

Attachment D

**Inspection Report
12 Primrose Avenue, Rosebery**



Figure 1: 12 Primrose Avenue, Rosebery, viewed from the south-east.

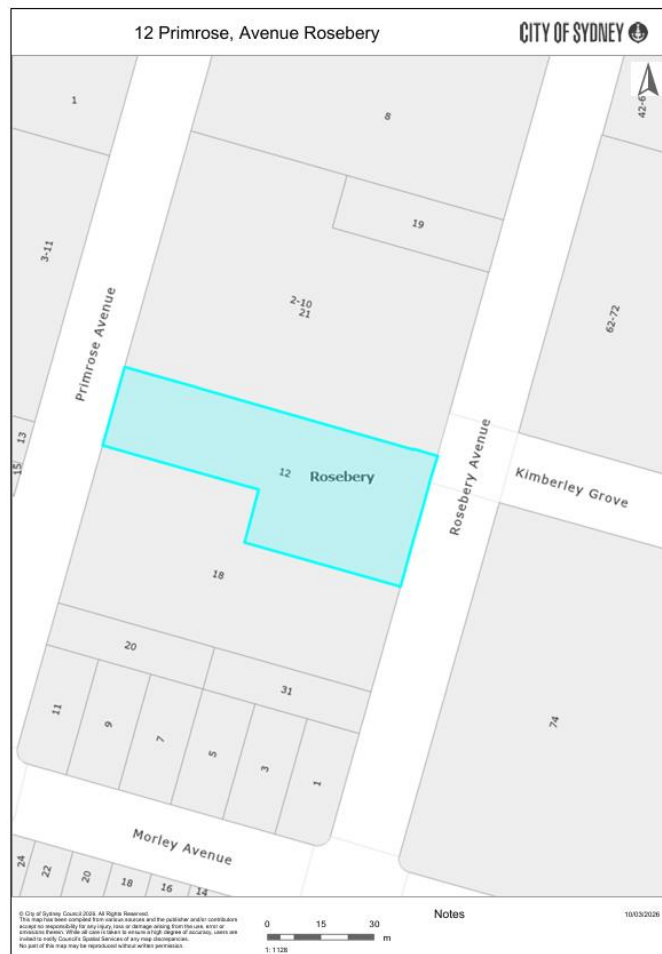


Figure 2: Location map of 12 Primrose Avenue, Rosebery

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: Joe Kalgovas

Date: 23 March 2026

Premises: 12 Primrose Avenue, Rosebery

Executive Summary

1. The City received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 5 March 2026 with respect to matters of fire safety.
2. The premises consists of a 5 storey building used for residential apartments and car parking at lower levels.
3. The City inspected the premises on 20 March 2026, accompanied by the building manager. This inspection identified fire safety provisions requiring maintenance, which can be addressed under the City's instruction.

Chronology

Date	Event
5 March 2026	FRNSW correspondence received.
20 March 2026	The City inspected the premises identifying fire safety provisions requiring maintenance.
23 March 2026	The City issued a corrective action letter requiring identified deficiencies to be rectified by 23 September 2026. This includes works to the security screens and fire hydrant booster, pump room and bollards.

Fire and Rescue NSW Report

4. Fire and Rescue NSW conducted an inspection of the subject premises on 9 February 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.	<p>The door to the garbage room adjacent to the lift servicing Sole Occupancy Units (SOU) numbered 104-115 (building 1) was not self-closing.</p>	<p>The City's inspection on 20 March 2026 found the door to the garbage room was not self-closing.</p> <p>In response, the City issued a corrective action letter on 23 March 2026 to remove any obstructions to the door by 19 September 2026.</p> <p>Follow up inspections will be undertaken to ensure the operation of the door in accordance with the City's instruction, addressing this matter.</p>
2.	<p>Security screen doors have been installed on the outside of multiple single occupancy unit entry doors throughout the premises. FRNSW are of the opinion that screen doors promote the occupants to 'chock open' the entry fire door.</p> <p>FRNSW recommends against the fitting of security or screen doors due to the increased likelihood of the main fire door being propped open (e.g. for ventilation airflow), and the fire rating of the door frame being compromised from any modification when fitting any additional door.</p>	<p>The City's inspection on 20 March 2026 found a unit entry door fitted with a security door.</p> <p>In response, the City issued a corrective action letter on 23 March 2026 requiring the removal of security doors by 19 September 2026.</p> <p>Follow up inspections will be undertaken to ensure the works are completed in accordance with the City's instruction, addressing this matter.</p>
Fire Hydrant System		
3.	<p>The doors to the fire hydrant booster do not have a device capable of securing the door in not less than a 90° open position.</p>	<p>The City's inspection on 20 March 2026 confirmed that a device capable of securing the door in a not less than a 90° open position was not provided.</p> <p>In response, the City issued a corrective action letter on 23 March 2026 requiring that open door securing devices are to be installed by 19 September 2026.</p> <p>Follow up inspections will be undertaken to ensure the works are completed in accordance with the</p>

Ref.	Issue	City response
		City's instruction, addressing this matter.
4.	The light in the hydrant pump room was not operating.	<p>The City's inspection on 20 March 2026 confirmed that a light in the hydrant pump room was not operational.</p> <p>In response, the City issued a corrective action letter on 23 March 2026 requiring the repair of the light in the hydrant pump room 19 September 2026.</p> <p>Follow up inspections will be undertaken to ensure the works are completed in accordance with the City's instruction, addressing this matter.</p>
	Fire Safety Statements	
5.	An Annual Fire Safety Statement (AFSS) was not prominently displayed at the premises.	The City's inspection on 20 March 2026 identified that the current AFSS was displayed in the entrance lobby of the building, addressing this issue.
	Non-compliant carparking	
6.	The basement carpark contains signage stating a limit of the numbers of cars permitted to park in the carpark at any one time is 39, which appears to be a requirement to comply with the deemed-to-satisfy requirements. In this regard, the carpark contains 39 dedicated car parking spacing with an additional 5 spaces allocated as storage areas. At the time of the inspection, a vehicle was observed parked within one of the storage spaces. FRNSW did not observe any bollards or similar barriers to prevent vehicles parking in the storage spaces and thereby limiting car parking in the basement carpark at or below 39 spaces.	<p>The City's inspection on 20 March 2026 did not identify a vehicle in the storage space adjacent to the visitor parking in the basement carpark.</p> <p>To ensure compliance is maintained, the City issued a corrective action letter on 23 March 2026 requiring permanent bollards to be installed to prevent vehicles from parking in the storage area of the basement carpark by 19 September 2026.</p> <p>Follow up inspections will be undertaken to ensure the works are completed in accordance with the City's instruction, addressing this matter.</p>

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 City's investigation officer on 20 March 2026, a corrective action letter was issued on 23 March 2026 to the building owners to address the fire safety deficiencies identified by the City and FRNSW. Inspections by the City will be conducted after 19 September 2026 to confirm compliance.
8. It is recommended that the Commissioner of FRNSW be informed of the City's decision.

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File Ref. No: FRN25/2815 - BFS25/6352 - 8000045087
TRIM Ref. No: D2026/026608
Contact: Senior Firefighter Scott Zucchetto

5 March 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
VERDE
12 PRIMROSE AVENUE ROSEBERY (hereafter “the premises”)
“also known as” 23 - 25 ROSEBERY AVENUE ROSEBERY**

Fire and Rescue NSW (FRNSW) received correspondence on 11 September 2025 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 9 February 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. The door to the garbage room adjacent to the lift servicing Sole Occupancy Units (SOU) numbered 104-115 (building 1) was not self-closing, contrary to the requirements of C4D5 of the National Construction Code 2022, Volume 1 Building Code of Australia (NCC).

Fire and Rescue NSW

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Community Safety Directorate
Fire Safety Compliance Unit

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Page 1 of 3

OFFICIAL

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2. Security screen doors have been installed on the outside of multiple SOU entry doors throughout the premises. FRNSW are of the opinion that screen doors promote the occupants to 'chock open' the SOU entry fire door, which is contrary to the requirements of Clause C4D12 of the National Construction Code 2022, Volume 1 Building Code of Australia (NCC) which requires a doorway in a Class 2 SOU to be protected by a fire door which is equipped with a device which returns the door to the fully closed position immediately after each opening.

The following is the formal position of FRNSW regarding screen doors:

FRNSW does not determine whether security or screen doors can be fitted to the main fire door of a unit. The fitting of any security/screen door to an SOU is a matter to be determined by the appropriate regulatory authority (e.g. Council) or certifier.

FRNSW recommends against the fitting of security or screen doors to SOUs due to the increased likelihood of the main fire door being propped open (e.g. for ventilation airflow), and the fire rating of the door frame being compromised from any modification when fitting any additional door.

https://www.fire.nsw.gov.au/data/assets/pdf_file/0017/4418/Position-statement-summary-Security-screen-doors-fitted-to-sole-occupancy-units.pdf

Fire Hydrant System

3. The doors to the fire hydrant booster do not have a device capable of securing the door in not less than a 90° open position, contrary to the requirements of clause 7.9 of Australian Standard (AS) 2419.1 - 2005.
4. The light in the hydrant pump room was not operating, contrary to the requirement of Clause 11.4 of AS 2941 – 2013.

Regulatory Requirements

Fire Safety Statements

5. An Annual Fire Safety Statement (AFSS) was not prominently displayed at the premises in accordance with Section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR21).

Other Findings

6. The basement carpark contains signage stating a limit of the numbers of cars permitted to park in the carpark at any one time is 39, which appears to be a requirement to comply with the deemed-to-satisfy requirements for Clause E1D9 of the NCC. In this regard, the carpark contains 39 dedicated car parking spacing with an additional 5 spaces allocated as storage areas. At the time of the inspection, a vehicle was observed parked within one of the storage spaces. FRNSW did not observe any bollards or similar barriers to

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prevent vehicles parking in the storage spaces and thereby limiting car parking in the basement carpark at or below 39 spaces.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 6 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.
- The following parts of the premises were not able to be inspected:
 - Building 2 and Building 4.
 - SOU's

Please do not hesitate to contact Senior Firefighter Scott Zucchetto 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 FRN25/2815 - BFS25/6352 - 8000045087 for any future correspondence concerning this matter.

Yours faithfully



John Bruscano
Senior Building Surveyor
Fire Safety Compliance Unit