

From: Nicholas Hon <Nicholas.Hon@planning.nsw.gov.au>
Sent: Wednesday, 10 June 2020 10:29 AM
To: Tracey Webb
Cc: Amanda Gale; Doris Yau
Subject: RE: Portal Case Number A-9299 (Referral case number CNR-8174)
DA2017-01338 - 33 Annie St Wickham

Follow Up Flag: Follow up
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Hi Tracey,

I refer to your request of 26 May 2020 for Hazards advice on DA 2017-01338.

As per my e-mail of 27 May 2020, this e-mail is an interim advice and the final advice will be provided after considering the most recent submissions from Caltex and SafeWork NSW. I note your e-mail of 5 June 2020 forwarding the most recent submission from SafeWork NSW.

This interim advice primarily considers the following letter:

- Allens' letter to Investec dated 1 May 2020 regarding "Investec Australia Limited – Development Application 2017/01338".

The technical reports referenced within the letter which are relevant to Hazards are still being reviewed with the updated DA Masterplan Report, and the final advice on these reports will consider the most recent submissions from Caltex and SafeWork NSW.

Our comments on the letter are as follow:

1. Section 3.2 stated "DPIE commissioned Whamcorp to prepare a report that concluded that the Proposed Development would cause non-compliances with AS 1940 for the following tanks at the Caltex Facility...".
 - a. The Department's Hazards Team role is only to provide Hazards advice to Council on this DA. In providing such advice, the Department consulted with Caltex and SafeWork NSW to understand the relevant technical considerations such as requirements under AS 1940. As such, the Department did not commission Whamcorp to prepare any report for this DA. Investec commissioned Whamcorp to prepare a report as part of addressing queries within the Hazards advice to Council.
 - b. It should be noted that the Department's e-mail to Investec dated 6 March 2019 follows from a meeting with the Department on 4 March 2019. This meeting was requested by Investec with the attendance of Whamcorp to discuss the queries within the Hazards advice to Council of 8 February 2019.
 - c. Given that the letter did not clearly indicate the reference for the Whamcorp report, it is assumed that the version within the document "In response to NSW DP&E queries dated 8 February 2019, in relation to DA2017/01338 (dated 22 May 2019, prepared by Planager and Whamcorp)" is the version referenced in the letter. This document was reviewed as part of the Hazards advice to Council of 8 July 2019.
2. Section 3.2 referenced "The Sherpa Report commissioned by Caltex confirms that the level of hazard risk presented by the Caltex Facility is acceptable".
 - a. The Department's Hazards Team is still reviewing this report in detail and the final advice will consider the most recent submissions from Caltex and SafeWork NSW.

- b. It is understood that this report was only submitted to Council as part of Allens' recent letter. As such, the Department did not consider this report in providing any prior Hazard advice to Council.
- c. From a preliminary review of the report, it appears that the scope of the report is specifically on AS 1940 non-compliances of the Caltex Terminal.
- d. Although Appendix D, item 4 of the report references the Department's *Hazardous Industry Planning Advisory Paper No. 10, 'Land Use Safety Planning'* (HIPAP 10), given its scope, the report did not specifically assess if the risk exposure to the DA from the Caltex Terminal can comply with the HIPAP 10 land use safety risk criteria.
- e. As such, the report by itself should not be taken as a HIPAP 10 land use safety risk assessment without understanding from Caltex the full context of this report and how this report should be applied.

3. Section 3.3 states "The SafeWork Submission indicates that it is anticipated that the bunding will not be compliant with AS 1940 until 2024. This confirms that the bunding is not considered by SafeWork NSW to present any immediate or material threat to the health or safety of occupants of the Property that would warrant more immediate attention, noting that the Property is currently occupied by commercial tenants".

- a. In view of the above statement, it should be noted that these bunding non-compliances, if not resolved, present an ongoing risk to future occupants of the DA which includes high-density residential uses. As such, Council should be mindful that if approval is granted, there could be a period in which the DA is exposed to risks originating from these bunding non-compliances until bunding complies with AS 1940.
- b. Moreover, versions of the Hazard Risk Assessments (HRA) reviewed as part of prior Hazards advice to Council implicitly assumed that loss of containment (spills) from tanks will be fully captured within bunding in analysing the impacts from relevant fire or VCE scenarios. That is, spills will not extend beyond bunded areas, thus limiting the potential impacts from scenarios. This assumption is valid only if bunding complies with AS 1940.
- c. The most recent HRA dated 30 April 2020 is still being reviewed in detail and the final advice will consider the most recent submissions from Caltex and SafeWork NSW. From a preliminary review of this HRA, the assumption in item 3b above still applies.
- d. The SafeWork submission of 30 September 2019 indicates that the AS 1940 non-compliances are specifically related to spill containment. As such, if bunding does not comply with AS 1940, it is now apparent that the risk results from the HRA may underestimate the risk exposure to the DA from the Caltex Terminal. That is, spills may extend beyond bunded areas, thus also extending the potential impacts from scenarios.
- e. Therefore, the DA's compliance with the Department's HIPAP 10 land use safety risk criteria is not certain at this stage.

It is recommended for Caltex to comment on item 2e above in its submission.

Please contact me if there are any issues on the above, and forward Caltex's submission when available. I will provide the final advice by 2 weeks after Caltex's submission is forwarded.

Thanks.

Regards,

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