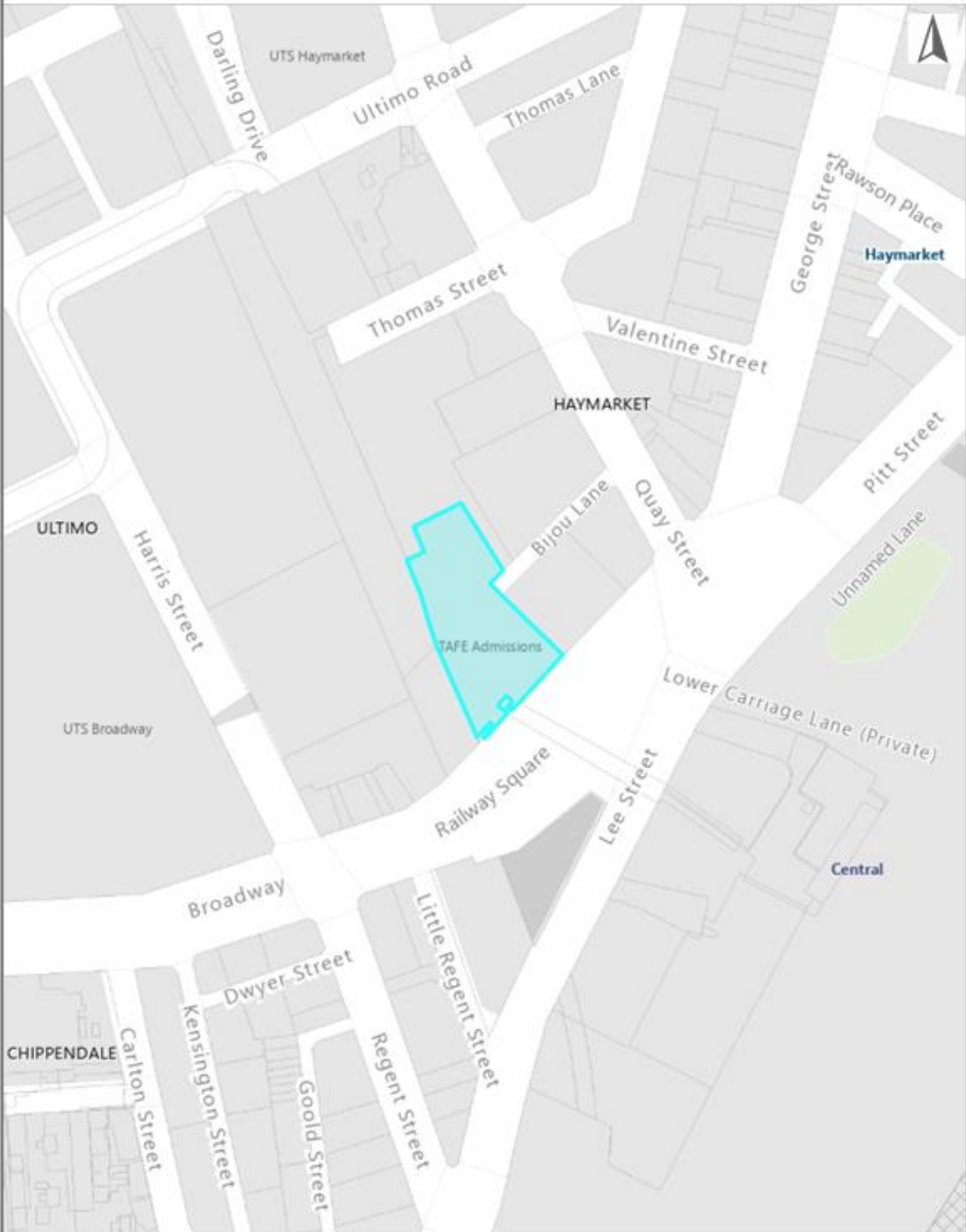


# **Attachment L**

**Inspection Report  
827-837 George Street, Haymarket**

# Locality Plan



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## Notes

30/10/2023

**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 3059536**

**Officer: Bill Badyari**

**Date: 30 October 2023**

**Premises: 827-837 George Street, Haymarket**

**Executive Summary:**

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) on 29 September 2023 in relation to the premises with respect to matters of fire safety at 827-837 George Street, Haymarket.

The premises is located on the corner of Quay Street and Harris Street, Haymarket, and contains an eight-storey mixed commercial building, with ground floor retail and TAFE college above.

An inspection of the premises undertaken by a Council investigation officer in the presence of the building manager, revealed 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 overdue and the most recent fire safety statement is prominently displayed within the foyers of the building.

An inspection carried out on 25 October 2023 revealed that the current essential fire safety measures require maintenance works.

It is considered that the above fire safety works are of a degree which can be addressed through a corrective action letter.

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:**

<b>Date</b>	<b>Event</b>
29/09/2023	FRNSW correspondence received concerning correspondence relating to fire safety at the premises, relating to correspondence dated 28/09/2023
05/10/2023	A review of Council records shows: -The fire safety schedule for the premises contains nine fire safety measures, including an automatic fire suppression system, emergency warning & intercommunication system, fire hydrant systems and an emergency lighting system -A fire safety statement dated 29/11/2022 has been provided for the premises. -An annual fire safety statement for the premises was due on 7 June 2023. Council has assessed the building and decided to stay enforcement action while maintenance works to the fire services occur.
25/10/2023	A copy of issues raised by FRNSW provided to the owner in relation to required maintenance of fire safety measures
25/10/2023	Met with building manager and discussed fire safety issues. Inspected premises, noting that whilst certain fire safety measures are maintained accordingly, there is evidence of non-compliance with some fire safety measures The building manager advised that required maintenance of the fire safety measures will be rectified urgently
30/10/2023	Corrective Action letter served Works required are due by 29 November 2023, and a follow up inspection will occur soon after that date.

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## FIRE AND RESCUE NSW REPORT:

References: [BFS23/5035; 2023/568366]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving correspondence alleging fire safety issues at the premises.

### Issues

The report from FRNSW detailed the following issues:

Issue	City response
1. Automatic fire detection and alarm system, a smoke detector located above aisle 2 in the chemist warehouse tenancy was covered by plastic, preventing its operation in accordance with the requirements of AS1670.1-2018.	Aisle 2 detector clear at the time of inspections, however aisle 5 detector covered, issue to be resolved via corrective action letter
2. Automatic fire suppression system, stock was stored to a height less than 500 mm from the sprinkler heads, contrary to the requirements of clause 5.7.7 of AS 2118.1-2017.	Issue to be resolved via corrective action letter
3. Exit sign located at the rear of the chemist warehouse tenancy was not illuminated, contrary to the requirements of AS2293.1-2018.	Issue to be resolved via corrective action letter
4. Fire Hydrant System: a. An isolation valve was not located downstream of the fire hydrant booster inlets, contrary to the requirements of clause 7.5.6 of AS2419.1-2021. b. The feed hydrant located at the fire hydrant booster did not incorporate storz couplings, contrary to the requirements of clause 9.3.1 of AS2419.1-2021 and Fire and Rescue NSW's fire safety guideline. c. The fire hydrant booster inlets did not incorporate storz couplings, contrary to the requirements of Clause 9.4 of AS2419.1-2021 and Fire and Rescue NSW's fire safety guideline. d. The door to the fire hydrant booster cabinet was not able to be held open, contrary to the requirements of Clause 11.2.2 of AS2419.1-2021.	All Fire Hydrant System issues listed to be resolved via corrective action letter.
5. Compartmentation and Separation: The PSU for the fire-rated shutter within the shopping arcade indicated a battery fault.	Issue to be resolved via corrective action letter.

Issue	City response
<p>6. Access and Egress:  Paths of travel to the exits from the chemist warehouse tenancy were partially blocked such that their width was less than 1 metre, contrary to the requirements of Clause D2D8 of the National Construction Code and section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</p>	<p>Issue to be resolved via corrective action letter</p>

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

FRNSW Recommendations

FRNSW have made recommendations within their report to:

1. Review the report
2. Address any other deficiencies identified at the premises.

**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's investigation officer, it was determined to continue to undertake compliance action with the owner of the building further to a compliance instruction correspondence issued to rectify the identified fire safety deficiencies noted by Council and FRNSW.

The above correspondence has requested that building management carry out remedial works to existing fire systems to ensure compliance with required standards of performance.

Follow-up compliance inspections 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 noting that a corrective action letter has been issued to ensure the fire safety deficiencies outlined in this report are resolved.

**Referenced/Attached Documents:**

<p>2023/568366  2023/621761</p>	<p>Fire &amp; Rescue NSW letter dated 28 September 2023  Corrective Action Letter</p>
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**Trim Reference:** 2023/621500

**CSM reference No:** 3059536

OFFICIAL



File Ref. No: BFS23/5035 (30619)  
TRIM Ref. No: D23/093428  
Contact: [REDACTED]

28 September 2023

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 Sir / Madam

**Re: INSPECTION REPORT  
MARCUS CLARK BUILDING – CHEMIST WAREHOUSE TENANCY  
827-837 GEORGE STREET, HAYMARKET (“the premises”)**

Fire and Rescue NSW (FRNSW) received correspondence on 5 September 2023 concerning the adequacy of the provision for fire safety in connection with ‘the premises’.

The correspondence stated that:

- *It is so crammed and shelves are so congested it feels like a fire trap.*

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 21 September 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:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.

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

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- 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.

Please be advised that the items in this report are limited to observations of the parts building accessed during the inspection, being the Chemist Warehouse tenancy only. 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.

**COMMENTS**

The following items were identified during the inspection:

1. Essential Fire Safety Measures

1A. Automatic Fire Detection and Alarm System

- A. A smoke detector located above aisle 2 in the Chemist Warehouse tenancy was covered by plastic, preventing its operation in accordance with the requirements of AS 1670.1-2018.

1B. Automatic Fire Suppression System

- A. Stock was stored to a height less than 500 mm from the sprinkler heads, contrary to the requirements of Clause 5.7.7 of AS 2118.1-2017.

1C. Exit Signs

- A. The exit sign located at the rear of the Chemist Warehouse tenancy was not illuminated, contrary to the requirements of AS 2293.1-2018.

1D. Fire Hydrant System

The fire hydrant system appears to have been installed in accordance with AS 2419.1-1994. Notwithstanding this, the following deviations from AS2419.1-2021 have been identified, which are of concern to FRNSW:

- A. An isolation valve was not located downstream of the fire hydrant booster inlets, contrary to the requirements of Clause 7.5.6 of AS 2419.1-2021.
- B. The feed hydrant located at the fire hydrant booster did not incorporate Storz couplings, contrary to the requirements of Clause 9.3.1 of AS 2419.1-2021 and Fire and Rescue NSW's Fire Safety Guideline "FRNSW compatible Storz hose connections".

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- C. The fire hydrant booster inlets did not incorporate Storz couplings, contrary to the requirements of Clause 9.4 of AS 2419.1-2021 and Fire and Rescue NSW's Fire Safety Guideline "FRNSW compatible Storz hose connections".
  - D. The door to the fire hydrant booster cabinet was not able to be held open, contrary to the requirements of Clause 11.2.2 of AS 2419.1-2021.
2. Compartmentation and Separation
- 2A. The PSU for the fire-rated shutter within the shopping arcade indicated a battery fault.
3. Access and Egress
- 3A. Paths of travel to the exits from the Chemist Warehouse tenancy were partially blocked such that their width was less than 1 metre, contrary to the requirements of Clause D2D8 of the National Construction Code (NCC) and Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

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

**RECOMMENDATIONS**

FRNSW recommends that Council:

- a. Review items 1 to 3 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](mailto:FireSafety@fire.nsw.gov.au) or call [REDACTED] if there are any questions or concerns about the above matters. Please refer to file reference BFS23/5035 (30619) regarding any correspondence concerning this matter.

Yours faithfully

[REDACTED]

[REDACTED]  
Fire Safety Compliance Unit