

Attachment D

**Inspection Report
1 Dixon Street, Sydney**

1 Dixon Street, Sydney "Harbourside Garden Towers"



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Notes

10/01/2023

t: 3305

**Council Investigation Officer Inspection and Recommendation Report
Clause 17(2) of Schedule 5 of the Environmental Planning and Assessment Act 1979
(the Act)**

File: CSM 2877489

Officer: Ashley Host

Date: 8 February 2023

Premises: 1 Dixon Street, Sydney AKA 28-30 Harbour Street (“Harbourside Garden Towers”)

Executive Summary:

Council received correspondence dated 2 November 2022 from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety.

The site contains a single high rise mixed use commercial and residential building containing apartments, serviced apartments, retail, and parking. The building is nineteen storeys in height with five levels of basement parking, four levels of retail and fifteen levels of private and serviced apartments. The retail portions are located on levels 1, 2, 3, and 5 of the building.

An inspection of the premises undertaken by a Council Officer revealed that there were no significant fire safety issues occurring within the building.

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 (Development Certification and Fire Safety) Regulation 2021.

Observation of the external features of the building did not identify the existence of potential combustible composite cladding on the façade of the building.

Chronology:

Date	Event
02/11/2022	FRNSW correspondence received regarding premises Harbourside Garden Towers 28-38 Harbour Street Sydney (AKA 1 Dixon Street, Sydney)
21/12/2022	An inspection of the subject premises was undertaken by a Council Officer which revealed no significant issues within the premises It was noted that the issues raised by FRNSW in their correspondence were rectified at the time of inspection

FIRE AND RESCUE NSW REPORT:

References: [BFS22/2828 (21855), D22/93157; Trim Ref: 2022/569919]

Fire and Rescue NSW (FRNSW) received correspondence on 2 November 2022 concerning the adequacy of the provision for fire safety in connection with the premises following their response to an automatic fire alarm at the premises

Issues

The report from FRNSW detailed numerous issues, in particular noting:

Issue	City response
FRNSW could not determine the validity of the AFSS displayed at the premises	<p>A concern was raised with the City in November 2022 that the signature of an Accredited Fire Safety Practitioner was used to sign off several measures in the building that were neither inspected nor tested for the purposes of the AFSS.</p> <p>The matter was subsequently referred to NSW police by the Owners and new building management appointed.</p> <p>New building management applied to the City for an extension of time ('request to stay penalty') until November 2023 to resolve outstanding issues and submit a compliant AFSS for the premises, which has been granted.</p> <p>The City will follow-up with the owners after this time to ensure a fully complaint and certified AFSS is provided.</p>
The fire hydrant system electrical pumpset located on the rooftop was not operational	Councils inspection revealed the hydrant system pumpset to be operational. The owners fire service contractor has attended to the premises to undertake repairs and monthly testing is being carried out on site by the fire contractor as per AS1851. Test reports have been provided to confirm the above.
The fire hydrant system secondary diesel pumpset was not operational	Councils inspection revealed the hydrant system pumpset to be operational. The owners fire service contractor has attended to the premises to undertake repairs and monthly testing is being carried out on site by the fire contractor as per AS1851. Test reports have been provided to confirm the above.
The Fire Detection and Control Indicating Equipment displayed eleven (11) faults at the time of inspection	The faults to the panel have been investigated and cleared and no isolations noted. The panel batteries have also been replaced and monthly testing is being carried out on site by the fire contractor as per AS1851.
The emergency warning and intercommunication system was not operational as the keyed switch on the panel was in the isolated position preventing automatic operation. The LED of multiple zones displayed 6 alert lights, 4 evacuate lights, 6 PA speech lights and 3 WIP lights	The faults to the panel have been investigated and cleared. The panel batteries have also been replaced and monthly testing is being carried out on site by the fire contractor as per AS1851.
The corridor at the rear of the residential lobby, connecting the Harbourside Garden Apartments and the Harbour Street commercial parts, did not appear to be fire rated	The building has several Fire Engineering reports addressing the lack of fire separation or fire separation that is not fully compliant to deemed to satisfy provisions of the BCA, that were adopted into the Fire Safety Schedule when the building was under a Fire Order (ref FIRE/2013/73) and were approved by Council at the time.

Issue	City response
The magnetic latch on the two double door sets providing separation between the carpark and escalator lobby were broken and were held open with aluminium chocks	<p>The magnetic hold open devices were still broken at the time of inspection. Chocks have been removed from the doors and they remain in the closed position.</p> <p>Owners are arranging for repairs of the doors and have been instructed to keep the doors closed until such time as the magnetic devices are repaired.</p>

FRNSW Recommendations

FRNSW have made two recommendations within their report. In general, FRNSW have requested that Council:

1. Inspect the subject premises and take action to have the identified fire safety issues appropriately addressed
2. Advise them in writing of its determination in relation to this matter in accordance with the provisions of clause 17(4) of Schedule 5 of the Environmental Planning and Assessment Act 1979.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order (NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue to undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)

Inspections undertaken by a Council investigation officer in company with the manager of the premises revealed that most of above recommendations of FRNSW have been complied with except for the provision of a current compliant Annual Fire Safety Statement.

Follow-up compliance action will be undertaken by a Council investigation officer following the extension granted by the city to ensure the submission of an Annual Fire Safety Statement.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Referenced/Attached Documents:

2022/569919	FRNSW S9.32 report dated 2 November 2022
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Trim Reference: 2023/013482

CSM reference No#: 2877489

Unclassified



File Ref. No: BFS22/2828 (21855)
TRIM Ref. No: D22/93157
Contact: [REDACTED]

2 November 2022

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
HARBOURSIDE GARDEN TOWERS 28-38 HARBOUR STREET SYDNEY
("the premises")
AKA – 1 Dixon Street Sydney**

Fire and Rescue NSW (FRNSW) received correspondence on 16 June 2022 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *The City of Sydney fire station responded to an automatic fire alarm at the premises.*
- *Crews noticed the diesel sprinkler pump was in alarm. Asked to see the diesel pump and it was found to be isolated. Questioned the security as to why and was told there was problems with the previous building manager, and it was in the process of being resolved through strata.*
- *The EWIS system would not reset, and I was told this is also kept isolated, as it was faulty.*
- *hence this building has no sprinkler protection or a functioning evacuation system.*

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

T (02) 9742 7434
F (02) 9742 7483

www.fire.nsw.gov.au

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Unclassified

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 June 2022.

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.

EMERGENCY FIRE SAFETY ORDER NO. 1

Authorised Fire Officers' of FRNSW issued an Order No. 1, dated 20 June 2022, under the provisions of Section 9.34 of the EP&A Act. In this regard, Council is not presently required to take action concerning item no. 2C and item no. 2D of this report.

Under Schedule 5, Part 6, Section 12 of the EP&A Act, a copy of the Order is attached for your information.

EMERGENCY ORDER 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 26 July 2022.

NOTICE OF INTENTION TO SERVE AN ORDER

FRNSW issued a Notice of Intention to Serve an Order (1) dated 22 June 2022 under the provisions of Section 9.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

REPRESENTATIONS & INSPECTION

An inspection was conducted on 11 July 2022 under Section 9.32 of the EP&A Act, FRNSW decided to give 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 12 July 2022 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 26 July 2022.

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 take action concerning item no. 2A and item no. 2B 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. Certification
 - 1A. FRNSW could not determine the validity of the Annual Fire Safety Statement (Appendix 1) displayed at the premises as the signatures of the Accredited Practitioners appeared to be *cut and pasted or cut and glued* from another document.
2. Essential Fire Safety Measures
 - 2A. Fire Hydrant System
 - A. The primary electric pumpset located on the rooftop was not operational, contrary to the requirements of Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 21). FRNSW observed,
 - i. The ISOLATOR FIRE PUMP was switched to the OFF position.
 - ii. The isolating gate valve between the pumpset and on-site water storage was closed.

- iii. A cardboard sign is attached to the pump control panel, which states, ATTENTION ELEC-HYDRANT IS OFF-LINE + UNDER REPAIRS LEAKY SUCTION PIPE WORK. 11.3.22

2B. Automatic Fire Sprinkler System

- A. The secondary diesel pumpset was not operational, contrary to Section 81 of the EPAR 21. FRNSW observed,
 - i. The DIESEL START key was in the ISOL position, illuminating the DIESEL ISOLATED light-emitting diode.
 - ii. The ALARM MUTED was switched to the ISOL position, illuminating the ALARM MUTED light-emitting diode.
 - iii. A LOW-FUEL light-emitting diode was illuminated.
 - iv. The last maintenance log-book entry, 11 April 2022, did not record any faults.

2C. Smoke Detection and Alarm System (SDAS)

- A. The Fire Detection and Control Indicating Equipment (FDCIE) displayed eleven (11) faults contrary to Section 81 of the EPAR 21.

2D. Building Occupant Warning System

- A. The Emergency Warning and Intercom System was not operational, contrary to Section 81 of the EPAR 21. FRNSW observed that the keyed switch on the panel was in the *isolated* position preventing automatic operation. The LED of multiple zones displayed 6 ALERT lights, 4 evacuate LIGHTS, 6 PA SPEECH lights, and 3 WIP 1&2 lights.

3. Generally

3A. Compartmentation and Separation

- A. The corridor at the rear of the residential lift lobby, connecting the Harbourside Garden Apartments and the Harbour Street Commercial parts, did not appear to be fire-rated. There seems to be inadequate separation to prevent the spread of fire between the parts, contrary to the requirements of Clause C2.8 of the National Construction Code 2019 Volume One, Building Code of Australia (NCC). In this regard, a door within the corridor was fire rated, but the space above the door was open to the ceiling.
- B. The magnetic latch on the two double door sets providing separation between the carpark and B1 escalator lobby were broken and were held open with aluminium chocks

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require items 1 and 3 of this report to be addressed appropriately.

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 [REDACTED] of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call on [REDACTED] if there are any questions or concerns about the above matters. Please ensure that you refer to file reference BFS22/2828 (21855) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]
[REDACTED]

Fire Safety Compliance Unit

Attachment: [Appendix 1 – Annual Fire Safety Statement - 1 page]
[Appendix 2 – Emergency Order - Strata Plan No. 61641 – 5 pages]. (Strata Plan No. 77100 and Strata Plan No. 61667 not attached, previously supplied)
Appendix 3 – Fire Safety Order No.1 - Strata Plan No. SP77100 – 5 pages]. Strata Plan No. 61667 and 61641 not attached, previously supplied)

Appendix 1 – Annual Fire Safety Statement

Part 9 of the Environmental Planning and Assessment Regulation 2000

Section 6: Name and contact details of each accredited practitioner (fire safety) (APFS)

Full name	Phone	Email	Accreditation No.*	Signature
Narend Patel	02 95731133	info@nswfire.com.au	F051865A	
Shane Harris	0416258904	shane@afk.com.au	F053145A	
Emor Munisa	0447649575	emor@monsterfireprotection.com	F046354A	
Steve	0414453672	steve@autobld.com.au	F055265A	
	02 78609930	hail@shumfire.com.au	F042411A	
	0480517	jin@thefireconsultants.com.au	F007200A	
Stuart McNaughton	0416671169	Stuart.mcnaughton@obs.com	F053372A	

*Where applicable – see notes on page 4 for further information

Section 7: Name and contact details of the person issuing this statement *

Full name: Ray Ross

Organisation (if applicable): Harbour Gardens BMC Title/Position (if applicable): BMC Manager

Phone: 0432691615 Email: Hgtbmc21@gmail.com

* The person issuing the statement must not be an APFS listed in section 6 or their employer/employee or direct associate.

Section 8: Annual fire safety statement declaration

I, Ray Ross (insert full name) being the: owner owner's agent

declare that:

- each essential fire safety measure specified in this statement has been assessed by an accredited practitioner (fire safety) and was found, when it was assessed, to be capable of performing:
 - in the case of an essential fire safety measure applicable by virtue of a fire safety schedule, to a standard no less than that specified in the schedule, or
 - in the case of an essential fire safety measure applicable otherwise than by virtue of a fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and
- the building has been inspected by an accredited practitioner (fire safety) and was found, when it was inspected, to be in a condition that did not disclose any grounds for a prosecution under Division 7 of Part 9 of the Regulation.

Owner/Agent Signature: Date issued: 8/5/21

38 Harbour Street, 28 Harbour Street, 28B Harbour Street & 1 Dixon Street, Sydney NSW
Version 3.1 | Effective from 1 March 2021 | NSW Department of Planning, Industry and Environment | 3

17.06.2022 11:25

Unclassified

Appendix 2 – Emergency Order - Strata Plan No. 61641



Unclassified

File Ref. No: BFS22/2828 (21855)
TRIM Ref. No: D22/49707
Contact: [REDACTED]

20 June 2022

The Owners of Strata Plan No. 61641
C/-BCS STRATA MANAGEMENT
LOCKED BAG 22
HAYMARKET NSW 1238

Dear Owners of Strata Plan No. 61641

**RE: EMERGENCY FIRE SAFETY ORDER
SEASONS DARLING HARBOUR
38 HARBOUR STREET SYDNEY("the premises")**

Pursuant to the provisions of Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 17 June 2022 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW).

At the time of the inspection there were fire safety matters that were identified as a significant concern to FRNSW, as the activity or deficiencies identified which the Authorised Fire Officer believes constitute an emergency or a serious risk to safety. As a result, an Emergency Fire Safety Order (Order No. 1) is issued in accordance with the provisions of Section 9.34 of the EP&A Act (copy attached).

A report of the inspection and a copy of the Order will also be forwarded to the Council of the City of Sydney in accordance with the requirements of Sections 9.32, Section 9.35, Schedule 5, Part 6, Section 12 and Schedule 5, Part 8, Section 17 of the EP&A Act. Further inspections will be conducted by FRNSW to assess compliance with the terms of the Order.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Acting Inspector Paul Scott of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS22/2828 (21855) for any future correspondence in relation to this matter.

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amiarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7843
Firesafety@fire.nsw.gov.au		Page 1 of 5

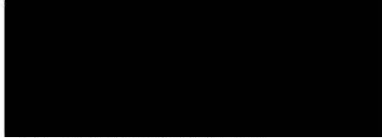
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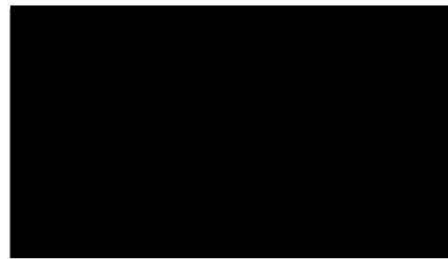
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Yours faithfully



Fire Safety Compliance Unit



Unclassified



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Emergency 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.
Issue an Order in accordance with Section 9.34(1)(b)
Issue the Order as an Emergency Order Pursuant to Schedule 5, Part 8, Section 16

Property:

SEASONS DARLING HARBOUR
38 HARBOUR STREET SYDNEY ("the premises")
(name/address of premises to which Order is served)

Emergency Situation / Serious Risk to Safety:

The observed faults and isolations to the Early Warning and Intercom System (EWIS) and local alarm failed to alert the occupants of a fire at "the premises." The current failure to alert occupants in this high-rise building may endanger human life, because in the event of an emergency the faults and isolations is likely to expose occupants to poor visibility and high levels of toxic gases prior to emergency services arriving at "the premises."

Authorised Fire Officer:

I,



6776
(number)

being an Authorised Fire Officer in accordance with Schedule 5, Part 8, Section 16 of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose.

Hereby order:

The Owners of Strata Plan No. SP61641
(name of person whom Order is served)

Owner
(position i.e. owner, building manager)

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

1. Repair the Smoke Detection and Alarm System so it is capable of automatically detecting fire and smoke at the premises.

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
Firesafety@fire.nsw.gov.au		Page 3 of 5

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2. Repair the Early Warning and Intercom System so it is capable of automatic operation.

The reasons for the issue of this Order are:

- a. Repairing the eleven faults displayed on the Fire Detection and Control Indicating Equipment ensures an automatic notification of an emergency for the occupants.
- b. The EWIS panel was isolated by a key which prevents occupants from being alerted of an emergency and impacting on their evacuation in a timely manner.
- c. Numerous light-emitting diodes were illuminated on the Early Warning and Intercom System (EWIS) panel indicating the system requires repair as the EWIS is unable to be reset.
- d. Firefighters responded to an automatic fire alarm at the premises resulting from burnt foodstuffs. The Early Warning and Intercom System and local alarm failed to alert occupants of an emergency at the premises.
- e. At the time of the inspection, the building was occupied. Where sleeping accommodation is provided at 'the premises' for long-term and short-term accommodation.
- f. The faults on the Fire Detection and Control Indicating Equipment and the isolation of the Early Warning and Intercom System panel may delay the detection of fire and smoke at the premises and prevent the timely evacuation of the occupants.
- g. The failure of the Smoke Detection and Alarm System and the Early Warning and Intercom System to alert occupants upon detection of fire and smoke may pose a risk to their life and safety.

The terms of the Order are to be complied with:

By no later than **1200 hours** on the **24 June 2022**.

Considerations for Emergency Order:

Pursuant to Schedule 5, Part 8, Section (16) of the EP&A Act, this Order has been given as an Emergency Order as there are circumstances which the authorised fire officer believes constitute an emergency or a serious risk to safety.

Appeals

Pursuant to Section 8.18(2) of the EP&A Act, a person may not appeal against a fire safety order given by an authorised fire officer (other than an order that prevents a person using or entering the premises).

Unclassified

Unclassified

Non-Compliance with the Order

A person that fails to comply with this Order may be guilty of an offence under Section 9.37 of the EP&A Act. A person that fails to comply with this Order by a particular specified time, or within a particular specified period, continues never-the-less to be obliged to comply with the Order and therefore must comply with the Order or they may be guilty of an offence under Section 9.50 of the EP&A Act.

Signed:



Fire Safety Compliance Unit

This Emergency Fire Safety Order No. 1 was sent by mail and e-mail on **21 June 2022**.

Unclassified

Appendix 3 – Fire Safety Order No.1 - Strata Plan No. SP77100

Unclassified



File Ref. No: BFS22/2828 (21855)
TRIM Ref. No: D22/57800

[Redacted]

12 July 2022

The Owners of Strata Plan No. SP77100
C/- Stratawide Management PTY LTD
PO BOX Q89
QUEEN VICTORIA BUILDING 1230

Dear Owners of Strata Plan No. SP77100

**Re: FIRE SAFETY ORDER – ORDER 1
NUMBER ONE DIXON
1 DIXON STREET SYDNEY (“the premises”)**

Following the Notice of Intention to issue a Fire Safety Order, dated 22 June 2022 issued on ‘the premises’, Fire & Rescue NSW (FRNSW) has yet to receive representations in response to the proposed Order. Based on the information available at the time FRNSW has determined to issue the Fire Safety Order.

Given the circumstances of this case and in accordance with the provisions of Schedule 5, Part 7 (Section 14 and Section 15) of the *Environmental Planning & Assessment Act 1979 (EP&A Act)*, please find attached a copy of the FRNSW Fire Safety Order (Order No. 1) issued in accordance with the provisions of Section 9.34 of the EP&A Act.

A copy of the Order will be forwarded to City of Sydney Council in accordance with the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act. FRNSW will conduct further inspections to assess compliance with the terms of the Order.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [Redacted] of FRNSW’s Fire Safety Compliance Unit on [Redacted]. Please ensure that you refer to file reference BFS22/2828 (21855) for any future correspondence in relation to this matter.

Yours faithfully,

[Redacted Signature]

Fire Safety Compliance Unit

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	T (02) 9742 7434 F (02) 9742 7843
Firesafety@fire.nsw.gov.au		Page 1 of 5

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Unclassified



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)(a)

I,

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

The Owners of Strata Plan No. 77100
(name of person whom Order is served)

Owner
(position i.e. owner, building manager)

with respect to the premise

**NUMBER ONE DIXON
1 DIXON STREET SYDNEY ("the premises")**
(name/address of premises to which Order is served)

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

1. Repair the automatic fire sprinkler system diesel pumpset so it is capable of automatic operation.
2. Repair the fire hydrant system electric pumpset so it is capable of automatic operation.

The reasons for the issue of this Order are:

- a. At the time of inspection, the building was occupied.
- b. The fire sprinkler system diesel pumpset control panel was isolated. The following was observed,

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

T (02) 9742 7434
F (02) 9742 7843

Firesafety@fire.nsw.gov.au

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- a. The *DIESEL START* key was in the *ISOL* position, illuminating the *DIESEL ISOLATED* light-emitting diode.
 - b. The *ALARM MUTED* was switched to *ISOL* position, illuminating the *ALARM MUTED* light-emitting diode.
 - c. *LOW FUEL* light-emitting diode was illuminated.
 - d. The last maintenance log-book entry, 11 April 2022, did not record any faults.
- c. The diesel pumpset is the secondary pumpset. Its failure to operate will mean there is no back-up should the primary pump fail.
 - d. Repairs to the diesel pump is likely to prevent the spread of fire between buildings, and safeguard occupants from illness or injury while evacuating during a fire.
 - e. An automatic fire suppression system is designed and installed to the degree necessary to control the development and spread of fire appropriate to the fire hazard. One sprinkler diesel pumpset may not meet the fire hazard.
 - f. The fire hydrant system electric pumpset control panel was isolated. The following was observed.
 - a. The *ISOLATOR FIRE PUMP* was switched to the OFF position.
 - b. The isolating gate valve between the pumpset and on-site water storage was closed.
 - c. A cardboard sign is attached which states, *ATTENTION ELEC-HYDRANT IS OFF-LINE + UNDER REPAIRS LEAKY SUCTION PIPE WORK. 11.3.22*
 - g. The electric pumpset is the primary pumpset for the hydrant system. The delay in operation of the secondary diesel pumpset, may delay fire brigade intervention to undertake search and rescue and combat a fire.
 - h. To do, or refrain from doing such things that are specified in the Order, so as to ensure or promote adequate fire safety or fire safety awareness.

The terms of the Order are to be complied with:

By no later than **close of business** on the **5 August 2022**.

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 Order, other than an order that prevents a person using or entering premises.

Unclassified

Unclassified

Non-Compliance with the Order

Failure to comply with this Order 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 an Order.



Fire Safety Compliance Unit

This Order No. 6 was sent by mail and e-mail on **13 July 2022**.