

Draft Bayside Development Control Plan 2022 – Post-Exhibition Report

Attachment 7: Summary of Design Review Panel Comments and Council Officer Responses

	Design Review Panel Comment	Council Officer Response
Part 3	General Development Provisions	
S 3.1.2 Control C2	[Add] equitable access – this section isolates equitable access to a later consideration but a good public domain interface and built form arrival provides for a well-considered outcome	Amend wording "...promotes a high level of pedestrian amenity <i>and equitable access</i> ".
S 3.1.2 Control C7	New point – integration of services and facilities into the built form and how this relationship is to the public domain. Consider the landscape architectural design response to the public domain and relationship to the site and interface. Similar to equitable access it should not be left out of this section.	Amend to introduce new Control C8: " <i>Developments are to be designed so that required services and infrastructure (e.g. hydrants) that interface with the public domain are considered and integrated into the built form design at development assessment stage.</i> "
S 3.1.3 Control C3	(e) [Add] lighting (o) Avoid deep inset	Control already refers to lighting. Amend (o) "Avoid long blank walls <i>and deep insets</i> "
S 3.1.3 Control C6	How would this relate to end of trip facilities as these need to be discreet and secure	No change.
S 3.1.4 Control C1	Why 2000mm – bike paths are 2.5 and footpaths are 1-1.5mtrs. Is a street tree considered then an obstruction? Thinking in relation to RFB where there is only a pedestrian footpath to the frontage. How do you define the 2000mm clear space required?	No change. Control is a minimum.
S 3.1.4 Control C4	Is a pram ramp at the entry not permissible? Often you need a slight level change to manage water penetration rather than being the exact same level. This was raised on the BATA 2 site with a slight level change provided for retail entries.	Amend wording "The ground floor entries to all uses are to <i>generally</i> have..."
S 3.1.4 Control C6	What defines appropriate – it would be a point of argument between architect/client and council. Stronger wording may be required to define this to be able to manage the outcome.	No change. Intent of the word 'appropriate' is to provide flexibility in the control on a site
S 3.1.4 Control C7	Where you have an RFB on a narrow site you may have driveway, services, lobby and then only a small retail café hole in a wall style – is the wording implying that 80% of the retail or commercial frontage needs to be glazed to 80% or the entire site width.	No change. Intent is to reduce likelihood of narrow sites providing driveway/services on active frontages. These should be provided on other (non-active) frontages.

S 3.1.4 Control C8	<i>[The design of active street frontages must not incorporate security roller door and window bars.]</i> Excludes vehicular access?	No change. As above.
S 3.1.5 Control C1	This should also form a part of site analysis and context	No change. This is also located within Chapter 3.1 Site Analysis and Locality
S 3.1.5 Control C2	From within the site or from adjoining and adjacent sites?	Amend wording "Development must retain existing views to Botany Bay, <i>from within the site, and from adjoining and adjacent sites,</i> and..."
S 3.1.5 Control C4	Would you not instead require a VIA – Visual Impact Assessment – particularly for these sites on prominent ridge lines etc. Does council have an overarching document to identify those key sites?	No change.
S 3.1.5 Control C5	Should roof forms maximise the opportunity and potential for communal open space and access for views?	No change. This is intended as a general provision for various land use types, including those which cannot provide this.
S 3.1.5 Control C6	View lines should be part of site analysis and context	No change. As above.
S 3.2 Control C2	Shouldn't all applicants be encouraged to provide a preliminary draft concept and liaison with the design panel prior to submission of their application	No change. Simple applications should not need to go through a Design Review Panel prior to submission of a Development Application. This would create unrealistic work burdens on both Panels and Council.
S 3.2 Control C4	(all) Shouldn't this be in line with the NCC draft 2022 code? Link to the provisions required by the government legislation and policy (cont.) This list doesn't talk of construction methodology, end of use recycling, lifespan of building, broader energy consumption and generation, elimination of gas, Net Zero Carbon, or targets for climate change (h) Basements NOT to extend beyond building footprint	No change. Likely to be subject of future review to ensure alignment with best practice approaches.
S 3.3 Principles	I think this section is too weak and too general, we should be looking beyond 'efficient' to net zero goals and revise from reduce to a consideration that brings forward the goal of minimal or off-settable energy and carbon usage NCC? Why excluded	No change. Likely to be subject of future review to ensure alignment with best practice approaches.
S 3.3.1 Control C9	Existing project – we are asking as part of design excellence to meet NABERS rating of 5.0 min as that is defined as excellent. Commitments must also be made – not goals as reports often outline	No change. Likely to be subject of future review to ensure alignment with best practice approaches.

S 3.3.2 Control C1 (Figure 4)	This graphic implies slab to slab for 2.7mtrs rather than a graphic which shows an internal 2.7 clear space and provision of services, in addition to slab, Top 2.4 graphic is repeated but doesn't address habitable space – would be useful to have both on this level	Amend Figure 4 to clarify that measurements are for clear space and provision of services, in addition to slabs.
S 3.3.2 Control C4	Should specifically state access to natural light and ventilation to lift lobbies and entries	Amend wording "Buildings must have an adequate number of openings at each level to allow natural light and ventilation, <i>including lift lobbies and entries.</i> "
S 3.3.4.1 NABERS	Can council make requirements to achieve minimum levels?	No change. Not for residential uses.
S 3.3.4.2 Green Star	Again NCC? Should that also be referenced as a policy document addressing sustainable building practices	No change. Likely to be subject of future review to ensure alignment with best practice approaches.
S 3.3.5 Control C1	(d) Stronger language to be more sustainable	No change. Likely to be subject of future review to ensure alignment with best practice approaches.
S 3.4.2 Aboriginal Cultural Heritage	What of Designing with Country. Council should be forming a position on this as the industry is	No change. Future review of DCP details will be initiated as part of draft Aboriginal Heritage Study implementation.
S 3.4.2 Control C1	(b) On Country consultation is about liaison with the local elders, not the land council as they don't necessarily have the knowledge or local connection	No change. Future review of DCP details will be initiated as part of draft Aboriginal Heritage Study implementation.
S 3.4.4 European Heritage Items	As a reflection point – there is an extensive section on European history compared to Indigenous	No change.
S 3.5 Transport, Parking and Access	Does this encourage green transport plans and future adaptability of the spaces created for car-parking?	No change. Future review of DCP details will be initiated via the draft Transport Strategy and Bike Plan implementation.
S 3.5.1 Control C4	Carparking facilities should be designed to prioritise the location of accessible parking spaces so that they are in close and/or direct proximity to lifts and access points	Amend to introduce new Control C5: " <i>Car parking facilities are to be designed to prioritise the location of accessible parking spaces so they are in close proximity to lifts and access points.</i> "

S 3.5.5 Control C2	Location of these is important for people with a disability. It's an area of constant rebuttal in design panel where they position them as an afterthought and requires a physically challenged person to walk longer distances than able bodied people to access lifts. They should be prioritised.	No change. New control proposed for 3.5.1, as above.
S 3.5.6 Control C2	(d) Not positioned within front landscape setback	Amend to introduce new paragraph <i>(d) Not positioned within the front landscape setback</i>
S 3.5.10 Control C8	Permeable paving to carparking areas increase the opportunity for deep soil provision	Amend wording to include at end of control: <i>"Where possible, permeable paving is to be used for car parking areas to increase opportunity for deep soil."</i>
S 3.6.2 Control C1	The phrase 'should consider' really lets the applicant decide if they provide any at all. If the goal is to increase supply, why not mandate it? The phrase seems to conflict with the requirements below	No change. Control relates to housing typologies where there is no mandate, hence why it states "should consider".
S 3.7.1 Control C2	Landscape plans – not just arborist plans, should provide details on existing trees critical root zone for preservation	No change. Control does not just relate to trees. It is connected to Control C1, which mandates more detailed landscape plans as per the Technical Specification and should be read in conjunction with it.
S 3.7.1 Control C3	Council should define a minimum width and/or dimension for inclusion as 'landscaped area'	No change. Individual minimum dimensions for landscaping are provided under the individual land use chapters further in the DCP.
S 3.7.1 Control C4	Does this numerical requirement conflict with areas where you have other greater requirements – e.g., design excellence areas	No change. These controls are intended as a minimum. If Design Excellence is being sought, it may mandate greater requirements, which is not in conflict. Note that the control states "at least".
S 3.7.1 Control C5	If you provide a minimum dimension for inclusion or exclusions, it may also help to support this statement	No change. As above.
S 3.7.1 Control C7	This should be defined as medium or largescale canopy trees – otherwise you're just going to end up with small scale trees everywhere. Tree species size should be commensurate to the scale of the development	No change. Future review of DCP details will be initiated via draft Environment Strategy implementation.
S 3.7.1 Control C8	As above – define large or medium	No change. Future review of DCP details will be initiated via draft Environment Strategy implementation.
S 3.7.1 Control C10	Permeable paving surfaces to driveways, carparking bays and paved areas should be prioritised over non-permeable	Amend wording at end of control: <i>"Permeable paving surfaces to driveways, car parking bays and paved areas should be priorities over non-permeable".</i>

S 3.7.1 Control C12	Is this total landscape area or area within deep soil? Green roofs and green/biophilic architecture should be in addition to these percentages	No change. This is a total landscaped area. Green roofs are not intended to be counted within this.
S 3.7.1 Control C12 Table 7	We have also been working on canopy coverage percentages. To facilitate the desire to reduce the urban heat impact council should mandate an outcome. BATA 2 was an example of this where each lot had a total canopy cover percentage to achieve at 30% - includes podium landscape and any tree within the lot	No change. Future review of DCP details will be initiated via draft Environment Strategy implementation.
S 3.7.1 Control C16 Figure 7	If council is requiring one tree per lot in the front setback, it should also be shown here so as not to confuse controls. Front setbacks are also a continuous landscape area.	Amend Figure 7 to clarify requirement for one tree per lot in front setback.
S 3.7.1 Control C17	Medium and large scale.	No change. Future review of DCP details will be initiated via draft Environment Strategy implementation.
S 3.7.1 Control C21	Stronger wording needed to deliver sustainable outcomes	No change. Control is clear as a requirement.
S 3.7.1 Control C23	There is an opportunity to require permeable paving around tree planting bays in all on grade carparking areas. This delivers a wider root zone for water penetration and oxygen to the roots of a tree and results in the canopy of the tree to be better developed	Amend wording: "...more than 5 car spaces at grade, Water Sensitive Urban Design principles, <i>including permeable paving</i> , shall be included in the proposal."
S 3.7.1 Control C24	-Medium or large -That's only a small tree/large shrub	No change. Future review of DCP details will be initiated via draft Environment Strategy implementation.
S 3.7.1 Control C34	As above – this is a small tree	No change. Future review of DCP details will be initiated via draft Environment Strategy implementation.
S 3.7.1 Control C35	As above	No change. Future review of DCP details will be initiated via draft Environment Strategy implementation.
S 3.7.2 Control C6	Reinforce canopy cover percentage here. Ideally aim for 30%	No change. Future review of DCP details will be initiated via draft Environment Strategy implementation.

S 3.7.3 Communal and Private Open Space	In general, this section talks of the ‘wish list’ but doesn’t really extent to talk of the quality of the spaces being created. The importance of varied and defined spaces, the interaction with the surrounding landscape, views, and provision of a variety of uses to encourage social interaction. It should also comment on creation of a sense of community and how sustainability outcomes can be delivered in these spaces – such as the provision of communal and productive gardens. It touches on it but doesn’t link it to sustainability.	No change. DCP controls were drafted primarily to enable consistency and a comprehensive set of controls across the LGA. Likely to be subject of future review to ensure alignment with best practice approaches.
S 3.7.3 Control C8	Does the landscape section need a clear statement on what defines Deep soil? Apartment Design Guide (ADG) has minimum distances from boundaries and sizing. Must exclude soil if over a basement carpark. Deep soil cannot include hard stance areas, etc.	No change. Different deep soil and landscape requirements sit within controls for different land uses.
S 3.7.5 Control C3	Again, here is the opportunity to mandate permeable paving around tree planting bays to adjacent carparking spaces to enable the establishment of large-scale canopy trees.	Amend wording: “Contrasting materials and finishes, <i>including permeable paving.</i> ”
S 3.7.6 Control C3	(a) Endemic (c) Indigenous (native) or do you mean endemic – locally occurring?	No change. This is elaborated upon in the updated draft Technical Specification
S 3.7.6 Control C4	(a) Endemic? (e) Endemic	No change. This is elaborated upon in the updated draft Technical Specification
S 3.7.6 Control C6	Endemic	No change. This is elaborated upon in the updated draft Technical Specification
S 3.8.1 Controls C1-C16	This section seems to be all about tree removal as opposed to preservation. Should there not be more about thoughtful preservation and design response, critical root zones of existing trees, TPZ for large-scale canopy trees and direction on preservation first, removal second.	No change. Controls C1-C6 are intended to step through the different approval processes for tree removal (exempt and permissible with consent). Further controls in the chapter cover Council’s support for tree retention and preservation.
Part 5	Residential & Mixed-Use Developments	
S 5.1.4 Control C2	Context and site analysis	Amend wording: “ <i>Context and</i> Site Analysis”
S 5.2.4.1 Control C2	Context and	Amend wording as above.

S 5.2.4.1 Control C5	Public domain interface	Amend wording: “Buildings provide opportunities for people to engage with the street -public domain through...”
S 5.2.4.1 [General]	What of the potential for the integration of public art to enhance streetscape character	No change. Future review of provisions relating to public domain will occur to ensure consistency with Council’s recently adopted Public Art Policy.
S 5.2.4.2 Control C10	Do you mean greater than 1000mm? If less than a meter, why is a section needed?	Amend wording “Where the difference in height between the public and private domain at the lot boundary is less greater than 1m...”
S 5.2.4.2 [General]	Integration of services into the built form	No change. Not required as this will already be covered by the recommended new control at 3.1.2 Interface with Public Domain
S 5.2.4.3 [General]	Services? Fire egress stairs?	No change. These must be managed through separate legislation and there are already other controls in earlier chapters concerning the need to integrate services with built form and public domain interface.
S 5.2.4.4 Control C2	Should also comply with the podium soil depths outlined in the ADG	No change. The control already references the ADG.
S 5.2.4.4 [General - Objectives]	Work in tandem with an overarching ESD report and deliver sustainability outcomes through the design of the landscape including maximisation of deep soil and water permeation to the site, and provision of canopy cover	No change. Likely to be subject of future review to ensure alignment with best practice approaches.