

## In This Issue

### News

- + New Assessment Regime for State Significant Development and Infrastructure
- + Leichhardt Employment & Economic Development Plan
- + Planning Review Update

### Feature Article

- + New Assessment Regime for State Significant Development and Infrastructure

### Regular Columns

- + JBA Approved Projects
- + JBA Sponsored Events
- + LEP Update
- + JBA Staff Update

## New Assessment Regime for State Significant Development and Infrastructure



On 1 October 2011, a new planning assessment system commenced in New South Wales. The new planning laws establish the assessment process for development of State and regional significance, finally putting an end to months of uncertainty surrounding development in NSW.

See the [Feature Article](#) following for more details.



## 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 look at the recently announced NSW Planning Review and update the new regional comprehensive LEPs that have come into force in September 2011.

We also review JBA's sponsored events on October and highlight our latest approved projects.

In our feature article, we profile the recently released Regulations for the new State Significant Development and State Significant Infrastructure regime.

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)

## Leichhardt Employment & Economic Development Plan Workshops Announced

Leichhardt Council is developing an Employment and Economic Development Plan, to set the direction for economic development in the Municipality.

Leichhardt Council has organised a number of workshops to provide an opportunity for local business people, agencies, practitioners and organisations to express their vision, challenges, needs and ideas.

- **Tuesday 11 October, 9.30-11.30am:** For businesses based in Annandale, Balmain, Leichhardt, Lilyfield & Rozelle; and
- **Monday 17 October, 6-8pm:** For home businesses, practitioners and businesses based in industrial areas and along Victoria Road and Parramatta Road.

For more information, refer to Council's [website](#) and [flyer](#).

## Planning Review Update

The NSW Planning Review has announced a series of community forums across NSW. The community forums have commenced, with a number already held across regional NSW.

The Sydney based sessions are scheduled throughout October and September.

Refer to the NSW Planning Review website for session details. You can also follow the NSW Planning Review via [facebook](#) and [twitter](#).

**In This Issue**

News
+ New Assessment Regime for State Significant Development and Infrastructure
+ Leichhardt Employment & Economic Development Plan
+ Planning Review Update
Feature Article
+ New Assessment Regime for State Significant Development and Infrastructure
Regular Columns
+ JBA Approved Projects
+ JBA Sponsored Events
+ LEP Update
+ JBA Staff Update

# Feature Article

## New Assessment Regime for State Significant Development and Infrastructure

On October 1 the NSW Government struck the final blow and brought into force the amendments to the Environmental Planning and Assessment Act 1979 (the EP&A Act) repealing Part 3A and ushering in a new regime for the assessment and determination of major projects in NSW. A full explanation of the reforms to the planning system can be found on the Department's website.

There are three major components to the reforms:

- Amendment to the EP&A Act to repeal Part 3A and establish new assessment frameworks for State and regionally significant projects, and implement transitional provisions for Part 3A projects;
- Amendment to the EP&A Regulation to establish assessment processes, timeframes and fees for State significant projects; and
- Gazettal of State Environmental Planning Policy (State and Regional Development) 2011 specifying categories and criteria for State significance.

The amendments to the EP&A Act have been well publicised and subject to significant consultation by the Department of Planning and Infrastructure. Their content has been discussed in previous JBA Alerts. In many respects the amendments are a case of "back to the future" with a return to separate assessment processes for State Significant Development (within Part 4) and State Significant Infrastructure (a new Part 5.1).

While Part 3A is gone, it does live on in a number of key provisions that have been transferred to the new Parts of the Act. In particular provisions relating to other legislative approvals that are either not required or must be applied consistently, and an element of flexibility to enable the assessment of developments that are partly prohibited.

New categories of development and criteria have been developed for State Significant Development (SSD) and State Significant Infrastructure (SSI). These are contained in the schedules to the new SEPP.

In many respects the categories and criteria hark back to pre-Part 3A assessment regimes and mainly encompass development in the manufacturing, energy, mining, transport and social infrastructure sectors.

In essence, the motivating reason for the amendments; and the key change to the assessment process, centres on the categorisation of major residential, retail and commercial developments. Previously, development of this kind in excess of \$100 million capital investment was categorised as State Significant and subject to Part 3A with Ministerial approval. These developments, except on a number of key identified sites, are now considered regionally significant development and subject to Council assessment with approval by the Joint Regional Planning Panels (JRPP). Commensurate changes to the JRPP's composition and scope of responsibility have also come into force.

There are a number of savings and transitional arrangements for continuing Part 3A projects which apply to existing Part 3A Project Approvals and Project Applications where the Director General has issued environmental assessment requirements. To make matters complicated, a different transitional process has been established for projects with approved Concept Plans only – this process sends all future applications back to Part 4 of the EP&A Act for assessment and determination.

For significant private projects the Minister has delegated his determination role to the Planning Assessment Commission (PAC), while less contentious applications will be determined by senior officers of the Department of Planning and Infrastructure. The Minister however will continue to determine SSI proposals lodged by Government Agencies.

The fee regime and appeal rights remain largely unchanged. Applicants continue to have appeal rights to the Land and Environment Court (other than where the PAC has held a public hearing) and any person remains entitled to challenge the procedural lawfulness of an approved SSD. Deemed refusal times remain the same.

For more information, refer to the Department of Planning & Infrastructure [website](#) or contact JBA Director, [Gordon Kirkby](#) on 9956 6962.



# JBA Approved Projects

## In This Issue

### News

- + New Assessment Regime for State Significant Development and Infrastructure
- + Leichhardt Employment & Economic Development Plan
- + Planning Review Update

### Feature Article

- + New Assessment Regime for State Significant Development and Infrastructure

### Regular Columns

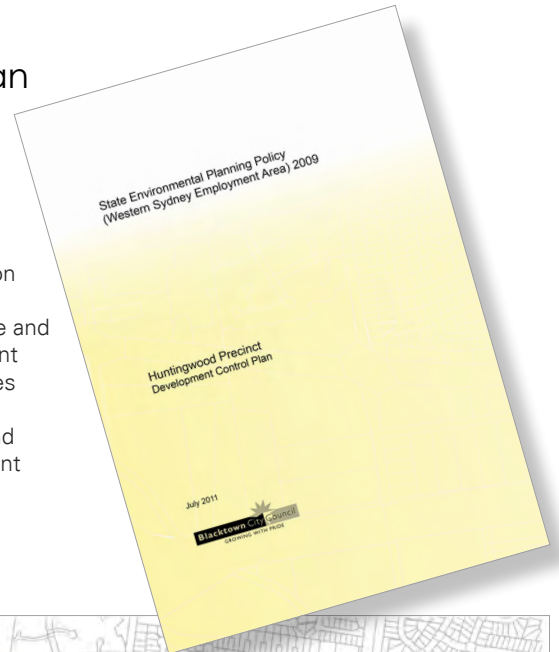
- + JBA Approved Projects
- + JBA Sponsored Events
- + LEP Update
- + JBA Staff Update

## Huntingwood East Development Control Plan

On August 2011, Blacktown City Council, adopted the Development Control Plan prepared by JBA to guide the future development of an 82ha precinct located alongside the M4 Motorway.

The preparation of the DCP involved liaison with a number of landowners, the NSW Department of Planning and Infrastructure and Blacktown City Council, as well as different Government agencies. Key planning issues included traffic and access, biodiversity (including significant stands of Cumberland Plain Woodland), storm water management and urban design.

Client: DBL Property on behalf of the Huntingwood East Landowners Group



## Epping Town Centre Study On Exhibition

On 28 September 2011, Hornsby Shire Council placed the Epping Town Centre Study ("the Study") [on exhibition](#). The Study, prepared by JBA's *Strategies & Plan Making* team, identifies opportunities for the Epping Town Centre to accommodate increased residential and employment growth. JBA led a multi-disciplinary team to prepare the Study, which includes a detailed analysis of the built and natural environment, traffic analysis and projections, and development feasibility assessments. The project demonstrates JBA's urban planning and design capabilities and our ability to manage large and complex strategic planning projects.

The Study envisages:

- Increased development around the railway station;
- Opportunities for new townhouse and residential flat building development within new residential precincts;
- New and upgraded traffic, pedestrian and cyclist facilities;
- New heritage conservation areas; and
- New recreational facilities and community spaces.

Client: Hornsby Shire Council, Parramatta City Council and Department of Planning & Infrastructure.



**Epping Town Centre Study**  
Hornsby Shire Council, Parramatta City Council and Department of Planning & Infrastructure

# JBA Approved Projects

## In This Issue

### News

- + New Assessment Regime for State Significant Development and Infrastructure
- + Leichhardt Employment & Economic Development Plan
- + Planning Review Update

### Feature Article

- + New Assessment Regime for State Significant Development and Infrastructure

### Regular Columns

- + JBA Approved Projects
- + JBA Sponsored Events
- + LEP Update
- + JBA Staff Update

## 32 McHatton Street, North Sydney

Michael Lichtenberg and Thomas Zdun have successfully gained development consent for the conversion of a commercial building to a residential flat building at 32 McHatton Street, North Sydney.

JBA assisted with the preparation of a Statement of Environmental Effects and SEPP 1 Objections for the DA. As residential flat buildings are prohibited in the Residential A2 Zone under North Sydney LEP 2001 the application relied upon Clause 51 of the LEP which allows Council to approve a prohibited use if it will ensure the ongoing conservation of a heritage item. The approval of the application was timely as 32 McHatton Street is proposed to be downgraded from a heritage item to a contributory item under the draft North Sydney Local Environmental Plan 2009.

*Client: Michael Lichtenberg & Thomas Zdun*

## LEP Update

On 19 September 2011, three new regional comprehensive LEPs came into force. The [Gundagai Local Environmental Plan 2011](#), [Coonamble Local Environmental Plan 2011](#) and [Urana Local Environmental Plan 2011](#) are three more LEPs prepared in the Standard Instrument format. Notably, this is Gundagai's first local planning scheme in its 122 year history and means that all LGAs in NSW now have local planning controls.



Source: DesignInc

## UNDA Medical Training Facility, Auburn

In September 2011, the Sydney West Joint Regional Planning Panel approved a medical training facility for the University of Notre Dame (UNDA). The facility is located in Auburn, adjacent to the recently redeveloped Auburn Hospital and will provide a significant benefit to the community by consolidating the existing medical training activities operating out of the main Hospital building. The new facility comprises a three - four storey building, with a GFA of 2,133m<sup>2</sup>. Key issues during the assessment and negotiation process included Section 94 contributions and building height. A dispensation of Section 94 contributions was successfully negotiated due to community uses provided in the building, including ambulance facilities and a lecture theatre provided on the site.

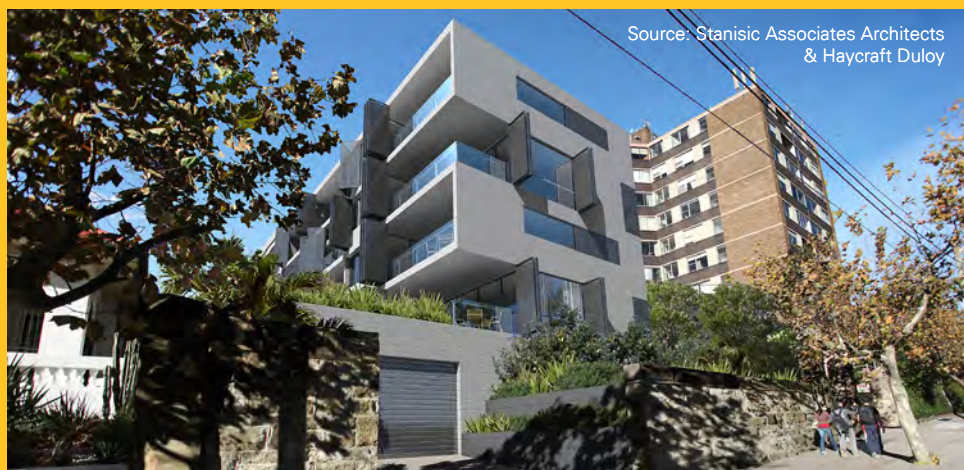
*Client: University of Notre Dame, Australia*

## 92 Alison Road, Randwick

JBA Planning has assisted Charles Scarf, Michael Scarf and Patricia Woods in obtaining development consent for a new residential flat building at 92 Alison Road. The building was designed by Stanisic Architects and provides 16 new apartments, with basement car parking and common open space. Randwick Council refused both the original application and a section 82a review in December 2008 and December 2009 respectively, primarily on the basis of streetscape impacts and view loss.

The refusal was successfully appealed in the Land and Environment Court by Mallesons Stephen Jaques and John Robson SC of 12 Wentworth Selborne Chambers in June 2010. Council then filed a legal challenge against the commissioner's decision. A judge considered the appeal and in September 2011, Council's challenge was dismissed and the Commissioner's decision stands. After a long and protracted application process we look forward to seeing construction works commencing in the near future on the site!

*Client: Charles Scarf, Michael Scarf and Patricia Woods*



Source: Stanisic Associates Architects & Haycraft Duloy

# JBA Sponsored Events

## In This Issue

### News

- + New Assessment Regime for State Significant Development and Infrastructure
- + Leichhardt Employment & Economic Development Plan
- + Planning Review Update

### Feature Article

- + New Assessment Regime for State Significant Development and Infrastructure

### Regular Columns

- + JBA Approved Projects
- + JBA Sponsored Events
- + LEP Update
- + JBA Staff Update



## UDIA NSW Annual State Conference 2011

JBA is proud to be one of the Bronze sponsors for the UDIA NSW State Conference 2011; an important event in our industry. With an impressive line-up of guest speakers, this year's conference gathers a wide range of industry professionals to deliberate on how to build a better NSW.

The conference is being held on Thursday 13 October at the Ivy Room, Sydney for a day of information and networking.

Click [here](#) for the full conference program and registration details.

## Environmental & Planning Law Association NSW (EPLA)

JBA is also pleased to announce its support to this year's EPLA conference. The two day conference will include papers and speeches by the Hon Brad Hazzard, Minister for Planning and Infrastructure and the Hon Justice Brian Preston, Chief Judge of the Land & Environment Court of NSW, amongst others.

The Conference will address important current issues such as climate change, heritage and exempt development, and recent court developments. It will also provide a great opportunity to raise issues with the Co-chairs of the NSW Planning System Review Tim Moore and Ron Dyer.

Our JBA Directors James Harrison and Andrew Duggan will participate as guest speakers in two of four the workshops: "Joint Reports" and "Witness, Expert Evidence" respectively.

The conference is scheduled for Thursday 13th & Friday 14 October at the Sydney Mechanics School of Arts, 280 Pitt Street, Sydney.

Click [here](#) for more information about the conference and to register on line.

# JBA Staff Update

## New baby for Rob...

JBA is excited to announce the birth of Principal Planner Robert Stark's second baby, Edward. Edward was born on 1 September, weighed 3.74kg and was 50.5cm long.



## JBA Staff Conference 2011

JBA's Annual Staff Conference, held recently on 23 -24 September at Kangaroo Valley, was a real success! With the help of our facilitator Steve Shepherd from Shirlaws, we embraced a series of workshops that focussed on reviewing why we do what we do and what are the overarching principles that underpin our culture. Whilst there was lots of hard work involved, we still managed to move into a night full of fun that included a real Masterchef team challenge to prove our ability to work under pressure and still be creative!

