

Appendix 9 to Planning Report for Gateway Review - 197 Church St Parramatta

Chronology of Strategic Planning Framework for CBD and Planning Proposal for 197 Church Street	
Date	Activity
Feb 2011	First engagement by Holdmark with Council regarding a proposal to develop an iconic building on the site at 197 Church Street
1 April 2014	Presentation of <i>Boomerang</i> proposal to Mayor and General Manager
Late April 2014	Preliminary Planning Proposal for 197 Church Street lodged with Council
2014	<p>Architectus prepared the Parramatta City Centre - Planning Framework Study to inform new planning controls for the CBD. Recommend Scenario C be pursued. Recommendations also include:</p> <p>"No specific maximum building height control is provided (other than the sun access controls noted and aviation restrictions to building heights)".</p> <p>The Framework Study included a plan which identified the protected area of Parramatta Square as an area with 'sun access controls'.</p>
08/10/14 – 19/11/14	Draft Parramatta City Centre - Planning Framework Review 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.</p> <p>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. 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. 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 Planning 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> <p>(a) That Council accept building proposal (a), (b) and (c) and request a further report.</p> <p>(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.</p> <p>(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.</p>
9/3/2015	Planning Proposal for 197 Church Street, Parramatta submitted to Council
27/05/15	Council Meeting - Council adopted the CBD Planning Strategy which was based on the Architectus Study.

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7/12/2015	<p>Council resolves to support the Planning Proposal for 197 Church Street, Parramatta.</p> <p>(a) That Council endorse the Planning Proposal in Attachment 1 subject to it being modified as follows:</p> <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). <p>(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).</p> <p>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.</p> <p>The design competition brief must require entrants to retain the HERITAGE façade of the existing building on the site.</p> <p>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.</p> <p>(c) 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> <p>(d) 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>(e) 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>(f) 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>(g) 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>
18/12/2015	<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.</p>
18/01/16	<p>Planning Proposal for 48 Macquarie Street submitted (by Coombes Property Group)</p>
22/01/16	<p>Draft of Brief for International Design Excellence Competition for 197 Church Street Parramatta submitted to Council</p>
01/04/16	<p>International Design Excellence Competition Brief approved by Council (Sue Weatherley)</p>
18/05/16	<p>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.</p>
08/06/16	<p>Independent Jury unanimously selected the design by Rafael de la Hoz (leading Spanish architect) in collaboration with Group GSA as the winner</p>

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17/06/16	DPE (Marcus Ray), as delegate of Greater Sydney Commission, 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 (Ellen) from Council (Robert Cologna) requesting that the design excellence process be put on hold due to the determination signed by DPE (Marcus Ray) 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 (Marcus Ray) raising concern regarding the email to Ellen regarding review of clause 7.4
30/06/16	Email from DFP (Ellen) to DPE (Marcus Ray) with a summary of Business Papers in relation to sun access controls to Parramatta Square. Receipt of email acknowledgment from DPE (Marcus Ray)
02/07/16	Email from DFP (Ellen) 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. 10 Planning Proposals published with variations to FSR and height limit
04/07/16	Meeting with DPE, Urban Taskforce, DFP and Holdmark "Holdmark requests an all-stakeholder working group to be established by the Department" – held 15/08
05/07/16	Email from Urban Taskforce (Chris Johnson) to DPE (Marcus Ray) "Attached is my drawing based on Parramatta's height of buildings map in their draft City Centre Plan which includes sun access zones".
06/07/16	Email from DFP (Ellen) to DPE (Marcus) Summary of 4/7/16 meeting and <i>"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"</i>
09/07/16	Email from Urban Taskforce (Chris Johnson) to Greater Sydney Commission (Sarah Hill) stating his concern about the GSC slowing down growth in Parramatta. Response from GSC (Sarah) <i>"Supporting and enabling investment in Parramatta is of great importance to the GSC"</i>
09/08/16	Email from DFP (David) to DPE (Lillian) stating concern regarding the structure of 'meeting on 12/8' (maybe this is meant to be 15/8?) Concerned 1 hour not enough and too many structured presentations, allowed no time for discussion.
15/08/16	WORKSHOP 1 DPE/ GSC/ Parramatta Council/ Client Representatives/ Urban Taskforce
16/08/16	Email from Urban Taskforce (Chris Johnson) to GSC (Sarah Hill) stating that Parramatta Council Officers are ignoring the Administrators publicly stated intention to follow policy directions of previous Council. Parramatta Council have overly restrictive controls which are limiting growth and preventing the realisation of the Government's aim of a dual CBD. Chris states he will put out a press release promoting the 'Working Group'
19/08/16	Joint letter from Holdmark and Coombes/Drivas to DPE sent via email (dated 18/08/16) requesting the 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). It was suggested by Holdmark to Working Group that in the interests of procedural fairness all Planning Proposals lodged with DPE before proposed rule change was announced on 17/6/16 should be assessed and determined pursuant to rules which existed at the time the Planning Proposal was lodged (consistent with usual savings & transition provisions in Planning legislation)
26/08/16	DPE (Marcus) response to emailed letter via email stating the DPE is consulting with the GSC to provide a consistent response.
31/08/16	Holdmark (Gavin) email to DPE (Marcus) <i>"If, however, the view of DoPE/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"</i>
Date unsure	Coombes lodge an application for review (by the Planning Assessment Commission) of the Gateway determination – but now on hold pending outcome of further discussions

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	Status unknown
05/09/16	Email from Marcus (DPE) to Holdmark (Gavin) <i>"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 Greater Sydney Commission, CEO Sarah Hill. 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."</i>
07/09/16	Email from Holdmark to DPE stating that a presentation will be prepared to explore 'Option 3 – Alternative solutions for solar access' at workshop 2.
16/09/16	WORKSHOP 2 - Presentation by Greg Crone to DPE, GSC and Parramatta Council Officers on alternative solar access areas to Parramatta Square
21/10/16	DPE (Marcus Ray) 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. Marcus advised that he would await the Council's decision in respect of potentially requesting a review of the Gateway Determinations
11/11/16	Holdmark and Coombes/Drivas submit to DPE (Marcus Ray) 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 (Ellen), Norton Rose Fulbright (Felicity Rourke) and Holdmark (Gavin Carrier) 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
29/11/16	Email from Holdmark (Gavin Carrier) detailing how the 45min rule was established by Council.
2/12/16	Holdmark and Coombes/Drivas met with DPE (Marcus Ray) who advised: - Legislation permits him (as the GSC delegate) to amend a Gateway determination without going through the formal review process - The only issue of concern to DoPE/GSC in respect of the PP's 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
08/12/16	Email from Holdmark (Gavin) to DPE (Marcus) summarising meeting held on 2/12/16
16/01/17	Holdmark & Coombes/Drivas advised DPE (Marcus Ray) 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. Nobody questioned the fact that the technical solution will work, but Council raised many new, extraneous issues. Marcus Ray asked Council to write to him formally with any questions they had.
30/03/17	Holdmark (Gavin Carrier) email to DPE (Marcus Ray) stating that issues raised in 23/03/17 meeting were extraneous to Planning Proposal Gateway Determination and requesting that any additional information or questions be emailed through.
13/04/17	Marcus Ray advised Holdmark of questions from Council.
27/4/17	Holdmark write to Marcus Ray 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.
05/05/17	Marcus Ray acknowledges email sent 27/4 advises it has been passed onto team.
31/05/17	Holdmark meeting with Chief Commissioner of GSC, Greg Woodhams (Executive Director-City Planning at GSC) and Rhonda Stien (Probity auditor)

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07/06/17	<p>Holdmark (Gavin and Sarkis) meet with DPE (Marcus Ray and Steve Murray). 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.</p> <p><i>"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"</i></p>
13/07/17	<p>Conditional Gateway Determination issued for Planning Proposal for 197 Church Street.</p> <p>Conditions include Conditions 1 (c)(iii), 1 (c)(iv) and 1 (c)(v) which require City of Parramatta Council (Council) as the relevant planning authority (RPA) to amend the planning proposal to:</p> <p>(iii) <i>change the Explanation of Provisions and proposed height of buildings map to indicate that the maximum height of buildings for the site is subject to clause 7.4 Sun Access;</i></p> <p>(iv) <i>change the Explanation of Provisions to amend clause 7.4 Sun Access, to ensure direct access of natural sunlight, and no additional overshadowing occurs between 12pm – 2pm of the protected area of public domain within Parramatta Square (Note: This is not intended as a site-specific control but will apply to all land affected by clause 7.4);</i></p> <p>(v) <i>amend the proposed maximum FSR to ensure consistency with the FSR controls proposed for the site in the Parramatta CBD Planning Proposal (Planning Proposal_2016_PARRA_015_00), and to ensure that the maximum potential FSR, including design excellence bonus, will comply with clause 7.4 Sun Access (as amended by condition 1(c) above) and the State Environmental Planning Policy 65 Apartment Design Guide</i></p> <p>This Gateway Review requests deletion of these conditions.</p>