

## In This Issue

Click on headlines for more detail...

### Welcome

### New Faces in the NSW Government

### Planning Reforms Moving Ahead

1. Certification
2. Planning Assessment Commission
3. Development Contributions
4. Implementation

### Political Donations to be declared with Planning Applications

### Planning Reform Steering Committee

### Standard LEPs now rolling out

### Draft Planning Controls for Green Square

### 'Lumiere Residences' and 'EDO' win awards

### Gordon's Big Yukon Adventure

### JBA Projects Update

### JBA Profile

For more information and feedback on this newsletter, please contact Kathryn Werner on:  
T: 02 9956 6962  
E: [jbaalert@jbaplanning.com.au](mailto:jbaalert@jbaplanning.com.au)  
W: [www.jbaplanning.com.au](http://www.jbaplanning.com.au)

## Welcome to the October edition of the JBA Alert!

Since our last edition, there has been a changing of the guard in the NSW Government, and many of the reforms foreshadowed by former Planning Minister Frank Sartor are moving ahead. Draft codes for exempt and complying development have been exhibited, the Planning Assessment Commission has been appointed, and new requirements for political donations to be declared when making a planning application, or a submission on a planning proposal, have commenced. In addition, more and more councils are starting to exhibit their new local environmental plans – we provide updates on some of the timetables for exhibition.

In this month's JBA profile, we talk to Principal Planner **Clare Rees** and **Gordon Kirkby** tells the tale of this adventure in the Yukon.

Kind regards,  
Kathryn Werner (editor)

---

## New Faces in the NSW Government

Last month's shake up of the NSW Cabinet has seen the appointment of a new Premier, Treasurer and Planning Minister, amongst others!

The new Premier, Nathan Rees MP has foreshadowed a mini-budget to address serious shortfalls in funding in certain portfolios, including health and public transport. At this stage it looks like the North-West Metro (formerly the North West Rail Link), is no longer on the cards, and the south-west rail link is under threat.

In her capacity as NSW President of the Planning Institute of Australia, JBA Partner **Julie Bindon** has met with new Planning Minister Ms Kristina Keneally MP to discuss her priorities for the portfolio. During their meeting, Minister Keneally reaffirmed the NSW Government's commitment to implementing the reforms to the NSW planning system that were foreshadowed by former Minister Frank Sartor, however they will be subject to additional consultation with practitioners, the community and industry groups, and as a result their implementation may be delayed.

---

## Planning Reforms Moving Ahead

Since our last edition, the first parts of the latest reforms to the NSW planning system have commenced. Here we provide a summary of some of the reforms, including an update on commencement of the various provisions of the [Environmental Planning and Assessment Amendment Act 2008](#), also known as the Planning Reform Act.

### Certification

Amendments to the Building Professionals Act that introduce tougher penalties for building certifiers found to be operating inappropriately commenced on 1 August. Requirements for record keeping have been increased, certifiers must physically inspect and visit a site prior to the issue of a construction certificate or occupation certificate, and certifiers should have clear and objective evidence that the Long Service Levy has been paid prior to forwarding a complying development certificate to the applicant.

## In This Issue

Click on headlines  
for more detail...

### Welcome

### New Faces in the NSW Government

### Planning Reforms Moving Ahead

1. Certification
2. Planning Assessment  
Commission
3. Development  
Contributions
4. Implementation

### Political Donations to be declared with Planning Applications

### Planning Reform Steering Committee

### Standard LEPs now rolling out

### Draft Planning Controls for Green Square

### 'Lumiere Residences' and 'EDO' win awards

### Gordon's Big Yukon Adventure

### JBA Projects Update

### JBA Profile

For more information  
and feedback on this  
newsletter, please contact  
Kathryn Werner on:  
T: 02 9956 6962  
E: [jbaalert@jbaplanning.com.au](mailto:jbaalert@jbaplanning.com.au)  
W: [www.jbaplanning.com.au](http://www.jbaplanning.com.au)

## Planning Reforms Moving Ahead continued...

### Planning Assessment Commission

Members of the Planning Assessment Commission (PAC) were announced by former Minister for Planning, Frank Sartor in early September. The PAC will be chaired by the former head of the Department of Planning, Gabrielle Kibble, and are expected to undertake the following functions

- Determine developments of State significance
- Determine applications for regionally significant development where there is no joint regional planning panel
- Provide advice to the Minister on planning and development matters
- Conduct public hearings into aspects of proposals for a concept plan, major project or development, and
- Conduct merit reviews of the decisions of a joint regional planning panel.

The PAC is expected to commence by the end of 2008, and their role confirmed in the NSW Government Gazette in October or November 2008.

### Development Contributions

First proposed in November 2007, major changes to the way development contributions are levied by councils and the State government were foreshadowed in the Planning Reform Act. They include

- Planning authorities must now consider the impact of levies on affordability, and the expected timeframe for the delivery of infrastructure that is to be funded using those contributions
- Sections 94, 94A (fixed percentage levies) and 93F (voluntary planning agreements) of the Environmental Planning and Assessment Act will be repealed, and replaced by a new Division 5B of the Act
- Contributions imposed by local government will be known as "community infrastructure contributions" (defined in the Regulations)
- Contributions imposed by the State Government will be now known as "State infrastructure Contributions" or "Public Infrastructure Contributions" (defined in the Planning Reform Act)
- All existing local development contributions plans will be repealed by March 2010, unless remade earlier.

The Department of Planning is currently preparing a suite of guidelines and templates to assist Councils and applicants to prepare new contributions plans and voluntary planning agreements.

It is understood the new provisions will commence around February 2009, and draft guidelines and Regulations could be available in November or December 2008.

### Implementation

The remainder of the foreshadowed reforms will commence in stages, as necessary Regulations and guidelines are drafted. This process is expected to be completed by mid-2009. JBA will keep its clients informed as more details about the reforms, and the timing of their commencement, as it becomes available.

More information about the commencement of the reforms is available in Practice Notes issued by the Department of Planning on their [website](#).

## In This Issue

Click on headlines for more detail...

### Welcome

### New Faces in the NSW Government

### Planning Reforms Moving Ahead

1. Certification
2. Planning Assessment Commission
3. Development Contributions
4. Implementation

### Political Donations to be declared with Planning Applications

### Planning Reform Steering Committee

### Standard LEPs now rolling out

### Draft Planning Controls for Green Square

### 'Lumiere Residences' and 'EDO' win awards

### Gordon's Big Yukon Adventure

### JBA Projects Update

### JBA Profile

For more information and feedback on this newsletter, please contact Kathryn Werner on:  
T: 02 9956 6962  
E: [jbaalert@jbaplanning.com.au](mailto:jbaalert@jbaplanning.com.au)  
W: [www.jbaplanning.com.au](http://www.jbaplanning.com.au)

## Political Donations to be declared with Planning Applications

New requirements for applicants and submitters to declare political donations or gifts made to political candidates and council staff commenced on 1 October 2008. The new requirements, which are detailed in section 147 of the Environmental Planning and Assessment Act, apply to planning applications lodged after 1 October including

- Development applications made to councils (including a modification to an existing consent)
- Formal requests to the Minister, a council or the Director-General of the Department of Planning to initiate the making of an environmental planning instrument or development control plan
- Formal requests to the Minister or the Director-General for the development of a particular site to be made State significant or to be declared a Part 3A project under the Environmental Planning and Assessment Act
- Applications for approval of a concept plan or project (or a modification) under Part 3A, and
- Public submissions to a council or the Minister or Director-General in relation to a relevant planning application.

Under the new requirements, applicants and submitters must declare whether or not they, or any party with a financial interest in the matter that is the subject of the application or submission, has made any "reportable political donations" or "gifts" over the past two years whenever making an application or submission.

Councils and the Department of Planning have updated their development application forms to comply with the new requirements. Penalties will apply for non-disclosure of "reportable political donations" or "gifts".

More information on the implications of the new declaration requirements, including detailed guidelines and a Planning Circular, are available on the Department of Planning [website](#), and JBA is also preparing an information sheet for our clients, which we will distribute shortly.

## Planning Reform Steering Committee

Assisting the Minister for Planning in the implementation of the planning reforms, are a series of committees and advisory groups comprising representatives of professional associations, local government and industry.

An Implementation Advisory Committee, which has been established under Section 22 of the Environmental Planning and Assessment Act, provides advice and assistance to the Minister on the implementation of the reforms, including delivery and education, the need for amendment to subordinate legislation, the drafting of guidelines and codes, and other advice as appropriate.

JBA Partner **Terry Wetherall** has been appointed to this Committee as the representative of the NSW Business Chamber. Other organisations represented on the Committee include the Planning Institute of Australia, Royal Australian Institute of Architects, the Property Council of Australia, the Urban Development Institute of Australia, Local Government and Shires Associations and the Total Environment Centre.

In addition, JBA Associate **Clare Brown** (who is both a planner and solicitor) is on leave of absence to take up a temporary role with the Department of Planning as Implementation Coordinator. Clare's role, which is expected to continue for up to six months, includes overseeing the drafting of legislation and guidelines to implement the reforms, with a particular focus on the amendments to Part 4 of the Environmental Planning and Assessment Act (development assessment).

## In This Issue

Click on headlines for more detail...

### Welcome

### New Faces in the NSW Government

### Planning Reforms Moving Ahead

1. Certification
2. Planning Assessment Commission
3. Development Contributions
4. Implementation

### Political Donations to be declared with Planning Applications

### Planning Reform Steering Committee

### Standard LEPs now rolling out

### Draft Planning Controls for Green Square

### 'Lumiere Residences' and 'EDO' win awards

### Gordon's Big Yukon Adventure

### JBA Projects Update

### JBA Profile

For more information and feedback on this newsletter, please contact Kathryn Werner on:  
T: 02 9956 6962  
E: [jbaalert@jbaplanning.com.au](mailto:jbaalert@jbaplanning.com.au)  
W: [www.jbaplanning.com.au](http://www.jbaplanning.com.au)

## Standard LEPs now rolling out

Local Councils across NSW are in the process of preparing new Local Environmental Plans (LEPs) in the format of the Standard Instrument. In the case of metropolitan councils, the new LEPs will also reflect the employment and housing targets from the draft subregional strategies.

To date, new LEPs for Liverpool, Canada Bay and Armidale Dumaresq, and the City Centres of Gosford, Parramatta and Newcastle have been gazetted using the format of the Standard Instrument. The new LEPs including maps, are available on the NSW Legislation [website](#).

In addition, the following LEPs have been publicly exhibited:

- Lane Cove (is now awaiting gazettal);
- Wingecarribee (to be re-exhibited); and
- Canada Bay (despite gazettal of a new LEP in February 2008, Canada Bay is currently undertaking a detailed strategic planning review to incorporate subregional housing and employment targets, that were released in July 2008).

It is expected that many councils will be reporting their draft plans to council meetings by the end of 2008, with exhibition in the first half of 2009. Applicants will have the opportunity to make submissions prior to the exhibition of draft plans, or during the formal exhibition period.

Councils that are expected to exhibit drafts in the first half of 2009 include the City of Sydney, North Sydney, Willoughby, Parramatta, Byron Shire and Canada Bay.

Do not hesitate to speak to one of JBA's expert planning staff if you are interested in making a submission to a draft LEP.

---

## Draft Planning Controls for Green Square

The City of Sydney has prepared draft planning controls for the [Green Square Urban Renewal Area](#). The controls were placed on informal (non-statutory) public exhibition in early October 2008. They foreshadow a new land use zoning table and map, building height map and floor space map for the Green Square Urban Renewal Area.

The controls have been informed by a suite of documents including the Green Square Urban Renewal Background Paper and Green Square Built Form Review. They are designed to support the Sydney 2030 plan, whilst being "cognisant of other policy constraints, such as those imposed by the Standard Instrument".

The proposed controls will be again exhibited in 2009 when the City of Sydney formally exhibits the draft Comprehensive LEP for the entire local government area.

The proposed height and floor space ratio controls will result in changes in the development potential for a number of sites. Land proposed to be zoned for industrial land uses will have a FSR of 1:1-1.5:1. This represents a decrease in maximum FSR of 2:1 to 1.5:1 for industrial land in the western areas of Green Square. Conversely, sites benefiting from increased FSR include blocks between Rothschild Avenue, Dunning Avenue and Epsom Road.

The new controls will continue the existing system of differential FSR that is designed to facilitate land dedications and public domain improvements. For more information about the draft planning controls, do not hesitate to contact JBA's expert planning staff.

## In This Issue

Click on headlines for more detail...

### Welcome

### New Faces in the NSW Government

### Planning Reforms Moving Ahead

1. Certification
2. Planning Assessment Commission
3. Development Contributions
4. Implementation

### Political Donations to be declared with Planning Applications

### Planning Reform Steering Committee

### Standard LEPs now rolling out

### Draft Planning Controls for Green Square

### 'Lumiere Residences' and 'EDO' win awards

### Gordon's Big Yukon Adventure

### JBA Projects Update

### JBA Profile

For more information and feedback on this newsletter, please contact Kathryn Werner on:  
T: 02 9956 6962  
E: [jbaalert@jbaplanning.com.au](mailto:jbaalert@jbaplanning.com.au)  
W: [www.jbaplanning.com.au](http://www.jbaplanning.com.au)

## 'Lumiere Residences' wins 2008 UDIA Award

As the urban planners on the 'Lumiere Residences' project, JBA is pleased to advise it was awarded the 2008 NSW UDIA High Density Housing Award as well as a Commendation for Multiple Housing. Lumiere features two towers of 30 and 42 storeys comprising some 600 apartments and serviced apartments above a podium of retail and commercial floor space.

It is located on the site of the former Regent Theatre on Bathurst Street, Sydney – for many years one of Sydney CBD's infamous "holes in the ground". JBA congratulates developers Frasers Property and architects Foster + Partners (London) and PTW Architects (Australia) on a fine outcome.



## 'EDO' wins 2008 NSW AIA Multiple Housing Award

JBA project 'EDO' picked up the Multiple Housing Award at the 2008 NSW Australian Institute of Architects Awards held recently. Designed by Stanisc Associates, EDO is located on a small, inner city site on Crown Street, Woolloomooloo.

It comprises 31 apartments set above street level retail. JBA prepared the DA for the project and negotiated its approval through Council.



## Gordon's Big Yukon Adventure



JBA Partner **Gordon Kirkby** recently participated in the world's longest annual canoe race, the Yukon River Quest in Canada. Gordon completed the tandem canoe class and paddled the 742km stretch of the Yukon River from Whitehorse to Dawson City in just under 57 hours. Gordon's paddling partner was JBA client and Chinese New Year Dragon Boat coach Chris Alexandrou.

During the race, Gordon endured rapids, mosquito swarms, torn muscles and Picasso hallucinations, but none of these were as bad as also having to spend three excruciating days providing free planning advice to a client! At the conclusion of the race, Gordon ate three breakfasts, slept for 10 hours and then partook in one of the local Dawson City customs (involving a shot of local whisky and a century-old frostbitten miner's toe – enough said!)

Gordon used the race as a training run for JBA's next tilt at the Chinese New Year Dragon Boat Festival in February. Be warned!

## In This Issue

Click on headlines for more detail...

### Welcome

### New Faces in the NSW Government

### Planning Reforms Moving Ahead

1. Certification
2. Planning Assessment Commission
3. Development Contributions
4. Implementation

### Political Donations to be declared with Planning Applications

### Planning Reform Steering Committee

### Standard LEPs now rolling out

### Draft Planning Controls for Green Square

### 'Lumiere Residences' and 'EDO' win awards

### Gordon's Big Yukon Adventure

### JBA Projects Update

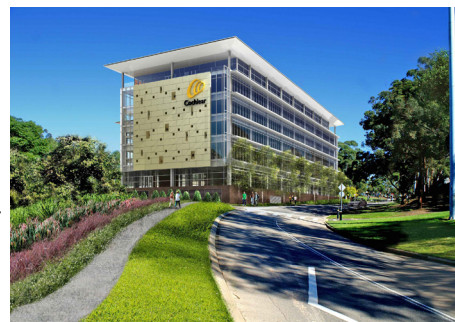
### JBA Profile

For more information and feedback on this newsletter, please contact Kathryn Werner on:  
T: 02 9956 6962  
E: [jbaalert@jbaplanning.com.au](mailto:jbaalert@jbaplanning.com.au)  
W: [www.jbaplanning.com.au](http://www.jbaplanning.com.au)

## JBA Projects Update

Recently on exhibition:

- Cochlear Global Headquarters, Macquarie University. Project Application for the new global headquarters comprising a 6-7 storey building with approximately 27,300m<sup>2</sup> GFA. It has a capital investment value of approximately \$71 million and will provide over 500 carspaces for staff and visitors.  
*Client: Lachlan Project Development Pty Ltd*
- Former CUB Site, Broadway. Modification of the approved Frasers Broadway Concept Plan to increase the amount of public domain on the site, redistribute building mass to provide a better transition between Broadway and Chippendale to improve the sustainability performance of the site as a whole.  
*Client: Frasers Broadway*
- Local Environmental Plan & Development Control Plan for the Caddens Estate between South Kingswood and Claremont Meadows in the Penrith LGA. The plans propose 1,247 homes, public open space, new and augmented roads and a Precinct Centre comprising a local shopping and service centre including a supermarket.  
*Client: Landcom*
- Hampden Road, Artarmon. Development Application to upgrade an existing communication tower by replacing the existing VHF panels and installing link antennas to accommodate digital audio broadcasting.  
*Client: TX Australia Pty Ltd*



Cochlear Global Headquarters

JBA prepared the Development Application for a new residential flat building at 10 Wylde Street, Potts Point for the Ashington Group.

The approval benefited from an additional 10% of height above the maximum permissible height control (in accordance with Clause 10 in the Sydney LEP). Recent news about the building includes the record breaking sale of the penthouse unit for \$20 million.



10 Wylde Street, Potts Point

## JBA Profile

**Clare Rees** holds a Bachelor of Arts with a major in Human Geography and a Masters Degree in Environmental Planning, both from Macquarie University. She was awarded the Planning Institute of Australia (Consulting Planners) Awards for proficiency in the Macquarie University Master of Environmental Planning Degree Program and the Geographical Society of New South Wales Prize for her undergraduate Geography studies. Prior to joining JBA, Clare worked at Planning Workshop Australia and Baulkham Hills Council.



Some of Clare's recent projects include a Project Application for a 20,000m<sup>2</sup> Industrial Warehouse Development, Erskine Park, the Concept Plan for Penrith Lakes, a Design Competition Brief and Statement of Environmental Effects for a commercial building, Arygle Street Parramatta and development applications for the Top Ryde Shopping Centre and numerous commercial towers in the Sydney CBD.

Outside work, Clare is busily preparing for her upcoming wedding and training for the 2008 Multiple Sclerosis Sydney to the Gong Bike Ride on Sunday 2 November.