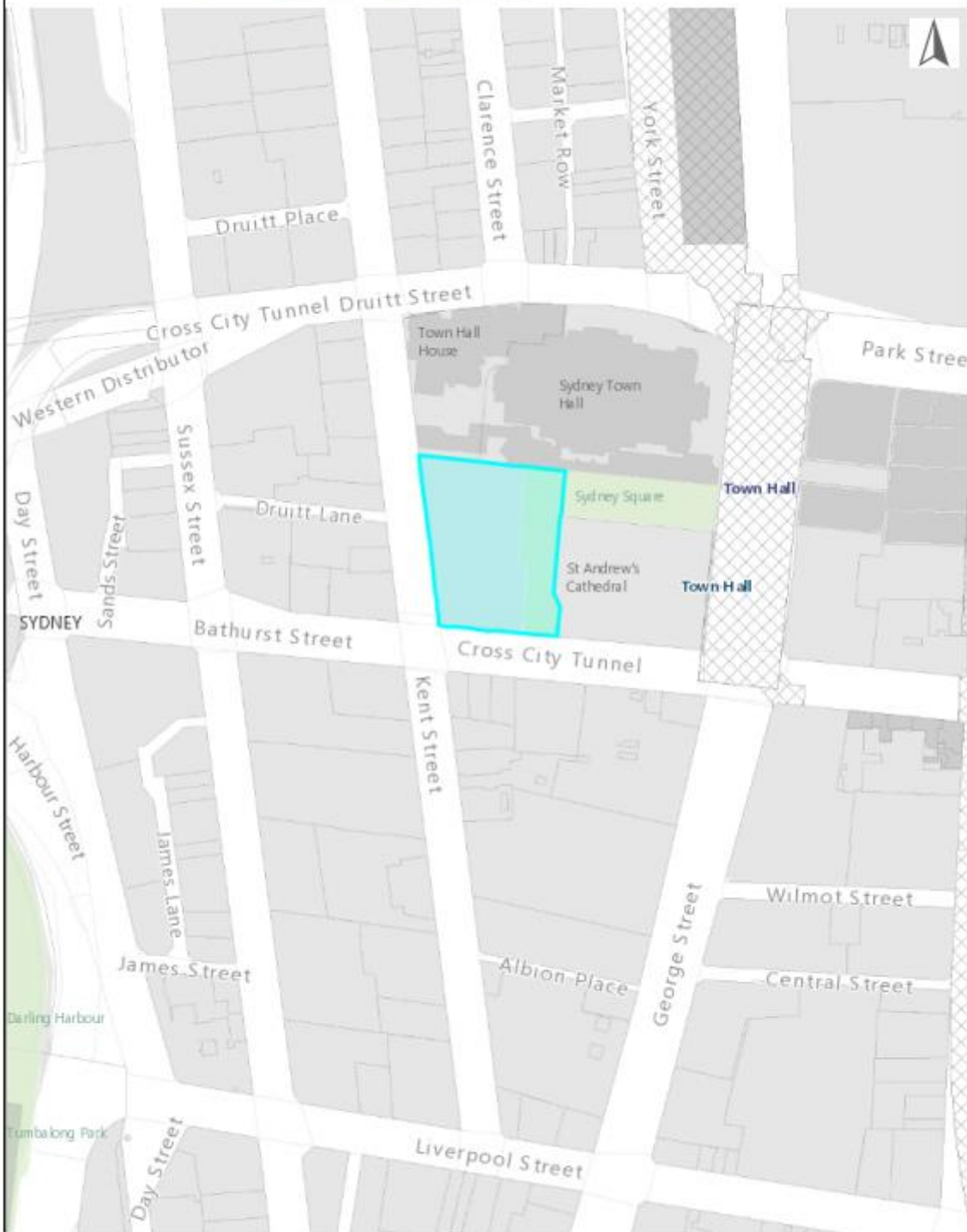


Attachment D

**Inspection Report
464-480 Kent Street, Sydney**

464-480 Kent Street, Sydney



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Notes

24/07/2023

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 2996314

Officer: Luke Jeffree

Date: 29 June 2023

Premises: 464-480 Kent Street, Sydney, "St Andrews House"

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 26 May 2023 with respect to matters of fire safety.

The premises consists of a 10 storey mixed use building known as St Andrew's House, comprising a retail arcade level, ground level blood bank and lobby entries, office and school levels, and a split-level 5 storey basement carpark.

The site is bounded by Sydney Town Hall to the north, George Street and St Andrew's Cathedral to the east, Bathurst Street to the south, and Kent Street to the west.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building manager revealed that 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. The annual fire safety certification is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000 (the Reg).

Council investigations have revealed that whilst there remains several minor fire safety maintenance works being attended to by the property owner 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 being addressed by routine preventative and corrective maintenance actions undertaken by the owner's fire service contractor(s).

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
26/05/2023	FRNSW correspondence received regarding premises 'St Andrew's House' 464 Kent Street, Sydney [464-480 Kent Street, Sydney]
21/06/2023	An inspection of the subject premises was undertaken by a Council officer in the presence of the building manager where the following items were noted; <ul style="list-style-type: none">• annual fire safety statement (AFSS), fire safety schedule and evacuation plan present• no refuse, ladders or items found in any fire exit areas within the building• some signage & offences notices (required under the National Construction Code (NCC) & respective building regulation) were missing from some fire doors. Council officer gave a verbal instruction/warning to the building manager to obtain and affix the required signage to the doors - which was carried out shortly after Council's inspection

Date	Event
	<ul style="list-style-type: none"> fire safety systems appeared generally well maintained throughout the building. The building manager showed Council officer maintenance works being carried out to some existing measures including mechanical systems & fire dampers which were recently assessed by an accredited practitioner (fire safety) (APFS)
22/06/2023	A desktop review carried out by Council officer verified that AFSS submission process was being followed by the property owner in accordance with the Reg and City's procedures. The officer noted current fire safety documentation/certification on file (E/2004/415) and it was evident that an APFS had recently assessed & inspected all fire safety measures (including exits) that apply to the building with measures having been verified by the practitioner with respect to the relevant standards of performance

FIRE AND RESCUE NSW REPORT:

References: [BFS22/6242 (25219), D23/44024; 2023/258590]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about the adequacy of the provision for fire safety at the premises.

Issues

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

Issue	City response
FRNSW Officers found the fire exit area of concern (located in basement carpark) was clear of items considered an obstruction to occupant emergency egress	Council's inspection verified that there were no items considered an obstruction within the basement carpark fire exit. No action required.
Security staff had advised FRNSW Officers that when the complainant lodged the egress concerns staff may have left items temporarily in the fire exit area	Building manager advised Council officer that items previously left in the fire exit area of concern were likely left by someone temporarily whilst person was midway through loading their vehicle. The officer considered this advice to be the most likely scenario and that it appeared to be an isolated incident. No action required.
FRNSW Officers randomly inspected a fire-isolated stair which revealed that there were no items in it that would be considered an obstruction	Council's inspection verified that all fire isolated stairways and passageways throughout the premises were unobstructed and clear of items. No action required.
It is at Council's discretion to determine whether an investigation is required to confirm that an accredited practitioner (fire safety) has assessed, inspected and verified the performance of each fire safety measure (including exits) that applies to the building and is submitted as part of an AFSS requirements	Council's investigation has determined essential fire safety measures are being maintained, that the AFSS submission process is being followed by the property owner in accordance with the Reg, City's procedures. No action required.

FRNSW Recommendations

FRNSW have made no direct recommendation within their report other than legislative notification and advised that it is at Council's discretion to determine whether an investigation is required to confirm whether the essential fire safety measures (including exits) are being properly maintained within the premises.

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)

Inspections undertaken by a Council officer in the presence of the building manager verified that the obstruction concerns which were raised by customer to FRNSW had been rectified and that essential fire safety measures (including exits) within the building are being maintained.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

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

Referenced/Attached Documents:

2023/379643-01	FRNSW S9.32 report dated 25 May 2023
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Trim Reference: 2023/379643

CSM reference No#: 2996314

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File Ref. No: BFS22/6242 (25219)
TRIM Ref. No: D23/44024
Contact: [REDACTED]

25 May 2023

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

**Re: INSPECTION REPORT
"ST ANDREW'S HOUSE"
464 KENT STREET SYDNEY (hereafter "the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 21 December 2022 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

Tenants & / or workers had dumped refuse (roll of floor covering & broken chairs) & ladders blocking access to the fire stairs. Pictures available.

Pursuant to the provisions of 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 Fire and Rescue NSW (FRNSW) inspected 'the premises' on 26 April 2023. On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4).

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

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

1 Amarina Ave
Greenacre NSW 2190

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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

The following items were identified during the inspection:

1. Access and Egress
 - 1A. Fire Exits and Fire Exit Doors – Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires a fire exit area for a building to be free of items that may obstruct the free passage of persons. Nor should the operation of a fire exit door be interfered with or obstructed without a lawful excuse, which includes the operation of a fire door providing access to a building's fire exit. At the time of the inspection, Authorised Fire Officers (AFOs) inspected the location of the concern and observed that the area was clear of items considered an obstruction.
2. Generally
 - 2A. Investigation Outcomes – The following items are provided to Council as part of the investigation on Wednesday, 26 April 2023:
 - A. Response from Security Staff – Discussions with the security officer revealed the following:
 - i. When the complainant lodged the concern, numerous events occurred at the premises. It was likely that staff may have left items temporarily.
 - ii. Security staff regularly inspect the stairwell at the premises as part of their patrols.
 - B. Exit Paths – AFOs randomly selected a fire-isolated stair to inspect whether the paths were clear of obstructions or stored items. The inspection revealed no items in the stairwell that would be considered an obstruction.
 - 2B. Items for Further Investigation – It is at the Council's discretion to determine whether an investigation is required to confirm that an accredited practitioner (fire safety) has assessed, inspected and verified the performance of each fire safety measure (including exits) that applies to the building and is submitted by the owner as a part of the Annual Fire Safety Statement (AFSS) requirements.

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Please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call [REDACTED] if you have any questions or concerns regarding the above matters. Please refer to file BFS22/6242 (25219) for future correspondence.

Yours faithfully



Fire Safety Compliance Unit



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