

Attachment E

**Inspection Report
22 Point Street, Pyrmont**



**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 3269523 **Officer:** Bill Badyari

Date: 28 January 2025

Premises: 22 Point Street, Pyrmont

Executive Summary:

The City of Sydney ('the City') received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 13 December 2024, with respect to matters of fire safety.

The premises is a seven (7) storey residential apartment building. The basement, level 1 and level 2 are parking and level 3 to level 7 are apartments.

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

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 the owners to remove 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 carried out by the NSW Government's Project Remediate Scheme, and the City 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.

It is considered that the above 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
02/01/2025	FRNSW correspondence received regarding 22 Point Street Pyrmont referred to as 'Watermark Terrace'
02/01/2025	A review of City records showed: - The fire safety schedule for the premises contains 14 fire safety measures, including smoke and heat alarms, emergency lighting, fire hydrants systems and a hose reel system - A fire safety statement dated 13 August 2024 has been provided for the premises. Cladding works are being 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 that: - The building is equipped with several fire safety measures noted, including smoke and heat detectors, emergency lighting/fire hydrants systems and hose reel systems. - Mechanical air handling systems are provided. - No faults in the FIP panel at the time. - An Annual Fire Safety Statement dated 13 August 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 on 14 November 2024 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.

The report from FRNSW detailed a number of issues, in particular:

Ref.	Issue	City response
Essential Fire Safety Measures		
1A	Smoke Alarm System and Building Occupant Warning System (BOWS):	
A.	The building appears to be provided with a smoke alarm system throughout the residential levels, consisting of AS3786 smoke alarms in the common areas/public corridors, with a local smoke alarm control panel located in the Service Room on Level 2 (entry level), in accordance with the requirements of Clause E2D8 and Specification 20 of the NCC (Clause S20C3). Common area smoke alarms are interconnected between levels to provide a common building alarm to alert all building occupants (i.e. the required BOWS) and it appears that the Decibel (dBA) level from the smoke alarms in the common areas provide adequate occupant warning to the Sole Occupancy Units (SOUs). Notwithstanding this, the following issues were identified: i. Smoke alarms are not provided to 'all other internal public spaces', such as the garbage room on Level 2 (entry level), contrary to the requirements of Clause S20C3(2)(c) of Specification 20 of the NCC.	Addressed under the corrective action letter.

Ref.	Issue	City response
B.	Fire Hydrant System	
1B	Fire Hydrant System – The Annual Fire Safety Statement and the hydrant block plan on display listed the standard of performance for the hydrant system as being AS 2419-1-1994. As such, the following comments are provided having regard to AS 2419.1-1994:	
A.	The hydrant booster assembly:	
i.	The booster assembly is located in a locked enclosure which did not contain a lock compatible with FRNSW access key (003 key) and is therefore not readily accessible to fire fighters, contrary to the requirements of Clause 5.6.3 of AS 2419.1- 1994.	Addressed under the corrective action letter.
B.	The pumproom:	
i.	The door to the pump room was not fitted with a lock compatible with FRNSW access key and is therefore inconsistent with the requirements of FRNSW/NSWFB Section 188 Exemption Reference FSD/RES/103140.	Addressed under the corrective action letter.
1C.	Fire Doors:	
A.	The fire door to the exit on Basement level (Level 1), adjacent to the carwash bay, had not been maintained in accordance with the requirements of Clause 81 of the EPAR 2021. In this regard, the fire door failed to return to the fully closed position (and self-latch) after each opening, when tested, contrary to the requirements of Clause C4D9 and Specification 12 of the NCC and AS1905.1	Addressed under the corrective action letter.
D.	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. In this regard, the AFSS on display was dated August 2023 and is no longer valid.	Current AFSS displayed at the time
2.	Generally:	
2A.	Access and Egress	
A.	Operation of latch – The discharge door from the fire isolated stairway serving the residential levels, contained a round tulip style handle in lieu of a single hand downward action lever handle, contrary to the requirements of Clause D3D26 of the NCC.	Addressed under the corrective action letter.

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 items no.1 and 2 of their report to be appropriately addressed.

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 identified fire safety deficiencies noted by FRNSW.

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: FRN24/1491 - BFS24/7547 - 8000039345
TRIM Ref. No: D24/146602
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 TERRACE'
22 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. Smoke Alarm System and Building Occupant Warning System (BOWS):

- A. The building appears to be provided with a smoke alarm system throughout the residential levels, consisting of AS3786 smoke alarms in the common areas/public corridors, with a local smoke alarm control panel located in the Service Room on Level 2 (entry level), in accordance with the requirements of Clause E2D8 and Specification 20 of the NCC (Clause S20C3).

Common area smoke alarms are interconnected between levels to provide a common building alarm to alert all building occupants (i.e. the required BOWS) and it appears that the Decibel (dBA) level from the smoke alarms in the common areas provide adequate occupant warning to the Sole Occupancy Units (SOUs).

Notwithstanding this, the following issues were identified:

- i. Smoke alarms are not provided to 'all other internal public spaces', such as the garbage room on Level 2 (entry level), contrary to the requirements of Clause S20C3(2)(c) of Specification 20 of the NCC.
- 1B. Fire Hydrant System – The Annual Fire Safety Statement and the hydrant block plan on display listed the standard of performance for the hydrant system as being AS 2419-1-1994. As such, the following comments are provided having regard to AS 2419.1-1994:
 - A. The hydrant booster assembly:
 - i. The booster assembly is located in a locked enclosure which did not contain a lock compatible with FRNSW access key (003 key) and is therefore not readily accessible to fire fighters, contrary to the requirements of Clause 5.6.3 of AS 2419.1-1994.

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B. The pumproom:

- i. The door to the pump room was not fitted with a lock compatible with FRNSW access key and is therefore inconsistent with the requirements of FRNSW/NSWFB Section 188 Exemption Reference FSD/RES/103140.

1C. Fire Doors:

- A. The fire door to the exit on Basement level (Level 1), adjacent to the carwash bay, had not been maintained in accordance with the requirements of Clause 81 of the EPAR 2021. In this regard, the fire door failed to return to the fully closed position (and self-latch) after each opening, when tested, contrary to the requirements of Clause C4D9 and Specification 12 of the NCC and AS1905.1

1D. 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. In this regard, the AFSS on display was dated August 2023 and is no longer valid.

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. Access and Egress

- A. Operation of latch – The discharge door from the fire isolated stairway serving the residential levels, contained a round tulip style handle in lieu of a single hand downward action lever handle, contrary to the requirements of Clause D3D26 of the NCC.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address item no. 1 of this report.

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- 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 FRN24/1491 - BFS24/7547 - 8000039345 for any future correspondence in relation to this matter.

Yours faithfully



Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit