

26 August 2022

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To: NSW Department of Planning and Environment

BLACKWATTLE BAY STATE SIGNIFICANT PRECINCT – Response to Submissions FURTHER HYMIX SUBMISSION

This submission has been prepared by Ethos Urban on behalf of Hymix, who currently own and operate a concrete batching plant located at 45-51 Bank Street, Pyrmont, immediately adjacent the existing Sydney Fish Markets site.

Hymix is supportive of the NSW Government's vision for the Blackwattle Bay Precinct to build an inclusive and iconic waterfront destination comprising a mixed use quarter with new waterfront promenade and public open space to celebrate innovation, diversity and community.

However, as previously advised to Infrastructure NSW and to DPE, the existing Hymix concrete batching plant is of critical importance to the Hymix network, and its ongoing existence has been unacceptably and constantly overlooked in the planning for the Blackwattle Bay Precinct.

The continued concrete batching plant operations at the existing Hymix concrete batching plant represents a significant risk to the delivery of the vision and totally undermines the amenity outcomes that will underpin the success of the precinct.

As such, there are a number of matters that need to be taken into consideration by Infrastructure NSW and the Department of Planning and Environment in the assessment and finalisation of the Blackwattle Bay State Significant Precinct planning process. The submission below highlights these matters further.

1.0 Role and Function of the Hymix Batching Plant

As documented in our original submission, the Hymix Pyrmont concrete batching plant is a critical part of the Hymix concrete supply network. To put its importance into context, Hanson / Hymix currently supplies approximately 35% of concrete requirements within the City of Sydney. While Hanson also has approval for a new batching plant at Glebe Island, the 15 year time limitation on that consent provides no long term certainty and cannot replace the Hymix plant in the long term. In any event, the availability or relative suitability of other sites within the Sydney CBD for concrete batching, as referred to in the response to submissions report, is an irrelevant consideration to take in account in assessing the appropriateness of rezoning land at Blackwattle Bay in circumstances where the existing Hymix plant is lawfully able to continue operating and intends to do so.

Further, concrete batching plants need to be located in close proximity to the areas of demand. Given the importance of the Hymix Pyrmont concrete batching plant to Hanson / Hymix's core business activities, and the lack of similarly located suitable sites, Hymix does not ever envisage its closure or relocation.

The plant has been operating continuously at the site since 1973, when the facility achieved practical completion under the terms of its original approval issued in November 1971. The original approval documents do not impose any restrictions by way of operating hours, noise limits, or production capacity.

The facility has also been subject of Environment Protection Licences under the *Protection of the Environment Operations Act 1997* up until 2009 (when batching plants stopped being licenced premises), which similarly imposed no restrictions on the facility by way of production limits, hours of operation, or noise limits.

Whilst not operated all night or every night, the historical and ongoing use of the Hymix plant involves the use of the plant for night-time activities. The historical and ongoing use of the plant for night time activities is generally associated with large concrete pours for major infrastructure projects that require 24-hour night works. Key projects that the Hymix concrete plant supplied concrete to during the night time period include the ANZAC Bridge in 1995, and the Sydney Conservatorium of Music in 1999-2001, although there are many other projects and instances where night operations have been required. More recently, the Hymix plant has supplied concrete during the night to the WestConnex project on several occasions during 2020 and 2021.

This 'campaign style' operating arrangement is typical for Hymix concrete batching plants and reflects the nature of concrete supply for major projects. Hymix proposes no change to its operating arrangements and is authorised to and intends to continue supplying concrete on this basis into the future.

With the above arrangements in mind, and given that there is no production limit applied to the site in any consent, it is advised that the facility has the capacity to produce approximately 600,000m³ of concrete per annum, which is typical for concrete batching plants of this size.

Ongoing development activity within and around the City of Sydney is expected to continue generating very strong demand for concrete into the long term. In addition to the ongoing development activity for commercial, residential and tourism sectors, the NSW Government is currently delivering multiple major infrastructure projects each of which will generate significant demand for concrete for many years to come.

2.0 Issues raised with the Response to Submissions Report

Hymix's entitlement and intention to continue concrete batching at the site has been continuously and constantly expressed at every stage of the planning process for the Blackwattle Bay Precinct. It is evident that the new land uses proposed with the Blackwattle Bay Precinct adjacent and in close proximity to the Hymix site are not compatible with the existing operation of the Hymix plant in its current form. It is not Hymix's obligation to assess or address the newly created land use conflict that will arise as a result of the land use densification and intensification under the Blackwattle Bay State Significant Precinct.

We note that the SLR Noise Report for the SSP takes into account noise from the existing operations of the Hymix concrete batching plant, and concludes that the closest buildings would require acoustic treatments in order to comply with the Noise Policy for Industry requirement for residential properties. It is therefore perplexing that the two closest buildings remain allocated as predominantly residential buildings (as opposed to commercial). It is also perplexing that these two closest buildings have had their relative proportion of residential floor space increased in the revised scheme. Infrastructure NSW is placing significant trust that the acoustic treatment of apartments will achieve compliance. However, recent experience at Jacksons Landing indicates that even where apartments have been acoustically treated to achieve compliance with noise levels from pre-existing industrial noise nearby, this does not prevent land use conflict issues from arising. These issues have manifested recently as a result of the recent development proposals at Glebe Island.

Further, it is clear that the visual amenity and urban design implications of the continued operation of the Hymix concrete batching plant, which are patently relevant considerations in determining whether to approve the rezoning of the precinct, have been ignored – these matters are not addressed anywhere in the SSP or the Response to Submissions documents. It is obvious that the urban design goals for the proposed Miller Street Reserve and the waterfront promenade will be adversely affected by having the concrete

batching plant along their boundaries. Similarly, in relation to the management of truck traffic along Bank Street, there appears to be no consideration of the existing and ongoing movement of trucks (including concrete agitator trucks as well as cement tankers and aggregate tippers) that access the site, which is clearly a relevant consideration to be taken into account in any decision to rezone the precinct.

In light of this, it does not appear that the redesigned scheme genuinely and meaningfully takes into account the acoustic or other amenity implications of the continuation of the Hymix concrete batching plant.

3.0 Hymix's Future Vision for the Hymix Site

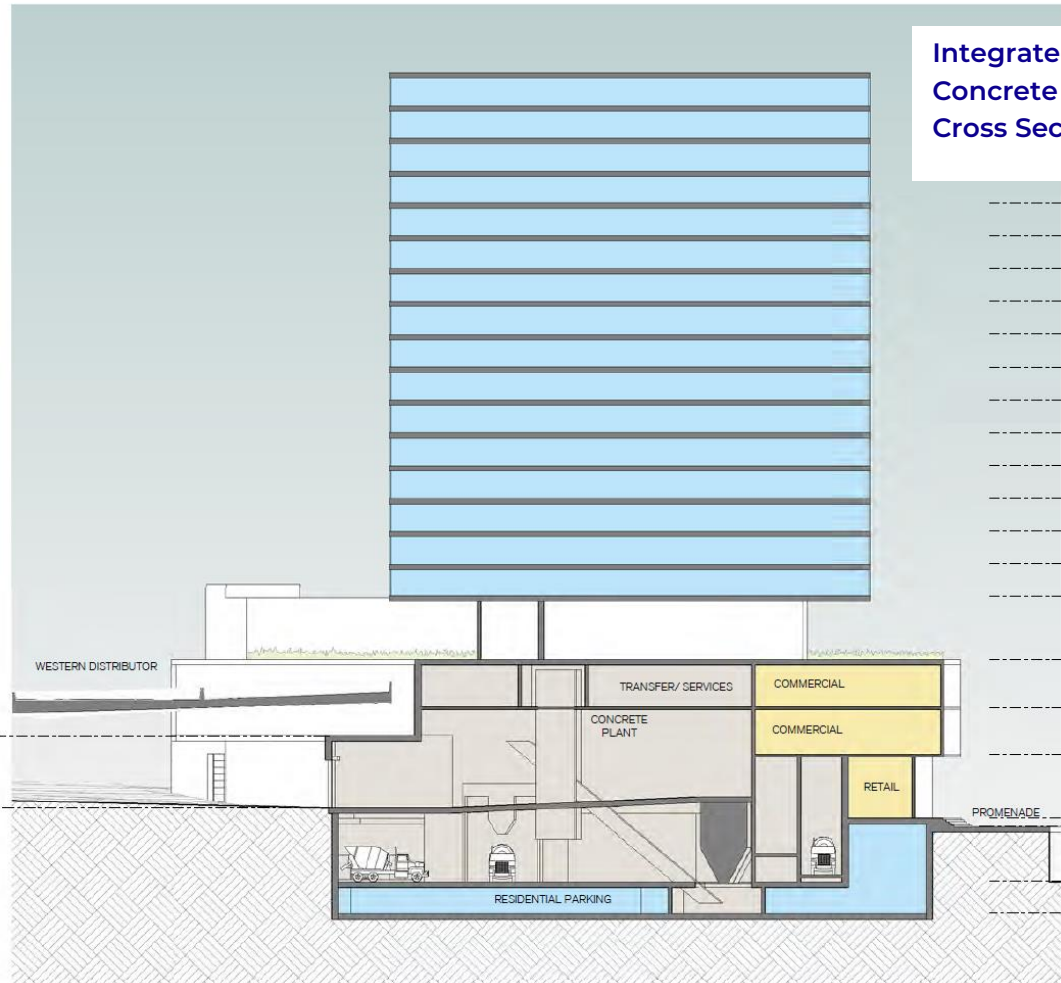
In order to address the inherent land use conflicts that are being created (and not addressed) by the proposed Blackwattle Bay State Significant Precinct, Hymix has developed a vision for the site which will largely remove land use conflicts and help achieve the urban design outcomes being sought. Disappointingly, the response to submissions fails to meaningfully engage or respond to Hymix's proposal.

Hymix's proposal is to transform the Hymix concrete batching plant into an urban integrated facility that can coexist with the other land uses at Blackwattle Bay in a manner that minimises environmental and amenity impacts, but which maintains the future concrete supply capacity critical to support the growing city. Retention of the concrete batching capacity at the Hymix site will also ensure the existing local employment outcomes can be maintained and enhanced, in support of the working harbour.

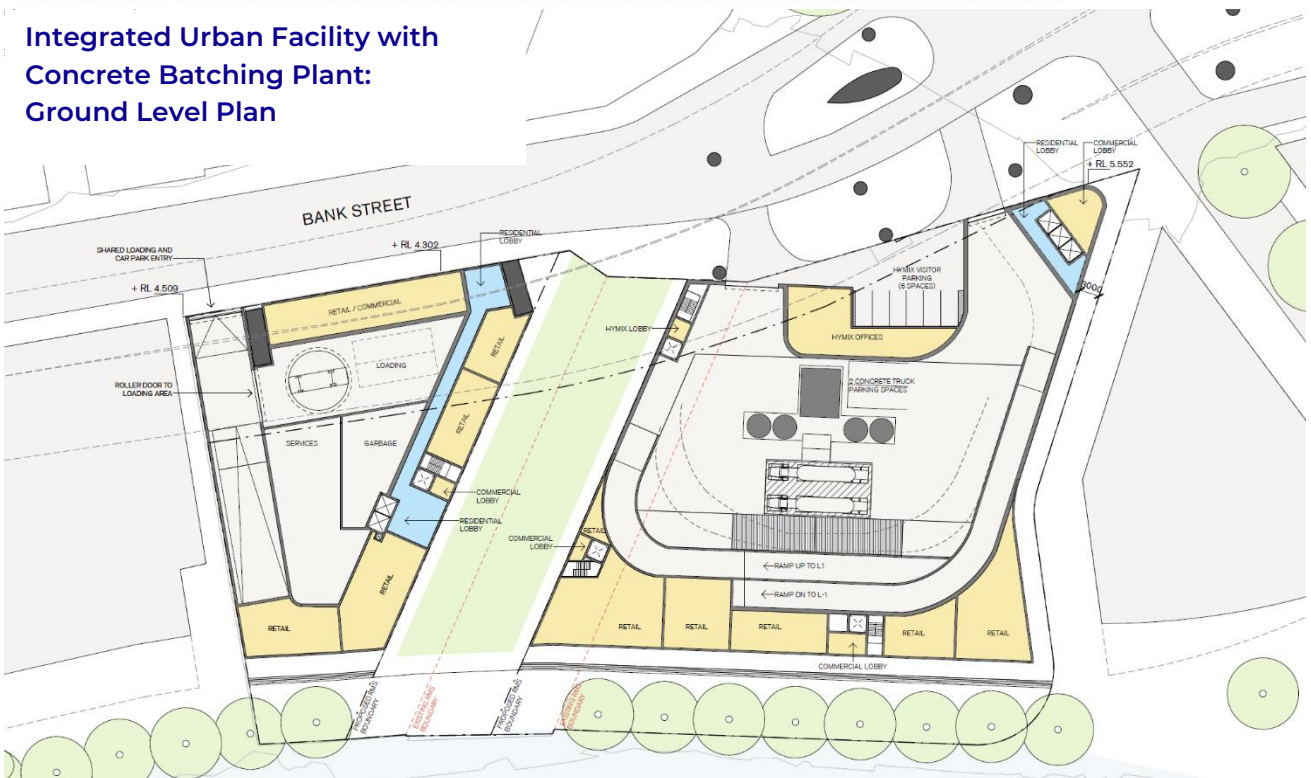
Hymix's vision for the site is attached, and includes:

- A built form that enables Hymix to relocate the concrete batching plant within a 3-storey (approximately 15 metre high) building podium, facilitating the delivery of the waterfront promenade through the Hymix site, as well as new public domain activated by commercial/retail uses also within the podium.
- Two residential towers located above the podium that are within a solar envelope that prevents over-shadowing impact on the southern foreshore of Blackwattle Bay or the new Fish Markets between 9am to 3pm – being 22 storeys above the podium on the north-western part of the site and 27 storeys above the podium on the south-eastern part of the site.

Integrated Urban Facility with Concrete Batching Plant: Cross Section



Integrated Urban Facility with Concrete Batching Plant: Ground Level Plan



4.0 Environmental Planning Assessment of the Hymix Vision

Based on the Hanson group's experience and expertise in operating concrete batching plants around the world, we are confident that the Hymix vision can be realised such that the continued operation of the concrete batching plant will not result in unacceptable amenity impacts, which will otherwise occur and has not been properly assessed in the SSP. It will ultimately be Hymix's responsibility at the time of redevelopment to design a facility that meets the necessary amenity standards. We are confident that this can be achieved if the planning framework that supports this outcome is established by appropriate rezoning. In particular we note that:

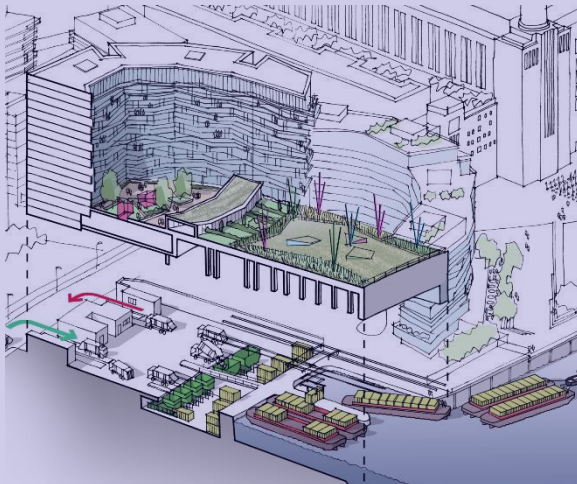
- All operational activities including batching and loading would be entirely contained within a solid building structure, providing effective removal of operational dust and noise emissions.
- Trucks would continue to enter and exit via Bank Street, however these are not new truck numbers. These trucks will continue to travel along Bank Street irrespective of whether the Hymix facility is retained in its current form or redeveloped into an urban integrated facility per the Hymix vision. Importantly, any new residential land use above or immediately adjacent to the redeveloped integrated facility would be located above the deck of the ANZAC Bridge, meaning that any noise impacts arising from heavy vehicles will need to be addressed through design and mitigation, irrespective of the trucks on Bank Street. Further, the surrounding buildings will need to be designed and treated to address the Hymix trucks on Bank Street irrespective of whether the site is redeveloped.

We do not believe that it is necessary at this rezoning stage to undertake a detailed environmental impact assessment of the scheme. Rather, **Hymix simply requests that the rezoning make provision for a mixed use scheme that permits a concrete batching plant on the site**. This could be achieved by way of an Additional Permissible Use. It would then be incumbent on Hymix at the time of the development application for the redevelopment to demonstrate that appropriate amenity standards are achieved through design and mitigation measures. Subject to detailed project programming, in the interim period, it may be necessary for new development around the batching plant to be designed to manage potential amenity issues associated with the current operation of the facility.

Comparative Case Study

We maintain a strong belief that the existing concrete batching plant can be transformed into an urban integrated facility that can coexist with the other land uses at Blackwattle Bay in a manner that minimises environmental and amenity impacts, and contributes positively to achieving the overarching strategic objectives for the precinct. We also highlight that the principle of integrated mixed uses comprising industrial is a new and emerging trend that we expect will gain significant traction in Sydney and around the world during the next 5-10 years.

The best example of a redevelopment outcome of this nature is at the Battersea Power Station redevelopment precinct, in London. The project includes the redevelopment of a previously existing waste transfer station at Cringle Dock, to be redeveloped with a new c. 8,000m² waste transfer station with capacity for 435,000 tonnes per annum of waste, with residential buildings (c. 57,000m² across some 422 dwellings) and other non-residential uses above. The integrated facility is also part of the broader Battersea Power Station precinct, which is intended to deliver 20,000 new jobs and 4,300 new dwellings on land immediately surrounding Cringle Dock. In further similarities to the Hymix proposal, the Cringle Dock redevelopment includes the delivery of a waterfront promenade, as well as a facilitatory land swap. See: <https://batterseapowerstation.co.uk/about/building-battersea-the-masterplan>
<https://www.letsrecycle.com/wp-content/uploads/2016/08/Cringle-dock-proposal-2.jpg>



In making its decision to support the integrated development at Cringle Dock, the Greater London Authority's assessment concluded that "The introduction of residential uses above the re-provided wharf was found to be acceptable in that it would enable the operation of the wharves and the Waste Transfer Station to be safeguarded in line with the relevant London Plan policies whilst delivering new housing and commercial uses..." and "...any negative impacts upon the operation of the safeguarded wharf could be mitigated through conditions...".

The parallels between the Cringle Dock redevelopment and the Hymix site are compelling, and the Battersea Power Station example demonstrates that there are no fundamental issues that cannot be resolved through good engineering in relation to integrating industrial activity and residential development. Indeed, these principles are already embedded within the Bays West Place Strategy in relation to "Delivering an integrated port facility presents an opportunity to showcase world-class design and innovative solutions" and "...exploring options for innovative combinations of a wide variety of land uses". We therefore remain convinced that this emerging trend will grow more prominent, and that a similar integrated development solution at the Hymix Bank Street site would be the best long term outcome for the site and the precinct. We therefore reiterate Hanson's offer to work collaboratively with NSW and DPIE to realise this outcome.

5.0 Key Matters for Consideration for Site Redevelopment

It is critically important that the planning for the Blackwattle Bay precinct facilitates the redevelopment of the Hymix concrete batching plant site, so as to avoid the land use conflict that will otherwise arise from the continued operation of the Hymix concrete batching plant in its current form, as this would detrimentally undermine the urban development outcomes being sought for the renewal of Blackwattle Bay.

In light of the principles and objectives of the Blackwattle Bay State Significant Precinct rezoning proposal, we identify below the following planning and urban design concerns raised by the SSP planning proposal as recently exhibited as part of the Response to Submissions.

5.1 Land Use Mix

The revised planning proposal adds residential land uses to the 4 buildings north of the Miller Street alignment (including Hymix's northern PLO3-1 site), whilst removing residential from Hymix's southern PLO3-2 site entirely. The reason given for this is that it has been identified that commercial uses should be concentrated south of Miller Street. However, this is contradicted by Infrastructure NSW selecting the two northern buildings on the former Fish Market Site to be residential. If the intention is to concentrate residential to the north, and commercial to the south, it seems incongruous to disrupt that principle with a purely commercial building right in the middle, in between residential buildings.

Further, Infrastructure NSW argues that the reason for this split is to facilitate urban renewal on the private landowner sites (which are located in the northern part of the precinct). Hanson very strongly supports the principle that the private landowners' sites should contain significant floor space, as an incentive to drive redevelopment outcomes. However, the Infrastructure NSW revised planning proposal appears to directly contradict this premise, by reducing the amount of residential floor space on the Hymix sites. This reduces the feasibility incentive for Hymix to renew the site and undermines the objectives of the scheme which include incentivising the private landowners to achieve the redevelopment outcomes.

As such, Hymix recommends that the residential floor space mix for the two Hymix sites (i.e. PLO3-1 and PLO3-2) be similar of proportions to the floor space mix prescribed for the PLO1 and PLO2 sites.

5.2 Building Height

Infrastructure NSW has made substantial reductions in the height of the buildings on the Hymix sites – much more so than changes made to any other building. The buildings on the Hymix site are now substantially lower than all surrounding buildings – especially the built form on Hymix's southern PLO3-2 site. Fundamentally, this removes the feasibility incentive for renewal of the site and undermines the achievement of the urban renewal objectives for the precinct.

The driver for the reduced heights appears to be 3-fold, although in all cases the reasons for reduced building heights appear arbitrary and even self serving, as follows:

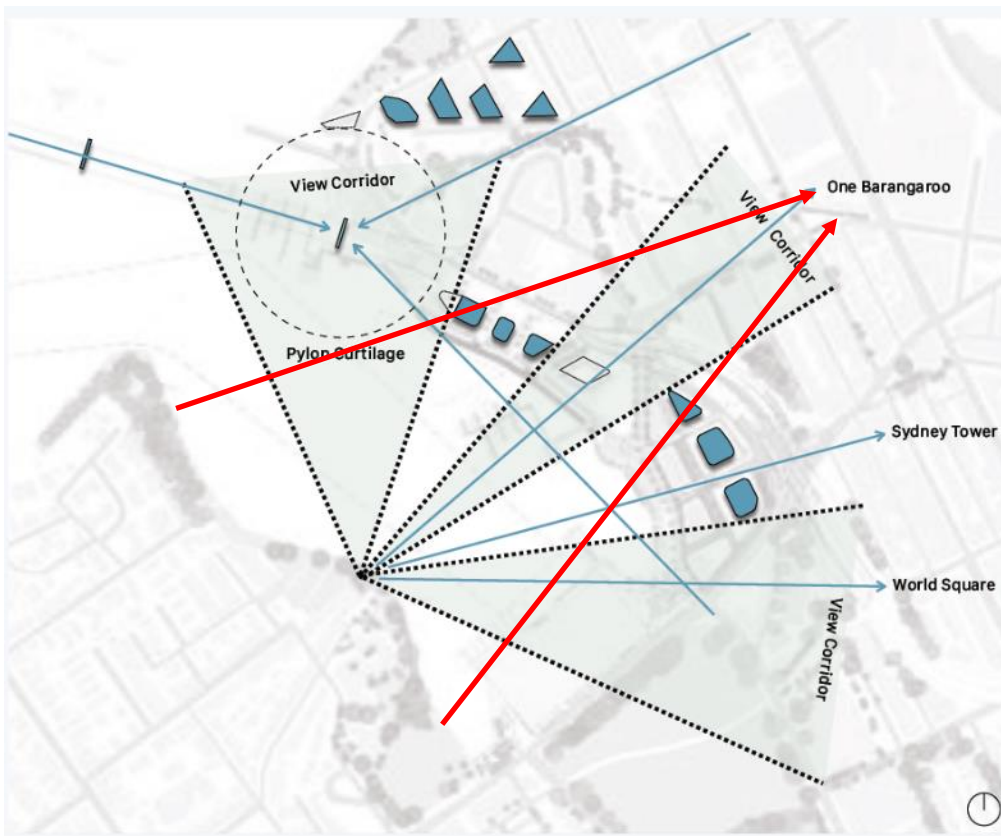
- **Solar Access:**

The key fundamental driver for height at the site has always been the sun access plane for Wentworth Park. However, in order to justify the need for lower heights on the Hymix site, Infrastructure NSW has arbitrarily selected a part of the new promenade and undertaken solar modelling to show that solar access to that promenade would be enhanced by smaller buildings on the Hymix site. This outcome however is arbitrary and also obvious – solar access across any part of the promenade would be enhanced by reducing the height of any of the buildings across the precinct. Undertaking only one assessment scenario (i.e. reduced heights on the Hymix sites), and showing that it achieves higher solar access to a part of the promenade compared to what was originally proposed, is not a meaningful comparative analysis and it does not demonstrate that it is the best or more appropriate solution. It is a false analysis, and appears to be an exercise in self-justifying the proposed building heights. If

Infrastructure NSW wishes to genuinely investigate solar access to the promenade, then they should consider the benefits that would be achieved by reducing building heights of every building throughout the precinct, across the entirety of the promenade, to understand the comparative benefits.

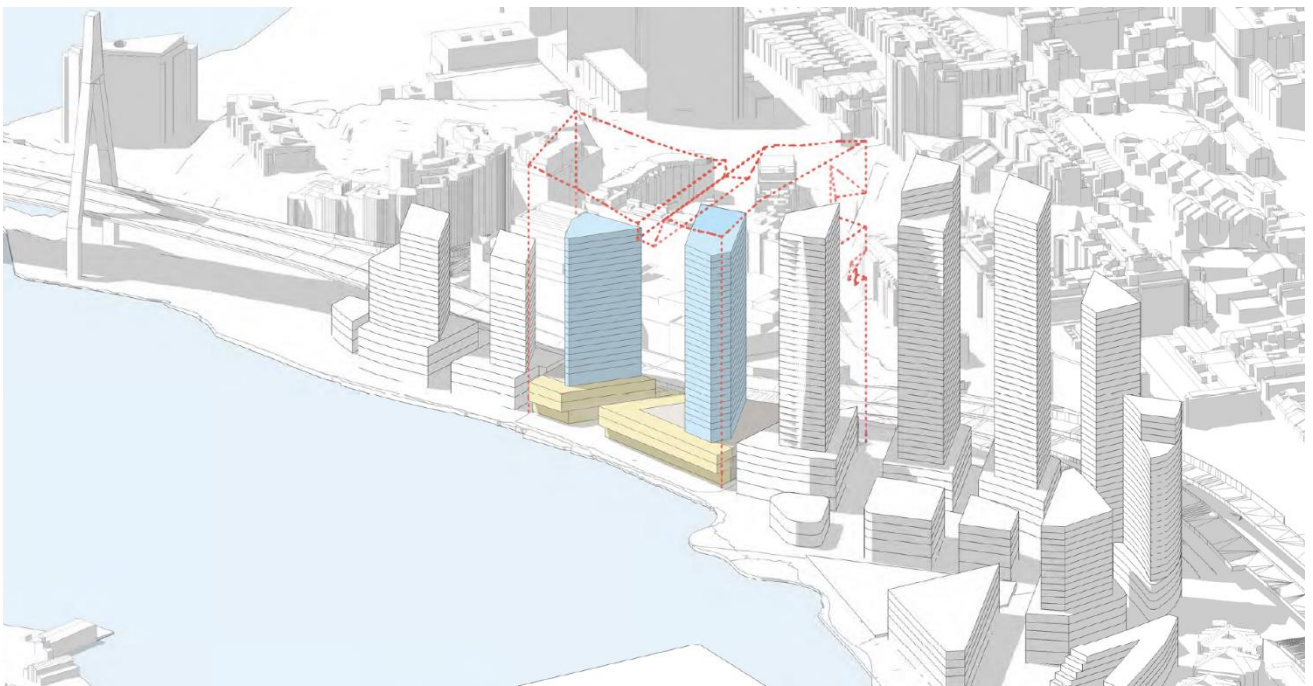
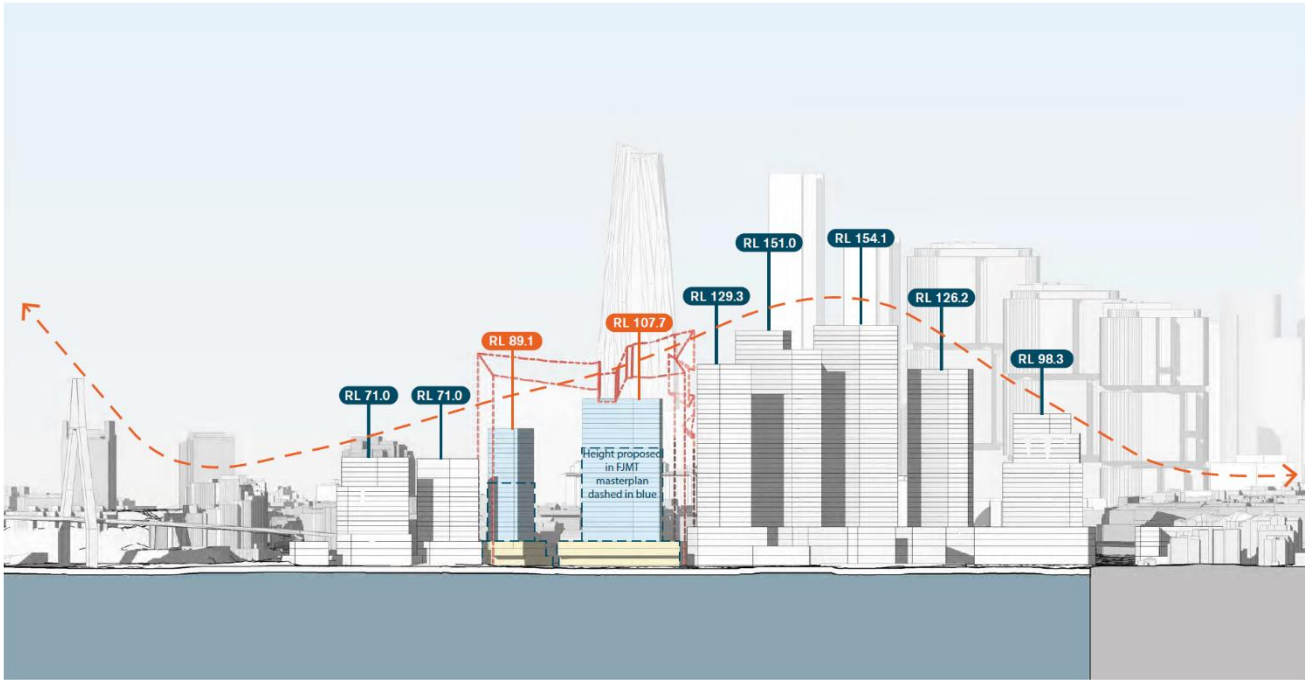
- **View Corridors**

The reduced heights on the Hymix sites have also been justified by indicating benefits along certain view corridors between the Glebe foreshore and One Barangaroo. However, the selected view corridor locations have not been justified. In particular, the Glebe foreshore runs the entire length of Blackwattle Bay, so there are many different view points that could have been selected. Clearly, selection of the different view points would lead to different corridors being established. The view corridors figure has been marked up below to indicate alternative view corridors between key locations along the Glebe foreshore and One Barangaroo. These view corridors would indicate that other buildings in the precinct should be reduced to retain view corridors between Glebe foreshore and One Barangaroo. This indicates that the view points have been selected to justify the reduced height, not the other way around.



- **Building Height Diversity**

The third justification for the reduced heights on the Hymix site is in response to DPE's request that Infrastructure NSW avoid the appearance of a wall of buildings. Infrastructure NSW has therefore proposed an arbitrary "wavy" shape to justify have short buildings in between 2 tower clusters. The same effect could have been achieved by reducing building heights on the other PLOs or on the northern buildings in the former fish market site. An alternative arrangement that similarly achieves the DPE recommendation is shown in the image below. Again, this 'wave' is self-serving and has no basis in any analytical or beneficial urban design outcome.



5.3 Floor Space Ratio:

With consideration of the reduced building heights it is not surprising that the Hymix sites have experienced the largest reduction in gross floor area of the entire precinct compared to what was originally exhibited. Coupled with the decision to exclude residential on site PLO3-2, it appears that Infrastructure NSW has knowingly minimised the urban renewal outcomes of the Hymix site. Without the requisite floor space and ability for residential development across the whole of the Hymix site, the successful urban renewal of the Hymix site in line with Hymix's vision set out above is unfeasible.

6.0 Conclusion

In summary, lower building heights and reduced development yield would represent a missed opportunity for urban renewal of Hymix site, being a key site that contributes to the urban design and amenity outcomes for the Blackwattle Bay precinct. Redevelopment of the Hymix site in accordance with Hymix's vision would better respond to the strategic direction for new housing and jobs within a '30-minute city'. Hymix's position in relation to the Hymix Pyrmont concrete batching plant site has always been clear:

- The proposed redevelopment outcomes for the precinct must take into consideration, and be workable in light of, the continued operation of concrete batching activities into the future.
- The proposed redevelopment should provide the economic incentive for Hymix to invest in the development of an urban integrated facility that can coexist with new surrounding land uses including public waterfront access, housing, and commercial uses.

It is therefore requested that in its final assessment of the Blackwattle Bay State Significant Precinct rezoning proposal, the Department:

- Acknowledges the critically important role of the Hymix concrete batching plant as a sustainable concrete production facility servicing the building industry in and around the Sydney CBD, which will remain in operation unless it is redeveloped a part of an urban integrated facility.
- Facilitate the redevelopment of the Hymix site into an urban integrated facility, by ensuring that a concrete batching plant is a permissible use in the new zoning framework.
- Ensure that the rezoning makes it economically viable for Hymix to make the significant capital investment required to deliver the integrated facility, by maximising height and floor space provisions that reflect Hymix's vision for the site, and maximising future residential land uses within the towers.

We would welcome the opportunity to continue to work collaboratively with the Department of Planning and Environment in order to achieve a place-based urban renewal outcome that also reflects and responds to Hymix's operational requirements. Should you have any queries about this matter, please do not hesitate to contact me.

Yours sincerely,



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