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T: 02 9956 6962
E: jbaalert@jbaplanning.com.au
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Welcome to the July edition of the JBA Alert!

The JBA ALERT is a regular newsletter from JBA Urban Planning Consultants + TCW Consulting to our key clients.

The world of planning has seen many changes since our last edition. Important legislative reforms to the Environmental Planning & Assessment Act, the Building Professionals Act and the Strata Management Act have passed through the NSW Parliament. The first Codes for Complying Development have been released for public comment and the draft subregional strategies for Sydney City and the Inner West have been released.

To keep our clients up to date with the latest changes in planning, we are holding two briefing seminars to be held in the JBA offices.

- **Sydney City Subregional Strategy** – Thursday 24 July at 5pm
- **Planning Reforms and their implementation** – Thursday 14 August at 5pm

Please RSVP to jbaalert@jbaplanning.com.au as soon as possible if you would like to attend.

At JBA, some of our best and brightest planners have been promoted. **Jennie Masson** is now a Principal Planner and **Andrew Guyton, Jenna Tuite** and **Robert Stark** have been promoted to Senior Planners. Congratulations to all four who have done excellent jobs. We've also welcomed new Practice Manager, **Ian Robertson** and Urban Planner **Nick Roberts** to the JBA team.

We hope you enjoy this month's edition of the JBA Alert, and look forward to seeing you at the upcoming JBA Client Briefings!

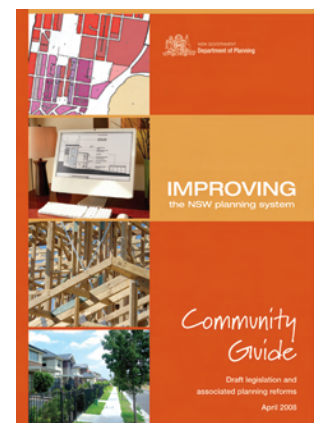
Kind regards,
Kathryn Werner (editor)

Planning Reform Implementation

Following three months of intense public debate, the [Environmental Planning and Assessment Amendment Bill 2008](#) (known as the Planning Reform Bill), Building Professionals Amendment Bill 2008 and Strata Management Legislation Amendment Bill 2008 were assented to on 25 June 2008. Although at this stage a timetable for the commencement of the reforms is not yet available, it is expected that they will be implemented progressively over the next 3-12 months.

A new State Environmental Planning Policy (SEPP) to enable the exempt and complying development codes and new Regulations are being drafted. Until they become available, many details associated with the reforms will not be clarified.

Clare Brown (a JBA Associate who has worked as a planner and solicitor) provides this short overview of key components of the planning reforms. A more detailed assessment of the implications of the Bills are available on the [JBA Website](#).



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Planning Reform Implementation continued...

1. Plan Making (including amending and making new LEPs)

- New "LEP Gateway" process. Managed by the Department of Planning, the LEP Gateway process outlines the steps involved in making LEPs, including whether community and agency consultation is needed, details for environmental studies, and clarification of whether the Minister for Planning (or another Planning Authority) will be responsible for making the new LEP. The Gateway process commences after a Council has agreed to draft a new LEP and sends it to the Department of Planning for consideration.
- Reduction in the period for agency referral or concurrence from 40 days to 21 days. Where advice is not received within 21 days, it will be deemed that concurrence or approval is granted.

2. Development Assessment

- Creation of planning bodies including the Planning Assessment Commission (PAC), Joint Regional Planning Panel (JRPP), Planning Arbitrators and Independent Hearing and Assessment Panels (IHAPs).
- The PAC will determine Part 3A applications that are not Critical Infrastructure or Strategic Projects as well as some larger DAs. The JRPP will determine certain classes of development applications not dealt with by Councils or the PAC (details will be confirmed in a new SEPP):
 - Designated development;
 - Crown development;
 - Residential development over \$50 million;
 - Commercial and retail development over \$20 million; and
 - Subdivisions and certain other development in the coastal zone.

3. Third Party Reviews

- An objector may request a review of a DA decision, but only if they have made a submission on the DA in accordance with the Regulations, and they own or occupy land within 1km of the land the subject of the application.
- Objectors may make a review application for the following types of development:
 - Residential development exceeding 2 storeys, or
 - Residential development containing more than 5 dwellings on a site exceeding 2,000m², that exceeds an applicable floor space ratio or height development standard by more than 25%, or
 - Commercial or mixed use development that exceeds 9m in height, on a site exceeding 2,000m², that exceeds an applicable floor space ratio or height development standard by more than 25%.

4. Development Contributions

- Sections 94 and 94A of the EP&A Act have been repealed. Section 94 contributions are now known as "direct" contributions, and fixed percentage levies are known as "indirect" contributions. Both will be used to fund "community infrastructure".
- Community infrastructure includes libraries, community centres and local carparking facilities.
- If a Council wishes to levy for additional community infrastructure, a contributions plan and business plan must be prepared, and be approved by the Minister.
- All existing development contributions plans will be repealed on 31 March 2010, unless submitted to the Minister by 31 March 2009 with a request that they be remade, and the plan is remade.

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Planning Reform Implementation continued...

4. Development Contributions continued...

- Other development contributions will be levied through Voluntary Planning Agreements (VPAs) and State Infrastructure Contributions, which can be imposed by Councils, the State and other Planning Authorities.

5. Exempt & Complying Development

- New state-wide codes for complying development for commercial and residential development are to be implemented via a new SEPP.
- Increased scrutiny of private certifiers will apply through tougher penalties to be issued by the Building Professionals Board.
- Categories of exempt and complying development will be expanded.

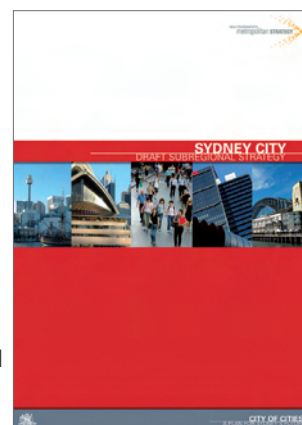
If you would like to attend the JBA Client Briefing on the implications of these reforms to be held on Thursday 14 August at 5pm, please RSVP to jbaalert@jbaplanning.com.au by Monday 21 July.

Updates to Sydney CBD Planning Controls

Two important plans have been released to facilitate the continued growth of the Sydney CBD.

- The long-awaited Sydney City Subregional Strategy has been released for public comment by the Department of Planning, and the Council of the City of Sydney has commenced the translation of its current planning controls into the format of the LEP Template.
- The [draft Subregional Strategy](#) seeks to maintain Sydney as Australia's global city, by providing an additional 58,000 jobs in the CBD by 2031. This will complement an additional 55,000 new dwellings over the same period. The draft Strategy is on public exhibition until 5 September 2008.
- The [translation of the City's planning controls](#) includes a new zoning map and land use table which were considered by the Central Sydney Planning Committee and Council in at the June Meeting. The City's general approach is to continue the existing land use patterns as much as possible, and minimise changes regarding permissible and prohibited uses. The City is continuing to consider external requests for spot rezonings, which will be the subject of a separate report to the Council.

If you would like to attend the JBA Client Briefing on the implications of the new Sydney CBD plans, to be held on Thursday 24 July at 5pm, please RSVP to jbaalert@jbaplanning.com.au as soon as possible if you would like to attend.



Draft Inner West Subregional Strategy

The Department of Planning has also released the much-anticipated [draft Subregional Strategy for Sydney's Inner West](#). The strategy establishes jobs and dwelling targets for the Ashfield, Burwood, Canada Bay, Leichhardt and Strathfield local government areas and identifies centres for concentrated growth.

The draft strategy focuses on the roles of Burwood and Olympic Park–Rhodes as Strategic Centres, reinforces Parramatta Road as a key economic corridor, and indicates that existing employment lands are to be retained. Routes to enable the M4 motorway to be extended to the east are to be explored, and the Iron Cove Bridge duplicated, to ease traffic congestion. The draft Strategy is on public exhibition until 5 September 2008.

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New Planning Regime for Macquarie Park

Ryde City Council has adopted a new Development Control Plan for the Macquarie Park Corridor. The new DCP replaces draft DCP No. 55, and establishes a framework for the granting of incentive floor space (associated with the provision of roads, public domain and community infrastructure) across the Corridor. Incentive floorspace is expected cost in the order of \$200/m² and local development contributions also apply.

Council is also reviewing the zoning, building height, floor space ratio and carparking regimes applying across the Corridor. Indicative zoning, building height, floor space ratio and carparking controls were publicly exhibited earlier this year. They are currently being revisited and will be re-exhibited later in 2008 when the draft Ryde LEP (which translates the provisions of the Ryde Planning Scheme Ordinance into the format of the Standard LEP) is also exhibited.

New Housing & Commercial Codes

The Department of Planning has released the first of the new Codes for exempt and complying development to apply across NSW. The introduction of the new suite of Codes for [residential](#) and [commercial / industrial](#) development was foreshadowed as part of the reforms to the NSW planning system, and first proposed by the Minister for Planning in 2007.

A new SEPP will give effect to the Codes. Under the new regime, applications will be determined with 10 days, and neighbours will be notified prior to the commencement of work. If a development proposal does not comply with an exempt or complying code, it may still be approved by via a standard DA process. To date, the following Codes have been released:

- New single storey dwelling houses (and alterations and additions) on lots over 600m²;
- Internal alterations of two-storey dwelling houses;
- Internal fitouts and change of use for certain commercial and industrial development;
- Exempt development for housing; and
- Exempt development for commercial and industrial development.

Comments were invited on the Codes until early July, and information sessions are being held across NSW to assist practitioners in their implementation. Visit the Department of Planning [website](#) for more information.



Local Government Elections

Local government elections are to be held across NSW on Saturday 13 September 2008. As a result, schedules for Council meetings in some local government areas will be amended, to take into account recesses held before and after the elections.

Although Councils' last meetings before the election will generally be held in July or August, and the first meeting of new Councils will be held in late September or October, the [Department of Local Government](#) has advised Councils not to make "major decisions affecting their areas ... during the period leading up to ordinary elections". This period is known as the "caretaker period", commences on Monday 4 August 2008, and ends on the day the election is declared.

In regards to development consents, approvals or other matters, Councils undertaking "actions being fast tracked to avoid election deadlines may, in appropriate cases, be subject to referral to the Independent Commission Against Corruption or investigation by the Department [of Local Government]".

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JBA in the Media

JBA Partner **Julie Bindon** was recently interviewed by Quentin Dempster on the ABC's "Stateline" television program. Julie was interviewed as part of her role as the NSW President of the Planning Institute of NSW, in the context of the proposed reforms to the NSW planning system.

JBA Planner **Andrew Guyton**, who is also the Chair of the NSW Young Planners, is set to star in a new ABC TV series entitled "Ace Day Jobs". The ABC's cameras shadowed Andrew for a day, as he undertook site visits, met with City of Sydney Council planners and answered the tough questions on life as an urban planner. "Ace Day Jobs" is expected to hit our screens by the end of 2008.



JBA Projects Update

Project approval was granted by the Minister for Planning in late April for a new \$60 million state-of-the-art library building for Macquarie University designed by FJMT architects. The library is proposed to be open by the commencement of the 2010 academic year.

Concept Plan approval was granted by the Minister for Planning for the 21 hectare UTS Kuring-gai site, including a residential precinct, community oval and dedication of bushland to Government.

The City of Sydney has granted approval for the adaptive reuse of an existing warehouse-style building to create a four storey mixed commercial and retail building at Hercules Street, Surry Hills for MIC Properties Pty Ltd.

Recently on exhibition:

- Part 3A Concept Plan and proposed State Significant Site listing for the Macquarie University Campus. The Concept Plan seeks to realise the University's 25 to 40-year vision to achieve 400,000m² of additional GFA outside of the academic core, an additional 61,000m² GFA within the academic core, and a further 3,450 student beds. Client: CRI on behalf of Macquarie University.
- Part 3A Project Application for Stage 1 of the Novotel Hotel Expansion. The application seeks approval for the construction of a three storey hotel extension comprising 96 hotel rooms, the reconfiguration of the ground level and the construction of a new porte cochere and hotel access arrangements. Client: Tourism Asset Holdings Ltd.
- DA for the fit out and use of the heritage listed Mariners Church at 100 George Street, The Rocks as a licensed pub, restaurant and Place of Public Entertainment for La Mela Pizzeria.



Macquarie University Library



Novotel Hotel Expansion, Darling Harbour

JBA also congratulates Leighton Properties on their receipt of an Award of Merit in the Parramatta City Council Heritage Awards for their project at 25 Smith Street Parramatta. JBA were the urban planners for this project.

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Jennie Masson (promoted to Principal Planner). Jennie's key projects at JBA include Frasers Broadway (formerly CUB), Cooks Cove, Barangaroo, the Novotel Darling Harbour, the Macquarie Bank Building at King Street Wharf, Department of Housing site in Redfern and the Eastwood Shopping Centre.



Andrew Guyton (promoted to Senior Planner).

Some of Andrew's key projects include the redevelopment of the Top Ryde and Chatswood Chase Shopping Centres, a 6 star Green Star office tower at 1 Richard Johnson Square Sydney, and a commercial development with waterfront park at Honeysuckle Drive, Newcastle.

Robert Stark (promoted to Senior Planner). Rob has been responsible for preparing DAs for the Mid-City Centre in George Street, rezoning of urban release land at Middleton Grange Liverpool and preparation of Precinct Plan and Development Control Strategy for Ropes Creek Precinct St Marys.



Jenna Tuite (promoted to Senior Planner). Jenna is based in JBA's Wollongong office and has worked on a range of projects in the Illawarra and South Coast of NSW. Her projects include planning advice and DAs for "Spotlight" and "Anaconda" stores in NSW, a master plan for Railcorp's land at Manning and Bong Bong Street, Kiama and a social impact assessment for the Batemans Bay Marina expansion.

Nick Roberts joined JBA in June 2008 as an Urban Planner. He holds a Master of Urban and Regional Planning from the University of Sydney. Nick joins JBA after working at Willana Associates, where he undertook a variety of statutory and strategic projects for both private and public sector clients. He brews the finest Yorkshire bitter to be found in the southern hemisphere.



In June, JBA welcomed **Ian Roberston** to the newly created position of Practice Manager. Ian is a qualified accountant with a Masters in Business Administration and is currently studying psychology. Prior to joining JBA, he ran his own consultancy business. He has more than 15 years diverse experience in corporate environments, delivering increased success for businesses through strategic and business planning, change management, systems reviews and financial management.

- JBA recently welcomed two new urban planner interns to the team. **William Liew** and **Kate Tudehope** are both mid-way through third year of their five-year Bachelor of Urban Planning degrees at the University of New South Wales. Will and Kate will be with JBA for 12 months, before returning to University to finish their degrees.
- Principal Planner **Amanda Harvey** recently returned to JBA from maternity leave following the birth of her son Tom.