

Attachment I

**Inspection report
318 Elizabeth Street, Surry Hills**

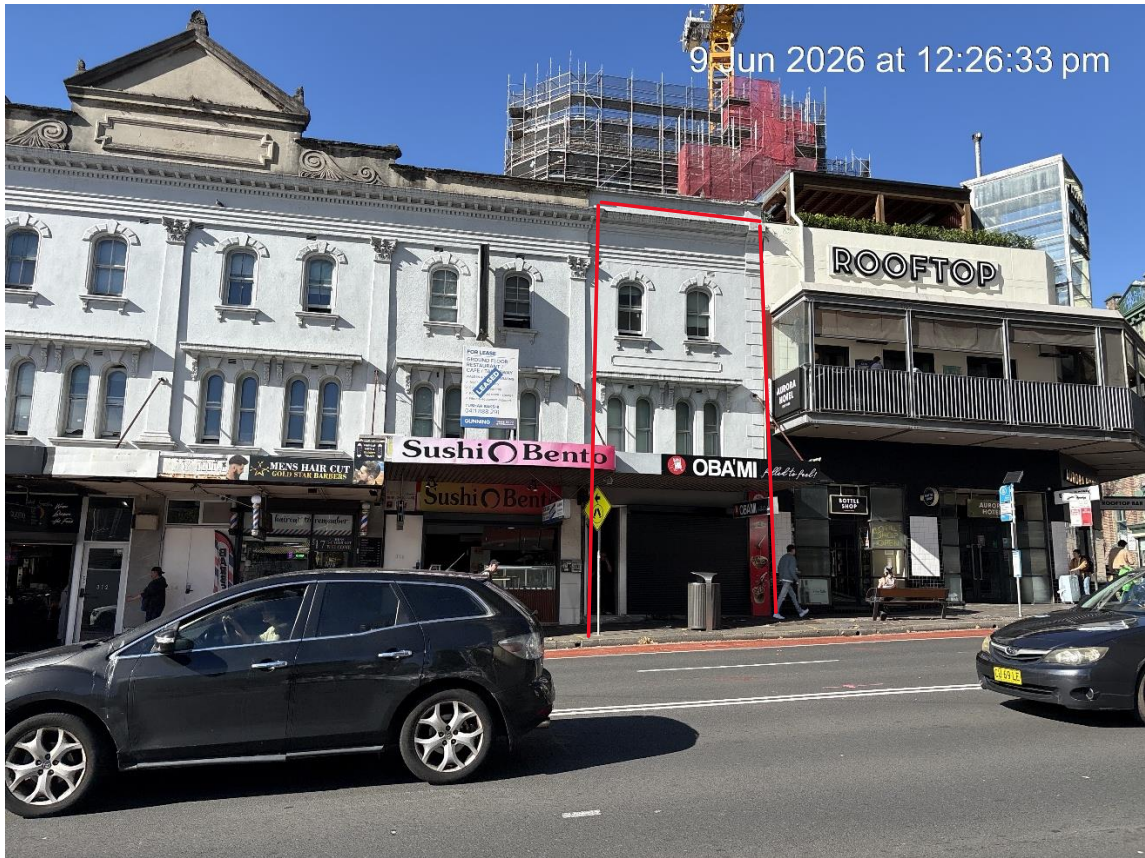


Figure 1: 318 Elizabeth Street, Surry Hills viewed from the north-west

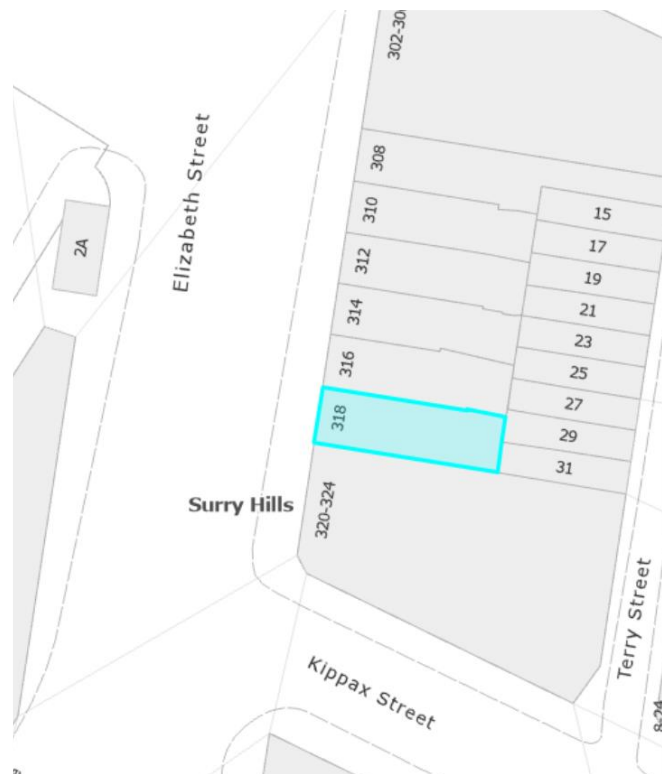


Figure 2: Location map of 318 Elizabeth Street, Surry Hills

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: Arfan Chaudhary

Date: 9 June 2026

Premises: 318 Elizabeth Street, Surry Hills

Executive summary

1. The City received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 25 May 2026 with respect to matters of fire safety.
2. The premises consists of a 3 storey building used for commercial and residential uses.
3. The City inspected the premises on 9 June 2026, accompanied by the property manager. This inspection identified fire safety provisions requiring maintenance, which can be addressed under the City's instruction.

Chronology

Date	Event
25 May 2026	FRNSW correspondence received.
9 June 2026	The City inspected the premises identifying deficiencies in fire safety.
15 June 2026	The City issued a corrective action letter requiring the identified deficiencies to be rectified in 2 stages. Stage 1 work must be completed by 22 June 2026 and Stage 2 works by 15 August 2026
21 June 2026	The City received photographic evidence demonstrating that the AFSS had been installed as required, addressing Stage 1.

Fire and Rescue NSW report

4. Fire and Rescue NSW conducted an inspection of the subject premises on 15 April 2026.

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	
	Fire Resistance	
1.	The space beneath the non-fire-isolated stair was enclosed to form a cupboard, which was locked at the time of the inspection. Therefore, it could not be determined if the cupboard has enclosing walls and ceiling, achieving an (Fire Resistance Level) FRL of not less than 60/60/60 and a self-closing -/60/30 fire door.	The City's inspection on 9 June 2026 found a space beneath the stairs open to form a storage area. In response, a corrective action letter was issued on 15 June 2026 requesting the space either achieve a FRL or be sealed by 15 August 2026. Follow up inspections will be undertaken to ensure works are completed.
2.	Transom windows are located in bounding construction required to have an FRL, above the doorways providing access from a number of sole-occupancy units to the common areas. It could not be determined whether the window openings have an FRL with respect to integrity and insulation.	The City's inspection on 9 June 2026 found the transom windows installed above the doorways providing access from a number of sole-occupancy units to the common areas. In response, a corrective action letter was issued on 15 June 2026 requesting this defect be rectified by 15 August 2026. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.
	Egress	
3.	The final exit door to Elizabeth Street opens against the direction of egress.	The City's inspection on 9 June 2026 found the final exit doors swung against the direction of egress and that did not have devices fitted for holding the doors in the open position. In response, a corrective action letter was issued on 15 June 2026

Ref.	Issue	City response
		requiring door to be rectified by 15 August 2026. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.
4.	With regard to the requirements of Clause D3D8(4) & (5) of the NCC, the following is noted: i. The electricity meters located at the ground floor exit does not appear to be suitably sealed against smoke spreading from the enclosure. ii. The distribution board located at the ground floor exit is not enclosed by non-combustible construction or a fire protective covering with doorways suitably sealed against smoke spreading from the enclosure.	The City's inspection on 9 June 2026 found an electrical system is located within the path of travel to the required exit, lacking required smoke seals and not within a non-combustible enclosure. In response, a corrective action letter was issued on 15 June 2026, requiring the matter be rectified by 15 August 2026. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.
5.	Handrails to the stairs had obstructions that break a hand-hold.	The City's inspection on 9 June 2026 found a non-continuous handrail within the non-fire-isolated stairs. In response, a corrective action letter was issued on 15 June 2026 requesting the handrails to be rectified by 15 August 2026. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.
6.	The path of travel from room 203, was obstructed by a washing machine, reducing the unobstructed width of the path of travel to the exit to less than 1m.	During the City's inspection on 9 June 2026, it was observed that this matter had been already rectified, addressing this issue.
	Automatic Smoke Detection and Alarm System (ASDAS)	
7.	A Zone Block Plan of the installation was not securely mounted adjacent to the Fire Indicator Panel (FIP).	During the City's inspection on 9 June 2026, it was observed this matter had been already rectified, addressing this issue.

Ref.	Issue	City response
8.	Clause 3.8 of AS1670.1-2018 requires a strobe to be visible from the main approach of “the premises” and be as near as practicable to the Designated Building Entry Point. At the time of the inspection, a VAD strobe could not be located.	The City’s inspection on 9 June 2026 found a strobe was not installed on the front façade of the building close to the Designated Building Entry Point. In response, a corrective action letter was issued on 15 June 2026 requesting a strobe light be installed by 15 August 2026. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.
	Regulatory Requirements Fire Safety – Essential Fire Safety Measures	
9.	<i>Portable Fire Extinguishers (PFE):</i> The PFE on the top floor, contained service labels/tags, indicating the PFE have not received any routine servicing since July 2023.	During the City’s inspection on 9 June 2026, it was observed this matter had been already rectified, addressing this issue.
10.	Automatic Smoke Detection and Alarm System (ASDAS): At the time of the inspection, the FIP indicated the following: An orange LED light indicated ‘Fault’ An orange LED light indicated ‘External Bell Fault’ An orange LED light indicated ‘ACF Fault/Isolated’ Furthermore, the smoke alarm in Room 202 was missing from its mounting base.	The City’s inspection on 9 June 2026 found faults as found by FRNSW. On 13 May 2026, building management provided a service report to FRNSW indicating that the fire contractors had carried out repair of fire panel battery and strobe, and replacement of 4.5kg ABE fire extinguisher in top level, addressing this matter.

Ref.	Issue	City response
	Annual Fire Safety Statement (AFSS):	
11.	At the time of the inspection the AFSS could not be located.	The City's inspection on 9 June 2026 found an AFSS was not prominently displayed. In response, a corrective action letter was issued on 15 June 2026 requesting an AFSS be displayed by 22 June 2026. The City received photographic evidence on 21 June 2026 demonstrating that the AFSS had been installed as required, satisfactorily addressing the issue.

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 15 June 2026 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: FRN26/1293 - BFS26/2480 - 7000001188
TRIM Ref. No: D2026/077624
Contact: Conor Hackett

25 May 2026

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
MATTINO SYDNEY STAYS
318 ELIZABETH STREET, SURRY HILLS ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 5 April 2026 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

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 15 April 2026.

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.

COMMENTS

The following items were identified in relation to the provisions for fire safety:

Provisions for Fire Safety

Fire Resistance

1. The space beneath the non-fire-isolated stair was enclosed to form a cupboard, which was locked at the time of the inspection. Therefore, it could not be determined if the cupboard has enclosing walls and ceiling, achieving an FRL of

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

T (02) 9742 7434
F (02) 9742 7483

www.fire.nsw.gov.au

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not less than 60/60/60 and a self-closing -/60/30 fire door, in accordance with the requirements of to the requirements of Clause D3D9(2) of the NCC.

2. Transom windows are located in bounding construction required to have an FRL, above the doorways providing access from a number of sole-occupancy units to the common areas. It could not be determined whether the window openings have an FRL with respect to integrity and insulation in accordance with the requirements of Clause C4D12(6) of the NCC.

Egress

3. The final exit door to Elizabeth Street opens against the direction of egress, contrary to the requirements of Clause D3D25 of the NCC.
4. With regard to the requirements of Clause D3D8(4) & (5) of the NCC, the following is noted:
 - i. The electricity meters located at the ground floor exit does not appear to be suitably sealed against smoke spreading from the enclosure.
 - ii. The distribution board located at the ground floor exit is not enclosed by non-combustible construction or a fire protective covering with doorways suitably sealed against smoke spreading from the enclosure.
5. Handrails to the stairs had obstructions that break a hand-hold, contrary to the requirements of Clause D3D22(1) of the NCC.
6. The path of travel from room 203, was obstructed by a washing machine, reducing the unobstructed width of the path of travel to the exit to less than 1m, contrary to the requirements of Clause D2D8 of the NCC.

Automatic Smoke Detection and Alarm System (ASDAS):

7. A Zone Block Plan of the installation was not securely mounted adjacent to the Fire Indicator Panel (FIP), contrary to the requirements of Clause 3.10 of AS1670.1-2015.
8. Clause 3.8 of AS1670.1-2018 requires a strobe to be visible from the main approach of "the premises" and be as near as practicable to the Designated Building Entry Point. At the time of the inspection, a VAD strobe could not be located.

Regulatory Requirements

Fire Safety – Essential Fire Safety Measures

Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (the DCFS Regulation) requires maintenance of Essential Fire Safety Measures to a standard no less than when first installed. In that regard, the following is noted:

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9. *Portable Fire Extinguishers (PFE):*

The PFE on the top floor, contained service labels/tags, indicating the PFE have not received any routine servicing since July 2023, contrary to the requirements of Clause 10.4 of AS 1851-2012.

10. *Automatic Smoke Detection and Alarm System (ASDAS):*

At the time of the inspection, the FIP indicated the following:

- An orange LED light indicated 'Fault'
- An orange LED light indicated 'External Bell Fault'
- An orange LED light indicated 'ACF Fault/Isolated'

Furthermore, the smoke alarm in Room 202 was missing from its mounting base.

Following the inspection, the management company responsible for the premises, were advised of the above issues and agreed to engage a service technician to rectify.

On 16 April 2026, building management provided video evidence to FRNSW showing that the smoke alarm had been reinstalled.

On 13 May 2026, building management provided a service report to FRNSW indicating that the fire contractors had '*carried out repair of fire panel battery and strobe, and replacement of 4.5kg ABE fire extinguisher in top level*'.

Accordingly, no further action was taken by FRNSW.

Annual Fire Safety Statement (AFSS):

11. Clause 89 of the DCFS Regulation requires an AFSS to be prominently displayed in the building, at the time of the inspection the AFSS could not be located.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 11 of this report and conduct an inspection.
- b. Address any other deficiencies identified on "the premises".

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

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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 Conor Hackett 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 FRN26/1293 - BFS26/2480 - 7000001188 regarding any correspondence concerning this matter.

Yours faithfully

A handwritten signature in black ink, appearing to be 'C. Hackett', with a long horizontal line extending to the right.

Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit