**MAITLAND CITY COUNCIL MEMO – 3 December 2020**

**SUPPLEMENTARY INFORMATION**

Council currently has a Strategic Bushfire Management Plan (SBMP) which identifies Councils APZ locations and fire trails. This document is what guides our maintenance requirements in these areas. The maintenance is undertaken as per Council’s maintenance program to meet the guidelines set in Councils SBMP. Council has recently engaged a bushfire management ecologist to review and upgrade our SBMP which includes inspecting all APZ and fire trails to determine if additional works are required. A copy of the SBMP and relevant map is attached for your information.

The existing development on the site therefore currently has the benefit of a Council maintenance program which includes the adjoining reserve for Bushfire Protection purposes.

The applicant has suggested that that they would be willing to be take over the maintenance of the APZ in this area. Councils Assets Engineers have reviewed the Bushfire Plan of Management submitted by the applicant that details the proposed maintenance, responsibility for updating in accordance with future legislation, identifying that the plan is the responsibility of Fresh Hope Care or any subsequent owner/operator of the facility, contain relevant liability and entering Council land agreements. This will be enforced via a maintenance agreement between Council and the Developer.

It is recommended that a positive covenant be placed on the title of Lot 57 DP 260833, 7 Martin Close East Maitland identifying that they are responsible to ensuring the land identified in the *Fresh Hope Care Bushfire Management Plan Proposal* is maintained as an Inner Protection Area.

It is also noted that under the Crown Lands Act 2016 that all crown land has to have a plan of management completed by 30 June 2021. There is currently no Plan of Management (PoM) for this reserve or generic PoM that can be relied on, however Council is currently in the process of preparing Plans of Management for all community and Crown Land under our control including this site by the required deadline. It is suggested that the applicant could potentially engage in discussions with Council about incorporating this into the relevant PoM.

Council is willing to engage a solicitor to provide legal advice in relation to this matter which can be used to frame appropriate conditions of consent. It is anticipated that Council will receive this legal advice by the 18th December 2020.