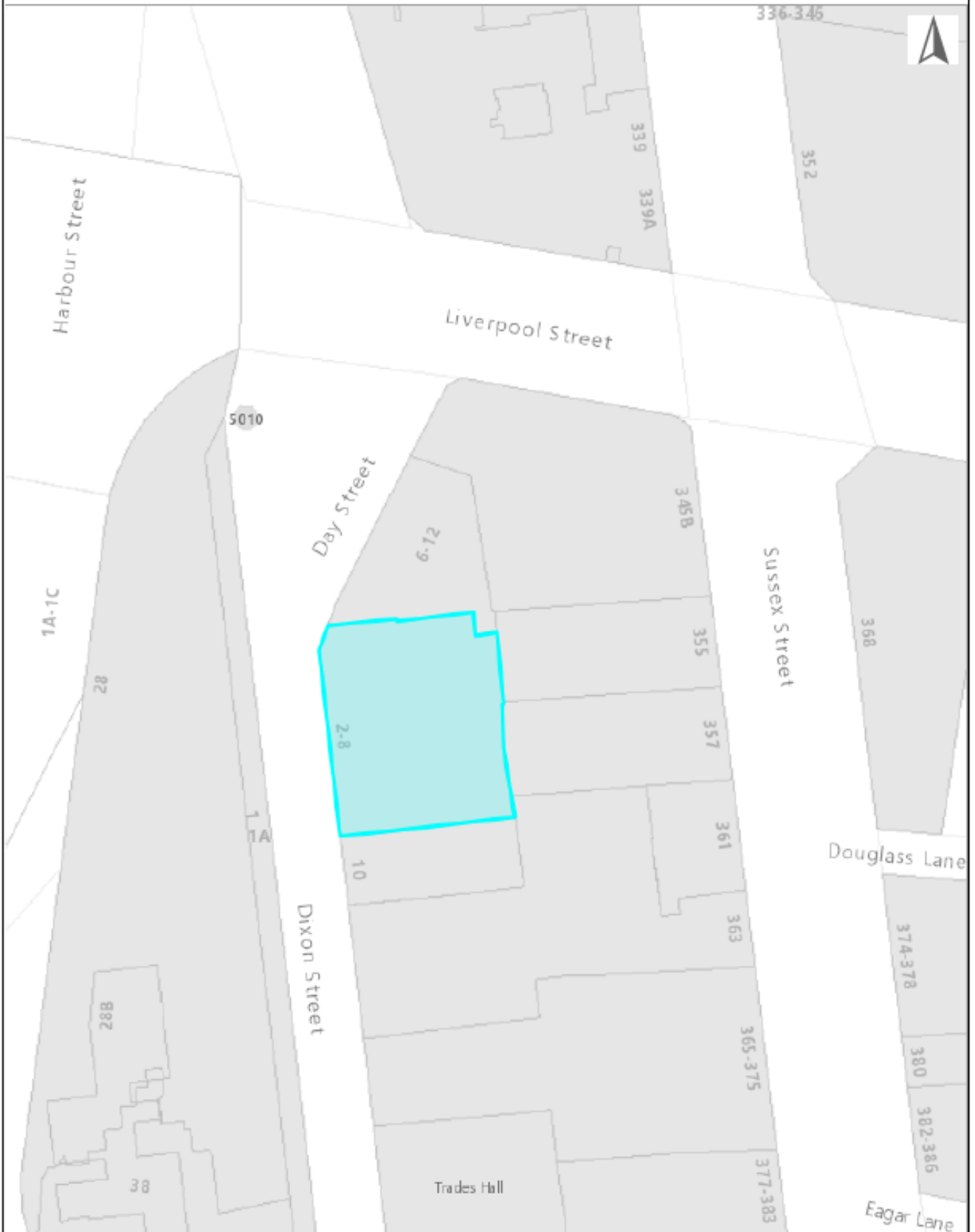


# **Attachment B**

**Inspection Report  
2-8 Dixon Street, Sydney**

# 2-8 Dixon Street, Sydney



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Notes

6/09/2023

**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)**

**File:** CSM 3044026

**Officer:** Mark Privett

**Date:** 4 October 2023

**Premises:** 2-8 Dixon Street, Sydney

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**Executive Summary:**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 4 September 2023 with respect to matters of fire safety.

The premises consists of a strata titled seventeen storey building located in the late night restaurant precinct of Sydney's Chinatown comprising ground level retail and lobby area, restaurant level, serviced apartments (levels two to six) and 3 storey basement carpark.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building manager 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 on display within the building in accordance with the requirements of the *Environmental Planning and Assessment (Development Certification and Fire Safety Regulation 2021)* (the Reg).

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works being attended to by the property owner, the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

It is considered that the above fire safety works are of a degree which can be addressed by routine preventative and corrective maintenance actions undertaken by the owner's fire service contractor(s).

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

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**Chronology:**

<b>Date</b>	<b>Event</b>
04/9/2023	FRNSW correspondence received by Council, regarding premises 'APX Hotels and Apartments' 2-8 Dixon Street, Sydney [2-8 Dixon Street, Sydney]
11/09/2023	A desktop review carried out by Council officer verified that Annual Fire Safety Statement (AFSS) submission process was being followed by the property owner in accordance with the Regulations and Council procedures. The officer noted current fire safety documentation/certification on file (E/2004/400) and it was evident that an Accredited Practitioner (Fire Safety) (APFS) had recently assessed & inspected all fire safety measures (including exits) that apply to the building with measures having been verified by the practitioner with respect to the relevant standards of performance.

Date	Event
13/09/2023	<p>An inspection of the subject premises was undertaken by a Council officer in the presence of the building manager where the following items were noted:</p> <ul style="list-style-type: none"> <li>• fire indicator panel displayed 2 faults. The building manager advised the faults were caused by water ingress affecting two smoke detectors. He confirmed the source of the water ingress had been found and works undertaken to fix the water ingress issue.</li> <li>• annual fire safety statement, fire safety schedule and evacuation plan present</li> <li>• exit signs were operational and illuminated.</li> <li>• fire hose reels were found to be accessible and free of obstructions.</li> <li>• a sprinkler schematic plan printed on A3 paper and laminated was provided to the hydrant booster enclosure.</li> <li>• A stock of replacement sprinklers could not be located.</li> <li>• the fire control room was provided with a telephone connection to an external telephone exchange and tactile fire plans.</li> <li>• items of rubbish were observed in the fire isolated stairways.</li> <li>• the path(s) of egress were free of stored items, equipment and obstructions.</li> <li>• contrary to FRNSW correspondence fire doors throughout the building were found to be closed and not being held open by the use of door wedges. Also, building manager advised he had provided instruction to the staff to ensure that the fire doors are kept closed at all times.</li> <li>• other fire safety measures in the building appeared adequately maintained</li> </ul>
14/09/2023	<p>Corrective action letter (TRIM Ref: 2023/557270-02) sent to owners pertaining to general maintenance issues noted during City's inspection i.e. directional signage, rectify faults to fire panel, signage to pump room, require installation of contents to Fire Control Room (FCR), removal of non-firefighting equipment from the pump room, provide sprinkler system block plan</p>

### **FIRE AND RESCUE NSW REPORT:**

References: [BFS23/2818 (28451); BFS23/4554 (30151); D23/83811]

FRNSW conducted an inspection of the subject premises on 30 May 2023 and 20 June 2023 after receiving an enquiry about the adequacy of the provision for fire safety at the premises.

#### Issues

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

Issue	City response
<p>The Fire Indicator Panel (FIP) displayed faults and isolations on different inspections by FRNSW</p>	<p>Corrective action letter sent to address matter regarding faults to fire indicator panel.</p> <p>Council inspection verified that the source of the water ingress affecting smoke detectors had been found and works undertaken to fix the water ingress issue.</p>

Issue	City response
Exit signs did not operate and/ or were not illuminated	No action required by the City. Councils' inspection revealed that exit signs were illuminated and operational
Storage of goods restricting access to the fire hose reels	No action required by the City. Councils' inspection verified no storage of goods restricting access to the fire hose reels
Sprinkler System Block Plan was not displayed	Corrective action letter sent.
Stock of replacement sprinklers, including spanner not provided on the premises	Corrective action letter sent.
Non-firefighting equipment was stored within fire pump room	Corrective action letter sent
Directional & other signage required to the Pump Room	Corrective action letter sent.
FCR lacking contents required under the National Construction Code (NCC)	No action required by the City. Councils' inspection revealed the FCR contained contents required under NCC.
FRNSW Emergency Services Information Package (ESIP) not provided on the premises	Council's inspection revealed that there is no ESIP provided on the premises and it is not required under the current NCC. Notwithstanding, the corrective action letter sent recommends that an ESIP be provided in the FCR in accordance with FRNSW's guideline.
A copy of the current Annual Fire Safety Statement (AFSS) and Fire Safety Schedule (FSS) was not prominently displayed in the building	Council inspection verified the current AFSS & FSS was installed in a prominent position in the building's foyer.
Items stored in fire isolated stairs and paths of travel	No action required by the City. Council's inspection verified that all fire isolated stairways and passageways throughout the premises were unobstructed and clear of items.
FRNSW recommends review of the operation of the sliding exit door at the front exit beside the lobby for compliance with the NCC	Corrective action letter sent.
Self-closing fire doors held open by door wedges	No action required by the City. Councils' inspection revealed that door wedges were not being used to hold open fire doors

Issue	City response
It is at Council's discretion to determine whether an investigation is required to confirm essential fire safety measures are being maintained, that an accredited practitioner (fire safety) has assessed, inspected and verified the performance of each fire safety measure (including exits) that applies to the building and is submitted as part of an AFSS requirements	No action required by the City. Council's investigation has determined essential fire safety measures are being maintained, that the AFSS submission process is being followed by the property owner in accordance with the Environmental Planning and Assessment (Development certification and Fire Safety) Regulation 2021 and the City's procedures

**FRNSW Recommendations**

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

1. Inspect and address any other deficiencies identified on 'the premises' and require item nos. 1 to 4 of their report to be reviewed;
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 the presence of the building manager verified that the deficiencies identified by FRNSW on their inspection had been rectified and that essential fire safety measures (including exit doors) within the building are being maintained.

It is recommended that Council not exercise its powers to give a fire safety order at this time.

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

**Referenced/Attached Documents:**

2023/557270-01	FRNSW S9.32 report dated 1 September 2023
2023/557270-02	Corrective action letter dated 14 September 2023

**Trim Reference:** 2023/557270

**CSM reference No#:** 3044026

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File Ref. No: BFS23/2818 (28451); BFS23/4554 (30151)  
TRIM Ref. No: D23/83811  
Contact: [REDACTED]

1 September 2023

General Manager  
City of Sydney  
GPO Box 1591  
SYDNEY NSW 2001

Email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear General Manager

**Re: INSPECTION REPORT  
'APX HOTELS AND APARTMENTS'  
2-8 DIXON STREET SYDNEY (hereafter "the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 25 May 2023 and 13 August 2023 concerning the adequacy of the provision for fire safety in connection with the premises.

The correspondence stated in part that:

25 May 2023

*...I observed several items are being stored in the fire exit area and an improvised lock device installed on a fire door within the fire isolated stairwell...*

*I also observed the fire hose reel on B3 was obstructed by good an belongings which is also not in accordance with AS 2441-2005 - Instillation of fire hose reels clause 10.1...*

13 August 2023

*The smoke detector was covered up with paper. Notified front desk and they said it was fine and gets tested regularly. Hotel dismissive of this. Unless it was put up by previous people who stayed there or was this intentional by hotel? Don't know. Have reported this to Wotif as well, but not to Council...*

Fire and Rescue NSW

ABN 12 593 473 110

[www.fire.nsw.gov.au](http://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](http://www.fire.nsw.gov.au)

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Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected the premises on 30 May 2023.

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.

### NOTICE OF INTENTION TO SERVE AN ORDER

FRNSW issued a Notice of Intention to Serve an Order (1) dated 1 June 2023 and 22 June 2023 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. After receiving the representations, an inspection was conducted on 20 June 2023 and 11 July 2023 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 14 July 2023, 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

Under 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 1 August 2023.



## INSPECTION OUTCOME

During the inspection, the terms of 'the Order' issued on the premises were compliant as FRNSW confirmed repairs had been conducted to 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

Please be advised that the items in this report are limited to observations of the building accessed during the inspection and identify possible nonconformities with the National Construction Code 2022, Volume 1 Building Code of Australia (NCC) and provisions for fire safety. The items are not an exhaustive list of non-compliances. FRNSW acknowledges that the differences observed at the time may contradict development consent approval or relate to the building's age. Therefore, it's the Council's discretion as the appropriate regulatory authority to consider the most appropriate action.

The following items were identified during the inspection:

1. Essential Fire Safety Measures
  - 1A. Maintenance – Regulation 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires maintenance of the Essential Fire Safety Measure to a standard no less than when it was first installed. At the time of the inspection, authorised fire officers observed the following:
    - A. Fire Indicator Panel (FIP) – At different inspection dates, faults and isolations were observed on the FIP, identifying different faults in the 'smoke detection alarm system' on both inspection dates.
    - B. Exit signs – Some did not operate when the test button was pressed, while other exit signs were not illuminated.
    - C. Fire Hose Reels (FHR) – Table 9.4.1 of Australian Standard AS1851-2012 requires FHR to be accessible with no obstacles restricting its access. At the time of the inspection, items were limiting access to many FHRs. However, the cleaner promptly moved the obstructions.
  - 1B. Sprinkler System Generally – The following clauses from Australian Standard AS2118.1:2017 – "Automatic Fire Sprinkler Systems - General systems" may require the Council's review:
    - A. Clause 8.3 – Requires the installation of a block plan. As part of the Council's discretion to inspect, the following items may need to be noted concerning block plans:
      - i. The plan must display the protected building, including the position of the main stop valve and other specific information.

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- ii. The plan should be displayed adjacent to each set or group of installation control assemblies and easily seen by firefighters and others responding to the alarm.
  - iii. The 'Notes' within the clause require a copy of the sprinkler block plan to be installed adjacent to the sprinkler boost inlets to facilitate fire brigade intervention.
- B. Clause 6.7 – Requires a stock of replacement sprinklers and a spanner to be located on the premises. There must be an appropriate number of spare sprinklers per the system's design for each hazard. The Council may require a review for the owners to restock the spare sprinkler heads.
- 1C. Pump Room or Enclosures (Generally) – As part of the Council's discretion to inspect, the following items may need to be noted for the pump room on Level 17. Clause 6.11.1 of Australian Standard AS2419.1-2021 requires the installation of pumpsets and associated equipment in a room or enclosure that:
- A. Only contains firefighting pumpsets and associated equipment. There were various building materials and rubbish in the room;
  - B. Is identified by a fade and weather-resistant sign, permanently affixed to the pumphouse door, stating in capital letters not less than 50 mm high, in contrasting colour with the background, FIRE PUMP ROOM. No signage was observed on the door.
- 1D. Size and Contents of a Fire Control Room – Clause S19C10 of Specification 19 of the NCC details the contents of the FCR. The room appeared to lack the following:
- A. A telephone directly connected to an external telephone exchange.
  - B. Colour-coded, durable tactical fire plans.
- 1E. Fire Safety Guideline – FRNSW's guideline "Emergency Services Information Package and Tactical Fire Plans" includes the following items.
- A. Emergency Services Information Package (ESIP) – ESIPs provide firefighters and other emergency services with specific information used during operations. An ESIP could not be located.
  - B. Tactical Fire Plans (TFP) – Firefighters use TFPs during firefighting operations. It is vital that all TFPs are accurate and kept current at all times, and it is unclear at the time of the inspection whether the TFPs are current.
  - C. Emergency Plan – Typically, TFPs are near the emergency plan. The emergency plan could not be located at the time of the inspection.

- 1F. Annual Fire Safety Statement (AFSS) – Regulation 89(4)(b) of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021) requires the owner to display a current AFSS within the building. The strata managers advised that an up-to-date AFSS was provided to the Council. The Council may need to inspect and review its records because the AFSS appeared out-of-date during the initial inspection.
2. Access and Egress
    - 2A. Fire Exits and Fire Exit Doors – Regulation 109 of EPAR 2021 requires a fire exit area for a building to be free of items that may obstruct the free passage of persons. Nor should the operation of a fire exit door be interfered with or obstructed without a lawful excuse, which includes the operation of a fire door providing access to a building's fire exit. At the time of the inspection, the following was observed:
      - A. Fire Isolated Stairs (FIS) – Authorised Fire Officers observed boxes, rubbish bins, and plastic storage buckets in the FIS, narrowing the passageway to the final exit door. The cleaner removed the items promptly once the duty manager was advised.
      - B. Level 1 – Commercial laundry trolleys and mattresses were excessively stacked in the hallway, reducing the width of the path to the FIS. The duty manager advised that the storage of these items was temporary as it was part of the hotel operations.
    - 2B. Sliding Exit Doors – NSW D3D24(2) of the NCC requires sliding doors used as required exits to open directly into the road or open space and open automatically on detection of smoke or power failure. If there is a malfunction or failure, the door must be capable of being manually opened under the force of not more than 110 N. The Council may require a review to confirm that the front exit door beside the lobby and signposted as required exits meet the requirements.
  3. Compartmentation
    - 3A. Compartmentation – Performance Requirement C1P2, C1P4 and C1P8 of the NCC specifies the requirements to prevent the spread of fire to exits, SOUs, public corridors, openings and penetrations, hence the following observations to the self-closing fire door to the following areas was chocked open with a door wedge:
      - A. The laundry room on the first floor.
      - B. The carpark from the lobby into the carpark.
      - C. The carpark driveway into the garbage room.

4. Generally

- 4A. Investigation Outcomes – The following items are provided to the Council as part of the investigation:
- A. On 30 May 2023 – Faults and isolations were observed on the fire indicator panel (FIP). As a result, a Notice of Intention to give a Proposed Fire Safety Order – Order No.1 was issued.
  - B. On 20 June 2023 – A re-inspection of the FIP at the premises revealed different faults from the initial inspection. Authorised Fire Officers issued a new Notice of Intention to give a Proposed Fire Safety Order.
  - C. On 14 July 2023 – A Fire Safety Order – Order No.1 was issued with amendments to the Notice of Intention to give a Proposed Fire Safety Order on 20 June 2023.
  - D. On 1 August 2023 – The Fire Safety Order – Order No.1 was complied with as the FIP was clear of faults and isolations.
- 4B. Items for Further Investigation – The Council may require an investigation to review the following:
- A. Given the varying faults observed on the FIP on different days and written concerns regarding exits and smoke detection, there are reasonable grounds to assume that there is a pattern of maintenance issues that require attention.
  - B. The Council may require a review to ensure the owners maintain the essential fire safety systems and meet the Council's obligations to regulate the development consent approval.
  - C. The Council ensures that an accredited practitioner (fire safety) has assessed, inspected and verified the performance of each fire safety measure (including exits) that applies to the building. Furthermore, the owner submits an Annual Fire Safety Statement (AFSS) as part of their obligations under the EP&A Act.

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

**RECOMMENDATIONS**

FRNSW recommends that the Council:

- a. Review items 1 to 4 of this report and conduct an inspection.
- b. Address any other deficiencies identified on the premises.

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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 [REDACTED] of FRNSW's Fire Safety Compliance Unit at [FireSafety@fire.nsw.gov.au](mailto:FireSafety@fire.nsw.gov.au) or call [REDACTED] if there are any questions or concerns about the above matters. Please refer to file references BFS23/2818 (28451); BFS23/4554 (30151) regarding this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Fire Safety Compliance Unit

Attachment: [Appendix 1 – Fire Safety Order-Order No.1 dated 14 July 2023 - 2 pages]

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Appendix 1 – Fire Safety Order-Order No.1 dated 14 July 2023



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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, [REDACTED]

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, I hereby order you

**Owners of Strata Plan SP68567**  
(name of the person whom Order is served)

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

with respect to the premise

**'APX – HOTELS – APARTMENTS'**  
**SP68567; 2-8 DIXON STREET SYDNEY ("the premises")**  
(name/address of premises to which Order is served)

to do or refrain from doing the following things:

Repair the faults to the Fire Indicator Panel ("FIP") identified during the inspection.

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

- a. At the time of the inspection on 11 July 2023:
  - i. The display on the FIP identified a fault as "Sensor Faults 1 of 1", stating "L2 S56 STAT: ANALOG FLT."
- b. Faults to the FIP are likely to delay the timely evacuation of the building in an emergency.

Fire and Rescue NSW	ABN 12 593 473 110	<a href="http://www.fire.nsw.gov.au">www.fire.nsw.gov.au</a>
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7643
<a href="http://www.fire.nsw.gov.au">www.fire.nsw.gov.au</a>		Page 3 of 4

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- c. Faults to the automatic smoke detection and alarm system will likely delay an automated warning on detecting smoke for sleeping occupants. The faults may hinder the occupants' evacuation to a safe place.
- d. The faults diminish the automatic identification and notification that the FIP provides. As a result, the evacuation routes from the premises may likely be compromised by poor visibility and high levels of toxicity that may endanger human life.
- e. 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 13:00 hrs on Friday, 28 July 2023.

**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.



Fire Safety Compliance Unit

This Fire Safety Order - Order No. 1 was mailed on 14 July 2023.