

Department of Planning and Environment

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# Explanation of Intended Effect - Rhodes Precinct Car Parking Update

Amendments to the City of Canada Bay Local Environment Plan to increase car parking rates for residential development within the Rhodes Precinct

June 2023





# Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Published by NSW Department of Planning and Environment

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First published: June 2023

Department reference number: IRD23/11222

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TMP-MC-R-LC-V1.2

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# Part 1 – Executive Summary

The following is an Explanation of the Intended Effect (EIE) for proposed amendments to increase the maximum car parking rates for residential development within Rhodes Precinct under the *City of Canada Bay Local Environment Plan 2013 (LEP)*.

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## Introduction

The Rhodes Precinct (the Precinct) was rezoned on 30 October 2021 (2021 Amendment) following the finalisation of the *Rhodes Place Strategy 2021* (Place Strategy). The Place Strategy allows for approximately 4,200 new dwellings in the Precinct and recommends that this number be capped at 3,000 dwellings pending further infrastructure assessment. The 2021 Amendment rezoned the Precinct in accordance with the Place Strategy including introducing Place Strategy heights and Floor Space Ratios, Design Excellence requirements and the 3,000 dwelling cap. The 2021 Amendment set maximum numbers on car parking spaces for different land uses in the Precinct in the *Canada Bay Local Environment Plan 2013 (LEP 2013)* (**Attachment A**).

In late 2022 the Department of Planning and Environment (the Department) undertook consultation with landowners and developers in the Precinct to consider concerns that they had raised regarding challenges developing in the Precinct following the 2021 Amendment.

A key part of the feedback landowners provided related to the restrictive nature of the residential car parking rates<sup>1</sup>. The feedback was that the current maximum car parking rates did not match current property market expectations for the area.

Additional work was done by one developer, Meriton to test what alternative rates of parking could be suitable in the Precinct (**Attachment B**). This was reviewed by Transport for NSW (TfNSW), who confirmed that changes to the car parking rates would be supported subject to a comparative review of parking rates for similar places and centres.

The Department sought the advice of traffic consultants, Jacobs who originally prepared a key supporting transport reporting for the Place Strategy - the *Rhodes Precinct Traffic and Transport Report September 2021*. Jacobs advised that raising maximum car parking rates for residential uses to align with rates for other accessible areas in the City of Canada Bay Local Government Area (LGA) was likely to result in comparable traffic generation rates to those assumed in their 2021 report.

It is proposed that the maximum car parking rates in the LEP 2013 be amended to be consistent with the advice from Jacobs. This Explanation of Intended Effect details the proposed changes.

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<sup>1</sup> In this document 'rates' refers to the number of car spaces per dwelling

# Part 2 – Planning Context

## Rhodes Precinct

The Precinct is made up of land to the east of Rhodes Station bound by the rail line Concord Road and Mary Street East, and to the west of the rail line bound by Mary, Marquet, Gauthorpe and Walker Streets. The boundary of the Precinct and suburb boundary are shown in **Figure 1** below in red and blue respectively.



Figure 1: Rhodes suburb and Precinct boundaries (source: Rhodes Place Strategy, nearmap)

## Car Parking Comparison

Car parking rates across metropolitan Sydney vary greatly. Maximum car parking rates designed to limit total car spaces are often applied to high density areas with good transport amenity. This is consistent with actions for centres and Planned Precincts in the Greater Cities Commission’s *Eastern City District Plan* to “ensure parking availability takes into account the level of access by public transport”.

**Table 1** below compares car parking rates for the Precinct with car parking rates for other high density or accessible areas within City of Canada Bay LGA.

**Table 1: Residential Car Parking Rates - Comparison**

Dwelling Type	Current LEP for Rhodes Precinct (max)	Burwood North and Five Dock PRCUTS (max)	Canada Bay DCP areas within 800m of a train station (max)
Studio	0.1	0.15	0.6
1 bedroom	0.3	0.5	0.6
2 bedrooms	0.7	0.9	0.9
3 bedrooms or more	1	1.2	1.4
Visitor	1 space per 20 dwellings	1 space per 10 dwellings	1 space per 5 dwellings

All rates in the table above are maximums rates of car spaces per dwelling. PRCUTS is the Parramatta Road Corridor Urban Transformation Strategy.

Parking rates for the Precinct, Burwood North and Five Dock areas are included in the LEP 2013, whereas other parking rates for the remainder of the LGA are in Council’s DCP.

Maximum car parking rates for all uses including residential development for the Precinct are identified under clause 7.8 of the LEP 2013.

It is noted that the parking rates under Council’s DCP fully align with those recommended for sites within 800m of train stations in the TfNSW’s *Guide to Traffic Generating Development October 2002, updated 2013* (GTTGD), and the *Apartment Design Guidelines (2015)*.

In Burwood North and Five Dock, applicants can apply under clause 4.6 of the LEP 2013 for a variation to the maximum number of car parking spaces listed in the LEP 2013 if suitable justification is provided. However, under clause 4.6(8)(cc) of the LEP 2013, an applicant cannot apply to the consent authority to request a variation to the maximum number of car parking spaces for the Precinct listed in clause 7.8.

Car parking rates for completed Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) zonings are drawn from the *PRCUTS Planning and Design Guidelines November 2016*.

# Part 3 – Proposed Amendments

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## Rhodes Precinct Traffic and Transport Report 2021

In 2021 the Department commissioned consultants, Jacobs to prepare a traffic and transport report for the Precinct with a focus on infrastructure to support the Place Strategy.

The report identified that significant infrastructure upgrades were required if more than approximately 3,000 additional dwellings were constructed in the Precinct.

Like other studies of its kind, the Jacobs report used a mesoscopic traffic model<sup>2</sup> with assumptions about trip generation for different uses. When selecting a trip generation rate for residential development, Jacobs considered using personal trip rates based on target mode share (44% of trips by private vehicle) and vehicle trip rates specified in the in GTTGD.

A trip generation rate of 0.22 vehicles per hour per dwelling was selected in consultation with project stakeholders as a conservative assumption for testing infrastructure capacity and recommending upgrades.

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## Post-exhibition feedback on car parking rates

In late 2022 the Department received feedback from landowners about the maximum residential car parking rates in the LEP 2013 and how they do not respond to market preferences. Their view was that it was negatively impacting development feasibility. One developer (Meriton) commissioned a technical report by The Transport Planning Partnership (TTPP) consultants to test whether higher car parking rates would work. This included undertaking surveys of vehicle generation from existing developments in Rhodes and car ownership rates for public transport users.

TTPP's report concluded that existing residential developments in the other parts of the Rhodes Peninsula (which have higher car parking provision than for the Precinct) generate similar trips per dwelling to the assumptions applied in modelling undertaken as part of the Department's original *Rhodes Precinct Traffic and Transport Report 2021*.

TfNSW reviewed this report and confirmed that TfNSW would support a change to the existing maximum car spaces for residential uses in the LEP 2013. TfNSW noted that new rates should be informed by a comparative review of parking rates for similar centres.

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<sup>2</sup> The TfNSW Traffic Modelling Guidelines 2013 describe mesoscopic traffic modelling as follows: *These models cover large areas and include intersection details to more accurately reflect intersection delay... Mesoscopic models can use an equilibrium assignment but may also include the ability to dynamically model route choice. Examples of mesoscopic modelling packages include Dynameq, VISUM, Aimsun, CUBE Avenue and OmniTRANS.*

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## Review of car parking rates

Jacobs reviewed TTPP's report along with other available and relevant data from GTTGD<sup>3</sup> and Brisbane Open Sources Data by Queensland government<sup>4</sup>. Jacobs also undertook a comparison of parking rates as recommended by TfNSW. Jacobs' analysis was provided in a Technical Memorandum (**Attachment C**).

Based on this review, Jacobs recommended residential car parking rates for the Precinct under Clause 7.8 of the LEP 2013 be increased to be consistent with rates for other parts of the Canada Bay LGA in Council's DCP with good access to public transport - see **Table 2**.

These adjusted rates were recommended as they are:

- consistent with evidence-based rates in TfNSW document GTTGD; and,
- result in acceptable average weekday peak trip generation rates similar to that which was modelled for the original *Rhodes Traffic and Parking Report 2021*.

Table 2: current and proposed car parking rates for residential development in Precinct

Dwelling Type	Current LEP Rates	Recommended rates
Studio	0.1	0.6
1 bedroom	0.3	0.6
2 bedrooms	0.7	0.9
3 bedrooms	1	1.4
Visitor	1 space per 20 dwellings	1 space per 7 dwellings

All rates in the table above are maximums rates of car spaces per dwelling.

Additionally, it is proposed that clause 4.6(8)(cc) of the LEP 2013 be amended to replace the reference to clause 7.8 with a reference to clause 7.8(2)(a)-(c) only. Clause 7.8 (2)(d) sets out the maximum number of car parking spaces for dual occupancies, multi dwelling housing, residential flat buildings and shop top housing in the Rhodes Precinct. The proposed amendment to clause 4.6(8)(cc) will allow applicants to request approval from the consent authority to exceed maximum car parking spaces set out in clause 7.8 (2)(d) if appropriate justification is provided. Clause 4.6(8)(cc) would still preclude variation applications being made for parking rates for certain commercial premises, retail premises and restaurants and cafes through the retention of clause 7.8(2)(a)-(c) in clause 4.6(8).

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<sup>3</sup> <https://standards.transport.nsw.gov.au/search-standard-specific/?id=TBA%20-%200002826:2022>

<sup>4</sup> <https://www.data.qld.gov.au/dataset/traffic-generation-data-2006-2019>

## Proposed amendments

It is proposed that a self-repealing State Environmental Planning Policy be prepared to amend the LEP 2013 to:

- Amend the maximum car parking spaces for dual occupancies, multi dwelling housing, residential flat buildings and shop top housing in the Precinct in clause 7.8(2)(d) to give effect to the recommended car parking rates in **Table 2**.
- Amend clause 4.6(8)(cc) to replace clause 7.8 with clause 7.8(2)(a)-(c). This will enable applications to be made to vary the maximum number of car parking spaces in clause 7.8 for dual occupancies, multi dwelling housing, residential flat buildings and shop top housing.

# Attachment A – Existing Parking Rates for Rhodes Precinct in the City of Canada Bay LEP

Clause 7.8 of Canada Bay LEP 2013 currently reads as follows:

*Maximum number of car parking spaces for uses of land in Rhodes Precinct*

1. *Development consent must not be granted to development that results in the number of car parking spaces provided in connection with a use of land in the Rhodes Precinct exceeding the maximum specified in this clause.*
2. *The maximum number of car parking spaces is as follows –*
  - (a) *for commercial premises other than retail premises – 1 space per 150 square metres of gross floor area used for that purpose,*
  - (b) *for retail premises other than restaurants or cafes – 1 space per 100 square metres of gross floor area used for that purpose,*
  - (c) *for restaurants or cafes – 1 space per 150 square metres of gross floor area used for that purpose,*
  - (d) *for dual occupancies, multi dwelling housing, residential flat buildings and shop top housing –*
    - i. *0.1 spaces per studio dwelling, and*
    - ii. *0.3 spaces per dwelling with 1 bedroom, and*
    - iii. *0.7 spaces per dwelling with 2 bedrooms, and*
    - iv. *1 space per dwelling with 3 or more bedrooms, and*
    - v. *1 visitor car parking space per 20 dwellings.*

Clause 4.6(8) of Canada Bay LEP 2013 currently reads as follows:

*This clause does not allow development consent to be granted for development that would contravene any of the following –*

- (a) ...
- (cc) *Clauses 7.3 and 7.8.*

**Attachment B – High Density Development in Rhodes Research on Trip Generation and Parking Provision, prepared for Meriton Group by The Transport Planning Partnership, 20 November 2022**

# **Attachment C – Technical Memorandum Rhodes East Parking Rate Jacobs, April 2023**