Attachment D

Inspection Report
133-141 Botany Road, Waterloo



Figure 1: 133-141 Botany Road, Waterloo



Figure 2: Location map of 133-141 Botany Road, Waterloo

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)

Officer: **Hieu Van Luu**

Date: **26 August 2026**

Premises: **133-141 Botany Road, Waterloo**

Executive Summary

1. The City of Sydney (the City) received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 24 July 2026 with respect to matters of fire safety.

2. The premises consists of a 4-storey building used for residential apartments with shops and car parking at lower levels.

3. The City inspected the premises on 13 August 2026, accompanied by a representative of the Owners Strata Plan. This inspection identified fire safety provisions requiring maintenance, which can be addressed under the City's instruction.

Chronology

Date	Event
24 July 2026	FRNSW correspondence was received.
13 August 2026	The City inspected the premises identifying deficiencies in fire safety.
20 August 2026	The City issued a corrective action letter requiring identified deficiencies be rectified by 18 November 2026. This includes maintenance works to the fire hydrant system, smoke detection and alarm system, removing fire door obstruction and displaying a fire safety statement.

Fire and Rescue NSW Report

4. Fire and Rescue NSW conducted an inspection of the subject premises on 26 March 2026.

Issues

5. The report from Fire and Rescue NSW detailed issues as shown in the table below.

Ref.	Issue	City response
	Fire Resistance	
1	A screen door has been installed between the laundry and the car park, in conjunction with the required fire door. At the time of the inspection the fire door was choked open.	The City's inspection on 13 August 2026 confirmed that the fire door had been chocked open and that a screen door had been installed in conjunction with the fire door. In response, the City issued a corrective action letter on 20 August 2026, requiring the screen door to be removed and the fire door not to be choked open by 18 November 2026. Follow up inspections will be undertaken to ensure the works are completed in accordance with the City's instruction.
	Fire Hydrant System	
2	The booster assembly is provided with a 150mm diameter liquid filled pressure gauge which displays the pressure at the hydrant pump. An engraved warning sign is not fixed in a prominent position at the booster assembly.	The City's inspection on 13 August 2026 confirmed an engraved warning sign was not fixed in a prominent position. In response, the City issued a corrective action letter on 20 August 2026, requiring an engraved warning sign to be installed in a prominent position at the booster assembly by 18 November 2026. Follow up inspections will be undertaken to ensure the works are completed in accordance with the City's instruction.
3	Rubbish was obstructing clear access to the booster assembly.	The City's inspection on 13 August 2026 found rubbish had been removed, addressing this issue.
4	The doors to the booster enclosure were not fitted with a device capable of securing the door in not less than a 90º open position.	The City's inspection on 13 August 2026 found the booster enclosure doors were not fitted with hold open devices.

Ref.	Issue	City response
		In response, the City issued a corrective action letter on 20 August 2026, requiring the booster enclosure doors to be fitted with hold-open devices by 18 November 2026. Follow up inspections will be undertaken to ensure the works are completed in accordance with the City's instruction.
	Fire Safety – Essential Fire Safety Measures	
5	**Automatic Smoke Detection and Alarm System**	
	The Fire Brigade, at the time of their inspection, identified a few faults and isolations.	The City's inspection on 13 August 2026 faults and isolations associated with ongoing lift maintenance works. In response, the City issued a corrective action letter on 20 August 2026, requiring all faults and isolations be cleared by 18 November 2026. Follow up inspections will be undertaken to ensure the works are completed in accordance with the City's instruction.
6	**Hydrant Pump**	
	At a follow up inspection on 21 April 2026, it was noted that the hydrant pump test drain/discharge copper pipework had been removed and the 'Crank Isolate' control switch on the pump control panel was switched off/isolated. The last entry in the logbook dated 8 April 2026 indicated 'No test' was undertaken, likely due to the missing pipework. The aural alarm was 'Silenced', the pump control panel also displayed "Auto Mode Bypass" and "AC Failure". Strata management were contacted and agreed to investigate. At a subsequent inspection on 2 June 2026, it was noted	The City's inspection on 13 August 2026 found the hydrant pump pipework had been reinstated and the pump returned to normal operating conditions, addressing this issue.

Ref.	Issue	City response
	that the pipework had been reinstated and the pump returned to normal operating conditions.	
	Fire Safety Statements	
7	An Annual Fire Safety Statement was not displayed at the premises.	The City's inspection on 13 August 2026 found Annual Fire Safety Statement was not displayed at the premises. In response, the City issued a corrective action letter on 20 August 2026, a requiring a fire safety statement to be displayed by 18 November 2026. Follow up inspections will be undertaken to ensure the works are completed in accordance with the City's instruction.
8	**Automatic Smoke Detection & Alarm System**	
	The strata manager indicated that scheduled works included the replacement of smoke detectors with thermal detectors. An investigation may be required by council to confirm whether the system is maintained to the standard it was first installed and commissioned or whether appropriate development approvals are required for any amendment and/or upgrade of the automatic smoke detection and alarm system.	The City's inspection on 13 August 2026 found no issues with the detection system, aside from the faults and isolations on the fire indicator panel. In response, the City issued a corrective action letter on 20 August 2026 requiring all faults and isolations to be cleared by 18 November 2026. Follow up inspections will be undertaken to ensure the works are completed in accordance with the City's instruction.

Fire Rescue Recommendations

6. FRNSW have made no direct recommendation within their report other than legislative notification and advised that it is at the City's discretion to inspect and address any other deficiencies identified on the premises.

Council Investigation Officer Recommendations

7. As a result of site inspections undertaken by the Council investigation officer a corrective action letter was issued on 20 August 2026 to building owners to address the fire safety deficiencies identified by the City and FRNSW.

8. A follow up inspection after the expiry of the corrective action letter will be undertaken by the City to ensure the works are completed in accordance with the City's instruction.

9. It is recommended that the Commissioner of FRNSW be informed of the City's decision.

File Ref. No: FRN26/1007 - BFS26/1815 - 7000000705
TRIM Ref. No: D2026/105159
Contact: Conor Hackett

24 July 2026

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au
hvluu@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

Re: INSPECTION REPORT
SP95695
133-141 BOTANY RD, WATERLOO NSW 2017 ("the premises")

Fire and Rescue NSW (FRNSW) received correspondence concerning the adequacy of the provision for fire safety in or in connection with the premises.

Pursuant to 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 FRNSW inspected the premises on 26 March 2026.

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

COMMENTS

The following items were identified in relation to the provisions for fire safety:

Provisions for Fire Safety

Fire Resistance

1. A screen door has been installed between the laundry and the car park, in conjunction with the required fire door. At the time of the inspection the fire door was chocked open, contrary to the requirements of Clause C4D5 and Specification 12 of the NCC. It is noted that the screen door has been

mechanically fixed to the metal doorframe, it is unclear whether the screen door and associated fixings form part of the tested specimen which has been subjected to fire resistance tests in accordance with AS 1530.4 and AS 1905.1.

Fire Hydrant System

2. The booster assembly is provided with a 150mm diameter liquid filled pressure gauge which displays the pressure at the hydrant pump discharge/manifold, indicating the booster is installed 'in series' with the fixed on-site fire pumps. However, an engraved warning sign is not fixed in a prominent position at the booster assembly, contrary to the requirements of Clause 7.6(c) of AS2419.1-2005.

3. Rubbish was obstructing clear access to the booster assembly, contrary to the requirements of Clause 7.3 of AS 2419.1–2005.

4. The doors to the booster enclosure were not fitted with a device capable of securing the door in not less than a 90º open position, contrary to the requirements of Clause 7.9.2 of AS 2419.1-2005.

Regulatory Requirements

Fire Safety – Essential Fire Safety Measures

Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (the DCFS Regulation) requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. In that regard, the following is noted:

5. *Automatic Smoke Detection and Alarm System:*

   At the time of the inspection the Fire Indicator Panel (FIP) displayed the following:

   - 'General Fault'
   - 'Disablements'.
   - 'Fault tx activated'.
   - 'Service'
   - 'Zone Control' indicated that zones 1-5 were in fault.

   Logbooks associated with the automatic smoke detection and alarm system indicated a history of faults and disablements commencing 1 December 2025.

6. *Hydrant Pump:*

   At a follow up inspection on 21 April 2026, it was noted that the hydrant pump test drain/discharge copper pipework had been removed and the 'Crank Isolate' control switch on the pump control panel was switched off/isolated. The last entry in the logbook dated 8 April 2026 indicated 'No test' was

undertaken, likely due to the missing pipework. The aural alarm was 'Silenced', the pump control panel also displayed "Auto Mode Bypass" and "AC Failure".

Strata management were contacted and agreed to investigate. At a subsequent inspection on 2 June 2026, it was noted that the pipework had been reinstated and the pump returned to normal operating conditions.

Annual Fire Safety Statements

7. Clause 89(4)(b) of the DCFS Regulation states that the AFSS must be prominently displayed in the building. At the time of the inspection the AFSS could not be located.

Automatic Smoke Detection & Alarm System

8. Following the issue of the FRNSW Notice of Intention to Serve an Order, the strata manager indicated that scheduled works included the replacement of smoke detectors with thermal detectors, stating that "*there is no DA or CDC required for these works*". Furthermore, it appeared that additional detectors were being installed within sole-occupancy units.

   Noting that the FRNSW Order required the repair or reinstatement of faults and disablements only, an investigation may be required by council to confirm whether the system is maintained to the standard it was first installed and commissioned in accordance with the requirements of Section 81 of the DCFS Regulation or whether appropriate development approvals are required for any amendment and/or upgrade of the automatic smoke detection and alarm system.

FRNSW believes that there are inadequate provisions for fire safety within the building.

NOTICE OF INTENTION TO SERVE AN ORDER

FRNSW issued a Notice of Intention to Serve an Order (**1**) dated 30 March 2026 under the provisions of Section 9.34 of the EP&A Act to have item no. 5 of this report rectified.

REPRESENTATIONS & INSPECTION

Written representations were received concerning the proposed Order No. **1** under Schedule 5, Part 6, Section 8 of the EP&A Act. Upon hearing and considering the representation, FRNSW determined to give an Order in accordance with Schedule 5, Part 7, Section 15 of the EP&A Act.

FIRE SAFETY ORDER NO. 1

Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. **1**, dated 17 July 2026 under the provisions of Section 9.34 of the EP&A Act,

to which FRNSW provided Council a copy under Schedule 5, Part 6, Section 12 of the EP&A Act. A copy of the Order is again attached for your information in Appendix 1.

RE-INSPECTION/S AND OUTCOME

Pursuant to the provisions of Section 9.32(1)(b) of the EP&A Act and Clause 112(a) of the DCFS Regulation, an inspection of 'the premises' on 23 June 2026 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

At the time of the inspection, the terms of 'the Order' issued on the premises were generally compliant however, a single fault relating to a battery was apparent at the FIP.

Following the inspection, the Strata manager, in conjunction with the incumbent Fire Service Technician, confirmed that the fault was a minor battery issue and did not impede the operation of the smoke detection and alarm system.

It is the Council's discretion to inspect and address any other deficiencies identified on the premises.

RECOMMENDATIONS

FRNSW recommends that Council:

a. Review item no. 1 through to item no. 8 of this report and conduct an inspection.

b. Address any other deficiencies identified on the premises.

Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting. FRNSW refers this matter to the Council as the appropriate regulatory authority and awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

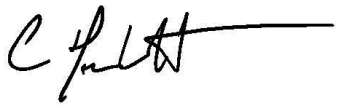
LIMITATIONS

The items listed in the comments of this report are based on the following limitations:

- FRNSW's inspection of the premises may have been conducted without having the development consent and / or approved plans as a reference.
- FRNSW's inspection of the premises was a non-invasive visual inspection.
- FRNSW authorised fire officers may not have been able to access all areas of the premises at the time of inspection.
- Sole Occupancy Units were unable to be inspected.

Please do not hesitate to contact Conor Hackett 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 ensure that you refer to file reference FRN26/1007 - BFS26/1815 - 7000000705 for any future correspondence concerning this matter.

Yours faithfully



Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment [Appendix 1 – Fire Safety Order No.1 – Issued 17 April 2026]

Appendix 1 – Fire Safety Order No.1

Fire Safety Order
ORDER No. 1

Under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*
Part 9 Implementation and Enforcement – Division 9.3 Development Control Orders
Fire Safety Orders in accordance with the table to Part 2 - Schedule 5.
Give an Order in accordance with Section 9.34(1)(a)

I, **Conor Hackett** (name) **Senior Building Surveyor** (rank) **905798** (number)

being an authorised Fire Officer within the meaning of Schedule 5, Part 8, Section 16 of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose, I hereby order you

THE OWNERS OF SP95695 (name of the person whom Order is served) **Owner** (position, i.e. owner, building manager)

with respect to the premise

THE OWNERS OF SP95695
133-141 BOTANY RD, WATERLOO NSW 2017 ("the premises")
(name/address of premises to which Order is served)

to do or refrain from doing the following things:

Ensure the automatic smoke detection & alarm system installed in 'the premises' is fully operational, by repairing/reinstating the faults and disablements indicated on the Fire Indicator Panel.

The reasons for the issue of this Fire Safety Order – Order No. 1 are:

a At the time of the inspection on 15 April 2026, the Fire Indicator Panel displayed the following:

- 'General Fault'
- 'Disablements'.
- 'Fault tx activated'.
- 'Service'
- 'Zone Control' indicated that zones 1-5 were in fault.

b Logbooks associated with the automatic smoke detection & alarm system indicate a history of faults and disablements commencing 1st December 2025.

c To ensure that the automatic smoke detection & alarm system is capable of operating to the standard of performance to which they were designed, installed and commissioned.

d Failure to repair and maintain the automatic smoke detection and alarm system is likely to delay the timely response of firefighting operations by Fire and Rescue NSW.

e To ensure the automatic smoke detection and alarm system is capable of performing to the degree necessary to alert the occupants in the event of a of fire in 'the premises' and facilitate an evacuation in a timely manner.

f To ensure or promote the safety of persons in the event of fire.

The terms of this Fire Safety Order – Order No. 1 are to be complied with:

By no later than **16:00** on the **1 May 2026**.

Appeals

Pursuant to Section 8.18 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against this Fire Safety Order – Order 1 other than an order that prevents a person from using or entering premises.

Non-Compliance with Fire Safety Order – Order No.1

Failure to comply with this Fire Safety Order – Order No.1 may result in further Orders and/or fines being issued. Substantial penalties may also be imposed under Section 9.37 of the EP&A Act for failure to comply with a Fire Safety Order – Order No.1.

Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit

This Fire Safety Order - **Order No. 1** was mailed on **17 April 2026**.