

EPAF-N1/4964

21 May 2018



Mr G E Fatseas and Mr J E Fatseas
Unit 6/34 Meeks St
KINGSFORD NSW 2032

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

Dear Sir/Madam

Subject Premises: 34 Meeks Street, KINGSFORD NSW 2032

An inspection of the subject premises by Council's Building Surveyor has disclosed that the existing provisions for fire safety within the building are not adequate to ensure the safety of persons in the event of fire.

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

To carry out the work specified below and in the attached *fire safety schedule*, in accordance with the minimum specified standards of performance and submit a final *fire safety certificate* to the Council and Fire & Rescue NSW, in relation to each of the fire safety measures implemented within the premises in accordance with the provisions of Part 9 of the *Environmental Planning & Assessment Regulation 2000*.

Fire Safety Works

1. Provide a -/60/30 fire door set, including door leaf and frame, with a self-closing device, to the front entry of each sole-occupancy unit in accordance with clause C3.11 of the Building Code of Australia (BCA). If the existing door set complies with AS1905.1 or its retrospective equivalent standard, certification is to be provided from a suitably qualified building and fire safety consultant and the door frame and leaf are to be tagged in accordance with the relevant standard.

Note: Council may consider a proposal to install a -/60/30 self-closing fire door leaf to the existing metal door frame, subject to the submission of a report from an A1 Accredited Building Surveyor or C10 Accredited Fire Engineer which demonstrates that the Fire Door assembly will provide a level of fire protection which is equivalent to BCA Specification C3.4

2. The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the Building Code of Australia or a smoke detection system complying with Clause 4 of Specification E2.2a of the Building Code of Australia or a combination of a smoke alarm system complying with Clause 3 within

the sole-occupancy units and a smoke detection system complying with Clause 4 in areas not within the sole occupancy units.

A smoke alarm system complying with Clause 3 of Specification E2.2a of the Building Code of Australia is required to be installed in accordance with the following requirements:

- a) smoke alarms are required to comply with AS 3786 - Smoke Alarms, and be powered from the mains electric power source, and provided with a battery back-up.
- b) in kitchens and other areas where the use of the area is likely to result in smoke alarms causing spurious signals, heat alarms may be installed in lieu of smoke alarms.
- c) smoke alarms must be installed within each sole-occupancy unit, located on or near the ceiling in:
- d) any storey containing bedrooms, located between each part of the sole-occupancy unit containing bedrooms and the remainder of the sole-occupancy unit; and where bedrooms are served by a hallway, located in that hallway; and
- e) any storey not containing any bedrooms, located in egress paths; and
- f) where there is more than one alarm installed within a sole occupancy unit, be interconnected within that sole occupancy unit; and
- g) in a building not protected with a sprinkler system, smoke alarms are to be provided in public corridors and other internal public spaces, located in accordance with the requirements for smoke detectors in AS 1670.1 and the smoke alarms must be interconnected to activate a building occupant warning system in accordance with Clause 6 of Specification E2.2.a.

[Clause 6 requires that the system to comply with Clause 3.22 of AS 1670.1 to sound throughout all occupied areas, except that the sound pressure level need not be measured within a sole-occupancy unit if a level of not less than 85dB(A) is provided at the door providing access to the sole-occupancy unit and the inbuilt sounders of the smoke alarms may be used wholly or partially to meet the requirements].

3. Provide certification from a suitably qualified person to the effect that the ceilings throughout the top-floor level of the building (including stairway and corridor/s) are provided with material having a resistance to the spread of fire to the roof space above, of not less than 60 minutes and have not been compromised by penetrations such as downlights or ventilation openings. Alternatively, provide certification that the walls separating the units and stairwell extend to the underside of the roof covering.
4. If the ceilings/walls do not satisfy the abovementioned requirements and are unable to be certified:-
 - A) a ceiling is to be provided throughout the top-floor level of the building (including stairway and corridor/s) with material having a resistance to the incipient spread of fire to the roof space above, of not less than 60 minutes, or
 - B) extend the walls of the units and stairwell in construction having at least a 60/60/60 Fire Resistance Level to the underside of a non-combustible roof covering, or
 - C) smoke alarms are to be provided to the bedrooms, hallways and living areas of each sole occupancy units occupying the top floor level and heat alarms are to be provided in the roof space above each unit. The smoke and heat alarms are to be interconnected throughout the whole of the top floor and also connected to activate the Building Occupant Warning System.

Details of the proposed smoke/heat detection and alarm system are required to be submitted to and approved by Council prior to installation and certification must be provided to Council from a suitably qualified /experienced person upon completion.

5. Provide an exit sign on, above or adjacent to the building exit doorway/s, in accordance with clause E4.7 of the Building Code of Australia.
6. Provide an emergency lighting system to the common stairways and corridor/s in accordance with clauses E4.2 & E4.4 of the Building Code of Australia and AS 2293.1 (2005).
7. Provide fire extinguishers throughout the building in accordance with clause E1.6 of the Building Code of Australia, in accordance with AS 2444 (2001) – Portable Fire Extinguishers & Fire Blankets – Selection and location.
8. A door in a required exit, forming part of a required exit or in the path of travel to a required exit is required to be readily openable without a key from the side that faces a person seeking egress, by a single hand action on a single device which is located between 900mm and 1200mm from the floor in accordance with Clause D2.21 of the Building Code of Australia.
9. The main entry/exit door is to be provided with a 'hold-open' device, or swing in the direction of egress, to facilitate people seeking egress from the building in the event of an emergency.
10. The balustrades and handrails to the internal stairway is to be upgraded generally in accordance with clause D2.16 of the Building Code of Australia.
11. Any electricity distribution/meter board located within the required exit must be enclosed by non-combustible construction (i.e. a metal cabinet) or a fire protective covering, with seals to prevent smoke spreading from the enclosure.
12. A single and complete Fire Safety Certificate must be submitted to Council upon completion of the works, in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000, which includes all of the fire safety measures contained in the building and the fire safety schedule.
13. A copy of the *fire safety certificate* must be displayed in the building near the entrance and a copy must be forwarded to the NSW Fire Brigades. A *Fire Safety Statement* must also be provided to the Council and the NSW Fire Brigades on an annual basis.

A period of 6 months is proposed to be given to commence work on the Order and 12 months in which to comply with the Order. The Order will advise you of your right of appeal.

You are advised that failure to comply with the requirements of the *Environmental Planning & Assessment Act 1979* is an offence which renders you liable to a penalty as provided for in the *Environmental Planning & 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.

Any representations made by you will be heard in accordance with Part 7 of Schedule 5 of the *Environmental Planning & Assessment Act 1979*.

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 Mr David Foster, Senior Building Surveyor, on 9093 6952, during business hours Monday to Friday.

Yours faithfully

David Foster
Senior Building Surveyor

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.*

PROPOSED FIRE SAFETY SCHEDULE



Property Address: 34 Meeks Street, KINGSFORD NSW 2032

In accordance with the provisions of clause 168 of the *Environmental Planning & Assessment Regulation 2000* ('the Regulation'), the essential fire safety measures contained in the *fire safety schedule* must be implemented within the building premises and the fire safety provisions of *Part 9 of the Regulation* must be complied with.

The fire safety measures are to be designed, installed and maintained in accordance with the minimum standards of performance.

A copy of this fire safety schedule must be displayed in a prominent position in the building.

Schedule 1 – New Fire Safety Measures

Fire safety Measure	Building Code of Australia Reference/s	Minimum Standard of Performance (To be specified in the fire safety certificate / statement)
Emergency lighting	Clauses E4.2 & E4.4	AS 2293.1 (2005)
Exit signs	BCA Clauses E4.7	BCA Clause E4.7
Fire doors (self-closing or automatic)	BCA Clause C3.11,	BCA Specification C3.4, AS/NZS 1905.1 (2005) (fire doors),
Portable fire extinguishers	Clause E1.6	AS 2444 (2001)
Smoke alarms and heat alarms	Clause E2.2 & Specification E2.2a	AS 1670.1 (2015) (spacing & location within common areas & building occupant warning), AS 3786 (1993) (within sole occupancy units) AS 1603.3 (1996) (within roof space)

Schedule 2 - Existing Fire Safety Measures - NIL