

**From:** Fire Safety  
**Sent:** 27 Sep 2018 15:52:32 +1000  
**To:** Corporate Email  
**Subject:** Letter Out - Inspection Report - Tweed Ultima - 18-20 Stuart Street Tweed Heads - Tweed Shire Council  
**Attachments:** Letter Out - Inspection Report - Tweed Ultima - 18-20 Stuart Street Tweed Heads - Tweed Shire Council.pdf

Attn: **Manager Compliance / Fire Safety**

In accordance with Schedule 5, Part 6, Section 12 of the *Environmental Planning and Assessment Act 1979*, please find attached a copy of the Notice/ Order issued on the above-named premises.

If you have any further queries regarding this matter, please contact the Fire Safety Branch on 9742 7434 quoting your reference number.

Regards



**Administration Officer**

FIRE SAFETY ADMINISTRATION UNIT

COMMUNITY SAFETY DIRECTORATE

T: 02 9742 7434

E: [firesafety@fire.nsw.gov.au](mailto:firesafety@fire.nsw.gov.au)

1 Amarina Ave, Greenacre, NSW 2190

Locked Mail Bag 12, Greenacre, NSW 2190

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)



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File Ref. No: BFS18/313 (2674)  
TRIM Ref. No: D18/68970  
Contact: Mark Knowles

27 September 2018

General Manager  
Tweed Shire Council  
PO Box 816  
MURWILLUMBAH NSW 2484

Email: [tsc@tweed.nsw.gov.au](mailto:tsc@tweed.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT  
"TWEED ULTIMA"  
18-20 STUART STREET, TWEED HEADS ("the premises")**

Pursuant to the provisions of Section 119T (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 5 February 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

Please be advised that the inspection for 'the premises' was conducted prior to the amendments of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on 1 March 2018. As such, all references to the relevant sections in this report are provided prior to the amendments of the EP&A Act.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 119T (4) and Section 121ZD (1) of the EP&A Act. Please be advised that Section 121ZD (2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

## COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances and the items listed outline deviations from the National Construction Code Volume One 2016 Building Code of Australia (NCC) which may contradict development consent approval or correlate to the building's age. In this regard, it is Council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate course of action.

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

### 1. Essential Fire Safety Measures

1A. Fire Hydrant System – The following comments are provided having regard to Australian Standard (AS) 2419.1.2005:

- a) Storz couplings, compatible with FRNSW firefighting hose connections were not provided to all fire hydrant valves throughout the premises, contrary to the requirements of Clause 3.1 and 8.5.11.1 of AS 2419.1–2005, and Clauses 1.2 and 3.4 of AS 2419.2–2009.

1B. Exit signs:

- a) Multiple exit signs throughout 'the premises' were not illuminated and had not been maintained, contrary to the requirements of Clause 182 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).
- b) It was evident that there were areas/parts within the carpark levels, where the direction to the required exits was not readily apparent. In some instances, exit signs and directional exit signs were obstructed by services, including but not limited to PVC plumbing pipes, sprinkler pipes and electrical cable trays. Additional directional exit signs may be required throughout the carpark level, such that an exit sign or directional exit sign is clearly visible from all parts, in accordance with Clause E4.5 and NSW E4.6 of the NCC.

1C. Annual Fire Safety Statement (AFSS) – A copy of the current AFSS was not prominently displayed within the building in accordance with Clause 177 of the EP&A Regulation.

## 2. Access and Egress

2A. Re-entry from fire-isolated exits – The doors to the fire-isolated stairways serving the north and south towers, were locked from the inside. In this regard, all doors throughout the exit were not fitted with a fail-safe device that automatically unlocks the door upon activation of a fire alarm and re-entry was not available on at least every fourth floor with appropriate signage, in accordance with the requirements of Clause D2.22(b) of the NCC.

## 3. Generally

3A. Aluminium Composite Panel Cladding – A visual inspection of the external façade has revealed that a combustible material may be:

- incorporated or forming part of the external wall; or
- used as a finish, lining or attachment to a building element required to have a required fire-resistance level (FRL).

The material is located on the façade of the building and is near or directly above required exits.

External walls for a building of Type A fire-resisting construction must be non-combustible, in accordance with Specification C1.1 of the NCC.

If the building material is combustible and used as a finish, lining or attachment to a building element which has the required FRL, there is a risk that it may:

- impair the FRL of the wall to which it is attached;
- compromise the safe evacuation of occupants from the building; and
- lead to the spread of fire by way of the building facade.

In this regard, the following may require council's discretion as the appropriate regulatory authority to inspect 'the premises', review its records and consider the most appropriate action by confirming:

- i. Whether the building has been approved as Type A fire-resisting construction in accordance with Clause C1.1 of the NCC.
- ii. Whether the building material is considered combustible and requires further enforcement action as an "external wall" or an "attachment", as defined by the NCC.

## **FIRE SAFETY ORDER NO. 6**

FRNSW inspecting officers issued a Notice of Intention to Serve an Order (Order No. 6), dated 8 February 2018, in accordance with the provisions of Section 121H of the EP&A Act, to have item no.1A(a) of this report rectified.

Following the Notice of Intention to Serve an Order, FRNSW determined to issue an Order No. 6, dated 20 February 2018, in accordance with the provisions of Section 121B of the EP&A Act. In accordance with the provisions of Section 121ZE of the EP&A Act, a copy of the Order is attached for your information. FRNSW has conducted further inspections of the building to assess compliance with the terms of this Order.

In this regard, FRNSW does not consider Council is required to take action in relation to item no. 1.1A of this report.

## RE-INSPECTION

Pursuant to the provisions of Section 119T(1)(b) of the EP&A Act and Clause 189(a) of the EP&A Regulation, an inspection of 'the premises' on 30 April 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

At the time of the inspection, the terms of 'the order' issued on 'the premises' were compliant. Please be advised that 'the order' is not an exhaustive list of non-compliances, it is at Council's discretion to inspect and address any other deficiencies identified on 'the premises'.

## RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1.1B through to item no. 3 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Section 121ZD (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/313 (2674) for any future correspondence in relation to this matter.

Yours faithfully



Mark Knowles  
Building Surveyor  
Fire Safety Compliance Unit

Attachment: [Appendix 1 – Fire Safety Order dated 20 February 2018 – 2 pages]

Unclassified



# Fire Safety Order

Under the *Environmental Planning and Assessment Act 1979*  
Part 6 - Implementation and Enforcement: Division 2A – Orders  
Tables to Section 121B: Order No. 6 – Fire Safety Order

Please note:

- Pursuant to Section 1212K (2) of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal against this Order.
- Failure to comply with this Order may result in further Orders and/or fines being issued.
- Substantial penalties may be imposed under Section 125 of the EP&A Act for failure to comply with an Order.

**I, Mark Knowles** Building Surveyor **904279**  
(name) (rank) (number)

being an authorised Fire Officer within the meaning of Section 1212C of the Environmental Planning and Assessment Act 1979, and duly authorised for the purpose, hereby order you

**The Owners of Strata Plan 80159 and 79995** Owner  
(name of person whom Order is served) (position (e.g. owner, building manager))

with respect to the premise

**'TWEED ULTIMA'**  
**18-20 STUART STREET, TWEED HEADS ("the premises")**  
(name/address of premises to which Order is served)

to do, or refrain from doing, the following things:

1. Maintain the fire hydrant and fire sprinkler systems installed for the building on 'the premises' to the standard listed in the Annual Fire Safety Statement (AFSS), by installing "Storz" hose connections that are compatible with Fire & Rescue NSW (FRNSW) fire-fighting equipment.
2. All "Storz" hose connections:
  - a. Are to be installed to all fire hydrant and fire sprinkler systems installed for fire fighting operations in the building on 'the premises'.
  - b. Complying with NEN 3374:1971 are to be manufactured in aluminium OR copper alloy using forged processes, OR stainless steel using investment casting.

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Fire & Rescue NSW  
Community Safety Directorate  
Fire Safety Compliance Unit  
firesafety@fire.nsw.gov.au

ABN 12 593 473 110  
Locked Bag 12  
Greenacre NSW 2190  
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www.fire.nsw.gov.au  
T (02) 9742 7434  
F (02) 9742 7433  
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**FIRE AND RESCUE NSW** ABN 12 593 473 110 **www.fire.nsw.gov.au**  
Community Safety Directorate 1 Amarina Ave, T (02) 9742 7434  
Fire Safety Compliance Unit Greenacre NSW 2190 F (02) 9742 7483

firesafety@fire.nsw.gov.au

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- c. For booster inlets are to be permanently fitted with a Storz 65mm permanent coupling complying with NEN 3374 1971 fitting H coupling having 2½ inch external gas thread.
  - d. On fire hydrant valves shall be male Fire Brigade Thread (FBT) semi-permanently fitted with a female FBT Storz adapter.
3. Submit certification from the manufacturer that certifies that the 'Storz' couplings installed to comply with items 1 and item 2 above complies with NEN 3374 1971.

**The terms of the Order are to be complied with:**

By no later than close of business on **13 March 2018**.

**The reasons for the issue of this Order are:**

- a. To ensure that the fire hydrant and fire sprinkler systems meets the operational requirements of Fire and Rescue NSW, in the event of a fire at 'the premises'.
- b. Maintaining the fire hydrant and fire sprinkler systems:
  - i. Safeguards occupants from illness or injury while evacuating during a fire.
  - ii. Provides facilities for the FRNSW to undertake fire-fighting operations.
- c. The installation of complying Storz couplings:
  - i. Safeguards against the spread of fire and allows occupants time to evacuate safely without being overcome by the effects of fire.
  - ii. Allows FRNSW with the necessary equipment to undertake timely search, rescue, and fire-fighting operations.
- d. The installation of Storz couplings ensures the essential fire safety measures that have been installed to actively protect the building from fire are maintained to the standard listed on the AFSS.
- e. Failure to install Storz couplings is likely to delay FRNSW in the timely search, rescue, and fire-fighting operations.

This Order No. 6 was sent by mail and email on **20 February 2018**



Mark Knowles  
Building Surveyor  
Fire Safety Compliance Unit

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Fire & Rescue NSW

ABN 12 593 473 110

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

Community Safety Directorate  
Fire Safety Compliance Unit

Locked Bag 12  
Greenacre NSW 2190

T (02) 9742 7434  
F (02) 9742 7483

[firesafety@fire.nsw.gov.au](mailto:firesafety@fire.nsw.gov.au)

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ABN 12 593 473 110

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

Community Safety Directorate  
Fire Safety Compliance Unit

1 Amarina Ave,  
Greenacre NSW 2190

T (02) 9742 7434  
F (02) 9742 7483

[firesafety@fire.nsw.gov.au](mailto:firesafety@fire.nsw.gov.au)

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