

Chronology of planning proposal for 197 Church Street, Parramatta	
Date	Action
<p>Principal Organisations:</p> <p>DFP – DFP Planning Consultants, general correspondence through Ellen Robertshaw (unless noted otherwise)</p> <p>DPE – Department of Planning and Environment, general correspondence through Marcus Ray (unless noted otherwise)</p> <p>Holdmark – Holdmark Property Group, the proponent, general correspondence through Gavin Carrier (unless noted otherwise)</p>	
Feb 2011	First engagement by Holdmark with Council regarding a proposal to develop an iconic building on the site at 197 Church Street.
12/10/2011	The <i>Parramatta Development Control Plan (DCP) 2011</i> comes into effect.
1/04/2014	Presentation of Boomerang proposal to Mayor and General Manager.
Late April 2014	Preliminary Planning Proposal for 197 Church Street lodged with Council.
2014	<p>Architectus prepared the <i>Parramatta City Centre - Planning Framework Study</i> to inform new planning controls for the CBD. Recommend Scenario C be pursued. Recommendations also include:</p> <p><i>"No specific maximum building height control is provided (other than the sun access controls noted and aviation restrictions to building heights)".</i></p> <p><i>The Framework Study included a plan which identified the protected area of Parramatta Square as an area with 'sun access controls'.</i></p>
08/10/14 – 19/11/14	<i>Draft Parramatta City Centre - Planning Framework Review</i> on Public Exhibition.
15/12/14	<p>Parramatta Council Meeting:</p> <p>Item 7.14 Draft Parramatta City Centre Planning Framework Review – Outcome of Public Exhibition. Council resolves to conduct a workshop with relevant stakeholders to be held along with a review of submissions and report back to Council in early 2015 with a plan for further action.</p>
15/12/14	<p>Parramatta Council Meeting</p> <p>Item 7.15 Review of Three Preliminary Concept Proposals on Macquarie Street, Parramatta. The report identified that due to the east-west alignment of Parramatta Square, 50% of the square is protected during lunchtime hours mid-winter to allow for solar access and minimise shadowing in this area. This area is known as the 'solar protection zone'.</p> <p>The report considered 3 options for development of key sites north of Parramatta Square.</p> <p>Option 1 was a compilation of preliminary planning proposals submitted by representatives of landowners of 20-22 Macquarie St (Site/Proposal A), 197 Church Street (Site/ Proposal B) and 220-230 Church and 48 Macquarie Streets (Site/ Proposal C).</p> <p>Option 2 was development modelled by Council which preserved solar access to the solar protection zone and while heights and FSR were above the maximums permissible under the (then) current controls, they were below that of the preliminary proposals submitted by the landowners.</p>

	<p>The report recommended that Option 2 proceed partly due to the preservation of solar access to Parramatta Square.</p> <p>Option 3 hold the matter in abeyance until after the Parramatta City Centre Panning Framework has been reviewed, tested and redrafted.</p> <p>Outcome of Council Meeting</p> <p>An amendment was put forward and lost that Option 2, as recommended in the Business Paper, be carried. A variation of option 1 was carried.</p> <p>Council resolved that:</p> <ul style="list-style-type: none"> (a) That Council accept building proposal (a), (b) and (c) and request a further report. (b) That Council seek an opportunity to create an A Grade building in the CBD by encouraging the developer to submit an innovative plan/proposal for the key site which would then be assessed on its merits. (c) Further, that each application for (a), (b) and (c) be assessed on its merits individually with a 10:1 FSR as stipulated in Council's draft planning framework.
9/3/2015	Planning Proposal for 197 Church Street, Parramatta submitted to Council. (Planning controls in force: FSR 3:1 and 4:1, no overshadowing of Parramatta Square).
27/05/15	Parramatta Council Meeting – Council adopted the CBD Planning Strategy which was based on the Architectus Study.
7/12/2015	<p>Council resolves to support the Planning Proposal for 197 Church Street, Parramatta.</p> <ul style="list-style-type: none"> (a) That Council endorse the Planning Proposal in Attachment 1 subject to it being modified as follows: <ul style="list-style-type: none"> • Incorporate the recent changes proposed by the applicant detailed in the section of this report titled Final Planning Proposal for 197-207 Church Street, Parramatta. • Provide an increase in FSR to 15:1 (excluding design excellence) subject to compliance with the sun access provisions of Clause 29E of PCCLEP 2007, including the 45 minute rule for overshadowing of the solar zone of Parramatta Square and SEPP 65. • Inclusion of a clause requiring an international design competition. • A height to be determined by a design competition as described in (b). (b) That the applicant work collaboratively with the CEO to draft a brief for an international design competition to design a building on the site, demonstrating compliance with the sun access provisions (Clause 29E of PCCLEP 2007) including the 45 minutes rule for overshadowing of the solar zone of Parramatta Square and SEPP 65. In particular, any future building on the site must demonstrate a built form that appropriately addresses the building separation controls of the ADG to ensure future development on adjacent sites is not compromised (including 20-22 Macquarie Street, Parramatta). (c) If any design competition entry proposes a height greater than 156AHD it will need to be supported by an Aeronautical Study to address the relevant Section 117 Direction. (d) The design competition brief must require entrants to retain the HERITAGE façade of the existing building on the site. (e) The applicant must include, as one of the entries in the design competition, the 'Boomerang' design already submitted to Council in support of its Planning Proposal, modified as required to comply with the design competition brief. (f) That, following drafting of the design competition brief, the CEO forward the Planning Proposal (together with the design competition brief) to the Department of Planning and Environment, seeking a Gateway determination.

	<p>(g) That Council proceed with negotiations for a Voluntary Planning agreement VPA with the landowner in relation to the Planning Proposal including an amount for Uplift of FSR from 10:1 to 15:1 and that any VPA entered into would be an addition to S94 Development Contributions.</p> <p>(h) That delegated authority is given to the CEO to negotiate the VPA on behalf of Council and that the outcomes of negotiations are reported back to Council prior to its public exhibition.</p> <p>(i) That Council advises the Department of Planning and Environment that the CEO will be exercising the plan making delegations for this Planning Proposal as authorised by Council on 26th November 2012.</p> <p>(j) Further, that Council authorise the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-amendment process.</p>
18/12/15	<p>PLEP2011</p> <p>Consolidation of PLEP2011 and PCCLEP2007 came into effect. Provisions relating to the city centre are now located in Part 7 of the PLEP2011 (7.4 Sun access provision and the '45 minute rule').</p>
18/01/16	Planning Proposal for 48 Macquarie Street submitted (by Coombes Property Group).
22/01/16	Draft of Brief for International Design Excellence Competition for 197 Church Street Parramatta submitted to Council.
01/04/16	International Design Excellence Competition Brief approved by Council.
04/05/16	Holdmark Planning Proposal forwarded to DPE for Gateway Determination by Council.
18/05/16	Independent Jury [comprising Council rep (Kim Crestani) Olivia Hyde from GAO, and Holdmark nominee (Chris Johnson)] considered International Design Excellence competition entries. Two entries shortlisted for further clarification and consideration.
08/06/16	Independent Jury unanimously selected the design by Rafael de la Hoz (architect) in collaboration with Group GSA as the winner.
17/06/16	DPE, as delegate of GSC, issued Gateway Determination for 48 Macquarie Street (owned by Coombes Property Group) which foreshadowed a proposed amendment to current LEP to delete "45-minute rule" regarding overshadowing of "solar zone" of Parramatta Square.
20/06/16	Email to DFP from Council requesting that the design excellence process be put on hold due to the determination signed by DPE related to 48 Macquarie Street and the statement that Clause 7.4 about solar access be amended for all projects.
21/06/16	Email from Urban Taskforce (Chris Johnson) to DPE raising concern regarding the email to Ellen Robertson regarding review of clause 7.4
30/06/16	Email from DFP to DPE with a summary of Business Papers in relation to sun access controls to Parramatta Square. Receipt of email acknowledgment from DPE.
02/07/16	<p>Email from DFP to Holdmark with summary projects potentially to be affected - 17 Planning Proposals underway. None included a requirement to comply with the DCP 45 minute rule other than 197 Church St.</p> <p>10 Planning Proposals published with variations to FSR and height limit.</p>
06/07/16	<p>Email from DFP to DPE Summary of 4/7/16 meeting:</p> <p>"I now confirm, on behalf of Holdmark, that it would be appreciated if the Gateway determination in relation to the Planning Proposal for 197 Church Street Parramatta could be held in abeyance as per your offer at the meeting".</p>

15/08/16	WORKSHOP 1 DPE/ GSC/ Parramatta Council/ Client Representatives/ Urban Taskforce
19/08/16	<p>Joint letter from Holdmark and Coombes/Drivas to DPE (dated 18/08/16)</p> <p>Request that Planning Proposals be assessed against the legislation in place when the Planning Proposals were lodged (45 min rule) (option 2) and/or relocating the solar protected area (option 3).</p> <p>It was suggested by Holdmark to the Working Group that to ensure procedural fairness all Planning Proposals lodged with DPE before proposed rule change, announced on 17/6/16, should be assessed and determined pursuant to the rules which existed at the time the Planning Proposal was lodged (consistent with usual savings & transition provisions in Planning legislation).</p>
31/08/16	<p>Holdmark email to DPE:</p> <p>"If, however, the view of DPE/GSC proposed to be put forward in your reply has potential detrimental impacts on our redevelopment proposals, we would appreciate the opportunity to further put our case, before you issue the email/ letter, in the interests of procedural fairness".</p>
05/09/16	<p>Email DPE to Holdmark:</p> <p>"regarding your request for the Department to remove the condition on the Gateway determination in respect to the overshadowing of Parramatta Square. I have discussed your request with the GSC, CEO Sarah Hill.</p> <p>While noting your proposed way forward and the considerable investment regarding the two sites I am of the view that we should meet as agreed at our workshop of 15 August 2016. This approach will provide the opportunity for you to present any alternate options you have developed and can be discussed by all parties including Parramatta City Council."</p>
16/09/16	WORKSHOP 2 - Presentation by Greg Crone to DPE, GSC and Parramatta Council Officers on alternative solar access areas to Parramatta Square (Option 3).
21/10/16	<p>DPE sent copy of Council Officers' formal feedback from Working Group discussions advising that they do not agree with any of the proposed solutions put forward by Holdmark and Coombes/Drivas.</p> <p>DPE advised they would await the Council's decision in respect of potentially requesting a review of the Gateway Determinations.</p>
11/11/16	Holdmark and Coombes/Drivas submit to DPE comprehensive advice prepared jointly by JBA and DFP with justification concluding that the Planning Proposals for both 48 Macquarie Street and 197 Church Street should be assessed on the basis of the planning rules in place when they were lodged by Council with DPE (ie the "45-minute rule").
14/11/16	DFP, Norton Rose Fulbright (Felicity Rourke) and Holdmark address Parramatta Council and request they (Council) seek a Gateway review of the Planning Proposal for 48 Macquarie St on the basis that the Gateway Determination was based on flawed rationale. Parramatta Council Administrator resolved to NOT initiate a Gateway Review request.
2/12/16	<p>Holdmark and Coombes/Drivas met with DPE. Holdmark states meeting outcomes as:</p> <ul style="list-style-type: none"> - Legislation permits DPE (as the GSC delegate) to amend a Gateway determination without going through the formal review process - The only issue of concern to DPE/GSC in respect of the Planning Proposals for both 48 Macquarie Street and 197 Church Street is the overshadowing of the solar zone of Parramatta Square - Happy to consider a technical solution to overcome overshadowing.

16/01/17	Holdmark & Coombes/Drivas advised DPE that expert specialist consultants have provided indicative technical advice confirmed that the overshadowing of the solar zone of Parramatta Square by the two buildings in question can be overcome by the installation of heliostats on the buildings. This would therefore remove the only remaining concern preventing positive Gateway Determinations for the two relevant Planning Proposals.
23/03/17	Presentation of Heliostat solution made to reps of GSC, DPE and Council. View by Holdmark that nobody questioned whether the technical solution will work, but Council raised new, extraneous issues. DPE asked Council to formally write with any questions they had.
30/03/17	Holdmark email to DPE stating that issues raised on 23/03/17 were extraneous to the Planning Proposal Gateway Determination. Holdmark requests that any additional information or questions be emailed through.
13/04/17	DPE advised Holdmark of questions from Council.
27/4/17	Holdmark wrote to DPE advising that Council questions are inappropriate and inconsistent with the last resolution of Council on the matter. All information to satisfactorily address the sole remaining issue identified by DPE on 2/12/16 has been provided. Still awaiting response as at 30 May 2017.
31/05/17	Holdmark meeting with Chief Commissioner of GSC, Greg Woodhams (Executive Director-City Planning at GSC) and Rhonda Stein (Probity auditor).
07/06/17	Holdmark meeting with DPE. Request GSC acknowledge via Gateway Determination that the Planning Proposal for 197 Church Street has strategic merit. Provided copy of 23/03/17 presentation, project summary dated May 2017 and a copy of suggested condition to be inserted in Gateway Determination. "The proponent must implement a suitable technical solution so that any shadows cast on the "solar zone" of Parramatta Square (being the area outlined in red in Figure 4.3.3.7.3 of Parramatta DCP 2011) by any future building on the site can be appropriately counteracted between 12noon and 2.00pm mid-winter".
13/07/17	Conditional Gateway Determination issued for Planning Proposal for 197 Church Street. Conditions include Conditions 1 (c)(iii), 1 (c)(iv) and 1 (c)(v) restricting additional impacts on overshadowing of the protected zone in Parramatta Square, consistent with the Gateway determination for 48 Macquarie Street.
13/12/17	Gateway review requested by the proponent, seeking changes to Conditions 1 (c)(iii), 1 (c)(iv) and 1 (c)(v). This Gateway Review requests deletion of these conditions.
12/01/2018	DPE notifies Planning Assessment Commission that a post-Gateway determination review request had been received.
26/2/2018	Council advises the Department that it neither supports or opposes the proponent's Gateway Review Request lodged in relation to the Gateway Determination.
29/03/2018	Request for Gateway review provided by DPE to the Independent Planning Commission NSW.