

Attachment E

**Inspection Report
149 Cope Street, Waterloo**

149 Cope Street Waterloo



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Notes

10/05/2024

**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: 2024/300980

Officer: Andrew Porter

Date: 13 May 2024

Premises: 149 Cope Street Waterloo

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 3 May 2024 in relation to the premises with respect to matters of fire safety.

The 'Marton' building consists of a 17-storey residential apartment building with car parking below.

An inspection of the premises undertaken by a Council investigation officer revealed 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 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 16 November 2020 with relation to fire safety at the subject premises. FRNSW inspected the property on Wednesday, 13 March 2024
10/05/2024	An inspection 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: [BFS20/3641; 2024/]

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 within the subject building.

Issues

Fire and Rescue NSW has not reported any issues from their inspection of the building and advised that inspection of records kept at the building 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 that 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, 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:

2024/300980-01	FRNSW S9.32 report dated 3 May 2024
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Trim Reference: 2024/300980

CSM reference No#: CSM 3180252

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File Ref. No: BFS20/3641 (SRID8000013658)
TRIM Ref. No: D24/49698
Contact: Edren Ravino

3 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 BFS20/3641 (SRID8000013658) 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

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Community Safety Directorate
Fire Safety Compliance Unit

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INSPECTION REPORT

Date of Report 30 April 2024

Our Reference BFS20/3641 (SRID8000013658)

Reason to Inspect The Commissioner of FRNSW received a written concern [Section 9.32(2)(c) of the EP&A Act].

Details of Concern The sprinkler pipes should be rated to maintain their integrity under the pressure of the diesel generator. This installation was affected to this extent without a fire it concerns myself that if there was fire the sprinkler system would not work and continue to rupture. This installation is a new installation and I believe that the same installation has been put into multiple buildings around the area with multiple buildings getting these upgrades.

Date Received 16 November 2020

Premises Address 149 Cope Street Waterloo (hereafter “the premises”)

Name of Premises Marton

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 suppression 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
 - A. Entry to the premises revealed observations that provided no reasonable grounds to use the powers of an investigation officer.
 - B. On the face of the records displayed at the premises, there are no reasonable grounds to suspect the sprinkler system is not maintained to the appropriate standards.
- 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 security officer provided access to the premises.
 - ii. Records showed regular maintenance and testing of the essential fire safety measures.
 - iii. Based on the displayed Annual Fire Safety Statement, there was insufficient evidence to provide reasonable grounds to believe that the concern required further investigation.
 - B. As the repository for all development consents, the Council may need to review the development consent for the premises to confirm whether the allegations regarding the "installation" of new pipes meet the certified standard.
 - C. 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.

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 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.

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- 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