

02/07/2009  
C42**SCHEDULE 1 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY**

Shown on the planning scheme map as ESO1

**URBAN BUFFER****1.0**19/01/2006  
VC37**Statement of environmental significance**

The coal industry is of national and State importance due to its use as the primary energy source for the electricity generating industry in Victoria. The impact on the environment is radical. Buffers protect those elements of the Coal Buffers Policy Area such as urban settlements from the impact of the radical change to the environment from the coal industry.

**2.0**19/01/2006  
VC37**Environmental objective to be achieved**

To ensure that development in the Gippsland Coalfields Policy Area provides mutual protection of urban amenity and coal resource development and the continued social and economic productive use of land.

To provide for development which is compatible within a buffer area including reservations and for services ancillary to a Brown Coal Open Cut outside the buffer area.

**3.0**02/07/2009  
C42**Permit requirement**

A permit is not required to construct the following buildings or to construct or carry out the following works:

- Works associated with plantation establishment.
- Buildings or works normally associated with farming or forestry (other than a dwelling).
- Maintenance or rehabilitation of existing works under the control of public authority.
- A building or works which is/are a modification necessary to comply with a direction or licence under the Dangerous Goods Act 1985 or a Waste Discharge Licence, Works Approval or Pollution Abatement Notice under the Environment Protection Act 1970.
- Works associated with the construction of the Princes Freeway – Traralgon Bypass carried out by or on behalf of the Roads Corporation.
- Remove, destroy or lop native vegetation associated with the construction of the Princes Freeway – Traralgon Bypass carried out by or on behalf of the Roads Corporation, subject to meeting the requirements of Victoria's Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002) to the satisfaction of the Secretary of the Department of Sustainability and Environment.

**4.0**19/01/2006  
VC37**Application requirements**

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan to scale which shows:
  - The boundaries and dimensions of the site.

- Adjoining roads.
- The location, height and purpose of buildings and works on adjoining land.
- Relevant ground levels.
- The layout of existing and proposed buildings and works.
- All driveway, car parking and loading areas.
- Proposed landscape areas.
- All external storage and waste treatment areas.
- Areas not required for immediate use.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- A landscape layout which includes the descriptions of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.
- A fire management plan for any proposed development within 1000 metres of a mining licence.

#### **Development must**

- Be compatible with both the adjacent urban and coal related uses of land.
- Provide an opportunity for improvement in the visual amenity of areas surrounding the urban settlements, and the visual protection from the effects of coal resource development on the landscape.
- Be productive within the constraints required from mutual protection, separation and compatibility of adjacent uses.
- Maintain the integrity of the buffer area and discourage any incremental or future pressures for urban or coal related development in the future.

#### **5.0**

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#### **Referral of applications**

Applications of the kind listed below must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause:

- To subdivide land which create a lot with an area less than 20 hectares.
- To develop land for:
  - cemetery.
  - educational centre.
  - exhibition centre.
  - function centre.
  - golf course.
  - hospital.
  - industry (other than rural industry).
  - major sports and recreational facility.

- plantation
- shop or office with a floor area exceeding 2,000 square metres.
- accommodation if the total number of people to be accommodated exceeds 100 or the proposed development results in an increase of greater than 25% to the floor area of an existing accommodation building.

## **6.0 Exemption from notice and appeal**

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An application 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 appeal rights of Section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone or Business 5 Zone, land used for a hospital or school or land in a Public Acquisition Overlay to be acquired for a hospital or school.

## **7.0 Decision guidelines**

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Before deciding on an application, in addition to the decision guidelines in Clauses 65, the responsible authority must consider, as appropriate:

### **Buildings and works**

- The movement of pedestrians and cyclist, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, including outdoor advertising structures, illumination of buildings or their immediate spaces and landscaping of land adjoining a road.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- The availability of and connection to services.
- Any natural or cultural values on or near the land.
- Interface with non-industrial areas.
- Outdoor storage, lighting and storm water discharge.
- The designs of buildings to provide for solar access.
- If an industrial or warehouse development, the effect on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

### **Subdivision**

- The effect the subdivision will have on the potential of the area to accommodate the uses, which will maintain or enhance its competitive strengths.
- Any natural or cultural values on or near the land.

- The interface with adjoining zones, especially the relationship with residential areas.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The responsible authority must notify and consider the views of any Mining Licence holder who may be affected.