

EPAF-N1.1/5015

23 July 2018

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Fairlane Investments Pty Ltd  
C/- G J Cotsios  
7 Kings Rd  
VAUCLUSE NSW 2030

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979  
NOTICE OF INTENTION TO GIVE A FIRE SAFETY ORDER**

Dear Sir/Madam

**Subject Premises: 18 Boronia Street, KENSINGTON NSW 2033**

An inspection of the subject premises was carried out on 5 April 2018 by a representative of Fire and Rescue NSW (FRNSW). Council was subsequently notified in accordance with Clause 17 of Schedule 5 of the Act that FRNSW were of the opinion that "there are inadequate provisions for fire safety remaining within the building".

You are hereby given 28 days notice, in accordance with section 9.34 and Schedule 5 of the Environmental Planning and Assessment Act 1979, that Council intends to serve an order, the terms of the order being:-

1. Submit to Council a report from an A1 accredited Building Surveyor or other suitably qualified professional which responds to items 1 to 9 of the FRNSW report, BFS18/26020 dated 16 May 2018 (copy attached) and
2. Identifies the extent that the building does not comply with the relevant deemed to satisfy provisions of Sections C, D and E of the Building Code of Australia, and
3. Provides details of existing fire safety measures located within the building or upon the premises, and identifies the basis of design of each system, and
4. Identifies those works that are considered necessary to provide adequate provisions for
  - the safety of persons in a fire
  - the prevention of fire
  - the detection of fire
  - the suppression of fire
  - the prevention of the spread of fire, and
5. Details all of the proposed fire safety measures proposed to be implemented within the premises and their minimum standard of performance.

A period of 60 days will be given in which to comply with the Order to provide the fire safety report to Council and a further period of 12 months is proposed to be given in which to complete any fire safety works, as specified in the report, except as may be amended by Council in accordance with Clause 1, Part 4, Schedule 5 of the Environmental Planning and Assessment Act 1979. The Order will also advise you of your right of appeal.

You are advised that failure to comply with the requirement of the *Environmental Planning and Assessment Act 1979* is an offence which renders you liable to a penalty as provided for in the *Environmental Planning and Assessment Act 1979* (as outlined in the notes below).

You may make representations to Council as to why the Order should not be given, or why the terms of the Order or the period for compliance with the Order should be altered. Any such representations are to be made to the Council within twenty eight (28) days of the date of this notice, or within such further period agreed by you and the Council.

The reasons for the proposed Order are:

- To ensure that adequate provisions are made within the building for fire safety, fire safety awareness, fire prevention and fire suppression.
- To ensure that reasonable levels of fire safety are provided to building occupants.
- To ensure that the use of the premises does not result in a significant fire hazard.

Should any further information be required, please contact me, on 9093 6958, during business hours Monday to Friday.

Yours faithfully

Greg Hynes  
Coordinator Building Certification & Fire Safety

*Notes:*

1. *Offences and Penalties under Part 9, Division 9.6 of the Environmental Planning & Assessment Act 1979:*
  - *A person who is guilty of an offence against the Act which is a Tier 1 offence as provided for by s. 9.52 of the Act is liable to a tier 1 maximum penalty, being a penalty not exceeding \$5 million, and a further \$50,000 for each day the offence continues.*
  - *A person who is guilty of an offence against the Act which is a Tier 2 offence as provided for by s. 9.53 of the Act is liable to a tier 2 maximum penalty, being a penalty not exceeding \$2 million, and a further \$20,000 for each day the offence continues.*
  - *A person who is guilty of an offence against the Act which is a Tier 3 offence as provided for by s. 9.54 of the Act is liable to a tier 3 maximum penalty, being a penalty not exceeding \$1 million, and a further \$10,000 for each day the offence continues.*