

**SCHEDULE 1 TO CLAUSE 37.01 SPECIAL USE ZONE**

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

**BROWN COAL****Purpose**

To provide for brown coal mining and associated uses

To provide for electricity generation and associated uses

To provide for interim and non-urban uses which protect brown coal resources and to discourage the use or development of land incompatible with future brown coal mining and industry

**1.0**28/05/2021  
C122latr**Table of uses****Section 1 - Permit Not Required**

Use	Condition
Crop raising (other than Timber production)	
Dependent person's unit	<p>Must be the only dependent person's unit on the lot.</p> <p>Must meet the requirements of Clause 2.0 of this schedule.</p>
Dwelling (other than Bed and breakfast)	<p>The land must be at least 25 hectares, or have been reduced to less than 25 hectares by a realignment or excision granted under Clause 62.02 of this scheme or Clause 3.0 of this schedule.</p> <p>Must be the only dwelling on the lot.</p> <p>Must meet the minimum requirements of Clause 2.0 of this schedule.</p>
Grazing animal production	
Extractive industry	<p>Must be directly associated with the mining, processing, or treatment of brown coal, or the generation, transmission, or distribution of electricity.</p> <p>All of the land must be at least 1000 metres from land (not a road) which is in a residential zone, business zone, land used for a hospital or school or land in a Public Acquisition Overlay for a hospital or school.</p>
Home based business	
Industry	<p>Must be directly associated with the mining, processing, or treatment of brown coal, or the generation, transmission, or distribution of electricity.</p> <p>All of the land must be at least 1000 metres from land (not a road) which is in a residential zone, business zone, land used for a hospital or school or land in a Public Acquisition Overlay for a hospital or school.</p>
Informal outdoor recreation	
Mineral exploration	
Mining	<p>Must meet the conditions of Clause 52.08 of this scheme.</p> <p>The top of the excavation must be at least 1000 metres from a paper mill, residential zone, land used for a hospital or school or land in a Public Acquisition Overlay for a hospital or school.</p>

## LATROBE PLANNING SCHEME

Use	Condition
Railway	
Search for stone	Must not be costeaning or bulk sampling.
Timber production	All of the land must be at least 1000 metres from land covered by a mining licence, or Order made by the Governor-in-Council under Section 47A of the <i>Electricity Industry Act 1993</i> .
Tramway	
Utility installation	Must be directly associated with the mining, processing, or treatment of brown coal, or the generation, transmission, or distribution of electricity.  All of the land must be at least 1000 metres from land (not a road) which is in a residential zone, business zone, land used for a hospital or school or land in a Public Acquisition Overlay for a hospital or school.
Warehouse	Must be directly associated with the mining, processing, or treatment of brown coal, or the generation, transmission, or distribution of electricity.  All of the land must be at least 1000 metres from land (not a road) which is in a residential zone, business zone, land used for a hospital or school or land in a Public Acquisition Overlay for a hospital or school.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

### Section 2 - Permit required

Use	Condition
Agriculture (other than Crop raising and Grazing animal production)	
Bed and breakfast	
Convenience shop	
Dependent person's unit – if the Section 1 condition is not met	Must meet the requirements of Clause 2.0 of this schedule.
Dwelling (other than Bed and breakfast) – if the Section 1 condition is not met	Must meet the requirements of Clause 2.0 of this schedule.
Extractive industry – if the Section 1 condition is not met	
Host farm	
Industry – if the Section 1 condition is not met	
Leisure and recreation (other than Informal outdoor recreation)	
Manufacturing sales	
Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, and Mining)	
Mining – if the Section 1 condition is not met	

Use	Condition
Office	On 18 January 1996, it must have existed as an ancillary use to the mining, processing, or treatment of brown coal, or the generation, transmission or distribution of electricity.
Retail premises (other than Convenience shop and Manufacturing sales)	On 18 January 1996, it must have existed as an ancillary use to the mining, processing, or treatment of brown coal, or the generation, transmission or distribution of electricity.
Search for stone – if the Section 1 condition is not met	
Timber production – if the Section 1 condition is not met	
Utility installation (other than Minor utility installation) – if the Section 1 condition is not met	
Warehouse – if the Section 1 condition is not met	
Any other use not in Section 1 or 3	

### Section 3 - Prohibited

Use
Accommodation (other than Dependent person's unit, Dwelling, and Host farm)
Hospital

## 2.0

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### Use of land

#### Application requirements

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:

An application to use land for an industry or warehouse must be accompanied by the following information:

- A report which demonstrates a need or significant benefit for the use to establish close to brown coal mining and associated uses or electricity industry and associated uses
- Appearance of any stored goods or materials.
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

#### Permit Requirement to Use a Lot for a Dwelling or Dependent Person's Unit

A dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all waste water from each dwelling must be treated and retained with the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

This requirement also applies to a dependent person's unit.

### Application Requirements

- Unless the circumstances do not require, an application to use land for an industry or warehouse must be accompanied by the following information:
- A report which demonstrates a need or significant benefit for the use to establish close brown coal mining and associated uses or electricity industry and associated uses.
- The purpose of the use and the types of process to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a licence under the *Dangerous Goods Act 1985* is required.
- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Traffic, including the hours of delivery and dispatch.
  - Light spill or glare.

### 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:

A use must not adversely affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any stored goods or materials.
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
- The effect that use may have on nearby existing or proposed brown coal mining and sequential development of brown coal resources in the area, having regard to any comments or directions of the referral authorities.
- The effect that the use may have on land in residential zones having regard to any comments or directions of the referral authorities.
- The effect that the use may have on nearby existing or proposed uses for or associated with brown coal mining and electricity generation.
- The effect that nearby existing or proposed uses for or associated with brown coal mining and electricity generation may have on the proposed use.
- If an industry, utility installation (other than minor utility installation), or warehouse whether there is a demonstrated need or significant benefit in being located near uses for, or associated with brown coal mining and electricity generation.
- The drainage of the land.
- Measures to cope with fire, particularly in the vicinity of a brown coal mine.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.

- The period for which the use may operate so that the use does not adversely affect the sequential development of brown coal resources in the area.
- The interim use of those parts of the land not required for the proposed use.

### 3.0

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## Subdivision

### Application requirements

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:

Each lot must be at least 25 hectares unless is to provide for:

- A use (other than dwelling) which has been granted a permit, or is an existing use which, had it not existed, would require the grant of a permit.
- Any use for or associated with brown coal mining, processing or treatment or electricity generation, transmission or distribution.
- The reduction of a lot below 25 hectares which is used or capable of being used for a dwelling if the lot is to be reduced for any of the above purposes or for an exempt subdivision under Clause 62.02 of this scheme.

Unless the circumstances do not require, an application must be accompanied by a site analysis, documenting the site in terms of land form, vegetation coverage and the relationship with surrounding land, and a report explaining how the proposed subdivision has responded to the site analysis.

The report must:

- Show for each lot:
  - A building envelope for a dwelling and driveway to the envelope.
  - Vegetation.
  - In the absence of reticulated sewerage, an effluent disposal area for a dwelling.
- Show how the proposed subdivision relates to nearby existing or proposed brown coal mining or the likely use or development of nearby land in connection with uses for or associated with either:
  - Brown coal mining, processing or treatment.
  - Electricity generation, transmission or distribution.

### 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 effect that the subdivision may have on nearby existing, or proposed brown coal mining and the sequential development of brown coal resources in the area.
- The effect that the likely use or development of land within the subdivision may have on nearby or proposed electricity industries (including generating works) and nearby agricultural uses.
- Measures to cope with any environmental hazard or constraint affecting that land including slope, drainage, salinity and erosion.
- Measures to cope with fire.
- The protection and enhancement of the natural environment and character of the area.

- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and communications.
- In the absence of reticulated sewerage, the capability of the lot to treat and retain all waste water in accordance with the State Environment Protection Policy (Waters of Victoria).

## 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:

- Rearrange, alter, renew or maintain buildings or works (including associated plant) for use for or associated with brown coal mining, processing or treatment or electricity generation, transmission or distribution.
- Provide for:
  - A dwelling with a gross floor area less than 250 square metres.
  - Any other use with gross floor area of all buildings less than 1000 square metres.
- Comply with a direction or licence under the *Dangerous Goods Act 1985*, *Electricity Industry Act 1993* or *Mineral Resources Development Act 1990*, or a Waste Discharge Licence, Works Approval or Pollution Abatement Notice under the *Environment Protection Act 1970*.
- Alter electrical or gas services or telephone lines.
- Alter plumbing services which do not affect the drainage of other land.
- Install a temporary shed or temporary structure for construction purposes.
- Provide for fire protection under the relevant legislation.
- Provide for a minor utility installation.
- Are used for crop raising, extensive animal husbandry, or informal outdoor recreation.

The following requirements apply to construct a building or construct or carry out works:

All buildings and works that have been granted a permit must be maintained in good order and appearance to the satisfaction of the responsible authority.

Unless the circumstances do not require, and application to construct a building or construct or carry out works (other than for a dwelling located within a building envelope specified in Clause 3.2 of this schedule) must be accompanied information:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant ground levels.
  - The layout of existing and proposed buildings, and works.
  - Driveways and vehicle parking and loading areas.
  - Proposed landscape areas.
  - External storage and waste treatment areas.
- Elevation drawings to scale which show the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.

An application to construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act if the application relates to a building or works of a use for or associated with either.

- Brown coal mining, processing or treatment.
- Electricity generation, transmission or distribution.

### 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:

- Any natural or cultural values on or near the land.
- Landscape treatment.
- Parking and site access, loading and service areas, outdoor storage, fencing, lighting and stormwater discharge.
- The impact of the building and works on nearby existing or proposed brown coal mining and the sequential development of brown coal resources in the area, having regard to any comments or directions of referral authorities.
- The impact of the building and works on nearby existing or proposed brown coal mining or electricity generation and any nearby agricultural uses.

## 5.0

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### Signs

None specified.