

Attachment E

**Inspection Report
57 Cowper Wharf Roadway, Woolloomooloo**



Figure 1: 57 Cowper Wharf Roadway, Woolloomooloo



Figure 2: Location map of 57 Cowper Wharf Roadway, Woolloomooloo

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)

Officer: Tereza Zeljkovic

Date: 28 August 2025

Premises: 57 Cowper Wharf Roadway, Woolloomooloo

Executive Summary

1. The City of Sydney (the City) received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 30 July 2025 with respect to matters of fire safety.
2. The premises consists of a five storey building used for residential and ground level commercial.
3. The City inspected the premises on 15 August 2025, accompanied by store manager. This inspection identified fire safety provisions requiring maintenance, which can be addressed under the City's instruction.

Chronology

Date	Event
6 August 2025	FRNSW correspondence received
15 August 2025	The City inspected the premises
20 August 2025	A City corrective action letter was issued, addressing issues raised by FRNSW, regarding exit doors, emergency lighting, exit sign, hose reel and handrail compliance. All works to be completed by the 30 October 2025.

Fire and Rescue NSW Report

4. Fire and Rescue NSW conducted an inspection of the subject premises on 3 June 2025.

Issues

5. The report from Fire and Rescue NSW detailed issues as shown in the table below.

Ref.	Issue	City response
	Essential Fire Safety Measures	
	Access and Egress	
1.	Carpark - southern egress doors contained tulip handles, contrary to Clause D3D26 of the National Construction Code (NCC) 2022	A corrective action letter was issued, requiring lever handles be installed. An inspection will be undertaken to confirm compliance.
2.	Stair handrails were measured 810mm, contrary to Clause D3D22 of NCC 2022	A corrective action letter was issued seeking compliant handrail heights (minimum of 865mm high). An inspection will be undertaken to confirm compliance.
3.	Operation of exit door lock between residential foyer contrary to Clause D3.D22 of the NCC	A corrective action letter was issued, to remove exit door locks to required exits. An inspection will be undertaken to confirm compliance.
	Services and Equipment	
4.	Emergency lighting- Insufficient numbers contrary to Clause E4D2 of the NCC	A corrective action letter was issued, and a fire safety practitioner has been engaged to inspect deficient areas.
5.	Exit sign- car park exit sign missing pictural element	A corrective action letter was issued, and a fire safety practitioner has been engaged alter the exit sign.
6.	Hose reel – The reel nozzle detached from its hose guide and interlock device.	A corrective action letter was issued, and a fire safety practitioner to conduct maintenance to the hose reel.

6. FRNSW have recommended that the City inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report..

Council Investigation Officer Recommendations

7. As a result of site inspections undertaken by the Council investigation officer it is recommended Council continue with its current compliance action, which will address the issues identified by the City and FRNSW.
8. As a result of site inspections undertaken by the Council investigation officer it is recommended Council not exercise its powers to give a fire safety order at this time.
9. It is recommended that the Commissioner of FRNSW be informed of the City's decision.

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File Ref. No: FRN13/499 - BFS25/3857 - 8000043157
TRIM Ref. No: D25/86921
Contact: Station Officer Alex Cross

30 July 2025

General Manager
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
THE GUNNERY
57 COWPER WHARF ROAD WOOLLOOMOOLOO ("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 in part that:

- *Smashed Burgers opened 2015 - from opening we have had an issue with them propping open their FIRE door (with the relevant safety notices attached), which opens into the garage (12 car capacity). We have constantly reported to our building managers & the building strata committee. Plus mentioned when annual fire safety inspection occurs. The last inspection being 14 May 2025 by 20/20 Fire. I have even suggested installing a door alarm, but found out this morning the committee has pushed the issue back to the next annual general meeting (another year). This is unacceptable and an extremely dangerous decision. The building contains 16 residential units, 2 offices & 3 shops. A major concern is the building is next door to the Shell petrol station. Attached photographs from the last few months - I have many more! The shop operates from 10:30am - 10pm during the week and 11am - 10pm on weekends. I have selected yes to egress issue as there is only one staircase down from upper levels and the burger shop is next to the entrance and staircase. I have also made a fire safety complaint.*

Fire and Rescue NSW

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www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

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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 3 July 2025.

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 the door to Slashed Burgers was not chocked open.

The following items were identified during the inspection:

Essential Fire Safety Measures

Access and Egress

1. The two southern egress doors from the carpark incorporated tulip style handles contrary to the requirements of Clause D3D26 of the National Construction Code 2022 (NCC).
2. The handrails throughout the stairs were measured at 810mm above the line of nosing of the stair treads, contrary to the requirements of Clause D3D22 of the NCC.
3. The door between the carpark and the residential foyer incorporates a key operated lock contrary to the requirements of Clause D3D26 of the NCC. The 2022 Annual Fire Safety Statement (AFSS) displayed at the premises does not identify a fail-safe device a fire safety measure at the building.

Services and Equipment

4. Emergency lighting - in the fire isolated stairs did not appear to be in sufficient numbers to assist in the safe evacuation of occupants contrary to Clause E4D2 of the NCC.
5. Exit Sign – The exit sign at the rear of the carpark was missing the pictorial element identifying the door as the required exit contrary to Clause E4D8 of the NCC.

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6. Fire Hose Reel (FHR) – The FHR in the carpark of “the premises” was detached from the hose guide and nozzle interlocking device, contrary to the requirements of Australian Standard (AS) 2441-2005.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 6 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 Station Officer Alex Cross 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 FRN13/499 - BFS25/3857 - 8000043157 regarding any correspondence concerning this matter.

Yours faithfully



Paul Scott
Team Leader
Fire Safety Compliance Unit