

Attachment C

**Inspection Report
55-73 Oxford Street, Surry Hills**

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**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 2506532

Officer: Craig Hann

Date: 29 April 2021

Premises: 55 – 73 Oxford Street, Surry Hills – JB Hi-Fi Shops 31 and 33, Oxford Village 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 Oxford Village shopping centre is bound by Oxford Street to the North, Riley Street to the East, Waine Street to the South and Pelican Street to the West. Oxford Village consists of a basement storey of retail and car parking and ground floor containing commercial and retail tenancies. The JB HiFi store is located in the basement and is accessed from Pelican Street.

An inspection of the premises undertaken by a Council investigation officer in the presence of the management representatives revealed that there were no significant fire safety issues occurring within the building other than the combustible wall cladding mentioned below.

The premises annual fire safety certification is current and compliant in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

Council investigations reveal that one of the matters identified by FRNSW remain and it comprises minor fire safety “maintenance and management” involving existing exit systems. It is considered that these minor 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.

The subject premises is fitted with combustible cladding. The City’s cladding compliance team were previously aware of this matter and, on 16 March 2021, a fire safety notice (notice of intention) requiring cladding removal and replacement had been issued.

City officers are satisfied that installed cladding is combustible and represents a fire safety risk and is to be removed and replaced with building code (National Construction Code 2019, Volume One, Building Code of Australia, (NCC) compliant materials and specifications.

City officers have received representations on the issued Council fire safety notice from the building owners and are continuing with the investigation and enforcement in relation to this aspect of fire safety for the overall building.

Chronology:

Date	Event
24/3/2021	FRNSW correspondence received regarding premises JB Hi-Fi Shops 31 and 33, 55 – 73 Oxford Street, Surry Hills. The building is known as Oxford Village Shopping Centre.
28/4/2021	<p>An inspection was undertaken by a Council officer accompanied by management representatives.</p> <p>The inspection revealed:</p> <ol style="list-style-type: none">1. Essential Fire Safety Measures <p>The fire isolated stair is located in the basement carpark and leads up to discharge in Riley Street. The passageway leading to the exit is poorly lit due to blacked out lights and a fenced off storage area obstructing light spill. Alterations to existing lighting or additional lighting is required to light the path of travel to the exit.</p> <p>Inside the fire isolated exit there is a passageway on the same storey, ascending and descending stairs. The ascending stair is the stair that provides egress to Riley Street. The direction to the exit in Riley Street is not clear from the three (3) possible options presented to a person seeking egress. Additional directional exit signage is required.</p> <ol style="list-style-type: none">2. Access and Egress <p>The required exits in the JB HiFi store were clear of obstruction. The exits are compliant.</p> <p>Council officers previously inspected the exits in JB HiFi on 2 March 2021 , during that inspection an exit was found to be obstructed. Council officers gave on the spot compliance instructions and the store manager removed the obstruction during the inspection.</p> <p>Compliance instructions to be given in relation to point 1.</p>
29/4/2021	Council officer issued corrective action compliance instructions to the building management to rectify exit way lighting and directional signage in the fire isolated exit. Follow up inspections are to be arranged to ensure compliance.

FIRE AND RESCUE NSW REPORT:

References: [BFS21/21, D21/18401; 2021/129243]

Fire and Rescue NSW conducted an inspection of the subject premises after receiving an enquiry about an obstructed exit in JB Hi-Fi.

Issues The report from FRNSW detailed two (2) issues;

1. insufficient exit way lighting and directional exit signs in a fire isolated exit;
2. an obstructed exit in the JB HiFi store.

FRNSW Recommendations

FRNSW have made a recommendation 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;

FRNSW has referred the matter to Council as the appropriate regulatory authority and awaits advice regarding its determination 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 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 by Council officers to rectify the identified fire safety deficiencies noted by FRNSW.

The above correspondence has requested that building management;

- Undertake remedial works and have required evacuation lighting and exit way systems caused to be compliant;

Follow-up compliance inspections will 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 in relation to the matters identified by FRNSW.

That the Commissioner of FRNSW be advised of Council's actions and determination.

Trim Reference: 2021/134689

CSM reference No#: 2506532

Unclassified



File Ref. No: BFS21/21 (14173)

TRIM Ref. No: D21/18401

Contact: [REDACTED]

23 March 2021

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
'JB HI-FI'
SHOP 31 & 33, 55-73 OXFORD STREET, SURRY HILLS ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 1 January 2021, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *One of the main customer exits at JB HI FI is blocked by a large TV directing customers to an alternative exit. I flagged to the security guard this was blocking a fire exit as indicated by the green sign above. No action was taken so reporting the matter here.*

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 26 February 2021 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.

Fire and Rescue NSW

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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. Essential Fire Safety Measures
 - 1A. Direction Exit Signage and Emergency Lighting
 - A. Sufficient direction exit signage and emergency lighting has not been installed in the fire-isolated stairs leading from the rear of JB Hi-Fi, contrary to the requirements of Clause E4.2 and Clause E4.6 of the National Construction Code 2019 Volume One, Building Code of Australia (NCC).
2. Access and Egress
 - 2A. Required Exits
 - A. In relation to the fire safety concern received, one of the three (3) required exits in the store is barricaded, due to COVID-19 restrictions as advised by staff. The two (2) remaining exits are less 20m travel distance from the furthest point in the store. It is Council's discretion, as the appropriate regulatory authority, to conduct its own investigation of the matter.

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 and 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.

Unclassified

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 [REDACTED]. Please ensure that you refer to file reference BFS21/21 (14173) for any future correspondence in relation to this matter.

Yours faithfully



[REDACTED]
[REDACTED]
[REDACTED]

Unclassified
