



17 July 2023

SUPPLEMENTARY AGENDA:

(1) MAYORAL MINUTES

MM4/2023 Amendment of Rural Lands Planning Proposal - Reinstate
Dual Occupancies as a Permissible Land Use within the
RU2 Rural Landscape Zone2

(2) WORKS AND INFRASTRUCTURE

WI26/2023 Minutes of the Local Traffic Committee Meeting held on
19 June 2023.....6

Mayoral Minute

Report No. MM4/2023

General Manager's Unit



MAYORAL MINUTE No. MM4/2023

SUBJECT: AMENDMENT OF RURAL LANDS PLANNING PROPOSAL - REINSTATE DUAL OCCUPANCIES AS A PERMISSIBLE LAND USE WITHIN THE RU2 RURAL LANDSCAPE ZONE

RECOMMENDATION

1. That Council vary the Rural Lands Planning Proposal (PP-2022-1446) to reinstate dual occupancy development as a permissible land use within the RU2 Rural Landscape Zone, pursuant to Section 3.35(1) of the *Environmental Planning and Assessment Act, 1979*.
2. That Council forward the revised Planning Proposal to the Minister seeking an alteration to the current Gateway Determination pursuant to Section 3.35(2) of the *Environmental Planning and Assessment Act, 1979*.
3. That Council request authorisation from the Minister to utilise its Local Plan Making delegations for the making of the plan, pursuant to Section 3.31 of the *Environmental Planning and Assessment Act, 1979*.
4. That Council undertake additional agency and/or community consultation as directed by an altered Gateway Determination, as issued pursuant to Section 3.34 of the *Environmental Planning and Assessment Act, 1979*.
5. That Council resolve to finalise and make the plan, subject to there being no unresolvable submissions from agency and/or community consultation.

REPORT/PROPOSAL

Low Housing supply and affordability is acknowledged as a significant challenge Australia wide and the research recognises that supply has generally failed to meet demand. Housing affordability is an issue for all levels of government in Australia and has been acknowledged that a lack of housing in a region will put a handbrake on economic diversification and growth.

Research from *Shelter NSW's New South Wales Regional Housing Need Report* identified that residents in the LGAs of Cessnock, Lake Macquarie, Maitland, Newcastle and Port Stephens struggle to access secure and affordable housing.

“At a time of economic transition and opportunity, the lack of housing in the region will put a handbrake on economic diversification and growth.”

Low housing supply and affordability coupled with the cost of living, has families in the Hunter experiencing poverty and disadvantage in increasing numbers.

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By removal of dual occupancy developments within RU2 Rural Landscape Zones would contribute to housing shortage and rental crisis in our area by removing the opportunity for multigenerational living, for families wishing to support each other on their properties by housing aging parents, or children who are affected by the rental crisis or housing shortage.

Additionally, at a time when nursing home availability has also become difficult with limited places available and the cost can be exorbitant, housing aging parents means loved ones can age in place, they get all the benefits of independent living, plus the security and peace of mind of living right next to family members who can care for them.

Directors Commentary Options

1. Finalise the current Rural Lands Planning Proposal without alteration

| Positive Consequences | Negative Consequences / Risks |
|--|--|
| <ul style="list-style-type: none"> • Reflects the current adopted intent of the Planning Proposal (as resolved by Council). • Ensures that the primary function / purpose of the land is maintained (i.e. opportunities for agriculture and visual amenity) and avoids land use conflict. • Promotes more compatible residential land uses (i.e. secondary dwellings) • Enables resolution of other issues in a timely manner (e.g. minimum lot size clause for subdivision of unserviced land). • Does not generate future expectations for subdivision, resulting in land fragmentation and increased demand for urban-level services and infrastructure provision. | <ul style="list-style-type: none"> • Does not permit alternative dwelling forms beyond detached dwellings and secondary dwellings (where dwelling size and proximity to existing dwellings are restricted). |

2. Vary the current Rural Lands Planning Proposal by reinstating dual occupancy development as a permissible land use in the RU2 Rural Landscape

| Positive Consequences | Negative Consequences / Risks |
|---|---|
| <ul style="list-style-type: none"> • Enables dual occupancy development on a property where a dwelling entitlement has been established. | <ul style="list-style-type: none"> • The urban development form risks the scenic landscape character of our rural lands and the ability (now and/or in the future) to undertake broadacre agricultural activities or operations (e.g. poultry farming) which may generate land use conflicts. • May generate future expectations for subdivision, resulting in land fragmentation and increased demand for urban-level services and infrastructure provision. |

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| | <ul style="list-style-type: none"> • A variation to the current Planning Proposal is required resulting in potential: <ul style="list-style-type: none"> - Delays to the implementation of other amendments within the Planning Proposal; - Additional agency and/or community consultation - Loss of Local Plan Making Authority delegation for this planning proposal* - Reputational damage related to the decision-making process. |
|--|--|

** The Minister may determine to make the plan in its current form (without amendment) irrespective of a Council resolution, or revoke Councils plan making authority for this Planning Proposal or more broadly.*

3. Vary the current Rural Lands Planning Proposal by inserting alternative solutions

- a) Permit dual occupancy (attached) development within the RU2 Rural Landscape zone; and/or
- b) Increase the separation distance of secondary dwellings from the principal dwelling (e.g. 100 – 200m).

| Positive Consequences | Negative Consequences / Risks |
|---|--|
| <ul style="list-style-type: none"> • Ensures that the primary function / purpose of the land is maintained (i.e. opportunities for agriculture and visual amenity) as the dwellings must be located in proximity, or attached, to the existing dwelling. • Responds to topographical and biodiversity constraints which may not permit secondary dwellings directly adjacent to the principal dwelling. | <ul style="list-style-type: none"> • A typical project home is unlikely to comply with the size restrictions for secondary dwellings, nor be suitable for a dual occupancy (attached) development. • The urban development form risks the scenic landscape character of our rural lands and the ability (now and/or in the future) to undertake broadacre agricultural activities or operations (e.g. poultry farming) which may generate land use conflicts. • May still generate future expectations for subdivision, resulting in land fragmentation and increased demand for urban-level services and infrastructure provision. • A variation to the current Planning Proposal is required resulting in: <ul style="list-style-type: none"> - A delay to the implementation of other amendments within the Planning Proposal; - Potential additional agency and/or community consultation - Potential loss of Local Plan Making Authority delegation for this planning proposal* |

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| | - Potential reputational damage related to the decision-making process. |
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** The Minister may determine to make the plan in its current form (without amendment) irrespective of a Council resolution, or revoke Councils plan making authority for this Planning Proposal or more broadly.*

ENCLOSURES

There are no enclosures for this report

Works and Infrastructure

Report No. WI26/2023

Works and Infrastructure



SUBJECT: *MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON 19 JUNE 2023*

RESPONSIBLE OFFICER: *Director Works and Infrastructure - Paul McLachlan*

RECOMMENDATION

That the Minutes of the Cessnock Local Traffic Committee Meeting of 19 June 2023 be adopted as a resolution of the Ordinary Council.

- **TC33/2023** - That Council authorises the temporary regulation of traffic on McDonalds Road, Thompsons Road, Marrowbone Road and Oakey Creek Road, Pokolbin for the End2End Festival in accordance with Various Roads Pokolbin _ End2End Festival Traffic Control Plans.
- **TC34/2023** - That Council authorises the removal of Disabled Parking Space signage on Crossing Street, Bellbird, in accordance with the Crossing Street Bellbird _ Signage Removal Diagram.
- **TC35/2023** - That Council authorises installation of line marking on Oakey Creek Road Pokolbin, in accordance with the Oakey Creek Road Pokolbin _ Line Marking Diagram.
- **TC36/2023** - That Council authorises installation of regulatory parking and intersection controls on various roads within Huntlee, in accordance with Various Roads North Rothbury _ Signage & Line Marking Diagrams.
- **TC37/2023** - That Council authorises the installation of regulatory signage and line marking on Lumby Lane and Sawyers Gully Road, Sawyers Gully, in accordance with the Lumby Lane Sawyers Gully _ Signage & Line Marking Diagram.
- **TC38/2023** -
 - authorises the installation of regulatory parking signage and line marking on Vincent Street, Cessnock in accordance with the Vincent Street Cessnock _ Signage & Line Marking Diagram; and
 - assesses the adequacy of the DA approved parking arrangements when the In Focus Radiology premises works are completed and the car park becomes fully operational.

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Directors Commentary: These minutes are subject to confirmation from Local Traffic Committee Members with a closing date for confirmation to Council by close of business 18 July 2023.

MINUTES OF LOCAL TRAFFIC COMMITTEE MEETING OF THE CESSNOCK CITY COUNCIL HELD IN COUNCIL CHAMBERS ANTE ROOM ON MONDAY, 19 JUNE 2023

OPENING: The meeting was opened at 9:31am

PRESENT: Councillor Ian Olsen (Chairperson)
Senior Constable Amy Sweeney - NSW Police
Mr Mark Morrison – Transport for NSW

IN ATTENDANCE: Mr Richard Ingall – Rover Coaches
Mr Warren Jeffery – Principal Engineer, Traffic & Transport
Mr Nathan Goodbun – Engineering Officer, Traffic & Transport
Ms Alison Shelton – Road Safety Officer
Miss Claudia Heuston – Undergraduate Engineer, Traffic & Transport
Ms Natalie Biro – Senior Business Support Officer, Infrastructure – Traffic & Transport

APOLOGIES

RESOLVED that the apologies tendered for unavoidable absence be accepted on behalf of:
Councillor James Hawkins

CONFIRMATION OF MINUTES

NOTED that the Minutes of the Cessnock Local Traffic Committee held on 15 May 2023, as circulated, were previously confirmed as a true and correct record.

DISCLOSURES OF INTEREST

Nil

BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

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LISTED MATTERS

SUBJECT: *VARIOUS ROADS, POKOLBIN TEMPORARY REGULATION OF TRAFFIC END2END FESTIVAL*

REPORT NO.: *TC33/2023*

REFERENCE: *46/2023/5/1*

MATTER:

Council received an application for the temporary regulation of traffic for the Pokolbin End2End Festival, and has assessed the application together with the associated Traffic Management Plan (TMP) and Traffic Control Plans (TCPs).

Approval is sought under Section 116 of the *Roads Act 1993*, to regulate traffic on various roads in Lovedale in connection with this traffic generating event.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It was noted that no public submissions had been received regarding the event;
- It was further noted that on-street parking will be restricted on Oakey Creek Road adjacent Drayton's winery by the installation of bollards and bunting;
- The NSW Police representative requested that Traffic Controllers remain on site until the completion of event bump out. This is to be included in the conditions of consent;
- The adequacy of car parking capacity for event attendees at individual venues was noted, in response to an enquiry from the Chair; and
- It was noted that the report omitted to identify the 40km/h speed reduction as shown on TCP ETE CL Rev1 for Thompsons Road.

RECOMMENDATION

That Council authorises the temporary regulation of traffic on McDonalds Road, Thompsons Road, Marrowbone Road and Oakey Creek Road, Pokolbin for the End2End Festival in accordance with Various Roads Polkolbin _ End2End Festival Traffic Control Plans.

SUPPORT: Unanimous

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SUBJECT: **CROSSING STREET BELLBIRD
DISABLED PARKING SPACE REMOVAL**

REPORT NO.: **TC34/2023**

REFERENCE: **CRM 10674/2023**

MATTER:

The installation of an off-street disabled Parking Space at the Bellbird Community Hall allows for the non-compliant on-street disabled parking space in Crossing Street, Bellbird.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It was noted that the report incorrectly identified the location as being within a 40 km/h school zone.

RECOMMENDATION

That Council authorises the removal of Disabled Parking Space signage on Crossing Street, Bellbird, in accordance with the Crossing Street Bellbird _ Signage Removal Diagram.

SUPPORT: Unanimous

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SUBJECT: Oakey Creek Road, Pokolbin
Line Marking

REPORT NO.: TC35/2023

REFERENCE: CRR 2021 006

MATTER: Council was successful in gaining grant funding under the NSW Safer Roads Program for the upgrade of Oakey Creek Road Pokolbin. The project includes lane and shoulder widening, safety barriers, road resurfacing, and line marking.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It was noted that the existing line marking was reinstated until the new pavement settles and loose aggregate debris is swept, following which line marking contractors will be arranged to install the thermoplastic and audio-tactile line marking subject to this report.

RECOMMENDATION

That Council authorises installation of line marking on Oakey Creek Road Pokolbin, in accordance with the Oakey Creek Road Pokolbin _ Line Marking Diagram.

SUPPORT: Unanimous

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SUBJECT: *VARIOUS ROADS, NORTH ROTHBURY
STAGE 43 MODIFICATIONS
REGULATION OF TRAFFIC*

REPORT NO.: *TC36/2023*

REFERENCE: *CRM 10750/2023*

MATTER: Approval is sought for installation of regulatory parking, line marking, and intersection controls, in association with the ongoing Huntlee development.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It was noted that the connection of Kesterton Rise to Wine Country Drive will result in increased traffic volumes; and
- Installation of the proposed BB centre line marking will introduce parking restrictions on the eastern side of Kesterton Rise, (Regulation 208 (6) of the *Road Rules 2014*) conducive with enabling the free-flow of traffic.

RECOMMENDATION

That Council authorises installation of regulatory parking and intersection controls on various roads within Huntlee, in accordance with Various Roads North Rothbury _ Signage & Line Marking Diagrams.

SUPPORT: Unanimous

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SUBJECT: **LUMBY LANE, SAWYERS GULLY
REGULATORY SIGNAGE AND LINE MARKING**

REPORT NO.: **TC37/2023**

REFERENCE: **110 2021 2 1**

MATTER: Development consent (8/2017/352/2) has been provided for the construction of a commercial development off Lumby Lane, Sawyers Gully. Included in the conditions of consent is the construction of an upgrade intersection treatment for Lumby Lane/Sawyers Gully Road. Approval is sought for the regulatory signage and line marking associated with the development.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- It was identified during pre-meeting inspections that the Developer had installed inappropriate and unapproved signage on Lumby Lane;
- Development Services requested the removal of all signage, which has since occurred;
- It was also identified that the plans failed to note a power pole which will require relocation for construction of the BAR. Development Services confirmed the Developer is aware of the need to relocate the power pole; and
- It was noted that the Developer has commenced some upgrade works, however has not yet received approval from Council.

RECOMMENDATION

That Council authorises the installation of regulatory signage and line marking on Lumby Lane and Sawyers Gully Road, Sawyers Gully, in accordance with the Lumby Lane Sawyers Gully _ Signage & Line Marking Diagram.

SUPPORT: Unanimous

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SUBJECT: **VINCENT STREET, CESSNOCK
REGULATORY PARKING CONTROLS**

REPORT NO.: **TC38/2023**

REFERENCE: **CRM 11769/2023**

MATTER: A recent request to provide timed parking in the vicinity of Cessnock Street Cessnock has identified an opportunity to increase the length of the existing 1-hour parking area on Vincent Street, at the intersection of Cessnock Street.

A review of the NO STOPPING zone on Vincent Street immediately south of the Cessnock Street intersection identified an 8.5m long section of road where additional parking could be accommodated whilst maintaining the statutory 10m NO STOPPING zone for the intersection.

The additional 8.5m allows for a total of 10 on-street 1-hour parking spaces on the eastern side of Vincent Street, between Cessnock and Railway Streets.

DISCUSSION: The matter was described as per the report, and discussed as follows:

- The Chair asked why Council officers had ignored his request for installation of 1-hour timed parking on the western end of Cessnock Street;
- Council officers advised that this alternate proposal was being put forward which achieved the requested outcome, without impacting on other businesses;
- The existing un-timed 90° angle parking on the southern side of Cessnock Street, near the intersection of Vincent Street, provides desirable long term on-street parking for workers and customers of the various near-by businesses, including the following:
 - Rover Coaches,
 - Lifeguard Tyres,
 - Railway Hotel, and
 - Coalfields Smash Repairs.
- The demand for long term on-street parking in this area will likely be exacerbated when the new Fire and Rescue NSW fire station development proceeds;
- Timed parking spaces (1-hour) are currently available immediately adjacent the In Focus Radiology premises on Vincent Street;
- The Statement of Environmental Effects accompanying the recent Development Application (DA) for additions to the In Focus Radiology premises expressly assured that the proposed on-site parking, and the existing on-street parking arrangements are “considered sufficient” for the development;
- This professional assurance was relied upon when determining the DA. Had this report stated that the development would result in a deficiency in suitable parking capacity, specific conditions would likely have been applied to the relevant consent, requiring the applicant to address such deficiencies on-site;

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- It was also noted that the In Focus Radiology off-street car park has a dedicated disabled parking space. Currently a portion of this car park remains partly cordoned off and sign posted as a construction zone.
- Absent specific community consultation, it is not considered appropriate to postpone the interests of the many, general historical users of the existing un-timed parking spaces, at the behest of an unsubstantiated request for a treatment that was claimed initially to not be required when the relevant DA was determined;
- Council officers noted that ongoing observation of the site is occurring and that sufficient parking capacity has been available within the immediate vicinity of the facility at all observed times. It has been observed that:
 - Couriers delivering to the radiology facility make use of the Loading Zone in Cessnock Street;
 - Radiology staff were observed parking in Cessnock Street, including the spaces immediately adjacent the facility, and in the gravel car park opposite;
 - Elderly customers have been observed accessing the facility by the pedestrian gate and using the timed parking in Vincent Street.
- Council officers noted that:
 - The Statement of Environmental Effects for the development identified a reduction in parking 50% below the DCP requirements, and stated that the reduced on-site and existing on-street parking capacity is “considered sufficient”;
 - The request for timed parking in Cessnock Street was submitted prior to the facility opening and parking sufficiency being assessed; and
 - A pedestrian gate has recently been installed on the Vincent Street frontage of the facility, providing direct access to the existing timed parking on Vincent Street;
- The Chair requested a reason why the panel beaters were provided the parking they needed, but this business wasn't;
- Council officers advised the identified smash repair business was lawfully utilising the existing parking arrangements, and that these arrangements had not been provided specifically or exclusively for their business requirements; and
- The TfNSW representative moved that an additional recommendation be added to this item, to the effect that when the medical imaging facility works are completed and the associated DA approved parking arrangements become operational, a parking adequacy assessment is to be carried out.

RECOMMENDATION

That Council:

- **authorises the installation of regulatory parking signage and line marking on Vincent Street, Cessnock in accordance with the Vincent Street Cessnock _ Signage & Line Marking Diagram; and**

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- **assesses the adequacy of the DA approved parking arrangements when the In Focus Radiology premises works are completed and the car park becomes fully operational.**

SUPPORT: Unanimous

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CLOSURE

The Meeting Was Declared Closed at 10:23am

ENCLOSURES

- [1⇨](#) Various Roads, Pokolbin _ Temporary regulation of traffic _ End2End Festival
- [2⇨](#) Crossing Street, Bellbird - Disabled Parking Space Removal
- [3⇨](#) Oakey Creek Road, Pokolbin _ Line Marking
- [4⇨](#) Various Roads, North Rothbury _ Signage and Linemarking Diagrams
- [5⇨](#) Lumby Lane, Sawyers Gully _ Regulatory Signage and Line Marking
- [6⇨](#) Vincent Street, Cessnock _ Regulatory Parking Controls
- [7⇨](#) Local Traffic Committee _ June 2023 Inspection Hnadouts