

3 March 2010

Dear Councillor,

In pursuance of the provisions of the Local Government Act, 1993 and the Regulations thereunder, notice is hereby given that a **POLICY REVIEW COMMITTEE MEETING** of Penrith City Council is to be held in the Pasadena Room, Civic Centre, 601 High Street, Penrith on Monday 8 March 2010 at 7:30PM.

Attention is directed to the statement accompanying this notice of the business proposed to be transacted at the meeting.

Yours faithfully

**Alan Stoneham**  
**General Manager**

## ***BUSINESS***

### **1. LEAVE OF ABSENCE**

**Leave of absence has been granted to:**

*Councillor Ben Goldfinch - 8 March 2010 to 10 March 2010 inclusive.*

*Councillor Jim Aitken OAM - 8 March 2010 to 10 March 2010 inclusive.*

*Councillor Mark Davies - 8 March 2010 to 10 March 2010 inclusive.*

*Councillor Tanya Davies - 8 March 2010 to 10 March 2010 inclusive.*

### **2. APOLOGIES**

### **3. CONFIRMATION OF MINUTES**

*Policy Review Committee Meeting - 7 December 2009.*

### **4. DECLARATIONS OF INTEREST**

*Pecuniary Interest (The Act requires Councillors who declare a pecuniary interest in an item to leave the meeting during discussion of that item)*

*Non-Pecuniary Conflict of Interest – Significant and Less than Significant (The Code of Conduct requires Councillors who declare a significant non-pecuniary conflict of interest in an item to leave the meeting during discussion of that item)*

### **5. ADDRESSING THE MEETING**

### **6. MAYORAL MINUTES**

### **7. NOTICES OF MOTION**

### **8. DELIVERY PROGRAM REPORTS**

### **9. URGENT REPORTS (to be dealt with in the delivery program to which the item relates)**

### **10. CONFIDENTIAL BUSINESS**

**POLICY REVIEW COMMITTEE MEETING**

**MONDAY 8 MARCH 2010**

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**MEETING CALENDAR**

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## 2010 MEETING CALENDAR

February 2010 - December 2010  
(adopted by Council 9/11/09)

	TIME	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
		Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon
Ordinary Council Meeting	7.30pm	1			3❖		12	9#	6✓	11♦	8#	13 (7.00pm)
		22#	22	19	24#	21*			27^ (7.00pm)		29	
Policy Review Committee	7.30pm	15	8		10			16	13@		15	
			29@			28	19	30		18		
Operational Plan Public Forum	6.00pm				31							

- ❖ MEETING AT WHICH THE DRAFT OPERATIONAL PLAN FOR 2010/2011 IS ADOPTED FOR EXHIBITION
- \* MEETING AT WHICH THE OPERATIONAL PLAN FOR 2010/2011 IS ADOPTED
- # MEETINGS AT WHICH THE OPERATIONAL PLAN QUARTERLY REVIEWS ARE PRESENTED
- @ DELIVERY PROGRAM PROGRESS REPORTS
- ^ ELECTION OF MAYOR/DEPUTY MAYOR
- ✓ MEETING AT WHICH THE 2009/2010 ANNUAL STATEMENTS ARE PRESENTED
- ♦ MEETING AT WHICH ANY COMMENTS ON THE 2009/2010 ANNUAL STATEMENTS ARE PRESENTED

- Extraordinary Meetings are held as required.
- Members of the public are invited to observe meetings of the Council (Ordinary and Policy Review Committee). Should you wish to address Council, please contact the Acting Executive Officer, Glenn Schuil.



**UNCONFIRMED MINUTES  
OF THE POLICY REVIEW COMMITTEE MEETING OF PENRITH CITY  
COUNCIL HELD IN THE PASSADENA ROOM, PENRITH  
ON MONDAY 7 DECEMBER 2009 AT 7:31PM**

**PRESENT**

His Worship the Mayor Councillor Kevin Crameri OAM, Councillors Jim Aitken OAM, Kaylene Allison, Robert Ardill, Greg Davies, Mark Davies, Tanya Davies, Ben Goldfinch, Prue Guillaume, Marko Malkoc, Karen McKeown, Kath Presdee and John Thain.

**LEAVE OF ABSENCE**

Leave of Absence was previously granted to Councillor Jackie Greenow for the period 30 November 2009 to 11 December 2009 inclusive.

**APOLOGIES**

PRC 113 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that an apology be received for Councillor Ross Fowler OAM.

**CONFIRMATION OF MINUTES - Policy Review Committee Meeting - 16 November 2009**

PRC 114 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marko Malkoc that the minutes of the Policy Review Committee Meeting of 16 November 2009 be confirmed.

**DECLARATIONS OF INTEREST**

There were no declarations of interest.

**DELIVERY PROGRAM REPORTS**

**A LEADING CITY**

**2 Penrith Regional City Infrastructure Strategy**

Group Manager – Leadership, Ruth Goldsmith and Sustainability & Planning Manager, Paul Grimson introduced the report and invited Chris Wajzer from SGS Economics & Planning who gave a presentation.

PRC 115 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Penrith Regional City Infrastructure Strategy be received.
2. Council endorse the Penrith Regional City Infrastructure Strategy as a platform for advocating the infrastructure needs of the City with the State and Federal Governments and the service authorities.
3. Council request the Premier of NSW, via the Department of Premier and Cabinet, to auspice the preparation of a Structure Plan for Western Sydney to define, fund, co-ordinate and deliver the physical and social infrastructure

required to meet the objectives of the Metropolitan and Subregional Strategies for Western Sydney. In pursuing this initiative Council:

- (a) seek the support of the member Councils of WSROC, the NGAA, the Urban Development Institute of Australia (UDIA), the Property Council of Australia, the Planning Institute of Australia (PIA) and the Australian Institute of Urban Studies (AIUS) for the preparation of a Structure Plan for Western Sydney through similar representations to the Premier; and
  - (b) approach the respective Western Sydney members of State and Federal Parliaments seeking their support for the preparation of a Structure Plan for Western Sydney.
4. A further report on alternative arrangements for the funding of local and district infrastructure be presented to Council upon finalisation of the State Government review of Council's Section 94 Plans and the IPART review into the revenue framework for local government.
  5. The Federal and State Opposition Governments be advised of the Penrith Regional City Infrastructure Strategy and the recommendations identified in the report.
  6. Mayors and General Managers from Western Sydney Councils be invited to participate in a forum which discusses the proposed Structure Plan for Western Sydney before the Plan is taken to the Federal and State Governments.

Councillor John Thain left the meeting, the time being 8:03pm.

Councillor Kath Presdee left the meeting, the time being 8:03pm.

Councillor John Thain returned to the meeting, the time being 8:04pm.

Councillor Kath Presdee returned to the meeting, the time being 8:05pm.

## **A CITY OF OPPORTUNITIES**

### **3 Youth Speak Out and Youth Leadership Summit**

Councillor Mark Davies left the meeting, the time being 8:05pm.

Councillor Mark Davies returned to the meeting, the time being 8:07pm.

Community & Cultural Development Manager, Erich Weller introduced the report and invited Community Programs Coordinator, Tracy Leahy and Youth Development Officer, Katerina Tahija who gave a presentation.

PRC 116 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Youth Speak Out and Youth Leadership Summit be received.
2. Council reconfirm its present best practice model to consult and engage with young people.

3. Council seek a further report after receiving input into the action plan through further consultation with young people involved in the original forums as well as others, prior to the adoption of the Youth Action Plan 2010-2012.

## **A LEADING CITY**

### **1 Review of 2005-2009 Strategic Program**

Councillor Ben Goldfinch left the meeting, the time being 8:47pm.

Councillor Ben Goldfinch returned to the meeting, the time being 8:49pm.

Director – Craig Butler introduced the report and provided a brief overview of the highlights achieved during the 2005-2009 Strategic Program.

Councillor Marko Malkoc left the meeting, the time being 8:52pm.

Councillor Marko Malkoc returned to the meeting, the time being 8:53pm.

Councillor John Thain left the meeting, the time being 8:53pm.

Councillor John Thain returned to the meeting, the time being 8:54pm.

PRC 117 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Kaylene Allison

That:

1. The information contained in the report on Review of 2005-2009 Strategic Program be received.
2. A copy of this report, together with a letter of appreciation, be forwarded to the Councillors who served on the Council during the implementation of the Strategic Plan 2005-2009 “The Competitive Edge”.

## **A GREEN CITY**

### **4 State Environmental Planning Policy (Affordable Rental Housing) 2009**

PRC 118 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc

That:

1. The information contained in the report on State Environmental Planning Policy (Affordable Rental Housing) 2009 be received.
2. The information contained in this report be provided to the Environmental Planning Department for consideration in the next review of the Development Contribution Plans and to the Local Plan Team for their consideration in the preparation of the Integrated Local Plan.

**5 Swimming Pools Register and Compliance System**

PRC 119 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Greg Davies

That:

1. The information contained in the report on Swimming Pools Register and Compliance System be received.
2. A program to raise the awareness of pool owners in regard to their responsibilities for maintaining barriers around their pools be implemented.
3. A further report be brought back detailing the length and breadth of the intended educational awareness program and the associated cost of the program.

There being no further business the Chairperson declared the meeting closed the time being 9:44pm.



## DELIVERY PROGRAM REPORTS

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## A LEADING CITY

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1 Rural Overland Flow Policy	1
2 Waterside Estate - Acoustic Buffer <b>Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.</b>	22





## **1 Rural Overland Flow Policy**

**Compiled by:** David Yee, Acting Design and Technical Advice Manager

**Authorised by:** Craig Ross, Major Projects Manager  
Wayne Mitchell, Group Manager - City Infrastructure

**Strategic Objective:** *We demonstrate leadership, and plan responsibly for now and the future*

**Strategic Direction:** *We build our future on the principles of sustainability, and understand and respond to the effects of climate change on our region*

### **Executive Summary**

Currently Council's flood policy has only applied to mainstream flooding from the Nepean River, South Creek and Ropes Creek systems. This is largely because these were the only systems that had been the subject of detailed flood studies.

In 2001 a revision to the NSW Floodplain Management Manual (2001 Manual) was released which was an update of the 1986 Floodplain Development Manual. The 2001 Manual required councils to consider flooding from sources other than major streams and rivers such as major drainage and overland flows.

In 2001 Council successfully sought funding from the then Department of Infrastructure, Planning and Natural Resources (DIPNR), now known as the Department of Environment Climate Change and Water (DECCW), to undertake the first stage of the Penrith Overland Flow Overview Study (The Overview Study). This involved the collection of contour information by aerial laser survey and aerial photography.

In 2005 the second stage of the Overview Study commenced and included the analysis of the various sub-catchments across the Penrith Local Government Area (LGA) to determine flood extents and hazards up to and including the Probable Maximum Flood (PMF).

The Floodplain Development Manual describes the floodplain risk management process to be followed by councils. The steps have been followed by Council and included the formation of the Penrith Floodplain Advisory Committee (FAC) which was formed following a resolution of Council at its Ordinary Meeting of 25 February 2008.

The Committee has met over the past 18 months and has developed a series of development controls to be applied to developments affected by overland flow in rural areas only.

The format of the policy has been aligned to the exhibited draft Penrith DCP 2008 so that it can be incorporated into that document in a future amendment.

The main objective of the policy is to ensure development in rural areas affected by overland flow is managed to avoid adverse impacts on the flow regime in the area and to minimise the hazards and risk to life and property associated with the development.

## **Background**

Currently Council's flood policy has only applied to mainstream flooding from the Nepean River, South Creek and Ropes Creek systems. This is largely because these were the only systems that have been the subject of detailed flood studies. In the new urban areas, the principles of the major and minor drainage system had been applied in accordance with Australian Rainfall and Runoff 1987 to address flooding up to the 100 year event. The main areas affected by overland flow were in the older urban areas of the city and in the rural area to the north and south.

In 2001 a revision to the NSW Floodplain Management Manual (2001 Manual) was released which was an update of the 1986 Floodplain Development Manual. The 2001 Manual introduced the concepts of Flood Planning Levels (FPL) and the consideration of all flood events up to and including the Probable Maximum Flood (PMF). It also required councils to consider flooding from sources other than major streams and rivers such as major drainage and overland flows. Whilst councils across the state utilised the 2001 Manual it was not formally adopted by the State Government.

In 2001 Council successfully sought funding from the then Department of Infrastructure, Planning and Natural Resources (DIPNR), now known as the Department of Environment Climate Change and Water (DECCW), to undertake the Penrith Overland Flow Overview Study (The Overview Study). This study was to undertake a broad overview of overland flooding across the whole Penrith Local Government Area (LGA) using the latest 2-dimensional numerical flood modelling techniques. These types of models require significant amounts of spatial data to operate. The study initially involved the collection of contour information by aerial laser survey and aerial photography.

In 2005 the second stage of the Overview Study commenced and included the analysis of the various sub-catchments across the LGA to determine flood extents and hazards up to and including the Probable Maximum Flood (PMF). The results of the study were exhibited publicly, which included the conduct of a series of public meetings in the affected areas. The properties identified by the study had a s149 notation attached. The details of this study have been reported to Council previously.

Also in 2005 the State Government issued the 2005 Floodplain Development Manual (2005 Manual) which formally replaced the 1986 Manual. The 2005 Manual retained the general principles of the 2001 Manual but gave greater guidance for councils in the interpretation of and use of the Manual.

The 2005 Manual sets out the Floodplain Risk Management process to be followed by councils. The steps of this process have been followed by Council and included the formation of the Penrith Floodplain Advisory Committee (FAC) which was formed following a resolution of Council at its Ordinary Meeting of 25 February 2008. The Committee comprised representatives from the local community, Councillors, Council staff, representatives from the Department of Environment and Climate Change, State Emergency Services, Blacktown City Council, Liverpool City Council and Fairfield City Council.

## **The Policy**

The FAC has met over the past 18 months and has developed a series of development controls to be applied to developments affected by overland flow in rural areas only.

The format of the policy has been aligned to the exhibited draft Penrith DCP 2008 so that it can be incorporated into that document in a future amendment. It is anticipated that there will be an amendment to the DCP later this year. This policy will be publicly exhibited as part of that process. The policy documents are attached to this report and also provided to Councillors under separate memo.

The main objective of the policy is to ensure development in rural areas affected by overland flow is managed to avoid adverse impacts on the flow regime in the area and to minimise the hazards and risk to life and property associated with the development.

In developing the policy the FAC examined the policies of other councils to see what approaches had been taken and to give some consistency where appropriate. Many of the most contemporary policies adopted a matrix format at the core of the policy. This was considered by the FAC to be the most effective means of conveying the necessary information to the users of the policy.

The format of a matrix sets out the development type and planning control issues and then describes the actions necessary to comply with the policy. It presents the requirements in an easy to read manner that will enable applicants, owners, developers and Council officers to readily identify the issues and confirm the compliance or otherwise of the proposed development.

The principles of the policy are similar to the mainstream policy, however there are some areas of difference which have arisen due to the different nature and behaviour of overland flow to that of mainstream flooding.

One of the key issues for the FAC was to determine the extent of the land to which the policy applied. The overview study had been mapped with the flood extents terminated at a depth of 50mm and at 150mm. The FAC concluded that the 150mm depth was an appropriate point for the policy to commence.

The FAC took the view that ideally development should be located outside the overland flow path. However, where this was not feasible or practicable, then the development could be considered based on the criteria outlined in the policy.

The key issues considered by the Committee were:

- Floor levels including appropriate freeboard
- Building materials
- Structural soundness
- Flood effects of development on adjoining property
- Access, driveways and parking
- Evacuation
- Management and design of the site

The policy sets out criteria to be considered based on the above issues as appropriate for the type of development.

The nature of overland flow is such that the rapid rise and fall of the flooding leaves practically no time for relocation of materials, vehicles or possessions within a site or building. Therefore parking areas, garages, storage and non-habitable floor levels are generally set higher than in the case of mainstream flooding.

Fencing and alteration of ground levels was of particular concern to the Committee. It is often the case in rural areas that these activities take place without the need for a Development Consent. However, in an overland flow situation there is potential for a significant effect on adjoining properties from these activities. This was considered to be a concern by the members of the FAC and warranted the need for properties affected by the policy to be required to submit a DA for these types of activities. It was acknowledged that this aspect of the policy is a new area for Council and was not a perfect solution but nonetheless was considered necessary and appropriate given the potential impacts on neighbouring properties and the overall overland flow regime.

Whilst this policy has been developed for rural areas, its adaption to urban areas has been a consideration in its development. This will be a new task for the Flood Advisory Committee once the urban studies are completed.

As with all new policies, the implementation will be monitored to ensure that it operates as intended.

### **Conclusion**

The Overland Flow Policy for Rural areas has been developed in accordance with the principles set out in the NSW Floodplain Development Manual. The policy has been developed in conjunction with the Penrith Flood Advisory Committee which included representatives from the local community, Councillors, Council staff, representatives from the Department of Environment and Climate Change, State Emergency Services, Blacktown City Council, Liverpool City Council and Fairfield City Council. It is based on contemporary best practice and is intended to minimise impacts of flooding arising from development within an overland flow area.

### **RECOMMENDATION**

That:

1. The information contained in the report on Rural Overland Flow Policy be received.
2. The Rural Overland Flow Policy be incorporated in a future amendment to Penrith DCP 2008.
3. Council send a letter of thanks to the external representatives of the Penrith Flood Advisory Committee.

### **ATTACHMENTS/APPENDICES**

1. Table 3 - Flood Proofing 4 Pages Appendix
2. C3 Water Management 9 Pages Appendix



- 3. Development Types      2 Pages    Appendix
- 4. Flood Risk Matrix      1 Pages    Appendix

**Table 3 – Flood Proofing**

**1. Flood Proofing**

Adequate flood proofing of buildings in rural lands subject to overland flow is an effective and equitable means of reducing flood damage to the structure or buildings. It is essential that flood proofing be a condition of both compatible and conditional developments in overland flow extents of rural area.

A guide to flood compatible materials is given in Table 3.1 below. The detail design of structures affected by overland flow should be undertaken with reference to the document “Reducing Vulnerability of Buildings to Flood Damage” prepared by the Hawkesbury-Nepean Floodplain Management Steering Committee. This document is available online at [www.ses.nsw.gov.au](http://www.ses.nsw.gov.au).

Table 3.1 presents a range of alternative materials for a given building component in order of preference for resistance against a medium duration flood. This table considers only how well the individual material performs and not its impact on the building system.

**Table 3.1 Guide to Flood Compatible Materials**

(Extract of Table 4.3.1.3 of “Reducing Vulnerability of Buildings to Flood Damage”)

COMPONENT	SUITABLE*	MILD EFFECTS*	MARKED EFFECTS*	SEVERE EFFECTS*
FLOOR, SUB-FLOOR STRUCTURE	<ul style="list-style-type: none"> <li>• Slab-on-ground</li> <li>• Suspended concrete</li> </ul>	<ul style="list-style-type: none"> <li>• Timber T&amp;G (with ends only epoxy sealed and provision of side clearance for board swelling) or plywood</li> </ul>	<ul style="list-style-type: none"> <li>• Standard grade plywood</li> </ul>	<ul style="list-style-type: none"> <li>• Timber floor close to the ground and particleboard flooring close to the ground</li> </ul>
WALLS SUPPORT STRUCTURE	<ul style="list-style-type: none"> <li>• Reinforced or mass concrete</li> </ul>	<ul style="list-style-type: none"> <li>• Full brick/block masonry cavity brick</li> </ul>	<ul style="list-style-type: none"> <li>• Brick/block veneer with venting (stud frame)</li> </ul>	<ul style="list-style-type: none"> <li>• Inaccessible openings</li> <li>• Large windows low to the ground</li> </ul>
WALL AND CEILING LININGS	<ul style="list-style-type: none"> <li>• Fibre cement sheet</li> <li>• Face brick or blockwork</li> <li>• Cement render</li> <li>• Ceramic wall tiles</li> <li>• Galvanised steel sheet</li> <li>• Glass and glass blocks</li> </ul>	<ul style="list-style-type: none"> <li>• Common bricks</li> <li>• Solid wood, fully sealed</li> <li>• Exterior grad plywood</li> <li>• Fully sealed</li> <li>• Non ferrous metals</li> </ul>	<ul style="list-style-type: none"> <li>• Exterior grad particleboard</li> <li>• Hardboard</li> <li>• Solid wood with allowance for swelling</li> <li>• exterior grade plywood</li> <li>• Plasterboard</li> </ul>	<ul style="list-style-type: none"> <li>• Particleboard</li> <li>• Fibreboards or strawboard</li> <li>• Wallpaper</li> <li>• Cloth wall coverings</li> <li>• Standard plywood</li> <li>• Gypsum plaster</li> </ul>

	<ul style="list-style-type: none"> <li>• Stone, solid or veneer</li> <li>• Plastic sheeting or tiles with waterproof adhesive</li> </ul>			
ROOF STRUCTURE	<ul style="list-style-type: none"> <li>• Reinforced concrete</li> <li>• Galvanised metal construction</li> </ul>	<ul style="list-style-type: none"> <li>• Timber trusses with galvanised connections</li> </ul>	<ul style="list-style-type: none"> <li>• Traditional timber roof construction</li> </ul>	<ul style="list-style-type: none"> <li>• Inaccessible flat floor</li> <li>• Ungalvanised structural steelwork</li> <li>• Unsecured roof tiles</li> </ul>
DOORS	<ul style="list-style-type: none"> <li>• Solid panel with waterproof adhesive</li> <li>• Flush marine ply with closed cell foam</li> <li>• Aluminium or galvanised steel frame</li> </ul>	<ul style="list-style-type: none"> <li>• Flush or single panel marine ply with waterproof adhesive</li> <li>• Painted metal construction</li> <li>• Timber frame, full epoxy sealed before assembly</li> </ul>	<ul style="list-style-type: none"> <li>• Standard timber frame</li> </ul>	<ul style="list-style-type: none"> <li>• Standard flush hollow core with PVA adhesives and honeycomb paper core</li> <li>• Note: Lowest cost and generally inexpensive to replace</li> </ul>
WINDOWS	<ul style="list-style-type: none"> <li>• Aluminium frame with stainless steel or brass rollers</li> </ul>	<ul style="list-style-type: none"> <li>• Timber frame, full epoxy sealed before assembly with stainless steel or brass fittings</li> </ul>		<ul style="list-style-type: none"> <li>• Timber with PVA glues</li> <li>• Mild steel fittings</li> </ul>
INSULATION	<ul style="list-style-type: none"> <li>• Plastic/polystyrene boards</li> <li>• Closed cell solid insulation</li> </ul>	<ul style="list-style-type: none"> <li>• Reflective foil perforated with holes to drain water if used under timber floors</li> </ul>		<ul style="list-style-type: none"> <li>• Materials which store water and delay drying</li> <li>• Open celled insulation (batts etc)</li> </ul>
BOLTS, HINGES NAILS & FITTINGS	<ul style="list-style-type: none"> <li>• Brass, nylon/stainless steel, removable pin hinges</li> </ul>	<ul style="list-style-type: none"> <li>• Galvanised steel, aluminium</li> </ul>		<ul style="list-style-type: none"> <li>• Mild steel</li> <li>**see note below</li> </ul>
FLOOR COVERINGS	<ul style="list-style-type: none"> <li>• Clay/concrete tiles</li> <li>• Epoxy or cementitious floor toppings on concrete</li> <li>• Rubber sheets (chemically set adhesives)</li> <li>• Vinyl sheet (chemically set adhesive)</li> </ul>	<ul style="list-style-type: none"> <li>• Terrazzo</li> <li>• Rubber tiles (chemically set adhesives)</li> <li>• Vinyl tiles (chemically set adhesive)</li> <li>• Polished floor &amp; loose rugs</li> <li>• Ceramic tiles</li> </ul>	<ul style="list-style-type: none"> <li>• Loose fit nylon or acrylic carpet (closed cell rubber underlay)</li> </ul>	<ul style="list-style-type: none"> <li>• Wall to wall carpet</li> <li>• Wall to wall seagrass matting</li> <li>• Cork</li> <li>• Linoleum</li> </ul>

**\*KEY**

**SUITABLE**

These materials or products are relatively unaffected by submersion and flood exposure and are the best available for the particular application.

**MILD EFFECTS**

These materials or products suffer only mild effects from flooding and are the next best choice if the most suitable materials or products are too expensive or unavailable.

**MARKED EFFECTS**

These materials or products are more liable to damage under flood than the above category.

**SEVER EFFECTS**

These materials or products are seriously affected by floodwaters and have to be replaced if inundated.

**\*\*Note:** For nominal fixings in timber framing, AS 1684.2 requires nails used in joints that are continuously damp or exposed to the weather to be hot dip galvanised, stainless steel or monel metal.

## **2. Electrical and Mechanical Equipment**

For developments constructed on land to which this Plan applies, the electrical and mechanical materials, equipment and installation should be located a minimum of 0.5 metre above 1 % AEP (100 year ARI) overland flow level wherever practical. Where this cannot be practically achieved the following requirements shall apply.

Main Power Supply – Subject to the approval of the relevant authority the incoming main commercial power service equipment, including all metering equipment, shall be located above the Flood Planning Level (FPL). Means shall be available to easily disconnect the development from the main power supply.

Wiring – All wiring, power outlets, switches, etc., should, to the maximum extent possible, be located above the FPL. All electrical wiring installed below the FPL should be suitable for continuous submergence in water and should contain no fibrous components. Earth core linkage systems (or safety switches) are to be installed. Only submersible-type splices should be used below the FPL. All conduits located below the FPL should be so installed that they will be self-draining if subjected to flooding.

Equipment – All equipment installed below or partially below the FPL should be capable of disconnection by a single plug and socket assembly.

Reconnection – Should any electrical device and/or part of the wiring be flooded it should be thoroughly cleaned or replaced and checked by an approved electrical contractor before reconnection.

### **3. Heating and Air Conditioning Systems**

Heating and air conditioning systems should, to the maximum extent possible, be installed in areas and spaces of the house above the FPL. When this is not feasible every precaution should be taken to minimise the damage caused by submersion according to the following guidelines.

Fuel – Heating systems using gas or oil as a fuel should have a manually operated valve located in the fuel supply line to enable fuel cut-off.

Installation – The heating equipment and fuel storage tanks should be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks should be vented to an elevation of 600 millimetres above the FPL.

Ducting – All ductwork located below the FPL should be provided with openings for drainage and cleaning. Self draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water-tight wall or floor below the FPL, the ductwork should be protected by a closure assembly operated from above FPL.

### **3. On-site Sewage Management**

All treatment tanks should be located outside the Overland Flow Path (1% AEP overland flow extent). Electrical and Mechanical Equipment should be as per section 2 above. Effluent Disposal area should be located in accordance with council's On-site Sewage Management Policy (On-site Sewage Management and Greywater Reuse Policy, June 2007).

## 3.6 Flood Liable Lands - Rural Overland Flow

### A. Background

#### General

The NSW State Government *Flood Prone Land Policy* assigns the management of flood prone land, to local government. The *Floodplain Development Manual 2005(FDM)* has been prepared by the Government to guide Councils in the implementation of the Policy. The Manual requires Councils to consider local overland flooding as well as mainstream flooding. Council undertook the Overland Flow Flood Overview Study in the Penrith Local Government Area (LGA) and identified the flood extents in the rural areas. Flood Maps indicating the flood affected properties in rural area are available from Council.

This information provides property owners, designers, certifiers and other development stakeholders with an indication whether a property is affected by local overland flooding. In this way properties in rural area affected by local overland flooding may be developed / redeveloped in a manner consistent with the flood risk to minimise the flood hazard and flood related damages.

This section outlines some of Council's requirements for safeguarding against damage that can be caused by overland flooding. 'Flood Liable Lands, Rural - Overland Flooding' section is to be read in conjunction with the 'definition of terms' given in text boxes in section 3.5, Flood Liable Lands - Mainstream Flooding of this DCP.

#### Relevant Legislation and Regulation

In addition to this DCP the development on flood prone land is covered by NSW Government Flood Prone Lands Policy and FDM, the Environmental Planning and Assessment Act, 1979, and Regulations, and applicable

The **Australian Height Datum (AHD)** means a common national plain of level corresponding approximately to mean sea level.

The **Average Recurrence Interval (ARI)** means the long-term average number of years between the occurrence of a flood as big as or larger than, the selected event. ARI is another way of expressing the likelihood of occurrence of a flood event.

The **Boundary of Significant Flow** means the area of the overland flow path where a significant discharge of water occurs during overland flow. Should the area within this boundary be fully or partially blocked, a significant distribution of flows or increase in flow levels would occur.

The **Compensatory Works/excavations** means earthworks where material is excavated (or "cut") from one location in the overland flow path and placed (or "filled") at another location in the overland flow path, with no net importation of fill material, such that the volume available for storage of overland flow waters is not altered for all floods.

Environmental Planning Instruments (in particular Penrith LEP 2008), Regional Environmental Plans (REPs) and State Environmental Planning Policies (SEPPs) and other relevant development control plans and policies adopted by Council or the NSW Government.

## **B. Objectives**

In addition to the general objectives for water management, the objectives of this section are:

To minimise potential impacts of new development and redevelopment in areas affected by local overland flow;

To increase public awareness of the hazards and extent of land affected by local overland flow;

To inform the community of Council's plan for the use and development of land affected by local overland flow;

To reduce the risk to human life and damage to property caused by overland flow through controlling development on land affected by potential overland flows;

To provide controls and guidelines for the assessment of Development Applications (DA) lodged in accordance with the Environmental Planning and Assessment Act 1979 on land affected by local overland flow;

To provide guidelines, for the use and development of land subject to all overland flow, which reflect the probability of occurrence and the potential hazards within different areas;

To apply a "merit approach" to all development and building decisions, which takes into account social, economic, ecological as well as flooding considerations;

To deal equitably and consistently with applications for development on land affected by overland flows, in accordance with the principles contained in the Flood Prone land Policy and FDM, issued by the NSW Government.

## C. Controls

All development should be located outside the 1% AEP (100 year ARI) overland flow path wherever practicable. Where development cannot practicably be located outside the overland flow path, then this plan sets out the minimum criteria to manage overland flow risks. Where higher floor levels or standards can be readily achieved, it is recommended that they be used to further reduce the risks. The following controls apply to local overland flow extents of rural area as depicted upon the Maps (Refer to xxxxx) in this Plan.

### 1. Criteria for Determining Applications

The criteria for determining applications for proposals affected by overland flow are structured in recognition that different controls are applicable to different development types and levels of flood inundation and hazard. (Mainstream flooding needs to be addressed separately as specified in section 3.5 of this DCP.)

### 2. Development Types

Nine major *development types* have been adopted. The specific uses, as defined by the applicable Environmental Planning Instruments, which may be included in development types, are listed in Table 1.

Concessional Development is defined as:

(a) In the case of residential development:

A "one off" addition or alteration to an existing dwelling of not more than 30m<sup>2</sup> of the habitable floor area which existed at the date of commencement of this DCP.

(b) In the case of other development:

A "one off" addition to existing buildings of not more than additional 100m<sup>2</sup> or 10% of the floor area which existed at the date of commencement of this DCP (whichever is the lesser); or

A change of use which does not increase flood risk.

The **Conveyance** means a direct measure of the flow carrying capacity of a particular cross-section of a stream or stormwater channel. (For example, if the conveyance of a channel cross-section is reduced by half, then the flow carrying capacity of that channel cross-section will also be halved).

The **Flood Planning Level** means the 100 year overland flow level plus a free board of 0.5 metre throughout the rural areas, unless it is specified otherwise in Prescriptive Controls in Table 2.

The **Flood** means a relatively high stream flow which overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam, and/or local overland flooding associated with major drainage as defined by the FDM before entering a watercourse.



### 3. Prescriptive Controls

The primary objective of the prescriptive controls is to utilise the overland flood prone land appropriately as outlined in FDM. Development proposals in overland flood prone area are assessed against the prescriptive criteria to avoid approval of inappropriate proposals. Prescriptive controls manage and reduce overland flow risks, and reduce private and public losses resulting from overland flows.

Prescriptive controls contain objectives and performance criteria with the following purpose:

- i) The objectives represent the outcomes that the Council wishes to achieve from each control.
- ii) The performance criteria represent a means of assessing whether the desired outcomes will be achieved.

The prescriptive controls are preferred ways of achieving the outcome. While adherence to the prescriptive controls may be important, it is necessary to demonstrate that the objectives and the performance criteria are clearly satisfied.

#### a. Objectives

i) To ensure the proponents of development and the community in general are aware of the potential hazard and risk associated with the use and development of land within the overland flow path.

ii) To ensure critical and sensitive uses facilities developments are sited and designed such that they are subject to no or minimal risk from overland flow and have reliable access.

iii) Allow development compatible with the overland flow hazard to be located within the overland flow extent, subject to appropriate design and controls, provided that the potential consequences that could still arise from overland flooding remain acceptable having regard to the State Government's Flood Policy.

The **Flood awareness** means the appreciation of the likely effects of flooding and knowledge of the relevant flood warning and evacuation procedures.

The **Flood compatible building components** means a combination of measures incorporated in the design and/or construction and alteration of individual buildings or structures subject to flooding, and the use of flood compatible materials for the reduction or elimination of flood damage.

Flood Compatible Building Components - Guidance on suitable flood compatible components / materials is given in Table 3 and more details are given in the document "Reducing Vulnerability of Buildings to Flood Damage" prepared by the Hawkesbury-Nepean Floodplain Management Steering Committee. This document is available online at [www.ses.nsw.gov.au](http://www.ses.nsw.gov.au).

The **Flood prone land** (being synonymous with **flood liable**) means the area of land which is subject to overland flow inundation by the probable maximum flood (PMF).

- iv) Secure the conveyance and storage capacity of major flow paths and water courses.
  - v) To ensure that design and controls required to address the overland flow hazard do not result in unreasonable impacts upon the amenity or ecology of an area.
  - vi) To minimise the risk to life by ensuring the provision of appropriate access from areas affected by overland flow.
  - vii) To minimise the damage to property, including motor vehicles, arising from overland flow.
  - viii) To ensure that proposed development does not expose existing developments to increased risks associated with overland flow.
- b) Performance Criteria
- i) The proposed development should not result in any increased risk to human life.
  - ii) The critical and sensitive uses and facilities should only be located where reliable access is available from the site to the broader road network.
  - iii) Development should not detrimentally increase the overland flood effects on other development or properties either individually or in combination with the cumulative impact of development that is likely to occur in the overland flow path.
  - iv) The development should not compromise the conveyance and storage capacity of major flow paths and water courses.

The **Freeboard** means a provision of a reasonable certainty that the risk exposure selected in deciding on a particular flood chosen as the basis for a FPL is actually provided. It is a factor of safety typically used in relation to the setting of flood levels, levee crest levels, etc. (as specified at Section K5 of the FDM). Freeboard is included in the flood planning level.

The **Habitable floor area** means:  
In a residential situation: a living or working area, such as a lounge room, dining room, rumpus room, kitchen, bedroom or workroom;  
In an industrial or commercial situation: an area used for offices or to store valuable possessions susceptible to flood damage in the event of a flood.

The **Hazard** means a source of potential harm or a situation with a potential to cause loss. In relation to this plan, the hazard is flooding which has the potential to cause harm or loss to the

The **Hydraulic hazard** means the hazard as determined by the provisional criteria outlined in the FDM in a 100 year flood event.

The development controls apply to all rural land subject to overland flow as mapped up to PMF level. The controls reflect the land use and the severity and frequency of flows. The controls applying to rural overland flood extent are depicted on the planning matrix contained in Table 2. These controls set out minimum criteria to manage overland flow risks. Where

higher levels or standards can be readily achieved, it is recommended that they be used to further reduce the risks. Prescriptive controls in the matrix are structured based on eight criteria. They are:

- Floor level
- Building component and Methods
- Structural soundness
- Flood effects
- Access, car parking and driveways
- Evacuation
- Management and design
- Fencing.

The **Hazardous Material** also called **dangerous goods**, means solids, liquids, or gases that can harm people, other living organisms, property, or the environment. They are often subject to chemical regulations. Dangerous goods include materials that are radioactive, flammable, explosive, carcinogenic, corrosive, oxidizers, toxic, pathogen or allergen substances and organisms. Some examples are insecticides, pesticides, paint, solvents, motor oil and coolants. Also refer to C3.2 sub section 5 of Draft ERP 2009.

#### 4. Overland Flow mapping

The overland flow maps indicating flood extents of 1% AEP (100 year ARI) and PMF are attached in ????. These extents have been terminated at flow depths less than 150 mm.

The **Local overland flooding** means inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.

#### 5. Flood Planning level

The 100 year ARI (1% AEP) overland flow level plus a free board of 0.5 m has been selected as the Flood Planning Level throughout the rural areas unless it is specified otherwise in the prescriptive controls in Table 2 of the Plan. The Flood Planning Level is 100 year overland flow level plus a free board of 0.5 m for majority of Development Types.

#### 6. Filling of overland flow flood liable land

In general, filling and regrading in an overland flow path is not supported. If filling and

regrading are to be considered a report may be required from a suitably qualified civil engineer to certify that the development will not increase overland flow effects elsewhere. This report should address the cumulative impacts of similar developments in the overland flow path.

### 7. Landscaping

Any proposed landscaping in the overland flow path should not adversely affect the overland flow path.

### 8. Other Considerations

When assessing proposals for development or other activity within the area to which this Plan applies, the other relevant matters of the DCP should be taken into consideration.

### 9. Submission requirement

Each proposed development would have site-specific development constraints and the Development Applications will be treated on their individual merits. Applications must include information that addresses all relevant controls listed above, and the following matters as applicable.

Applications for Concessional Development (see Table 1) to an existing dwelling on overland flow flood-prone land shall be accompanied by documentation from a registered surveyor confirming existing floor levels.

Development Application affected by this Plan shall be accompanied by an Australian Height Datum (AHD) Survey, prepared by or under the direction of a Registered Surveyor, over the whole of the property as well as areas outside the site boundaries in the general direction (either upstream and/or downstream as required) of the overland flows. The survey must define existing buildings/structures and/or proposed buildings/extensions (including fences), with existing and proposed floor levels

The **Merit approach** means an approach, the principles of which are embodied in the FDM which weighs social, economic, ecological and cultural impacts of land use options for different flood prone areas together with flood damage, hazard and behaviour implications, and environmental protection and well being of the State's rivers and floodplains.

The **Overland Flow Path** means the extent of overland flow up to 1% AEP as indicated in flood maps for application of this Plan.

The **Suitably qualified civil engineer** means a civil engineer who is included in the National Professional Engineers Register, administered by the Institution of Engineers Australia.

indicated. The survey must be sufficiently detailed to accurately define the overland flow path.

For developments in critical locations or where an existing catchment based overland flow study is not available, an overland flow study and an overland flow path assessment should be prepared by the applicant. The assessment may require the use of suitable computer model to assess the pre and post developments overland flow characteristics including;

- water surface contours,
- velocity vectors,
- velocity and depth product contours, and
- full range of flood events for total development including all structures and works (such as revegetation/enhancements).

Where the controls for a particular development proposal require an assessment of structural soundness during potential overland flows, the following impacts must be addressed:

- i) hydrostatic pressure,
- ii) hydrodynamic pressure,
- iii) impact of debris, and
- iv) buoyancy forces.

Foundations need to be included in the structural analysis.

Although each proposal is assessed on its merits, certain building methods or development options are inappropriate in an overland flow path locality. Common contemporary building designs/practices may exacerbate the overland flow impacts if not carefully controlled.

#### **D. Other Relevant Information**

Council recommends that applicants seeking to address this issue should also refer to other relevant information including:

- NSW Governments *Flood Prone Land Policy* and associated *Floodplain Development Manual* (2005).

2.

**TABLE 1**  
**DEVELOPMENT TYPES**

<b>Critical Uses and Facilities</b>	<b>Sensitive Uses and Facilities</b>	<b>Infrastructure</b>	<b>Subdivision</b>	<b>Residential</b>
Community facility that may provide an important contribution to the notification or evacuation of the community during an overland flow flood events (e.g. SES Headquarters and Police Stations);  Hospitals; and  Nursing Homes.	Communication Facility;  Housing for Older persons or persons with a disability (or Aged and disabled persons' housing);  Institutions;  Educational Establishments;  Liquid fuel depot; and  Public utility (Including generating works) undertakings which are essential to evacuation during periods of flood or if affected would unreasonably affect the ability of the community to return to normal activities after flood events;  Resource recovery facility;  Schools;  Sewage treatment plants; and  Waste or resource management facility or transfer stations.	Acoustic Barriers;  Community facility (other than In Critical Uses and Facility);  Dams;  Drainage;  Environmental protection works;  Flood mitigation works;  Public utility undertakings (other than Sensitive Uses) and  Roads.	Subdivision of land that involves the creation of new allotments, with potential for further development.	Backpackers accommodation;  Bed and Breakfast accommodation;  Camping ground / Caravan Park site—long term sites only <sup>1</sup> ;  Dual occupancies  And secondary dwelling;  Dwelling houses  Farm stay accommodation;  Group homes;  Health consulting rooms;  Home based child care;  Home businesses;  Home Industries;  Home occupations;  Movable dwelling;  Ancillary development such as swimming pools, garages, garden sheds, rain water tanks, on site sewage management systems and carports; and  Utility installations (other than critical Utilities).

<sup>1</sup> As defined by the Local Government (Caravan Park and Camping Grounds) Transitional Regulation 1993.

<b>Commercial or</b>	<b>Tourist Related</b>	<b>Recreation or</b>	<b>Concessional</b>
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2.

Industrial	Development	Non – urban Uses	Development
Agricultural produce Industries; Animal boarding or training establishment; Aquaculture; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Crematoria; Electricity generating works; Extensive Agriculture; Extractive industries; Farm building; Farm forestry; Forestry; Funeral chapel; Information facilities; Intensive livestock agriculture (includes poultry farm, piggery. feedlot and restricted dairy); Intensive plant Agriculture (includes Horticulture, viticulture and turf farming) ; Kiosks; Light industry; Places of public worship; Public administration buildings; Restaurants; Roadside stalls; Rural supplies; Stock and sales yard; Veterinary hospital; and Water recreation Structures (includes Jetties, boat launching Ramps and other type of water recreation structures)	Camping ground / Caravan park site – Short term sites <sup>1</sup> Only.	Boat shed; Environmental facilities; Helipad; Marina; Mooring; Mining; Recreation areas (includes playground Areas for community sports activities, public parks / reserves / gardens); Recreation facility (indoor); and Recreation facilities (outdoor).	(a) Residential: (i) Residential development below Flood Planning Level (FPL); (b) Commercial and Industrial: (i) Commercial and industrial development below the FPL; or (ii) A change of use which does not increase flood risk.

<sup>1</sup> As defined by the Local Government (Caravan Park and Camping Grounds) Transitional Regulation 1993.



Table 2  
Rural Area affected by Local Overland Flow  
Planning and Development Controls

Risk Elements	Development Type									
	Critical Uses & Facilities	Sensitive Uses & Facilities	Infrastructure	Subdivision	Residential	Commercial & Industrial	Tourist Related Development	Recreation & Non Urban	Concessional Development	
General Notes	1 - 9	1 - 8	1 - 8	1 - 8	1 - 8	1 - 8	1 - 8	1 - 8	1 - 8	
Floor Level		3		7	2,6	5,6	2,6	1,6	4	
Building Components & Method		2			1	1	1	1	1,3	
Structural Soundness		2			1	1	1	1	1	
Access, Car Parking & Driveways	5	1,2,3,4		1,2,3	1,2,3,4	1,2,3,4	1,2,3,4	2,3,4	3,4,5	
Flood Effects		2,3	1,2,3	1,3	2,3	2,3	2,3	2,3	2,3	
Evacuation	1	1	1	1	1	1	1	1	1	
Management & Design	2,3,4	2,3,4		1	2,3,4	2,3,4	2,3,4	2,3,4	2,3,4	
Fencing	all	all	all	all	all	all	all	all		

Legend	Not Relevant	Unsuitable Development Type
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**General Notes**

1	All development should be located outside the 1% AEP (100 year ARI) <i>Overland Flow Path</i> wherever practicable. Where development cannot practicably be located outside the <i>Overland Flow Path</i> , then this policy sets out the minimum criteria to manage overland flow risks. Where higher floor levels or standards can be readily achieved, it is recommended that they be used to further reduce the risks.
2	The relevant environmental planning instruments (generally the Local Environmental Plan) identify development permissible with consent in various zones in the LGA. Notwithstanding, constraints specific to individual sites may preclude Council granting consent for certain forms of development on all or part of a site. This matrix identifies the issues to be addressed to determine the suitability of development associated with overland flow related risks.
3	Filling of the site, where acceptable to Council, may change the flood impacts considered to determine the controls applied in the circumstances of individual applications. Refer to sub section 6 of the Policy.
4	Prescriptive controls under the Risk Element, "Fencing", address the proposals involving only the erection of a fence. Any fencing that forms part of a proposed development is subject to the relevant section on Flood Effects and where appropriate Structural Soundness as well as prescriptive controls applicable to development type.
5	Terms in italics are defined in the text boxes of this policy and Table 1 specifies specific uses included in each development type. These specific uses are generally as defined within Environmental Planning Instruments applying to the LGA.
6	100 year and PMF flow levels refer to the overland flow levels within the overland flow flood extents mapped by Council. Flow depths less than 150 mm are excluded from the policy.
7	Where a Development Application and / or approval has elements critical to the management of the overland flow risk, then a Section 88B restriction may be required on the land to maintain the integrity and prohibit alteration of those elements.
8	The <i>Overland Flow Path</i> information is based on a broad-scale study of the whole Local Government Area. A more detailed investigation may be required for site specific flood/drainage study purposes.
9	Critical uses and facilities are to be located outside the PMF overland flow flood extent.

**Prescriptive Controls**

**Floor Level**

1	All floor levels to be no lower than the 100 year flow level unless justified by site specific assessment.
2	<i>Habitable floor levels</i> to be no lower than the <i>Flood Planning Level</i> .
3	<i>Habitable floor levels</i> to be no lower than the overland PMF flow level. Non-habitable floor levels to be no lower than the overland PMF flow level unless justified by a site specific assessment.
4	Floor levels to be no lower than the <i>Flood Planning Level</i> . Where it can be demonstrated that this is not practical, a lower floor level may be considered on merits. In these circumstances, the floor level is to be as high as practical, and no lower than the existing floor level.
5	The level of <i>habitable floor areas</i> to be equal to or greater than the <i>Flood Planning Level</i> . Where it can be demonstrated that this level cannot be practically achieved a merits assessment will apply.
6	Non-habitable floor levels to be equal to or greater than <i>Flood Planning Level</i> where possible unless justified by site specific assessment.
7	Demonstrate suitable building pad can be achieved in compliance with requirements applicable to future development.

**Building Components & Method**

1	All structures to have <i>flood compatible building components</i> below the <i>Flood Planning Level</i> .
2	All structures to have <i>flood compatible building components</i> below the overland PMF level.
3	For change of use of the existing buildings to be flood proofed to minimise the flood risk.

**Structural Soundness**

1	The structure shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including a <i>Flood Planning Level</i> . An engineer's report may be required.
2	The structure shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including PMF. An engineer's report may be required.

**Access, Car Parking and Driveways**

1	The minimum surface level of open car parking spaces or carports shall not be more than 150 mm below the 100 year overland flow level. In the case of garages, the minimum floor level shall be no lower than the 100 year overland flow level.
2	The driveway providing access between the road and parking space shall be not more than 250 mm below 100 year overland flow level other than where the road at the access point has more than 250 mm flow depth at crown during a 100 year flood; the driveway inundation depth shall be no greater than the road level depth. A drainage system shall be provided across the driveway to accommodate the overland flow, consistent with this policy.
3	If the driveway is elevated through the <i>Overland Flow Path</i> , then guide posts shall be provided to delineate the driveway location for the section below the 1% flow level.
4	Car parking areas accommodating more than 5 vehicles shall have warning signs indicating car park is subject to flash flooding and depth indicators where the flow depth is greater than 250 mm.
5	New car parking spaces and garages should comply with condition 1 above, however, where this is not practical, a lower level may be considered. In these circumstances, the level is to be as high as practical. Existing driveways need not to be adjusted.
6	Integrity of the road network access to the site for the Critical Use functions is to be considered. The access to Critical uses and facilities shall be above PMF overland flow level. <b>Note:</b> (1) A flood depth of 0.25m is sufficient to cause a small vehicle to float.

**Flood Effects**

1	Engineer's report required to certify that the development will not increase flood effects elsewhere, having regard to: (i) loss of <i>flood storage</i> ; (ii) changes in flow levels and velocities caused by alterations to the <i>flood conveyance</i> ; and (iii) the cumulative impact of multiple potential developments in the <i>Overland Flow Path</i> .
2	The flood impact of the development to be considered to ensure that the development will not increase flood effects elsewhere, having regard to (i) loss of <i>flood storage</i> ; (ii) changes in flow levels and velocities caused by alterations to the <i>flood conveyance</i> ; and (iii) the cumulative impact of multiple potential developments in the <i>Overland Flow Path</i> . An engineer's report may be required.
3	If a <i>Boundary of Significant Flow</i> has been defined, any development inside this area will not be permitted. <b>Note:</b> Even where a <i>Boundary of Significant Flow</i> and/or a <i>Flood Storage Area</i> have been defined, development outside these areas may still increase flood effects elsewhere and therefore be unacceptable.

**Evacuation**

1	To be considered where relevant.
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**Management and Design**

1	Applicant to demonstrate that potential development as a consequence of a subdivision proposal can be undertaken in accordance with this Policy.
2	Applicant to demonstrate that area is available to store goods above the <i>Flood Planning Level</i> .
3	All electrical and mechanical equipment shall be flood proofed, refer Table 3.
4	No storage of <i>hazardous materials</i> below overland PMF level.

**Fencing**

1	Any fencing within an <i>Overland Flow Path</i> requires a Development Application. The fence shall be designed, constructed and maintained to have no adverse effects on the <i>Overland Flow Path</i> .
2	Applicant to demonstrate that the fence would create no impediment to overland flow including consideration of debris build-up.
3	Fencing shall be adequately designed and constructed to withstand the forces of overland flow, debris and buoyancy with regard to the degree of flow risk of the site or collapse in a controlled manner to prevent the undesirable impediment of flow. An engineer's report may be required.
4	Generally fencing within an <i>Overland Flow Path</i> will need to be open style rural fence, open pool type fence or hinged fence. Other forms of fencing may be considered based on merit.
5	Controls for Flood Effects will also apply.

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## 2 Waterside Estate - Acoustic Buffer

**Compiled by:** Paul Battersby, Senior Environmental Planner

**Authorised by:** Paul Grimson, Sustainability & Planning Manager

**Strategic Objective:** *We demonstrate leadership, and plan responsibly for now and the future*

**Strategic Direction:** *We build our future on the principles of sustainability, and understand and respond to the effects of climate change on our region*

**Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.**

### Executive Summary

Waterside is a new urban area located between Penrith Lakes and Cranebrook, currently being developed by Stockland. The estate comprises a residential area of some 700 dwellings on the northern part of the site and an employment area (Waterside Corporate) fronting the northern side of Andrews Road. Residential development commenced at Waterside in 2006.

Development within the employment zone fronting Andrews Road was originally envisaged to buffer houses on the southern portion of the residential estate from noise generated by industrial development on the southern side of Andrews Road.

Construction of housing is progressing on the northern part of the site and will need to move south to maintain the supply and delivery of housing. For a number of reasons, development in the employment zone has not and is not likely to commence in the short term.

Acoustic consultants engaged by Stockland and industry representatives (O-I Australia & Crane Metals) have recommended the construction of 'acoustic terrace housing' along the southern boundary of the residential estate as an alternative acoustic buffer to industrial noise. Development within the employment zone would not be required to act as an acoustic buffer. Nonetheless, it will make a positive contribution to the aural and visual amenity of the locality.

The parties acknowledge the suitability of the proposition in terms of acoustic compliance, design outcome, economic feasibility and estate delivery. The report recommends that Council agree to the suitability of this form of development and amend the Waterside section of Draft Penrith Development Control Plan 2008 to include this acoustic option.

Indicative concept plans of the proposed 'acoustic terrace housing' have been forwarded separately to Councillors.

### Background

Planning for the Waterside Estate (a new urban area located between Penrith Lakes and Cranebrook) has evolved in response to a number of on-site and surrounding physical characteristics, in particular, noise from nearby industrial development to the south of Andrews Road. Planning investigations culminated in the establishment of the 2(h) Residential Services zone along the southern edge of the site that envisaged a range of employment development to provide an acoustic, physical and visual buffer to residential development on the site. Subsequent acoustic analysis identified that the northern portion of

the site was not affected by industrial noise and could be developed for residential purposes ahead of employment development in the 2(h) Residential Services zone.

Residential development commenced at Waterside in 2006. However, for a number of reasons including estate staging and the recent economic downturn, employment development has and is not likely to commence in the short term. This delay impacts the timely and continued delivery of housing within the estate.

The developer, Stockland, in consultation with industry representatives (O-I Australia & Crane Metals) engaged acoustic consultants Day Design Pty Ltd and Benbow Environmental to develop and examine alternative acoustic attenuation measures to protect the aural environment of the Waterside residential estate and ensure the continued operation and development of local industry. A Working Group comprising representatives from Stockland, O-I Australia, Crane Metals and Council staff was formed to overview the consultants' investigations, analysis and recommendations.

The acoustic consultants have completed their analysis and the Working Group has reviewed its recommendations.

### **Acoustic Attenuation Options**

The major sources of industrial noise in the locality are the O-I glass container manufacturing plant in Andrews Road, Crane Metals copper tube manufacturing plant in Castlereagh Road and the Penrith Sewerage Treatment Plant in Castlereagh Road. However, the dominant industrial noise impact at the Waterside estate is from the O-I plant.

The acoustic consultants have identified and examined the following opportunities for mitigating the impacts of industrial noise:

- Acoustic attenuation of the O-I building on the southern side of Andrews Road;
- Erection of 8m – 15m high buildings on the Waterside employment lands (the height of the buildings being dependant upon their specific location); and/or
- The construction of 10m high acoustic housing along the southern boundary of the Waterside residential area.

Each element was considered individually and in combination in an effort to optimise the acoustic benefit in an efficient, timely and cost effective manner. It should be noted however, all options require the construction of an acoustic barrier over Lake 1. Locating the barrier on the southern edge of the road bridge over Lake 1 is the preferred location as it minimises its height (10m) and maximises its setback (180m) to Andrews Road.

Stockland, O-I and Crane Metals are of the view that attenuation of the O-I building is not economically feasible, introduces unacceptable OH&S risks within the factory building and as it addresses noise emissions from O-I only it may restrict development potential within the wider industrial area. Options involving attenuation of the O-I building, whilst technically feasible, are not supported by industry, the developer or Council staff.

The parties acknowledge the technical ability of 10m-15m high buildings in the employment zone to satisfy the necessary acoustic criteria, but question the feasibility and/or timing for the delivery of employment development of that scale. Buildings of the required scale are normally associated with heavy industrial activities, business parks or logistics/distribution centres. Heavy industrial activities are normally associated with increased residential impacts, whereas business parks and logistic/distribution centres require larger estate size and more direct links to major transport (road & rail) infrastructure. The parties acknowledged that it is

unlikely that employment development of the required height and scale will be constructed on the site in the foreseeable future and concluded that it was inappropriate to rely on development in the employment zone to provide the required acoustic environment in the residential estate. However, it should be acknowledged that buildings in the employment zone will make a positive contribution to the amenity and aesthetics of the locality.

The Waterside residential masterplan makes provision for 2 and 3 storey multi-unit housing along the common boundary between the residential and employment components of the estate. Stockland engaged Hassell & Associates to examine the urban design implications of using this form of development to provide the necessary acoustic buffer for the broader residential estate. An acceptable design would need to provide an effective sound barrier in a building of suitable urban design and amenity. The indicative building concept (acoustic terrace housing) prepared by Hassell provides a 10m high masonry wall elevation to the employment zone, similar in presentation to traditional industrial tilt-up slab construction. The wall functions as the rear wall of the dwelling which has a traditional residential character and streetscape presentation to the residential estate. Where the wall extends between specific groups of buildings, such as across Lake 1, it would be constructed of material such as clear acrylic panelling so as not to be visually intrusive. The concept design demonstrates that acoustic attenuation can be provided in a built form of suitable urban design.

The acoustic consultants examined the built form concept and have confirmed the concept will provide the necessary acoustic amenity for occupants of the buildings and have specified the phasing of development to ensure the required outdoor acoustic environment is provided within the southern part (Stages 5 -9) of the residential estate.

The required phasing of development, essentially involves construction of the 'acoustic terrace housing', followed by successive east-west rows of free standing dwellings extending north towards the centre of the residential estate. The principle being that each building provides an 'acoustic shadow' for the following building.

The acoustic consultants indicate that residential development in Stage 5 of the estate can be developed independent of the primary noise barrier (acoustic terrace housing) along the southern boundary of the residential lands due to the distance away from the industrial noise sources. This stage will include the construction of 2.1-2.4m (transparent) acoustic fencing to the rear boundaries of the southern lots to ensure compliance with the outdoor noise criteria.

## **Conclusion**

Development within the employment zone fronting Andrews Road was originally envisaged to provide the required acoustic buffer from industrial development to the south of the Waterside Estate.

Construction of housing is progressing on the northern part of the site and will need to move south to maintain the supply and delivery of housing. For a number of reasons, employment development of the required height and scale is not likely to be constructed on the site in the foreseeable future.

Acoustic consultants engaged by Stockland and industry representatives (O-I & Crane Metals) have recommended the construction of 'acoustic terrace housing' as an alternative acoustic buffer to industrial development. Development within the employment zone will not be necessary to buffer industrial noise and provide the required acoustic environment within the residential estate. Nonetheless, it will make a positive contribution to the aural and visual amenity of the locality.

The parties acknowledge the suitability of the proposition in terms of acoustic compliance, design outcome, economic feasibility and estate delivery. Should Council agree to the suitability of this form of development, it will be necessary to amend the Waterside section of Draft Penrith DCP 2008 to include this acoustic option as a buffer to noise from industrial development to the south.

## **RECOMMENDATION**

That:

1. The information contained in the report on Waterside Estate - Acoustic Buffer be received.
2. Council amend the Waterside section of Draft Penrith Development Control Plan 2008 to include acoustic terrace housing as an option for providing the required acoustic buffer to industrial noise.
3. The delivery of housing in the Waterside Estate is to accord with the phasing strategy identified in Acoustic Report Number 2088-24M, dated 11 June 2009, prepared by Day Design Pty Ltd.
4. Stockland Developments, O-I Australia and Crane Metals be advised of Council's decision.

## **ATTACHMENTS/APPENDICES**

There are no attachments for this report

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## A CITY OF OPPORTUNITIES

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3 Penrith Business Alliance Limited Business Plan	29







### 3 Penrith Business Alliance Limited Business Plan

**Compiled by:** Paul Battersby, Senior Environmental Planner

**Authorised by:** Paul Grimson, Sustainability & Planning Manager

**Strategic Objective:** *We play an active role in our communities*

**Strategic Direction:** *Our capacity and wellbeing is enhanced through the support of collaborative networks and partnerships*

**Presenters:** Paul Brennan - Chair, Penrith Business Alliance Limited  
Bijai Kumar - CEO, Penrith Business Alliance Limited

#### Executive Summary

Council's vision for Penrith is one of a sustainable and prosperous region with a harmony of urban and rural qualities. Continued and sustainable economic growth is a key component in the delivery of this vision. The Penrith Business Alliance Limited (PBA) is one of the principal delivery vehicles for meeting this challenge.

The PBA Business Plan focuses on the strategic imperatives required to attract the investment and employment opportunities necessary to promote the growth of Penrith as a Regional City. The Plan identifies specific actions to achieve the strategic imperatives. The report recommends that Council agree to the Business Plan.

Paul Brennan, Chairman and Bijai Kumar, Chief Executive Officer of the PBA will be in attendance to present the Alliance's 2009 – 2010 Business Plan.

A copy of the PBA Business Plan is included in the attachments to the Business Paper.

#### Background

Council is aware that the Penrith Valley Economic Development Corporation was reviewed and a new model developed in 2009.

A new Board was formed with broad representation from a range of key employment and development sectors. Council's representatives on the Board are Councillors Jim Aitken OAM and Ross Fowler OAM, and Director – Craig Butler.

The Board has elected Paul Brennan as Chair, appointed Bijai Kumar as Chief Executive Officer and chosen Penrith Business Alliance Limited (PBA) as the new name of the entity. The PBA mission is: *“To promote sustainable economic growth for Penrith as a Regional City through innovation, strategic alliances, enterprise development and investment attraction.”*

The PBA is funded from:

1. A transfer of funds previously allocated to Council's Economic Development department;
2. A special rate targeted at economic development; and
3. Future developer contributions.

1 & 2 above total \$616,780 in 2009-2010.

The deliverables required in return for this funding are broadly outlined in a Deed of Agreement between Council and the PBA, with a particular focus on the creation of 40,000 jobs by 2031. The Deed requires the preparation of an annual Business Plan and its submission to and agreement by Council.

Council considered a report on the establishment of the PBA at the Policy Review Committee Meeting of 16 November 2009 and it resolved to provide initial funding of \$308,390 and requested a further report on the PBA 2009 -2010 Business Plan.

### **PBA Business Plan**

The Deed of Agreement with Council requires the PBA to prepare a Business Plan identifying its strategic directions, programs, projects, initiatives, performance measures and budget that will promote and lead to achieving jobs in the City.

The PBA Business Plan focuses on the following 6 key strategic imperatives for the City:

- *Establish and market Penrith Business Alliance as the first port of call for investment and development in the Penrith Valley Region.*

The PBA will undertake a regional and national advertising and promotional campaign to establish the PBA brand, its role and aims. This will reinforce Penrith as a focal point for regional business and business services, employment, logistics and government investment.

Priority actions include creating an enhanced “doing business and investing in Penrith” webpage on the PBA website and creating appropriate mutual links with Council, government agencies and other partners.

- *Promote the region’s differential advantages (lifestyle, employment and business opportunities)*

Pursuing this imperative will strengthen Penrith’s attraction as a ‘liveable city’. It will boost the long term economic sustainability and high value employment opportunities within the city. Specific actions include preparation of a high quality investment prospectus that outlines the investment and business services opportunities in the city and Penrith’s attractions as a ‘liveable city’.

- *Proactively influence government and its agencies to invest in the Region*

This imperative would see the PBA work through existing and new political channels to influence government policy for relocation of agencies to Penrith and promotion of the ‘Penrith Economic Corridor’ concept. A specific action will be to promote the concept of a “green industry/technology” sector as a key differentiator for Penrith Regional City.

- *Assist businesses to invest and become established in the Region.*

The PBA will engage with Industry and Investment NSW, Austrade, commercial real estate agents [Sydney and national] and other organisations such as Property Council to identify and establish new and diverse employment opportunities in the city. Specific actions include regular investor forums to promote the benefits of the City and working with landowners to support major developments that contribute to employment in the City and the Region.

- *Actively assist businesses to remain and grow in the Region.*

One of Penrith's great resources is the strong and diverse base of existing small and medium businesses. The PBA will facilitate assistance to businesses in retaining and enhancing their competitiveness. This will increase local capacity, income, employment and export growth [both national and international]. A specific action is to support the Penrith Valley Chamber of Commerce in efforts to revitalise existing industrial estates such as Dunheved.

- *Provide high-level, expert advice to Penrith City Council on matters impacting on economic development and job creation.*

The PBA will develop a close working relationship with Council and share both the knowledge and responsibilities for creating a vibrant local economy and meet the job targets established by Council. The PBA will keep Council informed of the development opportunities in the City and create awareness of critical impediments and roadblocks to development. The PBA will support Council's efforts and advocacy to attract government funding and support for infrastructure development, transformation of the Town and City Centres and development of the Penrith Lakes Scheme.

Priority actions include:

- Facilitating a study to establish the economic feasibility of development opportunities [business services, commercial, government agencies etc] in the Penrith City Centre and other key precincts;
- Developing a Penrith City Centre investment prospectus and a strategy to attract government and major business services and commercial developments in the CBD using, as appropriate, outcomes of the above study; and
- Facilitating consultations with key developers, landowners and major businesses on the Penrith Local Plan Stage 2 for the Penrith City Centre with a view to strengthening the economic feasibility of development opportunities.

The Deed of Agreement requires that performance against the Business Plan be reported to Council in association with a request for funding in the 2010 – 2011 year.

### **Conclusion**

The PBA Business Plan has been reviewed and appropriately reflects the functions which are required of the PBA through the Deed of Agreement with Council.

### **RECOMMENDATION**

That:

1. The information contained in the report on Penrith Business Alliance Limited Business Plan be received.
2. Council agree to the 2009 – 2010 Penrith Business Alliance Limited Business Plan.

### **ATTACHMENTS/APPENDICES**

1. Penrith Business Alliance Limited 2009 - 2010 Business Plan 13 Pages Attachment

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## A GREEN CITY

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4 Swimming Pool Safety Awareness Programme	35





#### **4 Swimming Pool Safety Awareness Programme**

**Compiled by:** Steve Barratt, Building Regulatory Coordinator

**Authorised by:** Paul Lemm, Development Services Manager

**Strategic Objective:** *We use our resources wisely, and take responsibility for our levels of consumption*

**Strategic Direction:** *The City's ecological footprint is reduced*

#### **Executive Summary**

A report was presented to the Policy Review Committee on 7 December 2009 which examined the feasibility of implementing a programme to ensure that swimming pool barriers were being maintained on existing properties so that they are child safe. This report is attached in Appendix No. 1.

At this meeting it was resolved that:

- “A program to raise the awareness of pool owners in regard to their responsibilities for maintaining barriers around their pools be implemented; and
- A further report is brought back detailing length and breadth of the intended educational awareness program and the associated cost of the program”.

This report recommends that the information regarding the Swimming Pool Safety Awareness programme be received.

#### **Safety Awareness Initiatives**

While the Swimming Pool Safety Awareness Programme recognises the importance of well maintained barriers around swimming pools, of equal importance is active adult surveillance of the pool area, acquiring swimming skills at an early age and cardiopulmonary resuscitation (CPR) training.

#### **Current Activities**

The following actions have been taken to raise pool safety awareness:

- The Mayoral Column in the local press has included a safety message;
- A comprehensive checklist for Council staff and pool owners has been developed to highlight any non-complying features in swimming pool fences;
- Improvements have been incorporated in Council's web page (refer <http://www.penrithcity.nsw.gov.au/index.asp?id=600> ). These improvements include links to the amended legislation, updates of the frequently asked questions in regards to requirements for approvals and pool barriers and includes information developed by the Department of Local Government in regards to swimming pool laws and a simplified checklist.

Emails were sent to local real estate agents and property managers (47), solicitors (25) and pool suppliers (24). These emails highlighted Council's concerns about the hazards that can result from the lack of proper fencing, supervision and training and drew to their attention the checklist for evaluating any "non-compliances". The assistance of agents, solicitors and pool suppliers was sought in reducing the risk of child drownings in pools. It was suggested that agents and solicitors should distribute the checklist to their clients, encourage the clients to visit Council's web page for more information and seek a pool safety compliance certificate from Council when properties are sold or where there are concerns about the adequacy of the pool barriers. The pool suppliers were advised that all pools that are capable of holding 300mm or more of water require fencing, even if they are inflatable or collapsible. The suppliers were also provided with the checklist, web page address and contact details if their customers required further information.

Last year Council officers conducted a workshop regarding approvals and swimming pool barriers for Department of Housing staff operating from the Penrith office. A further presentation on changes to the swimming pool legislation and Australian Standards was delivered to the annual conference of the Australian Institute of Building Surveyors. The presentation provided information so that Building Surveyors across the state can participate in reducing drownings and near drownings. This is considered to be a particularly important initiative as last year 10 of 19 drownings in swimming pools across Australia occurred in NSW.

### **Future Initiatives**

It is proposed that learn-to-swim classes and CPR training will be promoted in the ongoing evolution of this program. Similar activities have been undertaken in the past. Child and water safety organisations and local swimming pool operators will be contacted to formulate an effective implementation of the promotion programme. This issue will continue to be promoted in the local media and at relevant opportunities, the State Government will be lobbied to support Local Government in raising swimming pool safety awareness programmes.

### **Costs**

The initiatives undertaken to date have not involved additional costs. As the programme evolves costs may arise due to direct support of promotions or training events and providing resources to facilitate these activities. Funding issues will be addressed as future promotion programmes are developed.

### **RECOMMENDATION**

That the information contained in the report on Swimming Pool Safety Awareness Programme be received.

### **ATTACHMENTS/APPENDICES**

1. Report to Policy Review Committee Meeting of 7 December 2009 3 Pages Appendix



## 5 Swimming Pools Register and Compliance System

**Compiled by:** Steve Barratt, Building Regulatory Coordinator

**Authorised by:** Paul Lemm, Development Services Manager

**Requested By:** Councillor Robert Ardill

**Strategic Objective:** *We use our resources wisely, and take responsibility for our levels of consumption*

**Strategic Direction:** *We respond to the impacts of climate change on Council's assets and workplaces*

### Executive Summary

This report has been prepared in response to a request from Councillor Robert Ardill in regard to the feasibility of developing a register of swimming pools in the Penrith Local Government Area (LGA). The report recommends an education program to raise the awareness of pool owners regarding their responsibilities towards pool safety be implemented.

At the Council meeting held on 12 October 2009, Councillor Ardill requested that a report be prepared for Council to consider the implementation of a register for backyard pools. This register would be used to ensure that the fencing of swimming pools remains compliant. It was requested that a certificate based approach using contractors to undertake fencing inspections, be investigated.

In a submission prepared in response to the State Government's invitation to comment on the proposed changes to the Swimming Pools Act, it was suggested that like the current system of ensuring that fire safety systems in buildings are maintained, a similar system could be adopted for swimming pool safety barriers.

This would involve the development of a database from existing approvals for swimming pools and by using aerial photographs for others. Pool owners could then be invited to submit compliance statements completed by accredited contractors on a regular basis. The database would be utilised to send reminder letters to pool owners to submit the compliance statement and to educate them with information sheets about pool safety issues. We also suggested that a certificate of compliance for the pool be obtained when properties were sold and that this certificate form part of the conveyancing documents provided to new owners of the properties.

Recent amendments to the Swimming Pools Act have not adopted the suggestions in our submission. There are no requirements for registers or an inspection program for existing pools and we currently undertake inspections of pools that are being constructed to ensure that they comply with the fencing requirements before they are ready for use. This does not alter Council's current compliance program.

## **Amendments to Legislation**

On 27 November 2009, amendments to the Swimming Pool Act were enacted by the NSW Parliament. These amendments:

- Remove automatic exemptions for providing full isolation fencing around swimming pools for large (two hectares and over), small (less than 230m<sup>2</sup>) and waterfront properties. If there are specific circumstances that justify an exemption from these requirements such as the need for disability access, pool owners must apply to Council for a specific exemption based on the merits of the case. The removal of the automatic exemption will operate from 1 July 2010
- Increase the maximum on-the-spot fine for pool owners if their backyard pool fence fails to meet safety requirements from \$220 to \$550 with the maximum court-imposed penalty increasing from \$1100 to \$5500
- Allow Councils to urgently fix pool fencing where there is an immediate risk to public safety and the owner either refuses or is unable to do the work. Council must serve a notice of its intention to do the work and must seek the concurrence of the occupier before undertaking the work. The Council may recover any reasonable costs
- Require investigation by Councils of any complaint received about a potential breach of backyard pool safety. The investigation must be commenced, as far as is practicable, within 72 hours of receipt of the complaint. The only exemption to this is if the complaint is vexatious, misconceived, frivolous or lacking substance
- Prohibit Councils from issuing a direction on a pool owner unless a notice of its intention to serve the direction has been served on an owner at least 14 days before issuing the direction. The only exemption to this is when the Council considers that the safety of a person would be at risk

The Government will also be examining ways to have pools that currently have exemptions from four sided fences, such as those built prior to 1990, to become compliant in the future.

It is difficult to contemplate any circumstances where a non-complying pool safety barrier would not constitute a risk to the safety of a person. It is therefore expected that very few notices of intention to serve a direction will be issued. Regardless, the requirements of the legislation will be observed in any decision to serve a notice or direction.

At this stage, the Government considers that a mandatory registration and inspection program for pools is not warranted due to the cost that this would impose on pool owners. If the registration and inspections are not mandatory cost recovery for the service is not available and the effectiveness is questionable. Further the amendments to the Act do not permit cost recovery for a pool registration or inspection program.

The decision not to have mandatory registration and inspection implies that the Government considers that the pool owners are responsible to ensure that their pool fencing is compliant. Council could support these owners by using the local media and internet to inform them of the current pool fencing requirements. The information on Council's web page is being updated to reflect the changes to the legislation and will be available for the implementation of any awareness raising program.

The changes to the fencing requirements are not retrospective. Enforcement action can only require that pool fencing complies with the standards that were in force at the time that the pool was built or approved.

### **Financial considerations**

The development of a database for a swimming pool register could be accommodated on Council's current computer system without additional licensing fees. Resourcing would be needed to document and build the system, identify properties with pools, enter these properties on the system, contact property owners and update the database.

Given that there are at least 20,000 pools in the Penrith LGA and that normally an average of three inspections would be required to secure compliant fencing, this would be a major undertaking. Cost recovery for the development and maintenance of the database is not available.

### **Conclusion**

The development of a contemporary swimming pools register would provide an efficient means of educating pool owners regarding potential hazards and their responsibilities in regards to the maintenance of pool safety barriers. It is unlikely that pool owners would volunteer to engage contractors to prepare compliance statements for submission to Council.

Council officers could use the register to progressively undertake compliance audits of pools. To be effective, this would require significant resourcing.

The costs involved in developing and implementing this proposed program are not included in the current budget. The State Government has announced that a mandatory registration and inspection program for swimming pools will not be included in the new Swimming Pools Act. Recovery of costs is not available.

While it is recognised that the proposed pools register has merit, it is not sustainable due to the lack of an avenue to recover costs from pool owners. An alternative option is to implement an awareness program to pool owners.

### **RECOMMENDATION**

That:

1. The information contained in the report on Swimming Pools Register and Compliance System be received.
2. A program to raise the awareness of pool owners in regard to their responsibilities for maintaining barriers around their pools be implemented.

## **A LIVEABLE CITY**

There were no reports under this Delivery Program when the Business Paper was compiled

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## **A VIBRANT CITY**

There were no reports under this Delivery Program when the Business Paper was compiled



**COMMITTEE OF THE WHOLE  
DELIVERY PROGRAM REPORTS**

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**Other Interests**

**Monday March 8 2010**

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## **1 Presence of the Public**

Everyone is entitled to attend a meeting of the Council and those of its Committees of which all members are Councillors, except as provided by Section 10 of the Local Government Act, 1993.

A Council, or a Committee of the Council of which all the members are Councillors, may close to the public so much of its meeting as comprises:

- (a) the discussion of any of the matters listed below; or
- (b) the receipt or discussion of any of the information so listed.

The matters and information are the following:

- (a) personnel matters concerning particular individuals;
- (b) the personal hardship of any resident or ratepayers;
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;
- (d) commercial information of a confidential nature that would, if disclosed:
  - prejudice the commercial position of the person who supplied it; or
  - confer a commercial advantage on a competitor of the Council; or
  - reveal a trade secret.
- (e) information that would, if disclosed, prejudice the maintenance of the law;
- (f) matters affecting the security of the Council, Councillors, Council staff or Council property;
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.

The grounds must specify the following:

- (a) the relevant provision of section 10A(2);
- (b) the matter that is to be discussed during the closed part of the meeting;
- (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a

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trade secret) an explanation of the way in which discussion of the matter in open meeting would be, on balance, contrary to the public interest.

Members of the public may make representations at a Council or Committee Meeting as to whether a part of a meeting should be closed to the public

The process which should be followed is:

- a motion, based on the recommendation below, is moved and seconded
- the Chairperson then asks if any member/s of the public would like to make representations as to whether a part of the meeting is closed to the public
- if a member/s of the public wish to make representations, the Chairperson invites them to speak before the Committee makes its decision on whether to close the part of the meeting or not to the public.
- if no member/s of the public wish to make representations the Chairperson can then put the motion to close the meeting to the public.

The first action is for a motion to be moved and seconded based on the recommendation below.

## **RECOMMENDATION**

That:

### *A Leading City*

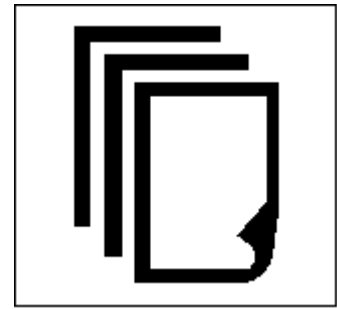
#### 2 Council Property - Cranebrook Village Shopping Centre

*This item has been referred to Committee of the Whole as the report refers to commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*



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# ATTACHMENTS



Date of Meeting: Monday 8 March 2010

Delivery Program: A City of Opportunities

Issue: We play an active role in our communities

Report Title: Penrith Business Alliance Limited Business Plan

Attachments: Penrith Business Alliance Limited 2009 - 2010 Business Plan





## **Business Plan Priorities**

### **Strategic Imperative 1:**

*Establish and market Penrith Business Alliance as the first port of call for investment and development in the Penrith Valley Region*

### **Strategic Intent [as per Strategic Plan]**

Our new branding and targeted promotional efforts will ensure that the organisation is positioned as a one stop shop for business and investment enquiries. We will work collaboratively with investors and businesses to facilitate their development and business enquiries in a supportive environment that builds confidence and respect for our professionalism and dedication. We will build a strong knowledge base and recruit staff who have the experience to provide strategic business advice and leverage support for business development programs. We will develop strong and mutually rewarding networks and use them to represent the issues, challenges and needs of businesses and investors in a variety of forums as the voice of Penrith business.

### **Target**

Promote and market Penrith and the region to potential businesses, professionals, the investor community and relevant government agencies

### **Strategy**

Marketing, branding and partnerships

### **Outcomes**

Strong brand recognition and raised local profile, market perception, market opportunities, penetration within the investment community and tourism activity including major events. Results in the reinforcement of Penrith as a focal point for regional business and business services, employment, logistics and government investment. PBA partners work in unison and leverage their strengths and resources towards common objectives.

### **Priority Actions**

- *Positioning*
  - Undertake a regional and national advertising and promotional campaign to establish the PBA brand, its role and aims
  - Promote PBA as the city's one stop shop for all business and investment enquiries
  - Work with partners both business and government and relevant industry bodies to promote the PBA brand and its role

- Create an enhanced “doing business and investing in Penrith” webpage on the PBA website and create appropriate mutual links with Council, government agencies and other partners.
- Contribute to initiatives [ by WSROC and others] to rebrand and market Western Sydney to develop a positive image based on its economic successes and growth
- *Research and Intelligence*
  - Coordinate collection of market, statistical and competitor information, including property cycle and property market trend to be analysed, updated and distributed on a quarterly basis
  - Gather research and investment specific information for each targeted investor
  - Acquire the most contemporary analytical tool to facilitate economic and industry sector analysis
  - Provide regular economic, statistical and contemporary business services information to local businesses and business advisors.

**Key PBA Partners**

- BEC, Chamber of Commerce, UWS, TAFE and Nepean Teaching Hospital
- City and Town Centre Associations
- WSROC
- Industry and Investment NSW
- Enterprise Connect
- Austrade
- Regional Development Australia
- Local developers and major businesses
- Commercial real estate agents
- NSW Business Chamber
- Australia India Business Council
- Local Banks

**Budget**           \$30,000



## **Strategic Imperative II**

*Promote the region's differential advantages (lifestyle, employment and business opportunities)*

### **Strategic Intent [as per Strategic Plan]**

The foundation of Penrith's modern economy is our unique quality of life that arises from our urban-rural interface gifting us abundant and accessible open space; our natural setting on the foothills of the Blue Mountains; our learning, medical and cultural institutions; and a true sense of community. As a Regional City we have an economic catchment that will progressively build up to one million people and provide exciting new opportunities for existing and new businesses. We have both affordable housing and executive housing that will meet the needs of the most discerning. While our industry is diverse and our labour force highly skilled we need a range of business services, high quality retail outlets and recreation and government services to elevate Penrith as a Regional City and provide greater local job choices for our residents. Our focus will be centred around identifying and creating unique business and investment opportunities in the Penrith City and St Marys Town Centres.

### **Target**

Businesses, investor community, professionals, workers in the region and residents of the Penrith economic catchment

### **Strategy**

Promotion of our competitive advantages and support for key industry sectors and events

### **Outcomes**

Strengthening of Penrith's attraction as a liveable city with a range of "soft" attributes adding to our economic credentials and competitive advantages. Long term economic sustainability and high value employment opportunities arising from a more diversified and robust economic base and strengthening of local supply chains

### **Priority Actions**

- Develop a high quality investment prospectus that outlines the investment and business services opportunities in the city and Penrith's attractions as a liveable city
- Undertake industry cluster studies and develop industry development plans for key priority sectors including emerging [green etc] and knowledge based industries and define value propositions for target audience within priority sectors
- Explore the viability of a family cooking show in partnership with TAFE; TVS and UWS [There is in strong in principle support from partners for the show].

- Work in partnership with council and the centre associations to develop a events based tourism development strategy to attract major events and grow regional tourism.
- Develop a competition to seek ideas from local businesses, students and residents on creating increased economic activity in the city and town centres

### **Key PBA Partners**

- Penrith City Council
- Developers
- Centre Associations
- Panthers, Muru Mittigar , Penrith Lakes, Log Cabin, JSPAC etc

**Budget** \$60,000

### **Strategic Imperative III:**

*Proactively influence government and its agencies to invest in the region*

### **Strategic Intent [as per Strategic Plan]**

We recognise that economic development agendas have long term horizons and require the community to work in unison if structural changes are to occur and result in sustainable growth and job opportunities. It requires establishing priorities in all areas that will facilitate speedy growth and development and being proactive in engaging with Government to ensure that our priorities are built into their plans for the region. We will ensure that the community, business leaders and most importantly senior bureaucrats and government leaders are fully informed of our priorities and take a strong interest in the development opportunities in the city and the region.

### **Target**

Relevant State and Commonwealth government departments, agencies and leaders and regional councils and WSROC

### **Strategy**

Intergovernmental coordination and support for economic development of Penrith Regional City

### **Outcomes**

An enhanced understanding by government of the imperatives driving a regional city and the need for economic diversity to create and support a healthy economic system with the city and town centres at its core. Increased success in securing government resources to support local business development and employment initiatives and planning and developing a more compact, high density and efficient city that engenders and contributes towards a strong “sense of place”.

### **Priority Actions**

- Work through existing and new political channels to influence government agency policy for relocation of agencies in Penrith [ Also see Strategic Imperative VI]
- Develop and promote to government the concept of a Penrith Economic Corridor based on the potential to attract new investment and jobs to the city
- Promote the concept of a “green industry/technology” zone as a key differentiator for Penrith Regional City

### **Key PBA Partners**

- Penrith City Council
- Industry and Investment NSW
- Regional Development Australia
- DEWER
- NSW Premier’s Office [Western Sydney]
- Office of the Minister of Western Sydney
- Federal Member for Lindsay and other local state and federal members

**Budget**     \$30,000

## **Strategic Imperative IV:**

*Assist businesses to invest and become established in the Region*

### **Strategic Intent [as per Strategic Plan]**

Attracting new business investment into the City represents another key component of our economic plan. New businesses create new job opportunities, help diversify the economic base and create new supply chain opportunities. They need well serviced and competitively priced land; skilled workers; business and trade services; and good transport links and amenities including public transport for their workers to consider relocating or establishing a new operation. As a Regional City expected to accommodate future housing needs of Sydney, Penrith will continue to attract people with a wide range of skills and professionals needed to support new business development. The City already faces a major exodus of its workers to other centres to jobs that match their skills profiles and has ready access to knowledge workers who live in the lower Blue Mountains. We have a good supply of competitively priced industrial land and a Council that is supportive of good quality developments. We will support landowner initiatives and utilise their networks to promote the city and its attributes to attract new investment. We will also encourage Council to recognise that major developments particularly in the Centres will require some degree of participation or collaboration by various levels of government.

### **Target**

The investor community- commercial real estate agents, developers, local property owners, banks, organisations such as the NSW Property Council and Australia-India Business Council and Industry and Investment NSW

### **Strategy**

Business and investment attraction program targeting key business levers [eg the green industry]

### **Outcomes**

Increased and new employment opportunities, industry diversification and economic growth. Council's employment lands strategy is aligned to the broader economic development needs of the city and its planning policies are accommodating of new emerging industries and development needs of the Centres.

### **Priority Actions**

- Engage with Industry and Investment NSW, Austrade, commercial real estate agents [Sydney and national] and other organisations such as Property Council to establish linkages with the investment community
- Facilitate in partnership with organisations such as the Property Council and Industry and Investment NSW, regular investor forums and tours and market widely to Sydney audience

- Identify fringe CBD tenants in priority industries who do not need a CBD profile and promote to them the benefits of relocating in Penrith
- Work with Council to identify new opportunities for more land to be zoned for employment purposes and as appropriate seek support for review of landuses to ensure they are supportive of the needs of e merging [knowledge based industries] and enterprise/technology parks
- Work with developers and major landowners such as Penrith Lakes, Panthers, Council and UWS to support major developments that have a big impact on employment in the city and the region.

**Key PBA Partners**

- Penrith City Council
- Industry and Investment NSW
- Local developers and major landowners
- NSW Property Council

**Budget:** \$40,000

## **Strategic Imperative V:**

*Actively assist businesses to remain and grow in the Region*

### **Strategic Intent [as per Strategic Plan]**

One of Penrith's great resources is our strong and diverse base of existing businesses. Small and medium businesses (SMEs), in particular, are a centerpiece of our economic plan as the expansion of existing SMEs is the most cost effective and realistic form of economic development with significant potential for job creation. Our efforts will ensure that SMEs get the best strategic advice and support so that they are able to compete more effectively in a global business environment and create more job opportunities for locals. We will develop partnerships with Government agencies, Universities and research organisations to create better access to research and funding programs that will create new pathways for innovation and growth for SMEs.

### **Target**

Local business community, local and regional business organisations, state and federal government agencies, UWS and TAFE and training organisations

### **Strategy**

Promotion and facilitation of assistance to SMEs in retaining and enhancing their competitiveness

### **Outcomes**

Increased local capacity, income, employment and export growth [both national and international], entrepreneurship and innovation

### **Priority Actions**

- Facilitate a survey of local businesses to identify gaps in local business support services
- Develop strong local business linkages by creating a Penrith business and social network on the PBA website
- Identify industry champions and utilize their skills and experience to motivate local business development and growth
- Facilitate regular forums and workshops and encourage business participation in innovation, business development and management and skills development programs and events
- Support the Chamber in its efforts to modernize existing industrial estates such as Dunheved
- Explore assistance programs for local businesses to help build their capacity to manage the proposed ETS and other environmental challenges and costs [eg pilot

study through NSW Department of Environment, Climate Change and Water to quantify carbon footprints for selected businesses].

**Key PBA Partners**

- BEC, Chamber, NSW Business Chamber
- UWS, TAFE and training organisations
- Industry and Investment NSW
- Council of Small Business Australia [COSBOA]
- Enterprise Connect
- Commercialisation Australia
- Regional Employment Coordinator
- State and Commonwealth agencies involved in climate change initiatives

**Budget**    \$20,000

## **Strategic Imperative VI**

*Provide high-level, expert advice to Penrith City Council on matters impacting on economic development and job creation*

### **Strategic Intent [as per Strategic Plan]**

Penrith City Council has shown vision and foresight in creating an independent business led organisation to lead and manage the City's economic development agenda. We will develop a close working relationship with Council and share both the knowledge and responsibilities for creating a vibrant local economy and meet the job targets established by Council. We will keep Council fully informed of the development opportunities in the City and create awareness of critical impediments and roadblocks for development to occur. We will also add support to Council's efforts and advocacy to attract government funding and support for infrastructure development, transformation of the Town and City Centres and developments such as Penrith Lakes. We will work with other business organisations on issues that impact on the City's development and require collective community action.

### **Target**

Penrith City Council [both Councillors and senior staff]

### **Strategy**

Promoting strong partnership with Council and empowering the community to take charge of its own economic future

### **Outcome**

Delivery of Metro Plan job targets for Penrith. Council is cognizant of and responsive to the current and future needs of existing and new and emerging businesses. Inspires strong community leadership and involvement in building a strong business environment and active support for Penrith's regional city role in creating more employment and growth opportunities.

### **Priority Actions [as agreed with Council]**

- Facilitate a study to establish the economic feasibility of development opportunities [business services, commercial, government agencies etc] in the Penrith City Centre and other key precincts
- Develop a Penrith City Centre investment prospectus and a strategy to attract government and major business services and commercial developments in the CBD using as appropriate outcomes of the above study
- Facilitate consultations with key developers, landowners and major businesses on the Penrith Local Plan Stage 2 for the Penrith City Centre with a view to strengthen the economic feasibility of development opportunities.



**Key PBA Partners**

Penrith City Council

Penrith City Centre Association

St Marys Town Centre Association

Developers and landowners

**Budget**

\$50,000

## **Overall Performance Measurement**

The targets for the PBA business plan priorities are related to jobs growth as per the Deed of Agreement with Council which requires the creation of 40,000 jobs by 2031. Data limitations can make the measurement of jobs growth difficult. The ABS Census is the most accurate reporting tool but is only completed every years, the next one being 2011. The ABS labour force survey is completed on a monthly basis but is not reported directly for Penrith; rather statistics are provided for the Outer Western Sydney region which includes Penrith. The DEEWR Small Area Labour Market statistics are produced quarterly with information provided for East and West Penrith which can be used to assess the unemployment situation for Penrith.

The following measurement techniques are proposed:

- Job counter to publicise job growth estimates quarterly
- Value of non-residential building approval levels measured quarterly
- Reports produced by developers of new residential estates outlining employment creation annually
- Number of business enquiries and conversion rates
- Number of investment forums and presentations completed
- Number of business forums completed in partnership with business service providers
- Increased direct interaction with local businesses
- Number of government grants secured by PBA and local enterprises
- Active involvement in generating major events
- Website hits and usage by business clients and partners
- Active involvement in assisting Council in the planning and development of the City