

**9.2.1 REPORT ON NOTICE OF MOTION – NOM 26/09/23 –
BEAUMONT STREET - MOCKINGBIRD OUTDOOR DINING
REFUSAL**

REPORT BY: PLANNING AND ENVIRONMENT

CONTACT: EXECUTIVE DIRECTOR PLANNING AND ENVIRONMENT

EXECUTIVE DIRECTOR COMMENT

The Bus Zone and Loading Zone fronting 131 Beaumont Street Hamilton have been in operation for over 15 years, with records stating that the Bus Stop was operational in this location prior to the construction of the current building in 1998. The Loading Zone has historically provided additional clearance for bus movements, however due to high utilisation of the Loading Zone there has been increased levels of conflict between delivery vehicles and bus operations.

Under current conditions the Bus Zone and bus stop are not compliant with current standards and guidelines, following the route redirections undertaken by TfNSW in 2018. The bus stop is currently not located in a position that enables a bus to pull up parallel to the kerb due to the proximity to the intersection, and the current draw out provision of the Bus Zone does not meet the standard 10m requirement. As such the current operations do not provide a compliant accessible stop for bus patrons, with buses often restricting through traffic on Beaumont Street and at the intersection with Tudor Street due to poor access to the Bus Zone.

Following request from the Hamilton Business Improvement Association (March 2023) to assist with managing parking in Beaumont Street, CN undertook investigations into addressing non-compliant parking restrictions to designate nominated parking bays along the street.

In reviewing the conditions in this section, consultation was undertaken with businesses located between Denison Street and Tudor Street. Under this process a request was received from Keolis Downer to relocate the Bus Stop approximately 2m further south and to provide a 10m draw out to meet current standards for compliant access and serviceability of the stop. This would effectively extend the current Bus Zone a further 6m from its current location, covering the frontage of 131 Beaumont Street.

CN provided an annual permit for outdoor trading at 131 Beaumont Street, to 'Fortunate Sons' (previous owner) in January 2017 through to 30 June 2017. In March 2023, CN received an application for outdoor trading for 'Mockingbird Cafe', however this application was refused as it did not comply with CN's current Outdoor Trading Policy (2020) due to the location of the adjacent operational Bus and Loading Zones.

This matter was reviewed by the Newcastle City Traffic Committee at the 18 September 2023 meeting. At this meeting the following was noted:

- The current bus stop is not compliant with required standards and does not provide an accessible location for bus patrons to board/alight a bus, and the NCTC should support promoting compliant and accessible public transport.
- The existing restrictions are not suitable for bus operations, with the provided draw out not sufficient for buses to safely return to the traffic lane.
- The conflict with the Loading Zone location causes increased issues due to illegal parking within the Bus Zone.
- Any extensions to the Bus Zone or Loading Zone will result in a reduction in general parking availability.

The NCTC supported the following recommendation to address immediate issues:

- Maintain the current bus stop location, with the current sign posted Bus Zone to be maintained with updated 24/7 restrictions.
- Relocate the Loading Zone to the southern end of the street, maintaining the current restriction periods, in alignment with recent public consultation.
- Maintain the current 'night owl' Bus Stop and associated restrictions at the current southern end of the block location, until consolidation with the northern stop can be resolved with TfNSW.
- Provide a 6m No Parking zone immediately following the main bus stop, to provide a pickup - drop off area to reduce illegal use of the Bus Zone.
- Restrictions to be reviewed in 6 months following further feedback from the TfNSW on alternate options, and feedback from Council regarding determination of the preference for on street operations.
- This option will provide approximately 4m of frontage for 131 Beaumont Street that would be available for usage for outdoor dining, if an outdoor dining application is received, permit issued, and compliant operations undertaken in line with current policy.

Alternate locations for the bus stop will continue to be explored with TfNSW, however this process will require further detailed review and approval through the NSW Government. Approval processes for route or stop alterations are estimated at approximately 4 months.

Relocation of the bus stop to allow for outdoor dining is contrary to standard TfNSW operational practice, with priority being on supporting public transport and general parking provisions.

RECOMMENDATION

That Council:

PART A:

- 1 Notes the active support and encouragement by City of Newcastle to support and increase the operation of outdoor dining in the city, notably by the decision of this council at the February 2020 Ordinary Council Meeting to scrap outdoor dining fees.
- 2 Notes that an updated outdoor trading policy is due to be presented to the September 2023 council meeting for public exhibition, further confirming the City's support for outdoor dining.
- 3 Notes the ongoing concerns of the owner of Mockingbird Café at 131 Beaumont Street, Hamilton, regarding the operation of outdoor dining.
- 4 Strongly advocates for the early and successful resolution of the issue with Keolis Downer in a manner that respects and protects the outdoor dining offered by Mockingbird to the community.

PART B:

- 1 Supports the recommendation endorsed by the NCTC to implement immediate changes to parking restrictions in the vicinity of 131 Beaumont Street Hamilton.
- 2 Applies to TfNSW to review the servicing of the 21 Bus Route, including resolving the optimum location of the bus stop in the vicinity of 131 Beaumont Street Hamilton to best serve the route to provide for fully compliant operations, and reports back to NCTC as to the outcome of the review.
- 3 Notes that CN will contact the Mockingbird Café encouraging them to submit an application for a compliant outdoor dining permit in accordance with CN's Outdoor Trading Policy.