

20 JUL 2022



**NORTH SYDNEY
COUNCIL**

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

SH3 (CIS)

Dear Sir/Madam

**NOTICE OF INTENTION TO ISSUE A 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

It was brought to Council's attention by recent correspondence from Fire and Rescue NSW that the premises located at 41 Rocklands Road, Wollstonecraft (**the premises**), may be deficient in terms of fire safety.

Subsequently, a Council Officer undertook an inspection of the premises on 7 July 2022, which revealed that the premises may be deficient in the in terms of fire safety provisions, in particular, Sections C, D and E of the National Construction Code - Building Code of Australia.

Once Council is aware that an existing building may be deficient in certain aspects of fire safety, it has a duty of care to ensure that the building provides an acceptable level of fire safety to the occupants of the building.

Accordingly, please find attached a Notice of Intention to Issue a Development Control Order - Fire Safety on the above-mentioned premises requiring a Fire Safety Audit to be carried out.

This is the first step, in a four-step process, to ensure a reasonable standard of fire safety exists in the building. **No works should be undertaken unless directed, approved or otherwise agreed to by the Council.**

Please note that in the event that Council does not receive representations to this Notice of Intention, an Order will be served without further delay.

All owners must be advised of the Notice of Intention.

Should you have any further enquiries in this regard, please contact Council's Senior Building Surveyor, Mr Simon Hitchcock, on 9936 8100 or by email at council@northsydney.nsw.gov.au.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Simon Hitchcock'.

**SIMON HITCHCOCK
SENIOR BUILDING SURVEYOR**

Date Endorsed: 13 July 2022

c.c. Fire and Rescue NSW, Locked Bag 12, GREENACRE NSW 2190
Bright & Duggan C/- James Azar - james.azar@bright-duggan.com.au



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PREMISES: 41 ROCKLANDS ROAD, WOLLSTONECRAFT

Notice is hereby given that North Sydney Council intends to serve the Proprietors of SP 47991, as the owner of the above address, with a Development Control Order - Fire Safety Order, under Part 9, Division 9.3, Section 9.34, Schedule 5, Part 2, Item 1 of the *Environmental Planning and Assessment Act, 1979*, as follows:-

Terms of Proposed Order

1. Engage the services of an appropriately Registered Building Surveyor, minimum Registered Building Surveyor - Unrestricted under the *Building and Development Certifiers Act 2018*, to carry out a Building Code of Australia (BCA) fire safety audit and prepare an Upgrade Report of works for 41 Rocklands Road, Wollstonecraft. A list of Registered Building Surveyors can be found at <https://applications.fairtrading.nsw.gov.au/bdcregister>.
2. The appointed Registered Building Surveyor is to carry out an inspection of the building and must specifically undertake an assessment against all relevant clauses within Sections C, D and E of the National Construction Code - Building Code of Australia 2019, Volume 1, Amendment One, in relation to the prevention, suppression and prevent the spread of fire in the event of a fire occurring.
3. The Report is to be set out in sections as follows:
 - Scope of Report.
 - BCA classification and building characteristics.
 - Audit and compliance checklist against the provisions of C, D and E of The National Construction Code - Building Code of Australia 2019, Volume 1, Amendment One.
 - Recommendations and strategy to provide for upgrade works, in order of life safety, to ensure the safety and egress of persons in the event of fire, prevent fire and to promote the suppression of fire and prevent the spread of fire*.
 - A summary of recommended fire safety upgrade works to the building which will be incorporated in a latter Works Order, together with the intended timeframe (maximum of 2 years) for completion.

- A proposed Fire Safety Schedule for the whole building which includes any existing fire safety measures and any fire safety measures contained within the recommended fire safety upgrade works.

* Any BCA performance based solutions prepared by other accredited specialists to address fire safety matters must be fully reviewed and accepted by the Registered Building Surveyor.

4. The **BCA Fire Safety Audit and Upgrade Report** must be submitted to Council.

Note: No works are to be undertaken without an appropriate Council Development Control Order or Development Consent, under the provisions of *the Environmental Planning and Assessment Act, 1979*, being in place for those works.

The Order must be complied with within 60 days of the date of endorsement.

Reason for Proposed Order

1. Council is in receipt of correspondence Fire and Rescue NSW which indicates that the premises located at 41 Rocklands Road, Wollstonecraft may be deficient in regard to fire safety
2. An inspection at 41 Rocklands Road, Wollstonecraft on 7 July 2022 undertaken by Council Officers, revealed the premises may be deficient in the in terms of fire safety provisions, in particular, Sections C, D and E of the National Construction Code - Building Code of Australia 2019 - Volume One.
3. A search of Council's records has revealed that there has been no recent upgrade of the building located at 41 Rocklands Road, Wollstonecraft in regards to fire safety.

In accordance with Part 9, Division 9.3, Section 9.34, Schedule 5, Part 7 of the *Environmental Planning and Assessment Act, 1979* you may make representations to Council as to why the proposed Order should not be given or as to the terms of, or period for compliance with the proposed Order.

Representations to Council in respect to this matter should be made in writing and be received no later than **fourteen (14) days** from the endorsed date of this notice. Any representations will be taken into consideration and a decision made to modify, withdraw, or proceed with the Order.

Should you have any further enquiries in this regard, please contact Council's Senior Building Surveyor, Mr Simon Hitchcock, between 9.30 am and 11.00 am (Monday to Friday) on 9936 8100.

Yours faithfully



SIMON HITCHCOCK
SENIOR BUILDING SURVEYOR

Date Endorsed: 13 July 2022

