

10.8. Fire and Rescue NSW Inspection Report - 54 High Street, North Sydney

AUTHOR	Jad Davis, Executive Compliance Officer
ENDORSED BY	Marcelo Occhiuzzi, Director Planning and Environment
ATTACHMENTS	1. Fire and Rescue NSW Inspection Report [10.8.1 - 8 pages]
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 enable Council to determine whether to issue a Fire Safety Order in response to an inspection report received from Authorised Fire Officers of Fire and Rescue NSW concerning the premises located at 54 High Street, North Sydney.

EXECUTIVE SUMMARY:

- Authorised Fire Officers from Fire and Rescue NSW (FRNSW) conducted an inspection of 54 High Street, North Sydney and issued an inspection report to Council on 7 August 2025.
- When an inspection report is received, it must be tabled at a Council meeting for Council to determine whether it will exercise its powers to give a Fire Safety Order and notify the Commissioner of Fire and Rescue of its determination.
- Council is currently managing an active Fire Safety Order that was issued to the owners of the building. This is acknowledged in the FRNSW inspection report. Given the content of the FRNSW inspection report overlaps with Council's active Fire Safety Order, it is considered that an additional Fire Safety Order is not warranted.
- Council takes fire safety seriously and the management of the Fire Safety Order is underpinned by Council's Compliance and Enforcement Policy.

RECOMMENDATION:

- 1. THAT** Council not exercise its powers to give a Fire Safety Order in response to the Fire and Rescue NSW inspection report,
- 2. THAT** Council notify the Commissioner of Fire and Rescue NSW of its determination.

Background

An Authorised Fire Officer from Fire and Rescue NSW (FRNSW) may inspect a building to determine whether there is adequate provision for fire safety, or whether the prescribed fire safety provisions have been complied with.

Following the inspection, the Commissioner of FRNSW must send an inspection report to Council in accordance with s 9.32(4) of the Environmental Planning and Assessment Act, 1979 (EP&A Act).

When Council receives an inspection report from 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 EP&A Act as indicated in the following extract from the EP&A Act:

17 Inspection reports by fire brigades (compared with previous s 121ZD)

- (1) If the Commissioner of Fire and Rescue NSW carries out an inspection of a building under section 9.32 (Fire brigades inspection powers), the Commissioner must furnish to the council of the area in which the building is located—
 - (a) a report of the inspection, and
 - (b) if of the opinion that adequate provision for fire safety has not been made concerning the building, such recommendations as to the carrying out of work or the provision of fire safety and fire-fighting equipment as the Commissioner considers appropriate.
- (2) A council must—
 - (a) table any report and recommendations it receives under this clause at the next meeting of the council, and
 - (b) at any meeting of the council held within 28 days after receiving the report and recommendations or at the next meeting of the council held after the tabling of the report and recommendations, whichever is the later, determine whether it will exercise its powers to give a fire safety order.
- (3) A reference in subclause (2) to a meeting of a council does not include a reference to a special meeting of the council unless the special meeting is called for the purpose of tabling any report and recommendations or making any determination referred to in that subclause.
- (4) A council must give notice of a determination under this clause to the Commissioner of Fire and Rescue NSW.

Following the meeting, Council must give a notice of determination to the Commissioner of FRNSW pursuant to cl 17(4) of Schedule 5 of the EP&A Act.

Report

FRNSW Inspection Report

Council received an inspection report (Attachment 1 to this report) from FRNSW dated 7 August 2025, following an inspection of the building by Authorised Fire Officers. The inspection report identified the following:

1. Fire detection system in a unit was not operational. Fire & Rescue NSW has issued a Fire Safety Order to address the matter, and it has since been rectified.
2. Fire doors to fire-isolated exits were not self-closing. Fire & Rescue NSW has issued a Fire Safety Order to address the matter, and it has since been rectified.
3. Fire hydrant system upgrade has not been completed, as required by Council's existing Fire Safety Order.
4. Fire detection and alarm system upgrade has not been completed, as required by Council's existing Fire Safety Order.
5. A copy of the Annual Fire Safety Statement was not displayed within the premises.
6. Materials were stored in the fire hose reel cupboards.

Investigation

Council had previously issued a Fire Safety Order to the owners of the building at 54 High Street, North Sydney. This is acknowledged in the FRNSW inspection report. The terms of the active Fire Safety Order required 21 fire safety upgrades to the existing building, including an upgrade to the fire hydrant system, and the fire detection/alarm system.

The existing building, which was constructed in the 1970s, is provided with an operational and functioning fire hydrant system and smoke alarm system that were compliant at the time of installation. The terms of the Fire Safety Order require multiple existing fire safety systems to be upgraded to comply with the current standards. The existing fire safety systems remain in place and are operational and active while the upgrades occur.

The building owners have been actively progressing on the fire safety upgrades, having completed 10 of the 21 identified items. The outstanding items relate to the upgrade of the fire doors, fire hydrant system, fire detection and alarm system, and fire seals.

Council takes fire safety seriously and the management of the Fire Safety Order is underpinned by Council's Compliance and Enforcement Policy. These are significant upgrades, and they are anticipated to be completed within the next 12 months.

Council staff will continue to manage the progress to finalise the outstanding fire safety upgrades under the existing Fire Safety Order. As such, it is unnecessary to issue an additional Fire Safety Order.

In the event circumstances change and an additional Fire Safety Order is issued under delegation, the Commissioner of Fire and Rescue will be notified in accordance with cl 10 of Schedule 5 of the EP&A Act.

Conclusion

Given the content of the Fire and Rescue NSW inspection report overlaps with Council's active Fire Safety Order, it is considered that an additional Fire Safety Order is not warranted.

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

Council is required to table a FRNSW inspection report at a Council meeting to determine whether it will exercise its power to give a Fire Safety Order and give notice of determination to the Commissioner of Fire and Rescue NSW in accordance with clause 17 of Schedule 5 of the EP&A Act.

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File Ref. No: FRN19/1946 - BFS25/3435 - 8000042816
 TRIM Ref. No: D25/87901
 Contact: Station Officer Alex Cross

7 August 2025

General Manager
 North Sydney Council
 PO Box 12
 NORTH SYDNEY NSW 2059

Email: council@northsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
 LELANI UNITS
 54 HIGH STREET NORTH SYDNEY (HEREAFTER "THE PREMISES")**

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

The correspondence stated that:

- *Fire and Rescue NSW responded to an automatic Fire Alarm at Lelani Units, 54 High St, Nth Sydney.*
- *There was no cause for the activation from occupants. The detector would not reset. Investigations by Firefighters revealed the Heat detector to be dated 1994 and was full of bugs. Detectors have a lifespan of 10 years, so is well out of date. These detectors appear to be through out the building. As the detector would not reset and to avoid isolating the entire Floor and creating a Fire Safety risk, the detector head was removed. Fortunately the unit is also covered by a stand alone smoke detector, however this is not connected to the Fire indicator Panel, will not alert other building occupants or notify FRNSW.*
- *The building is a 9 Levels in height*

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 3 June 2025.

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
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www.fire.nsw.gov.au

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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.

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

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

NOTICE OF INTENTION TO SERVE AN ORDER

FRNSW issued a Notice of Intention to Serve an Order (1) dated 4 June 2025 under the provisions of Section 9.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

REPRESENTATIONS & INSPECTION

Written representations were received concerning the proposed **Order 1** under Schedule 5, Part 6, Section 8 of the EP&A Act. Upon hearing and considering the representation, FRNSW gave an Order under 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 24 June 2025 under the provisions of Section 9.34 of the EP&A Act. A copy of the Order is attached for your information under the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act.

RE-INSPECTION

Pursuant to the provisions of Section 9.32(1)(b) of the EP&A Act and Section 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR2021), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected the premises on 29 July 2025.

INSPECTION OUTCOME

At the time of the inspection, the terms of 'the Order' issued on the premises were compliant. It is the Council's discretion to inspect and address any other deficiencies identified on the premises.

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The following items were identified during the inspection:

1. Essential Fire Safety Measures

1A. Fire Hydrant System

- A. Fire Rescue NSW (FRNSW) notes the North Sydney Council Development Control Order issued 3rd December 2020 recommending the Ordinance 70 onsite fire hydrant system is able to serve the building consistent with Australian Standards (AS) 2419.1-2005. FRNSW observed that this upgrade has not been completed.

FRNSW recommends an upgrade of the existing Ordinance 70 system to meet the requirements of AS 2419.1 to facilitate the needs of FRNSW appropriate to firefighting operations.

- B. A permanently fixed water, fade and weather resistant Fire Hydrant Block Plan was not securely mounted adjacent to the fire brigade booster assembly.

1B. Smoke Detection and Alarm System (SDAS)

- A. The Fire Detection and Control Indicating Equipment (FDCIE) indicated that the system had 2 faults (level 4 and 8) indicating the FDCIE has not been maintained, contrary to the requirements of Clause 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

- B. The North Sydney Council Development Control Order issued 3rd December 2020, the existing fitted battery or hard-wired smoke alarms installed in “the premises” must be replaced with Addressable multi-sensor detectors. On inspection FRNSW noted that these upgrades do not appear to have been completed.

1C. Fire Hose Reels

- A. Non-firefighting equipment stored within fire hose reel cabinets, contrary to Clause 10.4.4 of Australian Standard (AS) 2441–2005.
- B. The hydrant and hose reel cabinet on level 9 contained an open switchboard and other electrical equipment.

2. Compartmentation and Separation

2A. Fire doors

- A. Fire doors on multiple levels, installed to provide a fire isolated stairway, did not return to the fully closed position, when the

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magnetic door release button was operated, in accordance with Clause C4D6 of the National Construction Code (NCC).

3. Certification

- A. A current Annual Fire Safety Statement (AFSS) for “the premises” was not prominently displayed within the building in accordance with Section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 3 of this report with regard to Council’s development control order.

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.

Please do not hesitate to contact Station Officer Alex Cross of FRNSW’s Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference FRN19/1946 - BFS25/3435 - 8000042816 regarding any correspondence concerning this matter.

Yours faithfully



Paul Scott
Team Leader
Fire Safety Compliance Unit

Attachment: [Appendix 1 Fire Safety Order No. 1 – 4 pages]

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Appendix 1 – Fire Safety Order No. 1

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File Ref. No: FRN19/1946 - BFS25/3435 - 8000042816
 TRIM Ref. No: D2025/070788
 Contact: Inspector Paul Scott

24 June 2025

The Owners - Strata Plan No. 8461
 LOCKED BAG 1919
 ST LEONARDS 1590

Dear Owners - Strata Plan No. 8461

**Re: FIRE SAFETY ORDER – ORDER NO.1
 LELANI UNITS
 54 HIGH STREET NORTH SYDNEY (“the premises”)**

Fire & Rescue NSW (FRNSW) has received your email dated 17 June 2025 in response to the Notice of Intention to give a Proposed Fire Safety Order – Order No.1 2025.

FRNSW note that a photograph of the fire services cabinet on Level 9 is not included in the email provided. The terms of the Order relating to stored items will remain in force.

FRNSW has determined to issue the **Fire Safety Order – Order No.1** (‘Order No.1’) in response to your representations and consideration given under the Schedule 5, Part 7 (Section 14 and Section15) of the *Environmental Protection Act 1979* (EP&A Act). Accordingly, I have attached a copy of “**Order No. 1**” dated 24 June 2025, issued under Section 9.34 of the EP&A Act.

A copy of the “**Order No.1**” will be forwarded to North Sydney Council under Part 6, Section 12 of the EP&A Act. Authorised Fire Officers will conduct an inspection to assess compliance with the “**Order No.1**”.

Please do not hesitate to contact Inspector Paul Scott of FRNSW’s Fire Safety Unit at FireSafety@fire.nsw.gov.au or call on (02) 9742 7434 if there are any concerns about the above matters. Please ensure that you refer to the File Ref. No. FRN19/1946 - BFS25/3435 - 8000042816 regarding any correspondence concerning this matter.

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CC: The Owners of Strata Plan No. 8461
Strata Choice
Level 13, 25 Martin Place
SYDNEY NSW 2000

Stata Manager
Caroline Trindade
Email: ctrindade@stratachoice.com.au

Manager Compliance/Fire Safety
North Sydney Council
Email: council@northsydney.nsw.gov.au

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Fire Safety Order ORDER No. 1

**Under the *Environmental Planning and Assessment Act 1979 (EPAA)* 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)(b)**

I, **Paul Scott** (name) **Inspector** (rank)

being an authorised Fire Officer within the meaning of Schedule 5, Part 8, Section 9.34 of the *Environmental Planning and Assessment Act 1979*, and duly authorised for this purpose, hereby order you

The Owners - Strata Plan No. 8461 (name of the person whom Order is served) **Owner** (position, i.e. owner, building manager)

with respect to the premise

LELANI UNITS
54 HIGH STREET NORTH SYDNEY (“the premises”)
(name/address of premises to which Order is served)

to do, or refrain from doing, the following things:

1. 1. Restore the Smoke Detection and Alarm Systems (SDAS) automatically by removing the faults on the Fire Detection and Control Equipment (FDCIE).
2. 2. Repair the automatic self-closing fire doors so they return to their closed position upon fire trip.

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

- a. At the time of the inspection the building was occupied.
- b. The Fire Detection and Control Indicating Equipment displayed two faults on level 8.
- c. The Smoke Detection and Alarm Systems is not an addressable system and FRNSW are unable to determine the extent of the fault within the system.
- d. Multiple automatically closing fire doors, designed to create a fire isolation, failed to return to a fully closed position, following FRNSW manual test facility on the magnalatch device.
- e. A delay in the detection of fire at the premises and the failure of the doors to return to the fully closed position will expose occupants to elevated temperatures and smoke.
- f. Items that may impede the operation of the fire hydrant, fire extinguisher and hose reel cabinets were observed in multiple cabinets throughout the building.
- g. To do or refrain from doing such things specified in the Order to ensure adequate fire safety or awareness.

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

By no later than **1200 hours** on the **24 July 2025**.

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 No.1 other than an order that prevents a person from using or entering the premises.

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

Failure to comply with this Fire Safety Order - Order No.1 may result in fines and/or fines being issued.

Substantial penalties may also be imposed under Section 9.37 of the EP&A Act in failure to comply with a Fire Safety Order - Order No.1.

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