

Attachment C

**Inspection Report
7-9 Wilmot Street, Sydney**



**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 2714572

Officer: H. V. Luu

Date: 16 February 2022

Premises: 7-9 Wilmot Street, Sydney

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 2 February 2022 with respect to matters of fire safety.

The premises is a 5 storey building used for backpacker's accommodation and a ground floor restaurant. The site is located towards the centre of Wilmot Street, a short semi-pedestrianised street connecting George and Pitt Streets.

The correspondence also referred to prior correspondence to Council of 17 June 2019. The matters raised were previously reported to the August 2019 Council meeting, and considered by a Council officer, and the premises was upgraded to the degree deemed necessary via the Council corrective action letter of 24 June 2019.

An inspection of the premises undertaken by a Council investigation officer in the presence of the Sydney Backpackers 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 remain several minor fire safety "maintenance and management" works to attend to including goods and items placed in the foyer which could obstruct egress paths and improvement of existing evacuation plans and procedures, 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 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:

Date	Event
02/02/2022	FRNSW correspondence received regarding premises 7 Wilmot Place, Sydney. It is noted that the correct address of the premises is 7-9 Wilmot Street, Sydney
16/02/2022	An inspection of the subject premises was undertaken by a Council officer which revealed the following items to be addressed by the building owners: <ol style="list-style-type: none">1. To maintain good housekeeping at all times; and2. To establish suitable emergency plans and procedures in conjunction with an appropriately qualified person or firm and comply with the relevant requirements of current Australian Standard.
24/02/2022	Corrective action letter issued to building owners

FIRE AND RESCUE NSW REPORT:

References: [BFS22/73 (SRID 8000019179), D22/6344; 2022/060543]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving correspondence on 12 January 2022, in relation to 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:-

Issue	City response
Faults fire alarm	There were no faults or isolation observed on the Fire Indicator Panel.
Emergency plans and procedures could not be located	Building owners/managers have been instructed to provide compliant emergency plans and procedures and to produce to public officials when requested.
The issues referred to FRNSW correspondence of 17/06/2019	Were previously considered and maintained.

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

FRNSW Recommendations

FRNSW have made a number of 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

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS:

Issue Order (NOI)	Issue emergency Order	Issue a compliance letter of instruction	Cited Matters rectified	Undertake compliance action in response to issued Council correspondence	Continue with compliance actions under the current Council Order	Other (to specify)
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As a result of the above site inspection undertaken by Council investigation officers it is recommended that the owners of the building continue to comply with the written fire safety compliance instructions as issued to rectify the identified fire safety deficiencies noted by Council and FRNSW.

Follow-up compliance inspections will be undertaken and will continue to be undertaken by a Council investigation officer to ensure already identified fire safety matters are suitably addressed and that compliance with the terms of Councils correspondence and the recommendations of FRNSW 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 outcomes

Referenced documents:

No#	Document type	Trim reference
A1.	Corrective action letter of 24/02/2022	2022/064335

Trim Reference: 2022/060543

CSM reference No#: 2714572

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File Ref. No: BFS22/73 (SRID 8000019179)

TRIM Ref. No: D22/6344

Contact: [REDACTED]

2 February 2022

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

**Re: INSPECTION REPORT
'SYDNEY BACKPACKER'
7 WILMOT PLACE, SYDNEY ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 12 January 2022, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated in part that:

...we observed, numerous [sic] safety issues that concerned us.

we notified the building manager, but I can say that I do not feel confident that these issues [sic] will be addressed.

in light of the many fatalities [sic] around the world, this is a high priority...

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 18 January 2022 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.

Fire and Rescue NSW

ABN 12 593 473 110

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

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- 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 however, the proceeding concerns also identifies deviations from the National Construction Code 2019, Volume 1 Building Code of Australia (NCC). Given the concerns are based on observations available at the time FRNSW acknowledges that the deviations may contradict development consent approval. In this regard, it would be at council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

The following items were identified as concerns during the inspection:

1. Generally
 - 1A. Investigation Outcomes – The following items are provided to council as part of the investigation on Tuesday, 18 January 2022:
 - A. At the time of the inspection, there were no faults or isolation observed on the Fire Indicator Panel (FIP). The duty manager and general manager of the premises at the time indicating that previous weeks had resulted in false alarms because of faults to the smoke detectors.
 - B. Whilst the duty manager and general manager could explain the requirements to evacuate the occupants of the building, an evacuation plan could not be located for FRNSW review when requested.
 - C. As indicated the age of the building and observations by FRNSW may contradict development consent approval. As such items 1B, 2 and 3 in FRNSWs' report to council dated 17 June 2019 [attached as an appendix] remain outstanding. However, it is noted that this may have been considered previously, and appropriately addressed.
 - 1B. Evacuation Plan – Based on discussions with the general manager and duty manager [item 1A(B)], the following is provided:
 - A. Owners and managers of hospitality facilities should provide oversight to fire safety training for the staff. In this regard, the premises may need to include a plan of management to include:

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- i. A fire prevention plan developed in accordance with the Australian Standard, AS 3745 - 2010 'Planning for Emergencies in Facilities', which outlines the minimum requirements for the development of emergency plans.
- ii. Ensure that effective plans and procedures can be produced by public officials when requested, and are ready to be executed in the event of a fire or emergency.

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) [REDACTED]. Please ensure that you refer to file reference BFS22/73 (for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

[REDACTED]

Fire Safety Compliance Unit

Attachment: [Appendix 1 – Section 9.32 Report dated 17 June 2019 –5 pages]

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Appendix 1 – Section 9.32 Report dated 17 June 2019

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File Ref. No: BFS19/193 (6092) and BFS19/1133 (7000)
TRIM Ref. No: D19/41046
Contact: [REDACTED]

17 June 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
SYDNEY BACKPACKERS
7 WILMOT STREET, SYDNEY ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence from the local fire station on 19 January 2019 and 5 April 2019, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence on 19 January 2019 stated, in part, that:

- *Attended a call to the premises on 5 January 2019. Alarm activation was zone 6 which was isolated as zone would not reset. FIP also had faults indicated on the FIP for zones 4 and 5. A service call was recommended to be organised due to the life safety risk associated with three levels of detection being either isolated or in fault.*
- *Revisited the premises on 11 January 2019 to find zone 6 cleared but zones 4 and 5 still in fault. Spoke directly with owner...and was guaranteed that all would be rectified by Monday 14 January 2019. Revisited today, 19 January 2019 and FIP remains in fault for those two zones.*
- *...I did try to have the issues rectified by liaising directly with the backpackers owner, including a fire safety discussion as to why a detection system in a class 3 premises (backpackers) is so important. This does not appear to have resulted in the system being returned to normal.*

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7437
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483
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The correspondence received on 5 April 2019 stated, in part, that:

- *Attended the premises at 0402hrs on 5/4/2019.*
- *Keys not current...but had to force access to FIP as onsite manager not in attendance.*
- *All audible warning systems isolated. There was no noise whatsoever and no manger in attendance as occupants had not been alerted to the fact that there was fire alarm activating. This included Bells and EWIS being isolated prior to activation of alarm.*
- *The ASE was in isolate even though we had received the alarm - unsure of how that was possible.*
- *There was a warning indicating backup battery was flat but associated alarm had been isolated on FIP.*
- *Ground floor fire door propped open.*
- *Residential zone was in alarm prior to brigade arrival and had been isolated.*
- *Onsite management appeared to be poorly trained and uninformed about their responsibilities.*

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), inspections of 'the premises' on 10 April 2019 and 17 April 2019 were 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 2016 Building Code of Australia (NCC) which may contradict development consent approval

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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. Smoke Detection and Alarm System

- A. There was one (1) isolation, one (1) alarm and two (2) faults shown at the fire indicator panel (FIP). The isolation and alarm related to a zone covering both levels 2 and 3 of the premises.

Management was aware of the matter and advised FRNSW that their fire service technician was in the process of carrying out maintenance work to rectify the issues, which included the replacement of the fire indicator panel.

As a temporary measure, until such time that the smoke detection system was fully restored to an operational condition, standalone battery smoke alarms were installed adjacent to each smoke detector on levels 2 and 3 (zone in isolation).

A re-inspection of the premises was conducted by FRNSW on 17 April 2019, which found that the FIP was cleared from all isolations, alarms and faults.

1B. Sprinkler System

- A. The sprinkler booster connection and control valves are located inside the building, within the 'Seoul Project Restaurant', contrary to the requirements of Clause 4.4.3 of Australian Standard (AS) 2118.1-1999.

It is noted that the Annual Fire Safety Statement states, in part, '*...Access to booster by Term 5.01 of Fire Order No. 96/2014/FIRE*'. Notwithstanding this, FRNSW are of the opinion that the booster connection is not in a position that is readily accessible to fire brigade personnel and furthermore, the booster connection does not suit the operational requirements of FRNSW.

2. Access and Egress

- 2A. Swing of exit door – The glass exit doors from the ground floor foyer area swing against the direction of egress, contrary to the requirements of Clause D2.20 of the NCC.

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- 2B. Stair flight – Part of the goings and risers of one of the stair flights within the fire-isolated stairway had a covering which is approximately 200mm in width constructed directly on top of the stair treads, creating a ramp which is a hazard for occupants, contrary to the requirements of Clause D2.13 of the NCC.
 - 2C. Handrails – The handrails in the fire-isolated stairway were not continuous between stair flight landings and had obstructions that will tend to break a handhold (from the rooftop exit), contrary to the requirements of Clause D2.17 of the NCC.
3. Generally
- 3A. Fire Hydrant System
 - A. The fire hydrant system appears to have been installed in accordance with the provisions of Ordinance 70. It is noted that the Annual Fire Safety Statement states 'Ordinance 70, as adjusted by Term 5.02 of Fire Order No. 96/2014/FIRE'.

Notwithstanding this, FRNSW brings to your attention a position statement published by FRNSW on 8 January 2019. The statement is shown below:

Fire hydrant system in existing premises

When the consent authority (e.g. local Council) is assessing the adequacy of an existing fire hydrant system installed in accordance with the provisions of Ordinance 70 and Ministerial Specification 10 (or earlier), FRNSW recommend that the system be upgraded to meet the requirements of the current Australian Standard AS 2419.1 to facilitate the operational needs of FRNSW.

It may be appropriate for a partial upgrade of the existing fire hydrant system be undertaken. A partial upgrade may be proposed to address deficiencies in the design and/or performance of the existing fire hydrant system, when assessed against the requirements of Australian Standard AS 2419.1, so that the upgraded fire hydrant system will meet the operational needs of FRNSW. Where a hybrid fire hydrant system is proposed, which incorporates the design and performance requirements from two different standards, the proponent should consult with FRNSW on the requirements for the fire hydrant system.

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

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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. 3 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) [redacted]. Please ensure that you refer to file reference BFS19/193 (6092) and BFS19/1133 (7000) for any future correspondence in relation to this matter.

Yours faithfully

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