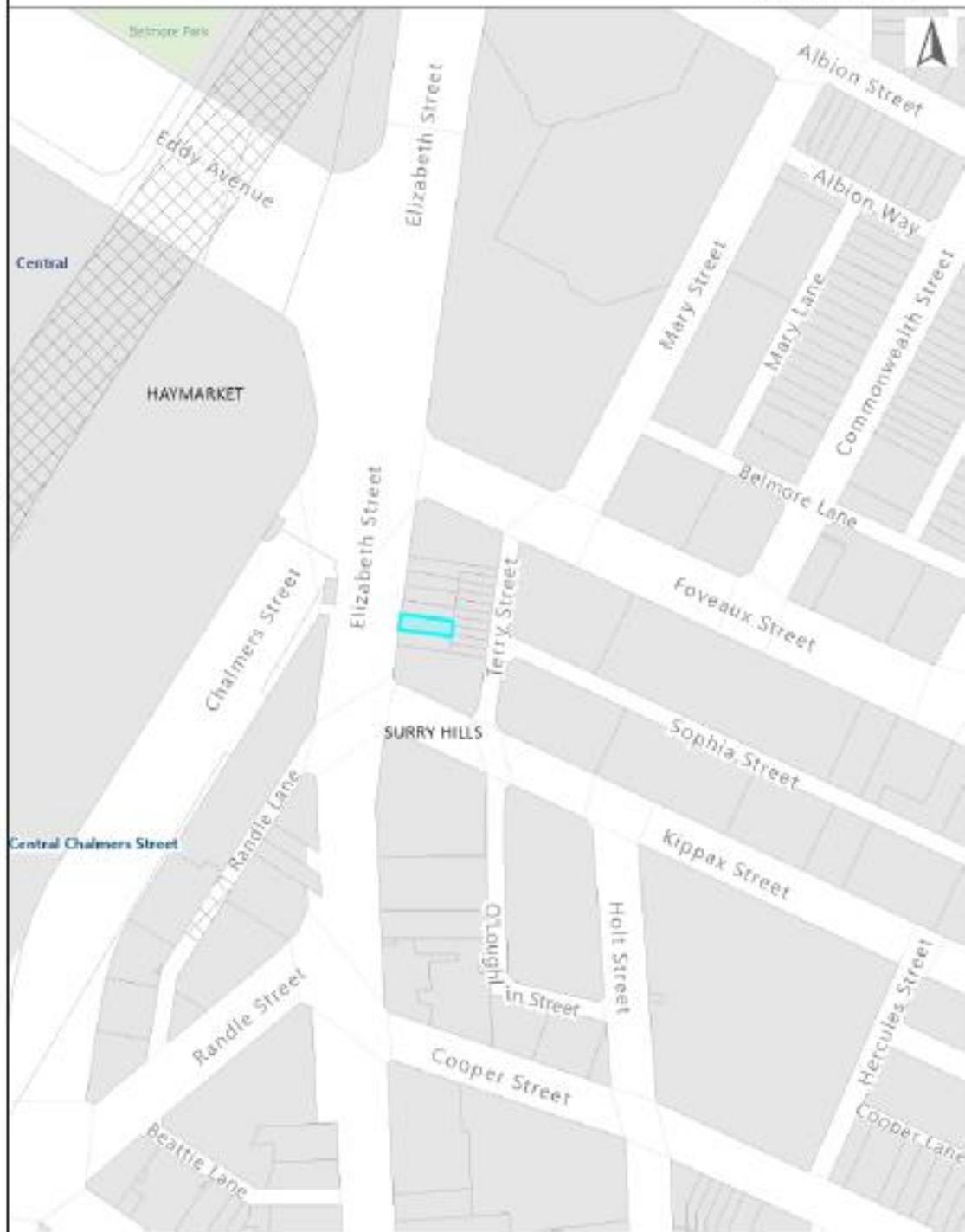


# **Attachment D**

**Inspection Report  
316 Elizabeth Street, Surry Hills**

# 316 ELIZABETH STREET SURRY HILLS



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Notes

5010204

**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 3112666**

**Officer: Joe Kalgovas**

**Date: 5/01/2024**

**Premises: 316 Elizabeth 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 2/01/2024 with respect to matters of fire safety.

The premises consists of a three-storey building approved for offices above a ground floor restaurant.

An inspection of the premises undertaken by a Council investigation officer in the presence of the Owners representative 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. The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Council investigations reveal the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

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>
02/01/2024	FRNSW correspondence received regarding premises at 316 Elizabeth Street Surry Hills.
10/01/2024	An inspection of the subject premises was undertaken by a Council officer in the presence of the Owners representative which found occupants living in the building on L2. Fire safety concerns identified by FRNSW were found to have been addressed.
10/01/2024	A CSM 3114238 has been raised to investigate the unauthorised use of the premises for residential purposes without a relevant consent where one is required.  A site inspection was carried out on the 10 January with the owner's representative in attendance when it was confirmed that the first floor room on the western side of the building was being occupied for short term accommodation. Officers confirmed that there was no approval for residential use.
19/01/2024	On the 19 January a follow up inspection was conducted which confirmed the residential use had ceased with no residential occupiers in attendance.

## FIRE AND RESCUE NSW REPORT:

References: BFS23/5602 (31113), D23/149674, SCC ref 2024/002109.]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about the smoke detection and alarm system not working.

### Issues

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

<b>Ref</b>	<b>Issue</b>	<b>City response</b>
<b>1.</b>	<b>Documentation and Certification</b>	
1A.	An Annual Fire Safety Statement (AFSS) was not displayed in a prominent location at the premises in accordance with Section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) regulation 2021 (EPAR21).	Council records show that the e licence is current expiring on 27/04/2024.  Inspection found the AFSS displayed above the FIP.
<b>2.</b>	<b>Essential Fire Safety Measures</b>	
2A.	Smoke Detection and Alarm System (SDAS)	
A.	FRNSW are of the opinion that maintenance to the Fire Detection and Control Indicating Equipment (FDCIE) is not being carried out in accordance with Section 81 of EPAR21. FRNSW observed the following which may affect the operation of the SDAS: <ul style="list-style-type: none"><li>i. System Fault</li><li>ii. Fault</li><li>iii. The FIP screen displayed <b>***WATCHDOG HARDWARE ERROR***CONTACT TECHNICAL SUPPORT.</b></li></ul> FRNSW received correspondence and photographic evidence on 14 October 2023 that the FIP had been returned to normal and was showing <b>SYSTEM NORMAL.</b>	Inspection found the system to be fully operational.
2B.	FRNSW are of the opinion that the building has a rise in stories of three (3). Level 2 and 3 appear to be used for short term accommodation. FRNSW do not have any records indicating a link between the premises and fire brigade dispatch centre is installed in accordance with specification 20C9 of the National Construction Code 2022 Volume One, Building Code of Australia (NCC).	Council records show that a Fire Safety Order (FSO) on the building was completed 1 June 2016 with the building in use as shops and offices.  Investigations confirmed that part of the property was being illegally occupied by Air BnB guests which have since ceased. A verbal warning was issued to the Owners Representative to advise that the property must not be used for any residential use until a valid development consent has been sought and obtained.

Ref	Issue	City response
		Term 3.02 of the FSO specified signage to clarify that the system was not connected to FRNSW.
2C.	Signage is not installed at the FDCIE indicating the fire alarm is not connected to a fire brigade dispatch centre.	Inspection found the required signage displayed.

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

FRNSW Recommendations

FRNSW have made a number of recommendations within their report. In general, FRNSW have requested that Council:

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed.
2. FRNSW has listed the issues that were identified by their inspection pursuant to s.9.32 and clause 17 of Schedule 5 of the (previously 119T (4) and s.121ZD (1) Environmental Planning and Assessment Act 1979.
3. FRNSW have also requested that as soon as practical after the above report has been tabled and considered, 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)

As a result of the above site inspection undertaken by Council’s investigation officers it is recommended that no further action be taken at this time as identified deficiencies have been rectified.

It is recommended that Council not exercise its powers to give a fire safety order at this time, and that the Commissioner of FRNSW be advised of Council’s actions and determination.

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File Ref. No: BFS23/5602 (31113)  
TRIM Ref. No: D23/149674  
Contact: Fire Safety Officer David Weekes

28 December 2023

General Manager  
Council of the 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  
316 ELIZABETH STREET SURRY HILLS ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 27 September 2023 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- I was staying in this Airbnb and only today have realised the fire control panel is not working. There is a sign on the panel saying that it is not connected with FRNSW and to call 000 in an emergency. However, I was never informed of this. Upon further inspection I saw that the panel displayed an error message, this was not on the "printout" attached and will not alert people in the building that fire control system doesn't work at all not just in reference to being apart of FRNSW monitoring systems.*
- The building is very cramped and the stairs are a nightmare I'm worried if this building was to catch on fire those inside would have a hard time leaving or know they are in danger. I'm not a permanent resident of this building and am leaving in two days, so it doesn't affect me as much but long term I am concerned. I have stayed in the two adjacent buildings including, 312 and 318 Elizabeth Street, Surry Hills but I didn't look at the control panel to see if it was in working order but my hopes aren't high.*

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 5 October 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**

The following items were identified during the inspection:

1. Documentation and Certification
  - 1A. An Annual Fire Safety Statement (AFSS) was not displayed in a prominent location at the premises in accordance with Section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR21).
2. Essential Fire Safety Measures
  - 2A. Smoke Detection and Alarm System (SDAS)
    - A. FRNSW are of the opinion that maintenance to the Fire Detection and Control Indicating Equipment (FDCIE) is not being carried out in accordance with Section 81 of EPAR21. FRNSW observed the following which may affect the operation of the SDAS:
      - i. *System Fault*
      - ii. *Fault*
      - iii. The FIP screen displayed **\*\*\*WATCHDOG HARDWARE ERROR\*\*\* CONTACT TECHNICAL SUPPORT.**
  - 2B. FRNSW are of the opinion that the building has a rise in stories of three (3). Level 2 and 3 appear to be used for short term

FRNSW received correspondence and photographic evidence on 14 October 2023 that the FIP had been returned to normal and was showing *SYSTEM NORMAL*.

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accommodation. FRNSW do not have any records indicating a link between the premises and the fire brigade dispatch centre is installed in accordance with Specification 20C9 of the National Construction Code 2022 Volume One, Building Code of Australia (NCC).

- 2C. Signage is not installed at the FDCIE indicating the fire alarm is not connected to a fire brigade dispatch centre.

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

**RECOMMENDATIONS**

FRNSW recommends that Council:

- a. Review items 1 to 2 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 Fire Safety Officer David Weekes of FRNSW's Fire Safety Compliance Unit at [FireSafety@fire.nsw.gov.au](mailto: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 BFS23/5602 (31113) regarding any correspondence concerning this matter.

Yours faithfully



Paul Scott  
Team Leader  
Fire Safety Compliance Unit