

The Owners - Strata Plan No. 52948  
8A Fontenoy Rd  
MACQUARIE PARK NSW 2113

18 June 2021

EPA2019/0155

### FIRE SAFETY ORDER

**Subject: Fire Order: Pursuant to item 1, Part 2 of Schedule 5 of the Environmental Planning and Assessment Act, 1979.**

**Premises: SP 52948, 1-15 Fontenoy Rd Macquarie Park**

I refer to the Notice of Proposed Fire Safety Order dated 19 of December 2019, and advise that Council has not received any representation, nor have any of the requirements contained in the Notice been attended to, and as such a Fire Safety Order has now been issued (please find attached Order).

Council's records show that you are the registered owners of the premises. The Order will require you to do the things specified below so as to ensure or promote adequate fire safety or fire safety awareness.

You are invited to make representations to Council as to why the Order should not be given or as to the terms of or period for compliance with the Order.

You or your legal representative may make representations to Council in writing within **FOURTEEN (14) DAYS** from the date of service of this notice as to why the Order should not be given or as to the terms of or period of compliance with the Order.

Council will review all representations made and determine whether to proceed with the Orders, modify the Orders or not to proceed with the Orders.

If you do not make representations, Council will serve the Order.

For further information, please contact me on 9952 8184.

Yours faithfully,



Desmond Samuel Raju  
Building Surveyor

The following items were identified as concerns at the time of inspection:

*Fire & Rescue NSW (FRNSW) received correspondence on 30 September 2019, in relation to 'the premises'. The correspondence stated in part that:*

- *Owners got absolutely no details of what the issues were with fire safety in Minutes of EC meeting on 20 June 2019. This is typical method in our complex to prevent owners from making informed decisions.*
- *In addition, owners were not informed that strata funds had covered smoke detector replacement costs for the last 23 years.*
- *Two smoke alarms in Lot 158 are still not replaced and they refuse to attend to it. If the accident happens (hopefully NEVER!), it would be a disaster.*
- *Owners were not told that, apart from Lot 158, there is a high probability of many other lots having expired smoke detectors. For the record, the two smoke alarms in my lot sometimes work, sometimes do not. If the accident happens (hopefully NEVER!), it would be a real disaster.*
- *Some exit lights were faulty for up to a week when I was checking them in Block A and behind fire door 6.*
- *Owners still got no details of what the issues were with fire safety in Minutes of latest EC meeting on 5 September 2019.*
- *The attachment shows the results of fire door checks on 29 September 2019.*
- *At various times, over last two months fire doors were fully opened and left unattended for many hours beyond scheduled times allowed to help owners move during elevator upgrades.*
- *Waratah Strata Management and Uniqueco property Services failed to respond to my latest suggestions on 17 June 2019.*
- **Fire Hydrant System:**
  - a) *A pressure gauge at the hydraulically most disadvantaged fire hydrant was not provided, contrary to the requirements of Clause 9.3.2(b) of AS2419.1-2005.*
  - b) *The doors to the booster enclosure were not fitted with a device capable of securing the door in not less than a 90° open position, contrary to the requirements of Clause 7.9.2 of AS 2419.1-2005.*
  - c) *Boost pressure and test pressure signage was not provided at the*

### **Reasons for Serving Order**

1. The provisions for fire safety or fire safety awareness are not adequate and the maintenance or use of the premises constitutes a significant fire hazard as identified in the Inspection Report from Fire & Rescue NSW, File Ref: BFS19/3235 (9030) dated 8 of November 2019.
2. The Council has issued the Order to ensure that:
  - (i) Appropriate action will be taken to ascertain the rectification work is compliant with BCA requirements;
  - (ii) Any other fire safety deficiencies of the building on the Premises are properly addressed;
  - (iii) The fire safety measures in the building on the Premises are reviewed to ensure they remain appropriate and effective.

### **Time limit for compliance with this Order**

#### **Part A compliance period:**

You are required to comply with the terms of Part A of this Order within six weeks (dated 31/07/2021) from the date of service of this Order.

Failure to comply with this Order is an offence against the Environmental Planning and Assessment Act 1979. The maximum penalty on conviction for an offence is set out by the Environmental Planning and Assessment Act 1979.

You and any person affected by this Order may appeal against this Order or a specified part of it to the Land and Environment Court within 28 days after service of the Order.

You are hereby notified that if the Order is not complied with in the period set out above, Council may give effect to the Order and recover the costs of doing so from you in a Court.

#### **Information:**

Should you require any further information, please contact Officer on 9952 8184.

Yours faithfully,



Desmond Raju  
Building Surveyor