

Attachment F

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



Figure 1: 339-347 Kent Street, Sydney, viewed from the north-west



Figure 2: 339-347 Kent Street, Sydney

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)

Officer: Chi Lam

Date: 15 September 2025

Premises: 339-347 Kent Street, Sydney

Executive Summary

1. The City of Sydney (the City) received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 7 August 2025 with respect to matters of fire safety. It is noted that the letter from FRNSW has incorrectly identified the address as 349 Kent Street, Sydney.
2. The premises consists of a 22 storey building used for commercial purposes.
3. The City recently inspected the premises on 1 September 2025, accompanied by The Kent Street Hotel Manager. The inspection identified fire safety provisions requiring maintenance, which can be addressed under the City's instruction.

Chronology

Date	Event
7 August 2025	FRNSW correspondence received.
8 August 2025	A desktop audit of the City's records was undertaken; the annual fire safety statement is due to be submitted on 16 August 2026.
22 August 2025	The City carried out an inspection of the premises with the Kent Street Hotel Business Owner, Building Manager and Strata Manager.
1 September 2025	A reinspection was carried out.
9 September 2025	The City issued a letter of corrective action due to some of the matters raised by the FRNSW having not been addressed.

Fire and Rescue NSW Report

4. Fire and Rescue NSW conducted an inspection of the subject premises on 16 July 2025.

Issues

5. The report from Fire and Rescue NSW detailed issues as shown in the table below.

Ref.	Issue	City response
	Provisions for Fire Safety	
	Egress:	
	The following egress issues were observed in the basement bar of the Kent St Hotel.	
1	The space beneath the non-fire isolated stairway from the ground floor to the basement bar was enclosed to form a cupboard or enclosed space. The enclosed space did not appear to have enclosing walls and a ceiling achieving an FRL of not less than 60/60/60 and a self-closing -/60/30 fire door, contrary to the requirements of Clause D3D9 of the National Construction Code 2022, Volume 1 Building Code of Australia (NCC).	The door to the space has been removed, and it is no longer enclosed. At the lower-ground level, two exits were observed: one at the front (leading to King Street), and another via a fire door leading to an egress path connected to a fire-isolated stair. Because the non-fire-isolated stairway is not relied upon as part of the required exits, and because no enclosed space (such as a cupboard) is created beneath it, Clause D3D9—which regulates enclosures under stairs—does not impose any obligations. Therefore, no further action is required in relation to enclosure under that stairway.
2	Multiple emergency lights were covered in tape, painted black and were not operational to the intended design and operation contrary to the requirements of E4D4 of the NCC. FRNSW are of the opinion that the number of emergency lights may be insufficient to assist during and evacuation of the premises.	Observations confirmed that covered tape was removed. The certification of the emergency light is being addressed through a Corrective Action Letter issued by the City.

Ref.	Issue	City response
3	The exit signage to the two (2) designated exits were covered with black tape and were not operational to the intended design and operation contrary to the requirements of E4D8 of the NCC. i. The tape was removed from the exit signs during the FRNSW inspection by hotel staff.	Observations confirmed that the tape was removed, but one of the lights was not illuminated. This is being addressed through a Corrective Action Letter issued by the City.
4	The pictogram for the exit sign directing patrons to the internal carpark was facing the incorrect direction contrary to the requirements of E4D8 of the NCC.	Observations confirmed on the second visit that this issue was addressed. No further action is needed.
5	The designated exit opening onto King Street from the basement contained snib lock hardware in lieu of a lever handle, contrary to the requirements of Clause D3D26 of the NCC.	Observations confirmed during inspection. This issue is being addressed through a Corrective Action Letter issued by the City.
6	The fire exit area leading to the exit door opening onto King Street was partially blocked by stored items, contrary to the requirements of Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR21). i. The stored items were removed from the exit area during the FRNSW inspection by hotel staff.	The matter has been addressed; no issues were observed during follow up inspections. No further action is needed.
	Fire Hydrant System	
7	FRNSW recommend an investigation into signage and plans at the fire hydrant booster assembly in King Street. The Fire Hydrant Booster cabinet contained hydrant booster signage combined with service stickers that included “spr booster” and “spr suction” written on them. The Sprinkler Booster Connection cabinet contained a fire hydrant block plan and	Observations confirmed what FRNSW observed. This issue is being addressed through a Corrective Action Letter issued by the City.

Ref.	Issue	City response
	service stickers that included “hyd booster” and “hyd suction” written on them.	
	Automatic Fire Suppression System	
8	The pop-down sprinkler heads within the basement bar of the King St. Hotel have been painted over. FRNSW were unable to determine if the sprinkler heads would pop-down as designed in the case of a fire due to the paint.	Certification has been requested to confirm the performance of the sprinkler heads for this area. This matter is being addressed through a Corrective Action Letter issued by the City.
	Smoke Detection and Alarm System (SDAS)	
9	The speakers for the Building Occupant Warning System (BOWS) within the basement bar of the King St. Hotel have been painted over. FRNSW were unable to determine if volume levels of the BOWS meets the requirements of Specification 20 – S20C7.	Certification has been requested to confirm the current operational performance of the Building Occupant Warning System. This matter is being addressed through a Corrective Action Letter issued by the City.
	Fire Hose Reels	
10	The Fire Hose Reel / Portable Fire Extinguisher cabinet near the main bar on the ground floor of the King St. Hotel contained stored items contrary to the requirements of Clause 10.4.4 of AS2441-2005. i. The stored items were removed	No non-compliances were observed. No further action required.

6. FRNSW have recommended that the City inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

Council Investigation Officer Recommendations

7. As a result of site inspections undertaken by the Council investigation officer a corrective action letter was issued on 9 September 2025 to the building owners to address the fire safety deficiencies identified by the City and FRNSW.
8. It is recommended that the Commissioner of FRNSW be informed of the City's decision.

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File Ref. No: FRN25/2090 - BFS25/4660 - 8000043764
TRIM Ref. No: D25/89739
Contact: Station Officer Kurt Ingle

7 August 2025

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
COMMERCIAL PREMISES
349 KENT STREET SYDNEY ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 14 July 2025 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- The basement level of the premise is used for a weekly comedy show. It has one entry and exit, by steep narrow stairs. There was a fire exit, but the signage has been taped over (black tape), and used as a staff only room. The MC attempted a joke at the fact that the venue was unsafe - being without a proper egress - suggesting the punch line to the joke was that the publicity for a terrible fire would be a good promo for the comedy event. The basement area also seems to have poor ventilation, a lack of any other fire safety signs that should be present; lack of accessible egress and poorly finished stairs. The public would be benefited by a fire safety review of this premise.*

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 16 July 2025.

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:

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483

www.fire.nsw.gov.au Page 1 of 4

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- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.
- 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:

Provisions for Fire Safety

Egress

The following egress issues were observed in the basement bar of the Kent St. Hotel.

1. The space beneath the non-fire isolated stairway from the ground floor to the basement bar was enclosed to form a cupboard or enclosed space. The enclosed space did not appear to have enclosing walls and a ceiling achieving an FRL of not less than 60/60/60 and a self-closing -/60/30 fire door, contrary to the requirements of Clause D3D9 of the National Construction Code 2022, Volume 1 Building Code of Australia (NCC).
2. Multiple emergency lights were covered in tape, painted black and were not operational to the intended design and operation contrary to the requirements of E4D4 of the NCC. FRNSW are of the opinion that the number of emergency lights may be insufficient to assist during and evacuation of the premises.
3. The exit signage to the two (2) designated exits were covered with black tape and were not operational to the intended design and operation contrary to the requirements of E4D8 of the NCC.
 - i. The tape was removed from the exit signs during the FRNSW inspection by hotel staff.
4. The pictogram for the exit sign directing patrons to the internal carpark was facing the incorrect direction contrary to the requirements of E4D8 of the NCC.
5. The designated exit opening onto King Street from the basement contained snib lock hardware in lieu of a lever handle, contrary to the requirements of Clause D3D26 of the NCC.
6. The fire exit area leading to the exit door opening onto King Street was partially blocked by stored items, contrary to the requirements of Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR21).

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- i. The stored items were removed from the exit area during the FRNSW inspection by hotel staff.

Fire Hydrant System

7. FRNSW recommend an investigation into signage and plans at the fire hydrant booster assembly in King Street.

The Fire Hydrant Booster cabinet contained hydrant booster signage combined with service stickers that included “spr booster” and “spr suction” written on them.

The Sprinkler Booster Connection cabinet contained a fire hydrant block plan and service stickers that included “hyd booster” and “hyd suction” written on them.

Automatic Fire Suppression System

8. The pop-down sprinkler heads within the basement bar of the King St. Hotel have been painted over. FRNSW were unable to determine if the sprinkler heads would pop-down as designed in the case of a fire due to the paint.

Smoke Detection and Alarm System (SDAS)

9. The speakers for the Building Occupant Warning System (BOWS) within the basement bar of the King St. Hotel have been painted over. FRNSW were unable to determine if volume levels of the BOWS meets the requirements of Specification 20 – S20C7.

Fire Hose Reels

10. The Fire Hose Reel / Portable Fire Extinguisher cabinet near the main bar on the ground floor of the King St. Hotel contained stored items contrary to the requirements of Clause 10.4.4 of AS2441-2005.

- i. The stored items were removed from the cabinet during the FRNSW inspection by hotel staff.

FRNSW believes that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 10 of this report and conduct an inspection.
- b. Address any other deficiencies identified on “the premises”.

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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 Station Officer Kurt Ingle 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 FRN25/2090 - BFS25/4660 - 8000043764 regarding any correspondence concerning this matter.

Yours faithfully



Paul Scott
Team Leader
Fire Safety Compliance Unit