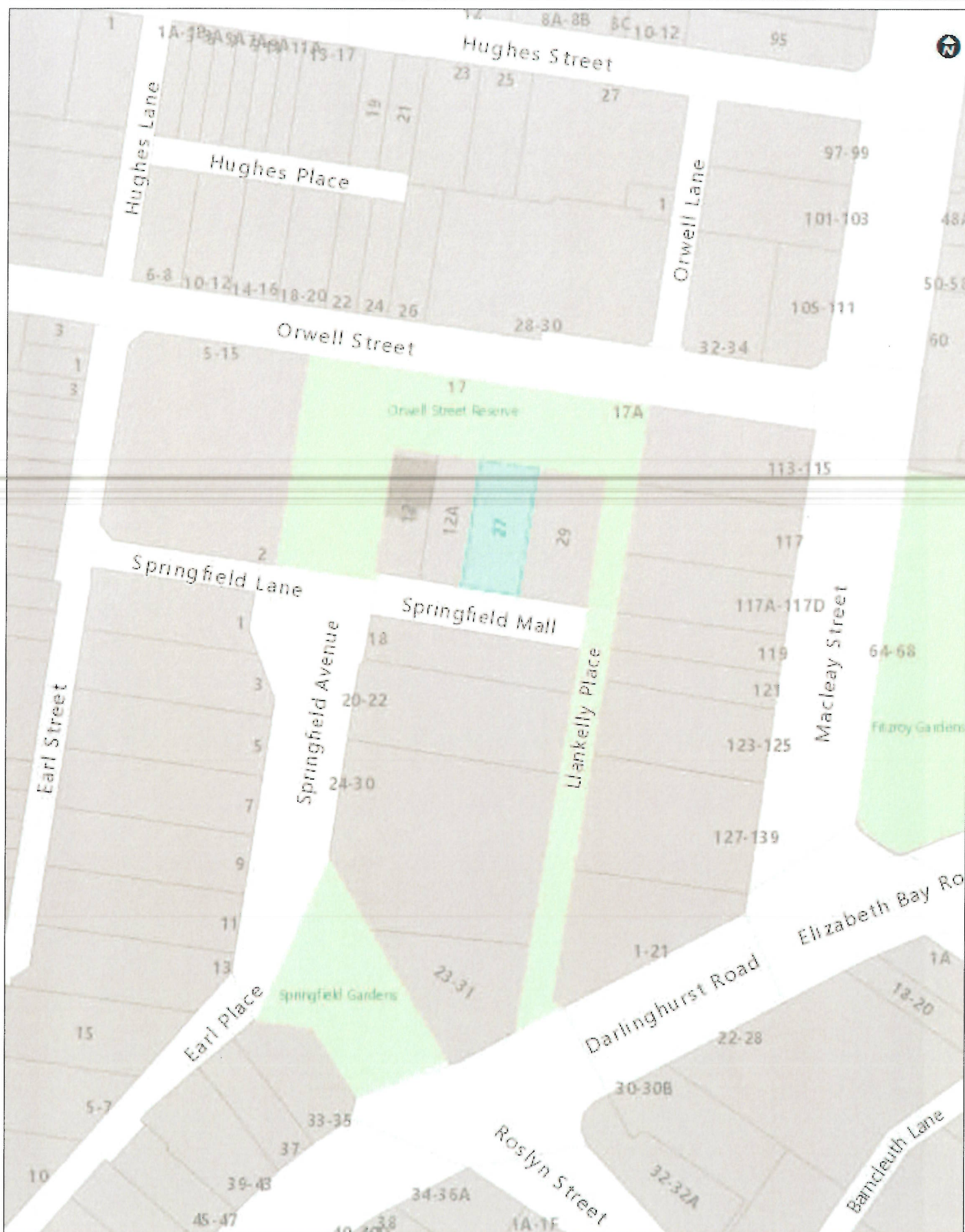


Attachment E

**Inspection Report -
27 Orwell 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: CSM 2063313

Officer: Joe Kalgovas

Date: 11/042019

Premises: 27 Orwell Street, Potts Point

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 consists of a four storey building constructed mid 1900s used for backpacker's accommodation and known as the Jolly Swagman Backpackers.

The ground floor is used mainly as a communal area and office with sleeping accommodation on three levels above.

The building was inspected under the proactive inspection project on 6/09/2018 with no fire safety issues found.

The building has been upgraded with regard to fire safety several times including 22 March 2001 - U00/01268 Development Application for internal works for fire safety improvements and replacement of existing external fire stairs to backpacker's hostel and 18 June 2008 – S060008/CDH/Fire/2008/20 Fire Safety Order completed 25 December 2008.

Notwithstanding Council investigations have revealed that the premises are deficient in fire safety and egress provisions in the following areas:

- (i) A lack of adequate facilities for firefighting;
- (ii) Safe and dignified emergency egress for occupants to safely evacuate the building in the event of a fire

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

Chronology:

Date	Event
01/04/2019	FRNSW correspondence received regarding premises 27 Orwell Street, Potts Point.
02/04/2019	Desktop review carried out.
04/04/2019	An inspection of the subject premises was undertaken by a Council officer and found the following: 1. Essential Fire Safety Measures 1A. Fire Indicator obstruction <i>Fire Indicator Panel was found to be obstructed by furniture. Redundant old detectors were located on ceilings. Owner agreed to remove obstructing furniture and redundant detectors.</i>

	<p>1B. Maintenance <i>All exit signage was found to be operating at the time of inspection. Paint on tags on fire doors and frames were note as identified by FRNSW. Magnetic door closing devices tested operated satisfactorily. Owner agreed to remove paint from door and frame tags.</i></p> <p>1C. Sprinkler System <i>The location of the sprinkler booster connection was not immediately obvious. It was observed that the northern external fire stairway prevents outside access to the existing booster. Spare sprinkler heads and spanner and valve security strap were provided. Owner agreed to provide additional signage and block plan.</i></p> <p>1D. Exit signage inadequate <i>Exit signage was found throughout the building which the owner agreed to improve.</i></p> <p>2. Access & Egress <i>FRNSW observed that numerous exit system features did not comply with the current building code. Inspection confirmed FRNSW findings. It is considered that improvement of some features may be possible.</i></p> <p>3. Compartmentation <i>FRNSW have identified three issues regarding compartmentation where features of the building do not comply with current building codes. The issues exist as a result of previous fire safety upgrading carried out where full compliance could not be achieved. Further investigation is warranted.</i></p> <p>4. Generally</p> <p>4A. Items stored in northern fire stairs <i>Items were removed at the time of the fire brigade inspection.</i></p> <p>4B. Evacuation procedures review <i>Training is to be provided to the Managers on duty.</i></p> <p>4C. Faults and isolations in the Fire Indicator Panel <i>Reinspection by FRNSW confirmed repairs had been carried out.</i></p> <p>4D. Fire Safety Statement review for critical measures <i>Consideration is to be given to determining the evacuation procedures as a critical fire safety measure.</i></p>
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FIRE AND RESCUE NSW REPORT:

References: D19/20945, 2019/161665

Fire and Rescue NSW conducted a proactive inspection on 19 January 2019 and identified the following:

Issues

The report from FRNSW detailed a number of issues,

1. Essential Fire Safety Measures

- 1A. Fire Indicator obstruction
 - B. Verification of smoke and thermal detectors
 - C. Wire free alarm zone circuit system installation confirmation
- 1B. Maintenance
 - A. Exit signs not operating
 - B. Fire Indicator Panel displaying faults
 - C. Fire door tags painted
 - D. Door release devices failed to activate
- 1C. Sprinkler System
 - A i. Additional sprinkler booster signage missing
 - A ii. Accessibility of sprinkler booster assembly
 - B. Block Plan for sprinkler booster missing
 - C. Spare sprinkler heads and spanner missing
 - D. Main Stop Valve security strap missing
- 1D. Exit signage inadequate

2. Access & Egress

- 2A. Front door swing and locking non-compliant
- 2B. External discharge requires occupants to pass external openings
- 2C. Height and width of northern exit and path of travel dimensions non-compliance
- 2Ca. Discharge on western elevation obstructions and dimension non-compliance
- 2Cb. Goings and risers stairway dimension non-compliance
- 2Cc. Northern stairway handrail dimension non-compliance
- 2Cd. Identifying door signage required

3. Compartmentation

- 3A. Smoke detector location for fire door release review
- 3B. Southern stair wall construction and penetrations confirmation
- 3C. Eastern and western window opening protection confirmation

4. Generally

- 4A. Items stored in northern fire stairs
- 4B. Plan of management review
- 4C. Faults and isolations in the Fire Indicator Panel
- 4D. Fire Safety Statement review for critical measures

FRNSW Recommendations

FRNSW have made a number of recommendations within their report. In general FRNSW have requested that Council:

Inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

FRNSW have also requested that as soon as practical after the above recommendations have been tabled and considered that notice of any determination in respect of the recommendations is forwarded to them in accordance with 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 a site inspection undertaken by Council investigation officers it is recommended that Council exercise its powers to give a notice of intention (NOI) for a fire safety order to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 to address the fire safety deficiencies identified by FRNSW and Council's building officer.

The issue of a fire safety order will ensure that suitable fire safety systems are in position throughout the building to provide improved and adequate provisions for fire safety

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	2019/161665
A2.	Locality Plan	2019/182097-01
A3	Attachment cover sheet	2019/182097-02

Trim Reference: 2019/182097

CSM reference No#: 2063313



File Ref. No: BFS19/204 (6106)
TRIM Ref. No: D19/20945
Contact: [REDACTED]

29 March 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
'JOLLY SWAGMAN BACKPACKERS'
27 ORWELL ST, 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

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items are limited to observations of the building accessed at the time of the inspection and identifies possible deviations from the National Construction Code 2016, Volume 1 Building Code of Australia (NCC). FRNSW acknowledges that the deviations may contradict development consent approval or relate to the building's age. It is therefore council's discretion as the appropriate regulatory authority to consider the most appropriate action.

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

- 1A. Fire Indicator Panel (FIP) – The following comments consider Australian Standard AS1670.1-2004 – 'Fire detection, warning, control and intercom systems—System design, installation and commissioning':
 - A. Clause 3.91 of AS1670.1 requires FIP's to be clearly visible and readily accessible within the designated building entry point or the fire control room. At the time of the inspection there were chairs and tables located in front of the FIP. Council may need to review its records to confirm whether the FIP has been approved within a dining room.
 - B. Clause 3.25.1 of AS1670.1 outlines the requirements for the location of detectors which includes meeting the requirements of the NCC. At the time of the inspection, the block plan references smoke and thermal detectors. At first glance, it is unclear whether thermal detectors have been installed in the common areas. Council may need to review its records to confirm the location of smoke and thermal detectors within the premises. Noting the requirements of Clause 3.25.1 of AS1670.1 which states *"the use of heat detectors or heat alarms in lieu of required smoke detectors or smoke alarms is not recommended"*.
 - C. Clause 3.23 of AS1670.1 references AS4428.9 regarding the installation of wire free alarm zone circuits. Council may need to review its records to confirm whether a wire free alarm zone circuit system has been approved and installed in accordance with AS4428.9.
- 1B. Maintenance – Clause 182 of the Environmental Planning and Assessment Regulation 2000 requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed. The following was noted at the time of the inspection:
 - A. Exit signs – A number of exit signs that were either not operating when the test button was pressed or were not illuminated.

- B. Faults – At the time of the inspection, there were faults observed in the log book indicating low battery. The Fire Indicator Panel displayed a fault stating “Radio system 1. Tech Dis 0007, disarmed zone in check, check 988 RF receiver 2” which was isolated.
 - C. Regular Maintenance – Australian Standard AS1851-2012 (amendment 1) - “Service of fire protection systems and equipment”, requires essential service measures to be regularly tested. Section 12.2.4. requires fire doors and smoke doors to be appropriately tagged. At the time of the inspection a number of fire door tags were painted. It is unclear whether the fire doors are regularly inspected or maintained.
 - D. Door Release Control – Clause 3.19 of Australian Standard AS1670.1 – 2004 requires that a door that is held open by a hold-open device (magna latch) shall close upon receipt of an alarm. A number of devices failed to close upon activation of the test button.
- 1C. Sprinkler System – Having regard to Australian Standard AS2118.1 – 1999 “Automatic fire sprinkler systems – Part 1: General Requirements”, the following comments are provided:
- A. At first glance, the Sprinkler Booster Connection appears difficult to locate as there is insufficient signage identifying that the booster is located on the western elevation of the building. The only way to access the booster appears to be through a side door within the building, as the side gate providing access from Orwell Street appears inaccessible as a result of external metal stairs. The following comments consider Clause 4.4.3 of AS2118.1, as such council may need to review its records to confirm whether the following applies:
 - i. Signage with words “SPRINKLER BOOSTER CONNECTION” in letters not less than 50 mm high, in colours contrasting with that of the background, is required for housed booster connections. The location of the booster may be considered housed.
 - ii. The booster assembly is to be located externally of the building and readily accessible to fire brigade personnel. The external metal stairs and access to the booster from within the building may not meet this requirement.
 - B. Clause 8.3 requires the installation of a block plan adjacent to the valve assembly. The plan should include specific information in the form of a permanent diagram which is water and fade resistant. A block plan could not be located at the time of the inspection.

- C. Clause 6.7 requires spare sprinkler heads and a spanner to be stored in order to replace activated heads in a timely manner. At the time of the inspection a spanner could not be located. There were seven (7) sprinkler heads, where 24 heads are required.
 - D. Clause 8.2.2 requires the Main Stop Valve to be secured by a padlocked or riveted strap. At the time of the inspection a strap could not be located.
- 1D. Exit Signage – Clause E4.8 of the NCC requires the design and operation of exit signs to comply with AS2293.1 or Specification E4.8. At the time of the inspection a number of exit signs appeared to be “stick on” exit signs and did not appear to be luminous or photoluminescent.

2. Access & Egress

- 2A. Swinging Doors and Operation of Latch – Clause D2.20 and Clause D2.21 of the NCC requires swinging doors in a required exit, or forms part of a required exit to swing in a direction that does not impede the path or direction of egress and be readily openable without a key from the side that faces a person seeking egress. At the time of the inspection the front entrance door, opens against the path of egress and appears capable of being locked after hours.
- 2B. Fire Isolated Stair – Clause D1.7 of the NCC requires each fire isolated stairway or ramp be provided with independent egress from each storey and discharge directly to a road or open space (or by way of its own fire isolated passageway). Council may need to review its records as the common stairwell on the southern side of the building appears to form a fire isolated exit, where the final exit door on the eastern elevation and the fire isolated exit on the northern side that exits on the western elevation requires occupants to pass within 6 metres of an external wall of the same building with openable windows and sprinkler heads over the openings as identified in item 3C of this report.
- 2C. Construction of Exits – A review of the construction of exits may be required as observations at the time of the inspection revealed the following:
 - A. Clause D1.6 of the NCC outlines the minimum dimensions for the height and width for a required exit or path of travel to an exit. The fire isolated exit on the northern side of the building may not meet the dimensions prescribed.
 - B. Clause D1.10 of the NCC requires exits at the point of discharge to be free of obstructions and minimum width. At the time of the inspection, point of discharge on the western elevation included a gate with a hose reel, the installation of the gate and hose reel appeared to reduce the minimum dimensions. As an aside, the head height of the frame opening for the gate may also be considered an obstruction.

- C. Clause D2.13 of the NCC requires goings and risers to be of a specific dimension. The common stair well on the southern side of the building and the second required exit on the northern side may not meet the dimensions as prescribed.
 - D. Clause D2.17 of the NCC requires hand rails to be a specific height and location. The hand rails to the required exit on the northern side, may not meet the dimensions prescribed.
- 2D. Signs on Doors – Clause D2.23 of the NCC requires signage with specific wording and dimensions to be installed on fire isolated exits, required smoke door and fire doors. The purpose of such signage is to clearly identify the purpose of the door. At the time, there was advertising on the door, which at first glance detracted from the signage of the door.

3. Compartmentation

- 3A. Smoke and Fire Door Release Control – Clause 3.19 of Australian Standard AS1670.1 – 2004 requires that the location of smoke detectors be installed either side of the door in line with the centre of the door opening no less than 300 mm and no more than 1.5 m horizontal distance from the opening. A review may be required regarding of the location of smoke detectors and fire doors with magna latches as it appears at first glance that smoke detectors are not be located within the prescribed distances.
- 3B. Fire Separating Walls – Clause C2.7 of the NCC requires fire walls to be constructed in specific locations with the relevant Fire Resistance Level (FRL). If the common stairwell on the southern side of the building is constructed to create a Fire Isolated Stair, council may need to review its records to confirm the walls extend to the underside of each floor or roof covering. Including confirmation that any penetrations created by CCTV cameras has not breached the required FRL of the wall.
- 3C. Openable Windows – Clause C3.2 and Clause C3.4 of the NCC requires openings that are exposed to a fire source feature to be protected if the distance is less than the prescribed length. At the time of the inspection, there were sprinklers over openable windows on the eastern and western elevations of the building. Council may need to review its records to confirm whether the method of protection for windows has been approved as the distance from the allotment appears less than 3 metres.

4. Generally

- 4A. Storage – At the time of the inspection there were items stored in the fire isolated stairs on the northern side of the building. The items consisted of brooms, toilet paper and a mop. The items were removed at the time of the inspection.

- 4B. Evacuation Procedures – At the time of the inspection, the manager on duty was unfamiliar with the evacuation procedures for the premises. A review of the plan of management for the premises may be required.
- 4C. Faults and Isolations – At the time of the inspection, the owner was advised that Faults and Isolations to the FIP required repair. The owner set about repairing the faults and isolations on the night. A reinspection at 22:00 hrs on 19 January 2019 confirmed that the faults and isolations had been repaired.
- 4D. Supplementary Fire Safety Statements – Given the age of the building and the above observations, council may need to review what is considered a critical fire safety measure. Considerations may include assessment and certification of the evacuation procedures.

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

RECOMMENDATIONS

FRNSW recommends that Council:

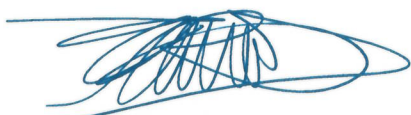
- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 4 of this report be addressed appropriately.

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]

[REDACTED] Please ensure that you refer to file reference BFS19/204 (6106) for any future correspondence in relation to this matter.

Yours faithfully


[REDACTED]
[REDACTED]
[REDACTED]