

07/11/2019  
G433bawb

**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.

To maintain and protect the diversity of landscapes, native fauna, remnant vegetation and sites of botanical and zoological significance.

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 public uses, 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.

To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.

**1.0**

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**Table of uses**

**Section 1 – Permit not required**

Use	Condition
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08
Open sports grounds	Must be in accordance with an approved plan
Search for stone	Must not be costeaning or bulk sampling
Any use listed in Clause 62.04	Must meet the requirements of Clause 62.04

**Section 2 – Permit required**

Use	Condition
Accommodation (other than Corrective institution)	
Agriculture (other than Animal boarding, Racing dog training, and intensive animal husbandry)	
Commercial display area Convenience shop	
Industry (other than Abattoir, Materials recycling, and Panel beating)	

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Use	Condition
<b>Leisure and recreation (other than Motor racing track and Open sports ground)</b> <b>Mineral, stone, or soil extraction (other than Mineral exploration, Mining, and Search for stone)</b> <b>Place of assembly (other than Amusement parlour and Drive in theatre)</b> <b>Restaurant</b> <b>Retail premises (other than Manufacturing sales, Motor vehicle, boat, or caravan sales, and Shop)</b> <b>Shop (other than Adult sex product shop)</b>	
<b>Any use not in section 1 or 3</b>	

**Section 3 – Prohibited**

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

**2.0**

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**Use of land**

A permit is required to construct a building, or to construct or carry out works, for a use in Section 2.

**3.0**

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**Subdivision**

A permit is required to subdivide land.

**4.0**

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**Buildings and works**

**Requirements**

A permit is required to:

- Demolish, externally alter or remove a building or place within Walhalla listed in the table to Clause 43.01.
- Construct a building, including a fence, children’s cubby house and a dependent person’s unit.
- Alter externally any building or place by structural work, painting, rendering, sandblasting, water blasting or in any other way.
- Construct or carry out works, including municipal works, works for private driveways and footpaths and those for a dependent person’s unit.

Construct or display a sign:

This does not apply to:

- repairs and routine maintenance to buildings and places that do not change the external appearance.
- An adverse possession claim fence, that consists of star pickets not less than 3 metres apart and joined by not more than two strands of standard gauge plain fencing wire.
- buildings and works exempted by the Incorporated Document to Clause 43.01, *Walhalla Design, Permits and Exemptions Guide 2014*.

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

**5.0**

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**Signs**

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 52.16.

**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** : the vegetation is regrowth which has naturally established or regenerated on land lawfully cleared of naturally established vegetation and is 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.

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

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

**Bracken:** The vegetation is bracken (*Pteridium esculentum*) which has naturally established or regenerated on land lawfully cleared of naturally established vegetation.

This exemption does not apply to land on which vegetation has been cleared or otherwise destroyed or 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 (*Guscuta australis*), or to established trees in the town marked as contributory or significant in the *Walhalla Permit Exemption and Design Guide 2013*.

**Pest animal burrows:** The vegetation is to be removed, destroyed or lopped to enable the removal of pest animal burrows.

In the case of native vegetation the written agreement of an officer of the Department responsible for administering the *Flora and Fauna Guarantee Act 1988* is required before the vegetation can be removed, destroyed or lopped.

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

**Land management notices:** The vegetation is to be removed, destroyed or lopped to comply with land management notice issued under the *Catchment and Land Protection Act 1994*.

**Planted vegetation:** The vegetation has been planted or grown as a result of direct seeding for Crop raising or Extensive animal husbandry.

**Emergency works:** The vegetation presents an immediate risk of personal injury or damage to property and only that part of vegetation which presents the immediate risk is removed, destroyed or lopped. The vegetation is to be removed, destroyed or lopped by a public authority or municipal council to create an emergency access or to enable emergency works.

**Fire protection:** The vegetation is to be removed, destroyed or lopped for the making of a fuel break by or on behalf of a public authority in accordance with a strategic fuel break plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forest and Lands Act 1987*). The maximum width of a fuel break must not exceed 40 metres.

- The vegetation is to be removed, destroyed or lopped for fire fighting measures, fuel reduction burning, or the making of a fuel break up to 6 metres wide.
- The vegetation is ground fuel within 30 metres of a building.
- The vegetation is to be removed, destroyed or lopped in accordance with a fire prevention notice under:
  - Section 65 of the *Forests Act 1958*.
  - Section 41 of the *Country Fire Authority Act 1958*.
  - Section 8 of the *Local Government Act 1989*.
- The vegetation is to be removed, destroyed or lopped to keep the whole or any part of any vegetation clear of an electric line in accordance with a code of practice prepared under Part 8 of the *Electricity Safety Act 1998*.
- The vegetation is to be removed, destroyed or lopped in accordance with any code of practice prepared in accordance with Part 8 of the *Electricity Safety Act 1998* in order to minimise the risk of bushfire ignition in the proximity of electricity lines.

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

- The vegetation is to be removed, destroyed or lopped to reduce fuel loads on roadsides to minimise the risk to life and property from bushfire of an existing public road managed by the relevant responsible road authority (as defined by the *Road Management Act 2004*) 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, Forest and Lands Act 1987*);
- The vegetation is to be removed, destroyed or lopped to keep the whole or any part of any vegetation clear of an electric line in accordance with a code of practice prepared under Part 8 of the *Electricity Safety Act 1998*;
- The vegetation is to be removed, destroyed or lopped in accordance with any code of practice prepared in accordance with Part 8 of the *Electricity Safety Act 1998* in order to minimise the risk of bushfire ignition in the proximity of electricity lines.

**Surveying:** The vegetation is to be removed, destroyed or lopped for establishing sight-lines for the measurement of land by surveyors in the exercise of their profession, and if using hand-held tools:

**Road safety:** The vegetation is to be removed, destroyed or lopped to maintain the safe and efficient function of an existing public road managed by the relevant responsible road authority (as defined by the *Road Management Act 2004*) 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, Forest and Lands Act 1987*);

**Railways:** The vegetation is to be removed, destroyed or lopped 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, Forest 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:** The vegetation is to be removed, destroyed or lopped to enable the carrying out of the Stone exploration. The maximum extent of vegetation 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 vegetation to be removed, destroyed or lopped to enable costeaning and bulk sampling activities:

**Mineral extraction:** The vegetation is to be removed, destroyed or lopped to enable the carrying out of Mineral 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.

**Mineral Exploration:** The vegetation is to be removed, destroyed or lopped to enable the carrying out of Mineral exploration:

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

**Geothermal energy exploration and extraction:** The vegetation is to be removed, destroyed or lopped to enable the carrying out of geothermal energy exploration or extraction in accordance with the *Geothermal Energy Resources Act 2005*.

**Greenhouse gas sequestration exploration:** The vegetation is to be removed, destroyed or lopped to enable the carrying out of geothermal energy exploration or extraction in accordance with the *Greenhouse Gas Geological Sequestration Act 2008*.

**Greenhouse gas sequestration:** The vegetation is to be removed, destroyed or lopped to enable the carrying out of geothermal energy exploration or extraction in accordance with the *Greenhouse Gas Geological Sequestration Act 2008*.

**7-0**

**Application Requirements**

For any proposed development, a plan showing the overall development of the site must be prepared to the satisfaction of the responsible authority. The plans must indicate:

- The existing and proposed building or buildings, boundaries, vegetation either planted or self-sown, and historic relics or features.
- For any proposed buildings, show elevations and plan views, and include details of external materials, finishes and colours.
- 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.
- The application must include a written statement of how the proposal responds to the Sense of Place statement in Section 8.0 of this schedule and how it responds to the relevant 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.

**Decision Guidelines for a permit**

Before deciding on an application, the responsible authority must consider the following decision guidelines:

- The Municipal Planning Strategy and Planning Policy Framework, and the purpose of the zone.
- The support of the proposal to the Sense of Place Statement set out below, and the applicants written statement of response to it.

**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.*

- *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 subdivision will result in development in keeping with the setting and appearance of the area.
- The view of any organisation having an interest in the building or place.
- 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.
- 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.
- The erosion mitigation and stormwater management techniques proposed for the proposed buildings and works during construction and its maintenance afterwards.

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- Whether the removal of vegetation will increase the possibility of erosion, the susceptibility to landslip or other land degradation process, and whether such removal is consistent with sustainable land management.
- The '*Environmental Guidelines for Major Construction Sites*' (Environment Protection Authority, Feb 1996).
- *Construction Techniques for Sediment Pollution Control* (Environment Protection Authority, May 1991).