



The Proprietors of SP 47991  
C/- Bright and Duggan Pty Ltd  
PO Box 281  
CROWS NEST NSW 1585

SH3 (CIS)

Dear Sir/Madam

**DEVELOPMENT CONTROL ORDER - FIRE SAFETY ORDER,  
PART 9, DIVISION 9.3, SECTION 9.34 OF THE *ENVIRONMENTAL PLANNING AND ASSESSMENT  
ACT, 1979* SCHEDULE 5, PART 2 ITEM 1**

**PREMISES: 41 ROCKLANDS ROAD, WOLLSTONECRAFT**

I refer to the Notice of Intention to Issue a Development Control Order – Fire Safety Order issued under Part 9, Division 9.3, Section 9.34 Schedule 5, Part 2, Item 1 of the *Environmental Planning and Assessment Act, 1979*, dated 11 June 2023 (**the Notice**).

Representations, prepared by Tim Peng and Joshua Curan of AED, to the Notice were received by Council on 2 June 2023. The representations requested several amendments to the proposed Order.

Council has considered the representation and subsequently accepts the requested amendments, excluding the timeframes. Accordingly, please find attached a Development Control Order – Fire Safety Order under Schedule 5 of the *Environmental Planning & Assessment Act 1979*.

I trust you will attend to this matter promptly. All owners and other interested persons must be advised of this Order.

Should you have any further enquiries in this regard, please contact Council's Senior Building Surveyor, Mr. Simon Hitchcock between 9.00am and 5.00pm (Monday to Friday) on telephone number 9936 8100 or at any time via Council's email address [council@northsydney.nsw.gov.au](mailto:council@northsydney.nsw.gov.au).

Yours faithfully

A handwritten signature in black ink that reads 'M. Jordaen'.

MARISE Van Der WALT  
**MANAGER - ENVIRONMENT & BUILDING COMPLIANCE**

**Date Endorsed: 16 June 2023**

c.c. Fire and Rescue NSW, Locked Bag 12, GREENACRE NSW 2190  
Bright & Duggan, C/- James Azar - [james.azar@bright-duggan.com.au](mailto:james.azar@bright-duggan.com.au)  
AED C/- Tim Peng - [Tim@aedconsulting.com.au](mailto:Tim@aedconsulting.com.au)



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**DEVELOPMENT CONTROL ORDER - FIRE SAFETY ORDER  
PART 9, DIVISION 9.3, SECTION 9.34 OF THE *ENVIRONMENTAL PLANNING AND ASSESSMENT  
ACT, 1979*  
SCHEDULE 5, PART 2, ITEM 1**

**PREMISES: 41 ROCKLANDS ROAD, WOLLSTONECRAFT**

**NORTH SYDNEY COUNCIL**, in the exercise of its functions under Part 9, Division 9.3, Section 9.34, Schedule 5, Part 2, Item 1 of the *Environmental Planning and Assessment Act, 1979*, hereby orders you, the Proprietors of SP 47991, as the owner in respect of the above address as follows:-

**Terms of the Order**

1. Carry out the fire safety upgrade works as detailed within the "Timetable for the Proposed Fire Safety Upgrading Works" (pages 50-53) in Fire Safety & Building Code of Australia Assessment Report dated 7 December 2022, prepared by Grant McGrath and Erol Urludag of Building Code Professionals Pty Limited (attached), except where amended by the requests (excluding timeframes) contained within representations letter dated 2 June 2023, prepared by prepared by Tim Peng and Joshua Curan of AED (attached).
2. Upon completion of works, certification from a Registered Building Surveyor, minimum Registered Building Surveyor - Unrestricted under the *Building and Development Certifiers Act 2018*, shall be submitted to Council confirming works have been completed in accordance with Item 1 above and the attached Fire Safety Schedule.

A Final Fire Safety Certificate complying with Part 11 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* shall accompany the certification.

**Time for Compliance with the Order**

The Order must be complied with within **two (2) years** from the date of endorsement.

**Reason for the Order**

1. The Fire Safety & Building Code of Australia Assessment Report dated 7 December 2022, prepared by Grant McGrath and Erol Urludag of Building Code Professionals Pty Limited, advises that the provisions for fire safety or fire safety awareness at the premises are inadequate to prevent fire, suppress fire or prevent the spread of fire or ensure or promote the safety of persons in the event of fire.

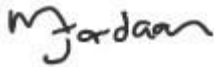
2. Given the received report, Council is concerned about the safety of the occupants of the building in the event of fire.

You are advised that you may appeal to the Land and Environment Court against this Order or a specified part of the Order under the provisions Part 9, Division 9.3, Schedule 5, Part 4 of the Act. Such appeal must be made within **twenty-eight (28) days** after the service of this Order.

Failure to comply with the requirements of this Order is an offence pursuant to Part 9, Division 9, Section 9.37 of the *Environmental Planning and Assessment Act, 1979*. The maximum penalty for such an offence is \$5 million with a further daily maximum penalty not exceeding \$50,000.

If you have any further enquiries in this regard, please contact Mr Simon Hitchcock between the hours of 9.00am and 5.00pm, Monday to Friday, on telephone number **9936 8100**, or at any time via Council's email address [council@northsydney.nsw.gov.au](mailto:council@northsydney.nsw.gov.au).

Yours faithfully



MARISE Van Der WALT

**MANAGER - ENVIRONMENT & BUILDING COMPLIANCE**

**Date Endorsed: 16 June 2023**

c.c. Fire and Rescue NSW, Locked Bag 12, GREENACRE NSW 2190  
Bright & Duggan, C/- James Azar - [james.azar@bright-duggan.com.au](mailto:james.azar@bright-duggan.com.au)  
AED C/- Tim Peng - [Tim@aedconsulting.com.au](mailto:Tim@aedconsulting.com.au)

**Attachment 1: Fire Safety Schedule**

<b>Proposed Fire Safety Schedule - 41 Rocklands Road, Wollstonecraft</b>				
<b>Item No.</b>	<b>Measure</b>	<b>Standard of Performance</b>	<b>Existing</b>	<b>Proposed</b>
1.	Automatic Fail- Safe Devices	Clauses D2.19(b)(iv) BCA 2019 (Amend.1)	X	
2.	Automatic Fire Detection & Alarm Systems	Clause E2.2 & Clauses 3, 4 & 7 of Specification E2.2a BCA 2019 (Amend.1), AS 3786-2014 (Amend. 1 & 2) & AS 1670.1-2018 (as applicable)	X	
3.	Automatic Signalling Equipment	AS 2118.1-2017 (Amend.1), AS 1670.3-2018 & AS 4428.6-2018	X	
4.	Automatic Sprinkler Systems	AS 2118.1-2017 (Amend.1), AS 1670.3-2018 & AS 4428.6-2018	X	
5.	Emergency Lifts	Clause E3.4 BCA 2019 (Amend.1) or a Performance Solution Report by a Registered Design Practitioner (Fire Safety Engineering)	X	
6.	Emergency Lighting	Clauses E4.2 & E4.4 BCA 2019 (Amend.1) & AS/NZS 2293.1-2018	X	
7.	Emergency Warning and Intercommunication Systems (EWIS)	Clause E4.9 BCA 2019 (Amend.1) & AS 1670.4-2018 or a Performance Solution Report by a Registered Design Practitioner (Fire Safety Engineering)	X	
8.	Exit Signs	Clause E4.5, E4.6, E4.7 & E4.8 BCA 2019 (Amend.1) & AS/NZS 2293.1-2018	X	
9.	Fire Control Centres & Rooms	Clause E1.8 & Specification E1.8 BCA 2019 (Amend.1) or a Performance Solution Report by a Registered Design Practitioner (Fire Safety Engineering)	X	
10.	Fire Dampers	Clause C3.15(b) BCA 2019 (Amend.1) & AS 1668.1-2015 (Amend.1)	X	
11.	Fire Doors	Clause C2.12, C2.13, C3.5, C3.8 & C3.11 & Specification C3.4 BCA 2019 (Amend.1) & AS 1905.1-2015 (Amend.1)	X	

12.	Fire Hose Reel Systems	Clause E1.4 BCA 2019 (Amend.1) & AS 2441-2005 (Amend.1),	X	
13.	Fire Hydrant System	Clause E1.3 BCA 2019 (Amend.1) & AS 2419.1-2005 (Amend.1)	X	
14.	Fire Seals Protecting Openings in Fire-Resisting Building Elements	Clauses C3.12, C3.15 & Specification C3.15 BCA 2019 (Amend.1) or a Performance Solution Report by a Registered Design Practitioner (Fire Safety Engineering)	X	
15.	Lift Landing Doors	Clause C3.10 BCA 2019 (Amend.1) & AS 1735.11-1986	X	
16.	Mechanical Air Handling Systems	Clause E2.2 & NSW Table E2.2a BCA 2019 (Amend.1), AS 1668.2-2012 & AS 1668.1-2015 (Amend.1)	X	
17.	Mechanical Ventilation Fire Trip (Carpark Supply Fan Only)	Table E2.2a BCA 2019 (Amend.1) & Clause 5.5 of AS 1668.1-2015 (Amend.1)	X	
18.	Smoke Clearance Fans (Carpark Only)	Table E2.2a BCA 2019 (Amend.1) & Clause 5.5 of AS 1668.1-2015	X	
19.	Portable Fire Extinguishers	Clause E1.6 BCA 2019 (Amend.1) & AS 2444-2001	X	
20.	Smoke Doors	Clause D2.7(d) BCA 2019 (Amend.1)	X	
21.	Stair Pressurisation Systems	Clause E2.2 & NSW Table E2.2a BCA 2019 (Amend.1), AS 1668.2-2012 & AS 1668.1-2015 (Amend.1) or a Performance Solution Report by a Registered Design Practitioner (Fire Safety Engineering)	X	
22.	Wall-Wetting Sprinkler / Drencher System	Clause D1.7(c) BCA 2019 (Amend.1) & AS 2118.1-2017 (Amend. 1) or a Performance Solution Report by a Registered Design Practitioner (Fire Safety Engineering)	X	
23.	Warning & Operational Signage	Clauses D2.23 & E3.3 BCA 2019 (Amend.1)	X	
24.	Fire Safety Notices (Offences)	Clause 108 Environmental Planning & Assessment (Development Certification & Fire Safety) Regulation 2021	X	
25.	Performance Solution Report(s)/Fire Engineering Reports	TBA	X	