

## 8.2 Development Control Plan (DCP) Amendment No. 6 - Post Exhibition Report

REPORT BY THE MANAGER PLANNING AND MANAGER, INFRASTRUCTURE PLANNING  
TO 19 JULY 2023 ORDINARY MEETING  
GOV400103, LAN900166

### RECOMMENDATION

#### That Council:

1. receive the report by the Manager Planning and Manager, Infrastructure Planning on the Development Control Plan (DCP) Amendment No. 6; and
2. adopt Development Control Plan (DCP) Amendment No. 6.

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### Executive summary

This report is presented to Council to adopt Amendment 6 to the Mid-Western Regional Development Control Plan (DCP) 2013, relating to the Caerleon Estate, following the public exhibition period and resolution of Council from its meeting of 17 May 2023.

The Draft DCP 2013 Amendment 6 was placed on public exhibition for 28 days in accordance with Schedule 1 of the *Environmental Planning and Assessment 1979* (as amended).

During the exhibition period, two (2) submissions were received for consideration by Council. A summary of the response to the submissions is further detailed below, with the submissions found in Appendix 1.

Changes are proposed to be made to the exhibited document, as a result of the submission – as discussed in the report.

### Disclosure of Interest

Nil

### Detailed report

As reported to Council at its meeting of 17 May 2023, Amendment 6 to the DCP 2013 seeks to update the DCP to ensure it is meeting community expectations; is compatible with NSW planning legislation and policy; meets current industry standards; and to correct errors, omissions or provide clarity of content.

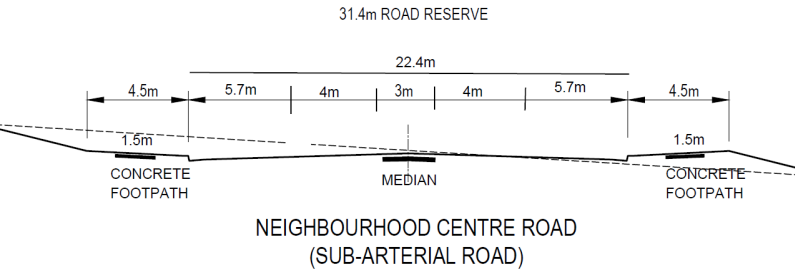
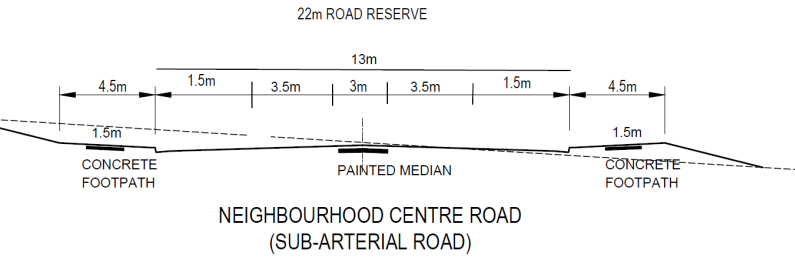
As presented in the 17 May meeting, the amendments to DCP 2013 proposed as part of Amendment 6 are summarised as follows:

- Insert *Amendments Table*, listing dates and brief description of amendments made to the DCP 2013;
- Make changes/amendments to Appendix C Caerleon DCP, including:
  - Remove the word 'Draft' and all references to 'Elton Consulting';
  - Amend *Legend* in Figure 3 – to include Residential Collector Street;

- Amend Table 2 – Widen Carriageway and nature strip of all roads, excepting Rural Road.
- Amend Table 2 - Footpaths to be 1.5m in line with current industry guidelines. Nature strip to be widened to 4.5m to accommodate;
- Amend Table 2 - Shared paths to be a minimum of 2.5m in line with current industry guidelines. Nature strip to be widened to 5.5m to accommodate;
- Amend Table 2 - Residential Collector Streets (e.g. Hone Creek Drive) should have minimum 3.5m travel lanes to accommodate bus route in accordance with Austroads Guide to Road Design Part 3; Geometric Design section 4.9.2; and
- Deletion and or amendments of planning controls relating to dual occupancy developments.

Following the 28 day public exhibition period, two (2) submissions were received for Council’s consideration. A copy of the submissions are provided in Attachment 1.

The following table provides a response to the matters raised in submissions:

Submission Issue	Response
<p><b>The Neighbourhood Centre Road as it has evolved through the Estate, at the location of the Neighbour Centre passes to the west of the Centre, and does not actually traverse it. Accordingly, the 60 degree angle parking poses a safety issue as the turning/reversing manoeuvres will conflict with the higher order function of a major collector road. The parking is best placed as off-street parking within the proposed neighbourhood Centre.</b></p> <p><b>It is proposed the road consists of 4.5m verges (includes 2 x 1.5m footpath)/5m travel lanes and a 3m painted median= 22m total width.</b></p>	<p><b>Proposed 2023 DCP amendment cross section is as follows:</b></p>  <p style="text-align: center;">NEIGHBOURHOOD CENTRE ROAD (SUB-ARTERIAL ROAD)</p> <p>The intent of the median would be a landscaped median, with pedestrian refuge(s) so as to:</p> <ul style="list-style-type: none"> <li>• provide safe location(s) for pedestrian from the residential development to cross the road to the neighbourhood centre; and</li> <li>• provide a buffer in the urban environment between residential development (west side of the road) and the neighbourhood centre (east side of the road) which would also act as a “gateway” indicating the change in urban residential environment to neighbourhood centre.</li> </ul> <p>The received submission proposes a cross section which would provide for the following:</p>  <p style="text-align: center;">NEIGHBOURHOOD CENTRE ROAD (SUB-ARTERIAL ROAD)</p>

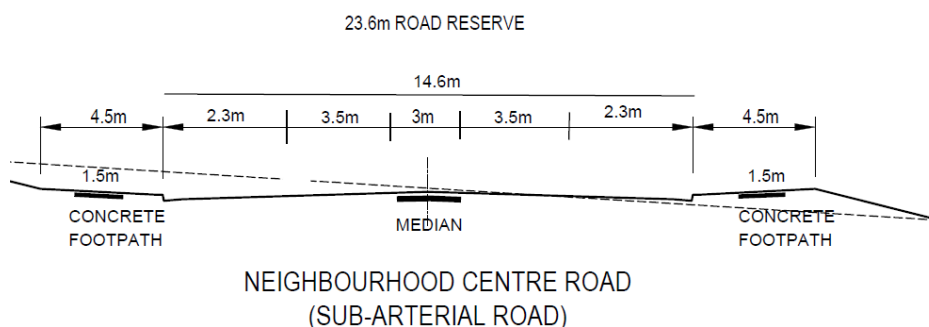
The implications of this proposal are as follows:

- Parking will be removed from both the east (neighbourhood centre) and west (residential) sides of the road leaving only a 1.5m shoulder which may encourage parking on the nature strip of visitors and resident cars;
- Painted median would not provide a good visual buffer between residential (west side) and commercial development (east side) and may be considered a degradation to urban design quality expected in a residential estate.
- Any development application for the neighbourhood centre would be assessed on the basis that all car parking requirements for the neighbourhood centre development (as per the Mid-Western Regional Council DCP) is internal of the site. This may lead to refusal of development applications or degradation from highest and best use of the site.

In consideration of the received submission the following alternative would be an acceptable arrangement to be included on both the east and west side of the road:

- 3m median to remain a landscaped median with pedestrian refuge(s) in key location(s);
- minimum 2.3m parallel parking (AS2890.1:1993); and
- minimum 3.5m travel lanes (to accommodate bus route in accordance with Austroads Guide to Road Design Part 3; Geometric Design section 4.9.2)

This would provide a minimum cross section road reserve width of 23.6m.



**The current DCP provisions stipulates that 60-degree angled car parking be provided in the vicinity of the neighbourhood centre. It is noted that the future traffic design of this area, including appropriate turning lanes, would be subject to the detailed design of the Neighbourhood centre. It is therefore sought that the overall width of the road be determined based on the density of the neighbourhood centre**

In the exhibited 2023 amendment no changes were proposed to the neighbourhood centre road cross section. The overall road reserve width of 31.4m and parking would remain consistent from the 2013 Caerleon DCP for the "Neighbourhood Centre Road". This received submission seeks to remove all on street parking, including that on the residential side of the road, and place all parking in the vicinity of the neighbourhood centre off-street within the neighbourhood centre development site.

It would not be acceptable to remove all on-street parking. It is appropriate that on-street parking be provided on the western side of the road for visitors to the residential properties. It is also desirable to have on street parking available on the eastern side of the road to service the neighbourhood centre as locating all neighbourhood centre parking internal of the site may limit the use and extent of development on the neighbourhood centre site.

As an alternative to the exhibited road cross section a 23.6m road reserve would be acceptable as it would:

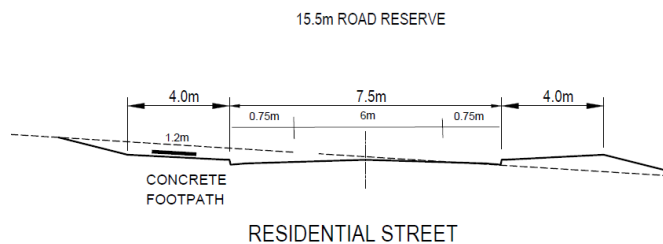
- meet minimum travel lane widths of 3.5m for bus travel (both

<p><b>and the associated traffic and parking demands of the development.</b></p>	<p>directions);</p> <ul style="list-style-type: none"> <li>• retain parallel parking on the western side of the road which is adequate for residential properties;</li> <li>• retain on-street parallel parking to help service the neighbourhood centre (although will see a reduced number of spaces from 60 degree on street parking); and</li> <li>• Provide 4.5m nature strip on both sides of the road which will accommodate 1.5m footpath and provide sufficient spatial separation for Council and public utilities.</li> </ul>
<p><b>The concept of providing 60-degree car parking would likely restrict movement of traffic along Hone Creek Drive (sub-arterial road). It is therefore proposed that car parking be exclusively provided within the confines of the neighbourhood centre site to ensure that traffic flow is maintained, and convenient, safe car parking provision is provided for pedestrians.</b></p>	<p>This submission is in conflict with the 2012 <i>Traffix Traffic &amp; Transport Planners traffic impact assessment</i> provided by the developer recommending the 60 degree parking and which was relied upon by the developer for the recommendations forming the 2013 DCP as well as for current Stages DA conditions.</p> <p>It is understood this submission now seeks to delete 60 degree parking to both the western side of the road abutting residential development and eastern side of the road abutting the neighbourhood centre and for that parking to provided entirely within the neighbourhood centre site. As the residential development is separate to the neighbourhood centre it would be appropriate to provide as a minimum parallel parking to the western side of the road abutting residential property. Currently there is no DA approved for the neighbourhood centre site so it is difficult to assess that all parking for the centre can be accommodated off street, particularly given the VPA requires 4,800m<sup>2</sup> of the neighbourhood centre site to be dedicated to public open space. However, it is to be noted that any development application for the neighbourhood centre would be assessed in accordance with the parking provisions specified by the Mid-Western Regional Council DCP 2013, and if it were found not to comply, would simply not be approved. This could perhaps limit development on the neighbourhood centre site and the highest and best use may not be realized.</p> <p>Removal of parking entirely from the neighbourhood centre road is not recommended. 60 degree may be considered appropriate in a CBD type environment and given the residential and neighbourhood centre environment of the Caerleon development, an acceptable outcome may be the provision of parallel parking both on the eastern and western side of the road which will result in a reduction in parking spaces and road reserve width however still provide amenity for visitors to the residential and neighbourhood centre development.</p>
<p><b>The original design of the existing residential road reserve widths, within the master planned estate, are 15.5m wide, consistent with the following DCP objective:</b></p> <p><i>“This is the predominant road type used in Caerleon, primarily for access to residential properties in the General Residential Character Area. These roads are designed to slow</i></p>	<p>It is a regulatory standard that vehicles cannot be parked within 10m of an intersection. Parking restrictions preventing on street parking would not be appropriate in residential streets.</p> <p>Currently the 2013 Caerleon DCP provides for a 15.5m road reserve width which includes 1 x 1.2m footpath and 7.5m carriageway.</p> <p><b>2013 Caerleon DCP -</b></p>

**residential traffic and give priority to pedestrians and cyclists. Amenity and safety is to be maintained by controlling the width of the road and introducing various traffic calming measures.”**

**It is requested that Council maintain the 15.5m width provision for residential roads and implement alternative controls to increase amenity and functionality where required. These controls may include the strategic placement of parking signs to reduce instances of double parking or parking in proximity to intersections. This would maintain pedestrian safety created by a slow traffic environment, whilst facilitating movement of larger service vehicles throughout the Estate.**

**In addition, the current car parking requirement under Part 5 of the DCP for a residential dwelling is two off-street carparking spaces, which further reduces on street congestion.**



Under the 2023 DCP amendment it is proposed that the footpath be increased to 1.5m. This requires the nature strip to be widened from 4.0m to 4.5m. The increase of footpath width has not been argued by the Applicant and a minimum road reserve width of 16.0m would be needed to accommodate the 1.5m footpath on one side if no other dimensions were to change.

It is to be noted that Transport for NSW current guideline is 2.0m footpath and 2.5m-3.0m shared path (refer TfNSW July 2020 Walking Space Guide). The 1.5m footpath proposed to be adopted under this DCP amendment is below current standards however satisfies considerations for pedestrians with mobility impairment and wheel chairs. As Caerleon may be considered a low activity area Council is willing to adopt for Caerleon a lesser minimum 1.5m wide path as this will allow two pedestrians to pass or a wheelchair and a pram to pass (refer Austroads Guide to Road Design Part 6A: Paths for Walking & Cycling. AS1428.2:1992)

This submission notifies of the DCP requirement to provide two parking spaces per dwelling and argues this reduces on street parking.

2021 census figures show for Mudgee households, 38.9% have two cars, 20.3% have three or more vehicles. Given the large number of residences at Caerleon have 3 or more bedrooms it is expected that the majority of households may have 2 or more vehicles. Whilst the two car spaces meets the Mid-Western 2013 DCP requirements for vehicular access and parking observations of the occupied stages of the Caerleon development reveals:

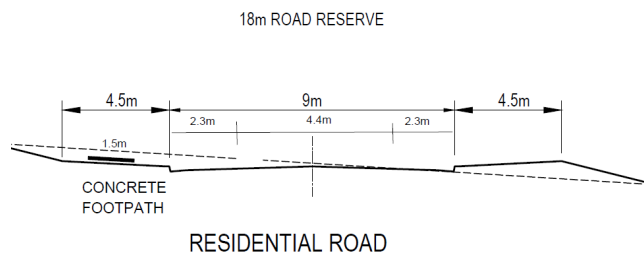
- many home owners use their garages for storage and park a single car outside of the garage on the driveway. This then means that other car(s) belonging to the household, as well as caravans and trailers which residents may own, are being parked on the street.
- on-street parking is required to be provided for visitors.

The issue of concern is that, in a 15.5m road reserve, when cars are parked on street directly opposite to each other, if they were not to park over the kerb on the nature strip, the travel lane could be reduced to as little as 2.0m making it impassable for travelling vehicles.

The proposed DCP amendment of the Residential Road with road reserve of 18m will bring the Caerleon DCP standard into line with the Mid-Western Regional Council DCP 2013 and allows reserve width to accommodate a 1.5m footpath and 9m carriageway. This carriageway width would allow sufficient room for on street parking whilst leaving a single 4.4m travel lane which satisfies the DCP objective raised by the Applicant, that is:

*“This is the predominant road type used in Caerleon, primarily for access to residential properties in the General Residential Character Area. These roads are designed to slow residential traffic and give priority to pedestrians and cyclists. Amenity and safety is to be maintained by controlling the width of the road and introducing various traffic calming measures.*

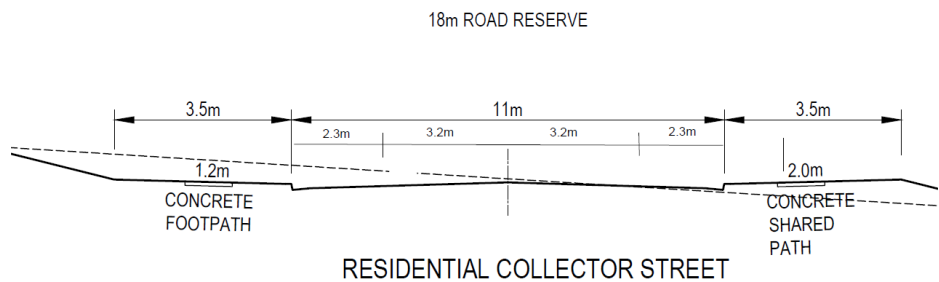
**Proposed 2023 Caerleon DCP amendment.**



**Similar concerns are raised for the increase in widths of major residential roads from 18m to 21m reserves.**

Currently the 2013 Caerleon DCP provides for a 18m road reserve width which includes 2 x 1.2m footpath or 1 x 2.0m shared path, nature strip widths of 3.5m and 11m carriageway.

**2013 Caerleon DCP**



As mentioned above the 1.2m footpath width or 2.0m wide shared path is no longer industry standard. 2.0m wide footpaths and shared paths of 2.5m-3.0m are now becoming the standard (refer TfNSW July 2020 Walking Space Guide). The 3.5m wide nature strip with 2.0m shared paths constructed to date bring difficulty in achieving special separation of Public Utility services and, in some locations constructed to date, does not meet Councils standard for services not to be located below a pathway.

In the proposed 2023 Caerleon DCP amendment Council is willing at this stage to compromise with the provision of a 1.5m footpath and 2.5m shared path. This requires nature strips to be widened to 4.5m in the location of footpaths and 5.5m in the location of shared path. Road carriageway width of 11m is maintained in accordance with the 2013 Caerleon DCP and overall cross section and is generally in accordance with the Mid-Western regional Council DCP.

	<p><b>Proposed 2023 Caerleon DCP amendment</b></p> <p>21m ROAD RESERVE</p> <p>4.5m 11m 5.5m</p> <p>1.5m 2.3m 3.2m 3.2m 2.3m</p> <p>CONCRETE FOOTPATH CONCRETE SHARED PATH</p> <p>MAJOR RESIDENTIAL ROAD</p>
<p><b>Caerleon Estate provides for a variety of options within the Mid-Western Region’s local housing market which currently promotes affordability and liveability for residents. The increased pavement requirements for both new roads and footpaths would increase development costs and place further economic pressure on housing delivery in Mudgee.</b></p>	<p>No factual justification has been provided with the submission demonstrating increasing the road reserve widths will place economic pressure on housing delivery in Mudgee.</p>
<p><b>Overall, our client is not in support of the Amendment of the DCP and proposes that these controls remain consistent with those originally adopted by Council in 2012.</b></p>	<p>Noted.</p>

It is to be noted, the requested changes to the *Neighbourhood Centre Road* made by the applicant, and the proposed changes agreed to by Council’s Development Engineers, were not exhibited as part of the exhibition process. Notwithstanding this, the changes are proposed to be made as part of Amendment No. 6 as the changes are relatively minor – when considered in context of the larger Caerleon Precinct; and the fact that none of the properties fronting the neighbour centre road have been subdivided – and are still in the ownership of the applicant.

The Exhibited - Amendment 6 is included in Attachment 2, with the changes proposed, as described above.

### Community Plan implications

<b>Theme</b>	<b>Protecting Our Natural Environment</b>
Goal	Protect and enhance our natural environment
Strategy	Ensure land use planning and management enhances and protects biodiversity and natural heritage

## Strategic implications

### **Council Strategies**

Nil

### **Council Policies**

The report is presented to consider an amendment to the Mid-Western Regional Development Control Plan 2013.

### **Legislation**

The amendment to the DCP 2013 is being undertaken in accordance with Part 2, Division 2 of the *Environmental Planning and Assessment Regulation 2021* and Schedule 1 of the *Environmental Planning and Assessment Act 1979* (as amended).

## Financial implications

Nil

## Associated Risks

If Council does not wish to proceed with the Draft Development Control Plan – Amendment 6, the risk is that development will continue to be undertaken in a manner not consistent with current industry standards. This may result in congestion and poor traffic/pedestrian flows in the Caerleon Estate.

LINDSAY DUNSTAN  
MANAGER PLANNING

30 June 2023

ALINA AZAR  
DIRECTOR DEVELOPMENT

- Attachments:*
1. DCP No.6 Submissions Combined. (separately attached Book 1)
  2. Exhibited DCP Amendment 6 - with Amendments. (separately attached Book 1)

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER