Question time for the council meeting of 20 April 2020

Two questions were submitted and both related to item 8.6 on the agenda: *Wodonga Hills Strategy - Project Update and Strategy Review*. The questions and answers are detailed below:

**Question one**

The April 2020 Council Agenda says “An assessment of the proposed climb track route was undertaken by consultants to determine impacts on native vegetation and the environment and to ground-truth the proposed route of the climb”. “The environmental assessment for both sites confirms there are no significant constraints for design and construction of either project”. Will Wodonga Council make this assessment report fully and publicly available immediately?

**Answer one**

This report could be made available.

**Question two**

The subject areas - Klings Hill (correctly known as McDonald’s Hill) and McFarlane’s Hill - are almost entirely inside a ‘Bushfire Management overlay’. The Wodonga Planning Scheme Clause 44.06-2 Bushfire Management Overlay states the following regarding planning permit requirement:

**Permit requirement**

**Subdivision**

A permit is required to subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.

**Buildings and works**

A permit is required to construct a building or construct or carry out works associated with the following uses:

- Accommodation (including a Dependent person’s unit)
- Childcare centre
- Education centre
- Hospital
- Industry
- **Leisure and Recreation**
  - Office
  - Place of assembly
  - Retail premises
  - Service station
  - Timber production
  - Warehouse

Can Wodonga Council please explain why it considers that a Planning permit is not necessary to undertake leisure and recreation works in an area with a Bushfire Management Overlay?

**Note:** A BMO was the trigger for a planning permit for development of mountain bike trails in Harcourt Victoria – undertaken by the Land manager, DELWP.
Question time for the council meeting of 20 April 2020

Answer two

The provisions of the Wodonga Planning Scheme (WPS) included under the Zones (clauses 30), Overlays (clauses 40) and Particular Provisions (clauses 50) act to trigger the need for a planning permit under the WPS.

Clause 62.02-1 and 62.02-2 of the Wodonga Planning Scheme set out exemptions from permit requirements in this scheme relating to the construction or carrying out of a building, or the construction or carrying out of works.

These exemptions do not apply to the removal, destruction or lopping of trees and the removal of vegetation. Exemptions for vegetation removal are set out in Clause 62.02-3.

Clause 62.02-1 specifically provides that, "Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone (PCRZ), does not apply to:

- Buildings or works with an estimated cost of $1,000,000 or less carried out by or on behalf of a municipality."

So, whilst the permit requirement would normally be "triggered" at Clause 44.06-2 for buildings and works associated with Leisure and Recreation, this provisions is switched off for this development by Clause 62.02-2.

The provisions of Clause 62.02-1 provide permit exemptions for buildings and works which are undertaken by or on behalf of the Wodonga Council, where the cost of development is under $1 million.

We note the comparison made with Harcourt, Victoria, and while we are unable to comment on the planning processes undertaken or the decisions made at the time, it should be pointed out that the permit issued for the Harcourt international mountain bike park, which cost in the order of $10 million, was for 34km of IMBA-designed trails and included a trail-head, toilets, shelters and seating.

The proposed works to the climb track at Klings Hill is approximately 3km in length and is likely to costs approximately $85,000 - well below the exception threshold mentioned above.