

# **Attachment E**

**Inspection Report  
228 Elizabeth Street, Surry Hills**



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Notes

Locality Plan

29/03/2024

**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 3144025**

**Officer: B. Badyari**

**Date: 25 March 2024**

**Premises: 228 Elizabeth Street, Surry Hills**

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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 is rectangular in shape, with area of 303.5m<sup>2</sup>. Primary street frontage is to Elizabeth Street to the west and northern frontage to Blackburn Street and southern frontage to Foster Street. A nine (9) storey commercial building is contained within the site.

The primary use of the building is commercial with basement carpark, ground floor retail tenancies and seven (7) upper floors used for residential flat building.

An inspection of the premises was undertaken by a Council investigation officer in the presence of the building manager which 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. A fire safety statement for the premises has been provided and is displayed prominently within the building, as required by the Environmental Planning and Assessment Regulation 2000.

Council investigations have revealed that no faults observed on the fire indicating panel at the time of the inspection and the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

The building contains combustible cladding, and a referral has been sent to the cladding team for further investigations.

It is considered that no action taken at this point in time.

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**Chronology:**

| <b>Date</b> | <b>Event</b>  |
|-------------|---|
| 12/02/2024  | FRNSW correspondence received regarding premises 228 Elizabeth Street Surry Hills, in relation to a:<br>-Complaint dated 25 October 2023, in relation to path of egress obstructed<br>-FRNSW conducted inspections on 16 January 2024, confirming that none of the fire exit of all ground floor were blocked, and no enforcement action was taken by FRNSW |
| 12/03/2024  | Council carried out inspection and observed all fire exit doors on ground floor were clear from any obstructions.   |

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**FIRE AND RESCUE NSW REPORT:**

References: [BFS23/6146; D24/018638]

Fire and Rescue NSW conducted an inspection of the subject premises after becoming aware of concerns with the paths of travel being obstructed within the building.

Issues

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

| Issue            | City response                     |
|------------------|-----------------------------------|
| 1. Blocked exits | Exits clear from any obstructions |

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

FRNSW Recommendations

There are no recommendations from FRNSW in this report.

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 *Environmental Planning and Assessment Act 1979*.

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**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's investigation officers it was determined that no action warranted as there are no concerns or issues noted by Council and FRNSW.

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

**Referenced/Attached Documents:**

|             |   |
|-------------|---|
| 2024/129848 | Fire & Rescue NSW letter dated 12 February 2024 |
|-------------|---|

**Trim Reference:** 2024/202167

**CSM reference No:** 3144025

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File Ref. No: BFS23/6146 (31583)  
TRIM Ref. No: D24/018638  
Contact: Ryan Maestri

12 February 2024

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  
GOLF HOUSE  
228 ELIZABETH STREET, SURRY HILLS ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 25 October 2023 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *I am the building manager of 228A Elizabeth Street Surry Hills, the neighbouring building operates a hostel called "Big Hostel" located at 212 Elizabeth Street, Surry Hills. Patrons from this hostel continually obstruct our fire egress pathways on Blackburn street and leave litter in the vicinity.*
- *We also suspect that the fire egress pathway (emergency exit) from their building is being misused as a main entry point for their patrons.*

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 16 January 2024. 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:

|                              |                    |  |
|------------------------------|--------------------|--|
| Fire and Rescue NSW          | ABN 12 593 473 110 | <a href="http://www.fire.nsw.gov.au">www.fire.nsw.gov.au</a> |
| 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](http://www.fire.nsw.gov.au)

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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**

At the time of the inspection, access to internal areas was unavailable. An external inspection of all ground floor exit discharge doors was conducted, confirming that none of them were blocked. Additionally, they were all appropriately signed with warning and operational signs required by Clause D3D30 of the NCC.

Please do not hesitate to contact Ryan Maestri of FRNSW's Fire Safety Compliance Unit at [FireSafety@fire.nsw.gov.au](mailto:FireSafety@fire.nsw.gov.au) or call (02) 9742 7434 if you have any questions or concerns regarding the above matters. Please refer to file reference BFS23/6146 (31583) for any future correspondence concerning this matter.

Yours faithfully



Ryan Maestri  
Senior Building Surveyor  
Fire Safety Compliance Unit