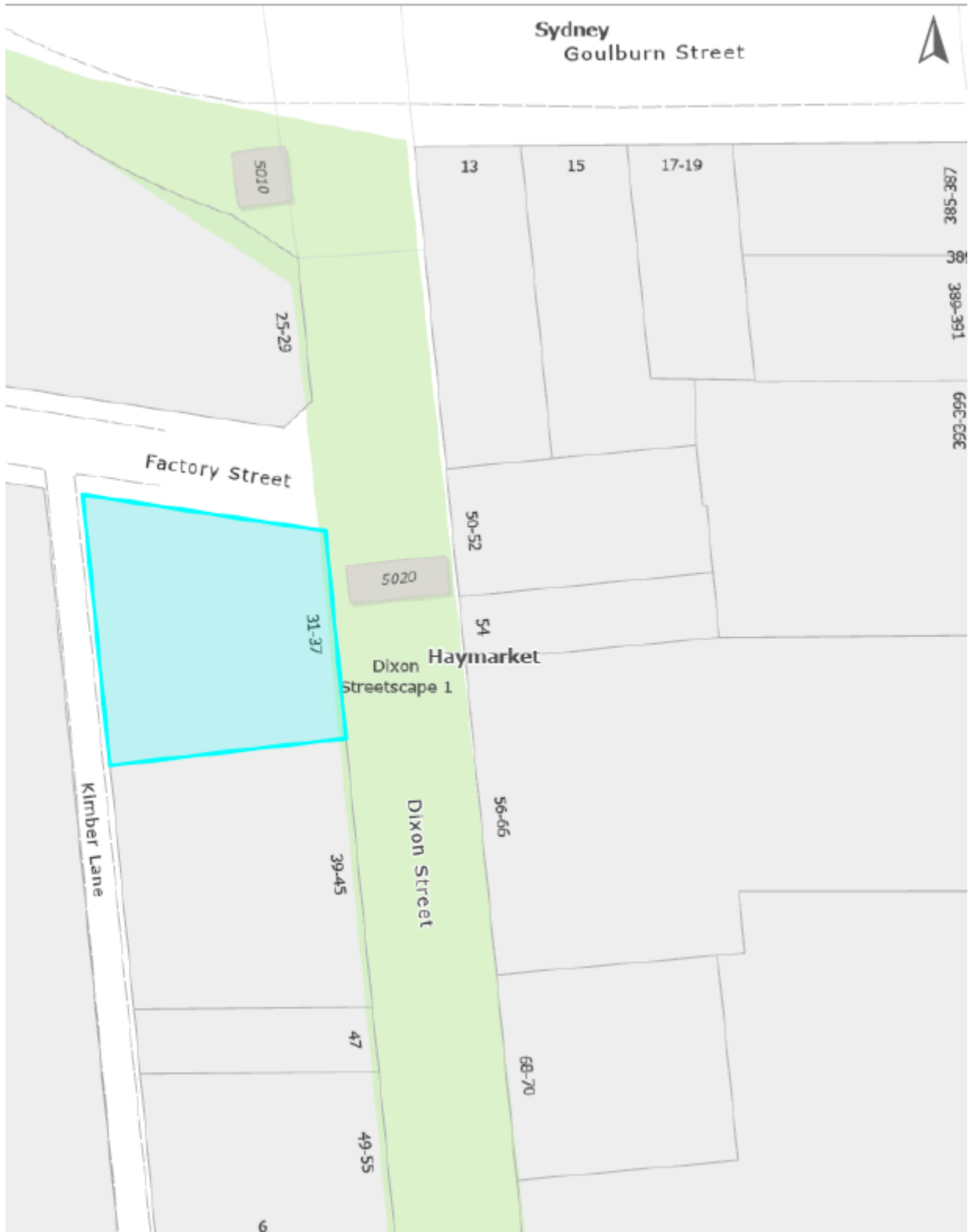


Attachment E

**Inspection Report
31-37 Dixon Street, Haymarket**



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Notes

6/08/2024

**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 3209613

Officer: Arfan Chaudhary

Date: 8 August 2024

Premises: 31 – 37 Dixon Street, Haymarket

Executive Summary:

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

Fire & Rescue NSW (FRNSW) inspection resulted from a complaint received from a local fire station concerning inadequate fire safety with ‘the premises’.

A six-storey commercial building is located within the premises consisting of ground floor and first floor retail and restaurants, ‘K1’ Karaoke Lounge on Level two, the third and fourth floor is used for short stay tourist accommodation with 66 beds and 33 bedrooms, fifth floor is vacant and there is a basement car park.

The premises has entrances to Dixon Street (for the restaurant and shop on the ground floor) and Factory Street (for the upper levels of the building), and another street frontage to Kimber Lane.

The premises is a not listed as a heritage item nor located in a heritage conservation area.

An inspection of the premises undertaken by a Council investigation officer on 12 August 2024 in the presence of the commercial building manager revealed that there were no significant fire safety issues occurring within the building.

Observation of the external features of the building did not identify the existence of any combustible composite cladding on the façade of 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 Regulation (Development Certification and Fire Safety) 2021.

Council investigations have revealed that whilst there remains several minor fire safety “maintenance and management” works to attend to, 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) through written instruction from Council.

Chronology:

Date	Event
19/07/2024	FRNSW correspondence received regarding premises 31 – 37 Dixon Street, Haymarket. The correspondence was initiated from the local fire station on 16 March 2024 concerning fire safety and a FRNSW inspection on 4 April 2024 (reference 2024/424492). The correspondence stated <i>“Fire service function within the lift not working - key spinning in barrel. Fire stairs used as storage. Diesel pump in fault.</i>
	A review of City records shows that the fire safety schedule for the premises contains twenty-two (22) fire safety measures, including an automatic fire detection and alarm system, fire hydrant system, smoke alarms and heat detectors, and other fire safety measures typical for a building of this classification, all of which, are due for recertification on 2 May 2025.
12/08/2024	<p>An inspection of the subject premises was undertaken by a Council officer on 12 August 2024, with the commercial building manager present, when the following items were noted:</p> <ol style="list-style-type: none">1. All fire doorsets have been tagged in accordance with AS/NZS 1905.1 – 2005;2. The external face of the doors to the hydrant booster assembly enclosure did not have a signage stating, ‘Combined Fire Hydrant and Sprinkler Booster Assembly’.3. A block plan has not been provided at the booster assembly.4. A notice of pressure sign has not provided at the booster assembly.5. All doors leading to the pumphouse were not fitted with a 003 key lock.6. At the time of inspection, the Fire indicator panel (FIP) displaying level 3 room 1 smoke alarm fault. The commercial building manager advised the owner engaged a fire safety practitioner to inspect and rectify the issue.7. The Evacuation System Control Panel was not displaying any fault.8. At the time of the inspection, the paths of travel discharging from the fire-isolated stairways serving the commercial and basement level of building were clear from obstructions.9. Sprinkler heads were noted on level 2.10. Penetrations are in the wall separating grease trap room from the car park.11. The fire safety statement is prominently displayed at the premises and is current.12. Other fire safety measures in the building appeared adequately maintained. <p>Issues specifically raised by FRNSW and responses to those issues, are summarised in the following table.</p>
3/09/2024	Corrective action letter issued 3 September 2024

FIRE AND RESCUE NSW REPORT:

References: BFS24/1560 (34330); 2024/424492

Fire and Rescue NSW conducted an inspection of the subject premises after receiving correspondence from the local fire station about concerning the adequacy of the provision for fire safety in connection with 'the premises'.

Issues

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

Ref.	Issue	City response
Essential Fire Safety Measures		
1A.	Maintenance	
A.	<p>The hydrant and sprinkler diesel pumpset:</p> <p>i. The fire hydrant diesel pump was displaying 'low fuel' and 'alarm muted'.</p> <p>ii. The last entry in the service logbook was dated 30 January 2024, indicating the pump was not receiving the required monthly testing and also noted 'Alarm muted' and 'Low fuel'.</p> <p>iii. The Fire Indicator Panel (FIP) was displaying 'Hydrant Pump' Fault.</p>	<p>i. At the time of inspection, fire hydrant diesel pump was not displaying the fault.</p> <p>ii. The item is addressed by the corrective action letter issued 3 September 2024.</p> <p>iii. At the time of inspection, FIP was not displaying hydrant pump fault.</p>
B.	<p>Building Occupant Warning System (BOWS):</p> <p>i. The Evacuation System Control Panel was displaying 'Line Fault'.</p>	At the time of inspection, BOWS was not displaying line fault.
1B.	<p>Investigation and outcome – Following the inspection, the Strata Manager was advised of the issues identified in item 1A above and was requested to provide clarification. FRNSW were advised that the issues would be investigated and resolved in a timely manner.</p> <p>FRNSW received email correspondence from the Strata Manager on 5 April 2024, which included comments from the Fire Services Technician, advising:</p> <p>The fuel tank is at 50% and must be topped up. We estimate at least 40L of fuel is required - 20L in the tank and 20L kept onsite in a jerrycan.</p> <p>Due to access issues, we have not been able to access the pump room.</p> <p>The Fire Indicator Panel fault relates to the low fuel - once the tank has been topped up, the fault should clear.</p> <p>FRNSW received email correspondence from the Strata Manager on 8 April 2024, advising that the Fire Services Technician was attending to the items on 15 April 2024.</p>	<p>All issues addressed in FRNSW correspondence to the Strata Manager have been actioned.</p> <p>No action required on correspondence between FRNSW and Strata Manager.</p>

Ref.	Issue	City response
	<p>FRNSW received further email correspondence from the Strata Manager on 13 May 2024, confirming the works had been completed.</p> <p>A photograph of the pump control panel and FIP display panel was provided, with the email correspondence to demonstrate such.</p>	
1C. Fire Hydrant System		
A.	<p>The hydrant booster assembly:</p> <p>The external face of the doors to the booster enclosure were not clearly identified by fade and weather resistant signage stating 'COMBINED FIRE HYDRANT AND SPRINKLER BOOSTER ASSEMBLY' in letters not less than 50mm high, contrary to the requirements of Clauses 11.3 of AS 2419.1-2021.</p> <p>ii. A water, fade and weather resistant block plan has not been provided at the booster assembly, contrary to the requirements of Clause 11.5 of AS 2419.1-2021.</p> <p>iii. Notice of pressure signs have not been provided at the booster assembly, contrary to the requirements of Clause 11.3.4 of AS 2419.1-2021.</p>	<p>These items are addressed by the corrective action letter issued 3 September 2024.</p>
B.	<p>The pumproom:</p> <p>i. All doors leading to the pump room were not fitted with a lock compatible with FRNSW access key. In this regard, the door into the fire stair leading to the pump room from Kimber Lane was not fitted with a 003 key lock or any door hardware and access to the pumproom is only available by traversing through the basement carpark.</p> <p>ii. The hydrant pumproom was in an unhealthy an unoccupiable state due to an unbearable smell.</p> <p>The Strata Manager provided the following response in correspondence received on 5 April 2024:</p> <p>The smell is actually emanating with a known issue with one of the grease traps. Arrangements are being made to rectify this issue which should improve conditions with the pump room and basement area.</p>	<p>i. The item is addressed by the corrective action letter issued 3 September 2024.</p> <p>ii. At the time of inspection, the hydrant pump room was in healthy state and no foul smell was emanating. No further action required.</p>
1D. Annual Fire Safety Statement		
A.	<p>A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021). In this regard the AFSS on display was dated 14 April 2022 and is no longer valid.</p>	<p>A current AFSS was prominently displayed in the ground foyer of the building.</p>
2. Fire Safety Offences		
2A.	<p>Fire Exits – Items, including but not limited to furniture and cleaning equipment/products, were being stored within the fire-isolated exit (discharging out to Kimber Lane) on Level 1 and the basement level, which were capable of obstructing</p>	<p>At the time of the inspection, all fire isolated exits were clear from obstructions. No further action required.</p>

Ref.	Issue	City response
	<p>the free passage of persons using the fire exit, contrary to the requirements of Section 109 of the EPAR 2021.</p> <p>The Strata Manager was advised of the items being stored within the fire exits following the inspection, and FRNSW were advised that the items would be removed in a timely manner.</p> <p>FRNSW received email correspondence from the Strata Manager on 13 May 2024, confirming the items had been removed. Photographs were provided, with the email correspondence to demonstrate such.</p>	
3.	Services and Equipment	
3A.	<p>Lift Installations:</p> <p>A. Fire service controls – The correspondence received on 16 March 2024 indicated that the ‘Fire service function within the lift was not working - key spinning in barrel.’ This could not be verified at the time of the inspection as Authorised Fire Officers do not carry lift service keys.</p>	<p>The fire service function within the lift was rectified on 2 August 2024. The owner submitted a repair fire switch certificate.</p>

FRNSW Recommendations

FRNSW have made (8) recommendations within their report. In general, FRNSW have requested that Council:

- a. Review item 1 through to item 3 of this report and conduct an inspection.
- b. Address any other deficiencies identified on “the premises”.

COUNCIL INVESTIGATION 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 Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)

As a result of the above site inspection undertaken by Council’s investigation officers it is recommended that the owners of the building continue to comply with the written fire safety compliance instructions as issued by Council officers to rectify the identified fire safety deficiencies noted by FRNSW.

The above correspondence has requested that building management engage and to carry out remedial works to existing fire systems to cause compliance with required standards of performance.

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

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

Trim Reference: 2024/424492

CSM reference No# 3209613



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File Ref. No: BFS24/1560 (34330)
TRIM Ref. No: D24/81941
Contact: Mark Knowles

19 July 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
31-37 DIXON STREET, HAYMARKET ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence from the local fire station on 16 March 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated:

- *Fire service function within the lift not working - key spinning in barrel.*
- *Fire stairs used as storage.*
- *Diesel pump in fault.*

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 4 April 2024.

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:

- Parts of the building that were accessible which included the basement level, the pumphouse, the fire stairways and the booster assembly.

Fire and Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

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Greenacre NSW 2190

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Page 1 of 5

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- 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.

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 as concerns at the time of the inspection:

1. Essential Fire Safety Measures

1A. Maintenance:

A. The hydrant and sprinkler diesel pumpset:

- i. The fire hydrant diesel pump was displaying 'low fuel' and 'alarm muted'.
- ii. The last entry in the service logbook was dated 30 January 2024, indicating the pump was not receiving the required monthly testing and also noted 'Alarm muted' and 'Low fuel'.
- iii. The Fire Indicator Panel (FIP) was displaying 'Hydrant Pump' Fault.

B. Building Occupant Warning System (BOWS):

- i. The Evacuation System Control Panel was displaying 'Line Fault'.

- 1B. Investigation and outcome – Following the inspection, the Strata Manager was advised of the issues identified in item 1A above and was requested to provide clarification. FRNSW were advised that the issues would be investigated and resolved in a timely manner.

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FRNSW received email correspondence from the Strata Manager on 5 April 2024, which included comments from the Fire Services Technician, advising:

The fuel tank is at 50% and must be topped up. We estimate at least 40L of fuel is required - 20L in the tank and 20L kept onsite in a jerrycan.

Due to access issues, we have not been able to access the pump room.

The Fire Indicator Panel fault relates to the low fuel - once the tank has been topped up, the fault should clear.

FRNSW received email correspondence from the Strata Manager on 8 April 2024, advising that the Fire Services Technician was attending to the items on 15 April 2024.

FRNSW received further email correspondence from the Strata Manager on 13 May 2024, confirming the works had been completed.

A photograph of the pump control panel and FIP display panel was provided, with the email correspondence to demonstrate such.

Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

1C. Fire Hydrant System – The following comments are provided having regard to AS 2419.1-2021:

A. The hydrant booster assembly:

- i. The external face of the doors to the booster enclosure were not clearly identified by fade and weather resistant signage stating 'COMBINED FIRE HYDRANT AND SPRINKLER BOOSTER ASSEMBLY' in letters not less than 50mm high, contrary to the requirements of Clauses 11.3 of AS 2419.1-2021.
- ii. A water, fade and weather resistant block plan has not been provided at the booster assembly, contrary to the requirements of Clause 11.5 of AS 2419.1-2021.
- iii. Notice of pressure signs have not been provided at the booster assembly, contrary to the requirements of Clause 11.3.4 of AS 2419.1-2021.

B. The pumphoom:

- i. All doors leading to the pump room were not fitted with a lock compatible with FRNSW access key. In this regard, the door into the fire stair leading to the pump room from Kimber Lane was not fitted with a 003 key lock or any door hardware and access to the pumphoom is only available by traversing through the basement carpark.
- ii. The hydrant pumphoom was in an unhealthy an unoccupiable state due to an unbearable smell.

The Strata Manager provided the following response in correspondence received on 5 April 2024:

The smell is actually emanating with a known issue with one of the grease traps. Arrangements are being made to rectify this issue which should improve conditions with the pump room and basement area.

Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

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 Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021). In this regard the AFSS on display was dated 14 April 2022 and is no longer valid.

2. Fire Safety Offences

- 2A. Fire Exits – Items, including but not limited to furniture and cleaning equipment/products, were being stored within the fire-isolated exit (discharging out to Kimber Lane) on Level 1 and the basement level, which were capable of obstructing the free passage of persons using the fire exit, contrary to the requirements of Section 109 of the EPAR 2021.

The Strata Manager was advised of the items being stored within the fire exits following the inspection, and FRNSW were advised that the items would be removed in a timely manner.

FRNSW received email correspondence from the Strata Manager on 13 May 2024, confirming the items had been removed.

Photographs were provided, with the email correspondence to demonstrate such.

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Notwithstanding this, it would be at Council's discretion as the appropriate regulatory authority, to determine whether further investigation is required in this instance.

3. Services and Equipment

3A. Lift Installations:

- A. Fire service controls – The correspondence received on 16 March 2024 indicated that the *'Fire service function within the lift was not working - key spinning in barrel.'*

This could not be verified at the time of the inspection as Authorised Fire Officers do not carry lift service keys.

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

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review item 1 through to item 3 of this report and conduct an inspection.
- b. 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. 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 Mark Knowles 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 BFS24/1560 (34330) regarding any correspondence concerning this matter.

Yours faithfully



Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit