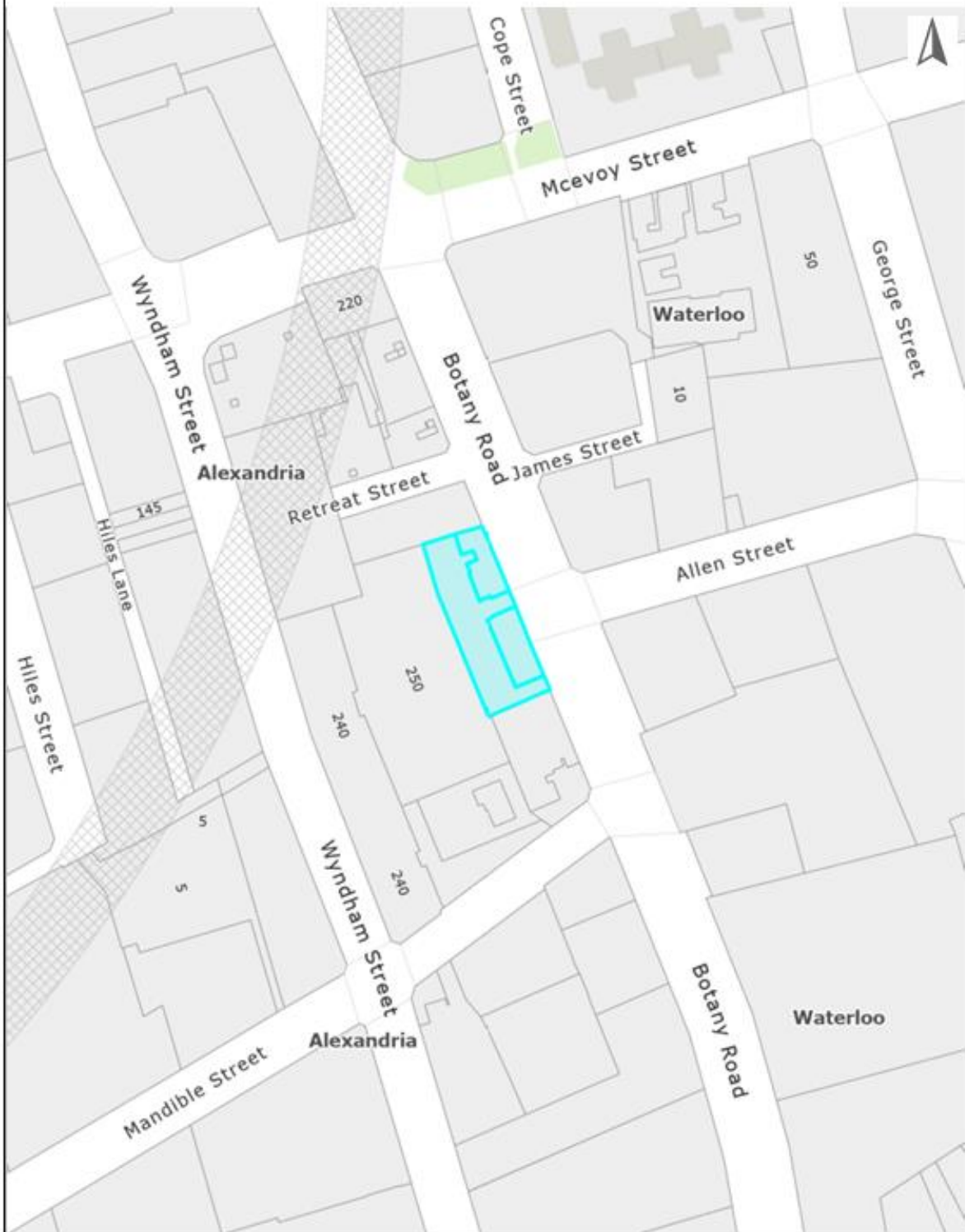


# **Attachment G**

**Inspection Report  
252 Botany Road, Alexandria**



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Notes

305/2024

**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:** 2024/277744

**Officer:** Andrew Porter

**Date:** 7 May 2024

**Premises:** 252 Botany Road Alexandria

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**Executive Summary:**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 1 May 2024 in relation to the premises with respect to matters of fire safety.

The building consists of 8 storeys used for retail at ground level and residential apartments from levels 1-7. This building is part of a complex of 6 buildings constructed over a common basement level carpark.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building manager, revealed there were no additional fire safety issues within the building.

The premises is subject of a Council issued fire safety order that requires upgrade of the building with respect of several fire safety deficiencies noted by Council investigation officers in 2019. The due date for compliance is February 2025 although a number of key matters have been addressed in the interim and appropriate progress is being made.

Observation of the external features of the building identified the existence of potential combustible composite cladding on the façade of the building which is subject of a separate investigation by the Council's cladding compliance team.

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**Chronology:**

Date	Event
01/05/2024	FRNSW correspondence received by Council concerning correspondence received by FRNSW on 27 May 2021 with relation to fire safety at the subject premises.
03/05/2024	An inspection of the subject premises was undertaken by a Council investigation officer and revealed: -The fire alarm signalling equipment to Fire and Rescue NSW was operating normally and was without fault and isolation and -There were no further fire safety matters that have not been addressed by the current Council issued fire safety order.

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**FIRE AND RESCUE NSW REPORT:**

References: [BFS21/1756; 2024/277744-02]

Fire and Rescue NSW conducted an inspection of the subject premises on 13 March 2024 after receiving a written concern notice about hazards within the fire hydrant pumphouse such as exposed live wires, leaks in the main pump and blocked access. While those issues were not present FRNSW identified the following issue during the inspection.

Issues

Issue	City response
1. Alarm signalling equipment to Fire and Rescue NSW secondary communication link fault.	Observation of the alarm signalling equipment during the inspection of 3 May 2024 did not identify a continuing secondary communication link fault. Call with the service provider 'Chubb Fire Safety' confirmed no continuing fault.

**FRNSW Recommendations**

The officer of Fire and Rescue NSW recommended that Council review the items in the report, that Council conduct an inspection of the premises, and address any other deficiencies identified at the premises.

**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 a site inspection undertaken by Council's investigation officers and that the owners have suitably addressed the issue identified by FRNSW, it is recommended that Council not exercise its powers to give a fire safety order at this time.

Council officers shall continue with compliance actions under the current Council Fire Safety Orders.

That the Commissioner of FRNSW be advised of Council's actions and determination.

**Referenced/Attached Documents:**

2024/277744-02	FRNSW S9.32 report dated 1 May 2024
2024/277744-01	Copy of current Council fire safety order dated 20 February 2020

**Trim Reference:** 2024/277744

**CSM reference No#:** CSM 3178533

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File Ref. No: BFS21/1756 (8000015744)  
TRIM Ref. No: D24/48070  
Contact: Edren Ravino

1 May 2024

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 General Manager

**Re: SECTION 9.32(4) – INSPECTION REPORT**

Pursuant to Section 9.32(4) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Fire and Rescue NSW (FRNSW) provides this report to the Council of the inspection conducted by Authorised Fire Officers under Section 9.32 of the EP&A Act.

The attached report relates to the fire safety concern only. It may include, amongst other observations, a brief list of building non-conformities relating to the fire safety concern that the Council may need to determine are of a nature or scale regarded as a significant fire safety issue warranting further investigation as part of the Council's Development Control Enforcement Policy.

Please do not hesitate to contact Edren Ravino of FRNSW's Fire Safety Compliance Unit at [FireSafety@fire.nsw.gov.au](mailto:FireSafety@fire.nsw.gov.au) or call (02) 9742 7434 if you have any questions or concerns regarding the above matters. Please refer to file reference BFS21/1756 (8000015744) concerning this correspondence.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Edren Ravino'.

Edren Ravino  
Senior Building Surveyor  
Fire Safety Compliance Unit

Fire and Rescue NSW

ABN 12 593 473 110

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

Community Safety Directorate  
Fire Safety Compliance Unit

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## INSPECTION REPORT

<b>Date</b>	24 April 2024
<b>Our Reference</b>	BFS21/1756 (8000015744)
<b>Reason to Inspect</b>	The Commissioner of FRNSW received a written concern [Section 9.32(2)(c) of the EP&A Act].
<b>Details of Concern</b>	Multiple hazards in the fire hydrant pump room, such as exposed live wires, leaks in the main pump, and somewhat blocked access
<b>Date Received</b>	27 May 2021
<b>Premises Address</b>	252 Botany Road Waterloo (hereafter "the premises")
<b>Name of Premises</b>	Astoria
<b>Date of Inspection</b>	Wednesday, 13 March 2024

### 1. Investigation Details

The following explains how an Authorised Fire Officer (AFO) may use an investigation officer's powers to report the inspection of the concern.

- 1A. While inspecting the concern, an AFO may obtain evidence at the premises to establish whether a breach exists in any codes, policies, or legislation.
- 1B. If an AFO uses the powers of investigation officer during the inspection, the use of the powers is to determine whether or not:
  - A. The Provisions for Fire Safety were present at the premises; OR
  - B. Regulation 112 of the Environmental Planning And Assessment (Development Certification And Fire Safety) Regulation 2021 (EPAR2021) was compliant.
- 1C. Based on the written concern, entry to the premises is for:
  - A. The safety of persons in the event of fire.
- 1D. The AFO may report on the observed areas in the building accessed at the time. Photos may be taken of the areas, including photos of the essential fire safety measures in the areas accessed. The AFO may also note discussions with relevant people.

### 2. Fire Safety Investigation

The following is provided as part of the inspection:

- 2A. Evidence to Conduct an Investigation

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- A. Entry to the premises revealed observations that provided no reasonable grounds to use the powers of an investigation officer.
  - B. During the inspection, observations of the fire hydrant pump room were inconsistent with the written concern.
- 2B. Outcomes
- A. As part of FRNSW's entry to the premises to determine whether an investigation is to be conducted, the following is provided:
    - i. The maintenance manager provided entry to the pump room.
    - ii. At the time of the inspection, no issues were consistent with the concern. The logbook showed regular maintenance of the essential fire safety measures.
    - iii. The logbook included entries from June 2022 regarding 'a fault' in the Alarm Signalling Equipment (ASE).
    - iv. During the inspection, the primary communication link for the ASE showed normal operation. However, the secondary communication link indicated a fault.
    - v. Shortly after the inspection, FRNSW advised the strata manager of the issue surrounding the secondary communication link fault, which was addressed separately from the concern.
    - vi. The strata manager organised a reinspection on 11 April 2024, which confirmed that the secondary communications link's ASE displayed no fault. However, a call to the service provider revealed it was still at fault.
  - B. There is insufficient evidence of a violation of the required standard of proof requiring FRNSW to use its enforcement powers regarding the concern. Compliance with the development consent and maintenance of the essential fire safety measures are at the Council's discretion.
  - C. It is at the Council's discretion to address the anomaly regarding the Alarm Signalling Equipment by ensuring the owner maintains each measure to a standard no less than that specified in the schedule. As such, it does not provide reasonable grounds for FRNSW to investigate further.

**3. Possible Non-Conformities**

The following comments are provided to the Council for consideration:

- 3A. The Council may require a review under Regulation 81(1) of the EPAR2021 to determine whether there is a violation of the required

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standard of proof concerning the maintenance of the approved essential fire safety measures in the fire safety schedule. To ensure:

- A. Each measure is maintained to a standard no less than that specified in the schedule. OR;
  - B. If no schedule exists, the "original measure" is maintained to a standard no less than originally designed and implemented.
- 3B. Ensure the owners maintain the essential fire safety systems and meet the local Council's obligations to regulate the development consent approval.
- 3C. Ensures that an accredited practitioner (fire safety) has assessed, inspected and verified the performance of each fire safety measure (including exits) that applies to the building. Furthermore, the owner submits an Annual Fire Safety Statement (AFSS) as part of their obligations under the EP&A Act.



Edren Ravino  
Authorised Fire Officer