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17 September 2008

Gosford City Council
PO Box 21
Gosford NSW 2250

Attention: Fred Dobbs

Our Ref: 7046

Dear Mr. Dobbs,

RE: SECTION 96 MODIFICATION: DA 23042/1998 – GOLF COURSE REMODELLING

I refer to our recent discussions in regard to the above matter and Council's request for advice on a limitation on the number of truck movements from the facility.

My client has advised that if a limit must be set, they would nominate a maximum limit of 35 trucks delivering loads to the site each day. It should also be noted that the total number of trucks accessing the site over the life of the works will not change. The total number of trucks is determined by the volume of resource deposited at the site, which is limited by the consent.

We understand from our discussions that 2 key issues have been identified in relation to the proposed increase in truck movements. They are:

1. Potential impacts to residents as a result of noise dust etc. from trucks; and
2. The effects upon the local road system.

The issue of effects on local residents was discussed in our submissions seeking the modification to the consent. The key points are provided below:

- Access to the site is primarily via existing arterial roads carrying large traffic volumes and heavy vehicles (Wisemans Ferry Road and George Downs Drive). The small area of Hallards Road used for access to the site does not contain significant areas of residential development. The one dwelling which the trucks will directly pass is accessed from the site access road and is owned by the Golf Club. The other dwelling near the truck route is in Hallards Road and is located over 100 metres from the route.
- The EIS for the development did not identify any noise impacts upon dwellings as a result of truck movements.
- All roads providing access for trucks are sealed roads which would not generate dust. All loads are covered.
- The limited hours of operation ensure that truck movements are limited to times when the least disturbance may occur.
- The increase in truck movements will ensure the filling activities are completed sooner reducing time over which filling activities operate with benefits for surrounding residents.

The issue of impacts on local roads is understood primarily to be in relation to potential damage to Council roads by the additional truck movements. We understand that this is primarily related to Hallards Road, given that Wisemans Ferry Road and George Downes Drive are Regional Roads carrying existing large volumes of heavy vehicles. It is understood that maintenance of these roads is primarily funded by the state.

With regard to Hallards Road, we note that this section of road provides access to the subject site and to a juice factory. We understand from our discussion that a primary issue is the potential for damage to the road surface as a result of additional heavy vehicle movements. We note that there is no evidence of damage to the road at the junction of the access road and Hallards Road, or between that access and the frontage of the juice factory. There is some damage evident in front of the juice factory, but this damage would appear to be from the turning of vehicles to/from the juice factory rather than from truck movements to/from the subject land.

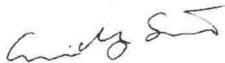
It is noted that the limited truck movements identified in the EIS were for 20 tonne trucks while the 35 movements identified will be for trucks with loads ranging from 1 – 20 tonnes. The smaller trucks obviously will cause less road damage than the large trucks, so it follows that the increase in truck movements cannot be considered to create a proportional effect on potential pavement damage. The proposed maximum number of trucks accessing the site is not considered large when compared to other uses, such as quarries, in the locality.

With regard to Hallards Road, the principle is that where a use causes damage to a public road, that use should repair or contribute to repair of that road. Commonly, an appropriate way of dealing with this is via a road haulage contribution based on a payment per tonne per km hauled on Council Road (which is paid annually to Council for maintenance of local roads). If Gosford City Council has such a plan it would be appropriate for such a contribution to be applied here or negotiated with the operator. As an alternative, it has been suggested any that damage to the road would be repaired by the operators of that use. The operators have advised that such a requirement would be acceptable so long as they are only repairing damage which is caused by trucks accessing the premises and not by other road users (juice factory) in the locality. As such, a suitable requirement may be that the operators are responsible for repairing damage caused by heavy vehicles accessing the site which occurs between the entrance off Hallards Road and northern boundary of Lot 8190 DP 1122924.

It is considered that the proposed modification will be substantially the same development as that approved but which allows more traffic movements so that peak delivery times can be realised. In this manner, allowance for smaller vehicles can be made and the development can be completed in a shorter time frame. The proposed change to the maximum number of truck movements is considered to have minimal impact on the surrounding environment and can be appropriately conditioned to protect public infrastructure.

It would be appreciated if you would now determine this application at your earliest possible convenience. If we can be of any further assistance, please do not hesitate to contact the undersigned.

Yours faithfully



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