

Appendices

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Appendix 1

Application for a Variation to a Development Standard

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Hy-Tec Industries Pty Limited

ABN: 90 070 100 702

Rosehill (Grand Avenue) Concrete Batching Plant

Application Form to Vary a Development Standard

Written application providing grounds for variation to development standards

To be submitted together with the development application (refer to EP&A Regulation 2000 Schedule 1 Forms).

1. What is the name of the environmental planning instrument that applies to the land?

Parramatta Local Environmental Plan 2011

2. What is the zoning of the land?

IN3 – Heavy Industrial

3. What are the objectives of the zone?

The objectives of Zone IN3 – Heavy Industrial are as follows.

- To provide suitable areas for those industries that need to be separated from other land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of heavy industry on other land uses.
- To support and protect industrial land for industrial uses.
- To allow a wide range of industrial and heavy industrial uses serving the Greater Metropolitan Area of Sydney and beyond.
- To ensure that opportunities are not lost for realising potential foreshore access on land that is contaminated and currently not suitable for public access.

4. What is the development standard being varied? e.g. FSR, height, lot size

Height of buildings.

5. Under what clause is the development standard listed in the environmental planning instrument?

Part 4, Clause 4.3 - Height of buildings.

6. What are the objectives of the development standard?

The objectives of this clause are as follows:

- a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by the PLEP;

- b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development;
- c) to require the height of future buildings to have regard to heritage sites and their settings;
- d) to ensure the preservation of historic views;
- e) to reinforce and respect the existing character and scale of low density residential areas; and
- f) to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.

7. What is the numeric value of the development standard in the environmental planning instrument?

12 metres

8. What is proposed numeric value of the development standard in your development application?

The proposed heights of approximately 21m and 15m, respectively occupying 1% and 4% of the total land area of the Project Site.

9. What is the percentage variation (between your proposal and the environmental planning instrument)?

75% (21m) and 25% (15m)

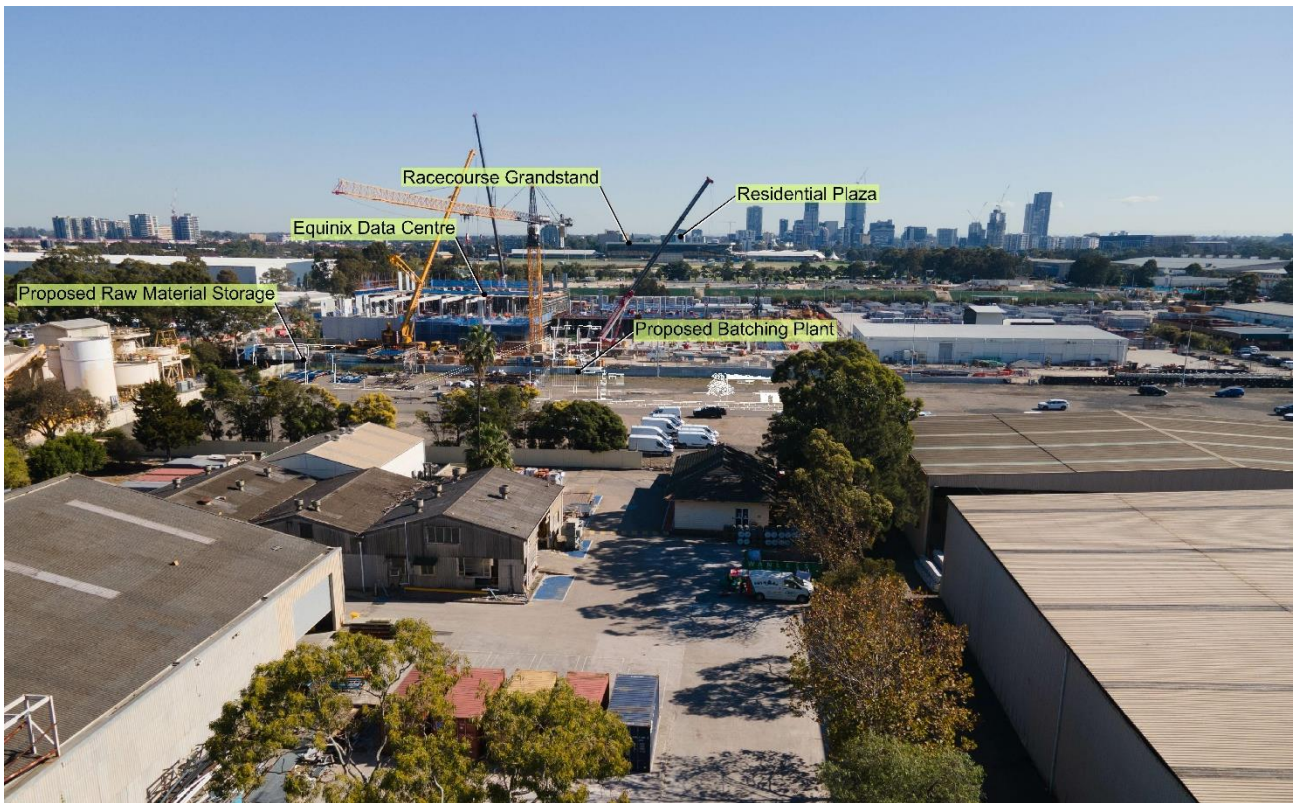
10. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

The 12m standard is considered unreasonable in this circumstance as other structures exist within the immediate area extending over 12m in height, including fuel tanks associated with Viva Energy's Clyde Terminal (which are approximately 19m high), the Hymix Concrete plant (approximately 28m height), Veolia's approved Camellia Waste Facility (SSD 4964, approximately 16m height) and the approved datacentre at 8 Grand Avenue (DA/751/2019) with a building height of approximately 20m. All of these developments are within the vicinity of the Project Site land zoned as IN3. The Applicant's existing Shirley Street Rosehill Facility, which was approved in February 2015, also includes silos at 22m.

The development standard is also considered unnecessary in this circumstance as the assessment of possible visual impacts from the proposed 21m batching plant silos and overhead storage bins, or the 15m raw material storage building, has concluded that this would not significantly change the outlook from of either a resident or casual observer from the assessed viewpoints. Nor would it substantially change the visual landscape within the Camellia Peninsula as any visual impact of the Project would be set against the backdrop of the existing industrial landscape.

As the Project Site is situated on the rear lot of the subdivided Lot 101 DP 811924, views of permanent structures associated with the Project from Grand Avenue would be largely obscured by the existing warehouse. Furthermore, as shown on **Plate 1**, the recently approved Equinix datacentre that is presently under construction would largely obscure the Project from any observer located west of the Project Site. This datacentre is located at 8 Grand Avenue, immediately west of the Project Site and would cover approximately 14 000m² with a maximum height of 20m above ground level. This means that any views of the Project from Rosehill Gardens Racecourse would also be largely obscured by the datacentre.

Plate 1: Western Viewshed from the Project Site



11. How would strict compliance hinder the attainment of the objects specified in Section 1.3 of the Act.

Strict compliance would specifically hinder Section 1.3 (c) of the EP&A Act (i.e. '*the promotion and co-ordination of the orderly and economic use and development of land*') as the proposed operation would not be able to produce concrete in an efficient or practical manner due to:

- the increased dust generation from deposition and storage of raw materials in drive over raw material storage bins situated in an open area;
- increased floor space required to store the required raw materials across an open, extended lateral area;
- the need to use equipment at ground level to transport raw materials to the base of 12m high silos and overhead storage bins would limit efficient and safe transport operations at the Project Site. Rather than being transferred via elevated conveyor or pneumatic systems, as would be undertaken with 21m silos and storage bins; and
- reduced storage capacity, which in turn would require more frequent truck movements to replenish the silos during peak travel periods.
- This would significantly impair the Project's ability to replicate the production capacity of the Applicant's existing, approved Rosehill (Shirley Street) batch plant, thus substantially reducing economical use of the land.

12. Is the development standard a performance based control? Give details.

No. The standard refers to a design and construction limit intended to mitigate visual amenity. Similar sized silos are currently used at the Applicant's existing Shirley Street Rosehill Facility and at number of other locations within the Camellia Precinct.

Additional Matters to Address

As outlined in "Varying Development Standards: A Guide" there are other additional matters that applicants should address when applying to vary a development standard.

13. Would strict compliance with the standard, in your particular case, would be unreasonable or unnecessary? Why?

Yes. See Item 11.

14. Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.

Yes.

Approvals for similar and other operations have historically and more recently been granted permitting the use of structures over 12m high in the area within the site, immediately surrounding the site and in the wider Camellia Precinct (see Item 10).

Clause 4.6 of the Parramatta Local Environmental Plan 2011 establishes where exceptions to development standards may be approved. The objectives of that clause are to provide an appropriate degree of flexibility in applying development standards and to achieve better outcomes for development.

Clause 4.6 (3) and Clause 4.6 (4) are provided below.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Planning Secretary has been obtained.

The 12m restriction to height of buildings in the Camellia Precinct is considered unreasonable and unnecessary in this particular situation as existing structures within the locality exceed this height including the Applicant's existing approved Rosehill Facility. Notwithstanding this, assessment of possible visual impacts from the proposed 21m batching plant silos and overhead storage bins or the 15m raw material storage building has concluded that this would not significantly change the outlook for neighbours or substantially change the views of the local area.

The proposed 21m batching plant silos and overhead aggregate storage bins and the 15m raw material storage building for the permanent concrete batching plant are consistent with the objectives of Clause 4.3 of the Parramatta Local Environmental Plan 2011 as they would

be consistent with other structures on neighbouring properties. Therefore, it would not disrupt the transition of built form and land use intensity. Given the surrounding land uses, it would also not result in a significant visual impact, disruption of views, loss of privacy or loss of solar access to existing development. The proposed development would not impact heritage items or heritage views.

The permanent concrete batching plant as proposed, would also satisfy the objectives of the heavy industrial zone by maintaining employment opportunities in the Parramatta region and allowing for sufficient separation from other land uses.

Finally, it is considered that the proposed permanent concrete batching plant would be in the public interest as it would permit the continued supply of concrete within the Parramatta and surrounding regions. The Environmental Impact Statement for the permanent concrete batching plant describes in detail the background and need for the project, including why its development and operation is necessary. In addition, approval of the project as proposed would enable the continued employment of the full-time personnel currently employed at the Applicant's existing Shirley Street Rosehill Facility.

Notwithstanding the above, the proposed 21m batching plant silos and overhead storage bins and the 15m raw material storage building have been assessed with the Development Application and Environmental Impact Statement for the proposed permanent concrete batching facility, including consideration of views of the batching plant silos, raw material storage building and visual amenity in the local area. It is considered that the use of the batching plant silos, overhead storage bins and raw material storage building would be consistent with other structures in the local area and not result in any significant impact or change to the locality.

Dated: 20 September 2021

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