

## **Item 3.**

### **Fire Safety Reports**

**File No: S105001.002**

#### **Summary**

The City of Sydney regularly receives building reports from Fire and Rescue NSW in relation to inspections carried out by Fire and Rescue NSW Authorised Officers. These inspection reports are to be reported to Council and Council is required to determine whether to exercise its power to issue fire safety orders under Division 9.3 and Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act).

In response to Fire and Rescue NSW reports City staff undertake inspections to ensure fire safety measures are in full operation and that building exits are clear and unimpeded. Fire and Rescue NSW inspections revealed fire safety concerns that require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

Fire and Rescue NSW has powers under the Act to carry out inspections of buildings and it is required to forward its findings to the City.

Fire and Rescue NSW reports received by the City are required to be tabled before Council. Attached are details of six reports received by the City from Fire and Rescue NSW. The attachments deal with four properties and include the Fire and Rescue NSW report and the findings (preliminary or final) by the City's Officer, along with other documentation relevant to that property.

**Recommendation**

It is resolved that:

- (A) note the contents of the Fire Safety Report Summary Sheet as shown at Attachment A to the subject report;
- (B) note the contents of Attachment B and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 356-358 Elizabeth Street, Surry Hills;
- (C) note the contents of Attachment C and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 535-571 Riley Street, Surry Hills;
- (D) note the contents of Attachment D and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 18, 18A and 20 O’Dea Avenue and 19 and 21 Dunkerley Place, Waterloo at this time; and
- (E) note the contents of Attachment E and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 5 Sam Sing Street, Waterloo at this time.

**Attachments**

- Attachment A.** Fire Safety Report Summary Sheet
- Attachment B.** Inspection Report - 356-358 Elizabeth Street, Surry Hills
- Attachment C.** Inspection Report - 535-571 Riley Street, Surry Hills
- Attachment D.** Inspection Report - 18,18A and 20 O’Dea Avenue and 19 and 21 Dunkerley Place, Waterloo
- Attachment E.** Inspection Report - 5 Sam Sing Street, Waterloo

## Background

1. The City receives inspection reports and recommendations from Fire and Rescue NSW in relation to inspections carried out on buildings located within the City's local government area.
2. Under the Environmental Planning and Assessment Act 1979, (the Act), Fire and Rescue NSW has the power to carry out inspections of buildings to determine if the building has adequate provision for fire safety and/or is compliant with legislation.
3. On average, the City receives approximately 50 such reports each year. They can be prompted by reports from the Police or others who have a concern relating to fire safety in a building.
4. The inspection is undertaken to ensure fire safety measures are in full operation and that building exits are clear and unimpeded.
5. When Fire and Rescue NSW carries out such an inspection, a report and any recommendations must be provided to the City.
6. Under the Act, Council is then required to table the report and make a determination as to whether it will exercise its power to issue a Fire Safety Order 1 or 2 in Schedule 5, Part 2 of the Act.
  - (a) Fire Safety Order 1 requires a person to do or stop doing certain specified things to improve fire safety;
  - (b) Fire Safety Order 2 requires a person to cease conducting an activity on premises where that activity constitutes, or is likely to constitute, a life-threatening hazard or a threat to public health or public safety.
7. Attached are the details of four reports received from Fire and Rescue NSW, including recommendations for further action, relating to seven properties. The properties have also been reviewed by City staff.

## Relevant Legislation

8. Environmental Planning and Assessment Act 1979.

## GRAHAM JAHN AM

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