



DOC19/526988, EF13/2740

Newcastle City Council
ABN 25 242 068 129
Via e-mail at: mail@ncc.nsw.gov.au

Attention: Amanda Gale

20 June 2019

Dear Mrs Gale

DA2017/01338 - Wickham Woolstores residential development proposal

Reference is made to your email dated 5 June 2019 that requested the Environment Protection Authority (EPA) to review and provide comment on an email and attachments relating to DA2017/01338, which is for a concept proposal for converting the former Wickham Woolstore buildings into mostly residential apartments (the Residential Apartment Proposal) located on industrially zoned land next to an active fuel terminal.

On 27 March 2019 the EPA provided comments to Council on an air modelling report that had been prepared in relation to the proposal. The EPA noted at the time:

“The EPA notes the Wickham Woolstore site is zoned “IN2-Light Industrial”, which has an objective to provide a wide range of light industrial, warehouse and related land-uses. Allowing in excess of 300 residential apartments on land zoned as Industrial would appear incompatible. Locating additional residences in close proximity to an existing (petrochemical) industrial premises will increase the risk of exposure by residents to odorous emissions and air toxics.

Council is the consent authority for this development application. Should Council be minded to approve such a proposal, given the zoning of the land, the EPA thinks it would be prudent that a relevant notation be included on section 10.7(2) Planning Certificates of every proposed residential apartment warning that the property may be subject to odorous hydrocarbon emissions.

Notwithstanding the omissions and uncertainties in the air quality assessment, the EPA considers that refinement of the Air Modelling Report is unlikely to materially change the EPA’s position on the application, being that the Residential Apartment Proposal represents a potential land-use conflict that will increase the risk of exposure of residents to odorous emissions and air toxics.”

The email provided by Council (from Ivan Goodman of Investec to Council dated 19 May 2019) relates to issues raised by both the Department of Planning and the EPA. The email attached a copy of the environment protection licence for the Caltex facility located next door (the Caltex EPL) and a report from a consultant dealing with issues raised by the Department of Planning.

The email refers to another (new) air quality impact assessment that is apparently being undertaken. The email points out conditions of the Caltex EPL and various Caltex development consents that prohibit offensive odours at nearby receptors.

Odour can have a marked effect on people's quality of life. It is a major source of complaints to the EPA.

The Caltex facility has been on the site for many years. The Caltex EPL limits, but does not result in zero emission of pollutants. Emissions from fuel terminals can be highly odorous and offensive to many people.

The EPA's policy on odours notes that once a facility is operational the benchmark for the facility is no longer the odour assessment criteria but whether the emission of odour is:

- 'offensive', or
- being prevented or minimised using best management practices.

The EPA has previously advised there are limited additional air and odour emission control options available for future implementation at the Caltex premises.

The EPA's policy notes emissions of odour may not be preventable from some activities and 'no odour' is not a realistic objective. The policy promotes sustainable land-use planning and management to avoid odours and associated conflicts.

Land-use conflict caused by poor planning decisions has, in other situations, resulted in amenity issues for residents and ultimately affected the viability of long-term industrial activities.

Regardless of any new air quality modelling, given the above, the EPA's position from March 2019, as paraphrased above, is unlikely to change.

If Council wishes for any new air quality impact assessment to be reviewed, the EPA suggests Council engage an independent expert consultant for this purpose.

If you have any questions about this matter, please contact me on (02) 4908 6818 or by email to hunter.region@epa.nsw.gov.au.

Yours sincerely

PETER JAMIESON
Head Regional Operations Unit – Hunter
Environment Protection Authority