

Attachment I

**Inspection Report -
397-409 Kent Street, Sydney**



**Council investigation officer Inspection and Recommendation Report
Clause 17(2) of Schedule 5, of the Environmental Planning and Assessment Act
1979 (the Act)**

File: 2019/372148

Officer: Andrew Porter

Date: 25 July 2019

Premises: 397 - 409 Kent Street Sydney

Executive Summary:

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

The building is twenty storeys, the building has frontages located on Kent Street, Market Street and Sussex Street, Sydney. The building contains a mixture of commercial uses namely offices, retail premises and car parking.

An inspection of the building undertaken by a Council investigation officer on 24 July 2019 in the presence of the building facilities staff revealed that there were no fire safety issues to be resolved.

The building is 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 building is subject of a number of alternative solutions which forms part of the overall fire safety strategy.

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.

Observation of the internal and external features of the building identified metallic sheet cladding, which is subject of a separate investigation to be undertaken by Council.

Chronology:

Date	Event
12/07/2019	FRNSW correspondence received regarding premises at 397-409 Kent Street, Sydney, Also referred to as 2-18 Market Street Sydney and 182-196 Sussex Street Sydney.
24/07/2019	An inspection of the subject building was undertaken by a Council officer who found no fire safety issues within the building.

FIRE AND RESCUE NSW REPORT:

References: BFS19/1996 (7817); TRIM D19/49214

Fire and Rescue NSW conducted an inspection of the subject building on 2 July 2019. The inspection report relevant to this inspection is dated 12 July 2019.

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

- The fire hydrant system appears to be installed in accordance with Ordinance 70 and Ministerial Specification No. 10. In light of this FRNSW brings to your attention a position statement published by FRNSW on 8 January 2019.

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 the item identified in their report and any other deficiencies identified on the premises.
2. Council note FRNSW position statement published by FRNSW on 8 January 2019 in relation to fire hydrant systems and consider requiring the fire hydrant system within the building to be upgraded to meet the requirements of the current standard and or partially upgraded to meet the operational needs of FRNSW.
3. 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)

That Council note FRNSW correspondence and inspection report.

An inspection undertaken by a Council Officer has revealed no fire safety issues to be apparent within the building.

The current fire hydrant system within the building complies with the standard of performance to which it was installed. Although it is the preference of FRNSW that the fire hydrant system be upgraded either wholly or in part to better suit their operational requirements, the current fire hydrant system still provides adequate provision for fire safety within 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 determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/372148-01
A2.	Locality Plan	2019/372148-02
A3	Attachment cover sheet	2019/372148-03

Trim Reference: 2019/372148

CSM reference No#: 2122024



File Ref. No: BFS19/1966 (7817)
TRIM Ref. No: D19/49214
Contact: [REDACTED]

12 July 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
2 MARKET STREET SYDNEY ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 14 June 2019, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *Mid-level booster point requiring portable pumps to be brought to the site by FRNSW.*

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 2 July 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of 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.

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 as concerns during the inspection:

1. Generally

- 1A. Fire Hydrant System: The fire hydrant system appears to be installed in accordance with Ordinance 70 and Ministerial Specification No.10.

In light of this, FRNSW brings to your attention a position statement published by FRNSW on 8 January 2019. The statement is shown below:

Fire hydrant system in existing premises

When the consent authority (e.g. local 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.

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.

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 Qualified Firefighter [REDACTED] of FRNSW's Fire Safety Compliance Unit on [REDACTED]. Please ensure that you refer to file reference BFS19/1966 (7817) for any future correspondence in relation to this matter.

Yours faithfully



Fire Safety Compliance Unit