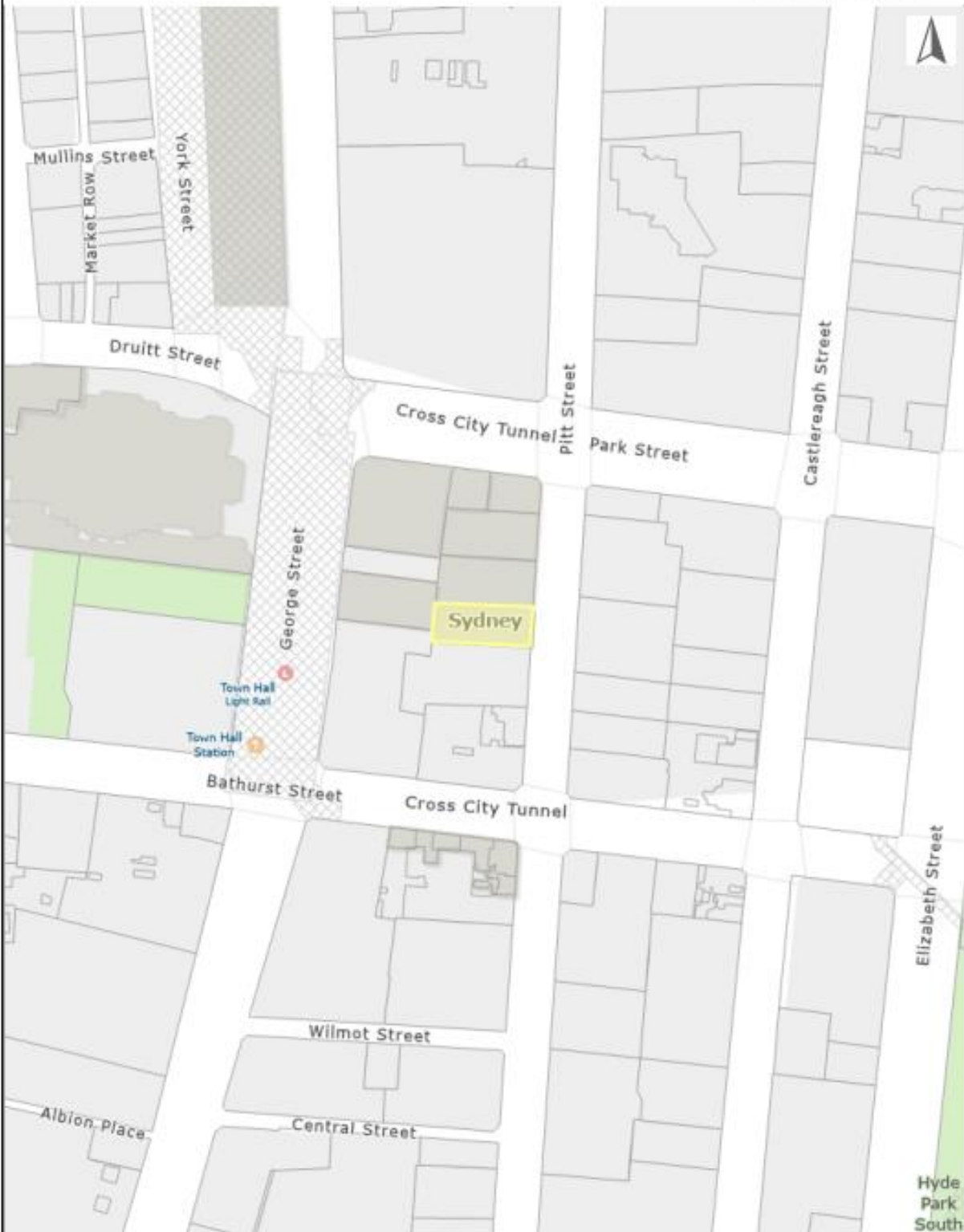


Attachment F

**Inspection Report
309-313 Pitt Street, Sydney**



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Notes

14/08/2024

**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 3202607
2024**

Officer: Tracey McCann

Date: 27 August

Premises: 309-313 Pitt Street, Sydney

Executive Summary

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 3 July 2024 with respect to matters of fire safety.

The premises is a fourteen (14) storey building used for commercial office purposes.

The ground floor has retail and office use, with levels two (2) to thirteen (13) comprising of individual office tenancies.

An inspection of the premises was undertaken by a Council investigation officer which revealed that the premises are deficient in fire safety and egress provisions in the following areas:

- i. A lack of adequate facilities for firefighting;
- ii. Safe emergency egress for occupants to safely evacuate the building in the event of a fire
- iii. 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 is to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 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 metallic sheet any combustible composite cladding on the façade of the building.

Chronology:

Date	Event
03/07/2024	FRNSW correspondence received regarding premises 309-313 Pitt Street, Sydney and desktop review completed.
11/07/2024	<p data-bbox="336 293 1394 360">An inspection of the subject premises was undertaken by a Council Officer on 11 July 2024.</p> <p data-bbox="336 394 1422 524">All common areas of buildings were inspected with the exception of the lift motor room and the cabinet providing access to the Fire hydrant / sprinkler booster assemblies. Access was also made available to a number of office tenancies over various levels within the building.</p> <p data-bbox="336 562 1353 629">Aside from the comments made by FRNSW, Council noted the following non-compliances requiring action.</p> <ol data-bbox="389 667 1310 2072" style="list-style-type: none"><li data-bbox="389 667 826 696">1. Main switchroom – basement<ol data-bbox="485 734 1310 965" style="list-style-type: none"><li data-bbox="485 734 1289 831">a) Combustible material is being stored in the main electrical switchroom within the basement level and needs to be removed.<li data-bbox="485 837 1310 904">b) The fire door serving the main electrical switchroom did not have identification signage.<li data-bbox="485 911 1278 965">c) The fire door was also damaged and did not self-close to the fully latched position.<li data-bbox="389 1003 671 1032">2. Fire isolated exits<ol data-bbox="485 1070 1310 1570" style="list-style-type: none"><li data-bbox="485 1070 1310 1167">a) Fire Stair four (4) discharges within the confines of the building (lobby) on ground floor which does not comply with the requirements of BCA.<li data-bbox="485 1173 1289 1270">b) The second required exit from the basement discharges within six (6) metres of an unprotected opening (being the automatic sliding doors at building entry).<li data-bbox="485 1276 1305 1373">c) There is a security gate obstructing the path egress from fire stair three (3) within the fire isolated corridor on ground floor level.<li data-bbox="485 1379 1294 1476">d) The fire doors to the fire isolated exits and bathrooms within the fire isolated exits were being chocked open with various items.<li data-bbox="485 1482 1278 1570">e) Bollards should be provided in the carpark to prevent the parking of motor vehicles which obstruct access to the exits.<li data-bbox="389 1576 916 1606">3. Exit signage and emergency lighting<ol data-bbox="485 1644 1310 1874" style="list-style-type: none"><li data-bbox="485 1644 1310 1740">a) There is insufficient emergency lighting in the fire isolated corridor providing egress to the street from the ground floor lobby.<li data-bbox="485 1747 1294 1874">b) Level six (6) tenancy has an exit sign installed above the door with the pictorial element facing the lift lobby which is considered misleading as it alludes to a second exit being available through the tenancy.<li data-bbox="389 1912 596 1942">4. Passive fire<ol data-bbox="485 1980 1289 2072" style="list-style-type: none"><li data-bbox="485 1980 1289 2072">a) There are numerous penetrations through fire resistive construction which have not been provided with adequate fire stopping measures – passive fire audit required

Date	Event
	<p>b) Fire stopping / seals is not listed as an essential fire safety measure on the Fire Safety Schedule</p> <p>5. Signage</p> <p>a) There was no location signage indicating the area of the sprinkler valve room.</p> <p>b) Offence signage and warning signage is requiring updating on fire doors leading to the fire isolated exits</p> <p>6. Sprinkler valve room</p> <p>a) The sprinkler spare box did not have identification signage and did not contain the required soap or thread.</p> <p>b) Sprinkler valves had not been secured open with a lockable device.</p> <p>7. Hydrant pump room on level 14</p> <p>a) The fire door to the room had been removed</p> <p>b) An unapproved office has been created in this space, in the location of the redundant cooling tower plant.</p> <p>Issues specifically raised by FRNSW and responses to those issues, are summarised in the following table.</p>
24/07/2024	<p>A review of City records showed that:</p> <p>(i) The fire safety schedule for the premises had expired.</p> <p>(ii) Council had granted an extension of time to provide a compliant Annual Fire Safety Statement due to the need to investigate the existing stair pressurisation system.</p> <p>All other fire safety measures within the building have been assessed as compliant.</p>
6/08/2024	<p>Notice of Intention to give a fire safety order (NOI) issued.</p>
27/08/2024	<p>Representations to the NOI were not made by the building owners; a Fire Safety Order was issued Ref FIRE/2024/66.</p>

FIRE AND RESCUE NSW REPORT:

References: BFS24/3152 (35758) D2024/076886

Fire and Rescue NSW conducted an inspection of the subject premises on 28 May 2024 after a member of the public raised concerns regarding fire safety issues.

Issues

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

Ref.	Issues identified	City response
Essential Fire Safety Measures		
1A	Maintenance	
	<p>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. Australian Standard AS1851-2012 (amendment 1) - “Service of fire protection systems and equipment”, requires essential service measures to be regularly tested. The following is noted:</p> <ul style="list-style-type: none"> i. Fire Indicator Panel (FIP) – At the time of the inspection, the FIP indicated that Zone 1 was in alarm and isolated. The FIP indicates that Zone 1 corresponds to the ‘Plant Room Centre OA & FIP MCP’. ii. Fire Fan Control Panel (FFCP) – At the time of the inspection, the FFCP indicated that zone 3 was in alarm and isolated. The FFCP indicates that Zone 3 corresponds to a ‘Fire Trip Signal from FIP’. iii. Following the inspection, FRNSW contacted Strata Management (Jamesons Strata) who confirmed that they were aware of issues with the Essential Fire Safety Measures in the premises and were working to resolve the issues. iv. Fire Safety Consultants (CMS Consulting) have been in contact with City of Sydney’s Health & Building Team regarding ongoing issues with the stair pressurisation system. v. Further correspondence between Jamesons Strata and CMS Consulting provided to FRNSW, has confirmed that the system does not currently comply with the standards of performance listed 	<p>Noted – This is be addressed under the Fire Safety Order Reference FIRE/2024/66 issued on 27 August 2024.</p> <p>In the interim, temporary signage will be put in place to alert the attending FRNSW personnel to the location of the hydrant booster assembly.</p>

Ref.	Issues identified	City response
	<p>in the fire safety schedule and that the FIP will need to be replaced.</p> <p>vi. FRNSW has contacted City of Sydney's Health & Building Team confirming the above.</p>	
B	<p>Zone Block Plan – A zone block plan was not provided at the FIP, contrary to the requirements of Clause 3.10 of AS1670.1-2018.</p>	<p>Noted – This will be addressed as per the Terms of the Fire Safety Order Reference FIRE/2024/66 issued on 27 August 2024.</p>
C	<p>Annual Fire Safety Statement (AFSS) – Section 88 of the DCFS Regulation requires the AFSS to be updated annually. At the time of the inspection, the AFSS that was displayed did not appear to be up to date.</p>	<p>Noted – This will be addressed as per the Terms of the Fire Safety Order Reference FIRE/2024/66 issued on 27 August 2024.</p>
D	<p>Sprinkler Booster – A sign marked with the words 'SPRINKLER BOOSTER CONNECTION' in letters not less than 50mm high, in a colour contrasting with the background and marked with the maximum allowable inlet pressure at the connection was not provided at the booster assembly, contrary to the requirements of Clause 4.4.3 of AS 2118.1-1999.</p>	<p>Noted – This will be addressed as per the Terms of the Fire Safety Order Reference FIRE/2024/66 issued on 27 August 2024.</p>
E	<p>Fire Control Centre – Clause E1D15 of the NCC requires a fire control centre in accordance with Specification 19 to be provided for a building with an effective height of more than 25m. An appropriate fire control centre complying with the requirements of Specification 19 could not be located at the premises.</p>	<p>Noted – This will be addressed as per the Terms of the Fire Safety Order Reference FIRE/2024/66 issued on 27 August 2024.</p>
F	<p>Fire Hydrant System - The fire hydrant system appears to be installed in accordance with Ordinance 70 and Ministerial Specification No.10. Notwithstanding this, the following deviations from AS2419.1-2021 and other items have been identified, which are of concern to FRNSW:</p> <p>i. Pump Room – The door hardware to the hydrant pump room on level 14, was not fitted with a 003 lock compatible with FRNSW access key, therefore access was not available at the time of inspection to determine whether the hydrant pump system had been maintained and was capable of operating to the standards of performance from when it was first designed and installed.</p> <p>ii. A hydrant booster assembly could not be located at the front of the premises, contrary to the requirements of Section 7 of AS2419.1-2021.</p>	<p>Noted – This will be addressed as per the Terms of the Fire Safety Order Reference FIRE/2024/66 issued on 27 August 2024.</p>

Ref.	Issues identified	City response
	<p>iii. The internal hydrants throughout the premises are located in the public corridors and not within the required fire-isolated stairways, contrary to the requirements of Clause 3.6.2 of AS 2419.1-2021.</p> <p>iv. Storz couplings, compatible with FRNSW firefighting hose connections have not been provided to all fire hydrant valves throughout the premises, in accordance with the requirements of Clause 7.1 and 8.5.11.1 of AS2419.1 and 'FRNSW Fire safety guideline, Technical information – FRNSW Compatible hose connections – Document no. D15/45534 – Version 09 – Issued 10 January 2019'.</p> <p>The following is the formal position of FRNSW regarding Ordinance 70 Hydrant Systems.</p> <p><i>When the consent authority (e.g. Council) is assessing the adequacy of an existing fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier), FRNSW recommend that the system be upgraded to meet the requirements of the current Australian Standard AS 2419.1 to facilitate the operational needs of FRNSW.</i></p> <p><i>It may be appropriate for a partial upgrade of the existing fire hydrant system be undertaken. A partial upgrade may be proposed to address deficiencies in the design and/or performance of the existing fire hydrant system, when assessed against the requirements of Australian Standard AS 2419.1, so that the upgraded fire hydrant system will meet the operational needs of FRNSW. Where a hybrid fire hydrant system is proposed, which incorporates the design and performance requirements from two different standards, the proponent should consult with FRNSW on the requirements for the fire hydrant system.</i></p>	
2	Access & Egress	
A	<p>Effective Height and Exits – The building has an effective height of more than 25m and is provided with only 1 exit from each storey, contrary to the requirements of Clause D2D3(2) NCC.</p>	<p>Noted – This will be addressed as per the Terms of the Fire Safety Order Reference FIRE/2024/66 issued on 27 August 2024.</p>
B	<p>Openings in Barriers – The balustrade to the fire isolated stairs to the western elevation contained openings that would permit a 150 mm sphere to pass through</p>	<p>Noted – This will be addressed as per the Terms of the Fire Safety Order Reference FIRE/2024/66 issued on 27 August 2024.</p>

Ref.	Issues identified	City response
	the opening between the nosing line of the stair treads and the rail, contrary to the requirements of Clause D3D19(2) of the NCC.	
C	Thresholds – The doorway to the room containing the sprinkler valves, pumps and FIP at basement level, contained a step at the threshold, contrary to the requirements of Clause D3D16 of the NCC.	Noted – This will be addressed as per the Terms of the Fire Safety Order Reference FIRE/2024/66 issued on 27 August 2024.
3	Compartmentation	
3A.	<p>Fire Doors –</p> <p>i. Door chocks were observed holding open multiple fire doors into the fire-isolated stair, prohibiting the doors from self-closing, contrary to the requirements of Clause C4D5 and C4D9 of the NCC.</p> <p>ii. The fire door to the fire stair on Level 4 failed to fully return to the closed position and self-latch, immediately after each opening, contrary to the requirements of Clause C4D5 and C4D9 of the NCC.</p>	Noted – This will be addressed as per the Terms of the Fire Safety Order Reference FIRE/2024/66 issued on 27 August 2024.

FRNSW Recommendations

FRNSW have made recommendations within their report.

FRNSW have made eighteen (18) recommendations within their report. In general, FRNSW have requested that Council:

- a. Inspect and address item no. 1 of this report.
- b. Address any other deficiencies identified on “the premises”.

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 *Environmental Planning and Assessment Act 1979*.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order	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)

It is recommended that Council note the exercise of powers by Council’s investigation officer in issuing a fire safety order in accordance with under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979 prior to the resolution of Council.

The issue of the order prior to the resolution of Council will help to accelerate compliance response form building owners in rectifying fire safety deficiencies and will assist to ensure that occupants are not exposed to unnecessary fire safety risks.

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

Trim Reference: 2024/389654-02

CSM reference No#: 3202607

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File Ref. No: BFS24/3152 (35758)
TRIM Ref. No: D2024/076886
Contact: Conor Hackett

2 July 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
SP 18382
309-313 PITT STREET SYDNEY ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 28 May 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

FIP and sub board difficult to locate, no signage, no block plan

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 12 June 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.

Fire and Rescue NSW

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Fire Safety Compliance Unit

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Page 1 of 5

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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 at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2022 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 during the inspection:

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. Australian Standard AS1851-2012 (amendment 1) - "Service of fire protection systems and equipment", requires essential service measures to be regularly tested. The following is noted:
- i. Fire Indicator Panel (FIP) – At the time of the inspection, the FIP indicated that Zone 1 was in alarm and isolated. The FIP indicates that Zone 1 corresponds to the 'Plant Room Centre OA & FIP MCP'.
 - ii. Fire Fan Control Panel (FFCP) – At the time of the inspection, the FFCP indicated that zone 3 was in alarm and isolated. The FFCP indicates that Zone 3 corresponds to a 'Fire Trip Signal from FIP'.
 - iii. Following the inspection, FRNSW contacted Strata Management (Jamesons Strata) who confirmed that they were aware of issues with the Essential Fire Safety Measures in the premises and were working to resolve the issues.
 - iv. Fire Safety Consultants (CMS Consulting) have been in contact with City of Sydney's Health & Building Team regarding ongoing issues with the stair pressurisation system.
 - v. Further correspondence between Jamesons Strata and CMS Consulting provided to FRNSW, has confirmed that the system does not currently comply with the standards of performance listed in the fire safety schedule and that the FIP will need to be replaced.

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- vi. FRNSW has contacted City of Sydney's Health & Building Team confirming the above.
- 1B. Zone Block Plan – A zone block plan was not provided at the FIP, contrary to the requirements of Clause 3.10 of AS1670.1-2018.
- 1C. Annual Fire Safety Statement (AFSS) – Section 88 of the DCFS Regulation requires the AFSS to be updated annually. At the time of the inspection, the AFSS that was displayed did not appear to be up to date.
- 1D. Sprinkler Booster – A sign marked with the words 'SPRINKLER BOOSTER CONNECTION' in letters not less than 50mm high, in a colour contrasting with the background and marked with the maximum allowable inlet pressure at the connection was not provided at the booster assembly, contrary to the requirements of Clause 4.4.3 of AS 2118.1-1999.
- 1E. Fire Control Centre – Clause E1D15 of the NCC requires a fire control centre in accordance with Specification 19 to be provided for a building with an effective height of more than 25m. An appropriate fire control centre complying with the requirements of Specification 19 could not be located at the premises.
- 1F. Fire Hydrant System - The fire hydrant system appears to be installed in accordance with Ordinance 70 and Ministerial Specification No.10. Notwithstanding this, the following deviations from AS2419.1-2021 and other items have been identified, which are of concern to FRNSW:
 - i. Pump Room – The door hardware to the hydrant pump room on level 14, was not fitted with a 003 lock compatible with FRNSW access key, therefore access was not available at the time of inspection to determine whether the hydrant pump system had been maintained and was capable of operating to the standards of performance from when it was first designed and installed.
 - ii. A hydrant booster assembly could not be located at the front of the premises, contrary to the requirements of Section 7 of AS2419.1-2021.
 - iii. The internal hydrants throughout the premises are located in the public corridors and not within the required fire-isolated stairways, contrary to the requirements of Clause 3.6.2 of AS 2419.1-2021.
 - iv. Storz couplings, compatible with FRNSW firefighting hose connections have not been provided to all fire hydrant valves throughout the premises, in accordance with the requirements of Clause 7.1 and 8.5.11.1 of AS2419.1 and 'FRNSW Fire safety guideline, Technical information – FRNSW Compatible hose connections – Document no. D15/45534 – Version 09 – Issued 10 January 2019'.

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The following is the formal position of FRNSW regarding Ordinance 70 Hydrant Systems.

When the consent authority (e.g. Council) is assessing the adequacy of an existing fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier), FRNSW recommend that the system be upgraded to meet the requirements of the current Australian Standard AS 2419.1 to facilitate the operational needs of FRNSW.

It may be appropriate for a partial upgrade of the existing fire hydrant system be undertaken. A partial upgrade may be proposed to address deficiencies in the design and/or performance of the existing fire hydrant system, when assessed against the requirements of Australian Standard AS 2419.1, so that the upgraded fire hydrant system will meet the operational needs of FRNSW. Where a hybrid fire hydrant system is proposed, which incorporates the design and performance requirements from two different standards, the proponent should consult with FRNSW on the requirements for the fire hydrant system.

2. Access & Egress

- 2A. Effective Height and Exits – The building has an effective height of more than 25m and is provided with only 1 exit from each storey, contrary to the requirements of Clause D2D3(2) NCC.
- 2B. Openings in Barriers - The balustrade to the fire isolated stairs to the western elevation contained openings that would permit a 150 mm sphere to pass through the opening between the nosing line of the stair treads and the rail, contrary to the requirements of Clause D3D19(2) of the NCC.
- 2C. Thresholds – The doorway to the room containing the sprinkler valves, pumps and FIP at basement level, contained a step at the threshold, contrary to the requirements of Clause D3D16 of the NCC.

3. Compartmentation

- 3A. Fire Doors –
 - i. Door chocks were observed holding open multiple fire doors into the fire-isolated stair, prohibiting the doors from self-closing, contrary to the requirements of Clause C4D5 and C4D9 of the NCC.
 - ii. The fire door to the fire stair on Level 4 failed to fully return to the closed position and self-latch, immediately after each opening, contrary to the requirements of Clause C4D5 and C4D9 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 - 3 of this report and conduct an inspection.
- b. Assess the adequacy of the existing fire hydrant system and where necessary, ensure that the fire hydrant system is upgraded to meet the requirements of AS 2419.1-2021 for an equivalent new building or a hybrid system that suits the operational requirements of FRNSW.
- c. Ensure that the fire safety measures serving the premises are being regularly maintained and meet the applicable standard of performance referenced on the fire safety schedule.
- d. 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 Conor Hackett 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 BFS24/3152 (35758) regarding any correspondence concerning this matter.

Yours faithfully



Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit