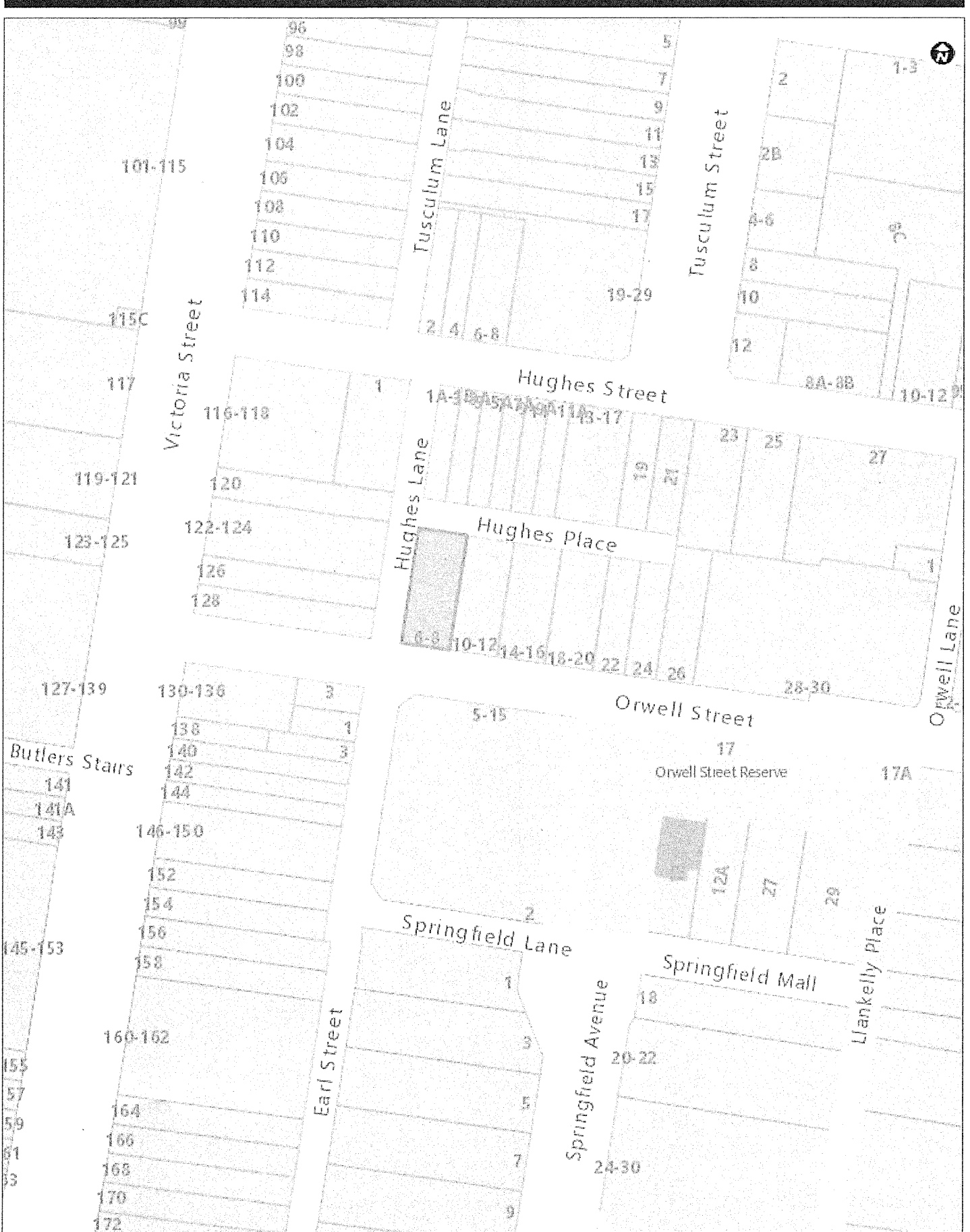
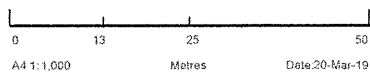


# **Attachment L**

**Inspection Report -  
6-8 Orwell Street, Potts Point**



*city of villages*



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**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 2049606

**Officer:** Joe Kalgovas

**Date:** 22/03/2019

**Premises:** 6-8 Orwell Street, Potts Point

**Executive Summary**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 7 March 2019 with respect to matters of fire safety.

The premises consists of a three level Backpackers Hostel, known as the Village Backpackers

An inspection of the premises undertaken by a Council investigation officer in the presence of the owner 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 Regulation 2000.

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

**Chronology:**

Date	Event
07/03/2019	FRNSW correspondence received regarding premises 6-8 Orwell Street, Potts Point
14/03/2019	Contacted owner to discuss letter from FRNSW and to arrange an inspection.
22/03/2019	<p>An inspection of the subject premises was undertaken by a Council officer with the owner and found that the non-compliances identified by FRNSW had been rectified except for the following:</p> <p><u>Booster Connection (Sprinkler):</u> The building was upgraded about 1988 for its current use, with the sprinkler booster assembly installed as part of the approval at this time. The fire brigade booster connection is located just inside the front entrance of the building within approximately 2m of the street alignment and is accessible and can be seen through glass entry doors. Although the location does not strictly comply with the latest Australian Standards being just inside the front doors, the physical constraints of the site do not allow for much improvement to move the installation approximately 1m to the outside space. The fire safety measures installed continue to be maintained as is evident by the recording of proactive annual fire safety inspections by Council Officers.</p> <p><u>Expandable Gate:</u> The expanding gate serves the operational requirements of the premises to separate the common dining room from the entry foyer and does not significantly obstruct egress from the subject areas in either the closed or open position as an exit is available from each area.</p>

Balustrade at roof terrace:

Pot plants positioned around the parapet have been identified as facilitating climbing. The Building Code does not control the placement of pot plants or furniture with regard to climbing. The terrace parapet measures approximately 1m in height which is in accordance with the Building Code.

Stairway width:

The stairway width was measured at 800mm. The building predates modern building regulations requiring egress stairways to be at least 1m in width. The City's records show approval for the current use and configuration dating back 30 years.

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**FIRE AND RESCUE NSW REPORT:**

References: D19/11384; 2019/118214

Fire and Rescue NSW conducted a proactive inspection of the subject premises.

Issues

The report from FRNSW detailed an Order and a number of issues, in particular noting;

1. Primary Link Fault shown at the Alarm Signalling Equipment.
2. Portable fire extinguishers at room 14 & 27 were not mounted on a support bracket.
3. A number of portable fire extinguisher were obstructed by stored items and not readily accessible.
4. Fire hose reel in the ground floor sitting area was obstructed by furniture.
5. Annual Fire Safety Statement did not appear to be up to date.
6. A number of exit signs at ground floor were not illuminated.
7. A compliant block plan was not provided adjacent to the sprinkler booster..
8. The fire brigade booster connection is located inside the building.
9. An expanding gate is installed adjacent to the exit door discharging to Orwell Street which could if pulled across impede egress.
10. Table and bench seat obstructed the exit door serving the common area which discharges to Orwell Street.
11. The exit door discharging out to Orwell Street serving the common area contains a snib lock and not a lever action handle.
12. The location and configuration of exit signs within the ground floor area was not appropriate and confusing.
13. The path of travel to the rear exit adjacent to room 7 was obstructed by stored items reducing the path of travel to less than 1m in width.

14. The path of travel to the exit to Orwell Street via the stairway serving the upper levels appears to be less than 1m.
15. The balustrade to the roof top terrace is configured to facilitate climbing.
16. Artificial lighting was not operational in the stairway at the roof top level.

FRNSW Recommendations.

FRNSW have made 16 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)

An inspections undertaken by a Council investigation officer in company with the manager of the premises revealed that the above issues and recommendations of FRNSW have been complied with.

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	2019/118214
A2.	Locality Plan	2019/147819-02
A3	Attachment cover sheet	2019/147819-01

**Trim Reference:** 2019/147819

**CSM reference No#:** 2049606



File Ref. No: BFS19/200  
TRIM Ref. No: D19/11384  
Contact: [REDACTED]

7 March 2019

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 Sir / Madam

**Re: INSPECTION REPORT  
THE VILLAGE BACKPACKERS (AKA EVA'S)  
6-8 ORWELL STREET POTTS POINT ("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 19 January 2019 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 building, 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.

## COMMENTS

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 One Amendment 1 (NCC). Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may relate to the building's age or contradict development consent approval. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified as concerns during the inspection:

### 1. Essential Fire Safety Measures

- 1A. Fire Alarm Monitoring - There was a fault shown at the Alarm Signalling Equipment (ASE), contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). The fault displayed was a 'Primary Link Fail'. The monitoring service provider, [REDACTED], was contacted on 21 January 2019 and confirmed that the ASE was not operating.
- 1B. Portable Fire Extinguishers (PFE) –
  - i. The PFEs adjacent to room 14 and room 27 were not mounted on a support bracket, contrary to the requirements of Clause 3.5 of AS2444–2001.
  - ii. A number of PFEs were obstructed by stored items and were not readily accessible at the time of the inspection, contrary to the requirements of Clause 3.2 of AS 2444–2001
- 1C. Fire Hose Reel (FHR) - Access to the fire hose reel located in the ground floor sitting area was obstructed by furniture, contrary to the requirements of Clause 10.1 of AS2441–2005.
- 1D. Annual Fire Safety Statement (AFSS) – Clause 177(2) of the Environmental Planning and Assessment Regulation 2000 requires the AFSS be updated annually. At the time of the inspection, the AFSS that was displayed did not appear to be up to date.
- 1E. Exit Signs – At the time of the inspection, a number of exit signs throughout the ground floor of the building were not illuminated, contrary to the requirements of Clause E4.6 and E4.8 of the NCC, Section 6 of AS 2293.1–2005 and Clause 182 of the EP&A Regulation.
- 1F. Block Plan - A compliant 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.

1G. Booster Connection – The fire brigade booster connection is located inside the building, contrary to the requirements of Clause 4.4.3 of AS 2118.1–1999.

## 2. Access & Egress

### 2A. Exit Door –

- i. Egress - An expanding gate has been installed adjacent to the exit door discharging to Orwell Street, which serves the common area. The gates were in the open position at the time of the inspection however, the gates could be pulled across the exit at any time, which could impede the free passage of persons to the fire exit. Council may need to review its records to confirm whether the gate has been approved in its current location.
- ii. Egress - At the time of the inspection a table and bench seat were observed obstructing the exit door serving the common area which discharges to Orwell Street, thereby causing an impediment, contrary to the requirements of Clause 184 and 186 of the Environmental Planning and Assessment Regulation 2000.
- iii. Operation of latch - The exit door discharging out to Orwell Street serving the common area, contains a snib lock in lieu of a downward action lever handle, contrary to the requirements of D2.20 of the NCC.

2B. Exit Signs - Performance Requirement EP4.2 of the NCC requires that suitable signs be installed to identify the location of exits. The location and configuration of the exit signs within the ground floor area was not appropriately sign posted and confusing. A review of the location and configuration of exit signs may be required.

2C. Path of Travel - The path of travel to the rear exit, adjacent to room 7, was obstructed by stored items reducing the unobstructed width of the path of travel to the exit to less than 1m, in contravention with the requirements of Clause D1.6(b) of the NCC. Management was informed of the issue at the time of the inspection.

2D. Path of Travel - The path of travel to the exit to Orwell Street via the stairways serving the upper levels, appears to have an unobstructed width less than 1m, contrary to the requirements of Clause D1.6(a) of the NCC.

## 3. Generally

3A. Balustrades – The balustrade to the roof top terrace contained multiple elements between 150mm and 760mm above the floor which would facilitate climbing, contrary to the requirements of Clause D2.16 of the NCC.

3B. Lighting - Artificial lighting was not operational in the stairway at the roof top level, which is contrary to the requirements of Clause F4.4 of the NCC.



FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

### **FIRE SAFETY ORDER NO. 1**

The inspecting Authorised Fire Officers' of FRNSW issued a Notice No. 1, dated 21 January 2019, in accordance with the provisions of Section 9.34 of the EP&A Act, to have item 1A of this report repaired.

In accordance with the provisions of Schedule 5, Part 6, Section 12 of the EP&A Act, a copy of the Notice is attached for your information. In this regard, FRNSW does not consider Council is required to take action in relation to item 1A of this report.

### **CERTIFICATION**

A follow-up call to [REDACTED] on 31 January 2019 confirmed that the ASE had been upgraded to a dual sim wireless system and was fully operational. FRNSW received written representations in relation to the proposed Order in accordance with the provisions of Schedule 5, Part 6, Section 8 of the EP&A Act, including certification from [REDACTED] confirming that the ASE has been upgraded.

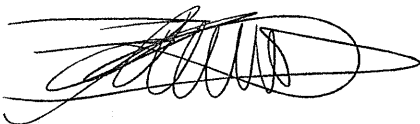
### **RECOMMENDATIONS**

FRNSW recommends that Council inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 3 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 BFS19/200 for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]  
Senior Building Surveyor  
Fire Safety Compliance Unit

*Attachments [Appendix 1 - 2 pages]*



# Proposed 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.*  
*Intend to give an Order in accordance with Section 9.34(1)(b)*

I, [REDACTED] **Building Surveyor** [REDACTED]  
(name) (rank) (number)

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

**AUSTRALIAN VILLAGE NO. 9 - ORWELL ST PTY LTD** **Owner**  
(name of person whom Order is served) (position i.e. owner, building manager)

with respect to the premise

**THE VILLAGE KINGS CROSS**  
**6-8 ORWELL STREET, POINTS POINT ("the premises")**  
(name/address of premises to which Order is served)

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

1. Ensure the Automatic Smoke Detection and Alarm System installed in 'the premises' is being continuously remotely monitored, by repairing the fault displayed on the Alarm Signalling Equipment.

The terms of the Order are to be complied with:

By no later than 7 days from the date of the order

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 Fire Safety Compliance Unit	1 Amanna Ave Greenacre NSW 2190	T (02) 9742 7434 F (02) 9742 7843
<a href="http://www.fire.nsw.gov.au">www.fire.nsw.gov.au</a>		Page 3 of 4

**The reasons for the issue of this Order are:**

- a. There was a fault shown at the Alarm Signalling Equipment, in contravention with the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). The displayed fault was:
  - 'Primary Link Fail'.
- b. To ensure the Alarm Signalling Equipment is fully operational so 'the premises' is continuously remotely monitored by the Automatic Fire Alarm Service Provider (AFASP), thereby allowing for early fire brigade intervention in the event of an emergency.
- c. To ensure that the Alarm Signalling Equipment is capable of operating in accordance with the standard of performance it was designed and installed to.

**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.

**Non-Compliance with the Order**

Failure to comply with this Order may result in further Orders and/or fines being issued. Substantial penalties may be imposed under Section 9.37 of the EP&A Act for failure to comply with an Order.

**NOTE:** Representations are to be made in writing and should be received by FRNSW by no later than close of business 28 January 2019.



Building Surveyor  
Fire Safety Compliance Unit

This **Proposed Fire Safety Order No. 1** was sent by mail on 21 January 2019.