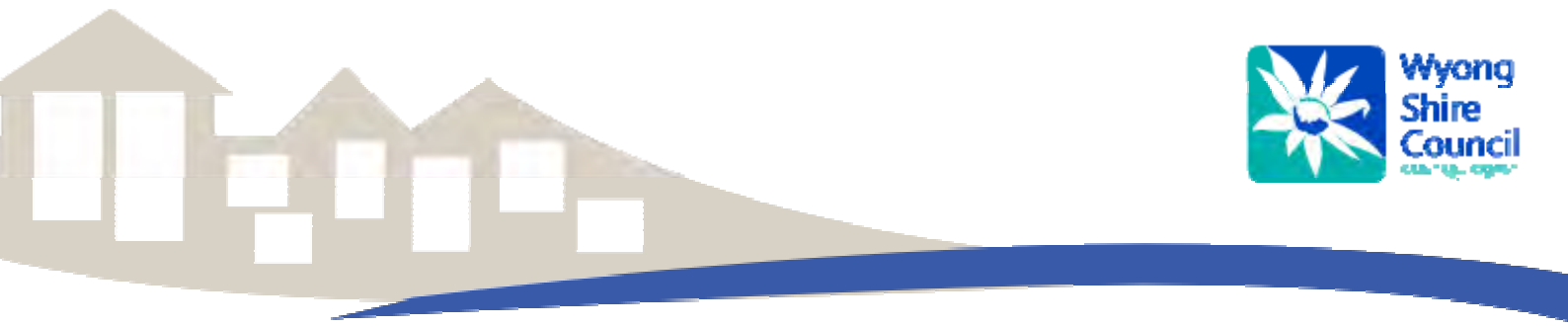


Wyong Shire Council

ORDINARY COUNCIL MEETING

ENCLOSURES

Wednesday, 12 December, 2012



WYONG SHIRE COUNCIL
ENCLOSURES TO THE
ORDINARY COUNCIL MEETING
TO BE HELD IN THE COUNCIL CHAMBER,
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 12 DECEMBER 2012 ,
COMMENCING AT 5:00 PM

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Enclosure – Purchase Lot 3 DP 657514 – 30 Manns Rd, Fountaindale**BACKGROUND AND DETAILED BUSINESS CASE**

The sale of this land is part of a rationalisation of Central Coast land holdings being undertaken by the Roman Catholic Church (Diocese of Broken Bay). The Lot is considered to have very limited development potential. The Lot (8.024 ha) has previously been offered for sale to Council in June 2010 for a price of \$275,000. The offer was amended in 2011 to \$170,000 which was used for a basis to proceed with the project. The Church's most recent valuation from 2011 gives guidance of \$125,000. Council obtained a current valuation of \$60-80,000. The Church has been informed, and remains committed to disposing of the property. Therefore the recommendation is to purchase for a maximum of \$80,000.

The proposal is strongly aligned with Goal 28 of the NSW State Plan 2021 – “Ensure NSW is ready to deal with major emergencies and natural disasters”. Properties in Pleasant Valley Rd, Fountaindale were subdivided in the mid 1980's with substantial areas of undevelopable land acquired by Council during this process including Lot 17 DP 737217 located between the subject site and numbers 40-58 Pleasant Valley Rd (see Figures 1 & 2). Bush fire protection was considered an integral part of the subdivision development. As part of the original subdivision a fire trail was registered on the title of these lots. During development of the dwellings and ancillary buildings on these lots, Council has inadvertently allowed development on the registered fire trail so it can no longer function as a fire trail. Given the topography it is not possible to relocate this fire trail on the private lots.

The adjoining Council properties have dormant unconnected Fire Trails, and should Lot 3 be purchased Council will be able to significantly mitigate the Extreme bush fire risk through reconstructing these trails and joining them on Lot 3.

The proposal aligns strongly with NSW State government plans and directions for biodiversity and creation of native vegetation offsets to promote development. Since the time of the original land purchase discussions, the NSW State Government has created the “*Linking Landscapes through Local Action*” Project (LL) as part of the “*Green Corridors Program*”, which is a key to achieving Goal 22 of the NSW State Plan 2021 – “Protect our natural environment”. The NSW State Government has a program of localising State Plan Goals and “Protecting the Environment” was one of five local goals identified during consultation held in Wyong in March 2012.

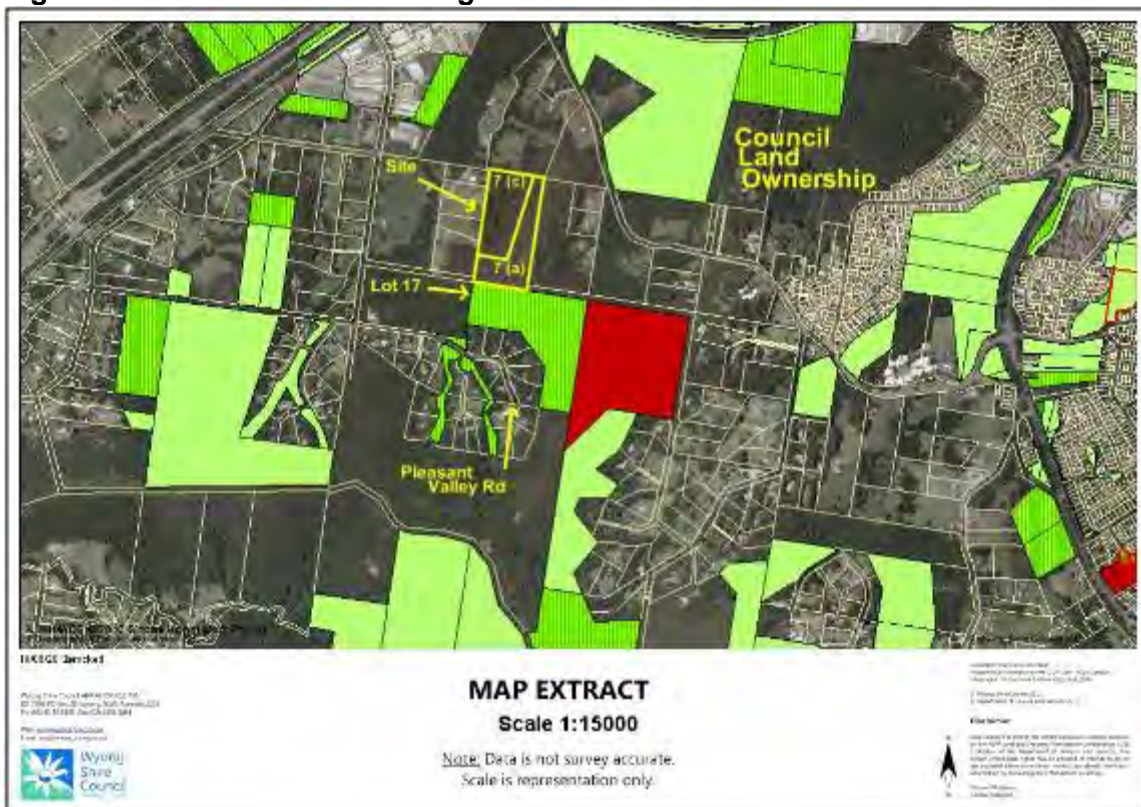
The LL called for Expressions of Interest (EOIs) for Biobanking agreements to be established on Council land, and land suitable for purchase by councils. Council has been shortlisted for three areas – Ourimbah-Fountaindale (numerous sites already under PVP), Jilliby (numerous sites) and the subject Lot. OEHL has advised that the subject Lot scores very highly due to contributory funding for both purchase and initial rehabilitation, and a detailed Round 1 Application was submitted 26 October 2012 (attached). The establishment of a Biobank site would mean a permanent guaranteed source of funding to manage the Lot at no cost to Council, with the exception of staff administration costs. OEHL has advised an MOU will be offered to Wyong Shire Council for Lot 3 if it is purchased in accordance with the recommendations.

The establishment of permanent biodiversity corridors is a key element in facilitating development within Wyong Shire, and is the approach being undertaken by the Growth Centres Commission. The establishment of corridors allows a much simpler rezoning and development assessment pathway under environmental assessment criteria at State and Federal levels. Where permanent conservation reserves and connecting corridors are established, development is facilitated on surrounding lands as the criteria for ecological processes have been met in the reserves. A viable permanent reserve system provides greater certainty for the business community around development potential of other sites

Biodiversity corridors also provide a scenic amenity benefit; further enhancing property values and reinforcing the character of the Shire. Biodiversity corridors also allow for shared pathways for recreation and transport, and the geographic spread of biodiversity corridors across the landscape allows for extensive local scale community involvement and connection with the natural environment (Community Strategic Plan).

Under WLEP 1991 the site is zoned 7(a) Conservation (approx 47%) and 7(c) Scenic Protection – Small Holdings (approx 53%) - see Figure 1. It is noted that under Clause 53 Schedule 4 of WLEP 1991 that a dwelling house cannot be erected on the 7 (a) portion. The site is unserviced and has no practical access, although paper roads adjoin both the eastern and western boundaries.

Figure 1: Context – WSC land in green and WSC controlled Crown land in red



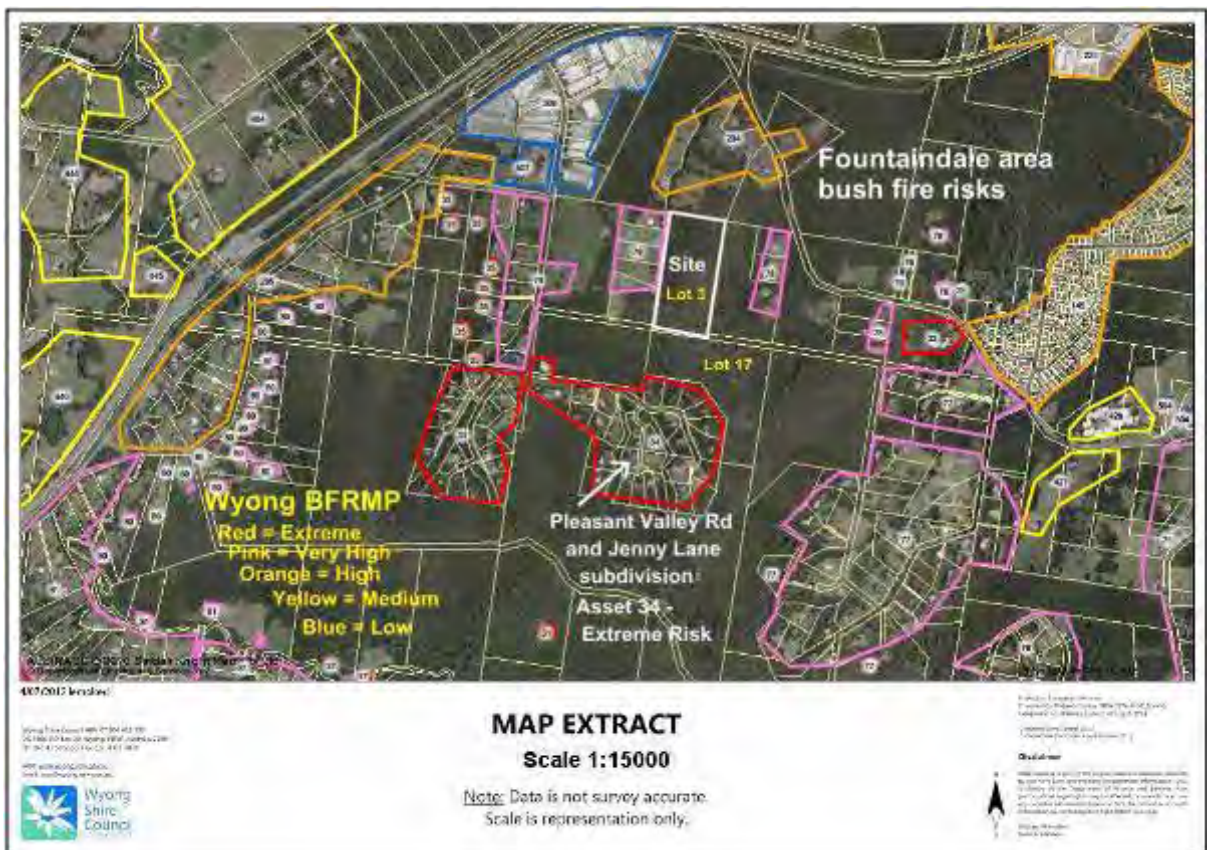
Bush fire management issues:

The subject site Lot 3 is located in an area designated by the Wyong Bush Fire Risk Management Plan (BFRMP) as having numerous Extreme and Very High Risk Assets– see Figure 2. The Pleasant Valley Rd subdivision with the defunct Fire Trail mentioned above forms part of Asset No. 34 – Extreme Risk 1B - see Figure 3.

Each Asset has a number of treatments allocated to various agencies under the BFRMP. The treatments are the “notified steps” which land owners are required to undertake under S.63 of the Rural Fires Act 1997 to mitigate risk from bush fire. For this site the notified steps include:

- Investigate creation of APZ on Council Land; and
- Inspect and maintain Fire Trails

Figure 2: Bush Fire Risk (Wyang Bush Fire Risk Management Plan)



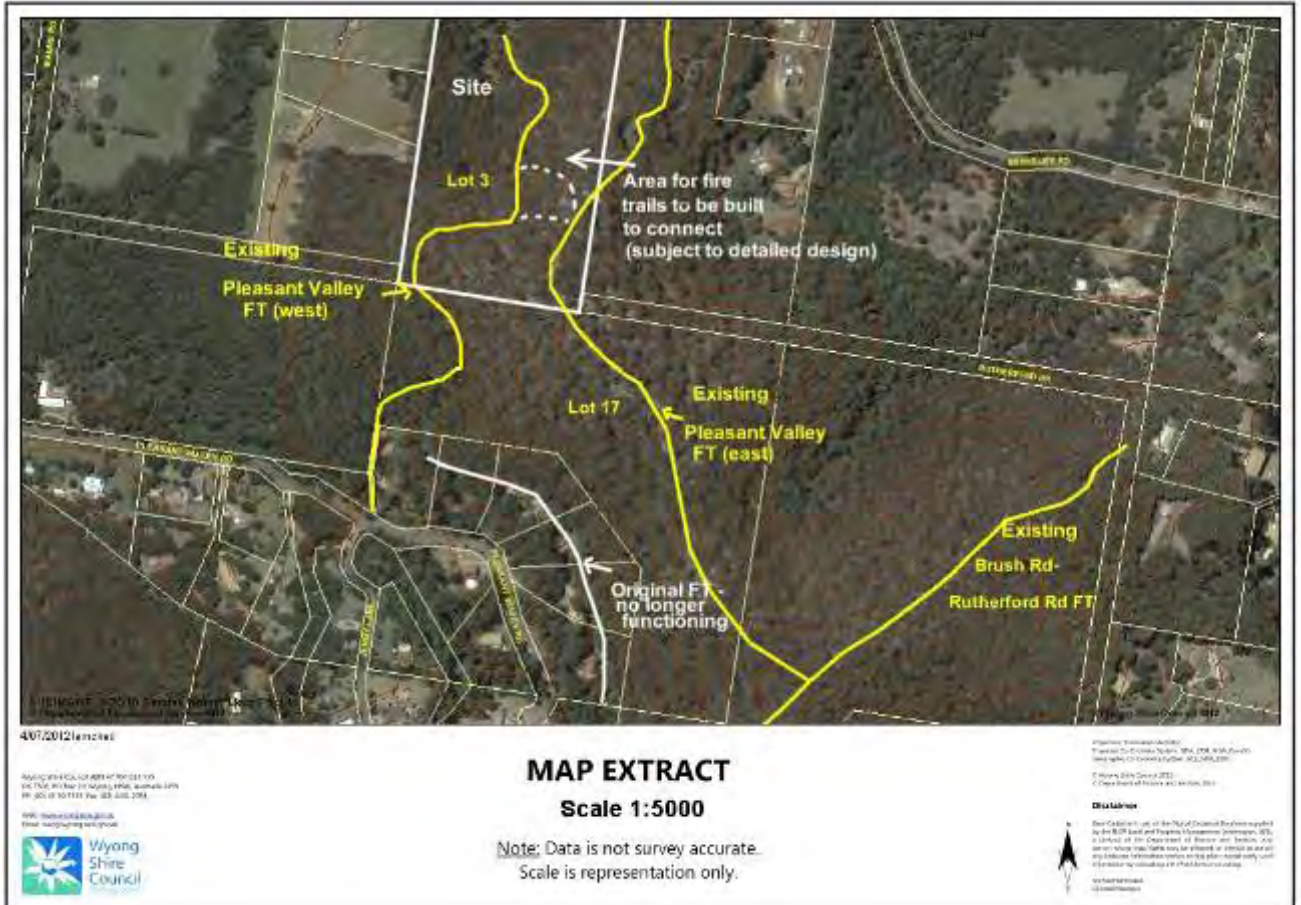
Asset Protection Zones (APZ) are not practical to establish on Council land due to topography, would be very expensive to maintain and would not provide the best bush fire risk mitigation outcome in this situation. Following investigation by staff and the Wyong Bush Fire Management Committee (BFMC) the most practical solution is to upgrade the existing trails (in varying condition) on the subject Lot 3 DP 657514 and adjoining Council-owned Lot 17 DP 737217 to provide a method to both access a fire and undertake hazard reduction burning.

These have now been formally entered in the NSW Fire Trail Register and are eligible for grant funding. Council is currently seeking grant funding to assist capital upgrades of Fire Trails in the Fountaindale area. The estimated total project cost is \$201,000 of which Council would be required to contribute one third. Budgets for this construction are sourced separately to this proposal.

By joining Pleasant Valley West Fire Trail and Pleasant Valley East Fire Trail, and upgrading these to Fire Trail standard Council will establish a practical fire trail network benefiting affected Lots in Pleasant Valley Rd and significantly mitigating the bush fire risk - see Figure 3. If completed the affected Lots may also apply to remove the existing notation and covenant on their title relating to the fire trail.

The upgrade of Fire Trails in this area would improve fire protection to approximately 300 residential properties in the Fountaindale / Glenning Valley area. This would be enhanced by undertaking a Hazard Reduction burn following construction of the Fire Trail.

Figure 3: Fire Trails Solution



Natural Asset Investment Strategy (NAIS):

Council’s State of the Environment (SOE) and State of the Shire (SOS) Reports have identified a downward trend for the future health and well-being of terrestrial biodiversity. These and other reporting processes show that the local natural environment is continuing to decline due to high population growth pressures, infrastructure development, intensification of land uses and land clearing. The protection of biodiversity and threatened species issues are the subject of significant Commonwealth and State government legislation.

The Council's Charter (*Local Government Act 1993*, S.8) requires Council amongst other activities:

“to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development.”

Over recent years, the focus on biodiversity conservation has evolved from primarily a species based approach to a broader and more encompassing landscape approach, using native vegetation corridors and fragments as surrogates/indicators of the health of ecosystems. Habitat loss and fragmentation are the two main contributors to continuing biodiversity decline across the landscape. Corridors are therefore important for individuals, species, populations and ecosystems as they enhance the ability of the natural environment to cope with cyclical changes and events such as floods and bush fires. Corridors also permit genetic material to be exchanged across the landscape to ensure viable species populations and facilitate connected and resilient local ecosystems.

Council is currently preparing a Natural Asset Investment Strategy (NAIS) which will focus on the two key needs to conserve biodiversity and to free up appropriate land for development. The direct relationship between these objectives will be supported by a detailed program to:

- dispose of land surplus to requirements,
- acquire necessary lands,
- provide ongoing management of natural assets,
- secure external funding sources, and
- integrate with other Council programs to develop efficiencies.

The detailed NAIS will analyse biodiversity values along with scenic amenity, provision of ecosystem services etc to prioritise land to target for permanent conservation. The remaining undeveloped land with native vegetation will be much simpler to clear and develop as local corridors are put into place within a strategic biodiversity plan. This strategic approach is a pre-requisite to sourcing significant funding from State and Federal grant programs. A key part of the NAIS will be to set up a financially sustainable system to effectively manage the reserve system in the future. The establishment of Biobanking agreements is expected to be a key method of guaranteeing this funding. This is specifically discussed below.

The establishment of adequate permanent natural reserves and conservation corridors is necessary to facilitate development in the Shire. Where adequate corridors and reserves are established, environmental assessments are simpler, cheaper and quicker to undertake with overall quadruple bottom line assessment much easier to permit clearing etc when adequate protected local areas are available. The end result is greater investment certainty for business, and better biodiversity outcomes.

In accordance with Council's "Green Corridors – G1" Policy, current best practice in local government natural resource management, NSW State Plan 2021 and the Commonwealth Biodiversity Strategy, Council is undertaking land management activities (e.g. vegetation management; pest management; access control etc) to enhance biodiversity at the local scale. Council is also investigating innovative methods to enhance biodiversity, scenic amenity and recreational use at the local scale such as the "Trails in Natural Areas" Program. The goal is to develop a sustainable system of natural areas and linkages on public land, and encourage voluntary conservation measures on private land to support biodiversity.

Biodiversity corridors have an additional scenic amenity benefit to the community by providing a natural backdrop to development; further enhancing property values and reinforcing the character of the Shire as a place with well designed development in a natural setting. As biodiversity corridors often follow ridgelines and riparian corridors there are opportunities for pedestrian and cyclist friendly transport and recreational routes. Corridors of natural intact bush land also reduce risks of land slip, soil erosion and assist water quality improvement works downstream. The geographic spread of biodiversity corridors across the landscape allows for extensive local scale community involvement and connection with the community's local biodiversity and natural environment, and this aligns strongly with the expressed desires of the community for greater involvement with the natural environment (Community Strategic Plan).

With future demand to expand the Berkeley Vale industrial area, provide additional rural residential lots, and significant residential rezoning proposals in the immediate area currently before staff, the continuing improvement of the conservation reserves and corridors will help realise this development more quickly.

Biobanking:

The BioBanking Scheme is created under the NSW *Threatened Species Conservation Act 1995* (TSC Act). It is designed to:

- increase the use of offsets to counterbalance the impacts of development on biodiversity
- provide a transparent, repeatable method for determining those impacts and offsets
- encourage developers to avoid areas with high biodiversity
- provide incentives for landowners to protect and enhance biodiversity on their land.

BioBanking enables biodiversity credits to be generated by landowners who commit to enhancing and protecting biodiversity on their land through a **biobanking agreement**. These credits can then be sold, generating funds to manage the site for conservation into the future.

Developers can buy these credits and use them to offset the impacts on biodiversity that will occur as a result of approved development. The requirement for a developer to offset their project may be applied through a **biobanking statement** or a condition in their development consent.

Since BioBanking creates an open marketplace for biodiversity credits, the credits can also be bought by non-developers such as philanthropic organisations seeking to conserve biodiversity.

The number of credits assigned to a piece of land is calculated using the *BioBanking Assessment Methodology* – a science-based and publicly available tool that assesses site attributes such as vegetation type and condition, threatened species, habitat features and landscape value.

Natural environment context:

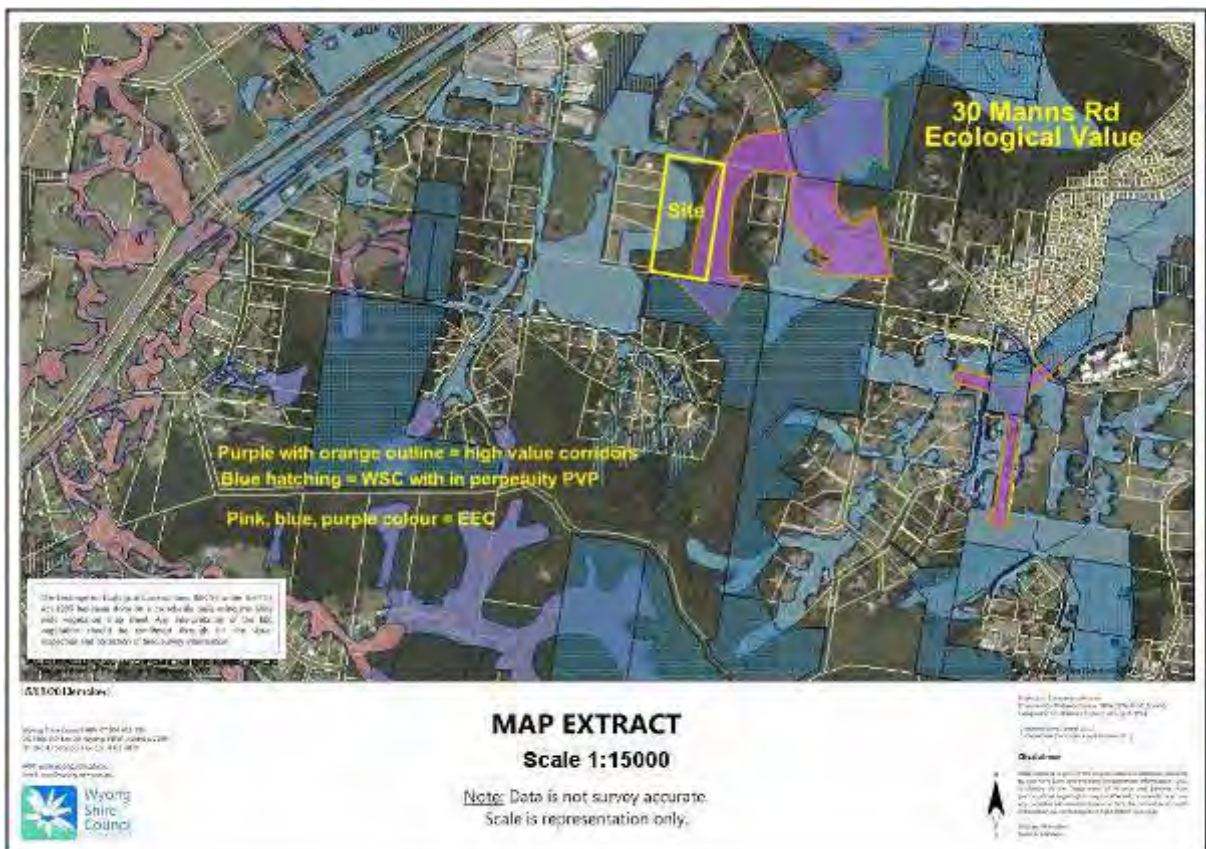
Approximately 39% of the site (within the 7 (c) Scenic Protection – Small Holdings Zone) is mapped as containing coastal floodplain forest listed as an Endangered Ecological Community (EEC). The site also contains habitat for locally significant species including *Tetratheca juncea*, *Melaleuca biconvexa* and the Squirrel Glider (*Petaurus norfolcensis*).

In the adopted Squirrel Glider Conservation Management Plan the site is modelled as being of Medium to High suitability for habitat.

The property is covered in moderate to high quality native vegetation and is well located to provide a biodiversity corridor link, building on the Mark Foster Reserve system - see Figure 4. The majority of the Mark Foster Reserve System is covered by an in-perpetuity Property Vegetation Plan and the site would make a useful addition to this Reserve. The site may also be eligible for additional funding from the Hunter-Central Rivers Catchment Management Authority through several current grant programs.

Additionally, the site appears suitable for Council to trial a Biobanking Agreement being of moderate condition and well located.

Figure 4: Environmental Values



Proposed Biobanking agreement with NSW State Government:

Under the NSW State government “*Linking Landscapes through Local Action*” Project (LL) the site has been shortlisted and inspected by OEH staff. OEH have advised a Memorandum of Understanding to establish a Biobanking Agreement on the site is forthcoming, with the intent of establishing an Agreement in 2012/13.

The establishment of a Biobank site would mean a permanent land management plan would be established, including a guaranteed source of funding to manage the Lot at no cost to Council, with the exception of staff administration costs.

CURRENT STATUS

Council has been offered the opportunity to purchase the property from the Diocese of Broken Bay (Roman Catholic Church) and the recommendation is to negotiate a purchase for a price between \$60,000 – \$80,000 which is in accordance with the recommendation valuation range as provided to Council by Robertson and Robertson Consulting Valuers.

THE PROPOSAL

This report seeks approval for the following:

- To purchase 8.024 ha of bushland at Fountaindale,
- Funding for Capital Works on the land with an estimated value of \$55,000,
- Enter an MOU to establish a Biobanking Agreement with the NSW State Government under the Linking Landscapes Project capable of generating sufficient income to manage the site in perpetuity.

Funding for the purchase and necessary asset upgrade works comes from restricted funds generated by Clause 14 (3)(b)(ii) of the WLEP 1991:

“for the purchase of land within Zone No. 7 (a) for use as a public reserve or for the improvement or embellishment of any public reserve owned by the Council which is within Zone No. 7 (a)”.

The primary rationale for the purchase is to improve public safety and assist mitigating an outstanding corporate risk relating to bush fire management of Council's land. This will assist in resolving issues arising from Council's role as development regulator in previous decades. The secondary rationale relates to the enhancement of Council's Mark Foster Reserve which will assist in improving biodiversity corridors, recreational access and weed management. The subject parcel is of high conservation value including EEC vegetation and habitat for a number of threatened species.

The proposal will positively impact Council's level of service relating to bush fire management and enable use of both capital expenditure and “restricted funds” to leverage outside grant funding from the Bush Fire Risk Mitigation and Resilience Grant Program (Major Capital Works Fund). Purchase of the allotment will allow Fire Trail construction on an existing alignment that has become degraded which allows costs to remain substantially lower than the construction of a new trail on another alignment. There are multiple options for the alignment to connect the two existing trails on Lot 3 DP 657514 (see Figure 2) to find the most practical alignment with the least environmental impact.

The secondary rationale for the purchase will be to gain control of a small but strategically located parcel of bushland. This would result in an increase of 0.27% of the size of the bushland estate managed by Council, with minimal additional cost to operating expenditure. The use of restricted funds to undertake a capital upgrade of this natural asset (vegetation management, erosion and sedimentation control, fencing and access control, signage etc) will reduce maintenance in future years and a Biobanking Agreement will be pursued to provide ongoing funding.

The proposal will provide opportunities to engage with the community to foster improved ongoing management both of conservation areas and for bush fire protection. This would include investigating the possibility of a Community Fire Unit and/or Landcare group to be established in the area.

The proposal provides a site to undertake a stand alone trial of Biobanking, and comparison with adjoining lands already protected in part by an in-perpetuity Property Vegetation Plan. This would allow Council to investigate interest in the market for local credits and analyse potential advantages & disadvantages of different conservation and funding schemes.

OPTIONS

Purchase Lot 3, construct the Fire Trail, and manage for biodiversity

As outlined above the preferred option is to purchase Lot 3 and improve protection of Extreme Risk Assets through the construction of a Fire Trail and hazard reduction burning program. The construction of the trail will also add to the recreational opportunities in the area, and provide for improved active management of the land.

Estimated cost to build trail is **\$175-225,000** on the alignment provided by the land proposed for purchase. The fire trail can be funded 66% through the Major Capital Works Fund (RFS Grant) and whilst the 2012/13 application was unsuccessful the 2013/14 application will be supported by a full design, approval and draft costings. The design works are being funded under another grant scheme, the Natural Disaster Resilience Grant Scheme.

The existing land owners could have the fire trail on their title removed, and this would provide a reduction in Council liability and opportunities for significant community engagement to improve bush fire mitigation.

The opportunity to further enhance the Mark Foster Reserve biodiversity corridor would assist future development of other land in the vicinity.

This option has been endorsed by the Project Assessment Team following consideration of the Project Evaluation Criteria score of 57.00, and a Benefit – Cost Ratio of 6.51 following formal Cost Benefit Analysis.

Recommended option.

Maintain the status quo

If Council does not proceed with the purchase there will remain a need to substantially enhance other risk mitigation actions to improve protection of Extreme Risk Assets. There is no identified source of funding for this and no clear direction – there may need to be a new program to upgrade buildings etc on private land.

While details and timing of a wild fire cannot be foreseen, it is clear that as a major landholder in the area Council has significant responsibilities to improve bush fire management and potential liability related to escape of bush fire in accordance with S.63 of the *Rural Fires Act 1997*. Practical methods of achieving this have not yet been considered by the BFMC as the preference is for the fire trail to be reconstructed.

The existing situation with land owners having a fire trail on their title would not change and Council retains potential liability with respect to approved structures on the trail.

The opportunity to further enhance the Mark Foster Reserve would be lost and it will be more difficult and expensive to improve the biodiversity corridors in the area at a later date.

Not recommended.

Construct a new fire trail on existing Council estate

It would be possible to construct a new fire trail entirely on existing Council reserve. This would be a more difficult and expensive exercise due to the existing vegetation and topography.

Construction on Lot 17 DP 737217 would require a very steep section of approximately 1:3 or 33% grade for approximately 110m, or a significantly longer trail to be established. The estimated cost of a fire trail on the existing Council Lot 17 only would be approximately **\$700-800,000** due to the difficulty of the site and need for concrete construction over approximately 300m. This will also require more ongoing maintenance and would be unlikely to meet the standards detailed in the Policy 2/2007 – Fire Trails (NSW Bush Fire Coordinating Committee).

This would also require substantially more vegetation removal and earthmoving, and also require greater levels of environmental assessment under SEPP Infrastructure 2007.

Not recommended.

STRATEGIC LINKS

Wyong Shire Council Strategic/ Annual Plan

<i>Principal Activity</i>	<i>Service</i>	<i>Key Action and Objectives</i>	<i>Funding Source and Description</i>	<i>Impact on Key Performance Indicators/ Service Performance Indicators</i>
Community Recreation	2.2 Sport, Leisure and Recreation	Trails in Natural Areas Strategy is commenced in 2012/13 and Shared Pathway Strategy in 4 Year Delivery Plan. The proposal is aligned with both strategies.	WLEP 1991 Clause 14 Restricted Funds and Grant Funding via Bush Fire Risk Mitigation and Resilience Grant Programs.	Will assist in meeting revenue budget if grant application successful.
Environment & Land Use	6.01 Environment & Natural Resources & Service Unit Business Plan	Implementation of Wyong Bush Fire Risk Management Plan - ongoing.	06.02 Assessing and Managing the Natural Environment. WLEP 1991 Clause 14 Restricted Funds and Grant Funding via Bush Fire Risk Mitigation and Resilience Grant Programs.	Will assist in meeting SUBP targets to upgrade Pleasant Valley Fire Trail. Will assist in meeting revenue budget if grant application under Major Capital Works Fund is successful.

Principal Activity	Service	Key Action and Objectives	Funding Source and Description	Impact on Key Performance Indicators/ Service Performance Indicators
Environment & Land Use	6.01 Environment & Natural Resources	Preparation of Biodiversity Management Plan in 2012/13 and implementation in 4 Year Delivery Plan. Completion of Natural Assets section of the Asset Management Strategy.	06.02 Assessing and Managing the Natural Environment.	Aligns to delivery of projects.
Administration	12.01 Asset Management	To improve WSC Asset Management Practices beyond "Core" level to an appropriate "advanced" level by June 2014.	Within program for Environment & Natural Resources Unit	

Contribution of Proposal to the Principal Activity

The purchase of the Lot will directly contribute to the enhancement of the Mark Foster Reserve, increasing the Reserve's long term viability as well as contributing to a biodiversity corridor linking the hill slopes to the flood plain. This corridor has been identified in previous studies as a key element for ongoing natural environment improvement.

The proposal (including reconstruction of Fire Trail to Category 1 standard) is integral to improving the condition of Council natural assets by improving access for management purposes, fire fighting and recreation. The development of the Fire Trail will be undertaken in accordance with asset management principles and will serve as a template for managing and monitoring this asset class.

A number of actions will be undertaken by staff to establish the Biobanking agreement including construction of the Fire Trail and preparation of a specific Plan of Management.

Long term Financial Strategy

The proposal is aligned to the strategy using an approach to use restricted capital funds to purchase upgrade the new asset (in accordance with the terms of the restrictive trust), thereby reducing future maintenance costs. The proposal also aligns by helping reduce corporate risk associated with bush fire liability on public land. In this case a functional Fire Trail network in the area will reduce risk for up to 300 properties for which Council has limited other strategies to reduce risk.

The proposed Fire Trail works will be undertaken using an open tender system for construction to achieve best value service delivery for Council.

The proposal provides a likely site for a stand alone trial of Biobanking to generate ongoing external funds for the management of the natural asset.

Asset Management Strategy

The proposal is aligned to the Asset Management Strategy (AMS) and has been identified as adding value to Council's existing natural assets (Mark Foster Reserve) and will provide an opportunity to further explore options on how best to include natural assets in the AMS. This is to be undertaken as part of the Environment & Natural Resources program in 2012-14.

A whole of life costing approach has been used when considering the project, and use of capital upgrades will reduce longer term maintenance. The use of restricted funds to upgrade the condition of the natural asset will reduce long-term operating costs. The trial of Biobanking will potentially reduce costs to zero if sufficient revenue is raised through the sale of credits. The trust funds established through Biobanking are released annually to undertake maintenance to a required standard. The site is in reasonable condition and restricted funds are available for the capital upgrade works.

Workforce Management Strategy

Nil impact.

Link to Community Strategic Plan (2030)

The proposal is strongly aligned to the Community Strategic Plan (2030), in particular with respect to Objectives 4 and 5.

Objective 4 – Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.

The proposal will enhance and permanently protect a key link in the local biodiversity corridor system, preserve threatened species habitat and restore a degraded natural area. The site will provide a permanent attractive backdrop to local development. The proposal provides an opportunity to engage the local community regarding a partnership to improve management of natural areas through Landcare and other programs.

Objective 5 – There will be a sense of community ownership of the natural environment through direct involvement with environmental programs.

The proposal will significantly improve and control access to the public reserve, and provide opportunities to engage the community in both conservation management of the local area and bush fire risk management. The Fire Trail will provide additional links in the "Trails in Natural Areas" Program being managed by Sport, Leisure and Recreation Unit.

Budget Impact

The recommendations require budget expenditure of up to \$145,000 for Stage 1 of the project. This is for:

- one off purchase of the land for a negotiated price of \$60-80,000 plus costs of up to \$10,000; and
- one off capital expenditure of \$55,000 to upgrade the natural asset.

The balance of the restricted funds is currently approximately \$4.34 million, and the funds required for this project therefore represent approximately 3.3% of the total. This is less than the income earned on these funds in a typical financial year. The funds are sourced from WLEP 1991 Clause 14 Restricted Fund and are an acceptable use of the funds in accordance with Clause 14 (3)(b)(ii). This purchase and capital upgrade will not affect the current or future budgets, with the exception of a 0.27% increase to natural areas managed by Council. The purpose of the asset upgrade works is to both improve the condition of this natural asset for biodiversity and to minimise ongoing maintenance of the site.

No funded programs will require amendment to satisfy the recommendations.

Stage 2 of the overall project is Council is using Natural Disaster Resilience Grant Scheme funding to undertake the design, environmental approval, estimates and associated material during 2012/13. Finalised plans will increase the chance of obtaining funding under the Major Capital Works Fund stream of RFS funding in 2013/14, or alternatively CAPEX funds may be made available for the entire cost of construction. If Council is successful in obtaining grant funding for the reconstruction of the fire trails as proposed, one third of the funding, environmental assessment and contract and project management will need to be provided by Council.

If Council is able to establish a Biobanking Agreement under the LL Program, the ongoing maintenance costs of the site to the budget would become zero.

CONSULTATION

Consultation regarding the purchase of the land has been undertaken with the following:

Roman Catholic Church (Diocese of Broken Bay)

The Church is the current owner of Lot 3 DP 657514. Council was first approached in June 2010 on behalf of the Church offering Lot 3 to Council for a purchase price of \$275,000 following a valuation. This offer was rejected.

The offer was amended in 2011 to \$170,000 which was used for a basis to proceed with the project. The current valuation is \$60-80,000 with the recommendation to purchase for \$60,000. The Church has been informed and may obtain a further valuation. A final price is yet to be finalised, however the Church advise they remain committed to disposing of the property.

Wyong Bush Fire Management Committee (BFMC)

Following the adoption of the BFRMP in July 2011, further investigations were undertaken into the preferred options to mitigate risk in the Fountaindale area. The BFMC Fuel Management & Fire Trail Sub-Committee has considered the topography, vegetation, land use patterns and tenure issues influencing various options. The most cost effective risk mitigation for Council is considered to progressively upgrade the Fire Trail network in the area. This will facilitate Hazard Reduction burning and improved access for fire suppression.

Hunter-Central Rivers Catchment Management Authority (CMA)

Consultation with the CMA has been undertaken as the adjoining Lot 17 DP 737217 and others in the area form part of an in-perpetuity Property Vegetation Plan (PVP) designed to protect and enhance the biodiversity values of this area. That particular agreement provided, approximately \$450,000 to Council to manage lands in the Mark Foster Reserve. The CMA has expressed an interest in extending the PVP or using other methods to secure the protection of this site due to site characteristics and the location within a key biodiversity corridor.

NSW Office of Environment & Heritage – BioBanking Team (OEH)

The site has been formally discussed with the BioBanking Team during workshops held recently reviewing the BioBanking Program. Following submission of an Expression of Interest the site was shortlisted and Council has since made a formal application under the Linking Landscapes Program. The proposal has scored very highly and OEH has advised they will be offering Council a Memorandum of Understanding to establish a BioBanking Agreement. Council has been advised the Agreement is likely to be finalised during 2012/13 for this site.

Open Space Unit

Open Space are the asset supplier (operational delivery) for ongoing maintenance of Council bushland and some bush fire protection measures. The key concern raised was the cost of another parcel being acquired requiring ongoing maintenance, and where the budget would be provided for this. Preliminary advice was received concerning the upgrade of this natural asset to reduce ongoing maintenance as detailed above. Further consultation will occur when a capital upgrade plan is developed and Biobanking option is explored.

Development Assessment Unit

The Development Assessment Unit advised that the site had previously been refused consent for further subdivision in 2006 based on ecological, engineering and access constraints. Council's Ecologist also noted that the site is likely to have high conservation values, being mapped as EEC and likely habitat for a range of threatened species.

Economic & Property Development Unit

Key concern raised was providing budget for project funds for purchase. WLEP 1991 Clause 14 Restricted Funds was identified as the source.

Discussions were held with the Manager regarding valuation practices, given this type of land has proven difficult to accurately value in the past due to limited sales, very specific constraints for each site and limited ability to compare between sites.

A current valuation was obtained and provides a range of \$60-\$80,000 for the land.

GOVERNANCE AND POLICY IMPLICATIONS**Green Corridors Policy:**

This policy (adopted September 2004) broadly seeks to protect, maintain and enhance the scenic amenity and conservation values of Council and Crown owned land. In particular it seeks to protect important biodiversity corridors, provide for appropriate recreation and support community participation in the management of the corridors.

The proposal is entirely consistent with the Policy.

MATERIAL RISKS AND ISSUES

The draft Environment and Planning Services Comprehensive Risk Register identifies two key risks related to bush fire:

1. The management of bush fire hazard on Council land; and
2. The risk to public safety, budget and reputation related to the lack of identified budgets, and therefore legislative non-compliance with “notified steps”.

The proposal and the associated applications for funding to reconstruct the fire trails in the area will assist mitigating both of the above risks.

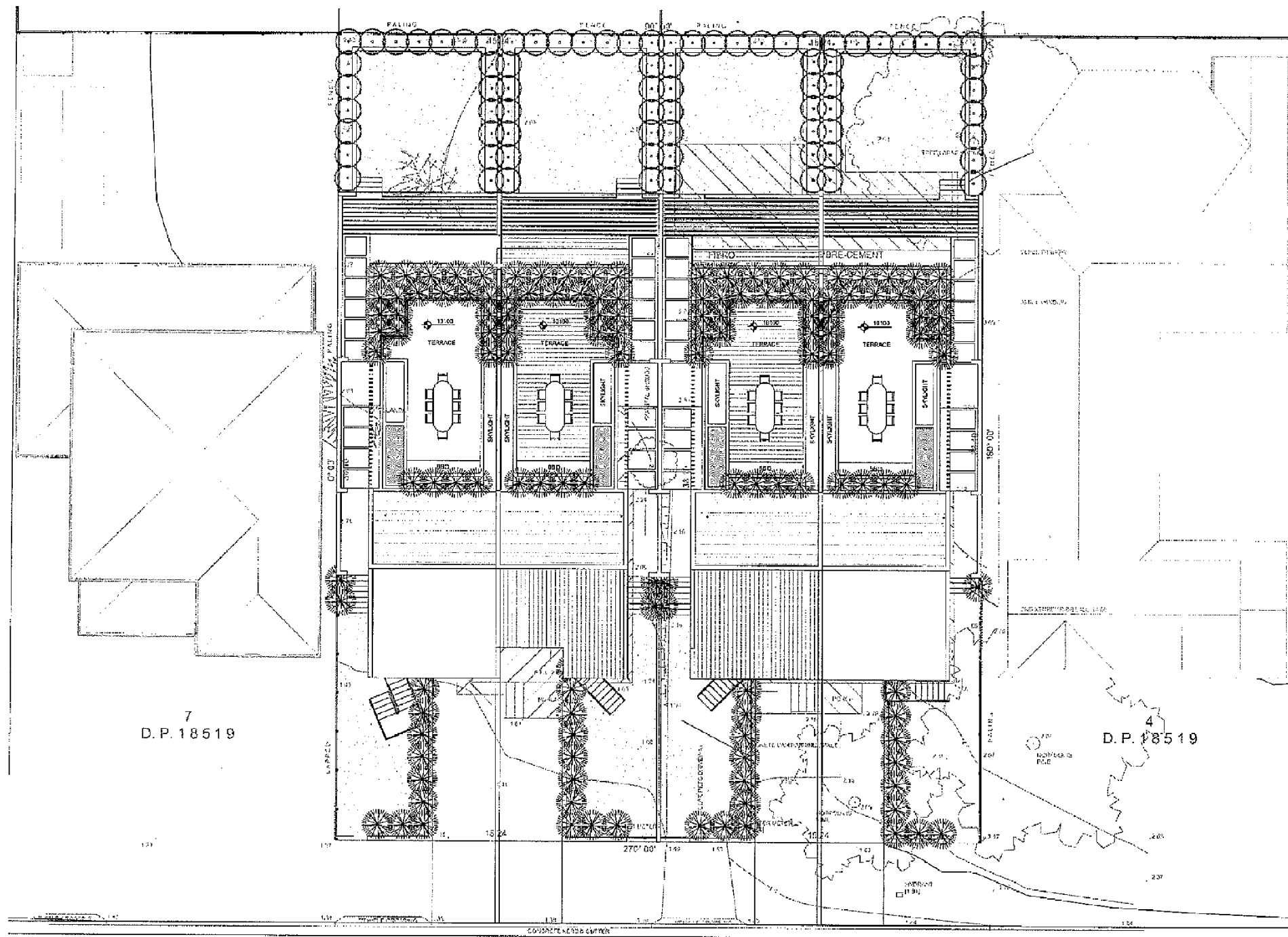
CONCLUSION

This report seeks Council's authorisation to purchase Lot 3 DP 657514, 30 Manns Rd, Fountaindale using restricted funds, to approve the use of restricted funds to undertake capital upgrade works on the Lot following purchase, and to enter a Memorandum of Understanding to establish a BioBanking Agreement for the site to generate funds for ongoing management.

The proposal will allow Council to significantly improve bush fire risk mitigation in the Fountaindale / Glenning Valley area related to Council's existing land holdings. These residential areas are noted as Extreme and Very High risk in the Wyong Bush Fire Risk Management Plan. The BFMC considers the reconstruction of fire trails in the area to be the most effective method to reduce risk.

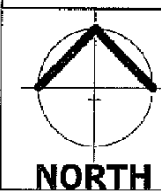
The construction of the proposed fire trails will also resolve the issue of Council having previously permitted buildings to be constructed within a designated fire trail and this may allow the owners of those properties to remove this encumbrance from their titles.

The proposal will add a significant parcel of conservation land to Mark Foster Reserve, and improve a key biodiversity corridor in the area.



1 ROOF Lvl
1 : 200

BENCH MARK
NAIL IN KERB
R.L. 1.48 AHD
OTHER LEVELS
FROM THE B.M. 1.700 AHD

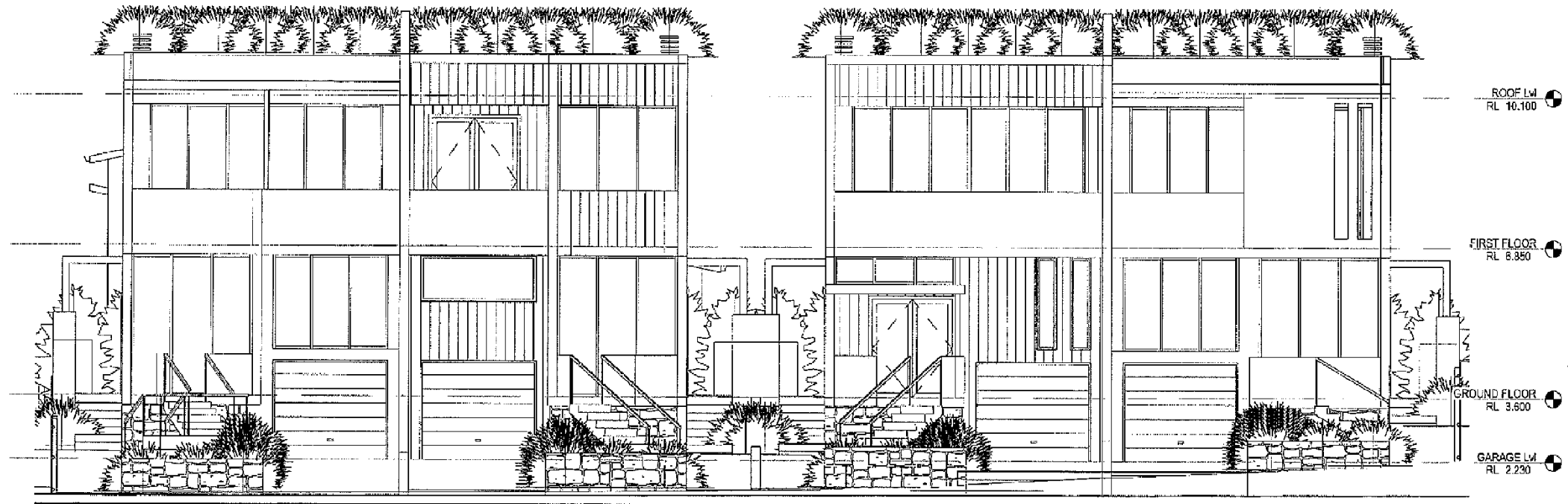


Revisions	Drawn	Checked	Date
B	KB	TL	11/04/2012
AMENDED AS PER COUNCIL COMMENTS, REDUCTION IN FLOOR TO FLOOR HEIGHTS AND INCREASE IN THE WIDTH OF THE REAR PLANTER BOX ON THE ROOF TERRACE TO 1.5M			

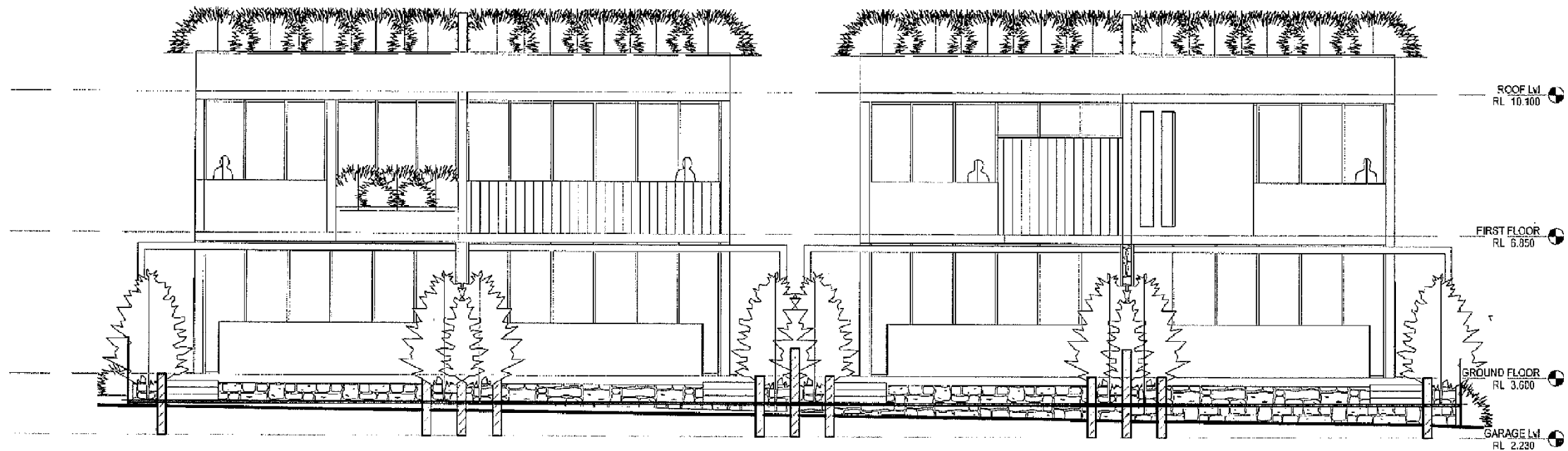
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PROJECT AND ADDRESS
 30-32, STEWART ST,
 THE ENTRANCE NORTH,
 NSW-2261
 DRAWING
 ROOF PLAN

Legge ARCHITECTS
 SUITE 1007, 275 ALFRED STREET PROJECT NO. 0828 DWG NO. A105
 NORTH SYDNEY NSW, 2060
 PH 9460-3232 FX 9460-4025 STATUS
 DATE 11/04/2012 DRAWN KB SCALE 1:200 DA REVISION B



1 South Elevation
1 : 100



2 North Elevation
1 : 100

Revisions	Drawn	Checked	Date
B	KB	TL	11/04/2012
AMENDED AS PER COUNCIL COMMENTS, REDUCTION IN FLOOR TO FLOOR HEIGHTS AND INCREASE IN THE WIDTH OF THE REAR PLANTER BOX ON THE ROOF TERRACE TO 1.5M			

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PROJECT AND ADDRESS
 30-32, STEWART ST,
 THE ENTRANCE NORTH,
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 DRAWING
 ELEVATIONS-1

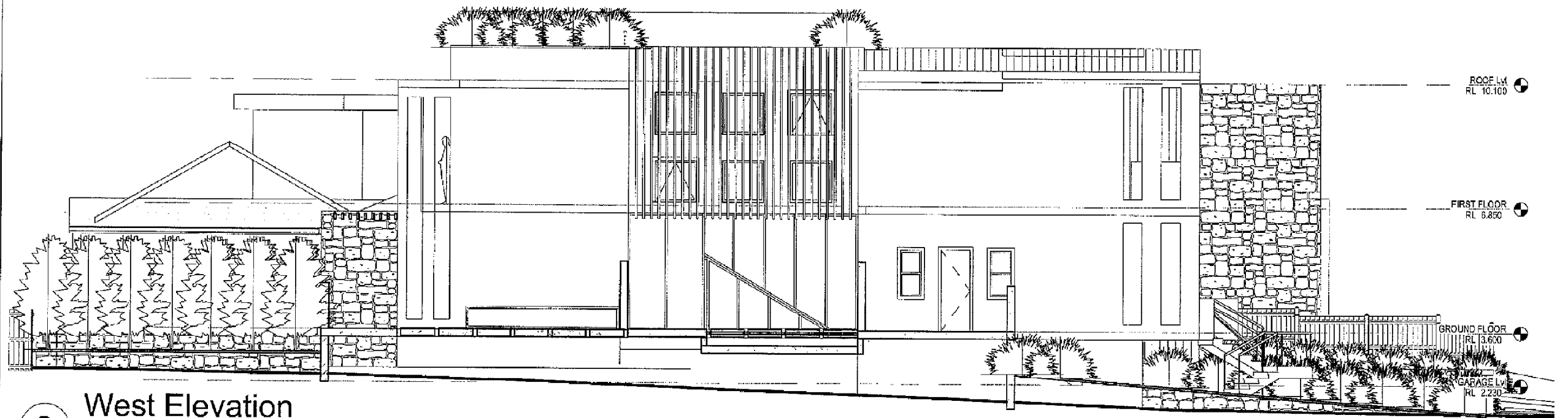
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SUITE 1007, 275 ALFRED STREET PROJECT NO. 0828
 NORTH SYDNEY NSW. 2060
 PH 9460-3232 FX 9460-4025
 DATE 11/04/2012 DRAWN KB SCALE 1 : 100 STATUS DA

DWG NO. A106
 REVISION. B



1 East Elevation
1 : 100



2 West Elevation
1 : 100

Revisions	Drawn	Checked	Date
8	KB	TL	11/04/2012

AMENDED AS PER COUNCIL COMMENTS, REDUCTION IN FLOOR TO FLOOR HEIGHTS AND INCREASE IN THE WIDTH OF THE REAR PLANTER BOX ON THE ROOF TERRACE TO 1.5M

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PROJECT AND ADDRESS

30-32, STEWART ST,
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NSW-2261

DRAWING
ELEVATIONS-2

Legge ARCHITECTS

SUITE 1007, 275 ALFRED STREET
NORTH SYDNEY NSW, 2060
PH 9460-3232 FX 9460-4025

DATE
11/04/2012

DRAWN
KB

SCALE
1 : 100

PROJECT NO.
0828

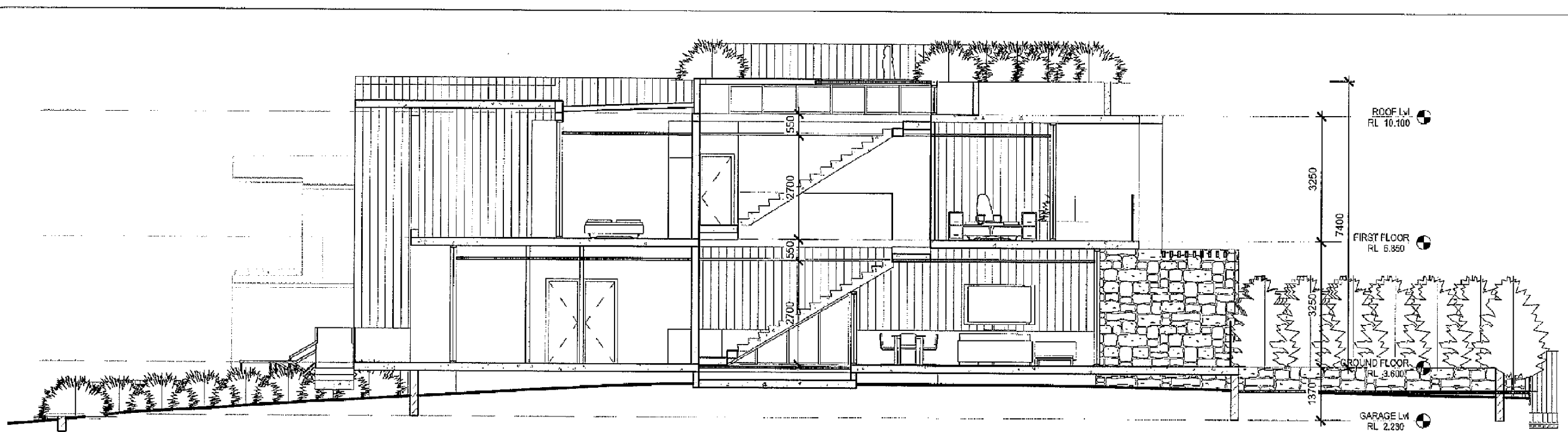
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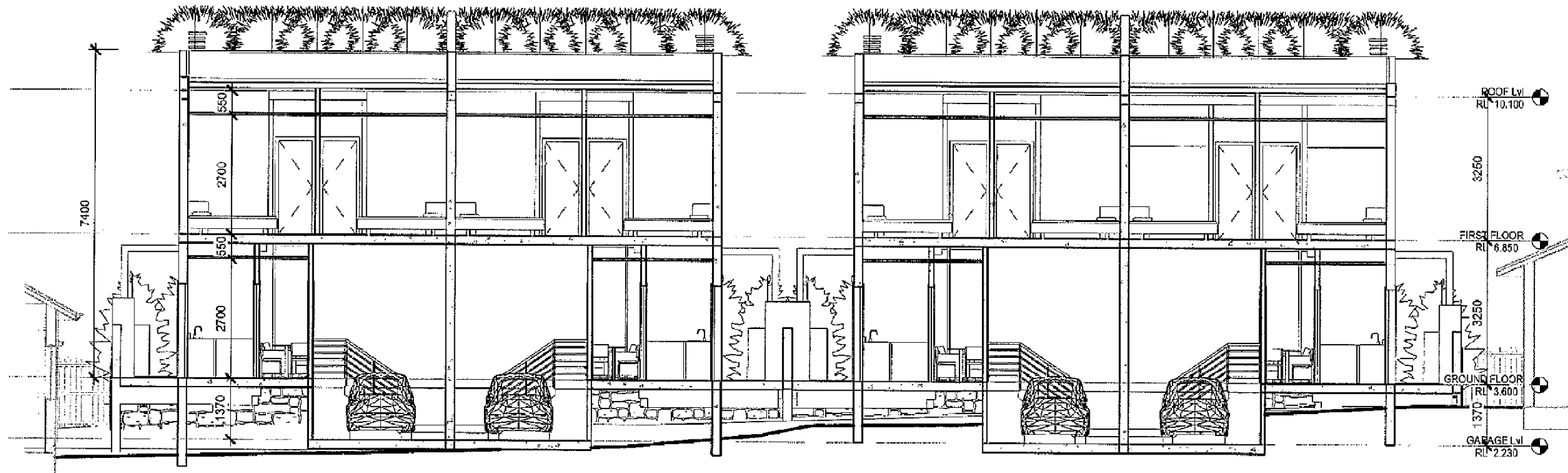
A107

REVISION:

B



1 Section 1
1 : 100



2 Section 2
1 : 100

Revisions	Drawn	Checked	Date
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AWENDED AS PER COUNCIL COMMENTS. REDUCTION IN FLOOR TO FLOOR HEIGHTS AND INCREASE IN THE WIDTH OF THE REAR PLANTER BOX ON THE ROOF TERRACE TO 1.5M			

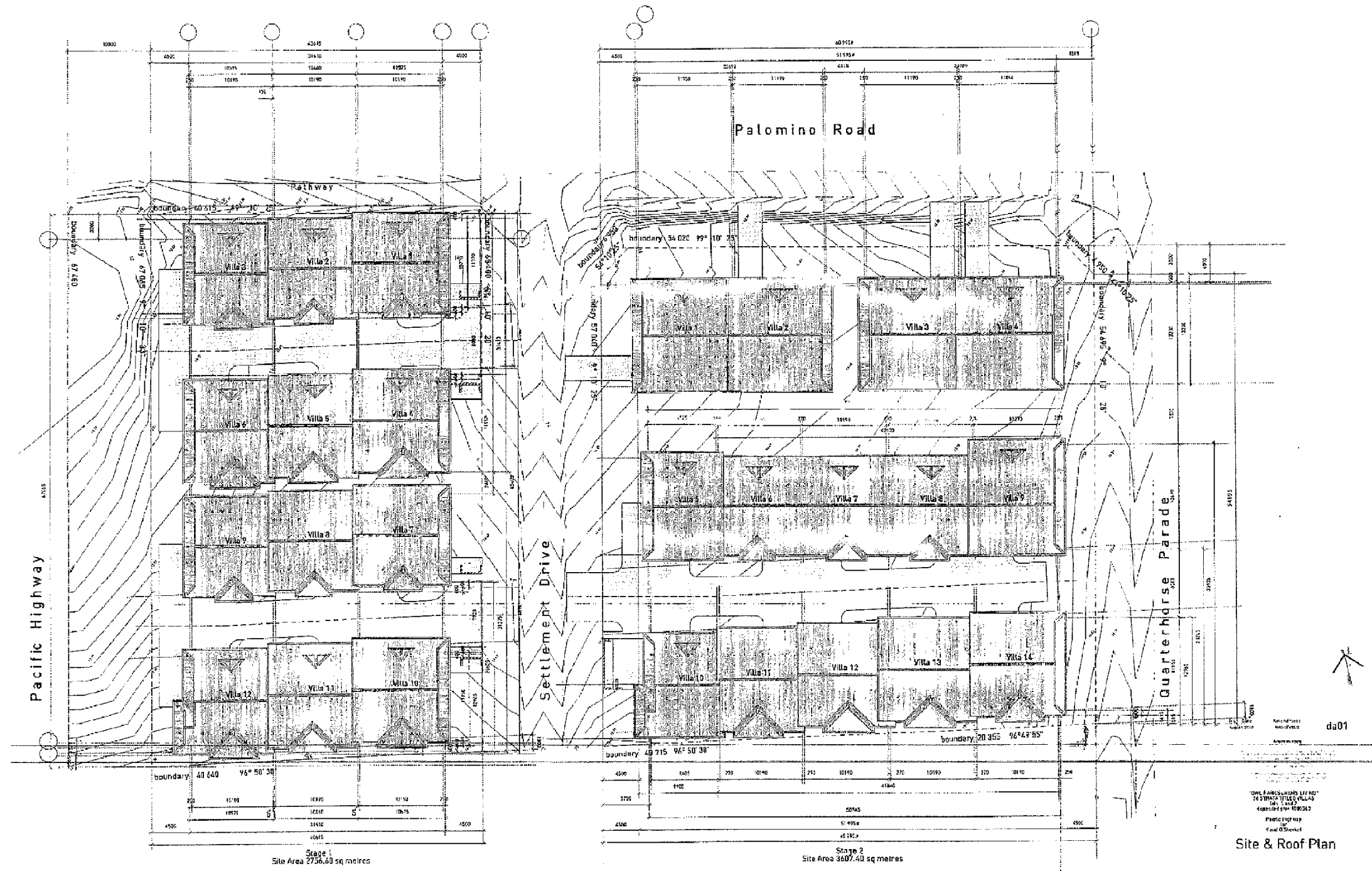
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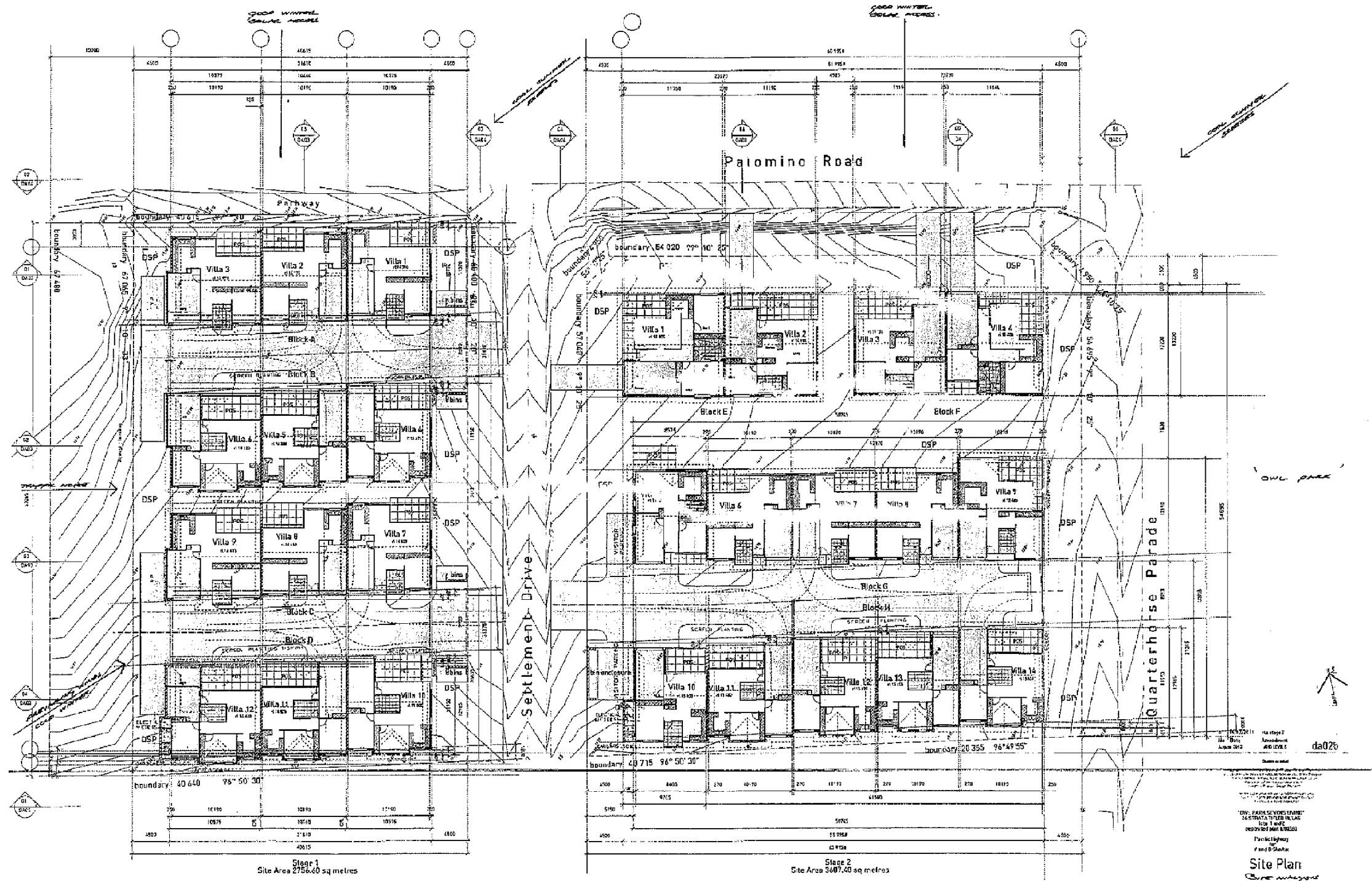
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 DRAWING
 SECTIONS

Legge ARCHITECTS

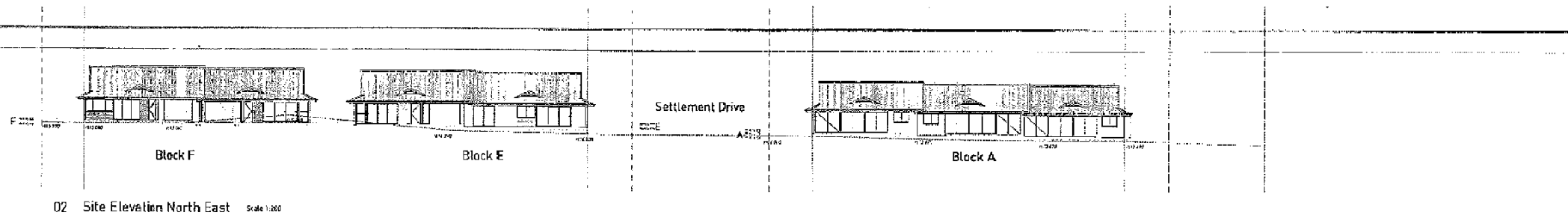
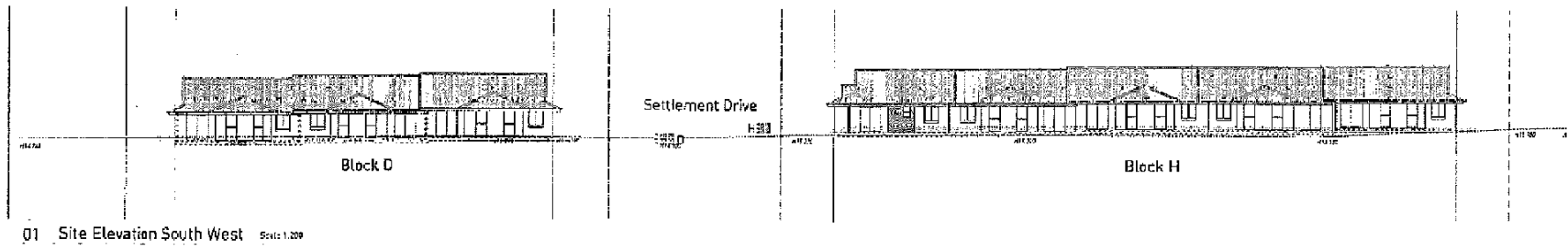
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 11/04/2012 KB 1 : 100 DA B

DWG NO. A108
 REVISION B

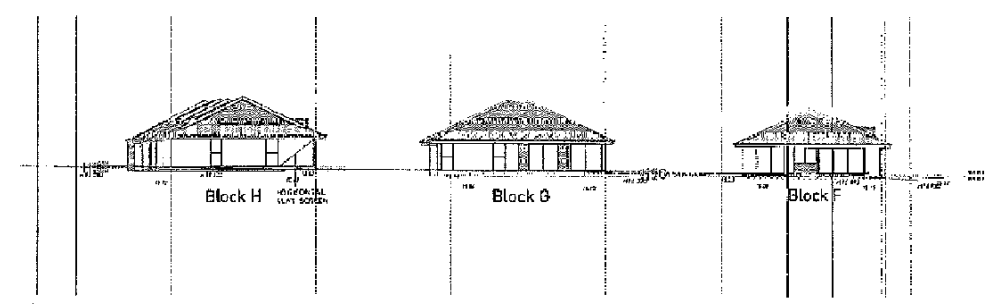
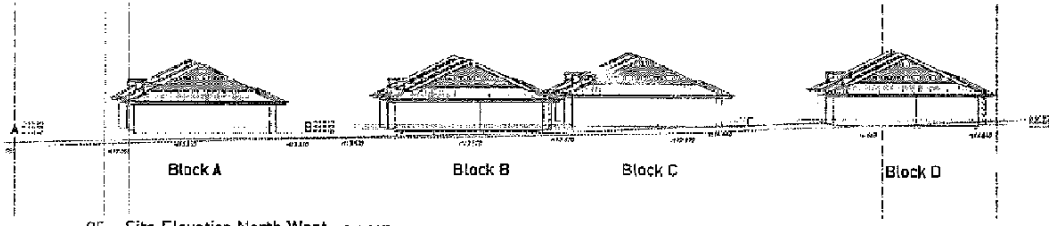




Phillips
 Design & Survey
 PO Box 750
 SP 5421 422 315
 www.phillipsdesign.com



04 Site Elevation South East Settlement Drive Scale 1:200

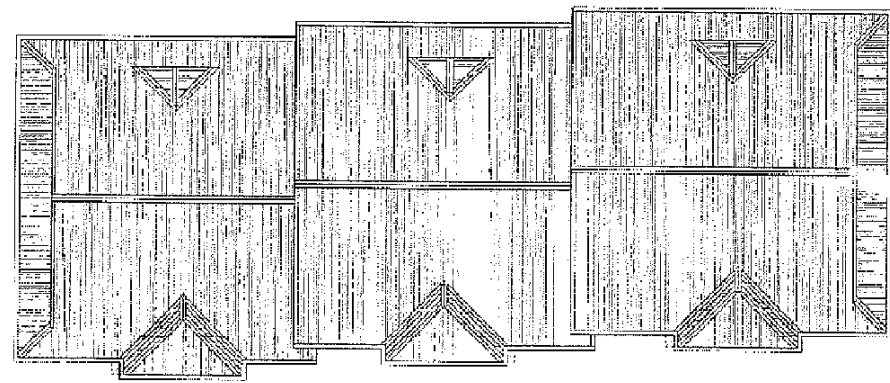


14/12/2011 (1) Stage 2
 10: 226 AM/10/11/11
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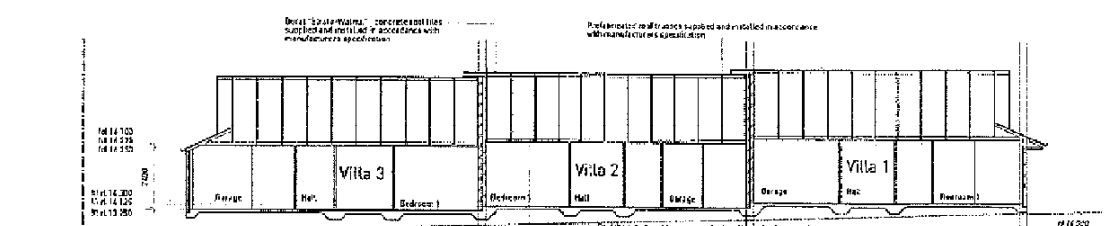
THE PAINE DESIGN GROUP
 ARCHITECTS
 1001 TANKS
 DEPARTMENT 1001/1001
 Pacific Highway
 TAFE/10/11/11

Site Elevations

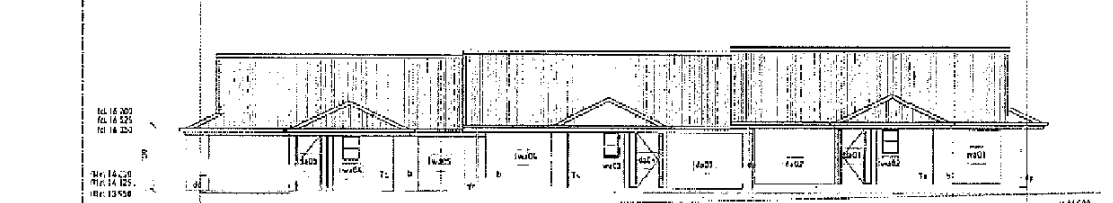
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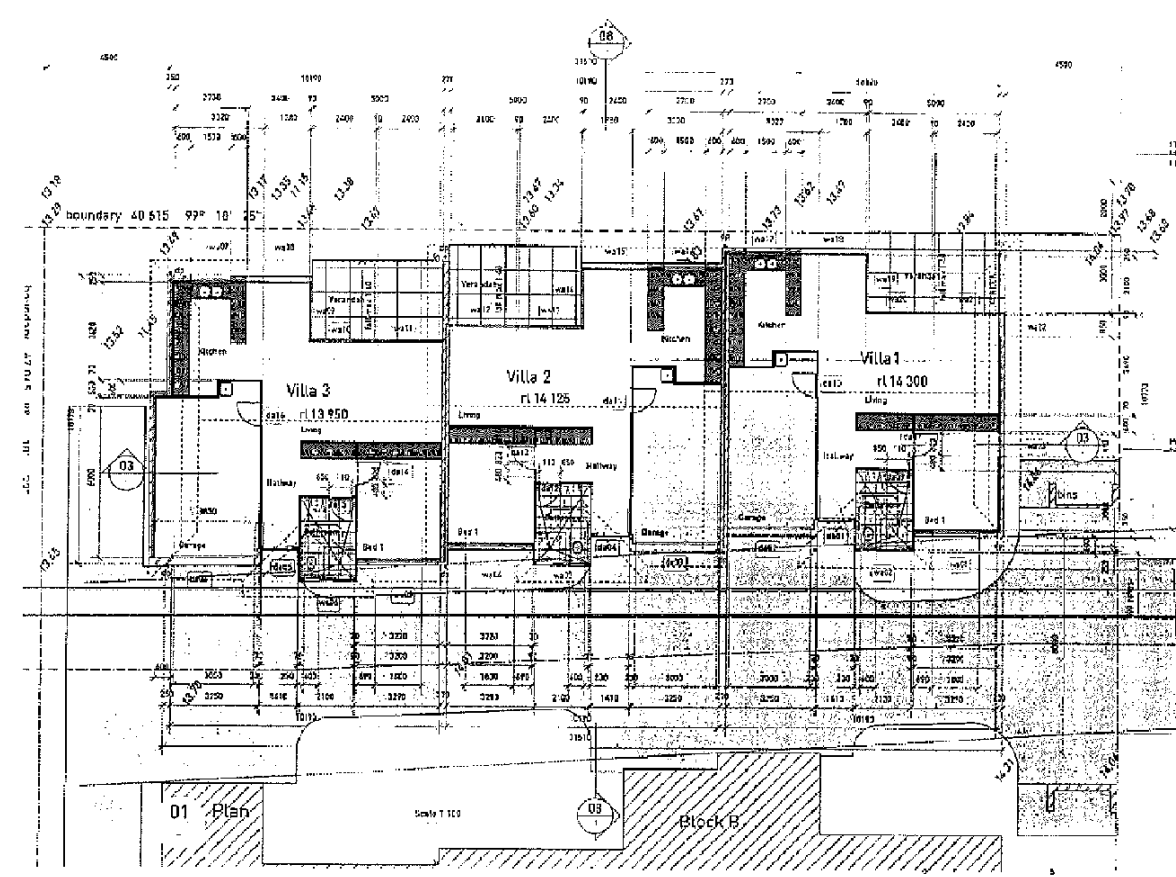
02 Roof Plan Scale 1:100



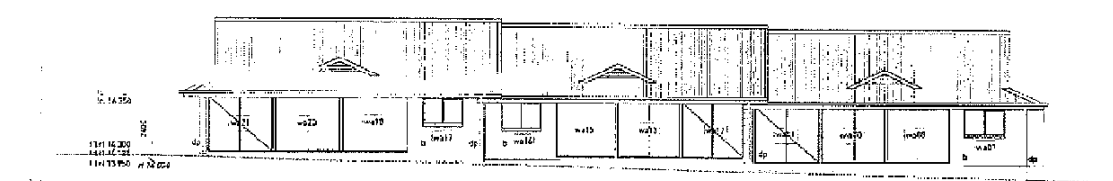
03 Longitudinal section Scale 1:100



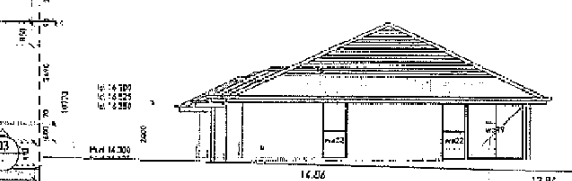
04 Elevation South West Scale 1:100



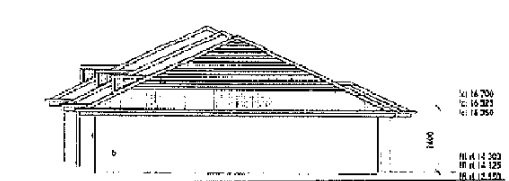
01 Plan Scale 1:100



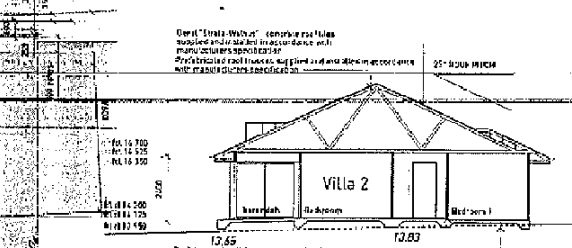
05 Elevation North East Scale 1:100



06 Elevation North East Scale 1:100



07 Elevation North West Scale 1:100



08 Cross Section Scale 1:100

Key Symbols

- Levels:
 - 11.700 existing ground level
 - 11.740 proposed spot level
 - 11.800 Structural level
 - 11.800 Finish Floor level
- Roof:
 - 20% and 12% pitches
- Wall types:
 - 200mm brick
 - 200mm brick
 - 200mm brick

Legend Building elements

Block A Plans Sections & Elevations

Project: **Block A**
 Plans Sections & Elevations

Architect: **Phillips**
 100-100
 PC Box 770
 100-100-100