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## Federal Government Planning Policies & Reports

The Australian Constitution provides that urban and regional planning is a matter for each State. However increasingly the Federal Government is recognising that Federal direction and policy is needed for Australia to grow.

In the last month the Federal Government has released a number of reports and policies that relate to urban planning issues across Australia. We have summarised three of them below.

### Our Cities, Our Future – A National Urban Policy

On 18 May 2011, the Federal Government released [Our Cities, Our Future – A National Urban Policy](#). The report identifies the Federal Government's objectives and directions for capital and regional cities across Australia, informed by the following key goals:

- **Productivity:** To harness the productivity of Australia's people and industry, by better managing our use of labour, creativity and knowledge, land and infrastructure.
- **Sustainability:** To advance the sustainability of Australia's natural and built environment, including through better resource and risk management.
- **Liveability:** To enhance the liveability of our cities by promoting better urban design, planning and affordable access to recreational, cultural and community facilities.

The National Urban Policy aims to provide a framework for monitoring the performance and outcomes of the planning frameworks that apply across all Australian cities – with a particular focus on affordable and timely delivery of housing to meet the population needs of Australia. The Federal Government has committed to providing further support to State and local governments to better prepare and implement metropolitan plans.

### Sustainable Australia – Sustainable Communities

In May 2011, the Australian Government released [Sustainable Australia – Sustainable Communities: A Sustainable Population Strategy for Australia](#). The Strategy states that a sustainable Australia is a nation of sustainable communities which have the right mix of services, job and education opportunities, affordable housing, amenity and natural environment that make them places where people want to live, work and build a future. The National Urban Policy, the Sustainable Communities Package and associated reform of Infrastructure Australia will support the creation of jobs closer to where people live, improve amenity, develop high quality public spaces, and encourage greater interaction in suburban communities.

The key elements of the Strategy include:

- **Suburban Jobs:** encouraging states and local government to plan and provide for employment precincts outside the Central Business Districts (CBDs) of our major cities.
- **Sustainable Regional Development:** building on the Government's existing program of strategic assessments under the *Environment Protection and Biodiversity Conservation Act 1999* to provide greater capacity for undertaking strategic environmental impact assessments of our high growth regional areas.
- **Measuring Sustainability:** to improve the information on Australia's sustainability and develop indicators to assist decision making at the regional level.
- **Promoting Regional Living:** supporting regional communities to promote themselves as places to live and do business.



## Welcome to the JBA Alert!

The JBA Alert is a regular newsletter from JBA Planning to our key clients and contacts.

In this edition of the JBA Alert, we shed some light on recently released Federal Government planning initiatives relating to urban planning, population and Australian cities; provide an update on the Illawarra Regional Strategy; and profile some recently approved JBA projects.

Our feature article this month is a summary of recent changes to the Affordable Rental Housing system in NSW, including amendment to the Affordable Housing State Planning Policy.

In our Staff Update, we welcome back our Principal Planner Kim Shmuel and congratulate our Urban Planner, Kate Raine, on her recent engagement.

Are you interested in more information on what we do at JBA? Visit the "News" section of our website to browse other editions of the JBA Alert  
[www.jbaplanning.com.au](http://www.jbaplanning.com.au)

Kind regards,

[Andrew Duggan](#) and [Lindsey Gray](#)  
(editors)

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## Performance Benchmarking of Australian Business Regulation

On 16 May 2011, the Australian Government's Productivity Commission released the [Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessments](#). The report was prepared upon request of the Council of Australian Government's (COAG).

The key practices identified as improving planning, zoning and assessment include:

- providing clear guidance and targets in strategic plans while allowing flexibility to adjust to changing circumstances and innovation (so long as good engagement, transparency and probity provisions are in place);
- strong commitment to engage the community in planning city outcomes;
- broad and simple land use controls to: reduce red tape, enhance competition, help free up urban land for a range of uses and give a greater role to the market in determining what these uses should be;
- rational and transparent rules for charging infrastructure costs to businesses;
- risk-based and electronic development assessment;
- timeframes for referrals, structure planning and rezoning;

- transparency and accountability, including for alternative rezoning and development assessment processes as well as having limited appeal provisions for rezoning decisions;
- limiting anti-competitive objections and appeals, with controls on their abuse; and
- collecting and publishing data on land supply, development assessment and appeals.

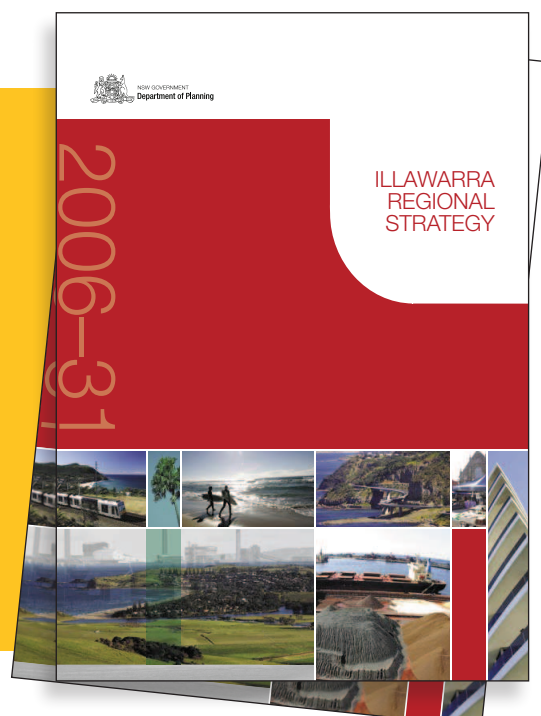
The Commission reported on best practice approaches that support competition, including:

- measures to prevent 'gaming' of appeals processes;
- processes in place to maintain adequate supplies of land suitable for a range of activities; and
- ways to eliminate any unnecessary or unjustifiable protections for existing businesses from new and innovative competitors.

## Update on Illawarra Regional Strategy

The Department of Planning & Infrastructure is undertaking a review of the Illawarra Regional Strategy and is expected to release a Discussion Paper in July 2011 for a 6-8 week public consultation period. Consultation is expected to be carried out with State and Local

Government organisations, industry bodies such as PIA, UDIA and the PCA, and the community. The Review follows the Department of Planning & Infrastructure's release of revised dwelling and employment targets for the Illawarra Region in February 2011.



# Feature Article

## Amendments to the Affordable Rental Housing SEPP

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On 20 May 2011, the NSW Government released the [Affordable Rental Housing SEPP Amendment 2011](#) (ARHSEPP). The SEPP Amendment is the first of two Stages to implement the NSW Government's Affordable Housing initiatives.

### Stage 1 – Amendments to the SEPP

The NSW Government has revised the ARHSEPP to no longer permit affordable housing development of townhouses and villas in low density areas, where the development is not compatible with the design of the locality and not well served by public transport. Other changes include more strict public transport access and parking standards to new generation boarding houses in low-rise residential areas. Housing NSW will now need to satisfy new parking criteria and comply with council notification policies for housing developed by Housing NSW. Further details of the changes include:

#### Local character test for all affordable housing developments

Development applications that have been lodged and are currently under assessment (as well as new applications) must satisfy a new 'local character test' – *"a consent authority must not consent to development... unless it has taken into consideration whether the design of the development is compatible with the character of the local area"*. Guidelines or specifications as to what exactly constitutes 'local character' or 'compatible' have not been released by the Department of Planning and Infrastructure and as a result the implementation of this provision is unclear at this stage and may result in some initial uncertainty for developers and consent authorities alike.

### Infill Development

- Villas, townhouses and residential flat buildings (RFBs) by the private sector will no longer be permitted in low density residential areas (unless permitted through another EPI).
- Where villas, townhouses and RFBs are permissible, proposals under the ARH - SEPP will need to provide 20% of total floor space as affordable rental housing for 10 years and needs to comply with the 'local character' of the surroundings area – the bonus provision of up to an additional 0.5:1 FSR will also continue to apply.
- A more extensive 'accessible area' test applies under the ARHSEPP, requiring better access to public transport services to qualify as a suitable site for affordable housing.
- All or part of development site/s outside the Sydney Region must be within 400m walking distance of land zoned B2 or B4 (or equivalent).
- Higher parking standards will apply for new development applications (for social and private housing providers).
- Affordable housing provision is to be provided as a percentage of the total floor space (rather than number of dwellings, as previously required).

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### Housing NSW proposals

- Housing NSW can continue to self-assess its own proposals (for projects less than 8.5m in height and less than 20 units) – if the site fits the ‘accessible area’ requirements.
- Housing NSW will be required to notify the proposal in line with the relevant local council requirements.

### Transitional arrangements

Development applications lodged prior to the legislative changes will be considered under the former arrangements, with the exception of the local character test which will apply in all instances.

### Boarding Houses

- Boarding houses must be in line with the ‘local character’.
- Boarding houses proposed in low density residential areas are now required to meet the ‘accessible area’ provisions.
- Boarding houses provided outside the Sydney Region must be within 400m walking distance of land zoned B2 or B4 (or equivalent).
- Higher parking standards will apply than the previous SEPP controls.

### Stage 2 – Taskforce, a new State planning policy and local strategies

The second stage of implementation involves the formation of an Affordable Housing Taskforce and the development and implementation of a new Affordable Housing Choice SEPP. Councils will have the opportunity to develop their own Local Affordable Housing Choice Strategies to reflect their local housing needs and development characteristics. Once these local strategies have been confirmed as appropriately meeting local affordable housing needs, the council will be able to be exempted from all or certain aspects of the Affordable Housing Choice SEPP.

# HIA – JBA Planning & Environment Breakfast

JBA Planning and HDY Lawyers are proudly sponsoring the **HIA – JBA Planning & Environment Breakfast**.

The Housing Industry Association NSW presents the Hon Brad Hazzard, Minister for Planning and Infrastructure as the keynote speaker. The Minister will outline the Government’s approach to meet the

challenge of delivering housing supply in New South Wales.

This is one of the most important industry events of the year! JBA welcomes you to join us on June 23rd at the Hilton Hotel Sydney, from 7:30am to 9:00am. Click [here](#) for registration details.



# LEP Update

## Draft Shellharbour LEP 2011

We understand that the public exhibition of Shellharbour Council's Draft Comprehensive LEP 2011 is imminent and is expected to commence as early as next week. Coastal and Regional Project's Karl Fetterplace attended a Developer's Forum facilitated by Council, in conjunction with UDIA, on 27 May 21011. We will be keeping a close watch on the exact timing

of the exhibition and providing a general overview of the Draft LEP in our next Alert, however if you have an interest in the Shellharbour LGA and would like JBA to assist you with planning advice, please call [Terry Wetherall](#) (Director) or [Stephanie Ballango](#) (Associate) on 9956 6962.

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## JBA Approved Projects



### Repeal of SEPP 53

On 3 June 2011, the NSW Government repealed State Environmental Planning Policy No. 53 – Metropolitan Residential Development (SEPP 53). SEPP 53, which commenced in 1997, contained development controls for integrated multi-dwelling housing and dual occupancy dwellings and initially applied to 13 local councils in the Sydney Metropolitan Region that had not prepared residential development strategies to accommodate additional housing growth in their LGAs. Prior to being repealed, SEPP 53 applied only to the Ku-ring-gai LGA.

### Figtrees on the Manning

JBA has recently assisted Chase Taree Developments Pty Ltd, Hocana Pty Ltd and Spychalla Pty Ltd to secure approval of a Concept Plan application for "Figtrees on the Manning", which is a 22 hectare residential, commercial, retail and marina development on the banks of the Manning River in Taree. The Concept Plan approved 157,000m<sup>2</sup> of floor space comprising residential, commercial, marina, adaptive reuse of heritage buildings for cultural uses, public squares, riverside parks, a restored wetland and significant foreshore pedestrian connections.

The project will enable underutilised riverfront land to be developed for housing and commercial uses to support the economic development and ongoing renewal of Taree and will promote tourism related economic activity in proximity to the Manning River. JBA's significant experience with coastal planning has enabled the team to provide ongoing strategic advice on the approval pathway for this \$310 million project. Visit the Department of Planning [website](#) or contact JBA's [Coastal and Regional Team](#) for more details.

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## Globe Lane Wine Bar, Wollongong

Last week, our Coastal and Regional Projects Team secured development consent for a new wine bar in Globe Lane, Wollongong. The new bar which includes an outdoor deck and seating area, will have a maximum capacity for up to 200 people. Special congratulations goes out to our newest Coastal and Regional Projects Team Member, Karl Fetterplace for his work on the project.

## Natural Disasters Seminar

Stephanie Ballango from our Coastal and Regional Projects Team is attending the upcoming Natural Disasters Seminar which is being co-hosted by the NSW Division of the Australian Property Institute (API NSW) and the Spatial Industries Business Association (SIBA). The seminar's key objective is to open up the debate about the role and adequacy of flood mapping with a clear view to understanding what stakeholders need, and what skills and technology are now available. A range of experts will present papers in relation to legal issues regarding data quality, discovering where the data is and how to get it, how elevation data is used to determine risk and the impacts of natural disaster damage on property values.

## Staff Update

### Welcome back Kim!

JBA is excited to welcome back Kim Shmuel, one of our Principal Planners and key member of our Research & Advice team. Kim had been on maternity leave since the birth of her son Yonathan on 23 July 2010. She joined JBA in July 2007 and was promoted to the position of Principal Planner in July 2010.



### Congratulations Kate!

JBA congratulates Kate Raine on her engagement to now fiancé Paul Cashel. Kate is one of the Urban Planners in our Metropolitan Projects team. Paul is also a town planner, recently moving to City of Sydney Council from Blue Mountains City Council, where Kate and Paul originally met.