



**Metropolitan Fire and
Emergency Services Board**

**The MFB's Response to the
Planning Panels of Victoria - Major
Hazard Facilities Advisory
Committee Discussion Paper**

5 February 2016

1. Introduction

The Metropolitan Fire and Emergency Services Board (MFB) is a Victorian emergency management organisation whose primary aim is to create a safer community. Under the Metropolitan Fire Brigades Act 1958 (Vic) (MFB Act), the MFB is responsible for providing emergency response, fire safety, suppression and prevention services to over 4 million residents, workers and visitors in metropolitan Melbourne and the Port Waters of the Port of Melbourne. In all its operational activities, the MFB's primary objectives are the preservation of life, property and the environment.

In addition to its fire and rescue functions, the MFB undertakes a range of other activities, including:

- providing advice on fire safety issues in the built environment;
- providing emergency medical response;
- providing emergency response coverage to the inland waters and the Port Waters of the Port of Melbourne within the Metropolitan District;
- developing fire safety and emergency plans for major events;
- participating in community safety activities; and
- providing assistance in relation to a range of emergencies, including industrial accidents, hazardous material handling and storage incidents and chemical, biological and radiological emergencies.

The MFB is the statutory authority that has the responsibility to provide fire safety, fire suppression and fire prevention services along with emergency response services in the metropolitan district of Melbourne.

The MFB is committed to publically advocating for the safety of members of the community to ensure the risk to life and property is reduced so far as is possible. It also works closely with community groups, facilitating education campaigns and programs to ensure that people are equipped with the skills, information and tools needed to prevent, prepare, respond and recover from emergencies. The MFB has a long history of advocating for improved fire measures, including leading debate on compulsory smoke alarms, sprinkler systems in homes for the disabled, fire systems in tunnels, fires arising from insulation during the Home Insulation Programme, fire risks arising from hoarding, addressing juvenile fire lighting behaviour and improving fire safety in boarding houses.

The MFB has defined its purpose to be a world class fire and emergency service for Melbourne and Victorians.¹

The MFB is committed to responding strategically to changes in the operating environment including an ageing population, climate change, changing community expectations, tighter economic conditions and increased threat levels which require the emergency services to work together and assist each other.²

¹ [MFB, Corporate Plan 2015-2018: A world class fire and emergency service](#)

² [Ibid.](#) p16-17.

2. Issues of Concern

2.1 Major Hazard Facilities

Major Hazard Facilities (MHFs) require a license to operate in accordance with the *Occupational Health and Safety Regulations 2007* (OHS Regulations). This license must be renewed every 5 years. The application for a new license or the renewal of an existing license requires the MHF to submit a Safety Case to WorkSafe Victoria. This Safety Case must demonstrate the MHF's ability to operate safely and it must be reviewed when risk control measures are altered. The site emergency plan, fire protection systems, and other such measures are mitigating risk control measures within the Safety Case.

The MFB participates in the review of Safety Cases under provisions of an MOU with WorkSafe Victoria. MFB also provides written advice to MHFs in relation to emergency planning, fire protection system design, and other related aspects in accordance with the *Dangerous Goods Act 1985* and *Dangerous Goods (Storage and Handling) Regulations 2012*, and the OHS Regulations.

Any changes at a MHF that affect risk control measures must be addressed in consultation with WorkSafe Victoria in accordance with the 'Management of Change' provisions of the Safety Case, and in consultation with the MFB via an Application for Written Advice (AWA). The MFB has a close working relationship with WorkSafe Victoria's Major Hazards Division, as well as with the individual MHFs in the Metropolitan District which facilitate this process.

There are significant risks from incidents arising from MHFs which can have potentially catastrophic consequences. A key concern of MFB is that there is no regulated requirement to ensure that fire service input is appropriately considered in making planning decisions to ensure that such decisions are informed by those consequences. There is a broader scope in terms of community consequence than that restricted solely to the immediate premises of the MHF. The broader environs, shipping, piping and storage of the materials all involve high consequence risks that should be addressed through an appropriate mechanism involving all pertinent stakeholders.

2.2 Pipelines & Port Environment

Major incidents at MHF's are rare but very high consequence, and the MFB and its personnel are generally familiar with those MHF's within the Metropolitan District, and with the equipment, resources and procedures required to manage major incidents at such facilities. The same cannot be said for pipelines and the port facilities associated with these, nor for associated risks in the marine environment.

Pipelines are now regulated by Energy Safe Victoria under the *Pipelines Act 2005* and the *Pipeline Regulations 2007*. There is no requirement under this legislation for consultation with the relevant emergency services (CFA / MFB) during development of the Safety Management Plan or Response Plan, and there is no MOU or other such instrument in place.

Despite regular MFB response to incidents MFB is not engaged in planning and development decisions which can materially affect the nature and scope of incidents that may occur.

Ports in Victoria are regulated under the *Port Management Act 1995* and associated legislation. There is no requirement under this legislation for consultation with the relevant emergency services (CFA / MFB) during development of Port Management Plans, and there is no MOU or other such instrument in place between Energy Safe Victoria (as the regulator for pipelines) and the MFB.

Victoria Police is the Control Agency for marine incidents; however, the CFA and MFB are the response agencies for dockside incidents, as well as for marine incidents in Port Waters of the Port of Melbourne within their relevant districts.

MHFs, gas or petroleum pipelines and ports become the workplace for responding firefighters when any incidents occur.

2.3 Sites Surrounding Facilities

Incidents at MHFs with potential off-site impacts present greatly increased resourcing requirements in terms of incident management, and greater risks to life (including responding firefighters), property and the environment.

The success or otherwise of responding firefighters in managing an incident and minimising possible off-site impacts is related to a range of factors, including:

- the nature of the incident;
- the quality of pre-planning undertaken by the facility; and
- the quality and quantity of resources and equipment provided by the facility.

Existing advice from WorkSafe Victoria contained in *Land use planning near a major hazard facility*, dated March 2010, provides essential risk-based planning advice where there had previously been none. The MFB reviewed and supported the publication of this advice.

MFB have found existing 'industry standard' consequence modelling for potential major incidents to be sometimes based on non-conservative assumptions, and have since required MHF's within its purview to develop detailed pre-incident plans for major incident scenarios with possible off-site impacts. WorkSafe Victoria has supported this initiative.

However, given the variation in hazards at MHF's, the location of MHF's in proximity to sensitive neighbourhoods and the variation between MHF's with similar hazards, the MFB consider that future advice must be based on conservative evaluations of both consequence and risk.

2.4 Large Dangerous Goods Sites

From the MFB's perspective, MHF's themselves are considered to be well regulated within a mature regulatory environment. However, the same cannot be said for large dangerous goods sites which may constitute a significantly greater risk to life, property and the environment than MHF's. These latter sites are not subject to the same level of regulation, and the responsible personnel may not have the same level of understanding of the hazards and risks associated with their operations, or of the equipment, resources and procedures required to manage these risks. These sites should be subject to more appropriate regulatory controls involving relevant stakeholders.

2.5 Development of New Facilities

It is the MFB's experience that current planning legislation only partially addresses the greenfield development of a MHF and associated infrastructure as it does not involve the relevant stakeholders for:

- planning of developments near a MHF;
- development of pipelines;
- developments at ports;
- development of a large dangerous goods facility; or
- for changes in planning applications for any of these existing sites/facilities.

3. Summary

Current planning legislation is fragmented and does not involve the full set of relevant stakeholders.

Existing opportunities for MFB to provide inputs are generally after a facility is built and operating, not at the conceptual design stage when meaningful change can be made if required.

Existing advice is solely on a limited concept of risk without full consideration of consequence.

The potential impacts from a proposed development on an existing MHF must also be addressed.

4. Recommendations

A planning panel of all stakeholders should be formed. Stakeholders should include representatives, as appropriate, from: WorkSafe Victoria (Panel Chair and co-ordinator), EPA, EMV, Energy Safe Victoria, CFA, MFB, relevant Port Authority, Local council/MERC(Victoria Police)/MERO with others as considered appropriate. This is similar to the Safework NSW *Major Hazard Facilities Team*.

The planning panel should develop a “Consultation Distance” for each MHF, similar to UK Health and Safety Executives (HSE) methodology, as detailed in *HSE’s Land Use Planning Methodology*.

All proposals for development within the MHF Consultation Distance to be reviewed jointly by the planning panel at concept design stage.

All planning applications involving MHF’s, pipelines, ports, large dangerous goods sites, should be jointly reviewed by the planning panel.

Advice from the planning panel should be jointly provided.

These recommendations should be enshrined in legislation to ensure they operate, and continue to operate, as intended.