



4 August 2015

Volcano Pty Ltd  
P O Box 6161  
NORTH SYDNEY NSW 2059

Dear Sir/Madam

**Fire Safety Upgrade – Residential Flat Building  
1320 Pittwater Road NARRABEEN NSW 2101  
Quote Ref: AFSS01658**

Please find attached a Notice of Intention to issue a Fire Safety Order on the abovementioned premises requiring Fire Safety Upgrade works to be carried out.

The Notice of Intention reflects the recommended 'Scope of Works' prepared by GRS Building Reports dated 23 July 2015.

All owners and other interested persons must be advised of the Notice of Intention.

Council agrees to the request to stage the works over a 2 years period and prioritisation of the fire safety measures.

Council is to be advised within 90 days from the issue date of the Order of the appropriately qualified person who will be managing the implementation of the fire safety upgrade.

Should you have any further enquiries in this matter, please contact Mohamed Moukahal Fire Safety Specialist, weekdays on **9942 2169** or via [council@warringah.nsw.gov.au](mailto:council@warringah.nsw.gov.au).

Yours faithfully

Mohamed Moukahal  
**Fire Safety Specialist – Health & Building Certification**

Cc: Graham Scheffers  
GRS Building Reports Pty Ltd  
PO Box 402, Dee Why  
NSW 2099



**WARRINGAH COUNCIL**  
**NOTICE OF INTENTION TO GIVE AN ORDER**  
Pursuant to s 121H of the  
*Environmental Planning and Assessment Act, 1979 (NSW)*

<b>DATE:</b>	<b>4 August 2015</b>
<b>TO WHOM:</b>	<b>Volcano Pty Ltd</b>
<b>PREMISES:</b>	<b>1320 Pittwater Road NARRABEEN NSW 2101</b>

You are hereby given Notice pursuant to s 121H of the *Environmental Planning and Assessment Act, 1979 (NSW)* (the 'Act') that the Warringah Council, as the appropriate authority under the Act, has been made aware that provisions for fire safety awareness are not adequate to prevent fire, suppress fire or prevent the spread of fire or ensure or promote the safety of persons in the event of fire on the above premises and intends to give an **Order No. 6 pursuant to s 121B of the Act.**

Prior to the Order being given you may make representations to Council's Fire Safety Specialist on or before **19 August 2015**, in relation to the following matters:

- (1) why the Order should not be given;
- (2) the terms of the Order;
- (3) the period of compliance with the Order.

In making representations you may be represented by a barrister, solicitor or agent. Alternatively, you may ignore this Notice and an Order will be given either in the same terms as intended or with modified terms.

**DESCRIPTION OF THE ORDER THE COUNCIL INTENDS TO GIVE:**

<b>ORDER NO. 6</b>
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**TO DO WHAT:**

- (1) Carry out the Recommendations detailed in GRS Building Report Pty Ltd identified on 19-21 of Report No. W245 dated 23 July 2015 prepared by Graham Scheffers from GRS Building Report Pty Ltd.
- (2) Upon completion of each stage submit a finalisation letter (supported by certificates) by an independent appropriately qualified person, (not the person who undertook the work or any person connected with the ownership of the building) certifying that the works have been satisfactorily completed.

This will necessitate the Owners to engage the services of an independent appropriately qualified person to manage the works carry out inspections and provide technical advice during the implementation of the fire safety upgrade.

Council is to be advised within 90 days from the issue date of the Order of the appropriately qualified person who will be managing the implementation of the fire safety upgrade.



(3) **Schedule of Essential Fire Safety Measures (Proposed)**

<b>Essential Fire Safety Measures</b>	<b>Standard of Performance</b>
Automatic Fire Detection and Alarm System including thermal detectors to the top floor units and roof space with link to Building Occupant Warning System See Note 1	BCA Spec E2.2a & AS3786-19993 or AS1670.1-2004
Building Occupant Warning System	BCA Clause 6 of Spec. E2.2a and Clause 3.22 of AS 1670.1-2004
Emergency Evacuation Plan	AS 3745-2010
Emergency Lighting (residential egress stairway)	BCA Clause E4.2, E4.4 & AS2293.1 - 2005
Exit Signs (Residential egress stairway)	BCA Clauses E4.5 & E4.7 & AS2293.1 - 2005
Fire Seals	Manufacturers Specification BCA Clause C3.15 & AS1530.4 - 2005
Paths for Travel	EP & A Reg 2000 Clause 186
Portable Fire Extinguishers	BCA Clause E1.6 & AS2444-2001
Smoke Alarm system within each SOU	BCA Spec E2.2a & AS3786 - 1993
Solid Core Doors (35mm thick fitting self – closing)	BCA Clause C3.11
External Wall Fire Rating (Rear addition to Ground Floor northern tenancy) See Note 2	No requirements subject to annual review that the adjoining property to the north has not been modified and has a solid masonry wall within 6.0m of each of the part at No 1320 Pittwater Road
Protection of Openings (Ground Floor) See Note 2	No requirements subject to annual review that the adjoining property to the north has not been modified and has a solid masonry wall within 6.0m of each of the part at No 1320 Pittwater Road
Protection of Openings (First Floor Sou No 3 – Western Window only) See Note 2	No requirements subject to annual review that the adjoining property to the north has not been modified and has a solid masonry wall within 6.0m of each of the part at No 1320 Pittwater Road
Protection of Openings (First Floor Sou Nos 1, 2 & rear of No 3)	BCA Clause C3.4 (Method of Protection to be confirmed)



- (4) Provide Council and the Fire & Rescue NSW with a Final Fire Safety Certificate upon completion of each stage of the fire safety upgrade.

**Following this initial certification, Council and the Fire & Rescue NSW will require Annual Fire Safety Statements to ensure that all Fire Safety Measures continue to perform to the relevant standard of performance.**

- (5) The Fire Hazard Properties of any replacement of floor materials, floor coverings, and wall and ceiling linings must comply with specification C1.10, Building Code of Australia. This requirement applies to the common areas and within the individual units.
- (6) Any security/screen doors must not compromise the integrity of the fire rated door set to the unit, which includes the door jamb and be fitted in a manner which will not impact on safe egress for the occupants or impede travel onto an exit per D2.20 BCA (e.g. landings of stairs).
- (7) Council does not permit the common roof void in residential flat building being used as a discharge area for bathroom and/or kitchen exhaust vents. . All exhaust air must be discharged to the atmosphere in such a manner as not to cause a nuisance to occupants in the building and neighbours.

**REASONS FOR THE ORDER:** (s 121L of the Act)

A Fire Safety Audit Report dated 23 July 2015 prepared by GRS Buildings Pty Ltd confirmed that existing provisions for fire safety or fire safety awareness are not adequate to prevent fire, suppress fire or prevent the spread of fire or ensure the safety of persons in the event of fire at 1320 Pittwater Road NARRABEEN NSW 2101.

**PERIOD OF COMPLIANCE WITH THE ORDER** (s 121M of the Act)

Staged over 6,12 months and 24 months as detailed in page 21 of the Report No. W245 dated 23 July 2015 by GRS Building Reports Pty Ltd.

**Scope of Works**

In accordance with the specified time periods as detailed on pages 21 of the Report No. W245 dated 23 July 2015 by GRS Building Reports Pty Ltd.

- Recommendations 1, 6 & 7 – 6 months
- Recommendations 3,4,8,9,10,11,12,13, 14(3 months for battery operated smoke alarms), 15 & 16 – 1 year
- Recommendations 2 & 5 – 2 years

**FAILURE TO COMPLY WITH THE ORDER**

It is an offence pursuant to s 125 of the Act to fail to comply with this Order.

Should the Order not be complied with, the Council may:

- (1) commence civil enforcement proceedings in the Land and Environment Court of NSW pursuant to s 123 of the Act seeking mandatory orders to compel compliance with the Order and any other order necessary and costs; and/or
- (2) commence summary criminal proceedings in a Court of competent jurisdiction pursuant to s 127 of the Act seeking a conviction and pecuniary penalty; and/or
- (3) issue a penalty notice pursuant to s 127A of the Act which carries a maximum penalty of \$2,000 per penalty notice.



**Note:** That in relation to (2) above the Act carries a maximum pecuniary penalty of **\$1,100,000** and a further daily maximum pecuniary penalty of **\$110,000**.

**COUNCIL MAY CARRY OUT WORK** (s 121ZJ of the Act)

In addition to (1), (2) & (3) above the Council may choose to exercise its powers pursuant to s 121ZJ of the Act to do all such things that are necessary to give effect to the Order and recover all associated costs incurred in giving effect to the Order as a debt in a court of competent jurisdiction.

**RIGHT OF APPEAL AGAINST THE ORDER** (ss 121N & 121ZK of the Act)

Pursuant to s 121ZK of the Act an individual or corporation affected by the Order may appeal to the Land and Environment Court of NSW against the Order within 28 days after the service of the Order.

Mohamed Moukahal  
**Fire Safety Specialist – Health & Building Certification**

