

# **Attachment C**

**Inspection Report  
7 Potter Street, Waterloo**

# 7 Potter Street Waterloo



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Notes

14/08/2023

**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 3009796

**Officer:** D McLennan

**Date:** 8 August 2023

**Premises:** Shop 2/7 Potter Street, Zetland

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**Executive Summary:**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to Shop 2/7 Potter Street Zetland identified as “Panda Legend” with respect to matters of fire safety.

The premises consists of a ground floor shop within a 10 level building (known as “Cameo”) with the approved uses being; basement carpark, ground floor retail and offices and remaining levels residential apartments.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building manager 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 Statement (AFSS) is currently overdue and is expected to be lodged with Council and displayed in the building by early September. In the interim, a supplementary Annual Fire Safety Statement is currently on display within the building.

Observation of the external features of the building identified the existence of potential combustible composite cladding on the façade of the building. The City’s cladding compliance team have requested the building owners provide an expert assessment of the external cladding to determine the risk posed.

Council investigations have revealed that whilst there remains several minor fire safety “maintenance and management” works to attend to including faults and isolations being displayed on the Fire Indicator Panel and the obstruction of firefighting equipment, 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.

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**Chronology:**

<b>Date</b>	<b>Event</b>
29/06/2023	FRNSW correspondence received regarding premises “Panda Legend” at 7 Potter Street Waterloo (Shop 2/7 Potter Street Waterloo)
4/7/2023	An inspection of the subject premises undertaken by a Council officer, in the presence of the building manager, revealed: <ul style="list-style-type: none"><li>• Smoke Detectors within shop 2/7 Potter Street (Panda Legend) were mounted suitably.</li></ul>

Date	Event
	<ul style="list-style-type: none"> <li>The Fire Detection and Controlling Indicating Equipment (FDCIE) displayed faults and isolations.</li> <li>Items were obstructing access to Fire Extinguishers and Fire Hose Reels in shop 2/7 Potter Street (Panda Legend)</li> </ul>
5/7/2023	A follow up inspection of the premises by a Council Officer showed no obstructions to Fire Extinguishers or Fire Hose Reels in shop 2/7 Potter Street (Panda Legend)
11/7/2023	Corrective action correspondence sent requiring the Fire Detection and Controlling Indicating Equipment (FDCIE) to be in a fully operational state free of isolations and faults.
18/7/2023	<p>A follow up inspection of the premises by a Council Officer revealed:</p> <ul style="list-style-type: none"> <li>The Fire Detection and Controlling Indicating Equipment (FDCIE) displayed faults and isolations.</li> <li>Furniture was obstructing in shop 2/7 Potter Street (Panda Legend) egress paths</li> <li>Items were obstructing accessing to Fire Extinguishers and Fire Hose Reels in shop 2/7 Potter Street (Panda Legend)</li> </ul>
18/7/2023	<p>Additional corrective action correspondence was sent requiring:</p> <ul style="list-style-type: none"> <li>Fire Detection and Controlling Indicating Equipment (FDCIE) to be in a fully operational state free of isolations and faults</li> <li>unobstructed access to Fire Hose Reels and Fire Extinguishers in shop 2/7 Potter Street (Panda Legend)</li> </ul>
7/8/2023	A follow up inspection of the premises by a Council officer showed corrective actions had been completed.

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**FIRE AND RESCUE NSW REPORT:**

References: [BFS23/2216 (27875); 2023/396358

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about damaged smoke detectors and storage of items blocking egress paths.

Issues The report from FRNSW detailed a number of issues, in particular that a smoke detector was poorly mounted to the ceiling.

Issue	City response
A smoke detector in Panda Legend was seen to be poorly mounted to the ceiling.	Inspection showed properly mounted smoke detectors.
The Fire Detection and Controlling Indicating Equipment (FDCIE) did not display an faults or isolations	Inspection showed faults and isolations on the Fire Detection and Controlling Indicating Equipment (FDCIE). These were addressed by a corrective action letter.
The business was not open for trade at the time of the inspection to determine if egress was impeded.	Inspection showed items obstructing access to Portable Fire Extinguishers and Fire Hose Reels. These were addressed by a corrective action letter.

## FRNSW Recommendations

FRNSW have made no direct recommendation within their report other than legislative notification; however FRNSW have made the following comments:

1. The smoke detector in Panda Legend was seen to be poorly mounted to the ceiling of the occupancy. The building manager was aware of the issue which was being addressed by the fire service maintenance contractor.
2. The Fire Detection and Control Indicating Equipment (FDCIE) did not display any faults or isolations
3. The business was not open for trade at the time of the inspection to determine if egress was impeded.

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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)

Inspections undertaken by a Council investigation officer in company with the manager of the premises revealed that the issues identified by Fire and Rescue NSW in their letter dated 23 June 2023 have been rectified.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

#### **Referenced/Attached Documents:**

2023/396358	FRNSW S9.32 report dated 23 June 2023
2023/396358-01	Copy of correspondence requiring corrective actions dated 11 July 2023

**Trim Reference:** 2023/396358-01

**CSM reference No#:** 3009796

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File Ref. No: BFS23/2216 (27875)  
TRIM Ref. No: D23/56331  
Contact: [REDACTED]

23 June 2023

General Manager  
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 Sir/Madam,

**Re: INSPECTION REPORT  
PANDA LEGEND  
7 POTTER STREET WATERLOO ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 1 May 2023 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *Premises (Panda Legend on store signage or Yuan's Hot Pot on FIP) had at least 1 x smoke detector hanging from the roof and it appeared to be damaged/inoperable. Large amounts of food packaging and preparation material observed in rear of shop/kitchen preventing safe egress during an emergency for workers and possibly patrons (poor housekeeping).*

Pursuant to the provisions of 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 Fire and Rescue NSW (FRNSW) inspected 'the premises' on 15 May 2023. On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4).

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.

Fire and Rescue NSW

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Fire Safety Compliance Unit

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- 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. The Smoke Detector in Panda Legend was seen to be poorly mounted to the ceiling of the occupancy. The building manager was aware of the issue which was being addressed by the fire service maintenance contractor.
2. The Fire Detection and Control Indicating Equipment (FDCIE) did not display any faults or isolations.
3. The business was not open for trade at the time of the inspection to determine if egress was impeded.

Please do not hesitate to contact Acting Inspector [REDACTED] of FRNSW's Fire Safety Compliance Unit at [FireSafety@fire.nsw.gov.au](mailto:FireSafety@fire.nsw.gov.au) or call [REDACTED] if you have any questions or concerns regarding the above matters. Please refer to file reference BFS23/2216 (27875) for any future correspondence concerning this matter.

Yours faithfully

[REDACTED]  
[REDACTED]  
[REDACTED]  
Fire Safety Compliance Unit