

10.7. Fire and Rescue NSW Inspection Report - 229 Miller Street, North Sydney - response to Council resolution

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ATTACHMENTS	Nil
CSP LINK	Outcome 8 – An effective, accountable and sustainable Council that serves the community G5. Exercise regulatory compliance responsibilities diligently to protect the environment and support our community

PURPOSE:

The purpose of this report is to provide an update in relation to the timeframes for implementation by Council officers concerning the Fire & Rescue NSW inspection report at 229 Miller Street, North Sydney.

EXECUTIVE SUMMARY:

- At its meeting of 25 August 2025, Council considered a report relating to a Fire and Rescue NSW (FRNSW) inspection report which identified various fire-related issues requiring rectification at 229 Miller Street, North Sydney. Council resolved to receive an update on the timing of the implementation of these.
- The fire safety matters identified in the FRNSW inspection report were rectified within two days of the FRNSW inspection report being received.
- The only remaining outstanding item required to be completed is re-painting of the fire hydrant booster pipework. Council officers have required the painting to be completed by 29 September 2025. Enforcement action will be initiated, in accordance with Council's Enforcement and Compliance Policy, if the works remain outstanding after that date.
- The colour of the fire hydrant booster pipework does not affect the operation or performance of the fire hydrant booster system, nor does it satisfy the minimum conditions required for Council to issue a Fire Safety Order under Schedule 5 of the Environmental Planning and Assessment Act, 1979.

RECOMMENDATION:

1. **THAT** Council note the contents of the report and the report be received.

Background

When Council receives an inspection report from Fire & Rescue NSW (FRNSW), the report and recommendations must be tabled at a meeting of the Council to determine whether it will exercise its powers to give a Fire Safety Order pursuant to cl 17(2) of Schedule 5 of the Environmental Planning and Assessment Act.

At its meeting of 25 August 2025, Council received a FRNSW inspection report concerning the building at 229 Miller Street, North Sydney. It listed various fire safety related matters that required attention/rectification. Council endorsed the recommendation that an Order not be issued, whilst also resolving to receive an update on the timeframes for implementing any outstanding actions arising from the FRNSW inspection report.

This report provides that update.

Report

The following timeframes and actions have occurred in relation to the FRNSW inspection report.

On 22 July 2025, Council received a FRNSW inspection report concerning the building at 229 Miller Street, North Sydney. It identified the following matters that required upgrade/attention:

1. The fire hydrant pipework is not painted the correct colour,
2. The detection system associated with a single apartment is not operational,
3. A fire hose reel cupboard is being used as a storage cupboard,
4. An exit sign is missing,
5. Concerns regarding the registration of an easement and placement of furniture.

On 23 July 2025, Council officers inspected the building and advised the owners of the required actions. The owners were provided seven days to ensure the fire safety measures were capable of performing to the required standard. They were also directed to paint the fire hydrant booster the correct colour (signal red) within one month. A longer timeframe was allowed as the pipework colour does not impact the operation or performance of the hydrant system.

On 24 July 2025, the building owners submitted documentation to Council confirming an accredited practitioner (fire safety) had inspected the premises and verified the fire safety measures were capable of performing to the required minimum standard of performance. This resolved the fire safety issues that had the potential to impact on the operation and performance of the fire safety measures designed to protect the building and ensure the safety of its occupants (items 2-5 as listed above).

On 25 August 2025, Council resolved to not issue a fire safety order, and to notify the Commissioner of Fire & Rescue of its determination and receive a further report regarding the timeframes for implementation.

On 26 August 2025, the Commissioner of Fire & Rescue NSW was advised of Council's determination.

On 29 August 2025, Council officers conducted a re-inspection of the building and verified that the fire hydrant booster pipework had not been painted signal red. The colour (painting) of the fire hydrant booster pipework does not affect the operation or performance of the fire hydrant booster system. The owners were granted an additional month (i.e., until 30 September 2025) to complete the painting before enforcement action is commenced in accordance with Council's Enforcement and Compliance Policy.

Consultation requirements

Community engagement is not required.

Financial/Resource Implications

There are no direct financial or resource implications as a result of this report.

Legislation

Section 81 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* requires the owner of a building to maintain the essential fire safety measures for the building.