

# **Attachment G**

**Council Officer Inspection Report -  
23 Hughes Street, 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 2209577**

**Officer: Craig Hann**

**Date: 3 January 2020**

**Premises: 23 Hughes Street, Potts Point – The Palms Backpackers**

**Executive Summary:**

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

The premises consists of a 3 level building used as backpackers hostel known as The Palms Backpackers. The ground floor level comprises reception, lounge, kitchen, dining and storage areas, first and second floors comprises bedrooms. The building is subject to council's annual proactive backpackers hostel fire safety inspection program, it was last inspected on 11 April 2019.

An inspection of the premises undertaken by a Council investigation officer in the presence of the backpackers hostel 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.

Council investigations have revealed that whilst there remains several minor fire safety "maintenance and management" works to attend to, such as exit sign repair and housekeeping, 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 contractor(s) through written instruction from Council.

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

**Chronology:**

<b>Date</b>	<b>Event</b>
13/12/2019	FRNSW correspondence received regarding premises The Palms Backpackers, 23 Hughes Street Potts Point.
18/12/2019	Council officer contacted the owner and advised of the inspection by FRNSW and the issues identified by them. An inspection was arranged for the following week.
23/12/2019	An inspection of the subject premises was undertaken by a Council officer accompanied by the backpackers hostel manager.  The inspection revealed:  1. The fire indicator panel was operational with no faults or isolations showing. The age of smoke detectors could not be determined during inspection. An audit of smoke

	<p>detectors by the building's fire services contractor will be required to determine service life / compliance with manufacturer's recommendations. Corrective action letter required.</p> <ol style="list-style-type: none"> <li>2. The local sprinkler system alarm has been repaired and is no longer reported as a fault in service records. Item completed.</li> <li>3. An exit sign on the second floor is not illuminated. A replacement light tube is required. Manager advises repairs have been arranged. Corrective action letter required.</li> <li>4. The self-closing device on the door to bedroom 4 has been repaired and found to be operational. Item completed.</li> <li>5. The annual fire safety statement was displayed in the entry foyer next to the fire indicator panel in accordance with regulations. Item completed.</li> <li>6. General housekeeping works are required to keep hallways clear and storage in appropriate locations. Manager advised to arrange for items to be cleared from hallways and relocate stored items. Corrective action letter required.</li> </ol> <p>All matters were explained to the hostel manager at the conclusion of the inspection.</p> <p>Council officer also contacted the building owner by phone and email to advise of the inspection outcome / corrective work required and that follow up compliance inspections would be conducted.</p>
27/12/2019	<p>Council officer conducted a follow up compliance inspection to check progress of corrective work. The inspection revealed that housekeeping works had been completed to clear exit ways.</p> <p>Further follow up compliance inspections shall be conducted.</p>
2/1/2020	<p>Council officer issued written instructions to the owner to rectify the identified fire safety deficiencies.</p> <p>Further follow up compliance inspections shall be conducted.</p>

### **FIRE AND RESCUE NSW REPORT:**

**References:** [BFS19/2394, D19/91454; 2019/633705]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about inadequate maintenance in a backpackers building and its impact on the building's automatic smoke detection / fire alarm system.

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

1. Maintenance and performance of several essential fire safety measures and display of the annual fire safety statement.

#### **FRNSW Recommendations**

FRNSW have made several 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;

FRNSW advise that the matter is referred for Council as the appropriate regulatory authority.

Further, FRNSW requests advice of any determination in respect of the recommendations be 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 site inspection undertaken by a Council investigation officer it was determined that concern for public safety required the giving of written instructions to rectify the identified fire safety deficiencies, without any further delay.

It is recommended that Council note the exercise of powers by Council's investigation officer in issuing written instructions to rectify the identified fire safety deficiencies prior to the resolution of Council.

The issue of written instructions to rectify the identified fire safety deficiencies will ensure that fire safety systems are maintained to the required standard of performance.

Follow-up compliance inspections will be undertaken by a Council officer to ensure all identified fire safety matters are suitably addressed and that compliance with the terms of Councils 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	2019/633705
A2.	Locality Plan	2019/641267-01
A3	Attachment cover sheet	2019/641267-02

**Trim Reference:** 2019/641267

**CSM reference No#:** CSM 2209577



File Ref. No: BFS19/2394 (8238)  
TRIM Ref. No: D19/91454  
Contact: [REDACTED]

13 December 2019

General Manager  
City of Sydney  
GPO Box 1591  
SYDNEY NSW 2001

Email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

Dear General Manager

**Re: INSPECTION REPORT  
'THE PALMS BACKPACKERS'  
23 HUGHES STREET, POTTS POINT ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 17 July 2019 in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *Fire Indicator Panel was not operable, the building in general was in dis-repair. We attended a flooding from a broken shower which had been leaking for a number of days, the water had travelled through a number of smoke detectors on the floor below. We were unable to reset or isolate the panel, the FIP did not seem to work at all. The receptionist said that the building owner was overseas.*
- *The concern is that there are a large number of backpackers staying in the building, the building has not been maintained.*

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 11 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:

- a. The smoke detectors throughout the premises appeared to exceed the recommended service life of 10 years. In this regard, manufacturer's recommendations/instructions for most smoke detectors state they are to be replaced when they fail to respond or after 10 years.

#### 1B. Automatic Fire Suppression System:

- a. Local Alarm – The 'Sprinkler Installation Service Records' dating back to June 2019, indicated a failure of the local alarm bell in the 'Remarks' section. It is unclear whether the local alarm fault had been rectified at the latest service record dated 12 August 2019.

#### 1C. Exit signs – The exit sign on the first-floor level was not illuminated and had not been maintained, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

#### 1D. Bounding Construction - The solid core door to Room 4 contained a self-closing device which was disengaged, preventing the doors from returning to the fully closed position after each manual opening, contrary to the requirements of Clause C3.11(d) of the NCC.

- 1E. Annual Fire Safety Statement (AFSS) – A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 177 of the EP&A Regulation. In this regard the AFSS on display was dated May 2017 and is no longer valid.

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 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 BFS19/2394 (8238) for any future correspondence in relation to this matter.

Yours faithfully



Fire Safety Compliance Unit