

Appendix 3 to Planning Report for Gateway Review - 197 Church St Parramatta

| Chronology of Evolution of DCP Solar Access Controls | |
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| Date | Actions |
| 09/03/15 | <p>Council meeting Report to Council in relation to proposed amendments PDCCP 2011 recommended (in part) “<i>That Council endorse the amendments to the Parramatta Development Control Plan (DCP) 2011 relating to Parramatta Square, for the purposes of public exhibition.</i>”</p> <p>The control of the draft DCP amendment read as follows: C.2 Overshadowing is not to occur within the area outlined in red in Figure 4.3.3.7.3 between midwinter 12pm-2pm.</p> <p>Council resolved that:</p> <p>(a) That Council endorse the amendments to the PDCCP2011 relating to Parramatta Square, for the purpose of exhibition subject to the following changes:</p> <ol style="list-style-type: none"> i. Removal of references to overshadowing to the public domain [i.e. – Control C2]. ii. Inclusion of an appropriate condition requiring design to take advantage of future technology opportunities. <p>(b) That Council grant delegated authority to the CEO to make any minor amendments and corrections of an administrative and non-policy nature that may arise during the amendment process.</p> <p>(c) Further, that a report be put to Council following the public exhibition.</p> |
| 01/04/15 – 01/05/15 | Public Exhibition of proposed DCP amendments including the removal of references to overshadowing of the public domain. |
| 09/06/15 | <p>Council meeting Council Report - Amendment to Parramatta Development Control Plan 2011 – Parramatta Square – Outcomes of Public Exhibition</p> <p>The Council Officer’s report identified the potential benefits of taller, slender buildings in terms of fast moving shadows but noted that a series of taller building along Macquarie Street would potentially have an adverse cumulative overshadowing impact resulting in Parramatta Square having reduced sunlight from March to September.</p> <p>The report cited clause 29E of the PCCLEP2007 which required the consent authority to consider overshadowing to public spaces.</p> <p>The report recommended that Council endorse amendments to the PDCCP2011 subject to the controls relating to solar access being modified as follows:</p> <ul style="list-style-type: none"> • The current area subject to the solar access controls outlined in red of approximately 3000m2 area contained in Figure 4.3.3.7.3 being retained • Site objectives - C.2 - Overshadowing is to be minimised within the area outlined red in Figure 4.3.3.7.3 • Building form – C.7 – Overshadowing is to be minimised within the area outlined in red in Figure 4.3.3.7.3 • Legend of Figure 4.3.3.7.3 be amended to read; Minimise overshadowing between mid-winter 12pm-2pm <p>Council’s Director Strategic Outcomes and Development responded to the address to the public forum by the owner of 48 Macquarie Street, Parramatta as follows:</p> <ul style="list-style-type: none"> • <i>That the concern raised by Michael Coombes, regarding wording, was also raised by Councillors at a workshop held on 3 June 2015</i> • <i>Following that workshop, Council officers undertook further testing of proposed schemes to the north of Parramatta Square.</i> • <i>As a result, the following wording was provided for consideration for inclusion in the DCP to provide guidance and certainty as to what level of overshadowing may be acceptable in the identified area within Parramatta Square:</i> • <i>“Overshadowing is to be minimised within the area outlined in red in Figure 4.3.3.7.3 between mid-winter 12pm-2pm. Buildings shall be designed so as to ensure that no point of the area outlined in red is in shadow for a period greater than 45 minutes between 12pm-2pm mid-winter”</i> • <i>This suggested control will ensure that developments to the north are provided in a tall, slender form and will not unreasonably restrict development.</i> <p>Council resolved:</p> <ul style="list-style-type: none"> • To endorse the PDCCP2011 amendments exhibited subject to the controls relating to solar access being modified to that contained in the Council Report (i.e. overshadowing being minimised) (refer to wording above under the heading Council Report). |

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| | <ul style="list-style-type: none"> That a further amendment to the PDCP2011 be exhibited for a period of 28 days. The proposed amendment is to read: Building form – C.7 – Overshadowing is to be minimised within the area outlined in red in Figure 4.3.3.7.3. Buildings shall be designed so as to ensure that no point of the area outlined in red is in shadow for a period greater than 45 minutes between 12pm -2pm mid-winter. |
| 07/2015 | PDCP2011 Amendment to Section 4.3.3.7(b) in relation to Parramatta Square (as endorsed by Council at the meeting of 9 June 2015) came into effect. |
| 29/07/15 – 08/2015 | Public Exhibition of proposed DCP amendment (to Building Form Controls – C7) |
| 28/09/2015 | <p>Council meeting Council Report</p> <p>The assessment concluded that the proposed 45-minute time period was calculated by Council's internal modelling and will allow the redevelopment of sites to the north of Parramatta Square to shadow the square and will ensure where a tower element is provided it will be in a slender form. The report recommended that one additional word, being 'individual' be added to clarify that the 45-minute shadow restriction is not a cumulative requirement. The proposed amendment to the DCP is to read:</p> <p><i>Overshadowing is to be minimised within the area outlined in red in Figure 4.3.3.7.3. Individual buildings shall be designed so as to ensure that no point of the area outlined in red is in shadow for a period greater than 45 minutes between 12pm-2pm mid-winter.</i></p> <p>Council resolved that:</p> <ol style="list-style-type: none"> That Council receive and note the submissions made during the exhibition of the amendment to Parramatta Development Control Plan 2011 - Parramatta Square contained at Attachment 1 That Council endorse the amendments as exhibited to the PDCP2011 contained at Attachment 2, subject to a minor wording change to clarify the intended application of controls That Council grant delegated authority to the CEO to make any minor amendments and correction of an administrative and non-policy nature that may arise during the amendment process. Further, that Council take the necessary steps to implement these amendments and that a notice be published in the local newspaper to put into effect the draft amendment to PDCP2011 <p>A rescission motion was lodged following the conclusion of the meeting (on 29/9/15). The rescission was listed for consideration on the Council Meeting to be held on 12 October 2015.</p> |
| 12/10/2015 | <p>Council Meeting Public forum address by representatives of Mission Australia site (99-119 Macquarie Street) raised concerns that the proposed DCP amendment regarding the 45-minute (and suggested a 30-minute rule) overshadowing rule relating to Parramatta Square was too onerous, would restrict development in the city centre and could lead to adverse built form outcomes.</p> <p>Council's Director Strategic Outcomes and Development) responded to these concerns advising: <i>"Removing the solar access controls from the DCP as requested in the submissions will not mean that the consent authority does not need to give consideration to the issue of overshadowing associated with a development immediately north of Parramatta Square. Clause 29E Sun Access in the Parramatta City Centre LEP 2007 will still need to be addressed as part of the assessment of future development applications. The consent authority would also be required to address overshadowing as part of the environmental considerations under Section 79C. Given this, the removal of the controls from the DCP will reduce the level of certainty about the level of shadowing that is considered appropriate in order to comply with this clause.</i></p> <p><i>The 45 minute time period was calculated based on Council's internal modelling and will allow the redevelopment of sites to the north of the square to overshadow however, will ensure where a tower element is provided it will not require lower bulkier forms but instead will promote a tall more slender built form. The controls will still allow significant overshadowing of Parramatta Square when the cumulative impacts in mid-winter but the intention is to promote taller slender forms that maximise solar access during other parts of the year particularly autumn and spring equinox."</i></p> |

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| | <p>Council resolved to:</p> <ul style="list-style-type: none"> rescind the resolution of Council Meeting held on 28 September 2015 (refer above); consideration of this matter be deferred pending a workshop exploring the impact of overshadowing; and 30-minute overshadowing of the square be modelled and the results be made available for the workshop. |
| 23/11/2015 | <p>Council meeting Council resolved as follows: <i>That Council endorse the exhibited amendments to the Parramatta DCP 2011 relating to solar access to Parramatta Square subject to the following amendment: -</i></p> <p>Building form C7 - <i>Overshadowing is to be minimised within the area outlined in red in figure 4.3.3.7.3 . Individual buildings shall be designed so that no single point of the area outlined in red is in shadow for a period greater than 45 minutes between 12pm – 2pm mid-winter</i></p> <p>This resolution is in accordance with that recommended by Council officer's in their report to the meeting of 28 September 2015</p> |