

# **Attachment L**

**Inspection Report  
38 Chalmers Street, Surry Hills**

# 38 Chalmers Street Surry Hills



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Notes  
Locality Plan

9/06/2023

**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 3022649**

**Officer: B. Badyari**

**Date: 9 August 2023**

**Premises: 38 Chalmers 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 333.9m<sup>2</sup>. Primary street frontage is to Chalmers Street and Randle Lane at the rear. An eight (8) storey mixed use building is contained within the site.

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

An inspection of the premises undertaken by a Council officer in the presence of the building manager 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 2021.

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.

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

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.

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**Chronology:**

<b>Date</b>	<b>Event</b>
24/07/2023	FRNSW correspondence received regarding premises 38 Chalmers Street Surry Hills, in relation to a: <ul style="list-style-type: none"><li>-Complaint dated 26 May 2023, in relation to essential fire safety measures</li><li>-FRNSW contacted strata manager for the premises regarding the concerns and carried out follow up inspections on 11 July 2023, confirming that the alarm panel had been reinstated and the system returned to normal, and no enforcement action was taken by FRNSW</li></ul>
2/08/2023	Council carried out inspection and observed fire indicating panel was operating with no faults on the panel and exits were all clear from any obstructions.

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**FIRE AND RESCUE NSW REPORT:**

References: [BFS23/2842; D2023/065382]

Fire and Rescue NSW conducted an inspection of the subject premises after becoming aware of concerns with the fire alarm and obstruction issues related to building.

Issues

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

Issue	City response
1. Fault on the fire indicator panel	No faults on the fire indicator panel
2. 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 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:**

2023/439140	Fire & Rescue NSW letter dated 24 July 2023
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**Trim Reference:** 2023/468864

**CSM reference No:** 3022649

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File Ref. No: BFS23/2842  
TRIM Ref. No: D2023/065382  
Contact: [REDACTED]

24 July 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 Sir / Madam

**Re: INSPECTION REPORT  
CLARION  
38 CHALMERS STREET, SURRY HILLS NSW 2010 ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 26 May 2023 concerning the adequacy of the provision for fire safety in connection with 'the premises'. The correspondence stated that:

*I have concerns that the fire safety systems are not operational and exits are blocked at 38 Chalmers Street Surry Hills following the fire last night. Can you please investigate.*

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 26 May 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.
- 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.

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) Page 1 of 2

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**COMMENTS**

This report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2022 Building Code of Australia – Volume One (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

1. Essential Fire Safety Measures

- 1A. Maintenance – Clause 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. At the time of the inspection, the FIP indicated that the Automatic Fire Detection and Alarm System had 2 zones in alarm.

FRNSW subsequently contacted the Strata Manager for the premises regarding the alarms. Strata Management indicated that the fire services contractors had inspected the premises and confirmed that, due to the location of certain detectors adjacent to the rear lane, the zones could not currently be reinstated owing to smoke and ongoing dust resulting from the clearing of debris associated with the remediation of the property at 7-13 Randle Street.

A follow up inspection was carried out by officers of FRNSW on 11 July 2023, confirming that the zones had been reinstated and the System returned to normal. Accordingly, no enforcement action was taken by FRNSW.

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 BFS23/2842 regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

[REDACTED]  
Fire Safety Compliance Unit