

# **Draft Submission on the Fire safety guideline – *Fire safety in waste facilities***

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## Opening

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

LGNSW welcomes the opportunity to make comment on Fire and Rescue NSW's (FRNSW) *Fire Safety Guideline – Fire safety in waste facilities* (the guideline) that provides guidance on fire safety in waste facilities including fire safety systems and processes which facilitate firefighting intervention, protecting fire safety and the environment from risks of fire.

Councils, particularly in regional NSW, operate a range of waste facilities such as community recycling facilities, landfills, transfer stations and drop off centres for e-waste, recycling and bulky household goods. Councils are also the consent authority for certain types of waste facilities.

This is a draft submission awaiting endorsement by LGNSW's Board. Any amendments will be forwarded in due course.

## Background

The guideline once finalised applies to any waste facility within NSW involved in storage, processing, resource recovery and land application of combustible waste material. It is intended to be used by the operator, regulatory authority, development proponent, planning/environmental consultant, consent or certifying authority which is responsible for the management, assessment, consultation or determination of any applicable waste facility.

Historically FRNSW has attended numerous fires at waste facilities. These fires are often large and have a detrimental impact on firefighting intervention, the environment, local community and the waste industry itself. The potential fire size correlates with the nature of the combustible waste material being processed, stockpile arrangements, on-site fire safety systems and emergency procedures specific to each facility.

A 2016 UTS study for the Commonwealth Department of the Environment into waste fires in Australia found that for NSW the major causes of waste fires were unknown, with the next biggest cause being arson, followed by spontaneous combustion and then the dumping of hot coal/ash.

## Response

The level of stakeholder engagement that facilitated the development of the draft guideline has not been outlined by FRNSW. Regardless of this, the draft guideline would benefit from being piloted both by consent or certifying authorities and a range of waste facilities. This would test the practicalities of implementation at waste facilities and determine the capacity and potential associated training requirements for consent or certifying authorities' staff using the guideline.

There is little integration or interface between this draft guideline and existing licence conditions on fire safety such as those found in Emergency Management Plans, Work Health and Safety Plans and Pollution Incident Response Management Plans, or the fire safety requirements of the National Construction Code. How and when this guideline applies given other current legislated fire safety conditions should be considered and clearly documented.

Any duplication should be minimised and unnecessary red tape removed when the guideline addresses an existing requirement for fire safety in waste facilities.

*It is recommended that the draft guideline be piloted to:*

- *test the practicalities of implementation with waste facilities and consent or certifying authorities; and*
- *determine the capability and potential associated training requirements for consent or certifying authorities' staff to enable them to determine if the guideline has been appropriately applied at facilities.*
- *test the interface/integration/overlap between these guidelines and other fire safety conditions required by consent or certifying authorities under legislation to reduce duplication and unnecessary red tape.*

LGNSW recognises that fire preventative measures are needed at waste facilities. However, the current draft guideline applies to any waste facility in NSW regardless of the volume and type of combustible waste material that is stored, processed, recovered or land applied at the facility. The financial impact of implementing these guidelines in existing licensed small low risk facilities is likely to be significant and is often impractical due to site constraints. Clearer thresholds should be considered as to when this guideline would apply. The guideline would benefit from further consultation and review to ensure it is reasonable and feasible for all scales of waste facilities.

*It is recommended that consideration be given to applying the guideline to a minimum volume of combustible material stored, taking into account the variation in fire risk of different waste materials, unless they pose significant risks to human health or environment in a fire, similar to the [UK guidance document \(Waste 28\)](#).*

*(<https://wishforum.org.uk/wp-content/uploads/2017/05/WASTE-28.pdf>)*

Where facilities have adequate existing guidance this guideline should not apply. For example, councils run over 100 Community Recycling Centres (CRCs) across NSW funded by EPA where only small volumes of combustible waste materials are received, with many stored in small quantities in flame proof metal containers.

The CRCs collect and temporarily store small quantities of materials that are hazardous materials and dangerous goods and are designed and operated to meet the requirements of the WHS Act and Regulation, SafeWork NSW guidelines, and relevant Australian Standards in relation to these materials, which include provisions for emergency planning and response (fire amongst others). They are also required to meet the legislated requirements in their development and operation of the EP&A Act and National Construction Code and POEO Act.

These centres often have a large floor area to allow vehicles to drop off materials yet store small volumes of combustible waste material. If automatic fire sprinkler systems as required under the guideline were enforced, the centres would need additional funding from EPA to comply.

*It is recommended that the guideline not apply to existing facilities where a framework for fire safety guidance is already in place that is overseen by a consent or certifying authority, for example EPA funded Community Recycling Centres.*

Section 7.2.1 of the guideline requires the owner or PCBU (person conducting a business or undertaking) to provide an assessment of the design and performance of their existing waste facility against the guideline requirements and provide it to the relevant consent or regulatory authority for determination. This is considered unreasonable where there are already other regulatory controls on fire safety in place. It is also unclear if the consent or regulatory authority will have the knowledge and skills to undertake this determination.

*It is recommended that Section 7.2.1 apply to existing facilities that have no other fire safety regulatory controls in place.*

A holistic outcome-based framework should be considered by FSNSW that provides flexibility to allow operators to tailor fire safety systems to their own circumstances. Some existing waste facilities are not likely to be able to conform to these guidelines due to site constraints. It is important that tailored fire safety systems are viewed as part of doing business and are not viewed as a cost barrier to new market entries. A two-stream framework could be considered:

- A fire risk assessment and strategy/plan approach that considers the individual nature of each waste facility and its combustible waste that guides any fire safety conditions applied by consent authorities.
- Application of this guideline on rogue operators or new facilities that do not want to undertake the assessment/plan approach

A system of training, tools and resources as well as certification (and accreditation) should be considered to complement this two stream framework.

Given the detrimental impact waste facility fires have on the environment, community and the waste industry itself, until such a framework is in place, a mechanism to identify high fire risk waste facilities for immediate action is needed.

*It is recommended that a flexible outcome-based approach that is measurable be considered, rather than prescriptive guidance, to allow operators to tailor fire safety systems to their own circumstances.*

*It is recommended that in the short term FRNSW work with consent and certifying authorities as well as the waste industry to identify high risk waste facilities for immediate fire safety preventative measures.*

The role of the owner vs the PCBU is not distinguished and could lead to confusion given the owner is responsible for annual fire safety checks and plans.

*It is recommended that the role of owner vs PCBU is clarified.*

## **Conclusion**

LGNSW welcomes FRNSW's commitment to reducing the number of waste fires in NSW as these fires pose a serious risk to people, the environment and the economy. Whilst the cost of prevention is less expensive than the cost of fighting waste fires and clean-up, it should be recognised that these guidelines are prescriptive and their application is likely to have significant cost of business implications for waste facilities.

A strategy or plan for reducing fires in NSW waste facilities based on a fire risk approach, in consultation with the waste and resource recovery sector and consent and certifying authorities, should be considered, with this guideline but one component. The outcome should

be an effective, reasonable and feasible framework for reducing the incidence of fires in existing and future waste facilities.

LGNSW recommends:

- The draft guideline be piloted to:
  - test the practicalities of implementation with waste facilities and consent or certifying authorities;
  - determine the capability and potential associated training requirements for consent or certifying authorities' staff to enable them to determine if the guideline has been appropriately applied at facilities; and
  - test the interface/integration/overlap between these guidelines and other fire safety conditions required by consent or certifying authorities under legislation to reduce duplication and unnecessary red tape.
- That consideration be given to applying the guideline to a minimum volume of combustible material stored, taking into account the variation in fire risk of different waste materials, unless they pose significant risks to human health or environment in a fire, similar to the *UK guidance document (Waste 28)*. (<https://wishforum.org.uk/wp-content/uploads/2017/05/WASTE-28.pdf>)
- The guideline not apply to existing facilities where a framework for fire safety guidance is already in place that is overseen by a consent or certifying authority, for example EPA funded Community Recycling Centres.
- That Section 7.2.1 apply to existing facilities that have no other fire safety regulatory controls in place.
- That a flexible outcome-based approach that is measurable be considered, rather than prescriptive guidance, to allow operators to tailor fire safety systems to their own circumstances.
- That in the short term FRNSW work with consent and certifying authorities as well as the waste industry to identify high risk waste facilities for immediate fire safety preventative measures.
- That the role of owner vs PCBU is clarified.

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