed to engage a Service Technician to rectify the fault.</p> <p>A follow up inspection was carried out by FRNSW on 26 March 2024, confirming that the fault had been removed and the system had been returned to normal.</p>	Councils’ inspection revealed that an Earth Fault was displayed on the FDCIE. Corrective action letter sent (TRIM Ref: 2024/264930) to address this matter
B.	The maintenance logbook for the Smoke Detection and Alarm System, showed that the last routine servicing of the system was on 25 October 2023, indicating that the system is not being inspected and tested on a monthly basis.	Maintenance logbook could not be located during Council inspection. Corrective action letter sent (TRIM Ref: 2024/264930) to address this matter
1B.	Zone Block Plan – A Zone Block Plan was not provided at the Fire Brigade Panel, contrary to the requirements of Clause 3.10 of AS1670.1-2018.	This is consistent with Council’s findings on day of the inspection. Corrective action letter sent (TRIM Ref: 2024/264930) to address this matter.
C.	Fire Hydrant System	
A.	The hydrant booster assembly is directly adjacent to the external wall of the building and is not separated from the building by a construction with a fire resistance rating of not less than FRL 90/90/90 for a distance of not less than 2m each side and 3m above the upper hose connections, contrary to the requirements of Clause 7.3 of AS2419.1-2005.	<p>No action required by the City.</p> <p>Inspection verified the existing hydrant booster assembly was found to be compliant with the original installation standard after having been adjusted/partially upgraded to conform to Term 5.02 and 5.03 of the Fire Safety Order dated 29 August 2013 [Ref: FIRE/2013/10]</p> <p>Furthermore, Council’s officer noted there is no requirement under the original installation standard for the booster assembly to be fire separated from the building</p>

Ref.	Issue (FRNSW Report dated 5 April 2024)	City response
B.	Electrical/communication cabling and pipework was installed in the internal fire hydrant cabinets, as well as stored non-firefighting equipment, contrary to the requirements of Clause 3.6.1 of AS2419.1–2005.	In the process of being addressed/tested under Term M1.06,M1.07 of Fire Order Modification dated 1 June 2021 [Ref: FIRE/2013/10]
1D.	Annual Fire Safety Statement (AFSS) – Section 88 of the DCFS Regulation, requires the AFSS be updated annually. At the time of the inspection, the AFSS that was displayed was not up to date.	This is consistent with Council’s findings on day of the inspection. However, the requirement to provide & display a current AFSS is suspended whilst the Fire Order is in place and fire safety systems are being rectified/upgraded in accordance with the Order & the City’s procedures.
1E.	Sprinkler System - The premises has a rise in storeys of more than 4 and is not sprinkler protected, contrary to the requirements of Clauses E1D4 and E1D6 of the NCC.	<p>No action required by the City.</p> <p>The premises was approved on the basis that its effective height was not more than 42 metres and was not required to be sprinkler protected.</p> <p>Furthermore, it is considered that the current fire upgrade under Fire Order dated 29 August 2013 [Ref: FIRE/2013/10] and Order Modification dated 1 June 2021 [Ref: FIRE/2013/10] will enable sufficient fire safety provisions for the building occupants</p>

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

FRNSW Recommendations

FRNSW have made three recommendations within each of their reports. In general, FRNSW have requested that Council:

1. Inspect and appropriately address any other deficiencies identified on ‘the premises’ and require item 1 through to 2 of their report dated 4 March 2024 & item 1A to 1E of their report dated 5 April 2024 to be reviewed.
2. Recommends any fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier) should be upgraded to meet the requirements of the current Australian Standard AS 2419.1 for an equivalent new building, as these older fire hydrant systems no longer meet the operational needs of FRNSW.
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	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 & Corrective Action Letter	Other (to specify)

As a result of a site inspection undertaken by Council's investigation officers it is recommended that the building owners continue to comply with the terms of the existing Fire Safety Order issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 and comply with requirements of Corrective Action Letter to address the fire safety deficiencies identified by FRNSW and Council's building officer.

Follow-up compliance inspections are currently being undertaken and will continue to be undertaken by a Council investigation officer to ensure already identified fire safety matters are suitably addressed and that compliance with the terms of Councils existing Fire Safety Order + Corrective Action Letter and the recommendations of FRNSW occur.

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

Referenced/Attached Documents:

2024-263625-01	Copy of current Fire Safety Order
2024/263625-02	Copy of Order Modification
2024/263625-03	Corrective action letter

Trim Reference: 2024/263625

CSM reference No#: 3155337

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File Ref. No: BFS24/198 (33101)
TRIM Ref. No: D24/26336
Contact: Inspector Paul Scott

4 March 2024

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
THE REGENT
359-361 PITT STREET SYDNEY ("the premises")**

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

The correspondence stated in part that:

- *The Smoke Detection and Alarm System (SDAS) did not activate the building occupant warning system or the alarm signalling equipment.*

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 23 February 2024.

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.
- 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.

Fire and Rescue NSW

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COMMENTS

Following discussions with the attending fire crews, it would appear that there may not have been sufficient smoke reach the smoke detector in the common area in order to activate the additional fire safety measures detailed in the fire safety complaint.

The following items were identified during the inspection:

A letter, dated June 2023, was displayed in the display cabinet in the entry foyer which indicated Council have a fire safety order issued against the Owners of the Premises.

The basement level part did not appear to have been occupied for a substantial period and had the aroma of mould. Due to the black ceiling, wall, and floor, FRNSW were unable to determine the extent of mould in the basement.

1. Certification

- 1A. The Annual Fire Safety Statement (AFSS) displayed at the building was dated 2017. A current AFSS was not displayed nor has FRNSW received a copy of the statement contrary to the requirements of Section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 21).

2. Essential Fire Safety Measures

2A. Fire Hydrant System

- A. The minimum standard of performance on the 2017 AFSS states fire hydrant system is installed to Ordinance 70 Ministerial Spec. 10. Visually, the hydrant system meets the AFSS.
- B. FRNSW are of the opinion that the fire hydrant pumpset is designed to achieve 275 kPa at the most hydraulically disadvantaged hydrant.
- C. The fire brigade boost assembly comprises two boost inlet connections. No feed hydrants provided.

2B. Smoke Detection and Alarm System (SDAS)

- A. The maintenance logbook was last updated 25 October 2023.
- B. One loop fault appeared on the Fire Detection Control and Indicating Equipment (FDCIE). FRNSW were advised that the fault related to the unoccupied basement occupancy.
- C. Multiple detectors in the basement level occupancy appeared to be heat detectors contrary to the requirements of Specification 20 of the National Construction Code 2022, Volume 1 Building Code of Australia (NCC).
- D. Multiple detectors were covered with cling wrap, latex gloves or similar material which will delay the detection of smoke within the basement. contrary to the requirements of Clause S20C4 of the NCC.

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- E. FRNSW are of the opinion that the basement smoke detection is not being maintained in accordance with Section 81 of the EPAR 21.
- 2C. Access and Egress
- A. Exit lights within the basement level were not illuminated contrary to the requirements of Clause E4D5, E4D6 and E4D8 of the NCC.
 - B. A manual test of multiple emergency lights revealed they were non-operational contrary to the requirements of Clause E4D2 of the NCC.

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.
- b. FRNSW recommends any fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier) should be upgraded to meet the requirements of the current Australian Standard AS 2419.1 for an equivalent new building, as these older fire hydrant systems no longer meet the operational needs of FRNSW.
- c. 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 Inspector Paul Scott of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference BFS24/198 (33101) regarding any correspondence concerning this matter.

Yours faithfully



Paul Scott
Team Leader
Fire Safety Compliance Unit