

Attachment D

**Inspection Report
26 Point Street, Pyrmont**

Locality Map

CITY OF SYDNEY 



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Notes

26 Point Street Pymont

23/01/2025

**City of Sydney Investigation Officer Inspection and Recommendation Report
Clause 17(2), Part 8 of Schedule 5, of the Environmental Planning and Assessment
Act 1979 (the Act)**

File: CSM 3269531 **Officer:** Bill Badyari

Date: 30 January 2025

Premises: 26 Point Street, Pyrmont

Executive Summary:

The City received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 19 December 2024, with respect to matters of fire safety.

The premises consists of three residential apartment buildings namely C, D & E.

1. Building C has 9 levels with 6 levels residential apartments and 3 levels of basement parking
2. Building D has 12 levels with 9 levels residential apartment and 3 levels of basement parking
3. Building E has 14 levels with 11 levels of residential apartments and 3 levels of basement parking

An inspection of the premises undertaken by a City investigation officer in the presence of the building manager, revealed that the premises are deficient in fire safety and egress provisions in the following areas:

1. Inadequate fire detection and alarm systems;
2. Inadequate facilities for firefighting;
3. Poor fire safety management systems in place

The premises are equipped with numerous fire safety systems (both active and passive) that would provide adequate provision for fire safety for occupants in the event of a fire. The annual fire safety certification is current and compliant and is on display within the building in accordance with the requirements of the Environmental Planning and Assessment Regulation 2021.

Observation of the external features of the building identified there is combustible composite cladding on the façade of the building. A fire safety order was issued on the owners of the building on 7 May 2024 requiring removal of the combustible cladding and to replace with non-combustible cladding. The compliance period of the order expires on 16 February 2026, works under the order are on track. Cladding removal and replacement works have been approved by the City on 14 January 2025. The works are to be carried out by the NSW Government's Project Remediate Scheme Council has been carrying out progress inspections and monitoring the remediation works.

Whilst the City's investigation has identified several minor fire safety "maintenance and management" issues, the fire safety systems provided within the subject premises are considered adequate in the circumstances. The minor fire safety issues are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner's fire service contractor(s) through written instruction from the City.

Chronology:

Date	Event
19/12/2024	FRNSW correspondence received regarding 26 Point Street, Pyrmont referred to as 'Watermark Plaza-Building C, D & E'
02/01/2025	A review of City records showed: - The fire safety schedule for the premises contains 19 fire safety measures, including an automatic fire detection system, emergency lighting, fire hydrants system and a hose reel system - A fire safety statement dated 11 September 2024 has been provided for the premises. Cladding works are carried out by the NSW Government's Project Remediate Scheme, and the City has been carrying out progress inspections and monitoring the remediation works.
23/01/2025	An inspection by the City officer noted: - The buildings are equipped with several fire safety measures, including building occupant warning system, emergency lighting/automatic fire suppression system and automatic alarm and smoke detection system. - Smoke and heat detectors provided. - Clear signage displayed on the cupboard reading fire indicator panel. - One fault on display for power supply. - An Annual Fire Safety Statement dated 11 September 2024, was displayed in prominent area.
29/01/2025	Corrective action letter issued.

FIRE AND RESCUE NSW REPORT:

Fire and Rescue NSW conducted an inspection of the subject premises in response to the project remediate programme being undertaken by the NSW Department of Customer Service to address high risk combustible cladding on residential apartment buildings in NSW.

Fire and Rescue NSW reported several fire safety deficiencies noted in the table below:

Ref.	Issue	City response
Essential Fire Safety Measures		
1. Essential Fire Safety Measures		
1A	Automatic Fire Detection and Alarm System:	
i.	Carpark Fire Detection System – The Fire Brigade Panel was displaying one (x1) 'Fault/Disablement', identified as 'Zone 1 MCP - BGA Fire Door Entrance'. Discussions with the Building Manager at the time of the inspection revealed that the fire maintenance contractor was in progress of rectifying the issue.	Fault was cleared at the time of inspection. However another fault displayed for power supply, to be addressed under the corrective action letter.
ii.	Residential smoke alarm system - It could not be determined whether the Building Occupant Warning System (BOWS) would sound through all occupied areas of the building in accordance with Clause S20C7 of Specification 20 of the NCC.	To be addressed under the corrective action letter.
B.	Fire Hydrant System	
1B	The fire hydrant system appears to serve multiple buildings including Watermark Plaza - 26 Point Street, Watermark Pavilion – 24 Point Street, Watermark Tower – 2 Jones Bay Road and the shared 'BMC' basement carpark. The following comments are provided having regard to AS 2419.1-2005:	

Ref.	Issue	City response
A.	The fire brigade booster assembly:	
i.	Location – The fire brigade booster assembly is not within site of the main entrance of the building (Watermark Plaza and Watermark Pavilion 24-26 Point Street), contrary to the requirements of Clause 7.3 of AS 2419.1-2005. FRNSW would benefit from a visual alarm device (VAD) located on the wall fronting Jones Bay Road (at the entry driveway where the booster assembly is located) and signage which clearly identifies each building (and address) served by the fire hydrant booster assembly / hydrant system. Furthermore, FRNSW would also benefit from a block plan of the hydrant system and booster assembly location signage at each building entry point to assist FRNSW locating the booster assembly.	To be addressed under the corrective action letter.
C.	Automatic Fire Suppression System	
1C.	The sprinkler system appears to serve only the basement carpark levels for Watermark Plaza – 26 Point Street and Watermark Pavilion – 24 Point Street. The following comments are provided having regard to AS 2118.1-1999.	To be addressed under the corrective action letter.
A.	The sprinkler booster assembly:	
i.	A sign marked with the maximum allowable inlet pressure at the connection was not provided at the booster assembly, contrary to the requirements of Clause 4.4.3 of AS 2118.1-1999.	To be addressed under the corrective action letter.
ii.	A plan of risk (block plan) of the sprinkler system was not provided at the booster assembly, contrary to the requirements of Clause 8.3 of AS 2118.1-1999.	To be addressed under the corrective action letter.
1D.	Exit signs:	
A.	Multiple exit signs throughout the carpark levels were not illuminated and had not maintained, contrary to the requirements of Section 81 of the EPAR 2021.	No faults observed at the time of inspections, all signs within the carpark level were illuminated accordingly.
1E.	Annual Fire Safety Statement (AFSS):	
A.	A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 89 of the EPAR 2021.	Copy of current AFSS displayed in the prominent area at time of inspection.
2.	Generally:	
2A.	Effective Height – Block E (which connects with Blocks C & D), appears to achieve an effective height exceeding 25m as defined by the NCC. In this regard, buildings achieving an effective height exceeding 25m have more onerous requirements than a building with an effective height of 25m or under. In this regard, the following requirements, but not limited to these requirements, may apply to the building, should Council consider the building to achieve an effective height exceeding 25m:	No action required. The relevant Building Code of Australia version at time of original Construction was BCA1996. The Definition of <i>Effective height</i> in BCA1996 differed from current BCA2022 and was defined as <i>the height to the floor of the topmost storey from the floor of the lowest storey providing direct egress to a road or open space.</i>

Ref.	Issue	City response
i.	Automatic Fire Suppression System - The building would require a sprinkler system throughout all areas, including the residential levels, in accordance with the requirements of Clause E1D4 and Clause E1D5 of the NCC.	No action required. The buildings were built in 1997. The use has not changed, nor has there been an intensification of the use. The as-built form of the buildings complied with the BCA at the time of construction. A sprinkler system was not required at the time in all areas of the building under 25 metres. The buildings have adequate fire safety measures in place to protect the occupants. An upgrade to sprinkler system to all areas is not warranted at this time.
ii.	Air Pressurisation System – The fire-isolated stairway serving the residential levels in Block E, would require an air pressurisation system complying with AS 1668.1, in accordance with the requirements of Clause E2D4 of the NCC.	Air pressurisation system operation is confirmed in the current fire safety measures.
iii.	Automatic Smoke Detection and Alarm System – The building would require an automatic smoke detection and alarm system complying with Specification 20, in accordance with the requirements of Clause E2D5 of the NCC.	Automatic smoke detection and alarm system operation is confirmed in the current fire safety measures.
iv.	Fire Hydrant Ring Main – The fire hydrants would need to be connected to a ring main, in accordance with the requirements of Clause E1D2 of the NCC and Clause 8.6 of AS 2419.1-2021.	The buildings were built in 1997. The use has not changed, nor has there been an intensification of the use. The as-built form of the buildings complied with the BCA at the time of construction, are in good order. A further upgrade is not warranted at this time.
v.	Emergency Warning and Intercom System – The building would require an emergency warning and intercom system, complying with AS 1670.4, in accordance with the requirements of Clause E4D9 of the NCC.	
vi.	Number of exits – Each storey of the building would require access to not less than 2 exits, in accordance with Clause D2D3 of the NCC.	
vii	Re-entry from fire-isolated exits – The doors to the fire-isolated stairways serving the residential levels in Block E, would require re-entry (with appropriate signage) on every fourth floor and fail-safe devices that automatically unlocks the door upon activation of a fire alarm on the other doors throughout the exit, in accordance with the requirements of Clause D3D27 of the NCC.	

FRNSW is therefore of the opinion that the fire safety provisions prescribed for the purposes of 9.32(1)(b) of the EP&A Act, have not been complied with.

FRNSW recommended that the City inspect and address any other deficiencies identified on 'the premises' and require item no.1 of their report to be appropriately addressed and item no. 2 to be considered.

OFFICER RECOMMENDATIONS:

Issue Order	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued The City correspondence	Continue with compliance actions under the current Order	Other (to specify)
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As a result of site inspections undertaken by the City investigation officer, the building owner has been issued with written instructions to rectify the fire safety deficiencies identified by council's Officer and noted in the table above.

The above written instructions direct the owners of the premises to carry out remedial actions to existing fire systems to cause compliance with required standards of performance.

Follow-up compliance inspections will be undertaken by the City officer to ensure all identified fire safety matters are suitably addressed and that compliance with the terms of the City's correspondence and the recommendations of FRNSW occur.

It is recommended that the City not exercise its powers to give a fire safety order at this time, and that the Commissioner of FRNSW be advised of the City's actions and determination.

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File Ref. No: FRN24/1492 - BFS24/7549 - 8000039347
TRIM Ref. No: D24/146252
Contact: Mark Knowles

13 December 2024

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
'WATERMARK PLAZA – BUILDINGS C, D & E'
26 POINT STREET, PYRMONT ("the premises")**

In response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW, an inspection of 'the premises' on 14 November 2024 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW), pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In this instance, the inspection revealed fire safety concerns that may require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

In this regard, the inspection was limited to the following:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as 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.

Fire and Rescue NSW

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On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items outline concerns in general terms, deviations from the fire safety provisions prescribed in Section 9.32(1)(b) of the EP&A Act and Clause 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

The following was observed at the time of the inspection:

1. Essential Fire Safety Measures

1A. Automatic Fire Detection and Alarm System:

- A. The building appears to be provided with a fire detection system, consisting of AS1670 smoke/thermal detectors throughout the carpark levels, with a Fire Brigade Panel (FBP) located in the sprinkler valve room (Jones Bay Road) and a separate smoke alarm system throughout the residential levels (Buildings C, D & E), consisting of AS3786 smoke alarms in the common areas/public corridors, with a local smoke alarm control panel located in the Managers Office on Level 4 (Building E).

The following was observed at the time of the inspection:

- i. Carpark Fire Detection System – The Fire Brigade Panel was displaying one (x1) 'Fault/Disablement', identified as 'Zone 1 MCP - BGA Fire Door Entrance'.

Discussions with the Building Manager at the time of the inspection revealed that the fire maintenance contractor was in progress of rectifying the issue.

- ii. Residential smoke alarm system - It could not be determined whether the Building Occupant Warning System (BOWS) would sound through all occupied areas of the building in accordance with Clause S20C7 of Specification 20 of the NCC.

- 1B. The Fire Hydrant System – The fire hydrant system appears to serve multiple buildings including Watermark Plaza - 26 Point Street, Watermark Pavilion – 24 Point Street, Watermark Tower – 2 Jones Bay Road and the shared 'BMC' basement carpark. The following comments are provided having regard to AS 2419.1-2005:

A. The fire brigade booster assembly:

- i. Location – The fire brigade booster assembly is not within site of the main entrance of the building (Watermark Plaza and Watermark Pavilion 24-26 Point Street), contrary to the requirements of Clause 7.3 of AS 2419.1-2005.

FRNSW would benefit from a visual alarm device (VAD) located on the wall fronting Jones Bay Road (at the entry driveway where the booster assembly is located) and signage which clearly identifies each building (and address) served by the fire hydrant booster assembly / hydrant system.

Furthermore, FRNSW would also benefit from a block plan of the hydrant system and booster assembly location signage at each building entry point to assist FRNSW locating the booster assembly.

1C. Automatic Fire Suppression System – The sprinkler system appears to serve only the basement carpark levels for Watermark Plaza – 26 Point Street and Watermark Pavilion – 24 Point Street. The following comments are provided having regard to AS 2118.1-1999:

A. The sprinkler booster assembly:

- i. A sign marked with the maximum allowable inlet pressure at the connection was not provided at the booster assembly, contrary to the requirements of Clause 4.4.3 of AS 2118.1-1999.
- ii. A plan of risk (block plan) of the sprinkler system was not provided at the booster assembly, contrary to the requirements of Clause 8.3 of AS 2118.1-1999.

1D. Exit signs:

- A. Multiple exit signs throughout the carpark levels were not illuminated and had not maintained, contrary to the requirements of Section 81 of the EPAR 2021.

1E. Annual Fire Safety Statement (AFSS):

- A. A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 89 of the EPAR 2021.

FRNSW is therefore of the opinion that the fire safety provisions prescribed for the purposes of 9.32(1)(b) of the EP&A Act, have not been complied with.

ADDITIONAL COMMENTS

In addition to the items identified above, relating to the Fire Safety Provisions prescribed by Clause 112 of the EPAR 2021, the following items were also identified as concerns at the time of the inspection and it would be at council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

2. Generally:

- 2A. Effective Height – Block E (which connects with Blocks C & D), appears to achieve an effective height exceeding 25m as defined by the NCC. In this regard, buildings achieving an effective height exceeding 25m have more onerous requirements than a building with an effective height of 25m or under. In this regard, the following requirements, but not limited to these requirements, may apply to the building, should Council consider the building to achieve an effective height exceeding 25m:
- i. Automatic Fire Suppression System - The building would require a sprinkler system throughout all areas, including the residential levels, in accordance with the requirements of Clause E1D4 and Clause E1D5 of the NCC.
 - ii. Air Pressurisation System – The fire-isolated stairway serving the residential levels in Block E, would require an air pressurisation system complying with AS 1668.1, in accordance with the requirements of Clause E2D4 of the NCC.
 - iii. Automatic Smoke Detection and Alarm System – The building would require an automatic smoke detection and alarm system complying with Specification 20, in accordance with the requirements of Clause E2D5 of the NCC.
 - iv. Fire Hydrant Ring Main – The fire hydrants would need to be connected to a ring main, in accordance with the requirements of Clause E1D2 of the NCC and Clause 8.6 of AS 2419.1-2021.
 - v. Emergency Warning and Intercom System – The building would require an emergency warning and intercom system, complying with AS 1670.4, in accordance with the requirements of Clause E4D9 of the NCC.
 - vi. Number of exits – Each storey of the building would require access to not less than 2 exits, in accordance with Clause D2D3 of the NCC.

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- vii. Re-entry from fire-isolated exits – The doors to the fire-isolated stairways serving the residential levels in Block E, would require re-entry (with appropriate signage) on every fourth floor and fail-safe devices that automatically unlocks the door upon activation of a fire alarm on the other doors throughout the exit, in accordance with the requirements of Clause D3D27 of the NCC.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address item no. 1 of this report.
- b. Give consideration to the other deficiencies identified on 'the premises' identified in item no. 2 of this report.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference FRN24/1492 - BFS24/7549 - 8000039347 for any future correspondence in relation to this matter.

Yours faithfully



Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit