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

Attention: Amanda Gale

6 August 2019

Dear Ms Gale

Final Position of the Environment Protection Authority on the Wickham Woolstores Residential Apartment Proposal – 33 Annie St Wickham

Reference is made to email correspondence sent to the Environment Protection Authority (EPA) from Newcastle City Council (Council) on 3 July 2019, including two attachments from Todoroski Air Sciences - a letter and an air quality assessment – both of which concern development application DA2017/01338, which proposes converting the former Woolstores buildings into residential apartments at 33 Annie St Wickham.

The EPA has previously noted that 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.

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.

The EPA has previously advised Council in letters dated 27 March and 20 June 2019 that notwithstanding the omissions and uncertainties in the first (AECOM) air quality assessment, the EPA maintains 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 which will increase the risk of exposure of residents to odorous emissions and air toxics.

Based on the above, the EPA has not conducted a technical review of the most recent (Todoroski) Air Quality Impact Assessment.

On 24 July 2019, Council was made aware by the EPA that a portion of the site described in DA2017/01338 has been declared as significantly contaminated land under the *Contaminated Land Management Act 1997*. This is due to the presence of petroleum hydrocarbons and Polycyclic Aromatic Hydrocarbons (PAHs) in groundwater, soil and soil vapour beneath “Building 33” on the land. The declared portion of 33 Annie Street is not currently suitable for residential use and will require significant remediation before a more sensitive land use such as residential can be considered. The contamination of this industrially zoned land highlights the importance of suitably sized buffers between industry and more sensitive landuses such as residential.

If Council does decide to approve DA2017/01338, the EPA would like to again reiterate the importance of including a relevant notation on section 10.7(2) Planning Certificates warning all future residents the property may be subject to odorous hydrocarbon emissions.

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