

Byron Shire Council - Memorandum

MEMO TO: Regional Planning Panel

COPY TO: Panel Secretariate

MEMO FROM: Director Sustainable Environment & Economy

SUBJECT: Update conditions of consent for DA 10.2021.575.1

DATE: 8 May 2023

RECORD NO: 10.2021.575.1

This memo is in response to the following comments received from the Northern Rivers Planning Panel Chair 5 May 2023 in relation to DA 10.2021.575.1 and Council's memo 4 May 2023:

1. Condition 29: I agree with the applicant that the cross-reference in condition 29 to condition 10 should be to condition 9. Council will need to amend.

Council staff response: Council has amended the condition to reflect this comment.

2. Condition 30n: Whilst Council has addressed the one-way valve issue in its memo (condition 30n) it has not addressed the applicant's issue regarding bullet points 1-5. Can we please ask Council to respond.

- **Condition 30 n) Bioretention Basin**

Bullet points 1 to 5 of this condition set out prescriptive gravel depths for the construction of the bio-retention basins. These depths are generally consistent with the design agreed with Council during assessment for the WBD Type 2 Sealed type bio-retention to be employed for Road 2 West as shown on approved drawing DA28. We note however that the drainage layer depth of 200mm stated in the conditions is inconsistent with the agreed design of 150mm. Nonetheless as shown on approved drawing DA28, there are three different types of bio-retention proposed for the development including the WBD Type 4 Pipeless which will be employed in situations where treated stormwater is to be infiltrated rather than captured by drainage pipes. The condition as currently drafted does not recognise these agreed approaches. We therefore propose that bullet points 1 to 5 are deleted and a new bullet point added to read "Filter media depths are to be provided as shown on approved Civiltech drawing DA28 rev D."

Council staff response:

Bullet points 1-5 below.

Bioretention Basin

- Minimum 0.3m Extended detention depth
- Minimum 0.4m Filter Media consisting of loamy sand
- Minimum 0.1m constant depth of Transition Layer
- Minimum 0.2m constant depth of Drainage Layer
- Minimum 0.3m constant depth between the bottom of the transition layer and post development groundwater level

These parameters are absolute minimum as well as critical to the bioretention basin design to effectively meet the removal efficiencies required to meet the stormwater quality removal efficiencies in Chapter B3 of the DCP. Although, these parameters are in the approved drawings, changes can be made as part of any drawing amendments.

The first five dot points in Condition 30n will safeguard the minimum bioretention design parameters of any changes as part of any drawing amendments.

The proposed deletion of the first five dot points in Condition 30n is not supported because the minimum bioretention design parameters may be breached, and there is no other guidance to effectively achieve the stormwater quality removal efficiencies in Chapter B3 of the DCP.

The first five dot points in Condition 30n will strengthen the bioretention design and is not too onerous to be included in the conditions.



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