

27 September 2022

Colin Kane  
Director Environment & Planning  
Greater Hume Shire Council

**Via:** NSW Planning Portal

Dear Colin,

**Section 4.55(2) Modification to DA 38/94**

Proposed extension to quarry life  
Weeamera Road, Culcairn, NSW, 2660

Boral Resources (VIC) Pty Ltd (Boral) has prepared this Statement of Environmental Effects (SEE) to support an application pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) to modify development consent DA 38/94 (as amended).

The site is generally referred to as the Culcairn Quarry with a consent to extract hard rock and process premium aggregate for the purposes of supply to construction industry. The consent is subject to lapsing provisions that require current operations to cease on 16 September 2023.

Due to fluctuations in demand the quarry has not operated at maximum capacity leading to a viable approved resource is still capable to extraction and use. To this end, Boral is requesting a modification to the consent lapsing date to 1 July 2029 to support the continuation of quarrying operations (i.e. extraction, processing and transportation). No change is proposed to the quarry extent, production or transportation capacity.

The following documents accompany this request:

- Plans of quarry.
- Land owner consent.
- Statement of genuine costs letter.

If you require any further information to support your assessment of the modification, please do not hesitate to contact me on 0431 231 218 or email: [liam.riordan@boral.com.au](mailto:liam.riordan@boral.com.au)

Yours faithfully

A handwritten signature in black ink, appearing to read "Liam Riordan", written in a cursive style.

**Liam Riordan**  
Property Planning and Approvals Manager  
Boral Property Group

**Boral**

ABN 13 008 421 761

Boral Property Group  
Level 1, 251 Salmon Street  
Port Melbourne, VIC 3207

Locked Bag 3  
Port Melbourne VIC 3207

T: +61 (03) 9981 2800  
F: +61 (03) 9981 9696

[boral.com.au](http://boral.com.au)

# 1 The site and locality

DA 38/94 (as amended) relates to land located on Weeamera Road, Culcairn (the site) within Greater Hume local government area (LGA).

Boral operate a hard rock quarry off Weeamera Road Culcairn, approximately nine kilometres south-west of Culcairn and adjacent to the Corowa to Culcairn Railway (see Figure 1 and 2). The site is locally known as Hurricane Hill on the property “Karingal” and covers an area of approximately 95 hectares. The legal description of the site is Lot 29 DP 1226967 and Lot 63 DP 1170279.

The site has an irregular configuration, generally orientated east west with the primary street access via from Weeamera Road forming the eastern boundary. The primary street access leads to a haulage road extending the length of the northern boundary. The Corowa Culcairn Railway line extends along the western (rear boundary) of the site.

The quarry void is setback approximately 263 metres from the primary road frontage and is screened from view by trees planted along the edge of the void and the entry road. The remainder of the site is open paddock with sporadic pockets of established vegetation, reflective of the sites historical use for agricultural purposes and ongoing approved use as a quarry. Within the site the only remaining pocket of vegetation, excluding screen tree plantings, is located to the south-west of the quarry void in the corner of the site.

The land immediately surrounding the site, is predominantly characterised by extensive agricultural land uses, such as cropping and grazing.

**Figure 1** – Location of site and surrounds (source: sixmaps)

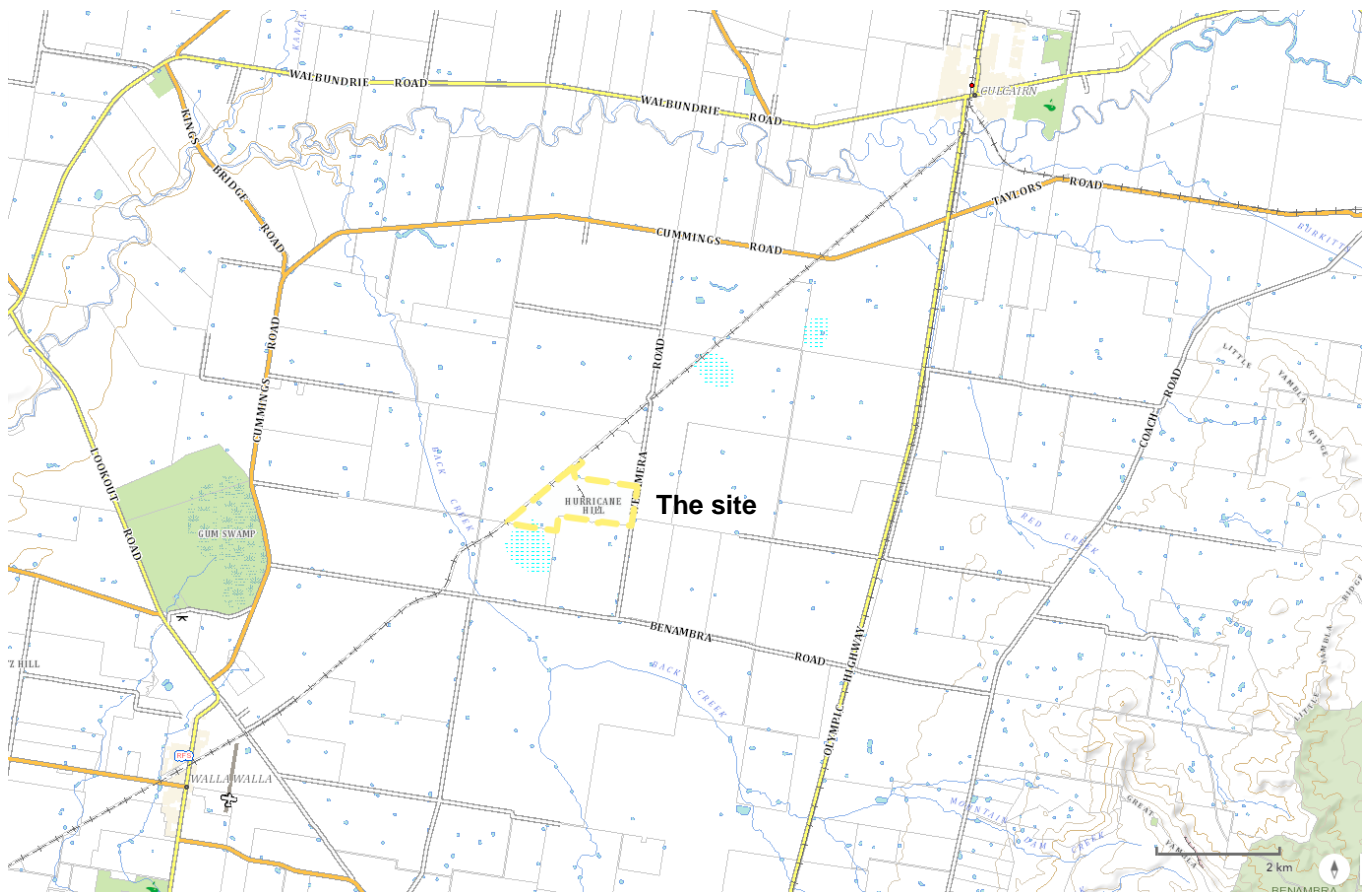
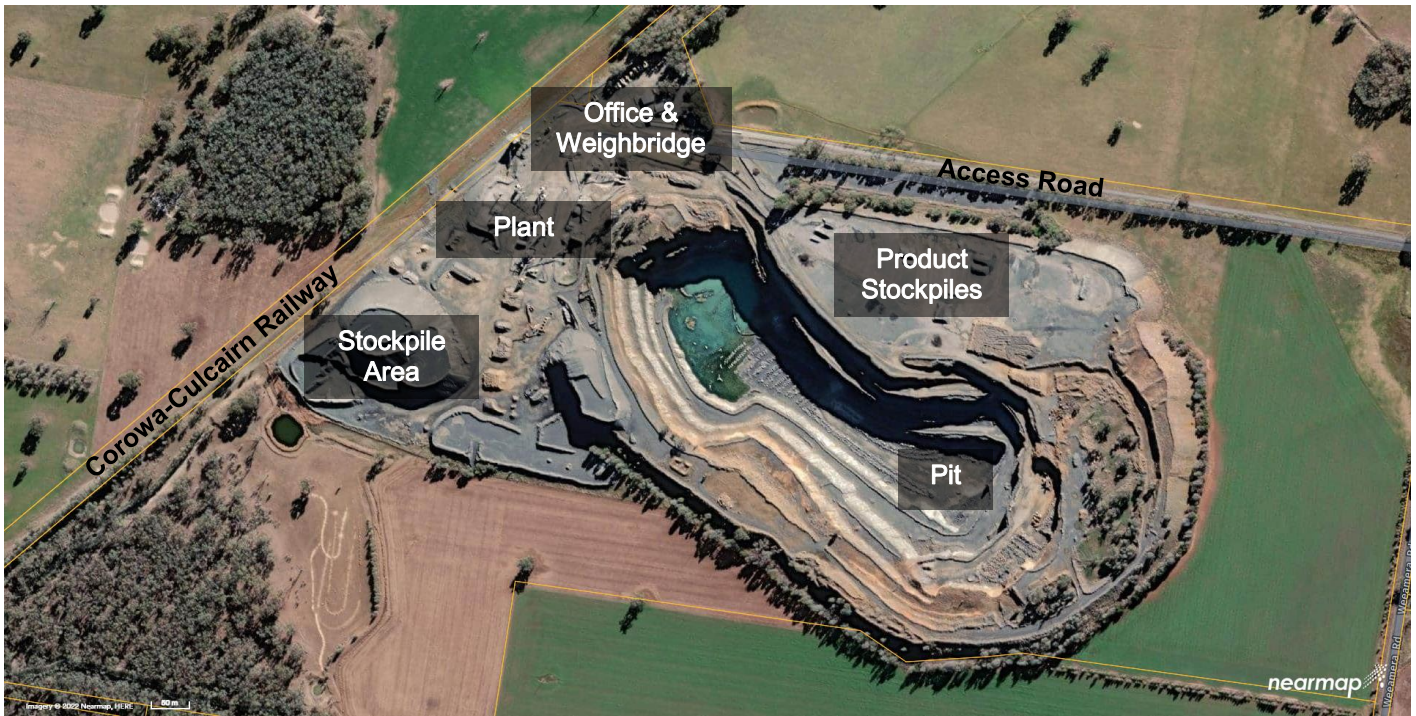


Figure 2 – Aerial view of approved operations (source: nearmaps)



## 2 Background

The following section includes a high level summary of the site history combined with an overview of relevant approvals.

### 2.1 Planning approvals history

A hard rock quarry has operated at this site since 1976. Boral obtained an extractive agreement over the quarry in 1985. The existing primary consent for the continued operation and expansion of the existing hard rock quarry was granted 20 December 1994 by Culcairn Shire Council (DA38/94). This original consent was granted under Interim Development Order No. 1 – Shire of Culcairn (since repealed).

At the time of consent being granted the land described in the EIS included Portion 29, Part 1 Portion 62, Lot 1 DP 328954 and Lot 2 DP 178149. These titles were subsequently consolidated into land now legally described as Lot 29 DP1226967 and Lot 63 1172580.

A chronology of the site and all relevant planning approvals is provided in **Table 1 – Summary of Planning Approvals**.

**Table 1 – Summary of Planning Approvals**

Date	Reference	Development described/approved
20 December 1994	DA38/94	The continued operation and expansion of the existing hard rock quarry (consent conditions not available).
22 August 1995	Modification DA38/94/AM1	Modification to approved transport route and truck numbers.

Date	Reference	Development described/approved
20 May 2008	Modification DA20-07/08/s.96	Increased production to 750,000 tonnes per annum (tpa).

## 2.2 Other approvals

The site operates pursuant to Environment Protection Licence (EPL) No. 26.

# 3 Existing operations

**Table 2** – Key statistics of operation as approved provides an overview of the key statistics of the approved and operating quarry at the site. Figures 3 and 4 set out the approved extent and depth of the quarry void, along with ancillary operations.

**Table 2** – Key statistics of operation as approved

Element	Approved operation
<b>Approved use</b>	Extractive industry including ancillary activities, crushing & grinding, stockpiling and transportation.
<b>Quarry Life</b>	30 years, consent to lapse on 16 September 2023.
<b>Total Resource Volume</b>	12.8 Mt (2.5mt remaining in 1994 + 10.5Mt of additional resource approved under DA38/94).
<b>Extraction and Production rate</b>	750,000tpa.
<b>Materials produced</b>	Rhyodacite suitable for use in concrete, road surfacing, rail ballast and gabion.
<b>Transportation limits</b>	<b>Monday to Friday:</b> 180 trucks per day (tpd). <b>Saturday:</b> 90 tpa. <b>Sunday and Public Holidays:</b> Nil.
<b>Employee numbers</b>	23 Full time staff. 11 truck drivers, 10 contractors.

## Hours of operation

Extraction	<b>Monday to Friday:</b> 6.00am to Midnight. <b>Saturday:</b> 6.00am to 4.30pm. <b>Sunday and Public Holidays:</b> No operations.
Blasting	<b>Monday to Friday:</b> 9.00am to 4.00pm. <b>Saturday:</b> 9.00am to 11.00am. <b>Sunday and Public Holidays:</b> No operations.
<i>Processing:</i> Primary Crusher	<b>Monday to Friday:</b> 24 hours. <b>Saturday:</b> 6.00am to 4.30pm. <b>Sunday and Public Holidays:</b> No operations.
<i>Processing:</i> Secondary Crusher	<b>Monday to Friday:</b> 6.00am to Midnight. <b>Saturday:</b> 6.00am to 4.30pm. <b>Sunday and Public Holidays:</b> No operations.
Loading	<b>Monday to Friday:</b> 6.00am to 6.30pm. <b>Saturday:</b> 6.00am to 1.00pm. <b>Sunday and Public Holidays:</b> No operations.
Transportation	<b>Monday to Friday:</b> 6.00am to 6.30pm. <b>Saturday:</b> 6.00am to 1.00pm. <b>Sunday and Public Holidays:</b> No operations.

Figure 3 – Approved plan showing lateral extent of operations area (extract from 1994 – Figure 4.1)

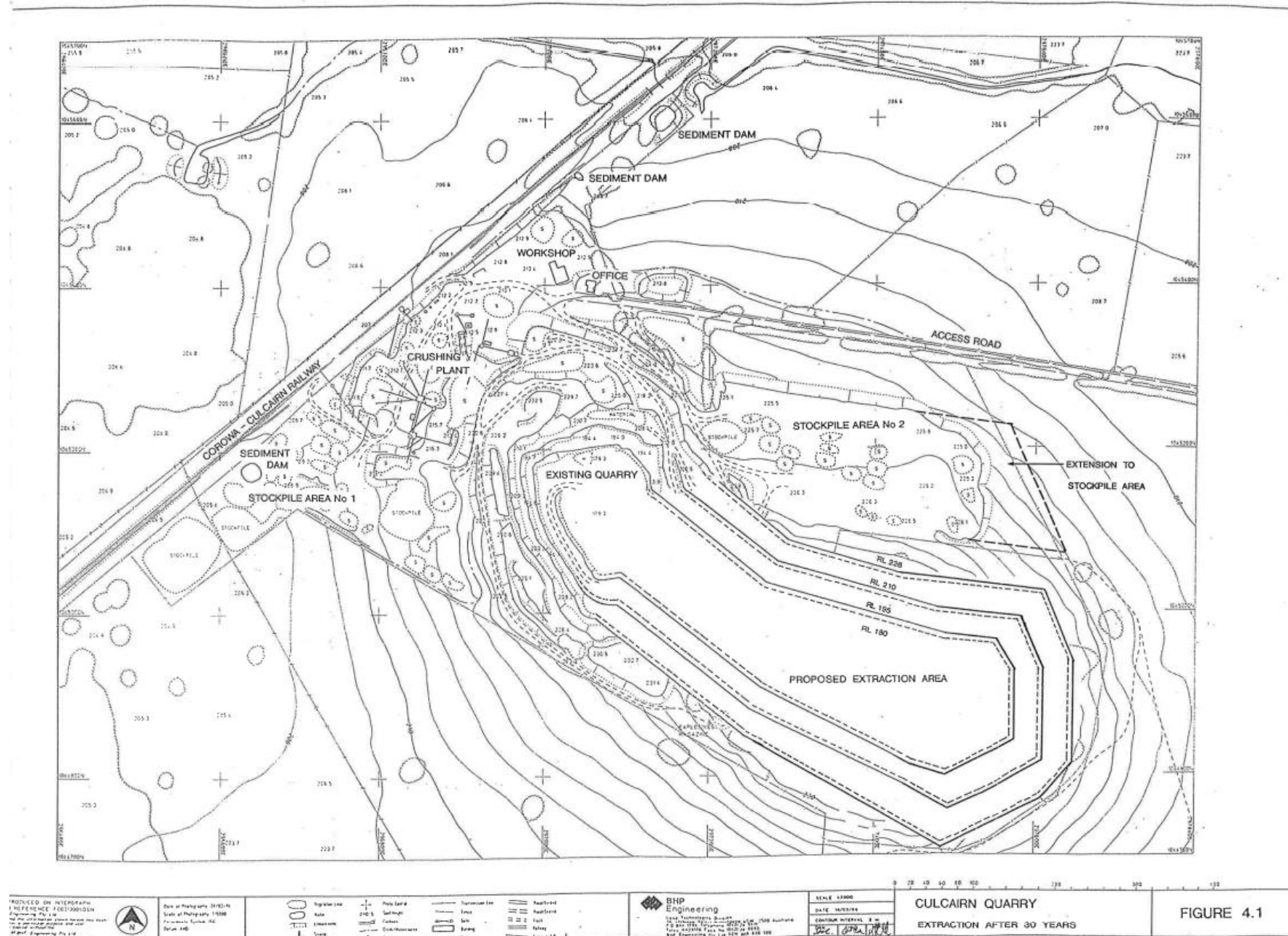
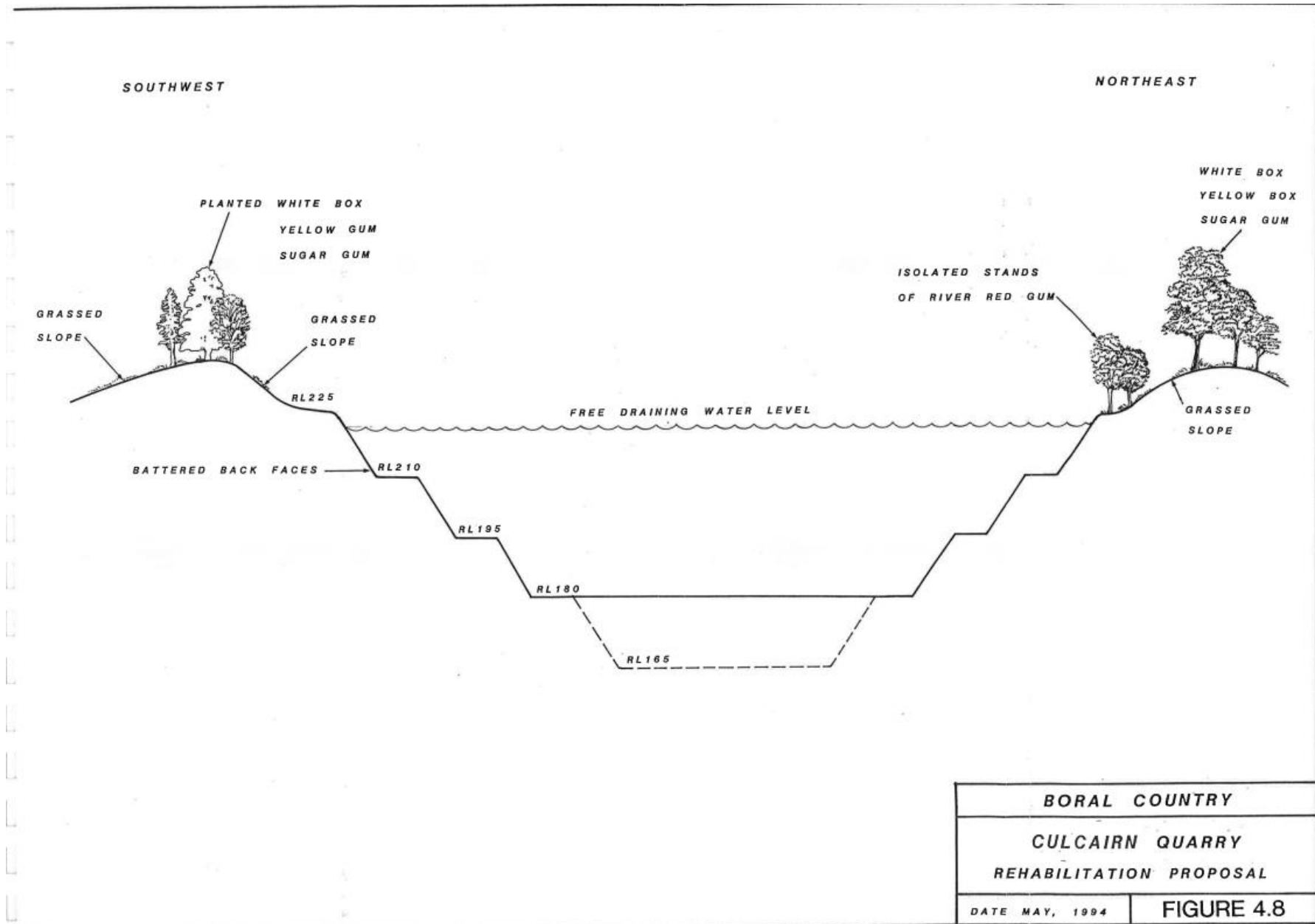


Figure 4 – Section of quarry showing approved depth (Boral, 1994 EIS – Figure 4.8)



# 4 Proposed modification

## 4.1 Summary of proposal

The life of the quarry is dependent on the level of demand for construction materials. The 1993 EIS and DA forecast a quarry life of 30 years, which informed the consent's sunset date. However, due to fluctuations in construction material demand in the Riverina region, there is still sufficient resource remaining to meet demand until 2029.

The proposed modification is limited to a minor amendment of the development consent as set out in the following sections of the report.

## 4.2 Summary of amendments

The proposal seeks to modify the development consent as follows:

- Amend the description of land to which the development relates.
- Amend the lapsing date.
- Amending condition of consent, section (ix) condition 2, to permit the operation of the quarry for additional seven (7) years to 2029.
- Correct an error in Figure 4.1 relating to the depth of the approved pit to achieve consistency with the proposed development described in the 1994 EIS.

These changes are described below.

## 4.3 Changes to consent

The proposed modification to the condition is set out below, with existing provisions shown struck through and proposed provisions show **bold and underlined**.

### 4.3.1 Correction of land identification

Since development consent was granted in 1994, several lots have been amalgamated. The following modifications are sought to accurately identify the land to which the development relates.

#### iii) Details of Land to be developed:

Lot: ~~4~~ **29**                      DP: ~~32895~~ **1226967**  
Lot: ~~2~~ **63**                      DP: ~~178149~~ **1170279**  
~~Lots: 1 & 2~~                      ~~DP: 1086083~~  
Section: N/A                      Parish: Creighton  
Address:                      Boral Quarry  
   Weeamera



### 4.3.2 Amendment to lapsing date

v) Decision of the Consent Authority:

*Date the Consent expires: ~~16-09-2023~~ 1 July 2029.*

### 4.3.3 Amendment to Condition 2

ix) **Conditions of Consent**

2. Duration of Consent – the consent shall lapse ~~thirty (30) years from the date of registration of the Culcairn Quarry, 16 September 1993 in accordance with the provision of State Environmental Planning Policy No. 37~~ on 1 July 2029.

### 4.3.4 Amendment to drawing

The original EIS comprises statements regarding the expansion of the pit to a depth of RL 165 in Section 4.3, Section 4.7 and in Figure 4.8 if the rock quality and space is available within the pit.

Boral has carried out testing and has determined that the pit depth at RL 165 is feasible and is intending to carry out extraction of the quarry at this depth.

As such, we seek a correction in Figure 4.1 of the original EIS relating to the depth of the approved pit to achieve consistency with the proposed development described in the 1994 EIS.

See amended plans submitted with the application which clearly show the pit floor at a depth of RL 165 to avoid any ambiguity.

# 5 Statutory context

The following section considers the proposed modification against relevant planning legislation, environmental planning instruments, plans and policies.

## 5.1 State Legislation

The following sections address New South Wales State legislative relevant to the proposed modification.

### 5.1.1 Environmental Planning and Assessment Act 1979

Development consents granted under Part 4 of EP&A Act 1979 may be modified under Section 4.55. Given the small scale and short-term nature of the proposed modification, Boral is of the view that it is most appropriately classed as being a Section 4.55 (2). The particulars of the relevant section are reproduced below.

#### *Section 4.55 (2) Other modification*

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—*

- a) it is 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), and*
- b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- c) it has notified the application in accordance with —*
  - i. the regulations, if the regulations so require, or*
  - ii. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Subsections (1) and (1A) do not apply to such a modification.*

The proposed modification seeks a minor extension of time to align the consent cessation date with the end of the quarry life. The modification does not materially alter the approved use of the site, engaged in the processing of materials, or increase the quantum of materials processed.

The proposed development does not require a new development application as the modified development will be substantially the same as that which has been approved. Furthermore, the proposed modification will have limited (minor) environmental impact as discussed in this statement (refer to **section 7.0**).

In reaching the above conclusion, Boral has considered guidance provided by the Land & Environmental Court Case, *Moto Projects (No. 2) Pty Limited v North Sydney Council [1999] NSWLEC 280; (1999) 106 LGERA 298*, which outlines principles for determining whether a modification application is ‘substantially the same’ as an originally issued development consent.

A comparative task considering the quantitative and qualitative elements of the proposal has been completed, refer to Appendix 1 and Section 7, respectively for consideration of the quantum of change and potential for additional impact beyond that which was originally contemplated.

The comparative task concludes that the proposed extension to quarry life:

- Does not require the inclusion of any new land or alter the primary purpose for which consent was originally granted.
- Does not result in any new, unforeseen or increased cumulative impact on the receiving environment.
- Does not change production volumes, processes or traffic volumes, which means that is no quantitative change associated with the modification and qualitative assessment of environmental impacts previously demonstrated in the EIS.
- Does not change the physical features of the development as approved in the EIS (such as the pit extent, disturbance footprint, primary purpose or physical improvements including plant or structures on the site). With respect to this matter, the EIS always contemplated a pit floor of RL 165 depending on the rock quality and available space in the quarry pit as it developed.

Taking into account the above, the proposed modification is considered to fall within the scope of Section 4.55(2) as the proposed development is substantially the same development as the development from which consent was originally granted.

*Section 4.55(3) requirement to undertake s.4.15 (1) evaluation*

In accordance with Section 4.55(3) of the EP&A Act 1979, when determining an application to modify a consent, Council “*must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development and the subject of the application*”.

Assessment of the proposed modifications with regard to relevant matters referred to in Section 4.15(1) are addressed in **Table 4**.

**Table 4** Section 4.15(1) matters for consideration

Section 4.15(1) Matters for consideration – General	Comment
a) the provisions of:	
i. any environmental planning instrument, and	The Greater Hume Local Environmental Plan 2012 (LEP 2012) is the principal EPI applicable to the land. The proposed modification is not inconsistent with the relevant provisions of this instrument. Key clauses have been considered in further detail in <b>Section 5.2</b> .

Section 4.15(1) Matters for consideration – General	Comment
	The proposed extension does not trigger the application of any State Environmental Planning Policies.
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 definitely or has not been approved), and	There are no proposed instruments relevant to the modification.
iii. any development control plan, and	There are no changes to compliance with the relevant development control plans as a result of the proposed modification.
iv. 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	There are no planning agreements relevant to the land or the approved development.
v. 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 application for modification of a development consent under Section 4.55 contains all relevant information as stipulated in clauses 98 to 100 of the <i>Environmental Planning &amp; Assessment Regulation 2021</i> .
b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	Refer to <b>Section 7</b> .
c) the suitability of the site for the development,	The site currently operates via an existing consent allowing extractive industry. The broader context of the locality and the conditions of the site have not radically or materially altered since approved was granted to DA38/94. In this regard, the site is considered to be suitable for the continuation of use.
d) any submissions made in accordance with this Act or the regulations,	In accordance with Council's Community Participation policy the application will be notified for a period of 14 days. Following this, where relevant Boral will respond to any matters raised by the public, agencies or Council.

Section 4.15(1) Matters for consideration – General	Comment
e) the public interest.	The proposed modification is not contrary to the public interest. The site has not given rise to any notable adverse impacts on the receiving environment or community. The continuation of the operation will continue to provide direct employment opportunities combined with access to construction materials.

## 5.1.2 Protection of the Environment Operations Act 1997

Schedule 1 of the *Protection of the Environment Act 1997* (POEO Act) provides an integrated system of licensing for polluting industries. Schedule 1 of the POEO Act identifies developments that require an environmental protection licence. Included in Schedule 1 are:

Extractive industries:

1. *that obtain extractive materials by methods including excavating, dredging, blasting, tunnelling, or quarrying or that store, stockpile or process extractive materials, and*
2. *that obtain, process or store for sale or re-use an intended quantity of more than 30 000 cubic metres per year of extractive material.*

As the quarry extracts and processes more than 30 000 cubic metres per year it currently operates under an EPL No. 26 which authorises extractive industries, and crushing, grinding, or separating works on the premises. The proposed modification does not alter the extraction or transportation rate. As such no modification to the existing EPL is required.

## 5.2 Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to the consideration of the proposed modification.

### 5.2.1 Greater Hume Local Environmental Plan 2012

Culcairn hard rock quarry is located within the Greater Hume Shire Council LGA. . The primary environmental planning instrument applying to the land is the LEP 2012.

The following sections identify key clauses of LEP 2012 as they relate to the scope of the proposed modification.

## Land use and permissibility

The land is zoned RU1 Primary Production Greater under the LEP 2012. Extractive industries are permissible with consent in this zone.

**Figure 5 – Land Zoning Map Extract (LEP 2012)**



## Terrestrial Biodiversity

A portion of the quarry is identified as “Biodiversity” on the Terrestrial Biodiversity Map (**Figure 6 – Terrestrial Biodiversity Map (LEP 2012)**) and triggers the provisions of clause 6.2 of GHLEP 2012 that states the following (***emphasis added***)

- 1) *The objective of this clause is to maintain terrestrial biodiversity by —*
  - a. *protecting native fauna and flora, and*
  - b. *protecting the ecological processes necessary for their continued existence, and*
  - c. *encouraging the conservation and recovery of native fauna and flora and their habitats.*
- 2) *This clause applies to land identified as “Biodiversity” on the [Terrestrial Biodiversity Map](#).*
- 3) *Before determining **a development application for development** on land to which this clause applies, the consent authority must consider—*
  - a. *whether the development is likely to have—*
    - i. *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
    - ii. *any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*

- iii. any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
  - iv. any adverse impact on the habitat elements providing connectivity on the land, and
- b. any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- 4) **Development consent** must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
- a. the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - b. if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
  - c. if that impact cannot be minimised—the development will be managed to mitigate that impact.

**Figure 6 – Terrestrial Biodiversity Map (LEP 2012)**



The application has been made under section 4.55 requesting a modification to development consent. The “development application” and subsequent “development consent” were made and determined in 1995, under the now repealed interim Development Order No. 1 – Shire of Culcairn.

Notwithstanding the above, the proposed modification does not alter the physical elements of the approved development. There is no change to the pit extent (relevant to vegetation removal) or any additional surface works that would require the removal of vegetation.

The land identified as support terrestrial biodiversity aligns with vegetation permitted to be removed under DA38/94.

As these works have already been implemented in accordance with the development consent granted in 1995, no further consent is required.

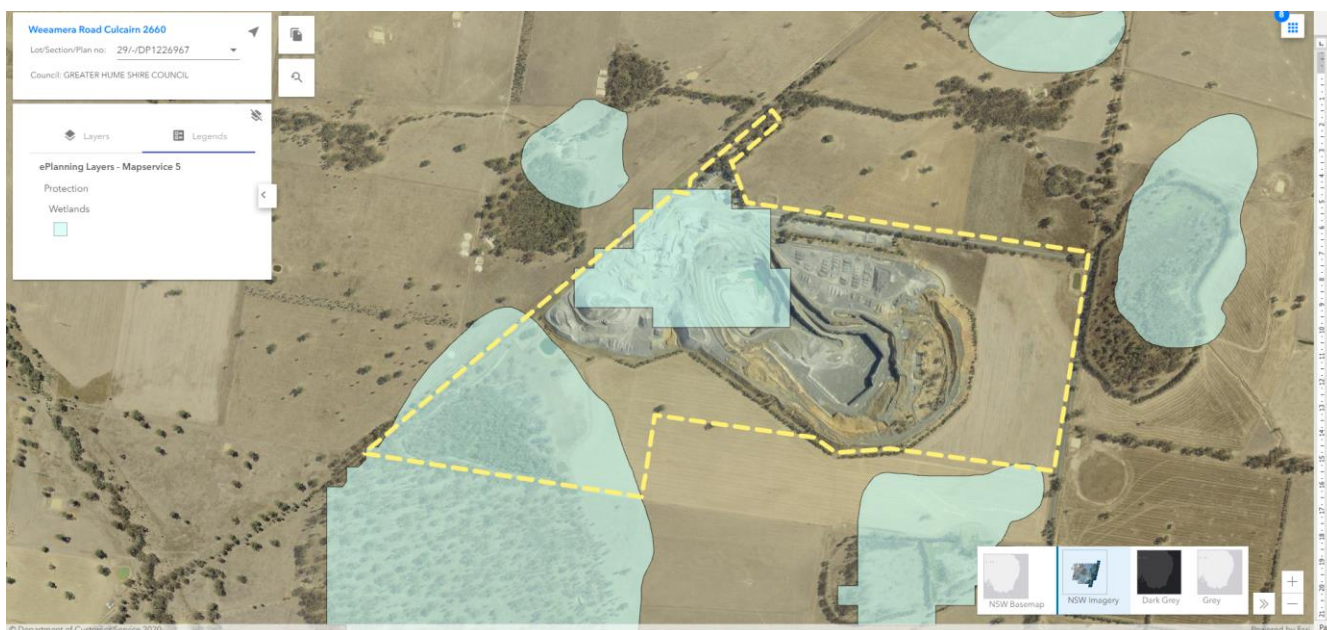
## **Wetlands**

A portion of the quarry is identified as “Wetlands” on the Wetlands Map (refer to **Figure 7**) and triggers the provisions of Clause 6.4 of GHLEP 2012 that states the following (**emphasis added**)

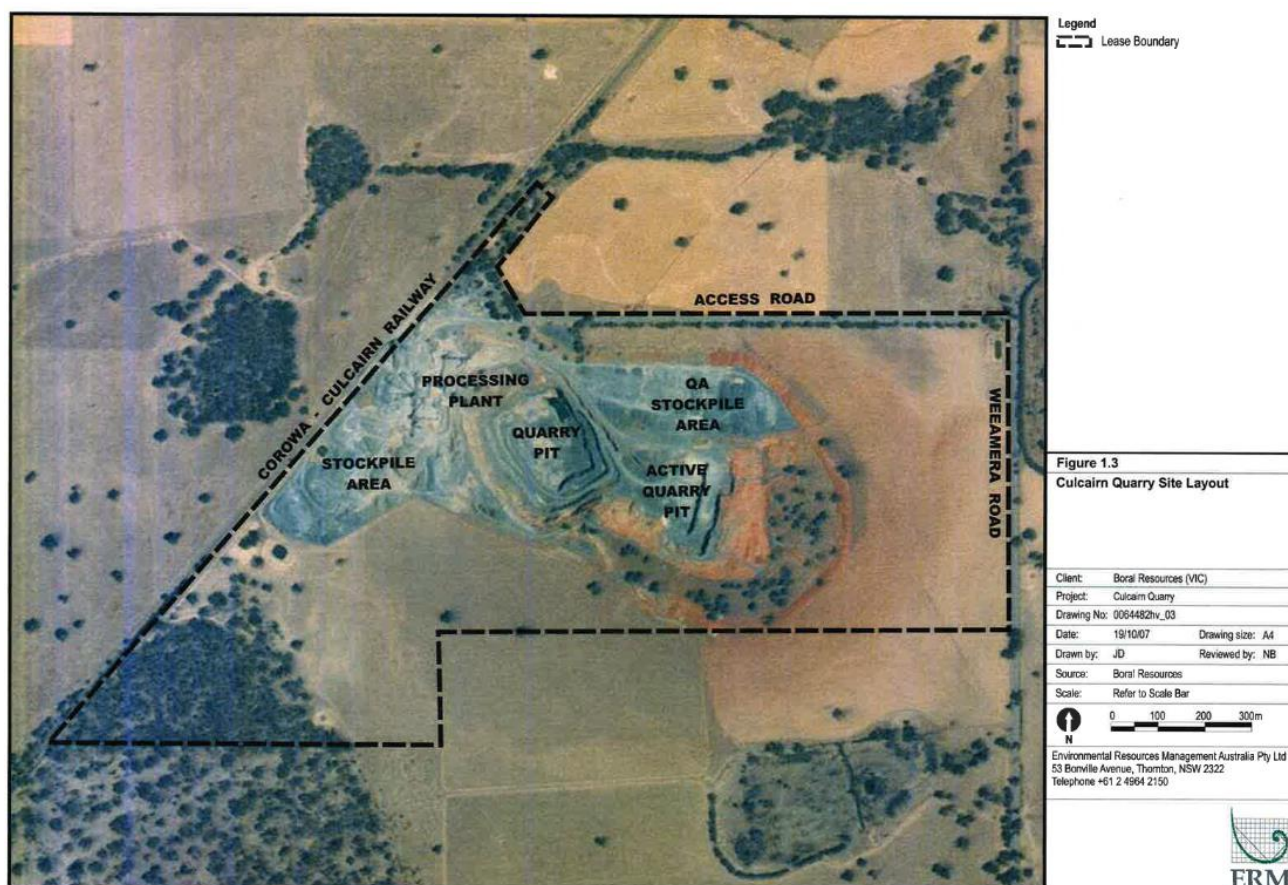
- 1) *The objective of this clause is to ensure that wetlands are preserved and protected from the impacts of development.*
- 2) *This clause applies to land identified as “Wetlands” on the [Wetlands Map](#).*
- 3) *Before determining a **development application for development** on land to which this clause applies, the consent authority must consider—*
  - (a) *whether or not the development is likely to have any significant adverse impact on the following—*
    - (i) *the condition and significance of the existing native fauna and flora on the land,*
    - (ii) *the provision and quality of habitats on the land for indigenous and migratory species,*
    - (iii) *the surface and groundwater characteristics of the land, including water quality, natural water flows and salinity, and*
  - (b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- 4) ***Development consent** must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*
  - (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
  - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
  - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*



**Figure 7 – Wetlands Map (LEP 2012)**



**Figure 8 – Extract form 2007 EIS showing quarry pit, plant and stockpile**



The application has been made under section 4.55 requesting a modification to development consent. The “development application” and subsequent “development consent” were made and determined in 1995, under the now repealed Interim Development Order No. 1 – Shire of Culcairn.

The proposed modification does not alter the physical elements of the approved development. There is no change to the pit extent, depth or water management devices on the site compared to the design which was contemplated and approved in the original EIS. The proposed clause is not triggered by the modification.

## 5.3 Development Control Plan

The Greater Hume Development Control Plan 2013 (DCP) applies to all land within the Greater Hume Local Government Area. There are no provisions in the DCP that relate to or regulatory the development or modification of extractive industry proposals.

# 6 Strategic context

The following section identifies the relevant strategic planning documents and considers the consistency of the modification with relevant key directions.

## 6.1 Riverina Murray Regional Plan 2036

The proposal is consistent with the Riverina Murray Regional Plan, which recognises the importance to sustainably manage mineral resources (Direction 12). The quarry has been successfully operating within the region, providing premium construction material and local employment for almost 50 years.

## 6.2 Greater Hume Council Local Strategic Planning Statement

The Greater Hume Local Strategic Planning Statement (LSPS) recognizes the importance of extractive industries to the region. The continued operation of the quarry will provide local employment and high-quality material to the construction industry.

*Within Greater Hume there are several large-scale extractive industries that provide a range of quarry products to the wider community. These activities are a substantial source of employment and are essential for the construction industry and for rail and road construction purposes. Council will support new and existing extractive industries in locations where there is safe access to a well maintained local and regional road network and where there will be minimal impacts on surrounding residents and agricultural lands.<sup>1</sup>*

---

<sup>1</sup> Greater Hume Council Local Strategic Planning Statement (p.30)

# 7 Likely impacts

The following section considers the potential impacts likely to arise as a result of the proposed modification. The assessment of likely impacts contained in **Table 5** takes into consideration matters identified in regulatory instruments and the actions likely to occur as a result of implementing the proposed scope of works set out in section 4.0 of this SEE.

**Table 5** Consideration of likely impacts

Matter	Consideration
Access/traffic	The proposed modification will not alter the existing access to the site, increase staffing, permitted hours of operation, or extraction/transportation rates. Accordingly, there will not change in the assessed parking demand or traffic generation associated with the approved development.
Amenity (Odour)	The development as approved does not give rise to offensive odours. The modification would not alter this.
Amenity (noise and vibration)	The proposed modification will not alter the previously assessed and approved noise and vibration impacts. Given that the proposed modification is limited to an extension of the lapsing date of the consent and does not seek to alter any of the operational matters on the site, the conclusions of the previous assessment are considered applicable.
Amenity (visual)	The proposed development is administrative in nature with no proposed construction works. In this regard the appearance of the site from adjacent public and private land will not be altered. Notably, the pit and the entry road on the site are screened by vegetation which will be preserved.
Built environment	No construction or ground disturbance works are proposed. There will be no change to the approved built environment of the site.
Biodiversity	<p>As outlined in Section 1 of the report, vegetation on site is limited to screening planting around the quarry void and along the haulage road. Combined with a stand of trees contained in the south west corner of the site approximately 200 metres from the quarry disturbance area.</p> <p>The proposed modification does not seek to expand the existing pit or area of active operations. As such no vegetation will be removed as a result of the modification.</p>
Hazards and Risks	The modification will not give rise to any hazard or risks.
Heritage/Archaeology (Aboriginal)	The modification does not alter the approved pit extent and as such will not trigger assessment of these matters.

Matter	Consideration
Heritage/Archaeology (Non-Aboriginal)	<p>The site does not contain nor is it located within proximity to sites identified in Schedule 5 of GHLEP 2012.</p> <p>The modification does not alter the approved pit extent and as such will not expand the area of impact assessed under earlier applications and modifications. It is considered unlikely that the continued operation of the quarry would adversely impact on non-aboriginal heritage</p>
Economic	<p>The extension to the lapse date supports the ongoing operation of the wider site that provides employment for 15 people whilst contributing to anticipated demand for key construction materials. In this regard, the development will contribute positively to the local and regional economy.</p>
Air	<p>Previous assessment of air quality impacts associated with the quarry production increase resolved there would be no significant increase in air quality impacts associated with the operation of the site. It was demonstrated that dust generating activities associated with the quarry had already been assessed and managed through existing operational conditions.</p> <p>The modification will not alter the outcomes of the earlier assessment and therefore is not envisaged to adversely impact air quality.</p>
Social	<p>Given the nature of the modification it is considered highly unlikely there would be any adverse impacts associated with current community services/facilities, health, housing availability, safety, or social cohesion.</p>
Land	<p>The modification will not impact on land capability, soil chemistry or alter in any significant way the topography of the site.</p>
Water	<p>The modification does not alter the water demand of the operation that was previously assessed under the original DA and later modifications.</p> <p>The original EIS assessed ground water on the site and notes that there is very little present which has continued to be the case as the pit has developed.</p> <p>The EIS also sets out the treatment measures for the capture and reuse of all water sources which continues to be effectively implemented.</p>

## 8 Conclusion

The proposed modification is minor in nature with no perceivable impacts. As outlined in this letter, the modification will result in the development being substantially the same as that originally approved and will not alter the approved use or intensity of the use on the site. Moreover, the modification does not contribute to adverse impacts as the quarry will continue to operate within the established limits of the site, including the approved hours of operation, and times and routes for truck movements.

For the reasons stated above, we respectfully request that Council approve the request to modify the development consent as outline above.

## Appendix 1: S.4.55 comparative assessment

	Original Approval	Modification 1	Modification 2
<b>Approved use</b>	Extractive industry including ancillary activities, crushing & grinding, stockpiling and transportation.	No change	No change
<b>Quarry Extraction boundary</b>	As depicted in Figure 4.1 of the EIS (1994) & reproduced in <b>section 3</b> .	No change	No change
<b>Quarry depth</b>	Maximum depth RL165	No change	Clarification sought to one drawing in the original EIS.
<b>Quarry Life</b>	30 years, consent to lapse on 16 September 2023	No change	36 years, 10 months
<b>Total Resource Volume</b>	2.5Mt (existing) 10.3Mt (approved under DA38/94)	No change	No change
<b>Extraction and Production rate</b>	390,000 tpa (average) 500,000 tpa (maximum)	750,000tpa	No change
<b>Materials produced</b>	rhyodacite suitable for use in concrete, road surfacing, rail ballast and gabion	No change	No change
<b>Transportation limits</b>	Consent not available	<b>Monday to Friday:</b> 180 trucks per day (tpd) <b>Saturday:</b> 90 tpa <b>Sunday and Public Holidays:</b> Nil	
<b>Haulage Routes</b>	Weeamera Road	No change	No change
<b>Hours of operation</b>			
Extraction	<b>Monday to Friday:</b> 6.00am to Midnight <b>Saturday:</b> 6.00am to 4.30pm <b>Sunday and Public Holidays:</b> No operations	<b>Monday to Friday:</b> 7am – 10pm <b>Saturday (excluding public holidays)</b> 7am – 6pm	No change
Blasting	<b>Monday to Friday:</b> 9.00am to 4.00pm <b>Saturday:</b> 9.00am to 11.00am <b>Sunday and Public Holidays:</b> No operations	<b>Monday to Friday:</b> 10am – 3pm One blast per day	No change

	<b>Original Approval</b>	<b>Modification 1</b>	<b>Modification 2</b>
<i>Processing:</i> Primary Crusher	<b>Monday to Friday:</b> 24 hours <b>Saturday:</b> 6.00am to 4.30pm <b>Sunday and Public Holidays:</b> No operations	<b>Monday to Friday:</b> 7am – 10pm	No change
<i>Processing:</i> Secondary Crusher	<b>Monday to Friday:</b> 6.00am to Midnight <b>Saturday:</b> 6.00am to 4.30pm <b>Sunday and Public Holidays:</b> No operations	<b>Saturday (excluding public holidays)</b> 7am – 6pm	No change
Loading	<b>Monday to Friday:</b> 6.00am to 6.30pm <b>Saturday:</b> 6.00am to 1.00pm <b>Sunday and Public Holidays:</b> No operations	<b>Monday to Friday:</b> 7am – 10pm	No change
Transportation	<b>Monday to Friday:</b> 6.00am to 6.30pm <b>Saturday:</b> 6.00am to 1.00pm <b>Sunday and Public Holidays:</b> No operations	<b>Monday to Friday:</b> 7am – 10pm <b>Saturday (excluding public holidays)</b> 7am – 6pm	No change
<b>Employee numbers</b>	Consent not available	23 Full time staff 11 truck drivers, 10 contract	No change