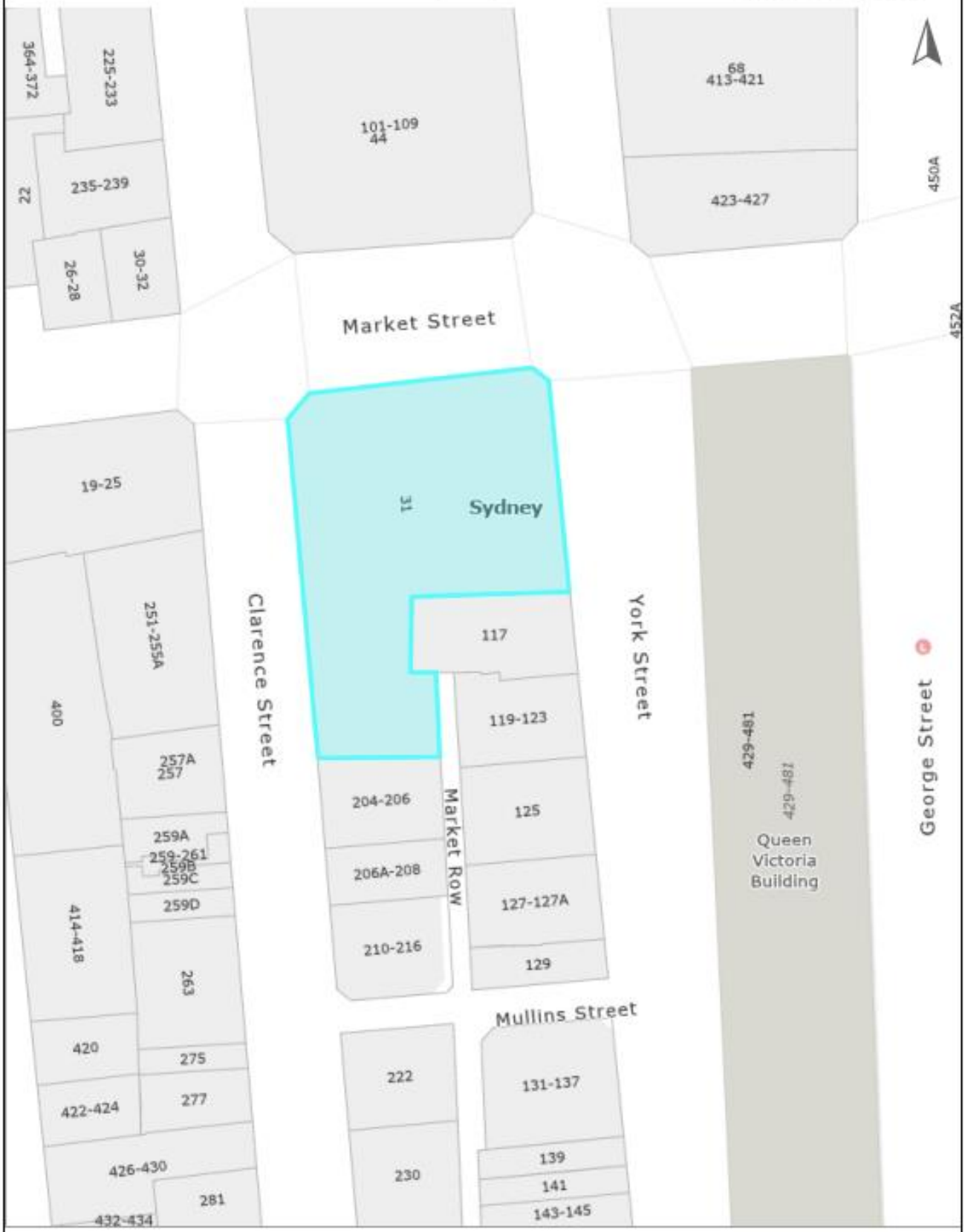
Attachment B

Inspection Report
31 Market Street, Sydney

31 Market Street, Sydney

CITY OF SYDNEY



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18/02/2025

City 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: 3286808 **Officer: Andrew Manning** **Date: 18 February 2025**

Premises: 31 Market Street, Sydney NSW 2000

Executive Summary

The City received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 23 January 2025 with respect to matters of fire safety.

The premises consists of a thirty-seven (37) storey commercial building.

The lower ground floor comprises of a carpark with the ground and first floor being dedicated to commercial retail, and all other storeys consisting of commercial office tenancies.

The City inspected the premises on 29 November 2024, accompanied by FRNSW. This inspection revealed that only minor works were required to ensure adequate fire safety. During the inspection, FRNSW and the City issued verbal instructions to rectify the required minor fire safety works.

The City reinspected the premises on 2 December 2024, confirming all work had been completed, effectively addressing FRNSW's concerns.

Although there remains minor fire safety work to attend to, the overall fire safety systems are considered adequate. No additional fire safety concerns were identified, specifically no combustible external cladding was found.

Chronology

Date	Event
28 November 2024	FRNSW contacted the City and requested Fire Safety Officers attend a site inspection of a pop-up tenancy located within 31 Market Street, Sydney.
29 November 2024	An inspection was undertaken by a City officer with FRNSW. Minor issues were noted. Verbal directions were given, with items rectified at the time where possible, or within 48 hours where rectification works were required. Faults were noted on the Fire Indicator Panel (FIP), with FRNSW requiring evidence of rectification be provided to them.
2 December 2024	Verification of required works being completed was provided to FRNSW and the City.
2 December 2024	City officers reinspected to verify works had been completed.
26 December 2024	Pop up tenancy ceased trade.
23 January 2025	FRNSW letter dated 23 January 2025 was received identifying the fire safety maintenance issues observed in the 29 November 2024 inspection.

FIRE AND RESCUE NSW REPORT

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry on 11 November 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

> *This is a Christmas experience for children. I attended 10 Nov with my family. I noticed that every ceiling smoke detector appeared to be covered with something (possibly cellophane). This concerned me because it seemed unsafe, and exacerbated by small, crowded rooms full of children, many doors blocking easy egress, cables and electrical lights running everywhere*

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

Ref.	Issue	City response
Essential Fire Safety Measures		
1.	*The Fire Detection Control and Indicating Equipment (FDCIE) displayed faults and disablements. These were rectified to the satisfaction of FRNSW on 16 December 2024.*	FRNSW acknowledges faults have been rectified, addressing this issue.
2.	*Smoke Detectors were covered throughout 'Wundr Store' tenancy. The manager was advised to remove dust caps and confirmed that this had been completed on 3 December 2024.*	The City's reinspection on 2 December 2024 revealed that the issue had been rectified, addressing this issue.
3.	*Emergency Lighting was not provided throughout the 'Wundr Store' tenancy.*	Given the temporary nature of the tenancy, City officers advised torches were to be present within each space created by the partition walls, and staff were to be trained in their use during their daily pre-start meeting, addressing the issue temporarily. The tenancy ceased to operate 26 December 2024, resolving the issue permanently.
4.	*Exit Signage within the 'Wundr Store' tenancy was not illuminated as required.*	Given the temporary nature of tenancy, City officers advised that staff were to be trained in directing patrons to an exit in the event of an emergency during their daily pre-start meeting, addressing the issue temporarily. The tenancy ceased to operate 26 December 2024, addressing the issue permanently.
5.	*Sprinkler Heads were obstructed within the 'Wundr Store' tenancy, contrary to the building code requirements. Manager was advised to remove the obstruction and confirmed that this had been completed via an email sent on 3 December 2024.*	The City's reinspection on 2 December 2024 confirmed the obstructions had been removed, addressing this issue.

Ref.	Issue	City response
6.	*Access to the fire hose reel adjacent to the main entry/exit to the 'Wundr Store' tenancy was obstructed.*	Given the temporary nature of tenancy City officers advised that staff were to be trained in location and use of the fire hose reel and PFE's during their daily pre-start meeting. Additional PFE's had been provided throughout the tenancy. This addressed the issue temporarily. The tenancy ceased to operate 26 December 2024, addressing the issue permanently.
7.	*A number of exit doors did not have compliant door latch hardware.*	Given the temporary nature of the tenancy, City officers advised that staff were to be trained in assisting any patrons in need of assistance with the operation of a latch during their daily pre-start meeting, addressing the issue temporarily. The tenancy ceased to operate 26 December 2024, resolving the issue permanently.
8.	*Annual Fire Safety Statement (AFSS) could not be located.*	The City's reinspection on 2 December 2024 confirmed that the AFSS was prominently displayed, addressing this issue.

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

FRNSW recommends that the City inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

COUNCIL INVESTIGATION OFFICER RECOMMENDATIONS

~~Issue Order~~	~~Issue emergency Order~~	~~Issue a compliance letter of instruction~~	Cited Matters rectified	~~Continue to undertake compliance action in response to issued The City correspondence~~	~~Continue with compliance actions under the current Order~~	~~Other (to specify)~~

The reinspection of the building by a City Investigation Officer on 2 December 2024, in company with the manager, revealed that the above recommendations of FRNSW have been complied with.

It is recommended that the City not exercise its powers to give a fire safety order at this time, and that the Commissioner of FRNSW be advised of the City's actions and determination.

File Ref. No: FRN16/3598 - BFS24/7398 - 8000039219
TRIM Ref. No: D2025/006554
Contact: Conor Hackett

23 January 2025

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
'WUNDR STORE'
31 MARKET STREET, SYDNEY ("the premises")

Fire and Rescue NSW (FRNSW) received correspondence on 11 November 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

> *This is a christmas experience for children. I attended 10 Nov with my family. I noticed that every ceiling smoke detector appeared to be covered with something (possibly celophane). This concerned me because it seemed unsafe, and excacerbated by: small, crowded rooms full of children, many doors blocking easy egress, cables and electrical lights running everywhere*

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 29 November 2024. Officers from the City of Sydney Council's Health & Building Team were also present during the inspection.

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.
- 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

This report is limited to observations and sections of the building accessed at the time of the inspection and includes potential deviations from the National Construction Code 2022 Building Code of Australia – Volume One (NCC) and applicable Australian Standards.

Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may contradict any development consent approval, performance solutions or Fire Safety Orders. It is noted that that the subject tenancy was a temporary store, open for the Christmas period only.

The following items were identified during the inspection:

Essential Fire Safety Measures

1. Clause 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (the DCFS Regulation) requires that an Essential Fire Safety Measure must be maintained to a standard no less than when it was first installed.

   At the time of the inspection, it was noted that the Fire Detection Control and Indicating Equipment (FDCIE) displayed 2 (two) faults and 156 (one hundred & fifty-six) disablements.

   At the time of the inspection, management advised that the disablements related to fit-out works currently in progress to multiple office tenancies within the premises.

   An email was received from Fire Contractors on 16 December 2024 confirming the faults had been removed.

   Accordingly, no enforcement action was taken by FRNSW

2. Smoke Detectors - Dust caps were found on all smoke detectors throughout the 'Wundr Store' tenancy, contrary to the requirements of AS1670.1-2018. The manager was advised to remove dust caps and confirmed that this had been completed via an email sent on 3 December 2024.

3. Emergency Lighting - Due to the partitions within the 'Wundr Store' tenancy, emergency lighting was not provided throughout the tenancy in accordance with the requirements of Clause E4D2 of the NCC.

4. Exit Signage – The majority of exit signage within the 'Wundr Store' tenancy was not illuminated contrary to the requirements of Clause E4D8 of the NCC and Section 6 of AS2293.1-2005.

5. Sprinkler Head – Fabric had been attached to the ceiling, obstructing a sprinkler head within the 'Wundr Store' tenancy, contrary to the requirements of AS 2118.1–1999. The Manager was advised to remove the obstruction and confirmed that this had been completed via an email sent on 3 December 2024.

6. Fire Hose Reels - Access to the fire hose reel adjacent to the main entry/exit to the 'Wundr Store' tenancy was obstructed, contrary to the requirements of Clause 10.1 of AS2441–2005.

7. FRNSW note that on 8 January 2020 Council issued a Fire Safety Order (Ref No: FIRE/2019/149) to the owners of the premises with respect to, inter alia, the upgrade of the fire hydrant system and fire sprinkler system. Both systems appear to have been upgraded however, it is not known if the terms of the order have been completed to Council's satisfaction.

   Notwithstanding the above, FRNSW provide the following comments for Council's consideration.

   i. The head of water present at boost inlets is greater than 50kPa and no isolating valve has been provided immediately downstream of the boost inlet connections, contrary to the requirements of Clause 7.4 of AS2419.1-2005.

   ii. The isolating valve at the sprinkler booster assembly was not secured open by a padlocked chain or riveted strap, in accordance with the requirements of Clause 8.2 of AS 2118.1–1999.

Access & Egress

8. Operation of latch – A number of exit doors in the path of travel to a required exit, incorporated a round tulip style handle in lieu of a lever handle, contrary to the requirements of Clause D3D26 of the NCC.

General

9. Annual Fire Safety Statement (AFSS) – Clause 89(4)(b) of the DCFS Regulation states that the AFSS must be prominently displayed in the building. At the time of the inspection the AFSS could not be located.

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

RECOMMENDATIONS

FRNSW recommends that Council:

a. Review items 1 to 9 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 Conor Hackett of FRNSW’s Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference FRN16/3598 - BFS24/7398 - 8000039219 regarding any correspondence concerning this matter.

Yours faithfully

Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit