

Date: 4 June 2020  
Our Ref: 2018/018239  
Email: Andrew.battye@safework.nsw.gov.au  
Your Ref: DA 2017/01338

Ms Tracey Webb  
Senior Business Support Officer  
Newcastle City Council  
282 King Street  
**NEWCASTLE NSW 2300**

By Email: [mail@ncc.nsw.gov.au](mailto:mail@ncc.nsw.gov.au) ; twebb@ncc.nsw.gov.au

Cc: michele.stromquist@safework.nsw.gov.au

Dear Tracey,

**RE: DA 2017/01338 (Wickham Wool Stores Redevelopment)**

SafeWork NSW has reviewed the additional information and the updated reports on the above DA and provides the following comments in response.

We note in the submission, the letter dated 1 May 2020 to Investec Australia Limited from Allens, which references previous correspondence between SafeWork NSW and Investec and Newcastle City Council.

The letter addresses the issue of 'Bunding at the Caltex Facility' under section 3.3 and it is implied under the first paragraph of the section that SafeWork NSW *'did not suggest that the issues with the bunding present an unacceptable risk, or in fact any risk at all to the proposed development'*.

SafeWork NSW would like to take this opportunity to clarify that whilst the likelihood of an event such as a catastrophic tank failure is extremely low, the consequence of such an event would be high. Therefore, it is reasonable to assume the risk has not been eliminated and will need to be controlled so far as is reasonably practicable.

The Caltex facility is continuing to work proactively with SafeWork NSW in the implementation of an interim risk management plan to control the risk. Note

this information was conveyed to Mr Ivan Goodman of Investec in an email dated 22 March 2020.

With regards the formal request by Investec under the *Government Information (Public Access) Act 2009*, then SafeWork NSW has complied fully with the request and met its obligations under the Act. It is noted that Investec requested an internal review of the decision to redact some information, which was deemed to be commercial in confidence, an internal review upheld the decision to redact the information.

SafeWork NSW understand that Investec has now made an application to the Information and Privacy Commission for an external review of the internal review decision. SafeWork NSW has provided all the relevant information to the Commission.

Should you have any further questions please contact me on (02) 8867 2740 or by email [Andrew.battye@safework.nsw.gov.au](mailto:Andrew.battye@safework.nsw.gov.au)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Battye', with a stylized flourish at the end.

Andrew Battye

Manager – Dangerous Goods & Explosives

**SafeWork NSW**