

Attachment C

**Inspection report
52-54 Kings Cross Road, Rushcutters Bay**



Figure 1: 52-54 Kings Cross Road, Rushcutters Bay, viewed from the south



Figure 2: Location map of 52-54 Kings Cross Road, 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: Ashley Host

Date: 5 May 2026

Premises: 52-54 Kings Cross Road, 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 31 March 2026 with respect to matters of fire safety.
2. The premises consists of a 9 storey residential flat building.
3. The City inspected the premises on 28 April 2026 in attendance with an Executive Committee member. This inspection identified deficiencies in fire safety. To address this, a Notice of Intention to Give a Fire Safety Order (NOI) has been issued under the Act. No representations were received in response to the NOI. Accordingly, a Fire Safety Order (Order) was issued on 15 July 2026

Chronology

Date	Event
31 March 2026	FRNSW correspondence received.
28 April 2026	The City inspected the premises identifying deficiencies in fire safety. These issues included insufficient fire resistance, egress, deficiencies in relation to the existing hydrant and sprinkler systems.
1 June 2026	The City issued a NOI.
15 July 2026	With no representations received in response to the NOI, the City proceeded to issue an Order on 15 July 2026 to address the identified fire-safety deficiencies.

Fire and Rescue NSW report

4. Fire and Rescue NSW conducted an inspection of the subject premises on 2 March 2026.

Issues

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

Ref.	Issue	City response
	Essential Fire Safety Measures	
Fire Resistance		
1.	Screen doors are attached to the frames of unit entry doorways and drilled into fire-rated door frames impacting the fire rating of the door.	The City's inspection on 28 April 2026 confirmed screen doors were attached to unit entry doorways. In response, the City issued a NOI on 1 June 2026. No representations were received in response to the NOI. Accordingly, an Order was issued on 15 July 2026, requiring screen doors to be removed and any damaged/drilled fire-rated door frames to be repaired by 13 October 2026, addressing this issue.
2.	There is a 150mm gap between the wall separating the two internal fire-isolated stairs.	The City's inspection on 28 April 2026 confirmed the stair was not suitably separated by fire-rated construction. In response, the City issued a NOI on 1 June 2026. No representations were received in response to the NOI. Accordingly, an Order was issued on 15 July 2026, requiring the fire-isolated stairs to be separated by fire-rated construction by 11 January 2027, addressing this issue.
3.	Multiple service penetrations passing through the car park floor slab do not appear to be protected	The City's inspection on 28 April 2026 found the penetrations identified onsite were below an open courtyard and not required to be protected. No action is required to address this issue. Furthermore, the building was upgraded under a Fire Safety Order issued 13 July 2017 by which a full audit of unprotected service penetrations throughout the building was undertaken. Remedial works to

Ref.	Issue	City response
		address any unprotected openings were completed and certified.
Egress		
4.	External security gates installed at the ground floor exit doors may interfere with the operation of the exit doors and obstruct the free passage of persons.	The City's inspection on 28 April 2026 confirmed egress issues at ground floor exit doors. In response, the City issued a NOI on 1 June 2026. No representations were received in response to the NOI. Accordingly, an Order was issued on 15 July 2026, requiring all exits and any doors in the path of travel to an exit, comply with the building code and to not block egress by 13 October 2026, addressing this issue.
Fire hydrant system		
5.	The hydrant booster lacks a liquid filled pressure gauge to indicate pressure at the pump discharge point.	The City's inspection on 28 April 2026 identified the hydrant booster did not have a liquid filled pressure gauge. In response, the City issued a NOI on 1 June 2026. No representations were received in response to the NOI. Accordingly, an Order was issued on 15 July 2026, requiring a pressure gauge be provided by 15 July 2027, addressing this issue.
6.	Internal fire hydrants installed throughout the premises are in the public corridors and not within the fire-isolated stair contrary to the Standard.	The system was inspected and reviewed by FRNSW after its initial installation as referenced in their letter dated 30 May 1994 and referenced on the buildings fire safety schedule. As the system design was accepted by FRNSW no action is proposed.
7.	Feed hydrants have not been installed at the booster, contrary to the requirements of the Standard. The building is instead relying on street hydrants to feed the system.	The City's inspection on 28 April 2026 identified building relies on street hydrants. To ensure the street hydrants provide adequate coverage, the City

Ref.	Issue	City response
		issued a NOI on 1 June 2026. No representations were received in response to the NOI. Accordingly, an Order was issued on 15 July 2026, requiring certification to be provided confirming that the street hydrants performance complies or for feed hydrants to be installed by 15 July 2027, addressing this issue.
Automatic fire suppression		
8.	The building has a rise in storeys of more than four (4) and has not been provided with a sprinkler system	The building was upgraded under fire safety order issued 13 July 2017. Given sprinklers throughout the building were not a requirement when the building was constructed, and that it is provided with non-required hose reels in addition to a hydrant system, requiring sprinklers to be installed is not warranted. No action proposed
9.	The standard of performance listed on the building's fire safety schedule for the drencher system is incorrect, as it references a version of the standard that was never published.	The City's review of the building's fire safety schedule noted the standard of performance for the existing drencher system is incorrect. In response, the City issued a NOI on 1 June 2026. No representations were received in response to the NOI. Accordingly, an Order was issued on 15 July 2026, which will update the standard of performance, addressing this issue.
10.	FRNSW could not determine how many drenchers were installed on the building. Where more than 12 drenchers are installed, a building requires a booster assembly and installation control assembly and ancillary equipment.	The City's inspection on 28 April 2026 observed the number of drenchers less than 12. The existing system was also assessed for compliance under a previous Fire Safety Order issued 13 July 2017 Order. No action required.

Ref.	Issue	City response
11.	Signage on the sprinkler pump controller mistakenly reads 'Hydrant Pump Controls'	The City's inspection on 28 April 2026 identified incorrect signage relating to the pump controls for the wall wetting sprinkler and drencher systems. In response, the City issued a NOI on 1 June 2026. No representations were received in response to the NOI. Accordingly, an Order was issued on 15 July 2026 requiring incorrect signage to be removed and correct "sprinkler pump controls" signage to be erected by 15 July 2027, addressing this issue.
Fire pump room		
19.	Non-firefighting equipment was stored in the pump room	The City's inspection on 28 April 2026 observed no non-firefighting equipment was stored in the pump room, addressing this issue.
Maintenance		
21.	At the time of inspection, copies of service logbooks for the smoke detection and alarm system were unavailable.	The City's inspection on 28 April 2026 confirmed service logbooks for the smoke detection and alarm system were available and stored at the Fire Indicator Panel.

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 the site inspection undertaken by the Council investigation officer on 28 April 2026, Council issued a Notice of Intention to give an Order under the Act on 1 June 2026. There were no representations received to the NOI so on 15 July 2026 a Fire Safety Order was issued to address the identified fire safety deficiencies and ensure that appropriate fire safety systems are in place throughout the building, providing improved and adequate fire safety provisions.
8. It is recommended that the Commissioner of FRNSW be informed of the City's decision.

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File Ref. No: FRN13/5392 - BFS26/606 - 8000048046
TRIM Ref. No: D2026/50004
Contact: Conor Hackett

31 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
'THE WARDLIEGH'
52-54 KINGS CROSS ROAD, RUSHCUTTERS BAY ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 1 January 2026 concerning the adequacy of the provision for fire safety 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 2 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. With regard to the screen security doors which have been installed on the outside of multiple Sole Occupancy Unit (SOU) entry doors throughout the premises, the following is noted:

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
F (02) 9742 7483

www.fire.nsw.gov.au

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- i. Screen doors promote the occupants to 'chock open' the SOU entry fire door, which is contrary to the requirements of Clause C4D12 of the NCC which requires a doorway in a Class 2 SOU 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.
- ii. It is noted that the screen doors have been mechanically fixed to the metal doorframe with an opening having been cut through the frame at the strike plate to accommodate the latching bolt. In that regard, 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.

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.

2. The premises has been provided with two separate exits from each floor leading to a fire-isolated 'scissor stair'. The stair/wall junction of the 'scissor stair' does not appear to achieve the required FRL, contrary to the requirements of Clause C4D16 of the NCC. In this regard, a 150mm gap between the junction of the stair treads and block wall is apparent throughout the stair shaft. The gap has not been protected in a manner identical with a prototype tested in accordance with AS 4072.1 and AS 1530.4, thereby potentially compromising the separate exits.
3. Multiple service penetrations passing through the car park floor slab do not appear to be protected by a fire stopping system which is identical to a tested prototype, contrary to the requirements of Clause C4D13, C4D15 & Specification 13 of the NCC. It could not be determined if the PVC penetrations service internal SOUs above or provide surface drainage for the rear courtyard.

Egress

4. External security gates have been installed at the ground floor exit doors which may interfere with the operation of the exit door and obstruct the free passage of persons, contrary to the requirements of Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (the DCFS Regulation)

Fire Hydrant System

5. The fire safety schedule indicates that the hydrant system is installed to *BCA Clause E1.3, AS 2419.1 – 1994 New South Wales fire brigade correspondence*

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dated 30 May 1994 and 4 May 1994. No record of this correspondence can be found in FRNSW records, therefore, it is unclear what exemptions have been granted with respect to the hydrant system. Notwithstanding this, the following comments are provided with respect to the installed hydrant system.

- i. The booster assembly appears to be connected 'in series' with the fixed on-site fire pump. In this regard, an engraved warning sign is provided at the booster assembly, however a 150mm diameter liquid filled pressure gauge which indicates the pressure at the pump discharge pipe/manifold has not been provided, contrary to the requirements of Clause 5.7 of AS2419.1-1994.
- ii. The internal hydrants throughout the premises are located in the public corridors and not within the fire-isolated stairways, contrary to the requirements of Clause 4.3.1.3 of AS 2419.1-1994.
- iii. Feed hydrants have not been installed at the booster assembly, contrary to the requirements of Clause 5.6.1 of AS 2419.1-1994.

Automatic Fire Suppression System

6. The building has a rise in stories of more than 4 and has not been provided with a sprinkler system throughout, contrary to the requirements of Clause E1D4 and E1D6 of the NCC.
7. It is noted that the fire safety schedule indicates that the wall wetting sprinklers and drencher system is installed to the requirements of AS2118.2-1999. As a 1999 version of this standard has never been published, FRNSW assumes that the system is installed to the requirements of AS 2118.2-1995.

At the time of the inspection, it could not be determined how many wall wetting sprinklers are installed in the system. Where the system comprises more than 12 wall wetting sprinklers the following applies:

- i. A booster assembly, in accordance with the requirements of Clause 3.4 of AS 2118.2-1995, is required.
- ii. An installation control assembly and ancillary equipment, in accordance with the requirements of Section 5 of AS 2118.2-1995, is required.

The above items do not appear to be installed. It is at Councils discretion to review its records and determine whether an upgrade to the system is required.

8. Signage on what appears to be the sprinkler pump controller mistakenly states '*Hydrant Pump Controls*'.

Fire Pump Room

9. Non-firefighting equipment was stored in the fire pump room, contrary to the requirements of Clause 11.3 of AS 2941-2013.

Regulatory Requirements

Maintenance

10. Clause 1.16.2 of AS1851 requires service logbooks to be left on site. At the time of the inspection, copies of services records for the smoke detection and alarm system were unavailable.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 10 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 not accessible.

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 FRN13/5392 - BFS26/606 - 8000048046 for any future correspondence concerning this matter.

Yours faithfully



Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit