



IRF 23/1126

# Rhodes Precinct Post Finalisation Consultation Review Report

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Summary of feedback and responses

June 23



# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Rhodes Place Strategy 2021
Rhodes Precinct Parking Update Explanation of Intended Effect
Technical Memorandum Rhodes East Precinct Parking Rate (Jacobs) 2023
Rhodes Precinct Traffic and Transport Report (Jacobs) 2021
Rhodes Place Strategy Finalisation Report October 2021

## Executive Summary

The Department of Planning and Environment (the Department) prepared and implemented the Rhodes Place Strategy (the Place Strategy) to set the future vision for the renewal of the Rhodes Precinct (the Precinct).

The 20-year Place Strategy sets down a structure plan that allows for new development supported by new open space, active transport infrastructure and a Primary school. On the 30 October 2021, the Department rezoned the Precinct to give effect to the Place Strategy.

In mid 2022 several landowners made representations to the Minister for Planning and the Department regarding challenges in progressing development in the Precinct. In response, the Department wrote to all landowners in October 2022 seeking to better understand these challenges.

Meetings were held with various landowners. The primary concern raised by landowners was that the rezoning did not afford sufficient development density to either sell or progress with development of their sites at present. This report considers the requested outcome to increase development densities and determines that changes to the density controls in Canada Bay Local Environmental Plan 2013 (LEP 2013) would unbalance the framework underpinning the Place Strategy. This is because additional development density would require considerable additional infrastructure to support additional growth and it would likely result in additional and unacceptable impacts to adjoining development and open spaces.

A range of other matters were raised in these meetings, including a request to increase maximum parking rates under LEP 2013. In consultation with TfNSW and with further advice from Jacobs transport consultants the Department recommends that the proposed rates of parking be altered. The Department has prepared a Explanation of Intended Effect (EIE) outlining the proposed LEP 2013 changes to current maximum residential car parking rates for the precinct. This EIE will be exhibited for public comment.

The Department notes that several development applications (DAs) are currently progressing through the design excellence process and State agencies are progressing plans for the new school and station access upgrades. This clearly indicates that development for the precinct is progressing despite concerns raised by some landowners that it is not viable to do so at the moment.

# 1. Rhodes Precinct

## 1.1 Strategic Context

The Rhodes Precinct is made up of land to the east and west of Rhodes Station within the Rhodes peninsula (**Figure 1**). Rhodes is identified in the Eastern City District as part of the combined health and education precinct with Concord.

The Precinct is located approximately:

- 2.5km east of Olympic Park Station;
- 3.3km north of the proposed North Strathfield Metro Station;
- 8km southeast of Parramatta CBD; and
- 12km west of Sydney CBD.

## 1.2 Place Strategy and rezoning

Over a period of three years draft strategic and rezoning plans for the Rhodes Precinct were exhibited three times in 2017, 2018/19 and in 2020. And then in September 2021, the Rhodes Precinct Place Strategy was finalised and endorsed setting a 20-year vision for the future of the Rhodes Precinct, further shifting it from a working waterfront to a thriving centre.

On 30 October 2021, the precinct was rezoned to implement the Place Strategy.

The Rhodes Precinct Place Strategy establishes a vision for the Rhodes Precinct that is expected to be implemented over the next 20 years. This vision includes:

1. **Plan for a sustainable future:** Build sustainability and longevity into planning, design and commercial capability from the start.
2. **Prioritise active transport:** Design integrated transport services and experiences that prioritise walking, cycling and the use of public transport.
3. **Provide public access to the waterfront:** Provide new public access to the Parramatta River foreshore, including housing and public open space with views to the water.
4. **Plan for affordable housing:** Provide affordable housing options for lower income residents, including those working in teaching, child care, policing or nursing.
5. **Create opportunities for new jobs:** Encourage commercial floor space near the station for future employment.
6. **Improve east-to-west connections:** Improve accessibility around the rail station and between east and west Rhodes so that people can easily move between homes, jobs, shopping, recreation and entertainment areas.
7. **Integrate infrastructure and land use:** Plan to have the necessary infrastructure (including social facilities) in place as the number of residents and workers increase.
8. **Plan for a mix of building densities and street-level activity:** Design a range of buildings, from terraces to apartment buildings, that bring activity and interest to lower levels of buildings, helping to create more open space, more sunlight and a closer connection to the street, other people and amenities.

This Place Strategy proposes five big moves to unlock the precinct's potential and bring the vision to life. They are purposefully require ongoing commitment and coordination across the public and private sector over the long-term.

Each big move as follows is supported by a list of related actions, many of which are supported through the development process:

1. Create a vibrant, integrated precinct;
2. Liberate the Parramatta River foreshore and green space;
3. Connect places, promote walking and cycling;
4. Better designed buildings, for more people; and
5. An exemplar of sustainable development.

### 1.3 Outcomes of the Place Strategy

Place Strategy and supporting rezoning of the precinct is to give effect to the vision (**Figure 1**) for:

- approximately 4,200 new dwellings (capped at 3,000 dwellings in the short-term) over 1,100 jobs to be delivered over the next 20 years through changes to land zoning and development controls such as height and floor space;
- 2.3ha of new public spaces including a new 7,500sqm foreshore park and 15m wide waterfront promenade;
- upgrades to the Rhodes Station and a new ferry wharf;
- a new 1,000 student primary school;
- a place-based approach to renewal, with a strong focus on local character, housing diversity and best practice urban design;
- sustainability outcomes, via bonuses for exceeding mandatory BASIX targets and requiring dual reticulation water systems in all new developments;
- at least 2,000sqm of community floorspace space;
- best practice design through a Design Excellence provision which will apply to future development in the precinct;
- improved access to parks and the foreshore including a new pedestrian bridge over Concord Road;
- almost 3km of new cycleways and pedestrian connections to make it easier for people to walk and cycle;
- up to 5% of new dwellings as affordable housing in the precinct; and
- 'satisfactory arrangements' requirements for development in the precinct to ensure contributions are made towards state infrastructure as part of any future development.

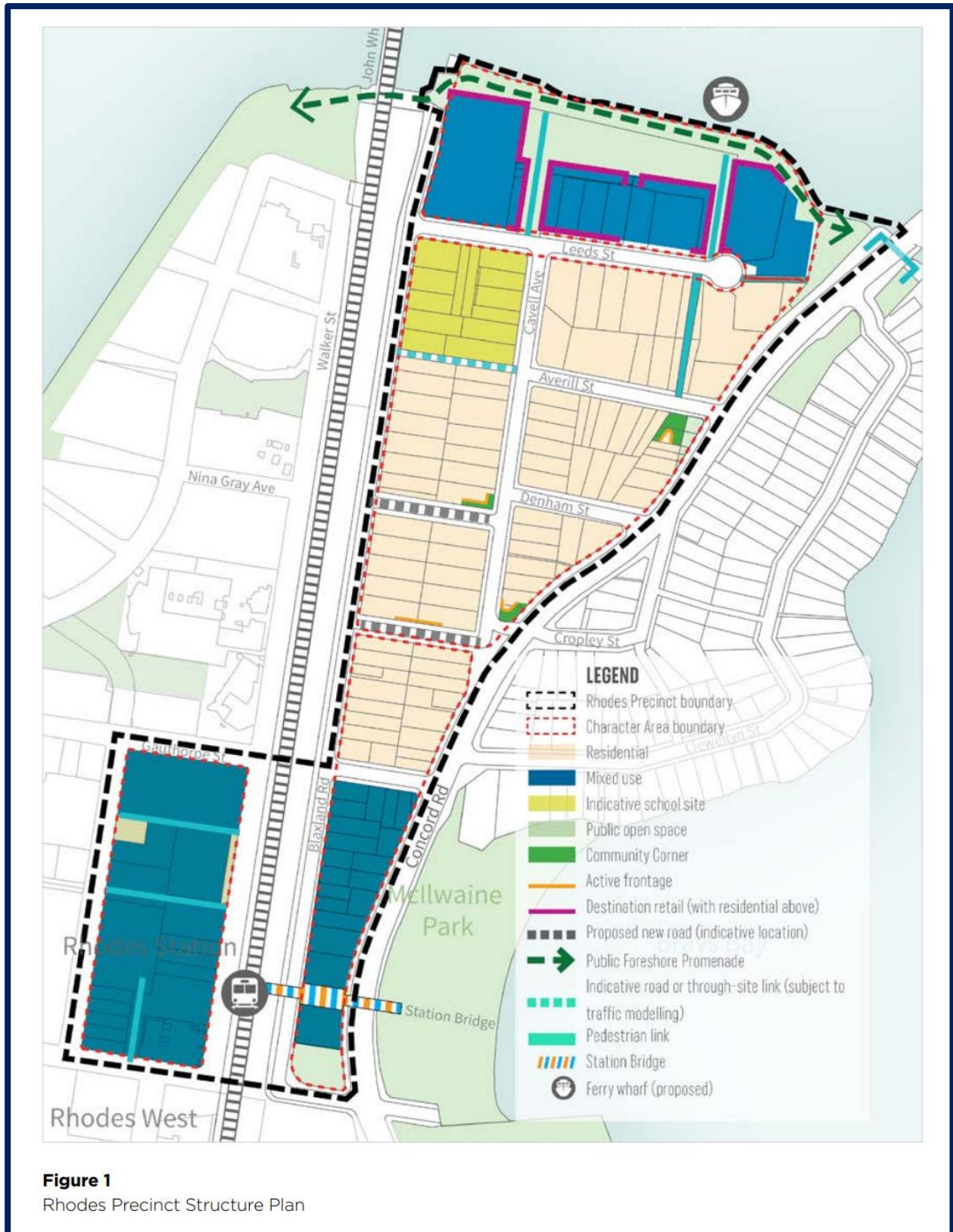


Figure 1: Structure Plan (source: Rhodes Place Strategy 2021)



## 1.4 Key matters in finalising the Place Strategy and associated rezoning

In finalising the strategic plan and rezoning for the Precinct in 2021 the Department prepared a detailed assessment of matters raised in submissions – see the Department’s [Finalisation Report](#).

Key matters considered in this decision-making process are outlined below.

### **Dwelling caps and development capacity**

The rezoning of the precinct introduced an interim cap of 3,000 additional dwellings in Rhodes Precinct under LEP 2013. The two exceptions to this dwelling cap applying under the LEP include:

1. dwellings that existed before 30 October 2021; and
2. dwellings permitted by a development consent granted before 30 October 2021.

The 3,000 dwelling cap was applied based on transport and traffic modelling undertaken by Jacobs as part of the *Rhodes Traffic and Transport Report 2021*. This report indicated that 3,000 dwellings is the limit of additional dwellings that can be accommodated in the precinct without the need for transport improvements such as quadruplication of the Northern Line to enable more train services to Rhodes Station.

The Place Strategy provides capacity for approximately 4,200 dwellings with indicative breakdown of total dwellings for each of the four Character Areas which is based on heights and densities in the Place Strategy. Approximate dwelling numbers by Character Area are provided below and figure 2 shows the boundaries of the Character Areas.

- Station Gateway West – 700 dwellings
- Station Gateway East – 1,500 dwellings
- Cavell Avenue – 1,100 dwellings
- Leeds Street – 900 dwellings





Figure 2: Character Areas (source: Rhodes Place Strategy 2021)

Factors leading to this decision to apply dwelling caps include:

- **Upgrades are needed to Rhodes Station** to increase station capacity and improve access to the platforms. The *Rhodes Precinct Traffic and Transport Report 2021* notes that train loads currently are close to capacity at Rhodes Station during peak house and more passengers are expected from Wentworth Point as new development there is occupied. The report also notes the following capacity limitations at Rhodes station in late 2018 and forecast these conditions would worsen:
  - Shared downstream track capacity on the Western Line;
  - Train length limitations for platforms on the Northern Line;
  - Shared track with freight and intercity trains; and
  - Platforms and concourse capacity at Rhodes (with platform 1 operating at service Level D, the concourse at level C and stairs from the Walker Street at level E).
- The traffic and transport report suggested improvements to the capacity of Rhodes Station to support development under the 3,000 dwelling cap could include:
  - Additional stairs to the platforms;
  - Widening of platform one; and
  - New northern concourse with additional stairs to the platforms and concourse space.
- The Place Strategy includes an infrastructure item upgrade Rhodes Train Station as part of the infrastructure required to support development under the 3,000 dwelling cap.

- several initiatives are included in the Place Strategy to support development and manage the impacts of growth on public transport services up to the 3,000 dwelling cap. This includes travel demand management approaches that redistribute journeys to other modes, times, routes or by removing journeys altogether. The supporting amendment to the EP&A Regulation ensures the Place Strategy is a consideration in future development.
- **Maintaining appropriate level of service on arterial road Concord Road / Homebush Bay Drive** as a significant as a bus and freight corridor for the region. The majority of vehicle trips into and out of Rhodes Precinct are from the south via Homebush Bay Drive or Concord Road. Maintaining travel times along the key arterial route of Homebush Bay Drive, Concord Road and Church Street is critical to minimising the impacts of the Rhodes Precinct on existing travel through the area. The *Rhodes Traffic and Transport Report 2021* found that approximately 3,000 dwellings can be accommodated on an upgraded road network without adversely impacting the Concord Road corridor. These upgrades include:
  - Intersection upgrade for Averill Street on approach to Concord Road including a new left turn lane on the Averill Street approach and extension of the Concord Road southbound right turn bay.
  - Concord Road/Homebush Bay Drive intersection upgrade (R12)
  - Improvements to the road network within Rhodes Precinct including:
    - New road: Blaxland Road to Cavell Avenue
    - Cavell Avenue/Averill Street intersection upgrade
    - Cavell Avenue/Leeds Street intersection upgrade

Infrastructure requirements beyond the 3,000 dwelling cap include:

- The Place Strategy and *Rhodes Traffic and Transport Report 2021* note that further assessment is required to confirm infrastructure need to support development in the Rhodes Precinct above the 3,000 dwelling cap. The following is an indicative list of infrastructure the Place Strategy and traffic and transport report suggest could be required to support development beyond the 3,000 dwelling cap, in association with changes to travel behaviour and travel demand management solutions:
  - *Sydney Metro West;*
  - *Sydney Metro City & Southwest which will increase capacity via additional services at Rhodes (with Northern Line customers diverting on to the Metro at Epping, prior to reaching Rhodes), and allowing people in Rhodes to travel north to Epping to join the Metro line;*
  - *potential future upgrades to the Northern Rail Line to four tracks; and*
  - *extension of Parramatta Light Rail (PLR 2) to Wentworth Point and Sydney Olympic Park, which was committed in June 2022.*
- The public transport improvements above are part of the demand management strategies required to ensure that the level of service on the Concord Road arterial road corridor is maintained, encouraging a greater proportion of trips to be taken by public transport. Traffic modelling undertaken as part of the *Rhodes Traffic and Transport Report 2021* showed future road network did not operate at a suitable level if the full capacity of the Rhodes Precinct was developed without significant road network upgrades including a possible grade separation of the intersection of Concord Road/Homebush Bay Drive. The study did not seek to identify what these road improvements may include and instead recommended that 70% of the total development quantum be developed first with the remaining 30% to be developed when its associated road network improvements have been identified in future.

Considerations that informed the overall capacity of the precinct (approximately 4,200 dwellings) include:

- Extensive **built form capacity testing** informed the total capacity for the precinct of approximately 4,200 dwellings. The heights and densities which currently apply to the

precinct under the City of Canada Bay LEP were based on an urban design report prepared by Hatch and Roberts Day consultants. The urban design report used a design led approach with the 10 guiding design principles below:

1. *existing and proposed open space should be designed for amenity rather than relying on interventions, improvements and/ or retrofits that compromise the intent or quality of the space*
  2. *prioritise the pedestrian experience above all other modes of transport.*
  3. *over and above the apartment design guide solar compliance; implement an overall fine grain height strategy to minimise overshadowing of the following in order of priority:*
    - a. *existing open space*
    - b. *future open space*
    - c. *existing, recent and future residential*
  4. *locate the highest concentration of new population nearest to public transport*
  5. *deliver urbanity not just density; ensuring that development potential is matched by public benefit.*
  6. *new open space should celebrate the peninsula location and amenity of parramatta river. this should be considered through internal and external views, proximity to the waterfront and support of the urbanity and open space criteria.*
  7. *provide a varied and permeable skyline when viewed from the following locations:*
    - a. *Mcllwaine Park*
    - b. *Rhodes West Park*
    - c. *Brays Bay*
    - d. *Bennelong Bridge*
    - e. *Concord Road South*
    - f. *Parramatta River*
  8. *view sharing should:*
    - a. *prioritise views of the water, destinations and wayfinding from the public realm*
    - b. *acknowledge the historic and holistic redevelopment intent of Rhodes Precinct*
    - c. *protect the privacy of schools, childcare and the private open space of low density precincts likely to remain.*
  9. *the pedestrian experience from the public realm and public transport start/ end of trips should drive built form decisions.*
  10. *promote fine grain built form and public realm variances between character areas (sub precincts) whilst remaining consistent with the Rhodes vision.*
- The urban design report used tested bulk, scale and visual impact to determine appropriate heights and densities throughout the precinct based on the design principles above.
  - Submissions to exhibition of the Place Strategy requested increased height and FSR controls, and suggested development controls were too prescriptive and dwelling targets will not be achieved under the proposed controls.
  - In response to the requests for increased height and density, a review of the cumulative overshadowing impact was undertaken, which demonstrated over 50% of the primary area of Mcllwaine Park would be overshadowed in the afternoon in mid-winter if these suggestions were implemented.

- **Limitations for delivery of other infrastructure**, including:
  - Design constraints for provision of additional school places. The identified school site has capacity for approximately 1,000 students based on initial design and feasibility work. It is noted that School Infrastructure NSW would have preferred a larger school site for the 1,000 student campus (1.5ha rather than 1.1ha) however are proceeding with planning for delivery of a school on the site identified in the Place Strategy. The Place Strategy includes infrastructure to provide safe pedestrian access to the identified school site and heights. Densities in the Precinct were developed having regard to the amenity of the school site including no overshadowing between 10am and 2pm; and
  - Constraints for provision of additional open space, recreation facilities and dedicated paths to meet the needs of more residents.

## Traffic and parking

The Department's finalisation of the Place Strategy and associated rezoning noted that:

- The maximum car parking rates were established in collaboration with TfNSW and Council and aim to reduce congestion, manage impacts on Concord Road, and encourage more people to use public transport and walking and cycling for local trips, and to shift to car sharing instead of car ownership.
- The Place Strategy supported a shift away towards greater public and active transport uses with inclusion of new pedestrian and cycle connections, upgrades to Rhodes Train Station, a new transit plaza next to Rhodes Train Station and a new ferry wharf.
- Council's development control plan amendments related to the Place Strategy and associated rezoning include the provisions to requiring car share spaces in new development.
- The car parking rates are based on best practice for accessible, high density areas in Sydney. The parking rates for Rhodes are in line with maximum car parking rates in highly accessible areas, such as City of Sydney and North Sydney, and are based on accessibility to public transport services and an improved active transport network.
- Transport and traffic modelling indicates that 3,000 dwellings is the limit of additional dwellings that can be supported without major intervention, such as the quadruplication of the Northern Line to enable more trains to stop at Rhodes.
- The Place Strategy and planning controls include a provision that ensures no more than 3,000 new homes can be developed prior to major intervention. The Place Strategy identifies capacity for approximately 4,200 dwellings in the Precinct and sets out actions and considerations to unlock the Precinct's full growth potential. A future planning proposal will be required to remove the dwelling cap once additional transport capacity is committed.
- The Department, in collaboration with TfNSW, will consistently monitor housing approvals and dwelling completions, while also building an understanding of traffic patterns and passenger behaviour in light of the shift to working from home, the introduction of safer walking and cycling paths, and the influence of other transport interventions such as Sydney Metro West or potentially, Parramatta Light Rail Stage 2. This has been specifically identified as an action in the Place Strategy.

## Development feasibility

The Department's finalisation of the Place Strategy and associated rezoning noted that:

- The Place Strategy is a long-term plan that sets out a framework for development over a 20 year period. With development planned to occur incrementally to 2041, and noting that a dwelling cap was applied, some sites may not be developed in the near term. Feasibility is determined at a point in time and will be a factor that will shift and evolve with market conditions over time. Given the long-term timeframe for the precinct to develop, feasibility must be considered in this context;
- Considerations of feasibility must be balanced with the urban design and place-based outcomes for the Precinct. The Place Strategy includes specific height and FSR controls to provide certainty about the intended built form outcomes. The controls have been informed by consultation with stakeholders including Council, Government agencies, the community and specialist consultants.
- These controls respond to best practice design criteria and reflect the place-making principles of the Place Strategy, which require precise controls to maximise development potential while ensuring that environmental and amenity targets are also achieved.
- In response to submissions, a number of minor post-exhibition changes were made to improve project feasibility and incentivise the delivery of key infrastructure on certain sites, including:
  - a redistribution of non-residential floor space on sites in Station Gateway West and Station Gateway East;
  - additional FSR in the Leeds Street character area;
  - bonus FSR provisions for the delivery of community infrastructure on certain sites; and
  - bonus FSR for the delivery of terrace housing in Cavell Avenue character area.

## 1.5 Progress since rezoning in 2021

Since Rhodes Precinct was rezoned in October 2021, progress has been made in development assessments and infrastructure planning including:

- Four development applications have commenced or completed the design excellence process
- Schools Infrastructure NSW has commenced the planning phase to deliver the new Rhodes East Primary School
- TfNSW has progressed plans to improve station access
- Council is constructing upgrades to McIlwaine Park with the assistance of State Government funds through the Precinct Support Scheme
- Council updated its Section 7.11 Contributions Plan which includes local road upgrades for the Rhodes peninsula, these changes came into effect in March 2022



## 2. Landowner feedback and analysis

### 2.1 Feedback meetings

Between 29 November 2022 and 22 December 2022, the Department met with landowners that expressed interest in meeting to outline concerns about implementing the Place Strategy.

The Department met with various landowners between 29 November and 22 December 2022.

Key issues raised included:

- Minimum non-residential floor space requirements
- Public transport upgrades
- Infrastructure provision
- Affordable housing
- Open space provision
- Built form, building height and development density
- Traffic and parking requirements
- Implementation of the Place Strategy
- Equity of density distribution

These meetings were undertaken with officers from Canada Bay Council, Transport for NSW and the Department and occurred either in person or online.

These meetings were undertaken with a probity officer in attendance and accordance with the following probity process:

- each meeting was overseen by an independent probity advisor;
- that the purpose of the meeting was not an opportunity to seek favourable planning decisions;
- specific projects or sites could be discussed if that contributed to understanding of the impact of the Place Strategy;
- commercial information would not be disclosed without prior agreement. This included any information that is commercially sensitive and shared with other government agencies; and
- direct contact with government and ministerial officials would not influence the project team's consideration or review of impacts of the strategy.

A summary and analysis of feedback received is outlined below.

### 2.2 Analysis of matters raised

The following provides more detail about each of the issues raised and outlines the Department's consideration of these matters. Not all matters noted below were raised by all landowners/developers, and in some cases the views of developers/landowners opposed others' views.

Feedback meetings were intended to gather information on whether specific issues were preventing development in accordance with the Place Strategy and associated rezoning. Notwithstanding the intended focus of the feedback meetings, many landowners requested changes to the Place Strategy and associated rezoning to permit more development on their site. Conflicting comments were also made noting that actions by the Department to re-visit the Place

Strategy would create uncertainty and delay development including applications which have been through the design excellence process.

Based on the Department's assessment of matters raised in these meetings, the only change the Department is recommending the existing LEP controls for Rhodes Precinct are increases to residential car parking rates and associated changes to the Clause 4.6 exemption.

### 2.2.1 Built form - building heights and development densities

A key concern expressed by most landowners was that insufficient development densities were provided by the rezoning plans to then enable an economically feasible redevelopment of their site(s) either now or in the future. Another associated issue was concern that distribution of density throughout the Precinct had been inequitable.

Requests were made by landowners to:

- increase development density and heights at various sites throughout the Precinct; and
- re-examine the Place Strategy and supporting rezoning across the whole Precinct.

Some landowners acknowledged the importance of controls for solar, wind and shadowing to ensure good amenity outcomes within and outside of the Precinct, but also contended that greater uplift could be achieved whilst retaining these protections and outcomes.

Some landowners raised concerns about the design competition process and LEP requirements being too onerous and restrictive, including:

- maximum building floor plate requirements;
- minimum building separation; and
- that applying a design excellence process in conjunction with specific design standards in the LEP results in conflict. Examples discussed included where built form outcomes responded to the design excellence process yet conflicted with minimum building setback and maximum building floor plate requirements.

### ***Department's Analysis***

The urban design report that informed Place Strategy applied principles and design criteria aimed at balancing access to open space, promoting active transport and protecting amenity including overshadowing, wind modelling and view sharing. LEP floor plate depths and building separation requirements were informed by criteria in the urban design report as well as consideration of feedback from previously exhibited plans.

The design excellence process was created to ensure developments exhibit high quality detailed design and site responses having regard to relevant planning controls. The LEP sets considerations for the design excellence including architectural details, public domain, building modulation, materials and integration of landscape design.

A design excellence process is frequently applied in other parts of Metropolitan Sydney where high density development is permitted. In high density areas, the design excellence process is a sound way to ensure optimal design responses are achieved, particularly when these buildings are visually apparent at distance.



The Place Strategy and associated rezoning provide a framework for development and infrastructure delivery over a 20-year period to 2041. Development of precincts typically occurs gradually with more sites becoming feasible over time.

The full growth potential (4,200 additional dwellings) is the maximum growth capacity of the Precinct considering infrastructure, amenity and built form requirements and high-quality planning outcomes. Any re-examination of the Place Strategy and associated rezoning would be limited to this full growth potential meaning any additional uplift on certain land would have to be redistributed from other sites within the Precinct, resulting in downzoning of other land to compensate increased densities elsewhere.

On this basis no changes to development height or densities are proposed.

### 2.2.2 Traffic and parking requirements

Some landowners raised concerns that the maximum car parking rates:

- are too restrictive;
- will cause increased on street parking;
- do not align with similar precincts and centres in Metropolitan Sydney;
- contribute to undermine the feasibility of development;
- are unnecessary to ensure appropriate traffic and car parking outcomes;
- do not respond to market demands for increasing apartment sizes; and
- make the Precinct uncompetitive with other areas.

Some landowners supported new transport initiatives to encourage use of different transport modes including public transport and active transport.

Meriton commissioned and submitted to Transport for NSW a technical report in support of a request for higher car parking rates for residential development. This included surveys of vehicle generation from existing developments in Rhodes and car ownership rates for public transport users.

After detailed consideration TfNSW provide in principle support for changes to the parking rates in the precinct. In response the Department reengaged consults Jacobs who prepared the original traffic and transport report that informed the Rhodes Place Strategy, to conduct a comparative assessment of parking rates in similar locations and to consider the impacts of change in parking rates recommended by Meriton's consultant.

#### **Department's Analysis**

Jacobs concluded that existing developments in the peninsula (which generally have higher parking rates than the current LEP rates for the Rhodes Precinct), generated similar average trips per dwelling to the assumptions applied in modelling undertaken as part of the *Rhodes Precinct Traffic and Transport Report 2021*.

Importantly the Jacobs advice notes that the car parking controls were not developed based on traffic modelling outcomes, rather existing LEP car parking rates were selected as a means of encouraging targeted rates of private vehicle use compared to other modes like active and public transport.

Jacobs recommended car parking rates for the Precinct be increased to match parking rates that apply to accessible areas elsewhere in the *City of Canada Bay Development Control Plan 2022* (DCP), meeting these criteria:

- B4 Mixed Use zones, or within 400m of a B4 Mixed Use zone,
- B3 Commercial Core zone, or within 400m of a B3 Commercial Core zone; and
- Within 800m of a railway or metro station.

These rates were recommended because they are:

- consistent with evidence-based rates in TfNSW document *Guide to Traffic Generating Development 2002, Updated 2013*; and
- expected to result in acceptable weekday peak trip generation rates like rates modelled in the *Rhodes Traffic and Parking Report 2021*.

**Table 1: Current and proposed maximum car parking rates for residential development in Rhodes Precinct**

Dwelling Type	Current LEP rates (max)	Proposed rates (max)
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

It is noted that the DCP seeks decoupling of residential car spaces. Specially, the DCP provides for all residential car parking within the Precinct to be decoupled from dwellings by requiring the car space(s) to be on a separate title to the dwelling. This requirement encourages transfer and flexibility of car space ownership. Where this occurs the recommended rates in Table 1 may not reflect the final allocation of car spaces.

Unbundled or decoupling car parking is noted in the *Rhodes Precinct Traffic and Transport Report 2021* as an opportunity to reduce the total amount of car parking in a building. It is proposed the impacts of decoupling in the Precinct be monitored to see what if any impact it has on total car spaces, feasibility and trip generation. This monitoring will occur as part of Place Strategy Action 1.5.

In consideration of Jacobs review, the Department proposes to amend the City of Canada Bay Local Environment Plan (LEP) to implement proposed new maximum residential car parking rates. These amendments are outlined in an Explanation of Intended Effect.

It is intended that Clause 4.6 will apply to the new maximum residential car parking rates. Car parking rates for Rhodes Precinct are currently exempt from Clause 4.6 under the City of Canada Bay LEP. Clause 4.6 allows development applications to apply to vary from LEP controls subject to assessment of impacts supporting the variation.

The Explanation of Intended Effect proposes to remove the Clause 4.6 exemption for residential car parking rates in Rhodes Precinct. This will allow individual development applications to make variations to the new maximum car parking rates, provided they can demonstrate no detrimental impact on traffic congestion and can still achieve built form and design requirements.

### 2.2.3 Concerns about revisiting the Place Strategy

Some landowners were concerned that re-evaluating the Place Strategy and associated rezoning would cause uncertainty.

Reasons for this were that development applications are currently underway and close to being lodged with Council. Should substantive changes be pursued, this would likely cause delays in assessment of development applications by requiring consideration of any new draft Strategy or changes.

There was also concern that Council may not support current applications until certainty is provided by finalisation of any proposed changes to the Place Strategy and associated LEP provisions.

### **Department's Analysis**

Concerns regarding uncertainty are noted. This report does not recommend a re-evaluation of the Place Strategy. The report does recommend increasing maximum car parking rates for residential uses. This change to car parking rates is not expected to detrimentally impact the progress of current development applications.

#### **2.2.4 Minimum non-residential floor space requirements**

Some landowners questioned the required quantum of non-residential floor space required for their sites/projects, noting:

- reduced demand for non-residential floor space in Rhodes, specifically for commercial floor space;
- the distribution of required non-residential floor space across the Precinct – with certain landowner's noted that higher proportions of commercial floor space appeared to apply to sites furthest from Rhodes Station; and
- lack of evidence for non-residential floor space requirements.

### **Department's Analysis**

The Eastern City District Plan includes a jobs target of between 22,000 and 24,000 jobs in Rhodes by 2036 and includes an action to: *“strengthen Rhodes through approaches that protect capacity for job targets and a diverse mix of uses to strengthen and reinforce the economic role of the centre”*.

An Office Demand Review (the Review) by JLL consulting supported the Place Strategy finalisation and associated rezoning. The Review had regard to economic conditions at the time (during the Covid-19 pandemic). As a result of the review, non-residential floorspace requirements for the Precinct were reduced prior to finalisation of the Place Strategy.

This included changes to the distribution of non-residential floor space in the Station Gateway West and Station Gateway East character areas. Non-residential floor space requirements also were removed from the Leeds Street Character Area with ground floor activation being achieved through an active frontage control instead.

To assist with the delivery of community infrastructure, an incentive provision has been introduced for the site to allow additional floorspace of up to 0.6:1 for non-residential uses (additional to the base FSR of 1.7:1) on the Coptic Church site.

#### **2.2.5 Public transport upgrades**

Some landowners questioned the requirements for the rail and station upgrades and the need for quadrupling of rail lines to unlock additional dwellings beyond the 3,000 dwelling cap.

### **Department's Analysis**

The Place Strategy and *Rhodes Precinct Traffic and Transport Report 2021* both state that future assessment is needed to determine the infrastructure required beyond the first 3,000 additional dwellings in the Precinct. Both list potential quadruplication of the T9 Northern Line as an upgrade which could support full development of the Precinct. While quadruplication of the T9 Northern Line

has the potential to improve train services in the Precinct, investments of this nature are made based on network requirements.

### 2.2.6 Infrastructure provision

Landowners raised concerns with how infrastructure is managed, delivery, timings, location and who pays for it. Some landowners questioned the requirement for State Infrastructure Contributions.

Some landowners raised concern about how the funding and delivery of the pedestrian bridge from Rhodes Station to McIlwaine Park was to occur.

#### **Department's Analysis**

Infrastructure requirements for the first 3,000 additional dwellings in the Place Strategy were informed by technical reports and subject of public consultation.

The Place Strategy identifies the required state and local infrastructure to support this level of development. This includes nominating funding mechanisms and responsible agencies to deliver road and rail upgrades, new walking and cycling connections, a new school site and open space improvements.

The Place Strategy and supporting planning controls ensure arrangements are in place to levy contributions towards state infrastructure prior to development occurring. This is achieved via a concurrence provision in the LEP, which provides a trigger for state VPA's to be entered into as part of development applications.

Monetary contributions collected under state VPA's will contribute to the cost of state infrastructure, however NSW Government will be responsible for funding the majority cost of the state infrastructure identified in the Place Strategy.

As development occurs, the Department can assist delivery agencies by facilitating discussions between key stakeholders to support the delivery of infrastructure identified in the Place Strategy.

The Place Strategy includes an infrastructure list with actions, responsible agencies and stakeholders nominated for each individual infrastructure item. Priority infrastructure planning has commenced including plans for a new school and plans to improve access to Rhodes Train Station.

A workshop was held with relevant landowners to progress planning for, and delivery of, the pedestrian bridge to McIlwaine Park. City of Canada Bay Council has also commenced work to upgrade McIlwaine Park.

### 2.2.7 Affordable housing

Some landowners indicated that the affordable and social housing requirements undermine the feasibility of the development.

Some landowners noted that a Build to Rent model could be beneficial if incentivised through additional height and floor space.

#### **Department's Analysis**

The affordable rental housing scheme which applies to the Precinct responds to Greater Sydney Region Plan Strategy 11 and was informed by feasibility testing report *Affordable Rental Housing – Evidence Report Rhodes East (HillPDA) 2017*. A rate of 3.5% affordable rental housing applies to the land within the Precinct to the west of the trainline and the rate for the remainder of the Precinct is 5%.

*State Environmental Planning Policy (SEPP) (Housing) 2021* doesn't permit build-to-rent development to exceed height or density standards in other environmental planning instruments. The Housing SEPP does provide incentives for affordable and seniors housing, and it is noted that

some build-to-rent development may meet State Significant Development criteria providing an alternate pathway for development approval.

### 2.2.8 Open space provision

One landowner was concerned that the Place Strategy concentrated new open space in one part of the Precinct. The landowner considered that delivery of this open space was not currently feasible and suggested additional uplift to improve near term feasibility.

Concern was also raised about the location of new open space in relation to surrounding development and potential for overshadowing.

#### **Department's Analysis**

Heights and densities in the Place Strategy and associated rezoning were informed by detailed urban design testing, this included analysis of overshadowing of key open spaces. Regarding new open space, the Place Strategy lists NSW Government as responsible for its delivery. This report proposes to publish updates on the infrastructure list, including status and timing as these are confirmed through in the process of designing and budgeting for specific infrastructure items.

## 2.3 Summary of analysis

In response to the feedback provided by Landowners, advice from Jacobs consulting and subsequent consultation with Council and Transport for NSW, changes are proposed to maximum residential car parking rates. The details of the proposed changes along with the Jacobs advice and evidence provided by Meriton are made publicly available as part of exhibition of the Explanation of Intended Effect.

The existing Place Strategy and associated rezoning provide certainty about future development and infrastructure delivery. The rezoning was the culmination of seven years of planning and consultation for the Precinct. The Department is satisfied that current heights and densities in the Precinct align with the Place Strategy urban design principles and will ensure amenity throughout and beyond the Precinct.

Landowners currently preparing development applications to implement the Place Strategy need certainty about what provisions apply and need to be considered and addressed. Amended residential car parking rates are considered minor changes to the City of Canada Bay LEP and may assist with development feasibility without detrimental impacts to the delivery of the Place Strategy in line with its original intent.

### 3. Resources for landowners

The following are links to information and resources to assist landowners to progress development applications for Rhodes Precinct.

As development applications are usually made to council landowners should contact Council to discuss their application ahead of time including the design excellence process.

- Tel: 9911 6555 Email: [council@canadabay.nsw.gov.au](mailto:council@canadabay.nsw.gov.au)

Published information about State Infrastructure projects can be accessed via the links below.

- <https://www.schoolinfrastructure.nsw.gov.au/projects/n/New-primary-school-in-Rhodes-East.html#library-tab>
- <https://www.transport.nsw.gov.au/projects/current-projects/rhodes-wharf>

Arrangements for state infrastructure contributions are made through the development application process. As the City of Canada Bay LEP includes a requirement for concurrence, Council will refer applicants to the Department as part of the Development Application assessment process.

- <https://www.planningportal.nsw.gov.au/svpa-service>

The Rhodes Precinct parts of the City of Canada Bay LEP.

- [City of Canada Bay LEP Part 7 Rhodes Precinct](#)
- [City of Canada Bay LEP Part 6.12](#)
- [City of Canada Bay LEP Part 6.9](#)

As part of exhibition of the Explanation of Intended Effect – Rhodes Precinct Car Parking Update the Department is inviting submissions to proposed changes to maximum residential car parking rates. Submissions can be made via the NSW planning portal, see the Department’s webpage for Rhodes Precinct for a link to the planning portal <https://www.planning.nsw.gov.au/plans-for-your-area/priority-growth-areas-and-precincts/rhodes>.