

# **Attachment N**

**Council Officer Inspection Report -  
229-249 Elizabeth Street, Sydney**

# 229-249 Elizabeth Street, Sydney



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1:3,000 at A4  
06/09/2018



**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 1949660**

**Officer: Joe Kalgovas**

**Date: 10/09/2018**

**Premises: 229-249 Elizabeth Street, Sydney**

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**Executive Summary:**

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

The premises consists of a high-rise commercial building with the approved uses being offices with shops at ground floor level.

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.

It appears that the street address given under the FRNSW report may be incorrect as the inspection of the premises undertaken by a Council investigation officer in the presence of the facilities manager did not revealed any items or circumstances identified by the FRNSW correspondence.

Consequently in this instance it will be recommended that the FRNSW report be tabled only and that a determination of proposed action be deferred for consideration at the next meeting of Council.

FRNSW will be contacted to clarify the situation and appropriate action undertaken once building identification has been established.

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**Chronology:**

<b>Date</b>	<b>Event</b>
3/09/2018	FRNSW correspondence received regarding premises level 5,229 Elizabeth Street, Sydney (correct address to be determined)
10/09/2018	An inspection of the subject premises was undertaken by a Council officer which did not identify the issues raised by FRNSW.

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**FIRE AND RESCUE NSW REPORT:**

References: D18/61536, 2018/463194

Fire and Rescue NSW conducted an inspection of the subject premises after receiving correspondence about the adequacy of the provision for fire safety in connection with the premises.

Issues:

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

1. An annual fire safety statement was not prominently displayed at the premises contrary to the requirements of Clause 177 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg);

2. Smoke detectors are not installed in the Chinese Visa Application Centre occupancy on Level five (5) of the building to activate a zone smoke control system in accordance with Table E2.2 of the National Construction Code 2016 Volume One, Building Code of Australia (NCC) and Clause 4.10 of Australian Standard (AS) 1668.1.

**FRNSW Recommendations:**

FRNSW have made one recommendation within their report. In general FRNSW have requested that Council;

1. Inspect and address any other deficiencies identified on the premises, and require items above to be addressed appropriately.

**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	Carry to next meeting of Council

It is recommended that the FRNSW report be tabled with a recommendation stood over to the next meeting of Council. A further Council investigation officer report is to be submitted to the next meeting of Council which shall contain the appropriate compliance recommendation.

In the interim suitable compliance actions (site inspections / property owner discussions / compliance directions) are to be instigated by Council's investigation officer to address and act on any fire safety matters found.

Council's investigation officer is to contact FRNSW to clarify the situation (property identification) and to confirm the address of the building.

It is recommended that Council not exercise its powers to give an Order at this time.

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

**Referenced documents:**

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2018/475463-01
A2.	Locality Plan (cadastre please)	2018/475463-02
A3	Attachment cover sheet	2018/475463-03

**Trim Reference:** 2018/475463

**CSM reference No#:** 1949660



File Ref. No: BFS18/531 (2876)  
TRIM Ref. No: D18/61536  
Contact: Station Officer [REDACTED]

31 August 2018

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  
LEVEL 5, 229 ELIZABETH STREET SYDNEY ("the premises")**

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

The correspondence stated that:

- *Second exit door blocked by sign*
- *Over 100 people regularly waiting for visas in space clearly designed for many less on 5th floor of office building. Exits not very clearly marked. Staff shrugged shoulders when risk of overcrowding and blocked exit raised with them.*

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 16 May 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW).

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

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

[firesafety@fire.nsw.gov.au](mailto:firesafety@fire.nsw.gov.au)

Unclassified

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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

The following items were identified during the inspection:

### 1. Essential Fire Safety Measures

1A. An Annual Fire Safety Statement was not prominently displayed at the premises contrary to the requirements of Clause 177 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg).

### 1B. Smoke Detection and Alarm Systems

a) Smoke detectors are not installed in the Chinese Visa Application Centre occupancy on Level five (5) of the building to activate a zone smoke control system in accordance with Table E2.2 of the National Construction Code 2016 Volume One, Building Code of Australia (NCC) and Clause 4.10 of Australian Standard (AS) 1668.1.

### 2. Access and Egress

2A. At the time of the inspection, all exit doors on Level five (5) were operational and unobstructed.

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 of this report be addressed appropriately.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Station Officer [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/531 (2876) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

Acting Team Leader  
Fire Safety Compliance Unit

FIRE AND RESCUE NSW

ABN 12 593 473 110

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