

6 August 2026

Colin Kane
Greater Hume Council
PO Box 99
Holbrook NSW 2644

Attention: Colin Kane, Director Environment & Planning

Via Email

Dear Colin,

**Re: Section 4.55(2) Application to Modify Development Consent No. 10.2006.57.4
15778 Hume Highway, Table Top**

This Statement of Environmental Effects (SEE) is submitted to Greater Hume Council on behalf of Walsh Wodonga (VIC) Pty Ltd, in support of an application to modify Development Consent No. 10.2006.57.4 relating to the expansion of the Table Top Quarry at Lot 50 DP1125663 and addressed as 15778 Hume Highway, Table Top.

This request is made pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* ("the EPA Act").

1. Overview

This application seeks to modify the previous approval by allowing an extension of the lifespan of this quarry by an additional 20 years beyond the 20 years originally allowed for in the original approval. As result, the summative number of years under the revised limit would mean the consent lapses 40 years after the date it commenced.

General terms of approval were originally issued under DA 57-06/07 with an endorsed date of consent of 24 November 2006. Therefore, the new expiry date would be 24 November 2046.

The reason for the proposed extension of time is in recognition of the fact that the quarry has operated at only approximately 40% of the originally envisaged capacity. Consequently, the owner seeks to extract the same volume of material as originally approved, but over a longer period of time.

No changes to existing site operations or the development footprint are proposed and for all intents and purposes all operations will remain unchanged. The other limit on approval is retained; namely, the extraction of 2,000,000 cubic metres of material.

Ultimately there is considered to be no significant impact over and above what was considered in the original application and subsequent modifications and the change is worthy of Council's support.

2. Site Description

The subject site for which development was originally approved was formerly known as Lot 41 DP1004275. The property is currently described as Lot 2 DP1241599 and Lots 50-52, DP1125663 and addressed as 15778 Hume Highway, Mullengandra.

The last modification resulting in Development Consent No. 10.2006.57.4 references the subject land as Lot 50 DP 1125663. The site is more commonly known as the 'Table Top Quarry'.

A plan showing the existing conditions of the site and surrounds is provided in Figures 1 & 2 below.

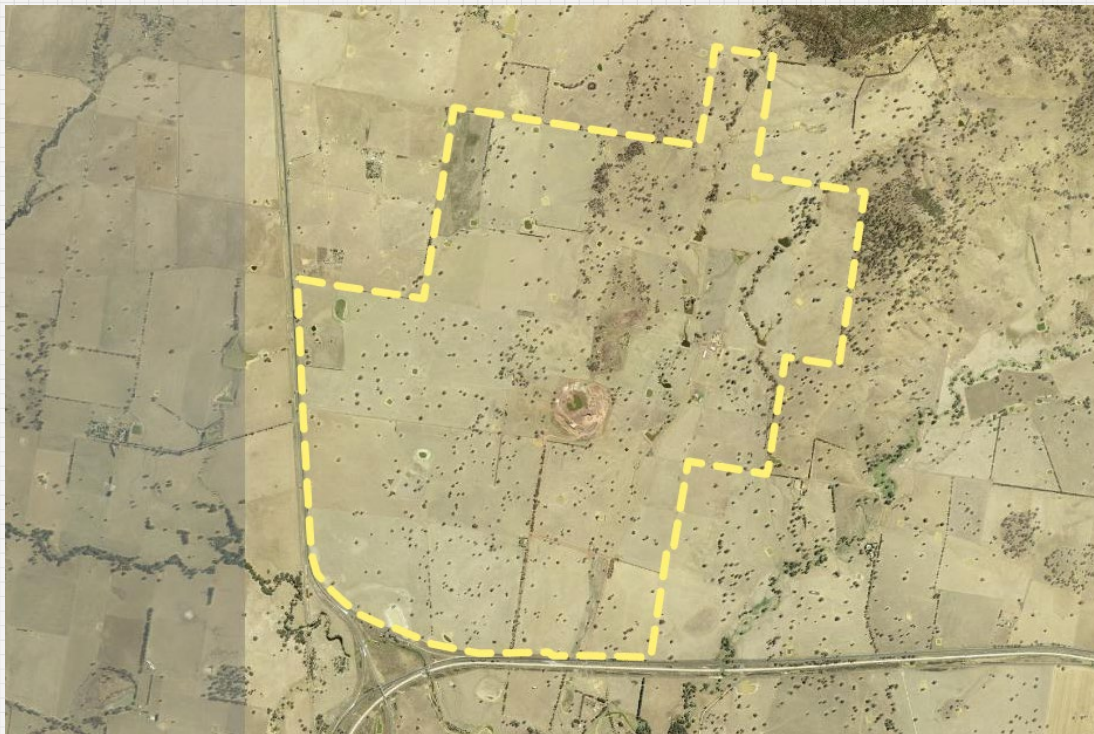


Figure 1 | Aerial photograph of the subject land (outlined)



Figure 2 | Aerial photograph of the existing quarry pit (16 April 2021)

3. Consent to be Modified

The original Table Top Quarry was approved by the former Hume Shire Council on 14 October 1998.

A subsequent application (Ref No. 57-06/07 AM1) was submitted to Greater Hume Council to expand this quarry, which required the preparation of an Environmental Impact Statement in accordance with the requirements of the Secretary's Environmental Assessment Requirements (SEARs). This application was approved by Council on 6 December 2007.

A subsequent modification (Ref No. 1-07/08-s96) was approved on 6 December 2007 to allow blasting to occur on-site.

Two further modifications were approved under DA10.2006.57.3, and 10.2006.57.4 which expanded the range of materials that can be received on-site to also include foundry slag. This is in addition to the foundry sand and concrete, which is currently accepted on-site.

The most recent iteration of the development consent, under DA10.2006.57.4 is described by the consent as *"Modification Development Consent for Existing Quarry-Permit Blasting, Accept Foundry Slag and Sand"*.

A summary of the previous approval history is provided in **Table 1** below.

Table 1 | Previous approval and modification history

Application No.	Approved	Description
DA 99002	14/10/1999	Table Top Quarry
DA 57-06/07		
DA 57-06/07 AM1	24/11/2006	Expansion of Table Top Quarry
DA 1-07/08-s96	06/12/2007	Expansion of Table Top Quarry as modified - blasting
DA10.2006.57.3	17/12/2014	
DA10.2006.57.4	21/10/2021	Modification Development Consent for Existing Quarry-Permit Blasting, Accept Foundry Slag and Sand

4. Description of Proposed Modification

4.1. Overview

The proposed modification seeks to formally extend the timeframe for extraction to occur at the quarry as required by Condition 4 of the approval.

At present, the existing consent lapses after 20 years after the date it commenced. The commencement date was 24 November 2006 meaning that the current approval is approaching its lapse date on 24 November 2026. The subject modification seeks to extend the time limit to provide for an additional 20 years, to a summative total of 40 years. The new expiry date of the quarry would be 24 November 2046.

4.2. Amended Conditions

As outlined above, the development seeks to modify Condition 4 by extending the lapse date of the quarry by an additional 20 years, being a summative total of 40 years as outlined below:

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 on Approval

4 This consent lapses:

- after the Applicant has extracted 2,000,000 cubic metres of material from the development, or*
- ~~20~~ **40** years after the date it commences,*
whichever comes first.

4.3. Amended Plans

The modified development does not alter any previously endorsed plans.

5. Substantially the same development

Section 4.55(2)(b) of the Act requires a consent authority to be satisfied that the development to which the consent as modified relates is “substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)”.

In this instance, the proposed modification will not substantially alter the essence of the approved development, being a quarry (extractive industry). Specifically, the modification request does not seek to alter the footprint of the previously approved development, or the amount of material that can be extracted per annum or the total volume of material extract. In essence, all operational matters will remain unchanged.

Further, the limits on approval also provide for the consent to lapse once 2,000,000 cubic metres is extracted. Operations of the quarry have resulted in the extraction of less than 1,000,000 cubic metres in the first 20 years of operation.

Consequently, the application is seeking to extend the life of the quarry so as to achieve the total extraction volumes anticipated in the originally approved development consent. In essence, the same total amount of material will be extracted over a longer timeframe resulting in a lower production rate per annum.

Alternatively, should extraction occur at the upper limit of the consent per annum (30,000m³), then site operations will cease once 2,000,000m³ have been extracted.

Consequently, the incorporation of the proposed modification will result in a development which is substantially the same as the approved development.

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 as relevant to the development, the subject of the application.

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,

The subject site is zoned RU1 Primary Production and development for the purposes of an extractive industry is permitted with consent in this zone.

The proposed extension of time does not alter the extent to which the application complies with the provisions of the Greater Hume Local Environmental Plan and Greater Hume Development Control Plan that applied at the time.

The limit on approval will still cause the consent to lapse once an extraction volume of 2,000,000 cubic metres is reached.

Whilst it is acknowledged that the original development application was classified as 'Designated Development' under Section 4.10 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) and an earlier modification required the preparation of an EIS under Schedule 3 of *Environmental Planning & Assessment Regulation 2000* (EP&A Regulation), the proposed modification does not significantly increase the environmental impact of the quarry, and thereby will not require the submission of a new EIS.

Specifically, Part 2 of Schedule 3 of the EP&A Regulation stipulates:

Development involving alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development.

In forming its opinion as to whether or not the development is designated development, a consent authority is to consider as per Clause 36 of Schedule 3 of the EP&A Regulation:

(a) *the impact of the existing development having regard to factors including—*

- (i) *previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice, and*
- (ii) *rehabilitation or restoration of any disturbed land, and*
- (iii) *the number and nature of all past changes and their cumulative effects, and*

- (b) *the likely impact of the proposed alterations or additions having regard to factors including—*
 - (i) *the scale, character or nature of the proposal in relation to the development, and*
 - (ii) *the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality, and*
 - (iii) *the degree to which the potential environmental impacts can be predicted with adequate certainty, and*
 - (iv) *the capacity of the receiving environment to accommodate changes in environmental impacts, and*
- (c) *any proposals—*
 - (i) *to mitigate the environmental impacts and manage any residual risk, and*
 - (ii) *to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.*

As outlined above, the purpose of the modification is to extend the timeframe that materials can be extracted. This results in an additional 20 years beginning in 2026, further to the 20 years originally approved in 2006. The lifespan of the quarry would extend to a summative 40 years.

It is reiterated that the modification request does not seek to alter the footprint of the previously approved development, or the amount of material that can be extracted per annum. Furthermore, all operational matters will remain unchanged, which is currently accepted on-site.

Consequently, the incorporation of the proposed modification will not change the character or intensity of development on-site and the site will continue to operate in accordance with the conditions of the previous development consents issued for the site.

For these reasons, the proposed modification is not considered to be classified as Designated Development and require the preparation of a new EIS.

Notwithstanding the above, an assessment of the environmental impacts of the proposed modification is provided to take into consideration the matters referred to in Section 4.15(1) of the EP&A Act as relevant to the development.

Context and setting

The subject land is rurally zoned and has been approved for the purposes of an extractive industry (quarry). The subject modification seeks approval to extend the limit on the approval by another 20 years. No other changes are proposed to the size of the development footprint, the annual extraction rate, or current site operations. The proposed modification will therefore not alter the existing context and setting of the area.

Traffic and Access

As outlined above, the development does not alter existing traffic arrangements and there will be no change to the environmental effects on access and traffic as considered in the original application.

Noise, Dust and Odour

Matters regarding noise, dust and odour were considered in the previous EIS prepared for the site in accordance with the requirements of the SEARs. It was found no increase or additional impact of the development in terms of noise, dust and odour. Therefore, there will be no change to the environmental effects as considered in the original application.

The existing quarry is operated in accordance with NSW Environment Protection Licence No. 12712, which regulates the use of the site and ensures it complies with all relevant environmental protection measures and operates within environmental thresholds in terms of noise, dust and odour. The current EPA licence will be amended to reflect the changes sought by this modification.

It is confirmed that there have been no instances of non-compliance with the EPA Licence following period inspections by this Authority.

Waste

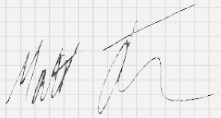
As outlined above, the purpose of the modification is to seek approval to extend the lifespan of the quarry. As a result, waste will remain substantially the same and no amendment to the EPA licence is required from the EPA to the production of waste. Previous discussions with the EPA did not result in any concerns raised to the approval of a previous modifications to the development consent from Council.

7. Conclusion

The subject application seeks to modify Development Consent No. 1-07/08-s96 (DA 57-06/07 AM1) as modified by **10.2006.57.4**. The consent relates to Table Top Quarry at 15778 Hume Highway, Table Top and seeks to modify the consent by extending the lifespan of the quarry by an additional 20 years, which will extend the lifespan of this quarry to 24 November 2046.

The proposal does not alter the overall outcome for the site, being a quarry and no other changes are proposed to the development footprint, extraction volumes or operational matters of the quarry. The details provided within this documentation and attached information demonstrate that the proposed works will be carried out appropriately. The proposed change has been discussed with Council, as well as the EPA who will need to provide an amended EPA Licence to reflect the changes sought by the modification.

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 matt@habitatplanning.com.au.



Matt Johnson
Associate

Attachment A

Copy of Modification Development Consent

No. 10.2006.57.4

Attachment B

Environment Protection Licence No. 12712

Follower page.