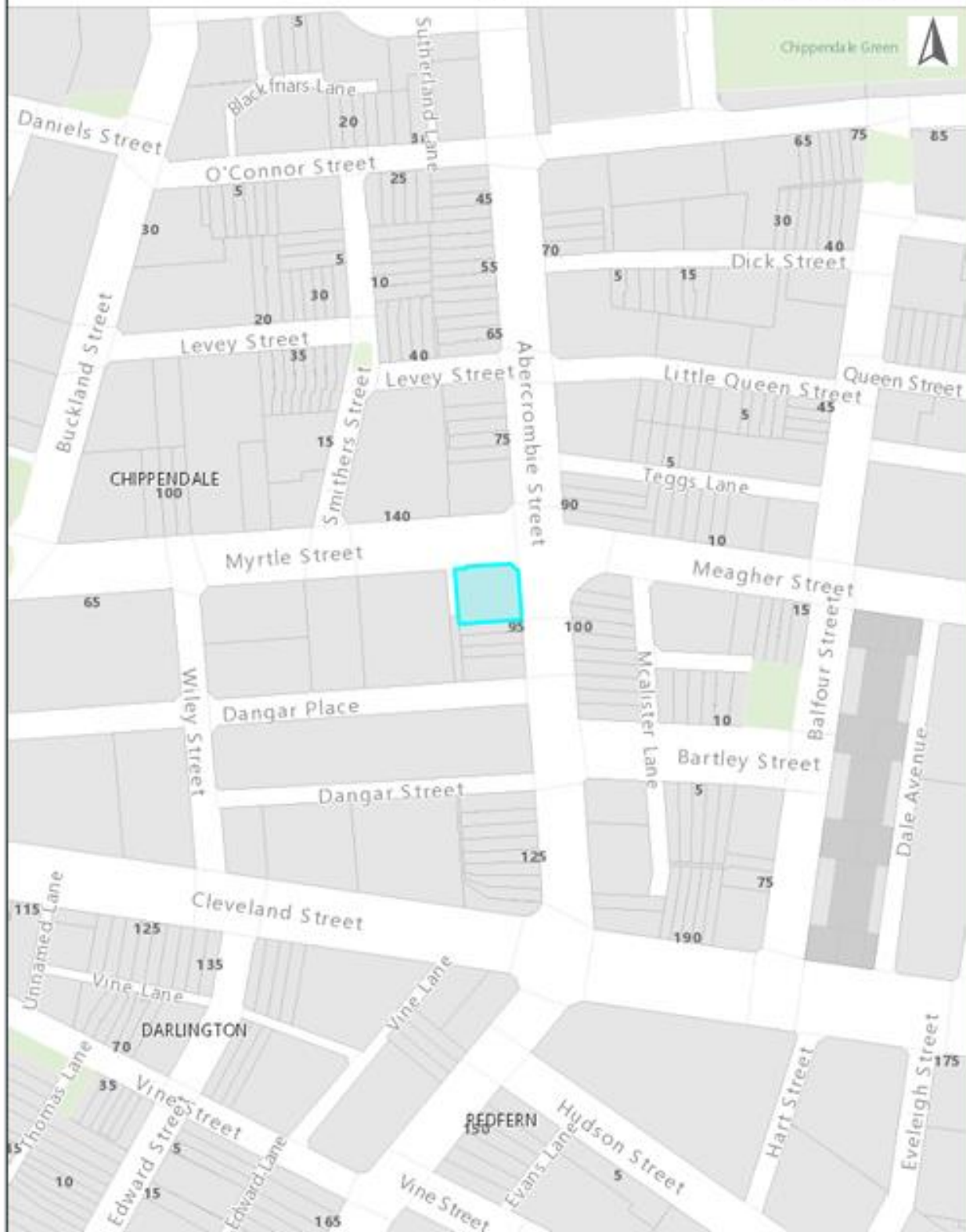


# **Attachment F**

**Inspection Report  
87-91 Abercrombie Street, Surry Hills**

# 87-93 Abercrombie Street Chippendale



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Notes

4/07/2023

**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 3009754**

**Officer: G. Scotton**

**Date: 18 July 2023**

**Premises: 87-91 Abercrombie Street, Surry Hills**

**Executive Summary:**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on the 28 June 2023 in relation to the premises with respect to matters of fire safety.

The premises consist of a three-storey/four level hotel used primarily for residential accommodation, which includes a bar at ground floor level, a lounge at basement level, with residential accommodation at first and second floor levels.

An inspection of the premises undertaken by a Council investigation officer in the presence of the owner, revealed 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 current, and the most recent fire safety statement is on display within the building.

Council investigations have revealed that whilst there remains several fire safety maintenance and management work to attend to, including provision of a fire alarm block plan and replacement of an extinguisher, 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 of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner's fire service contractor, through written instruction from Council.

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:**

<b>Date</b>	<b>Event</b>
29/6/2023	FRNSW correspondence dated 28 June 2023 received regarding fire safety at the premises
5/7/2023	A review of City records showed that: (a) The fire safety schedule for the premises contains twenty-three fire safety measures, including an automatic smoke detection and alarm system, automatic fire suppression (sprinkler) system, fire alarm communication link, and a building occupant warning system (b) A current fire safety statement dated 31/5/2023 has been provided in relation to the premises (c) The terms of a fire safety Order dated 23/1/2019 were completed on 21/6/2021
6/7/2023	Inspection of premises in company with the owner, with the details summarised in the issues table below

Date	Event
18/7/2023	Corrective action and warning correspondence sent to owner requiring maintenance of certain fire safety measures (2023/396517-08)

### **FIRE AND RESCUE NSW REPORT:**

References: [BFS23/3126; 2023/404635-01]

Fire and Rescue NSW conducted an inspection of the subject premises on 8 June 2023 after receiving correspondence about rubbish dumped in the lane, and lights strung up in the lane.

#### Issues

The report from FRNSW detailed the following issues table :

Issue	City response
1. Rubbish in laneway at rear (near 79-83 Myrtle Street), but the area was clear when inspected by FRNSW	No rubbish noted in lane during inspection, no action required
2. Lighting hung up in the lane at rear	Lights of low voltage/LED appearance in the courtyard/lane not considered a fire safety risk, but location of lights in the laneway referred to City Rangers
3. Fire alarm 6 disablements which were removed during the inspection, relating to band performances in the basement	-No faults or isolations in fire indicator panel or fire alarm signalling equipment during inspection -Warning included in penalty caution letter -No further action required
4. Fire alarm zone block plan not provided	Fire alarm zone block plan required by penalty caution letter
5. Fire extinguisher missing at basement	Maintenance required by penalty caution letter
6. Door in path of travel from basement to ground floor exit labelled <i>staff only</i>	Removal of inappropriate signage required by penalty caution letter
7. Non continuous travel by a non-fire isolated exit stairway (glass door from units to lobby)	- Path of travel from residential portion through a smoke lobby provided with sprinklers and smoke detection. Although a technical non-compliance, provides adequate egress -No further action required
8. Outdated fire safety statement (3/6/22) displayed	-Current statement displayed during inspection, but only first page can readily be accessed -All pages of statement to be prominently displayed required by penalty caution letter
9. Access to residential portion was not provided	-Residential portion inspected, fire safety measures considered adequately maintained -No further action required

Issue	City response
10. Querying classification of building 6/9b	-Consent issued for class 6 hotel use -Classification is considered consistent with use -No further action required

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

**FRNSW Recommendations**

FRNSW have made recommendations within their report:

1. Review the report and conduct an inspection
2. Address any deficiencies at 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)

As a result of a site inspection undertaken by Council's investigation officer, it was determined to issue the owners of the building a compliance instruction letter to rectify the identified fire safety deficiencies noted by Council and FRNSW.

The above correspondence has requested that building management carry out remedial works to existing fire systems to cause compliance with required standards of performance;

Follow-up compliance inspections are currently being undertaken and will continue to be undertaken by a Council investigation officer to ensure already identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence and the recommendations of FRNSW occur.

It is recommended that Council not exercise its powers to give a Fire Safety Order at this time.

**Referenced/Attached Documents:**

2023/404635-01	Fire & Rescue NSW letter dated 28 June 2023
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**Trim Reference:** 2023/404635

**CSM reference No:** 3009754

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File Ref. No: BFS23/3126 ( 28750 )  
TRIM Ref. No: D23/56361  
Contact: [REDACTED]

28 June 2023

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 General Manager

**Re: INSPECTION REPORT  
'CHIPPO HOTEL'  
87 – 91 ABERCROMBIE STREET CHIPPENDALE ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 8 June 2023 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

*The pub is dumping rubbish in the alleyway preventing save [sic] exit. The dumping aswell is a firehazard, as is the lighting that's been strung up in the alley without tagging.*

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 20 June 2023.

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:

- 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](http://www.fire.nsw.gov.au)

Community Safety Directorate  
Fire Safety Compliance Unit

1 Amarina Ave  
Greenacre NSW 2190

T (02) 9742 7434  
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[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

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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**

Please be advised that the items in this report are limited to observations of the building accessed during the inspection and identify possible nonconformities with the National Construction Code 2022, Volume 1 Building Code of Australia (NCC) and provisions for fire safety. The items are not an exhaustive list of non-compliances. FRNSW acknowledges that the differences observed at the time may contradict development consent approval or relate to the building's age. Therefore, it's the Council's discretion as the appropriate regulatory authority to consider the most appropriate action.

The following items were identified during the inspection:

1. Essential Fire Safety Measures

- 1A. Automatic Fire Detection and Alarm System – During the inspection, the Fire Indicator Panel (FIP) displayed six (6) disablements. However, the Manager removed the disablements before FRNSW concluded the inspection.
- 1B. Zone Block Plan – A zone block plan was not provided at the FIP, contrary to Clause 3.10 of AS1670.1 – 2018 requirements.
- 1C. Portable Fire Extinguisher (PFE) – The PFE in the basement area of the premises has been removed, contrary to NCC – Clause E1D14 and AS2444 – 2001.

2. Access & Egress

- 2A. Door Signage – The door in the path of travel to an exit leading from the basement area to the ground floor bar area displayed signage showing “STAFF ONLY” and “NO TRESPASSING”. The signage on the door may create confusion for occupants in an emergency. The Council may require a review of the exit strategy.
- 2B. Non-Fire-Isolated Stairways or Ramps – Clause D2D14 of the NCC requires non-fire-isolated stairways or non-fire-isolated ramps serving as a required exit to provide a continuous means of travel by its flights and landings from every storey it serves to egress to a road or open space. During the inspection, a glass door from the residential units' internal stairs opens into the lobby bar area. The Council may require a review as the glass door appears to be a required exit.

3. Generally

- 3A. Annual Fire Safety Statement (AFSS) – The AFSS displayed at the premises was dated 3 June 2022. A current AFSS is not displayed in the building under Section 89 of the EP & A (DC&FS) Regulation 2021.
- 3B. Investigation Outcomes – The following items are provided to Council as part of the investigation on Thursday, 8 June 2023:
- A. Response from Manager – The following is provided as a result of a discussion with the on-site Manager at the time of the inspection:
- i. The residential units above the public bar are approved as a Class 2 building. The Council may require a review as access to the residential units was not obtained.
  - ii. The FIP was isolated during weekends to prevent false alarms, while live bands used a smoke machine in the basement area as part of the show.
- B. Maintenance – The last entry into the Fire Detection log book at the FIP indicated the panel had been disabled since 2 June 2023. The Council may require a review as FRNSW informed the Manager of the serious risk of isolating the FIP.
- C. Rubbish in Alleyway – The alleyway was clear of rubbish during the inspection, as indicated in the concern.
- 3C. Items for Further Investigation – The Council may require an investigation as the appropriate regulatory authority to confirm that:
- A. The owners maintain the essential fire safety systems and meet the local Council's obligations to regulate the development consent approval.
- B. An accredited practitioner (fire safety) has assessed, inspected and verified the performance of each fire safety measure (including exits) that applies to the building. Furthermore, the owner submits an Annual Fire Safety Statement (AFSS) as part of their obligations under the EP&A Act.
- C. Small Live Music or Arts Venue – Regulation 4 of the Environmental Planning and Assessment Regulation 2021 (EP&A Reg 2021) permits a Class 6 building (or part of a Class 6 building) where entertainment is provided to the public (being live music or arts) to remain a Class 6 building. Provided the building has a 'rise in storeys' of not more than two storeys and has a floor area of no more than 300 m<sup>2</sup>. The Council may require a review as the use of the basement and ground floor as an entertainment venue may change the building class as defined by the NCC.



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

**RECOMMENDATIONS**

FRNSW recommends that Council:

- a. Review items 1 to 3 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 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 [REDACTED] of FRNSW's Fire Safety Compliance Unit at [FireSafety@fire.nsw.gov.au](mailto:FireSafety@fire.nsw.gov.au) or call [REDACTED] if there are any questions or concerns about the above matters. Please refer to file reference BFS23/3126 ( 28750 ) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Fire Safety Compliance Unit