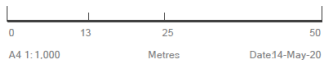
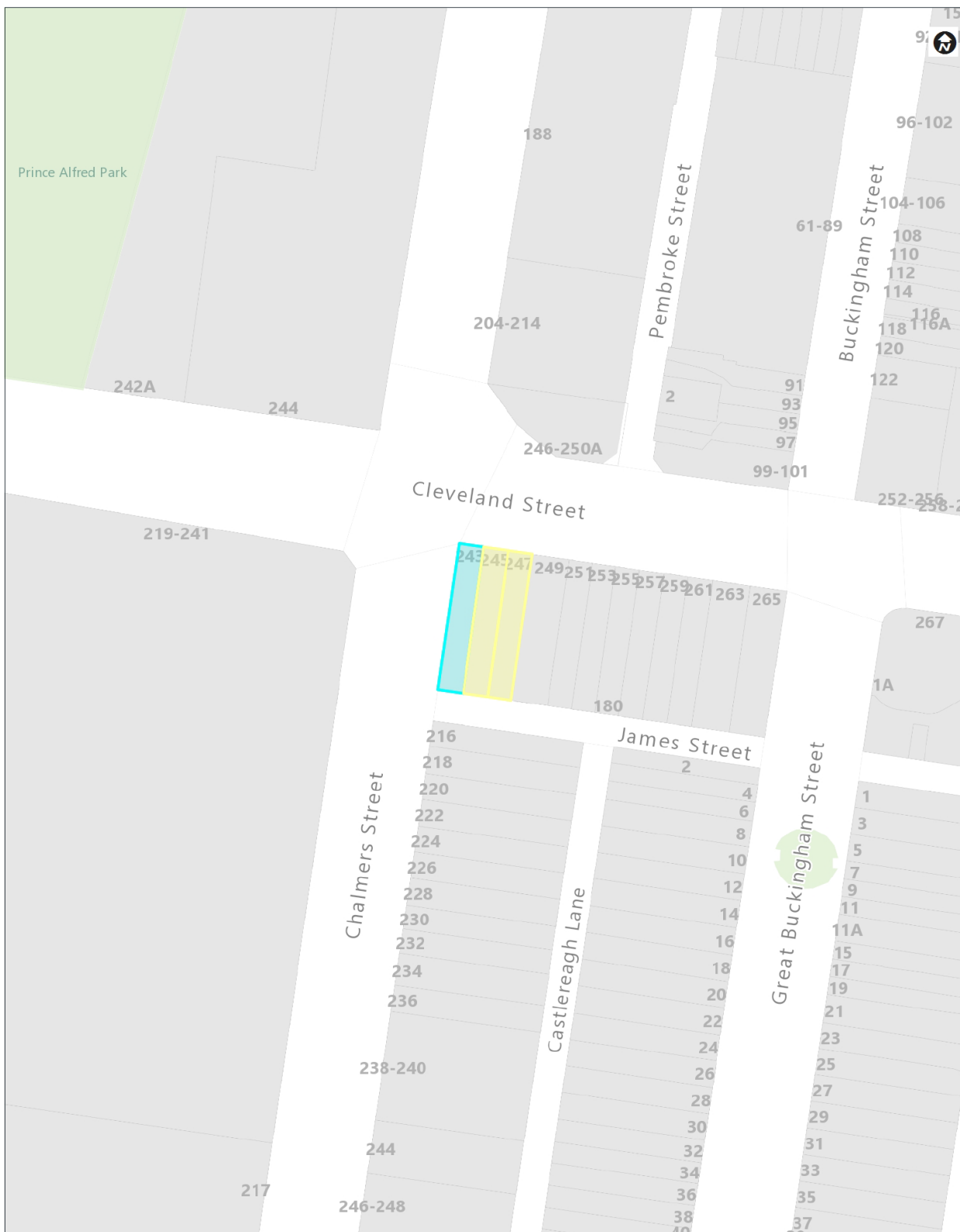


Attachment C

**Inspection Report
243-245 Cleveland Street Redfern**

243-247 Cleveland Street Redfern

'Secret Garden Backpackers'



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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)**

File: CSM 2996328 **Officer:** Hieu Van Luu **Date:** 22 June 2023

Premises: 243-247 Cleveland Street Redfern (Secret Garden Backpackers)

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) dated 31 May 2023 in relation to the subject premises with respect to matters of fire safety.

The premises consists of three united terrace houses comprising three storeys used and approved for shared accommodation.

An inspection of the premises undertaken by a Council officer in the presence of the 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 works to attend to, 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 combustible composite cladding on the façade of the building.

Chronology:

Date	Event
31/05/2023	FRNSW correspondence received regarding premises 243-247 Cleveland Street Redfern
28/06/2023	An inspection of the subject premises was undertaken by a Council officer and noted several fire safety works to be undertaken, namely: <ul style="list-style-type: none">• The automatic fire sprinkler system were not fitted with the Brigade booster connection and associated block plan. Exit door swings against the direction of egress and non-compliant door hardware fitted to exit doors.
05/07/2023	Written instructions issued to the premises owner to carry out fire safety works required within the premises.

FIRE AND RESCUE NSW REPORT:

References: [BFS 22/6164 (25142) D2023/046107; TRIM: 2023/380300]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving correspondence concerning 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
The issues of the automatic fire sprinkler system were not fitted with the Brigade booster connection and associated block plan.	The owner was instructed to audit the sprinkler system demonstrating the system water pressure and flow meeting the requirements of Section 4.5 of AS2118.1-1999 seeking exemption to fit the fire brigade booster connection. The system block plan is to be provided.
Exit door swings against the direction of egress and non-compliant door hardware fitted to exit doors.	To swing the eastern exit door in the direction of egress and to fit compliant door hardware to the exit doors this door
Non-compliant door hardware fitted to Cleveland Street exit doors	The doors are fitted with compliant door hardware

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

FRNSW Recommendations

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

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 site inspection undertaken by Council investigation officers it was determined to issue the owners of the building a compliance letter of instruction to rectify the identified fire safety deficiencies noted by Council and FRNSW.

The above correspondence has requested that the owner:

- audit the sprinkler system demonstrating the system water pressure and flow meet the requirements of Section 4.5 of AS2118.1-1999 seeking exemption to fit the fire brigade booster connection.
- The system block plan is to be provided.
- swing the eastern exit door in the direction of egress and to fit compliant door hardware to all exit doors.

Follow-up compliance inspections are currently being 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 determination.

Referenced documents:

No#	Document type	Trim reference
A1.	Attachment cover sheet	2023/380300-01
A2.	Locality Plan	2023/380300-03
A3	Fire and Rescue NSW report	2023/380300-02
A4	Compliance letter of instruction to premises owners	2023/380300-04

Trim Reference: 2023/380300

CSM reference No#:2996328

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File Ref. No: BFS22/6164 (25142)
TRIM Ref. No: D2023/046107
Contact: [REDACTED]

31 May 2023

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
'SECRET GARDEN BACKPACKERS'
243-247 CLEVELAND STREET REDFERN ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 25 November 2022 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

*Attended twice in one week.
Unable to locate active detector on either occasion.*

On attendance on 25/11/22 several smoke alarms were found to have been covered up. No Manager on duty. Over 50 occupants.

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected 'the premises' on 28 February 2023.

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

The items listed in the comments of this report are based on the following limitations:

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		Page 1 of 3

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- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

COMMENTS

Please be advised that the items in this report are limited to observations of the building accessed at the time of the inspection and identify possible nonconformities with the National Construction Code 2019, Volume 1 Building Code of Australia (NCC) and provisions for fire safety. The items are not an exhaustive list of non-compliances. FRNSW acknowledges that the differences observed at the time may contradict development consent approval or relate to the building's age. Therefore, it's the Council's discretion as the appropriate regulatory authority to consider the most appropriate action.

The following items were identified during the inspection:

1. Essential Fire Safety Measures
 - 1A. Automatic Fire Sprinkler System -
 - A. Clause 4.4.3 of AS2118.1 states that sprinkler systems shall be fitted with a fire brigade booster connection to enable the fire brigade to pressurise or pump water into the system. A booster connection could not be located at the time of the inspection.

It is unclear if this requirement has been waived in the past or if the water supply is sufficient for the sprinkler system without needing a booster connection. Further investigation by Council may be required.
 - B. A plan of risk (block plan) was not provided adjacent to the main stop valve, contrary to the requirements of Clause 8.3 of AS 2118.1.
 2. Access and Egress
 - 2A. Exit Door – The exit door to the eastern elevation of the premises swings against the direction of egress and is not fitted with a device for holding it in the open position, contrary to the requirements of Clause D2.20 of the NCC.
 - 2B. Operation of Latch – The exit door to the eastern elevation of the premises incorporates a round tulip-style handle instead of a lever handle, contrary to the requirements of Clause D2.21 of the NCC.

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- 2C. Door Hardware – The exit door to Cleveland Street appeared to be locked during the inspection. It is at the Council’s discretion, being the appropriate regulatory authority, to investigate and confirm that the door is fitted with an automatic ‘fail-safe device’ under the requirements of Clause D2.21(b)(iv) of the NCC.

FRNSW believes that there are inadequate provisions for fire safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 and 2 of this report and conduct an inspection.
- b. Address any other deficiencies identified on “the premises”.

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. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council’s advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Please do not hesitate to contact [REDACTED] of FRNSW’s Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call [REDACTED] if there are any questions or concerns about the above matters. Please refer to file reference BFS22/6164 (25142) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

Fire Safety Compliance Unit