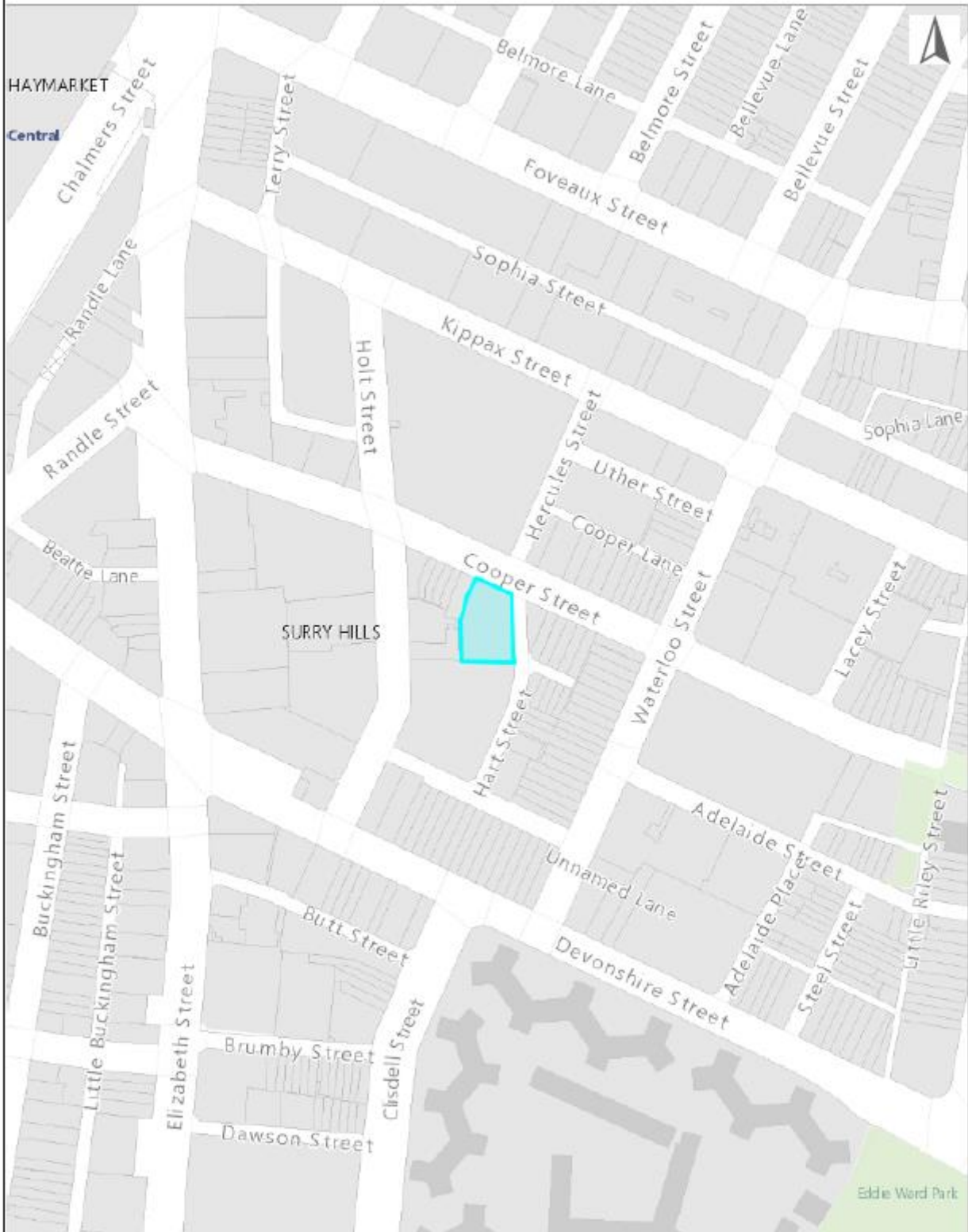


# **Attachment F**

**Inspection Report  
47 Cooper Street, Surry Hills**

# 47 Cooper Street, SURRY HILLS



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Notes

29/09/2023

**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: FIRE/2023/97**

**Officer: J Kalgovas**

**Date: 30 October 2023**

**Premises: 47 Cooper 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 on 25 September 2023 with respect to matters of fire safety.

The premises consist of a 10 storey building used primarily as a residential apartment building. The ground floor comprises a residential entry foyer, two shops and car parking with the remaining upper floors used as residential apartments. The roof level is in use as a common outdoor area including a swimming pool.

An inspection of the premises undertaken by a Council investigation officer in the presence of the Owners Corporation representative and Building Manager revealed the premises are deficient in fire safety and egress provisions in the following areas:

- (i) Suitable fire resisting construction to prevent the spread of fire
- (ii) Safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire
- (iii) Poor fire safety management systems (signs/notices/not displayed etc.) in place

On 30 October 2023, a Notice of Intention to issue a fire safety order was served.

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a fire safety order is to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

Observation of the external features of the building did not identify the existence of any combustible composite cladding on the façade of the building.

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**Chronology:**

<b>Date</b>	<b>Event</b>
29/09/2023	FRNSW correspondence received regarding premises at 47 Cooper Street, Surry Hills.
04/10/2023	An inspection of the subject premises was undertaken by a Council officer in the presence of the Strata Committee representative and building manager which found a number of non-compliances identified by FRNSW.
30/10/2023	Notice of Intention to issue a Fire Safety Order served on building owner.

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

References: D23/87583, 2023/554459

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about fire safety exits being unavailable on 14 August 2023.

### Issues

The report from FRNSW detailed a number of issues, set out below:-

Ref.	Issue	City response
<b>Essential Fire Safety Measures</b>		
<b>1A Fire Hydrant System</b>		
A	At the time of inspection, when unlocked, the cabinet doors to the fire hydrant booster were becoming jamb between the two door leaves and could not be freely opened, contrary to AS 1851–2012.	Cabinet doors could not be opened and need to be rectified to allow for doors to open freely.
B	A block plan was not provided at the fire hydrant booster contrary to the requirements of Clause 7.11 of AS 2419.1-2005.	A compliant block plan was not evident and is to be provided.
C	Boost and test pressure signage has not been provided at the hydrant booster contrary to the requirements of Clause 7.10 of AS 2419.1–2005.	Compliant boost and test signage was not evident and is to be provided.
<b>1B Fire Hose Reels (FHR)</b>		
	Location signage has not been provided to FHR located in cupboards within the public corridor contrary to the requirements of Clause 10.4.2 of AS 2441-2005.	Location signage for hose reels missing and are required to be provided.
<b>Access and Egress</b>		
<b>2A Egress via Cooper Street</b>		
A	The path of travel from the fire-isolated stairs of the building via the courtyard to Cooper Street has been fitted with red wooden double doors. The red wooden double doors serve as an exit to the road (Cooper Street) and have not been appropriately signed to alert persons to the operation of the doors under D3D28 of the NCC.	Missing signage is to be provided in accordance with D3D28 to the subject exit doors.
B	The red wooden double doors have been fitted with a hasp and staple lock on the external side of the door, which has the potential of being padlocked. FRNSW recommends removing the hasp and staple lock to ensure the door remains freely operational as a required exit door.	Installed hasp and staple lock are to be removed from the exit doors.
2B	Fire isolated stairs - At the time of the inspection, FRNSW observed excessive gaps in the barriers to the fire-isolated stairs located at the rear of the building, contrary to the requirements of Clause D3D19 of the NCC.	The stairway barrier at the rear of the building was found to be compliant being constructed using rails measuring less than 150mm at the floor and with openings not exceeding 460mm.
2C	Blocked exits - During the inspection, FRNSW observed the fire exit door on level two (2) being blocked by household items and the fire doors between the carpark and residential public corridor being choked open.	No household items blocking egress or wedges chocking fire doors open were found.

Ref.	Issue	City response
<b>Compartmentation</b>		
3A	Construction of the fire wall between the carpark and rear fire-isolated stairs appears to be compromised. Contrary to Clause C3D8 of the NCC, FRNSW observed gaps in the firewall where remediation works had been undertaken due to a change in the design and configuration of the fire stairs.	Gaps have been identified between the stairway landing and the enclosing blockwork which is required to be sealed.
3B	Fire Doors to the garbage room on the ground floor have not been tagged contrary to Section 6 of AS 1905.1-2015 requirements.	Missing tags are to be provided.
<b>Generally</b>		
4A	Annual Fire Safety Statement (AFSS) - A current AFSS is not displayed in the building contrary to Section 89 of the EP&A (DC&FS) Regulation 2021.	The Annual Fire Safety Statement was on display in the lobby of the building at the time of inspection.
4B	Items for further investigation –confirm the owner/s submits an AFSS regularly.	The City's files (E/2004/2667) show that a current AFSS is recorded confirming that essential fire safety measures are being maintained.

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

#### FRNSW Recommendations

FRNSW have made (4) recommendations within their report. In general, FRNSW have requested that Council:-

1. *Inspect the subject premises and review the identified fire safety issues.*
2. *In its capacity as the regulatory authority take action to have the abovementioned items appropriately addressed.*
3. *FRNSW have also requested that notice of any determination in relation to the report and recommendations is forwarded to them in accordance with clause 17(4) of Schedule 5 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)
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As a result of a site inspection undertaken by Council investigation officers, a Notice of Intention (NOI) to issue an order was served on the owner on 30 October 2023. Following consideration of any representations made in relation to the NOI and any works undertaken, it is recommended that Council exercise its powers for Officers to progress to serving a fire safety order under Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and the Council investigation officer.

The issue of a Fire Safety Order will ensure that suitable fire safety systems are in position throughout the building to provide improved and adequate provisions for fire safety.

That the Commissioner of FRNSW be advised of Council's actions and determination.

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It is recommended that Council exercise its powers and issue a Fire Safety Order to address the fire safety deficiencies outlined in this report.

That the Commissioner of FRNSW be advised of Council's actions and determination.

**Referenced/Attached Documents:**

2023/572460	Copy of Fire Safety Order (Notice of Intention)
2023/455107	Fire Safety Schedule

**Trim Reference:** 2023/570501

**CSM reference No#:** 3056181

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File Ref. No: BFS22/3075 (22066)  
TRIM Ref. No: D23/87583  
Contact: [REDACTED]

22 September 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  
47 COOPER STREET SURRY HILLS ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 29 June 2022 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

*There are two safety stairs in the building. The one at the front leads out through the courtyard or via the foyer.*

*The second leads only through the courtyard.*

*The gate in the courtyard has been tied with wire to prevent it from opening correctly.*

*There is also signs on the fire exits warning there is no access to the street.*

*These are fire safety exits, and in an emergency one can not be expected to follow rules other than to follow simple fire exit signs (e.g. down the stairs and out the nearest door).*

*There is also e-bikes constantly blocking the courtyard gate, and a chair blocking level 2 from the front fire exit.*

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

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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 14 August 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.

**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. Fire Hydrant System
    - A. At the time of the inspection, when unlocked, the cabinet doors to the fire hydrant booster were becoming jamb between the two door leaves and could not be freely opened, contrary to AS 1851 - 2012
    - B. A block plan was not provided at the fire hydrant booster contrary to the requirements of Clause 7.11 of AS 2419.1-2005.
    - C. Boost and test pressure signage has not been provided at the hydrant booster contrary to the requirements of Clause 7.10 of AS 2419.1-2005
  - 1B. Fire Hose Reels (FHR) – Location signage has not been provided to FHR located in cupboards within the public corridor contrary to the requirements of Clause 10.4.2 of AS 2441-2005



2. Access and Egress
  - 2A. Egress via Cooper Street
    - A. The path of travel from the fire-isolated stairs of the building via the courtyard to Cooper Street has been fitted with red wooden double doors. The red wooden double doors serve as an exit to the road (Cooper Street) and have not been appropriately signed to alert persons to the operation of the doors under D3D28 of the NCC.
    - B. The red wooden double doors have been fitted with a hasp and staple lock on the external side of the door, which has the potential of being padlocked. FRNSW recommends removing the hasp and staple lock to ensure the door remains freely operational as a required exit door.
  - 2B. At the time of the inspection, FRNSW observed excessive gaps in the barriers to the fire-isolated stairs located at the rear of the building, contrary to the requirements of Clause D3D19 of the NCC.
  - 2C. During the inspection, FRNSW observed the fire exit door on level two (2) being blocked by household items and the fire doors between the carpark and residential public corridor being choked open. As a result, the Council note the following:
    - A. FRNSW spoke with the strata committee secretary concerning this matter.
    - B. FRNSW was informed that the items in the corridor would be cleared and communicated to the residents to stop choking fire doors.
    - C. As the appropriate regulatory authority, it would be at the Council's discretion to determine whether further investigation is required.
3. Compartmentation
  - 3A. Construction of the firewall between the carpark and rear fire-isolated stairs appears to be compromised. Contrary to Clause C3D8 of the NCC, FRNSW observed gaps in the firewall where remediation works had been undertaken due to a change in the design and configuration of the fire stairs.
  - 3B. Fire Doors to the garbage room on the ground floor have not been tagged contrary to Section 6 of AS 1905.1-2015 requirements.
4. Generally
  - 4A. Annual Fire Safety Statement (AFSS) - A current AFSS is not displayed in the building contrary to Section 89 of the EP & A (DC&FS) Regulation 2021

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- 4B. Items for Further Investigation – The Council may require an investigation as the appropriate regulatory authority to confirm that the owners maintain the essential fire safety systems. Furthermore, they meet the local Council’s obligations under the EP&A Act and the DCFS Regulation by ensuring the building owner maintains the essential fire safety measures and confirms that the owner/s submits an AFSS regularly.

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

**RECOMMENDATIONS**

FRNSW recommends that the Council:

- a. Review items 1 - 4 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 the 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 BFS22/3075 (22066) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

Fire Safety Compliance Unit