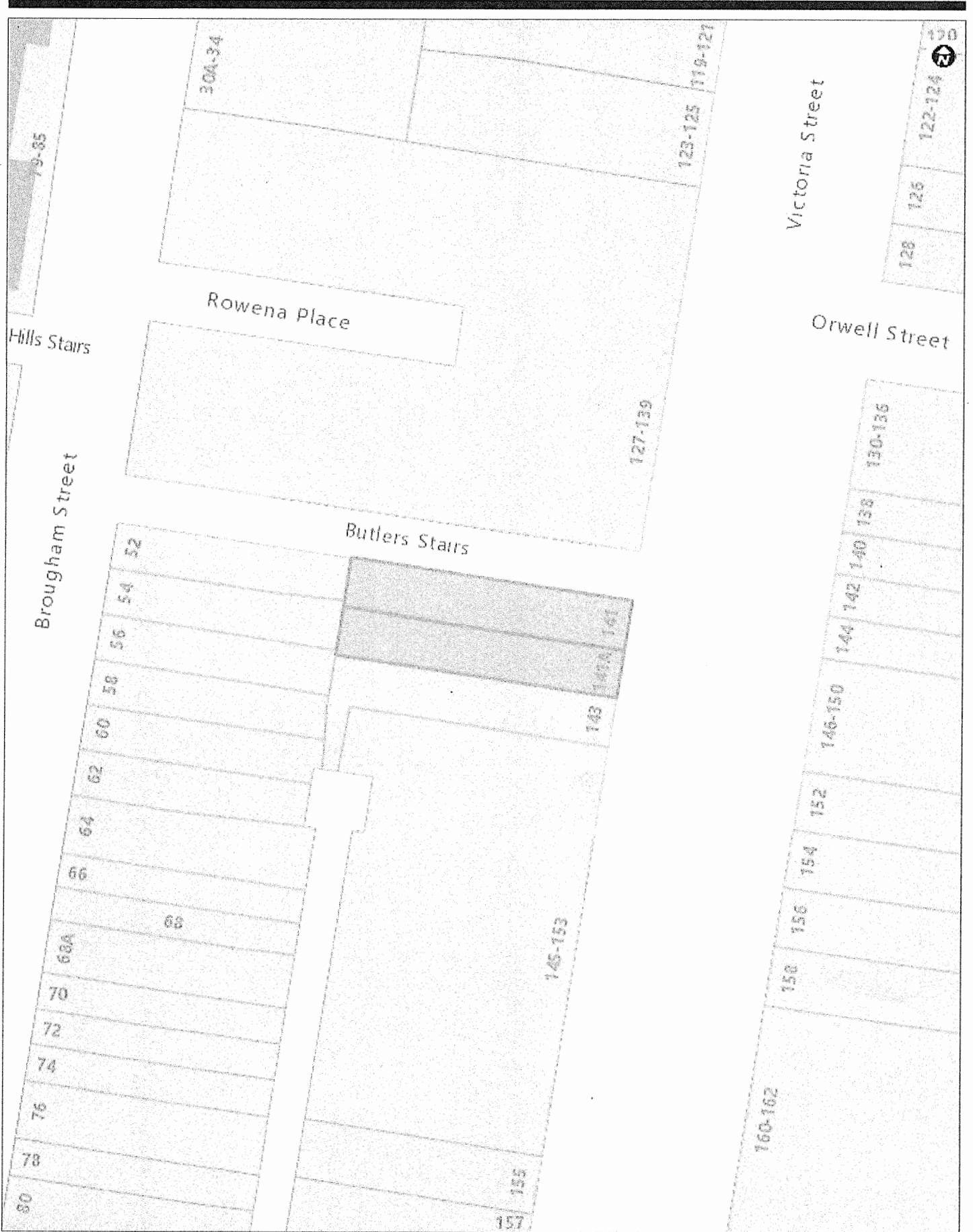


Attachment I

**Inspection Report - 141 and 141A
Victoria Street, Potts Point**



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

File: CSM20040033

Officer: Chad Grant

Date: 26 March 2019

Premises: 141 & 141A Victoria Street, Potts Point

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 19 February 2019 with respect to matters of fire safety.

The premises consist of a three storey building used as a backpackers known as 'Kanga House Backpackers'.

An inspection of the premises undertaken by a Council investigation officer in the presence of the backpacker's 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 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 metallic sheet cladding on the façade of the building.

Chronology:

Date	Event
19/02/2019	FRNSW correspondence received regarding premises 141 & 141A Victoria Street Potts Point.
01/03/2019	An inspection of the subject premises was undertaken by a Council investigation officer which identified certain fire safety issues including: <ul style="list-style-type: none">➤ The fire doors to the fire escape stairway did not latch shut;➤ The metal tags attached to the fire doors and doorframes had been painted over;➤ Certain fire doors are openable by round tulip style handles in lieu of a lever handles.
5/03/2019	Council officer issues the owners of the subject premises with an infringement caution notice. The notice provides for a work specification to be complied with. Also included is a written warning of a penalty notice for failing to comply.
26/03/2019	Site inspection undertaken, all matters referenced within Council's infringement caution notice were completed.

FIRE AND RESCUE NSW REPORT:

References: [BFS18/3087: D19/9867; 2019/083048]

Fire and Rescue NSW conducted an inspection of the subject premises on 5 December 2018 after receiving an enquiry dated 22 October 2018 about various fire safety issues with the building.

Issues

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

1. A disablement light was displayed on the Fire Indicator Panel. A photograph was later received by FRNSW confirming that the Fire Indicator Panel had been returned to normal.
2. Various fire doors did not latch shut, the metal tags to the fire doors and doorframes had been painted over, and the fire doors contained a round tulip style handle in lieu of a lever handle.
3. Non firefighting equipment was stored within the fire hose reel cabinets.

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
3. FRNSW has recommended that as Council are the regulatory authority the matter is referred for Council to take action to have the abovementioned items appropriately addressed.

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)

Site inspection undertaken, all fire safety matters now rectified.

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 outcomes.

Referenced documents:

No#	Document type	Trim reference
A1.	Fire and Rescue NSW report	2019/110811-02
A2.	Locality Plan	2019/110811-01
A3	Attachment cover sheet	2019/110811-03

Trim Reference: 2019/110811

CSM reference No#: 2040033



File Ref. No: BFS18/3087
TRIM Ref. No: D19/9867
Contact: [REDACTED]

15 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
'KANGA HOUSE BACKPACKERS'
141 & 141A VICTORIA STREET, POTTS POINT ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 22 October 2018, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated, in part, that:

I could not find one appropriately installed fire door. Max occupancy = 88 and they maintain 70-80% most times. No sprinklers. This place is made from two 3 Lvl terraces joined together through the fire wall and on G and Lvl 1 with what is meant to be a fire door. It is not.

No doors have their latch installed. Most strike plates have been removed. Only some doors have a compliance plate that has been painted over. By the feel of the door they do not feel like fire doors. Most areas have appropriate size rebate/door stops sizes showing the intent of having a fire door in that location although they are not.

AFSS check 12/3/18. The paint on the compliance plates is much older than this. There are bolts penetrating through these "fire doors" at the hinges due to running repairs. I doubt the electronic keypad on the ground fire doors has been tested on the specimen door during compliance. It looks like it has been an afterthought add on.

There are hose reels on every floor with CO2 in the same cupboard. No sprinklers or hydrants. There is basically no compartmentation and timber floors throughout.

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 5 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

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. Automatic Fire Detection and Alarm System – A disablement was displayed on the Fire Indicator Panel (FIP), which was associated with the Automatic Fire Detection and Alarm System. The FIP indicated that a detector in a bathroom was disabled.

At the time of the inspection, management were advised of the issue with the FIP and agreed to engage a Service Technician to reinstate the detector. On 6 December 2018 an email, including photographic evidence, was received from the Manager of the premises confirming that the system had been returned to normal.

1B. Fire Doors –

- i. Multiple fire doors throughout the premises, which separate corridors serving bedrooms/bathrooms from the stairs, include self-closing devices but do not have self-latching bolts installed on the doors, therefore failing to hold the door in the closed position, contrary to the requirements of Clause 2.1.3 of AS1905.1-2015.
- ii. Multiple fire doors and doorframes throughout the premises contain metal tags to the edge of the doors and doorframes which have been painted over, contrary to the requirements of Clause 6.1 of AS 1905.1-2015.
- iii. Multiple fire doors throughout the premises contains a round tulip style handle in lieu of a lever handle, contrary to the requirements of Clause D2.21 of the NCC

1C. Fire Hose Reels – Non-firefighting equipment was stored within a number of fire hose reel cabinets, contrary to Clause 10.4.4 of AS2441–2005.

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

RECOMMENDATIONS

FRNSW recommends that Council:

Inspect and address any other deficiencies identified on 'the premises', and require item no. 1A, 1B & 1C 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 BFS18/3087 for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]
Building Surveyor
Fire Safety Compliance Unit