

10 June 2022

Bald Hill Quarry Pty Ltd (ABN 19 003 764 725)
5423 Hume Highway, Jugiong, NSW, 2726
02 6227 7817

HILLTOPS COUNCIL – DA2021/0133

Request for clarification

Bald Hill Quarry Pty Ltd submits the following information in response to requests received from Hilltops Council and the Southern Regional Planning Panel for clarification on specific items concerning DA2021/0133. The items addressed are those noted as requiring clarification in:

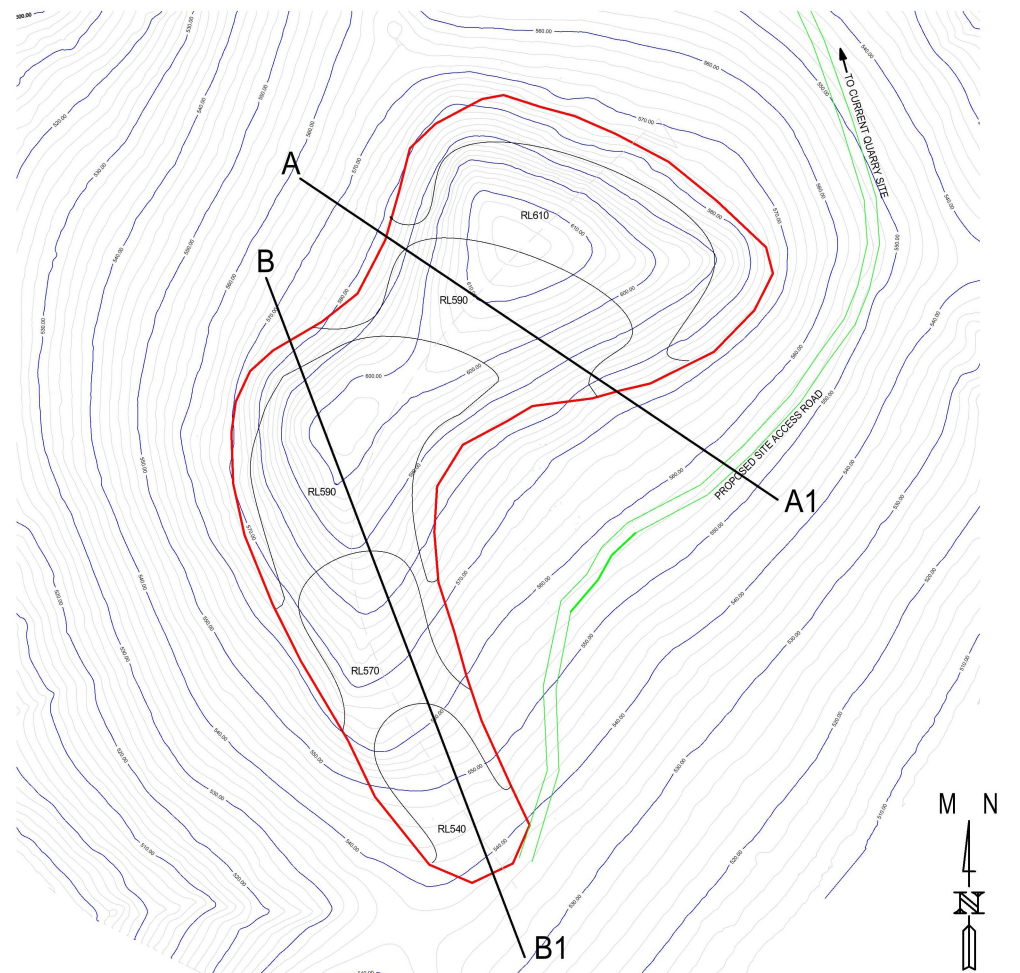
- i. the SRPP briefing notes received on 11 May 2022 (pursuant to site visit to Mt Bundarbo of 16 March), and
- ii. the Hilltops Council request for further information received 18 May 2022.

1. Response to points from Minutes from Southern Regional Planning Panel meeting.

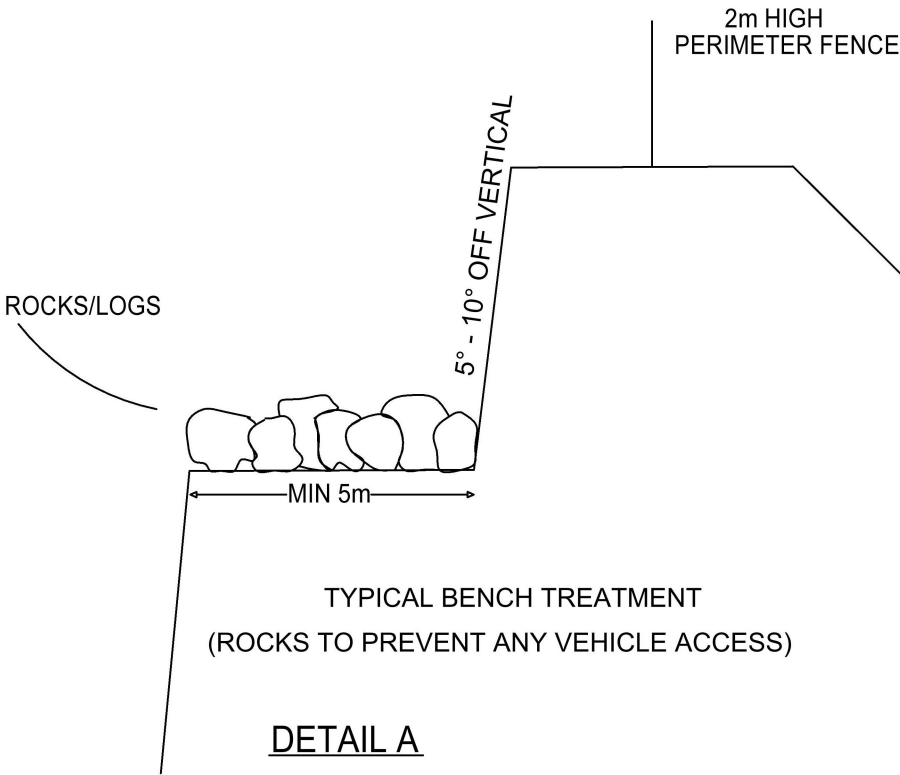
A) Details around the concept closure plan arrangements.

A simple 'concept' closure explanation is provided in section 7 of the EIS. Provided here is a plan showing more details around the proposed concept closure landform for the exhausted quarry. The concept closure landform presented here has as its underlying premise, the following:

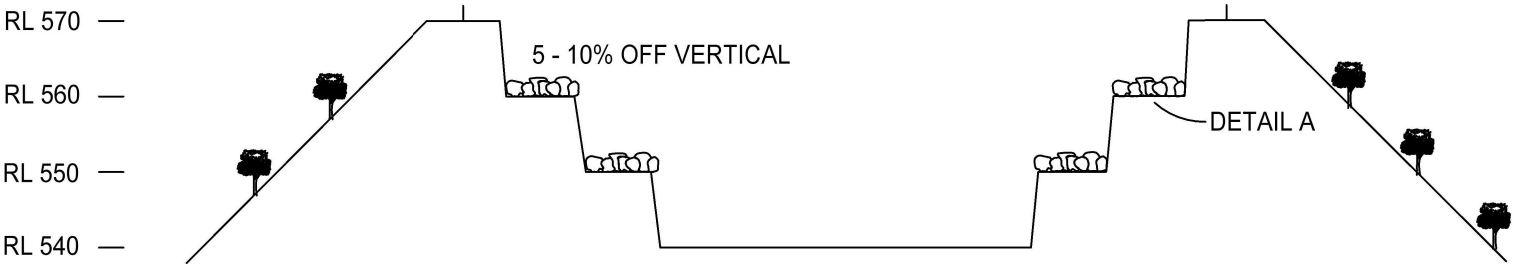
- i. All areas backfilled with over burden will be revegetated (pasture seeded and self sown trees) and returned to pasture
- ii. Existing surface water system retained...all runoff collected within the quarry perimeter and directed to the internal reservoir sump. Potential for stock watering and fire fighting use to be explored during the life of the quarry.
- iii. Final bench drilled with 5-10 degree sweep back to eliminate potential overhang.
- iv. Berms retain 5m width with rock and log covering to prevent all vehicle access.
- v. Placement of rocks and logs to limit vehicle access to no closer than 5m to any rock face.
- vi. Minimum 2m high security fence installed around pit void to prevent animal access and unauthorized unintentional personal access.



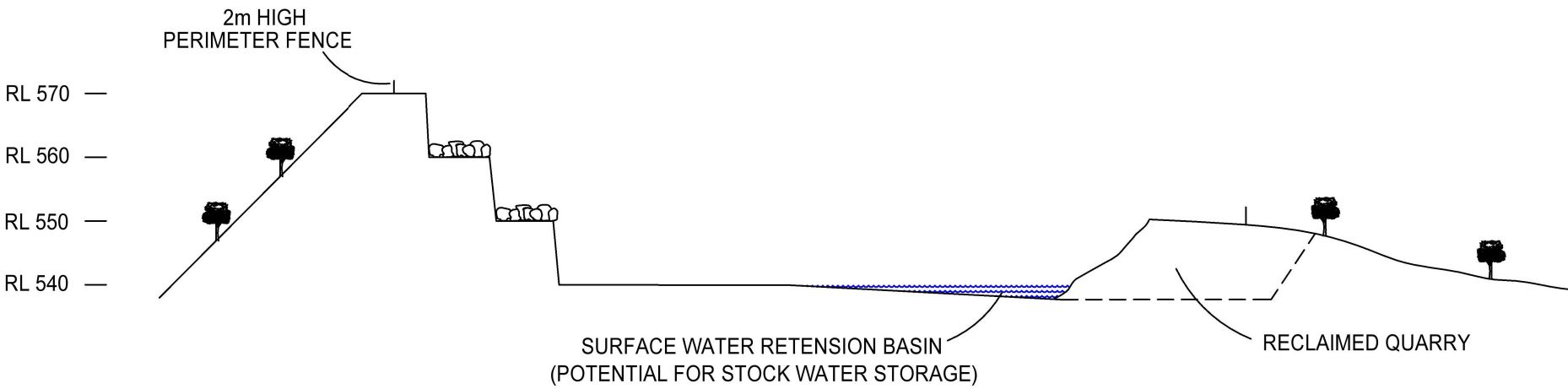
SITE PLAN BUNDARBO QUARRY



DETAIL A




CROSS SECTION A-A1



CROSS SECTION B-B1

FINAL LAND FORM TREATMENT
NOT TO SCALE

SCALE: NOT TO SCALE						 BUILDING - LAND - GUIDANCE OFFICE: 58 FITZROY STREET, TUMUT. 2720 P: 02 6947 6761 E: admin@allspecap.com THE FULL SPECTRUM OF DEVELOPMENTS	CLIENT: BALD HILL QUARRY	Sheet 1 of 1			
ORIGIN OF LEVELS CORS							PROJECT: SITE PLAN QUARRY CROSSECTIONS	Rev	1	Size	A3
CONTOUR INTERVAL ...	2	REVISED AND ISSUED TO CLIENT	KW	JMc	09/06/2022		LOCATION: BALD HILL QUARRY BALD HILL, JUGIONG, NSW	DATE: 08/06/2022			
DATUM: MGA	1	CLIENT FOR REVIEW	KW	JMc	08/06/2022			PLAN No. 2016.dwg			
	No.	REVISIONS & AMENDMENTS	Drawn	Approved	Date						

As described in Section 7, there are alternative possible uses that might be considered for the void, necessitating re consideration of the current proposed concept closure land form and requiring a separate detailed formal submission for approval in the later stages of the quarry extraction operation. Detailed descriptions and working drawings would form the formal rehabilitation and end of life.

B) Inconsistency in landforms shown in engineering plan and schematic diagram in section 7.4.1

This inconsistency is remedied in the plan in A) above.

C) Reliance on box cut for sedimentation retention having regard to staging of the development.

During the staged quarry development, the overwhelming majority of surface water runoff from any disturbed area associated with the quarry void is easily directed and contained within that void. This has been demonstrated and proven over the last 30 years with both the original Bald Hill quarry (now land fill) and the still operating North Ridge quarry pit. The 'box cut' will collect all dirty water from the working area and remain in place for the life of the quarry pit and there after.

The only area of disturbance outside of the quarry pit is the haul road, which has its own specific sediment and erosion controls applicable during the construction phase and then the permanent measures retained for long term operation.

D) Requirements of the SEARs to provide an Aboriginal Cultural Heritage Report (noting the SEARs specify that a due diligence report is insufficient)

This is incorrect. It does not state that a due diligence is insufficient. It states that a Due Diligence is not an Aboriginal Cultural Heritage Assessment Report (ACHR). Only where Aboriginal objects are present then an ACAR is required. Please refer to section 7 of the Aboriginal due diligence assessment report.

The Due Diligence Code of Practice states that if, after the desktop research and visual inspection is completed, it is evident that harm will occur to Aboriginal objects or heritage places then further and more detailed assessment is required. However, if the research and inspection conclude that there are no, or unlikely to be any, objects impacted by the proposed activity, then the activity can proceed with caution. As no Aboriginal sites or areas of archaeological potential were identified within the Proposal Area for the proposed new quarry and haul road, and it was deemed that the area has low potential to contain in situ subsurface deposits due to the steep terrain and skeletal soil profile.

Given this it was concluded that the proposed works for the development of a new open cut quarry pit at Mt Bundarbo and its associated haul road as part of the extension of the North Ridge Quarry and Bald Hill Landfill area near Jugiong, as assessed in this report, would not require any further heritage investigation and works can proceed with caution.

If Aboriginal objects are found the legislation/code of practice directs you to do ACHAR and, in our case, they were not identified. The report was provided to the Young LALC for review and comment and their approval prior to submission.

E) Identification of the reduction of biodiversity credits

The footprint of the quarry is not able to be moved as it is where the resource exists. The road has been moved to avoid trees but also the best design for surface water runoff and safe access. The development footprint is 12.96 ha. 6.83 is PCT 266 which is around half the area. The remaining area is exotic weeds/vegetation that will be removed, which is a positive to the area. We are required to have 70 species credits for the Brush-tailed phascogale. 70 PCT 266 ecosystem/vegetation zone credits required. We have purchased the 70 species credits and the PCT 266 ecosystem credits are available after 1 July 2022. See point 3 below.

F) Clarification around study site or study footprint (fig 1.4)

The disturbance area is identified as that area contained within the 'grey' outline and defined as the development footprint. The development footprint is the only area that will be impacted.

The area contained within the 'red' outline is defined as the development site, being the area determined as the minimum suitable for all the specialists to provide representative field data for inclusion in their respective studies.

G) Relationship between the current and proposed operations

The proposed Quarry Pit at Mt Bundarbo is ultimately a replacement rock source for the current North Ridge quarry Pit. The proposed operation will use the existing haul road and processing plant that is currently in place. The Northridge pit still has 3-4 more years' worth of material available and will be operated simultaneously for that short period. This transition period is where both pits provide different rock types to the existing crushing and screening processing area, each to be used to produce different products as demand requires. Any material sourced from the North Ridge pit reduces exactly the volume to be taken from the Bundarbo Pit and vice versa. The combined extraction will remain limited to the approved and licenced annual volume permitted.

In summary, the relationship between the current operation and the proposed extension, is that the proposed operation is a replacement rock source to provide for the continuation of the overall current operation. The relationship and cumulative impacts have been presented in section 6.15.

2. View from R2:

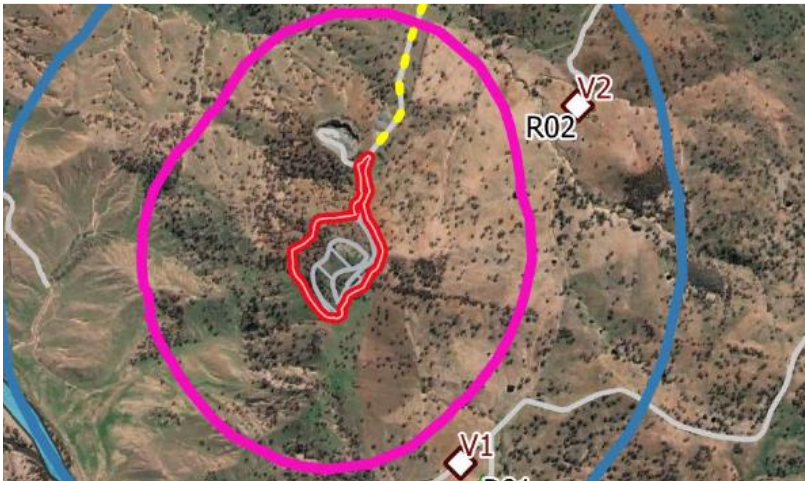
Apologies this was not picked up in the review process. The overall view from resident 2 (R2) will appear essentially unchanged. R2 being located to the NE does not have any sight of the entry end to the deposit located at the S end of the hill. Any change in the skyline profile occurs incrementally over the life of the quarry pit possibly 25 years or more. The statement describing a view 'transformed from yellows and greens to a stark white/grey' are patently incorrect. Apart from some machinery (excavator and or drill rig) being visible periodically, some temporary minor earth works may be observable but would comprise less than 1% of the view, and for a short period only (2-3 weeks). The dominant view will remain as the existing vegetated natural landscape.

The bulk of the ongoing construction of the quarry pit will be below the rim of the hill. An example of what this residence will see is shown below (picture 1). Shown is an

equivalent view taken of the Bald Hill Quarry hill which reflects exactly how the Mt Bundarbo quarry will appear.



Picture 1



Site Plan

3. **Consideration of Hollow Bearing trees in choosing Haul road route.**

The area of the resource cannot be changed, the resource area is set. The road has been moved to avoid trees. There are other aspects that needed to be taken into account for the road such as surface water runoff, contours and general safe access. The road has been selected based on contours which allowed for sensible SW management, there is a close property boundary, path chosen through the thickest part of vegetation was selected where there were dead trees. The width of the road does

contain a buffer and unlikely to be that wide, so BHQ will mitigate by ensuring that the number of trees are reduced as much as practicable.



4. Development footprint in figure 1.4.

Please see attached this has been updated.

5. Expected 20 year life.

The Local council will only grant consent approval for 20 years. As done with the Northridge quarry, after 20 year we requested a modification to extend for a further 5 years. This will be the same case for Mt Bundarbo, if the industry is going well.

6. Mitigation measure outside of footprint.

There will be no works required outside the development footprint (grey area).

7. Cumulative impacts during rehabilitation of Northridge quarry

Please refer to section 6.15, construction and operation has been considered together. BHQ feels that cumulative impacts are sufficiently covered and that the activity at the Northridge quarry would reduce, and personnel would be redirected to work at Mt Bundarbo during the stages of construction and operation. As stated in section 1.2.3 it is not proposed to employee any additional people.

At this stage it is unsure of the detailed rehabilitation plan for the Northridge quarry, however there will be no increase to traffic during this stage if the Northridge quarry is to be fenced and left as a void. There would be some minor earthworks around the top of the void to allow a fence to be constructed and ensure Surface water would drain back into the quarry void.

We are currently approved for 300,000 tonnes, for the period of 1/7/2021 to 31/5/2022 we have extracted and sold 97,000 tonnes, with the commensurate reduction in overall impact.

8. Monitoring and reporting

Monitoring of material that leaves the site including Northridge and Mt Bundarbo will be done via the weighbridge. These figures are monitored regularly as they are used to calculate levies and royalties. These figures are reported and audited by EPA.

The depth of the pit will be monitored via regular survey. This is also used to cross check the amount of resource removed including depths and levels etc.

9. Detailed rehabilitation plan

The SEARs requests a detailed description of the proposed rehabilitation, not a detailed rehabilitation plan.

Further details have been provided above to detail further the understanding of the current proposed rehabilitation as found in Section 7.4.

Any potential security required for surety over future rehabilitation costs determined as part of general conditions of consent would be considered and agreed and based necessarily on the project as approved. A detailed rehabilitation plan and bond would usually be a condition of consent.

If there are any further questions, please do not hesitate to contact me.
Kind Regards,



Belinda Fourie
Work Health Safety and Environment Manager
safety@baldhillquarry.com.au
Ph: 0490 552 596

4 April

21 March 2022



New South Wales
Aboriginal Land Council
ABN 82 726 507 500
alc.org.au

Attention: Sue Shallis

Department of Planning and Environment – Crown Lands
PO Box 2155
DANGAR NSW 2309

By email: sue.shallis@crownland.nsw.gov.au

Dear Ms Shallis

Bald Hill Quarry Pty Ltd – Development Application PAN-103922

New South Wales Aboriginal Land Council (**NSWALC**) has made Aboriginal land claims numbered ALC 11046 and ALC 51172 (**land claims**) in relation to Lot 7002 DP1031310 at Berremangra (**claimed land**).

The claimed land is located within the Young Local Aboriginal Land Council area and if either of the land claims is successful, NSWALC intends to nominate Young Local Aboriginal Land Council (**Young LALC**) as the Local Aboriginal Land Council to which the claimed land is to be transferred.

This is to confirm that both NSWALC and Young LALC concur with the State of New South Wales consenting to Bald Hill Quarry Pty Ltd (**BHQ**) making the development application referred to above, which affects the claimed land.

Please understand, however, that at this stage neither NSWALC nor Young LALC consents to the conduct of any quarry, landfill or other operations on the claimed land. Further, the Aboriginal Land Councils' concurrence is given on the bases of BHQ's agreement:

1. that no quarry, landfill or other operations are to be conducted on the claimed land unless and until the land claims are determined, unless NSWALC and Young LALC have consented to this in a duly executed written agreement,
2. that in the event that the claimed land should become vested in NSWALC and/or Young LALC (within the meaning of that expression in the *Aboriginal Land Rights Act 1983*) no quarry, landfill or other operations may be conducted on the claimed land unless NSWALC and/or Young LALC (as the case may be) have consented to this in a duly executed written agreement, and
3. to certain terms for the protection of Aboriginal cultural heritage.

ALWAYS WAS ALWAYS WILL BE ABORIGINAL LAND

Head office	Western Zone	Northern Zone	Northern Zone (Tamworth)	Eastern Zone	Southern Zone	Far Western Zone
Level 5, 33 Argyle Street Parramatta NSW 2150	2/36 Darling Street Dubbo NSW 2830	Suite 5, Level 1 66-90 Harbour Drive Coffs Harbour NSW 2450	2/158 Marius Street Tamworth NSW 2340	Suite 23, 207 Albany Street North Gosford NSW 2250	Unit 22, 2 Yallourn Street Fyshwick ACT 2609	Ground Floor Suite 49 Oxide Street Broken Hill NSW 2880
PO Box 1125 Parramatta NSW 2124	PO Box 1196 Dubbo NSW 2830	PO Box 1912 Coffs Harbour NSW 2450	PO Box 890 Tamworth NSW 2340	PO Box 670 Gosford NSW 2250	PO Box 619 Queanbeyan NSW 2620	Ph: 08 8087 7909 Fax: 08 8087 3851
Ph: 02 9689 4444 Fax: 02 9687 1234	Ph: 02 6885 7000 Fax: 02 6881 6268	Ph: 02 6659 1200 Fax: 02 6650 0420	Ph: 02 6766 4468 Fax: 02 6766 4469	Ph: 02 4337 4700 Fax: 02 4337 4710	Ph: 02 6124 3555 Fax: 02 6280 5650	

Please contact Mark Dupuis, Principal Legal Officer at NSWALC on (02) 9689 4407 or Norma Freeman at Young LALC on 0439 649 443 if any clarification is required.

Yours faithfully,



Mark Dupuis
Principal Legal Officer
New South Wales Aboriginal Land Council



Norma Freeman
Chief Executive Officer
Young Local Aboriginal Land Council



e-mail
tafield@tafield.com.au

T.A. Field Estates Pty. Limited
A.B.N. 63 000 027 976
www.tafield.com.au

Telephone
(02) 9302 9000

Level 3, 100 New South Head Road, Edgecliff, NSW 2027
Address all mail to: P.O. BOX 384, Edgecliff, NSW 2027

16 March 2022

To Whom It May Concern,

I, Michael Thomas Field, am the Managing Director of T. A. Field Estates Pty Ltd. and note the following:

1. T. A. Field Estates is the registered proprietor of the land contained within certificates of title folio identifiers 9/439146, 148/753592 and 11/133540.
2. T. A. Field Estates Pty Ltd. has no objection to the development application to be lodged in relation to a proposed quarry at Mt. Bundarbo.

Yours faithfully,
T.A. Field Estates Pty Limited

Michael T. Field
Managing Director

John Maddalena
Company Secretary

Department of Planning and Environment

Letter to Applicant
(consent granted)



Our reference:
LOC No:631182

Mr John Wilkinson
Mr Anthony Willsallen
Ms Belinda Fourie
Bald Hill Quarry Pty Ltd
5423 Hume Highway
BERREMANGRA NSW 2726

Via email:

Dear Sir/Madam

Consent for Development Comprising:	Extension to Mount Bundarbo Gravel Quarry including an 800m ancillary haul road
Crown Land	Crown Road CADID 105103716
Parish	Birrema
County	Harden
Applicant	Bald Hill Quarry Pty Ltd

Consent is granted by the Minister Lands & Water to the lodgement of applications for approval under the *Environmental Planning and Assessment Act 1979*, and other associated applications required under other legislation, for the development proposal described above.

The Land Owner Consent is granted conditional to the following:

1. Land Owner Consent will expire after a period of 12 months from the date of this letter if not acted on within that time. Extensions of this consent may be sought.
2. You are required to forward a copy of the DA approval to the NSW Department of Planning & Environment – Crown Lands (“the department”) after approval and prior to commencing works.
3. You are required to ensure that the approval provided is consistent with this Land Owner Consent.
4. The Land Owner Consent is provided for the works detailed on the plans provided by you and retained by the department as DOC21/138678, DOC21/138367, DOC21/138343, DOC21/138340, DOC21/136973 & DOC21/136947.

Land Owner Consent is granted in accordance with the following:

- Land Owner Consent is given without prejudice so that consideration of the proposed development may proceed under the *Environmental Planning and Assessment Act 1979* and any other relevant legislation.
- The grant of this Land Owner Consent does not guarantee that any subsequent authority to occupy will be granted.
- Land Owner Consent does not imply the concurrence of the Minister for Lands & Water for the proposed development and does not provide authorisation under the *Crown Lands management Act 2016* for this proposal.

- The issue of Land Owner Consent does not prevent the department from making any submission commenting on, supporting or opposing an application.
- The Minister reserves the right to issue Land Owner Consent for the lodgement of applications for any other development proposals on the subject land concurrent with this Land Owner Consent.
- Any changes made to the proposal, including those imposed by the consent authority, must be consistent with the Land Owner Consent and therefore if modifications are made to the proposed development details must be provided to the department for approval.
- Land Owner Consent also allows application to any other approval authority necessary for this development proposal.
- Irrespective of any development consent or approval given by other public authorities, any work or occupation of Crown land cannot commence without a current tenure from Crown Lands authorising such work or occupation. The applicant is required to obtain approval before commencing any works to create the haulage road where it impacts the Crown road.
- This consent does not constitute the closure of any roads under Section 38 of the Roads Act 1993 (that is a separate function of roads closure application W625746). If the road is unable to be closed and purchased, then the applicant will be required to make application to Crown Lands for a licence with appropriate purpose for the section of Crown road to be quarried.
- The applicant is responsible for all rehabilitation works associated with the development on the subject Crown road if the public road remains under ownership of the Crown at the rehabilitation stage of the quarry.

This letter should be submitted to the relevant consent or approval authority in conjunction with the development application and/or any other application. You are responsible for identifying and obtaining all other consents, approvals and permits required under NSW and Commonwealth laws from other agencies for the proposed development.

It is important that you understand your obligations relating to Condition 3. If any alterations are made to the application (whether in the course of assessment, by conditions of consent, or otherwise), it is your responsibility to ensure the amended or modified development remains consistent with this Land Owner Consent. If there is any inconsistency or uncertainty you are required to contact the department before undertaking the development to ensure that the department consents to the changes. A subsequent LOC application may incur additional application fees.

It is advised that the department will provide Hilltops Council a copy of this Land Owner Consent and will request that council notify the department of the subsequent development application, for potential comment, as part of any public notification procedure.

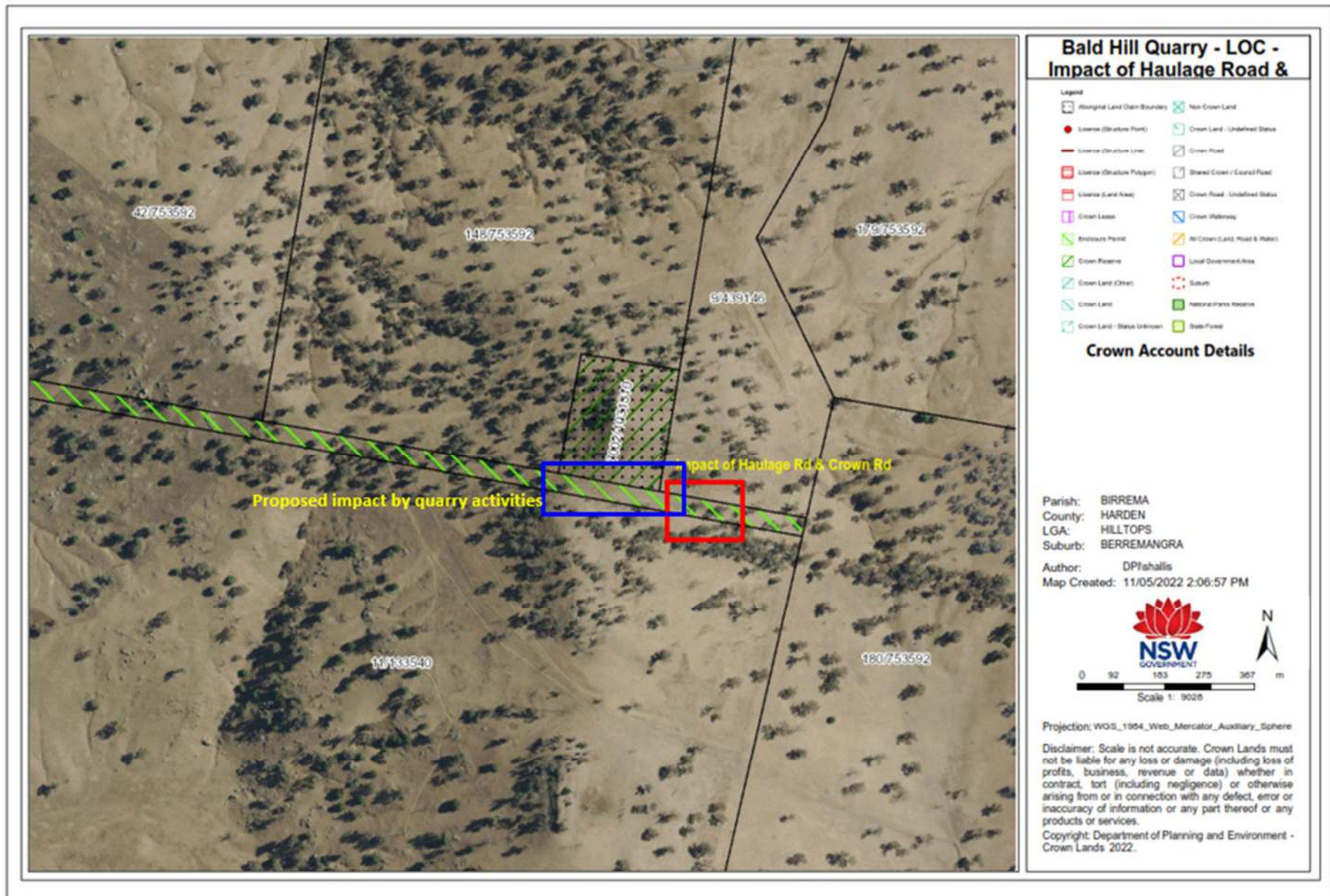
Should you require any further information, please do not hesitate to contact me at the Goulburn Crown Lands Office by phone on 02 4824 3761 or email sue.shallis@crownland.nsw.gov.au

Yours sincerely



Sue Shallis
A/ Senior Natural Resource Management Officer
Department of Planning & Environment - Crown Lands
16/05/2022

Attachment A – Location Map



27 October 2022

Belinda Fourie
Work Health Safety and Environment Manager
Bald Hill Quarry Pty Ltd



safety@baldhillquarry.com.au

Dear Belinda,

Re: 20-481 – Mt Bundarbo Quarry request for further clarification of a potential ring tree

NGH Pty Ltd (NGH) understand that the Biodiversity and Conservation Division (BCD) have provided correspondence (dated 16/09/2022) regarding the proposed quarry expansion and haul road at Bald Hill Quarries, Jugiong (DA2021/0133) as part of the review of the Biodiversity Development Application Report (BDAR) which states that, during the site inspection it was noted that there may be the presence of a ring tree at the top of the hill in the development site. NGH understands that the tree noted by BCD is in reference to a mature dead Kurrajong tree (*Brachychiton populneus*) as shown in Plate 1 which is located in the southern portion of the proposed development footprint (GDA 94 Zone 55 Easting 629516 Northing 6142269).

As you are aware Bald Hill Quarry Pty Ltd engaged NGH to undertake a Due Diligence assessment for Aboriginal heritage sites for the proposed quarry expansion and haul road at Bald Hill Quarries, Jugiong (see NGH 2021). The Due Diligence assessment was undertaken by NGH in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW 2010) to determine if the proposed activity/development works is likely to cause harm to Aboriginal objects, as defined by the *NSW National Parks and Wildlife Act 1974*. As part of the Due Diligence assessment for Aboriginal heritage undertaken by NGH, the visual inspection of the proposed quarry expansion and haul road area was undertaken on the 11th of November 2020 by the qualified archaeologists Kirsten Bradley (NGH Principal Heritage Consultant - BA (Hons), with 15 years' experience) and Jill Taylor (NGH Senior Heritage Consultant - BA (Hons), Master Cultural Heritage Studies with 20+ years' experience), accompanied by two Aboriginal community representatives from the Young Local Aboriginal Land Council (Young LALC).

As noted in the Aboriginal heritage Due Diligence report (NGH 2021) mature native trees within the proposed new quarry expansion and haul road, including several Kurrajong trees, were inspected with no scarring (or modification) which was considered to be Aboriginal in origin recorded. While it is acknowledged that the Kurrajong is a tree which is known for its Aboriginal cultural uses, NGH archaeologists with representatives from the Young LALC have previously undertaken the visual inspection of the tree noted by BCD as a possible ring tree during the Due Diligence site inspection for this project (see Plate 2). The previous visual inspection of this tree and the circular feature which was noted by BCD to be a possible "ring feature" was determined by the NGH archaeologists and Young LALC representatives to not conform in any way to the accepted Aboriginal cultural modification morphology. Additionally, no cultural values were noted by the Young LALC representatives during the inspection of this tree or any of the Kurrajong trees inspected and/or observed during the site inspection of the proposed development area. Given this NGH can confirm that the possible ring tree noted by BCD to be present at the top of the hill in the



CANBERRA

Unit 8, 27 Yallourn Street (PO Box 62) Fyshwick ACT 2609

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NSW • ACT • QLD • VIC

ABN 31 124 444 622 ACN 124 444 622

development site has been previously assessed by NGH archaeologists and Young LALC representatives to not be an Aboriginal site or cultural in origin.

The two NGH archaeologists who undertook the visually inspection of this tree during the site inspection for the Aboriginal heritage Due Diligence for this project have extensive experience and the two Aboriginal community representatives from the Young LALC, one male and one female, are both experienced Aboriginal site officers. All members of the field team were present during the entirety of the visual inspection of the proposed work areas as detailed in the Aboriginal heritage Due Diligence assessment and all observations, conclusions and the recommendations presented in the report were discussed in detail during the fieldwork by the team. The Aboriginal heritage Due Diligence report was subsequently submitted to the Young LALC as a draft for review and comment with no concerns raised by the Aboriginal community during this process.

While we appreciate that BCD have noted the possible presence of a culturally modified tree/ possible ring tree at the top of the hill in the development site, NGH stands by the assessment made by the archaeologists and Young LALC representative present during the Aboriginal heritage Due Diligence site inspection for this project which determined that this tree is not an Aboriginal object/site and that the “ring feature” is not cultural in origin and does not conform in any way to the standard accepted Aboriginal cultural modification morphology. As such it is NGH’s position that the proposed project works can proceed with caution in accordance with the recommendations of the Aboriginal heritage Due Diligence report undertaken for this project.

If you wish to discuss this matter further or require further clarification, please feel free to contact me at kirsten.b@nghconsulting.com.au.

Yours sincerely,



Kirsten Bradley

Principal Heritage Consultant

NGH Pty Ltd



Plate 1. Image of the tree noted by BCD to be a possible ring tree the top of the hill in the development site (as provided to NGH by Bald Hill Quarry Pty Ltd).



Plate 2. Image of the tree in question (shown in red circle) and its context taken during the field inspection for the Aboriginal Heritage Due Diligence.

References:

DECCW 2010 Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW.

NGH 2021 Aboriginal Due Diligence Assessment Mount Bundarbo Quarry. Unpublished report for Bald Hill Quarry Pty Ltd