

Attachment C

**Inspection Report
120-122 Saunders Street, Pyrmont**



Figure 1: 120-122 Saunders Street, Pyrmont

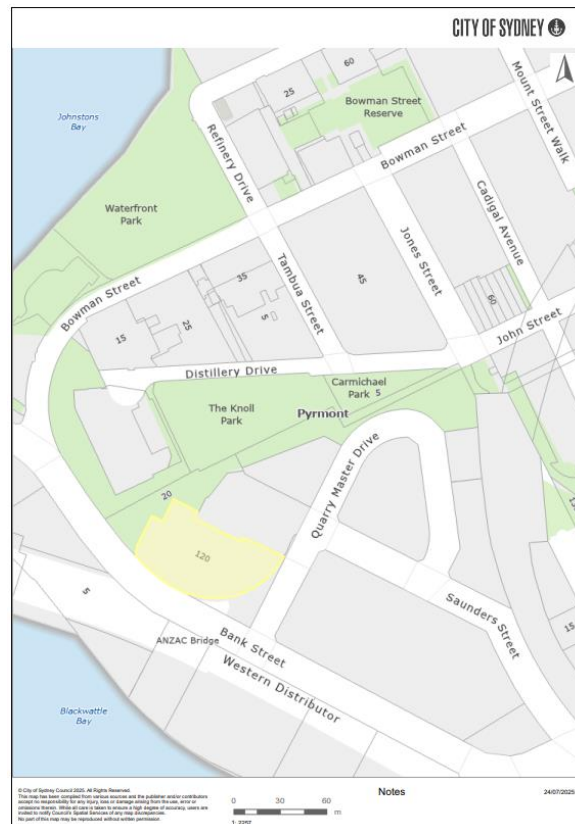


Figure 2: Location map of 120-122 Saunders Street, Pyrmont

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: Andrew Porter

Date: 24 July 2025

Premises: 120-122 Saunders Street, Pyrmont

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 2 July 2025 with respect to matters of fire safety.
2. The premises consists of a 15 storey building used for residential accommodation.
3. The City inspected the premises on 24 July 2025, accompanied by the building manager, representatives of each owners committee and the owner's fire service contractor. This inspection identified fire safety provisions requiring maintenance, which can be addressed under the City's instruction.

Chronology

Date	Event
2 July 2025	FRNSW correspondence received
24 July 2025	The City inspected the premises
25 July 2025	The City issued correspondence to the building owners to address the minor maintenance issues noted during the inspection and requested information on the performance of the fire hydrant installation within the building. The required works should be completed by the 26 September 2025.

Fire and Rescue NSW Report

4. Fire and Rescue NSW conducted an inspection of the subject premises on 5 June 2025.

Issues

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

Ref.	Issue	City response
1	Essential Fire Safety Measures	
1A	Automatic Smoke Detection and Alarm System and Building Occupant Warning System (BOWS)	
A	FRNSW are of the opinion that maintenance is not being carried out in accordance with Section 81 of Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR21). FRNSW observed the following which may affect the operation of the SDAS:	
	i. 2 April 2025 Fifty-One (51) faults on the main Fire Indicator Panel (FIP), and Three (3) faults on the Emergency Warning and Intercommunication System (EWIS) panel.	FRNSW have resolved these faults.
	ii. 23 April 2025 Twenty-Eight (28) Faults on the main FIP, and Three (3) faults on the EWIS panel.	FRNSW have resolved these faults.
	iii. 5 June 2025 Six (6) Disablements showing on the main FIP. Building management re-enabled the 6 disablements whilst FRNSW were on site, and the FIP and EWIS were restored to normal.	FRNSW have resolved these disablements.
B.	The smoke detector in the Level 4 (Ground) Chute Room was covered by black plastic and not capable of operating, contrary to the requirements of Section 81 of the EPAR21.	The City officer observed during the inspection that this smoke detector was not covered and was capable of operating to the required standard of performance.
C.	The zone addressing of the fire indicator panel and the building identifiers create confusion for firefighters attending calls of fire at the premises. The block plans have been modified by permanent marker to compensate for FIP addressing. E.g. The FIP address for Zone 63 is ZONE 63 – TWR B L5 COMMON AREA and	The City Officer observed during the inspection of the building that the block plan had been subject of handwritten edits that could lead to confusion of the alarm location. Written correspondence was issued to the owners to modify the fire

Ref.	Issue	City response
	along with the floor plan, shows Zone 63 as being in Tower B (Figure 1). Zone 63, though, is in Tower A. When firefighters are advising occupants, they are going to TWR B L5, the occupants direct them to Tower A. Should an incident occur that requires greater FRNSW resources, the incident controller may not be able to provide adequate safeguards to firefighters as firefighting crews may be sent to the wrong building based all information available to the attending crews. Emergency evacuation plans detail Building A, 122 Saunders and Building B, 120 Saunders (Figure 2).	alarm system block plan to address this minor issue.
1B	Emergency Warning and Intercommunication System (EWIS)	
A.	It could not be determined if the occupiable outdoor barbeque area on Level 14 of 120 Saunders Street was provided with building occupant warning in accordance with Specification 20, Clause S20C7 of the NCC. FRNSW could not identify any speakers to provide occupant warning to the area.	The City Officer observed during the inspection of the building that a new speaker had been installed in this location.
1C	Fire Hydrant System	
A.	Boost and test pressures were not provided at the fire hydrant booster. As such, FRNSW are unable to determine the pressure required to achieve a minimum of 700 kPa for firefighting operations.	The City Officer observed during the inspection that boost and test pressure signage was not installed . Written correspondence has been issued to the owners on 25 July 2025 seeking information such as pressure and flow test reports to determine whether any future upgrade of the fire hydrant system is required to meet Fire and Rescue NSW operational requirements.
B.	The fire hydrant block plan would indicate that when the hydrant booster pump is running, the Ordinance 70 hydrant system would have a maximum pressure of >1000	The City Officer observed during the inspection the fire hydrant block plan and the information that is

Ref.	Issue	City response
	kPa at the bottom of the building, which exceeds the maximum, 650 kPa, specified In Ministerial Specification 10 of Ordinance 70. FRNSW are unable to determine if the hydrant block plan identifies all components of the system.	contrary to the standard of installation. Written correspondence has been issued seeking the owners to review the block plan and ensure the accuracy of the information.
1D	Automatic Fire Suppression System	
A.	The fire brigade booster connection was not provided with the maximum allowable inlet pressure at the connection, contrary to the requirements of Clause 4.4.3 of Australian Standard (AS) 2118.1-1995.	City Officer inspected the building and observed the fire brigade booster connection and that there was no maximum allowable inlet pressure signage. Written correspondence has been issued seeking the owners to install a notice of maximum allowable inlet pressure as required.
B.	The Automatic Fire Suppression System was only provided to the Class 7a carpark portion of the building. FRNSW note the building to be over 25m and have a rise in storey of 14. The residential portion of the building is not provided with an automatic fire suppression system contrary to the requirements of Clause E1D5 of the NCC.	The City Officer inspected the building and observed that the only areas of the building fitted with a sprinkler system was the basement carpark. At the time the building was constructed sprinklers were not required to be installed within a building of the same use, height and construction. The building has been subject of a previous fire safety order issued by the City and upon completion of the terms of that order was deemed adequate in provision of fire safety.
1E.	Portable Fire Extinguishers (PFE's)	
A.	The PFE located on Level 14 of 120 Saunders Street was mounted with the top of the extinguisher being higher than 1200mm ($\approx$ 1290mm), contrary to the requirements of Figure 3.2 of AS 2444-2001.	The City Officer inspected the building and observed the fire extinguisher in this location had been remounted in compliance with the standard.

Ref.	Issue	City response
2.	Access and Egress	
2A.	Handrails within the fire isolated stairways were fixed at a height less than 865mm (≈ 840mm), contrary to the requirements of Clause D3D22 of the NCC.	The City Officer inspected the building and observed the handrails within the fire stair generally were fixed at a height of 840mm above the nosing of the stair contrary to the requirements of the NCC. The handrails within the stairs are original and have never been altered or replaced. The building has been subject of a previous fire safety order issued by the City and upon completion of the terms of that order on 1 November 2018, was deemed adequate in provision of fire safety and egress provisions. This minor deviation from the current building code requirements does not render the building inadequate in provision of fire safety which is the threshold required to order the owners to carry out specific works.
2B.	The required exit door on Level 18 of 120 Saunders Street was fitted with a tulip handle and was not capable of being opened by a single hand downward action, contrary to the requirements of Clause D3D26 of the NCC.	The City Officer inspected the building and observed that the handle on the required exit door on level 18 of 120 Saunders Street had been changed to a handle complying with the relevant requirements of the NCC.

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 25 July 2025 to the building owners to address the fire safety deficiencies identified by the City and FRNSW.
8. It is recommended Council not exercise its powers to give a fire safety order at this time. It is recommended that the Commissioner of FRNSW be informed of the City's decision.

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File Ref. No: FRN15/961 - BFS25/573 - 8000040535
TRIM Ref. No: D25/70549
Contact: Station Officer David Weekes

2 July 2025

General Manager
City of Sydney Council
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
BAYVIEW TOWERS
120-122 SAUNDERS STREET PYRMONT (hereafter "the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 26 January 2025 concerning the adequacy of the provision for fire safety in connection with the premises.

The correspondence stated that:

- *Fire Panel is showing eighty (80) faults in the system ranging from missing detectors through to faulty detectors in residential apartments. Faults in the system date back 18 months and have yet to be rectified.*

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 April 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.

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483
www.fire.nsw.gov.au		Page 1 of 11

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- 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.

NOTICE OF INTENTION TO SERVE AN ORDER

FRNSW issued a Notice of Intention to Serve an Order (1) dated 3 April 2025 under the provisions of Section 9.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

REPRESENTATIONS & INSPECTION

Written representations were received concerning the proposed **Order 1** under Schedule 5, Part 6, Section 8 of the EP&A Act, and after receiving the representations, an inspection was conducted on 23 April 2025 under Section 9.32 of the EP&A Act. Upon hearing and considering the representation and subsequent inspection, FRNSW gave an Order under Schedule 5, Part 7, Section 15 of the EP&A Act.

FIRE SAFETY ORDER NO. 1

Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. 1, dated 23 April 2025 under the provisions of Section 9.34 of the EP&A Act. A copy of the Order is attached for your information under the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act.

RE-INSPECTION

Pursuant to the provisions of Section 9.32(1)(b) of the EP&A Act and Section 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR2021), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected the premises on 5 June 2025.

INSPECTION OUTCOME

At the time of the inspection, the terms of 'the Order' issued on the premises were compliant. In this regard, Council is not required to act on item no. 1A(A) of this report. It is the Council's discretion to inspect and address any other deficiencies identified on the premises.

COMMENTS

The following items were identified during the inspection:

1. Essential Fire Safety Measures

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1A. Automatic Smoke Detection and Alarm System (ASDAS)

- A. FRNSW are of the opinion that maintenance is not being carried out in accordance with Section 81 of Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR21). FRNSW observed the following which may affect the operation of the SDAS:

i. 2 April 2025

Fifty-One (51) faults on the main Fire Indicator Panel (FIP), and Three (3) faults on the Emergency Warning and Intercommunication System (EWIS) panel.

ii. 23 April 2025

Twenty-Eight (28) Faults on the main FIP, and Three (3) faults on the EWIS panel.

iii. 5 June 2025

Six (6) Disablements showing on the main FIP.

Building management re-enabled the 6 disablements whilst FRNSW were on site, and the FIP and EWIS were restored to normal.

- B. The smoke detector in the Level 4 (Ground) Chute Room was covered by black plastic and not capable of operating, contrary to the requirements of Section 81 of the EPAR21.

- C. The zone addressing of the fire indicator panel and the building identifiers create confusion for firefighters attending calls of fire at the premises. The block plans have been modified by permanent marker to compensate for FIP addressing.

E.g. The FIP address for Zone 63 is *ZONE 63 – TWR B L5 COMMON AREA* and along with the floor plan, shows Zone 63 as being in Tower B (Figure 1). Zone 63, though, is in Tower A.

When firefighters are advising occupants, they are going to TWR B L5, the occupants direct them to Tower A. Should an incident occur that requires greater FRNSW resources, the incident controller may not be able to provide adequate safeguards to firefighters as firefighting crews may be sent to the wrong building based all information available to the attending crews.

Emergency evacuation plans detail Building A, 122 Saunders and Building B, 120 Saunders (Figure 2).

1B. Emergency Warning and Intercommunication System (EWIS)

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- A. It could not be determined if the occupiable outdoor barbeque area on Level 14 of 120 Saunders Street was provided with building occupant warning in accordance with Specification 20, Clause S20C7 of the NCC. FRNSW could not identify any speakers to provide occupant warning to the area.

1C. Fire Hydrant System

- A. Boost and test pressures were not provided at the fire hydrant booster. As such, FRNSW are unable to determine the pressure required to achieve a minimum of 700 kPa for firefighting operations.
- B. The fire hydrant block plan would indicate that when the hydrant booster pump is running, the Ordinance 70 hydrant system would have a maximum pressure of >1000 kPa at the bottom of the building, which exceeds the maximum, 650 kPa, specified in Ministerial Specification 10 of Ordinance 70. FRNSW are unable to determine if the hydrant block plan identifies all components of the system.

1D. Automatic Fire Suppression System

- A. The fire brigade booster connection was not provided with the maximum allowable inlet pressure at the connection, contrary to the requirements of Clause 4.4.3 of Australian Standard (AS) 2118.1-1995.
- B. The Automatic Fire Suppression System was only provided to the Class 7a carpark portion of the building. FRNSW note the building to be over 25m and have a rise in storey of 14. The residential portion of the building is not provided with an automatic fire suppression system contrary to the requirements of Clause E1D5 of the NCC.

1E. Portable Fire Extinguishers (PFE's)

- A. The PFE located on Level 14 of 120 Saunders Street was mounted with the top of the extinguisher being higher than 1200mm ($\approx$ 1290mm), contrary to the requirements of Figure 3.2 of AS 2444-2001.

2. Access and Egress

- 2A. Handrails within the fire isolated stairways were fixed at a height less than 865mm ($\approx$ 840mm), contrary to the requirements of Clause D3D22 of the NCC.
- 2B. The required exit door on Level 18 of 120 Saunders Street was fitted with a tulip handle and was not capable of being opened by a single hand downward action, contrary to the requirements of Clause D3D26 of the NCC.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 and 2 (excluding item 1A(A)) of this report and conduct an inspection.
- b. Review the addressing of the fire indicator panel and/or building identifiers.
- 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.

Please do not hesitate to contact Station Officer David Weekes 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 FRN15/961 - BFS25/573 - 8000040535 regarding any correspondence concerning this matter.

Yours faithfully



Paul Scott
Team Leader
Fire Safety Compliance Unit

Attachment: [Appendix 1 – Fire Safety Order - Order No. 1 - 4 pages]

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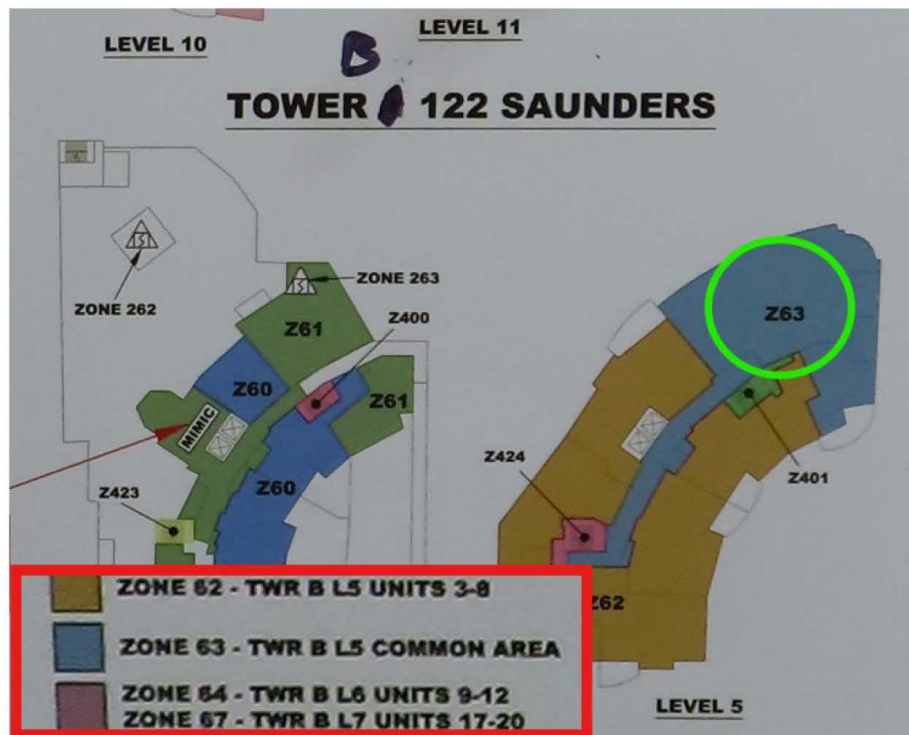


Image 1 - FIP block plan changed to reflect inaccurate zone addressing

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Image 2 – Emergency Plans with building addresses.

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Appendix 1 – Fire Safety Order - Order No. 1

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File Ref. No: FRN15/961 - BFS25/573 - 8000040535
TRIM Ref. No: D25/45257
Contact: Fire Safety Officer David Weekes

23 April 2025

The Owners of Strata Plan No. 46801
C/- Strata Edge
498-502 Parramatta Road
Petersham NSW 2049

Dear Sir / Madam

**Re: FIRE SAFETY ORDER – ORDER NO.1
BAYVIEW TOWERS
120-122 SAUNDERS STREET PYRMONT (“the premises”)**

Fire & Rescue NSW (FRNSW) has received your letter dated 17 April 2025 in response to the Notice of Intention to give a Proposed Fire Safety Order – Order No.1 dated 3 April 2025.

FRNSW has determined to issue the **Fire Safety Order – Order No.1** (“**Order No.1**”), in response to your representations, re-inspection on 23 April 2025 and consideration given under the provisions of Schedule 5, Part 7 (Section 14 and Section15) of the *Environmental Planning & Assessment Act 1979* (EP&A Act). Accordingly, I have attached a copy of the FRNSW “**Order No. 1**” dated 23 April 2025, issued under Section 9.34 of the EP&A Act.

A copy of the “**Order No.1**” will be forwarded to City of Sydney Council, under Schedule 5, Part 6, Section 12 of the EP&A Act. Authorised Fire Officers will conduct inspections to assess compliance with the “**Order No.1**”.

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7843
www.fire.nsw.gov.au		Page 1 of 4

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Please do not hesitate to contact Fire Safety Officer David Weekes of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call on (02) 9742 7434 if there are any questions or concerns about the above matters. Please ensure that you refer to file reference FRN15/961 - BFS25/573 - 8000040535 regarding any correspondence concerning this matter.

Yours faithfully,



Ryan Maestri
Senior Building Surveyor
Fire Safety Compliance Unit

CC: Jon Porter
Strata Edge
Email - admin@strataedge.com.au

Council of the City of Sydney
Email - council@cityofsydney.nsw.gov.au

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Fire Safety Order ORDER No. 1

Under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*
Part 9 Implementation and Enforcement – Division 9.3 Development Control Orders
Fire Safety Orders in accordance with the table to Part 2 - Schedule 5.
Give an Order in accordance with Section 9.34(1)(b)

I, **David Weekes** **Station Officer** **9327**
(name) (rank) (number)

being an authorised Fire Officer within the meaning of Schedule 5, Part 8, Section 16 of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose, hereby order you

Owners of Strata No.
SP46801 120 Saunders Street Pyrmont **Owners**
SP47754 122 Saunders Street Pyrmont
(name of the person whom Order is served) (position, i.e. owner, building manager)

with respect to the premise

BAYVIEW TOWERS
120-122 SAUNDERS STREET PYRMONT ("the premises")
(name/address of premises to which Order is served)

to do, or refrain from doing, the following things:

1. Restore the Smoke Detection and Alarm System (SDAS) to operate automatically by removing all faults and isolations from the Fire Detection Control and Indicating Equipment (FDCIE).
2. Restore the Emergency Warning and Intercommunication System (EWIS) to operate automatically by removing all faults.

The reasons for the issue of this Fire Safety Order - Order No.1 are:

- a At the time of the inspection the building was occupied.
- b The LCD of the firefighter facility on the FDCIE displayed Twenty-Eight (28) faults.

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- c The EWIS panel was showing 'Common Fault' and 'General Fault', and Three (3) zones were in fault:
 - i. 'TOWER B LVL 15'
 - ii. 'TOWER B LVL 7'
 - iii. 'TOWER A LVL 14'
- d A black protective cover was covering a smoke detector within the Level 4 (Ground) (garbage) chute room of 122 Saunders Street.
- e A SDAS and EWIS that is not operating to the minimum standard of performance will delay the notification of a fire at the premises, exposing occupants to elevated temperatures and smoke at the premises during evacuation.
- f To do or refrain from doing such things specified in the Order to ensure or promote adequate fire safety or awareness.

The terms of this Fire Safety Order - Order No.1 are to be complied with:

By no later than **12:00 pm** on the **23 May 2025**.

You are required to submit the certification to:

David Weekes
Fire Safety Officer
Fire & Rescue NSW
Locked Bag 12
GREENACRE NSW 2190
e-mail: firesafety@fire.nsw.gov.au

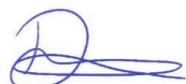
Appeals

Pursuant to Section 8.18 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against this Fire Safety Order - Order No.1 other than an order that prevents a person from using or entering premises.

Non-Compliance with Fire Safety Order – Order No.1

Failure to comply with this Fire Safety Order - Order No.1 may result in further Orders and/or fines being issued.

Substantial penalties may also be imposed under Section 9.37 of the EP&A Act for failure to comply with a Fire Safety Order - Order No.1.



David Weekes
Fire Safety Officer
Fire Safety Compliance Unit

This Fire Safety Order - **Order No. 1** was mailed on **23 April 2025**.