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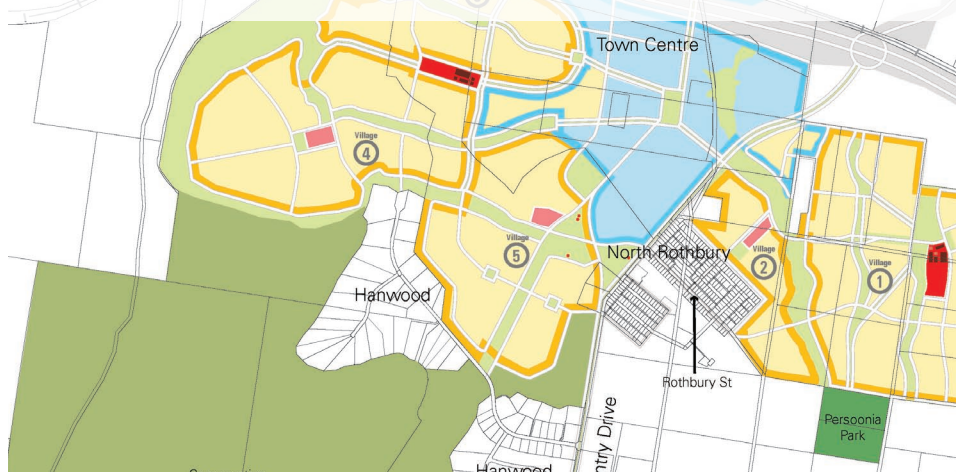
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Huntlee New Town Application Approved!



The \$1.8 billion project includes 7,200 residential lots, 160 hectares of employment lands, a new town centre and nearly 6,000 hectares of conservation offsets. JBA secured approval of the State Significant Site rezoning in early January, and Concept Plan in early February 2009. Client: Huntlee Holdings

Welcome to the JBA Alert!

The JBA ALERT is a regular newsletter from JBA Urban Planning Consultants to our key clients and contacts. Welcome to the first edition of the JBA Alert for 2009!

Over the Christmas break, the Department of Planning announced that state infrastructure contributions on new development would be reduced, and local levies on new residential development would be capped at \$20,000 per dwelling. We will keep you informed as more details are released.

More draft LEPs have been released in line with the Standard Instrument – the draft Wollongong LEP is on exhibition until mid March. In addition, North Sydney Council re-exhibited the LEP for the North Sydney CBD for the third time.

From 1 March, draft SEPP 66—Integration of Land Use and Transport no longer needs to be considered by applicants or consent authorities in the development assessment process.

February also sees several JBA staff return from extended breaks.

Kind regards,

Kathryn Werner (editor)

Discerning Public Interest

The Land and Environment Court has made its first planning principle for 2009 - discerning the public interest.

In the judgment handed down on 9 January 2009 in the matter of [Double Bay Marina v Woollahra Council \(2009\) NSWLEC 100](#), Senior Commissioner John Roseth established a new planning principle.

In his decision, Roseth observed:

- "The Public" requires redefining in every case
- Councils often confuse public interest with the complaints of individual objectors
- Where the benefit or detriment can be quantified it should be
- The most difficult step is ranking the various interests, ranking one public interest against another or against a private interest
- Other things being equal the public interest overrides the private interest (he noted though they are rarely equal).

Contact JBA Partner **James Harrison** for more information on how this new planning principle may be applied to other matters.

Wollongong Moves Ahead

Wollongong City Council has placed on public exhibition a new [draft comprehensive LEP](#) for the majority of the local government area. West Dapto is subject to a separate LEP and at this stage we are not sure when it will be exhibited.

The draft LEP incorporates the provisions of the Wollongong City Centre LEP 2007 and has been prepared using the land use zones and planning definitions in the Standard Instrument. It is adopts the provisions of numerous recent planning studies including the Wollongong Employment Lands Study and land use reviews for Darkes Forest, Kanahooka Road and the Wollongong Escarpment.

The draft LEP is on exhibition until 13 March 2009. Contact **Terry Wetherall** in JBA's Wollongong office for more information about making a submission.



Wollongong CBD (Source: Department of Planning)

EPIs recently gazetted

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

[Camden Local Environmental Plan No 152](#) – This Plan permits relocation of the access link road (Liz Kernohan Drive) into the Spring Farm release area and its intersection with the Camden By-pass.

[Environmental Planning and Assessment \(Burwood Town Centre Planning Administrator\) Order 2009](#) – This Order appoints the members of the Burwood Town Centre Planning Panel. The Panel will exercise the functions of Burwood Council for the preparation and adoption of a DCP and development contributions plan for the Burwood Town Centre.

[Goulburn Mulwaree Local Environmental Plan 2009](#) – The new comprehensive LEP for Goulburn Mulwaree was gazetted in February 2009. The LEP repeals the Goulburn Local Environmental Plan 1990 and Mulwaree Local Environmental Plan 1995.

[Port Stephens Local Environmental Plan 2000 \(Amendment No 29\)](#) – This LEP facilitates the establishment of a sustainable employment hub associated with RAAF Base Williamstown and Newcastle Airport.

[State Environmental Planning Policy \(Infrastructure\) Amendment \(Schools, Affordable Housing and Metro Rail\) 2009](#) – This Plan extends the permissibility regime currently applying to government schools to non-government school until 20 February 2012. It also identifies a rail corridor for the proposed city metro.

[State Environmental Planning Policy \(Major Projects\) 2005 \(Amendment No 35\)](#) – This Plan declares the Huntlee New Town Site as a state significant site.

[Wollongong City Centre Local Environmental Plan 2007 \(Amendment No 1\)](#) – This Plan removes all trusts and other interests from certain Council car park sites and corrects minor anomalies in the Wollongong LEP 2007.

Bernard Gallagher made Property Leader

JBA Partner **Bernard Gallagher** was recognised as a Property Leader late last year when he was inducted into the Australian Property Institute. NSW President of the API, Chris Egan presented the award to the new members at a special event held at the Mint.

Other leaders inducted were: John Carfi (Mirvac), Lisa Chung (Blake Dawson), Brett Draffen (Mirvac), Michael Ellis (Michael Ellis & Associates Lawyers), David Garnsey (Minter Ellison) and Vince Kernahan (Colliers International). JBA Partner **Julie Bindon** is also a Fellow of the API.

Levies cut for New Development

Local Contributions

The Department of Planning has issued a [directive](#) to Councils limiting local contributions for residential development to \$20,000 per dwelling. The limit applies to consents for residential development granted, and applications for complying development determined by Councils on or after 30 April 2009. It includes subdivision to create residential allotments, the residential component of mixed use development and erection of one or more dwellings.

The \$20,000 limit excludes monetary contributions under section 94A (fixed percentage levies), contributions under section 94F (contributions toward affordable housing), or conditions requiring the dedication of land free of cost (section 94(1)(a)), non-residential development and contributions for water supply.

Contributions for non-residential development continue to be subject to reasonableness and affordability criteria and Councils can continue to negotiate Voluntary Planning Agreements with applicants.

Councils seeking an exception to the \$20,000 limit must make a formal application to the Minister. A new development contributions manual is expected to be released in the coming months with the introduction of the revised contributions framework.

State Infrastructure Levies

NSW Treasury has recommended levies be [revised](#) to support the State's housing and employment targets. Infrastructure previously funded by the private sector are now provided by government. In addition, payments of the State levy will now occur before the transfer of title from the developer to the purchaser.

North Sydney CBD – New draft plan

A draft LEP for the North Sydney Central Business District has been exhibited for the third time in 18 months (submissions close on 16 March 2009).

The draft LEP proposes to replace the current "composite shadow diagram" with maximum building heights and maximum floor space ratios. Visit North Sydney Council's [website](#) for more information.

North Sydney Council is also awaiting approval from the Department of Planning to publicly exhibit their comprehensive LEP for the entire local government area.

The draft LEP that was endorsed by the Council, including zoning, building height and FSR maps is available on Council's [website](#).



North Sydney Central Business District

Commencement of Exempt and Complying Development Codes

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and amendments to the Environmental Planning and Assessment Act 1979 and Regulations commenced on 27 February 2009.

Part 3 of the Codes SEPP (as it is known) includes 40 types of development, of minor environmental impact, that may be carried out without the need for development approval.

Part 2 of the Codes SEPP is the General Housing Code and relates to residential development in certain zones on lots 450 square metres and greater. Complying development codes for commercial and industrial development and other types of residential development will be released in the coming months.

Applications for complying development are to be assessed in 10 days. Once applications for complying development certificates are approved, certifiers (council or private) must within 2 days issue a notice advising of the grant of a CDC to properties within 40 metres of the application site.

Savings and transitional provisions introduced through Regulation amendments mean that, until 27 February 2010, applicants will need to nominate if the application for complying development is to be assessed under the Codes SEPP or existing local provisions contained within a Council's LEP or DCP.

The Codes SEPP has the ability to exclude whole areas from its application, or certain development from specific controls. These are known as exclusions and local variations and require councils to seek exclusion from the operation of the SEPP, or for the introduction of local variations. This has implications for Major Projects (such as Concept Plans or State Significant Sites) which currently have their own exempt and complying development provisions – this means that an amendment to the SEPP to obtain a local variation may be needed if a Major Project wishes to utilise a site specific exempt and complying development code.

Visit the Department of Planning [website](#) for more information.

JBA Projects Update

Kings Forest – Part 3A Concept Plan for 4,500 residential lots, the 880 ha site 20 km south of Tweed Heads for Project 28 Pty Ltd. It includes new town and neighbourhood centres, employment area and 18-hole golf course. Approximately 40% of the site is to be retained for environmental protection.

Cobaki Lakes State – Part 3A Concept Plan for a new residential estate on a 593.5 ha site at Tweed Heads. It includes an 18 ha town centre precinct, 17 residential precincts for up to 5,300 dwellings and 267 ha of open space and environmental protection areas for LEDA Manorstead Pty Ltd.

6 Onslow Street, Elizabeth Bay – DA for the refurbishment and upgrade of an infill residential flat building to create 4 luxury units across 5 storeys for Aleph Pty Ltd.

Parkgrove – JBA secured approval for 27 townhouses in stages 1 and 2 of the ParkGrove masterplan development in Botany for Austcorp. When complete, the development will transform an underutilised industrial area to a vibrant residential precinct containing two public parks with a network of new roads and cyclist/pedestrian pathways.

Burwood Vocational College – DA for the redevelopment of the existing Christian Brothers High School for a new vocational college for up to 550 Year 11 and 12 students for the Catholic Education Office, Archdiocese of Sydney.

Darling Walk, Darling Harbour – Approval of the Part 3A Project Application was granted in January 2009 for the redevelopment of the former Sega World site to provide approx 70,000 sq m of commercial and retail floor space and children's theatre for Lend Lease Development.

University of Notre Dame – In November 2008, the City of Sydney approved a change of use and internal alterations of a warehouse at 1 Grafton Street, Chippendale to accommodate additional teaching space. In January 2009, JBA lodged a DA for refurbishment and change of use of the Pioneer House heritage building at Broadway for future expansion of the University.

Huntlee – The \$1.8 billion project includes 7,200 residential lots, 160 hectares of employment lands, a new town centre and nearly 6,000 hectares of conservation offsets. JBA secured approval of the State Significant Site rezoning in early January, and Concept Plan in early February 2009.

St Barnabas Church, Ultimo – DA for construction of a new church complex comprising 600 seat worship space, 200 seat multi-purpose hall, administration and meeting areas and basement car parking for 33 spaces for the Anglican Property Trust.



St Barnabas Church, Ultimo

Novotel Darling Harbour – Approval of the Part 3A Project Application for the expansion of the existing hotel was granted in February 2009. The upper floors will be modified to accommodate 136 additional rooms and a new 3 storey building will be constructed to accommodate 96 additional rooms.

Long Bay Forensic Hospital – The first of its type in NSW, has just opened. The 135 bed facility will treat patients who were found not guilty of a crime on the grounds of mental illness. JBA prepared the Part 3A project application for Multiplex Constructions & NSW Department of Health in 2006.

JBA Staff News

JBA Partner **Lesley Bull** has returned to work 3.5 days a week following the birth of her daughter Hannah. Associate **Clare Brown** is back at JBA after being seconded to work in the Department of Planning to implement the latest round of planning reforms.

Associate **Andrew Wilson** returned from his honeymoon in South America. Associate **Vivienne Goldschmidt** returned safely to Sydney after a month in Antarctica. Senior Planner **Kim Bauer** has returned to Sydney after travelling in India and doing volunteer work for the MC Mehta Environmental Foundation. JBA congratulates urban planner **Michael Rowe** on completing his Bachelor of Planning degree with first class honours. Mike was awarded a distinction for his thesis which was entitled 'Taking Control of Bulky Goods Retail in Sydney'.



JBA Planning to Win Touch Football Team



Kim Bauer at the Taj Mahal

JBA 'Planning' to Win

The "JBA Planning to Win" touch football team recently celebrated the conclusion of their inaugural summer 2008/2009 with a BBQ at Tunk's Park in Cammeray. JBA finished the season on a high – pushing 3rd on the table right until the end of the match. The team was enthusiastically coached by JBA planner **Michael Rowe**, who has now turned his attention to coordinating the JBA Fantasy Super 14 competition. Planning intern **Will Lieu** was the unanimous winner of the "best and fairest" award for the season.

The JBA Dragon Boat Crew hit the water again in the Chinese New Year Dragon Boat Festival on Sunday February 8 at Darling Harbour. The team made a spectacular improvement on last year's performance which JBA Partner and dragon boat veteran **Gordon Kirkby** put down to a longer, harder training regime. "The basic plan was to flog them at training and drop a couple of big dumb units into the middle of the boat to add grunt". The crew would like to thank JBA Client Chris Alexandrou (coach and sweep) and Jake Carroll (drummer) of the Sloths Dragon Boat Club for keeping us afloat.



JBA Dragon Boat Team

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