



**ORDINARY MEETING OF COUNCIL  
TO BE HELD ON TUESDAY, 9 MARCH 2010 AT 7.00PM  
LEVEL 3, COUNCIL CHAMBERS**

**A G E N D A**  
**\*\* \*\* \* \* \* \* \***

NOTE: For Full Details, See Council's Website –  
[www.kmc.nsw.gov.au](http://www.kmc.nsw.gov.au) under the link to business papers

**APOLOGIES**

**DECLARATIONS OF INTEREST**

**ADDRESS THE COUNCIL**

**NOTE:** Persons who address the Council should be aware that their address will be tape recorded.

**DOCUMENTS CIRCULATED TO COUNCILLORS**

**CONFIRMATION OF MINUTES**

**Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 23 February 2010

Minutes numbered 25 to 49

**MINUTES FROM THE MAYOR**

## PETITIONS

### GENERAL BUSINESS

- i. The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to have a site inspection.*
- ii. The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to adopt in accordance with the officer's recommendation allowing for minor changes without debate.*

#### GB.1 **Request for Legal Assistance - Murray Shire Council** **1**

File: S02046

To seek Council's instructions in relation to a request for assistance with legal costs by Murray Shire Council, recommended by the Local Government Association of NSW and Shires Association of NSW

##### **Recommendation:**

That Council determine whether to contribute for Murray Shire Council's legal costs in the amount of \$376.29.

#### GB.2 **1211 to 1213 Pacific Highway, Turramurra - Relocation of Stormwater Pipeline & Easement** **8**

File: DA0351/09

Council to consider approval for the relocation of a Council stormwater pipeline and easement that traverses the proposed development sites.

##### **Recommendation:**

That Council grant approval for the relocation of the stormwater pipeline and easement subject to the terms and conditions of the report.

#### GB.3 **18 Highfield Road, Lindfield - Relocation of Stormwater Pipeline & Easement** **19**

File: PCDC0055/09

For Council to consider approval for the relocation of a Council stormwater pipeline and easement that traverses the proposed development site.

**Recommendation:**

That Council grant approval for the relocation of the stormwater pipeline and easement subject to the terms and conditions of the report.

**EXTRA REPORTS CIRCULATED AT MEETING**

**BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 241 OF GENERAL REGULATIONS**

**QUESTIONS WITHOUT NOTICE**

**INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS**

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## REQUEST FOR LEGAL ASSISTANCE - MURRAY SHIRE COUNCIL

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To seek Council's instructions in relation to a request for assistance with legal costs by Murray Shire Council, recommended by the Local Government Association of NSW and Shires Association of NSW.

**BACKGROUND:**

Murray Shire Council has sought the assistance of the Local Government Association of NSW and Shires Association of NSW in relation to legal costs incurred in legal proceedings in the Land & Environment Court of NSW. The proceedings concerned the interpretation of "bank" and "bed" in the Murray LEP.

**COMMENTS:**

The rationale for Council to contribute towards the costs of this matter can be based on the fact that Councils generally will benefit from Murray Shire Council's actions, due to the definitions in the Murray LEP being consistent with definitions utilised in many other Local Environmental Plans and used in the *Survey Regulation* 2006 and other legislation.

**RECOMMENDATION:**

That Council determine whether to contribute for Murray Shire Council's legal costs in the amount of \$376.29.

## PURPOSE OF REPORT

To seek Council's instructions in relation to a request for assistance with legal costs by Murray Shire Council, recommended by the Local Government Association of NSW and Shires Association of NSW.

## BACKGROUND

Murray Shire Council has sought the assistance of the Local Government Association of NSW and Shires Association of NSW in relation to legal costs incurred in legal proceedings in the Land & Environment Court of NSW. The proceedings concerned the interpretation of "bank" and "bed" in the Murray LEP. A copy of the letter from the Local Government Association of NSW and Shires Association of NSW detailing the circumstances of the matter is **attached**.

Murray Shire Council has sought assistance on the basis that the proceedings were a "test case" whereby the outcome has been of benefit to all councils.

It may be noted that the Joint Committee of the Associations agreed that the matter was of sufficient importance to all councils to warrant the giving of support. Council is advised that the sum of \$34,657.83 was incurred by Murray Shire Council in pursuing the proceedings, and that applying the usual formula used by the Associations, this Council's proportion of this amount is \$376.29.

## COMMENTS

The rationale for Council to contribute towards the costs of this matter can be based on the fact that Councils generally will benefit from Murray Shire Council's actions, due to the definitions in the Murray LEP being consistent with definitions utilised in many other Local Environmental Plans and used in the *Survey Regulation* 2006 and other legislation.

The practice of councils contributing towards legal costs incurred in proceedings of this nature encourages individual councils to pursue appeals in circumstances such as this where they would enjoy only a portion of the benefit that flows from a successful outcome.

## CONSULTATION

Not applicable.

## FINANCIAL CONSIDERATIONS

The contribution sought by the Associations on behalf of Murray Shire Council is \$376.29. There is no specific budget allocation for this expenditure, however it may be possible to reallocate resources as part of the budget review process to fund the contribution.

## **CONSULTATION WITH OTHER COUNCIL DEPARTMENTS**

Not applicable.

## **SUMMARY**

Murray Shire Council has sought the assistance of the Local Government Association of NSW and Shires Association of NSW in relation to legal costs incurred in legal proceedings in the Land & Environment Court of NSW. The proceedings concerned the interpretation of "bank" and "bed" in the Murray LEP. Murray Shire Council has sought assistance on the basis that the proceedings were a "test case" whereby the outcome has been of benefit to all councils.

The Joint Committee of the Associations agreed that the matter was of sufficient importance to all councils to warrant the giving of support to Murray Shire Council. Council is advised by the Associations that the sum of \$34,657.83 was incurred by Murray Shire Council in pursuing the proceedings, and that applying the usual formula used by the Associations, this Council's proportion of this amount is \$376.29.

The rationale for Council to contribute towards the costs of this matter can be based on the fact that Councils generally will benefit from Murray Shire Council's actions, as the definitions in the Murray LEP are consistent with definitions utilised in many other Local Environmental Plans and used in the *Survey Regulation* 2006 and other legislation.

The practice of councils contributing towards legal costs incurred in proceedings of this nature encourages individual councils to pursue appeals in circumstances such as this where they would enjoy only a portion of the benefit that flows from a successful outcome.

The contribution sought by the Associations on behalf of Murray Shire Council is \$376.29. There is no specific budget allocation for this expenditure, however it may be possible to reallocate resources as part of the budget review process to fund the contribution.

## **RECOMMENDATION**

That Council determine whether to contribute for Murray Shire Council's legal costs in the amount of \$376.29.

Jamie Taylor  
**Corporate Lawyer**

John McKee  
**General Manager**

**Attachments:**      **Letter from Local Government Association of NSW & Shires Association of NSW dated 20 January 2010 - 2010/019565**



Our ref: R90/1046-02

20 January 2010

General Manager  
Ku-ring-gai Council  
Locked Bag 1056  
PYMBLE NSW 2073

Dear Sir/Madam,

**Re: Murray Shire Council – Request for Assistance with legal costs**

Murray Shire Council has approached the Associations for assistance with legal costs in litigation in which it has been involved.

**Summary of Facts**

Murray Shire Council (the Council) approved a development application by KSK Development Pty Limited for a tourist development at Moama on the 6 February 2007 subject to conditions.

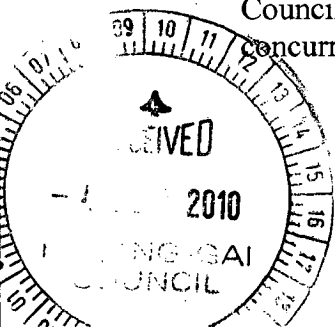
A third party objector sought a declaration that the development consent was invalid and of no effect due to a failure of the council to refer the DA to the Department of Planning for concurrence to vary the 60 metre setback from the bank of the Murray River.

A further issue in dispute was whether the 60 metre setback should be taken from an identified point referred to by the council as the high bank or alternatively some other interpretation of the Murray LEP of “bank” or “bed”.

The Council filed a submitting appearance and the Land and Environment Court found in favour of the third party objector and deemed that the development consent was invalid.

KSK Developments Pty Limited lodged a fresh development application with Council on 13 March 2008. This was for a tourist development and community land subdivision.

Council referred the DA to the Department of Planning pursuant to SEPP 1 for concurrence to the variation of the setback from the Murray River.



The Department of Planning responded to the referral by indicating that it would not provide concurrence to the sought variation.

As a result of this the applicant elected to submit an amended site plan and a second referral was made to the Department of Planning who made an initial response that it was proposing not to provide concurrence to the second referral.

The Department of Planning eventually confirmed that it would not provide concurrence despite further submissions being made by the applicant.

The Council resolved to approve the new DA on 16 December 2008 with a condition requiring that no building be located within 60 metres of the high bank of the Murray River. This was to ensure that the setback distance was measured from the high bank in accordance with Council's interpretation of the Murray LEP.

Prior to this approval, the applicant filed Class One proceedings in the Land and Environment Court and these proceedings stayed on foot to challenge the condition requiring the 60 metre setback from the high bank of the river.

A hearing of the preliminary point of law was heard before Pain J on 2 April 2009 requiring the interpretation of the definition of "bed" and "bank" as defined in the Murray LEP.

The definitions used in the Murray LEP are consistent with definitions utilised in many Local Environmental Plans and used in the Surveying Regulation 2006 and other legislation.

The Applicant submitted that the definition of "bed" required the "bank" must be the point where the average or mean water level rested.

Council submitted that the Applicants' construction of the words "bed" and "bank" were incorrect. It was asserted that the definition was expansive, not limited only to the definition of the average water level.

Council relied on the initial words in the definition of "bed" namely "the whole of the soil of the channel in which the river flows..." Council argued that these preceding words took precedent and the words following "including" were to be taken as inclusive rather than exclusive of the starting point that the "bed" of the river constitutes the whole of the soil of the channel.

A judgement was handed down on 6 April 2009 in relation to the preliminary question of law in the Class 1 proceedings.



The Court noted that the general rule of statutory construction is that words should be interpreted so that all are given their meaning and effect. The Court reasoned that the "bank" must therefore be identified as a single point.

On 9 June 2009 the Class 1 proceedings were discontinued.

Council contend that the judgement of Pain J is relevant and capable of providing guidance to all councils that rely on the same or similar terminology relating to setbacks from rivers and other watercourses and the Land and Environment Court has now clarified what has long been a contentious issue for many councils in NSW that adopt similar LEP definitions.

Council state that this was a "test case" whereby the outcome has been of benefit to all councils.

The Joint Committee of the Associations have considered that the significance of this decision and it was decided that it was sufficiently important to all councils to warrant the giving of support.

The Council incurred the sum of \$34,657.83 in defending its position. Your Council's proportion of this amount, calculated in accordance with the formula used to determine your Association fees, is \$376.29, and I would appreciate receipt of your Council's cheque for this amount at your earliest convenience.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Coulton', followed by a horizontal line.

Peter Coulton  
**Director Corporate Services**

**Local Government  
Association of NSW**

ABN: 49 853 913 882

GPO Box 7003 SYDNEY NSW 2001

Level 8 28 Margaret Street SYDNEY NSW 2000

Tel: (02) 9242 4000 Fax (02) 9242 4111

www.lgsa.org.au lgsa@lgsa.org.au



**Shires Association of NSW**

**Tax Invoice**

**Invoice Number** 57601

**Date** 02/02/10

**Invoice to:**

Ku-Ring-Gai Council

Locked Bag 1056

PYMBLE NSW 2073

**Customer  
Code**

**Customer  
Reference**

ZZKURI

Item Code	Item Description	Invoice Quantity	Per	Price	GST	Amount
MURR	Murray Council-Legal Assistance Call	1		376.29	0.00	376.29

Murray Council-appeal against refusal of development consent  
in the Land & Environment Court

Attn: The General Manager

**Terms:** 30 Days Invoice Date

Total Includes GST of  
0.00

**Total**  
**376.29**

Payment to: LGSA NSW BSB: 062005 Account No. 00090198

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## **1211 TO 1213 PACIFIC HIGHWAY, TURRAMURRA - RELOCATION OF STORMWATER PIPELINE & EASEMENT**

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### **EXECUTIVE SUMMARY**

#### **PURPOSE OF REPORT:**

Council to consider approval for the relocation of a Council stormwater pipeline and easement that traverses the proposed development sites.

#### **BACKGROUND:**

The site is subject to a development application DA 0351/09. The existing pipe and easement would be affected by excavation for the basement. It is necessary that the pipe and easement be relocated clear of the basement footprint.

Any development consent would be subject to Schedule A, requiring the applicant to obtain a resolution from Council that it will consent to the relocation of the pipeline and easement traversing the two sites.

This matter was referred to The Land and Environment Court (Proceeding No.10571 of 2009) on the 22<sup>nd</sup> January 2010. Both parties agreed that a resolution from Council be obtained prior to the issue of the Construction Certificate instead of the deferred commencement condition.

#### **COMMENTS:**

Works involve realignment and augmentation of the existing trunk drainage line and relocating the existing drainage easement. SCIRU Pty Ltd, has submitted the application and detailed

#### **RECOMMENDATION:**

That Council grant approval for the relocation of the stormwater pipeline and easement subject to the terms and conditions of the report.

Item 2

DA0351/09  
24 February 2010

## PURPOSE OF REPORT

Council to consider approval for the relocation of a Council stormwater pipeline and easement that traverses the proposed development sites.

## BACKGROUND

A development application (DA 0351/09) has been received from Sciru Pty Ltd for demolition of the existing dwellings and construction of 28 residential units, carparking and associated landscaping and strata subdivision.

This matter was referred to the Land and Environment Court (Proceeding No.10571 of 2009) on the 22<sup>nd</sup> January 2010. Both parties agreed that a resolution from Council be obtained prior to the issue of the Construction Certificate instead of the deferred commencement condition.

The proposed basement excavation is over the existing pipe. In order to allow the orderly development of the land, the applicant proposes to relocate the pipe and easement clear of the proposed basement footprint

Engineering plans for the proposed stormwater trunk drainage realignment have been submitted. The engineering plans and supporting hydraulic calculations have been prepared by KR Stubbs and Associates Pty Ltd (Drawing No. TM20.01 Rev. 'C' dated October 2008 & TM20.02 Rev. 'A' dated May 2009).

## COMMENTS

An existing trunk drainage pipeline traverses the development site. A site layout plan is given at **Attachment 1**.

Proposed modifications to the Council drainage system comprise:

- i. Modify 1.2m wide easement (A) to suit existing 375Ø pipe
- ii. A new deflection pit to replace existing
- iii. Provide a 1.5m wide easement (C) over the new pipeline
- iv. A new grated inlet pit to join existing along Womerah Street
- v. Existing pit in Womerah Street to be modified to accept new 375Ø pipe
- vi. Restore existing stormwater pit wall after existing 375Ø pipe removed
- vii. New pipeline shall be completed before the existing (redundant) pipeline can be removed.

The proposed locations of the drainage system and easement are shown at **Attachment 2**.

## CONSULTATION

Council has consulted with the applicant and his consulting engineer, KR Stubbs & Associates Pty Ltd. No other external consultation was necessary.

## FINANCIAL CONSIDERATIONS

All construction, survey and preparation of all legal documentation and costs associated with the relocation are to be borne by the applicant, who benefits from this work. **(Attachment 3)**. Also, all legal documentations to be endorsed by Council shall be borne by the applicant.

The extinguishment of the existing easement and the creation of a new easement will be of mutual benefit to Council and the applicant upon completion of the physical works. Therefore it is not considered that compensation should be paid by the applicant.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Development and Regulation has consulted with Council's Operations Department in this matter.

## SUMMARY

Sciru Pty Ltd has applied for approval to relocate Council's existing stormwater pipe and 1.525m wide easement.

The pipe is located within the basement footprint of a proposed RFB (DA 0351/09) relocation would allow the orderly development of the two sites.

Engineering plans for the proposed stormwater trunk drainage realignment have been submitted. The engineering plan and supporting hydraulic calculations have been prepared by KR Stubbs and Associates Pty Ltd Drawing No. TM20.01 Rev. 'C' dated October 2008 & TM20.02 Rev. 'A' dated May 2009 is considered satisfactory.

It is considered of mutual benefit that extinguishment of the existing and creation of a new easement be undertaken pursuant to Section 88B of the Conveyancing Act 1919.

Following completion of the building construction, the applicant should undertake an inspection of the pipeline by CCTV, with a copy supplied to Council prior to issue of the Occupation Certificate.

## RECOMMENDATION

- A That Council grants approval for the extinguishment of the existing easement and creation of a new drainage easement 1.5 metres wide over the new pipeline.
- B That authority be given to affix the Common Seal of the Council to the instrument for release and creation of the new easements.
- C That the cost of altering the terms of the said easement for drainage including release and creation and council's legal costs and disbursements be borne by the applicant.
- D That Council approves the proposal to modify the stormwater pipelines in accordance with Hydraulic Services Plan prepared by KR Stubbs and Associates Pty Ltd Drawing

Item 2

DA0351/09  
24 February 2010

No. TM20.01 Rev. 'C' dated October 2008 & TM20.02 Rev. 'A' dated May 2009, subject to the following conditions:

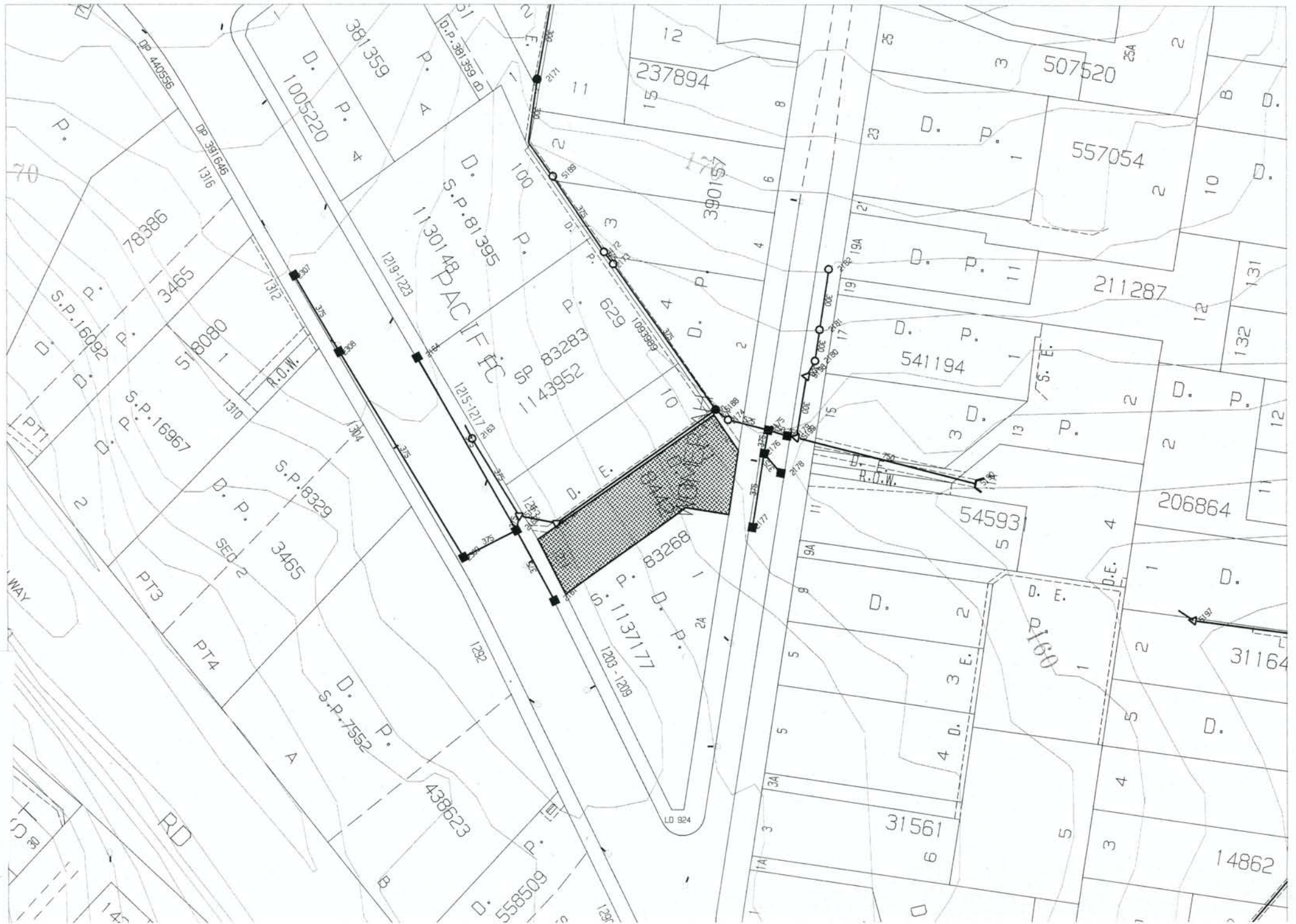
- E The applicant carrying out all drainage works in accordance with the plans and specifications approved by Council at no cost to Council.
- F The redundant section of pipe is to be removed upon completion of the new pipeline.
- G The works are to be subject to inspections. The applicant or his engineer is to give Council at least 24 hours' notice (to allow inspection) at the following stages:
  - a. After completion of excavation and prior to pipelaying commencing.
  - b. After completion of pipelaying and prior to backfilling.
  - c. On completion of the pipeline installation.
- H Works-as-Executed drawings of the completed works are to be provided to Council's Development Engineer immediately upon completion of works. To be prepared by a registered surveyor.
- I That prior to construction of the buildings, fencing or a suitable alternative be installed around the easement perimeter, at no cost to Council, to prevent loading by heavy construction machinery on the area directly above the pipeline.
- J That after the buildings are completed, an inspection of the pipeline by closed circuit television (CCTV) or a suitable alternative be undertaken to verify the structural integrity of the pipeline by the applicant at no cost to Council, prior to issue of the Occupation Certificate.

Ross Guerrero  
**Senior Development Engineer - Engineering  
Assessment**

Greg Piconi  
**Director Operations**

**Attachments:**

- 1. Site plan and location of existing drainage easement - 2010/032899**
- 2. Proposed location of new pipeline and easement - 2010/032901**
- 3. Letter from owners of property dated 27 October 2008 - 2008/031514**









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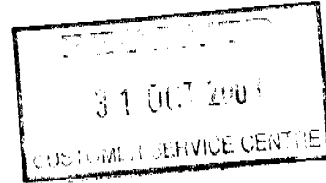
**SCIRU Pty Ltd**

ACN 124 135 404

Reg. office

15 Agnes Street,  
Strathfield, NSW 2135

The General Manager  
Ku-ring-gai Council  
Council Chambers  
818 Pacific Highway  
GORDON NSW 2072  
Attention  
Kathy Hawken  
Team Leader Engineering  
Assessment Team  
27.10.2008



Subject : Relocation of Stormwater Drainage Easement  
1211 to 1213 Pacific Hwy Turramurra NSW.

Dear Sir/Madam,

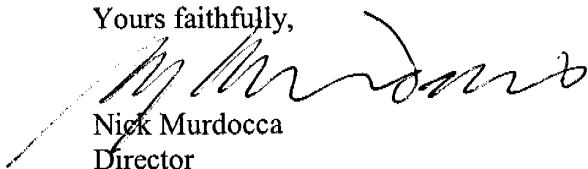
Sciru Pty hereby makes application to relocate the existing 1.525 m wide stormwater easement and associated drainage works situated on Lot 10 of DP 8442 (Vide A315103) as per Engineering plans prepared by KR Stubbs and Associates Pty Ltd in conjunction with a Development Application for proposed residential development previously outlined in a Pre DA meeting with Council dated 11 July 2008 (Report Doc no t0006QY) and subsequent communications.

Sciru Pty Ltd as the of owners under contract of the subject properties undertakes to pay all legal, survey and registration costs associated with the preparation of documents, including legal costs for Council's solicitors to check the easement documents prior to Council's endorsement.

Attached is a cheque in the sum of \$770 ( Seven Hundred and Seventy Dollars) being payment of fees for Council's reporting process for easement relocation.

Should you have any further requirements please do not hesitate to contact the undersigned or our Architect/Agent John Bakker of H+B Architects 02 9997 2733, bakker.john@bigpond.com.

Yours faithfully,



Nick Murdocca  
Director

Sciru Pty Ltd (sciru@unwired.com.au)

# K.R. STUBBS & ASSOCIATES PTY LTD

CONSULTING ENGINEERS

PROJECT MANAGERS

WATER SERVICING COORDINATORS

Mail: P.O. Box 1072 PYMBLE BUSINESS CENTRE NSW 2073

Office: Suite 6, No.33 RYDE ROAD PYMBLE

TEL (02) 9880 2991

FACS: (02) 9880 2994

E-MAIL: enquiry@krstubs.com.au

A.B.N.15 001 759 584

YOUR REF:

OUR REF: TM20

30<sup>th</sup> October 2008

Kuring-gai Council  
818 Pacific Highway  
GORDON NSW 2072

Attention: Kathy Hawken

Dear Kathy,

## **RESIDENTIAL DEVELOPMENT 1211 – 1213 PACIFIC HIGHWAY, TURRAMURRA STORMWATER DRAINAGE MANAGEMENT PROPOSALS – FOR REVIEW**

Drawing No. TM20.1/A dated 30 October 2008 is attached as part of the Development Application package for this redevelopment detailing the stormwater management aspects of the proposal.

The site has a total area of 2104m<sup>2</sup> and the proposed building covers 865m<sup>2</sup>. The site is subject to deep soil preservation restrictions such that all water storages for its detention and retention have been located in the agreed designated area on the uphill side of the new building.

All existing uphill catchment flows still pass through the site but via the alternative piped route from the Pacific Highway to Womerah Street that now avoids the proposed building area.

With reference to Councils DCP47 requirements we identify the following aspects of the proposal;

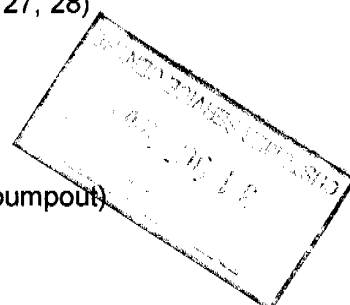
Building Catchment Areas A single multi dwelling building is proposed comprising 28 dwelling units and basement car parking with the following sub catchment areas;

Contributing Catch. Area			
Roof	RL 179.54	394 m <sup>2</sup>	(4 grates above Lift Motor Room)
4 <sup>th</sup> Floor	RL 176.64	441 m <sup>2</sup>	(5 grates above Units 27, 28)
3 <sup>rd</sup> Floor	RL 173.74	nil	
2 <sup>nd</sup> Floor	RL 170.84	nil	
1 <sup>st</sup> Floor	RL 167.94	nil	
Grd. Floor	RL 165.04	nil	
Basement			
Ramp	RL 162.34	30 m <sup>2</sup>	(1 grate & automatic pumpout)
		865 m <sup>2</sup>	



DIRECTORS: K.R. STUBBS  
C.R. PICKERING

A.S.T.C. (CIVIL), F.I.E. AUST., L.G.E.  
B.Sc., Eng. (CIVIL), M.I.E. AUST.



Uphill Drainage Catchment This present uphill catchment is piped by Council through the site from its northern residential boundary and its western Pacific Highway frontage discharging into the Womerah Street sag point.

Due to the proposed building basement car parking, the Pacific Highway line will be diverted around the building on its southern side. All runoff from the new building ( $865\text{m}^2$ ) and up to some  $300\text{m}^2$  of the north west garden areas will be intercepted by a separate network that passes through the proposed on site retention and detention storages shown on Drg. TM20.1/A.

Surface runoff from all upstream property areas and the downslope landscaped areas of the development site will flow to the Womerah Street drainage network together with the O.S.D. controlled discharge to be released from this redevelopment.

On Site Retention Storage Volume Based on the DCP47 this volume equates to  $3\text{m}^3$  but may be insufficient for the large garden areas of the project.

On Site Detention Storage Volume Based on the DCP47 design criteria for this Cowan Creek BC1 situation, the storage volume equates to  $87\text{m}^3$ . In view of the large outdoor garden areas to be maintained, Council might consider allowing the division wall between the Retention / Detention sections of the proposed Storage Tank to be moved so as to slightly increase the water volume available for garden maintenance, whilst still maintaining the storm runoff control.

Basement Ramp This trapped low point has been identified on the drawing for the fitting of an electric powered pump / float switch to ensure that runoff from this access ramp is prevented from ponding in the basement floor area.

Yours faithfully,



**K.R. STUBBS**

Chartered Professional Engineer

Encl. Drg. No. TM20.1/A. (8 copies)  
DCP 47 OSD Calc. Sheet  
\$770 cheque for e'ment relocation report  
with SCIRU covering letter.



DIRECTORS: K.R. STUBBS  
C.R. PICKERING

A.S.T.C. (CIVIL), F.I.E. AUST., L.G.E.  
B.Sc., Eng. (CIVIL), M.I.E. AUST.



## Appendix 3 On-Site Detention Calculation Sheet

Address 1211-1213 PACIFIC HIGHWAY, TERRAMURRA

### Catchment Detail

1.	Catchment Name	<u>COWAN CREEK BC1</u>		
2.	Catchment Discharge Rate	<u>0.0096</u>	l/sec/m <sup>2</sup>	A
3.	Catchment Storage Rate	<u>0.0414</u>	m <sup>3</sup> /m <sup>2</sup>	B

### Site Details

4.	Site Area	<u>2136</u> m <sup>2</sup>	^	60% of site area	<u>1282</u> m <sup>2</sup>	C
5.	Area(s) not draining to the detention system	<u>971</u> m <sup>2</sup>				
6.	Total impervious area (roofs, driveways, paving, etc.)	<u>865</u> m <sup>2</sup>				D
7.	Impervious area bypassing detention system	<u>0</u> m <sup>2</sup>				E

### Permitted Site Discharge

8.	$C [1282 \text{ m}^2] \times A [0.0096 \text{ l/sec/m}^2] =$	<u>12.31</u>	l/sec	Flow 1
9.	Adjustment for any uncontrolled impervious flow E / D =	<u>0</u>	(<0.25)	F
10.	Flow 1 [ <u>12.31</u> l/sec] x F [ <u>0</u> ] =	<u>0</u>	l/sec	Flow 2
11.	Flow 1 [ <u>12.31</u> ] – Flow 2 [ <u>0</u> ] =	<u>12.31</u>	l/sec	PSD

### Site Storage Requirement

12.	$C [1282 \text{ m}^2] \times B [0.0414 \text{ m}^3/\text{m}^2] =$	<u>53.1</u> m <sup>3</sup>	SSR1
13.	If the storage is in a landscaped basin, SSR1 x 1.2 =	<u>N/A</u> m <sup>3</sup>	SSR2

### Outlet Control

14.	Height difference between top water surface level and the centre of the orifice	<u>2.62</u> m	G
15.	Orifice Diameter $21.8 \times \sqrt{\frac{\text{PSD}}{G}}$	<u>60</u> mm	OD

PSD = Permitted Site Discharge

SSR1 = Site Storage Requirement (except for landscaped basins)

SSR2 = Site Storage Requirement (landscaped basins) (Note: Use only SSR1 or SSR2)

OD = Orifice Diameter

Signature

*Ken Stubbs*

Name

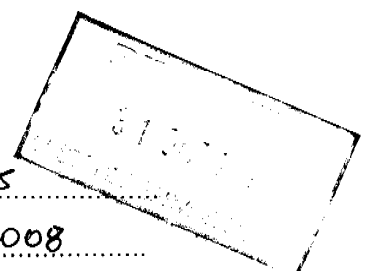
KEN STUBBS

Qualifications

ASTE Civil, F.I.E.Aust., L.G.E.

Date

31 October 2008



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## 18 HIGHFIELD ROAD, LINDFIELD - RELOCATION OF STORMWATER PIPELINE & EASEMENT

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

For Council to consider approval for the relocation of a Council stormwater pipeline and easement that traverses the proposed development site.

**BACKGROUND:**

The site is subject to a complying development certificate CDC 0055/09 approved under the NSW Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009. A hall and library are currently being built on the site and in order to service the electrical load from this building a new substation will be required by Energy Australia. The only available space for this substation and associated easement is over an existing stormwater easement carrying pipes servicing the Council stormwater system. The existing pipe and easement would be affected by this substation.

The proposed works require the applicant to obtain a resolution from Council that it will consent to the relocation of the pipeline and easement traversing the School premises.

**COMMENTS:**

Works involve modifying the existing stormwater pipeline and its easement to be diverted around the new substation by intercepting the pipe at the boundary of the site and re-routing it around the substation. Highfields Preparatory and Kindergarten School Ltd, has submitted the application and detailed plans.

**RECOMMENDATION:**

That Council grant approval for the relocation of the stormwater pipeline and easement subject to the terms and conditions of the report.

## PURPOSE OF REPORT

For Council to consider approval for the relocation of a Council stormwater pipeline and easement that traverses the proposed development site.

## BACKGROUND

A complying development DA/CDC No. 2009/373 has been approved by the Department of Planning for construction of a new hall, library and music room.

The proposed substation is over the existing stormwater easement and pipeline. In order to allow the orderly development and placement of the substation the applicant proposes to relocate the pipe and easement clear of the proposed substation footprint.

Engineering plans for the proposed stormwater trunk drainage realignment have been submitted. The engineering plans and supporting hydraulic calculations have been prepared by ACOR Consultants Pty Ltd (SY09 0315 Drawing No.C10.01 Issue. 'A' dated 15 January 2010 & C10.02 Issue. 'A' dated 15 January 2010).

## COMMENTS

An existing trunk drainage pipeline traverses the development site. A site layout plan is given at **Attachment 1**.

Proposed modifications to the Council drainage system comprise:

- i. Break into and make good connection to existing 450Ø pipe
- ii. A new deflection 900x900 junction pit to be provided for new 450Ø RCP Class '2' pipe
- iii. Provide a 1.5m wide easement over the new pipeline
- iv. New pipeline shall be completed before the existing (redundant) pipeline can be removed.

Note: The existing 450Ø pipeline is not located within the associated drainage easement. The proposed locations of the drainage system and easement are shown at **Attachment 2**.

## CONSULTATION

Council has consulted with the applicant and his consulting engineer, ACOR Consultants Pty Ltd. No other external consultation was necessary.

## FINANCIAL CONSIDERATIONS

All construction, survey and preparation of all legal documentation and costs associated with the relocation are to be borne by the applicant, who benefits from this work. (**Attachment 3**). Also, all legal documentations to be endorsed by Council shall be borne by the applicant.

Item 3

PCDC0055/09  
24 February 2010

The extinguishment of the existing easement and the creation of a new easement will be of mutual benefit to Council and the applicant upon completion of the physical works. Therefore it is not considered that compensation should be paid by the applicant.

## CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Development and Regulation has consulted with Council's Operations Department in this matter.

## SUMMARY

Highfields Preparatory and Kindergarten School Ltd has applied for approval to relocate Council's existing stormwater pipe and associated easement.

Works involve modifying the existing stormwater pipeline and its easement to be diverted around the new substation by intercepting the pipe at the boundary of the site and re-routing it around the substation.

Engineering plans for the proposed stormwater trunk drainage realignment have been submitted. The engineering plans and supporting hydraulic calculations have been prepared by ACOR Consultants Pty Ltd (SY09 0315 Drawing No.C10.01 Issue. 'A' dated 15 January 2010 & C10.02 Issue. 'A' dated 15 January 2010) is considered satisfactory.

It is considered of mutual benefit that extinguishment of the existing and creation of a new easement be undertaken pursuant to Section 88B of the Conveyancing Act 1919.

Following completion of the building construction, the applicant should undertake an inspection of the pipeline by CCTV, with a copy supplied to Council prior to issue of the Occupation Certificate.

## RECOMMENDATION

- A That Council grants approval for the extinguishment of the existing easement and creation of a new drainage easement 1.5 metres wide over the new pipeline.
- B That authority be given to affix the Common Seal of the Council to the instrument for release and creation of the new easements.
- C That the cost of altering the terms of the said easement for drainage including release and creation and council's legal costs and disbursements be borne by the applicant.
- D That Council approves the proposal to modify the stormwater pipelines in accordance with Flood Study Report Revision 'A' dated 20 January prepared by ACOR Consultants Pty Ltd, subject to the following conditions:
- E The applicant carrying out all drainage works in accordance with the plans and specifications approved by Council at no cost to Council.



Item 3

PCDC0055/09  
24 February 2010

- F The redundant section of pipe is to be removed upon completion of the new pipeline.
- G The works are to be subject to inspections. The applicant or his engineer is to give Council at least 24 hours' notice (to allow inspection) at the following stages:
  - a. After completion of excavation and prior to pipelaying commencing.
  - b. After completion of pipelaying and prior to backfilling.
  - c. On completion of the pipeline installation.
- H Works-as-Executed drawings of the completed works are to be provided to Council's Development Engineer immediately upon completion of works. To be prepared by a registered surveyor.
- I That prior to construction of the buildings, fencing or a suitable alternative be installed around the easement perimeter, at no cost to Council, to prevent loading by heavy construction machinery on the area directly above the pipeline.
- J That after the buildings are completed, an inspection of the pipeline by closed circuit television (CCTV) or a suitable alternative be undertaken to verify the structural integrity of the pipeline by the applicant at no cost to Council, prior to issue of the Occupation Certificate.

Ross Guerrera  
**Senior Development Engineer -  
Engineering Assessment**

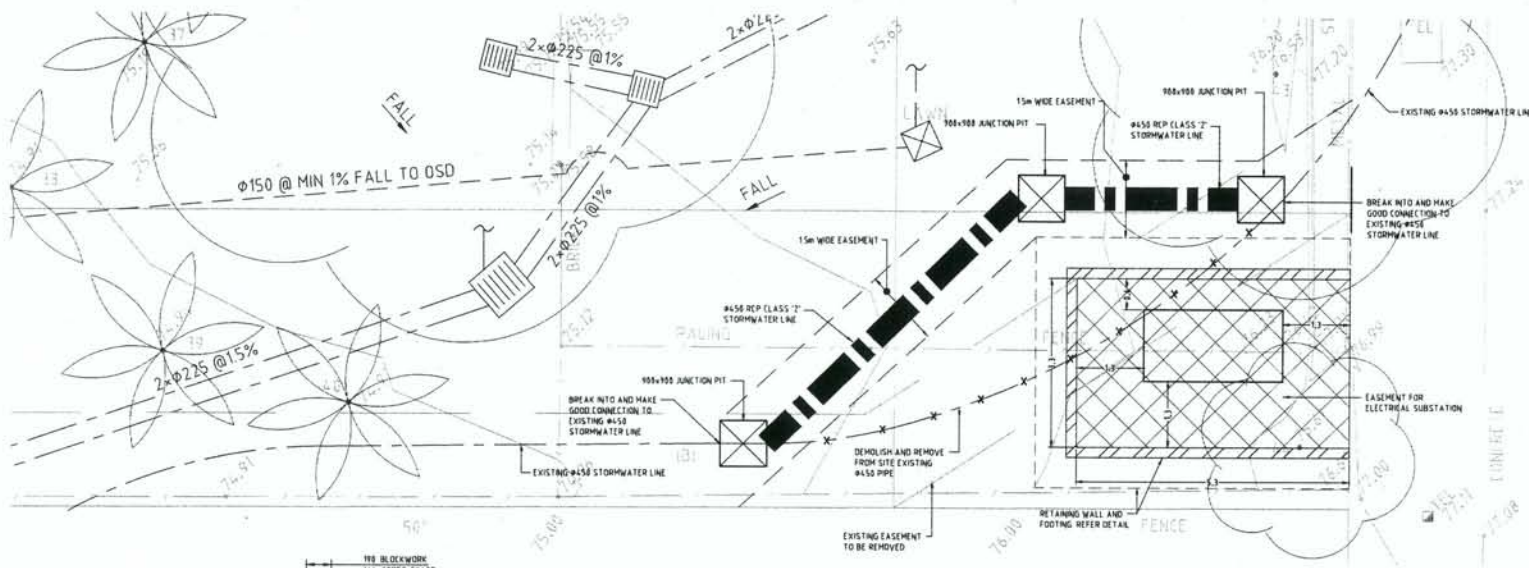
Greg Piconi  
**Director Operations**

**Attachments:**

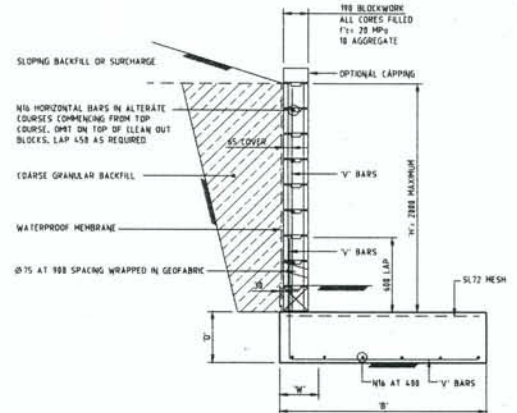
- 1. Site plan and location of existing drainage easement - 2010/033736**
- 2. Proposed location of new pipeline and easement - 2010/033739**
- 3. Letter from owners of property dated 8 February 2010 - 2010/033742**

[illegible]





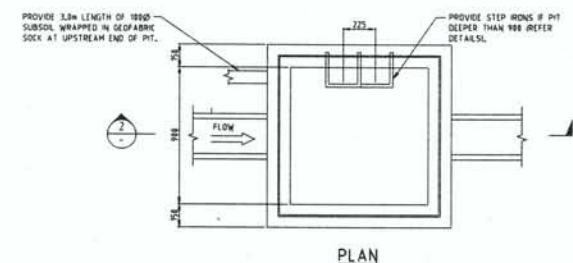
ALL EXISTING GROUND AND INVERT LEVELS TO BE CONFIRMED ONSITE DURING CONSTRUCTION AND ANY DISCREPANCIES REPORTED TO THE SUPERINTENDENT.



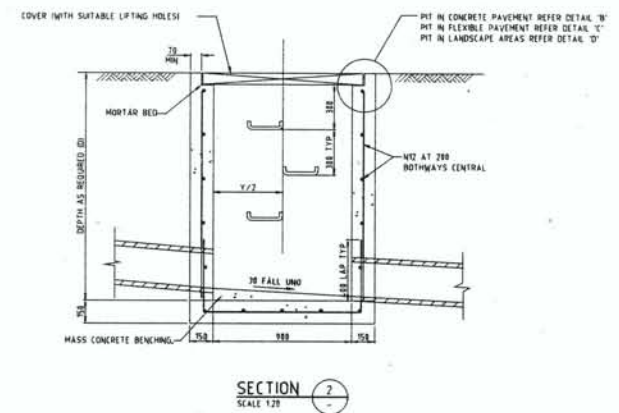
TYPICAL RETAINING WALL DETAIL - RW1  
SCALE 1:20

NOTES:  
CONCRETE JOINTS AT 8000 MAXIMUM CENTRES  
CONCRETE STRENGTH  $f'_{c} = 25\text{MPa}$   
BLOCK WALLS TO BE ADEQUATELY PROPPED DURING BACKFILL AND COMPACTION AFTER 7 DAYS MINIMUM

RETAINING WALL SCHEDULE				
BASE DIMENSION FOR BACKFILL WITH NO SURCHARGE SLOPE UP TO 1 IN 4 ON SKPA SURCHARGE. NO SLOPE				
H'	B'	D'	H'	V' BARS
800	700	400	300	N12@400
1000	900	400	300	N12@400
1200	1100	400	300	N14@400
1400	1300	500	400	N14@400
1600	1500	500	400	N14@400
1800	1700	600	400	N14@400
2000	1900	600	400	N14@400



SURFACE JUNCTION PIT  
PIT TYPE "A"  
SCALE 1:20



SECTION 2  
SCALE 1:20

NOT FOR CONSTRUCTION

Rev	Description	Date	Drawn	Check
1	ISSUED FOR APPROVAL	15.01.16	DJS	BS

Client	Address	Project
PLAYOUST CHURCHER ARCHITECTS	11 Macdonald Street, Sydney NSW 2017 T: 02 9496 8811 F: 02 9496 8810	HIGHFIELDS PREPARATORY & KINDERGARTEN SCHOOL

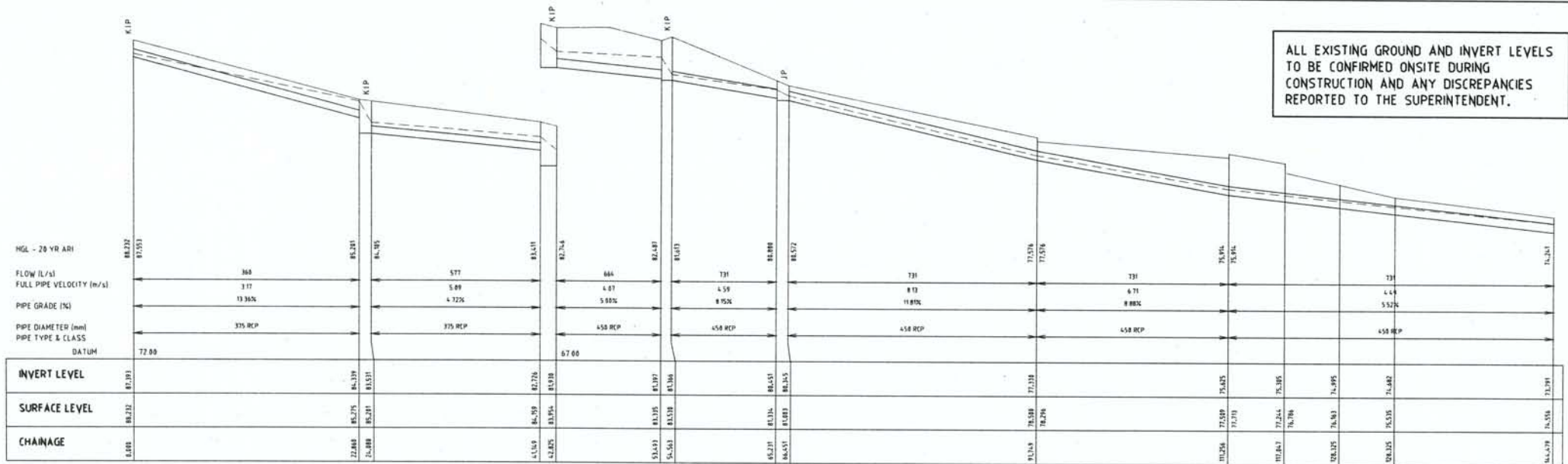
PLAYOUST CHURCHER ARCHITECTS  
11 Macdonald Street, Sydney NSW 2017  
T: 02 9496 8811  
F: 02 9496 8810  
www.playoustchurcher.com.au  
John J F Playoust & Co Pty Limited ACN 008 502 106 & 19th Charter Architects Pty Ltd  
A.C.N. 003 751 811 Trading as Playoust Churcher Architects

ACOR CONSULTANTS  
ENGINEERS  
MANAGERS  
INFRASTRUCTURE  
PLANNERS  
Level 1, 24 Pelton Street, PO Box 622, Crown Hill NSW 2065  
Ph: +61 2 9438 5566 Fax: +61 2 9438 5398  
www.acorconsultants.com.au

HIGHFIELDS PREPARATORY & KINDERGARTEN SCHOOL  
18 HIGHFIELD ROAD  
LINDFIELD NSW 2070

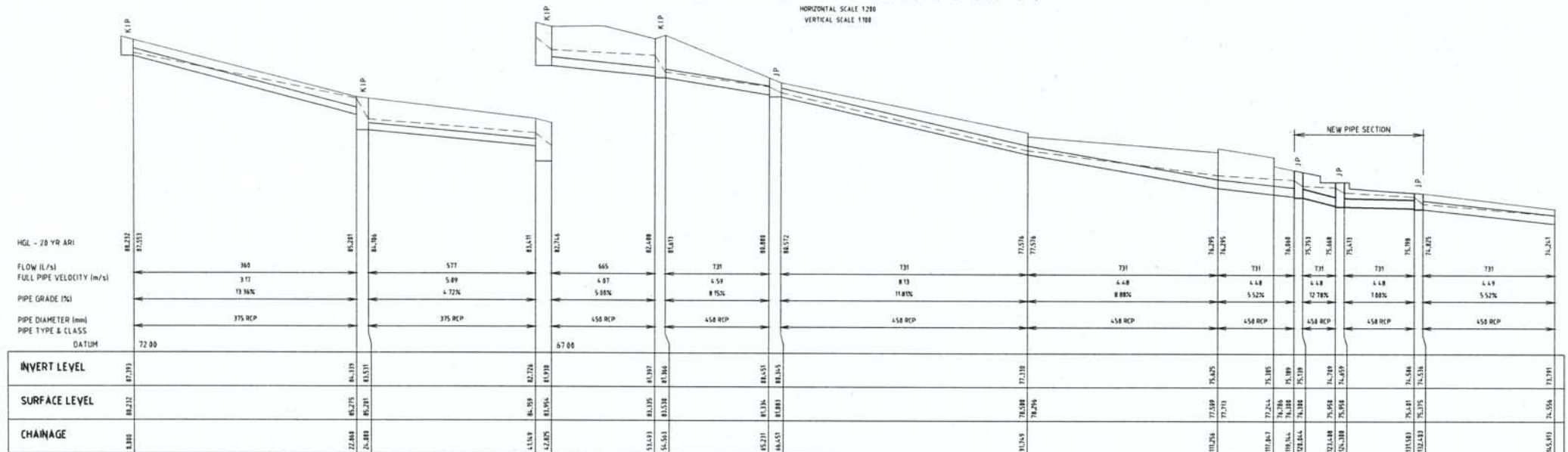
Drawn	Check	Scale	Rev	Rev	Date
DJS	JAN 2010	1:50 (LIND)			
SY09 0315					

ALL EXISTING GROUND AND INVERT LEVELS  
TO BE CONFIRMED ONSITE DURING  
CONSTRUCTION AND ANY DISCREPANCIES  
REPORTED TO THE SUPERINTENDENT.



EXISTING STORMWATER LONGITUDINAL SECTION

HORIZONTAL SCALE 1:200  
VERTICAL SCALE 1:100



PROPOSED STORMWATER LONGITUDINAL SECTION

HORIZONTAL SCALE 1:200  
VERTICAL SCALE 1:100

NOT FOR CONSTRUCTION

Rev	Description	Date	Drawn	Check
1	ISSUED FOR APPROVAL	15.01.18	DJS	BS

Rev	Description	Date	Drawn	Check
1	ISSUED FOR APPROVAL	15.01.18	DJS	BS

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Rev	Description	Date	Drawn	Check
1	ISSUED FOR APPROVAL	15.01.18	DJS	BS

PLAYOUST  
CHURCHER  
ARCHITECTS

Ac  
OR

ACOR CONSULTANTS  
ENGINEERS  
MANAGERS  
INFRASTRUCTURE  
PLANNERS

HIGHFIELDS PREPARATORY &  
KINDERGARTEN SCHOOL  
18 HIGHFIELD ROAD  
LINDFIELD NSW 2070

STORMWATER LONGITUDINAL  
SECTIONS SHEET

Drawn	Date	Scale	AT	G.A. Check	Date
DJS	JAN 2010	AS SHOWN	-	-	-
Designed	Project No.	Comp. No.	Issue		
BS	SY09 0315	C10.02	A		

*Highfields Preparatory &  
Kindergarten School Limited*

A.C.N. 001 908 970, A.B.N. 30 293 101 220



*18 Highfield Road  
Lindfield 2070  
Tel: 9416 3743  
Fax: 9416 3169*

8<sup>th</sup> February 2010

Ku Ring Gai Council  
Pacific Highway  
Gordon NSW 2072

ATT: Mr Ross Guerrero  
Snr Development Engineer  
Development & Regulation Department

Dear Mr Guerrero,

Relocation of Council Stormwater Pipeline  
Property Lot 1 D.P. 965341

Highfields Preparatory and Kindergarten School Ltd ("the School") as owners of the above property acknowledge that Council has approved the alteration to the existing 450mm stormwater pipeline and easement through our property.

The School undertakes to pay all legal, survey and registration costs associated with the registration of the new easement, including reasonable legal costs for Council solicitors to assess the documents before Council endorsement.

Yours faithfully

Michael Gillis  
Chairman  
Highfields School Council

PAID

Ref No: \_\_\_\_\_

Receipt: 2410M

Date: 770-00

10/2/10