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## Department of Planning and Infrastructure

The NSW Department of Planning and Infrastructure has been formed, led by the Hon. Brad Hazzard. As a result, the Office of Strategic Lands, the Sydney Harbour Foreshore Authority, Hunter and Central Coast Regional Development Corporations and Luna Park Reserve Trust are also now

part of the Department of Planning and Infrastructure. The Heritage Branch has moved to the Office of Environment and Heritage (previously Department of Environment, Climate Change and Water) within the Department of Premier and Cabinet.

## Part 3A Update

The Department of Planning and Infrastructure has not released any further details regarding the abolishment of Part 3A from the EP&A Act and no update has been provided regarding the timing of the legislation changes nor transitional arrangements. The NSW Government has indicated that a 'more genuine' State

significant development regime will be developed, however, the extent and detail of which has not been released.

If you wish to be keep up to date regarding changes to Part 3A, please contact [Lindsey Gray](#) and we will place you on our mailing list.



## Welcome to the JBA Alert!

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

Since the April JBA Alert, there has been no further amendments to the NSW planning legislation, including the transitional arrangements regarding the abolishment to Part 3A of the EP&A Act. We expect there to be an announcement shortly now that Parliament's sitting.

In this edition of the JBA Alert, we outline a recent Land and Environment Court decision that upholds the ability to dedicate private land through a DCP and introduce the new Building Code of Australia 2011.

In our Staff Update, we welcome two new staff members and profile JBA Planning's Metropolitan Projects team. The Metropolitan Projects team led by Lesley Bull is one of JBA's five specialist teams.

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,

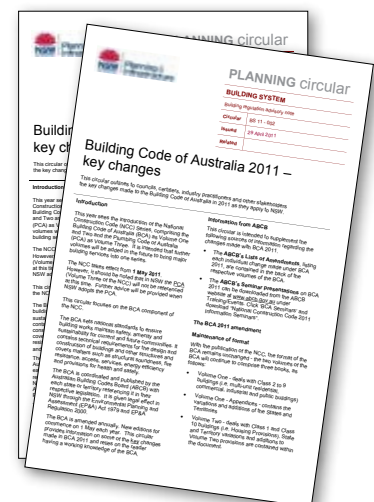
[Andrew Duggan](#) and [Lindsey Gray](#)  
(editors)

## National Construction Code 2011

The National Construction Code 2011 (NCC) commenced on 1 May 2011 and replaces the Building Code of Australia (BCA). While the NCC contains a number of amendments to the BCA, major components of the amendment relate to –

- Aligning the NCC with the Access Code in the Disability (Access to Premises – Buildings) Standards (known as the Premises Standards) under the Federal Disability Discrimination Act 1992. The Premises Standards, like NCC 2011 commenced on 1 May 2011.
- Restructuring the fire hazard property provisions.
- New provisions to reduce slips, trips and falls in buildings.
- New provisions for private bushfire shelters for Class 1 buildings.

More information on the NCC 2011 can be found in the Department of Planning & Infrastructure's [Circular](#) dated 29 April 2011.



# Feature Article

## Team Profile Metropolitan Projects

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JBA has recently embraced a new business structure based on specialist teams. Each month, the JBA Alert is profiling a new team by identifying the key team members and services available to clients. This edition, we profile the Metropolitan Projects team, led by Director [Lesley Bull](#).

The team offers specialist planning and development advice to leading developers and landowners on projects of all sizes and ranges of complexity within the Sydney Metropolitan Area.

Team members liaise regularly with the Metropolitan councils and State Government, as well as professional and industry bodies to be fully abreast of the dynamic planning environment in this area.

The Metropolitan Projects teams' reputation is built upon our ability to creatively solve problems, foster meaningful relationships and reliably deliver a high quality service to clients.

“Expertly navigating the urban development approvals process.”



### Key Services

- Project specific development approval strategies, advice and approvals risk management
- Part 4 Development Applications
- Major Development Projects (including Part 3A Concept Plans and Project Applications)
- Part 5 Review of Environmental Factors and Environmental Impact Statements
- Part 3 Rezoning / site specific Planning Proposals and State Significant Site listings
- Independent assessment of DAs for authorities or third parties and peer review of applications
- Lead consultant – consultant management of project teams through to approval stage
- Presentations, negotiation, consultation and facilitation with public agencies, approval authorities, panels and community groups

## Metropolitan Projects - Team

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### Lesley Bull, Director

Lesley Bull is an honours graduate in Town Planning and holds a Masters of Environmental Law degree. She has been with JBA since 1994 and was made a Director of the company in 2004.

Over the past 16 years at JBA Planning Lesley's considerable experience has encompassed all facets of urban planning, including the preparation of Part 3A major project applications, Part 4 Development Applications, due diligence and approvals strategy advice for a wide range of often complex projects. Some of the better known projects that Lesley has been responsible for include Barangaroo, the Top Ryde Shopping Centre, 126 Phillip Street, Sydney, Edmondson Park South, City One (Wynyard), Lumiere, World Square and St Marys ADI site.



### Clare Swan Associate

Clare Swan joined JBA Planning in 2006 and was promoted to Associate in 2009.

Her previous experience includes working at the Hills Shire Council in North West Sydney. Clare is currently on the Planning Institute of Australia's Division Committee and is the Chair of it's Consulting Planners group.

At JBA Planning Clare has worked on or managed numerous Part 4 Development Applications, Part 3A Major Project applications, due diligence advice and rezoning submissions.



### Oliver Klein Associate

Associate Oliver Klein joined JBA Planning in 2007 after more than 13 years planning

experience with the Department of Planning and the Botany Bay City Council. At the Department, Oliver was heavily involved in the introduction of the Part 3A Major Projects legislation and managed the assessment team for major health, education and other social infrastructure development.

At JBA Planning, Oliver has continued to focus on major projects, including Part 3A Project Applications and State Significant Site listings as well as Part 4 Development Applications and rezonings.



## Metropolitan Projects - Projects

### Barangaroo



Barangaroo, Lend Lease

In 2006 JBA prepared the State significant site listing and Part 3A Concept Plan for the redevelopment of the 22ha Sydney CBD foreshore site, on behalf of Sydney Harbour Foreshore Authority.

Since early 2008, JBA has been working with Lend Lease on its winning Barangaroo proposal and is now assisting in the ongoing

planning and delivery of this exciting project.

Barangaroo is the largest CBD development in the recent history of Sydney – with an end value of approximately \$6 billion and estimated 10 to 15 years construction period.

*Client: Lend Lease Development*

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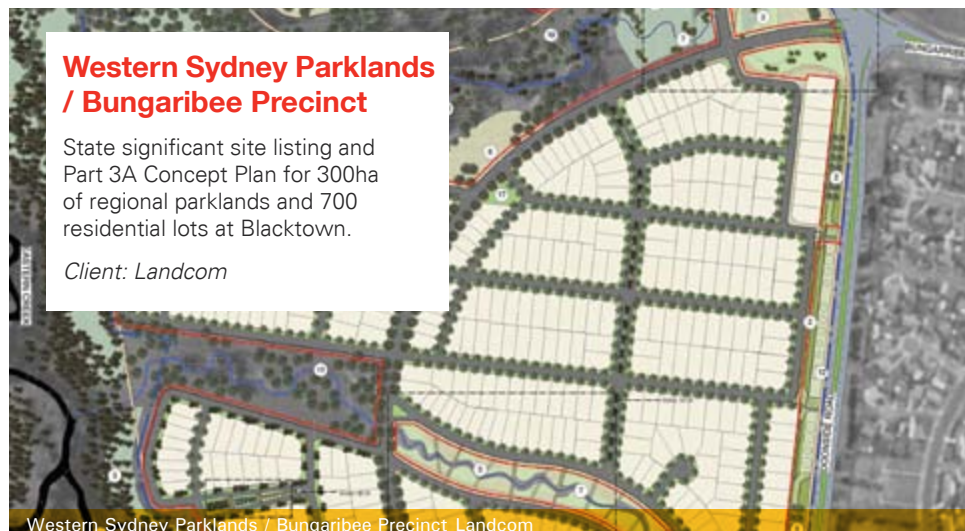
### Central Park, Broadway

SEPP Amendment, Concept Plan and Project Applications for a 255,500m<sup>2</sup> mixed use urban precinct on the former Carlton United Brewery site, Broadway. The 5.8 hectare site is being redeveloped by Frasers Property Australia Pty Ltd as a mixed-use 'urban village', with offices, apartments and retail in 11 different development blocks. The buildings are designed around a large centrally located public park, which inspired the precinct's name. When completed, the development will yield a minimum of

77,000 square metres of retail/office space and approximately 1,900 apartments. Since July 2007, JBA has prepared an amendment to the original Concept Plan and detailed Project Applications for demolition, site remediation, roads and other infrastructure, the main park and first buildings. Work has now commenced. The first of the major buildings have been designed by high profile international and Australian architects, including Foster & Partners, Ateliers Jean Nouvel and Johnson Pilton Walker.



Central Park, Broadway Frasers Property



**Western Sydney Parklands / Bungaribee Precinct**

State significant site listing and Part 3A Concept Plan for 300ha of regional parklands and 700 residential lots at Blacktown.

*Client: Landcom*

Western Sydney Parklands / Bungaribee Precinct Landcom

### Macquarie University Campus

State significant site listing and Concept Plan for the long term expansion of the 126ha campus at Macquarie Park. The Plan provides for 400,000m<sup>2</sup> of new commercial floor space, 60,000m<sup>2</sup> of new academic space and over 3,000 additional student accommodation beds. Subsequent Project Applications on the campus include the new University Library, Cochlear Global Headquarters and the Hearing Hub research building.

*Client: Macquarie University*

# Case Review: Dedication of Land

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The Land and Environment Court of NSW recently considered the matter of whether a Development Control Plan can require the dedication of land for a public purpose. In *Conquest Construction (NSW) Pty Ltd v Sutherland Shire Council [2011] NSWLEC 52*, the applicant (Conquest Construction) sought a declaration that relevant provisions of Sutherland Shire Development Control Plan 2006 ('the DCP'), which required a new public vehicular lane "to be created" as part of the approved development, are null and void and/or of no effect. The applicant argued that the EP&A Act provides a "specific, detailed, particular mechanism for reservations of land for use as a public place", being the identification and reservation of lands in an EPI, and/or authorisation for the dedication in a contributions plan. The applicant argued that there was an implied restriction on the

Council's statutory power in s 74C to make a DCP, to the effect that it is primarily the role of the LEP to specify the land which is to be taken and used for public domain improvements as an adjunct to approved development. The Court upheld the DCP and dismissed the applicant's case holding that the applicant had offered dedication as part of their development proposal and this was a key consideration in the Council approving the development. The Court held that the notion of quid pro quo was relevant in that a DCP may enable the development of land to the benefit of an applicant. The voluntary dedication of land to achieve a planning outcome in accordance with a DCP, was not contrary to the EP&A Act.

## New LEPs Approved

Since the election of the new government, no significant planning related legislative changes (including SEPP or LEP amendments) have been made.

A number of LEP's are currently under review by the Department of Planning and Infrastructure, expected to be made over the next few months. Keep an eye on this regular column of the JBA Alert for all major legislative changes.

## Crime Prevention Through Environmental Design

Crime Prevention Through Environmental Design (CPTED) aims to reduce opportunities for crime by employing design and place management principles that minimise the likelihood of crime. Increasingly, CPTED is becoming a consideration in development assessment and CPTED Assessments are often required by local councils and the Department of Planning.

JBA's Senior Urban Designer, Katie Joyner, is a Certified NSW Police CPTED Risk Assessor and has prepared numerous CPTED Assessments both in Australia

and the UK. In addition, Katie, was involved in the preparation of CABE's (UK) Safer Places: The Planning System and Crime Prevention with the Home Office and ODPM - a document that provides guidance on designing in appropriate crime reduction measures without compromising on the quality of the local environment.

For more information regarding CPTED, please contact [Katie Joyner](#) by email or on 9956 6962.

# JBA Approved Projects

## Discovery Point Concept Plan, Wollri Creek



Source: Bates Smart

On 5 May 2011, the Director-General of the Department of Planning and Infrastructure (as the Minister's delegate) approved the Concept Plan for a higher density mixed use precinct at Discovery Point, 1 Princes Highway, Wollri Creek. JBA prepared the Environmental Assessment on behalf of Discovery Point Pty Ltd, a joint venture partnership between Australand and Landcom. The Bates Smart Architects designed Concept Plan approves a maximum floorspace of 132,000m<sup>2</sup> with at least 9,000m<sup>2</sup> non-residential floorspace (including a 'village square' retail area around a newly created neighbourhood park), significant open space areas including

continuous public access to the Cooks River foreshore and a new entrance to the Wollri Creek Railway Station. Residential apartments are to be developed within 13 buildings. A commercial office building is to be developed on the site adjoining Wollri Creek Railway Station. The approved development capitalises on the proximity of the site to the Wollri Creek Railway Station, the Sydney CBD, Sydney Airport and other employment opportunities in the region. The Concept Plan is one of the first projects to be approved under Part 3A since the new NSW Government was elected in March 2011.

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## Campbell Street, Woonona

JBA's Coastal and Regional Projects Team has secured development consent for a medium density development in Woonona (Wollongong LGA). The development, comprising the demolition of the existing dwelling house (and associated structures) on the site; construction of 6 x 3 bedroom town houses (multi-dwelling housing units); and associated landscaping and drainage, did not comply with Wollongong City Council's strict building height (frontage height and number of storeys) and landscaping requirements. JBA successfully argued that the development's departure from Council's standards was justified based on similarly non compliant built form surrounding the site and it's proximity to an adjoining park. The park provided a large area of open space for both passive and active recreation, negating the need for significant private open space to be provided on site.

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## Staff Update

JBA is pleased to welcome two new staff members to the JBA support team, Sandy Duddy and Isabel Sepulveda.

Isabel joined JBA in April 2011 as the Proposals and Marketing Coordinator. Isabel has a degree in Industrial Design and a Post Graduate degree in Marketing, with over 6 years marketing experience including most recently within the property industry. As part of her role, Isabel will be responsible for preparing tenders and proposals as well as the marketing and branding of JBA.

Sandy joined JBA in March 2011 as our Senior Bookkeeper. Sandy has over 20 years experience in bookkeeping and has come across from Claxton Communications International for whom she has been with since arriving in Sydney from Queensland 5 years ago. Sandy was born in sunny Western Australia and spent the last 17 years in the cattle industry based in Central Queensland. She moved to Sydney five years ago and has set up home in Manly. Sandy is kept busy with three children and likes to spend any spare time outdoors. Sandy enjoys tennis and is a keen amateur mountain climber.

## Royal Agricultural Society Exhibition Hall Upgrade



Source: Cox Richardson

On 3 May 2011, the Minister for Planning and Infrastructure approved works to upgrade the Royal Agricultural Society Exhibition Hall at Sydney Olympic Park. JBA Planning prepared the Part 3A Environmental Assessment for the upgrade works that will further enhance

the functionality of the exhibition space, the entrance and concourse outside the Hall, and the surrounding public domain. The Hall is identified by the Sydney Olympic Park Masterplan as an 'Iconic Structure' and was specifically built for the Olympic Games.



Source: ADM Architects

## Victoria Street & Mittagong Road, Bowral

On 5 May 2011, the JRPP considered its first application within the Wingecarribee LGA. It granted consent for a mixed use development of 4 x retail units & 44 x two bedroom residential units with basement parking. JBAs involvement included

preparation of the SEE, discussions with Council officers and community consultation. The property falls within the Bowral Heritage Conservation Area and building design, along with traffic impacts were significant issues.