

Attachment B

**Inspection Report
12 Ithaca Road, Elizabeth Bay**



Figure 1: 12 Ithaca Road, Elizabeth Bay viewed from the south



Figure 2: Location map of 12 Ithaca Road, 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: Tereza Zeljkovic

Date: 12 December 2025

Premises: 12 Ithaca Road, 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 15 October 2025 with respect to matters of fire safety.
2. The premises consists of a 10 storey residential heritage building with external car parking.
3. The City inspected the premises on 28 October 2025, accompanied by the Building Manager and Fire Contractor. This inspection identified fire safety provisions requiring maintenance, which can be addressed under the City's instruction.

Chronology

Date	Event
15 October 2025	FRNSW correspondence received.
28 October 2025	The City inspected the premises identifying deficiencies in fire safety.
4 December 2025	The City conducted a second inspection of the premises to verify the details of the previously identified fire-safety deficiencies.
11 December 2025	The City issued a corrective action letter requiring fire safety deficiencies be rectified in 2 stages. Stage 1 required confirmation that the fire indicator panel and alarm-signalling equipment are fully operational by 18 December 2025. Stage 2 requires a review of the hydrant system to determine if upgrades are necessary. The review for stage 2 is required by 30 February 2026. Based on this review, the City may require further work to ensure fire safety is adequately provided.

Date	Event
18 December 2025	The City received confirmation from the building owners that the fire indicator panel and alarm signalling equipment are fully operational, satisfying Stage 1 of the City's corrective action letter.

Fire and Rescue NSW Report

4. Fire and Rescue NSW conducted an inspection of the subject premises on 17 September 2025.

Issues

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

Ref.	Issue	City response
1	Smoke Detection and Alarm System (SDAS)	
	SDAS - Disablement to Unit 402, Unit 403, and Level 4 west Lift foyer - (verbal advice renovating)	The City's inspection on 28 October 2025 confirmed this matter had been rectified prior to inspection. The SDAS disablements were cleared, addressing this issue.
2	The Emergency Warning and Intercommunication System (EWIS) was isolated from operating automatically. The keyed switch was turned to the OFF position. Rectified advice received	During the City's inspection on 28 October 2025, it was not possible to confirm if the EWIS was being suitably maintained. The City issued a corrective action letter on 11 December 2025 requiring certification of the SDAS and EWIS be submitted by 18 December 2025. On 18 December the City received confirmation from the building owners that the fire indicator panel and alarm signalling equipment are fully operational, addressing this issue.
3	FRNSW have received correspondence from the Strata Manager that the faults associated with the Fire panel and EWIS have been rectified.	The City's inspection on 28 October 2025 identified faults had been rectified prior to inspection and the systems were on-line, addressing this issue.

Ref.	Issue	City response
	Fire Hydrant System	
4	Electrical and telephone cabling installed in the Hydrant cupboard.	The City's inspection on 28 October 2025 noted the cabling within hydrant cupboard, consistent with time of build. To ensure fire seals around the hydrant cupboard are compliant, a corrective action letter was issued on 11 December 2025 requiring a review of all fire seals be submitted to the City by 30 February 2026. Based on this submission, the City may require further works be undertaken in relation to fire seals to ensure compliance, addressing this issue.
5	The attack fire hydrant on the ground level was not accessible. The valved outlet was installed at a height of 300mm behind timber framework.	The City's inspection on 28 October 2025 identified the ground level attack fire hydrant may not comply. To address this, the City issued a corrective action letter requiring a accredited practitioner inspect the hydrant to determine compliance. Based on this, the City may require further work to be undertaken to address this issue.
	Automatic Fire Sprinkler System	
6	FRNSW recommended installation of an Automatic Fire Sprinkler System	The inspection undertaken on 28 October 2025 observed the building is in original condition, built without sprinklers in 1962. While a sprinkler system would be required in an equivalent new building today, nothing automatically mandates that sprinkler systems need to be retrofitted into existing buildings. Given the existing fire rated construction and fire detection evacuation systems, requiring the installation of a sprinkler system is not considered reasonable. Rather, certification has been requested on

Ref.	Issue	City response
		11 December 2025 requiring verification of the existing fire rated construction and fire detection evacuation systems was issued. Should this verification find any non-compliances, further enforcement action may be taken to address 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 11 December 2025 to the building owners to address the fire safety deficiencies identified by the City and FRNSW.
8. It is recommended that the Commissioner of FRNSW be informed of the City's decision.

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File Ref. No: FRN21/608 - BFS25/6230 - 8000044984
TRIM Ref. No: D25/122834
Contact: Station Officer Alex Cross

15 October 2025

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
ITHACA GARDENS APARTMENTS
12 ITHACA ROAD ("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:

This premises has both an FIP and EWIS installed. According to residents, the FIP is only triggered when detectors in the common areas are activated. Detectors in the individual units only trigger the EWIS to activate and the alarm then sounds until the residents notify Fire Rescue NSW themselves and an appliance attends to the "alarm operating" call.

Residents have reported they have been chastised by other residents if anyone but the fire brigade silence the EWIS alarms.

The concern I have is that the residents are becoming complacent with their responses to an alarm within their building and they may miss their opportunity to evacuate safely should a real emergency occur at this premises.

I have only recently returned from leave, but my crew informed me that Darlinghurst Fire Station has attended this premises at least once a set for the last six sets.

Calls to the listed caretakers number do not go through as the number has been disconnected

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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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 17 September 2025.

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.

COMMENTS

The following items were identified in relation to the provisions for fire safety:

Provisions for Fire Safety

Smoke Detection and Alarm System (SDAS)

1. At the time of the inspection there were 4 disablements, and 3 faults were displayed on the Fire Detection Control and Indicating Equipment (FDCIE). The SDAS will not work as intended contrary to the requirements of Part E2 of the National Construction Code 2022, Volume 1 Building Code of Australia (NCC).
 - a) The disablements were for Unit 402 due to building works. Builders informed FRNSW that this zone would be restored at the end of the day.
 - b) The faults were for Level 4 WEST LIFT FOYER, Level 4 UNIT 403 ENTRY and, GROUND TOILET/STORE.
2. The Emergency Warning and Intercommunication System (EWIS) was isolated from operating automatically. The keyed switch was turned to the OFF position.
3. FRNSW have received correspondence from the Strata Manager that the faults associated with the FDCIE and EWIS have been rectified.

Fire Hydrant System

4. Electrical and telephone cabling installed in the Hydrant cupboard contrary to 5.3.1 of Australian Standard (AS) 2419.1 1994.

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5. The attack fire hydrant on the ground level was not accessible contrary to the requirements of 5.3.2 of AS 2419.1 1994. The valved outlet was installed at a height of 300mm behind timber framework.

Automatic Fire Sprinkler System

6. The effective height of the building is greater than 25m. FRNSW recommends installation of an Automatic Fire Sprinkler System in the premises. See FRNSW Position Statement, in [Fire Sprinkler System in Existing Building or Premises](#).

Regulatory Requirements

Fire Safety Statements

7. The most recent AFSS is not displayed at the building contrary to Section 89 of Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR2021). The AFSS on display was dated July 2022, and the most recent AFSS received by FRNSW is dated October 2023. FRNSW is unable to determine if the Fire Safety Measures are being maintained in accordance with Section 81 of EPAR 2021.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 7 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. This matter is referred to Council as the appropriate regulatory authority. FRNSW 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 FRN21/608 - BFS25/6230 - regarding any correspondence concerning this matter.

Yours faithfully



Paul Scott
Team Leader
Fire Safety Compliance Unit