Attachment C

Inspection Report
3 Crick Avenue, Elizabeth Bay



Figure 1: 3 Crick Avenue, Elizabeth Bay NSW, viewed from west

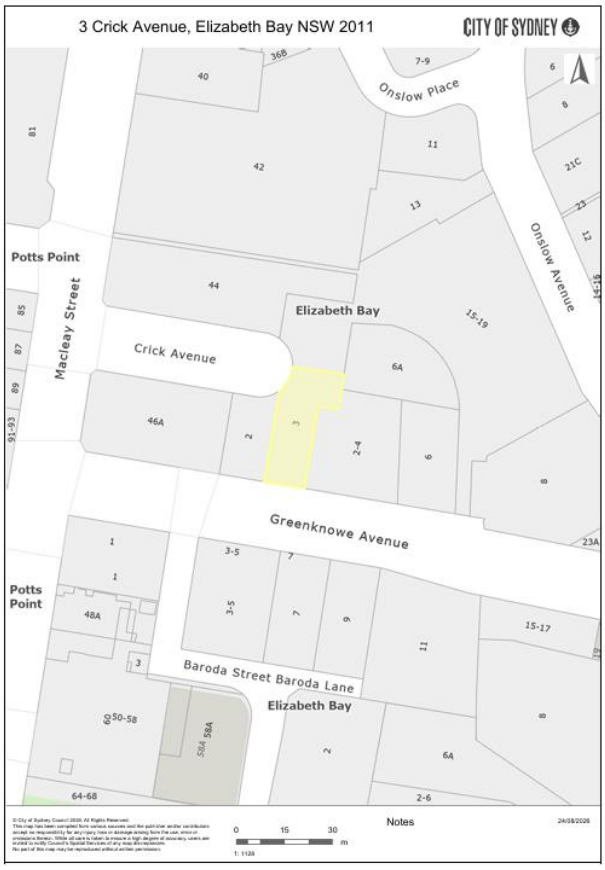


Figure 2: Location map of 3 Crick Avenue, Elizabeth Bay

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: **3 September 2026**

Premises: **3 Crick Avenue, Elizabeth Bay**

Executive Summary

1. The City of Sydney (the City) received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 10 August 2026 with respect to matters of fire safety.

2. The premises consists of a 4-storey building used for residential purposes.

3. The City inspected the premises on 24 August 2026, accompanied by the Strata Manager and fire contractor. 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 *Environmental Planning and Assessment Act 1979* NSW (the Act).

Chronology

Date	Event
10 August 2026	FRNSW correspondence was received.
24 August 2026	The City inspected the premises identifying deficiencies in fire safety.
3 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 5 August 2026.

Issues

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

Ref.	Issue	City response
	Fire Resistance	
1	The ground floor fire door, adjacent to the main entry, failed to return to the fully closed position (and self-latch) after each opening.	The City's inspection on 24 August 2026 observed that one of the ground floor fire doors on the corridor, adjacent to the main door failed to return to the fully closed position. In response, the City issued a NOI on 3 September 2026 requiring doors to be rectified. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.
2	Multiple openings in the external walls of the premises appear to be less than 3m from the boundary and do not appear to have been protected.	The City's inspection on 24 August 2026 observed multiple openings in the external wall were within 3 meters from the boundary fence and not protected. In response, the City issued a NOI on 3 September 2026 requiring protection of openings. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.
Automatic Smoke Detection and Alarm Systems (ASDAS)		
3	A Zone Block Plan, depicting all the relevant information of the installation, was not provided at the Fire Brigade Panel.	The City's inspection on 24 August 2026 observed that an older version of block plan is currently installed near the Fire Brigade Panel. In response, the City issued a NOI on 3 September 2026 requiring an updated block plan be provided. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.

Ref.	Issue	City response
4	The spacing between detectors throughout the premises does not appear to be in accordance with the requirements of Section 5 of AS 1670.1-2018. In that regard, no detectors appear to be installed in the corridors adjacent to the stair.	The City's inspection on 24 August 2026 could not confirm the design layout of the existing detector system. In response, the City issued a NOI on 3 September 2026 requiring a confirmation of existing detector layout, spacing and locations comply with the standard, addressing this issue. Follow up inspections will be undertaken to ensure any work required is completed, addressing this issue.
5	A smoke detector has not been provided on each side of the fire door (being held open but required to be self-closing) within 1.5m of the opening.	The City's inspection on 24 August 2026 observed the detector had not been provided on each side of the fire door. In response, the City issued an NOI on 3 September 2026, requiring additional detectors as necessary. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.
Egress		
6	All exit doors within the premises incorporate a round tulip style handle in lieu of a lever handle.	The City's inspection on 24 August 2026 found all exits door within the premises incorporate a round tulip style handle. In response, the City issued a NOI on 3 September 2026 requiring installation of single handled, downward action door sets to all exit doors. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.

Ref.	Issue	City response
7	Appropriate signage has not been provided to all fire doors.	The City's inspection dated 24 August 2026 confirmed appropriate signage had been provided to all fire doors, addressing this issue.
8	The travel distances from the entry doors of multiple Sole Occupancy Units (SOUs) exceeds 6m to the exit. Travel distances are in excess of 14m from a number of SOUs.	The City's inspection on 24 August 2026 confirmed travel distances exceed 14m. In response, the City issued a NOI on 3 September 2026 requiring compartmentation of the existing stairway to address the excessive travel distances. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.
9	Doorways from multiple SOUs open directly into what is in effect, the fire isolated stairway.	The City's inspection on 24 August 2026 confirmed doorways open directly into the fire isolated stairway. This issue has been addressed by a historical a Fire Order issued by former South Sydney Council, in July 1992, requiring a stair pressurisation system to address the non-compliant fire isolated stairway. The required stair pressurisation system was observed during the City's inspection. The City issued a NOI on 3 September 2026 requiring certification of this stair pressurisation system to confirm compliance, addressing this issue.
Fire Hydrant		
10	The building appears to have a total floor area greater than 500m^2 and is therefore required to be provided with a fire hydrant system in accordance with Clause E1D2 of the NCC. In this regard, the premises does not have a hydrant system installed	The City's inspection on 24 August 2026 found the floor area of the building was approximately 1800m^2. In response, the City issued a NOI on 3 September 2026, requiring either the installation of a hydrant system or documentation be

Ref.	Issue	City response
	and hydrant coverage available from the street hydrants may not comply.	submitted confirming the street hydrants provide adequate coverage, addressing this issue. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.
Sprinkler System		
11	The building has a rise in stories of more than 4 and has not been provided with a sprinkler system.	The City's inspection on 24 August 2026 confirmed that the building is not provided with a sprinkler system. The building is a 4-storey masonry and concrete structure constructed circa 1937, at a time when sprinkler protection was not required for this class of building. Having regard to the ongoing maintenance of current fire safety measures, the installation of a sprinkler system is not considered warranted at this time. No further action is required to address this issue.
Stair Pressurisation		
12	The isolation switch associated with the stair pressurisation fan was not locked and was fitted with appropriated signage. Furthermore, the Control Panel, adjacent to the roof top fan, has not been appropriately secured to prevent unauthorised access.	The City’s inspection on 24 August 2026 confirmed the isolation switch was not locked, and the control panel had not been secured. In response, the City issued a NOI on 3 September 2026, requiring defects to be rectified. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.

Ref.	Issue	City response
13	At the time of the inspection, the door from the stair to the rooftop common area/laundry was chocked open. It is considered that the chocking of the door would compromise the ability of the stair pressurisation system to maintain a positive pressure within the stair shaft.	The City's inspection on 24 August 2026 confirmed that the door from the stair to the rooftop common area was closed and operating as intended, addressing this issue.
Other Findings		
14	The rooftop balustrade contained horizontal elements between 150mm and 760mm above floor level which could facilitate climbing.	The City's inspection on 24 August 2026 observe the rooftop balustrade did not meet current requirements in respect to climbing elements. In response, the City issued a NOI on 3 September 2026 requiring handrails to be upgraded to prevent falls. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.
Regulatory Requirements		
Fire Safety – Essential Fire Safety Measures		
15	*Automatic Smoke Detection and Alarm System (ASDAS):* At the time of the inspection, the Fire Indicator Panel indicated that Zone 5 (Level 4) of ASDAS was disabled. Logbooks associated with the ASDAS indicated that Zone 5 has been isolated for a number of months.	The City's inspection on 24 August 2026 observed all faults had been cleared, addressing this issue.
16	Exit Signs and Emergency Lighting: Exit signage was not illuminated throughout the premises.	The City's inspection on 24 August 2026 found the exit signage had been rectified and was operational, addressing this matter.
17	Stair Pressurisation: The control panel for the stair pressurisation fan located on the rooftop appeared to indicate an error message.	The City's inspection on 24 August 2026 found the error message had been cleared, addressing this matter.

Ref.	Issue	City response
18	Emergency Lighting/Artificial Lighting: Emergency lighting/artificial lighting and was not operational in all parts of the common areas, throughout the premises. Following the inspection, FRNSW contacted the Strata Manager responsible for the premises (McCormacks Strata Management) who confirmed that they were aware of the abovementioned issues which were related to an electrical fault. On 6 August 2026, the incumbent Fire Contractor provided FRNSW with a service report confirming that the isolated zone had been reinstated and power had been restored to lighting and exit signage.	The City's inspection on 24 August 2026 found emergency lighting was operational throughout the premises, addressing this issue.
19	*Maintenance Logbooks:* The maintenance logbooks/summary records relating to the following Essential Fire Safety Measures could not be located on site. • Fire Hose Reels • Fire doors • Portable fire extinguishers	The City's inspection on 24 August 2026 confirmed the maintenance logbooks were not available at the premises. In response, the City issued a NOI on 3 September 2026 requiring maintenance logbooks be kept on the premises at all times. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.
Annual Fire Safety Statement (AFSS)		
20	At the time of the inspection, the AFSS that was displayed did not appear to be up to date.	The City's inspection on 24 August 2026 identified an outdated AFSS was displayed in the premises. In response, the City issued a NOI on 3 September 2026 requiring an AFSS to be provided. Follow up inspections will be undertaken to ensure the work is completed, 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. Due to fire safety concerns a Notice of Intention (NOI) to give a fire safety order under the Act was issued on 3 September 2026. After the NOI's representation period expired on 9 October 2026, and no representations were received, a Fire Safety Order will be issued to ensure adequate fire safety systems are in place throughout the building.

8. It is recommended that the Commissioner of FRNSW be informed of the City's decision.

File Ref. No: FRN26/2531 - BFS26/6024 - 7000003761
TRIM Ref. No: D2026/121553
Contact: Conor Hackett

10 August 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
WEST END
3 CRICK AVE, POTTS POINT ("the premises")

Fire and Rescue NSW (FRNSW) received correspondence on 3 August 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 5 August 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:

Fire Resistance

1. The ground floor fire door, adjacent to the main entry, failed to return to the fully closed position (and self-latch) after each opening, contrary to the requirements of Clause C4D5, Clause C4D9 and Specification 12 of the

National Construction Code 2022 Building Code of Australia – Volume One (NCC) and AS1905.1.

2. Multiple openings in the external walls of the premises appear to be less than 3m from the boundary and do not appear to have been protected - in accordance with the methods specified in Clause C4D5 - contrary to the requirements of Clause C4D3 of the NCC.

Automatic Smoke Detection and Alarm System (ASDAS):

3. A Zone Block Plan, depicting all the relevant information of the installation, was not provided at the Fire Brigade Panel, contrary to the requirements of Clause 3.10 of AS1670.1-2018.

4. The spacing between detectors throughout the premises does not appear to be in accordance with the requirements of Section 5 of AS 1670.1-2018. In that regard, no detectors appear to be installed in the corridors adjacent to the stair.

5. A smoke detector has not been provided on each side of the fire door (being held open but required to be self-closing) within 1.5m of the opening, contrary to the requirements of Clause 3.19 of AS 1670.1-2018.

Egress

6. All exit doors within the premises incorporate a round tulip style handle in lieu of a lever handle, contrary to the requirements of Clause D3D26 of the NCC.

7. Appropriate signage has not been provided to all fire doors, in accordance with the requirements of Clause D3D28 of the NCC.

8. The travel distances from the entry doors of multiple Sole Occupancy Units (SOUs) exceeds 6m to the exit, contrary to the requirements of Clause D2D5 of the NCC. Travel distances are in excess of 14m from a number of SOUs.

9. Doorways from multiple SOUs open directly into what is in effect, the fire isolated stairway, contrary to the requirements of E2D12 of the NCC.

Fire Hydrant

10. The building appears to have a total floor area greater than 500m^2 and is therefore required to be provided with a fire hydrant system in accordance with Clause E1D2 of the NCC. In this regard, the premises does not have a hydrant system installed and hydrant coverage available from the street hydrants may not comply with the requirements of Clauses 3.5.2 & 3.5.3.2 of AS 2419.1-2021.

    When assessing fire hydrant requirements for the premises, it is recommended that Council review the FRNSW Technical Information Sheet - Fire hydrant concessions for existing buildings.

Sprinkler System

11. 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 NCC. See FRNSW Position Statement Summary for further details.

Stair Pressurisation

12. The isolation switch associated with the stair pressurisation fan was not locked and was fitted with appropriated signage in accordance with the requirements of Clause 4.10.1 of AS1668.1-2015. Furthermore, the Control Panel, adjacent to the roof top fan, has not been appropriately secured to prevent unauthorised access.

13. At the time of the inspection, the door from the stair to the rooftop common area/laundry was chocked open. It is considered that the chocking of the door would compromise the ability of the stair pressurisation system to maintain a positive pressure within the stair shaft, contrary to the requirements of E2D4 of the NCC and AS1668.1-2015.

Other Findings

14. The rooftop balustrade contained horizontal elements between 150mm and 760mm above floor level which could facilitate climbing, contrary to the requirements of Clause D3D20 of the NCC.

Regulatory Requirements

Fire Safety – Essential Fire Safety Measures

Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (the DCFS Regulation) requires maintenance of Essential Fire Safety Measures to a standard no less than when first installed. In that regard, the following is noted:

15. *Automatic Smoke Detection and Alarm System (ASDAS):*

    At the time of the inspection, the Fire Indicator Panel indicated that Zone 5 (Level 4) of ASDAS was disabled. Logbooks associated with the ASDAS indicated that Zone 5 has been isolated for a number of months.

16. *Exit Signs and Emergency Lighting:*

    Exit signage was not illuminated throughout the premises.

17. *Stair Pressurisation:*

    The control panel for the stair pressurisation fan located on the rooftop appeared to indicate an error message.

18. *Emergency Lighting/Artificial Lighting:*

Emergency lighting/artificial lighting and was not operational in all parts of the common areas, throughout the premises.

Following the inspection, FRNSW contacted the Strata Manager responsible for the premises (McCormacks Strata Management) who confirmed that they were aware of the abovementioned issues which were related to an electrical fault.

On 6 August 2026, the incumbent Fire Contractor provided FRNSW with a service report confirming that the isolated zone had been reinstated and power had been restored to lighting and exit signage.

19. *Maintenance Logbooks:*

The maintenance logbooks/summary records relating to the following Essential Fire Safety Measures could not be located on site, contrary to the provisions of Section 81A(2) of the DCFS Regulation.

- Fire Hose Reels
- Fire doors
- Portable fire extinguishers

Annual Fire Safety Statements

20. Section 88 of the DCFS Regulation requires the AFSS be updated annually. At the time of the inspection, the AFSS that was displayed did not appear to be up to date.

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

RECOMMENDATIONS

FRNSW recommends that Council:

a. Review item no. 1 through to item no. 20 of this report and conduct an inspection.

b. Conduct a Fire Safety Audit on the building to ensure all deficiencies within the building, including but not limited to the items highlighted in this report are adequately addressed.

c. 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.

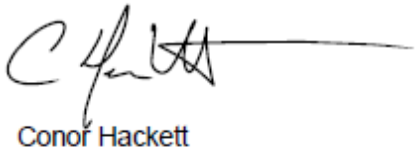
LIMITATIONS

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 unable 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 there are any questions or concerns about the above matters. Please refer to file reference FRN26/2531 - BFS26/6024 - 7000003761 regarding any correspondence concerning this matter.

Yours faithfully



Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit