

3. 1998. 23042. 4
H14600

IR No: 868162

Application to Modify Development Consent



Office Use Only		
Application No: _____		Fee paid: _____
<p>Use this form to apply for a modification to development consent. If the changes you propose mean the development will not be substantially the same as originally approved, you need to submit a new development application. (Please do not use this form.)</p> <p>To complete the form use black pen only, please place a cross in the boxes <input type="checkbox"/> and fill out the remaining sections as appropriate. To minimise delay in receiving a decision about your application, please ensure you submit all relevant information.</p> <p>You need to submit the application to the consent authority that originally gave its consent. You will receive a notice of determination once this application has been assessed.</p>		
1. Details of the applicant		
<input type="checkbox"/> Mr <input type="checkbox"/> Ms <input type="checkbox"/> Mrs <input type="checkbox"/> Other (please specify): _____		
First name: _____	Family name: <u>CENTRAL MANGROVE WASTE / COASTPLAN CONSULTANTS</u>	
Street address: <u>PO Box 568</u>	Suburb/Postcode: <u>FORSTERS 2428</u>	
Daytime telephone: <u>6555 2178</u>	Fax: <u>6555 2741</u>	Mobile: _____
Email: <u>gavin@coastplan.com.au</u>		
2. Identify the land		
Address: <u>WISBEMANS FERRY RD, CENTRAL MANGROVE</u>		
Lot no: <u>584</u>	Section: _____	DP: <u>809570</u>
<p>Note: You can find the Lot, Section and DP details on a map of the land or on the title documents for the land. If you need additional room, please attach a schedule and/or map with these details.</p>		
3. Details of the original development consent		
Describe what the original consent allows: <u>REMODELING OF GOLF COURSE.</u>		
What is the development application No of the application you wish to amend? <u>23042/1998</u>	What is the date of the original consent? <u>6 OCTOBER 1998</u>	
4. Original Consent Authority		
<input checked="" type="checkbox"/> Gosford City Council <input type="checkbox"/> Land & Environment Court		
Privacy policy		
<p>The information you provide in this application will enable your application to be assessed by the consent authority and any relevant state agency. If the information is not provided, your application may not be accepted. Your application will be advertised in accordance with Council's Development Control Plan 128 – Public Notification of Development Applications. Under the Privacy and Personal Information Act 1998, Local Government Act 1993 and the Environmental Planning and Assessment Act 1979 all information provided in this development application will be available to the public to view and copy by request. Please contact Council if the information you have provided in your application is incorrect or changes.</p>		

5. Describe the modification you propose to make

Please indicate the type of modification you propose to make by placing a cross in the appropriate box.

- S96 (1) - Modification to correct a minor error, misdescription or miscalculation
Describe the error, misdescription or miscalculation

- S96 (1A) - Modification that will have minimal environmental impact
Describe the modification and its expected impact

MODIFY CONDITION 43 - SEE ATTACHED SUBMISSION

- S96 (2) - Any other modification
Describe the modification and its expected impact

Will the modified development be substantially the same as the development that was originally approved?

No

Yes Please provide evidence that the development will remain substantially the same.
(If you need to attach additional pages, please list the material attached).

SEE ATTACHED SUBMISSION.

Is another construction certificate required for this modification? (If in doubt speak to Councils assessment officer or the Duty Building Surveyor).

If a construction certificate is required a separate application must be made.

6. Signatures

All the owner(s) of the land being developed must sign this application form or provide a separate letter of consent. If the land is Crown land, an officer of the Department of Land and Water Conservation must sign the application.

As the owner(s) of the above property, I/we signed below consent to this application

Signature: [Signature]
Name: JOHN COOK
Date:

Signature: [Signature]
Name: WILLIAM JAMES DEDBLAS
Date: 24-4-08

The applicant, or the applicant's agent, must sign the application.

Signature: [Signature]
Date:

Name, if you are not the applicant

In what capacity are you signing if you are not the applicant?

Danny Willmott
D. J. Willmott
28-4-08

DIRECTORS *
RSL
SUB-BRANCH

**Submission for Section 96
Modification to DA 23042/1998**

In relation to

**Remodelling of Golf Course
Lot 584 DP 809570
Wisemans Ferry Road, Central Mangrove**

Prepared for Central Mangrove Waste

March 2008

Project: 7046

Forster Office

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CERTIFIED PRACTISING PLANNER

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INTRODUCTION

History

The site is currently used as a golf course and is owned by the RSL Sub Branch. Development consent was issued in October 1998 for the remodelling of the Golf Course, including the filling of parts of the land with inert solid waste.

The development was 'designated development' and was supported by an Environmental Impact Statement (EIS) which described the development, site and surrounding environment, analysed the impacts of the proposed development and made recommendations to mitigate the development impacts.

The report to Council, in relation to the development application at the time, did not recognise any significant impacts as a result of trucks on the roads and made recommendations for the upgrading of road facilities at the intersection of Hallards Road and Wisemans Ferry Road. The EIS identified that on the basis of only large trucks accessing the site, only 7-10 truck movements would be necessary for the site. The EIS did note that truck movements could increase substantially if smaller trucks with smaller loads frequented the site. The EIS did not make any recommendations in relation to limiting the number of truck movements to the site.

In relation to noise, the noise assessments in the EIS determined that the operation of trucks delivering to the site would not generate offensive noise. The noise report also suggested restricted times of activity at the site.

The development application was approved by Council with 47 conditions, including condition 43 which states:

Tipping Activities being limited to fourteen (14) truck movements per day between the hours of 7.00am and 5.00pm Monday to Friday with no tipping activities being carried out on Saturdays, Sundays or Public Holidays.

No B-Double Trucks are to be used.

Site Description

The site is identified as Lot 584 DP 809570, Wisemans Ferry Road, Central Mangrove. The site contains the Mangrove Mountain Memorial Golf Course which is being remodelled under the terms of the consent issued over the land.

The existing landfill area is located in the north western corner of the land and is accessed via a sealed access road off the southern end of Hallards Road. A weighbridge and waste receiving facilities have been established at the site entry on this part of the land.

The existing landfill facility currently accepts approximately 2/3 of its waste from Gosford City Council's transfer stations and 1/3 of its waste from smaller trucks operated by private contractors.

The access road intersects with Hallards Road in an area which is dominated by natural bushland and is approximately 100 metres from the nearest dwelling that is not owned by the Golf Club. Hallards Road is load limited to a maximum of three (3) tonnes. From the site entry south along Hallards Road there are no dwellings fronting that road. Hallards Road passes only the golf club entry and a food production factory at the corner of Hallards Road and Wisemans Ferry Road.

The locality map on the following page shows the site location and other features of the site and surrounds.

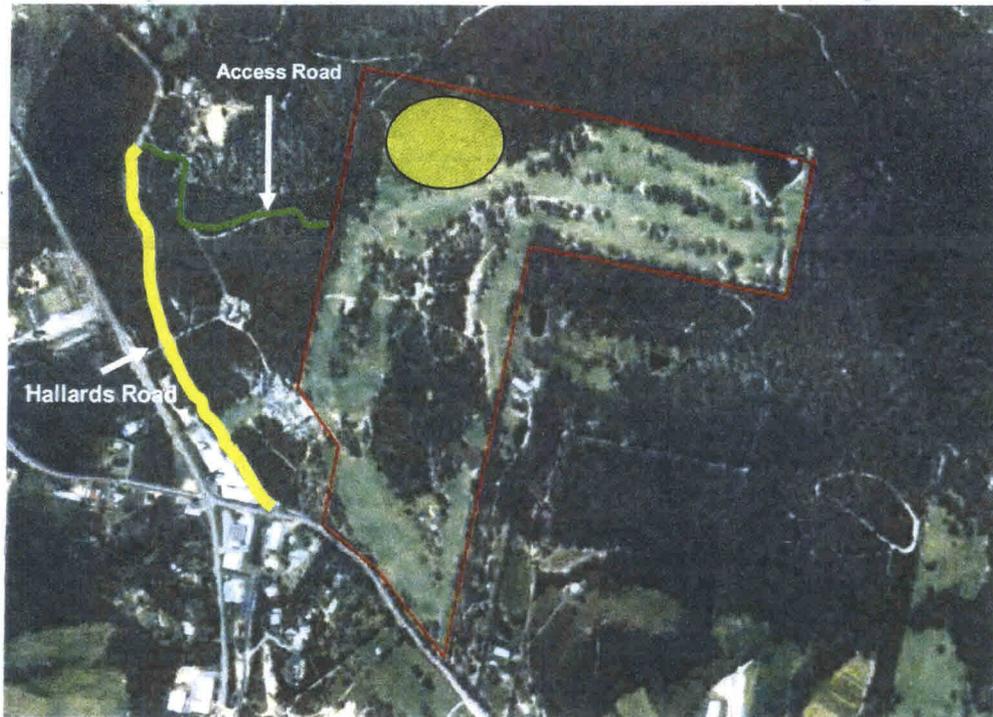


Figure 1 – Site Locality Plan

© Department of Lands

Panorama Avenue, BATHURST 2795

www.lands.nsw.gov.au

The Proposed Modification

The proposed modification involves an alteration to Condition No. 43 to remove the restriction on the number of trucks that can access the land.

The restriction of truck movements to the site limits the amount of waste that can be delivered to the site. This in turn makes the project less efficient and extends the time that needs to be spent at the site undertaking land filling activities.

The proposed development does not just take the large 20 tonne trucks and also accepts inert waste from smaller trucks from private contractors in the immediately surrounding area. These smaller loads include the emptying of skip bins of construction waste. These loads deliver significantly less waste to the site but still count as truck movements. Following a review of the waste received from November and December 2007, the figures show that approximately 35% of all waste received at the facility is from local contractors.

MATTERS FOR CONSIDERATION

Section 96 of the *Environmental Planning and Assessment Act 1979*

The proposed modification has been lodged under the provisions of Section 96 of the *Environmental Planning and Assessment Act 1979* and there are a number of issues in this statute which need to be addressed.

There are three (3) kinds of modifications identified under the statute as follows:

- Section 96(1) – Minor modification involving a minor error, misdescription or miscalculation.
- Section 96(1A) – Modification involving minimal environmental impact.
- Section 96(2) – Other modifications.

The proposed modification seeks a change to a consent condition. The proposed modification to the consent condition will not appreciably change the surrounding environment and is considered to have minimal environmental impact. As such, the proposed development is considered a Section 96(1A) application.

Relevant to the statute, Council may only consider a modification if it is satisfied that the modified development will be substantially the same as the approved development. The proposed development will still involve the same landfill activity and will retain the same environmental controls etc. to those originally approved. The only difference between the modified development and the approved consent will be a difference in the number of trucks which are permitted to access the site. With the proposed change to Condition No. 43, the proposed development will be substantially the same as that previously approved by Council.

Need for Control of Truck Movements

Following a review of the EIS, EMP and report to Council, the reason for limiting truck movements within Condition No. 43 is not readily apparent. There is one comment in the traffic section which advises that based on the volume of fill

required, that 7-10 trucks would be needed on average per day. The trucks referred to were 30m³ trucks which are equivalent to a 20 tonne load. It is noted, however, that the EIS also stated that if the local waste component ever exceeded 30% of the total waste delivered, that substantially more truck movements could be expected with smaller trucks and smaller loads most likely. As discussed, the demand for disposal of local waste by private contractors has increased to where the demand exceeds 30% of the waste delivered to the site.

It should also be noted that the number of large truck movements into the facility has remained at or less than the numbers identified in the EIS on average. The use of an average term must be considered as an average and not a maximum. There will be some days when there is more demand to deposit waste at the site than on others. The setting of a maximum number of truck movements over the consent inhibits the ability to meet this demand. As will be discussed, there are not considered to be significant environmental impacts in allowing more trucks to access the site. In fact, as will be discussed, there are significant advantages to the surrounding built environment by allowing the development to be completed sooner.

Road capacity

The trucks that access the facility travel to the site via Wisemans Ferry Road and George Downes Drive and turn onto Hallards Road at its southern end. The trucks then turn onto the sealed site access road and climb the hill to enter the facility. The return trip is the reverse direction from the site down the access road, along Hallards Road to Wisemans Ferry Road and George Downes Drive.

Wisemans Ferry Road and George Downes Drive are large arterial/sub-arterial roads that carry large volumes of traffic, including large volumes of trucks from the large quarries that operate in the locality.

Hallards Road is a smaller rural road which provides access to the Golf Club, a factory and rural residential properties. Hallards Road is weight limited from the site access road to the north. Trucks are therefore only able to utilise the southern section of the road to access the site. This part of Hallards Road is

wide with large shoulders. The road passes existing bush areas and industrial uses. The following photographs show the southern section of Hallards Road.



The site access road is a steep sealed road which provides access to the landfill weighbridge and to a communications tower. This road has been sealed due to the road gradient and the road is maintained by the landfill operators. All trucks accessing the site must advise by radio, so that movements on the road can be controlled to avoid potential conflict of passing trucks on the access road.

It is not considered that the capacity of the public road system requires restriction of the number of truck movements to the landfill site.

Noise

The EIS submitted with the development application reviewed possible noise impacts and included a noise impact assessment. In relation to the northern fill area, the noise impact assessment states that the level of noise generated by trucks will generally fall below 40dBA at the residences. This is below the noise criterion established for the site of 45-50 dBA (based on background levels).

Trucks entering and leaving the site may only access using the entry from Hallards Road. As such, trucks will not pass any residence not owned by the golf club as the road is flanked by industrial use and bushland. The closest dwelling accessed from Hallards Road is over 100 metres north of the access road intersection with Hallards Road.

Broader Waste Management Issues

The existing landfill is part of the waste management infrastructure serving the Gosford area. The landfill accepts non-putrescible waste and utilises the resource to reshape the golf course land and improve an existing recreational facility that serves the surrounding community.

The development accepts waste from the Kincumber and Woy Woy landfills as well as waste from local waste management contractors. As discussed, the total volume of waste accepted is approximately 2/3 from Council and 1/3 from private contractors.

With the space currently available in the Gosford and Woy Woy landfills now becoming critical in terms of waste management for the Gosford area, the transfer of non-putrescible waste to facilities such as this is necessary to ensure the limited Council landfill space is put to its most efficient use. The diversion of as much suitable waste to this facility as possible will preserve space in Council's landfills for domestic waste and other putrescible wastes. By allowing more truck movements into the site than is currently permitted will enable the maximum amount of non-putrescible waste to be accepted at the site with advantages for Council in the management of waste.

Should limited truck movements be applied, private contractors may be prevented from accessing the land and will then have to unload the waste at Council's landfills. If the waste was delivered to the Council's landfills it would be sorted and transferred to Mangrove Mountain under the current arrangements, resulting in costs to Council for the transfer and additional traffic movements around their landfills. It is far more efficient for private contractors to be able to deliver waste directly to the subject land rather than utilising Council resources to sort and re-transport the waste.

Tenure of Landfill

The life of the landfill will determine how long impacts are experienced in the area. While the impacts of the development have been found to be acceptable, they still alter the surrounding natural and built environment. Clearly, if the landfill can be completed earlier by allowing increased truck movements, the life of the landfill can be shortened.

A reduced life for the landfill will not only shorten the time scale of minor negative impacts (visual, noise, odour etc) but will also allow the golf course improvements to be completed sooner, providing improved recreational facilities to the surrounding area.

Alternative Approaches

Based on our review of the issues relating to this facility, there appears to be little value in retaining a limit on truck movements into the site. Removing the limit on truck numbers will have few negative impacts on the surrounding environment and will result in significant benefits in terms of allowing more efficient operation of the facility, facilitating a shortened landfill life and ensuring suitable waste is kept out of Council's landfills which have a limited lifespan and capacity.

It is our submission that there is no necessity to limit the numbers of truck movements into the site at all. If however, Council still desires some control over the daily delivery activities to the site, there are alternatives available.

The alternatives identified are as follows:

- Limiting the number of movements by large trucks to the site. A limit could be placed on the numbers of 20 tonne loads that can be delivered to the site. The number should be based on a daily average, rather than a maximum to allow for peak load days. Given the small size of private contractor's trucks, no limit on trips is considered necessary.
- Creating a limit for deliveries in terms of mass rather than vehicle trips. For example an average daily tonnage limit may be applied of say 300 tonnes. This amount may then be distributed over a variety of vehicles. If Council so desires, this system may incorporate a daily maximum and a daily average (measured over a week or month). Suitable figures may include a maximum of 400 tonnes per day with a monthly average of 250 tonnes per day.

While the above alternatives have been presented, we are not of the opinion that such controls are necessary.

CONCLUSION

The proposed modification involves a change to existing Condition No. 43 in the consent, to remove the limit on the number of truck movements for waste deliveries to the site.

Following a review of the site, the EIS, EMP and Council report on the matter it is considered that:

- No restrictions on truck movements were required by the EIS or EMP. A restriction on **maximum** truck movements appears to have been based on comments relating to **average** truck movements.
- The EIS identified additional truck movements to the facility from private contractors.
- The noise report accompanying the EIS found that truck movements would not create offensive noise.
- The local road system has sufficient capacity to deal with truck movements.

Furthermore, the change to the condition is considered to result in public benefits including:

- Enabling more efficient management of waste by allowing peak loads to be received at the facility.
- Reducing the life span of land filling at the site by allowing increased waste volumes to be received as required.
- Enabling increased volumes of waste be received, rather than being diverted to Council's landfills which have limited capacity.

Given the above it is considered that the condition should be modified to read:

Tipping Activities being limited to between the hours of 7.00am and 5.00pm Monday to Friday with no tipping activities being carried out on Saturdays, Sundays or Public Holidays.

No B-Double Trucks are to be used.