



Mulwaree Local Environmental Plan 1995 (Amendment No 7)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q02/00225/PC)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

2002 No 896

Clause 1 Mulwaree Local Environmental Plan 1995 (Amendment No 7)

Mulwaree Local Environmental Plan 1995 (Amendment No 7)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Mulwaree Local Environmental Plan 1995 (Amendment No 7)*.

2 Aims of plan

This plan aims:

- (a) to conserve the scenic and environmental values of the land adjoining the Wombeyan Caves Reserve, and
- (b) to permit development, with the consent of Mulwaree Shire Council, which is ecologically sustainable and compatible with the philosophies of the Jenolan Caves Reserve Trust.

3 Land to which plan applies

This plan applies to land near the Wombeyan Caves Reserve within the local government area of Mulwaree, as shown edged heavy black on the map marked “Mulwaree Local Environmental Plan 1995 (Amendment No 7)” deposited in the office of Mulwaree Shire Council.

4 Amendment of Mulwaree Local Environmental Plan 1995

Mulwaree Local Environmental Plan 1995 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Interpretation

Insert in appropriate order in the definition of *the map* in clause 5 (1):

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[2] Clause 8 Zones indicated on the map

Insert in appropriate order in clause 8 (1):

Zone No 7 (b1) (Environmental Preservation)—edged heavy black and lettered “7 (b1)”.

[3] Clause 9 Zone objectives and development control table

Insert in appropriate order in the Table to the clause:

Zone No 7 (b1) (Environmental Preservation)

1 Objectives of zone

The objective of this zone is to preserve the scenic amenity and landscape values of the land surrounding and adjoining the Wombeyan Caves Reserve (*the Reserve*):

- (a) by enabling development of the land within this zone only where that development will maintain or enhance:
 - (i) the scenic environment in the areas surrounding and adjoining the Reserve, and
 - (ii) key landscape features, being the dominant ridge lines and slopes of the intermediate ridges forming a visual backdrop to the Reserve, and
 - (iii) the unique and delicate karst environment surrounding the Reserve, and
- (b) by ensuring that development maintains the existing character of the locality and minimises disturbance to the scenic values and landscape features through clearing, earthworks, access roads and the construction of buildings, and

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- (c) by excluding development which is visually intrusive or which would to any extent degrade the environmental value, landscape integrity or visual amenity of land within this zone or surrounding zones.

2 Without development consent

Agriculture (but not including the growing of fruit or vegetables, or other horticulture).

3 Only with development consent

Any purpose other than a purpose included in item 2 or 4.

4 Prohibited

Boarding houses (other than in association with a tourist facility); child care centres; clubs; commercial premises; dog breeding or boarding; educational establishments; extractive industries; hospitals; hotels; industries; institutions; intensive livestock keeping establishments; junkyards; mines; motels (other than in association with a tourist facility); motor showrooms; offensive or hazardous industries; places of assembly (other than in association with a tourist facility); places of public worship; professional consulting rooms; refreshment rooms (other than in association with a tourist facility); residential flat buildings; shops (other than in association with a tourist facility); taverns; units for aged persons.

[4] Clause 41

Omit the clause. Insert instead:

41 Tree clearing

- (1) In this clause:

catchment area means land shown hatched on Sheet 7 of the map.

clearing means the removal of trees and other vegetation, and includes clearing within the meaning of, and carried out in accordance with a regional vegetation management plan in force under, Part 3 of the *Native Vegetation Conservation Act 1997* and the killing of trees by chemicals and other means, but does not include the following:

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- (a) the clearing of regrowth (that is, trees or shrubs that are less than 3 metres in height and are on land previously cleared for agricultural use),
 - (b) the eradication of noxious weeds,
 - (c) the cutting down of individual trees for farm purposes such as fencing,
 - (d) the clearing of native vegetation for which development consent is required by the *Native Vegetation Conservation Act 1997*.

tree includes a sapling, shrub or scrub, but does not include commercial plantings of fruit trees and any trees declared noxious under any legislation.

- (2) A person must not clear land in the Parish of Baw Baw, Narrangarrii, Rhyana or Wayo, which form the catchment area for the Goulburn City water supply, without the consent of the Council.
- (3) A person must not clear land within Zone No 7 (b) or 7 (b1) without the consent of the Council.
- (4) The Council must not consent to the clearing of any such land unless:
 - (a) in the opinion of the Council, the clearing will be carried out in a manner which minimises:
 - (i) the risk of soil erosion or other land degradation, and
 - (ii) the risk of water pollution through increased nutrients, siltation, sedimentation or otherwise, and
 - (iii) the destruction of significant vegetation communities, and
 - (iv) the impact on the visual and scenic amenity of the area, and
 - (v) the impact to karst systems in the locality, and
 - (b) the area to be cleared does not exceed one hectare and is not within 30 metres of a watercourse, and
 - (c) the potential impacts on threatened species, endangered ecological communities and habitat linkages for wildlife have been minimised, and

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- (d) an Aboriginal cultural heritage survey has been conducted and the clearing will not impact on Aboriginal sites.
- (5) The consent of the Council is not required by this plan for:
 - (a) clearing that is reasonably necessary for the carrying out of development the purpose of:
 - (i) a permanent fence, or
 - (ii) an access trail up to 10 metres wide, or
 - (iii) a cut line for stock movement up to 20 metres wide, or
 - (iv) a firebreak up to 30 metres wide, or
 - (v) a road up to 20 metres wide, or
 - (vi) a telephone, power, gas or water line, but only if the land cleared is not more than 30 metres wide, or
 - (vii) a drain up to 20 metres wide to a dam, a bore drain or an irrigation channel, or
 - (b) clearing consisting of lopping trees to provide stock feed in times of drought, provided that the method and extent of the lopping ensures the survival and continued health of the trees, or
 - (c) clearing the regrowth of trees which are less than 3 metres in height on any land which:
 - (i) was lawfully cleared before the commencement of this clause as inserted by *Mulwarae Local Environmental Plan 1995 (Amendment No 7)*, or
 - (ii) has been cleared in compliance with this clause, or
 - (d) clearing consisting of pruning trees for the purpose of their regeneration or ornamental shaping, or
 - (e) clearing consisting of removing trees which are dangerous, or
 - (f) bush fire management in accordance with the *Rural Fires Act 1997*, or
 - (g) clearing to enable the establishment or continuation of horticulture approved by the Council on land within Zone No 7 (b) or 7 (b1).

- (6) Nothing in this clause restricts or otherwise affects clearing that is carried out in accordance with a consent required by the *Native Vegetation Conservation Act 1997*.