

SCHEDULE 1 TO THE SPECIAL USE ZONE

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

COAL MINING

Purpose

To recognise and provide for the use and development of land for coal mining.

To provide for use of the land compatible with the primary purpose of the zone.

To ensure that mining operations are carried out in an orderly manner and with due regard to the surrounding environment and adjacent land uses.

To encourage land management practice and rehabilitation that minimises adverse impact on the use and development of nearby land.

To ensure that use and development occurs in accordance with any endorsed Management Plan and Development Plan.

1.0

Table of uses

Section 1 - Permit not required

Use	Condition
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Extensive animal husbandry	
Industry (other than Materials recycling, Refuse disposal, and Transfer station)	Must be in accordance with the Maddingley Brown Coal Management Plan and Development Plan.
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2 or must be in accordance with the Maddingley Brown Coal Management Plan and Development Plan.
Minor utility installation	
Natural systems	
Railway	
Road	
Search for stone	Must not be costeaning or bulk sampling.

Section 2 - Permit required

Use	Condition
Agriculture (other than Animal boarding, Animal training, Apiculture, Extensive animal husbandry, Horse stables, and Intensive animal husbandry)	
Caretaker's house	
Landscape gardening supplies	
Manufacturing sales	
Mineral, stone or soil extraction (other than Mineral exploration, Mining, and Search for stone)	
Utility installation (other than Minor utility installation)	

Use	Condition
Warehouse	Must not be a purpose listed in the table to Clause 52.10.
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use
Accommodation (other than dependant person’s unit, Dwelling, and Host farm)
Hospital

2.0

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Maddingley Brown Coal Management Plan and Development Plan

The Maddingley Brown Coal Management Plan and Development Plan or any amendment to the approved Management Plan and Development Plan must be prepared to the satisfaction of the responsible authority.

The Maddingley Brown Coal Mine Management Plan and Development Plan shall:

- Show the proposed use and development of all land within the area of the plan.
- Take account of the proposed use and development of any adjoining or nearby lands which are affected by the buffer distances around the mine established by the Environment Protection Authority.
- Define the site of any proposed excavation or works, and include a working proposal setting out details of the manner in which it is intended to carry out extractive or mining operations and reinstatement works.
- Show the means of vehicular access to the site.
- Show the means of vehicular circulation within the site, and parking facilities on the site.
- Show the proposed landscaping of the site.

3.0

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Use of land

Application requirements

An application to use land must be accompanied by the following information, as appropriate:

- A current copy of the Certificate of Title to the land.
- A report stating how the proposed use responds to the decision guidelines.
- A plan drawn to scale which shows:
 - The boundaries and dimensions of the existing site.
 - The location of any existing or proposed buildings on site.
 - The location of existing or proposed access to the site.
 - The location of any existing buildings on adjoining land.
 - The location and layout of the proposed use.

Decision guidelines

In considering any application to use land, the responsible authority shall consider, as appropriate:

- The provisions of any approved Maddingley Brown Coal Management and Development Plan, and;
- The effect of the use on the existing and potential use of the coal reserve.

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Subdivision

Each lot must be at least 40 hectares in area.

Application requirements

An application to subdivide land must be accompanied by the following information, as appropriate:

- A current copy of the Certificate of Title to the land.
- A report stating how the proposed subdivision responds to the decision guidelines.
- Unless each lot is to be provided with reticulated sewerage, a land assessment report by a qualified geotechnical expert demonstrating that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- A plan drawn to scale which shows:
 - The boundaries and dimensions of the existing site.
 - The location of any existing or proposed buildings on site.
 - The location of existing or proposed access to the site.
 - The location of any existing buildings on adjoining land.
 - The boundaries and dimensions of the proposed subdivision.
 - Adjoining roads.

Decision guidelines

Before deciding on an application to subdivide the land the responsible authority must also consider, as appropriate:

- The effect that the proposed subdivision will have on the existing and future operation of the Maddingley Coal mine.
- Any natural or cultural values on or near the site.
- The availability and provision of utility services to the site.

5.0

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Buildings and works

A permit is not required to construct a building or construct or carry out works which are 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.

All development shall comply with the following conditions:

- Any land which contains any hole, pit or quarry must be enclosed by a fence of a type and to a height approved by the Responsible Authority so as to prevent any person entering that land except through a gate;
- Parking facilities must be provided on the land for all vehicles used in connection with the use carried out thereon.

- Shrubs and trees must be maintained around the boundary of the site of any Industry Mining, or other landscape treatment undertaken in such a manner as to screen the activities on the site, to the satisfaction of the Responsible Authority.
- All top soil excavated from land used for mining must be carefully stacked on the land for the purpose of resoiling the excavation.
- Any land used for mining (or so much of it as will not detrimentally affect current or proposed extractive operations) must be drained, filled, sloped, resoiled and planted with protective vegetation to the satisfaction of the Responsible Authority when so required.

Application requirements

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

- A current copy of the Certificate of Title to the land.
- A plan drawn to scale which shows:
 - The boundaries and dimensions of the existing site.
 - The location of any existing or proposed buildings on site.
 - The location of existing or proposed access to the site.
 - The location of any existing buildings on adjoining land.
 - Adjoining roads.

Exemptions from notice and appeal

An application to construct buildings or works in accordance with the Maddingley Brown Coal Management Plan and Development Plan 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.

Decision guidelines

Before deciding on an application to construct a building or carry out works on the land the responsible authority must also consider, as appropriate:

- The provisions of any approved Maddingley Brown Coal Management and Development Plan.
- The effect that the proposal will have on the existing and future operation of the Maddingley Coal mine.
- Any natural or cultural values on or near the site.
- The availability and provision of utility services to the site.

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Referral of applications

All applications shall be referred to the Secretary to the Department administering the Mineral Resources Development Act 1990, except applications for buildings and works with an estimated total value of less than \$50,000.