

30 July 2026

Colin Kane
Greater Hume Shire Council Berrigan Shire Council
PO BOX 99
Holbrook NSW 2644

Attention: Colin Kane, Director Environment & Planning

Via NSW Planning Portal

Dear Colin,

**Re: Section 4.55(1) Application to Modify Development Consent No. 10.2020.125.1
Extractive Industry Quarry < 30,000 cubic metre p.a. & Associated Works Stage 1 –
Jingellic Road, Holbrook**

Habitat Planning acts on behalf of Walsh Wodonga in relation to an application to modify Development Consent No. 10.2020.125.1 relating to an extractive industry at Walsh Quarry, Jingellic Road, with a total capacity of less than 30,000 cubic metres per annum and associated stage 1 works at Jingellic Road, Holbrook.

This request is made pursuant to Section 4.55(1) of the Environmental Planning and Assessment Act 1979 ("the EPA Act").

This application represents the first modification to the Development Consent and seeks to correct an error reflected in the conditions of consent, issued on the 17th February 2021, which includes a reference to "**tonnes**" rather than "**cubic metres (m³)**".

The development consent has commenced, with operations well underway on-site.

1. Overview

This modification is sought to correct the terms of the Development Consent 10.2020.125.1 to ensure they reflect the true volume of extraction permitted by the consent as provided for in the description of development on the cover page of the approval.

The subject application is the first modification of the consent. The approved stamped plans were produced by Esler & Associates, issued 17 February 2021.

The Walsh Quarry, Jingellic Road retains the same arrangement, configuration, and land area as the original design. However, the primary change sought by this modification is to correct terms to now reference "**cubic metres (m³)**" and not "**tonnes**".

No other plan revisions are proposed to the extractive industry or approval.

2. Site Description

The subject site is described in the consent as Lot 6, DP1223750 and addressed as Jingellic Road, Holbrook. A plan showing the existing site conditions is provided in **Figure 1**.



Figure 1 | Aerial image of site (Six Maps)

3. Consent to be Modified

The consent to be modified is 10.2020.125.1 which was approved by resolution of Council meeting on 17 February 2021. The development is described by the consent as *“Extractive Industry Quarry < 30,000 cubic metres PA & Associated Works Stage 1”*.

The application has not been modified since originally approved.

4. Description of Proposed Modification

4.1. Overview

The application seeks to correct an error in Condition 7 of the development consent, which accidentally includes a reference to **“tonnes”** rather than **“cubic metres (m³)”**.

4.2. Amended Conditions

As outlined above, the development seeks to replace the reference to “tonnes” within “Condition 7 - Limits of Approval” and replace this with “cubic metres (m³)” consistent with the description of development and original application approved by Council.

Please note:

- superseded plan information is ~~struck out~~
- new plan information or amended wording is shown in **red**.
- plans shown in regular black text are not changing.

Limits of Approval

- 7** *The development is limited to an extraction rate that must not exceed more than 30,000 ~~tonnes~~ cubic metres of extractive material per year. By 30 September each year the applicant is required to provide to Council a report on the level of extraction undertaken within the preceding 12 months.*

5. No environmental impact

Section 4.55(1) of the Act requires a consent authority to be satisfied the proposed modification has no environmental impact.

The development, as proposed to be modified, is substantially the same development as that originally approved, being an extractive industry. The modification does not propose any physical changes to the previously approved quarry but rather seeks to correct an administrative error.

6. Planning Assessment

Section 4.55(3) of the EP&A Act requires the consent authority, when assessing a Section 4.55 application, to take into consideration such of the matters referred to in Section 4.15(1) as relevant to the development. Refer to assessment below.

Section 4.15(1)(a) requires the consent authority to take into consideration:

(a) the provisions of—

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*

6.1. Environmental Planning Instruments

The development, as proposed to be modified, remains generally consistent with the following statutory plans and policies.

- *Greater Hume Local Environmental Plan 2012*
- *Greater Hume Development Control Plan 2013*

The proposed modification does not alter the compliance of the approved development with the relevant conditions of the Greater Hume LEP or Greater Hume DCP as considered in the original Development Application.

6.2. Environmental Impacts

An assessment of the environmental impacts of the proposal (where relevant) is provided in the following sections.

6.3. Context and Setting

The original approval was for an extractive industry with a capacity of less than 30,000 cubic metres per annum. The proposed change sought by the modification does not change the context and setting of the area and will achieve the same development outcomes as approved in the original development.

7. Environmental Planning and Assessment Regulations 2021

The application is made pursuant to Section 4.55(1) of the EP&A Act and provides information in accordance with Clause 100 (1) and (3) of the Environmental Planning and Assessment Regulation 2021 (EP&A Regs) as detailed by **Table 1** below.

Table 1 | Content of a Modification Application

Matters to be addressed	Application Detail
(1) (a) the name and address of the applicant,	Applicant details: Shaun Walsh Walsh Wodonga (Vic) Pty Ltd PO Box 2, Baranduda VIC 3691 Contact: 0408 723 613
(b) a description of the development to be carried out under the consent	Extractive Industry Quarry < 30,000 cubic metre p.a. & Associated Works Stage 1 Jingellic Road, Holbrook
(c) the address and folio identifier of the land on which the development will be carried out	Jingellic Road, Holbrook Lot 6 in DP1223750
(d) a description of the modification to the development consent, including the name, number and date of plans that have changed, to enable the consent authority to compare the development with the development originally approved,	Refer to Section 3 and Section 4 of this Report. Change terms to reference “cubic metres (m ³)” rather than “tonnes” in Condition 7.

Matters to be addressed	Application Detail
(e) whether the modification is intended to— (i) merely correct a minor error, misdescription or miscalculation, or (ii) have another effect specified in the modification application,	The modification is not intended to have another effect, as specified in the detail contained herein.
(f) a description of the expected impacts of the modification	Nil.
(g) an undertaking that the modified development will remain substantially the same as the development originally approved	The development, as proposed to be modified, is substantially the same development as that originally approved in that it retains the same uses and volume of extraction as originally approved.
(h) for a modification application that is accompanied by a biodiversity development assessment report—the biodiversity credits information,	Not applicable.
(i) if the applicant is not the owner of the land—a statement that the owner consents to the making of the modification application,	Not applicable - the applicant is also the owner of the land.
(j) whether the modification application is being made to— (i) the Court under the Act, section 4.55, or (ii) the consent authority under the Act, section 4.56.	Not applicable. The application is not being made to the court under section 4.55 or to the consent authority under 4.56.
(3) If a modification application under the Act, section 4.55(1A) or (2) relates to BASIX development, or BASIX optional development if the development application was accompanied by a BASIX certificate, the application must be accompanied by— (a) the BASIX certificate, or (b) a new BASIX certificate if the current BASIX certificate is no longer consistent with the development.	The works are not classified as BASIX-affected development.

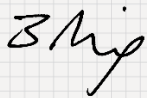
8. Conclusion

The proposed modification to the previously approved extractive industry is considered to be minor in the overall context of the development. The proposal does not alter the overall outcome for the site, remaining an extractive industry.

The details provided within this documentation and attached information demonstrate that the proposed works will be carried out appropriately and with regard to potential impacts upon surrounding properties.

Having regard to the above, it is recommended that the proposed modification is supported by Council. I trust that the above and attached information will enable Council to favourably determine this modification.

Should you have any queries please contact the undersigned directly on 6021 0662 or brad@habitatplanning.com.au.



Brad Manwaring

Consultant