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## 6 Onslow Avenue, Elizabeth Bay

A DA for the partial demolition, refurbishment and upgrade of an existing residential flat building at 6 Onslow Avenue, Elizabeth Bay was recently approved by the Council of the City of Sydney. The approved development provides four luxury apartments across 5 levels. The approval significantly improves the presentation of the building to the adjoining reserve, reduces off-street parking demand (by providing 8 parking spaces) and fits sensitively within the Elizabeth Bay Conservation Area.

Source: JPR Architects.

## Welcome to the JBA Alert!

The JBA ALERT is a regular newsletter from JBA Urban Planning Consultants to our key clients and contacts.

JBA has been busy, working with the NSW Premier's Department in the formulation of the new planning approvals process for development under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009, and assisting the Department of Planning's Local Contributions Review Panel in its review of Section 94 contributions plans.

Recently the JBA team has expanded, with Associate **Andrew Duggan** rejoining JBA after 5 years working as an environmental planning lawyer and development manager. We also congratulate Partner **Bernard Gallagher** and his wife Angela on the birth of their son Daniel.

Kind regards,

**Kathryn Werner** (editor)

## Planning Framework for Nation Building Projects Announced

As we foreshadowed in the last edition of the JBA Alert, a new planning approvals framework to streamline the approvals process for certain infrastructure projects has just commenced. JBA Urban Planning worked with the Department of Premier and Cabinet to prepare [guidelines, forms and checklists](#) for applications lodged under the [NSW Nation Building and Jobs Plan \(State Infrastructure Delivery\) Act 2009](#) (the NBJP Act).

The NBJP Act applies to an Infrastructure Project (typically education or social housing) which is wholly or partially funded by the Commonwealth Government's Stimulus Package. It is designed to work alongside the existing planning legislation, but enables Projects that are deemed to be at risk of not meeting Commonwealth deadlines to be assessed and authorised under an alternative approvals path. The Taskforce established under the NBJP Act will assess applications for exemptions to the existing development control

legislation and issue required Orders and Authorisations.

All Nation Building Projects should be designed, as far as possible, to meet relevant planning and design criteria of applicable environmental planning instruments, and proceed under existing development control legislation. Projects seeking an exemption from development control legislation under the NBJP Act need to complete the relevant application forms and follow the processes outlined in the User Guide. All information and forms are available on the on the NSW Nation Building and Jobs Plan [website](#).

Contact JBA Associate [Clare Brown](#) for more information.

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## Circular Quay and Chinatown to be Transformed

The City of Sydney has released plans to allow dramatic new high rise towers on the block bound by Alfred, Pitt, Dalley and George Streets at Circular Quay. The towers would not benefit from a higher floor space ratio, however building heights ranging from 185-200 metres would be permitted, providing significant and quantifiable public domain improvements are delivered.

The Council consulted with local landowners in March about moving the proposed new height controls forward as part of an amendment to the Central Sydney LEP and DCP.

Photomontage of Urban Design Study for Circular Quay. Source: City of Sydney



## Changes to Retail Policy Expected

Following the release of the Productivity Commission's review of retail leases regulation and the Australian Competition and Consumer Commission's review of grocery pricing in 2008, the NSW Government is promoting discussion on the impact of planning legislation on competition, particularly in the retail sector.

The long-awaited [draft Centres Policy – Planning for Retail and Commercial Development](#) was recently released for public exhibition. The draft Policy, which was prepared by the Department of Planning, is designed to promote investment and jobs in the retail and commercial development industry by basing retail planning policy on six key principles including:

- Retail and commercial activity should be located in centres to ensure the most efficient use of transport and other infrastructure, proximity to labour markets, and to improve the amenity and liveability of those centres; and

The City has also released a plan to improve pedestrian flows and promote cultural development in Chinatown. The Chinatown Public Domain Study provides four guiding directions to revitalise the area including strengthening the role of Haymarket as an activity hub, hosting additional festivals and events, and making streets safer for pedestrians and cyclists.

Copies of the plans are available on the City of Sydney [website](#).

- The planning system should be flexible enough to enable centres to grow, and new centres to form.

In addition, the Department of Planning and Better Regulation Office in the Department of Premier and Cabinet have prepared a [discussion paper](#) on the impacts of the planning system on competition to ensure it achieves the right balance between achieving sustainable social and environmental outcomes and promoting a competitive business environment.

This paper is available for comment until 12 June 2009. The Better Regulation Office is keen to receive input from industry on how the balance between promoting competition while taking into consideration the broader public interest can be better managed, including any specific proposals for changes to the planning system.

## Industry “Go To” People

The Premier has nominated senior [project managers](#) across Government to cut through unnecessary delays in government approvals.

Go To People (as they will be known) will assist industry by expediting projects that are “ready to go” and will directly deliver jobs and/or economic efficiencies within six months. According to the Department of State and Regional Development, to be “ready to go”, a project must have a proven business case, access to finance and job creation potential.

Sectors targeted for particular assistance include:

- Infrastructure and construction
- Primary Industries and Mining
- Retail
- Transport, Logistics and Storage
- Property and Business Services

Go To People (who include Chris Wilson in the Department of Planning) can assist by resolving issues where Government Departments are failing to respond or are in conflict with each other, or with Councils or acting unreasonably. The Go To person would quickly determine whether the circumstances causing delay was an issue that they would become involved in; whether the issue was a more systemic issue requiring policy formulation, or whether the issue had been fully investigated and the government response stood.

The type and number of matters referred to Go To People are to be tracked by the Department of State and Regional Development and reported to the Premier.

## New Area Planning Teams at City of Sydney Council

The City of Sydney's area planning teams has recently undergone a reshuffle, which may result in the reallocation of staff from existing development applications. The local government area has been divided into 5 areas, with key contacts for each area as follows:

- North (CBD): Andrew Rees
- Central (ie Haymarket Surry Hills): Sandra Fagan
- South (ie Green Square): Jeremy Swan
- West (ie Glebe Ultimo): Sue McMahon
- East (ie Kings Cross, Potts Point etc): Michael Soo

## Joint Regional Planning Panels to commence on 1 July 2009

The Department of Planning has announced [Joint Regional Planning Panels](#) (JRPPs) will commence across NSW on 1 July 2009. The JRPPs will:

- Act as the consent authority for "regional development" defined under an Environmental Planning Instrument;
- Undertake any functions that are conferred on it under the *Environmental Planning and Assessment Act 1979* (the EP&A Act) (eg the powers of a Planning Administrator or Planning Assessment Panel); and
- Advise the Minister on planning/development matters in respect of the Panel's region or any related matters as requested by the Minister.

The following development is likely to be classified as "regional development" and

determined by JRPPs following advertising and assessment by the relevant local council:

- Commercial, residential, mixed use, retail and tourism development with a capital investment value between \$10 million and less than \$100 million.
- Public and community infrastructure and ecotourism developments valued at more than \$5 million, both public and private – eg schools, community halls, child care facilities, places of worship.
- Certain coastal developments currently in Schedule 2 of the State Environmental Planning Policy (Major Projects) 2005 (the Major Projects SEPP).
- Designated development (development needing an environmental impact statement).

- Development with a capital investment value of more than \$5 million and where the council is the proponent or has a conflict of interest.

The Major Projects SEPP will be amended to identify the classes of development to be determined by Regional Panels and those which will no longer be major projects dealt with under Part 3A of the EP&A Act.

Six JRPP regions are proposed across NSW, with each JRPP comprising three state-appointed members and two council-appointed members. State-appointed members will have expertise planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism, and government and public administration.

## EPIs recently gazetted

The following Local Environmental Plans, State Environmental Planning Policies and Orders have recently been gazetted by the Minister for Planning:

[State Environmental Planning Policy \(Major Projects\) 2005 \(Amendment No 36\)](#) – The Potts Hill Reservoirs Site is now identified as a State Significant site.

[State Environmental Planning Policy \(Major Projects\) Amendment \(Sydney Harbour Foreshore\) 2009](#) – The Council of the City of Sydney is now the consent authority for development on land in the Sydney Harbour Foreshore Sites that is in Walsh Bay (under Sydney Regional Environmental Plan No 16–Walsh Bay) and the Bank Street Precinct, Circular Quay and the Sydney Casino (under Sydney Local Environmental Plan 2005).

[State Environmental Planning Policy \(Infrastructure\) Amendment \(Group Homes\) 2009](#) – This SEPP enables development for the purposes of a group home may now be carried out on certain land with and without consent.

[Muswellbrook Local Environmental Plan 2009](#) – This comprehensive LEP applies to the entire local government area adopts the format of the Standard Instrument.

[South Sydney Local Environmental Plan 1998 \(Amendment No 19\)](#) – This Plan permits the development of communal car parking or retail facilities below the ground on land within Zone No 11 (b) – the Green Square Town Centre Public Domain Zone.

[Wollongong Local Environmental Plan 1990 \(Amendment No 242\)](#) – This Plan enables council to give consent to the erection of a dwelling-house as a replacement for a dwelling-house that was lawfully constructed on an allotment of land within Zone No 1, 7 (b) or 7 (d).

## New Department of Planning Organisational Structure and Executive Team

Director-General Sam Haddad has announced the new organisational structure and executive team appointments in the Department of Planning. The restructure, which commenced on 18 May 2009, is critical to the delivery of the Government's priorities in planning.

The new team comprises:

- Deputy Director-General, Plan Making and Urban Renewal – Tom Gellibrand (previously Deputy General Manager Strategy at the Growth Centres Commission)
- Deputy Director-General, Development Assessments – Richard Pearson (previously Department of Planning Rural and Regional Planning Executive Director)
- Deputy Director General, Strategies and Land Release – Ian Reynolds (previously General Manager Operations at the Growth Centres Commission)
- Executive Director, Corporate Governance and Policy – Donna Rygate (previously Deputy Director-General Strategy, Communications and Governance at the Department of Community Services)

- Executive Director, Strategy & Infrastructure Planning – Andrew Jackson (previously Principal Advisor, Urban Planning at NSW Treasury)
- Executive Director, Land Release – Robert Black (previously Deputy General Manager Land Release at the Growth Centres Commission)
- Executive Director, Planning Operations – Neil McGaffin (previously Department of Planning Southern Region Regional Director)
- Executive Director, Urban Renewal and Major Sites – Giovanni Cirillo (previously Director City Planning and Regulatory Services at the City of Sydney Council)
- Executive Director, Major DA Assessment – Chris Wilson (previously Department of Planning Major Projects Assessments Executive Director)
- Executive Director, Assessments Systems, General Counsel – Marcus Ray (previously Department of Planning Legal Services Director)

More information regarding the new structure, including a revised organisational chart is available on the Department of Planning [website](#).

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JBA is sad to farewell Senior Planner **Andrew Guyton** who is relocating to Melbourne with his partner Jen. Andrew is also the current Chair of the NSW PIA Young Planners Committee. We wish Andrew all the best for his future.

## JBA Projects Update

Recently on exhibition:

### Top Ryde Shopping Centre

A development application for Commercial Buildings A and B at TRSC was lodged in April. The development includes around 11,700m<sup>2</sup> of commercial floor space and 223 car parking spaces.

### Blackfriars Street, Chippendale

In April, JBA lodged a development application for the adaptive reuse of the former Infants and Girls Primary School and construction of new buildings for student accommodation and a childcare centre for the University of Technology Sydney.

### 32-38 Atchison Street, St Leonards

In March 2009, JBA lodged a DA with North Sydney Council for the construction of a 15 storey mixed use building comprising 62 serviced apartments, 49 residential apartments and ground floor commercial tenancies. The development incorporates leading environmentally sustainable design solutions including solar chimneys that provide controllable, enhanced natural cross ventilation.



Source: dKO Architecture

JBA recently secured approval for the following projects:

**128 Broadway, Ultimo** – In May 2009, the City of Sydney approved a DA for the change of use and fitout of the heritage-listed Pioneer House in Broadway. Once complete, the refurbished Pioneer House will accommodate marketing and administration offices and increased teaching space for the University of Notre Dame Australia.



Source: JBA

### 23 Scrivener Street, Warwick Farm

In March, the Minister for Planning approved the Part 3A Project Application for Australia's first Rotogravure printing facility for Independent Print Media Group Pty Ltd. The 40,000m<sup>2</sup> facility will meet new environmental benchmarks and be used for print production, warehousing and distribution and will produce a variety of printed media including magazines, inserts and the like.



Source: JBA

### 61 Reddalls Road, Kembla Grange

In May, JBA secured approval from Wollongong City Council for the development of a materials recovery facility at Kembla Grange for Soilco Pty Ltd. The facility will receive, size/shred, classify and sort approximately 35,000 tonnes per annum of green organics and a further combined 15,000 tonnes per annum of timber and food organics.

## JBA Profile



**Andrew Duggan** joined JBA in April 2009 as an Associate. Andrew's appointment at JBA signals a return to his first passion as an urban planner. Commencing his planning career in 1997 with stints at Gosford City Council and subsequently JBA, Andrew went on to complete his legal studies in 2004 and was admitted as a solicitor in 2005. He worked as a solicitor for Minter Ellison until late 2007 when he moved to join John Boyd Properties as in-house counsel. Andrew has appeared as an advocate in the Land and Environment Court and has also acted as an expert town planning witness in court proceedings and arbitrations.

Andrew's diverse expertise means he is able to advise clients on all aspects of planning and landuse matters including the preparation of various planning applications, planning feasibility studies and due diligence investigations, section 94 plans and planning agreements.

Outside work, Andrew is training for upcoming road cycling races in Mudgee and Wagga Wagga.

Partner **Bernard Gallagher** and his wife Angela celebrated the arrival of their son Daniel Mateo Villate Gallagher on 18 April 2009. Daniel measured 51.4 cm and weighed in at 3.83 kg.

Word is that Daniel is already being groomed for the 2036 Rugby World Cup.



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For more information and feedback on this newsletter, please contact Kathryn Werner on:  
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