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 Contact: Station Officer Mark Castelli

The Department of Planning & Environment
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13 June 2018

Dear Ms Dunlop

**Nulon Motor Oils (SSD 8900)
 Bringelly Road Business Hub, Leppington**

I refer to the above development proposal and the response to submission report (the Report) issued by the proponent's consultant (Ethos Urban) to the NSW Department of Planning & Environment (the Department). In addition, we note the points 1 to 5 inclusive made by the Department in the email to Fire & Rescue NSW (FRNSW) dated 1 June 2018. In accordance with the Department's invitation we submit the following comments and recommendations.

We note the Report's responses to FRNSW submissions (Items 43 to 46 inclusive of Table 1 of Appendix 'A'). In relation to response Item 44 the proponent has advised that a fire safety study can be undertaken if deemed required. FRNSW does not consider the response detailed in Item 44 to be a commitment by the proponent to undertake a fire safety study (N.b. as specified in Table 11.3 of Australian Standard (AS) 1940:2017, "The Storage and Handling of Flammable and Combustible Liquids").

We also note that a preliminary hazard analysis (PHA) has been prepared and included at Appendix 'D' of the Report. FRNSW has reviewed the PHA and we note that some identified scenarios that were not considered to have potential to impact off-site were eliminated from further consequence assessment. We also note that the PHA's Executive Summary does not make any recommendation in relation to a fire safety study being undertaken.

In addition, we consider that the Report does not adequately address Recommendation No.4 of our submission dated 2 March 2018. Recommendation No.4 highlighted the requirements of Clause E1.10 and E2.3 of Volume One of the National Construction Code (NCC) with respect to the

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requirement for additional fire safety provisions being necessary for development that is likely to result in 'special problems of firefighting' and/or 'special hazards (as applicable)'. Further, the elimination of fire scenarios from the PHA's consequence analysis is likely to result in an outcome where 'special problems of firefighting' (see Clause E1.10 of the NCC) have not been comprehensively evaluated. Such an outcome is likely to result in the development's fire and life safety design being inadequate.

Based on our review of responses, it is FRNSW position that the Report does not adequately address our previous recommendations. Consequently, we submit the following recommendations to the Department for consideration:

Recommendation

In the event of development consent being granted, FRNSW recommends that the following conditions are included in the relevant instrument of development consent:

1. At pre-construction stage, that a fire safety study is prepared for the proposed development. This study shall cover the relevant aspects of the Department of Planning's Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study Guidelines'. The study shall also be submitted for approval to Fire & Rescue NSW.
2. That the fire safety study is developed in consultation with Fire & Rescue NSW.

For further information please contact the Fire Safety Branch, referencing FRNSW file number BFS18/1471. Please ensure that all correspondence in relation to this matter is submitted electronically to firesafety@fire.nsw.gov.au.

Yours Sincerely



Superintendent Michael Henly
Manager
Infrastructure Liaison Unit