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Contact: Qualified Firefighter Nathan Everett

1st July 2019

Department of Planning and Environment

C/- Susan Fox

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Dear Ms Fox,

Response to Submissions

**Kembla Grange Resource Recovery Facility (SSD 5300 Mod 2)
50 Wylie Road, Kembla Grange (Wollongong City Council)**

I refer to the submission of the Response to Agency Comments letter (the Letter) dated 14th June 2019 for the above development to Fire & Rescue NSW (FRNSW) for review and comment. The Letter has been prepared by Jackson Environment and Planning Pty Ltd on behalf of Bingo Property Pty Ltd (the Proponent) to address stakeholder submissions in regard to a modification application (the Modification) that seeks retrospective development approval for works previously completed at the site. A Statement of Environmental Effects report (the Report) has been read in conjunction with the Letter.

Details of the Statement of Environmental Effects report are:

- Section S4.55(1a) Development Modification – SSD 5300 Kembla Grange Resource Recovery Facility Statement of Environmental Effects, Jackson Environment and Planning Pty Ltd, 26th June 2019, FINAL v3.0

It is understood that the Kembla Grange Resource Recovery Facility (the Facility) is currently approved to receive up to 230,000 tonnes per annum (tpa) of construction and demolition, and commercial and industrial wastes. It is acknowledged that these waste streams are currently predominantly comprised of non-combustible type materials with a minor element being combustible waste such as timber and organics.

A submission including a number of recommendations was made by FRNSW to the Department of Planning and Environment following a review of the modification application. A response to this was provided by the Proponent within the Letter, namely that as FRNSW's Fire Safety Guideline - *Fire Safety in Waste Facilities* is in

draft and is not adopted in legislation, they are not enforceable and are thus not required to be considered.

FRNSW maintain as per the original submission that:

"It has been the experience of FRNSW that waste recycling facilities pose unique challenges to firefighters when responding to and managing an incident. Factors such as high and potentially hazardous fuel loads, facility layout, and design of fire safety systems have a significant impact on the ability to conduct firefighting operations safely and effectively. Consultation with organisations such as FRNSW throughout the development process enables the design and implementation of more effective fire safety solutions that help to mitigate the impact of incidents when they occur."

This is reflected in the intent of the *Fire Safety in Waste Facilities* guideline which was developed following requests by industry and consultants seeking a way in which FRNSW's considerations could be parameterised and addressed. The guideline not only seeks to enable firefighters to be able to safely undertake emergency response operations, but to limit and mitigate the effects of any incident on site. This includes hazardous materials (hazmat) and rescue response type incidents in addition to fire.

Whilst the guideline is not a legislated requirement, specific statutory functions and duties are imposed upon the Commissioner of FRNSW under the *Fire and Rescue NSW Act 1989* (the Act). Section 5A of the Act requires the Commissioner to take all practicable measures for preventing and extinguishing fires and protecting and saving life and property in case of fire in any fire district. Section 5A of the Act also requires the Commissioner to; protect and save life and property endangered by hazmat incidents and for confining a hazmat incident and for rendering the hazmat site safe, and take measures anywhere in the State for protecting persons from injury or death and property from damage, whether or not fire or a hazardous material incident is involved.

In addition to this, the Work Health and Safety (WHS) Act 2011 (and its subordinate Regulation) classify FRNSW as a person (entity) conducting a business or undertaking (PCBU). Clauses 34 and 35 of the WHS Regulation impose specific obligations upon a PCBU to identify hazards and manage risks at workplaces. A site involved in an incident is deemed to be a FRNSW place of work.

Given the above legislative requirements, it is necessary for all developments subject to planning controls to; provide fire safety measures commensurate to the hazards and risks on site, and demonstrate that consideration has been given to FRNSW's operational requirements. The following recommendations are offered to address these requirements.

1. That advice and recommendations contained within FRNSW's Fire Safety Guideline – *Emergency Vehicle Access* be addressed. This is required such that FRNSW are able to safely access all parts of the site where an incident may occur.

2. That a Condition of Consent be included that would require the Fire Safety Systems for the site to be reassessed for adequacy in the event that either waste throughput is increased from 230,000 tpa or the stream is changed such that an increased proportion is combustible in nature.
3. That provisions be made for the containment of contaminated fire water run-off based on the worst credible fire scenario for the site. Any system(s) provided is to be automatic in nature.
4. The Proponent develop an emergency plan for the waste facility in accordance with AS 3745–2010 *Planning for emergencies in facilities*. An external consultant should be engaged to provide specialist advice and services in relation fire safety planning and developing an emergency plan.

For further information please contact the Fire Safety Infrastructure Liaison Unit, referencing FRNSW file number BFS19/1960. Please ensure that all correspondence in relation to this matter is submitted electronically to firesafety@fire.nsw.gov.au.

Yours sincerely,



Superintendent Mick Henly
Manager Infrastructure Liaison Unit
Community Safety Directorate