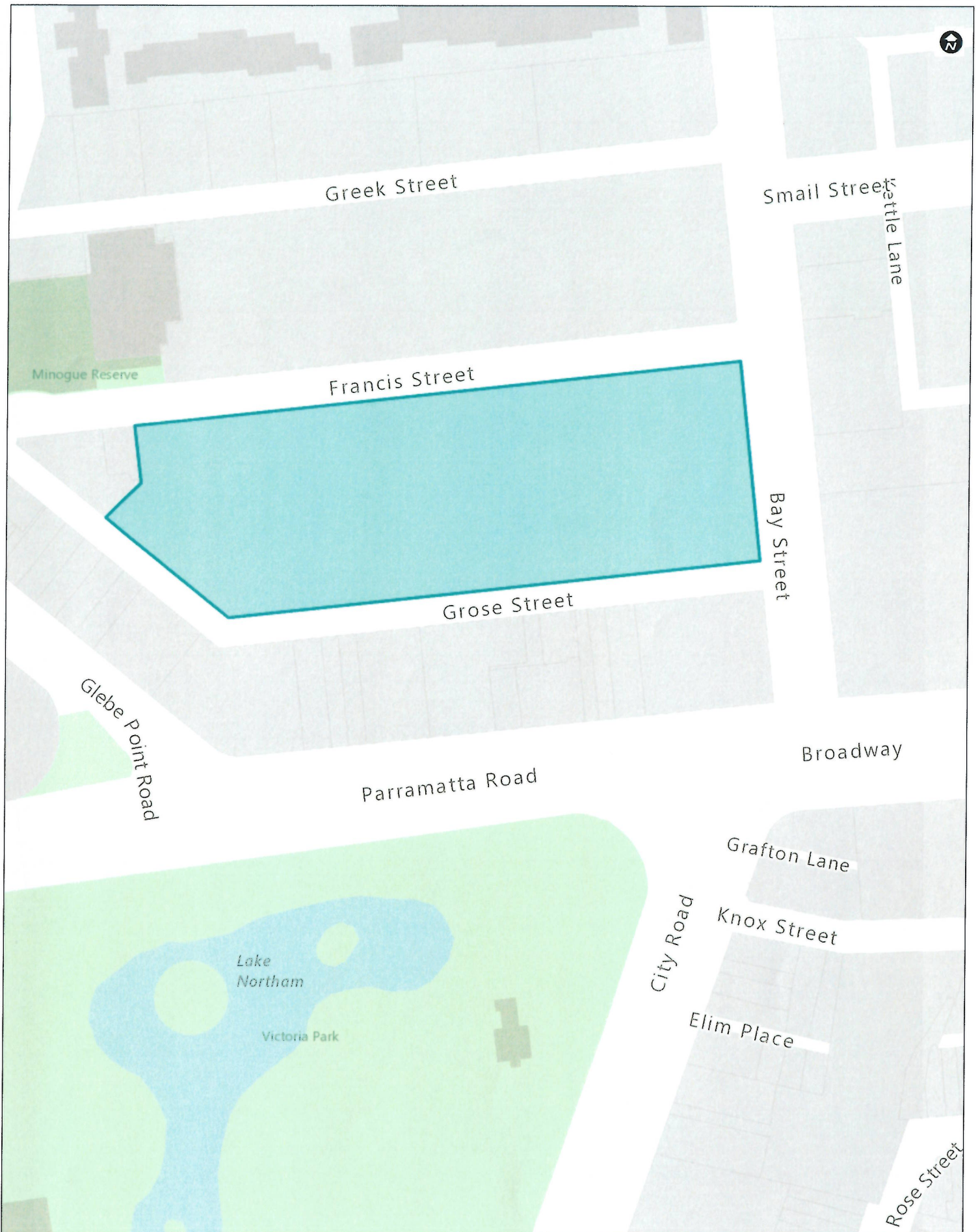


Attachment D

<p>Council Officer Inspection Report – 1-21 Bay Street, Glebe</p>

1 - 21 Bay Street Glebe NSW 2037

Coles - Broadway Shopping Centre



**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 2170041

Officer: Eyman Balta

Date: 18 October 2019

Premises: 1 - 21 Bay Street Glebe NSW 2037 - Coles Broadway Shopping Centre

Executive Summary:

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

The premises consists of a five level building with the approved uses being a retail shopping centre known as the Broadway Shopping Centre located on the corner of Broadway and Bay Street Glebe.

The basement, ground, first, second and third floor levels all contain retail tenancies and customer parking across these levels.

The area of the Broadway Shopping Centre subject of the FRNSW correspondence is the Coles Supermarket tenancy located on the ground floor level of the building.

An inspection of the premises undertaken by a Council Investigation Officer in the presence of both the Coles Supermarket Duty Manager and the Broadway Shopping Centre Facilities Manager revealed that there were no fire safety issues occurring within the Coles Supermarket tenancy.

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 at the time of the FRNSW inspection of the Coles Supermarket retail tenancy on the 24 September 2019, there were minor fire safety "maintenance and management" works to attend to such as the obstruction of egress paths and exits by supermarket trolleys and adjustment of fire doors leading into fire exit stairways.

Since the inspection undertaken by FRNSW, Coles Management have addressed the egress and fire door issues, have been in contact with FRNSW and have provided photo evidence to FRNSW to confirm that the issues raised have been addressed.

The overall fire safety systems provided within the Coles Supermarket tenancy are considered adequate in the circumstances.

The inspection of the Coles retail tenancy undertaken by a Council Investigation Officer confirmed that the path of travel to, and the four fire exit stairs within the tenancy were clear of obstructions.

Additionally all fire doors leading into the four fire exit stairs of the Coles retail tenancy were inspected, tested and found to latch shut in the closed position in accordance with the requirements of the Building Code of Australia 2019, and relevant Australian Standards (i.e. AS1905.1 - 2015).

Observation of the external features of the building did not identify the existence of combustible composite cladding on the façade of the building.

Chronology:

Date	Event
09/10/2019	FRNSW correspondence received regarding the Coles Supermarket retail tenancy located at the Broadway Shopping Centre.
10/10/2019	An inspection of the premises undertaken by a Council Investigation Officer in the presence of both the Coles Supermarket Duty Manager and the Broadway Shopping Centre Facilities Manager confirmed that the issues raised by FRNSW had been addressed and that there were no fire safety issues occurring within the Coles Supermarket tenancy.

FIRE AND RESCUE NSW REPORT:

References: BFS19/2646 (8474) and D19/67946.

Fire and Rescue NSW conducted an inspection of the subject premises on the 24 September 2019 after receiving an enquiry about non-compliant egress systems in the building related to the obstruction of fire exits by shopping trolleys and cleaning equipment.

Issues

The report from FRNSW detailed a number of issues in relation to the Coles Supermarket retail tenancy, in particular noting concerns with:

1. Non compliances associated with the obstructions of the paths of travel to a fire exit by shopping trolleys, reducing the required clear egress width to less than one metre.

FRNSW in its correspondence to Council notes that it '*received photographic evidence from management showing that the obstructions had been removed*'.

2. Shopping trolleys being stored in in the fire isolated passageway located outside the Coles Supermarket retail tenancy.

FRNSW in its correspondence to Council notes that it '*received photographic evidence from management showing that the obstructions had been removed*'.

3. That two fire doors located within the Coles Supermarket retail tenancy that open into fire exit stairways '*had broken self-closing devices*' and that these fire doors '*failed to return to the fully closed position after each opening*'.

FRNSW Recommendations

FRNSW have made 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. In its capacity as the regulatory authority take action to have the abovementioned items appropriately addressed.
3. 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	Continue to 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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The inspection undertaken in the presence of both the Coles Supermarket Duty Manager and the Broadway Shopping Centre Facilities Manager confirmed that the above recommendations of FRNSW had been complied with, and that there were no fire safety issues occurring within the Coles Supermarket tenancy.

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
D1.	Fire and Rescue NSW report	2019/526423-01
D2.	Locality Plan	2019/526423-02
D3	Attachment cover sheet	2019/526423-03

Trim Reference: 2019/526423

CSM reference No#: 2170041



File Ref. No: BFS19/2646 (8474)
TRIM Ref. No: D19/67946
Contact: [REDACTED]

3 October 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
COLES – BROADWAY SHOPPING CENTRE
1 BAY STREET, GLEBE ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 12 August 2019, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

We have repeatedly seen fire exits either wholly or partially occluded.

Typically exits have stock trollies or cleaning equipment left either directly in front of them - or in the very immediate vicinity.

Whenever we have seen exits blocked we have raised this with Coles management and Coles social media team.

Today, when we saw three separate exits partially blocked, we asked the management if they had received previous complaints about fire exits being blocked - and were told that customers had never flagged this as an issue previously.

I'm concerned that Coles are not taking the safety of their staff and customers seriously - particularly given this centre has had two fire incidents in the last eleven years.

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 24 September 2019 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. Access and Egress

1A. The path of travel to the fire exit at the north-west corner of the store was obstructed by stored stock trolleys, reducing the unobstructed width of the path of travel to the exit to less than 1 m, contrary to the requirements of Clause D1.6(b) of the National Construction Code 2019 Volume One, Building Code of Australia (NCC).

- FRNSW received photo evidence from management, showing that the obstructions had been removed.

1B. Coles shopping trolleys were stored in the fire-isolated passageway located outside the stores front entrance, contrary to the requirements of Clause 184 and 186 of the Environmental Planning and Assessment Regulation 2000.

- FRNSW received photo evidence from management, showing that the obstructions had been removed.

2. Fire Resistance

2A. Two fire doors that open to fire-isolated stairways had broken self-closing devices, therefore the doors failed to return to the fully closed position after each opening, contrary to the requirements of Clause C3.8 of the NCC. In this regard, the doors are located:

A. At south-east corner of the store leading into the fire-isolated stairs:

- B. Separating the lower ground carpark and the fire-isolated stairs at the north-east corner of the store.

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. 2 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) 9742 7434. Please ensure that you refer to file reference BFS19/2646 (8474) for any future correspondence in relation to this matter.

Yours faithfully

[REDACTED]

“ ”
[REDACTED]

Fire Safety Compliance Unit