

Attachment C

**Inspection Report
156-160 Goulburn Street, Surry Hills**

156-160 Goulburn Street Surry Hills



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Notes

Locality Plan

26/03/2024

**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 3154846

Officer: B. Badyari

Date: 27 March 2024

Premises: 156-160 Goulburn Street, Surry Hills

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 irregular in shape, with an area of 1768m². Primary street frontage is to Goulburn Street and Brisbane Street. A sixteen (16) storey residential/commercial building is contained within the site.

The primary use of the building is commercial with basement carpark, ground floor retail tenancies and fifteen (15) upper floors used for residential flat building.

An inspection of the premises was undertaken in the presence of the building manager which 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 2000.

Council investigations have revealed that whilst there remains several fire safety “maintenance and management” works to attend to, including warning and operational signage, self-closing doors and faults displayed on the fire indicating panel, 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(s) 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:

Date	Event
27/02/2024	FRNSW correspondence received regarding premises Belvedere 160 Goulburn Street Surry Hills, in relation to a complaint and inspection in January 2024
25/03/2024	A review of City records shows: <ul style="list-style-type: none">- The site comprises the ‘Belvedere’ a 16-storey apartment tower with basement carpark, ground floor retail and upper 15 storey of residential flat building.-The fire safety schedule for the premises contains eleven (11) fire safety measures, including an automatic fire detection system, automatic fire suppression

Date	Event
	(sprinkler) system carpark and ground floor only, hydrant system, and other fire safety measures typical for a high-rise building - A compliant fire safety statement dated 27 September 2023 has been provided certifying 11 fire safety measures
26/03/2024	An inspection of the subject premises with the building manager revealed: -FIP had 22 faults displayed, however, the owner is in the process of removing all the faults from panel; -EP&A warning signs missing on fire doors on ground level; -fire exit door on level 16 not self-closing; -other fire safety measures adequately maintained -fire safety statement prominently displayed -exits clear and unobstructed
27/03/2024	Corrective action letter issued 2024/204702

FIRE AND RESCUE NSW REPORT:

References: [BFS22/5509 (24499); D24/024485]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving complaint in relations to mobility issues from upper level of the building.

Issues

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

Issue	City response
<p>1. Egress</p> <p>1A. the discharge doors of the fire-isolated exits to open space were noted as being clear and incorporating the required warning and operational signage.</p>	<p>To be rectified through corrective action letter</p>
<p>2. Essential Fire Safety Measures</p> <p>2A. Access to the fire control room is not readily available to FRNSW, contrary to the intent of Clause 10.5.1 FRNSW's fire safety guideline. In this regard, the door providing access to the fire control room was not operable with a 003 key.</p> <p>2B. the fire hydrant booster assembly could not be accessed because the lock could not be opened with a 003 key.</p>	<p>Rectified, inspection revealed that owner has replaced the lock with 003 key requirements.</p> <p>Rectified, inspection revealed that owner has replace the lock with 003 key requirements.</p>

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:

- a. Review item no. 1 and 2 of this report and conduct an inspection.
- b. Address any other deficiencies identified on the premises.

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*.

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 investigation officers it was determined to issue the owners of the building a compliance letter of instruction to rectify the identified fire safety deficiencies noted by Council and FRNSW.

The above correspondence requests building management to 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:

2024/166283	Fire & Rescue NSW letter dated 27 February 2024
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Trim Reference: 2024/205078

CSM reference No: 3154846

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File Ref. No: BFS22/5509 (24499)
TRIM Ref. No: D24/024485
Contact: Ryan Maestri

27 February 2024

General Manager
Council of the 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
BELVEDERE
160 GOULBURN STREET, SURRY HILLS ("the premises")**

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

The correspondence stated that:

- In January I got a severe injury to my right knee (in addition to not being able to use my right arm) which means I cannot go down stairs and I live on the 11th floor. In the event of a fire you cannot use the elevator, and it is physically impossible for me to descend or ascend flights of stairs (I struggle going up and down 4 steps), I have chronic pain and my knee is bone on bone.*
- As there were a number of residents last year with mobility issues I kept flagging each evacuation that I was part of, that there were residents that could not 'escape' and I asked the fire teams what could be done to ensure they were not burnt if a real fire; they said (in front of owner/occupiers) to me that the building manager/strata needed to put a list of the names, unit numbers and floors of up to 6 units of those who could not physically evacuate so if there was a real threat the fire teams could do a welfare check and get them out. This list they said is to be placed inside the control room where they go which apparently shows them which unit/floor the 'threat' is on so they can see and action. This has never happened.*

Fire and Rescue NSW

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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 16 January 2024.

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

At the time of the inspection, access to the internal parts of the building was not available. FRNSW is, therefore, unable to provide any advice regarding the evacuation procedures for the building. It would be at the Council's discretion to investigate whether the evacuation procedures for the building comply with the development consent or present a fire safety issue.

The following items were identified during the inspection:

1. Egress
 - 1A. The discharge doors of the fire-isolated exits to open space were noted as being clear and incorporating the required warning and operational signage per Clause D3D28 of the NCC.
2. Essential Fire Safety Measures
 - 2A. Access to the fire control room is not readily available to FRNSW personnel, contrary to the intent of Clause 10.5.1 FRNSW's Fire safety guideline – Access for fire brigade vehicles and firefighters dated 4 October 2019. In this regard, the door providing access to the fire control room was not operable with a 003 key.
 - 2B. The fire hydrant booster assembly could not be accessed because the lock could not be opened with a 003 key. Hence, it is incompatible with fire brigade operational procedures per Clause 7.9.1 of AS 2419.1-2005.

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

RECOMMENDATIONS

FRNSW recommends that the Council:

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- a. Review items 1 and 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 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 Ryan Maestri 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 BFS22/5509 (24499) regarding any correspondence concerning this matter.

Yours faithfully



Ryan Maestri
Senior Building Surveyor
Fire Safety Compliance Unit