

# Instrument of Modification

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 10 November 2014, I approve the section 75W modification of the Project Approval referred to in Schedule 1, subject to the modified terms of approval outlined in Schedule 2.



Chris Ritchie  
Manager  
Industry Assessments

Sydney 24 NOVEMBER

2014

### SCHEDULE 1

<b>Project Approval:</b>	08_0014 granted by the Director-General on 8 September 2009 under the Minister's delegation.
<b>Proponent:</b>	Postfox Pty Ltd.
<b>For the following:</b>	63 Lot Residential Subdivision.
<b>On land comprising:</b>	Lot 9 DP 244002 and Lot 358 DP 755242, corner of Morisset Park Road and Chifley Road, Morisset Park.
<b>Modification:</b>	<p>MP08_0014 MOD 1:</p> <ul style="list-style-type: none"><li>• re-wording of Condition B9 to remove the requirement to construct auxiliary right turn (AUR) intersections at the Morisset Park Road and Chifley Road and the Morisset Park Road and New Access Road intersections, and replace it with the requirement to construct a basic right turn (BAR) intersection;</li><li>• re-wording of Condition B9 to ensure the intersection upgrades occur prior to the issue of the Subdivision Certification;</li><li>• amendment to Condition E2 to ensure the Compliance Certificate includes the road intersection upgrades; and</li><li>• re-wording of Condition B1 to increase the size of Lot 4 (to accommodate the inner protection zone and outer protection zone) and consequently reducing the size of Lot 3.</li></ul>

## SCHEDULE 2

1. In Schedule 2, delete Condition B9 and replace with the following:

### **B9 Road Design**

- 1) Prior to the issue of a Construction Certificate, detailed engineering plans and specifications (including a Design Certification Report and Checklists in accordance with the Lake Macquarie City Council Engineering Guidelines) relating to the work must be submitted to the relevant roads authority for approval. Evidence of the approval must be provided to the PCA prior to the construction of the road works.

**Note:** that for all works on existing public roads an application for a Construction Certificate can only be made to Lake Macquarie City Council (in accordance with Council's authority under the Roads Act).

The engineering plans must include the engineering plans for the intersection upgrades required along Morisset Park Road.

- 2) The road works approved under this application shall be designed to meet the following roadway, drainage, pavement and intersection standards:
  - i. Australian Rainfall and Runoff, 1987.
  - ii. AUSTROADS Guide To Traffic Engineering Practice.
  - iii. LMCC DCP 1 (Volumes 1 and 2) and supporting guidelines.
  - iv. Roads and Traffic Authority Road Design Guide.
  - v. Roads and Traffic Authority Interim Guide To Signs and Markings.
  - vi. Managing Urban Stormwater documents (2004).by Landcom.
  - vii. The Constructed Wetlands Manual - Department of Land and Water Conservation, 1998.
  - viii. LMCC Subdivision Code

Where any inconsistency exists between these documents the Applicant shall verify in writing with Council, the relevant standard to be adopted.

- 3) Pavement Standards

Residential road pavements shall be designed in accordance with "A Guide To The Design Of New Pavements For Light Traffic" - AUSTROADS 1998. Main and Industrial road pavements are to be designed in accordance with "Pavement Design, A Guide to the Structural Design of Road Pavements" - AUSTROADS 1992. Designs for road pavements shall be submitted to and approved by the PCA prior to road pavements being constructed. Where work is to be undertaken within a classified Main Road the pavement design shall also be submitted to the Roads and Traffic Authority for approval prior to the commencement of works.

- 4) Intersection Design

The pavement design for the intersection shall include a geotechnical investigation to assess the capability of the existing pavement to accommodate any new turning movements. Any costs associated with rehabilitation and sealing of the existing pavement to meet the road design ESA's shall be borne by the developer. The design speed for the intersection shall be established prior to design. The general configuration for the lanes shall be a travelling lane, a cyclesafe lane/shoulder and a footpath area.



2. In Schedule 2, delete Condition B1 and replace with the following:

**B1 Design Modifications**

In order to ensure appropriate management of the asset protection zone benefiting Lot 4 the configuration of Lot 4 is to be extended by 20 m in a westerly direction, so the footprint of the required outer protection zone is contained within Lot 4, increasing the lot size to 1,470 m<sup>2</sup> and decreasing the lot size of Lot 3 to 8,910 m<sup>2</sup>.

A plan depicting these modifications shall be submitted to and approved by the Department prior to the issue of a Construction Certificate.

3. In Schedule 2, delete Condition E2 a) and replace with the following:

**E2 Compliance Certificate**

- a) Compliance Certificate – Roads (including the upgrade of works required for the Morisset Park Road intersections).

4. In Schedule 2, insert new condition E21 as follows:

**E21 Road Upgrades**

Prior to the issue of the Subdivision Certificate, the following shall be provided to service the subdivision:

- a. Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities and paved footpaths shall be constructed along the full length of the new roads.
- b. An Basic Right Turn (BAR) geometric intersection shall be constructed for Morisset Park Road and Chifley Road.
- c. An Basic Right Turn (BAR) geometric intersection shall be constructed for Morisset Park Road and the New Access Road to the subdivision, including the provision of bus amenity.
- d. The carriageway along Morisset Park Road shall be widened along the frontage of the site to 6.5 metres from the centreline of the existing road and be provided with kerb and guttering and associated drainage and foot paving.
- e. The carriageway along Chifley Road shall be widened along the frontage of the site to 4 metres from the centreline of the existing road and be provided with kerb and guttering and associated drainage and foot paving.

Note: All works described above should be constructed to the satisfaction of the relevant roads authority and evidence provided to the Secretary.

**END OF MP08\_0014 MOD 1**