

## **Fire Safety Reports**

**File No:** **S105001.002**

### **Summary**

The City has received inspection reports with recommendations from Fire and Rescue NSW in relation to inspections carried out on buildings located within the City's local government area.

Fire and Rescue NSW has powers under the Environmental Planning and Assessment Act 1979 (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 the Council.

Council is then required to determine whether or not to exercise its power to give a fire safety order under Division 9.3 and Schedule 5 of the Act (previously Section 121B of the Act). This determination may be made at the next meeting of the Council held after the tabling of the Fire and Rescue NSW reports.

Attached are details of the reports received by the City from Fire and Rescue NSW that are required to be tabled. As some of these reports were received prior to the renumbering of the Act on 1 March 2018, they refer to the section numbering in effect at that time. Any compliance action taken after 1 March 2018 refers to the new section numbering and terminology.

The attachments deal with a specific property and include the Fire and Rescue NSW report and the findings (preliminary or final) by the City's Investigation Officer, along with other documentation relevant to that property.

A recommendation is made in the attachment setting out the action that is considered to be the most appropriate in the circumstances.

## **Recommendation**

It is resolved that Council:

- (A) note the contents of the Fire Safety Report Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection reports by Fire and Rescue NSW, as shown at Attachment B and Attachment C to the subject report;
- (C) exercise its power to issue a Fire Safety Order as recommended by the City's Investigation Officer to address the identified fire safety deficiencies in 100 Elizabeth Bay Road, Elizabeth Bay, as detailed in Attachment B; and
- (D) not exercise its power to issue a Fire Safety Order at this time but note the compliance action taken and as recommended by the City's Investigation Officer in 44-44B Darlinghurst Road, Potts Point, as detailed in Attachment C.

## **Attachments**

**Attachment A.** Fire Safety Report Summary Sheet

**Attachment B.** Council Officer Inspection Report -100 Elizabeth Bay Road, Elizabeth Bay

**Attachment C.** Council Officer Inspection Report - 44-44B Darlinghurst Road, Potts Point

## 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 certain 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 other people who have a concern relating to fire safety in a building.
4. When Fire and Rescue NSW carries out such an inspection, a report and any recommendations must be provided to the City.
5. 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. Fire Safety Order 1 requires a person to do, or stop doing, certain specified things to improve fire safety; 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.
6. Attached are the details of the reports received from Fire and Rescue NSW, including recommendations for further action. The properties have also been reviewed by a City Building Officer.
7. Personal information has been redacted from these reports in accordance with the Privacy and Personal Information Protection Act 1998.

## Relevant Legislation

8. Environmental Planning and Assessment Act 1979.

**GRAHAM JAHN, AM**

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