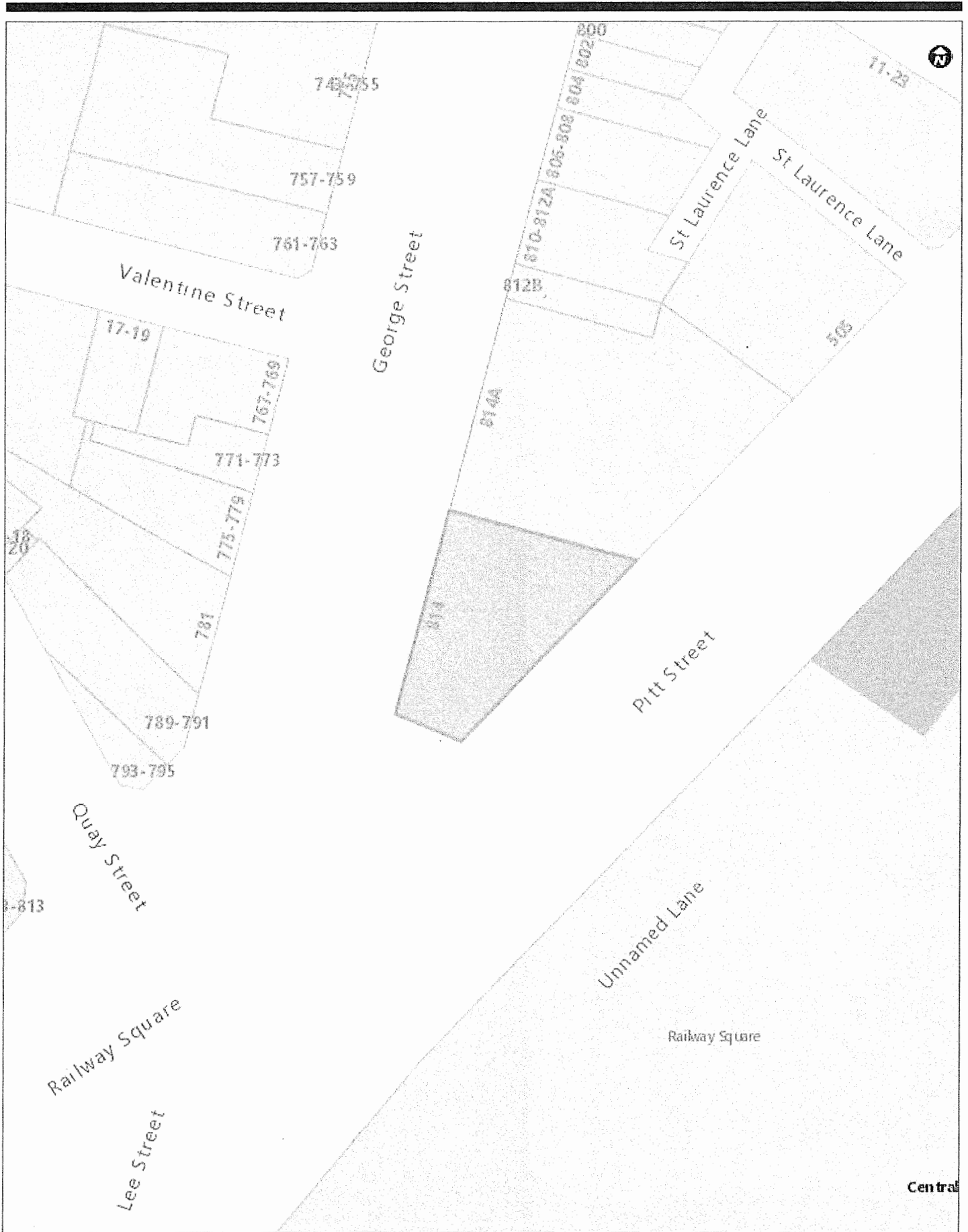


Attachment B

**Inspection Report - 814 George
Street, Haymarket**



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

File: S090897

Officer: Bhoomi Patel

Date: 23 March 2019

Premises: 814 George Street Haymarket (Wake Up backpackers)

Executive Summary

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

The premises is located at 814 George Street Haymarket and is trading as "Wake Up backpackers".

The building comprises of a nine storey building that has three street elevations, Pitt Street to the east, George Street to the west and the connection between the two to the south as follows:

- A basement level containing a pub trading as "Side Bar", cellar, storage and patron sanitary facilities.
- A ground floor containing a foyer and reception area for backpackers' accommodation and a café.
- A first to seventh floor containing backpackers' accommodation.

The building is a Heritage item and listed on a State Heritage Register. The last proactive fire safety inspection was carried out on 29 November 2018. The building has an effective height of approximately 30m.

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 building has a current annual fire safety statement which was on display within the premises at the time of inspection.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to including a non-functional emergency light and repairs/maintenance to existing hydrant/sprinkler system, 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 contractors through written instruction from Council.

Observation of the external features of the building did not identify the existence of metal composite cladding.

Chronology:

Date	Event
21/02/2019	FRNSW correspondence received regarding premises 'Side Bar' 814 George Street Haymarket
06/03/2019	An inspection of the subject premises was undertaken by Council officers together with the backpackers' manager. The inspection revealed only minor non-compliances which could be addressed through appropriate maintenance. The inspection also revealed that the majority of the issues raised by FRNSW had been addressed by the manager. The outcome of the inspection were discussed at the conclusion of the inspection with the manager who was also advised that written advice on the findings would be issued in the due course.
08/03/2019	A compliance letter of instruction was issued to the building owners and the backpackers' manager to rectify the non-compliances identified by Councils investigation officer during the inspection of the premises on 6 March 2018.
21/03/2019	During the inspection it was observed that the majority of the matters raised under a compliance letter of instruction had been rectified. The manager advised that the remaining matters were in the process of being rectified.

FIRE AND RESCUE NSW REPORT:

References: [BFS18/3691(5801); 2019/090578]

Fire and Rescue NSW conducted an inspection of the subject premises in the company of officers from the NSW Police force on 8 December 2018.

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

1. The compliance aspects relating the existing automatic smoke detection and alarm system, hydrant system, sprinkler system and emergency lighting provisions.
2. The maintenance issue associated with one of the fire exit doors.
3. Fire resistance level of an existing enclosure of space under the stair.

FRNSW Recommendations

FRNSW have made 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)

As a result of site inspections undertaken by Council investigation officers the owners of the building were issued with written instructions to rectify the identified fire safety deficiencies noted by Council.

The above written instructions have directed the owners of the premises to carry out remedial actions to existing fire systems to cause compliance with required standards of performance.

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

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 documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/143613-01
A2.	Locality Plan	2019/143613-02
A3	Attachment cover sheet	2019/143613-03

Trim Reference: 2019/143613

CSM reference No#: 2041534



File Ref. No: BFS18/3691 (5801)
TRIM Ref. No: D19/3406
Contact: [REDACTED]

21 February 2019

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
'SIDE BAR'
814 GEORGE STREET, HAYMARKET
AKA 509 PITT 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 8 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW). The inspection was also conducted in the company of Officers from the NSW Police Force.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the 'Side Bar', where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. 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.

Fire and Rescue NSW

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Community Safety Directorate
Fire Safety Compliance Unit

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COMMENTS

Please note, that this report is limited to observations and sections of the building accessed at the time of the inspection. As such, this report lists potential deviations from the National Construction Code 2016 Building Code of Australia - Volume 1 Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed outline concerns that may contradict development consent approval or correlate to the building's age. In this regard, it is council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

1A. Smoke Detection and Alarm System

- A. There were four (4) faults shown at the Fire Indicator Panel (FIP), relating to the Automatic Smoke Detection and Alarm System, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

A re-inspection of the premises was conducted on 14 December 2018, which found that the FIP was clear of all faults.

- B. The spacing between smoke detectors within 'Side Bar' and also the ground floor lobby area of "Wake Up" did not appear to be in accordance with the requirements of Section 5 of Australian Standard (AS) 1670.1-2004.

1B. Fire Hydrant System

- A. The fire hydrant pump is located in a small room. A clearance of not less than 1.0m had not been provided around the perimeter of the completed pump assembly for ongoing inspection and testing, contrary to the requirements of Clause 11.3 of AS 2941-2013.
- B. A block plan of the fire hydrant system had not been provided within the pump room, contrary to the requirements of Clause 7.11 of AS 2419.1-2005;
- C. The pressure gauge at the booster pump was deteriorated and could not be read, contrary to the requirements of Clause 9.3 of AS 2419.1-2005.

1C. Sprinkler System

- A. A plan of risk (block plan) was not provided adjacent to the sprinkler booster, contrary to the requirements of Clause 8.3 of AS 2118.1-1999.

- B. Stop valves were not secured open by a padlocked chain or riveted strap, contrary to the requirements of Clause 8.2 of AS 2118.1-1999.

1D. Emergency Lighting

- A. Emergency lighting – An emergency light in the fire-isolated stairway failed to operate when push button tested and had not been maintained, contrary to the requirements of Clause 182 of the EP&A Regulation.

2. Access and Egress

- 2A. Latching – A cabin hook and eye gate latch was installed to a fire door located in the path of egress within the fire-isolated exit leading from the upper level accommodation rooms, which when used would prevent the fire door from self-closing, contrary to the requirements of Clause 3.8 of the NCC. Management advised that they would remove the hook and eye latch.
- 2B. Final exit door – The final exit door to the road from the fire-isolated exit leading to George Street is a double door. Only one of the doors was openable and the other door was locked in the closed position with top and bottom slide bolts. FRNSW were unsure whether both the doors are required to be openable in order to achieve the minimum exit width required.

3. Compartmentation

- 3A. Enclosure of space under stairs – A space beneath the non fire-isolated stair, providing egress from the 'Side Bar' was enclosed to form a cupboard and did not appear to consist of enclosing walls and ceiling achieving an FRL of not less than 60/60/60 and a self-closing -/60/30 fire door, contrary to the requirements of Clause D2.8(b) of the NCC.

4. Generally

4A. Fire Hydrant System

It appears that the fire hydrant system may have been installed in accordance with the provisions of Ordinance 70, however, the block plan states the system was installed to AS2419 (1994), with the year of installation nominated as 2002.

In light of this, FRNSW brings to your attention a position statement published by FRNSW on 8 January 2019. The statement is shown below:

Fire hydrant system in existing premises

When the consent authority (e.g. local Council) is assessing the adequacy of an existing fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier), FRNSW recommend that the system be upgraded to meet the requirements of the current Australian Standard AS 2419.1 to facilitate the operational needs of FRNSW.

It may be appropriate for a partial upgrade of the existing fire hydrant system be undertaken. A partial upgrade may be proposed to address deficiencies in the design and/or performance of the existing fire hydrant system, when assessed against the requirements of Australian Standard AS 2419.1, so that the upgraded fire hydrant system will meet the operational needs of FRNSW. Where a hybrid fire hydrant system is proposed, which incorporates the design and performance requirements from two different standards, the proponent should consult with FRNSW on the requirements for the fire hydrant system.

FRNSW is therefore of the opinion 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 item no. 1 through to item no. 4 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17(4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/3691 (5801) for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]
Senior Building Surveyor
Fire Safety Compliance Unit