

Attachment C

**Inspection Report
74-76 Roslyn Gardens, Rushcutters Bay**



Figure 1: 74-76 Roslyn Gardens, Rushcutters Bay viewed from the south



Figure 2: Location map of 74-76 Roslyn Gardens, Rushcutters Bay

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: Lutfor Rahman

Date: 29 July 2026

Premises: 74-76 Roslyn Gardens, Rushcutters Bay

Executive Summary

1. The City received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 26 June 2026 with respect to matters of fire safety.
2. The premises consists of a 9 storey residential building with basement car parking.
3. The City inspected the premises on 22 July 2026, accompanied by the strata manager. This inspection identified fire safety provisions requiring maintenance as well as deficiencies in fire safety. To address the maintenance items, the City issued written instructions. To address the fire safety deficiencies a Notice of Intention to Give a Fire Safety Order (NOI) has been issued under the Act.

Chronology

Date	Event
26 June 2026	FRNSW correspondence received.
22 July 2026	The City inspected the premises identifying deficiencies in fire safety.
28 July 2026	The City issued a corrective action letter requiring rectification of identified fire safety maintenance matters by 27 August 2026.
28 August 2026	The City conducted a re-inspection of the premises and verified that the previously identified fire safety maintenance matters had been satisfactorily addressed.
2 September 2026	The City issued a NOI.

Fire and Rescue NSW Report

4. Fire and Rescue NSW conducted an inspection of the subject premises on 20 May 2026.

Issues

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

Ref.	Issue	City response
1	Automatic Fire Suppression System	
	The building has a rise in stories of more than 4 and has not been provided with a sprinkler system.	The City inspected the premises on 22 July 2026 confirming no sprinkler system was installed in the building. In response and considering the building comprises 9 storeys and relies on a single exit, an NOI was issued on 2 September 2026 requiring a sprinkler system to be installed, addressing this issue.
	Fire Safety – Essential Fire Safety Measures	
2	Maintenance - At the time of the inspection, a technician had initiated maintenance of the hydrant pump due to a leak. The pump had been isolated as had the Building Occupant Warning System (BOWS). The technician advised that the pump and BOWS would be reinstated at the end of the day. As such, no further action was taken by FRNSW.	During the City's inspection on 22 July 2026, the Fire Indicator Panel (FIP) located in the ground floor lobby was observed displaying an auxiliary fault/isolation indication, although the overall system status appeared normal. In response, the City issued a corrective action letter on 28 July 2026, requiring faults/isolation to be rectified by 27 August 2026. The City reinspected the premises on 28 August 2026 which confirmed the faults/isolations had been rectified, addressing this issue.
	Fire Safety Statements	
6	At the time of the inspection the AFSS could not be located.	AFSS found to be displayed at the time of the inspection, addressing this issue.

6. FRNSW have recommended that the City inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

Council Investigation Officer Recommendations

7. As a result of site inspections undertaken by the Council investigation officer a corrective action letter was issued on 28 July 2026 to the building owners to address the fire safety provisions requiring maintenance identified by the City and FRNSW.
8. To address the fire safety deficiency identified by the City and FRNSW, a Notice of Intention (NOI) to give a fire safety order under the Act was issued on 2 September 2026. After the NOI's representation period expires and any received representations are considered, a Fire Safety Order may be issued to ensure adequate fire safety systems are in place throughout the building.
9. It is recommended that the Commissioner of FRNSW be informed of the City's decision.

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File Ref. No: FRN25/3200 - BFS25/7382 - 8000045919
TRIM Ref. No: D2026/095018
Contact: Conor Hackett

26 June 2026

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
74-76 ROSLYN GARDENS RUSHCUTTERS BAY ("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 20 May 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

Automatic Fire Suppression System

1. The building has a rise in stories of more than 4 and has not been provided with a sprinkler system, contrary to the requirements of Clause E1D4 and E1D6 of the National Construction Code 2022, Volume 1, Building Code of Australia (NCC).

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

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Regulatory Requirements

Fire Safety – Essential Fire Safety Measures

2. Maintenance - At the time of the inspection, a technician had initiated maintenance of the hydrant pump due to a leak. The pump had been isolated as had the Building Occupant Warning System (BOWS). The technician advised that the pump and BOWS would be reinstated at the end of the day. As such, no further action was taken by FRNSW.

Fire Safety Statements

3. Section 89(4)(b) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 states that the Annual Fire Safety Statement (AFSS) must be prominently displayed in the building. At the time of the inspection the AFSS could not be located.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review item nos. 1 - 3 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:

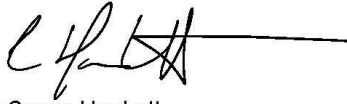
- FRNSW's inspection of the premises may have been conducted without having the development consent and / or approved plans as a reference.
- FRNSW's inspection of the premises was a non-invasive visual inspection.
- FRNSW authorised fire officers may not have been able to access all areas of the premises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

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concerns regarding the above matters. Please ensure that you refer to file reference FRN25/3200 - BFS25/7382 - 8000045919 for any future correspondence concerning this matter.

Yours faithfully

A handwritten signature in black ink, appearing to read 'C. Hackett', followed by a long horizontal line extending to the right.

Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit