

ASSESSMENT REPORT

Section 75W Modification Morisset Park Residential Development (MP08_0014 MOD 1)

1. BACKGROUND

1.1 Proposed Modification

This report is an assessment of a request to modify a Project Approval for a 63 lot residential subdivision at Morisset Park (MP08_0014) under section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modification proposes to amend the design of two intersections located along Morisset Park Road to reflect the requirements of the current Austroads guidelines. In addition, the application also seeks to re-word Condition B1 to correct an administrative error relating to the final boundary of the asset protection zone (APZ) for Lot 4.

1.2 The Site

The 6.4 hectare (ha) site is located on the south-western edge of the urban area of Morisset Park and Windermere Park. The site is located approximately 120 kilometres (km) north of Sydney within the Lake Macquarie local government area (see **Figure 1**).

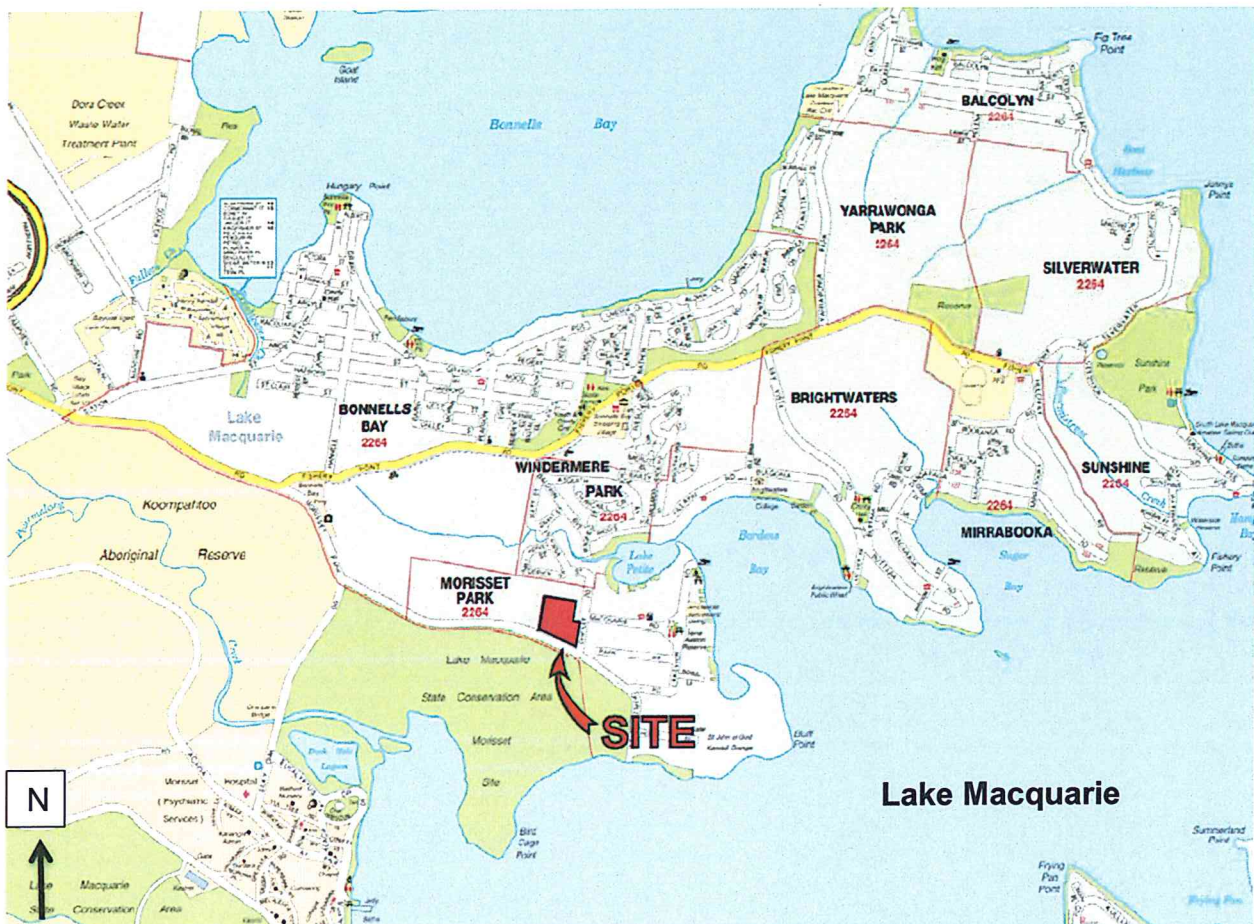


Figure 1: Site Locality Map

1.3 Previous Approvals

On 8 September 2009, the then Director-General as delegate of the Minister for Planning, granted Project Approval (MP08_0014) for a 63 lot residential subdivision under Part 3A of the EP&A Act. The project also permitted the construction of road infrastructure, including two entry roads off Morisset Park Road.

2. PROPOSED MODIFICATION AND JUSTIFICATION

In July 2014, De Witt Consulting (the Proponent) lodged a section 75W modification seeking approval to revise the road design requirements for the Morisset Park Road/Chifley Road intersection and the Morisset Park Road/New Access Road intersection (see **Figure 2**). On 20 October 2014, the Proponent sought to further modify the application to re-word Condition B1 to correct an administrative error relating to the location of the APZ for Lot 4.

The Proponent has advised that the modification is required to ensure compliance with the current Austroad guidelines, which no longer require the construction of auxiliary right turn (AUR) intersections along Morisset Park Road as specified in Condition B9. The current intersection requirements are discussed in greater detail in Section 4 of this report.

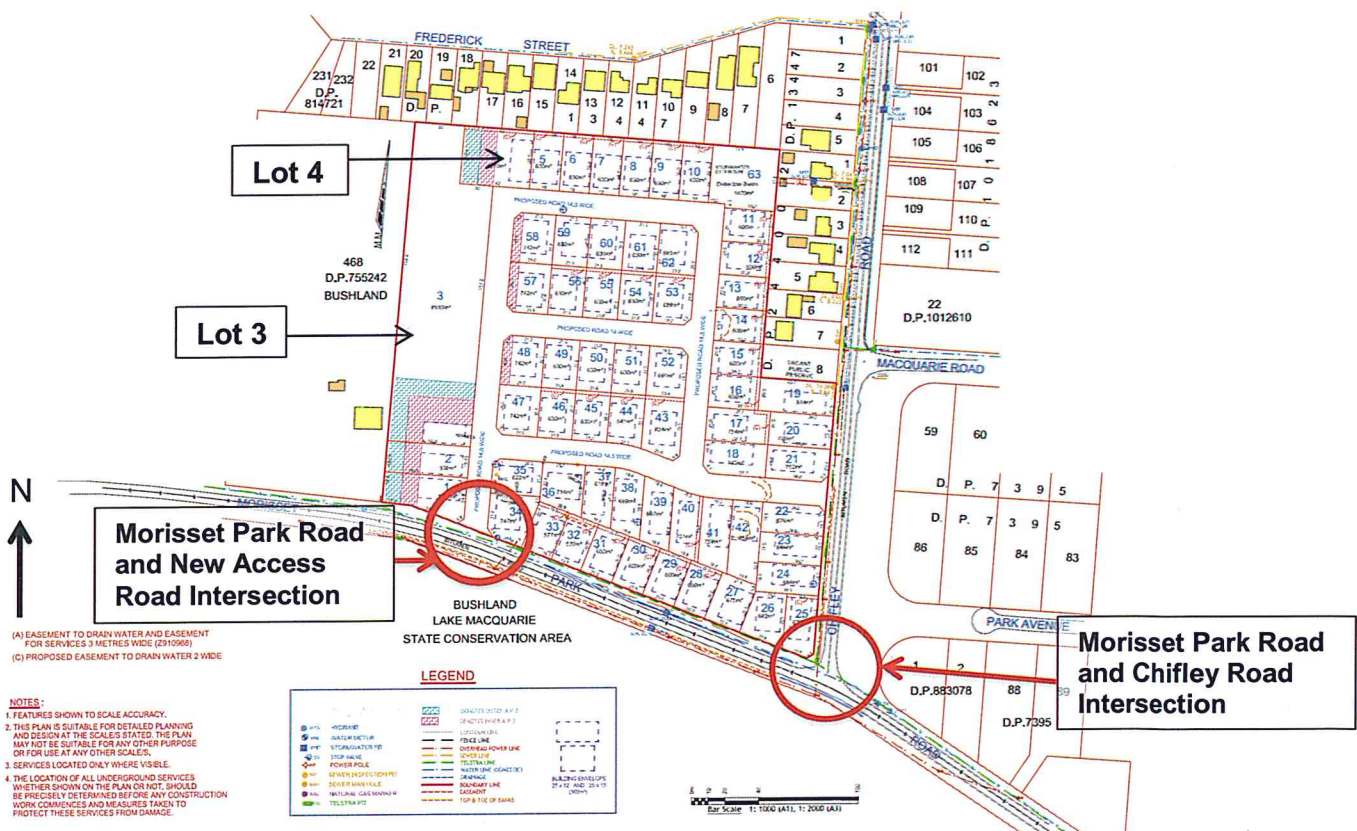


Figure 2: Location of the Intersections Affected by MP08_0014 MOD 1

3. STATUTORY CONTEXT

3.1 Approval Authority

Project Approval (MP 08_0014) was granted under Part 3A of the EP&A Act. Under Clause 3 of Schedule 6A, Section 75W as in force immediately before its repeal on 1 October 2011, continues to apply to transitional Part 3A projects. Consequently, the Minister for Planning is the approval authority for the proposed modification.

Under the Ministerial delegation of 10 November 2014, the Manager, Industry Assessments may determine the modification application as the Council did not object, there were no political donation disclosures, and there were no public submissions of objection.

3.2 Modification

The Department of Planning and Environment (the Department) is satisfied that the application can properly be characterised as a modification to the original Project Approval, and can therefore be assessed and determined under Section 75W of the EP&A Act.

In this respect, the Department notes that there is no change to the scope of the approved project, and there will be no additional environmental impacts as a result of the modification. Therefore, the application is within the scope of Section 75W.

3.3 Consultation

The modification application was made publicly available on the Department's website on 1 August 2014. The Department also invited submissions from Lake Macquarie Council (Council) and Roads and Maritime Services (RMS). Consultation with other agencies and adjoining landowners was not considered necessary given that the application would not generate any environmental impacts beyond those assessed under the original Project Application.

The Department received submissions from the Council and RMS. Neither agency objected to the application, however the comments outlined the technical specifications that should be applied to the design of the intersections along Morisset Park Road. These comments are summarised below:

- the use of AUR treatments is no longer supported by the RMS because of potential safety impacts;
- the application of a basic right turn treatment (BAR), as proposed by the application, is capable of being upgraded to a channelised intersection (CHRS intersection) if traffic volumes increase as a result of additional development within Morisset Park; and
- the Department should request the RMS to reduce the speed limit along Morisset Park Road from 70 km/h to 50 km/h.

The Department has reviewed the agency comments and agrees that the intersection design proposed by the Proponent will provide an improved road safety outcome. Notwithstanding, the Department considers that the Council's request for the RMS to reduce the speed limit along Morisset Park Road is a matter that the Council should pursue with the RMS outside the planning process.

No public submissions were received in response to the application.

4. ASSESSMENT

The Department has reviewed the Proponent's modification request and considers the key issues for assessment are:

- the design requirements for the Morisset Park Road/Chifley Road and the Morisset Park Road/New Access Road intersections; and
- the re-wording of Condition B1 'Design Modifications' to correct an administrative error relating to the location of the APZ for Lot 4.

4.1 Modification of Condition B9

The Department notes that Condition B9 of the Project Approval requires the Proponent to construct AUR intersections along Morisset Park Road to ensure compliance with *Austroads Part 5 2005*.

Following approval of the application, the *Guide to Road Design – Part 4A: Unsignalised Intersections* (2010) was released by Austroads. The current guideline does not support the use of AUR intersection treatments on the basis that the additional turning lane required for an AUR intersection is often mistaken for an overtaking lane, resulting in an increased incidence of vehicular accidents where this treatment is applied.

Based on the traffic volumes predicted in the original Project Application, the Proponent considers that a basic right turn (BAR) treatment is required for both intersections along Morisset Park Road to

facilitate compliance with the current Austroad guidelines. **Figure 3** below identifies the difference between design of AUR and BAR intersection treatments.

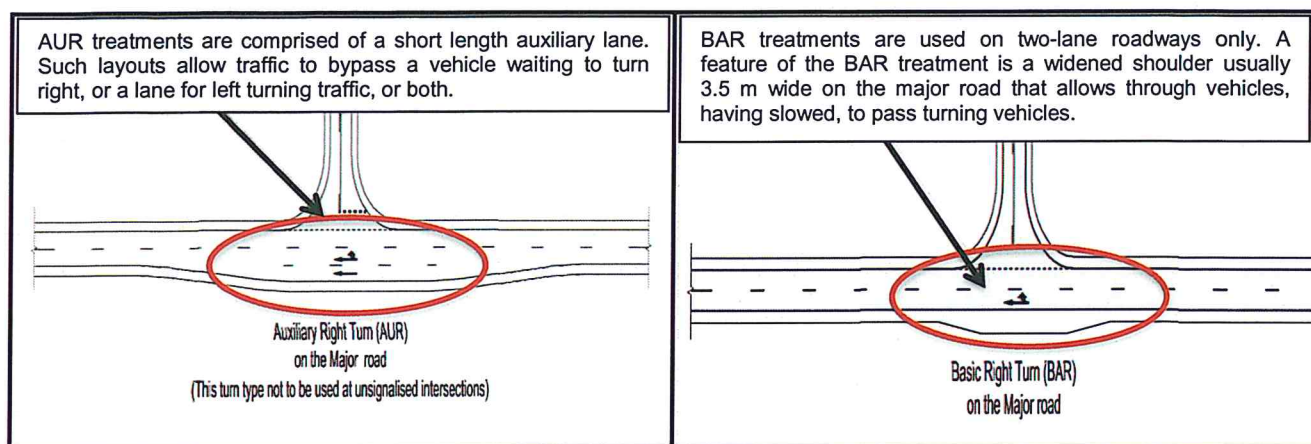


Figure 3: AUR (Approved) and BAR (Proposed) Treatment

The Department has assessed the proposed modification in consultation with the Council and the RMS and agrees that it is no longer appropriate to require the proponent to construct AUR intersections along Morisset Park Road. Furthermore, the Department considers that the construction of a BAR intersection will provide a superior road safety outcome along Morisset Park Road which is capable of modification in the future should traffic volumes increase as a result of development occurring on adjoining sites.

Accordingly, the Department supports the modification of Condition B9 to permit the construction of BAR geometric intersections along Morisset Park Road. However, the Department notes that Condition B9 does not specify when the intersection and road upgrades will be constructed. The Department has amended the condition so that the road and intersection upgrades are constructed prior to the issue of the Subdivision Certificate. The Department discussed the proposed timing of the road works with the Proponent and Council and both parties advised that they were satisfied with the revised condition.

4.2 Condition B1 'Design Modifications'

In its assessment of the original Project Application, the Department noted that the APZ for Lot 4 encroached into Lot 3. In order to ensure the appropriate long term management of the APZ for Lot 4, the Department imposed Condition B1 which requires the boundary of Lot 4 to be extended by 10 m in a westerly direction, therefore increasing the size of Lot 4 to 1,120 m² and reducing the size of Lot 3 to 9,260 m².

APZs consist of both an inner protection area (IPA) and an outer protection area (OPA). The management requirements for these protection areas vary depending on slope, vegetation, the fire danger index and finished floor levels. The APZ requirement for Lot 4 is 20 m, which is comprised of an IPA of 10 m and an OPA of 10 m (see **Figure 4**).

The Proponent has indicated that there is an error with the calculations in Condition B1. In order to enable the OPA to be contained wholly within Lot 4, the boundary of Lot 4 would need to be moved 20 m in a westerly direction, and not 10 m as referenced in Condition B1.

Given the above, the Department supports the re-wording of Condition B1 to increase Lot 4 to 1,470 m² and reduce Lot 3 to 8,910 m² to ensure that both the IPA and the OPA are included in Lot 4 as originally intended by the condition.

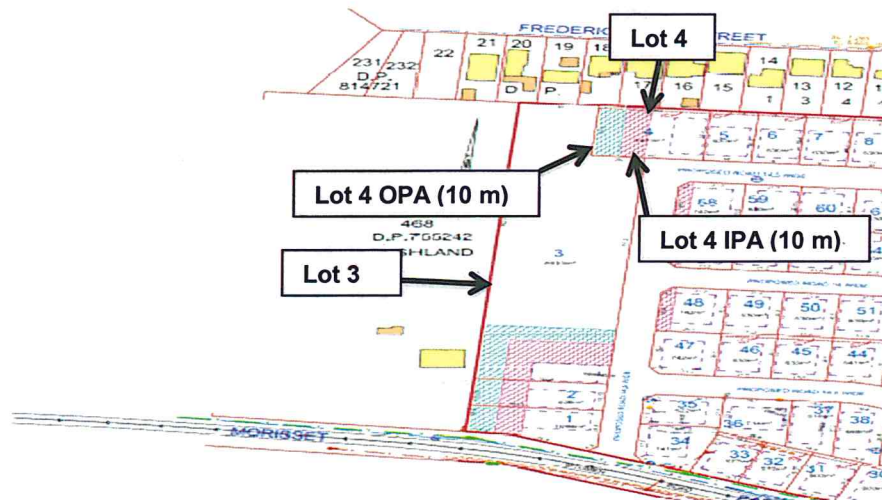


Figure 4: Location of IPA and OPA for Lots 3 and 4.

5. CONCLUSION AND RECOMMENDATION

The Department is satisfied that the proposed modification is relatively minor and will not result in any additional environmental, social or economic implications for the site or surrounding locality.

It is recommended that the Manager, Industry Assessments:

- **consider** the recommendations of this report;
- **approve** the modification, subject to conditions, under section 75W of the Act; and
- **sign** the attached Instrument of Modification (**Appendix A**).

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