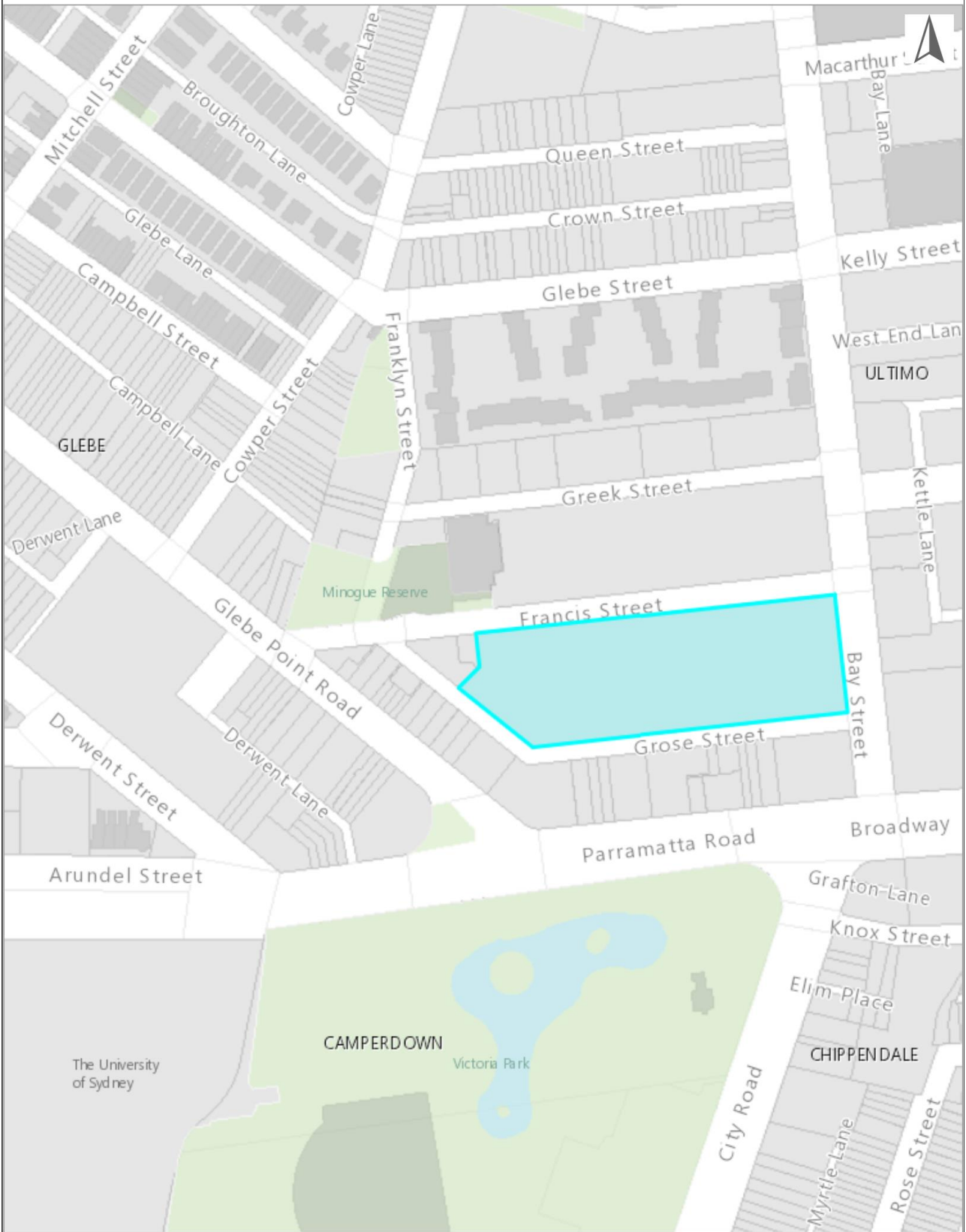


Attachment K

**Inspection Report
1–21 Bay Street, Glebe**

1 - 21 Bay Street



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Notes

28/07/2023

**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: 3019272

Officer: Arfan Chaudhary

Date: 28 July 2023

Premises: 1 – 21 Bay Street, Glebe NSW 2037

Executive Summary:

Council received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises on 10 July 2023 with respect to matters of fire safety.

Fire & Rescue NSW (FRNSW) inspection resulted from a complaint received from a member of public concerning inadequate fire safety with ‘the premises’.

The premises Broadway Shopping Centre consists of three separate buildings. The Model & Moxham building is located at 213 Broadway; the Grose Street building is located at 1-21 Bay Street; and the Greek Street building is located at 23-35A Bay Street, Glebe.

The premises subject to this report is the Grose Street building.

The premises is not a heritage item and is not located within a heritage conservation area. It consists of a building with 4 levels: retail on ground floor level, first floor, second floor and third floor including Hoyts cinema and a tavern, and a car park located adjacent to all retail levels.

An inspection of the premises undertaken by a Council officer in the presence of the Manager – Hoyts Broadway which 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 (Development Certification and Fire Safety) Regulation 2021.

The Emergency Response Program is on display within the building in accordance with the requirements of the Standard, AS 3745 - 2010 Planning for Emergencies in Facilities. Council’s officer reviewed the Program to confirm minimum requirements are in place for the provision of fire safety training for staff. It was confirmed there are adequate plans and procedures in place in the event of a fire or emergency.

Council investigations have revealed there is no remaining fire safety “maintenance and management” works to attend to and the overall fire safety systems provided within the subject premises are considered adequate in the circumstances.

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

Chronology:

Date	Event
10/07/2023	FRNSW correspondence received regarding premises 1 – 21 Bay Street, Glebe. The correspondence was initiated by a complaint concerning fire safety and a FRNSW inspection on 3 July 2023 (reference 2023/415914). The correspondence stated “ <i>A member of the public has concerns with the evacuation procedures of mobility impaired patrons in the event of an emergency, the training of staff in the event of an emergency and lack of communications to patrons</i> ”
1/08/2023	A review of City records showed the fire safety schedule contains twenty-six (28) fire safety measures, including an automatic fire detection and alarm system, automatic fire suppression (sprinkler) system, fire engineering reports, and other fire safety measures typical for a building of this classification, all of which, are due for recertification on 20 July 2023.
1/08/02/2023	<p>An inspection of the subject premises ‘Hoyts Cinema’ was undertaken by a Council officer with the manager of Hoyts Cinema on 1 August 2023, when the following items were noted:</p> <ol style="list-style-type: none">1. All fire door sets have been tagged in accordance with AS/NZS 1905.1 – 2005;2. The hydrant booster assembly was located within the street level in accordance with AS2419.1-2005. At the time of the inspection there were no system faults or other issues observed and the system appeared normal operation;3. At the time of the inspection, the paths of travel leading to the fire exits, along with the fire exits and fire exit doors were all clear and unobstructed;4. At the time of inspection, the Fire indicator panel (FIP) did not show any faults or other issues and the system appeared normal operation;5. At the time of inspection, the building Sound System and Intercom System for Emergency (SSISE) did not display any fault and appeared normal operation;6. The building Automatic Fire Detection and Alarm System were not displaying any system faults or other issues observed and the system appeared normal operation;7. The Emergency Response Program is prominently displayed at Hoyts Cinema displayed adjacent to the EWIS display (Emergency Warning & Intercommunication System);8. The fire safety statement is prominently displayed at the premises and is current;9. Other fire safety measures in the building appeared adequately maintained.10. Issues specifically raised by FRNSW and responses to those issues, are summarised in the table below.
2/08/2023	Council sent an email to the manager of Hoyts Cinema Broadway requesting documents evidencing adequate fire safety measures in the building, which was addressed the same day via reply.

FIRE AND RESCUE NSW REPORT:

References: BFS23/989 (26677); 2023/415914

Fire and Rescue NSW conducted an inspection of the subject premises (Hoyts Cinema) after receiving a complaint about the evacuation procedures of mobility impaired patrons in the event of an emergency, the training of staff in the event of an emergency and lack of communications to patrons is of concern.

Issues

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

Issue	City response
<p>A. Owners and Managers of the cinema should provide oversight of the fire safety training for the staff and ensure that adequate plans and procedures are ready to be executed in the event of a fire or emergency. The Council may need to review the “plan of management” to include a fire prevention plan under the Australian Standard, AS 3745 - 2010 Planning for Emergencies in Facilities, which outlines the minimum requirements for developing the emergency plan.</p>	<p>The items are addressed by correspondence sent 2 August 2023. On the same day the management of Hoyts Cinema sent an email with attached documents advising the following:</p> <ol style="list-style-type: none"> 1. ERP (Emergency Response Program) Parts 1 through 6 Including confirmation that these sections meet the requirements of AS3745:2010 concerning fire safety training for staff and plans/procedures to be executed in the event of a fire or emergency. 2. Annual Fire Safety Statement Parts 1 and 2; 3. Record of the Annual Fire Safety Meeting which was conducted on 5/06/2023; 4. Fire Extinguishers and hose reels are checked monthly in the monthly hazard inspection – this is completed by the elected WHS committee, in addition to the 6 monthly compliance check that is recorded by our fire contractors; 5. Any issues identified are included in the site WHS Meeting; 6. Issues are listed on the Broadway Shopping Centre risk register; 7. Jobs are logged for any non-conforming fire equipment. <p>Hoyts Cinema management also advised they have an internal crew communication platform which they use to communicate any urgent updates or matters, as for the formal training; that is completed annually.</p> <p>Manager – Health, Wellbeing and Safety WHS (Hoyts) conducts annual Emergency Evacuation onsite training for the cinema staff.</p> <p>No further action required (2023/462083)</p>

FRNSW is therefore of the opinion that as the appropriate regulatory authority, it is at the council's discretion to review its records and confirm that the owners continue to meet their obligations.

FRNSW Recommendations

FRNSW have made no direct recommendation within their report other than legislative notification and advised that it is at Council's discretion to review its records and confirm that the owners continue to meet their obligations.

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)

Inspections undertaken by a Council investigation officer in company with the manager of the premises revealed that the above recommendations of FRNSW have been complied with.

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/Attached Documents:

2023/415914	Fire & Rescue NSW letter dated 10 July 2023
2023/462083	Email from the Manager of Hoyts Cinema

Trim Reference: 2023/464705

CSM reference No#: 3019272

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File Ref. No: BFS23/989 (26677)
TRIM Ref. No: D23/61131
Contact: [REDACTED]

10 July 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
BROADWAY SYDNEY - HOYTS CINEMA
1 BAY STREET GLEBE ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 1 March 2023 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated in part that:

A power outage at the shopping centre which also affected the Hoyts cinema. A mobility impaired patron was in the cinema without any communication from staff to alert them of the power outage.

A member of the public has concerns with the evacuation procedures of mobility impaired patrons in the event of an emergency, the training of staff in the event of an emergency and lack of communications to patrons is of concern.

Pursuant to the provisions of 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 Fire and Rescue NSW (FRNSW) inspected 'the premises' on 3 July 2023. On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4).

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	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	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

The following items were identified during the inspection:

1. Generally

- 1A. Investigation Outcomes – The following items are provided to Council as part of the investigation on Friday, 3 July 2023:
- A. Authorised Fire Officers spoke with the Duty Manager regarding the emergency plan for the cinema, who stated that an emergency plan has been prepared and is currently being implemented.
 - B. A staff member was spoken to by Authorised Fire Officers at random about their obligations during an emergency and their evacuation procedures. At the time of the inspection, the staff member could not sufficiently demonstrate knowledge of the evacuation procedures.
 - C. The Duty Manager indicated that the emergency plan would be reviewed and discussed with all staff.
- 1B. Items for Further Investigation – The Council may require an investigation as the appropriate regulatory authority to confirm that:
- A. Owners and Managers of the cinema should provide oversight of the fire safety training for the staff and ensure that adequate plans and procedures are ready to be executed in the event of a fire or emergency. The Council may need to review the “plan of management” to include a fire prevention plan under the Australian Standard, AS 3745 - 2010 Planning for Emergencies in Facilities, which outlines the minimum requirements for developing the emergency plan.

As the appropriate regulatory authority, it is at the council's discretion to review its records and confirm that the owners continue to meet their obligations.

Please do not hesitate to contact [REDACTED] of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call [REDACTED] if you have any questions or concerns regarding the above matters. Please refer to file reference BFS23/989 (26677) for any future correspondence concerning this matter.

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Yours faithfully

A large black rectangular redaction box covering the signature of the sender.A black rectangular redaction box covering the name of the sender.

Fire Safety Compliance Unit

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