



**Greater  
Hume  
Council**

**All correspondence**  
PO Box 99 Holbrook NSW 2644

P 02 6036 0100 or 1300 653 538  
E [mail@greaterhume.nsw.gov.au](mailto:mail@greaterhume.nsw.gov.au)  
[greaterhume.nsw.gov.au](http://greaterhume.nsw.gov.au)

ABN 44 970 341 154

Bald Hill Quarry  
PO Box 264  
HOLBROOK NSW 2644

**Subject land:**

Property Title	Lot: 7 DP: 1129439
Address:	10721 Hume Highway HOLBROOK

# Modification Development Consent

No. 10.2023.94.1  
As Modified by No. 10.2023.94.2 - PAN-505180

Notice of determination of a development application pursuant to section 4.18(1)(a) of the *Environmental Planning and Assessment Act 1979* (the Act). Pursuant to section 4.55 of the Act, the development has been determined by the granting of consent subject to the attached conditions.

Endorsed date of consent: 21 July 2023  
Consent as modified on: 09 May 2025  
Description of development: Extractive Industry – Section 4.55(1) Modification of DA10.2023.94.1 to amend wording errors in several conditions of the approved consent

Attached: 1 Conditions  
2 Endorsed plans

This Consent becomes effective and operates from the endorsed date of consent.

Pursuant to section 4.53 of the Act this Consent shall lapse if building, engineering, or construction work relating to the building, subdivision, or work is not physically commenced on the subject land within five (5) years from the endorsed date of consent.

Gayan Wickramasinghe  
**Town Planner**  
GREATER HUME COUNCIL  
Our Ref: GSW:SG:P10047686:P40533-1

**Right of Review:**

Pursuant to Section 88 (1)(j) of the *Environmental Planning and Assessment Regulation 2021* and 8.2 of *Environmental Planning and Assessment Act 1979 (the Act)*, it is advised that if you are dissatisfied with this determination you may request a review of this determination under Section 8.3 of the Act within 6 months after the date on which you received this notice. Note: Section 8.2 is not applicable to a complying development certificate, designated development or Crown development.

**Right Of Appeal**

Pursuant to Section 8.7 & 8.10 of the Act it is advised that if you are dissatisfied with this determination, you may appeal to the Land and Environment Court within 6 months after the date on which you received this notice.

**Conditions of Modification Development Consent No. 10.2023.94.2  
Shire Administration**

1. Except as expressly provided by the following conditions, works and activities must be carried out in accordance with the details contained in:
  - (a) the development application 263-06/07 submitted to the consent authority (Greater Hume Shire Council) on 25 June 2007;
  - (b) the Environmental Impact Statement titled *Lubke Quarry Environmental Impact Statement* dated June 2007 (including proposed environmental impact mitigation measures, monitoring and reporting requirements summarised in Section 3.15);
  - (c) all additional documents and information supplied to the consent authority in relation to the development; and
  - (d) the Planning Report submitted with modification application 6-11/12 submitted to the consent authority (Greater Hume Shire Council) on 7 October 2011.
  - (e) the Planning Report submitted with modification application 10.2011.6.3 submitted to the consent authority (Greater Hume Shire Council) on 27 November 2019. ; and
  - (f) Subsequent modification to Development Application No: 10.2023.94.1 and 10.2023.94.2.
2. This consent lapses 20 years from the date from which it operates.
3. The applicant shall not extract, process or transport more than 200,000 tonnes of material a year from the quarry site.
  - (a) Notwithstanding Condition 3, for a period not exceeding three (3) years from the date the consent is modified, the extraction of up to 400,000 tonnes of material per annum is permitted.
  - (b) Prior to commencing the increased rate of extraction, the applicant shall provide the consent authority with an audit of all existing consent conditions for compliance. The applicant must demonstrate compliance with all conditions. The increased rate of extraction must not commence until all existing consent conditions have been complied with.
4. This consent shall expire if the development hereby permitted is not commenced within five (5) years of the date of consent.

5. **Within one month of the date of consent** the applicant shall surrender the current development consent applicable to the quarry (Ref: development application No. 10/85).  
*Note: The surrender of consent should be undertaken in accordance with Regulation 97(1) of the Environmental Planning and Assessment Regulation 1980.*
6. The applicant shall comply with any reasonable request from the consent authority arising from matters contained in:
  - the endorsed Environmental Impact Statement;
  - any reports, plans or correspondence that are submitted to the consent authority in accordance with this development consent; and
  - the implementation of any actions or measures contained in these reports, plans or correspondence.
7. For the residence of Paul and Narelle Emerson the applicant is to have a dilapidation study performed by a suitably qualified person prior to the three years of increased extraction. At the completion of this time another dilapidation study is to be performed and any damage to the residence that can be attributed to the increased extraction from Cromer quarry is to be rectified to correspond with the original condition of the dwelling prior to the increased extraction rate.

#### **Stormwater**

8. Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the *Protection of the Environment Operations Act 1997* must be complied with and in connection with the carrying out of the development.
9. If a discharge point is proposed for the sedimentation system, the concentration of any pollutant discharged at that point must not exceed the concentration limit specified in the EPA licence for that pollutant in the table.
10. Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by above conditions must be done in accordance with:
  - the Approved Methods Publication; or
  - if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted, unless otherwise provided in the EPA licence.
11. **Within 3 months of the date of consent** a Soil and Water Management Plan (SWMP) must be prepared, approved by the consent authority and implemented. The SWMP must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during extraction activities. The SWMP should be prepared in accordance with the requirements for such plans outlined in Managing Urban Stormwater: Soils and Construction (available from the Department of Housing).
12. **Within 3 months of the date of consent** a *Stormwater Management Scheme (SMS)* must be prepared, approved by the consent authority and implemented. Implementation of the SMS must mitigate the impacts of stormwater run-off from and within the premises following the cessation of extraction for the Hume Highway project. The

scheme should be consistent with guidance contained in *Managing Urban Stormwater: Council Handbook (available from the EPA)*.

### Groundwater

13. If groundwater is intercepted at any stage of the project, the operation must cease immediately and the Department of Water and Energy and the consent authority be contacted.
14. The depth of extraction is not to exceed any point less than two (2) metres from the standing water level of the shallowest aquifer.
15. **Within 3 months of the date of consent** a Groundwater Monitoring Program must be prepared, approved by the consent authority and implemented to monitor fluctuations in groundwater levels beneath the extraction pit.
16. A detailed progressive rehabilitation plan is to be prepared to the consent authority's satisfaction that details the agreed short and long term rehabilitation objectives of the site, a survey plan of the final land form and the information detailed in section 7 of the EIS Guidelines for *Extractive Industries-Quarries* prepared by the former DUAP.

### Noise

17. Noise emissions from the premises must not exceed the criterion set out in the New South Wales Industrial Noise Policy at the nearest and potentially most affected noise sensitive receptors. Noise is to be measured in accordance with this policy if required to determine compliance with this condition.
18. All practical measures must be used to silence the plant and equipment used consistent with the best available technology that is economically achievable.
19. The applicant must use natural barriers and construct acoustic barriers close to jaw crushing equipment which fully prevents line of sight to the three closest properties to the west and southwest. The barrier must comply with the requirements of section 7.1 of the Noise Impact Assessment Report nss21664- final.
20. The noise emissions limits apply for prevailing meteorological conditions (winds up to 3m/s), except under conditions of temperature inversions. Noise impacts that may be enhanced by temperature inversions must be addressed by:
  - documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions; and
  - where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhance impacts under temperature inversions conditions should be developed and implemented.
21. The proponent shall complete and submit to DECC a noise compliance assessment within three months of commencement of normal operations.
22. The proponent shall develop and implement a *Noise Management Plan* that has a primary aim, but is not necessarily limited to, the ongoing evaluation and application of best practice and all feasible and practicable means to reduce noise emissions so as not exceed the limits outlined in the *Industrial Noise Policy*.

**Setback**

23. In accordance with Regulation 32 of the *Environmental Planning and Assessment Model Provisions 1980*, no works shall be undertaken within 400 metres of the Hume Highway, including part of the area nominated as a 'temporary stockpile'.

**Hours of operation**

24. All work on site associated with the extraction, processing and transport of material must only be conducted between 6am and 6pm Monday to Friday and 7am to 6pm Saturday excluding public holidays.
25. Activities at the site, other than extraction, processing and transport of material, may only be carried out between 7am and 10pm Monday to Friday and 7am to 6pm Saturday excluding public holidays.
26. The delivery of material outside the specified hours of operation may be undertaken if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA, consent authority and affected residents as soon as possible, or within a reasonable period in the case of an emergency.
27. The hours of operation may be varied with written consent if the EPA and the consent authority are satisfied that the amenity of the residents in the locality will not be adversely affected.

**Blasting**

28. The overpressure level from blasting operations on the premises must not:
- exceed 115dB (Lin Peak) for more than 5% of the total number of blasts over a period of 12 months; and
  - exceed 120dB (Lin Peak) at any time,

The airblast overpressure values stated above apply when the measurements are performed with equipment having a lower cut-off frequency of 2Hz or less. If the instrumentation has a higher cut off frequency then a correction of 5dB should be added to the measure value. Equipment with a lower cut-off frequency exceeding 10Hz should not be used for the purpose of measuring airblast overpressure.

- 28(a) Where winds are significant (i.e. over 18km/hour and in the south, west or southwest direction) the charge weight is to be restricted to 30kg from winds between 3 m/s and 5 m/s(18km/hr)
- 28(b) Blasting is not to take place when winds in the south or southwest directions exceed 5 m/sec.
29. Ground vibration peak particle velocity from the blasting operations at the premises must not:
- exceed 5mm/s for more than 5% of the total number of blasts over a period of 12 months; and
  - exceed 10mm/s at any time, when measured at any point within 1 metre of affected residential boundary or other noise sensitive location.

30. Blasting operations on the premises may only take place between 10am and 3pm Monday to Friday and not during periods of inversions.
31. The hours of operation for blasting operations may be varied if the EPA and the consent authority, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.
32. Blasting at the site is limited to one (1) blast each day on which blasting is permitted.

*Note: The restrictions on times and frequency of blasting referred to above are based on the ANZEC guidelines - "Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration" September 1990.*

33. A *Blasting/Vibration Management Protocol* must be prepared relation to the development, submitted to the consent authority for approval and implemented. The protocol must include, but need not be limited to, the following matters:
  - compliance standards;
  - mitigation measures;
  - remedial action;
  - monitoring methods and program;
  - monitoring program for flyrock distribution;
  - measures to protect underground utilities (e.g. rising mains, subsurface telecommunication and electric cables) and livestock nearby;
  - notification of procedures for neighbours prior to detonation of each blast;
  - measures to ensure no damage by flyrock to people, property, livestock and power lines.
  - (a) In the event of the consent authority receiving noise and/or vibration complaints associated with blasting at the quarry, it may request the monitoring of blasting at any residence in accordance with condition 34. Any such monitoring shall be at the applicant's expense.
34. For the purpose of blast monitoring, the ground vibration or the overpressure must be measured at:
  - the residential boundary; or
  - 30 metres from residences in rural situations where the boundary is more than 30 metres from residences.
  - Airblast overpressure levels should not be measured within 3.5 metres of any building.
  - Ground vibration levels should not be measured with the longest dimension of the foundations of a building or structure away from such building or structure.

#### **Dust**

35. Activities occurring at the site must be carried out in a manner that will minimise the emissions of dust off-site.
36. All areas of the site must be maintained in a condition that minimises the generation of dust.
  - (a) A dust gauge is to be installed at the "Cromer" property (on Lot 7 DP 1129439) during the temporary three year period to monitor depositional dust levels.
  - (b) The measured dust position levels must be analysed on a monthly basis to



demonstrate compliance with OEH objectives.

- (c) The dust deposition gauges should be in place and activated before the start of the temporary expanded quarry operations. The following Australian Standards should be observed when undertaking the proposed monitoring:
    - AS 2922-1987 -Ambient Air-Guide for Siting of Sampling Units; and
    - AS 3580.10.1-1991 - Particulates - Deposited Matter (Gravimetric Method)
  - (d) The following dust management practices must be undertaken:
    - Implementation of dust emission control measures including: watering dry surfaces, covering loads on outbound haul truck, seed long-term stockpiles and removing of mud and dirt tracked on to road surfaces;
    - Monitoring and recording the effectiveness of measures implemented to control dust emissions;
    - Progressively rehabilitating disturbed areas as soon as earthworks are completed or where earthworks on disturbed areas are dormant for greater than 8 weeks;
    - Limit vehicle and machinery access to designated work areas; and
    - Undertake progressive rehabilitation of the quarry work area.
37. Trucks entering and leaving the site that are carrying loads must have these loads completely covered at all times, except during loading and unloading.

## **Traffic**

### **New RTA Requirements**

38. The access driveway from the Hume Highway shall be sealed to a minimum width of 6m and the seal coverage maintained for at least 50m from the edge of seal of the carriageway of the Hume Highway. This is required to prevent deterioration of the road shoulder and the tracking of *gravel* onto the roadway.
- (a) The developer is responsible for all works necessary due to the proposed development and as required by the various public utility authorities and/or their agents. It should be noted that relocation of any utility service within the road reserve will require Roads and Maritime Services (RMS) concurrence under section 138 of the *Roads Act 1993* prior to commencement to works.
  - (b) Prior to works commencing within the road reserve of a Classified Road the applicant must apply for and obtain approval under Section 138 of the *Roads Act 1993* from the road authority (Council) and a Road occupancy licence from Roads and Maritime Services (RMS).
  - (c) Any work associated with the proposed development shall be at no cost to Roads and Maritime Services (RMS).
39. Existing entrance turnout and access road is to be sealed for a minimum length of 50 m from the existing pavement on the Hume Highway to prevent any dust near the highway. This also prevents deterioration of the road shoulder and the tracking of loose materials on to the highway.
40. The swept path of the largest vehicle entering/exiting the subject site and manoeuvrability through the site is to be in accordance with current Australian Standards and to the consent authority's satisfaction.

41. Gates within the fence line are to be set back a minimum of 30 metres from the road shoulder so as to allow storage of long vehicles likely to service the site.
42. If the proposed expansion of the quarry takes place prior to the duplication of the Hume Highway an Auxiliary Right Turn (AUR) treatment is to be constructed at the junction of access location and Hume Highway in accordance with the RTA's Road Design Guide for the prevailing speed limit.
43. Detail design of an Auxiliary Right Turn (AUR) treatment is to be sent to the RTA for approval prior to construction.
44. The required Safe Intersection Sight Distance (SISD) from the egress location on Hume Highway is to be in accordance with the RTA's Road Design Guide for the prevailing speed limit (i.e. 225m for 100km/hr speed zone).
45. As recommended in the submitted traffic report, the three trees on each side of the existing entrance are to be removed prior to the formal commencement of expanded quarry operation in order to improve the sight distance.
46. Any road and/or traffic works associated with the proposed development shall be at no cost to the RTA.

#### **Threatened species**

47. The applicant must within **12 months of the date of consent** undertake tree planting in the vicinity of the quarry access to offset the impact of proposed clearing. Ten trees must be planted for every tree (living or dead) removed. Locally occurring tree species must be used. Tree planting must occur outside the future Hume Highway Road Reserve. Tree planting sites must be chosen so as to improve connectivity for Squirrel Gliders and to complement tree planting to be undertaken by the Northern Hume Alliance in the locality. The applicant is to advise the consent authority when such planting has been completed.
48. Areas supporting trees west of the haul road/current work area and located adjacent to the southern offset area must not be cleared or impacted by the development. These areas must be incorporated into the southern offset area.
49. **Within 3 months of the date of consent** the applicant must provide for the in-perpetuity management for conservation of offset areas via the placement of appropriate restrictions and positive covenants on the land under the Conveyancing Act 1919 or the approval of a *Property Vegetation Plan* under the Native Vegetation Act 2003. Such mechanisms must be approved by the consent authority prior to implementation.
50. **Within 3 months of the date of consent** a revised *Rehabilitation Native Vegetation Offset Replanting Plan* (the Plan) must be submitted to the consent authority for approval. The consent authority will only approve the Plan if, following consultation with the Department of Environment and Climate Change (DECC), it is satisfied the Plan will improve environmental outcomes such that impacts of the development are adequately offset. The revised Plan must include the requirement for additional revegetation associated with mitigating impacts on Squirrel Gliders associated with the Hume Highway access. The Plan is to be implemented within 3 months of approval.



51. Clearing of the development site must be staged, with only the minimum amount of clearing necessary to allow for the safe working of each bench undertaken immediately prior to the quarrying of that bench.

### **Monitoring**

52. The results of any monitoring required to be conducted by a licence under the Protection of the *Environment Operations Act 1997*, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in the following two conditions.
53. All records required to be kept by the licence must be:
- in a legible form, or in a form that can be reduced to legible form;
  - kept for at least four (4) years after the monitoring or event to which they relate took place; and
  - produced in a legible form to any authorised officer of the EPA or the consent authority who asks to see them.
54. The following records must be kept in respect of any samples required to be collected:
- the date(s) on which the sample was taken;
  - the time(s) at which the sample was collected;
  - the point at which the sample was taken; and
  - the name of the person who collected the sample.

### **Reporting**

55. The applicant must provide an annual return to the EPA in relation to the development as required by any licence under Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity that applicant will be required to submit load-based fee calculation worksheets with the return.
56. A copy of the annual return to the EPA is to be provided to the consent authority.

*Amended EPA Conditions (Extension of Hours and Concrete Request) L2 Waste*  
*L2.1 The licensee must not cause, permit or allow any waste generated outside the premises, except the wastes expressly referred to in the column titled 'Waste' and meeting the definition, if any, in the column titled 'Description' in the table below.*

*Any waste received at the premises must only be used for the activities referred to in relation to the waste in the column titled 'Activity' in the table below.*

*Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled 'Other Limits' in the table below.*

*This condition does not limit any other conditions in this licence.*

<b>Code</b>	<b>Waste</b>	<b>Description</b>	<b>Activity</b>	<b>Other Limits</b>
NIA	Concrete	Recycled concrete from the sleeper beds from Austrak Bomen	Waste Storage Waste Processing (non-thermal)	Maximum of 500 tonnes to be received at the premises per month

### **Noise Limits**

**L3.1** Noise generated at the premises must not exceed the noise limits in the table below.

<b>Location</b>	<b>Noise Limits in dB(A)</b>	
	<b>Morning Shoulder LAeq (15 minute)</b>	<b>Day LAeq (15 minute)</b>
<i>Jerapool (exact location to be negotiated with the EPA)</i>	38	40
<i>Beenly (exact location to be negotiated with the EPA)</i>	38	40
<i>Wongalee (exact location to be negotiated with the EPA)</i>	37	40
<i>Wonga Park (exact location to be negotiated with the EPA)</i>	37	40
<i>Coocook (exact location to be negotiated with the EPAJ)</i>	37	40
<i>Quambatook (exact location to be negotiated with the EPA)</i>	37	40
<i>Mitlon (exact location to be negotiated with the EPA)</i>	37	40

**L3.2** For the purposes of condition L3.1:

- Morning shoulder means the period from 6am to 7am Monday to Friday.*
- Day means the period from 7am to 6pm Monday to Friday and 7am to 6pm Saturday.*

**L3.3** Noise-enhancing meteorological conditions

- The noise limits set out in condition L3.1 apply under the following meteorological conditions:*

<b>Assessment Period</b>	<b>Meteorological Conditions</b>
<i>Day</i>	<i>Stability Categories A, B, C, D and E with wind speeds up to and including 3mls at 10 metres above ground level.</i>
<i>Morning Shoulder</i>	<i>Stability Categories A, B, C, D and E with wind speeds up to and including 3mls at 10 metres above ground level; or Stability Category F with wind speeds up to and including 2mls at 10m above ground level.</i>

- For those meteorological conditions not referred to in condition L3.3(a), the noise limits that apply are the noise limits in condition L3.1 plus 5dB.*

**L3.4** For the purposes of condition L3.3:

- a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as Bureau of Meteorology AWS at Albury, NSW
- b) Stability category shall be determined using the following method from Fact Sheet D of the Noise Policy for Industry (NSW EPA, 2017);
  - i. Pasqui/1-Gifford stability classification scheme (section 01.3.1).

**L3.5** To assess compliance:

- a) with the LAeq (15 minutes) noise limits in condition L3.1 and L3.3, the noise measurement equipment must be located:
  - (i) approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to the premises; or where applicable in an area within 30 metres of a residence facade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,
  - (ii) in an area within 50 metres of the boundary of a National Park or Nature Reserve,
  - (iii) at any other location identified in condition L3.1.
- b) with the LAeq (15 minutes) noise limits in condition L3.1 and L3.3, the noise measurement equipment must be located:
  - (i) at the reasonably most affected point at a location where there is no residence at the location; or,
  - (ii) at the reasonably most affected point within an area at a location prescribed by condition L3.5(a).

**L3.6** A non-compliance of conditions L3.1 and L3.3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L3.5(a) or L3.5(b).

NOTE to L3.5 and L3.6: The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

**L3.7** For the purposes of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the Noise Policy for Industry (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

**L3.8** Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

**L5 Hours of Operation**

**L5.1** Unless otherwise agreed to in writing by the EPA, activities covered by this licence must only be carried out between the hours of 06:00 and 18:00 Monday to Friday and 07:00 and 18:00 Saturday and at no time on Sundays and Public Holidays.

*For the purpose of this licence, the term "activities" refers to all operations including maintenance, deliveries, movements, fuelling and associated heavy transport.*

**RMS REQUIREMENT**

*Waste concrete transported to the site must only be a backload after delivering raw materials to the Austrack facility.*

**NOTE: CESSATION OF TEMPORARY INCREASE IN EXTRACTION**

*The temporary increase in extraction of rock material approved by modification application 6-11112 has ceased and the approved rate of extraction is the original rate of extraction which is an amount of 200,000 tonnes.*

**Conditions have been placed on the consent for the following reasons:**

- 1 To ensure the compliance with the terms of the Environmental Planning Instruments.
- 2 Having regard to Council's duties of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, as well as Section BOA which authorises the imposing of consent conditions.
- 3 Having regard to the comments made by referral authorities and submissions received from the public
- 4 Having regard to the circumstances of the case and the public interest.