

Attachment C

**Inspection Report
63-65 Flinders Street, Surry Hills**



Figure 1: 63-65 Flinders Street, Surry Hills, viewed from the east



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: Muhammad Hassan

Date: 14 March 2026

Premises: 63 - 65 Flinders Street, Surry Hills

Executive Summary

1. The City of Sydney (the City) received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to 63 - 65 Flinders Street, Surry Hills (the premises) dated 16 December 2025 with respect to matters of fire safety.
2. The premises consists of a four storey building used as a pub with levels above ground that are currently vacant.
3. The City inspected the premises on 22 January 2026, accompanied by the licensee of the pub. This inspection identified deficiencies in fire safety. To address this, a Notice of Intention to issue a fire safety order was issued on 4 March 2026 under the Environmental Planning and Assessment Act 1979 NSW.

Chronology

Date	Event
16 December 2025	FRNSW correspondence received
22 January 2026	The City inspected the premises. The inspection revealed that the building contained the following egress, construction and fire safety deficiencies: 1. The building has timber floors which have little resistance to the vertical spread of fire; 2. Pipes and miscellaneous services penetrate ceilings and are not adequately sealed to prevent the vertical or horizontal spread of fire; 3. Entry doors to bedrooms on the second-floor level are not constructed of suitable fire resistive construction and lack self-closing devices which could prevent the spread of fire and smoke from a bedroom to the public corridor;

Date	Event
	4. A number of fanlights located above doors to bedrooms on the second-floor level of the building do not appear to be constructed of suitable fire resistive construction which could prevent the spread of fire and smoke from a bedroom to the public corridor; 5. Lightweight walls enclosing two bedrooms on the second-floor level do not appear to be constructed of suitable fire resistive construction that would prevent the spread of fire from the bedrooms to the public corridor; 6. Doors opening onto to the exit stair landings are not constructed of suitable fire resistive construction that would prevent the spread of fire and smoke to the exit stair and assist in the safe evacuation of the occupants in the event of a fire emergency; 7. The location of the fire exit on the second-floor level is considered too remote for occupants to reach safely and to safely evacuate the building in the event of a fire emergency; 8. The main exit stair is not enclosed with appropriate fire/smoke resisting elements of construction and consequently would not provide occupants with a safe evacuation haven/passage in the event of a fire emergency within this building; 9. The space below the main exit stair is used for storage purposes which if were involved in a fire could render this stair redundant and subsequently cut off the only means of escape for persons using the upper floors of the building; 10. The building does not have appropriate measures in place which would alert occupants of the building of a fire so that they may evacuate with a degree of safety before conditions become untenable or life threatening; 11. The building lacks facilities which provide automatic detection and alarm of an outbreak of fire to Fire and Rescue NSW which would assist in co-ordinating early Fire and Rescue NSW intervention during a fire emergency in the building; 12. The building is not provided with a sufficient quantity of exit signage or emergency evacuation lighting which helps occupants locate the building's fire exits during a fire emergency situation.

Date	Event
3 March 2026	The City inspected the external parts of the building to determine if there was adequate protection to window openings near the boundary and if the street hydrant coverage was acceptable. The City was of the view that the window openings did not require protection and that the street hydrant coverage was acceptable.
4 March 2026	A Notice of Intention to give a Fire Safety Order was issued on the owners of the premise to address the abovementioned deficiencies.

Fire and Rescue NSW Report

4. Fire and Rescue NSW conducted an inspection of the subject premises on 20 October 2022.

Issues

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

Ref.	Issue	City response
1.	Services and Equipment	
1A.	Automatic Smoke Detection and Alarm System and Building Occupant Warning System (BOWS)	
A.	An external strobe light was not provided to indicate an alarm condition.	The City's inspection on 22 January 2026 revealed that an external alarm bell was provided to indicate an alarm condition. The smoke detection and alarm system in the building was installed to Australian Standard 1670.1-1995. This year of the standard only required an alarm bell. It would be unreasonable replacing the alarm bell with a strobe light when the alarm bell is a requirement of the existing alarm system.
2.	General	

Ref.	Issue	City response
2A.	A current Annual Fire Safety Statement was not displayed in a prominent location within the building or provided to FRNSW.	The City's inspection on 22 January 2026 found a current Annual Fire Safety Statement was displayed in a prominent location within the building, addressing this issue.
3.	Services and Equipment	
3A.	Alarm Signalling Equipment	
A.	The building incorporated Class 3 accommodation greater than 2 storeys above ground level, however, the automatic fire detection and alarm system was not monitored with alarm signalling equipment.	The City's inspection on 22 January 2026 confirmed that the third floor contained hotel rooms. All of these rooms were vacant at the time of inspection and have remained unused since 2018. To ensure they are not used as hotel accommodation, a Fire Safety Order will require that these rooms be used solely as caretakers' or managers' quarters. Considering that the rooms will be no longer permitted to operate as hotel rooms, it would be unreasonable to require the installation of alarm signalling equipment.

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. Following inspections by Council's investigation officers, several fire safety concerns have been identified within the building. A Notice of Intention to Issue a Fire Safety Order (NOI) under the Environmental Planning and Assessment Act 1979 NSW was issued on 4 March 2026. The NOI had a response period of 21 days. If an adequate response has not been provided by the owners of the building, it is recommended that a Fire Safety Order be issued to rectify the fire safety deficiencies identified in earlier inspections.
8. It is recommended that the Commissioner of FRNSW be informed of the City's decision.

Unclassified



File Ref. No: FRN22/661 - BFS25/8686 - 8000047020
TRIM Ref. No: D25/145799
Contact: Ryan Maestri

16 December 2025

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
THE FLINDERS
63-65 FLINDERS STREET, SURRY HILLS ("the premises")**

An inspection of 'the premises' on 20 October 2022 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW), pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). NSW Police Force were also present during the inspection.

In this instance, the inspection revealed fire safety concerns that may require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

In this regard, 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.

Fire and Rescue NSW

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www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

1 Amarina Ave
Greenacre NSW 2190

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COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items outline concerns in general terms, deviations from the fire safety provisions prescribed in Section 9.32(1)(b) of the EP&A Act and Clause 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

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

1. Services and Equipment
 - 1A. Automatic Fire Detection and Alarm System
 - A. An external strobe light was not provided to indicate an alarm condition, contrary to the requirements of Clause 3.8 of AS 1670.1-2004 (assumed edition).
2. General
 - 2A. A current Annual Fire Safety Statement was not displayed in a prominent location within the building or provided to FRNSW contrary to the requirements of Section 89 of the EPAR 2021.

FRNSW is therefore of the opinion that the fire safety provisions prescribed for the purposes of 9.32(1)(b) of the EP&A Act, have not been complied with.

ADDITIONAL COMMENTS

In addition to the items identified above, relating to the Fire Safety Provisions prescribed by Clause 112 of the EPAR 2021, the following items were also identified as concerns at the time of the inspection and it would be at council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

3. Services and Equipment
 - 3A. Alarm Signalling Equipment (ASE)
 - A. The building incorporated Class 3 accommodation greater than 2 storeys above ground level, however, the automatic fire detection and alarm system was not monitored with ASE, contrary to the requirements of Clause S20C8 of Specification 20 of the National Construction Code Volume 1 2022 (NCC).

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address items 1 and 2 of this report.

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- b. Give consideration to the other deficiencies identified on 'the premises' identified in item 3 of this report.
- c. Ensure the fire safety measures serving the premises are being regularly maintained and that an Annual Fire Safety Statement is being provided to both the Council and FRNSW.

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 Ryan Maestri of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference FRN22/661 - BFS25/8686 - 8000047020 for any future correspondence in relation to this matter.

Yours faithfully



Ryan Maestri
Senior Building Surveyor
Fire Safety Compliance Unit