

26 September 2017

Anthony Witherdin
Director- Modification Assessments
NSW Department of Planning & Environment
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RE: Notice of Modification shell Cove Boat Harbour (MP 07_0027 MOD 1)

Dear Mr. Witherdin,

Thank you for your letter dated 13 September 2017. Hanson Construction Materials (Hanson) is the owner of Lot 22 DP1010797 and operates the Bass Point hard rock quarry on this property within the vicinity of the above proposed development. The quarry was granted Ministerial approval on 28 January 2014.

The demand for heavy construction materials is inexplicably linked to building and construction activity. To ensure high quality construction materials continue to be accessible to meet this and future infrastructure and construction growth, NSW Depart of Planning & Environment ("DPE") must ensure that planning and approvals in the vicinity of the Bass Point quarry do not unduly jeopardise the operation of the quarry which is a state significant resource.

DPE's attention is drawn to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007. The aims of this Policy are, in recognition of the importance to New South Wales extractive industries:

- (a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and
- (b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and
- (b1) to promote the development of significant mineral resources, and
- (c) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources

DPE's attention is also drawn to Shellharbour Local Environmental Plan 2013, namely the Mineral Resource and Transition Area triggers Clause 6.11 of the SLEP 2013. This provision is a significant one as it provides protection to the regionally significant resource deposits of the Bass Point quarry and avoids land use conflict with adjoining sensitive uses such as residential development. In particular Clause 6.11 states that:

"Development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the following:

- (a) whether the proposed development would have any adverse impact on the availability of mineral or extractive resources,*
- (b) whether there would be any adverse impact on the proposed development arising from noise, dust, vibration or reduced visual amenity from the mine or extractive industry,*

(c) whether any measures incorporated into the proposed development would satisfactorily limit the impact of noise, dust and vibrations associated with the mine or extractive industry."

With respect to the particular details of the submitted Modification Request to modify the Concept Approval MP_0027 for Shell Cove Boat Harbour Precinct, Hanson wishes to raise the following matters.

Increase the maximum number of dwellings from 1,238 to 1,566

According to Table 1 of Ethos Urban's, Shell Cove Boat Harbour Precinct Section 75W Modification Report ("Report"), the number of dwelling will be increased from 1,254 to 1,671 an increase of 417 dwelling not 328 as purported.

Increase the maximum building height in certain areas

With reference to SLEP 2013, Cl. 6.11 (b), the proposal has not adequately addressed any potential impacts on the reduced visual amenity which may result by increasing the approved maximum building height.

Under Section 5.2.3 of the Report there is insufficient evidence to conclude that an increase in building height will not result in views looking into the quarry. In particular, the proposal to increase the landmark (hotel) building up to 11 storeys presents a significant risk which has not been addressed or mitigated.

Any benefits resulting from an increase in developable areas should not have adverse impacts on the Bass Point quarry's operations. Mitigation of visual impacts should be undertaken by the Proponent.

Removal of the GFA limit

Under Section 5.2.3 of the Report it is unclear what is being proposed.

By proposing a dwelling limit only, the proponent can provide housing types that meet the needs of the community without being forced into providing a type of housing to comply with a maximum GFA limit. The built form and design of the dwellings will be informed by the urban design guidelines that are required to be prepared as part of any development application.

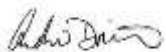
Therefore, the proposal to remove the maximum dwelling limit will enable the development to be responsive and flexible to the communities housing needs in a manner consistent with the design guidelines for the precinct.

A maximum GFA ensures that residential development of this scale has controls by metrics which are readily assessable with a high level of certainty. The removal of important development controls such as GFA will result in uncontrolled outcomes and over development.

Finally, thank you for consulting Hanson on this matter. Should you wish to discuss further, please do not hesitate to contact me on 0417 234 774 or 02 9354 2644.

Yours faithfully,

HANSON CONSTRUCTION MATERIALS PTY LTD



ANDREW DRIVER
Development Manager
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