

Attachment F

**Council Officer Inspection Report -
23 – 31 Darlinghurst Road, Potts Point**



**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 2210056

Officer: Jon Hall

Date: 8 January 2020

Premises: 23 – 31 Darlinghurst Rd Potts Point - Funkhouse 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 consists of three above ground storeys with a basement level. The main use of the building is a backpacker's hostel known as Funkhouse Backpackers. At basement level there is a bar / restaurant, at ground floor level a number of shops and the backpacker's entry lobby and exit stair with the first and second floor levels being backpacker's accommodation. There is a small roof deck at the top of the building from which egress is connected to the main stair in the building.

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

- (i) The fire detection and alarm system (principally the fire control and indicating equipment);
- (ii) Inadequate egress paths of travel

Council investigations have revealed that the premises are deficient in the provisions for fire safety and that a fire safety order to be issued under Schedule 5 of the Environmental Planning and Assessment Act, 1979 is required to be issued so as to ensure and promote adequate facilities for fire safety/fire safety awareness.

Observation of the external features of the building did not identify the existence of any combustible composite cladding on the façade of the building.

Chronology:

Date	Event
13/12/2019	FRNSW correspondence received regarding premises 23-31 Darlinghurst Road Potts Point.
17/12/2019	Council officer contacts management of backpackers hostel to advise of FRNSW inspection and issues raised with Council.
23/12/2019	An inspection of the subject premises was undertaken by a Council officer accompanied by the backpacker's hostel manager. The inspection revealed; Fire indicator panel (FIP) – a sub panel is located within a locked shop location restricting access. Integration into the main FIP would resolve the current access restrictions. Alarm signalling equipment – no faults were observed and the system appears to be functioning correctly. Item complete. Magnetic door hold open device – was operating in the correct manner. Item complete.

	<p>Exit travel distance – the doorways of the furthest backpacker bedrooms on the first and second floor are protected by fire doors due to the distance of travel to an exit. This has been determined by previous Council assessments as being an acceptable strategy in the circumstances and is considered to provide an appropriate level of fire safety protection to these rooms.</p> <p>It was also observed that the short rooftop egress corridor has a number of fixed appliances (washing machine/dryers) sited within. This will be the subject of further review and enforcement action.</p>
8/1/2020	Council investigation officer inspection and report prepared for Council.

FIRE AND RESCUE NSW REPORT:

References: [BFS19/1057 (6934), D19/90830; 2019/634930]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about the adequacy of the provision for fire safety in connection with the premises.

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

1. Configuration of the fire indicator panel and the type of fire detectors within public corridors;
2. Maintenance of magnetic hold open device to a fire door;
3. Exit travel distance from furthest backpacker bedrooms.

FRNSW Recommendations

FRNSW have made a recommendation 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;

FRNSW have also requested that they be advised of the determination in accordance with Schedule 5, Part 8, clause 17(4) 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	2019/634930
A2.	Locality Plan	2019/641037-02
A3	Attachment cover sheet	2019/641037-01

Trim Reference: 2019/641037

CSM reference No#: 2210056



File Ref. No: BFS19/1057 (6934)
TRIM Ref. No: D19/90830
Contact: [REDACTED]

13 December 2019

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Dear General Manager

**Re: INSPECTION REPORT
23-31 DARLINGHURST ROAD, POTTS POINT ("the premises")**

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

The correspondence stated in part that:

STAR CORNER retail fast food outlet at 23-31 Darlinghurst Rd found with Alarm Operating as well as at Newsagent and Gymnasium retailers adjacent.

Clear view of fast food outlet through window- no sign of fire.

FIP showing ZONE 5 - SHOP 9 (formerly known as ELK Bar)

FIP was sub-FIP as a slave device to AFA 0461111 located at FUNKHOUSE BACKPACKERS

FIP at FUNKHOUSE BACKPACKERS showing Sub FIP FAULT in Zone 2- which is the adjoined retail shops.

Current Fire Safety Statement FOR FUNKHOUSE BACKPACKERS ONLY issued 13March 2019.

FIP and fire detectors at Shop 9 STAR CORNER retail fast food outlet and Newsagent and Gymnasium retailers adjacent are extremely dirty and not recently serviced-this Sub-FIP is NOT advising of Fire Situations to ROMTEK due to faults.

*HIGH RISK TO LARGE NUMBER OF PEOPLE ACCOMMODATED ABOVE
RETAIL OUTLETS AT 23-31 DARLINGHURST RD WITHIN FUNKHOUSE
BACKPACKERS.*

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 September 2019 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

Please be advised that this report is not an exhaustive list of non-compliances and the items listed outline deviations from the National Construction Code Volume One 2019 Building Code of Australia (NCC) which 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 course of action.

The following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures

1A. The Automatic Smoke Detection and Alarm System ('the system'):

- a. Fire Indicator Panel (FIP) and Sub FIP – 'The system' comprises the main FIP in the lobby area of the Funkhouse Backpackers with a Sub FIP located in Shop 9 (Star Corner tenancy). It appears that the main FIP covers the Funkhouse Backpackers (Zones 3 to 7 - first floor to roof) and part of the ground floor retail shops (Zone 1 - ground floor east), whilst the Sub FIP covers the remaining part of the ground floor retail shops (west).

The Main FIP identifies the Sub FIP as Zone 2 which is further broken up into additional zones on the Sub FIP covering the remaining ground floor shops (west) and basement. Whilst the Main FIP is provided with a colour coded block plan, the shaded area on the block plan identifies Zone 1 as the entire ground floor shops (which is inconsistent with the arrangement) and the location of the Sub FIP is not clearly identified. Furthermore, the Sub FIP is not located in a readily accessible position and is not provided with an adequate block plan which clearly identifies the areas/zones covered by the Sub FIP.

Due to the location and accessibility of the Sub FIP along with the confusing arrangement (from a fire-fighting/operational perspective), FRNSW recommends consideration be given to reprogram the Main FIP to include the ground floor west tenancies as a separate zone on the main FIP and remove the Sub FIP.

- b. There were a number of instances within the public corridors of the Funkhouse Backpackers, where a thermal detector was installed in lieu of a smoke detector, contrary to the requirements of Specification E2.2a of the NCC.
- 1B. Alarm Signalling Equipment (ASE) - The ASE was displaying 'primary link failed' indicating that the secondary/backup PSTN landline telephone link for the ASE may have been disconnected. The Manager of Funkhouse Backpackers was advised that this particular issue was typically due to NBN migration and the Manager confirmed that they would contact their service provider to have the issue rectified as a matter of urgency.
 - 1C. Fire Doors - The fire door to the main stairway on the first-floor level (Funkhouse Backpackers) was fitted with a magnetic hold open device which was broken and had not been maintained, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

2. Access and Egress

- 2A. Exit travel distances – The entrance doorway of the furthest Sole Occupancy Units on the first and second floor level (Rooms 123 & 229) appear to be located more than 6m from an exit or from a point from which travel in different directions to 2 exits is available, contrary to the requirements of Clause D1.4(a)(i) of the NCC.

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 & 2 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 BFS19/1057 (6934) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

Fire Safety Compliance Unit