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Contact: Station Officer C. Wheatley

The Department of Planning & Environment
C/- Mr Andrew Beattie
GPO Box 39
SYDNEY NSW 2001

Email: Andrew.Beattie@planning.nsw.gov.au

24 May 2017

Dear Mr Beattie

**Comment on Response to Fire & Rescue NSW
Smeaton Grange Recycling Facility (SSD 7424)
52 Anderson Road Smeaton Grange**

I refer to the Department of Planning & Environment's (the Department) correspondence dated 9 May 2017. The submission is in relation to the proponent's response regarding Fire & Rescue NSW (FRNSW) submission to the Department dated 11 April 2017. The Department has requested FRNSW review and provide comment in relation to the proponent's submission.

The correspondence submitted for FRNSW review comprises of the following:

1. A response to the Department regarding FRNSW comments, dated 3 May 2017, authored by Mr Taylor Richardson – Planner at EMM Consulting Pty Ltd. The response identification number is J15135.
2. Detailed drawings – numbered 000, 100, 101, 200, 201, 500 and 501. All drawings are denoted as Revision F, dated 28 April 2017.

Based on our review of the above documentation, the following comments and recommendations are submitted to the Department for consideration:

Comments/Recommendations

▪ Proponent response to FRNSW Recommendation Number 1:

FRNSW is satisfied with the response provided to the Department as being a sufficient condition.

▪ Proponent response to FRNSW Recommendation Number 2:

After due consideration of the response provided to the Department we advise that we consider that our original recommendation remains applicable.

Clause E1.10 is a requirement of the NCC and must be complied with if the authority having jurisdiction deems that the Clause is relevant. The parameters of Clause E1.10 limit its application to either a building or the allotment associated with a building, or due to the location of a building in relation to an adequate fire water supply, as the case may be. The NCC Deemed-to-Satisfy Provisions do not specify what 'suitable additional provisions' can be applied to satisfy Clause E1.10. Consequently, it is FRNSW opinion that the lack of prescriptive guidance is intended to ensure that in each instance where Clause E1.10 is deemed applicable, the development is assessed on its merits. We highlight that FRNSW opinion is consistent with the guidance and clarification detailed in the 'Guide to NCC Volume 1'.

It is also FRNSW opinion that where Clause E1.10 of the NCC is applicable, that the suitable additional provisions must be developed in consultation with the relevant fire agency having statutory responsibility for extinguishing fires which, in this instance, is FRNSW (i.e. pursuant to Section 6 of the Fire Brigades Act 1989). This is because the effectiveness of any suitable additional provisions must be sufficient to mitigate any special problems of firefighting that are identified. Special problems of firefighting must, due to their specific nature, be identified by the relevant fire service. The relevant fire service will be familiar with their agencies operational capabilities and limitations and have substantial experience in relation to problems that are unique to and associated with uncommon developments.

We therefore reiterate our previous recommendation, viz. that in the event of the development proposal being approved, a condition of consent be included requiring the development to comply with Clause E1.10 of the NCC and that the final fire system design is to the satisfaction of FRNSW.

▪ Proponent response to FRNSW Recommendation Number 3:

FRNSW has reviewed the response provided to the Department. Notwithstanding the proponent's response, we consider that providing comments on a preliminary fire system design is more advantageous and cost effective than at the application for construction certificate (CC) stage. It is FRNSW experience that in instances where a facility's design status is finalised (such as at application for CC stage) late design changes result in unforeseen and additional costs that must be borne by the proponent.

As detailed above, FRNSW considers Clause E1.10 of the NCC is applicable to the subject development. We consider that early design consultation will ensure that the undesirable consequences of late fire system design changes can be avoided.

▪ Proponent response to FRNSW Recommendation Number 4:

We have reviewed the response provided to the Department. Notwithstanding the proponent's response, we recommend that the adequacy of firewater supply for the development be determined in consultation with FRNSW (i.e. to satisfy Clause E1.10).

The adequacy of the development's firewater supply is critical in ensuring that we can safely and rapidly fulfil our statutory responsibilities.

▪ Proponent response to FRNSW Recommendation Number 5:

Notwithstanding the proponent's response we consider that discussions relating to the containment of firewater containment should be incorporated into any fire system design consultation undertaken with FRNSW (i.e. Clause E1.10).

When undertaking statutory functions (such as extinguishing a fire) the Commissioner of FRNSW has a statutory responsibility to take precautions so that damage to or degradation of the environment is avoided or minimised (i.e. Section 10A of the Fire Brigades Act 1989 and Section 6 (2) of the Protection of the Environment Act 1991).

The inclusion of Clause E1.10 of Volume One of the NCC as a condition of consent for the subject development will ensure that the adequacy of the site's arrangements for the containment of contaminated firewater runoff can be appropriately determined.

▪ Proponent response to FRNSW Recommendation Number 6:

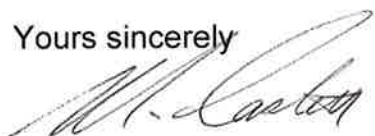
Notwithstanding the proponent's response, we consider that due to the nature and quantity of the materials stored and processed, that the inclusion of a fire sprinkler suppression system should be incorporated into the facility's fire design (i.e. to ensure that Clause E1.10 of Volume One of the NCC is satisfied).

▪ Proponent response to FRNSW Recommendation Number 7:

FRNSW is satisfied with the information provided to the Department as being a sufficient response.

For further information please contact the Fire Safety Assessment Unit, referencing FRNSW file number BFS17/1040 (13553). Please ensure that all correspondence in relation to this matter is submitted electronically to firesafety@fire.nsw.gov.au.

Yours sincerely



Station Officer Mark Castelli
Team Leader
Fire Safety Assessment Unit

