

SCHEDULE 1 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ1**.

WALHALLA SPECIAL USE ZONE

Purpose

To conserve and enhance places of scientific, aesthetic, architectural and historic importance or special cultural value on public and private land.

To maintain and protect the diversity of landscapes, native fauna, remnant vegetation and sites of botanical, zoological significance, areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.

To provide for residential, commercial and tourism uses that support and enhance Walhalla's unique landscape character, heritage places and culture without prejudicing natural, catchment and environmental values.

To provide for, infrastructure and facilities that support and enhance tourist and community activity in Walhalla, while enhancing the heritage and landscape character without harming catchment and environmental values.

To ensure the scale, intensity, bulk and character of all development is sympathetic to the landscape character and heritage integrity of Walhalla.

1.0

Table of uses

Section 1 - Permit not required

Use	Condition
Open sports grounds	Must be in accordance with an approved plan
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

Section 2 - Permit required

Use	Condition
Accommodation (other than Corrective institution)	
Agriculture (other than Animal boarding, Racing dog training, and intensive animal production)	
Commercial display area	
Convenience shop	
Industry (other than Abattoir, Materials recycling, and Panel beating)	
Leisure and recreation (other than Motor racing track and Open sports ground)	
Place of assembly (other than Amusement parlour and Drive in theatre)	
Restaurant	

Use	Condition
Retail premises (other than Manufacturing sales, Motor vehicle, boat, or caravan sales, and Shop)	
Shop (other than Adult sex product shop)	
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use
Abattoir
Adult sex product shop
Amusement parlour
Animal boarding
Brothel
Corrective institution
Drive in theatre
Funeral parlour
Greyhound training
Intensive animal production
Motor racing track
Motor vehicle, boat, or caravan sales
Panel beating
Saleyard

2.0

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Proposed C139bawb

Use of land

None specified.

3.0

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Subdivision

A permit is required to subdivide land.

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the subdivision will result in development in keeping with the setting and appearance of the area.
- Whether the site has legal access and that access can be constructed and maintained without damage to the environment or desired landscape character.
- The impact of the proposal on any Crown land affected by it in the long and short term.
- Whether the land comprises lots that can have freehold title, and accords with any adopted restructure plan.

4.0

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Buildings and works

No permit is required to construct a building or construct or carry out works for the following:

- Buildings and works exempted by the Incorporated Document to Clause 43.01, *Walhalla Design, Permits and Exemptions Guide 2014*.

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

The development of land must be in accordance with the *Walhalla Design, Permit and Exemptions Guide 2014*.

For any proposed development, provided documentation must indicate:

- The existing and proposed building or buildings, boundaries, vegetation and historic relics or features.
- Existing and proposed access onto the site, including the construction standard of any adjoining government road or carriageway easement or formed driveway.
- The existing site conditions, including land gradient and the extent of any existing erosion, landslip or other land degradation, and any existing and proposed alterations to the natural topography of the land.
- The extent of any proposed earthworks.
- The means proposed to stabilise disturbed areas including planting and drainage management.
- The method of effluent treatment and disposal.
- A Land Capability Assessment for new developments with proposed wastewater treatment systems or existing buildings proposed to be altered so that a new or revised onsite waste water treatment system is required. This Assessment needs to address the setback distance for the disposal of septic tank effluent in accordance with EPA's Code of Practice for Onsite Wastewater Management (Publication 891.3).
- Any alterations to the natural topography of the land.
- The extent and location of water supply.
- The method and extent of fire protection.
- Any proposed landscaping.
- A written statement of how the proposal responds to the Sense of Place statement below and how it responds to the relevant statement of statement of significance for the heritage place (either for the individual site or for the precinct). If the subject land is of significant or contributory value either individually or to the precinct overall, the application must include written advice on how the proposal affects the significant or contributory features of the site.

Sense of Place Statement:

Walhalla's landscape is dominated by steep, treed hillsides rising from a narrow valley floor, but is defined by its built and remnant heritage places. A picturesque setting is created by the buildings from the pre-1914 period, mining relics of mullock heaps and machinery, exotic trees from old gardens, gaps where buildings once stood and dry stone walls are set high and low in the landscape. The winding pathways, deep stream courses and hillsides create a landscape of hidden and revealed views and aspects that contribute to the perception of a landscape to be discovered. Sympathetic new development and maintenance of public plantings and infrastructure play an important part to this natural and heritage landscape, and modern buildings are visually inconspicuous.

Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The support of the proposal to the Sense of Place Statement and the applicants written statement of response to it.
- Walhalla Design, Permits and Exemptions Guide 2014 as incorporated into this planning scheme.
- The significance, character, and appearance of the building or place affected by the proposal, including the demolition of a building, heritage fabric and the effect of the proposal on those values.
- For sites of significant or contributory heritage value, whether the proposal will enhance or degrade these values, based on the statement of significance for the site or precinct.
- The scale, bulk, colour, design, silhouette and appearance of the proposed building and works, and their impact on the character and significance of the setting and broader landscape, including views to and from the subject land.
- The importance of vegetation to the character of the area.
- Whether the removal of vegetation will aid in the preservation of the heritage place or archaeological feature including abandoned mining machinery.
- Whether the proposed onsite wastewater disposal system for development is supported with a Land Capability Assessment approved by the responsible authority and whether it meets the EPA's Code of Practice for Onsite Wastewater Management (Publication 891.3).
- Whether the land use or development is within the environmental capacity of the site and surrounds and its impact on water quality or erosion on or off the site
- Any proposed measures to minimise the extent of soil disturbance.
- The erosion mitigation and stormwater management techniques proposed for the proposed buildings and works during construction and its maintenance afterwards.
- Construction Techniques for Sediment Pollution Control, Environment Protection Authority, May 1991 as revised.

5.0 Signs

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Proposed C139bawb

None specified.

6.0 Vegetation removal

Requirements

A permit is required to remove, destroy or lop any vegetation. This includes the removal or destruction of the trees or plants listed in Clause 43.01 of this Scheme.

This does not apply if:

- The table to this clause specifically states that a permit is not required.
- The removal, destruction or lopping of native vegetation is in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.17.

Table to the Clause

No permit is required to remove, destroy or lop vegetation to the minimum extent if any of the following apply:

Regrowth: Native vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established native vegetation, and is:

- less than 10 years old; or
- bracken (*Pteridium esculentum*); or
- within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation; or
 - less than ten years old at the time of a property vegetation plan being signed by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*), and is:
 - shown on that plan as being 'certified regrowth'; and
 - on land that is to be used or maintained for cultivation or pasture during the term of that plan.

This exemption does not apply to land where native vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.

Noxious weeds: The vegetation is a noxious weed the subject of a declaration under section 58 or section 58A of the *Catchment and Land Protection Act 1994*. This exemption does not apply to Australian Dodder (*Cuscuta australis*), or to established trees in the town marked as contributory or significant in the *Walhalla Design, Permits and Exemptions Guide 2014*.

Pest animal burrows:

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows in the Farming Zone or the Rural Activity Zone:

- in accordance with written agreement of an officer of the department responsible for administering the *Flora and Fauna Guarantee Act 1988*; or
- provided the maximum extent of native vegetation removed, destroyed or lopped on contiguous land in the same ownership in a five year period does not exceed any of the following:
 - 1 hectare of native vegetation which does not include a tree; or
 - 15 native trees with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.

Land use conditions: The vegetation is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the *Catchment and Land Protection Act 1994*.

Land management or directions notices: Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the *Catchment and Land Protection Act 1994*.

Planted vegetation: Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding. This exemption does not apply to native vegetation planted or managed with public funding for the purpose of land protection or enhancing biodiversity unless the removal, destruction or lopping of the native vegetation is in accordance with written permission of the agency (or its successor) that provided the funding.

No permit is required to remove, destroy or lop vegetation to the minimum extent if any of the following apply:

Emergency works: Native vegetation that is to be removed, destroyed, or lopped: in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access associated with emergency works; or where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.

Fire protection:

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to carry out any of the following fire protection activities:

- fire fighting;
- planned burning;
- making or maintenance of a fuelbreak or firefighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;
- making a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*);
- in accordance with a fire prevention notice issued under either:
 - Section 65 of the *Forests Act 1958*; or
 - Section 41 of the *Country Fire Authority Act 1958*.
- keeping native vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the *Electricity Safety Act 1998*;
- minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by or on behalf of that authority, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the *Road Management Act 2004*.

Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.

Road safety: Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by and on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).

Railways: Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).

Stone extraction: The vegetation is to be removed, destroyed or lopped to enable the carrying out of Stone extraction in accordance with a work plan approved under the *Mineral Resources (Sustainable Development) Act 1990* and authorised by a work authority granted under that Act.

Stone exploration:

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration. Stone exploration.

No permit is required to remove, destroy or lop vegetation to the minimum extent if any of the following apply:

The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- 1 hectare of vegetation which does not include a tree.
- 15 trees if each tree has a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.
- 5 trees if each tree has a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

This exemption does not apply to costeaning and bulk sampling activities.

Mineral exploration and extraction

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention license issued under the *Mineral Resources (Sustainable Development) Act 1990*:

- that is low impact exploration within the meaning of Schedule 4A of the *Mineral Resources (Sustainable Development) Act 1990*; or
- in accordance with a work plan approved under Part 3 of the *Mineral Resources (Sustainable Development) Act 1990*.

Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.

Geothermal energy exploration and extraction:

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Geothermal Energy Resources Act 2005*.

Greenhouse gas sequestration exploration: Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Greenhouse Gas Geological Sequestration Act 2008*.

Greenhouse gas sequestration: Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Greenhouse Gas Geological Sequestration Act 2008*.
