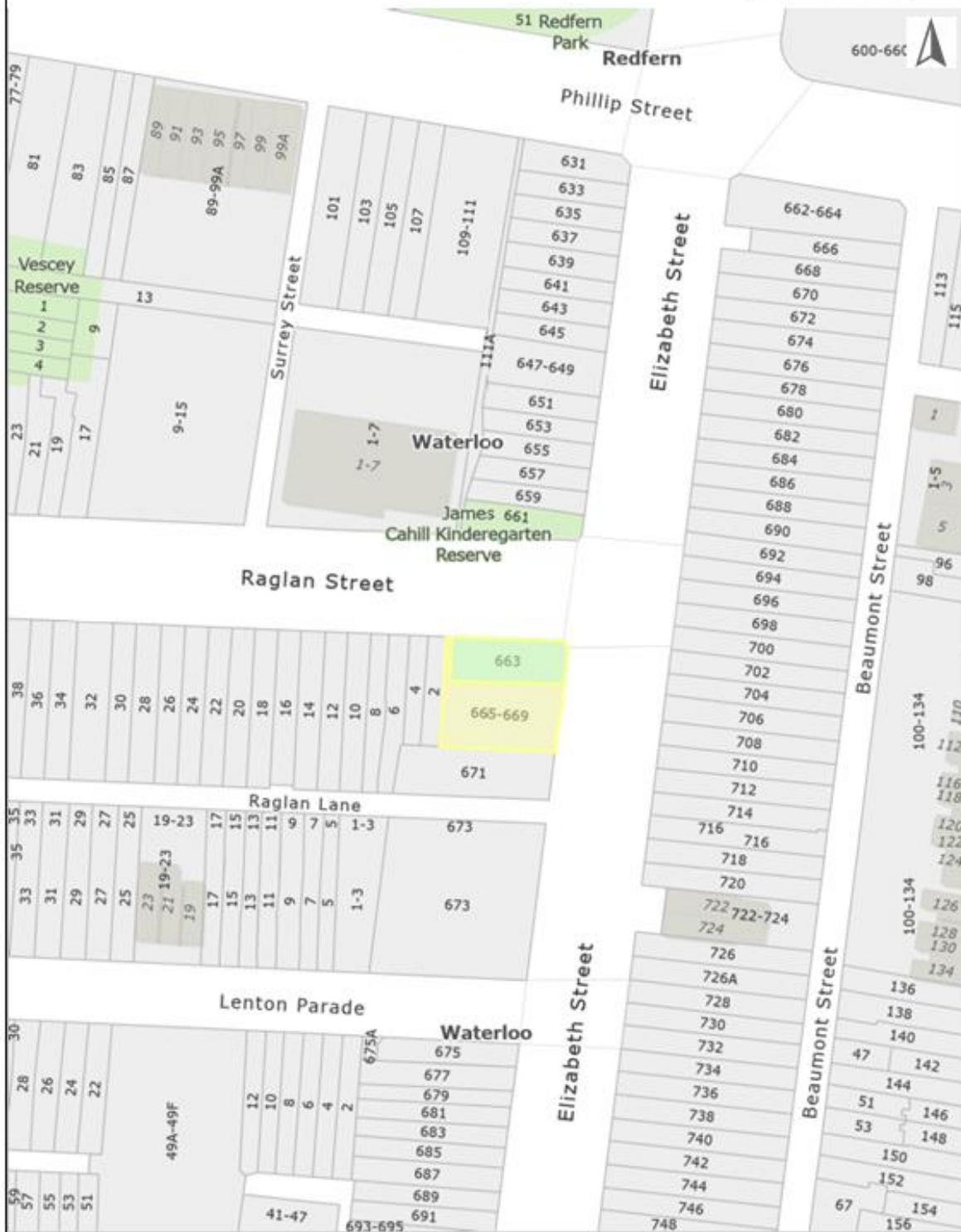


Attachment C

**Inspection Report
663 and 665-669 Elizabeth Street, Waterloo**

663-669 Elizabeth Street Waterloo



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Notes

27/06/2024

1:1128

**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: 2024/333357

Officer: Andrew Porter

Date: 5 June 2024

Premises: 663 & 665-669 Elizabeth Street Waterloo

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 7 May 2024 in relation to concerns notice they had received on 13 January 2022 from a member of the public with respect to matters of fire safety at the premises.

The premises consists of 3x two storey residential terraces and 1x three storey former pub now used as mixed-use residential and office building located on the corner of Elizabeth and Raglan Streets, Waterloo.

An inspection of the premises on 9 March 2022 by a Council investigation officer revealed the building to be deficient in fire safety and egress provisions and resulted in issuing a notice of intention to give a fire safety order (NOI) to the owners of the premises. Follow up inspections were carried out in October and November 2022 at the request of the building owner after the owner had made representations in relation to Councils NOI as to why a fire safety order should not be issued by the Council. Council determined post those inspections not to issue the fire safety order as the building owners had remedied the fire safety deficiencies that resulted in the issue of the NOI.

An inspection of the premises undertaken by a Council investigation officer on Tuesday 4 June 2024 following from the referral from FRNSW revealed there were no significant fire safety issues occurring within the premises.

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 certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2021.

Observation of the external features of the building did not identify the existence of potential combustible composite cladding on the façade of the building.

Chronology:

Date	Event
03/05/2024	FRNSW correspondence received by Council concerning correspondence received by FRNSW on 13 January 2022 with relation to fire safety at the subject premises.
10/05/2024	Review of Council records and an inspection undertaken in November 2022 determined Council had investigated and taken appropriate enforcement action to remedy the issues that were first raised with FRNSW by a member of the public in March 2022.
04/06/2024	An inspection carried out on the 4 June 2024 of the subject premises was undertaken by a Council investigation officer and revealed the premises fire safety measures adequately maintained and no matters that would require action by Council.

FIRE AND RESCUE NSW REPORT:

References: [BFS22/81, D24/50672; 2024/279943]

Fire and Rescue NSW conducted an inspection of the subject premises on 13 March 2024 after receiving a written concern notice about the fire sprinkler pipe work.

Issues

Fire and Rescue NSW has not reported any issues from their inspection of the building and advised building inspection records showed regular maintenance and testing of the essential fire safety measures and there were no reasonable grounds to believe the concern required further investigation.

FRNSW Recommendations

The officer of Fire and Rescue NSW recommended Council conduct an inspection of the premises, and address any 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 officer and that the building was found to be adequate in provision of fire safety and egress provisions, it is recommended that Council not exercise its powers to give a fire safety order at this time and that the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced/Attached Documents:

<input type="checkbox"/> 2024/333357-01	FRNSW S9.32 report dated 3 May 2024
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Trim Reference: 2024/333357

CSM reference No#: CSM 3180252

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File Ref. No: BFS22/81 (SRID 8000019185)
TRIM Ref. No: D24/50672
Contact: Edren Ravino

7 May 2024

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: 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 or call (02) 9742 7434 if you have any questions or concerns regarding the above matters. Please refer to file reference BFS22/81 (SRID 8000019185) 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

Community Safety Directorate
Fire Safety Compliance Unit

1 Amarina Ave
Greenacre NSW 2190

T (02) 9742 7434
F (02) 9742 7483

www.fire.nsw.gov.au

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INSPECTION REPORT

Date of Report	2 May 2024
Our Reference	BFS22/81 (SRID 8000019185)
Reason to Inspect	The Commissioner of FRNSW received a written concern [Section 9.32(2)(c) of the EP&A Act].
Details of Concern	Need EMERGENCY audit of the unsafe premises: 663/665/667/669, Elizabeth Street. Waterloo. Post code: 2017. NSW. For example; The building's have a multitude of FAKE FIRE DOORS. Etcetera[sic]....
Date Received	13 January 2022
Premises Address	663-669 Elizabeth Street Waterloo (hereafter "the premises")
Name of Premises	N/A
Date of Inspection	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 prevention of the spread 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:

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2A. Evidence to Conduct an Investigation

- A. AFOs could not obtain entry to the premises as it appears to be a Class 1a dwelling.
- B. The Class 1a dwellings appear to be terrace houses and, on the face of the observations, do not require measures detailed in the concern.
- C. The inspection did not provide reasonable grounds to use the powers of an investigation officer.

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. During the inspection, AFOs could not obtain lawful entry to the premises.
 - ii. Entry to the premises during the inspection did not appear appropriate, as the dwelling seems to be used for residential purposes.
 - iii. Given the 'Class of building', the concern regarding the fire doors is inconclusive. It would be at the Council's discretion to determine whether the concern is a significant fire safety issue requiring investigation or an audit as outlined in the concern.
- B. During the inspection, there was insufficient evidence to the required standard of proof for FRNSW to conduct enforcement action, and reasonable grounds were not provided for FRNSW to investigate the matter further.

3. Possible Non-Conformities

The following comments are provided to the Council for consideration:

- 3A. Ensure the owners maintain the essential fire safety systems and meet the local Council's obligations to regulate the development consent approval.



Edren Ravino
Authorised Fire Officer