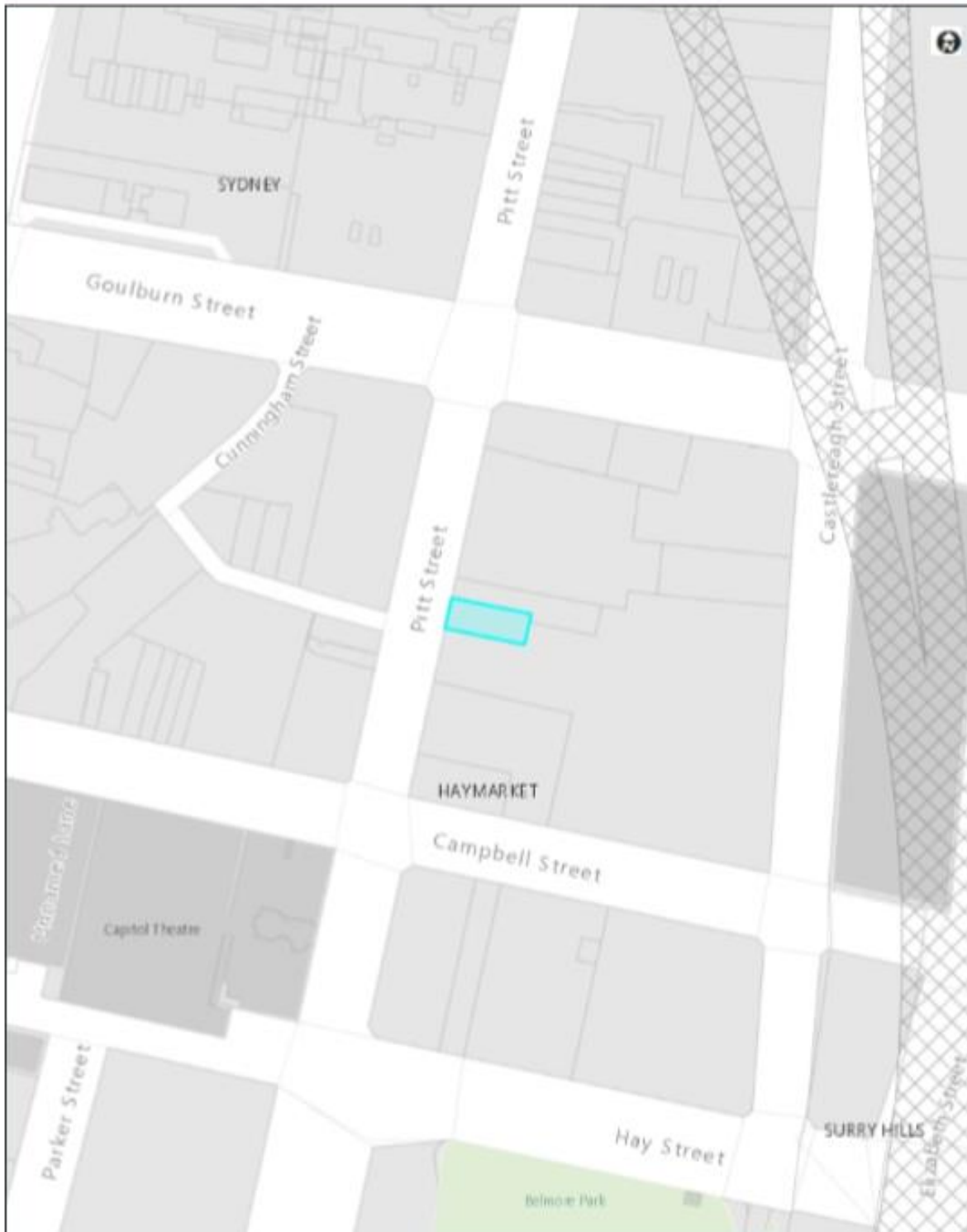


# **Attachment B**

**Inspection Report  
412 Pitt Street Haymarket NSW 2000**



0 10 20 30  
Metres  
Scale 1:10,000

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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)**

**CSM: 2390353**

**Officer: B. Badyari**

**Date: 13 October 2020**

**Premises: 412 Pitt Street, HAYMARKET NSW 2000 ("the premises")**

**Executive Summary:**

Council received correspondence dated 24 September 2020 from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises with respect to matters of fire safety.

The premises consist of a fourteen (14) storey building previously used as a Class 3 (residential hotel).

Councils Officer carried out inspections which revealed that the whole building is currently a construction site (alterations and additions) with no residents and has an active hydrant system and fire extinguishers on each level placed as per the recommendations from the Principal Certifying Authority during construction. The PCA has carriage of all matters in relation to the works while they are being carried out including any interim fire safety measures.

Records indicate the original building was erected in approximately 1930. The fire safety schedule for the premises contains 20 fire safety measures. Council has been notified of the appointment of registered certifier and construction certificate for the BCA upgrade of the building which is currently being undertaken.

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

**Chronology:**

Date	Event
24/09/2020	FRNSW correspondence received on 24 September 2020 regarding premises 412 Pitt Street Sydney
29/09/2020	An initial desktop review of the subject building revealed that the building is currently under construction and essential fire safety licenses is suspended accordingly.
12/10/2020	Council officers inspected the premises on 12 October 2020 and noted that: - The building is a construction site; and - a registered certifier has been appointed to monitor the building whilst building works and BCA upgrading are undertaken.
12/10/2020	Report prepared, to table FRNSW report to Council meeting scheduled on December 2020.
26/11/2020	An inspection by Council revealed the premises remains a construction site.

**FIRE AND RESCUE NSW REPORT:**

**References:** [BFS20/389 (10456) (D20/76094);]

Fire and Rescue NSW (FRNSW) conducted an inspection of the subject premises on 8 September 2020 in accordance with Section 9.16 and section 9.32(1)(b) of the Environmental Planning and Assessment Act 1979 (the Act).

## Issues

The report from FRNSW detailed issues below;

1A. Building Work – At the time of the inspection it was confirmed that the premises did not have occupants that is people sleeping on the premises and use as backpacker accommodation. The premises is a building site where it appears refurbishments are being conducted.

1B. Clause 152A and Class 3 Buildings – It may be in council's interest to confirm whether the new building work includes a new hydraulic fire safety system, fire detection and alarm system, or a mechanical ducted smoke control system (we need to comment on this). The appointed certifier may need to request a report under Clause 152A of the Environmental Planning and Assessment Regulation 2000 prior to occupation.

## FRNSW Recommendations

FRNSW have recommended that Council, being the appropriate regulatory authority, seek to address any deficiencies associated with the issues identified above.

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### **COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:**

Issue Order(NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Continue with compliance actions under the current Council Order	Council to inform registered certifier with no further investigations.
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As a result of the inspection and assessment of the issues undertaken by Council's officer, the Registered Certifier was issued with written advice on 1 October 2020 to address FRNSW concerns.

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	2020/448861

**Trim Reference:** 2020/448850

**CSM reference No#:** 2390353

Unclassified



File Ref. No: BFS20/389 (10456)

TRIM Ref. No: D20/76094

Contact: [REDACTED]

24 September 2020

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 General Manager

**Re: INSPECTION REPORT  
'WESTEND BACKPACKERS'  
412 PITT STREET SYDNEY ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 12 February 2020, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated in part that:

*Premises have been under renovation for several years with no apparent progress on works.*

*FIP & Sprinkler Valves are located in a work zone on the Ground Floor which can only be accessed via Level 1.*

*Level 2 & 3 are works zones.*

*Levels 4 -13 are used as Backpacker accommodation and are in poor condition.*

*Fire escape doors were found wedged open, including exterior doors.*

*Exit signs were out of service.*

*Escape routes were unlit.*

*Trip hazards (hoses) were found in the stairways.*

Fire and Rescue NSW

ABN 12 593 473 110

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

Community Safety Directorate  
Fire Safety Compliance Unit

1 Amarina Ave  
Greenacre NSW 2190

T (02) 9742 7434  
F (02) 9742 7483

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

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Unclassified

*Chairs were being stored in the stairway.*

*On previous visits detectors in rooms were found covered.*

*Detectors generally are in poor condition and dirty.*

*Transient occupants.*

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 8 September 2020 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

The following items were identified as concerns during the inspection:

### 1. Generally

- 1A. Building Work – At the time of the inspection it was confirmed that the premises did not have occupants that could be considered transient, where people sleep on the premises as part of the use as a backpacker accommodation. The premises is a building site where it appears refurbishments are being conducted. It would be at council's discretion to determine whether additional measures are required whilst building works are being conducted.
- 1B. Clause 152A and Class 3 Buildings – It may be in council's interest to confirm whether the new building work includes a new hydraulic fire safety system, fire detection and alarm system, or a mechanical ducted smoke control system. As the appointed certifier may need to request a report under Clause 152A of the Environmental Planning and Assessment Regulation 2000 prior to occupation.

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]. Please ensure that you refer to file reference BFS20/389 (10456) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

Fire Safety Compliance Unit