

Attachment M

**Inspection Report – 339-347 Kent
Street, Sydney**



© City of Sydney Council 2018. All Rights Reserved. This map has been compiled from various sources and the publisher and/or contributors accept no responsibility for any injury, loss or damage arising from the use, error or omissions therein. While all care is taken to ensure a high degree of accuracy, users are invited to notify Council's Spatial Services of any map discrepancies. No part of this map may be reproduced without written permission.

Date: 8-Feb-19
A4 1:500

Metres



city of villages

**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 2037731

Officer: Andrew Porter

Date: 19 February 2019

Premises: 339-347 Kent Street Sydney

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.

Specifically the correspondence from FRNSW related to matters of fire safety concerning 'Mr Tippy's' a licensed premises within the building.

The premises is located within a high rise twenty two storey building which is located on the corner of, Kent Street and King Street, Sydney. The building contains a mixture of uses and comprises of offices, and retail premises inclusive of the license premises subject of FRNSW correspondence.

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, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances. The terrace to the rear of the premises which was also subject in FRNSW correspondence in relation to blocked egress was closed at the time of inspection with consented alterations and additions being undertaken.

Observation of the external features of the building did not identify metallic sheet cladding.

Chronology:

Date	Event
15/02/2019	FRNSW correspondence received regarding premises 'Mr Tippy's' at 347 Kent Street, Sydney.
19/02/2019	An inspection of the subject premises was undertaken by a Council officer which identified a number of fire safety management and maintenance issues to attend to including: <ul style="list-style-type: none">➤ Installation of signage identifying the location of the hydrant valve outlet;➤ Remove stored items from the hydrant, hose reel and extinguisher cabinet;➤ Replace the non-compliant door with a fire door to the enclosed space (cupboard) under the internal required non-fire isolated stairway within the premises;

FIRE AND RESCUE NSW REPORT:

References: BFS18/3687 (5798); TRIM D19/8896

Fire and Rescue NSW conducted an inspection of the subject premises on 8 December 2018. The inspection report relevant to this inspection is dated 15 February 2019.

Issues: The report from FRNSW detailed the following issues within the building:

- The cupboard containing the fire hydrant valve outlet did not have statutory signage affixed and contains non-fire related equipment and electrical cables within contrary to the applicable Australian Standard;
- The cupboard beneath the internal non-fire isolated stair may not be enclosed in the appropriate fire rated construction;
- Path of travel to the rear exit via the terrace was obstructed by lattice barriers in contravention of the regulations;

FRNSW Recommendations: FRNSW have made several recommendations within their report. In general FRNSW have requested that:

1. Council in its capacity as the regulatory authority, inspect and address any other deficiencies identified on the premises and require items identified by the report to be addressed appropriately.
2. Council advise FRNSW 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	Other (to specify)
-------------------	-----------------------	--	-------------------------	--	--	--------------------

As a result of site inspection undertaken by Council investigation officers it is recommended that the owner of the building be issued with written instructions to rectify the identified fire safety deficiencies noted by Council.

The written instructions will request that the building owner:

- Install the required statutory signage to the cupboard door which contains the hydrant valve outlet;
- Remove stored items from within the hydrant, hose reel and fire extinguisher cupboard;
- Provide a compliant fire door to the enclosed space which forms a cupboard underneath the internal required non-fire isolated stairway;

Follow-up compliance inspections are currently being undertaken, and will continue to be undertaken by a Council investigation officer to ensure identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence occur.

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	2019/080912-01
A2.	Locality Plan	2019/080912-02
A3	Attachment cover sheet	2019/080912-03

Trim Reference: 2019/080912

CSM reference No#: 2037731



File Ref. No: BFS18/3687 (5798)
TRIM Ref. No: D19/8896
Contact: [REDACTED]

15 February 2019

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
"MR TIPPLY'S"
347 KENT STREET, SYDNEY ("the premises")**

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 8 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

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

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

It is noted that "Mr Tippy's" forms part of 'ANZ' building at 347 Kent Street and the inspection was limited to "Mr Tippy's" hotel/pub portion only.

The following items were identified as concerns at the time of inspection:

1. Essential Fire Safety Measures

1A. Fire hydrant and fire hose reel enclosures –

- a) The cupboard containing the fire hydrant valve outlet (adjacent to the electrical switch cupboard), does not contain signage on the door 'FIRE HYDRANT' to identify the hydrant valve within, contrary to the requirements of Clause 3.6.2 of AS 2419.1-2005.
- b) The cupboards containing the fire hydrant valve outlets and the fire hose reels, contain non-fire related equipment and electrical cables within, contrary to the requirements of Clause 3.6 of AS2419-2005 and Clause 10.4.4 of AS 2441-2005.

2. Access and Egress

2A. Enclosure of space under stairs – the space beneath the internal non fire-isolated stair on the ground floor was enclosed to form a cupboard and it is unclear whether the enclosing walls and ceiling achieve an FRL of not less than 60/60/60 and whether the opening is fitted with a self-closing -/60/30 fire door, in accordance with the requirements of Clause D2.8(b) of the National Construction Code Volume One Building Code of Australia 2016 (NCC).

2B. Path of travel to exits – Access to the rear exit via the terrace was obstructed by lattice barriers, impeded the free passage of persons along the path of travel to the required exits, contrary to the requirements of Clause 186 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). The barriers were moved at the time of the inspection.

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 through to item no. 2 of this report be addressed appropriately.

Unclassified

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 EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/3687 (5798) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]
Senior Building Surveyor
Fire Safety Compliance Unit